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**Request to be heard?:** Yes

**Precinct:** Montague

**Full Name:** Cameron Gentle

**Organisation:** Normanby Group Holdings

**Affected property:** 179-185 Normanby Road, Southbank

**Attachment 1:**

**Attachment 2:**

**Attachment 3:**

**Comments:** Please refer to attached document

15 December, 2017

our reference: 2015.440

Planning Panels Victoria  
1 Spring Street  
**MELBOURNE VIC 3000**

*Submitted via online portal*

Dear Sir/Madam,

**Re: Fishermans Bend Planning Review Panel  
179-185 Normanby Road, Southbank**

Hansen Partnership continues to act on behalf of the owner of the above site, Normanby Group Holdings, to prepare this submission in response to draft Planning Scheme Amendment GC81 to the Melbourne and Port Phillip Planning Schemes.

### **Relevant Background and Project History**

A planning permit application for a 40 storey mixed-use development on the site was submitted to DELWP in May 2016 (reference PA1600105). This followed a series of pre-application discussions with DELWP, the City of Port Phillip and the OVGA over the preceding eight months.

On 14 November, 2016, Amendment GC50 was gazetted, introducing mandatory planning controls for the Fishermans Bend Urban Renewal Area (FBURA), without notice or consultation.

Of significant consequence to the submitted application was the introduction of a 10 metre mandatory boundary setback requirement under DDO30, and the absence of transitional provisions protecting applications already in the system. This made the application, as submitted, prohibited.

Following gazettal of Amendment GC50, the application was placed on hold and remains on hold at present. In light of draft Planning Scheme Amendment GC81 correspondence was received from DELWP on 10 November, 2017 seeking confirmation whether the application was to proceed as is or be amended. Given the considerable time and cost associated with the application to date, we have advised the land owner that the application should be amended and discussions are currently occurring in this regard.

With the work being undertaken by the Fishermans Bend Taskforce it was anticipated that new planning controls may provide a solution to the issues brought about by Amendment GC50. Unfortunately, however, the draft GC81 controls would restrict development to a similar degree and fail to facilitate development and design outcomes essential for the significant potential of Fishermans Bend to be realised.

Accordingly, we are instructed to oppose the GC81 framework in its current form.

Issues in relation to the proposed GC81 controls are outlined in the following sections of this submission and focus on the following areas of concern:

- Inappropriate mandatory controls.
- Inappropriate floor area ratio controls.
- Unrealistic preferred height expectations.
- The absence of transitional provisions.
- The inappropriate location of the linear reserve to the south of Normanby Road.
- The inappropriate restriction of access and movement along Normanby Road.
- The lack of commitment to investment in public transport.

### **The Issue with Mandatory Controls**

It is submitted that the application of mandatory controls in Fishermans Bend is unjustified and will continue to stifle development, as has been the result of Amendment GC50.

As outlined in DELWP's Planning Practice Note 59 - The Role of Mandatory Provisions in Planning Schemes, June 2015:

*"Mandatory provisions in the VPP are the exception. The VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements.*

*Nevertheless, there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome.*

*Although these circumstances cannot be common practice, they may include areas of high heritage value, strong and consistent character themes, or sensitive environmental locations such as along the coast."*

Contrary to this practice note, however, it is submitted that Fisherman's Bend is not an area of heritage value, does not have a strong and consistent character that needs be protected, and is not environmentally sensitive. It is an inner city, urban renewal area where significant change will occur and a new urban character will develop over time.

In the case of No. 179 – 185 Normanby Road, the impact of mandatory setback controls is significant. The property:

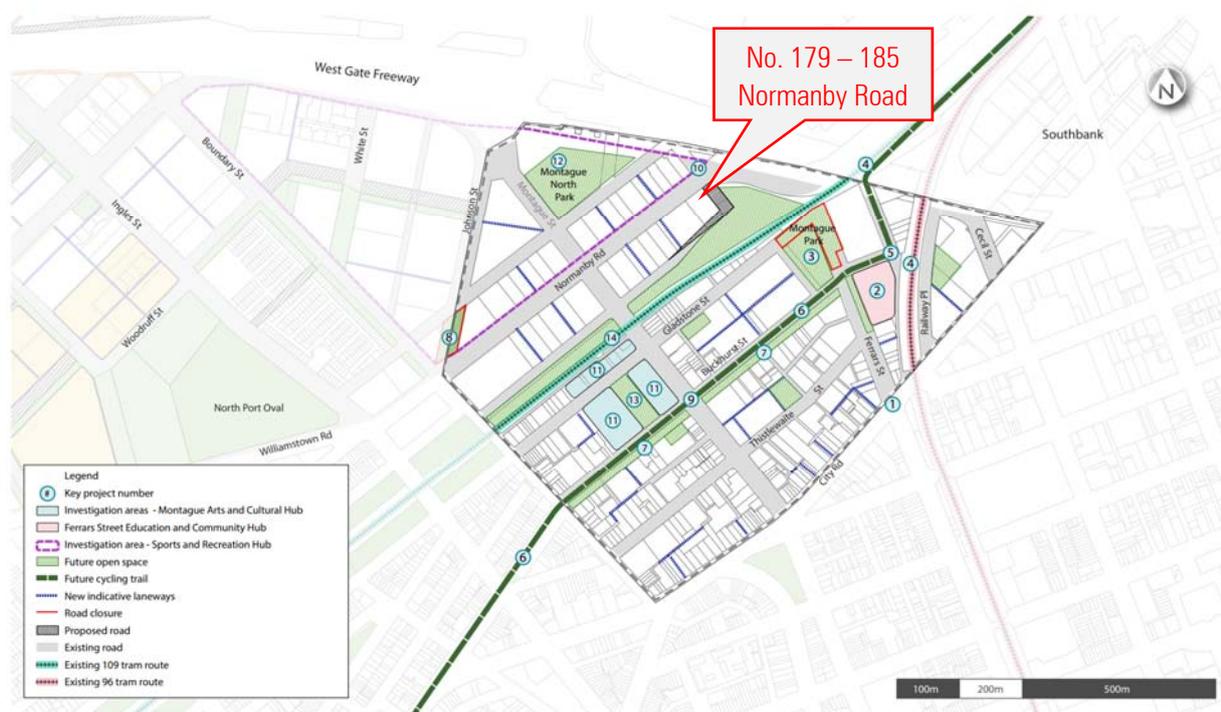
- Is surrounded by roads on 3 of its 4 sides.
- Has its frontage to Normanby Road to the north.
- Has its sideage to Doran Street to the east. This exists as a road on title and provides vehicle access to two properties;
  - One being the Laconia Woollen Mills, owned and occupied by Normanby Group Holdings; and
  - The other being the Southbank Tram Depot.
- Also abuts Woodgate Street that runs along the southern boundary but doesn't currently extend through to Doran Street.

The draft Framework Plan requires mandatory 10 metre setbacks from all roads (and from the centre line of laneways). The impact of this approach at No. 179 – 185 Normanby Road would be to offset the alignment of any tower above the Laconia Woollen Mills from the host building.

The current Planning Application for 179 – 185 Normanby Road in with DEWLP, seeks approval for a nominal (1 metre setback) from Doran Street. We see this as an appropriate urban design response to Doran Street and one that delivers a logical outcome to the heritage fabric of the Laconia Woollen Mills building. It has previously been met with support from DEWLP.

We are informed that the development adjacent to our property also has an active Permit Application in with DEWLP. They are in the final process of amending their drawings. Through discussions with their architect and planning consultants we understand that they intend to reroute Woodgate Street along the common boundary shared with Normanby Group Holdings. This approach would help manage the access and egress difficulties onto Normanby Road (due to the road curvature and existing median strip), were Doran Street to act as the connection point.

Opposite the Normanby Group Holdings property, a future open space area is contemplated. This will extend and occupy the existing Southbank Tramways land (being that to the east and south of the Normanby Group Holdings property) as illustrated below.



**Figure 1 - Proposed Montague Precinct Plan - Fishermans Bend Framework**

In the absence of any other adjacent private land holding, we strongly question the need and appropriateness for mandatory setback controls to apply to the Normanby Group Holdings property at No. 179 – 185 Normanby Road, South Bank.

We say that, in order to facilitate appropriate development and design innovation within the gateway to the Montague precinct, discretionary controls are essential. Accordingly, we request that mandatory controls should be abandoned in this case.

### **The Issue with Floor Area/Plot Ratio Controls**

Despite the abandonment of the City of Melbourne's floor area ratio controls proposed as part of Amendment C270, similar controls are proposed for Fishermans Bend. It is submitted that the same series of issues and inadequate strategic justification may therefore be exposed with the proposed GC81 controls.

Whilst the reasons for including density controls as outlined in the draft Fishermans Bend Framework are noted, the basis and assumptions behind the 323 people per hectare figure and the relationship with the floor area ratio, height controls and population and job targets is not explained.

At No. 179-185 Normanby Road, a discretionary height control of 20 storeys is proposed. With a plot ratio control of 6.1:1 applicable, however, a height in the order of only 13 storeys would be possible (if a floor area uplift component was not provided). The effect on achieving population and job targets of such discrepancies does not appear to have been recognised in the draft Framework.

### **The Issue with Unrealistic Preferred Height Expectations**

Further to issues associated with the proposed floor area ratio controls, it is submitted that the maximum preferred height limit of 20 storeys applied to the Montague Precinct, which includes No. 179-185 Normanby Road, is overly conservative.

Given the strategic focus on Fishermans Bend as a significant urban renewal precinct, and the gateway location of this site, it is submitted that a greater height is justified and that the proposed controls should provide the flexibility for this outcome to be realised.

### **The Absence of Transitional Provisions**

The absence of transitional provisions in the proposed controls is opposed in principle, particularly following the unfairness and significant implications of the controls introduced by Amendment GC50. This approach undermines development confidence to invest within Fishermans Bend and creates significant uncertainty for land owners.

### **The Concerns with a Linear Reserve to the South of Normanby Road**

The draft Framework shows a proposed linear reserve running parallel with the tramline and Woodgate Street.

Whilst the provision of open space in the precinct is supported, it is submitted that the location of this reserve is inappropriate given its location to the south of what will be taller buildings, and adjacent to the rear of these buildings. It is therefore likely to be substantially overshadowed and underutilised. Public open space in the precinct should be provided in accessible locations and in a form which meets the needs of residents and employees, rather than linear reserves such as this which have limited value.

### **Why Restrict Access and Movement along Normanby Road?**

The Road Network Plan in the draft Framework indicates that no crossovers to Normanby Road will be permitted. It is submitted that this is overly restrictive, unjustified and will stifle development.

### **The Lack of Commitment to Investment in Public Transport**

The nomination of potential railway station locations within the draft Framework is acknowledged but it is submitted that the substantial and meaningful provision to public transport infrastructure in the precinct is critical to the success of Fishermans Bend and the absence of such infrastructure will be instrumental factor should its potential and vision for the future not be realised.

We would welcome the opportunity to make further submissions in relation to the proposed controls. Should you require any further clarification, please contact the undersigned on 9664 8844.

Yours faithfully,

**Hansen Partnership Pty Ltd**

A handwritten signature in black ink that reads "Cameron Gentle". The signature is written in a cursive, flowing style.

Cameron Gentle | **Associate**