

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

Fishermans Bend Urban Renewal Area Development Contributions Plan and Planning Scheme Amendment GC224

20 February 2024

Presenter: Julian Edwards, Acting Director City Strategy

Purpose and background

1. The purpose of this report is to seek Council's endorsement of the draft City of Melbourne (CoM) submission to the Department of Transport and Planning (DTP) on the Fishermans Bend Urban Renewal Area Development Contributions Plan (draft DCP) and Planning Scheme Amendment GC224 (draft Amendment GC224) (refer Attachment 2).
2. Council Plan 2021-25 Major Initiative 17 identifies that the CoM will play a lead role in facilitating the delivery of high-quality and climate adapted urban renewal, including in Fishermans Bend. This will support the realisation of the vision for Fishermans Bend as "A thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation."
3. The Fishermans Bend Framework (the Framework) was endorsed by the Victorian Government in 2018 and is a background document in the Melbourne and Port Phillip Planning Schemes via Amendment GC81.
4. The Framework applies to the entire Fishermans Bend Urban Renewal Area (FBURA). The draft DCP and draft Amendment GC224 applies to the four Capital City Zone (CCZ) precincts within the FBURA. In the City of Melbourne, this is the Lorimer Precinct. The remaining precincts are within the City of Port Phillip. The draft DCP does not apply to the Fishermans Bend National Employment and Innovation Cluster (NEIC).
5. The CCZ precincts within Fishermans Bend have been subject to the Interim Development Contributions regime since 2015.

Key issues

6. The release of the draft DCP and draft Amendment GC224 will provide greater certainty and transparency for the delivery of essential infrastructure projects, within the CCZ precincts.
7. The draft DCP seeks to consolidate all infrastructure charges into one development contribution. For the first time, this also includes Open Space Contributions previously collected under Clause 53.01 of the Melbourne Planning Scheme. It also allocates \$309M towards construction of major drainage and flood mitigation projects across Fishermans Bend and surrounding areas. This replaces any separate charges ordinarily charged on new development by Melbourne Water. There are transitional clauses included in draft Amendment GC224.
8. The draft DCP designates the Minister for Precincts as the Collecting Agency and the Secretary, Project Development (Secretary, Department of Transport and Planning) as the identified Development Agency. The draft DCP introduces a capped rate of \$34,635 per dwelling and \$286 per square metre of non-residential development gross floor area. The draft DCP identifies a total of \$2.44 billion worth of infrastructure. The expected cost recovery is \$1.75 billion, resulting in a funding gap of \$698M.
9. The draft DCP lists projects as 100 per cent funded, despite the cap and funding gap. The designation of the Victorian Government as both Collecting and Development Agency mitigates a significant risk to Council as the commitment to deliver and fund infrastructure projects identified in the draft DCP, and any gaps in contribution, sits with the Victorian Government. This represents zero financial risk to CoM.
10. The infrastructure required to support the FBURA has been classified by DTP as 'catalytic', 'essential' and 'local', the detail of what is included in each category has not been provided. The draft DCP primarily funds 'essential' infrastructure projects. 'Catalytic' infrastructure such as the Fishermans Bend tram and Melbourne Metro 2 must be funded by the Victorian Government. 'Local' infrastructure, such as some open spaces, minor streets and laneways and other community facilities, are expected to be funded by developers and local government.

11. There are a number of transport, open space and community infrastructure projects that are not identified for funding in the draft DCP that Management recommends are funded, as detailed in Attachment 2. These projects include the embellishment of L_OS_05 Hartley Street/Lorimer Street neighbourhood open space, public and active transport connections to the Sandridge precinct, the Lorimer Sport and Recreation Hub (apportioned demand) and a contribution of funding to the Meaden Street undercroft to the total value of circa \$70million that Council would need to consider funding and delivering in future (noting that costings need to be verified, subject to receiving additional information).
12. The draft Amendment GC224 includes departures from the spatial plan included in the Framework. It also proposes relatively new/untested planning mechanisms which require robust testing and refinement to ensure risk to Council is mitigated and the precinct outcomes achieved, these include:
 - 12.1. the Open Space Uplift (OSU) mechanism to secure land for local open spaces
 - 12.2. the introduction of an Incorporated Plan Overlay (IPO) over three areas.
13. The voluntary OSU seeks to provide land for open space through increased density on designated sites. Further assessment of the urban design and delivery impacts of the OSU is required, however the contribution of land via the OSU enables funds collected via the DCP to be allocated to other essential infrastructure projects. If a developer does not opt to deliver land under the OSU, the land will need to be purchased or acquired by the Victorian Government. Further information on the process and timing of the acquisition is required and must be committed to via a governance and implementation strategy.
14. The OSU generates more population and therefore increases the demand for infrastructure. Further information is required to ensure the DCP infrastructure network can support the population at capacity.
15. The draft DCP does not reference the Victorian Government's recently released Housing Statement. The increase in supply of social and affordable housing is likely to generate different social infrastructure needs. A mechanism must be established to monitor this planning pathway, as well as population growth and infrastructure needs over time to inform future review of the DCP.
16. Applying the IPO to three areas enables an Incorporated Plan to be prepared varying the requirements of Clause 37.04 Capital City Zone and Schedule 67 to Clause 43.02 Design and Development Overlay, prior to detailed strategic planning being progressed at a precinct scale. The submission makes recommendations for changes to the IPO approach in Lorimer Central. This is to ensure applications in this area do not prejudice the location of the future tram and community assets critical to place-making.
17. The Victorian Government has not committed to the delivery and funding of the Fishermans Bend tram. The realisation of the vision for the FBURA and catalysing private sector investment in the precinct is reliant on the government's commitment to delivering high-quality public transport infrastructure. A Victorian Government commitment to confirming the alignment and funding the delivery of all tram projects is required as a priority.
18. The draft DCP has not been accompanied by the following strategies, which are important to ensure the timely, transparent and effective delivery of the FBURA:
 - 18.1. A comprehensive funding and finance strategy – critical to securing the successful renewal of Fishermans Bend by identifying funding and delivery pathways for all infrastructure classifications, including those outside of the DCP.
 - 18.2. Precinct Infrastructure Plan – to provide greater certainty for all agencies and landowners involved in delivering infrastructure.
 - 18.3. A governance and implementation strategy – identifying the role of all agencies in the prioritisation, planning, design and delivery of infrastructure.
 - 18.4. Lorimer Precinct Implementation Plan – a refinement of the Framework's strategic planning and design work that considers land use, urban and built form, transport and movement, public spaces, community facilities, activity cores and environmental sustainability at a precinct scale. Commitment is required to undertake this work in collaboration with CoM and to incorporate the outcomes of this into the Melbourne Planning Scheme and the Development Contributions Plan.

Recommendation from management

19. That the Future Melbourne Committee:
 - 19.1. Approves the City of Melbourne Submission to Fishermans Bend Urban Renewal Area draft Development Contributions Plan and draft Planning Scheme Amendment GC224 at Attachment 2.
 - 19.2. Authorises the General Manager Strategy, Planning and Climate Change to make any administrative changes required to correct any typographic, grammar and referencing errors to the submission at Attachment 2 of the report from management prior to submitting to the Department of Transport and Planning.
 - 19.3. Notes that the submission will form the basis of the City of Melbourne's ongoing consultation with the Department of Transport and Planning, in the interest of resolving issues where possible prior to a Precincts Standing Advisory Committee (Precincts SAC).
 - 19.4. Notes that the submission will form the basis of the City of Melbourne's engagement with the Victorian Government and its agencies on the siting, design, construction, funding and apportionment of the drainage infrastructure.
 - 19.5. Notes that the draft Fishermans Bend Urban Renewal Area Development Contributions Plan (DCP) mitigates a significant risk to Council in the funding and delivery of infrastructure by assigning the Victorian Government as the Collecting and Development Agency in the draft DCP.
 - 19.6. Notes that the draft Fishermans Bend Urban Renewal Area Development Contributions Plan (DCP) does not include funding in the draft DCP for a number of projects (circa \$70million) that Council would ultimately need to consider delivering. The submission recommends these are included in the DCP.
 - 19.7. Requests the Lord Mayor write to the Minister for Precincts and the Minister for Public and Active Transport calling for the Victorian Government's commitment to the funding and delivery of the Fishermans Bend tram.
 - 19.8. Requests the Chief Executive Officer write to the Secretary, Department of Transport and Planning, seeking Victorian Government commitment to the:
 - 19.8.1. release of a comprehensive funding and finance strategy for all infrastructure classifications and categories
 - 19.8.2. release of a Precinct Infrastructure Plan to accompany the DCP
 - 19.8.3. development of a governance and implementation strategy
 - 19.8.4. funding and updated timeframes for delivery of catalytic infrastructure, including the Fishermans Bend tram and Melbourne Metro 2
 - 19.8.5. collaborative development of the Lorimer Precinct Implementation Plan
 - 19.8.6. review of the DCP as part of the implementation of the Lorimer Precinct Implementation Plan.
 - 19.9. Directs management to make required changes to the submission and subsequent representations through the Precincts SAC process, should further information on the draft DCP and draft Planning Scheme Amendment GC224 may become available, in accordance with the endorsed submission subject to appropriate briefing of Council.

Attachments:

1. Supporting Attachment (Page 4 of 22)
2. City Of Melbourne Submission To The Fishermans Bend Urban Renewal Area Draft Development Contributions Plan And Draft Planning Scheme Amendment GC224 (Page 6 of 22)

Supporting Attachment

Legal

1. Legal advice has been and will continue to be provided in respect to the subject matter of the report.

Finance

2. Costs for the Council's participation in the finalisation of the DCP and Amendment GC224, including the Precincts Standing Advisory Committee are included in the 2023–24 budget.
3. The draft DCP results in a funding gap of \$698M. The role of the Victorian Government as Collecting and Development Agency mitigates a significant risk to Council as the commitment to deliver and fund infrastructure projects identified in the draft DCP, including any gaps in contribution, is currently proposed to sit with the Victorian Government. This represents zero financial risk to CoM.
4. There are a number of infrastructure projects that are not identified for funding in the draft DCP. The delivery of these projects, would require alternative funding if not funded through the Lorimer DCP. Submissions on these projects are included in Attachment 2. The following projects could be expected to be funded by Council, noting this is subject to submissions:
 - The proposed Lorimer Sport and Recreation Hub is included in the Fishermans Bend background document (Slattery, 2023) as a 7900m² project at a cost of \$51.8M. This document has not been subject to CoM review. The Fishermans Bend Community Infrastructure Plan (Victorian Government, 2017) identified that delivery of the Lorimer Sports and Recreation Hub should be complete by 2036. This facility should be apportioned funding from this DCP.
 - Embellishment of L_OS05 Hartley Street / Lorimer Street Open Space - is included in the Fishermans Bend background document (Slattery, 2023) as a 1855m² project with a construction cost of \$3.78M. This figure does not correlate with the total land area of the open space as identified in the draft DCP. The draft DCP identifies the total size of this L_OS05 as 6400m². Applying the per metre square embellishment cost, identified in the Slattery background report, would result in a \$13M open space embellishment project. This figure is indicative and is not included in the draft DCP. It has not been subject to CoM review. Embellishment of L_OS05 should be accurately included in the DCP, noting the total cost of embellishment will be subject to detailed planning and design.
5. Under the proposed combined Development Contributions rate, Council will no longer collect open space contributions under Clause 53.01 of the Melbourne Planning Scheme.

Conflict of interest

6. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

7. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

Stakeholder consultation

8. DTP is the Planning Authority for the draft DCP and draft Amendment GC224 and is leading all consultation.
9. In CoM, the most recent broader community engagement in relation to Fishermans Bend occurred with the release of the draft Fishermans Bend Framework Plan in October 2017.

Relation to Council policy

10. Council Plan 2021–25 Major Initiative 17 is to play a lead role in facilitating the delivery of high-quality and climate-adapted urban renewal.
11. Endorsed Council Policy has informed the preparation of the CoM submission to the draft Development Contributions Plan and Planning Scheme Amendment GC224.

Environmental sustainability

12. In developing our submission officers have considered CoM's objectives in the public realm, including integrated water management and urban forest. The submission identifies where further information is required.

CITY OF MELBOURNE SUBMISSION TO THE FISHERMANS BEND URBAN RENEWAL AREA DRAFT DEVELOPMENT CONTRIBUTIONS PLAN AND DRAFT PLANNING SCHEME AMENDMENT GC224

Introduction

1. Fishermans Bend is Australia's largest urban renewal project, covering approximately 480 hectares in the heart of Melbourne, connecting the CBD to Port Phillip Bay. The vision is for Fishermans Bend to be home to 80,000 people living and 80,000 people working by 2050 in "a thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation"¹ (**Fishermans Bend Vision**).
2. The City of Melbourne (**CoM**) welcomes the release of the draft Fishermans Bend Urban Renewal Area Development Contributions Plan (**draft DCP**) and Planning Scheme Amendment GC224 (**draft Amendment GC224**), by the Department of Transport and Planning (**DTP**). The timely and efficient delivery of infrastructure is a critical step in achieving the ambitions identified in the vision and the Fishermans Bend Framework 2018 (**Framework**) and introduced into the Melbourne and Port Phillip Planning Schemes via Planning Scheme Amendment GC81 (**Amendment GC81**). The CoM is committed to working with the Victorian Government, its agencies and the City of Port Phillip (**CoPP**) across the planning, design, delivery and curation of Fishermans Bend to ensure the new neighbourhood achieves the shared vision.
3. The development and finalisation of precinct plans, a comprehensive funding and finance strategy and an infrastructure contributions plan was a key commitment of the Framework upon its release in 2018. CoM welcomes the opportunity to make this submission in response to the release of the draft DCP and draft Amendment GC224 for public consultation.
4. CoM acknowledge the unique and transformational nature of infrastructure that must be delivered in Fishermans Bend. We recognise the draft DCP and draft Amendment GC224 are a critical component of delivering the actions of the Framework. The release of the draft DCP and draft Amendment GC224 will provide a greater degree of certainty and transparency to the community and the sector on the essential infrastructure required to facilitate the development of the Fishermans Bend Urban Renewal Area (**FBURA**).
5. CoM is committed to achieving the best outcomes for the FBURA and our future community. While acknowledging the draft DCP and draft Amendment GC224 represent an important step forward, there are a number of matters that must be resolved prior to finalisation of the Development Contributions Plan (**DCP**). The draft DCP and draft Amendment GC224 must be supported by the Victorian Government's commitment to the preparation of the Lorimer Precinct Implementation Plan, a complete suite of strategies to ensure the timely and efficient delivery of infrastructure as envisaged in the Framework, and commitment to the funding and delivery of catalytic infrastructure.

¹ Fishermans Bend Vision, September 2016
(https://www.fishermansbend.vic.gov.au/__data/assets/pdf_file/0023/30389/Final_Vision_LR_single_page.pdf)

Overview and background

6. The Framework applies to the entire FBURA. The draft DCP and draft Amendment GC224 applies to the four Capital City Zone (**CCZ**) precincts (approximately 244 hectares). In the CoM, this is the Lorimer Precinct (approximately 27.7 hectares).
7. The CCZ precincts within Fishermans Bend have been subject to the Interim Development Contributions regime since 2015.
8. The Framework stated that “a comprehensive Funding and finance strategy is being developed to deliver Fishermans Bend and realise the vision by 2050. This plan will consider a mix of funding sources, including an Infrastructure Contributions Plan”². The Framework then identified committed next steps, including Action 1 to “Develop and finalise the precinct plans, a funding and finance strategy and an infrastructure contributions plan”³.
9. The draft DCP replaces the ‘Infrastructure Contributions Plan’ as identified in the Framework, therefore implementing a component of the comprehensive funding and finance strategy.

Purpose

10. This submission is in response to the release of the draft DCP and draft Amendment GC224 for public consultation.
11. The purpose of this submission is for CoM to identify some elements of the draft DCP and draft Amendment GC224 that it supports and to identify the elements where there are concerns or further information is required. CoM requests and reserves the right to elaborate on, and or refine our position. CoM requests the opportunity to further interrogate issues and identify appropriate and agreed solutions with the DTP and through the Precincts Standing Advisory Committee (**Precincts SAC**) process, including providing additional detail. Upon release of further information, CoM reserves the right to refine our position. CoM welcomes the opportunity to collaboratively resolve matters, including to elaborate on material and to explore solutions.

Overarching matters

12. CoM considers the following to be overarching matters relevant or related to the draft DCP and draft Amendment GC224, noting some of these matters have broader implications:
 - a. Governance and implementation.
 - b. Strategic planning context.
 - c. DCP project funding and prioritisation.
 - d. Planning mechanisms.

Governance and implementation

13. Victorian Government commitment to a governance and implementation strategy and comprehensive funding and finance strategy for all infrastructure classifications is critical to securing the successful renewal of Fishermans Bend. CoM request these are prepared and released alongside the DCP. The

² Fishermans Bend Framework, October 2018 – Page 65

(https://www.fishermansbend.vic.gov.au/__data/assets/pdf_file/0020/35093/Fishermans-Bend-Framework.pdf)

³ Fishermans Bend Framework, October 2018 – Page 66

(https://www.fishermansbend.vic.gov.au/__data/assets/pdf_file/0020/35093/Fishermans-Bend-Framework.pdf)

infrastructure items not included in the draft DCP must have a clearly identified and documented pathway or commitment to delivery.

14. The governance and implementation strategy must identify the role of all agencies in the prioritisation, planning, design and delivery of infrastructure, and identify the role of CoM in the approval of future Council assets.

Strategic planning context

15. The proposal to introduce the draft DCP and draft Amendment GC224 into the Melbourne Planning Scheme ahead of a Precinct Implementation Plan has implications for the Framework. The draft Amendment GC224 includes departures from the Framework in amendments to Schedule 4 to Clause 37.04 Capital City Zone (**CCZ4**), and Schedule 67 to Clause 43.02 Design and Development Overlay (**DDO67**). The Amendment also introduces an Incorporated Plan Overlay (**IPO**) over select sites to enable varying the requirements of CCZ4 and DDO67.
16. CoM's strong preference was for the Lorimer Precinct Implementation Plan to be prepared in advance of the draft DCP to inform the DCP. However, CoM acknowledge the urgent need to prepare a DCP to ensure infrastructure is more appropriately funded and greater certainty is provided for all parties, including because the interim contributions regime is creating a funding gap. Therefore CoM does not oppose the DCP being finalised in advance of the Lorimer Precinct Implementation Plan, but requests the Victorian Government commit to the swift preparation of the Lorimer Precinct Implementation Plan. The Lorimer Precinct Implementation Plan is expected to refine a range of aspects of the planning for and development of the precinct including land use, urban design and built form, transport and movement, public spaces, community facilities, activity cores and environmental sustainability. CoM requests this commitment to ensure the Lorimer precinct is informed by community feedback and is not undermined by a fragmented site approach to planning under the IPO.
17. Written confirmation of the Victorian Government's preferred alignment for the Fishermans Bend tram through Lorimer precinct is required as a critical input to the development of the Lorimer Precinct Implementation Plan and the finalisation of any IPO that applies to area B in Lorimer. It is also important that the planning controls prevent the grant of permits that may prejudice the location of the tram network, as discussed further in this submission.
18. The draft DCP does not reference the Victorian Government's recently released Housing Statement. The increase in supply of social and affordable housing is likely to generate different social infrastructure needs. The DCP should include a mechanism to monitor this planning pathway and the assumptions made in calculating the community infrastructure.

DCP project funding and prioritisation

19. CoM supports the majority of projects in the draft DCP, however submit that there are a number of additional projects that should be considered "essential infrastructure" and included in the draft DCP. These are outlined in this submission.
20. CoM considers the tram through Lorimer is catalytic infrastructure and should be funded separately, including the land component, as discussed later in this submission.
21. CoM provides preliminary support for the inclusion of \$309M in the draft DCP towards construction of major drainage and flood mitigation projects across Fishermans Bend and surrounding areas, including major pipe upgrades, pump stations, and one levee. Further information is required to address the concerns raised in this submission in relation to the siting, design, construction, funding and apportionment of the drainage infrastructure.

22. The draft DCP introduces a funding cap of \$34,635 per dwelling and \$286 per commercial / retail per m² gross floor area. The draft DCP identifies a total of \$2.44 billion worth of infrastructure. The expected cost recovery is \$1.75 billion, resulting in a DCP funding gap of \$698M. The draft DCP lists projects as 100 per cent funded, despite the cap and funding gap. CoM submits that this needs to be resolved within the draft DCP by documenting how the funding gap will be addressed.
23. CoM submits that it is likely the funding gap identified in the draft DCP is larger than \$698M. This is due to matters such as:
 - a. costs included in the draft DCP not reflecting the true cost of delivery, including the remediation of land and delivery of projects in accordance with CoM Design and Construction Standards;
 - b. the impact of contributions collected under the lower interim DCP rate; and
 - c. sites which have not collected any development contributions.
24. The DCP funding gap of \$698M is expected to be funded from other government sources, including the extra revenue collected from development permitted under the Open Space Uplift (**OSU**) and Social Housing Uplift (**SHU**). The draft DCP does not factor in the extra development capacity allowed under the OSU and SHU. Any contributions received through uplift reduce the funding gap assigned to the Victorian Government. The balance of costs not recovered by development under the voluntary OSU and SHU mechanisms are expected to be met by the Victorian Government over the life of the project. Detailed analysis or commitment to covering the gap in funding, or the delivery of infrastructure, has not been included in the draft DCP or draft Amendment GC224 documentation. CoM request that this is addressed in the finalisation of the DCP.

Planning mechanisms

25. Draft Amendment GC224 proposes planning mechanisms which enable different outcomes to what is currently in the Melbourne Planning Scheme (**Scheme**) and must be robustly tested and refined to ensure risk to Council is mitigated and the precinct outcomes achieved:
 - a. the OSU to secure land for local open spaces; and
 - b. the IPO to enable variations to the CCZ4 and DDO67 to select sites, potentially ahead of the Lorimer Precinct Implementation Plan.
26. CoM provides in-principle support for the OSU as an innovative solution to deliver essential open space. There are a number of detailed issues CoM seeks to resolve, including ensuring:
 - a. the built form impacts are appropriate;
 - b. the standard of the gifted open space is safe and appropriate for its intended use;
 - c. the infrastructure required to support the additional population is identified and funded by the DCP or other Victorian Government sources.
27. CoM hold concerns that the staged preparation and implementation of Incorporated Plans in advance of the Lorimer Precinct Implementation Plan will not achieve an integrated outcome and alignment with the vision and Framework.

Thematic issues

Strategic basis

28. CoM supports the use of the Fishermans Bend Framework (October 2018) as the strategic basis for the draft DCP. However, CoM submits that the development and finalisation of precinct plans, was a key commitment of the Framework. CoM request DTP's timely commitment to prepare the Lorimer Precinct Implementation Plan in partnership with the CoM and that the outcomes of the Lorimer Precinct Implementation Plan are incorporated into the Scheme in a timely manner. CoM requests DTPs commitment to a process of updating the DCP to align with the final Lorimer Precinct Implementation Plan, including a review of the DCP projects, costings and DCP cap.
29. CoM notes that the urban structure and planning controls identified in the draft DCP and draft Amendment GC224 vary from that included in the Framework. CoM request the DTP release supporting technical information for any change. Documentation referenced within the draft DCP as the basis for project selection, together with any additional material underpinning projection selection and costings must be made publicly available.
30. Draft Amendment GC224 includes significant scope for uplift within Lorimer. This could see a significant increase to the dwellings and residential population forecast in the Framework. CoM requests updated capacity modelling is undertaken to determine the expected population, at different scenarios and if all sites develop to their capacity. The DCP must be updated with the outcomes of the modelling to ensure all required infrastructure projects and the cost of infrastructure delivery, at capacity, is met through the DCP or a commitment must be made to fund this infrastructure by the Victorian Government.

Infrastructure funding strategy and infrastructure classification

31. In addition to the information provided in the draft DCP and draft Amendment GC224, CoM requests that, as identified in the Framework⁴, the Victorian Government publish a comprehensive funding and finance strategy that identifies all required infrastructure, cost estimates, responsible agency for delivery, funding commitments or pathways and timing for funding and financing of all infrastructure.
32. CoM supports the classification of infrastructure as '**Catalytic infrastructure**', '**Essential infrastructure**' and '**Local infrastructure**', but requests the Victorian Government specify and release the classification of all projects identified in the draft DCP and draft Amendment GC224 as well as all infrastructure projects required to deliver the Framework.
33. CoM request that a Precinct Infrastructure Plan be developed to identify the infrastructure required across all infrastructure classifications and categories to support the development of the FBURA, including delivery pathways. The Precinct Infrastructure Plan will provide greater certainty for all agencies and landowners involved in delivering infrastructure. Preparation of the Precinct Infrastructure Plan will also assist in securing land early.
 - a. CoM request commitment from the Victorian Government to the timely funding and delivery of 'Catalytic infrastructure'. Catalytic projects, particularly the delivery of integrated, high-quality tram and rail public transport is critical in enabling the renewal of Fishermans Bend.

⁴ Fishermans Bend Framework, October 2018 – Page 65
(https://www.fishermansbend.vic.gov.au/__data/assets/pdf_file/0020/35093/Fishermans-Bend-Framework.pdf)

- b. Pathways for 'essential infrastructure' must be confirmed and documented in the DCP, noting the draft DCP identifies that delivery of these projects may require "some contribution from other government sources"⁵.
- c. CoM acknowledges that 'local infrastructure' will be refined through further detailed planning however consider it important to understand the full scope of infrastructure that is expected to support the renewal of the FBURA. CoM is concerned that the Victorian Government has classified some infrastructure projects as 'local' and that CoM would identify these projects as 'essential' projects to be funded via the DCP.
- d. It is critical that planning controls are drafted to ensure the delivery of 'local infrastructure', including new laneways.
- e. The preparation of the Lorimer Precinct Implementation Plan and its timely incorporation into the Scheme will further inform the identification of 'local infrastructure' by providing the strategic guidance required to ensure a cohesive and coordinated local street network and informed cross-sections that enable the strategic outcomes for Lorimer to be achieved.

Governance and implementation

34. CoM requests that a governance and implementation strategy is established to ensure the CoM has an authorising role in the staging, prioritisation, design and delivery of infrastructure. The strategy must include all projects, including projects excluded from the draft DCP. This will help to clarify CoM's role in delivering the precinct. Further information will assist CoM in resourcing infrastructure delivery as review, facilitation and approval of projects requires different resourcing to project design and construction.
35. CoM is supportive of some projects identified in the draft DCP being delivered as 'works in kind'. Alongside 'developer works' this will require the establishment of appropriate governance structures and processes with the Victorian Government and relevant agencies. A governance and implementation strategy to guide infrastructure delivery will enable CoM and relevant stakeholders to identify their role in providing input into the planning application and assessment process as well as in the design, development and monitoring of public capital works.
36. CoM submits that the governance and implementation strategy must consider an equity mechanism or criteria for fair distribution of revenue between precincts and local government areas, as well as infrastructure types. It must also address the forward funding of infrastructure ahead of the collection of DCP revenues.

Collecting and Development agency

37. CoM is supportive of the designation of the Minister for Precincts as the Collecting Agency and the Secretary, Project Development (Secretary, Department of Transport and Planning) as the identified Development Agency in the draft DCP. CoM requires greater clarity and certainty of its role in the delivery of the FBURA.

Combined development contribution

38. CoM provides preliminary support for the incorporation of all infrastructure charges within one development contribution, which will assist with providing greater clarity and certainty for developers and landowners.

⁵ Fishermans Bend Urban Renewal Area Draft Development Contributions Plan, Page 6

Funding and delivery of open space

39. CoM do not support a reduction to the area of useable/functional open space on the amount identified in the Framework.
40. CoM request that the Lorimer Central Neighbourhood Open Space is a minimum of 1.2 hectares including a minimum of 1 hectare that is contiguous and not encumbered by bisecting transport infrastructure.
41. CoM provides preliminary support for open space contributions being collected through the DCP as well as the provision of open space via the OSU. With regards to the delivery mechanism, CoM requires:
 - a. The complete open space network to be funded and delivered in a timely manner.
 - b. Further information on the process for the Victorian Government acquiring the land, and the timing of acquisition committed to via the governance and implementation strategy.
 - c. Dwellings delivered under the OSU to be subject to the 6 per cent affordable housing policy.
 - d. Further information to demonstrate the OSU will not compromise the provision of social housing, noting the preference for the OSU to be provided as the 'first' uplift.
 - e. Any open space, as either an interim or ultimate project, is designed, delivered and transferred in accordance with CoM processes and standards.
 - f. The Amendment include provisions which ensure that before any transfer to CoM, the land is unconstrained by:
 - i. The impact of adjoining land uses, and if not, mitigation of that impact.
 - ii. The contamination of the land, or adjoining land, including for the purpose of a children's playground.
 - iii. Encumbrances, services or easements including roadways, overhead structures, and power supply, except for flood mitigation and drainage infrastructure which may ordinarily be used for public open space.
 - g. The Amendment include provisions to ensure the proposed open space is appropriate in regards to whether the land:
 - i. Can support suitable landscaping including large mature canopy trees.
 - ii. Can incorporate sustainable water supply and reuse measures, and moisture retention for passive cooling.
 - iii. Is safe and accessible to transport and streets.
 - iv. Can support biodiversity values, habitat corridors, and the wider open space network.
 - v. Is able to be improved, maintained and managed by Council.
 - h. Further refinement to the planning controls to ensure the intention of the OSU as expressed in Factsheet 2⁶ is delivered through the application of the Melbourne Planning Scheme.

⁶ Factsheet-2- OSU - Consultation, DTP, 2023

Urban design impact of the OSU

42. The public open space land gifted under the OSU will result in relatively predictable increments of density uplift in contrast to the SHU, which scales directly with the number of social housing dwellings gifted. As such, the urban design impact of the OSU is straightforward to model. However, the modelling referred to in Factsheet 2⁷ has not been publicly released. It really needs to be to illustrate how the increased density:
 - a. can be accommodated within the built form controls when combined with DTP's assumed SHU take-up rate; and
 - b. results in appropriate urban design impacts.
43. At a minimum, this modelling should analyse overshadowing impacts upon all surrounding open space and streets.

Prioritisation of DCP funded infrastructure projects

44. While CoM generally supports the principles that have guided DCP project prioritisation, CoM considers that there are some inconsistencies with the application of the principles, for example the embellishment of Neighbourhood Open Space.
45. CoM requests, as identified following, that additional projects are either included within the DCP, or committed to via a broader funding and finance strategy and Precinct Infrastructure Plan to confirm their delivery pathway. This includes:
 - a. Projects that are not clearly understood as 'State Infrastructure', including amenity and integrated water management components within the Turner Street upgrade, which includes the creation of a new linear open space within the existing road reserve.
 - b. Projects part funded by the DCP, for example Salmon Street Bridge (BR01). CoM supports a modified or new bridge that provides a Strategic Cycling Corridor (C2) standard cycle facility and increased amenity for people walking. This is essential infrastructure as the key connection between Wirraway and the Fishermans Bend National Employment and Innovation Cluster (NEIC).
 - c. Projects identified in Precinct Implementation Plans that fall across jurisdictions, including the delivery of the Meaden Street undercroft, identified in the draft Montague Precinct Implementation Plan and located within the CoM.
 - d. Projects expected to be developer works, including construction of new streets.
46. CoM supports prioritising the funding of improvements to existing roads ahead of new roads that are identified as being delivered by developers, as part of servicing their development. These roads must be delivered as identified in the Framework / planning controls and their design and delivery managed through the permit application process.

Infrastructure projects

47. The Draft DCP allocates \$205M to funding essential infrastructure within the Lorimer precinct. All projects in the draft DCP identified in Lorimer are 100 per cent funded. However, it is understood the DCP will only collect 50 per cent of the funds for drainage projects.

⁷ Factsheet-2- OSU - Consultation, DTP, 2023

48. CoM do not agree to the funding of 'essential infrastructure' that has been identified outside of the draft DCP and require that a funding pathway is secured for all 'essential infrastructure' projects identified in the Framework.
49. CoM requires all infrastructure projects:
 - a. Be delivered to a minimum standard that achieves the vision articulated in the Framework.
 - b. Are designed, costed and constructed to CoM Design and Construction Standards.
 - c. Meet all CoM endorsed policy objectives for the public realm, including but not limited to, policies relating to transport, the urban forest and Water Sensitive Urban Design.
50. CoM do not consider the costings identified in the draft DCP and the Fishermans Bend – Update of Infrastructure Costs⁸ demonstrate the above requirements and request further information and cost updates across all infrastructure categories.
51. CoM requires further information to assess whether the land area to deliver DCP projects is adequate to achieve all public realm objectives.
52. CoM request that further information is provided to ensure greater certainty of what is funded within the scope of the DCP projects. Further information for all infrastructure projects should include detailed project descriptions, itemised cost sheets, expected delivery models, standard drawings and cross-sections. For DCP projects, detailed design and costings should be provided.
53. CoM requests that street cross-sections and intersection project concept plans are provided as an attachment to the DCP and incorporated into the Scheme. Cross-sections must demonstrate the project meeting CoM Design and Construction Standards. Cross-sections must be reviewed and updated through the Lorimer Precinct Implementation Plan and incorporated plan processes.

Transport infrastructure

54. While CoM is generally supportive of the Lorimer transport projects included in the draft DCP, CoM submit that the following changes be made:
 - a. all projects that support delivery of the Fishermans Bend trams should be committed to and funded as part of the delivery of the new trams, and therefore CoM submit that the land cost to deliver tram infrastructure should be removed from the DCP and the planning ordinance updated to ensure the necessary land is identified for the public transport corridor. We would add that the Terms of Reference for the Fishermans Bend Advisory Committee ought enable the Committee to consider the proper approach. Alternatively, if land for the tram is to remain in the DCP, the cost must be apportioned externally to the Victorian Government recognising the broader role this infrastructure will play.
 - b. the draft DCP be revised to prioritise funding to include a new active transport bridge across the West Gate Freeway between Lorimer and Sandridge. This connection is essential to link the Fishermans Bend community and provide access for Lorimer residents to Sandridge (including the proposed station) and Sandridge connections to the city and the broader active transport network.
 - c. the draft DCP be revised to prioritise funding to include modifications to Ingles Street Bridge to provide a Strategic Cycling Corridor (C1) standard cycle facility and to increase amenity for

⁸ Fishermans Bend – Update of Infrastructure Costs, Slattery, 2023

people walking. This is essential infrastructure as the key connection between Sandridge and Lorimer.

55. The draft DCP refers to street typologies that are not defined – with the DTP identifying 12 road types and 22 intersection types. This should be resolved through the finalisation of the DCP and the incorporation of the design and scope of road and intersection projects.
56. CoM request that the scope and specifications for the tram route are made public now.
57. CoM is supportive of the function of Turner Street as identified in the draft Amendment and GC224 more broadly. CoM request further detail regarding the funding and delivery commitment by the Victorian Government for the complete street upgrade of Turner Street, including creation of a linear park for part of the cross-section. Costs to upgrade the Turner Street streetscape public realm must be factored into any business case for the tram project and delivered by the Victorian Government.
58. In all transport projects, it must be demonstrated that there is sufficient space within the existing road reserve to achieve the desired Integrated Water Management function and distributed storage.

Open space projects

59. CoM supports the draft DCP funding the embellishment of the four open spaces, L-OS01, L-OS02, L-OS03, L-OS04 provided the spaces are delivered by the OSU in accordance with our comments on this mechanism and the delivery of open space.
60. CoM supports the inclusion of L-OS05 'Hartley Street/Lorimer Street neighbourhood open space land component (\$30.36M) within the draft DCP. CoM submit that the embellishment of L-OS05, must also be funded by the DCP. This is consistent with the other neighbourhood open spaces.
61. CoM supports the prioritisation of other projects ahead of the funding of the 'Graham Street public open space' which is identified in Figure 6⁹ as "Land and embellishment not funded by the DCP". The total cost of delivering this project should be listed as the responsibility of the Victorian Government and the delivery pathway confirmed via a broader Precinct Infrastructure Plan and/or comprehensive funding and finance strategy.
62. CoM requests cross-sections are incorporated into the Scheme to ensure the delivery of the Turner Street Linear Open Space as part of the tram corridor. The cross-sections must demonstrate the street can deliver all objectives including Water Sensitive Urban Design, deep soil tree planting, tram infrastructure, active transport and other linear open space functions.
63. CoM supports the identification of open space and public realm upgrades in the vicinity of Meaden Street and are supportive of the intent of the draft Montague Precinct Implementation Plan. This is generally consistent with CoM's ambition to deliver open space in Southbank. CoM welcomes the opportunity to work with the DTP, relevant agencies and the CoPP to progress the design of this space. CoM submits that the draft DCP should include funding of the Meaden Street undercroft open space / plaza as identified in the draft Montague Precinct Implementation Plan. The demand generated by new development in the CoPP, must be apportioned to funding this project.

Community hub projects

64. CoM supports the inclusion of L_AC01 Lorimer Art and Cultural Building – construction (\$13.986M) in the draft DCP.

⁹ Fishermans Bend Urban Renewal Area Development Contributions Plan, (Draft 2023)

65. CoM requests the project is costed as a 3000 sqm facility, and that the costs be updated to align with contemporary and inner-urban costing of community hub delivery. CoM can provide assistance in informing this rate.
66. CoM submits that, where hubs are to be delivered as part of private development, delivery certainty remains unresolved. CoM requests further detail on the scope of the facility, including what is included in the draft DCP funding e.g. building fit out/gifted floorspace. CoM requests the draft Amendment GC224 is updated to provide greater certainty for the delivery of community hubs as part of private development.
67. CoM considers that the best way to provide delivery certainty for the community hubs is for the Victorian Government to purchase a strategic site. This would support the delivery of open space and tram projects and when subdivided or sold, a space in the building would be secured for the Lorimer Art and Cultural Building (L_AC01).
68. CoM requests further assessment for delivery and funding of Lorimer Sport and Recreation Hub to ensure Lorimer receives DCP funding for recreational facilities:
 - a. The new population of Lorimer will create a demand for sport and recreation assets. This need was identified and quantified through the Fishermans Bend Community Infrastructure Plan¹⁰. CoM submit that the Lorimer Sport and Recreation Hub is essential and request the demand be apportioned to a DCP project.
 - b. The draft DCP references an investigation area for a Recreation Community Hub within Lorimer, The draft DCP does not describe the type of facility proposed and states that it will be funded by other sources. The Lorimer Sport and Recreation Hub is included in the Fishermans Bend – Update of Infrastructure Costs, Slattery, 2023 background document as a 7900 square metre project with a projected construction cost of \$51,803,000.
 - c. The Fishermans Bend Community Infrastructure Plan identifies the Lorimer Sport and Recreation Hub as an indoor multipurpose stadium (3-4 courts) and multipurpose community rooms. These assumptions are continued through the Fishermans Bend – Update of Infrastructure Costs¹¹. CoM understands the building typology required for an indoor multipurpose stadium, in particular the long clear spans, is not compatible with a multi-storey residential or commercial building typology. Therefore, land will be required for delivery of an indoor sport and recreation facility in its own right. The DCP / planning ordinance must include a mechanism to ensure land is able to be secured and preserved in the Lorimer precinct for the Sport and Recreation Hub as an indoor multipurpose stadium building.
 - d. If land for the Lorimer Sport and Recreation Hub is not able to be accommodated within the Lorimer precinct, CoM would like to identify opportunities to deliver alternative recreation facilities outside of the Lorimer precinct that service the needs of the Lorimer population through the DCP. These include:
 - i. The adjoining Fishermans Bend NEIC - delivery of a higher order facility.
 - ii. Shed 21 site e.g. sport and recreation component of a broader project.

¹⁰ Fishermans Bend Community Infrastructure Plan, Department of Environment, Land, Water and Planning, 2017

¹¹ Fishermans Bend – Update of Infrastructure Costs, Slattery, 2023

Drainage projects

69. CoM supports the Fishermans Bend Water Sensitive City Strategy (**Water Sensitive City Strategy**) as a strategic basis for how water will be managed and integrated into the landscape of Fishermans Bend in accordance with the vision and Framework.
70. However, Council considers modelling informing the draft Amendment GC224 is not all up-to-date. CoM requests the DCP is updated to acknowledge that the planned stormwater management infrastructure for Fishermans Bend has been updated since the publication of the Water Sensitive City Strategy in 2022 and will continue to evolve as more detailed planning and design is undertaken.
71. CoM has itself prepared Amendment C384 to the Scheme which seeks to introduce and update inundation overlays across parts of the municipality, including across Fishermans Bend, and is also aware of ongoing work being undertaken in relation to further updated flood modelling.
72. For the purposes of the draft Amendment GC224, CoM seeks confirmation the best available information has been drawn on to underpin the draft Amendment GC224, and if not, therefore submits an updated assessment and revised costings of the drainage infrastructure be produced well in advance of the Precincts SAC to enable all parties the opportunity to assess the material.
73. CoM is not supportive of the location of infrastructure as shown within the Water Sensitive City Strategy and replicated in the draft DCP. CoM requests further work be undertaken, in consultation with CoM. The DCP maps should be updated to reflect the updated locations for pump stations, pipelines and levees.
74. CoM provides in-principle support for the inclusion of drainage projects within the draft DCP. CoM support is subject to a timely resolution of issues associated with the siting, design, costings, delivery and management of this infrastructure.
75. CoM is concerned the infrastructure costs identified for the drainage projects are insufficient. Managing flood risk in Fishermans Bend will require a combination of innovative engineering infrastructure and nature-based solutions. As set out in the Water Sensitive City Strategy, this hybrid infrastructure approach for major and minor drainage is critical. Any shortfall in funding for infrastructure required to manage flood risk needs to be resolved before development proceeds.
76. The nexus between facilitating safe and good amenity development in Lorimer should be demonstrated in order to apportion DCP funding towards infrastructure outside the precinct such as levee banks and pumping stations. CoM notes that the drainage and flood mitigation projects are not fully funded by the draft DCP. Factsheet 1¹² – states that the proposed drainage charge represents approximately 50 per cent of the full cost of the infrastructure delivery. There should be external apportionment of this infrastructure to other revenue sources outside the draft DCP due to the project's broader beneficiaries beyond the FBURA and the expected infrastructure costs.
77. Any land required for drainage or flood mitigation needs to be identified. The land take should be identified in concept plans or cross-sections and explicitly stated within the costings for open space and road project descriptions. Further information is required to assess the impact of this infrastructure on the public realm.
78. CoM submits that the cost estimate of \$11M for the delivery of distributed water storages is significantly under-costed. A new cost estimate should be included in the DCP, based on the recent studies developed by CoM and CoPP. CoM submits that the DCP should allocate the revised funding

¹²Factsheet 1- Approach to infrastructure funding in Fishermans Bend – Consultation, DTP, 2023

for the construction of distributed water storages to individual streetscape and open space projects, therefore itemising projects with detailed design and costings.

79. CoM request the DCP drainage projects and infrastructure projects include the treatment of stormwater. All projects delivered in the FBURA must achieve best practice water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999 (or as amended).
80. In calculating the costs for drainage and flood mitigation infrastructure, the final design and siting of the infrastructure has not been confirmed. CoM is concerned that the costs identified in the draft DCP are based on an early concept and will not be sufficient to ensure the design standard required in this inner urban context. All drainage, flood mitigation and stormwater treatment infrastructure must be designed to meet the following criteria:
 - a. Integrated into the landscape and visually recessive.
 - b. Durable, high-quality material that deters graffiti.
 - c. A high-quality design, responsive of its high density inner urban context.
 - d. Easily accessed and maintained, meeting anticipated future operational requirements.
 - e. Co-located subject to business case planning and further technical validation.
 - f. Provide a positive interface between any buildings or infrastructure and the surrounding buildings and public realm.

Project timing

81. CoM requests the governance and implementation strategy establish the process for ongoing input into project prioritisation and staging of delivery, for endorsement by all organisations that have a role in designing, delivering, owning and/or managing and maintaining infrastructure.
82. CoM requests more information on the timing of open space delivery, particularly open space delivered via the OSU. CoM notes there are errors in the indicative delivery figures included within the draft DCP, including as it relates to L-OS04.
83. CoM request a comprehensive funding and financing strategy for the forward funding of projects to ensure timely delivery of infrastructure to service and facilitate development and to ensure an equal distribution of funding across infrastructure categories.

Calculation of contributions

84. The DCP rate calculation should be based on the expected development scenario. It is not clear why dwellings forecast to be delivered under the OSU and SHU are not considered.
85. DCP calculations should be adjusted for non-contributing land uses.

DCP rate cap and funding gap

86. The Victorian Government has proposed a capped rate in the draft DCP. The residential Development Infrastructure Levy charge is a capped rate of \$34,635 per dwelling (adjusted annually) and a capped rate of \$286 per square metre of non-residential development gross floor area (adjusted annually). The capped rate results in a funding shortfall of \$698M.

87. Development contributions for Lorimer have been subject to the 'interim' development contributions regime outlined in Fact Sheet 1¹³, pending finalisation of detailed structure and infrastructure plans for the area.
88. The interim regime collects contributions at a much lower rate than the regime proposed by the draft DCP regime.
89. It is not clear on the basis of the limited information provided to date whether the funding gap of \$698M million identified in Fact Sheet 1 takes into account the lower rate under the interim development contributions regime.
90. If it has been assumed that properties subject to the interim regime will contribute at the rate of the draft DCP regime, the funding gap will be significantly larger than \$698M.
91. CoM submits that this is a critical issue that requires clarification and consideration.
92. CoM also submits that further consideration should be given to: the operation and drafting of the exemptions provided by the draft DCP, in order to ensure an efficient, sustainable, fair and equitable outcome; and whether any changes should be made to the incorporated documents in the schedules to the Specific Controls Overlay consequent upon gazettal of Amendment GC224.
93. CoM request that the forecast gap of \$698M in DCP funding is apportioned externally to the Victorian Government, that the complete funding gap should be explicitly reflected in the DCP, and the level of commitment or liability for the Victorian Government to fund the gap should also be described.
94. CoM submit that a full cost apportionment DCP should be adopted to deliver all infrastructure which has been identified as being required for the redevelopment of the FBURA, with projects apportioned transparently. The draft DCP should be updated to reflect the amount of each project which is funded by the DCP.
95. CoM submits that the Victorian Government, or appropriate agency, must provide a commitment to fund additional projects required to facilitate development that are not identified or fully funded in the DCP. This is in addition to underwriting any collection shortfalls associated with the DCP.
96. CoM requires confirmation that affordable housing provided by, or on behalf of the Minister for Housing, has been factored into the strategy to bridge the funding gap. CoM assume other forms of affordable housing will contribute development contributions.
97. The draft DCP states "The Draft DCP charge rate has been set at a level that ensures that development makes a reasonable contribution towards the cost of delivering essential infrastructure in Fishermans Bend, whilst also balancing development feasibility considerations"¹⁴. The capacity of the private market to fund infrastructure will change over time. CoM submit that this is a point in time assessment. Review of the charge rate and feasibility must also be incorporated into future review of the DCP.
98. CoM considers that there is a lack of guidance of how the DCP will be amended if population estimates and infrastructure requirements change. CoM requests a monitoring tool is developed to inform future review of the DCP.

¹³ Factsheet 1- Approach to infrastructure funding in Fishermans Bend – Consultation, DTP, 2023

¹⁴ Fishermans Bend Urban Renewal Area Development Contributions Plan: Draft for consultation – Page 7.

Incorporated Plan Overlay and Master Plan approach

99. CoM requests the Victorian Government commit to the drafting and implementation of the Lorimer Precinct Implementation Plan through amendment to the Planning Scheme. This will provide finer grain detail in relation to transport and movement, public spaces, community facilities, activity cores and environmental sustainability. Its implementation will require refinements to CCZ4 and DDO67.
100. CoM request the draft DCP and draft Amendment GC224 be updated to incorporate the timing and status of the Lorimer Precinct Implementation Plan.
101. The use of the IPO – Schedule 7 (**IPO7**) and incorporated plans within the Lorimer Precinct as proposed in draft Amendment GC224 will:
 - a. result in a piecemeal approach to planning that focuses on selected sites individually rather than the precinct;
 - b. result in changes to the urban structure and built form requirements occurring without public consultation;
 - c. risk a substandard outcome that does not consider refinement of transport and movement, public spaces, community facilities, activity cores and environmental sustainability at a precinct scale;
 - d. risk undermining the Lorimer Precinct Implementation Plan. If incorporated plans are approved, a Lorimer Precinct Implementation Plan may not be prioritised by DTP for drafting and implementation.
102. If an IPO must be implemented as part of draft Amendment GC224, CoM requests changes to address our concerns and to ensure that the intention of the control, as outlined in Factsheet 1¹⁵, is sufficiently expressed in draft Amendment GC224:
 - a. A permit must not be granted within Lorimer Central until an Incorporated Plan has been approved for the area identified as Area B in Map 1 of IPO7. This is very important because permits granted in advance of the detailed planning for that part of the precinct may prejudice both the location of the tram and the location of assets that are critical to place-making in Lorimer, such as the location and configuration of the Lorimer Central Park (L_OS03 Ingles Street Precinct Open Space) - and community infrastructure. In addition, it is important that the Victorian Government finalise the route for the tram so that this detailed planning can be undertaken.
 - b. Inclusion of a requirement in Schedule 7 to IPO that the drafting of the incorporated plans be led by the DTP in in collaboration with the CoM and Victorian Government departments and agencies.
 - c. Refinement of the proposed Maps in CCZ4 and DDO67 to ensure they show default built form and land use guidance for the IPO areas, consistent with the level of detail shown for the rest of Lorimer.
 - d. Inclusion of the City of Melbourne as a referral / approval authority for any incorporated plans.

¹⁵ Factsheet 1- Approach to infrastructure funding in Fishermans Bend – Consultation, DTP 2023

Drafting of the draft Development Contributions Plan and draft Amendment GC224

103. The DCP says that it levies land use and development in relation to the following land use groups as defined in the Victoria Planning Provisions, unless exempted via legislation or Ministerial Direction:
- Accommodation.
 - Office.
 - Place of assembly.
 - Retail premises
104. CoM submits that the land use groups are too narrow. It is not clear why the DCP does not seek to levy other land use categories. In our submission, levies should be applied to all development unless there are good reasons for a particular category to be excluded,
105. The wording of the exemption in the DCPO schedule relating to existing section 173 agreements also need to be reconsidered.
106. CoM have identified a number of drafting matters, including opportunities for updates together with some potential errors and omissions across the draft Development Contributions Plan, its supporting documentation and in draft Amendment GC224.. An example includes updating the CCZ4 to refer to the most current version of Green Star buildings.
107. Matters of drafting, correction and updating to the proposed controls, provisions and documentation ought be corrected through this process.

Other matters

Precincts Standing Advisory Committee (Precincts SAC)

108. In releasing the draft DCP and draft Amendment C224 for public consultation, the Explanatory Report states that,

“if required, this draft amendment will be referred to the Precincts Standing Advisory Committee (Precincts SAC), appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 (the Act) to advise the Minister for Planning and the Minister for Precincts on referred projects and plans and associated draft planning scheme amendments.

While the Department of Transport and Planning will seek to resolve issues raised by submitters, unresolved issues or particular matters requiring further consideration may be referred to the Precincts SAC. Should the Minister for Planning seek to refer unresolved matters to the Precincts SAC, Planning Panels Victoria will contact affected submitters regarding next steps, process and timings.

The Precincts SAC will provide advice on the draft amendment to the Minister for Planning and the Minister for Precincts.¹⁶”

109. In inviting submissions the DTP states:

“All submissions will be collated, analysed, and unresolved issues raised in submissions may be referred to the Precincts Standing Advisory Committee (Precincts SAC), an independent advisory committee convened by Planning Panels Victoria with terms of reference designed to respond to the issues raised in submissions.

¹⁶ Melbourne and Port Phillip Planning Schemes, Draft Amendment GC224, Explanatory Report – Page 1.

The Precincts SAC conduct public hearings that provide submitters to the process to appear and have their positions considered before a report is provided to Government with recommendations on how to proceed with the matter. The report will be publicly released following a decision.¹⁷

110. CoM requests greater transparency and clarity for submitters through the Precincts SAC process. CoM's preference is that the Precincts SAC process align closely with the formal planning scheme amendment panel process. The proposed Precincts SAC must be appointed to hear all submissions and evidence on the submissions in a public hearing with a full opportunity given to all submitters without limitations imposed by the "Terms of Reference". All submissions received during consultation, and through the Precincts SAC must be made publicly available.
111. CoM request that the "Terms of Reference" for the Fishermans Bend Advisory Committee are sufficiently broad such as to consider the classification of infrastructure projects (as either catalytic, essential or local) to support the renewal of FBURA as well as to consider the application of other planning tools and/or mechanisms, such as for public transport purposes. The Fishermans Bend Advisory Committee should also be able to consider the governance of the DCP, including delivery and asset handover.
112. CoM contends that a "round table" or similar Precincts SAC process is not suitable for the draft DCP and draft Amendment GC224, particularly having regard to the planning mechanisms proposed.
113. CoM request assurance that any recommendations from the Precincts SAC will be made public, and any recommended changes are adopted by DTP or justification for their non-adoption is made publicly available by the DTP.

Community engagement

114. The draft DCP identifies delivery of infrastructure to 2055. Given the designation of Fishermans Bend as a state significant project and the long delivery timeframe, it is critical that strategic planning for the FBURA reflects community input.
115. In CoM, the most recent broader community engagement in relation to Fishermans Bend spatial configuration occurred with the release of the draft Framework in October 2017. It is important to note that the Framework included the commitment to prepare an infrastructure plan and detailed precinct plans. Only the draft Montague Precinct Implementation Plan has been prepared alongside Amendment GC224. Therefore CoM request:
 - a. the Victorian Government provide additional supporting information to assist the community in understanding the changes incorporated into the draft DCP and draft Amendment GC224; and
 - b. the Victorian Government communicate how, and when, it will undertake further detailed precinct planning and how this will be reconciled with a gazetted DCP.
116. The timing of consultation on the draft DCP and draft Amendment GC224 has meant that feedback from the broader community has not informed our submission. Given this, along with the issues raised in relation to the time between engagement and the endorsement of the Framework, we emphasise the importance of full consideration of community submissions and full community access and participation through the Precincts SAC. We also request that all submissions are made public.

¹⁷ Fishermans Bend Urban Renewal Area Development Contributions Plan, Next steps: available at <https://engage.vic.gov.au/fishermans-bend-urban-renewal-area-development-contributions-plan>