



Office Use Only

ADVERTISED PLAN

Application No.:

Date Lodged: / /

# Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

**⚠** Questions marked with an asterisk (\*) must be completed.

**⚠** If the space provided on the form is insufficient, attach a separate sheet

**i** Click for further information.

Planning Enquiries  
Phone: (03) 9688 0200  
Web: [www.maribyrnong.vic.gov.au](http://www.maribyrnong.vic.gov.au)

Clear Form

## The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

### Street Address \*

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

### Formal Land Description \*

Complete either A or B.

**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A  Lot No.:  Lodged Plan  Title Plan  Plan of Subdivision  No.:

OR

B  Crown Allotment No.:  Section No.:

Parish/Township Name:

## The Proposal

**⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

**i** For what use, development or other matter do you require a permit? \*

**⚠** Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$  **⚠** You may be required to verify this estimate. Insert '0' if no development is proposed.

**i** Estimated cost of any development for which the permit is required \*

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

## Existing Conditions

### Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Provide a plan of the existing conditions. Photos are also helpful.

## Title Information

### Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Please provide at least one contact phone number \*

### Contact information for applicant OR contact person below

Business phone:	Email:
Mobile phone:	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

### Contact person's details\* Same as applicant

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:			Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:	
Organisation (if applicable):			
Postal Address:		If it is a P.O. Box, enter the details here:	
Unit No.:	St. No.:	St. Name:	
Suburb/Locality:		State:	Postcode:
Owner's Signature (Optional):			Date: day / month / year

## Declaration

This form must be signed by the applicant \*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date:

day / month / year

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist. Insufficient or unclear information may delay your application

Has there been a pre-application meeting with a council planning officer

No

Yes

If 'Yes', with whom?:

Date:

day / month / year

## Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void

Completed the relevant council planning permit checklist?

Signed the declaration?

## Lodgement

Lodge the completed and signed form, the fee and all documents with:

Maribyrnong City Council

PO Box 58

Footscray VIC 3011

Cnr Napier & Hyde Streets

Footscray VIC 3011

**Contact information:**

Phone: (03) 9688 0200

Email: [email@maribyrnong.vic.gov.au](mailto:email@maribyrnong.vic.gov.au)

DX: 81112

Deliver application in person, by post or by electronic lodgement.

# MORE INFORMATION

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## The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

### How is land identified

Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

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## The Proposal

### Why is it important to describe the proposal correctly?

The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

### How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at [planning-schemes.delwp.vic.gov.au](http://planning-schemes.delwp.vic.gov.au)

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting [www.landata.vic.gov.au](http://www.landata.vic.gov.au) Contact your local Council to obtain a planning certificate in Central Goulburn, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.

### Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact the Council to determine the appropriate fee. Go to [planning.vic.gov.au](http://planning.vic.gov.au) to view a summary of fees in the Planning and Environment (Fees) Regulations.

**Metropolitan Planning Levy** refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for more information. A leviable application submitted without a levy certificate is void.

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## Existing Conditions

### How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

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## Title Information

### What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

### What documents should I check to find encumbrances

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

### What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

### What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

#### Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

#### What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

#### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; [www.landata.vic.gov.au](http://www.landata.vic.gov.au) – go direct to "titles & property certificates"

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## Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

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## Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit

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## Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

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## Checklist

### What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

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## Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

# EXAMPLES

## Example 1

**The Land** i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

**Street Address \***

Unit No.: <b>4</b>	St. No.: <b>26</b>	St. Name: <b>Planmore Avenue</b>
Suburb/Locality: <b>HAWTHORN</b>		Postcode: <b>3122</b>

**Formal Land Description \***  
Complete either A or B.

**A** Lot No.: **2**  Lodged Plan  Title Plan  Plan of Subdivision No.: **LP93562**

**OR**

**B** Crown Allotment No.:  Section No.:

Parish/Township Name:

⚠ This information can be found on the certificate of title.  
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

## Example 2

**i** For what use, development or other matter do you require a permit? \*

*Construction of two, double-storey dwellings and construction of two new crossovers.*

📎 Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

## Example 3

**Existing Conditions** i

**Describe how the land is used and developed now \***

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

*Single dwelling.*

📎 Provide a plan of the existing conditions. Photos are also helpful.

## Example 4

**Applicant and Owner Details** i

Provide details of the applicant and the owner of the land.

**Applicant \***

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

**Owner \***

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: <b>Mr</b>	First Name: <b>Len</b>	Surname: <b>Browning</b>
Organisation (if applicable): <b>Responsible Developers P/L</b>		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.: <b>4</b>	St. No.: <b>12</b>	St. Name: <b>Ardour Lane</b>
Suburb/Locality: <b>Wycheproof</b>	State: <b>Vic</b>	Postcode: <b>3527</b>
<b>Contact information for applicant OR contact person below</b>		
Business phone: <b>9123 4567</b>	Email: <b>tcpl@bigpond.net.au</b>	
Mobile phone: <b>0412 345 678</b>	Fax: <b>9123 4567</b>	
<b>Contact person's details*</b> <span style="float: right;">Same as applicant <input type="checkbox"/></span>		
Name:		
Title: <b>Mr</b>	First Name: <b>Andrew</b>	Surname: <b>Hodge</b>
Organisation (if applicable): <b>Town Planning Consultants</b>		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name: <b>PO Box 111</b>
Suburb/Locality: <b>Parkdale</b>	State: <b>Vic</b>	Postcode: <b>3194</b>
<b>Owner *</b> <span style="float: right;">Same as applicant <input checked="" type="checkbox"/></span>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):		Date:
<small>day / month / year</small>		

**Maribyrnong City Council - Urban Planning Department**  
 Cnr Hyde and Napier Streets, Footscray  
 T: 9688 0200 email: [planningapplications@maribyrnong.vic.gov.au](mailto:planningapplications@maribyrnong.vic.gov.au)



**AMENDMENT TO AN APPLICATION FOR A PLANNING PERMIT - Request Form  
 (before permit is issued)**

**Privacy Information:** Any material submitted with this application, including plans and personal information, will be available for public viewing, including electronically, and copies may be made to interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.  
**Requests for access to and/or amendment of the information provided may be made to Council's Privacy Officer on: 9688 0200.**

**DETAILS OF APPLICATION TO BE AMENDED**

<b>Application Number:</b> TP399/2025(1)	<b>Address of Land :</b> 438-440 Barkly Street, Footscray
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Under what section of the Planning and Environment Act 1987, is the amendment being sought:  
 Section 50 – Amendment to the application prior to notice  
 Section 57A – Amendment to the application after notice *(Note – A fee of 40% of the original application fee is required with this request)*

**THE APPLICANT**

<b>Name:</b>	<b>Organisation:</b> Jet Oil c/o Human Habitats
<b>Address:</b> Suite 424 / 828 Collins Street, Docklands	
<b>Contact Phone Number:</b> 03 9909 2202	
<b>Email:</b> niamh@humanhabitats.com.au	
<b>Are you the applicant of the original planning permit application?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>(Note: Only the applicant of the original planning permit application may ask Council to amend the application)</i>	

**DETAILS OF THE PROPOSED CHANGES**

Is there a change to the description of the land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there a change to the plans and/or other documents submitted with the application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there a change to the use and/or development of the land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**List in detail the proposed changes (This can be listed on a separate page)**  
 Inclusion of three promotion signs as part of the application

**DECLARATION TO BE COMPLETED FOR APPLICATIONS**

<b>I declare that all information I have given is true.</b>	<b>Applicant Signature:</b> .....
	<b>Date:</b> 10 February 2026 .....

## HOW TO REQUEST FOR AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT

ALL OF THE INFORMATION OUTLINED BELOW MUST ACCOMPANY THIS APPLICATION.

### **ALL REQUESTS SUBMIT:**

1. Application form
2. A written statement detailing all alterations/amendment proposed
3. Application fee if required

### **If you are amending the description of the land, please submit:**

1. Provide the street number, street name, town, postcode, the lot number and lodged plan number or other title particulars
2. If you attach a plan, include:
  - The boundaries of the land and their measures;
  - The street it faces, the nearest intersecting street, the distance from this street and the name of all streets on the plan;
  - Reasons for the amendment

### **If you are amending the use and/or development of the land, please submit:**

1. Details of the changes to the use and development of the land;
2. Reasons for wishing to amend the use and/or development;

### **If you are amending the plans, please submit:**

1. An electronic copy of the plans (coloured to highlight the proposed amendments):
  - Site plan of the existing site and all amendments that are proposed;
  - Floor plans showing existing conditions, and all proposed amendments;
  - Elevation plans of the existing proposal, and all proposed amendments.



## PART 5 – EXPLANATORY NOTES

### General

- The Metropolitan Planning Levy (MPL) is imposed for the privilege of making a leviable planning permit application.
- A leviable planning permit application is an application made to a responsible authority or planning authority under sections 47 and 96A of the *Planning and Environment Act 1987* (PEA) for a permit required for the development of land in metropolitan Melbourne, where the estimated cost of the development for which the permit is required exceeds the threshold amount (see MPL threshold amount).
- As a statutory requirement of making a leviable planning permit application, the applicant must give the responsible authority or planning authority a current MPL Certificate. The estimated cost of development stated in the MPL Certificate must be equal to or greater than the estimated cost of the development stated in the leviable planning permit application. If an applicant fails to comply with this requirement, the application for the leviable planning permit is void.
- The applicant for the leviable planning permit application is liable for the MPL.
- The Commissioner of State Revenue (Commissioner) has the general administration of the MPL.

### MPL threshold amount

- The threshold amount is \$1 million for the 2015-2016 financial year.
- For the financial year beginning on 1 July 2016 and each subsequent financial year, the Consumer Price Indexed (CPI) adjusted threshold amount will be calculated in accordance with section 96R of the PEA.
- On or before 31 May each year, the Commissioner must publish the CPI adjusted threshold amount for the following financial year on the SRO website.

### How MPL is calculated

- The amount of MPL is \$1.30 for every \$1000 of the estimated cost of the development for which the leviable planning permit is required.
- If the estimated cost of the development for which the leviable planning permit is required is not a multiple of \$1000, the estimated cost is to be rounded up or down to the nearest \$1000 (and, if the amount by which it is to be rounded is \$500, it is to be rounded up).

### Notification and Payment of MPL to the Commissioner

- Before making a leviable planning permit application, the applicant must submit a completed Application for Metropolitan Planning Levy (MPL) Certificate and pay the whole MPL amount to the Commissioner. This Application must state the estimated cost of the development and any other information required by the Commissioner.
- If, after the Commissioner has issued a MPL Certificate which has not expired (see MPL Certificate), and the estimated cost of the development increases before the leviable planning permit application is made, the applicant must submit an Application for Metropolitan Planning Levy (MPL) Certificate (*Revised*) and pay the whole additional MPL amount to the Commissioner. This revised Application must state the increased estimated cost of the development and any other information required by the Commissioner.

### MPL Certificate

- The Commissioner must issue a MPL Certificate if he is satisfied that the whole amount of the MPL has been paid in respect of the estimated cost of the development.
- Subject to section 96U(3) of the PEA, a MPL Certificate expires 180 days after the day on which it is issued.

### Revised MPL Certificate

The Commissioner must issue a revised MPL Certificate if:

- the Commissioner has issued a MPL Certificate, which has not expired;
- the estimated cost of the development increases before the application for a leviable planning permit is made; and
- he is satisfied that the whole amount of the MPL has been paid in respect to the increased cost of the development.

The Commissioner may also issue a revised MPL Certificate to:

- correct any error in the information listed in the MPL Certificate (except the estimated cost of development as explained below), or
- the estimated cost of the development stated in the MPL Certificate is different from the estimated cost of the development stated in the Application for Metropolitan Planning Levy (MPL) Certificate lodged by the applicant.

A revised MPL Certificate expires on the later of 90 days after its issue date or the date on which the original MPL Certificate issued expires.

The Commissioner cannot issue a revised certificate applied for after the expiration of the 180-day validity period of the original MPL Certificate.

### Refund of MPL

The Commissioner can only provide a refund of the levy if:

- the request is made no later than 30 days after the expiry of the levy certificate or revised certificate if there is one; and
- the leviable planning permit application in respect of which the levy was paid has not been made; and;

The Commissioner is satisfied of one or more of the following grounds:

- there has been a mathematical error in calculating the amount of the levy in relation to the estimated cost of the development stated in the notice given to the Commissioner when applying for the MPL Certificate.
- the applicant for the leviable planning permit application died before the application was made, and no other person is proceeding with the application.
- the relevant planning scheme was amended before the leviable planning permit application was made and because of the amendment, the authority must refuse to grant the permit.

### Certificate number

- The Certificate number is on the top right corner on the front of this Certificate.
- Quoting this Certificate number will give you access to information about this Certificate and enable you to enquire about your application by phone.
- You should quote this number in any correspondence.

**For more Metropolitan Planning Levy information please contact the State Revenue Office:**

<b>Mail</b> State Revenue Office, GPO Box 4376, MELBOURNE VIC 3001 or DX260090 Melbourne	<b>Internet</b> <a href="http://www.sro.vic.gov.au">www.sro.vic.gov.au</a> <b>Email</b> <a href="mailto:mpl@sro.vic.gov.au">mpl@sro.vic.gov.au</a> <b>Phone</b> 13 21 61 (local call cost) <b>Fax</b> 03 9628 6856
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# REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 03878 FOLIO 523

Security no : 124129930732W  
Produced 14/11/2025 03:45 PM

CITY OF MARIBYRNONG  
**RECEIVED**  
20/11/2025  
URBAN PLANNING

## LAND DESCRIPTION

Lot 1 on Title Plan 689953F.  
PARENT TITLE Volume 02194 Folio 713  
Created by instrument 773052 20/04/1915

## REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
BABWEST PROPERTY GROUP PTY LTD of LEVEL 12 468 ST KILDA ROAD MELBOURNE VIC  
3004  
AZ350342C 04/07/2025

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AZ350343A 04/07/2025  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

## DIAGRAM LOCATION

SEE TP689953F FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 438-440 BARKLY STREET FOOTSCRAY VIC 3011

## ADMINISTRATIVE NOTICES

NIL

eCT Control 16667Y GADENS LAWYERS  
Effective from 04/07/2025

DOCUMENT END

## REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 06946 FOLIO 199

Security no : 124129930731X  
Produced 14/11/2025 03:45 PM

### LAND DESCRIPTION

Lot 1 on Title Plan 247963U.  
Created by Application No. 051023 25/11/1949

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
BABWEST PROPERTY GROUP PTY LTD of LEVEL 12 468 ST KILDA ROAD MELBOURNE VIC  
3004  
AZ350342C 04/07/2025

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AZ350343A 04/07/2025  
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE TP247963U FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 438-440 BARKLY STREET FOOTSCRAY VIC 3011

### ADMINISTRATIVE NOTICES

NIL

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DOCUMENT END



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TITLE PLAN	EDITION 1	TP 689953F
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<p><b>Location of Land</b></p> <p>Parish: AT FOOTSCRAY PARISH OF CUT-PAW-PAW</p> <p>Township:</p> <p>Section: 15</p> <p>Crown Allotment:</p> <p>Crown Portion: 8(PT)</p> <p>Last Plan Reference:</p> <p>Derived From: VOL 3878 FOL 523</p> <p>Depth Limitation: NIL</p>	<p><b>Notations</b></p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p><b>Description of Land / Easement Information</b></p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 15/11/2000</p> <p>VERIFIED: G.B.</p>
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*C.O. in Appn. 51023  
25. 11. 1949*

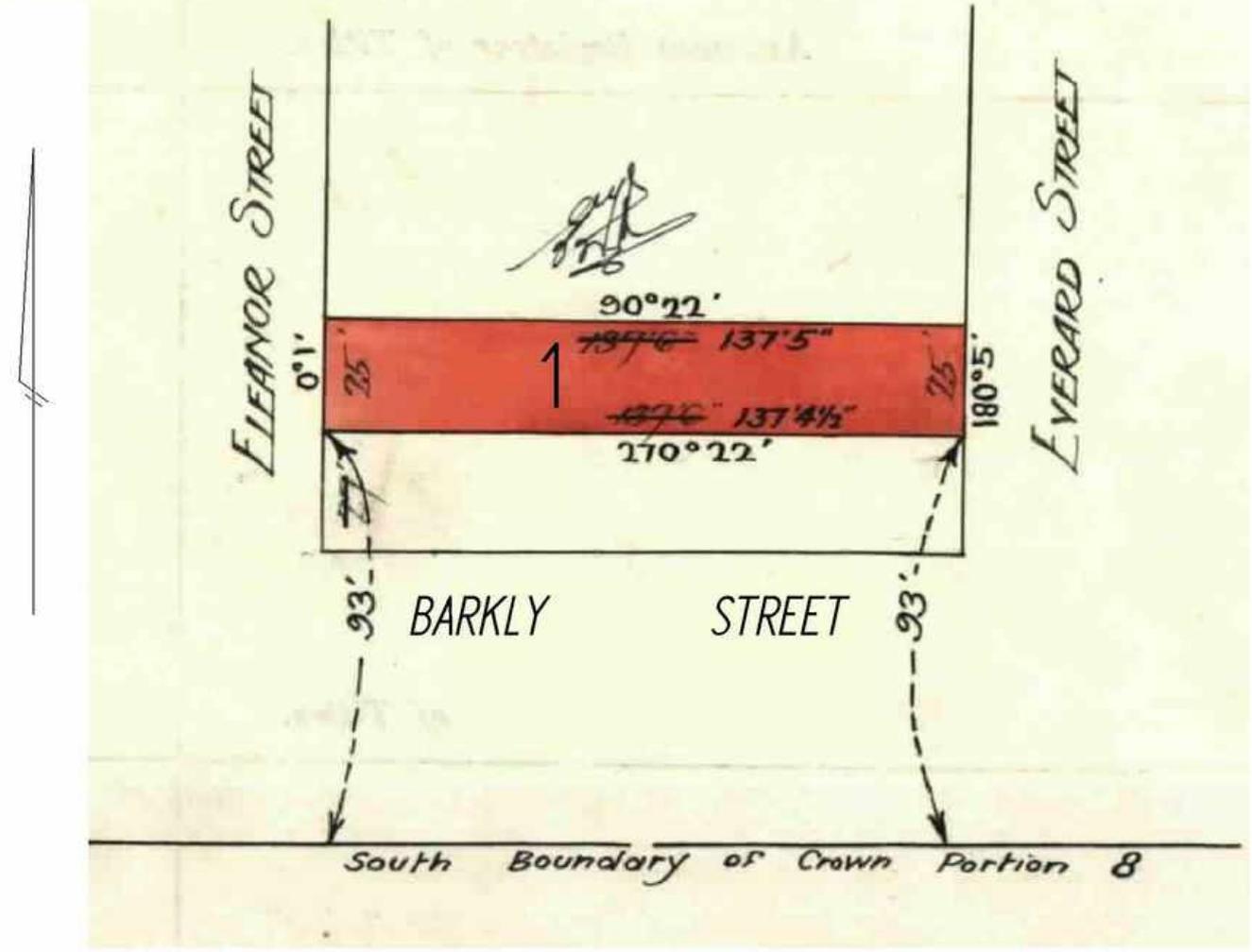


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = CP 8 (PT)	



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TITLE PLAN		EDITION 1	TP 247963U
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<b>Location of Land</b> Parish: AT WEST FOOTSCRAY PARISH OF CUT-PAW-PAW Township: Section: 15 Crown Allotment: Crown Portion: 8 (PT)  Last Plan Reference: Derived From: VOL 6946 FOL 199 Depth Limitation: NIL	<b>Notations</b>     ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
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<b>Description of Land / Easement Information</b>	THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 16/12/1999 VERIFIED: EWA
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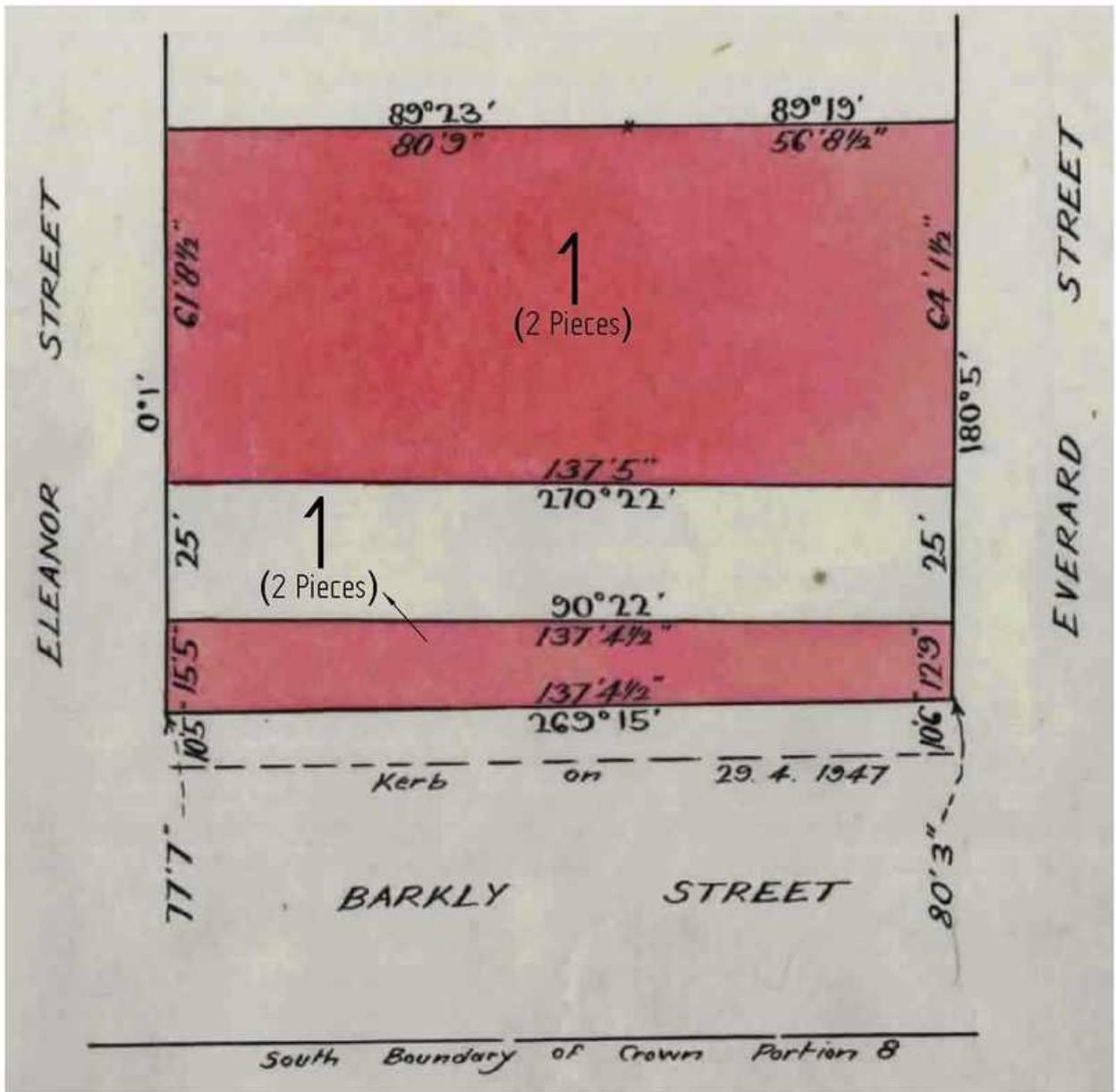


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = CP 8 (PARTS)	

TOTAL AREA = 0A 0R 38 8/10P

LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	
		Sheet 1 of 1 sheets

# TOWN PLANNING REPORT

ADDRESS: 438-440 BARKLY STREET, FOOTSCRAY  
PREPARED FOR: JET OIL  
DATE: 10 FEBRUARY 2026

## Document Information

<b>Issue Date</b>	10 February 2026	<b>Prepared for</b>	Jet Oil
<b>Prepared by</b>	NC	<b>Reviewed by</b>	KS/JV
<b>Project No.</b>	15177	<b>Project Name.</b>	438-440 Barkly Street, Footscray

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# 1 Introduction

Human Habitats is pleased to provide this planning report on behalf Jet Oil, to accompany a Planning Permit Application for the use and development of the land at 438-440 Barkly Street, Footscray (the subject site) as a Childcare Centre with associated car parking, landscaping and signage.

The subject site is located within the General Residential Zone (GRZ3) and is affected by the Environmental Audit Overlay, Design and Development Overlay – Schedule 7 and Development Contributions Plan Overlay – Schedule 2.

It is our assessment that the proposal provides an appropriate response to the objectives of State and Local Policy and the General Residential Zone land use objectives for Footscray and the City of Maribyrnong more broadly. Additionally, we affirm that the area's characteristics make this site a favourable location for the proposed Childcare Centre.

In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** – Does the proposal demonstrate an appropriate outcome considering the strategic drivers of the City of Maribyrnong?
- **Zoning** – Does the proposal respond to the expectations of the General Residential Zone provisions?
- **Design and Development Overlay** – Does the development respond to the objectives of the DDO?
- **Neighbourhood Character** – Is the proposed development consistent with the Maribyrnong Neighbourhood Character Guidelines?
- **Amenity** – Does the proposed layout address off-site amenity considerations and contribute to the public realm?
- **Access and Traffic** – Does the proposal provide an appropriate traffic outcome including providing safe and efficient vehicle and pedestrian circulation throughout the site?
- **Signage** – Does the proposal provide appropriate signage?

## 1.1 Permit Requirements

The site is located within the General Residential Zone – Schedule 3. A permit is required for the following:

- Pursuant to **Clause 32.08-2** (General Residential Zone), a permit is required to provide for a childcare centre.
- Pursuant to **Clause 32.08-10** (General Residential Zone), a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
- Pursuant to **Clause 43.02-2**, a permit is required to construct a building or construct or carry out works.
- Pursuant to **Clause 52.05-13**, a permit is required to provide for signage on site.

## 1.2 Supporting Documents

This planning report is to be read in conjunction with:

- Title Documents Volume 03878 Folio 523, dated 14 November 2025;
- Architectural Plans prepared by Architecton, dated 10 February 2026;
- Landscape Concept Plan prepared by Human Habitats, dated 19 November 2025;
- Traffic Impact Assessment prepared by One Mile Grid, dated 6 November 2025;
- Waste Management Plan prepared by One Mile Grid, dated 6 November 2025;
- Environmental Audit Report prepared by Kleinfelder Australia Pty Ltd, dated 4 November 2016;
- Groundwater, Soil Vapour and Soil Assessment prepared by Ewers Environmental Consulting, dated December 2025;



- Acoustic Impact Assessment prepared by Clarity Acoustics, dated 13 November 2025;
- Sustainability Management Plan prepared by Frater Consulting Services, dated 14 November 2025; and
- MPL Certificate, dated 18 November 2025.

## 2 Subject Site and Surrounding Context

### 2.1 Subject Site

The subject site is located at 438-440 Barkly Street, Footscray and is formally identified as Lot 1 and 2 on Title Plan 247963. The subject site is generally rectangular in shape and presents to Barkly Street along the southern primary frontage, with secondary frontages to both Eleanor Street (along the western frontage) and Everard Street (along the eastern frontage). The site provides for an area of 1,303 square metres with a site depth of approximately 30m and is currently vacant and does not contain any vegetation.

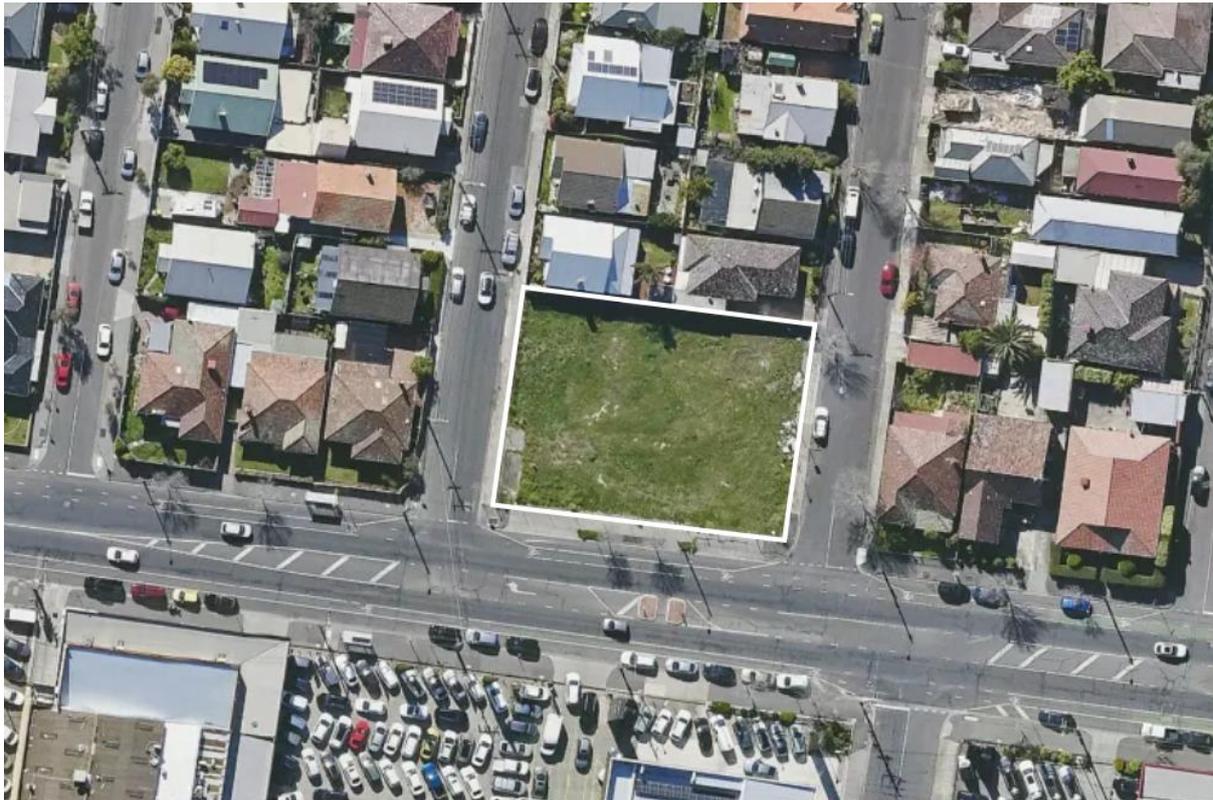


Figure 1 - Aerial Image of Subject Site identified in white (source: Landchecker)

### 2.2 Site Interface and Character

#### 2.2.1 Northern Interface

The site presents to 113 Eleanor Street and 76 Everard Street along the northern boundary. Both adjoining parcels provide for single storey residential dwellings. Further to the north is similar residential uses which provide for both single and double storey dwellings. Further north is the Western Private Hospital and the Western Health Footscray Hospital and St Johns School.



Figure 2 - 113 Eleanor Street



Figure 3 - 76 Everard Street

### 2.2.2 Eastern Interface

The site presents to Everard Street along the eastern boundary. Beyond the road interface is 436 Barkly Street. The parcel accommodates a single storey dwelling which presents to Barkly Street. Further east of the immediate area is similar residential uses integrated with supportive commercial and open space uses. Geelong Road is located further to the east of the site and provides for connectivity between the inner western suburbs of Melbourne and Geelong.



Figure 4 - 436 Barkly Street

### 2.2.3 Southern Interface

The site presents to Barkly Street along the southern boundary which is identified as a Transport Zone 3 road. Beyond the road interface is 427-455 Barkly Street which provides for a range of new and used car dealerships. The area to the south of Barkly Street is identified in the Commercial 2 Zone. Further south is residential uses and the West Footscray train station.



Figure 5 - Barkly Street Interface

### 2.2.4 Western Interface

The site presents to Eleanor Street along the western boundary. Beyond the road interface is 454 Barkly Street and 76 Eleanor Street. The Barkly Street property presents to the southern frontage, with the Eleanor Street parcel presenting to the local streetscape. Beyond the immediate interface is similar residential parcels with single and double storey dwellings. It is noted that to the west along the Barkly Street frontage there are a number of commercial and retail uses.



Figure 6 - 454 Barkly Street

### 2.2.5 Surrounding Context

Within the broader locality, the area provides for a mix of residential, commercial and open space uses. These uses are adequately supported by public transport which is highly accessible and connected to greater transport hubs. The following provides a breakdown of surrounding uses of significance and their locality to the subject site:

- Melbourne Pathology Footscray located 550 metres to the north
- Western Private Hospital located 550 metres to the north
- Western Health Footscray located 615 metres to the north
- Ballarat Road located 900 metres to the north
- McNabb Reserve Playground located 145 metres north east
- The Learning Sanctuary Footscray located 237 metres east
- Footscray Primary School located 650 metres east
- Footscray High School located 875 metres east
- Footscray Markey located 1.44 kilometres to the east
- Barkly Road commercial area located 1 kilometre to the east
- Footscray Train Station located 1.5 kilometres to the south east
- Middle Footscray Train Station located 750 metres to the south east
- Western Bulldogs Football Club and oval located 188 metres to the south east
- West Footscray Train Station located 410 metres south
- Central Australia College located 300 metres to the south
- Bulldogs Community Children's Centre located 150 metres south
- Banbury Village located 300 metres to the west
- SIMS IGA Plus Liquor Footscray 400 metres to the west

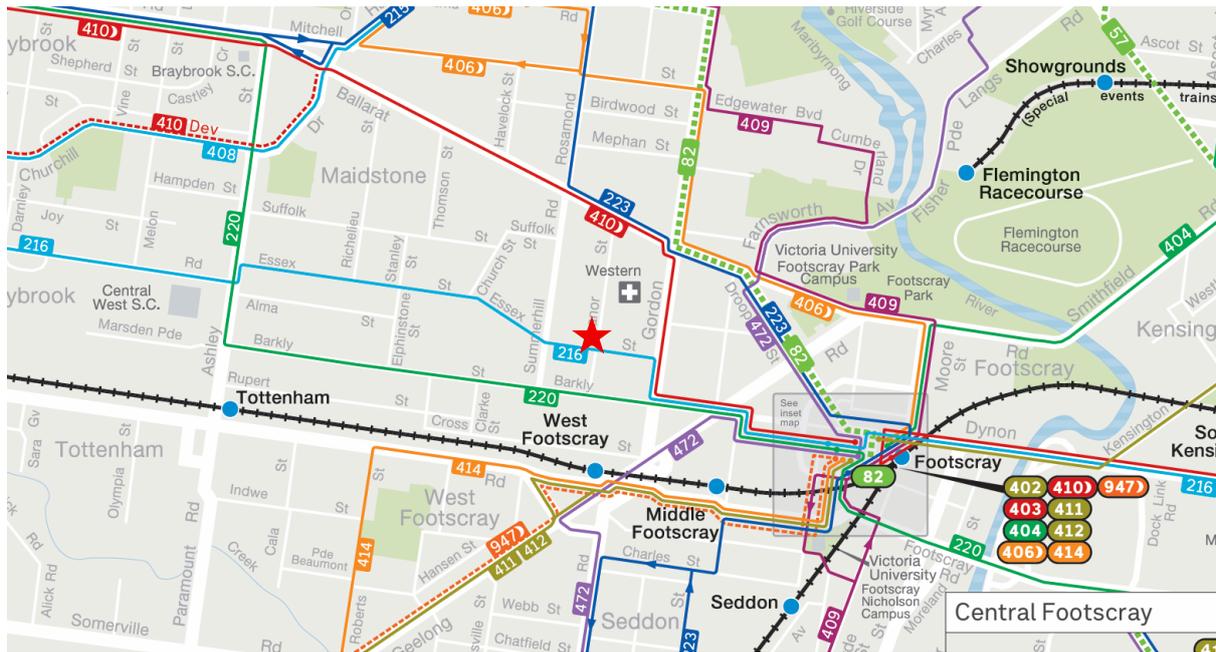


Figure 7 - Maribymong Public Transport System with site identified in red



### 3 The Proposal

The proposal seeks to provide for the use and development of 438-440 Barkly Street, Footscray, for a Childcare Centre and three business identification signs, three promotion signs and two internally illuminated signs, car parking and landscaping. The proposal seeks to provide for a 3-storey structure which interfaces with Barkly Street, with car parking and access provided via the secondary frontages and away from the main road. Additionally, the design provides for landscaping along the street frontages, with the outdoor play areas located away from the street interface and presenting to the north, benefiting from appropriate acoustic treatments.

A summary of the proposed development is as follows:

Item	Total
Development Site Area	1,303 sqm
Proposed Site Coverage	965.17sqm (74.07%)
Outdoor Play Area	Level 1: 503.68 sqm Level 2: 356.59 sqm
Number of Children Spaces	116
Number of Children's Rooms	7 spaces
Car Spaces	25 spaces included 1 disabled park
Bicycle Parks	4 spaces
Building Height	11.4 metres
Proposed Front Setback	3 metre setback to Barkly Street 2 metre setback to Eleanor Street 2 metre setback to Everard Street

Key features are:

- A childcare centre for 116 children with associated staff facilities, kitchen, STEM, library, office, reception and associated bin storage/ service area. Accessible via crossovers to Eleanor Street and Everard Street.
- 25 on site car parks (including 1 disabled space).
- 2 external play areas; at first and second floor level;
- Landscaping opportunities along all site frontages;
- Three business identification signs facing the road interface;
- Three promotion signs facing the road interface; and
- Two internally illuminated signs providing for street visibility for visitor car parking along the secondary frontages.



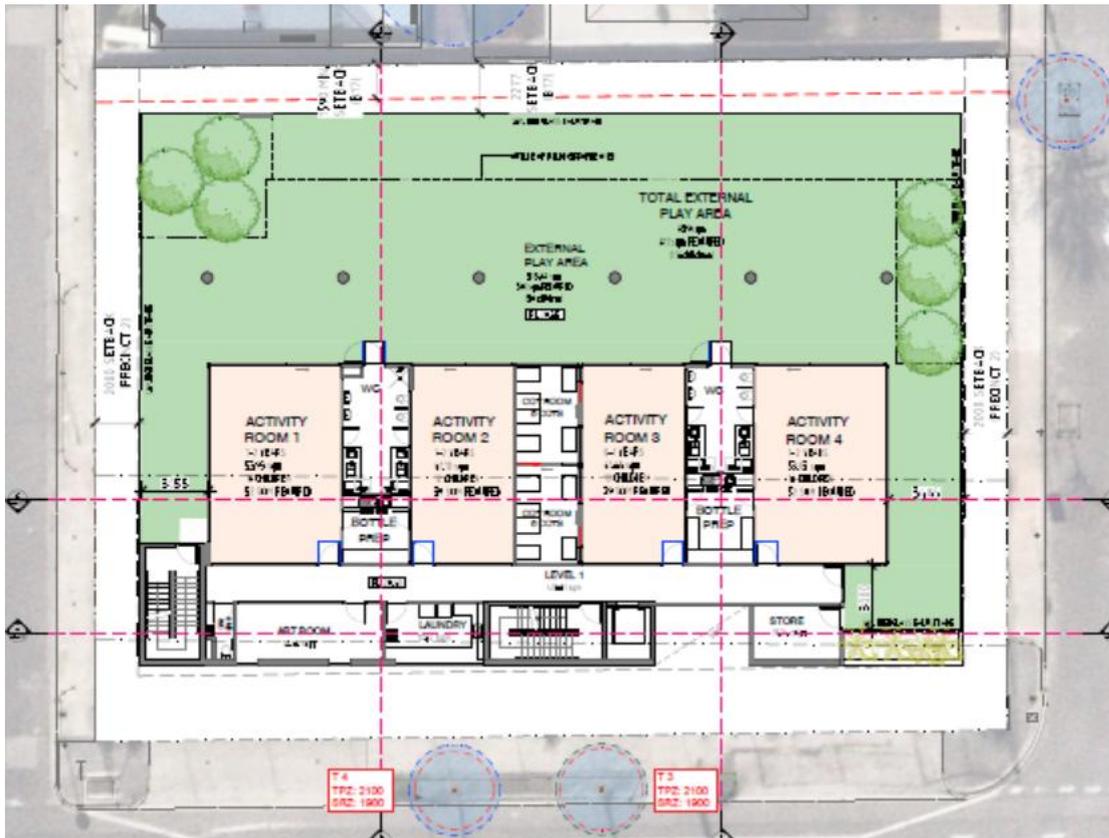


Figure 10 - Proposed First Floor

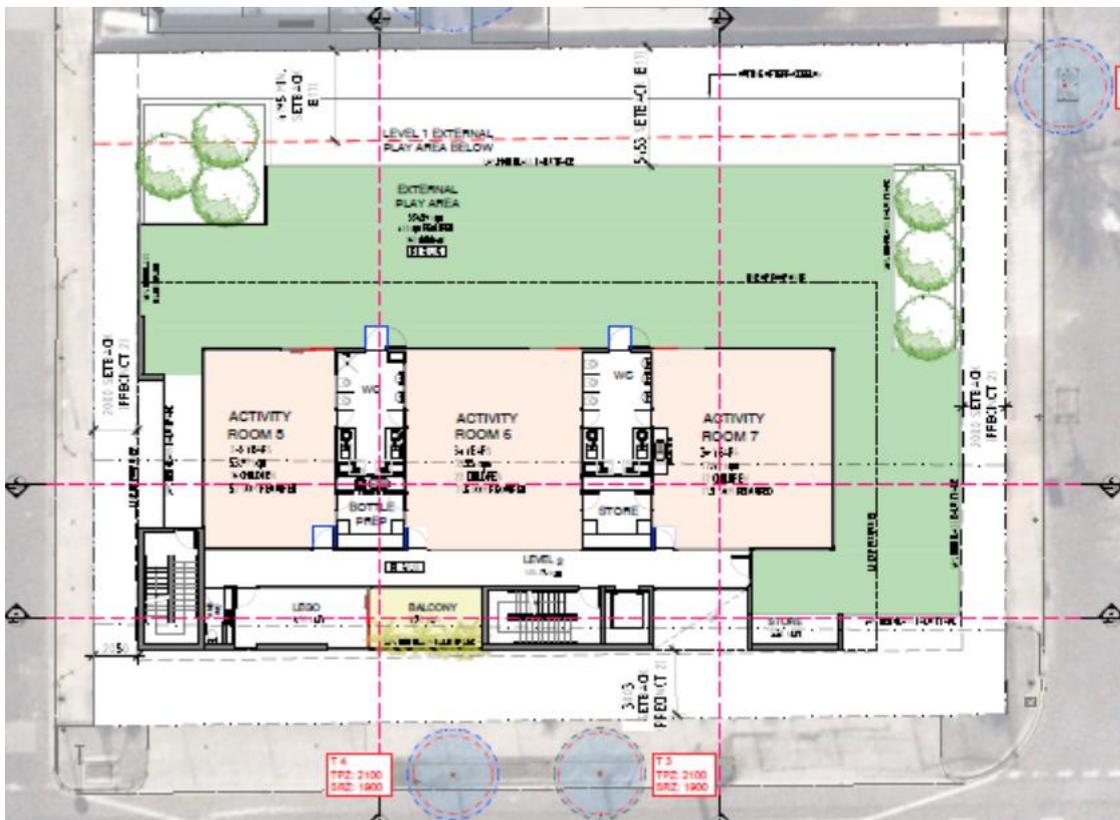


Figure 11 - Proposed Second Floor



Figure 12 - Proposed Southern Elevation addressing Barkly Street



Figure 13 - Proposed Western Elevation addressing Eleanor Street



Figure 14 - Proposed Northern Elevation

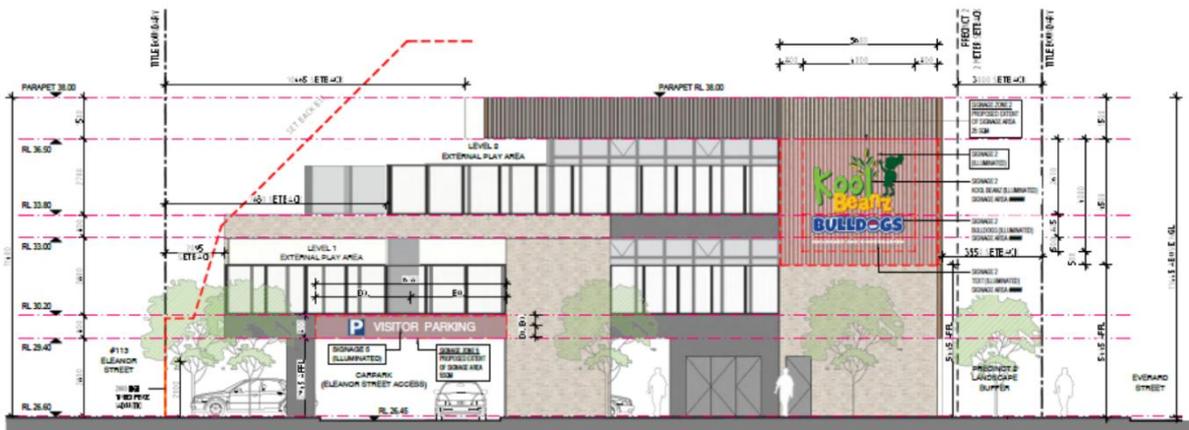


Figure 15 - Proposed Eastern Elevation addressing Everard Street



### 3.1 Traffic

The proposed development includes crossover arrangements along Eleanor Street and Everard Street to support vehicular movements across the site. The design includes access and egress via 6.4m wide crossovers from the above mentioned streets as an entry and exit point for the Childcare Centre. The internal design accommodates a set of 25 car parking spaces (including 1 disabled access space) for the which will service the use.

The internal arrangement provides sufficient on-site manoeuvring areas allowing service and waste vehicles to access the site appropriately and enter and exit in a forward motion. The design is accommodated by sufficient pedestrian pathway areas along the northern and southern elevations (car parking entrance and Barkly Street entrance).

### 3.2 Signage

Three business identification signs, three promotional signs and two internally illuminated signs are proposed on the eastern, southern and western elevations. The proposal seeks to utilise a combination of illuminated and non illuminated signs interfacing the external boundaries. The table below details the proposed signage:

Sign	Type	Height (mm)	Width (mm)	Location	Sign Area (sqm)
1.	Business Identification	2990	4500	Barkly Street	Combined 49sqm signage area
2.	Promotion	930	4500	Barkly Street	
3.	Business Identification	2670	4000	Everard Street	Combined 25sqm signage area
4.	Promotion	825	4000	Everard Street	
5.	Business Identification	2300	4725	Eleanor Street	Combined 23sqm signage area
6.	Promotion	2300	4000	Eleanor Street	
7.	Internally Illuminated	800	6780	Eleanor Street	55sqm
8.	Internally Illuminated	800	6780	Everard Street	55sqm



## 4 Planning Policy Framework/Controls

### 4.1 State and Local Planning Policy

- Clause 11.01-1S – Settlement
- Clause 11.03-1S – Activity centres and precincts
- Clause 11.03-1L-08 – West Footscray neighbourhood activity centre, Barkly Street East and West Footscray Railway Station Precincts
- Clause 13.05-1S – Noise Management
- Clause 13.07-1S – Land use compatibility
- Clause 13.07-1L-02 – Land use compatibility
- Clause 15.01-1S – Urban design
- Clause 15.01-1L-01 – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-2L-01 – Building and development design
- Clause 15.01-2L-03 – Environmentally sustainable design
- Clause 15.01-5S – Neighbourhood character
- Clause 15.01-5L – Neighbourhood character
- Clause 17.01-1S – Diversified economy
- Clause 17.01-1L – Employment
- Clause 19.02-2S – Education Facilities

### 4.2 State and Local Planning Policy Summary

Below is a summary of the key State and Local planning policies that are applicable to the site.

- **Clause 11.01-1S – Settlement:** Policy seeks to ensure that sustainable growth and development is provided across Victoria.
- **Clause 11.03-1S – Activity centres and precincts:** Policy aims to provide for concentration of retail, commercial, administrative, entertainment and cultural development in proximity to public transport services.
- **Clause 11.03-1L-08 – West Footscray neighbourhood activity centre, Barkly Street East and West Footscray Railway Station Precincts:** Policy seeks to provide for selected growth and development of the immediate area, encouraging a mix of residential, commercial and community uses.
- **Clause 13.05-1S – Noise Management –** Policy seeks to assist the management of noise effects on sensitive land uses.
- **Clause 13.07-1S – Land use compatibility:** Policy seeks to ensure that development considers community amenity, human health and safety along with potential adverse off site impacts.
- **Clause 13.07-1L-02 – Land use compatibility:** Policy aims to ensure that noise attenuation measures are provided in residential settings to limit negative amenity impacts.
- **Clause 15.01-1S – Urban design:** Policy seeks to ensure environments provide a safe, healthy, functional and enjoyable design which is reflective of the local area.
- **Clause 15.01-1L-01 – Urban design:** Policy seeks to provide landscaping along the street interface to promote natural shade for pedestrians and car parking areas.



- **Clause 15.01-2S – Building design:** Policy seeks to ensure that built form positively contributes to the local context and provides for environmentally sustainable development.
- **Clause 15.01-2L-03 – Environmentally sustainable design:** Policy seeks to ensure that development implements best practice in its design, demolition, construction and operation.
- **Clause 15.01-5S – Neighbourhood character:** Policy aims to protect the neighbourhood character, cultural identity and sense of place.
- **Clause 15.01-5L – Neighbourhood character:** Policy seeks to ensure that development is provided in accordance with the local neighbourhood character provisions and aspirations for the area.
- **Clause 17.01-1S – Diversified economy:** Policy aims to ensure that development supports a diversified economy.
- **Clause 17.01-1L – Employment:** Policy seeks to ensure that employment generated uses are appropriately provided across the local area.
- **Clause 19.02-2S - Education Facilities:** Policy seeks to ensure that education facilities are appropriately located to service the local community.

### 4.3 Particular Provisions

The following particular provisions are considered relevant to the proposal:

- Clause 52.05 – Signs
- Clause 52.06 – Car Parking
- Clause 65 – Decision Guidelines

### 4.4 General Residential Zone – Schedule 3

The site is located within the General Residential Zone – Schedule 3 (GRZ3). The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that is responsive to the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Schedule 3 of the zone does not seek to vary any requirements as noted under the zone.



Figure 16 - General Residential Zone with subject site identified in red

In accordance with the General Residential Zone, a planning permit is required:

- To use the site as a childcare centre (Clause 32.08-2); and
- To construct buildings or carry out works associated with a Section 2 use (childcare centre) (Clause 32.08-10)

#### 4.5 Environmental Audit Overlay

The site is located in the Environmental Audit Overlay (EAO). The purpose of the overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.



Figure 17 - Environmental Audit Overlay with subject site identified in red



Pursuant to Clause 45.03-1, before a sensitive use (a childcare centre) can commence or before the construction or carrying out of buildings and works in association with these uses commences, the following is required:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or the proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*, stating that the environmental conditions of the land are suitable for the use or proposed use.

An Environmental Audit Report was undertaken over the site in 2016, prepared by Kleinfelder, with an updated Groundwater, Soil Vapour and Soil Assessment prepared by Ewers Environmental Consulting Pty Ltd and confirms that the site would be suitable for a childcare centre use, subject to a number of conditions. As part of this application, we accept a suitably worded condition of permit to implement the requirements of the Environmental Audit before the construction or works associated with the use commencement.

#### **4.6 Design and Development Overlay – Schedule 7**

The site is located in the Design and Development Overlay – Schedule 7 (DDO7). The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Further the design objectives of Schedule 7 area:

- *To encourage a range of well designed buildings with a consistent street wall height and fine grain presentation that support a mix of active uses on ground floor level in the West Footscray Neighbourhood Activity Centre.*
- *To encourage a range of well designed low-rise apartment buildings with landscaped front setbacks on consolidated sites in the Barkly Street East Residential Precinct.*
- *To encourage improved activation and utilisation of the public realm through active frontages to buildings along street frontages and public spaces.*
- *To ensure that built form elements above the street wall are visually recessive, minimise visual bulk and overshadowing of the public realm and achieve an overall consistency of scale within the streetscape.*
- *To ensure development responds to the amenity of surrounding areas.*

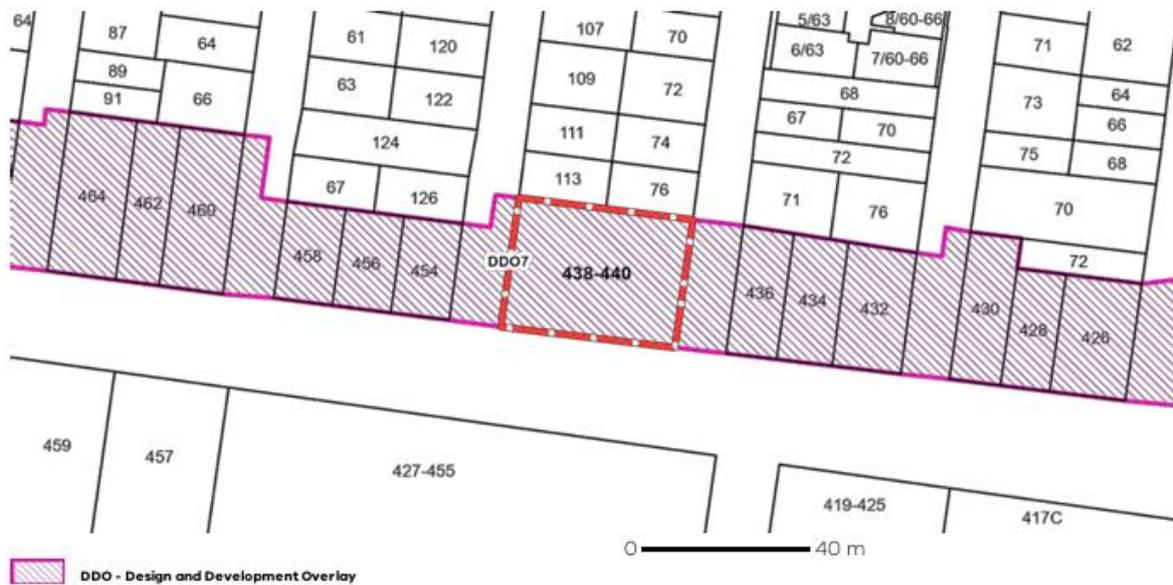


Figure 18 - Design and Development Overlay - Schedule 7 with subject site identified in red

In accordance with the Design and Development Overlay, a planning permit is required:

- To construct a building or construct or carry out works (Clause 43.02-2).

#### 4.7 Development Contributions Plan Overlay – Schedule 2

The site is located in the Development Contributions Plan Overlay – Schedule 2. The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.



Figure 19 - Development Contributions Plan Overlay with subject site identified in red

The site is identified in Charge Area 3C under the Maribyrnong Development Contributions Plan.

Section 4 of Schedule 2 to the Development Contributions exempts Childcare Centre uses from the requirements of this Overlay.



## 5 Planning Considerations

This proposal is considered to provide an excellent response to land use and built form aspirations of the Maribyrnong City Council. In coming to this conclusion, we have considered the following key questions:

- **Planning Policy** – Does the proposal demonstrate an appropriate outcome considering the strategic drivers of the City of Maribyrnong?
- **Zoning** – Does the proposal respond to the expectations of the General Residential Zone provisions?
- **Design and Development Overlay** – Does the development respond to the objectives of the DDO?
- **Neighbourhood Character** – Is the proposed development consistent with the Maribyrnong Neighbourhood Character Guidelines?
- **Amenity** – Does the proposed layout address off-site amenity considerations and contribute to the public realm?
- **Access and Traffic** – Does the proposal provide an appropriate traffic outcome including providing safe and efficient vehicle and pedestrian circulation throughout the site?
- **Signage** – Does the proposal provide appropriate signage?

### 5.1 Planning Policy

The proposed development has been considered against the key policy drivers of the Maribyrnong Planning Scheme. We provide the following assessment and justification against the state and local planning policy and framework:

- Clause 11 (Settlement) and Clause 15 (Built Environment and Heritage) seek to develop well connected, appropriately located communities, providing a mix of land uses. They encourage a high quality-built form that protects and enhances the safety and amenity of the area. Furthermore, these policies seek to respect and retain existing neighbourhood character, ensuring new developments do not dominate the streetscape. The proposed development is an appropriate response to planning policy, as the childcare centre is strategically located in close proximity to the surrounding residential area and is within close proximity to several schools and public transport services.
- Clause 12 (Environmental and Landscape Values) seeks to protect and conserve environmentally sensitive areas. It is submitted that the proposed development provides for ample open space and provides opportunities for high quality landscaping including canopy trees to enhance biodiversity.
- Clause 13.07-1S (Land use compatibility) and Clause 13.07-1L-02 (Land use compatibility) seek to ensure that use or development of land is compatible with adjoining and nearby land uses. The proposed childcare centre is located within an established residential area and highly accessible via Barkly Street, a Transport Zone 3 Road and public transport (bus route 220 on Barkly Street, 40 metres west of the site and a range of train stations). The proposal is appropriately sited and setback from adjoining properties to provide for substantial landscaping and mitigate potential amenity impacts.
- Clause 15.01-2L-03 (Environmentally sustainable development) seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The proposed development provides ample opportunities for ESD initiatives to be integrated and includes ample open space and substantial landscaping as well adopting an appropriate orientation and glazing to ensure high levels of natural daylight and ventilation can be achieved. Please refer to the SDA assessment prepared by Frater Consulting Services for further information.
- Clause 19.03-2S (Infrastructure Design and Provision) supports the provision of timely, efficient and cost-effective development infrastructure that meets the needs of the community. The proposal supports this policy through provision of a childcare centre in an established residential area in an accessible location.
- Clause 19.02-23 (Education Facilities) seeks to promote the integration of childcare centres within communities. The development responds to this policy by:
  - Providing a new childcare centre within an established residential area on a main road.

- Is accessible via private vehicle and public transport.
- Has been designed with a safe and efficient car park for drop offs and pick ups.

A complete assessment against Clause 65.01 – Decision Guidelines has been provided under Appendix A. The proposal responds well to State and Local policy, which encourages appropriately sited and designed childcare centres to serve community need.

## 5.2 Zoning

The site is located in the General Residential Zone – Schedule 3 (GRZ3). The proposed use for a Childcare Centre has been considered against the expectations and decision guidelines of the zone and is considered an appropriate complementary use for the residential area. The following provides a breakdown of the relevant decision guidelines to demonstrate how the proposal is an appropriate use of the site.

- **Built Form:** The design has been considered against the surrounding context and residential locality. Specific consideration for the northern interface has been provided to ensure that the design does not result in excessive overshadowing or amenity impact. Additionally, consideration for the street interface along Barkly Street has been provided, with the design providing for a range of materials and colours along with articulation to ensure that the building bulk does not negatively impact the streetscape and scale of the area.



Figure 20 - Proposed Perspective along the Barkly Street Everard Street interface

- **Overshadowing:** The proposed design has carefully considered the potential overshadowing impacts on surrounding properties. The built form addressing the adjoining residential parcels incorporating a tiered setback along the northern elevation, effectively minimising shadow projection to these areas. Furthermore,



- **Traffic:** The proposal has been considered from a traffic perspective. One Mile Grid have prepared a Traffic Impact Assessment, which confirms that the proposed design has considered traffic impacts within the site and across the local street network.

### 5.3 Design and Development Overlay

The site is identified in the Design and Development Overlay – Schedule 7 (West Footscray Neighbourhood Activity Centre and Barkly Street East Residential Precinct (North Side)). Within the DDO, the subject site is identified in Precinct 2 – Barkly Street East Residential Precinct (north side between Summerhill Road and Gordon Street). The proposed development provides for an appropriate land use and built form which positively responds to the DDO objectives and requirements. A thorough response to the design objectives, requirements and the decision guidelines has been provided under Appendix B, to demonstrate how the proposal presents an appropriate use and development for the site.

### 5.4 Neighbourhood Character

The proposed development has been considered against the Maribyrnong Neighbourhood Character Guidelines applicable to the site. The subject site is located in the General Suburban 4 Precinct. The proposed development positively responds to the preferred character objectives, providing for an appropriate complementary use which will service the immediate surrounding residential area. The design supports the precinct strategy, providing an attractive built form which is consistent with the overarching neighbourhood character objectives. The design aims to provide landscaping opportunities across all frontages to allow for future canopy trees, shrubs and garden beds to reflect the existing leafy character. A complete assessment against the precinct strategy of the Maribyrnong Neighbourhood Character Guidelines and a complete assessment of the design guidelines is provided under Appendix C.

### 5.5 Amenity

The proposed development has been designed with consideration for the northern interface and adjoining residential uses. The proposal provides for appropriate side setbacks along the northern interface to limit potential amenity impacts and visual interface. The design ensures that play areas are located along the northern side of the built form to maximum access to sunlight.

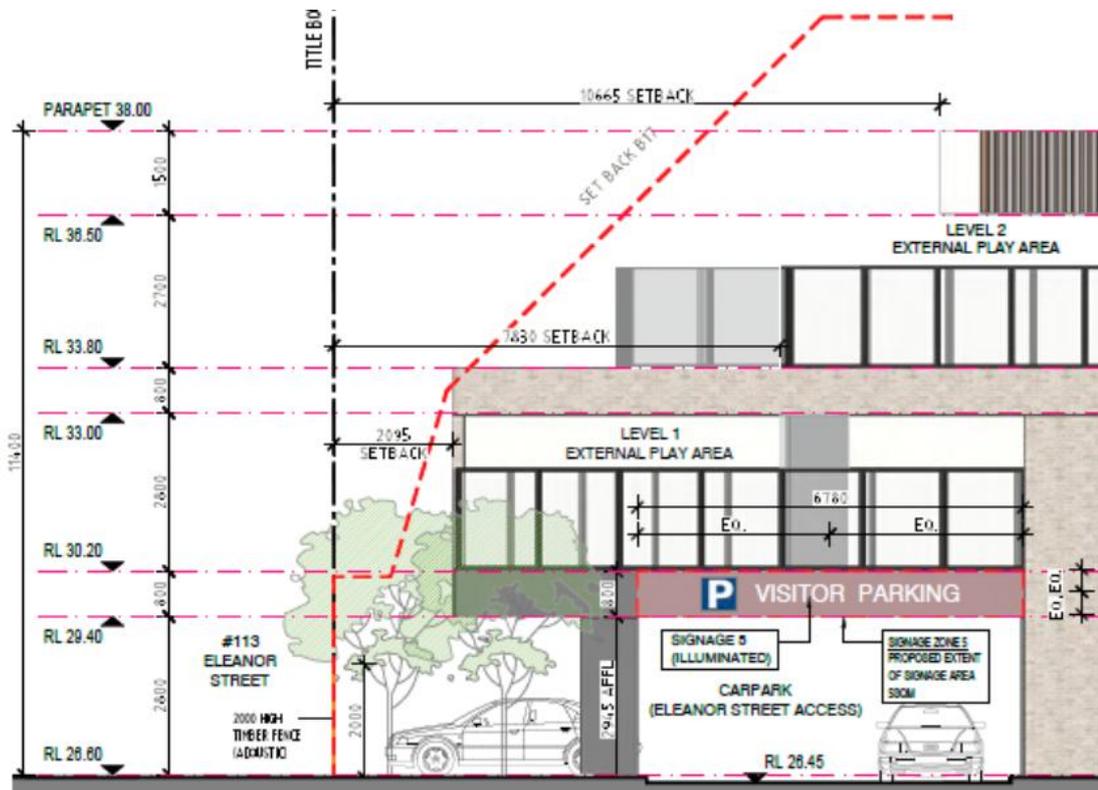


Figure 22 - Eastern Elevation demonstrating setback to the Northern Boundary

From an amenity perspective, the design has considered the interface with the northern boundary and existing residential uses. The design provides for residential building setbacks (or greater) to the northern side boundary to limit the potential impact to adjoining residents. The design provides for a 1.9m high acoustic fence along the northern boundary along with 1.8m high balustrade fencing to each level of the childcare centre, in accordance with the Acoustic Report. Please refer to the Acoustic Impact Assessment prepared by Acoustic Logistics for further information.

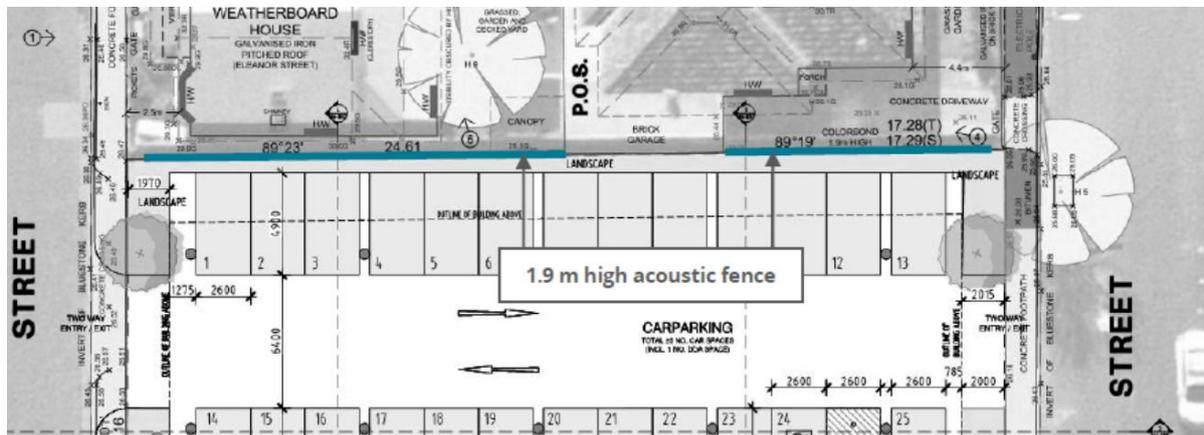


Figure 23 - Proposed Acoustic Fencing along Northern Side Boundary

## 5.6 Access and Traffic

The proposed development provides for appropriate access to the site via crossovers along both secondary frontages and provides for car parking areas along the northern side of the parcel, behind the building bulk and away from the Barkly Street interface. A Traffic Impact Assessment has been prepared by One Mile Grid which demonstrates how the proposed design is appropriate from a traffic perspective.

### 5.6.1 Access

The parcel provides for a number of existing crossovers located along the Barkly Street, Eleanor Street and Everard Street frontages. The proposed design seeks to utilise two vehicular crossovers, being along Eleanor Street and Everard Street. Both crossovers achieve a 6.4m width at the site boundary which allows for two way movement throughout the site. The proposed crossovers do not impact on the existing street trees or services and provides for a safe location for access away from the Barkly Street intersection.

### 5.6.2 Car Parking

The proposal provides for 25 car parking spaces across the site which are accessed towards the northern side of the site. The subject site is located in the Principal Public Transport Network Area (PPTN). In accordance with the Maribyrnong Planning Scheme, a childcare centre use in the PPTN, is required to provide 0.22 car parking spaces per child. The proposed development seeks to provide for up to 116 children and as such requires 25.52 (25) spaces to service the site. The proposed design provides for 25 spaces include 1 disability space, meeting the car parking requirements.

Please refer to the Traffic Impact Assessment prepared by One Mile Grid for further information.

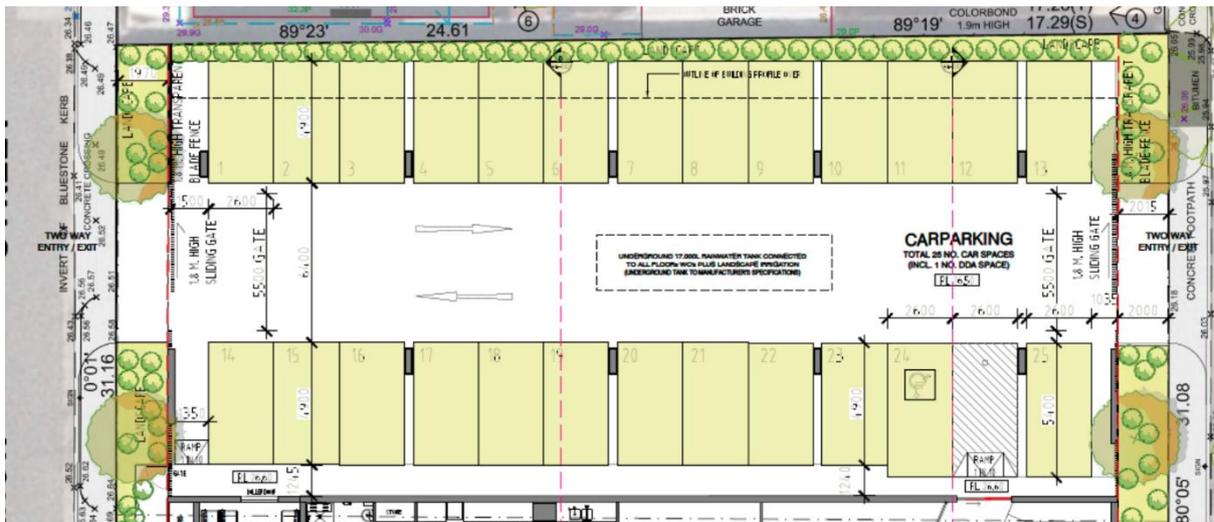


Figure 24 - Proposed Car Parking design

### 5.6.3 Bicycle Parking

The proposed development provides for 4 bicycle parking spaces located along the Barkly Street frontage. In accordance with Clause 52.34 of the Maribyrnong Planning Scheme, a childcare centre use does not require to provide for any bicycle parking.

### 5.6.4 Waste Management

The proposed design is supported by a Waste Management Plan, prepared by One Mile Grid, dated 6 November 2025. The WMP confirms that waste collection will be undertaken by a private contractor who will access the site from Eleanor Street and exit the site through the Everard Street frontage. The design provides for a bin area which is accessible from the internal childcare centre and along the pedestrian walkway adjoining car parking 14 and 15. The design provides for 16 bins consisting of garage (7 bins), organic (1 bin), recycling (7 bins) and glass (1 bin) which will adequately support the proposed childcare centre use. It is envisioned that waste vehicles will park in the car parking bays and transfer bins directly to the truck. This service will be undertaken outside of operating hours to minimise disturbance to children, parents, staff and visitors.

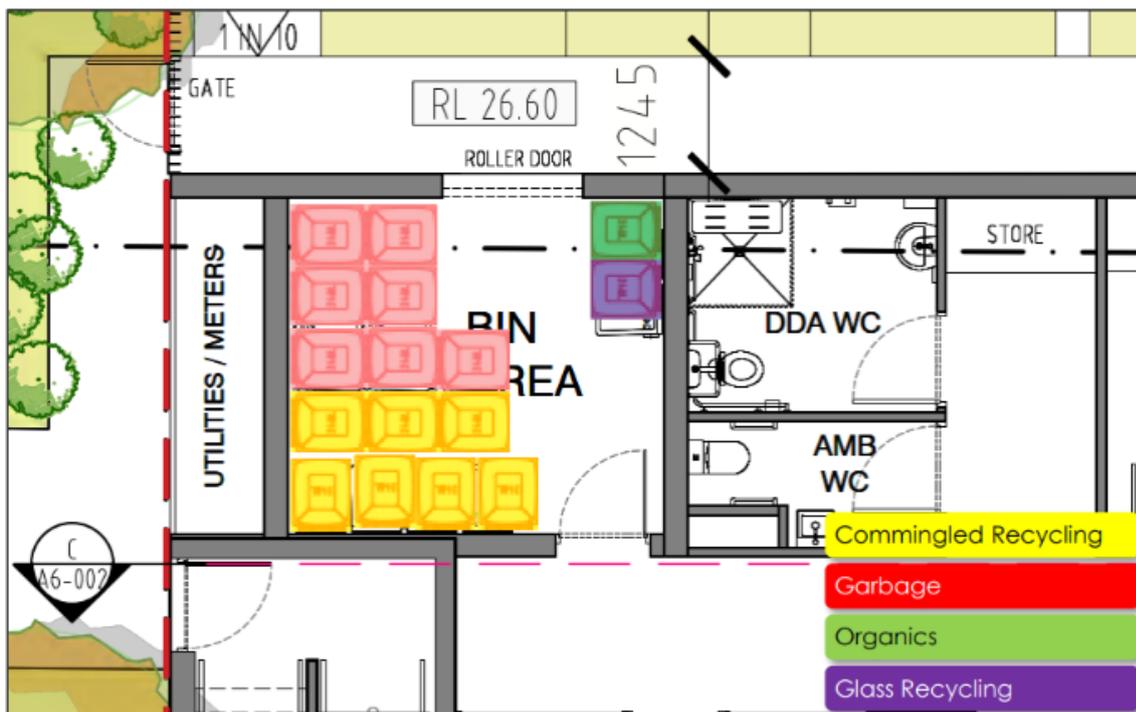


Figure 25 - Proposed Bin Store and Bin Breakdown

## 5.7 Signage

The application proposes installing three (3) business identification signs, three (3) promotion signs and two (2) internally illuminated signs as part of the development of the site at 438-440 Barkly Street, Footscray. The signs are intended to identify the proposed tenancy along the Barkly Street, Everard Street and Eleanor Street frontages and provides visibility for traffic travelling along the local road network.

The signage is assessed under Clause 52.05 – Signs of the Maribyrnong Planning Scheme. The site is in the General Residential Zone – Schedule 3 (GRZ3), where the applicable signage control is Category 3 – Low Amenity Areas. In this category, business identification, promotion signs and internally illuminated signs may be permitted, subject to a planning permit. Six of the proposed eight signs will be illuminated for visibility.

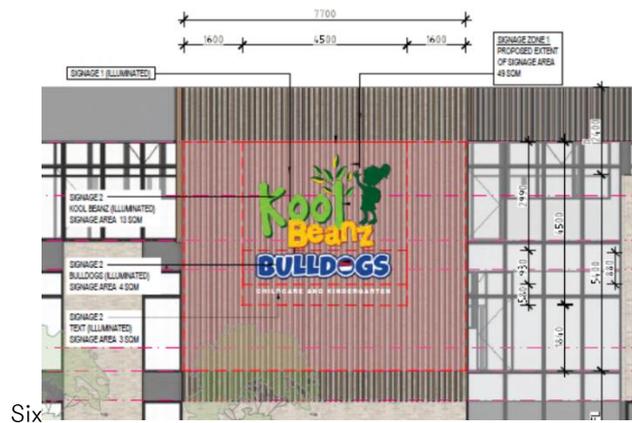


Figure 26 - Proposed Signage along Barkly Street



Figure 27 - Proposed Signage along Eastern Elevation



Figure 28 - Proposed Signage along Western Elevation

A complete assessment against Clause 52.05-6 has been included in Appendix D.



## 6 Conclusion

The proposed development for a childcare centre will deliver a positive planning outcome for the following reasons:

- The proposed development is consistent with vision, objective and guidelines of the Maribyrnong Planning Scheme and built form aspirations of Footscray.
- The subject site is considered an appropriate location for a childcare facility given its location within an established residential area, close to several schools and employment areas and highly accessible by vehicle and public transport.
- The childcare centre is of high-quality design and will be a positive contribution to the streetscape and character of the area.
- The proposed landscaping and built form setbacks will provide a suitable interface to the streetscape and adjoining properties.
- The proposed car parking provides an appropriate response to the layout of the site and ensures that access is designed to operate safely and efficiently.
- The proposed signs are designed along the external road interfaces and will ensure proper visibility for the proposed tenancy along the major road network.

For reasons outlined in this report, we believe the proposal is worthy of Council support, subject to standard conditions.

**Human Habitats Pty Ltd**



## APPENXID A – Clause 65.01 – Decision Guidelines

Decision Guidelines	HH Response
The matters set out in section 60 of the Act.	The subject site is not located in the West Footscray Neighbourhood Activity Centre.
Any significant effects the environment, including the contamination of land, may have on the use or development.	The proposed development provides for a three level Childcare Centre use with an overall height of 11.4 metres. The proposed design is consistent with the expectations of the Barkly Street East Residential Precinct. The proposed design supports a complementary commercial use which will cater to the immediate residential area.
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal provides a string response to local and state planning policy. An assessment has been provided in Section 5.1.
The purpose of the zone, overlay or other provision.	The proposed development has been designed in accordance with the zone and overlay provisions.
Any matter required to be considered in the zone, overlay or other provision.	An assessment against the relevant standards and provisions has been provided in Section 5 of the report.
The orderly planning of the area.	The proposed design provides for an orderly planning of the site. The parcel is currently vacant and supports a complementary use which will support the immediate residential area.
The effect on the environment, human health and amenity of the area.	The design has been considered against the environment and surrounding amenity. Acoustic measures have been provided to limit noise impacts; particularly to the northern sensitive interface.
The proximity of the land to any public land.	The site is not in proximity to public land.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposed design has been considered and provides for an appropriate land use which does not result in any land degradation, salinity or reduce water quality.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal has been designed to provide for adequate stormwater detention and will appropriately discharge to the surrounding network.
The extent and character of native vegetation and the likelihood of its destruction.	The site is cleared of vegetation.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	The site is cleared of vegetation.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The site is not impacts by floor, erosion or fire hazard.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	The design ensures that access is provided from the secondary street frontages and away from the main road. Waste will be collected outside of business hours



Decision Guidelines	HH Response
	<p>to limit impacts on the operation of the childcare centre.</p> <p>Appropriate traffic considerations have been provided. Please refer to the traffic report prepared by One Mile Grid for further information.</p>
<p>The impact the use or development will have on the current and future development and operation of the transport system.</p>	<p>Appropriate traffic considerations have been provided. Please refer to the traffic report prepared by One Mile Grid for further information.</p>



## APPENDIX B - Design and Development Overlay – Schedule 7

### Design Objectives

DDO7 Design Objectives	HH Response
To encourage a range of well designed buildings with a consistent street wall height and fine grain presentation that support a mix of active uses on ground floor level in the West Footscray Neighbourhood Activity Centre.	The subject site is not located in the West Footscray Neighbourhood Activity Centre.
To encourage a range of well designed low-rise apartment buildings with landscaped front setbacks on consolidated sites in the Barkly Street East Residential Precinct.	The proposed development provides for a three level childcare centre use with an overall height of 11.4 metres. The proposed design is consistent with the expectations of the Barkly Street East Residential Precinct. The proposed design supports a complementary commercial use which will cater to the immediate residential area.
To encourage improved activation and utilisation of the public realm through active frontages to buildings along street frontages and public spaces.	The proposal provides for activity frontages addressing Barkly Street, Eleanor Street and Everard Street. Entries are provided to both Barkly and Eleanor Street and the built form utilises materials, colours and articulation to present an attractive frontage to the public realm.
To ensure that built form elements above the street wall are visually recessive, minimise visual bulk and overshadowing of the public realm and achieve an overall consistency of scale within the streetscape.	The proposal provides for an appropriate 3 storey built form which has considered the surrounding amenity and interface to the public realm. The design provides for appropriate setbacks, a landscaping setback along each boundary and use of materials, colours and articulation to ensure the design does not result in a visually dominant design.
To ensure development responds to the amenity of surrounding areas.	The proposal has considered the residential amenity, specifically to the north. The design provides for acoustic fencing along the northern side boundaries and balustrade fencing along each level which has been provided in accordance with acoustic advice. Please refer to the Acoustic Report prepared by Clarity Acoustics for further information.

### Precinct 2 – Barkly Street East Residential Precinct (north side between Summerhill Road and Gordon Street)

Precinct 2 Design or Built Form Requirements	HH Response
<p><b>Street Setback</b></p> <p>Walls of buildings should be set back:</p> <ul style="list-style-type: none"> <li>minimum 3 metres from the frontage (incorporating landscaping).</li> <li>minimum 2 metres from the side street.</li> </ul>	The proposed design provides for a 3 metre setback along the Barkly Street frontage. Additionally, the design provides for a 2 metre setback to both Eleanor Street and Everard Street. All setbacks provide for landscaping opportunities which ensure that the design presents an attractive interface to the public realm. It is noted that due to the parcel design, the north western corner provides a minor reduction to the 2 metre setback (being setback 1.97m).



Precinct 2 Design or Built Form Requirements	HH Response
<p><b>Side Setbacks</b></p> <p>Where a wall does not include a habitable room window or balcony, the wall should be set back 0 metres to a side boundary.</p> <p>Above ground floor level, where a wall includes a habitable room window or balcony, the wall should be set back 4.5 metres from the side boundary for a minimum length of 3 metres and be clear to the sky.</p>	<p>The proposal provides for setbacks in accordance with residential standards. The design does not provide for any built form along the northern side boundary and will be appropriately setback to minimum amenity impacts to adjoining parcels.</p>
<p><b>Rear Setbacks</b></p> <p>A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-1, Standard B19 of Clause 55.04-3, Standard B20 of Clause 55.04-4, Standard B21 of Clause 55.04-5, and Standard D15 of Clause 58.04-2.</p>	<p>The proposal presents to 3 frontages and as such does not provide for any rear setbacks. Nevertheless, the northern setback (to residential dwellings) achieves compliance with the setback standard and requirements of Clause 55.02-3 (B2-3.1) demonstrating an appropriate outcome and due consideration for adjoining residential development.</p>
<p><b>Public Realm Interface</b></p> <p>Incorporate a residential active frontage response at all ground level interfaces.</p> <p>Where a laneway or secondary street exists, no vehicle access from the main street.</p> <p>Car parking area not visible from the street.</p> <p>Provide clearly visible and distinct entry points for residential uses (no alcoves or unsecured/setback entries).</p> <p>Incorporate direct entries from the street to ground floor uses.</p> <p>Incorporate windows on all levels of the building façade with direct access and outlook to the frontage.</p> <p>Incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one canopy tree per front yard.</p> <p>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened.</p>	<p>The proposal has been considered to provide an appropriate design with consideration for the public realm. The design limits access from the secondary frontages, with pedestrian access provided from both Barkly Street and Eleanor Street.</p> <p>The proposed car parking area is located towards the northern boundary, away from the main street interface.</p> <p>The design provides for windows and openings across each level which present to the external public realm.</p>

## Decision Guidelines

Decision Guideline	HH Response
<p>Whether the development meets the design and built form requirements specified in this schedule.</p>	<p>The proposal has been designed in accordance with Precinct 2 requirements. Please refer to Section 5.2.2 of the report for further details.</p>
<p>Whether the scale of development in Precinct 1 delivers street level definition and a very high level of pedestrian amenity, including active frontages, sky views and a pedestrian friendly scale.</p>	<p>The subject site is not located within Precinct 1.</p>



Decision Guideline	HH Response
Whether the development respects the fine grain presentation of adjoining land uses fronting the street.	The subject site is adjoined by secondary frontages along the eastern and western boundaries. The design has considered adjoining parcels to the north, providing appropriate setbacks and including additional acoustic treatment to limit potential impacts.
Whether the development is designed to minimise visual appearance of levels above the street wall and achieves an overall consistency of scale within the streetscape.	The proposal has been designed with consideration for the external public realm. The upper levels addressing the street interface provide for appropriate setbacks and utilise a range of colours and materials along with articulation to present an attractive interface with the streetscape.
Whether the development is designed to allow solar access to the south side of the street in a manner that maintains opportunities for outdoor dining and street activities in Precinct 1.	The subject site is not located within Precinct 1.
Whether the development is designed to minimise impact on adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing.	The proposal has considered the northern interface with residential parcels. The design provides for appropriate side setbacks and will limit amenity impacts through the use of acoustic treatment. The proposal does not result in any additional overshadowing to the northern parcels and is considered an appropriate outcome.
Whether the response to noise, odour and overshadowing is acceptable.	The proposed development has considered the surrounding residential context. The design includes appropriate acoustic treatment along the northern interface to limit potential amenity impacts. Additionally, the design provides for appropriate setbacks to all external boundaries to limit potential overshadowing.
Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.	The proposal is for a childcare centre and does not provide for residential development.
Whether windows, terraces and balconies are oriented to the street or open space.	The proposal is for a childcare centre and does not provide for residential development. It is noted that the outdoor play spaces have been designed to address the north to provide for optimal sunlight.
Whether plant and equipment is screened and integrated into the overall building design.	The design ensures that equipment is appropriately screened from the street interface.
How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.	The design ensures that the listed structures are appropriately integrated into the built form and do not negatively impact the adjoining parcels.
Whether the location, design and layout of car parking responds to the public realm.	The design provides for the car parking area away from the Barkly Street frontage. The design provides for crossovers along both secondary streets which act as a thoroughfare to allow traffic to move across the site. The car parking area is predominately screened by the proposed landscaping setback and built form which presents to the public realm.



Decision Guideline	HH Response
The safety and convenience of pedestrian, bicycle and vehicular access and egress points and connections.	The design provides for pedestrian connectivity across all frontages, with pedestrian access provided across the southern and western interface. Additionally, the design includes 4 bicycle parking spaces located along the Barkly Street frontage for accessibility.
The impact of traffic and parking on the road network.	A Traffic Impact Assessment has been prepared by One Mil Grid and confirms that the proposed development will have negligible impact on the existing traffic. The design has been provided in accordance with car parking standards and facilitates additional on street car parking for customers.
Whether the development is environmentally sustainable.	The proposal provides for an appropriate design which is supported from an environmentally sustainable perspective. The proposal is supported by a Sustainability Management Plan assessment prepared by Frater Consulting Services.



## APPENDIX C - Maribyrnong Neighbourhood Character Guidelines

### Precinct Strategy

Precinct Strategy	HH Response
Maintain and strengthen the mix of architectural styles and the consistency of built form.	The proposal provides for an appropriate 3 level childcare centre which considers the surrounding architectural design. The proposal provides for materials and colours which are reflective of the immediate area, whilst aligning with the intent of the Design and Development Overlay provisions.
Encourage the retention of older dwellings, including those from the Victorian, Edwardian and Interwar eras.	The site is a vacant parcel.
Encourage development that is distinguishable from original building stock to be respectful of the key elements from the Victorian, Edwardian and Interwar eras.	The proposed design is located on a vacant parcel and has been provided with considerations for the surrounding residential environment. The design cognisant of the Victorian, Edwardian and Interwar eras, however, supports a contemporary style which is reflective along Barkly Street more broadly.
Encourage development to respect the existing scale and style of built form, including through the provision of features such as pitched roofs.	The proposal has been provided with consideration for the surrounding built form and the expectations of the site as identified under DDO7. The proposal provides for a building height below 11.5m and utilises appropriate materials and colours to support an attractive contemporary take on the surrounding residential environment.
Strengthen garden settings through new plantings that provide canopy trees, shrubs and garden beds that contribute to the leafy character of streetscapes.	The design provides for landscaping setbacks along all road frontages. The proposal includes a 3m setback along the Barkly Street frontage with both Eleanor and Everard Street providing a 2m setback. Both areas are adequate to support sufficient landscaping.
Encourage front fences that maintain the openness of streetscapes and allow views to gardens and dwellings.	The design does not provide for front fencing. Given the use is for a childcare centre, the inclusion of a fence would not result in any significant change to the built form. The proposal provides for landscaping areas along all the external road boundaries.

### Design Guidelines

Design Guidelines		HH Response
<b>Existing Buildings</b>		
Objective: To encourage the retention of older dwellings that contribute to the valued character of the area.	Design Response: Retain dwellings from the Victorian, Edwardian and Interwar era that are intact and in good condition wherever possible.	The subject site is vacant.
<b>Vegetation</b>		



Design Guidelines		HH Response
Objective: To maintain and strengthen the garden setting of the dwellings.	Design Response: Retain large, established trees and provide for the planting of new trees wherever possible.  Buildings should be sited and designed to incorporate space for the planting of substantial vegetation.	The subject site has been cleared. The proposal provides for adequate area through landscape setbacks to allow for new trees to be provided.
<b>Siting</b>		
Objective: To maintain the consistency, where present, of front boundary setbacks.	Design Response: The front setback should be no less than the average setback of the adjoining two dwellings.	The side is not adjoined by any dwellings along Barkly Street and as such provides for appropriate landscape setbacks in accordance with the DDO7 requirements.
Objective: To maintain gaps between dwellings where this is a characteristic of the street.	Design Response: Buildings should be set back from the side boundaries in accordance with the pattern in the street.	The proposal provides for appropriate setbacks to the northern side boundary. The proposal exceeds residential standard setback requirements.
Objective: To minimise the loss of front garden space and the dominance of car parking structures.	Design Response: Locate garages and car ports behind the line of the dwelling.  Minimise paving in front garden areas, including driveways and crossovers.	The proposal provides an undercroft car parking area underneath the built form and away from the Barkly Street interface. The design provides for landscaping along the external boundaries.
<b>Height and building form</b>		
Objective: To ensure that buildings and extensions do not dominate the streetscape.	Design Response: Respect the predominant building height of the street and nearby properties.	The proposed development provides for a minimum height below 11.5m in accordance with the DDO7 requirements.
Objective: To maintain a balance between tree canopies and built form within the Maribyrnong River corridor and on hill faces and escarpment edges.	Design Response: Keep development below the established mature tree canopy height or the future tree canopy height.	The proposed development provides for a minimum height below 11.5m in accordance with the DDO7 requirements.  The design provides for landscaping areas along the site boundary, which allows for appropriate landscaping.
<b>Materials and design detail</b>		
Objective: To encourage innovative and contemporary architectural responses that are in harmony with surrounding older buildings and streetscapes.	Design Response: New development, including additions to existing buildings, should be distinguishable from the original dwelling stock through the use of innovative and contemporary design.	The proposed design provides for an appropriate built form which utilises a range of materials and colours. The proposal does not provide for residential development and has been designed to support the proposed use whilst considering the surrounding interface.
<b>Front boundary treatment</b>		



Design Guidelines		HH Response
Objective: To enhance the security of properties and maintain views into front gardens	Design Response: Provide low or open style front fences. Front fences should be appropriate to the building era or reflect the typical fencing height of the street.	The proposal does not provide for any front fencing. The design provides for landscaping along the road frontages which will act as a boundary design in accordance with the DDO7 expectations.



## APPENDIX D – Clause 52.05 Assessment

### Clause 52.05-6 – Application Requirements

Criteria	Human Habitats Response
<b>SITE CONTEXT</b>	
<p>A site context report, using a site plan, photographs or other methods to accurately describe:</p> <ul style="list-style-type: none"> <li>▪ The location of the proposed sign on the site or building and distance from property boundaries.</li> <li>▪ The location and size of existing signage on the site including details of any signs to be retained or removed.</li> <li>▪ The location and form of existing signage on abutting properties and in the locality.</li> <li>▪ The location of closest traffic control signs.</li> <li>▪ Identification of any view lines or vistas that could be affected by the proposed sign.</li> </ul>	<p><b>Complies</b></p> <p>Please refer to the architecture plans and commentary within Section 5.4 which demonstrates the location of the signs in proximity to the surrounding area.</p>
<b>SIGN DETAILS</b>	
<p>The location, dimensions, height above ground level and extent of projection of the proposed sign.</p>	<p><b>Complies</b></p> <p>The plans provide for the location, dimension and height of the proposed is within the site. Please refer to the architectural plans for further information.</p>
<p>The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.</p>	<p><b>Complies</b></p> <p>The plans demonstrate the signs will be constructed along the western, southern and eastern elevation and does not provide any visual support structure.</p>
<p>Details of associated on-site works.</p>	<p><b>Not Applicable</b></p> <p>No on-site works are required to support the proposed sign.</p>
<p>Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.</p>	<p><b>Complies</b></p> <p>Six of the proposed signs will be illuminated. It is expected that these signs will be illuminated between business hours and will be switched off automatically after hours.</p>
<p>The colour, lettering style and materials of the proposed sign.</p>	<p><b>Complies</b></p> <p>The proposed signs will provide for appropriate colour lettering style and materials which reflect the existing area and character. It will not diminish the existing interface.</p>
<p>The size of the display (total display area, including all sides of a multi-sided sign).</p>	<p><b>Complies</b></p> <p>The proposal provides for three business identification signs, three promotion signs and two internally</p>



Criteria	Human Habitats Response
	illuminated signs which are located along the front elevation presenting to Barkly Street, along the western elevation presenting to Eleanor Street and along the eastern elevation presenting to Everard Street. The signage areas provide for maximum total display area of 107sqm and will be single sided.
The location of any logo box and proportion of display area occupied by such a logo box.	<b>Not Applicable</b>
For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.	<b>Not Applicable</b> The proposed signs will not be animated or electronic.
Any landscaping details.	<b>Complies</b> The proposed signs are provided along the western, southern and eastern elevations and will not impact landscape.
<b>SIGNS WITH A DISPLAY AREA OF 18 SQUARE METRES OR MORE</b>	
<p>For a sign with a display area of 18 square metres or more:</p> <ul style="list-style-type: none"> <li>▪ A description of the existing character of the area including built form and landscapes.</li> <li>▪ The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.</li> <li>▪ Any existing identifiable advertising theme in the area.</li> <li>▪ Photo montages or a streetscape perspective of the proposed sign.</li> <li>▪ Level of illumination including: <ul style="list-style-type: none"> <li>○ Lux levels for any sign on or within 60 metres of a Transport Zone 2, Transport Zone 3, a residential zone or public land zone.</li> <li>○ The dwell and change time for any non-static images.</li> </ul> </li> <li>▪ The relationship to any significant or prominent views and vistas.</li> </ul>	<p><b>Complies</b></p> <p>The proposed signs provide for three business identification signs, three promotion signs and two internally illuminated signs along the western, southern and eastern elevation totalling a signage area of 107sqm.</p> <p>The proposed design does not result in any electronic component and will be utilised to support visibility for the proposed tenancy. It is noted that the proposal will provide for six of the eight signs with internal illumination, however this has been designed in accordance with relevant standards and surrounding interface amenity considerations.</p>

### Clause 52.05-8 – Decision Guidelines

Decision Guidelines	Response
The character of the area including:	The subject site and its surrounds are not recognised (e.g., by planning overlays) as being sensitive with respect to landscape, heritage, cultural or environment values.



Decision Guidelines	Response
<ul style="list-style-type: none"> <li>▪ The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.</li> <li>▪ The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.</li> <li>▪ The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.</li> <li>▪ The consistency with any identifiable outdoor advertising theme in the area.</li> </ul>	<p>The proposed signage areas have been designed in accordance with the streetscape and road hierarchy.</p> <p>The signage has been provided wholly within the site parameters and will be integrated along the southern elevation addressing Barkly Street, western elevation addressing Eleanor Street and the eastern elevation addressing Everard Street.</p> <p>All streetscapes provide for limited signage, with the proposed addition not considered to result in a significant clutter of the Barkly Street, Eleanor Street and Everard Street streetscape.</p> <p>The signage is consistent with the immediate character of Barkly Street, which features a mix of residential and commercial uses and business identification signage.</p>
<p>Impacts on views and vistas:</p> <ul style="list-style-type: none"> <li>▪ The potential to obscure or compromise important views from the public realm.</li> <li>▪ The potential to dominate the skyline.</li> <li>▪ The potential to impact on the quality of significant public views.</li> <li>▪ The potential to impede views to existing signs.</li> </ul>	<p>The site does not provide for any significant views and vistas, and the proposed signage will not impact the surrounding amenity. The development does not impact on any existing signage along the streetscape.</p>
<p>The relationship to the streetscape, setting or landscape:</p> <ul style="list-style-type: none"> <li>▪ The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.</li> <li>▪ The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.</li> <li>▪ The ability to screen unsightly built or other elements.</li> <li>▪ The ability to reduce the number of signs by rationalising or simplifying signs.</li> <li>▪ The ability to include landscaping to reduce the visual impact of parts of the sign structure.</li> </ul>	<p>The proposal includes for three business identification sign areas, as follows:</p> <ul style="list-style-type: none"> <li>▪ Sign 1 (Business Identification): 4.5m x 2.99m addressing Barkly Street</li> <li>▪ Sign 2 (Promotion): 4.5m x 0.93m addressing Barkly Street</li> <li>▪ Sign 3 (Business Identification): 4m x 2.67m addressing Everard Street</li> <li>▪ Sign 4 (Promotion): 4m x 0.825m addressing Everard Street</li> <li>▪ Sign 5 (Business Identification): 4.725m x 2.3m addressing Eleanor Street</li> <li>▪ Sign 6 (Promotion): 4m x 2.3m addressing Eleanor Street</li> <li>▪ Sign 7 (Internally Illuminated): 6.78m x 0.8m addressing Eleanor Street (with signage area of 55sqm)</li> <li>▪ Sign 8 (Internally Illuminated): 6.78m x 0.8m addressing Eleanor Street (with signage area of 55sqm)</li> </ul>



Decision Guidelines	Response
	<p>The proposed signs are considered an appropriate scale relative to the context. The design has been provided to ensure it is visible in front of the proposed childcare centre and visible when driving along Barkly Street and along the Eleanor Street and Everard Street interfaces. The proposed signs are located along the elevation and do not impact on landscaping opportunities and car parking.</p>
<p>The relationship to the site and building:</p> <ul style="list-style-type: none"> <li>▪ The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.</li> <li>▪ The extent to which the sign displays innovation relative to the host site and host building.</li> <li>▪ The extent to which the sign requires the removal of vegetation or includes new landscaping.</li> </ul>	<p>The proposed signs have been provided of an appropriate scale to reflect the proposed childcare centre use and will provide for an appropriate advertising opportunity along the Barkly Street, Eleanor Street and Everard Street interface.</p>
<p>The impact of structures associated with the sign:</p> <ul style="list-style-type: none"> <li>▪ The extent to which associated structures integrate with the sign.</li> <li>▪ The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.</li> </ul>	<p>The proposed design provides for eight signs which will be appropriately supported. The support fixtures will be integrated into the design.</p>
<p>The impact of any illumination:</p> <ul style="list-style-type: none"> <li>▪ The impact of glare and illumination on the safety of pedestrians and vehicles.</li> <li>▪ The impact of illumination on the amenity of nearby residents and the amenity of the area.</li> <li>▪ The potential to control illumination temporally or in terms of intensity.</li> </ul>	<p>The proposal provides for six of the eight signs as illuminated. The proposed signage illumination will be provided at an appropriate level and will have limited amenity impacts to the surrounding residential area.</p>
<p>The impact of any logo box associated with the sign:</p> <ul style="list-style-type: none"> <li>▪ The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.</li> <li>▪ The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.</li> </ul>	<p>The proposed design does not provide for any logo box.</p>
<p>The need for identification and the opportunities for adequate identification on the site or locality.</p>	<p>The design provides for appropriate signage relative to the length of frontage and speed of travel along each frontage. The proposed signage will ensure that the childcare centre is clearly visible for users when travelling along the Barkly Street, Eleanor Street and Everard Street frontages.</p>



Decision Guidelines	Response
<p>The impact on road safety. A sign is a safety hazard if the sign:</p> <ul style="list-style-type: none"><li>▪ Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.</li><li>▪ Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.</li><li>▪ Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.</li><li>▪ Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</li><li>▪ Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.</li><li>▪ Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</li><li>▪ Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.</li><li>▪ Is within 100 metres of a rural railway crossing.</li><li>▪ Has insufficient clearance from vehicles on the carriageway.</li><li>▪ Could mislead drivers or be mistaken as an instruction to drivers.</li></ul>	<p>The proposed signage areas will result in no impact to road safety and will not negatively impact movement along Barkly Street, Eleanor Street and Everard Street, noting that it:</p> <ul style="list-style-type: none"><li>▪ Do not interrupt any vital sightlines for motorists;</li><li>▪ Are modest in size, and not animated;</li><li>▪ Are a suitable distance from any key intersection and rural rail crossing;</li><li>▪ Will not be confused as a traffic signal or instruction; and</li><li>▪ Are large enough to be visible to motorists travelling at the posted speed limit, avoiding the need for close study.</li></ul>



# RFI RESPONSE LETTER

**APPLICATION REFERENCE NUMBER: TP399/2025(1)**

PREPARED FOR: JET OIL  
DATE: 27 JANUARY 2026



Human Habitats  
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03 9909 2202

27 January 2026

Joshua Seager  
Senior Urban Planner  
Maribyrnong City Council  
PO Box 58  
West Footscray 3012  
via email: [Joshua.Seager@maribyrnong.vic.gov.au](mailto:Joshua.Seager@maribyrnong.vic.gov.au)

Dear Joshua

**RESPONSE TO REQUEST FOR FURTHER INFORMATION  
APPLICATION REFERENCE NUMBER: TP399/2025(1)  
ADDRESS: 438-440 BARKLY STREET, FOOTSCRAY**

**1 Introduction**

Human Habitats acts on behalf of the applicant 'Jet Oil' in relation to the abovementioned planning permit application for the land at 438-440 Barkly Street, Footscray (the subject site). Pursuant to Section 54 of the *Planning and Environment Act 1987*, Maribyrnong City Council has made a request for further information (RFI) in relation to the application TP399/2025(1) dated 12 December 2025.

As outlined in herein this letter, supporting material and previously submitted reporting, we submit that the proposal constitutes a positive response to the relevant provisions of the Maribyrnong Planning Scheme and should be supported.

This response to Council's request for further information (this letter) is supported by the following material:

- Amended Town Planning Report, dated 27 January 2026;
- Amended Architectural Plans, dated 23 January 2026;
- Arboricultural Impact Assessment prepared by Tree Department, dated January 2026; and
- Groundwater, Soil Vapour and Soil Assessment prepared by Ewers Environmental Consulting, dated December 2025.

We trust that this response together with the enclosed material satisfies this request. The additional material should also give Council comfort that the proposal demonstrates a well resolved and appropriate outcome for the site. We kindly request that Council please review the attached RFI Response submission and proceed to advertising of the application.



## 2 Response to RFI

All of the information requested by Council in their letter dated 12 December 2025 has been addressed (responded to) in the table below and should be read in conjunction with the enclosed material listed above in Section of this letter.

Council Response	Human Habitat Comment
<p>a) <i>Additional details of the proposed childcare centre use:</i></p> <ul style="list-style-type: none"> <li>a. <i>Hours of operation.</i></li> <li>b. <i>Use management details i.e. how will the business/site be managed and operated?</i></li> <li>c. <i>Impact on adjoining land (if any) including hours of operation, use of childcare, etc.</i></li> <li>d. <i>Measures to mitigate any potential amenity impacts on surrounding area</i></li> </ul>	<p>a) The proposed Childcare Centre is intended to operate between 6:30am and 6:30pm, Monday to Friday. The centre will not operate on weekends or public holidays.</p> <p>b) The Childcare Centre will be operated by a licensed childcare provider in accordance with all relevant State and local government requirements, including the applicable childcare regulations and standards.</p> <p>The day-to-day operation of the centre will be managed by suitably qualified staff, with staffing numbers aligned to enrolment levels and regulatory requirements. Drop-off and pick-up times will be managed to avoid congestion and minimise disturbance to surrounding properties. Outdoor play activities will be supervised at all times.</p> <p>c) The site adjoins residential land. Potential impacts are primarily associated with noise generated during outdoor play periods and vehicle movements during drop-off and pick-up times.</p> <p>An acoustic assessment has been prepared for the proposal, which demonstrates that, with the recommended mitigation measures in place, noise impacts on adjoining residential properties can be appropriately managed and maintained within acceptable levels.</p> <p>The hours of operation are consistent with typical daytime activity periods and avoid late evening or early morning disturbance outside standard waking hours. It is expected that the use will service kids between 0- 4 year olds.</p> <p>d) The following measures are proposed to mitigate potential amenity impacts on the surrounding area:</p> <ul style="list-style-type: none"> <li>▪ Installation of acoustic fencing along boundaries adjoining residential properties, in accordance with the recommendations of the acoustic assessment.</li> <li>▪ Use of appropriate balustrades and surface treatments within outdoor play areas to reduce noise generation.</li> <li>▪ Limitation of outdoor play activities to designated daytime periods within the approved hours of operation.</li> </ul>



Council Response	Human Habitat Comment
	<ul style="list-style-type: none"> <li>▪ Ongoing management and supervision of outdoor activities to minimise excessive noise.</li> <li>▪ Landscaping and fencing to provide additional visual and acoustic buffering to adjoining residential properties.</li> </ul>
<ul style="list-style-type: none"> <li>• Pursuant to Clause 73.02 (Sign Terms), please provide written confirmation and/or amended Town Planning Report on whether the proposed signs will either be: Business identification sign(s): A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information. (Sign content limited to the subject site and business i.e. Kool Beanz Academy) Or, Any other sign term listed under Clause 73.02 that best describes the type of sign being proposed.</li> </ul>	<p>The proposal provides for three (3) business identification signs and two internally illuminated signs. Of the signs provided, 4 will be illuminated.</p> <p>An updated assessment and discussion of the proposed signs have been included in the updated Town Planning Report under Section 5.7.</p>
<ul style="list-style-type: none"> <li>• Pursuant to Clause 52.05-6 (Sign application requirements), please provide sign plans for all 3 proposed signs to detail the following:             <ol style="list-style-type: none"> <li>a. The location, dimensions, height above ground level and extent of projection of the proposed sign.</li> <li>b. The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.</li> <li>c. Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.</li> <li>d. The colour, lettering style and materials of the proposed sign.</li> <li>e. The size of the display (total display area, including all sides of a multi-sided sign)</li> </ol> </li> </ul>	<p>A Sign Plan has been prepared. The plans demonstrate:</p> <ul style="list-style-type: none"> <li>▪ Sign 1: Business Identification sign (4.5m x 4.5m) with a signage area of up to 49sqm. Sign area is located 3.645m from the ground and will be affixed to the building. Sign to be illuminated. Shown on drawing TP5-011 of the architectural plan set prepared by Architecton and dated 23 January 2026.</li> <li>▪ Sign 2: Business Identification sign (4.5m x 4.5m) with a signage area of up to 25sqm. Sign area is located 5.445m from the ground and will be affixed to the building. Sign to be illuminated. Shown on drawing TP5-012 of the architectural plan set prepared by Architecton and dated 23 January 2026.</li> <li>▪ Sign 3: Business Identification sign (9.925m x 2.3m) with a signage area of up to 23sqm. Sign area is located 6.545m from the ground and will be affixed to the building. Sign will not be illuminated. Shown on drawing TP5-011 of the architectural plan set prepared by Architecton and dated 23 January 2026.</li> <li>▪ Sign 4: Internally illuminated sign (6.78 x 0.8m) with a signage area of up to 55sqm. Sign area is located 2.945m from the ground and will be affixed to the building. Sign to be illuminated.</li> </ul>

Council Response	Human Habitat Comment
	<p>Shown on drawing TP5-011 of the architectural plan set prepared by Architecton and dated 23 January 2026.</p> <ul style="list-style-type: none"> <li>Sign 5: Internally illuminated sign (6.78 x 0.8m) with a signage area of up to 55sqm. Sign area is located 2.945m from the ground and will be affixed to the building. Sign to be illuminated. Shown on drawing TP5-012 of the architectural plan set prepared by Architecton and dated 23 January 2026.</li> </ul> <p>Please note that Sign 1, 2, 4 and 5 will be internally illuminated.</p>
<ul style="list-style-type: none"> <li>Amended site plans to depict the Tree Protection Zones (TPZ):             <ol style="list-style-type: none"> <li>Should the proposal result in any encroachment, the encroachment area and percentage of encroachment to be depicted and notated on plans (if applicable).</li> <li>Referring to the below figures 1 and 2, it appears the southern Everard Street tree no longer exists. Please update the plans to reflect the current features within the adjoining road reserves/nature strips.</li> </ol> </li> </ul> <div data-bbox="209 1193 762 1411"> <p>Figure 1 – Site Aerial – Everard Street – southern tree location</p> <p>Figure 2 – Site Plans - Everard Street – southern tree location</p> </div>	<p>The architectural plans have been amended to include the tree protection zones for all trees in proximity to the site. It is confirmed that the proposal does not negatively impact or encroach the Tree Protection Zones of any existing trees.</p> <p>Additionally, per Council’s comments, the tree in the street reserve has been removed as it no longer exists.</p>
<ul style="list-style-type: none"> <li>An arboricultural impact assessment. Council’s aerial photo records and other site information indicate that mature tree cover exists on and adjacent the site which may be impacted by the proposed development. The following information must be provided for the assessment of the proposal:             <ol style="list-style-type: none"> <li>A detailed tree survey of the trees on and within 10 metres of the property boundary which may be impacted by the proposed development. This must include:                 <ol style="list-style-type: none"> <li>Existing trees accurately plotted on a plan and consistently referenced.</li> <li>Details of tree species, height, canopy, spread, trunk diameter, age, health, safe useful life expectancy (SULE) and structure.</li> </ol> </li> </ol> </li> </ul>	<p>An Arboricultural Impact Assessment has been prepared by Tree Department to assess trees within the site and within 10m of the property boundary. The report includes all relevant commentary including details of the trees, TPZ and SRZ and confirmation of impact on the tree health.</p> <p>As confirmed in the Arboricultural Impact Assessment, the proposal does not impact any surrounding trees.</p>



Council Response	Human Habitat Comment
<p>iii. <i>Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for each tree identified.</i></p> <p>iv. <i>The retention value of each tree.</i></p> <p>v. <i>An evaluation of trees suitable for retention with them clearly marked on the survey plan.</i></p> <p>vi. <i>Where a tree is proposed to be removed, the location of any replacement tree planting with associated TPZ which ensures its growth to maturity.</i></p> <p>vii. <i>Identification of vegetation that is native to Victoria.</i></p> <p>viii. <i>Detail level of TPZ/SRZ encroachment (if any).</i></p> <p>b. <i>A comprehensive arboricultural impact assessment of the proposed construction including details of all trees proposed to be retained and removed and specifications and details of recommended tree protection measures.</i></p> <p><i>All information must be consistent with the Australian Standard-AS-4970-2009, Protection of Trees on Development Sites. All arboricultural reporting and documentation must be prepared by a suitably qualified arboricultural consultant (i.e. minimum qualification of AQF level 5). The name and qualifications of the Arborist must be identified in the report. If the Arborist is providing comment on methods to protect the tree, then they should reference the development plans (i.e. Architect, project number, date, revision) to ensure the correct plans have been assessed.</i></p>	
<ul style="list-style-type: none"><li>• <i>Planning officers acknowledge the applicant's acceptance to a condition on any approval issued which would address the Environmental Audit Overlay affecting the site. At this stage of the application process, planning officers would require a preliminary review of the existing Audit, the existing conditions of the site and whether the end use is an appropriate outcome for the site in light of any contamination identified on the site.</i></li></ul> <p><i>Alternatively, a report by a suitably qualified environmental professional that explains how</i></p>	<p>An updated Groundwater, Soil Vapour and Soil Assessment report prepared by Ewers Environmental Consulting Pty Ltd. The assessment has confirmed that the proposed Childcare Centre use is suitable for the site and that where earthworks are proposed the recommendations can be conditioned as part of the planning permit.</p>



Council Response	Human Habitat Comment
<p><i>the proposal responds to the site contamination. The report must include the following information:</i></p> <ul style="list-style-type: none"><li><i>a. The qualifications of the author (see note below).</i></li><li><i>b. Whether or not the existing Statement of Environmental Audit (Audit ID 8003177) is relevant to the proposed childcare centre (and why) given that the proposed sensitive use is not 'use (high density), commercial and industrial land uses' as specified in the SoEA.</i><ul style="list-style-type: none"><li><i>i. If not relevant, confirm whether or not an Environmental Audit is required for the proposal (and why).</i></li><li><i>ii. If relevant, explain how compliance is achieved with the requirements of the SoEA.</i></li></ul></li></ul> <p><i>Note: A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).</i></p>	
<ul style="list-style-type: none"><li><i>• The application has been internally referred to Council's Engineering Services, Strategic Planning, Waste, Urban Forest and Environmental Sustainability for comment and feedback. Additional feedback or concerns may arise following the referrals and you will be notified prior to a decision being made.</i></li></ul>	Noted.

### 3 Conclusion

We trust that the enclosed information is sufficient to allow Council to progress the application in a timely manner. However, should the response to the information request be deemed incomplete or insufficient in any way, we hereby request an additional 30 days to respond. If you have any queries, please do not hesitate to contact the undersigned on 03 9909 2202 or by email to [niamh@humanhabitats.com.au](mailto:niamh@humanhabitats.com.au).

Yours sincerely,

*Niamh Cree*

Niamh Cree  
Town Planner





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03 9909 2202

10 February 2026

Joshua Seager  
Senior Urban Planner  
Maribyrnong City Council  
PO Box 58  
West Footscray 3012

Dear Joshua

**RESPONSE TO REQUEST FOR FURTHER INFORMATION**  
**APPLICATION REFERENCE NUMBER: TP399/2025(1)**  
**ADDRESS: 438-440 BARKLY STREET, FOOTSCRAY**

## **1 Introduction**

Human Habitats acts on behalf of the applicant 'Jet Oil' in relation to the abovementioned planning permit application for the land at 438-440 Barkly Street, Footscray (the subject site). Pursuant to Section 54 of the *Planning and Environment Act 1987*, Maribyrnong City Council has made a request for further information (RFI) in relation to the application TP399/2025(1) dated 5 February 2026.

As outlined in herein this letter, supporting material and previously submitted reporting, we submit that the proposal constitutes a positive response to the relevant provisions of the Maribyrnong Planning Scheme and should be supported.

This response to Council's request for further information (this letter) is supported by the following material:

- Amended Town Planning Report, dated 10 February 2026;
- Amended Architectural Plans, dated 10 February 2026; and
- s50 Application Form.

As part of the updated package, we have included three promotion signs to capture the proposed Bulldogs logo within signages areas addressing the external street interface. As for Council's comments regarding the Environmental Reporting, we trust the previously provided addendum confirms that the site is suitable for a childcare centre (sensitive land use) and a condition of permit can be included requiring the Groundwater, Soil Vapour and Soil Assessment Report to be endorsed and form part of the permit.

## **2 Conclusion**

We trust that this response together with the enclosed material satisfies this request. The additional material should also give Council comfort that the proposal demonstrates a well resolved and appropriate outcome for the site. We kindly request that Council please review the attached RFI Response submission and proceed to advertising of the application. However, should the response to the information request be deemed incomplete or insufficient in any way, we hereby request an additional 30 days to respond. If you have any queries, please do not hesitate to contact the undersigned on 03 9909 2202 or by email to [niamh@humanhabitats.com.au](mailto:niamh@humanhabitats.com.au).

Yours sincerely,

A handwritten signature in cursive script that reads 'Niamh Cree'.

Niamh Cree  
Town Planner