



Planning Evidence Statement

Draft Amendment GC81

Statement prepared by John Glossop, Director
Glossop Town Planning Pty Ltd
February 2018





Table of Contents

1. INTRODUCTION.....	2
My Evidence.....	3
2. OPINION.....	6
Overview.....	6
What is the strategic context for the Fishermans Bend Urban Renewal Area?	6
Have the proposed planning provisions been drafted effectively?	8
Are the proposed mandatory controls appropriately justified?	26
Which documents should be incorporated or referenced in the planning scheme?	29
Does the draft Amendment support State and local planning policy, including Plan Melbourne?	32
3. CONCLUSION	38
4. REQUIREMENTS UNDER PPV'S GUIDE TO EXPERT EVIDENCE	40
5. APPENDIX A: POLICY CONTEXT	41
6. APPENDIX B: THE DRAFT AMENDMENT	47



1. INTRODUCTION

1. I received instructions from Harwood Andrews, acting on behalf of the Minister for Planning, to prepare a statement of planning evidence in relation to draft Amendment GC81 (the 'draft Amendment').
2. Draft Amendment GC81 seeks to implement the provisions of the *Fishermans Bend Framework (draft for consultation) 2017* (the 'draft Framework') by:
 - Applying updated Schedules to the Capital City Zone to all land in the draft Amendment area.
 - Applying updated Schedules to the Design and Development Overlay to all land in the draft Amendment area.
 - Applying the Parking Overlay to all land in the draft Amendment area.
 - Applying the Environmental Audit Overlay to all land in the draft Amendment area.
 - Applying the Development Plan Overlay to four sites in the City of Port Phillip.
 - Updating the Fishermans Bend Area local policy in the Melbourne and Port Phillip Planning Schemes.
 - Making minor changes to the Municipal Strategic Statement in both the Melbourne and Port Phillip Planning Schemes.
3. I was not involved in the preparation of the draft Amendment. I was engaged in January 2018¹, following the end of the public consultation for the draft Amendment provisions.

¹ I was initially briefed by Harwood Andrews in December 2017.



My Evidence

4. I have been instructed to review the draft Amendment and prepare an expert witness statement that considers:
 - Whether the proposed planning controls and policy in the draft Amendment make proper use of the Victorian Planning Provisions and whether the draft policy and controls are presented in accordance with the Ministerial Direction on the Form and Content of Planning Schemes, accepting that the intent of the draft policy and controls is to start implementing:
 - *The Fishermans Bend Vision 2016*; and
 - *The new Fishermans Bend Framework, draft for consultation 2017*.
 - The merit of the various submissions, to the extent they relate to the above instructions.
5. My evidence will also provide a strategic assessment of the draft Amendment, having regard to Planning Practice Note 46: Strategic Assessment Guidelines and whether the draft Amendment faithfully translates the provisions of the Fishermans Bend Vision and draft Framework.
6. I have not been asked to consider the urban design justification for the built form elements of the controls, such as the appropriateness of building heights, setbacks, floor area ratio and floor area uplifts or precinct and urban renewal area boundaries, nor matters relating to traffic or economics.
7. In preparing this statement, I have:
 - Read the *Fishermans Bend Vision 2016* (the 'Vision'), the *Fishermans Bend Framework (draft for consultation) 2017* (the 'draft Framework') and the supporting technical reports.



- Reviewed the draft Amendment, including the proposed Schedules to the Capital City Zone, the proposed Schedules to the Design and Development Overlay, the Schedule to the Development Plan Overlay, the proposed Schedules to the Parking Overlay, the changes to the Municipal Strategic Statement, the revised local policy and mapping changes.
 - Inspected the urban renewal area and its surrounds. In undertaking my inspection, I have generally followed the route taken during the Planning Review Panel's tour.
 - Considered relevant aspects of the Melbourne and Port Phillip Planning Schemes, including the State and Local Planning Policy Frameworks.
 - Reviewed *Plan Melbourne 2017-2050: Metropolitan Planning Strategy*.
 - Considered relevant Practice Notes (including PPN46: Strategic Assessment Guidelines, PPN04: Writing a Municipal Strategic Statement, PPN08: Writing a Local Planning Policy, PPN10: Writing Schedules, PPN13: Incorporated and Reference Documents PPN23: Applying the Incorporated Plan and Development Plan Overlays, PPN30: Potentially Contaminated Land, PPN57: The Parking Overlay and PPN59: The Role of Mandatory Provisions in the Planning Scheme).
 - Considered relevant Ministerial Directions (including the Ministerial Direction on the Form and Content of Planning Schemes, Ministerial Direction No. 9 – Metropolitan Strategy and Ministerial Direction No. 11 – Strategic Assessment of Amendments).
 - Read the submissions received by the Planning Review Panel to the draft Amendment that are relevant to my evidence.
8. My evidence is based on the planning provisions that have been circulated by the Minister for Planning on 19 February 2018.² I have made recommendations that have mostly been included into the circulated provisions. In framing my views, I participated

² Circulated as part of the Minister for Planning's 'Part A' submission.



in workshop sessions with the Department of Environment, Land, Water and Planning, where I asked questions regarding the form and content of the controls and then reviewed and commented on drafts of the controls and policy. This process informed the development of the Part A version of the controls.

9. My opinion on the draft Amendment is in Section 2 of my statement and my conclusion in Section 3 summarises my opinion.



2. OPINION

Overview

10. Having regard to the strategic planning context for the Fishermans Bend Urban Renewal Area, I have framed my assessment and evidence around the following questions:
- What is the strategic context for the Fishermans Bend Urban Renewal Area?
 - Have the controls been structured and drafted effectively to implement the draft Framework, having regard to the efficient and effective use of the Victoria Planning Provisions?
 - Are the mandatory controls appropriate? And
 - Does the draft Amendment support State and local planning policy, including Plan Melbourne?
11. These matters are addressed within this section of my statement.
12. In framing my assessment, I note that some submitters have raised matters along similar lines. My evidence has considered these submissions in forming my opinion.

What is the strategic context for the Fishermans Bend Urban Renewal Area?

13. Draft Amendment GC81 relates primarily to the areas of Fishermans Bend that are outside the Employment Precinct, as indicated on the map below.



Extract of Map from the Information Sheet (Fishermans Bend website, February 2018)

14. The Lorimer, Montague, Sandridge and Wirraway precincts of Fishermans Bend (to which this draft Amendment relates) are identified individually as 'major urban renewal precincts' under Plan Melbourne 2017-2050³. These areas are identified as precincts which are in transition, which can provide for housing and economic growth in a manner that makes better use of existing infrastructure in proximity to the site, such as the Central Business District.
15. The strategic location of Fishermans Bend, on the outskirts of the Central Business District is acknowledged in its designation as part of the 'expanded Central City'. The neighbouring Employment Precinct of Fishermans Bend is also recognised as a National Employment and Innovation Cluster.
16. The development of the Fishermans Bend Urban Renewal Area is a declared project of State or regional significance under section 201F of the *Planning and Environment Act 1987*.

³ Plan Melbourne 2017-2050, page 15 and Map 4 on page 26.



17. The *Fishermans Bend Vision* outlines that the precinct will be:

A thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation⁴.

18. The Vision also identifies that Fishermans Bend will play an important role in Melbourne's growth and prosperity, supporting 80,000 residents and 60,000 jobs⁵.

19. Relevant strategic directions to implement the vision seek to capitalise on the urban renewal area's ability to provide for a range of activities. It seeks to deliver sustainable future development and targets 80% of transport movements to be made by public transport, walking or cycling.

20. The Vision foreshadows the preparation and implementation of the draft Framework, to provide detailed guidance on appropriate land uses and developments to achieve the vision.

Have the proposed planning provisions been drafted effectively?

21. There are two strategic questions pertinent to my instructions in determining whether the draft Amendment has been prepared effectively. They are:

- Does the draft Amendment faithfully translate and implement the requirements of the draft Framework? And
- Do the controls make efficient and correct use of the Victoria Planning Provisions?

22. I consider both questions in this section of my statement through an examination of the selection, form and content of each control and the local policy.

23. In undertaking this assessment, in addition to the guidance provided by the relevant Practice Notes and Ministerial Directions, I have applied the following approach:

⁴ Fishermans Bend Vision, introduction.

⁵ Fishermans Bend Vision, page 6. I note that the draft Framework has a higher target for economic growth, with 80,000 jobs to be provided across Fishermans Bend, of which 40,000 will be outside of the Employment Precinct.



- That controls should be as streamlined as possible. By this, I mean that the draft Amendment should adopt as many controls as necessary, but as few as possible, to implement the draft Framework.
 - Duplication between controls and policy should be minimal. Where appropriate, policy should be decanted into a statutory control to provide a more robust implementation mechanism.
 - There should be minimal reliance on documents outside of the planning scheme to interpret and apply requirements.
 - The final controls need to fit within an existing statutory framework. To that extent, I note that the Capital City Zone applies broadly within the Central Business District and that the Melbourne and Port Phillip Planning Schemes apply the Design and Development Overlay schedules to guide built form in areas identified for redevelopment. Where possible, the selection of controls should be consistent with the application of these controls elsewhere in the municipalities. Similarly, where similar provisions already apply in planning schemes (such as the wind requirements), they should be consistently drafted across schedules, if possible.
24. Following the release of the draft Amendment, I provided comments to the Department of Environment, Land, Water and Planning (the 'Department') on the form and content of the controls. I have had a consultative role in the redrafting of the controls to improve clarity, in line with the principles outlined above. Many of my recommendations were adopted as part of the 'Part A' controls circulated by the Minister, however, some matters remain outstanding. I discuss these later in my evidence.
25. The following assessment discusses the 'Part A' amendment documents and whether they implement the draft Framework.



-
26. I do not make any comments on the justification for the urban design (or other) merits of these provisions, which is covered by other evidence.

Identification of a Primary Implementation Mechanism

27. Within the Victoria Planning Provisions, there are a range of mechanisms that can be used to implement frameworks and other important strategic work, such as Structure Plans for Activity Centres, where place-specific guidance on land use and built form is required.
28. Some of those mechanisms can be used broadly (such as the Design and Development Overlay), while others are more restricted in their application, such as tailored zones including the Capital City Zone, Priority Development Zone and Activity Centre Zone.
29. The appropriate selection of these tools is influenced not only by what is sought to be implemented, but also the physical context of the land and its broader strategic context – particularly in terms of zoning choice.
30. For land within the draft Framework area, this includes its context as being part of the ‘Expanded Central City’ in State and local policy and within Plan Melbourne and its designation as an ‘urban renewal area’ (as distinct from an activity centre, or other designation). It is also relevant that the land in the draft Amendment area is also currently zoned Capital City.
31. In terms of this draft Amendment, the selection of the primary implementation mechanism is two-fold: the Capital City Zone is used primarily to provide the statutory control and guidance for land use, while the Design and Development Overlay primarily provides the statutory control and guidance for built form outcomes.



-
32. The secondary implementation mechanism for this draft Amendment is the application of the Parking Overlay, the Development Plan Overlay (to some sites), the local policy and changes to the Municipal Strategic Statement.
33. While Practice Notes provide helpful guidance on the application of some controls (such as the Activity Centre Zone for instance), I note that there are no practice notes to guide the application of the Capital City Zone or the Design and Development Overlay.⁶
34. I have formed the view that the use of the Capital City Zone and the Design and Development Overlay as the primary tools to implement the draft Framework is appropriate.
35. In this respect, I have been guided by the directions in the draft Framework, the policy context set out in Plan Melbourne for this area and the purposes of each control.
36. Relevantly, the Purpose of the Capital City Zone seeks (in part):

To enhance the role of Melbourne's central city as the capital of Victoria and as an area of national and international importance.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

37. I also note that the Design and Development Overlay has a specific Purpose:

To identify areas which are affected by specific requirements relating to the design and built form of new development.

38. The delineation of the 'land use' and floor area ratio requirements into the Capital City Zone (or other relevant zones) and the building envelope requirements into the Design and Development Overlay is an approach which has been adopted to implement many frameworks and Structure Plans for Activity Centres. For instance, I am aware that

⁶ I discuss the local policy later in my evidence.



many Major Activity Centres (such as the Brunswick Major Activity Centre), rely on zoning to control land use outcomes, while the Design and Development Overlay is used to guide built form.

39. I consider that this approach is appropriate and that it correctly utilises both provisions.
40. In terms of the Capital City Zone, it provides a convenient mechanism to implement the draft Framework by:
- Setting out a series of purposes which are consistent with the Vision and draft Framework for the area and establishing performance criteria for land use and development.
 - Providing a highly customisable schedule which allows detailed control over land use by setting out circumstances where land uses are Section 1, Section 2 or Section 3⁷.
 - Providing application requirements for land use, subdivision and development to assist in the assessment of permit applications.
 - Introducing permit exemptions for minor buildings and works that are unlikely to affect the overall achievement of the draft Framework.
 - Setting out Floor Area Ratio requirements to achieve the Floor Area Ratio provisions of the draft Framework.
 - Providing conditions which must be included for permits for use, development and subdivision.
41. Similarly, the Design and Development Overlay provides a complementary mechanism to introduce the built form requirements of the draft Framework by:

⁷ Note that I have not analysed the composition of the land use tables, other than to see if they meet the form and content requirements of the relevant Ministerial Direction and Planning Practice Note No. 10.



- Setting out a series of design objectives which articulate the vision for the urban renewal area and establishing performance criteria for the appropriateness of development.
 - Allowing precincts within the urban renewal area to be defined and mapped clearly.
 - Introducing permit exemptions for minor buildings and works that are unlikely to affect the overall achievement of the draft Framework.
 - Setting out specific built form requirements that apply centre-wide or specifically to individual precincts (such as building height).
 - Setting out additional decision guidelines to provide additional performance criteria for the assessment of applications.
42. On balance, I consider that the Capital City Zone and the Design and Development Overlay are the appropriate 'primary' tools to implement the draft Framework and I support the application of these controls to the land.

The Capital City Zone – Schedules 4 (Melbourne) and 1 (Port Phillip)

43. The content and structure of the Capital City Zone generally translates the requirements of the draft Framework⁸.
44. In terms of the floor area ratio and floor area uplift requirements, I have considered their drafting in the context of the same requirements which apply in other Capital City Zone Schedules in the City of Melbourne. I am satisfied that the 'Part A' controls have been clearly drafted and expressed in a consistent manner with those controls.
45. I also consider that the proposed Schedules are consistent with the Ministerial Direction on Form and Content and Planning Practice Note No. 10.

⁸ I have not interrogated the composition of the land use table.



46. As part of my engagement, I made several recommendations which have informed the Part A controls.
47. Following a further review of those controls, I recommend the following amendment:
- Amend the last purpose, to read 'To require a public benefit to be delivered in return for additional floorspace'. This seems to more clearly express the concept for floor area uplift expressed in the Framework.
48. Submission No. 153 questioned whether the level of detail in the mapping within the Capital City Zone schedules is sufficient for the statutory interpretation of some requirements relating to the provision of open space, roads and other transport infrastructure. Particularly, Clauses 3.0 and 4.0 of the schedules require that:
- For a permit to subdivide land, it is a requirement that the layout of the subdivision must make provision for any new streets, laneways or public open space generally in accordance with Maps 2 and 3 of the Schedule. It is also a decision guideline to consider whether the layouts of streets, laneways and open space are consistent with those maps.
 - For a permit to construct a building or to construct or carry out works, it is a requirement that a permit not be granted where any new streets, laneways or public open space are not provided in accordance with Maps 2 and 3 of the Schedule. It is also a decision guideline to consider whether the layout of streets, laneways and open space are consistent with those maps.
 - For a permit to construct a building or to construct or carry out works, it is a requirement that a condition of permit that development within 50 metres of a potential future metro alignment shown on Map 2 must show that footings and foundations will not compromise delivery of the proposed future metro alignment. Similarly, it is a decision guideline that the responsible authority consider any



impacts to the future metro train alignment and potential future elevated freight alignment.

49. The streets, laneways, public open space and future metro alignment are shown on Maps 1, 2 and 3 in the Schedules, while the future freight alignment is omitted. Subject to the inclusion of the freight alignment, I consider that the maps are sufficiently clear for the purposes of statutory interpretation of the control.
50. However, in reviewing the expression of these maps, I have also noticed that the permit requirements for subdivision and buildings and works are expressed differently. The subdivision requirements require that the provision of new streets, laneways and public open space is "generally in accordance" with Maps 2 and 3. For buildings and works, the requirement is that a permit cannot be granted where these streets have not been provided.
51. The expression of the buildings and works requirement is unclear about whether the streets, laneways and public open space must be shown on a plan, or whether they are to be constructed as part of the approved development.
52. There is also some ambiguity in the following passage at Clause 4.0:

A permit must not be granted to construct a building or to construct or carry out works where the provision for any new streets, laneways, or public open space generally in accordance with Map 2 and Map 3 is not provided.

53. This requirement is poorly expressed and the outcome being sought is not clear. A possible alternative would be to delete the requirement and instead include a new section under the heading 'Conditions on permits' that requires the following:

Any road, street or laneway on land shown in Maps 2 and 3 must be constructed to the satisfaction of the responsible authority.

Open space shown on Map 3 must be developed as publicly accessible open space to the satisfaction of the responsible authority.



All land developed as publicly accessibly open space must remain publicly accessible to the satisfaction of the responsible authority. This condition ceases to have effect if the publicly accessible open space is vested in or transferred to the local council or public land manager.

54. I recommend that this requirement is clarified by the Department and that the subdivision and buildings and works requirements are clearly and consistently drafted.
55. The Framework provides a series of precinct plans (one for each neighbourhood) at pages 71, 73, 75, 77 and 79⁹. These plans show more detail than the plans contained in the draft CCZ schedule (Maps 1, 2 and 3).
56. Consideration should be given to including these precinct plans in the schedule. The plans should be inserted in place of Maps 1, 2 and 3 or be in addition to them. Another decision guideline should be added to the Land use, Subdivision and Buildings and works requirements that a permit must be generally in accordance with the precinct plans.
57. The benefits of these change are:
- It would link the first purpose of the Schedule ('To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework XX 2018'). These documents are reference document in the draft Amendment and including the precinct plans strengthens these key elements of the Framework in the statutory control.
 - It would enhance the information requirements and decision guidelines under the Subdivision and Buildings and works sections that require consideration of Maps 2 and 3 (provided that the new precinct plans are referenced).

⁹ The plan on page 79 is for the employment precinct and not relevant to this amendment.



- It diminishes the justification and need for a Development Plan Overlay (discussed later in my evidence) to be applied to certain precincts in the draft Amendment area.
- It would assist in the coordinated planning of the draft Framework area.

58. I discuss the public benefit floor area uplift provisions of the zone later in this statement.

The Design and Development Overlay – Schedules 67 (Melbourne) and 30 (Port Phillip)

59. In relation to the content and structure of the Design and Development Overlay, I consider that it generally translates the requirements of the draft Framework.

60. In this regard, I note that the building height and setback requirements of the draft Framework are generally reflected and translated appropriately.

61. These requirements appear to be logically drafted and clearly expressed. In terms of their application, they make correct use of the Overlay in setting out requirements that must be met, unless varied with a permit. Equally, the mandatory requirements are clearly stated.

62. I note that there are some departures from the draft Framework and aspects of the control where the expression is unclear or legibility could be improved. Particularly:

- Some of the mandatory requirements expressed in the Schedules to the Design and Development Overlay are not explicitly supported by the draft Framework. I explore this in detail later in my evidence.
- The street wall height requirements are inconsistent with the street wall height requirements expressed in the draft Framework at Strategy 1.13.9. In turn, these requirements are inconsistent with the same requirements expressed in the Urban Design Strategy.

p.17



- Some of the requirements for setbacks above the street wall from new and existing streets and laneways are not clearly expressed. For instance, the language suggests that buildings up to 30 metres in height should be setback 5 metres and no less than 3 metres. A permit cannot be granted to vary the second limb of this requirement. In this context, the control needs to be clearer in the expression of which requirement is discretionary and which is mandatory.
- Some of the side and rear setback requirements are not clearly expressed, leading to a confusing interpretation for buildings that are between 23-30 metres in height in particular.
- While I consider that the building separation requirements are more clearly expressed in the Part A version of the control, I would support the inclusion of building separation diagrams, which graphically demonstrate how building separation and setbacks are to be achieved.
- The overshadowing requirements do not articulate what constitutes minor works or minor changes or what a 'defined space' is. This needs to be more clearly articulated in the context of a mandatory control.
- The heading 'site coverage requirements' should be expanded to identify that the built form requirements in this section also relate to the provision of communal open space.
- While I consider that the maps are generally legible, they are of a relatively small size. This makes some aspects of the maps (such as the legend) difficult to read, when printed. Similarly, there is a need to clarify the extent of the mandatory 15.4 metres height limit on lots west of JL Murphy Reserve that front Williamstown Road. This can be resolved by using a dimension clarifying the extent of the height control.



-
63. I have assessed the DDO schedules against the requirements set out in the Ministerial Direction on the Form and Content of Planning Schemes. My assessment against that Direction is that the schedules have been appropriately drafted to address all its requirements.
64. In my review of the exhibited controls, I noted that there were initially 6 Design objectives to the overlay schedules, which exceeded the number allowable under the Direction. The revised schedules have reduced this number to 5, consistent with the requirements of the Ministerial Direction.
65. I have also made recommendations about the consistent use of the words “must” and “should” to express requirements and the need for mandatory requirements to explicitly state that a permit cannot be granted to vary those requirements. My recommendations have generally been adopted in the revised DDO schedules.
66. I also consider that the revised schedules provide a much clearer and more streamlined outline of the relevant requirements from the draft Framework.
67. Overall, it is my view that the Design and Development Overlay is appropriately drafted and generally reflects the intent of the draft Framework.

Parking Overlay

68. The draft Amendment proposes to apply the Parking Overlay to all land in the draft Framework area.
69. I note that the draft Framework seeks to support long term sustainable transport patterns at Objective 1.6. The accompanying Strategy 1.6.1 identifies that a strategy to achieve this includes:

Encourage alternative transport options and smart use of space by limiting private car parking in new developments to 0.5 cars/dwelling and one car/100m² for employment uses.



70. This approach is also supported by the *Fishermans Bend Integrated Transport Plan*, which identifies that private car parking needs to be limited, to encourage 80% of traffic movements by walking, cycling and public transport.
71. In this regard, the draft Amendment seeks to vary the standard car parking rates at Clause 52.06, by introducing a Schedule to the Parking Overlay, which sets maximum car parking rates for dwelling and employment uses. A permit cannot be granted to exceed these requirements unless alternative car parking is provided in accordance with the requirements of a car parking plan at Clause 6.0 of the Schedule.
72. In considering whether it is appropriate to implement the Parking Overlay, I have had regard to Planning Practice Note 57: The Parking Overlay, which says that:
- Clause 45.09: Parking overlay enables councils to respond to local car parking issues and can be used to outline local variations to the standard requirements in Clause 52.06. These variations can apply to the entire municipality or a smaller precinct. Local variations to Clause 52.06 can only be introduced using the Parking Overlay and accompanying schedule. A local policy cannot be used to apply variations.*
73. Having regard to this practice note, I consider that the Parking Overlay is the correct tool to implement the objectives and strategies of the draft Framework that seek to limit car parking and encourage sustainable transport patterns. Indeed, the Practice Note outlines that the Parking Overlay is the only tool within the VPPs where an alternative car parking rate to Clause 52.06 can be introduced.
74. The adopted rates for dwellings and employment generating uses generally align with the *Integrated Transport Plan* and the strategies in the draft Framework. However, I note that different rates have been adopted for Industry and Supermarket.
75. In terms of the drafting of the control, I have reviewed its content and structure for compliance with the requirements of the *Ministerial Direction on the Form and Content of Planning Schemes*.



-
76. I am satisfied that the schedules to the Parking Overlay have been drafted in a manner that is consistent with the Ministerial Direction.

Environmental Audit Overlay

77. The draft Amendment proposes to apply the Environmental Audit Overlay to most of the land within the draft Framework area.
78. Ministerial Direction No. 1 'Potentially Contaminated Land' (Direction No. 1) and the accompanying Planning Practice Note PPN30: Potential Contaminated Land General Practice Note are relevant to this aspect of the draft Amendment.
79. Clause 4 in Direction No. 1 says:

In preparing an amendment which would have the effect of allowing (whether or not subject to the grant of a permit) potentially contaminated land to be used for a sensitive use, agriculture or public open space, a planning authority must satisfy itself that the environmental conditions of the land are or will be suitable for that use.

80. 'Potentially contaminated land' is defined under the Ministerial Direction as land used or known to have been used for industry, mining or storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of the land). A 'sensitive use' is defined as a residential use, a child care centre, a pre-school centre or a primary school.
81. The Capital City Zone would facilitate a range of sensitive land uses, with or without the need for a planning permit.
82. Prior to the rezoning of land within the draft Framework area to Capital City Zone by Amendment C170 (to the Melbourne Planning Scheme) and Amendment C102 (to the Port Phillip Planning Scheme) in 2012, the Industrial 1 and (the then) Business 3 Zones applied to land.



-
83. While I have not been provided with any evidence that would suggest the land is contaminated, it is relevant that the previous zoning of the land would have facilitated a range of industrial land uses. The draft Framework concludes that much of the land has the potential for contamination.
84. In these circumstances, it is reasonable to apply the Environmental Audit Overlay broadly to ensure that the environmental condition of the land is appropriate for sensitive land uses in the future.

Development Plan Overlay – Schedule 2

85. The draft Amendment proposes to apply a Development Plan Overlay – Schedule 2 to five distinct areas within the Fishermans Bend Urban Renewal Area. These areas are identified as:
- Normanby Road;
 - Sandridge Central;
 - Plummer Street realignment;
 - JL Murphy Reserve interface; and
 - Wirraway Transport interchange.
86. The requirements for the Development Plan for these areas set out specific measures which must be considered for each site. In general, these measures seek to investigate opportunities for certain outcomes to be achieved, without any significant commitment to the development outcome.
87. The Fishermans Bend Advisory Committee - Report to the Minister for Planning on Draft Fishermans Bend Framework (October 2017) ('the Advisory Committee's report') proposed that a Development Plan Overlay be prepared for 'certain nominated sites



(or groups of sites)'. It also supported the concept of 'developer led opt in Development Plan Overlays'¹⁰. The purpose of the overlay was to 'allow for the broader outcomes set out in the draft Framework to be delivered in a more co-ordinated manner and to allow for land use planning and industry curation to be integrated'.

88. Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays (August 2015) is relevant.
89. There are perhaps two issues at play here: first, is there a requirement to prepare some sort of plan as a precursor to the consideration and approval of a planning permit application for a site or sites. Secondly, if there is, a benefit, is the Development Plan Overlay to be preferred? Or, is some other control or process more appropriate?
90. In answer to the first question, the Advisory Committee's report says that the sites to be included in the overlay are 'of a sufficient scale to warrant a more "master-planned" approach to delivering infrastructure and development'. It goes onto say that there may be some sites where 'the identity and quality of place making and successful stitching of development will be critical'¹¹. In relation to the developer led opt in Development Plan Overlays, benefits like development certainty, the coordinated planning of the public realm and better management of contamination are some of the expected benefits of applying this control¹².
91. In relation to the selection of control, the Practice Note says that that the Incorporated Plan Overlay should be used for 'sites that are likely to affect third party interests and sites comprising multiple lots in different ownership'. The Development Plan Overlay 'should normally be applied to development proposals that are not likely to significantly affect third party interests, self-contained sites where ownership is limited to one or two parties and sites that contain no existing residential population and do not adjoin

¹⁰ See page 29.

¹¹ Page 29.

¹² Page 29.



established residential areas'¹³. An argument could be made for the application of either or both controls in Fishermans Bend in the context of the Practice Note.

92. On balance, I do not support the application of the Development Plan Overlay for the following reasons:

- I do not understand the concept of a developer led opt in Development Plan Overlay. There may be some larger sites (like the Goodman site) where that landowner may wish to apply the Development Plan Overlay, but that is quite different to 'opting in'.
- The requirements set out in the draft control are vague and unlikely to deliver a coordinated approach to development. Language like 'Investigate the opportunity to safeguard space for a sports and recreation hub' or 'Resolve interface with, and opportunities presented by, the new Montague North Park' present challenges in a statutory control.
- The landownership patterns appear fragmented and this may make plan-making difficult.
- The draft controls exempt most matters from third party notice and appeal. The absence of third party notice and appeal (the most tangible benefit of the Development Plan Overlay to private landowners) already exists.
- Many of the requirements included in the Development Plan Overlay schedule seem more directed at a public realm outcome, than a private realm one. In that context, I question the utility of the control (how can a private landowner deliver these?) and the fairness of such a control in these circumstances (is it fair for private landowners to be prevented from having a planning permit approved until such a plan is prepared?).

¹³ Page 3.



- If there is a need for some form of small precinct master planning (which there may be), this could be done by the planning or responsible authority. A decision guideline of the Capital City Zone could refer to these plans when they are prepared. This master planning exercise could conceivably be carried out as part of the precinct planning exercise contemplated for Fishermans Bend. Again, a decision guideline requiring consideration of those plans could be included.

93. It follows that I do not support the use of the Development Plan Overlay in this case. If it was to remain, substantial changes to the schedule are required. At least, the schedule must be redrafted to allow for minor developments to be approved prior to the preparation of the development plan and the requirements section must be redrafted using tighter language to better explain the outcomes sought.

Local Policy

94. The local policy at Clauses 22.15 and 22.27 of the Port Phillip and Melbourne Planning Schemes respectively provides detailed policy guidance for the exercise of discretion, where permits are triggered under the zone and overlay provisions.
95. Many of the policy directions in the local policy relate to matters that rely on other aspects of the built form and land use controls that apply to the site.
96. To that extent, I think that there are opportunities to explore whether some of the requirements are best placed in local policy or would be strengthened by being placed within the controls, either as requirements or decision guidelines.
97. Notably, the post-exhibition version of the provisions has reflected this in relation to the translation of the active frontages policy guidance into the Design and Development Overlay.
98. Consideration should be given to the floor area uplift policy provisions and whether they would be better placed in the *How to Calculate Floor Area Uplifts and Public*



Benefits in Fishermans Bend 2018 document and whether that document should be an incorporated document, as I explore later in this evidence.

99. In overall terms, the local policy has been drafted in a manner that is consistent with the Ministerial Direction on Form and Content.

Are the proposed mandatory controls appropriately justified?

100. The draft Amendment seeks to introduce a range of mandatory controls and requirements in the Design and Development Overlay. Equally, the floor area ratio requirements in the Capital City Zone are mandatory, unless public benefits can be achieved to allow floor area uplift.
101. These requirements cannot be varied with a permit, due to the operation of their respective header provisions.
102. I note that some submissions have raised concerns about the mandatory nature of some of these controls.
103. In considering the appropriateness of adopting mandatory controls within an urban renewal area and Capital City context, I have reviewed the draft Framework and the proposed controls in the context of Practice Note PPN59: *The Role of Mandatory Provisions in Planning Schemes*. In summary, this practice note establishes the following principles:
- Fundamentally, the Victoria Planning Provisions should provide discretion to allow applications to be tested against objectives and performance criteria, rather than mandatory requirements.
 - ‘Performance based’ controls are preferred, to allow for variation, innovation, unforeseen uses and development or circumstances peculiar to particular sites (such as slope, site area and interfaces, for instance).



-
- Mandatory provisions may be a preferable outcome to discretionary provisions in limited situations, particularly where:
 - An area displays high heritage values that warrant protection.
 - An area has a strong and consistent neighbourhood character.
 - An area is environmentally sensitive or constrained¹⁴.
 - Notwithstanding this, mandatory provisions “cannot be common practice”.
 - Mandatory provisions must be informed by a sound strategic basis that demonstrates that discretionary controls would not achieve the desired outcomes and/or that the majority of proposals not in accordance with the mandatory requirements would fail to meet the objectives of the control.
104. Many of the built form requirements in the Design and Development Overlay regarding building separation, street wall heights and setbacks and overshadowing are expressed as mandatory provisions.
105. These provisions implement Objectives 1.11 and 1.13 of the draft Framework and their accompanying strategies. In turn, many (but not all) of these requirements have their genesis in the *Urban Design Strategy 2017*.
106. In that respect, I note that there are some differences between the two documents, where the Urban Design Strategy is overt in explaining which requirements are mandatory and provides justification for why they should or need to be mandatory, while this is not as clearly stated throughout the draft Framework.
107. Notably, while the use of the word “mandatory” follows through into some height and setback requirements in the draft Framework (notably Strategies 1.13.1 and 1.13.4),

¹⁴ This is not an exhaustive list.



the word is absent in other strategies where mandatory requirements have been adopted in the Design and Development Overlay.

108. Whether or not this is intended, it is my view that this omission has the effect of reducing the strategic justification and need for mandatory controls to achieve the Vision and objectives of the draft Framework, particularly given that the word "mandatory" is clearly expressed against other requirements.
109. This omission is important, given that the draft Amendment is seeking to implement the strategies in the draft Framework specifically.
110. Notwithstanding this, I note that the Urban Design Strategy provides a clear expression and justification for mandatory controls to achieve the desired Vision for the urban renewal area.
111. I accept that there is nothing inherently wrong (from a town planning perspective) with the concept of the application of mandatory controls where they are justified.
112. I also accept that mandatory controls have been supported in a Capital City Zone context, with Amendment C270 introducing mandatory floor area ratio, building setback, building separation, street wall and shadow requirements to sites within the central city.
113. The Capital City Zone schedules outlined in the draft Amendment propose mandatory provisions that cover matters similar to the controls adopted in Amendment C270.
114. Within this context, the strategic work that underpins the preparation of the draft Framework provides the justification for the application of mandatory built form controls. Ultimately, it is the urban design justification for the built form controls that should prove determinative in whether the mandatory built form provisions should be supported.



-
115. Operationally, the presence of mandatory provisions in the Capital City Zone would be important in delivering several outcomes of the draft Framework, including the floor area uplift and public benefit concepts. It would be difficult to see how these concepts can be delivered in a performance-based framework.
116. On the basis that the amendment incorporates mandatory provisions, the draft Framework should be amended to reflect those.

Which documents should be incorporated or referenced in the planning scheme?

117. The draft Amendment seeks to make several documents reference documents in the Local Planning Policy Framework, including:
- *Fishermans Bend Vision 2015.*
 - *Fishermans Bend Framework 2018.*
 - *Fishermans Bend Community Infrastructure Plan 2017.*
 - *Fishermans Bend Urban Design Strategy 2017.*
 - *Fishermans Bend Open Space Plan 2017.*
 - *How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend 2018.*
118. In considering the appropriateness of referencing these documents in the planning scheme, I have had regard to Planning Practice Note No. 13 – Incorporated and Reference Documents.
119. I note that the draft Framework identifies that many of these documents (notably the Urban Design Strategy and Community Infrastructure Plan) are ‘background reports’, which have been used ‘to inform the preparation of this draft Framework’.¹⁵

¹⁵ See Appendix A to the draft Framework.



120. My reading of the draft Framework and its background reports is that many of the aspects of the background reports that require consideration in a control or policy have been translated into objectives and strategies within the draft Framework.

121. In this context, it is unclear to me whether it is useful for those background reports to require ongoing reference in the planning scheme.

122. In this regard, I note that the Practice Note outlines that:

Reference documents provide background information to assist in understanding the context within which a particular policy or provision has been framed.

123. The same Practice Note goes on to say:

A reference document may explain why particular requirements are in the scheme, substantiate a specific issue or provide background to specific decision guidelines in local planning policies or schedules. Generally, the substantive planning elements of the reference document will have been included in the scheme in either the MSS, a local planning policy or a schedule.

124. In my opinion, the draft Framework serves that function, by translating requirements of the background reports into objectives and strategies, which have in turn found their way into the statutory controls and policy.

125. In this regard, there is no need to rely on the requirements of the Urban Design Strategy (for instance) to provide useful background information or general advice to applicants or to assist in understanding the scheme, for the draft Framework serves that purpose.

126. This is not dissimilar to the way in which a Structure Plan for an Activity Centre may form a reference document to a planning scheme, while its background reports (such as a Traffic and Parking Assessment) may not¹⁶.

¹⁶ This is particularly the case in this matter, where the background reports are also listed in the Framework.



127. In my view, however, only the Vision and Framework are necessary to serve as reference documents.

128. In terms of the *How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend 2018*, I note that this document has the following purpose:

This document provides guidance about the public benefit ratios that are to be applied in the Fishermans Bend Area covered by Capital City Zone Schedules 4 to the Melbourne Planning Scheme and Schedules 1 to the Port Phillip Planning Scheme.

This publicly available document is updated regularly.

129. The document outlines:

- When a public benefit must be provided.
- The schedule of public benefits, including requirements for how the benefit is to be delivered in development.
- Other requirements for public benefits.

130. My review of this document is that it is essential to the exercise of discretion.

131. For decision-makers to conclude that a public benefit can satisfy the qualification for a floor area uplift, they must appropriately consider the criteria and requirements for how that benefit is delivered. This is outlined within the document and only within that document, although the zone also contains some decision guidelines which assist in the exercise of discretion.

132. Given the role that this document has in decision-making and the exercise of discretion, I am of the view that this document must necessarily be an Incorporated Document.



133. This is consistent with the Practice Note, which says that a document must be incorporated if (inter-alia):

The document will be used to guide the exercise of discretion by the responsible authority (except for a development plan under the Development Plan Overlay, which does not need to be incorporated).

134. While the document notes that it will be updated regularly, it does not seem fair for the public benefits to be easily reviewed and changed, without being tested through a planning scheme amendment process.

135. In incorporating the document into the planning scheme, that document will need to be redrafted to provide stronger direction on the appropriate criteria and delivery for the public benefits that are to be achieved.

136. As part of this redrafting exercise, the policy guidance for the exercise of discretion for floor area uplifts and public benefits in the local policy can be relocated to the Incorporated Document and / or relocated to the zone schedule.

137. In making this recommendation, I accept that the existing Capital City Zone (CCZ1) and Clause 22.03 Floor area uplift and delivery of public benefits already form part of the Melbourne Planning Scheme and that the approach discussed above is different.

Does the draft Amendment support State and local planning policy, including Plan Melbourne?

138. The State Planning Policy Framework (SPPF) and the metropolitan planning strategy, Plan Melbourne, are relevant to the consideration of this draft Amendment. I have had regard to these documents in preparing my evidence.

139. In terms of the SPPF, the relevant directions and guidance for the Activity Centre are:

- Clause 9.01, which requires planning authorities to consider and apply Plan Melbourne in decision-making. This Strategy acknowledges that urban renewal



areas play an important role in achieving housing and economic growth to accommodate population change and advance the 20-minute neighbourhoods concept.

- Clause 10.04, which seeks to ensure that planning authorities endeavour to balance conflicting objectives in favour of net community benefit and sustainable development for current and future generations.
- Clause 11.04-1, which seeks to create a city structure that drives productivity, supports investment and creates more jobs.
- Clause 11.04-2, which promotes a diversity of housing in defined locations close to jobs and services that cater for different housing needs.
- Clause 11.04-4, which seeks to create healthy and active neighbourhoods. To achieve this, it promotes the creation of 20-minute neighbourhoods and design excellence in development.
- Clause 15.01-1, which seeks to create good quality, safe and functional urban environments that provide a sense of place and cultural identity.
- Clause 15.01-2, which encourages architectural and urban design outcomes that enhance the public realm, contribute positively to local urban character and minimise detrimental impact on neighbouring properties.
- Clause 15.01-5, which seeks to recognise and protect cultural identity, neighbourhood character and sense of place.
- Clause 15.02-1, which encourages land use and development that is consistent with the efficient use of energy and minimisation of greenhouse gases.
- Clause 16.01-1, which promotes a housing market that meets community needs. To achieve this, it encourages an increase in the supply of housing in urban area in



appropriate locations. It also encourages that the planning system support the delivery of appropriate quality, quantity and type of housing.

- Clause 16.01-2, which seeks to locate new housing in or close to activity centres and urban renewal precincts that offer good access to services and transport.
- Clause 16.01-4, which seeks to provide a range of housing types to meet increasingly diverse needs.
- Clause 16.01-5, which seeks to deliver more affordable housing closer to jobs, transport and services.
- Clause 17.01-1, which encourages development which meets community needs for retail, entertainment, offices and other commercial services. It seeks to achieve a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- Clause 18.02-1, which promotes the use of sustainable personal transport, such as walking and cycling.

140. Plan Melbourne provides strategic guidance for the growth and development of Metropolitan Melbourne towards 2050. It underpins the strategic guidance provided by Clauses 9 and 11 of the State Planning Policy Framework. In **Appendix A** of this statement, I identify the relevant directions and policies that apply to the future development of urban renewal areas, such as the Fishermans Bend Urban Renewal Areas and the Central City.

141. This policy context (the SPPF and Plan Melbourne) supports an integrated approach to policy development and decision-making.

142. In my view, the draft Amendment supports State policy (including Plan Melbourne) by providing clear direction for land use and development within an urban renewal area that is intended to serve a key role in delivering commercial and residential growth.

p.34



143. The draft Amendment will provide an appropriate framework for land use and development within Fishermans Bend to ensure that it contributes towards the advancement of urban consolidation objectives in a manner that has regard to the Central City scale and character of the area.
144. I make no conclusions in relation to the traffic, urban design or economic matters, which are outside of my scope and expertise.
145. I conclude that the draft Amendment is generally consistent with, and effectively implements, State planning policy.
146. In terms of local policy, Fishermans Bend is identified as an Urban Renewal Area at Clause 21.04 of the Melbourne Planning Scheme. Clause 21.13 'Urban Renewal Areas' also notes the following in relation to the Fishermans Bend Urban Renewal Area:

The area measuring 250 hectares within the City of Melbourne and City of Port Phillip municipalities has been declared a site of State significance and rezoned as part of an expanded Capital City Zone.

The area is now part of the Expanded Central City and will accommodate CBD jobs and residents, in high-densities.

The Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016) sets out the long term vision for the area, and includes statutory requirements for development of the area. This document is incorporated in this planning scheme pursuant to the Schedule to Clause 81.01.

147. Within the Port Phillip Planning Scheme, Clause 21.06 'Local Areas' similarly has direct guidance for the Fishermans Bend Urban Renewal Area at Clause 21.06-8. It relevantly sets out a vision for the precinct to promote a mix of activities that complement the form and function of the Central City and Docklands.



148. It identifies opportunities for the co-location of employment and housing and for development to be underpinned by principles of economic prosperity, social equity and environmental quality.
149. In terms of local policies, Clause 22.27 of the Melbourne Planning Scheme and Clause 22.15 of the Port Phillip Planning Scheme contain a policy titled 'Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area'.
150. This policy applies to all land in the Fishermans Bend Urban Renewal Area. It identifies that Fishermans Bend is an unparalleled renewal opportunity in metropolitan Melbourne to provide for 60,000 jobs and a range of high density housing options.
151. Key policy objectives include:
- *To ensure development is in accordance with the Vision for Fishermans Bend and contributes to achieving the distinctive vision for each neighbourhood.*
 - *To ensure communities have access to a full range of local services and facilities. This will include a mix of residential, commercial, educational, health, spiritual, public and civic uses offering a mixture of housing and employment opportunities to ensure a vibrant community is created.*
 - *To ensure large developments are comprehensively planned to create integrated neighbourhoods and deliver high amenity, diversity and a good mix of land uses.*
152. The draft Amendment broadly supports this policy direction in both the Melbourne and Port Phillip Planning Schemes.
153. The draft Amendment provides updated policy and statutory direction for achieving the Fishermans Bend Vision, by applying the guidance set out in the draft Framework.
154. In this regard, the draft Amendment will advance a stronger statutory setting to guide development within the Fishermans Bend Urban Renewal Area that reinforces the



objectives and strategies set out in the Local Planning Policy Framework, which primarily seek to achieve the Vision.

155. I conclude that the draft Amendment is broadly consistent with and implements the Local Planning Policy Framework in the Melbourne and Port Phillip Planning Schemes.

156. My conclusions and recommendations are set out at Section 3 of this Statement.



3. CONCLUSION

157. My conclusions are summarised below:

- The proposed planning controls and policy in the draft Amendment make proper use of the Victoria Planning Provisions.
- The proposed planning controls and policy have been drafted in a manner that is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes*.
- The draft Amendment generally implements the *Fishermans Bend Vision 2016* and the *Fishermans Bend Framework (draft for consultation) 2017*.
- I support the use of the Capital City Zone and the Design and Development Overlay as the primary tools to guide the implementation of the Framework into the planning scheme. In the body of my statement I have recommended a series of changes be made to the Part A controls.
- I support the use of the Parking Overlay, local policy and changes to the Municipal Strategic Statement as secondary tools to guide the implementation of the draft Framework into the planning scheme.
- I do not consider that the Development Plan Overlay should be applied to land in the amendment area. As drafted, its requirements are vague and the benefits of applying the control and achieving a master-planned outcome can be delivered using other tools (such as the Capital City Zone).
- I consider that the reference documents should be reviewed. The *How to Calculate Floor Area Uplifts and Public Benefits in Fishermans Bend 2018* document should be listed as an incorporated document, given its role in decision-making.



- On the basis that the amendment incorporates mandatory provisions, the draft Framework should be amended to reflect those..

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

John Glossop MPIA
Director
Glossop Town Planning Pty Ltd
February 2018



4. REQUIREMENTS UNDER PPV'S GUIDE TO EXPERT EVIDENCE

159. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, 1/182 Capel Street, North Melbourne. I am a Director of the firm. The firm has been in business since 1997.
160. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:
- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
 - Strategic and Social Planning Manager, Shire of Melton until 1997.
 - Sessional member, Planning Panels Victoria between 1997-2012.
 - Member of the ResCode Advisory Committee 2000.
161. I was a sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02). I am currently a sessional lecturer in Statutory Planning and Environment at the Royal Melbourne Institute of Technology University.
162. I have considerable experience in statutory and strategic planning and new format planning schemes.
163. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors. I have been instructed by Harwood Andrews to provide an opinion on the planning merits of the draft Amendment.
164. I have relied on the documents referred to in the introduction section of my statement. There were no tests undertaken in the preparation of this statement. I was assisted in this statement by Matthew Gilbertson, Senior Associate of my office.



5. APPENDIX A: POLICY CONTEXT

The State Planning Policy Framework

165. Within the State Planning Policy Framework (the “SPPF”), the following policies are considered particularly relevant to this matter:

- Clause 9 ‘Plan Melbourne’.
- Clause 10 ‘Operation of the State Planning Policy Framework’.
- Clause 11 ‘Settlement’, particularly Clause 11.06 ‘Metropolitan Melbourne’.
- Clause 13 ‘Environmental risks’.
- Clause 15 ‘Built Environment and Heritage’.
- Clause 16 ‘Housing’.
- Clause 17 ‘Economic Development’.
- Clause 18 ‘Transport’.

166. I have considered each of these clauses in the preparation of my evidence. My assessment of the relevant parts of these clauses is provided at Section 2 of this statement.

Plan Melbourne

167. Plan Melbourne 2017-2050: Metropolitan Planning Strategy is a reference document within the SPPF and was adopted by the State Government in March 2017 to guide land use and development within Metropolitan Melbourne towards the year 2050.

168. The Strategy seeks to support sustainable development and housing needs for an anticipated population of 7.9 million people in metropolitan Melbourne by 2051.

p.41



169. Plan Melbourne identifies that Fishermans Bend is located within the Inner Metro Region, where an additional 215,000-230,000 dwellings are anticipated to meet forecast population growth to 2051.

170. The Wirraway, Lorimer, Montague and Sandridge precincts of Fishermans Bend are also identified as Major Urban Renewal Precincts within the Central City and Places of State Significance. The Purpose for Major Urban Renewal Precincts is:

To take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services.

Major urban renewal precincts will play an important role in accommodating future housing and employment growth and making better use of existing infrastructure.

171. Map 4 of Plan Melbourne identifies that these urban renewal precincts are “Priority Precincts”.

172. The adjoining Fishermans Bend employment area (not subject to this draft amendment) is identified as a National Employment and Innovation Cluster, where clustering of business activity of nationally-significant industries is encouraged.

173. Relevant directions under Plan Melbourne include:

- Direction 1.1 – Create a city structure that strengthens Melbourne’s competitiveness for jobs and investment:
 - Policy 1.1.1 – Support the central city to become Australia’s largest commercial and residential centre by 2050.
 - Policy 1.1.2 – Plan for the redevelopment of major urban renewal precincts in and around the central city to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.
 - Policy 1.1.7 – Plan for adequate commercial land across Melbourne.



- Direction 1.2 – Improve access to jobs across Melbourne and closer to where people live:
 - Policy 1.2.2 – Support the development of a network of activity centres linked by transport.
- Direction 1.3 – Create opportunities at urban renewal precincts across Melbourne.
 - Policy 1.3.1 – Plan for and facilitate the development of urban renewal precincts.
- Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city:
 - Policy 2.1.2 – Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
 - Policy 2.1.3 – Plan for and define expected housing needs across Melbourne’s regions.
- Direction 2.2 – Deliver more housing closer to jobs and public transport:
 - Policy 2.2.1 – Facilitate well-designed, high-density residential developments that support a vibrant public realm in Melbourne’s central city.
 - Policy 2.2.2 – Direct new housing and mixed-use development to urban renewal precincts and sites across Melbourne.
- Direction 2.3 – Increase the supply of social and affordable housing.
 - Policy 2.3.3 – Strengthen the role of planning in facilitating and delivering the supply of social and affordable housing.
- Direction 2.4 – Facilitate decision-making processes for housing in the right locations.



- Policy 2.4.2 – Facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development.
- Direction 2.5 – Provide greater choice and diversity of housing:
 - Policy 2.5.1 – Facilitate housing that offers choice and meets changing household needs.
- Direction 3.3 – Improve local travel options to support 20-minute neighbourhoods.
 - Policy 3.3.1 – Create pedestrian-friendly neighbourhoods.
- Direction 4.1 – Create more great public places across Melbourne:
 - Policy 4.1.1 – Support Melbourne’s distinctiveness.
- Direction 4.3 – Achieve and promote design excellence:
 - Policy 4.3.1 – Promote urban design excellence in every aspect of the built environment.
- Direction 4.4 – Respect Melbourne’s heritage as we build for the future:
 - Policy 4.4.1 – Recognise the value of heritage when managing growth and change.
 - Policy 4.4.3 – Stimulate economic growth through heritage conservation.
- Direction 4.6 – Strengthen community participation in the planning of our city:
 - Policy 4.6.1 – Create diverse opportunities for communities to participate in planning.
- Direction 5.1 – Create a city of 20-minute neighbourhoods:
 - Policy 5.1.1 – Create mixed-use neighbourhoods at varying densities.



- Direction 5.2 – Create neighbourhoods that support safe communities and healthy lifestyles:
 - Policy 5.2.1 – Improve neighbourhoods to enable walking and cycling as a part of daily life.
- Direction 5.3 – Deliver social infrastructure to support strong communities.
 - Policy 5.3.1 – Facilitate a whole-of-government approach to the delivery of social infrastructure.
- Direction 5.4 – Deliver local parks and green neighbourhoods in collaboration with communities.
 - Policy 5.4.1 – Develop a network of accessible, high-quality, local open spaces.
- Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050:
 - Policy 6.1.1 – Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades.
- Direction 6.3 – Integrate urban development and water cycle management to support a resilient and liveable city:
 - Policy 6.3.2 – Improve alignment between urban water management and planning by adopting an integrated water management approach.
 - Policy 6.3.3 – Protect water, drainage and sewerage assets.
- Direction 6.4 – Make Melbourne cooler and greener.
 - Policy 6.4.1- Support a cooler Melbourne by greening urban areas, buildings, transport corridors and open spaces to create an urban forest.



- Policy 6.4.2 – Strengthen the integrated metropolitan open space network.

174. I have considered these directions in the preparation of my evidence.



6. APPENDIX B: THE DRAFT AMENDMENT

175. Draft Planning Scheme Amendment GC81 applies to all land within the Lorimer, Wirraway, Sandridge and Montague precincts of Fishermans Bend, as shown on the map below.



Extract of Map from the Information Sheet (Fishermans Bend website, February 2018)

176. The exhibited Information Sheet records:

The draft Amendment seeks to introduce permanent planning controls to the four Capital City Zone precincts of Fishermans Bend. The Employment Precinct is excluded from this Amendment. The proposed changes to the Melbourne and Port Phillip Planning Schemes will realise the vision for the area through the draft Fishermans Bend Framework, which forms the strategic basis for the draft Amendment.

177. The draft Amendment proposes the following changes to the Melbourne and Port Phillip Planning Schemes:

p.47



Melbourne Planning Scheme	Port Phillip Planning Scheme
Municipal Strategic Statement	
<p>Amend the following clauses to provide the strategic direction to realise the vision for the Lorimer precinct:</p> <ul style="list-style-type: none"> ■ Clause 21.02 – Municipal Profile. ■ Clause 21.04 – Settlement. ■ Clause 21.08 – Economic Development. ■ Clause 21.13 – Urban Renewal Areas. ■ Clause 21.16 – Other Local Areas. ■ Clause 21.17 – Reference Documents. 	<p>Amend the following clauses to provide the strategic direction to realise the vision for the Wirraway, Montague and Sandridge precincts:</p> <ul style="list-style-type: none"> ■ Clause 21.01 – Municipal Strategic Statement. ■ Clause 21.02 – Municipal Context and Profile. ■ Clause 21.03 – Ecologically Sustainable Development. ■ Clause 21.04 – Land Use. ■ Clause 21.05 – Built Form. ■ Clause 21.06 – Neighbourhoods.
Local Policy	
<p>Replace Clause 22.27 ‘Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area Local Policy’ with a new Clause 22.27 ‘Fishermans Bend Urban Renewal Area Local Policy’.</p> <p>Provides guidance on how to evaluate and exercise discretion for permit applications. It details provisions in relation to employment, dwelling densities, community and diversity, design excellence, active street frontages, energy, urban heat island, water management, waste management, public open space, new streets and laneways, smart cities, sustainable transport and floor area uplift.</p>	<p>Replace Clause 22.15 ‘Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area Local Policy’ with a new Clause 22.27 ‘Fishermans Bend Urban Renewal Area Local Policy’.</p> <p>Provides guidance on how to evaluate and exercise discretion for permit applications. It details provisions in relation to employment, dwelling densities, community and diversity, design excellence, active street frontages, energy, urban heat island, water management, waste management, public open space, new streets and laneways, smart cities, sustainable transport and floor area uplift.</p>



Zoning	
Replace Schedule 4 to the Capital City Zone with a new Schedule 4 (CCZ4). Outlines land use and development permit requirements, includes provisions for floor area ratios, floor area uplift, building Green Star requirements, provision of streets and laneways, core and non-core areas, open space and advertising signs.	Replace Schedule 1 to the Capital City Zone with a new Schedule 1 (CCZ1). Outlines land use and development permit requirements, includes provisions for floor area ratios, floor area uplift, building Green Star requirements, provision of streets and laneways, core and non-core areas, open space and advertising signs.
Overlays	
Replace Schedule 67 to the Design and Development Overlay with a new Schedule 67 (DDO67). Outlines built form controls relating to height, setbacks and separation, overshadowing, wind, adaptable buildings, building finishes and landscaping. Introduces mandatory controls for building design.	Replace Schedule 30 to the Design and Development Overlay with a new Schedule 30 (DDO30). Outlines built form controls relating to height, setbacks and separation, overshadowing, wind, adaptable buildings, building finishes and landscaping. Introduces mandatory controls for building design.
Replace Schedule 13 to the Parking Overlay with a new Schedule 13 (PO13). Sets maximum car parking rates and establishes additional car parking plan requirements, including the provision of bicycle, car share and motorcycle spaces.	Replace Schedule 1 to the Parking Overlay with a new Schedule 1 (PO1). Sets maximum car parking rates and establishes additional car parking plan requirements, including the provision of bicycle, car share and motorcycle spaces.
Applies the Environmental Audit Overlay to all land within the Lorimer precinct.	Applies the Environmental Audit Overlay to all land within the Wirraway, Sandridge and Montague precincts.
	Apply Development Plan Overlay – Schedule 2 (DPO2). Requires the preparation of development plans for five sites (Normanby Road, Sandridge Central, Plummer Street Realignment, JL Murphy Reserve Interface and Wirraway Transport Interchange), each with their own development requirements.



Other	
Makes consequential changes to the Schedules to Clauses 61.03 and 81.01, including the removal of the <i>Fishermans Bend Strategic Framework Plan (September 2016)</i> as an incorporated document.	Makes consequential changes to the Schedules to Clauses 61.03 and 81.01, including the removal of the <i>Fishermans Bend Strategic Framework Plan (September 2016)</i> as an incorporated document.