
Request to be heard?: Yes

Precinct: General

Full Name: Linda Condon

Organisation: Fishermans Bend Network

Affected property:

Attachment 1: FBN_Response_to

Attachment 2:

Attachment 3:

Comments: The submission is attached as a PDF file.



15 December 2017

Submission Response to the Draft Fishermans Bend Framework

Introduction

The Fishermans Bend Network is a broad community based network advocating for improved urban planning, design, and infrastructure for the urban renewal area of Fishermans Bend. We promote awareness and share information via networking and hosting forums with local community groups and through our Facebook and Twitter accounts. We are pleased to provide feedback on the latest Draft Fishermans Bend Framework.

In general terms, we welcome the considered and evidence-based responses to the complex issues of urban renewal for this largely privately owned and re-zoned industrial land abutting both Melbourne's CBD and residential neighbourhoods of the City of Port Phillip and the City of Melbourne. We also believe there are a range of concerns yet to be adequately addressed.

The two glaring gaps in the Framework are the lack of adequate discussion or detail regarding governance arrangements and a financing model to drive responsibility and accountability for planning and investment decisions into the future.

Our submission advocates for the use of a broader range of planning controls than is currently outlined in the Draft Framework. We advocate for the use of both mandatory and incentivised planning regulations to deliver a diversity of housing stock (including social and affordable housing), community infrastructure, and open space. If Fishermans Bend is, in any meaningful way, to contribute to Melbourne's housing affordability crisis, a full suite of enabling and consistent planning controls must be introduced and Government leadership is required.

While supporting the Transport Plan, its timing and financing is critical and should commence well ahead of population growth. We strongly support the tram route river crossing and agree that tram access to the CBD across the Yarra is vital to the success of the renewal area.

We recognise that significant effort has been made to ensure all residents are within 200 metres of some open space with solar access in winter and summer. However, the density of the built environment in 2050 - even if based on the assumption only 75% of all sites will be redeveloped - will most likely exceed significantly the figures given in the Framework.



We believe additional work needs to be done to identify more suitable areas of open space for both passive and active recreation, including land for purchase by government plus government-owned but leased land that can be returned to public use (e.g. riverside Port of Melbourne leased land). In this context, we also see the need for more detailed identification of contaminated 'hot spots' relevant for land use planning.

The following sections of this submission provide feedback on areas of specific concern and recommendations.

Goal 1: A connected and liveable community

- The objectives and strategies are well designed with ambitious targets for cycling, walking and public transport. Safe streets will be critical to ensure that residents and workers are able to use these movement options. Innovative lighting and street activation will be essential.
- Three precincts will have higher 'residents/ha' ratio than exists in Southbank which has 308 residents/ha. Conservative estimates show Lorimer at 480 residents/ha; Montague at 483 residents/ha; and Sandridge at 344 resident/ha. These areas are 'offset' by the lower density of 187 residents/ha of the largest precinct Wirraway to achieve an average of 323 residents/ha. It is our view that Lorimer and Montague will be too dense to provide the quality of amenity and sustainability envisioned and promised. In comparison to other areas they will exceed the population projection for 2034 in Southbank and Hoddle Grid by 155-160% and will be denser than Kowloon, Hong Kong.
- Applying floor area uplifts (FARS) to provide the required communal services, public open space and affordable housing is supported. However, this means that FARs have to happen if the requirements of the precincts are to be met. Discretionary controls won't deliver this. With the total of the increased floor area / building density and the underlying assumptions not being made clear, we share the concerns expressed by others that depending on the use of the additional floor area (residential or commercial) it may not just increase the building density but also increase the number of residents per hectare ratio. We are concerned that density - even if based on the assumption only 75% of all sites will be redeveloped - will most likely exceed the figures cited in the Framework significantly.
- The FAR controls will foster mid-to high-rise apartment dwellings across all four precincts when developers maximise the yield of their sites. There will be little to no housing diversity in Lorimer and Montague. There should be planning incentives to support lower-rise family friendly / communal / aging-in-place living arrangements.
- While supporting the Transport Plan, its timing and financing is critical and should commence well ahead of population growth. Ideally, planning approvals would be set aside until financial commitments are in place for the proposed tram bridge and network. We strongly support the tram river crossing and agree that tram access to the CBD across the Yarra is vital to the success of the renewal area. The interests of a relatively small number of harbour-side residents cannot be allowed to over-rule the public transport needs of the great many who will live in Fishermans Bend.



- In a similar vein of not kowtowing to vested interests, the State owned land north of the employment precinct currently leased to the Port of Melbourne (and in turn, sub-leased to others) should have form part of the Fishermans Bend Framework to connect bike and pedestrian paths along Port Phillip Bay with the Yarra River trail (currently starting north of Lorimer) and to provide more public open space to all Fishermans Bend precincts.

Goal 2: A prosperous community

- The Framework does not distinguish sufficiently between the anticipated number of jobs in the Employment Zone versus the other four precincts.
- When universities are mentioned, the need for other training institutes should also be addressed, in particular TAFE and other technical training institutes. We suggest that the best possible outcome would be an Education and Innovation Precinct similar to the Tonsley Precinct in South Australia - <https://tonsley.com.au>
- A dedicated rail freight route additional to the current upgrading of Cook Street is needed and is not sufficiently resolved in the Framework document.
- We strongly support the need to provide smart city technology and high bandwidth fibre and wireless networks across Fishermans Bend. This should be a requirement of education and training organisations, businesses, and community facilities, and residential developments alike. This needs to be treated as an infrastructure investment and addressed early.

Goal 3: An inclusive and healthy community

- Four education and community hubs (primary school) and one education and community hub (secondary school) will not meet the needs of education for the estimated number of children living in Fishermans Bend in 2050. The demographic data does not match the common age of students in primary schools (5-12years) or those for secondary schools (13-18years) which makes calculations more problematic. However, other experienced planners have calculated that the number of school aged children will exceed the Framework's figures and that Fishermans Bend will require ten primary schools and three or four secondary schools.
- The Framework needs to clarify whether or not the plan proposes separate acquisition of land and facilities especially for schools. It is difficult to see how adequate space for schools could be achieved through uplift so clarification is needed as to how land acquisition will be achieved.
- Whilst the concept of community hubs has appeal, they will be accompanied by problems needing to be addressed in the precinct planning phase. It is not clearly explained what these hubs would include but it does appear that some will not have the full range of facilities we believe are needed. For example Lorimer has all three hubs but other areas such as Sandridge do not appear to include an education hub. On the basis of accessibility to facilities, Montague North should have it's own suite of community facilities because Normanby Road and the railway line impede movement.



- We support the inclusion of an Environmental Audit Overlay. There needs to be more of a commitment towards remediation (as opposed to an isolation, cap and fill approach). Many forms of bioremediation are highly effective and prevent the problem of removing contaminated soil to another location. Waste disposal of contaminated material needs to be addressed in the precinct planning stage as a matter of urgency.
- Contaminated hot spots must be more transparently identified and responsibility allocated. For the owner and/or developer, the cost and time needed for remediation leads to cap and fill approaches. This is far from ideal and government leadership is needed to deliver stronger environmental outcomes through remediation. Please refer to Appendix 1 for case studies demonstrating the importance of early remediation of contaminated land.
- The issue of social housing is not adequately identified or addressed in the Framework and the use of terms such as affordable housing obfuscate the need for social housing to be provided as an integral part of urban renewal. Affordable rental housing underpins economic productivity and it is needed if Fishermans Bend is to become an economically viable and socially inclusive place to live.
- The Draft Framework sets a target that by 2050, at least 6% of all housing in Fishermans Bend will be affordable for low to moderate income households. However, given the scale of the housing crisis in Melbourne, we believe a more ambitious target must be set. A 6% target would make only a modest contribution to meeting Melbourne's need for affordable housing in areas close to services, jobs and transport. We endorse the City of Port Phillip's recommendation that Fishermans Bend should have a target of 6% social housing (for those in most need) within an overall target of 20% affordable housing. In the context of Fishermans Bend, we view these targets as very reasonable. We emphasise that targets must be supported by both incentivised floor area uplift mechanisms as well as mandatory (inclusionary) planning controls if there is to be any realistic expectation of them being achieved.
- Much can be achieved when governments support affordable housing planning controls. For example, the City of Sydney's successful use of SEPP 70 in Ultimo/Pyromont and Green Square demonstrates that levies are an effective and financially feasible way of ensuring new developments contribute to affordable rental housing supply. Consequently, the NSW Government has recently allowed five more Sydney councils (Randwick, Inner West, Northern Beaches, Ryde and Canada Bay) to be able to require affordable housing contributions from developers. Under this policy councils can require developers to provide a percentage of affordable housing units as part of a development on upzoned land, or a monetary contribution. The social housing units generated through these levies in Sydney are granted to a housing association to own and manage.
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- The Framework needs to give greater clarity about the roles and responsibilities of government, the private sector and housing associations in meeting affordable housing requirements. The Framework should include and reflect the Fishermans Bend Taskforce Technical Fact Sheet *Delivering Affordable Housing* which stipulates that: "An affordable housing public benefit is considered to be completed when finished housing units are gifted at no cost to an affordable housing association in perpetuity."
- Without a clear mandatory planning control, we think it very unlikely the government will achieve even its modest 6% target set for affordable housing in Fishermans Bend.
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- Irrespective of the model used, we strongly recommend the transfer of affordable housing units to Tier 1 Registered Housing Associations because they are more highly regulated than other social housing providers.

Goal 4: A climate adept community

- The emphasis on embedding green infrastructure into the design of public spaces and buildings is welcomed and is a positive step towards ensuring a more adept community for climate change.
- The flora intended for the area should as much as possible include indigenous species and those suitable for bio-remediation while also recognising trees and other plants need to be resilient to climate change. Planting should start now.
- The Framework acknowledges the need for design strategies for summer shading of all buildings - this should apply to both private and public buildings.



Goal 5: A water sensitive community

- We support many of the mechanisms and strategies included in the Framework to provide Integrated Water Management for Fishermans Bend, especially innovations such as the mandatory third pipe in all buildings for the sewer mining treatment plant.
- As the area was previously swampland there must be a clear strategy to address sea level rise. As seen in many jurisdictions, there are clear planning rules to be adopted to mitigate flooding and storm surges.

Goal 6: A biodiverse community

- In addition to requirements of the *Better Apartment Guidelines* we recommend the following minimum requirements for the Fishermans Bend area:
 - Sites up to 1000 msq greater than 5% minimum dimension of 3m = 1 small tree per 30 msq deep soil – this will be an issue for 40 apartments or more.
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- The Indigenous heritage of the Bunurong, Waiwurung and Wurundjeri peoples should be explored and implemented through this goal. The importance of researching and planting flora in-situ before white settlement must not be overlooked.
- The importance of wildlife and water sensitive urban design (WSUD) corridors to encourage greater biodiversity to ensure species survive into the future is not addressed in the Framework - we therefore advocate for parklands and open space to be have connection corridors.

Goal 7: A low-carbon community

- We support use of the Green Star rating system but there is a need for a clear process of assessment during planning approval procedures. It is also not clear which planning controls are able to enforce the aspiration of the Framework document – will it be City of Port Phillip and City of Melbourne in each of the relevant jurisdictions? Or will there be a separate system developed just for Fishermans Bend?
- We recommend that the 4-Star level be lifted to the 5-Star Green Star rating from commencement to send a clear message to developers and government agencies alike. We further recommend the Framework document identify method to increase this rating over time.
- We recommend 100% of all buildings in all precincts (both residential and commercial) should comply with Green Star (Level 5 under Environment) or another comparable environmental rating tool such as BESS, SDAPP or SDS. The higher the Green Star certified rating of a building (4, 5 or 6 star) the greater the environmental savings across all key areas – greenhouse gas emissions, energy use, water consumption, and construction and demolition waste.



- Planning Controls should include some of the current mechanisms available such as SDAPP – Sustainable Design Assessment Port Phillip and Built Environment Sustainability Scorecard (BESS) which are similar to the Green Star Rating system. It is also our opinion that the Fishermans Bend area should aim for 5-Star Green Star 'As Built' rating for all developments.

Goal 8: A low waste community

- This goal is well thought through and the targets are ambitious and provide a unique opportunity to encourage best practice. However, a waste soil management strategy including a soil containment repository is needed in Fishermans Bend. There are currently no Class 2 waste management repositories in Victoria.

SUMMARY OF KEY RECOMMENDATIONS

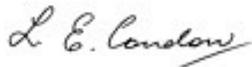
- Release financial modelling data and provide a financing strategic plan.
- Establish a statutory body with over-arching governance responsibility for key decision making, site selection, land purchasing, planning controls and planning approvals, etc.
- Apply the 5-Star Green Star (Level 5 under Environment) rating system for all developments in all precincts (both residential and commercial).
- Develop a financing and land acquisition plan for a rail freight route.
- Include Port of Melbourne leased land (from State Government which is sub-leased to other businesses) for public use to provide cycling and walking paths around the river bank.
- Introduce broader mandatory planning controls to deliver the aspirations and vision for Fishermans Bend.
- Reduce the density in Lorimer and Montague precincts to improve liveability - too dense to be a sustainable and attractive location to reside in and travel through.
- Revise the affordable housing target to provide for 6% social housing within an overall target of 20% affordable housing as part of the diverse mix of housing across all four residential precincts.
- Adopt the stipulation that "An affordable housing public benefit is considered to be completed when finished housing units are gifted at no cost to an affordable housing association in perpetuity."
- Identify additional areas of suitable open space for government acquisition.
- Include incentives to support lower-rise family friendly / communal / aging-in-place accommodation.



- Commit to the river crossing tram route and network.
- Identify opportunities to acknowledge Indigenous cultural heritage including planting of local flora present prior to colonisation.
- Include an expanded Educational/ Innovation Precinct (similar to the Tonsley Precinct in South Australia <https://tonsley.com.au>) in the employment precinct site and include a TAFE institute as well as a university (Catalyst Project pg. 48).
- Revise-up the number of schools needed (10 primary and 3-4 secondary) and identify suitable sites for all schools and community hubs.
- Carefully consider appropriate models of governance for community hubs with shared community facilities. What sounds like a sensible idea often results in competing interests, values and bureaucratic control getting in the way of community access and influence which compromises community development and neighbourhood building.
- Identify more accurately contaminated land and plan for precinct wide remediation to avoid later problems (such as those outlined in the case studies provided).
- Develop a waste soil management strategy including a soil containment repository is needed in Fishermans Bend.

This report was prepared by:

Linda Condon, Convenor, Fishermans Bend Network - lindacondon2@gmail.com



and

Jennifer Stone, Fishermans Bend Network - jenbronstone@bigpond.com





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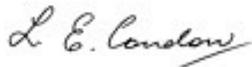
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- Adopt the stipulation that "An affordable housing public benefit is considered to be completed when finished housing units are gifted at no cost to an affordable housing association in perpetuity."
- Identify additional areas of suitable open space for government acquisition.
- Include incentives to support lower-rise family friendly / communal / aging-in-place accommodation.



- Commit to the river crossing tram route and network.
- Identify opportunities to acknowledge Indigenous cultural heritage including planting of local flora present prior to colonisation.
- Include an expanded Educational/ Innovation Precinct (similar to the Tonsley Precinct in South Australia <https://tonsley.com.au>) in the employment precinct site and include a TAFE institute as well as a university (Catalyst Project pg. 48).
- Revise-up the number of schools needed (10 primary and 3-4 secondary) and identify suitable sites for all schools and community hubs.
- Carefully consider appropriate models of governance for community hubs with shared community facilities. What sounds like a sensible idea often results in competing interests, values and bureaucratic control getting in the way of community access and influence which compromises community development and neighbourhood building.
- Identify more accurately contaminated land and plan for precinct wide remediation to avoid later problems (such as those outlined in the case studies provided).
- Develop a waste soil management strategy including a soil containment repository is needed in Fishermans Bend.

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APPENDIX TO FRAMEWORK SUBMISSION

The following case studies demonstrate what can happen if contamination is not dealt with when planning approval is being sought for development applications.

Case Study 1 is particularly relevant because the source of the contamination was located at 337 Williamstown Road in Fishermans Bend; however the effect of the pollution was identified by vapour plumes in Beacon Cove and deposits of petroleum by-products found on the Port Melbourne beach. This is an apt demonstration of how far contamination can travel from its primary site, and the length of time before the source of the contamination is identified, legal issues worked through, and clean-up undertaken.

Case Study 1 - Beacon Cove Pollution

The EPA received and investigated complaints of odour in the area of First Point and Beacon Cove in Port Melbourne. Investigations identified seepage of hydrocarbons into the stormwater drain in Williamstown Road and hydrocarbon contamination at the premises formerly operated by Garden City Fuel. The EPA is actively regulating this site and EPA officers have been conducting regular inspections in the area since April 2016.

The EPA is now working with the landowner (Telco P/L) and have issued two statutory notices requiring Telco to manage offsite impacts of liquid, vapour and odour from hydrocarbons, and directing the company to engage an EPA-appointed environmental auditor to prepare a clean-up plan for the premises. Telco currently has a remediation system operating on the premises that is addressing the hydrocarbon contamination in the groundwater. The EPA intends to serve a statutory notice requiring Telco to commence clean-up in accordance with the plan and to prepare a final, auditor-verified report once the clean-up has been completed to the appropriate standard. The intensity of the odour is affected by weather conditions such as wind direction, rainfall or dry spells, and tides that can change conditions in the stormwater drains.

Source: <http://www.epa.vic.gov.au/our-work/current-issues/odour-and-air-quality/beacon-cove-port-melbourne>

Case Study 2 - Brookland Green Estate Cranbourne

In March 2006, EPA Victoria was notified of bubbling stormwater puddles on an unsealed road within the partial construction of the Brookland Greens estate. After testing, it was confirmed the discharge contained methane and carbon dioxide and had migrated laterally from the landfill adjacent to the estate. By August 2008, methane was detected at 63% volume for volume of air within a house on the estate. As a result of the Ombudsman's report, it was discovered that:



- The EPA failed to efficiently process the Shire's works approvals by providing conflicting advice and causing unreasonable delay. As a result, the EPA failed to assess the applications for works approval within the legislated timeframe. While these initial failures on the part of the EPA are minor in themselves, they contributed to a poor outcome at the landfill and provided the Shire with the opportunity to resist conditions proposed by the EPA.
- The EPA's assessments of the Shire's works approval applications were inadequate. The applications contained errors and the EPA failed to properly explore all assertions. The EPA also failed to properly assess the Shire's applications for works approval partly through lack of expertise and partly through allowing the outcome to be the subject of negotiation.
- One significant error of the EPA was to ignore the condition of the State Environment Protection Policy (Siting and Management of Landfills Receiving Municipal Waste) 1991 that prohibited landfilling below the level of the water table 'unless written permission from the Authority has been obtained'. Without addressing this condition explicitly in the assessment of the works approvals, the EPA should not have granted permission for the landfill which was not only below the level of the water table, but interrupted a substantial nearby aquifer.
- The Shire's contention in 1992 that a landfill liner would be expensive (\$500,000) to install should not have been taken into account by the EPA. Clearly, environmental standards should not be compromised for the sake of an agency saving money. By allowing economic considerations to override environmental imperatives, the EPA failed to set conditions for the discharge of waste into the environment.
- When the licence was negotiated and granted, the EPA not only missed an opportunity to require higher standards than those agreed in 1992, but allowed standards to drop.
- When potential buyers for the development were shown plans, there was no mention of the landfill site within 200 metres of the development
- The EPA took over 10 months after it was informed of the environmental auditor's report of 25 July 2007 warning of an 'imminent environmental hazard' for EPA senior management to recognise the seriousness of the situation and to take action to ensure the safety of the residents.
- Findings also included the fact that the Ombudsman considered that EPA Victoria was unable to properly execute its statutory duties without an effective mechanism for recording all site-based information. The report recommended that all relevant information should be appropriately recorded and accessible in order for the EPA to develop and retain a complete understanding of sites it is responsible for regulating. It is hoped that appropriate record keeping will be the case for Fishermans Bend.

Source: <https://www.ombudsman.vic.gov.au/getattachment/cf1ba5e6-20c3-4d19-ae5f-90e616b5d6ff/publications/parliamentary-reports/brookland-greens-estate-investigation-into-methane.aspx>

