
Request to be heard?: Yes

Precinct: Wirraway

Full Name: Rhodie Anderson

Organisation: One Smart Pty Ltd

Affected property:

Attachment 1: Letter_to_Fisher

Attachment 2:

Attachment 3:

Comments: Refer to uploaded letter

Our ref: **REA:20172819**
Your ref:

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15 December 2017

Fishermans Bend Task Force
Department of Environment, Land, Water and Planning
8 Nicholson St,
EAST MELBOURNE VIC 3002

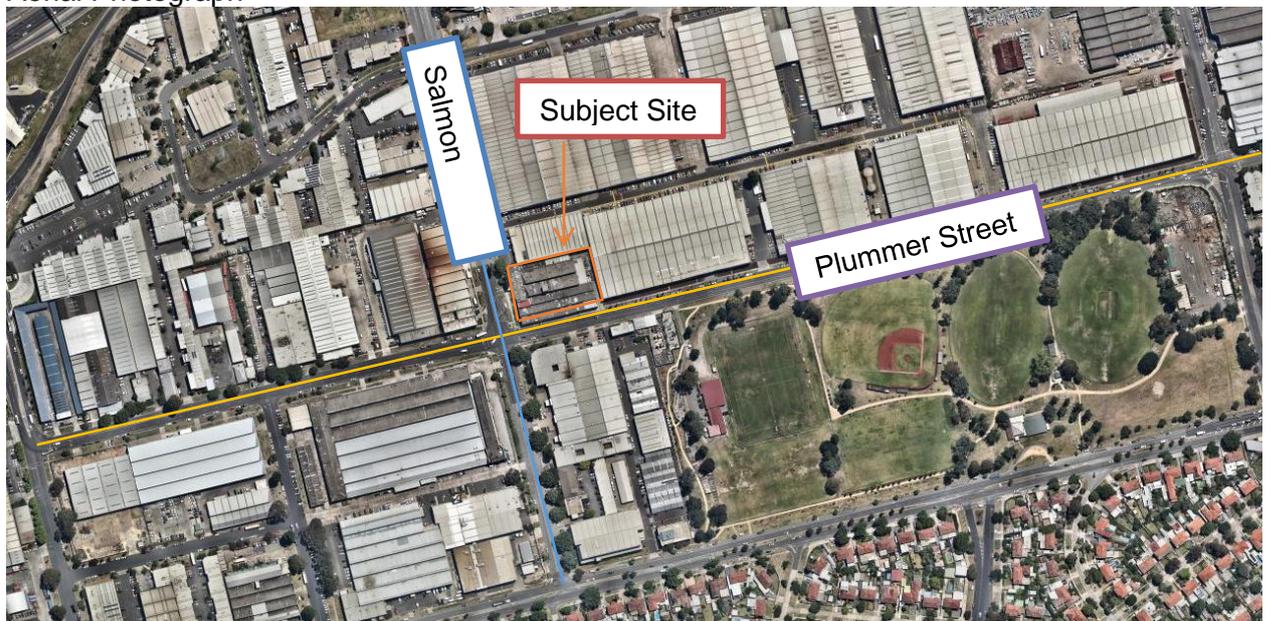
Dear Sir/Madam

**50 Salmon Street, Port Melbourne
Amendment GC81**

Subject Site

- 1 ONE SMART Pty Ltd is the owner of the land at 50 Salmon Street, Port Melbourne.
- 2 The location of the site is shown in Figure 1 below.
- 3 The site has frontages to Salmon Street and Plummer Street.
- 4 The site is located in the Wirraway Precinct within Fishermans Bend.

Figure 1
Aerial Photograph



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Current Planning Scheme Provisions

- 5 The land is affected by the Port Phillip Planning Scheme.
- 6 Under the current controls applicable to the site there is;
- A mandatory maximum building height of 18 storeys;
 - A mandatory maximum street wall height of 20m or 5 storeys (whichever is the lesser);
 - Mandatory tower setbacks above the building podium of 10m to streets and side/ rear boundaries;
 - Preferred parking rates of 1 space per dwelling and 1 space per 100 square metres of retail/ commercial floor space; and
 - A requirement to negotiate development contributions.
- 7 In addition to the provisions noted above, the existing local policy at Clause 22.15 includes provisions associated with encouraging new development to incorporate:
- 30% of dwellings as 3 bedrooms units;
 - 6% of dwellings as affordable housing to be transferred to a registered housing provider; and
 - Non-residential floor space to occupy 60% of the Salmon Street and Plummer Street frontages.

Proposed Provisions

- 8 Among other matters, the following provisions are proposed by Amendment GC81.
- The inclusion of the site in a 'Core activity area' within the Wirraway Precinct;
 - Nomination of the site as an 'Education and community hub investigation area (Secondary school)', a 'Health and wellbeing hub' and an 'Arts and cultural hub investigation area';
 - The introduction of a mandatory Floor Area Ratio of 4.1:1 (with a discretionary requirement that commercial floor space represents a FAR of 1.9:1), unless any additional floor area is associated with a non-residential use or a public benefit floor area uplift is agreed to by the Responsible Authority;
 - The introduction of a discretionary 12 storey building height;
 - The introduction of new building setback provisions, including a mix of mandatory and discretionary provisions;

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- Nomination of the Plummer Street and Salmon Street frontages as 'Primary active frontages', and no crossovers are permitted either to Plummer Street or Salmon Street;
- A potential metro alignment is depicted along Plummer Street;
- A new public open space on the land at the corner of Salmon and Plummer Streets and a provision that states that a permit must not be granted if inter-alia the proposed public open space is not provided;
- Mandatory overshadowing controls that prohibit additional shadow to be casted over the Neighbourhood parks (equinox) on the opposite side of Plummer Street between 11:00am and 2:00pm on 22 September;
- Mandatory overshadowing controls that prohibit additional shadow to be casted over the south side of Plummer Street between 11:00am and 2:00pm on 22 September;
- Mandatory overshadowing controls that prohibit additional shadow to be casted over the JL Murphy Reserve (Wirraway) between 11:00am and 2:00pm from 21 June to 22 September;
- A 4 star Green Star (or equivalent) sustainability rating;
- Qualitative provisions related to wind effects on the public realm;
- Minimum floor to floor height provisions associated with the future adaptability of buildings;
- Qualitative provisions related to active street frontages;
- Mandatory parking rates of 0.5 spaces per dwelling and 1 space per 100 square metres of retail/ commercial floor space, unless an alternative parking plan that responds to certain criteria is approved; and
- The requirement to prepare a development plan.

9 Similar to the existing statutory planning framework, there are also a range of qualitative provisions related to a range of other planning and urban design considerations.

Submissions

10 We oppose the Fishermans Bend Framework and Amendment GC81 to the Port Phillip Planning Scheme.

11 Our submissions can be grouped into 8 categories:

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- Building Height
- Floor Area Ratios
- Floor Area Uplift;
- 16m Road Widening and Salmon Street Public Open Space;
- Overshadowing Provisions (Plummer Street);
- Overshadowing Provisions (Neighbourhood Park);
- Fishermans Bend Development Plan Areas Requirements; and
- Drafting issues.

Building Height

- 12 Having regard to its close proximity to the proposed metro station and tram route(s), the proposed reduction in building height from the current 18 storeys mandatory provision to a 12 storey discretionary provision is unacceptable and unreasonable.
- 13 The vision for the Wirraway Precinct as set out in the Urban Design Strategy background report is:
- Wirraway is a similar sized precinct to Sandridge, however with a distinctly different vision for the longterm development of the area. The primary objective in Wirraway is to create a new neighbourhood that supports moderate job growth and a high degree of housing choice, in particular, family-friendly housing. The hub of this activity will be located at the intersection of the tram line on Plummer Street and Salmon Street, where bus services will connect to the Employment Precinct. Wirraway is known for its thriving arts scene.*
- 14 It is the last paragraph that is of relevance to the site. The site located at the intersection of Plummer Street and Salmon Street obviously plays an important role within the Precinct.
- 15 In addition, the Urban Design Strategy background report also emphasises the importance of redeveloping strategic development sites that are adjacent to proposed public transport infrastructure.
- 16 In this regard, the proposed building height is considered too low for a site that has substantial potential and opportunities for redevelopment in this strategic position.

Floor Area Ratios

- 17 Regarding the concept of floor area ratios, it is acknowledged within the Urban Design Strategy background report that this concept has been frequently adopted into

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the urban planning system in many cities. However, it is our submission that the proposed FARs is flawed.

- 18 According to the ABS census data released on 27 September 2017, Victoria has an annual population growth of 149,400, which contradicts the estimation of the new Draft Framework.
- 19 As one of the major urban renewal areas in Victoria, Fishermans Bend has the ability and responsibility to accommodate a majority of increase in population growth; the estimated 80,000 benchmark target as set out in the new Draft Framework is significantly too low.
- 20 There is a clear need for the Planning Authority to re-examine the suitability and accuracy of the proposed FARs.
- 21 Secondly, as drafted, a key planning direction is to create certainty for the community, landowners, developers, businesses and investors within Fishermans Bend. However, the overlapping planning controls, including building height requirements and FARs requirements, are enormously confusing, leading to a certain degree of legal uncertainty.

Floor Area Uplift

- 22 Regarding the concept of Floor Area Uplift, it is of note that the Panel Report associated with Amendment C270 to the Melbourne Planning Scheme observed that:
 - The floor area uplift scheme failed to clearly apply the principles of equality, consistency, accountability and transparency to the securing of benefits; and its implementation, including the Guidelines, is vague and may be open to misinterpretation;
 - The strategic justification for the scope of public benefits is absent; and
 - There are too many opportunities for inconsistent outcomes in the “negotiation” of agreements for public benefits.
- 23 It is our submission that the floor area uplift scheme as proposed as part of this Amendment is also problematic for similar reasons. Therefore the provisions should not be included in the new draft Framework and Amendment GC81.

16m Road Widening and Salmon Street Public Open Space

- 24 The draft Fishermans Bend Framework illustrates a new public open space on the land along the Salmon Street frontage and a 16m wide road is to occur across the Plummer Street frontage of the site.

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- 25 In the event that the widening of Plummer Street is considered necessary and public open space is required, a Public Acquisition Overlay should be applied to establish the mechanism for the land owner to be compensated.
- 26 Clause 4.0 of the Capital City Zone Schedule 1 provides that any land required for a road or open space that land must be provided before a permit can be granted. This requirement is an unlawful acquisition of land.

Overshadowing Provisions (Plummer Street)

- 27 It is our submission that having the south side of Plummer Street protected from overshadowing is an ill-conceived concept.
- 28 It is unclear why the shadow controls have been drafted as mandatory requirements in the proposed planning control whilst background reports promote discretion. In this regard, the preferred building typology for the Wirraway Precinct, as stated in the Urban Design Strategy background report, is:

The primary focus of Wirraway is to support family friendly housing. The residential density targets here are lower than the other three precincts. Within the new activity core taller buildings are supported to define this centre, however these should ensure that the southern side of Plummer Street is not overshadowed. Generally 6 storey height limit in the non-core areas is proposed, reducing to 4 storeys at the interface to low-scale neighbourhoods to the south.

- 29 The suggested discretionary overshadowing controls, as drafted in the background report, has been translated as mandatory in the proposed Schedule 30 to the Design and Development Overlay. This is an overly restrictive requirement.
- 30 After reviewing the new Draft Framework, the only strategy relating to overshadowing is simply associated with public open spaces, and the specific provision is provided below:

Establish new overshadowing controls to protect precinct and district parks between 11am and 2pm from 21 June to 22 September and all other parks between 11am and 2pm on 22 September.

- 31 It is our submission that if there is such a need to compromise, a more innovative urban development prohibiting the overshadowing of a street would be encouraged, with active street frontage provided at the street level.
- 32 The overshadowing requirement over the south side of Plummer Street is therefore considered to be unacceptable.

Overshadowing Provisions (Neighbourhood Park)

- 33 It is also our submission that the concept of having the neighbourhood park on the opposite side of Plummer Street to be protected from overshadowing to the south of obvious development sites (including the subject site) is flawed.

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34 The neighbourhood park on the opposite side of Plummer Street is clearly secondary in the overall public open space network, which basically provides a civic plaza function. Therefore, such spaces are able to deliver reasonable levels of recreational amenity without limiting shadows during certain times of the year.

Fishermans Bend Development Plan Areas Requirements

35 As noted above, the Planning Scheme provisions that are proposed to be applied to the subject site are overly extensive and complex, it is our submission that the proposed Development Plan Overlay is therefore unnecessary in this case.

Drafting Issues

36 A detailed review of the draft Planning Scheme provisions reveals a number of errors in the documentation.

37 These errors include the following:

- Use of wrong 'Table' numbers;
- Errors in the land use tables;
- Confusing mandatory and discretionary building form requirements; and
- Confusing mandatory and discretionary overshadowing requirements.

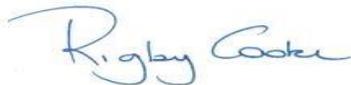
38 For such an important inner urban renewal project, it is unacceptable that the documentation is strewn with errors.

39 It is also suggested that the draft new provisions are far too complex, and a far simpler template for the different layers of controls should be investigated.

Conclusion

40 In summary, ONE SMART Pty Ltd opposes the draft Fishermans Bend Framework and Amendment GC81 to the Port Phillip Planning Scheme as proposed, and we intend to make detailed submissions at the Advisory Committee Hearing.

Yours faithfully



Rhodie Anderson
Partner