Amendment GC81 Fishermans Bend
Expert Urban Design Evidence

Prepared on behalf of DELWP

February 2018

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February 2018
Version D

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1. Introduction

1.1
Personal details

Name and Address

1) Ms Leanne Hodyl

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2) **Credentials**

2016 - PhD Candidate, School of Global,
Urban and Social Studies, RMIT
2014 Churchill Fellowship Award
2009 Masters of Urban Design
University of Melbourne
2004 Graduate Diploma of Arts (Social Theory)
University of Melbourne
1997 Bachelor of Science (Architecture)
University of Newcastle

Professional Experience

3) I have over 18 years of experience delivering urban design and strategic planning projects working in both the public and private sectors. This included leading the urban design and planning for the City of Melbourne's urban renewal areas from 2011 to 2015. Since January 2016, I have been the Managing Director of an urban design and planning consultancy, Hodyl + Co. A detailed CV is provided in Appendix E.

Area of Expertise in this Case

4) I am the author of the Fishermans Bend Urban Design Strategy report which has informed the proposed built form and density controls within GC81 and which is adopted as part of this evidence.

5) I have been leading urban design and strategic planning projects focused on the inner city of Melbourne for the past 8 years. This includes:

- The preparation of the Central City Built Form Review Synthesis Report and the Urban Design Analysis for the Special Character Areas both of which supported the C270 Planning Scheme Amendment in the Hoddle Grid and Southbank
- Leading the preparation of the Southbank, City North and Arden-Macaulay Structure Plans and providing urban design expert advice to support the subsequent planning scheme amendments C171, C196 and C190 respectively
- Leading design and planning work for the Lorimer precinct on behalf of the City of Melbourne from mid-2012 to end of 2015
- Leading the City of Melbourne's Housing Strategy, Homes for People 2014-2018 which addressed the challenges of delivery high quality, diverse and affordable housing in the municipality
- Leading the development of a built form framework for Moonee Ponds Activity Centre as part of the Activity Centres Pilot Program

6) In 2014 I was awarded a Churchill Fellowship to travel abroad to investigate the planning policies of high-rise, high-density residential environments in New York, Vancouver, Hong Kong, Seoul and Tokyo. The findings of this work were published in 2015 and received the Victorian President's Award from the Planning Institute of Australia. This work was pivotal in creating awareness for the need for revised built form controls in the central city. These were introduced through amendment C270.

7) I am currently a PhD Candidate at RMIT, researching 'To what extent and in what way high-rise apartments meet the housing needs of residents'.

Involvement in Fishermans Bend to date

8) I have been involved in planning for the urban renewal of Fishermans Bend since July 2012 in the following roles:

- Team leader of the City Plans team at the City of Melbourne coordinating City of Melbourne input into the planning work being led by Places Victoria and the Metropolitan Planning Authority (mid 2012 - mid 2015)
- Acting Manager of Urban Strategy at the City of Melbourne responsible for leading the City of Melbourne's contribution into planning led by the Metropolitan Planning Authority (mid - end 2015)
- Consultant engaged by the Fishermans Bend Taskforce to prepare the Urban Design Strategy for Fishermans Bend (Sept 2016 - Sept 2017). Through this role I provided advice on the content of the draft Framework and reviewed early drafts of the Amendment documentation
- Providing senior urban design advice into the Fishermans Bend precinct plans (Oct 2017 - ongoing)

9) **Professional memberships**

- 2017 - Member, VPELA
- 2016 - Member, Planning Institute of Australia

1.2
Scope of review - client instructions

10) I have been instructed by Harwood Andrews on behalf of DELWP to prepare a report that:

- Provides my opinion on the strategic planning merit of the draft Amendment and Framework
- Reviews and advises on relevant submissions (as referred) in response to the draft Amendment

11) This should include:

- Identify my role in preparing the Fishermans Bend Urban Design Strategy, September 2017 by Hodyl & Co (Urban Design Report), the draft Framework and Amendment
- Identify any key assumptions I made in preparing the Urban Design Report and if applicable, the draft Framework and Amendment, and
- State whether I adopt the findings and opinions expressed in the Urban Design Report as my evidence
- Identify any departure of from a finding or opinion expressed in the Urban Design Report
- Identify whether the Urban Design Report is incomplete or inaccurate in any respect
- Identify any matters referred to in the Urban Design Report falling outside my expertise
- State my opinion about whether the Urban Design Report gives effect to the Vision and the Urban Design Guidelines for Victoria 2017
- State my opinion about whether the draft Framework and Amendment give effect to my Urban Design Report
- Identify the submissions referred to me and respond to any urban design issues raised in those submissions
- Identify any changes I recommend to the Urban Design Report, draft Framework or Amendment in

response to the submissions referred to me

12) Of the total 250 submissions that were made, 98 were referred to me as they contained issues relating to built form and density outcomes.

13) I have been assisted in preparing this report by Rebecca Fitzgerald, an Urban Designer with Hodyl + Co.

1.3
Not addressed in this Expert Witness Statement

14) The following issues raised in submissions have not been addressed in this expert witness statement:

- Submissions in regards to transition arrangements
- Submissions in relation to funding or governance in connection with proposed urban design initiatives
- Submissions in relation to the location of new open spaces, although the impact of protecting these new open spaces from overshadowing is addressed

1.4
Structure of this document

15) This report includes:

- Responses to key issues that have been raised by a number of submitters
- Detailed 3d modelling of the proposed controls on 8 selected sites to understand the impact of the full suite of development controls (see Appendix A)
- Additional 3d massing modelling of blocks within Lorimer and Montague to test and communicate the interaction of the building envelope and FAR controls (see Appendix B)
- Conclusion that outlines recommended changes to the draft Framework, the Urban Design Strategy and the Amendment as a result of this report
- 98 submissions were referred to me as they made a comment on built form and density issues. These are:
- 3, 15, 16, 17, 26, 40, 45, 57, 58, 63, 64, 66, 67, 68, 70, 71, 78, 79, 80, 82, 83, 84, 87, 89, 90, 91, 93, 94, 95, 96, 102, 104, 108, 109, 110, 115, 116, 120, 123, 128, 130, 131, 135, 136, 137, 139, 141, 143, 146, 148, 149, 150, 153, 156, 157, 158, 162, 164, 167, 168, 169, 170, 172, 173, 175, 176, 180, 182, 184, 185, 186, 188, 190, 191, 192, 195, 196, 200, 201, 202, 203, 205, 206, 207, 212, 215, 217, 220, 222, 223, 226, 230, 237, 238, 240, 242, 244, 250 (note, submissions 80 and 222 are identical)

1.5
Documents reviewed in preparation of expert witness report

16) In addition to the draft Framework and the full Amendment documentation I have reviewed the following material in order to inform my evidence.

- Background reports prepared to inform the draft Fishermans Bend Framework as required
- Existing planning schemes for Melbourne and Port Phillip
- Amendment C270 Panel Report, 2016
- Better Apartments Design Standards (BADS) - Victorian Planning Provisions Clauses 55 and 58

1.6
Translation of Urban Design Strategy into the draft Framework and Amendment

Alignment

17) The Urban Design Strategy and the Planning Scheme Amendment are predominantly aligned. This includes:

- Overall design objectives for the Capital City Zoned precincts
- Overall strategic direction for the Capital City Zoned precincts
- Population targets for each precinct
- Overall method of managing development (combination of mandatory FARs with mix of discretionary and mandatory building envelope controls)
- All built form controls (overall heights, street wall heights, setbacks and building separation, floor-to-floor heights in podiums and for car parking)
- Support for family-friendly living, including support for flexible design of apartments to support 1 & 2 bedroom apartments being converted to 3 bedroom apartments
- All proposed Floor Area Ratios (including overall FARs for core/non-core areas and minimum commercial FARs)
- Method of application of FAR controls (applied to gross site area in order to deliver parks and streets)
- Overshadowing controls for all parks
- Utilisation of the FAU to deliver affordable housing and community infrastructure
- Support for increased building performance targets (Amendment includes requirement for 4 Star GreenStar minimum)
- Alignment of core and non-core area boundaries (noting that Figure 13 in the draft Framework incorrectly represents the extent of the core area in Montague)

Differences

18) The following tables outline differences that have been identified. Note that this summary does not include instances where the Planning Scheme Amendment (the Amendment) adds further detail to a proposal in the Urban Design Strategy. For example, the Urban Design Strategy articulates preferred maximum street wall heights. Clause 21.13 (Melbourne) articulates an objective to 'Encourage higher street walls along the freeway interface, providing a buffer from freeway traffic'. This isn't specifically mentioned in the Urban Design Strategy however is not contradicted by the Urban Design Strategy recommendations.

19) Differences between the Amendment and the Urban Design Strategy where a change to the Amendment is proposed in this report are listed in Table 1.

20) Differences between the Amendment and the Urban Design Strategy where a change to the Urban Design Strategy is recommended are listed in Table 2.

21) Differences between the Amendment and the Urban Design Strategy where changes to both the Urban Design Strategy and the Amendment are recommended are listed in Table 3.

22) References to the sections of this report where each change is discussed are included in each table.

Table 1 Differences between the Amendment and the Urban Design Strategy where a change to the Amendment is recommended

Provision	Planning Scheme Amendment	Urban Design Strategy	Where is this addressed in this Expert Witness Statement?
Method of applying minimum Commercial FAR (Melbourne Clause 22.27; Port Phillip Clause 22.15)	'Encouraging' the minimum provision of commercial floor area.	Recommendation to introduce minimum FAR control for commercial floor area to ensure mixed-use precincts are created and job targets are met The Urban Design Strategy does not specify whether this is mandatory or discretionary therefore does not explicitly contradict the planning scheme controls. The report text, however, implies that this should be a mandatory control. It outlines clearly the overarching driver for doing this (to ensure job targets are met, supporting economic growth and ensuring sites aren't under-developed) and discusses how any potential impacts on development could be mitigated. The Urban Design Strategy notes the preference for this to be transferable between sites and that the legislative changes required to make this possible should be pursued.	See Section 3
Minimum Commercial FAR Inclusions/ exemptions (Melbourne Clause 22.27; Port Phillip Clause 22.15)	Exemptions provided which include: • If built form envelope 'makes it impractical' to provide the minimum floor area ratio' • Continued operation of an existing employment or residential use that is less that the minimum ratio • Potential for conversion from residential/car parking to commercial • Other ways development is contributing to employment objectives	The Urban Design Strategy notes that community infrastructure hub floor area should contribute to the calculation of commercial floor area (these are employment generating uses). The Urban Design Strategy also notes that uses such as creative spaces and subsidised office space (e.g. for Not For Profits) could be subject to a reduced minimum commercial FAR, however, this would require an open book assessment. This isn't considered in the Amendment.	See Section 3
Trigger for provision of 20% 3-bedroom dwellings (Melbourne Clause 22.27; Port Phillip Clause 22.15)	300 dwellings or more	Sites greater than 3,000m2, 100 dwellings or including more than 1 building to provide	See Section 4
Site coverage – method of calculation (Port Phillip Clause 43.02 – Schedule 30)	Site coverage should not exceed 70% in non-core areas of Sandridge and Wirraway. Exemptions are provided.	Recommends 30% communal open space (preferably on ground) in Sandridge and Wirraway. This aims to ensure that this 30% is useable communal space, however the Amendment control would enable laneways etc. to be included to meet the 30% of the site that isn't built upon.	See Section 5

Table 2 Differences between the Amendment and the Urban Design Strategy where a change to the Urban Design Strategy is recommended

Allowance for additional commercial floor space above base FAR (Melbourne Clause 37.04 – Schedule 4; Port Phillip Clause 37.04 – Schedule 1)	Amendment allows additional floor area above the base FAR if it is not used for a dwelling	Urban Design Strategy recommends using FAU to deliver additional commercial floor area	See Section 3
Boundaries of preferred character areas (Melbourne MSS 21.13; Port Phillip MSS 21.06)	Boundaries for preferred character areas nominated	The Urban Design Strategy does not identify the boundaries for preferred character areas that are incorporated into the Amendment. It does, however, across the whole document articulate the preferred character that has then been included in the Amendment for each area.	-
Affordable housing – method of expressing target	Affordable Housing – expressed as a target of 6%	Identifies target of 2,500 affordable housing units (which is 6% of original dwelling number target of 40,000)	-

Table 3 Differences between the Amendment and the Urban Design Strategy where a change to both the Urban Design Strategy and the Amendment is recommended

Provision	**Planning Scheme Amendment**	**Urban Design Strategy**	
No crossover locations (Melbourne Clause 37.04 – Schedule 4)	Amendment nominates these on Lorimer St, Ingles St and Turner St	Urban Design Strategy nominates these on primary active (retail) frontages – all streets and building frontages onto the Lorimer Parkway and Ingles Street (between Lorimer Street and Rogers Street only)	See Section 3
No crossover locations (Port Phillip Clause 37.04 – Schedule 1)	Amendment nominates these on a significant number of streets in core and non-core areas but not related to primary active (retail) frontages	Urban Design Strategy nominates these on primary active (retail) frontages in core areas	See Section 3

Table 3 (Continued)

Laneway locations (Melbourne Clause 22.27; Melbourne Clause 37.04 – Schedule 4; Port Phillip Clause 22.15; Port Phillip Clause 37.04 – Schedule 1)	Provides principles for new laneway locations – e.g. no more than 50 metres apart in core areas, align with existing laneways, provide direct connections to public transport In Decision Guidelines, the Responsible Authority must consider whether the layouts of streets, laneways and open space are consistent with the Fishermans Bend Framework Plan which generally adopts the laneways in the location within the Urban Design Strategy. Permit Requirement – the streets and laneways must be generally be in accordance with Map 2 and 3 in Clause 37.04 (however laneways are not included on map). Application requirements – design response must detail how it has made provision for the laneways in Fishermans Bend Framework Plan and Map 2 and 3.	Nominated required laneway locations (fixed) and preferred laneway locations (not fixed)	See Section 6
Public benefits (Supporting documents – How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend)	Public benefits categories (eligible for FAU): Affordable housing Additional public open space Community Infrastructure	Urban Design Strategy recommends: Affordable housing Commercial floor area Community Infrastructure	See Section 6
Street wall heights along Lorimer Parkway (Melbourne MSS 21.13)	Area L3: 'Lower street wall heights along Lorimer Parkway to maximise the amount of sunlight penetrating between tower elements to reach the southern side of the parkway'	Not mentioned for Lorimer Parkway – this is a recommendation for Normanby Road and Buckhurst St however.	-

1.7
Clarifications required to the Urban Design Strategy

23) The Urban Design Strategy references the total number of projected dwellings needed to house 80,000 residents as 37,400 in Section 1.3.3 and as 36,900 in Section 4.1.1.

24) The 37,400 dwelling target is drawn from the Fishermans Bend Population and Demographics Report (DELWP, 2016, updated April 2017). The number of residents per household is defined by the demographics report and varies between each neighbourhood based on the Vision (e.g. Wirraway has a projected household size of 2.58 people per dwelling, while Sandridge has a projected household size of 1.98 people per dwelling).

25) The iterative 3d testing of the proposed density and built form controls in mid-2017 resulted in modifications to the population distribution between each precinct. The re-distribution of the population therefore has resulted in a change to the overall projected dwelling target to 36,900 dwellings. The dwelling target of 36,900 dwellings has then been used to determine the FAR controls.

26) The following three minor errors have been identified in the Urban Design Strategy and need to be updated:

27) Within Section 3.5.3, Recommendation 23, last paragraph on page 71: The current sentence reads: 'The provision of communal facilities from the calculation of the gross floor area should be considered to encourage their inclusion in new developments'. This should read: 'The **exclusion** of communal facilities from the calculation of the gross floor area should be considered to encourage their inclusion in new developments'.

28) This error has had no material difference on the draft Framework or the Amendment as it has been interpreted correctly despite this error. The definition for Gross Floor Area in the Amendment states that 'Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area' (proposed City of Melbourne Planning Scheme, Zones, Clause 37.04 Schedule 4, p12 and City of Port Phillip Planning Scheme, Zones, Clause 37.04 Schedule 1, p14).

29) Within Section 4.3.1, Table 13 - Relationship between recommended FARs and population and dwelling densities, the listed FARs for the maximum residential FAR for non-core areas are

- Wirraway - 2.1
- Sandridge - 3.3
- Montague - 3.0

30) These figures are incorrect as they are the same as the maximum overall FARs for non-core areas which include some commercial development. The correct figures should be:

- Wirraway - 2.0
- Sandridge - 2.2
- Montague - 2.8

31) This error has had no material difference on the Framework or the Amendment as the dwelling density figures by precinct also listed in Table 13 remain correct and are the figures that have been translated into the Amendment.

32) Within Section 4.4, column two, first bullet point (p84): the 6% affordable housing target is listed as 2,500 dwellings. This was based on an earlier assumption that 40,000 dwellings would be required to accommodate a population of 80,000. Based on the recast dwelling target of 36,900 a 6% affordable housing target would therefore equate to 2,214 dwellings.

2. Review of submissions

2.1
Key urban design issues raised in submissions

33) The following outlines a summary of the key issues raised within the submissions that have been referred for review. These fall into four overarching themes:

- Land use mix (addressing commercial FAR requirements and the core/non-core area boundaries)
- Suitability of the proposed density controls (addressing population targets, FAR controls and dwelling densities)
- Suitability of proposed built form controls (addressing overall height controls, mandatory height limits, use of mandatory controls, overshadowing controls)
- Application of controls (addressing multiple controls on one site, application of FAU and concerns regarding the overall complexity of controls)

34) Within each theme a discussion and recommendations are included. The recommendations respond:

- Directly to submissions, including broad issues and site specific concerns
- To issues that have been identified through the additional 3 d testing
- To additional material that has been provided that leads to the need to change the draft Framework, Urban Design Strategy and the Amendment

2.2
Land Use Mix

Controls don't support a market-based response to land use

35) There is some concern with the minimum commercial floor area controls being applied as follows:

- Minimum commercial FAR requirement disregards the fact that not every part of Fishermans Bend is suitable for commercial development, nor that all sites can accommodate commercial floor area
- Instead of minimum commercial FAR set minimum percentage of site area (10% is indicated as suitable)
- To maximise commercial floor area exclude from FAR calculations

Core area boundaries should be revised

36) A small number of submitters have requested that the boundary of the core areas be revised as follows:

- 121-123 Ferrars Street should be within core
- 351 Plummer Street should be completely within core (not split between core and non-core)
- 332 Plummer Street should be within core only

2.3
Suitability of proposed density controls

Population targets are too low

37) A population target of 80,000 residents by 2050 is considered too low by many submitters considering the identification of Fishermans Bend as a suitable place of urban renewal and the significant scale of population growth in Victoria each year.

Population could be much higher than anticipated

38) There is some concern that the potential residential population could exceed population targets which isn't supported with concerns raised as follows:

- Assumption that only 75% of sites will redevelop by 2050 will lead to excessive population growth and densities
- Recommendation to reduce population target to 60,000 people
- The impact on enabling a FAU on population targets is unclear

FARs are too low and misaligned with development potential

39) A significant number of submissions raised concerns with the proposed FAR controls. Most focused on the concern that the FARs were too low to support significant population growth and to realise the development potential on all sites. Specifically the following issues were raised:

- The FARs have been calculated based on an 80,000 population target which is too low
- FARs are misaligned with site potential and proposed development heights
- FARs are too low considering proximity to city and existing public transport (trams in Montague)
- Suggestion that FARs have deliberately been set too low in order to secure additional public benefits
- As this is a central city location, a higher FAR should apply (e.g. 18:1 applies in the Hoddle Grid and Southbank and is suitable for Sandridge)
- FARs don't respond to site specific opportunities or constraints

Dwelling densities proposed are too restrictive

40) There was concern in a number of submissions that the dwelling density controls were unnecessarily prohibitive, including:

- Concern that this will lead to commercially unfeasible buildings therefore stifle development
- Concern that it will generally hinder development potential on their site

Three bedroom targets are too onerous

41) There is concern that this measure lacks flexibility in responding to market demand and end-user needs.

2.4
Suitability of proposed built form controls

Building heights are too low

42) A number of submitters expressed concern that the revised building height limits were too low. The following concerns were highlighted:

- The proposed building heights will result in underdevelopment of land in an identified urban renewal area
- Height limits don't take into account land ownership
- Limiting Montague North to 20 storeys is inappropriate and unjustified
- Decrease from 18 storeys to 12 storeys in Montague core not supported
- Height limits in the Wirraway precinct are too low
- Reduction in height limits in Lorimer not supported
- Proposed height limits should be removed so that buildings can have smaller building footprints and more space between them
- Proposed height limits will result in undercapitalisation of the precinct and individual sites

Mandatory 4 storey height limit not supported

43) A number of submitters have stated that the 4 storey mandatory height limit along the southern boundary of the Fishermans Bend area is unwarranted with suggestions that the depth of the 4 storey mandatory areas is excessive and not required to respond to low-scale residential context

Mandatory setback and building separation controls not supported

44) There is significant concern in regard to the application of mandatory controls in general and specifically for setbacks and building separation

- Transitional nature of area means that strict controls should not be supported
- Mandatory provisions are not supported, performance-based discretionary controls should be in place
- Mandatory controls stifle innovation, architectural creativity and contemporary design responses Performance-based provisions allow architectural expression and site-responsive design
- Mandatory controls result in uniform development outcomes
- Mandatory controls stifle development potential
- Mandatory controls not strategically justified
- 'One-size fits all approach' will reduce development potential
- Mandatory built form controls together with mandatory FAR is too onerous
- Recommendation for revised provisions - e.g. minimum distance coupled with an average distance to support better design responses

Overshadowing controls are too onerous

45) A number of submitters have recommended changes to the proposed overshadowing controls or the relocation of parks as the proposed overshadowing controls are too onerous on their site.

- Locations of parks not supported by some submitters as, in combination with mandatory overshadowing controls, will lead to undue constraint on a site
- Mandatory provisions are not supported with discretionary provisions preferred.
- The parks have yet to be designed therefore it isn't reasonable to know the degree to which they should be overshadowed
- Secondary parks do not need protection from overshadowing
- Protection for sunlight access in mid-winter is

unnecessary and unreasonably limits development
- North Port Oval overshadowing should relate to the equinox, not winter and be discretionary
- Overshadowing requirements will result in significant constraints on development
- Application of sunlight access control to south side of Plummer Street is ill-conceived

2.5
Application of controls

46) The following concerns have been raised in regards to how the controls are interpreted and implemented.

Application of two height controls and/or two FAR controls on one site is confusing

47) A number of submitters have noted the confusion created by the application of two different controls to their site and that clarification is needed on where one ends and where one begins

Overall controls are too complex and confusing

48) There is general concern raised in some submissions that together the controls are difficult to interpret and apply, in particular:

- Inclusion of mandatory built form controls and mandatory FARs is complicated
- Overlapping of all controls is confusing

Application of FAU is poorly defined

49) A number of submitters raised concerns with the application of a Floor Area Uplift (FAU) as follows:

- Concern that application of FAU will lead to non-compliance with the building envelope controls
- Insufficient detail regarding how the FAU will be applied
- A FAU was not supported by the C270 Planning Scheme Amendment Panel Report and should not be supported here
- A Development Contributions Plan should be utilised instead of FAU
- FAU does not adequately incentivise community benefit
- FAU for open space is not supported in its current form
- FAU should be provided for open spaces designated in Framework
- The strategic work done to date does not demonstrate a nexus between public benefits and need
- Poor understanding of how FAU will be applied means that developers will not be able to factor into the cost of developments at the time of purchase
- FAU should be transferable between sites / funds pooled to deliver public infrastructure

Map of submitters on built form and density issues

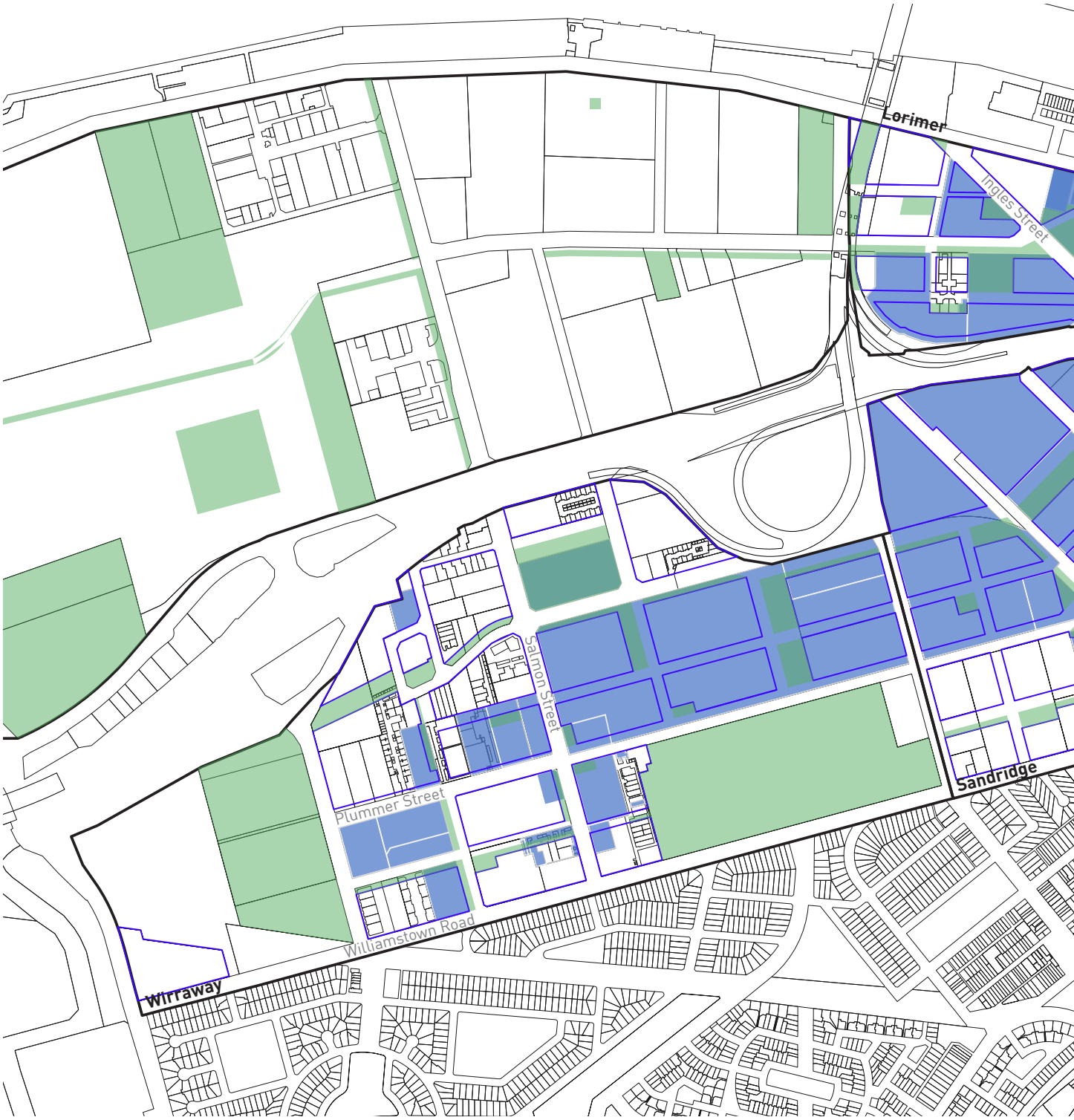
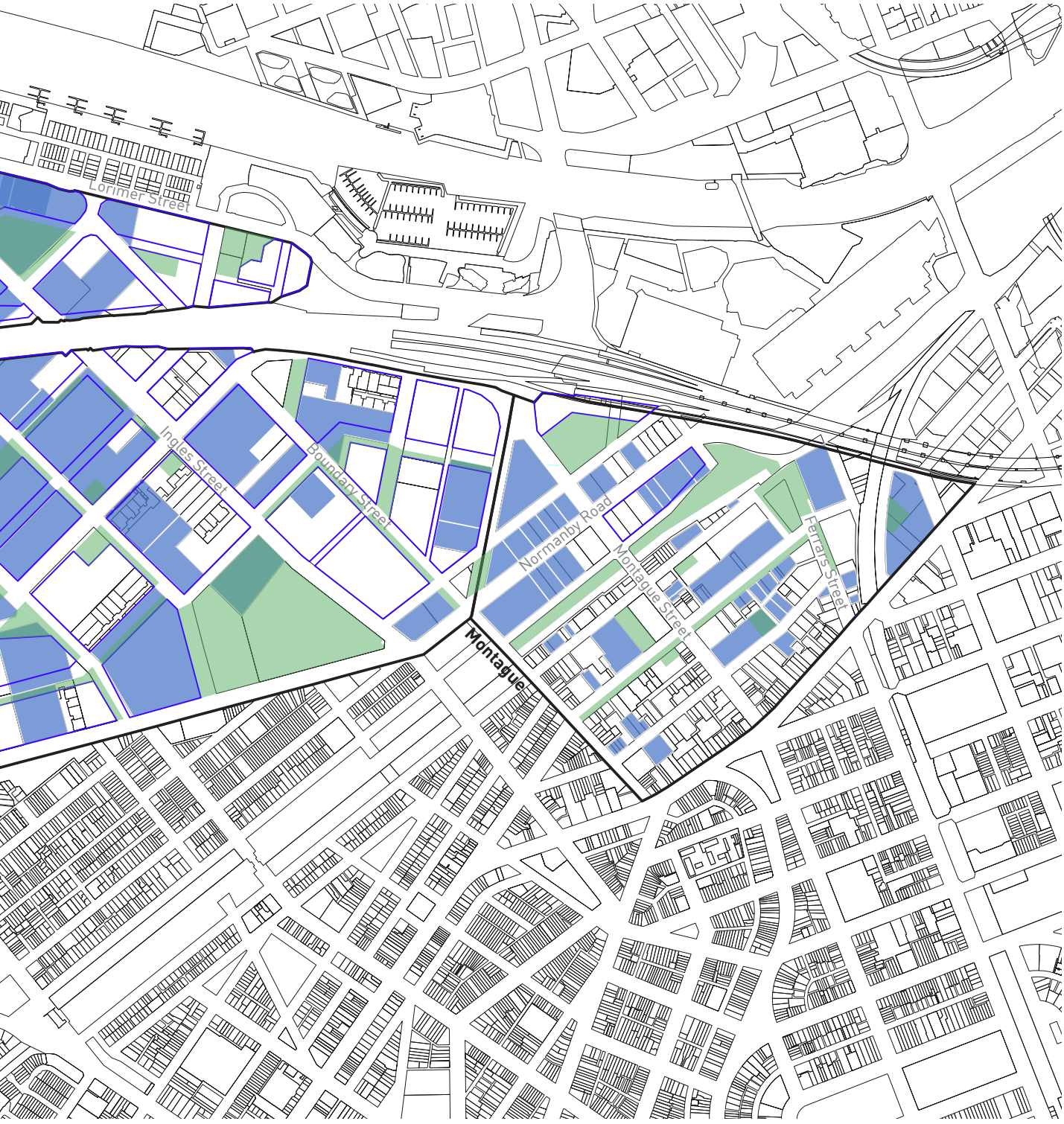


Figure 1 Location of submitters who have commented on built form and density issues (referred submissions for review in this report)



Location of submitters (where site addresses have been nominated)
Existing and proposed new park locations
Proposed new block structure (indicating location of new streets)

3.
Land Use mix

3.1
Issue: Controls don't support a market-based response to land use
and
Framework will not deliver job targets and support commercial land uses

Key concerns raised in submissions

50) There is some concern with the minimum commercial floor area controls as drafted with some submitters concerned that this requirement is too onerous, while others are concerned that it isn't a strong enough policy to deliver the job growth needed.

- Minimum commercial FAR requirement disregards the fact that not every part of Fishermans Bend is suitable for commercial development, nor that all sites can accommodate commercial floor area
- Instead of minimum commercial FAR set minimum percentage of site area (10% is indicated as suitable)
- To maximise commercial floor area exclude from FAR calculations

and

- There is a need to convert the discretionary minimum commercial FAR to a mandatory control to ensure mixed-use developments are delivered

Discussion

51) Fishermans Bend represents an unparalleled opportunity to create a mixed-use precinct that supports economic growth and sustainable compact city objectives. This is why the area was rezoned to a Capital City Zone in 2012.

52) Current development trends, however, are delivering overwhelmingly residential developments which will not support job growth and is likely to compromise the long-term opportunities for economic growth in the central city. Our central cities are the economic engines of our cities. The centre of our cities are critical to economic activity in the country. '80% of the value of all goods and services produced in Australia generated on just 0.2% of the nation's land mass - mostly in cities' ... CBDs of Melbourne and Sydney together generated $118 billion of value in 2011-12, representing 10% of all economic activity (Kelly, J.F., Donegan, P., Chisholm, C. and Oberklaid, M. Mapping Australia's Economy: Cities as engined of prosperity, Melbourne Grattan Institute, 2014).

53) Compromising this objective at these early stages of the delivery of the Fishermans Bend urban renewal project would be a significant missed opportunity and poor long-term planning.

54) Other cities, such as London and Vancouver, have excluded residential uses within the core financial and business districts to ensure that commercial land uses are not diminished. While this is not supported here (the benefits of bringing residents into Melbourne's CBD are inarguable) there is a need to manage land use mix.

55) The conversion of residential to commercial uses is highly unlikely as the significant number of multiple owners makes it difficult to consolidate floor area for conversion, or to demolish and rebuild.

56) Locating jobs within Fishermans Bend is a key plank of the overall vision for the area. Not including a control that ensures the delivery of employment uses would be an oversight.

57) The lack of commercial uses within the development mix will have a long-term negative impact on the Fishermans Bend area. It will put added pressure on existing and future transport systems (public transport and roads) as commuters will need to leave Fishermans Bend to go to work elsewhere and fail to support the establishment of walkable, mixed use communities.

58) In particular, the Sandridge precinct represents a unique opportunity to create an expanded central city economy that connects directly to the Docklands and existing CBD. This is clearly identified in the Fishermans Bend Vision, 2016.

59) The recommendation for a minimum commercial FAR is included in the Urban Design Strategy. It does not explicitly state that this should be a mandatory requirement, however this is implied. It outlines clearly the overarching driver for doing this (to ensure job targets are met, supporting economic growth and ensuring sites aren't under-developed) and discusses how any potential impacts on development could be mitigated. The Urban Design Strategy notes the preference for this to be transferable between sites and that the legislative changes required to make this possible should be pursued.

60) The current drafting of the local policy includes this requirement as a discretionary control. When development does not deliver the minimum commercial floor area consideration is given to:

- *'Whether the built form envelope available on the site makes it impractical to provide the minimum floor area ratio*
- *Whether the application is associated with the continued operation or expansion of an existing employment or residential use on site that is currently less than the minimum floor area ratio*
- *Whether the building floor to floor heights, layout and design will facilitate future residential to commercial use or for car parking area to be converted to alternate uses*
- *Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum floor area ratio.*

61) I agree with Submission 153 (City of Port Phillip) that considering the current pressure to deliver residential uses, it is unlikely that the inclusion of this policy as it is currently drafted will be sufficient to deliver commercial floor area to support economic growth. This is because:

- There is no guidance on why a built form envelope would be impractical to provide the minimum floor area ratio (bullet point 1 above). In general, residential developments have far greater constraints on them to ensure that adequate light and windows are provided into each dwelling and habitable rooms. Commercial buildings can be delivered with deeper floor plates which make them more versatile.
- Regardless of whether the building floor to floor heights are appropriate (bullet point 3 above), the conversion of residential to commercial uses is highly unlikely in multi-storey, multi-owned housing.
- It is unclear how a development can demonstrate that it is contributing to the employment objectives without delivering employment floor area. The assumption in the Urban Design Strategy is that 31m2 is required for each job. This is based on current trends within the central city.

62) Together these guidelines will result in the vision for Fishermans Bend not being achieved.

63) In addition, the current wording refers to non-residential uses or non-dwelling uses. This does not directly say that the objective is to deliver employment generating uses.

64) To strengthen this policy position, the options are:

- Convert the requirement for a minimum commercial FAR to a mandatory requirement, or
- Tighten the rewording of the policy and the requirements for consideration to emphasise the need to support the delivery of employment-generating land uses

65) Converting the requirement to a mandatory minimum would have the greatest certainty that commercial floor area would be included within developments. This may be required in the longer term if a policy is not sufficient to deliver this outcome.

66) In order to maximise the effectiveness of the policy to ensure consideration is given to circumstances that either could deliver commercial floor area at a later point in time and/or acknowledge where it is too difficult to deliver on a specific site, the following wording is proposed:

67) *'... consideration will be given to:*

- *Whether the application is associated with continued operation or expansion of an existing employment or residential use on site that is currently less than the minimum floor area ratio*
- *Whether car parking is delivered within minimum floor to floor heights of 3.8m and retained in single ownership which will enable conversion to commercial*

uses

- *Small sites (less than 1000m2 total GFA) which would not deliver a critical mass of commercial floor area*
- *Whether the site is located on a primary and secondary active street where commercial uses are prioritised*
- *Whether the development site includes multiple buildings that are staged over multiple years which would enable the commercial to be delivered in later stages of development*
- *Whether the development can demonstrate that it is contributing to broader economic objectives as defined in the Framework such as the delivery of creative spaces or subsidised commercial floor area while providing less than the minimum floor area ratio*

Recommendation 1.
Improve the potential effectiveness of the current policy provision requiring minimum commercial floor area (Clause 22.15.3) by improving the current policy wording and revising the considerations given to the assessment of the minimum commercial floor area provision (see Appendix A - markup of local policy).

Recommendation 2.
Monitor the provision of commercial floor area and, if required, convert the current policy to a development control

Recommendation 3.
Update the Urban Design Strategy to remove commercial floor area as a potential FAU and adopt the proposed approach in the Amendment which allows additional commercial floor area above the base FAR if it is not used for a dwelling.

3.2
Issue: Core area boundaries should be revised in specific locations

Key concerns raised in submissions

68) A small number of submitters raised the issue of the suitability of the core area boundaries as follows:

- 121-123 Ferrars Street (Montague) should be within core
- 351 Plummer Street (Wirraway) should be completely within core (not split between core and non-core)
- 332 Plummer Street (Wirraway) should be within core only

Discussion

69) The extent of the core areas within each precinct is defined by the overall vision for each precinct, the walkable catchments from public transport nodes and the existing context (see p44 of Urban Design Strategy).

70) The proposed changes above relate to the Montague and Wirraway precincts. The Montague precinct core areas is focused on 'large sites within blocks fronting proposed civic spines/local centres)' (p44 Urban Design Strategy). This results in the core area including the whole of Montague North (due to its proximity to the Normanby Road civic spine) and the blocks fronting the proposed Buckhurst Street local centre). The focus was on the scale of the site to determine the suitability for inclusion in the core. The size of a site, however, does not alone identify it's development potential.

71) The street network in Montague is well-established which is distinctly different from the other three precincts.

72) Further analysis of the Montague precinct considers the existing constraints on development as determined by the number of street frontages of each site. The sites along Gladstone Street (interfacing the tram line) and large sites on Ferrars Street have good development potential within against this criteria. These sites are also all within immediate proximity to the existing tram services.

73) The core area of Wirraway is focused on the blocks immediately fronting the proposed tram corridor.

74) The sites noted above within Wirraway are included in the core for this reason. These are large sites and extend further away from Plummer Street. An extension of the core area is not considered necessary (see also Section 6: application of two controls on one site).

Recommendation 4.
Expand the boundary of the core area in Montague as per Figure 2

Recommendation 5.
No changes to the Wirraway core area boundary are required.

75) Note, this will require a recalculation of the FAR controls in Montague. This is discussed further in Section 4.

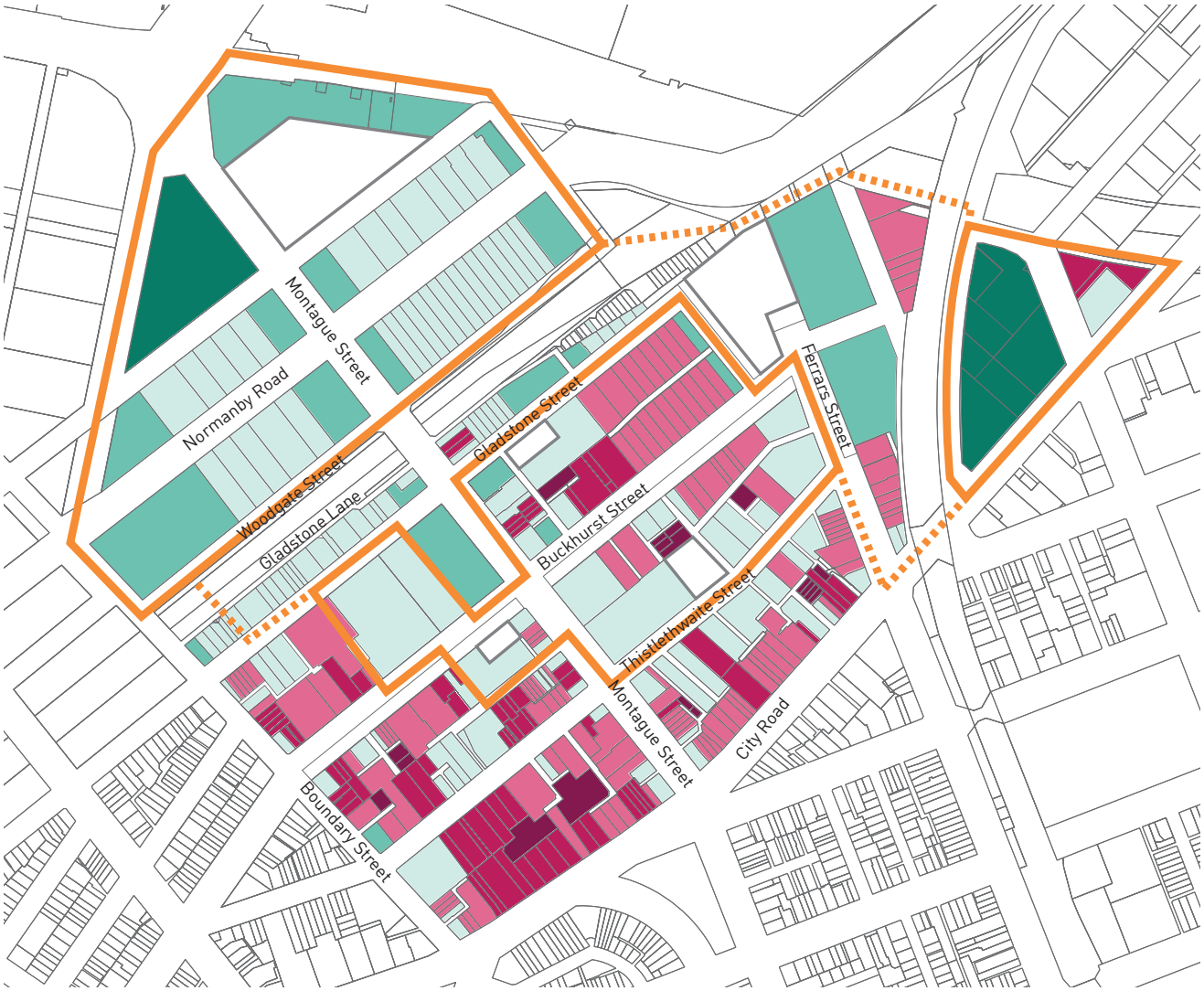


Figure 2 Analysis of site constraints in Montague and revised changes proposed to the Montague core area

- Island sites - complete street frontages
- Three street frontages
- Two street frontages / One street frontage and two laneway frontages
- One street frontage and one laneway frontage
- One street frontage
- No street frontages
- Park locations
- Existing boundary of core area
- Proposed revised boundary of core area

4.
Suitability of the proposed density controls

4.1
Issue: Population targets are too low and
Population targets could be much higher than anticipated

Key concerns raised in submissions

76) A population target of 80,000 residents by 2050 is considered too low by many submitters. Specific issues raised include:

- Victoria is growing by 100,000 people per year and therefore targeting 80,000 residents for an identified urban renewal area is considered far too low
- If the population targets are too low, then it has to be accepted that the FARs are set too low.

77) There is also some concern that the potential residential population could exceed population targets which isn't supported, with specific concerns raised as follows:

- The 75% development assumption will lead to excessive population growth and densities
- Recommendation to reduce population target to 60,000 people
- The impact on enabling a FAU on population targets is unclear

Discussion

Source of population targets

78) The 80,000 residential population target by 2050 has been in place since the release of the first draft Vision in 2013. It appears in the Fishermans Bend Strategic Framework Plan 2014 (and subsequent updates) and was confirmed in the adopted Fishermans Bend Vision 2016. I understand that this target has not been disputed at any of these stages.

79) The population targets were provided to Hodyl + Co by DELWP at the commencement of the Urban Design Strategy. The scope of the Urban Design Strategy was to put in place clear design and planning objectives and recommendations for appropriate planning mechanisms based on the need to accommodate within the Capital City Zoned precincts a residential population of 80,000 by 2050 and an employment target of 40,000 by 2050.

80) This population target has therefore directly informed the approach to developing density controls for the precincts. As the FARs are based directly on the population projections it is understood that concerns around potential yield on individual sites will also focus on the appropriateness of the 80,000 residential target.

Suitability of 80,000 residential population target

81) The key considerations in regards to population growth are:

1. Overall capacity of the Fishermans Bend area compared to population projections over time
2. The rate of development - whether the population targets enable sufficient supply of housing to meet market demand
3. Whether the overall scale of density is aligned with the vision and preferred character for the area
4. Whether the overall scale of density is aligned with the infrastructure provision (existing and planned)
5. Whether the overall scale of density causes untoward impacts (e.g. congestion, crowding)

Capacity vs population projections

82) The population target of 80,000 people is set in place for 2050. The FARs are directly aligned with this population target however in the longer term they do not limit the overall population growth to a cap of 80,000 people. This is because the FARs have been increased to account for the assumption that not every site will redevelop by 2050. The Urban Design Strategy acknowledges the difficulty of estimating what percentage of sites are likely to redevelop over a 30-35 year period. It sets the assumption that 75% of sites are likely to redevelop in this time.

83) This means that more than 80,000 people are likely to be accommodated in Fishermans Bend beyond 2050.

84) If 100% of sites were developed according to the proposed FARs the potential population would be in the order of 106,000 residents (see Table 4).

Table 4 Population projections beyond 2050 (no FAU component)

Scenarios	Potential population	Notes
Population by 2050 (aligned with proposed FARs)	80,000	Assumes 75% of sites redevelop by 2050
Population if all sites developed according to proposed FARs	106,400	Assumes 100% of sites are redeveloped

85) The FAU allows for an increase in population above the potential capacity enabled by the FAR. There are three public benefits that qualify for a FAU: affordable housing, community facilities and public open space.

86) The supporting document 'How to Calculate Floor Area uplifts and Public Benefits' provides insight into the potential population increase if the FAU was utilised to deliver affordable housing. For every additional affordable housing unit, 8 market dwellings would be provided. If the affordable housing target (2,214 dwellings) is delivered through the FAU, then an additional 43,250 people would be accommodated (refer Table 6).

87) It is not easy to assess the potential increase in population if the FAU were utilised to deliver community infrastructure or open space (see Section 6).

88) Together, the population enabled if all sites develop according to the proposed FARs and the potential additional population enabled through the FAU for affordable housing would bring the potential overall population up to 150,000 people (refer Table 7), almost twice the 80,000 target.

Table 6 Population projections - impact of FAU to deliver affordable housing

	Total
Affordable housing target (6% of 36,900 dwellings)	2,214
No. of market dwellings that would be delivered if affordable housing units provided through FAU (8 dwellings for every affordable housing unit)	17,712
Total no. of potential additional dwellings (affordable + market)	19,926
Potential no. of additional residents (assumes 2.17 people/ dwelling)	**43,239**

Table 7 Population projections - 'build-out' beyond 2050 together with FAU to deliver affordable housing.

	Total	**Notes**
Population if all sites developed according to proposed FARs	106,400	See Table 4
Potential no. of additional residents if FAU delivers affordable housing target	43,239	See Table 6
Total	**149,639**	

Rate of development - do population targets enable housing demand to be met?

89) The Fishermans Bend Population and Demographics Report (DELWP, 2016), includes development rates which are projected to peak at an overall rate of 1,400 dwellings per annum. These rates are noted as 'strong but not unreasonable assumptions for a future inner city precinct... In comparison, over the last five years Melbourne CBD has averaged an estimated 1,350 additional households per annum while Southbank and Docklands have averaged over 700 each' (p 5).

90) This indicates that the 80,000 residential population target is also in line with what the market has been, and is expected, to deliver as a pipeline of developments on the ground in response to market demand.

Alignment of population growth with the vision and preferred character of the area

91) The Fishermans Bend Vision outlines a desired future character for each precinct. The 3d testing has illustrated that the proposed FARs are aligned with the preferred character as defined in the Vision and the Urban Design Strategy which has been translated

into the Municipal Strategic Statement for each precinct.

92) In particular, it demonstrates that the application of the FAR control within the built form envelope supports a diversity of built form outcomes that can deliver housing diversity, particularly on large sites.

93) The FAR controls also support the delivery of the proposed street network and open spaces. Increasing the FAR controls would compromise the capacity to deliver new streets and parks on some sites as the potential yield enabled by the FAR would no longer fit within the proposed building envelopes.

94) Increasing the FAR would also create on some sites a conflict between the potential yield that would be enabled and the overshadowing controls.

Alignment of population growth with infrastructure planning

95) All infrastructure planning undertaken to inform the Draft Framework Plan has been based on the defined population targets. This means that there is planning in place to deliver the infrastructure needed to meet the needs of 80,000 residents and 40,000 workers. This includes transport, open space and community infrastructure planning.

96) An increase in population above 80,000 residents and 40,000 workers would require additional infrastructure above that planned for, in particular, to deliver open space and community infrastructure. This would need to be carefully monitored over time to ensure that the needs of the community could be met.

97) While the draft Framework and the Amendment allow for an increase in population above 80,000 residents, this only occurs if development occurs at a faster rate than expected over the next 30-35 years or if a FAU is approved for a development site.

98) Development activity is regularly monitored and the impacts of faster rates of development can be tracked and the FAR controls adjusted if required.

99) The application of a FAU must be agreed by the responsible authority. This method of assessing the suitability of a FAU, which is not 'as-of-right', enables potential increases in population above the base target to be carefully monitored and managed.

100) Concerns in regards to potential exceedence of population growth can therefore be tracked and the impacts of the FAU adjusted if required.

Impact of population growth on amenity

101) While urban renewal areas are identified as high growth areas, this should not mean unlimited and unplanned growth. The potential capacity of an area needs to be assessed for every context.

102) It is therefore too simplistic to argue that because Victoria needs to accommodate 100,000 people a year that the target should be higher. How high would be high enough? Population growth is a challenge across the city and state and should be planned carefully and in a manner that is integrated with broader state and city objectives and infrastructure planning. The 80,000 residential population target for Fishermans Bend is aligned with the infrastructure planning for this specific area.

103) The recent review of built form controls in the Central City identified the negative public and

private realm amenity impacts that occur when a policy position is adopted to supported unlimited growth in a concentrated area without regard for the impacts on the immediate and surrounding urban context.

104) It is useful to benchmark potential population densities with other urban contexts. This can create a more meaningful image of the scale of development that is delivered with different population densities. A residential population target of 80,000 people translates to an average residential density of 323 per hectare (gross).

105) A comparison of international cities demonstrates that the average of 323 people per hectare is broadly aligned with other high density city areas. For example Hong Kong (430 people per hectare), Manhattan Island, New York (273) and Barcelona (359)). These are well-established cities that have grown to these densities over time. Each city has comprehensive public transport systems, including a metro network, to support these densities.

106) Within the Melbourne context, the Hoddle Grid and Southbank are projected to have residential densities of 297 and 308 people per hectare by 2034. The current planning for Arden targets residential population densities in the order of 268 people per hectare (see Figure 3).

107) As outlined in Table 7, the potential population in Fishermans Bend could be as high as 150,000. This would result in average residential densities of 603 people per hectare (149,639 residents / 248 hectares - gross area within Fishermans Bend Capital City Zoned precincts). This would result in very high residential densities, some of the highest in Australia and high within an international context (as outlined in Figure 4).

108) As outlined above, the application of the FAU, together with the potential for faster rates of development growth should therefore be carefully monitored to ensure that infrastructure planning and population growth are aligned and that any potential negative precinct-wide amenity impacts such as traffic congestion are managed through proactive infrastructure planning.

109) Localised amenity impacts, such as overcrowding, loss of privacy, access to sunlight and daylight can be effectively managed through the building envelope controls. These are discussed further in Section 5.

110) On balance, the overall 80,000 base population target is supported as it aligns with the infrastructure planning, projected market demand and the desired character for each precinct. The full build-out of Fishermans Bend beyond 2050, together with the capacity for developers to utilise a FAU means that the overall capacity of Fishermans Bend is not constrained to 80,000 people.

Recommendation 6.
The 80,000 residential population target is appropriate. No changes are required in the Urban Design Strategy, the draft Framework or the Amendment to address this issue.

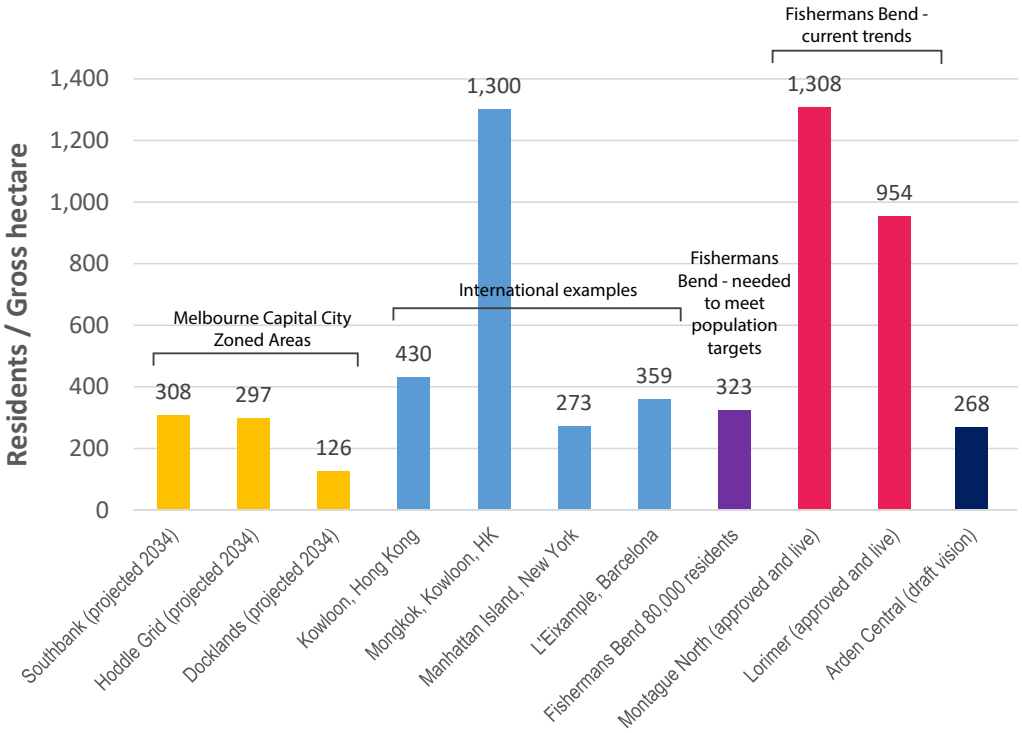


Figure 3 Urban Design Strategy Figure 9: Residential densities for comparable inner city precincts and current development trends in Fishermans Bend. To calculate the number of residents per kilometre (to enable comparison to Figure 3 simply multiple the above population/hectare by 100, e.g. 323 people per hectare = 32,300 people per square kilometre)

Density range	Brisbane		Melbourne		Sydney		Vancouver		Montreal		London	
pph	Pop'n	%	Pop'n	%	Pop'n	%	Pop'n	%	Pop'n	%	Pop'n	%
0 – 4	236,503		201,433		190,019		114,942		252,097		34,293	
4 – 30	1,367,200	75%	2,103,287	55%	1,593,636	38%	637,334	29%	1,046,611	29%	731,761	9%
30 – 60	423,223	23%	1,468,669	39%	1,724,258	41%	821,987	37%	1,152,793	32%	1,758,539	22%
60 – 100	29,361	2%	161,652	4%	442,269	11%	400,469	18%	530,177	15%	2,332,275	29%
100 - 200	7,230	0%	37,692	1%	343,992	8%	238,322	11%	672,124	19%	2,836,892	35%
200 - 400	2,707	0%	18,339	0%	70,587	2%	84,854	4%	149,776	4%	473,224	6%
400+	436	0%	9,243	0%	26,453	1%	15,420	1%	20,643	1%	6,957	0%
TOTAL (>4 pph)	1,830,157		3,798,882		4,201,195		2,198,386		3,572,124		8,139,648	

Note: in some instances % totals do not add to 100% due to rounding.

Figure 4 Table 7 Population by Density Thresholds from *Urban or suburban? Examining the density of Australian cities in a global context,* Spencer A., Gill J., and Schmanhmann, L, SGS Economics, State of Australian Cities Conference 2015

4.2
Issue: FARs are too low and misaligned with development potential

Key concerns raised in submissions

111) A significant number of submissions raised concerns with the proposed FAR controls. While a very small number disagreed with the use of FAR controls at all, most focused on the concern that the FARs were too low to support significant population growth (see above) and realise the development potential on their site. Specifically the following issues were raised:

1. The FARs have been calculated based on an 80,000 population target which is too low
2. The FARs are too low for an urban renewal area and considering proximity to the city and existing public transport services (trams in Montague)
3. FARs are misaligned with site potential and proposed development heights
4. As this is a central city location, a higher FAR should apply (e.g. 18:1 applies in the Hoddle Grid and Southbank and is suitable for Sandridge)
5. FARs don't respond to site specific opportunities or constraints
6. Suggestion that FARs have deliberately been set too low to secure additional public benefits

Discussion

Alignment with population projections

112) 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 established through the following method:

- The total Gross Floor Area (GFA) required to accommodate 80,000 residents and 40,000 jobs has been calculated
- The GFA is adjusted to take into account the fact that there are existing buildings under construction and approvals for development (it is assumed that 90% of all approved dwellings will proceed)
- This GFA has then been 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)
- The GFA within each precinct is then split into core and non-core areas based on transport provision and the desired character of the core and non-core areas
- The GFA is then converted into a FAR control based on the available Gross Developable Area (GDA). The available GDA is the total land area within each precinct excluding existing parks, existing schools and proposed parks that occupy whole sites. The FAR is calculated by dividing the GFA by the GDA. This assumes that every site will redevelop by 2050
- The FAR is then increased to acknowledge that not every site is expected to develop by 2050. The assumption is that 75% of land will be re-developed by 2050. This FARs have therefore been increased to take this assumption on board and ensure that the target population is met by 2050
- This results in the final proposed FARs as included in the Urban Design Strategy

113) The method outlined above therefore calibrates the use of a FAR to deliver the population targets by 2050 based on the noted assumptions.

114) As outlined in Section 4.1, the population targets are appropriate for Fishermans Bend, therefore, it stands that the FARs are also appropriate to deliver sufficient development to support appropriate levels of population growth.

Scale of FARs suitable for urban renewal areas and existing proximity to the city and public transport services

115) When comparing the proposed FARs to other central city contexts, it is clear that these are commensurate with areas that support a similar scale of growth (see Figure 5). The proposed FARs in the Urban Design Strategy are actually higher than most other central city precincts, including the Sydney CBD. The FARs are set at a level which balances the need to maximise development potential to support population growth with the overall need to consider design and amenity impacts.

FARs are misaligned with site potential and proposed development heights

116) 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 (refer to 3d testing in Appendices A and B).

117) Importantly, the FARs in Fishermans Bend are being utilised to facilitate the delivery of the new street network and open space. This means that what at first seems like a low FAR will deliver taller buildings that often meet the height limit once the new streets, laneways and open spaces are taken into account. This concept is illustrated in Figure 6.

118) 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. In effect, the controls are focused on orchestrating a degree of diversity across each precinct and within larger sites. This is done without constraining the overall development potential needed to deliver the population targets.

119) 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. This means that

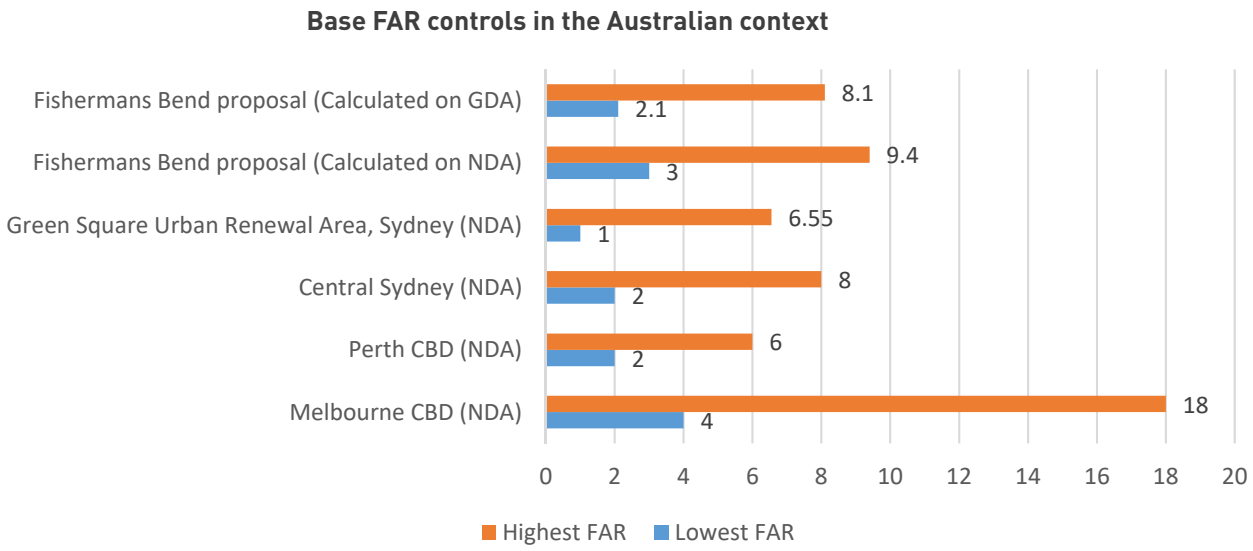


Figure 5 Urban Design Strategy Figure 41: Range of base FAR controls in place in comparable central city precincts in Australia.

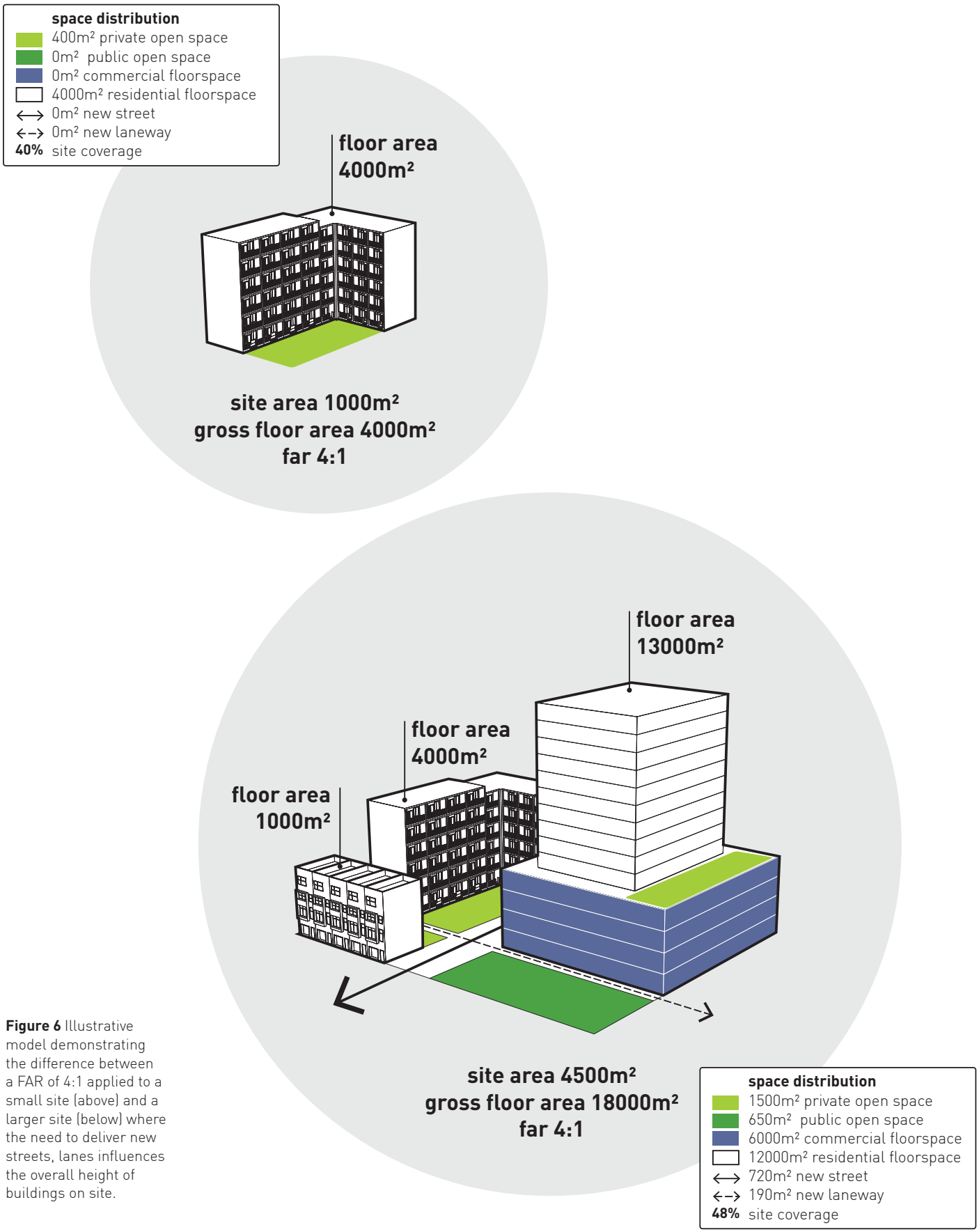


Figure 6 Illustrative model demonstrating the difference between a FAR of 4:1 applied to a small site (above) and a larger site (below) where the need to deliver new streets, lanes influences the overall height of buildings on site.

additional development yield can be delivered through a FAU above the population targets on some sites. The application of a FAU across each precinct should not uniformly increase yield to an extent that it risks the objective for delivering a diverse built form character.

120) Importantly, the impact of a FAR on development potential and design outcomes varies significantly based on the size of the site, the number of street frontages and its shape.

121) The individual site testing (refer Appendix A) demonstrates that the FARs, together with the proposed height limits, support the range of development types that are sought in the Fishermans Bend Vision.

122) The 3d site testing (refer Appendices A and B) also illustrates that the proposed FARs are generally aligned with the heights limits and setback provisions proposed.

Suggestion that FARs have deliberately been set too low to secure additional public benefits

123) The FARs have been set to align with the population targets for each precinct. They have not been deliberately set low to deliver additional public benefits.

124) The application of a FAU to deliver community benefit is standard practice internationally that requires the developer to contribute back to the community in exchange for the provision of additional yield on their site.

Suggestion that as this is a central city location, a higher FAR should apply (e.g. 18:1 applies in the Hoddle Grid and Southbank and is suitable for Sandridge)

125) As outlined in the Urban Design Strategy (page 34) the application of FARs in the order of 18:1 would exacerbate the current issues in regards to the significant scale of densities in Lorimer and Montague.

126) It is anticipated that every site in Fishermans Bend will be redeveloped over time (with the exception of a small number of heritage sites). The application of a FAR as high as 18:1 would lead to significant population growth that is unplanned for and unprecedented in the Australian context.

127) The application of 18:1 is also appropriate in the Hoddle Grid and Southbank because the streets and open space network are already established.

128) FARs of 18:1 are not suitable for Sandridge, where the requirement to deliver new parks and roads, as well as a diversity of building scales on larger sites as well as meet overshadowing requirements would not be possible with such high FARs.

FARs don't respond to site specific opportunities or constraints

129) While the FARs have been calculated based on population targets, they have also been assessed through 3d modelling across a range of sites to establish FARs that are aligned with the proposed built form controls.

130) There will be some sites, for example highly constrained sites (e.g. narrow, deep sites with only one site frontage) and irregular shaped sites where it may not be possible to deliver the potential yield as allowed by the FAR. These will be anomalies within the

overall Fishermans Bend area. It is not reasonable to readjust the overall development settings to cater for anomalous sites, nor is it suitable to establish site specific FAR controls.

131) As an uncapped FAU is available then 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.

132) The FARs are set to deliver the following benefits:

- Alignment with the overall vision, including diversity of building scales and housing types within precincts (and within large sites)
- Population growth that is aligned with infrastructure planning
- The provision of new streets and parks

133) Development potential of sites is not unduly constrained as the FAU is available on sites that have additional capacity above the FAR and within the proposed building envelope.

134) There is no need to increase the FAR controls to address the issues raised.

135) The revised core boundary in Montague, however, results in the need to recalculate the FARs. If the population targets for the Montague core area are held at the same number as outlined in the Urban Design Strategy then increasing the boundary of the core area will result in the FARs for Montague reducing in number. This would result in FARs that are too low and not aligned with the desired character of the area.

136) The 3d site testing demonstrates that Montague core and non-core areas can accommodate a moderate increase in yield without having a detrimental impact on the preferred character outcomes or the overall population density.

137) It is proposed to therefore decrease the residential population targets for Sandridge and increase the residential population target for Montague (see Table 8). No changes to the employment population are proposed.

Table 8 Revised residential population targets

Precinct	Existing	Proposed
Wirraway	17,600	No change
Sandridge	29,600	27,200
Montague	20,800	23,200
Lorimer	12,000	No change

138) The realignment of the Montague core boundary also requires a redistribution of the population allocation within the core and non-core areas to ensure that the FARs are aligned with the preferred character outcomes. This only applies to Sandridge and Montague.

Table 9 Revised distribution of population between the core and non-core areas

Precinct	Existing split (core/ non-core) %	Proposed
Wirraway	20/80	No change
Sandridge	70/30	65/35
Montague	65/35	75/25
Lorimer	N/A - all core area	=

139) This leads to the following revised FAR settings:

Table 10 Revised FARs for Fishermans Bend precincts

Precinct	Existing FAR	Proposed FAR
Sandridge (Core)	8.1	7.4 (decreased)
Sandridge (Non-core)	3.3	No change*
Montague (Core)	6.1	6.3 (increased)
Montague (Non-core)	3.0	3.6 (increased)
Lorimer	No change	
Wirraway	No change	

* The revised distribution of population has had a neutral effect on the Sandridge non-core area

Recommendation 7.
Revise the FAR settings to increase maximum FARs in the Montague core and non-core areas and decrease maximum FARs in the Sandridge core

4.3
Issue: Dwelling densities proposed are too restrictive and 3 bedroom targets are too onerous

Key concerns raised in submissions

140) There was concern in a small number of submissions that the dwelling density controls were unnecessarily prohibitive, including:

- Concern that this will lead to commercially unfeasible buildings therefore stifle development
- Concern that it will hinder development potential on their site

Discussion

141) The overall intention of the inclusion of dwelling density targets is:

- 'Ensuring densities are aligned with the preferred character of each precinct area
- Ensuring the available yield possible through the Floor Area Ratio is not delivered as large numbers of small dwellings that compromise the preferred dwelling diversity
- Ensuring that densities are not too high that they create adverse outcomes such as overcrowding within specific precinct areas
- Encouraging a diversity of dwellings within each precinct and within development sites'

142) Targets for bedroom mix are also in place in the local policy. Effectively these two mechanisms aim to deliver the same objective and both have equal weight at present in the Local Policy.

143) The provision of 3 bedroom dwellings can also be achieved through provision of adaptable floor plates (converting two 1 bedroom units into 1 larger 3 bedroom unit) and is a more flexible approach.

144) The combination of a range of height limits and FARs support a diversity of housing that will also support a diverse community. The delivery of the minimum commercial FAR together within the maximum FAR will ensure that overall population densities are managed effectively.

Recommendation 8.
Remove dwelling density targets from the local policy.

Recommendation 9.
Retain policy target for minimum 3 bedroom mix however apply threshold for target at 100 dwelling developments, not 300, as per the Urban Design Strategy recommendation

5.
Suitability of the proposed built form controls

5.1
Issue: Building heights are too low and constrain development potential

145) **Key concerns raised in submissions**

- The proposed building heights will result in underdevelopment of land in an identified urban renewal area
- Height limits don't take into account land ownership
- Limiting Montague North to 20 storeys is inappropriate and unjustified
- Height limits in Wirraway precinct too low
- Reduction in height limits in Lorimer not supported
- Proposed height limits should be removed so that buildings can have smaller building footprints and more space between them
- Proposed height limits will result in undercapitalisation of the precinct and individual sites
- Decrease from 18 storeys to 12 storeys in Montague core not supported

Discussion

146) As noted above in Section 4 the FARs guide the overall potential yield on a site and not the nominated building height. On the overwhelming majority of sites the potential yield realised by the FAR can be delivered within the built form envelopes that are determined by the height and setback controls.

147) The suggestion that the height controls therefore constrain development yield is incorrect.

148) The building heights have been set to balance a number of outcomes including:

- Enabling the population targets to be met (through ensuring that the yield generated through the FAR fits within the building envelope)
- Supporting the creation of the preferred character as outlined in the Fishermans Bend Vision
- Supporting the alignment of greater height and density with public transport provision

149) The overall approach of the Urban Design Strategy has been to establish built form envelopes that support a diverse, context specific design response.

150) The 20 storey height limit in the Montague North precinct has been introduced to set an overall height that supports the delivery of a mix of building typologies (including towers) while moderating the impact of overall potential population densities and overshadowing impacts (refer to Appendix B modelling).

151) The lower height limits introduced into the Lorimer precinct are put in place to create a more varied built form character across the precinct and to improve sunlight access to proposed parks (refer to Appendix B modelling).

152) The reduction of height limits within the Montague South precinct has been introduced to create an improved transition from the existing lower scale areas south of Montague .

153) The individual site testing has identified one instance where there is a misalignment between the height limits proposed and the FAR (i.e. the potential FAR cannot be delivered within the built form envelope). This occurs at 123 Montague Street where a 12 storey height limit is proposed (reduced from the current height limit of 18 storeys). In order to deliver the park and the preferred laneway locations a taller height limit is required to accommodate the FAR.

Recommendation 10.
Increase building heights on 123 Montague Street from 12 storeys to 18 storeys to ensure overall alignment with the FAR and requirements for delivery of new public open space and new street.

5.2
Issue: Mandatory 4 storey height limit not supported and reduction in mandatory height limit along Boundary Road in one location not supported

Key concerns raised in submissions

154) A number of submitters have noted that the 4 storey mandatory height limit along the southern boundary of the Fishermans Bend area is unwarranted. They argue that the depth of 4 storey mandatory areas is excessive and not required to respond to low-scale residential context

155) In addition, one submission (number 110) identified concerns that the extent of the mandatory 4 storey height control had been reduced along Boundary Road.

Discussion

156) The extent of the mandatory 4 storey area on Williamstown Road has been reduced from the current Planning Scheme controls. This is a recommendation in the Urban Design Strategy and acknowledges that the existing extent of 4 storey mandatory area is greater than what is required to provide an appropriate transition in height from taller built form within the Wirraway core area to the existing low-scale suburbs to the south. This enables increased development capacity on these sites while still balancing the need to ensure that there is a low-scale area of transition.

157) The individual site modelling (refer Section 4) illustrates that the depth of setback currently proposed is appropriate to create a built form outcome where the upper levels of new development are visually recessive behind a 4 storey building constructed along Williamstown Road.

158) It does demonstrate that within the 4 storey discretionary area nominated in Wirraway between JL Murphy Reserve and Prohasky Street that taller buildings are appropriate and this height limit should be revised. An increase to 6 storeys would align this area with the preferred character outcome defined for the Wirraway non-core area while supporting the delivery of family-friendly housing. This is aligned with the proposed built form strategy for this location in the Urban Design Strategy which identified this location as 'low-mid-rise' as opposed to 'low-rise' (refer Figure 42 in the Urban Design Strategy).

159) Submitters have also noted that the extent of 4 storey area is not well defined. This can be addressed by providing a dimension within the plans included in the Amendment that defines the extent of this 4 storey area.

160) The extent of the 4 storey mandatory control in Montague has also been reduced as the current depth of area back from Boundary Street and City Road was not required to provide an appropriate degree of transition. The proposed controls reduce this generally to the single row of properties fronting these streets.

161) Submitter 110 has raised a concern that the extent of reduction at the end of the block bounded by Gladstone Lane, Boundary Street and Gladstone Street is inappropriate.

162) I would agree with this submission as the 4 storey limit has been reduced to a single narrow corner property. To achieve a transition the extent of 4 storey height limit in this location should be increased back to the eastern property boundary of 190 Gladstone Street. This aligns with the recommended change to the core boundary discuss in Section 3.

Recommendation 11.
Increase the 4 storey discretionary height control within Wirraway precinct to a 23 metre (6 storey) discretionary height control

Recommendation 12.
Increase the extent of mandatory 4 storey control in the block bounded by Gladstone Lane, Boundary Street and Gladstone Street to the eastern property boundary of 190 Gladstone Street.

Recommendation 13.
Nominate a dimension for the extent of 4 storey mandatory height limit in the Amendment to provide certainty on the area that this applies to (no change to the extent is required other than outlined in Recommendation 12).

5.3
Issue: Mandatory controls not supported

Key concerns raised in submissions

163) There is significant concern in regard to the application of mandatory controls in general, and specifically, for setbacks and building separation. Concerns raised include:

1. The transitionary nature of area means that strict controls should not be supported
2. Mandatory provisions are not supported, rather performance-based discretionary controls should be in place
3. Mandatory controls stifle innovation, architectural creativity and contemporary design response. Performance-based provisions allow architectural expression and site-responsive design
4. Mandatory controls result in uniform development outcomes
5. Mandatory controls stifle development potential
6. Mandatory controls are not strategically justified
7. A 'one-size fits all approach' will reduce development potential
8. Mandatory built form controls together with mandatory FAR is too onerous
9. Recommendations for revised provisions - e.g. minimum distance couple with an average distance to support better design responses

Discussion

164) Mandatory controls currently apply across the whole Fishermans Bend site area (refer City of Melbourne, Design Development Overlay (DDO) Schedule 67; City of Port Phillip, DDO Schedule 30). These include:

- Maximum height limits (4 - 40 storeys)
- Maximum street wall height of 20 metres or 5 storeys whichever is lesser
- Minimum tower street setback of 10 metres above the street wall
- Minimum setbacks between towers of 20 metres

165) As noted in the Urban Design Strategy these controls are focused on supporting tower and podium buildings and do not align with the Vision to support a range of building scales and housing diversity.

Proposed controls largely remove mandatory height controls

166) The proposed controls under GC81 remove mandatory height controls across the whole of the Fishermans Bend area with the exception along the southern boundaries of the Wirraway, Sandridge and Montague precincts. In addition the extent of this 4 storey mandatory area has been reduced. This is a significant difference from the current approach in the planning scheme and introduces the potential for performance based consideration of development in regards to building heights.

Proposed controls introduce greater flexibility and support site specific design responses

167) The proposed new controls also introduce far greater flexibility to allow a more site specific design response than is currently allowed. This is achieved through:

- Removal of overall mandatory height controls
- Introduction of varied street wall heights, including
  - Introduction of a maximum street wall height that responds to street width therefore provides

a more context specific control
    - Increase in the maximum street wall height on streets greater than 12m (the majority of streets) from 20 metres to 23 metres enabling an additional storey of development within podium/ base buildings on almost all sites
    - Introduction of the additional opportunity to increase the maximum street wall height up to 8 storeys (for building 10 storeys or lower and on streets 22 metres or wider) to support a greater range of building typologies and enable greater amount of development yield on narrow sites than is allowed by the current controls
- Reduction in the upper level street setback for buildings 20 storeys (68m) and lower from 10 metres to 5 metres which increases the potential tower floor plate on these sites
- Reduction in the upper level street setback from 10 metres to 3 metres for building up to 8 storeys high which increases the potential floor plate of upper levels on these sites
- Reduction in side and rear boundary setbacks for buildings 20 storeys and lower from 10 metres to 5 metres which increases the potential tower floor plates on these sites
- Reduction in side and rear setbacks for buildings over 20 storeys when they interface the freeway or a tram corridor which increases the potential tower floor plates on these sites

168) It is noted by many submitters that Practice Note 59 is clear that discretionary controls are preferred in the Victorian planning scheme, however that mandatory controls are appropriate to 'provide certainty and ensure a preferable and efficient outcome'. The issue of certainty is of critical concern in Fishermans Bend where it is likely that almost every site will be redeveloped over time with no predictability on the sequencing of development.

169) The C270 Panel Report (2016) includes a informative discussion around the suitability of mandatory and discretionary controls in regards to this practice note.

170) Of key importance it noted:

- The Central City is a unique situation that warrants the use of mandatory controls in certain circumstances - including the General Development Areas (GDA) which incorporate significant scales of development and the Special Character Area (SCA).
- That mandatory controls do not always stifle architectural merit, with the Australian Institute of Architects (AIA) supporting defined mandatory limits on the basis that it would 'assist a designer in persuading a client not to overdevelop a site' (Panel Report, p78).
- Generally the Practice Note has been considered in regards to overall mandatory height controls and not setback controls

Side and rear setbacks / building separation

171) Fishermans Bend represents a unique situation in the urban renewal context within central Melbourne. This is because of the large size of the area and the likelihood that over time, every single site in Fishermans Bend is likely to be redeveloped as the area transitions from an industrial setting to a high-density mixed-use environment.

172) This means that it is important that every site is developed in a way that enables the adjacent site to develop to its potential. This is important to deliver development equity. Side and rear setbacks are the most critical control in ensuring development equity.

173) If mandatory controls are not put in place, it is highly likely that development will be built too close to the boundary. This is because there could easily be a perception that a building can be built close to a boundary because it won't impact the amenity of an existing adjacent industrial use. This would be short-term thinking and is likely to impact the development potential of an adjacent site in the longer-term.

174) Amendment C270 also demonstrates the detrimental impact that the lack of sufficient side and rear setbacks have on internal amenity and public realm quality. While Fishermans Bend is zoned Capital City Zone, the population targets and market trends illustrate that residential development is the predominant preferred use. Ensuring these interfaces are managed appropriately is critical to delivery well-designed residential environments.

175) The Better Apartment Design Guidelines acknowledge the importance of setbacks to deliver residential amenity, however also acknowledge that these setbacks are best determined in relation to each urban context.

176) The proposed side and rear setbacks and building separation are adapted from the NSW Apartment Design Guidelines which have been in place for over 15 years and which were recently subject to a comprehensive review.

177) Development trends in the Central City prior to 2015 clearly demonstrate the lack of effectiveness of discretionary controls in managing side and rear setbacks. The performance based controls over time become meaningless as preferred setbacks requirements were simply ignored resulting in significant overdevelopment of sites.

178) This was accepted through the panel process for Amendment C270 where mandatory minimum side and rear setback provisions have been applied.

179) The modelling demonstrates (refer Appendices A and B) that the proposed side and rear setbacks and building separation controls are aligned with the proposed FARs across each precinct and therefore do not compromise the potential yield on each site.

180) Submission 206 identifies the issue that current wording of the draft Amendment which relates side and rear setbacks to habitable or non-habitable rooms will 'mean that floor plans will be configured to 'tick the box' rather than to maximise amenity – for example: an open plan kitchen living dining area is considered habitable … so this will deter applicants from include side windows to these spaces to avoid the larger setback requirement' (p6-7).

181) I would agree that the current wording of the controls could lead to this unintended consequence. The key driver of the building setbacks from boundary and building separation distance controls is that in circumstances where the internal amenity of a building is relying on the building aspect that interfaces with a side/rear boundary or other building within the site, that the separation distance is sufficient to provide good levels of daylight, outlook and visual privacy. This is not critical for side windows to habitable rooms, but is critical when the primary outlook of a room is facing the boundary or another building within the site.

182) Changing the wording from 'habitable rooms or balconies' to 'habitable rooms or balconies with primary outlook' would make the application of the control more explicit. This would enable designers to include side windows onto habitable rooms without

triggering an unnecessary increase in the setback distance.

183) The current controls state that building must be setback a minimum of 5 metres from the Westgate Freeway or the existing tram corridors. The mandatory provision in this instance is unnecessary as the sensitivity of these interfaces is minimal. This should be reverted to a discretionary control.

Setbacks above the street wall

184) Amendment C270 also demonstrated the detrimental impact on public amenity that results from insufficient upper level street setbacks above a street wall. This includes visual dominance of tall buildings, reduced sunlight and daylight within a street and negative wind impacts. Mandatory provisions were subsequently introduced to address these significant issues.

185) The 3d modelling testing does demonstrate that there are circumstances when the proposed maximum street wall height to streets 12 metres or less of 15.4m is not always required (refer Appendix A). In some circumstances increasing the street wall height to 6 storeys results in an acceptable outcome as it creates a street wall that provides a sense of enclosure without visually dominating the street or laneway or creating a canyoning effect.

FAR controls

186) The proposed FAR controls are needed to manage overall population densities and support the delivery of diverse buildings scales and housing typologies. They provide certainty for land valuation and assist in avoiding land speculation. If these were discretionary these benefits would be lost.

187) The proposed FAR controls, street wall heights, and side and rear controls have no negative impact on achieving the overall vision for Fishermans Bend in regards to the population targets, development potential, housing diversity and the desired character of each precinct and creating high quality residential environments. On the contrary, they provide greater certainty that the Vision can be achieved.

Overshadowing controls

188) The need for mandatory overshadowing controls is discussed in Section 5.4.

189) In summary:

- The proposed controls remove almost all existing mandatory height controls to remove unnecessary constraints on building height
- The proposed controls have been tailored to support a more diverse and visually interesting urban form
- The proposed controls introduce allowances for increased street wall heights and reduced upper level street setbacks, side and rear setbacks to support the development of smaller sites
- The provision of mandatory setback controls is required to manage overall public and private amenity issues and deliver development equity across Fishermans Bend.
- The proposed built form controls have introduced a significant increase in design flexibility to allow site specific design responses.
- The FAR controls operate together with a potential FAU therefore do not overly constrain development capacity.

Recommendation 14.
Revise current maximum street wall heights on laneways and streets 12m or less from a mandatory maximum of 15.4 metres to a preferred maximum of 15.4 metres and a mandatory maximum of 23 metres.

Recommendation 15.
Retain the mandatory FAR, street wall height, setback controls and building separation controls with the exception of the change proposed in Recommendation 14.

5.4
Issue: Overshadowing controls are too onerous

190) **Key concerns raised in submissions**

- Locations of parks not supported by some submitters as, in combination with mandatory overshadowing controls, will lead to undue constraint on their site.
- Mandatory provisions are not supported with discretionary provisions preferred.

Discussion

191) Unlike issues such as design quality or precinct character, the assessment of overshadowing is not subjective. A building either overshadows a park or it doesn't.

192) The application of discretionary controls in a Capital City Zone (CZZ) setting in the Hoddle Grid and Southbank resulted in unacceptable overshadowing of central city parks.

193) Sunlight access protection in winter is considered international best practice. The C270 work demonstrates that it is possible to support development intensification and the protection of sunlight access if this is carefully considered on a site by site basis. This is best considered through 3d testing which has demonstrated that the sunlight access provisions included in the Urban Design Strategy and the Amendment deliver high levels of public amenity while enabling development intensification that is aligned with the overall Vision.

194) The Urban Design Strategy does not nominate which parks should have a 'No additional overshadowing control' and when this should only apply to shadow cast above the street wall shadow. Each park has been

assessed in the 3d model which has identified four neighbourhood parks in Montague which currently have a 'No additional overshadowing' control which should have a 'No additional overshadowing control above the street wall height'. This only affects parks in Montague and includes:

- The new park fronting Thistlethwaite Street
- Both new parks fronting Gladstone Street
- The new park fronting Buckhurst Street

195) In addition, the modelling has demonstrated two instances where the height limits do not align with the overshadowing requirements:

- In order to meet the overshadowing requirements for Montague North park, the overall building height will need to be revised from 24 storeys to 12 storeys on 11 Montague Street.

Recommendation 16.
Revise the current overshadowing controls for neighbourhood parks in the Amendment for Montague from 'no additional overshadowing' to 'no additional overshadowing above the street wall shadow'.

Recommendation 17.
Update the Urban Design Strategy Figure 31 to align with the Amendment to provide clarity on the locations where a no additional overshadowing control above the street wall height applies.

Recommendation 18.
Revise the height limit on 11 Montague Street from 24 storeys to 12 storeys.

5.5
Issue: Building heights are too high

196) **Key concerns raised in submissions**

- 24 storey height limits too high on Lorimer Street
- Unlimited height controls are excessive (general comment)
- Building heights in Wirraway core are too high
- Building heights in Buckhurst spine are too high

Discussion

197) The proposed building heights are aligned with the Vision and desired character for each area.

198) They are aligned with the testing of the FAR and overshadowing requirements.

199) No additional changes are considered necessary in response to the submissions raised.

Recommendation 19.
Retain the building heights as proposed in the Amendment with the exception of changes proposed for 123 Montague Street (Recommendation 10), sites within the discretionary 4 storey height limit areas in Wirraway (Recommendation 11), sites between Gladstone Street and Gladstone Lane to the east of (and including) 190 Gladstone Street (Recommendation 12), and 11 Montague Street (Recommendation 18).

5.6

Issue: No guidance for street wall height for development fronting parks

200) While most parks have a street or laneway separating the park and the development site, there are some sites where development will be directly adjacent to a park.

201) In these circumstances there is currently no control in place that guides the height of the building wall that immediately fronts new and existing open spaces. This is also not addressed in the Urban Design Strategy.

202) The 3d modelling demonstrates that a building wall height of 4-6 storeys creates an appropriately scaled interface to these park locations (refer Appendices A and B).

Recommendation 20.
Introduce a preferred building height of 15.4 to 23 metres in locations where a development site immediately fronts a new or existing park.

6.
Application of the controls

6.1
Issue: Application of two height controls and/or two FAR controls on one site is confusing

Key concerns raised in submissions

203) The following issues have been highlighted:

- A number of submitters have noted the confusion created by the application of two different controls to their site
- Clarification is needed on where one ends and where one begins

Discussion

204) The application of multiple controls on large sites is not unusual and occurs within Melbourne's central city in a number of DDOs.

205) The alignment of the core and non-core areas and the proposed height limits have generally been made along site boundaries where reasonable. On large sites, this is not possible as it would undermine or contradict the rationale of the urban design strategy for each precinct.

206) This issue was raised in the C270 Amendment and the Panel advised that 'it is impossible to predict which contiguous lots might in future be consolidated and subject to a common planning application. This could create additional cases of two DDOs applying to the one site'

207) I agree that further explanation on the extent of each control would assist and should be included into the Amendment.

Recommendation 21.
No changes to the controls are proposed to address the situation where multiple controls apply to development sites

Recommendation 22.
Provide clear dimensions within the Amendment plans to demarcate the boundary of two height limits or two FARs within a single site

6.2
Overall controls are too complex and confusing

Key concerns raised in submissions
- Inclusion of mandatory built form controls and mandatory FARs is complicated
- Overlapping of all controls is confusing

Discussion

208) The application of multiple controls on development sites is not unusual in high density, mixed-use environments.

209) The application of FAR controls together with a building envelope control is also very common. In this instance it is a deliberate mechanism employed to deliver the multiple objectives outlined in the Fishermans Bend Vision.

210) I accept that the method of articulating the controls through a series of standard DDO clauses makes it difficult at times to appreciate the overall intent of the Urban Design Strategy. The revised version of the DDOs circulated with DELWP's Part A submission goes a significant way to improving legibility of the controls and communicating the overall desired built form outcomes.

211) The DDO lists each built form envelope attribute (e.g. setbacks) and then the different control for setbacks that apply in a range of conditions (e.g. different distances according to building heights and in relation to habitable/non-habitable rooms etc.)

212) The building envelope controls all vary according to the building height and this can be a simpler way of grouping and communicating the controls. This is demonstrated in the following tables.

213) While it is agreed that the current method of communicating the controls through the DDO could be more effective, the 3d modelling included in this report demonstrates that the controls themselves, working together, do deliver the preferred built form outcomes for Fishermans Bend as outlined in the Vision and Urban Design Strategy.

Recommendation 23.
Retain the current suite of controls in order to deliver the overall Urban Design Strategy (with exceptions noted in this report).

Summary of proposed built form controls that apply in relation to building heights

214) The following tables have been prepared to demonstrate an alternative way of representing the proposed building envelope controls that more clearly communicates the way the controls apply. This is not a conventional way of communicating controls in a planning scheme, however provides a more approachable means of representing and understanding the controls.

215) Street wall height controls apply in relation to the street width and the building height (see Table 11).

216) Setbacks above the street wall, setbacks from rear and side boundaries and building separation apply in relation to the building height. Controls that apply to buildings up to 30 metres are listed in Table 12, Table 13 and Table 14. Controls that apply to buildings greater than 30 metres are listed in Table 15, Table 16 and Table 17.

217) These tables include the recommended changes to the DDO that are discussed in the earlier sections of this report.

Table 11 Street wall heights (all building heights)

Street width	**Maximum street wall height for buildings up to 38 metres**	**Maximum street wall height for buildings greater than 38 metres**
Less than or equal to 12m	15.4 m (preferred) 23 m (mandatory)	15.4m (preferred) 23 m (mandatory)
Greater than 12m and less than 22m	23m	23m
22m or greater	30m	23m
Lorimer	N/A - all core area	-

Other building envelope controls for buildings up to 30 metres

In addition to street wall heights, the following controls apply:

Table 12 Setback above the street wall

The following setback is required above the street wall:

Preferred	Mandatory minimum
5m	3m

Table 13 Setbacks from rear and side boundaries

Buildings can be built on side and rear boundaries up to the maximum street wall height.

When buildings are not built on the boundary the following setbacks apply to the whole of the building height:

Building height	Habitable Room with primary outlook	Non-habitable Room
Less than or equal to 23 metres	6m	3m
Greater than 23 metres and less than or equal to 30 metres	9m	3m

Table 14 Building separation within sites

Building must be separated the following distances:

Building height	Both buildings with habitable rooms and/or balconies with primary outlook fronting separation distance	One building with habitable rooms and/or balconies with primary outlook fronting separation distance	Neither building with habitable rooms and/or balconies with primary outlook fronting separation distances
Less than or equal to 23 metres	12m	9m	6m
Greater than 23 metres and less than or equal to 30 metres	18m	12m	6m

Other building envelope controls for buildings greater than 30 metres

In addition to street wall heights, the following controls apply:

Table 15 Setback above the street wall

The following setback must be provided above the street wall:

Building height	Preferred	Mandatory minimum
Greater than 30 metres and less than or equal to 68m	10m	5m
Greater than 68 m	-	10m, except where the side or rear boundary interfaces with Westgate freeway, City link overpasses or existing route 109 and 96 tram corridors, in which case buildings should be setback at least 5m above the street wall.

Table 16 Setbacks from rear and side boundaries

The base of the building can be built on side and rear boundaries up to the maximum street wall height.

If buildings are not built on a boundary the following setbacks must be applied from the boundary:

Habitable Room with primary outlook	Non-habitable Room
6m	3m

Above the podium, the building must be setback as follows:

Building height	Habitable Room with primary outlook	Non-habitable Room
Up to 68 metres	10m	5m
Over 68 metres	10m	10m

Table 17 Building separation within sites

Within development sites, buildings must be separated the following distances:

Building height	Both buildings with habitable rooms and/or balconies with primary outlook fronting separation distance	One building with habitable rooms and/or balconies with primary outlook fronting separation distance	Neither building with habitable rooms and/or balconies with primary outlook fronting separation distances
Greater than 30 metres and less than or equal to 68m	20m	15m	10m
Greater than 68 m	20m applies in all conditions		

6.3
Intersection of two different street wall heights

218) While not raised in submissions, the individual site testing has highlighted that there is currently no clarity on which street wall height applies on corner sites. This needs to be addressed.

219) The preferred urban design outcome would be to continue the higher street wall height to the corner. For example, when a development site fronts a 30 metre wide street and a laneway, the maximum street wall height of 23 metres that is allowed can be built at this continuous height through to the laneway. The taller street wall should then step down within approximately 20-30 metres along the narrower street/laneway.

Recommendation 24.

220) Stipulate in the DDOs within the City of Melbourne and the City of Port Phillip that where two different street wall heights intersect on corner sites the higher street wall height applies and that this should not extent more than 30 metres along the narrower street/ laneway frontage.

6.4
Laneway locations

The 3d testing has identified that a degree of flexibility for preferred laneway locations as nominated in the Amendment and the draft Framework is more beneficial than the identification of specific fixed locations as nominated in the Urban Design Strategy.

221) Local Planning Policies - Clause 22 (City of Port Phillip) for new streets, laneways and pedestrian connections provides guidance on laneway locations based on a principle-based approach to deliver a greater level of connectivity and walkability within each precinct. This currently nominates preferred laneway locations at 100 metres apart (non-core) and 50 metres apart (core). This could have an unintended consequence of supporting block sizes in core areas of 50 x 50 metres which is not the intention of this policy.

222) The inclusion of this policy approach is strongly supported however the guidance on the spacing on laneways in core areas should be revised from:

- 'No more than 100 metres apart, and no more than 50 metres apart in core areas as shown on Map 1 to the Capital City Zone Schedule 1, or within 200 metres of public transport routes'

to:

- 'No more than 100 metres apart in non-core areas **and to approximately 50-70 metres apart in one direction within a block** in core areas as shown on Map 1 to the Capital City Zone Schedule 1, or within 200 metres of public transport stops'

223) Include an additional principle that new streets and laneways should also be located to provide direct connections to existing and proposed open space.

Recommendation 25.
Update the Urban Design Strategy to include the principles for establishing new laneway locations and remove proposed laneway locations.

Recommendation 26.
Update the local policy to change the current guidance on the location of laneways within core areas from 50 metres to approximately 50-70 metres apart in one direction.

6.5
Application of FAU is poorly defined

224) A number of submitters raised concerns with the application of a Floor Area Uplift (FAU) as follows:

- Concern that application of FAU will lead to non-compliance with the building envelope controls
- Insufficient detail regarding how the FAU will be applied
- A FAU was not supported by the C270 Planning Scheme Amendment Panel Report and should not be supported here
- A Development Contributions Plan should be utilised instead of FAU
- FAU does not adequately incentivise community benefit
- FAU for open space is not supported in its current form
- FAU should be provided for open spaces designated in Framework
- The strategic work done to date does not demonstrate a nexus between public benefits and need
- Poor understanding of how FAU will be applied means that developers will not be able to factor into the cost of developments at the time of purchase
- FAU should be transferable between sites / funds pooled to deliver public infrastructure

Discussion

225) The utilisation of a FAU to deliver public benefits is an internationally accepted practice and offers an opportunity to assist in delivering much needed infrastructure in Fishermans Bend.

226) FAU schemes should be focused to deliver specific community needs that have been established through a strategic assessment of each area.

227) The proposed public benefits in Fishermans Bend are affordable housing, community infrastructure and open space. The need for these is clearly demonstrated in the draft Framework and supporting documentation.

228) The provision of affordable housing is a challenge across Victoria and Australia. Delivering policy that prioritises the delivery of affordable housing is urgent and critical for the economic and social sustainability of our cities. Policy settings should be established at a state level and consider progressive solutions such as inclusionary zoning.

229) The opportunity to incentivise the delivery of affordable housing through a FAU, however, is available now and can be implemented in Fishermans Bend through the Amendment.

230) The community infrastructure needs for each neighbourhood have been established through the Community Infrastructure Plan (DELWP, 2017). This provides clarity on the type of facilities needed to support population growth.

Utilising the FAU to deliver new open space

231) The inclusion of open space in the FAU scheme is not proposed in the Urban Design Strategy. This is because it could undermine other urban design

objectives, including the provision of communal private open space to support courtyard developments and family-friendly housing.

232) The provision of open space in the draft Framework supports the proposed population targets. It is not, however, distributed evenly as the opportunities to deliver open space through the FAR vary within each precinct. In particular, the provision of new open space in Montague is challenging. The FAU could apply to the delivery of open space in Montague without risking other urban design objectives.

Method of applying the FAU

233) I would agree with submitters who have noted that the method of calculating the FAU is insufficiently clear in regards to the provision of public open space and community infrastructure through a FAU.

234) The application of the FAU for affordable housing, by contrast, is much clearer and it is possible to assess potential impacts on population growth and development feasibility.

Recommendation 27.
Provide greater clarity on the method of applying the FAU for the provision of additional open space (above those designated in the draft Framework) and community infrastructure

7. Conclusion

A list of the recommendations as identified in this report is provided below.

1. Improve the potential effectiveness of the current policy provision requiring minimum commercial floor area (Clause 22.15.3) by improving the current policy wording and revising the considerations given to the assessment of the minimum commercial floor area provision (see Appendix C - markup of local policy).

2. Monitor the provision of commercial floor area and, if required, convert the current policy to a development control.

3. Update the Urban Design Strategy to remove commercial floor area as a potential FAU and adopt the proposed approach in the Amendment which allows additional commercial floor area above the base FAR if it is not used for a dwelling.

4. Expand the boundary of the core area in Montague as per Figure 2

5. No changes to the Wirraway core area boundary are required in response to submission requests.

6. The 80,000 residential population target is appropriate. No changes are required in the Urban Design Strategy, the draft Framework or the Amendment to address this issue.

7. Revise the FAR settings to increase maximum FARs in the Montague core and non-core areas and decrease maximum FARs in the Sandridge core.

8. Remove dwelling density targets from the local policy.

9. Retain policy target for minimum 3 bedroom mix however apply threshold for target at 100 dwelling developments, not 300, as per the Urban Design Strategy recommendation.

10. Increase building heights on 123 Montague Street from 12 storeys to 18 storeys to ensure overall alignment with the FAR and requirements for delivery of new public open space and new street.

11. Increase the 4 storey discretionary height control within Wirraway precinct to a 23 metre discretionary height control.

12. Revise current maximum street wall heights on laneways and streets 12m or less from a mandatory maximum of 15.4 metres to a preferred maximum of 15.4 metres and a mandatory maximum of 23 metres.

13. Retain the mandatory FAR, street wall height, setback controls and building separation controls with the exception of the change proposed in Recommendation 12.

14. Increase the extent of mandatory 4 storey control in the block bounded by Gladstone Lane, Boundary Street and Gladstone Street to the eastern property boundary of 190 Gladstone Street.

15. Nominate a dimension for the extent of 4 storey mandatory height limit in the Amendment to provide certainty on the area that this applies to (no change to the extent is required other than Recommendation 12).

16. Revise the current overshadowing controls for neighbourhood parks in the Amendment for Montague from 'no additional overshadowing' to 'no additional overshadowing above the street wall shadow'.

17. Update the Urban Design Strategy Figure 31 to align with the Amendment to provide clarity on the locations where a no additional overshadowing control above the street wall height shadow applies.

18. Revise the height limit on 11 Montague Street from 24 storeys to 12 storeys.

19. Retain the building heights as proposed in the Amendment with the exception of changes proposed for 123 Montague Street (Recommendation 10), sites within the discretionary 4 storey height limit areas in Wirraway (Recommendation 11), sites between Gladstone Street and Gladstone Lane to the east of (and including) 190 Gladstone Street (Recommendation 12), and 11 Montague Street (Recommendation 18).

20. Introduce a preferred building height of 15.4 to 23 metres in locations where a development site immediately fronts a new or existing park.

21. No changes to the controls are proposed to address the situation where multiple controls apply to development sites.

22. Provide clear dimensions within the Amendment plans to demarcate the boundary of two height limits or two FARs within a single site.

23. Retain the current suite of controls in order to deliver the overall Urban Design Strategy (with exceptions noted in this report).

24. Stipulate in the DDOs within the City of Melbourne and the City of Port Phillip that where two different street wall heights intersect on corner sites the higher street wall height applies and that this should not extent more than 30 metres along the narrower street/laneway frontage.

25. Update the Urban Design Strategy to include the principles for establishing new laneway locations and remove proposed laneway locations.

26. Update the local policy to change the current guidance on the location of laneways within core areas from 50 metres to approximately 50-70 metres apart in one direction.

27. Provide greater clarity on the method of applying the FAU for the provision of additional open space (above those designated in the draft Framework) and community infrastructure.

Declaration

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

Leanne Hodyl
26 February, 2018

Appendix A. Individual site testing

277-281 Ingles Street
Submission no. 157

Summary of built form issues raised in submission

- Mandatory FAR and maximum dwelling density too prohibitive and based on underestimated population forecasts
- Overshadowing controls too prohibitive
- Setback controls confusing and ambiguous
- Mandatory street wall heights and setback controls will reduce architectural creativity, should be discretionary
- Support for unlimited height controls
- Significant change in location of roads and public open space to current controls
- Need for a Public Acquisition Overlay (PAO)

Response to issues raised

236) The proposed controls deliver a significant scale of development on the site that is not constrained by the overshadowing controls or setback controls.

237) The proposed alignment of the new street and parks does not compromise development yields. The modelling demonstrates that the potential maximum yield enabled through the FAR of 185,740m^2 can be delivered on the remaining net developable area (19,200m^2) and within the proposed built form controls.

238) Overall this large site demonstrates that the controls support the delivery of a diverse range of buildings within a development site. The scheme illustrated in figure 7 is only one potential development scenario.

239) Additional yield via a FAU would also be possible on this site.

Proposed controls tested

Gross developable area (m^2)	25,100 (estimated from model (rounded to nearest 100)
Precinct	Sandridge
Core or non core	Core
Applicable FAR	7.4:1
Potential maximum yield through FAR (m^2)	185,740
Applicable height limit (storeys)	Unlimited
Site layout requirements (must)	New park, 22m street, 12m green link (north-east), 12m green link (north-west)
Site layout requirements (m^2)	5,900 (rounded to nearest 100)
Site layout requirements (%)	23
Remaining net developable area	19,200
Additional preferred site layout requirements	Two additional laneways (north-south and east-west)
Maximum street wall height	6 storeys Ingles Street and Bertie Street 8 storeys for buildings less than 10 storeys
Overshadowing requirements of nearby parks/streets	No overshadowing of future open space on the north-east corner of Bertie Street and Fennel Street between 11am and 2pm on 22 September.
Minimum commercial FAR	3.7:1

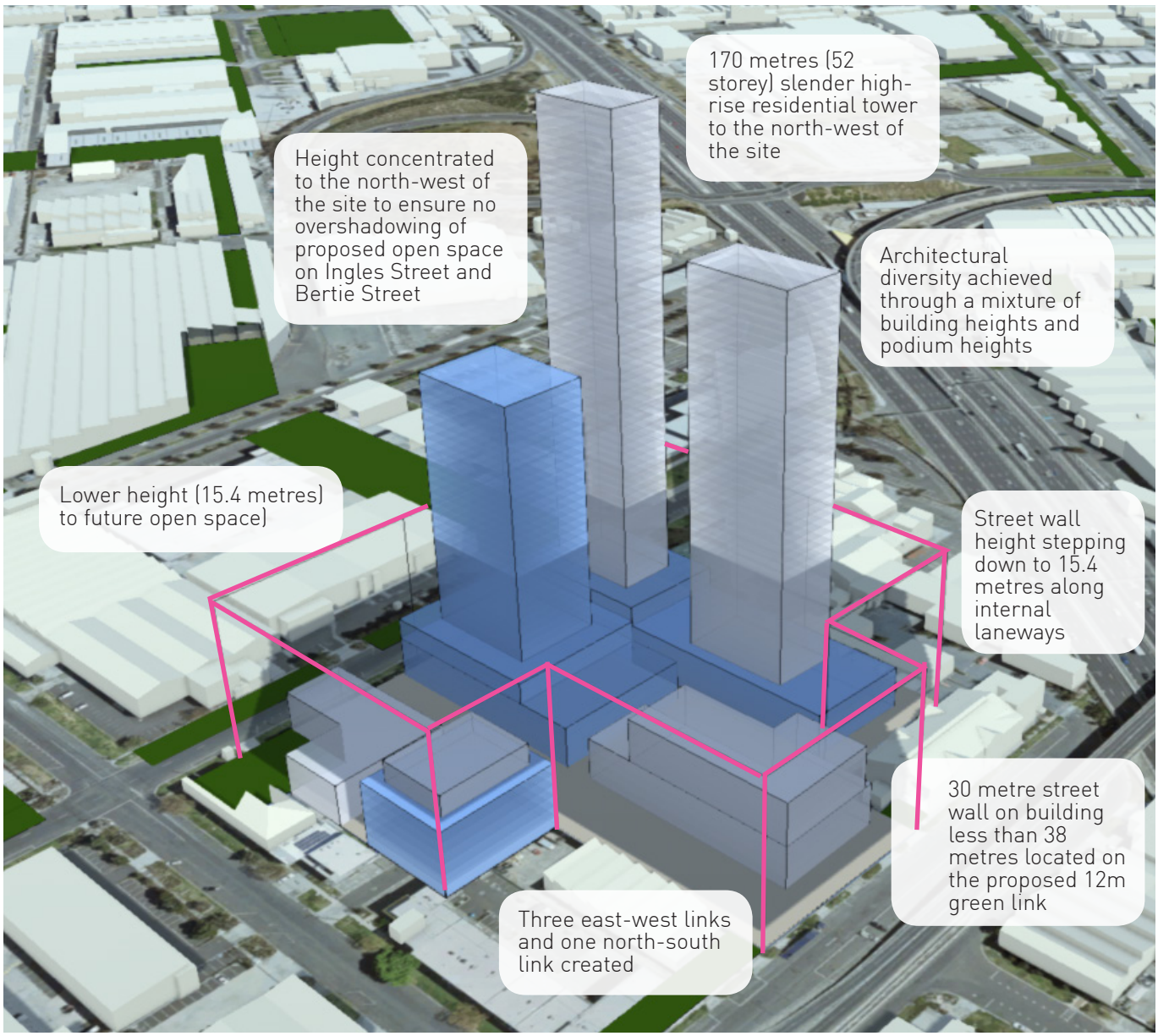


Figure 7 Potential development outcome at 277-281 Ingles Street that meets the proposed built form controls.

501 Williamstown Road
Submission no. 84

Summary of issues raised in submission

- Floor Area Ratio too low for a strategic site
- Mismatch between proposed FAR and height controls, FAR won't allow heights to be met across the site

Response to issues raised

240) The proposed controls deliver a significant scale of development on the site that is aligned with the proposed height controls.

241) The modelling demonstrates that the potential maximum yield enabled through the FAR of 100,650m^2 can be delivered on the remaining net developable area (24,500m^2) and within the proposed built form controls.

242) The type of residential development modelled is aligned with the desired character of this precinct, including the requirement to transition building heights towards the adjacent low-scale suburbs.

243) Additional yield via a FAU would also be possible on this site.

Proposed controls tested

Gross developable area (m^2)	30,500 (calculated from model and rounded to nearest 100)
Precinct	Sandridge
Core or non core	Non-core
Applicable FAR	3.3:1
Potential maximum yield through FAR (m^2)	100,650
Applicable height limit (storeys)	4 storeys (mandatory) along Williamstown Road 8 storeys (discretionary) remainder of the site
Site layout requirements (must)	22m street (east-west), 12m green link (east-west)
Site layout requirements (m^2)	6,000 (rounded to nearest 100)
Site layout requirements (%)	20
Remaining net developable area (m^2)	24,500
Additional preferred site layout requirements	Three additional laneways (two east-west and one north-south)
Maximum street wall height	4 storeys Williamstown Road 8 storeys for buildings less than 10 storeys
Overshadowing requirements of nearby parks/streets	No overshadowing of North Port Oval between 11am to 2pm 21 June to 22 September
Minimum commercial FAR	N/A

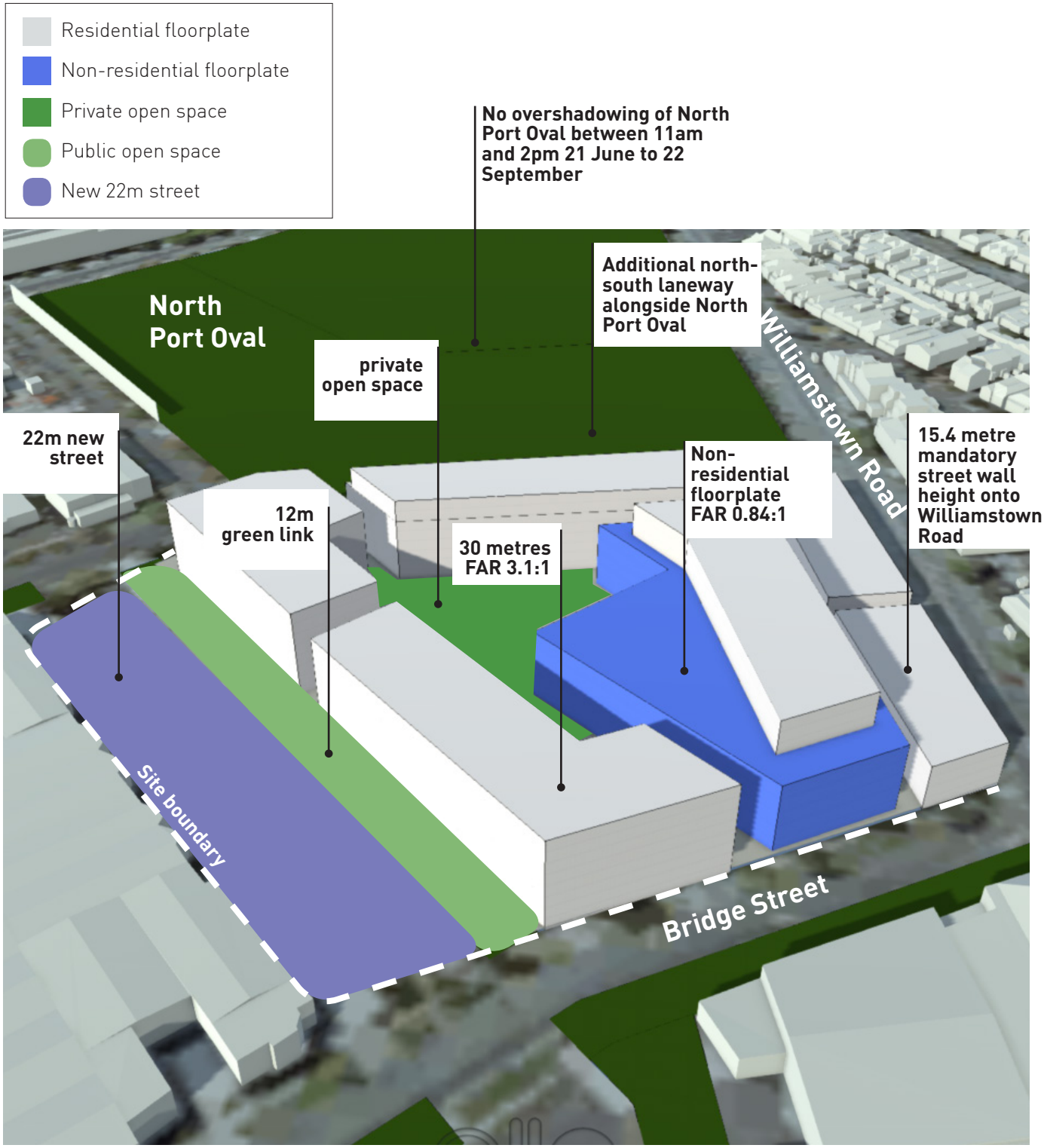


Figure 8 Potential development outcome at 501 Williamstown Road that meets the proposed built form controls.

99-111 Lorimer Street
Submission no. 71

Summary of built form issues raised in submission

- Residential population forecasts are too low
- Built form controls are unreasonably complex and unjustified
- Oppose the introduction of a 5.4:1 FAR and the reduction in height from 40 storeys to 18 storeys
- Use of height controls and FARs together is confusing and misleading
- Proposals should be able to reach preferred height and this isn't necessarily the case
- Mandatory provisions are not supported as they restrict innovation
- 10m landscaped setback on the south side of Lorimer Street is unjustified and doesn't appear consistently in relevant background documents
- Protecting an open space from overshadowing to the south of a development site is flawed.
- Linear open spaces are secondary spaces in the public space network and should note be protected from overshadowing

Response to issues raised

244) The proposed controls deliver a significant scale of development on the site that does reach the proposed height and meet the overshadowing controls.

245) The proposed controls facilitate the delivery of the new 12m street (half of which is located within this site) and the 10m landscape setback required to Lorimer Street.

246) The modelling demonstrates that the potential maximum yield enabled through the FAR of 22,140m^2 can be delivered on the remaining net developable area (3,000m^2) and within the proposed built form controls.

247) No changes are required to the controls on this site.

248) Additional yield via a FAU would also be possible on this site.

Proposed controls tested

Gross developable area (m^2)	4,100 (estimated from model (rounded to nearest 100)
Precinct	Lorimer
Core or non core	Core
Applicable FAR	5.4:1
Potential maximum yield through FAR (m^2)	22,140
Applicable height limit (storeys)	18 storeys
Site layout requirements (must)	New 12m street (north-south), 10m ground floor landscaped setback (south of Lorimer Street)
Site layout requirements (m^2)	1,100 (rounded to nearest 100)
Site layout requirements (%)	27
Remaining net developable area (m^2)	3,000
Additional preferred site layout requirements	N/A
Maximum street wall height	6 storeys, Lorimer Street, Roger Street and Boundary Street
Overshadowing requirements of nearby parks/streets	No overshadowing of future open space located on Boundary Street to the south of the site between 11am and 2pm on 22 September.
Minimum commercial FAR	1.7:1

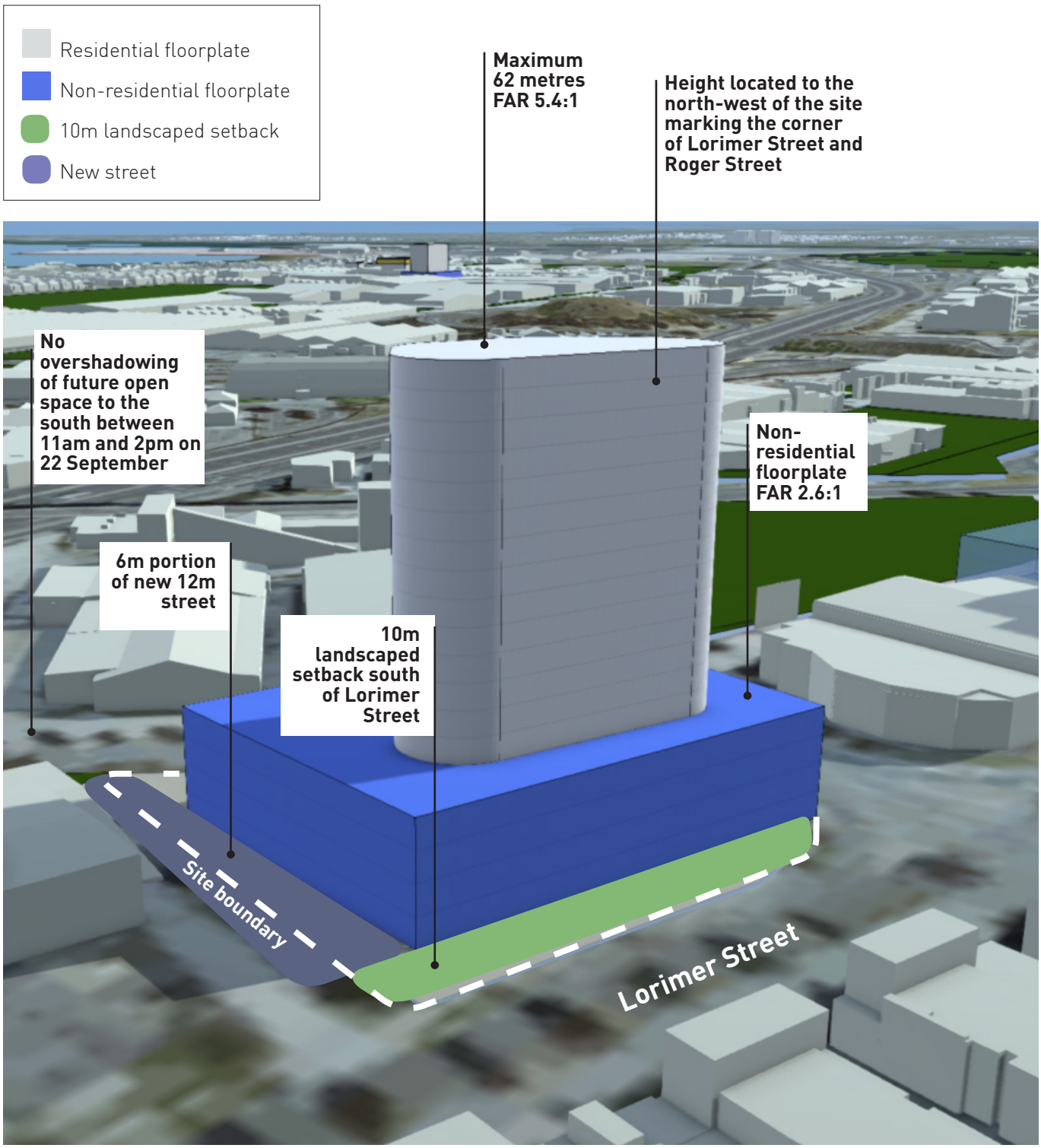


Figure 9 Potential development outcome at 99-111 Lorimer Street that meets the proposed built form controls.

880-884 Lorimer Street
Submission no. 130

Summary of built form issues raised in submission

- Population target unjustified
- Mandated buildings heights and setbacks combined with a maximum FAR is overly prescriptive
- Low FAR will trigger FAU on site seeking to make effective use of their site
- FAU mechanism lacks transparency
- Mandatory provisions don't allow for site responsive design
- Limited guidance on land acquisition of new park and streets

Response to issues raised

249) The FAR is aligned with the proposed height controls which protect the adjacent park from overshadowing.

250) The FAR facilitates the delivery of the new 12m street. The mandated building heights and setbacks support a range of design outcomes (see also Appendix B which illustrates alternative designs for this site).

251) The modelling demonstrates that the potential maximum yield enabled through the FAR of 23,760m^2 can be delivered on the remaining net developable area (3,700m^2) and within the proposed built form controls.

252) There is little opportunity for this site to pursue a FAU as the FAR is closely aligned with the proposed built form envelope.

253) No changes are required to the controls on this site.

Proposed controls tested

Gross developable area (m^2)	4,400 (estimated from model (rounded to nearest 100)
Precinct	Lorimer
Core or non core	Core
Applicable FAR	5.4:1
Potential maximum yield through FAR (m^2)	23,760
Applicable height limit (storeys)	10 storeys and 6 storeys
Site layout requirements (must)	New 12m street (north-south street
Site layout requirements (m^2)	700 (rounded to nearest 100)
Site layout requirements (%)	16
Remaining net developable area (m^2)	3,700
Additional preferred site layout requirements	N/A
Maximum street wall height	6 storeys Lorimer Street, 4 storeys (laneway to the south)
Overshadowing requirements of nearby parks/streets	No additional shadows above the street wall height between 11am and 2pm 21 June to 22 September to Lorimer Central
Minimum commercial FAR	1.7:1

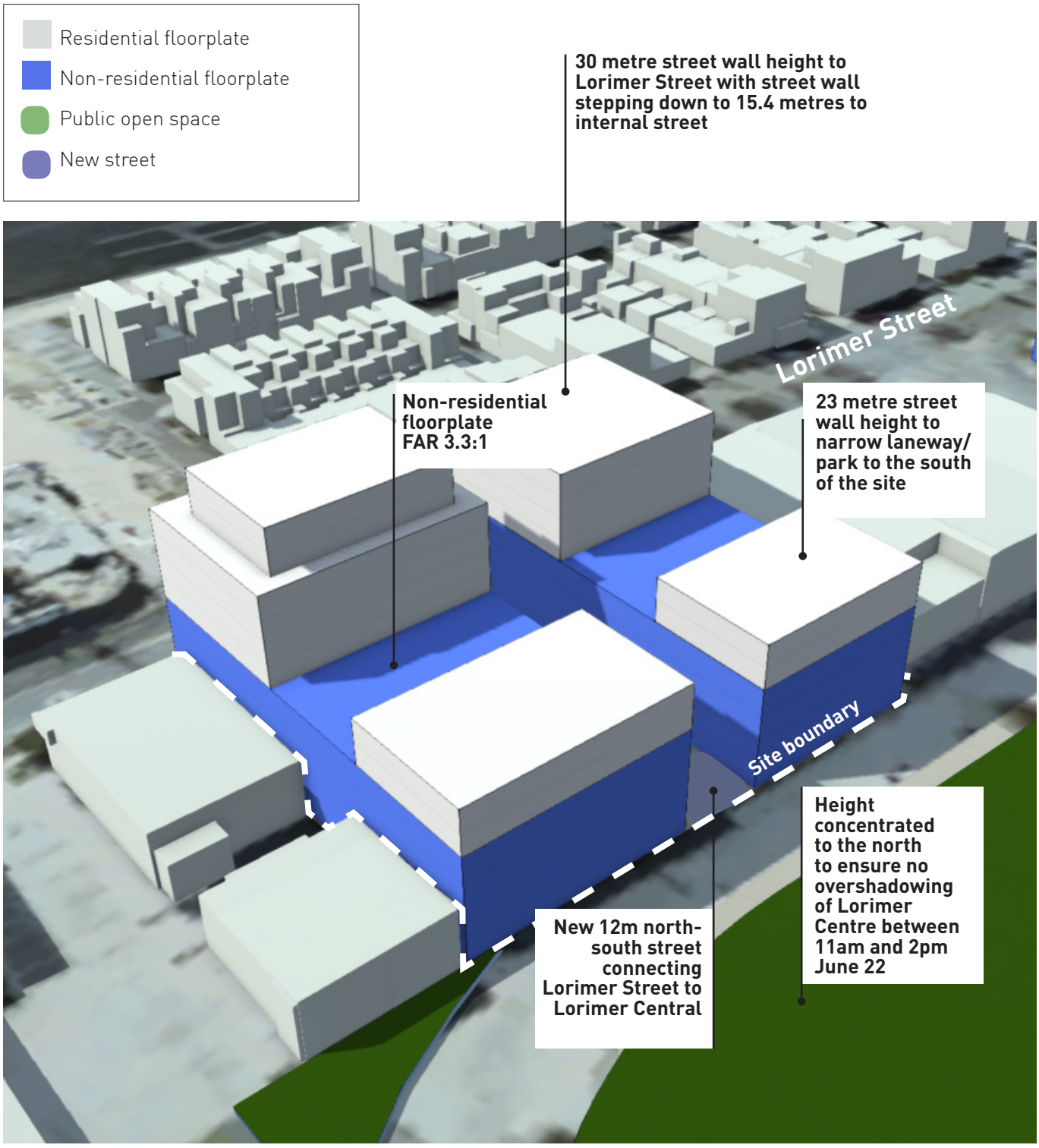


Figure 10 Potential development outcome at 880-884 Lorimer Street that meets the proposed built form controls.

123 Montague Street
Submission no. 173

Summary of built form issues raised in submission

- Population target unjustified
- Mandated buildings heights and setbacks combined with a maximum FAR is overly prescriptive
- Low FAR will trigger FAU on site seeking to make effective use of their site
- FAU mechanism lacks transparency
- Mandatory provisions don't allow for site responsive design
- Limited guidance on land acquisition of new park and streets
- The location of a Neighbourhood Future Open Space on the site
- No mechanism to secure an FAU for the provision of Neighbourhood Future Open Space

Response to issues raised

254) The FAR is not aligned with the proposed height controls. The building heights need to be increased to 18 storeys to enable the floor area allowed through FAR to be delivered on site.

255) The mandatory 4 storey high street wall to the proposed laneways is creating an awkward relationship between the tower and the remainder of the podium. Greater flexibility to vary the laneway street wall height up to 6 storeys is recommended.

256) With an increased height limit to 18 storeys the FAR facilitates the delivery of the new park and the preferred laneway locations.

257) The modelling demonstrates that the potential maximum yield enabled through the FAR of 34,770m^2 can be delivered on the remaining net developable area (3,100m^2) and within the proposed revisions to the built form controls.

258) There is little opportunity for this site to pursue a FAU as the FAR is closely aligned with the revised built form envelope.

Proposed controls tested

Gross developable area (m^2)	5,700 (estimated from model (rounded to nearest 100)
Precinct	Montague
Core or non core	Core
Applicable FAR	6.1:1
Potential maximum yield through FAR (m^2)	34,770
Applicable height limit (storeys)	12 storeys
Site layout requirements (must)	New park, three laneways (two north-south, one east-west)
Site layout requirements (m^2)	2,600 (rounded up to nearest 100)
Site layout requirements (%)	46
Remaining net developable area (m^2)	3,100
Additional preferred site layout requirements	N/A
Maximum street wall height	6 storeys Montague Street, Thistlethwaite Street
Overshadowing requirements of nearby parks/streets	No overshadowing of Neighbourhood Future Open Space on Montague Street between 11am and 2pm September 22
Minimum commercial FAR	1.6:1

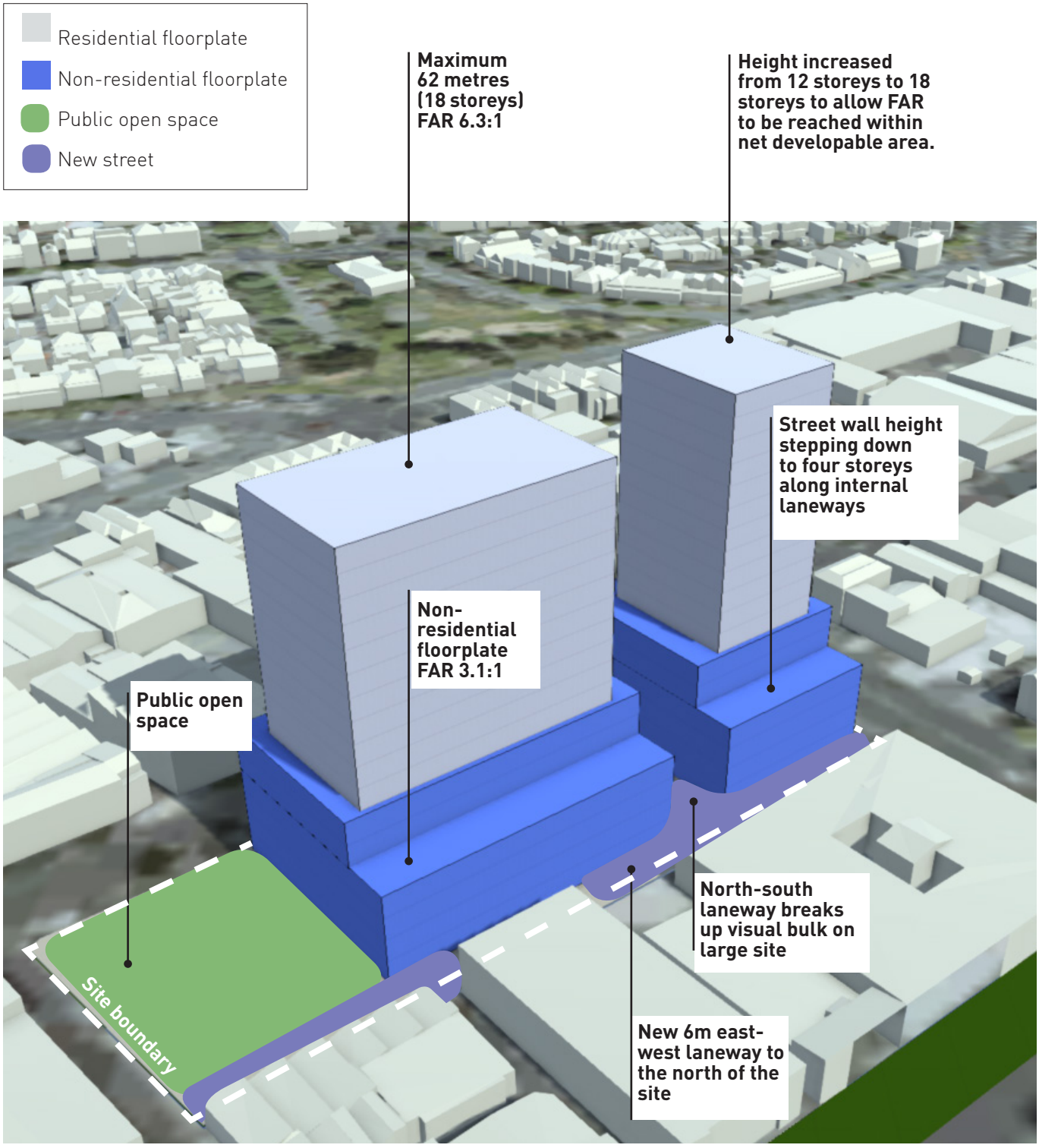


Figure 11 Potential development outcome at 123 Montague Street that meets the proposed built form controls.

235-243 Normanby Road
Submission no. 207

Summary of built form issues raised in submission

- The FAR control reduces the development yield possible under the current controls by half
- Demand for transitionary provisions
- Proposed controls lack strategic justification

Response to issues raised

259) The FAR is aligned with the proposed height controls.

260) The mandated building heights and setbacks, together with the FAR control, support the delivery of a range of building typologies within this site.

261) The modelling demonstrates that the potential maximum yield enabled through the FAR of 20,160m^2 can be delivered on the remaining net developable area (2,800m^2) and within the proposed built form controls.

262) No change is required to the controls.

263) Additional yield via a FAU would also be possible on this site.

Proposed controls

Gross developable area (m^2)	3,200 (estimated from model (rounded up to nearest 100)
Precinct	Montague
Core or non core	Core
Applicable FAR	6.3:1
Potential maximum yield through FAR (m^2)	20,160
Applicable height limit (storeys)	20 storeys
Site layout requirements (must)	North-south laneway
Site layout requirements (m^2)	400
Site layout requirements (%)	13
Remaining net developable area (m^2)	2,800
Additional preferred site layout requirements	N/A
Maximum street wall height	6 storeys Normanby Road and Woodgate Street
Overshadowing requirements of nearby parks/streets	No overshadowing of future open space on the north-east corner of Bertie Street and Fennel Street between 11am and 2pm on 22 September.
Minimum commercial FAR	1.6:1

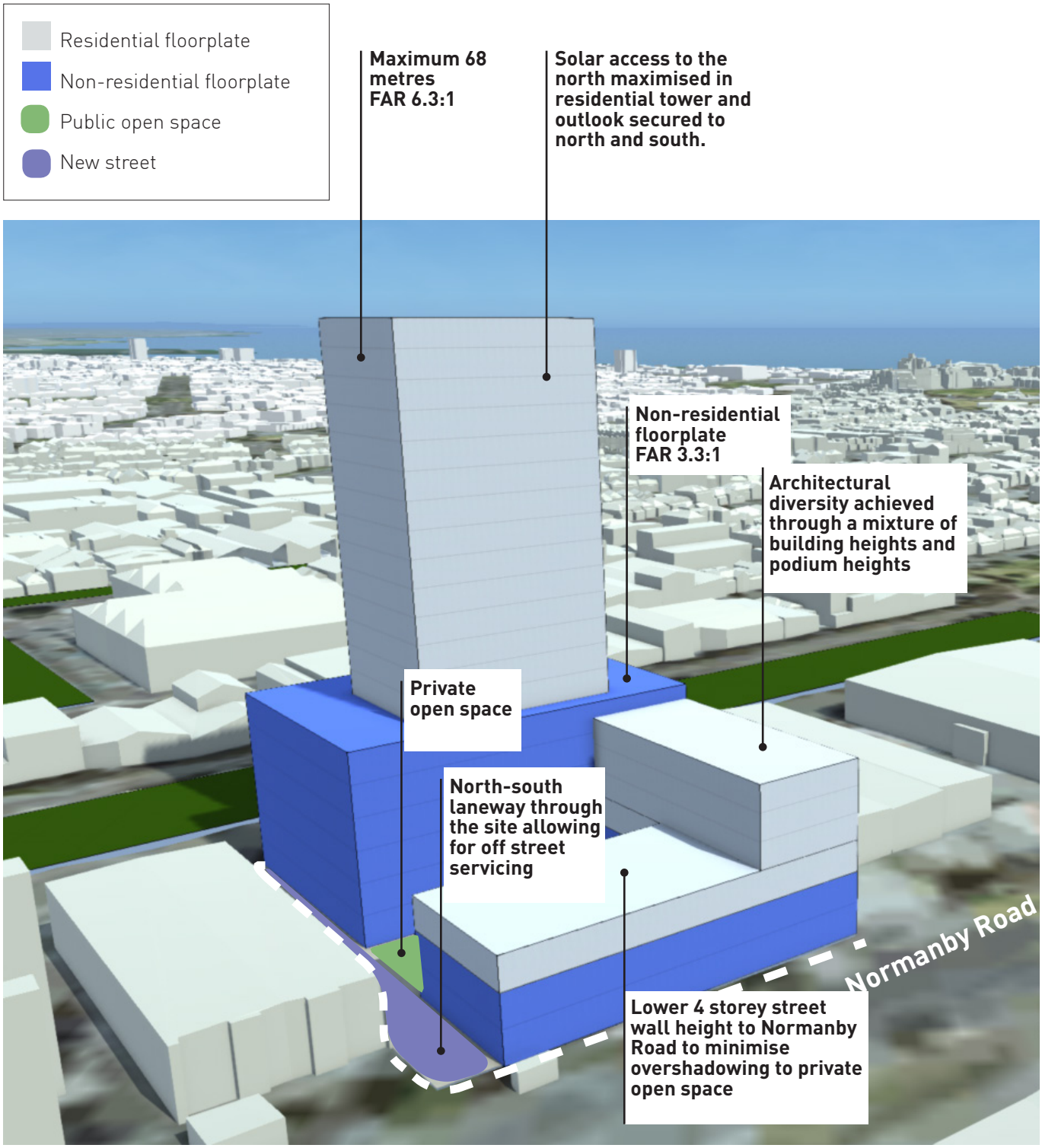


Figure 12 Potential development outcome at 235-243 Normanby Road that meets the proposed built form controls.

50 Salmon Street
Submission no. 172

Summary of issues raised in submission

- Unacceptable reduction in height from 18 storeys to 12 storeys given its location at the centre of the Wirraway core
- Population targets are set too low given population growth expected to occur in Victoria
- FAR controls are confusing and create legal uncertainty
- FAU is vague and open to misinterpretation
- Proposed open space and road widening on subject site should occur through a Public Acquisition Overlay with the landowner compensated
- Protecting south side of Plummer Street from overshadowing is overly restrictive and the control should be discretionary not mandatory
- The neighbourhood park proposed to the south of Plummer Street opposite the subject site is secondary in the open space network and shouldn't have protection from overshadowing
- Built form controls are overly complex and confusing

Response to issues raised

264) The FAR is aligned with the proposed height controls and the overshadowing controls.

265) The FAR facilitates the delivery of the street widening and the proposed open space. The modelling demonstrates that the potential maximum yield enabled through the FAR of 21,560m^2 can be delivered on the remaining net developable area (2,450m^2) and within the proposed built form controls.

266) There is little opportunity for this site to pursue a FAU as the FAR is closely aligned with the proposed built form envelope.

267) No changes are required to the controls on this site.

Proposed controls

Gross developable area (m^2)	4,900 (calculated from model and rounded up to nearest 100)
Precinct	Wirraway
Core or non core	Core
Applicable FAR	4.1:1
Potential maximum yield through FAR (m^2)	21,560
Applicable height limit (storeys)	Unlimited
Site layout requirements (must)	New park, 16m street widening north side of Plummer Street, north-south laneway (to the east)
Site layout requirements (m^2)	2,450
Site layout requirements (%)	50
Remaining net developable area (m^2)	2,450
Additional preferred site layout requirements	N/A
Maximum street wall height	6 storeys Plummer Street and Salmon Street
Overshadowing requirements of nearby parks/streets	No overshadowing of Plummer Street (south side) first 6m north of property boundary between 11am and 2pm September 22 No overshadowing of Neighbourhood Park located to the south of the subject side on Plummer Street between 11am and 2pm 22 September
Minimum commercial FAR	1.9:1

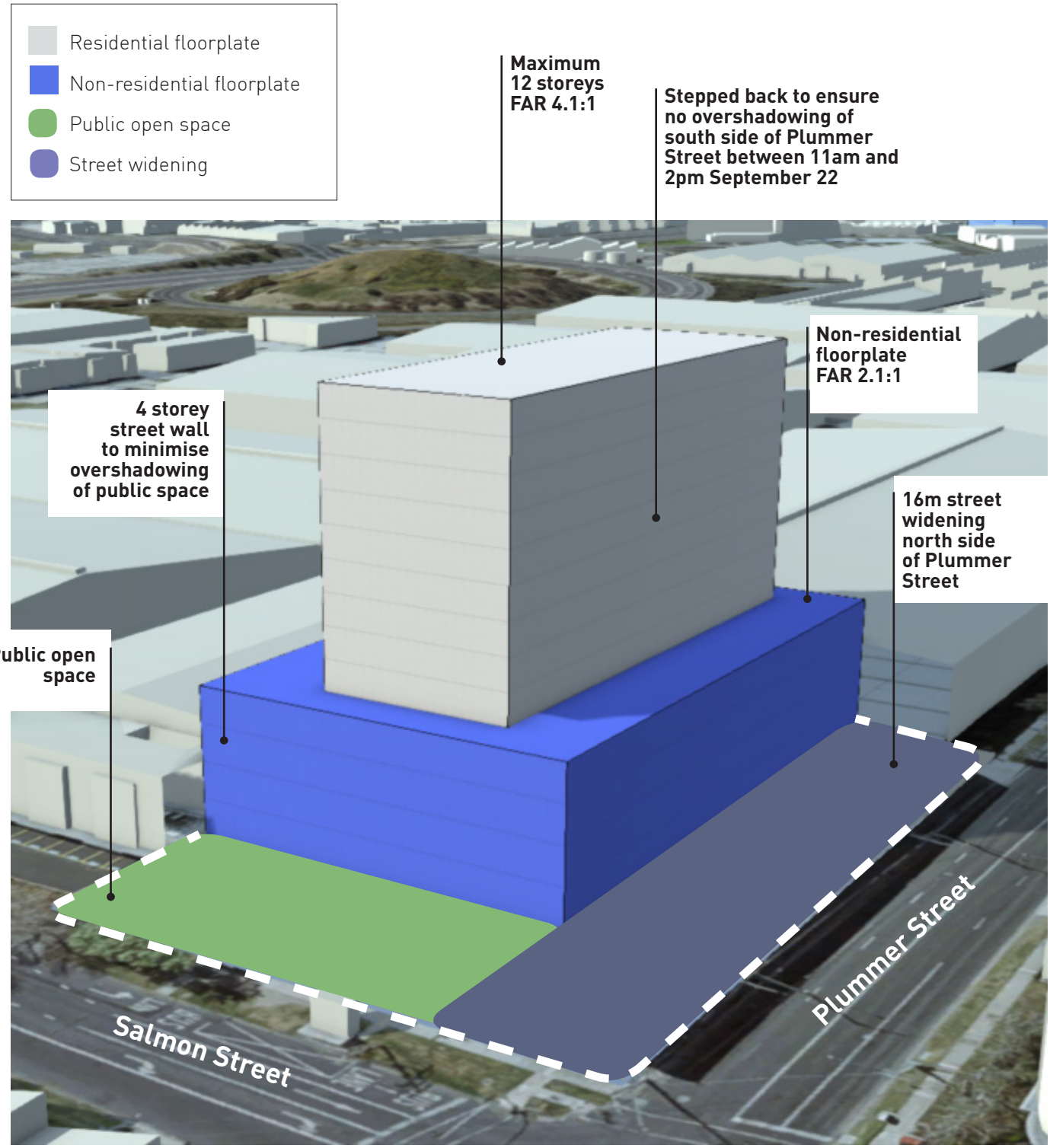


Figure 13 Potential development outcome at 50 Salmon Street that meets the proposed built form controls.

291 Williamstown Road and 1-9 Smith Street
Submission no. 80

Summary of built form issues raised in submission

- Mandatory 4 storey height limit along Williamstown Road is too prohibitive and should be changed to discretionary
- No ability to achieve FAU within portion of the site with mandatory controls
- No compensation for identified public open space to the north of the site on Tarver Street

Response to issues raised

268) The FAR enables the delivery of a family-friendly housing development within the proposed height and setback control.

269) The FAR facilitates the delivery of the green link on Tarver Street. The modelling demonstrates that the potential maximum yield enabled through the FAR of 14,280m^2 can be delivered on the remaining net developable area (6,000m^2) and within the proposed built form controls.

270) There is opportunity for this site to pursue a FAU (as shown). This can be achieved by increasing the discretionary 4 storey height limit to 6 storeys (avoiding the need to reduce the amount of private open space). Further additional FAU than what is shown is also possible.

271) A 6 storey high building is considered acceptable on this site. Increasing the 4 storey discretionary height to 6 storeys is recommended. This enables greater flexibility in the site design while still aligning the development controls with the preferred character for Wirraway non-core.

Proposed controls

Gross developable area (m^2)	6,800 (estimated from model (rounded up to neareast 100)
Precinct	Wirraway
Core or non core	Non-core
Applicable FAR	2.1:1
Potential maximum yield through FAR (m^2)	14,280
Applicable height limit (storeys)	4 storey mandatory on Williamstown Road 4 storey discretionary on Tarver Street
Site layout requirements (must)	12m green link
Site layout requirements (m^2)	800 (rounded to neareast 100)
Site layout requirements (%)	12
Remaining net developable area (m^2)	6,000
Additional preferred site layout requirements	N/A
Maximum street wall height	4 storey street wall height
Overshadowing requirements of nearby parks/streets	N/A
Minimum commercial FAR	N/A

Figure 14 Potential development outcome at 291 Williamstown Road/1-9 Smith Street that meets the proposed built form controls.

Appendix B.
3d massing studies

272) The following massing studies have been extracted from the 3d model for Fishermans Bend.

273) The 3d modelling has been prepared in 'Urban Engine', a 3d interactive platform by Urban Circus Pty Ltd. It is based on highly accurate GIS and other datasets, and gaming techniques that allow it to be used in real time.

274) The accuracy of both the 3d modelling tool itself, and the base data within it, is the responsibility of Urban Circus.

275) I undertook testing within the model to develop and assess the proposed density and built form controls. This enabled the accurate testing of the FAR, the height limits, setbacks, building separation and overshadowing controls (refer also to the Conclave statement on 3d modelling).

276) The following figures illustrate potential development outcomes at a block scale. They demonstrate that a key benefit of the controls is to support a range of design responses and a diverse and interesting built environment.

Figure 15 An alternative design outcome for the block bounded by Lorimer Street, Ingles Street and Rogers Street. In this example all sites are also modelled to the proposed FAR of 5.4 and in compliance with the built envelope controls (including overshadowing requirements for the new park). This demonstrates a variety of potential design responses that are possible within the proposed controls.

Figure 16 Potential design outcomes for the block bounded by Lorimer Street, Ingles Street and Rogers Street. In this example all sites are also modelled to the proposed FAR of 5.4. This example shows the benefit of the discretionary height controls where across some of these sites an additional 1-4 storeys has been incorporated as it allows for an even greater diversity of design response while meeting the minimum setback, building separation and overshadowing requirements.

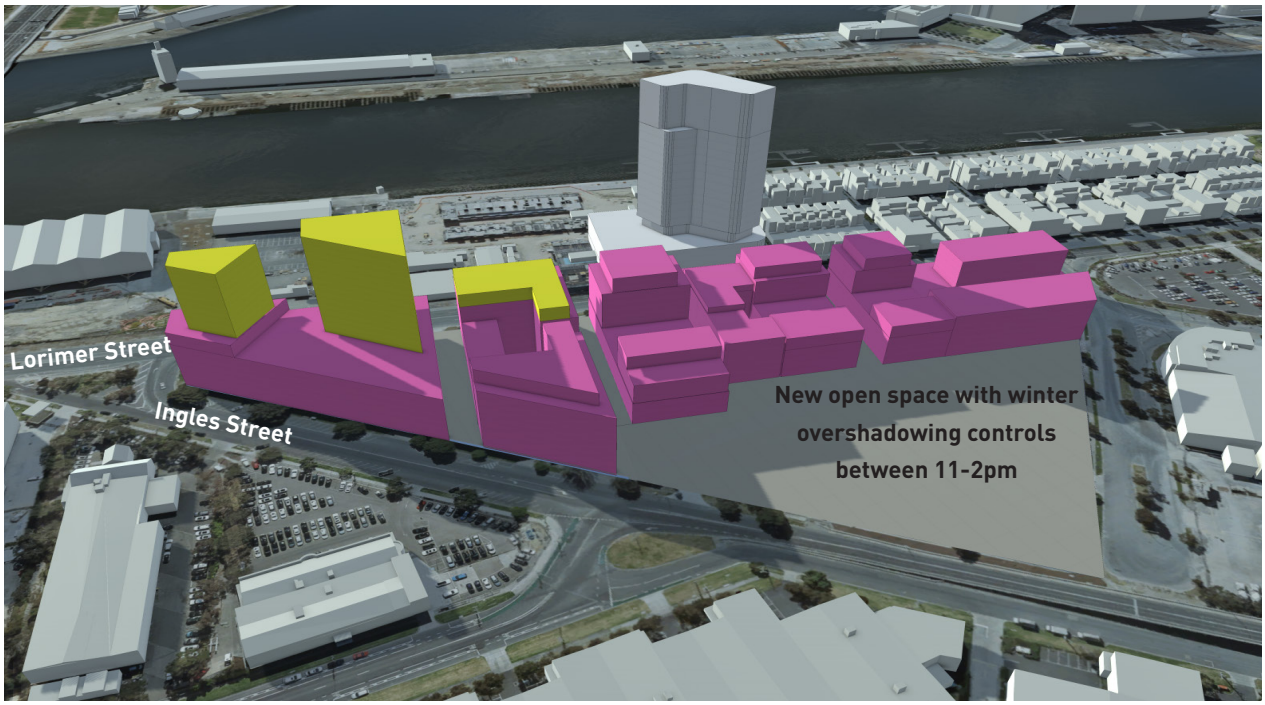


Figure 17 An alternative design outcome for the block bounded by Lorimer Street, Ingles Street and Rogers Street. In this example all sites are also modelled to the proposed FAR of 5.4 and in compliance with the built envelope controls (including overshadowing requirements for the new park). The site on the corner of Lorimer Street and Ingles Street incorporates additional yield delivered through a FAU (illustrated in yellow). This equates to 177 apartments of which 20 would be dedicated to affordable housing.

Figure 18 Potential development outcomes in Montague North in the blocks bounded by Montague Street, Johnston Street and Woodgate Street. In this example all sites are modelled to the proposed FAR of 6.3 (incorporating the revised FAR proposed in this report) and in compliance with the built envelope controls (including overshadowing requirements for the new park)

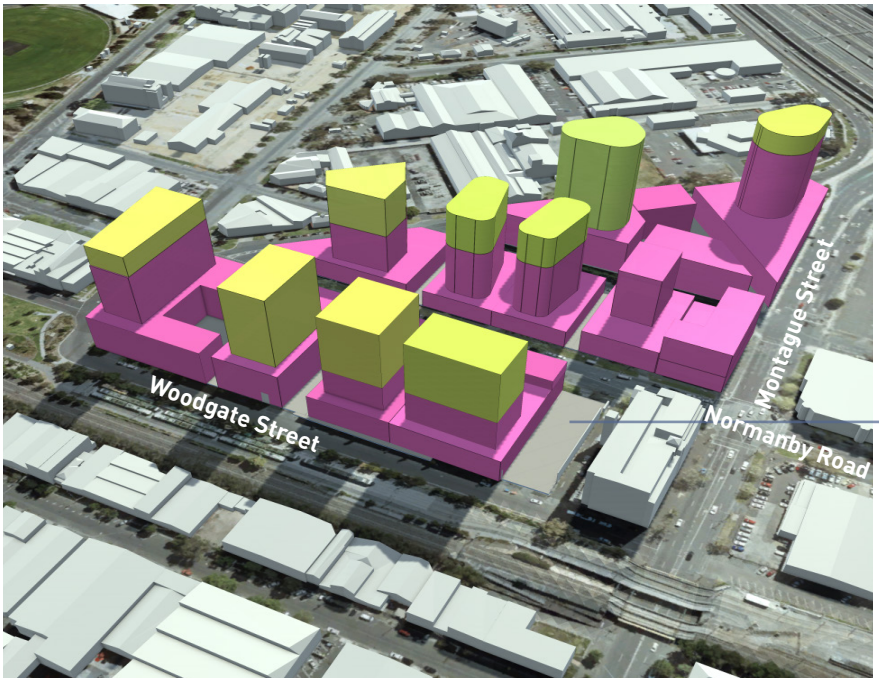


Figure 19 An alternative design outcome for the blocks bounded by Montague Street, Johnston Street and Woodgate Street. In this example all sites are also modelled to the proposed FAR of 6.3 and in compliance with the built envelope controls (including overshadowing requirements for the new park). On the majority of sites a potential increase in yield delivered through a FAU is illustrated (shown in yellow). This equates to 640 apartments of which 71 would be dedicated to affordable housing.

Appendix C. Proposed changes to the Amendment (tracked changes versions)

277) Attached are proposed changes to the City of Port Phillip Local Policy Clause 22.15 and the City of Port Phillip Design and Development Overlay Schedule 30 to Clause 43.02. Both use as a starting point DELWP's Part A submission version of the Amendment.

278) For simplicity only one version of the policy and DDO (the City of Port Phillip) are tracked with recommended changes, however the proposed changes would also apply to the proposed policy and DDO in the City of Melbourne.

LEANNE HODYL TRACKED CHANGES VERSION PREPARED FOR PANEL

FEBRUARY 2018

22.15 FISHERMANS BEND URBAN RENEWAL AREA

--/--/20--
Proposed
GC81

This policy applies to use and development of all land within Fishermans Bend affected by the Capital City Zone Schedule 1 or Design and Development Overlay Schedule 30.

To the extent of any inconsistency with another local policy, this local policy prevails.

22.15-1 Policy ~~Basis~~basis

--/--/20--
Proposed
GC81

This policy implements the vision for ~~the Major Urban Renewal Precinct of~~ Fishermans Bend, as set out in the *Fishermans Bend Framework, XX 2018* as a *'thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation'* that will accommodate 80,000 residents, 40,000 jobs and be Australia's largest Green Star – Community.

22.15-2 Objectives

--/--/20--
Proposed
GC81

To implement the *Fishermans Bend Vision, September 2016* and *Fishermans Bend Framework, XX 2018*.

To create a prosperous community that will support diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne.

To promote employment generating floor space, that supports growth in the knowledge, creative, design, innovation, engineering, and service sectors.

To support the creation of a ~~world leading~~ precinct of design excellence.

To create thriving, lively mixed-~~-~~use neighbourhoods that have distinct identity and character, which fosters social cohesion.

To encourage the provision of community infrastructure, ~~and~~ open space and housing diversity to support the~~to attract families and~~ creation~~e~~ of a diverse and inclusive community.

~~To encourage housing diversity, including the provision of affordable housing to support the creation of a diverse and inclusive community.~~

22.15-3 Policy

--/--/20--
Proposed
GC81

Providing for employment floor area

It is policy to enable the creation of at least 40,000 jobs in the Fishermans Bend Capital City Zone precincts by:

- Locating the highest densities of employment opportunities close to existing and planned public transport.
- Encouraging all development in the core areas to set aside ~~non-residential~~ employment generating floor area to provide ~~floor area~~ for employment ~~generating uses~~. To enable this, Table 1 to this policy outlines the preferred minimum floor area ratio which should be set aside for a use other than Dwelling.

Table 1 Minimum floor area ratio not used for Dwelling

Precinct	Minimum floor area ratio ~~not used for Dwelling~~ for employment generating use (Core Areas)
Wirraway	1.9:1
Sandridge	3.7:1
Montague	1.6:1

Where development in a core area provides less than the minimum floor area ratio set out in Table 1 to this policy, consideration will be given to:

- ~~Whether the built form envelope available on the site makes it impractical to provide the minimum floor area ratios., and~~
- Whether the application is associated with the continued operation of expansion of an existing employment or residential use on site that is currently less than the minimum floor area ratio.
- ~~Whether the building floor to floor heights, layout and design will facilitate future residential to commercial use or for car parking areas to be converted to alternate uses.~~
- ~~Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum floor area ratio.~~
- Whether car parking is delivered within minimum floor to floor heights of 3.8m and retained in single ownership which will enable conversion to commercial uses
- Small sites (less than 1000m2 total GFA) which would not deliver a critical mass of commercial floor area
- Whether the site is located on a primary and secondary active street where commercial uses are prioritised
- Whether the site includes multiple buildings that are staged over multiple years which would enable the commercial to be delivered in later stages of development
- Whether the development can demonstrate that it is contributing to broader economic objectives as defined in the Framework such as the delivery of creative spaces or subsidised commercial floor area while providing less than the minimum floor area ratio

~~Dwelling Densitydensity~~

~~It is policy to deliver dwelling densities that alignachieve with the overall population targets for Fishermans Bend. Higher dwelling densities should be located in areas with a high provision of proposed public transport infrastructure. These densities have been set to deliver a range of housing opportunities within sites and across each precinct to support a diverse range of households and a diverse and vibrant community by:~~

- ~~Ensuring densities are aligned with the preferred character of each precinct area~~.
- ~~Ensuring the available yield possible through a Floor Area Ratio is not delivered as large numbers of small dwellings that compromise the preferred dwelling diversity.~~
- ~~Ensuring that densities do~~are not too high ~~that they create adverse outcomes such as overcrowding within specific precinct areas.~~

- Encouraging a diversity of dwellings within each precinct and within development sites.

The dwelling densities outlined at Table 21 to this policy apply to all development in order to deliver these outcomes.

Table 2 Dwelling density

Precinct	Maximum Dwelling: Densitydensity/ha – Core area	Maximum Dwelling: Densitydensity/ha – Nonnon-Core core area
Wirraway	139	131
Sandridge	311	154
Montague	301	198

Community and Diversitydiversity

It is policy to deliver a range of housing opportunities for a diverse community, including family friendly dwellings, developments that allow people to age in place, key worker housing, and affordable housing by:

- Supporting the provision of six per cent6% affordable housing through a range of housing models, typologies and occupancies across Fishermans Bend.
- Encouraging a diversity of dwellings within each precinct and within development sites.
- Encourage any affordable housing provided to comprisebe a range of built form typologies. and models.
- Encouraging proposals of more than 300 dwellings to provide the following percentage of 3 bedroom dwellings:
  - Wirraway: 30 per cent% three bedroom dwellings
  - Sandridge: 20 per cent% three bedroom dwellings
  - Montague: 25 per cent% three bedroom dwellings.
- Encouraging design that delivers family friendly housing through:
  - The development of mid-rise housing with access to private open space.
  - Locating family friendly housing on the lower levels of development with direct visual access to communal play spaces.
  - Inclusion of lLiving room sizes that exceed minimum requirements, or multiple living rooms to enable multiple uses and/or areas.
  - Access to outdoor communal green space on ground level, podium levels or roof tops.
  - Providing children's communal active indoor play or recreation space as part of indoor communal spaces.
  - Locating sufficient storage areas in areas with easy access to dwellings.
- Encouraging the delivery of adaptable floor plates including the opportunity to combine 1 and 2 bedroom units to form larger apartments
- Encouraging communal open spaces within residential development to create opportunities for social interaction and a sense of community. This includes facilities, garden and recreation areas, with consideration given to opportunities for: a range of users.
  - Community community gardening/sheds
  - Use use by the elderly

- Use use by pets
- Family family friendly development
- Use use for active and free play by children.

- Encouraging the early delivery of community infrastructure hubs.

Design Excellenceexcellence

It is policy to create a place of designarchitectural excellence, and an engaging and varied built form that creates distinct places in response to place and character by:

- Encouraging built form typologies that align with the precinct character area as detailed in the Municipal Strategic Statement.
- Encouraging variation in the design of buildings and spaces, to create a unique city image and assist in way-finding.
- Encouraging large sites with multiple buildings, to incorporate a range of built form typologies.
- Encouraging large sites to create a fine grain, pedestrian scale environment.
- Ensuring the design of buildings contributes to a high quality public realm.
- Encouraging developments to deliver spaces, including open spaces for people to meet, gather, socialise, exercise and relax.
- Delivering variation in massing, building height, and roof forms and staggering or offsetting of tower footprints where there are multiple towers.
- Integrating integratingeEncouraging a strong architectural narrative in the design of buildings including interpretive design to respond to of non-aboriginal and aboriginal heritage and culture through interpretive design.
- Encouraging the design of buildings to respondfleet to the existing industrial built form., and subdivision and development patterns.
- Encouraging the retention or re-use of existing industrial building elements.
- Ensuring a materials palette and building finishes that respondfleets to the industrial context and social history of the area.

Active Street street Frontagesfrontages

It is policy to create vibrant, safe and welcoming streets that are pleasurable places for people to walk and linger. This will be achieved by:

- Providing providing footpath canopies where retail uses are proposed to provide weather protection and define the streetscape.
- Ensuring ensuring that developments on all streets:
  - Addresses addresses and define, existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses. On a corner, buildings should address both street frontages.
  - Creates creates activated building facades with windows, and doors.
  - Includes includes openable windows and balconies on the first six levels along streets and laneways.
  - Consolidates consolidates services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.
  - Provides provides entrances that are no deeper than one third of the width of the entrance.
- Ensuring ensuring buildings that propose residential development at ground level.

- ~~Create create a sense of address by providing direct individual street entries to dwellings and/or home offices.~~
- ~~Achieve schieve a balance between privacy and activation using a mix of low height, solid and transparent balustrade, terrace or fence elements, and incorporating vegetation where possible.~~
- ~~Avoid svoid locating garage doors along street frontages.~~

Achieving a climate adept, water sensitive, low carbon, low waste community

It is policy to create a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community. This will be achieved through the following areas of sustainability.

Energy

Creating a low carbon community that provides energy efficient design will be achieved by encouraging:

- Developments to achieve a 20 per cent~~%~~ improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelope and for lighting and building services.
- Residential developments to achieve an average 7 star NatHERS rating for each building.
- Development to incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply.

Urban heat island

Creating a climate adept community that is resilient to extreme weather events will be achieved by encouraging:

- Non-glazed facades materials exposed to summer sun to have a low solar absorptance.
- At least 70~~%~~ per cent of the total site area should ~~in plan view to~~ comprise building or landscape elements that reduce the impact of the urban heat island effect including:
  - Vegetation, green roofs and water bodies.
  - Roof materials, shade structures or hard scaping materials with high solar reflectivity index, including solar panels.
- Building design to include provision for green roofs and green walls and deep planters for canopy trees to maximise shading.

Sea level rise and water recycling and management

Creating a water sensitive community where the design of developments accommodates sea level rise and storm events by ensuring:

- Any level changes required between street level and elevated ground floor levels are integrated into the design of buildings to maintain good physical and visual connection between the street and internal ground floor spaces. This may include use of footpath level building entries with internal level changes. Where development requires raised floor levels:
  - Development uses stepped internal levels to maximise street engagement at ground floor.

- Finished floor levels, balconies or terraces are raised up to 1.2 metre allow street surveillance whilst maintaining privacy.
- Ramp structures are well designed, high quality and are located internal to buildings where possible.
- Exterior ramps are well integrated with the building and contribute to the quality and character of the public realm.
- The location of essential services, such as power connections, switchboards and other critical services anticipates and addresses potential flooding events.

- Buildings include installation of a third pipe for recycled water:
  - To supply non-potable uses including toilet flushing to all properties and commercial spaces, irrigation and laundry, unless otherwise agreed by the relevant water authority.
  - With an agreed building connection point designed in conjunction with the relevant water supply authority ~~South East Water~~ to ensure readiness to connect to future precinct-scale recycled water supply.
- Rainwater is captured from 100~~%~~ per cent 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.
- Rainwater tanks are fitted with a ~~South East Water approved~~ first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment~~.~~ approved by the relevant water authority.
- Rainwater captured from suitable harvesting areas is re-used for toilet flushing, laundry and irrigation or, as a last option, controlled release.
- Development and public realm layout and design integrate ~~at least~~ best practice Water Sensitive Urban Design.

Waste management

Create a low waste community that is designed to provide ~~leading~~ best practice waste and resource recovery management, by ensuring:

- Development ~~includes best practice waste management that~~ responds to any precinct waste management plan, if one exists.
- Where practicable, developments create opportunities to:
  - Optimise waste storage and efficient collection methods.
  - Combine commercial and residential waste storage.
  - Share storage or collections with adjacent developments.
  - Separate collection for recycling, hard waste, and food and green waste.
  - ~~Accommodate future opportunities for waste management innovation.~~

Public and ~~Communal~~ communal ~~Open~~ open ~~Spaces~~spaces

It is policy to create publicly accessible, private and communal open spaces within developments, by:

- Ensuring where public open space is provided on site:
  - Open space is encouraged to be at least 500 square metres with a minimum dimension of 20 metres.
  - Open space is designed to the satisfaction of the responsible~~local government~~ authority.
- Encouraging development with an interface to existing or proposed open space to:

- Ensure no unreasonable amenity or microclimate impacts on the open space.
- Ensure pedestrian and vehicle movement to or from the development does not unreasonably impact on the function, useability or amenity of the open space.
- Integrate any publicly accessible open space within the development with adjoining areas of open space.

- Ensuring any communal open space, including rooftop and podium spaces are designed to meet the needs of a range of users.
- Encouraging internal communal open spaces to connect to external communal open spaces and be designed as multifunctional, adaptable spaces.
- Encouraging the provision of additional ~~Public~~public ~~Open~~open ~~Space~~space at ground level, and ensure the location, design and layout or proposed public~~Public~~ open~~Open~~ space~~Space~~ which contributes to the creation of a network of passive, informal and informal recreational spaces:
  - Has direct street access and where possible is co-located with other existing or proposed open spaces.
- Discourage the use of encumbered land as '~~Additional~~additional public~~Public~~ open~~Open~~ space~~Space~~'. This space has an ancillary public open space function for active uses and biodiversity opportunities.

New streets, laneways and pedestrian connections

It is policy to create a connected, permeable and accessible community that prioritises walking, cycling, and public transport use, by:

- Ensuring new streets, laneways and pedestrian connections are:
  - No more than 100 metres apart, and approximately 50 -70 metres apart in one direction within a block in core areas ~~no more than 50 metres apart in core areas~~ as shown on Map 1 to the Capital City Zone Schedule 1, or within 200 metres of public transport routes.
  - Align with and connected to existing and proposed streets, laneways and paths.
  - Provide direct access to existing or proposed public transport stations and routes and existing or proposed public open space~~.~~
- Ensuring any new shared streets or shared laneways are designed to prioritise pedestrian movement and safety and designed to:
  - A maximum design speed of 10km/hr in accordance with the 9 metre road cross section.
  - A maximum design speed of 5km/hr in accordance with the 6 metre road cross section.
- Encouraging on sites more than 3000 square metres, new streets, laneways or paths to be used to create mid-block through links and define and separate buildings.
- Encouraging on sites with a street frontage of less than 100 metres, new streets, laneways or paths to be located along a side boundary.
- Encouraging new streets and laneways to be designed to:
  - Enable views straight through the street block.
  - Have active frontages, if the site is in a core area.
  - Be open to the sky and allow for the planting of canopy trees. ~~where shown in the relevant Precinct Plan cross-sections~~.

Smart ~~Cities~~cities

It is policy to encourage developments to include smart city technology, by:

- Embedding smart technology and installing digital sensors and actuators into built form to collect digital data.
- Embedding opportunities for 'smart' and responsive urban management and practices into the design and operation of infrastructure and buildings and services.
- Encouraging smart infrastructure to be installed on existing infrastructure.
- Integrating 'smart' management and design of energy, water, and waste infrastructure that supports efficient use of resources.
- Ensuring developments provide provision for the delivery of high speed data networks.
- Ensuring that all technology and data systems comply with best practices.

Sustainable transport

It is policy to ~~direct~~ encourage ~~the design of~~ developments to be designed to support ~~encourage~~ 80 per cent of movements being made via active and public transport, by:

- Providing high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers.
- Facilitating the delivery of future public transport including new trams, train and bus routes.
- Designing internal connections to give priority to bicycle and pedestrian movements.
- Delivering new streets and laneways to provide easy walking and cycling permeability.
- Discouraging development from providing more than the maximum number of car spaces allowed~~provided~~ and include provision for future conversion of car parking to alternative uses over time.
- Reducing impacts of new vehicle access points on pedestrian, public transport and bicycle priority routes.
- Providing information to residents and employees about local walking, cycling and public transport routes.

Floor area uplift

It is policy to ensure where a floor area uplift is sought that the responsible authority, in consultation with the receiving agency of the proposed public benefit(s) considers the following:

- Whether the public benefit(s) is consistent with state and local policy, strategic initiatives~~ and relevant guidelines.~~
- Whether the quantity and value of the ~~Floor~~floor ~~Area~~area ~~Uplift~~uplift has been appropriately calculated.
- Whether the proposed public benefit(s) can be realistically delivered and secured by a suitable legal agreement~~;~~, and
- Whether the proposed public benefit is supported by the proposed receiving agency and can be maintained.

22.15-4 Definitions

--/--/20--
Proposed
GC81

The following definitions apply for the purposes of interpreting this policy:

Dwelling ~~**Densities**~~ **densities** per hectare (dw/ha) means the number of dwellings on the site divided by the gross developable area (hectares) of the site.

Family-friendly housing means h~~H~~ousing that supports the living arrangements of families, particularly with children. A visual relationship between the internal apartment areas and communal spaces provided for recreation and play are ~~critical~~important.

Floor ~~**Area**~~ **area** ~~**Ratio**~~ **ratio** means the gross floor area divided by the gross developable area.

Gross ~~**Developable**~~ **developable** ~~**Area**~~ **area** means the area of the proposal land, including any proposed roads or laneways, ~~New~~new public open space and land for ~~Community~~ community infrastructure (public benefit).

Gross ~~**Floor**~~ **floor** ~~**Area**~~ **area** means the area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies. ~~-~~Dedicated communal residential facilities and recreation spaces are excluded from the calculations of gross floor area.~~-~~ Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3~~.0~~ metres if there is no adjacent floor

22.15-5 Reference ~~Documents~~documents

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Proposed
GC81--

Fishermans Bend Vision, September 2016

Fishermans Bend Framework, XX 2018

Fishermans Bend Community Infrastructure Plan 2017

Fishermans Bend Urban Design Strategy 2017

Fishermans Bend Waste and Resource Recovery Strategy 2017

How to calculate floor area uplift and public benefits in Fishermans Bend ~~(as amended from time to time)~~

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Proposed
GC81

LEANNE HODYL TRACKED CHANGES VERSION PREPARED FOR PANEL FEBRUARY 2018

SCHEDULE 30 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO30.**

FISHERMANS BEND URBAN RENEWAL AREA

1.0 Design objectives

--/--/20--
Proposed
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To implement the *Fishermans Bend Vision, September 2016* and the *Fishermans Bend Framework, XX 2018*.

~~To create distinct places that respond to the local conditions and context and which deliver the preferred character for each precinct.~~

To encourage a diversity of architectural styles ~~and,~~ building typologies and dwellings, to create a place of architectural excellence, and an engaging and varied built form in response to the desired/preferred place and character for each precinct.

To ensure the scale, height and setbacks of development delivers and protects internal amenity and delivers a high quality public realm with good access to daylight and sunlight and appropriate levels of street enclosure.

To encourage developments to create publicly accessible open spaces, ~~private~~ and private communal open spaces~~. for people to meet, gather, socialise, exercise, and relax.~~

~~To support family friendly living through housing design that supports family needs.~~

To encourage buildings to be designed to be adaptable over time.

2.0 Buildings and works

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Proposed
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Buildings and works for which no permit is required

A permit is not required to construct a building or construct or carry out works for:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works.
- An addition or modification to a verandah, awning, sunblind or canopy of a building.
- External works to provide disabled access to a building or works to comply with legislative requirements.
- Building or works which rearrange, alter or renew a plant area if the area or height of the plant equipment is not increased.
- Bus and tram shelters required for public purposes by or on behalf of the Crown or a public authority.

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

Construction and extension of one dwelling on a lot

Buildings and works of four or less storeys must meet the requirements of Clause 54 if it proposes to construct or extend one dwelling on a lot of less than 300 square metres.

Construction and extension of two or more than one dwellings on a lot, dwellings on common property and residential buildings

Buildings and works ~~A development~~ of four or less storeys must meet the requirements~~provisions~~ of ~~Clause~~ Clause 55 if it proposes to:

- Construct a dwelling if there is at least one dwelling existing on the lot.~~,~~
- Construct two or more dwellings on a lot.~~,~~
- Extend a dwelling if there are two or more dwellings on the lot.~~,~~
- Construct or extend a dwelling on common property~~, or~~.
- Construct or extend a residential building.

~~Where a requirement of this schedule varies a requirement of Clause 55, the provisions of this schedule apply.~~

Building height

~~**Built Form form Outcomes**~~**outcomes**

Buildings and works should not exceed the heights shown in Map 2 to this schedule, apart from where they are identified as "15.4 metres (mandatory)".

Buildings and works in areas identified as "15.4 metres (mandatory)" on Map 2 to this Schedule cannot be varied by a permit.

Building height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of:

- non-habitable architectural features not more than 3.0 metres in height
- building services setback at least 3.0 metres behind the façade
- rooftop landscaping or communal recreation facilities up to 4 metres in height.

All buildings and works ~~development~~should also ~~must~~ satisfy the following built form outcomes:

- ~~Respond to the preferred future precinct character and deliver built form diversity.~~ (DELETE as this duplicates design objective above)
- Contribute to a varied and architecturally interesting skyline.
-
- Provide an appropriate transition and relationship to heritage buildings and existing lower-scale neighbourhoods of South Melbourne, Port Melbourne and Garden City.
- ~~Limit impacts on the amenity of the public realm as a result of overshadowing.~~

Street wall height

Street wall means any part of the building constructed within 0.3 metres of a lot boundary fronting the street.

Street wall height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3 metres in height and building services setback at least 3 metres behind the street wall.

Laneway means a road reserve of 9 metres or less in width.

Street means a road reserve of greater than 9 metres in width.

On streets or laneways with a width of 12 metres or less, street wall heights must not exceed 15.4 metres. A permit cannot be granted to vary this requirement.

On streets with a width of greater than 12 metres, street wall heights must not exceed 23 metres. A permit cannot be granted to vary this requirement, except:~~.~~

~~If~~ if the overall building height is 38 metres or less and a street width greater than 22 metres, street wall heights must not exceed 30 metres. A permit cannot be granted to vary this requirement.

The street wall height of buildings that are immediately adjacent to a park (not separated by a street or laneway) should be a maximum of 15.4 metres and must not exceed 23 metres. A permit cannot be granted to vary this requirement.

In the instance where two different street wall heights intersect at a corner, the higher street wall height prevails and should not extend more than 30 metres along the narrower street/laneway frontage.~~.~~

All buildings should also satisfy the following built form outcomes:

- Create a street wall that does not overwhelm the street and allow for views to sky.
- Enable adequate daylight~~,~~ and sunlight ~~and sky views~~ in the street or laneway. (DELETE as duplicated to sky views reference above)
- Provide an appropriate transition to existing heritage buildings.

Building wall heights on a side or rear boundary

The following requirements apply to a building that is proposed to be built on a side or rear boundary.

Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres. A permit cannot be granted to vary this requirement.

Where a 30 metre~~s~~ street wall height is proposed, a building may be built to 30 metres on a side or rear boundary. A permit cannot be granted to vary this requirement.

~~*Requirements*~~

~~Development should not exceed the heights shown in Map 2 to this schedule, apart from where they are identified as '"4 storeys (mandatory)'", with the exception of:~~

- ~~Architectural architectural features, building services, plant equipment~~
- ~~Rooftop rooftop landscaping or communal recreation facilities up to 4 metres.~~

~~Development in areas identified as '4 storeys (mandatory)' on Map 2 to this Schedule, must not exceed 4 storeys and 15.4 metres. A permit cannot be issued to vary this requirement~~

~~Building S~~setbacks above the street wall from new and existing streets and laneways

~~**Street wall setback**~~ **A setback above the street wall** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm, to the street wall boundary.

Where a boundary adjoins a laneway, the setback is measured from the centreline of the laneway.

~~*Built Form form Outcomesoutcomes*~~

If overall building height is up to 30 metres, buildings should be setback 5 metres and no less than 3 metres above the street wall. A permit cannot be granted to vary this requirement.

If overall building height is between 30 metres and 68 metres, buildings should be setback 10 metres and no less than 5 metres above the street wall. A permit cannot be granted to vary this requirement.

If overall building height is above 68 metres, buildings must be setback 10 metres above the street wall. A permit cannot be granted to vary this requirement except where the side or rear boundary interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 109 and 96 tram corridors, in which case buildings ~~must~~ should be setback at least 5 metres above the street wall.

All buildings and works~~development~~ should also~~must~~ satisfy the following built form outcomes:

- Create a distinct street wall effect and avoid dominating~~overwhelming~~ the view from the street.
- Mitigate wind effects on the public realm.
- Enable adequate daylight, sunlight and sky views in the street, laneway, or lower levels of development.
- Ensure buildings do not compromise the heritage character of a heritage building on the site or adjoining site.
- .

Ensure upper levels of mid-rise buildings are visually recessive.

-

Side and rear setbacks

The following side or rear setbacks apply to a building not built on the boundary. A permit cannot be granted to vary these requirements.

- A building up to 23 metres must be setback at least 6 metres. Where walls do not include windows to habitable rooms and/or balconies with a primary outlook~~y~~, the setback must be at least 3 metres.
- A building above 23 metres and less than 30 metres must be setback at least 9 metres. Where walls do not include windows to habitable rooms and/or balcon~~y~~ies with a primary outlook, the setback must be at least 3 metres.

The following side or rear setbacks apply to any ~~part of a~~ building above ~~23~~30 metres (built on the boundary or not). A permit cannot be granted to vary these requirements.

- Any part of the building 23 metres or below must be setback at least 6 metres except where walls do not includes windows to habitable rooms and/or balconies with a primary outlook, the setback must be at least 3 metres.
- For~~A~~ building above 30 metres and below 68 metres, any part of the building above 23 metres must be setback a minimum of 10 metres. Where walls do not include windows to habitable rooms and/or balconies~~y~~ with a primary outlook, the setback must be at least 5 metres.
- For ~~A~~ building above 68 metres, any part of the building above 23 metres must be setback a minimum of 10 metres.

These requirements can be varied if the side or rear boundary of the building, above the street wall, interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 96 and 109 tram corridors, in which case ~~a minimum 5 metre~~ the setback ~~applies~~should be a minimum of 5 metres.

~~Requirements~~

Building separation within a site

If a development comprises two or more separate buildings or parts of buildings with an overall building height up to 23 metres in height buildings must be separated by a minimum of:

- 12 metres if the primary outlook from~~re are~~ habitable room windows/balconies in both buildings front~~ing~~ onto the separation distance.
- 9 metres, if one of the buildings does not include any habitable room windows/balconies with a primary outlook fronting onto the separation distance.
- 6 metres if both buildings do not include any habitable room windows/balconies with a primary outlook fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 23 metres and up to 30 metres, buildings must be separated by a minimum of:

- 18 metres, if there are habitable room windows/balconies with a primary outlook in both buildings fronting onto the separation distance.
- 12 metres, if one of the buildings does not include any habitable room windows/balconies with a primary outlook fronting onto the separation distance.
- 6 metres if both buildings do not include any habitable room windows/balconies with a primary outlook fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 30 metres, any part of a building up to 23 metres in height must be separated by a minimum of:

- 12 metres from another building, if there are habitable room windows/balconies with a primary outlook in both buildings fronting onto the separation distance.
- 9 metres, if one of the buildings does not include any habitable room windows/balconies with a primary outlook fronting onto the separation distance.
- 6 metres, if ~~one~~both of the buildings do~~es~~ not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height of 30 to 68 metres~~ or less~~, any part of a building above 23 metres in height must be separated by a minimum of:

- 20 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.
- 15 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.
- 10 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 68 metres, any part of the building above 23 metres in height must be separated by a minimum of 20 metres.

~~**All development must provide the following setbacks above the street wall:**~~

~~- **If overall building height is 8 storeys (30 metres) or less, buildings:**~~
  - ~~**Should should be setback 5 metres above the street wall.**~~
  - ~~**Must must be setback 3 metres above the street wall. A permit cannot be granted to vary this requirement.**~~

- If overall building height is greater than 8 storeys (30 metres) and up to, or less than, 20 storeys (68 metres), buildings:
  - Should should be setback 10 metres above the stret wall.
  - Must must be setback 5 metres above the street wall. A permit cannot be granted to vary this requirement
- If overall building height is greater than 20 storeys (68 metres), buildings must be setback 10 metres above the street wall. A permit cannot be granted to vary this requirement except where:
  - The the side or rear boundary interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 109 tram corridors, in which case buildings must be setback at least 5 metres above the street wall.

Built form requirements table

All development must:

- Satisfy satisfy the Built built Form form Outcomes outcomes in Table 1.
- Achieve achieve all Built built Form form Requirements requirements in Table 1. A permit cannot be granted to vary these requirements, unless in circumstances explicitly stated within Table 1. A permit cannot be granted to further reduce an explicitly stated variation to a Built built Form form Requirementrequirement.

Table 1 Built Form **form Requirementsrequirements**

	Built Form form Requirementrequirement	Built Form form Outcomesoutcomes
Street wall heights	**On streets or laneways with a width of 12 metres or less;** - Street street wall heights must not exceed 4 storeys and 15.4 metres. **On streets with a width of greater than 12 metres and less than 22 metres:** - Street street wall heights must not exceed 6 storeys and 23 metres. **On streets with a width of greater than 22 metres and an overall building height of 10 storeys and 38 metres or less:** - Street street wall heights must not exceed 8 storeys and 30 metres.	Street wall height must: - Create create a street wall that does not overwhelm the street and allow for views to sky. - Enable enable adequate daylight, sunlight and sky views in the street or laneway. - Provides provides an appropriate transition to existing heritage buildings.
Walls on side or rear boundaries	**Walls built on or within 200mm of a side or rear boundary** must not exceed 6 storeys and 23 metres. A permit cannot be granted to vary this requirement, except where: - An an 8 storey street wall height is proposed in which case the building may be built to 8 storeys and 30 metres on side boundaries only	Walls on a side or rear boundary must: - Provide provide for equitable development of adjacent development sites - Not not overshadow or overlook private or communal open space of neighbouring developments.
Building setbacks to side and rear boundaries (excluding a street or laneway)	**Where a building is not built on a boundary, and:** **the overall building height is up to 6 storeys and 23 metres:** - Buildings buildings must be set back at least 6 metres, except where: - Walls walls do not include windows to a habitable room and/or balcony in which case the setback must be	Setbacks from side or rear boundaries must: - Provide provide access to privacy, sunlight, daylight, and outlook from habitable rooms. - Ensure ensure tall buildings do not appear as a continuous wall when viewed from street level or from

	at least 3 metres. **the overall building height is 7-8 storeys and greater than 23 metres and less than 30 metres:** • Buildings buildings must be set back at least 9 metres, except where: - Walls walls do not include windows to habitable room and/or balcony, in which case the setback must be at least 3 metres. **the overall building height is greater than 8 storeys and 30 metres:** • Any any part of the building 6 storeys in height or less more must be set back a minimum of 6 metres from the boundary, except where: - The the building does not include habitable room window and/or balcony, in which case the setback must be at least 3 metres. **the overall building height is less than 20 storeys and 68 metres, or any part of the building that exceeds 6 storeys and 23 metres in height, mustless:** **Any any part of a building that exceeds 6 storeys and 23 metres in height, must be set back a minimum of 10 metres from all site boundaries, except where:** - The the building does not include habitable room window and/or balcony, in which case the setback must be at least 5 metres. **If the overall building height is greater than 20 storeys and 68 metres, :** **Any any part of a building that exceeds 6 storeys in height, must be set back a minimum of 10 metres from all site boundaries.** This requirement can be varied if the side or rear boundary of the building, above the street wall, interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 109 tram corridors, in which case a minimum 5 metre setback applies.	nearby vantage points. • Provide provide equitable development outcomes between adjoining sites.
Building separation within a site	**Any part of a building which is up to 6 storeys and 23 metres in height must be separated by:** • 12 metres, if there are habitable room windows/balconies in both buildings fronting onto the separation distance. • 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. • 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance.	Building separation must ensure: • Sun sun penetration and mitigation of wind impacts at street level. • Sunlightsunlight, daylight, privacy and outlook from habitable rooms for both existing and proposed development. • Tall tall buildings do not appear as a continuous wall when viewed from street level or from nearby vantage

	If overall building height is greater than 7 23 metres and less than 8 storeys and 30 metres, buildings must be separated by: • 18 metres, if there are habitable room windows/balconies in both buildings fronting onto the separation distance. • 12 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. • 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance. **If overall building height is greater than 8 storeys and 30 metres, and any part of a building up to 6 storeys and 23 metres in height must be separated by a minimum of:** • 12 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance. • 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. • 6 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. **If overall building height is 20 storeys and 68 metres or less, and any part of a building exceeds 6 storeys and 23 metres in height, it must be separated by a minimum of:** • 20 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance. • 15 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. • 10 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance. **If the overall height is greater than 20 storeys and 68 metres in height, and any part of the building exceeds 6 storeys and 23 metres in height, it must be separated by a minimum of 20 metres.**	points. • Variation variation in built form is provided while achieving the setback requirements. • Location location of windows and use within the adjacent building • Orientation orientation and outlook of adjacent buildings and whether the buildings are offset.

A permit cannot be granted to vary this requirement.

Overshadowing of public open space requirements

With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted to construct a building or construct or carry out works which would cast any additional shadow across existing and proposed parks/reserves

listed in Table 1~~2~~ and shown on Map 3 of this schedule, during the hours specified as listed in Table 1 of this schedule~~2~~.

Table 1~~2~~ Public ~~Open~~ open ~~Space~~ space hierarchy and overshadowing requirements

Category	Park/~~Reserve~~reserve	Hours and ~~Dates~~dates
District parks	JL Murphy Reserve (Wirraway), Wirraway East (Prohasky Street, Wirraway) North Port Oval (Williamstown Road, Sandridge)	11:00am to 2:00pm 21 June to 22 September
Precinct parks	Wirraway North (Woolboard Road, Wirraway)	11:00am to 2:00pm 21 June to 22 September
~~**Neighbourhood parks**~~	~~Montague Park (Ferrars Street, Montague)~~	~~No additional shadows above the street wall height within the following dates and times:~~ ~~11:00am to 2:00pm 22 June to 22 September~~
Neighbourhood parks ~~**(equinox)**~~ ~~**Neighbourhood parks (with variations)**~~	Parks with frontage to: ~~Buckhurst Street, Gladstone Street, Whiteman Street and Thistlethwaite Street (Montague)~~ Fennell-/-Bertie Streets, Plummer Street (Southside), Boundary Street / Woodruff Street (extension), and new streets between Graham Street and Bertie Street, excluding Bridge St/Plummer (Northside) (Sandridge) Plummer Street (South side), new streets between Salmon and Smith Streets (Wirraway)	11:00am to 2:00pm 22 September
	~~A:~~ Montague North (Montague Street, Montague) shown as A in map 3 of this schedule Buckhurst Street, Gladstone Street, Whiteman Street and Thistlethwaite Street (Montague)	No additional shadows above the street wall height within the following dates and times: 11:00am to 2:00pm 22 September
	~~B:~~ Woolboard Street (South side) (existing section of the street), Wirraway shown as B in map 3 of this schedule	10:00am to 1:00pm 22 September
	~~C:~~ Woolboard Street South side (proposed extension) to Plummer Street, Wirraway shown as C in map 3 of this schedule	12:30pm to 3:30pm 22 September
	Montague Park (Ferrars Street, Montague) shown as D in map 3 of this schedule	No additional shadows above the street wall height within the following dates and times: 11:00am to 2:00pm 22 June to 22 September
Streets	Plummer Street (South side) first 6 metres north of property boundary	11:00am to 2:00pm 22 September
Existing Residential Zoned Land	South of Williamstown Road, and City Road and East of Montague Street	11:00am to 2:00pm 22 September

Wind effects on the public realm requirements

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1 of this schedule.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1 of this schedule.

Unsafe wind conditions means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.

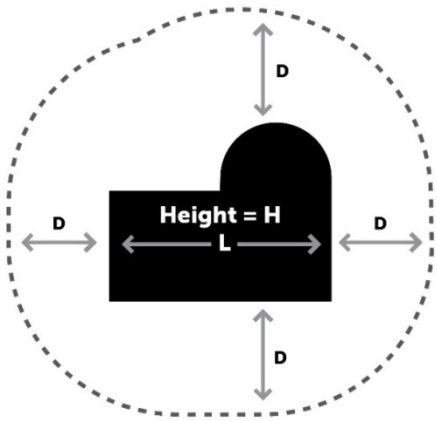
Comfortable wind conditions means a mean wind speed from any wind direction with probability of exceedance less than 20 per cent of the time, equal to or less than:

- 3 metres/second for sitting areas.
- 4 metres/second for standing areas.
- 5 metres/second for walking areas.

Mean wind speed means the maximum of:

- ~~h~~Hourly mean wind speed, or
- ~~g~~Gust equivalent mean speed (3 second gust wind speed divided by 1.85).

Figure 1



Assessment distance D = greater of:
L/2 (Half longest width of building)
OR
H/2 (Half overall height of building)

Site ~~Coverage~~ coverage ~~Requirements~~requirements

Buildings and works~~A development~~ within the non-core areas of Sandridge and Wirraway as shown in Map 1 of this schedule, should not exceed 70~~%~~ per cent site coverage and should provide ~~for~~for a consolidated area of ground level outdoor ~~or~~ communal open space and must not include outdoor at grade car parking. ~~or landscaping that is equivalent to 30 per cent of site area~~.

Site coverage should only exceed 70% per cent where:

- There is an existing building being retained that covers more than 70% per cent of the site.
-
- The site has a Gross gross Developable developable Area area less than 1200 square metres. Gross developable area means the area of the proposal land, including any proposed roads or laneways, new public open space and land for community infrastructure (public benefit).
- The responsible authority is satisfied that other site constraints warrant an increased site coverage.

Active Street street Frontagesfrontages

On streets marked as primary active streets on Map 1 to this sSchedule, buildings development should provide:

- High levels of visual engagement with the street through the use of a diversity of materials and the articulation and architectural detailing of the ground level of buildings
- At least 80% per cent visual permeability along the ground level of the building to a height of 2 metres.
- Pedestrian entries into ground floor premises at least every 15 metres. least every 10 metres.

Residential lobbies should be limited to a maximum street frontage width of 4 metres.

On streets marked as secondary active streets on Map 1 to this sSchedule, buildings development should provide:

- High levels of visual engagement with the street through the use of a diversity of materials and the articulation and detailing of the ground level of buildings
- At least 60% per cent visual permeability along the ground level of the building to a height of 2 metres.
- - Entrances to the street at least every 15 metres.

Buildings withDevelopment of primary abuttingand secondary active streets should provide footpath canopies where retail uses are proposed to provide weather protection and define the streetscape.

Buildings on all streets should:

- Address and define, existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses. On a corner, buildings should address both street frontages.
- Create activated building facades with windows, and doors.
- Include openable windows and balconies within the street wall fronting streetson the first six levels along streets and laneways.
- Consolidate services within sites and within buildings and limit the interface of services to the street to those that require direct access to the street, in particular on primary active streets , and ensure any externally accessible services
- or substations are integrated into the façade design.
- Create safe streets by ensuring that any ground street level setback within the street wall is Provide entrances that are no deeper than one third of the width of the entrance.
- Ensuring buildings that propose residential development at ground level:

  - Create a sense of address by providing direct individual street entries to dwellings and/or home offices.

- Achieve a balance between privacy and activation using 1-1.5 metres high level differences and a mix of~~a~~ low height, solid and transparent balustrade, terrace or fence elements, and incorporating vegetation ~~where possible.~~as appropriate.

~~Development on all other streets should address and define streets or opens spaces through building design.~~

Adaptable buildings

Car parking areas not within a basement should have level floors and a floor-to-floor height not less than 3.8 metres (except for ramps) and should make provision for future conversion of car parking areas to alternative uses over time.

Buildings should be designed with:

- Minimum floor to floor heights at ground level of 4.~~0m~~ 0 metres and of 3.~~8m~~ 8 metres for lower levels up to the height of the street wall, that can accommodate employment uses and provide for future adaptation or conversion of use over time.
- Flexible and adaptable internal layouts and floor plates with minimal load bearing walls that maximise flexibility for retail or commercial refits.
- Floorplate layout for r~~R~~esidential f~~F~~loor a~~A~~rea should be designed ~~should be designed~~ with embedded flexibility to combine and adapt one and two bedroom dwellings into three or more bedroom dwellings.
- Whether parking areas ~~are~~ of a size and dimension that ~~they~~ can adapt to other uses over time.

Residential floor area means the gross floor area used for or associated with any accommodation use except for residential aged care facility (including nursing home), residential hotel and motel, or floor area used for affordable housing which are excluded from the residential floor area calculations. Floor areas of common areas shared by affordable housing and other accommodation uses should be calculated based on the proportion of accommodation use to affordable housing within the building.

Building finishes

Building materials and finishes~~should be selected with regard to potential impacts of reflectivity of~~ for ~~development~~buildings along main roads ~~and~~ should not exceed 15~~%~~ per cent perpendicular reflectivity, measured at 90 degrees to the façade surface.

Buildings should not create blank facades.

Building faces on shared boundaries that are visible from the public realm should be finished or treated to provide visual interest. ~~until the abutting site is developed.~~

Landscaping

Landscaping should be provided in all areas of open space including public open space, communal open space, and private open space (where appropriate) ~~and~~ should:

- Contribute to the creation of a sense of place and identity and the preferred character sought for the precinct.
- Support the creation of complex and biodiverse habitat which include native and indigenous flora and fauna.
- Balance the provision of native and indigenous plants with exotic climate resilient plants that provide resources for biodiversity.

- Through plant selection and design, support the creation of vegetation links within Fishermans Bend to surrounding areas of biodiversity.
- Encourage vertical and roof top greening to contribute to biodiversity outcomes
- Include deep soil zones of at least 1.5 metres or planter pits to accommodate canopy trees.
- Incorporate green facades, rooftop, podium or terrace planting that is located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- Incorporate opportunities for productive landscaping or community gardens
- Interpret and celebrate both non-aboriginal and Aboriginal heritage and culture.
- Incorporate innovative approaches to flood mitigation and stormwater runoff, and ~~at least~~ best practice water sensitive urban design.

Exemption from notice and review

An application for construction of a building or to construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

3.0 Subdivision

--/--/20--
Proposed
GC81

None specified.

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

4.0 Advertising signs

--/--/20--
Proposed
GC81

None specified.

5.0 Decision guidelines

--/--/20--
Proposed
GC81

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~How the proposal responds to the Fishermans Bend Urban Renewal Area local policy.~~
- ~~The urban context report, design response and other supporting information.~~
- The key elements of the future urban structure of Fishermans Bend.
- The preferred future character and building typologies defined in the Municipal Strategic Statement.
- ~~Whether the proposal delivers design excellence, and contributes to creating a range of~~ built form typologies.
- The impacts of built form and visual bulk on daylight, sunlight~~,~~ and sky views from within public open spaces, streets, laneways or on adjoining heritage places.
- The i~~I~~nternal amenity of the development and the amenity and equitable development opportunities of adjoining properties.
- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm.

- The impacts of overshadowing on the existing and future amenity, function and useability of public open spaces and ability for vegetation to thrive.
- The siting, location, orientation and design of public, private and communal open space.
- Provision for enhanced permeability and connectivity for pedestrian and cyclist prioritisation and safety in the street, and ease of access to public transport.
- The interface of the building with the street, including the creation of an activated, fine grain streetscape with connection and direct surveillance and the public environment.
- How the proposal will adapt and transition over time.
- The visual impact of car parking on the public realm.
- How any on-site parking integrates into the design of buildings, limiting the urban design impacts of private car parking on the streetscape and public realm.

Definitions

The following definitions apply for the purposes of interpreting this schedule:

Family-friendly housing Housing means housing that supports the living arrangements of families, particularly with children. A visual relationship between the internal apartment areas and communal spaces provided for recreation and play are critical.

Gross Developable developable Area area means the area of the proposal land, including any proposed roads or laneways, new public open space and land for community infrastructure (public benefit).

Laneway means a road reserve of 9 metres or less in width.

Unsafe wind conditions means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.

Comfortable wind conditions means a mean wind speed from any wind direction with probability of exceedance less than 20% per cent of the time, equal to or less than:

- 3 metres/second for sitting areas
- 4 metres/second for standing areas
- 5 metres/second for walking areas.

Mean wind speed means the maximum of:

- Hourly hourly mean wind speed, or
- Gust gust equivalent mean speed (3 second gust wind speed divided by 1.85).

Residential Floor floor Area area means the gross floor area used for or associated with any accommodation use except for residential aged care facility (including nursing home), residential hotel and motel, or floor area used for Affordable affordable Housing housing which are excluded from the residential floor area calculations. Floor areas of common areas shared by Affordable affordable Housing housing and other accommodation uses should be calculated based on the proportion of accommodation use to affordable housing within the building.

Setback to boundaries (excluding a street) is measured from the site boundary. Where a boundary adjoins a laneway, the setback is measured from the centreline of the laneway

Street means a road reserve of greater than 9 metres in width.

Street wall means any part of the building constructed within 0.3 metres of a lot boundary fronting the street.

Street wall height means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception

~~of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.~~

~~**Street wall setback** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm, to the boundary.~~

~~**Total building height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.~~

Appendix D.
Leanne Hodyl CV

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Hodyl+Co

Leanne Hodyl

Leanne is the founder and Managing Director of Hodyl + Co, a design and planning consultancy focused on creating cities people love.

Leanne has 18 years experience delivering urban policy and design projects critical to the future development of cities. This includes leading housing policy, built-form policy for high-density urban environments, urban renewal intensification strategies for existing urban areas and infrastructure planning projects.

Her work is informed by qualifications in urban design, architecture and social theory, and extensive experience in strategic planning. By integrating all of these essential elements of urban design and planning practice she has a demonstrable track record in delivering successful urban policy and public realm projects.

Leanne previously led the City of Melbourne's Urban Strategy group which was responsible for overseeing and guiding major urban design and strategic planning projects in Melbourne. These included Fishermands Bend, the Arden-Macaulay Structure Plan, the City North Structure Plan and the Housing Strategy, Homes for People.

Her professional experience includes working for government and private clients. As an urban design expert she is a member of the Office of the Victoria Government Architect's Victorian Design Review Panel and has been an urban design expert witness at VCAT and in planning panels.

Leanne was awarded a Churchill Fellowship in 2014 to investigate global planning policies that shape high-rise living in central cities. This work was awarded the Victorian Planning Institute of Australia's President's Award for Planning Excellence in 2015. It has been pivotal in shifting policy around high-density design in central Melbourne. Leanne has an ongoing interest in research and its ability to improve policy outcomes.

Qualifications

2016 -	PhD Candidate (current) RMIT
2009	Master of Urban Design Dean's Honours Award, Melbourne University
2003	Graduate Diploma of Arts (Social Theory) Melbourne University
1998	Bachelor of Science (Architecture) Newcastle University

Career overview

2017 - current	Contributing Editor Landscape Australia
2016 - current	Victorian Design Review Panel member Office of the Victorian Government Architect
2016 - current	Managing Director Hodyl + Co
June 2015 - Dec 2015	Manager - Urban Strategy (Urban Design + Strategic Planning) City of Melbourne
2011 - May 2015	Coordinator – City Plans and Policy City of Melbourne
2008 - 2011	Associate Director Urban Design Team Leader AECOM
2004 - 2008	Associate - Urban Design Hassell
2002 - 2004	Urban Designer David Lock Associates
1998 - 1999	Architectural Assistant Bligh Voller Nield

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Key projects

Urban design & strategic planning
Fishermans Bend Urban Design Strategy
Central City Built Form Review - Synthesis Report
Central City Built Form Review - Urban Design Analysis of Special Character Areas
Younghusband Rejuvenation, Kensington
Arden-Macaulay Structure Plan
City North Structure Plan
Southbank Structure Plan
Macquarie Park Rail Corridor Urban Design Framework
Darebin High St Urban Design Framework
Moe, Morwell and Traralgon Urban Design Frameworks
Cities as Water Supply Catchments

Public realm design
City Road Masterplan
Darwin Waterfront Redevelopment
University Hill development
Cecil Street cycleway

Housing policy & research
City of Melbourne housing strategy, Homes for People
Future Living housing discussion paper
Churchill Fellowship Report, 'Investigating the social impacts of high-density, high-rise housing'
Ballarat Residential Infill Study

Arts infrastructure planning
Darebin Cultural and Creative Industries Framework
Melbourne Arts Infrastructure Framework
Moreland Arts Hub Feasibility study
Melbourne Development Contributions Plan

VCAT & Expert witness reports for inner city area and development sites

Awards & Recognition

2016	Victorian Award for Best Planning Ideas – Small Projects - City Road Master Plan Planning Institute of Australia, Victoria
2015	President's Award for Planning Excellence Planning Institute of Australia, Victoria
2014	Churchill Fellowship Winston Churchill Memorial Trust
2013	Victorian Award for Public Engagement and Community Planning for Future Living (Housing discussion paper) Planning Institute of Australia
2010	Commendation for Urban Planning Achievement, Southbank Structure Plan Planning Institute of Australia

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Prepared by Hodyl + Co for DELWP
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