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09 July 2019

Hon. Richard Wynne MLC  
Minister for Planning  
Department of Environment, Land, Water and Planning  
8 Nicholson Street  
EAST MELBOURNE VIC 3002

Dear Minister,

## **REQUEST FOR MINISTERIAL INTERVENTION – 2-28 MONTAGUE STREET AND 80 MUNRO STREET, SOUTH MELBOURNE**

Urbis acts on behalf of Gurner 2-28 Montague Street Pty Ltd in relation to 2-28 Montague Street and 80 Munro Street, South Melbourne. Further to liaison with your Department, we respectfully request your assistance to facilitate a planning process for the proposed development of three towers under a masterplan permit, comprising retail, residential (including affordable and social housing), serviced apartments, childcare and food and drink premises at the aforementioned address.

We request that you use your powers under Section 20 (4) of the Planning & Environment Act to prepare a planning scheme amendment, in consultation with Port Phillip City Council to provide specific controls for the proposed development by way of an incorporated document into Clause 45.12 and 72.04 of the Port Phillip Planning Scheme.

### **BACKGROUND**

Following several preapplication meetings and an OVGA design review, our client, Gurner, lodged a masterplan permit application for a mixed-use multi-storey three-tower development on the site at 2-28 Montague Street and 80 Munro Street, South Melbourne on 11 October 2017.

Following due process, the application was called in on 5 October 2018, with an invitation to submit a planning scheme amendment, along with proposed plans to DELWP for consideration and referral to the standing advisory committee.

Since this time, our client and project team have been working closely with DELWP officers to provide a revised proposal, that is worthy of further consideration and approval. The proposal, by leading architects Cox Architects, is a display of exceptional architectural standard, drawing on latest technologies and innovation and will create highly refined and appropriately responsive buildings in the context of this area of Fishermans Bend. Combined with its significant and diverse programme of uses, and community and public benefits, it is considered that the revised proposal will be a significant contribution to the success of Fishermans Bend.



## PROPOSAL

In summary, the proposal for 2-28 Montague Street and 80 Munro Street, South Melbourne now involves:

- Three towers of 34, 28 and 26 storeys respectively, with compliant street wall heights, setbacks and separation
- Uses comprising dwellings, serviced apartments, residential hotel, motor vehicle sales, retail, food and drink premises, and childcare centre. Non-residential uses equate to 19,483 representing a plot ratio of 2:1 (1.6:1 required in the Montague Precinct)
- 18 affordable housing units and 20 social housing units, representing a total of 6% of the total apartment numbers
- Ground level through-block connections totalling 1,550.55sqm in area (795.20sqm connection sought under the Framework) and inclusive of a new town square
- 675 car spaces including 43 with electric charging stations and three car share spaces, 12 motorcycle spaces and 994 bicycle spaces
- 5 star Green Star design and as-built, representing Australian Excellence

The site is equipped with a unique opportunity to present to three interfaces – Montague Street, Munro Street and Johnson Street, as well as internally to the proposed urban corridors. Cox Architects have made sure that the design of the development responds to this opportunity by ensuring that an aesthetically pleasing and highly activated façade and programme, is achieved.

### Building Height

Whilst the street wall heights, setbacks and tower separation have remained generally consistent across the applications, and continue to comply under the current planning controls, the building height has evolved. This is summarised in the table below:

Table 1 – Evolution of Building Height Proposed

Tower	Lodged (RL/Storeys)	RFI	Currently Proposed
1	127.4m / 37 storeys	115m / 33 storeys	127.65m / 34 storeys
2	142.6m / 40 storeys	133.7m / 38 storeys	113.45m / 28 storeys
3	157m / 40 storeys	156.5 / 40 storeys	102.05m / 26 storeys
Combined Total	117 storeys	111 storeys	88 storeys



## Social Housing

Our client is in the process of entering into a Heads of Agreement with Women's Housing Limited (WHL). WHL are a social housing provider with a portfolio of \$45 million with 115 owned tenancies and a further 265 under management. WHL play an important role in housing women, children (and men) in need, including:

- Women who are nearing retirement age who have limited superannuation
- Women with disabilities
- Elderly women
- Indigenous women
- Women with young children who cannot access or afford childcare that allows them to work
- Women who are forced to leave their family home because of domestic violence (70% increase over the last 4 years)

This proposal marks an important partnership between Gurner and Women's Housing Limited (WHL). This application proposes to provide both social and affordable housing with a combined total of 6% of the dwellings proposed. Of this 6%, a minimum of **20 social housing units are to be gifted to WHL**. WHL estimates this gift to be in the order of \$10 million in value (on the basis of acquiring land in this location and designing, developing and delivering these apartments). Noting their current portfolio of \$45 million, this represents an almost 20 per cent increase. What this also means is that, WHL will have increased lending capacity so that the value is not only realised on this site and in this development, but importantly, elsewhere in Victoria.

## Community Benefit

The proposal provides for a connected ground plane, which will serve as the town square and provide an improved visual and physical linkage between the three interfaces (Johnston, Munro and Montague Streets). This will result in a dynamic public realm that will be inviting and lively, providing a human scale community catalyst to the development.

The new town square is anticipated to become a destination and a meeting place for the community. The success of this generous space is supported by activated facades, landscaping and sunlight access, which are all key ingredients for creating great public spaces.

The town square and additional connections builds on the singular through-link initially identified in the Framework.

In addition, the proposal provides for important community uses such as a child care centre, which is important to accommodate the future needs of Fishermans Bend.

## Additional Detail

The above reflects a considerable concession and an earnest response by our client to work with the Department and the Minister to achieve an outcome on the site which is contextually responsive, gives back and contributes to the vision of the Montague Precinct and Fishermans Bend to become "*a thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation*".



To further explain the proposal, enclosed are:

- Town Planning Report prepared by Urbis (dated 9 July 2019)
- Architectural Plans and Urban Context Report prepared by Cox Architecture (dated July 2019)
- Traffic Report prepared by Traffix Group (dated June 2019)
- Sustainability Management Plan prepared by ADP Consulting (dated 3 July 2019)
- Wind Analysis prepared by Windtech (dated 1 July 2019)
- Acoustic Report prepared by ADP Consulting (dated 24 June 2019)

Collectively these reports confirm the suitability of the development from a social, economic, built form, structural, environmental, and amenity perspective.

## REASONS FOR INTERVENTION

Having regard to the Practice Note *Ministerial Powers of Intervention in Planning and Heritage Matters*, a request in writing must address the grounds for your intervention to facilitate the development of this proposal, with these being:

- This matter will be one of genuine state significance;
- The matter will give effect to an outcome where the issues have been reasonably considered and the views of the affected parties are known; and
- The matter will raise issues of fairness or public interest, where:
  - The mechanisms of the planning process have created a situation which is unjust, unreasonably causes hardship or is clearly in error.

Each of these grounds is addressed in turn below.

## STATE SIGNIFICANCE

*Plan Melbourne* confirms Fishermans Bend as an area for major urban renewal and national employment and innovation, with the area to play a significant financial and commercial role in the Victorian economy.

The *Fishermans Bend Framework*, recognises Fishermans Bend's size, location and proximity to the CBD as being a key driver for growth and prosperity, through enhanced liveability and a diverse economy. It is expected Fishermans Bend will host 80,000 jobs by 2050 and accommodate 80,000 residents, making this one of the largest inner urban renewal projects in Australia.

The redevelopment of Fishermans Bend will set the benchmark in *environmental sustainability, liveability, connectivity, diversity and innovation*.

It is given this significance, that the 26 applications under assessment during the consideration of GC81, were called in.



## **ASSESSMENT AND CONSULTATION**

Urbis and the project team have engaged with both DELWP, who is the Responsible Authority for this proposal, as well as the OVGA, Fishermans Bend Taskforce and the Port Phillip City Council in order to gain support for the proposed development. Through the course of these meetings, further refinement and information has been prepared to address those initial concerns raised and to better align with the recently introduced controls. This has included:

- Pre-application meeting – 23 June 2017
- Pre-application meeting – 8 August 2017
- OVGA Pre-review meeting – 11 September 2017
- Meeting with FBURA and DELWP – 13 September 2017
- OVGA Design Review Panel – 20 September 2017

\*Application lodged – 11 October 2017

- Meeting with DELWP – 11 January 2018

\*Application called in – 5 October 2018

- Meeting with DELWP – 25 October 2018
- Meeting with DELWP and Fishermans Bend Taskforce – 27 November 2018
- Meeting with DELWP and City of Port Phillip – 20 December 2018

The written views of the City of Port Phillip were provided on 6 February 2019 and DELWP on 20 February 2019 and are responded to in the revised package accompanying this request.

On introduction of the new planning controls under Amendment GC81, Urbis have been in constant liaison with Department officers, to gain support for a planning process to enable consideration of the planning merits of the proposal.

## **ISSUES OF FAIRNESS**

Gurner has undertaken an extensive and genuine process involving pre and post application discussions with DELWP, the Fishermans Bend Taskforce, City of Port Phillip and has also had the design integrity tested through the OVGA process.

We also note that an MPL of \$314,277.60 and application fee of \$27,686.30 was paid at the time of lodgement; and that to date our client has spent in the order of \$1.8 million in consultant fees concerning the development of this site.

Given the genuine planning process undertaken to date, we consider there is valid reasoning for a process which provides for the fair consideration of the planning merit of the proposal, as is enabled under the Terms of Reference for the Fishermans Bend Standing Advisory Committee.



## **MOVING FORWARD**

Having regard to the above, it is respectfully requested that the Minister entertain a process to enable the consideration of the planning merits of the application and exercise his discretion under 20(4) to allow a site-specific control to be included within the Port Phillip Planning Scheme.

We look forward to further discussions with Officers within your Department with regard to the Standing Advisory Committee process.

Should you have any questions in relation to this matter, please do not hesitate to contact the undersigned on (03) 8663 4847.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Lyons".

Rebecca Lyons  
Associate Director