Draft Fishermans Bend Framework & Planning Scheme Amendment GC81

Ministerial Advisory Committee Hearing

Planning Expert Evidence by David Barnes on behalf of Rigby Cooke Lawyers

April 2018
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Attachments

Attachment 1 - David Barnes CV
1 Introduction

1. My name is David Barnes. I am the Managing Director of Hansen Partnership Pty Ltd, Urban Planning, Urban Design, Landscape Architecture, Level 4, 136 Exhibition Street, Melbourne.

2. I hold the following qualifications:
   - Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1980.
   - Master of Business Administration, Royal Melbourne Institute of Technology, 1993.

3. I have practiced as a town planner for over 35 years, working in the public as well as the private sectors. I have also worked overseas in Vietnam on a variety of statutory planning, strategic planning, institutional strengthening and tourism projects.

4. I am both a statutory and a strategic planner. My planning experience covers many aspects of the planning approvals process on a range of projects including residential, industrial, retail, mixed use and rural developments. I regularly appear before VCAT and Planning Panels Victoria. I have been involved in a broad range of strategic planning projects including the preparation of industrial land use strategies, residential development strategies, integrated municipal strategies, township strategies, town centre strategies, structure plans and urban design frameworks for activity centres and transit cities, neighbourhood character studies, and rural land use strategies.

5. I have been engaged by Rigby Cooke Lawyers on behalf of a number of property owners, generally in the vicinity of the centre of the Wirraway Precinct and one in Docklands, to review the planning implications of Amendment GC81.

6. Key documents I have reviewed in preparing this statement include the following:
   - The Port Phillip Planning Scheme.
   - Fishermans Bend Vision 2016.
   - Amendment documents as exhibited.
   - Amendment documents tabled on 1st and 2nd March 2018 and the week of 5 March 2018 including:
     - Document 66d Melbourne Combined LPP Review Plan Day 1 Version
     - Document 66e Melbourne Combined CCZ Review Panel Day 1
     - Document 66f Melbourne Combined DDO Review Panel Day 1 Version
   - Relevant background reports to the Draft Fishermans Bend Framework.
   - The Minister for Planning’s Part A and Part B submissions.
   - Relevant evidence statements submitted by the Minister for Planning and the City of Melbourne and City of Port Phillip.
   - Planning Practice Note 59.
7. A summary of my opinions follows:

- **The Amendment** - Amendment GC81 (Am GC81) proposes to introduce revised planning controls to the four Capital City Zone precincts of Fishermans Bend, within the Melbourne and Port Phillip Planning Schemes.

- In relation to the Port Phillip Planning Scheme the amendment seeks to, amongst other things:
  - Amend clauses contained within the Local Planning Policy Framework (LPPF).
  - Replace Schedule 1 to Clause 37.04 Capital City Zone.
  - Replace Schedule 30 to Clause 43.02 Design and Development Overlay.
  - Insert Schedule 2 to Clause 43.04 Development Plan Overlay.
  - Modify Schedule 1 to 45.09 Parking Overlay.

- **Vision** - The vision is for Fishermans Bend to evolve from an industrial area to a high quality, high density mixed use urban renewal area, which provides a balance of jobs to residents, in a high quality and attractive urban environment, with the provision of a range of services and facilities for its anticipated population and workforce.

- I generally support the overall vision presented in the *Draft Fishermans Bend Framework* and of the approach taken in dividing the area into four precincts and differentiating each.

- The *Draft Fishermans Bend Framework* and planning scheme amendment goes a long way towards providing a planning framework that can achieve the vision and recover from past planning decisions. However, I believe that the *Draft Framework* and the amendment are overlay complex, theoretical, purist and prescriptive, given the existing land use pattern and infrastructure in the area and the challenges that will be presented in redeveloping the area. I believe that a better balance is required between the ideal and the practical or realistic.

- **New planning ideas and tools** - I am generally supportive of many of the new and innovative ideas and planning tools and techniques that are proposed to be introduced into the planning scheme. Many address issues that have strong planning merit. However, I am concerned where such provisions are mandatory or where little guidance is provided in the exercise of discretion. I support a more flexible approach generally, where the requirements of individual developments and development sites can be considered on their merits, within an overall planning framework provided by the policies and controls.

- **FAR and FAU** - I find the use of the FAR and FAU concepts complex and confusing, and their justification difficult to comprehend and assess.

- **Mismatch between FARs and built form** - There is a mismatch between the FAR and the built form controls proposed, in particular building height.

- **Employment FAR** - The combination of the FAR and Employment FAR in Core Areas, and the priority given to commercial development, has the potential to be a major disincentive to development in Core Areas, especially in the short to medium term and until public transport is improved.

- **Mandatory setback controls** - I do not support mandatory building setback control in the Fishermans Bend area. My preference is discretionary controls, with detailed design objectives and design requirements, to provide guidance in the exercise of discretion.

- **Wirraway Core Area** - Greater opportunity exists for a more intense built form in the core of the Wirraway precinct, focussed on the proposed new underground railway station. Development should be no higher than the maximum height proposed, but should extend beyond a linear strip along Plummer Street, with a higher built form than the 4 storeys (15.4 metres) proposed, existing to Williamstown Road between Smith Street and JL Murphy Reserve.

- **Overshadowing of Plummer Street** - I do not believe it is either appropriate or necessary to protect the southern side of an east west street from overshadowing in the centre of the most intensely built-up part of the Wirraway Precinct, in an area where building heights of up to 24 storeys (80.6 metres) are
proposed, and in a location adjacent to a proposed underground railway station, tramline and close to a major area of public open space.

- **New open space and roads** – I do not support the approach to providing roads and public open space that is proposed, by tying their provision to FARs and the concept of gross development potential.

- The approach taken to identify new open space and new roads is prescriptive and there is often little if any justification or explanation for the roads or parks proposed. Only key roads and areas of open space should be shown on maps included in the planning scheme. The provision of other areas of open space and new roads should be guided by policy.

- **Car parking** - The timing of the introduction of mandatory maximum car parking requirements should be aligned with the timing of the provision of improved public transport.

- **Individual sites** – I have made a number of comments throughout Section 3 of my report in relation to more detailed matters concerning individual sites I have been briefed to review.

- **Tramline over Yarra River** - I am reluctant to support any proposal that reduces the navigable extent of the Yarra River. I favour a crossing using an existing transport corridor over the river, where possible. Until such time as an alignment has been agreed by the State government, the Draft Framework should either not show a crossing or should show a number of possible options.

8. I have been engaged to provide planning evidence in relation to a number of private properties clustered around the core of the Wirraway Precinct, in the vicinity of the intersection of Plummer Street and Salmon Street, and one property in the adjoining Docklands Precinct. In order to address the planning implications of the amendment on those properties, I have structure my evidence into two parts:

- General comments that are relevant to all properties (Chapter 2).
- Comments in relation to each site (Chapter 3).

9. Given the complexity of the amendment and the background that will have been provided to the Panel prior to presenting my evidence, I focus on issues relevant to the parties that I have been engaged to represent.

10. I have been assisted in the preparation of my evidence by Tom Gallagher, Town Planner and Pat Iwanyshyn, Urban Designer.

11. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been omitted from my report.
2 General comments

13. This section of my report addresses issues common to most of the individual properties that I have reviewed.

14. I address the following issues:
   - Overall vision.
   - FAR and FAU.
   - New roads and public open space.
   - Emphasis on employment uses.
   - Mandatory building setbacks.
   - The Wirraway Core Area.
   - Williamstown Road Frontage.
   - Overshadowing of Plummer Street.
   - Car parking.

2.1 Overall vision

15. The vision is for Fishermans Bend to evolve from an industrial area to a high quality, high density mixed use urban renewal area, which provides a balance of jobs to residents, in a quality and attractive urban environment, with the provision of a range of services and facilities for its anticipated population and workforce.

16. The vision is ambitious and aspirational.

17. There will be many challenges in realising the vision and strong planning direction will be required, given that the land is presently fully developed for industrial purposes, largely in private ownership, and comprises a relatively high proportion of operating and relatively new industrial and related activities.

18. The Draft Fishermans Bend Framework and planning scheme amendment go a long way towards achieving this aim. However, I believe that the Draft Framework and amendment are overlay complex, theoretical, purist and prescriptive, given the existing land use patterns and infrastructure in the area. I believe that a better balance is required between the ideal and the practical or realistic.

19. There is considerable planning history to be overcome in Fishermans Bend:
   - From its original rezoning to a Capital City Zone, with little if any guidance about the future planning and development of the area and the provision of infrastructure.
   - To the evolution through a number of vision and framework documents and previous planning scheme amendments, that have endeavoured to regain the planning initiative in one of the largest urban renewal areas in Melbourne and Australia.
   - To this current planning framework and planning scheme amendment which seeks to provide a more comprehensive approach to guide the future planning of the area.

20. I am generally supportive of the overall vision for Fishermans Bend.
21. I am generally supportive of the approach taken of dividing the Fishermans Bend Urban Renewal area into four precincts (five including the employment precinct), to differentiate each precinct with its own vision, design guidelines and development controls, aligned with different land use and development outcomes.

22. I generally support the greater emphasis of the Lorimer, Sandridge and Montague Precincts being higher density precincts with a stronger commercial/employment emphasis, and a transition to a lower density precinct in Wirraway. However, overlaid upon this approach (of progressively reduced densities moving away from the Central City) I believe that the potential exists to place greater emphasis on the central core of the Wirraway Precinct, which will be marked by a proposed underground railway station and major area of public open space.

23. There are many new and innovative planning ideas and tools introduced by the amendment, including:
   - Floor area ratios.
   - Floor area uplift policy.
   - Employment floor area ratios.
   - Dwelling densities.
   - Community diversity.
   - Design excellence.
   - Sea level rise and water recycling and management.
   - Waste Management.
   - Public and communal open space.
   - New streets, laneways and pedestrian connections.
   - Smart Cities.
   - Sustainable transport.
   - Maximum car parking rates.
   - Overshadowing of public open space.
   - Wind effects on the public realm.
   - Site coverage requirements.
   - Active street frontages.
   - Adaptable buildings.
   - Building finishes.
   - Landscaping.

24. These requirements are spread between the schedule to the Capital City Zone, the schedule to the Design and Development Overlay and municipal planning policies.

25. I am generally supportive of the new and innovative ideas and planning tools and techniques that are proposed to be introduced into the planning scheme. A number of these address issues that I believe have strong planning merit. However, I am concerned where such provisions are mandatory or where little guidance is provided in the exercise of discretion. I am concerned with the gap between the theoretical and the practical, given the variety of unforeseen situations that will need to be addressed in realising the vision for Fishermans Bend. I support a more flexible approach generally, where the requirements of individual developments and development sites
can be considered on their merits, within an overall planning framework provided by the policies and controls.

### 2.2 FAR and FAU

26. The use of Floor Area Ratios (FAR) and a Floor Area Uplift (FAU) is an emerging trend in inner city planning in Melbourne, having been recently applied in the Central City by Amendment C270 to the Melbourne Planning Scheme.

27. There is a high level of support for the use of these two relatively new planning tools (within the Victoria context) within sections of the planning industry, often citing their common application in international cities around the world.

28. The way the FAR controls are proposed to be applied in Amendment GC81 is fundamental to the amendment. It is critical to many of the initiatives the amendment is seeking to introduce in relation to matters such as:
   - Population and employment potential.
   - Amenity.
   - Built form.
   - Infrastructure planning.
   - FAU scheme.
   - Affordable housing.
   - Employment priority in Core Areas.
   - Provision of new open space and new roads.

29. If the FAR is either substantially modified or abandoned as part of the amendment process, it would have significant implications on the progress of the amendment. It would require significant redrafting and a complete review of many of the approaches and policies advanced in the amendment documentation.

30. I find the use of the FAR and FAU concepts complex and confusing, and their justification difficult to comprehend and assess. This is particularly the case when considered in conjunction with other aspects of the amendment that relate to employment, built form requirements, uplift provisions and the provision of roads and open space.

31. My understanding is that the FAR is based on:
   - The gross floor area required to accommodate a population of 80,000 and 40,000 jobs, in a high density mixed use urban environment, that will provide acceptable levels of amenity when benchmarked against other Australian and international cities.
   - Infrastructure planning for Fishermans Bend, which is based on a population of around 80,000 and 40,000 jobs.
   - Establishing a planning control mechanism to facilitate the provision of new public open space and new roads, without the need for government purchase and acquisition of land (in many cases).
32. Considerable weight is placed on the FAR being based on the quantum and an intensity of development that will result in appropriate levels of amenity, equivalent to if not higher than what is achieved in comparable high density cities. If higher densities of development are realised, does the potential exist for undesirable amenity outcomes in Fishermans Bend? This raises a number of questions in my mind:

- The 80,000 / 40,000, population / employment potential of the area was a starting point in the preparation of Amendment GC81, it was not derived from a consideration of the concepts of development density and amenity in the application of FARs from first principles.
- What level of additional development above the FAR is actually expected as a consequence of the FAU scheme and the exemption from offices (etc.) in Core Areas.
- What will the amenity and infrastructure implications be of the considerably greater levels of development that can be realised as a consequence of the application of the FAU scheme on top of the FARs, and the fact that offices (and other non-dwelling uses) are exempt from the FAR calculation in Core Areas.
- What matters will be taken into account in granting planning approvals to exceed the FAR, other than the public benefits stated? Is there an ultimate limit on the amount of additional development that will be supported? Will planning permits for additional office development or development that provides a public benefit be subject to the automatic grant of a planning permit, or is there a likelihood that a permit might be refused?
- The public benefits to be provided to achieve a FAU, are for a limited range of categories (open space, affordable housing and community infrastructure). These categories in themselves will not result in the delivery of the key items of infrastructure that will be required to accommodate a population / employment that is significantly higher than 80,000 / 40,000, upon which the FAR is based and which is deemed to provide acceptable levels of amenity and key infrastructure provision in Fishermans Bend.

33. A FAR, as applied in the Fishermans Bend context and in conjunction with a FAU, is by nature an artificial planning construct. To be effective, it must be based on setting a level of development that is lower than the actual development potential of an area, and then allowing additional development above that threshold in certain circumstances. The circumstances in which additional development will be permitted in Fishermans Bend seem to contradict the initial basis of the FAR, which largely relate to urban amenity and infrastructure provision. Thus bringing into question, in my mind, the basis of the proposed controls.

34. I note that the ratios to be used in the determination of public benefits to be provided to support a FAU are not specified in the amendment documentation but are included in another document that is not intended to be part of the planning scheme. I do not believe that this is an appropriate approach. It means the ratios could be changed at any time, without the review and rigour that would be applied if a planning scheme amendment was required to change the ratios.
2.3 Mismatch with built form controls

35. In my opinion there is a considerable mismatch between the FAR and the built form controls proposed, in particular building height. It is not clear to me what the relationship is between the two measures. This leads to a situation of confusion and uncertainty.

36. I provide the following examples:
   - A FAR of 4.1:1 in the Core Area of the Wirraway Precinct, with a preferred maximum building height of 24 storeys (80.6 metres):
     - Assuming a site coverage of 25%, this would equate to a building of around 16 storeys (i.e. 4*4.1)
   - A FAR of 5.4:1 in the Core Area of the Lorimer precinct, with an unlimited preferred maximum building height.
     - Assuming a site coverage of 25%, this would equate to a building of about 21 storeys (i.e. 4*5.4).
   - For each of the four precincts, a separate FAR is applied for only two areas within a precinct, the Core Area and the Non-Core Area. Yet a much finer level of detail applies in each precinct in relation to preferred maximum building heights.

37. I make additional comments about the mismatch between built form controls and the FAR in relation to individual sites, later in my report.

2.4 New public open space and new roads

38. I address the issues associated with new public open space and new roads under two headings:
   - process; and
   - location.

Process

39. It is important to understand the relationship between the FAR and the approach proposed to providing new roads and new public open space in Fishermans Bend. The approach only works if a FAR control is applied. The approach is based on the following:
   - No planning permit can be issued for buildings and works unless the new roads and new public open space shown on the plans included in the schedule to the Capital City Zone, are provided.
   - From reading the amendment it is not clear what ‘provided’ means. However, this is explained in the Ministers Part B submission (p10) as:
     - Providing the land.
     - Constructing the road / open space.
     - Transferring ownership to Council.
   - In calculating the FAR, any land proposed to be provided for public open space or a road, will be excluded from the calculation of a FAR. This means that the gross floor area allowed on a site will remain unchanged as a consequence of providing open space or new roads. Accordingly, it is assumed that the value of the land will not be affected by the provision of land for open space and roads.
40. I understand that there are likely to be considerable legal issues raised in relation to the proposed approach to providing new open space and new roads. From a planning perspective, I foresee the following issues with the approach:

- It only works if there is a FAR requirement. If the FAR is abandoned as part of the amendment process, or is removed in the future, the process will not work.
- The provision should be amended to allow planning permits to be issued for buildings and works associated with existing uses, prior to the ultimate development of sites in accordance with the vision for Fishermans Bend. If this is not done, existing uses would be prevented from obtaining buildings and works permits associated with their existing use rights.
- It does not provide a solution to provide open space or roads on sites where all or a large proportion of the land is proposed to be required. Comments made in the Minister’s Part B submission suggest such sites will be acquired by the Government.
- It does not anticipate the impact on the value of a site whose dimensions or proportions may be reduced to the extent that an efficient or viable development envelop cannot be provided or is prejudiced. This is particularly the case if building setbacks are mandatory.
- It makes no allowance for the cost of constructing the road or open space, as distinct from providing the land.
- It is not equitable if planning controls change in the future — for example if the FAR was removed or substantially changed.
- It makes no provision for the accumulation of funds for the provision of new roads and open space, which the Government will eventually need to acquire, which cannot be provided by the proposed method.

41. Given the planning history associated with the rezoning of land in Fishermans Bend and the opportunities that were lost when the land was initially rezoned to provide land for public purposes, new and creative solutions are required to cost effectively gain access to land for public purposes.

42. I believe that other options need to be explored, including the use of more conventional development contributions plans and public acquisition overlays.

**Location**

43. Clause 4.0 of the schedule to the Capital City Zone requires new open space and new roads shown on the maps in the schedule to be provided.

> A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways[^PPP] or public open space generally in accordance with Map 2 and Map 3 is not provided.  

44. There are also policies proposed to be included in the local policy regarding:

- public and communal open space; and
- new streets, laneways and pedestrian connections.

45. The approach to identifying future open space and roads is prescriptive, identifying a considerable number of new roads and sites for open space. Despite the significant background work done in the Open Space, Transport and Urban Design reports, there is little if any justification or explanation for many of the individual roads and areas of public open space shown on the plans.
46. In my view the approach should be:
   - To provide policy guidance regarding the location and pattern of public open space and roads to be required.
   - Only show on the plans contained in the schedule to the Capital City Zone the key, non-negotiable roads and open space, particularly those roads that need to be coordinated across multiple ownerships.
   - Rely on local policy to provide a fine grained pattern of other roads and connections, that may be ‘desirable’ but not essential, and where options exist for alternative treatments on a site-by-site basis.

47. I comment on particular roads and areas of public open space in relation to specific properties, later in my report.

2.5 Emphasis on employment uses

48. The vision for Fishermans Bend is for a land use mix, with a meaningful provision of jobs (40,000) to supplement the 80,000 residents expected to be located in the area by 2050. Priority is given to employment uses in designated Core Areas of each precinct.

   To create a highly liveable mixed-use area that prioritises employment uses over residential uses, within core areas well serviced by public transport [PPPS].
   (Purpose state for Schedule to the Capital City Zone)

49. The priority given to employment uses is evident from the following proposed planning controls:
   - Commercial (non-dwelling) floor space is excluded from the calculation of a development’s FAR in the Core Area of all precincts.
   - The proposed Employment Floor Area Ratio Policy (Clause 22.XX) encourages all development within Core Areas to include a substantial ratio of employment floor space.

     Table 1 Minimum floor area ratio not used for Dwelling [MPS]

     | Precinct  | Minimum floor area ratio not used for Dwelling |
     |-----------|-----------------------------------------------|
     | Lorimer [MPS] | 1.7:1 [MPS] |

     Table 1 Minimum floor area ratio not used for Dwelling [PPPS]

     | Precinct  | Minimum floor area ratio not used for Dwelling (Core Areas) |
     |-----------|---------------------------------------------------------------|
     | Wirraway [PPPS] | 1.9:1 [PPPS] |
     | Sandridge [PPPS] | 3.7:1 [PPPS] |
     | Montague [PPPS] | 1.6:1 [PPPS] |

   - Dwelling is a Section 2 use in Core Areas. This means that a planning permit for dwellings can be refused.
50. In principle, I support the ambition of providing significant employment opportunities throughout the Urban Renewal Area and agree that some degree of planning policy and/or control support is needed to make this happen.

51. I am aware that the recent tendency for redevelopment in key inner city activity centres and urban renewal precincts, has been for largely multi-level residential apartments, often with just the ground floor of a building being used for non-residential purposes.

52. This tendency is likely to continue for the foreseeable future in the Fishermans Bend area, particularly in precincts more distant from the Central City, such as Wirraway. I consider this to be particularly likely until proposed public transport infrastructure, such as tramlines and underground railway stations, is provided.

53. If the proposed Employment Floor Area Ratio policy is applied rigorously, it will require substantial proportions of the floor space of all new developments in Core Areas to be used for employment (non-dwelling) purposes. For single building developments (on smaller sites) this would result in the vertical differentiation of land uses within a building. For multi-building developments (on larger sites) this could result in a mix of largely residential and largely commercial buildings within the one development.

54. The policy is an attempt to encourage a new form of development in Fishermans Bend and to change the standard development model that is commonly applied. I consider that it will be difficult to achieve such a ‘mixed use model’ on a broad scale throughout the Core Areas of Fishermans Bend in the short to medium term, and before significant improvements to public transport are made.

55. I am concerned that the approach will discourage development in Core Areas, as I envisage much of the short to medium term demand is likely to be for residential apartments, with only a relatively small proportion of ancillary retail and service uses at ground floor level. If developers are forced to provide a significant proportion of alternative employment floorspace, in advance of demand, development may not proceed.

56. If an Employment Floor Area Ratio is to be included in the amendment document, I support its location as a local policy and not a zone requirement. This provides a degree of flexibility in its implementation. However, there is presently a lack of guidance about how the policy will be applied, what opportunities exist to vary or to waive the requirement (if any) and what information will need to be provided to justify a waiving or varying of the policy.

57. I note the requirement proposed to be included in the Schedule to the DDO, for Adaptable Buildings. The requirement for higher floor to ceiling heights in the podium of a building, and adaptable floor plate design, can be used to realise ambitions for commercial floor space in the medium to longer term. It provides the potential for the use of the lower floors of buildings to change over time, as the relative demand for residential compared to commercial uses changes. I suggest this requirement is relevant to be applied in Core Areas rather than non-core areas. Again, guidance is required on how such a policy will be applied.
2.6 Mandatory building setbacks

Mandatory controls generally

58. The Victoria Planning Provisions are intended to be performance based. A system where discretion is allowed for most things, land uses as well as buildings and works, so that good ideas, good design and unforeseen development proposals, will not be frustrated or prevented from happening as a consequence of restrictive, inflexible or short-sighted planning controls.

59. Planning Practice Note 59 (PPN59) sets out criteria for deciding on situations in which mandatory controls may be appropriate. Initial comments made in PPN59 are that:

“Mandatory provisions in the VPP are the exception. The VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements.” (1)

60. The Practice Note goes on to say that there will be circumstances where mandatory provisions may be appropriate. Whilst commenting that those circumstances cannot be “common practice”, it outlines that they may include:

“… areas of high heritage value, strong and consistent character theme, or sensitive location such as along the coast.” (p1)

61. The Practice Note also comments that:

“Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve the desired outcomes.” (p2)

62. Criteria is also outlined for deciding situations in which mandatory provisions may be appropriate.

63. In my opinion the Fishermans Bend Urban Renewal area does not fit within the above categories, with the possible exception of land along the north side of Williamstown Road. It is an existing, diverse industrial area, that is planned to transform into a high amenity, high density, mixed use urban renewal area. This transformation will be very challenging indeed. Clear guidance, combined with flexibility, will be required to enable a multitude of different development sites and development outcomes to occur over many years.

64. The mandatory setbacks proposed in the amendment relate to matters such as:

- Street wall height.
- Building wall heights on side and rear boundaries.
- Setbacks above the street wall from new and existing streets and laneways.
- Side and rear setbacks.
- Building separation distances within a site.

65. In an area where diversity is to be encouraged, I do not believe that mandatory setback controls are appropriate or consistent with PPN59.
66. My preference is discretionary controls. If the building setback requirements are to become discretionary, detailed design objectives and design requirements will need to be included in the schedule to the DDO, to provide guidance in the exercise of discretion.

**Actual setbacks proposed**

67. I have no issue with the actual setback distances and heights, and building separation distances that are proposed in the DDO’s, provided they are discretionary.

68. Upon my reading of the revised version of the DDO, referred to as the ‘tabled version’, errors remain in the wording of provisions under the heading ‘street wall height’.

**Building height**

69. My comments in relation to the appropriateness of mandatory controls extend to building height controls.

70. Existing building height controls in Fishermans Bend are generally mandatory. Building height controls are proposed to be made discretionary by AmGC81, with the exception of land along Williamstown Road where a 4 storey mandatory height is proposed. I support a discretionary approach to building height controls, provided that clear and strong design requirements are included in the planning scheme.

71. I make further specific comments in relation to building height along the north side of Williamstown Road later in my report.

### 2.7 Wirraway Core

72. The intersection of Plummer Street and Salmon Street is proposed to become a major focal point and a location for higher intensity development in the Wirraway Precinct:

- It is located within the proposed Wirraway Core Area (Figure 3).
- Plummer Street east of Salmon Street, is proposed to be widened to make it a consistent width boulevard for its full length, befitting its role as a key civic spine through the centre of the Wirraway Precinct, linking to the Sandridge Precinct.
- Plummer Street will be a major public transport spine, incorporating a tram route.
- An underground rail station is proposed at the intersection of the two streets.
- The existing JL Murphy Reserve, the largest area of public open space in Fishermans Bend, exists close to the intersection.
73. The DDO30 identifies (Figure 2):
   - A maximum height of 24 storeys (80.6 metres) in this precinct.
   - Buildings of 12 storeys (42.2 metres) on the north side of Plummer Street and the west side of the JL Murphy Reserve.
   - Buildings of discretionary 4 storeys (15.4 metres) and mandatory 4 storeys closer to and along Williamston Road.

74. The planning approach for the area identifies a linear core of higher intensity development along the alignment of Plummer Street (See Figures 2 and 3).

75. I support this general approach but suggest that the area of greater development intensity should be extended north and south, out from the linear corridor of Plummer Street, in the vicinity of Salmon Street. Consistent with State and metropolitan planning policy, the aim should be to optimise development potential within a 400 metre walking distance of the proposed underground station (see Figure 3), within the context provided by wider objectives for the Wirraway Precinct.

76. In relation to the key area in the Wirraway Precinct, around the intersection of Plummer Street and Salmon Street, I recommended the following:
   - The 24 storey (80.6 metres) preferred maximum height to the north and south is appropriate for this key area.
   - A maximum preferred height of 24 storeys (80.6 metres) should exist on both side of Plummer Street, generally between Smith Street and JL Murphy Reserve.
   - Building heights should graduate down towards Williamstown Road, to 12 storeys (42.2 metres), where currently shown as 4 storeys (15.4 metres) discretionary, and 8 storeys (29.4 metres) with the possibility of an upper level setback of up to 10 storeys (35.8 metres), along the north side of Williamstown Road (where currently shown as 4 storey mandatory).

77. I have considered recommending that the ‘Core Area’ designation be extended to Williamstown Road in this area. However, I refrained from making this recommendation, given the restrictions on residential development in Core Areas I discussed earlier in my report. The FAR in this area would need to be reviewed.
2.8 Williamston Road frontage

78. A key reason expressed for the proposed 4 storey (15.4 metres) maximum building height along the north side of Williamston Road, is in response to the existing two storey, heritage residential area along the south side of the road. I note that this area is located within a Neighbourhood Residential Zone and is covered by Heritage Overlay 2 (Garden City Housing Estates).

79. In recommending the potential for a taller built form along that part of Williamstown Road between Smith Street and the JL Murphy Reserve, I make the following comments:
   - Williamston Road is a divided arterial road, with a central median and an overall reserve width of 30 metres. It provides a significant and an effective buffer to increased building height, to adjoining residential development to the south of the road.
   - It is not uncommon throughout suburban Melbourne for new residential infill development of 8 to 10 storeys (29.4 – 35.8 metres) to be approved along major arterial roads, in or adjacent to sensitive established residential areas.
   - The south side of Williamston Road is less sensitive than many main road residential locations in Melbourne, given that it has always had an abuttal to a major industrial area and is adjacent to one of the State’s most significant urban renewal precincts.
   - The south side of Williamston Road will be within 250 metres of a proposed underground railway station.
   - Williamston Road will remain the major arterial road in this area. There are place making and urban design benefits in ‘marking’ the southern edge of the Wirraway Core Area, between Smith Street and JL Murphy Reserve, with a higher built form.
   - Development of 8 to 10 storeys (29.4 – 35.8 metres) would not overshadow residential properties to the south of Williamstown Road during the middle of the day, on the solstice.
   - It is not necessary to strictly limit development along the entire north side of Williamstown Road to 4 storeys (15.4 metres), in response to existing development along the south side of the road. Such an outcome would present a uniform and monotonous building form along the length of Williamstown Road.

2.9 Overshadowing of Plummer Street (south side)

80. In relation to overshadowing, Clause 2.0 of DDO30 states that:

   "With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted to construct a building or construct or carry out works which would cast any additional shadow across existing and proposed parks / reserves listed in Table 1 and shown on Map 3 of this schedule, during the hours specified as listed in Table 1 of this schedule."

81. The relevant provision of the Table 1 states:

<table>
<thead>
<tr>
<th>Streets</th>
<th>Plummer Street (South side) first 6 metres north of property boundary</th>
<th>11:00am to 2:00pm 22 September</th>
</tr>
</thead>
</table>

82. This requirement would prohibit a building that would cast a shadow on the south side of Plummer Street. I note that the DDO identifies a 12 storey height along the north side of the Plummer Street. I assume the reason for this height is due to the overshadowing requirement.
83. As discussed above, I support a maximum building height of around 24 storeys (80.6 metres) on both sides of Plummer Street in the vicinity of the Salmon Street intersection.

84. I do not believe that it is either appropriate or necessary to protect the southern side of an east west street from overshadowing, in the centre of the most intensely built-up part of the Wirraway Precinct, in an area where building heights of up to 24 storeys (80.6 metres) are proposed, and in a location adjacent to a proposed underground railway station, tramline and close to a major area of public open space.

85. I note that there is no reference to protecting streets from overshadowing in the Draft Fishermans Bend Framework. The only references to overshadowing in that document are in relation to public open space:

3.7.6 Establish new overshadowing controls to protect precinct and district parks between 11am and 2pm from 21 June to 22 September and all other parks between 11am and 2pm on 22 September. (Draft Framework p 56)

86. The DDO provision to protect Plummer Street from overshadowing, does not reflect the policy framework set out in the Framework Plan.

87. The wording of the DDO suggests that the overshadowing requirements only relate to open space and not to streets:

- The relevant section heading in Schedule 30 to the DDO reads, “Overshadowing of public open space requirements”.
- Table 1 to the clause is headed, “Public open space hierarchy and overshadowing requirements”.
- The wording contained in the clause specifically refers to “public open space / reserves”:
  …a permit must not be granted to construct a building or construct or carry out works which would cast any additional shadow across existing and proposed parks / reserves listed in Table 1 and shown on Map 3 of this schedule, during the hours specified as listed in Table 1 of this schedule.
- The only items listed in the table that are not public open space are “Streets (Plummer Street)” and “Existing residential zoned land”.

88. I note that the Fishermans Bend Urban Design Strategy (Sept 2017), does recommend that sunlight access is protected to a number primary streets throughout Fishermans Bend. It specifically refers to Normanby Road and Buckhurst Street in Montague, and Plummer Street in Wirraway. (p 58). This recommendation has not been included in the Draft Framework Plan.
2.10 Car parking

89. The amendment proposes to modify the existing Schedule 1 to the Parking Overlay for Fishermans Bend, to reduce the mandatory maximum car parking requirement for a dwelling from 1.0 to 0.5 spaces per dwelling. Other rates will remain unchanged.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling, Retirement Village, Residential Village</td>
<td>0.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 square metres of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>2</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
</tbody>
</table>

90. From a planning perspective I generally support initiatives to break the nexus between new development and car parking, especially in areas that are well located in relation to public transport, services and jobs.

91. However, I believe a mandatory maximum rate of 0.5 spaces for all dwellings regardless of the number of bedrooms is overly restrictive, especially in the absence of significant public transport infrastructure improvements being provided in the area.

92. Any proposal to introduce mandatory maximum requirements for car parking in Fishermans Bend should be timed to coincide the with the delivery of improved public transport infrastructure.
3 Specific sites

93. This section of my report discusses the impacts of Amendment GC81 on six individual properties as follows:
   - Submission 208 – 359 Plummer Street. City of Port Phillip.
   - Submission 172 – 50 Salmon Street. City of Port Phillip.
   - Submission 167 – S2/19 Salmon Street. City of Port Phillip.
   - Submission 222 – 299 Williamstown Road. City of Port Phillip.
   - Submission 216 – 833 Collins Street. City of Melbourne.

94. With the exception of 833 Collins Street (Submission 216) which is outside of the Fishermans Bend Area in Docklands, each of the sites is covered by the following proposed planning controls of Amendment GC81:
   - Capital City Zone, Schedule 1 (CCZ1)
   - Design and Development Overlay, Schedule 30 ‘Fishermans Bend Urban Renewal Area’ (DDO30)
   - Parking Overlay, Schedule 1 (PO1)
   - Environmental Audit Overlay (EAO)
   - Clause 22.XX – Fishermans Bend Urban Renewal Area Local Policy
3.1 359 Plummer Street | Submission 208

95. 359 Plummer Street is on the north side of Plummer Street, 160 metres west of the intersection with Salmon Street, near the intersection of Plummer Street and Smith Street. It has a frontage to Plummer Street of 61 metres, a depth of 120 metres and a site area of 7,378m². It is currently developed and contains a mix of warehouse and office buildings and uses.

![Figure 4 - Site aerial](image)

**Existing controls**

96. The site is within the City of Port Phillip. It is currently within the Capital City Zone and is affected by Design and Development Overlay Schedule 30, Development Contributions Plan Overlay Schedule 2, and the Parking Overlay Precinct 1.

97. The site is identified in Planning Scheme Map 2 to Schedule 30 of the DDO30 in Area A3. The following controls currently apply:

- A mandatory maximum 12 storey building height (Precinct A3).
- A mandatory maximum street wall height of 20 metres, or five storeys, whichever is the lesser.
- A mandatory minimum tower street setback of 10 metres.
- A mandatory minimum tower setback to all boundaries of 10 metres.
- A mandatory minimum setback between towers of 20 metres.

98. The site is also affected by local policy at Clause 22.15, which includes the following provisions:

- 30% of dwellings to be 3 bedrooms units (when development is over 12 storeys in height).
- 6% of dwellings to be affordable housing to be transferred to a registered housing provider (when development is over 12 storeys in height).
- Non-residential floor space to occupy 60% of the Plummer Street frontage.
Amendment GC81 – Proposed controls

99. The site is located in Wirraway, split between the Core Area and the Non-Core Area. The proposed policy and controls relevant to the site are as follows:

- A FAR of 4.1:1 in the Core Area and 2.1:1 in the Non-Core Area.
- An Employment FAR of 1.9:1 in the Core Area.
- New 22 metre-wide road connections along the northern and western edges of the site (CCZ).
- New 6 metre-wide road widening, or possibly a 10 metre landscape buffer (not clear from the maps), along the Plummer Street frontage (CCZ).
- Designation of Plummer Street frontage as ‘primary active frontage’.
- Discretionary height of 24 storeys (80.6 metres) applied to the northern half of the site (DDO).
- Discretionary height of 12 storeys (42.2 metres) applied to the southern half of the site, fronting Plummer Street (DDO).
- Mandatory overshadowing controls relating to the southern side of Plummer Street (DDO).
100. Applying the above controls, the following graphic represents a likely development scenario for the site.

![Figure 6 - Graphic of likely development outcome](image)

Discussion

101. Whilst the existing mandatory 12 storey height applying to the site will be relaxed, the subject site will be significantly impacted by the proposed controls. New roads, in combination, will account for around 3,500m\(^2\) of the 7,378m\(^2\) site (approximately 50%).

102. The site is partly included within both the Core Activity Area and the Non-core Activity Area, and the height controls vary from the front portion of the site to the rear. There are no provisions in the amendment that suggests how such situations are dealt with.

103. I support the DDO’s discretionary height of 24 storeys (80.6 metres) at the rear of the site, but not the 12 storey (42.4 metres) height applied to the southern part of the property, fronting Plummer Street. As previously mentioned I support a 24 storey (80.6 metres) discretionary height across the whole of this site, within 200 metres of a proposed metro station and which fronts the Plummer Street central civic boulevard, which will be a major public transport corridor and activity spine.

104. As discussed in Section 2.6, I do not support mandatory building setback controls on the site.

105. As mentioned previously in my report, I am concerned about the proposed FAR and Commercial FAR. I believe that these controls are onerous and idealistic, and will be a significant constraint to the redevelopment of this site in the short to medium term, or until public transport infrastructure is provided.

106. For the reasons stated in Section 2.9 of my report, I do not support the need for a mandatory overshadowing requirement for Plummer Street.
107. I acknowledge the logic in providing the proposed north-south road, along the site’s western boundary as shown in Map 2 of the CCZ. I believe that this road will provide benefit to the broader context, linking Rocklea Drive to Plummer Street, and in turn providing better access to JL Murphy Reserve for dwellings to the north. However, the road would benefit the entire area and not just this property. As proposed the burden of delivery falls exclusively on the developer of this site, which raises questions of equity and the appropriate form of compensation. It is my opinion that this needs to be further resolved to ensure a consistent and fair delivery of new roads and open space across Fishermans Bend.

108. I do not support the proposed east-west link along the site’s northern boundary. I believe that this road is unnecessary and unreasonably impacts on the site. I do not believe that there is a need to extend the east-west road proposed to the east of Salmon Street, to the west of Salmon Street, merely to ‘complete the grid’, given the reduced dimensions of the ultimate street block due to the existence of Rocklea Drive.

109. A 6 metre-wide road widening strip (or possibly a 10 metre landscaping strip) is proposed along the site’s southern boundary, as shown in the CCZ, Map 2: street and laneway layout. In relation to the southern boundary of the site, the maps need to be clarified to identify what type of requirement is proposed. If it is a requirement for a landscaping strip, I do not believe that such is necessary along this boundary and would be contrary to aim of activating Plummer Street, which is nominated as a primary activation strip in the DDO controls. If it is for a road widening and if it is consistently applied along the length of Plummer Street and is required for a functional purpose, it would be appropriate. My earlier comments into relation to the burden of delivery falling on the developer of the site also apply to this proposed road widening.
3.2 50 Salmon Street | Submission 172

110. Number 50 Salmon Street is on the north-east corner of the Salmon Street and Plummer Street intersection. It has a frontage to Salmon Street of 56 metres, a depth of 86 metres, and a site area of 4,890m². It is occupied by a warehouse building.

![Figure 7 - Site aerial](image)

Existing controls

111. The site is within the City of Port Phillip. It is currently within the Capital City Zone and is affected by Design and Development Overlay Schedule 30, Development Contributions Plan Overlay Schedule 2, and Parking Overlay Precinct 1.

112. The site is identified in Planning Scheme Map 2 to Schedule 30 of the DDO30 in Area A4. The following controls apply:
   - A mandatory maximum 18 storey building height.
   - A mandatory maximum street wall height of 20 metres, or five storeys, whichever is the lesser.
   - A mandatory minimum tower street setback of 10 metres.
   - A mandatory minimum tower setback to all boundaries of 10 metres.
   - A mandatory minimum setback between towers of 20 metres.

113. The site is also affected by local policy at Clause 22.15, which include the following provisions:
   - 30% of dwellings to be 3 bedrooms units (when development is over 12 storeys in height).
   - 6% of dwellings to be affordable housing to be transferred to a registered housing provider (when development is over 12 storeys in height).
   - Non-residential floor space to occupy 60% of the Salmon Street and Plummer Street frontages.
Amendment GC81 – Proposed controls

114. The site is located in the Wirraway Core Area. The proposed controls relevant to the site are as follows:

- A discretionary 12 storey building height (42.2 metres).
- A mandatory street wall maximum height of 6 storeys (23 metres) to both Plummer and Salmon Street.
- A Floor Area Ratio of 4.1:1.
- An Employment FAR of 1.9:1.
- Mandatory setback requirements.
- Designated 16 metre road widening to occur across the Plummer Street frontage.
- Designation of Plummer Street and Salmon Street frontages as ‘primary active frontages’.
- Potential metro alignment along Plummer Street.
- New public open space at the corner of Salmon and Plummer Street with a mandatory requirement for the space to be provided before any permit is granted.
- Mandatory overshadowing provision relating to the southern side of Plummer Street and Neighbourhood Parks, between 11:00am and 2:00pm, from 21 June to 22 September.
- Requirement to prepare a development plan.
Figure 8 - Clockwise from top left: CCZ Map 3 Open space, CCZ Map 2 Street and laneway layout, CCZ Map 1 core and non-core areas and active street frontages, DDO Overshadowing, DDO Map 2 Building heights
115. Applying the above controls, the following graphic represents a likely development scenario for the site.

![Graphic of likely development outcome](image)

**Figure 9 - Graphic of likely development outcome**

**Discussion**

116. I support the widening of Plummer Street as shown in Map 2 of the CCZ. Plummer Street will become the major transport and activity hub of the Wirraway Precinct, with a tramline, metro station, and various bus routes. I note that Plummer Street is already wider to the west of Salmon Street. It therefore makes sense to increase this road width to perform its role as a key civic spine through the precinct. However, my earlier comments into relation to the burden of delivery falling on the developer of the site also apply to this proposed road widening.

117. I do not support a 12 storey building height on this site. I support a 24 Storey height on this site, given its location at the key intersection of Plummer Street and Salmon Street, in the centre of the Wirraway Core Area, adjacent a proposed metro station, abutting a proposed tramline along Plummer Street, and within 150 metres of the JL Murphy Reserve.

118. As discussed in Section 2.6, I do not support mandatory building setback controls on the site.

119. As previously stated I do not support the application of mandatory overshadowing controls on this site, as shown on Map 3 in the DDO controls. I do not consider it necessary or appropriate to have mandatory requirements to protect small inner-city parks or streets from overshadowing, in the centre of a designated higher density Core Area.

120. As mentioned previously in my report, I am concerned about the proposed FAR and Commercial FAR. I believe that these controls are onerous and idealistic, and will be a significant constraint to
the redevelopment of this site in the short to medium term, or until public transport infrastructure is provided.

121. I do not support the location of three separate public spaces on three of the four corners of the intersection of Plummer Street and Salmon Street. I consider that three parks at the main intersection in a Core Area is excessive. In this regard, I note that the Fishermans Bend Public Open Space Strategy recommends only two areas of public open space at this intersection (the northeast corner and the southwest corner), which differs to the draft Framework Plan and indeed the draft controls of GC81.

122. In my opinion this is a key intersection within the core of the Wirraway Precinct. I would prefer a strong built form to define the corners of this intersection rather than relatively small areas of open space.

123. A new schedule to the Development Plan Overlay is proposed to be inserted into the planning scheme and applied to this site - Schedule 2 Fishermans Bend Development Plan Area (DPO2). The site is identified as being located in Area E - Wirraway Transport Interchange of the DPO.

124. The DPO prevents a planning permit from being granted for the land, until a development plan has been prepared for the site. The schedule requires that the development plan be in the form of a site master plan that shows how a proposed development responds to, in the case of this site, the proposed Wirraway transport interchange.

125. The schedule lists a number of dot points that include issues relevant to a future interchange. None of the issues are relevant until the location and the conceptual design of the proposed underground railway station are known.

126. Inclusion of DPO2 on the land in advance of such decisions being made, will not lead to any meaningful design response in respect to a proposed station. It will merely prevent a planning permit from being issued and will be deterrent to the development of the land.

127. It is premature to include a DPO on the site until the location of the underground station is known and a conceptual design has been prepared.
3.3 S2/19 Salmon Street | Submission 167

128. S2/19 Salmon Street is on the south-west corner of the Salmon Street and Plummer Street intersection. It has a frontage to Plummer Street of 40 metres, a frontage to Salmon Street of 60 metres, and a site area of 2,414m². The site is part of a larger parcel, which is occupied by a large warehouse building.

![Site aerial](image)

**Figure 11 - Site aerial**

**Existing Controls**

129. The site is within the City of Port Phillip. It is currently within the Capital City Zone and is affected by the Design and Development Overlay Schedule 30, Heritage Overlay (Schedule 472), Development Contributions Plan Overlay Schedule 2, and Parking Overlay Precinct 1.

130. The site is identified in Planning Scheme Map 2 and Schedule 30 of the DDO30 in Area A4. The following key controls apply:

- A mandatory maximum 18 storey building height.
- A mandatory maximum street wall height of 20 metres, or five storeys, whichever is the lesser.
- A mandatory minimum tower street setback of 10 metres.
- A mandatory minimum tower setback to all boundaries of 10 metres.
- A mandatory minimum setback between towers of 20 metres.
- Preferred parking rates of 1 space per dwelling and 1 space per 100m² of retail / commercial floor space.

131. The site is affected by local policy at Clause 22.15, which include the following provisions:

- 30% of dwellings to be 3 bedrooms units (when development is over 12 storeys in height).
- 6% of dwellings to be affordable housing to be transferred to a registered housing provider (when development is over 12 storeys in height).
- Non-residential floor space to occupy 60% of the Salmon Street and Plummer Street frontages.
Amendment GC81 – Proposed controls

132. The site is located in the Wirraway Core Area. The controls most relevant to this site and this evidence, are as follows:

- A FAR of 4.1:1.
- An Employment FAR of 1.9:1.
- A discretionary 24 storey (80.6 metres) building height.
- Mandatory setback controls.
- Plummer Street and Salmon Street are nominated as ‘primary active frontages’.
- New linear public open space along the site’s east boundary.

133. Applying the above controls, the following graphic represents the development potential of the subject site.
Figure 13 - Graphic of likely development outcome

Discussion

134. Firstly, I note that this site is affected by the Heritage Overlay, Schedule 472. I am not heritage expert. My evidence focuses on the proposed planning controls.

135. I support the discretionary height of 24 storeys (80.6 metres) applied to the site, given its location at the key intersection of Plummer Street and Salmon Street, in the centre of the Wirraway Core Area, close to a proposed metro station, abutting a proposed tramline along Plummer Street, and within 150 metres of the JL Murphy Reserve.

136. As discussed in Section 2.6, I do not support mandatory building setback controls on the site.

137. I do not see the justification for the proposed linear open space along the east boundary of the site, and I don’t see how it fits into the intentions of the linear open space network. This area of open space will not connect with any other continuous open space links along Salmon Street to either the north or to the south. I would prefer to see well-activated ground-level uses at the building frontage along Salmon Street in this location. I have previously noted that three open space areas are proposed on three of the four corners of the Plummer Street and Salmon Street intersection. I believe that such as a treatment of a key corner in the Wirraway Core area is unnecessary and inappropriate.

138. As mentioned previously in my report, I am concerned about the proposed FAR and Commercial FAR. I believe that these controls are onerous and idealistic, and will be a significant constraint to the redevelopment of this site in the short to medium term, or until public transport infrastructure is provided.

139. As discussed previously in my statement, I do not support the overshadowing controls that apply to the south side of Plummer Street.
3.4 299 Williamstown Road & 11 Salmon Street | Submission 222

140. The site consisting of 299 Williamstown Road and 11 Salmon Street is a combination of parcels bound by Williamstown Road to the south, the extension of Tarver Street to the north, and Salmon Street and Smith Street to the east and west. The subject site contains a number of large warehouse buildings. There are multiple vehicle access points from Williamstown Road, Plummer Street and Smith Street.

141. Figure 14 - Site aerial

Existing controls

142. The site is currently within the Capital City Zone and is affected by the Design and Development Overlay Schedule 30, Development Contributions Plan Overlay Schedule 2 and Parking Overlay Precinct 1.

143. The site is identified in Planning Scheme Map 2 to Schedule 30 of the DDO30 in Area A1. The following controls therefore apply:
   - A mandatory maximum 4 storey building height.
   - A mandatory maximum street wall height of 20 metres, or five storeys, whichever is the lesser.
   - A mandatory minimum tower street setback of 10 metres.
   - A minimum tower setback to all boundaries of 10 metres.
   - A minimum setback between towers of 20 metres.

144. The site is affected by local policy at Clause 22.15, which include the following provisions:
   - 30% of dwellings to be 3 bedrooms units (when development is over 12 storeys in height).
- 6% of dwellings to be affordable housing to be transferred to a registered housing provider (when development is over 12 storeys in height).
- Non-residential floor space to occupy 60% of the Salmon Street frontage.

**Amendment GC81 – Proposed Controls**

145. The site is located in the Non-Core Area of the Wirraway Precinct. The key controls proposed in relation to the site are as follows:

- A mandatory building height of 4 storeys (15.4 metres) for the southern third of the site.
- A discretionary building height of 4 storeys (15.4 metres) for the northern two thirds of the site
- A FAR of 2.1:1.
- A new 11 metre road to along the north boundary (1/2 of a proposed 22 metre road).
- A proposed linear public open space along the entire north boundary of the property, parallel to the proposed new road.
- A small park at the north-west boundary of the site.

*Figure 15 - Clockwise from top left: CCZ Map 3 Open space, CCZ Map 2 Street and laneway layout, CCZ Map 1 core and non-core areas and active street frontages, DDO Map 2 Building heights*
146. Applying the above controls, the following graphic represents a likely development outcome on the site.

![Graphic of likely development outcome]

**Figure 16 - Graphic of likely development outcome**

**Discussion**

147. I have previously expressed my opinion about the development potential in the Wirraway Core Area, focussed on the intersection of Salmon Street Plummer Street (Section 2.7), and the opportunity for a more intense built form than proposed in the amendment, extending south to the north side of Williamstown Road, between Smith street and JL Murphy Reserve.

148. I support building heights stepping down from 24 storeys (80.6 metres) to the north of the proposed new road, to 12 storeys (42.2 metres) where currently shown as 4 storeys discretionary, and 8 storeys (29.4 metres) with the possibility of an upper level setback of up to 10 storeys (35.8 metres) along the north side of Williamstown Road (where currently shown as 4 storey mandatory).

149. I support the proposed east-west road, including the east-west linear public open space, which appears to link JL Murphy Reserve to the east with the proposed area of open space west of Prohansky Street to the west. This will, however, benefit the entire area and not just this property. As proposed the burden of delivery falls exclusively on the developers of land to the north and south of this road, which raises questions of equity and the appropriate form of compensation. It is my opinion that this needs to be further resolved to ensure a consistent and fair delivery of new roads and open space across Fishermans Bend.

150. Revision of the FAR applicable to the site will be required, to a figure appropriate to a site envisaged to have a mix of 8 to 12 storey development.
151. As discussed in Section 2.6, I do not support mandatory building setback controls on the site, with the exception that a mandatory maximum height could be specified for that part of the Williamstown Road Precinct between Smith Street and JL Murphy Reserve, being 8 storeys (29.4 metres) with a recessed 9th and 10th storey (35.8 metres).

152. I have concerns regarding the implementation of the maximum car parking requirements and their appropriateness in an interim period, before appropriate public transport is delivered to this precinct.
3.5 833 Collins Street | Submission 216

153. 833 Collins Street is located in Docklands, on the north bank of the Yarra River, on the south side of Collins Street, at the intersection of Navigation Drive.

![Site aerial](image)

154. 833 Collins Street is not within the Fishermans Bend area. However, it will be potentially impacted by the Framework Plan, as the possible location of a tramline extension into the area is shown in the Draft Framework.

155. The owner of 833 Collins Street uses the existing building on the site for office purposes. The owner has entered into a lease agreement to lease additional floorspace at 839 Collins Street, an adjoining building located west, utilising the intervening outdoor open space as a high amenity, landscaped area for staff and visitors to the precinct.

156. The Draft Framework Plan shows a proposed tram route between the two buildings. This alignment is not shown in the amendment documentation.
157. I acknowledge the benefit and importance of providing effective and direct public transport to Fishermans Bend. A number of options have been investigated, including an alignment parallel to the existing Charles Grimes Bridge, a short distance to the east. Such an alignment would avoid any impact on the intervening space between the two buildings at 833 and 839 Collins Street and utilise an existing transport corridor across the river. On my reading of the various assessments undertaken, the Charles Grimes Bridge remains a possible option.

158. It is my understanding that the alignment for a Yarra River crossing of the tramline has not yet been agreed by State Government. Until such time, I believe that the Draft Framework should either not show a crossing or should show a number of possible options.

159. As a general planning principle, I am reluctant to support any proposal that reduces the navigable extent of the Yarra River. A new pedestrian bridge just to the west of the Charles Grimes Bridge, presently represents the first obstruction to taller vessels along the Yarra River. The alignment of a new tram crossing with the Charles Grimes Bridge would avoid any further loss of navigable waterway. I favour a crossing using an existing transport corridor over the river, wherever possible.

160. Proposals further downstream of the crossing shown in the Draft Framework could change this situation in the future. Proposals exist for a possible rail freight line to cross the river to provide access Web Dock, in the vicinity of the Bolte Bridge. Until such proposals are confirmed, I believe it is good planning to minimise the loss of accessible waterway along the Yarra River.
4 Conclusion

161. Amendment GC81 is a detailed and complex amendment that is introducing a raft of new and modified planning policies and provision into the Melbourne and Port Phillip Planning Schemes, to implement the Draft Fishermans Bend Framework, 2017.

162. The Draft Fishermans Bend Framework and planning scheme amendment, go a long way towards providing an effective framework that can achieve the stated vision for Fishermans Bend and recover from past planning decisions. However, I believe that the Draft Framework and amendment are overly complex, theoretical, purist and prescriptive. I believe that a better balance is required between the ideal and the practical or realistic.

163. The planning scheme amendment includes many new and innovative ideas and planning tools. Many address issues that have strong planning merit. However, I am concerned where such provisions are mandatory or where little guidance is provided in the exercise of discretion, their implementation may be difficult or impractical, and may act as a deterrent to development.

164. The use of Floor Area Ratios goes beyond managing the quantum of development, population and jobs that may occur in the area, and built form outcomes. It is central to a new approach to providing new open space and new roads, managing land uses, and establishing a system of public benefits via an uplift scheme that will allow for increased levels of development.

165. I find the use of the FAR and FAU concepts complex and confusing, and their justification difficult to comprehend and assess. Given that the application of the Floor Area Ratio is so intrinsic to the amendment, it is difficult to see how the approach can be modified (or abandoned), without prejudicing the entire amendment. At the very least a closer relationship is required between Floor Area Ratios and envisaged built form outcomes, and a better understanding is required of the planning for the area that will be required to be undertaken beyond the 80,000 residents and 40,000 jobs upon which the Floor Area Ratios are based.

166. I believe that greater opportunity exists for a more intense built form in the core of the Wirraway precinct, focussed on the proposed new underground railway station, with a higher built form than the 4 storeys (15.4 metres) proposed extending to Williamstown Road between Smith Street and JL Murphy Reserve.

167. In relation to the potential tram route over the Yarra River, as a general planning principle, I am reluctant to support any proposal that reduces the navigable extent of the Yarra River. I favour a crossing using an existing transport corridor over the river, wherever possible. Until such time as an alignment has been agreed by the State government, the Draft Framework should either not show a crossing or should show a number of possible options.

David Barnes,
Town Planner – BTRP(Hons); MBA; FIA
Attachment 1 – David Barnes CV
Summary of Experience

David has been a town planner since 1980. With an MBA to supplement his planning qualifications, David is both a strategic planning specialist and an experienced statutory planner. As a statutory planner, David has been involved in obtaining planning approvals for a wide range of projects including residential, retail, commercial, industrial, rural, tourism, entertainment, sports, recreation and community development projects. He has extensive experience representing clients at planning appeals and panel hearings as both an advocate and as an expert witness.

As a strategic planner, David’s experience encompasses policy formulation and implementation; preparation of strategy plans, structure plans, urban design frameworks, development plans, planning schemes and amendments; community consultation; preparation of infrastructure funding strategies and development contributions plans; and preparation of commercial, industrial and residential market assessments.

In addition, David has experience in Asia, preparing urban management plans, strategy plans, structure plans, master plans and detailed plans, planning and development controls, and in relation to institutional strengthening programs and professional training programs.

Current

Managing Director
Hansen Partnership
January 2012 – present

Experience

Hansen Partnership
Director (September 1997 – December 2011)

Henshall Hansen Associates
Director (July 1995 – Aug 1997)
Associate director (1992 – July 1995)

wbcm Consultants Limited
Senior urban planner (July 1985 – April 1988)

Melbourne and Metropolitan Board of Works
Statutory planner (February – June 1985)
Planning officer (April 1982 – February 1984)

Estate Office, Victorian Railways
Town planner (November 1980 – April 1982)

Qualifications

- Master of Business Administration,
  RMIT University (1993)
- Bachelor of Town and Regional Planning (hons),
  University of Melbourne (1980)

Affiliations

- Property Council of Australia, Victoria Division (2012 – present; 2009-2010) - member planning committee
- Planning Institute of Australia (PIA) (2007 – present) - fellow
- Victoria Planning and Environmental Law Association (2009 – present) - member
- Planning Institute of Australia (PIA) (1996-2007) - member
- Vice president and treasurer Royal Australian Planning Institute (1996-1997)

Specialisations

- Strategic planner
- Statutory planner
- Town planning advocate
- Town planning expert witness
- Infrastructure funding and development contributions
- International planning – urban management, institutional strengthening, training
Key Project Experience

**Structure Planning**

- Review of Bayswater / Bayswater North Industrial Precinct, with the AEC Group, State Development Business and Innovation (2014)
- Bendigo Hospital Surrounds Structure Plan, the City of Greater Bendigo (2013)
- Birregurra Structure Plan Review, Otway Shire Council (2013)
- Chapel Vision Structure Plan Review, Stonnington City Council (2013)
- Warrnambool – North Dennington Structure Plan and Development Control Plan, Warrnambool City Council (2012)
- Traralgon Town Centre Structure Plan and Urban Design Framework, for Latrobe Valley Shire (2010)
- Ringwood Transit City Development Contributions Plan, for Maroondah City Council (2009)
- Frankston Safe Boat Harbour Planning Scheme Amendment, for Frankston City Council (2008)
- Clifton Springs Town Centre Structure Plan, for the City of Greater Geelong (2008)
- Warrnambool and Moyne Development Program, for Warrnambool City Council and Moyne Shire Council (2008)
- Spring Creek Urban Growth Framework Plan and Precinct Structure Plan, for the Surf Coast Shire (2008)
- Newhaven, Cape Woolamai and San Remo Structure Plan, for Bass Coast Shire Council (2007)
- Ocean Grove Structure Plan, for the City of Greater Geelong (2006)
- Jackass Flat Structure Plan, Greater Bendigo City Council (2006)
- West Melbourne Structure Plan, for the City of Melbourne (2003)

**Strategy Planning and Studies**

- La Trobe University Bendigo Campus Vision, for La Trobe University (2014)
- La Trobe University Boroondara Campus Vision, La Trobe University (2012)
- Mildura Settlement Strategy, Mildura Rural City Council (2013)
- New Gisborne Development Plan, Macedon Ranges Shire Council, (2011)
- Wyndeham Open Space and Recreation Strategy, with @leisure, for the Wyndeham Shire Council (2011)
- Strengthening Victoria’s Food Bowl, with PSI Delta, for Moira Campaspe, Swan Hill and MILDURA councils (2011)
- Sweetwater Creek, Strategic Justification for Development / Environmental Overlays, for Frankston City Council (2010)
- Utilising Victoria’s Planning Framework to Support Sustainability, Municipal Association of Victoria (2009-2010)
- Shepparton East Outline Development Plan, for the City of Greater Shepparton (2009)
- Melbourne Industrial Land Supply and Demand Study, with Charter Keck Cramer, for Melbourne City Council (2009)
- LaTrobe University Strategy Planning Review, for LaTrobe University (2008/2009)
- Review of Referral Requirements under the Victoria Planning Provisions, for the Department of Planning and Community Development (2008)
- Whitehorse Student Accommodation – Strategic Review and Planning Scheme Amendment, for Whitehorse City Council (2007)
- Sustainability in the Planning Process, for the municipalities of Moreland, Port Phillip and Darebin (2007-2008)
- Geelong Region Strategy Plan, for the G21 Geelong Regional Alliance (2005-2006)
- Bell Street Strategy Plan and Urban Design Framework, Darebin City Council (2005)
- Kingston Retail and Commercial Development Strategy, with Charter keck Cramer, for the City of Kingston (2004)
- Willoughby Industrial Strategy, Willoughby City Council (2003)
- Yarra Industrial Strategy, for Yarra City Council (2003)
- Moorabool Rural Housing Study, for Moorabool Shire Council (2003)

**Character Studies**

- Birregurra Neighbourhood Character Study, Otway Shire Council, (2011)
- Romsey Neighbourhood Character Study, for Macedon Ranges Shire, (2010)
- Boroondara My Neighbourhood – Prized Residential Character Areas, for Boroondara City Council (2008)
- Dandenong Neighbourhood Character Study, for the City of Greater Dandenong (2007-2008)
- Queenscliffe Urban Character Study, for the Borough of Queenscliffe (2000)
Urban Design Framework


Design Guidelines

- Knox Residential Capacity and Design Guidelines Project, Knox City Council (2010)
- Aireys Inlet Activity Centre Urban Design Guidelines, for Surf Coast Shire, (2008-2009)
- Kingston Residential Design Guidelines, for the city of Kingston (2000)
- Kingston Residential Design Guidelines, for the city of Kingston (2000)
- Miller Street and Gilbert Street Preston Design Guidelines, for Darebin City Council (2009)
- Station Street Fairfield Design Guidelines, for Darebin City Council (2008)
- Victoria Street Urban Design Framework and Streetscape Plan, for the City of Yarra (2002)
- Carrum Urban Design Framework, for the City of Kingston (2000)

Management Plans

- Melton North Green Wedge Management Plan, Melton Shire Council (2014)

Infrastructure reviews

- Traralgon Growth Areas Review, for LaTrobe City Council (2011)
- Fishermans Bend Industrial Land Review, with Charter Keck Cramer, for Port Phillip City Council (2009)
- Doncaster Hill Energy Plan, for Manningham City Council and Sustainability Victoria (2008)
- Car Parking Rate Review, for the Department of Infrastructure (1999)

master planning

- Geelong Western Wedge Strategic Framework Plan and Railway Station Master Plan, for the Department of Infrastructure (2002)

Urban Design Framework


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