



12.3 [245-247 AND 249-251 NORMANBY ROAD, SOUTH MELBOURNE](#)

LOCATION/ADDRESS: 245-247 AND 249-251 NORMANBY ROAD, SOUTH MELBOURNE

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

PREPARED BY: PATRICIA STEWART, FISHERMANS BEND URBAN RENEWAL SENIOR PLANNER

1. PURPOSE

1.1 To provide a Council position on Ministerial Application 13/2015/MIN/B for 245-251 Normanby Road, South Melbourne to amend the existing permit under Section 72 of the *Planning and Environment Act 1987* to provide an additional level of car parking within the podium, reconfigure the apartment layouts to include dual-key apartment layouts, change the façade and schedule of materials and provide car parking in excess of the car parking rates of the Parking Overlay.

2. EXECUTIVE SUMMARY

WARD:	Gateway
TRIGGER FOR DETERMINATION BY COMMITTEE:	Development and use for accommodation in the Capital City Zone
APPLICATION NO:	DELWP: PA1500028-2 Council Ref: 13/2015/MIN/B
APPLICANT:	SJB Planning Pty Ltd
EXISTING USE:	Panel beaters and wholesale warehouse
ABUTTING USES:	Warehouses
ZONING:	Capital City Zone (CCZ1) Abuts Road Zone Category 1 (RDZ1) (Normanby Road)
OVERLAYS:	Incorporated Plan Overlay (ICO1) Environmental Audit Overlay (EAO) Parking Overlay (PO1) Design and Development Overlay (DDO30) Special Building Overlay (SBO2)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	23 April 2020 (S55 referral)



- 2.1 The Minister for Planning (the Minister) is the Responsible Authority for the subject site.
- 2.2 On 23 January 2018 the Victorian Civil and Administrative Tribunal (VCAT) directed a permit issue for the demolition of the existing building, the construction of a multi-storey, mixed-use, 40 storey building, use of land as dwellings, and to create or alter access to a road in a Road Zone Category 1. The permit was issued pursuant to VCAT Order P2166/2017 after a consented position was reached by all parties.
- 2.3 On 26 February 2020, the Planning Committee considered an application to amend the existing permit under Section 72 of the *Planning and Environment Act 1987*. The Committee determined to advise DELWP that it:
- Supported amending Condition 14 (Environmental Audit) subject to an additional condition; and
 - Did not support amending Condition 20 (Affordable Housing) to facilitate alternative mechanisms to provide affordable housing.
- Council was notified of the Section 50 amendment lodged by the applicant to the aforementioned application, after the Council report with officer recommendations was published. The amendment sought to split the consideration of changes to Condition 14 and Condition 20 into two separate applications, as follows:
- Planning permit application 13/2015/MIN/A now refers to changes to Condition 14 only.
 - Planning permit application 13/2015/MIN/C now refers to changes to Condition 20 only.
- Council determined its position on both matters on 26 February 2020, on the understanding that both matters were being considered as part of one application.
- The Department issued an Amended Planning Permit on 30 March 2020 to amend Condition 14. The amended condition generally aligned with Council's Recommendation.
- DELWP have not determined on the Condition 20 amendment application at the time of preparing this report.
- 2.4 The permit applicant is now seeking to amend the permit and plans to provide an additional level of car parking within the podium, reconfigure the apartment layouts to include dual-key apartment layouts, change the façade design and schedule of materials, and provide car parking in excess of the car parking rates of the Parking Overlay.
- 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 1987* allows applicants to apply to the responsible authority for an amendment to a permit and associated plans.
- 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 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.

- 2.7 The amendment application was lodged with the Department on 20 December 2019 and a copy was provided to Council on the same day.
- 2.8 On 08 January 2020, the Department requested further information; this was received on 19 February 2020 and referred to Council on 21 February 2020.
- 2.9 Council provided preliminary comments to the applicant on 11 March 2020 and on 13 March 2020 received a written response, further amended plans (Rev J dated 13 March 2020) which included changes to the ground floor entries, retail/commercial tenancies and communal facilities, loading and service access areas and the Waste room (including provision for organic waste, Ewaste and charity bins) and an additional rainwater tank to increase capacity to accord with the submitted Sustainable Management Plan, changes to the rooftop level to reinstate communal facilities and solar PV panels generally in accordance with the endorsed plans, façade changes and a swept path diagram for the loading bay and an advice from the applicants Waste engineer regarding changes to the waste management design.
- 2.10 The Rev J plans were subsequently formally substituted pursuant to S50 of the Act on 13 March 2020.
- 2.11 The proposed amendments to the built form include a change in architectural expression which results in a bulkier and dominant form to the street. The changes to the articulation of the tower are considered to lack visual interest.
- 2.12 On 8 April 2020, after the Council report listed at Item 14.3 of the agenda was drafted, Council received without prejudice amended plans in response to referral comments provided by Council officers to the applicant and concerns raised by the Department of Environment, Land, Water and Planning. This report has been updated to discuss the without prejudice amended plans.
- 2.13 The draft amended plans included at **Appendix E** include amended floor plans to the tower, revised elevations and architectural renders. The applicant advises, *“The slab edges have been amended so that the vertical language of the building is strengthened. The typical floor plan shows the centre point of the façade shifted to the west and the profile of the slab extrusions altered. The asymmetry of the tower provides for the eye to be drawn up as opposed to across. The response from DELWP officers is positive. They believe the treatments applied to the façade accentuate the slenderness of the building by drawing the eye so that it reads with greater vertically. They are also prepared to deal with these revisions via permit condition.”*
- 2.14 The applicant has requested Council give consideration to these revisions as part of the S55 referral response to DELWP.
- 2.15 Overall, the revised façade provides a well resolved composition with the use of modularised elements, comprising curves and square edges, to result in visual interest



and a more slender presentation to the Normanby Road and Woodgate Street interfaces.

- 2.16 The proposed amendment to introduce dual-key apartment arrangements would remove all standalone 3-bedroom apartments from the development. There is no certainty that the dual key arrangements will be utilised for 3-bedroom apartments. A development that excludes the dual key arrangements would have a limited dwelling diversity of 59% 1-bedroom and 41% 2-bedroom dwellings. This would not comply with community and diversity objective of Clause 22.15.
- 2.17 Due to the uncertainty that the dual key arrangements would be utilised for 3-bedroom dwellings, the amended proposal would have a dwelling density of 1,687 dwellings/ha. Compared to the current approved proposal (1,296 dwellings/ha), the amended proposal would increase the exceedance of the 450dwelling/ha dwelling density sought in CCZ1 by an unacceptable amount. It is recommended that 25% of the dual key dwellings be converted to standalone 3-bedroom apartments.
- 2.18 Interestingly, the amended plans include an annotation that pursuant to Condition 20 of the permit, apartments would be provided for affordable housing in accordance with the current requirements of Condition 20, noting this may be subject to change given the pending amendment application.
- 2.19 It is recommended that Council advise the Minister (C/- the Department of Environment, Land, Water and Planning) as follows:
- Council supports the generality of the podium façade changes and ground floor and podium level layouts including car parking at the Mezzanine Level and the relocation of services and communal facilities.
 - Council supports the changes to the roof top level communal facilities and building services, including the solar PV array.
 - Council supports the without prejudice amended plans received by Council on 8 April 2020.
 - Council does not support the provision of car parking in excess of the car parking rates of the Parking Overlay or a reduction in the number of bicycle parking spaces. The number of car parking spaces should be reduced to not exceed the parking rates of the Parking Overlay and the deleted spaces should be converted into additional bicycle parking.
 - Council does not support the deletion of all three-bedroom dwellings and replacement with 105 dual-key 1 and 2-bedroom apartments.
 - If the Department were to support the proposed amendments, Council requests:
 - the number of dual-key apartments be reduced and at least 25% of dwellings contain 3 or more bedrooms;
 - the permit conditions be amended or augmented to address Council concerns.



3. RECOMMENDATION

3.1 That Council advises the Department of Environment, Land, Water and Planning that:

RECOMMENDATION – PART A

3.2 Council supports the proposed amendments detailed in the without prejudice amended plans prepared by CHT Architects, Job No: 15060, Typical Levels (Level 5-39), TP2.01, TP2.02, TP 2.03, TP2.04 all Rev I, all dated 13/02/2020 and received by Council on 08/04/2020 generally detailing changes to façade articulation. Council also supports the proposed changes to the built form including an additional level of car parking within the podium, reconfiguration of the apartment and commercial tenancy layouts.

3.3 Council does not support the proposed amendments to introduce dual-key apartments and provide car parking in excess of the car parking rates of the Parking Overlay for the reasons set out at Sections 11 and 14 of this report.

RECOMMENDATION – PART B

3.4 In the event the Minister determines to grant an amended planning permit, any permit granted should incorporate the suggested amended and new conditions attached to this report at **Appendix F**.

RECOMMENDATION – PART C

3.5 Authorise the Chief Executive Officer (or delegate) to negotiate an appropriate outcome for the proposal and to instruct Council's Statutory Planners and/ or Council's Solicitors on any future VCAT application for review.

4. RELEVANT BACKGROUND

- 4.1 On 28 October 2015, an application was made to the Minister c/- the Department of Planning and Community Development (now the Department of Environment, Land, Water and Planning) (the Department) for a 41-storey residential tower containing three retail tenancies on the ground floor and 536 apartments.
- 4.2 The application was informally referred to Council for comment. Council considered the application at its Statutory Planning Committee Meeting on 21 June 2016 and resolved to advise the Minister it did not support the proposal.
- 4.3 Amended plans were lodged in response to changes to the planning controls affecting the site, introduced pursuant to Amendments GC50 and GC59 (on 14 November 2016 and 22 November 2016 respectively), and concerns raised by Council and the Department in relation to the previous plans.
- 4.4 The amended plans proposed a 40-storey tower including a five-level podium, containing two retail tenancies, offices, a health spa, and 321 dwellings, and a through-block link laneway along the south-west side between Normanby Road and Woodgate Street.
- 4.5 Council considered the amended proposal at its Statutory Planning Committee Meeting on 19 July 2017 and resolved to advise the Minister it did not support the proposal.



- 4.6 On 04 October 2017 the applicant lodged an application for review pursuant to section 79 of the *Planning and Environment Act 1987* (Application for Review) at the Victorian Civil and Administrative Tribunal (VCAT).
- 4.7 On 11 December 2017, the applicant formally amended their plans in accordance with Practice Note PNPE9.
- 4.8 After two Compulsory Conferences on 13 December 2017 and 19 December 2017, a consented position was reached between all parties. VCAT Order P2166/2017 dated 23 January 2018 directed a permit issue for demolition of the existing building, the construction of a multi-storey mixed-use building, use of land as dwellings, and to create or alter access to a road in a Road Zone Category 1. On 25 January, the Permit was issued by DELWP
- 4.9 Condition 1 plans, Condition 3 (Wind Mitigation), Condition 6 (Acoustic), Condition 22 (Landscaping) were endorsed by the Department on 11 December 2019. A copy of the Endorsed Plans is included at **Appendix A** of this report.
- 4.10 The following documents have been endorsed by Council to date:
- Condition 5 (Waste Management) was endorsed on 03 December 2019;
 - Condition 7 and 9 (Sustainable Management Plan and Water Sensitive Urban Design Report) were endorsed on 02 December 2019; and
 - Condition 11 (Traffic and Loading Management Report) was endorsed on 06 December 2019.
- 4.11 On 26 February 2020, the Planning Committee considered an application to amend the existing permit under Section 72 of the *Planning and Environment Act 1987*. The Committee determined to advise DELWP that it:
- Supported amending Condition 14 (Environmental Audit) subject to an additional condition; and
 - Did not support amending Condition 20 (Affordable Housing) to facilitate alternative mechanisms to provide affordable housing.
- Council was notified of Section 50 amendment to the aforementioned application, after the Council report with officer recommendations was published. The amendment sought to split consideration of changes to Condition 14 and Condition 20 into two applications as follows:
- Planning permit application 13/2015/MIN/A now refers to changes to Condition 14 only.
 - Planning permit application 13/2015/MIN/C now refers to changes to Condition 20 only.
- Council determined its position on both matters on 26 February 2020, whilst of the understanding this was being considered as part of one application.



- 4.12 Council determined to advise DELWP that it generally supported the amendment of condition 14 (Environmental Audit), subject to a variation of the condition and the inclusion of further conditions.

The Department issued an Amended Planning Permit on 30 March 2020 to amend Condition 14. The amended condition generally aligned with Council's Recommendation.

- 4.13 At the same meeting, Council determined that it did not support amendments to condition 20 to allow alternative mechanisms to provide affordable housing. The Council also proposed an alternative wording to Condition 20 if the Minister determined to approve the application. The Minutes of the 26 February 2020 Meeting including the Committees resolution is at **Appendix B** of this report. At the time of preparing this report, the Department had not determined on the application to amend Condition 20.

5. PROPOSAL

- 5.1 This application seeks to amend the plans endorsed on 11 December 2019 by providing an additional level of car parking within the podium, reconfiguring the apartment layouts to include 105 'dual-key' apartments (comprising abutting independently accessible 1 x 1BR apartment and 1 x 2-BR apartment with a lockable internal door, capable of being used as separate dwellings or combined by a single household [such as an elderly parent or older child living adjacent to children/parents etc.]), changing the façade configuration and materials and providing car parking for the dwellings in excess of the car parking rates of the Parking Overlay.
- 5.2 The plans which are the subject of this report are those prepared by CHT Architects, entitled Job No: 1560, Drawing Nos: TP0.00 -TP0.04, Rev No: I dated 13/02/2020; TP1.01 and TP1.01A Rev No: J dated 13/03/2020; TP1.02 - TP1.06, Rev No: I dated 13/02/2020; TP1.07 Rev No: H dated 22/11/2019; TP1.08 - TP 3.08, Rev No: I dated 13/02/2020; TP3.09, Rev No. J dated 13/03/3030; TP3.10, Rev No: I dated 13/02/2020; TP3.11, Rev H dated 22/11/2020; and TP4.01 - TP5.03 Rev No. I dated 13/02/2020, all received by Council on 13/03/2020.

A copy of the Rev J application plans is at **Appendix C** of this report.

A detailed list of amendments is outlined below:

- **Ground Level** including:
 - reconfiguration of commercial tenancy layouts and business centre / co-working communal facilities. Refer to **Table 1** and **Table 2** for further details of changes to commercial and communal facilities respectively;
 - adjustments to column placement;
 - changes to the layout of the end of trip facilities in the bike storage area;
 - changes in the area of building services located off the service corridor;
 - changes to gradients of access ramp of loading area from 1:6.5 and 1:12 to a continuous 1:12;



- change to the area and separation of the residential and commercial waste rooms;
 - reconfiguration and widening of the car park ramp by 0.9m from 7.0m to 7.9m and combined width of the car park entry and loading by entry by approx. 0.7m from approx. 11.0m to approx. 11.7m; and
 - finished floor levels in retail areas of G02 and G03 a minimum of RL3.00.
 - **Mezzanine Level** including:
 - additional level of car parking within the podium including a consequential re-design of the mezzanine level to increase the number of car parking spaces.
 - provision of two meetings rooms and a study hub / library as part of the communal residential facilities;
 - deletion of the cinema (relocated to Level 4);
 - deletion of the executive conference room;
 - deletion of games arcade (relocated to Level 4);
 - deletion of the floor area for the retail area G01; and
 - addition of 25 car parking spaces with storage units and a storage area for 23 bikes.
 - **Podium parking levels** including:
 - changes in location of bicycle parking, motorcycle parking, storage cages and car parking spaces;
 - apartment 1048 changed from 2-bedroom to 1-bedroom; and
 - provision of bicycle storage along the western side of each level.
 - **Level 4 top of podium** including:
 - introduction of apartments to the south-east and south-west of Level 4, the multi-purpose room and part of the yoga studio replaced with 3 x 2-bedroom and 1 x 1-bedroom apartment; and
 - reconfiguration of the gym and wellness centre layout and relocation of the games room and residents' lounge and dining area from the mezzanine level.
 - **Levels 5 to 39** including:
 - dual key apartments from Level 5 to Level 39 (all tower levels except for Level 4 top of podium); and
 - the number of apartments proposed to increase from 342 to 445 (+103) if excluding dual key apartments. The number of apartments is proposed to decrease to 340 (-2) if including the dual-key apartments. A summary of changes to the number of mix of apartments is detailed at **Table 3**.
 - **Roof level** including:
-



- reconfiguration of rooftop communal area;
- reconfiguration of roof plant equipment;
- revisions to photovoltaic panels and increase from 143 to 144 panels; and
- additional plant equipment.
- **Elevations** amended to reflect the amended apartment layouts in the tower, including:
 - addition of 1.0 to 1.6m projecting splays to the Normanby Road and Gladstone Street facades;
 - introduction of central recess to Normanby Road and Woodgate Street facades;
 - re-configuration of windows;
 - replacement of bronze perforated metal (PM01) with paint finish silver metallic (PF01); and
 - deletion of integrated photovoltaic panels (BIPV's) from the NE elevation.

On 8 April 2020, after the Council report listed at Item 14.3 of the agenda was drafted, Council received without prejudice amended plans in response to referral comments provided by Council officers to the applicant and concerns raised by the Department of Environment, Land, Water and Planning.

The draft amended plans included at **Appendix E** include amended floor plans to the tower, revised elevations and architectural renders. The applicant advises, *“The slab edges have been amended so that the vertical language of the building is strengthened. The typical floor plan shows the centre point of the façade shifted to the west and the profile of the slab extrusions altered. The asymmetry of the tower provides for the eye to be drawn up as opposed to across. The response from DELWP officers is positive. They believe the treatments applied to the façade accentuate the slenderness of the building by drawing the eye so that it reads with greater vertically. They are also prepared to deal with these revisions via permit condition.”*

The amendments:

- Increase the number of car parking spaces by 25 from 206 to 231;
- Reduce the number of bicycle parking spaces by 5 from 376 to 371;
- Increase the number of stores by 89 from 360 to 449;
- Increase the number of motorbike parking spaces by 1 from 4 to 5.
- Increase the number of loading bays by 1 from 2 to 3.



Tables 1 and 2 provide a breakdown of approved and proposed commercial and communal floor areas. **Table 3** provides a breakdown of approved and proposed apartments.

Table 1: Approved and proposed commercial floor areas

	Approved Floor Area (m2)	Proposed Floor Area (m2)	Variation (m2)
G01	73 + 45 (mezzanine level) = 118	205	+ 87
G02	215	142	-73
G03	212	142	- 70
Total	545	489	- 56

Table 2: Approved and proposed communal floor areas

	Approved (m2)	Proposed (m2)	Variation (m2)
Ground Floor			
Private dining	85	-	- 85
Executive business lounge (Library / Co-working Area / Creative Hub)	152	164	+12
Cinema	-	48	+ 48
Arrival lounge	71	41 ¹	- 30
Bike storage	115	115	
Mezzanine			
Executive Conference Room	45		- 45
Cinema	70		- 70
Games Arcade	159		- 159
Study hub / library		+156 ²	+ 156
Level 4			
Lounge 1 and 2	141	170	- 24
Communal dining	53		
Multipurpose room 1 and 2	107		- 107
Wellness centre	206	71	- 135
Gym	288	221	- 67
External communal facilities	501	422	- 79

¹ Floor space of arrival lounge was not previously included as a residential communal facility but is now proposed to be incorporated as part of the amendment application. The total communal facilities of the endorsed plans are therefore 71m² greater than that detailed on the endorsed plans.

² Floor plans notes 156 m², schedule of accommodation notes 149 m².

³ Floor plans note 398 m², schedule of accommodation notes 435 m²

* Based on 445 apartments i.e. excluding dual-key apartments

** Based on 340 units i.e. including dual-key apartments



Games room	0	60	+ 60
Roof			
Communal roof top	448	398 ³	- 50
Summary			
Total Communal Space	2441	1866	- 575
Total Communal Open Space	949	820	128
Square metres per unit – Communal Space	7.12	4.19*	- 2.93*
		5.48**	- 1.30**
Square metres per unit – Communal Open Space	2.77	1.84*	-0.93*
		2.41**	-0.36**

Table 3: Approved and proposed schedule of residential accommodation

	Approved		Proposed		Variation	
	No. of apartments	% of all apartments	No. of apartments	% of all apartments	No. of apartments	% of all apartments
1 Bed / 1 Bath	130	38.01%	158	35.51%* 46.47%**	+ 28	- 2.5%* + 8.46%**
2 Bed / 2 Bath	113	33.04%	77	17.3%* 22.64%**	- 36	-15.74%* -10.4%**
3 Bed / 2 Bath	99	28.95%	-	-	- 99	0%
Dual Key: Options A + B, or C						
Option A and B – excluding turn key arrangement						
A:	-	-	105	23.59%* 30.88%**	+105	23.59%* 30.88%**
1 Bed / 1 Bath						
B:	-	-	105	23.59%* 30.88%**	+105	23.59%* 30.88%**
2 Bed / 2 Bath						
Option C – Including dual-key arrangement						
C:	-	-	105	30.88%	+105	30.88%
3 Bed / 3 Bath						
Total	342		445* 340**		+103* -2**	

* Excluding dual key arrangement

** Including dual key arrangement

5.3 The applicant has provided the following reports in support of their application:



- A revised Sustainability Management Plan and Water Sensitive Urban Design Response dated 03 February 2020 prepared by Ark Resources Pty Ltd
- A revised Transport Impact Assessment dated 03 February 2020 prepared by One Mile Grid traffic engineers;
- A revised Waste Management Plan dated 06 February 2020 prepared by Leigh Design;
- A revised Wind Tunnel Test dated 06 February 2020 prepared by Vipac Engineers and Scientists;
- A revised Landscape Plan dated 07 February 2020 prepared by Hansen;
- A revised Façade Strategy prepared by CHT Architects including updated renders;
- An updated Acoustic assessment dated 13 February 2020 prepared by Octave Acoustics.

6. SUBJECT SITE AND SURROUNDS

- 6.1 The subject site is located on the south-east side of Normanby Road, between Montague Street to the north-east and Boundary Street to the south-west. Woodgate Street abuts the rear site boundary.
- 6.2 The site is located within the Montague Precinct of the Fishermans Bend Urban Renewal Area (FBURA). In January 2018 when the original permit was issued, an interim maximum mandatory height limit of 40 storeys applied to this site. In October 2018, GC81 introduced a new Framework Plan and amended the planning scheme to include the area in Building typology and Preferred precinct character area M1 Hybrid (predominantly mid-rise i.e. 7-15 storeys), and a preferred maximum building height of 68m / 20 storeys.
- 6.3 The site is regular in shape and measures 2,640m². The land currently contains two double storey warehouses that are constructed to all site boundaries except for a front setback of 15m from Normanby Road, which contains a hard-standing car park. There are two existing vehicle crossovers from Normanby Road to the subject site. There is a nature strip containing a mature tree adjacent to the Normanby Road site frontage.
- 6.4 There are also two vehicle crossovers from the subject site to Woodgate Street.
- 6.5 The adjacent site to the north-east side contains a two-storey warehouse constructed to the site boundary.
- The adjacent site to the south-west side is vacant pending redeveloping pursuant to Planning Permit 2/2017/MIN which allowed demolition of the existing buildings and works, construction of a building comprising two towers of 28 and 40 storey height containing ground floor level retail, townhouse dwellings, apartments and a hotel. A S72 amended permit was issued on 19 May 2019 for changes to the façade design.
- 6.6 Normanby Road, between Boundary Street/ Johnston Street and Montague Street, generally contains contemporary two-storey warehouse / industry / showroom buildings with car parking in the front setback, except for the building on the corner of Montague



Street and Normanby Road which comprises a four-level heritage graded warehouse used for self-storage, and two levels of apartments above.

- 6.7 To the south of the site, Woodgate Street generally contains the rear of buildings located on Normanby Road with no street setback along its westerly side (including some vehicle crossovers), and the light rail line and landscaped embankment along its easterly side.
- 6.8 Woodgate Street is a two-way street with on-street car parking on both sides. The westerly side contains a footpath with some small street trees. There is no footpath on the easterly side of the street.

7. PERMIT TRIGGERS

- 7.1 The following zone and overlay controls apply to the site, with planning permission required as outlined below:

Planning Scheme Provision	Planning Permit requirement
<p>Clause 37.04 Capital City Zone (CCZ1)</p>	<p><u>Use</u></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 it does not meet the following conditions:</p> <ul style="list-style-type: none"> • Must not be within an Amenity buffer shown on Map 4. • Must not be within 450m of the South Melbourne to Brooklyn or Dandenong to West Melbourne pipeline as shown on Map 5. • Must not be within 100m of the Port Melbourne to Symex Holdings pipeline as shown on Map 5. <p>The site is located within 450m of the South Melbourne to Brooklyn pipeline and thus requires a permit under this clause.</p> <p>Pursuant to paragraph 2.0 of Schedule 1 of the Capital City Zone, the use of the land or a dwelling must not exceed a density of 450 dw/ha in the Core Area of the Montague precinct. This equates to a maximum of 118 dwellings for the subject site. However, these requirements do not apply to an application for the use of the land in accordance with a planning permit for buildings on works granted before the approval date of amendment GC81 such as this application.</p> <p><u>Buildings and works</u></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, except for an addition of, or modification to a verandah, awning, sunblind or canopy of an existing dwelling.</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"> • An application lodged before the approval of Amendment VC136 (02 Feb-2017). • An application for amendment of a permit under S72, if the original application was lodged before the approval of Amendment VC136.



	<p>Pursuant to the above exemptions, the application was received before the approval date of Amendment VC136 and this amendment is exempt from the requirements of Clause 58.</p> <p>Clause 4.2 of Schedule 1 to the CCZ, States that a planning permit must not be granted to construct a building or carry out works with a dwelling density in excess of the provisions of 450dw/ha in the Montague precinct unless otherwise agreed under section 173 agreement of the Act. This clause also notes developments must provide bicycle, motorcycle and car sharing parking spaces in accordance with Table 2 unless the responsible authority is satisfied that a lesser number is sufficient. This clause also places restrictions on vehicle access points and crossovers.</p> <p>Clause 4.3 to schedule 1 of the CCZ outlines required conditions of permit relating to Green Star rating, Third pipe and rain tank; Development near gas transmission pipelines; Footing and foundations near the proposed future Metro alignment; Roads and laneways.</p> <p>The requirements of Clause 4.2 and Clause 4.3 do not apply to an application to amend a permit issued before the approval date of Amendment GC81 such as this.</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, except for:</p> <ul style="list-style-type: none"> • The demolition or removal of temporary structures; • The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law. <p>A planning permit is required to demolish the buildings on site.</p> <p><u>Notice and review</u></p> <p>An application for the use of land, to demolish or remove a building and to construct a building or construct or carry out works) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.</p> <p>A permit is required under this clause.</p>
<p>Clause 43.02: Design and Development Overlay - Schedule 30 - Fishermans Bend -Montague Precinct (DDO30)</p>	<p>The land is in Precinct Area M1 of DDO30 which encourages a hybrid (predominantly mid-rise) building typology and a preferred maximum building height of 68 metres (20-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>Notably, at Clause 2.2, the requirements of DDO30 do not apply to an application to amend an existing permit granted before the approval date of Amendment GC81 <u>which does not increase the extent of non-compliance</u> with the requirements of this schedule.</p> <p>An application to construct a building or construct or carry out works in DDO30 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 permit is required under this clause.</p>
<p>Clause 44.05</p>	<p>Pursuant to Clause 44.05-2 of a permit is required to construct a building or construct and carry out works.</p>



<p>Special Building Overlay Schedule 2 (SBO2)</p>	<p>Pursuant to Clause 44.05-4 an application under the 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 the review rights of Section 82(1) of the Act.</p> <p>Pursuant to Clause 44.05-5 an application must be referred to the relevant floodplain management authority under Section 55 of the Act. The floodplain management authority for the SBO2 is CoPP.</p> <p>A permit is required under this clause.</p>
<p>Clause 45.09 Parking Overlay (PO1)</p>	<p>A planning permit is required to provide car parking spaces in excess of the rates specified in Table 1 of Schedule 1 to the Overlay.</p> <p>The proposed parking provision would exceed the maximum rate set out in the Table. A permit is required under this clause.</p>
<p>Clause 52.06 Car Parking</p>	<p>Car parking should meet the design requirements of Clause 52.06-9, unless the responsible authority agrees otherwise.</p> <p>A permit is not required under this clause.</p>
<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>A permit is required to create or alter access to:</p> <ul style="list-style-type: none"> • A road in a Road Zone, Category 1. • Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road. <p>A permit is required under this clause because Normanby Road is a Road Zone Category 1.</p> <p>There are no proposed changes to access arrangements from Normanby Road.</p>
<p>Clause 52.34 Bicycle Facilities</p>	<p>A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities have been provided on the land pursuant to Clause 52.34-1.</p> <p>A planning permit is required to vary, reduce or waive any bicycle facilities requirement of Clause 52.34-3 and Clause 52.34-4.</p> <p>The proposed amendments seek to further reduce the bicycle provisions provided on site. A permit is required under this clause.</p>

7.2 Amendment GC81 following Clauses and considerations were introduced into the Port Phillip Planning Scheme after the permit was issued:

<p>Planning Scheme Provision</p>	<p>Why is a planning permit required?</p>	<p>New Permit Trigger?</p>
<p>Clause 45.03: Environmental Audit Overlay (EAO)</p>	<p>Pursuant to Clause 45.03-1 of the EAO, before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;</p> <ul style="list-style-type: none"> • A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or • A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that 	<p>No</p>



	<p>Act that the environmental conditions of the land are suitable for the sensitive use.</p> <p>A planning permit is not required under this clause.</p> <p>Conditions of the existing permit address the requirements of this overlay.</p>	
<p>Clause 45.11: Infrastructure Contribution Overlay (IC01)</p>	<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"> • An existing use of land provided the site coverage is not increased. • A sign. • Consolidation of land or a boundary realignment. <p>The proposed amendments to the conditions of the existing permit are exempt from the ICO.</p> <p>A planning permit is not required under this clause.</p> <p>Developer contributions for the proposal are addressed by a condition of the existing permit pursuant to the Development Contributions Plan Overlay that applied when the existing permit was granted.</p>	<p>No</p>

**8. PLANNING SCHEME PROVISIONS
Planning Policy Framework (PPF)**

8.1 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

Local Planning Policy Framework (LPPF)

8.2 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

8.3 The application also needs to be assessed against the following Local Planning Policies (LPPF):

- Clause 22.12: Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13: Environmentally Sustainable Development
- Clause 22.15: Fishermans Bend Urban Renewal Area Policy.

Other relevant provisions

8.4 The following general and particular provisions are of relevance to this proposal:

- Clause 52.06: Car Parking
- Clause 52.34: Bicycle facilities
- Clause 58: Apartment Developments
- Clause 65: Decision Guidelines, including Clause 65.01: Approval of an Application or Plan.

Relevant Planning Scheme Amendments:

8.5 Since the issue of the Planning Permit the Planning Scheme has been changed including by **Amendment GC81** (gazetted 05 October 2018) as follows:

- Amends the MSS at Clauses 21.01 (Vision and Approach), 21.02 (Municipal Context and Profile), 21.03 (Ecologically Sustainable Development), 21.04 (Land Use), 21.05 (Built Form), 21.06 (Neighbourhoods) to update references to FB and include a refined vision for Montague, Sandridge and Wirraway precincts.
- Introduces new local planning policy at Clause 22.15 (Fishermans Bend) to provide guidance and assist with the exercise of discretion in the assessment of planning permit applications in FB. Fishermans Bend Framework October 2018 a Reference document to Clause 22.15
- Introduces a new Schedule 1 to Clause 37.04 (CCZ) to ensure land use and development outcomes implement the FB Vision, September 2016 and FB Framework, September 2018.
- Introduces new precinct specific Schedules 30, 32 and 33 to Clause 42.03 (Design and Development Overlay) to align built form controls with preferred character and vision for Montague, Sandridge and Wirraway precincts, respectively.
- Introduces new Schedule 1 to Clause 45.09 (Parking Overlay) to encourage sustainable transport patterns and the provision of alternative forms of parking.



- Deletes Schedule 2 to Clause 45.06 (Development Contributions Plan Overlay).
- Inserts Clause 45.11 (Infrastructure Contributions Overlay) and Schedule 1 (ICO1) and applies it to land to enable implementation of an Infrastructure Contributions Plan when prepared.
- Applies Environmental Audit Overlay (EAO) to Montague, Sandridge and Wirraway precincts.
- Applies Clause 42.01 Environmental Significance Overlay - Schedule 4 (ESO4) to north side of Williamstown Road in Wirraway precinct near PoM (*previously south side of Williamstown Rd / Centre Rd-Batman Rd / The Boulevard and Todd Road Fisherman’s Bend Housing Estate dwellings only per Amendment C125: 24-05-2012*).
- Amends Schedule to Clause 66.04 to include the Port Phillip City Council and Melbourne Water as a recommending referral authority for planning permit applications where the Minister for Planning is the responsible authority and makes minor corrections to existing provisions.
- Amends Schedule to Clause 66.06 to require notice of certain permit applications to be given to the relevant pipeline licensee and Transport for Victoria.
- Amends Schedule to Clause 72.03 to reflect the deletion of Planning Scheme Map 1DCPO and insertion of new Planning Scheme Maps 1EAO, 1ICO, 2ICO and 3ICO.
- Amends Schedule to Clause 72.04 to reflect the deletion of the Fishermans Bend Strategic Framework, July 2016 (amended September 2016) which is outdated.

8.6 **Amendment GC118** gazetted on 20 June 2019 which corrects technical, formatting and grammatical errors in the Fishermans Bend planning controls.

9. REFERRALS

Internal referrals

9.1 The applications were internally referred for comment. Internal referral responses in full are an **Attachment D** of this report.

9.2 A summary of responses is as follows:

Internal Department / Referral Officer	Internal Referral Comments (summarised)
Heritage	No Heritage issues
Waste Management	<u>Application referral response:</u> <ul style="list-style-type: none"> • Please provide a swept path diagram



	<ul style="list-style-type: none"> • Hard waste area is drawn at the entrance of the commercial bin area – please allocate a hard waste area/space which is easily accessible by all residents in the development. • Recommend E-Waste and Charity Bin space • Recommend allocated space for organic/food waste for future council services • Please provide the width of commercial bin area entrance door. • WMP pg. 4 has – 6 commercial bins (3x1100 recycling bins and 3x1100waste bins) but the drawing shows 8x1100 bins altogether - please advise which one is right. • WMP pg.4 has – 20 residential bins (10x1100 recycling bins and 10x1100waste bins) but the drawing shows 21x1100 bins altogether (11xwaste bins) - please advise which one is right. <p><u>S50 plans referral response:</u> Support the amended plans</p>
<p>Traffic Engineers</p>	<p>Boom Gate – I recommend the Applicant undertake a queuing assessment to determine the required setback of the boom gate from the property line. Any vehicle queuing must be contained on-site. Plans must show the measurements/setbacks of the boom gate.</p> <p>Crossover – Widening the internal aisles result a wider crossover. I recommend the Applicant consider providing a pedestrian refuge to reduce the overall width consistent with Clause 45.09.</p>
<p>Fishermans Bend Strategy / Strategic Planning</p>	<p><u>S50 plans referral response:</u></p> <ul style="list-style-type: none"> • I agree with Item 1 under Preliminary Assessment of DELWP letter dated 8 January 2020, regarding the revised (tower) <u>façade treatment</u>. This correspondence raised concerns the amended plans result in visual bulk • There is concern that the additional 2m façade width of each elevation contributes to greater visual bulk of the tower element of the building. • There are no longer any standalone <u>3-bedroom dwellings</u> in the amended proposal. There is no certainty that the dual key arrangements will be utilised for 3-bedroom dwellings (including no associated Planning Permit conditions). The amended proposal increases the exceedance of the 450 dwelling/ha dwelling density sought in CCZ1 by an unacceptable amount. It is recommended that the dual key dwellings be converted to standalone 3-bedroom apartments. • <u>Communal open space / facilities</u>. In addition to the loss of communal floor area, in my view these areas provided some flexibility to be fitted out and equipped to “include a range of facilities, garden and recreation areas, with consideration given to



	<p><i>opportunities for a range of users” and “deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax”, as required by Clause 22.15. The remaining communal areas have quite specific purposes to meet specific needs of residents, however there are limited areas for people to interact casually, children to play, etc.</i></p> <ul style="list-style-type: none"> • The amended plans show <u>communal open space / facilities</u> on Levels 04 and the Roof that provide greater flexibility to be fitted out and modified over time to <i>“include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users” and “deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax”, as required by Clause 22.15. No further concerns in this regard.</i>
<p>Urban Design</p>	<p>The amendments including to the landscape plan are generally supported apart from:</p> <ul style="list-style-type: none"> • Public footpaths should be denoted as asphalt to accord with existing condition and Council specification. Driveway crossovers should be to Council specification. • Removal of bench seats on the ramps on the south side laneway. They will narrow the width of the thoroughfare, be a hazard to visually impaired and be uncomfortable to use given they’re on a ramp. • The coloured renders at TP.05.01 and .03 indicate extensive use of cascading or climbing plants across the faces of the podium that appear to be an important and integral element of the overall architectural strategy. This is inconsistent with the planting schedule on the landscape plans. The renders should be amended to accurately reflect the design proposal/landscape plans. <p><u>Without prejudice draft amended plans received 8 April 2020</u></p> <ul style="list-style-type: none"> • The amendments to the slab extrusions will provide a subtle improvement to the presentation and reading of the building. They should form an increased vertical emphasis around the recessed balconies, particularly on the west and east elevations, and creating a more fragmented reading to these facades which is supported. We assume SJB’s advice that DELWP have expressed support for the changes is correct. • The main change that I can see is the substitution of a metallic painted finish for bronze finish perforated metal screens to the podium level elevations. I’m not sure if that’s in response to particular comments but think that it will provide a lesser quality finish with the building reading with dark, dull shades only with few highlights.
<p>Environmentally Sustainable Design</p>	<p>The fundamentals of the project in terms of ESD are largely unchanged. My only observation is that there is a significant reduction in solar PV. The current proposal includes peak capacity of 52.9kW,</p>



	<p>whereas the previous approval included peak capacity of 83kW. The previous approval included façade integrated solar PV so I suspect that this has been removed, leading to a lower peak capacity outcome.</p> <p>While façade integrated solar PV is not mandatory it was a preferable outcome for this development, given that the development will fall well short of the current ESD requirements for FBURA.</p>
<p>Housing Development Officer</p>	<p>Context</p> <p>Council originally issued a permit (for a proposed development with 342 apartments) with condition 20 related to affordable housing. The key aspect of this condition is that it required:</p> <ul style="list-style-type: none"> • 20 one bedroom units at a discounted sale price (6%) • If the discounted sale is not taken up, 8 one bedroom units are to be gifted (2.5%). <p>The applicant later entered into negotiations to amend the affordable housing type/arrangements, with 5 alternatives which Council officers and Council did not support.</p> <p>The applicant then more recently sought further changes by introducing a proposed ‘dual key’ arrangement to all apartments for a greater total number (445 apartments), where one and two bedroom units can be merged by way of a locked internal door with adjoining 1 bedroom apartments, as a form of ‘adaptable housing’.</p> <p>In response you have assessed this against the original Condition 20 rather than the alternative 5 other affordable housing proposals, and in particular the impact on whether the adaptability meets the requirement for 25% of apartment to be of 3 bedroom size, eg. where you identify that no more than 15 apartments can be dual key in order that there remain 25% three bedroom apartments.</p> <p>Response</p> <ul style="list-style-type: none"> • I note that the dual key proposal for 445 apartments does not reduce the proportion of affordable housing, but increases the number of affordable housing dwellings to: <ul style="list-style-type: none"> - 27 units (6%) discounted sale or - 11 units (2.5%) gifted • I support maintaining the number of affordable housing dwellings as per the permit (ie. 20 via discounted sale or if not taken up 8 gifted), rather than accepting the higher number of affordable housing dwellings (ie. 27 via discounted sale or 11 gifted), in order to maintain the required level of 3 bedroom apartments at 25%. • I have had limited experience in dual key housing. In the early 2000s Council developed the 100 Argyle Street, St Kilda community housing project, which had 16 family townhouses, two of which adjoined two studio apartments via internal dual key (double door) access, while also having separate external access. This was to enable families living in the two townhouses to support extended family living, so that grandparents or older teenage children could occupy the studio apartments that are internally accessed from the townhouses. This form of adaptable housing



	<p>proved to be unsuccessful, as the housing manager (now called HousingFirst) could never synchronise having a suitable extended family in the townhouses and also having the adjoining studio apartments being vacant. Consequently, as far as I am aware the studios have always been separately leased to single persons. This suggests that unless the right combination of household circumstances arise for purchasers who have purchased two adjoining apartments (which combined create 3 bedrooms), it is not likely that many of the dual key apartments will function as 3 bedroom apartments for families.</p> <ul style="list-style-type: none"> • I am aware of research undertaken by Professor Shane Murray at Monash University (that may be published through AHURI) indicating other adaptable housing models that allow for increases and decreases in family household size / number of bedrooms, such as: <ul style="list-style-type: none"> - non-load bearing / structural internal walls that can be removed or replaced - sliding walls that create additional bedrooms if closed, or be left open to create open plan living for a smaller households - external garages that can be converted to an additional bedroom or retained as a car garage (only suitable for low density housing).
<p>Recreation and Open Space Planning</p>	<p>Although not a land contribution to the formal open space network, privately owned open spaces can and should still make a positive contribution to the open space network in a meaningful way. Open space planning generally supports the proposed landscape plans however would like clarity over the developers intentions for accessibility to the publicly accessible laneway at ground level. It would be our preference that the publicly accessible laneway be open 24hrs and for this to be guaranteed through an S173 or similar.</p> <p>Planners Response</p> <p>Whilst a S173 Agreement clarifying and enshrining access along the 'laneway' along the south side of the building would be beneficial, this was not required as part of the original approval and the lane does not form part of the amendment application so it is not possible to retrospectively require this.</p>
<p>Asset Management and Property</p>	<p>I have reviewed the proposed amendments and note that the entire development appears to sit inside of the title boundaries and that there are no adverse effects on CoPP properties/tenants in the vicinity.</p>

External referrals

- 9.3 As the Minister is the Responsible Authority, the Minister is required to refer the application to any referral authority required by the Planning Scheme. The City of Port Phillip is a recommending referral authority for this application. The resolution of the Planning Committee on this application to amend the permit will be forwarded to the Minister as Council's position on this application.



10. PUBLIC NOTIFICATION/OBJECTIONS

- 10.1 The Minister for Planning is the Responsible Authority for the application.
- 10.2 The Minister has not given notice of the application.
- 10.3 An application to demolish or remove a building, construct a building or construct or carry out works, or use land (other than a nightclub, tavern, brothel or adult sex product shop) in the Capital City Zone 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.
- 10.4 An application is also exempt under the Special Building Overlay, and Clause 52.34 Bicycle facilities.

11. OFFICER'S ASSESSMENT

- 11.1 Due to the variables associated with the proposed dual-key apartments in respect of the proposed changes, the assessment in the following sections will provide details relating to the inclusion of all dual-key apartments (i.e. operating as 3-bedroom apartment) and the exclusion of all dual-key apartments (i.e. operating as 1-bedroom and 2-bedroom apartments).

Ground and Mezzanine Levels

- 11.2 At ground and mezzanine levels, the reconfiguration of commercial tenancy layouts and communal amenities facilitates the addition of car parking spaces to the perimeter of the mezzanine level. The car parking spaces are a mix of residential and commercial in response to the amended dwelling typologies.
- 11.3 The reconfigured retail layout, particularly as it presents to Normanby Road and the side lane increases the commercial presence to the streetscape but dilutes architectural interest by removing angular columns to be replaced by more linear junctions and standardising floorplates.
- 11.4 However, the removal of the angular columns at street level to the pedestrian and cycle laneway is considered to improve legibility to the retail tenancies and provide activation to pedestrian traffic along the laneway and allow uses within G02 and G03 to spill outdoors, particularly as the finished floor levels of the retail shops are now proposed to be at grade with the laneway. The removal of these architectural features at street level will not negatively impact the street rhythm and fine grain design encouraged at Clause 22.25-4.4 (Design excellence), and as such considered to provide an acceptable design response.
- 11.5 The reconfiguration reduces the commercial floor area from 545m² to 489m² as detailed in Table 1 of this report. Policy objectives at Clause 22.15-2 seek to promote employment generating floor space in all precincts. Whilst the proposal results in a reduction of 56m² of employment floor area, this is not considered detrimental to achieving the objectives of this policy particularly given the communal business centre / co-working facilities available at ground floor level and easily accessed from Woodgate



Street. Further the reconfiguration of G02 and G03 allows for future adaptability of these spaces.

- 11.6 The proposed changes to the layout of building services, including residential and commercial waste rooms, end of trip facilities in the bike storage area and gradients of access ramps to loading area are all deemed satisfactory.
- 11.7 At mezzanine level the relocation of communal services such as the games arcade and cinema to Level 4 (top of podium) is considered satisfactory. The amended layouts to the mezzanine level also creates an architectural void over the business centre and lobby area to Woodgate Street. It is considered that this study hub / library could benefit from the inclusion of glazing to avail of improved solar access arising from its proximity to the void. The proposed car parking layouts have been assessed by Council’s Traffic Engineer who offers no objection to this layout.

Table 4: Proposed amendment to car parking provisions

Use	Rate	Maximum – excluding dual-key apartments	Maximum – including dual-key apartments	Proposed / Is the maximum car parking rate exceeded - excluding dual-key apartments?	Proposed / Is the maximum car parking rate exceeded - including dual-key apartments?
Dwelling	0.5 space per 1 or 2 bed dwelling 1 space per 3 or more bed dwelling	1 bed: 263 apartments 2 bed: 182 apartments (445 dwellings) Total car spaces: 222.5	1 bed: 158 apartments 2 bed: 77 apartments 3 bed: 105: apartments (340 dwellings) Total car spaces: 222.5	224 / Yes	224 / Yes
Retail	1 per 100m ² gross floor area	489 m ² = 5 car parking spaces		5 / No	5 / No
Maximum car parking spaces total		227.5	227.5	229 / Yes	229 / Yes
Total spaces proposed (including 1 electric car space and 1 shared space)				231	231
Ratio:				0.50 spaces per apartment	0.66 spaces per apartment

- 11.10 The amended plans seek to increase the number of car parking spaces from 206 (ratio of 0.6 per apartment) to 230 car parking spaces by providing an additional level of car parking at mezzanine level.

The ratio of car parking spaces increases to 0.66 per apartment when including dual-key apartments or reduces to 0.50 if excluding dual-key apartments. The additional car



parking spaces exceeds the maximum car parking spaces required under Table 1 of Clause 3.0 of Schedule 1 of the Parking Overlay and thus requires a planning permit.

11.11 Exceeding the maximum car parking ratio is not supported. The subject site is directly opposite the light rail line and a light rail stop and is close to other tram and bus routes and is walking distance of the South Melbourne Activity Centre (including South Melbourne Market) and South Wharf retail and entertainment precinct. The number of car parking spaces should be reduced to not exceed the maximum number specified in the Parking Overlay, and the spaces that are deleted should be converted into additional bicycle parking spaces.

11.12 It is noted that the car park levels feature sloping floors and 2.6m floor to floor heights and no access to natural light along the side boundaries of the property and so are not well suited to adaptation to other uses in the future.

Table 5: Proposed bicycle facilities

Use	Rate	Bicycle Parking requirements – excluding dual-key apartments	Bicycle Parking requirements – including dual-key apartments posed 340 apartments	Proposed - excluding dual-key apartments	Proposed - including dual-key apartments
Bicycle	Resident: 1 per dwelling	Resident: 445	Resident: 340	371	371
	Visitor: 1 per 10 dwellings	Visitor: 45 Total spaces: 490	Visitor: 34 Total spaces: 374	Variation: - 119	Variation: - 3
Ratio of bicycle parking per apartment				0.83	1.09



Motorbike	Resident: 1 per 50 dwellings	Resident: 9	Resident: 7	5 Variation: - 4	5 Variation: - 2
Car share	2 spaces plus 1 per 25 car spaces	Total: 11	Total: 11	1 Variation: - 10	1 Variation: - 10

11.14 The amended plans seek to reduce the number of bicycle car parking spaces from 376 (ratio of 1.1 per apartment) to 371 which gives a ratio of 1.9 spaces per dwelling when including dual-key apartments or 0.83 spaces per dwelling if excluding dual-key apartments in the calculations. The proposed changing room facilities remain unchanged but for inconsequential amendments to the layout which continue to meet the requirements of Clause 52.34 Bicycle Facilities.

11.15 The reduced rate of bicycle facilities is a concern and if DELWP elect to support the proposed amendments to introduce dual-key apartments as proposed, it is recommended that a condition be included to require the minimum provision of two bicycle spaces per dual-key apartment.

Amendments to Level 4 (Podium roof top level / base of tower levels)

11.16 The proposed amendments seek to delete the multi-purpose room and part of the yoga studio communal facilities at the rear of Level 4 and replace them with four (3 x 2-bedroom and 1 x 1-bedroom) apartments facing towards Woodgate Street and the sides of the site. The amendments also reconfigure the retained gym and wellness centre layout along with the provision of other facilities relocated from the mezzanine level such as the games room, residents’ lounge and dining area.

11.17 The proposed variations to the apartment typology and numbers has resulted in a reduction in the area of communal facilities available to future residents (as detailed at **Table 2**) from 2,441m² to 1,866m², equating to an overall reduction of 575m². This results in a reduction from 7.12m² per apartment to 4.19m² if excluding dual-key arrangements or 5.48m² if including dual-key dwellings.

11.18 The proposed reconfiguration and functionality of the facilities at this level are generally considered acceptable but it is noted the four new apartments at this level are located in close proximity to the communal facilities and will need acoustic treatments to ensure an acceptable level of internal amenity.

11.19 The revised communal open space provisions to this level, in addition to the roof, would represents a reduction of 128m² in from 949m² to 820m² communal open space. Whilst this represents a reduction is it exceeds the minimum required pursuant to Standard D7 (Communal Open Space) of Clause 58 if it were to apply.



Amendments to Level 5-39

- 11.20 The proposed amendments to the apartment layouts are generally acceptable and would meet accessibility, circulation, storage and private open space requirements. Notwithstanding the concerns regarding the dual-key apartments typology discussed later in this report, the proposed floor plate is generally acceptable. It is however noted any dual-key apartments operating as three-bedroom apartments would benefit from a reconfiguration to provide the opportunity to consolidate balcony areas to provide larger more functional spaces.
- 11.21 The deletion of the solar PV panels from the elevations would reduce the approved level of renewable energy generation on the building and the development's ability to achieve FBURA policy for buildings to incorporate a 20% improvement on current National Construction Code energy efficiency standards. Sustainable design is discussed further at Clause 11.43 of this report.

Amendments to roof level

- 11.22 The initial S72 application plans deleted all open space and communal areas at roof top level. In response to Department and Council concerns, the S50 plans reinstated roof top open space and communal facilities, albeit in a modified layout which reduced the area of communal open space by 50m² from 448m² to 398m² and reconfigured the rooftop solar PV array including a minor increase in the number of panels from 143 to 144 compared to the endorsed plans.
- 11.23 The S50 roof top plans are considered satisfactory.

Changes to the podium and tower façades

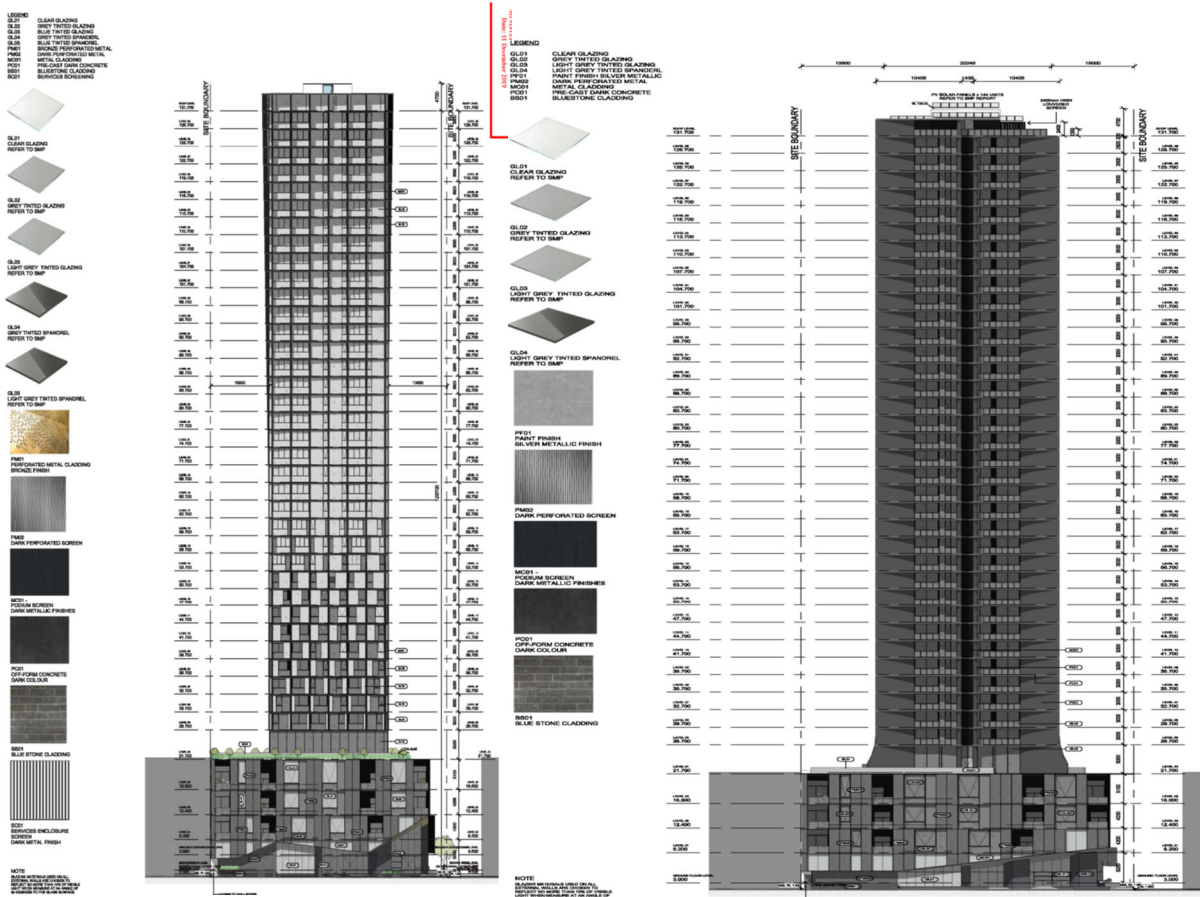


Image 1: Approved Elevation to Normanby Road (left) v’s Proposed Elevation to Normanby Road (right). Please refer to pages 40 and 41 of **Appendix C:** Proposed Amended Plans for photomontages.

11.24 The architectural expression of the building is proposed to be amended to reflect the updated floorplates discussed above and as detailed at **Image 1**.

Podium Levels

11.25 At the lower levels of the podium, the cantilevering elements over the residential and commercial entries feature angled elements, adding visual interest at street level. The proposed amendments seek to ‘flatten’ this expression and introduce a more muted palette of materials, replacing bronze metal cladding with a silver metallic finish and additional grey tinted glazing.

Tower Levels

11.26 At the upper levels, the approved elevations to Normanby Road, Woodgate Street, the pedestrian laneway and adjacent to 254-257 Normanby Road presents a



'checkerboard' effect of concrete to glazing ratios from Level 4 to 17. The base of the tower at Level 4 is earthed to the podium through the use of solid, dark glazing, transitioning to lighter glazing at each level up to Level 17 before the exclusive use of clear glazing at the upper levels. The composition of materials facilitates a lightness to the tower from near and long range vantage points.

11.27 The amended plans add a 1.6m splayed fin at all four corners of the tower which then chamfers horizontally to form a concaved / curved profile centrally to each façade, and vertically narrows to a 1.0m projecting fin up to roof top level.

11.28 The applicant asserts that the amended façade, including the introduction of central recesses to the Normanby Road and Woodgate Street elevations presents a degree of slenderness to the tower.

It is considered that the projecting elements assist in focusing the eye on the corners of the building and somewhat conceals the 45.0m side length of built form behind from localised vantage points.

However, the extensive use of off-form concrete in a dark colour compromises the desired effect of this form and the amended facades present as a dominant feature in the streetscape. It is further considered the proposed design would not be read in the same manner from longer range vantage points. This is particularly important as this development will form a backdrop to future developments within the immediate area which will be subject to more stringent height controls introduced as part of amendment GC81.

11.29 The proposed amendments to the fenestration also provides a more linear and uniformed building lines. This dilutes the modularization previously provided and the concentration of lighter materials such as glazing centrally to the façades and the darker off-form concrete to the edges of the tower further directs the perceiving massing to the corners of the building.

An inverted approach to the materiality of the splayed corners may be more successful in achieving the expression of a slender tower as advocated by DDO30.

11.30 Officers have raised concerns regarding whether the splayed fin additions to the four corners of the tower would meet the design and 10.0m minimum setback requirements of DDO30.

11.31 The applicants acknowledge the fins project into the mandatory 10.0m setback but assert they can be considered because the original permit was issued before the approval of Amendment GC81, and because the fins should be considered as architectural features.

11.32 Clause 2.2 of DDO30 does state that its requirements do not do not apply to an application to amend an existing permit granted before the approval date of Amendment GC81 but limits the exemption to applications which do not increase the extent of non-compliance with the requirements of the schedule.

11.33 The endorsed plans incorporate horizontal eaves projecting beyond the glazing line of the Normanby Road front and part of the side elevations of the rectangular tower. These eaves vary in width from a minimum of 0.235m up to a maximum of 1.4m and are most prominent in the 10 uppermost levels.



In elevation, they express as a minor tapered widening of the uppermost levels of the tower. In addition, at roof top level, the eave extends a maximum of 1.4m from all four elevations to give a finished top to the building.

- 11.34 The minimum 1.0m wide fins of the amended plans are consistent from Level 5 to roof top level and in elevation express as a 2.0m widening of each elevation and thus increase the level of non-compliance with the requirements of DDO30.
- 11.35 Further, Clauses 2.08 and 2.09 of DDO30 do not include an allowance for architectural features to encroach into the minimum setbacks.
- 11.36 The composition of the amended design is considered less successful in dealing with the visual bulk of the built form and lacks visual interest or any tapering to the widest part of the tower, instead widening the whole of the tower. The proposed amendments to the façades are not considered to achieve 'design excellence' in accordance with policy at Clause 22.15-4.4 or contribute to a varied and architecturally interesting skyline. The proposed amendments are therefore not supported in their current form.

Without Prejudice Draft Amended Plans received 8 April 2020

- 11.37 The proposed without prejudice amended plans seeks to delete the splayed fins to the four corners of the tower which extend into the 10.0m minimum setback requirements of DDO30 (See Image 2).
- 11.38 The without prejudice plans incorporate curved slab edges to diagonally opposite corners to Normandy Road and Woodgate Street. The slab edges extend beyond the walls. The two remaining corners are squared-off with the slab edges providing shallow eaves off the walls (see Image 3).

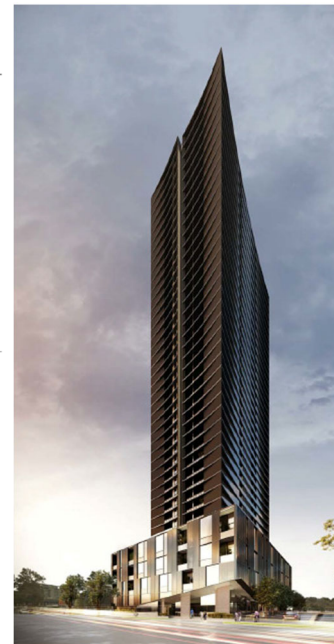


Image 2: Proposed Rev J Amended Plans – Levels 5-39 (dated 13 March 2020) and Façade Articulation

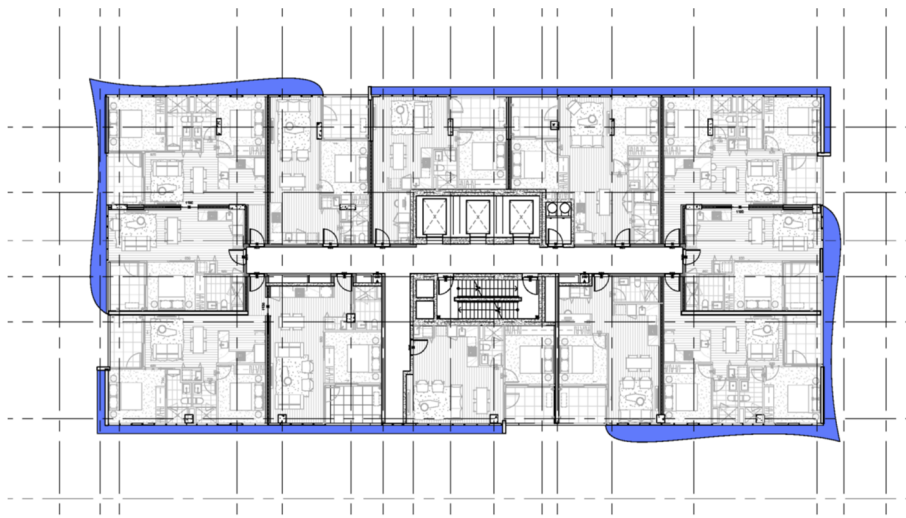


Image 3: Proposed Without Prejudice Amended Plans – Levels 5-39 (dated 8 April 2020) and Façade Articulation

11.39 The without prejudice amended plans provide improved visual interest to the tower façade. The mix of curved and angular forms to both Normanby Road and Woodgate Street elevations are separated by a return to a balcony edge that assists in breaking up the massing of the façade to present a more slender built form. The same treatment to the side elevations of the proposed tower provides a similar effect to oblique views to the side elevations, creating depth, visual interest and reducing the horizontal emphasis which the original report raised concerns about.

11.40 Council’s Urban Designer has reviewed the amended plans and noted:

“The amendments to the slab extrusions will provide a subtle improvement to the presentation and reading of the building. They should form an increased vertical emphasis around the recessed balconies, particularly on the west and east elevations, and creating a more fragmented reading to these facades which is supported. We assume SJB’s advice that DELWP have expressed support for the changes is correct.

The main change that I can see is the substitution of a metallic painted finish for bronze finish perforated metal screens to the podium level elevations. I’m not sure if that’s in response to particular comments but think that it will provide a lesser quality finish with the building reading with dark, dull shades only with few highlights.”

11.41 Officers previously raised concerns regarding whether the splayed fin additions to the four corners of the tower would meet the design and 10.0m minimum setback requirements of DDO30.

- 11.42 The without prejudice amended plans received by Council on 8 April 2020 do not include dimensioned setbacks to assist with an accurate assessment. As detailed at Image 4 of this report, the maximum encroachment into the 10.0m setback appears to range between 0.4m and 1m. Whilst still not-complaint with the current DDO 30 controls, the encroachment extends no further than current endorsed plans and therefore considered acceptable.
- 11.43 The changes to the slab edges results in added depth to the facades, with recesses and creation of different shadow lines. Concerns relating to the darkness of materials, particularly to the tower component, are now considered acceptable as a result.
- 11.44 Overall, the revised façade provides a well resolved composition with the use of modularised elements, comprising curves and square edges, to result in visual interest and a more slender presentation to the Normanby Road and Woodgate Street interfaces.

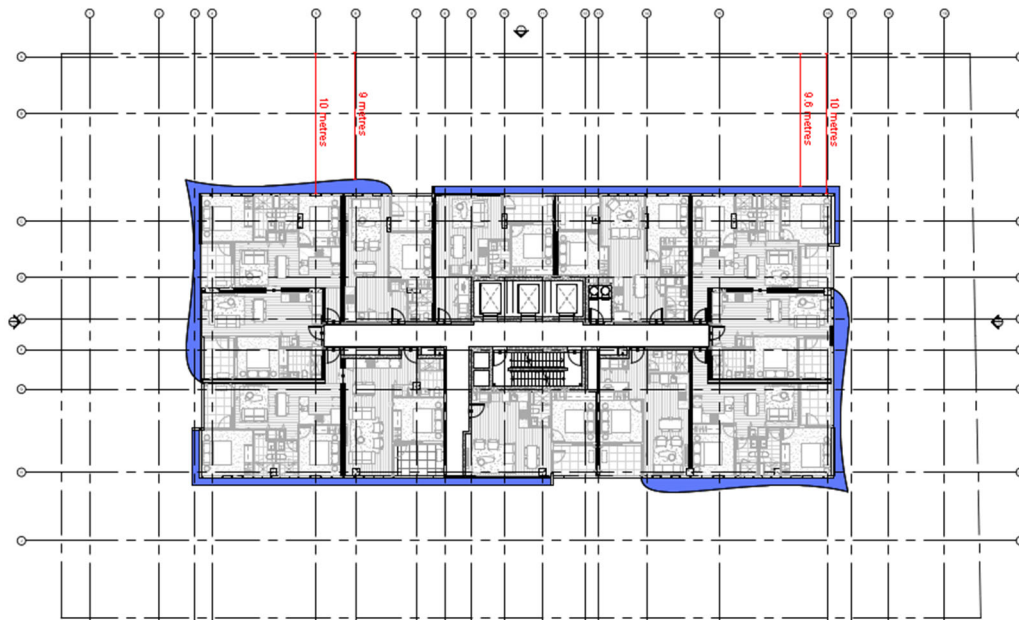


Image 4: DDO 30 setback encroachments.

Amendments to dwelling typology and mix

11.45 Clause 22.15-4.2 outlines policy relating to community and diversity noting it is policy to:

- Encourage a diversity of dwelling typologies and sizes within each precinct and within individual development sites.
- Encourage Affordable housing to be provided within a range of built form typologies.
- Encourage design that delivers a range of housing types suitable for households with children;



- Encourage the delivery of adaptable floor plates including the opportunity to combine one and two-bedroom units to form larger apartments.

11.46 The same policy also sets out that in the Montague Precinct it is policy to assess proposals against criteria which states that proposals of more than 100 dwellings should provide 25% three-bedroom dwellings in this precinct.

11.47 Three dual-key apartments are proposed per floor from Level 5 to Level 39 equating to a total of 105 dual-key apartments. The number of apartments is proposed to increase from 342 to 445 (+103) if excluding dual key apartments. The number of apartments is proposed to decrease to 340 (-2) if including the dual-key apartments.

11.48 A dual-key apartment is one which (most commonly) has a self-contained studio accessed by a door, inside the main apartment. There is a shared common hallway, but separate lockable doors to each home. It is noted all proposed dual-key apartment layouts proposed feature an independent access door, private balconies and provide utilities and floor areas comparable to proposed one-bedroom apartments.

11.49 Table 6 below details the proposed breakdown of apartments.

Table 6: Breakdown of proposed dwelling typology

	Proposed – excluding dual-key apartments		Proposed – including dual-key apartments	
	No. of apartments	% of all apartments	No. of apartments	% of all apartments
1 Bed / 1 Bath	158 + 105 = 263	59.1%	158	46.47%
2 Bed / 2 Bath	77 + 105 = 182	40.9%	77	22.65%
3 Bed / 3 Bath	0	0.0% - this fails to meet the 25% 3 bed requirement of policy at Clause 22.15-4.2	105	30.88% - this exceeds the 25% 3 bed requirement of policy at Clause 22.15-4.2
Total	445		340	

11.50 The above amendments to the mix of apartments raises further questions on the delivery of affordable housing as part of this development.

11.51 Condition 20 (Affordable Housing) is currently the subject of a Section 72 Amendment application to vary this condition to allow additional options for the provision of affordable housing. The Planning Committee at its meeting of 26 February 2020 determined to not support proposed amendments to this condition. Council requested that in the event the Minister determined to approve the amendment to Condition 20, the permit wording be varied to address concerns of Council. A copy of the Council report can be viewed at: <http://www.portphillip.vic.gov.au/6%203%20Report.pdf> and the minutes of the meeting can be viewed at **Appendix B**.

11.52 The proposed amendment to Condition 20 (Affordable Housing) is currently pending a decision by DELWP at the time of preparing this report.



11.53 An annotation on the floor plans states a total of 27 x 1 bed apartments to be purchased by a Housing Trust at a discounted price or 11 x 1 bed apartments are to be provided at no cost to a Housing Trust in accordance with Condition 20 of the Planning Permit.

11.54 The below table details the requirements of the current affordable housing condition based on the current permit requirements:

Table 7: Affordable housing based on approved and proposed dwelling typologies

Condition 20 – Affordable Housing	Approved (342 apartments)	Required: Including dual-key (340 apartments)	Required Excluding dual-key (445 apartments)	Proposed	Variation
i) 6% of the total number of dwellings offered at a 40% discount of the market value	20	20	26	27	+ 7
					+ 1
ii) 2.5% of the total number of dwellings offered at no cost	8	8	11	11	+ 3
					0

11.55 It is not the purpose of this report to consider how the amendments to number and mix of dwellings would respond to the proposed amended conditions currently being considered by DELWP therefore commentary is limited to the current requirements of the Condition 20 (Affordable Housing).

11.56 The applicant advises that they would accept a limit on ownership of the dual-key apartments to ensure they remained in single ownership. In this respect the applicant stated the calculation of dwellings for the purposes of condition 20 should remain as the dual-key apartment comprising one dwelling. They further state that in the event DELWP considers a dual-key apartment to be two dwellings for this purpose, the ownership limitation should not be imposed.

11.57 The annotations on the floorplans indicate that the provision of 27 x 1- bedroom apartments at a 40% discount to a Housing Trust would exceed the minimum requirement to provide 20 apartments by 7 (including the dual-key arrangement) and by one (excluding the dual-key arrangement). This offer is therefore deemed to comply with the requirements of Condition 20(i).

11.58 Eleven apartments provided at no cost to the Housing Trust exceeds the minimum offer of eight when assessed against the inclusion of dual-key apartments and meets the minimum quantity of apartments required by Condition 20 (ii) if dual-key arrangements are excluded. This component of the proposal is therefore deemed acceptable in principle.

11.59 Whilst the potential to have a higher yield of affordable apartments provided to a Housing Trust is an attractive incentive to support this amendment, this must be balanced with other social objectives such as a diversity in the demographic groups living in this building from single people to families who will likely require three bed



apartments. The proposed amendment and the absence of the application material committing to a number of dual-key apartments that will function as 3- bedroom apartments will impact on the development's ability to deliver on the policy objectives of Clause 22.25-4.2 (Community and diversity) which amongst other objectives seeks to, "*Encourage design that delivers a range of housing types suitable for households with children*". As detailed at Table 3, if all dual-key apartments were to be exclusively used by a family or persons belonging to the same household, then the proposal, in principle, could be supported as 30.88% of apartments would be three-bedroom, in excess of the 25% requirement for developments of more than 100 dwellings.

- 11.60 The application material is silent on the predicted take-up of a 3-bedroom dual-key apartment for people in the same household, as such there is a risk that in allowing full flexibility regarding the proposed 105 dual-key apartments they will function and operate as standalone 1 bedroom and 2 bedroom apartments, albeit on one title. Therein lies Council's primary objection to the proposed quantity of dual-key apartments for this development as this could result in no 3- bedroom apartments or diversity in households.
- 11.61 Further, should a significant number of the dual-key apartments be occupied independently, this will result in further pressure on already reduced communal residential facilities and spaces.
- 11.62 The benefits of flexibility to adapt dual-key apartments in response to the changing needs of its occupier are well documented and acknowledged. The applicant's proposition that the proposed dual-occupancies allows a family unit to adapt over time in the same space has merit. However this needs to be tempered by ensuring a minimum provision of three bedroom apartments within the development is retained. This is particularly important for this development given the proposed size, layout and utilities provided to the ancillary (presumably one bedroom component) of the proposed dual-key apartments are comparable to the independent one bedroom apartments therefore risking a homogenous offering within this development.
- 11.63 A minimum of 85 of the proposed 340 apartments (including dual-key apartments) are required to be 3 bedroom apartments to comply with the 25% policy of Clause 22.15-4.2. It is recommended that should DEWLP determine to support this component of the application, conditions should be included to limit the quantity that have the potential to be operated or leased out as an independent unit.

Other matters

Environmental Sustainable Design

- 11.64 The Fishermans Bend Urban Renewal Area Policy as Clause 22.15 of the Port Phillip Planning Scheme sets out the policy basis for achieving the Fishermans Bend Framework, September 2018, as a "*thriving place that is a leading example for environmental sustainability connectivity diversity and innovation*" that would by 2050, accommodate 80,000 residents, 40,000 jobs and be Australia's largest Green Star community. Fishermans Bend is striving for a 6 star Green Star - Community rating.
- 11.65 Council's Sustainable Design officer noted the fundamentals of the project in terms of ESD are largely unchanged but there would be a significant reduction in solar PV. The current proposal includes peak capacity of 52.9kW, whereas the previous approval



included peak capacity of 83kW. The previous approval included Integrated photovoltaics (BIPV's) to the north-east elevation which are proposed to be removed, leading to a lower peak capacity outcome.

11.66 While façade integrated solar PV is not mandatory it was a preferable outcome for this development, given that the development would fall short of the current FBURA ESD policy at Clause 22.15-4.5 which seeks developments to achieve a 20% improvement in National Construction Code (NCC) minimum mandatory energy efficiency.

11.67 In response to Council concerns, the applicant has stated:

'In relation to the energy efficiency, we are advised by Ark Resources the star rating average of 6.5 stars is 10% better than the National Construction Code providing the minimum necessary requirements for sustainability in design, construction and performance of new buildings and meets the City of Port Phillip's own "best practice" standard. Whilst this may fall short of the current FBURA policy requirements (to achieve 20% improvement) we must remember this development proposal was approved before the current FBURA requirements were introduced. Moreover it is comparable to the existing approved SMP.'

11.68 Noting the above, the proposed level of sustainable design is supported.

Wind effects on the public realm

11.69 Council's Urban Designers raised concerns with the amended wind assessment and the wind mitigation canopy over the side lane and recommended an amended wind assessment be prepared that fully addressed the requirements of Clause 2.11 of DDO30.

11.70 They raised concerns that footpaths and other public spaces needed to meet wind criteria for walking, standing and sitting as relevant, whereas the submitted wind assessment only adopts walking comfort criteria. They recommended the seating criteria be used for the outdoor seating areas fronting the laneway for retail tenancies G02 and G03 and wind treatments be located within the development (not on public land) and incorporated into the proposal architectural and landscape plans and did not support a canopy over and trees along the laneway.

11.71 The plans and wind report endorsed by DELWP for the existing permit incorporate a 1.0m wide canopy over the side lane for wind mitigation to meet the walking comfort level criteria and this is carried over to the current amendment application. It is also noted, the lane along the south side of the building is private land which is publicly accessible. Further, because the original permit was granted before GC81, an amendment to the design does not have to upgrade the proposal to meet all new standards introduced since the approval date i.e. Amendment GC81 is not retrospective unless a planning scheme provision expressly states otherwise.

11.72 In summary, the applicant's consultant wind assessment concluded the amendments to the design would not materially alter wind conditions and the carry over wind mitigation measures from the endorsed plans and wind report per Condition 3 of the permit would ensure compliant conditions.

Overshadowing



11.73 Notwithstanding the shadow diagrams refer to incorrect dates (22 September and 22 June) rather than 23 September and 21 June, the amended plans do not increase the height of the building and the increase in width of the tower (which is not supported) would not materially increase shadow from the proposal.

12. OFFICER DIRECT OR INDIRECT INTEREST

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

13. OPTIONS

13.1 Not support on key issues.

13.2 Support with conditions.

14. CONCLUSION

14.1 The proposed amendments to the built form result in an inferior development to that currently approved. This however is not the test as to whether an application to amend the current planning permit and endorsed plans should be supported or not. Planning policy directs consideration as to whether the proposed built form is an acceptable design to applicable decision guidelines.

14.2 The proposed without prejudice amended plans received by Council on 8 April 2020 are considered to appropriately respond to concerns relating to the tower façade articulation discussed at Section 11 of this report.

14.3 The proposed amendments to the dwelling numbers and typology to incorporate dual-key apartments is not objected to in principle but as presented in this application would provide no standalone 3-bedroom apartments. This represents a significant departure from the current approval and the minimum 25% of 3-bedroom dwellings sought by Clause 22.15-4.2 for the Montague Precinct. Unless such dual-key apartments are appropriately managed or limited, policy objectives to deliver cannot be achieved. This goal must be managed by the need to provide adaptable floor plates and for these reasons it is considered that whilst some dual-key apartments can be supported, the proposal should also provide a minimum of 25% 3-bedroom apartments.

14.4 For these reasons, it is recommended that Council advise the Minister (C/- the Department of Environment, Land, Water and Planning) as follows:

- Council supports the generality of the podium façade changes and ground floor and podium level layouts including car parking at the Mezzanine Level and the relocation of services and communal facilities.
- Council supports the proposed amended facades detailed in the without prejudice plans received on 8 April 2020.
- Council supports the changes to the roof top level communal facilities and building services, including the solar PV array.
- Council does not support the provision of car parking in excess of the car parking rates of the Parking Overlay or a reduction in the number of bicycle parking spaces. The number of car parking spaces should be reduced to not exceed the

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parking rates of the Parking Overlay and the deleted spaces should be converted into additional bicycle parking.

- Council does not support the deletion of all three-bedroom dwellings and replacement with 105 dual-key 1 and 2-bedroom apartments.
- If the Department were to support the proposed amendments, Council requests:
 - the number of dual-key apartments be reduced and at least 25% of dwellings contain 3 or more bedrooms;
 - the permit conditions be amended or augmented to address Council concerns.

<insert text>

TRIM FILE NO:

PF20/2321

ATTACHMENTS

- 1. Appendix A - Endorsed Plans (Rev L) 19-09-2019**
- 2. Appendix B - 26 February 2020 Planning Committee Meeting Minutes**
- 3. Appendix C - Proposed Amended Plans (Rev J) 13-03-2020**
- 4. Appendix D - Referral Responses**
- 5. Appendix E - Without Prejudice Amended Plans 8 April 2020**
- 6. Appendix F- Recommended Conditions**