

**PLANNING PANELS VICTORIA
IN MELBOURNE**

IN THE MATTER OF PROPOSED AMENDMENT CG81

**ADVISORY COMMITTEE REVIEW PANEL APPOINTED BY THE MINISTER FOR
PLANNING UNDER S 151 OF THE PLANNING & ENVIRONMENT ACT 1987**

FISHERMANS BEND URBAN RENEWAL AREA

BETWEEN:

MINISTER FOR PLANNING

Minister

MELBOURNE CITY COUNCIL

MCC

PORT PHILLIP CITY COUNCIL

PPCC

OTHERS

Other Submitters

URBAN DESIGN SUBMISSIONS ON BEHALF OF MCC

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INTRODUCTION

1. The topic of urban design covers a wide range of issues, affecting both the public and private realm. We started our submissions by noting that the ingredients for sustainable communities are well known and include:
 - a) high density;
 - b) mixed use;
 - c) walkable streets;
 - d) a diversity of accommodation types;
 - e) high quality open space; and
 - f) community infrastructure.
2. The CoM considers that the urban structure proposed for Lorimer is generally sound. However, it has concerns about a number of aspects of the proposed built form controls.

URBAN STRUCTURE

3. The CoM supports the vision for Lorimer, including the following aspects:

Lorimer, together with the Yarra's Edge Precinct in Docklands, is a keystone central to Melbourne's identity as a river city.

River crossings for walking, cycling and public transport continue the legacy of connecting Melbourne

...

A green spine extends from the river, through the centre of Lorimer, and beyond to the Employment Precinct. ... It links a series of public spaces with different roles and characters,

...

Lorimer Place is the heart of the precinct, characterized by lower scale development incorporating cafés, retail, small businesses and local start-ups.

The high frequency east-west light rail link makes it easy to access the CBD and the Employment Precinct.

Sandridge can be reached by a short walk or bike ride along Ingles Street, which is now an active and landscaped boulevard with public transport access.

...

Smaller streets and laneways link to Lorimer Street, inviting people to explore the precinct or wander down to the river edge.

Taller buildings are located closer to the freeway. They are designed to provide a buffer to the freeway and form an attractive backdrop to the precinct.

...

Lorimer enjoys a real sense of community. People of all backgrounds and ages find Lorimer a welcoming and convenient place to live and work.

4. The CoM supports strategy 1.12.2 of the draft Framework:

Establish built form provisions that facilitate the following housing types for each precinct that align with the vision as follows:

- Lorimer – a mix of mid-rise to high rise housing, including courtyard apartments and perimeter block developments as well as towers.

5. In terms of urban structure, the CoM supports the following aspects of the draft Framework:

- a) the use of the existing 30m wide road reservation and an additional 10m setback in private land to create the Turner St linear spine, providing an important open space, recreational link and a tram route, adding significant amenity to the precinct;
- b) the two new tram corridors both connecting to Collins Street in the CBD via a new bridge across the Yarra;
- c) the location of the main tram corridor through the centre of Lorimer, meaning that all residents and workers will be within 200m of the tram network;
- d) the connection by tram to the (future) Sandridge metropolitan activity centre;
- e) the location of the strategic cycling corridor and proposed off road cycling corridor (Fig 7 of the draft Framework), which will provide direct connection to:
 - i) the employment precinct to the west;
 - ii) to the Docklands via a new bridge adjacent to the Bolte bridge;
 - iii) to the CBD to the north east via the tram bridge; and

- iv) to south via new and upgraded bridges in three locations to traverse the West Gate Freeway;
 - f) the location of Lorimer Central, centrally within the precinct, adjacent to the tram corridor, away from the Lorimer St truck route and adjacent to lower scale buildings;
 - g) other open space located at intervals along the linear spine as modified generally in accordance with Ms Thompson's recommendations; and
 - h) the location and width of the retained and proposed new roads, streets and laneways, and the resultant finer grain structure.
6. The CoM agrees with the CoPP that two important factors are missing from the overall urban structure:
- a) the identification of special sites (how so ever described), whether public or private (eg prominent or landmark sites, civic buildings, sites for the location of community facilities); and
 - b) identification of the core retail area.

RETAIL

7. Retail activity is a crucial ingredient to creating vibrant and viable precincts and one that needs to be planned early as part of the overall mix of land uses within the defined urban structure. The delivery of anchor land uses and the creation of concentrated levels of retail in specific areas (either in high streets or retail centres) help create urban legibility and a distinct sense of place within the precincts.
8. CoM agree with CoPP submission that the key issues relating to retail are;
- a) Amendment GC81 does not protect opportunities for anchor land uses such as supermarkets, large retail developments, hospitals and universities
 - b) There is limited guidance for retail development including the key location for it and how it ought to be designed; and
 - c) The extent of primary retail frontages as set out in the map forming part of the DDO is so extensive that it may dilute core detail uses over too large an area and lead to a lack of vibrancy in key locations.
9. The Essential Economics report, commissioned by the Fishermans Bend Taskforce to investigate the future demand for retail floorspace across Fishermans Bend, has not been tabled as part of the panel process to date. The report identifies the need

- for a neighbourhood activity centre within Lorimer in the region of 15,000sqm of retail floorspace, based upon the target 12,000 residents and 6,000 workers.
10. It is the CoM's understanding that, although this report did not inform the Framework, it will be used to inform the development of a refined urban structure through the precinct structure planning process in order to create a vibrant retail core of a neighbourhood activity centre scale to deliver a range of retail and commercial services to meet the needs of future residents and workers.
 11. CoM contends that an important part of this work is to assess how the proposed retail floorspace translates spatially into locations for anchor uses and a quantum of primary and secondary frontages in Lorimer. It will also be important to understand how the network and hierarchy of retail centres will function across the FBURA.
 12. Changes to the MSS, to the extent of primary and secondary frontages and to the planning controls may need to be considered through a further amendment process once this work has been completed.

THE FAR, POPULATION TARGETS AND THE DDO

13. The endorsed CoM submission states that:
 - a) the planning controls are complex and should be simplified;
 - b) a more detailed review of the specific requirements set out within the Planning Controls is currently underway; and
 - c) Council is supportive of establishing an independent design review panel for Fishermans Bend to ensure that design quality is delivered and maintained across all precincts.
14. Even if developed to the target population of 12,000 residents and 6,000 workers, there can be no question that Lorimer will be a high density part of the City.
15. Even on the most conservative analysis (using a gross site area of 25 ha), Lorimer would see residential densities of approx. 480 people per ha with the target population, excluding an FAU population.

16. A FAR of 4:1 (**not** the proposed 5.4:1) would accommodate the target resident and worker population of Lorimer at a 100% build out.¹ According to the Urban Design Strategy all high-density housing typologies can deliver densities of at least 4:1.²
17. The CoM agrees with the Minister that it is prudent to plan to a target population. However, this should be done on a total precinct build out and not to an arbitrary point in time. Mr Sheppard states that:
- “It would not be prudent to assume that Melbourne will stop growing at 2051, and cease to require any more housing or jobs. Therefore, it is unclear why the rate of development should inform the proposed densities.”³
18. The CoM agrees and argues that the public open space, transport and community infrastructure should be planned on the basis of a total built out, but staged depending upon the timing of uptake.
19. Some submitters to the amendment argue that the urban design outcome should drive the population, not the other way around. In other words, they argue that urban consolidation policies should maximize densities so far as is possible, with the “control” or “caveat” being a good urban design outcome.
20. CoM agrees with the submitters that the target population should not be set too low (to optimise the development of land in this important urban renewal area). Nor should it be set so high as to undermine a good urban design outcome. In an ideal world, the desired built form outcome would drive the population target. However, that has not occurred in this case. Rather, over a period of 5 years, the target population has been established and the strategic work has been based upon that target. The question now is whether or not the built form outcomes resulting from that target produce acceptable outcomes and if not, what changes ought to be made.
21. One of the key urban design outcomes for Lorimer, considered of utmost importance to the CoM in creating a sustainable and diverse community, is the need to deliver a range of building typologies. Not only does the delivery of a range of building typologies deliver choice to the community, but it provides visual interest and avoids the compounding adverse effects of the tower podium typology. Mr de Keijzer will expand on this further in his evidence.

¹ 5.4 x 0.75 = 4

² at pages 68-69. See also para 175 of Mr Sheppard’s evidence.

³ At [230]

22. The CoM agrees with the CoPP's submissions regarding the importance of maintaining a distinction between the built form of the central city with that of developments in the surrounding areas (cl 21.06-1 of the Melbourne Planning scheme).
 23. The modelling in the UDS based upon approx. 16,000 people, Ms Hodyl's additional modelling with a FAU population in Addendum 2 and Ms Pearson's modelling have all produced results which are of concern to CoM officers.
 24. Even in those parts of Lorimer where the MSS expects mid-rise perimeter block developments to be delivered (L1 and L3), the modelling is demonstrating a predominant podium tower form, arising as a result of the combination of the FAR, street wall heights and setbacks above the street wall.
 25. The CoM accepts in general terms the outcome modelled for sub-precinct L4, namely that it will deliver a predominant podium tower typology.⁴ As a sub-precinct which faces the freeway, it is already compromised in terms of amenity. However, stronger built form requirements are necessary to ensure that the precinct does not repeat the mistakes of Southbank.
 26. Professor Eade asked the CoM for its position on whether the FAR should be reduced as a result of its submission that the planning for Lorimer should be based upon a 100% build out.
 27. If resources permit, the CoM will prepare modelling to demonstrate preferred built form outcomes resulting from a reduced FAR to be provided in the Lorimer hearings.
 28. CoM supports the proposal by the Minister for Planning in his Part B submission to introduce a soft cap on density similar to that recommended by the Panel considering Hobsons Bay City Council Amendment C88.
 29. The CoM suggests, however, that a soft cap on its own is not appropriate. As the Panel notes in the Amendment C88 report:
 - It seems disproportionate that the 3,000th dwelling requires no further assessment, yet one more triggers the need for further strategic investigation on matters that are germane to the Precinct. As the VPA stated, it is an imperfect tool.
 - Without any guidance on dwelling density across the Precinct, there is the distinct potential that early developers will consume a disproportionate number of dwellings, particularly considering the Panel supports discretionary building heights in the internal residential, Blackshaws Road frontage and the commercial/mixed use sub-precincts.
-

30. The Panel recommended that the soft cap be supported by a dwelling density and dwelling yield plan. The CoM suggests that the same approach should be adopted for Lorimer. To that end, the CoM has written to the Minister's solicitors as follows:

We refer to the Minister's Supplementary Part B Submissions at para [69(f)] and to the Hobsons Bay Amendment C88 Panel Report, particularly at page 50. We note that the Panel recommendations in that case were for a soft cap, coupled with new requirements in the CDP Zone and CDP which related to a "Dwelling Density and Dwelling Yield Plan".

The City of Melbourne is interested in exploring that proposed method of monitoring the development of Lorimer. To that end, we would appreciate it if Ms Hodyl was able to provide a plan shows the dwelling numbers and dwelling densities for sub-precincts within Lorimer which together comprise the total 5882 dwelling target.

Our initial thoughts are that the sub precincts should be based upon L1 to L4 as shown at proposed cl 21.13 (p 12 Doc 66 Part B), but with precinct L4 split into two sub precincts – the area to the east and the area to the west of Ingles street respectively. If you suggest that the precincts should be defined differently (eg based upon any further work done for the precinct planning process), we would be pleased if you could advise accordingly.

31. We will update the Advisory Committee with any progress made on this topic.
32. The CoM also submits that the DDO should be refined so that it does not promote a podium tower typology at the expense of other building typologies such as perimeter block developments, which might be equally applied to sub-precinct L4 as well as the other sub-precincts.
33. The DDO appears to have been largely based upon DDO10 (Attachment 1). DDO10 includes as one of its design objectives:
- "To encourage intensive developments in the Central City to adopt a podium and tower format."
34. The DDO67 street wall heights and setbacks also largely contemplate that outcome, despite the diversity of building typologies encouraged by policy.

LESSONS FROM SOUTHBANK

35. The development of podium towers, with above ground car parking and large floorspace tenancies at the ground floor do not create sustainable, walkable communities, and they only cater to a narrow housing market. The risks of poor outcomes are exacerbated in Lorimer due to the large development site sizes compared to those of the Hoddle Grid, and even those of Southbank.
36. The CoM agrees with Mr Sheppard's statement that

“It is true that podium-tower developments tend to be larger, resulting in a coarser building grain, in turn creating a less diverse built environment and a poorer mix of businesses. This places an onus on stronger requirement for laneways and fine grain facades and the exploration of mechanisms to foster a rich mix of local businesses.”⁵

37. The CoM agrees and proposes that further controls, requirement and policies are included in the planning scheme to counteract the tendency to create adverse public realm effects through the use of the podium tower typology.
38. The Advisory Committee is referred to the Places for People study at pp 12. That study among other things, analysed 3 blocks, one for each of the central city, Southbank and the Docklands and concluded that the comparison:⁶
- ... demonstrates compelling evidence that towers generally, and podium towers in particular, lead to a poorer interface between building and public environment, both in the number and type of doors, and quality of street level and upper level facades.
- Podium towers also restrict the potential for land uses. By accommodating on-site car parking at street and upper levels, these buildings offer few land uses for locals, and without internal occupation by people, they provide no passive surveillance in the critical first several building storeys where people in the street and building occupants can see each other.
39. The comparative study notes that in the Docklands a pattern is emerging with a 'front of house' and 'back of house' dichotomy creating extremes of engagement and disengagement. In Southbank, there are few land uses at street level, creating a dormant urban form and little passive surveillance.⁷ The study concludes with a range of observations about the podium tower typology, including observations regarding the homogenous housing choice, limited adaptability, reliance upon mechanical systems for temperature control and so on.
40. The CoM Local Livability Study maps 15 precincts within the CBD for a variety of indicators of performance and then assigns a rating of good, average or poor to each indicator under the headings:
- a) Urban structure;
 - b) Land use;
 - c) Local movement; and

⁵ At [279]

⁶ At p13

⁷ At p 50.

d) External space.

41. The study states that the⁸:

Results show that urban structure and the relationship of buildings to open space determines the proximity of and accessibility to local land uses. A permeable urban structure (with small blocks) results in a larger walking catchments with cultivates greater walkability, Fine grain, smaller scale buildings enable a greater number of land uses and give purpose for walking and alleviating car use. Consolidating land parcels stifle the accrued benefits of proximity and connectivity. Buildings that better knit themselves into the wider urban fabric by integrating population density with mixed land-use and permeability generate better holistic outcomes.

42. Finally, the Advisory Committee is referred to “Promoting High Quality Urban Design Outcomes in the Central City and Southbank Synthesis Report” January 2018 (attachment 2) (**Synthesis Report**) and proposed DDO1 (Attachment 3 and 4). As set out on the CoM website:

On 20 February 2018, the Future Melbourne Committee (FMC) resolved to seek the authorisation from the Minister for Planning to prepare and exhibit Melbourne Planning Scheme Amendment C308. The authorisation request has been forwarded to the Minister for Planning.

43. The Synthesis Report summarises the intent behind Amendment C308 as follows:

Amendment C308 is intended to establish a qualitative complement to the provisions of Amendment C270, ensuring that these recently implemented quantitative envelope controls are accompanied by an enhanced emphasis on the quality of how buildings interface with the public realm. The elements included within the policy scope include:

- Permeability and through-block connections
- Privately owned publicly accessible plazas and laneways
- Building alignment
- Building massing and composition including rhythm and grain
- Building adaptability
- Vehicle parking, loading and waste facilities
- Building Services where they impact on the public realm
- Public realm projections
- Weather protection
- Active Frontages and ground level design
- Design detail and building façade materials

⁸ At p 3, see also p 11.

44. The report states at [3]:

The Central City and Southbank have undergone rapid growth in recent years. The resultant influx of new residents, workers and visitors that has coincided with new development has had positive effects on the vitality of the City; however there is evidence to suggest that the urban design outcomes which have resulted have not met the expectations of design quality of the City of Melbourne. Excluding matters addressed by the recently adopted Amendment C270, the key areas where poor outcomes have been noted include:

- The impact of parking including access and podium parking on the quality of the public realm
- The impact of building services on the public realm through location, integration and design detail
- The lack of design investment in the lower 20m of building facades and in particular in shop front design to provide a high quality public realm interface.

45. The breath of topics covered by proposed DDO1 demonstrates the complexity of the task of achieving great “places for people”.
46. The proposed DDO 67 for Lorimer must contain more direction about how (in particular) precinct L4 is to develop so as to avoid the pitfalls of Southbank. Relevant guidance could be taken from the Amendment C308 documentation and used within DDO 67.
47. Alternatively, the provisions in the DDO67 which relate to active street frontages, adaptable buildings and building finishes could be expressed to expire upon the coming into effect of the new DDO1, with DDO1 being revised to extend to the Lorimer precinct if appropriate.
48. The CoM is not yet in a position to advise as to whether DDO1 could be revised to apply to Lorimer. If it is able to form a position on this prior to the last day of the hearings, it will advise the Advisory Committee accordingly.
49. The extent of the background work undertaken by the CoM demonstrates its deep understanding of the complex built form issues facing the municipality. This work just goes to illustrate why it is so important that the CoM is at least made a referral authority for all applications.

A SENSE OF SCALE

50. The built form implications of planning controls which cap the FAR at 5.4:1, based upon a *gross* site area, are not simple to assess. A range of built form outcomes are possible depending upon the percentage of the site required for open space and roads, the applicable street wall heights, tower separation distances, through

- block links, overshadowing controls and the individual choice of the designer among other things.
51. Ms Pearson chose to use part of the site at 329-349 Ingles Street as an example to demonstrate the scale of development contemplated by the combination of the FARs and the DDO controls.⁹ Due to the fact that approximately 23% of the site was to be used for open space,¹⁰ and the development fronts a proposed new street of 22m wide Ms Pearson modelled the site containing 3 towers of 39 storeys (122 m), set upon two 6 storey podiums, with two smaller podium tower developments fronting onto Ingles St and Turner St respectively. Ms Hodyl modelled the site containing 3 substantial tower elements and one smaller podium tower.¹¹
52. When the FAU was included, Ms Pearson modelled the site as containing 5 substantial towers, up to 64 storeys high (197 m tall). Ms Hodyl modelled the site as containing 3 towers, 2 of which were capped at 60 storeys, with a smaller podium tower development.¹²
53. This assessment demonstrated the scale of development contemplated by the controls in the context of applying the FAR to a gross site area on a site which has an open space and new road proposed for part of it.

A COMPARISON WITH OTHER URBAN RENEWAL AREA DDOs

54. The following table assesses the proposed DDO as against the DDOs for Macaulay (DDO63), City North (DDO61) and the Central City (DDO 10) (**attachments 5, 6 and 1**):

	Lorimer	Macaulay	City North	DDO10
Overall height	23m 35.8m 61.4m 80.6m Unlimited	10.5 m to 39m (mandatory max heights with preferred heights of 10.5 m – 30 m)	24 m – 60 m (discretionary)	n/a

⁹ At p 17 and p 23

¹⁰ Document 99. It is now proposed that 29% of the site be used for open space: Doc 138.

¹¹ Hodyl addenda 2 p 11

¹² Hodyl addenda p 19.

	(discretionary)			
Street wall height	<p>15.4 m discretionary (streets and lanes with a width of 12m or less with a mandatory 23 m maximum)</p> <p>23 m mandatory (streets greater than 12 m)</p> <p>30 m mandatory (streets greater than 22 m where the overall building height is less than 38m)</p> <p>15.4 m discretionary (streets and lanes immediately adjacent to a park with a mandatory 23 m maximum)</p>	<p>3 storeys (residential interface streets and laneways)</p> <p>4 storeys mandatory (15 m wide streets)</p> <p>6 storeys mandatory (20 and 30 m wide streets)</p>	<p>14 m – 40 m (discretionary)</p> <p>10.5 m (laneways)</p>	<p>Preferred – up to 20m</p> <p>Mandatory – 40 metres; or 80 metres where it:</p> <ul style="list-style-type: none"> - defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or - fronts a public space including any road reserve wider than 80 metres.
Setback above street wall	<p>3m (minimum) - 5 m (buildings up to 30 m)</p> <p>5m (minimum) – 10 m (buildings up to 68 m)</p> <p>10 m (minimum) (buildings over 68 m)</p>	<p>1 m for every 1 m of height for renewal streets (note that the setback is not applied directly to the street wall, but is sufficiently close for comparative purposes)</p> <p>10 m for residential interface streets</p> <p>4 m plus 1 m for every meter of height above the preferred</p>	<p>4 – 10 m depending upon street</p> <p>Behind a 45 degree line for some streets</p> <p>4 m (laneways)</p>	<p>Preferred – 10m</p> <p>Mandatory – 5 m</p>

		max height on the northern side of E-W laneways		
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55. The DDO for Macaulay includes a map which shows how each street is treated, which can be cross referenced to the table.
56. The DDO for City North sets out the built form requirements for each DDO area, and nominates built form requirements for specific streets.
57. The DDO for Lorimer should include a map which show how each street wall is to be treated (similar to the maps in Ms Pearson's report). Where streets are to be treated differently, those streets ought to be names for clarity.
58. The comparison in the table above indicates that:
- a) The overall preferred heights in Lorimer exceed those in City North and far exceed those in Macaulay.
 - b) The street wall heights in Lorimer are higher than street wall heights in Macaulay. City North contemplates a greater range of street wall heights, with lower street wall heights on laneways and higher street wall heights (up to 40 m) on some streets. The preferred street wall height in the Central City is 20m, with discretion to go to 40m and 80m on corner sites and substantial public spaces.
 - c) The setbacks above the street wall are in the same range as the City North setbacks (with 6m setbacks generally required for buildings above 20m and 6 to 10m setbacks required for buildings over 40 m). The setbacks for buildings up to 68m for Lorimer are the same as the DDO10 setback requirements. The setbacks for buildings less than 68 m are less onerous than DDO10, but the setbacks for buildings above 68m are more onerous.
59. In summary, the overall heights, street wall heights and setbacks above the street wall proposed in Lorimer are generally within the range of the heights and setbacks proposed for the central city and other urban renewal areas in close proximity to the central site. The more difficult question is whether they will create the best urban form, discussed further below.
60. DDO10 also contains building separation requirements, as noted in Mr Sheppard's evidence. The requirements are quite lengthy but include:
- a) a preferred setback to side and rear boundaries above the street wall of 5 m or 6% of the total building height whichever is greater; and

- b) a number of mandatory requirements including a minimum 10 m tower separation within a site.
61. The tower separation requirements are more onerous in Lorimer than in the central city. Building separation is the subject of evidence of both Mr Sheppard and Mr deKeijzer.

THE DDO

62. In commenting on the DDO, it is important to note that the DDO controls work together with the Parking Overlay controls, the FAR and the minimum commercial floor area provisions. The DDO provisions which are directed towards activation of the ground floor, the MSS provisions which are aimed at achieving a fine grain and the Parking Overlay provisions limiting parking rates and requiring the sleeving of car parking are all critical components in achieving a reasonable public realm. As discussed above, further work, anticipated to occur through the precinct structure planning, will also need to be done to understand the quantum and preferred location of retail and commercial floorspace to ensure intensity of activity on high streets and that a viable retail core can be provided.
63. The CoM supports the following aspects of the (revised) DDO:
- a) mandatory overshadowing controls for Lorimer Central from 11am – 2pm from 21 June to 22 September;
 - b) mandatory overshadowing controls for the other neighborhood parks for 3 hours at 22 September;
 - c) discretionary /preferred overall building heights in sub precincts L1 – L3, varying from 23 m adjacent to Lorimer Central to 80.6 m in the north east of the precinct;
 - d) the unlimited heights in L4, namely in the south of the precinct in proximity to the freeway;
 - e) a discretionary setback above the street wall where buildings interface with the freeway (or service road to the freeway);
 - f) mandatory tower separation distances, whether within the same site or on adjoining sites;
 - g) the nomination of primary and secondary active street frontage streets, and the 'active street frontage' requirements (as amended in Ms Hodyl's expert statement), but acknowledging that the precinct plans may require changes at some future time; and

- h) design requirements for adaptable buildings (but noting they could be improved).
64. The CoM has summarized some of its suggested changes to the DDO in appendix 1 of these submissions, primarily to improve legibility, but notes that it is likely to make other suggestions as the hearings progress on matters of substance.
65. The CoM considers that further encouragement should be given to creating perimeter block developments, and other building typologies rather than podium towers. The provisions of the DDO, with the mandatory street wall height and setback above, are directed to a podium tower typology (which is the typology encouraged in the central city, whereas a variety of typologies are encouraged in Lorimer).
66. There are two obvious ways of achieving alternative typologies, both of which are desirable to provide a true diversity of building typologies and accommodation options within Lorimer:
- a) allowing a permit to be granted to increase the street wall height to create perimeter block developments (and other such developments); and
 - b) reducing the FAR to better align with the target 12,000 people and 6,000 jobs as discussed above, combined with a capped FAU.
67. Professor Adams stated that if the street wall heights need to be increased to encourage different building typologies that would not necessarily be a bad urban design outcome. The CoM is currently assessing the implications of the following aspects of the proposed DDO to assess their effect on the building typologies being delivered:
- a) the 23 m mandatory street wall heights for streets greater than 12 m;
 - b) the 30 m mandatory street wall heights for streets greater than 22 m where the overall building height is less than 38m;
 - c) the discretionary street wall height of 15.4 m on streets and lanes with a width of 12m or less (with a mandatory 23 m maximum); and
 - d) the discretionary street wall height of 15.4 m on streets and lanes immediately adjacent to a park (with a mandatory 23 m maximum).
68. The CoM is not opposed in principle to allowing a permit to be granted for an increase in the street wall height (on selected streets) if it means that a building typology is delivered that is not a podium tower, subject to acceptable overshadowing consequences. For example, it maybe appropriate to increase the

street wall height on the south of 30m east west streets to allow, for example, a 10 storey perimeter block development.

69. The CoM hopes to be able to provide a more detailed submission on street wall heights and setbacks in the Lorimer specific hearings.

Mr de KEIJZER

70. Mr de Keijzer applauds the objective and strategy of the draft Framework to deliver a diversity of housing choices, but argues that a more master planned approach could have been taken.
71. Mr deKeijzer is concerned that the controls will deliver a high rise, Southbank character rather than a leading example of inner city urban renewal. The CoM shares his concern.
72. Mr deKeijzer cautions against relying upon CBD high rise to accommodate Melbourne's population rather alternative building typologies which can also deliver high density housing.
73. The CoM is considering what changes could be made to the amendment to further encourage alternative dwelling typologies, as set out above, and is keen to ensure that the precinct planning will deliver a more defined character for Lorimer.
74. The CoM agrees with Mr deKeijzer that it is important to knit the precinct in with Yarra's Edge, and that north south connections and views to the river are important. The CoM has already made submissions that the north south streets shown on the framework should be shown in the controls. The CoM is also open to suggestions as to how Lorimer Central could be opened up to further connect with the Yarra.
75. Mr deKeijzer has produced some cross sections of comparable streets (comparable in the sense of orientation and width).
76. The CoM is concerned that there will be an expectation from developers that the mandatory maximum wall heights and setbacks will be considered as default minimums. This is perhaps best illustrated by Mr Sheppard's interpretation of a mandatory maximum wall height where he states at [356]:

"The DDO contains ... performance outcomes

I ... consider that he would form useful guidance for the design and assessment of application to exceed the proposed maximum street wall heights.

However, the mandatory maximum street wall heights are presumably considered to achieve these outcomes, particularly given that they relate to street wall height to street width.

..."

77. That statement can be compared with the expectation in the MSS for Lorimer, which is that street wall heights will be lower (ie below the maximum) where necessary adjacent to the Lorimer Parkway to protect it from shadow, and higher (presumably up to the maximum) near the freeway to provide noise protection.
78. The CoM is concerned that if the streets are built out to the envelopes contemplated by the DDO, as illustrated in Ms deKeijzer's cross sections, the streets will not be welcoming and inviting places. The CoM therefore suggests that changes ought to be made to strengthen the wording of the DDO to ensure that mandatory maximums are not construed as being acceptable by default.

RESPONSE TO RECOMMENDATIONS IN MR SHEPPARD'S GENERAL EVIDENCE

79. The following submissions respond to Mr Sheppard's recommendations in the order set out at p 99 of his evidence.

Recommendations 1, 2, 5, 8, 9, 12 and 14

80. These recommendations are not relevant to Lorimer.

Recommendation 3: alternative mechanisms for delivering employment floorspace

81. The CoM agrees that there should be further consideration of the delivery of employment floorspace. The CoM expects this issue to be resolved further through precinct planning. The CoM agrees with Mr Milner's suggestion that transferrable development rights should be investigated, which appears to be supported by Mr Sheppard at [98]-[100] and is supported by CoPP.

Recommendation 4: revised density and height controls

82. The CoM accepts that a more nuanced approach to density could be adopted within each precinct. However, the CoM does not consider that wholesale changes are needed. The 12,000 target for Lorimer is about right. The CoM accepts the proposed heights in Lorimer as per the Urban Design Strategy.

Recommendation 6: Identify appropriate locations for landmark and civic buildings.

83. Mr Sheppard states:

"The proposed planning framework does not identify landmark buildings or locations for significant civic uses. This represents a missed opportunity to

further reinforce the legibility of the area. Ideally, these should be located at stations and major intersections to reinforce the movement hierarchy.”¹³

84. The CoM supports this statement as landmark civic buildings play a crucial role in defining character and a sense of place and expects these opportunities to be identified through the precinct plans. Modifications to the DDO could be introduced when the precinct plans are incorporated if thought necessary.

Recommendation 7: convert the overshadowing controls to discretionary controls

85. Mr Sheppard supports the level of protection given to the proposed parks. However, it appears that other submitters may argue that the overshadowing requirements of DDO 67 are onerous.
86. The requirements themselves are similar to the approach taken elsewhere in the Municipality. DDO 10 provides a hierarchy of protection. DDO10 provides mandatory protection from additional overshadowing (including at the winter solstice) for a variety of public spaces including the Yarra River and Federation Square.
87. It also includes discretionary overshadowing requirements. For example, under DDO10:
- a) Parliament Gardens, Treasury Gardens, Gordon Reserve, Parliament Steps and Forecourt, Old Treasury Steps, Flinders Street Railway Station Steps are all protected from 11am to 3pm from 22 April through to 22 September;
 - b) Batman Park, Birrarung Marr, Sturt Street Reserve, Grant Street Reserve and the Australian Centre for Contemporary Art Forecourt, and a variety of other places are protected from 11am to 2pm from 22 April through to 22 September;
 - c) Flagstaff Gardens and proposed new public open space within the Queen Victoria Market are protected from overshadowing from 11am to 2pm at the winter solstice;
 - d) Protection from overshadowing between 11am and 2pm at 22 September is provided for:

Any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public.

¹³ At [114]

88. The controls propose that Lorimer Central be protected from shadow from 11am to 2pm from 21 June to 22 September. Thus, Lorimer Central it is given a level of protection that sits somewhere between the proposed new public open space within the Queen Victoria Market and the protection afforded to Batman Park.
89. The CoM considers that Lorimer Central is worthy of a high level of sunlight protection in recognition of the important space that it will become. While it may be said by some that it is not a space that has the same status as the Flagstaff gardens, it may be that it ends up having a role and significance equal to or greater than that of Batman Park or the Australian Centre for Contemporary Art Forecourt.
90. It is appropriate that the neighbourhood parks be given equal protection to those 'other' parks in the Municipality, which are protected for 3 hours at the equinox.
91. Although Mr Sheppard supports the level of protection provided, he questions the mandatory nature of the controls.¹⁴ Given that the spaces and their uses are not yet defined, mandatory requirements are appropriate because it is not possible to assess "impact" on an as yet undefined space.

Recommendation 10: Amend the street wall heights to discretionary provisions and include minimum street wall heights

92. Mr Sheppard recommends that streets greater than 22m in width should have a maximum street wall height of 30 m (at present this is only allowed where the overall building height is less than 38m).
93. The CoM understand that the effect of this change would be to increase the street wall heights on Lorimer St and Ingles St from 6 to 8 storeys. It may also change the street wall height on Turner St, depending on how that street is treated by the DDO.
94. The CoM is considering this recommendation.
95. Mr Sheppard recommends making street wall heights discretionary. The CoM is considering whether it would be beneficial to allow an increase in the street wall height in circumstances where a building typology other than a podium tower is proposed. Otherwise, it opposes discretionary street wall heights.
96. Mr Sheppard recommends minimum street wall heights. The CoM is considering this recommendation. If the recommendation is adopted, it must not preclude publicly accessible plazas.

Recommendation 11: Increase street wall height to 60m on corner of two main streets

¹⁴ At p 38 of his "general" evidence.

97. Mr Sheppard suggests that greater street wall heights are appropriate on main street corners due to the greater sense of openness created by intersecting streets, the legibility benefits of marking main street corners and the visual interest created by diversity in the built environment. He recommends that, on the corners of two principal streets (both of which must be 30 m or more wide), the maximum street wall height may be increased to 60m (17-18 storeys).
98. The existing road reserves in Lorimer are as follows:
- | | | |
|----|----------|-----|
| a) | Turner | 30m |
| b) | Lorimer | 30m |
| c) | Ingles | 30m |
| d) | Rogers | 30m |
| e) | Boundary | 30m |
| f) | Hartley | 30m |
| g) | Douglas | 20m |
| h) | Hall | 20m |
99. The freeway is, of course, also wider than 30m.
100. Given the number of 30 m wide streets in Lorimer, the effect of Mr Sheppard's proposed change would be to allow a significant number of sites to be developed with a 60m street wall height.
101. While the change may ultimately be justified for certain sites identified through precinct planning (eg for the site at 850-860 Lorimer Street, on the corner of Ingles and Lorimer Streets), it is not a change that the CoM supports for all corner sites.

Recommendation 13: if mandatory street wall heights remain, delete performance outcomes

102. A mandatory maximum street wall height does not mean that a street wall at that height is appropriate. Discretion still ought to be exercised, and is appropriately guided through a list of performance outcomes.

Recommendation 14: Building separation distances

103. Mr Sheppard summarizes the mandatory building separation requirements in the DDO as follows (noting they can be reduced depending upon the primary outlook of one or both buildings):

Building height	Side & rear setback	Tower separation
<23m (6 storeys)	6m	12m
23-30m (7-8 storeys)	9m	18m
>30m (8 storeys)	10m	20m

104. Mr Sheppard says at [374] and [396]

It is not clear why the side and rear setback requirements operate in 'steps', rather than a more gradual increase as building height increases. For example, Melbourne DDO10, introduced via Amendment C270 following much debate at the Panel hearing, requires towers to be setback a minimum of 5 metres or 6% of the total building height, whichever is greater. This avoids unnecessary reductions in potential floor area where a building is just over a setback threshold. As proposed, a 24m high building has the same setback requirement as a 30m high building, and a 31m high building has the same setback requirement as a 60m high building.

...

In summary, I recommend revising the side and rear setback requirements to a minimum of 6m up to a height of 36m, and a formula above that which results in gradually increasing setbacks as the building rises to 10m at a height of 100m (such as the square root of the height). I also recommend that these controls be discretionary, with clear guidance as to how that discretion will be used.

105. CoM does not support a discretionary approach to tower separation. Building separation distances are critical to ensuring good outlook, daylight, privacy, equitable development rights and sunlight to the public realm. There are no third party review rights. Adjoining owners, future residents and occupants of buildings affected by shadows cast by tower developments have no say. It is inappropriate to leave tower separation distances to the discretion of the Minister on a case by case basis. This approach led to very poor outcomes in Southbank.

106. A formula 'square root' approach would provide building separation distances significantly less than the Hodyl approach.

107. Mr deKeijzer says:

I generally concur with Leanne Hodyl's separations of buildings up to 30 metres. Above 30 metres I would prefer the NSW ADG (Apartment Design Guide) control of 24 metres between habitable rooms.

108. The NSW Apartment Design Guide section 2F Building Separation (**attachment 7**) sets out the following building separation distances:

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

109. These separation distances are similar to those in Moreland's cl 22.07.
110. The building separation distances adopted in C270 were a result of testing done in the context of smaller land parcels than those in Lorimer, where greater setbacks could inhibit the ability of sites to develop towers with a viable floorplate.¹⁵ That constraint does not apply in Lorimer. Accordingly, tower separation distances should be adopted which provide good outcomes, not compromised outcomes based upon a constraint that does not exist.
111. At a minimum, Ms Hodyl's recommendations ought be adopted. Better outcomes will result if Mr deKeijzer's suggestion of a 24 m separation is adopted above 30m.

Recommendations 15, 16 and 17

112. The CoM is still considering these recommendations.

Recommendation 18: flooding

113. Mr Sheppard states:

“Professor Adams raises a concern about how sea level rise will be accommodated ... I consider that further work is required to identify design solutions that do not preclude genuinely active frontages.”¹⁶

114. CoM agrees. CoPP has proposed some wording in the local policy. The DDO could also deal with this issue.

¹⁵ See Amendment C270 p 122.

¹⁶ At [399].

MR SHEPPARD'S LORIMER SPECIFIC EVIDENCE

115. Mr Sheppard concludes:

[55] I support the proposed urban structure for Lorimer, including the tram routes, street network, new pedestrian/ cycle bridges, and community hubs. I support the provision of open space subject to the changes recommended by Ms Thompson and a review of the Lorimer Central open space as discussed above.

[56] However, I recommend that the proposed preferred maximum heights be removed, in lieu of a density control (noting that the overshadowing provisions will protect sunlight to the key open spaces). I consider that more work needs to be done to determine the appropriate density in each part of Lorimer.

[57] I support the preparation of precinct plans to resolve matters to do with road closure, density, built form, open space, and tramway and park interfaces. Until these precinct plans have been prepared, I consider that it is premature to commit to street closures, and maximum heights and densities.

116. Removing the densities and maximum heights from the amendment until such time as further work is done will lead to a further spate of applications of the same sort that have been made in Lorimer to date.

117. Further submission will be made about this evidence in the Lorimer hearings, as required.

WIND REQUIREMENTS

118. The wind requirements proposed in the DDO10 are the same as those contained in DDO10. Mr Eaddy and Professor Melbourne agree that there is merit in applying consistent wind comfort criteria across the Melbourne and Port Phillip Planning Schemes but they say there is an error in the definition of 'comfortable wind conditions'. If that is the case, then that is an issue that transcends the proposed Amendment GC81 and should be rectified independently.

119. DDO10 includes a section titled "application requirements", which includes a requirement for a wind report. The CoM suggests that requirement should also be brought across to DDO 67.

CAR PARKING

120. The CoM notes Ms Dunstan's evidence which:

- a) suggests the maximum rate of parking be 1 car space per dwelling rather than 0.5 spaces/dwelling to allow flexibility in housing types; and

- b) makes a number of good suggestions to the parking overlay and queries whether it has been appropriately applied having regard to the head clause; and
- c) suggests it is premature to include PPS in the planning framework for Fishermans Bend at this time.
121. These three issues are addressed in turn. First, however, it is important to stress that the CoM considers that, even putting aside the extremely high environmental, economic and social costs of car travel, the public realm consequences of providing car parking above ground in Fisherman's Bend is one of the biggest threats to achieving a good urban design outcome. One need only stroll around Southbank to view the impacts of car parking contained within podiums. The CoM considers it critical to limit car parking to achieve even reasonable urban design outcomes in circumstances where basement car parking is not available and the street network is constrained.

The Car Parking Rate

122. The CoM notes Ms Dunstan's evidence that current car ownership rates in the central city are lower than 1 space/dwelling. The CoM refers to and repeats the data contained in the Precinct Parking Study that assessed the car parking rates proposed in planning applications within Montague, showing an average rate of 0.6 spaces/dwelling (tendered during cross examination of Mr Kiriakidis – document number not yet available).

A snapshot of recent apartments and their number of car parking spaces is provided in Table 2.5.

Table 2.5: On-Site Car Parking & Dwelling Numbers, Fisherman's Bend Drawn from a Selection of 2015 Planning Applications

Address	Distance from CBD (km) (as crow flies from Old GPO)	Dwellings	Car Spaces	Ratio
134-150 Buckhurst Street, South Melbourne	2.3	630	570	0.9
228-232, 234-238 Normanby Road, Southbank	2.1	518	243	0.47
101 Salmon Street, Port Melbourne	4.0	157	157	1
171-183 Ferrars Street, South Melbourne	2.0	122	42	0.35
166 Buckhurst Street, South Melbourne	2.4	88	63	0.72
15-35 Thistlethwaite Street	2.2	83	67	0.8
6-78 Buckhurst Street	2.2	1312	772	0.59
165-167 Gladstone Street	2.4	45	22	0.49

Address	Distance from CBD (km) (as crow flies from Old GPO)	Dwellings	Car Spaces	Ratio
228-238 Normanby Road	2.1	525	243	0.46
51-59 Thistlethwaite Street	2.3	161	82	0.51
89 Montague Street	2.1	144	77	0.53
15-87 Gladstone Street	2.2	746	596	0.79
Average	2.4	378	245	0.63

Source: City of Port Phillip, Planning Permit Application Register (accessed online via <https://eservices.portphillip.vic.gov.au>)

123. Accordingly, providing a max rate of 0.5 is not a "step change" in the provision of car parking, only a "step change" in a statutory sense. It will simply slightly curb the rate that is already proposed by the market in Montague.
124. In Lorimer, it is proposed that a tram will be delivered in the medium term (hopefully sooner). The whole of Lorimer is within 200m of the tram route. Accordingly, there is simply not an adequate basis to increase the rate beyond 0.5 spaces/dwelling. To the contrary, the CoM's position is that the rate ought to be reduced.
125. The CoM notes that the PO proposes that a permit can be granted to allow greater than the maximum rate. Accordingly, there is already flexibility to allow additional spaces to encourage 3 bedroom dwellings. The CoM agrees that dwelling size (the number of bedrooms) would be an appropriate factor to have regard to in the exercise of discretion.

The Parking Overlay

126. The CoM has sympathy for the view that the PO schedule needs redrafting and that it is being used for a purpose that it was not intended for.
127. We have prepared a revised Parking Overlay, and a tracked version of the CCZ schedule on the Day 1 Panel Version. The tracked CCZ schedule shows only "alternative parking" changes. The revised PO should be considered as a "first cut".
128. Changes have been made to the CCZ schedule to include the alternative parking requirements given the concern that the parking overlay was being used for a purpose not permitted by the head clause (also a concern raised by Ms Dunstan), namely mandating alternative parking through a car parking plan.
129. The car share requirements have been included in the Parking Overlay as 'minimum' parking requirements (which we consider permissible under the head clause) but the motorcycle and bike parking requirements have been placed into the CCZ schedule. Another option would be to include the car share requirements in the CCZ too.

PPSs

130. As to Ms Dunstan's concerns about PPS's, the CoM notes that the Parking Overlay does not *require* PPSs. The revised version of the Parking Overlay simply seeks to facilitate and encourage precinct based solutions, especially for larger developments. The fact that a PPS has been delivered in Victoria Harbour demonstrates that the concept is not unattainable. The urban design benefits of PPSs mean that every effort ought to be made to encourage their delivery.
131. In the context of Ms Dunstan's evidence about the likelihood of car parking needs changing over time, the CoM considers that it is appropriate to recognize the role of PPS's in the parking overlay and through the MSS. The CoM will provide some proposed drafting for the MSS in due course.

CONCLUSION

132. In summary, with built form controls which lean towards a podium tower typology for much of Lorimer, and a market which favors residential development there is a risk that Lorimer will develop poorly without:
- a) stronger controls and policies directed towards achieving a range of building typologies and accommodation options;
 - b) strong controls and policies directed towards creating fine grain, permeable, activated streets;
 - c) stringent controls on the number of cars and the way that car parking is to be provided; and
 - d) third party input from a body such as a design review panel (or consideration of a design competition process) to ensure that a good public realm is created through the cumulative effect of individual decisions on permit applications.
133. Further submissions will be made in the Lorimer specific hearings and in reply.

Juliet Forsyth
Owen Dixon Chambers West

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PROPOSED CHANGES TO DDO TO IMPROVE LEGIBILITY (SUBSTANTIVE CHANGES TO FOLLOW)

1. A Lorimer specific DDO should be created. The purpose of the DDO is not to provide a set of generic planning controls that provide a general regulation of built form outcomes. The purpose of the DDO is to provide a set of specific planning controls tailored to implement the Framework vision for the Lorimer Precinct. The entirety of DDO67 needs to be redrafted with this in mind (i.e. deleting maps / provisions that refer to requirements unrelated to Lorimer).
2. **DDO 1.0 p2-5 Design Objectives.** The following objectives could be considered to more closely align with the contents of the DDO:
 - To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018.
 - To encourage a diversity of architectural styles, building typologies and dwellings, to create a place of architectural excellence, and an engaging and varied built form in response to the built form outcomes sought for Lorimer.
 - To ensure the scale, height and setbacks of development provide high levels of internal amenity and deliver a high quality public realm with active street frontages, controlled microclimatic conditions, good access to daylight and sunlight and appropriate levels of street enclosure.
 - To protect precinct parks, neighbourhood parks and Lorimer's linear spine from overshadowing.
 - To encourage buildings to be designed to be adaptable over time and to ensure that flood protection measures do not detract from the public realm.
3. The draft DDO67 uses a mixture of discretionary prescriptive built form requirements, mandatory prescriptive built form requirements and mandatory built form outcomes.
4. The convention is for DDO's to administer built form controls in the following manner:
 - Buildings and works:
 - Must (mandatory) meet the Design Objectives specified in this schedule;
 - must (mandatory) achieve the Built Form Outcomes specified for each relevant Built Form Requirement (as listed in a Table to this schedule); and
 - should (discretionary) meet the Built Form Requirements (as listed in a Table to this schedule).
5. An application that does not meet the discretionary Built Form Requirements must document how the development will continue to meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.

6. The draft DDO67 sets out built form outcomes that are not explicitly related to the outcomes sought for the Lorimer Precinct in the Framework vision.
7. In order to translate some of the preferred character outcomes from the MSS to the DDO, a new section should be added into clause 2 as follows:

Buildings and works:

- must meet the Design Objectives specified in this schedule;
- must satisfy the Built Form Outcomes specified in this schedule.

Built Form Outcomes (note this table has been modified from cl 21.13 Doc 66 Part B)

<u>Lorimer</u>	<u>Built Form Outcomes</u>
<u>All precincts</u>	<p>Activation of the <u>Lorimer Parkway, Ingles Street and the new north-south street</u> primary and secondary active frontage streets as shown on Map 1 through a diversity of fine-grain frontages, nominally 4-8 metres wide. [21.13-3 p30]</p> <p>Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers. [21.13-3 p29]</p> <p><u>Where podium and tower developments are proposed, a fine grain and permeable public realm through small block sizes (using laneways), multiple ground floor tenancies and multiple building entrances and public access points.</u></p>
<u>Areas L1 and L3</u>	<p><u>A diversity of building typologies, including hybrid developments of mid-rise perimeter blocks and tower developments</u> [21.13-3 p27]</p> <p><u>Slender towers and lower street wall heights along Lorimer Parkway</u> minimising overshadowing impacts on the Lorimer Parkway [21.13-3 p28] [21.13-3 p31]</p> <p><u>Activated streets and laneways leading to Lorimer Street, connecting with the north south connections through the Yarra's Edge development to provide access to the Yarra River.</u> [21.13-3 p32]</p> <p><u>Activation of the Lorimer Parkway, Ingles Street and the new north-south street through a diversity of fine-grain frontages, nominally 4-8 metres wide.</u> [21.13-3 p30]</p> <p><u>Lower street wall heights along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway</u></p>
<u>Area L2</u>	<p><u>Mid-rise developments, with a preference for building typologies other than podium towers.</u></p> <p><u>Activated streets and laneways leading to Lorimer Street, connecting with the north south connections through the Yarra's Edge development to provide access to the Yarra River.</u> [21.13-3 p32]</p> <p><u>Lower scale development to interface with Lorimer Central.</u></p> <p><u>Activation of the street abutting the tram way through Lorimer Central to create the heart of Lorimer.</u></p> <p><u>Mid-rise developments with activated laneways leading to Lorimer Street and the Yarra River</u> [21.13-3 p32]</p>
<u>Area L3</u>	<p><u>Slender towers located to minimise overshadowing of the Lorimer parkway</u> [21.13-3 p33]</p>

	<p>Lower street wall heights along Lorimer parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway. [21.13-3 p34]</p>
<p><u>Area L4</u></p>	<p>Predominantly podium tower developments interspersed with Hybrid developments of mid-rise perimeter blocks and tower developments [21.13-3 p35]</p> <p>Well-spaced towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, internal streets and the West Gate Freeway [21.13-3 p36]</p> <p>Towers that create a visual landmark to the West Gate Freeway <u>through design excellence</u> recognising that this is an important arrival point into the central city [21.13-3 p37]</p> <p>Location and design of towers to minimise overshadowing of parks and streets in the Sandridge precinct [21.13-3 p38]</p> <p>Activation of new north-south laneways and streets</p> <p>Lower street wall heights on the east and west of the new large park on Turner Street [21.13-3 p39]</p> <p>Elsewhere, higher street wall heights that assist in mitigating noise pollution from the West Gate Freeway into the Lorimer Precinct. [21.13-3 p40]</p> <p>Service access only on the new service road along the West Gate boundary [21.13-3 p41]</p>

8. **DDO 2.0 p16** Provisions relating to mandatory heights should be deleted from the Lorimer DDO.
9. Map 2 building heights should only include the colours that are relevant to Lorimer.
10. Map 2 building heights should delete reference to built form over the tramway.
11. **DDO 2.0 p 22** The 'Building Height' provision sets out Built Form Outcomes that are discretionary (i.e. "should be met"). Built Form Outcomes in DDO's are constructed as aspirational, subjective, requirements that are mandatory. Discretionary prescriptive Built Form Requirements are then used to guide development toward achieving the Built Form Outcomes. By making the Built Form Outcomes discretionary, the strength of this control is weakened (at least insofar as it will facilitate the attainment of the listed Built Form Outcomes). It is suggested these the Built Form Outcomes be:
 - a) Mandatory.
 - b) Tailored to the individual requirements of each distinctive precinct (i.e. the Lorimer Precinct built form outcomes, with respect to building height, should require taller buildings to be sited closer to the freeway).
12. **DDO 2.0 p18, 27-30 and 44:** put definitions at start of policy as per DDO10.
13. **Include definition of "publicly accessible private plaza"** (as per proposed new DDO1, namely a privately owned space provided and maintained by the property owner for public use) and consider including provisions that make it clear that a

- street wall is not required if the design response includes a publicly accessible private plaza accessed from the street which is open to the sky.
14. **DDO 2.0 p25** delete as not relevant to Lorimer.
 15. **DDO 2.0 p 29 and 30** – include "existing or proposed road reserve"
 16. **DDO 2.0 p 27 and 29** –the definition of street wall and street wall height should be amended to include reference to laneways, and should make clear that it is the part of the building that fronts an existing or proposed new street or laneway (and remove reference to the lot boundary). At the moment to DDO tries to apply a street wall height to laneways but has conflicting requirements for building separation. Eg taking the measurement from the centerline of the laneway (where laneways are defined as 9 m or less in width) has the effect that a building above a street wall could cantilever over the laneway rather than be setback from it if the 3m setback is adopted, which is nonsensical. (Note that DDO10 treats laneways differently – they are not treated as having a street wall, compared with DDO 67 see eg DDO 2.0 p 31).
 17. **DDO 2.0 p 36** The ‘Street Wall Height’ provision also sets out Built Form Outcomes that are discretionary (i.e. “should be met”). The ‘Street Wall Heights’ provision of DDO67 specifies a mandatory prescriptive requirement, and a discretionary subjective requirement (ordinarily this is reversed).
 18. **DDO 2.0 p 40-42** – this section should be moved to after the section headed "setbacks above the street wall from new and existing streets and laneways".
 19. **DDO 2.0 p42** – this paragraph is confusing. The CoM assumed it was allowing a podium of the same height as the street wall to continue along the side and rear boundary at the same height for 30 m. However, it appears to be restricted to circumstances in which a 30 m street wall height is proposed. It is not clear what would happen, for instance, if a street wall height of 29 m is proposed.
 20. **DDO 2.0 p 44** "street wall setback" (now "a setback above the street wall" in Ms Hodyl's version) is, and remains, confusing. Consider using the term "setback" only and define as per DDO 10 if necessary.
 21. **DDO 2.0 p 45** the setback above the street wall should be applied in the same way for laneways as for streets or laneways should be treated separately.
 22. **DDO 2.0 p 62** The provisions which relate to the freeway interface should be amended to be Lorimer specific and to be clear that the interface to the freeway includes an interface to the proposed service road. If that is the intent, this paragraph need to be repeated in "setbacks above the street wall from new and

- existing streets and laneways" as the part of the building interfacing with the service road will trigger the street wall and setback above the street wall requirements.
23. **DDO 2.0 p 56 to DDO 2.0 p84** – the CoM incorrectly interpreted these requirements as applying where a new laneway was being created and was concerned that they may lead to lanes not being activated. However, if the definition of street wall is amended to include laneways, this problem does not arise. There is, therefore, no prohibition on providing habitable room windows and balconies facing laneways.
24. **DDO 2 81** - "one of" should be "both of"?
25. **DDO 2.0 p 86** All neighbourhood parks should be numbered on Map 3 and in the Table 1.
26. Map 3 needs to be redrafted in accordance with Ms Thompson's evidence.
27. **DDO 2.0 p 86** The phrase 'within that defined space' should be clarified. For Lorimer, the expression could simply be 'within the parks nominated in Table 1'
28. **DDO 2 p86** refers to the 'shadow cast by the street wall height'. The intent would be clearer if the street wall height that will trigger the provision (ie for the street wall next to the tram) was specified.
29. **DDO 2.0 p 89** The following paragraphs should be added to the DDO (from DDO10):
- Wind analysis report**
- An application for a permit for a building with a total building height in excess of 40 metres must be accompanied by a wind analysis report prepared by a suitably qualified person. The wind analysis report must:
- explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - at a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.
 - identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - not rely on street trees or any other element such as screens, within public areas for wind mitigation.
30. The DDO should include requirements for dealing with raised FFLs (generally per per Port Phillip's proposed wording in the local policy).
31. Ms Hodyl's revised DDO at p 3 includes a street wall height for buildings adjacent to a park. This change is welcome as it provides much needed clarity. However, the DDO should make clear whether the Turner St spine is a park (noting that only some

- 'parks' are noted in Map 3, overshadowing). The CoM is currently considering the appropriate street wall height along both the north and south lengths of Turner St.
32. The DDO should trigger a street wall height along the tram corridor. Clarification could be provided if:
- a) a plan was provided in the DDO, similar to Fig 2.3 of Ms Pearson's report depicting the street wall heights;
 - b) a plan was provided showing the location of the parks and the new and existing streets (with dimensions).
33. **DDO 5 p2** - Decision guidelines – 'future urban structure of FB' should be amended to refer to the future urban structure of Lorimer and the Framework should be referenced or a Lorimer specific precinct plan.
34. Consider re wording the "active street frontages", "adaptable buildings" and the "building finishes" to reflect the proposed new DDO1.
35. Aspects of cl 22 should be brought over into the DDO eg:
- a) the provisions on new streets, laneways and pedestrian connections (LPP-3 p 90-104); and
 - b) the provisions relating to public and communal open spaces, which should be revised to:
 - i) encourage publicly accessible private plazas;
 - ii) encourage central areas of communal open space in perimeter block developments; and
 - iii) delete reference to "additional" public open space ie LPP-3 87-89.
36. Overall comment: the CoM considers there is merit in using the DDO structure adopted in many DDO schedules in Melbourne, namely a table format. Although the exhibition version table format was confusing, that does not mean that a tabulated format is inappropriate.