



6.6 3/339 WILLIAMSTOWN ROAD, PORT MELBOURNE

**LOCATION/ADDRESS:** 3/339 WILLIAMSTOWN ROAD, PORT MELBOURNE  
**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT  
**PREPARED BY:** BRAD FOLETTA, SENIOR URBAN PLANNER

## 1. PURPOSE

- 1.1 To determine amendment under Section 72 Amendment to the approved permit which authorises to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street), at the above-mentioned address.

## 2. EXECUTIVE SUMMARY

**WARD:** Gateway

**TRIGGER FOR DETERMINATION BY COMMITTEE:** Accommodation use within the Fishermans Bend Urban Renewal Area

**APPLICATION NO:** Council Reference: 1060/2016/A

**APPLICANT:** Acer Capital c/- SJB Planning

**EXISTING USE:** Commercial

**ABUTTING USES:** Warehouse, Industry and Office

**ZONING:** Capital City Zone Schedule 1

**OVERLAYS:** Design and Development Overlay Schedule 33  
Parking Overlay Schedule 1  
Special Building Overlay Schedule 1  
Environmental Audit Overlay  
Infrastructure Contributions Overlay Schedule 1

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

- 2.1 The original application sought permission to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street).



- 2.2 Plans for the original Planning Permit have not been endorsed and as such plans are proposed to be endorsed simultaneously. The applicant has applied for Condition 1(f) to be modified, correlating with the relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent JL Murphy Reserve.
- 2.3 The amendment proposes the following changes to the plans;
- 2.3.1 Relocation of the gas meter from the south-eastern corner of the site within town house No 6 (TH06) setback to the south-western corner of the site within town house No 1 (TH01) setback.
- 2.3.2 Relocation of the bicycle parking from the south-western corner of the site (within TH01 setback) to the south-eastern corner of the site (within TH06 setback).
- 2.3.3 Modification of the size, materials and reorientation of the, water metre, fire booster assembly, and third pipe connection within the south-eastern corner of the site (within TH06 setback).
- 2.4 The amendment seeks the following changes to the conditions;
- 2.4.1 Modification of Condition 1(f) from:
- “Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent JL Murphy Reserve and incorporated into the design of the development”;*
- to:
- “Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*
- 2.5 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; Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.
- 2.6 An application to amend a permit under Section 72, 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 amendments proposed and avoids reopening all the issues associated with the already 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.



- 2.7 The site is located within the Wirraway Precinct of the Fishermans Bend Urban Renewal Area, and is affected by the newly gazetted (5 October 2018) Design and Development Overlay (Area W3) which prescribes a mandatory height maximum of 6 storeys (23 metres). At the time of the issue of the original permit the height maximum was mandatory 4 storeys.
- 2.8 The Amendment GC81 gazetted on 5 October 2018 introduced new planning controls and a new Strategic Framework. None of the new controls are contravened by this amendment.
- 2.9 The proposed amendments to the plans and permit would retain the fire booster service cabinet, and water meters within the south-eastern corner of the site adjacent to JL Murphy Reserve which was previously not supported by Council. As part of its review of the permit conditions, the property owner enlisted its consulting services engineer (JBA) to confirm whether the relocation of the water meter and fire booster from the south-east corner of the site was possible. The engineers identified that the existing fire booster and water meters are interconnected with all buildings and lots on the overall 339 Williamstown Road site which contains 14 separate properties. The system is interconnected and modification to the system affects all owners. Therefore, to relocate the existing fire booster and water meter would require permission from the other lots, a shutdown of their operations for a period of time, re-application to the MFB for new location approval and digging up of Williamstown Road for a new tapping location.
- 2.10 Condition 1(f) of the original permit required the “Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent to JL Murphy Reserve and incorporated into the design of the development” in accordance with advice received by Councils Urban Design Department. However, to still address the urban design issues originally raised and deal with the inability to relocate the water services it is proposed to modify Condition 1(f) to now state: *“Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*
- 2.11 It is considered that the application to amend the permit and associated plans could be supported subject to modified permit condition 1(f) as specified above.

### 3. RECOMMENDATION

That Council

3.1 Supports the proposed Section 72 Amendment.

3.1.1 That condition 1(f) of the permit be modified to state: *“Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*



#### 4. RELEVANT BACKGROUND

- 4.1 The original permit was issued on 29 March 2018, by Council after Council meeting dated 28 March 2018, and authorised to issue a permit to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street). Plans have not been endorsed for this permit.
- 4.2 The original application was considered at the Statutory Planning Committee on 28 March 2018, Council supported the application with the conditions currently specified on the permit.
- 4.3 Since the issue of the Planning Permit the Minister has Gazetted Planning Scheme Amendment GC81 (5 October 2018), which modified several of the controls affecting the site.

#### 5. PROPOSAL

- 5.1 The permit applicant has applied for a Section 72 Amendment to the approved development (Planning Permit P1060/2016) consisting of changes to plans pursuant to modification of Permit Condition 1(f) which states the plans be modified to *“Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent to J.L Murphy Reserve and incorporated into the design of the development.”*
- 5.2 Planning Permit P1060/2016 authorises to demolish the existing building in a Capital City Zone. Construct and carry out works for a three to four storey building within the Capital City Zone, Design and Development Overlay, and Special Building Overlay. Use the land for the purpose of Accommodation within the Capital City Zone. Alter access to a road in a Road Zone Category 1 (i.e. traffic to and from Williamstown Road and Plummer Street).
- 5.3 The amendment proposes the following changes to the plans;
  - 5.3.1 Relocation of the gas meter from the south-eastern corner of the site within town house No 6 (TH06) setback to the south-western corner of the site within town house No 1 (TH01) setback.
  - 5.3.2 Relocation of the bicycle parking from the south-western corner of the site (within TH01 setback) to the south-eastern corner of the site (within TH06 setback).
  - 5.3.3 Modification of the size, materials and reorientation of the, water metre, fire booster assembly, and third pipe connection within the south-eastern corner of the site (within TH06 setback).
- 5.4 Elevations and plans of the proposed works are provided below (facing Williamstown Road);



Figure 1: Section of Plan TP201 (South Elevation) – Proposed location of gas and water meters.



Figure 2: Section of Plan TP100 (Ground Floor Plan) – Proposed location of gas and water metres.

5.5 The below plan segment formed part of those current at the time of the original decision and show location of the service cabinets directly prior to Condition 1(f) being incorporated on the permit.

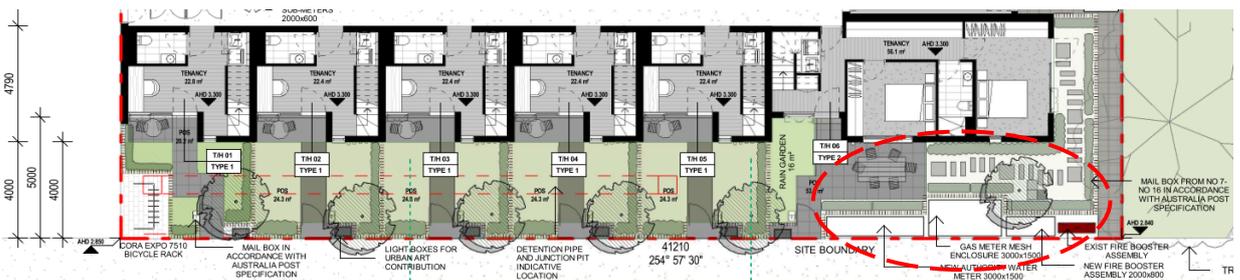


Figure 3: Section of Plan SK100 (Ground Floor Plan) – Original applications gas and water meter location.

5.6 The amendment proposes the following changes to the permit conditions:

5.6.1 Modification of Condition 1(f) from:

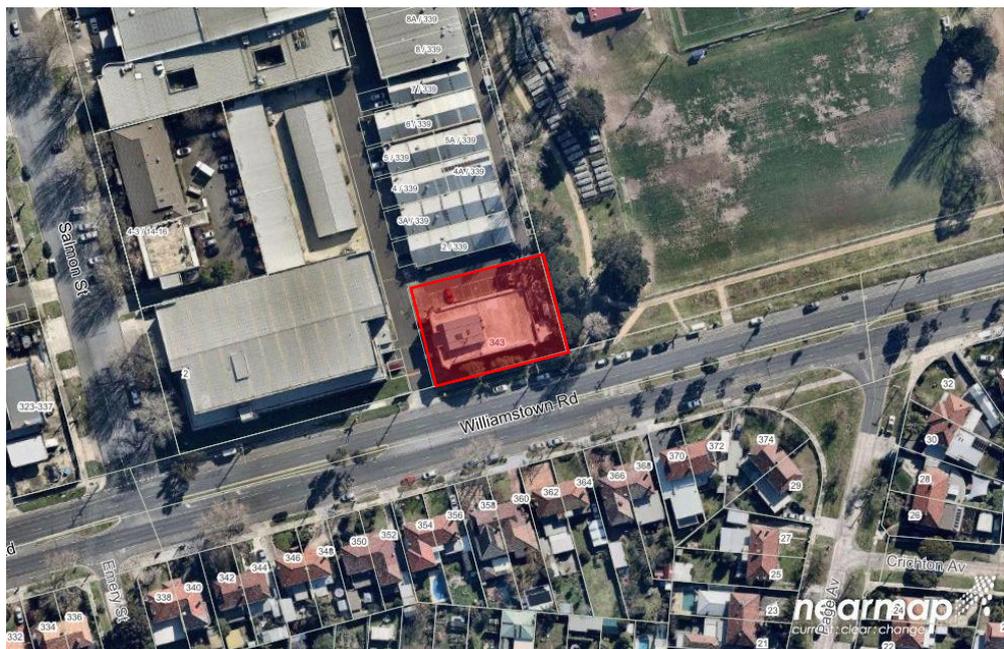
*“Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent to JL Murphy Reserve and incorporated into the design of the development”;*

to:

*“Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*

**6. SUBJECT SITE AND SURROUNDS**

Description of Site and Surrounds	
<b>Site Area</b>	1269m <sup>2</sup>
<b>Existing building &amp; site conditions</b>	<p>The site is located on the northern site of Williamstown Road in the Wirraway Precinct of Fishermans Bend, approximately 96m to the east of the intersection with Salmon Street. The site is part of a larger commercial site which contains a number of single to double storey developments, with common property for vehicle access throughout. The site is Lot 3 and located to the south-eastern corner of the site, with a frontage to Williamstown Road and a side interface with JL Murphy Reserve.</p> <p>The subject site has a frontage of 41.21 and a depth of 30.79m. The site contains a two storey brick office building, with at grade parking in the rear setback, a landscaped front and side setbacks. The building is currently occupied by Absolute Electronics; a company which provides computer repair, support, and maintenance, and digital press sales and support. The site contains 11 on site car spaces, and the business operates generally from 8.30am to 5pm Monday to Friday.</p> <p>Vehicle access is provided via the existing crossover to Williamstown Road and the common property driveway. The site is relatively flat with a fall of less than 0.4m from north to south.</p>
<b>Surrounds / neighbourhood character</b>	<p>As noted above the site is located within a commercial development/business park known as ‘The Base’. The site extends from Williamstown Road to Plummer Street. Of note is the existing building adjacent to the subject site (within The Base) which is used as self-storage and is subject to an individual heritage overlay. Below is an aerial photograph of the site and surrounds (August 2018), subject site identified in red.</p>





## 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?	New Permit Trigger?
<b>Clause 37.04 - Capital City Zone (CCZ1)</b>	<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 it does not meet the following conditions:</p> <ul style="list-style-type: none"> <li>• Must not be within an Amenity buffer shown on Map 4.</li> <li>• Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5.</li> <li>• Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5.</li> </ul> <p>The land is with 450m of the 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.</p> <p>Pursuant to Clause 37.04-4 an apartment development must meet the requirements of Clause 58.</p> <p>Pursuant to Clause 37.04-4 of the CCZ1, and Clause 4.1 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>	No
<b>Clause 43.02 - Design and Development Overlay – Schedule 33 (DDO33)</b>	Pursuant to Clause 43.02-2 of the DDO and Clause 2.0 of Schedule 33 to the DDO, a permit is required to construct a building or construct or carry out works in the Design and Development Overlay.	No
<b>Clause 44.50 Special Building Overlay Schedule 1 (SBO)</b>	Pursuant to Clause 44.05-1 a permit is required to construct a building or to construct or carry out works.	No
<b>Clause 45.03 – Environmental Audit Overlay (EAO)</b>	<p>Pursuant to Clause 45.03-1 of the EAO:</p> <p>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 required under this clause.</p>	Yes (previously considered under Clause 37.04 prior to GC81)
<b>Clause 45.09 - Parking Overlay (PO1)</b>	<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 proposed parking provision does not exceed the maximum rates set out in the Table, and therefore no permit is required under this clause.</p>	No
<b>Clause 45.11 – Infrastructure</b>	As specified in 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 this scheme.	Yes



<p><b>Contributions Overlay (ICO1)</b></p>	<p>This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.</p> <p>The following land or development of land is exempt from an infrastructure contribution: A non-government school, Housing provided by or on behalf of the Department of Health and Human Services. For any other land or development of land specified in a schedule to this overlay.</p> <p>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 this scheme for the following: An existing use of land provided the site coverage is not increased, A sign, and/or Consolidation of land or a boundary realignment.</p> <p>Pursuant to Schedule 1 to the ICO1, a permit may be granted to subdivide land, construct a building or construct or carry out works before a precinct wide development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:</p> <ul style="list-style-type: none"> <li>• A site specific development contributions plan has been prepared by the developer to the satisfaction of the Minister for Planning;</li> <li>• An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions.</li> <li>• The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of development.</li> <li>• The permit allows for the construction of a building or construction or carrying out works for;             <ul style="list-style-type: none"> <li>- Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling.</li> <li>- A single dwelling on a lot</li> <li>- An existing use of land provided the gross floor of the existing use is not increased by more than 1000 square metres.</li> <li>- A sign.</li> </ul> </li> <li>• The permit only allows the consolidation of land or a boundary realignment.</li> </ul> <p>A permit is required under this clause.</p>	
<p><b>Clause 52.06 Car Parking</b></p>	<p>Pursuant to Clause 45.09-1 (Parking Overlay), the PO operates in conjunction with the requirements of Clause 52.06.</p>	<p>No</p>
<p><b>Clause 52.34 Bicycle Facilities</b></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>No</p>

## 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 58: Apartment Developments
- 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 the issue of the Planning Permit the Minister has Gazetted Planning Scheme Amendment GC81 (5 October 2018), which modified some of the controls affecting the site as follows:

- a) 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.



- b) 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.
- c) Modification to the Parking Overlay Schedule 1, to reduce the maximum parking rates for residential dwellings.
- d) An update to the Fishermans Bend Strategic Framework Plan, October 2018. The Framework is a reference document to the Port Phillip Planning Scheme.

**9. REFERRALS**

9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

Internal Department / Referral Officer	Referral Comments (summarised)
Urban Design	<ul style="list-style-type: none"> <li>• From the plans submitted it is unclear as to how the site services are now incorporated into the architectural and landscaping to minimise visibility. The plans show a thin green line outlined around the fire booster cupboard and the section renderings do not correspond with any landscaping resolution - only materials, which will provide little benefit in minimising the visibility from the public realm.</li> <li>• In saying that the location of the mailbox and bike parking in this location is supported and is towards the right direction to improve this amenity within the current constraints.</li> <li>• It must be noted that the location of these services should be investigated at an early stage which allows the proposal to respond to and integrate these into the overall design of the building rather than result in what will result in an attempt to disguise an afterthought design approach.</li> <li>• One suggestion could be that they extend the line of planting to Williamstown Rd to continue the landscape screen to the reserve</li> </ul> <p><b>Planning Officer Comment:</b></p> <ul style="list-style-type: none"> <li>• The original plans proposed a 9.4 metre long continual stretch of service cupboards (Gas, water and Fire) directly on the south-east corner site boundary presenting to Williamstown Road. The revised design reduces this down to two smaller service cupboards of only 1.7 metres in width each broken up by the visitor bike parking area, a vast reduction in built form presented to this interface.</li> </ul>



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|  | <ul style="list-style-type: none"><li>• The modified layout of the fire booster and water meters whilst not the preferred option will still facilitate a built form outcome for the service cabinets and associated bicycle parking that will soften their impact to the public realm and help integrate the forms into the boundary fencing and landscape treatments presented to J. L. Murphy Reserve and Williamstown Road, given the option of relocating the services is no longer viable.</li><li>• The suggested increase in the extend of planting along the common pathway in front of the water meter cupboards facing JL Murphy Reserve to facilitate a continued landscape screen to the reserve could not be implemented as it would prevent access to the service cupboards.</li></ul> |
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## 9.2 External referrals

9.2.1 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, and an application affected by 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

### 11.1 Proposed Amendments

This assessment will consider the proposed amendments in turn below and will not revisit approved elements of the proposal.

### 11.2 Amendments to the Plans

- 11.2.1 Relocation of the gas meter from the south-eastern corner of the site within town house No 6 (TH06) setback to the south-western corner of the site within town house No 1 (TH01) setback.
- 11.2.2 Modification of the size, materials and reorientation of the, water meter, fire booster assembly, and third pipe connection within the south-eastern corner of the site (within TH06 setback).
- 11.2.3 The modified service cabinet layout (See Plans TP100 and TP201) whilst not the preferred option will still facilitate a built form outcome for the cabinets and associated bicycle parking that will soften their impact to the public realm and help integrate the forms into the boundary fencing and landscape treatments presented to J. L. Murphy Reserve and Williamstown Road.



- 11.2.4 Since the approval of the original application planning scheme amendment GC81 has been gazetted by the Minister (5 October 2018) which has modified the requirements of the Port Phillip Planning Scheme that affect the subject site including the introduction of the Design and Development Overlay Schedule 33 which specifies mandatory maximum street wall and tower heights, and mandatory minimum tower street, side and rear boundary setbacks and tower separation distances.
- 11.2.5 The subject site is in Area W3 of the Wirraway precinct which is generally, a low to mid-rise scale of development, including, narrow lot, row, block and hybrid developments that do not result in podium–tower forms and deliver a variety of street wall heights between 4 and 8 storeys to contribute to architectural diversity. Buildings with residential development at ground level should create a sense of address by providing direct individual street entries to dwellings or home offices, where practicable.
- 11.2.6 In this instance the schedule has a site-specific requirement for all development abutting Williamstown Road which are to create small landscaped frontages to Williamstown Road.
- 11.2.7 Bearing in mind the setback and general materiality and landscaping treatment presented by the development to Williamstown Road is not altered by the proposal, the only visual change over that specified by Condition 1(f) is the retention of the water cabinets and letter boxes within the south-eastern corner, and their effect on views from the surrounding public spaces. The service enclosures are incorporation into the architectural and landscape architectural design of the development, in particular the fencing built form, vastly reduce in width (9.4 metres down to 3.4 metres) and reoriented away from Williamstown Road so as to minimise visibility from the public realm.
- 11.2.8 Given the engineering restrictions specified with the relocation of these services, the proposed outcome can be supported.

11.3 Conditions proposed to be modified

**Condition 1(f) (amendments to plans)**

11.3.1 Modification of Condition 1(f) from:

*“Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent JL Murphy Reserve and incorporated into the design of the development”;*

to:

*“Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*



- 11.3.2 Condition 1(f) of the original permit required the “Relocation of the site services from the south-eastern corner of the site to an alternative location not adjacent A Murphy Reserve and incorporated into the design of the development”
- 11.3.3 As part of its review of the permit conditions, the property owner enlisted its consulting services engineer (JBA) to confirm whether the relocation of the water meter and fire booster from the south-east corner of the site was possible. In a letter of advice dated 26 July 2018, JBA Consulting noted the following:
- 11.3.4 The current existing fire booster and water meter is interconnected with the remaining lots / buildings on the site. The system is interconnected and modification to the system affects all owners.
- 11.3.5 To relocate the existing fire booster and water meter would require permission from the other lots, a shutdown of their operations for a period of time, re-application to the MFB for new location approval and digging up of Williamstown Road for a new tapping location.
- 11.3.6 The gas meter enclosure can be relocated and has been and has been relocated to the southwest corner and shall be integrated into the fence / facade.
- 11.3.7 As a result of the above advice it was considered that the water meters and fire boosters could not be reasonably relocated, which forms the basis for this application which now proposes modifying the wording of Condition 1(f) to address this issue by stating: *“Incorporation of the site services into the architectural and landscape design of the development generally in accordance with Plan TP100, revision A, received by Council on 9 September 2018, so as to minimise visibility from the public realm.”*
- 11.3.8 The modified condition, whilst not the preferred option, would still facilitate an acceptable built form outcome for the service cabinets and associated bicycle parking that would soften their impact to the public realm and help integrate the forms into the boundary fencing and landscape treatments presented to J. L. Murphy Reserve and Williamstown Road.
- 11.4 Sustainable Transport
- 11.4.1 The bicycle facilities requirements of Clause 52.34 apply to the approved use of the site for accommodation. Requirements for a dwelling are listed in table 1 to Clause 52.34-3 as (in developments of four or more stories) one resident space per 5 dwellings, and one visitor space per 10 dwellings. The proposed relocation of the bicycle racks will be not result in any reduction in the number of spaces over that already approved, therefore no planning permit is required under clause 52.34.



**12. COVENANTS**

- 12.1 The applicant has completed a declaration form declaring that the subject land, being all the land contained in Volume 10484, Folio 158, commonly known as Lot 3 of Plan of Subdivision 429255Y [Parent Title Volume 10484 Folio 158] 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 The changes to the plans could be supported, the proposed buildings and works whilst requiring the modification of a permit condition would be minor in nature. The modified condition and plans will still facilitate a built form outcome for the service cabinets and associated bicycle parking that will soften their impact to the public realm and help integrate the forms into the boundary fencing and landscape treatments presented to J. L. Murphy Reserve and Williamstown Road, sort within the Capital City Zone and Design and Development Overlay. In conclusion the proposed amendment would be acceptable in light of the relevant State and Local Planning Policy, applicable controls, and Clause 65 of the Planning Scheme and should be supported.
- 15.2 The proposed amendments would be acceptable subject to the modified condition 1(f) for reasons explored within the body of this report. The proposed amendments would be acceptable with respect to the relevant Planning Policy including the current Fishermans Bend Strategic Framework Plan. In addition, the proposed amendments to the approved development would not contradict the newly implemented controls and strategic framework. It is therefore recommended that the Council issue an amended planning permit subject to the conditions attached to this report.

**TRIM FILE NO: PF18/23290**

**ATTACHMENTS**

- 1. Amendment S72 Plans**
- 2. S72 Amendment - Engineering report**