PORT PHILLIP PLANNING SCHEME AMENDMENT GC81

SUBMISSION OF BEHALF OF TELLER GROUP

11 MUNRO STREET AND 282, 286 & 290 NORMANBY ROAD, PORT MELBOURNE (ISLAND SITE)
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1. **INTRODUCTION**

1. This submission is made on behalf of Teller Group Pty Ltd, the owner of the site at No.11 Munro Street and No.282, 286 & 290 Normanby Road, Port Melbourne (the “subject site” or “site”).

2. This site is a large island site of 5200 square metres and is located on the edge of the Sandridge Precinct in the Fishermans Bend Urban Renewal Area (“Fishermans Bend”). It is an island site.

3. The subject site is located within the Capital City Zone Schedule 1 (“CCZ1”), Design and Development Overlay Schedule 30 (“DDO30”), Development Contributions Plan Overlay Schedule 2 (“DCPO2”), and Parking Overlay Schedule 1 (“PO1”) pursuant to Clauses 37.04, 43.02, 45.06 and 45.09 of the Port Phillip Planning Scheme respectively (the “Planning Scheme”).

4. Planning Scheme Amendment GC81 (“Amendment GC81” or the “Amendment”) seeks to implement the draft Fishermans Bend Framework Plan (the “Framework Plan”) which will guide the growth and development of the Fishermans Bend Area to 2050. Importantly, the Amendment seeks to introduce a mandatory 4 storey height limit to the site.

5. Our client broadly supports the concept of the Framework Plan and Amendment GC81 however, our client is seeking changes to the Framework Plan so that:
   - The proposed mandatory building height for the site is changed to “discretionary”.
   - The proposed Floor Area Ratio (“FAR”) be increased to better reflect the site’s context and a discretionary building height.
   - The proposed discretionary maximum dwelling density be reconsidered in light of a discretionary building height.

6. This submission will:
   - Introduce the site and its physical context.
   - Consider the implications of the proposed mandatory height control and FAR on the subject site.
   - Consider the suitability of the site, in a planning sense, to accommodate a greater building height.

7. In summary, the attributes of the site (including it being an island site well separated from residential uses) are supportive of a greater building height than 4 storeys. Amending the mandatory height controls to discretionary, and increasing the mandatory FAR, will allow for the future development of the site to reach its full potential, positively contribute to the Sandridge Precinct and provide greater incentives to provide affordable housing in the future.
2. **SUBJECT SITE AND SURROUNDS**

2.1. **THE SITE**

8. The subject site is a large island site of 5200 square metres and is bound by Munro Street to the north, Boundary Street to the east, Normanby Road to the south and Ingles Street to the west.

9. The site comprises 4 separate land parcels as follows:
   - 11 Munro Street
   - 282 Normanby Road
   - 286 Normanby Road
   - 290 Normanby Road

Figure 1 – Urban Renewal Precinct Areas

![Urban Renewal Precinct Areas](image)

10. The site is located at the edge of the Sandridge Precinct within Fishermans Bend and currently comprises single and double storey warehouse buildings. At grade car parking is provided at the northern corner of the site and vehicular access is provided via Munro and Boundary Streets.
Picture 1 – Subject site viewed from Normanby Road

Picture 2 – Subject Site viewed from Munro Street
2.2. INTERFACES

11. The site’s interfaces can be described as follows.

- To the north is Munro Street which is approximately 15 metres wide and provides for a single lane of traffic in each direction and on street car parking. North-west of Munro Street is a large site (No.220 Ingles Street) that has recently been developed with 287 townhouses ranging between three and 4 storeys. This site is designated between 15.4m – 29.4 metres in the proposed Framework Plan.

- To the east is Boundary Street which is approximately 27 metres wide and provides for a single lane of traffic in each direction and on street car parking. Further east on Boundary Street is a triangular site comprising Beaurepaires Tyres (No. 56 Boundary Street). This property is designated as 61.4 metres in the proposed Framework Plan.

- To the south is Normanby Road which is approximately 25 metres wide and provides for two lanes of traffic in each direction and on street car parking. Further south-east on Normanby Road land is located within the Industrial 1 Zone (“INZ1”) and comprises several office buildings between 2 and 3 storeys (No.275 Normanby Road). This land is located outside of the Framework Plan boundary and is unrestricted in terms of building height.

- Beyond this, is the light rail corridor which is flanked by two generous areas of open space, beyond which land is located within the Neighbourhood Residential Zone (“NRZ”).

- To the west is Ingles Street which is approximately 30 metres wide and comprises two lanes of traffic in each direction and on street car parking. Over Ingles Street is Northport Oval.

- To the south-west and south land is located in the Mixed Use Zone (“MUZ”) and NRZ (approximately 40 metres away from the site) respectively.

Figure 2 – Proposed Building Heights (extract from Framework Plan)

12. Photos of the surrounding area are provided at Appendix A.
2.3. **SURROUNDING CONTEXT**

13. The subject site has good access to a range services and facilities including:
   - Northport Oval (40 metres away)
   - DFO South Wharf (600 metres away)
   - South Melbourne Market (1 kilometre away)
   - Melbourne’s Centra Business District (1.4 kilometres away)

14. The site also has good access to a range of transport services including:
   - The Westgate Freeway (400 metres away).
   - No.109 Tram Line which travels between Box Hill and Port Melbourne (120 metres away).
   - No.235 Bus Route travelling along Normanby Road (10 metres away)
   - Two local activity centres within proximity to the site (each approximately 270 metres away) and a
     neighbourhood activity centre approximately 1.2 kilometres north of the site.

Figure 3 – Context Map
3. PROPOSAL

15. Amendment GC81 proposes to implement the Draft Fishermans Bend Framework Plan into the Planning Scheme by (amongst other things):

- Replacing Clause 22.15 with a new Clause 22.15.
- Replacing Schedule 1 to Clause 37.04 with a new Schedule 1.
- Replacing Schedule 30 to Clause 43.02 with a new Schedule 30.
- Replacing Schedule 1 to Clause 45.09 with a new Schedule 1.

16. Importantly, the proposed Framework Plan and planning controls seek to introduce the following to the subject site:

- Mandatory maximum building height of 15.4 metres (4 storeys).
- Mandatory Floor Area Ratio of 3.3:1.
- Discretionary Maximum dwelling density of 154 dwellings per hectare.
- Provision of public open space along the site’s eastern boundary.
- Mandatory overshadowing controls for existing residentially zoned land south of Normanby/Williamstown Road.
4. SUBMISSIONS

4.1. IMPLICATIONS OF PROPOSED MANDATORY HEIGHT CONTROL

17. The proposed mandatory height control of 4 storeys, combined with the mandatory Floor Area Ratio ("FAR") of 3.3:1 and discretionary maximum dwelling density of 154 dwellings per hectare, will unreasonably limit the development potential of the site.

18. The proposed height limit does not provide an appropriate transition between proposed building heights to the north-east of 15.4 metres to 29.4 metres (notwithstanding that this site has recently been constructed) and the proposed building heights to the east of 61.4 metres.

19. Land south-east of the site is located outside of the Fishermans Bend area, is unrestricted in terms of height and is likely to be developed for higher density in the future given its context (i.e. lack of sensitive abutters and isolated nature).

20. I understand that the intent of the mandatory height controls is to provide an appropriate transition to existing residential land south of Williamstown and Normanby Road.

21. However, for the reasons discussed below, the site’s specific context means that it can readily accommodate a greater building height without impacting on the amenity of these residences.

22. The proposed mandatory FAR and discretionary maximum dwelling densities should be amended accordingly to reflect a discretionary building height on the site.

4.2. SUITABILITY OF THE SITE TO ACCOMMODATE A GREATER BUILDING HEIGHT IN THE FUTURE

4.2.1. Site Context

23. The site is a large, island site within the Sandridge Precinct and is located along Normanby Road which acts as a key gateway leading into the southern portion of this precinct. This context has the following implications:

- The site is well separated from adjoining properties as the surrounding road widths are quite large and range between 15 and 27 metres. The potential for adverse amenity impacts to arise is limited in this regard, particularly for a residential or commercial use.
- The future development of the site will be key in setting the tone for the precinct as it is located along a key gateway into the precinct.

24. The site also abuts an industrial block of land to the south-east beyond which is a tram corridor surrounded by open space reserves. This provides a significant buffer to other nearby dwellings.

25. The anticipated building heights in the immediate area are varied and range between 15.4 metres to 61.4 metres storeys. Further, the industrial block of land to the south in unrestricted in terms of building height.

26. This context differs from other sites on the edge of the Fishermans Bend area, which have direct abutters with residential properties. The site has less sensitive interfaces in this regard and does not warrant such a low-scale transition to the surrounding area outside of Fishermans Bend to the south.

27. The future development of the site should instead provide a better transition to its immediate area as it is this context that is more relevant to the urban design outcome in this instance.

28. Providing for discretion on the site will allow a more appropriate transition between the surrounding building heights to be achieved.

4.2.2. Potential for Off-Site Amenity Impacts

29. Figure 4 below demonstrates the site’s distance from nearby dwellings.
30. As demonstrated, the closest residential property is located approximately 40 metres south of the site, over the Ingles Street and Normanby Road intersection. Given this context, development of the subject site with more than 4 storeys will not result in any unreasonable amenity impacts to this property. Specifically:

- The vast road intersection provides sufficient separation between the sites to ensure that any development on the site will not dominate or overwhelm the dwellings in this vicinity;
- The separation distance between the sites and their orientation will ensure that a greater building height on the site can be designed so it does not result in unreasonable overshadowing impacts to these dwellings. Specifically, any height above 4 storeys could be positioned at the north-east corner of the site and in this location, is unlikely to result in any adverse overshadowing.

31. Residential properties to the south-west are located approximately 200 metres away from the subject site, which is a significant separation distance. Views to the site from these properties is significantly restricted as a result, with the presence of the tram corridor and industrial block of land providing an additional further buffer between these areas. Moreover, development of the site will not result in additional overshadowing to these properties.

32. I note that proposed Map 3 of DDO30 relates to overshadowing and incorrectly shows the industrial block of land as “existing residential zoned land”. This error should be corrected (refer Figure 5 below)
33. The industrial block of land to the south-west is not affected by height controls and its future redevelopment will need to respond to its context. This site is also an island site next to an area designated at 61.4 metres storeys by the Framework Plan, and it is likely that this site will be developed with significantly more than 4 storeys in the future.

34. With respect to Northpoint Oval, this area of open space is located to the west of the site. The development of the site is unlikely to result in any additional overshadowing impacts to this area from 11am to 2pm between 21 June and 22 September under DDO30.

35. By allowing discretion in the building height, the future development of the subject site will more appropriately respond to its broader context whilst ensuring that no unreasonable amenity impacts occur to nearby dwellings or Northpoint Oval.

4.2.3. Development Potential

36. The mandatory height limit proposed, in conjunction with the mandatory proposed FAR of 3.3:1 and discretionary maximum dwelling density, will significantly restrict the development potential of the site which is strategically important given its size, gateway location along Normanby Road and lack of sensitive abuttals.

37. The proposed building height and FAR is at odds with this context and the size of the site, which can readily accommodate a building height greater than 4 storeys.

38. Further, the maximum dwelling density proposed needs to be considered on the basis of the site’s size and its proximity to the light rail and public transport services more generally. I am concerned that whilst the proposed dwelling density is a discretionary local policy, it will be treated as a mandatory benchmark.

39. As discussed above, allowing for discretion in the proposed building height and a greater FAR and maximum dwelling density will not prejudice the future design outcome of the site. This will be assessed against a detailed urban context analysis, design principles and overshadowing considerations that will inevitably determine an appropriate building height and ensure that a positive development outcome is achieved that fits in with the existing and emerging building form context.
40. Amending the proposed height controls to discretionary will also provide greater potential to achieve architectural excellence in an area designated for growth by the State Government. Further, this will allow for greater dwelling diversity to be achieved as well as provide greater incentives for affordable housing and/or public benefits to be provided within the future development of the site.

41. The Statement of Expert Urban Design Evidence prepared by Simon McPherson, on behalf of the City of Port Phillip supports the notion of discretionary height controls along Williamstown/Normanby Road (southern interface of Sandridge and Wirraway precincts). His recommendation is as follows:

- The 4-storey mandatory interface to Williamstown Road appears to be approximately 50m deep. As in Montague, I am comfortable with limiting the frontage to this 4-storey scale, in response to the low-scale residential context to the south. However, given the width (30m approximately) and traffic load of Williamstown Road, and the existing interface to industrial buildings, I would recommend that this control should be discretionary, with a mandatory frontage height of 4 storeys and mandatory upper level setback of 10m. This interface needs to balance a sensitive transition/interface, with clear demarcation of a different urban condition north of Williamston Road.

42. This recommendation has been echoed in the expert urban design evidence of Mark Sheppard who recommends the mandatory 4 storey height control be replaced “with a discretionary maximum 4-storey street wall height and a discretionary minimum 10 metre setback above”.

43. We support this recommendation.

44. Planning Practice Note 59 (“PPN59”) relates to the “role of mandatory provisions in planning schemes” and notes that Planning Schemes are predominantly performance based which is “able to accommodate variation, innovation, unforeseen uses and development or circumstances peculiar to a particular application to produce results beneficial to the community.”

45. According to PPN59, mandatory provisions are the exception and provide certainty for circumstances where there is “high heritage value, strong and consistent character themes, or sensitive environmental locations such as along the coast”. It further states that “mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.”

46. The subject site does not exhibit any of the characteristics that would warrant mandatory planning controls and for the reasons outlined above, discretionary provisions are sufficient to achieve the desired outcome for the area.

47. The debate regarding the implementation of mandatory vs. discretionary building height controls has been discussed at length with recent Panel findings, such as those in Moreland C160, noting the following:

   Whilst the Panel recognises that Council’s intent behind proposing mandatory controls is to provide certainty for all parties, this is not sufficient justification and the Panel considers there is a need for a more detailed, robust and strategic analysis to justify them...

   Whilst there is the scope to introduce mandatory provisions, the planning system generally adopts a performance-based approach whereby heights and setbacks are discretionary and performance based; and any mandatory controls need to strategically justified.

48. This has been further reiterated in several other recent Panel matters.
5. CONCLUSION

49. Our client broadly supports the concept of the Framework Plan and Amendment GC81 however, our client is seeking changes to the Framework Plan so that the proposed mandatory building height for the site is changed to “discretionary”. Moreover, our client is seeking for proposed FAR and maximum dwelling density to be increased to better reflect the site’s context and a discretionary building height.

50. The Panel is respectfully requested to make recommendations consistent with these submissions.
APPENDIX A

PHOTOGRAPHS OF SURROUNDING AREA