

Preliminary list of Key Issues

Fishermans Bend Review Panel

20 December 2017

This is a preliminary list of key issues identified by the Review Panel from the material provided to date and the submissions received. These are provided on a without prejudice basis and should not be read as an opinion of the Review Panel. It is expected other issues will be identified over the course of the Hearing.

Use and drafting of planning tools

1. Have the appropriate VPP tools been chosen, including:
 - Is the role of proposed policy appropriate?
 - Have appropriate overlays been applied, or should other overlays be applied, for example, DDOs, DPOs, PAO, ESO?
 - Are the overlays applied in the appropriate locations?
2. Is the drafting of the controls clear?

Population assumption/target

3. To what extent does the planning of the area need to plan for a target population?
4. What is basis of the assumed 80,000 people and 80,000 jobs? Should a different target be set?
5. If a target population (or population range) is set, is there a need to reconcile:
 - Population and jobs \leftrightarrow floor area \leftrightarrow FAR and FAU?
6. What are the appropriate assumptions for the timing of development and the 'build out' in setting the Floor Area Ratios (FARs)?
7. How does the use of the Floor Area Uplift (FAU) affect the total population 'assumed' for each precinct? Are the uplifts intended to include population within or above the assumed levels?

Floor Area Ratio and Floor Area Uplift

8. How should the Amendment approach managing the overall quantum of development in Fishermans Bend with the development potential of individual sites?
9. What is the interaction between, and impact on development potential of:
 - the FAR with FAU
 - maximum dwelling densities
 - the height controls
 - the area available for development once open space, roads etc are provided?
10. How are community needs identified to determine appropriate public benefits to be delivered in exchange for the FAU? What mechanisms are proposed to be used to update any list of public benefits? Will the existing approach of the City of Melbourne as set out in Clause 22.03 of the Melbourne Planning Scheme be used? Is the FAU regime as transparent as it needs to be? What status should guidelines for applying the FAU have? Should they be referenced in the planning scheme?
11. What is the basis of the six per cent affordable housing target? On what basis is it assumed that its delivery by the FAU considered appropriate, or likely to be taken up by developers?
12. What controls should be mandatory?
13. Should there be exemptions for minor works from the need to provide open space or roads?

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14. Could non-residential floor space requirements in core areas be transferred between developments within the same precinct-based core area, or the same ownership? Would trading of floor area entitlements between sites be possible or desirable?
 15. How will the FARs and FAUs work in Montague where there is a significant number of small sites?

Essential infrastructure

16. It appears that the delivery of essential infrastructure for the baseline population is to some extent reliant on developers taking up the FAU incentive:
 - How can the Review Panel be confident this will be delivered?
 - Is there a financial model for the uptake?
 - How is the range of benefits offered by developers to be managed?
 - What policy might guide a review of a dispute over the benefit offered for an uplift?
17. How and when is it intended to use existing DCPOs to introduce a DCP for the area?
18. How will the DCP, FAU, open space contributions, and s173 agreements work together to fund essential infrastructure?
19. What is the rationale for the extent of areas within the Wirraway Precinct designated as investigation areas for future community hubs?

Existing development and permits

20. How do the proposed controls relate to existing development?
21. What is the situation with existing permits?
22. How should existing permits be managed when the development they permit is outside the proposed development parameters? How are permits proposed to be managed where they expire before development is commenced?
23. Are transitional provisions appropriate in respect of existing permits or live applications?

Buffer areas

24. Is it appropriate to apply an ESO (or similar control) to the buffer areas identified in the GHD Buffer Assessment and around the Port?

Network protection

25. How have the locations of the train station entrances been determined and should they be preserved or protected in the planning scheme? What would be the appropriate mechanism?
26. Freight link – how is the corridor identified in the planning scheme and preserved?
27. Freight routes – how are on road freight routes maintained?

Yarra River crossing

28. Are other crossings feasible:
 - Has a tram tunnel been considered?
 - Should the Charles Grimes Bridge option be further explored?
29. How is the tram network alignment including the Yarra River crossing identified in the planning scheme and preserved?
30. What is the impact of the recently passed *Yarra River Protection (Wilip-gin Birrarung Murron) Act 2017* on the proposed crossing?

Traffic and parking

31. Should developers be able to provide more parking for their development, especially before the public transport services have been provided?
32. What is the potential role for Parking Precinct Stations in delivering acceptable parking outcomes?
33. How are predicted trips distributed across the road network, and what allowance is made for motorists coming to work from within and outside Fishermans Bend?
34. What is the ability of the road network outside of Fishermans Bend to accommodate trips into and out of the area, given 160,000 residents/employees?

Road network

35. Is the proposed road network clear, including the function of the road and whether it is a new road or not, for all road types:
 - Freight link
 - Freight routes
 - Arterial roads
 - Collector Roads
 - Tram link
 - Civic Boulevard
 - Local streets
 - Green links
 - Bicycle network?
36. Which new roads are critical (for example Plummer Street – Fennell Street connection) and which are not? What is the order of priority for delivery?
37. Where a collector road or critical link is delivered by a new road, how will it be delivered in a timely fashion? Is the proposed approach sustainable?

Open space

38. Is the size and location of each open space appropriate? What flexibility should there be in their size and location?
39. Where the open space covers the whole site, should a PAO be applied?
40. How are costs of acquisition and development apportioned between landowners/developers?
41. How will development of the open space (including potential remediation) be funded?

Flooding and drainage

42. How will flooding and drainage associated with sea level rise and extreme rainfall events be resolved? Why was a flooding impact assessment not considered necessary to inform the Amendment? Were flooding controls (SBO, LSIO) considered?