

IN THE MATTER OF  
AMENDMENT GC81 TO THE  
MELBOURNE AND PORT PHILLIP  
PLANNING SCHEMES

RESPONSE TO PROPOSED CHANGES – SANDRIDGE  
ON BEHALF OF THE MINISTER FOR PLANNING

INTRODUCTION

1. These submissions provide the Minister’s response to specific changes requested by submitters and recommended in the expert evidence called by submitters to the Review Panel relating to the Sandridge precinct.
2. These submissions are not intended to respond to every issue raised in submissions and evidence but have been confined to specific recommendations, particularly where they relate to a specific parcel of land. Where the submission or recommendations raise
  - 2.1. a general matter of principle or policy underpinning the draft Amendment (for example, the population target of 80,000);
  - 2.2. associated general submissions calling for revision to FARs and height controls;
  - 2.3. issues concerning the funding of infrastructure;
  - 2.4. the mechanism to be used to facilitate the provision, and funding of, infrastructure and public open space at Fishermans Bend; and
  - 2.5. governance arrangements for Fishermans Bend,it is intended to address these matters further, in the Minister’s Part C Submission.

RECOMMENDATIONS MADE BY THE CITY OF PORT PHILLIP IN SUBMISSION

3. The recommendations made by the City of Port Phillip (“COPP”) in its submissions, and the Minister’s response to those recommendations are as

follows. Specific references to figures and recommendations are to the figures and recommendations in the COPP Urban Design Report for Sandridge, Document S1.

4. *Amend sub-precincts and preferred character statements as per Figure 2 and Table 1 and move from Clause 21.06-8 to DDO30.*

- 4.1. The Minister accepts the recommendation for precinct specific DDOs. The redrafted precinct specific DDOs to be tendered on 14 May 2018 will include specific built form outcomes for each precinct. Changes to the preferred character statements are under consideration. The Minister will await feedback from the COPP on the draft DDO for Sandridge.

5. *Amend the CCZ1 and DDO30 to include an additional 22m road in the Sandridge Core, as shown in Figure 8.*

- 5.1. The Minister does not agree with fixing the location of a new 22-metre road as shown in Figure 8 of the COPP, but agrees that alternatives should be explored for an additional road in the Sandridge Core.

- 5.2. This matter can be resolved when the Sandridge Precinct Plan ("Precinct Plan") is developed.

6. *Amend the CCZ1 and DDO30 to show laneways as per Figure 14, until further work is undertaken through detailed precinct planning*

- 6.1. The Minister accepts that further work is required regarding the precise location and dimensions of the laneways. This work will be undertaken using GIS software to provide accurate information in the maps.

- 6.2. Laneways will continue to be shown in the CCZ and DDO30 maps to be tendered on 14 May 2018 and will include some of the proposed laneway locations in COPP's Figure 14, but will be identified as 'indicative'.

7. *Undertake further work through Precinct Planning to finalise key laneway locations (including the role of laneways, whether they cater for vehicle, vehicles and pedestrians or pedestrians only, are open to the air or are through buildings).*

7.1. The Minister accepts that the proposed Precinct Plan is of significant importance. The work required to finalise the precise location of laneways, their role and their character are matters that will be finalised during the Precinct Plan process.

8. *Amend DDO30 to specify a minimum width of 9m for lanes in Sandridge*

8.1. The Minister does not accept this recommendation at this time. If lanes are proposed for pedestrian access only, a width of 9m may be unnecessary. Further consideration of the minimum widths of laneways can occur during the Precinct Plan process when the role and function of each laneway is determined.

9. *Amend the policy in Clause 22.15 for Sandridge Core to allow one through block link through buildings per street block in place of an open to the air laneway, where commercial/office development is proposed.*

9.1. The Minister accepts the suggestion of through block links for commercial and office development which are additional to the proposed open air laneways. This will support additional permeability. However, the Minister does not agree that through block links should be provided in place of open air laneways because they are not guaranteed to be public and open at all hours. through block links may not be open all hours. This matter can be given further consideration during the preparation of the Precinct Plan.

10. *Amend the CCZ1 and DDO30 to re-locate the area of public open space from 299 Bridge Street to 577 Plummer Street to deliver the larger public open space (approximately 3,000 sqm) on the north side of the street and a smaller space on the south side (within the existing road reserve) (see Figure 23)*

10.1. This recommendation is not accepted.

- 10.2. The Minister acknowledges the attraction of this option, but notes the significant area of land required to deliver the realignment of the Plummer Street/Fennell Street intersection, the tram alignment and proposed open space and to ensure that the remaining area of sites required for these purposes can support the proposed FARs for the Sandridge core. Land on both sides of the intersection is expected to be required for the tram. It is premature to identify exactly how much land will be required for the tram corridor, but the proposed open space arrangements presently depicted in the Framework ensure that the road, tram, open space and developable sites are able to be provided.
11. *Amend overshadowing requirements in DDO30 to move the equinox overshadowing control from the proposed public open space on the southern corner of Plummer/Bridge Streets to the proposed larger open space (Civic Space) on the northern corner of Plummer/Bridge Streets (see Figure 23).*
- 11.1. This recommendation is consequential upon the recommendation in paragraph 10 and hence is not accepted by the Minister.
12. *Include a plan in the CCZ1 showing the Sandridge Urban Structure identifying the preferred location for the Arts and Culture Hub as 577 Plummer Street (see Recommendation 6).*
- 12.1. The Minister does not accept this recommendation.
- 12.2. The Minister notes that the location is within the investigation area for the arts and culture hub and agrees that the location is an appropriate one. However, the Minister wishes to preserve the opportunity for the arts and culture hub to be provided within the investigation area as part of the FAU scheme. If necessary, the exact location for the arts and culture hub could be fixed in the Precinct Plan.
13. *Acquire the entire site at 577 Plummer Street to enable the early delivery of the tram in Sandridge and civic square and Sandridge Art and Cultural Hub.*

- 13.1. For the reasons given in relation to the recommendation in paragraph 12, the Minister does not accept this recommendation.
14. *Amend building heights in DDO30 to align with the proposed overshadowing controls (see Figure 24) through:*
- *reducing maximum building heights for part of the site directly north of the Civic Square and west of Bridge Street (520-533 Plummer Street) from an unlimited height to 24 storeys*
  - *reducing maximum building heights for 577 Plummer Street from 24 storeys to 12 storeys*
  - *reducing maximum building heights for part of the site on the north-east corner of Fennell / Bridge Streets (1-3 Fennell Street) from 24 storeys to 15 storeys and from unlimited height to 30 storeys, retaining a depth of at 10m of the Globe building with a 15m setback to any higher tower element between Bridge and Bertie Street.*
  - *increasing the maximum building height on the south-east corner of Fennell /Bridge Streets (part of 61 Bertie Street) from 24 storeys to 30 storeys.*
  - *reducing maximum building heights for part of the site to the north of Bridge Street (153 Bertie Street) from unlimited height to 30 storeys.*

14.1. The Minister does not accept this recommendation.

14.2. These recommendations are consequential upon the proposed relocation of the open space to the northern side of Fennell Street contained in the recommendation at paragraph 10. As the Minister does not accept this recommendation, the consequential change is not required.

15. *Amend public open space in the CCZ1 and DDO30 to re-locate 6,700 sqm of proposed public open space from the south side of the Woolboard Road extension (leaving a 12m wide linear park) to deliver the larger public open space (approx. 10,000 sqm) on the north side of the street at 155 Bertie Street (see Figure 36):*

15.1. This recommendation is not accepted.

- 15.2. This open space is proposed on the Toyota land in the location of its existing headquarters. The Minister does not accept this proposal due to his commitment to support Toyota as a long-term employment generating use in Sandridge. The space is not needed to support a safe and convenient 200m catchment for residents and workers, given the Minister's acceptance of Ms Thompson's recommendation to expand the open space on the corner of Woolboard and Bertie Streets. The expanded park on the corner of Woolboard and Bertie Streets provides an appropriate alternative as a larger open space to the COPP proposal for the Toyota land.
16. *Amend overshadowing requirements in DDO30 to (see Figure 36):*
- *include a equinox overshadowing control for the proposed Sandridge North Park*
  - *delete an overshadowing control for the linear park to the south of the Woolboard Road extension.*
- 16.1. These recommendations are consequential upon the recommendation in paragraph 15 to introduce a new open space further north in Sandridge on the Toyota land. Due to the Minister's position in relation to the recommendation for open space on the Toyota land and his acceptance of Ms Thompson's expansion of the Woolboard/Bertie Street park, this recommendation is not accepted.
17. *Amend overshadowing requirements in DDO67 in the Melbourne Planning Scheme to include an Equinox overshadowing control for proposed public open space in Sandridge:*
- 17.1. This recommendation is consequential upon the recommendation in paragraph 15 to introduce a new open space further north in Sandridge on the Toyota land. Shadow to the proposed Woolboard Street linear park was tested in the preparation of the draft Framework. The expansion of the Woolboard/Bertie Street park to the south in accordance with Ms Thompson's recommendations will

not increase its exposure to shadow from development in Lorimer.  
Hence, the recommendation is unnecessary.

18. *Amend Core and Non-Core Areas in DDO30 (see Figure 37) to:*

- *Change the block bound by Bertie Street, Bridge Street, the West Gate Freeway and the new eastwest street (the northern street block within 155 Bertie Street) to Non-Core Area;*
- *Change the block bound by Bertie Street, Bridge Street, Woolboard Road extension and the new east-west street (the southern street block within 155 Bertie Street) to Core Area.*

18.1. This recommendation is accepted in part. The Minister accepts the designation of all land in 155 Bertie Street south of the proposed new road within the Core Area. The area to the north of the proposed new road should remain the Non-Core area.

19. *Amend Core and Non-Core Areas and active street frontages in DDO30 and CCZ1 to (see Figure 42):*

- *Reduce the extent of Primary Active Frontages along Fennell Street to between Ingles Street and Bridge Street;*
- *extend the Primary Active Frontage (retail) on Bertie Street between North Port Oval and Woolboard Road extension;*
- *Nominate the Core Retail Area in Sandridge as the blocks bounded by Bridge Street, Woolboard Road extension, Ingles Street and Woodruff Street (and extension);*
- *Identify one north-south lane per block as a secondary active frontage;*
- *Remove Secondary Active Frontages from the area bound by Johnson Street, Boundary Street and new east-west street.*

19.1. The extent of primary and secondary active frontages is currently being considered in light of the findings of the retail assessment and will be adjusted to align with those findings.

- 19.2. The updated information on primary and secondary active frontages is expected to be shown in the revised maps to be tendered on 14 May 2018.
20. *Amend building heights in DDO30 to align with the proposed overshadowing controls by (see Figure 38):*
- *reducing maximum building heights for 155 Bertie Street from 24 storeys to 12 storeys within the northern street block and increasing maximum building height from 12/24 storeys to 40 storeys within the southern street block.*
  - *reducing maximum building heights for 140 Bertie Street from an unlimited height to 12 storeys.*
  - *reducing maximum building heights for 120 Bertie Street from an unlimited height to 12 storeys along Bertie Street, 20 storeys in the centre of the site and 30 storeys to the rear (towards the West Gate Freeway / Ingles Street);*
  - *reducing maximum building heights for 118 Bertie Street from an unlimited height to 20 storeys;*
  - *reducing maximum building heights for 297 Ingles Street from an unlimited height to 30 storeys.*
- 20.1. These recommendations are consequential upon the recommendation in paragraph 15 to introduce a new open space further north in Sandridge on the Toyota land. They are not necessary to protect the expanded Woolboard/Bertie Street park from shadow and in light of the Minister's lack of support for the park on the Toyota land, the changes are not supported.
- 20.2. The heights at 155 Bertie Street do not need to be reduced to support low-mid rise buildings in campus developments. This is possible within the current controls and the typology is supported by the FAR.

- 20.3. Taller buildings on 140 Bertie Street will not have any detrimental amenity impact.
21. *Include a plan in the CCZ1 showing the Sandridge Urban Structure identifying the preferred location for (see Figure 40):*
- *The Wirraway Health and Wellbeing Hub on the Goodman Site at 153 Bertie Street (relocated from Wirraway).*
  - *The Sandridge Education and Community Hub (P-12 - Primary and Secondary) co-located with the Sport and Recreation Hub on the Bunnings site at 501 Williamstown Road*
- 21.1. The Minister does not accept these recommendations and refers to SIN 9 (Document 151), which outlines the Minister's response to the submissions made by the COPP regarding community infrastructure.
- 21.2. The Minister wishes to preserve the opportunity for the community hubs to be provided within the broader nominated investigation areas as part of the FAU scheme. If necessary, the exact location for the community hubs could be fixed in the Precinct Plan process.
22. *Amend the Education and Community Hub (Primary School) to be a P-12 combined primary and secondary school.*
- 22.1. The Minister does not accept these recommendations. Reference is made to SIN 9 (Document 151) which outlines the Minister's response to the COPP's submissions regarding community infrastructure.
- 22.2. Specifically, unless and until the Department of Education identifies the need for another secondary school, it is not appropriate to require this outcome.
23. *Include a plan in the CCZ1 showing the Sandridge Urban Structure as per Figure 43.*
- 23.1. This recommendation is accepted in part. Detailed plans depicting the urban structure to be incorporated in the planning controls are

under preparation and will be circulated with the further draft of the planning controls on 14 May 2018. It is expected that all the types of information contained in the COPP plan will be included, but the substantive contents will differ in light of the Minister's position in relation to some of COPP's recommendations.

24. *The DPO should be used to protect long term large floorplate anchor land use opportunities for the Core Retail Areas in Sandridge and ensure the integration of transport interchanges / nodes. This should be applied to the area shown as "Core Retail Area" in Figure 43.*

24.1. The Minister agrees that core retail areas can be identified in the Precinct Plan process but does not accept that a DPO is required to protect land for retail anchors, noting that revised laneway locations will support large floorplates. Nor is the Minister pursuing a DPO to support integration of transport interchanges/nodes at this time. The potential future use of the DPO can be explored further in the Precinct Plan process.

25. *Amend DD030 to increase the maximum street wall height along Fennell / Plummer Street (between Ingles and Graham Streets) and Bertie Street from 6 storeys (23m) to 8 storeys (31m), excepting where lower overall building heights apply and on the north-east corner of Fennell and Bridge Streets where retention of the Globe building, a key character building is sought.*

25.1. The Minister accepts this recommendation in part with the exception of the increased street wall heights on Bertie Street. The changes to street wall heights on Fennell Street / Plummer Street (between Graham and Ingles Street) are accepted because a higher street wall reinforces the pre-eminence of the boulevard.

25.2. A green linear park is proposed along the western side of Bertie Street. Lower street wall heights on the eastern side will support sunlight reaching the park. The street wall height on both sides of the street should be the same to create a cohesive street design.

26. *Amend building heights in DDO30 to reinforce the Sandridge Core as the commercial and retail centre of Fishermans Bend by (see Figure 54):*
- *reducing maximum building heights in Sandridge North Non-Core (part of 155 Bertie Street and part of 153 Bertie Street) and Sandridge West Non-Core (part of 520-533 Bridge Street and 574 Plummer Street) from unlimited height to 12 storeys*
  - *reducing maximum building heights on the properties bound by Ingles Street, Fennell Street and the West Gate Freeway (284A, 284B and 276-278 Ingles Street, 51-55, 65, 67 and 69 Fennell Street, 6 Anderson Street and 81 Brady Street) from unlimited to 40 storeys.*
  - *reducing maximum building heights on the southwest corner of Fennell and Boundary Street (part of 250 Ingles Street) from unlimited to 30 storeys.*
- 26.1. The Minister does not accept these recommendations.
- 26.2. The Minister supports the opportunity for unlimited height in proximity to the Freeway as a non-sensitive interface where a podium tower typology should be supported.
- 26.3. The FAR in the non-core areas will differentiate the scale of development from that in the core areas.
27. *Amend street wall requirements in DDO30 to exempt the northern-most Non-Core blocks in Sandridge North and allow a 12 storey sheer street wall.*
- 27.1. This recommendation is linked to the changes to height and typology sought in paragraph 16. The Minister does not accept this recommendation.
28. *Include policy in Clause 21.06-8 which emphasises the primacy of the Sandridge Retail and Commercial Core by ensuring the tallest buildings are located there and ensure a transition in building heights in Non-Core Areas*
- 28.1. The Minister accepts this recommendation in part.
- 28.2. The precinct specific DDO for Sandridge will include wording which emphasises the primacy of the Sandridge Core by ensuring the

tallest buildings are located there, and seeks a transition in building heights to Non-Core Areas.

- 28.3. However, the Minister does not propose to distinguish between the retail core and the Sandridge core as a whole in terms of height limits.

#### RECOMMENDATIONS BY JOANNA THOMPSON

29. The Minister accepts an increase in the public open space provision for the Sandridge precinct by adopting Ms Thompson's recommendation for an expanded park on the corner of Woolboard and Bertie Streets. As exhibited, the total new open space shown for the Sandridge precinct in the draft Framework is 94,607m<sup>2</sup>.
- 29.1. Five changes were recommended by Ms Thompson in Sandridge, one of which has been accepted by the Minister, being a reconfiguration of the public open space on Woolboard Street into a larger public open space.
- 29.2. The effect of the acceptance of this recommendation is to increase the public open space by an additional 1242m<sup>2</sup>, bringing the total provision for Sandridge to 95,849m<sup>2</sup>.
- 29.3. The outcome will be a larger, and more useable open space in Sandridge North and the provision of a linear park for the proposed recreation loop.
- 29.4. It is not proposed to expand the Boundary Street park towards White Street on Crown land because the Minister wishes to preserve the opportunity to deliver social housing or community infrastructure on this site in addition to open space. The expanded park does not materially strengthen the 200m walkable catchment from homes and workplaces. It is acknowledged that the larger area would support a broader range of uses; however, the alternative of additional opportunities on a scarce piece of Crown land is preferred in this instance. As a consequence, the associated

recommendations to remove the linear parks delivered by road closures is not accepted and the partial closure of White Street and Gittus Street is proposed to be retained.

- 29.5. The proposal for a new open space on the corner of Fennell and Boundary Street is not supported because it would require introduction of new height controls in an area within the core intended for unlimited heights and would have implications for achievement of the FAR on the affected sites.
- 29.6. The proposal to reconfigure the open space on the corner of Fennell and Bertie Streets is also not supported.
- 29.7. The Minister's position in relation to the proposed expansion of the open space on the corner of Plummer and Fennell Streets is set out in paragraph 10 above.

#### RECOMMENDATIONS MADE BY MARK SHEPPARD

30. It is noted that Mr Sheppard has supported the vision for the precinct (page 12 of his report relating to Sandridge, Document 177(d)).
31. The Minister responds to the specific recommendations made by Mr Sheppard in his evidence as follows.
32. *Remove the overall building height limits in the Sandridge core (pg. 27).*
  - 32.1. The Minister does not accept this recommendation. The height limits identified for the Sandridge core have been selected to facilitate a transition down towards the non-core areas and towards the Wirraway precinct. This transition is important. The height limits also respond to the overshadowing requirements, making it easier for the community to understand the scale of buildings that will be developed.
33. *Amend the proposed open space network in accordance with Ms Thompson's recommendations. (pg. 27)*

- 33.1. The Minister's position in relation to Ms Thompson's recommendations is set out in paragraph 29 above.
34. *Prepare detailed precinct plans, in conjunction with landowners, to resolve the optimum built form model, density and open space pattern for each part of Sandridge. (pg. 27)*
- 34.1. The Minister accepts that the Precinct Plans are of significant importance, and that the preparation of the detailed Precinct Plans would greatly assist with the implementation of the draft Framework and built form outcomes envisaged for each distinct precinct.
- 34.2. However it is not proposed to revisit Floor Area Ratios or heights as part of the Precinct Plan process.
35. *Replace the mandatory 4-storey height limit on Williamstown Road and Normanby Road with a discretionary maximum 4-storey street wall height, and a discretionary minimum 10m setback above. (pg. 27)*
- 35.1. This recommendation is accepted in part. The rationale for the 4-storey height limit on Williamston Road and Normanby Road is to ensure that the precinct is well integrated with its neighbours.
- 35.2. The introduction of a mandatory 4 storey street wall with a mandatory minimum of 6 storeys with the upper 2 floors setback a mandatory minimum of 10 metres behind the street wall is supported by the Minister.
- 35.3. These provisions should be mandatory to provide the certainty that the transition from higher density areas within Fishermans Bend to the lower scale neighbourhoods will occur.
36. *Replace the site coverage control in the non-core area of Sandridge with a requirement for any development incorporating dwellings to provide communal open space at any level up to the height of the street wall. (pg. 27)*
- 36.1. The Minister accepts that the provision of communal open space at any level up to the height of the street wall may be appropriate in

some circumstances. However, the preferred outcomes remains the location of communal open space at ground level.

- 36.2. Where communal open space is proposed above ground, it should provide an easy connection to the street, support the growth of significant trees and should reduce the amount of impervious area within a site.
  - 36.3. The recommendation by COPP to ensure that communal open space is directly connected to the external public realm is important to retain.
37. *Review the merits of closing the southern end of Bertie Street (pg. 27)*
- 37.1. The Minister does not accept this recommendation.
  - 37.2. The closure of Bertie Street is required to facilitate an integrated approach to public open space and community facilities. The closure of Bertie Street will provide for the expansion of the North Port Oval and connectivity to the proposed Sport and Recreation Hub investigation area.
38. *Clarify whether the site coverage requirement applies to the total site area or developable site area and, if the former, then how requirements for new public land within the site are to be treated in that calculation (pg. 27):*
- 38.1. The Minister accepts that this clarification is required. Whether site coverage or communal open space is provided as a percentage of site area, it should be clarified that it applies to the developable site area. Clarification of this issue will be addressed in the further draft of the DDO for Sandridge to be circulated on 14 May 2018.
39. Other recommendations of Mr Sheppard of general application will be addressed in the Minister's Part C submission.

## RECOMMENDATIONS OF CATHERINE HEGGEN – CITIPOWER SITE

40. *If the FAR and FAU tools are to be retained, the mandatory FAR should be reviewed and in the case of the CitiPower site, increased to reduce the difference in potential built form outcomes.*
- 40.1. This recommendation is not accepted.

## RECOMMENDATIONS OF CATHERINE HEGGEN – GOODMAN LANDHOLDINGS

41. *The DPO schedules should be more specific about the issues a Development Plan is intended to address on the site.*
- 41.1. The Minister supports the removal of the DPO as currently proposed. Its potential future use can be explored further in the Precinct Plan process.
42. *There are potential benefits to allow a rebalancing or redistribution of FAU across a large landholding in exchange for an exemplary master planned outcome.*
- 42.1. This recommendation is noted. The use of a DPO or detailed masterplanning for the Goodman site for the purpose of redistribution of FAU may be appropriate.

## RECOMMENDATIONS BY BRENDAN ROGERS ON BEHALF OF TOYOTA

43. *Allow flexibility for Toyota to masterplan for the future on their 155 Bertie Street site by removing the use of mandatory controls around the proposed road alignment.*
- 43.1. The Minister agrees in part with this recommendation. Revisions will be made to the draft CCZ to make clear that buildings and works associated with existing uses are exempt from the requirements to provide for roads and public open space during the life of that existing use.

- 43.2. In the event that the existing use ceases, the introduction of a road will add to the permeability of the area, but the location and width of the road can be flexible given it does not line up with another road through the precinct.
44. *Designate the entire 155 Bertie Street site within the core area.*
- 44.1. This recommendation is accepted in part. The Minister proposes to include an extended area of 155 Bertie Street within the core. This will be identified in the plans included within the further revisions to the planning control to be circulated on 14 May 2018.
45. *Remove the Development Plan Overlay.*
- 45.1. This recommendation is accepted. The Minister supports the removal of the DPO as currently proposed. Its potential future use can be explored further in the Precinct Plan process.
46. *Schedule 1 to 37.08 requires several mandatory conditions to be included on any permit granted, and some of these create real challenges for Toyota's land. One of these conditions states:*
- *Where a permit is granted to construct a building, other than alterations and additions to an existing building, where the building is within 50 metres of a potential future metro alignment shown on Map 2 of this schedule, a condition must be included to the effect that:*  
  
*Prior to the commencement of buildings and works, plans must be submitted to the satisfaction of the responsible authority in consultation with Transport for Victoria showing that the proposed footings and foundations will not compromise delivery of the proposed future metro alignment.*
- 46.1. This recommendation is not accepted. The proposed trigger for consideration of any impacts on the proposed future metro alignment is appropriate.
47. Other recommendations of Mr Rogers of general application will be addressed in the Minister's Part C submission.

## RECOMMENDATIONS BY CHARMAINE DUNSTAN ON BEHALF OF TOYOTA

48. *The road that bisects the Toyota site at 140 & 155 Bertie Street should be deleted, or alternatively, the controls should include a mechanism to be able to apply discretion in cases where a planning application is made for works which relate to the continued operations of an existing use of building, so that there is not a mandatory requirement to provide this road.*

48.1. This recommendation is accepted in part. Further refinements to the proposed CCZ control will be circulated on 14 May 2018 which will exempt buildings and works associated with existing uses from the requirements to cede land required for infrastructure and public open space.

49. *The decision guidelines of the Parking Overlay should explicitly refer to the decision guidelines at Clause 52.06-7, which would allow for an empirical assessment of car parking demands, without relying on Council's discretion.*

49.1. This recommendation is under consideration. It is considered that cl. 45.09-5 already has the effect of requiring the matters set out out in cl. 52.06-7 to be considered where an application is made to provide more than the maximum parking rate under a Parking Overlay Schedule. Further refinements to the Parking Overlay will be circulated on 14 May 2018.

Susan Brennan  
Isaacs Chambers

Marita Foley  
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Rupert Watters  
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Instructed by Harwood Andrews

7 May 2018