
Request to be heard?: Yes

Precinct: General

Full Name: Rowan Groves

Organisation: SouthPort Urban Responsible Renewal (SPURR)

Affected property:

Attachment 1: SPURR_Submissio

Attachment 2:

Attachment 3:

Comments: Please see attached file SPURR Submission (Final) to Draft Framework - Dec 2017.pdf

The logo for SPURR (South Port Urban Responsible Renewal) features the word "SPURR" in a large, bold, black, sans-serif font. The letters are closely spaced and have a slightly irregular, hand-drawn appearance. The logo is set against a solid green rectangular background.

South Port Urban Responsible Renewal

"Working for a liveable Fishermans Bend"

PO Box 5059
Garden City
Victoria 3207

15 December 2017

The General Manager
Fishermans Bend Taskforce
L36, Casselden Place
2 Lonsdale St
Melbourne VIC 3000

Dear Geoff

Response to Draft Fishermans Bend Framework

Please find attached SouthPort Urban Responsible Renewal's (SPURR) submission to the Government's Draft Fishermans Bend Framework. We welcome the opportunity to contribute further to the development of what could be an urban renewal of which Melbourne can be proud.

SPURR appreciates the effort the Taskforce has made in consulting the community and other stakeholders, and notes the significant improvements in the quality of the strategic planning contained in the Draft framework.

SPURR understands the difficulty of turning the aspirations of the FBURA Vision into a real world environment, and urges you to keep thinking innovatively about governance and funding. As we have discussed many times, the success of FBURA is entirely dependent on the effectiveness of these twin issues.

SPURR has appended potential models for governance, decision-making and funding arrangements to assist deliberations by the Taskforce, Ministerial Advisory Committee, the Planning Review Panel and the Government.

If you have any questions about SPURR's submission, please call me on 0458 623 570.

Yours Sincerely

Rowan Groves
Convenor
SouthPort Urban Responsible Renewal

FISHERMANS BEND FRAMEWORK

SPURR Submission in Response

Who we are

SouthPort Urban Responsible Renewal (SPURR) welcomes the opportunity to respond to the Fishermans Bend Draft Framework. SPURR is a collective of forty-nine (49) community groups with a combined membership of over 9,500 people who live, work and/or enjoy their leisure time in and around the Fishermans Bend Urban Renewal Area (FBURA). The list of member organisations is at attachment 1.

SPURR has the following objectives –

- To inform the community of the issues associated with an urban renewal of the size and complexity of FBURA.
- To do so in time for a considered set of views to be developed by the community.
- To ensure the decision makers take appropriate account of the community views on achieving a liveable FBURA.

SPURR has been a credible and respected voice in the review and ongoing planning processes; part of which has been our identification of, and advocacy for, the necessary components of a liveable Fishermans Bend (see attachment 2).

SPURR formed against the backdrop of widespread criticism of the July 2014 Strategic Framework Plan for FBURA. Criticism centred on poor planning processes and unrealistic expectations for delivery of infrastructure essential for the efficient operation of a functioning and attractive city. SPURR's 1st priority is the reservation of appropriate land suitable for public infrastructure.

In addition, the re-zoning decision removed 3rd party rights of notification and appeal which would normally allow affected parties to object to planning applications that impinge on others' rights to quiet enjoyment of their properties.

The removal of rights was symptomatic of a wider disregard of the views and needs of the existing and future community that resulted in little meaningful public consultation. While consultation processes have improved since our formation, there are still significant gaps in the community's understanding of how FBURA will be integrated into the existing local community and wider Melbourne.

Overview

SPURR understands the opportunity presented by the re-zoning of Montague and large parts of Port Melbourne and is generally supportive of the aspirations of the Fishermans Bend Urban Renewal Area (FBURA) Vision and Draft Framework.

However, SPURR remains concerned by the lack of a strategic plan capable of delivering on the aspirations of the Vision. We continue to argue for sensible governance mechanisms for the area, as well as funding models that do not inequitably shift the financial and social cost of the renewal onto the community and future generations of residents.

SPURR remains deeply concerned that the lack of a meaningful strategy for delivering catalyst infrastructure projects will inevitably lead to landowners and developers driving the renewal for the benefit of themselves and their shareholders, and at the expense of the amenity of the community and the liveability of not just FBURA, but of wider Melbourne.

We conclude that the absence of a meaningful plan for delivering infrastructure while allowing landowners to develop their land according to the statutory planning guidelines will lead to disaster for all concerned.

Structure of the submission

This submission comments on the Framework in its three main sections: engagement; strategic planning and catalyst infrastructure, and statutory planning guidelines. It does so from the perspective of SPURR's view on what makes a city liveable.

We believe that people in a liveable city thrive when they are **healthy, safe, mobile, productive** and **connected** to the people around them. Our comments focus on the key elements of the Framework that are most likely to affect this outcome.

Lastly, we have made suggestions how the planning process could be improved for the benefit of the existing and future community.

The Framework

The draft Fishermans Bend Framework states that it is a statement of policy intent (p7). One would have thought the policy intent was stated five years ago when the re-zoning was announced. Moreover, the development of the agreed Vision re-affirmed FBURA as a world class exemplar of urban renewal.

SPURR is amazed that such an exemplar has progressed to the point of allowing building permits against statutory planning controls without any firm plans for identifying, siting, costing, acquiring, funding or scheduling the public infrastructure that is the bedrock of any functioning community.

SPURR understands that some work has been undertaken to identify the types and quantity of infrastructure needed to support an expected population of 80,000 residents and 80,000 workers. However, instead of giving any indication of the quantum of the works needed, the Framework only provides a caveat that implementation of the infrastructure projects that are identified will be subject to the normal State Government budgetary processes.

SPURR is concerned at the implication that the government's thinking around how to fund public infrastructure is a business-as-usual approach. SPURR emphasises that FBURA is *not* a business-as-usual project, and in fact is made unique by (amongst others) its size, its geography, its previous use, the predominance of privately owned land, the proposed population density and the lack of planning prior to its rezoning. These factors all demand that a unique approach be taken to the governance of the implementation of FBURA and the funding of its infrastructure.

To that end, SPURR suggests that thought be given to the models proposed at attachments 3 and 4. Attachment 3 proposes a governance model based around a statutory authority with powers and responsibilities to deliver the Vision. Attachment 4 suggests a funding model that equitably shares the cost of infrastructure between landowners and the Government.

SPURR supports the notion of density controls, but is concerned the target population of 80,000 is arbitrary and unsupported by any evidence that the specific characteristics of FBURA will allow such a population to interact seamlessly with the rest of Melbourne.

We are encouraged the framework contemplates staging development in such a way that population growth is constrained by the availability of public infrastructure. SPURR fully supports the periodic review of the density controls to ensure liveability of the area and its surrounds.

SPURR submits that the Framework's priority outcome 4.1 be further developed to identify the trigger points for reviewing the density controls, and that detailed contingency actions be embedded in the Framework and the governance mechanism in the event that density controls prove ineffective.

SPURR would have greater confidence in the workability of the Framework if it was developed as the infrastructure plan first and foremost. We consider that all planning effort should be concentrated on this task and that **ALL** other work on precinct plans, statutory guidelines, etc should be deferred until the Framework is complete and given force of law through the Parliament as per attachment 3, or some similar instrument.

The engagement approach

SPURR has always advocated for an engagement process in keeping with the principles espoused in the Government's planning documents. In particular, SPURR was formed specifically to facilitate well-informed exchange of ideas and opinions between the Government planning agencies and the community. We believe that the Draft Framework summation of the public engagement process reflects the views of the community with regard to priorities for transport infrastructure, open space, community services, heritage and the need for high class planning, transparency, consistency and certainty.

However, SPURR considers that the Draft Framework has failed to articulate clear policy positions on the fundamentals of the project. We remain convinced that without strong governance, consistency of decision making and an equitable and appropriate funding mechanism, then infrastructure will be built spasmodically and in an ad hoc fashion. The result will be similar to what has been seen in Southbank and Docklands, except both those areas have the benefit of being closer to the CBD and better served by existing transport links.

In short, without these mechanisms there will be no delivery of the priorities identified through consultation, and FBURA will fail the liveability test.

SPURR believes there is an ongoing need for genuine engagement with all stakeholders to guarantee the best chance of developing a framework for governance, funding and consistent

decision making. We will continue to advocate for an open discussion of all facets of the issues to ensure the best option is put in place to realise the Vision for the area.

SPURR submits that the government should create a public forum for experts, stakeholders and other interested parties to discuss the problems, difficulties and solutions associated with delivering the Vision.

Strategic Planning & Catalyst Projects

SPURR believes clear policies and plans are needed that take into account the challenges created by FBURA's location and history. Ground conditions, shallowness of watertable, contamination from previous land use, climate change, proximity to Webb Dock and the reality of the Westgate Freeway all pose particular problems that won't be resolved without genuine and concerted effort by a substantial number of players.

SPURR agrees with the Framework that collaborative partnerships must be developed and are the only way to deliver on the Vision.

The current planning approach is to allow landowners to decide the building typography on their own land and therefore the nature of the environment faced by neighbouring owner/occupiers. In addition, owner/developers cannot provide the public infrastructure a community needs, except in a limited way; and certainly not outside the boundaries of their properties. The only way a private landholder could provide public infrastructure such as transport assets, utilities and parkland outside its title would be by agreement/contract with various government agencies.

SPURR notes the Draft Framework is no longer perfectly aligned with the Vision since the ten strategic directions of the Vision have been subsumed into eight sustainability goals. While the sustainability goals are extremely important to the delivery of the Vision, the change seems to have downgraded the importance of the Vision's strategic directions, particularly those dealing with the timely provision of infrastructure (no. 2) and effective governance (no. 10).

The effects of climate change and the increasing occurrence of extreme weather events means that infrastructure will need to be designed for these extremes. Public transport and the road network will need to be able to cope with days where no one will be walking or cycling. Planning should also realistically account for the likely number of movements into, out of and through FBURA. This must be tied to the likely demographic of residents, the type of business located in FBURA, location of educational institutions and the service needs of all.

Delivery of public infrastructure has to be in line with the needs of the population and the workers as their numbers grow. While we understand the difficulties of managing the budgetary constraints, we also recognize the economic uplift that will accrue from early delivery of public infrastructure. The Government needs to accept that catalyst projects will only act as a catalyst if they are completed in time for them to attract people and business to the area.

The uncertainty of timing and location of schools, public transport routes and open space has a real impact on the building typography around their possible siting. Planners need to know where these assets will be to determine appropriate planning guidelines for that location.

Owners and developers need to know this information so they may sensibly assess their choices of development or other actions.

For instance, lack of certainty about the route of the underground railway prevents landowners in the vicinity from knowing whether they can safely erect a tower that might require pylons down to a depth similar to the rail tunnel. If landowners are allowed to proceed developing their land, then the viability of building a railway later would be doubtful because of the risk to the foundations of those earlier developments.

Planning Guidelines

SPURR considers the inclusion of density controls and guidelines based on Green Star communities is a positive change from earlier planning controls for the area. However, as noted earlier, **SPURR submits** that further changes to the relevant Planning Schemes should be held over until the strategic planning includes an appropriate governance mechanism to oversee the delivery of the agreed Vision, and clear guidance on the location, funding, timing and responsible agency for each piece of catalyst and public infrastructure.

Transition Issues

The Draft Framework is silent on a number of other important issues such as:

- managing the transition from today to 2050 with minimal disruption to the community, other developments and traffic transiting the area,
- location of emergency services depots,
- integration of FBURA into Port Melbourne and the surrounding areas.

As construction intensifies, there is likely to be considerable disruption to the community from noise, dust, vibration, lack of parking, lane and road closures, etc. Traffic diversions will add to congestion throughout the area, which will impact on businesses including the Port. **SPURR submits** that planning rules require all planning permit holders to develop an impact management plan. **SPURR submits** such plans should be legally enforceable.

The Framework is silent on the location of emergency services for FBURA. Police, fire and ambulance services will be critical for an area of 80,000 people, and plans for their presence should be finalised as a matter of priority.

The Framework and its background papers make substantial mention about the history and culture associated with the area. **SPURR submits** that the Responsible Authorities should develop information packs for new residents that give them an appreciation of the needs, customs and culture of the existing community. SPURR believes that initiatives like this will help smooth the integration of the old and the new for the betterment of all.

Summary of Recommendations

1. The Framework's priority outcome 4.1 be further developed to identify the trigger points for reviewing the density controls, and that detailed contingency actions be embedded in the Framework and the governance mechanism in the event that density controls prove ineffective

2. The government should create a public forum for experts, stakeholders and other interested parties to discuss the problems, difficulties and solutions associated with delivering the Vision.
3. A detailed timetable for delivery of infrastructure in conjunction with population growth be developed
4. Further changes to the relevant Planning Schemes should be held over until the strategic planning includes an appropriate governance mechanism to oversee the delivery of the agreed Vision, and clear guidance on the location, funding, timing and responsible agency for each piece of catalyst and public infrastructure.
5. Planning rules require all planning permit holders to develop legally enforceable impact management plans.
6. Responsible Authorities should develop information packs for new residents that give them an appreciation of the needs, customs and culture of the existing community.

Conclusion

SPURR considers that the Draft Framework is a substantial improvement on previous planning documents. In particular, it is better informed than earlier planning attempts about community priorities and the needs for various types of infrastructure to support an expected population of 80,000 residents and 80,000 workers.

The inclusion of reviewable population density controls, an emphasis on sustainability through a green-star rating system, incentives to developers for affordable housing, open space and community hubs, protection against overshadowing and greater detail on specific catalyst projects are significant contributions to the prospects for a liveable FBURA.

However, these improvements will remain aspirational only unless and until they are backed by robust and focussed governance arrangements, consistent decision making and a funding model that guarantees that capital will be available as and when it is needed. Unless catalyst and other infrastructure projects are funded to the appropriate level, then their timing will be uncertain. If they are not in place to serve the community, then liveability will suffer, not just in FBURA, but in the surrounding established areas and across Melbourne.

SPURR has attached possible Funding, Governance and DMF mechanisms to assist discussion and consideration of how best to deliver the Vision of FBURA as a world class example of urban renewal.

SPURR warns that failure to deliver a liveable FBURA will irrevocably damage Melbourne's reputation as the world's most liveable city.

If the funding and governance issues cannot be resolved, then serious thought should be given to shelving the extended capital city zone precincts, and proceeding only with the renewal of the Employment precinct.

SPURR is available for further discussion of its views, and is happy to clarify any aspects that may be unclear.

SPURR Member Organisations

2 Schools Now
Albert Park College
Beach Patrol 3207
Beach Tennis Australia
Beacon Cove Neighbourhood Association
Bicycle Users Group
Born and Bred Port Melbourne
Dig-In Community Garden
Eco Centre
Father Bob Foundation
Fishermans Bend Gymnastics Club
Friends of Westgate Park
Hobsons Bay Obedience Dog School
LIVE
Montague Community Alliance
Multicultural Arts Victoria
National Trust Victoria
Port Colts Football Club
Port Colts Juniors Football Club
Port Melbourne Baseball Club
Port Melbourne Bowling Club
Port Melbourne Business Association
Port Melbourne Cricket Club
Port Melbourne Football Club
Port Melbourne Historical and Preservation Society
Port Melbourne Junior Cricket Club
Port Melbourne Neighborhood Centre
Port Melbourne Netball Club
Port Melbourne Primary Parents Association
Port Melbourne Soccer Club
Port Melbourne Tennis Club
Port People Inc.
Port-to-Port
Ring Road Round Port Melbourne

Sandridge Life Saving Club
Save Albert Park
Social Health and Inclusion Port
SouthPort Day Links
South Port Parks Inter Church Council
Southbank Residents Association
Surveyors Place Business Association
Toyota
Urban Design Forum
VICT Ltd
West St Kilda Residents Association

SPURR Mission Statement

SPURR will contribute to a liveable and environmentally sustainable Fishermans Bend (and in so doing, protect the liveability of Port and South Melbourne) through an open, transparent and genuine consultative process involving all stakeholders – the residential, business, ecological, church and recreational community, land owners, developers, planning authorities and relevant Ministers.

Context

SPURR has formed against the backdrop of widespread criticism of the July 2014 Strategic Framework Plan for the Fishermans Bend Urban Renewal Area (FBURA). Criticism has centred on poor planning processes and unrealistic expectations for delivery of infrastructure essential for the efficient operation of a functioning and attractive city.

In addition, the re-zoning decision has removed 3rd party rights of notification and appeal which would normally allow affected parties to object to planning applications that impinge on others' rights to quiet enjoyment of their properties.

The removal of rights is symptomatic of a wider disregard of the views and needs of the existing and future community that has resulted in little meaningful public consultation.

The twin realities of poor planning and poor consultation provide a clear impetus for two streams of work:

1. Establishing SPURR as a credible and respected voice in the review and ongoing planning processes; and
2. Identifying and advocating for the necessary components of a liveable Fishermans Bend.

Objectives

SPURR has the following objectives –

- To inform the community of the issues associated with an urban renewal of the size and complexity of FBURA.
- To do so in time for a considered set of views to be developed by the community.
- To ensure the decision makers take appropriate account of the community views on achieving a liveable FBURA.

1. Enablers / Pre-conditions

SPURR will work to ensure its objectives are met by requiring the following enablers be put in place –

- Open planning and review processes that allow unfettered access to all relevant information.
- The identification, scope and explanation of all relevant issues by planning and review agencies well in advance of scheduled consultation deadlines to allow the community to become informed, and to allow time for consensus amongst SPURR members and other representative stakeholder groups.

- Full explanation and justification by decision maker(s) of reasons for accepting / rejecting relevant views, including how the recommendations/decisions flow from analysis of the various views (this may involve draft and final reports to ensure the reasoning is sufficiently robust and transparent).
- A review process free of external factors/events pre-empting the outcomes.
- Establishment of an ongoing compliance regime to ensure statutory planning decisions are consistent with longer term strategic requirements and objectives.

2. A Liveable Fishermans Bend

SPURR believes a liveable city is one whose people are -

- **healthy,**
- **safe,**
- **mobile,**
- **productive, and**
- **community-minded.**

Enablers of a Liveable City

SPURR believes people thrive in a liveable city when they have access to environmentally sustainable infrastructure and services that provide them with—

- clean air, clean soil and clean water. Sources of pollution should be eradicated. All sites should be remediated before building permits for sensitive uses are issued. Developments for non-sensitive uses should also be remediated to ensure the water table remains free of contaminants.
- environmentally sustainable treatment and re-cycling of waste and water. Ways should be found for integrating the waste management systems of the employment and residential precincts. Strategic planning should place a strong emphasis on clean energy and means of reducing water, power and other resource consumption.
- ample green and other open space, indoor and outdoor active recreation facilities, walkable precincts and shopping opportunities.
- absorbent and permeable hard surfaces where green space is not possible.
- flood mitigation and protection measures – developments should contribute to stormwater drainage and sewage upgrades.
- transport infrastructure appropriate to the needs of the residents and businesses of Port Melbourne, South Melbourne, Fishermans Bend and the people who visit and/or pass through or nearby, including infrastructure that reduces traffic congestion. Adequate separation/control of pedestrian, cyclist and motorist pathways should be planned, implemented and monitored.
- provision for fire brigade, police, emergency, ambulance and neighbourhood watch services. Services should be centrally sited within easy reach of all developments.
- suitable sources of nearby employment – FBURA is home to existing businesses that employ over 18,000 people. Special arrangements/incentives should be created to ensure existing businesses that wish to continue operating in the area are able to do so.

- an appropriate mix of different types and sizes of business. Similarly, an appropriate balance of residential and business developments should be encouraged.
- multi-purpose facilities for retired or disadvantaged/disabled residents to spend their time productively in social, community and other activities.
- ageing in place – facilities should be provided in a timely manner to ensure child care, educational facilities (including libraries) catering to all stages of life learning, community- and family-based activities, aged care and health care.
- utilities that enable online connectedness, foster business competitiveness and opportunities for innovative forms of trade.

Delivery of a Liveable City

All infrastructure and services should set new standards for world's best practice in their planning and delivery. Planning, engineering and building standards should be revised to ensure a high quality residential and commercial environment. Responsible Authorities should ensure developments comply with the revised standards through a robust assessment process and compliance regime.

- Engineering techniques that stabilise the ground during and after construction must be mandated.
- All developments should be green star rated.
- All development should be sympathetic to and inclusive of the social, historical and cultural heritage of the area. Buildings and natural features of significance should be integrated into all designs and plans to emphasise their place in the life of the community.
- Affordable housing – developments should include good quality housing for a diverse range of buyers and occupants.
- All developments must preserve reasonable access to sun, sky, open space and privacy for people in and around FBURA – developments should have sufficient separation between buildings to prevent unreasonable overshadowing, excessive wind effects, to allow for privacy of the residents, and provide open space for the enjoyment of residents and workers during downtime.

Transitional arrangements

Special provision should be made to limit congestion and other loss of amenity during construction – Responsible Authorities must consider mechanisms including staged construction in different areas and/or limiting further permits in areas already under construction. Alternatively, thought should be given to requiring *all* construction within a given area to be completed within a specified timeframe.

Life Expectancy

SPURR expects to operate over the life of the Review of the FBURA, and during the period between the Ministerial Advisory Committee making its final recommendation and immediately after the Government implements a revised and appropriate Planning Scheme for FBURA.

GOVERNANCE MODEL FOR FBURA

Issue:

What is the most appropriate governance mechanism for ensuring delivery of the Vision for the Fishermans Bend Urban Renewal Area.

Relevant Factors:

- FBURA is by far the largest urban renewal project in Australia, both in terms of area (458ha) and population (80,000 residents and 80,000 workers).
- There are current planning applications before four (4) different responsible authorities¹.
- Planning permits are being – or will be – considered under five (5) different Planning Scheme Amendments².
- Almost all land in FBURA is privately owned with over 300 different landowners; and lot sizes varying significantly.
- No provision has been made for reserving public land³ necessary for supporting the hoped-for population.

Assumptions:

- Under current arrangements, land owners and developers in FBURA have little incentive, scope or ability to formulate business cases that will meet requirements for securing venture capital.
- Reputable developers will not involve themselves in the FBURA project unless and until they have certainty about the regulatory regime, its duration and the decision making framework (DMF) applied by the planning authorities.
- Consistency of interpretation of the regulatory framework and the DMF is key to ensuring certainty for developers over the decades the urban renewal will take.

Possible Mechanism:

A single authority offers the best hope for consistency of decision making. However, such an authority is not guaranteed to deliver consistency without a number of other measures being in place over the life of the project.

- The authority must have a single objective to deliver – the realisation of the agreed Vision for FBURA.
- It must be accountable for delivery of the Vision.
- It must be independent.

¹ Cities of Melbourne and Port Phillip, the Minister for Planning and VCAT.

² Amendments C102, GC16, GC29, GC50 and GC81.

³ Public land refers to all land, rights of way and easements necessary for communal infrastructure including, but not limited to, transport corridors, open space, schools, community services and utilities.

- It must have sufficient power to bring together the various government agencies, private interests and the public to implement the various components of the project.
- It must have access to, and be responsible for, funding for the public infrastructure necessary for a world class renewal area.
- It must be responsible for day-to-day decision-making about what gets built, by whom and where.
- It must ensure FBURA integrates seamlessly with the rest of Port Melbourne, the Port of Melbourne, surrounding areas and greater Melbourne.

Structure

- The best option would appear to be an independent statutory authority constituted under an Act of State Parliament.
- The authority would comprise an odd number of members proposed by the Minister for Planning and appointed by 2/3 majority of parliament (to assist with bipartisan support).
- Members would be independent of political parties, would have experience in planning and construction, and would be selected on the basis of their expertise and standing in the wider community.
- Members would be appointed for a set term (5 years?) NOT coinciding with the electoral term.
- The members would be supported by staff employed under the Victorian Public Service Act, including a chief executive who would have administrative responsibilities for the organisation.
- The authority would be funded through the State budget process.

Responsibilities

- The primary objective would be to do all things necessary for the realisation of the 2017 FBURA Vision.
- Tasks would include all strategic planning for the area in consultation with all relevant agencies and local community groups, planning decisions on individual applications, operation of a special infrastructure fund, collection of fees, rates, duties and other monies payable to the fund.
- Relevant agencies include Local Councils, transport authorities, education and health departments, utility service providers, environmental agencies, the Port of Melbourne, Plan Melbourne, Infrastructure Victoria, Major Projects and other planning authorities.
- Strategic planning includes managing, reviewing, amending where it is at odds with the Vision and oversight of the FBURA strategic framework in its 2018 form. This would also include the proposed precinct plans, transport plan, open space plan and other plans under development by the FBURA Taskforce.

- Oversight and supervision of capital and infrastructure works, including catalyst projects. This would include management of all aspects of tendering and contract management, including developing rigorous tender processes and contract oversight to ensure value for money is achieved and projects are completed on time and within budget.
- Consultation would be through open processes consisting of issues papers, public hearings where appropriate, draft and final reports.
- Decisions on individual applications would be in accordance with planning rules and a comprehensive DMF to be developed by the authority in consultation with affected/interested parties.
- The DMF would cover areas including legal, economic, pollutant remediation, impact on physical conditions, social impact and temporary impacts during construction. (See separate attachment)
- Management and operation of the special infrastructure fund. The fund may be subject to external oversight and audit, but would not be open for use on any other project not directly related to delivery of the Vision.

Powers

- The authority would have all powers necessary to meet its objective and perform the tasks outlined above.
- It would have coercive and enforcement powers to ensure compliance with decisions and directions it might make.
- Enforcement powers would be through the Supreme Court.

Accountability

- The authority would be accountable to the Parliament, with responsibility for the governance framework vested in a suitably senior Minister (probably Treasurer or Premier) assisted by the Minister for Planning or equivalent.
- An annual report would be prepared, audited and tabled in Parliament within 3 months of the close of the financial year.
- Individual decisions of the authority would be subject to judicial review only on the grounds of failure to observe/follow legislated provisions or internal regulations.
- A public register of all decisions should be created and kept up to date.
- A public register of the details of all tenders and contracts should be created and maintained.

Duration

The authority would be subject to a sunset clause based on successful delivery of key benchmarks.

DECISION MAKING FRAMEWORK FOR FBURA ROAD CLOSURES

Issue:

To develop a methodology appropriate to decisions on road closures.

Relevant Factors:

- There are currently six Responsible Authorities who have (or have had) decision-making powers over planning in FBURA.⁴
- The Recast Vision for FBURA includes a number of ‘strategic directions’ that require mixed use of land, diversity of activity and encouragement for 21st century jobs.
- The Recast Vision proposes a greater reliance on active and sustainable transport options than the present reliance on fossil-fuelled vehicles.
- Roads are almost the only publicly owned land in FBURA.
- There is no clear framework that specifies the criteria relevant to a decision on road layout.
- There is no clear timeframe for the delivery of public infrastructure, including transport.

Assumptions:

- Some current land uses will have a continued importance and value to the delivery of the Recast Vision.
- A comprehensive decision making framework will improve the quality of decisions by all Responsible Authorities, and enhance consistency of decision-making.

Relevant Considerations in Decision Making:

How does the proposal contribute to the realisation of the Recast Vision?

1. Legal-

- What are the decision makers obliged to consider?
- Relevant Acts of Parliament?
- Requirements of legal instruments?
- Objectives of planning scheme and other planning documents?
- Is compensation of adversely affected stakeholders a possibility?

2. Physical-

- Ground conditions – type of soil, depth of watertable, height above sea level, condition of stormwater drains and flood mitigation infrastructure.
- Overshadowing – will the proposal allow adequate sunlight in green areas?
Discourage heat sinks?

⁴ The Minister for Planning, the MPA, City of Port Phillip, City of Melbourne, VCAT and the Supreme Court of Victoria

- Wind effects – is the proposal likely to be affected by wind, or contribute to an increase in wind?
3. Environmental-
- Will the site need remediation?
 - Will construction result in release of contaminants into the atmosphere or watertable?
 - What is the most appropriate form of remediation?
 - Does the proposal conform to 21C Smart City Guidelines?
4. Economic-
- Who are the stakeholders – now and in the future?
 - What are the activities they (will) engage in?
 - What is their contribution to the Recast Vision?
 - What is their contribution to the local, Melbourne, Victorian and Australian economies – dollars?, jobs?, as an enabler of other industries/businesses?, reputation?, other relevant metrics?
 - What are (will be) their requirements of the road network?
 - Are there (will there be) alternative transport options that meet their requirements?
 - When?
 - What are the costs of the proposal? Tangible and intangible?
 - What are the benefits? Tangible and intangible?
5. Societal-
- What is the impact of the proposal on the broader community (indirectly affected stakeholders)?
 - Are there implications for emergency services? Short term? Mid-term? Long-term?
 - Are there priority activities in the broader community that may be adversely affected – Defence? International trade?
 - Will the proposal cause traffic/congestion issues in surrounding areas? Wider Melbourne?
 - Will the change in road layout place undue pressure on other transport networks?
 - Is this pressure likely to change? When?
 - Does the proposal provide for disabled access?
 - Does the proposal enhance safety for users of the space?
6. Transitional-
- Will the proposal place a disproportionate burden on particular stakeholders?
 - Will the proposal result in short-term changes in the way stakeholders operate?
 - How can such changes be managed to minimise disruption or other costs?
 - Will the proposal challenge the viability of any stakeholder activities?
 - What is the net benefit/cost of the loss of stakeholder activities?
 - Have the views of all local and state agencies with an interest in the land been taken into account?

FUNDING PUBLIC INFRASTRUCTURE IN FBURA

Issue:

How to raise capital for investment in land in and around FBURA suitable for public infrastructure.¹

Relevant Factors:

- Re-zoning to capital city zone has increased the value of land holdings in North Port, Montague and Fishermans Bend (FBURA).
- Almost all land in FBURA is privately owned; and lot sizes vary significantly.
- No provision has been made for reserving public land necessary for supporting 80,000 residents and 40,000 workers.

Assumptions:

- Further uplift in land value will be created by investment in transport infrastructure in particular, as well as in other public infrastructure including open space, schools and community facilities.
- In principle, beneficiaries of the re-zoning decision should be obliged to make appropriate contributions to ensuring FBURA is a world class example of urban renewal and living.
- Under current arrangements, land owners in FBURA have little incentive, scope or ability to contribute an appropriate portion of their windfall gains back to the community for the future use of the community.

Possible Mechanism:

Similar to rate valuations and Council Budget processes, estimate total cost of necessary infrastructure services and apportion cost per property (eg per sq m, per CIV, etc) –

- Need to identify each service, who it will serve, where it should be located and what it will cost. Costs could also include where services for the community are provided out of area eg schools.
- These costs should *NOT* include the value of the land itself.
- Implementation of this mechanism should be at the earliest stages of planning for the area. Agreement on the principles of this document and which services are necessary should be part of the revised vision for the area.
- Costs would be estimated as part of the initial planning and revised periodically if necessary (see below).

Planning controls such as height restrictions will limit the revenue able to be generated by different properties (fewer apartment sales, less floor space). Revenue will also be constrained for those properties reserved (wholly or in part) for public infrastructure.

¹ In this document, 'public infrastructure' includes all assets and facilities used for public purposes such as transport corridors (road, rail, lightrail); open space; sporting activity; education; aged, child and health care; etc.

- The entire FBURA could be treated as a super-lot where revenues are paid into a consolidated fund for the owners/developers as they are generated. As most sales seem to be off-the-plan, the consortium of owner/developers could receive monies ahead of incurring building costs as happens normally.
- Funds for infrastructure would be reserved, and drawn down from the fund as required and/or available. This would be in place of requirements under existing Developer Contribution Plan(s).
- The fund would have an initial injection of capital provided by the Government.
- Funds for construction would be drawn on from the fund as required.
- Where there is a shortfall of monies at any point in time, the fund could be supplemented by loans (ideally interest-free) from Government or infrastructure providers.
- Profits would be distributed from the fund to the owner/developers on the same basis as the initial allocation of cost per property.
- Timing of distribution of profits would be subject to negotiation, but might be staged as precincts are completed, or agreed milestones reached.

Governance

Adequate controls over the fund will be mandatory. Controls would include-

- A separate entity with specific accounting, oversight and safeguard functions;
- Statutory and/or legislative instruments that specify responsibilities, systems and processes;
- Ensuring value-for-money from infrastructure providers through robust and transparent tendering procedures. Safeguards will also be necessary to avoid cost shifting or transfer pricing to related entities.

Other Mechanisms:

The fund could be augmented by directing application fees, stamp duties, land taxes, rates and existing special levies for the area into it.

Other concerns such as affordable and diverse housing could also be addressed by setting fees, duties and rates such that it becomes more profitable for the owner/developers to provide higher proportions of 2- and 3-bedroom accommodation-

- Permit Application fees could be re-structured to be based on type and number of properties within a development. Single bedroom apartments would be charged a higher fee than doubles, with triples being the cheapest.
- Special rates could be struck for single apartments that make them less attractive to buyers and owner/developers.