

Addendum 1

1.0 Introduction

- 1.1 I have been instructed by Mills Oakley to:
- provide my recommendations to the Panel on how Draft Amendment GC81 could be improved or any other measures required to address any deficiencies I have identified in my evidence; and
 - provide a list of recommendations with respect to each of our clients' individual sites.
- 1.2 In making these recommendations I continue to hold the view, as expressed in my written evidence, that I consider that the Draft Amendment GC81 has significant planning shortcomings and the Review Panel should recommend to the Minister that the amendment not proceed.

2.0 Recommendations – General Observations

- 2.1 Amend the draft Capital City Zone (Schedule 4) and the draft Design and Development Overlay (Schedule 30) to include transitional provisions to enable applications that were lodged prior to the gazettal of Amendment GC81 to be considered and assessed under the controls that were immediately in place prior to the gazettal of Amendment GC81.

Existing industrial uses

- 2.2 Amend the draft Capital City Zone (Schedule 4) to include greater protection and certainty for existing industrial uses that wish to remain operating in the FBURA. Specifically, I recommend the following changes:
- 2.2.1 Clause 22.15 (Fisherman's Bend Urban Renewal Area) amended to include reference to:
- At Clause 22.15-2, include objectives to:
- 2.2.1.1 support the ongoing use and development of existing industrial uses in a manner that recognises the important and strategic role of existing industrial uses within the FBURA.
- 2.2.1.2 manage the transition of the FBURA from an industrial area to a diverse mixed use urban renewal precinct.
- At Clause 22.15-3, include policy to:
- 2.2.1.3 require new applications for use and development for sensitive uses to consider potential amenity impacts from existing industry.
- 2.2.1.4 provide guidance for buildings and works to existing industrial uses.

2.2.2 The Capital City Zone (Schedule 4) amended as follows:

At “zone purposes” include:

2.2.2.1 To support the fair and orderly transition of the FBURA from an industrial area to a diverse mixed use urban renewal precinct.

At Clause 4.0 (Buildings and Works) amend the application requirements to include the following changes;

2.2.2.2 exclude buildings and works associated with the ongoing existing industrial/warehouse uses from the application requirements.

2.2.2.3 require new applications for the use and development for a sensitive use to consider potential amenity impacts from existing industry.

Public Acquisition Overlay

2.3 Amend the Capital City Zone (Schedule 4) to delete permit requirements at Clause 3.0 and Clause 4.0 requiring the provision of public open space, streets and laneways, and instead:

2.3.2 apply a Public Acquisition Overlay to all land required for road and public transport links, public open space areas and community infrastructure hubs.

2.3.3 amend Design and Development Overlay Schedule 30 to include discretionary built form objectives for the provision of public open space, laneways and community infrastructure where they are not critical to the fulfilment of the Vision.

FAR's

2.4 Amend the Capital City Zone (Schedule 4) to delete mandatory Floor Area Ratios, and instead:

2.4.1 amend Clause 22.15 to include provide policy objectives for residential and commercial floor area outcomes.

Built Form and Height Controls

2.5 Amend Design and Development Overlay (Schedule 30) to include discretionary height, urban form, character and amenity controls for each of the precincts in FBURA that are supported by appropriate decision guidelines. This should be informed by precinct structure plans which guides the desired urban form and character of each precinct and has regard to the strategic imperative for the FBURA to accommodate significant growth and change.

- 2.6 Amend the Design and Development Overlay (Schedule 30) to delete mandatory overshadowing controls, and instead:
- 2.6.1 amend Design and Development Overlay (Schedule 30) to include discretionary overshadowing controls that are supported by appropriate decision guidelines. In other words, a performance based approach.

3.0 Recommendations – site specific

- 3.1 In addition to the above more general recommendations, I have also been requested to provide specific recommendations in respect to the three sites that I have previously considered. My views are outlined below.

400 - 430 City Road Southbank (City Road site)

- 3.2 As I have previously expressed, I am of the view that Draft Amendment GC81 fails to understand the physical and strategic context of the City Road site. To address the shortcomings of Amendment GC81 with respect to the City Road site, I recommend that the following changes:
- 3.2.1 Mandatory Floor Area Ratios are not applied to the City Road site. I note this could be facilitated through the application of discretionary FAR controls as identified at point 2.4 above.
- 3.2.2 A discretionary 40 storey height control applied to the entire site.
- 3.2.3 The requirement to provide a public open space in the southern portion of the site deleted in favour of the provision of communal open.

557 Plummer Street & 299 Bridge Street Port Melbourne (Plummer St & Bridge St sites)

- 3.3 To address the shortcomings of Amendment GC81 with respect to the Plummer St and Bridge St sites, I recommend that the following changes:
- 3.3.1 The entire site included within the core, to align with the proposed new road to the southern boundary.
- 3.3.2 Consistent with the proposed CoPP Sandridge Precinct Urban Design Report I consider that it is more sensible and practical to have the proposed public open space areas on either side of Plummer Street consolidated into one larger park.
- 3.3.3 Accordingly, I am generally supportive of CoPP Sandridge Precinct Urban Design Report which recognises the opportunity to acquire the Plummer Street site to facilitate critical public transport, community infrastructure and public open spaces. This would, in my view, most appropriately be dealt with by using a Public Acquisition Overlay.
- 3.3.4 A discretionary 24 storey height control applied to both the Plummer Street and Bridge Street sites.

44-54 White Street South Melbourne (Kador site)

3.4 To address the shortcomings of Amendment GC81 with respect to the Kador site, I recommend that the following changes:

3.4.1 Proposed public open space that spans two title boundaries deleted. I understand based on the evidence prepared by Jason Walsh of *TraffixGroup* with respect to this site that the proposed 22m wide dissecting the site is unnecessary. Therefore, there seems no apparent need for the proposed linear park and by extension the neighbourhood park.

3.4.2 A discretionary 24 storey height control applied to the entire site.

4.0 Conclusion

4.1 As I have said before, I consider that the Draft Amendment GC81 has significant planning shortcomings and on this basis, I have formed the view that it should not proceed.

4.2 However, in order to provide the review panel with some suggested changes which I believe go some way to addressing the deficiencies I have identified, I have provided this addendum to my evidence.