

PLANNING PANELS VICTORIA

FISHERMANS BEND PLANNING SCHEME AMENDMENT GC81

STATEMENT OF EVIDENCE PREPARED BY STUART MCGURN

APRIL 2018

URBIS

PART 1: INTRODUCTION

1. My name is Stuart Andrew McGurn and I am a Director of Urbis Pty Ltd (Urbis) which conducts its business at Level 12, 120 Collins Street, Melbourne. My qualifications and experience are described in **Appendix A**.
2. I have been instructed by Norton Rose Fulbright (and others) on behalf of a group of landowners in the Fishermans Bend Urban Renewal Area to undertake a town planning review of proposed Amendment GC81 to the Melbourne and Port Phillip Planning Schemes. **Appendix B** includes a list of the parties I have been instructed on behalf of, and their relevant land holdings in the Fishermans Bend Area.
3. Amendment GC81 has been prepared by the Minister for Planning and proposes new planning controls and policies within the Melbourne and Port Phillip Planning Schemes which implement the Draft Fishermans Bend Framework (2017). The Amendment is the most recent in successive amendments for the precinct since its initial rezoning in 2012. Further interim controls, along with a new local policy, were introduced by Amendment GC50, (November 2016) while an updated Framework and permanent controls (ie Amendment GC81) were being prepared.
4. The site context is depicted on an aerial encompassing the Fishermans Bend Urban Renewal Area (FBURA) and surrounding suburbs at **Figure 1**.



Figure 1 –Aerial Photograph of Fishermans Bend and Surrounding Suburbs

5. My instructions require me to consider the implications of Amendment GC81 on supporting the future use and development of the Fishermans Bend Urban Renewal Area. Specifically, I have been instructed to consider the impact of the Amendment on individual parcels within the Precinct.
6. My opinion of the proposed amendment has been informed having regard to:
 - An inspection of the individual sites and their surrounds.
 - Material provided by Norton Rose Fulbright and Russell Kennedy in relation to relevant planning permits and permit applications applying to individual sites.
 - Exhibited Amendment GC81 and supporting documents.
 - The Draft Fishermans Bend Framework (October 2017).
 - The Fishermans Bend Vision (September 2016).
 - The Melbourne Planning Scheme and reference documents of relevance.
 - The Port Phillip Planning Scheme and reference documents of relevance.
 - The submissions of the Minister for Planning and evidence of Ms Leanne Hodyl in relation to Urban Design and Mr John Glossop in relation to Town Planning.
 - The submissions on behalf of the City of Melbourne and evidence of Mr Rob Milner in relation to Town Planning.
 - The submissions on behalf of the City of Port Phillip.
 - Ministerial Direction 11 'Strategic Assessment Guidelines for Planning Scheme Amendments' and other Ministerial Directions relevant to the Amendment.
7. The focus of my evidence is to investigate the individual sites and in doing so I have undertaken individual site assessments and instructed the preparation of modelling to assist the Panel.
8. I am instructed that the following experts engaged by the land holder group will be dealing with detailed matters of:
 - Urban policy (Mr Andrew Biasci of Contour Consultants)
 - Urban design (Mr Mark Sheppard of David Lock and Associates)
 - Economic Analysis (Mr Ian Shimmin of Urbis)
 - Traffic and transport (Ms Charmaine Dunstan of Traffix Group)
9. For context, I have provided a brief commentary on the Amendment at **Part 2** of my statement. I have set out my opinions on the assumption that the Advisory Panel will be (comprehensively) familiar with the material supporting the Amendment.
10. The individual site reviews and modelling are included at **Part 3** of my statement. The modelling includes development modelling of both existing (interim) and proposed controls and has been undertaken by my Firm. This exercise is not exhaustive, but provides the Panel with some indication of the impact of controls being sought in relation to each land holding.

PART 2: BRIEF COMMENTARY IN RELATION TO GC81

WHAT IS THE SITE CONTEXT?

11. The Fishermans Bend Urban Renewal Area is some 480 hectares in area and is located within 1 – 4 kilometres to the south west of Melbourne's Central City (approximate from the edge of the 'Hoddle Grid'). The adjoining areas of Soutbank to the east and Docklands to the north are considered part of the expanded Central City.
12. The opportunity provided by Fishermans Bend is an exceptional one. In urban development terms it provides:
 - Areas which are exceptionally well located in Metropolitan terms.
 - Public transport access, at least to the eastern and some southern areas of the Precinct, and diminishing to the west.
 - Proximity to the major job markets of the Central City and St Kilda Road as well as the designated Fishermans Bend Employment Precinct.
 - Substantial areas of land separated (by varying degrees) from established residential uses.
 - Proximity to arterial road networks (also a constraint with respect to access and amenity within the area).
 - Flat land with limited constraints associated with existing buildings or vegetation.
 - Proximity of certain areas to the Bay and existing recreation reserves, as well as the Yarra River.
13. Key development constraints include the potential for environmental contamination associated with former industrial uses, geotechnical conditions which do not readily support the construction of basements and the presence of low lying areas subject to flooding. By contrast with the opportunities, these are largely design and construction based matters to be addressed at a 'site by site' basis. Given that the area will also be in 'transition' from its existing former industrial use, there is a lack of established community and commercial areas and public open space appropriate to service a mixed use environment.

WHAT IS THE POLICY CONTEXT?

14. Clearly Fishermans Bend is a significant urban renewal area in policy terms. The precincts of Montague, Lorimer, Sandridge and Wirraway are each identified in the Metropolitan Strategy 'Plan Melbourne (2017 – 2050)', and in the State and Local Policy Frameworks of the Melbourne and Port Phillip Planning Schemes as 'Major Urban Renewal Precincts'. The policy vision for such areas in Plan Melbourne is for them to be redeveloped '*in and around the central city to deliver high quality, distinct and diverse neighbourhoods offering a mix of uses*' (Policy 1.1.2).
15. The Fishermans Bend Employment Precinct, is located immediately to the north of the Urban Renewal Area and is separately identified as a 'National Employment and Innovation Cluster (NEIC)' within the Metropolitan Strategy.
16. The Fishermans Bend Precincts represent four of the ten identified Major Urban Renewal Opportunities within Metropolitan Melbourne identified by Plan Melbourne. The purpose of these precincts is to '*take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services*'. They will be vital in accommodating future housing and employment growth within the City. Comparatively, Fishermans Bend is significantly larger than other identified Urban Renewal Precincts such as Arden, McCauley and 'E Gate'.
17. The Urban Renewal Area is significant in geographical terms, comprising approximately 480 hectares of land (excluding the Employment Precinct). Approximately 90% of the land is in private ownership and it substantially comprises low level industrial and commercial building stock. While these buildings are in many cases nearing the end of their useful economic life, or have become outmoded, the area still remains an important location of economic activity and employment. This is recognised in the role of the Fishermans Bend Renewal Area in continuing to provide employment, as part of its mixed use focus, as well as proximity to the designated NEIC (the Fishermans Bend Employment Precinct).

18. The importance of the Fishermans Bend Urban Renewal Area cannot be understated as evidenced in policy and by the undoubted locational advantages offered by the overall precinct, ie the proximity to the Central City and a range of social and physical infrastructure.
19. The area has been the subject of 'shifting' planning controls and policies in successive Planning Scheme Amendments. Additionally, (particularly through this amendment) a range of studies have been undertaken by experts in various disciplines on behalf of the Minister for Planning.
20. The current amendment through the Draft Framework Plan anticipates that approximately 80,000 new residents are envisaged and 40,000 jobs are proposed in the Major Urban Renewal area. This is in addition to the 40,000 jobs proposed in the Employment Precinct.
21. The redevelopment opportunity is to be harnessed at a time when Metropolitan Melbourne has experienced unabating population growth. Further, there has been a consistent underestimation of population growth and estimates across all areas of policy. This has to some extent caught the City and its place makers unprepared. It is now projected that Greater Melbourne will have a population of 8 million by 2051. In reaching this figure, 60% of new dwellings are to be provided in established areas.
22. This situation has been exacerbated by the 'cap' on the Urban Growth Boundary and the roll out of more restrictive residential zones across vast swathes of Melbourne's suburbs. The pressure in the more traditional established and suburban areas focuses the implications for growth into major urban renewal precincts such as Fishermans Bend and the Central City.
23. The Fishermans Bend Renewal Area will not in isolation 'solve' this challenge which is playing out across Metropolitan Melbourne and surrounding regions, but it nonetheless has the capability to shoulder a great load and should be given the utmost priority. To that end, anything that seeks to unnecessarily cap its population, unreasonably constrain appropriate development or does not optimise the opportunities or give due consideration to its delivery should be treated with caution.

WHAT IS THE CHALLENGE?

24. Notwithstanding the above, there can be no question that the built form outcomes created in Fishermans Bend have to deliver a good living and working environment, which is activated and supports well designed buildings, streets and public spaces.
25. The more positive an environment that is created, the more effective the urban renewal area will be in providing a long term solution for Metropolitan Melbourne. This has to be qualified by saying that a 'positive' environment in this context is one which strikes a balance between making a higher order contribution in a policy sense, and delivers a high quality living and working environment.
26. This is not solely an urban design exercise, but is also about the role the Precinct plays in the broader Metropolitan area, and the delivery of appropriate infrastructure in a timely manner to support future populations.
27. Within the Fishermans Bend Urban Renewal Area the delivery of such outcomes are to be achieved from a low base, given the industrial uses which occupy much of the area and the absence of infrastructure which supports a mixed use environment. This creates a critical challenge to delivery of the Urban Renewal Area.
28. Also, it is not of assistance, (for the development industry, policy makers, or community) if land use and development controls are made so complicated as to be difficult to administer or potentially undermine the policy objectives being sought.

WHAT IS THE ROLE OF THE FRAMEWORK PLAN AND PRECINCT STRUCTURE PLANS IN THE VISION FOR THE FISHERMANS BEND URBAN RENEWAL AREA?

29. I support the preparation of an overarching Framework Plan to provide the vision for an Urban Renewal Area of this type.
30. Notwithstanding the amount of strategic work already undertaken (and the preparation of the amendment documentation including new planning policies and controls), the Government acknowledges that the Draft Framework needs to be complemented by individual precinct plans for Lorimer, Montague, Sandridge and Wirraway.
31. It is concerning that those detailed Precinct Structure Plans have not yet been completed and will require further detailed review down the track.

32. Indeed, the Draft Planning Scheme Amendment Information Sheet accompanying GC81 not only states that there is further work to be done in terms of the detail to be found in such plans, but that matters around implementation, timing of actions and infrastructure delivery will be subject to community consultation and normal Government policy and budget process.
33. If Precinct Structure Plans had been prepared and detailed to accompany the Planning Scheme provisions this would provide direction needed for infrastructure delivery, funding and contributions. In this scenario there could be more confidence for the delivery of an overall integrated package of urban renewal and rationale for the proposed controls and policy.

DOES THE AMENDMENT GIVE ADEQUATE CONSIDERATION TO THE PROVISION OF INFRASTRUCTURE WITHIN THE RENEWAL AREA?

34. Ultimately, the Minister is seeking a world's best practice urban renewal precinct, however the Government appears unprepared to provide the necessary infrastructure, either in an up-front manner, or with any detail and certainty around the delivery and funding of such infrastructure.
35. Critically, in order to provide impetus and certainty of investment, particularly in terms of employment, the delivery of public transport by Government is critical to the success of the urban renewal precinct proposed. The provision of this infrastructure is also one of the essential creeds if the projected '80% of trips' to be undertaken by public transport, walking or cycling is to be achieved.
36. The importance of this is outlined at Policy 1.1.2 of Plan Melbourne which notes in relation to the delivery of Major Urban Renewal Precincts;

'The timing of land release in these precincts needs to be in sync with policy drivers, market demand and the delivery of infrastructure and services. If developed properly, the precincts will become a network of connected places, linking to each other and their surrounding neighbourhoods and developing diverse uses and characteristics.'
37. Servicing is a critical factor in renewal areas and while development related costs fall to individual landowners the approach to infrastructure should recognise its more widespread (direct and indirect) benefit. As such, its costs should be spread and a substantial proportion should fall to the consolidated funds of the Government to reflect the wider benefit. In my view, this is a fundamental proposition for the renewal area.
38. This problem is further compounded in terms of attempting to secure significant areas of privately held land for future public uses and ownership without compensation. This leads to an ad hoc apportionment of infrastructure contribution, as well as potentially ad hoc delivery in terms of timing and sequencing.
39. This approach has left only indicative layouts shown in the various planning controls that are proposed to apply without the benefit or backing of detailed structure plans, posing real questions about how the projected infrastructure is to be delivered.
40. It does appear, on its face, somewhat inequitable that some landowners will be affected by the requirement to dedicate land for public purposes where other landowners will be unaffected.
41. The supporting documentation justifies this potential inequity by reference to the Floor Area Ratio mechanism. However, even if this were justifiable this does not account for individual situations because beyond the physical area to be 'quarantined' from development there may be implications for potential development scenarios, dependant on the nature (size, dimension, frontage etc) of the 'remaining' unaffected areas.
42. The dependence of private funding to support service and infrastructure delivery through contributions gained through 'floor area uplift' is also potentially problematic. It has the potential to 'miss the mark'. The delivery of key elements in a co-ordinated fashion, rather than through 'floor area uplift' (which may or may not be implemented) is in my view a preferred outcome.
43. I consider that the failing of this approach is heightened where the 'base' level of infrastructure and development is relatively unformed such as in the case of Fishermans Bend. This can be contrasted against a scenario such as the Central City where the effect of such an approach is more-so one of trading development upgrades for 'public benefit'.

DO THE PROPOSED PLANNING CONTROLS SUPPORT DELIVERY OF THE URBAN DESIGN STRATEGY?

44. The Planning Scheme controls proposed by Amendment GC81 are extensive and complicated. The most influential aspect of the controls are the mandatory Floor Area Ratios for each precinct. The proposed FAR are essentially a 'construct' that are predicated on a population projection undertaken at a point in time.
45. The Fishermans Bend Urban Renewal Area encompasses approximately 90% of land in private ownership. The model embarked upon in the urban design strategy and inherent in the planning controls is problematic if all or most of the development of a site is required for public ownership, or if the area reserved for public works limits the site's ability to be developed, or indeed if the land is not sought to be developed but essentially 'sat on' for the next 15 – 20 years.
46. In the event that land is set aside, it is unclear when or how it will be transferred to a relevant authority, either legally or in terms of its maintenance responsibility. Further, while it is sought for land to be reserved, there is no indication of how the cost of construction of roads, lanes or open spaces is to be borne.
47. This may well limit the capacity or the efficiency of the controls to deliver what they purport to do. The overall development of the land throughout the Precinct may be deferred or proceed in an uncoordinated manner if new roadways and infrastructure cannot be provided at the appropriate stage of redevelopment.
48. It would be preferable for a combination of public acquisition overlay and a development contributions scheme be implemented to manage (in a wholistic way) the securing of land and funding of projects.
49. In addition, the controls are based around specific targets of 80,000 residents and 80,000 jobs (inclusive of the Employment Precinct) by 2050. These targets could either not be met, or indeed may be over-supplied given the nature of the Floor Area Ratio controls (which in 'Core' areas only apply to dwellings) and the concept of the Floor Area Uplift. This may have implications for the aspirations of the Precinct (whether underselling or indeed over investing).
50. The relationship between discretionary heights and densities against a range of public benefits which may be offered, further adds to the complexity of the propositions put. Indeed the dwelling densities (and minimum commercial floor area) appearing within the policy do not appear at all within the statutory controls.
51. The founding propositions of the Amendment and the corresponding controls are complicated and inter-related giving rise to matters such as:
 - Land for roads and open space which is to be simply 'provided'.
 - A highly prescriptive and complicated approach to setbacks from front and side boundaries proposing to be mandatory and including internal inconsistencies in outcomes.
 - Minimum commercial/employment floor space (outlined in policy but not the zone).
 - Maximum Floor Area Ratios and unlimited Floor Area for non-residential uses in core areas.
 - Affordable housing contributions (in both the policy and as part of the nominated FAU).
 - Open space contributions at a rate of 8%, plus open space in 'exchange' for uplift and open space on nominated sites.
 - Dictating dwelling composition to require a certain proportion of 3 bedroom dwellings in the Capital City Zone and policy.
 - Requirements for Floor Area Ratios in the buildings and works provisions of the Capital City Zone separate from the minimum floor area ratio not used for dwellings located in the local policy at **Clause 22.27**.
 - Inclusion of a dwelling density control at **Clause 22.27** that requires development to comply with a maximum dwelling density per precinct. It is not clear how this would be implemented on a site by site basis, given that the control is not in the zone.
 - Reliance on documents that will not be incorporated in the Planning Scheme to guide the delivery of the Floor Area Uplift.

- Application of the Development Plan Overlay to certain sites, requiring preparation of Development Plans by multiple landowners, in response to unresolved public areas and duplicating considerations already provided in policy and the Zone and DDO controls.
 - Inclusion of sub precinct preferred character outcomes in the strategy and policy, which 'leapfrogs' the groundwork of detailed structure planning.
52. To assist the Panel, I have requested preparation of 3D modelling to examine the potential development opportunities in the 'before and after' scenarios for the relevant landowners. A copy of this information is included in **Part 3** of my statement. I note that a number of these sites have applications that are or have been managed by Urbis. Specifically (with reference to the relevant parcels addressed in this statement) I have been directly involved in applications relating to 320 and 365 Plumber Street and 17 Rocklea Drive.
 53. I have undertaken an overall analysis of these sites, their surrounding context and the applicable existing and proposed Planning Scheme controls. While I have identified existing planning permits or current planning permit applications for sites and their context, I have not reviewed these in any detail. Nor have the buildings proposed in these applications been included in the site modelling of the existing controls.
 54. My overall observation is that all of these sites are significant in size, all are within Precincts of strategic importance in a Metropolitan context and all present significant redevelopment opportunities.
 55. It is difficult to quantify the impact of Amendment GC81 relative to these proposals, however it is fair to say (particularly in relation to the dwelling densities and FAR), that the controls will impose restriction on the redevelopment potential of the land such that the existing approvals and current permit applications would no longer be permissible.
 56. The construct of the proposed FAR control is to essentially limit the amount of dwellings across the Precinct and 'calculate' the corresponding ratio in the individual precincts to 'add up' to this figure. This and the proposed FAU are still subject to density requirements, mandatory setback controls and discretionary heights, possibly further constricting development. The implication of this could be a significant diminishing of the potential yield across the Precinct.
 57. My conclusion from this exercise (elaborated in relation to each site review) is that the proposed controls are overly prescriptive, difficult to interpret and unnecessarily complicated. They rely on a relationship between floor area ratios and mandatory setbacks to achieve acceptable built form outcomes, rather than directly addressing the amenity impacts of buildings, such as aspect, shadows and building separation.
 58. There is also a real lack of understanding regarding the implications of public roadways and open space, which affects some sites and has a significant development impact.

CONCLUSION

59. In conclusion, I consider that while there has been much strategic work undertaken, there are remaining 'gaps' and shortcomings within Amendment GC81 which erode its ability to properly plan for the Fishermans Bend Urban Renewal Area.
60. Given the above, I consider there is a need to revisit the Framework through the preparation of more detailed Precinct Structure Plans which properly consider infrastructure provision and its cost, responsibility and timely delivery.
61. The implementation of these outcomes should be properly considered through mechanisms which allow for a balanced apportionment of costs associated with development. This would remove reliance on 'Floor Area Uplift', or revise its apportionment and application away from the provision of critical infrastructure and limit its uncertainty.
62. Finally, the drafting and complexity of the controls should in my view be reviewed. The resulting changes would enable the controls to direct built form outcomes which:
 - Are unchained from density and infrastructure considerations;
 - Enable site responsive design (ie performance based rather than mandated or largely 'engineered' and based on population assessments which have driven the FAR and FAU construct);
 - Make appropriate use of the development opportunity - without having to resort to the uncertainty of 'uplift';
 - Can be readily understood and applied in a constructive manner; and
 - Are internally consistent and consolidate requirements and considerations to a single location.

PART 3: SITE REVIEW AND MODELLING

63. This section of my statement contains the site reviews for each property identified at Appendix B.

64. Modelling has been prepared to accompany each site showing the existing and proposed controls. These were prepared by the Urban Design Team of Urbis.

65. In preparing the modelling the following assumptions are noted:

- The complicated nature of the controls requires a range of assumptions to be made.
- The exercise presents a 'base case' showing relevant heights and setbacks and FAR but does not include FAU, dwelling density, tower separation and overshadowing impacts (except in certain circumstances).
- The existing controls adopt the street wall heights, setbacks and overall maximum heights as presently applied under the interim DDO controls.
- The proposed controls adopt the maximum permissible floor area under the applicable FAR calculation. This area is then assumed to occupy the maximum street wall height, setbacks, site coverage and allowing for area associated with any infrastructure items nominated in controls.
- For consistency a 23 metre streetwall has been nominated for each site.
- Under the proposed controls, the setbacks above the streetwall have been assumed to be the minimum of the range permitted.
- Under the proposed controls, the setbacks from the side boundaries have assumed that buildings will face one another with balconies and windows facing one another on adjoining sites.
- Modelling of the proposed controls also shows (in grey) the building envelope, setbacks and height directed by the maximum building height control – noting additionally that it is discretionary.
- In the 'Core' areas, the height above the FAR 'base case' (represented in grey) could comprise floor area attributable to 'non dwelling' development or Floor Area Uplift.
- The floor area in the existing and proposed scenario represents the gross floor area of the building envelope.
- In all scenarios the models allow for widened and new streets included in the Framework Plans and proposed CCZ, but do not include laneways nominated in the Framework Plans.

SITE 1. 60-82 JOHNSON STREET, SOUTH MELBOURNE

SITE CONTEXT

FISHERMANS BEND - PRECINCT

(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)





SITE DESCRIPTION	<p>Site area: 9,770 sqm Site frontages: Johnson Street 200 m Governor Road 200 m</p> <p>The site is occupied by a large single storey warehouse building to the south and a cleared fenced-off area to the north.</p>
SURROUNDING AREA	<p>North: No. 32-58 Johnson Street abuts the site to the north and is currently developed with a double storey warehouse showroom building with surrounding at-grade parking with access to both Johnson Street and Brady Street to the north. The site is currently tenanted by Holden.</p> <p>East: Johnson Street forms the sites eastern boundary, with No. 6-28 Montague Street located directly opposite developed with a series of joined single and double storey warehouse buildings currently used for commercial/office tenancies and a car dealership with at-grade car parking located to the north.</p> <p>South: No. 90-96 Johnson Street abuts the site to the south and is developed with a small power-station. Further south is No. 112 Munro Street, a vacant single storey office building.</p> <p>West: Governor Road forms the sites western boundary. Directly opposite are No's 29, 59 and 69 White Street. No. 29 White Street is developed with a large double storey warehouse building currently used with a gym. No. 59 White Street is developed with small site offices and large at-grade car parking area. No. 69 White Street is developed with a number of single and double storey warehouse and office buildings.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (SUBJECT SITE)	<p>Planning Permit MPA 14/003-1 was issued by the Minister on 20 May 2015 and amended on 17 October 2016 allowing <i>'Demolition of the existing building, construction and use of four residential towers above a shared podium, comprising residential apartments, retail and place of assembly'</i>. An extension of time to the permit was sought and was approved by DELWP. This extension allows that the development must commence by 20 May 2019 and must be completed by 20 May 2023.</p> <p>Planning Permit 357/2012 was issued by Council on 3 December 2012 allowing <i>'demolition of the existing building, construction of building and works and erection of advertising signage'</i>.</p>
RELEVANT PLANNING PERMITS/ APPLICATIONS (ADJOINING)	<p>Planning permits and applications in the immediate area include:</p> <ul style="list-style-type: none"> • 2-28 Montague Street & 80 Munro Street, South Melbourne (PA1700291) was submitted to the Minister on 12 October 2017 seeking to <i>'Demolish the existing building on site and develop three multi-storey mixed use towers under a master planning permit process'</i> • 29 White Street, South Melbourne (Permit 587/2016) was approved on 11 October 2016 and allows <i>'Partial use of the building for the purposes of a restricted recreation facility'</i>. • 112 Munro Street, South Melbourne (Permit 365/2017) was approved 8.9.2017 and allows <i>'Partial demolition, construction of buildings and works associated with the proposed use of the site for the purpose of a Restaurant, Place of Assembly (Function Centre), and Industry (Catering Kitchen), and sale and consumption of liquor'</i>.

PHOTOGRAPHS – SUBJECT SITE AND SURROUNDS



Picture 1 – Northern portion of subject site



Picture 2 – Southern portion of subject site



Picture 3 – 32-58 Johnson Street, immediately north of the subject site



Picture 4 – 90-96 Johnson Street, immediately south of the subject site



Picture 5 – Johnson Street looking south



Picture 6 – View of subject site from Governor Road

PORT PHILLIP PLANNING SCHEME – EXISTING

FISHERMANS BEND STRATEGIC FRAMEWORK PLAN JULY 2014 (AMENDED SEPTEMBER 2016)

Sandridge Precinct

- New 22 metre wide east-west street proposed along the northern boundary
- Rail Investigation Area
- Montague Station at intersection of Normanby Road/ Montague Street
- New neighbourhood open space proposed fronting Boundary Street to the south-west over White Street

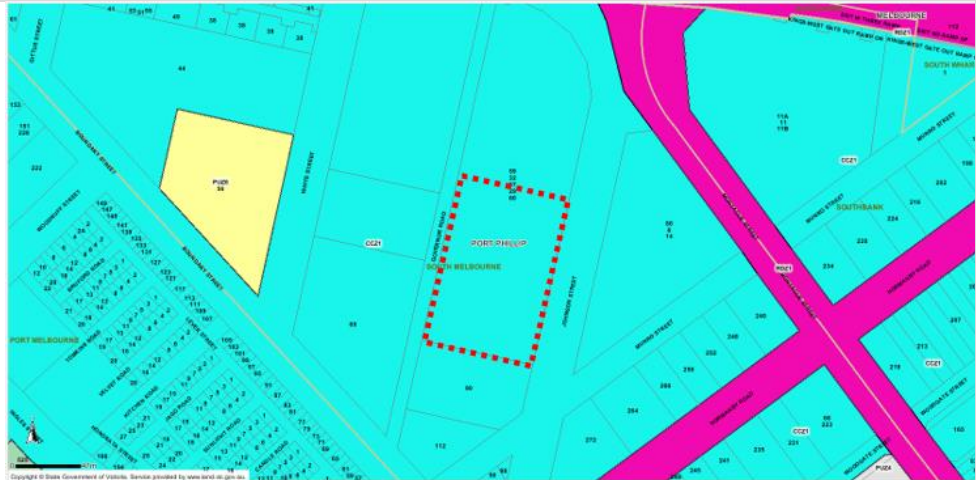
ZONE AND OVERLAYS

(Source: land.vic.gov.au)

- Capital City Zone 1 (CCZ1)** ‘Fishermans Bend Urban Renewal Area’
- Design and Development Overlay 30 (DDO30)** ‘Fishermans Bend Urban Renewal Area’
- Development Contributions Overlay 2 (DCPO2)** ‘Fishermans Bend Urban Renewal Area Development Contributions Plan’
- Parking Overlay 1 (PO1)** ‘Capital City Zone – Fishermans Bend’
- Special Building Overlay 2 (SBO2)** ‘Port Phillip City Council Local Drain’

ZONING MAP EXTRACT

(Source: land.vic.gov.au)



DDO30 REQUIREMENTS

DDO30 - Area 4	Requirement
Maximum Building Height	18 storeys
Street Wall	Not exceed 20 metres or 5 storeys
Minimum Tower Setback from Street	10 metres
Minimum Tower Setback from Side and Rear Boundaries	10 metres
Minimum Tower Separation	20 metres

PORT PHILLIP PLANNING SCHEME - PROPOSED GC81

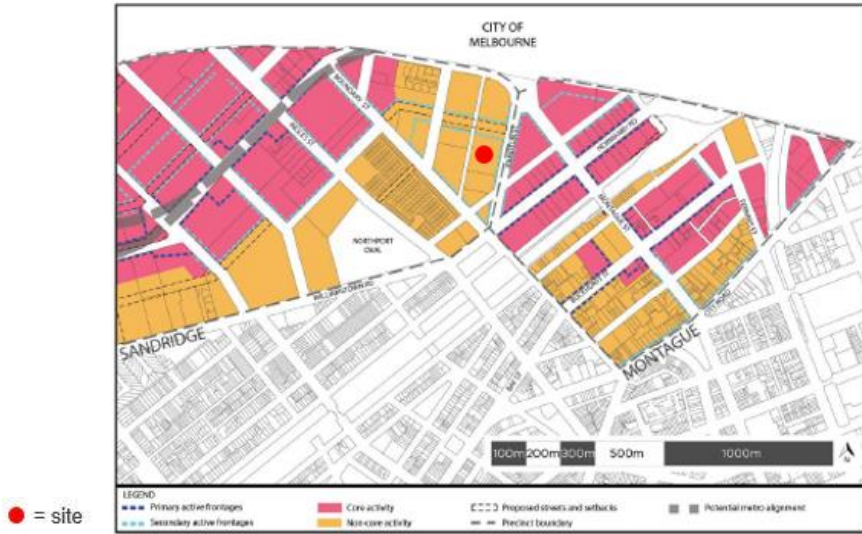
<p>DRAFT FRAMEWORK PLAN</p>	<p>Sandridge Precinct: <i>‘One of Melbourne’s premium office and commercial centres, balanced with diverse housing and retail.’</i></p> <ul style="list-style-type: none"> • Figure 8 ‘Road Network’ shows a 22m wide road near the north boundary. • Objective 1.10 ‘Family Friendly Housing’ establishes a target of 20% for Sandridge. • Figure 11 ‘Floor area ratio (FAR) controls’ identifies a FAR 3.3:1 for non-core areas. • Figure 12 ‘Building height’ identifies a discretionary 24 storey height. • Figure 13 ‘Activity Cores’ identifies the site as a ‘Mixed use medium (non-core area)’ with secondary active frontage along Johnson Street. • Figure 15 ‘Community facilities and services’ locates the site in an ‘Investigation area – sport and recreation hub’. • Figure 21 ‘Infrastructure Delivery’ proposed an extension of Woodruff Street from Boundary Street through to Johnson Street north of the site (22 metres width). • Figure 21 ‘Infrastructure Delivery’ identifies a future open space shown to the north of the site.
<p>CLAUSE 21.06 POLICY</p>	<p>Sandridge Precinct: <i>‘Sandridge is one of Melbourne’s premium office and commercial centres, balanced with diverse housing and retail. Sandridge will accommodate significant job growth and will take on the role of a significant commercial centre expanding the central city from the CBD and Docklands. Architecturally diverse towers extending Melbourne’s skyline ... A high density mixed use activity centre will be established around the proposed Sandridge Metro Station and light rail interchange, including housing, retail, recreation, dining, community, entertainment, health and education services...’</i></p> <p>Preferred Future Character (Sub-Precinct S5)</p> <ul style="list-style-type: none"> • Hybrid developments of mid-rise perimeter blocks and tower developments • Slender towers located to minimise overshadowing impacts on streets and parks • Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers. • A variety of street wall heights between 4 and 8 storeys to contribute to architectural diversity within the street and sunlight access throughout the day.
<p>CLAUSE 22.15 POLICY</p>	<ul style="list-style-type: none"> • Maximum Dwelling Density/ ha (Non-Core Area): 154 dwellings/ hectare • 6% affordable housing provision • 20% three bedroom dwellings for proposals of more than 300 dwellings • 20% improvement on current National Construction Code energy efficiency standards • Average 7 star NatHERS rating for residential development • At least 70% of total site area in plan view to comprising building or landscape elements to reduce heat impacts (green roofs, solar panels, shade structures) • New streets and lanes to provide pedestrian connection not more than 100 metres apart • Encourage new streets or lanes on sites of 3000 square metres or more • Considerations for ‘floor area uplift’



CAPITAL CITY ZONE 1	Applies revised Capital City Zone (CCZ1) including the following:	
		Requirement
	Core <u>or</u> Non Core Area	Non Core Activity.
	Floor Area Ratio (FAR) for 'Non-Core Area'	Mandatory 3.3:1 plus floor area uplift if providing a 'public benefit'.
	Frontages	Secondary active frontage to proposed Woodruff Street extension. Secondary active frontage to Johnson Street.
	New Roads	Proposed new north boundary on or adjoining north boundary.
	New Public Open Space	Linear public open space along north boundary.
Refer to CCZ1 map extracts showing core areas, new roads and open space layout.		

CORE AND NON CORE AREAS AND ACTIVE STREET FRONTAGES

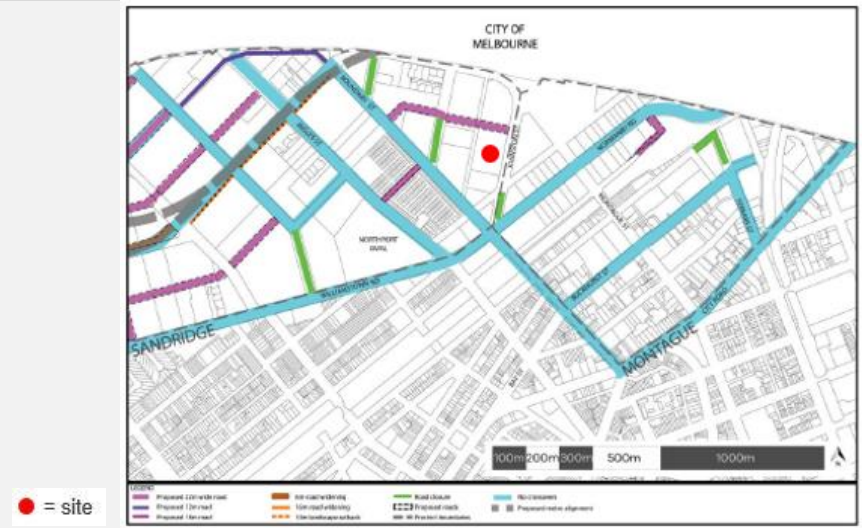
Source: GC81 Port Phillip CCZ1 (Exhibited)



● = site

STREET AND LANEWAY LAYOUT

Source: GC81 Port Phillip CCZ1 (Exhibited)



● = site

OPEN SPACE LAYOUT

Source: GC81 Port Phillip CCZ1 (Exhibited)



● = site

DESIGN AND DEVELOPMENT OVERLAY 30 (DDO30)	Applies revised Design and Development Overlay (DDO30) including the following:	
		Requirement
	Maximum building height (discretionary)	80.6 metres
	Street wall height (Cannot be varied with a permit)	<p>On streets with a width of 12 metres or less (Governor Road), street walls must not exceed 15.4 metres.</p> <p>On streets with a width greater than 12 metres (Johnson Street), street walls must not:</p> <ul style="list-style-type: none"> • Exceed 23 metres • Exceed 30 metres if overall building is less than 38 metres and road width is greater than 22 metres <p>In an instance where two different street wall heights intersect at a corner, the higher street wall height prevails.</p>
	Building wall heights on a side or rear boundary (Cannot be varied with a permit)	Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres, or may be built to 30 metres on side or rear boundary where a 30 metre street wall height is proposed.
	Setbacks above the street wall (Cannot be varied with a permit)	<p>If overall building height is less than 30 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 5 metres (discretionary) • Must be set back 3 metres (mandatory) <p>If overall building height is between 30 metres and 68 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 10 metres (discretionary) • Must be set back 5 metres (mandatory) <p>If overall building height is above 68 metres, building above the street wall must be set back 10 metres.</p>
Side and rear setbacks (Cannot be varied with a permit)	<p>A building not constructed on the boundary with a height up to 23 metres must be set back:</p> <ul style="list-style-type: none"> • 6 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building not constructed on a site boundary is between 23 metres and 30 metres, building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 9 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building is between 30 metres and 68 metres, any part of building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 10 metres • 5 metres if the wall does not include window to habitable rooms and/or balcony. <p>If building is above 68 metres, any part of building above 23 metres must be set back 10 metres.</p>	

<p>Building separation within a site (Cannot be varied with a permit)</p>	<p>If a development comprises two or more separate buildings or parts of buildings:</p> <ul style="list-style-type: none"> • With an overall height up to 23 metres, the buildings must be separated by: <ul style="list-style-type: none"> - 12 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 9 metres if one building has habitable room windows/balconies fronting onto the separation distance - 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height between 23 and 30 metres, buildings must be separated by: <ul style="list-style-type: none"> - 18 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 12 metres if one building has habitable room windows/balconies fronting onto the separation distance - 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height greater than 30 metres, any building up to 23 metres must be separated by the same setbacks applied to buildings with an overall height of 23 metres or less (noted above). • With an overall building height of 68 metres or less, any building above 23 metres must be separated by: <ul style="list-style-type: none"> - 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 15 metres if one building has habitable room windows/balconies fronting onto the separation distance - 10 metres if neither building has habitable room windows/balconies fronting onto the separation distance <p>With an overall building height of 68 metres or more, any building above 23 metres must be separated by 20 metres.</p>
<p>Overshadowing (Cannot be varied with a permit)</p>	<p>N/A</p>
<p>Site Coverage of Non-Core Areas (Discretionary)</p>	<p>Should not exceed 70%</p>
<p>Primary Active Street Frontages (Discretionary)</p>	<p>N/A</p>
<p>Secondary Active Street Frontages (Discretionary)</p>	<p>Along Johnson Street and proposed Woodruff Street extension, buildings should provide at least 60% visual permeability along the ground level of the building to a height of 2 metres.</p>
<p>Adaptable Buildings (Discretionary)</p>	<p>Car parking levels not within a basement should have at least 3.8 metre floor to floor heights.</p> <p>Buildings should be designed with:</p>

	<ul style="list-style-type: none"> • Minimum 4 metre floor to floor heights at ground level • Minimum 3.8 metre floor to floor heights up to street wall • Flexible internal layouts
PARKING OVERLAY	<p>Applies revised Parking Overlay and specifies maximum parking rates for various uses:</p> <ul style="list-style-type: none"> • 0.5 spaces to each dwelling • 1 space to each 150 square metres of industry gross floor area • 1 space to each 100 square metres of office, place of assembly, restricted retail and retail gross floor area • 2 spaces to each 100 square metres of supermarket gross floor area • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. <p>For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies.</p>

COMMENTARY

The site is a significant sized land holding of almost 10,000 square metres. It has two major street frontages with a potential third frontage. The site provides opportunities for active street frontages, particularly to Johnson Street as sought by the Draft Framework Plan.

Currently the interim DDO controls adopt a maximum height of 18 storeys (total), above a street wall of 20 metres (or 5 storeys), with 10 metre setbacks.

Within the Capital City Zone 1 and Design and Development Overlay the site is noted as being within a 'Non Core Activity Area', requiring a maximum 70% site coverage. A roadway is proposed to the north of the site (connecting Woodruff Street from Boundary Street through to Johnson Street. It is assumed (but not clear) that this does not affect the site.

A public open space area is shown along (and affecting) the northern boundary of the site (in the CCZ) and has been adopted in the modelling.

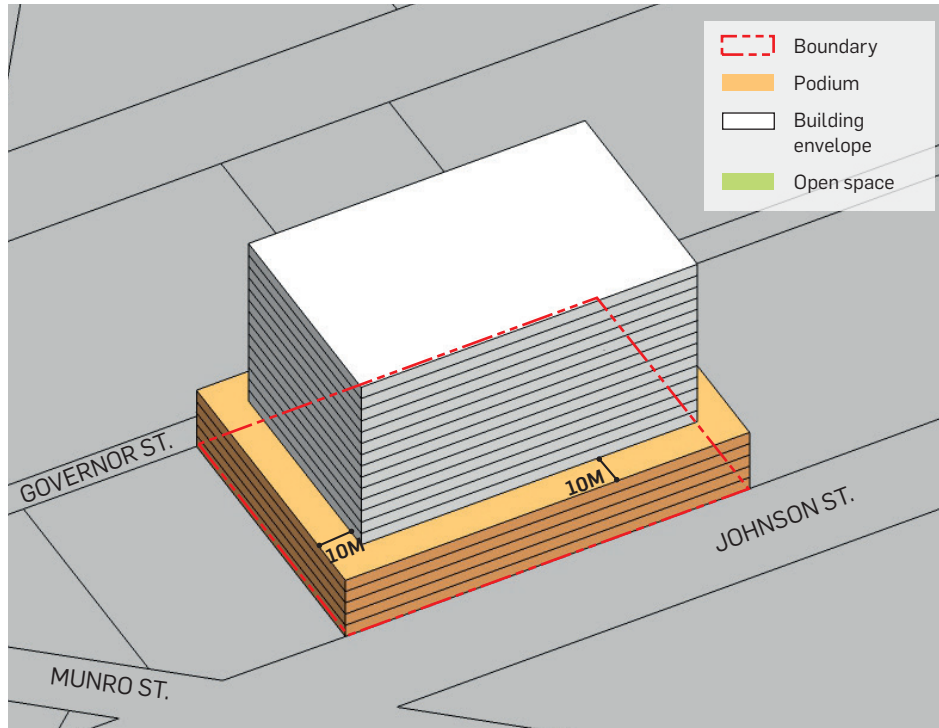
The proposed controls allow for a discretionary maximum building height of 80.6 metres. The permitted street wall height includes a 23 metre high street wall along Johnson Street (on the basis of its width) and 15.4 metres adjoining the narrower Governor Street.

The applicable FAR control is 3.3:1 across the entire site. The modelling shows the maximum permissible floor area distributed across the two portions of the site, observing the street wall heights and the site coverage requirements. Provision of identified public benefits could be adopted to secure Floor Area Uplift, noting that FAU cannot be secured for 'non dwelling' (or commercial) development in a Non Core Activity area.

In this scenario, the height will be constrained by the mandatory FAR to an overall maximum height which essentially reflects the permissible street wall heights (with some additional floor area nominated above the Johnson Street frontage). This equates to a building of 4 and 6 storeys across the site, which is significantly lower than the overall height identified for the precinct. Consideration of potential overshadowing of the proposed public open space to the west in White Street and south west in Normanby Road (both shown in the Capital City Zone but not the DDO) may also be required for higher buildings.

The total floor area depicted in the model is approximately 32,000 square metres. This assumes that the podium will be developed to site boundaries, accommodating elements of commercial development and car parking in above ground configuration. Regular considerations would also apply in terms of dwelling amenity, provision of active street frontages and the interface with potential adjoining developments (although these are controlled by proposed mandatory upper level setbacks). Consideration of the relationship with existing surrounding industrial uses would also be required, acknowledging however the driving policy for creation of a mixed use precinct.

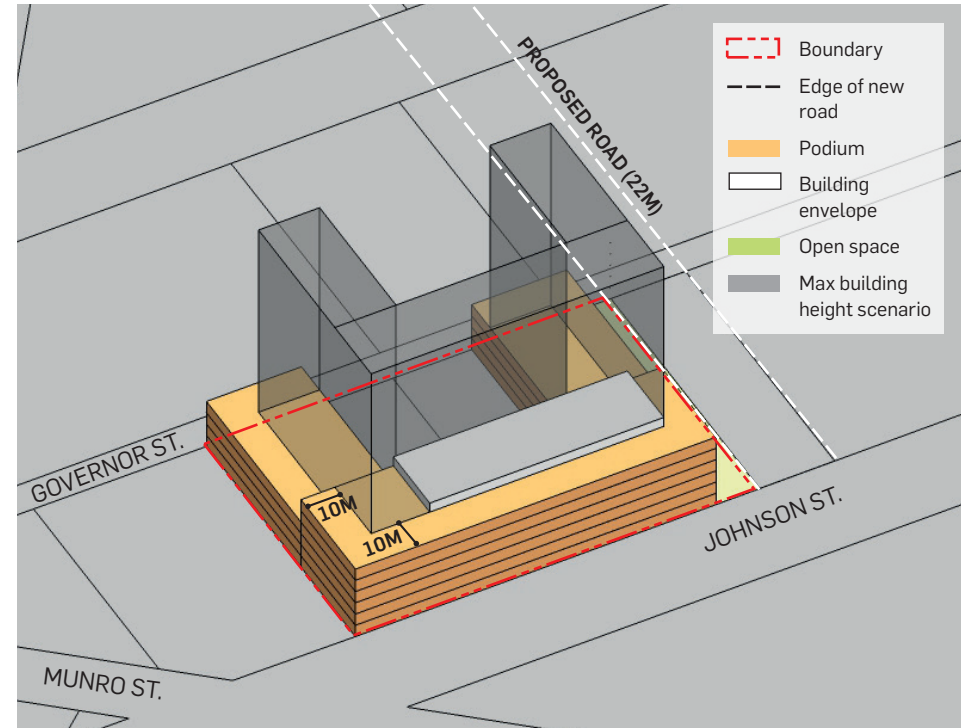
By comparison the current planning permit (MPA 14/003-1) allows for redevelopment of four residential towers (between 21 and 46 storeys) above a combined podium. Whilst it is acknowledged that a variety of development configurations can be allowed under the proposed development controls the modelling demonstrates that there is a comparatively low overall site yield, which is tied primarily to the FAR requirements of the Zone.



EXISTING CONTROLS

Site area: 9,770 sqm
 Max Building height: 18 storeys
 Max Street wall height: 5 storeys (20m)
 Min tower setback from street: 10m
 Min tower setback from side and rear boundaries: 10m
 Min tower separation: 10m
 Current controls from 2016 framework plan: n/a

Total GFA: 128,826 sqm



PROPOSED CONTROLS

FAR: 3.3:1
 Site area: 9,770 sqm
 Public open space: 20m wide
 Site Coverage: 70%
 Maximum GFA: 32,240 sqm

	FAR Scenario	Max Building Height Scenario
Building height	26.2 m (approx.)	80.6 m
Street wall height	15.4 m - Governor st; 23m - Johnson st	15.4 m - Governor st; 23m - Johnson st
Street wall upper level setbacks	3 m	10 m
Side and rear upper level setbacks	9 m	10 m
GFA	32,138 sqm	

SITE 2. 111 LORIMER STREET, DOCKLANDS

SITE CONTEXT

FISHERMANS BEND - PRECINCT

(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)



SITE DESCRIPTION	<p>Site area: 4, 109 square metres Site frontages: Lorimer Street: 55 m Boundary Street: 92 m</p> <p>The site fronts Lorimer Street, Rogers Street and Boundary Street. It is utilised as a parking area in association with the Subaru Interactive Centre on the adjacent site to the east. Vehicular access is provided from the adjoining site, which in turn gains access from Lorimer Street.</p>
SURROUNDING AREA	<p>North: On the opposite side of Lorimer Street is an area of two and three storey terrace buildings adjacent to the Yarra River.</p> <p>East: On the adjoining site to the East is a two storey car sales building and associated parking.</p> <p>South West: On the opposite side of Boundary street and on the Corner of Rogers Street is a three storey commercial building.</p> <p>South: Two concrete batching plants are located further to the south of the site.</p> <p>West: On the opposite side of Rogers Street (and on the corner of Lorimer Street) is a large two storey commercial building.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (SUBJECT SITE)	<p>Planning permit application (PA 1700285) was lodged on 13 September 2017 for the <i>'Development of the land for a multi-storey mixed-used building comprising ground floor retail and a food and drinks premises, offices, and residential apartments with associated car parking, alteration to access a Road Zone Category 1, a variation of car parking requirements and a waiver of shower and changing room requirements of Clause 52.34, generally in accordance with the submitted plans and supporting information'</i>.</p> <p>The proposal is summarised accordingly:</p> <ul style="list-style-type: none"> • 40 storey tower with compliant podium height and setback from street boundaries • 396 dwellings and approximately 3,800 sqm of non-residential floor space including uses on ground level that engage with the public realm • 497 parking spaces to be allocated between the different uses; • the ability to increase the amount of non-residential floor space by conversion of podium parking areas • setback of the building from the east boundary in order to create a north-south laneway link between Lorimer Street and Boundary Street. <p>A request for further information was issued on 11 October 2017. The application was subsequently called in by Minister for Planning on 21 February 2018.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (ADJOINING)	<p>None found.</p>

PHOTOGRAPHS – SUBJECT SITE AND SURROUNDS



Front of site, looking east along Lorimer Street



1 Rogers Street, to South West of site



Directly opposite the site, on the northern side of Lorimer St



West of the site, on the opposite corner of Rogers Street



Looking north from Boundary Road at rear of site



View from site looking South West along Rogers Street

MELBOURNE PLANNING SCHEME (EXISTING)

FISHERMANS BEND STRATEGIC FRAMEWORK PLAN JULY 2014 (AMENDED SEPTEMBER 2016)

Lorimer Precinct

- Boundary Street, 'existing local street'
- Lorimer Street, 'Main Road'
- Proposed Neighbourhood Open Space adjoining to the south and local recreational open space to the south east
- Potential new laneway along east boundary
- Activity Centre to the south west
- Discretionary preferred heights

ZONE AND OVERLAYS

(Source: land.vic.gov.au)

Capital City Zone 4 (CCZ4) 'Fishermans Bend Urban Renewal Area'

Design and Development Overlay 67 (DDO67) 'Fishermans Bend Urban Renewal Area'

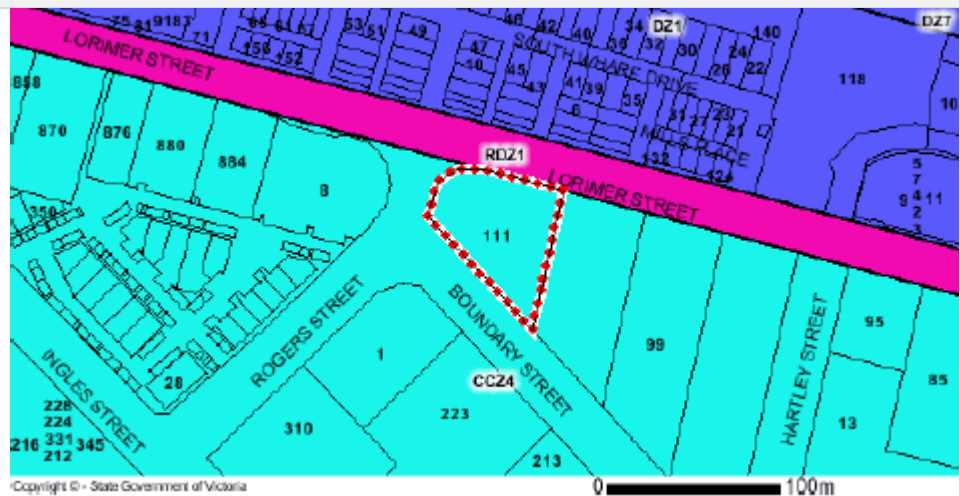
Development Contributions Plan Overlay 1 (DCPO1) 'Fishermans Bend Urban Renewal Area Development Contributions Plan'

Parking Overlay 13 (PO13) 'Capital City Zone – Fishermans Bend'

Special Building Overlay (SBO)

ZONING MAP EXTRACT

(Source: land.vic.gov.au)



DDO67 REQUIREMENTS

DDO67 - <u>Area 1</u>	Requirement
Maximum Building Height	40 storeys
Street Wall	Not exceed 20 metres or 5 storeys
Minimum Tower Setback from Street	10 metres
Minimum Tower Setback from Side and Rear Boundaries	10 metres
Minimum Tower Separation	20 metres

MELBOURNE PLANNING SCHEME – PROPOSED GC81

<p>DRAFT FRAMEWORK PLAN</p>	<p>Lorimer Precinct: <i>‘A vibrant, mixed use precinct close to the Yarra River and connected to Melbourne’s CBD, Docklands and emerging renewal areas.’</i></p> <ul style="list-style-type: none"> • Figure 8: Road Network ‘10 metre landscape setback’ • Objective 1.10 ‘Family Friendly Housing’ establishes a target of 20% for Lorimer • Figure 11: FAR Controls shows: <ul style="list-style-type: none"> – Core FAR: 5.4:1 – Minimum Commercial FAR: 1.7:1 – Proposed open space to the south east along Boundary Street. • Figure 12 ‘Building Height Controls’ shows 24 storeys. • Figure 13 ‘Activity Cores’ shows ‘Mixed use high intensity (core activity)’ with ‘primary active frontage’ retail along Boundary and ‘secondary active frontage’ along Lorimer. • Figure 15 ‘Community Facilities and Services’ locates the site in an ‘Investigation area – education and community hub (primary school). • Figure 17 ‘New Public Open Space’ shown to the south east fronting Boundary Street. • Figure 20 ‘Infrastructure Delivery in Lorimer’ shows ‘new 12 metre wide road adjoining the east boundary’ and ‘proposed tram route’ along Lorimer Street’. ‘Future Open Space’ is shown to the south east fronting Boundary Street.
<p>CLAUSE 21.13 – URBAN RENEWAL AREAS</p>	<p>Lorimer Precinct: <i>‘promote a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands. The area will provide opportunities for co-location of employment and housing, increasing productivity through decreased travel times for residents’</i></p> <p>Preferred Future Character - Lorimer Area L3</p> <ul style="list-style-type: none"> • <i>Slender towers located to minimise overshadowing of the Lorimer Parkway</i> • <i>Lower street wall height along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway.</i>
<p>CLAUSE 22.27 POLICY – FISHERMANS BEND URBAN RENEWAL AREA</p>	<ul style="list-style-type: none"> • Minimum Floor area ratio not used for dwelling: 1.7:1 • Maximum Dwelling Density/ ha: 255 dwellings/ hectare. • 6% affordable housing provision. • 25% three bedroom dwellings for proposals of more than 300 dwellings. • 20% improvement on current National Construction Code energy efficiency standards. • Average 7star NatHERS rating for residential development. • At least 70% of total site area should comprise building or landscape elements to reduce heat impacts (green roofs, solar panels, shade structures). • Where public open space is provided onsite, open space is encouraged to be at least 500 square metres with a minimum dimension of 20 metres. • New streets and lanes not more than 50 m apart in core areas or 100 m generally. • Encourage new streets or lanes on sites of 3000 sq metres or more. • Considerations for ‘floor area uplift’.



**CAPITAL CITY
ZONE 4**

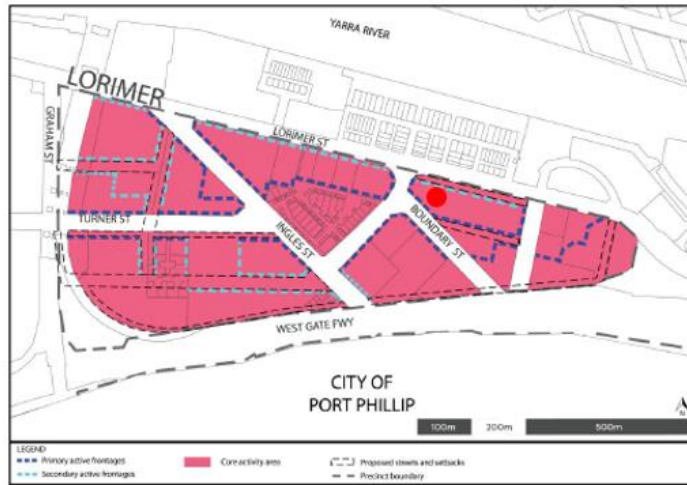
Applies revised **Capital City Zone (CCZ1)** including the following:

	Requirement
Core or Non Core Area	Core Activity Area
Floor Area Ratio (FAR)	Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit'
Frontages	Primary active frontages to Boundary Street, Rogers Street, and new road. Secondary active frontage to Lorimer Street.
New Roads	New 18 metre street proposed at southern end of site on east-west axis, linking Boundary Street to Hartley Street A 10 metre landscaped setback is show along the northern boundary adjoining Lorimer Street.
New Public Open Space	N/A

Refer to map extracts showing core areas, laneways and open space layout.

CORE AND NON CORE AREAS AND ACTIVE STREET FRONTAGES

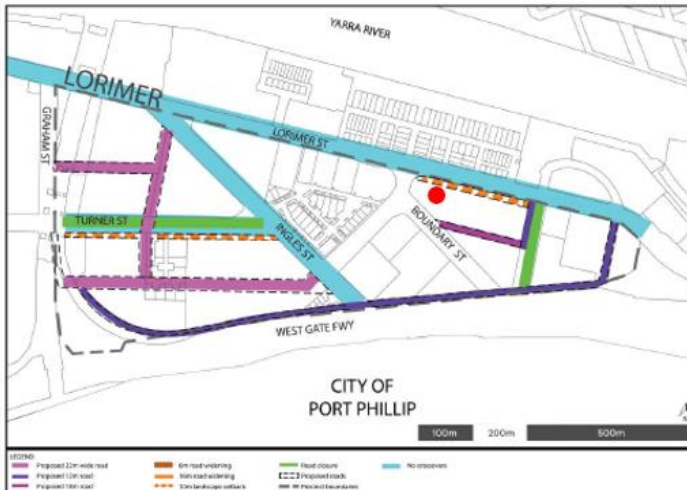
Source: GC81 Melbourne CCZ4 (Exhibited)



STREET AND LANEWAY LAYOUT

Source: GC81 Melbourne CCZ4 (Exhibited)

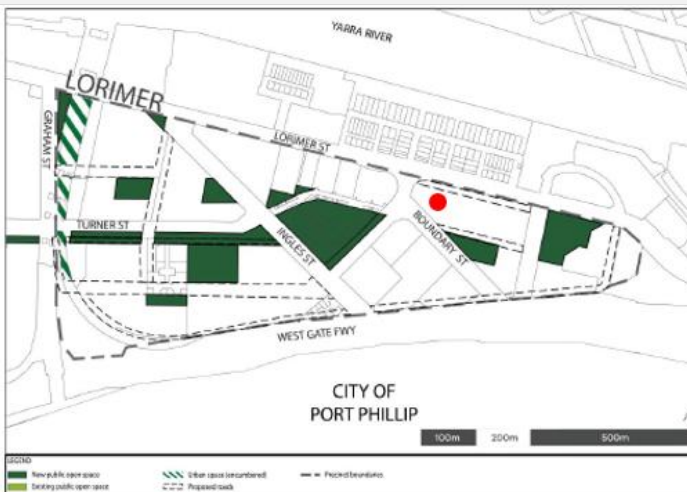
● = site



OPEN SPACE LAYOUT

Source: GC81 Melbourne CCZ4 (Exhibited)

● = site



DESIGN AND DEVELOPMENT OVERLAY 67 (DDO67)	Applies revised Design and Development Overlay (DDO67) including the following:	
		Requirement
	Maximum building height (Discretionary)	61.4 metres
	Street wall height (Cannot be varied with a permit)	<p>On streets with a width of 12 metres or less (new road), street walls must not exceed 15.4 metres.</p> <p>On streets with a width greater than 12 metres (Lorimer Street, Rogers Street and Boundary street), street walls must not:</p> <ul style="list-style-type: none"> • Exceed 23 metres • Exceed 30 metres if overall building is less than 38 metres and road width is greater than 22 metres <p>In an instance where two different street wall heights intersect at a corner, the higher street wall height prevails.</p>
	Building wall heights on a side or rear boundary (Cannot be varied with a permit)	Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres, or may be built to 30 metres on side or rear boundary where a 30 metre street wall height is proposed.
	Setbacks above the street wall (Cannot be varied with a permit)	<p>If overall building height is less than 30 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 5 metres (discretionary) • Must be set back 3 metres (mandatory) <p>If overall building height is between 30 metres and 68 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 10 metres (discretionary) • Must be set back 5 metres (mandatory) <p>If overall building height is above 68 metres, building above the street wall must be set back 10 metres.</p>
Side and rear setbacks (Cannot be varied with a permit)	<p>A building not constructed on the boundary with a height up to 23 metres must be set back:</p> <ul style="list-style-type: none"> • 6 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building not constructed on a site boundary is between 23 metres and 30 metres, building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 9 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building is between 30 metres and 68 metres, any part of building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 10 metres • 5 metres if the wall does not include window to habitable rooms and/or balcony. <p>If building is above 68 metres, any part of building above 23 metres must be set back 10 metres.</p>	

	<p>Building separation within a site (Cannot be varied with a permit)</p>	<p>If a development comprises two or more separate buildings or parts of buildings:</p> <ul style="list-style-type: none"> • With an overall height of 23 metres or less, the buildings must be separated by: <ul style="list-style-type: none"> – 12 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 9 metres if one building has habitable room windows/balconies fronting onto the separation distance – 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height between 23 metres and 30 metres, buildings must be separated by: <ul style="list-style-type: none"> – 18 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 12 metres if one building has habitable room windows/balconies fronting onto the separation distance – 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height greater than 30 metres, any building up to 23 metres must be separated by the same setbacks applied to buildings with an overall height of 23 metres or less (noted above). • With an overall building height of 68 metres or less, any building above 23 metres must be separated by: <ul style="list-style-type: none"> – 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 15 metres if one building has habitable room windows/balconies fronting onto the separation distance – 10 metres if neither building has habitable room windows/balconies fronting onto the separation distance <p>With an overall building height of 68 metres or more, any building above 23 metres must be separated by 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance</p>
	<p>Overshadowing (Cannot be varied with a permit)</p>	<p>Buildings must not overshadow new Boundary Street park (just south of site) between 11:00am to 2:00pm on 22 September.</p>
	<p>Primary Active Street Frontages (Discretionary)</p>	<p>Along Boundary Street, Rogers Street and the new road, buildings should provide:</p> <ul style="list-style-type: none"> • At least 80% visual permeability along the ground level of the building to a height of 2 metres. • Pedestrian entries at least every 15 metres

	<p>Secondary Active Street Frontages (Discretionary)</p>	<p>Along Lorimer Street, buildings should provide at least 60% visual permeability along the ground level of the building to a height of 2 metres.</p>
	<p>Adaptable Buildings (Discretionary)</p>	<p>Car parking levels not within a basement should have a 3.8 metre floor to floor height.</p> <p>Buildings should be designed with:</p> <ul style="list-style-type: none"> • Minimum 4 metre floor to floor height at ground level • Minimum 3.8 metre floor to floor height up to street wall <p>Flexible internal layouts to adopt one and two bedroom dwellings into three or more bedroom dwellings</p>
<p>PARKING OVERLAY</p>	<ul style="list-style-type: none"> • Applies revised Parking Overlay and specifies maximum parking rates for various uses: <ul style="list-style-type: none"> • 0.5 spaces to each dwelling • 1 space to each 150 square metres of industry gross floor area • 1 space to each 100 square metres of office, place of assembly, restricted retail and retail gross floor area • 2 spaces to each 100 square metres of supermarket gross floor area • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. 	

COMMENTARY

The subject site presents a good opportunity for redevelopment, noting its interface with two roads to the north and south-west, with one immediate abuttal to the east. Future development in this precinct will need to consider the concrete batching plant located further to the south.

The interim DDO applies a 40 storey maximum building height, a street wall height of 20 metres/5 storeys, and upper level setbacks of 10 metres.

The proposed controls apply a 10 metre landscaped setback to Lorimer Street and a new east-west road adjoining the southern tip of the site (it is unclear if this road will be accommodated within the subject site or adjoining property). These roads are depicted in the proposed DDO, however the 'landscaped 10 metre setback' is described in the Capital City Zone).

To the south of this road is a Neighbourhood Park (Boundary Street Park). Buildings must not overshadow this park between 11:00am to 2:00pm on 22 September (directed by the DDO).

The preferred building height for this site is 61.4 metre, with a 23 metre street wall (assuming the built form exceeds 38 metres). Upper level setbacks are applied on a mandatory basis, depending on the overall height of the building and presence of habitable room windows and/or balconies.

The achievable building height on the site will be dictated by the mandatory FAR of 5.4:1. Modelling of the FAR compliant scheme (based on the assumption of a 23 metre wall height constructed to the site boundaries and accounting for the Lorimer Street landscaped setback) indicates the overall building height will be limited to seven storeys, accommodating a six storey podium and recessed seventh floor.

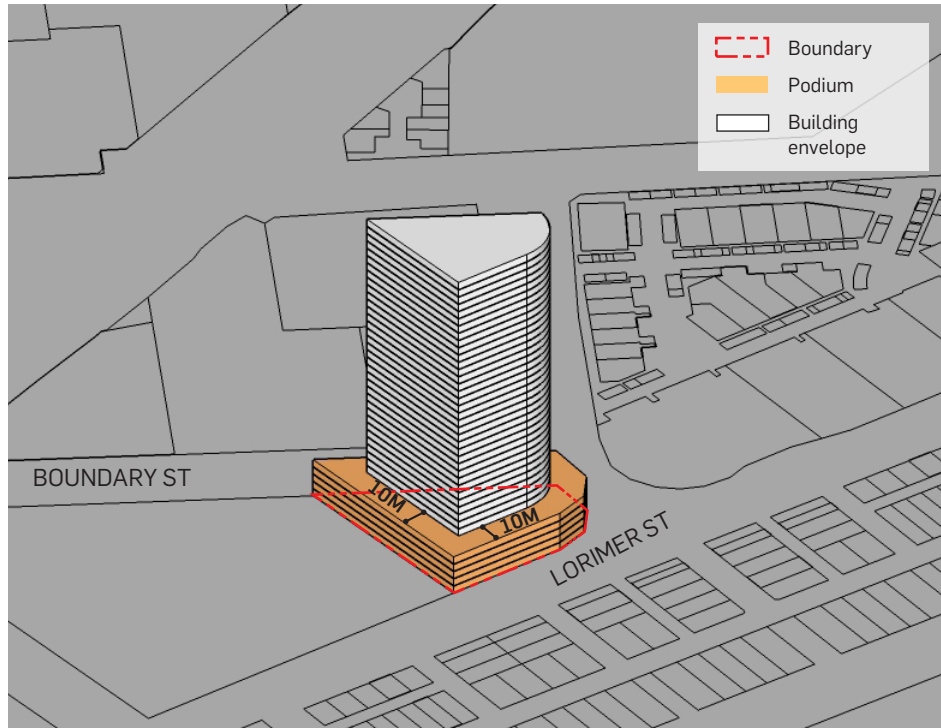
It is noted the modelling does not include the indicative location for new 12 metre wide road along the east boundary shown on the Draft Fishermans Bend Framework. The road is not identified in the CCZ and the specific location is unknown, therefore it is difficult to comment on its impact.

Given the site is within a 'core area', the proposed Capital City Zone Schedule 1 allows additional floor area in excess of the FAR if the additional floor area is not used for a dwelling. Additional floor area could be facilitated through retail or office space provided on site.

Floor area uplift could be achieved if the site delivers additional public open space or affordable housing. The site is also located in an "education and community hub (primary)" investigation area, indicating floor area uplift could be enabled through the provision of appropriate education and community infrastructure.

Modelling of shadow impacts of the proposed controls has been undertaken and demonstrates that development on the site would be constrained from reaching the maximum height by shadow impacts at 2pm on 22 September.

The current permit application, which proposes a 40 storey mixed-use development, would be unlikely to be supported under the proposed planning controls (given height and potentially the floor area).



EXISTING CONTROLS

Site area: 4,109 m²
 Max building height: 40 storeys
 Max street wall height: 20 m or 5 storeys
 Min tower setback from street: 10m
 Min tower setback from side and rear boundaries: 10m
 Min tower seperation: 10m
 Current controls from framework plans
Total GFA: 81 412 m²



PROPOSED CONTROLS

FAR: 5.4:1
 Landscape setback: 10 m wide
 Site area: 4,109 sqm
 Maximum GFA: 22,188 sqm






	FAR Scenario	Max Building Height Scenario
Building height	26.2 m (approx.)	61.4 m
Street wall height	23 m	23 m
Street wall upper level setbacks	3 m to Turner St & Boundary St	10 m
Side and rear upper level setbacks	9 m	10 m
GFA	22,142 sqm	



11AM, 22 SEPT



2PM, 22 SEPT

-  Boundary
-  Podium
-  Building envelope
-  Open space
-  Max building height scenario

Solid shadows - cast by FAR model

Outlined shadows - cast by max height model

SITE 3. 162-188 TURNER STREET, PORT MELBOURNE

SITE CONTEXT

FISHERMANS BEND - PRECINCT

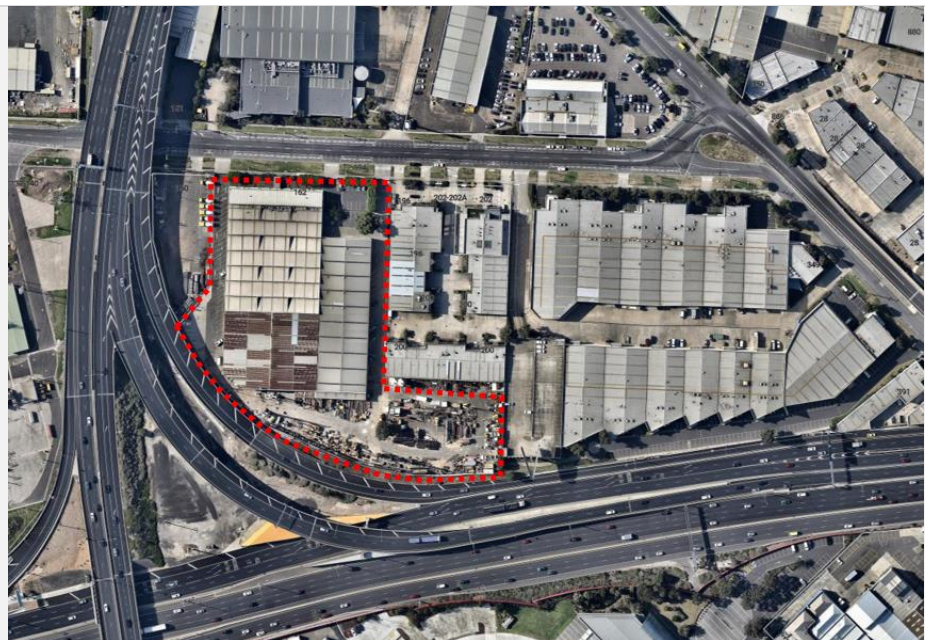
(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)



SITE DESCRIPTION	<p>Site area: 20,938 sqm Site frontages: Turner Street 107 m</p> <p>The site is occupied by a large two storey commercial/industrial building with at-grade car parking. Vehicle access is provided from Turner Street.</p>
SURROUNDING AREA	<p>North: On the opposite side of Turner Street is a two storey commercial building with at-grade carparking.</p> <p>South: Immediately to the south is the West Gate freeway.</p> <p>East: Immediately to the east are commercial buildings with at-grade car parking.</p> <p>West: Immediately to the site to the west is vacant land currently used for parking/storage.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (SUBJECT SITE)	<p>Planning permit application 201535676 was lodged on 29 June 2015 for 'Use and development of the Land for the Purpose of Shops and Residential Dwellings more specifically the Proposal Comprises a Masterplan for the Development of the Land for the provision of Six Towers above Mixed Use Podiums and Associated Car Parking'.</p> <p>The proposed development comprises:</p> <ul style="list-style-type: none"> • The staged development of the land for 5 towers in a tower/podium typology • Podium heights and street setbacks compliant with current controls • 1,596 dwellings and approximately 3,904 sqm of retail and office floor space • 1,079 parking spaces • Community facilities including 2 multipurpose courts (approximately 1,994 square metres) <p>An appeal was lodged with VCAT in response to the Minister for Planning's failure to determine within the prescribed time. The application was subsequently called in by the Minister for Planning.</p> <p>The application was supported by the City of Melbourne at the Future Melbourne Planning Committee (20.2.2018).</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (ADJOINING)	<p>Applications in the immediate area include:</p> <ul style="list-style-type: none"> • Planning permit 2013006334 was issued on 6 September 2016 and allows '<i>Construct a (30) storey mixed use building</i>' at 150-160 Turner Street, Port Melbourne, which immediately abuts the site to the west. An extension of time to the permit has been lodged with DELWP. • Planning permit application No 2013006575 was lodged on 1 February 2013, and proposes '<i>Use of the land for the purpose of dwellings and office pursuant to clause 37.04. To construct a building or construct or carry out works pursuant to Clause 37.4</i>' at 351 Ingles Street, Port Melbourne. The application was placed on hold in October 2016 and 'called in' by the Minister for Planning under the 'Ministerial powers of intervention' on 21 February, 2018.

PHOTOGRAPHS – SUBJECT SITE AND SURROUNDS



Picture 1 - Looking west, adjacent site 150 Turner St and subject site.



Picture 2 - 162-188 Turner St, site frontage



Picture 3 - Eastern boundary of site



Picture 4 - 196-188 Turner St, immediately east of subject site



Picture 5 - Looking north from site on opposite side of Turner St.



Picture 6 – Turner Street, looking West at City Link elevated bridge.

MELBOURNE PLANNING SCHEME – EXISTING

FISHERMANS BEND STRATEGIC FRAMEWORK PLAN JULY 2014 (AMENDED SEPTEMBER 2016)

Lorimer Precinct

- New laneways on east-west axis along north boundary and north-south axis through centre of site to 22 metre wide street
- New 22 metre wide street through site on east-west axis
- New 22 metre wide street along site boundary on north-south axis
- New 6 metre wide service access along south boundary

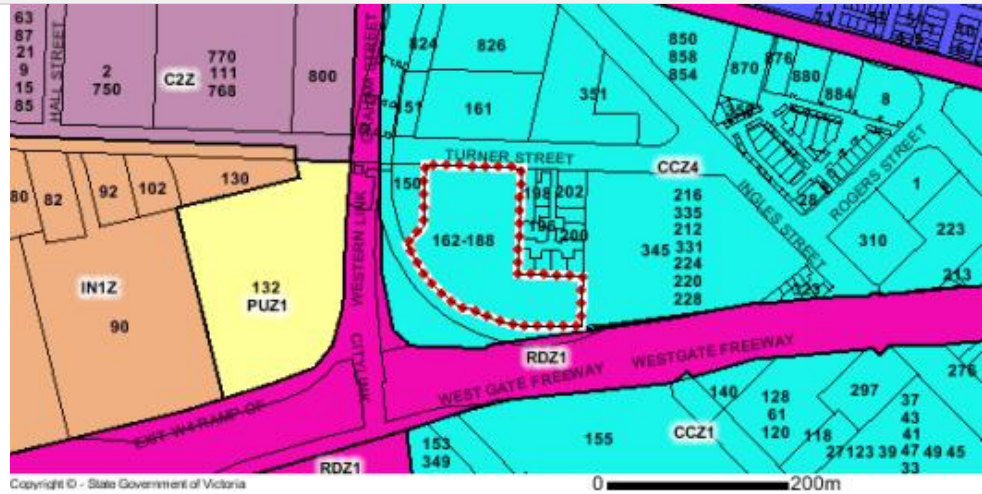
ZONE AND OVERLAYS

(Source: land.vic.gov.au)

Capital City Zone 4 (CCZ4) 'Fishermans Bend Urban Renewal Area'
City Link Project Overlay (CLPO)
Design and Development Overlay 67 (DDO67) 'Fishermans Bend Urban Renewal Area'
Development Contributions Plan Overlay 1 (DCPO1) 'Fishermans Bend Urban Renewal Area Development Contributions Plan'
Parking Overlay 13 (PO13) 'Capital City Zone – Fishermans Bend'

ZONING MAP EXTRACT

(Source: land.vic.gov.au)



DDO67 REQUIREMENTS

DDO67 - <u>Area 1</u>	Requirement
Maximum Building Height	40 storeys
Street Wall	Not exceed 20 metres or 5 storeys
Minimum Tower Setback from Street	10 metres
Minimum Tower Setback from Side and Rear Boundaries	10 metres
Minimum Tower Separation	20 metres

MELBOURNE PLANNING SCHEME - PROPOSED GC81

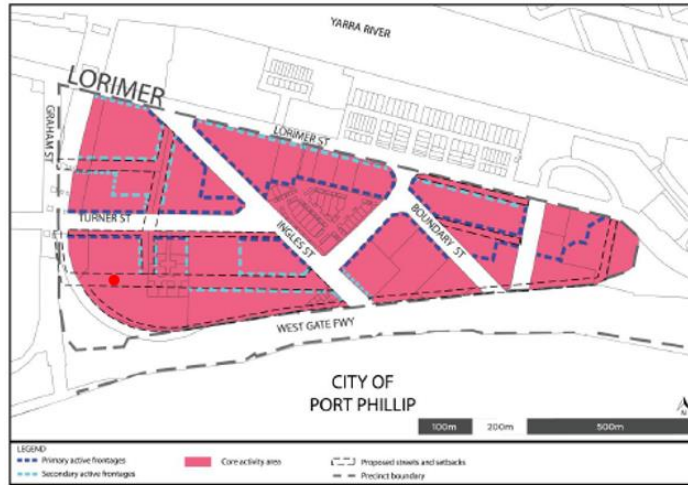
<p>DRAFT FRAMEWORK PLAN</p>	<p>Lorimer Precinct: <i>‘A vibrant, mixed use precinct close to the Yarra River and connected to Melbourne’s CBD, Docklands and emerging renewal areas.’</i></p> <ul style="list-style-type: none"> • Figure 8: ‘Road Network’ restricts crossovers on Turner Street frontages and shows a 10 metre landscaped setback. • Objective 1.10 ‘Family Friendly Housing’ establishes a target of 20% for Lorimer • Figure 11: FAR Controls shows: <ul style="list-style-type: none"> – CORE FAR: 5.4:1 – Minimum Commercial FAR: 1.7:1 – Proposed open space to the south east along Boundary Street. • Figure 12 ‘Building Height Controls’ identifies an unlimited height. • Figure 13 ‘Activity Cores’ shows ‘Mixed use high intensity (core activity)’ with ‘primary active frontage’ retail along Turner Street, and ‘secondary active frontage’. • Figure 15 ‘Community facilities and services’ locates the site in ‘Investigation Area – sport and recreational hub’. • Figure 17 ‘Public Space’ shows a new public open space on the site fronting Turner Street. • Figure 20 ‘Infrastructure Delivery in Lorimer’ shows a new 22 metre wide road on an east-west axis through the site; a 12 metre wide road on a north-west running between the Turner Street and the new road; and a 12 metre wide road along the site’s east boundary.
<p>CLAUSE 21.13 – URBAN RENEWAL AREAS</p>	<p>Fishermans Bend Urban Renewal Area - Lorimer</p> <p><i>The Lorimer precinct will promote a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands. The area will provide opportunities for co-location of employment and housing, increasing productivity through decreased travel times for residents</i></p> <p>Preferred Future Character - Lorimer Area L4</p> <ul style="list-style-type: none"> • <i>Hybrid developments of mid-rise perimeter blocks and tower developments</i> • <i>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</i> • <i>Towers that create a visual landmark to the West Gate Freeway recognising that this is an important arrival point into the central city</i> • <i>Activation of new north-south laneways and streets</i> • <i>Higher street wall heights that assist in mitigating noise pollution from the West Gate Freeway into the Lorimer Precinct.</i> • <i>Service access only on the new service road along the West Gate boundary</i>
<p>CLAUSE 22.27 POLICY – FISHERMANS BEND URBAN RENEWAL AREA</p>	<ul style="list-style-type: none"> • Minimum Floor area ratio not used for dwelling: 1.7:1 • Maximum Dwelling Density/ ha: 255 dwellings/ hectare. • 6% affordable housing provision. • 25% three bedroom dwellings for proposals of more than 300 dwellings. • 20% improvement on current National Construction Code energy efficiency standards.

	<ul style="list-style-type: none"> • Average 7star NatHERS rating for residential development. • At least 70% of total site area should comprise building or landscape elements to reduce heat impacts (green roofs, solar panels, shade structures). • Where public open space is provided onsite, open space is encouraged to be at least 500 square metres with a minimum dimension of 20 metres. • New streets and lanes to provide pedestrian connection, not more than 50 metres apart in core areas or 100 metres apart generally. • Encourage new streets or lanes on sites of 3000 sq metres or more. • Considerations for 'floor area uplift'. 												
<p>CAPITAL CITY ZONE 4</p>	<p>Applies revised Capital City Zone (CCZ4) including the following:</p> <table border="1" data-bbox="470 761 1428 1451"> <thead> <tr> <th data-bbox="470 761 774 801"></th> <th data-bbox="774 761 1428 801">Requirement</th> </tr> </thead> <tbody> <tr> <td data-bbox="470 801 774 842">Core or Non Core Area</td> <td data-bbox="774 801 1428 842">Core Activity Area</td> </tr> <tr> <td data-bbox="470 842 774 972">Floor Area Ratio (FAR)</td> <td data-bbox="774 842 1428 972">Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit' </td> </tr> <tr> <td data-bbox="470 972 774 1124">Frontages</td> <td data-bbox="774 972 1428 1124">10 metre landscaped setback to Turner Street (to be closed and transformed into a linear parkway with tram) Primary active frontages to Turner Street Secondary active frontage to new north-south road</td> </tr> <tr> <td data-bbox="470 1124 774 1384">New Roads</td> <td data-bbox="774 1124 1428 1384">New 22 metre wide north-south road proposed along section of eastern boundary New 22 metre wide road proposed through site on an east-west axis New 12 metre road proposed along south boundary New 10 metre landscape setback to Turner Street No crossovers to Turner Street</td> </tr> <tr> <td data-bbox="470 1384 774 1451">New Public Open Space</td> <td data-bbox="774 1384 1428 1451">Shows new public open space along Turner Street Frontage and in the centre east of the site.</td> </tr> </tbody> </table> <p>Refer to map extracts showing core areas, new roads and open space layout.</p>		Requirement	Core or Non Core Area	Core Activity Area	Floor Area Ratio (FAR)	Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit' 	Frontages	10 metre landscaped setback to Turner Street (to be closed and transformed into a linear parkway with tram) Primary active frontages to Turner Street Secondary active frontage to new north-south road	New Roads	New 22 metre wide north-south road proposed along section of eastern boundary New 22 metre wide road proposed through site on an east-west axis New 12 metre road proposed along south boundary New 10 metre landscape setback to Turner Street No crossovers to Turner Street	New Public Open Space	Shows new public open space along Turner Street Frontage and in the centre east of the site.
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CORE AND NON CORE AREAS AND ACTIVE STREET FRONTAGES

Source: GC81 Melbourne CCZ4 (Exhibited)

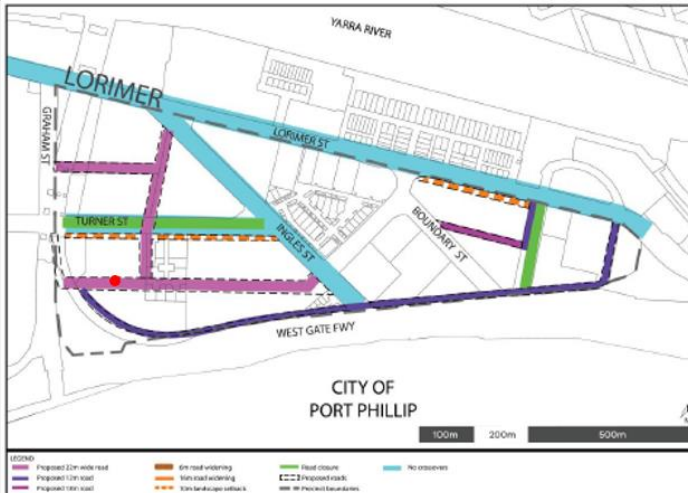
● = site



STREET AND LANEWAY LAYOUT

Source: GC81 Melbourne CCZ4 (Exhibited)

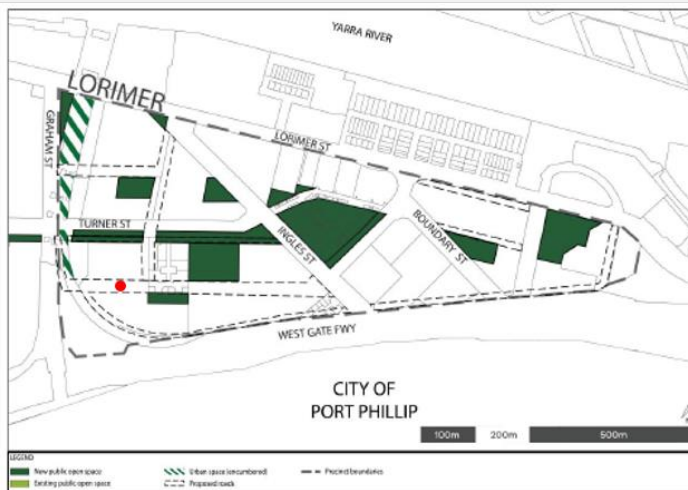
● = site



OPEN SPACE LAYOUT

Source: GC81 Melbourne CCZ4 (Exhibited)

● = site



DESIGN AND DEVELOPMENT OVERLAY 67 (DDO67)	Applies revised Design and Development Overlay (DDO67) including the following:	
		Requirement
	Maximum building height	Unlimited
	Street wall height (Cannot be varied with a permit)	<p>On streets with a width of 12 metres or less (new road along southern boundary), street walls must not exceed 15.4 metres.</p> <p>On streets with a width greater than 12 metres (Turner Street, new east-west and north-south roads), street walls must not:</p> <ul style="list-style-type: none"> • Exceed 23 metres • Exceed 30 metres if overall building is less than 38 metres and road width is greater than 22 metres <p>In an instance where two different street wall heights intersect at a corner, the higher street wall height prevails.</p>
	Building wall heights on a side or rear boundary (Cannot be varied with a permit)	Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres, or may be built to 30 metres where a 30 metre street wall height is proposed.
	Setbacks above the street wall (Cannot be varied with a permit)	<p>overall building height is less than 30 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 5 metres (discretionary) • Must be set back 3 metres (mandatory) <p>If overall building height is between 30 metres and 68 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 10 metres (discretionary) • Must be set back 5 metres (mandatory) <p>If overall building height is above 68 metres, building above the street wall must be set back 10 metres.</p> <p>If overall building height is above 68 metres, building above the street wall must be set back 10 metres, or 5 metres where side or rear boundary interfaces with the Westgate Freeway, Citylink overpass, or existing Route 109 and 96 corridors.</p>
Building setbacks to side and rear boundaries (Cannot be varied with a permit)	<p>A building not constructed on the boundary with a height up to 23 metres must be set back:</p> <ul style="list-style-type: none"> • 6 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building not constructed on a site boundary is between 23 metres and 30 metres, building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 9 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building is between 30 metres and 68 metres, any part of building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 10 metres 	

		<ul style="list-style-type: none"> • 5 metres if the wall does not include window to habitable rooms and/or balcony. <p>If building is above 68 metres, any part of building above 23 metres must be set back 10 metres.</p>
	<p>Building separation within a site</p> <p>(Cannot be varied with a permit)</p>	<p>If a development comprises two or more separate buildings or parts of buildings:</p> <ul style="list-style-type: none"> • With an overall height of 23 metres or less, the buildings must be separated by: <ul style="list-style-type: none"> – 12 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 9 metres if one building has habitable room windows/balconies fronting onto the separation distance – 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height between 23 metres and 30 metres, buildings must be separated by: <ul style="list-style-type: none"> – 18 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 12 metres if one building has habitable room windows/balconies fronting onto the separation distance – 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height greater than 30 metres, any building up to 23 metres must be separated by the same setbacks applied to buildings with an overall height of 23 metres or less (noted above). • With an overall building height of 68 metres or less, any building above 23 metres must be separated by: <ul style="list-style-type: none"> – 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance – 15 metres if one building has habitable room windows/balconies fronting onto the separation distance – 10 metres if neither building has habitable room windows/balconies fronting onto the separation distance <p>With an overall building height of 68 metres or more, any building above 23 metres must be separated by 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance</p>
	<p>Overshadowing</p> <p>(Cannot be varied with a permit)</p>	<p>Neighbourhood Park 'A' shown to the east on Turner Street.</p> <p>No increase in overshadowing 10.30am to 1.30pm 22 September.</p>

	<p>Primary Active Street Frontages (Discretionary)</p>	<p>Along Turner Street, buildings should provide:</p> <ul style="list-style-type: none"> • At least 80% visual permeability along the ground level of the building to a height of 2 metres. • Pedestrian entries at least every 15 metres 	
	<p>Secondary Active Street Frontages (Discretionary)</p>	<p>Along new road located on east boundary, buildings should provide at least 60% visual permeability along the ground level of the building to a height of 2 metres.</p>	
	<p>Adaptable Buildings (Discretionary)</p>	<p>Car parking levels not within a basement should have a 3.8 metre floor to floor height.</p> <p>Buildings should be designed with:</p> <ul style="list-style-type: none"> • Minimum 4 metre floor to floor height at ground level • Minimum 3.8 metre floor to floor height up to street wall <p>Flexible internal layouts to adopt one and two bedroom dwellings into three or more bedroom dwellings</p>	
<p>PARKING OVERLAY</p>	<p>Applies revised Parking Overlay and specifies maximum parking rates for various uses:</p> <ul style="list-style-type: none"> • 0.5 spaces to each dwelling • 1 space to each 150 square metres of industry gross floor area • 1 space to each 100 square metres of office, place of assembly, restricted retail and retail gross floor area • 2 spaces to each 100 square metres of supermarket gross floor area • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. <p>For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies.</p>		

COMMENTARY

The subject site is of substantial size (20,938 sqm) with a frontage to Turner Street, providing opportunities for an active frontage. The site has limited sensitive interfaces, noting the West Gate Freeway is located immediately to the south. The adjoining site to the west (No. 150-160 Turner Street) also has significant redevelopment potential, noting the site holds an approved permit for a 30 storey building.

Under the current interim DDO controls, the site is subject to a 40 storey maximum height, above a street wall of 20 metres (or 5 storeys), with 10 metre setbacks above the street and side boundaries.

The proposed controls apply an 'unlimited' building height to the site, with 23 metre street wall heights, and varied upper level setbacks relative to the overall building height and surrounding interfaces.

A 10 metre landscaped setback (shown in the CCZ) is proposed along the northern frontage of the site to widen Turner Street. Turner Street is proposed to be closed to traffic and to accommodate a new tram route.

Additionally, a 22 metre wide east-west road is proposed to bisect the site, adjoining a second north-south road along the northern section of the site's eastern boundary. This road is nominated as 22 metres wide and half of this has been assumed to be accommodated on the subject site.

The unlimited building height is tempered by the 5.4:1 floor area ratio applied to the site, such that only a relatively small proportion could be used for residential purposes without provision of public benefits.

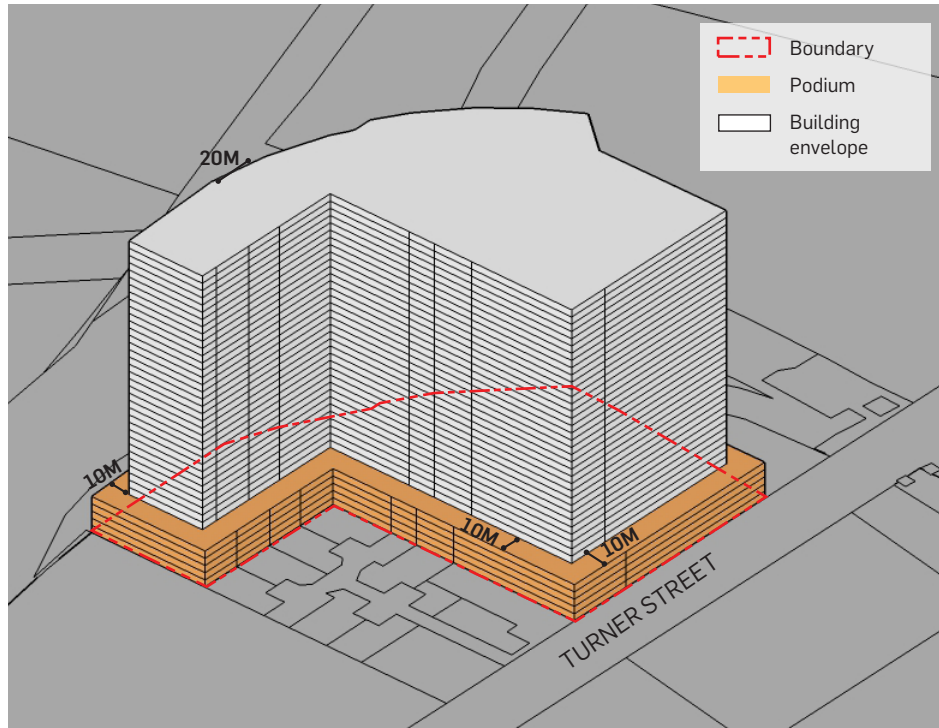
The modelling indicates that, taking into account the proposed roads and open space, a FAR compliant residential development would incorporate a six storey podium and three storey tower (assuming the built form is evenly distributed through the site with 100% site coverage).

This contrasts sharply with the current permit application for five substantially residential towers (as well as new roadways and open space nominated by the Draft Framework) that is currently subject of a VCAT review, but was supported by the City of Melbourne.

Given the site is located in a 'core area', the FAR can be exceeded if the additional floor area relates to non-residential uses. This could allow for additional yield if related to retail, office or commercial uses (amongst other non-residential uses).

Uplift beyond the mandatory FAR could also be secured by providing public benefits in accordance with the Capital City Zone requirements. This may include public facilities, noting that the site is in a 'sports and recreation' investigation area.

Regular considerations would also apply in terms of dwelling amenity, provision of active street frontages and the interface with potential adjoining developments (although these are closely guided by proposed mandatory upper level setbacks).



EXISTING CONTROLS

Site area: 20,940m²

Max building height: 40 storeys

Max street wall height: 20 m or 5 storeys

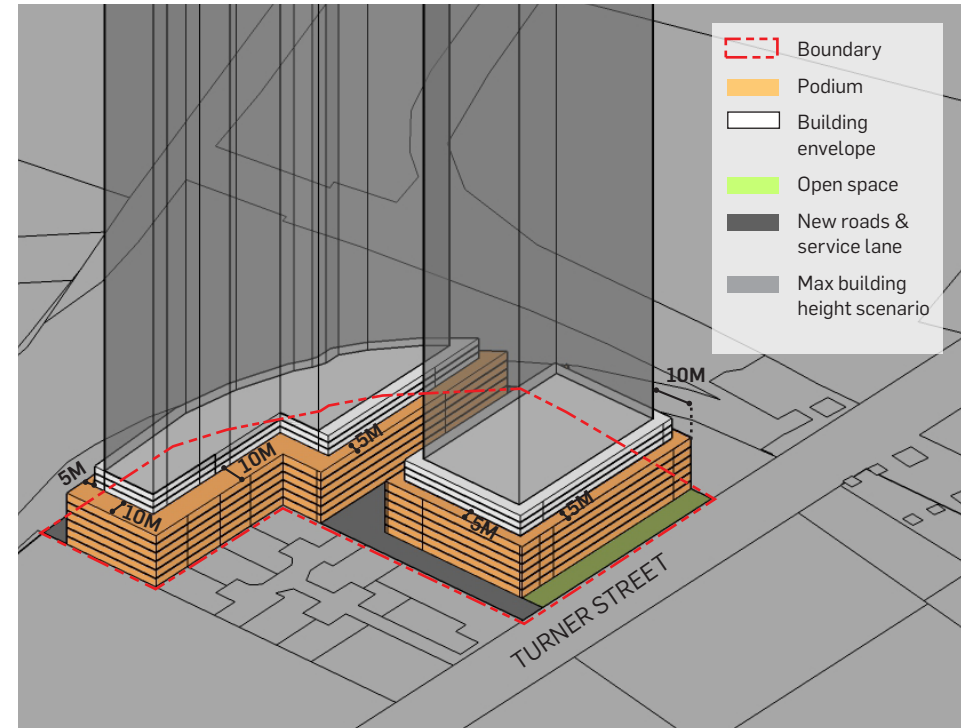
Min tower setback from street: 10m

Min tower setback from side and rear boundaries: 10m

Min tower separation: 10m

Current controls from framework plans

Total GFA: 454836 m²



PROPOSED CONTROLS

FAR: 5.4:1

Infrastructure: Two 22m

roads (one partially on site);

6m service lane

Landscaped setback: 10m

Site area: 20,940 sqm

Maximum GFA: 113,076 sqm

	FAR Scenario	Max Building Height Scenario
Building height	32.6 m (approx.)	Unlimited
Street wall height	23 m	23 m
Street wall upper level setbacks	5 m to Turner St & new internal road & lane	10 m
Side and rear upper level setbacks	10 m	10 m
GFA	112,995 sqm	

SITE 4. 351 INGLES STREET, PORT MELBOURNE

SITE CONTEXT

FISHERMANS BEND - PRECINCT

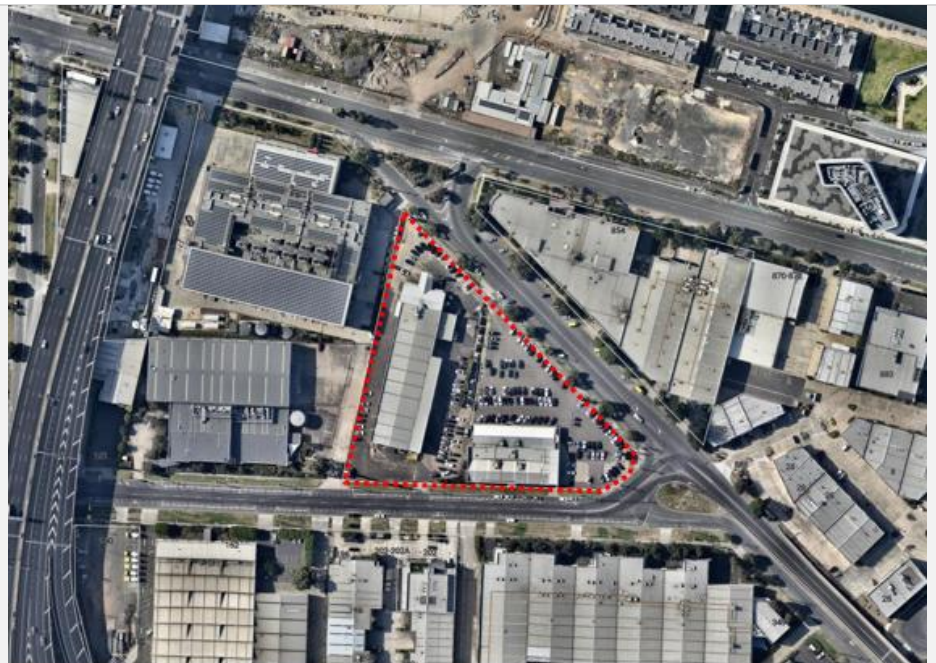
(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)



SITE DESCRIPTION	<p>Site area: 13,944 sqm Site frontages: Ingles Street 189 m Turner Street 144 m</p> <p>Site is occupied by two one and two storey warehouse and commercial buildings and at-grade car parking.</p>
SURROUNDING AREA	<p>North-east: On the opposite side of Ingles Street is a range of two storey warehouse and commercial buildings.</p> <p>South: On the opposite side of Turner Street is a range of two and three storey commercial buildings.</p> <p>West: Two large double storey commercial/warehouse buildings are located on the adjoining properties to the west, with at-grade car parking.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (SUBJECT SITE)	<p>Planning permit application No 2013006575 was lodged on 1 February 2013, and proposes <i>'Use of the land for the purpose of dwellings and office pursuant to clause 37.04. To construct a building or construct or carry out works pursuant to clause 37.4.'</i></p> <p>The proposal comprises:</p> <ul style="list-style-type: none"> • Six buildings (connected by two podiums) at 11, 16, 36, 40 and 40 storeys • 1,192 dwellings (80,927 square metres) • 3,514 square metres of retail space • 2,832 square metres of community hub <p>The application was called in by the Minister for Planning on 21 February 2018.</p>
RELEVANT PLANNING PERMITS/ APPLICATIONS (ADJOINING)	<p>Applications in the immediate area include:</p> <ul style="list-style-type: none"> • 162 - 188 Turner, Street Port Melbourne - planning permit application 201535676 was lodged on 29 June 2015 for <i>'Use and development of the Land for the Purpose of Shops and Residential Dwellings more specifically the Proposal Comprises a Masterplan for the Development of the Land for the provision of Six Towers above Mixed Use Podiums and Associated Car Parking'</i>. An appeal was lodged with VCAT in response to the Minister for Planning's failure to determine within the prescribed time. The application was subsequently called in by the Minister for Planning on 21 February 2018. The application was supported by the City of Melbourne at the Future Melbourne Committee of 20 February, 2018. • 150-160 Turner Street, Port Melbourne - planning permit 2013006334 was issued on 6 September 2016 to <i>'Construct a (30) storey mixed use building'</i>. An extension of time to the permit has been lodged with DELWP.

PHOTOGRAPHS – SUBJECT SITE AND SURROUNDS



Picture 1 – 351-387 Ingles Street, view from Turner Street



Picture 2 – 351-387 Ingles Street, view from Turner Street



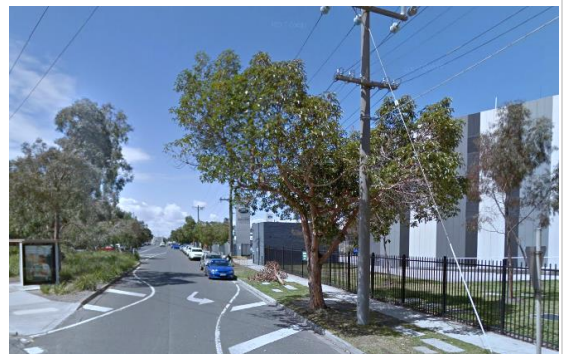
Picture 3 – 161-189 Turner Street, site immediately abutting to the south-west



Picture 4 – Turner Street (looking west)



Picture 5 – 850-858 Lorimer Street, immediately opposite to the north-east



Picture 6 – Ingles Street, looking south-east towards subject site

MELBOURNE PLANNING SCHEME – EXISTING

FISHERMANS BEND STRATEGIC FRAMEWORK PLAN JULY 2014 (AMENDED SEPTEMBER 2016)

Lorimer Precinct

- New 12 metre wide north-south street proposed along west boundary.
- New 22 metre wide east-west street proposed through site.
- New neighbourhood park proposed fronting Ingles Street.
- Turner Street to be closed to become the “Lorimer Parkway”.

ZONE AND OVERLAYS

(Source: land.vic.gov.au)

Capital City Zone 4 (CCZ4) ‘Fishermans Bend Urban Renewal Area’

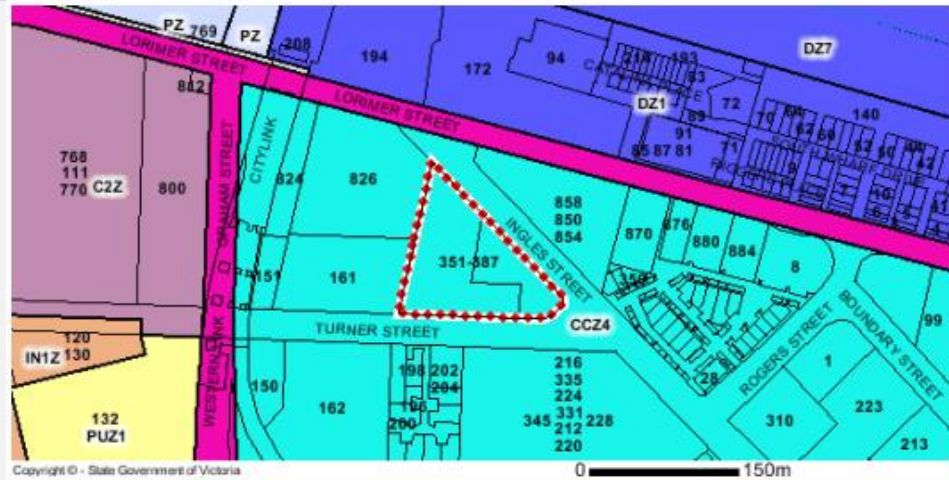
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Parking Overlay 13 (PO13) ‘Capital City Zone – Fishermans Bend’

ZONING MAP EXTRACT

(Source: land.vic.gov.au)



DDO67 REQUIREMENTS

DDO67 - <u>Area 1</u>	Requirement
Maximum Building Height	40 storeys
Street Wall	Not exceed 20 metres or 5 storeys
Minimum Tower Setback from Street	10 metres
Minimum Tower Setback from Side and Rear Boundaries	10 metres
Minimum Tower Separation	20 metres

MELBOURNE PLANNING SCHEME - PROPOSED GC81

DRAFT FRAMEWORK PLAN

Lorimer Precinct: *'A vibrant, mixed use precinct close to the Yarra River and connected to Melbourne's CBD, Docklands and emerging renewal areas.'*

- Figure 8: 'Road Network' restricts crossovers on Ingles Street and Turner Street frontages and proposes a 22 metre wide road along the site's west boundary.
- Objective 1.10 'Family Friendly Housing' establishes a target of 20% for Lorimer
- Figure 11: FAR Controls shows:
 - CORE FAR: 5.4:1
 - Minimum Commercial FAR: 1.7:1
 - Proposed open space to the south east along Boundary Street.
- Figure 12 'Building Height Controls' shows 8 storeys on the site's south boundary, 24 storeys along the site's west boundary, and a proposed open space fronting Ingles Street.
- Figure 13 'Activity Cores' shows 'Mixed use high intensity (core activity)' with 'primary active frontage' retail along Ingles Street and Turner Street, and 'secondary active frontage' along the proposed new road on the west boundary.
- Figure 15 'Community facilities and services' locates the site in an 'Investigation Area – sport and recreational hub'.
- Figure 17 'Public Space' shows a new public open space on the site fronting Ingles Street, and south of Turner Street.
- Figure 20 'Infrastructure Delivery in Lorimer' shows a new 22 metre wide road along the west boundary, one indicative laneway on a north-south axis through the site, and two indicative laneways on east-west axis providing connection to the adjoining streets. Turner Street is noted as a closed road, and a tram route is also proposed.

CLAUSE 21.13 – URBAN RENEWAL AREAS

Fishermans Bend Urban Renewal Area - Lorimer

The Lorimer precinct will promote a mix of residential, retail, commercial, entertainment and employment opportunities that complements the functions and built form of the Central City and Docklands. The area will provide opportunities for co-location of employment and housing, increasing productivity through decreased travel times for residents

Preferred Future Character - Lorimer Area L1

Hybrid developments of mid-rise perimeter blocks and tower developments

Slender towers located to minimise overshadowing impacts on the Lorimer Parkway

Provision of private and communal open space with good access to sunlight to provide high levels of amenity for residents and workers.

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.

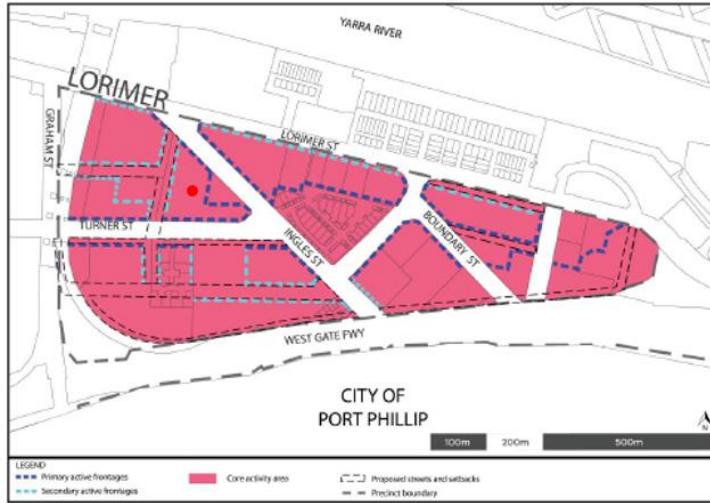
Lower street wall heights along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway

<p>CLAUSE 22.15 POLICY</p>	<ul style="list-style-type: none"> • Minimum Floor area ratio not used for dwelling: 1.7:1 • Maximum Dwelling Density/ ha: 255 dwellings/ hectare. • 6% affordable housing provision. • 25% three bedroom dwellings for proposals of more than 300 dwellings. • 20% improvement on current National Construction Code energy efficiency standards. • Average 7star NatHERS rating for residential development. • At least 70% of total site area should comprise building or landscape elements to reduce heat impacts (green roofs, solar panels, shade structures). • Where public open space is provided onsite, open space is encouraged to be at least 500 square metres with a minimum dimension of 20 metres. • New streets and lanes to provide pedestrian connection, not more than 50 metres apart in core areas or 100 metres apart generally. • Encourage new streets or lanes on sites of 3000 sq metres or more. • Considerations for 'floor area uplift'. 												
<p>CAPITAL CITY ZONE 4</p>	<p>Applies revised Capital City Zone (CCZ4) including the following:</p> <table border="1" data-bbox="419 974 1422 1370"> <thead> <tr> <th></th> <th>Requirement</th> </tr> </thead> <tbody> <tr> <td>Core or Non Core Area</td> <td>Core Activity Area</td> </tr> <tr> <td>Floor Area Ratio (FAR)</td> <td>Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit' </td> </tr> <tr> <td>New Roads</td> <td>22 metre wide road proposed along site's west boundary</td> </tr> <tr> <td>New Public Open Space</td> <td>Public open space proposed on site's Ingles Street frontage</td> </tr> <tr> <td>Frontages</td> <td>Primary frontages to Turner Street and Ingles Street Secondary active frontage to new road on west boundary</td> </tr> </tbody> </table> <p>Refer to map extracts showing core areas, laneways and open space layout.</p>		Requirement	Core or Non Core Area	Core Activity Area	Floor Area Ratio (FAR)	Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit' 	New Roads	22 metre wide road proposed along site's west boundary	New Public Open Space	Public open space proposed on site's Ingles Street frontage	Frontages	Primary frontages to Turner Street and Ingles Street Secondary active frontage to new road on west boundary
	Requirement												
Core or Non Core Area	Core Activity Area												
Floor Area Ratio (FAR)	Mandatory 5.4:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit' 												
New Roads	22 metre wide road proposed along site's west boundary												
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Frontages	Primary frontages to Turner Street and Ingles Street Secondary active frontage to new road on west boundary												

CORE AND NON CORE AREAS AND ACTIVE STREET FRONTAGES

Source: GC81
Melbourne CCZ4
(Exhibited)

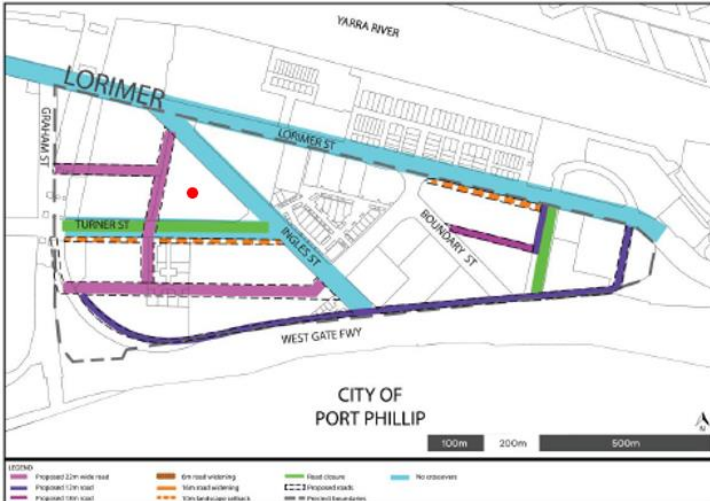
● = site



STREET AND LANEWAY LAYOUT

Source: GC81
Melbourne CCZ4
(Exhibited)

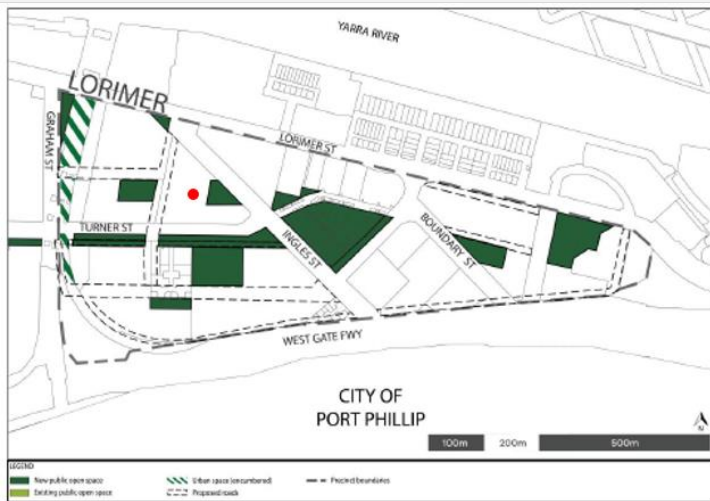
● = site



OPEN SPACE LAYOUT

Source: GC81
Melbourne CCZ4
(Exhibited)

● = site



DESIGN AND DEVELOPMENT OVERLAY 67 (DDO67)	Applies revised Design and Development Overlay (DDO67) including the following:	
		Requirement
	Maximum building height	80.6 metres – discretionary (west section of site) 35.8 metres - discretionary (south-east section of site)
		
	Public Open Space	Public open space fronting Ingles Street
	Street wall height (Cannot be varied with a permit)	On streets with a width greater than 12 metres (Ingles Street, Turner Street, and new road on west boundary), street walls must not: <ul style="list-style-type: none"> • Exceed 23 metres • Exceed 30 metres if overall building is less than 38 metres and road width is greater than 22 metres Where two different street wall height intersect at a corner, the higher street wall height prevails.
	Building wall heights on a side or rear boundary (Cannot be varied with a permit)	Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres, or may be built to 30 metres on side or rear boundary where a 30 metre street wall height is proposed.
Setbacks above the street wall (Cannot be varied with a permit)	If overall building height is less than 30 metres, building above the street wall: <ul style="list-style-type: none"> • Should be set back 5 metres (discretionary) • Must be set back 3 metres (mandatory) If overall building height is between 30 metres and 68 metres, building above the street wall: <ul style="list-style-type: none"> • Should be set back 10 metres (discretionary) • Must be set back 5 metres (mandatory) If overall building height is above 68 metres, building above the street wall must be set back 10 metres.	
Side and rear setbacks	A building not constructed on the boundary with a height up to 23 metres must be set back:	

	<p>(Cannot be varied with a permit)</p>	<ul style="list-style-type: none"> • 6 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building not constructed on a site boundary is between 23 metres and 30 metres, building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 9 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building is between 30 metres and 68 metres, any part of building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 10 metres • 5 metres if the wall does not include window to habitable rooms and/or balcony. <p>If building is above 68 metres, any part of building above 23 metres must be set back 10 metres, or 5 metres where side or rear boundary interfaces with the Westgate Freeway, Citylink overpass, or existing Route 109 and 96 corridors.</p>
	<p>Building separation within a site</p> <p>(Cannot be varied with a permit)</p>	<p>If a development comprises two or more sperate buildings or parts of buildings:</p> <ul style="list-style-type: none"> • With an overall height of 23 metres or less, the buildings must be separated by: <ul style="list-style-type: none"> - 12 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 9 metres if one building has habitable room windows/balconies fronting onto the separation distance - 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height between 23 metres and 30 metres, buildings must be separated by: <ul style="list-style-type: none"> - 18 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 12 metres if one building has habitable room windows/balconies fronting onto the separation distance - 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance • With an overall building height greater than 30 metres, any building up to 23 metres must be separated by the same setbacks applied to buildings with an overall height of 23 metres or less (noted above). • With an overall building height of 68 metres or less, any building above 23 metres must be separated by: <ul style="list-style-type: none"> - 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance - 15 metres if one building has habitable room windows/balconies fronting onto the separation distance - 10 metres if neither building has habitable room windows/balconies fronting onto the separation distance

		With an overall building height of 68 metres or more, any building above 23 metres must be separated by 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance
	Overshadowing (Cannot be varied with a permit)	Buildings must not overshadow new park fronting Ingles Street (on site) between 11:00am to 2:00pm on 22 September. Buildings must not overshadow new park on south side of Turner Street between 10:30am and 1:30pm on 22 September
	Primary Active Street Frontages (Discretionary)	Along Ingles Street and Turner Street, buildings should provide: <ul style="list-style-type: none"> • At least 80% visual permeability along the ground level of the building to a height of 2 metres. • Pedestrian entries at least every 15 metres
	Secondary Active Street Frontages (Discretionary)	Along the new road on the west boundary, buildings should provide at least 60% visual permeability along the ground level of the building to a height of 2 metres.
	Adaptable Buildings (Discretionary)	Car parking levels not within a basement should have a 3.8 metre floor to floor height. Buildings should be designed with: <ul style="list-style-type: none"> • Minimum 4 metre floor to floor height at ground level • Minimum 3.8 metre floor to floor height up to street wall Flexible internal layouts to adopt one and two bedroom dwellings into three or more bedroom dwellings
PARKING OVERLAY	Applies revised Parking Overlay and specifies maximum parking rates for various uses: <ul style="list-style-type: none"> • 0.5 spaces to each dwelling • 1 space to each 150 square metres of industry gross floor area • 1 space to each 100 square metres of office, place of assembly, restricted retail and retail gross floor area • 2 spaces to each 100 square metres of supermarket gross floor area • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies.	

COMMENTARY

The subject site benefits from interfaces with three streets (providing opportunities for activated frontages to enhance the public realm) and has no direct interfaces with adjoining properties.

The interim DDO controls apply a maximum building height of 40 storeys, a street wall height of 20 metres/5 storeys, and upper level setbacks of 10 metres.

The site is located at the entrance of a new linear parkway and tram route (along Turner Street). The proposed height controls limit (albeit on a discretionary basis) development to 35.8 metres on the corner of Turner Street and Ingles Street, and 80.6 metres to the western section of the site.

The controls propose a 23 metre street wall, with upper level setbacks applied on a mandatory basis, depending on the overall height of the building and presence of habitable room windows/balconies.

A 22 metre wide road is proposed along the site's western boundary. It appears that half the road's width is to be accommodated on the site, however the execution of this is unclear.

The overall building height used for dwellings will be constrained by the mandatory floor area ratio.

The mandatory FAR of 5.4:1 constrains the development potential for residential development to approximately seven storeys, resulting in a six storey (23 metre) street wall and nominal seventh storey. This assumes that the podium will be developed to the site boundaries, consistent with the existing footprints of commercial development in the area, and allowing for a 500 square metre park on the Turner Street frontage.

Given the site is within a 'core area', the proposed Capital City Zone Schedule 1 allows additional floor area in excess of the FAR if the additional floor area is not used for a dwelling, indicating additional floor area could be facilitated through retail or office space provided on site.

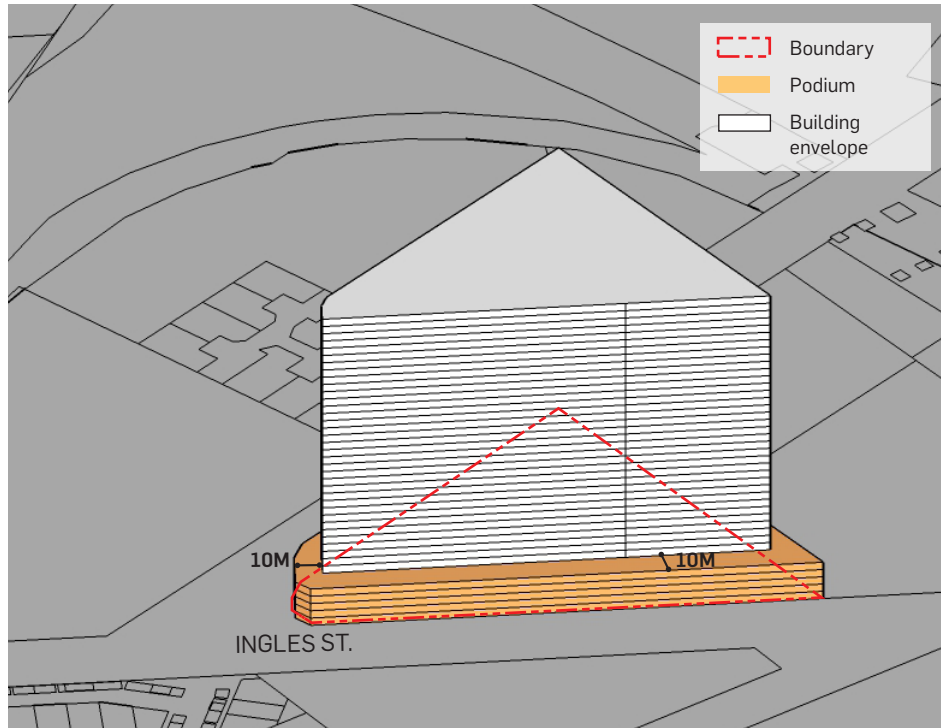
In addition floor area uplift could be achieved if the site delivers additional public open space, affordable housing, or sports and recreation facilities, noting the site is within a 'sport and recreation hub' investigation area.

It is noted the modelling does not include the indicative location for new laneways shown on the Draft Fishermans Bend Framework (one indicative laneway on a north-south axis through the site, and two indicative laneways on east-west axis providing connection to the adjoining streets). The location and 'required' dimensions of this laneway are unknown and it is difficult to comment on its impact.

Further the overshadowing provisions in the DDO limit overshadowing to the new park located on the site's the Ingles Street frontage (no additional shadow between 11am and 2.00pm on 22 September), and the new park proposed opposite on the southern side of Turner Street (no additional shadow between 10.30am and 1.30pm on 22 September).

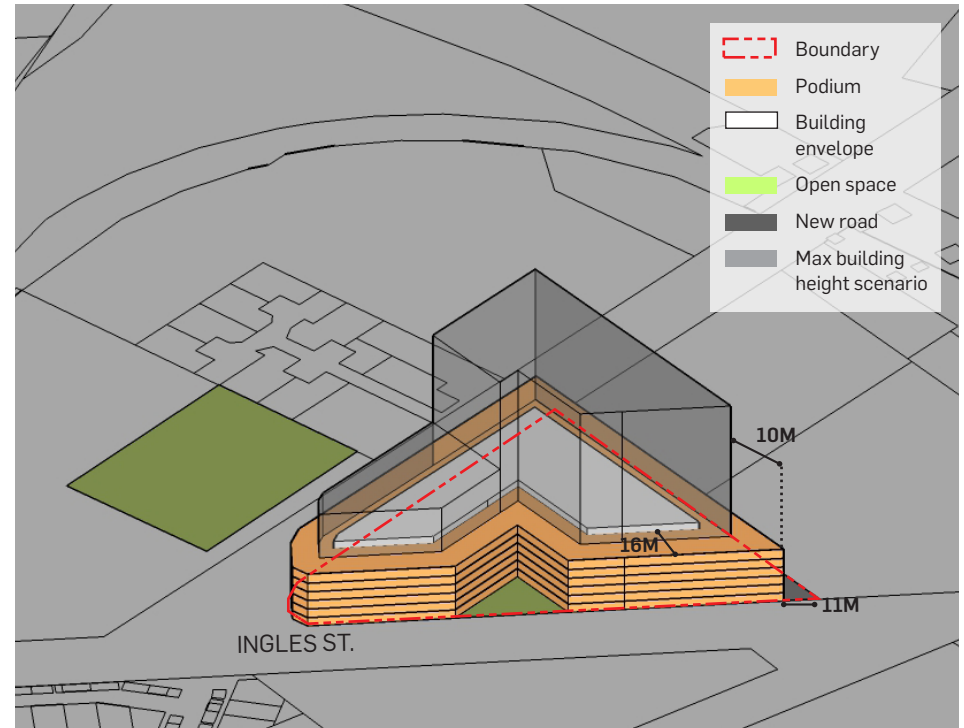
This will temper the allowable building height on the site noting that they are mandatory requirements. The shadow diagrams prepared of the FAR base model show that the park within the site would be overshadowed at 1.30pm and 2.00pm. The shadows cast in a maximum height scenario would affect the park on the opposite side of Turner Street at 1.30pm.

The current application, which proposes 80,927 square metres of floor area comprising over 1000 dwellings, 3,514 square metres of retail space, and 2,832 square metres dedicated for a community hub. This is to be accommodated in buildings of 11, 16, 36 and 40 storeys (x 2). Residential development of this nature would be unlikely to be achieved under the new controls given the mandatory floor area ratios. Commercial development could potentially be achieved, but to a lesser extent, noting that the building heights permitted are closer to 11 to 24 storeys (and noting commentary in relation to over shadowing above).



EXISTING CONTROLS

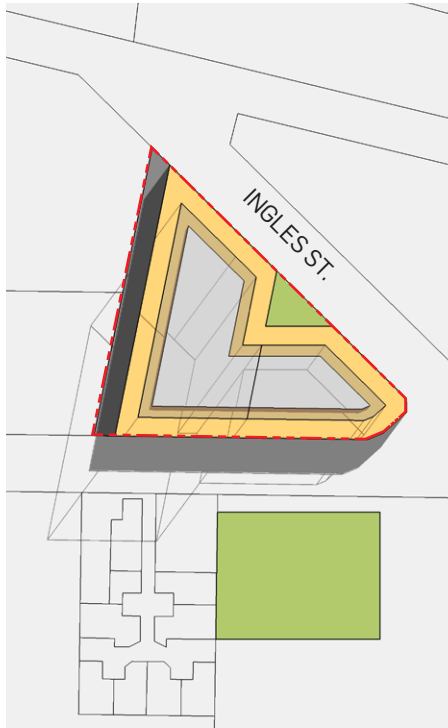
Site area: 13,945m²
 Max building height: 40 storeys
 Max street wall height: 20 m or 5 storeys
 Min tower setback from street: 10m
 Min tower setback from side and rear boundaries: 10m
 Min tower seperation: 10m
 Current controls from framework plans
 Total GFA: 240473 m²



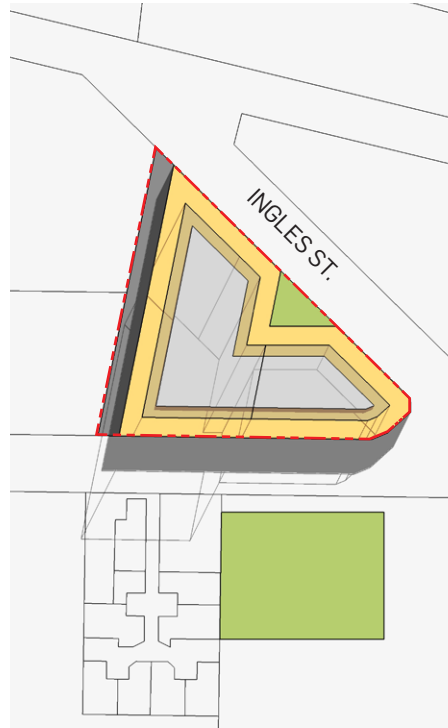
PROPOSED CONTROLS

FAR: 5.4:1
 Public open space: 500sqm
 Infrastructure: 22m road (partially on site)
 Site area: 13,945 sqm
 Maximum GFA: 75,303 sqm

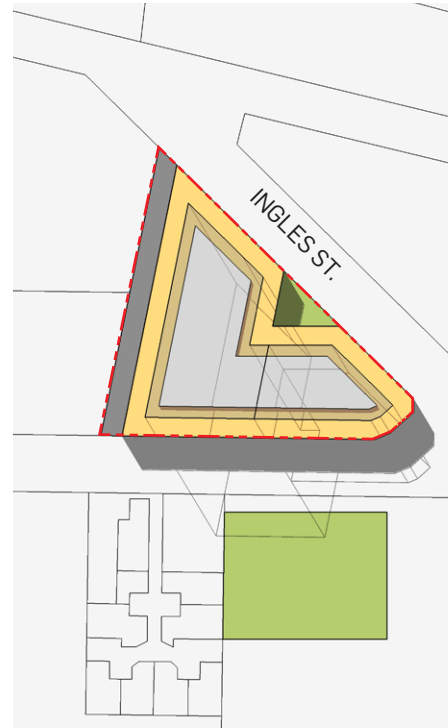
	FAR Scenario	Max Building Height Scenario
Building height	26.2 m (approx.)	35.8 m (south-east section), 80.6 m (west section)
Street wall height	23 m	23 m
Street wall upper level setbacks	5 m	10 m
GFA	75,200 sqm	



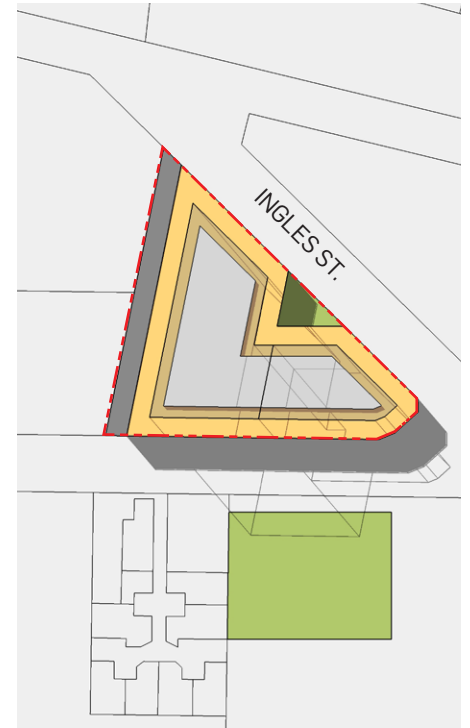
10:30AM, 22 SEPT



11AM, 22 SEPT



1:30PM, 22 SEPT



2PM, 22 SEPT

- Boundary
- Podium
- Building envelope
- Open space
- New road
- Max building height scenario

Solid shadows - cast by FAR model

Outlined shadows - cast by max height model

SITE 5. 187-197 NORMANBY ROAD, SOUTHBANK

SITE CONTEXT

FISHERMANS BEND - PRECINCT

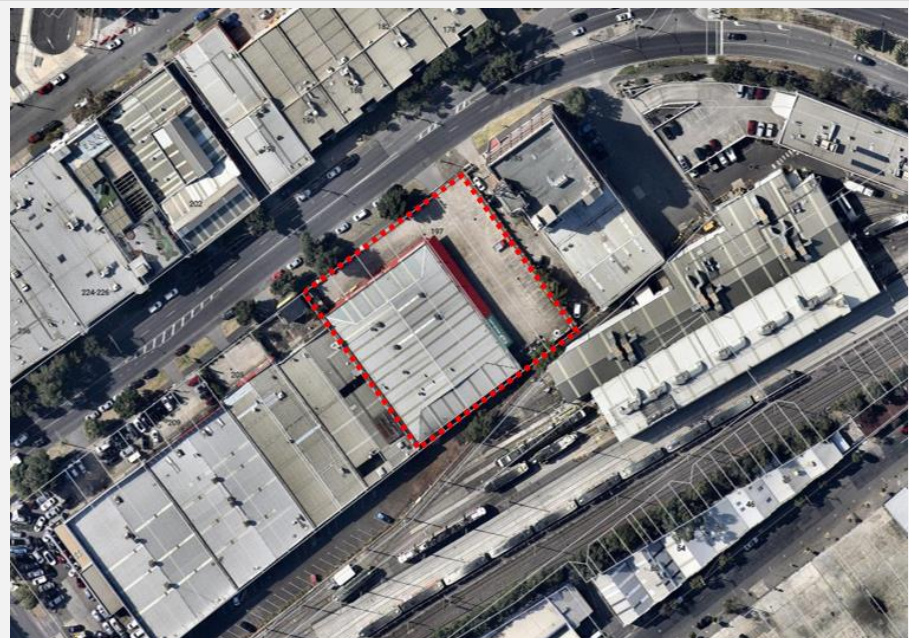
(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)





SITE DESCRIPTION	<p>Site area: 3,584 sqm Site frontages: Normanby Road 60 m</p> <p>The majority of the site is occupied by a large single storey commercial building used as a tool supplies business. Car parking and hard stand areas are located on the eastern side.</p>
SURROUNDING AREA	<p>North: Normanby Road, over which are single storey industrial and commercial buildings.</p> <p>East: 179 Normanby Road, which comprises a part 5 (facing Normanby), part 2 storey commercial building setback from the common boundary beyond a driveway and car parking.</p> <p>South: To the south is the ‘tapered’ end of Woodgate Street which adjoins a tram depot. The tram depot is open to the sky, elevated above street level and fenced by chain wire fencing. Woodgate Street has angle parking along both sides. . The street tapers toward the eastern end accounting for the adjoining tram depot (also to the south).</p> <p>West: To the west on Normanby Road are similar commercial buildings.</p>
RELEVANT PLANNING PERMITS / APPLICATIONS (SUBJECT SITE)	<p>A permit application (PA1700294) was submitted to the Minister for Planning on 12 October 2017. The proposal seeks approval for a 40 storey tower, with a podium and setbacks from street boundaries responding to the applicable planning controls.</p> <p>The proposal includes 378 dwellings and approximately 4,800 square metre of retail and office floor space as well as 308 car parking spaces and 378 bicycle parking spaces.</p> <p>This application was ‘called in’ by the Minister for Planning under the ‘Ministerial powers of intervention’ on 21 February, 2018.</p>
RELEVANT PLANNING PERMITS/ APPLICATIONS (SURROUNDING)	<p>There is a raft of current permit applications and approvals for podium and tower development along both sides of Normanby Road between Boundary Road and the Westgate Freeway. Applications in the immediate area include:</p> <ul style="list-style-type: none"> • A current planning permit application to the immediate north at 179 – 185 Normanby Road (Application PA16/00105). This application seeks approval for a 40 storey residential tower, incorporating the heritage Laconia Building. It incorporates ground floor retail use and approximately 4000 m sq of office. Nine levels of car parking are included at the rear. This application was ‘called in’ by the Minister for Planning under the ‘Ministerial powers of intervention’ on 21 February, 2018. • An approved planning permit (2013/009268) to the immediate south at 199 -201 Normanby Road. This permit was granted on 1.9.2014. The permit comprises approximately 262 dwellings and has a total height of 40. A subsequent amendment to the permit sought to include use of the land for a Hotel. • An approved planning permit (2015/35404) opposite at 202 -214 Normanby Road. This permit was granted on 14.7.2017. The development proposes a 40 storey residential tower incorporating 284 dwellings, 116 car parking spaces and 209 bike parking spaces. An amendment to the permit was sought to vary from dwellings to ‘accommodation’.

PHOTOGRAPHS – SUBJECT SITE AND SURROUNDS



Picture 1 – 187-197 Normanby Rd.



Picture 2 – View west along Normanby Rd



Picture 3 – 179-185 Normanby Rd (abutting to east)



Picture 4 – 199-201 Normanby Rd (to west)



Picture 5 – 178-198 Normanby Rd (opposite to north)



Picture 6 – Normanby Road, view east towards site

PORT PHILLIP PLANNING SCHEME – EXISTING

FISHERMANS BEND STRATEGIC FRAMEWORK PLAN JULY 2014 (AMENDED SEPTEMBER 2016)

Montague Precinct

- Normanby Street – existing local street.
- Rail investigation area
- Tram and bus network along Normanby Road (end of first decade)
- Montague Station at intersection of Normanby Road/ Montague Street
- Woodgate Street shown as recreational link

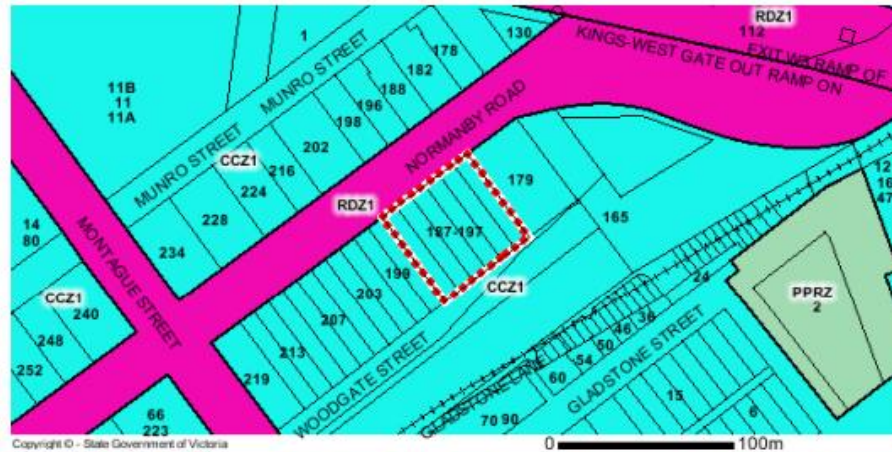
ZONE AND OVERLAYS

(Source: land.vic.gov.au)

- **Capital City Zone 1 (CCZ1)** ‘Fishermans Bend Urban Renewal Area’
- **Design and Development Overlay 30 (DDO30)** ‘Fishermans Bend Urban Renewal Area’
- **Development Contributions Overlay 2 (DCPO2)** ‘Fishermans Bend Urban Renewal Area Development Contributions Plan’
- **Parking Overlay 1 (PO1)** ‘Capital City Zone – Fishermans Bend’
- **Special Building Overlay (SBO)**

ZONING MAP EXTRACT

(Source: land.vic.gov.au)



DDO30 REQUIREMENTS

DDO30 - <u>Area 6</u>	Requirement
Maximum Building Height	40 storeys
Street Wall	Not exceed 20 metres or 5 storeys
Minimum Tower Setback from Street	10 metres
Minimum Tower Setback from Side and Rear Boundaries	10 metres
Minimum Tower Separation	20 metres

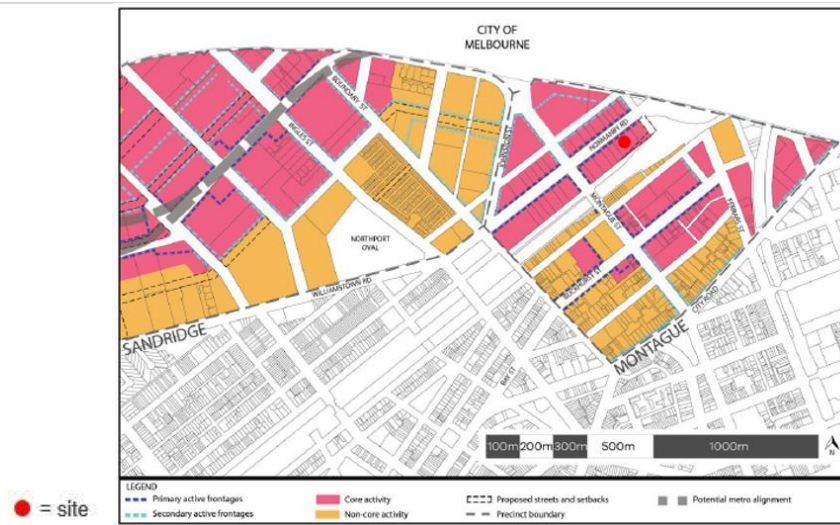
PORT PHILLIP PLANNING SCHEME - PROPOSED GC81

<p>DRAFT FRAMEWORK PLAN</p>	<p>Montague Precinct: <i>‘A diverse and well connected mixed use precinct celebrating its significant cultural and built heritage, and network of gritty streets and laneways’.</i></p> <ul style="list-style-type: none"> • Figure 8. Road Network – ‘No crossovers permitted’ (Normanby Road) • Objective 1.10 ‘Family Friendly Housing’: Target 25% three bedroom dwellings • Figure 11: Core FAR: 6.1:1 and minimum Commercial FAR: 1.7:1 • Proposed open/ urban space along Woodgate Street • Figure 12 ‘Building Height Controls’ 24 storeys (shows proposed open space) • Figure 13 ‘Activity Cores’ Mixed use high intensity (core activity) with ‘primary active frontage’ retail. • Figure 15 ‘Community Facilities and Services’ ‘investigation area health and recreational hub’. • Figure 17 ‘New Public Open Space’ shown along Woodgate Street.
<p>CLAUSE 21.06 POLICY</p>	<p>Montague Precinct Vision: <i>‘Mixed use development with shops and businesses providing active street edges and a high quality public realm throughout. Fine grain built form and laneways and through block links provide permeability and connectivity through street blocks. Heritage buildings are retained and integrated into development. The Route 109 tram line defines two distinctive neighbourhoods, Montague North and Montague South.</i></p> <p><i>Montague North has a high quality civic spine along Normanby Road with active frontages. Normanby Road is transformed into a landscaped, pedestrian friendly boulevard ... The new ‘Montague North Park’ open space located at the intersection of Montague Street and Munro Street is addressed by active frontage development. A Sports and Recreation Hub (or part of cluster) is delivered as part of mixed use development, located within the ‘investigation area’ north of Normanby Road.’</i></p> <p>Preferred Future Character Montague North (Area M1)</p> <ul style="list-style-type: none"> • Hybrid of mid-rise developments, perimeter blocks and tower developments. • Slender towers to minimise overshadowing on the Normanby Road boulevard. • Activation of the Normanby Road through fine-grain frontages (6-12 metres wide). • Activation of new north-south connections that connect to Normanby Road boulevard through fine-grain frontages, nominally 4-8 metres wide.
<p>CLAUSE 22.15 POLICY</p>	<ul style="list-style-type: none"> • Minimum Floor area ratio not used for dwelling: 1.6:1 (Core Areas). • Maximum Dwelling Density/ ha (Core Area): 301 dwellings/ hectare. • 6% affordable housing provision. • 25% three bedroom dwellings for proposals of more than 300 dwellings. • 20% improvement on current National Construction Code energy efficiency standards. • Average 7 star NatHERS rating for residential development. • At least 70% of total site area in plan view to comprising building or landscape elements to reduce heat impacts (green roofs, solar panels, shade structures). • New streets and lanes to provide pedestrian connection, not more than 50 metres apart in core areas or 100 metres apart generally. • Encourage new streets or lanes on sites of 3000 sq metres or more. • Considerations for ‘floor area uplift’.

CAPITAL CITY ZONE 1	Applies revised Capital City Zone (CCZ1) including the following:	
		Requirement
	Core <u>or</u> Non Core Area	Core Activity
	Floor Area Ratio (FAR) for 'Core Area'	Mandatory 6.1:1. Not to be exceeded, except for: <ul style="list-style-type: none"> • Additional floor area for 'non-dwelling' uses; • A floor area uplift for an agreed 'public benefit'
	Frontages	Primary active frontage to Normanby Road No crossovers to Normanby Road
	New Roads	Proposed 22 m wide road to the south along Woodgate Street (and on site).
	New Public Open Space	New public open space to south along Woodgate Street.
	Refer to map extracts showing core areas, new roads and open space layout.	
DEVELOPMENT PLAN OVERLAY	<p>Applies the Development Plan Overlay Schedule 2 'Fishermans Bend Development Plan Areas'.</p> <p>The development plan must be generally in accordance with the Fishermans Bend Vision and Fishermans Bend Framework. Requires site master plans demonstrating how the proposed development responds to the relevant policies, floor area ratio requirements, building envelopes in accordance with the requirements of Schedule 30 to the Design and Development Overlay, and any public benefits proposed (in relation to adjoining existing or proposed developments) amongst other requirements.</p> <p>Development plans in Area A - Normanby Road must address the following matters:</p> <ul style="list-style-type: none"> • Provide for creation of a high amenity, landscaped boulevard. • Investigate the opportunity to safeguard space for a sports and recreation hub. • Resolve interface with, and opportunities presented by, the provision of a high line park over Woodgate Street. • Investigate opportunities to maintain the fine grain nature of the lot boundaries, while allowing lots to work together to produce better built form outcomes. 	

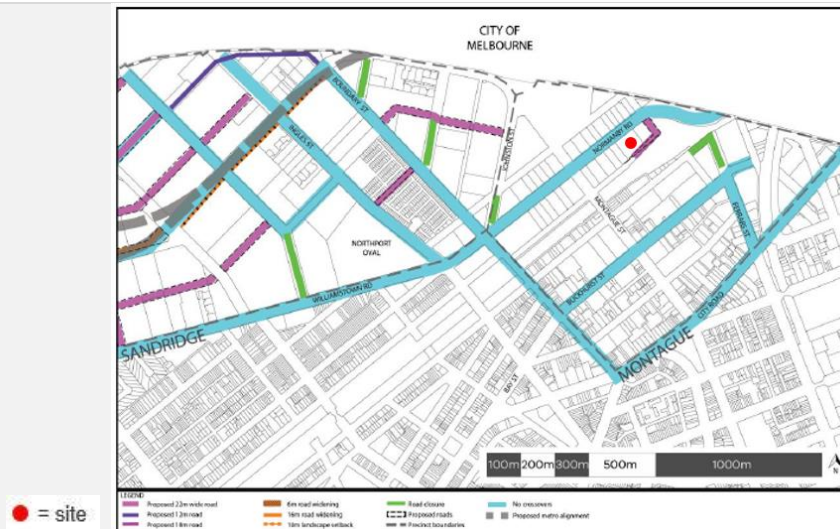
CORE AND NON CORE AREAS AND ACTIVE STREET FRONTAGES

Source: GC81 Port Phillip CCZ1 (Exhibited)



STREET AND LANEWAY LAYOUT

Source: GC81 Port Phillip CCZ1 (Exhibited)



OPEN SPACE LAYOUT

Source: GC81 Port Phillip CCZ1 (Exhibited)



DESIGN AND DEVELOPMENT OVERLAY 30 (DDO30)	Applies revised Design and Development Overlay (DDO30) including the following:	
		Requirement
	Maximum building height (Discretionary)	67.8 metres
	Street wall height (Cannot be varied with a permit)	<p>On streets or laneways with a width of 12 metres or less street wall heights must not exceed 15.4 metres.</p> <p>On streets with a width greater than 22 metres (Normanby Road and widened Woodgate), street walls must not:</p> <ul style="list-style-type: none"> • Exceed 23 metres • Exceed 30 metres if overall building is less than 38 metres and road width is greater than 22 metres <p>Where two different street wall heights intersect at a corner the higher street wall height prevails.</p>
	Setbacks above the street wall from new and existing laneways (Cannot be varied with a permit)	<p>If overall building height is less than 30 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 3 metres (discretionary) • Must be set back 5 metres (mandatory) <p>If overall building height is between 30 metres and 68 metres, building above the street wall:</p> <ul style="list-style-type: none"> • Should be set back 5 metres (discretionary) • Must be set back 10 metres (mandatory) <p>If overall building height is above 68 metres, building above the street wall must be set back 10 metres, or 5 metres where side or rear boundary interfaces with the Westgate Freeway, Citylink overpass, or existing Route 109 and 96 corridors.</p>
	Building wall heights on a side or rear boundary (Cannot be varied with a permit)	Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres, or may be built to 30 metres on side or rear boundary where a 30 metre street wall height is proposed.
Building setbacks to side and rear boundaries (Cannot be varied with a permit)	<p>A building not constructed on the boundary with a height up to 23 metres must be set back:</p> <ul style="list-style-type: none"> • 6 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building not constructed on a site boundary is between 23 metres and 30 metres, building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 9 metres • 3 metres if the wall does not include window to habitable rooms and/or balcony <p>If a building is between 30 metres and 68 metres, any part of building above 23 metres must be set back:</p> <ul style="list-style-type: none"> • 10 metres 	

	<ul style="list-style-type: none"> 5 metres if the wall does not include window to habitable rooms and/or balcony. <p>If building is above 68 metres, any part of building above 23 metres must be set back 10 metres</p>
<p>Building separation within a site (Cannot be varied with a permit)</p>	<p>If a development comprises two or more separate buildings or parts of buildings:</p> <ul style="list-style-type: none"> With an overall height of 23 metres or less, the buildings must be separated by: <ul style="list-style-type: none"> 12 metres if both buildings have habitable room windows/balconies fronting onto the separation distance 9 metres if one building has habitable room windows/balconies fronting onto the separation distance 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance With an overall building height between 23 metres and 30 metres, buildings must be separated by: <ul style="list-style-type: none"> 18 metres if both buildings have habitable room windows/balconies fronting onto the separation distance 12 metres if one building has habitable room windows/balconies fronting onto the separation distance 6 metres if neither building has habitable room windows/balconies fronting onto the separation distance With an overall building height greater than 30 metres, any building up to 23 metres must be separated by the same setbacks applied to buildings with an overall height of 23 metres or less (noted above). With an overall building height of 68 metres or less, any building above 23 metres must be separated by: <ul style="list-style-type: none"> 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance 15 metres if one building has habitable room windows/balconies fronting onto the separation distance 10 metres if neither building has habitable room windows/balconies fronting onto the separation distance <p>With an overall building height of 68 metres or more, any building above 23 metres must be separated by 20 metres if both buildings have habitable room windows/balconies fronting onto the separation distance</p>
<p>Overshadowing (Cannot be varied with a permit)</p>	<p>Must not overshadow Montague Park (Ferrars Street, Montague) shown as D in Map 3. No additional shadows above street wall height 11.00am to 2.00pm 22 June to 22 September.</p>
<p>Site Coverage of non-core areas</p>	<p>NA</p>
<p>Primary Active Street Frontages (Discretionary)</p>	<p>Along Normanby Road should provide:</p> <ul style="list-style-type: none"> At least 80% visual permeability along the ground level of the building to a height of 2 metres. Pedestrian entries at least every 15 metres

	Adaptable Buildings (Discretionary)	Car parking levels - at least 3.8m floor to floor heights <ul style="list-style-type: none"> • Minimum floor to floor heights at ground level - 4.0m • Minimum floor to floor heights up to street wall - 3.8m Flexible internal layouts to adopt one and two bedroom dwellings into three or more bedroom dwellings
PARKING OVERLAY	Applies revised Parking Overlay and specifies maximum parking rates for various uses: <ul style="list-style-type: none"> • 0.5 spaces to each dwelling • 1 space to each 150 square metres of industry gross floor area • 1 space to each 100 square metres of office, place of assembly, restricted retail and retail gross floor area • 2 spaces to each 100 square metres of supermarket gross floor area • For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies. For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B applies.	

COMMENTARY

This site is well located within the Fishermans Bend precinct, being within approximately 1 kilometre of the Central City, Bay Street Port Melbourne Activity Centre and South Melbourne Central Activity Centre. It also adjoins the 109 tram route and cycling routes.

The subject site is approximately 3,500 sq metres and benefits from a primary street frontage to Normanby Street providing an opportunity for an active frontage. To the rear Woodgate Street currently has a low level of amenity and the frontage is tapered where the site adjoins the tram depot.

The creation of a widened Woodgate Street at this point would separate the site partially from the tram depot. Woodgate Street is nominated as being widened and incorporates a recreational link. It is unclear what parameters might be placed around the impact of overshadowing on this link.

The proposed road is depicted as 22 metres wide in the Capital City Zone. It appears as this will affect the subject site and an 11 metre wide setback has been assumed along the site's southern boundary for this purpose.

The adjoining sites to the east and west are potential redevelopment sites, as evidenced by the permit application for the land to the south (179 – 185 Normanby Road for a 40 storey building) and the approved permit for the land to the north (199 -201 Normanby Road).

Currently the interim DDO controls adopt a maximum height of 40 storeys (total), above a street wall of 20 metres (or 5 storeys), with 10 metre setbacks above the street and side boundaries.

The current application, proposes 80,927 square metres of floor area delivering 1,192 dwellings, 3,514 square metres of retail space, and 2,832 square metres dedicated for a community hub. It would be essentially prohibited under the new controls, primarily because of the proposed mandatory FAR controls which constrain residential development far below that which could be currently sought. The permit application was generally supported in the Urban Design Referral prepared by the Department of Environment Land Water and Planning (November 2017).

The proposed controls allow for a discretionary maximum building height of 67.8 metres. The permitted street wall height includes a 23 metre high street wall along Normanby Road (on the basis of its width) and along the proposed widened Woodgate Street.

The applicable FAR control is 6.1:1 across the entire site. The modelling shows the maximum permissible floor area distributed across the site accounting for a 11 metre wide contribution (assumed) to the widening of Woodgate Street. This results in the 'FAR compliant' floor area for dwellings extruding above the street wall and the proposed setbacks have been adopted above this to contribute a further 2 to 3 storeys in height.

The modelling shows a building of essentially 6 storeys – 8 storeys, or approximately 22,000 square metres for a FAR 'compliant' proposal. While this could be achieved in different configurations, provision of a Floor Area Uplift contribution would be required to secure development of a greater residential density.

It is noted that the model also does not include the indicative location for a proposed new laneway which extends from Normanby Road to Woodgate. The location and 'required' dimensions of this laneway are unknown and it is difficult to comment on its impact. Additionally, while it is proposed that the maximum street wall height adjoining laneways is limited to 15.4 metres, this requirement is not clear, given the DDO provision which gives priority to the 'higher' of two intersecting street walls.

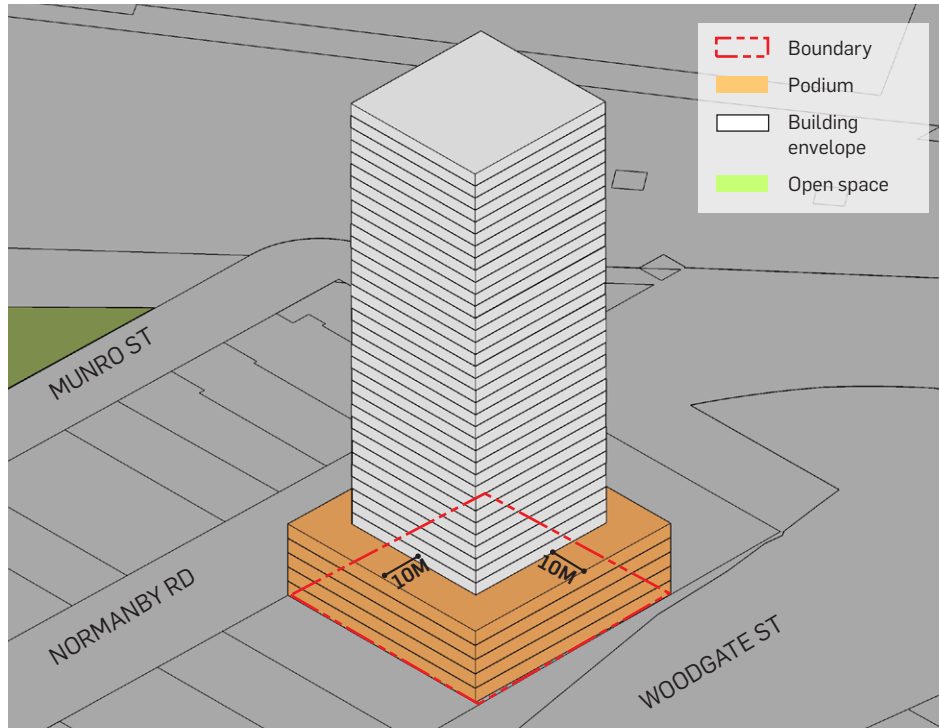
It has been assumed in the model that the podium will be developed to site boundaries, accommodating elements of commercial development and car parking in above ground configuration. The adjoining approved development to the north directs a site response that incorporates boundary walls up to the podium of the adjoining development. This is anticipated to be likely, at least in some form for the proposed development to the south.

In the modelled scenario, the building height for residential development will be constrained by the mandatory FAR to a height nominally above the permissible street wall or podium heights.

Whilst it is acknowledged that a variety of development configurations can be allowed under the proposed development controls the modelling demonstrates that there is a comparatively modest overall site yield for residential development achievable under the proposed controls. This is tied primarily to the FAR requirements of the proposed zone and does not reflect the nominated maximum building height of 67.8 metres (or up to 20 storeys).

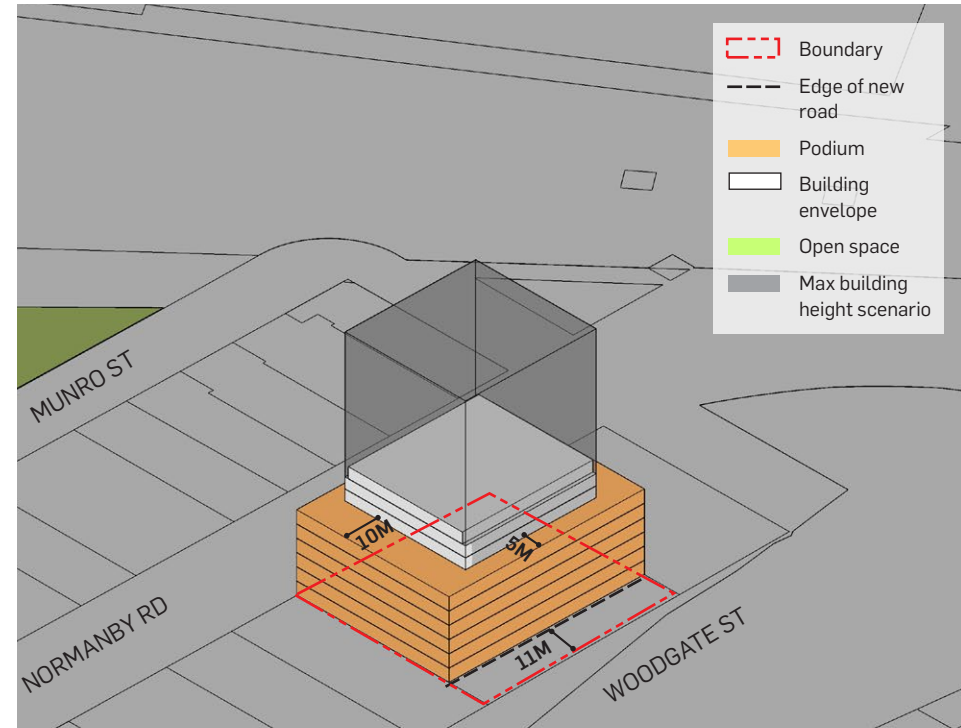
Provision of commercial (or non dwelling) development could be made above this) in a manner which is 'uncapped' in quantum, but remains subject to the height and setback controls. Additionally provision of identified public benefits could be adopted to secure Floor Area Uplift to exceed the FAR.

Regular considerations would also apply in terms of dwelling amenity, provision of active street frontages and the interface with potential adjoining developments (although these are controlled by proposed mandatory upper level setbacks). Consideration of the relationship with existing surrounding industrial uses would also be required, acknowledging however the driving policy for creation of an intensive mixed use precinct.



EXISTING CONTROLS

Site area: 3,585sqm
 Max building height: 40 storeys
 Max street wall height: 20 m or 5 storeys
 Min tower setback from street: 10m
 Min tower setback from side and rear boundaries: 10m
 Total GFA: 72,637 sqm



PROPOSED CONTROLS

FAR: 6.1:1
 Infrastructure: 11 m wide road
 Site area: 3,585 sqm
 Maximum GFA: 21,870 sqm

	FAR Scenario	Max Building Height Scenario
Building height	32.6 m (approx.)	67.8 m
Street wall height	23 m	23 m
Street wall upper level setbacks	3 m	5 m
Side and rear upper level setbacks	9 m	10 m
GFA	21,819 sqm	

SITE 6. 235-239 & 241-243 NORMANBY RD, STH MELBOURNE

SITE CONTEXT

FISHERMANS BEND - PRECINCT

(Source: Fishermans Bend Draft Framework Plan)



● = site

AERIAL PHOTOGRAPH

(Source: Nearmap)

