

Melbourne Planning Scheme Amendment C309

Implementation of the West Melbourne Structure Plan 2018

Panel Hearing

Planning Evidence - David Barnes

July 2019

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Appendices

Appendix 1 - CV

1 Introduction

1. My name is David Barnes. I am the Managing Director of Hansen Partnership Pty Ltd, which is located at Level 4, 136 Exhibition Street, Melbourne.
2. I hold the following qualifications:
 - Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1980.
 - Master of Business Administration, Royal Melbourne Institute of Technology, 1993.
3. I have practiced as a town planner for over 35 years, working in the public as well as the private sectors. I have also worked overseas in Vietnam on a variety of statutory planning, strategic planning, institutional strengthening and tourism projects.
4. I am both a statutory and a strategic planner. My planning experience covers many aspects of the planning approvals process on a range of projects including residential, industrial, retail, mixed use, tourism and rural developments. I regularly appear before VCAT and Planning Panels Victoria. I have been involved in a broad range of strategic planning projects including the preparation of industrial land use strategies, residential development strategies, integrated municipal strategies, township strategies, town centre strategies, structure plans and urban design frameworks for activity centres and transit cities, tourism master plans and rural land use strategies.
5. In the mid 2000's I was involved in the preparation of the *West Melbourne Structure Plan 2005* for the City of Melbourne. I gave evidence at the ensuing panel hearing for Amendment C96 which implemented that document.
6. I have been instructed by the City of Melbourne's in-house lawyers to consider the planning merits of the proposed amendment. I have also been instructed to comment on recommended changes made to the amendment by Council's other experts in particular Leanne Hodyl and Julian Szafraniec.
7. Whilst I am both a statutory and a strategic planner, given the involvement of other experts in the fields of urban design, economics, architecture and transport planning, I have largely confined my evidence to the statutory planning aspects of the amendment. Whilst I make general comments as a strategic planner about matters such as non-accommodation floor space ratios and built form matters, the specific ratios and heights set out in the amendment are more a matter for Council's other experts to address.
8. Key documents I have reviewed in preparing this statement include:
 - The amendment documentation as exhibited.
 - Council's post-exhibition version of the amendment documentation.
 - Council Agenda Item 6.1, 7th May 2019 – which included a report on submissions received and a copy of all submissions.
 - Relevant planning practice notes.
 - Melbourne Planning Scheme.
 - Amendment C309, West Melbourne Structure Plan Capacity Modelling Outline, June 2019.
 - West Melbourne Residential Population Forecast (Memo), 7th June 2019.
 - Plan Melbourne 2017 – 2050.
 - Expert urban design evidence of Leanne Hodyl.
 - Expert economic evidence of Julian Szafraniec.
 - Expert economic evidence of Andrew Spencer.

- Expert architectural evidence of Jeremy McLeod.
 - Expert traffic evidence of Steve Hunt.
 - Office the Victoria Government Architect Report, October 2017.
9. A summary of my findings in relation to the amendment are provided in the following section of this report.
 10. This statement has been prepared in accordance with Planning Panels Victoria Guidelines to Expert Evidence.
 11. I have made all the inquiries that I believe are desirable and appropriate, and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.
 12. A copy of my CV is provided in Appendix 1.

2 Summary of findings

13. Following is a summary of my findings in relation to the amendment:

- West Melbourne is a former industrial and warehousing area that has traditionally comprised a mix of businesses, interspersed with heritage residential uses, on the northern edge of the CBD. It has provided a strong service role to CBD businesses and continues to do so.
- There is an urgent need for a new structure plan and planning controls, given changes that have occurred since the last structure plan was prepared in 2005, and deficiencies that exist in the application of the Mixed Use Zone and the discretionary provisions of the DDOs that currently apply throughout much of the area.
- The process that the City of Melbourne has followed in preparing the Structure Plan is thorough and provides an excellent strategic basis for the future planning of the area.
- The West Melbourne Structure Plan and amendment is indicative of a new place-based approach to local area planning being taken by the City of Melbourne.
- The proposed planning controls are consistent with metropolitan and other relevant local planning policies. They will enable West Melbourne to continue to provide opportunities for substantial infill development, balanced with policies that require consideration of the distinctive character and heritage elements of the area.
- West Melbourne is not a designated urban growth area targeted for substantial development. It is an area for incremental infill development.
- The SUZ6 is an appropriate zone to apply to realise the mix used objectives of the Structure Plan.
- Use of a schedule to the Special Use Zone to set out tailored land use provisions to implement the West Melbourne Structure Plan, is consistent with the intent of the zone and with *Planning Practice Note 3*, which relates to the application of the Special Use Zone.
- The provisions of Schedule 6 are sound from a statutory planning perspective and would be effective in implementing the land use and activity objectives of the Structure Plan. The wording of the schedule could be simplified via some minor changes to the wording of some provisions.
- Proposed changes to DDOs are logical, consistent with existing planning policy, and introduce a more sophisticated approach to managing built form.
- The West Melbourne Structure Plan and background reports, provide strong strategic justification for requirements regarding affordable housing, non-accommodation floor area within buildings, floor area ratios, bonuses for the retention of special character buildings, and for restrictive car parking controls.
- Strong justification exists for the application of mandatory floor area ratios and non-accommodation floor area requirements.
- The following issues require further clarification by Council and its other experts through the Panel Hearing process:
 - The calculation and expression of the non-accommodation floor area requirement. (Section 8.8)
 - The requirement for minimum floor to ceiling heights. (Section 9.8)
- The following modifications to the amendment are recommended:
 - Existing *Figure 20 North and West Melbourne* (Clause 21.16-5) – Modify the existing map to either remove the West Melbourne area from the map, or else to include a boundary around North Melbourne (with the West Melbourne area left on the map for context only). (Paragraph 65)

- Proposed *Figure 21: West Melbourne Structure Plan area and precincts* (Clause 21.16-6) – Include a map that includes precinct boundaries and key location features of West Melbourne, in particular the location of the Spencer Street activity centre. (Paragraph 65)
- In Clause 21.16-5 - Relocate the precinct based policies under the heading of *Built Environment and Heritage*, earlier in the clause, before the heading *Housing*, and rename them *Vision for each precinct*. Paragraph (65)
- Minor changes to the wording of the Schedule as it relates to requirements for affordable housing (Section 8.7) and non-accommodation uses (Section 8.8)

3 The amendment

3.1 As exhibited

14. As set out in the Explanatory Statement that accompanied the amendment, the amendment implements the built form and land use directions of the West Melbourne Structure Plan 2018, by making the following changes to the Melbourne Planning Scheme:
 - Amending Clause 21.16 Other Local Areas in the Municipal Strategic Statement (MSS) to insert a new Clause 21.16-6 West Melbourne, to ensure the vision for the area reflects the Structure Plan, as well as updating Clause 21.16-5 to only refer to North Melbourne.
 - Amending Clause 21.17 Reference Documents to include the *West Melbourne Structure Plan*.
 - Rezoning most of the Mixed Use Zone in the Structure Plan area to a Special Use Zone (SUZ6) to deliver a true mix of uses. The SUZ6 includes provisions to:
 - Require a minimum proportion of the floor area be allocated to a use other than accommodation;
 - Provide for 6 per cent affordable housing in most areas; and
 - Require active ground floor uses along Spencer Street, between Hawke Street and Dudley Street to help deliver a new activity centre.
 - Rezoning recently expanded and existing new public open spaces to the Public Park and Recreation Zone (PPRZ).
 - Amending existing Schedules 28, 29 and 33 to the Design and Development Overlay (DDO28, DDO29 and DDO33) and adding a new Schedule 72 (DDO72) to implement the built form controls and design recommendations of the Structure Plan. The DDOs will include a mandatory floor area ratio (FAR) as well as provisions to encourage the retention of buildings identified as character buildings.
 - Applying a new schedule to the Parking Overlay (PO14) to introduce a maximum parking rate of 0.3 spaces per dwelling.
 - Applying an Environmental Audit Overlay to the Structure Plan area to ensure that potentially contaminated land is suitable for a sensitive use.
 - Amending the schedule to Clause 72.03 to include reference to the new EAO map.



Figure 1 - Structure Plan boundary and precincts (Source: Structure Plan, page 8)

3.3 Post exhibition

17. I have been provided with a copy of post exhibition amendment documents that Council will be relying upon at the hearing.

18. The following relative minor changes are proposed:

- Insert a new dot point under the heading “Infrastructure” in Clause 21.16-6 West Melbourne to read:

Support the functioning and growth of education uses in West Melbourne, in particular Primary Schools.

- In the Special Use Zone 6:
 - Include “education” in the purpose statement.
 - Exclude “Dwelling” from the use “Accommodation” in Section 2 of the Land Use table.
 - Modify the wording in Paragraph 2 of the requirement for affordable housing to read:

This should be provided to an affordable housing provider, including Registered Housing Agencies, Housing Provider at no cost or to be held in an affordable housing Trust and managed for the sole purpose of affordable housing, unless otherwise agreed to by the Responsible Authority.

- Modify the wording of dot point 4 under the heading “Use for Dwellings” to read:
 - The views of the relevant affordable housing provider, which includes Registered Housing Agencies.
- In DD033:
 - Reword the built form requirement opposite “Melbourne Assessment Prison” as follows:

Development adjacent to, or with potential lines of sight into the recreation yards of the Melbourne Assessment Prison and Judy Lazarus Transition Centre, must consider any potential lines of sight privacy, operational and security issues of justice facilities.

- Deleting 488-494 La Trobe Street, from the list of special character buildings.
- A number of other editorial corrections.

4 The Place

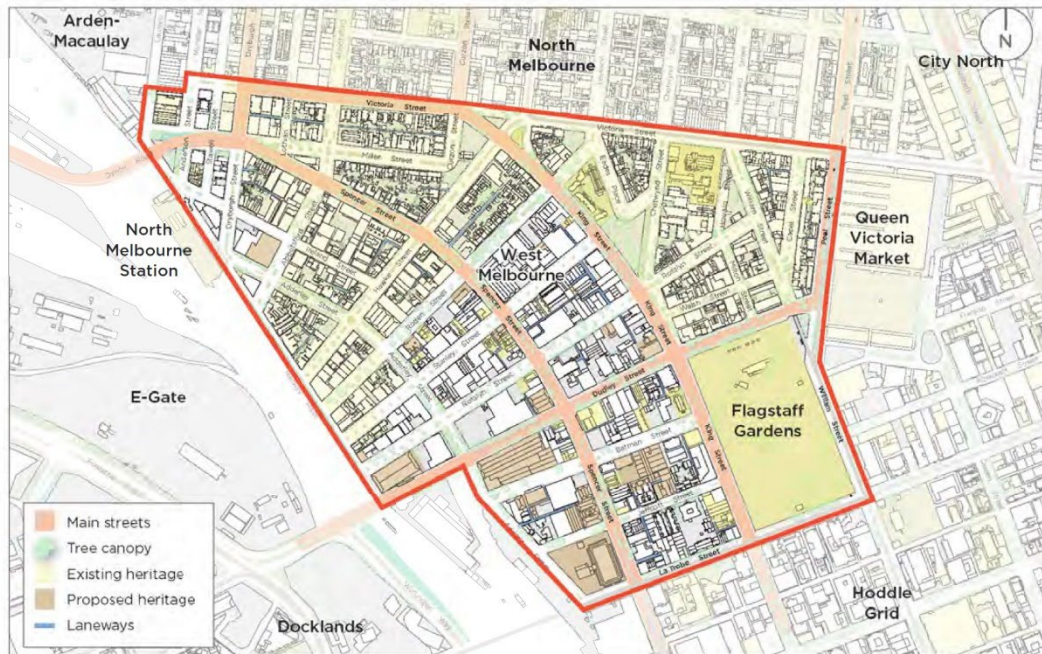


Figure 1.7: West Melbourne Structure Plan area (red line)

Figure 3 - West Melbourne (Source Structure Plan, page 24)

19. West Melbourne is a former industrial and warehousing area that traditionally comprised a mix of businesses, interspersed with heritage residential uses, on the northern edge of the CBD. It has provided a strong service role to CBD businesses and continues to do so.
20. The area is based on a strong radial street pattern intersecting with a grid of wide curved streets, some with medians. The curved streets are the connection between the mis-aligned Hoddle Grid and North Melbourne grid, and extend west to provide key connections between the CBD, through the port and railyards to Footscray and the western suburbs beyond.
21. The generosity of the street pattern alludes to a time of grandeur that was never reflected in the uses that established in the area. However, it provides an outstanding opportunity to build on the existing character of the area, to improve and enhance its amenity, and to provide green links and opportunities for vegetation and boulevard planting, as well as space for pedestrians and cyclists. The generosity of the street network provides the potential to transform the area if traffic can be appropriately managed.
22. In the past, West Melbourne has been seen as somewhat of a transitional area; an area to go through rather than go to. The Structure Plan seeks to redress this. West Melbourne is very well located with ready access to a wide range of services and facilities in and around it. It is close to the CBD, to Flagstaff Gardens, to the Victoria Market, Melbourne University and the health precinct. It is an established pocket of existing urban form that abuts Melbourne's major inner city urban renewal areas of Docklands, E-Gate, Dynon and Arden / Macaulay.
23. Former port, rail and industrial precincts nearby to the west, have the potential to accommodate very significant new urban development, and are designated for such in planning policy. The growth potential, level and type of modern development forms that will result in those areas gives added emphasis to the

need to protect and respond in an appropriate way to the interesting and diverse character of West Melbourne. This is important in order for the municipality to retain a diversity of interesting and vibrant places, working and living opportunities, and urban form close to CBD, that will balance that provided in urban renewal areas.

24. Traffic and transport has had a major impact on shaping the character and amenity of the area over time. The west side of West Melbourne is dominated by outlooks over the port and railyards. That outlook is rapidly changing to one of major urban renewal precincts and items of transport infrastructure. High through-traffic volumes on major roads, as CBD traffic flows through the area to access the northern and western suburbs, has always had a significant impact on the amenity and the character of the area. It has always made it difficult for the area to establish a strong local identity. However, despite this, the mix of uses and businesses, interspersed with quiet residential pockets and attractive tree lined streets, provide an amenity, peacefulness and a sense of community that is much valued so close to the CBD. Efforts outlined in the Structure Plan to reduce the dominance of the car is in direct response to these issues.
25. West Melbourne has traditionally been at the interface of tensions between a passionate and invested local community committed to protecting the intrinsic character and diversity of the area, and development pressures emanating from the encroachment of the CBD to the north of Latrobe Street, with an inherent threat to overwhelm the character of the area.
26. From a statutory planning perspective, West Melbourne was one of Melbourne's first mixed use areas. Pre-VPPs, the City of Melbourne had an elaborate pattern of local zones that aimed to reflect the eclectic mix of land uses, heritage buildings, the distinctive urban form, and to maintain the ad hoc qualities of the area. With the introduction of the VPPs that pattern of zones was narrowed down, largely to a Mixed Use Zone and to residential zones for more intact pockets of housing.
27. Traditional planning does not do eclectic mixed use areas well. Traditionally planning has been about standardisation and homogenisation. It has been about the zoning of key land uses, the separation of potentially incompatible uses, and the expression of design guidelines in a generic, one solution fits all approach. Whilst the VPPs and the Mixed Use Zone address this approach to some degree, the current suite of controls available in the VPPs is still not well suited to the vagaries of West Melbourne.
28. I consider the place-based approach advanced in the Structure Plan is particularly well suited to West Melbourne. It is a detailed approach based on a good understanding of the history and background of the area, melded with a suite of innovative new controls, guidelines and initiatives, which is tailored to an area that is envisaged in policy as an established urban area of incremental infill development potential, not a urban renewal area or strategic growth area. This approach is well suited to Council's aim of successfully balancing the retention of the valued character attributes of West Melbourne, with what remains a relatively substantial level of change and redevelopment.
29. I fully support the aims and the intent of the Structure Plan in this regard.

5 Strategic planning context

30. The strategic planning context in which the future planning and development of West Melbourne should be considered is established by reference to existing higher order strategic planning documents such as Plan Melbourne and the existing local planning policy framework contained in the Melbourne Planning Scheme.

5.1 Plan Melbourne

31. Plan Melbourne places considerable emphasis on the wider inner city area as being a focus for investment in jobs and housing. It identifies the Central City and major urban renewal precincts such as Docklands, Fishermans Bend, Arden / Macaulay, E-Gate, Dynon etc, as being of State significance as focal points for growth¹. These areas are located close to and around West Melbourne but do not include West Melbourne (See Figure 4).
32. Whilst not identified as a focus for investment at the State level, other policies contained in Plan Melbourne remain relevant to the future planning of West Melbourne. These include policies to:
- Improve access to jobs close to where people live (Direction 1.2).
 - Deliver more housing close to jobs and public transport (Direction 2.2).
 - Increase the supply of social and affordable housing (Direction 2.3).
 - Achieve and promote design excellence (Direction 4.3).
 - Respect Melbourne's heritage as we build for the future (Direction 4.4).
 - Strengthen community participation in the planning of our city (Direction 4.6).
 - Create neighbourhoods that support safe communities and healthy lifestyles (Direction 5.2).
 - Create 20-minute neighbourhoods (Direction 5.1).
33. Such policies guide the future planning and development of West Melbourne. They require a well serviced inner city area such as West Melbourne to continue to include opportunities for substantial infill development. But they balance those policies with policies that require consideration of the distinctive character and heritage elements of the area, and input from the local community.

¹ Plan Melbourne, page 14



Figure 1.3: Key features in and around Melbourne's central city from the Victorian Government's metropolitan planning strategy, *Plan Melbourne*. The West Melbourne Structure Plan area is outlined in red.

Figure 4 – Key features in an around Melbourne's Central City, *Plan Melbourne*

5.2 Local planning policy framework

34. Clause 21.04-1 of the Planning Scheme sets out Council's policies for accommodating growth within the municipality. Those policies focus on:
 - Targeting urban growth into specific areas of the city.
 - Enabling ongoing incremental growth and development in those parts of the city requiring renewal.
 - Maintaining the existing character in valued established areas.
35. The MSS identifies five types of areas:
 - The original city centre (the Hoddle Grid).
 - Urban renewal areas.
 - Proposed urban renewal areas.
 - Potential urban renewal areas.
 - Stable residential areas.
36. Figure 5 shows the Growth Area Framework Plan for the municipality. Areas targeted for growth include the Hoddle Grid and designated existing, proposed and potential urban renewal areas. West Melbourne is not a designated urban renewal area that is targeted for growth. It is best characterised as an area expected to experience ongoing incremental growth.
37. Clause 21.11 includes planning policies for 'local areas' throughout the municipality. West Melbourne is presently identified under the heading of 'Other Local Areas'. It is currently referred to as part of the 'North and West Melbourne' area. Clause 21.16-5 sets out policies for what is currently the combined area of North and West Melbourne. The overarching policy direction for North and West Melbourne is:

North and West Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability. There should be a clear distinction in scale from the Central City with higher scales of development expected located at the Central City fringe, around the North Melbourne railway station and along Flemington Road. In all other areas, a lower scale of development should be maintained.
38. Thematic policies for the combined area include:
 - Housing – Support a balance of new housing and small to medium sized enterprises.
 - Economic development – Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North and West Melbourne adjacent to the Hoddle Grid.
 - Built Environment and heritage:

Maintain the predominantly low scale of the Mixed Use Zone in West Melbourne, south of Hawke and Roden Streets.

Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne.

Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.

Ensure the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.

Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.

Support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.

39. Many of these policies are carried through into Amendment C309.
40. More general policies for West Melbourne are included in *Clause 21.08-2 Business*. Those policies generally seek to encourage a mix of commercial and business uses and services in West Melbourne.
41. Clause 22.17 contains policies for urban design outside of the Capital City Zone. That policy applies to the West Melbourne area. That policy provides general urban design principles that should be taken into account in assessing planning permit applications throughout the area, in addition to more area specific requirements and guidelines provided in existing DDOs.

MELBOURNE PLANNING SCHEME

Figure 1 Growth Area Framework Plan

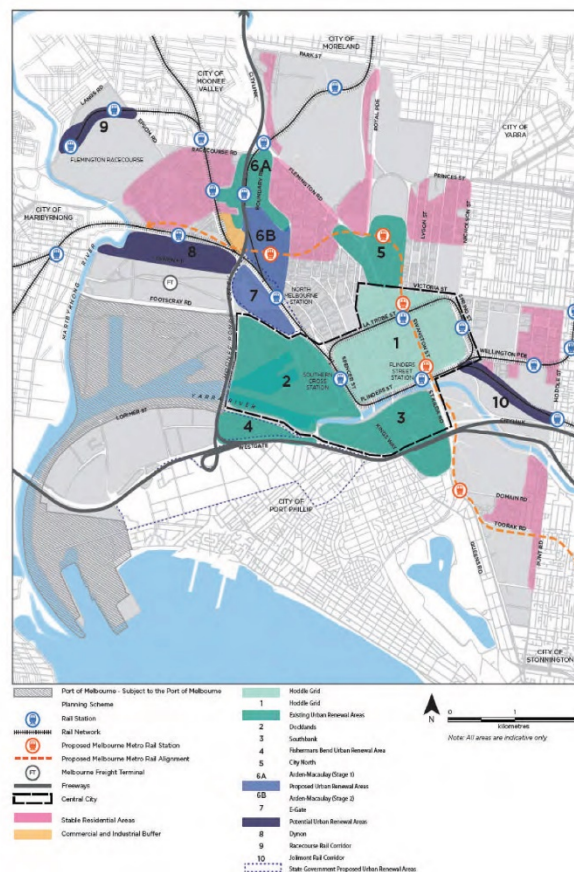


Figure 5 - Growth Area Framework Plan (Source: Planning Scheme Clause 21.01-1)

6 The Structure Plan

6.1 The need for an updated structure plan

42. The existing West Melbourne Structure Plan, upon which the current planning provisions are based, was prepared in 2005. Since that time, considerable change has occurred within the planning policy framework that applies to Melbourne, in development trends in the CBD and inner city, and in a number of major transport infrastructure projects planned for the area:
- Plan Melbourne has been prepared.
 - Nearby major inner city urban renewal precincts have been identified and are evolving.
 - There has been an ongoing awakening of the desirability of inner city apartment living, which has led to an ongoing boom in residential apartments within the CBD and surrounding inner city area, beyond that envisaged by existing planning strategies and controls.
 - Major transport infrastructure projects are underway that will have significant implications on accessibility to the northern and western parts of the municipality, such as the West Gate Tunnel and Metro Rail projects.
43. Council has also identified deficiencies in the application of the Mixed Use Zone and the discretionary provisions of the DDOs that currently apply throughout much of the area. Those deficiencies have led to considerable change in the land use mix, and in building heights and form, that are seen to be inconsistent with existing policies and which are progressively eroding the character of the area.

In the past 10 years, there has been an approximately 90 per cent increase in residential dwellings and a 25 per cent decrease in jobs in West Melbourne².

The areas covered by Design and Development Overlays 28, 29 and 33 experience the most development pressure as the built form controls in these areas are discretionary. This means that development can, and as a rule does, exceed the prescribed controls where a proposed development is perceived to have achieved the design objectives and built form outcomes specified in the schedule to the DDO. This uncoordinated development on individual sites in West Melbourne is having a significant cumulative impact on the character of West Melbourne and the amenity of its buildings and streets³.

There are many instances in West Melbourne where development is not respecting the valued and established built form character of the area and is distracting from the overall quality of the urban environment, contrary to Clause 22.17 - Urban Design outside the Capital City Zone in the Melbourne Planning Scheme⁴.

² West Melbourne Structure Plan, page 50

³ West Melbourne Built Form Strategy, page 42

⁴ West Melbourne Built Form Strategy, page 42

6.2 The vision for West Melbourne

44. A key ambition of the West Melbourne Structure Plan is to re-envision the way West Melbourne has been perceived in the past, as a transitional zone between the Central City and North Melbourne, to becoming a place in its own right. As a place distinct from the Central City. A place with its own identity and character.

45. The overall vision set out in the Structure Plan is as follows:

West Melbourne will retain its unique identity, varied areas of character and mix of uses as it evolves into one of Melbourne's distinct inner urban neighbourhoods and a counterpoint to the central city.

Its heritage and other characterful buildings will provide opportunity for a diverse range of uses. New mixed use development will bring high amenity for residents, workers and visitors. Its wide green streets will provide excellent connections and a network of local places and spaces to rest and play with Spencer Street as a vibrant local high street (Structure Plan, page 10).

46. The plan identifies five distinct precincts within West Melbourne, each with its own character and qualities. The plan details the existing qualities of each precinct and presents a vision and an approach to matters such as: density and built form; activities, uses and infrastructure; movement and access; streets and spaces; interfaces; and design recommendations.

47. Detailed objectives and actions are provided for the overall area under the headings of: density and built form; activities, uses and infrastructure; and streets and spaces.

48. Key themes contained in the Plan are outlined on pages 12 to 15. They include:

A distinct place with diverse surroundings.

Celebrating West Melbourne's different places.

Streets as places for people.

Better walking and cycling routes.

Spencer Street as a local high street.

Showcasing climate resilience.

Well-designed, sustainable development, supported by infrastructure.

Supporting a mix of uses.

49. The Plan is trying hard not just to provide a framework for new development, but also to enhance the overall appearance, function, amenity and liveability of the area, and to provide infrastructure necessary for a growing population and workforce. To make the area a much valued and sought after mixed use neighbourhood directly adjacent to the CBD, but starkly different to the CBD and to other nearby urban renewal areas.

6.3 Current and future forecasts

50. The Structure Plan identifies that⁵:
 - Around 5,500 people currently live in West Melbourne and that there are around 5,500 jobs.
 - The population has increased by around 2,000 people over the past 10 years, and is forecast to reach between 8,000 to 9,000 people by 2036.
 - That there has been a decline of about 25% of jobs over the past 10 years.
 - There is a need for about 4,500 to 7,000 new jobs by 2036, bring the total number of jobs in the area back up to around 10,000.
51. I have been provided with revised population forecasts dated 7th of June 2019⁶. The revised forecasts are based on:
 - New forecasts prepared for Council in November 2018.
 - A higher based population for the area.
 - A higher number of dwellings due to the latest development activity data.
 - A higher average household size.
 - Current planning controls for the area.
52. The revised forecasts indicate a substantially higher forecast population by 2036 of over 18,000 persons, compared to the previous forecast of around 8,000.
53. In addition, I have been provided with revised capacity modelling for West Melbourne ⁷. That modelling assesses the theoretical capacity of the area based on the proposed built form controls. It identifies that the initial modelling undertaken as part of the preparation of the structure plan identified a capacity for 18,789 residents and 10,321 jobs. The revised modelling identifies a capacity of 23,593 residents and 6,506 jobs. The revised modelling identifies that there remains more than sufficient capacity to accommodate the forecast population growth in West Melbourne.
54. The Structure Plan is based on the aim of increasing the number of jobs in West Melbourne from around 5,500, to around 10,000 jobs. The revised capacity analysis identifies a capacity for around 6,500 jobs, based on the number of jobs realised from the application of the non-accommodation floor area requirement. That is less than the previous potential upon which the Structure Plan is based. The difference is identified as primarily being the result of double counting existing jobs for the same sites at the time the original assessment was undertaken⁸.
55. I note that the economic evidence of Julian Szafraniec for Council addresses this issue. He identifies that:
 - The non-accommodation floor area requirement proposed by the amendment would realise approximately 65% of the 10,000 jobs forecast to be required.
 - There is potential for additional jobs be created beyond those to be provided by the non-accommodation floor area requirement, that would provide for a theoretical capacity of in excess of 10,000 jobs forecast.

⁵ West Melbourne Structure Plan, page 28

⁶ West Melbourne Residential Population Forecast, 7.06.2019

⁷ Amendment C309 West Melbourne Structure Plan Capacity Modelling Outline, June 2019

⁸ Amendment C309 West Melbourne Structure Plan Capacity Modelling Outline, June 2019, page 8

6.4 Structure planning process

56. The process that the City of Melbourne has followed in preparing the Structure Plan is thorough and provides an excellent strategic basis for the future planning of the area.
57. A significant amount of background work has been undertaken in preparing the Structure Plan. That work has included extensive research and investigation, has taken a multi-disciplinary approach, has included community consultation, has involved financial and architectural testing, and has involved an iterative approach to the finalisation of planning policies and controls.
58. Background work undertaken includes the following:
 - West Melbourne Employment and Economic Study 2016.
 - West Melbourne Built Form Control Testing.
 - West Melbourne Built Form Strategy, February 2018.
 - West Melbourne Car Parking Plan February 2018.
 - West Melbourne Structure Plan – Stage 2 Report.
 - West Melbourne Heritage Review 2016.
 - West Melbourne Parking Study Analysis February 2017.
 - West Melbourne Transport and Access Study, Final Baseline Report, October 2016.
 - West Melbourne Urban Character Analysis, June 2017.
59. The work is indicative of a new, place-based approach being taken by the City of Melbourne. It is moving away from a typical area or zone based approach. It places greater emphasis on locally specific policies and initiatives, in managing future private development, and endeavouring to ensure that local government and other infrastructure is provided to respond to population and employment growth in the area.
60. It seeks to introduce initiatives into the planning scheme in relation to affordable housing, balanced employment and residential opportunities, the retention of special character buildings, and to break the nexus between new development and car parking.
61. It is endeavouring to establish West Melbourne as a local neighbourhood on the edge of the CBD that is attractive, interesting, vibrant and diverse. Which is vastly different to the neighbourhoods emerging in other nearby urban renewal areas and to the CBD. A place with an emphasis on diverse and interesting building forms with a generally human scale; a mix of employment and housing opportunities; and attractive, sunny, treelined streets that are safe and enjoyable for people to walk in, cycle in and relax in.
62. I welcome this approach.

7 Policy

63. The main change to local policy presently contained in the Planning Scheme is to amend Clause 21.16, which relates to 'Other Local Areas'. The amendment proposes two key changes:
- To change Clause 21.16-5, which relates to the combined areas of North and West Melbourne, to separate existing policies that will remain in place for North Melbourne, from new policies that are proposed for West Melbourne.
 - To insert a new policy (Clause 21.16-6) specifically for West Melbourne. That policy:
 - Provides background to the area.
 - States the vision for the area as set out on page 10 of the Structure Plan.
 - Refers to the precinct objectives as set out in the Structure Plan, but does not directly quote them.
 - Sets out directions under key themes of housing, economic development, built environment and heritage.
 - Under the heading of Built Environment and Heritage, lists a number of policies for each precinct.
64. There is a change of emphasis expressed in the new policy for West Melbourne compared to the previous policies for the North and West Melbourne area:
- A more fine-grained, place-based approach, by separating West Melbourne from North Melbourne and by dividing the area into five precincts.
 - Greater emphasis on West Melbourne being a mixed use area, comprising commercial uses and jobs, as well as housing, with the introduction of a new tailored Special Use Zone 6 to give greater statutory effect to this aim.
 - The identification of a local activity centre in Spencer Street, which also acts as a focus for a build-up of activity.
 - Greater focus on the North Melbourne Station as an activity node and a build-up of density around the station (to be renamed West Melbourne Station).
 - Retaining the previous emphasis to keep the area distinct from the Central City, with a new emphasis to also distinguish West Melbourne from North Melbourne.
 - Greater buildings heights through various precincts.
 - A new policy and associated bonus system to retain identified 'special character building'.
 - Requirements for affordable housing.
 - A new approach to car parking.
65. On my assessment the policies are a reasonable expression of the intent of the *Structure Plan*. The only comments I make are as follows:
- Existing *Figure 20 North and West Melbourne* (Clause 21.16-5) – The existing map contained in Clause 21.16-5, which will become the local policy for North Melbourne, shows both North and

West Melbourne. That map should be changed to either remove the West Melbourne area from the map, or else to include a boundary around North Melbourne (with the West Melbourne area left on the map for context only).

- Proposed *Figure 21: West Melbourne Structure Plan area and precincts* (Clause 21.16-6) – This map only shows the boundary of the Structure Plan area and the precincts. It should be modified to include key location features. In particular it should show the location of the Spencer Street activity centre.
 - In Clause 21.16-5, relocate the precinct based policies under the heading of *Built Environment and Heritage*, earlier in the clause, before the heading *Housing*, and renaming them *Vision for each precinct*. Whilst this is different to the standard heading arrangement for other local areas in this clause, given the precinct driven place based approach pursued for West Melbourne, I think it is appropriate.
66. The policy identifies five separate precincts. The precincts do not directly align with zones and overlays. The policies will be taken into consideration in the assessment of planning permit applications lodged pursuant to the zone and overlay provisions. Being policy rather than part of a statutory control, they do not have same weight and must be balanced against other relevant policies in the Planning Scheme. They do, however, provide appropriate place-based context against which the controls contained the zones and overlays will needed to be applied, and articulate the differences between each precinct. They are appropriate to include in the MSS.



Figure 1.1: A map of West Melbourne showing the study area and five places identified in the plan.

Figure 6 – West Melbourne Structure Plan area and precincts (Source: Planning Scheme Clause 21.16-6)

67. A statement of the policies for each precinct as included in Clause 26.16-6, is provided in the following table for the purposes of comparison of the differences between the precincts.

Table 1 - Comparison between the precincts

| Spencer | Flagstaff | Adderley | Station | Historic Hilltop |
|---|---|---|--|---|
| <p>A vibrant, inner-city area with a mix of retail, commercial, residential, community and creative uses.</p> <p>This neighbourhood to be distinct from the central city and North Melbourne.</p> <p>A mix of converted warehouses, contemporary developments, heritage corner pubs and Victorian shop fronts.</p> <p>The incorporation of older buildings into new developments, Tree planting throughout to be well established and consistent, and to include large canopy trees in all streets.</p> <p>The retention and enhancement of views towards Eades Park and St Mary's Cathedral.</p> | <p>A diverse area of mostly residential and commercial buildings that is well connected to the Flagstaff Gardens.</p> <p>The area to be distinct from the central city, characterized by large historic brick buildings, contemporary developments and warehouse restorations.</p> <p>Local streets to be home to small parks, recreation spaces and broad canopy trees.</p> <p>A variety of shops and services on Spencer, King and La Trobe Streets.</p> <p>Streets to be sheltered and green at pedestrian level due to the avenues of canopy trees.</p> | <p>An eclectic mix of uses, tucked away from busy thoroughfares of West Melbourne but with great views of the city and Docklands.</p> <p>The retention of a mix of heritage cottages and terraces, contemporary buildings and restored warehouses and factories</p> <p>The retention and renovation of buildings from all eras, including workers' cottages and Victorian terraces, together with more recent apartment buildings.</p> <p>The existing leafy streets to connect to the Hawke Street green spine.</p> <p>A new pedestrian and cycle route over to Docklands and excellent walking and cycling access to surrounding areas.</p> | <p>A thriving area of converted warehouse apartments and new mid-rise residential buildings</p> <p>North Melbourne Station (future West Melbourne) to be become the focal point of the precinct by green avenues that extend to the north and east of the Station and new pedestrian and cycling bridges to link the south and west to E-Gate and Docklands.</p> <p>A mix of retail, commercial and residential buildings to encourage people to linger in the precinct rather than just pass through.</p> | <p>The valued heritage character, clustered around the shopping strips on Errol, Victoria and Peel Streets.</p> <p>The fine grained residential area with intact rows of workers' cottages, two storey terraces and Federation homes, and the retrofitted warehouses and larger institutional buildings.</p> <p>The wide green streets and open spaces</p> <p>The Hawke and King intersection, Hawke Street linear park and regular avenues of street trees that reinforce the visual links to Flagstaff Gardens.</p> <p>Views to the central city and access to Flagstaff Gardens and the Queen Victoria Market.</p> |

8 Land use

8.1 Vision

68. At the essence of the West Melbourne Structure Plan is the objective to maintain the area as a vibrant mixed use area, and in particular to retain and to increase employment throughout the area.

69. The vision of the Structure Plan in terms of land use is:

West Melbourne will continue to grow as a vibrant, mixed use inner city neighbourhood. Buildings of diverse type, scale and age will provide a range of different spaces that support a mix of uses. The area will continue to accommodate uses that benefit from West Melbourne's proximity to the central city, principal transport networks and major health and educational facilities (Structure Plan, page 51.)

70. This vision, in conjunction with the fact that the existing Mixed Use Zone has been identified by Council as not being effective in retaining the mixed use character of the area into the future, are key reasons why the Structure Plan recommends the application of a new tailored schedule to the Special Use Zone.

8.2 Zoning

71. Figure 7 shows the existing and the proposed zoning of the area.

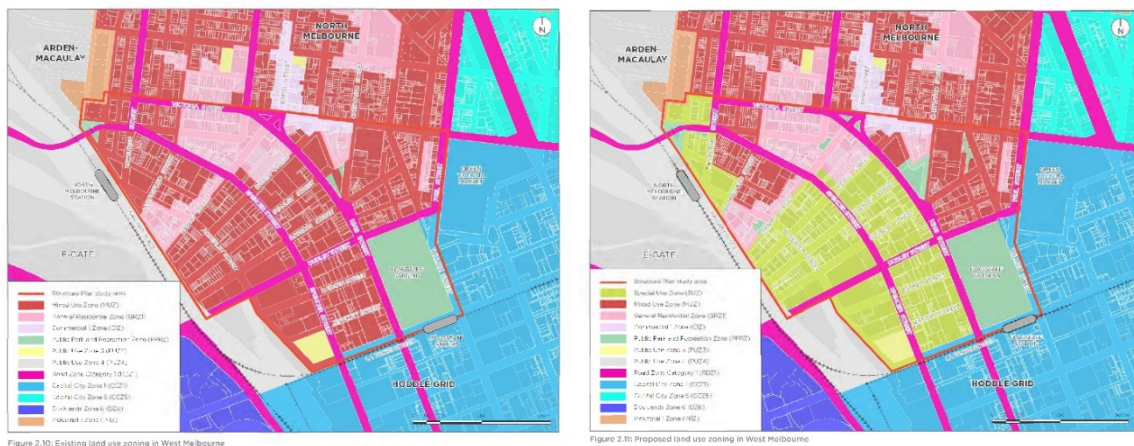


Figure 7- Existing and proposed zoning

72. The existing pattern of zones largely comprises a combination of Mixed Use and General Residential zoned land:

- The Mixed Use Zone is generally applied to former business and industrial areas, which also contained some dwellings. Much of this area has undergone considerable residential redevelopment over recent years.
- The General Residential Zone is applied to areas that comprise largely intact pockets of residential development, often comprising heritage terrace and row houses.

73. The amendment proposes to rezone those parts of the Mixed Use Zone generally to the south of Hawke Street and Roden Street, and land around the North Melbourne Station, to a SUZ6.

74. No areas presently zoned General Residential Zone are proposed to be rezoned to a SUZ6.
75. Small areas of Mixed Use zoned land will remain in the Station Precinct, Adderley Precinct and in the Historic Hilltop Precinct.

8.3 Differences between a Mixed Use Zone and a Special Use 6 Zone

76. The key differences between the existing Mixed Use Zone and the proposed Schedule 6 to the Special Use Zone are outlined in Table 2. They include:
- A change of emphasis between residential and employment uses, with a much stronger emphasis given to employment uses in the SUZ6.
 - The introduction of requirements for affordable housing and a non-accommodation floor space.
 - The inclusion of specific requirements regarding ground level uses within the Spencer Street activity centre.

Table 2 - Key differences between the Mixed Use Zone and Schedule 6 to the Special Use Zone

| Provisions | Mixed Use Zone | Special Use 6 Zone |
|----------------|--|--|
| Purpose | <p>To implement the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p> | <p>To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial and residential uses and affordable housing.</p> <p>To retain and increase local employment and facilitate an increase in jobs in West Melbourne.</p> <p>To support a less car dependent transport system by ensuring that opportunities to adapt and repurpose car parks are protected, and to facilitate the adoption of sustainable transport alternatives.</p> <p>To encourage provision of new public open spaces throughout West Melbourne to meet the different needs of the growing community.</p> <p>To develop the Spencer Street Village as a local activity centre with a mix of commercial, retail, residential and community uses to complement its activity centre function.</p> |
| Section 1 uses | <p>Dwelling</p> <p>Office (<250 sqm)</p> <p>Shop (<150 sqm)</p> | <p>Dwelling (<10 dwellings; not at ground floor level, if in the Spencer Street activity centre)</p> <p>Office (unlimited floor area, if in the Spencer Street activity centre. Limited to 250 sqm if not)</p> <p>Shop (unlimited floor area, if in the Spencer Street activity centre. Limited to 250 sqm if not)</p> |
| Section 2 uses | Industry | <p>Dwelling (10 or more dwellings)</p> <p>Industry</p> |

77. A characteristic of the Mixed Use Zone is the emphasis it gives to residential uses compared to commercial uses. This is particularly an issue when market forces have a strong preference for residential rather than commercial development, which has been the case in inner Melbourne for a number of years. In effect, the Mixed Use Zone operates as a defacto residential zone. 'Dwelling' is a Section 1 use and does not require a planning permit for use. It is not possible to refuse an application for a residential use or to require a proportion of a development to provide for non-residential uses. The proposed Schedule 6 to the SUZ has been designed to overcome this characteristic of the Mixed Use Zone.
78. As a strategic planner who has worked on a number of strategic planning projects throughout Melbourne over many years, I have for a long time been an advocate for a new type of Mixed Use Zone that gives emphasis to commercial uses rather than residential uses. The Special Use Zone 6 effectively does this.

8.4 Appropriateness of the Special Use Zone

79. The purpose of the parent provisions of the Special Use Zone are:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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

80. Use of a schedule to the Special Use Zone to set out tailored land use provisions to implement the West Melbourne Structure Plan, is consistent with the intent of the zone.

81. I note that an assessment of alternative zones and approaches was provided by SGS in its Stage 2 report⁹. Options considered included:

- Increased use of The Commercial 2 Zone.
- A finer grained application of various zones.
- A new business oriented Mixed Use Zone.
- A Special Use Zone.
- Vertical zoning.
- A floor area uplift scheme.
- Using the local planning policy framework.



Figure 8 - Location of the Spencer Street activity centre (Structure Plan p15)

82. In addition to the options considered by SGS, I have also considered:
- A combination of standard zones such as a Commercial 1 Zone for the Spencer Street activity centre and the new Commercial 3 Zone for the other parts of the area to be zoned Special Use. Those zones are not appropriate as they do not reflect the land use balance reflected in the Structure Plan and do not provide the opportunity to introduce specific land use requirements into the scheme for affordable housing and a proportion of non-accommodation floor area.

⁹ West Melbourne State 2 Report, SGS, page 30)

- Other zones that provide for tailored schedules include the Capital City Zone the Activity Centre Zone. Those zones are not appropriate as:
 - A key aim of the *Structure Plan* is to distinguish the area from the Central City, which would not be achieved by having the area in the same zone, albeit in a different schedule to that which presently applies to land on the south side of Latrobe Street.
 - West Melbourne is not an activity centre and hence the Activity Centre Zone is not appropriate.
83. As a general principle I prefer to apply standard VPP zones wherever possible. They provide a clearer understanding of the intent of the zone for regular users of the planning scheme when observed on a zoning map. However, in my opinion there is no combination of alternative zones that would be as effective in implementing the Structure Plan. Accordingly, I support the use of a Special Use Zone in this situation.
84. Use of a Special Use Zone is consistent with the directions provided in Planning Practice Note 3, which relate to the application of the Special Use Zone. The practice notes states that a Special Use Zone can be considered where:
- .. an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements (Page 1).*
85. It states that the application of a Special Use Zone is not appropriate when:
- An alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.*

8.5 Purpose of the zone

86. The stated purpose of Schedule 6 to the SUZ is:
- To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial and residential uses and affordable housing.*
- To retain and increase local employment and facilitate an increase in jobs in West Melbourne.*
- To support a less car dependent transport system by ensuring that opportunities to adapt and repurpose car parks are protected, and to facilitate the adoption of sustainable transport alternatives.*
- To encourage provision of new public open spaces throughout West Melbourne to meet the different needs of the growing community.*
- To develop the Spencer Street Village as a local activity centre with a mix of commercial, retail, residential and community uses to complement its activity centre function.*
87. I am comfortable with the purpose statement of the schedule to the zone. It reflects the vision for the area as set out in the Structure Plan. It addresses what I consider to be the key strategic outcomes sought from the West Melbourne Structure Plan, which are to:
- Establish the area as a genuine mixed use area.
 - To emphasise the importance of retaining and increasing local employment, given the predominance of residential development that has occurred over recent years.
 - To establish a new local activity centre in Spencer Street.

- To break the nexus between new development and car parking, and to provide an alternative approach to car parking in the area.
- To encourage the provision of new public open space.

8.6 Status of uses in the zone

88. The status of uses in the Land Use Table in Schedule 6, and the conditions opposite key uses, are designed to achieve a number of purposes:
 - To achieve the land use mix sought by the Structure Plan.
 - To trigger a requirement for affordable housing for any residential development containing more than 9 dwellings.
 - To trigger a requirement for a minimum proportion of non-accommodation uses in any residential development comprising more than 9 dwellings.
 - To make a distinction between the Spencer Street activity centre and the balance of the zone, in terms of ground level land uses.
89. The provisions of Schedule 6 as exhibited, are sound from a statutory planning perspective and would be effective in implementing the land use and activity objectives of the Structure Plan. However, I find them cumbersome in a number of ways:
 - The way they trigger the need for requirements for affordable housing and non-accommodation uses.
 - The way they distinguish between ground level uses within the Spencer Street activity centre and the balance of land within the zone, by including conditions opposite key uses in Column 2 of the Land Use Table.
90. I suggest minor changes to the wording of the schedule as it relates to the requirements for affordable housing and non-accommodation uses in the following sections of my report.
91. In relation to the location of the Spencer Street activity centre, the proposed zoning does not provide any visual cue on zoning maps about the location of the centre. I have contemplated whether it would be preferable to include the Spencer Street activity centre in a separate schedule to SUZ6, to distinguish it on zoning maps.
92. An advantage of this approach is that it would show the activity centre as being covered by a different schedule to the balance of the area and it would enable the wording of the conditions contained opposite Section 1 uses to be simplified. The disadvantage would be adding an additional schedule to the planning scheme, that would repeat many of the land use requirements that would be common to both schedules.
93. On balance, I do not believe it is necessary to divide the zone into two schedules. Showing the activity centre on a policy map in Clause 21.16-6, as recommended in Paragraph 66, in will be sufficient to identify the activity centre.

8.7 Affordable housing

94. The amendment proposes to introduce a requirement for affordable housing to be provided as part of new residential developments in those parts of the Flagstaff, Spencer and Station Precincts proposed to be rezoned SUZ6. It does not apply to the Adderley Precincts. Those three precincts are the precincts with the highest plot ratios, highest preferred building heights and are the areas anticipated to accommodate more substantial redevelopment.

95. The proposal is discretionary.

96. The requirement states that:

"... where a permit is required to use land for dwellings, one in sixteen dwellings within the development (at least 6%) should be an affordable dwellings, unless otherwise agreed by the Responsible Authority."

97. The clause includes the requirement that the dwellings be provided to:

"... a Housing Provider at no cost, or be held in an affordable housing Trust and be managed for the sole purpose of affordable housing, unless otherwise agree by the Responsible Authority."

98. I note that the post-exhibition version of the schedule is proposed to change the requirement in the following way:

This should be provided to **an affordable housing provider, including Registered Housing Agencies, Housing Provider** at no cost or to be held in an affordable housing Trust and managed for the sole purpose of affordable housing, unless otherwise agreed to by the Responsible Authority.

99. I support that change.

100. The way the requirement is expressed in Schedule 6 is cumbersome and could be simplified. The schedule refers to a situation where *"...a permit is required for dwellings"*. That necessitates referring back to the Table of Uses to determine when a permit is required for dwellings. The Table of Uses includes 'Dwelling' as a Section 1 use, subject to the condition:

The total number of dwelling must not exceed 9.

101. This means that a permit is required for 10 or more dwellings. Therefore the affordable housing requirement only applies to developments of 10 or more dwellings.

102. The requirement could be simplified by changing the wording of the first sentence in Clause 2.0 of the schedule to read:

*For land located in the Flagstaff, Spencer and Station Precincts, as shown on Figure 1, ~~where a permit is required to use land for Dwellings~~, **for a development of 10 or more dwellings, at least** one in sixteen dwellings (at least 6%) should be an affordable housing dwelling unless otherwise agreed to by the Responsible Authority.*

103. This change may make the condition referring to 9 dwellings opposite 'Dwelling' in the Land Use Table redundant. If that is the case and the condition is removed, there would still be a need to have a condition beside 'Dwelling' to avoid the need for a 'use permit' for a single dwelling on a lot, given that Clause 4.0 of the schedule exempts single dwellings from a permit for building and works, as is common in many zones throughout the planning scheme.

104. I note that application requirements are provided in the schedule for 'dwellings', that include the need to provide the following information:
- Information about how the 6% affordable housing requirement is to be met.
 - In situations where the requirement is not to be met, detailed financial information explaining why the requirement cannot be met.
105. I note that Andrew Spencer from SGS, in his expert witness report recommended that the second dot point under the heading 'Use for Dwelling', under the heading 'Application Requirements', be modified to provide greater clarity in situations where the 6% requirement is not provided. I have no issue with that recommendation. I am otherwise satisfied that the application requirements will assist the responsible authority in assessing planning permit applications and making a decision whether or not to reduce or waive the requirement.
106. I note that Leanne Hodyl in her evidence has recommended:
- The introduction of a floor area uplift for social housing in the Flagstaff Precinct, in addition to the minimum requirement for affordable housing contained in the SUZ6.
 - Introduction of a floor area uplift for the Festival Hall site, linked to the retention of an entertainment use on that site.
107. Andrew Spencer also discussed the option of a floor area uplift for affordable housing in his report (pages 23 and 24).
108. In relation to Ms Hodyl's recommendations I make the following comments:
- From a statutory planning perspective I have no issue to the inclusion of a floor area uplift for affordable / social housing in the Flagstaff Precinct. However, I note that no strategic basis for that approach is provided in the Structure Plan. Accordingly, if such an approach was to be applied, I suggest that it would need to be part of a subsequent planning scheme amendment.
 - I have no issue with the introduction of a floor area uplift for the Festival Hall site. That site is a potential major redevelopment site which is subject to considerable public interest given its past use as an entertainment venue. Linking an uplift to the retention of an entertainment function, is a creative way to encourage such to occur. As it would be a site specific control, I do not believe the lack of strategic justification in the Structure Plan is a reason not to support it as part of this amendment.

8.8 Minimum non-accommodation floor area requirement

109. The amendment proposes to introduce a minimum floor area requirement for 'non-accommodation uses' in those parts of the Spencer, Flagstaff, Adderley and Station Precincts that are proposed to be rezoned SUZ6.
110. The required is proposed to be a mandatory requirement.

Triggering the requirement

111. The trigger for the requirement states that *"a permit cannot be granted to use land for accommodation unless ..."*. As with the requirement for affordable housing, because a permit is only needed for more than 9 dwellings due to the condition in the Land Use Table, the trigger implies that the requirement only applies to applications of 10 or more dwellings. I suggest that the first sentence in the requirement be reworded to clearly state this, as follows:

*A permit cannot be granted to use land for Accommodation **comprising 10 dwellings or more**, unless:*

The percentage of floor area

112. The link between the floor area ratio for non-accommodation uses contained in the Structure Plan, and the minimum non-accommodation floor area requirement contained in Schedule 6 is not clear.
113. Based on background reports and testing undertaken, the Structure Plan recommends a minimum proportion of the gross floor area of a residential development that must be used for non-accommodation purposes in each precinct. The proportions included in Schedule 6 are derived from the Structure Plan, which included the following action¹⁰:

Require a proportion of the proposed floor area ratio to be allocated to a non-residential (commercial and retail) use:

- A floor area ratio of 1:1 in Spencer, Station Precinct and Flagstaff.
- A floor area ratio of 0.5:1 in Adderley.

114. The ratio referred to above, is the ratio of commercial floor area to site area, not to the gross floor area of a development.
115. In Schedule 6, that requirement is expressed as a percentage of gross floor area of a development, rather than site area. The requirement is converted into a proportion of gross floor area by the application of the maximum floor area ratios stated for each precinct.
116. The justification for requiring a non-accommodation floor area requirement, and the ratio to be provided, will be addressed by Julian Szafraniec in separated evidence.
117. Table 3 sets out what the requirement is and how it has been converted to a proportion of the gross floor area of a development in each precinct.

Table 3 - Calculation of non-accommodation floor area proportions

| Precinct | Floor area ratio (maximum) | Non-residential floor area ratio (to site area) | Gross floor area possible on an assumed 1,000 sqm site | Non-residential floor space required on a 1,000 sqm site | % of gross floor area required |
|-----------|----------------------------|---|--|--|----------------------------------|
| Spencer | 4:1 | 1:1 | 4,000 | 1,000 | $(1,000 / 4,000) * 100 = 25\%$ |
| Flagstaff | 6:1 | 1:1 | 6,000 | 1,000 | $(1,000 / 6,000) * 100 = 16.6\%$ |
| Station | 5:1 | 1:1 | 5,000 | 1,000 | $(1,000 / 5,000) * 100 = 20\%$ |
| Adderley | 3:1 | 0.5:1 | 3,000 | 500 | $(500 / 3,000) * 100 = 16.6\%$ |

118. A consequence of translating the requirement from a site area to a floor area based ratio is that smaller developments (in terms of gross floor area) in areas with a lesser floor area ratio, will have a requirement for a higher percentage of commercial floorspace, than larger developments in areas with a higher floor area ratio. This seems counter-intuitive. I would have thought that the potential to integrate commercial floor space into mixed use developments would be easier and more appropriate in larger developments than in smaller developments.
119. In addition, locations that I would have thought are better positioned for commercial floor space, such as the Flagstaff Precinct and Station Precinct, have requirements for a lesser proportion of commercial floor space, because they have a higher floor area ratio. The Spencer Precinct has a higher proportional requirement for non-accommodation floor area, because it has a lesser floor area ratio than the Flagstaff and Station precincts.

¹⁰ West Melbourne Structure Plan, page 53

The need for three separate percentages

120. I understand how the three percentage based requirements have been determined and that the calculations are technically correct. However, I question the need to build such a high level of precision into the requirements for each of the DDOs. I consider that if the floor area percentage requirement remains in the amendment, it would be simpler and just as effective to have a single requirement for all three precincts; whichever figure is required to realise the employment forecasts for the area (for example 20%).
121. I understand why a different (lesser) requirement is appropriate to apply to the Adderley Precinct, as the initial requirement for that area was for a 0.5:1 ratio to site area.

Leanne Hodyl's recommendations

122. Ms Hodyl in her evidence has recommended replacing the requirement for a minimum non-accommodation floor area requirement in the Spencer Street activity centre and the Station Precinct, with a requirement to prevent residential development on the lower two floors of a building (Paragraph 13).
123. Changing the requirement to prevent residential uses on the first two floors of a building in the Spencer Street activity centre and Station Precinct, is likely to result in a similar requirement to that proposed in the amendment as exhibited, depending on the site coverage of the first two levels of a building. If modelling confirmed that that was the case, I would be supportive of this approach. As a consequence a lesser requirement, relating to the ground floor only, would be appropriate for the Adderley Precinct. However, it may be appropriate to link such requirements with a site area based formula, to prevent non-employment uses such as building services and car parking etc accommodating large proportions of the lower two levels of a building.
124. It is common practice for Councils around Melbourne to require multi-level residential developments on main roads or in commercial areas to have retail or commercial uses at ground level along street frontages. On this basis, I do not see such a requirement being excessive, given the existing and proposed future mixed use character sought for West Melbourne.

Implications of a mandatory requirement

125. I have considered *Planning Practice 59 – The Role of Mandatory Planning Provisions* in Planning Scheme, in making the following comments. (See further discussion in Section 9.6)
126. I am aware that considerable testing has been undertaken by SGS and by Breathe Architects to determine the feasibility of the requirement.
127. I fully support the need for and the appropriateness of a non-accommodation floor area requirement to implement the aims of the Structure Plan to maintain and to increase employment.
128. A mandatory approach means that every development that includes 10 or more dwellings, must be a mixed use development that includes commercial floorspace. There can be no exceptions. Accordingly, new developments will need to be either wholly commercial or will need to be mixed use. No wholly residential developments of more than 10 dwellings will be able to be constructed within the Special Use Zone 6.
129. The basis of the requirement is that the amount of floor space provided equals the site area. If a development includes a large site coverage at ground level, that would accommodate most if not all of the requirement. If part of the ground level is used for servicing, access, parking or open space, then the

requirement is likely to necessitate commercial floorspace extending to the second, or in some cases the third level of new mixed use developments, depending on the configuration of the building.

130. I note that Ms Hodyl in her evidence statement, recommended converting the requirement from a mandatory to a discretionary requirement in all locations other than the Spencer Street activity centre and the Station Precinct. If this approach was to be adopted, I would suggest that consideration also be given to retaining a mandatory requirement in the Flagstaff Precinct, given the higher building form envisaged in that precinct and its proximity to Central Melbourne.

131. The Structure Plan identifies the magnitude of the task of retaining West Melbourne as a truly mixed use area:

In the past 10 years, there has been an approximately 90 per cent increase in residential dwellings and a 25 per cent decrease in jobs in West Melbourne¹¹ (Structure Plan, page 51).

132. I understand why Council is seeking to impose the requirement as a mandatory requirement and I generally support that approach in the context of West Melbourne. The fact that revised capacity analysis identifies that a lesser provision of commercial floor area that initially anticipated¹², adds to the importance of ensuring commercial floorspace is provided. The risk of discretion is that the mixed use character of West Melbourne will be lost.

133. I agree with the sentiment expressed in the Structure Plan that retention of the mixed use nature of West Melbourne is vital to the existing and future character of the area, as well as being important in providing local jobs, and jobs that complement the type of jobs provided in the Central City.

Implications if was a discretionary requirement

134. If the Panel is reluctant to support a mandatory requirement, I would recommend that the amendment be modified to include:

- Strong policies in Clause 21.16-6 supporting a requirement for residential development to include a proportion of commercial floorspace.
- Strong application requirements. Application requirements such as including a market assessment demonstrating the demand for commercial uses as part of the proposed development.
- A financial assessment of the viability of the project.
- Strong decision guidelines clarifying those situations where discretion may be exercised to allow for a reduction or waiver in the proportion of commercial floorspace required.

135. If discretion was to be exercised to reduce or waive the amount of commercial floorspace required, I would recommend that a requirement be included in the amendment that an amount equal to the equivalent floor area waived, should be designed as 'adaptable floor space', so that it can be converted to commercial use in the future, if market conditions change.

¹¹ West Melbourne Structure Plan, page 51

¹² Amendment C309 West Melbourne Structure Plan Capacity Modelling Outline, June 2019

8.9 Car parking

136. The Structure Plan is trying to develop a less car dependent transport system in West Melbourne.

Objective 13: Update off-street private car parking requirements to support a less car dependent transport system¹³ (p69).

137. It is endeavouring to do this by preventing the establishment of single purpose commercial car parks and by introducing a limitation policy for other uses.

138. The Structure Plan outlines what is intended in relation to car parking¹⁴:

- *A maximum car parking rate is applied.*
- *Any new off-street car parking should be publicly accessible and not strata titled to allow spaces to be rented to anyone as required and include provision for car share.*
- *Any new off-street car parking should be delivered in larger precinct-based facilities with 50 spaces or more to manage negative impacts of vehicle movements within the public realm.*
- *An evidence-based case will be required to support any new off street parking, including examination of walking catchments to existing available off -street parking and public transport.*

139. The amendment proposes a number of initiatives to implement the intent of the Structure Plan:

- Introducing a new purpose statement into Schedule 6:
To support a less car dependent transport system by ensuring that opportunities to adapt and repurpose car parks are protected, and to facilitate the adoption of sustainable transport alternatives.
- Making 'Car park' a Section 2 Use in the Land Use Table to Schedule 6, subject to the following condition:
Must be located on land occupied by a residential or commercial (other than Car Park) land use (i.e. the land must not be solely used for a Car Park)
- Introducing Schedule 14 to the Parking Overlay. That schedule:
 - Removes the need for a permit to reduce or waive the number of car parking spaces required pursuant to Clause 52.06-5 or in the schedule.
 - Introduces a maximum number of car parking spaces that can be provided for a dwelling, and all other uses.
- Including in *Clause 3.0 – Subdivision* of Schedule 6, a requirement that all car parking spaces be retained as common property, and an application requirement and decision guidelines about car parking spaces being common property and available for alternative use over time.

140. I believe that this combination of changes will be generally effective in achieving the objectives of the Structure Plan:

- They will remove the requirement to provide car parking spaces for all uses.
- They will effectively introduce a car parking limitation policy that caps the number of spaces for all uses.

¹³ West Melbourne Structure Plan, page 69

¹⁴ West Melbourne Structure Plan, page 69

- They will require any spaces provided as part of a land use to be retained in common ownership, to provide the opportunity for those spaces to be used as normal car parking spaces, unconnected to the use to which they are originally tied.
- They will mean that the only commercial car parking spaces that can be provided in West Melbourne will be within developments that have been provided for another use.

141. In my opinion these provisions are a well considered package of changes that are generally consistent with the intent of the Structure Plan to support a less car dependent transport system.

142. I note that in evidence given by Steve Hunt for Council, a number of modifications to the car parking components of the amendment have been suggested, including¹⁵:

- The inclusion of an introductory paragraph into the parking overlay.
- A variable scale of parking provisions based on the number of bedrooms.
- An additional decision guideline in Clause 4.0 of the schedule to the parking overlay.
- Rewording of some of the design standards in Clause 7.0 of the overlay.
- Inclusion of an additional provision titled 'Use for Car Park', in 'Clause 2.0 Use of Land' of Schedule 6 to the SUZ, and an additional decision guideline in Clause 8.0.

143. I have no issue in relation to the above recommendations, and defer to the advice Steve Hunt in regard to these matters, given his specialist expertise in relation to traffic and car parking.

¹⁵ Evidence of Steve Hunt

9 Built form and density

9.1 Vision

144. The objective of the Structure Plan in relation to built form and density is to provide appropriate opportunities for new development throughout West Melbourne, in a way that responds positively to the area's valued characteristics, diversity, heritage, mix of uses and the desire to create great streets for people¹⁶.

145. This is to be achieved by:

... introducing new density and built form controls that offer greater certainty to the community and development industry, improving the climate change adaptation and mitigation performance of new and existing buildings and recognising the valued heritage of West Melbourne (see Objective 3).

9.2 Changes to existing DDOs

146. Figure 9 shows the boundaries of existing DDOs and the boundaries of proposed reworded and new DDOs in the West Melbourne area.

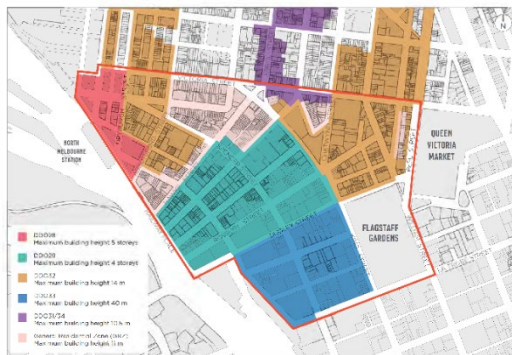


Figure 2.6: Existing Design and Development Overlays in West Melbourne along with the area covered by the General Residential Zone.

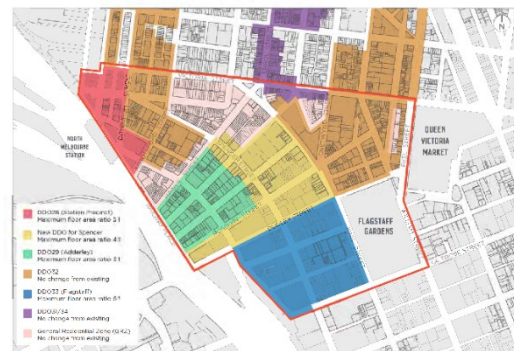


Figure 2.7: Proposed changes to the Design and Development Overlays in West Melbourne.

Figure 9 - Existing and proposed DDOs

147. West Melbourne is presently covered by following DDOs:

- DDO28 – North Melbourne Station
- DDO29 – West Melbourne
- DDO32 – North Melbourne Peripheral
- DDO33 – CBD Fringe
- DDO34 – Errol Street and Victoria Street

148. The amendment proposes to introduce a new DDO72, that will replace existing DDO29 where it applies to the Spencer Precinct.

¹⁶ West Melbourne Structure Plan, page 36

149. The amendment proposes to substantially change the following three existing DDOs. These three DDOs apply to land proposed to be included in the SUZ6:
- DDO28 – Which applies to those parts of the Station Precinct that will be included in the SUZ6 Zone.
 - DDO29 – Which will be reduced in area to only apply to that part of the Adderley Precinct proposed to be included in the SUZ6.
 - DDO33 – Which covers the Flagstaff Precinct.
150. No changes are proposed to DDOs 32 and 34:
- DDO32 - Applies to areas that will remain in the Mixed Use Zone and General Residential Zone in the Adderley, Station and Historic Hilltop precincts.
 - DDO34 – Applies to a small area west of the Errol Street Shopping Centre where the zone extends to the south of Victoria Street.
151. The above changes introduce a minor anomaly, in that DDO32 refers to North Melbourne, whereas the area to the south of Victoria Street is now referred to as West Melbourne. A change could be made to the name of that DDO if considered necessary by the Panel.
152. The most significant changes are proposed to be made to DDOs 28, 29 and 33. Those DDOs will be similar in structure and content to the proposed new DDO72.
153. Figure 10 shows the changes proposed to be made to the various DDOs.

| | EXISTING CONTROL | PROPOSED floor area ratio* AND HEIGHT CONTROLS |
|---|---|--|
| | | All floor area ratio controls are proposed to be mandatory and all height controls are proposed to be preferred maximum (discretionary) in the planning scheme amendment. |
| DDO28 (Station Precinct) | <ul style="list-style-type: none"> Maximum building height 5 storeys (preferred maximum) | <ul style="list-style-type: none"> Maximum floor area ratio of 5:1 Preferred maximum building height 8 storeys |
| New DDO (Spencer) | <ul style="list-style-type: none"> Maximum building height 4 storeys (preferred maximum) | <ul style="list-style-type: none"> Maximum floor area ratio of 4:1 Preferred maximum building height of 10 storeys fronting Dudley Street Preferred maximum building height of 8 storeys fronting Spencer Street and King Street Preferred maximum building height of 6 storeys elsewhere |
| DDO29 (Adderley) | <ul style="list-style-type: none"> Maximum building height 4 storeys (preferred maximum) | <ul style="list-style-type: none"> Maximum floor area ratio of 3:1 Preferred maximum building height of 4 storeys Preferred maximum building height of 6 storeys fronting Adderley Street between Hawke Street and Dudley Street |
| DDO32 (parts of Station Precinct, Adderley and Historic Hilltop) | <ul style="list-style-type: none"> Maximum building height 14 metres (mandatory) | <ul style="list-style-type: none"> No change from existing |
| DDO33 (Flagstaff) | <ul style="list-style-type: none"> Maximum building height 40 metres (around 12 storeys) (preferred maximum) | <ul style="list-style-type: none"> Maximum floor area ratio of 6:1 Preferred maximum building height 16 storeys Minimum front, side and rear setbacks above podiums of 6 metres (mandatory) |
| DDO31/34 (parts of Historic Hilltop) | <ul style="list-style-type: none"> Maximum building height 10.5 metres (mandatory) | <ul style="list-style-type: none"> No change from existing |
| General Residential Zone (parts of Historic Hilltop and Adderley) | <ul style="list-style-type: none"> Maximum building height 11 metres (mandatory)** | <ul style="list-style-type: none"> No change from existing |

Figure 10 - Difference between existing and proposed DDOs

9.3 Differences between the DDOs

154. Table 4 summarises key differences between the DDOs.

Table 4 - Differences between DDOs

| DDO | DDO28 | DDO29 | DDO33 | DDO72 |
|-----------------------|---|---|---|---|
| Precinct | Station | Adderley | Flagstaff | Spencer |
| Built form and height | Medium density, between 4 and 8 storeys | Low to mid scale, between 2 to 6 storeys, with taller development fronting Adderley Street, between Hawke and Dudley. | Variable buildings heights, generally between 6 and 16 storeys, with a lower scale of development to laneways and activated laneway interfaces, and a clear differentiation from the Hoddle Grid. | Mid-rise (generally between 3 and 8 storeys), with taller buildings fronting Spencer Street, King Street and Dudley Street, and with building typologies that respond to the characteristics of individual sites, that is in contrast to the tower and podium built form character of the central city. |
| Preferred height | 4 to 8 storeys | 2 to 6 storeys | 6 to 16 storeys | 3 to 8 storeys not tower and podium |
| Floor area ratio | 5:1 | 3:1 | 6:1 | 4:1 |

9.4 Structure and content of the DDOs

155. The revised DDOs generally trigger a planning permit for all buildings and works. They are based on the following structure:

- **Floor Area Ratios** – Expressed as a mandatory requirement, except for a bonus allowed for the retention of ‘special character buildings’. The bonus is up to 50% of the gross floor area of the special character building.
- **Design Objectives** – Must be met.
- **Built Form Outcomes** – Must be achieved.
- **Built Form Requirements** – Are expressed for each ‘Built Form Outcome’. They are discretionary requirements. If a development does not meet the Built Form Requirements, they must meet the Design Objectives and the Built Form Outcomes.

156. The DDOs include requirements in relation to:

- Floor area ratios.
- Building / street wall height.
- Floor to ceiling height.
- Active street / laneways frontages.
- Laneway, pedestrian and cycling connections.
- Bonus floor area for the retention of special character buildings.

9.5 Building heights and densities

157. DDOs 28, 29, 33 and 72 apply to land proposed to be zoned SUZ6. Figure 11 shows existing and preferred building heights proposed to be embedded in the above DDOs.

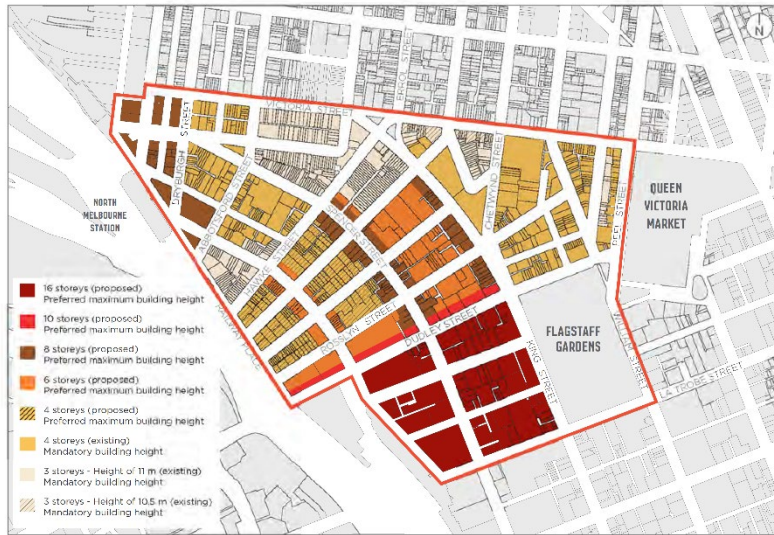


Figure 2.4: Proposed and existing building heights in West Melbourne.

Figure 11 - Existing and proposed building heights in West Melbourne

158. Key changes to building heights include the following:

- Flagstaff Precinct - Increase from 14 to 16 storeys.
- Station Precinct – Increase from 5 to 8 storeys.
- North of Dudley Street (DDO29) – Increase from 4 storeys to 10 storeys fronting Dudley Street, to 8 storeys fronting Spencer Street and King Street, and to 6 storeys elsewhere throughout the Spencer Precinct.

159. Density controls in the form of floor area ratios are further described in the following section of my report.

160. I have not reviewed specific building heights and density controls proposed as part of the amendment. This is a matter best addressed by Leanne Hodyl in her evidence for Council. I note that in her evidence statement, Ms Hodyl has suggested changes to building heights in some precincts. Again, I defer to her evidence to justify reasons for those changes.

161. However, on my general assessment I consider that the building heights and density controls are based on:

- Thorough research and community consultation.
- A good understanding of the area and of the individual precincts.
- Consideration of higher order strategic planning policies and their applicability to West Melbourne.
- Balancing the need to accommodate a substantial increase in development, with the ambition of the Structure Plan to create an attractive and vibrant place, rich in street life and activity, with a wide mix of residential and employment uses, a high level of pedestrian amenity, and a place that is distinct from the nearby Central City, as well as from North Melbourne.

162. Strategic planning considerations that have been taken into account in determining the pattern of building heights and densities include:

- Proximity of the Flagstaff Precinct to the Centre City, being a factor for greater building height, whilst retaining a clear distinction between the precinct and land within the Central City on the opposite side of Latrobe Street.
- Dudley Street demarking a second transition point, to a generally lower built form to the north, whilst allowing for greater height along the north side of the street in recognition of the heights and density proposed in the Flagstaff precinct.
- Increased building heights along main streets throughout the Spencer Precinct, with reduced heights away from main streets.
- Taller building heights and greater densities focussed on the proposed Spencer Street activity centre, and on the North Melbourne Station (to be renamed West Melbourne Station).
- Retention of existing, more restrictive controls in areas within a residential zone or heritage overlay.
- Retaining a distinction to North Melbourne.

163. I note that it is common practice to express building heights in metres. My preference is also to use storeys.

9.6 Floor area ratios

164. The amendment proposes to introduce maximum mandatory floor area ratios into those DDOs that cover land proposed to be zoned Special Use 6.

Table 5 – Maximum mandatory floor area requirements

| Precinct | Floor area ratio (maximum) |
|-----------|----------------------------|
| Spencer | 4:1 |
| Flagstaff | 6:1 |
| Station | 5:1 |
| Adderley | 3:1 |

165. The floor area ratio is expressed as a mandatory requirement in all four DDOs, except in situations where a bonus is provided for the retention of *'special character buildings'*.

Is a FAR needed?

166. Floor area ratios are a tool used to manage building density on a site and throughout an area generally.

167. Whilst floor area ratios (or plot ratios) have been used within the CBD for some time, they have not been widely used within the Victoria planning system in the past. However, they are becoming increasingly common in Melbourne, particularly in the City of Melbourne, given the recent approval of amendments such as *Amendment C270 – Central City Built Form Review* to the Melbourne Planning Scheme and Fishermans Bend.

168. The reasons for introducing FARs can be related to:

- Capacity constraints in an area.
- A desire to limit the amount of development to achieve planning aims or objectives.
- The desire to establish an allowable limit to trigger an uplift or bonus, if pre-determined features are incorporated into a development.
- To provide certainty in the future planning of an area.
- To manage built form.

169. Council makes a strong case for the use of floor area ratios in the West Melbourne Structure Plan and in the background Urban Design Strategy. The main reasons provided for the using floor area ratios in West Melbourne are to:

- Manage the density of development that occurs in order to maintain the character and amenity articulated for West Melbourne in the *Structure Plan*, in the face of very significant development pressures.
- To manage built form, by providing flexibility in the heights, setbacks and typologies of buildings, whilst restricting the gross floor area that can be provided on any site.

170. In my opinion, application of floor area ratios will be effective in achieving these aims.

What values are appropriate

171. The basis of the value(s) used in floor area ratios are heavily dependent on the assumption upon which they are based. At present I do not believe there is a good understanding within the planning profession, the development industry and the community generally, about the built form outcomes that will result from different ratios, as there is with other planning controls that manage built form such as building height, setbacks and site coverage controls. This is partly due to the inherent built form flexibility provided by such controls.

172. There is often confusion around how floor area ratios relate to building height and other aspects of built form, and the relationship between the two.

173. I have not assessed the actual values proposed for the floor area ratio for each precinct. Separate evidence will be provided by Leanne Hodyl for Council in relation to the specific floor area ratios embedded into the planning controls for each precinct. However, I am generally satisfied the ratios identified support a higher density development in appropriate locations such as the Flagstaff and Station precincts, and less densities of development in more sensitive areas.

Should they be mandatory

174. *Planning Practice Note 59* sets out criteria to be used to decide whether mandatory provisions may be appropriate in planning schemes.

175. Comments made throughout that document include the following:

- Planning schemes being predominately performance based and based on the principle that the majority of cases should be considered on their merits, and should be tested against objectives.
- There will be cases where mandatory controls will be appropriate to provide certainty and to ensure preferable and efficient outcomes.
- Mandatory provisions where used, should be the exception to the norm.
- Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.

176. The practice note sets out the following criteria to assess whether mandatory controls are appropriate to apply:

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcomes?
- Will the majority of proposals not in accordance with the mandatory provisions be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

177. In relation to these criteria I make the following comments:

- Strong strategic justification is provided in the West Melbourne Structure Plan and in the background Urban Design Strategy, justifying the use of mandatory floor area requirements.
- Given the location context and pressures for development in West Melbourne, there is a high risk that development proposals would exceed the floor area requirement, if it was not mandatory.
- Considerable built form testing has been undertaken that suggests that floor area ratios, in combination with other requirements such as preferred building heights etc, will provide for the preferred built form outcomes as set out in the Structure Plan.
- Whether or not proposals that are not in accordance with the floor area ratios would be acceptable, relate to the degree of non-compliance. Proposals that have a low level of non-compliance are likely to be generally acceptable. Proposals that have a high level of non-compliance are likely to be unacceptable.
- A mandatory floor area ratio will reduce administrative costs associated with proposals that seek to exceed the specified ratio. There has been considerable pressure for high rise development within the area in the past, particularly in the southern parts of the area, and this is likely to continue in the future. A discretionary requirement is likely to result in heavily contested planning appeals, which would increase administrative costs for Council.

178. Council has experience in the administration of existing discretionary height controls in the West Melbourne area. It has identified that many proposals exceed the current discretionary heights, have received approval from VCAT, and that that has led to a cumulative loss of the character of the area.

179. Regardless of the performance based nature of Victoria Planning System and Planning Practice Note 59, in my opinion there has been a subtle and a progressive shift in the position of the State government over time in its acceptance of mandatory provisions, particularly in areas that are subject to high pressures for development and in which amenity and character considerations are important in future planning and development decisions.

180. There is a strong case for the ratios to be mandatory in West Melbourne, for the following reasons:

- The Structure Plan clearly sets out a vision of the area that has strong references to character and to amenity.
- Overly intensive development that significantly exceeds the floor area ratios has the potential to put at risk the achievement of the vision for the area.
- They are used in conjunction with discretionary building height controls.
- The area is not an activity centre in a strategic growth area, in which flexibility should be provided in planning controls to realise policy ambitions to encourage development. It is an area identified for incremental infill development.
- Given the proximity of the area to the CBD and a wide range of inner city services and facilities, without strong mandatory planning controls there is a real risk that the character and amenity envisioned for the area will not be attainable. The controls proposed in the amendment, adequately balance the need to encourage development in such a location, with ambitions to protect and respond to the existing character of the area.

9.7 Special character buildings

181. The wording of the DDOs are designed to provide a bonus to encourage the retention of what are defined as special character buildings. The bonus equates to 50% of the gross floor area of the building.
182. Special character buildings have been identified in the Structure Plan and are individually listed in each DDO.
183. The DDOs include definitions of 'Special character building', 'Successfully retained', 'Bonus floor area' and 'Floor area ratio', and provide an appropriate statutory mechanism to implement this recommendation of the Structure Plan.
184. The provision of bonuses for special character buildings has planning merit, and provides an incentive to retain buildings that are not heritage listed but which make a significant contribution to the character of the area.

9.8 Adaptable floor to ceiling heights

185. An objective of the four DDO's proposed to be changed by the amendment is:

To ensure new development is adaptable and can accommodate different uses over time.

186. Design guidelines provided in the Structure Plan include¹⁷:

To provide for fine grain adaptable tenancies within the lower levels of buildings.

To ensure development is adaptable to changes in future land use by requiring adequate floor to ceiling heights (above and below ground).

187. The amendment proposes to include a Built Form Outcome and Built Form Requirement in relation to floor to ceiling heights. The intent of the Outcome is to ensure adaptability in buildings. The requirement is:

Minimum floor-to-ceiling heights:

- *4 metres for the ground floors; and*
- *3.3 metres for all non-residential uses on other floors.*

188. I have been instructed that the intention of this requirement is to ensure that future non-residential floors are of sufficient height to enable residential or commercial floor space to be delivered into the future. This requirement would largely necessitate floors used for car parking to have minimum floor to ceiling heights that would allow alternative use for commercial or residential purposes in the future.
189. I support the requirement. It is consistent with Council's ambitions for mixed use, sustainable development, and reducing car dependence in West Melbourne.
190. If the Panel recommends making the non-accommodation floor area discretionary, I would recommend that a requirement also be included to require lower levels of building used for residential purposes, to have a minimum 3.3 metre floor to ceiling height, to allow the potential for conversion to commercial uses in the future.

¹⁷ West Melbourne Structure Plan, page 40 (and other pages)

9.9 Active / street laneway frontages

191. These requirements are good urban design principles that are derived from the *Urban Design Strategy*. As the Built Form Requirements are discretionary, I believe that it is appropriate to include such requirements in the amendment.

9.10 Laneways, pedestrian and cycling connection

192. These requirements are good urban design principles that are derived from the *Urban Design Strategy* report. As the built form requirements are discretionary, I believe that it is appropriate to include such requirements in the amendment.

9.11 Other recommendations made by Leanne Hodyl

193. I note that Leanne Hodyl has made a number of recommendations in relation modifications to built form controls in her evidence. Recommended changes include:
- Additional guidance in relation to preferred street wall heights (Paragraph 15).
 - Including design objectives requiring internal amenity within each DDO (Paragraph 16)
 - Discretionary setback controls above the proposed street wall (Paragraph 17).
 - Discretionary minimum building separation distances in the Flagstaff and Spencer DDOs (Paragraph 18).
 - Decision guidelines for the exercise of discretion (Paragraph 18).
 - Various recommendations to increase preferred maximum building heights in various precincts (Paragraph 21).
 - Specification of properties in King Street and Hawke Street as significant sites, with suggested built form controls.
194. From a statutory planning perspective I have no issue with the recommendations of Ms Hodyl. They all relate to urban design matters, some of which are in response to submissions made to the amendment.
195. I agree with her comments in relation to the need for discretionary setback requirements above the street wall height, and discretionary building separation requirements in the Flagstaff and Spencer DDOs. Whilst such requirements were not referred to in the Structure Plan and are lacking from the amendment as exhibited, they are common elsewhere in the municipality where street wall heights are controlled and tower forms are possible.

10 Conclusion

196. On the basis of the assessment I have undertaken, I believe that Amendment C309 is well founded and has strong strategic justification, provided by the detailed work undertaken in the preparation of the West Melbourne Structure Plan and its background reports.
197. The amendment effectively implements the findings and recommendations of the West Melbourne Structure Plan into the planning scheme.
198. The amendment introduces a place based approach to planning for West Melbourne. It introduces a new Schedule 6 to the Special Use Zone and a number of initiatives in relation to floor area ratios, affordable housing, non-accommodation floor space and car parking requirements. These requirements are well considered and are designed to implement the recommendations of the Structure Plan.
199. I have recommended a number of relatively minor modifications to the amendment, largely to improve and to simplify its wording, rather than to make any substantive changes.
200. I have raised a number of issues that require further clarification by Council and its other experts throughout the panel hearing, such as the calculation and expression of the non-accommodation floor area requirement.

A handwritten signature in black ink, appearing to read 'David Barnes', with a long horizontal flourish extending to the right.

David Barnes
BRRP(Hons); MBA; FPIA

David Barnes - CV

David Barnes

Managing Director

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Summary of Experience

David has been a town planner since 1980. With an MBA to supplement his planning qualifications, David is both a strategic planning specialist and an experienced statutory planner. As a statutory planner, David has been involved in obtaining planning approvals for a wide range of projects including residential, retail, commercial, industrial, rural, tourism, entertainment, sports, recreation and community development projects. He has extensive experience representing clients at planning appeals and panel hearings as both an advocate and as an expert witness.

As a strategic planner, David's experience encompasses policy formulation and implementation; preparation of strategy plans, structure plans, urban design frameworks, development plans, planning schemes and amendments; community consultation; preparation of infrastructure funding strategies and development contributions plans; and preparation of commercial, industrial and residential market assessments.

In addition, David has experience in Asia, preparing urban management plans, strategy plans, structure plans, master plans and detailed plans, planning and development controls, and in relation to institutional strengthening programs and professional training programs.

Current

Managing Director
Hansen Partnership
January 2012 – present

Experience

Hansen Partnership

Director (september 1997 – december 2011)

Henshall Hansen Associates

Director (july 1995 – aug 1997)

Associate director (1992 – july 1995)

Senior planner (april 1988 – november 1989) Associate (1989-1992)

wbcm Consultants Limited

Senior urban planner (july 1985 – april 1988)

Melbourne and Metropolitan Board of Works

Statutory planner (february – june 1985)

Planning officer (april 1982 – february 1984)

Estate Office, Victorian Railways

Town planner (november 1980 – april 1982)

Qualifications

- Master of Business Administration, RMIT University (1993)
- Bachelor of Town and Regional Planning (hons), University of Melbourne (1980)

Affiliations

- Property Council of Australia, Victoria Division (2012 – present; 2009-2010) - member planning committee
- Planning Institute of Australia (PIA) (2007 – present) - fellow
- Victoria Planning and Environmental Law Association (2009 – present) - member
- planning institute of australia (PIA) (1996-2007) - member
- vice president and treasurer royal australian planning institute (1996-1997)

Specialisations

- strategic planner
- statutory planner
- town planning advocate
- town planning expert witness
- infrastructure funding and development contributions
- international planning – urban management, institutional strengthening, training



Key Project Experience

Structure Planning

- Review of Bayswater / Bayswater North Industrial Precinct, with the AEC Group, State Development Business and Innovation (2014)
- Bendigo Hospital Surrounds Structure Plan, the City of Greater Bendigo (2013)
- Birregurra Structure Plan Review, Otway Shire Council (2013)
- Chapel Vision Structure Plan Review, Stonnington City Council (2013)
- Warrnambool – North Dennington Structure Plan and Development Control Plan, Warrnambool City Council (2012)
- Hamilton Structure Plan and Town Centre Urban Design Framework, for South Grampians Shire (2010)
- Traralgon Town Centre Structure Plan and Urban Design Framework, for Latrobe Valley Shire (2010)
- Ringwood Transit City Development Contributions Plan, for Maroondah City Council (2009)
- Frankston Safe Boat Harbour Planning Scheme Amendment, for Frankston City Council (2008)
- Clifton Springs Town Centre Structure Plan, for the City of Greater Geelong (2008)
- Warrnambool and Moyne Development Program, for Warrnambool City Council and Moyne Shire Council (2008)
- Spring Creek Urban Growth Framework Plan and Precinct Structure Plan, for the Surf Coast Shire (2008)
- Newhaven, Cape Woolamai and San Remo Structure Plan, for Bass Coast Shire Council (2007)
- Ocean Grove Structure Plan, for the City of Greater Geelong (2006)
- Jackass Flat Structure Plan, Greater Bendigo City Council (2006)
- Burwood Heights Activity Centre Structure Plan, Whitehorse City Council, (2004)
- Torquay / Jan Juc Population and Residential Development Review, (2004)
- West Melbourne Structure Plan, for the City of Melbourne (2003)
- Highett Structure Plan, for the Cities of Bayside and Kingston (2002-2003)

Character Studies

- Birregurra Neighbourhood Character Study, Otway Shire Council, (2011)
- Romsey Neighbourhood Character Study, for Macedon Ranges Shire, (2010)
- Boroondara My Neighbourhood – Prized Residential Character Areas, for

Boroondara City Council (2008)

- Dandenong Neighbourhood Character Study, for the City of Greater Dandenong (2007-2008)
- Queenscliffe Urban Character Study, for the Borough of Queenscliffe (2000)

Strategy Planning and Studies

- La Trobe University Bendigo Campus Vision, for La Trobe University (2014)
- La Trobe University Boroondara Campus Vision, La Trobe University (2012)
- Mildura Settlement Strategy, Mildura Rural City Council (2013)
- New Gisborne Development Plan, Macedon Ranges Shire Council, (2011)
- Wyndeham Open Space and Recreation Strategy, with @leisure, for the Wyndeham Shire Council (2011)
- Strengthening Victoria's Food Bowl, with PSI Delta, for Moira Campaspe, Swan Hill and Mildura councils (2011)
- Sweetwater Creek, Strategic Justification for Development / Environmental Overlays, for Frankston City Council (2010)
- Utilising Victoria's Planning Framework to Support Sustainability, Municipal Association of Victoria (2009-2010)
- Shepparton East Outline Development Plan, for the City of Greater Shepparton (2009)
- Melbourne Industrial Land Supply and Demand Study, with Charter Keck Cramer, for Melbourne City Council (2009)
- LaTrobe University Strategy Planning Review, for LaTrobe University (2008/2009)
- Review of Referral Requirements under the Victoria Planning Provisions, for the Department of Planning and Community Development (2008)
- Whitehorse Student Accommodation – Strategic Review and Planning Scheme Amendment, for Whitehorse City Council (2007)
- Sustainability in the Planning Process, for the municipalities of Moreland, Port Phillip and Darebin (2007-2008)
- Geelong Region Strategy Plan, for the G21 Geelong Regional Alliance (2005-2006)
- Bell Street Strategy Plan and Urban Design Framework, Darebin City Council (2005)
- Kingston Retail and Commercial Development Strategy, with Charter keck Cramer, for the City of Kingston (2004)
- Willoughby Industrial Strategy, Willoughby City Council (2003)
- Yarra Industrial Strategy, for Yarra City Council (2003)
- Moorabool Rural Housing Study, for Moorabool Shire Council (2003)

- Ballan Township Strategy Plan, for Moorabool Shire Council (2003)
- Blackrock Shopping Centre Study, for the Cities of Bayside and Kingston, (2002-2003)
- Bayside Industrial Areas Study, for the City of Bayside (2002)
- Moreland Industrial Areas Review, for the City of Moreland (2002)
- Geelong Industrial Land Use Study, for the City of Greater Geelong, with MacroPlan (2001)
- Anglesea Population Review and Review of Township Boundaries, for Surf Coast Shire Council (2000)
- Torquay Population and Residential Strategy Review, for Surf Coast Shire Council (2000)
- Torquay Industrial Area Review, for Surf Coast Shire Council (2000)
- Bayside Height Control Study, for the City of Bayside (1999)
- Development Contributions Plan for Plenty and Yarrambat, for the Nillumbik Shire Council (1998-1999)
- Geelong CAA Revitalisation Program, for the Greater City of Geelong (1998)
- Sydenham Activity Area Policy Review, for the City of Brimbank (1998)

Management Plans

- Melton North Green Wedge Management Plan, Melton Shire Council (2014)

Infrastructure reviews

- Traralgon Growth Areas Review, for LaTrobe City Council (2011)
- Fishermans Bend Industrial Land Review, with Charter Keck Cramer, for Port Phillip City Council (2009)
- Doncaster Hill Energy Plan, for Manningham City Council and Sustainability Victoria (2008)
- Car Parking Rate Review, for the Department of Infrastructure (1999)

master planning

- Geelong Western Wedge Strategic Framework Plan and Railway Station Master Plan, for the Department of Infrastructure (2002)

Urban Design Framework

- Ringwood Town Centre Urban Design Framework, for the City of Maroondah (2002-2003)
- Knox Central Urban Design Framework, for the City of Knox (2002-2003)

Design Guidelines

- Knox Residential Capacity and Design Guidelines Project, Knox City Council (2010)
- Aireys Inlet Activity Centre Urban Design Guidelines, for Surf Coast Shire, (2008-2009)
- Kingston Residential Design Guidelines, for the city of Kingston (2000)
- Kingston Residential Design Guidelines, for the city of Kingston (2000)
- Miller Street and Gilbert Street Preston Design Guidelines, for Darebin City Council (2009)
- Station Street Fairfield Design Guidelines, for Darebin City Council (2008)
- Victoria Street Urban Design Framework and Streetscape Plan, for the City of Yarra (2002)
- Hastings Foreshore Urban Design Framework, for Mornington Peninsula Shire (2000)
- Carrum Urban Design Framework, for the City of Kingston (2000)

International planning

- Ben Dam Detailed Master Plan and Urban Management System, for the Ba Ria Vung Tao People's Committee, Vietnam, 2013.
- Long Thanh International Airport Master Plan – Vietnam, with the Vietnamese Institute of Architecture Urban and Rural Planning, for the Dong Nai People's Committee (2009-2012)
- Three Delta Towns Water Supply and Sanitation Project – Vietnam, with Gutteridge Haskins and Davey, for AusAide, (2002-2003)
- Capacity 21 Project – Environment Issues in Investment Planning in Vietnam – Quang Ninh Provincial Pilot Project, Ha Long Bay Vietnam, UNDP Project VIE 97/007, prepared for Colenco-Holinger (2000)
- HCMC UNDP Public Administration Reform Project, preparation of Proposal for Consultancy Team, (1999)
- Hanoi Planning and Development Controls, Hanoi, Vietnam, as part of Hanoi Planning and Development Control Project (1995-1997)