



**6.9** 15-35 THISTLETHWAITE STREET AND 1-4 SHAMROCK PLACE, SOUTH MELBOURNE

**LOCATION/ADDRESS:** 15-35 THISTLETHWAITE STREET AND 1-4 SHAMROCK PLACE, SOUTH MELBOURNE

**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT

**PREPARED BY:** BRAD FOLETTA, SENIOR URBAN PLANNER  
SIMON GUTTERIDGE, PLANNING COORDINATOR CANAL WARD AND FISHERMANS BEND

## 1. PURPOSE

- 1.1 To consider and determine application P277/2015/A, to amend existing permit P277/2015 under s 72 of the *Planning and Environment Act 1987* to make amendments to the plans, and delete condition 29 to approved permit to demolish a building in the Capital City Zone (CCZ1). Construct a multi storey tower (8 storeys) comprising retail and commercial tenancies, dwellings and associated car parking in the CCZ1. Construct and carry out works in the CCZ1. Use the land for dwellings in the CCZ1.

## 2. EXECUTIVE SUMMARY

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Accommodation (dwellings) within the Fishermans Bend Urban Renewal Area
<b>APPLICATION NO:</b>	P277/2015/A
<b>APPLICANT:</b>	Australian Ruiyi Pty Ltd c/- Urbis
<b>EXISTING USE:</b>	Retail, commercial (offices), warehouses and car park uses
<b>ABUTTING USES:</b>	One and two storey commercial and industrial uses
<b>ZONING:</b>	Capital City Zone – Schedule 1 (CCZ1)
<b>OVERLAYS:</b>	Design and Development Overlay – Schedule 30 (DDO30) Special Building Overlay – Schedule 2 (SBO2) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Infrastructure Contribution Overlay – Schedule 1 (ICO1)



**STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL** Expired

- 2.1 Planning Permit P277/2015 was issued by Council on 14 December 2015 in accordance with a VCAT consent order to demolish a building in the Capital City Zone (CCZ1), Construct a multi storey tower (8 storeys) comprising retail and commercial tenancies, dwellings and associated car parking in the CCZ1, Construct and carry out works in the CCZ1 and Use the land for dwellings in the CCZ1.
- 2.2 No plans have been endorsed in accordance with condition 1 of the permit.
- 2.3 On 17 April 2018, Council issued a two-year extension to the permit; the permit will now expire if the development is not started by 14 December 2019.
- 2.4 The permit applicant is now seeking to amend the permit to make changes to the plans, and permit conditions.
- 2.5 The key changes sought to the plans are:
  - a) Changes to the dwelling configuration and layouts, reducing the number of dwellings from 61 to 48 dwellings, resulting in a car park to dwelling ratio of 0.98 spaces per dwelling.
  - b) Change the number and mix of 1, 2 and 3-bedroom dwellings.
  - c) Changes to the basement level 1 and 2 car parking and residential storage cage layout, including reducing the number of residential car spaces from 50 to 47.
  - d) Minor alterations to the layout of the service areas within the ground level.
  - e) Minor changes to the roof form above the communal roof top terrace, and to roof top services.
  - f) Minor changes to the external appearance of residential balconies and residential entry, mainly to external materials.
- 2.6 The key changes sought to the permit conditions are:
  - a) Deletion of Condition 29 of the permit which states: *the total number of car parking spaces for the approved dwellings must not exceed a rate of 0.81 spaces per dwelling.*
- 2.7 The applicant has submitted that the change in the dwelling mix to reduce the number of small dwelling and increase the number of large dwellings, and the increase in the car parking ratio for the dwellings is sought because of '.... a fluctuating residential market where prospective buyer's sentiment toward larger bedroom product has resulted in increasing interest in 3-bedroom apartments.'
- 2.8 The Victorian planning system recognises that a permit holder's intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed, S72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.



- 2.9 An application to amend a permit under S72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development. It also avoids the proliferation over time of permits for different aspects of the use and development of a parcel of land.
- 2.10 The proposed development would remain consistent with the existing and proposed strategic policy framework for Fishermans Bend, with the exception of the increase in the parking ratio proposed per dwellings of 0.98 spaces, which is not supported. The requested parking ratio contradicts the newly reiterated focus within the latest revision of the Fishermans Bend Urban Renewal Area (October 2018) to create a leading example of a sustainable a low carbon mixed use community, focusing on walkability and public transport usage.
- 2.11 To ensure that a more appropriate ratio is maintained in line with the revised requirements of the Parking Overlay – Schedule 1 of 0.5 spaces per 1 and 2-bedroom dwelling and 1 per three-bedroom dwellings, the request to remove Condition 29 which requires a maximum parking ration of 0.81 space per dwellings is not supported.
- 2.12 The proposed revised dwelling layouts and sizes would have an acceptable level of internal amenity and would provide a range of dwelling options for different types of households including those with children, which would be a suitable outcome in line with the intentions of the Fishermans Bend Framework. The changes would not increase the height of the building and would only slightly change the building envelope and would not cause any increase in adverse off-site amenity impacts.
- 2.13 It is recommended that Council issues an Amended Planning Permit, subject to conditions, and the retention of Condition 29.

### 3. RECOMMENDATION

#### 3.1 RECOMMENDATION - PART A

- 3.1.1 That in relation to Planning Permit Application P227/2015/A, Council issue an Amended Planning Permit, to demolish a building in the Capital City Zone (CCZ1), construct a multi storey tower (8 storeys) comprising retail and commercial tenancies, dwellings and associated car parking in the CCZ1, construct and carry out works in the CCZ1, use the land for dwellings in the CCZ1 at 15-35 Thistlethwaite Street and 1-4 Shamrock Place, South Melbourne, with the following amendments:

##### **Amended Conditions**

Condition 1 (Amended Plans Required) amended to include additional Conditions 1(v) and 1(w) as follows:

- (v) The number of residential car spaces reduced to comply with condition 29 of this permit.



- (w) All doors along Shamrock Place modified to open inwards (away from Shamrock Place).

**Amended Plans**

Amend the plans, generally in accordance with the drawings entitled Project No. 216095, Drawing Nos. TP00.00 Rev E, TP00.01 Rev E, TP01.01 Rev E to TP01.06 Rev E, TP01.07, TP01.08 Rev E, TP01.09 Rev E, TP01.10, TP01.11 Rev E, TP01.12 Rev E, TP02.01 Rev E to TP02.04 Rev E, TP03.01 Rev E, TP03.02 Rev E, TP05.01 Rev E and TP05.05, all dated 16.07.18, prepared by Rothe Lowman Architects, date stamped received by Council on 31/07/2018, subject to further amendments as per Conditions 1(v) and 1(w).

- 3.1.2 All other conditions including the existing Condition 1 requirements (a) to (u) and Condition 29 are to remain the same.

**3.2 RECOMMENDATION - PART B**

Authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review.

**4. RELEVANT BACKGROUND**

- 4.1 Four recent permit applications are recorded for the subject land:

Application No.	Proposal	Decision
P760/2010	Use for Motor Vehicle Sales	Permit, 24 November 2010
P198/2013	Use for Motor Vehicle Repairs	Permit, 19 April 2013
P277/2015	Demolish a building in the Capital City Zone (CCZ1). Construct a multi storey tower (8 storeys) comprising retail and commercial tenancies, dwellings and associated car parking in the CCZ1. Construct and carry out works in the CCZ1. Use the land for dwellings in the CCZ1.	Permit, 14 December 2015 (in accordance with a VCAT consent order)
136/2017	Use for Sales display suite and associated signage	Permit, 04 April 2017

- 4.2 Planning Permit P277/2015 was issued by Council on 14 December 2015 in accordance with a VCAT consent order to demolish a building in the Capital City Zone (CCZ1). Construct a multi storey tower (8 storeys) comprising retail and commercial tenancies, dwellings and associated car parking in the CCZ1. Construct and carry out works in the CCZ1. Use the land for dwellings in the CCZ1.
- 4.3 No plans have been endorsed in accordance with Condition 1 of the permit.
- 4.4 At its meeting of 28 March 2018, Council's Statutory Planning Committee determined to extend the date in which the development may start for two years from 14 December 2017 to 14 December 2019.
- 4.5 Since Planning Permit P277/2015 was issued, the Planning Scheme has been amended including Amendment GC81 (gazetted 05 October 2018), which modified the controls affecting the site as follows:



- 4.5.1 Modification of Local Planning Policy, Clause 22.15 Fishermans Bend Urban Renewal Area Policy (formerly the Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area policy), which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- 4.5.2 Modification of the Capital City Zone Schedule 1 introducing maximum dwelling densities, and specifying mandatory rates for bicycle, motorbike and car share spaces, as well as mandatory permit conditions for environmentally sustainable design via a Green Star rating.
- 4.5.3 Three modified Design and Development Overlays, Schedules DDO30, DDO32 and DDO33 which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.
- 4.5.4 Modification to the Parking Overlay Schedule 1, to reduce the maximum parking rates for residential dwellings.
- 4.5.5 Introduction of the Fishermans Bend Framework, October 2018. as a reference document to Port Phillip Planning Scheme.

## 5. PROPOSAL

5.1 It is proposed to amend permit P277/2015 under S72 of the *Planning and Environment Act 1987* as follows:

Existing conditions	Proposed conditions
<b>Condition 29.</b> The total number of car parking spaces for the approved dwellings must not exceed a rate of 0.81 spaces per dwelling.	Delete.
Proposed changes to development plans	
Amend the plans, as shown on the drawings entitled Project No. 216095, Drawing Nos. TP00.00 Rev E, TP00.01 Rev E, TP01.01 Rev E to TP01.06 Rev E, TP01.07, TP01.08 Rev E, TP01.09 Rev E, TP01.10, TP01.11 Rev E, TP01.12 Rev E, TP02.01 Rev E to TP02.04 Rev E, TP03.01 Rev E, TP03.02 Rev E, TP05.01 Rev E and TP05.05, all dated 16.07.18, prepared by Rothe Lowman Architects, date stamped received by Council on 31/07/2018, as follows: <ul style="list-style-type: none"> <li>• Changes to the dwelling configurations, layouts and sizes including combining a number of one and two-bedroom dwellings to create larger 3-bedroom dwellings, reducing the number of dwellings from 61 to 48 as follows:</li> </ul>	



	PREVIOUSLY PROPOSED		CURRENTLY PROPOSED		CHANGE
	Quantity	Mix (%)	Quantity	Mix (%)	
1 Bedroom apt.	15	24.6	5	10.4	-10
2 Bedroom apt.	36	59.0	22	45.8	-14
3 Bedroom apt.	10	16.4	21	43.7	+11
<b>Total apts.</b>	61	100	48	100	-13
	<u>Required</u>	<u>Provided</u>	<u>Required</u>	<u>Provided</u>	
<b>Total residential cars</b>	61 (max)	50	51(max)	47	-3

- Reduce the number of residential car spaces by three from 50 to 47.
- Increase the residential car parking ratio from 0.81 spaces per dwelling to 0.98 spaces per dwelling as a consequence of the reduction in the number of dwellings from 61 to 48, contrary to Condition 29 on the existing permit.

**Basement level 2**  
Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015 and:

- The removal of three residential car spaces to achieve a total of 21 residential car parking spaces and three retail car parking spaces.
- Relocation of six residential storage cages into the location vacated by the deleted car spaces.

**Basement level 1**  
Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Twenty-six residential car parking spaces.
- Relocation of two residential storage cages and rearrangement of six storage cages.

**Ground level (Level 0) (Podium)**  
Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combining of the sprinkler tank and fire pump rooms.
- Additional pedestrian exit from the residential bike room to rear laneway.
- Decrease in floor level of the substation to RL2.3m and minor increase in total area from 24.8m<sup>2</sup> to 25.9m<sup>2</sup>.
- Relocation of hard waste area from residential bin room to loading bay, and its replacement with the electrical switchboard cupboard.
- Three retail tenancies including minor changes to the floor area of tenancies 1 and 2.

**Level one (Podium)**  
Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Modification on one north facing two-bedroom dwelling to become a one-bedroom dwelling.
- Combination of 2 one bedroom south facing dwellings to become a single two-bedroom dwelling.



- Minor internal alterations to all dwellings, and communal hallways.
- Minor alteration to balcony dimensions of the four south facing dwellings.
- Two x 1BR, three x 2BR and three x 3BR dwellings.

**Level two (Podium)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Modification on one north facing two-bedroom dwelling to become a one-bedroom dwelling.
- Combination of 2 south facing dwellings to become 1 two-bedroom dwelling.
- Minor internal alterations to all dwellings, and communal hallways.
- Minor alteration to balcony dimensions of three south facing dwellings.
- One x 1BR, three x 2BR and three x 3BR dwellings.

**Level three (Podium)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Combination of 3 south facing one-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Modification of two south facing two-bedroom dwellings to each become three-bedroom dwellings.
- Minor internal alterations to all dwellings, and communal hallways.
- Minor alteration to balcony dimensions of three south facing dwellings.
- Two x 2BR and three x 3BR dwellings.

**Level four (Podium)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 2 larger three-bedroom dwellings.
- Combination of 2 south facing one-bedroom dwellings to become 1 larger one-bedroom dwelling.
- Internal modification of all remaining two-bedroom dwellings to increase size and improve internal amenity.
- Minor internal alterations to communal hallways.
- Minor alteration to balcony dimensions of all dwellings.
- Two x 2BR and three x 3BR dwellings.

**Level five (Tower)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 2 larger three-bedroom dwellings.
- Combination of 2 south facing one-bedroom dwellings and one south facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.



- Internal modification of all remaining two-bedroom dwellings.
- Minor internal alterations to communal hallways.
- Minor alteration to balcony dimensions of all dwellings.
- One x 1BR, four x 2BR and two x 3BR dwellings.

**Level six (Tower)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 1 larger four-bedroom dwelling (mislabelled two-bedroom dwelling).
- Combination of 2 west facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Combination of 2 south facing one-bedroom dwellings to become 1 single-bedroom dwelling.
- Internal modification of all remaining two-bedroom dwellings.
- Minor internal alterations to communal hallways.
- Minor alteration to balcony dimensions of all dwellings.
- Four x 2BR and two x 3BR dwellings.

**Level seven (Tower)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 1 larger four-bedroom dwelling (mislabelled two-bedroom dwelling).
- Combination of 2 west facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.
- Combination of 2 south facing one-bedroom dwellings to become 1 single-bedroom dwelling.
- Internal modification of all remaining two-bedroom dwellings.
- Minor internal alterations to communal hallways.
- Minor alteration to balcony dimensions of all dwellings.
- One x 1BR, three x 2BR and one x 3BR dwellings (Total of five x 1BR, 22 x 2BR and 21 x 3BR).

**Level eight (Roof level and roof top terrace)**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Alteration of canopy over rooftop lounge deck including minor reduction in setback to eastern elevation.
- Modification of roof top services, including deletion of hot water plant, minor alteration of the cleaner cupboards, water closets and car park exhaust vents.
- Alteration of planting beds, including the addition of a bed along the entire southern and western boundaries of the lounge deck.
- Relocation of the rooftop maintenance access door to the north-west corner of the lounge deck.





#### **Elevations**

Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:

- Changes to reflect floor plans, roof top plan
- Minor changes to the external appearance of residential balconies and residential entry primarily to materials proposed.

5.2 The following additional documentation has been submitted as part of the amendment application:

- A Waste Management Plan dated 25 July 2018, prepared by One Mile Grid.
- A Traffic Engineer Assessment dated 25 July 2018, prepared by One Mile Grid.

5.3 The number of car parking spaces for the retail / commercial tenancies is not proposed to be changed. One car space is proposed for each tenancy in accordance with Condition 30 of the existing permit.

## **6. SUBJECT SITE AND SURROUNDS**

- 6.1 The subject site is located on the south side of Thistlethwaite Street, South Melbourne. The site has a frontage of approximately 38m, a depth of approximately 31m, and a total site area of approximately 1,194m<sup>2</sup>.
- 6.2 The site abuts Shamrock Place along its west side, and an unnamed lane along its southern (rear) boundary.
- 6.3 The site is occupied by a single storey commercial warehouse building, which is built to all boundaries.
- 6.4 Surrounding land is developed as follows:

### **North-west**

Thistlethwaite Street forms the site's north-western boundary. There are three semi-mature street trees within the footpath adjacent the site. Thistlethwaite Street is a two way local street, with kerbside parking on both sides. Directly across the street is a double storey office, with double and triple storey commercial buildings and a childcare centre further to the north.

### **North-East**

The site to the north-east accommodates a seafood wholesale business. The business is located across two lots – Nos. 1 and 11 Thistlethwaite Street, with a public laneway running between the two. Eleven Thistlethwaite Street is a double storey building which is built to the common boundary for a length of approximately 30m. Further to the north-east, across the public lane, at 1 Thistlethwaite Street are two buildings (which are one and two storeys) associated with the seafood wholesalers.



**South-West**

Shamrock Place – a single width laneway abuts the site's south west boundary and dog legs to run along the southern boundary. Across this laneway is No. 37 Thistlethwaite Street, a two storey commercial building and No. 468 City Road, a double storey building where a panel beating / car workshop business operates. This business has an access point onto the rear laneway.

**South-east**

Shamrock Place dog legs to run along the southern boundary of the subject site. Midway along the southern boundary of the site, Wolseley Street, another narrow laneway, joins Shamrock Place to provide a connection to City Road in a north-south orientation. Two properties are adjacent to the subject site across the lane which front onto City Road – No. 462 City Road is a double storey commercial building, while No. 7 Wolseley Street is a vacant site currently used for at grade car parking.

- 6.5 The wider area is currently characterised by low rise commercial buildings, including a mix of office, warehouse, retail and light industrial uses, including a number of motor repair businesses. There is a fine to medium grain street pattern, with both public and private laneways transecting larger blocks, resulting in a range of lot sizes, layouts, orientations and access arrangements.
- 6.6 The subject site is proximate to public transport including the Port Melbourne to City (approx. 350m to the north-west), and St Kilda to City (approx. 230m to the north-east) Light Rail lines and bus services along City Road (approx. 50m to the south). The site is approximately 250m from the South Melbourne Market and the South Melbourne Major Activity Centre.

**7. PERMIT TRIGGERS**

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

Zone or Overlay	Why is a permit required?	New Permit Trigger?
<p><b>Clause 37.04 - Capital City Zone (CCZ1)</b></p>	<p>Pursuant to Section 2 of the Table of uses at Clause 37.04-1 of the CCZ1 and Clause 1 of the Schedule to the CCZ1, a planning permit is required to use land for a use not in Section 1 or 3 of the Schedule to the zone. This includes Accommodation (Dwellings) if:</p> <ul style="list-style-type: none"> <li>• It is in a Non-core area.</li> <li>• It is within an Amenity buffer shown on Map 4.</li> <li>• It is within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>• It is within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> <p>The land is in a Non-core area and is approximately 120m south of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline and thus requires a permit under this clause.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1 and Clause 4.0 of the Schedule to the CCZ1, a permit is required to construct a building or construct or carry out works in the Capital City Zone, with the exception of an addition of, or modification to, a verandah, awning, sunblind or canopy of an existing building.</p>	<p>No – Revised (proximity to pipelines)</p>



	<p>Pursuant to Clause 37.04-4 an apartment development must meet the requirements of Clause 58. This does not apply to:</p> <ul style="list-style-type: none"> <li>• An application lodged before the approval of Amendment VC136.</li> <li>• An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136.</li> </ul> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.0 of Schedule 1 to the CCZ1, a permit is required to demolish or remove a building or works.</p> <p>A planning permit is required under this clause.</p>	
<p><b>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend - Montague Precinct (DDO30)</b></p>	<p>The land is in Precinct Area M4 of DDO30 which specifies a preferred maximum building height of 30 metres or 8-storeys.</p> <p>Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 30 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.</p> <p>An 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 the review rights of Section 82(1) of the Act.</p> <p>A planning permit is required under this clause.</p>	No
<p><b>Clause 44.05: Special Building Overlay Schedule 2 (SBO)</b></p>	<p>Pursuant to Clause 44.05-1 a permit is required to construct a building or construct or carry out works.</p>	Yes
<p><b>Clause 45.03: Environmental Audit Overlay (EAO)</b></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"> <li>• A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or</li> <li>• 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.</li> </ul> <p>A planning permit is not required under this clause.</p>	No
<p><b>Clause 45.09: Parking Overlay (PO1)</b></p>	<p>A 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 proposed residential and commercial car parking provision would not exceed the specified rates.</p> <p>A planning permit is not required under this clause.</p>	No
<p><b>Clause 45.11: Infrastructure Contributions Overlay</b></p>	<p>Pursuant to Clause 45.11-2, 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 the Planning Scheme.</p> <p>Pursuant to Clause 45.11-6, land or development of land is exempt from the ICO if it is for:</p> <ul style="list-style-type: none"> <li>• A non-government school;</li> <li>• Housing provided by or on behalf of the Department of Health and Human Services;</li> </ul>	No. (previously considered under Clause 45.06: Development Contributions Plan Overlay, prior to Amendment GC81)



	<ul style="list-style-type: none"> <li>Any other land or development of land specified in a Schedule to the ICO.</li> </ul> <p>Pursuant to Schedule 1 to the ICO, 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:</p> <ul style="list-style-type: none"> <li>An existing use of land provided the site coverage is not increased.</li> <li>A sign.</li> <li>Consolidation of land or a boundary realignment.</li> </ul> <p>The application is for an amendment of an existing permit.</p>	
<b>Clause 52.34 - Bicycle Facilities</b>	<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>A permit is not required under this clause.</p>	No
<b>Clause 53.10 Uses with Adverse Amenity Potential</b>	<p>The threshold distances from industrial and/or warehouse uses referred to in the table to Clause 53.10 are required to be met.</p> <p>A permit is required under this clause.</p>	No (previously considered under Clause 52.10 prior to GC81)

## 8. PLANNING SCHEME PROVISIONS

### 8.1 Planning Policy Framework

The application needs to be assessed against the Planning Policy Framework (PPF), including:

- Clause 11: Settlement,
- Clause 12: Environmental and Landscape Values
- Clause 13: Environmental Risks and Amenity
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

### 8.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses, which are relevant to this application as follows:

- Clause 21: Municipal Strategic Statement
- Clause 21.01: Vision and Approach
- Clause 21.02: Municipal Context and Profile
- Clause 21.03: Ecologically Sustainable Development
- Clause 21.04: Land Use, including 21.04-1: Housing and Accommodation



Clause 21.05: Built Form

Clause 21.06: Neighbourhoods, including 21.06-8: Fishermans Bend Urban Renewal Area

The application also needs to be assessed against the following Local Planning Policies:

Clause 22.12: Stormwater Management (Water Sensitive Urban Design)

Clause 22.13: Environmentally Sustainable Development

Clause 22.15: Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area

### **8.3 Other relevant provisions**

Clause 52.06: Car Parking

Clause 65: Decision Guidelines, including Clause 65.01: Approval of an Application or Plan

### **8.4 Relevant Planning Scheme Amendment/s:**

8.4.1 Since Planning Permit P277/2015 was issued, the Planning Scheme has been amended including Amendment GC81 (Gazetted 05 October 2018), which modified the controls affecting the site as follows:

- Modification of Local Planning Policy, Clause 22.15 Employment and Dwelling Diversity within the Fishermans Bend Urban Renewal Area, which specifies discretionary targets for dwelling diversity (a percentage of apartments with three or more bedrooms), affordable housing, and minimum floor areas for employment uses.
- Three modified Design and Development Overlays, Schedules DDO30, DDO32 and DDO33 which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.
- Modification to the Parking Overlay Schedule 1, to reduce the maximum parking rates for residential dwellings.
- An update to the Fishermans Bend Framework, October 2018. The Framework is an incorporated document to Port Phillip Planning Scheme.

## **9. REFERRALS**

### **Internal referrals**

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



Internal Department / Referral Officer	Referral Comments (summarised)
<p>Traffic Engineer</p>	<p><b>Original Comments (Pre Amendment GC81)</b></p> <ul style="list-style-type: none"> <li>• Parking provision rate: The amended design results in a revised parking provision rate of 0.98 spaces per dwelling. This complies with the maximum rate of 1 car space per dwelling as specified in Schedule 1 to the Parking Overlay. However, it is above the strategic rate of 0.5 car spaces per dwelling in Objective 1.6 of the draft Fishermans Bend Framework. Overall there is no objection to the revised provision given the reduced development intensity with fewer dwellings.</li> <li>• Visitor bicycle parking: The proposed 4 bike rails (notated as 8 visitor bike spaces) on the Thistlethwaite St footpath is not supported. There is opportunity to incorporate visitor bicycle parking on-site (6 spaces required) given the excess provision above the requirements of Clause 52.34 and Condition 2b (proposed 64 resident spaces versus required 48 resident and 1 employee spaces).</li> <li>• Pole relocation on Thistlethwaite St due to Shamrock PI widening: The proposed relocation of an existing power / light pole does not include sufficient clearance and is not supported. The relocated pole should have minimum 1m offset to Shamrock PI. Refer to the Asset Management team for assessment.</li> <li>• Shamrock Place widening: It is understood that the planning consideration / intent is to widen Shamrock Place on both sides to provide future two-way vehicle access. While Shamrock PI is to be partially widened on one side to 4.75m as part of this development, this may not be sufficient for opposing vehicles to pass each other, particularly service vehicles. The partially widened Shamrock PI is expected to operate similar to existing conditions (travel in one direction at any given time) where one vehicle will have to yield to the opposing vehicle.</li> <li>• Door opening inwards: Doors along Shamrock PI should open inwards and not onto the road to prevent obstruction to road users in light of further widening for future two-way flow.</li> <li>• Separate entry and exit: Consider designating separate doors / lanes for entry and exit via Shamrock PI rather than dual entry / exit functions to alleviate potential conflicts when accessing the car park.</li> <li>• Relocate lone car space: Consider repositioning the single car space located opposite the car lifts on each basement level. These car spaces can be better located / combined with the rest and replaced / swapped with storage cages in its current location.</li> </ul> <p><b>Additional comments (Post Amendment GC81)</b></p> <ul style="list-style-type: none"> <li>• ..... comments provided in August 2018 were based on the applicable (now superseded) Parking Overlay maximum provision of 1 car space per dwelling.</li> <li>• If this application is now subject to the new Parking Overlay, then .... previous comment in support of the proposed 0.98 spaces per</li> </ul>



	<p>dwelling no longer applies. I (am) not able to support the application in its current form, including deletion of Condition 29 given the new maximum parking rates. The Applicant will need to submit updated justification / supporting info for further review.</p> <p><b>Planning Officer Comment:</b></p> <p>Whilst the built form outcome for the dwellings would remain consistent with the existing and proposed strategic policy framework for Fishermans Bend, the increase in the parking ratio proposed per dwelling to 0.98 spaces would be inconsistent with the newly reiterated focus within the Fishermans Bend Urban Renewal Area to create a leading example of a sustainable a low carbon mixed use community focusing on walkable neighbourhoods and public transport usage.</p> <p>The subject site is proximate to the Port Melbourne and St Kilda to City Light Rail lines and bus services along City Road, and within walking distance of the South Melbourne Major Activity Centre including the South Melbourne Market, Super Markets and Community Facilities.</p> <p>Further to this the resulting revised plans contravene both Condition 29 on the permit and the ratio specified in Schedule 1 of the Parking Overlay and cannot be supported.</p> <p>The above concerns raised by Council's Transport Engineers are shared by the Planning Department and the above issues with the layout and provision of ground floor infrastructure would be added to the grounds of refusal should the Council determine to refuse the application.</p> <p>However, a number of the concerns raised by the Traffic Engineers relate to items previously considered and approved under the original permit and are not applicable for assessment as part of the amended proposal.</p>
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**External referrals**

9.2 The application was not required to be externally referred.

**10. PUBLIC NOTIFICATION/OBJECTIONS**

10.1 Notice of the application was not required as an application to demolish or remove a building or works, construct a building or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex bookshop) in the Capital City Zone, the Design and Development Overlay, and the Special Building Overlay, 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.

**11. OFFICER'S ASSESSMENT**

**Key Considerations**

11.1 This application to amend existing planning permit P277/2015 seeks to make a number of design and layout changes to the plans considered as part of the previous approval. Associated changes are also proposed to permit conditions.

11.2 The key changes to the plans are:



- 11.2.1 Alteration and merger of the previously approved dwellings configuration and layouts, resulting a reduction from 61 dwellings to 48 dwellings overall, resulting in a car park to dwelling ratio of 0.98 spaces per dwelling.
- 11.2.2 Change in the number and mix of 1, 2 and 3-bedroom dwellings.
- 11.2.3 Changes to the car parking and residential storage cage layout within basement levels 1 and 2, with the number of residential car spaces reduced to 47.
- 11.2.4 Minor alterations to the layout of the service areas within the ground level.
- 11.2.5 Minor changes to the roof form above the communal roof top terrace, and roof top services.
- 11.2.6 Minor changes to the external appearance and dimensions of residential balconies and residential entry.
- 11.3 In addition to an assessment of each of the proposed changes, the following key implications are considered in turn:
  - 11.3.1 Does the proposal remain consistent with the strategic policy framework?
  - 11.3.2 Has appropriate car and bicycle parking been provided?
  - 11.3.3 Would the dwellings have a good level of internal amenity?
  - 11.3.4 Would the proposed changes cause any additional off-site impacts?

**Does the proposal remain consistent with the strategic policy framework?**

- 11.4 The strategic policy framework for the Fishermans Bend Urban Renewal Area (FBURA) (including Schedule 1 to the CCZ, Clause 22.15 and the Fishermans Bend Strategic Framework Plan after GC81) supports a range of residential and employment generating uses. The FBURA is also identified as a Substantial residential growth area under Clause 21.04-1.
- 11.5 This is reflected in the purpose of Schedule 1 to the CCZ:
  - *To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.*
  - *To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.*
  - *To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.*
- 11.6 The changes proposed to the dwelling configuration and layouts, to reduce the number of dwellings from 61 to 48 overall, would result in a material change in the mix of 1, 2 and 3-bedroom dwellings and an increase in the parking provision rate per dwelling from 0.81 to 0.98 spaces.





- 11.7 The subject site is in the Capital City Zone and approximately 160m from the nearest residentially zoned land to the south. Shadow plans submitted with the application show that the proposal would not overshadow the nearest residentially zoned land at any time between 9.00am and 3.00pm at the equinox. No windows or open space area in the proposal would overlook (within 9.0m) an existing window or open space area of an existing dwelling.
- 11.8 The increased number of two and three-bedroom dwellings proposed would contribute to the dwelling diversity sought under relevant policies, including Clauses 22.15-3 and 21.04-1 which encourage provision of a range of dwelling options for all types of households including those with children, in line with the intentions of the Fishermans Bend Framework vision and associated objectives for an inclusive and healthy community.
- 11.9 The external design changes, which largely flow on from the internal layout changes however revolve around modified cladding materials for the residential balconies and residential foyer entrance, would be generally consistent with those originally approved and not contravene the intent of the strategic policy framework.
- 11.10 Whilst the built form outcome for the dwellings would remain consistent with the existing and proposed strategic policy framework for Fishermans Bend, the increase in the parking ratio proposed per dwelling to 0.98 spaces contradicts the newly reiterated focus within the FBURA to create a leading example of a sustainable, low carbon, mixed use community, focusing on walkable neighbourhoods and public transport usage. This is discussed in greater detail below.
- 11.11 For these key reasons, the proposed amendments would remain consistent with the relevant strategic policy framework, subject to the retention of condition 29 requiring a maximum of 0.81 spaces per dwelling.

**Has appropriate car and bicycle parking been provided?**

- 11.12 This proposal includes changes to the car parking layout of both basement levels 1 and 2, including a reduction of three residential car spaces overall from 50 to 47, and the redistribution and layout of residential storage cages on both levels.
- 11.13 Whilst the number of car parking spaces would be reduced, the reduction in the number of dwellings from 61 to 48 results in an increase in the ratio of car spaces per dwelling from 0.81 spaces to 0.98 spaces.
- 11.14 The higher ratio of car spaces per dwelling would not comply with Condition 29 of the existing permit which states: *The total number of car parking spaces for the approved dwellings must not exceed a rate of 0.81 spaces per dwelling.*
- 11.15 Further, pursuant to Clause 45.09-3 and Section 3.0 of Schedule 1 to the Parking Overlay, a planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1.
- 11.16 When the original application was determined, the Parking Overlay required a permit to provide more than one car space per dwelling, and the Strategic Framework Plan recommended that overall car parking provision not exceed 0.5 spaces per dwelling (i.e. some dwellings would not have a car parking space).



- 11.17 Amendment GC81 changed the Parking Overlay to require a permit to provide more than 0.5 car spaces for one and two-bedroom dwellings and 1.0 car space for three or more-bedroom dwellings. The amendment did not change the maximum car parking rate for offices or retail premises; these rates remained at 1 space per 100m<sup>2</sup> of gross floor area.
- 11.18 The applicant's submission in favour of the increase in car parking states:
- The driving force behind the amendment is a fluctuating residential market where prospective buyer's sentiment toward larger bedroom product has resulted in increasing interest in 3-bedroom apartments. Accordingly, our client seeks to amalgamate some of the existing 1-bedroom apartments into larger 3-bedroom apartments on Levels 1-4. Subsequent to the amalgamation, the overall apartment numbers will reduce from 69 to 47, and car parking with the provision of car parking reduced by three, as the basement has already been designed around the current provision of car spaces, which will increase the car parking rate from 0.81 car spaces per dwelling to 1:1 car spaces per dwelling.*
- 11.19 The proposed rate of parking for the dwellings would significantly increase from what is approved and above that allowed in the Schedule 1 to the Parking Overlay.
- 11.20 This increase in the parking ratio proposed per dwellings to 0.98 spaces, is not supported, as it contradicts the newly reiterated focus within the Fishermans Bend Urban Renewal Area to create a leading example of a sustainable a low carbon mixed use community, part of which advocates switching from private cars to public and active transport as a key component. The subject site is proximate to two light rail lines and bus services along City Road, and is within walking distance of the South Melbourne Major Activity Centre.
- 11.21 To ensure that a more appropriate ratio is maintained in line with the revised requirements of Schedule 1 to the Parking Overlay (0.5 spaces per 1 and 2-bedroom dwelling and 1 per three or more-bedroom dwellings), the request to remove Condition 29 which requires a maximum parking ration of 0.81 space per dwellings is not supported.
- 11.22 The applicant's argument that '*.... the basement has already been designed around the current provision of car spaces*', does not justify the contravention of the both the permit condition and the sustainability goals of the policies affecting the subject site; the Fishermans Bend Framework (October 2018) and the Parking Overlay, which both advocate minimising the impacts of the higher car parking rates to creating sustainable transport patterns that preference walking, cycling and public transport use.
- 11.23 A comparison of the previous Planning Scheme car parking rates, the currently approved car parking rate and the Amendment GC81 planning Scheme car parking rates and the proposed car parking rate is set out in the Table below.

It is noted that the Parking Overlay is silent regards rounding fractions. Clause 52.06-5 however states: *If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.*

For consistency and equity, it is considered that any fractions calculated pursuant to the Parking Overlay rates should be rounded down.



Dwelling type	Pre GC81 Parking Overlay max. rate / Strategic Framework recommended rate	Existing car parking provision	GC81 Parking Overlay max. rate / Amended Framework recommended rate	Proposed car parking provision
<b>1BR</b>	1 space per dwelling x 15 dwellings = 15 spaces / 0.5 space per dwelling x 15 = 7 (7.5) spaces		0.5 space per dwelling / 0.5 space per dwelling x 5 dwellings = 2 (2.5) spaces	
<b>2BR</b>	1 space per dwelling x 36 dwellings = 36 spaces / 0.5 space per dwelling x 36 = 18 spaces		0.5 space per dwelling / 0.5 space per dwelling x 22 dwellings = 11 spaces	
<b>3BR</b>	1 space per dwelling x 10 dwellings = 10 spaces / 0.5 space per dwelling x 10 = 5 spaces		1 space per dwelling / 1 space per dwelling x 21 dwellings = 21 spaces	
<b>Total</b>	<b>61 dwellings / max. 61 spaces / preferred 30 (30.5) spaces</b>	<b>50 spaces (max. 0.81 spaces per dwelling)</b>	<b>48 dwellings / max. and preferred 34 (34.5) spaces</b> <i>Note: 34 spaces equals 0.70 spaces / dwelling</i>	<b>47 spaces (max. 0.92 spaces per dwelling)</b>

11.24 To achieve compliance with the 0.81 spaces per dwelling rate specified in Condition 29, the number of residential car spaces would need to be reduced from 47 to 38 (38.88).

It is noted that to achieve compliance with the current Amendment GC81 and October 2018 Framework recommended maximum car parking provision, the number of residential car spaces would need to be reduced from 47 to 34 (34.5) (equivalent to 0.70 spaces per dwelling).

11.25 Whilst it would be desirable to reduce the car parking provision to the lower Amendment GC81 rate, this would be inconsistent with a number of VCAT decisions that hold that an existing permit / permit condition does not need to be changed to accord with later changes to planning scheme provisions / policy. It is considered that maintaining the 0.81 spaces per dwelling rate specified in Condition 29 would achieve a satisfactory planning outcome.

11.26 The reduction to 38 residential car spaces could be achieved by reducing the area of the basements, or changing some at-grade spaces to stackers or a combination thereof or reallocating part of the basement floor area to improved site services, shared transport initiatives, or additional bicycle and/or motorcycle parking on site. Such outcomes would more suitably achieve the sustainable vision for Fishermans Bend Urban Renewal Area over that currently proposed.

11.27 Given the above considerations, the request to delete Condition 29 which requires a maximum parking ration of 0.81 space per dwellings and the amended basement car park plans showing 47 residential car spaces is not supported.



**Would the dwellings have a good internal amenity?**

- 11.28 Pursuant to Clause 37.04-4 of the CCZ, an apartment development must meet the requirements of Clause 58 Apartment developments. However, transitional provisions under the CCZ specify that Clause 58 does not apply to an application for an amendment of a permit under S72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136. VC136 was approved on 13 April 2017, after this original permit application was lodged.
- 11.29 The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.
- 11.30 The greater number of two and three-bedroom dwellings proposed would contribute to the dwelling diversity sought under relevant policies, including Clauses 22.15-3 and 21.04-1 which seeks to facilitate the provision of a range of dwelling options for all types of households including those with children, in line with the intentions of the Fishermans Bend Framework vision for an inclusive and healthy community.
- 11.31 Overall, the proposal would provide for a good level of amenity for future residents.

**Would the proposed changes cause any additional off-site impacts?**

- 11.32 The overall height, and building envelope is not proposed to increase. Generally minor changes, focusing on materiality changes to the residential balconies and residential foyer entrance would be the only result of the changes proposed that would be visible from the exterior of the building.
- 11.33 Because of this, there would be no additional off-site amenity impacts to any property from overshadowing, loss of light, visual bulk or overlooking. Overshadowing diagrams showing the differences between the shadow from the approved and proposed buildings indicates that differences are minor.
- 11.34 Further, because side setbacks are generally being retained, there would be no significant impacts on the development potential of the adjoining properties.

**Assessment of each change**

- 11.35 Each of the proposed changes is considered in the table below.



<b>Proposed changes to conditions</b>	
Deletion of Condition 29 of the permit which states: <i>the total number of car parking spaces for the approved dwellings must not exceed a rate of 0.81 spaces per dwelling</i>	<p>The deletion of Condition 29 is not supported and this request should be refused.</p> <p>The argument proposed by the applicant that <i>'the basement has already been designed around the current provision of car spaces'</i>, does not suitably justify the contravention of the both the permit condition and the sustainability goals of the policies affecting the subject site; the Fishermans Bend Framework (October 2018) and the Parking Overlay, which both advocate to minimise the impacts of the proposed car parking rates on creating sustainable transport patterns that preference walking, cycling and public transport use.</p> <p>This is further supported by the newly introduced reduction in the parking rates for 1 and 2-bedroom dwellings specified in the Schedule to the Parking Overlay.</p>
<b>Overall changes</b>	
It is proposed to consolidate the existing 61 dwellings over all levels down to a total of 48 dwellings by combining the 1 and 2-bedroom apartments to make larger 3-bedroom apartments resulting in changes to the dwelling configuration and layouts.	This is acceptable; the greater number of two and three-bedroom dwellings proposed will contribute to the dwelling diversity sought under relevant policies, including Clauses 22.15-3 and 21.04-1 which facilitate the provision of a range of dwelling options for all types of households including those with children, in line with the intentions of the Fishermans Bend Framework vision for an inclusive and healthy community.
It is proposed to remove three residential car spaces from the 50 car spaces previously proposed, however as the number of dwellings has been reduced from 61 to 48 the car parking ratio has increased from 0.81 spaces per dwelling to 0.98 spaces per dwelling.	This increase in the parking ratio proposed per dwellings of 0.98 spaces is not supported, as it would contradict the newly reiterated focus within the FBURA to create a leading example of a sustainable a low carbon mixed use community, which focuses on sustainable transport and the reduced parking ratio sought under the Parking Overlay.
<b>Basement level 2</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015 and:</p> <ul style="list-style-type: none"> <li>• The removal of three car spaces.</li> <li>• Relocation of six residential storage cages into the location vacated by the car spaces.</li> </ul>	<p>Currently there is no endorsed basement plan. With the exception of the resulting increase in car parking ratio discussed above, the revised changes to the layout of basement 2 would be minor. However, as the changes contravene Condition 29 and the ratio specified in Schedule 1 of the Parking Overlay they should not be supported and be conditioned to comply.</p>
<b>Basement level 1</b>	
Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:	With the exception of the resulting increase in car parking ratio discussed above. It is considered the revised changes to the layout of basement 2 are minimal compared to that



<ul style="list-style-type: none"> <li>Relocation of two residential storage cages and rearrangement of six storage cages.</li> </ul>	<p>already approved. However as they contravene Condition 29 and the ratio specified in Schedule 1 of the Parking Overlay they should not be supported and be conditioned to comply.</p>
<p><b>Ground Level (Level 0)</b></p>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>Combination of sprinkler tank and fire pump rooms.</li> <li>Additional pedestrian exit from the residential bike room to rear laneway.</li> <li>Decrease in floor level on substation to RL2.3m and minor increase in total area from 24.8m<sup>2</sup> to 25.9m<sup>2</sup>.</li> <li>Relocation of hard waste area from residential bin room to loading bay, and its replacement with the electrical switchboard cupboard.</li> <li>Minor changes to the floor area of Retail stores 1 and 2.</li> </ul>	<p>The changes proposed have resulted from the development of the working drawing for the construction of the building. The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the space for future occupants and should be supported.</p> <p>However, concerns were raised by Council's Transport Engineers with the impacts of the externally opening doors on Shamrock Place, and these will be conditioned to open inwards to comply with the advice received.</p>
<p><b>Level 1</b></p>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>Modification on one north facing two-bedroom dwelling to become a one-bedroom dwelling.</li> <li>Combination of 2 south facing dwellings to become 1 two-bedroom dwelling.</li> <li>Minor internal alterations to all dwellings, and communal hallways.</li> <li>Minor alteration to balcony dimensions of three south facing dwellings.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>
<p><b>Level 2</b></p>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines</p>



<ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Modification on one north facing two-bedroom dwelling to become a one-bedroom dwelling.</li> <li>• Combination of 2 south facing dwellings to become 1 two-bedroom dwelling.</li> <li>• Minor internal alterations to all dwellings, and communal hallways.</li> <li>• Minor alteration to balcony dimensions of three south facing dwellings.</li> </ul>	<p>also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>
<b>Level 3</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Combination of 3 south facing one-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Modification of two south facing two-bedroom dwellings to each become three-bedroom dwellings.</li> <li>• Minor internal alterations to all dwellings, and communal hallways.</li> <li>• Minor alteration to balcony dimensions of three south facing dwellings.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>
<b>Level 4</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 2 larger three-bedroom dwellings.</li> <li>• Combination of 2 south facing one-bedroom dwellings to become 1 larger one-bedroom dwelling.</li> <li>• Internal modification of all remaining two-bedroom dwellings to increase size and improve internal amenity.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>



<ul style="list-style-type: none"> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor Alteration to balcony dimensions of all dwellings.</li> </ul>	
<b>Level 5</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 2 larger three-bedroom dwellings.</li> <li>• Combination of 2 south facing one-bedroom dwellings and one south facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Internal modification of all remaining two-bedroom dwellings.</li> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor Alteration to balcony dimensions of all dwellings.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>
<b>Level 6</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 1 larger four-bedroom dwelling (mislabeled two-bedroom dwelling).</li> <li>• Combination of 2 west facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Combination of 2 south facing one-bedroom dwellings to become 1 single-bedroom dwelling.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>





<ul style="list-style-type: none"> <li>• Internal modification of all remaining two-bedroom dwellings.</li> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor Alteration to balcony dimensions of all dwellings.</li> </ul>	
<b>Level 7</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Combination of 2 north facing two-bedroom dwellings and 1 north facing one-bedroom apartments to become 1 larger four-bedroom dwelling (mislabelled two-bedroom dwelling).</li> <li>• Combination of 2 west facing two-bedroom dwellings to become 1 larger three-bedroom dwelling.</li> <li>• Combination of 2 south facing one-bedroom dwellings to become 1 single-bedroom dwelling.</li> <li>• Internal modification of all remaining two-bedroom dwellings.</li> <li>• Minor internal alterations to communal hallways.</li> <li>• Minor Alteration to balcony dimensions of all dwellings.</li> </ul>	<p>The Guidelines for Higher Density Residential Development against which the original application was assessed has been removed from the planning scheme. However, parts of Council's local policy at Clause 22.06 provide guidance in relation to private and communal open space and the FBSFP Design guidelines also provide guidance. The proposed dwelling layouts satisfy these requirements, including ensuring no habitable room windows would rely on borrowed light.</p> <p>The changes proposed are minimal given the scale of the development, will not contravene any permit conditions and improve the functionality of the spaces for future occupants and should be supported.</p>
<b>Level 8 - Roof level and roof top terrace</b>	
<p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>• Alteration of canopy over rooftop lounge deck including minor reduction in setback to eastern elevation.</li> <li>• Modification of roof top services, including deletion of hot water plant, minor alteration of the cleaner cupboards, water closets and car park exhaust vents.</li> <li>• Alteration of planting beds, including the addition of a bed along the entire southern and western boundaries of the lounge deck.</li> </ul>	<p>The changes reduce the overall bulk of the roof over the roof top terrace by reducing its overall area, and increasing the structures setback to all boundaries. These changes are considered an improved outcome over that previously considered.</p> <p>The remaining changes improve the functionality of the space, and landscaping provision throughout and should be supported.</p>



<ul style="list-style-type: none"> <li>Relocation of the rooftop maintenance access door to the north-west corner of the lounge deck.</li> </ul>	
<b>Elevations</b>	
<p><b>Elevations</b></p> <p>Incorporation of Condition 1 requirements specified in the original permit and VCAT Order dated 14 December 2015; and:</p> <ul style="list-style-type: none"> <li>Changes to reflect floor plans, roof top plan</li> </ul> <p>Minor changes to the external appearance of residential balconies and residential entry, *mainly to external materials).</p>	<p>The external design changes, which largely flow on from the internal layout changes however revolve around modified cladding materials for the residential balconies and residential foyer entrance, would be generally consistent with those originally approval and not contravene the intent of the strategic policy framework.</p>

**12. COVENANTS**

12.1 The applicant has completed a declaration form declaring that the subject land, being all the land contained in Volume 10823, Folio 013, commonly known as Lot 1 of Title Plan 845026F [Parent Title Volume 08790 Folio 037] is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

**13. OFFICER DIRECT OR INDIRECT INTEREST**

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

**14. OPTIONS**

- 14.1 Approve as recommended.
- 14.2 Approve with changed or additional conditions.
- 14.3 Refuse - on key issues.

**15. CONCLUSION**

- 15.1 This proposal seeks to make a number of changes to the approved configuration, layout and external design of the development while generally keeping within the approved building envelope and existing design scheme. The proposed development would remain consistent with the existing and proposed strategic policy framework for Fishermans Bend as the greater number of two and three-bedroom dwellings proposed will contribute to the dwelling diversity sought under relevant policies.
- 15.2 However, the changes to the plans to increase the number of residential car spaces from a rate of 0.81 to 0.98 per dwelling is not supported as it would be inconsistent with both the Strategic Framework Plan guidance at the time the permit was originally approved, and the recently revised requirements of the Parking Overlay and Framework Plan.



- 15.3 The request to delete Condition 29 which requires a maximum parking ration of 0.81 space per dwellings is not supported as it contradicts the newly reiterated focus within the Fishermans Bend Urban Renewal Area to create a leading example of a sustainable a low carbon mixed use community, which focuses on sustainable transport.

**TRIM FILE NO:** PF18/23289

**ATTACHMENTS**

1. 277/2015/A - Amendment Development Plans
2. 277/2015/A - External Traffic Plan and Memo