



6.3 **2/2014/MIN/B - 320 PLUMMER STREET, PORT MELBOURNE**
LOCATION/ADDRESS: **320 PLUMMER STREET, PORT MELBOURNE**
EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, DEVELOPMENT,
TRANSPORT AND CITY AMENITY**
PREPARED BY: **ANGUS BEVAN, PRINCIPAL PLANNER**

1. PURPOSE

1.1 To provide a Council position on Ministerial Application MPA14/0005 at 320 Plummer Street, Port Melbourne, to amend the existing permit under Section 72 of the Planning and Environment Act 1987 including the use of land for a cinema, office (no permit required), medical centre, childcare centre, and subsequent amendments to plans.

2. EXECUTIVE SUMMARY

WARD:	Gateway – Wirraway Core Area
TRIGGER FOR DETERMINATION BY COMMITTEE:	Accommodation (dwellings) within the Fisherman’s Bend Urban Renewal Area
APPLICATION NO:	DELWP Ref: MPA14/0005 and PA16/00082 CoPP Ref: 2/2014/MIN/B
APPLICANT:	Port Melbourne Land Custodian Pty Ltd C/- Urbis Pty Ltd
EXISTING USE:	Developed in accordance with MPA14/0005 (Mixed Use)
ABUTTING USES:	Warehouse/Industrial
ZONING:	Capital City Zone Schedule 1 (CCZ1)
OVERLAYS:	Infrastructure Contributions Overlay Schedule 1 (ICO1) Design and Development Overlay Schedule 33 (DDO33) Environmental Audit Overlay (EAO) Parking Overlay Schedule 1 (PO1)
ABORIGINAL CULTURAL HERITAGE	The property is in an ‘area of Cultural Heritage Sensitivity’
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired



- 2.1 On 25 May 2020, the Department of Environment, Land, Water, and Planning (DELWP) referred the application to amend planning permit MPA14/0005 under Section 72 of the *Planning and Environment Act* (the 'Act') to Council as a recommending referral authority under Section 55 of the Act.
- 2.2 The application seeks to convert several exclusive resident facilities into publicly available uses and make minor internal changes to the building. It does not seek to make any changes to the broader building envelope or the number of dwellings, car parks, or motorcycle parking spaces.
- 2.3 The amendment would provide for an additional 16 bicycle parking spaces.
- 2.4 The amendment would not make any changes to the broader siting and massing of the approved development and would result in no changes to the external façade of the building or the streetscape response. Pedestrian or vehicular access arrangements remain as approved.
- 2.5 The building is currently under construction and is well-advanced with the majority of each tower comprising the development being mostly constructed.
- 2.6 The subject site is located within the Wirraway Precinct of the Fishermans Bend Urban Renewal Area (FBURA).
- 2.7 The Minister for Planning (the 'Minister') is the Responsible Authority for the application.
- 2.8 The original permit for the land was issued on 12 August 2015 by the Minister for Planning pursuant to a VCAT consent order allowing demolition of the existing buildings and construction of a 3, 12 and 15 level mixed-use residential and commercial development.
- 2.9 The permit and plans were amended on 04 October 2016, and plans were further amended on 18 July 2019.
- 2.10 A further amendment to the permit and plans is now sought. Section 72 of the Planning and Environment Act enables the Responsible Authority to consider only the impacts of the proposed changes compared to the approved development. An application under S 72 does not enable reconsideration of the characteristics of the approved development. Therefore, this assessment will only detail the changes compared with the approved development noting these are the only matters of relevance for advice to the Minister.
- 2.11 Council requested and was granted an extension of time to provide a referral response until 24 July 2020 noting that it was expected that RFI material would be submitted earlier than this date. No subsequent extension was sought however the matter was discussed with both DELWP and the Permit Applicant.
- 2.12 The application is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of Section 64(1), (2), and (3), and review rights of Section 82(1) of the Act.
- 2.13 This report finds that the amendment would support the strategic objectives of the Fishermans Bend Urban Renewal Area and would largely add to the diverse land use mix sought to be achieved in the core area of the Wirraway Precinct.
- 2.14 On this basis it is recommended that Council advise the Minister that it supports the amended proposal with the suggested changes at Section 13 of this report.



3. RECOMMENDATION

RECOMMENDATION – PART A

3.1 That Council advises the Minister (C/- the Department of Environment, Land, Water, and Planning) and the applicant that:

1.1.1 3.1.1 Council supports the amendment application subject to conditions.

1.1.2 3.1.2 In the event the Minister determines to grant an amended permit for the application, it should incorporate the conditions set out in Section 13 of this report.

RECOMMENDATION – PART B

3.2 That Council authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review, and/or any future proceedings for the application including any independent advisory committee appointed by the Minister for Planning.

4. RELEVANT BACKGROUND

- 4.1 The original permit application was lodged in 2014. Officers provided advice to the Minister in February 2015 under delegation, raising concerns about building height and inconsistencies with the Framework Plan. The applicant lodged an application for review against the Minister's failure to grant a permit within the statutory time frame. Council was not a party to the VCAT matter because it was not a formal referral authority at the time. While Council unsuccessfully sought to be party to the hearing, VCAT did allow Council to provide submission to the Tribunal on the application for review. The matter was ultimately resolved by consent of the applicant, the Minister and VicRoads at a compulsory conference and a permit duly issued.
- 4.2 In May 2016, the applicant sought an amendment to the permit and plans. Council's Statutory Planning Committee considered the application at its meeting of 17 May 2016 and determined to support the amendment subject to a number of ESD conditions. The Minister duly issued an amended permit on 04 October 2016.
- 4.3 The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision
MPA14/0005 CoPP Ref: MINRA0002/2014 and 2/2014/MIN	<i>'Demolition of existing buildings for the purpose of dwellings and construction of multi-storey buildings for the purpose of dwellings and alteration of access to a Road Zone Category 1 generally in accordance with the endorsed plans'.</i> This permit approved a mixed-use development comprising 3-storey townhouses facing Tarver Street and three towers of 12, 12 and 15-storeys including a three storey podium including 443 dwellings, 908m ² of retail and commercial floor area, communal amenities and associated car and bicycle parking.	Approved (mediated and at direction of VCAT) 12 August 2015
MPA14/0005 Amendment CoPP Ref: 2/2014/MIN/A	MPA14/0005 amended to: - 'Demolition of a building in the Capital City Zone (CCZI); - Construction of multi-storey buildings comprising retail and commercial tenancies including a	Approved (at direction of VCAT) 04 October 2016



	<ul style="list-style-type: none"> - supermarket, gymnasium, day spa and dwellings and associated car parking in the CCZI; - Construction and carrying out of works in the CCZI; - Use of the land for Accommodation, gymnasium and day spa in the CCZI; - Provide car parking spaces in excess of the car parking rates specified in the Parking Overlay (POI); - Alter access to a Road Zone Category 1 (RDZI) generally, in accordance with the endorsed plans.' 	
MPA14/0005 Secondary Consent CoPP Ref 2/2014/MIN/A	<p>Amend endorsed plans to:</p> <ul style="list-style-type: none"> - Change kerb profile, materials, and outstand to corner of Prohansky and Tarver Street; - CitiPower assets plotted on plan (street electrical poles); - Street tree locations adjusted to provide clearance to Citipower assets; - Planting Schedule updates with the number of street trees reduced by five; 	Approved 18 July 2019

4.4 The current endorsed plans are dated 26 September 2018.

4.5 Council has also received a separate planning application for use of part of the land for a rooftop 'bar', a 'food and drink premises' and the sale and consumption of liquor on the premises. This application has not yet been advertised.

5. PROPOSAL

5.1 The proposal seeks to amend Ministerial Permit PA16/00082 pursuant to Section 72 of the *Planning and Environment Act 1987* to allow new uses and alterations to the approved buildings and works.

USE

5.2 The amendment seeks approval for new uses in Tower 3 as follows:

Cinema

5.3 It is proposed to change the existing resident only cinema on the ground floor mezzanine level to allow public access.

5.4 The cinema was part of the previously approved development however it was only for use by residents. Condition 42 of the permit states *'Except with the approval of the responsible authority, any recreational facilities, including lounge and cinema within the building must only be accessible to persons who are residents or guests of the residents'*.

5.5 The cinema provides for:

- A maximum of 27 seats;
- Maximum operating hours of 10am-10pm daily and 8am-10pm for private resident bookings
- Staffed by one employee

Office

5.6 A publicly accessible office is proposed at the ground floor mezzanine level.



- 5.7 A boardroom and business centre were part of the previously approved development however it was only for use by residents and controlled by Condition 42 of the permit.
- 5.8 The office is 247.4sqm in area

Medical Centre

- 5.9 A two-level medical centre is proposed at ground and mezzanine level at the Prohasky Street interface.
- 5.10 The medical centre provides for:
- A total of seven consulting rooms;
 - Maximum of seven (7) practitioners, plus support staff;
 - Operating hours of 8am-9pm Monday to Friday and 8am-7pm on Saturday.

Childcare Centre

- 5.11 A childcare centre is proposed at the ground floor mezzanine level and would occupy previous office space.
- 5.12 The applicant has indicated the childcare centre would be staffed by a separate nanny service and operate between 8am-9pm daily.
- 5.13 The childcare centre itself therefore would operate more akin to occasional care with a dedicated area provided for it.

Gymnasium

- 5.14 It is proposed to extend the approved gym to extend and occupy previous office space at the ground-floor mezzanine level and allow public access.
- 5.15 As the facilities are proposed to be made publicly accessible the amount of communal facilities has been reduced across the overall development. There still remains 916sqm of shared communal space by way of two rooftop areas and a shared podium open space accessible to all towers.

Buildings and Works

- 5.16 Only minor changes to the plans are proposed to the lower ground, ground, ground floor mezzanine, and rooftop level of Tower 3 as follows:
- Changes to ground floor and lower ground waste areas (no change to number of waste bins);
 - Increase in bicycle parking by 16 (from 138 to 154); and
 - Minor alterations to internal layouts.
- 5.17 The massing, siting, and façade of the building is not proposed to be altered.
- 5.18 The number of dwellings or number of car or motorcycle parking spaces is not proposed to be altered.
- 5.19 The plans which are subject of this assessment are Plans entitled Project No. 15120, Drawing Nos. A0190 Rev U, A0200_M Rev T, A0200 Rev T, A0201 Rev T prepared by Ellenberg Fraser, dated 26 June 2020.



6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The site is generally rectangular in shape and is approximately 7,456sqm in area. It features a 74m frontage to Plummer Street, a 101m interface to Prohasky Street, and a 74m interface to Tarver Street.
Existing building & site conditions	The subject site is bound by Plummer Street to the north, Prohasky Street to the west, and Tarver Street to the south. It shares its east boundary with 332 Plummer Street and 21 Smith Street. Currently the land is currently being developed in accordance with Planning Permit MPA14/0005 which permits a three-tower mixed use development. At present the development is well progressed and has been mostly subdivided.
Surrounds/ neighbourhood character	The land surrounding the site consists of the 'core' areas of the Wirraway precinct of the Fishermans Bend Urban Renewal Area. While the land is predominantly warehouse and industrial uses at present it is understood that this will transition into a vibrant mixed use precinct. Pursuant to the August 2018 updated Fishermans Bend Framework and Planning Scheme provisions, the specific 'core' area in close proximity to the site is proposed to consist of mixed-use development with preferred maximum heights of 12 storeys on the northern side of Plummer Street, 24 storeys on the southern side of Plummer Street, stepping down to generally 8 storeys beyond. The land west of Prohasky Street is designated as new public open space. The current condition of land surrounding the subject site is described as follows: <ul style="list-style-type: none"> • North: Plummer Street and a self-storage complex opposite. • East: Two-three storey warehouses / factory buildings. • South: Tarver Street and a two-storey warehouse / factory / office complex opposite • West: Prohasky Street and a large two-storey warehouse/factory opposite.

6.1 The site is recognised as Volume 12189, Folio 644, being Lot S5 on Plan of Subdivision 746020J

7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
Clause 37.04 Capital City Zone (CCZ1)	<p>Use</p> <p>Pursuant to Clause 37.04-1 land use is directed by the Schedule to the zone. Schedule 1 provides for the following land use controls:</p> <ul style="list-style-type: none"> - A permit is not required for the use of land for a 'restricted recreational facility' (gymnasium) as nested under 'minor sports and recreation facility' as it is an unconditional Section 1 use. - A permit is not required for the use of land for a 'medical centre' as nested under 'office' as it is an unconditional Section 1 use. - A permit is not required for the use of land for an 'office' as it is an unconditional Section 1 use. - A permit is required for the use of land for a 'childcare centre' as nested under 'education centre' as it is located within 450m of the South Melbourne to Brooklyn pipeline as shown on Map 5 of the Schedule.



	<p>- A permit is required for the use of land for a 'cinema' as nested under 'place of assembly' as it is located within 450m of the South Melbourne to Brooklyn pipeline as shown on Map 5 of the Schedule.</p> <p>A permit is therefore required under Clause 37.04-1 to use the land for the purpose of a 'childcare centre' and 'cinema'.</p> <p>A permit is also required to use the land for 'retail' if located within 450m of the South Melbourne to Brooklyn Pipeline as shown on Map 5 of the Schedule. The retail premises is currently approved as part of the permit however the preamble should be amended to reflect the necessary permit requirement.</p> <p>Clause 2.1 is not applicable as the application was approved before the gazettal date of Amendment GC81. Thus it does not apply to this application.</p> <p>Pursuant to Clause 2.3, an application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of section 63(1), (2), and (3) and the review rights of section 82(1) of the Act. This however does not apply to an application for a tavern (now known as bar).</p> <p><u>Buildings and Works</u></p> <p>Pursuant to Clause 37.04-4 a permit is required to construct a building or construct or carry out works unless the schedule specifies otherwise. A permit is also required to demolish or remove a building or works if specified in the schedule to the zone.</p> <p>Schedule 1 does not exempt the need for a permit for buildings and works or to demolish a building.</p> <p>A permit therefore continues to be required for buildings and works under Clause 37.04-4.</p> <p>Pursuant to Clause 4.7 of Schedule 1, the requirements of Clause 4.2, 4.3, and 4.4 do not apply to an application buildings and works associated with a continuing lawful use of land. Whilst several new land uses are introduced under this permit they form part of a broader development where the principal land uses are established and not subject to change.</p> <p>Pursuant to Clause 4.5, an application for the use of land is exempt from the notice requirements of Section 52(1)(a), (b), and (d), the decision requirements of section 63(1), (2), and (3) and the review rights of section 82(1) of the Act.</p>
<p>Clause 43.02 Design and Development Overlay Schedule 33 Fishermans Bend – Wirraway Precinct (DDO33)</p>	<p>The land is in Precinct Area W2 of DDO33 which encourages a hybrid (predominantly mid-rise) building typology and a part preferred maximum height of 36m (10 storeys) at the northern end and part 30m (8 storeys) at the southern end).</p> <p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works. A permit continues to be required under this provision.</p> <p>Pursuant to Clause 3.1, an application for construction of a building or to construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p>
<p>Clause 45.03 Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> - A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or - A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.



	<p>A planning permit is not required under this clause. The planning permit currently has conditions addressing the requirements of the EAO as it is currently approved for sensitive use.</p>																													
<p>Clause 45.09 Parking Overlay (P01)</p>	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay.</p> <p>The Parking Overlay Schedule 1 specifies that the maximum car parking rates are as follows:</p> <table border="1" data-bbox="427 645 1219 1021"> <thead> <tr> <th>Use</th> <th>Rate</th> <th>Measure</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Dwelling</td> <td>0.5</td> <td>To each 1 or 2 bedroom dwelling</td> </tr> <tr> <td>1</td> <td>To each 3 or more bedroom dwelling</td> </tr> <tr> <td>Industry</td> <td>1</td> <td>To each 150 square metres of gross floor area</td> </tr> <tr> <td>Office</td> <td>1</td> <td>To each 100 square metres of gross floor area</td> </tr> <tr> <td>Place of assembly</td> <td>1</td> <td>To each 100 square metres of gross floor area</td> </tr> <tr> <td>Residential Village, Retirement Village</td> <td>0.5</td> <td>To each dwelling</td> </tr> <tr> <td>Restricted retail premises</td> <td>1</td> <td>To each 100 square metres of gross floor area</td> </tr> <tr> <td>Retail premises</td> <td>1</td> <td>To each 100 square metres of gross floor area</td> </tr> <tr> <td>Supermarket</td> <td>2</td> <td>To each 100 square metres of gross floor area</td> </tr> </tbody> </table> <p>Under existing circumstances, the development provides parking above the maximum prescribed by the Parking Overlay Schedule. A permit continues to be required for excess parking pursuant to the Parking Overlay.</p> <p>The proposed amendment does not seek to provide for any additional parking spaces. The new uses proposed would not increase the maximum parking spaces allowable under the Parking Overlay to a level beyond the amount of car parking spaces provided on the land. A permit continues to be required for excess parking pursuant to the Parking Overlay.</p>	Use	Rate	Measure	Dwelling	0.5	To each 1 or 2 bedroom dwelling	1	To each 3 or more bedroom dwelling	Industry	1	To each 150 square metres of gross floor area	Office	1	To each 100 square metres of gross floor area	Place of assembly	1	To each 100 square metres of gross floor area	Residential Village, Retirement Village	0.5	To each dwelling	Restricted retail premises	1	To each 100 square metres of gross floor area	Retail premises	1	To each 100 square metres of gross floor area	Supermarket	2	To each 100 square metres of gross floor area
Use	Rate	Measure																												
Dwelling	0.5	To each 1 or 2 bedroom dwelling																												
	1	To each 3 or more bedroom dwelling																												
Industry	1	To each 150 square metres of gross floor area																												
Office	1	To each 100 square metres of gross floor area																												
Place of assembly	1	To each 100 square metres of gross floor area																												
Residential Village, Retirement Village	0.5	To each dwelling																												
Restricted retail premises	1	To each 100 square metres of gross floor area																												
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Supermarket	2	To each 100 square metres of gross floor area																												
<p>Clause 45.11 Infrastructure Contribution Overlay (IC01)</p>	<p>Clause 45.011-2 states that <i>'a permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into this scheme'</i>.</p> <p>No plan has been incorporated into the scheme.</p> <p>Pursuant to Clause 1.0 of the ICO1 'a permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into the scheme for... subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.</p> <p>The proposed internal rearrangement is considered to be able to be considered under this provision.</p>																													
<p>Clause 52.06 Car Parking</p>	<p>Pursuant to Clause 45.09-1, Clause 52.06 operates in conjunction with the Parking Overlay.</p>																													
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>Clause 52.34 requires a total of 162 bicycle parking spaces for the proposed amendment.</p> <p>The application provides a total of 162 bicycle parking spaces and therefore does not require a permit under Clause 52.34.</p>																													



8. PLANNING SCHEME PROVISIONS

8.1 The following State Planning Policies are relevant to this application:

Clause 11: Settlement

Clause 16: Housing

Clause 17: Economic Development, including:

Clause 17.01-1S – Diversified Economy

Clause 17.01-1R – Diversified Economy -Metropolitan Melbourne

Clause 17.02-1S – Business

Clause 18: Transport, including:

Clause 18.01-1S – Land Use and Transport Planning

Clause 18.01-2S – Transport System

Clause 18.02-1S – Sustainable Personal Transport

Clause 18.02-1R – Sustainable Personal Transport – Metropolitan Melbourne

Clause 18.02-2S – Public Transport

Clause 18.02-2R – Principal Public Transport Network

Clause 18.02-3S – Road System

Clause 18.02-4S – Car Parking

Clause 19: Infrastructure

8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.03-2: Sustainable Transport

Clause 21.04-1: Housing and Accommodation

Clause 21.04-3: Office and Mixed Activity Areas

Clause 21.04-8: Social Impact Assessments

Clause 21.06-8: Fishermans Bend Urban Renewal Area

The application also needs to be assessed against the following local planning policies:

Clause 22.15 Fishermans Bend Urban Renewal Area Policy

8.3 Other relevant provisions

Clause 52.06: Car Parking

Clause 52.34: Bicycle Facilities

Clause 65: Decision Guidelines including:

Clause 65.01: Approval of an Application or Plan

8.4 Relevant Planning Scheme Amendment/s

The original permit was approved in August 2015. Since that time there has been a number of amendments to the Port Phillip Planning Scheme. The relevant amendments include:

- **14 November 2016: Amendment GC50** which:
 - Introduced Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area. This included discretionary targets for dwelling diversity, affordable housing, and minimum floor areas for employment uses;



- Introduced the Design and Development Overlay, including interim mandatory maximum street wall and tower heights, and minimum tower street, side and rear boundary setbacks and tower separation distances; and
- Updated the Fishermans Bend Strategic Framework Plan, July 2014 (Amended September 2016) and incorporated document provisions.
- **05 October 2018: Amendment GC81** which:
 - Amended the Municipal Strategic Statement;
 - Amended the Fishermans Bend local policy at Clause 22.15;
 - Introduced Schedules to the DDO for the Montague, Sandridge and Wirraway precincts;
 - Introduced a new Schedule to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking;
 - Deleted the Development Contributions Plan Overlay at Schedule 2 to Clause 45.06 and added a new Clause 45.11 (Infrastructure Contributions Overlay) and Schedule (ICO1);
 - Applied the Environmental Audit Overlay (EAO); ○ Applied the Environmental Significance Overlay - Schedule 1 (ESO1) to the Wirraway precinct near the Port of Melbourne;
 - Amended the Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as recommending referral authorities for applications where the Minister for Planning is the responsible authority;
 - Amended the Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria.
- **20 June 2019: Amendment GC118** which corrected technical and formatting errors in Amendment GC81.

The amendments outlined above do not invalidate the existing permit.

9. REFERRALS

Internal referrals

The application was referred to the following areas of Council for comment.

Internal Referral Department	Comments (Summarised)
Traffic	<ul style="list-style-type: none"> - Car parking spaces provided on-site remains unchanged. - Recommended that car parking spaces are provided on-site for safe pick up and drop off for childcare centre. - Future streetscape may change and on-street car parking availability / supply may reduce. - Assessment of appropriate rate for car parking provisions lies with Statutory Planning.



	<p><u>Officer Comment</u></p> <p>The above comments are acknowledged. It is recognised that the supplied parking assessment indicates that a total of 3 spaces are provided for the childcare centre. The childcare centre is conveniently accessed from within the car park on the same level and as such a recommendation will be made to ensure that the car parking spaces allocated to the childcare will be located in close proximity to it.</p>
Waste	<p>I have reviewed the WMP and have below comments;</p> <ul style="list-style-type: none"> - Highly recommend space for Food/organic waste bin for future council services - Please provide the door width of residential charity bin room - Please label the bins to show if they are waste or recycling <p><u>Officer Comment</u></p> <p>A recommendation for the bins to be annotated on the plans will be included on Councils recommendation to the Minister.</p> <p>Noting the age of the permit and the well-advanced status of construction it is considered difficult to require the developer to provide for food/organic waste bins for future council services.</p>

External Referrals

- 9.1 Pursuant to Amendment GC81 approved on 5 October 21018, Port Phillip Council is a **recommending referral authority** for this application.
- 9.2 A referral authority must consider every application referred to it and may tell the responsible authority in writing that:
- a) It does not object to the granting of the permit; or
 - b) It does not object if the permit is subject to conditions specified by the referral authority; or
 - c) It objects to the granting of the permit on a specified ground.
- 9.3 The Minister is not bound to refuse to grant a permit if a **recommending** referral authority objects but must refuse an application if a relevant **determining** referral authority objects.

10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 The Minister is the Responsible Authority for the application.
- 10.2 The Minister has not given notice of the application.
- 10.3 An application to use the land for a child care centre and cinema and construct or carry out works under the CCZ1 and DDO33 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and review rights of Section 82(1) of the Act. An application to construct a building or construct or carry out works in Schedule 33 to the Design and Development Overlay is also exempt from notice.

11. OFFICER'S ASSESSMENT

- 11.1 This application seeks to make a number of currently approved resident only communal facilities into publicly accessible spaces. It furthermore seeks to 'fill-in' part of the mezzanine level and occupy this with commercial use, and make minor changes to the ground and lower-ground floor waste and bicycle facility arrangements.



- 11.2 Of note, this application does not propose to change the broader massing or design response of the approved development or the approved number of dwellings, parking spaces, or motorcycle parking spaces.
- 11.3 Council’s consideration of this application is therefore limited to the conversion of the communal facilities into commercial uses and the extent of internal rearrangement necessary to facilitate this change.
- 11.4 The application is broadly supported by the policy framework guiding the use of land within the core areas of the Fisherman’s Bend Urban Renewal Area.
- 11.5 Clause 21.04-3 encourages the Fisherman Bend Urban Renewal Area to facilitate a transition to a rich and vibrant high density mixed use area. It specifically includes strategies such as:
- Support the consolidation of the area as vibrant office and higher density residential precincts;
 - Encourage uses to cater for the daily convenience needs of people who live and work in these areas;
 - Provide retail growth opportunities within the Fishermans Bend Urban Renewal Area;
- 11.6 The proposal, whilst reducing the exclusive resident only use of recreational and convenience facilities within the development, would positively contribute to the diversity of future publicly accessible commercial, retail, and convenience uses in accordance with the overarching vision for Fisherman’s Bend as per Clause 21.04-3.
- 11.7 The following assessment will detail specific policies relevant to the application to amend the planning permit.

Local Policy

- 11.8 The Fishermans Bend Framework Plan identifies the Wirraway Precinct as a ‘family friendly inner city neighbourhood close to the Bay and Westgate Park’.
- 11.9 The subject site is located within the ‘core’ area of the Wirraway Precinct.
- 11.10 With respect to Council’s Fishermans Bend Urban Renewal Area Policy the following assessment is provided. It is noted that this assessment focuses on the policy guidelines relevant to the application at hand:

Clause 22.15 Policy Measure	Officer Assessment
<p>Clause 22.15-4.1 Providing for Employment Floor Area</p> <p>Development in the core area of the Wirraway Precinct should provide a minimum plot ratio of 1.9:1 not used for dwelling.</p>	<p>The approved development does not provide for employment uses that occupy a plot ratio of 1.9:1 of the site.</p> <p>The proposed amendment would increase the amount of employment floor area by converting residential communal facilities into publicly accessible areas however this would not meet the required 1.9:1 plot ratio.</p> <p>Despite not complying with this requirement the outcome is considered acceptable as it would reduce the extent of non-compliance associated with a historical application that pre-dates this requirement.</p>
<p>Clause 22.15-4.2 – Community and Diversity</p>	<p>The amendment would reduce the amount of exclusive resident only communal facilities. This includes:</p> <ul style="list-style-type: none"> - A 27-seat cinema;



<p>This policy is for the most part not relevant noting that the amendment does not proposed to amend the current dwelling provision.</p> <p>Relevant policy includes:</p> <ul style="list-style-type: none"> - <i>Encourage communal open spaces within residential development to include a range of facilities, garden and recreation areas, with a consideration given to opportunities for a range of uses.</i> 	<ul style="list-style-type: none"> - A boardroom and business centre (office); <p>The amendment would convert the cinema and the office space into publicly accessible spaces. The office also being reduced in area as some of it will be converted into a gym or a childcare centre.</p> <p>The loss of these niche resident only spaces is not considered inappropriate with respect to the amenity of current and future residents. There remains a large amount of communal open space available to residents and the above facilities may still be used by residents, albeit not exclusively.</p> <p>The net community benefit of the conversion of these spaces is considered to be positive with respect to the broader Fishermans Bend Urban Renewal Area and is considered to positively contribute to the functionality of the core areas of the Wirraway Precinct. It is further considered to support the balance retail and commercial areas of the current approval by virtue of an increase to potential foot traffic in the area.</p> <p>The proposal is therefore considered acceptable.</p>
<p>Clause 22.15-4.3 – Providing for Affordable Housing</p>	<p>This policy is not relevant as the number of dwellings is not proposed to be altered.</p>
<p>Clause 22.15-4.4 – Design Excellence</p>	<p>This policy is not relevant to this application as the broader design, siting, and massing of the approved development is not proposed to be altered.</p>
<p>Clause 22.15-4.5 – Achieve a climate adept, water sensitive, low carbon, low waste community.</p>	<p>Council’s assessment of the previous 2016 Amendment recommended the inclusion of a number of ESD conditions onto the permit. This application does not induce a change sufficient to warrant any further ESD related conditions.</p>
<p>Clause 22.15-4.6 – Communal Open Spaces</p> <p>It is policy to:</p> <ul style="list-style-type: none"> - Create private and communal open spaces within developments to supplement the public open space network 	<p>The application does not propose to alter any of the communal open spaces currently supplied to residents. The application is therefore considered not relevant to this policy.</p>
<p>Clause 22.15-4.7 – Landscaping</p>	<p>This policy is not relevant to the application as no external works are proposed to the current approval.</p>
<p>Clause 22.15-4.8 – New streets laneways, and pedestrian connections</p>	<p>This policy is not relevant to the application as no external works are proposed to the current approval.</p>
<p>Clause 22.15-4.9 – Sustainable Transport</p> <p>It is policy to:</p> <ul style="list-style-type: none"> - Ensure development does not compromise the delivery of future public transport; - Provide high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers, and lockers. 	<p>The application includes several positive changes to the current bicycle parking facilities including:</p> <ul style="list-style-type: none"> - An additional 16 bicycle parking spaces provided; - An additional three shower/change rooms provided within the level one garage space. <p>The number of car parking spaces is not proposed to change.</p> <p>The application is therefore considered acceptable with respect to this policy.</p>



- Encourage development to provide less than the preferred maximum number of car parking spaces.

Clause 22.15.4-10 – Land Use Transition

This policy is not relevant to this application.

11.11 Based on the above assessment the proposed amendment would have largely limited consequence with respect to Clause 22.15.

11.12 It is however noted that the proposal would provide for positive improvements in the most relevant areas such as sustainable transport and employment.

12. CLAUSE 37.04: CAPITAL CITY ZONE (CCZ1)

Use of Land

12.1 As discussed in Section 7 of this report the following land uses require a planning permit under the CCZ1:

- 'Childcare centre'
- 'Cinema' (as nested under a place of assembly).

12.2 The use of land for the purposes of an 'gymnasium', 'office', and 'medical centre' do not require a planning permit for use.

12.3 The use of the land for the purpose of a cinema is considered acceptable for this site given its relatively limited capacity and constrained operating hours.

12.4 The use of land for a childcare centre is considered acceptable for this site given its relatively small area and the use is more akin to occasional care. Whilst the use of the land is considered acceptable, the manner in which it is proposed is considered not sufficiently well-defined to warrant support.

12.5 The applicant suggests that the childcare centre will be staffed by an independent nanny service and does not represent a true childcare centre as distinct from a place for minding children.

12.6 Council originally received the application prior to a request for further information being issued to the applicant by the Minister.

12.7 Council remarked that it was unclear how the childcare centre would operate and that consideration would be required under the National Childcare Regulations as per standard procedure when dealing with childcare centres.

12.8 The applicant responded to this matter and notes:

'To operate commercially, the Childcare Centre will require approval from the Department of Education and will be assessed in accordance with the Education and Care Services National Regulations. Due to the nature of the service, it will be classified as a "Type 1 Limited Hours Service".'

'In line with the limited service proposed, the Childcare centre will operate via a bookings system and will be staffed only at these times. It will be an option to use the space outside the operation hours by residents of the building.'

12.9 In light of this response and the necessary approvals required in order for the use to operate within the space Officers consider the proposal acceptable.



12.10 The two proposed uses are consistent with the objectives of the CCZ1 which seek to make the Fishermans Bend Urban Renewal Area a vibrant mixed use area offering a variety of land uses. Schedule 1 to the CCZ relevantly seeking to:

- *Create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity, and innovation;*
- *Create a highly liveable mixed use area where the scale of growth is aligned with the provision of public transport and other infrastructure.*

12.11 In this respect the uses proposed to be introduced into the permit are considered acceptable.

Buildings and Works

12.12 A permit is required for buildings and works pursuant to the CCZ1.

12.13 Clause 4.7 of Schedule 1 specifies that the requirements of Clauses 4.2, 4.3 and 4.4 do not apply to an application for buildings and works associated with a continuing lawful use of land. Noting this these sections will not be discussed.

12.14 The relevant decision guidelines for buildings and works within the CCZ1 relate to (with officer comment provided thereafter):

- Whether the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy

As discussed in the earlier section the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Local Area policy.

- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links.

The proposal makes a positive contribution to improving sustainable transport options for future occupants and visitors through increased bicycle parking and end of trip facilities. .

- Whether appropriate sustainable water, waste and energy management is proposed.

With respect to sustainability these are currently included in the permit and have been resolved prior to this amendment. The amendment currently being proposed has limited impact on the broader sustainability outcome of the development.

With respect to waste, this will be discussed later in this report.

12.15 Broadly, and subject to specific assessment where needed later in this report the proposal represents an acceptable buildings and works outcome.

CLAUSE 43.02: DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 33 – FISHERMANS BEND WIRRAWAY PRECINCT

12.16 The site is located within the W2 precinct of the DDO33 extent. This encourages a hybrid building typology with a maximum height of 36m (at the northern end) and 30m (at the southern end).

12.17 The proposal does not seek to alter the broader approval in terms of massing, siting, setbacks, façade, or design response.



12.18 In this respect a large proportion of the DDO33 is not relevant to this application including:

- Clause 2.4 – Building typologies;
- Clause 2.5 – Building height
- Clause 2.6 – Overshadowing;
- Clause 2.7 – Street wall height;
- Clause 2.8 – Setbacks above the street wall;
- Clause 2.9 – Side and rear setbacks;
- Clause 2.10 – Building separation within a site;
- Clause 2.11 – Wind effects on the public realm;
- Clause 2.13 – Active street frontages;
- Clause 2.14 – Adaptable buildings
- Clause 2.15 – Building finishes;

12.19 Matters that are of relevance which will be discussed below include:

- Clause 2.12 – Communal open space

12.20 The relevant clauses will be addressed in the following table:

Clause	Officer Assessment
<p>Clause 2.12 – Communal Open Space</p> <p>Communal open space that:</p> <ul style="list-style-type: none"> - Meets the needs of residents. - Delivers significant opportunities for landscaping, including large trees, within the development and contribute to the visual amenity of apartments. - Supports a range of recreational uses. - Can be readily accessed from within the development and provide direct pedestrian connections to the street. 	<p>This policy predominantly relates to external open space as distinct from internal facilities provided for the residents.</p> <p>The application does not seek to amend communal open space rather it focuses on converting internal resident-only facilities to publicly accessible uses.</p> <p>In this respect the proposal is considered acceptable with respect to this policy by virtue of its limited impact on external open space.</p>

12.21 In this respect the proposal is considered acceptable with respect to the DDO33 as it has no impact on the external siting or composition of the building.

CAR PARKING

12.22 The subject site is located within the Parking Overlay area which specifies a maximum number of car parking spaces to be provided as opposed to a minimum under the normal Clause 52.06 scenario.

12.23 Under the current approval the proposal provides parking that is in excess of the maximum allowance under the Parking Overlay Schedule 1. A permit was granted for this arrangement which is reflected in the preamble of the existing permit which notes 'provide car parking spaces in excess of the car parking rates specified in the Parking Overlay (PO1)'.



- 12.24 The proposal would convert several of the resident-only uses to publicly accessible commercial uses.
- 12.25 This would result in the maximum parking allowance being increased from the current allowance under the Parking Overlay Schedule 1.
- 12.26 Despite the increased allowance the broader development would still not comply with the maximum parking allowance as a result of the number of car parking spaces allocated for residential use.
- 12.27 The current approval provides for a total of 491 car parking spaces which is not proposed to be increased or reduced.
- 12.28 As the number of parking spaces is not proposed to change and the extent of parking oversupply pursuant to the Parking Overlay would be reduced through the inclusion of new commercial uses the proposal is considered acceptable.

Design Standards for Car Parking

- 12.29 Whilst the Parking Overlay specifies the maximum number of car parks allowed to be provided on the land, Clause 52.06 is still relevant with respect to the design standards for car parking facilities.
- 12.30 The application does not seek to amend the design or layout of the parking or access arrangements. The application is therefore considered acceptable with respect to the design standards of Clause 52.06 by virtue of it being assessed in previous iterations of the permit.

BICYCLE PARKING

- 12.31 Bicycle parking provision is directed by Clause 52.34 of the Port Phillip Planning Scheme.
- 12.32 It is understood that Clause 4.2 of the CCZ1 outlines additional bicycle parking provisions however this clause does not apply to the application noting the exemption at Clause 4.7.
- 12.33 The applicants traffic report provides incorrect bicycle parking calculations.
- 12.34 Clause 52.34 states that *‘if in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half the requirement is the next whole number’*.
- 12.35 The following bicycle facilities are therefore required pursuant to Clause 52.34:

Use	Statutory Parking Rate	Requirement
Dwelling x 412	1 resident space to each 5 dwellings	123
	1 visitor space to each 10 dwellings	82 (residents) 41 (visitors)
Office 247.4sqm	1 employee space to each 300m ² of leasable floor area	1 (employee)
	1 visitor space to each 1000m ² of leasable floor area	
Retail 228sqm	1 employee space to each 300m ² of leasable floor area	1 (employee)
	1 visitor space to each 500m ² of leasable floor area	
Supermarket 411sqm	Only applicable if leasable flood area exceeds 1000sqm	



Day Spa 181sqm	1 employee space to each 300m ² of leasable floor area 1 visitor space to each 500m ² of leasable floor area	1 (employee)
Medical Centre 7 practitioners	1 employee space to each 8 practitioners 1 visitor space to each 4 practitioners	3 1 (employees) 2 (visitors)
Bar (Rooftop) 332.9sqm	1 employee space to each 25m ² of bar floor area available to public access 1 visitor space to each 25m ² of bar floor area available to public access	26 13 (employee) 13 (visitors)
Restaurant 777sqm	1 employee space to each 100m ² of floor area available to public access 2 plus 1 visitor spaces to each 200m ² of floor area if floor area exceeds 400sqm	14 8 (employee) 6 (visitors)
Cinema (Place of Assembly) 53sqm	1 employee space to each 1500m ² of net floor area 2 plus 1 visitor space to each 1500m ² of net floor area	0
Childcare 58sqm	No statutory rate	0
Gymnasium (Restricted Recreational Facility) 401sqm	1 employee space to each 4 employees 1 visitor space to each 200m ² of net floor area	2 Undetermined (employees) 2 spaces (visitors)
TOTALS:		171 82 (residents) 25 (employees) 64 (visitors)

12.36 Subtracting the requirements for the proposed rooftop bar and restaurant (proposed under separate planning application) the amendment would generate a total statutory bicycle parking requirement for 134 bicycle parking spaces. When taking the holistic development into account the proposal would require 171 bicycle parking spaces.

12.37 The applicant proposes to provide a total of 162 bicycle parking spaces. 102 of these being for residents/employees and the balance 60 for visitors. *Note this includes provision for the rooftop bar and restaurant uses.* This falls short of the required 171 spaces by 9 spaces.

12.38 An additional 9 bicycle parking spaces will be recommended to the Responsible Authority. This will ensure that a planning permit for a reduction in bicycle facilities will not be necessary for the ultimate form of the development. It will also further support the sustainable transport outcomes for the broader Fishermans Bend Urban Renewal Area.

12.39 As noted, the bicycle parking spaces provided in this amendment are predicated on the basis that the rooftop bar and restaurant are approved in a separate planning permit application currently being assessed with the City of Port Phillip. This approach is supported by Council noting the limitations imposed by the Schedule to Clause 72.01 and as such is assessed holistically on the basis of the potential final form of the development.



12.40 On the basis of combining the two applications and their proposed uses the bicycle parking provision would not satisfy the requirements of Clause 52.34 in the developments ultimate form by a shortfall of 9 bicycle parking spaces.

12.41 Furthermore Clause 52.34 also includes a requirement for end of trip shower/changeroom facilities at a rate of 1 shower for the first five employee bicycle spaces and one to each 10 employee spaces thereafter. One changeroom must be provided to each shower.

12.42 This generates a requirement of three shower/changeroom facilities.

12.43 The application provides the necessary three shower/changeroom facilities and satisfies this requirement.

WASTE MANAGEMENT

12.44 With a change of use comes varied waste management arrangements.

12.45 The applicant has provided a revised waste management plan for the overall development which has been reviewed by Council's Waste Management department.

12.46 As discussed earlier in this report Council's waste officers do not object to the proposal subject to minor conditions requiring consideration of food/organic waste bins for future council services and several updates to the plans to clarify details.

12.47 In this respect the proposal is considered acceptable with respect to waste management.

ENVIRONMENTAL AUDIT OVERLAY

12.48 The land is subject to the Environmental Audit Overlay.

12.49 Conditions 45, 46, and 47 on the approved permit require a certificate of environmental audit and potentially a statement of environmental audit to be undertaken before the development starts.

12.50 It is Council's understanding this requirement has been fulfilled as works are now advanced.

12.51 In this respect the matters pertaining to the Environmental Audit Overlay have been previously addressed.

12.52 The amendment would not change the requirements for an environmental audit to be undertaken nor would it change the results.

INFRASTRUCTURE CONTRIBUTIONS

12.53 The land is subject to the Infrastructure Contributions Overlay.

12.54 The development was approved prior to the introduction of the Infrastructure Contribution Overlay being applied to the land.

12.55 Despite this Conditions 21 and 22 detail the obligation the landowner has in providing for what has previously been deemed an acceptable level of contributions.

12.56 This amendment would increase the amount of commercial and retail floor area which would induce a greater extent of development contributions to be paid to the Metropolitan Planning Authority (now Victorian Planning Authority or VPA).

12.57 The requirements of Condition 21 and 22 is expected to be addressed between the applicant and the VPA.



12.58 It is reasonable to expect that some change to the plans will occur over the life of the permit and it is expected that Conditions 21 and 22 will be sufficient to address these changes.

PUBLIC OPEN SPACE

12.59 No public open space is proposed.

13. PERMIT CHANGE ASSESSMENT

13.1 The following table outlines the current and proposed amendments. An officer assessment is provided thereafter. New text is **bold and underlined**, deleted text is ~~strike through~~.

Existing Preamble	Proposed Preamble
<ul style="list-style-type: none"> - Demolition of a building in the Capital City Zone (CCZ1); - Construction of multi-storey buildings comprising retail and commercial tenancies including a supermarket, gymnasium, day spa, and dwellings and associated car parking in the CCZ1; - Construction and carrying out of works in the CCZ1; - Use of the land for Accommodation, gymnasium, and day spa in the CCZ1; - Provide car parking spaces in excess of the car parking rates specified in the Parking Overlay (PO1); - Alter access to a Road Zone Category 1 (RDZ1) 	<ul style="list-style-type: none"> - Demolition of a building in the Capital City Zone (CCZ1); - Construction of multi-storey buildings comprising retail and commercial tenancies including a supermarket, gymnasium, day spa, office, medical centre and dwellings and associated car parking in the CCZ1; - Construction and carrying out of works in the CCZ1; - Use of the land for Accommodation, gymnasium, cinema, childcare, retail and day spa in the CCZ1; - Provide car parking spaces in excess of the car parking rates specified in the Parking Overlay (PO1); - Alter access to a Road Zone Category 1 (RDZ1) <p><u>Officer Comment</u> The introduction of 'retail' is a requirement of the recently amended planning controls for the Fisherman's Bend Urban Renewal Area through the Capital City Zone Schedule 1. Previously no permit was required for this use.</p>
Existing Permit Condition	Proposed Conditions
<p>Condition 42 <i>Except with the approval of the responsible authority, any recreational facilities, including lounge and cinema within the building must only be accessible to persons who are residents or guests of the residents.</i></p> <p><i>Except with the approval of the responsible authority, any recreational facilities, including lounge and other than the cinema, the gym and the child care within the building must only be accessible to persons who are residents or guests of the residents.</i></p>	<p>The applicant has requested approval under Condition 42 from the responsible authority for the cinema, gym and childcare facilities to be used by the public but has not proposed alternate wording for the condition.</p> <p><u>Officer Comment</u> There is a question as to whether it is of more benefit to delete or amend this condition as opposed to providing written approval. Whilst the condition allows for written approval, it is considered it would be more transparent to amend the permit so all permissions are on one document, rather than on the permit and separate other correspondence. A suggested amended condition is as follows:</p>



	<p><i>Except with the approval of the responsible authority, any recreational facilities, including lounge and within the building (other than the cinema, the gym and the child care centre) must only be accessible to persons who are residents or guests of the residents.</i></p> <p>Alternatively, the condition could be deleted as the provision of recreational activities for residents is at the discretion of the building owner and operator. Ideally it would be deleted from the permit.</p> <p>Officers contend that this matter is left to the discretion of DELWP through the Minister to determine whether it is best deleted, amended, or written consent provided.</p>
Council recommended changes	
Provision of an additional 9 bicycle parking spaces	As discussed with regard to Clause 52.34 an increased provision of bicycle facilities is recommended when taking into account the simultaneous application for the ground floor restaurant and rooftop bar current being assessed by Council.
Consideration should be given for future organic/green waste bins	Council's Waste department have recommended consideration be given to future bin provision for organic and waste bins. Council understand that we cannot compel the applicant to provide this but strongly encourage it.
Allocation of car parking spaces for childcare should be immediately accessible to the childcare centre itself.	Council's Traffic department have recommended this to ensure the most optimal outcome with respect to traffic safety.

14. COVENANTS

- 14.1 The applicant has completed a declaration that there is no restrictive covenant on the Title for the subject site known as Volume 12189, Folio 644, being Lot S5 of Plan of Subdivision 746020J.
- 14.2 Notwithstanding this declaration, a review of the Title reveals it is encumbered with a Section 173 Agreement for development contributions for the original development. The Agreement specifies the obligations, amounts, and timing of the contributions.

15. OFFICER DIRECT OR INDIRECT INTEREST

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

16. OPTIONS

- 16.1 Advise the Minister that the Council supports the application as lodged.
- 16.2 Advise the Minister that the Council supports the application subject to conditions for changes to the design.
- 16.3 Advise the Minister that the Council does not support the application for the reasons set out in this report, and/or any other concerns of Council.



17. CONCLUSION

- 17.1 The proposed amendment would convert previous resident-only facilities to publicly accessible spaces and make several minor amendments to the internal layout.
- 17.2 The proposed uses are consistent with and would support the rich mixed-use future of the Fishermans Bend area and is located appropriately within the 'core' area of the Wirraway Precinct.
- 17.3 Whilst it is acknowledged that the conversion of the resident-only facilities to public would reduce the amenity immediately accessible to the residents of the development, the net community benefit it provides for the broader Fishermans Bend Area outweighs this loss. It is further recognised that these spaces will continue to be accessible to residents for the near future noting that the area remains relatively undeveloped.
- 17.4 The proposal does not seek to amend the broader built-form or design response and as such these matters are not considered as part of this amendment. The internal layout changes are not considered to have any substantial impact on the functionality of the buildings.
- 17.5 A number of recommendations are made at Section 13 of this report to address minor technical matters, however holistically the proposed amendments are considered acceptable and should be supported.

TRIM FILE NO:

PF20/18125

ATTACHMENTS

- 1. Amended Plans**
- 2. Current Endorsed Plans**
- 3. Planning Permit**