FISHERMANS BEND PLANNING REVIEW PANEL: DRAFT AMENDMENT GC81

SUPPLEMENTARY INFORMATION NOTE

SIN NUMBER:	**15**
DATE:	14 May 2018
PRECINCT:	All CCZ precincts
FRAMEWORK REFERENCE:	N/A
SUBJECT:	Response to the Panel's request for clarification in Document 294 dated 7 May 2018

---

1. The Panel is provided with the following responses to the Panel's request for further information dated 7 May 2018 (Document 294).

Part A - Questions

Request 1: Confirm whether the infrastructure planning undertaken to date has been based on an assumed population of 80,000 (75 per cent build out), 116,000 (full build out) or 149,000 (Ms Hodyl's estimate of the population if FAU delivers 6 per cent social housing), or some other figure.

2. Infrastructure planning has been based on an assumed population of 80,000 (75 per cent build out) at 2050.

Request 2: The Review Panel notes that the FARs have assumed 90 per cent of existing permits will be built. In calculating the FARs what, if any, allowance was made for current permit applications?

3. No allowance has been made for current permit applications. The FAR has been developed focusing on the Vision including character for each precinct and the 80,000-population target.

Request 3: Have, or how have the current permits informed the proposed discretionary heights?

4. The current permits have not directly informed the proposed discretionary heights. The proposed discretionary height controls implement the Urban Design Strategy which established the preferred built form outcome for each precinct. The specific height controls within sub precincts and for each site have been developed through an iterative

process which considered the FAR controls together with the preferred character for each sub-precinct.

5. The current permits (as well as the permit applications which are subject to the Minister's call in) predominantly include proposals which are designed to the mandatory maximum height limit. In developing the height controls within sub precincts and for each site, consideration has been given to the current permits only to assess how, if they were built, they would fit with new built form in accordance with the proposed controls and preferred character.

6. This is evident in Lorimer and Montague Core, where the proposed discretionary height control, together with the proposed FAR controls, support hybrid developments that will incorporate predominantly mid-rise with some high-rise developments. This will enable the approved towers in Lorimer and Montague North to be effectively 'stitched' into the current proposed height controls, without replicating the current 40 storey height approvals which, if repeated in the proposed controls, would result in very high densities and a uniformly high-rise character within these precincts.

Request 4: What changes to the FARs and height controls might be required if some of the existing permit applications were to be approved?

7. The scale of impact to the FARs and height controls would depend on the number of permit applications that were approved and the degree to which those permit applications varied from the proposed FARs and built form character for each precinct.

8. There are a small number of permit applications that are partially or fully compliant with the proposed height controls and their approval would not significantly impact proposed height limits; however, these applications do not comply with other aspects of the proposed built form controls and exceed the proposed FAR, with the exception of 277-281 Ingles Street, Port Melbourne

9. The greater the number of dwellings that are approved, the more significant an impact this will have on the proposed FARs,

10. Approximately 11,500 dwellings are included in current permit applications. By precinct the total dwelling numbers are:

    a. Wirraway – 2987 dwellings

    b. Sandridge – 2314 dwellings

    c. Montague – 4317 dwellings

    d. Lorimer – 1,879 dwellings

11. This represents 40% of the remaining 28890 dwellings that are needed to accommodate 80,000 people (after approved dwellings are taken into account). If all current permit applications in Montague are approved, 78% of the dwelling target for Montague will be delivered even though a significant number of sites still available for redevelopment. A summary of the dwelling targets and the % of that target that would be met by the approved and pending applications by precinct is shown below.

	Population target	Dwelling target	Existing No. of approved dwellings	% of target already approved	Pending no. of dwellings in current permit applications	% of target in pending applications	% of target dwelling in approved and current permit applications
Wirraway	17,600	6,822	712	10%	2,987	44%	53%
Sandridge	27,200	13,737	1,673	12%	2,314	17%	28%
Montague	23,200	10,311	4,180	41%	4,317	42%	78%
Lorimer	12,000	5,882	1,300	22%	1,879	32%	52%

12. If these permits were approved the FARs would need to be recalculated (decreased) to reflect the reduced numbers of dwellings needed to support population growth of 80,000 people by 2050. The degree of impact would vary between precincts. Montague and Lorimer will be the most impacted.

13. For example, if 50% of these dwellings were approved the resultant FARs that would apply to the remaining sites within each precinct would be:

    a. Wirraway Core 3.5:1; Non-core 1.7:1 (currently 4.1 and 2.1)

    b. Sandridge Core 7.1:1; Non-core 3.2:1 (currently 7.4 and 3.3)

    c. Montague Core 4.7:1; Non-core 2.5:1 (currently 6.3 and 3.6)

    d. Lorimer 4.7:1 (currently 5.4)

14. If 100% of these dwellings were approved the resultant FARs that would apply to the remaining sites within each precinct would be:

    a. Wirraway Core 3.0:1; Non-core 1.2:1 (currently 4.1 and 2.1)

    b. Sandridge Core 6.7:1; Non-core 3.0:1 (currently 7.4 and 3.3)

    c. Montague Core 3.0:1; Non-core 1.4:1 (currently 6.3 and 3.6)

    d. Lorimer 3.9:1 (currently 5.4)

15. If a significant number of permits were approved, the FARs would no longer be aligned with the proposed height controls. The height controls would need to be reduced to align with the FAR.

16. This would result in an inequitable outcome as those with existing permit approvals and current applications would receive approval for development yield that would far exceed what would be in place for future applicants. This would also result in an unbalanced urban design outcome with many more very tall buildings intermingled with fewer intervening low-scale development.

Request 5: (from Mr Sheppard) What revisions are required to the controls to facilitate his alternative models (the Barcelona model, the Vancouver model, and the Hybrid model)?

17. The alternative models incorporate the following attributes as defined in Mr Sheppard's evidence:

a. Barcelona model – height of 7 storeys, FAR varies (3.8:1 Montague; 4.0:1 Sandridge; 3.1:1 Wirraway)

b. Vancouver model – height varies between 3 – 30 storeys; FAR varies (2.5:1 Montague; 4.3:1 Sandridge; 3.2:1 Wirraway)

c. Hybrid model – height varies between 6-24 storeys; FAR varies (3.5:1 Montague; 5.4:1 Sandridge; 3.4:1)

18. Each of the alternative models has been applied to whole blocks and therefore the controls required to deliver them would need to be tailored to deliver this typology across the whole block.

19. To deliver the Barcelona model a combination of:

a. Mandatory height controls of 7 storeys applied to all sites (with no street or side setbacks allowed)

b. Maximum building depth control, nominally 20-25 metres.

c. No FAR control would be required as the amount of GFA on each site would need to vary to respond to deliver the maximum building height and building depth. This is illustrated in figure 1 below where the FARs range from 4.5:1 (red) to 2.8:1 (yellow).

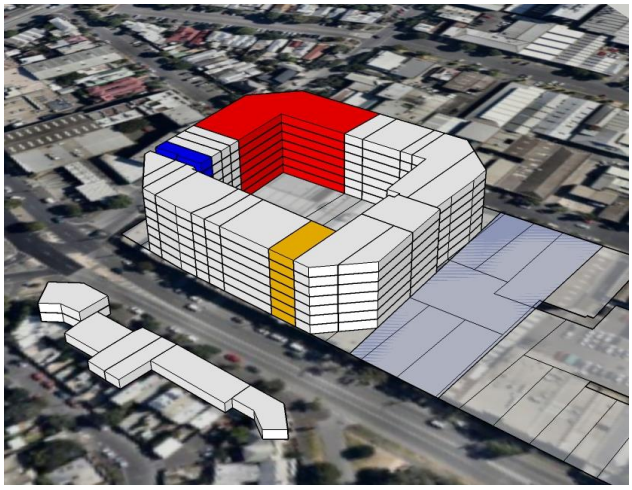

Figure 1: Barcelona model applied to Montague non-core area.

d. Any sites that are wholly located within the centre of the block (in the internal courtyard where no development is supported) would need to be acquired.

20. The Vancouver model could be delivered in two ways.

21. One method of delivering this outcome (as currently applies in Vancouver) would be through a combination of discretionary height controls, controlling number of towers per block and FAR controls.

a. Discretionary height controls that aligns with the maximum preferred height on each site – Mr Sheppard has modelled a range from 3-6 storeys together with 12 storeys (Montague), 30 storeys (Sandridge) and 24 storeys (Wirraway).

b. Maximum number of 2 towers per block (Mr Sheppard's modelling typically shows 4 towers per block all on corner sites).

c. FAR controls that range in the order of 2.5:1 – 5:1 (depending on height controls and depth of blocks).

d. Any sites that are wholly located within the centre of the block (in the internal courtyard where no development is supported) would need to be acquired.

22. A second method of delivering this outcome would be through a combination of height and building depth controls:

    a. Mandatory height controls on corner sites that align with the maximum preferred height of towers (ranging from 12-30 storeys).

    b. Maximum tower floorplate controls for corner towers to deliver slender towers.

    c. Maximum height controls on the 'in-between' mid-block sites of 3 or 6 storeys.

    d. Maximum building depth control, nominally 20-25 metres on mid-block sites.

    e. Any sites that are wholly located within the centre of the block (in the internal courtyard where no development is supported) would need to be acquired.

23. The Hybrid model would be delivered through similar controls to second method of delivering the Vancouver model as follows:

    a. Mandatory height controls on sites that align with the maximum preferred building heights ranging from 6-24 storeys.

    b. Maximum building depth control, nominally 20-25 metres on all sites.

    c. Any sites that are wholly located within the centre of the block (in the internal courtyard where no development is supported) would need to be acquired.

24. The Vancouver, Barcelona and Hybrid models would all result in differential and inequitable development outcomes as some sites would have significant yield, e.g. corner sites where taller buildings and/or greater site coverage is needed to deliver this outcome, while others, e.g. mid-block sites would have significantly less. This is because these alternate models are being delivered at the scale of the whole block.

25. By comparison, the proposed approach in Fishermans Bend already supports a similar outcome to the Vancouver and Hybrid models but on individual sites. The Vancouver and Hybrid models would both be categorized as 'hybrid' in the current controls and are already supported on a site-by-site basis in sub-precinct areas where the FAR control has been deliberately set as a 'looser' fit within the building envelope to support hybrid developments. There are many examples of this included in the modelling. For example, see:

    a. Modelling for 253-273 Normanby Road (illustrated in Ms Hodyl's Addenda 2 report, figure 3). This has a FAR of 6.3:1 and a height limit of 20 storeys.

    b. Modelling for Lorimer sub-precinct L1 (Addenda 2, figure 5, p10). This area has a FAR of 5.4:1 and a height limit of 24 storeys.

    c. Modelling for sub-precincts S1, S2 and S5 in Sandridge (Addenda 2, figure 7, p12). These areas have a FAR of 3.3:1 and a height limit generally of 24 storeys.

    d. Modelling for sub-precinct W2 on 437-481 Plummer Street in Wirraway (Addenda 2, figure 10, p15 and figure 11, p16). This has a FAR of 2.1:1 and a height limit of 6-24 storeys.

Request 6: Has consideration been given to a capped FAU (for instance 20 per cent of FAR) for all sites?

26. No.

27. A cap on FAU would result in three consequences:

    a. reduced opportunity for social housing and other public benefits;

    b. reduced opportunity to support additional population within generally acceptable built form parameters;

    c. reduced likelihood of higher forms and associated built form diversity within the built form envelope.

Request 7: Has consideration been given to limited transitional provisions (for example), permit applications that are broadly consistent with the fundamental urban structure?

28. The Minister's Part A submission states that transitional provisions are not proposed either for existing permits or live applications. In respect of live permit applications, transitional provisions are not considered appropriate given the significant differences between the interim controls and the controls proposed in the Amendment. In relation to the permit applications which have been called in, with the exception of the application for the land at 277-281 Ingles Street Port Melbourne, it is not considered that any of these applications are broadly consistent with the totality of the fundamental urban structure identified in the Framework. The inconsistency with the Framework was one of the reasons that the permit applications were called in by the Minister.

Request 8: Is additional floorspace developed under the FAU intended to be subject to development contributions?

29. It is intended that the additional floorspace developed under the FAU will be subject to development contributions, with the exception of social housing dwellings delivered through the FAU. Social housing dwellings are not subject to development contributions.

Request 9A: What is the Minister's response to Melbourne Water's requirements that ground floor levels in flood affected areas be raised 1.3 metres?

30. In relation to the requirement for ground floor levels in flood affected areas to be raised 1.3 metres, as the Panel is aware, this a requirement of Melbourne Water. The requirement calls for floor levels to be a 3m AHD, which means floor levels need to be raised up to 1.3m from street level. The requirement applies across inner Melbourne and it is not specific to Fishermans Bend.

31. The Minister understands that the Melbourne Water will present to the Panel on the 21 May.

32. The Minister is keen to explore alternative precinct scale approaches to these requirements and how alternative mitigation measures may be considered prior to the default response of raised floor levels. The Minister acknowledges that this is the decision of Melbourne Water and alternative mitigation measures must be balanced with providing a response that ensures safety is prioritised. The Minister expects that

the Taskforce and Councils will continue to work Melbourne Water to find other measures during 2018.

33. However, in the interim the proposed planning controls to be circulated on 14 May 2018 have addressed this issue by requiring the urban design implications associated with any raised ground floor level to be considered and for alternative measures, which would provide for other flood protection measures, to be considered at the planning permit stage using raised floor levels as a least preferred option.

Request 9B: What is the Minister's response to the Council's suggestions of separate DDOs for each precinct?

34. The Minister has accepted this suggestion. The revised draft DDOs to be circulated on 14 May 2018 will be precinct specific.

Request 9C: Goodman (and others) suggestions of a DPO for larger sites?

35. The DPO has been removed from the planning controls. This requires further consideration and will be addressed through the development of the precinct plans.

    The Minister is open to considering the suitability of a DPO for the Goodman site which allows redistribution of FAU within the substantial Goodman landholdings. A DPO could plan and coordinate the location of development exceeding FAR in exchange for provision of a Public Benefit elsewhere in Fishermans Bend on Goodman land. Such an arrangement could already be achieved using a section 173 agreement applying to Goodman land.

Part B: Clarification for revised versions of the controls

Request 10: The approach to commercial floorspace requirement in the local policy in the context of the proposed changes to the CCZ. Is the proposed approach consistent with the Draft Framework and the Vision.

36. This matter is addressed in the revisions to the CCZ circulated on 14 May 2018.

37. The approach taken to commercial floor space within the CCZ is to encourage commercial floor space by limiting the amount of floor area that can be used for a dwelling. While this is not the mandatory commercial floor area envisaged by the Framework, it is stronger than originally outlined in the draft GC81 controls.

Request 11 - The scope of exemptions that should apply to applications associated with the continuation of an existing use, or a current permit. It appears that the Minister acknowledges that the requirement to transfer land required for streets, lanes and open space should not apply, but what other exemptions does the Minister consider appropriate, for example from the FARs, the prohibition on new crossovers, etc.

38. This is addressed in the revisions to the CCZ circulated on 14 May 2018.

39. New provisions have been inserted into the CCZ exempting existing uses from some of the application requirements, conditions on permits and permit requirements of the schedule.

Request 12 - Whether 'Hybrid developments of mid-rise perimeter blocks and tower developments' in MSS's means:

- **Hybrid developments of mid-rise perimeter block and <u>mid-rise</u> tower development (that is the tower that is part of a hybrid development must also be mid-rise)**
- **Hybrid developments of mid-rise perimeter block and <u>taller</u> tower development (that is the tower that is part of a hybrid development may be taller than mid-rise).**

40. There are two types of hybrid developments proposed:

    a. Hybrid developments which are predominantly tower developments with mid-rise buildings. Examples are illustrated in the modelling within sub-precincts L4 and S3 in Ms Hodyl's Addenda 2 report, including:

        i. 168-188 Turner Street, Lorimer (Figure 5, p10) FAR 5.4:1, unlimited height.

        ii. 212 Turner Street, Lorimer (Figure 5, p10), FAR 5.4:1, unlimited height

        iii. 520 Graham Street, Sandridge (area within core, Figure 7, p12), FAR 7.4:1, 24 storeys

        iv. 140 Bertie Street, Sandridge (Figure 7, p12), FAR 7.4:1, unlimited height

        v. 250 Ingles Street, Sandridge (Figure 7, p12), FAR 7.4:1; unlimited height

        vi. 28-32 Fennell Street and 50-60 Bertie Street, Sandridge (Figure 7, p12), FAR 7.4:1, 30 storeys.

    b. Hybrid developments which are predominantly mid-rise with some towers. Examples of this type are nominated in paragraph 25 above.

41. In both instances the tower elements may be taller than mid-rise. The building typology map prepared in response to question 14.a illustrates the location of each type.

Request 13: The issue predominantly raised by Mr Tweedie relating to the perceived prohibition to FAU dwellings under the Minister's revised Capital City Zone schedule (Document 156a)

42. It is accepted that this is a matter which requires correction. This issue has been addressed in the revised controls to be circulated on 14 May 2018. See Clause 2 of the CCZ schedule.

Further information

Request 14:

43. The Review Panel requests the following plans:

    A. Sub precincts with the Review Panel's suggested categorisation of typologies mapped. (See example)
    B. Core/non-core map with sub precinct boundaries shown.
    C. Heights mapped with sub precinct boundaries and core/non-core boundary overlayed.

D. Open space with the maximum heights possible under overshadowing controls mapped.

Each plan should include all precincts.

See attachments.

Table in response to 14A

Sub-precinct	Typology	MSS
M1	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise developments, perimeter blocks and tower developments. • Slender towers located to minimise overshadowing impacts on the Normanby Road boulevard. • Provision of private and communal open space within development with good access to sunlight to provide high levels of amenity for residents and workers.
M2	Mid-rise	• Generally, a mid-rise scale of development with opportunities for additional upper levels that are visually recessive from the street and which protect solar access to the existing school site.
M3	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments. • Adaptive reuse of heritage building elements.
M4	Mid-rise	• Generally, a mid-rise scale of development with opportunities for additional upper levels that are visually recessive from the street and do not result in podium-tower forms.
M5	Hybrid (predominantly mid-rise)	• A range of mid-rise and tower buildings, including hybrid developments on larger sites. • Well-space, slender tower that provide sunlight access to streets and neighbouring residences.
M6	Low rise	• Low-rise development that responds to the context and character of the adjacent low-rise neighbourhoods.
S1	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments with potential for larger commercial uses, including campus style developments.
S2	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments.
S3	Hybrid (predominantly high-rise)	• A range of mid-rise and tower developments, including provision of towers with large floorplates to support significant scale of commercial development. • Provision of urban courtyard spaces with laneways within new developments to provide a network of public and private open spaces to support the higher densities of activity.
S4	Low mid-rise	• Generally, a low-midrise scale of development with opportunities for additional upper levels that are visually recessive from the street and North Port Oval and do not result in podium-tower forms.

S5	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments. • Slender towers located to minimise overshadowing impacts on streets and linear parks. • Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers.
L1	Hybrid (predominantly mid-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments • Slender towers located to minimise overshadowing impacts on the Lorimer Parkway • Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers.
L2	Mid-rise	• Mid-rise developments with activated laneways leading to Lorimer Street and the Yarra River
L3	Hybrid (predominantly mid-rise)	• Slender towers located to minimise overshadowing of the Lorimer parkway
L4	Hybrid (predominantly high-rise)	• Hybrid developments of mid-rise perimeter blocks and tower developments • Well-spaced towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, internal streets and the West Gate Freeway
W1	Mid-rise	• Generally mid-rise developments with potential for commercial uses, including campus style developments and smaller scale commercial spaces that support creative industries. • Provision of private and communal open spaces within developments with good access to sunlight to provide high levels of amenity for residents and workers.
W2	Hybrid (predominantly mid-rise)	• Slender towers located to minimise overshadowing impacts on Plummer Street. • Provision of private and communal open space within developments with good access to sunlight to provide high levels of amenity for residents and workers.
W3	Low mid-rise	• Generally, a low-midrise scale of development with opportunities for additional upper levels that are visually recessive from the streets and JL Murphy Reserve and do not result in podium-tower levels.
W4	Mid-rise	• Generally, a mid-rise scale of development with opportunities for additional upper levels that are visually recessive from the streets and JL Murphy Reserve and do not result in podium-tower forms. • Provision of private and communal open space within developments with good access to sunlight to provide high levels of amenity for residents and workers.

Request 15: The Review Panel directs that a table be provided showing the FAR, Lowest maximum height, and Tallest maximum height for each sub precinct, distinguishing between core and non-core areas.

Sub-precinct	Typology	Core/Non-core	Residential FAR	Total FAR	Lowest maximum height (m)	Tallest maximum height (m)	Lowest maximum height (storeys)	Tallest maximum height (storeys)
M1	Hybrid (predominantly mid-rise)	Core	4.7	6.3	68	81	20 storeys	24 storeys
M2	Mid-rise	Core	4.7	6.3	30	30	8 storeys	8 storeys
		Non-core	N/A	3.6	30	30	8 storeys	8 storeys
M3	Hybrid (predominantly mid-rise)	Core	4.7	6.3	81	Unlimited	24 storeys	Unlimited
M4	Mid-rise	Non-core	N/A	3.6	30	30	8 storeys	8 storeys
M5	Hybrid (predominantly mid-rise)	Core	4.7	6.3	30	68	8 storeys	20 storeys
M6	Low rise	Non-core	N/A	3.6	15.4	15.4	4 storeys (mandatory)	4 storeys (discretionary)
S1	Hybrid (predominantly mid-rise)	Core	3.7	7.4	43	43	12 storeys	12 storeys
		Non-core	N/A	3.3	43	81	12 storeys	24 storeys
S2	Hybrid (predominantly mid-rise)	Non-core	N/A	3.3	30	81	8 storeys	24 storeys
S3	Hybrid (predominantly high-rise)	Core	3.7	7.4	43	Unlimited	12 storeys	Unlimited
S4	Low mid-rise	Core	3.7	7.4	15.4	30	4 storeys (mandatory)	8 storeys
		Non-core	N/A	3.3	15.4	30	4 storeys (mandatory)	8 storeys
S5	Hybrid (predominantly mid-rise)	Core	3.7	7.4	43	81	12 storeys	24 storeys

		Non-core	N/A	3.3	43	81	12 storeys	24 storeys
L1	Hybrid (predominantly mid-rise)	Core	3.7	5.4	43	81	12 storeys	24 storeys
L2	Mid-rise	Core	3.7	5.4	30	36	8 storeys	10 storeys
L3	Hybrid (predominantly mid-rise)	Core	3.7	5.4	62	62	18 storeys	18 storeys
L4	Hybrid (predominantly high-rise)	Core	3.7	5.4	Unlimited	Unlimited	Unlimited	Unlimited
W1	Mid-rise	Non-core	N/A	2.1	30	30	8 storeys	8 storeys
W2	Hybrid (predominantly mid-rise)	Core	4.1	2.2	30	81	8 storeys	24 storeys
		Non-core	N/A	2.1	30	30	8 storeys	8 storeys
W3	Low mid-rise	Non-core	N/A	2.1	15.4	15.4	4 storeys (mandatory)	4 storeys (discretionary)
W4	Mid-rise	Non-core	N/A	2.1	30	30	8 storeys	8 storeys