
Request to be heard?: Yes

Precinct: Wirraway

Full Name: Angela Croome SJB Planning Pty Ltd

Organisation: Moniton Pty Ltd

Affected property: 299 Williamstown Road and 11 Salmon Street Port Melbourne

Attachment 1: 330253L001_GC8

Attachment 2:

Attachment 3:

Comments: see attached



The Hon Richard Wynne MP
Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Date: 13 December 2017

**Re: Submission Objecting to Amendment GC81 to the Melbourne and Port Phillip Planning Schemes
Proposed Planning Controls for Fisherman’s Bend Urban Renewal Area**

Dear Minister,

We act on behalf of Kanahoee Nominees Pty Ltd, the long-time owner of the land at 291 Williamstown Road and 1-9 Smith Street, Port Melbourne.

Our client wishes to make a submission objecting to the proposed Amendment GC81 to the Melbourne and Port Phillip Planning Schemes, which purport to introduce the Fisherman’s Bend Framework (*the Framework*) and a suite of new planning controls to guide the future use and development of the Fisherman’s Bend Urban Renewal Area.

1.0 BACKGROUND

By way of background our client’s land is located on the corner of Williamstown Road, Smith Street and Tarver Street, In Port Melbourne.

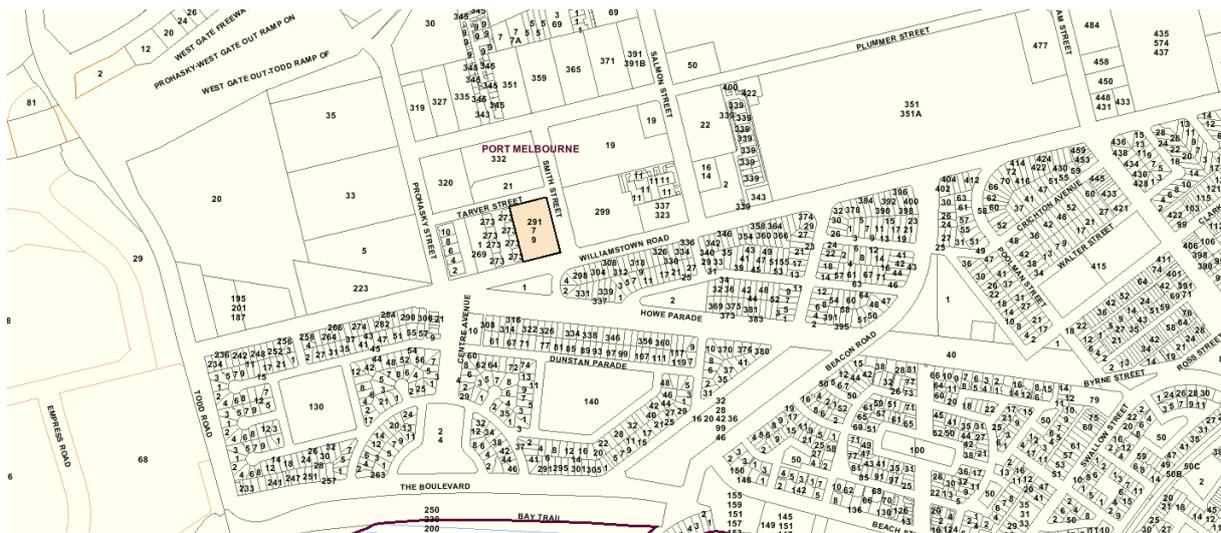


Figure 1 – Submitter’s site

GC81 Submission

Level 1, Building D
80 Dorcas Street
Southbank VIC 3006

info@sjbplanning.com.au T 61 3 8648 3500
sjb.com.au F 61 3 8648 3599

SJB Planning Pty Ltd ACN 007 427 554

Our client's land has the following key features:

- it is large, with a total site area of approx.6,700 square metres;
- it has three street frontages and is generally flat;
- it is improved by existing commercial/warehouse buildings and at-grade car parking that are reaching the end of their useful design life;
- there is no existing vegetation on the site of any identified significance;
- the area opposite is an established low scale residential precinct of Port Melbourne, separated by the very wide Williamstown Road road reserve; and
- it is completely removed from any meaningful access to reliable and regular public transport.

The draft Framework identifies the submitter's site within the Wirraway 'non-core' precinct at the western end of the urban renewal area.

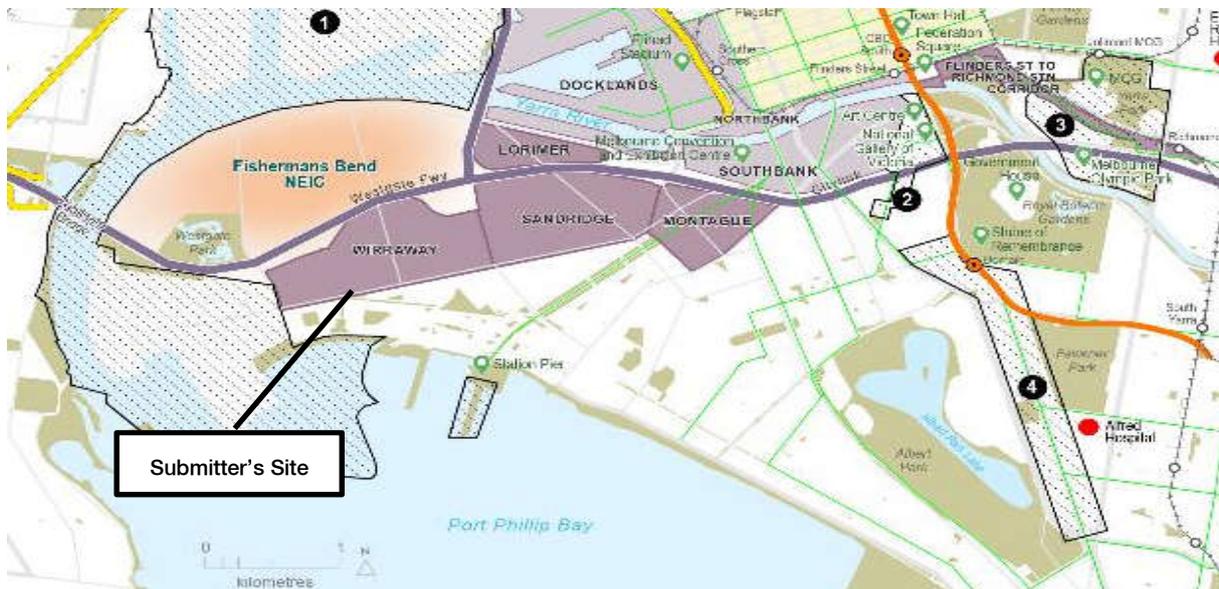


Figure 2 – Submitter's site

Key components of the Framework Plan and draft planning controls, as they specifically relate to the submitter's land are, among others:

- a maximum Floor Area Ratio (FAR) of 2.1:1;
- a mandatory maximum building height control of 4 storeys for the southern two thirds of the site;
- a discretionary maximum building height of 4 storeys for the northern third of the site; and
- proposed public open space areas along the entirety of both the Tarver Street and Smith Street site frontages; maximum car parking requirements for different land uses including, in particular, 0.5 spaces per dwelling.

2.0 KEY ASPECTS OF SUBMISSIONS

2.1 The Bigger Picture

Our client supports the State Government's efforts to develop and implement a strategic framework plan for the Fisherman's Bend Urban Renewal Area. It has oft been said the important role this area will play in the future development of a sustainable and prosperous metropolitan Melbourne. It also has the potential to deliver the community's various stakeholders some improved certainty of outcomes; though the area's recent strategic planning history suggests that any real 'certainty' is tenuous and able to be completely subverted at the stroke of a pen and the idiosyncrasies of a Minister for Planning.

It is our client's submission that what's needed for this key Urban Renewal Area is a balance between certainty of the end outcome over the long term and sufficient flexibility to enable the short and medium term to be appropriately catered for.

At the macro level, the vision for Fisherman's bend now set out in the Framework - and the outcomes it seeks to deliver to the community - are entirely laudable, if not somewhat overly ambitious. The Framework and draft planning controls define the minutia of how the area will develop; its resident and employment populations, open space requirements, infrastructure requirements and even site yields. What is apparent from this, is the Framework and controls would impose a strict, rigorous and largely mandated use and development planning framework. Whilst this approach has borne fruit in many greenfield locations, it is a challenging proposition to implement successfully on the doorstep of the Melbourne CBD with land in (long standing) private ownership and largely bereft of key infrastructure.

We therefore question whether this strict, rigorous and mandated Framework is, in principle, the appropriate strategic planning approach for such a large, complex and privately owned urban renewal area, that is transitioning from a low scale low intensity industrial past to a high density mixed use urban renewal area, particularly in the context of the performance based framework of the Victoria Planning Provisions, being the basis for the Victorian planning scheme system.

We submit that there is a strong case here for an approach that places greater discretion in the hands of decision makers, in keeping with the principles that clearly underpin the Victoria Planning Provisions and Victorian planning system, more generally.

2.2 Submitter site-specific Issues

2.2.1 Williamstown Road Mandatory Building Heights

It is acknowledged that the area's Williamstown Road interface is one with established, low scale residential areas of Port Melbourne. This necessitates a transition down in the height of development along the northern side of Williamstown Road, from the significantly taller buildings within the Fisherman's Bend area.

In spite of this clear need for a transition down in height, we cannot comprehend the urban design or strategic planning rationale for a mandatory maximum building height of four (4) storeys for such a massive extent of inner city land that is largely consolidated in private ownership and located within the largest metropolitan urban renewal area in Australia. This is particularly so where Williamstown Road is so wide and enhances a physical step down in height.

To put this in some context, the land opposite - which is not in the urban renewal area and is located in a General Residential Zone - is subject to a mandatory three (3) storeys height control. Four (4) storey maximum building heights are routinely found fronting wide roads in Melbourne's suburbs, including Box Hill, Vermont, Burwood, etc. – lesser strategic locations for accommodating Melbourne's growth.

It is submitted that there is no strategic basis for the imposition of mandatory maximum building heights for the land fronting Williamstown Road in the Wirraway and Sandridge precincts. A four (4) storey discretionary maximum building height would be a more strategically sound outcome for building heights at this interface.

2.2.2 Car Parking Dwellings

The Framework has particularly lofty aspirations for a mode shift in transport movements in the future Fisherman's Bend. These aspirations could be characterised as somewhat unrealistic in the complete absence of any meaningful commitments by Government to the actual delivery of transport infrastructure in the area.

For the Wirraway precinct, public transport is largely non-existent today. The Framework anticipates new infrastructure (tram and underground fixed rail) but no actual budgeted commitment to nor timeframe for delivery of this critical infrastructure.

Compounding this is the draft controls imposing a mandatory maximum car parking requirement of 0.5 for new dwellings. For sites at the western end of the Wirraway Precinct, in non-core areas, we submit this requirement will stymie the delivery of new dwellings, in particular, larger family friendly dwellings. We note that diversity housing, including occupant mix, is a clear objective of the Framework.

There appears to be some confined discretion for decision makers to consider applications to exceed the maximum parking rate inherent in the proposed Parking Overlay schedule, albeit quite confined and limited to the provision of other sustainable transport infrastructure (bicycles, car share and motorbikes).

It is submitted that the proposed Parking Overlay's requirements are too narrowly drawn, do not reflect the existing conditions, are entirely dependent on the delivery of public transport infrastructure (for which there is no committed money nor timeframe) and do not provide any ability to consider the current complete inadequacy of alternative transport in the area.

The Parking Overlay needs to provide greater scope for higher parking rates that cater for the short and medium term. Further, we believe the planning scheme's parking requirements should contemplate a rate for provision for dwellings that varies according to the size of the dwellings, with an acknowledgement that higher rates of provision for larger family friendly dwellings may be appropriate (e.g. 1.5 spaces per 3 or more bedroom dwelling). This should be directly catered for in the ambit of discretion afforded to decision makers in the new schedule to the Parking Overlay.

2.2.3 Public Open Space

Many sites, including the submitter's land, have been identified as proposed Public Open Space (POS). Like the critique of the delivery of infrastructure in the area, the process for requiring open space on private land – and attendant compensation – is entirely unclear.

Two of our client's street frontages are identified as proposed open space. There is no clear delineation of how large these areas are, how/when they will be acquired/delivered, or whether our client will be compensated.

It has been suggested that the provision of open space can be off-set through the FAU framework in the draft controls. In the submitter's case, this potential is limited by the mandatory height controls which limit the FAU potential – noting that these proposed public open spaces do not appear to be included as 'additional open space' for the purposes of the FAU.

It is submitted that owners must be fairly and fully compensated for proposed public open space required by the Framework.

2.2.4 Decision Making

The Minister for Planning is presently the Responsible Authority for considering and determining most permit applications in the Fisherman's Bend area – except for certain applications which are considered and determined by the relevant Municipal Council.

The proposed amendment documentation does not appear to propose to alter these arrangements.

In practice, the experience of seeking planning approval in Fisherman's Bend under the current arrangements is that the role of Responsible Authority is in practice shared between the Minister and Council. Applications are referred to the Council and do not substantially progress until the council has provided a response. The Councils have generally been tediously slow in responding, resulting in significant delays (and associated escalating costs) in the development process.

It is our client's submission that once the Framework and the planning controls are finalised and implemented, the Minister for Planning should remain the Responsible Authority and thereafter, the Councils should no longer be referred applications. This would acknowledge the extensive consultation and strategic work undertaken as part of the Framework's development – which Council has been intimately involved in - and reflect a reasonable trade-off for the new 'certainty' delivered through the process.

The time and cost saving benefits of this procedural reform have the potential to expedite the approval process and more importantly, expedite the timely delivery of the Framework's vision for the area.

3.0 CONCLUSION

We trust the above clearly sets our client's objections to the Framework and the draft planning controls. We look forward to the opportunity to expand on these submissions before a Panel appointed by the Minister for Planning.

Should you have any questions regarding the above, we would be pleased to amplify further on the foregoing.

Yours sincerely



Hugh Smyth
Director
hsmyth@sjbplanning.com.au

cc: Kanahoe Nominees Pty Ltd