

Fishermans Bend Draft Planning Scheme Amendment GC81

Minister for Planning Part A Response



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List of Acronyms

Amendment	draft Planning Scheme Amendment GC81
COM	City of Melbourne
CoPP	City of Port Phillip
draft Framework	Draft Fishermans Bend Framework
DELWP	Department of Environment, Land, Water and Planning
Fishermans Bend	Fishermans Bend Urban Renewal Area
LPPF	Local Planning Policy Framework
Minister	Minister for Planning
MPS	Melbourne Planning Scheme
MSS	Municipal Strategic Statement
P&E Act	Planning and Environment Act 1987 (Vic)
Plan Melbourne	Plan Melbourne 2017-2050
PPPS	Port Phillip Planning Scheme
SPPF	State Planning Policy Framework
Taskforce	Fishermans Bend Taskforce
TfV	Transport for Victoria
VPP	Victorian Planning Provisions
Vision	Fishermans Bend Vision (September 2016)

Section 1: Introduction

1. The Minister for Planning (Minister) is the Planning Authority for draft planning scheme amendment GC81 (Amendment). These submissions are made in accordance with the Panel's Directions dated 5 February 2018.
2. In addition to these Part A submissions, the Minister will:
 - a. Call evidence from the following witnesses:
 - i. Leanne Hodyl of Hodyl + Co (urban design);
 - ii. John Glossop of Glossop Town Planning (statutory planning);
 - iii. Julian Szafreniec of SGS Economics & Planning (economic context);
 - iv. Luke Mackintosh of Ernst & Young (development viability);
 - v. John Kiriakidis of GTA Consultants (strategic transport planning - draft Framework);
 - vi. Will Fooks of GTA Consultants (strategic transport planning - Integrated Transport Plan);
 - vii. Joanna Thompson of Thompson Berrill Landscape Design (open space planning);
 - viii. Professor Donald Bates of Lab Architecture Studio (urban design).
 - b. Table a Part B submission in accordance with the Panel's Directions dated 5 February 2018 addressing:
 - i. A summary of the key issues raised in submissions and further evidence;
 - ii. The Minister's response to issues raised in submissions and evidence;
 - iii. Any further post exhibition changes to the Amendment documents;
 - iv. The Minister's final position on the Amendment.
3. This Part A submission includes:
 - a. Overview;
 - b. Background, including details of:
 - i. Physical context;
 - ii. Strategic context;
 - iii. Chronology of background to Amendment;
 - iv. Current planning controls;
 - v. Planning permit activity.
 - c. The Amendment details:
 - i. Nature of the Amendment;
 - ii. What the Amendment does;
 - iii. Proposed policy, controls and reference document;
 - d. Details of background reports;
 - e. Strategic assessment of the Amendment;
 - f. Future strategic planning work;
 - g. Key issues raised in submissions;

h. Response to preliminary list of key issues.

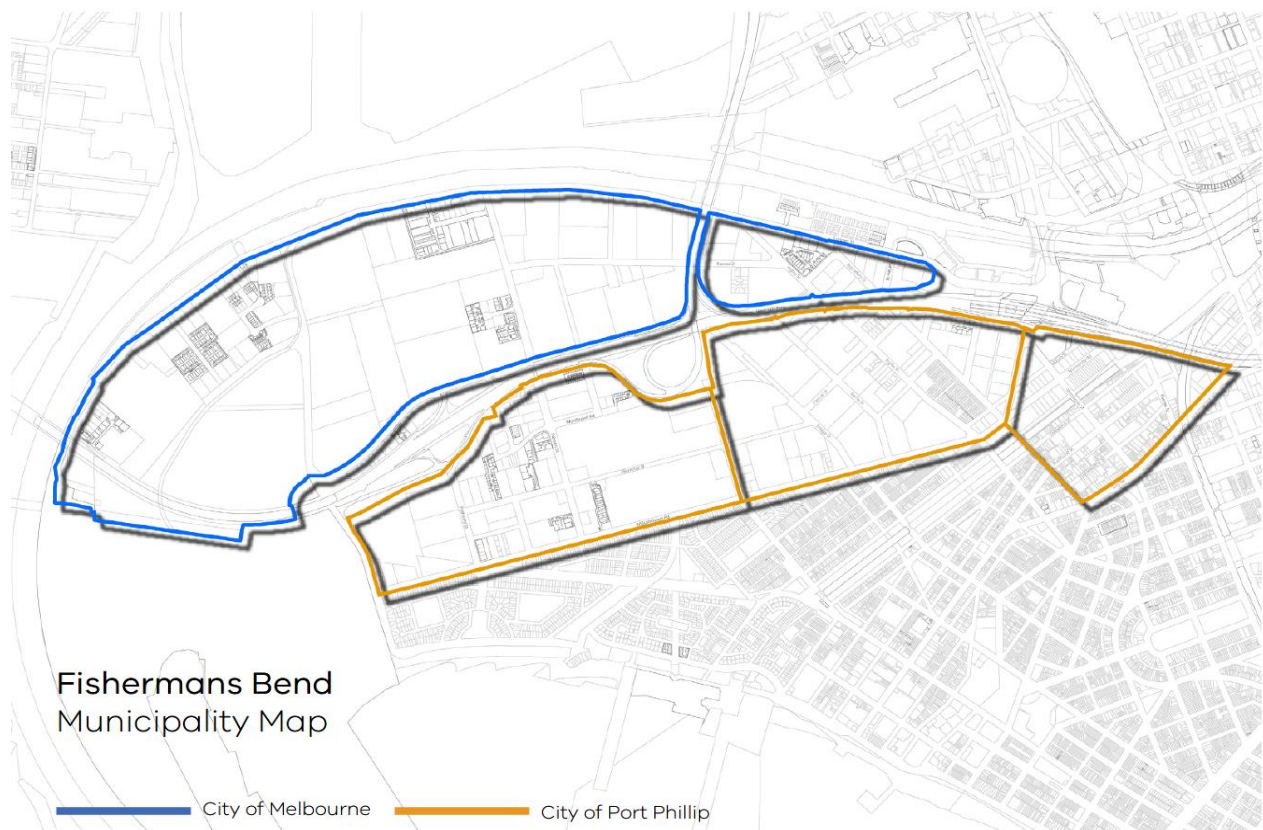
Section 2: Overview

1. This Amendment is a critical building block in the strategic planning for the Fishermans Bend Urban Renewal Area (**Fishermans Bend**). It represents the first implementation phase of the *draft Fishermans Bend Framework 2017 (draft Framework)* which provides long-term guidance on development of Fishermans Bend until 2050.
2. The Amendment supports implementation of the draft Framework by introducing a new suite of planning controls and policy to guide the future use and development of land in Fishermans Bend consistent with the *Fishermans Bend Vision (September 2016) (Vision)*, for the area.
3. At 480 hectares, Fishermans Bend is the largest urban renewal area in Australia. It is some 2.5 times the size of the Melbourne CBD and largely (approximately 90%) in private ownership. It is located close to the Melbourne CBD, immediately adjoining two existing urban renewal areas: Southbank (to the east) and Docklands (to the north).
4. It comprises five precincts as shown on Map 1 below:
 - a. Montague;
 - b. Wirraway;
 - c. Sandridge;
 - d. Lorimer; and
 - e. Employment.



Map 1: Fishermans Bend

5. The Lorimer and Employment precincts are located in the municipalities of City of Melbourne (**CoM**) while the Wirraway, Sandridge and Montague precincts are located in the City of Port Phillip (**CoPP**) as shown in Map 2 below.



Map 2: Municipal boundaries relative to Fishermans Bend

6. The Wirraway, Sandridge and Montague precincts are generally bound by the Westgate Freeway, Todd Road, Williamston Road/Boundary Street and City Road, Port Melbourne/South Melbourne.
7. The Employment precinct is generally bounded by the Port (and Yarra River beyond) on its north and western side, Webb Dock and the West Gate Freeway on its southern side and the Bolte bridge on its eastern side.
8. The Lorimer precinct is generally bound by Lorimer Street, Graham Street and the West Gate Freeway.
9. This Amendment primarily concerns four of the five precincts: Montague, Wirraway, Sandridge and Lorimer. It affects land in the Employment precinct only to a minor degree.

Section 3: Background to the Amendment

Physical Context

10. Key geographical features of Fishermans Bend include:
 - a. the West Gate Freeway which presents a physical barrier between;
 - i. the Lorimer and Sandridge precincts;
 - ii. the Employment and Wirraway precincts;
 - iii. Montague precinct and Southbank.
 - b. the Bolte Bridge which traverses the common boundary of the Lorimer and Employment precincts;
 - c. the Port of Melbourne and Webb Dock which are immediately north of the Employment precinct;
 - d. proximity to Docklands (including the Yarra's Edge development on the south side of the Yarra River);
 - e. proximity to the Yarra River just north of the Lorimer Precinct;
 - f. proximity to Melbourne's CBD;
 - g. key roads such as City Road and Montague Street; and
 - h. existing freight routes such as Todd Rd, Wharf Road, Williamstown Road and Lorimer Street.
11. The majority of land within Fishermans Bend (approximately 90%) is in private ownership with over 300 individual landowners. The dominant land uses are currently low density industrial and warehousing uses. There are a limited number of residential uses.
12. Despite its proximity to the CBD and the West Gate freeway:
 - a. there are limited transport connections to the CBD;
 - b. the West Gate Freeway significantly constrains movement between the various precincts in Fishermans Bend.
13. Other challenges currently constraining development in Fishermans Bend are:
 - a. Road infrastructure:
 - i. current freight routes and safeguarding a future road and rail freight route. The existing road network is not fit for purpose to support urban renewal of the area. A more granular layout will be required;
 - ii. the road network will need to continue to support Webb Dock.
 - b. Other Infrastructure: existing water supply and gas infrastructure will require significant upgrades and new community infrastructure and open space will be required to facilitate urban renewal in Fishermans Bend.
 - c. Land contamination: preliminary desktop assessments indicate that due to current and previous industrial uses on the land, contamination of soil with heavy metals and solvents may be widespread across Fishermans Bend.
 - d. Flooding: Fishermans Bend is located near where the Yarra River discharges into Port Phillip Bay and has a water table between 1 to 4 metres below ground. This leaves the area vulnerable to inundation when tidal events occur. This problem will be exacerbated by climate change and sea level rise.
 - e. Groundwater contamination: recent groundwater studies for the Fishermans Bend have confirmed elevated levels of nutrients, salts and metals due to past land use activities.
 - f. Geotechnical conditions: geotechnical conditions vary across Fishermans Bend due to the soil conditions but generally require deeper piling and present significant engineering challenges for basement construction.

Strategic Context

14. The urban renewal of Fishermans Bend is of State significance.¹ It presents an unparalleled opportunity for a city scale urban renewal on the doorstep of Melbourne’s central City.
15. Plan Melbourne identifies each of the Lorimer, Montague, Sandridge and Wirraway precincts in Fishermans Bend as ‘major urban renewal precincts’ playing an important role in accommodating future housing and employment growth and making better use of existing infrastructure.² The fifth precinct in Fishermans Bend, being the Employment precinct, is recognised as a National Employment and Innovation Cluster in Plan Melbourne and a place of state significance that will be a focus for investment and growth.³
16. Plan Melbourne identifies the following universal requirements for National Employment and Innovation Clusters including the Fishermans Bend Employment precinct:
 - a. high levels of amenity to attract businesses and workers—including public transport, and walking and cycling paths;
 - b. investment-ready for knowledge-intensive firms and jobs;
 - c. effective governance arrangements—including key stakeholders and landowner.⁴
17. Together, the five precincts of Fishermans Bend are planned to accommodate some 80,000 residents and 80,000 jobs by 2050.⁵
18. In this regard, Fishermans Bend has the potential to deliver numerous key policy directions outlined in Plan Melbourne and the State Planning Policy Framework (**SPPF**), including:
 - a. to support the central City to become Australia’s largest commercial and residential centre by 2050;⁶
 - b. to plan for the redevelopment of Major Urban Renewal Precincts in and around the central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses;⁷ and
 - c. to facilitate the development of national employment and innovation clusters by ensuring they:
 - i. have a high level of amenity to attract businesses and workers;
 - ii. are supported by good public transport services and integrated walking and cycling paths;
 - iii. maximise investment opportunities for the location of knowledge intensive firms and jobs;⁸
 - d. to provide housing choice close to jobs and services by directing new housing to urban renewal precincts.
19. In realising this potential, it is critical Melbourne maintains its reputation as one of the world’s most liveable cities. To do so, the standard of urban renewal in Fishermans Bend must be world-leading. It must be supported by a planning framework that is aspirational. This is necessary to achieve the Vision and protect the long-term interests of all Victorians, consistent with the purpose of the *Planning and Environment Act 1987* (Vic) (**P&E Act**).⁹

¹ In 2012, Fishermans Bend (excluding the Employment Precinct) was declared by the former Planning Minister as an area of State significance under section 201(f) of the P&E Act.

² See Plan Melbourne, pages 15 and 25.

³ See Plan Melbourne, page 14.

⁴ See Plan Melbourne, page 25.

⁵ See draft Framework, page 6.

⁶ See Policy 1.1.1 in Plan Melbourne and Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

⁷ See Policy 1.1.2 in Plan Melbourne and Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

⁸ See Policy 1.1.3 in Plan Melbourne and Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

⁹ See section 1.

20. Essentially, the Vision for Fishermans Bend is for '[a] thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation'.¹⁰ In this regard, it is aspirational. The Vision recognises Fishermans Bend presents a unique opportunity 'to set new benchmarks for inner city urban renewal, in respect to economic prosperity, sustainability, design, smart urban management, community service provision, as well as active and public transport.'¹¹
21. To this end, it sets the following benchmarks:
- a. Primary and secondary schools across Fishermans Bend;¹²
 - b. Open space within 200 metres walking distance for all residents and workers;¹³
 - c. At least one activity centre in each precinct including retail, jobs and community services;¹⁴
 - d. A target for 80% of transport movements to be made by public transport, walking or cycling;¹⁵
 - e. Diverse and affordable housing opportunities;¹⁶
 - f. An integrated transport strategy to support delivery of walkable, vibrant and prosperous neighbourhoods by:¹⁷
 - i. Ensuring transport planning and road space allocation is informed by a hierarchy that puts walking at the top followed by cycling, public transport and then cars;¹⁸
 - ii. Planning activity centres close to public transport and key community spaces, and distributed so that most daily needs will be met within approximately 10 minutes walk from home;¹⁹
 - iii. Planning for cycle paths, tram lines and an underground rail line;²⁰
 - g. Delivery of catalyst projects such as the South Melbourne Primary School;²¹
 - h. An integrated infrastructure plan is to be developed which looks at opportunities to embed smart city thinking into the design and operation of infrastructure to manage utilities and resources more efficiently and support increased resilience;²²
 - i. The requirements of Green Star – Communities are to be embedded in the planning framework for Fishermans Bend;²³
 - j. A range of employment opportunities will be supported across Fishermans Bend, with each precinct establishing its own unique sectoral mix;²⁴
 - k. A high standard of site responsive and sustainable design for medium and higher density built form will be required and supported through appropriate design guidance;²⁵

¹⁰ See the Vision, page (i).

¹¹ See the Vision, page 7.

¹² See the Vision, page 7.

¹³ See the Vision, page 7.

¹⁴ See the Vision, page 7.

¹⁵ See the Vision, page 7.

¹⁶ See the Vision, page 9.

¹⁷ See the Vision, page 9.

¹⁸ See the Vision, page 9.

¹⁹ See the Vision, page 7.

²⁰ See the Vision, page 7.

²¹ See the Vision, page 7.

²² See the Vision, page 9.

²³ See the Vision, page 8.

²⁴ See the Vision, page 8.

²⁵ See the Vision, page 8.

- I. Planning is to be based on principles of social, economic and environmental sustainability.²⁶
22. The Vision identifies eight sustainability goals for the Fishermans Bend, to drive best-practice sustainability. At a broad level, the goals are for:
 - a. An inclusive and healthy community;
 - b. A prosperous community;
 - c. A low carbon community;
 - d. A water sensitive community;
 - e. A climate adept community;
 - f. A connected and liveable community;
 - g. A low waste community;
 - h. A biodiverse community.²⁷
23. The Vision also sets out ten strategic directions to inform the planning and development of Fishermans Bend, being
 - a. The creation of 21st century jobs;
 - b. The timely provision of infrastructure;
 - c. A place that is easy to get around;
 - d. A vibrant mix of uses and activities;
 - e. Distinctive and unique neighbourhoods;
 - f. Diverse communities;
 - g. A high quality built environment;
 - h. A sustainable and resilient place;
 - i. Manage industrial legacy and ground conditions;
 - j. Strong partnerships, effective governance and civic leadership.²⁸
24. It articulates a distinct vision and also identifies key directions for each of the precincts including the Employment precinct.
25. The Vision identified development of a framework as the 'next step' for planning of Fishermans Bend, followed by development of funding models and precinct plans. ²⁹
26. The Vision foreshadows the framework will be informed by:
 - a. A Public Space Strategy;
 - b. A Community Infrastructure Strategy;
 - c. A Smart City and Integrated Infrastructure Strategy;
 - d. An Integrated Transport Strategy;
 - e. An Aboriginal and European cultural heritage study;

²⁶ See the Vision, page 8.

²⁷ See the Vision, pages 10 and 11.

²⁸ See the Vision, page 12 and 13.

²⁹ See the Vision, page 37.

- f. The principles and credits of Green Star - Communities categories of governance, liveability, economic prosperity, environment and innovation.³⁰

27. It foreshadows the framework will:

- a. Provide an overarching strategy to guide the urban renewal program and to implement the Vision;
- b. Provide statutory planning, land use and design guidance to inform the preparation and consideration of planning permit applications;
- c. Identify the strategic location of activity centres in each precinct;
- d. Identify the strategies and priorities for the timing, delivery and funding of infrastructure;
- e. Inform the priorities for development of precinct plans for each of the five precincts;
- f. Be implemented through the Melbourne Planning Scheme (**MPS**) and Port Phillip Planning Scheme (**PPPS**).³¹

28. A detailed chronology of the background to this Amendment is included in Appendix A.

Current planning controls

29. Land in the Lorimer precinct and subject to the MPS is located in the:

- a. Capital City Zone Schedule 4; and
- b. Road Zone (part).

30. It is also affected to some extent by the following overlays:

- a. Design and Development Overlay Schedule 67;
- b. Parking Overlay Schedule 13;
- c. Development Contributions Plan Schedule 1;
- d. City Link Project Overlay (part);
- e. Special Building Overlay (part).

31. Land in the Montague, Wirraway and Sandridge precincts and subject to the PPPS is variously located in the following zones:

- a. Capital City Zone Schedule 1;
- b. Public Use Zone Schedule 6;
- c. Public Park and Recreation Zone;
- d. Road Zone;

32. It is also affected to some extent by the following overlays:

- a. Design and Development Overlay Schedule 30;
- b. Parking Overlay Schedule 1;
- c. Development Contributions Plan Schedule 1;
- d. City Link Project Overlay (part);
- e. Special Building Overlay (part);
- f. Heritage Overlay (various).

33. Land in the Employment precinct and subject to the MPS is variously located in the:

³⁰ See the Vision, page 37.

³¹ See the Vision, page 36-37.

- a. Public Use Zone Schedule 1;
 - b. Commercial 2 Zone;
 - c. Industrial 1 Zone;
 - d. Special Use Zone Schedule 3;
 - e. Public Park and Recreation Zone;
 - f. Road Zone Category 1;
34. It is also affected to some extent by the following overlays:
- a. Environmental Significance Overlay Schedule 1;
 - b. City Link Project Overlay.
35. The land in both Planning Schemes is also subject to the *Fishermans Bend Strategic Framework Plan July 2014 (Amended September 2016)*, being an incorporated document in both Planning Schemes.

Planning permit activity

36. Since the 2012 rezoning, 23 planning permits have been issued for land in Fishermans Bend. A detailed list of these is at Appendix C.
37. The planning permits issued to date are predominantly for high-density residential buildings, with limited commercial uses, and are generally clustered in the Montague and Lorimer precincts. Only a limited number of sites have commenced development.
38. If permits continue to be issued on the current trajectory, the population for Fishermans Bend will exceed the target 80,000 residential population by a significant amount. For example, if the Lorimer precinct was built out to capacity, it would result in a residential population of around 29,000 people against a Framework target of 12,000. This is over twice the target population.³² This would have flow on impacts for the level of infrastructure and service provision planned for the precincts, and a significant increase in government expenditure over the long term to support this much larger population.
39. On current trends, the density of residents per hectare in the northern end of the Montague precinct would be comparable to Mongkok in Hong Kong or almost four times the projected density of residents Southbank in 2034. On current trends, the density of residents per hectare in the Lorimer precinct would be three times the projected density of residents in Southbank in 2034.

³² See *Urban Design Strategy* by Hodyl & Co, section 1.4.2

Section 4: The Amendment

Nature of this Amendment

40. The Amendment has been prepared to give effect to the draft Framework and in turn, facilitate achievement of the Vision.
41. The draft Framework is structured around eight sustainability goals identified in the Vision. The draft Framework represents a significant first step in changing the development trajectory and reorienting it towards the Vision, by further articulating the State policy intent for Fishermans Bend and guiding future development and investment decisions by developers, government and the community.
42. To support implementation of the draft Framework, a suite of planning controls has been prepared to provide detailed planning guidance for new development. These controls are proposed to be introduced into the MPS and PPPS via GC81 and will replace the current interim planning measures.
43. The Amendment brings elements of the draft Framework into the planning scheme and will address the following key issues for Fishermans Bend:
 - a. identify the preferred land use, form and intensity of urban development in each of the four Capital City Zoned precincts, including new floor area ratios and maximum height controls.
 - b. identify and safeguard potential key transport alignments and services and the preferred locations of public open space and community infrastructure.
44. The Amendment seeks to integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.
45. Urban renewal of Fishermans Bend consistent with the draft Framework is intended to be delivered over the next 35 years. As development progresses, the planning controls will need to be monitored to ensure they are on-track to achieve the aspirations of the Vision and draft Framework and also, to respond to the needs of the capital City as they evolve. Consequently, the planning controls may be modified over time.

What the Amendment does

46. The Amendment proposes the following changes to the MPS:
 - a. Introduce a new Planning Scheme Map No. 7EAO to include the Lorimer precinct within the Environmental Audit Overlay to require land remediation before a sensitive use commences.
 - b. Amend clauses 21.02, 21.04, 21.08, 21.13, 21.16, 21.17 of the municipal strategic statement (MSS) to update references to Fishermans Bend and add in the vision for the Lorimer precinct.
 - c. Replace Clause 22.27 with a new Clause 22.27 to give guidance on how to assess and exercise discretion in the assessment of planning permit applications for land covered by Capital City Zone Schedule 4 and Design and Development Overlay Schedule 67.
 - d. Replace Schedule 4 to Clause 37.04 with a new Schedule 4 to ensure land use and development outcomes facilitate the vision for Fishermans Bend and implement the draft Framework.
 - e. Replace Schedule 67 to Clause 43.02 with a new Schedule 67 to align built form controls with the draft Framework.
 - f. Replace Schedule 13 to Clause 45.09 with a new Schedule 13 to foster sustainable transport principles.
 - g. Amend schedules to clauses 61.03 to facilitate mapping changes and 81.01 to remove the Fishermans Bend Strategic Framework Plan (September 2016).
47. The Amendment proposes the following changes to the PPPS:
 - a. Introduce new Planning Scheme Map Nos. 2DPO, 3DPO to facilitate the new Schedule 2 to Clause 43.04 and 1EAO to include the Wirraway precincts within the Environmental Audit Overlay to require land remediation before a sensitive use commences.

- b. Amend Planning Scheme Map Nos. 2EAO, 3EAO, to include the Montague and Sandridge precincts within the Environmental Audit Overlay to require land remediation before a sensitive use commences.
- c. Amend Planning Scheme Map Nos. 1ESO to provide guidance on development within the port interface.
- d. Amend clauses 21.1, 21.02, 21.03, 21.04, 21.05, 21.06 of the MSS to update references to Fishermans Bend and add in the vision for the Montague, Sandridge and Wirraway precincts.
- e. Replace Clause 22.15 with a new Clause 22.15 to give guidance on how to assess and exercise discretion in the assessment of planning permit applications for land covered by Capital City Zone Schedule 1 and Design and Development Overlay Schedule 30.
- f. Replace Schedule 1 to Clause 37.04 with a new Schedule 1 to ensure land use and development outcomes facilitate the vision for Fishermans Bend and implement the draft Framework.
- g. Replace Schedule 30 to Clause 43.02 with a new Schedule 30 to align built form controls with the draft Framework.
- h. Replace Schedule 1 to Clause 45.09 with a new Schedule 1 to foster sustainable transport principles and implement the draft Framework.
- i. Introduce a new Schedule 2 to Clause 43.04 to ensure strategic areas are developed to achieve the vision for Fishermans Bend and implement the draft Framework.
- j. Amend schedules to clauses 61.03 to facilitate mapping changes and 81.01 to remove the *Fishermans Bend Strategic Framework Plan (September 2016)*.

Proposed policies, controls and reference document

Fishermans Bend draft Framework

- 48. The draft Framework will be a reference document in the Planning Scheme.
- 49. The draft Framework builds on the Vision and provides the strategic intent for the draft planning controls.
- 50. The draft Framework is structured around the eight sustainability goals identified in the Vision. Sitting within each of the eight sustainability goals are objectives and strategies.
- 51. The eight sustainability goals are based on the Green Star – Communities approach and will guide the development of Fishermans Bend with a focus on environmental, economic and social sustainability.
- 52. The draft Fishermans Bend Framework is a long term (30 year) plan intended to guide investment and development by the State Government, local government, the private sector and not-for-profit sector. This draft Framework provides direction on how the transition of the area will be managed, creating certainty for the community, landowners, developers, businesses and investors. It does this by establishing clear strategic planning directions to inform public and private investment.
- 53. The objectives and strategies are intended to facilitate the transition of Fishermans Bend into a connected, liveable, prosperous, inclusive, healthy and environmentally sustainable place, home to 80,000 residents and host to 80,000 jobs, consistent with the Vision for the area.
- 54. The draft Framework has been informed by a suite of technical background reports addressing urban design, public open space, integrated transport, population and demographics, sustainability and community infrastructure:

Clause 21.1, 21.02, 21.03, 21.04, 21.05, 21.06 (MPS) and 21.02, 21.04, 21.08, 21.13, 21.16, 21.17 (PPPS) Municipal Strategic Statements

- 55. Updates to the MSS in each of the Port Phillip and Melbourne Planning Schemes set out the policy intent for Fishermans Bend, including the vision for the area. These changes underpin the planning controls and connect into planning policy.

56. Key elements of the proposed changes to the MSS for both the MPS and PPS are:

- a. Vision for the precincts
- b. Built form typologies
- c. High level objectives and strategies

Clause 22.27 (MPS) and Clause 22.15 (PPS) Fishermans Bend Urban Renewal Area Local Planning Policy

57. The local planning policy (LPP) guides the decision-making process and sets out objectives and policies for development within Fishermans Bend.

58. The LPP promotes employment generating floor space to create a prosperous community that will support diverse employment opportunities.

59. The LPP also brings to the forefront design excellence and a desire to create thriving, lively mixed-use neighbourhoods that have a distinct identity and character.

60. The LPP includes objectives that align with the three categories of floor area uplift that are detailed on the guideline document *How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend*.

61. Key elements of the proposed Local Planning Policy Clause 22.27 (MPS) and Clause 22.15 (PPS) include:

- a. Guidance on decision making
- b. Employment floor area targets
- c. Dwelling densities
- d. Community and diversity
- e. Design excellence
- f. Active street frontages
- g. Energy, urban heat island, water management, waste management
- h. Public open space
- i. New streets and laneways
- j. Smart cities
- k. Sustainable transport
- l. Floor area uplift

Clause 37.04 Capital City Zone Schedule 4 (MPS) and 1 (PPS)

62. The Capital City Zone (CCZ) and Schedule shape Fishermans Bend as a world leading sustainable area. The Schedule builds on all 8 Sustainability Goals in the draft Framework to make Fishermans Bend a highly liveable mixed-use area that locates the highest density of uses within core areas well serviced by public transport in order to prioritise employment uses.

63. A key focus of the CCZ is to ensure the overall floor area aligns with the population targets, job growth and residential densities within each precinct and to enable a scale of growth that is aligned with the provision of infrastructure. The floor area ratio and floor area uplift provisions within the CCZ make this possible, allowing for a public benefit where the scale of growth exceeds planned infrastructure provision.

64. The high importance of sustainable transport patterns is evident in the CCZ in various measures including the proposed subdivision provisions.

65. Best practice sustainable design is achieved through the introduction of conditions on permits to achieve 4 star green star (or equivalent) buildings.

66. Key elements of the proposed Clause 37.04 Capital City Zone Schedules 4 (MPS) and 1 (PPPS) are:

- a. Land uses
- b. Subdivision
- c. Floor area ratios
- d. Floor area uplift
- e. Building Green Star requirements
- f. Provision of streets and laneways
- g. Core and non-core areas
- h. Open space network
- i. Advertising signs

Clause 43.02 Design and Development Overlay Schedule 67 (MPS) and 30 (PPPS)

67. The Design and Development Overlay Schedule (DDO) works closely with the CCZ and local policy to shape the overall built form of the precinct. The controls are necessarily nuanced to apply to both small and large sites.

68. The DDO ensures development responds to the local context to deliver the preferred character for each precinct which is outlined within each planning schemes MSS. The DDO seeks to create a diversity of architectural styles, place of architectural excellence, and an engaging and varied built form in response to the desired/preferred place and character. This includes the need for diversity of dwelling sizes and developments that are able to adapt to changing community demands.

69. A function of the DDO is the built form envelope which works with the FAR controls within the CCZ, ensuring the scale, height and setbacks protect internal amenity and deliver a high quality public realm. This is enhanced by encouraging developments to create publicly accessible, private and communal open spaces.

70. Key elements of the proposed Clause 43.02 Design and Development Overlay Schedules 67 (MPS) and 30 (PPPS) are:

- a. Building heights
- b. Setbacks and separation
- c. Overshadowing
- d. Wind
- e. Site coverage
- f. Active street frontages
- g. Adaptable buildings
- h. Building finishes
- i. Landscaping

Clause 45.09 Parking Overlay Schedule 13 (MPS) and 1 (PPPS)

71. The Parking Overlay seeks to ensure long term sustainable transport patterns and minimising road congestion. The Parking Overlay specifically builds on Sustainability Goal 1 of the draft Framework to create a connected and liveable community. It achieves this through a set of requirements directed to allowing for the future adaptation of car parking to other uses, the evolution of transport share schemes, innovations in transport technology, and ensuring car parking areas do not have negative impacts on the public realm.

72. Key elements of the proposed Clause 45.09 Parking Overlay Schedules 13 (MPS) and 1 (PPPS) are:

- a. Maximum car parking rates
- b. Additional car parking plan requirements which include the provision of:
 - i. Bicycle spaces
 - ii. Car share spaces
 - iii. Motorcycle spaces
- c. Additional design standards

Clause 43.04 Development Plan Overlay Schedules 2 (PPPS)

73. The proposed Development Plan Overlay (DPO) will facilitate the coordinated planning and development of multiple sites in different ownership to achieve specific planning outcomes.
74. It is proposed to apply to 5 different areas:
- a. Normanby Road
 - b. Sandridge Central
 - c. Plummer Street realignment
 - d. JL Murphy Reserve
 - e. Wirraway Transport Interchange
75. Each of these 5 areas requires a coordinated outcome between multiple sites in different ownership.
76. Normanby Road: Normanby Road is identified as a key street within the Montague Precinct and is envisaged to be 'an active street that is attractively landscaped, pedestrian friendly and which provides a key cycling connection through the precinct.³³ To achieve this outcome a coordinated approach is required in the development of the particular area as potential issues arise with the smaller nature of the sites and multiple land owners.
77. Sandridge Central: This key strategic area will play a vital role in the success of the Sandridge precinct. How this area is planned to facilitate the future metro station is of paramount importance.
78. Plummer Street realignment: This DPO area presents a unique challenge in how to best deal with the realignment of Plummer Street to connect to Fennel Street. How this realignment is dealt with will be expressed through the proposed DPO when the landowners are ready to submit.
79. JL Murphy Reserve: The interface with JL Murphy Reserve presents an opportunity to improve the interface with the public open space and do so in a coordinated way across multiple landholdings on small sites.
80. Wirraway Transport Interchange: This DPO area will play a vital role in the success of the Wirraway Precinct. How this area is planned to facilitate the various transport interchanges and produce a pedestrian friendly outcome will be critically important.

Clause 45.03 Environmental Audit Overlay (MPS and PPPS)

81. The current interim planning controls for Fishermans Bend include requirements within the CCZ that usually sit in an Environmental Audit Overlay (EAO).
82. To allow for greater transparency of these requirements it is proposed to introduce the EAO over all land in Fishermans Bend within the CCZ.
83. The EAO requires land remediation before a sensitive use commences. Sensitive uses are residential use, child care centre, pre-school centre or primary school.

³³ See the draft Framework, page 22.

Clause 42.01 Environmental Significance Overlay Schedule 4 (PPPS)

84. Schedule 4 to the Environmental Significance Overlay (ESO) already applies to land south of Williamstown Road. It is proposed to extend the area to which the ESO schedule applies from the north of Williamstown Road to the Port Phillip municipal boundary and from the western municipal boundary to Prohasky Street. The ESO is required to ensure there is adequate protection of Webb Dock and Port of Melbourne operations and to ensure a reasonable level of amenity is provided in any future development of affected land.

Guideline document

85. Also on exhibition is a document titled *How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend*. It provides guidance about the operation of the uplift scheme, the calculation of the value of the floor area uplift, a schedule of public benefits and the valuation of the public benefits.

Section 5: Background reports

Background reports for the draft Framework

86. Preparation of the draft Framework has been informed by numerous technical reports completed between 2016 and 2018 as follows:
- a. Fishermans Bend Integrated Transport Plan, 2017
Prepared by: Transport for Victoria
 - b. Fishermans Bend Aboriginal Cultural Values Interpretation Strategy, 2017
Prepared by: Extent
 - c. Fishermans Bend Population and Demographics, 2017
Prepared by: DELWP in collaboration with the Taskforce.
 - d. Urban Design Strategy, 2017
Prepared by: Hodyl + Co
 - e. Fishermans Bend Public Space Strategy, 2017
Prepared by: Planisphere
 - f. Fishermans Bend Buffer Assessment, 2016
Prepared by: GHD
 - g. Fishermans Bend Economic and Employment Study, 2016
Prepared by: SGS Economics and Planning
 - h. Fishermans Bend Heritage Study, 2016
Prepared by: Biosis
 - i. Fishermans Bend Smart City Framework, 2016
Prepared by: WSP Parsons Brinckerhoff
 - j. Fishermans Bend Baseline Utility Assessment, 2016
Prepared by: GHD
 - k. **Life on the Bend: Fishermans Bend Social History Study**, 2017
Prepared by: Context
 - l. Fishermans Bend Social History Resources: A Guide, 2017
Prepared by: Context
 - m. Fishermans Bend Baseline Groundwater Quality Assessment, 2016
Prepared by: AECOM Australia
 - n. Fishermans Bend Preliminary Land Contamination Study Employment Precinct, 2016
Prepared by: Golder Associates
 - o. Fishermans Bend Community Infrastructure Plan, 2017
Prepared by: The Taskforce
 - p. Base Line Drainage Plan Options, 2017
Prepared by: GHD
 - q. Fishermans Bend Sustainability Strategy, 2017
Prepared by: The Taskforce

- r. Fishermans Bend Waste and Resource Recovery Strategy, 2017
Prepared by: Metropolitan Waste and Resource Recovery Group

87. Further information about these reports can be found at Appendix B.

Non-public documents prepared by or on behalf of the Taskforce which informed the preparation of the draft Framework which are available on request

88. These documents are not public documents but are available on request:

- a. Governance and the Smart City, December 2016
Prepared by: EOT
- b. Fishermans Bend Public Space Strategy – Stage 3 Final Gap Analysis, June 2017
Prepared by: Planisphere

89. Further information about these reports can be found at Appendix B.

Non-public document prepared by or on behalf of the Taskforce which informed the preparation of the draft Framework but are not available

90. The following document is not publicly available out of respect for Aboriginal Elders consulted in preparing the Assessment who requested the Assessment not be published because it contains culturally sensitive information:

- a. Fishermans Bend Urban Renewal Area Aboriginal Cultural Values Assessment, 6 September 2016
Prepared by: Extent Heritage Pty Ltd.

Non-public documents prepared by or on behalf of the TfV which informed the preparation of the draft Framework

89. These documents are not public documents and any requests for these documents should be directed to TfV:

- a. Fishermans Bend Public Transport and Active Mode Link Report Stages 1, 2 and 3, 2016-2017
Prepared by: Jacobs
- b. Port Junction Microsimulation Modelling, 2016
Prepared by: GTA Consultants
- c. Freight Corridor Advisory Report, 2016
Prepared by: Jacobs
- d. Metro Alignment and Feasibility, 2017
Prepared by: Aurecon
- e. Fishermans Bend Tram Extension – VITM Modelling 2016
Prepared by: SGS Economics and Planning Pty Ltd
- f. Microsimulation Modelling of Port Junction and Spencer/Clarendon Corridor, 2017
Prepared by: GTA Consultants
- g. Precinct Car Parking Opportunities, 2016
Prepared by: GTA Consultants

- h. Road Network Peer Review, 2016
Prepared by: GTA Consultants
- i. Water Transport Feasibility Study, 2016
Prepared by: WSP Parsons Brinckerhoff
- j. Improving Connectivity in Fishermans Bend Jacobs, 2017
Prepared by: Jacobs
- k. Yarra's Edge Marina - Movement and Berthing Analysis, 2016
Prepared by: Arup
- l. Draft Integrated Transport Plan for Fishermans Bend Urban Renewal Area, 18 June 2013
Prepared by: Department of Transport Planning and Local Infrastructure
- m. Fishermans Bend Land Use Scenarios for VITM, October 2016.
Prepared by: SGS Economics and Planning Pty Ltd

Historical documents

- 90. Information about historical documents prepared by or on behalf of Places Victoria (now Development Victoria) and the Metropolitan Planning Authority (now the Victorian Planning Authority) can be found in Appendix B.

Section 6: Strategic assessment of the Amendment

Why is the Amendment required?

91. The Amendment is necessary to reorient the trajectory of development in Fishermans Bend. On its current trajectory, development will simply not achieve the Vision for the area. In particular, it will not achieve an inclusive and healthy community providing for a range of diversity of dwelling options for all types of households and affordable housing. It will be a very high-density environment of repetitive residential towers with little diversity in building typology, nominal employment generating uses and little or no street activation due to high levels of podium car parking.
92. Fishermans Bend plays a significant role in Melbourne's growth story, as identified in Plan Melbourne. It is important the planning for Fishermans Bend provides certainty to the community, businesses, land owners and developers about the outcome for Fishermans Bend.
93. The initial rezoning of Fishermans Bend in 2012 preceded any detailed strategic planning work for the area such as a detailed policy, vision, framework plan or structure plan. The rezoning resulted in an inflation of land prices due to speculation and a lack of planning, with some sites significantly increasing in value.³⁴ The rezoning from industrial/business zones to the Capital City Zone was intended to facilitate the transition of the area from a primarily industrial precinct to a genuine mixed-use precinct with a residential and commercial focus.³⁵ However, the new controls provided little guidance about the type and form of development sought in the area.
94. Since its rezoning, Fishermans Bend has been consistently identified as playing an important role in addressing many of the challenges and opportunities that face metropolitan Melbourne. Plan Melbourne 2017-2050, identifies the area will be a key contributor to protecting and enhancing Melbourne's liveability, while growing and diversifying its economy.
95. The proximity of Fishermans Bend to the CBD, the Port of Melbourne and the rapidly growing western suburbs mean that it will play a pivotal role in the growth and prosperity of Melbourne. Fishermans Bend is well positioned to accommodate 80,000 residents and 80,000 jobs including 40,000 jobs in the employment precinct over the next 35 years.
96. In 2015, the Minister committed to recast the planning for Fishermans Bend to ensure planning certainty and provide for public engagement throughout the development of the planning for the area.
97. Since the rezoning, various changes have been made to the planning scheme with the intent of facilitating development that creates a liveable place for future residents. However, these changes have been inadequate that task.
98. In 2016 interim planning controls were introduced via planning scheme amendment GC50 and GC59 to limit the negative impacts of developments while permanent controls are introduced. These amendments were interim in nature, and based on the existing framework plan. They made only minor modifications to the existing planning controls to clarify requirements regarding setbacks and heights, and achievement of affordable housing and other policies. The current proposed amendment has had the benefit of extensive consultation, research and modelling to ensure the Vision and overall population and employment targets are met. This Amendment proposes to introduce permanent, well-reasoned and properly tested controls which will facilitate creation of diverse and well-connected mixed-use neighbourhoods with distinct characters.

³⁴ <http://www.smh.com.au/business/property/citipower-spends-23m-plus-to-owneroccupy-prime-fishermans-bend-site-20170223-gujjg4.html>

³⁵ See Amendments C170 and C102 to the MPS and PPS for further details about this.

Does the Amendment implement State planning objectives?

99. The Amendment facilitates the redevelopment of Fishermans Bend through the achievement of the following objectives of planning in Victoria:³⁶
- a. Providing for the fair, orderly, economic and sustainable use and development of land.
 - b. Securing a pleasant, efficient and safe working, living and recreational environment.
 - c. Enabling the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.
 - d. Facilitating development in accordance with the above objectives.
 - e. Balancing the present and future interests of all Victorians.

Does the Amendment address any environmental, social and economic effects?

100. The Amendment will ensure that Fishermans Bend develops as a State significant urban renewal precinct and is a great place to live, work, visit and invest, providing long term social and economic benefits for the State.
101. The Amendment does not have direct impacts on the environment. However, the Amendment, including the draft Framework achieves positive environmental outcomes by:
- a. acknowledging the existing environmental conditions and addressing these to protect the community in the future.
 - b. setting a new benchmark for sustainable urban development, and Green Star Communities.

Does the Amendment comply with all relevant Minister's Directions?

102. The Amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes (section 7(5) of the P&E Act).

Is the Amendment consistent with Plan Melbourne?

103. Fishermans Bend is one of several priority precincts identified in Plan Melbourne and plays a central role in accommodating significant growth. Plan Melbourne designates Lorimer, Wirraway, Sandridge and Montague within Fishermans Bend as priority major urban renewal precincts (mixed use precincts) comprising more than 250 hectares of land.
104. Plan Melbourne envisages the expanded central city will host almost 900,000 jobs by 2050, double the 435,000 central city jobs in 2011. As the largest of Melbourne's inner city urban renewal areas, the way that Fishermans Bend is planned and developed will have a significant role to play in achieving this.

Does the Amendment support or implement the SPPF and any relevant adopted State policy?

105. The Amendment supports the State Government Vision for Fishermans Bend and also implements the objectives and strategies of the SPPF by:
- a. supporting the central City to become Australia's largest commercial and residential centre by 2050, by providing a framework for the large scale urban renewal of an area on the doorstep of the central City;³⁷

³⁶ These objectives are identified in section 4(1) of the P&E Act.

³⁷ See Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

- b. planning for the redevelopment of a Major Urban Renewal Precinct proximate to the central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses;³⁸
- c. facilitating the development of the Fishermans Bend National Employment and Innovation Cluster;³⁹
- d. facilitating a diversity of housing choice close to jobs and services by directing new housing to an urban renewal precinct;⁴⁰
- e. facilitating development that increases the supply of affordable and social housing;⁴¹
- f. facilitating diverse housing that offers choice and meets changing household needs;⁴²
- g. implementing an integrated transport plan which seeks to connect people to jobs and services, and goods to market;⁴³
- h. facilitating an increased density of development around existing and future transport nodes, to support the viability of services;⁴⁴
- i. facilitating the creation of a distinctive and liveable city with quality design and amenity;⁴⁵
- j. facilitating the creation of a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs;⁴⁶
- k. facilitating the creation of a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way;⁴⁷
- l. facilitating a strengthened and integrated metropolitan open space network;⁴⁸
- m. facilitating the creation of an urban environment that is safe, functional with a sense of place and cultural identity;⁴⁹
- n. facilitating achievement of architectural and urban design outcomes that will contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties;⁵⁰
- o. ensuring the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods;⁵¹
- p. facilitating neighbourhoods that foster healthy and active living and community wellbeing;⁵²
- q. encouraging land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.⁵³

³⁸ See Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

³⁹ See Clause 11.06-1 (Jobs and investment: Strategies) in the SPPF.

⁴⁰ See Clause 11.06-2 (Housing Choice: Strategies) in the SPPF.

⁴¹ See Clause 11.06-2 (Housing Choice: Strategies) in the SPPF.

⁴² See Clause 11.06-2 (Housing Choice: Strategies) in the SPPF.

⁴³ See Clause 11.06-3 (Integrated Transport: Objective and Strategies) in the SPPF.

⁴⁴ See Clause 11.06-3 (Integrated Transport: Strategies) in the SPPF.

⁴⁵ See Clause 11.06-4 (Place and Identity: Objective) in the SPPF.

⁴⁶ See Clause 11.06-5 (Neighbourhoods: Objective) in the SPPF.

⁴⁷ See Clause 11.06-6 (Sustainability and resilience) in the SPPF;

⁴⁸ See Clause 11.06-8 (Open space network in Metropolitan Melbourne) in the SPPF.

⁴⁹ See Clause 15.06-2 (Urban Design) in the SPPF.

⁵⁰ See Clause 15.01-2 (Urban Design Principles) in the SPPF.

⁵¹ See Clause 15.01-3 (Neighbourhood and subdivision design) in the SPPF.

⁵² See Clause 15.01-6 (Healthy neighbourhoods) in the SPPF.

⁵³ See Clause 15.01-2 (Energy and resource efficiency) in the SPPF.

Does the Amendment support or implement the LPPF?

106. The Amendment supports the LPPF by updating the MSS to deliver on the SPPF and ensure the vision for Fishermans Bend is realised. The introduction of a new local policy will implement the relevant objectives and strategies of the MSS and give guidance on decision making.

Does the Amendment make proper use of the Victorian Planning Provisions?

107. The Amendment makes proper use of the Victorian Planning Provisions.

How does the Amendment address the views of relevant agencies?

108. Throughout the Amendment process, the Minister has consulted with, and wherever practical addressed the views of various State agencies and departments.

109. However, the Minister notes that the Metropolitan Waste Resource Recovery Group, South East Water, EPA, Department of Health and Human Services and Port of Melbourne have all lodged submissions to the Amendment. The key issues raised in those submissions are identified in Section 6: Submissions in this Part A Submission.

110. Additionally, the Minister has consulted with and wherever practical addressed the views of the Ministerial Advisory Committee for the Fishermans Bend Project, CoM and CoPP each of whom have lodged submissions to the Amendment.

Does the Amendment address relevant requirements of the *Transport Integration Act 2010*?

111. The *Transport Integration Act 2010* requires that where a planning authority is making a decision under the P&E Act that is likely to have a significant impact on the transport system, it must have regard to the vision, transport system objectives and decision-making principles in the *Transport Integration Act*.

112. A key background document informing the Amendment is an Integrated Transport Plan which provides recommendations for the development of the Fishermans Bend transport network. The Integrated Transport Plan facilitates an integrated and sustainable transport system for Fishermans Bend that will contribute to an inclusive, prosperous and environmentally responsible State consistent with the vision in the *Transport Integration Act 2010*. In this way, the Amendment addresses the relevant requirements of the *Transport Integration Act*.

What impact will the new planning provisions have on the administrative costs of the responsible authority?

113. The Amendment will have administrative cost implications for the responsible authority implementing and administering the new planning provisions.

Section 7: Future strategic planning work

114. The next stage of strategic planning work for Fishermans Bend will comprise:

- a. Reports under preparation;
- b. Precinct planning;
- c. Employment precinct planning;
- d. Establish funding models;
- e. Develop new governance model;
- f. Review and evaluation of planning;
- g. Continued consultation and collaboration.

Reports under preparation

115. The Taskforce continues to produce further reports to assist with future planning work in Fishermans Bend, such as the detailed precinct planning work. These reports are not yet finalised or publicly released, but are identified as follows:

- a. Fishermans Bend Retail Assessment expected to be completed in March 2018
Prepared by: Essential Economics
- b. Draft Community Infrastructure Design Specifications, draft expected to be completed by June 2018
Prepared by: Fishermans Bend Taskforce
- c. Fishermans Bend Net Zero Emissions Strategy, expected to be completed in April 2018
Prepared by: Point Advisory/Aurecon
- d. Fishermans Bend Climate Adaptation Strategy, expected to be completed in April 2018
Prepared by: Aecom/Ramboll
- e. Fishermans Bend Sustainability Design Standards and Green Star Review, expected to be completed in April 2018
Prepared by: Arup
- f. Draft Initial Feasibility Testing Fishermans Bend, will not be finalised.
Prepared by: Charter Keck Cramer

Precinct Planning for Central City Zone precincts

116. The draft Framework will be complemented by individual precinct plans for the Lorimer, Montague, Sandridge and Wirraway precincts. The precinct plan will reflect the fine-grain detail of what has been outlined in the draft Framework.

117. A separate planning process will follow for the Employment Precinct.

118. The precinct plans will aim to:

- a. elaborate the unique and distinct character and vision of each precinct;
- a. undertake a place making approach that spatially integrates the objectives and strategies in this draft Framework through a set of detailed design responses;

- b. identify a range of priority detailed actions and initiatives to guide the delivery of key projects identified in this draft Framework.
119. Further detail on key elements of the urban structure will be developed to identify each precincts design response:
- a. Transport and movement including street cross sections, street network and hierarchy and key movement networks including pedestrian and cycling paths.
 - b. Public spaces including type, size and characteristic of the major public spaces, tree canopies and plantings.
 - c. Community facilities including the priority sites for delivering each type of hub in each precinct within the preferred areas identified in the draft Framework.
 - d. Activity cores including identification of the hierarchy across all precincts and the role and function of each activity core in delivering a diverse range of economic activities.
 - e. Environmental sustainability including possible precinct approaches, water sensitive urban design and rain gardens.
120. Precinct plans will be developed in collaboration with the CoM and CoPP, as well as Victorian Government departments and agencies. The Taskforce will work with the community, businesses and stakeholders on the development of precinct plans for each of the five precincts.

Employment Precinct Planning

121. To realise the long-term potential of the Employment Precinct, State and local government will collaborate with industry and key stakeholders to plan the future of the Employment Precinct. This process will commence in the next year and will explore and test the potential of the precinct and strive to balance the certainty and flexibility required to grow and support the manufacturing sector, creating a hub for innovation, entrepreneurship and design excellence.
122. The Employment Precinct will strengthen Melbourne's sustainable economic growth and will be integrated into the broader renewal area.

Establish a funding plan

123. A plan for the funding, finance, timing and delivery of infrastructure to support the renewal of Fishermans Bend to 2050 is critical. This plan was not released with the draft Framework. This plan is presently being prepared and will consider a broad range of issues including:
- a. How much funding will be required from the local, state and federal governments?
 - b. What fees and charges will apply to developers, residents and businesses and are the fees and charges economically viable?
 - c. The degree to which the government borrows funds in advance of revenue to promote earlier development outcomes?
 - d. What infrastructure is required up front and what can be delivered as the population grows? i.e. a delivery plan
 - e. What balance is appropriate between one off developer charges and annual residential charges?
 - f. What balance is appropriate between existing landowner charges and future developer charges?
124. Until a funding plan is adopted, the interim charges specific to Fishermans Bend, remain in effect:
- a. Developer Contribution Charge (DCP) of \$15,900 per dwelling (indexed from 2013 and pro-rated for commercial and retail floor areas) (a one –off developer charge);
 - b. An 8% public open space contribution – take as cash or as land. (a one- off developer charge)
125. These will continue to be collected via a s173 agreement under the P&E Act.

Develop a new governance model

126. The draft Framework provides land use and development guidance to realise the long-term planning vision for Fishermans Bend to 2050. This long-term plan has been developed by the Taskforce with considerable input from local communities and businesses, the CoM, CoPP, the development industry and the independent Fishermans Bend Ministerial Advisory Committee. These existing governance arrangements have been pivotal in ensuring a diversity of voices and ideas have influenced the development of the draft Framework, with the current panel process the next step in gaining broad input to the planning for Fishermans Bend.
127. To implement the planning vision articulated in the draft Framework alternate governance arrangements will need to be established for the delivery of Fishermans Bend. Acknowledging the complexities in coordinating development of a state significant precinct over a long period of time and a large geographic area, future delivery governance arrangements are being carefully considered.
128. Future delivery governance should consider, amongst other things, the importance of leadership and strong partnerships for the precincts development, the challenge in coordinating a range of delivery activities that may rely on various legislative powers, and the ability to effectively and efficiently collect and distribute funds.

Review and evaluation

129. The draft Framework and certain key background reports must be living documents. Fishermans Bend is a long-term project and over its life market conditions, community expectations and attitudes will change. Fishermans Bend is a unique urban renewal area being 90% privately owned and already rezoned with only interim planning in place. No other urban precinct in Australia has faced these challenges. The draft Framework and the controls are thus responding to these unique challenges.⁵⁴
130. The controls are balancing the needs of the developers wishing to build now with the long term needs of the future residents, workers and developers. Accordingly, regular monitoring and review is required. This will likely need to be quite broad ranging from the market response, residential and worker demographics, through to community expectations and even bicycle usage.
131. An evaluation methodology will be developed to measure progress towards achieving the Fishermans Bend targets. The evaluation will establish baseline information and regular monitoring intervals to track progress. This would include regular monitoring and reporting against the Green Star Communities requirement.

Continued consultation and collaboration

132. An extensive and ongoing program of stakeholder and community engagement has been underway since the inception of the Fishermans Bend Taskforce in 2016. Through the consultation programs to develop the Vision and draft Framework, a total of 2,420 people have participated (including submissions received) and there have been 23,524 visitors to the website.
133. As part of the engagement on the draft Framework and planning controls, there were 27 face-to-face events held at locations across Fishermans Bend and neighbouring areas. Over 1200 participants attended the events and 251 submissions were received by the Planning Review Panel.
134. Further details about these engagement events is included in Appendix A.
135. The draft Framework is only the beginning of the planning process for Fishermans Bend. As the land is predominantly privately owned, the successful implementation of the draft Framework will involve ongoing conversations and collaboration with the community, industry, land owners, businesses, all levels of government and the not-for-profit sector.

⁵⁴ MAC Report, 2015.

Section 8: Submissions

Summary of key issues raised in submissions

136. A total of 251 submissions (including late submissions) have been received in response to notice of the draft Amendment. All of the submission have been referred to the Review Panel for consideration.

137. The key issues raised in the submissions to the Amendment broadly relate to:

- a. Drafting and content of the proposed planning controls;
- b. The policy intent for the area;
- c. Housing targets;
- d. Employment targets;
- e. Built form:
 - i. Height controls;
 - ii. The use of mandatory versus discretionary controls;
 - iii. Building setback requirements;
 - iv. Overshadowing requirements;
 - v. The Floor Area Ratio (FAR) and Floor Area (Uplift) provisions;
 - vi. Response to industrial Interfaces;
 - vii. Architectural excellence;
- f. Transport
 - i. Timing for provision of new and upgraded public transport infrastructure and services;
 - ii. Transport targets;
 - iii. The proposed new tram bridge over the Yarra River;
 - iv. The function of various roads;
 - v. Freight routes;
 - vi. Pedestrian permeability;
 - vii. Car parking rates;
 - viii. Traffic and cyclist safety;
 - ix. Provision for electric cars;
- g. Impact on the Port of Melbourne;
- h. Infrastructure (including community infrastructure);
 - i. Timing for delivery of infrastructure;
 - ii. Impact on existing infrastructure;
- i. Open space;
- j. Economic viability;
- k. Heritage;
- l. Sustainability;

- m. Environment;
- n. Current permit applications;
- o. Governance;
- p. Funding and finance;
- q. Community engagement;
- r. Background reports;
- s. Catalyst Project;
- t. Panel Process;
- u. Site specific/precinct specific concerns;
- v. Waste management;
- w. Land acquisition.

Response to issues raised in submissions

138. The Minister thanks all parties for their submissions and advises that a substantive response to all issues raised will be provided in the Part B Submission.
139. Throughout the Amendment process, the Minister has consulted with various State agencies and departments. To this extent, the position presented by the Minister in this submission has, where possible, responded to feedback received during that consultation. However, the Minister notes that submissions have been lodged by:
- a. EPA;
 - b. Port of Melbourne;
 - c. South East Water;
 - d. Department Health and Human Services; and
 - e. Metropolitan Waste and Resource Recovery Group; and
 - f. the Ministerial Advisory Committee for the Fishermans Bend Project.
140. The EPA submission makes the following recommendations:
- a. Through the MSS and LPPs, strengthen references to land and groundwater contamination due to past industrial activities and historical uses so that application of EAOs to the CCZ precincts is supported by strategic policy statements highlighting the land and groundwater contamination that exists in the precinct.
 - b. Through the Framework and the schedules to the CCZ, strengthen consideration of industrial and commercial land uses and the need for encroaching sensitive uses to respond to the current context including existing uses and approved industrial uses which have not yet commenced;
 - c. Through the Framework, MSS, LPPs and schedules to the Capital City Zone, highlight that existing industry and infrastructure may also pose a health impact, rather than just amenity impacts. For example, traffic air emissions from the M1 West Gate Freeway.
 - d. Consider the potential impacts of Major Hazards Facilities and major pipelines in consultation with WorkSafe Victoria and other related agencies or regulators.
 - e. Through the Framework and the schedules to the CCZ, strengthen consideration of traffic air emissions from the M1 Westgate Freeway and Bolte Bridge.
141. The Port of Melbourne submits:

- a. Precinct planning should appropriately accommodate the freight rail connection through the precinct and be cognisant of the practical constraints to combining freight rail and light rail (i.e. separate infrastructure for these services)
- b. Any road network considerations should not adversely impact the capacity of Prohasky, Plummer, and Graham Streets to accommodate freight movements to or from station pier and should give further consideration to the future precinct requirements with regard to cruise shipping.
- c. There is a need to protect existing freight vehicle connections between Webb Dock and Swanson Precinct are via Lorimer Street, to maintain freight movement efficiencies and capacity. Alternative arrangements should be integrated with the network, meet long term capacity and performance requirements and promote freight efficiencies.
- d. No assumption should be made that Port land will be made available for water transport options given potential conflicts between commercial vessels and vessel/ferry operations.
- e. Precinct planning should recognise economic benefits to the State of having these port industries located in a central location and the cost advantages to planned state infrastructure projects and construction activities.

142. South East Water:

- a. Requests more clarity on the building scale recycled water and rainwater third pipe infrastructure;
- b. Recommends moving requirements of the proposed local policy to detailed design guidelines and suggests to provide a clear link between the planning controls and each strategy proposed in Framework;
- c. Supports the implementation of rainwater harvesting schemes to provide a significant role in flood management within Fishermans Bend;
- d. Suggests focus is required on the on-going maintenance requirements which are needed for the long term operational success;
- e. Supports the vision of making Fishermans Bend the benchmark for sustainable and resilient urban transformation and suggests this can be better supported by increasing the Green Star Design and As-Built rating to 5 stars from the currently proposed 4 stars;
- f. Requests that more specific requirements are included in the design; and
- g. Submits some of the terminology needs to be clearer.

143. The Metropolitan Waste and Resource Recovery Group:

- a. Strongly supports the 8 sustainability goals underpinning the draft Framework;
- b. Requests waste management be strengthened in the Melbourne MSS (clause 21.04-1.2);
- c. Requests the local policy be expanded to include all 8 sustainability goals;
- d. Supports the sustainability strategy and recommends a 6-star community rating be targeted with a 5 star building rating.
- e. Submits that the DDO be strengthened with a sustainability focus.

144. The Ministerial Advisory Committee for the Fishermans Bend Project:

- a. Supports the approach taken in the draft Framework and expresses confidence that it provides a sound way forward for Fisherman Bend;
- b. Endorses the approach to land use planning which addresses widespread concern about density by linking population and employment targets with built form controls while at the same time encouraging commercial development;
- c. Supports the focus on jobs, innovation and the knowledge economy;

- d. Supports the commitment in the draft Framework to develop Fishermans Bend as Australia's largest Green Star Community'
- e. Supports the structuring of the draft Framework around sustainability goals;
- f. Supports the draft Framework's emphasis on transport connections;
- g. Identifies the mode share split target as essential to ensure the liveability of Fishermans Bend and avoid unacceptable congestion in and around the area;
- h. Supports the commitment to deliver additional public open space as outlined in the draft Framework;
- i. Supports the approach of setting targets and adopting a wide range of strategies to achieve usable green space;
- j. Supports the principles of colocation of community facilities and of partnerships for the delivery of these facilities as outlined in the draft Framework.

Section 9: Response to preliminary list of key issues

Use and Drafting of Planning Controls

Have the appropriate VPP tools been chosen, including:

- *Is the role of proposed policy appropriate?*
- *Have appropriate overlays been applied, or should other overlays be applied, for example, DDOs, DPOs, PAO, ESO?*
- *Are the overlays applied in the appropriate locations?*

Is the role of the proposed policy appropriate?

145. The proposed local policy is intended to guide decision making under the provisions of the CCZ and proposed overlay(s) by setting statements of intent and expectations relating to preferred uses and development which builds on the overarching policy directions set in each MSS. The policy applies to a defined area, being the Fishermans Bend Urban Renewal area, as well as being theme based as it relates to matters such as design and sustainability. The role of local policy is the appropriate VPP tool in this instance.

Have appropriate overlays been applied, or should other overlays be applied, for example, DDOs, DPOs, PAO, ESO?

146. It is considered that the appropriate overlays have been applied and that they are in appropriate locations.

Are the overlays applied in the appropriate locations?

147. The geographic extent of the proposed DDO is consistent with the extent of the current DDO.

148. The DPO is applied to areas where a masterplan approach has been identified as necessary or to facilitate key transport initiatives, such as transport interchanges and road realignments.

149. The EAO is applied to all lots in the renewal area consistent with the recommendations of the *Fishermans Bend Preliminary Land Contamination Study: Employment Precinct*⁵⁵. The requirements of the EAO are currently embedded in the interim schedule to the CCZ. The extent to which the EAO is to apply is the same extent to which the CCZ applies.

150. The ESO is applied to ensure protection of the current and future operations of the Port of Melbourne at Webb Dock. Webb Dock is of State significance and ensuring Webb Dock (and other Port of Melbourne operations) can continue to operate and expand into the future is of vital importance. Land to the south of Williamstown Road already has the ESO schedule applied to it. This extent of coverage was applied following recommendations from the *Ports and Advisory Committee Report*⁵⁶ and at the time the proposed land to be covered by the ESO schedule was still zoned for industrial use.

Is the drafting of the controls clear?

151. Developing Fishermans Bend to align with the Vision is a challenging and complex task. The draft statutory planning controls, through a suite of planning scheme clauses and facilitate this complex task as clearly as possible. Simplifications and clarifications have been made to the exhibited controls to resolve issues of confusion or drafting errors identified in submissions and peer reviews by the Minister's experts. Following these minor changes, the draft controls are now in a form that is clear and ready for use.

⁵⁵ Prepared by Golder Associates Golder Associates, June 2012.

⁵⁶1 November 2010.

Population assumption/target

To what extent does the planning of the area need to plan for a target population?

152. The planning for Fishermans Bend targets a population of 80,000 residents and 80,000 jobs by 2050. Working to a target population is critical to responsible planning and the staged investment that follows. Without a target, it is impossible to understand the quantum of demand for infrastructure and services a future community will require (such as, roads, public transport, utilities, open space and community facilities). Nor is it possible to take action to ensure such demand is considered holistically and matched with supply in a timely manner.
153. Working to a target allows for critical capacity constraints to be assessed and accounted for in planning efforts. For example, in housing 80,000 people and 80,000 jobs, the ability to get people in, out and around Fishermans Bend conveniently will be a substantial challenge. Working to a target allows for major upfront investments in infrastructure such as public transport and community facilities such as schools and community hubs in the most effective way. This increases the long-term development capacity of Fishermans Bend. Ad hoc response to development is at odds with good planning and limits ability to adequately provide infrastructure to meet community need and create a high-quality living environment with good access to local services consistent with the Vision for the area.

What is basis of the assumed 80,000 people and 80,000 jobs? Should a different target be set?

154. The Vision for Fishermans Bend was completed in September 2016 following public consultation earlier that year. The Vision describes how Fishermans Bend will be planned to accommodate 80,000 residents.
155. The residents target is based on several factors, including:
- The aspirations for the precinct described in Plan Melbourne, with the precinct expected to play an important role in housing Melbourne's growing population;
 - Benchmarking dwelling density for an inner-city mixed use and liveable precinct, both against local and international examples;
 - Estimation of the development practicalities of delivering additional dwellings year on year to 2050;
 - The ability of the utility, roads, public transport and other infrastructure elements to cater for growth;
 - The need to balance the creation of communities, jobs and entertainment with the need to provide public open space, preserve heritage and celebrate culture; and
 - Delivery of a Green Star certified sustainable community.
156. These factors, coupled with the many background reports summarised in the draft Framework and the earlier work by Places Victoria in 2012 and 2013 (public records available at www.fishermansbend.vic.gov.au) have contributed to arriving at the optimal population of 80,000 residents by 2050.
157. The Taskforce used this information to determine if the population target was realistic, with the following observations made:
- Plan Melbourne nominates Fishermans Bend as a renewal area of state significance. The target represents about 1 year of growth for Melbourne until 2050 or 17 per cent of the inner metropolitan target. This growth is reasonable and responsible for an area so close to the CBD.
 - In the CoM the rate of apartment sales has averaged 3,600 per annum over the last 30 years (over 111,000 in total). This includes both Docklands and Southbank which respectively have 10 and 20 years of growth remaining. The assumed sales rate for Fishermans Bend is an average of

around 1,200 sales per annum until 2051.⁵⁷ This represents around one third of the total growth anticipated for the CoM over this period. Growth in Fishermans Bend is not anticipated to accelerate until Southbank and Docklands nears capacity and public transport is provided to the precinct.⁵⁸

- c. The Fishermans Bend Urban Design Strategy (2017), compares the Fishermans Bend's target population density with other parts of Melbourne and other cities internationally (see page 18). A target population of 80,000 residents equates to an average of 323 residents per hectare in Fishermans Bend. By comparison, the population density projections for the CBD and Southbank are around 300 residents per hectare and, for Docklands, around 126 residents per hectare. The Urban Design Framework also notes that if the current development application trends observed in 'Montague North' continue that part of Fishermans Bend will have a population density of over 1,300 residents per hectare.

158. The population target informs the Floor Area Ratio (FAR) controls applied across Fishermans Bend. If the FARs are delivered, Fishermans Bend will reach the population target of 80,000 residents.

If a target population (or population range) is set, is there a need to reconcile:

- ***Population and jobs Floor Area Ratios (FARs) and Floor Area Uplifts (FAUs)?***
- ***Relationship between target population and FAR***

Is there a need to reconcile population and jobs, FARs and FAUs?

159. The target population and the FAR are matched. i.e. the FAR provides sufficient development yield to deliver 80,000 residents and 40,000 jobs (with the remaining 40,000 jobs occurring in the employment precinct). Any change in the target population would need to be reconciled with changes to the Floor Area Ratios applied across Fishermans Bend. Additionally, recalculations would need to be made in respect of infrastructure demand and service provision, including transport, open space and community facilities.

160. The inclusion of any FAU will add additional residents should the development build-out occur as forecast in the draft Framework. If this occurs then the number of residents will exceed 80,000. There are many other assumptions made in forecasting the target population including the number of sites that choose to develop and how many granted permits translate into development activity. As envisaged in the draft Framework, an evaluation methodology will be developed to measure the progress in achieving the target population (among others targets).⁵⁹ Should take-up of the FAU result in increased population densities above the target level, the FAR may need to be revised down over time.

Relationship between target population and FAR?

161. The target population of 80,000 residents and 40,000 jobs (within the Capital City Zoned areas only) is directly aligned with the proposed FARs. The FARs have been reached through the following method:

- a. The total Gross Floor Area (GFA) required to accommodate 80,000 residents and 40,000 jobs has been calculated;
- b. The GFA is adjusted to account for existing buildings under construction and approvals for development (it is assumed that 90% of all approved dwellings will proceed⁶⁰) but does not account for any FAU;

⁵⁷ Fishermans Bend Population and demographics Report, DELWP 2017

⁵⁸ Source: <https://www.propertyandlandtitles.vic.gov.au/property-information/property-prices>

⁵⁹ See draft Framework, page 67.

⁶⁰ See *Fishermans Bend Urban Design Strategy 2017* by Hodyl & Co, section 4.1.4 on page 74.

- c. The adjusted GFA is distributed between the four precincts according to the overall vision (land use, character and housing diversity) and the transport strategy (integrating land use and transport planning);
 - d. The precinct level GFA is split into core and non-core areas based on transport provision and the desired character of the core and non-core areas;
 - e. The GFA is then converted into a FAR control based on the available Gross Developable Area (GDA).⁶¹ This is calculated by dividing the GFA by the GDA. This FAR assumes that every site will redevelop by 2050;
 - f. The FAR is then increased to acknowledge that not every site is expected to develop by 2050. It is adjusted on the assumption that 75% of land will be re-developed by 2050 and then increased to meet the 2050 target population;
 - g. This results in the final proposed FARs as included in the Urban Design Strategy.
162. The method outlined above calibrates the use of the FAR to deliver the population targets by 2050 based on the noted assumptions.

What are the appropriate assumptions for the timing of development and the ‘build out’ in setting the FARs?

163. There are two assumptions outlined in the Urban Design Strategy. These are:
- a. 90% of approved dwellings will proceed;⁶² and
 - b. 75% of the sites will develop by 2050⁶³.
164. The 90% figure has been derived from longitudinal data provided by the CoM and data available for long-term trends in Sydney. This was the best available data identified to inform this assumption.
165. The 75% figure is derived from current industry perspectives. The rate of development is obviously difficult to predict and relies on broader market demand and supply as well as site specific constraints and opportunities.

Impacts in changes to the number of approved dwellings that are built

166. If every site maximises its potential yield by delivering floor area allowed by the maximum FAR, there are three potential scenarios that will affect the population growth:
- a. Scenario 1: 90% of the dwellings are built = population targets met by 2050
 - b. Scenario 2: Less than 90% of the dwellings are built = population targets not met by 2050
 - c. Scenario 3: Greater than 90% of the dwellings are built = population targets exceeded by 2050

Impacts in changes to the rate of development

167. If every site maximises its potential yield by delivering floor area allowed by the maximum FAR, there are three potential scenarios that will affect the population growth:
- a. Scenario 1: 75% of the land is developed = population targets met by 2050
 - b. Scenario 2: Less than 75% of the land is developed = population targets not met by 2050
 - c. Scenario 3: Greater than 75% of the land is developed = population targets exceeded by 2050
168. It is not possible to ‘lock down’ these assumptions with any certainty at this stage as they rely on a significant number of individual decisions by landowners/developers and market conditions. The approach taken has been to apply assumptions based on the best available knowledge at this time.

⁶¹ The GDA is the total area within Fishermans Bend excluding existing parks and schools and proposed parks that occupy whole sites. See *Urban Design Strategy 2017* by Hodyl & Co, Table 1 on page 13.

⁶² See *Fishermans Bend Urban Design Strategy 2017* by Hodyl & Co, section 4.1.4 on page 74.

⁶³ See *Fishermans Bend Urban Design Strategy 2017* by Hodyl & Co, section 4.1.4 on page 77.

169. Assumptions will be monitored and adjusted as necessary which is typical for any planning framework.

How does the use of the Floor Area Uplift (FAU) affect the total population 'assumed' for each precinct?

Are the uplifts intended to include population within or above the assumed levels?

170. The FAU is not related to the population targets.

171. The FAU has been introduced to provide an incentive for the delivery of public benefits including open space, community infrastructure and affordable housing (as defined by the Amendment).

172. In the population growth scenarios in paragraphs 166 and 167 above, the inclusion of an FAU would lead to additional yield. The population ultimately reached will depend on the extent of land developed and the scale of the FAU uptake.

173. For example:

- a. Scenario 1: Less than 75% of land is developed + a FAU is applied = population targets may still be met if the FAU delivers floor area to cover the difference by 2050
- b. Scenario 2: 75% of the land is developed + FAU applied = population targets will be exceeded by 2050
- c. Scenario 3: Greater than 75% of the land is developed + FAU applied = population targets are further exceeded by 2050

174. The application of the FAU to deliver affordable housing will have the greatest impact on population growth. This is because the proposed ratio between a market housing unit to an affordable housing unit is 8:1. Put simply, for every additional person living in an affordable housing unit there will be 8 additional privately housed residents. A 6% affordable housing target as outlined in the current planning scheme controls would require 2,214 affordable housing units (6% of 36,900 dwellings needed to meet the 80,000 population target).⁶⁴ If this target was met there could be 17,712 additional private housing units delivered through the FAU. Assuming the projected average housing size of 2.17 people per dwelling, reaching affordable housing target would result in 38,435 people above the 80,000 population target.

Floor Area Ratio and Floor Area Uplift

How should the Amendment approach managing the overall quantum of development in Fishermans Bend with the development potential of individual sites?

175. The Amendment can only consider overall development across Fishermans Bend. It is not possible to predict development outcomes on individual sites. These sites will be developed as and when the owner decides, taking into consideration their particular development objectives. For example, a developer may (as has occurred in some areas of Fishermans Bend to date) build a development that is under the maximum Floor Area Ratio assigned to that area.

176. The method used to determine the FARs (see response to question 5) sets a baseline FAR that aligns with the overall population target within each precinct. Because an uncapped FAU is available, the development potential of individual sites is not unduly constrained by the FAR. Developers can maximise development on their site up to the potential building envelope available through the built form controls, however, above the base FAR level this will require the delivery of a public benefit.

177. The method of applying the FAU (the ratio between additional yield and benefit) needs to be calculated at a ratio that is both a viable commercial proposition and that delivers sufficient public benefit that warrants an increase in development yield above the population targets. For example, in regards to the application of the FAU to deliver affordable housing, the proposed ratio between a market housing unit to an affordable housing unit is 8:1. If the ratio was set too low, e.g. 2:1 it is unlikely that developers

⁶⁴ See *Fishermans Bend Urban Design Strategy 2017* by Hodyl & Co, page 75.

would be incentivised to deliver affordable housing as it would not be commercially viable. If the ratio is set too high, e.g. 20:1 the developer would be provided with a substantial increase in yield (and profit) without the provision of sufficient public benefit.

What is the interaction between, and impact on development potential of:

- ***the FAR with FAU***
- ***maximum dwelling densities***
- ***the height controls***
- ***the area available for development once open space, roads etc are provided?***

178. The maximum dwelling densities are aligned with the FAR controls so should have no additional impact on potential yield.
179. The FARs and FAUs are proposed to work in the same way for all precincts. This means that, as per the response outlined in question 8, it is possible for a developer to include a FAU on their site above the FAR if it can be achieved within the proposed building envelope.
180. The FARs are set by the population targets of 80,000 residents and 40,000 employees by 2050. The FARs establish the overall development potential within Fishermans Bend focused on delivering the GFA needed to support this population growth.
181. The FAUs are in place to incentivise the delivery of defined public benefits. If a developer receives approval for a FAU this will lead to increased development potential on their site above the overall development potential allowed through the FAR.
182. The maximum dwelling densities are aligned with the FAR controls thus have no additional impact on potential yield. If a FAU is approved, the maximum dwelling densities would be exceeded.
183. The height limits have been established to deliver multiple outcomes: to support the transport and land use strategy, to deliver housing diversity and to meet the overshadowing requirements. On some sites, there is a close alignment between the potential yield enabled through the FAR and the potential building envelope while on other sites a greater range of design responses are possible.
184. Together the FAR and the height limits therefore support the design of a diverse built form character across each precinct and within individual large sites. This is done without constraining the overall development potential needed to deliver the population targets.
185. It is possible for a developer to include a FAU on their site above the FAR. This means that additional development yield can be delivered through a FAU above the population targets on some sites.

How are community needs identified to determine appropriate public benefits to be delivered in exchange for the FAU?

What mechanisms are proposed to be used to update any list of public benefits?

Will the existing approach of the CoM as set out in Clause 22.03 of the MPS be used?

Is the FAU regime as transparent as it needs to be?

What status should guidelines for applying the FAU have? Should they be referenced in the planning scheme?

186. Community needs have been identified via the Community Infrastructure Plan and the Open Space Strategy.
187. The timing of the need for, and therefore the provision of the infrastructure is linked to population/development growth and is based on the needs and usage rates of the existing CoM and CoPP communities. The population/development growth and community needs will be monitored and regularly updated as outlined in the Community Infrastructure Plan.

188. Transparency is an important factor in any Floor Area Uplift scheme. Providing a ratio for affordable housing only and providing for a valuation by the Valuer General for any community infrastructure or additional public open space proposed creates the most fair and transparent process possible.
189. The P&E Act specifies the circumstances in which 'works in kind' may be required as a condition of a planning permit. The Act does not expressly provide for the inclusion of Floor Area Uplift as a requirement in a Planning Scheme. The ability to allow floor area above a certain level if a voluntary agreement is entered into is sound.
190. It is proposed that the guidelines remain as a reference document to the Planning Scheme and guide the contents of voluntary agreements with the Minister for Planning. This provides a greater level of transparency in the operation of the FAU regime and other options such as a practice note or adopted Ministerial guidelines which sit entirely outside of the planning scheme.

What is the basis of the six per cent affordable housing target?

On what basis is it assumed that its delivery by the FAU considered appropriate, or likely to be taken up by developers?

191. Amendment GC50 introduced a 6% affordable housing target into local policy to: encourage all new development that proposes accommodation uses and is over 12 storeys in height to allocate at least 6% of dwellings as affordable housing to a registered housing association or provider.
192. In preparing the draft Framework, a series of industry and peak body workshops were held with input from the development community, peak industry bodies, housing sector and government. A target of 5% was identified as in line with the IMAP assessment inner Melbourne affordable rental housing needed (undertaken in 2008) and to maintain the then current social housing mix of around 6%. (Biruu report, Inner Region Affordable Housing Overlay (May 2008). It is also understood this same report underpinned the 6% target originally introduced by GC50.
193. The draft Framework sets a target that 'At least 6% of all housing in Fishermans Bend is affordable for low to moderate income households'.
194. It is agreed that regular monitoring and review of the affordable housing (including social housing) dwellings and housing affordability in Fishermans Bend will be necessary, and an evaluation methodology will be established to measure progress of Fishermans Bend targets, as outlined in the draft Framework.⁶⁵

What controls should be mandatory?

195. The planning controls represent a variety of discretionary and mandatory requirements. The requirements proposed to be mandatory are considered to be non-negotiable in order to achieve the Vision for Fishermans Bend. Discretion has been used to allow for innovation and design excellence where a degree of flexibility is appropriate and would not diminish the ability for Fishermans Bend to become a world leading example of urban renewal.
196. The first set of planning controls introduced by Amendments C170 to the MPS and C102 to the PPS and later, by Amendment GC7, allowed for a great degree of discretion. This allowed for a more market driven approach to urban renewal. The outcome of this approach is considered to have been unsatisfactory with mandatory heights introduced by GC29 and then later mandatory setbacks introduced by GC50.
197. As an example, the floor area ratio is proposed to be mandatory (unless a floor area uplift is agreed to by the responsible authority), while the height controls are proposed to be discretionary (with the exception of the 4 storey mandatory height limit proposed to protect the interface with the existing residential areas to the south of Fishermans Bend). The floor area not used for a dwelling as required by the local policy is a discretionary requirement to allow a degree of flexibility to address various site constraints.

⁶⁵ See page 67.

198. The floor area ratio needs to be mandatory for two reasons. The first is to ensure the population for the area does not exceed the proposed infrastructure provision. The second is to allow the provision of floor area uplift to be implemented. In contrast, the height limits have been set as discretionary to allow for design excellence and a mix of built form typologies (avoiding a flat skyline with all developments building to the top of the mandatory height limits as is currently occurring).
199. The proposed combination of mandatory and discretionary controls throughout the planning controls offers an appropriate balance between flexibility and certainty.

Should there be exemptions for minor works from the need to provide open space or roads?

200. The requirements under the building and works section of the draft Capital City Zone for the provision of open space and roads reads as follows (underlined for emphasis):
- A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3 is not provided.*

201. This requirement does not mean the streets, laneways or open space must be provided but only that the 'provision' for the streets, laneways or open space must be provided. This means that any permits issued for buildings and works must make provision for any new roads and open space, but are not required to provide them.

202. This is similar to the requirements under the subdivision heading of the draft Capital City Zone Schedule which reads:

The following requirements apply to subdivide land:

The layout of the subdivision must make provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3.

203. Here, the provision for streets, laneways or open space requires land to be set aside for these purposes. The controls do not compel their construction.

Could non-residential floor space requirements in core areas be transferred between developments within the same precinct-based core area, or the same ownership?

Would trading of floor area entitlements between sites be possible or desirable?

204. In Victoria, the planning system does not provide a 'right' to develop. This means it is not possible to transfer a 'right' or trade a 'floor area entitlement' from one site to another as no such rights or entitlements exist.

205. The Amendment does not prescribe a minimum floor area not to be used for a Dwelling. Rather, the draft schedule to the CCZ provides that a permit may not be granted or amended to construct a building or construct or carry out works with a floor area ratio in excess of the Floor Area Ratios in Table 1 unless:

- *In a core area as defined on Map 1:*
 - *The additional floor area that results from exceeding the floor area ratio is not used for Dwelling; or*
 - *...*

206. Read in its context, '[t]he additional floor area that results from exceeding the floor area ratio...' must be taken to mean additional floor area on the same site where the floor area ratio is exceeded.

207. The transfer of a non-residential floor area requirement from one site to another could only occur if the Amendment introduced a non-residential floor area requirement and a permit could be granted to waive or reduce the requirement. This is not what the Amendment proposes.

208. However, a responsible authority may enter into a section 173 Agreement with a landowner to secure the delivery of a 'public benefit' on one site in Fishermans Bend in consideration of an floor area uplift being permitted on another site in common ownership. In Victoria, the planning system does not

provide a 'right' to develop. This means it is not possible to transfer a 'right' from one site to another as no such rights exist.

How will the FARs and FAUs work in Montague where there is a significant number of small sites?

209. Most of the smaller sites in Montague are within Montague South. The size of a site is only one of the key attributes that influence the potential built form and yield that can be built. Other important considerations include:

- a. **The number of street frontages:** The more street frontages to a site the easier it is to include additional yield as internal amenity (daylight/sunlight/outlook) is accessible from the street frontages. Sites with only one street frontage will need to provide some setbacks from side and/or rear boundaries to enable daylight/sunlight/outlook into and from the internal areas of the building.
- b. **Access to laneway frontages:** In a similar way to street frontages, but to a reduced extent, access to laneways can increase the opportunities to provide additional yield on site.
- c. **Shape of the site:** Two sites of the same size can be very different shapes. Long narrow sites within only one street frontage will typically have to provide a setback from rear boundaries (assuming party walls are adopted).

210. Many of the smaller sites in Montague South are relatively constrained as they have only one street frontage (or one street frontage and one laneway frontage) and are irregular shapes. This moderates the potential yield that can be achieved on a site. When side and rear setbacks are applied, testing has demonstrated that the proposed FAR of 3:1 is reasonably aligned with the potential yield on many of the more constrained sites. On less constrained sites, a FAU is available if additional yield is possible within the potential built form envelope as defined by the proposed built form controls.

Essential infrastructure

It appears that the delivery of essential infrastructure for the baseline population is to some extent reliant on developers taking up the FAU incentive:

- ***How can the Review Panel be confident this will be delivered?***
- ***Is there a financial model for the uptake?***
- ***How is the range of benefits offered by developers to be managed?***
- ***What policy might guide a review of a dispute over the benefit offered for an uplift?***

211. The only essential infrastructure items proposed to be delivered via the FAU scheme to service the target 80,000 population are the community hubs. The State Government wishes to provide the opportunity for community hubs to be delivered via the FAU. However, if the Councils decide not to deliver community infrastructure this way or the market does not opt-in to the FAU scheme soon enough or at all, then a more traditional model of delivery will be considered. For example, funding could be delivered via an infrastructure contribution plan. Take-up of the FAU scheme and delivery of public benefits will need to be monitored and alternative funding mechanisms considered as appropriate.

How can the Review Panel be confident this will be delivered?

212. Supporting the draft Framework is a Community Infrastructure Plan. This plan takes a strategic, spatial and long-term approach to the development of community facilities. The plan discusses two approaches to the delivery of community infrastructure (p 64-77). The first is the "business as usual" approach or a standalone model is commonly used by government to deliver community facilities. Under this approach, community infrastructure is typically funded directly by government (via taxes, rates, grants and/or other means). The South Melbourne Primary School / community facilities in Montague Precinct is an example of this method of delivery.

213. An alternative approach is to integrate the facility into a mixed-use development. A developer constructs the community facility to a specification prepared by the government. The facility is thus integral to the mixed-use development. The school and community facilities within the Alphington Paper Mill development is an example of this method of delivery. The funding for this approach would likely be via a floor area uplift (FAU) but could also be funded by the government. A technical fact sheet has been developed to discuss how the FAU operates.
214. The integration of community facilities into a mixed-use development is preferred by government as it allows risks to be better allocated between the public and private sector. Whichever delivery method is employed, the draft Framework has identified which community facilities are to be delivered.

Is there a financial model for the uptake?

215. Floor Area Uplift will be monitored to understand the degree to which developers choose to “opt-in” The intent is to track the market reaction and then modify the delivery as necessary.

How is the range of benefits offered by developers to be managed?

216. *How to calculate floor area uplifts and public benefits in Fishermans Bend, October 2017*, exhibited with the draft Amendment provides guidance on the benefits that can be provided by developers seeking additional floor area. These benefits are (in order of preference) affordable housing, community infrastructure (only for specified hubs within nominated locations) and additional open spaces.
217. The responsible authority will assess the appropriateness of the proposed public benefit as part of the planning permit application or development plan application assessment process. In most cases, where a benefit offered by developers is accepted, it will be managed by the relevant municipal council. This would include most of the open space and buildings. In some other cases, another agency such as a community health provider may manage a facility. All affordable housing dwellings will be owned and managed by a registered housing provider.

What policy might guide a review of a dispute over the benefit offered for an uplift?

218. The *Fishermans Bend Community Infrastructure Plan* has identified 14 hubs within Fishermans Bend and nominated the preferred locations for each hub. A community infrastructure public benefit must meet the minimum floor space requirements specified for each hub, and must meet relevant design specifications.

How and when is it intended to use existing DCPOs to introduce a DCP for the area?

219. The Fishermans Bend Funding and Finance Plan is in development. This is addressed in Section 5: Future Strategic Planning Work, of this Part A Submission.

How will the DCP, FAU, open space contributions, and s173 agreements work together to fund essential infrastructure?

220. These matters will need to be considered by government as part of the future governance structure for the project.
221. The Fishermans Bend Funding and Finance Plan will consider the alternative mechanisms and various sources available to support delivery of essential infrastructure including community infrastructure. Development contributions, open space contributions, property rates, and general levies are the examples of available sources.

What is the rationale for the extent of areas within the Wirraway Precinct designated as investigation areas for future community hubs?

222. Investigation areas identify the areas which are suitable for establishing each type of hub. Each area has been selected based on proximity to public transport and open space, and the vision for the precinct.
223. The preferred sites will be selected based on various criteria including size of the site (current and future), future potential density (FAR), potential height limit, current functionality, future role (within core or non-core activity centre) and adjoining sites (such as any potential open space or train station).

224. If there is any interest from developers to provide one of the proposed community infrastructure hubs as identified in the *Fishermans Bend Community Infrastructure Plan* within a location outside the investigation area, the responsible authority will review and assess the proposal against the locational principles stated earlier.

Existing development and permits

How do the proposed controls relate to existing development?

225. Existing development within Fisherman's Bend largely consists of low scale industrial buildings characteristic of its historic industrial use. The notable exception to this is the recently constructed tower at 89-103 Gladstone Street South Melbourne and the lower scale townhouse development at 164 Ingles Street, Port Melbourne. The proposed controls will continue to enable redevelopment and intensification of land substantially different to that currently within the precinct, including the construction of mixed use/residential buildings of significant height.
226. The extent to which a site could be developed has changed over time in part due to successive planning scheme amendments. Amendment GC81 seeks to introduce a density control complemented by a floor area uplift mechanism to help manage growth and deliver the aspirations for the area, including for example, encouraging a genuine mix of land uses and building typologies with distinct neighbourhoods. The current interim planning scheme controls do not include a density control or floor area uplift scheme. At present permits can be granted subject to compliance with mandatory building height and setback requirements and an assessment against discretionary policy relating to employment and dwelling diversity.
227. Permits granted to date generally consist of multi storey residential towers with nominal employment generating uses. Typically, the approved towers include high levels of podium car parking and building forms which maximise permissible envelopes.

What is the situation with existing permits?

228. 23 Ministerial permits have been granted within Fishermans Bend (inclusive of two permits which have since been acted upon). See Attachment C for full a list of all permits granted and Attachment E for a map of all permits granted and live applications. Of the 23 permits granted there are several which were lodged prior to Amendment GC50 which introduced interim controls into the MPS and PPS.

How should existing permits be managed when the development they permit is outside the proposed development parameters? How are permits proposed to be managed where they expire before development is commenced?

229. The Amendment will not affect the validity of an existing permit for a development that is non-compliant with the proposed planning controls, even one yet to be started. Requests to extend the time to commence and/or complete a development under an existing planning permit will be determined under section 69 of the P&E Act having regard to all relevant considerations. If a permit expires before a development is commenced, the landowner will need to make a fresh permit application.
230. An application to amend an existing permit for buildings and works issued before the Amendment is gazetted will not be legally required to comply with the new requirements introduced by the Amendment. This will be the case whether a request to amend a permit is made under the P&E Act or via a secondary consent provision in a permit. It will also be the case regardless of whether the buildings and works originally approved under the existing permit comply with any new requirements introduced by the Amendment. However, compliance with any new requirements will still be a relevant consideration in deciding whether to grant an amendment to an existing permit if the proposed amendments are of any consequence to the new requirements introduced by the Amendment. Applications to amend an existing permit will be considered on their individual merit having regard to all relevant considerations.

Are transitional provisions appropriate in respect of existing permits or live applications?

231. Transitional provisions are not proposed either for existing permits or live applications.

232. In respect of live permit applications, transitional provisions are not considered appropriate given the significant differences between the interim controls and the controls proposed in the Amendment.
233. At the time the interim controls were introduced, the vision for Fishermans Bend was only just starting to take shape. Significant further strategic work has been undertaken since then which culminated in the draft Framework and the draft controls exhibited as part of this Amendment. Now that the Vision for the area has been recast and crystalised, it is apparent that continued application of the interim controls in respect of current permit applications will not achieve the Vision for the area.
234. There are currently 26 live permit applications with the Minister for Planning for permits in the Fishermans Bend area. If these live permit applications were considered against GC50 controls, and all compliant proposals were approved and built, the delivery of these developments would seriously undermine the Vision. For example, the totality of projected accommodation use may be provided by only a few sites without any commercial space or commensurate public benefit.
235. It is unnecessary to provide transitional provisions for amendments to existing planning permits. As set out earlier, an application to amend an existing permit for buildings and works issued before the Amendment is gazetted will not be legally required to comply with the new requirements introduced by the Amendment.

Buffer areas

Is it appropriate to apply an ESO (or similar control) to the buffer areas identified in the GHD Buffer Assessment and around the Port?

236. Consideration was given to this issue in preparing the draft Framework and planning controls. It is well established that Fishermans Bend will be in a state of transition for many years until the Vision is realised in 2050. While it is anticipated that many warehouse and industrial uses will relocate (potentially to the employment precinct) during this period, they will not be required to do so. Cognisant of this, the draft schedule to the CCZ includes an application requirement (and related decision guideline) for buildings and works associated with accommodation, child care centre, education centre or located within 300 metres of an existing industry to be accompanied by the information to show how the development is designed to protect future occupants from potential adverse amenity impacts.
237. In the circumstances, it is unnecessary to apply an ESO to the buffer areas identified in the GHD Buffer Assessment and around the Port.

Network protection

How have the locations of the train station entrances been determined and should they be preserved or protected in the planning scheme? What would be the appropriate mechanism?

238. While the precise locations of train station entrances has not been finalised, they will be located within proposed public open spaces. This enables the final location of the station entrances to be determined via a detailed design process at a later date.
239. The maps within the proposed CCZ provide some of this guidance and the DPO also plays a significant role by protecting the potential train station interchanges, ensuring that built form surrounding the possible train station entrances is designed in a way that will protect and enhance the amenity of the investigation area.

Freight link – how is the corridor identified in the planning scheme and preserved?

240. A future road and rail corridor to Webb Dock to Swanson/Appleton Docks has been identified in the draft Framework, which depending on port growth, may need to be constructed over the next 40 years.
241. Within the proposed Schedule 4 to the CCZ, the application requirements include the need to provide for noise attenuation measures for sensitive uses within 100 metres of a freight route identified in the Framework. The proposed heights for the areas adjacent to the proposed freight corridor, in

conjunction with the decision guidelines in CCZ4 requiring the consideration of any effects of a future elevated freight route, also work to help with the aim of preserving the proposed freight link.

Freight routes – how are on road freight routes maintained?

242. VicRoads is responsible for the overall management (including construction, maintenance, inspection and repair) of Victoria's road network which includes around 23,000 freeways and arterial roads (the major connecting roads).
243. The freight routes in Fishermans Bend are arterial roads and therefore VicRoads is the coordinating responsible authority.

Yarra River crossing

Are other crossings feasible:

- ***Has a tram tunnel been considered?***
- ***Should the Charles Grimes Bridge option be further explored?***

244. Transport for Victoria (TfV) has provided a recommended option for provision of tram connections into Fishermans Bend over the medium term. This assessment has been made to support land use planning and the development of the draft Framework as well as to inform the development of the more detailed precinct plans.
245. As part of the development of their Integrated Transport Plan (ITP), TfV evaluated a number of possible alignments. The ITP provides greater details on the assessment and comparison of various alignment options. A brief summary is provided below:
246. A bridge option was preferred over the tunnel option due to a number of considerations including cost, urban realm impacts in Docklands and Fishermans Bend (with the tunnel entrances or portals severing communities and roads), the need for additional walking and cycling connections to be constructed over the river, and the inability to provide safe access for emergency service vehicles via the tunnel option.
247. The Charles Grimes Bridge option was not preferred due to the existing traffic at the Montague/Lorimer Street crossing and Wurundjeri Way intersection, which are now some of the busiest road networks in Melbourne. In addition, this option would not provide an enhanced active transport (walking and cycling) connection.
248. Detailed planning and full business case development, including consideration of all high capacity public transport alignment and construction options, will be required prior to any government decision.

How is the tram network alignment including the Yarra River crossing identified in the planning scheme and preserved?

249. The proposed tram alignment is predominately within the road reserve. A permit requirement within the CCZ reads:
- A permit must not be granted to construct a building or construct or carry out works where the provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3 is not provided.*
250. This will protect the future tram alignment including the Yarra River crossing.
251. In addition, TfV would seek to incorporate proposed alignments into the precinct structure planning development work that would follow this Amendment.

What is the impact of the recently passed Yarra River Protection (Wilip-gin Birrarung Murrong) Act 2017 on the proposed crossing?

252. The *Yarra River Protection (Wilip-gin Birrarung Murrong) Act 2017* (YRP Act) strengthens the protection and management of the Yarra River through a number of key measures, including the development of the Yarra Strategic Plan.

253. TfV is one of many public agencies who will contribute to the development of the Yarra Strategic Plan which, amongst other things, will identify current and future proposed transport corridors that would be excluded from the proposed declared lands subject to the Act.
254. TfV will ask that the proposed river crossing in the Yarra Strategic Plan is excluded from the declared lands following the final approval of the draft Framework.
255. Other changes brought into P&E Act, which introduce obligations on the Minister to consider the Yarra Protection Principles outlined in the YRP Act (including: general, environment, social, recreational, cultural and management principles) in decision making, and not act inconsistently with the Yarra Strategic Plan, will only apply in circumstances where the lands are not excluded at the request of TfV and at a time when the Yarra Strategic Plan has been prepared and adopted.
256. Consequently, the Act has no tangible impact on the proposed crossing. Any likely impacts on the crossing are highly contingent on the proposed crossing land being excluded from Yarra River Land and the content of any future Yarra Strategic Plan.

Traffic and parking

Should developers be able to provide more parking for their development, especially before the public transport services have been provided?

257. The Amendment proposes to introduce a new schedule to the Parking Overlay in both the Melbourne and Port Phillip Planning Schemes specifying maximum car parking rates including:
- a. 0.5 spaces to each Dwelling; and
 - b. 1 space to each 100 square metres of gross floor area for Office or Retail Premises.
258. The Parking Overlay operates in conjunction with Clause 52.06. Under Clause 52.06-3, a permit is required to exceed a maximum car parking rate specified in a schedule to the Parking Overlay.
259. Clause 45.09-3 in the Parking Overlay provides that a schedule to the Overlay may specify that a permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
260. Clause 2 in the draft schedules to the Parking Overlay provides:
- A permit must not be granted to provide more than the maximum parking provisions specified in this schedule, unless alternative parking, as set out in Clause 6.0 of this schedule, forms part of a car parking plan approved in accordance with Clause 52.06-8.*
261. Clause 6 in the draft schedules specifies the following types of 'alternative' parking:
- *Car parking spaces allocated to car share parking provided at a rate of 1 one space per 60 car parking spaces or 1 one space per 90 dwellings, whichever is higher, unless the responsible authority is satisfied that a lesser number is sufficient.*
 - *Spaces allocated for motor-cycles at a minimum rate of one motor-cycle parking space for every 100 car parking spaces or 1 one per 50 dwellings, whichever is higher, unless the responsible authority is satisfied that a lesser number is sufficient.*
 - *Spaces are allocated for bicycles at the following rates, unless the responsible authority is satisfied that a lesser number is sufficient:*
 - *For residential development: – a minimum of 1 one bicycle parking space per dwelling and 1 one visitor bicycle space per 10 dwellings.*
 - *For non-residential development – : a minimum of 1 one bicycle parking space per 50 square metres of net non-residential floor area, and 1 one visitor bicycle space per 1,000 square metres of net non-residential floor area.*

262. Any application to exceed the maximum car parking requirement (and provide alternative parking) under Clause 52.06-3 will be assessed on its merits against all relevant decision guidelines in the planning scheme including those in Clause 4 of the draft schedule which requires consideration of:

- *Any effect on designated principal freight routes within or immediately adjacent to Fishermans Bend.*
- *Whether car parking is to be provided in a stand-alone building used for precinct car parking.*
- *Whether the provision of car parking negatively impacts the creation of a high quality, active public realm.*
- *The future adaptability of the car parking areas and ability to transition to future uses over time.*
- *Whether the proposal includes alternate parking requirements required under Clause 6 of this schedule.*
- *The suitability of the car parking plan as set out in Clause 6.0 of this schedule, which forms part of a car parking plan approved in accordance with Clause 52.06-8.*
- *Impacts the proposed car parking rates will have on creating sustainable transport patterns, which preference walking, cycling and public transport use.*

263. Although as presently drafted the Parking Overlay imposes a mandatory parking limitation arrangement, the combined operation of Clause 52.06-5 and the Parking Overlay Schedule means that a permit may be granted to exceed the maximum number of car parking.

What is the potential role for Parking Precinct Stations in delivering acceptable parking outcomes?

264. The Amendment does not specifically require or facilitate Parking Precinct Stations (PPS) but neither does it preclude them.

265. PPS are centralised parking that is provided in lieu of parking within nearby developments. The unbundling of parking from within individual developments compels developers to sell or lease spaces independently of residences or commercial sales.

266. Studies indicated that PPS are implemented in very few cities across the world, however where they are implemented that are part of pioneering developments and form part of a wider sustainability focus for the precinct – consistent with the objectives and goals established for Fishermans Bend.

267. There are a number of benefits of PPS including:

- a. Influencing travel demand: PPS can contribute to achieving a pattern of transport use and mode shares that help deliver the Vision for Fishermans Bend
- b. Improving urban design: PPS can ensure development frontages are not dominated by parking or access to parking and that streets become activated places which focus on the movement of people and place
- c. Create conditions for development efficiency: PPS can provide parking efficiency, especially for smaller sites that can have vehicle and car parking access compromised by frontage widths and depths.

268. An additional benefit of isolated, stand-alone parking structures is that as the need for car parking reduces through social change or the introduction of new technology such as autonomous vehicles, the structures can either be converted or demolished to create more economically efficient land uses. This is a process which has been experienced in the existing Melbourne CBD with a number of car parking structures demolished to make way for new residential and commercial development over the previous two decades.

269. The anticipated benefits in terms of reducing car use on different land uses are set out in Table 18 of the ITP.⁶⁶

⁶⁶ See ITP, page 47.

270. A number of different mechanisms were identified to assist with the implementation of PPS including:
- a. a market led approach (private sector driven through private funding);
 - b. creating incentives (public sector investment to create a public/private partnership environment); and
 - c. public sector funded (where the public sector invests in broader outcomes and invests directly in PPS).
271. Due to the high cost of land acquisition the latter option was perceived to be a poor use of public funds which would be better directed to delivering new and upgraded public transport options, active transport provision and community infrastructure/open space.
272. The key concerns relate to:
- a. market demand and anticipated acceptance by property purchasers;
 - b. ability to secure bank funding/financing to commence development; and
 - c. impact of the Congestion Levy as this would apply to car parking spaces not necessarily connected to residential uses.
273. Larger sites / land owners may consider the use of PPS as a useful way of protecting their developments from future technology and consumer behaviour and also as a way to create well designed buildings.

How are predicted trips distributed across the road network, and what allowance is made for motorists coming to work from within and outside Fishermans Bend?

274. The Victorian Integrated Transport Model (VITM) was used to evaluate the requirement for the recommended transport network for Fishermans Bend. That model estimates that during the AM peak by 2046/51, with tram connections in place (but no rail), the number of person trips by car would increase by 22,500 trips for trips entering over the two-hour period. The number of car person trips leaving the area would be 14,000.
275. By 2046 the internal road network in Fishermans Bend is assessed as adequate to receive and distribute the additional vehicle movements if required.
276. By 2046 the additional vehicle trips leaving Fishermans Bend would be distributed across the existing network, with the M1 Freeway able to cater for more than half of these journeys as these trips effectively represent counter peak movements. For example, there is capacity on the M1 for westbound trips over the West Gate Bridge, northbound over the Bolte Bridge and to a lesser extent eastbound to Kings Way and the tunnel. By 2046, traffic utilising the adjoining network across the City of Port Phillip would be required to be controlled and moderated.

What is the ability of the road network outside of Fishermans Bend to accommodate trips into and out of the area, given 160,000 residents/employees?

277. It is assessed that by 2046, without additional public transport connections to key destinations in the CoM and CoPP, the road network outside of Fishermans Bend would come under pressure.

Road network

Is the proposed road network clear, including the function of the road and whether it is a new road or not, for all road types:

Freight link

Freight routes

- ***Arterial roads***
- ***Collector Roads***
- ***Tram link***

- **Civic Boulevard**
- **Local streets**
- **Green links**
- **Bicycle network?**

278. The proposed road network is clear and includes the function of the road and whether it is a new road or not, for all road types.

Which new roads are critical (for example Plummer Street – Fennell Street connection) and which are not? What is the order of priority for delivery?

279. Priority and timing for the development of the transport network will be informed by the detailed precinct structure planning and the level of land use change and development.

280. The recommended road network represents the optimal design but will be required to be informed by the land use changes over time. The speed and mix of land use change will also inform likely timing of the development of the road network.

Where a collector road or critical link is delivered by a new road, how will it be delivered in a timely fashion? Is the proposed approach sustainable?

281. Detailed precinct planning and the extent and pace of land use development and change will inform the delivery and timing of the road network across Fishermans Bend.

282. This process will inform advice to government, as detailed decisions about the implementation and timing of infrastructure delivery are made in line with the normal government policy and budget processes.

Open space

Is the size and location of each open space appropriate? What flexibility should there be in their size and location?

283. The open space network shown in the draft Framework,⁶⁷ was informed by a number of key principles, opportunities and constraints⁶⁸, of the Fishermans Bend Public Space Strategy to inform the sizes and locations. This network builds on previous plans developed by Places Victoria and the Victorian Planning Authority, represented in the *Fishermans Bend Strategic Framework Plan July, 2014* (Amended September 2016). Constraints considered include that 90 percent of the land in Fishermans Bend is under private ownership and land values are high within the Capital City Zoned precincts, particularly in Lorimer and Montague. In the circumstances, Crown land and the wide road reserves of the area were identified as opportunities to provide the foundation and connections of the network. This complemented the existing open spaces of JL Murphy, North Port Oval and Westgate Park within the study area and beyond. The target of a 200 metre walkable catchment for all residents and workers, guided the site selection to ensure that open space will be accessible in this high-density environment. Further testing of each location and the proposed building heights and FARs considered the adequacy of solar access to the proposed spaces.

284. The flexibility of the size and location of open spaces can be assessed on a case by case basis to ensure that the outcome is of benefit to the network and, to ensure that the targets are met for 9 square metres of open space per resident and worker, a 200 metre walkable catchment, provision of connections between key open spaces and adequate solar access.

Where the open space covers the whole site, should a PAO be applied?

285. The State Government will review this once the draft Framework is finalised and adopted. It may acquire land in several ways including direct acquisition (private treaty or compulsory) or by introducing a public acquisition overlay noting that it intends to acquire in the future. A decision on the method will

⁶⁷ See page 57.

⁶⁸ See draft Framework, page 26

be made on a case by case basis. The needs of the vendor may often be a factor in the method and timing of land acquisition. The timing for acquisition forms part of the Funding and Finance Plan, which is still under preparation.

How are costs of acquisition and development apportioned between landowners/developers?

286. There is no plan to change the way land is acquired and developed in Fishermans Bend. It remains a matter to be agreed between the vendor (landowner) and the developer (buyer). Typically, land is sold to a developer by the landowner. The cost of development (including the land acquisition cost) is borne by the developer. Although other types of acquisition are possible including equity arrangements, they are not typical.

How will development of the open space (including potential remediation) be funded?

287. The funding and delivery of open space, including potential remediation, in Fishermans Bend is currently being considered as part of the overall Funding and Finance Plan. Numerous funding sources are being considered, and include but are not limited to:

- a. Open space contributions collected through the MPS and PPS (Clause 52.01), currently;
- b. Development contributions collected under an approved Development Contributions Plan (DCP);
- c. Development contributions collected under section 173 Agreements prior to the introduction of a DCP; and
- d. Other agreements with landowners (e.g. shared access arrangements with schools which substitute for additional open space acquisition and improvement costs).

288. Refer also to the Section 5: Future Strategic Work.

Flooding and drainage

How will flooding and drainage associated with sea level rise and extreme rainfall events be resolved? Why was a flooding impact assessment not considered necessary to inform the Amendment? Were flooding controls (SBO, LSIO) considered?

How will flooding and drainage associated with sea level rise and extreme rainfall events be resolved?

289. Flooding is identified in the draft Framework as one of the environmental challenges for the area.⁶⁹ Sustainability goal 5 Objective 5.1 in the draft Framework commits to:

Design of urban form to accommodate sea level rise and storm events.

290. Melbourne Water is leading the development of a flood and drainage strategy for Fishermans Bend which will consider climate change sea level rise and extreme rainfall events in accordance with its *Planning for Sea Level Rise Guidelines, February 2017*,⁷⁰ This assumes a storm surge level of 2.4 metre AHD by 2100 and requires residential development floor levels to have 600mm freeboard, therefore floor levels at 3.0 metre AHD. Commercial lobbies and retail do not require free board so floor levels can be at 2.4 metre AHD. These floor level requirements will result in some floor levels in low-lying areas of Fishermans Bend floor 1m to 2m above street level.

291. The flooding in Fishermans Bend is primarily from two sources;

- a. from local rainfall exceeding the capacity of the stormwater network, and;
- b. high river water levels (from storm surge, sea level rise and/or and flooding from the Yarra).

292. The Melbourne Water strategy, *Fishermans Bend – Baseline Drainage Plan Options, 2017* describes the preferred strategy to build levees into the urban form to stop external flooding and use pumps and WSUD storage to manage extreme storms falling on the catchment.

⁶⁹ See draft Framework, on page 16

⁷⁰ See <https://www.melbournewater.com.au/sites/default/files/Planning-for-sea-levels.pdf>

293. The Local Planning Policies for sea level rise and water recycling and management requires that:

- i. *Rainwater is captured from 100% of suitable roof harvesting areas and retained in a rainwater tank with a capacity of 0.5 cubic metres for every 10 square metres of catchment area.*⁷¹

294. These rainwater tanks also provide storm detention to reduce peak stormflows and mitigate flooding from the proposed redevelopment.

Why was a flooding impact assessment not considered necessary to inform the Amendment?

295. Amendment C111 to the PPPS was approved on 5 May 2016 which introduced significant SBOs to Fishermans Bend. This followed several approved permit applications within the area.

296. As part of Melbourne Water's *Fishermans Bend Baseline Drainage Plan Options*⁷² a flooding impact assessment was considered to inform the Amendment, however these assessments may be updated once the flood strategy has been finalised by Melbourne Water.

Were flooding controls (SBO, LSIO) considered?

297. In the PPPS there is a distinction between the SBO, where the schedules relate to:

- a. SBO1 covers the Melbourne Water drainage system and nominates Melbourne Water as the Determining Referral Authority. All applications for development in this overlay are referred to Melbourne Water to assess and provide the appropriate permit conditions and floor levels.
- b. SBO2 covers the local drainage system and Council is the responsible authority for drainage. Council assesses all applications for development in this overlay and provides appropriate permit conditions and floor levels.

298. Melbourne Water is the referral authority for any application for buildings and works within a Land Subject to Inundation Overlay (LSIO) or a Special Building Overlay (SBO) within the MPS and PPPS.

299. Both overlays were considered as part of Melbourne Water's *Fishermans Bend Baseline Drainage Plan Options*,⁷³ however these assessments may be updated once the flood strategy has been finalised by Melbourne Water.

⁷¹ See clause 22.27 'Fishermans Bend Urban Renewal Area', of MPS and clause 22.15 'Fishermans Bend Urban Renewal Area', of PPPS

⁷² Prepared by GHD, 2017.

⁷³ Ibid.

Appendix A: Chronology of background to Amendment

Prior to establishing the Taskforce

2012

1. Fishermans Bend is declared an area of State significance under section 201(f) the P&E Act. The declared area does not include the Employment precinct.
2. Amendments C170 and C102 to the MPS and PPS (respectively) are gazetted and the Fishermans Bend Urban Renewal Area is rezoned from Industrial and Business Zones to the Capital City Zone to facilitate the transition of the area from a primarily industrial precinct to a genuine mixed use precinct with a residential and commercial focus. The Minister is also made the responsible authority for the area.

2013

3. *Fishermans Bend Urban Renewal Area Draft Vision (2013)* is released for public consultation by Places Victoria (now Development Victoria). The Draft Vision is developed on consultation with the CoM and CoPP and outlines the overarching strategic directions and key changes required to transform this existing industrial area into a thriving inner-city environment.

2014

4. The former Minister for Planning transfers responsibility for Fishermans Bend to the former Metropolitan Planning Authority (now Victorian Planning Authority). Amongst other things, the MPA was responsible for strategic planning work and governance.
5. The *Fishermans Bend Strategic Framework Plan (July 2014)* is introduced via Amendment GC7 to the MPS and PPPS. This Plan provides built form guidance in the form of a range of discretionary height limits and non-mandatory design guidelines. It also identifies transport priorities for the area.

2015

6. The Victorian Government commits to recasting the Vision 2013 and Framework Plan (2014).
7. In April 2015, the Minister for Planning, under section 20(4) of the P&E Act, approves Amendment GC29 to the MPS and PPPS which introduces interim planning controls and updates the Fishermans Bend Strategic Framework Plan, July 2014. The updated Framework removes references to a train station in the Montague Precinct, the associated Rail Investigation Area and preferred heights. The interim planning controls include the introduction of mandatory maximum building heights in the Capital City Zone applying to the Fishermans Bend Urban Renewal Area.
8. In June 2015, the Minister appoints a Ministerial Advisory Committee (**MAC**) to review the strategic work. The MAC produces their first report in October 2015.

After establishing the Taskforce

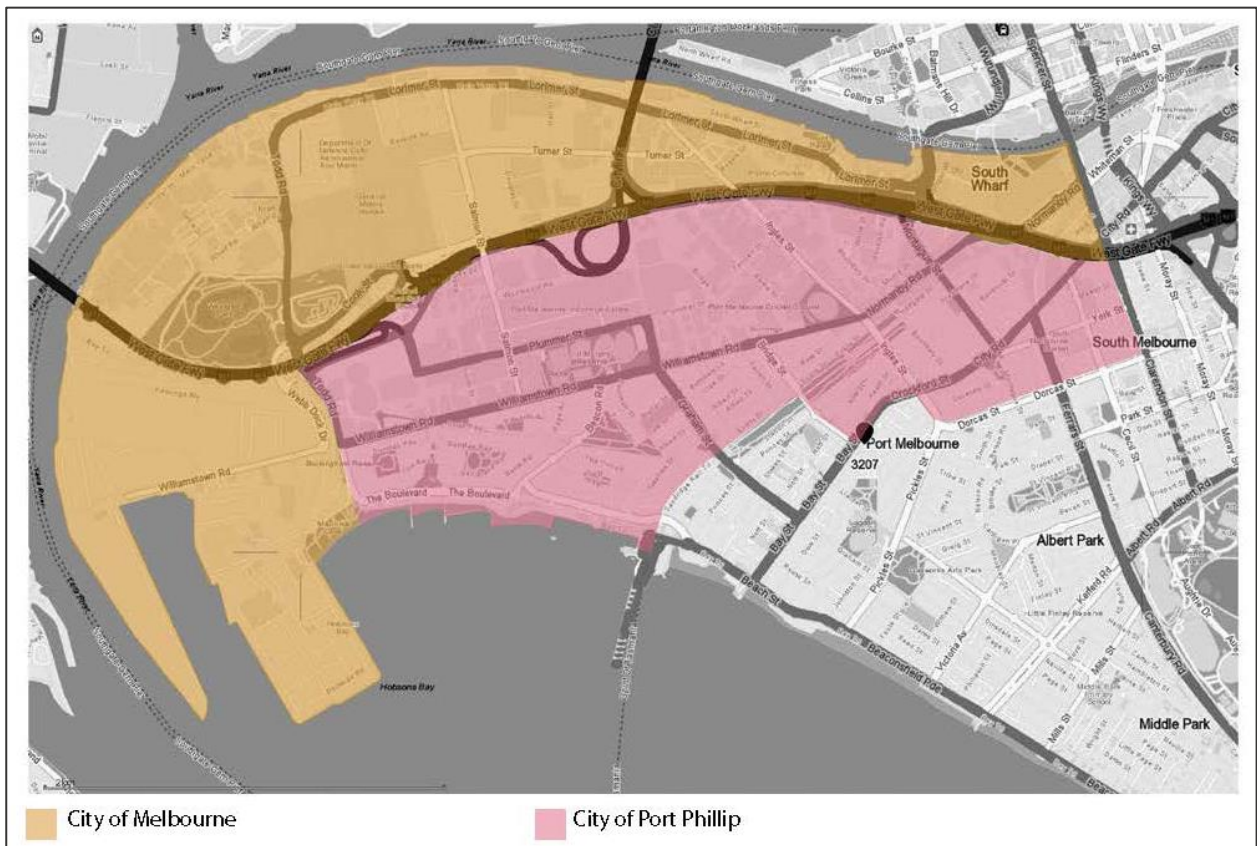
2016

9. In January 2016, the Minister establishes the Taskforce to progress strategic work for the area.
10. The *Fishermans Bend Vision (September 2016)* is released by the Taskforce following review and consultation in May/June 2016.
11. In November 2016, Amendment GC50 to the MPS and PPPS is gazetted, to introduce interim built form controls (until 31 March 2018) for Fishermans Bend.
12. In November 2016, the Taskforce undertakes public consultation to inform and test principles and objectives being developed for a new framework.

13. In November 2016, a revised set of interim design guidelines is introduced, focussed on improving building and street amenity and improving the delivery of affordable and diverse housing. They include mandatory street wall heights, tower setbacks and separation distances.

2017

14. In October 2017, the draft Framework is released for consultation and the Minister appoints the Fishermans Bend Planning Review Panel.
15. In November 2017, the draft Amendment documentation is released.
16. Consultation on the draft Amendment in summary involves:
 - h. A launch and a series of email and newsletter communications.
 - i. Advertisements in the Age, Herald Sun and a range of other newspapers between 28 October and 1 November concerning the new ordinance and submissions process.
 - j. A mail out of 14,505 letters to land owners and occupiers identifying both the submissions process and the hearing process. The areas of notification are shown in Map 3 below.
 - k. A series of information sessions or briefings (in addition to the public briefing sessions undertaken with Planning Panels Victoria) and other community and development industry events over the exhibition period. These engagement activities are detailed under the heading 'Fishermans Bend engagement program' below Map 3.
2. On 15 December 2017, submissions on the draft Amendment close. However, late submissions have been accepted.



Map 3: Area of notification

Fishermans Bend engagement program

An extensive and ongoing program of engagement has been underway since the recast of planning for Fishermans Bend was announced. Through the consultation programs to develop the Vision and draft Framework, a total of 2,420 people have participated (including submissions received) and there have been 23,524 visitors to the website.

As part of the engagement on the Fishermans Bend draft Framework and planning controls, there were 27 face-to-face events held at locations across Fishermans Bend and neighbouring areas. Over 1200 participants attended the events and 251 submissions were received by the Planning Review Panel. Outlined below is the range of events held including drop-in information sessions, presentations and Q&As, pop-up hubs, submission writing workshops, presentations at community forums and industry hosted events, development industry briefings and business sector briefings. In addition, the Taskforce conducted two public briefings during the consultation period for the Fishermans Bend Planning Review Panel. These were held on Friday 10 November and Friday the 24 November 2017.

Date	Event	Number of attendees
Saturday 21 October	Public release of the draft Fishermans Bend Framework shortly followed by the planning controls	
Wednesday 25 October	12.30 – 2.00pm - Property Council Victoria business lunch with presentation and panel discussion	300
	6.00 – 8.00pm - Docklands Community Forum run by the City of Melbourne at Library at the Dock, Docklands	30
Tuesday 31 October	6.30 – 7.30pm - Transport for Victoria briefing of Yarra's Edge boat berth leasees including presentation and Q&A session at Docklands	13
Thursday 2 November	4.00 - 6.00pm - Community drop-in session at North Port Oval, Port Melbourne	30
	6.00 – 8.00pm - City of Port Phillip Fishermans Bend Community Forum at North Port Oval, Port Melbourne	
Friday 3 November	8.00am - Pop-up event at South Melbourne market with display and Taskforce staff	81
Wednesday 8 November	10.30 – 2.30pm - Pop-up event at University of Melbourne Farmers Market with display and Taskforce staff	31
	6.30 – 8.00pm - Briefing for Yarra's Edge residents including presentation and Q&A session at Library at the Dock, Docklands	115
Wednesday 15 November	10.00am – 12.30pm - UDIA hosted half day urban renewal conference focused on Fishermans Bend including presentation and discussion	140
Sunday 19 November	11.00am – 1.00pm - Community drop-in session at North Port Oval, Port Melbourne	30
	1.30 – 3.00pm - Community presentation and Q&A session at North Port Oval, Port Melbourne	35
Tuesday 21 November	6.00 – 8.00pm - Business briefing for businesses in Fishermans Bend with presentation & Q&A held at the Bega Headquarters, Port Melbourne	10
Wednesday 22 November	9.00 – 11.00am - Development industry session with presentation and Q&A held at North Port Oval, Port Melbourne	39

	11.00am – 1.00pm - Community drop-in session at North Port Oval, Port Melbourne 4.00 – 6.00pm - Community drop-in session at North Port Oval, Port Melbourne 6.00 – 9.00pm - Facilitated workshop at North Port Oval, Port Melbourne	13 31
Thursday 23 November	7:30am - ARUP event hosting a Fishermans Bend breakfast with presentation and panel discussion 4.30 – 6.30pm - Community drop-in session at South Melbourne Town Hall Community Hub 6.30 – 8.00pm - Presentation and Q&A held at South Melbourne Town Hall Community Hub	109 12 9
Sunday 26 November	9.00am – 4.00pm - Port Melbourne Primary School fete community display with Taskforce staff	100
Tuesday 28 November	7.00 – 8.30am - Business briefing breakfast for businesses in Fishermans Bend with presentation & Q&A held at the Bega Headquarters, Port Melbourne 9.00 – 11.30am - Development industry session with presentation and Q&A held at Fishermans Bend Taskforce office	11 26
Wednesday 29 November	4.00 – 6.00pm - Community drop-in session at Life Saving Victoria, Port Melbourne 6.00 – 9.00pm - Facilitated workshop at Life Saving Victoria, Port Melbourne	10 19
Tuesday 5 December	8.00am - Property Council breakfast with presentation and panel discussion	72

Appendix B: List of background reports

Public documents informing the draft Framework

1. Fishermans Bend Integrated Transport Plan 2017

Prepared by: TfV

The growth in Fishermans Bend generates a significant new transport movement demand associated with new residents and employment opportunities. To be successful, Fishermans Bend must develop an integrated transport and land use plan.

The Integrated Transport Plan provides clear recommendations and actions in a single plan, which have informed the draft Framework.

2. Fishermans Bend Aboriginal Cultural Values Interpretation Strategy 2017

Prepared by: Extent

The strategy provides specific direction about the interpretation of Aboriginal cultural values for Fishermans Bend. The purpose of the Strategy is to ensure that the traditional, historic and contemporary cultural values and meanings held by Aboriginal people associated with Fishermans Bend are integrated into the redevelopment of the area in a meaningful, culturally appropriate and practical way.

3. Fishermans Bend Population and Demographics 2017

Prepared by: The Taskforce in association with DELWP

The Population and Demographics Report provides a preliminary view of the population and jobs breakdown to precinct level. Indicative age profiles for each precinct are derived from the examples of nearby suburbs. The household structures for the precincts represent the aspirations for change from these norms. For example, Wirraway Precinct is anticipated to house a greater proportion of families than those found in the established inner-city.

4. Urban Design Strategy 2017

Prepared by: Hodyl + Co

This report considers appropriate development controls for Fishermans Bend that will realise the Vision. These must be tailored to the specific challenges and opportunities in Fishermans Bend. The Strategy is focused on:

- creating distinct and liveable neighbourhoods
- aligning population growth with the provision of infrastructure
- delivering a diversity of housing, including family-friendly housing
- maximising commercial development and job growth.

5. Fishermans Bend Public Space Strategy 2017

Prepared by: Planisphere

The Public Space Strategy is an evidence-based document to ensure best practice public space outcomes for Fishermans Bend. The document incorporates open space, streetscapes and encumbered spaces, such as under bridges and along easements. The strategy informs the development of this draft Framework through the following:

- Identification of principles, objectives and strategies for public space with consideration of land use planning and built form, Fishermans Bend Community Infrastructure Plan and Integrated Transport Plan.
- Providing recommendations for the quality, quantity, location and type of public spaces in Fishermans Bend.
- Identifying long-term implementation, funding, and delivery of open spaces and public realm.

6. **Fishermans Bend Buffer Assessment 2016**

Prepared by: GHD

This study effectively updates the previous due diligence Fishermans Bend Buffer Assessment prepared by GHD in June 2013, by including the Employment Precinct and updating relevant information across all precincts.

This assessment provides a detailed understanding of existing environmental constraints and their potential impact on the future land use mix of the area as well as outlining the range of mitigation strategies (Mitigation Toolbox) available to assist in the development of Fishermans Bend.

7. **Fishermans Bend Economic and Employment Study 2016**

Prepared by: SGS Economics and Planning

This study updates the previous due diligence Fishermans Bend Economic and Employment Study (SGS 2013) by including the Employment Precinct and refreshing key data across all precincts.

The study provides an assessment of the district's current economic function and the related employment profile outlines the relevant economic context, trends and issues. It articulates the internal and external forces impacting the precinct and compares three realistic development scenarios that could be enabled, and details a high-level economic narrative for the precinct's future.

8. **Fishermans Bend Heritage Study 2016**

Prepared by: Biosis

This study is an essential step in establishing relevant and significant historical information, which is considered a multifaceted asset of the area. This documentation of cultural heritage values, issues and associated sites informs the development of this draft Framework and the subsequent localised precinct plans as well as more technical documents such as built form and design guidelines.

In addition to the thematic history, the study compiles a brief tabulated and illustrated list of historic places, including both places currently identified on heritage registers and overlays, as well as other places considered to have heritage potential, or which help to understand the character and historic themes of the study area.

9. **Fishermans Bend SMART City Framework 2016**

Prepared by: WSP Parsons Brinckerhoff

The purpose of this work was to develop and articulate a conceptual smart city governance structure for Fishermans Bend.

The aim was to provide a potential governance framework which if adopted, would form the basis for ensuring Fishermans Bend is regarded as an internationally recognised smart city.

10. **Fishermans Bend Baseline Utility Assessment 2016**

Prepared by: GHD

The purpose of this work was to review and update the existing Fishermans Bend utilities infrastructure reports (2012–15) and to include the Employment Precinct. The objectives of this piece of work are:

- further refining the Taskforce's thinking around the provision of utility infrastructure

- assisting in the preparation of the draft Framework
- assisting in framing a future Development Contributions Plan, inclusive of future public acquisition requirements for Fishermans Bend.

11. Life on the Bend: Fishermans Bend Social History Study 2017

Prepared by: Context

Life on the Bend is a concise and illustrated outline of the local intangible history and complements the Heritage Study (Biosis 2016) which focuses on the more tangible aspects. In a series of thematic chapters the study provides a significant insight into the evolution of the area's civil society, its social fabric, dynamic and values. The study sketches the development of local communities and its key attributes with selected personal stories punctuating the general narrative.

The study is accompanied by the Social History Resource Guide which lists its key reference materials including publications, archival materials and images, and the main libraries and repositories where this material can be found. It is designed to be a readily available repository that assists urban professionals and members of the public alike in further researching the many stories of Fishermans Bend.

The study and guide are expected to inform the development of a place-making strategy as well as specific interpretive initiatives.

12. Fishermans Bend Baseline Groundwater Quality Assessment, 2016

Prepared by: AECOM Australia

The groundwater quality assessment project allows Environment Protection Authority Victoria and planning agencies to advise developers on aspects of groundwater clean-up that will require their attention. This study includes the Lorimer, Wirraway, Sandridge and Montague precincts and is currently being expanded to consider the Employment Precinct.

The work determines the precinct-wide baseline groundwater quality, understands the potential risk of groundwater contamination to surface water receptors and provides recommendations on potential risk mitigation and management.

13. Fishermans Bend Social History Resources: A Guide by Context, 2017

Prepared by: Context

This Guide explores the social history of Fishermans Bend. It contains a range of useful historical resources, including original documents, photographs and images, local and industrial histories.

14. Fishermans Bend Preliminary Land Contamination Study Employment Precinct 2016

Prepared by: Golder Associates

This study is a high level review of the potential land contamination issues associated with past and present land uses in the Employment Precinct of Fishermans Bend. Potential land contamination is a recognised key factor in influencing the options and rate of urban renewal.

15. Fishermans Bend Community Infrastructure Plan 2017

Prepared by: The Taskforce

The Fishermans Bend Community Infrastructure Plan takes a strategic, spatial and long term in approach. The plan aims to develop an evidence-based report to assist the Fishermans Bend planning process in the following aspects:

- Strategic directions: The plan develops objectives and strategies to inform this draft Framework along with other strategies such as Integrated Transport Plan and Public Space Strategy.
- Planning: The plan develops a list of potential community infrastructure requirements for Fishermans Bend in the next 35 years. This infrastructure list informs the Fishermans Bend Funding Strategy and potential delivery models.

- iii. Delivery: Based on the outcomes of planning process and the identification of required facilities, the potential delivery model scenarios are developed.

16. Base Line Drainage Plan Options 2017

Prepared by: GHD

The Fishermans Bend interim guidelines require in-building storage of rainwater. The report shows the impact of tanks in reducing the existing levels of flooding. It is based on analysis of four different service levels. It identifies additional precinct infrastructure required to achieve an acceptable service level and flood mitigation.

17. Fishermans Bend Sustainability Strategy 2017

Prepared by: The Taskforce

Sustainability permeates the planning for Fishermans Bend. The aspiration to be a Green Star – Community is a unique feature of this process. The Fishermans Bend Sustainability Strategy outlines the objectives, targets and actions for the eight sustainability goals.

It details how Fishermans Bend will achieve Green Star – Communities certification. The sustainability strategy is an important precursor to the Sustainability Plan, which will bring together detailed plans to achieve the sustainability goals. The Sustainability Plan is under development for delivery by the end of 2017.

18. Fishermans Bend Waste and Resource Recovery Strategy 2017

Prepared by: Metropolitan Waste and Resource Recovery Group

The Fishermans Bend Waste and Resource Recovery Strategy outlines waste and recycling objectives, targets and actions to increase recycling and reduce waste to landfill in Fishermans Bend. This strategy forms an important part of the Fishermans Bend Sustainability Plan.

Non-public documents prepared by or on behalf of the Taskforce available on request

In addition to the above public documents, a number of other documents have been commissioned and considered by the Taskforce in preparing the draft Framework but have not been publicly released. The following documents fall into this category and are available on request:

a. Governance and the Smart City, December 2016

Prepared by: EOT

This document is yet to be considered by the Victorian Government and consequently, should not be taken to represent the views of the Victorian State Government. The report has been commissioned to inform the next phase of planning for Fishermans Bend and will be considered at that time.

b. Fishermans Bend Public Space Strategy – Stage 3 Final Gap Analysis, June 2017

Prepared by: Planisphere

This document is yet to be considered by the Victorian Government and consequently, should not be taken to represent the views of the Victorian State Government. The report has been commissioned to inform the next phase of planning for Fishermans Bend and will be considered at that time.

Non-public documents prepared by or on behalf of the Taskforce

In addition to the above non-public documents, the following document prepared by or on behalf of the Taskforce informed the preparation of the draft Framework but will not be made public:

a. Fishermans Bend Urban Renewal Area Aboriginal Cultural Values Assessment

Prepared by: Extent Heritage Pty Ltd, 6 September 2016.

This is not publicly available out of respect for Aboriginal Elders consulted in preparing the Assessment who requested the Assessment not be published because it contains culturally sensitive information.

Historical documents - previously released Background Reports

The following background reports preceded the release of the draft Vision for Fishermans Bend 2013 and do not necessarily reflect the views of the Victorian Government. The reports are detailed as follows:

a. Community Engagement Report, December 2013

Prepared by: Places Victoria

The report reviews the community engagement for the Fishermans Bend Urban Renewal Area undertaken by Places Victoria in 2013, and details the responses. This report was used extensively in the development of the Fishermans Bend Strategic Framework.

b. Community Infrastructure Plan, July 2013

Prepared by: SJB Urban

The Community Infrastructure Plan addresses the opportunities and challenges of delivering community infrastructure and open space in an urban infill setting by recommending a new approach that departs from a traditional 'Growths Areas' model of provision.

c. Arterial Road Connection Feasibility Study, June 2013

Prepared by: Parsons Brinckerhoff

Undertaken by Parsons Brinckerhoff to identify feasibility options for providing an arterial connection between Graham St and the Prohasky Street/West Gate Freeway ramps intersection within the Wirraway Precinct of the Fishermans Bend Urban Renewal Area. The study finds that options involving deep excavation are likely to encounter contaminated land, acid sulphate soils and groundwater which would significantly impact the construction cost of these options. Parsons Brinckerhoff recommended a combination of options to be chosen as the preferred arterial road route and developed further at a feasibility design stage.

This report helped inform the street network set out in the Strategic Framework Plan, and provides the background for work with the EPA and councils in determining how new roads area to be safely constructed in the context of contaminated soil and groundwater.

d. Light Rail Options Assessment, May 2013

Prepared by: Aurecon

Aurecon's feasibility study into the extension of Melbourne CBD tram services into Fishermans Bend identifies a number of alignment options, which include operating costs, number of stops, route length and journey time. Five options are identified, four of which include the construction of a link over the Yarra from the CBD, and one which extends on the existing 109 light rail line.

This study, alongside significant planning work with the former Department of Transport, Planning and Local Infrastructure, provided the basis from which the current preferred tram route option shown in the Strategic Framework Plan was selected.

e. Traffic Survey, July 2013

Prepared by: GHD

GHD investigates existing traffic demand in Fishermans Bend, and examines the volume of traffic which currently exists during a 7am-7pm cycle. The study finds that the vast majority of vehicles are cars, with Montague Street recording the highest volume of traffic in both directions while Cecil Street recorded the lowest one-way traffic volume of any site. Most heavy vehicles were noted to be

travel westbound on Williamstown Road. The data suggested that Plummer Street acts as an alternative truck route and assists in reducing the volume of east-west truck movements along Williamstown Road. The majority of trips within Fishermans Bend are 'through trips' with a small proportion of local trips.

Plummer Street has been identified as the Civic Boulevard in the Strategic Framework Plan, working with VicRoads and the former Department of Transport, Planning and Local Infrastructure. This strategy will limit its use as a freight route, and distributing heavy vehicle traffic away from the future high-density residential area in line with strategy outlined in Victoria: the Freight State and the Port Capacity Project.

f. Walking and Cycling Report, July 2013

Prepared by: GTA Consultants

A commissioned study into route options for a Principle Bicycle Network (PBN), and concept designs for five key corridors and two intersections for the Fishermans Bend Urban Renewal Area. Included in the report are the identification of corridor options, selection of preferred cycling treatments, selection of preferred pedestrian and cycling treatments for two key intersections and development of concept designs for the preferred facility treatments. The key intersections identified are Wurundjeri Way/Lorimer St/Montague St/West Gate Freeway and the Clarendon St/Normanby Rd/Whiteman St intersection, with respective treatments identified by GTA. The corridors identified are Lorimer St, Waterfrontage Corridor, Docklands/Domain Connection, South Melbourne Market Precinct and Bay Street Precinct.

g. Heritage Study, June 2013

Prepared by: Biosis

Biosis Pty Ltd examines the Historic Cultural Heritage context of the Fishermans Bend Urban Renewal Area. The study identifies a number of sites of heritage significance, both on the existing heritage registers and others considered to be of heritage value. Fishermans Bend is predominantly a mix of nineteenth and early twentieth century low scale residential, commercial and industrial developments but has some sites of potential 'Aboriginal Archaeology' significance from its historical role as an Aboriginal settlement. The study outlines a number of recommendations which deal predominantly with respecting the Historic Cultural Heritage setting in designing adjacent buildings, and also lists 12 sites for further investigation with a view of potentially adding them to the heritage register or protecting their with planning controls.

h. Historical Account, June 2013

Prepared by: Biosis

The historical account produced by Biosis Pty Ltd for Places Victoria outlines a general historical record of the Fishermans Bend Urban Renewal Area, and provides a basis for the heritage study undertaken at the same time. The study outlines a comprehensive historical record from original Aboriginal settlement 40,000 years ago through to colonial settlement and up to the rezoning of the land by the former Minister for Planning in 2012.

This study has provided the Historic Cultural Heritage background that will further inform local precinct planning.

i. Buffer Study, June 2013

Prepared by: GHD

GHD identifies and reports on the existing relevant known default amenity buffers and barriers internal to the Fishermans Bend Urban Renewal Area and within the surrounding area. The study focuses on identifying risks to future development of the area as well as the impact of the introduction of sensitive uses on existing industrial uses and what negative amenity effects the existing uses may have on future sensitive uses. It also identifies a number of potential mitigation measures and identified potential future planning scheme measures that may be needed to mitigate

these effects. As part of the report GHD makes a number of key recommendations which include contacting key industries and the Environmental Protection Authority to understand the limitations of development better, as well as recommending that in depth odour/dust and noise/vibration studies be undertaken prior to development staging.

j. Affordable Housing Options Paper, June 2013

Prepared by: Judith Stubbs & Associates

Judith Stubbs & Associates' Affordable Housing Paper provides a background on the potential and need for affordable housing in the Fishermans Bend Urban Renewal Area and details a number of options for its delivery. The paper aims to provide legally accurate, economically feasible, politically acceptable and sustainable options for the delivery of affordable housing as well as to provide a strong evidence base for the future development of an Affordable Housing Strategy. The paper promotes inclusion of public housing in order to increased mixed demographics and vibrancy in the area. Four options are suggested, which identify different percentages of target groups. The options include planning interventions and subsidies as well as an option for 'business as usual' which sees housing delivered by the market with no intervention to create affordable housing.

This paper informs the current research into floor spaces ratios and associated development bonuses. It also ties in with the government's aspiration for the introduction of inclusionary zoning on government-owned land in Fishermans Bend.

k. Economics and Employment Study, November 2012

Prepared by: SGS Economics and Planning

The SGS Economic & Planning study of the economic and employment context of the Fishermans Bend Urban Renewal Area identifies the significance of the local economic and labour force and level of importance it has in relation to Melbourne CBD. The report profiles the economy of the area and the existing land use in order to better understand the implications of development in the area. SGS utilises a variety of self-generated data as well as publicly available council and census data including ABS and CLUE database utilization. The findings conclude that Fishermans Bend represents a significant manufacturing/logistics hub in the Melbourne statistical division and is home to businesses of state significance while employing a large number of people. The report notes that employment in manufacturing and transport has declined in the past decade and site contamination and drainage hinders further industrial development. SGS also makes a number of recommendations including suggested development opportunities for each precinct.

Findings of this study has been utilised in identifying prospects for retention and growth of important existing industry, in the recognising those industries appropriate to assist in transitioning from the area, and in determining the significance of opportunity in extending the Melbourne CBD over the Yarra River to the Port Phillip Bay.

l. Transport Issues and Opportunities Study, December 2012

Prepared by: AECOM Australia

AECOM Australia's study into the transport context of the Fishermans Bend Urban Renewal Area is informed by four future development scenarios across the short, medium and long term time scales. AECOM found that the existing transport network currently falls short in providing good levels of access by walking, cycling and public transport for long and short trips associated with central city type urban environments. A number of recommendations are made which include implementing a Travel Demand Management Strategy, investigating traffic conditions to determine current use, develop a fine grain pedestrian network and end trip facilities for cyclists, as well as major pieces of tram and train infrastructure in the long term. Integration with other major activity centres and nodal points across the city is identified as critical.

This information informed the MPA's approach to sustainable modes of transport in Fishermans Bend, embedded in the Key Elements and Design Guidance in the Strategic Framework Plan.

m. Preliminary Land Contamination Survey, June 2012

Prepared by: Golder Associates

Golder Associates' report assesses potential contamination issues within the Fishermans Bend Urban Renewal Area and provides an assessment of risks and costs associated with these issues as well as mitigation strategies. The findings suggest that widespread land filling of the previously swampy terrain with waste soils and industrial material occurred in the late 19th century and early 20th century. Most of the precinct land parcels were categorised as medium risk which indicates moderate contamination, with a lesser extent of land assigned low or high risk rankings. Some of the high risk sites will require soil remediation and possible groundwater remediation. There are two identified former landfill sites adjacent to Todd Road and within the Plummer St Precinct. The report indicates a number of recommendations based on the severity of contamination and provides benchmark estimates on costs of remediation which vary from <\$1m/ha for low risk to >\$6m/ha³ for high risk.

This study provided the impetus for the EPA study commissioned by MPA which further explores groundwater and soil contamination, and options for remediation.

n. High Level Geotechnical Input – Fishermans Bend Development, June 2012

Prepared by: Golder Associates

Golder Associates prepared a high level geotechnical report for the development of the Strategic Framework Plan. The report provides an assessment of the geotechnical issues and constraints which will be associated with developing the four precincts of Plummer, Fennel, Montague and Lorimer. The report includes a series of preliminary geotechnical overlays, contour maps, colour coded maps indicating different foundation solutions, and an indicative foundation cost per square metre of floor area that may apply to a range of heights. A number of key constraints have been identified including the strength, quality and thickness of soil, weak surface soil, depth to suitable strata for foundations, and potential for gas build up within the Coode Island Silt. Golder Associates suggest a range of foundation solutions including shallow spread footings, piled foundations for all non-settlement structures, shallow basements for parking or avoiding basement parking, limiting fill placement to less than 0.5m in depth, and recognising the need for height across the precincts to justify build costs.

This report has been important in providing the technical underpinning of recommended heights across the urban renewal area outlined in the Strategic Framework Plan.

o. Preliminary Community Infrastructure Needs Assessment, December 2012

Prepared by: ASR Research

This report assesses the need for community infrastructure in Fishermans Bend, and identifies potential impacts and response requirements of future development under the projected population growth. The report includes a list of community infrastructure requirements over the next 20 years based on four different urban growth scenarios, identifies the timing and staging of these requirements, indicative costing, principles for the provision of community infrastructure and recommendations on the next steps of analysis and deployment. The report includes the projected use of infrastructure such as schools, sporting facilities, and child care and youth services. ASR Research includes a comprehensive list of the required infrastructure and projected uses under these four growth models.

This report has been useful in the work for developing a development contributions plan, and floor space ratio controls, as well as in negotiating infrastructure provision by planning permit applications.

p. Real Estate Market Assessment, December 2012)

Prepared by: Macroplan Dimasi

This assessment investigates the feasibility of development in the Fishermans Bend Urban Renewal Area. As part of the study the theoretical development capacity across the four precincts is analysed and the strengths and weaknesses of the area from a real estate development standpoints identified. MacroPlan Dimasi notes that the area presents great potential for revitalized waterfront and high-

tech precinct development and presents itself as a prime destination for well appointed commercial, retail and residential development. Four 'priority projects' are suggested which include major retail activity nodes, major commercial developments, major residential developments and a light rail extension into the Sandridge Precinct.

The assessment has helped informed precinct planning and the role of the Urban Renewal Area in the central city context.

q. Existing Land Budget, February 2013)

Prepared by: GHD/Places Victoria

The Existing Land Budget tabulates land use in great detail in a precinct by precinct format and includes the hectares of community and transport infrastructure, developable land and encumbered land for each precinct.

It has been helpful in providing an understanding of existing infrastructure and land use, and gaps that are required to be filled. It has been an impetus for the utilities, infrastructure and amenities studies currently underway.

r. Fishermans Bend Demographic Profiling, June 2013

Prepared by: Places Victoria

The demographic profiling undertaken by Places Victoria is a precinct by precinct breakdown of a variety of indicators such as residential and commercial floor space as well as car parking and density per hectare. It also includes projections and scenario staging which indicates the population and number of dwellings to be delivered over a number of time spans.

This work has been built on by since the release of the Fishermans Bend Strategic Framework Plan.

s. Infrastructure Assessment, December 2012

Prepared by: GHD

Fishermans Bend Infrastructure Assessment report prepared by GHD aims to provide an assessment of existing infrastructure capacity and future requirements to accommodate renewal of the Fishermans Bend. In particular, emphasis is placed on any large scale costs, or long lead items that are likely to impact on development costs or programming. The major focus of the report is on the trunk, transmission, stormwater and drainage, water supply, sewerage, integrated water management, electricity, gas supply, telecommunications, and roads and tram infrastructure. This report outlines the upgrade requirements for each type of infrastructure based on four population scenarios provided by Place Victoria.

t. Metro Rail Technical Feasibility Study, July 2013

Prepared by: Raylink

Fishermans Bend Metro Rail report aims to assess the options to extend metro rail services to Fishermans Bend. This report identifies a preferred alignment for the extension of the proposed Mernda to Southern cross line to two new stations within the Fishermans Bend. The proposed alignment and stations are identified based on preliminary land use plans for the area and incorporates the views of range of organisational stakeholders in the project.

Other historical documents

In addition to the historical public documents, numerous other documents were commissioned Places Victoria (now Development Victoria) and the Metropolitan Planning Authority (now the Victorian Planning Authority) relating to Fishermans Bend but never publicly released.

These documents are superseded and have not informed the preparation of the current draft Framework.

Additionally, the documents do not necessarily reflect the views of the Victorian Government.

These documents include the following which are available on request:

- a. Draft Fishermans Bend DCP, November 2013**
Prepared by: SGS Economics and Planning
- b. Draft Development Contributions Options Study, 18 December 2012**
Prepared by: Urban Enterprise
- c. Economic and Transport Policy Positioning Statement, 2015**
Prepared by: Deloittes Urban Enterprise
- d. Infrastructure Update, November 2015**
Prepared by: GHD
- e. Alternative Funding Study, 2013**
Prepared by: Price Waterhouse Coopers
- f. Communication and Community Engagement Strategy, 2012**
Prepared by: Capire Consulting Group
- g. Feasibility Analysis, 2013**
Prepared by: by Macroplan Dimasi

Appendix C: Permit history

	Address & Application Number	Date Lodged and Relevant Controls when Lodged	Permit Description	Current status	Permit Expiry/ Extensions of Time
1	9A, 339 Williamstown Road, Port Melbourne 201534829	23/06/2015 Pre-GC50	Demolition of the existing buildings and construction of a mixed-use building comprising dwellings and offices and a waiver of the car parking requirements	Permit Issued on 25 October 2015	EOT granted on 13 November 2017 Permit Expiry: 25 October 2018 (Commencement) 25 October 2020
2	263-329 Lorimer Street, Port Melbourne PA1600185	5/12/16 Post-GC50	Use and development of the land for an emergency services facility *Note: The land is located within the employment precinct.	Permit Issued on 19 September 2017	Permit Expiry: 19 September 2019 (Commencement) 19 September 2021 (Completion)
3	253-273 Normanby Road, South Melbourne PA170223	21/04/17 Post-GC50	Staged development including demolition of the existing building, the construction of a multi-storey building, use of land for accommodation, and to create or alter access to a road in a Road Zone Category 1	Permit Issued on 5 December 2017	Permit granted via VCAT process. Permit Expiry: 5 December 2020 (Commencement), 5 December 2023 (Completion)
4	150-160 Turner Street, Port Melbourne 2013006334	25/06/13 Pre-GC50	Demolition of existing structures, and development of the land for the construction of a multi-storey building and use of the land as dwellings	Permit Issued on 6 September 2016	Permit granted via VCAT process. Permit Expiry: 6 September 2018 (Commencement) 6 September 2020 (Completion)
5	202-214 Normanby Road, Southbank 201535404	26/06/15 Pre-GC50	Demolition of the existing buildings, and development of the land for the construction of a multi-storey building and use of the land as accommodation (serviced apartments), and alteration of access to a Road Zone Category 1	Permit Issued on 22 August 2016	Permit Expiry: 22 August 2018 (Commencement) 22 August 2020 (Completion)

6	15-87 Gladstone Street, South Melbourne 2013005951-1	24/06/15 Pre-GC50	Demolition of existing car park & structures; use of the land for the purpose of dwellings; staged construction of three residential towers and associated works including public realm	Permit Issued on 1 September 2014	EOT granted Expiry: 1 Sep 2018 (Commencement) 1 Sep 2024 (Completion)
7	134-142 Ferrars Street, South Melbourne 201300088	21/12/12 Pre-GC50	Demolish the existing building, construct a building of no more than 18 levels and construct and carry out works, and use the land for Accommodation in the Capital City Zone. Construct a building of no more than 18 levels and construct and carry out works in the Design and Development Overlay	Permit Issued on 10 April 2017	Permit granted via VCAT process. Permit Expiry: 10 April 2020 (Commencement) 10 April 2023 (Completion)
8	10-12, 339 Williamstown Road, Port Melbourne PA1500060	24/12/15 Pre-GC50	Demolition of existing buildings and construction of a multi-storey building comprising dwellings, retail and offices and associated car and bicycle parking	Permit Issued on 18 May 2017	Permit granted via a site specific incorporated document. Permit Expiry: 18 May 2019 (Commencement) 2 years from commencement (Completion)
9	552-578 Lorimer Street, Port Melbourne PA1600153	07/10/16 Pre-GC50	Use and development of the land for a data centre	Permit Issued on 12 July 2017	Permit Expiry: 12 July 2019 (Commencement) 12 July 2021 (Completion)
10	6-78 Buckhurst Street, South Melbourne 2013005499-1	27/05/13 Pre-GC50	Demolition of the existing buildings and construction of a four (4) staged multi-storey mixed use buildings comprising residential apartments, office and ground floor retail premises, and use of the land for dwellings.	Permit Issued on 1 September 2014	Amended permit granted via VCAT process EOT granted Permit Expiry: 1 September 2020 (Commencement) 1 September 2027 (Completion)
11	19 Salmon Street, Port Melbourne 201534819	25/06/15 Pre-GC50	Partial demolition of an existing building under the Capital City Zone Schedule 1, construction of buildings and carrying out of works, provision of car parking spaces in excess of the car parking rates, waiver of the loading requirements, reduction of the bicycle requirements and alteration of access to a road in a Road Zone Category 1	Permit Issued on 1 February 2017	Permit granted via VCAT process. Permit Expiry: 1 Feb 2019 (Commencement) 1 Feb 2021 (Completion)

12	101 Salmon Street, Port Melbourne PA1600440	04/06/14 Pre-GC50	Construction of a mixed use development and waiver of loading bay requirements.	Permit Issued on 21 May 2015	EOT granted on 22 September 2017 Permit Expiry: 21 May 2018 (Commencement) 21 May 2020 (Completion)
13	60-82 Johnson Street, South Melbourne MPA14/0003	18/04/13 Pre-GC50	Demolition of existing building; construction of four residential towers; and use of the land for dwellings and home occupation	Permit Issued on 17 October 2016	Permit Expiry: 17 October 2019 (Commencement) 17 October 2022 (Completion)
14	171-183 Ferrars Street, South Melbourne PA1600441	01/10/14 Pre-GC50	Demolition of the existing building and construction of a residential development, use of the land for dwellings and waiver of loading bay requirements	Permit Issued on 2 July 2015	EOT Granted 15 December 2017 Expiry: 2 July 2018 (Commencement) 2 July 2020 (Completion)
15	228-238 Normanby Road, Southbank 2013008852	16/10/13 Pre-GC50	Demolition of the existing building and construction of a mixed use development; use of the land for dwellings; and alteration of access to a Road Zone, Category 1	Permit Issued on 20 May 2015	EOT Granted 19 March 2017 Permit Expiry: 20 May 2018 (Commencement) 20 May 2021 (Completion)
16	85-93 Lorimer Street, Docklands 2014001587	02/05/14 Pre-GC50	Demolition of existing buildings; construction of towers above a shared podium; use of the land for dwellings; and creation or alteration of access to a Road Zone Category 1	Permit Issued on 14 July 2015	Permit Expiry: 14 July 2018 (Commencement) 14 July 2021 (Completion)
17	134-150 Buckhurst Street, South Melbourne 2013004014	28/03/13 Pre-GC50	Demolition of existing buildings, the construction of a mixed use development and the use of the land for residential dwellings	Permit Issued on 1 September 2014	EOT Granted by the former Metropolitan Planning Authority on 25 Nov 2014 Permit Expiry: 1 September 2019 (Commencement) 1 September 2022 (Completion)
18	89-103 Gladstone Street, South Melbourne	25/30/13 Pre-GC50	Demolition of the existing building and use and development of the land of a multi-storey building comprising dwellings and ground floor retail (other than Adult Sex Bookshop, Hotel and Tavern) and a waiver of the loading and unloading requirements of Clause 52.07	Permit Issued on 1 September 2014	Permit Expiry: 1 September 2017 (Commencement) 1 September 2019 (Completion)

	2013002601				*Note: Project constructed	
19	199-201 Normanby Road, Southbank 2013009628-1	11/12/17 Pre-GC50	Demolition of the existing building and construction of a multi-storey mixed-use building comprising residential apartments and use of the land for dwellings	Permit Issued on 1 September 2014	EOT Granted 1 September 2018 (Commencement) 1 September 2020 (Completion)	
20	179 Gladstone Street, South Melbourne	06/12/11 Pre-GC50	Demolition of buildings and works and the use and development of the land for multi storey dwellings and a ground floor art gallery	Permit Issued on 20 January 2014 *Note: Permit Expired	Permit Expiry: 20 January 2017 (Commencement) 20 January 2019 (Completion)	
21	164 Ingles Street, Port Melbourne 2013001464	31/01/13 Pre-GC50	Demolition of buildings and works and the use and development of land for townhouse style dwellings, temporary hoarding signage and the provision of car parking spaces in excess of prescribed rates under Schedule 1 to the Parking Overlay	Permit Issued on 10 January 2014 *Note: Project constructed	Permit Granted 10 January 2014 (Under Construction/ townhouse development) 10 January 2026 (completion)	
22	245-251 Normanby Road, South Melbourne PA1500028	29/10/15 Pre-GC50	Demolition of the existing building, the construction of a multi-storey building, use of land as dwellings, and to create or alter access to a road in a Road Zone Category 1.	Permit yet to be issued - Pending consent orders from VCAT	Permit to be issued via VCAT process. Permit yet to be issued - Pending consent orders from VCAT	
23	320 Plummer Street, Port Melbourne PA1600082	02/03/16 Pre-GC50	<ul style="list-style-type: none"> Demolition of a building in a Capital City Zone (CCZ1) Construction of multi-storey buildings comprising retail and commercial tenancies including a supermarket gymnasium, day spa and dwellings and associated car parking in the CCZ1 Construction and carrying out of works in the CCZ1 Use of the land for Accommodation, gymnasium and day spa in the CCZ1 Provide car parking spaces in excess of the car parking rates specified in the Parking Overlay Alter access to a Road Zone Category 1. 	Permit issued on 12 August 2015	Permit granted via VCAT process Permit Expiry: 12 August 2018 (Commencement) 12 August 2019 (Completion)	

Appendix D: Summary of key issues raised in submissions

Identification of issues raised in submissions

- 250 submissions (including late submissions) have been received in response to notice of the draft Amendment. All of the submissions have been referred to the Review Panel for consideration.
- The broad themes raised in the submissions to the Amendment are as follows:

No.	Issue	Submissions raising this issue
Proposed planning controls		
1.	<ul style="list-style-type: none"> • Concerns about: <ul style="list-style-type: none"> – Content. – Structure. – Complexity. – Lack of flexibility. – Duplication of controls/policy. – Use of mandatory versus discretionary controls. – Technical issues – typographical and grammatical issues. • Requests for: <ul style="list-style-type: none"> – Greater flexibility in controls. – Transitional provisions to apply to current permit applications. – Removal of proposed Schedule 2 to Clause 43.04 of PPS. – Remove maximum dwelling density from Clause 22.15. 	3, 16, 40, 57, 58, 63, 66, 67, 70, 71, 82, 87, 89, 90, 91, 92, 93, 94, 95, 96, 100, 103, 104, 108, 109, 115, 116, 120, 121
Policy intent		
2.	<ul style="list-style-type: none"> • General support for vision, targets and development of 5 distinct precincts. • Concerns about: <ul style="list-style-type: none"> – Jobs and dwelling targets being both too high and too low. – Monitoring and review of housing targets. • Requests for: <ul style="list-style-type: none"> – Further justification of population and job targets. – Fishermans Bend name change to something more inclusionary. 	7, 22, 35, 40, 45, 53, 63, 64, 68, 71, 73, 75, 77, 78, 80, 83, 87, 88, 90, 91, 94, 95, 96, 102, 103, 104, 106, 108, 120, 123, 125, 129, 130, 131, 135, 137, 139, 142, 148, 149, 150, 152, 153, 157, 159, 171, 173, 175, 176, 182, 184, 186, 188, 196, 197, 199, 208, 211, 212, 214, 215, 217, 221, 226, 230, 240, 242, 244, 247, 250
Housing		
3.	<ul style="list-style-type: none"> • Concerns about monitoring and review of housing targets. • Requests for: <ul style="list-style-type: none"> – Additional affordable housing. – Adaptable housing. 	23, 26, 31, 58, 64, 88, 118, 125, 132, 139, 142, 148, 149, 153, 164, 168, 175, 176, 185, 188, 206, 210, 212, 227, 230, 239, 240, 243, 246, 247

No.	Issue	Submissions raising this issue
Employment		
4.	<ul style="list-style-type: none"> • General support for employment focus. • Concerns about employment targets not realistic and will make development unviable • Requests for: <ul style="list-style-type: none"> – Further information about relationship between the Employment Precinct and the rest of Fishermans Bend. – Early delivery of public transport to service employment uses. – Remove minimum floor space requirements. – Make minimum floor space requirements mandatory. 	19, 40, 64, 73, 90, 91, 94, 108, 122, 125, 130, 131, 134, 139, 148, 149, 170, 173, 206, 209, 223, 232
Built form		
5.	<p><i>Height controls</i></p> <ul style="list-style-type: none"> • Concerns about: <ul style="list-style-type: none"> – Height controls for specific precincts and sites. – Mandatory versus discretionary nature <p><i>Building setbacks</i></p> <p><i>Interface with industrial land</i></p> <p><i>Architectural excellence</i></p> <ul style="list-style-type: none"> • Support for ensuring quality design. • Expert design panel to assess all developments. <p><i>Overshadowing</i></p> <ul style="list-style-type: none"> • Protection from overshadowing not supported. • Concerns shadow controls will make development unviable. • Request for: <ul style="list-style-type: none"> – Discretionary controls. – Shadow to the measured at the equinox. <p><i>Floor Area Ratio (FAR) and Floor Area Uplift (FAU)</i></p> <ul style="list-style-type: none"> • General support for FAUs and FARs. • Concerns about: <ul style="list-style-type: none"> – Application of FAU and FAR to specific sites and precincts. – Lack of certainty in ensuring public benefit is delivered. – FAR too low. • Requests for further explanation about: <ul style="list-style-type: none"> – Relationship between FAR and height. – Relationship between total FAR and commercial FAR. – How FAR and FAU calculated, granted and managed. 	3, 15, 16, 17, 26, 45, 58, 63, 64, 67, 68, 70, 71, 78, 79, 80, 82, 83, 84, 87, 89, 90, 91, 93, 94, 95, 96, 102, 104, 108, 109, 110, 116, 120, 123, 128, 130, 131, 135, 136, 137, 139, 141, 143, 146, 148, 149, 150, 153, 157, 158, 160, 162, 167, 168, 169, 172, 173, 175, 176, 180, 181, 182, 184, 185, 186, 188, 190, 191, 192, 195, 196, 200, 203, 205, 206, 207, 212, 214, 215, 217, 220, 222, 223, 226, 230, 237, 238, 240, 241, 242, 243, 244, 249, 250

No.	Issue	Submissions raising this issue
Transport		
6.	<p><i>General</i></p> <ul style="list-style-type: none"> • General support of overall transport vision. Key concern relates to provision of adequate transport infrastructure before development • Concerns about: <ul style="list-style-type: none"> – Provision of public transport infrastructure before development. – Ability to meet transport targets. – Congestion. – Traffic and cyclist safety. – New tram bridge over Yarra River. – Impact on freight routes. • Requests for: <ul style="list-style-type: none"> – Greater transport targets. – Railway line and stations with certain location and funding. – Expansion of bus services. – Early delivery of tram (within next 5 years). – Upgrading existing light rail connections. – Close Fennell and Plummer streets to motor vehicle traffic. – Change east west collector roads to local streets. – Explanation of traffic background reports. – Designated freight routes. – Greater pedestrian permeability. – Protection of Port of Melbourne. <p><i>Car parking</i></p> <ul style="list-style-type: none"> • Concerns about car parking rates being too high and too low. • Support for Parking Overlay. • Support for including requirement for electric cars. 	11, 13, 14, 15, 16, 18, 19, 22, 24, 28, 29, 30, 32, 33, 34, 35, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 58, 59, 60, 61, 63, 64, 65, 66, 68, 69, 70, 71, 72, 75, 76, 77, 79, 80, 81, 85, 86, 87, 90, 91, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 105, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 119, 120, 121, 122, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 137, 138, 139, 140, 141, 144, 145, 146, 148, 149, 150, 151, 153, 154, 155, 156, 157, 161, 162, 166, 168, 170, 173, 174, 175, 176, 177, 178, 180, 181, 182, 184, 185, 186, 188, 191, 193, 194, 195, 200, 203, 204, 205, 206, 208, 212, 213, 214, 216, 217, 218, 220, 222, 223, 225, 226, 227, 228, 231, 232, 233, 234, 235, 236, 238, 240, 247, 248, 250
Infrastructure		
7.	<ul style="list-style-type: none"> • Concerns about: <ul style="list-style-type: none"> – Timing of delivery of infrastructure. – Impacts on existing infrastructure. – Waste management. – Lack of mechanism for land acquisitions. • Request for: <ul style="list-style-type: none"> – timeline for delivery of public transport, social housing, education, health and recreation infrastructure. – justification of site selection of land identified for public purposes. – transmission lines to be underground. 	89, 91, 94, 95, 96, 130, 131, 139, 141, 145, 150, 153, 157, 171, 173, 180, 182, 183, 184, 190, 203, 205, 206, 208, 211, 215, 217, 220, 221, 222, 223, 238, 242, 245, 23, 92, 171, 177, 12, 28, 248

No.	Issue	Submissions raising this issue
Community infrastructure		
8.	<ul style="list-style-type: none"> • Support for integrated community hubs and colocation of services and facilities. • Concerns about absence of aged care facility. • Request for: <ul style="list-style-type: none"> – Clarity regarding timing and staging of community infrastructure delivery. – Provision of detailed design of community infrastructure. – Aged-friendly environment. – More government primary and secondary schools. – 24 hour police station. – Clarity regarding how 'Investigation areas' will be developed. 	6, 20, 22, 25, 32, 58, 61, 64, 70, 84, 89, 96, 122, 125, 131, 139, 142, 148, 149, 153, 159, 168, 188, 205, 212, 215, 226, 229, 238, 247
Open space		
9.	<ul style="list-style-type: none"> • Broad support for quantum and diversity of open space. • Concerns about: <ul style="list-style-type: none"> – Absence of Public Acquisition Overlay (to compensate owners of land identified for public open space). – Achieving appropriate balance between active and passive public open space. – Inadequacy of public open space contribution for Lorimer and Employment precincts. • Requests for further detail/clarity in respect of public open space: <ul style="list-style-type: none"> – Location. – Size. – Detailed design. – Funding, delivery and maintenance. • Requests for: <ul style="list-style-type: none"> – Additional greening. – Provision of a go-karting facility. – Improved connections to open space outside the Fishermans Bend. 	10, 17, 21, 27, 37, 64, 68, 78, 80, 87, 89, 91, 102, 109, 116, 130, 131, 139, 143, 153, 157, 162, 167, 169, 172, 173, 176, 180, 182, 184, 188, 195, 200, 203, 217, 222, 226, 229, 232, 238, 247, 248, 250
Economic viability		
10.	Concerns that the controls will make development economically unviable.	162, 164, 206
Heritage		
11.	<ul style="list-style-type: none"> • General support for emphasis placed on heritage. • Concerns about: <ul style="list-style-type: none"> – Strength of heritage controls. – Identification of heritage buildings, in particular, some buildings identified not worth of heritage status. – Identification of sites, in particular sites identified as significance in the draft Framework when not identified in the heritage study. • Requests to: <ul style="list-style-type: none"> – Extend the Heritage Overlay – Include heritage as a stated FAU benefit 	22, 57, 63, 64, 65, 139, 149, 153, 171, 214, 219, 234, 238, 247

No.	Issue	Submissions raising this issue
Sustainability		
12.	<ul style="list-style-type: none"> • General support for: • Concerns about: <ul style="list-style-type: none"> – Tree health targets. – Green Star minimum target too low. • Requests for: <ul style="list-style-type: none"> – Greater energy, water and green infrastructure requirements. – Consideration of alternative Green Star rating schemes. – Including NABERS Energy Commitment Agreement requirement. – More prescriptive tree planning requirements. – Further information on waste management at a precinct scale. – Further information on planning strategies and maintenance programs for green infrastructure. – Further information on climate change and sea level rise will be addressed. 	10, 21, 23, 28, 39, 54, 64, 65, 74, 75, 78, 92, 108, 125, 139, 153, 160, 177, 188, 199, 206, 212, 219, 224, 245, 248
Environment		
13.	<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> • General support for biodiversity objectives. • Requests for: <ul style="list-style-type: none"> – Greater clarity on how biodiversity will be maintained. – Resilient street trees. 	9, 45, 83, 103, 116, 125, 153, 176, 188, 189, 198, 199, 214, 227
14.	<p><i>Flooding</i></p> <ul style="list-style-type: none"> • Concerns about impact on built form. • Request for inclusion of a planning control to deal with flooding. 	
15.	<p><i>Air Quality</i></p> <ul style="list-style-type: none"> • Concerns about how air quality will be managed having regard to existing industrial and commercial uses and vehicle emissions. 	
Current Permit Applications		
16.	<ul style="list-style-type: none"> • Concerns about how proposed controls will be applied to current permit applications. • Support for transitional provisions to ensure proposed changes do not impact current permit applications. 	36, 57, 63, 67, 68, 71, 80, 87, 90, 94, 95, 96, 104, 109, 120, 130, 143, 150, 153, 179, 182, 185, 186, 187, 188, 200, 203, 205, 207, 217, 222, 223
Governance		
17.	<ul style="list-style-type: none"> • Requests for independent authority to manage Fishermans Bend. • Requests for clear governance model with well-defined roles and responsibilities. • Requests for stakeholder engagement to be maximised. 	35, 45, 64, 66, 75, 103, 110, 122, 139, 153, 176, 183, 190, 205, 206, 215, 221, 224, 240, 245, 247

No.	Issue	Submissions raising this issue
Funding and Finance		
18.	<ul style="list-style-type: none"> • Concerns about absence of funding and finance plan. • Concerns about absence of staging plan. • Request certain timeline for infrastructure funding and provision. • Request to include in the proposed controls a Development Contributions Plan Overlay. 	23, 35, 40, 45, 58, 64, 66, 118, 139, 148, 149, 153, 183, 188, 194, 205, 206, 208, 215, 220, 238
Communications and Engagement		
19.	Support for ongoing community engagement.	20, 21, 73, 110, 176, 190, 206, 247
Background reports		
20.	Comments of background reports informing the Amendment .	234
Catalyst project		
21.	Submissions in respect of Holden site.	40, 116, 232
Panel process		
22.	Concerns about timing of Panel hearing.	68, 94, 95, 123, 130, 131, 135, 137, 141, 156, 162, 175, 207, 242
Site-specific/precinct specific concerns		
23.	There are numerous site-specific concerns and requested raised which broadly relate to specified FAR and FAU, building height and open space allocation.	Various

Appendix E: Permit activity map

Appendix F: Submission spreadsheet

Appendix G: Amended documentation