

## **CITY DEVELOPMENT DELEGATED COMMITTEE**

**Tuesday 23 August, 2022  
6.30pm**

**Council Chamber  
Level 1  
Maribyrnong Council Offices  
Corner Hyde and Napier Streets, Footscray**

### **AGENDA**

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**Agenda Item 5**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS CITY DEVELOPMENT  
DELEGATED COMMITTEE MEETING - 26 JULY 2022**

**Director:** Lisa King  
Director Corporate Services

**Author:** Phil McQue  
Manager Governance and Commercial Services

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**PURPOSE**

To present for confirmation, the minutes of the City Development Delegated Committee Meeting held on 26 July 2022.

**ISSUES SUMMARY**

- The Maribyrnong City Council Governance Rules requires Council to keep minutes of each meeting of the Council and Delegated Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

**ATTACHMENTS**

1. Unconfirmed Minutes of the City Development Delegated Committee held on 26 July 2022 [↓](#)

**OFFICER RECOMMENDATION**

**That the City Development Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 26 July 2022.**

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**Agenda Item 5****BACKGROUND**

The minutes of meetings remain unconfirmed until the next appropriate meeting of Council.

**DISCUSSION/KEY ISSUES****1. Key Issues**

Council's Governance Rules requires Council to confirm its minutes at the next appropriate meeting.

**2. Council Policy/Legislation****Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

**Legislation**

Local Government Act 2020

**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

**Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

**3. Engagement**

Not applicable.

**4. Resources**

Not applicable.

**5. Environment**

Not applicable.

**CONCLUSION**

The unconfirmed minutes of the City Development Delegated Committee Meeting held on 26 July 2022 are presented for confirmation.

# U N C O N F I R M E D M I N U T E S



**Maribyrnong City Council**

## **CITY DEVELOPMENT DELEGATED COMMITTEE MINUTES**

**Tuesday 26 July, 2022  
6.30pm**

**Council Chamber  
Level 1  
Maribyrnong Council Offices  
Corner Hyde and Napier Streets, Footscray**

### **MEMBERSHIP**

Councillor Cuc Lam (Chair)  
Councillor Sarah Carter  
Councillor Michael Clarke  
Councillor Simon Crawford  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas  
Councillor Anthony Tran

To be confirmed at the City Development Delegated Committee Meeting  
to be held on 23 August, 2022

# U N C O N F I R M E D M I N U T E S

## • 1. COMMENCEMENT OF DELEGATED MEETING AND WELCOME

The meeting commenced at 6.38pm.

The Chair, Cr Cuc Lam made the following acknowledgement statement:

*“We acknowledge that we are on the traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples, past and present”.*

### **PRESENT**

Councillor Cuc Lam (Chair)  
Councillor Sarah Carter  
Councillor Michael Clarke  
Councillor Simon Crawford  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas  
Councillor Anthony Tran

### **IN ATTENDANCE**

Chief Executive Officer, Celia Haddock  
Director Community Services, Lucas Gosling  
Director Infrastructure Services, Patrick Jess  
Director Planning and Environment, Laura Jo Mellan  
Manager Governance and Commercial Services, Phil McQue  
Manager City Places, Ashley Minniti  
Acting Coordinator Governance, Adele Woolcock

## **2. APOLOGIES**

Nil.

## **3. DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

## **4. PUBLIC QUESTION TIME**

Public Question Time opened at 6.42pm.

The Chair, Councillor Cuc Lam noted that Council had received 156 Public Questions; including 145 questions in relation to Mclvor Reserve.

The Chair, Councillor Lam further noted that as provided for under Clause 52.9 of the Governance Rules, similar questions have been grouped together and will be provided with a consolidated response.

The Chair, Councillor Lam invited the Chief Executive Officer, Ms Celia Haddock to make an opening statement as follows:

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*As previously advised at the 19 July Council Meeting, Council has made no final determination in respect to an Indoor Stadium, the location of an Indoor Stadium, or a Stadium design.*

*Council confirms its commitment to green open space and is presently reviewing the Mclvor Reserve Master Plan.*

*Council's Open Space Strategy outlines its intent with regard to open space. It identifies areas of deficiency and puts in place a strategy to improve that space and the acquisition of new sites.*

*Open Space is a precious resource and contributes significantly to community life. The Mclvor Reserve Master Plan will consider this and the desires of the community, as well as a variety of competing priorities.*

*I again reiterate that no decision has been made on Mclvor Reserve. Council is simply investigating it as an option, as per other sites that have been investigated, and as per the Indoor Stadium Strategy.*

*I would also like to advise the community and tonight's meeting that an online Community Forum to discuss the Mclvor Reserve Master Plan has been scheduled for 6pm Monday 8 August.*

*I encourage the community to visit Council's website in coming days for more details on this community forum, where Council looks forward to further engaging with the community on this issue.*

Questions regarding Mclvor Reserve:

## **Community Consultation**

Council received 15 questions relating to this topic.

Blair Sloan asked the following questions:

1. Please go through all of the steps that have been taken and that will be taken regarding the community feedback that was received regarding Mclvor Reserve. How exactly is that incorporated into the draft Masterplan?
2. At the last Council meeting, Council discussed holding a community forum. Will this be a town hall meeting for all concerned citizens to attend? When and where will it be held? What kind of lead time will the community be provided and what efforts will Council make to make all residents of Maribyrnong aware of the meeting?

Teena Ling asked the following question:

3. Why did you not include hypothetical scenarios on your survey to get a true 'feel' for community appetite? You could have asked, "Would you be in support of Council removing the baseball diamond; dog park; bowls club;

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soccer clubhouse; playground; treed areas; etc at Mclvor Reserve and replacing it with a 6 court, 13 story tall, 4,000 sqm indoor sports stadium and car park on Mclvor Reserve?" Why didn't you do this for true engagement of the community?

Brie King asked the following question:

4. If this goes ahead most people will believe that Council's consultation process was fake – do you have a way to combat this?

Mark Baulch asked the following question:

5. How can you gauge the community's appetite for a stadium at Mclvor Reserve if you are unwilling to tell us how big it will be, where it will go on the Reserve, and what the community will lose for that gain?

Jerome Peyton asked the following question:

6. Is this consultation merely lip service given it appears there's already an allocated budget for this development?

Alice O'Connell asked the following question:

7. What is meant by "deliberative engagement" as is required by the State government and what do we need to do to get deliberative engagement relative to Mclvor Reserve, the Indoor Stadium Strategy and the protection of open green space more generally?

Dermot Cullen asked the following question:

8. Why is Council unwilling to provide the full suite of responses to the Mclvor Reserve questionnaire? Why is Council unwilling to give direct and complete responses to the questions of the community? Why does transparency and deliberative governance seem so challenging for this Council?

Juliet Taylor asked the following question:

9. Regarding the online survey, Council has said it does not generally "impose any specific controls requiring only a specific demographic can participate, though we can see from our data if responses come from outside our municipality." How are you able to determine if responses came from outside of the municipality, and why were restrictions posed on Your City Your Voice for the carpark in Footscray that was possibly going to be turned into a park when that will have a much lesser community impact?

Alex Baldie asked the following question:

10. Why have the results of the online engagement survey not yet been released to residents of Maribyrnong?

Adam Schwab asked the following questions:

11. You have indicated that "specific data on how the park is used, where people travel from and what people like about the park allows us to gain a better understanding of community views and values regarding the Reserve." When will this detailed information be provided to the community?

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12. Council has acknowledged its survey was open to be shared amongst community groups to people outside of Maribyrnong for completion, irrespective of their current use of Mclvor Reserve. If this was an aim of the survey, why didn't Council seek to identify those non-users, non-local responses as it sought to categorise other responders?

Susan Schwab asked the following question:

13. When the survey results are released, will Council commit to showing the difference, if any, between local sentiment, versus broader Maribyrnong sentiment, versus broader Melbourne sentiment, relative to the indoor stadium question?

Sharon Schwab asked the following question:

14. Council said it does not generally "impose any specific controls requiring only a specific demographic can participate, though we can see from our data if responses come from outside our municipality." How do you identify responses from outside Maribyrnong? Why were restrictions imposed on your Saltriver Place survey? It's a small carpark in Footscray possibly to be turned into a park, which will have a much lesser community impact. Why does the Saltriver page say, "If the community does not support the shift to open space, Council will seal the area?" Why don't we get the same assurance at Mclvor Reserve?

Judy Wright asked the following question:

15. Are further consultations and forums planned for the community and sports clubs currently using Mclvor Reserve following the publication of the Draft Masterplan in 2022?

### *Response*

The Director Infrastructure Services, Mr Patrick Jess confirmed that this consultation was the initial conversation with the community on future upgrades for Mclvor Reserve. This consultation included the initial survey on Your City Your Voice, the Question and Answer function, resident letters and emails.

The survey for Mclvor Reserve sought to capture initial feedback from users of the reserve, residents, neighbours and the broader community who might benefit from an indoor sports facility. The survey was free to be shared amongst community groups with different opinions.

Feedback from the first community conversation will help inform the development of a draft Master Plan which will be presented to Council later in the year. Mr Jess continued by acknowledging that Mclvor Reserve is used by residents both inside and outside the suburb of Yarraville. Mr Jess advised that all feedback received is considered equally.

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Council officers are presently finalising the analysis of findings from the first community conversation and will provide a comprehensive overview of what was heard - that will consider quantum, demographics and the key themes informed by the totality of the feedback. This is consistent across all our engagement projects and will be available in mid-August 2022.

Mr Jess finished by noting that Council will provide details around the draft Master Plan and the opportunity for further engagement opportunities closer to the time.

## **Draft Masterplan**

There were 5 questions relating to this topic.

Blair Sloan asked the following question:

16. Please go through all of the steps that have been taken and that will be taken to prepare the draft Masterplan for Mclvor Reserve. Who are all of the people who review it or approve it before it is released to the community? What day will the Draft Masterplan be released?

Natasha Shannon asked the following question:

17. Where is the stadium going? I know you keep saying nothing has been designed yet but it's a massive stadium and surely it can only go in a handful of places. So please, just tell us the top three spots that it could go on Mclvor Reserve.

Gemma Cafarella asked the following questions:

18. Council previously said that there is no proposal to build on green space, merely a conversation with the community around an appetite for an indoor facility at Mclvor Reserve. Is that still the case? Are you still considering that we are at the "conversation" stage, even with the draft Masterplan to be published in August?
19. You previously said, "The Mclvor Reserve Masterplan project commenced in 2021-22 and will be completed in 2022-23 with funds carried forward from the previous financial year. The implementation of any upgrades the masterplan proposes will be subject to Council's annual budget process in the years following the adoption of the masterplan." What does this mean? When does Council plan to make improvements to our park?

Sharon Schwab asked the following question:

20. Roughly how big is the indoor stadium under discussion for Mclvor likely to be? If you are still not willing to respond to this, can you please explain what limitations there are in the data collected and work undertaken, to date on the draft Masterplan that prevents you from responding, and what, precisely, is going to happen between now and the release of the draft Mclvor Masterplan which is going to enable you to provide that detail at its release?

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## *Response*

The Director Infrastructure Services, Mr Patrick Jess noted that a number of these questions have been answered in the previous response provided. Mr Jess added that the community has expressed a need for an indoor stadium and Council's research supports this – it is clear and identifiable. Council's Indoor Sports Strategy 2018 outlines special requirements of a stadium, the detail of which cannot be confirmed as each potential site presents its unique opportunities and challenges.

Any and all other proposals could have some type of impact on Mclvor Reserve from a BBQ shelter through to a Stadium, however as previously advised nothing at this point has been determined in terms of location and infrastructure.

Any recommended changes to Mclvor Reserve will be addressed in the next stage of master planning exercise inclusive of their impact.

Mr Jess finished by noting that this Master Plan process is absolutely best practice. Council officers have sought initial thoughts and views from the community about their ideas and will now be drawing up Master Plan options that will then be considered by Council, for further consideration by the community.

## **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Sarah Carter, seconded by Cr Michael Clarke, that Council extend public question time by 15 minutes.

**CARRIED**

## **Budget and Funding**

There were 8 questions relating to this topic.

Marsha Clarke asked the following question:

21. Please advise the total budget allocated to the Mclvor Reserve Indoor facility.

Mark Baulch asked the following questions:

22. You have previously advised that Council does not have the required funding for a proposed highball stadium. Does Council have any portion of the required funding? If so, how much? Does Council have any expectations regarding where funding will likely come from for the project? What is Council likely to do to fund whatever balance would remain outstanding?

23. Given the economic downturn we are facing, is it good financial stewardship to spend almost \$100,000 for schematics on a \$35,000,000 project for which there is no funding?

Paula Travers asked the following question:

24. Has funding been gained for a stadium?

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Leahanne Schneider asked the following question:

25. Why are you planning on spending so much money in such austere times? Are you feeling reckless? With our public money. What are the gains and how can you show them?

Barbara Hart asked the following question:

26. In response to a question about buying industrial land to convert to green space, space for sports, recreation etc., Council stated, "Any land purchase would need to be considered against the criteria defined in the indoor sports strategy as well as overall affordability." If Council doesn't have funding for the stadium, couldn't state or federal funding of an industrial site be part of any bit put in relative to an indoor sports stadium?

Bryce Conter asked the following question:

27. How can Council be moving to a schematic design for basketball courts at Mclvor or elsewhere without a masterplan or business case, noting that advice from staff at the community consultations indicated an estimated cost of at least \$30 million? Isn't that putting the cart before the horse?

## *Response*

The Director Infrastructure Services, Mr Patrick Jess advised that Council has spent \$67,000 in relation to the Mclvor Reserve Master Plan, funded from the Recreation and Open Space Budget.

Mr Jess noted that any proposed indoor stadium to be constructed within the City would be subject to a funding strategy once accurate costs are understood.

## **Environment**

There were 12 questions relating to this topic.

Isabella Fletcher asked the following questions:

28. How long does Council anticipate it will take for the seedling it has planted in 2021 and 2022 to contribute meaningfully to the canopy in Maribyrnong?
29. How many new trees have been planted at Mclvor Reserve in 2021 or 2022?
30. How many other sorts of plantings have occurred at Mclvor Reserve in 2021 or 2022?

Rob Klemm asked the following questions:

31. With respect to the proposed development at Mclvor Reserve, has the Council taken into account concerns regarding pollution and industrial sites across the City?

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32. With respect to the proposed development at Mclvor Reserve, has the Council taken into account Global Warming, urban heat, pollution and the need for trees at Mclvor and across the City to help combat those realities?

Alice Lee asked the following questions:

33. There a number of fully grown trees at Mclvor reserve – what is Council’s plan for maintaining the number of mature trees in the area, especially with the neighbouring Angliss Reserve trees having just been replanted and will take years to reach maturity? How does this fit in with the drawdown aspect of Council’s Climate Emergency Strategy?

34. Disturbance to wildlife – what studies have been conducted to capture the impact to wildlife habitat in the area that will be damaged with this proposed development?

Amanda Barron asked the following question:

35. Is the Council aware of what native birds and animals currently call Mclvor Reserve home and are they being taken into account in the draft Mclvor Reserve masterplan?

Alice O’Connell asked the following question:

36. What are Council’s top 5 environmental objectives for Maribyrnong between now and 2031 and how important are open green spaces, natural plantings and tree canopy to those objectives?

Darren Armstrong asked the following question:

37. Given Council has no minimum green space, canopy or urban forest figures, what benchmarks exist to know when there becomes too little of these?

Kylie Michel asked the following questions:

38. How do the proposed plans for Mclvor Reserve align to the Melbourne Open Space for Everyone Strategy?

<https://www.environment.vic.gov.au/suburban-parks/openspace-for-everyone>

39. How does the proposal for Mclvor Reserve support and protect our native fauna, particularly the birds native to our catchment? [Reflections from our CEO Page not found | Port Phillip & Westernport Catchment Management Authority Port Phillip & Westernport Catchment Management Authority \(ppwcma.vic.gov.au\)](#)

### *Response*

The Director Infrastructure Services, Mr Patrick Jess advised that the Council Plan 2021-2025 has as a priority: *Safe Climate and Healthy Environment*. Council will proactively identify opportunities to support a return to a safe climate and healthy environment and work with our community to respond to climate emergency challenges. A full list of actions can be found in our plan and the community are encouraged to read it on our website.

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Mr Jess continued by noting that Council has been working actively to improve our canopy cover, with more than 9,000 new trees planted in streets, parks and public spaces across the municipality over the past three years alone. With the planting season now in full swing, there are 3,000 more trees being planted to help us reach our goal of 20% canopy cover by 2040.

## **Green Space and Health Communities**

There were 54 questions relating to this topic.

Dianne Ferrera asked the following question.

40. Council has indicated that schematic designs are required when seeking funding from the Victorian and/or Federal Government, and that it “would be remiss of us to not be prepared to take advantage of any funding opportunities that might arise to reduce the cost to ratepayers in the delivery of an asset for the community to enjoy.” Would it similarly be remiss of Council to not protect and defend the limited open green space in this City by ensuring that any asset delivered not be placed on green open areas?

Teena Ling asked the following question:

41. Can you please clarify if Council is proposing to build on parkland at Mclvor Reserve and if so where, or is Council proposing a brown field site within Mclvor to create a new asset for our City's residents? If yes, where does Council think this new asset can be built? If Council can't build an indoor sports stadium within Mclvor Reserve without taking away resident's essential recreation space/ dog park, why is this being considered?

Em Power asked the following question:

42. Why is a green space being used instead of a brown space? There is an abundance of unused land next door at the Mills that could be negotiated for instead.

Kelsey White asked the following question:

43. Mclvor Reserve: Global warming, urban heat, pollution and the need for trees at Mclvor to help combat those realities. Why build in an area where we will lose our nature, native animals and natural habitat? Why not build in a brown area? The need for better open green infrastructure with safe cycling paths, playgrounds, dog parks and more large open spaces to be enjoyed by everyone.

Marsha Clarke asked the following question:

44. Please advise what total percentage of current green space (oval, gardens, pathways and playground) will be allocated for indoor facility, including new parking spaces and road ways.

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Brie King asked the following question:

45. Is there any forward planning happening from now, to preserve future green spaces? All these kids who need to play sport also need to go to school - yet those have been closed down over the last decades and the largest available land sold off. What's the next plan?

Kat Bradbury asked the following questions:

46. You have indicated that the provision of sport and recreation facilities for community use is an important and well established function of Councils in achieving good governance in accordance with the Local Government Act 2020
47. Would providing for the benefit and wellbeing of the municipal community through protection of existing green space also be good governance under the Act? You have stated that "no single site is sufficient to meet the identified indoor sports needs." Does this mean that Council's goal is to find multiple green sites across the City upon which to build indoor stadiums? If not, why is that assumption incorrect?

Aaron Johnston asked the following questions:

48. I strongly believe that the City would utilise an indoor sports centre and it would be great for the community, however the loss of unstructured and open green spaces is devastating. Given the issues surrounding the urban heat island effect and the increasing density of our area, it is crucial that existing green spaces are preserved and improved for community enjoyment. Were unused light industrial areas in west Footscray/ Yarraville considered for this project? If so, why was the loss of limited green space chosen?
49. If the plan is to proceed, how does the council plan to also satisfy their pledge to increase and improve green spaces in the city? It seems counterintuitive that council would declare climate emergency and then put a building and car park on the limited green space we have.

## **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Anthony Tran, seconded by Cr Simon Crawford, that Council extend public question time by 15 minutes.

**CARRIED**

50. There feels as though there was limited community consultation on what would be appropriate use of the space. During lockdowns and since, large numbers of people use the park for exercising their dog and playing games with their family. When and why was the decision made to make this space a pay for use space and take it away from the community?

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Rob Klemm asked the following question:

51. With respect to the proposed development at Mclvor Reserve, has the Council taken into account the projected population increase (up by 4000 people, per Council) coming from the Bradmill Development and how it will further strain greenspace resources?

Jules Griffith asked the following question:

52. Can Council confirm an indoor community facility is consistent with the site's land use zoning and Mclvor Reserve is designated as Municipal open space in the Open Space Strategy? Some in opposition to a new community facility at Mclvor Reserve have called for a moratorium on any development over Council's green spaces. Is this a position taken by any other local governments? If this policy was adopted, what impact will this have on Council's provision of services, and how will this impact Maribyrnong residents who rely upon community facilities for their physical and mental well-being, recreation needs and desire for social interaction?

Paula Travers asked the following question:

53. The stadium will take away valuable green space. How will this be rectified?

Annie Dolan asked the following questions:

54. Wouldn't it be counter-productive to cover a Green Open Space like Mclvor Reserve (that is already well used by the community) with an indoor stadium facility that does not require Open Space to function?
55. Does that violate basic Environmentally Sustainability Design principles of preserving assets we already use?
56. Will covering a green space with a building not just create a new problem at the community's expense, where we no longer have enough Open Spaces for recreation and sports that require it?

Amanda Barron asked the following question:

57. What is being done to ensure there is sufficient open green space within Maribyrnong for unstructured recreation, particularly with the additional 4000 residents that are anticipated with the Bradmill development?

Leahanne Schneider asked the following question:

58. What is being done to ensure there is sufficient open green space within Maribyrnong for unstructured recreation, particularly with the additional 4000 residents that are anticipated with the Bradmill development?

*Leahanne Schneider submitted the following question which was not read out during the meeting:*

*Why are you building such a monstrous looking construction on much needed green space? Why don't you find a more suitable space.*

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Melas Khole asked the following questions:

59. How does Maribyrnong compare with other cities in the inner west and west relative to its amount of open green space, and we aspire to do better or worse than other our counterparts across the City?

60. Will putting an indoor stadium on green space this just create a new problem at the community's expense, where we no longer have enough Open Spaces for recreation and sports that require it? Isn't the above a very real consideration for Council and the community as we consider whether or not Mclvor Reserve is suitable for an indoor stadium?

Barbara Hart asked the following question:

61. With the massive redevelopment of Bradmill site, any loss of green space at Mclvor Reserve is catastrophic given the freeway and arterial traffic we are surrounded by and the associated diesel particles we breathe. What is your understanding of the importance of trees and grass as it relates to urban warming and air quality? Are these health considerations not relevant to any evaluation of the suitability of Mclvor Reserve for the loss of green space?

Anne Craig asked the following question:

62. Will the proposed basketball stadium be approved to go ahead if it means there will be a loss of open green space at Mclvor Reserve?

Anita Greig asked the following questions:

63. Would the building of an indoor stadium and car park at Mclvor Reserve necessarily reduce open space? If not, can you please explain how open space can be preserved with a stadium on Mclvor Reserve?

64. Would the building of an indoor stadium and car park at Mclvor reserve necessarily reduce green space? If not, can you please explain how all green space can be preserved and a stadium can be built on Mclvor Reserve?

Cassandra Oberin asked the following questions:

65. How can you justify getting rid of green space in an area already lacking open green spaces?

66. There is already the need for better open green infrastructure including bike paths, playground and dog parks yet how can this Council be looking at reducing what little we have?

Jerome Peyton asked the following questions:

67. How is it that you can take green space from Yarraville to build a stadium when the Council has committed to not taking any further green spaces?

68. What is the plan to replace the existing infrastructure such as a fenced dog off lead area without impacting on other green spaces?

Alice O'Connell asked the following question:

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69. What is the relationship in 2022 between mental health and wellbeing and the amount of available open green space within one's community? Has this been studied by Council as it related to Maribyrnong?

Vicki McMahon asked the following questions:

70. How will Council replace the green space that you are using up by building the stadium?

71. Surely, with Bradmills being built next door, and thousands more residents/cars, how can you justify removing green open unstructured area right next door to this huge development! Surely with this development we need more not less open green space.

Darren Armstrong asked the following question:

72. Why would Council build a stadium on existing green space when there is so much unsightly industrial space in the area that would be better to use?

Laura Davies asked the following question:

73. Council has talked about the projected need for indoor sports courts through 2036. What are the projected needs for open green space in 2036?

Dermot Cullen asked the following question:

74. How has the pandemic impacted on mental and physical health and wellbeing of individuals of various ages, genders, socioeconomic statuses and ethnicities, and how has the pandemic impacted on the sorts of activities these individuals undertake for recreation, to improve fitness, and to enhance mental health and wellbeing? Is Council willing to study these changes before building on green open space?

Sarah Madacki asked the following questions:

75. Given the community needs more green space in an over developed municipality, why is Council putting climate/environment needs behind the needs of so called development where Mclvor Reserve is concerned when other non green areas should be considered if this project is to go ahead.

76. Exactly how and where do Council propose to replace the green outdoor area planning to be removed at Mclvor Reserve ensuring that residents using this space (especially special needs) are not disadvantaged, have access to the same level of space, and to not have to increase carbon emissions to drive to other green spaces?

77. When are the next Council elections due? We can encourage residents to vote for a Council that puts people, green space, community above development of Mclvor Reserve?

Kylie Michel asked the following question:

78. It was recently raised that our local area has one of the lowest levels of green open space as compared to the rest of the state. What plans do

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Council have to improve this situation, particularly given population growth in the area? One consideration. Could be a green open space strategic plans for Mclvor Reserve and other local green open spaces?

Juliet Taylor asked the following question:

79. You have talked about the projected demand for indoor sports courts through 2036. What are the projected demands for open green space through 2036 in our community?

Natasha Shannon asked the following question:

80. You mentioned in a recent Facebook post that "Western Melbourne has the lowest tree canopy cover in metropolitan Victoria, and the addition of these new trees will help make our parks and open spaces greener and increase vital canopy cover, reduce urban temperatures and improve biodiversity by providing more homes and food for wildlife". Given you are committed to "growing more green spaces", can you confirm that this stadium will not be put on existing green space?

Cr Carter left the meeting at 7.20 pm.

Clint Catley asked the following question:

81. The Mclvor Reserve is a heavily used public green space, that has slowly been upgraded over the past 10 years or so, and now the Council wants to reverse course, and destroy the very green spaces they claim to protect. How can the Council possibly rationalise & justify destroying such a versatile space, with broad appeal to cross-sections of the community and animals, and replace it with more concrete & a structure that will have far less broad appeal to community? While displacing a popular dog park, and more wildlife? Please have some common sense here

Alex Baldie asked the following questions:

82. Why aren't you looking for green space to create instead of looking at green space to take away?

83. Won't the car park take up extra green space and this will be green space that will be never gifted back on this site?

Cr Carter returned to the meeting at 7.21 pm.

Debbie Barnes asked the following questions:

84. Why has the stadium been planned in this place, to cover the existing parkland? Maribyrnong Council say they are committed to the Victorian target of more green space.

85. Has another new green space been allocated, near the area, of comparable size? If not, can you please find a space of at least this size.

Bridie Walsh asked the following questions:

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86. Has the community's need for open space likely changed since the last review of the Open Space Strategy, given the impacts of the pandemic? If so, do you agree that views on the need for open green space and nature need to be re-evaluated and updated before Council considers projects involving the reduction of Open Space going forward? If not, why do you believe the community's open space needs have remained unchanged?

87. What is the basis of Council's understating of the post-pandemic needs and values of its community as it relates to open space in a COVID world where we are still being encouraged to wear masks and socially distance? What precisely are these needs and values? Where are these needs and values set out, measured and quantified by Council as it looks at development plans like the Indoor Stadium Strategy, the Mclvor Reserve Masterplan and the Bradmill development?

Tamara Leabeter asked the following questions:

88. Has Council acknowledged the beneficial effect of open green space parkland and playing fields on the mental health of Maribyrnong residents

89. Has Council considered the positive effect of open green space with mature trees on counteracting climate change?

Adam Schwab asked the following question:

90. The Otium Study that informed the Indoor Sports Stadium Strategy was published in 2018 using 2016 ABS data and 2017/18 utilisation statistics. We've been advised that Council is confident that the effects of the pandemic have not changed community recreation needs. Please advise how the pandemic impacted on individual and community use of and reliance on unstructured open green space.

Bryce Conter asked the following question:

91. How has the pandemic impacted the community's relationship to structured and unstructured recreation, and impacted the community's relationship with and reliance on unstructured open green space? Is this something Council is willing to study before building on any green space?

Sharon Schwab asked the following question:

92. Council has acknowledged that it does not have a set percentage of land that must be reserved for open space. How, then, will Council know that we have too little left? Is Council aware that other responsible cities have metrics like this to ensure they don't run out of functional green space? Isn't this something too critical for the City with the least open space in the West to just leave it to "the vibe of the thing"? Will Council commit to developing such a target? Will one of the Councillors table this for discussion?

### **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Sarah Carter, seconded by Cr Michael Clarke, that Council extend public question time by 15 minutes.

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**CARRIED**

Miles Gilbert asked the following question:

93. Maribyrnong Council has repeatedly offered up Mclvor Reserve for development to sports organisations. When will Council listen to the community and stop pushing for overdevelopment on our green space which already rates lowest of all 23 comparable cities in the entire country?

Judy Wright asked the following question:

94. According to the Indoor Sports Stadium Strategy, 6 courts is half the number required in an Indoor Stadium. It would have a 'footprint' of about 7,000 square metres and would be 8 – 10 metre high. A carpark for 320 cars would also require 7,000 sqm. If a stadium of this size were to be built in Mclvor Reserve how much recreational open space and green canopy would be available to residents living in the vicinity?

## *Response*

The Director Infrastructure Services, Mr Patrick Jess advised that Council's Open Space Strategy articulates the organisation's position with regard to Open Space, both improving the quality and expanding the network. The provision of Open Space is not equal across the municipality. Council must navigate the competing demands of its community and strives to hold true to its vision and values.

Mr Jess continued by noting that Council's Indoor Sports Stadium Strategy 2018 identified 11 sites that officers have been undertaking further due diligence through site assessment and this strategy considers multiple factors. Other sites are actively considered as they arise.

Mr Jess advised that the design and location of an indoor stadium has not been determined. The design of any proposed stadium will respond to the environment in a sympathetic manner should Council proceed further. Council will work with stakeholders should any development proceed in good faith to support multiple users.

Mr Jess further noted that the connection between positive mental health and access to both informal and formal recreation opportunities is well understood within Council's Municipal Health and Wellbeing Plan 2021-2025. Access to open space is one of the many considerations within the full range of risk and protective factors as they relate to mental health, and this has been recognised in a range of Council strategies such as Open Space Strategy and the Municipal Public Health and Wellbeing Plan 2021-2025.

Mr Jess finished by stating that Council supports positive mental health in a range of ways including direct service delivery, advocacy and referral, as well as the provision of a large range of community resources, that includes access to open

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space, as well as informal and formal recreational spaces to reflect the diverse needs and aspirations of the community. Whilst passive open space does form an important part of the fabric of our community, and will continue to do so, there is also a need for a mix of other spaces to facilitate positive social and recreational activity, which we recognise also contributes to positive mental health for a whole range of people.

Cr Thomas left the meeting at 7.28 pm.

## **Mclvor Reserve Park Users and Sporting Facilities**

There were 26 questions relating to this topic.

Emily Constantine asked the following question:

95. If the Council is planning on using green space, such as Mclvor Reserve, currently heavily used by sporting groups, families, dog owners and more, when there is less green space, increased tensions will arise when congestion arises around reduced green space and increased users - aka dense accommodation planning adjacent. How does the Council plan on managing the likely conflict regarding use? Which users get priority and when? What other alternative space will be provided? How is a smaller location meant to accommodate the growing users? How will a sole use facility accommodate these users and their varying demands?

Teena Ling asked the following question:

96. You have previously advised, "Council is not currently considering any changes to the dog park." Now that the draft masterplan is less than a month away from being released, can you confirm whether changes to the dog park are being considered and, if so, what those changes are?

Dianne Ferrera asked the following question:

97. Is the reason Council has neglected the dog park for a number of years because it was planning to sacrifice that green space for an indoor sports stadium? Is that why it got nothing in the budget while the sporting teams got hundreds of thousands of dollars in improvements? Is this why the dog park doesn't even have a light?

Em Power asked the following questions:

98. Will the complex be built on the existing fields, or will the dog park be destroyed to cater for this building?
99. If the dog park is being destroyed, a new one needs to be provided. Where will this be?

Vicki McMahon asked the following question:

100. Is there a new dog park to be included? If so, can you give exact sizing of the proposed dog park area? Exactly how much smaller will it be?

Cr Thomas returned to the meeting at 7.31 pm.

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Laura Davies asked the following question:

101. How has the pandemic affected levels of dog ownership in the area and the need for open space for off-lead exercise?

Kate Atherton asked the following questions:

102. With the plan to build indoor sports stadium at Mclvor, what arrangements have been made to ensure any disruptions to the dog park open up fully fenced options in Yarraville?
103. Can the Council improve the dog park at Mclvor Reserve (currently a mud pile) as per the supposed consultation for development opportunities (ie improving the dog space, not removing it)

Jasmine Judge asked the following questions:

104. Mclvor Reserve has always had dog offlead facilities well before it was even a "designated dog park". My family, business, friends and otherwise enjoy this public space. Where will we be able to safely exercise our pets and children should a concrete stadium override the green space?
105. How many designated off lead dog parks are there in Yarraville? How many people got pets in the last 2 years – we need more space and taking it away will only increase in people illegally exercising their dogs in designated on lead areas. How and where do you propose to build a purpose built outdoor off lead dog area for local dog owners who pay annual Council fees for registering their pets? Surely this needs to be taken into consideration?

Barbara Hart asked the following question:

106. Can future mailings about any proposed changes to the fenced dog park at Mclvor Reserve (or any other dog park) be mailed to all registered dog owners across the city as well as all residents of Yarraville and Kingsville, at a minimum?

Anne Craig asked the following question:

107. How will Council ensure that there is still a fenced dog park available for the local community if an indoor basketball stadium is approved?

Anita Greig asked the following question:

108. Would the building of an indoor stadium and car park at Mclvor reserve necessarily impact on the continued use by some current users of the park? Which users to you anticipate it would most impact?

Laura Davies asked the following question:

109. Prior to building on Mclvor Reserve, will Council research how the pandemic has impacted where people work and the times and frequency of use of local recreation facilities including open green space?

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Susan Schwab asked the following questions

110. How would an indoor stadium and car park cater to unstructured recreational needs at Mclvor Reserve as was stated by the Open Space Strategy to be the priority moving forward for Mclvor Reserve?
111. Would the building of an indoor stadium and car park at Mclvor Reserve have to either take away existing ovals, take away the dog park or take away other unstructured recreational areas of the reserve? What and who would have to be sacrificed if an indoor stadium were to be constructed at Mclvor Reserve?

Shari Liby asked the following question:

112. Kingsville has an area of .72 square km, has a population of around 4246 people, and a population density of 5,862 persons per square km, according to profile.id.com.au. The Bradmill site has an area of .24 square km, about 1/3 the size of Kingsville. Council projects a Bradmill population of 4,000 which creates a population density of 16,667 persons per square km. That is 2.7 times more dense than Kingsville. Where does Council anticipate these 4000 densely packed Yarraville residents will go for their unstructured recreational needs?

Miles Gilbert asked the following question:

113. Will Council acknowledge the remaining parts of Mclvor Reserve that are not dedicated to sports ovals and other sports fields, as unstructured recreational area and commit to protecting it for the amenity of local residents?

Dianne Ferrera asked the following question:

114. Council has noted that allocation in the budget for lighting, fencing, and pavilion and playing field upgrades at both the hockey and soccer facilities along the southern edge of Mclvor Reserve was based on Council's assessment of need "which indicates that these spaces are well used and are likely to be kept." Isn't this contradictory to suggestions that Council has no idea where on the Reserve an indoor stadium might be placed?

Brie King asked the following question:

115. Why was the specific size/numbers of courts for this facility chosen?

Jules Griffith asked the following question:

116. Is Council aware that Westgate Basketball, based out of Braybrook/Footscray, has a membership of nearly 3,000 youth and adult players and coaches? This is up from around 100 when Westgate first started up 10 years ago. Also, are they aware that current indoor facilities in the area are at capacity leaving hundreds of kids in Maribyrnong on waiting lists to join teams? Provision of new indoor facilities are a Council responsibility, not the State or Federal government, so how can Council help support this massive growth and need for new facilities today, not in 10 years?

## UNCONFIRMED MINUTES

Paula Travers asked the following question:

117. Is there an alternative to the stadium? I.e. using existing warehousing and hard stand?

Amanda Barron asked the following question:

118. In last week's council meeting, Cr Michael Clarke referred to an issue of a child not being able to play soccer at a local soccer club. Can the Council confirm how building an indoor sports stadium on grounds currently being utilised by the adjacent sporting clubs will address this issue? If the Council is not proposing to build it on the open grounds then are they intending to build it on the dog park and adjacent which would entail chopping down many trees?

Dermot Cullen asked the following question:

119. What percentage of Maribyrnong residents participate in structured outdoor team sports in Maribyrnong? How does this compare to the percentage of Maribyrnong residents who participate in structured indoor team sports in Maribyrnong? How does this compare to the percentage of Maribyrnong residents who participate in unstructured recreation in Maribyrnong?

Gemma Cafarella asked the following question:

120. You have said, "The Crown land parcel that includes Maribyrnong Aquatic Centre may be a long term option for Council to meet some of the need for more courts. A master planning process for Robert Barrett Reserve will commence in 2022-23." You have also said, "Given the identified deficit of facilities a multi-site approach is required which will include new sites and redevelopments of existing sites to meet the expressed need." Is Council considering adding multiple indoor sports stadiums across the City? Would each of these result in the loss of green space?

Bridie Walsh asked the following question:

121. How did the pandemic impact on continuous access to indoor recreation facilities (such as gyms, pilates studios, yoga centres, sporting clubs, and indoor stadiums)? Has this changed the way open green space is used in Maribyrnong? Are more people now turning to an outdoor bouldering wall instead of an indoor studio for example?

Greg Randall asked the following question:

122. What alternative strategies to manage demand for indoor sports stadium facilities is Council considering in the absence of new capital investment? This question was not answered within the "group" answer approach at Council's last ordinary meeting - it should not be grouped with any Mclvor specific answers.

**EXTENSION OF PUBLIC QUESTION TIME**

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A motion was moved by Cr Sarah Carter, seconded by Cr Anthony Tran, that Council extend public question time by 15 minutes.

**CARRIED**

## *Response*

The Director Infrastructure Services, Mr Patrick Jess confirmed that Council is acutely aware of the significant increase in basketball participation as well as the demand of other highball sports, and are also aware that Council are not currently meeting that need. If implemented, Councils Indoor Stadium Strategy will go a long way to addressing this issue. Council must navigate the competing demands of its community and strives to hold true to its vision and values.

Mr Jess advised that there are deficits in structured sport facilities right across the municipality. Maintaining a mix of opportunity is a key success factor to increase participation.

Mr Jess provided some statistics on participation rates with people aged 15–17 years reporting the highest participation rate in sport and physical recreation (74%), while people aged 65 years and over had the lowest (47%). Male and female participation rates were similar, except in the 25-34 age group where participation rates were higher for males (67%) than females (61%). These are derived from national statistics.

Mr Jess finished by noting that Council is actively working with all facility owners like the Department of Education to secure community access to facilities.

## **Traffic/Parking**

There were 6 questions relating to this topic.

Marsha Clarke asked the following question:

123. I am in full support of building an indoor sports facility at Mclvor Reserve. Please advise what facility parking will be provided and will there be any impact to residents (permits required etc).

Kat Bradbury asked the following question:

124. You have indicated that “the location of any new facilities within the reserve that might be proposed in the draft masterplan will also need to consider alternative access routes for users rather than increasing the use of Hawkhurst St, Benbow St and Wembley Avenue.” Does this mean that Francis Street is likely to experience increased levels of traffic if a new facility is placed on Mclvor Reserve?

Leahanne Schneider asked the following question:

125. How are you considering the parking needs for such a large building? And why don't you consult us in a meaning manner?

Cassandra Oberin asked the following question:

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126. The traffic and parking issues in the area are already at peak during school hours, how much worse will it be with the stadium?

Megan Deen asked the following question:

127. How will you deal with increased traffic and parking? There is already a large number of trucks driving down this part of Yarraville.

Juliet Taylor asked the following question:

128. How much additional traffic would be coming in if this stadium would be created, at what time of day or night, and how would that traffic be kept off of the local streets such as Wembley Ave and Benbow street-both of which are residential and have many children walking to school. Already there are excessive amounts of traffic from cars avoiding Francis Street and using Mclvor Reserve. The Council has already spent a lot of money on speed humps but it doesn't stop the excessive amount of cars that continue to stream down our residential street at high speeds. A local sport centre will only make this worse. How will Council address this?

### *Response*

The Director Infrastructure Services, Mr Patrick Jess advised that no determination has been made by Council on an indoor stadium. Any proposed indoor stadium development located within the municipality would be subject to traffic impact assessments and parking considerations as part of the site due diligence.

### **Other Sites**

There were 7 questions relating to this topic.

Anne Craig asked the following question:

129. What other sites besides Mclvor Reserve are being considered by Council as a possible site for an indoor basketball stadium if it goes ahead?

Megan Deen asked the following questions:

130. How will this affect future plans approved at the BradMill sight?
131. Have Council reviewed other options for brown hill sights rather than reducing further green areas?

Kate Atherton asked the following question:

132. Have you looked at other unused land owned by federal or state government that could be considered for the development plan rather than reducing open space and highly used spaces at Mclvor?

Natasha Shannon asked the following question:

133. Why aren't brown sites or other industrial areas been considered or land purchased to avoid building on existing green spaces?

Tamara Leabeter asked the following question:

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134. Has Council considered a brown industrial site for the proposed indoor sports centre development on Mclvor Reserve?

Jasmine Judge asked the following question

135. As a respected local dog trainer and pet care professional my company uses this park multiple times a day/week. If this turns into a sports facility that will mean the other local parks will be at capacity. Where do you intend on moving this gorgeous outdoor space? Why not move the stadium elsewhere?

### *Response*

The Director Infrastructure Services, Mr Patrick Jess stated that the Indoor Sports Strategy 2018 considered 11 sites within the municipality. Among those sites, there is a consideration of State and Government owned land, and Council has been collaborating with those bodies to seek the best possible site for an Indoor Sports Centre, including sites not listed in the Indoor Stadium Strategy.

Mr Jess concluded by stating that of the sites considered so far, no site has been identified as the preferred site, for a variety of reasons.

### **Bradmill Development**

There were 9 questions relating to this topic.

Bryce Conter asked the following question:

136. Is it correct that Frasers Property has recently lodged a planning permit for redevelopment of "Stage 1" of the Bradmill precinct, along Francis Street, that the 2012 Bradmill Development Plan has expired, and that a new Development Plan is to be prepared by Frasers Property and approved by Council before construction can commence? If so, why have you previously referred to the 2012 development plan in response to questions about leveraging the development and engaging the developers to deliver community benefits?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan advised that the Bradmill Development Plan was approved in September 2012 and provides the framework for planning approvals. The Development Plan is available for viewing on Council's website.

The Development Plan has no expiry date and remains in effect until such time as the Development Plan Overlay is removed or the site is fully developed. Before any development may occur, planning permission for each stage must be granted by Council.

Ms Mellan finished by noting that the owner of the site, have sought planning permission for Stage 1 of the site, generally being the part of the site abutting Francis Street. The Development Plan requires the delivery of new community

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infrastructure, including a new Neighbourhood Activity Centre in the sites north-east corner.

Greg Randall asked the following question:

137. In relation to the Bradmill Development how does Council propose to engage community members in discussion around the development of the community facilities on the Bradmill site?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan confirmed that the Bradmill Precinct was rezoned as part of Amendment C63 to the Maribyrnong Planning Scheme, approved by the Minister for Planning on 5 June 2011. Amendment C63 applied new zones and overlays to guide future development on the site.

Amendment C63 underwent extensive community consultation, including notification to nearby property owner/occupiers as well as the broader community. Future planning permit applications which are generally in accordance with the approved Development Plan are exempt from public notice. The approved Development Plan is available on Council's website.

Greg Randall asked the following question:

138. In relation to the Bradmill site, can Council please advise if a new Planning Permit has been issued for Stage 1 and how can that be accessed and, if not approved, when does it expect to put the application on public display for comment?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan advised that the owner of the site, has lodged a planning permit applicant for Stage 1 of the development. Stage 1 comprises dwellings generally along the Francis Street frontage.

As previously advised, future planning permit applications which are generally in accordance with the approved Development Plan are exempt from public notice.

Declan O'Farrell asked the following question:

139. Not happy with the development of a stadium. This area of Yarraville is going to be highly congested with traffic after the Bradmill site has been fully developed. Poor consultation from Council and losing our open space . Not happy. When will the continuation of Robert Street be built between Bradmill site and McIver Reserve? Currently car park area.

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan noted that the continuation of Roberts Street is identified in the approved Bradmill Development Plan. The road connection would be delivered by the site's owner/developer within stage 1 of the approved development. Stage 1 of the Bradmill precinct is expected to commence in early 2023.

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Declon O'Farrell asked the following question:

140. I believe there is a median strip going up the middle of Francis Street to prevent Bradmill site properties crossing Francis Street into the Geelong Road side of Francis Street. When?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan confirmed that the Approved Bradmill Development Plan shows a median strip along Francis Street, generally between Stanger Street (west) and Ballard Street (east). The improvements to Francis Street would be delivered by the site's owner/developer within stage 1 of the approved development.

Jules Griffith asked the following question:

141. Has the proposed Mclvor Reserve Master Plan project considered the recreation and open space network extending to Angliss Reserve and the Bradmills site? Some who are in opposition to a new community facility at Mclvor Reserve are objecting to a loss of green space but isn't the Bradmills site to include a significant amount of public open space? And wouldn't the timing of any new indoor facility be aligned with the anticipated completion of the early stages of the Bradmill development, resulting in an actual increase in green space for Maribyrnong if a new community facility was to be built on Mclvor Reserve?

Darren Armstrong asked the following question:

142. What feedback has Council received from the Bradmill developers and bowling club about building a stadium on Mclvor Reserve?

Shari Liby asked the following question:

143. What infrastructure has Council planned for the Bradmill Development in terms of road widening, bus routes, traffic signals, and train connections to accommodate what will be a high density development in a neighbourhood already impacted by traffic problems, and what drainage plans is Council putting in place to protect Mclvor from contaminated runoff from the Bradmill during construction?

### **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Anthony Tran, seconded by Cr Bernadette Thomas, that Council extend public question time for 15 minutes.

**CARRIED**

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan advised that the Bradmill Development Plan, available on Council's website, outlines a variety of community infrastructure to be delivered as part of the development.

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This includes a new Neighbourhood Activity Centre in the sites north-east corner with full line supermarket and speciality shops.

A new community facility is also proposed, which Council is currently discussing with the site's owners.

The Development Plan also outlines a site remediation strategy and drainage plan to ensure any stormwater runoff is contained and treated appropriately within the site.

Ms Mellan finished by confirming that two new signalised intersections would be delivered as part of the development, including one at the intersection of Richards and Francis Street, and a second at the intersection of Roberts Road and Francis Street.

Shari Liby asked the following question:

144. Have discussions been had with Frasers Group and/or Irongate about the possibility of building the Indoor Stadium Complex on the Bradmill property as part of their developer contributions or otherwise? If yes, what was the result of those discussions? If not, why has that not been discussed? Will Council commit to having those discussions now, if they have not already occurred?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan confirmed that the Bradmill Development Plan was approved in September 2012 and provides the framework for planning approvals. It is not open to Council at this stage to revisit approval of the Development Plan.

Miles Gilbert asked the following question:

145. What is the area of green space contribution specified in the Frasers Property group's latest development plan for the Bradmill site?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan advised that the Maribyrnong Planning Scheme requires all new subdivisions to contribute a minimum 5.7% of their site value as a public open space contribution. This contribution can be in the form of land, a monetary contribution, or a combination of both.

The approved Bradmill Development Plan shows a linear park running through the site, as well as two smaller 'pocket parks' for future residents and the wider community to enjoy. The provision of open space, as defined by the approved Development Plan, on the former Bradmill Site exceeds the requirements of the Maribyrnong Planning Scheme.

Aiko Jasmin, asked the following questions:

146. A much-loved community garden at Footscray Park (2a Ballarat Rd, Footscray 3011), created by local Maribyrnong Council resident Eddie

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is facing its removal and potential fines. This garden has become an iconic Footscray landmark with many people bringing their small children to learn from Eddie and the garden. Removing this space is not just eradicating plants that are over a boundary line, it will be the eradication of a place where our community can come together to learn and connect. What steps can the Maribyrnong Council take to protect this vital space in Footscray's community?

147. In regards to the aforementioned issue, there has been a petition submitted in support of Eddie's garden, and against its removal. Will the Maribyrnong Council consider this petition and hear its residents out?
148. Will the Council be able to suspend the removal date until an outcome can be reached to ensure Eddie is not fined?

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan responded to the first question, by advising that it is officers understanding that the resident has created a landscape area outside the property line on public land without Council permission.

Council can consider applications for landscaping of public land in certain circumstances and a permit may be issued. However, we understand that animals are currently being kept in the garden space and this is not permitted on public land. Animals must be contained on private property in accordance with Domestic Animals Act 1994 and Council's Local Laws.

In response to Questions Two and Three, Ms Mellan advised that Council will consider and responds to any petition received. Council officers will undertake a full assessment of the situation including further discussions with the resident and no action, including fines, will be undertaken until this is completed.

Laura Banschikov, asked the following questions:

149. In regards to the proposed heritage overlay precincts how are Council and the planning department evaluating the social and economic effects of applying such restrictions on home owners? I have not been able to find this information on the Council website.

### *Response*

The Director Planning and Environment Services, Ms Laura-Jo Mellan noted that Council must consider a range of matters when preparing a Planning Scheme Amendment including the social, economic and environmental for a net community benefit. Amendment C172 seeks to balance these requirements around conservation and affordability.

Amendment C172 seeks to better protect large residential areas in West Footscray and surrounds by recognising the contribution of Inter-war and Post-war heritage places. The proposed heritage precincts reflect the important

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development phases within our City and were found to have a high level of intactness and authenticity.

Amendment C172 seeks to implement permit exemptions for minor buildings and works that are not visible from the street to reduce potential costs and red-tape for owners.

Ms Mellan finished by confirming that the Amendment C172 explanatory report provides details on how Council has assessed the social and economic effects of applying the overlay. This is available to view on Council's website.

Edward Merrifield, asked the following questions:

150. Approximately 9 years ago Council was substantially compensated for the closing of Middle Footscray Senior Citizen Building acquired by Vic Track. My Question is what has happened to that money and assuming it is earning interest in a trust bank account when will the Council reintroduce a new premises?
151. "Visual Clutter" MCC General By Law - Why is it not enforced? Political Party propaganda posters by Socialist Party all around Footscray and West Footscray etc. Additionally, Katie Hall Labor MP has a blatant campaign poster on Council property on the fence at Shorten Reserve and Braybrook Sporting Ground, Vic Roads traffic light poles, and Jemena Power poles all around Maribyrnong City Council controlled areas. And there is supposed to be no politics in Council! My question through the Chair is "do the Victorian socialist and Labor Councillors condone this practice"?
152. I object to this as it projects a message of Council endorsement and frankly, is a double standard from Council sending out the wrong message and sets a precedent for other political party groups to post in public places with more illegal "visual clutter". I would remind Council of their obligation responsibility to remain non-political. Can I therefore be assured that they will be removed ASAP?

## *Response*

The Director Community Services advised that in response to Question One that the funds received when the Senior Citizen Building was acquired have been transferred to the Major Projects Reserve. The Middle Footscray Senior Citizens have moved to the Sunshine FRI bowling club in Braybrook. Council still provides support to the group and it has been reported to officers that the group are currently satisfied with this arrangement. Council was not planning to provide a future exclusive standalone facility for any group, and instead these needs will be considered as part of future potential investments in the "Next project", now referred to as "Creative West".

Mr Gosling further noted that in relation to Questions Two and Three, I can advise that bill posting is an offence under section 24.1(d) of the General Purposes Local Law 2015 (GPLL).

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Council does not condone illegal posting and does prosecute where the offending person can be identified and refuses to remove the posters under section 24.2. Illegal posters are treated as graffiti and cleaned off as part of the graffiti removal program.

Sarah Wright asked the following question:

153. How much of the total percentage of open space in Maribyrnong is made up of cemeteries?

*Response*

The Chief Executive Officer, Ms Celia Haddock advised that this question will be taken on notice with a response provided in the minutes – as follows.

*Footscray Cemetery is 108,916 square meters in size. Council has a total of 313.5 hectares of open space, across 153 sites in the municipality.*

Sarah Wright asked the following question:

154. What development opportunities have the Council considered for the cemeteries that it classifies as open space?

*Response*

The Chief Executive Officer, Ms Celia Haddock advised that Footscray Cemetery is on State Government land – Council has a Committee of Management for this land.

Sarah Wright asked the following question:

155. Is it best practice to classify cemeteries as open space?  
The public have access to cemeteries that they can use as part of their open space.

*Response*

The Chief Executive Officer, Ms Celia Haddock advised that the cemetery grounds are open to all members of the community to use as part of their open space activities.

Matt Gray asked the following question:

156. Please confirm that all members of the City Development Delegated Committee are aware of the Council's Putting Customers First Strategy 2021-2024, have read the strategy and are compliant with the strategy.

*Response*

The Chief Executive Officer, Ms Celia Haddock confirmed that all Councillors are members of the City Development Delegated Committee. In October 2021, Council considered the key findings of the consultation on the Putting Customers First Strategy and subsequently adopted the Strategy at its October Council meeting.

# U N C O N F I R M E D M I N U T E S

Public Question Time closed at 8.06pm.

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The purpose of this report was to present for confirmation, the minutes of the City Development Delegated Committee Meeting held on 28 June 2022.

### Committee Resolution

*That the City Development Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 28 June 2022.*

Moved: Cr Michael Clarke  
Seconded: Cr Sarah Carter

**CARRIED**

## 6. OFFICER REPORTS

### 6.1. Planning Permit Application at 26-34 Buckley Street Footscray

The purpose of this report was to present for consideration an Amendment to an existing Planning Permit at 26-34 Buckley Street Footscray which has received one (1) objection.

Mr Steven Lionakis addressed the Committee on behalf of the applicant in relation to this item.

### Committee Resolution

*That the City Development Delegated Committee issue a Notice of Decision to Grant an Amended Permit at 26-34 Buckley Street, Footscray subject to conditions contained in Attachment 1: and*

- 1. Allow for the replacement of all dwellings with a residential hotel, offices;*
- 2. Reduce the car parking requirements; and*
- 3. Delete conditions 1a), 1d), 1e), 1g), 1i), 1j) and conditions 17 and 20.*

Moved: Cr Sarah Carter  
Seconded: Cr Simon Crawford

**CARRIED**

Cr Jorquera left the meeting at 8.10 pm.

Cr Jorquera returned to the meeting at 8.13 pm before the vote on Item 6.2.

# U N C O N F I R M E D M I N U T E S

## **6.2. Maribyrnong Medium Density Design Guide**

The purpose of this report was to present the draft *Maribyrnong Medium Density Design Guide* and seek endorsement for community consultation.

### **Committee Resolution**

*That the City Development Delegated Committee:*

- 1. Endorse the draft Maribyrnong Medium Density Design Guide for community consultation.*
- 2. Note that a further report on the outcomes of the community consultation of the Maribyrnong Medium Density Design Guide will be provided to Council in late 2022.*

Moved: Cr Anthony Tran  
Seconded: Cr Simon Crawford

**CARRIED**

## **7. COUNCILLOR QUESTION TIME**

Nil.

## **8. URGENT BUSINESS**

Nil.

## **9. DELEGATED MEETING CLOSURE**

The Chair, Cr Cuc Lam, declared the meeting closed at 8.19pm.

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To be confirmed at the City Development Delegated Committee Meeting  
to be held on 23 August, 2022.

Chair, Cr Cuc Lam

**Agenda Item 6.1****PETITION: PROPOSED PROTECTED BIKE LANE ON MELON STREET,  
BRAYBROOK**

**Director:** Lisa King  
Director Corporate Services

**Author:** Phil McQue  
Manager Governance and Commercial Services

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**PURPOSE**

To table a petition received in response to the proposed protected bike lane installation on Melon Street, Braybrook.

**ISSUES SUMMARY**

- A petition has been presented to the City Development Delegated Committee containing 194 signatures.
- The petition presented to the City Development Delegated Committee included the following text:

*We do not wish to have the proposed protected bike lane installed on Melon Street, Braybrook because:*

- *It reduces/eliminates current on-street parking*
- *Reduced parking has an excessive negative effect on current residents' lifestyle and needs*
- *The proposed protected bike lane is excessive in design and unnecessary at this stage until a detail survey is done to ascertain the number of cyclists that would use it.*
- *The infrastructure on Ballarat Road is not established nor a safe crossing for cyclists to access to Lacy Street.*

*Therefore, we say NO to the proposed protected bike lane - NO to both options 1 and 2.*

**ATTACHMENTS**

1. Petition - Melon Street Braybrook [↓](#)

**Agenda Item 6.1**

**OFFICER RECOMMENDATION**

**That the City Development Delegated Committee:**

- 1. Receives and notes the Petition: Proposed Protected Bike Lane on Melon Street, Braybrook; and**
  - 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.**
-

# PETITION

## To: Maribyrnong City Council

We do not wish to have the proposed protected bike lane installed on Melon Street, Braybrook because:

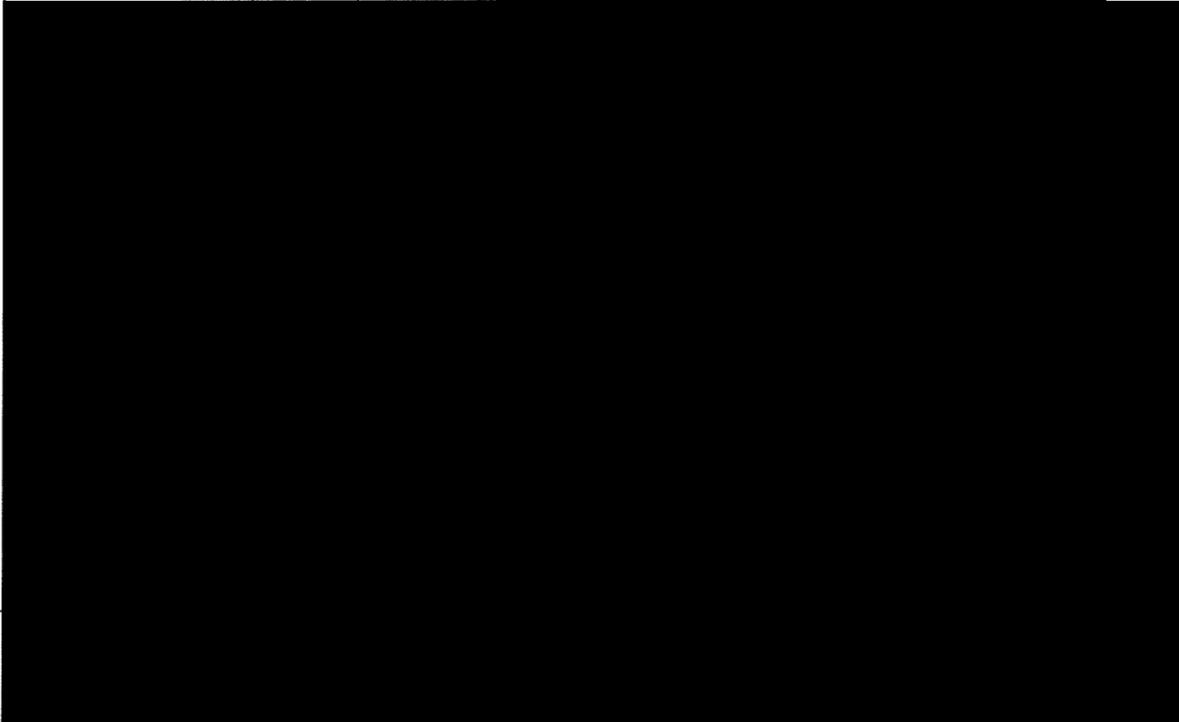
- It reduces / eliminates current on-street parking
- Reduced parking has an excessive negative effect on current residents' lifestyle and needs.
- The proposed protected bike lane is excessive in design and unnecessary at this stage until a detailed survey is done to ascertain the number of cyclists that would use it.
- The infrastructure on Ballarat Road is not established nor a safe crossing for cyclists to access to Lacy Street.

Therefore, we say NO to the proposed protected bike lane-NO to both options 1 and 2.

### Lead petitioner details

<b>Name</b>	
<b>Address</b>	
<b>Telephone / Mobile</b>	
<b>Signature</b>	

### Details of petitioners

<b>Name</b>	<b>Address</b>	<b>Signature</b>
		

# PETITION

## To: Maribyrnong City Council

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- The infrastructure on Ballarat Road is not established nor a safe crossing for cyclists to access to Lacy Street.

Therefore, we say NO to the proposed protected bike lane-NO to both options 1 and 2.

## Details of petitioners

Name	Address	Signature

# PETITION

**To: Maribyrnong City Council**

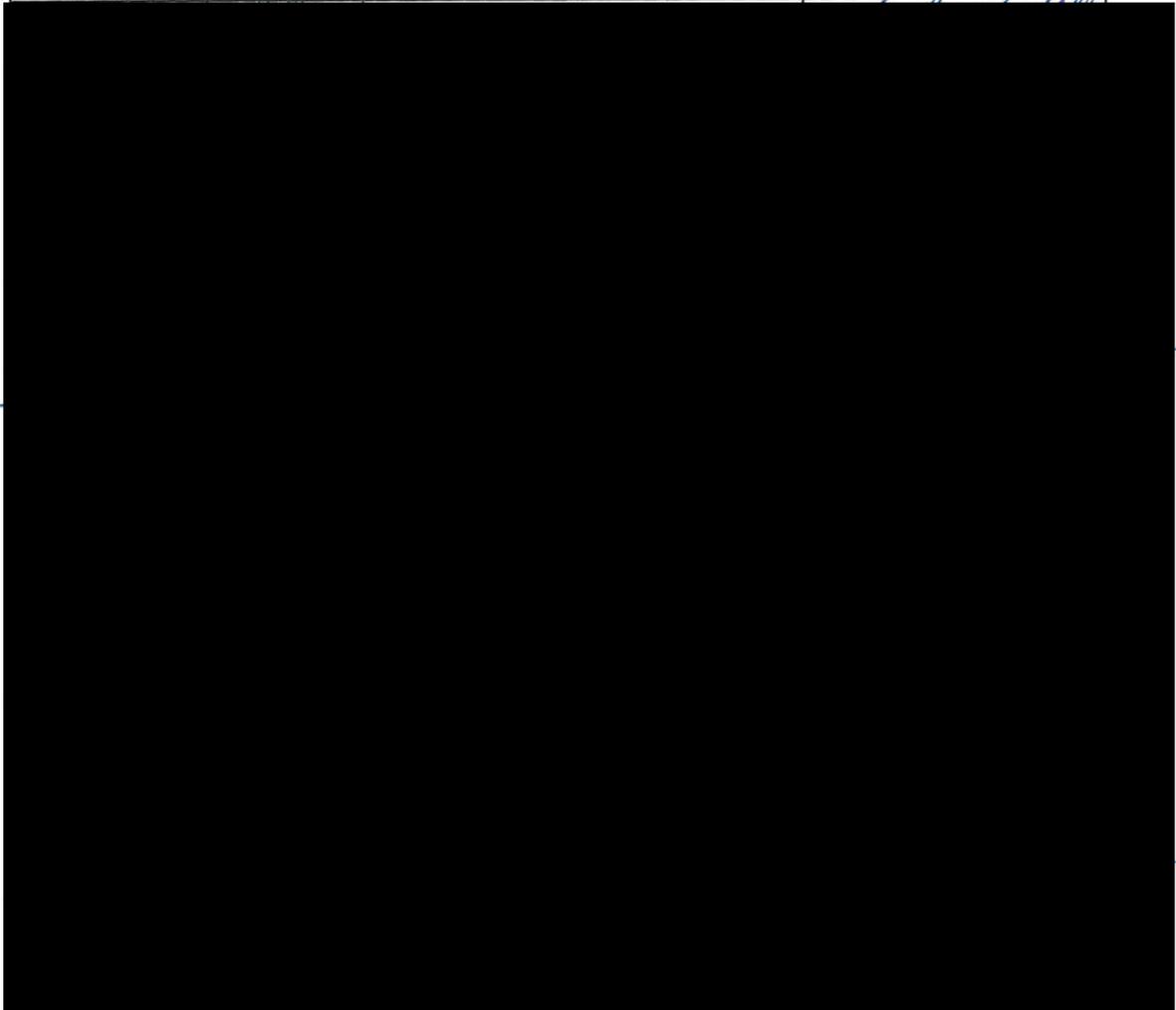
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## Details of petitioners

Name	Address	Signature
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## PETITION

### To: Maribyrnong City Council

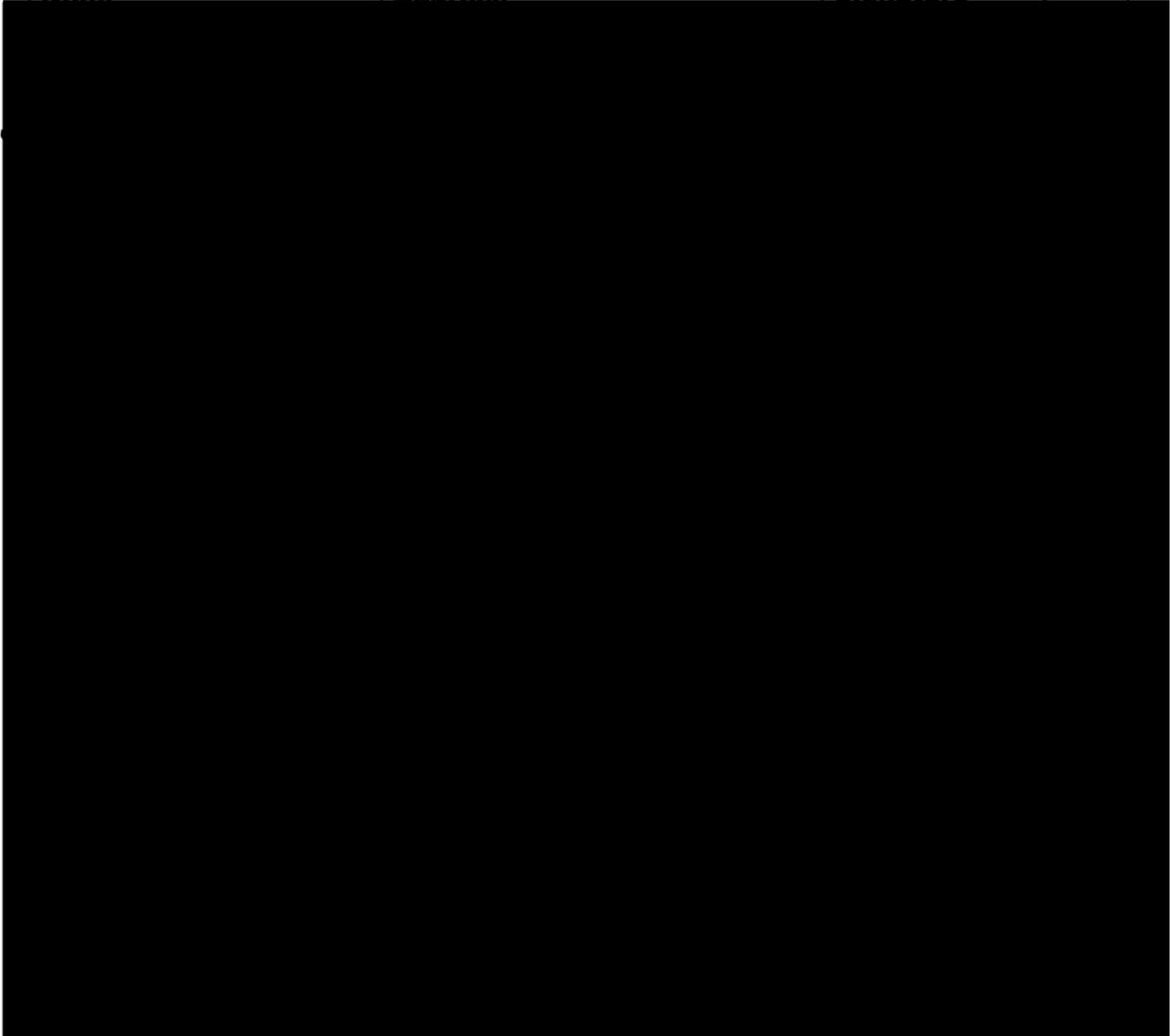
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### Details of petitioners

Name	Address	Signature
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# PETITION



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**Details of petitioners**

Name	Address	Signature







## PETITION

### To: Maribyrnong City Council

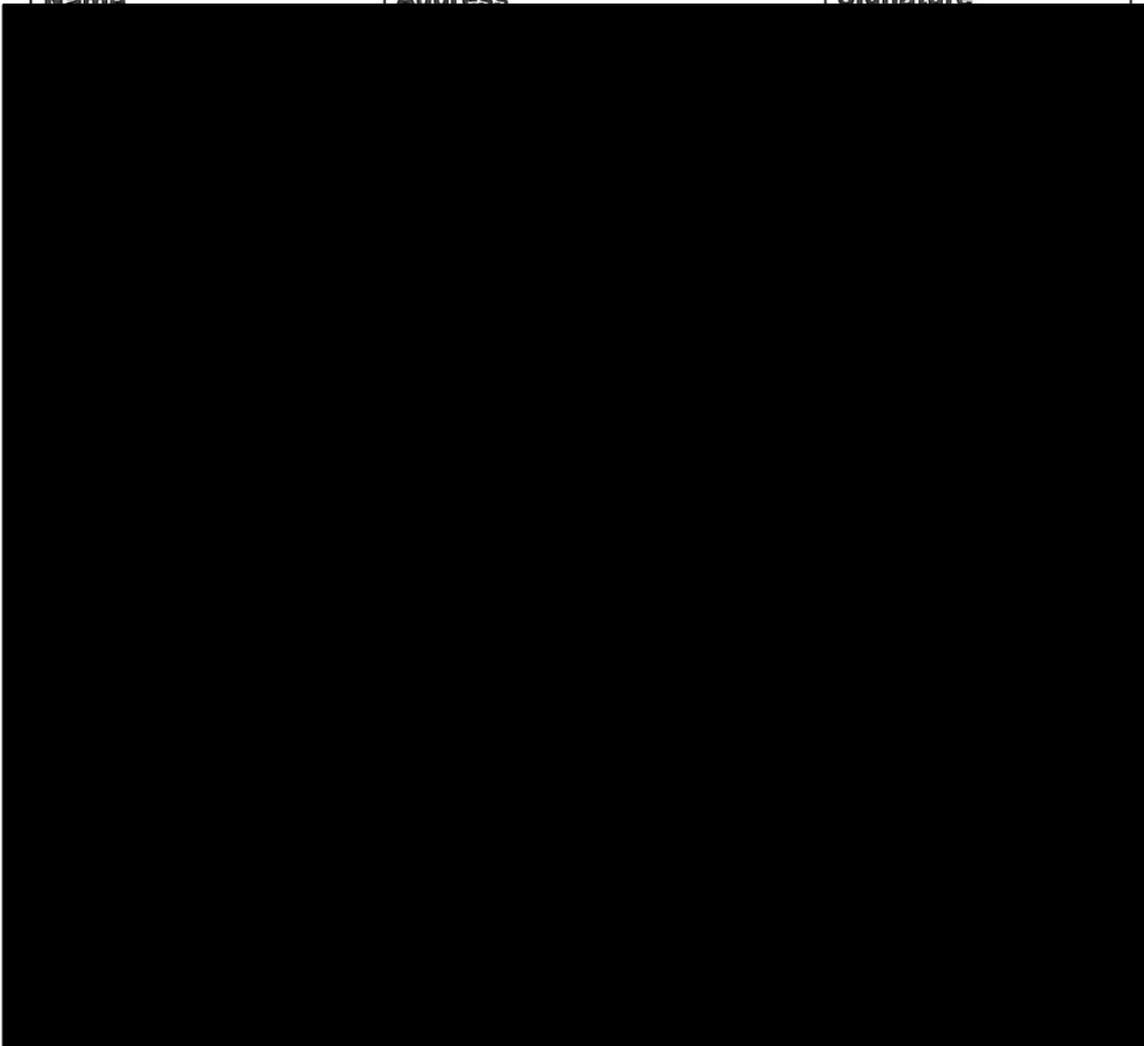
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### Details of petitioners

Name	Address	Signature
------	---------	-----------



## PETITION

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### Details of petitioners

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# PETITION

**To: Maribyrnong City Council**

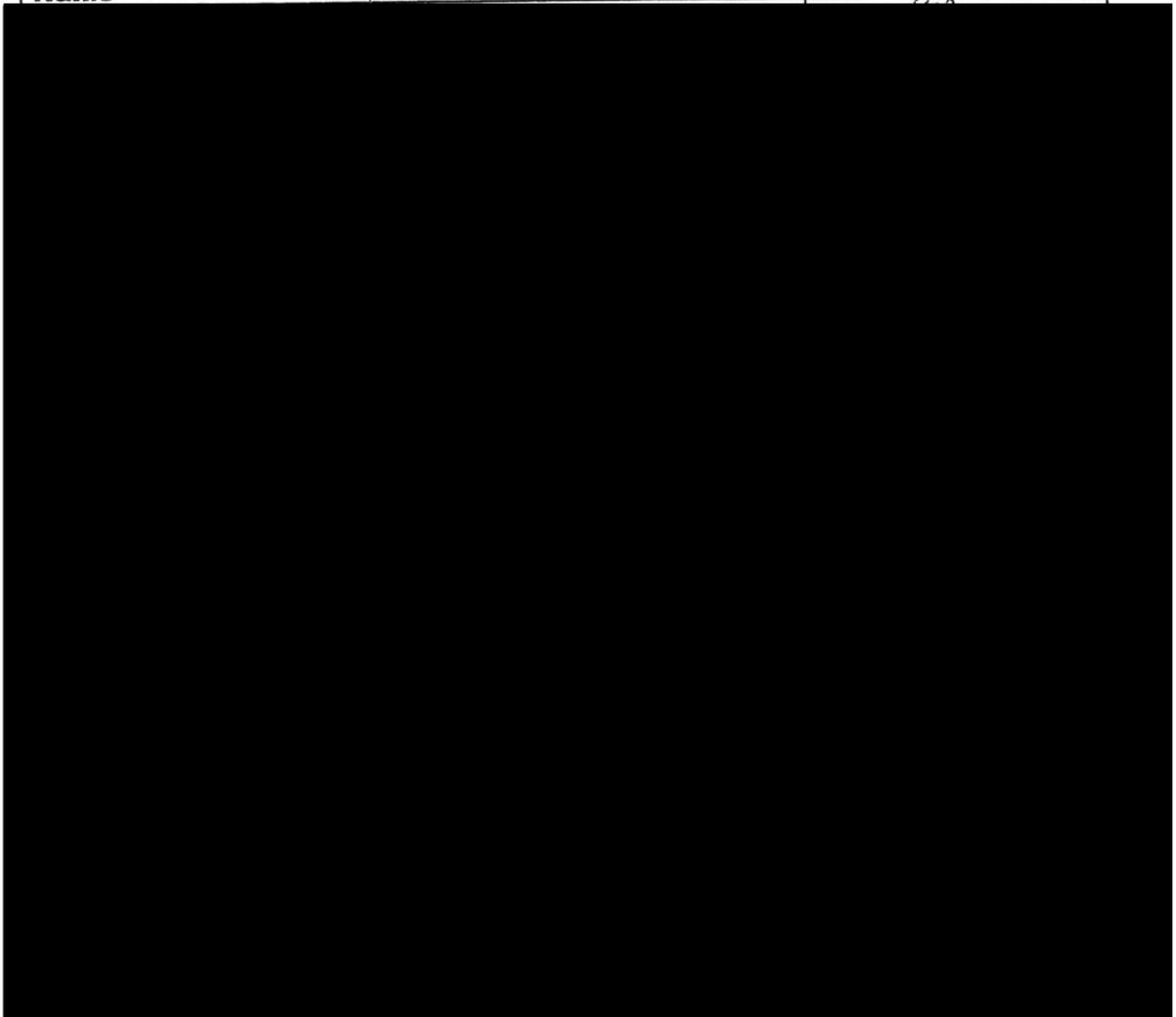
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Therefore, we say NO to the proposed protected bike lane-NO to both options 1 and 2.

## Details of petitioners

Name	Address	Signature
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# PETITION

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- The infrastructure on Ballarat Road is not established nor a safe crossing for cyclists to access to Lacy Street.

Therefore, we say NO to the proposed protected bike lane-NO to both options 1 and 2.

## Details of petitioners

Name	Address	Signature

**Agenda Item 7.1****PLANNING APPLICATION AT 336 NICHOLSON STREET YARRAVILLE**

**Director:** Laura Jo Mellan  
**Director Planning and Environment Services**

**Author:** Ashley Minniti  
**Manager City Places**

**PURPOSE**

To present for consideration a planning application for 336 Nicholson Street Yarraville which has received 18 objections.

<b>APPLICATION RECEIVED</b>	25 November 2021
<b>APPLICATION NUMBER</b>	TP561/2021(1)
<b>APPLICANT</b>	K Belfield - Belfield Planning Consultants
<b>SITE ADDRESS</b>	336 Nicholson Street Yarraville
<b>PROPOSAL</b>	Construction of multiple dwellings on a lot
<b>ZONE</b>	General Residential Zone, Schedule 1
<b>OVERLAYS</b>	Nil
<b>INTERNAL REFERRALS</b>	Engineering Services, ESD Advisor
<b>EXTERNAL REFERRALS</b>	N/A
<b>COST OF DEVELOPMENT</b>	\$1.5M
<b>WARD</b>	Yarraville
<b>ADVERTISED</b>	Yes
<b>NUMBER OF OBJECTIONS</b>	18
<b>DATE OF PLANNING FORUM</b>	8 June 2022
<b>REASON FOR CONSIDERATION BY COUNCIL</b>	More than 10 Objections received

**SUMMARY**

- Approval is sought for the construction of four dwellings on one lot.
- The dwellings comprise of three bedrooms, open plan living areas and two car spaces each.
- The application was advertised and 18 objections were received relating to neighbourhood character, amenity, parking, legal right to use Parkes Lane, traffic volumes and overdevelopment.
- The dwellings achieve a good level of internal amenity with large areas of open space, adequate car parking and adequate daylight.
- The proposal has strong policy support, responding to the identified character statement and supports a diversity of dwelling types. The proposal represents incremental change in a well-established residential area.
- The application has been assessed against ResCode (Clause 55) and, subject to conditions resolving issues with the street setback and site coverage, demonstrates compliance.
- The proposal has adequately addressed the planning policy framework and will not result in a significant impact to the surrounding properties.

## Agenda Item 7.1

- The application is recommended for approval, subject to the conditions as outlined in Attachment 1.

### ATTACHMENTS

1. Permit Conditions for Committees consideration [↓](#)
2. Advertised Plans [↓](#)

### OFFICER RECOMMENDATION

**That the City Development Delegated Committee issue a Notice of Decision to Grant a Permit for the construction of multiple dwellings on a lot at 336 Nicholson Street Yarraville, subject to the conditions contained in Attachment 1.**

---

**Agenda Item 7.1****BACKGROUND****1. Proposal**

The proposal is summarised as:

- The construction of four, three storey dwellings in a tandem arrangement.
- Each dwelling comprises a home office, sitting room, open plan living area, three bedrooms and terraces.
- Dwelling 1 will have a minimum front setback of 4.2 metres from Nicholson Street with Dwellings 2, 3 and 4 built in tandem behind.
- Two car spaces are provided to each dwelling via Parkes Lane.
- The proposal results in a site coverage of 66.28 per cent and permeability of 30.58 per cent.
- The dwellings propose a maximum building height of 10.1 metres.

**2. Site and Surrounds****Subject Site**

The site is located on the west side of Nicholson Street and north side of Parkes Lane. The site is rectangular with a 13.72-metre wide frontage to Nicholson Street and a depth of 44.09 metres. The overall site area is approximately 605 square metres.

A single storey weatherboard dwelling with a tiled roof currently occupies the land. The site is bound by a 1.2m high timber picket front fence on the eastern boundary facing Nicholson Street and a 2.4 metre high paling fence with lattice on the southern boundary.

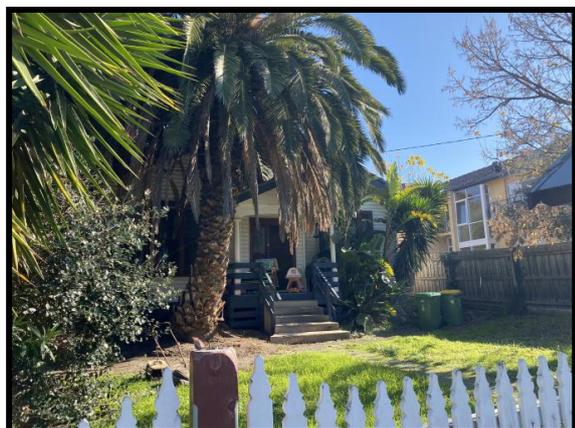


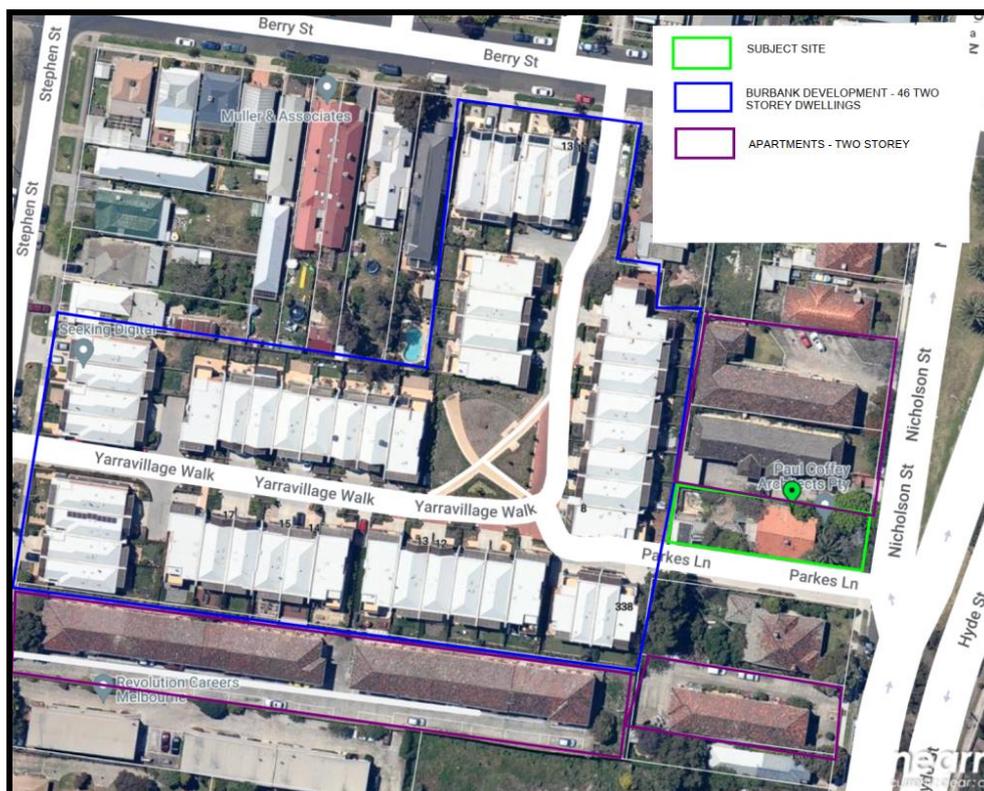
Figure 1: Subject site: 336 Nicholson Street, Yarraville and the south view Parkes Lane. Source: L Nguyen.

**Surrounding Area**

The surrounding area features much of the original post-war style walk up apartments on lengthy allotments. The residential buildings are generally setback from one side boundary with a common accessway down the other.

Directly to the west of the site is the Yarravillage Walk development, consisting of approximately 46 two storey dwellings (approved via planning permit TP576/2005) and can be accessed by foot via Parkes Lane to the south of the subject site.

## Agenda Item 7.1



11-19 Berry Street Yarraville – 46 dwelling development. Source: NearMaps.

### Abutting Properties

- North (1-8/334 Nicholson Street) – consists of a double storey brick apartment building. The building is setback 8.85m from the front boundary and 5.73 metres from the southern (common) boundary. A 1.9 metre high render front fence exists on that site.
- West (7-8/11 Yarravillage Walk) – consists of two double storey dwellings which formed part of the 46 dwelling Burbank development.

### 3. Policy Context and Permit Triggers

The site is located within a General residential zone. The site is not covered by any Overlays. A Planning Permit is required for the construction of two or more dwellings on a lot. (Clause 32.08-6)

### Planning Policy Framework

The following State policies are applicable to the proposal:

- Clause 11 (Settlement), including; Clause 11.01-1S (Settlement), Clause 11.01-1R1 (Settlement - Metropolitan Melbourne), Clause 11.02 (Managing Growth) and Clause 11.03 (Planning for Places).
- Clause 15 (Built Environment and Heritage), including; Clause 15.01 (Built Environment), Clause 15.01-1S (Urban Design), Clause 15.01-1R (Urban design - Metropolitan Melbourne), Clause 15.01-2S (Building Design), Clause 15.01-3S (Subdivision design), Clause 15.01-4S (Healthy neighbourhoods), Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne), Clause 15.01-5S (Neighbourhood character), Clause 15.02 (Sustainable development), Clause 15.02-1S (Energy and resource efficiency).

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- Clause 16 (Housing), including: Clause 16.01 (Residential development), Clause 16.01-1S (Integrated housing), Clause 16.01-1R (Integrated housing - Metropolitan Melbourne), Clause 16.01-2S (Location of residential development), Clause 16.01-2R (Housing opportunity areas – Metropolitan Melbourne), Clause 16.01-3S (Housing diversity), Clause 16.01-3R (Housing diversity - Metropolitan Melbourne) and. Clause 16.01-4S (Housing affordability)

**Local Planning Policy Framework**

The following Local clauses are applicable to the proposal:

- Clause 21 (Municipal Strategic Statement), including; Clause 21.01 (Municipal Strategic Statement), Clause 21.02 (Municipal Profile), Clause 21.03 (Council Vision), Clause 21.04 (Settlement), Clause 21.05 (Environment and Landscape Values), Clause 21.06 (Built Environment and Heritage), Clause 21.07 (Housing), Clause 21.09 (Transport) and Clause 21.10 (Community and Development Infrastructure).
- Clause 22 Local Planning Policies, including; Clause 22.05 (Neighbourhood Character Statements).

**4. Human Rights Consideration**

The report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

**5. Conflicts of Interest**

1. No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

**6. Notification**

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. 18 objections were received and the grounds relate to:

- Neighbourhood Character/poor design
- Loss of on-street parking/Traffic volumes
- Overdevelopment
- Built form and site coverage
- Overshadowing
- Overlooking
- Legal use of Parkes Lane

**7. Referrals**

The application was referred internally to Engineering Services Department and ESD Advisor. No Significant issues were raised in relation to the proposal. A number of standard conditions were required if any permit were to issue.

**DISCUSSION**

The key issues for the proposed development relate to built form, off-site amenity impacts, internal amenity and the provision of and access to parking.

**Agenda Item 7.1****Does the development adequately address the Planning Policy Framework?**

The subject site is located within the General Residential Zone. Council's MSS identifies this as being an area for 'incremental change'. In incremental change areas, multi dwelling infill developments in the form of townhouses and units will continue to be encouraged. New development must be designed to respect existing neighbourhood character and contribute to an enhanced landscape character.

The proposal represents incremental change that is respectful of neighbourhood character. In accordance with Clause 11.02 (Managing Growth), the proposal appropriately responds to the needs of the existing and future communities through the provision of serviced land for housing. It facilitates development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

Clause 16.01 (Residential Development) supports well-placed development for greater variation to housing stock to meet the community needs. The increase in density contributes to policy that seeks to provide between 14,000 and 16,000 additional dwellings by 2031 (Clause 21.04-2 Housing Growth). To achieve these targets, Maribyrnong is required to have 1,254 new dwellings per annum to ensure sufficient housing supply.

The suburb of Yarraville is expected to have a population of 23,192 by 2041, which is an increase of 6,905 from 2018. The development of the site will contribute to the anticipated dwelling numbers needed to accommodate a population forecast of 156,794 in 2041. 98% of new housing will be in the form of apartments and attached housing.

The proposal is consistent with Clauses 15.01 and 21.06 (Built Environment and Heritage), with the development to be orientated to the street and via Parkes Lane, allowing for unimpeded views to the dwellings' façades. Additionally, the design achieves acceptable architectural and urban design outcomes that contribute to local urban character while avoiding detrimental impacts to the neighbouring properties. Further, the increase in density provides passive surveillance to both street frontages, increasing the sense of security.

The increase from one to four dwellings is appropriate, accommodating increasingly diverse needs with floor plans that allow for flexibility to support a range of household types. Clause 22.05 (Preferred Neighbourhood Character) identifies the site as being within the 'Inner Urban 1' area. The application is distinguishable from original building stock, but respectful of the key elements of the older dwelling styles. Subject to conditions requiring a simplified materials palette, the development will appropriately integrate into the streetscape.

**Does the development adequately address the neighbourhood character of the area?**

The development, subject to minor changes discussed below, demonstrates compliance with Clauses 55.01 (Neighbourhood Character and Infrastructure) and 55.03 (Site Layout and Building Massing) and 55.06 (Detailed Design) of the Maribyrnong Planning Scheme.

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The objective of Standard B31 is to encourage design detail that respects the existing or preferred neighbourhood character. The existing characteristics of the street are dwellings/residential buildings constructed of either weatherboard, brick or render, the proposed dwellings are visually compatible with the existing neighbourhood character. The use of brick is common in the area, while the render is a contemporary masonry material that would integrate well with the streetscape. The use of cladding would be unusual in the streetscape, with an alternative material required by way of permit condition.

The front setback to Hyde Street of 4.25 metres does not comply with the requirements of Standard B6 (front setback) which would require the development to be setback the same distance as the setback of the front wall of the existing building on the abutting allotment. In this instance the dwelling to the north is setback 8.85 metres. This was a concern raised by several objectors.

The argument for a reduced setback from the permit applicant is that the development would face Parkes Lane, not Nicholson Street. This is perhaps a technicality of the placement of the front door, as opposed to a rationale argument of where the development would be perceived from.

While some form of variation may be considered acceptable given the immediate context, the permit applicant has advised that any change in the setback would be unworkable. Accordingly, a condition is recommended which requires compliance with the relevant Standard. The increased setback would likely result in a smaller dwelling 1, potentially being a traditional living two bedroom dwelling. This type of dwelling would not be uncommon in the immediate area.

The proposed height of 10.1 metres (three stories) accords with the applicable maximum height limits for development in the General Residential Zone (11 metres/3 storey). Concerns were raised in relation to the disproportionate sizes of the dwellings compared to the neighbouring dwellings and apartments. Given the eclectic nature of the surrounding residential buildings and dwellings, and subject to the increased setbacks for dwelling 1, the development is consistent with the emerging character of the area.

The application does not comply with Standard B8 (Site Coverage) with an overall coverage of 66 per cent. There is inadequate justification to allow the non-compliance with this standard when designing from scratch. A condition on any permit issued should require compliance with this standard.

The proposal allows for adequate areas of landscaping and opportunities exist for the planting of canopy trees within the front setback of dwelling 1 and along the northern boundary. A landscape plan should be required by way of permit condition. While concerns were raised regarding the removal of existing vegetation, there are no restrictions on Title or Overlays affecting the site that prevent the removal of vegetation. Further, the proposal would relocate one of the two existing palm trees. Palm trees generally cope quite well with relocation, owing to their smaller root structure. This will provide mature vegetation from day 1.

The garages for the dwellings do not dominate the streetscape as they are proposed

**Agenda Item 7.1**

along Parkes Lane which is consistent with the preferred neighbourhood character of being recessed behind the front building line.

Front fences should be low and allow views into the front garden. A 1.5m high brick fence has been provided to the front of the dwellings. While higher front fences are common along Nicholson Street, they generally have a degree of transparency. A condition on permit will require elevation plans to be updated to show the front fence along with dimensions, colours and materials with a minimum 25% transparency.

**Are there any adverse impacts on adjoining properties?**

The proposal responds appropriately to all adjoining sensitive interface and generally complies with the standards of Clause 55.04 (Amenity Impacts).

The proposal does not comply with this standard on the west and north elevation as required by Standard B17 (Side and Rear Setbacks). As the western boundary abuts has sensitive interfaces (backyards), compliance should be achieved. This should form a permit condition if a permit were to issue. Alternatively, given the north elevation abuts a common driveway and carport, the variation to the setbacks to this elevation is deemed acceptable in this instance.

Consideration of the impacts relating to the reduction of sunlight to windows to adjoining properties has assessed having regard to Standard B19 (Daylight to Existing Windows) and B20 (North-facing windows). The development is situated in excess of the setback outlined under B19 and is not constrained by any north facing windows.

Concerns were raised regarding the amount of overshadowing to the adjoining western properties. An assessment against Standard B21 (Overshadowing of Open Space) demonstrates that shadows cast by the development occurs on the western adjoining property (11 Berry Street Yarraville) at 9.00am, with shadows falling mainly over Parkes Lane from 10.00am to 3.00pm at the Equinox. The level of shadow complies with Standard B21 which requires secluded private open space to be clear of shadows for a minimum of five hours throughout the day.

Objections raised concerns relating to the validity of the Shadow diagrams and the restricted times the shadows have been shown. The objections included shadow impacts shown throughout every month of the year. Shadows can only be considered at the Equinox as noted at Clause 55.04-5 (Standard B21) of the Maribyrnong Planning Scheme.

Concerns were raised regarding overlooking. The northern and western elevation windows and balconies should require a condition on permit to ensure compliance with Standard B22 (overlooking).

**Does the proposed provide appropriate internal amenity for residents?**

The proposal appropriately responds to the requirements of Clause 55.05 (On-Site Amenity and Facilities). All ground habitable rooms are setback a minimum of 1 metre from the common boundary to allow sunlight into areas most frequented. Additionally first and second floor windows are generally open to the sky, with sun protection as required.

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Each dwelling complies with Standard B28 (Private Open Space) as each dwelling consists of between 14 to 19 square metres of secluded private open space in the form of terraces and balconies. Each dwelling has its own ground floor courtyard of between 26 and 31 square metres for services such as rainwater tanks and clotheslines.

Concerns were raised regarding the pick-up of waste bins from the Parkes Lane frontage as well as rubbish removal trucks causing damage to Parkes Lane. The development shows that there is adequate room on the Nicholson Street frontage for the storage of bins for collection given no crossovers or street trees occupy the naturestrip in this location. Site services have been shown on the plan including an area for the clotheslines, rubbish bins, hot water system and storage (6 cubic metres).

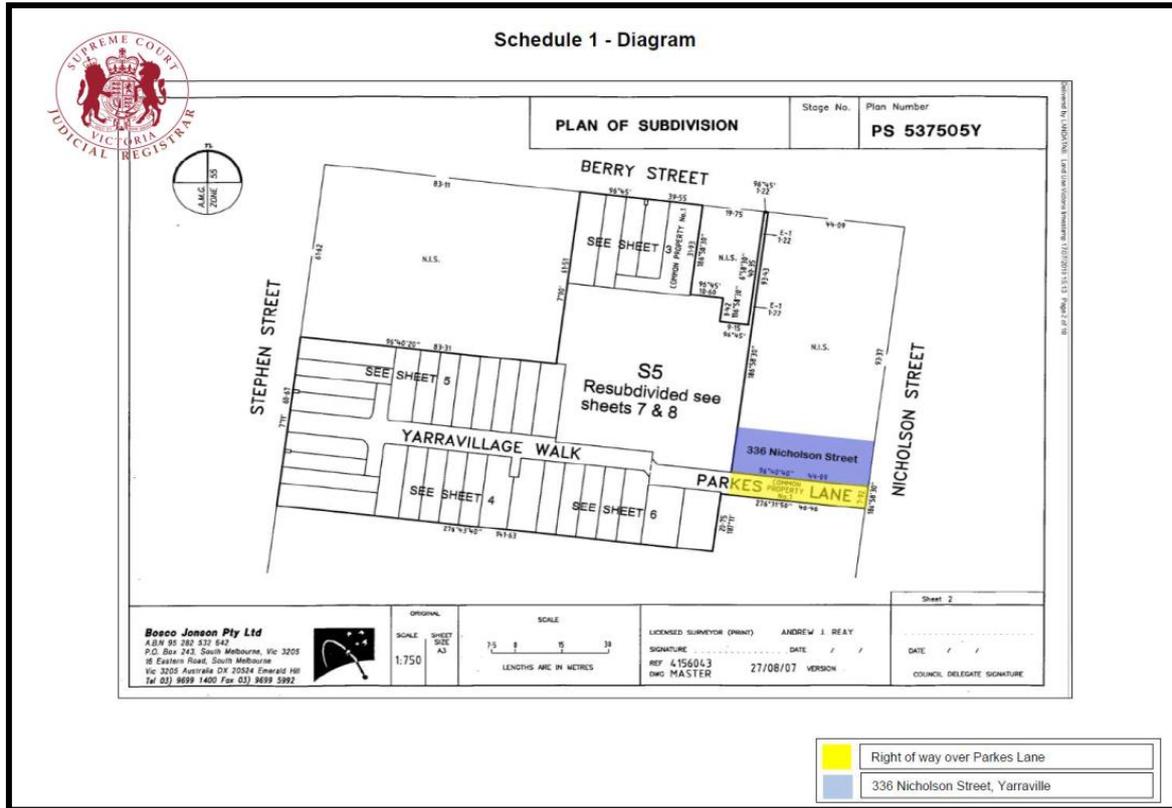
**Does the property have legal rights of access to Parkes Lane?**

Concerns were by residents of Yarravillage to the west regarding rights of access from the subject site to Parkes Lane.

The applicant applied to the Supreme Court of Victoria to formalise legal rights of access. A decision dated 8 May 2020 has been provided noting 336 Nicholson Street has benefits from a right of carriageway over Parkes Lane for the length of the Lot. The diagram below is an extract from the Supreme Court decision, with the site in blue and the rights of carriageway easement in yellow.

The right of access was formalised on Title on 4 November 2020. Easement A-1 is shown for the length of the lot and for the width of Parkes Lane. There is no question that the site enjoys rights of access via Parkes Lane. However, it does not enjoy rights of access to Parkes Lane through the Yarraville Walk development. Accordingly, a permit condition will stipulate that ingress/egress to/from the development may only be to/from Nicholson Street via Parkes Lane.

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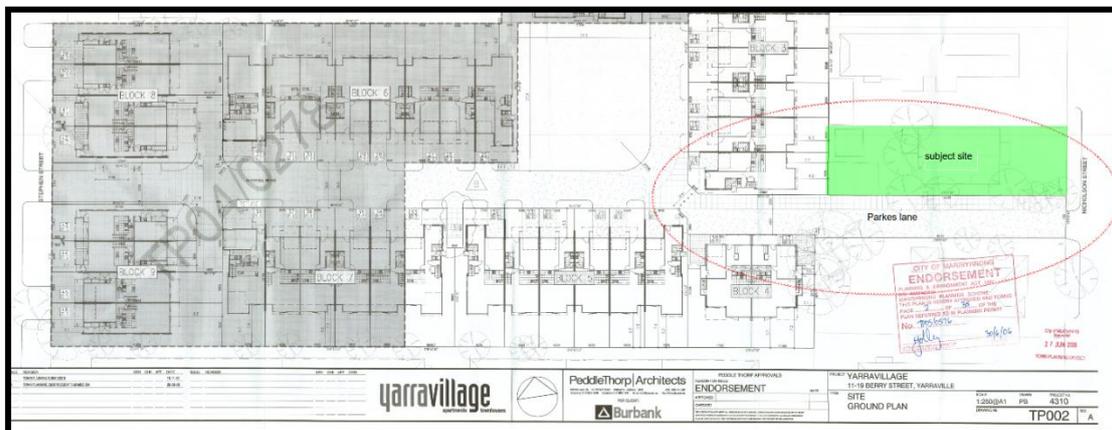


Extract from Supreme Court Order dated 8 May 2020

**Is adequate car/bicycle parking provided on site to cater for residents and visitors?**

The application complies with Clause 52.06-5 (Car Parking) as two car parking spaces are provided to each dwelling. The application is not required to provide visitor spaces given its size.

Objectors raised concerns with the removal of visitor parking from within Parkes Lane. These car spaces did not form part of the approved Yarravillage Walk Development, authorised by Planning Permit TP576/2005(1). It would appear, based on the Supreme Court decision that parking in this area would not be permitted, as it would restrict the carriageway access.



Snippet clouded in red of Parkes Lane  
Source: Endorsed plans dated 30 June 2006 – TP576/2005

**Agenda Item 7.1****Has the development demonstrated best practice environmental design (ESD) principles?**

The Maribyrnong Planning Scheme requires an ESD Report for five or more dwellings. Given the size of the development, a formal ESD Report is not required.

The development has provided a STORM Report, demonstrating compliance with Clause 56.07 Integrated Water Management (WSUD) of the Maribyrnong Planning Scheme. Furthermore, the proposed stormwater strategy of roofs draining to 2500L rainwater tanks to outdoor taps, toilets and laundry and a section of Dwelling 1 roof area to 1.5m<sup>2</sup> of raingarden has been appropriately detailed on plans.

A condition on permit will require a notation specifying that “the rainwater tank are connected to outdoor taps, toilet flushing and laundry cold water taps” in lieu of “sanitary fixtures and laundry”.

A further condition will require consideration of solar panels, given the generally unrestricted roof form.

**Objection/concerns not previously addressed**

Concerns were raised that the application may be considered an over development given the net increase of three dwellings. The application has strong strategic support from Planning Policy. Overdevelopment is a subjective term which is often used to describe a development which results in a level of change. Signs of over development include insufficient car parking spaces and multiple non-compliances of Clause 55 (ResCode). As demonstrated throughout this report, subject to conditions outlined in attachment 1, the development is compliant with Clause 55 and the planning scheme more broadly.

Concerns were raised relating to the built form across the length and width of the site. The level of built form is not dissimilar to other apartment/townhouse style developments in the area, including the two unit blocks directly to the north of the site. The level of development is also similar to that just behind, at the Yarravillage Walk Development.

**CONCLUSION**

The proposal meets the overall intent and objectives of the State and Local Planning Policy Framework. Subject to conditions which require compliance with the street setback and site coverage objective, the development would meet the objectives of Clause 55 of the Scheme. The application should be supported subject to the conditions outlined in Attachment 1.

**Agenda Item 7.1 - Attachment 1**

**CONDITIONS FOR COUNCIL CONSIDERATION**

<b>APPLICATION NUMBER:</b>	TP561/2021(1)
<b>SITE ADDRESS:</b>	336 Nicholson Street YARRAVILLE
<b>PROPOSAL:</b>	Construction of multiple dwellings on a lot
<b>DATE OF COUNCIL MEETING:</b>	23 August 2022

**The following conditions apply to this permit:**

**Amended Plans**

- 1 Before the development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - (a) The materials palette simplified to have one main material at both first and second level, with a preference for a hard wearing, light coloured render (or similar) with limited to no use of cladding.
  - (b) The development modified to comply with Clause 55.03-1, Standard B6 (Front Setback) of the Maribyrnong Planning Scheme.
  - (c) The development modified to comply with Clause 55.04-3, Standard B8 (Site Coverage) of the Maribyrnong Planning Scheme.
  - (d) A front fence elevation plan showing dimensions, colours and materials, with a minimum 25% transparency.
  - (e) Demonstration of Compliance with Clause 55.05-1, Standard B17 (side and rear boundaries) to the western elevation.
  - (f) Demonstration of Compliance with Clause 55.05-6, Standard B22 (overlooking), as follows;
    - i Bedroom 2 of dwellings 2 and 3, north elevation to have a sill height of 1.7m above finished floor level or obscured glazing to a minimum of 1.7m above finished floor level.
    - ii The meals/lounge area to dwelling 4 to have a sill height of 1.7m above finished floor level or obscured glazing to a minimum of 1.7m above finished floor level.
    - iii Section diagrams showing restricted visibility from the second floor terraces to dwellings 2, 3 and 4.
  - (g) A notation on the plan to show double glazing (or other noise attention measures) to dwelling 1's eastern elevation windows.
  - (h) A notation on the plan to state "the rainwater tanks connected to outdoor taps, toilet flushing and laundry cold water taps" in lieu of "sanitary fixtures and laundry".
  - (i) Letterboxes and all services to be consolidated and shown on the plan facing Nicholson Street.
  - (j) The elevation plans to be updated to show compatibility between the existing driveway and proposed garage finished floor levels. The steps to the front door access must be setback from the edge of Parkes Lane within the property boundary.

## Agenda Item 7.1 - Attachment 1

- (k) Notation on the plan to indicate waste collection will occur from the Nicholson Street frontage only.
- (l) Consideration of solar PV to all dwellings.
- (m) A revised landscape plan as per condition 6 below.

### General Conditions

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme.  
NOTE: This does not obviate the need for a permit where one is required
- 3 Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
- 4 Subject to the occupier of the relevant side neighbouring property allowing the necessary access to that property, the external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.
- 5 All visual screening and measures to limit overlooking to adjoining properties must be erected prior to the occupation of the buildings, and thereafter maintained, all to the satisfaction of the Responsible Authority.
- 6 All site services (electrical, gas and water metres) must be at the entrance to each property and not co-located in the front setback.
- 7 The site has rights of access to Parkes Lane from Nicholson Street only. The site does not have rights of access to Parkes Lane through the development to the west. Prior to the occupation of the development, a sign (no smaller than A4 size) must be erected in the garage of each dwelling showing this access path. This sign must not be removed unless authorised in writing by the Responsible Authority.
- 8 Concurrently with the endorsement of plans pursuant to condition 1, STORM report 1237892 will be endorsed to form part of the permit. All stormwater management treatments identified in the STORM report endorsed to form part of this permit must be fully implemented prior to the occupation of the development, and thereafter maintained, to the satisfaction of the Responsible Authority.

### Landscaping

- 9 Concurrent with the submission of plans pursuant to condition 1, a revised landscape plan must be submitted and be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and provided in digital format (where possible). The plan must:
  - (a) Consider retention of both existing palm trees, to be relocated to the front setback.
  - (b) Show any changes required as a result of built from changes stemming from condition 1 requirements.
- 10 Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed

## Agenda Item 7.1 - Attachment 1

plans must be carried out and completed to the satisfaction of the Responsible Authority.

- 11 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, this includes the replacement of any dead, diseased or damaged plants.

### Engineering Conditions

- 12 Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
- 13 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
- 14 Prior to commencement, detailed drainage plans to be prepared and submitted to Engineering Services for review and approval. The existing stormwater drains in Parkes Lane are private assets, therefore LPD for this development will be to a Council pit in front of the site in Nicholson St. Drainage discharge will be limited via on-site detention, in accordance with the requirements of the Stormwater Discharge Permit.
- 15 The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

### Expiry of permit for development

- 16 This permit will expire if one of the following circumstances applies: -
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

### Notes

- This application has been assessed under Clause 55 (ResCode provisions) of the Maribyrnong Planning Scheme.
- Building Permit - This is not a Building permit. A building permit may also be required. Please contact your building surveyor.
- This permit (unless otherwise stated) does not give approval for the removal or replacement of any boundary fencing. Under the Fences Act 1968 the property owner and the neighbour are equally responsible for any dividing fence. More information on boundary fencing can be obtained at <http://disputes.vic.gov.au/fences>

## Agenda Item 7.1 - Attachment 1

- Council has prepared a Municipal Development Contribution Plan (DCP) and is undertaking Planning Scheme Amendment C164 to introduce this DCP into the Maribyrnong Planning Scheme. The DCP proposal allows for the collection of community and development infrastructure levies which go towards funding local infrastructure. The development/increase in floor area, approved under this permit, may be subject to a DCP levy if all planning, subdivision and building permit approvals have not been obtained before the DCP comes into operation. For more information please consult Council's website (search DCP or C164) or call 9600 0200 for more information.
- Upon finalisation of construction and landscaping works please contact Urban Planning on [urbanplanning@maribyrnong.vic.gov.au](mailto:urbanplanning@maribyrnong.vic.gov.au) to arrange a compliance inspection.

### Engineering notes

- A Stormwater Discharge Permit is required from MCC Operations and Maintenance.
- The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development. Reinstatement or modification of the asset to Applicant.
- A Council officer will contact the owner/builder to arrange a Street Asset Protection Permit, and advise of the associated Bond required to be lodged prior to commencement of work.

Note: If using a private building surveyor, a Section 80 Form must be supplied to Council's Building Surveyor to initiate the above process.

- A Road Opening Permit from the Responsible Authority is required for any work or excavation within the road reserve.
- Any work within the road reservation must be carried out to the satisfaction of the Responsible Authority.
- Materials are not to be stored on the road reserve without Responsible Authority approval.
- A Vehicle Crossing Permit is required from the Responsible Authority for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with the Responsible Authority's Standard Drawings, Specification and Vehicle Crossing Policy

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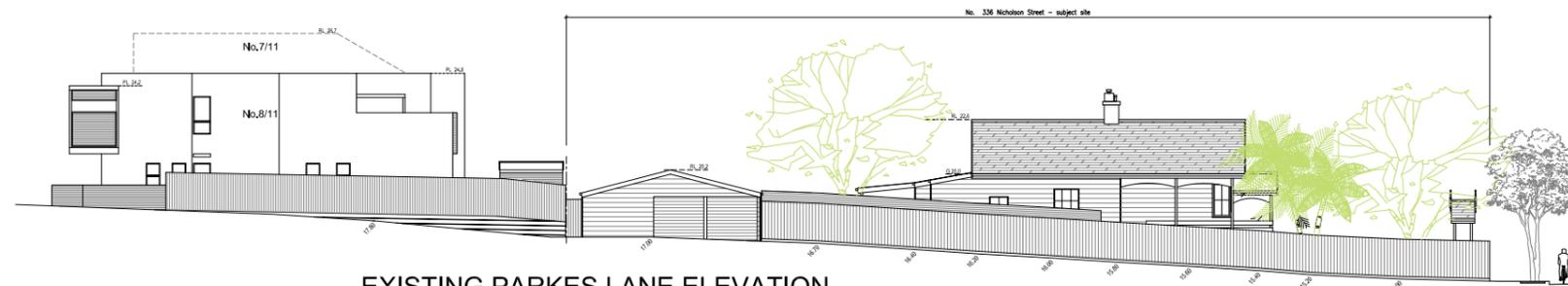
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EXISTING STREETSCAPE - NICHOLSON STREET



PROPOSED STREETSCAPE - NICHOLSON STREET

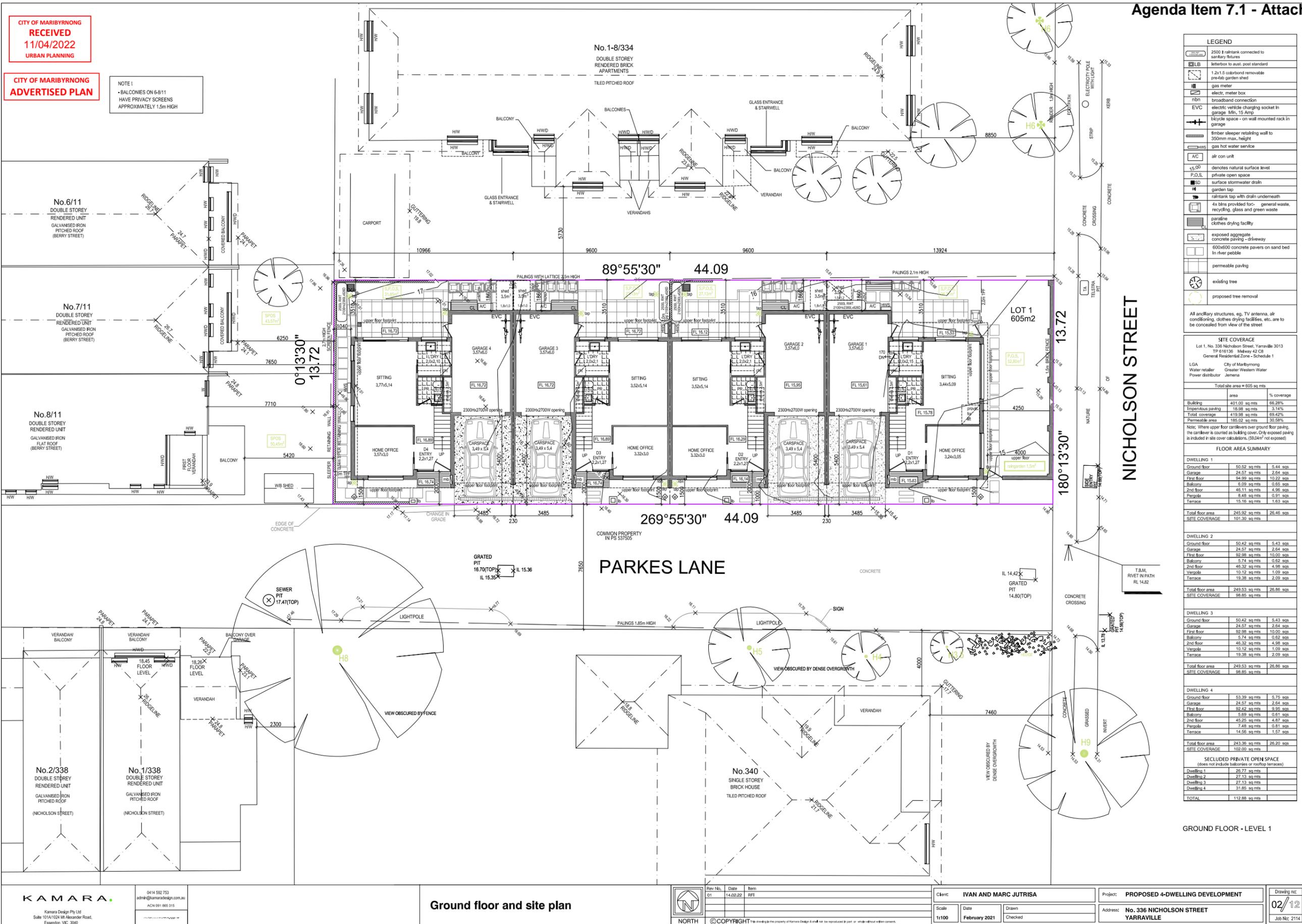


EXISTING PARKES LANE ELEVATION



PROPOSED PARKES LANE ELEVATION

STREETSCAPE 1:150



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NOTE 1  
- BALCONIES ON 6-8/11  
HAVE PRIVACY SCREENS  
APPROXIMATELY 1.5m HIGH

**LEGEND**

- 2500 l rain tank connected to sanitary fixtures
- Intersection to aust. post standard
- 1.2x1.0 colourbond removable pre-fab garden shed
- gas meter
- electr. meter box
- nbn broadband connection
- EVC electric vehicle charging socket in garage. Min. 15 Amp.
- bicycle space - on wall mounted rack in garage
- timber sleeper retaining wall to 350mm max. height
- gas hot water service
- air con unit
- denotes natural surface level
- P.O.S. private open space
- surface stormwater drain
- garden tap
- rain tank tap with drain underneath
- 4x bins provided for- general waste, recycling, glass and green waste
- paraline clothes drying facility
- exposed aggregate concrete paving - driveway
- 600x600 concrete pavers on sand bed in river pebble
- permeable paving
- existing tree
- proposed tree removal

All ancillary structures, eg. TV antenna, air conditioning, clothes drying facilities, etc. are to be concealed from view of the street

**SITE COVERAGE**  
Lot 1, No. 336 Nicholson Street, Yarraville 3013  
TP 618138, Maloney Ct 28  
General Residential Zone - Schedule 1  
LGA City of Maribyrnong  
Water retailer Greater Western Water  
Power distributor Jemena

Total site area = 605 sq mts

area	% coverage
Building	401.00 sq mts 66.28%
Impervious paving	18.08 sq mts 3.14%
Total coverage	419.08 sq mts 69.42%
Permeable area	185.02 sq mts 30.58%

Note: Where upper floor carlifters over ground floor paving, the carlifter is counted as building cover. Only exposed paving is included in site cover calculations. (50.24m² not exposed)

**FLOOR AREA SUMMARY**

DWELLING	Floor	Area (sq mts)	Area (sq ft)
DWELLING 1	Ground floor	50.52	543
	Garage	24.57	264
	First floor	94.99	1022
	Balcony	6.09	65
	2nd floor	45.11	486
DWELLING 2	Ground floor	50.42	543
	Garage	24.57	264
	First floor	92.98	1000
	Balcony	5.74	61
	2nd floor	46.32	498
DWELLING 3	Ground floor	50.42	543
	Garage	24.57	264
	First floor	92.98	1000
	Balcony	5.74	61
	2nd floor	46.32	498
DWELLING 4	Ground floor	53.39	575
	Garage	24.67	264
	First floor	92.42	995
	Balcony	5.99	64
	2nd floor	45.25	487

**SECLUDED PRIVATE OPEN SPACE**  
(does not include balconies or rooftop terraces)

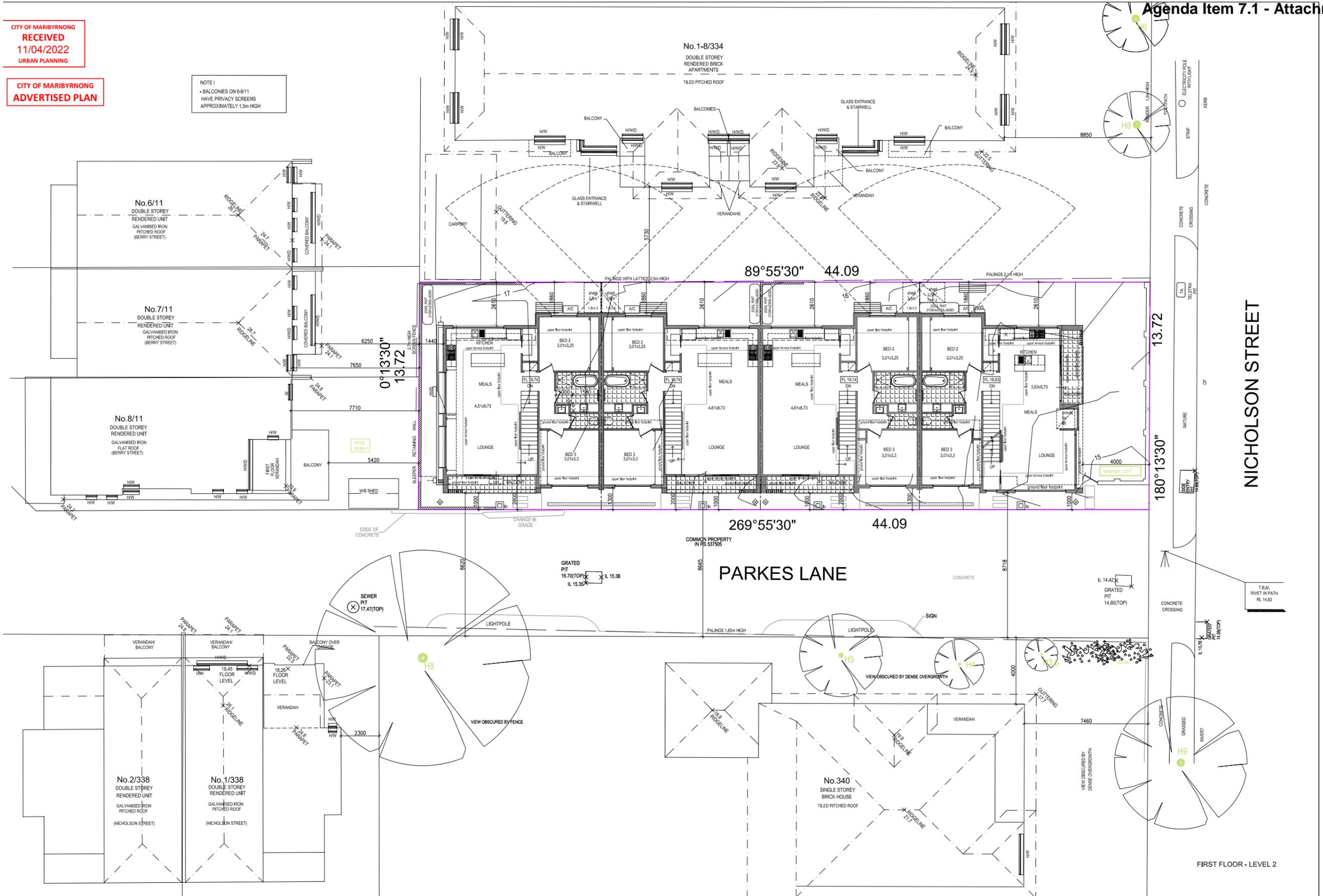
Dwelling	Area (sq mts)
Dwelling 1	28.72
Dwelling 2	27.13
Dwelling 3	27.13
Dwelling 4	31.85
<b>TOTAL</b>	<b>112.88</b>

GROUND FLOOR - LEVEL 1

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NOTE:  
 • BALCONIES ON 6-8/11  
 HAVE PRIVACY SCREENS  
 APPROXIMATELY 1.5m HIGH



**KAMARA**  
 Kamara Design Pty Ltd  
 Scale 1:100

0414 592 753  
 info@kamara.com.au  
 ACN 091 665 315

**First floor - Level 2 plan**



Issue No.	Date	Item
01	14.02.22	RFI

Client:	IVAN AND MARC JUTRISA
Scale:	1:100
Date:	February 2022
Drawn:	Checked:

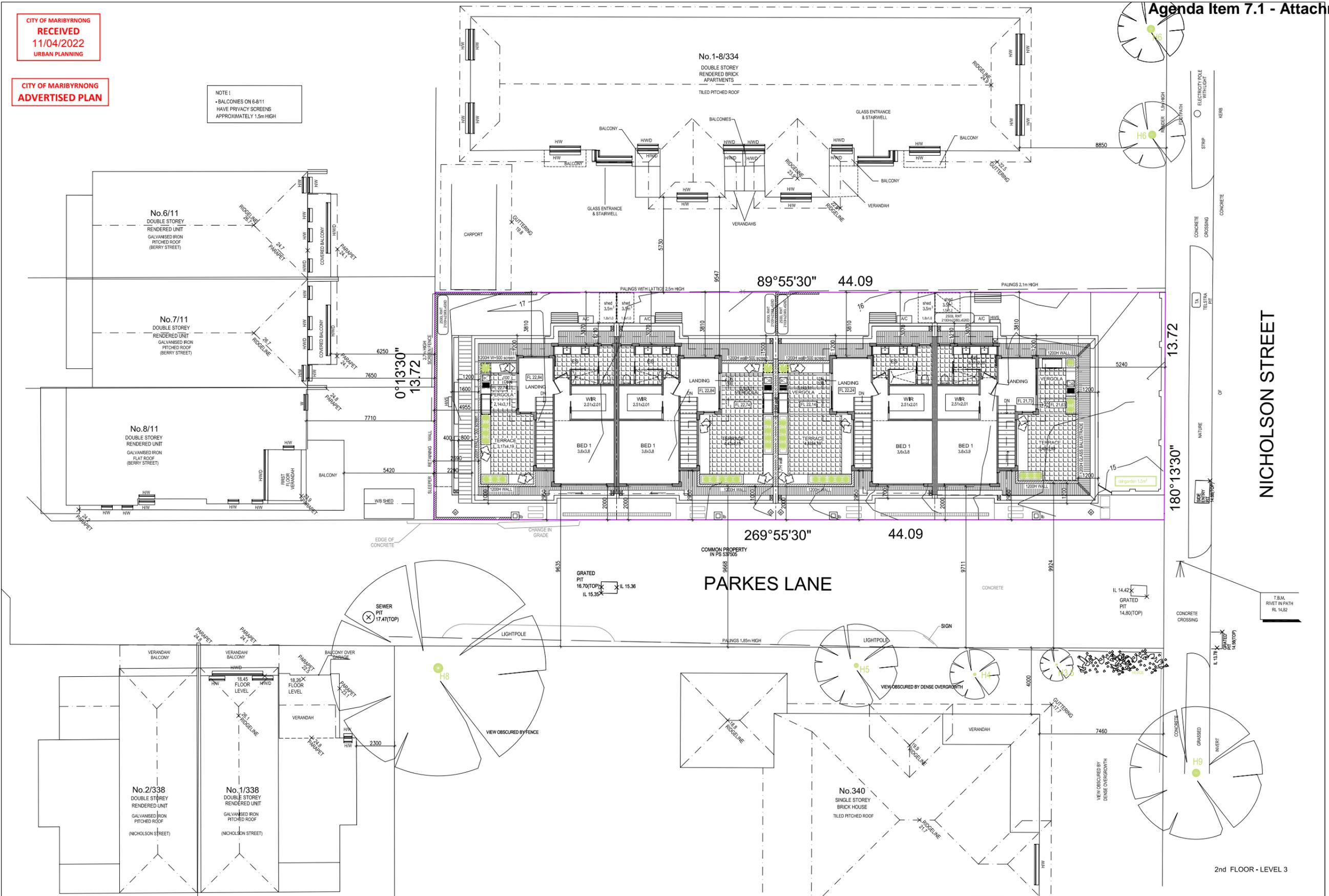
Project:	PROPOSED 4-DWELLING DEVELOPMENT
Address:	No. 336 NICHOLSON STREET VADRAMILLE

Drawing no:  
**03/12**

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NOTE 1  
 • BALCONIES ON 6-8/11  
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2nd FLOOR - LEVEL 3

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 Kamara Design Pty Ltd  
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 Essendon VIC 3040

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 ACN 081 665 315

**Second floor - level 3 plan**

Issue No.	Date	Item
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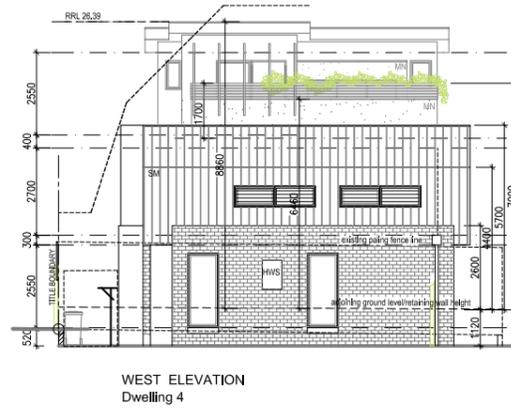
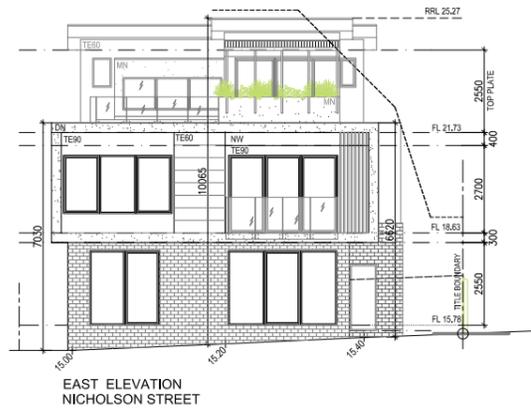
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Scale:	1:100
Date:	February 2021
Drawn:	Checked

Project:	PROPOSED 4-DWELLING DEVELOPMENT
Address:	No. 336 NICHOLSON STREET YARRAVILLE

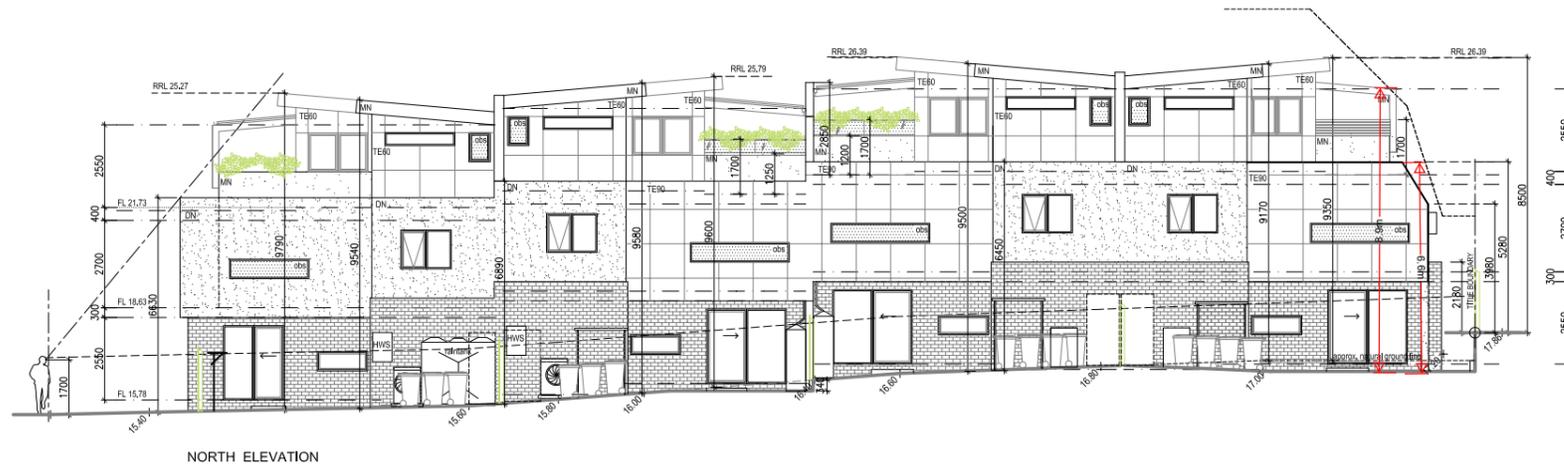
Drawing no:  
**04/12**  
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	Roof - Custom orb in colorbond finish Colour: Monument		Ceiling visitor carspaces Eaves/balcony ceilings Dulux Natural White		Chamfered wall cladding - Sanding seam Metal roof Colour: Surfist
	Bricks ground floor of dwellings & front fence: Austral Metallic Zinc Mortex Black-dark mortar		1st floor cladding Equitone tectiva Colour: TE60		2nd floor rendered dwarf wall around roof garden: Colour: monument
	1st floor rendered wall Colour: Dune		2nd floor walls: Equitone tectiva - CF cladding Colour: TE60 or similar		Powdercoated aluminium window frames Verandah frame Garage door Colour: Monument
	Entry door - walnut-look Solid timber door with translucent glass sidelight		Vertical balcony jattens: Coorbond satin finish Colour: Monument		Driveway Paving exposed aggregate
	Steeping stones in pebble bed-permeable		West-facing window shroud & screening Powdercoated metal Colour: Monument		



LEGEND		
	MATERIAL	COLOUR
	CUSTOM ORB SHEET ROOFING	MONUMENT
	GROUND FLOOR FACE BRICKWORK	AUSTRAL METALLIX ZINC DARK MORTAR
	1st FLOOR RENDERED WALL	DULUX DUNE - DN
	EQUITONE TECTIVA CF SHEETING	TE60
	2nd FLOOR PERGOLA FRAME REND. DWARF WALL	MONUMENT - MN
	EQUITONE TECTIVA CF SHEETING	TE60
	EAVES BALCONY CEILINGS	NATURAL WHITE - NW



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**Elevations**

Issue No.	Date	Item
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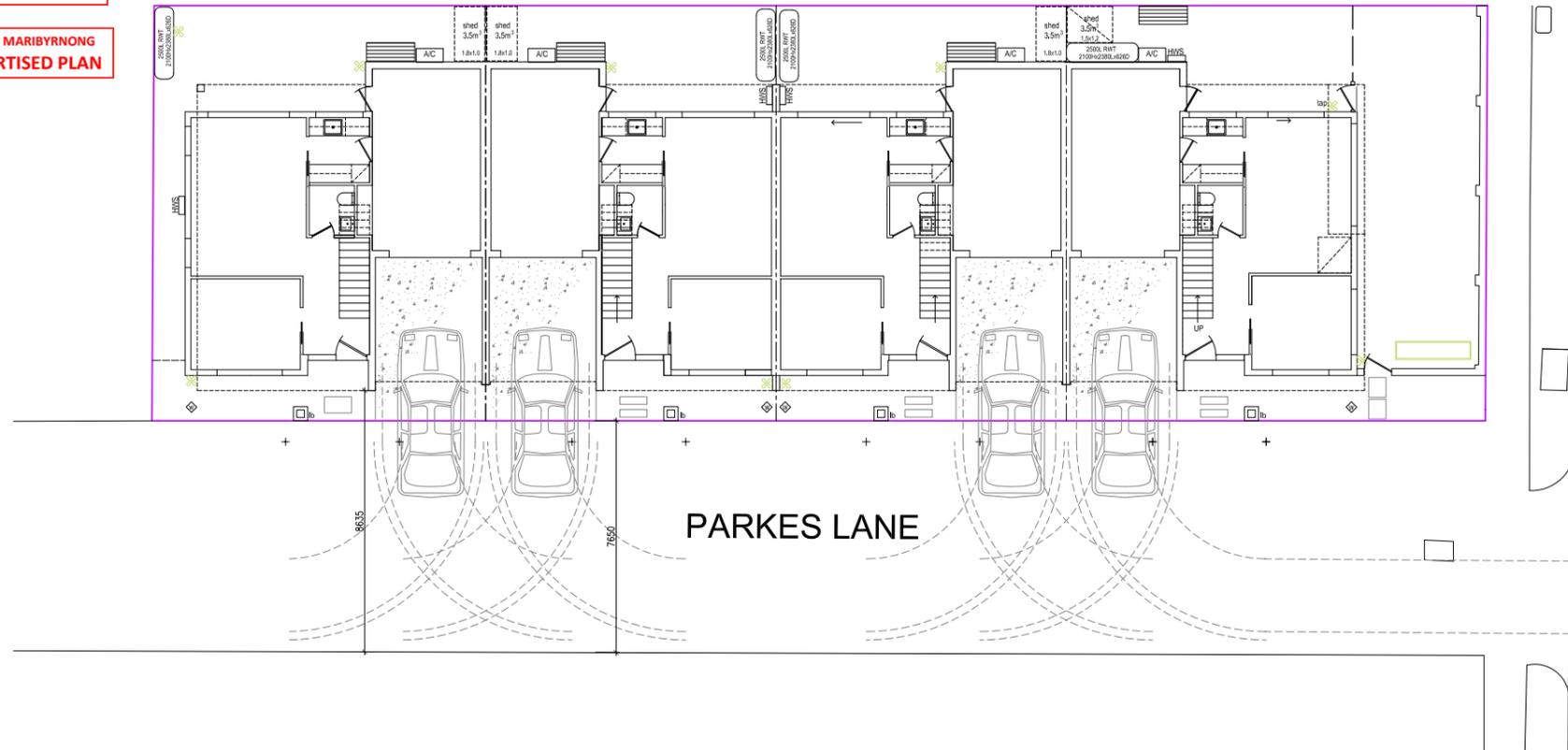
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Scale:	1:100
Date:	February 2021
Drawn:	Checked

Project:	<b>PROPOSED 4-DWELLING DEVELOPMENT</b>
Address:	<b>No. 336 NICHOLSON STREET YARRAVILLE</b>

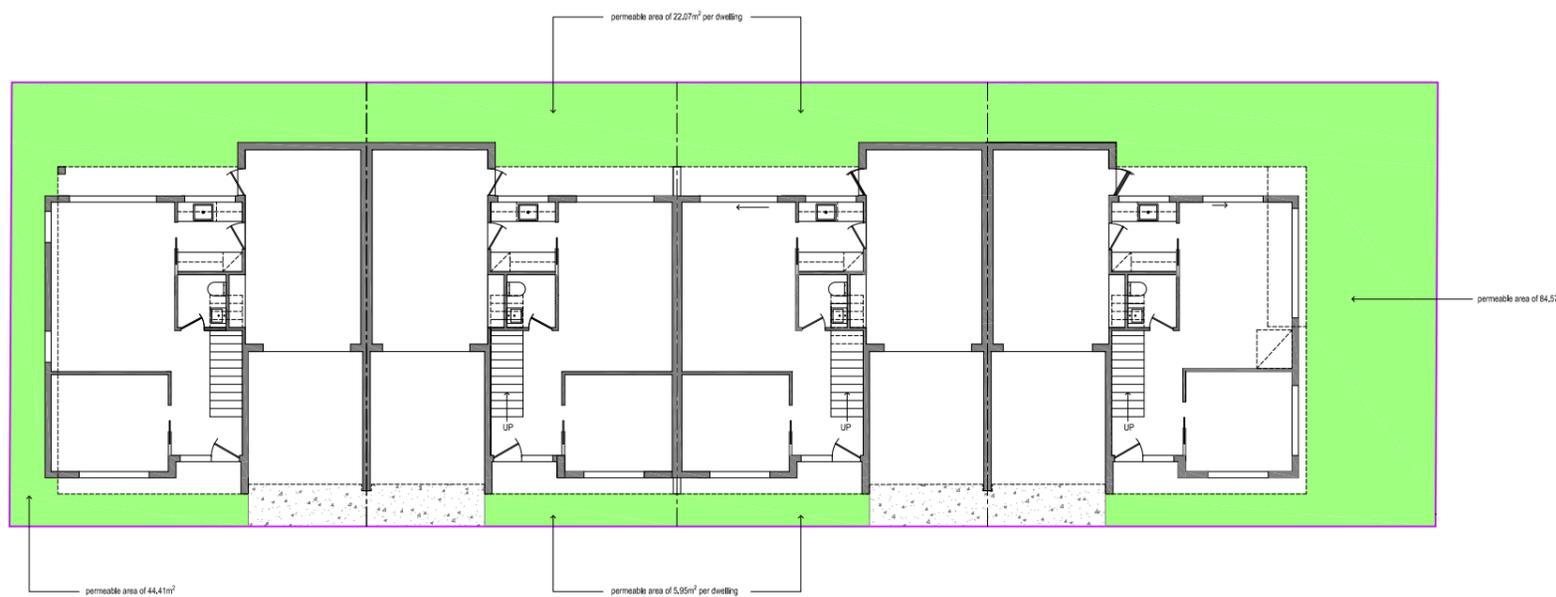
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VEHICLE TURNING 1:100



GARDEN ALLOCATION PLAN 1:100

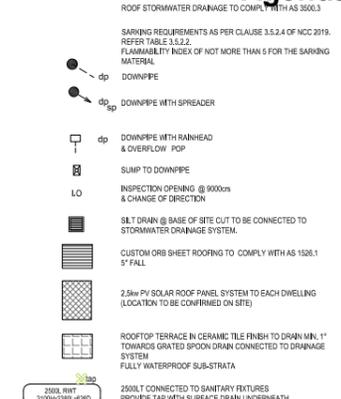
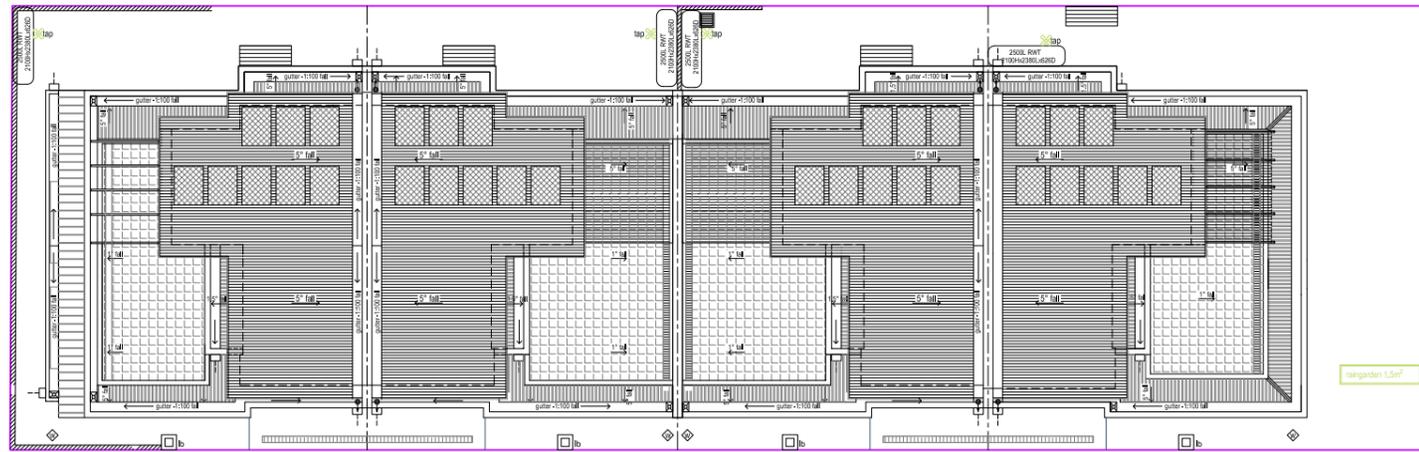
Development is to comply with reformed Residential Zones adopted by Planning Minister on March 27th 2017  
Allotment area = 605m²  
Required garden area is a minimum of 30% or 181.5m² which must be permeable and a minimum of 1.2m wide

SITE COVERAGE		
Total site area = 605 sq.mts		
	area	% coverage
Building	401.00m²	66.28%
Impervious paving- driveway	18.98m²	3.14%
Permeable Garden area >1.2m wide	185.02m²	30.58%

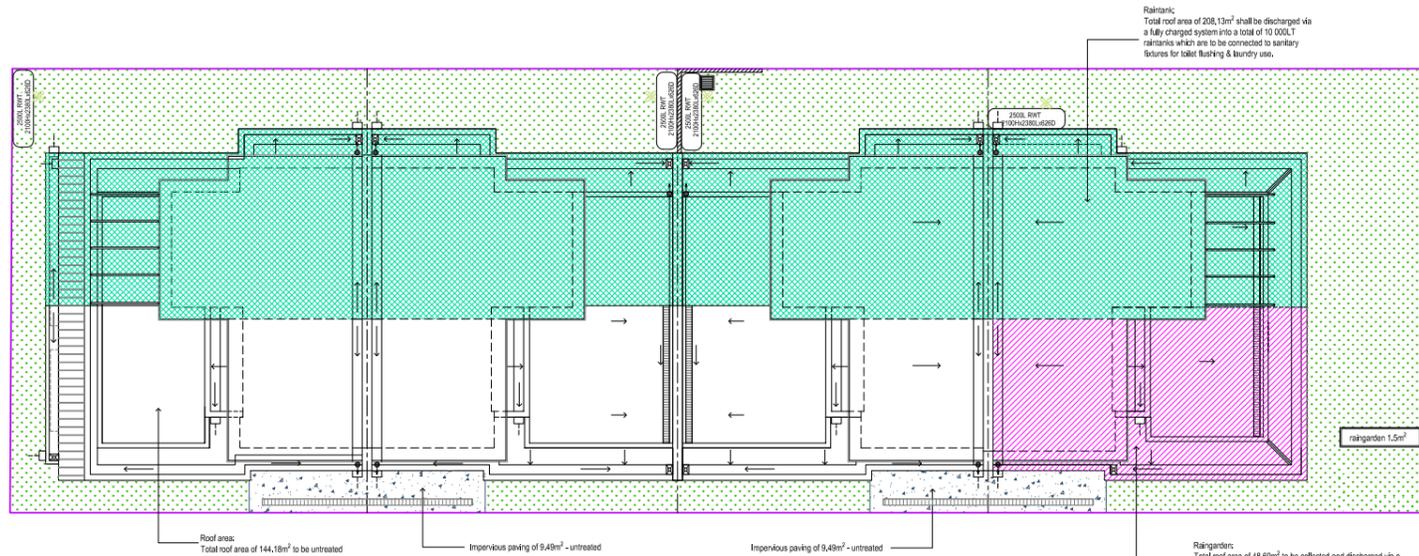
Note: Where upper floor carlives over ground floor paving, the carliver is counted as building cover. Only exposed paving is included in site cover calculations.  
NOTE: Permeable garden area of 30% min. is required.

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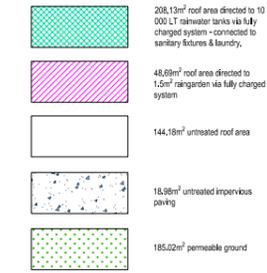


ROOF PLAN 1:100



SITE COVERAGE		
Total site area = 605 sq mts		
	area	% coverage
Building footprint	401,00 sq mts	66,28%
Exposed impervious paving	18,98 sq mts	3,14%
Permeable area	185,02 sq mts	30,58%

NOTE: Permeable site area of 30% min. is required.

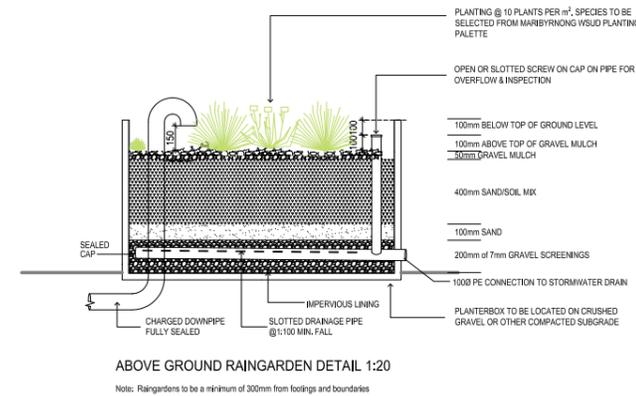


WSUD DESIGN 1:100

Melbourne Water **STORM Rating Report**

TransactionID: 1237892  
Municipality: MARIBYRNONG  
Rainfall Station: MARIBYRNONG  
Address: 336 Nicholson Street  
Yarraville VIC 3013  
Assessor:  
Development Type: Residential - Multiunit  
Allotment Site (m2): 605.00  
STORM Rating %: 100

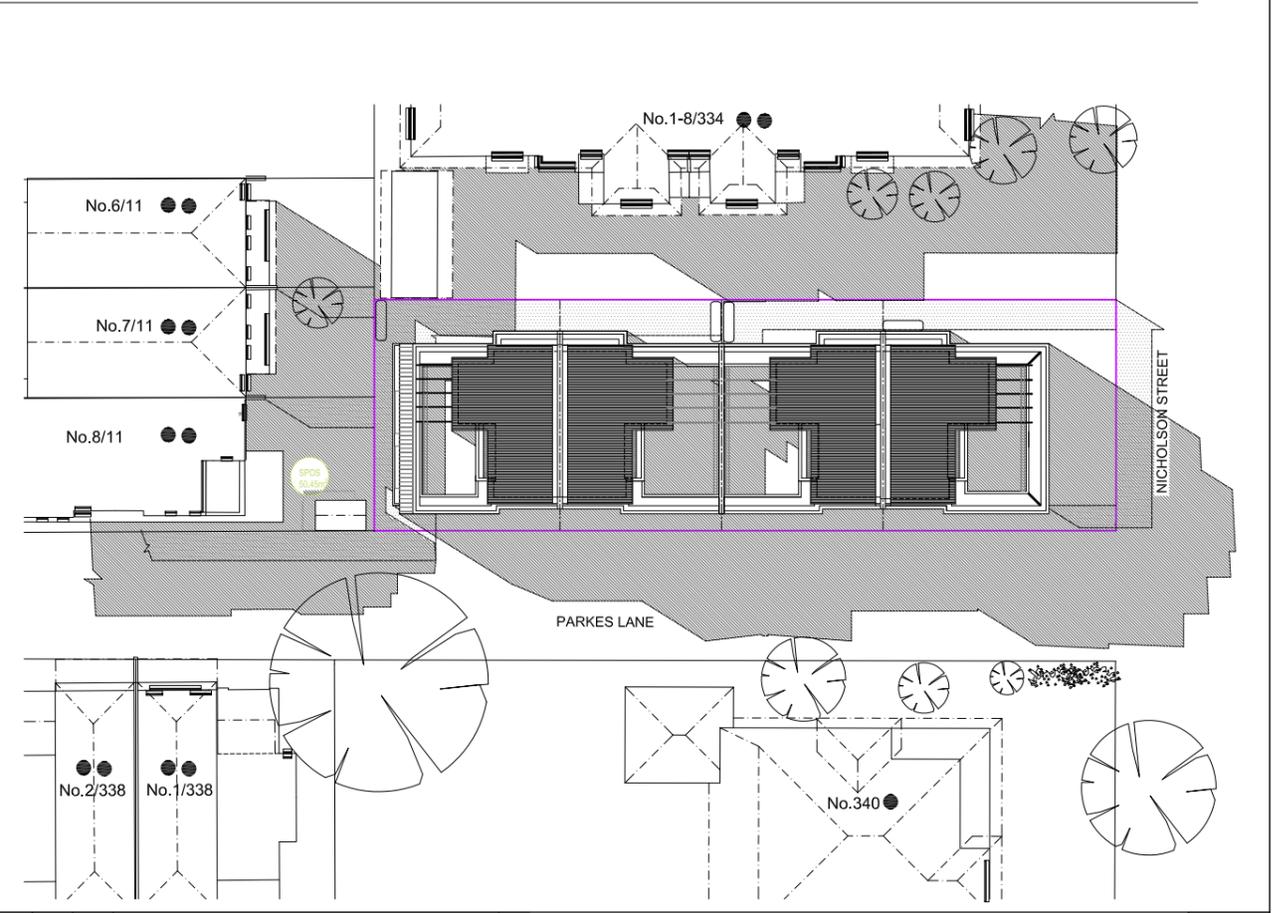
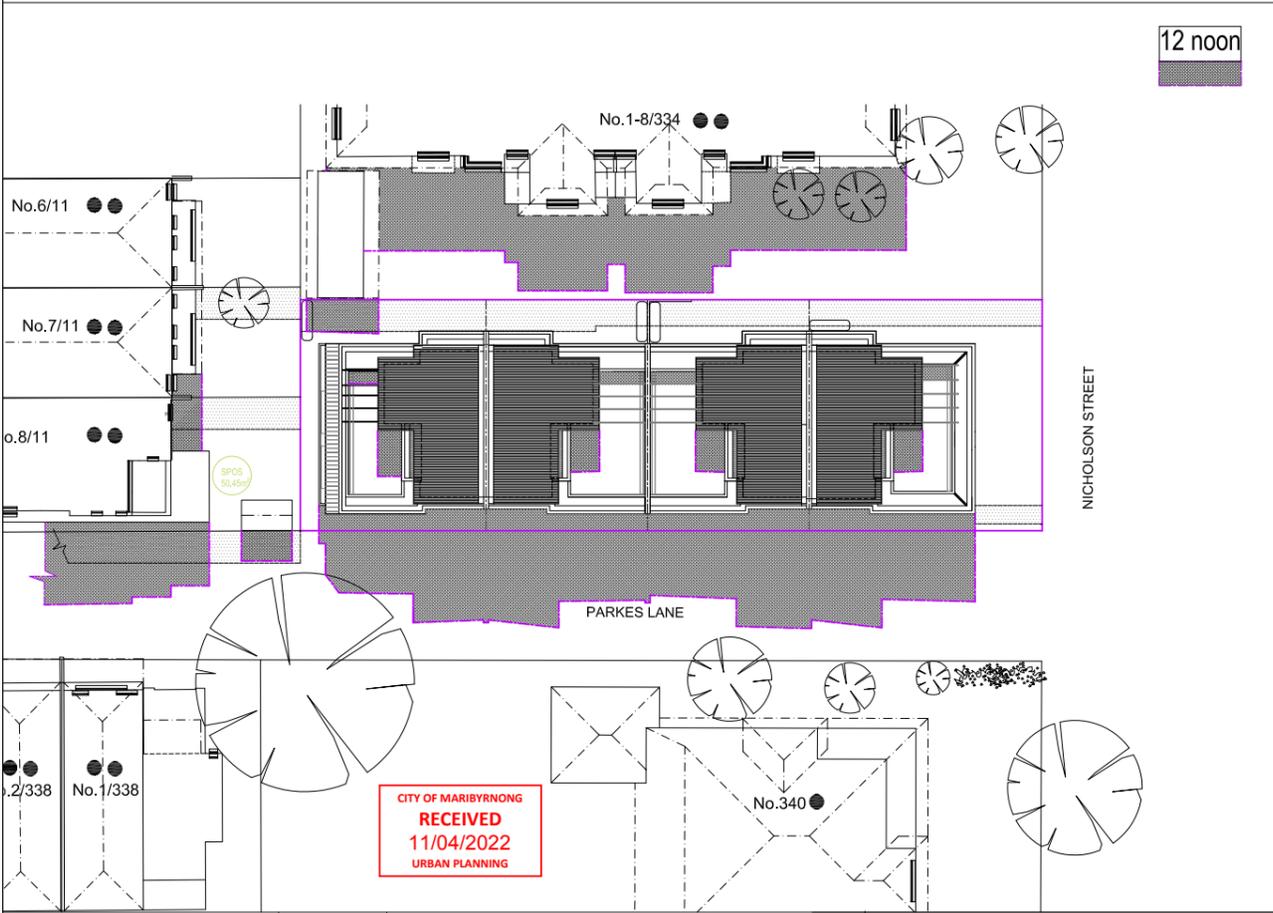
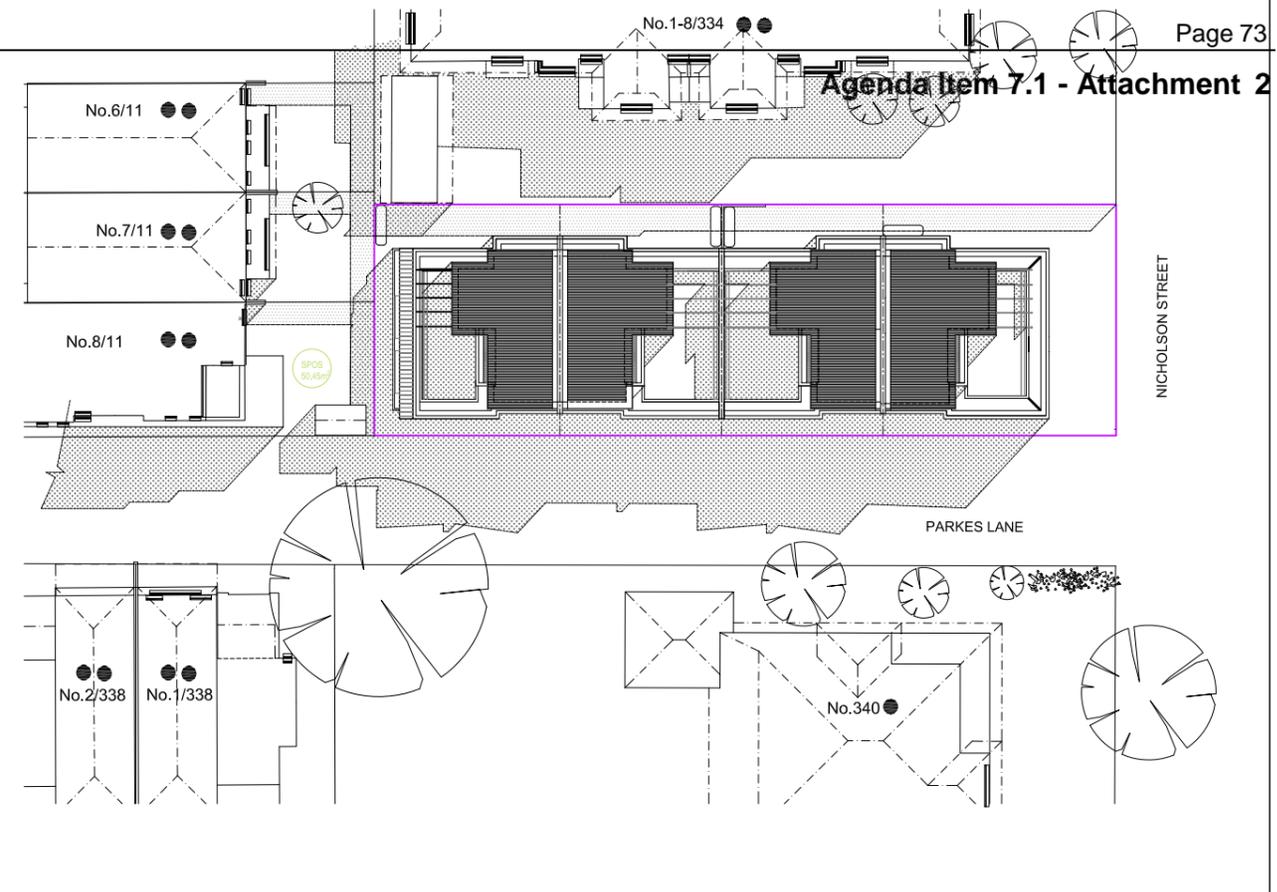
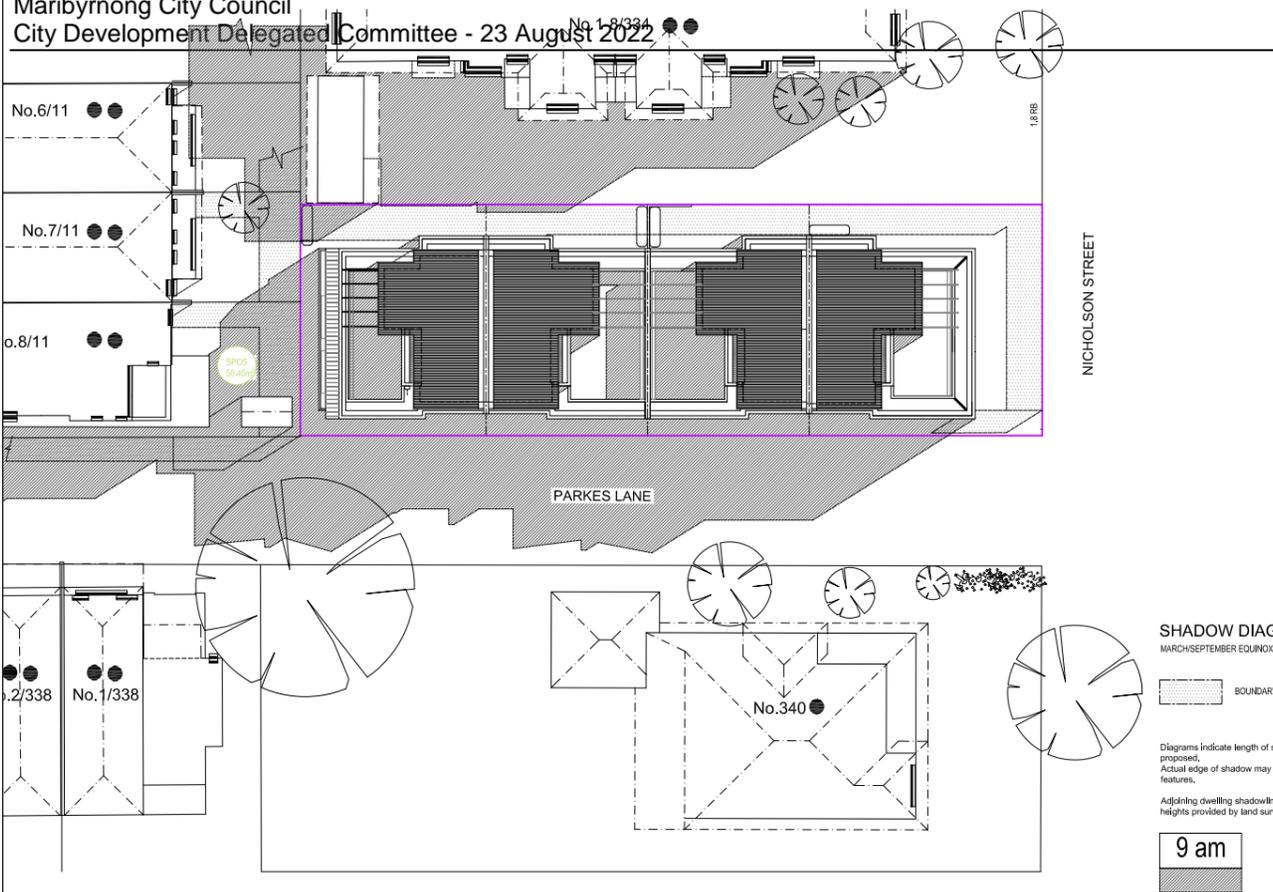
Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Roof 1	208.13	Rainwater Tank	10,000.00	15	170.00	82.00
Roof 2	48.69	Raingarden 100mm	1.50	0	132.00	0.00
Roof 3	144.18	None	0.00	0	3.00	0.00
Paving	18.98	None	0.00	0	3.00	0.00



RAINGARDEN PLANTING: PLANTING @ 10 PLANTS PER m². RAINGARDEN AREA 1.5m² = 15 PLANTS PER RAINGARDEN SPECIES TO BE SELECTED FROM MARIBYRNONG WSUD PLANTING PALETTE

Species	Quantity	Dimensions
Posi Poliforms Coastal Tussock Grass	x 1	1.0m H x 1.0m W
Fibra Nodosa Knobby Club Rush	x 2	0.5-1.0H x 0.5-1.0mW
Themeda triandra Kangaroo Grass	x 2	0.5H x 0.4W
Lomandra longifolia Basket grass		0.5H x 0.6W
Dorstenia rotunda Blue Flax Lily	x 2	0.6m H x 0.5m W
Carpobrotus modestus Pig Face	x 3	0.2m H x 1.0m W

MINIMUM OF 8 PLANTS (53% FROM PRIMARY PLANT LIST & REMAINDER FROM SECONDARY LIST)



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ACN 091 866 315

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Shadow diagrams

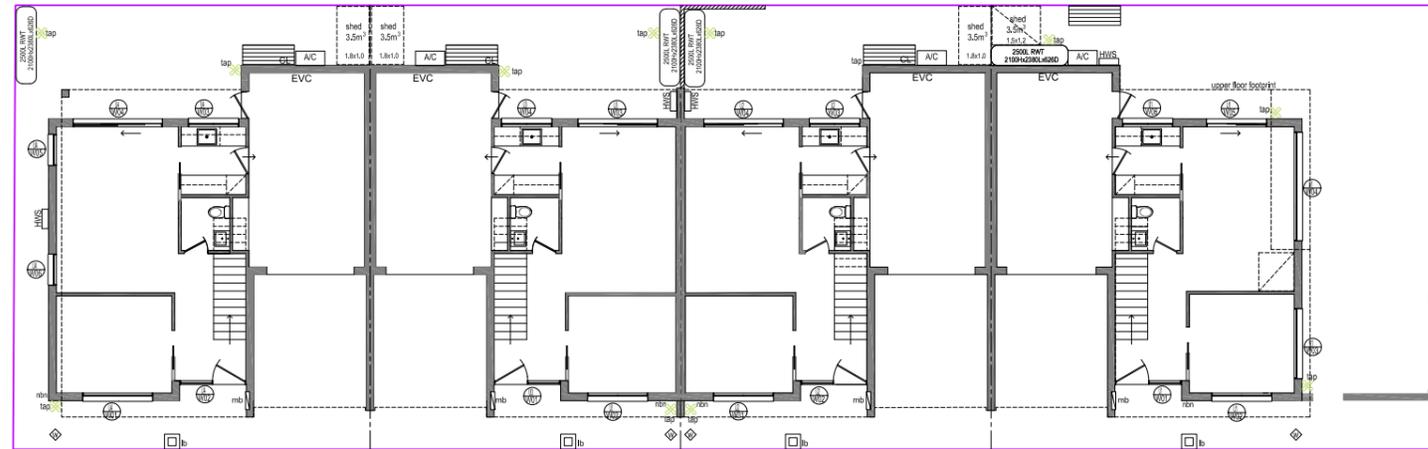


Issue No.	Date	Item
01	14/02/22	RFI

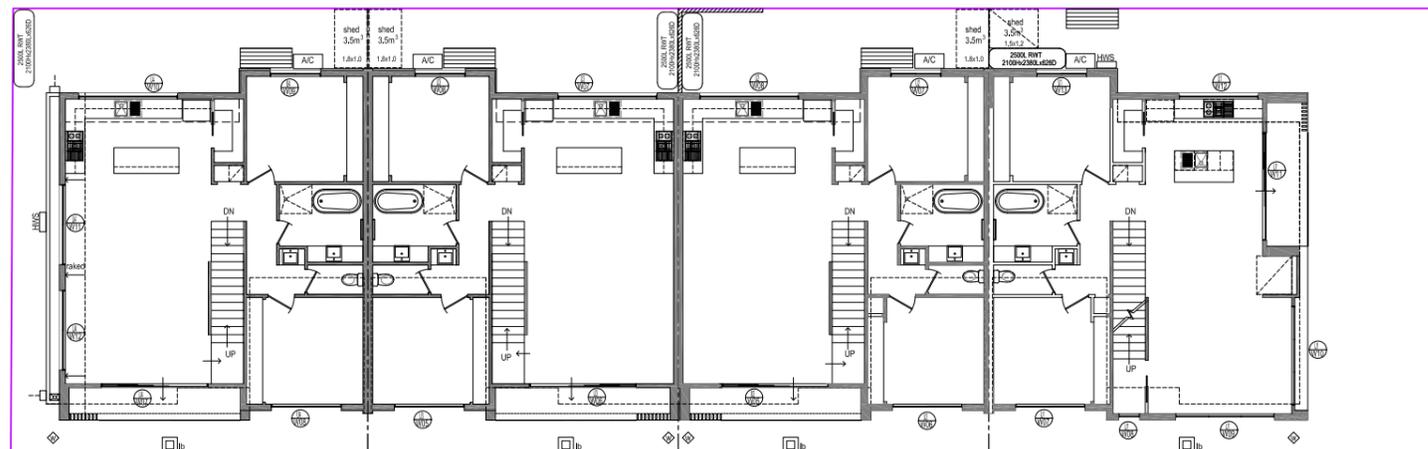
Client:	IVAN AND MARC JUTRISA
Scale:	1:200
Date:	February 2021
Drawn:	Checked

Project:	PROPOSED 4-DWELLING DEVELOPMENT
Address:	No. 336 NICHOLSON STREET YARRAVILLE

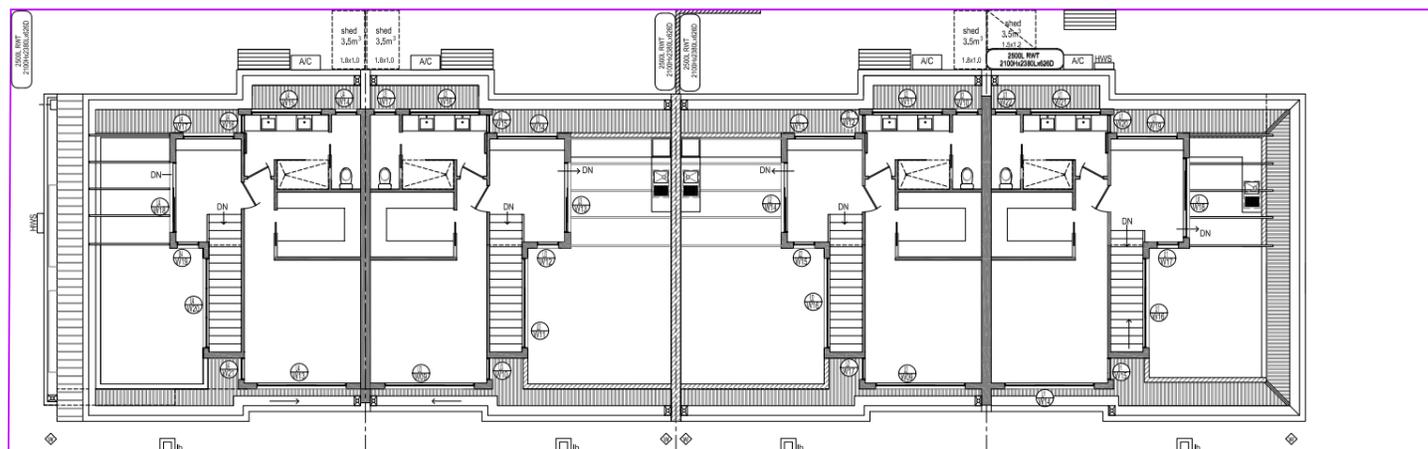
Drawing no:  
**08/12**  
Job No: 2114



GROUND FLOOR - LEVEL 1



FIRST FLOOR - LEVEL 2



2nd FLOOR - LEVEL 3

**WINDOW SCHEDULE**

ALL WINDOWS ALUMINIUM FRAME UNLESS NOTED OTHERWISE. IMPROVED ALUMINIUM FRAMING SEES REFER TO WINDOW/DOOR SEE. NOT STUD OPENINGS. A ARE SUBJECT TO VARIATION, ACCORDING TO MANUFACTURER'S SPECIFICATIONS.  
 ALL WINDOWS EXTERNAL DOOR FRAMES TO BE SEALED FOR THEIR FULL PERIMETER. WINDOWS TO BE FINISHED ALL ROUND.

OSB INDICATES SECURE GLAZING  
 C.D.S. CHECK OPENING DIMENSIONS ON SITE  
 RO INDICATES RESTRICTED OPENING TO MAX. 125mm

Glazing:  
 All glazing including safety glazing shall be installed to a size, type and thickness as to comply with AS 1288 - 2006  
 - BCA Part 3.9 for Class 1 and Building within a design wind speed of not more than N2; and  
 - BCA V4.1 Part B1.4 for Class 2 and 3 Buildings

Operable windows within 1.7m metres of the finished floor level shall be restricted so that the openings do not permit a 125mm sphere to pass through it, if the fall is greater than 0.8 metre from the natural ground level.

Safety glazing to be used in the following cases:  
 (i) All rooms - within 500mm vertical of the floor  
 (ii) Bathrooms - within 2000mm vertical from the bath base & within 500mm horizontal from bath/shower to shower doors, shower screens, mirrors & built wardrobes.  
 (iii) Laundry - within 1200mm vertical from floor level & within 300mm vertical of trough  
 (iv) Doorway - within 300mm horizontal from all doors  
 Shower screens shall be grade-A safety glass  
 (v) Grade-A safety glass to windows of bathroom & ensuite

GLAZING SPECIFICATIONS - CODES:

CMP-1 COMPOSITE A 5G CLEAR U4-9 SHGC 0.57  
 CMP-2 COMPOSITE B 5G CLEAR U4-9 SHGC 0.65  
 CMP-3 COMPOSITE A DG AIR FILL CLEAR-CLEAR U4-9 SHGC 0.51  
 CMP-4 COMPOSITE B DG AIR FILL CLEAR-CLEAR U4-9 SHGC 0.59  
 CMP-5 COMPOSITE A DG ARGON FILL HIGH SOLAR GAIN LOWE-CLEAR U4-2 SHGC 0.48  
 CMP-6 COMPOSITE B DG ARGON FILL HIGH SOLAR GAIN LOWE-CLEAR U4-2 SHGC 0.49

**DWELLING 1**

LEVEL 1 - GROUND FLOOR - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE

WINDOW	ROOM	ORIENT	HEIGHT	WIDTH	OPENING	GLAZING	REMARKS	U-VALUE	S.G.C.
W01	ENTRY	SOUTH	2340	2000	FIXED	OSB	1200MM TIMBER DOOR/SIDE LIGHT COMBO	0.4	0.9
W02	OFFICE	SOUTH	2300	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W03	OFFICE	EAST	2300	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W04	SITTING	EAST	2300	3300	AWNING	CLEAR	3-PANES	0.4	0.9
W05	SITTING	NORTH	2300	1800	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W06	LDRY	NORTH	600	1500	FIXED	CLEAR	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9

**LEVEL 2 - 2400 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W07	BED 3	SOUTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W08	STARWELL	SOUTH	1500	600	AWNING	CLEAR	2-PANES	0.4	0.9
W09	LOUNGE	SOUTH	1500	3000	AWNING	CLEAR	3-PANES	0.4	0.9
W10	LOUNGE	EAST	1500	3000	AWNING	CLEAR	3-PANES	0.4	0.9
W11	KITCHENS	EAST	2400	3300	SLIDING	CLEAR	SLIDING DOOR - 3 PANES	0.4	0.9
W12	KITCHEN	NORTH	600	2400	FIXED	OSB	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9
W13	BED 2	NORTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9

**LEVEL 3 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W14	BED 1	SOUTH	1200	2700	AWNING	CLEAR	3-PANES	0.4	0.9
W15	BED 1	EAST	1200	600	AWNING	CLEAR	2-PANES	0.4	0.9
W16	STARWELL	EAST	1000	2700	FIXED	CLEAR	3-PANES, 1700 HEAD HEIGHT	0.4	0.9
W17	LANDING	SOUTH	1500	600	AWNING	CLEAR	2-PANES	0.4	0.9
W18	LANDING	EAST	2300	2100	SLIDING	CLEAR	SLIDING DOOR - 2 PANES	0.4	0.9
W19	LANDING	NORTH	1200	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W20	ENSUITE	EAST	900	500	AWNING	CLEAR	SITE CHECK WIDTH	0.4	0.9
W21	ENSUITE	NORTH	400	2100	FIXED	CLEAR	2300 HEAD HEIGHT	0.4	0.9
W22	ES.WC	NORTH	900	600	AWNING	CLEAR	2-PANES	0.4	0.9

**DWELLING 2**

LEVEL 1 - GROUND FLOOR - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE

WINDOW	ROOM	ORIENT	HEIGHT	WIDTH	OPENING	GLAZING	REMARKS	U-VALUE	S.G.C.
W01	OFFICE	SOUTH	2300	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W02	ENTRY	SOUTH	2340	2000	FIXED	OSB	1200MM TIMBER DOOR/SIDE LIGHT COMBO	0.4	0.9
W03	LDRY	NORTH	600	1500	FIXED	CLEAR	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9
W04	SITTING	NORTH	2300	1800	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9

**LEVEL 2 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W05	LOUNGE	SOUTH	2300	3300	SLIDING	CLEAR	SLIDING DOOR - 3 PANES	0.4	0.9
W06	BED 3	SOUTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W07	BED 2	NORTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W08	KITCHEN	NORTH	600	3000	FIXED	OSB	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9

**LEVEL 3 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W09	BED 1	SOUTH	1200	2700	AWNING	CLEAR	3-PANES	0.4	0.9
W10	ES.WC	NORTH	900	600	AWNING	OSB	2300 HEAD HEIGHT	0.4	0.9
W11	ENSUITE	NORTH	400	2100	FIXED	CLEAR	2300 HEAD HEIGHT	0.4	0.9
W12	LANDING	SOUTH	1500	600	AWNING	CLEAR	2-PANES	0.4	0.9
W13	LANDING	EAST	2300	2100	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W14	LANDING	NORTH	1200	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W15	ENSUITE	EAST	900	500	AWNING	CLEAR	SITE CHECK WIDTH	0.4	0.9
W16	ENSUITE	NORTH	400	2100	FIXED	CLEAR	2300 HEAD HEIGHT	0.4	0.9
W17	ES.WC	NORTH	900	600	AWNING	CLEAR	2-PANES	0.4	0.9

**DWELLING 3**

LEVEL 1 - GROUND FLOOR - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE

WINDOW	ROOM	ORIENT	HEIGHT	WIDTH	OPENING	GLAZING	REMARKS	U-VALUE	S.G.C.
W01	OFFICE	SOUTH	2300	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W02	ENTRY	SOUTH	2340	2000	FIXED	OSB	1200MM TIMBER DOOR/SIDE LIGHT COMBO	0.4	0.9
W03	SITTING	NORTH	2300	1800	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W04	LDRY	NORTH	600	1500	FIXED	CLEAR	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9

**LEVEL 2 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W05	BED 3	SOUTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W06	LOUNGE	SOUTH	2300	3300	SLIDING	CLEAR	SLIDING DOOR - 3 PANES	0.4	0.9
W07	KITCHEN	NORTH	600	3000	FIXED	OSB	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9
W08	BED 2	NORTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9

**LEVEL 3 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W09	BED 1	SOUTH	1200	2700	AWNING	CLEAR	3-PANES	0.4	0.9
W10	BED 1	EAST	1200	600	AWNING	CLEAR	2-PANES	0.4	0.9
W11	STARWELL	EAST	1000	2700	FIXED	CLEAR	3-PANES, 1700 HEAD HEIGHT	0.4	0.9
W12	LANDING	SOUTH	1500	600	AWNING	CLEAR	2-PANES	0.4	0.9
W13	LANDING	EAST	2300	2100	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W14	LANDING	NORTH	1200	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W15	ENSUITE	EAST	900	500	AWNING	CLEAR	SITE CHECK WIDTH	0.4	0.9
W16	ENSUITE	NORTH	400	2100	FIXED	CLEAR	2300 HEAD HEIGHT	0.4	0.9
W17	ES.WC	NORTH	900	600	AWNING	CLEAR	2-PANES	0.4	0.9

**DWELLING 4**

LEVEL 1 - GROUND FLOOR - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE

WINDOW	ROOM	ORIENT	HEIGHT	WIDTH	OPENING	GLAZING	REMARKS	U-VALUE	S.G.C.
W01	OFFICE	SOUTH	2300	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W02	ENTRY	SOUTH	2340	2000	FIXED	OSB	1200MM TIMBER DOOR/SIDE LIGHT COMBO	0.4	0.9
W03	LDRY	NORTH	600	1500	FIXED	CLEAR	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9
W04	SITTING	NORTH	2300	1800	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W05	SITTING	WEST	2300	300	AWNING	CLEAR	2-PANES	0.4	0.9
W06	SITTING	WEST	2300	300	AWNING	CLEAR	2-PANES	0.4	0.9

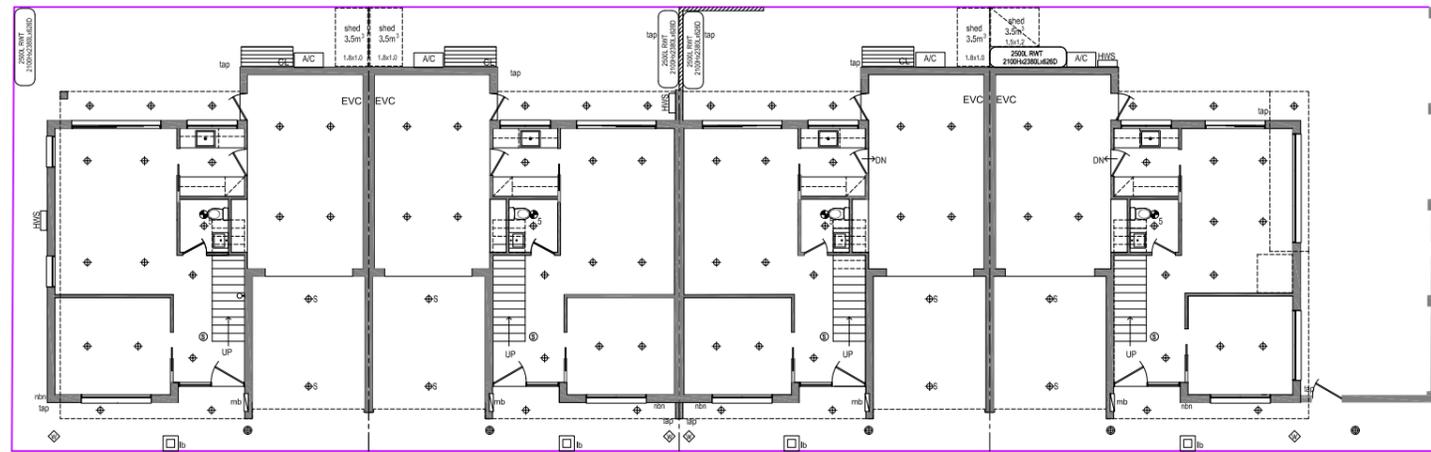
**LEVEL 2 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W07	LOUNGE	SOUTH	2300	3300	SLIDING	CLEAR	SLIDING DOOR - 3 PANES	0.4	0.9
W08	BED 3	SOUTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W09	BED 2	SOUTH	1500	2100	AWNING	CLEAR	2-PANES	0.4	0.9
W10	KITCHEN	NORTH	600	3000	FIXED	OSB	1900 HEAD HEIGHT. SITE CHECK BENCH CLEAR.	0.4	0.9
W11	MEALS	WEST	600	2400	SLIDING	CLEAR	1900 HEAD HEIGHT. SHROUD & LOUVER SCREEN	0.4	0.9
W12	LOUNGE	WEST	600	2400	SLIDING	CLEAR	1900 HEAD HEIGHT. SHROUD & LOUVER SCREEN	0.4	0.9

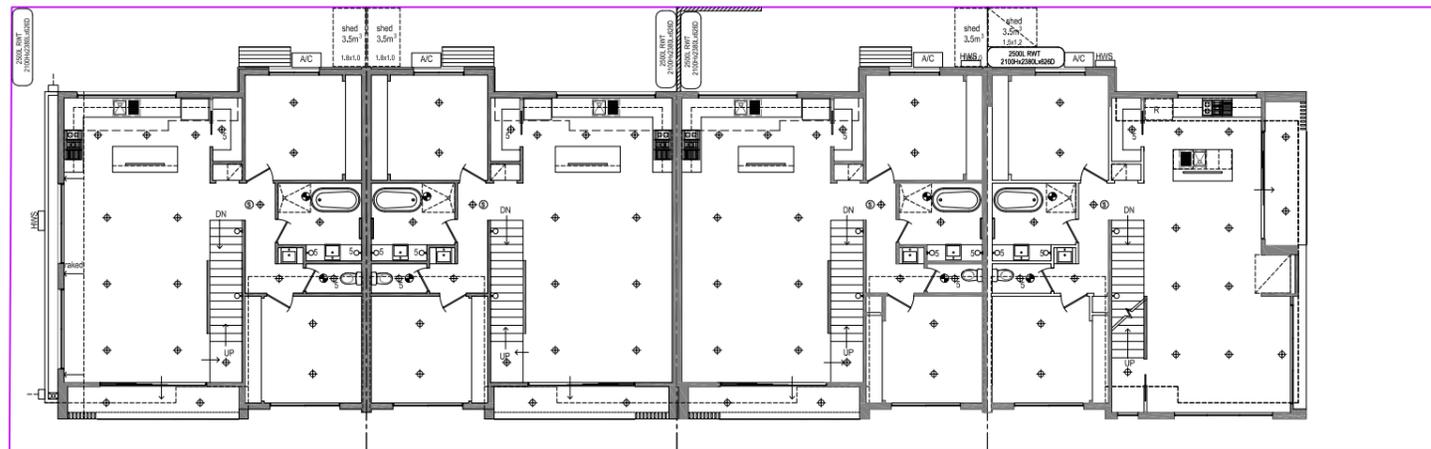
**LEVEL 3 - 2300 HEAD HEIGHT UNLESS NOTED OTHERWISE**

W13	BED 1	SOUTH	1200	2700	AWNING	CLEAR	3-PANES	0.4	0.9
W14	ES.WC	NORTH	900	600	AWNING	OSB	2300 HEAD HEIGHT	0.4	0.9
W15	ENSUITE	NORTH	400	2100	FIXED	CLEAR	2300 HEAD HEIGHT	0.4	0.9
W16	ENSUITE	WEST	900	600	AWNING	CLEAR	SITE CHECK WIDTH	0.4	0.9
W17	LANDING	NORTH	1200	1800	AWNING	CLEAR	2-PANES	0.4	0.9
W18	LANDING	SOUTH	1500	600	AWNING	CLEAR	2-PANES	0.4	0.9
W19	LANDING	WEST	2300	2100	SLIDING	CLEAR	SLIDING DOOR	0.4	0.9
W20	STARWELL	WEST	1200	2700	FIXED	CLEAR	3-PANES, 1900 HEAD HEIGHT	0.4	0.9
W21	BED 1	WEST	1200	600	AWNING	CLEAR	2-PANES	0.4	0.9

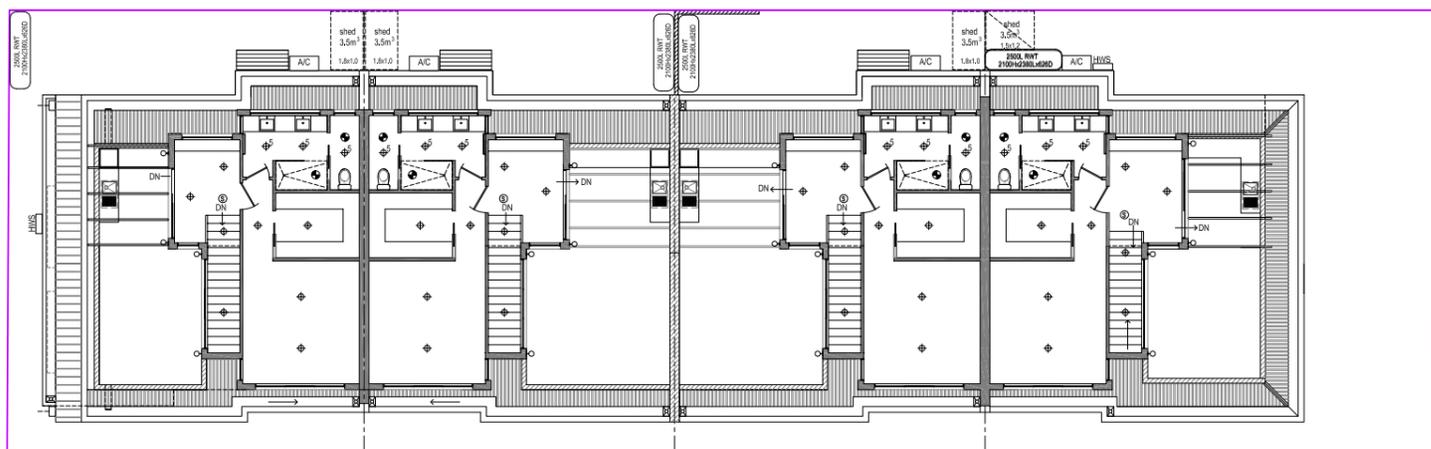
Agenda Item 7.1 - Attachment 2



GROUND FLOOR - LEVEL 1



FIRST FLOOR - LEVEL 2



2nd FLOOR - LEVEL 3

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH HOUSE ENERGY RATING REPORT. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STAMPED PLANS ENDORSED BY THE ACCREDITED THERMAL PERFORMANCE ASSESSOR WITHOUT ALTERATION.

Note: INSULATION IS TO BE KEPT AWAY FROM HOT SURFACES SUCH AS FLUES & DOWNLIGHTS

**DWELLING 1**  
THERMAL REQUIREMENTS: 6.1 STAR  
CERTIFICATE No. YJKMEBENRO DATED: 22.11.21

EXTERNAL WALLS: R2.7 BULK INSULATION WITH SARKING  
1<sup>st</sup> FLOOR EXT. WALLS R2.7 BULK INSULATION WITH SARKING  
INTERNAL GARAGE WALLS: R2.7 BULK INSULATION  
PARTY WALLS: R2.5 BULK INSULATION  
FIRST FLOOR TIMBER OVER GARAGE & CANTILEVER: R2.5 BULK INSULATION  
CEILING: R2.0 BULK INSULATION  
WINDOWS: IMPROVED ALUMINIUM FRAMING - REFER TO WINDOW SCHEDULE FOR DETAILS. TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.

UTILITY DOORS: TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXTERNAL DOORS: TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXHAUST FANS/FLUES: TO BE SEALABLE WHEN NOT IN USE.

**DWELLING 2**  
THERMAL REQUIREMENTS: 6.2 STAR  
CERTIFICATE No. YXQJLJTYXE DATED: 22.11.21

EXTERNAL WALLS: R2.7 BULK INSULATION WITH SARKING  
1<sup>st</sup> FLOOR EXT. WALLS R2.7 BULK INSULATION WITH SARKING  
INTERNAL GARAGE WALLS: R2.7 BULK INSULATION  
PARTY WALLS: R2.5 BULK INSULATION  
FIRST FLOOR TIMBER OVER GARAGE & CANTILEVER: R2.5 BULK INSULATION  
CEILING: R2.0 BULK INSULATION  
WINDOWS: IMPROVED ALUMINIUM FRAMING - REFER TO WINDOW SCHEDULE FOR DETAILS. TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.

UTILITY DOORS: TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXTERNAL DOORS: TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXHAUST FANS/FLUES: TO BE SEALABLE WHEN NOT IN USE.

**DWELLING 3**  
THERMAL REQUIREMENTS: 6.3 STAR  
CERTIFICATE No. 712H11QVHM DATED: 22.11.21

EXTERNAL WALLS: R2.7 BULK INSULATION WITH SARKING  
1<sup>st</sup> FLOOR EXT. WALLS R2.7 BULK INSULATION WITH SARKING  
INTERNAL GARAGE WALLS: R2.7 BULK INSULATION  
PARTY WALLS: R2.5 BULK INSULATION  
FIRST FLOOR TIMBER OVER GARAGE & CANTILEVER: R2.5 BULK INSULATION  
CEILING: R2.0 BULK INSULATION  
WINDOWS: IMPROVED ALUMINIUM FRAMING - REFER TO WINDOW SCHEDULE FOR DETAILS. TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.

UTILITY DOORS: TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXTERNAL DOORS: TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXHAUST FANS/FLUES: TO BE SEALABLE WHEN NOT IN USE.

**DWELLING 4**  
THERMAL REQUIREMENTS: 6.1 STAR  
CERTIFICATE No. 81NCJNMB081 DATED: 22.11.21

EXTERNAL WALLS: R2.7 BULK INSULATION WITH SARKING  
1<sup>st</sup> FLOOR EXT. WALLS R2.7 BULK INSULATION WITH SARKING  
INTERNAL GARAGE WALLS: R2.7 BULK INSULATION  
PARTY WALLS: R2.5 BULK INSULATION  
FIRST FLOOR TIMBER OVER GARAGE & CANTILEVER: R2.5 BULK INSULATION  
CEILING: R2.0 BULK INSULATION  
WINDOWS: IMPROVED ALUMINIUM FRAMING - REFER TO WINDOW SCHEDULE FOR DETAILS. TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.

UTILITY DOORS: TO BE SEALED TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXTERNAL DOORS: TO BE WEATHER STRIPPED/SEALED. TO BE SEALABLE WHEN NOT IN USE.  
EXHAUST FANS/FLUES: TO BE SEALABLE WHEN NOT IN USE.

**ADDITIONAL REQUIREMENTS IN COMPLIANCE WITH BESS REPORT**  
CARPETS, INTERNAL PAINTS, SEALANTS, FINISHES AND FLOORING ARE TO BE SELECTED FOR LOW VOC PROPERTIES

WATER: 4 STAR WELS (>=4.5 BUT <=5.0)  
SHOWERHEADS: 4 STAR WELS (>=4.0 BUT <=4.5)  
KITCHEN TAPS: 4 STAR WELS RATING  
BATHROOM TAPS: 4 STAR WELS RATING  
DISHWASHERS: 5 STAR WELS RATING  
WC: 4 STAR WELS RATING  
WASH MACHINES: 5 STAR WELS RATING  
WATER TANKS: CONNECTED TO TOILET FLUSHING  
LANDSCAPING: AS PER LANDSCAPING DESIGN FOR WATER EFFICIENT DESIGN

ENERGY RATINGS: REFER TO ENERGY RATINGS - 6.1+ STARS  
HEAT/COOL SYSTEM: 5 STAR REVERSE CYCLE SPACE  
INT. LIGHTING: <2.45W/m<sup>2</sup> THROUGHOUT DWELLINGS  
EXT. LIGHTING: TO BE CONTROLLED BY MOTION DETECTOR

STORMWATER: 100% - REFER TO STORM ASSESSMENT  
EQ: CROSS FLOW VENTILATION - NATURAL VENTILATION PROVIDED TO HABITABLE ROOMS  
DOUBLE GLAZING: PROVIDED TO ALL HABITABLE AREAS, REFER WINDOW SCHEDULE

TRANSPORT: 1 BICYCLE SPACE PER DWELLING - SEE PLAN FOR LOCATION  
EV INFRASTRUCTURE: FACILITIES PROVIDED FOR CHARGING OF ELECTRIC VEHICLES

URBAN ECOLOGY: 30.56%  
VEGETATED AREA  
INNOVATION: NO CREDITS CLAIMED

LIGHTING LEGEND

LIGHT TYPE	WATTS	NUMBER	TOTAL WATTS	MOUNT
INTERNAL				
DOWNLIGHT	10W	128	1280W	CEILING RECESS
DOWNLIGHT	5W	28	140W	CEILING RECESS
WALL SCONCE	10W	8	80W	2000 ABOVE FL
STRIP 10	30W	4	120W	CEILING MOUNT
EXTERNAL				
TITANUM DOWN LIGHT	10W	44	440W	CEILING RECESS
EXTERNAL WALL MOUNT	10W	16	80W	2000 ABOVE FL
GARAGE/STORE/PPR				
TITANUM DOWN LIGHT	10W	16	160W	CEILING RECESS
✓ LIGHT SWITCH				
2-WAY SWITCH				
3-WAY SWITCH				
S SENSOR SWITCH				

ARTIFICIAL LIGHTING SCHEDULE

ARTIFICIAL LIGHTING TO COMPLY WITH 3.12.5.5 ARTIFICIAL LIGHTING  
SCA (NCC) 2019 & AS 4934.2 - 2019

HABITABLE AREAS OF DWELLING: 5 WATTS PER SQ M  
NON-HABITABLE EXTERNAL AREAS: 4 WATTS PER SQ M  
GARAGES: 3 WATTS PER SQ M

LIGHTING TYPE: LED

ARTIFICIAL LIGHTING AROUND PERIMETER OF BUILDING MUST:  
a) BE CONTROLLED BY A DAYLIGHT SENSOR, or  
b) HAVE AN AVERAGE LIGHT SOURCE EFFICACY OF NOT LESS THAN 40 LUMENS/W

LOCATION	AREA (sq. m)	LIGHTS CITY	TOTAL WATTAGE	MAX. WATT. PERMITTED
INTERNAL AREA m2	173.48	3570W 75W 35.00 30.00	360.00	425.00 867.40
EXTERNAL ROOFED AREA m2	37.25	1370W	130.00	150.00 (3.48W per m <sup>2</sup> )
GARAGE AREA m2	21.45	470W	40.00	64.36 (3.00W per m <sup>2</sup> )

LOCATION	AREA (sq. m)	LIGHTS CITY	TOTAL WATTAGE	MAX. WATT. PERMITTED
INTERNAL AREA m2	173.15	3570W 75W 35.00 30.00	360.00	415.00 865.75
EXTERNAL ROOFED AREA m2	37.25	1370W	130.00	150.00 (3.48W per m <sup>2</sup> )
GARAGE AREA m2	21.45	470W	40.00	64.36 (3.00W per m <sup>2</sup> )

LOCATION	AREA (sq. m)	LIGHTS CITY	TOTAL WATTAGE	MAX. WATT. PERMITTED
INTERNAL AREA m2	173.15	3570W 75W 35.00 30.00	360.00	415.00 865.75
EXTERNAL ROOFED AREA m2	37.25	1370W	130.00	150.00 (3.48W per m <sup>2</sup> )
GARAGE AREA m2	21.45	470W	40.00	64.36 (3.00W per m <sup>2</sup> )

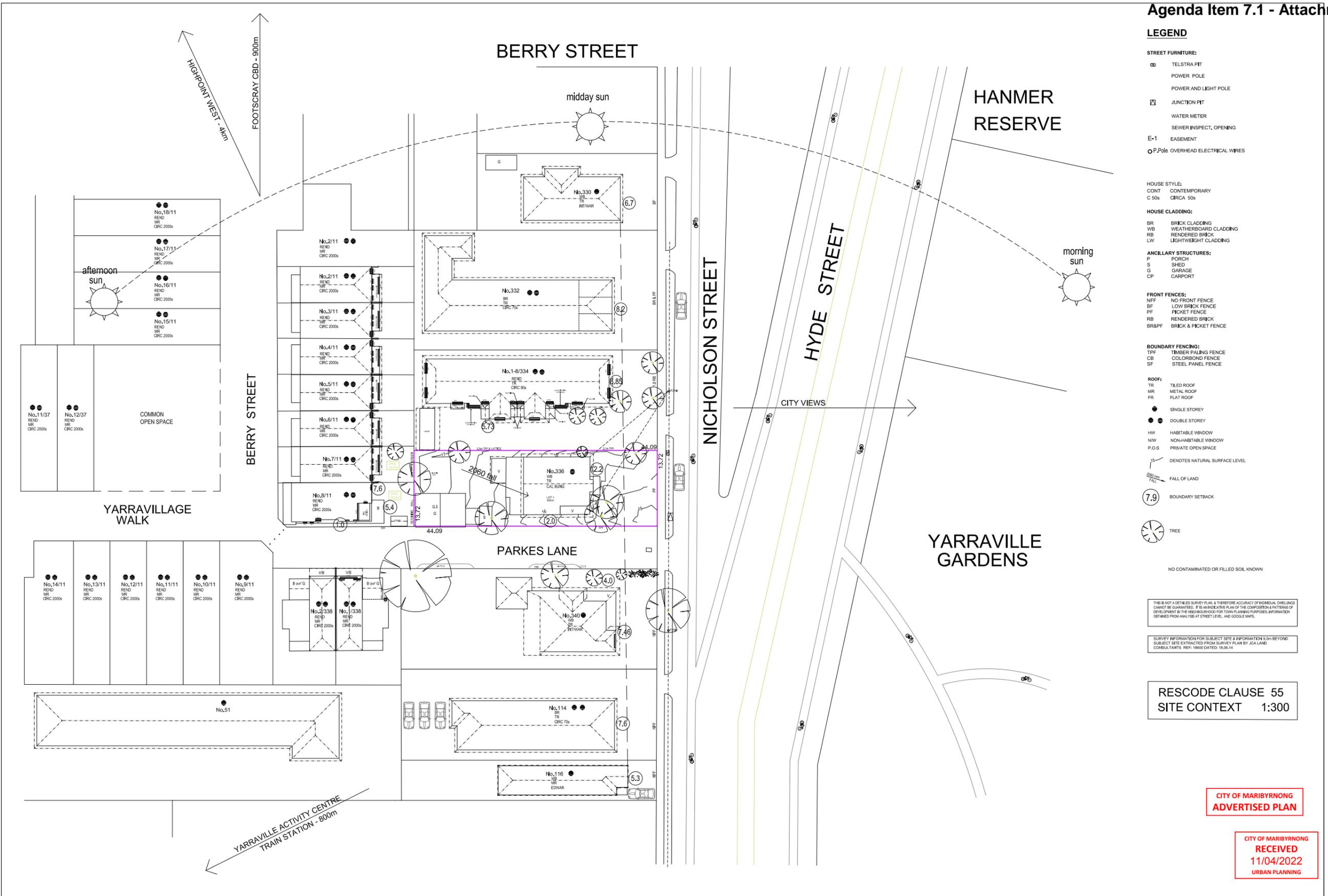
LOCATION	AREA (sq. m)	LIGHTS CITY	TOTAL WATTAGE	MAX. WATT. PERMITTED
INTERNAL AREA m2	174.31	3570W 75W 35.00 30.00	360.00	425.00 871.55
EXTERNAL ROOFED AREA m2	36.39	1370W	130.00	141.56 (3.89W per m <sup>2</sup> )
GARAGE AREA m2	21.45	470W	40.00	64.36 (3.00W per m <sup>2</sup> )

Before the occupation of the development, an automatic system of external light operating between dusk & dawn with no light emitted onto adjoining property, to be installed & maintained to the satisfaction of the Responsible Authority to illuminate access to all dwellings.

CITY OF MARIBYRNONG  
ADVERTISED PLAN

CITY OF MARIBYRNONG  
RECEIVED  
11/04/2022  
URBAN PLANNING

Agenda Item 7.1 - Attachment 2



THIS IS NOT A DETAILED SURVEY PLAN. THEREFORE ACCURACY OF INDIVIDUAL DWELLINGS CANNOT BE GUARANTEED. IT IS AN INDICATIVE PLAN OF THE COMPOSITION & PATTERNS OF DEVELOPMENT IN THE NEIGHBOURHOOD FOR TOWN PLANNING PURPOSES. INFORMATION OBTAINED FROM ANALYSIS AT STREET LEVEL AND DOUBLE WAYS.

SURVEY INFORMATION FOR SUBJECT SITE & INFORMATION 9.0m BEYOND SUBJECT SITE EXTRACTED FROM SURVEY PLAN BY JCA LAND CONSULTANTS REF: 18000 DATED: 18.06.14

RESCODE CLAUSE 55  
SITE CONTEXT 1:300

CITY OF MARIBYRNONG  
ADVERTISED PLAN

CITY OF MARIBYRNONG  
RECEIVED  
11/04/2022  
URBAN PLANNING

**KAMARA**  
Kamara Design Pty Ltd  
Suite 101A/1024 Mt Alexander Road,  
Epsendon VIC 3040  
0414 592 753  
info@kamara.com.au  
ACN 091 665 315

Clause 55 - site context plan

Issue No.	Date	Item
01	14.02.22	RFI

NORTH

Client:	IVAN AND MARC JUTRISA
Scale:	1:300
Date:	February 2021
Drawn:	Checked

Project:	PROPOSED 4-DWELLING DEVELOPMENT
Address:	No. 336 NICHOLSON STREET YARRAVILLE

Drawing no:  
11/12  
Job No: 2114





EAST ELEVATION  
SCALE 1:100



WEST ELEVATION  
SCALE 1:100



NORTH ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100

	Roof - Custom orb in colorbond finish Colour: Monument		Ceiling visitor carspaces Eaves/balcony ceilings Dulux Natural White		Chamfered window Standing seam Metal roof Colour: Surfmetal
	Bricks ground floor of dwellings & front fence: Austine Metaltex Zinc Mortar Black - dark mortar		1st floor cladding Equitone tectiva Colour: T530		2nd floor rendered dwarf wall around roof garden: Colour: monument
	1st floor rendered wall Colour: Dune		2nd floor walls: Equitone tectiva - of cladding Colour: T560 or similar		Powdercoated aluminium window frames Verandah frame Garage doors Colour: Monument
	Entry door - walnut-look Solid timber door with translucent glass sidelight		Vertical balcony batten: Colorbond satin finish Colour: Monument		Driveway Paving Exposed Aggregate
			Stepping stones in pebble bed permeable		West-facing window shroud & screening Powdercoated metal Colour: Monument

CITY OF MARIBYRNONG  
ADVERTISED PLAN

CITY OF MARIBYRNONG  
RECEIVED  
07/04/2022  
URBAN PLANNING

Issue No.	Date	Item
01	14.02.22	001

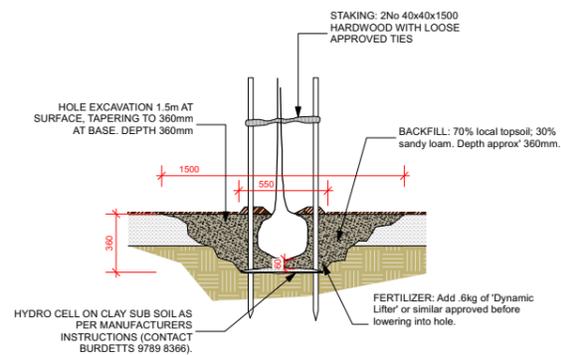
Client: IWAN AND MARC JUTRISA		Project: PROPOSED 4-DWELLING DEVELOPMENT	
Scale: 1:100	Date: MAR - 2022	Drawn: Checked	Address: No. 336 NICHOLSON STREET YARRAVILLE

Drawing no: <b>05/12</b>	Job No: 0001
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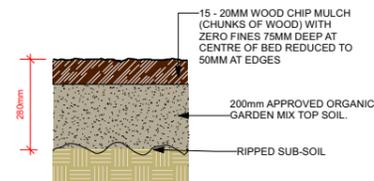


Image	ID	Qty	Common Name	Botanical Name	Scheduled Size	Mature Height	Mature Spread
<b>Trees</b>							
	LagerFN	4	Crepe Myrtle	Lagerstroemia indica fauriei 'Natchez'	1.5m Ht. 40 Lt	8.0m	6.0m
	Phe	1	Canary Island Palm	Phoenix canariensis	Transplanted Tree size	15 - 20m	7-10m
<b>Shrubs</b>							
	Arta	33	New Zealand Rock Lily	Arthropodium cirratum 'Te Puna'	200mm Pot	.4m	.5m
	Asl	9	Cast Iron Plant	Aspidistra lurida 'Ginga'	200mm Pot	0.8-1.0m	1.5-2.0m
	Cale	7	Hybrid Bottlebrush Endeavour	Callistemon citrinus Endeavour	200mm Pot	3m	2m
	Cgl	11	Rock Correa	Correa glabra	200mm Pot	1.5 - 3m	1.2 - 2.0m
	Pho	3	Photinia	Photinia x fraseri 'Red Robin'	200mm Pot	3 - 5m	2.0 - 3.5m
	Rosp	6	Creeping Rosemary	Rosmarinus officinalis 'Prostratus'	150mm Pot	600mm	2.0m
	Sbc	20	Select Lillypilly	Syzygium paniculata 'Backyard Bliss'	200mm Pot	3-4m	1.8m
<b>Ground Covers</b>							
	Chrya	36	Yellow Buttons	Chrysocephalum apiculatum 'Desert Flame'	150mm Pot	0.2 - 0.3m	0.4 - 0.5m
	Dr-Sf	32	Silver Falls	Dichondra repens	150mm Pot	0.0 - 0.3m	0.9 - 1.2m
	FiNo	13	knobby club-rush	Ficinia nodosa	150mm Pot	0.75 - 0.9m	0.0 - 0.3m
	KenP	11	Running Postman	Kennedia prostrata	150mm Pot	0.0 - 0.3m	0.9 - 1.2m
	Vh	14	Native Violet	Viola hederacea	150mm pot	0.0 - 0.3m	1.2 - 2.0m
<b>Grasses</b>							
	Dibr	21	Spreading Flax Lily	Dianella 'Breeze'	150mm Pot	0.65	.65m
	Dlj	81	Spreading Flax Lily	Dianella revoluta 'Little Jess'	150mm Pot	0.3 - 0.45m	.4m
	Lirp	77	Hybrid turf Lily	Liriope Muscari 'Just Right'	150mm Pot	0.4m	0.4m
	Palo	39	Fountain Grass	Pennisetum alopecuroides 'Pennstripe'	150mm Pot	.45m	.45m
<b>Climbers</b>							
	FicP	3	Creeping Fig	Ficus pumila var minima	150mm Pot	3 - 5m	3.5 - 6m
<b>Succulent</b>							
	Agv	4	Swan Neck Agave	Agave attenuata	200mm Pot	0.75 - 0.9m	1.2 - 1.5m
<b>Total</b>		<b>425</b>					

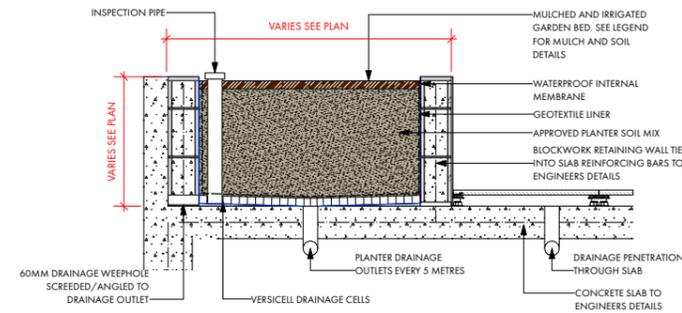
Tree No.	Genus Species	Common Name	Height	Canopy	Caliper	Condition	Significance	Action/Comment
E01	Deciduous Tree		5000	4000	300	Average	Less Significant	Remove
E02	Phoenix canariensis	Canary Island Date Palm	10000	6000	600	Good	Most Significant	Transplant - Original location
E03	Phoenix canariensis	Canary Island Date Palm	10000	6000	600	Good	Highly Significant	Remove
E04	Jacaranda mimosifolia	Jacaranda	7000	6000	300	Average	Less Significant	Remove
E05	Schinus molle	Peruvian pepper	8000	6000	300	Good	Less Significant	Remove
E06	Evergreen tree		5000	4000	300	Good	Less Significant	Remove
E07	Schinus molle	Peruvian pepper	9000	13000	300	Good	Less Significant	Retain



1 Semi Advanced Tree Detail  
Scale: 1:20



2 Garden Bed Detail  
Scale: 1:10



3 Raised Planter detail  
Scale: 1:20

FOR PLANNING ONLY - 18/11/21

CITY OF MARIBYRNONG  
**RECEIVED**  
25/11/21  
URBAN PLANNING



ISSUE	DATE	REVISION	PROJECT #
PROJECT	336 Nicholson Street, Yarraville		2600
CLIENT	Kamara Design	DATE # 12/11/21	DWG #
DWG	Schedule and details	SCALE 1:1000(PL)	LC02
DRAWN		CL	
CHECKED		MEM	
REVISION			

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**Agenda Item 7.2****PLANNING APPLICATION AT 148-150 COWPER STREET FOOTSCRAY**

**Director:** Laura Jo Mellan  
**Director Planning and Environment Services**

**Author:** Ashley Minniti  
**Manager City Places**

**PURPOSE**

To present for consideration a planning application for 148-150 Cowper Street Footscray which has received 25 objections.

<b>APPLICATION RECEIVED</b>	28 October 2020
<b>APPLICATION NUMBER</b>	TP542/2020(1)
<b>APPLICANT</b>	Iliac Studio Pty Ltd C/O- Urbis Pty Ltd
<b>SITE ADDRESS</b>	148-150 Cowper Street Footscray
<b>PROPOSAL</b>	To use and develop the land for a place of assembly and industry (brewery and associated food and drinks premise), display internally illuminated business identification signage and an on-premises liquor license and a reduction in the car parking requirements
<b>ZONE</b>	Industrial Zone 3 (INZ3)
<b>OVERLAYS</b>	Special Building Overlay
<b>INTERNAL REFERRALS</b>	Development Engineering Transport Engineering Property Major Projects
<b>EXTERNAL REFERRALS</b>	Melbourne Water Port of Melbourne Work Safe
<b>COST OF DEVELOPMENT</b>	\$50,000
<b>WARD</b>	Yarraville
<b>ADVERTISED</b>	Yes
<b>NUMBER OF OBJECTIONS</b>	25 under first round of advertising Eight under second round of advertising
<b>DATE OF PLANNING FORUM</b>	3 March 2021
<b>REASON FOR CONSIDERATION BY COUNCIL</b>	Number of objections received

**SUMMARY**

- Approval is sought to use and develop the land for a place of assembly and industry (brewery and associated food and drinks premise), display internally illuminated business identification signage and an on-premises liquor license and a reduction in the car parking requirements.

**Agenda Item 7.2**

- The application was first advertised in December 2020 and received 25 objections. A planning forum was held on 3 March 2021 with the applicant flagging a revised proposal after hearing from the community.
- A revised proposal was submitted in May 2022 with a second round of advertising occurring shortly thereafter. Eight objections were received following the second round of advertising.
- A planning permit is required under the Industrial Zone 3 and Special Building Overlay, as well as the provisions of Clauses 52.05 (Signs), 52.06 (Car Parking), 52.34 (Bicycle Facilities) and 52.27 (Licensed Premises).
- The key concerns raised by objectors relate to whether the proposal meets the purpose of the Industrial Zone 3 and whether an adequate buffer between the proposed use and nearby residential properties is provided. The provision of and access to car parking was also raised by a number of objectors.
- The proposal has adequately addressed the provisions of the Industrial Zone 3 and Special Building Overlay, having regard to the existing use of the site and previous planning permits issued.
- Various venue management conditions, including regulation of hours of operation, patron numbers and patron management, noise, waste management, safety, loading and unloading, are recommended to be included as part of any planning permit issued.
- The application is recommended for approval, subject to the conditions as outlined in Attachment 1.

**ATTACHMENTS**

1. Proposed Permit Conditions - TP542 2020(1) [↓](#)
2. Advertised Plan - TP542 2020(1) [↓](#)

**OFFICER RECOMMENDATION**

**That the City Development Delegated Committee issue a Notice of Decision to Grant a Permit to use and develop 148-150 Cowper Street, Footscray:**

- 1. for a place of assembly and industry (brewery and associated food and drinks premise);**
  - 2. to display internally illuminated business identification signage and an on-premises liquor licence; and**
  - 3. with a reduction in the car parking requirements subject to conditions contained in Attachment 1.**
-

**Agenda Item 7.2****BACKGROUND****1. Proposal**

- Use the land for industry (brewery) including brewing, fermentation and packaging of beer (or similar) in bottles and kegs in the order of 6,000 litres per month.
- Use the land for a place of assembly and associated food and drink premises with the sale and consumption of liquor.
- A maximum of 200 patrons would be accommodated, except for special events (up to once per month) where 270 patrons may be accommodated.
- The proposed hours of operation (inclusive of all uses) would be:
  - Monday & Tuesday 9am to 6pm
  - Friday & Saturday 9am to 12midnight
  - Sunday, Wednesday and Thursday 9am to 11pm.
- All events would be pre-booked (ticketed or corporate events only).
- All uses are wholly contained within the existing building with minor works to the building proposed.
- An internal fit out with a mezzanine level.
- Two, internally illuminated business identification signs with a combined area of 2 square metres along the Cowper Street façade.
- A reduction in the car parking (88 spaces) requirement.

**2. Site and Surrounds****Subject Site**

The subject site has a rectangular shape, located on the western side of Cowper Street with a frontage of 20.12m and a depth of 50.29m, providing an overall site area of approximately 1011 square metres.

A single storey, brick building with a metal roof occupies almost the entire site, being built to the front and side boundaries. There is a small concreted section of land to the rear remaining free of built form. A vehicle cross over is located centrally in front of the site with two street trees on either side within the nature strip.

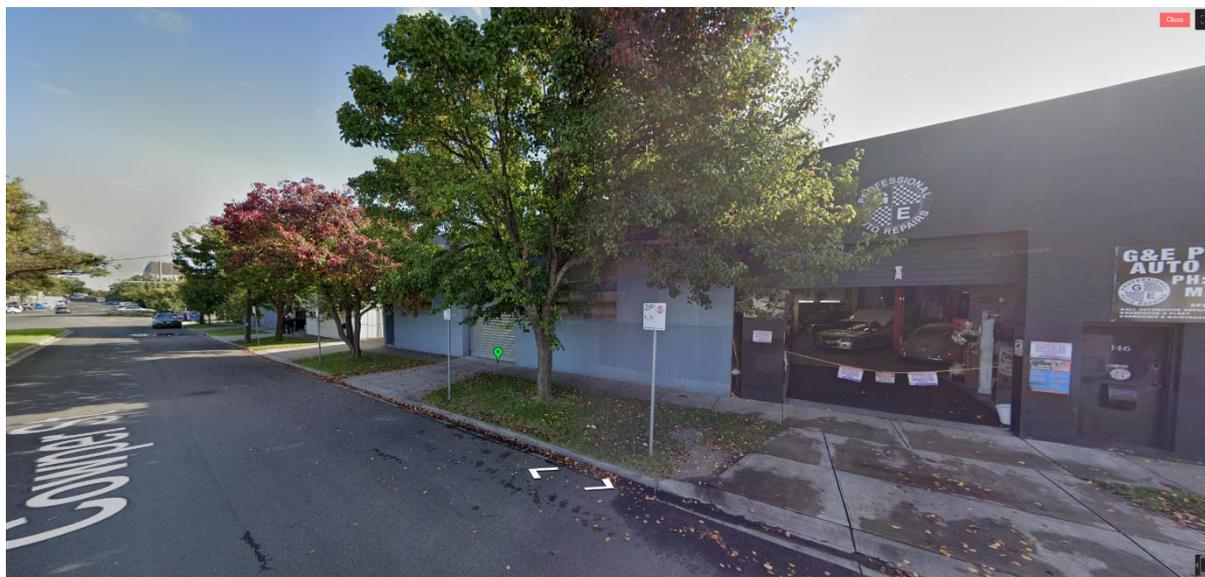


Image 1, Subject Site (shown with a green pin) on Cowper Street. Source: Google Maps, image captured April 2022.

**Agenda Item 7.2****Title Particulars / Restrictive Covenants**

The site is formally described as:

- Lot 1 on Title Plan 513453L Volume 07082 Folio 251
- Lot 1 on Title Plan 702565X Volume 01603 Folio 448
- Lot 1 on Title Plan 580231D Volume 09189 Folio 705.

The site is not affected by any Restrictive Covenants or s173 Agreements.

**Surrounding Area**

The site is within an Industrial 3 Zone which is generally developed with large commercial/warehouse buildings. There are several residential properties on the western side of Cowper Street approximately 30 metres north of the subject site.

The industrial precinct along this section of Cowper Street is predominantly occupied by car repair and related service industries. A BP fuel station is located on the corner of Cowper and Lyons Streets.

Parking on the western side of Cowper Street is restricted. Outside the industrial premises is time limited to 2 hour parking (9am to 9pm) while the parking outside the residential area is for residential permit parking only (24/7).

**Adjoining properties**

Immediately to the northeast of the site at 146 Cowper Street is a brick warehouse, housing a mechanical engineers workshop and further to the north adjacent to the residential dwellings is another warehouse located at 138-142 Cowper Street. Also to the north of the site is a vacant site at 144 Cowper Street.

To the south is 152-154 Cowper Street also being a brick warehouse building; to the east, opposite the site, is a car servicing workshop and a brothel. To the west the site abuts 87-89 Hyde Street being largely an open car parking area with a metal building in the north-eastern site corner.

**3. Site History**

A number of historic planning permits can be found on Council's records for the site, with the following active permit of particular relevance to the current proposal:

- TP506/2009(3) issued on 10 January 2011 to use part of the land for a place of assembly and an on premises liquor license and a reduction in car parking. Specifically this Permit allows:
  - A maximum 120 patrons
  - Hours of operation, including service and sale of liquor:
    - Sunday 10 am to 11 pm
    - Anzac Day and Good Friday 12 noon to 11 pm
    - Any other day 9am to 11pm
  - 10 Place of Assembly functions a month.

**Agenda Item 7.2****4. Policy Context and Permit Triggers**

The site is located within an Industrial Zone 3. The site is also covered by Special Building Overlay.

A Planning Permit is required for the following:

- Industrial Zone 3; Clause 33.03-1 - A permit is required to use the land for the purpose of Industry (Brewery); Food and Drink Premise (Restaurant / Bar); and Place of Assembly.
- Industrial Zone 3; Clause 33.03-4 - A permit is required to construct a building or construct or carry out works.
- Signs; Clause 52.05-12 - A permit is required for signage that exceeds 1.5sqm.
- Car Parking; Clause 52.06-3 - A permit is required to reduce the number of car parking spaces.
- Licensed Premises; Clause 52.27 - A planning permit is required to use the land to sell and consume liquor.

**Planning Policy Framework**

The following policies are applicable to the proposal:

- Clause 13 (Environmental Risks and Amenity), including Clause 13.01 (Climate Change Impacts), Clause 13.04-1S (Natural hazards and climate change), Clause 13.03 (Floodplains), Clause 13.03-1S (Floodplain management), Clause 13.04 (Soil Degradation), Clause 13.04-1S (Contaminated and potentially contaminated land), Clause 13.05 (Noise), Clause 13.05-1S (Noise abatement), Clause 13.06 (Air Quality), Clause 13.06-1S (Air quality management), Clause 13.07 (Amenity) and Clause 13.07-1S (Land use compatibility).
- Clause 15 (Built Environment and Heritage), including Clause 15.01 (Built Environment), Clause 15.01-1S (Urban Design), Clause 15.01-1R (Urban design - Metropolitan Melbourne), Clause 15.01-2S (Building Design), Clause 15.01-3S (Subdivision design), Clause 15.02 (Sustainable development) and Clause 15.02-1S (Energy and resource efficiency).
- Clause 17 (Economic Development), including Clause 17.01 (Employment), Clause 17.01-1S (Diversified Economy), Clause 17.01-1R (Diversified Economy – Metropolitan Melbourne), Clause 17.01-2S (Innovation and Research), Clause 17.03 (Industry), Clause 17.03-1S (Industrial land supply), Clause 17.03-2S (Sustainable Industry) and Clause 17.03-3S (State significant industrial land).
- Clause 18 (Transport), including Clause 18.01 (Integrated Transport), Clause 18.01-1S (Land use and transport planning), Clause 18.01-2S (Transport system), Clause 18.02 (Movement networks), Clause 18.02-2S (Public Transport) and Clause 18.02-2R (Principal Public Transport Network).
- Clause 21 (Municipal Strategic Statement), including Clause 21.01 (Municipal Strategic Statement), Clause 21.02 (Municipal Profile), Clause 21.03 (Council Vision), Clause 21.04 (Settlement), Clause 21.05 (Environment and Landscape Values), Clause 21.06 (Built Environment and Heritage), Clause 21.08 (Economic Development) and Clause 21.09 (Transport).
- Clause 22 Local Planning Policies, including: Clause 22.04 (Yarraville Port Core Employment Area Policy) – Site is within 'Area C' Policy and Clause 22.08 (Licensed Premises Policy).

**Agenda Item 7.2****Clause 52: Provisions that require, enable or exempt a permit.**

- Clause 52.05 (Signs)
- Clause 52.06 (Car Parking)
- Clause 52.34 (Bicycle Facilities)

**Clause 53-58: General Requirements and Performance Standards.**

- Clause 53.06 (Live Music Entertainment Venues)
- Clause 53.10 (Uses with Adverse Amenity Potential)

**5. Human Rights Consideration**

The report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

**6. Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

**7. Notification**

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. 25 objections were received during the first round of advertising and eight during the second round of advertising following the s.57A Amendment. Grounds of objections relate to:

- Inappropriate location for the proposed use
- Increase in noise levels / noise impacts
- Number of patrons proposed
- Reduction in the car and bicycle parking requirements and impact of increased traffic and availability of on-street car parking
- Lack of public transport options
- Consumption and sale of liquor and associated increased levels of anti-social behaviour
- Safety and evacuation management concerns and proximity to the Major Hazard Facility at Coode Island
- The proposed venue may inhibit future plans to develop properties at 152 and 156 Cowper St, and/or may inhibit new tenants locating to these properties
- Subject site not having a legal abuttal to the L-shaped laneway
- Lack of a Venue Management Plan
- Odours associated with brewery operation
- Road safety and unlit nearby laneways
- Waste Management
- Not having a dedicated smoking area.

**8. Referrals**

The application was referred externally to Melbourne Water, Port of Melbourne and Work Safe (no response received by the latter). No significant issues or formal objections were raised in relation to the proposal. A number of standard conditions were required by Melbourne Water if any permit were to be issued.

## Agenda Item 7.2

The application was referred internally to Development Engineering, Transport, Property and Major Projects. A number of standard conditions were required if any permit is to be issued. No significant issues were raised in relation to the proposal, apart from a concern with the required car parking waiver by the Transport department. An assessment against the car parking requirements is detailed further below in this report.

In addition, Council's Property Department has advised that the "L" shaped laneway to the north of the site is privately owned on the Old General Law Title and that the laneway is not on Council's Municipal Register for Public Roads. The status of the laneway ownership will need to be resolved (which may be vestment in Council, subject to review/approval from the relevant Asset Management and Engineering Departments) prior to the use commencing. The permit applicant will be responsible for this application as they are seeking to use the laneway for emergency egress.

### DISCUSSION

The key issues for the proposed development relate to whether the proposal accords with the purpose of the Industrial 3 Zone, whether there is an adequate buffer between the proposed uses and nearby residential properties; whether off-site amenity impacts have been managed and if the provision of and access to parking is acceptable.

#### Planning Policy Framework

The proposal is supported by the relevant sections of the Planning Policy Framework. The type of use and its intensity is generally consistent with the purpose and intent of the Industrial 3 Zone and the existing land uses in the surrounding area.

The use will not inhibit expansion of industrial development in the immediate area. The use supports the Industrial Related Employment Land (IREL) objective at Clause 21.08-3 in maintaining a stable supply of IREL to deliver jobs and economic prosperity, as well as to support a greater range of employment generating uses.

#### Compliance with the Industrial 3 Zone

The proposal is consistent with the purpose and decision guidelines contained at Clause 33.03-4. The site currently operates as a partial place of assembly / function centre with associated warehouse/ storage uses as allowed under Planning Permit TP506/2009(3).

The proposal at hand offers a similar use in terms of functions, with the addition of a new industrial use, the brewery. The proposed part use of the site as a brewery will ensure that the site continues to operate in accordance with the purpose of the Industrial Zone 3. If the brewery were to cease, then the other land uses could not continue in their own right. In practice, the applicant would be required to keep production records for Council's inspection, should the need arise.

In terms of the place of assembly/function space and associated food and drinks premises, this is intended to operate in two ways:

- Night time events including musicals, comedy acts and live music performances.
- Daytime events including private meetings, corporate events, soft product launches, private seminars, film productions or similar.

**Agenda Item 7.2**

- All events would be capped at 200 patrons, except for one event per month, which would be capped at 270 patrons.

The proposed use of the site for these activities will provide a limited commercial use in the area and will diversify local employment opportunities.

The impacts on nearby residential areas have been considered and deemed acceptable and manageable via relevant conditions. The existing brick building is built to almost all boundaries, with all uses wholly contained within the existing building. In addition, the building is located approximately 30metres from the nearest residential property, with existing warehouse buildings providing a solid buffer.

All events are to be pre-booked, ticketed events, with no opportunity for general public walk-ins. This will ensure patron numbers and management of the venue can be more readily prepared ahead of time based on pre-booked numbers; and will avoid instances of a potential overflow of patrons.

**Clause 44.05 - Special Building Overlay**

The proposal accords with the purpose and decision guidelines of Cause 44.05 as the relevant floodplain management authority – Melbourne Water has reviewed the proposed development and plans and raised no objection. Melbourne Water requires certain condition to be included on any permit issues, which are included in Attachment 1.

**Clause 52.05 - Signs**

The site is designated at Clause 52.05 as being within Category 2 – Office & Industrial. The proposal involves the display of two internally illuminated signs with a total area of 2sqm, exceeding the maximum allowable of 1.5sqm. The proposed signage allocation is acceptable in the context of the industrial area where there are no immediately adjoining sensitive uses along this section of Cowper Street.

The signs would be clean and simple in form and style, as well as proportion and will not dominate the existing building façade or contribute to visual clutter on the building or surrounding area.

The impact of any illumination and glare on the safety of pedestrians and vehicles, as well as on the amenity of nearby residents and the amenity of the area will be minimal as the signs will be fixed to the building, without any flashing lights and be located at least 30metres from a residential property or set of traffic signals.

**Clause 52.06 - Car Parking**

The application has the following car parking requirements under the provisions of Clause 52.06:

- Place of Assembly Max 270 patrons at 0.3 to each patron = 81
- Food & Drink Premises - 189.5sqm at 3.5 to each 100sqm = 6
- Industry (Brewery) - 114.4sqm at 1 to each 100sqm = 1

Based on the above, the proposal generates a need for 88 car parking spaces where none are provided. The application seeks a reduction of 88 spaces.

**Agenda Item 7.2**

As the existing building is constructed to almost the entire site boundaries, it is not practical to increase the amount of car parking on the site. The existing permit parking for residents on the western side of Cowper Street will remain and ensure these spaces are reserved for residents only.

The existing street network on Cowper Street and nearby streets includes a sufficient amount of availability at most times of the day to accommodate any overflow parking. Further, Council will shortly commence an upgrade of Cowper Street (approximately 80m south of subject site) from Harris Street to Lyons Street. This will provide an additional 119 spaces in this immediate area. This project is anticipated to commence in 2023.

The car parking needs of this site will be greater at off-peak periods, when nearby industrial and commercial properties are closed. While there would be daytime events, the permit applicant states that the larger events are likely to occur in the late afternoon and evening. The types of events typical of the day time are smaller (private meetings and corporate events generally).

In addition, the site is well located in terms of public transport access, with Footscray Train Station 800m to the north and Seddon Train Station 700m to the west. The 409 bus also operates along Hyde Street, 200m to the east.

Finally, the site has a good availability of on-road bicycle routes within close proximity, including lanes along Hyde Street, Parker Street, Moreland Street and the Maribyrnong River Trail. The site will have good connectivity to the Westgate Tunnel Cycling Velloway when open. The proposal includes the provision of two bicycle hoops (four bicycle spaces) on Cowper Street, with further bicycle parking to be provided by permit condition.

A reduction of the car parking requirement is appropriate in this instance.

**Clause 52.27 – Licensed Premises**

The proposal complies with the provisions of Clause 52.27. The interface with adjoining zones is generally favourable, as the area is industrial in nature and has limited sensitivity. There are no residential uses directly abutting the site. As such there would be minimal impacts as a result of the sale and consumption of liquor on the amenity of the surrounding area. The placement of general amenity conditions on any permit issued will ensure any potential amenity effects can be adequately managed.

The proposed hours of liquor service are acceptable and accord with Council's licensed premise policy, at Clause 22.08 of the Maribyrnong Planning Scheme. This policy encourages licensed premises operating beyond 11pm to locate in Activity Centres. While the site is outside of an Activity Centre, it is on the fringe of the Footscray Metropolitan Activity Centre and would operate past 11pm on only two out of seven nights per week.

**Agenda Item 7.2**

The proposed patron numbers are reasonable, taking into account the size of the premise. The number of patrons was significantly reduced between what was first advertised to the second (from 549 down to 200).

Noise emissions would generally concern conversations among patrons and live music. While there would be noise from the brewery operations, this would generally occur during the day time when noise sensitives are lower, particularly given the commercial and industrial character of the area.

The application included an Acoustic Report to address potential noise impacts, with particular regard given to impacts to the nearby residential properties. The report made a recommendation that a suitable music noise limiter be installed to ensure compliance with SEPP N-2, along with a number of proposed works to the existing roof and fit-out upgrades to the building to be undertaken. The proposal will be designed with appropriate acoustic measures to ensure noise emissions from live music does not unduly impact the nearest residential properties in accordance with the requirements of Clause 53.06 – Live Music Entertainment Venues.

The proposal provides a substantial seated section. With food service available to patrons at all times (including during events). Venues which provide appropriate food offerings and mostly seated service are shown to be at less risk of excessive alcohol consumption.

In terms of a conglomeration of licensed venues, within a 500 metre radius of the subject site there exists a limited number of licensed premises; including one full club license, two general licenses and a number of limited licenses. This is a low number of licensed premises in the context of this highly urbanised area, with no unreasonable cumulative impacts anticipated.

Some objectors had concerns with the lack of a smoker's area. Providing such an area is not a specific requirement of the Planning Scheme, rather included in the *Design Guidelines for Licensed Venues* reference document. Smoking areas are generally created within the relevant 'red line' to facilitate smokers on balconies, in courtyards, rooftop and similar outdoor areas. A smoker's area will be required by way of permit condition to ensure smokers do not congregate on the footpath.

**Objection/concerns not previously addressed**

Some objectors raised concerns regarding Greenwood Lane. The subject site is 160 metres from Greenwood Lane (as the crow flies), and would not be a logical path of travel for patrons accessing the site from any direction. Accordingly, the lighting and safety of Greenwood Lane is not a relevant matter.

Regarding odour, the brewery operations are to be wholly contained within the existing building. Emission from a brewery generally comprise of steam with no harmful or noxious materials. Conditions on the permit further regulate the amenity of the neighbourhood in respect to emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil. These conditions are satisfactory to control odour and other potential amenity impacts.

**Agenda Item 7.2**

**CONCLUSION**

The proposal meets the overall intent and objectives of the Planning Policy Framework, including the purpose of the Industrial Zone 3 and Special Building Overlay. The application should be supported.

**Agenda Item 7.2 - Attachment 1**

<b>CONDITIONS FOR COUNCIL CONSIDERATION</b>	
<b>APPLICATION NUMBER:</b>	TP542/2020(1)
<b>SITE ADDRESS:</b>	148-150 Cowper Street FOOTSCRAY
<b>PROPOSAL:</b>	To use and develop the land for a place of assembly and industry (brewery and associated food and drinks premise), display internally illuminated business identification signage and an on-premises liquor license and a reduction in the car parking requirements
<b>DATE OF COUNCIL MEETING:</b>	23 August 2022

**Amended Plans Required**

1. Before the use and development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in a digital format (where possible). The plans must be generally in accordance with the considered (s57a) plans but modified to show:
  - a) A bicycle hoop within the Cowper Street nature strip outside the site.
  - b) The location and detail of all signage on the building's façade.
  - c) An updated Risk Assessment Report based on the s.57A Amended Proposal (refer condition below).
  - d) All upgrades/changes to the building as detailed in the Acoustic Report (refer condition below).
  - e) A Noise & Amenity & Patron Management Plan (refer condition below).
  - f) A Waste Management Plan (refer condition below).
  - g) An amended acoustic report (refer condition below).

**General Conditions**

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*
3. The use and ownership status of the 'L-shaped laneway' to the north must be resolved to the satisfaction of Council. This may involve the applicant/owner applying to vest the laneway into Council, which would be subject to review/approval from the relevant Council Departments.
4. Within 3 months of the use commencing the permit holder/owner must apply to the Victorian Civil and Administrative Tribunal to cancel Planning Permit TP506/2009(3). All costs associated with the cancellation of this permit must be borne by the permit holder/owner.

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### Use Conditions

5. The predominant activity carried out on the premises must be the brewing of beer (or similar) at a volume of approximately 60,000 litres per month. The permit holder must keep records of all brewing, which must be made available immediately upon the reasonable request of the Responsible Authority. Should brewing operations cease, all other operations/uses on the site must also cease.
6. The use(s) permitted may operate only between the hours of:
  - Monday & Tuesday 9am to 6pm (brewery area only);
  - Friday & Saturday 9am to 12midnight; and
  - Sunday, Wednesday and Thursday 9am to 11pm.

Except with the prior written permission of the Responsible Authority.

7. The hours of operation for the serving and consumption of liquor must only be during the following days/times:
  - Monday and Tuesday – nil
  - Sunday, Wednesday and Thursday – 9am to 11pm
  - Friday and Saturday – 9am to 12midnight

Unless with the prior written consent of the Responsible Authority.

8. The use of the event space is not permitted until all upgrades to the building identified in the endorsed Acoustic Report have been completed to the satisfaction of the Responsible Authority.
9. No more than 200 patrons are allowed on the premises at any one time, except in relation to 'special events' (noted below). For 'special events', a maximum of 270 patrons may be permitted. Exception to these requirements may be made with the written consent of the Responsible Authority.
10. Records of all events, including the type and permitted/actual patron numbers, must be kept and made available immediately upon the reasonable request of the Responsible Authority.
11. No more than 12 'events' are allowed on the premises in any month, inclusive of one 'special event', except with the written consent of the Responsible Authority.
12. The use of the event space must be for booked or ticketed events that are not open to the general public except with the written consent of the Responsible Authority.
13. Meals must be made available for consumption on the premises at all times that the use is operating (excluding brewery only operations).

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### Amenity Conditions

14. Signage must be displayed near all entrances/exits requesting patrons to leave the premises in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the Responsible Authority.
15. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
16. Deliveries to and from the site must only occur between:-
  - o 7am to 8pm (inclusive) Monday to Saturday
  - o 9am to 8pm (inclusive) Sunday and/or public holidays
17. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:-
  - a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Harbourage and/or presence of vermin
  - e) The emptying of glass bottles and recycling

All to the satisfaction of the Responsible Authority.

### Risk Assessment

18. Concurrent with the submission of plans pursuant to Condition 1, an updated Risk Assessment report, generally in accordance with the *Risk Assessment Report prepared by I F Thomas & Associates, dated 13 April 2021* must be provided to the satisfaction of the Responsible Authority. The report must be updated to reflect the revised (s57A Amended) proposal, and must consider the potential impact of exposure to any incident at the Coode Island MHF; and must respond to the requirements of Clause 22.04 Yarraville Port Core Employment Area Policy of the Maribyrnong Planning Scheme.

### Acoustic Conditions

19. Concurrent with the submission of plans pursuant to Condition 1, an amended acoustic report prepared by a qualified Acoustic Engineer (or similar) generally in accordance with the acoustic report prepared by Renzo Tonin & Associates dated 2 June 2020, must be submitted to the satisfaction of the Responsible Authority. The report must include the following, and consider and make recommendations to be implemented as required:
  - a) The impact of the use and development on the nearby residential uses and provide solutions to mitigate these impacts.
  - b) Update references to SEPP N-1 & N2 to EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4.
  - c) A dedicated smoking area (if required) and any openings.

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- d) Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021.
20. All of the recommendations of the acoustic report must be implemented prior to the commencement of the use allowed by this permit, and thereafter maintained, to the satisfaction of the Responsible Authority.
21. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the *Environment Protection Regulation 2021*, or other equivalent policy to the satisfaction of the Responsible Authority.
22. The permit holder/operator must, at the reasonable request of the Responsible Authority commission further acoustic testing should the Responsible Authority consider that noise emissions from the site are exceeding the levels as set out in the endorsed acoustic report and EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or other equivalent policy. The permit holder/operator must engage a suitably qualified acoustic engineer without delay to undertake testing and provide a report to the Responsible Authority within 40 days. If the report shows non-compliance, the activities of the use that are causing the breach must immediately cease until such time as mitigation measures have been implemented to the satisfaction of the Responsible Authority.

### Patron Management

23. Before the use starts, a noise and amenity plan/patron management plan must be submitted to the satisfaction of the Responsible Authority. All activities forming part of the use must comply with the endorsed plan. The plan must include:
- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
  - b) signage and measures used to encourage responsible off-site patron behaviour
  - c) the training of staff in the management of patron behaviour
  - d) staff communication arrangements
  - e) measures to control noise emissions from the premises
  - f) CCTV (if any)
  - g) how patrons wishing to smoke will be managed, including location (if any) and how noise from patrons in the smoking area will be managed
  - h) measures/recommendations contained in the Acoustic Report
  - i) measures used to discourage patrons from parking near dwellings.

### Waste Management

24. Concurrent with the submission of plans pursuant to Condition 1, a waste storage and collection management and recycling plan for the development

## Agenda Item 7.2 - Attachment 1

must be prepared to the satisfaction of the Responsible Authority. The management plan must be provided in digital format (where possible) and have regard to the following matters:

- a) Bin storage areas for the premises (screened from public view)
- b) Odour control from bin storage areas (including bin washing facilities and drainage)
- c) Access for removal of waste bins
- d) Delivery of bins to waste collection points and retrieval of bins once collected
- e) operations consistent with the measures/recommendations of the Acoustic Report in regards to waste collection times, emptying of bottles in bins and any crushing activities.

Once submitted, the Waste Management Plan will be endorsed to form part of the permit.

### Engineering Conditions

25. The site must be drained to the satisfaction of the Responsible Authority. Stormwater run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.
26. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
27. Existing finished floor levels must be maintained and not lowered.

### Signage Conditions

28. The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
29. The sign(s) must not contain any flashing light.
30. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
31. The sign(s) may only be illuminated during the operating hours of the premise as allowed by this permit.
32. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
33. This permit, as it relates to signage, expires 15 years from the date of issue. The sign and structures built specifically to support and illuminate the sign must be removed at this time.

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### Permit Expiry

34. This permit will expire if one of the following circumstances applies:

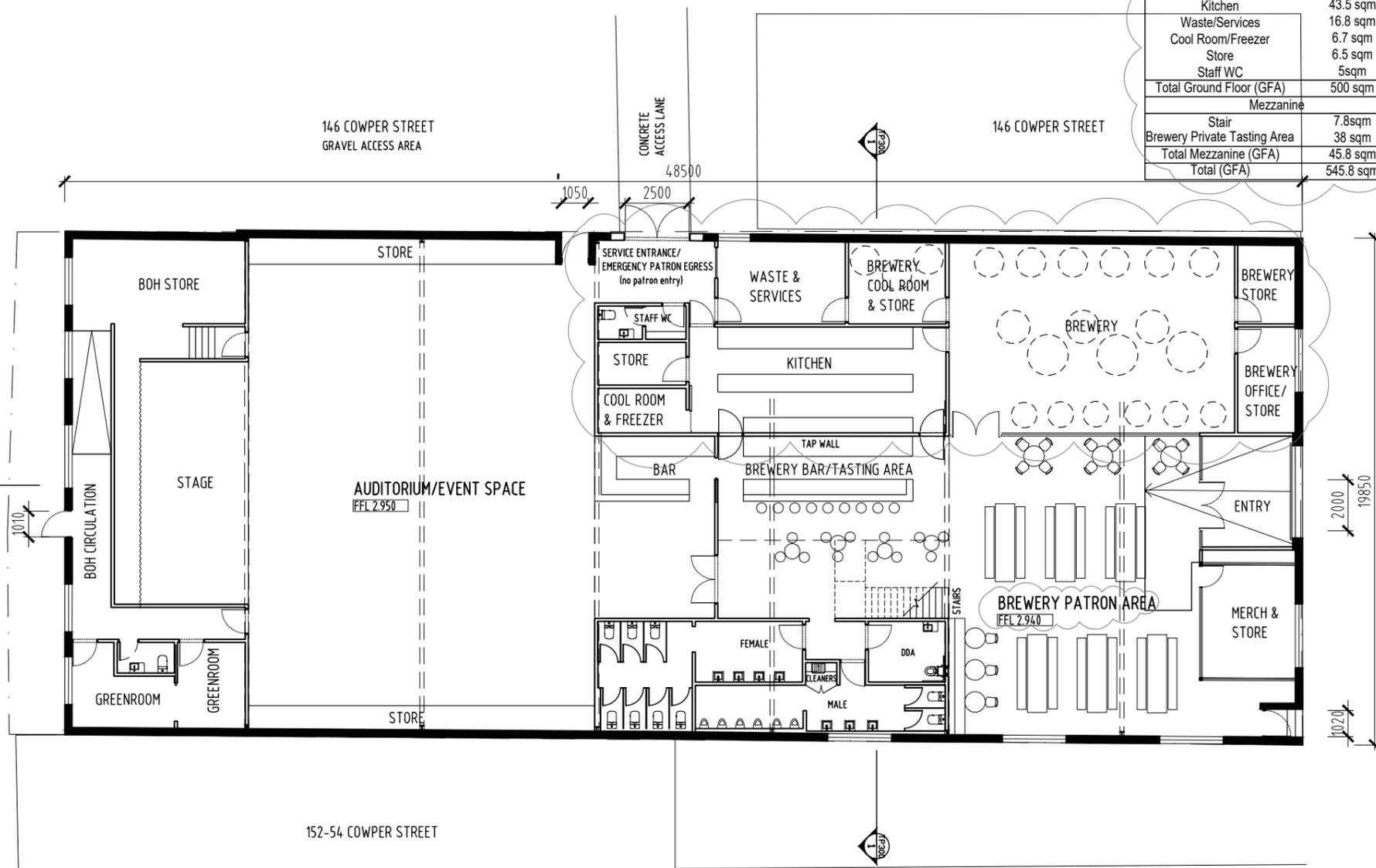
- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use does not start within two years after the completion of the development.
- d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development/use allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Agenda Item 7.2 - Attachment 2

Brewery Area	
Brewery	84 sqm
Brewery Office/Store	10.1 sqm
Brewery Store	7.5sqm
Brewery Cool Room/Store	12.8sqm
Brewery Patron Area	169.5 sqm
Entry	16 sqm
Merch & Store	18.0 sqm
Brewery Bar/Tasting Area	20 sqm
Bathrooms	60 sqm
Kitchen	43.5 sqm
Waste/Services	16.8 sqm
Cool Room/Freezer	6.7 sqm
Store	6.5 sqm
Staff WC	5sqm
<b>Total Ground Floor (GFA)</b>	<b>500 sqm</b>
Mezzanine	
Stair	7.8sqm
Brewery Private Tasting Area	38 sqm
<b>Total Mezzanine (GFA)</b>	<b>45.8 sqm</b>
<b>Total (GFA)</b>	<b>545.8 sqm</b>

Auditorium/Event Area	
Auditorium/Event Space	295.3 sqm
Bar	12 sqm
Stage	51 sqm
BOH Store	30.2sqm
BOH Circulation	27 sqm
Green Room 1	9.7 sqm
Green Room 2	10.7sqm
WC	3.2 sqm
<b>Total Ground Floor (GFA)</b>	<b>459 sqm</b>
Mezzanine	
Front of House	18.1 sqm
Store	13.9 sqm
<b>Total Mezzanine (GFA)</b>	<b>34.8 sqm</b>
<b>Total (GFA)</b>	<b>493.8 sqm</b>



CITY OF MARIBYRNONG  
**RECEIVED**  
20/05/22  
URBAN PLANNING

TOWN PLANNING

Amendments	No.	Date	Description	Notes	Project	CF ARCH	Date	Scale	1:200	Drawing No.	Amendment
	TP1	12.10.2020	ISSUE FOR TOWN PLANNING	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING.	148 Cowper Street, Footscray			14.02.2022	CF		TP100
	TP2	14.02.2022	REVISED ISSUE FOR TOWN PLANNING	DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	Proposed Ground Floor Plan						