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1 April 2022

Dear Lisa

**Planning Permit WYP9630/16 – 37-43 Cherry Street, Werribee
Section 72 Amendment and Submission of Plans for Endorsement**

Tract acts on behalf of Endeavour Werribee Pty Ltd (the 'Applicant') in relation to Planning Permit WYP9630/16 affecting the land at 37-43 Cherry Street, Werribee (the 'Permit').

On behalf of the Applicant, we submit the attached application to amend the Permit under Section 72 of the *Planning and Environment Act 1987* (the 'Proposal'). The Proposal seeks to amend the permit preamble, amend Condition 28, and delete Conditions 1(h), 1(j) and 1(k) and 1(o). The following documents are submitted to assist in the assessment of the Section 72 application and for endorsement under the Permit:

1. Architectural Plans (Condition 1)
2. ESD Report (Condition 7)
3. Green Travel Plan (Condition 9)
4. Traffic and Car Parking Management Plan (Condition 10)
5. Waste Management Plan (Condition 28)
6. Traffic Report (submitted for information)
7. Architectural Comparison Package (submitted for information)
8. Land Title
9. Section 72 Application Form

The submitted documents reflect changes to the development which have occurred following the redesign of the approved building.

We look forward to working with the City of Wyndham in relation to the amended development.

Should you need to discuss any matters relating to this application please do not hesitate to contact me or Joseph Indomenico (jindomenico@tract.net.au).

Yours sincerely



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ISO 9001: Licence No. 2095

Plan: 1 of 15 1 / 15

1 Introduction

Planning Permit WYP9630/16 approved 'development of a nine (9) storey commercial building plus two (2) levels of the basement car park and associated works, with a reduction in loading bay height requirement' (Permit) on the land at 37-43 Cherry Street, Werribee.

Since the issuing of the Permit on 13 January 2017, the Applicant has partnered with the City of Wyndham to deliver the approved development at a reduced scale in response to market factors and detailed design.

A description and assessment of the proposed changes against the relevant provisions of the Wyndham Planning Scheme and the conditions of the Permit is provided below.

1.1 Transformation of the Permit

Section 72 of the *Planning and Environment Act 1987* states that:

- (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
- (2) *This section does not apply to-*
 - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
 - (b) *a permit issued under Division 6.*

It is noted that the concept of transformation has been previously raised by the Tribunal in considering whether an amendment could be approved under Section 72 of the *Planning and Environment Act 1987*. transformation compared to amendment was articulated in *Bestway v Monash CC* (VCAT 860, 19 May 2008). The Tribunal in this case considered how far an amendment could go under section 72, 87 or 87A of the *Planning and Environment Act 1987*. On this point, the Tribunal held:

[14]... I consider that the ambit of change that may be made to a permit under any of these provisions may be quite substantial and may include changes to any of the things allowed by the permit, its conditions and the land description. Apart from plans, drawings and other documents, the component elements of a permit include the use or development or other thing allowed by the permit, the land description and the conditions. There is no suggestion in the words of any of these provisions of the Act that changes could not be made to any of these elements subject to proper notice being given to potentially affected persons. ...

The Tribunal also held that there is no reason why amendments to permits under section 72 or 87A may not also include new primary consents. However, the Tribunal then went on to say:

[21] Clearly, conditions may be amended as a consequence of such amendments to what the permit allows. Conditions may also be amended without any change to what the permit allows. Situations could arise where the land description might change too.

*[22] Of course, there are some limits to all this. As I said in *Australian Slate Crete Supplies*:*

*[29]...The process of amending a permit would stop short of allowing a transformation. In this respect, the principle of *Addicoat v Fox (No 2)* remains relevant – "changes made may be considerable*

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without necessarily bringing it about that the permit granted is a different as opposed to a modified permit. "Thus for a completely new or unrelated use or development, I consider that the proper procedure is to apply for a new permit rather than applying to amend an existing permit in such a way that would result in a different permit as distinct from modified permit.

The lessons from the above case law are:

1. The power to approve an amendment to a permit is broad and the scale of change proposed is not necessarily the determining factor when considering its appropriateness.
2. So long as the proposed amendment is not allowing an unrelated use or development, there is scope to utilise the provisions of Section 72 of the *Planning and Environment Act 1987*.

The Proposal achieves each of these key lessons as it is not providing a use or development that contravenes the spirit of the Planning Permit, given:

- The development will remain a commercial development occupied by Office (including Medical Centre) and Shop uses which are as of right in the C1Z.
- The Development footprint, building typology and architectural design is largely maintained.
- The reduction in building height will not transform the building type but will reduce the risk of material detriment to adjoining land uses.
- The signage is similar in scale and location to the 'proposed signage' identified on the current endorsed plans.

Whilst the Proposal is not considered to constitute 'transformation', it is noted that the Supreme Court of Victoria has recently broadened the scope of amendments able to be considered under Section 72 to include amendments that result in transformation *in its judgment Mondib Group Pty Ltd v Moonee Valley City Council [2021] VSC 722*.

Noting the above, it is submitted that the Proposal can be considered under Section 72 of the *Planning and Environment Act 1987* under either interpretation.

2 Proposed Amendments

The application to amend the approved Permit and endorsed plans under Section 72 of the *Planning and Environment Act 1987* (the 'Proposal') seeks to:

- Amend the endorsed plans to accommodate changes resulting from the reduced building scale;
- Amend the Permit preamble to reflect the revised build form and approve the display of internally illuminated, high wall signs on the Cherry Street and Jellicoe Street frontages.
- Amend Condition 28 and delete conditions 1(h), 1(j) and 1(k) and 1(o).

1.1 Changes to the Endorsed Plans

The details of the proposed changes are detailed in the comparative analysis package prepared by Point Architects (Attachment 7).

In summary the Proposal (inter alia):

- Reduces the total building height (including services) by 9.9 m from 35.0m to 22.1m.
- Removes Levels 6-9 and basement levels.
- Removes the approved child care centre use.
- Introduces a Medical centre use at ground level (fronting Kelly Street).

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- Setbacks north-east and south-east corners of the building (in accordance with Condition 1a).
- Amends the building programme to include office uses on all levels (excluding the rooftop/Level 5).
- Removes 'alfresco' areas associated with ground-level retail tenancies.
- Relocates the bicycle end of trip facilities to ground level.
- Amends the endorsed plans to include Internally illuminated, High wall, Panel signs on the Jellicoe Street and Cherry Street frontages.

As demonstrated in the comparative analysis, the Proposal retains:

- A mix of commercial uses (including Office, Shop/Food and Drink Premises (retail) and Medical centre).
- A predominantly glazed façade with timber architectural elements.
- A podium typology with the built form generally extending to each boundary.
- Car parking and bicycle facilities that are in surplus of the requirements of Clause 52.06 and Clause 52.34 of the Wyndham Planning Scheme, respectively.

1.2 Amendments to Permit Preamble

The Permit approved '*development of a nine (9) storey commercial building plus two (2) levels of basement car park and associated works, with a reduction in loading bay height requirement*'

The Proposal seeks to amend the Permit preamble to allow the '*development of a five (5) storey commercial building and associated works, and the display of Internally illuminated, High wall, Panel signs.*'

1.2.1 Changes to the Permit preamble to reflect the revised plans

As a result of the changes to the endorsed plans the proposed building is no longer a nine (9) level commercial building with two (2) levels of basement car parking. As such, the Permit preamble as currently drafted is no longer representative of the proposed development.

The proposed amending of the Permit preamble will ensure that the permit preamble accurately describes the proposed built form. This change to the Permit preamble does not result from the triggering of any additional planning permit requirements or affect the planning merits of the approved development.

1.2.2 Changes to the Permit preamble to remove references to the minimum loading bay height

Under changes to the Wyndham Planning Scheme introduced via Amendment VC142, the Wyndham Planning Scheme no longer requires a minimum height for loading bays. Accordingly, the previous approval allowing a reduction to the (previously) required loading bay height is no longer applicable or required.

1.2.3 Changes to the Permit preamble to allow the display of Internally illuminated, High wall signs.

As a part of the detailed design of the approved building that has occurred since the approval of the Permit in 2017, details of high wall signage previously identified as 'proposed' are now known. As such, the Proposal seeks to amend the Permit pre-able to allow the signage identified on the endorsed plans to be approved under the Permit.

Details of the proposed sign are provided in Table 1.

Table 1. Proposed Signs

Location	Type	Area	Illumination
<i>Cherry Street Facade Level 3-4</i>	Internally illuminated, High Wall, Panel Sign	15.7m ² (approx.)	Internal White LED
<i>Jellicoe Street Facade Level 3-4</i>	Internally illuminated, High Wall, Panel Sign	15.7m ² (approx.)	Internal White LED

1.3 Amendment of Condition 28

Condition 28 requires *'The operator is to ensure that waste storage and collection is undertaken generally in accordance with the Waste Management Plan prepared by ecoresults dated 8.11.2016.'*

As a result of the redesign of the approved development, the Waste Management Plan prepared by ecoresults dated 8.11.2016 is no longer relevant to the Proposal. A revised Waste Management Plan has been prepared by ecoresults (dated 31 March 2023) (Attachment 5).

Accordingly, it is proposed to amend Condition 28 to require:

The operator is to ensure that waste storage and collection is undertaken generally in accordance with the Waste Management Plan prepared by ecoresults dated 31 March 2022 unless otherwise agreed in writing by the Responsible Authority.

1.4 Deletion of Conditions

Due to the changes to the approved building, Permit Conditions 1(h), 1(j) and 1(k) and 1(o) relate to design items that apply to the previously approved development and are no longer considered relevant to the Proposal. Accordingly, the Proposal seeks to delete these conditions.

1.4.1 Condition 1(h)

Condition 1(h) requires *Details of Cherry Street frontage to show the detail of the Cherry Street frontage with any treatment of the alfresco area and inter-relationship with the upgraded streetscape, with floor plans to be aligned to the proposed elevations, with the overall effect of achieving an integrated yet delineated space for the active frontages of the building to the street.*

The Proposal no longer includes alfresco areas. As such the requirements of the Condition are not considered relevant/applicable to the Proposal.

In accordance with the intent of the condition to optimise the activation of Cherry Street, the proposed ground-level retail tenancies are glazed and orientated to face Cherry Street (where possible) to maximise the activation of the space.

1.4.2 Condition 1(j)

Condition 1(j) requires *'Blank concrete wall facades at ground level facing Kelly and Jellicoe Streets to be articulated at ground level with patterning or similar.'*

The Proposal does not include blank concrete walls facing Kelly or Jellicoe Streets. As such, the requirement for the blank concrete walls to be articulated is no longer relevant/applicable to the Proposal.

1.4.3 Condition 1(k)

Condition 1(o) requires 'Continuous overhead cover is to be provided to the footpaths.'

The Proposal provides a weather protective canopy along the Kelly Street frontage and most of the Cherry Street frontage to provide weather protection to footpaths adjoining the medical centre and retail tenancies.

Given that office tenancies (which are expected to primarily be internally accessed via the provided car parking) will front the Jellicoe Street footpath, it is not considered that the expected pedestrian flows justify the installation of a canopy to provide weather protection to the Jellicoe Street footpath.

Given that the Condition appears to require a canopy to be installed to provide weather protection to all footpaths surrounding the site, the proposed canopy is not consistent with the condition. Accordingly, the Proposal seeks to delete the condition as appropriate weather protection is provided by the proposed canopy (Attachment 1).

1.4.4 Condition 1(o)

Condition 1(o) requires 'An increase in size of the childcare centre entrance area by the lift entrance reception area so as to increase convenience for patrons.'

The Proposal does not include a childcare centre. Accordingly, the condition is no longer considered to be relevant/applicable to the Proposal.

3 Planning Controls

The Site is zoned Commercial 1 Zone (C1Z) and affected by the Parking Overlay (PO)

The provisions of the C1Z and PO that are relevant to the Proposal have not materially changed since the approval of the Permit in 2017.

The proposed uses of Office, Shop/Food and Drink Premises (identified as 'retail') and Medical centre are all Section 1 (permit not required) use under the C1Z. As such, no further permit approvals are required in relation to the proposed uses.

A permit is required to undertake building and works (development) in the Commercial 1 Zone. This permission is provided by the existing Permit.

The Proposal provides car parking in excess of the statutory car parking requirement required under the PO. As such, the Proposal does not result in a permit being required under this overlay.

Pursuant to Clause 34.09-1, Category 1 controls of Clause 52.05 apply to the display of signs within the C1Z. A permit is required to display the proposed signs under the Category 1 controls.

4 Assessment of Amendments

1.1 Changes to the endorsed plans

The proposed changes to the endorsed plans will offer an improved built form outcome in terms of both architectural quality, activation of the surrounding public realm while reducing potential amenity impacts on the adjoining residential properties to the north, by:

- Reducing the total building height to 22.1m in accordance with the preferred building height of 8m to 25.5m nominated in the *Werribee City Structure Plan (June 2013)*, by removing Levels 8-9 (Figure 1).
- Increasing the ground level activation to all Kelly Street, Jellicoe Street and Cherry Street by introducing ground-level commercial tenancies fronting Kelly Street and Jellicoe Street (Figure 2).

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- Increasing the level of screening provided to car parking areas by providing office tenancies along the Jellicoe Street frontage on Level 1 and office tenancies fronting Cherry Street on Levels 2-4 (Figure 3).
- Utilising high-quality materials including clear glazing and timber blades to provide articulation and visual interest across the façade.
- Removing sections of concrete wall façade along the Jellicoe Street and Kelly Street frontage.
- Providing a patterned treatment to upper levels of the northern façade to provide visual interest and clear visual break with lower levels.
- Providing vertical timber elements within the east and west-facing facades to prevent undue overlooking into residential properties and provide articulation and visual interest.

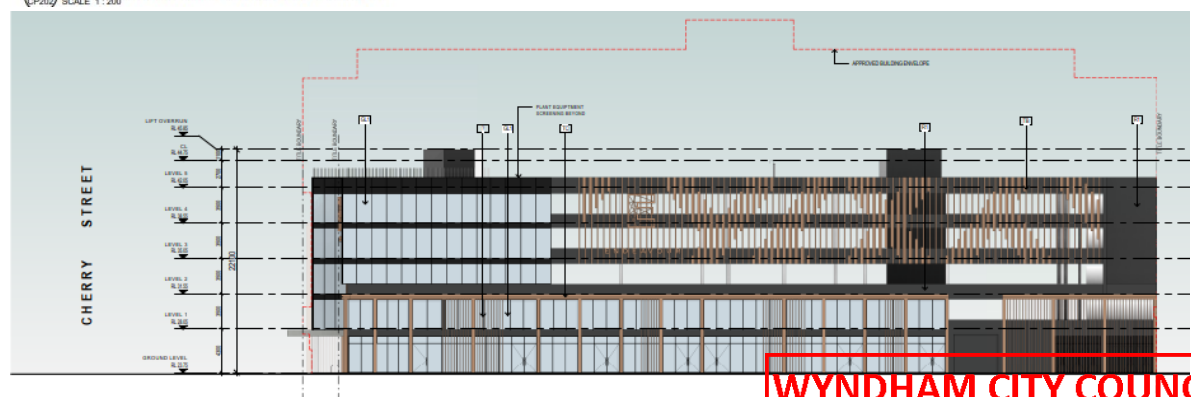
The proposed changes to the built form do not trigger any additional planning permit requirements under the Wyndham Planning Scheme.

In accordance with the decision guidelines of the C1Z the changes to the endorsed plans will:

- Improve access arrangement for cyclists by locating cycling end-of-trip and storage facilities at ground level.
- Increase the activation and passive surveillance of the surrounding public realm and pedestrian areas and provide weather protection to the Kelly Street and Cherry Street pedestrian areas.
- Maintain safe and effective waste storage and access arrangements.
- Appropriately manage potential overlooking to residential areas.



2 PERMIT APPROVED - EAST ELEVATION (JELICOE STREET)
CP2007 SCALE 1:200



1 PROPOSED - EAST ELEVATION (JELICOE STREET)
CP2007 SCALE 1:200

Figure 1. Elevation Comparison

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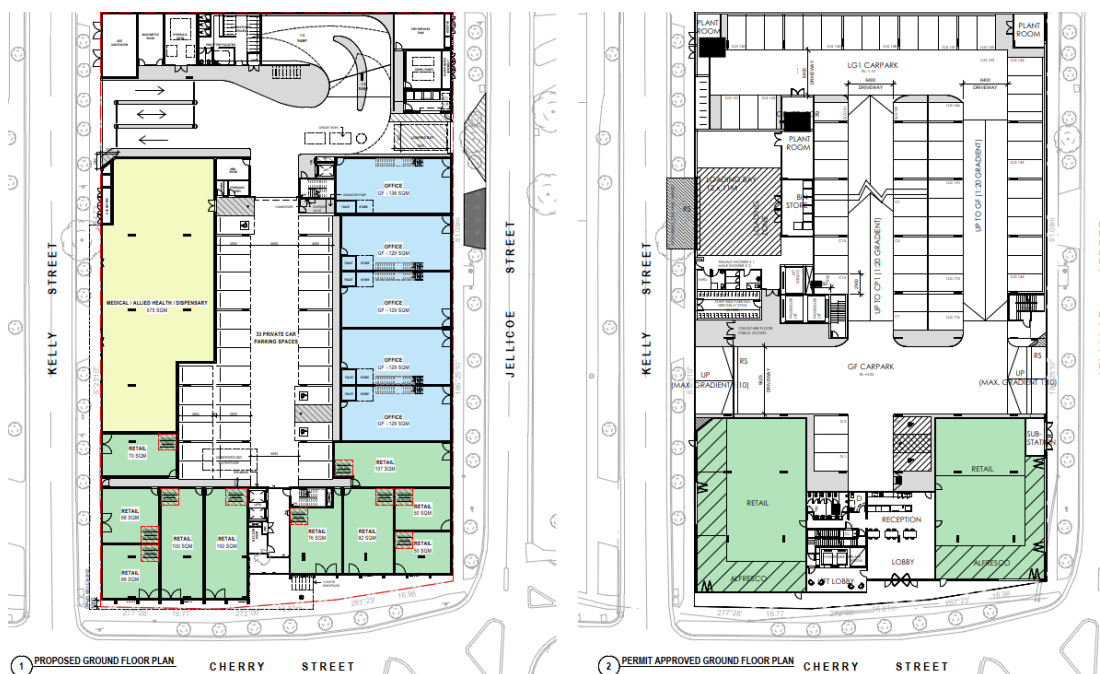


Figure 2. Ground Level Comparison

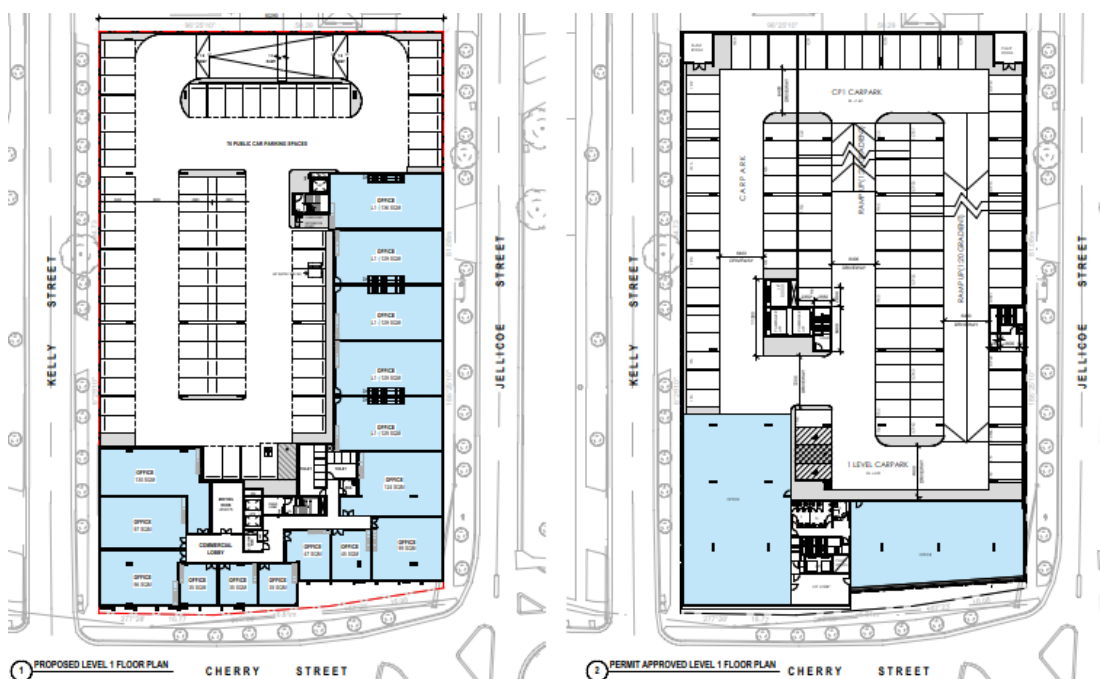
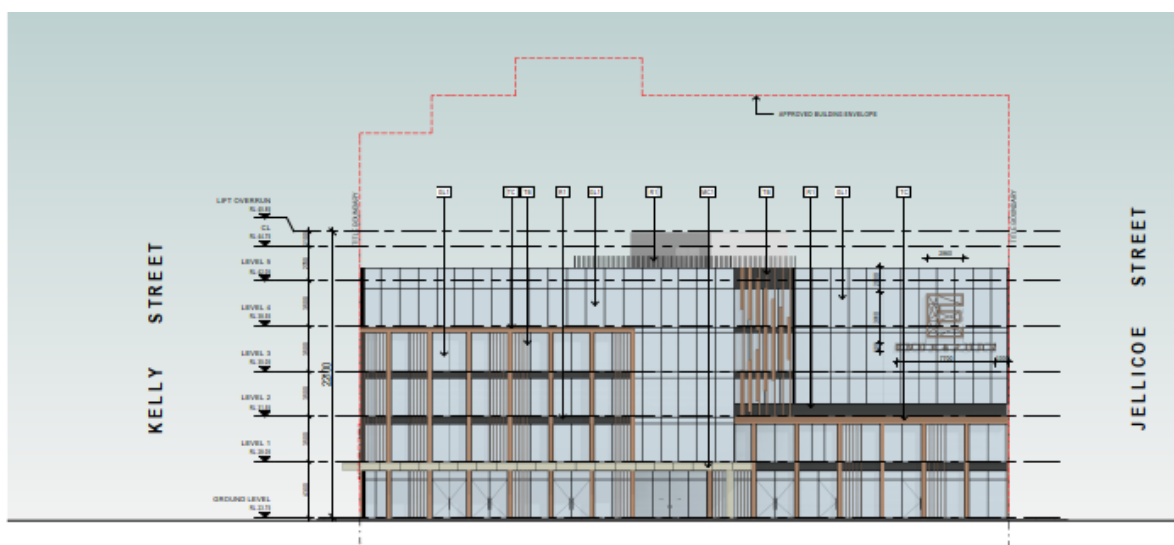


Figure 3. Level 1 Comparison

1.2 Approval of High wall, Internally illuminated Signs

A Permit is required under Clause 52.05 (Signs) of the Wyndham Planning Scheme to display the proposed Internally-illuminated, High wall, Panel signs on the Cherry Street and Jellicoe Street frontages.

The Permit preamble (as currently approved) does not provide approval for the display of advertising signs. However, the existing endorsed plans identify a 24m² 'proposed sign' on Level 5 of the Cherry Street Elevation (Figure 4).



1 PROPOSED - SOUTH ELEVATION (CHERRY STREET)
CP200 SCALE 1:200



2 PERMIT APPROVED - SOUTH ELEVATION (CHERRY STREET)
CP200 SCALE 1:200

Figure 4. Cherry Street Elevation Comparison

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In accordance with Clause 15.01-1L (Signs) and the decision guidelines of Clause 52.05 the proposed signs:

- Are appropriately scaled and designed to contribute to the appearance of the Proposal.
- Are appropriately designed and scaled to contribute to the street environments of Cherry Street and Jellicoe Street and the wider Werribee City Centre Area.
- Prevent signage clutter by limiting signage to a single, high wall sign on each of the Cherry Street and Jellicoe Street frontages.
- Are located fully within the site boundaries and do not overhang any public open space/road reserves.
- Maintain the amenity of adjoining residential properties by orientating and locating to face away from residentially zoned areas.
- Are integrated within the façade design by utilising a similar colour palette and style to the remainder of the façade.
- Do not obstruct view lines to important views or vistas.
- Do not obstruct the line of sight or distract drivers on the surrounding street network.
- Are consistent with the purpose of Category 1 controls *'To provide for adequate identification signs and signs that are appropriate to office and industrial areas.'*

Noting the above, the proposed signs are considered to be consistent with the relevant provisions of Clause 15.01-1 (Signs) and Clause 52.05 (Signs) of the Wyndham Planning Scheme.

1.3 Changes to the car parking provision

The Proposal results in a statutory car parking requirement of 201 spaces under the Parking Overlay (Figure 5). Noting that 534 car parking spaces are proposed, the Proposal does not trigger a planning permit requirement under the Parking Overlay or Clause 52.06 of the Wyndham Planning Scheme.

Land Use	Rate	Measure	Requirement
Office	3 car spaces to each 100m ² of net floor area	4,333m ²	129 spaces
Shop	4 spaces to each 100m ² of leasable floor area	777m ²	31 spaces
Medical Centre	5 spaces to the first person providing health services plus 3 spaces to every other person providing health services	13 practitioners	41 spaces
Total	-	-	201 spaces

Figure 5. Car Parking Statutory Requirement Assessment (Traffix)

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1.4 Changes to the bicycle facilities provided

The Proposal does not trigger a planning permit requirement under Clause 52.34 (Bicycle Facilities) of the Wyndham Planning Scheme.

The Proposal results in a statutory bicycle parking requirement of a statutory to provide 16 employee and 7 visitor spaces and two employee showers/changerooms under Clause 52.34 (Figure 6).

The Proposal includes 17 employee spaces and 8 visitor spaces and 3 showers/change rooms which is in surplus to the requirements of the Clause.

Land Use	Measure	Employee		Visitor	
		Rate	Requirement	Rate	Requirement
Office	4,333m ²	1 to each 300m ² of net floor area if the net floor area exceeds 1,000m ²	14 spaces	1 to each 1,000m ² of net floor area if the net floor area exceeds 1,000m ²	4 spaces
Shop	777m ²	1 to each 600m ² of leasable floor area if the leasable floor area exceeds 1,000m ²	0 spaces	1 to each 500m ² of leasable floor area if the leasable floor area exceeds 1,000m ²	0 spaces
Medical Centre	13 practitioners	1 spaces to each 8 practitioners	2 space	1 spaces to each 4 practitioners	3 space
Total		-	16 spaces	-	7 spaces

Figure 6. Bicycle Facility Requirements (Traffix)

5 Satisfaction of Permit Conditions

A list of enclosed documents to satisfy Conditions 1, 7, 10 and 28 is provided at Page 1, with a summary of the response to each permit condition below.

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Table 2. Condition Response

Condition	Response
<i>1 a) Building setback on the north-east and north-west corners of the building approximately 5 metres from each site boundary at Level 2 and above.</i>	Complies The building corners have been setback 5m from the north-east and north-west corners at above Level 1 as demonstrated on Plan TP101 and TP102.
<i>1 b) Facade treatments of the east and west elevations around onto the recessed parts of the north elevation, with any outlooks from office floors be designed to avoid downward views (such as by the provision of fixed external slats to windows to prevent undue overlooking on residential properties)</i>	Complies The Proposal's east and west façades include vertical timber element to prevent undue overlooking into residential properties as demonstrated on Plan TP200 and TP201.
<i>1 c) Façade treatment of the north wall of Ground Floor and Level 1 (which remain full width) differently to the facade at higher levels, to further break up the appearance of this facade.</i>	Complies The Proposal utilises a three different concrete finishes across the northern façade to provide a visually divide the façade as demonstrated in Plan TP200.
<i>1 d) Details of patterned concrete/painted concrete at upper levels of northern elevation.</i>	Complies Details regarding the patterned/painted concrete are provided in the material schedule in Plan TP200.
<i>1 e) Materials and associated treatment on the northern elevation to prevent excess rainwater/stormwater impact on neighbouring property.</i>	Complies As denoted in Plan TP200 the grooves will be used to channel water down without unduly affecting the adjoining properties.
<i>1 f) Removal of windows on the northern elevation.</i>	Complies As demonstrated in Plan TP200 all windows have been removed from the northern façade.
<i>1 g) Cantilevered building elements on the building's street frontages as per the elevations, sections and perspective plans to be resolved on floor plans, with no cantilevering of the building allowed to protrude over the site boundaries (aside from overhead canopies).</i>	Complies The Proposal does not include any cantilevered building elements.
<i>1 h) Details of Cherry Street frontage to show the detail of the Cherry Street frontage with any treatment of the alfresco area and inter-relationship with the upgraded streetscape, with floor plans to be aligned to the proposed elevations, with the overall effect of achieving an integrated yet delineated space for the active frontages of the building to the street.</i>	Not applicable The Proposal no longer includes alfresco areas. Accordingly, the application seeks to delete this condition. It is noted that the proposed ground-level retail tenancies are glazed and orientated to face Cherry Street (where possible) to maximise the activation of the space.

<i>1 i) Ground level external glazing to be transparent; not tinted or opaque.</i>	Complies All proposed glazing will be clear as denoted in the material schedule in Plan TP200-TP201.
<i>1 j) Blank concrete wall facades at ground level facing Kelly and Jellicoe Streets to be articulated at ground level with patterning or similar.</i>	Not applicable. The Proposal does not include blank concrete walls on Kelly and Jellicoe Streets. The Proposal seeks to delete this condition.
<i>1 k) Continuous overhead cover is to be provided to the footpaths.</i>	The Proposal provides a weather protective canopy along the Kelly Street frontage and most of the Cherry Street frontage. The Proposal seeks to delete this condition.
<i>1 l) External doors to not open outwards onto the street (except only service cabinet doors no more than 600mm wide)</i>	Complies All of the ground level doors open inwards with the exception of services doors that are limited to 600mm in width. It is noted that the substation doors are greater than 600mm in width due to its operational/access requirements.
<i>1 m) Matters of emergency egress, and the position of open or solid wall to be clearly defined.</i>	Complies Solid walls are identified on each level plan as demonstrated in Plan TO100-TP102)
<i>1 n) All fire escape stairs provide direct egress to the street (as per the Building Regs) with all doors opening in the direction of travel (but not beyond the site boundaries).</i>	Complies Fire escape stairs provide direct access to the street with all doors opening in the direction of travel, as demonstrated on Plan TP100-TP102)
<i>1 o). An increase in size of the childcare centre entrance area by the lift entrance reception area so as to increase convenience for patrons.</i>	Not applicable The Proposal does not include a childcare centre. The Proposal seeks to delete this condition.
<i>1 p). Ambulant and accessible toilets (as per the Building Regs).</i>	Complies The Proposal allows for DDA bathrooms within each retail tenancy and a communal DDA bathroom for each office level.
<i>1 q) A height clearance of 2.5m is to be incorporated above disabled car parking spaces and associated shared areas.</i>	Complies Each car park level has a minimum internal clearance of 3.0m as demonstrated on Plan TP202.
<i>1 r) Confirmation location of boom gates will allow vehicles to fully enter the site before reaching the gates, or modifications accordingly.</i>	Complies The entrance boom gates are set approximately 13.5m within the site boundaries.

<i>1 s) Appropriate access to northern lifts without requiring steps.</i>	Complies Access to the northern lifts is provided via a direct footpath to Jellicoe Street as demonstrated on Plan TP100.
<i>1 t) Convenient access from the bicycle parking location to the shower/change facilities, without requiring persons to enter the loading dock.</i>	Complies Cyclists will be able to access the end-of-trip facilities via the footpath to the south of the vehicle access as demonstrated in Plan TP100.
<i>1 u) Revisions to allow access to the Level 1 lifts from the car park area without having to go through the office space (or confirmation there will be no conflict of access/space).</i>	Complies The Level 1 lift is now located within a lobby as demonstrated in Plan TP100.
<i>1 v) All rooftop plant and equipment to be incorporated in the built form and/or screened.</i>	Complies The Proposal includes screening to all elements as demonstrated on Plan TP200 and TP201.
<i>1 w) Corrections to plans to ensure site plan, floor plans, elevations, sections and perspectives are consistent.</i>	Complies
<i>Condition 7. Prior to the commencement of development an Environmentally Sustainable Design (ESD) Report prepared by a suitable qualified sustainability consultant is to be submitted and to approved by the Responsible Authority. The ESD Report is detail how the development will achieve best practice in terms of ESD.</i>	Complies The submitted ESD Report (Attachment 2) satisfies the Condition.
<i>9. Prior to occupation of the development, a Green Travel Plan is to be submitted to and approved by the Responsible Authority. The Plan is to detail measures to encourage workers using the site to adopt sustainable travel methods (eg. public transport, cycling etc) with associated implementation methods.</i>	Complies The submitted Green Travel Plan (Attachment 3) satisfies the Condition by achieving 'best practise' under theBESS assessment tool.
<i>10. Prior to the occupation of the development a Traffic and Parking Management Plan must be submitted and approved by the Responsible Authority.</i>	Complies The submitted Traffic and Car Parking Management Plan (Attachment 4) satisfies the Condition.
<i>28. The operator is to ensure that waste storage and collection is undertaken generally in accordance with the Waste Management Plan prepared by ecoresults dated 8.11.2016.</i>	Amendment required The Waste Management Plan prepared by ecoresults dated 8.11.2016 is no longer reflective/applicable to the Proposal. An updated Waste Management Plan that is reflective/applicable to the Proposal is submitted in accordance with the proposed amendment.

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6 Conclusion

The Proposal represents a well-considered set of changes to facilitate the delivery of the approved development in accordance with the existing Permit (as amended), the provisions of the Wyndham Planning Scheme and the Werribee City Structure Plan (June 2013).