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**Request to be heard?:** Yes

**Precinct:** Montague

**Full Name:** Megan Schutz, Schutz Consulting Pty Ltd

**Organisation:** Normanby Road Developments Pty Ltd

**Affected property:** PO Box 462

**Attachment 1:** Submission\_1512

**Attachment 2:**

**Attachment 3:**

**Comments:** Please see attached submission

15 December 2017

Department of Environment, Land, Water  
and Planning  
GPO Box 500  
EAST MELBOURNE VIC 3002

**235-243 NORMANBY ROAD, SOUTH MELBOURNE  
DRAFT FISHERMANS BEND FRAMEWORK & AMENDMENT GC81  
OWNER SUBMISSION**

We act for Normanby Road Developments Pty Ltd, the owners of 235-241 Normanby Road, South Melbourne which is a key strategic urban renewal site located within the Montague Precinct (the Site).

Whilst the overall purpose of the Draft Framework to provide a long term strategic plan for the development of Fishermans Bend is supported, our client strongly objects to the proposed new policies.

In order to achieve a fair outcome, transitional provisions must be included in the new controls to allow applications under consideration before the new controls are gazetted to be determined in accordance with the existing controls. The inclusion of transitional provisions in planning policy are common place and are particularly appropriate where proposed planning reform represents a significant departure from the existing planning controls applying to a site.

The proposed new controls lack strategic justification, and are inconsistent with overarching State and Local Policies in the Planning Scheme. They are based on an arbitrary population target which calls up a built form to accommodate it that is contrary to State Planning Policies that promote a considered design response, urban consolidation, optimizing the use and efficiency of public transport, and promoting affordable housing provision in locations that benefit from excellent access to services and infrastructure. The new controls make no effort to realise the full potential of Fishermans Bend to provide significant housing supply in an inner city location.

In addition to ignoring the economics of inner city land supply, the proposed planning reform ignores the need to maintain flexibility in a rapidly changing city. The need to

constantly adapt to change is a policy objective that is clearly recognized in Plan Melbourne 2017-2050.

In short, the proposed policy reforms seek to rush in arbitrary controls that are a significant departure from the existing Planning Scheme provisions.

The tight timeframes imposed on stakeholders in which to consider the policy reform lack procedural fairness and are contrary to the principles of natural justice. It is reasonable to expect that Government would afford land owners and their advisors sufficient opportunity to prepare a considered response to the proposed controls. The tight timeframes suggest that the controls are a fait accompli and that the policy reforms will come into operation regardless of the public hearing process. The approach of rushing the introduction of these far reaching planning reforms will have very significant economic and social implications. As a matter of procedural fairness, stakeholders must be given a reasonable opportunity to properly consider the reforms.

Whilst the Fishermans Bend strategic planning process has been on-going for a number of years now, the new controls do not represent a consistent, logical and incremental refinement of the policy documents that have been issued to date. For example, the Fishermans Bend Recast Vision described the Montague Precinct as characterized by mostly tall buildings similar to those in the CBD prescribing a forty storey height limit for the Site and its locality. This height control is reflective of the many existing development proposals for sites along Normanby Road that have either been approved or are subject to planning assessment.

Under the proposed controls, this maximum height limit has been replaced with a Floor Area Ratio that halves the height controls currently benefiting the Site. In light of the significant departure from the existing policy proposed by the new controls, if the controls are to be adopted in their current form, then it is fair and reasonable to expect that transitional provisions will be included in the Planning Scheme that ensure existing planning applications that have been lodged prior to the gazettal of the new controls are determined under the existing provisions.

We trust that our client will be given a full opportunity to present and explain its concerns regarding the proposed planning controls to the Minister's Section 151 Advisory Committee known as the Fishermans Bend Planning Review Panel.

Yours faithfully,

