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FISHERMANS BEND - SUBMISSION TO DRAFT FISHERMANS BEND FRAMEWORK AND AMENDMENT GC81 (PLANNING SCHEME CONTROLS)

WARD:

GATEWAY

GENERAL MANAGER:

CLAIRE FERRES MILES, PLACE STRATEGY & DEVELOPMENT

PREPARED BY:

KATRINA TERJUNG, MANAGER STRATEGY & GROWTH

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ATTACHMENTS:

1. Fishermans Bend Planning Review Panel - Terms of Reference
2. Key Messages - Fishermans Bend Community Forum Special Meeting (30 Nov. 2017)
3. Summary of activities - keeping our community informed of the release of the draft Framework
4. Draft Submission - Fishermans Bend draft Framework and Amendment GC81 (planning controls)

PURPOSE

To consider the draft Fishermans Bend Framework and associated planning scheme controls (Amendment GC81) released by the Victorian Government for comment, and determine whether to endorse a written submission that establishes Council's position on various aspects of the draft Framework and controls.

I. RECOMMENDATION

That Council:

- 1.1 Acknowledges the critical importance of the Fishermans Bend Urban Renewal Area to Melbourne's growth story, and to current and future generations of Port Phillip communities, and reinforces support for the 2016 Fishermans Bend Vision as 'a thriving place that is a leading example of environmental sustainability, liveability, diversity and innovation'.
- 1.2 Highlights that to enable the ambitious Fishermans Bend Vision to be realised:
 - the Framework Plan and supporting planning controls must be clear, strong and aligned to the Vision's priorities;
 - a transparent and comprehensive funding and financing plan must be in place including all costs and revenue sources;



- governance arrangements need to be established that provide for the successful long term implementation of the Vision, including authentic community engagement and clear decision making roles for the City of Port Phillip in all planning, implementation and infrastructure delivery aspects; and
 - there needs to be proactive government leadership, funding to deliver key catalyst infrastructure and established partnerships, to create a sense of place both in the early transition phase and for the long term.
- 1.3 Adopts the written submission to the draft Fishermans Bend Framework and Amendment GC81 (Attachment 4), which:
- broadly supports the draft Framework as providing a positive policy setting towards achieving the Fishermans Bend Vision
 - includes recommendations for specific changes to the draft Framework and planning controls that would strengthen the implementation of Fishermans Bend and ensure the vision is delivered
 - shall be used as the basis for Council’s position and presentation to the Planning Review Panel which has been appointed to consider Amendment GC81.
- 1.4 Writes to the Premier Hon Daniel Andrews calling for the Victorian Government to fully involve Council in the immediate development of future governance arrangements, and a funding and finance plan, both of which are critical components to the delivery of Fishermans Bend, specifically:
- 1.4.1 A transparent Funding and Financing Plan for Fishermans Bend reflecting;
- the full cost of infrastructure to be delivered and associated implementation programs, and projected revenue;
 - a fully costed and funded Development Contributions Plan (or Infrastructure Contributions Plan) for the delivery of local infrastructure;
 - State infrastructure funding through use of the full spectrum of revenue sources and value capture instruments including land tax, stamp duty, and other levies;
 - financing arrangements that will ensure timely delivery of infrastructure; and
 - identification of any potential funding gap or shortfall.
- 1.4.2 Future Governance arrangements which recognise that:
- a partnership approach is essential to the successful renewal of Fishermans Bend;
 - current and future communities must be genuinely engaged in ongoing planning for the precinct and throughout the implementation process; and
 - as the City of Port Phillip will be the custodian of much of the precinct on behalf of its community, it must have a formal role in all future decision-making forums, including on-going strategic and precinct planning, the



determination of development applications and agreeing the pipeline of infrastructure to be delivered.

- 1.4.3 A Business Case to establish funding for catalyst infrastructure to service the Montague, Sandridge and Wirraway precincts, including delivery of the full tram network in the next five years.
- 1.5 Extends its appreciation to the members of the Fishermans Bend Community Forum who have met over the last two years, providing valuable insight and feedback that has informed Council's position and submission to the draft Framework and Amendment GC81.

2. BACKGROUND

- 2.1. The Fishermans Bend precinct was rezoned by the Victorian Government to a Capital City Zone in July 2012. Since this time there have been a series of plans prepared and processes undertaken to guide the renewal of this important precinct. This has included:
- The *Fishermans Bend draft Vision 2013*, based on work led by Places Victoria and prepared in partnership with Council and the City of Melbourne.
 - The *Fishermans Bend Strategic Framework Plan July 2014*, prepared by the Metropolitan Planning Authority.
 - Announcement of a Fishermans Bend 'recast' process in April 2015 by the (then new) Minister for Planning the Hon. Richard Wynne, and release of an amended *Strategic Framework Plan* and introduction of interim mandatory height controls.
 - Establishment of the Fishermans Bend Ministerial Advisory Committee (MAC) and a new governance framework, including a cross-government coordination group and the Fishermans Bend Taskforce, as part of the 'recast process.'
 - Release of the *Fishermans Bend 2016 Vision* in September 2016, which reflects the Victorian Government's aspirations and commitments for Fishermans Bend, and its five individual precincts.
 - Development of a draft Framework for Fishermans Bend and a new set of planning scheme controls, to implement the 2016 Vision.
- 2.2. The Victorian Government released the draft Fishermans Bend Framework for public consultation on 21 October 2017. Amendment GC81 (draft Planning Scheme Controls) were subsequently made available on 1 November 2017. Submissions to the draft Framework and Planning Controls are due to the Victorian Government by 15 December 2017.
- 2.3. The Minister for Planning has set up a 'Planning Review Panel' to consider and advise him on the 'appropriateness of the planning controls which form part of Amendment GC81' and seek to implement the Framework. The Terms of Reference for the Panel is provided at [Attachment I](#). The focus of the Panel will be on the proposed planning scheme controls, with consideration of the Framework limited to planning scheme matters.



- 2.4. The Ministerial Advisory Committee (on which the Mayor represents Council) and the Fishermans Bend Taskforce will consider submissions on the Framework, and make recommendations back to the Victorian Government.
- 2.5. A submission to the draft Framework and Amendment GC81 has been prepared, informed by:
 - Officer involvement in a range of working groups with the Fishermans Bend Taskforce throughout the recast process (noting these have already provided a key opportunity to inform and influence the planning for Fishermans Bend).
 - The Fishermans Bend Community Forum (established in April 2015). This has provided a valuable opportunity for a two-way dialog with key representatives of the City of Port Phillip community. Discussions with Forum members over the past nineteen meetings have contributed to defining Council's priority outcomes reflected in the submission to the draft Framework.
- 2.6. Council now needs to consider endorsement of the draft submission provided at Attachment 4, and lodge this with the Victorian Government by the closing date of 15th December 2017. The submission would also form the basis of Council's position at the Planning Review Panel, with hearings scheduled to commence on 12th February 2018.

3. KEY INFORMATION

Council's draft submission to the Framework

- 3.1 Council's draft submission is provided at Attachment 4, including an Executive Summary which incorporates a one page overview of the submission.
- 3.2 The submission comprises three primary parts:
 - Part A: An overview of the core elements which Council considers essential to achieve successful urban renewal in Fishermans Bend – 'the how'.
 - Part B: Council's 'priority outcomes' for Fishermans Bend – 'the what'. This includes a section on priority next steps which highlights the crucial role of detailed precinct planning to shore up deliverability of the Framework.
 - Part C: Detailed comments on Amendment GC81– the proposed Planning Controls.
- 3.3 Part A of the draft submission highlight four 'key success factors' for successful urban renewal:
 - A clear and agreed vision and effective planning framework
 - Committed funding and financing
 - A clear governance framework
 - Leadership and partnerships to create 'the place'.
- 3.4 Part B of the draft submission focuses on the Framework and is structured around six themes which reflect key aspects of the agreed 2016 Vision for Fishermans Bend.



Under each theme, 'priority outcomes' are defined which are used as the basis for assessing the Framework and planning controls:

- Theme 1: A vibrant, sustainable economy – with 'priority outcomes' relating to housing choice, affordable housing, delivery of well-located community 'hubs', and aligning infrastructure planning with the expected population.
- Theme 2: A diverse, connected community – with 'priority outcomes' relating to achieving job targets and true mixed use precincts.
- Theme 3: Liveability and Place Identity – with 'priority outcomes' being a well-defined urban structure that reinforces place and securing the public space network.
- Theme 4: Quality Design and Development – with 'priority outcomes' highlighting the need to manage density to ensure liveability, and design controls that deliver quality development and diverse, distinctive neighbourhoods.
- Theme 5: Integrated, Sustainable Transport – with 'priority outcomes' being early delivery of public transport and an integrated transport network that prioritises sustainable travel.
- Theme 6: Embedded Sustainability – with 'priority outcomes' being leading sustainability standards for new development, innovative energy, water and waste infrastructure and a landscape solution to flooding and water management.

3.5 The 'priority outcomes' are used as the basis for assessing the Framework and planning controls. For each outcome, the submission highlights:

- What the Framework should deliver
- Why this is important
- Aspects of the draft framework that Council supports
- Aspect of the draft framework that require change.

3.6 The Key Messages of Council's submission are as follows:

- Government leadership, commitment and effort is essential - across all precincts to set Fishermans Bend up for success.
- The framework is on the right path and generally aligned with the 'agreed' Vision.
- Further detail is however, needed on how the aspirations and targets in the Framework will be achieved.
- Stronger planning controls are essential to realise the Framework, with the need to raise the bar to deliver on key Council priorities; affordable housing, ESD and open space delivery.
- Early delivery of catalyst transport and community infrastructure must be a Government priority.
- There are number of significant elements of Fishermans Bend 'strategy' missing; in particular funding and governance arrangements, which makes it difficult for Council to provide meaningful comments on the Framework.



- 3.7 The submission calls on the Victorian Government to develop the following as a priority, along-side of the Planning Framework:
- Clearly defined Governance Arrangements

The successful delivery of Fishermans Bend will require effective partnerships across all levels of government and all sectors. Governance arrangements need to detail clear roles and responsibilities, and leverage the collective strengths of all stakeholders to maximum effect. They must enable a facilitation and brokering approach by government, given its limited ownership of land within the precinct.

The submission highlights that Council seeks a meaningful and role in all decision-making forums for Fishermans Bend, including on-going strategic planning, determination of development applications, and agreeing the pipeline of infrastructure in each precinct to be funded and delivered.
 - A Funding and Financing Plan

Funding and financing details have not been released alongside the draft Framework and this is highlighted as a key concern of Council. This are essential to convey confidence that infrastructure is affordable, and that financing arrangements will provide the ‘cash flow’ to deliver catalyst infrastructure in a timely manner.
 - A Transition Plan and Program

There is a need for government to create ‘the place’ through leadership, partnership and demonstration projects, and investment in catalyst infrastructure. This is crucial to set the tone for the precinct and deliver key elements of place for new communities.
- 3.8 The submission also highlights that government must prioritise investment in the following infrastructure:
- Delivery of the entire tram network within five years

Delivery of early public transport is critical to the success of Fishermans Bend. Delivery of the entire network by 2022 is essential to unlock the development potential of Sandridge and Wirraway, deliver jobs and provide the necessary connection to the CBD, and ensure sustainable travel choices are available to create a liveable precinct.
 - Delivery the ‘Sustainability Hub’

Delivery of a Sustainability Hub is crucial to Fishermans Bend (and inner Melbourne) being able to meet its targets for waste diversion and potable water use.



- Implementing a precinct scale landscape solution to flooding and water management

Flooding is identified as a key 'strategic risk' for Fishermans Bend and presents one of the greatest challenges for successful renewal. A precinct scale landscape solution to flooding and water management must be developed, funded and implemented as a priority.

3.9 The submission seeks the following key changes to the draft Framework and proposed planning controls:

- Setting of higher benchmarks for sustainability, open space and housing affordability

The submission seeks to raise the bar on some key targets and strengthen planning controls, to provide greater certainty in relation the delivery of a number of Council's strategic priorities as follows:

- Increase the mandatory Green Star rating to 5 Star As-Built, to ensure sustainability targets are achieved.
- Increase of public open space contribution to 10%, to realise delivery of the planned public space network.
- Revise affordable and social housing targets (to 6% social housing and 20% affordable housing overall), to ensure low and moderate income households can afford to be part of a diverse future Fishermans Bend community. Affordable housing needs to be delivered through a combination of 'opt-in' (incentivised) and mandated (inclusionary) planning mechanisms.

- Adopting a comprehensive approach to urban design

The submission highlights that Council wants to see some refinements to the policy and spatial components of the Framework – to ensure an integrated plan that delivers quality urban design and place outcomes. This includes:

- Getting the urban structure right. The Framework needs to further embed the structuring elements of place; core retail areas, community hubs, open spaces, and key public transport, walking and cycling networks; and integrate these elements to support functional and liveable neighbourhoods. The development of more detail Precinct Plans is critical to testing and refining these aspects of the Framework.
- Placing greater emphasis on design quality: The Framework makes limited mention of quality design. Conversely, Council considers that the design quality of buildings and the public realm as fundamental to creating a liveable, high density place.



- Embedding detailed Precinct Planning in the Framework

Precinct Plans need to be completed and incorporated into the statutory planning framework for Fishermans Bend. This work is testing and refining the detail of the draft Framework and planning scheme controls, to ensure the vision is realised. Council is heavily invested in this work which will result in more robust design controls, improved deliverability and quality of the public space network, and well-defined activity centres which will become the ‘community heart’ of new neighbourhoods.

3.10 Specific comments on Amendment GC81, the planning scheme controls, highlight:

- The need to strengthen the proposed planning controls through including key planning requirements in scheme provisions (zone or overlays) which would afford them greater statutory weight. The majority of ‘requirements’ at present are included as policy only.
- The need to raise the bar on environmentally sustainable development through applying a 5 Star Green Star standard (rather than 4 Stars) to ensure sustainability targets can be met, and similarly strengthen affordable housing requirements through not relying solely on a voluntary ‘op-in’ mechanism.
- Support for the use of density controls to manage the quantum of development at Fishermans Bend and the use of incentives (via a floor area uplift mechanism) to deliver community benefits i.e. affordable housing, community infrastructure and additional open space (subject to Council being an arbiter in agreeing to the form of infrastructure to be contributed).
- Concern over the potential under the density and height controls as proposed, for development within the mixed use areas of Fishermans Bend to significantly exceed the projected 80,000 residents and 40,000 jobs, leading to a shortfall / lack of capacity in planned infrastructure.
- The need for further testing and refinement of built form controls, to ensure diverse neighbourhoods, a range of building typologies and housing choice are delivered, in line with the vision for each precinct.
- The importance of delivering well-located community hubs, with support for the approach to incentivising the delivery of hubs as part of private mixed use development (subject to clarifications), but a call to more clearly identify preferred site/s to ensure hubs are delivered in the right locations and to agreed specifications.
- The importance within a higher density precinct of delivering an expanded and upgraded public space network and hence a request to increase the Public Open Space Contribution from 8% to 10%.
- The absence of a Development Contributions Plan and therefore a lack of certainty over how infrastructure will be funded and delivered.



FURTHER SUPPORTING INFORMATION

4. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 4.1 The Fishermans Bend Program contributes to Outcome 4.1 – Liveability in a high density city. Priority initiatives of the Plan include:
- Ensuring the Fishermans Bend Framework and Precinct Plans maximise outcomes for Port Phillip residents, including employment, housing choice, quality public space and community facilities, and early delivery of public transport.
 - Advocating to the Victorian Government for early delivery of high frequency public transport links to Fishermans Bend, and a sustainable funding and financing strategy to support the timely delivery of local infrastructure.
- 4.2 'Transforming Fishermans Bend' is a key commitment of the Council Plan 2017-27.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council has engaged with the community throughout the Fishermans Bend 'recast' process, including through the Fishermans Bend Community Forum which meets bi-monthly.
- 5.2 The Mayor and key community representatives form part of the Ministerial Advisory Committee which has provided advice to the Minister for Planning on the draft Framework and proposed planning controls.
- 5.3 A special meeting of the Fishermans Bend Community Forum was hosted on 30 November 2017 to present and discuss Council's draft submission. A summary of the key discussion from this meeting is provided at [Attachment 2](#). Overall the discussion at the Forum indicated strong support for and alignment with Council's draft submission.
- 5.4 A summary of the draft Submission was made available on Council's website.
- 5.5 Council officers have also attended selected consultation events hosted by the Fishermans Bend Taskforce to gauge an understanding of the community's views, including assessing alignment with the priority outcomes reflected in Council's draft submission.
- 5.6 Beyond the Victorian Government's consultation program, Council has been keeping its community informed on the release of the draft Framework and encouraging participation in consultation events facilitated by the Victorian Government. A summary of these activities is provided at [Attachment 3](#).

6. LEGAL AND RISK IMPLICATIONS

- 6.1 There are no direct legal or risk implications of lodging a submission to the draft Framework and AmGC81. Not making a submission would present a reputational risk, as Council would be expected to advocate in the best interests of its current and future community.



- 6.2 Lodgement of a submission provides Council with the opportunity to be heard by the Planning Review Panel appointed by the Minister for Planning to consider the proposed Amendment GC81.
- 6.3 The submission and subsequent Panel hearing process provides Council with a key opportunity to influence the planning framework and scheme controls, to achieve its priority outcomes and minimise delivery risks at Fishermans Bend.

7. SUSTAINABILITY – Triple Bottom Line

7.1 ENVIRONMENTAL IMPLICATIONS

- 7.1.1 The draft Fishermans Bend Framework sets the intent for Fishermans Bend to be a leading example of environmental sustainability. The Framework is based around eight 'green star community' sustainability goals.
- 7.1.2 Council's submission on the draft Fishermans Bend Framework advocates to:
- raise the bar on embedding sustainability in the planning and implementation of Fishermans Bend
 - deliver the early provision of an integrated transport network that prioritises sustainable forms of transport.

7.2 SOCIAL & CULTURAL IMPLICATIONS

- 7.2.1 Council's submission on the draft Fishermans Bend Framework highlights the importance of:
- managing density to ensure liveability
 - housing choice to support diverse family friendly communities
 - greater certainty over the delivery of social and affordable housing
 - delivering community hubs to meet the service needs of the future community
 - early investment to secure and create a diverse, accessible and connected public space network.

7.3 ECONOMIC IMPLICATIONS

- 7.3.1 Council's submission on the draft Fishermans Bend Framework aims to achieve:
- employment targets and true 'mixed' use precincts, including by mandating commercial floor space in core areas and recognising Montagues potential as an innovation district
 - more clearly identified core retail areas, including provision for large anchor retail uses such as supermarkets.

7.4 FINANCIAL IMPLICATIONS



- 7.4.1 The submission highlights the absence of a funding and financing plan to prove and ensure deliverability of the draft Framework. The submission calls on the Victorian Government to make this a priority and involve Council as a key partner in this process.
- 7.4.2 The plan must be fully costed, and revenue generated must be aligned with the overall infrastructure costs over time, with careful consideration of the inter-generational impacts.

8. IMPLEMENTATION STRATEGY

8.1 TIMELINE

- 8.1.1 The submission, if endorsed by Council, will be lodged with the Victorian Government by 15 December 2017.
- 8.1.2 Council will have the opportunity to be heard at the Planning Review Panel, on the proposed planning controls forming part of Amendment GC81. A directions hearing for this panel is currently listed for Wednesday 20 December 2017. The appointed Panel has advised it intends the hearings to commence on 12th February 2018.
- 8.1.3 Council officers will continue to be directly involved in Precinct Planning work. This is a key opportunity to test and refine the spatial planning elements of the Framework, including the public space network, activity centres, urban character, access network and preferred sites for community hubs.
- 8.1.4 On-going discussions with Government will seek to progress Council's interests in relation to future governance arrangements and the development of a funding and financing plan for Fishermans Bend.

8.2 COMMUNICATION

- 8.2.1 Council's endorsed submission will be made available on the City of Port Phillip web-site.
- 8.2.2 Fishermans Bend Community Forum members will be sent a copy of Council's submission, thanking them for their input and on-going involvement in the planning for Fishermans Bend.

9. OFFICER DIRECT OR INDIRECT INTEREST

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.