

Amendment GC81 Fishermans Bend

Submitter 175

Planning and Urban Design Evidence
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March 2018



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1. Preamble

1.1 Introduction

The Fishermans Bend Framework (draft for consultation) 2017 that seeks to deliver the Vision for the Fishermans Bend renewal has much to recommend it.

However, Amendment GC81 (Am GC81) has significant flaws, in particular the funding arrangements and an effective governance regime have been decoupled from Am CG81 which underwrite the potential for success of the task for Australia’s largest renewal project and one of State Significance to Victoria.

The overnight rezoning of Fishermans Bend to the Capital City Zone in 2012 in the absence of any strategic plan, effective governance model, infrastructure funding plan or suite of purpose directed statutory controls including public acquisition overlays, was unfortunate planning to say the least. However this unfortunate starting point is not reason to continue the absence of the very delivery models that were wanting in 2012.

In making my assessment of the way in which the challenge of Fishermans Bend is to be met it puts to mind the somewhat apocryphal story where a traveller asks a local for directions on how to get to a particular destination. The local responds by saying..... “well if I wanted to get to that destination, I wouldn’t start from here”.

My conclusion is that Am GC 81 should not proceed as it is currently constructed for the reasons I will elaborate in this report. However, if the Review Panel is ultimately of a mind to recommend that Am GC81 proceed possibly subject to modifications, I have made recommendations about some modifications that should be made or where more detailed clarification work is required.

1.2 The task and instructions

I have been requested by Norton Rose Fulbright Lawyers on behalf of CitiPower Pty Ltd (CitiPower) to undertake a review of proposed Am GC81 to the Melbourne and Port Phillip Planning Schemes.

Am GC81 proposes to introduce new planning controls to implement the *Fishermans Bend Framework (draft for consultation) 2017* (the draft Framework) within both schemes through a combination of zone and overlay changes and changes to the local planning policy frameworks.

It proposes to amend planning provisions and policy across four of the five precincts which make up the Fisherman’s Bend Urban Renewal Area (FBURA). The fifth precinct, the Employment Precinct, is not included in the proposed amendment.

CitiPower owns land at 90-96 Johnson Street, South Melbourne. This landholding comprises a total of 4066sqm and is located on the corner of Munro Street and Johnson Street.

The CitiPower property is located on the eastern edge of the Sandridge precinct as shown at **Figure 1**.

The first part of my evidence is based on a general review of the exhibited Amendment material and draft Framework informed by a review of relevant background reports and evidence circulated on behalf of the Minister for Planning and Melbourne and Port Phillip Councils.

The second part of my evidence goes to the specific issues raised by the proposed statutory controls and in particular the density and built form techniques as they apply to the CitiPower land.

1.3 The context

The background to Am GC81 will be familiar to the Review Panel and submitters.

However, in setting the context for my review, I consider the following are worth re-stating:

- Fishermans Bend is the largest urban renewal area in Australia, with an area of some 480 hectares located close to the Melbourne CBD and existing urban renewal areas to the east (Southbank) and north (Docklands).
- It is an area of high strategic planning priority with Plan Melbourne 2017-2050 identifying the Lorimer, Montague, Sandridge and Wirraway precincts comprising a total of 250 hectares as ‘major urban renewal precincts’ playing an important role in accommodating future housing and employment growth.

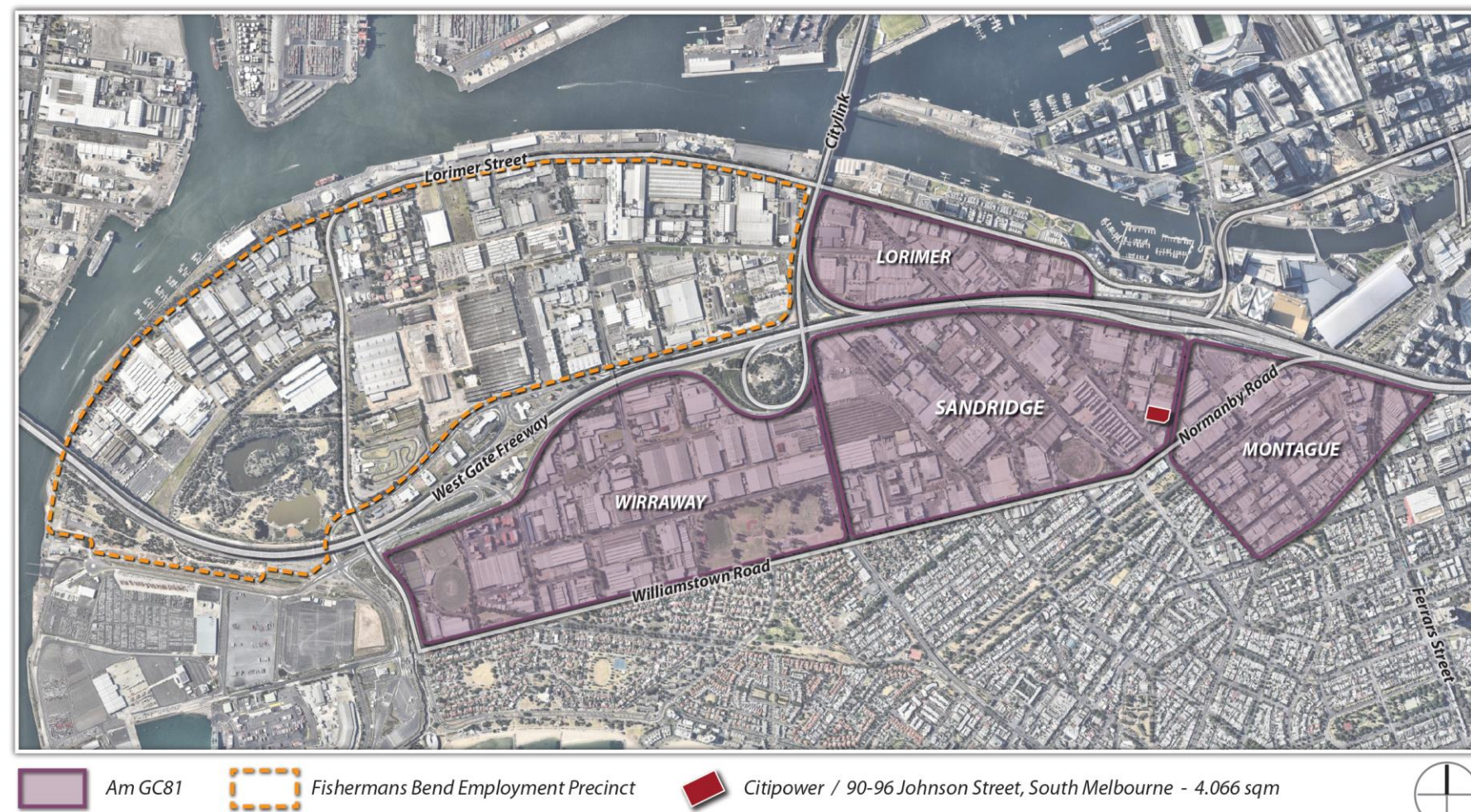


Figure 1

- The fifth precinct, the Employment precinct comprising 230 hectares, is identified as a National Employment and Innovation Cluster and a place of State significance that will be a focus for investment and growth.
- The 2016 Vision for Fishermans Bend (the Vision), which the draft Framework seeks to implement, plans to accommodate some 80,000 residents and 80,000 jobs across the five precincts by 2050. Of these 40,000 jobs are to be accommodated in the Employment Precinct with the balance of jobs and residents to be accommodated across the other four precincts.

Whilst the substantial size of Fisherman's Bend and its proximity to the central city provide a huge opportunity for positive and transformative renewal and sustainable mixed use development in an inner city location, the future planning of the area also involves significant challenges.

These opportunities and challenges for Fishermans Bend distinguish themselves from the other Plan Melbourne 2017-2050 nominated urban renewal areas on the fringe of the Hoddle Grid which are; E-Gate, Dynon, Arden-Macaulay, Southbank, Docklands and the Flinders Street to Richmond Station corridor.

A plan depicting these renewal areas as nominated by Plan Melbourne (page 26) and their proximity to the Hoddle Grid is included overleaf as **Figure 2**. All of these urban renewal areas are located wholly within the City of Melbourne municipal boundaries¹ except for Fisherman's Bend which is bisected by the municipal boundaries of the Cities of Melbourne and Port Phillip. None of the other Plan Melbourne renewal areas is of a comparable scale or complexity to that of Fishermans Bend.

¹ The vast majority of the Flinders Street to Richmond Station corridor is located within the City of Melbourne although the railway station itself is located in the City of Yarra.

The particular Fishermans Bend challenges relate to, amongst other things:

- **Land ownership**

The majority of land (approximately 90%) is in private ownership with more than 300 individual landowners. The successful delivery of transformational renewal therefore rests on the development decisions of a range of individual property interests; a planning framework that is able to provide the right conditions to encourage beneficial development decisions; and acquisition of land from a series of individual interests to accommodate key infrastructure such as roads and public open spaces.

- **Accessibility**

Despite its proximity to the CBD and other nearby renewal areas, there are limited transport connections into the area, while the West Gate Freeway corridor also constrains movement between precincts within in Fishermans Bend. In addition, the internal road network, while capable of servicing the existing low density industrial and commercial uses, is not suited to a higher density mixed use extension to the Central City.

- **Infrastructure**

A wide range of infrastructure is required to support the renewal of the area at higher densities and for a mix of uses as envisaged by the Framework. This includes utilities, public transport, community facilities and public open spaces. A degree of certainty over the delivery of these elements is necessary if landowners are to have the confidence to deliver the development to support the Vision.

- **Governance**

The fragmented land ownership of the area, the scale of Fishermans Bend and its location across two municipalities, as well as the task of providing services and infrastructure to support a substantial resident and working population, presents a significant governance challenge.

Delivering major renewal requiring extensive new infrastructure through a governance regime of 3 statutory authorities being the Minister/DELWP and the Cities of Melbourne and Port Phillip, is extremely challenging. Southbank is a living example. Even where there is a single purpose authority established the results are not always regarded as highly successful (as demonstrated by Docklands). It is one thing to zone and apply statutory frameworks which in their own right may be creatively conceived, but it is another to deliver the infrastructure required to make successful communities largely through the private sector via yield incentives and other untested methods. Will this just be another precinct largely delivered and resolved by VCAT decisions?

As the opening paragraph to the Fishermans Bend Advisory Committee – Report to the Minister for Planning on Draft Fishermans Bend Framework (October 2017) states:

“Fishermans Bend is an area of unique potential and unique challenges. There are few cities of Melbourne’s size and level of development that have over 480 ha of developable land on the doorstep of the Central Business District. The area is more than twice the size of the Hoddle Grid and its renewal is nationally significant. At the same time, given that the area is largely privately owned by 320 different owners and that four of the five precincts have been rezoned as Capital City Zone, its development cannot be planned and managed like other urban renewal areas. The realisation of the area’s latent potential for job growth and sustainable living requires a unique approach.”

There is nothing particularly unique about simply developing and delivering an amendment, no matter how creatively it is masterminded. For the job to be done at Fishermans Bend and largely by the private sector, there needs to be an agency that has longevity and singularity of purpose. Ministers

come and go, governments change and the private sector needs to ride out these movements with a level of security for their own planning.

- **Statutory techniques**

The approach to securing new roads and public open space relies on the application of a nominated mandatory maximum floor space development density known as the Floor Area Ratio (FAR). The ‘stacking’ of this allowable development density over one portion of a parcel of land is intended to liberate another part of the site for a new road or road widening or a new public open space area.

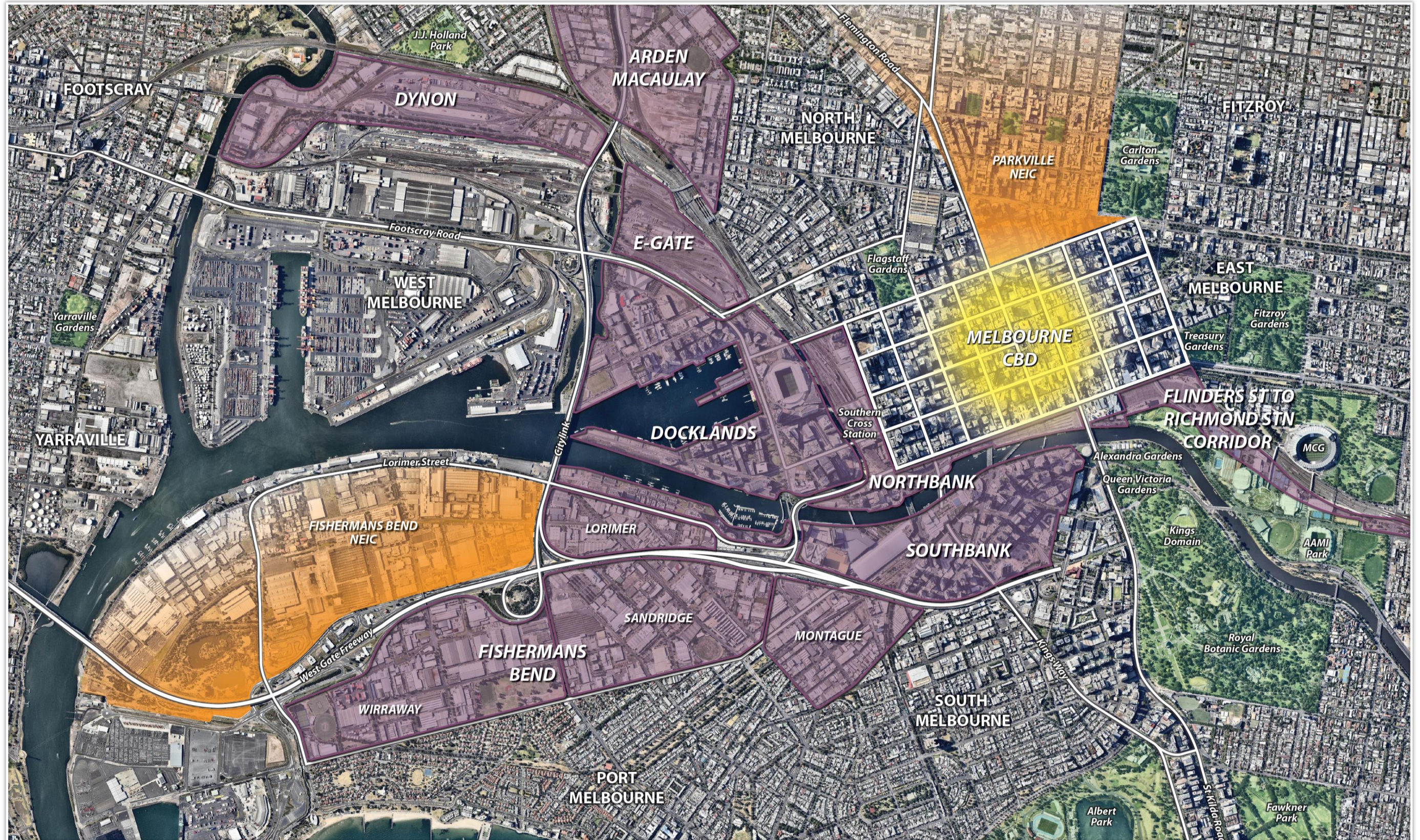
The potential to increase the development yield above the maximum FAR for a particular site can be secured but only in exchange for a nominated public benefit. This development uplift is known as the Floor Area Uplift (FAU).

The issues surrounding the application of the FAU as a statutory tool have been well ventilated through the Panel process for Am C270 to the Melbourne Planning Scheme. I do not propose to repeat and summarise them here. However I consider there is a fundamental difference to the application of such a tool in an already existing central city area to which Am C270 applied, compared with that of the transformative heaving lifting that the FAR/FAU is required to undertake for the FBURA.

The mandatory maximum FAR and the optional FAU formula is the touchstone around which Am GC81 is shaped.

The draft Framework and proposed planning controls are intended to provide the first permanent controls for Fishermans Bend since its ‘overnight’ rezoning to the Capital City Zone (CCZ) in 2012.

In doing so, they include a number of planning tools and techniques which are new or largely untested in the Victorian planning context.



 Urban Renewal Precincts (Plan Melbourne - Page 26)

 National Employment and Innovation Cluster - NEIC (Plan Melbourne)



Figure 2 – Plan Melbourne renewal areas

While on one view these statutory tools can be seen as responding to a need for a unique approach to the unique opportunity of Fishermans Bend, it also raises questions as to their potential effectiveness in delivering the Vision.

The FAU technique combined with a FAR is a threshold matter because it fundamentally shifts the basis of Victoria's planning system from one where 'acceptable' outcomes including built form outcomes are sought and overlay controls are utilised for the public acquisition of privately owned land for the purposes of public infrastructure. Quantifiable and costed developer contributions are levied via a Development Contributions Plan or similar technique.

In essence, the Am GC81 material seeks to set a planning direction towards a desired development outcome in 2050. Whilst there is no doubt that planning controls and potentially the Vision itself are likely to be refined over that time, it is vital that the mechanisms marshalled to deliver the strategic plan for the area strikes a suitable balance between:

- Providing a level of **certainty** to allow landowners the confidence to make the informed investment decisions that are required to deliver the development and associated infrastructure to achieve the vision; and
- The need for **flexibility** to respond to the circumstances of particular sites and changes within the wider economy over time, and to allow innovative responses and approaches, some of which may not currently be foreseen.

My conclusion is that there is just too many unknowns and lack of resolution to Am GC81 for it to proceed and this outcome cannot simply be dressed up as delivering "flexibility".

There are a number of important areas where the Amendment is currently lacking or where this balance has not been struck, as discussed in Section 2 of this witness report.

In part this relates to the fact that the Amendment provides an incomplete set of planning controls

and mechanisms around matters such as delivery, funding and acquisition arrangements. It also relates to the detail of some of the controls themselves, the interactions between largely untested density and floorspace mechanisms and built form controls and a lack of clarity around the effects on development viability.

1.4 Summary of conclusions

Although the Fishermans Bend Framework (draft for consultation) 2017 has much to recommend it as a high level strategic plan, I consider the problems with Am GC81 can be summarised as follows;

- A starting point for the creation of new urban form should be an iterative process commencing with the formulation of building forms that support a liveable and sustainable mixed use extension of the central city. Instead the draft Framework has taken as its starting point, a population target and then fashioned a program for building form management around it.
- An intrinsic element of the draft Framework is the envisaged but as yet unprepared Infrastructure Funding Plan. Am GC81 decouples this Infrastructure Funding Plan from the renewal plan. A funding model, if not an Infrastructure Funding Plan, should be at the very least available for scrutiny and review.
- An appropriate integrated governance model is required in order to successfully coordinate and deliver the renewal programme of a project of State Significance. An overarching body such as a 'Fishermans Bend Renewal Authority' should be established to complete the detailed planning, co-ordinate and implement the agreed Infrastructure Funding Plan and infrastructure roll out including land acquisition as well as undertake the necessary monitoring and review of implementation. It needs to be an organisation that can negotiate effectively with the development sector upon which so much of the success of this amendment relies.

- The FAU technique combined with a FAR is a threshold matter because it fundamentally shifts the basis of Victoria's planning system from one where 'acceptable' outcomes including built form outcomes are sought and overlay controls are utilised for the public acquisition of privately owned land for the purposes of public infrastructure. Quantifiable and costed developer contributions are levied via a Development Contributions Plan or similar technique.

In terms of the more detailed issues that affect the CitiPower site, I note the following;

- The mandatory FAR and discretionary FAU deliver very different built form outcomes on the one site.
- For the FAR and FAU statutory tools to work there needs to be adequate incentive for a developer to elect to take up the FAU potential. However where there is significant divergence in built form outcomes (as demonstrated in the 3D modelling for the CitiPower site), this represents poor planning practice. Two very different outcomes cannot both be considered to be acceptable built form solutions. Further, if the FAU outcome is considered to be an appropriate built form outcome, then the merit of a FAR control which prevents that being approved is questionable.
- If the FAR and FAU tools are to be retained, then I recommend that the FAR be reviewed. There needs to be further detail work undertaken and in the case of the CitiPower site, the FAR should be increased to reduce the difference in potential built form outcomes. This recommendation may well require a recalibration of the mix of development contributions in any infrastructure Funding Plan.

My reasons for these conclusions are set down in the following sections of this report.

My witness statement in accordance with Planning Panels Victoria's guide to expert evidence is included at **Appendix A**.

2 Assessment

2.1 Do the draft Framework and proposed planning provisions establish a sound strategic plan for Fishermans Bend?

In broad terms there is much to commend the draft Framework for Fishermans Bend in its spatial layout and urban structure which in summary comprises;

- New roads and public transport infrastructure with an emphasis on sustainable transport modes,
- A new network of open space provision,
- New flexible multipurpose community hubs (although their precise locations have not yet been nominated),
- Four mixed use neighbourhoods each with a different theme and sense of place, with each neighbourhood containing a core of more intense development creating a focus and the balance of the neighbourhood comprising a non-core area, and
- An employment precinct, nominated as a National Employment Cluster by Plan Melbourne but which is not encompassed by Am GC81, its delivery being the subject of a separate and subsequent planning scheme amendment.

Despite this approach however, significant 'unknowns' exist which have the potential to undermine the achievement of the Vision if not resolved early in the piece such as which of two potential heavy rail alignments will be chosen.

Whilst the elements of the draft Framework listed above provide the essential warp and weft of a new urban fabric, without appropriate weaving and the delivery mechanisms to fashion this fabric so that it is fit for purpose, the potential of the draft Framework and the Vision upon which it is based will remain unrealised.

The planning challenge in Fishermans Bend is not akin to the development of a structure plan and built form controls for the intensification and evolution of an established activity centre. The challenge here is much greater and requires the creation of a completely new or re-imagined 'place' (or series of places) in a manner more akin to a growth area scenario, but with the added complexity of fragmented land ownership, the need to overlay a new physical framework of roads, public open space and community infrastructure on top of an established array of occupiers and functioning businesses and little government-owned land.

However the capacity to realise even the most strategically sound spatial framework for a large renewal area such as Fisherman's Bend is dependent on an:

- Appropriate governance model;
- Infrastructure Funding Plan and 'roll out' programme; and an
- Appropriate suite of statutory controls that underpin the delivery of the Vision.

Whilst the Minister's Part B submission suggests that issues of governance and funding extend beyond the scope of the Amendment *per se*, it is clear that some level of clarity and certainty is necessary around these key aspects of a State Significant renewal project in order to reach a view as to whether the draft Framework statutory controls are sound.

The key statutory elements around much of which the physical outcomes are fashioned relate to built form and the density of site occupation. These techniques are known as the Floor Area Ratio (FAR) and the Floor Area Uplift (FAR). Whilst they are separate techniques they interact with each other to create new urban form.

A mandatory FAR is utilised in conjunction with height and setback provisions to deliver strategic planning objectives for the varying of building form and the provision of road and public open space infrastructure.

Separately, a FAU incentive is available, should a landowner elect to utilise this opportunity, to deliver a nominated public benefit.

An inventory of potential public benefits includes; the delivery of affordable housing, additional public open space and education or community hubs.

There are a range of issues and shortcomings in the material under consideration around these issues, as discussed in the following sections of my evidence.

In addition there are broader concerns regarding the starting point for the draft Framework as discussed in Section 2.1.1 below.

2.1.1 Strategic context and the population challenge

The scale of the strategic opportunity and influence of the potential redevelopment at Fishermans Bend has implications well beyond the area itself.

In this regard, it is important to recognise the scale of the population challenge that Melbourne faces over the coming decades.

This is laid bare in the recent Infrastructure Australia report *Future Cities: Planning for our growing population February 2018*. This report sets out the profound changes which will affect the nation's largest cities over the next 30 years or so and highlights ABS projections that the Melbourne population will grow by 2.8 million between 2016 and 2046.

This is generally consistent with the scale of change anticipated in the metropolitan strategy, Plan Melbourne 2017-250, which translates to a need for around 1.6 million new homes over a similar period. This strategy includes specific directions to accommodate the majority of this growth within established urban areas and directs new housing towards defined change locations such as urban renewal areas.

The redevelopment of Fishermans Bend for a mixture of residential and employment uses is clearly aligned with this strategic approach and offers the potential to accommodate a significant new residential population as well as new jobs within an extensive underutilised tract of industrial land close to the centre of the city.

A key question, however, is whether the best use is being made of this unique opportunity on the doorstep of the CBD.

Both the draft Framework and the background reports that underpin it, including the Fishermans Bend Urban Design Strategy (FBUDS) are predicated on a 'target' residential population of 80,000 in 2050. The density/FAR controls, and to an extent the built form approach, advanced in the draft Framework are essentially configured to accommodate this population number (leaving aside the potential for a higher residential if FAU opportunities are utilised), based on a 75% development take-up by 2050.

It is of course true that a key tenet of responsible strategic planning for comprehensive redevelopment or renewal is to have a clear idea as to the likely size of the future population that is being planned for.

I also recognise that the 80,000 population figure has appeared in a number of strategic documents in relation to Fisherman's Bend over recent years, including the 2016 Fishermans Bend Vision. However, it is not clear from these documents or from the amendment material how the number was arrived at.

It is beyond the scope of my instructions to define what an alternative population target should be. However, it is important that the huge potential of Fishermans Bend to contribute to meeting the broader metropolitan population challenge is not underplayed.

I support the proposition that the potential population capacity of the area should be determined by, in an iterative manner:

- testing the potential built form outcomes that would support a liveable and sustainable mixed use extension to the Central City;
- determining the residential population that this scale of development may accommodate;
- assessing the infrastructure requirements that such a population would generate across transport, services, open space, community facilities; and
- adjusting the target population figure if any specific constraints are identified that would prevent the realistic delivery of the necessary infrastructure.

It appears however that this was not the approach taken to determine the 80,000 population target.

It is not clear from the draft Framework or background documents whether any alternative population scenarios were tested. However, it appears to me that it would potentially be possible to accommodate a higher population while achieving a liveable and sustainable built form outcome and still delivering a new piece of city that is recognisably distinct from the CBD.

A higher population is of course implicit in the flexibility allowed for FAU in exchange for the delivery of non-dwelling floorspace (in core areas of individual precincts) or public benefits.

Notwithstanding this, I consider that an overarching objective of the planning for Fishermans Bend ought to be about ensuring the nature of the opportunity is not underplayed and that this land is re-used in a highly efficient and effective manner.

If the Amendment is to proceed, it is important that a rigorous and transparent process for reviewing progress is established from the outset of the operation of the new statutory framework. This should include ongoing work to consider the place of Fishermans Bend in the wider strategic context and acknowledge that population targets and density controls will be reviewed.

This process should ideally be a responsibility of the dedicated body recommended in Section 2.1.2.

2.1.2 The challenge of governance

The importance and strategic challenge of the renewal of Fishermans Bend is reflected in its designation as a Project of State Significance pursuant to Part 9A of the Planning and Environment Act 1987.

The delivery of the Vision and the draft Framework, including any public benefit contribution, in a coordinated and orderly manner is reliant on an individual landowner's appetite to come on board at the same time or sequentially to allow the efficient roll out of transport and other infrastructure. The timing of a particular landowner's engagement with the roll out process may not integrate with aspirations of other landowners or that of either the City of Melbourne or that of the City of Port Phillip. Investment uncertainly for either public or private sector funding in this context is unlikely to result in orderly and proper planning. An outcome that is hardly reflective of a project of State Significance.

In this regard I consider that a 'business as usual' model where individual and separate Council led (or Ministerial) decision making is relied upon to implement a project of State Significance with enormous infrastructure coordination and delivery obligations, to be naive.

To this end I endorse the notion of the establishment of a statutory authority with specific responsibility for the delivery of the Fishermans Bend renewal. Such a governance body would reflect the State Significance of the project.

The overarching governance body would have the requisite statutory powers to prepare the Infrastructure Funding Plan, the coordination and management of the timely roll-out of

infrastructure projects and the monitoring and review of the plan implementation amongst other responsibilities. I consider the establishment of say a "Fishermans Bend Urban Renewal Authority" to be a fundamental plank of the successful delivery of the Fishermans Bend programme.

2.1.3 The challenge of delivery

A key element of proper and orderly plan making is to ensure that the plan is deliverable.

In the context of an extensive new piece of the city such as Fishermans Bend where delivery is dependent on the provision of a whole range of infrastructure and services deliverability is of paramount importance, especially when the realisation of the Vision is dependent on the development decisions and their timing of multiple landowners.

In this regard I agree with the analysis of Mr Milner in his evidence prepared for Melbourne City Council which identifies (paragraph 23) that:

The community, stakeholders, interested and affected parties are asked to support or comment upon parts of a 'package' of proposed strategic and statutory measures without the benefit of key and in some cases essential parts of the 'package'.

The proposed Amendment comprises a suite of policy guidance and controls over land use, density and built form outcomes which are clearly key components of a strategic plan for transformational urban renewal. However, similarly important to the overall delivery are items such as 'precinct plans' which are flagged in the draft Framework as having a key role in translating the general approach to the individual precincts; the funding models that are proposed to deliver key enabling works, the provision of infrastructure and community facilities; the intended approach to collecting and deploying developer contributions; and certainty over the location and timing of key public transport initiatives.

The elements are either lacking or are not sufficiently developed at this stage to provide comfort that the framework can be delivered.

In this context it is not sufficient to advance a set of statutory planning controls and policy provisions to guide private sector development without the associated work on funding, contributions, and commitments to enabling works the method having been subject to scrutiny and a review process.

Funding models

The draft Framework addresses the preparation of the proposed funding model for the delivery of infrastructure in the section headed "Next steps – completing the planning" at page 67 and states that:

"A comprehensive precinct based investment funding plan is being developed to deliver Fishermans Bend and realise the vision by 2050. This plan will consider a mix of funding sources, including direct developer pays systems such as an Infrastructure Contributions Plan."

This approach as envisaged in the draft Framework amounts to "catch up" planning and is in contrast to the Ministerial Advisory Committee's statement to this review panel which at page 29 headed "Funding and Finance – MAC Recommendations" includes the following:

- *"Finalise the Funding and Finance Plan and governance at the **same time as the planning controls**" (emphasis added); and*
- *In consultation with local government authorities, establish a properly constructed Developer and/or Infrastructure Contribution"*

A funding plan is an intrinsic element to enable the delivery of the very Vision the draft Framework seeks to create. This is particularly pertinent where the success of the renewal task is critically reliant on not just adequate financial funding but also importantly the sequencing of the roll out of infrastructure that is to be funded via a range of sources

2.2 What are the implications for the CitiPower landholding?

The particular issues that relate to the CitiPower site in part go to the interrelationship between the FAR and FAU.

A 3D modelling exercise was undertaken by my office to explore and test these techniques on a relatively unconstrained site in terms of the proposed statutory control regime.

The CitiPower site is located on the eastern edge of the Sandridge Precinct in a non-core area.

The FAR for the Sandridge non-core area is 3.3:1. The DOO specifies a preferred building height of 67.8m with a combination of nominated street wall height, setbacks and building separation

dimensions depending on the ultimate overall height of a building. There are no nominated district, precinct or neighbourhood parks in the vicinity of the CitiPower site that would influence the shape of any building volume by virtue of a consequential shadow impact on any such park. Similarly there are no street or laneway widenings proposed that would reduce the developable area.

On this basis two potential 3D options were modelled to test firstly the allowable FAR outcome and then what the extent of the possible FAU might look like.

The two 3D options are depicted in **Figure 4**.

What can be seen from these 2 examples is that by comparison to the preferred overall building height, the FAR allows for only 25%-33% of the potential development outcome if an FAU is taken up.

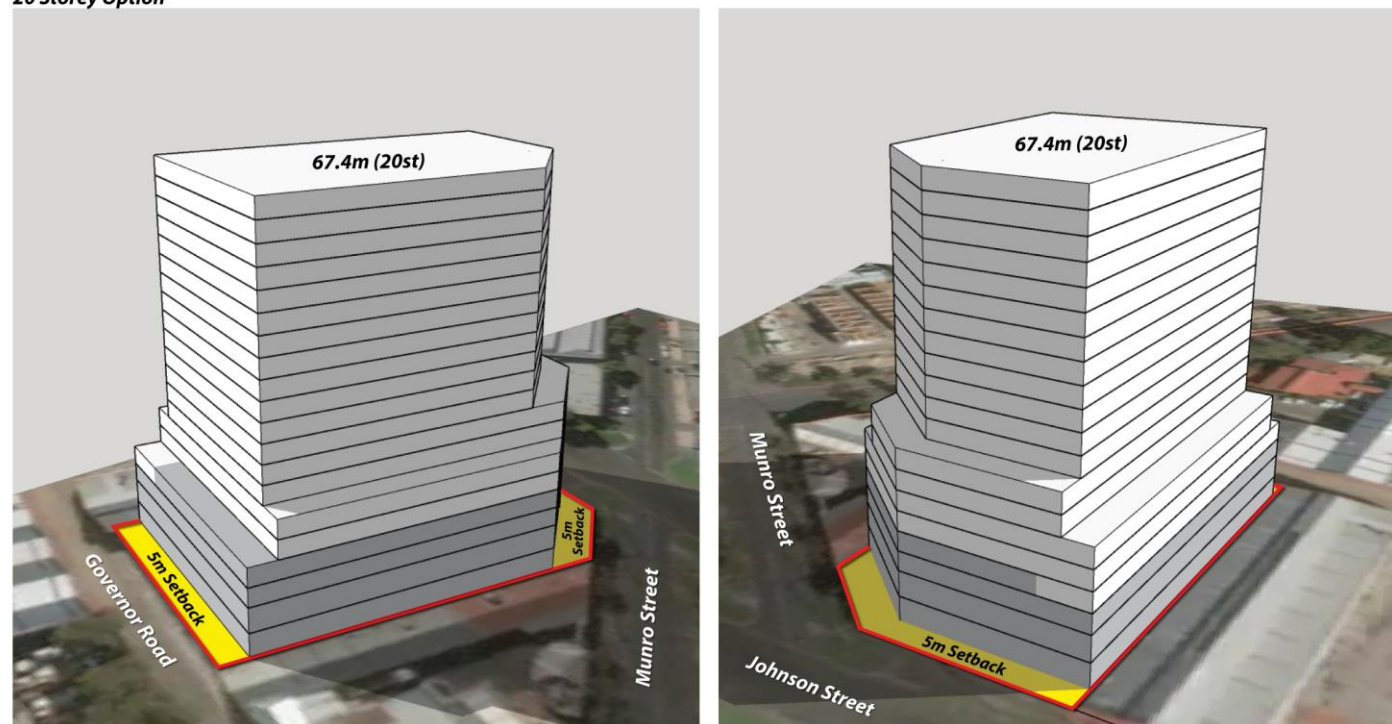
Acknowledging that the selected category of FAU public benefit would have an impact on the balance 66%-75% development yield where say affordable housing was to be delivered on site, the 3D models do demonstrate the significant divergence between the nominated FAR and the potential FAU outcomes.

In terms of a built form solution there appears to be no obvious reason why the FAU outcome would not be considered acceptable particularly given it accords with other built form controls.

I note that Ms Hodyl's Addenda 2 includes massing studies (at pages 18 and 19) of 2 blocks at the western end of the Sandridge precinct. Her modelling also confirms that in a number of other instances there is a considerable divergence between density and built form outcomes between the mandatory FAR and discretionary FAU. This position is not just merely ensuring that a variety in skyline profiles is created.

A threshold question that this disparity raises is, "Is it an appropriate planning practice that there is such a great divergence between the mandatory FAR and discretionary FAU built form outcomes even if extremely valuable infrastructure is extracted?"

Citipower - No. 90-96 Johnson Street, South Melbourne
20 Storey Option



Proposed Controls

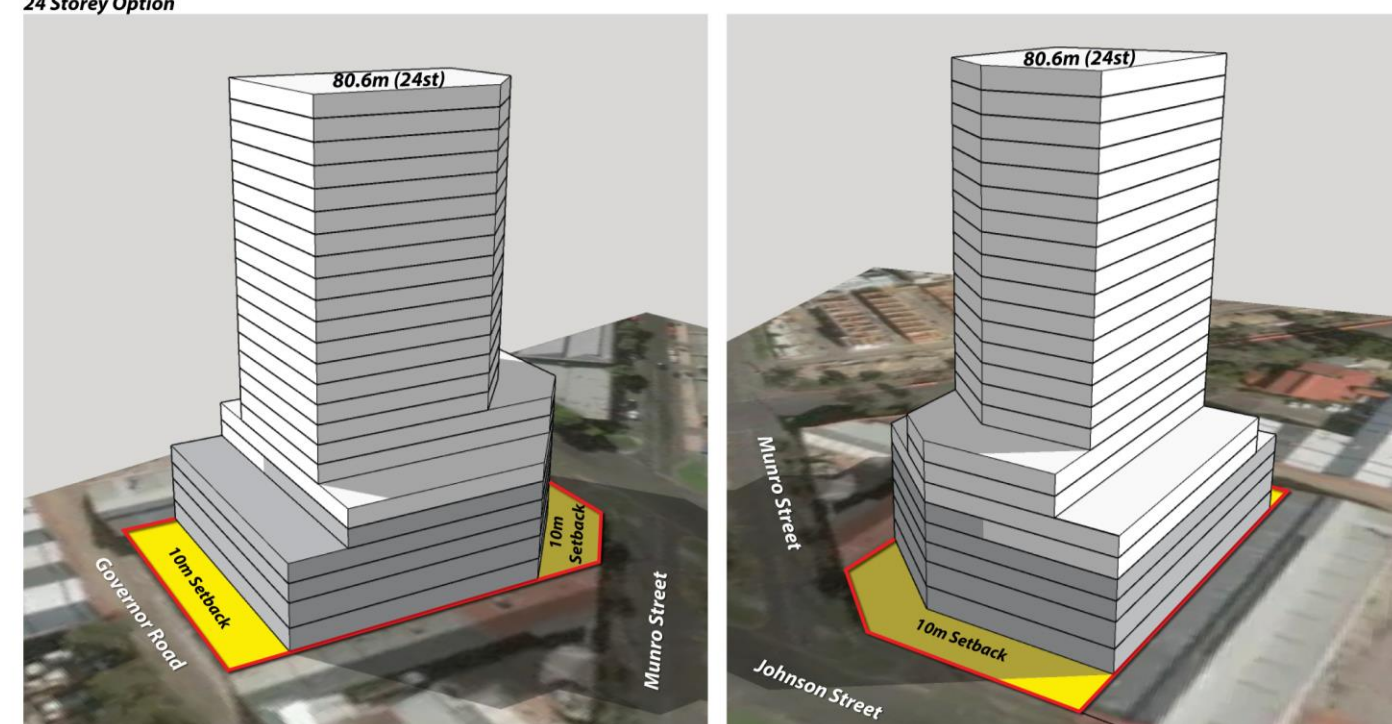
FAR: 3.3 : 1 (Sandridge Non-Core)
Building Height: 24 Storeys

The Site

Site Area: 4,070 sqm
Buildable Area: 4,070 sqm
Total GFA: 55,000 sqm
FAR: 13.5:1 (achieved under this option)
Floor to floor height: 4m (ground level & level1) - 3.3m (level 2 & above)

Floor area ratio (FAR) 3.3 : 1
4,070sqm x 3.3 (FAR) = 13,431sqm

Citipower - No. 90-96 Johnson Street, South Melbourne
24 Storey Option



Proposed Controls

FAR: 3.3 : 1 (Sandridge Non-Core)
Building Height: 24 Storeys

The Site

Site Area: 4,070 sqm
Buildable Area: 4,070 sqm
Total GFA: 39,800 sqm
FAR: 9.78:1 (achieved under this option)
Floor to floor height: 4m (ground level & level1) - 3.3m (level 2 & above)

Floor area ratio (FAR) 3.3 : 1
4,070sqm x 3.3 (FAR) = 13,431sqm

In my mind the answer in part, goes to the matter that I discussed in Section 2.1.1 of this report regarding the starting point of the Fishermans Bend strategic planning exercise, namely that a built form regime that creates a liveable and sustainable urban form should have been developed in the first instance rather than starting with a population target. Then following an iterative exercise, statutory controls should have been fashioned to deliver that liveable and sustainable urban form.

I acknowledge that for the FAR and FAU statutory tools to work as AM GC81 intends there needs to be adequate incentive for a developer to elect to take up the FAU potential – assuming that these statutory techniques are ultimately considered to be the appropriate ones to manage delivery of public infrastructure.

However, I consider that such a divergent built form outcome and density of development possibility as demonstrated in the CitiPower example, to be a poor planning practice and one that potentially casts planning in a very poor light. In short the answer to my rhetorical question posed above is; no, the degree of built form disparity is not sound or appropriate planning practice.

I consider that the degree of divergence of potential built form outcomes for the one site will reduce certainty for both public and private sector interests to the wider detriment of planning practice in Victoria.

If the FAR and FAU tools are to be retained, then I recommend that the mandatory FAR be reviewed and in the case of the CitiPower site, increased to reduce the difference in potential built form outcomes. This recommendation may well require a recalibration of the mix of development contributions in any Infrastructure Funding Plan.

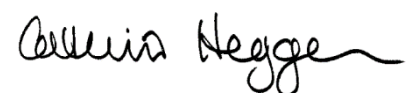
3 Conclusion

The draft Framework which seeks to deliver the Vision for the Fishermans Bend renewal has much to recommend it.

However, critical aspects of the delivery of the Framework including the Infrastructure Funding Plan and an effective governance regime have been decoupled from Am CG81 which is at odds with the renewal task for Fishermans Bend as Australia's largest renewal project and one of State Significance to Victoria.

My conclusion is that Am GC 81 should not proceed as it is currently constructed.

However if the Review Panel is ultimately of a mind to recommend part or the whole of the Amendment proceed subject to modifications I have made recommendations regarding what some of those modifications should be or where more detailed clarification work is required in Section 1.4 of this witness report.



C A Heggen
BTRP FPIA

Appendix A: Witness statement

Name and Address

Catherine Anne Heggen
 Message Consultants Australia Pty Ltd
 2/398 Smith Street, Collingwood 3066

Qualifications

- Bachelor of Town and Regional Planning, Melbourne University 1982
- Fellow, Planning Institute of Australia
- Fellow, Victorian Planning and Environmental Law Association

Professional experience

- Current Position: Director, Message Consultants Australia Pty Ltd
- 1985 – Current: Town Planning Consultant
- 1982 – 1985: Town Planner in local government and regional authorities (Australia & overseas)

Professional appointments

- 1996 – 2002: Member, Victoria's Heritage Council
- 1998 – 2002: Chair, Victoria's Heritage Council
- 1998 – 2002: Trustee, Melbourne Heritage Restoration Fund
- 2001 & 2002: Jury Member, Stonnington Urban Design Awards
- 2001: Jury Member, Australian Institute of Landscape Architects (Vic Chapter) Awards
- 2003: Jury Member, Planning Institute of Australia (Vic Division) Awards
- 2004 – ongoing: Member, Heritage Committee to the Building and Estates Committee – University of Melbourne
- 2005 – 2012: Member, Building Committee – Queen Victoria Women's Centre
- 2011 Member, Ministerial Advisory Committee on Planning System Reform

Areas of expertise

- Extensive urban design advice to architects and project managers involved in medium and high density housing and other built form projects.
- Strategic and statutory planning advice to commercial and institutional clients as well as government and alpine management authorities on a range of residential, environmental, tourism, cultural heritage and urban character issues.
- Consulting advice to a wide range of private sector and government clients addressing the management of urban development and rural land use.
- Project planning and coordination of Institutional Master Plans.
- Experience in the preparation of environmental management plans and Environment Effects Statements for extractive industry.
- Preparation and presentation of evidence before VCAT, and various government appointed independent panels and advisory committees.

Expertise to prepare this report

Professional qualifications and expertise in urban design and town planning, including:

- Urban design and building form impact assessment.
- Ongoing involvement in a range of residential, mixed use, institutional, commercial and extractive industry development proposals.
- Ongoing involvement in cultural heritage, urban character and visual and landscape impact issues.
- Experience in new community development, greenfield subdivision projects and institutional Master Plans.

- Specialist experience in medium and high density housing issues.

Investigations and research

In preparing this evidence I have:

- Inspected the CitiPower land holdings and Fishermans Bend more generally;
- Reviewed the exhibited Amendment documentation;
- Reviewed relevant submissions to the amendment;
- Reviewed the directions of the Fishermans Bend Review Panel;
- Reviewed relevant statements of evidence prepared on behalf of the Minister for Planning, City of Melbourne Council and City of Port Phillip Council.

My involvement in this matter commenced in December 2017.

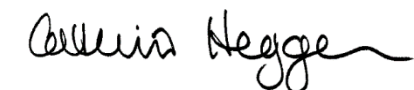
Summary of opinions

My conclusions are summarised in the preamble and conclusion of this report.

Declaration

I declare that I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Review Panel.

I prepared this report with assistance from Mathew Furness, Senior Planner and Gokhan Karpat, Senior Urban Designer at Message Consultants Australia Pty Ltd.



C A Heggen
BTRP FPIA