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**Request to be heard?:** Yes

**Precinct:** Sandridge

**Full Name:** Leigh Wilson

**Organisation:** CitiPower Pty Ltd

**Affected property:** 90-96 Johnson St South Melbourne, Victoria

**Attachment 1:** CitiPower\_Submis

**Attachment 2:**

**Attachment 3:**

**Comments:** Please see attached



15 December 2017

The Hon. Richard Wynn MP  
Minister for Planning  
Level 16, 8 Nicholson Street  
East Melbourne Vic 3002

Dear Minister ,

DRAFT FISHERMANS BEND FRAMEWORK AND DRAFT PLANNING SCHEME AMENDMENT GC81

CITIPower - NO. 90-96 JOHNSON STREET. SOUTH MELBOURNE

## 1. INTRODUCTION

Citipower is the owner of the land at No. 90-96 Johnson Street, South Melbourne ("the site"). We are pleased to provide this submission to Amendment GC81 which seeks to implement the Draft Fishermans Bend Framework Plan.

On 2 July 2012 the then Minister for Planning, Matthew Guy, announced the rezoning of the Fishermans Bend area from an industrial precinct to a 'Capital City Zone' and declared it a project of State Significance.

In 2015, the Victorian Government announced details of recasting the planning of Fishermans Bend, with a review of planning controls to ensure a sustainable community that supports jobs and economic growth. As a result, interim height controls and setbacks were applied to land in Fishermans Bend. These interim controls have significantly impacted the development potential of our site (and others) and therefore the urban renewal vision for Fishermans Bend.

The Draft Fishermans Bend Framework proposed to be implemented via Amendment GC81 further undermines the development opportunities of our site and the vision for Fishermans Bend.

In our view, the introduction of planning policy in Fishermans Bend has been poorly managed, creating uncertainty for the community and developers. In our view there are a number of issues with the proposed planning controls to be implemented by this Amendment, including the following:

In relation to the draft controls, we submit the following:

- The Fishermans Bend Framework identifies that Fishermans Bend will accommodate 80,000 residents and 80,000 jobs by 2050. As we understand, these population and employment projections have formed the basis for the planning controls for Fishermans Bend. It is our view that these forecasts are grossly inadequate and effectively 'cap' the growth potential of Fishermans Bend.
- The proposed floor area ratios and dwelling densities result in a gross underdevelopment of our site and severely limits the financial viability of development of the site. The proposed floor area ratios across the entire precinct will make many sites unviable and therefore undermine the urban renewal vision for Fishermans Bend.

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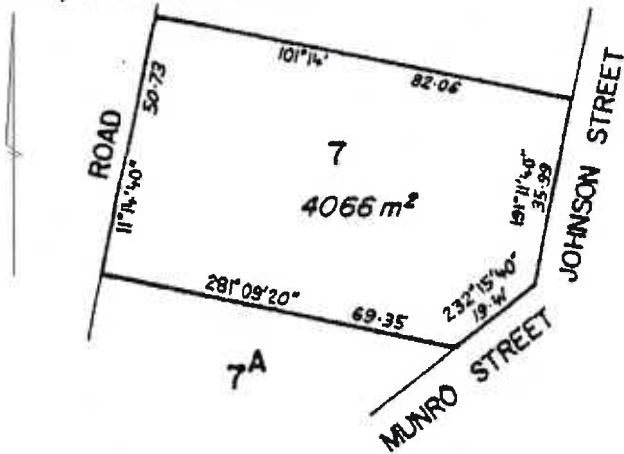
- The drafting of the planning controls is poor and creates confusion with respect to discretionary and mandatory requirements. The controls must be simplified to provide greater clarity for all stakeholders.
- The use of mandatory controls is not supported as it unreasonably limits the development potential of our site and Fishermans Bend.
- The cap on car parking provision is unreasonable until such time that public transport infrastructure for Fishermans Bend is realised.
- It is unclear how 6% affordable housing is to be delivered.
- There is a question of procedural fairness having regard to the lack of notification that we have received and the timing associated with the exhibition process and subsequent Advisory Committee Hearing dates.

We discuss this further below.

## 2. SUBJECT SITE

The site is located within the Sandridge Precinct as identified within the Draft Fishermans Bend Framework.

The site has an area of 4,066m<sup>2</sup> and has frontage to Johnson Street, Munro Street and Grosvenor Road. The site is currently used as an electrical sub-station. An extract from the Certificate of Title and aerial photo is shown below.





Subject Site

### 3. EXISTING CONTROLS

The site is included within Schedule 1 to the Capital City Zone and is also subject to Schedule 30 to the Design and Development Overlay.

These interim controls specify a mandatory maximum building height of 18 stories and also specify mandatory street wall heights and setbacks.

### 4. PROPOSED AMENDMENT

Proposed Amendment GC81 makes a number of alterations to the Port Phillip and Melbourne Planning Schemes. Specifically, the Amendment impacts our site in a number of ways, including the following

- Inclusion of the site within the Sandridge Precinct (non core area)
- Policy to provide a maximum of 154 dwellings per hectare in the Sandridge non core area (proposed Clause 22.15)
- Policy to support the provision of 6% affordable housing through a range of housing models, typologies and occupancies across Fishermans Bend (proposed Clause 22.15);
- Policy, within the Sandridge Precinct, seeks to encourage proposals of more than 300 dwellings to provide 20% of all dwellings with three bedrooms (proposed Clause 22.15)
- Identifying the Sandridge Precinct as an opportunity “for high intensity commercial uses” (proposed Clause 21.01-2)
- A revised vision and preferred character for the Sandridge Precinct (proposed Clause 21.06-8);

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- A permit must not be granted to exceed a floor area ratio of 3.3:1, unless there is a public benefit, as calculated and specified in a manner agreed to and approved by the responsible authority (proposed Schedule 1 to the Capital City Zone)
- Building height should not exceed 24 storeys (proposed Schedule 30 to the Design and Development Overlay)
- Mandatory street wall heights and setbacks, dependent on road frontages, buildings heights (proposed Schedule 30 to the Design and Development Overlay)
- Mandatory car parking rates (proposed Schedule 1 to the Parking Overlay).

## 5. KEY ISSUES

### 5.1. POPULATION ESTIMATES

As noted in the introduction to this submission, Fishermans Bend is identified as a major urban renewal project for Melbourne. Melbourne is currently growing at approximately 100,000 residents per year and given the area of Fishermans Bend, the population forecasts are grossly inadequate to realise the vision for Fishermans Bend.

It is understood that the proposed planning controls have been drafted in response to a population of 80,000 and 80,000 jobs by 2050. Plan Melbourne and State Planning Policy identify the importance of urban renewal precincts in supporting population and employment growth and as a result to develop controls that effectively 'cap' the grow of Fishermans Bend is inconsistent with the broader strategic vision for Melbourne.

### 5.2. FLOOR AREA RATIO AND DWELLING DENSITY

We have significant concern that the proposed floor area ratio and dwelling density proposed for our site will unreasonably impact the development potential of our site. With a site area of 4,066m<sup>2</sup>, the floor area ratio limits the amount of floor space to 13,417m<sup>2</sup>. This is a gross underdevelopment of the site and severely limits the financial viability of development of the site. The proposed floor area ratios across the entire precinct will make many sites unviable and therefore undermine the urban renewal vision for Fishermans Bend.

Whilst there is an opportunity to vary the floor area through 'public benefit', the Fishermans Bend Framework Plan and the Schedule to the Capital City Zone do not clearly articulate what is 'public benefit' and how the responsible authority determines whether a proposed use is a 'public benefit'.

### 5.3. STREET WALL HEIGHTS AND SETBACKS

The drafting of the planning controls is unreasonably complex and there are inconsistencies with respect to the use of mandatory and discretionary built form outcomes. The proposed controls need to be simplified to provide clarity to developers, the community and decision makers. It is unclear how the proposed mandatory setbacks have been devised and it is our view that these should be discretionary to allow for development to better respond to site context.

The use mandatory controls in our view will stifle the development opportunities that should be afforded to Fishermans Bend.

### 5.4. CAR PARKING PROVISION

Whilst we support sustainable transport, it is unreasonable at this time to restrict car parking provision as part of any development until such time that delivery of public transport infrastructure is realised. Furthermore, limitation of car parking undermines the objective to provide family housing within the precinct.

### 5.5. AFFORDABLE HOUSING

The proposed policy at Clause 22.15 seeks to encourage the provision of 6% affordable housing. There is no clarity with respect to where 6% was derived from, the definition of affordable housing or how it is to be provided. This creates uncertainty for all stakeholders and will likely result in onerous and unreasonable planning permit conditions.



#### 5.6. CONSULTATION AND TIMING

The planning of Fishermans Bend has been poorly executed since the rezoning of the land in 2012. The land was rezoned without a Strategic Framework Plan and interim controls have been applied to Fishermans Bend without consultation.

Whilst we appreciate the opportunity to provide a submission to this proposed Amendment, we are concerned that we were not formally notified of the proposed planning scheme and as a result we question whether all landowners are aware of the proposed Amendment.

Furthermore, we question the timing of consultation, Directions Hearing (20 December) and proposed Advisory Committee Hearing dates (12 February 2018). This condensed timeframe for the Amendment raised the question of procedural fairness and the ability for us and other landowners to adequately prepare for the Advisory Committee Hearing.

#### 6. CONCLUSION

For the reasons outlined in this submission, we oppose Amendment GC81 as drafted and we intend to make further submission at the Advisory Committee Hearing.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Leigh Wilson", written over a faint blue line.

Leigh Wilson

Commercial Real Estate Manager

CitiPower Pty Ltd

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