

**ADDENDUM TO STATEMENT
OF EVIDENCE
- FISHERMANS BEND**

**TOYOTA LAND HOLDINGS
AT 61, 140 AND 155 BERTIE
STREET, PORT MELBOURNE**

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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ADDENDUM TO STATEMENT OF EVIDENCE – BRENDAN ROGERS RESPONSE TO THE MINISTER PART B SUBMISSION AND CITY OF PORT PHILLIP STAGE 1 AND 2 SUBMISSIONS

1. Since my original evidence report was submitted, the Minister has proposed further amendments to the proposed policy and controls and the City of Port Phillip have released their submission which proposes several changes to the planning controls. Both submissions will have implications on Toyota's sites. Of key relevance for Toyota are:
 - a. Reconfiguration of public open space
 - b. Removal of Floor Area Ratio exemptions for non-residential development
 - c. Obligations for landowners to deliver and transfer ownership of roads and open space
 - d. Reduction of the plot ratio in Core areas

Open Space

Minister (Part B Submission) / Joanne Thompson

2. The revised maps prepared by the Minister, dated 29 March 2018 show the open space directly to the south of No. 155 Bertie Street and the space on 61 Bertie Street removed from the Capital City Zone and the MSS. However, I note that they have been incorporated on the DDO map as part of the overshadowing control. I assume that the parks are to remain as originally proposed however this inconsistency needs to be rectified.
3. Ms Thompson has provided expert evidence on the public open space provisions on behalf of the Minister. She has proposed an adjustment to the public open space layout which reconfigures the linear park to the south of 155 Bertie Street to become a square shape, making it a wider, more useable space. This revised shape provides greater scope to address and consider "partial shadows" subject to a detailed review.

CoPP Submission (Stage 1 & 2)

4. The City of Port Phillip have proposed that the open space be removed from the south of 155 Bertie Street and relocated onto Toyota's site as a one-hectare park proposed to be sited on the eastern portion of No. 155 Bertie Street. The originally proposed linear park to the south of the Woolboard Road extension is also proposed to be retained although reduced to 12 metres wide.
5. In the submission prepared by Maddocks, the reason for providing a new large passive open space area on Toyota's site is because the per capita provision of public open space is low in the Sandridge Precinct and there is a requirement for more useable open space which can be used for active recreation, as opposed to linear parks which are restricted by their narrow width. On the other hand, Port Phillip's Urban Design response states that an iconic public space similar to Federation Square is required within the Sandridge Precinct commercial centre.
6. I have significant reservations about the recommendation to locate the open space within Toyota's land holding for the following reasons:



- a. The open space takes up a significant portion of land and is proposed to sit over the Toyota's existing headquarters building. The City of Port Phillip has on the one hand stated that retaining Toyota as a key business in Sandridge as a priority for them but on the other hand, expects a significant public space to be located on Toyota's headquarters. I question the pragmatism of this approach if the City of Port Phillip realistically expects Toyota's business to remain viable at the site given that the controls significantly restrict any changes and create substantial uncertainty. Furthermore, it appears to me illogical to locate a major public open space (intended to 'provide an iconic cultural and recreation destination') on the site of a key international business which the Council seeks to retain in Fishermans Bend.
- b. It is understood that additional large open space is required in the Core area in the Sandridge precinct to service the new residential and worker population expected in this area. The proposed location for the park is on the very edge of the Core area does not appear to me to be a practical space which will encourage usability given that it is removed from the 'Sandridge Central' area. I believe an area closer to the proposed metro station would be a more successful approach in practice, particularly if the aim is for this to be a public meeting space.
- c. As discussed at length in my original report with regard to the location of the proposed road, the new park also creates significant restrictions on any form of master planning or flexibility in building types, particularly as the existing use does not lend itself to high rise buildings. The additional gross floor area that can be gained from the area taken for the park and road does not make up for the huge loss of land and the flexibility that this feature has. In my view, proposed change would be a significant negative in seeking to retain Toyota in Fishermans Bend in the median to longer term.

Revised Floor Area Ratio provisions within Schedule 1 to the Capital City Zone

Minister (Part B Changes)

7. Schedule 1 to the Capital City Zone has been revised by the Minister and includes changes to the Floor Area Ratio (FAR) provisions. Of particular impact to Toyota is the deletion of the provision allowing additional FAR for buildings in core areas where the additional floor area is not used for a dwelling i.e. the exclusion of commercial/employment development from the maximum FAR provisions.
8. Furthermore, the revised Table 1 now includes a maximum total FAR and maximum accommodation FAR, with the latter directly related to the above point.
9. This policy change to remove the exemption for non-residential floor area from a FAR cap (in particular the commercial or employment floor area) appears to be at odds with the intentions of the Fishermans Bend Framework, particularly for the Sandridge Precinct where an extension of the CBD with a thriving commercial heart is envisioned.
10. By including a maximum total FAR and removing the ability to exceed the FAR with commercial floor space, the policy is now capping out commercial development and employment opportunities, contrary to the vision for the precinct.
11. From my reading, it appears that the removal of the ability to exceed the FAR if commercial development is proposed, is in part a response to the recognition that there is no benefit for those properties that are impacted by a proposed road or open space who would chose to do commercial development only. However, removing the uplift for commercial development is not in line with the core vision for the Sandridge Precinct.



12. I also question why mandatory FAR caps are required. Given that the controls can be structured so that any application to exceed a preferred maximum FAR could be assessed on its merits, based on a clear set of assessment criteria.
13. The Minister has also proposed to reduce the FAR in Sandridge from 8.1:1 to 7.4:1. This reduction appears unfounded in this precinct, constraining development opportunities further and providing less flexibility and incentive for commercial development.

Road and Open Space Permit Requirements

Minister (Part B Changes)

14. Within the revised Capital City Zone, it is unclear in the rewording of the permit requirements with regard to the road and open space as to what the new controls entail. Previously, these requirements did not permit any building and works within an area designated for a new road or open space. The revised drafting does not appear to restrict building and works in these areas on the condition that a Section 173 is entered into. However, the Section 173 requirements only refer to construction and ownership of the land. This is a confusing control and provides no guidance in regard to when the agreement requirements may be triggered. I maintain my position that this is an unfair and inequitable approach to seek to acquire land for these public purposes.
15. The revised Capital City Zone proposes a requirement for a Section 173 agreement to be entered into when developing on sites with land reserved for a new road or public open space. The Section 173 is required to include provisions for the developer pay for the cost of construction (for new roads) and transfer the land to the relevant public authority at no cost to the relevant authority. I have serious concern with this proposal as it becomes an increasingly inequitable mechanism to obtain land from private landowners. The commentary in my original report recommending that a Public Acquisition Overlay and Development Contributions Plan Overlay are more appropriate mechanisms for acquiring and developing public land is maintained.

Height

CoPP Stage 2 Submission / Minister (Part B Changes)

16. I note that both the City of Port Phillip and the Minister have proposed various changes to the maximum height requirements in Core and Non-Core areas. Whilst this may have some impact on Toyota, the height requirements appear incidental given the restrictions of the mandatory FAR and the apparent lack of correlation between the two controls.