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CITY OF MARIBYRNONG
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URBAN PLANNING



**CITY OF MARIBYRNONG
ADVERTISED PLAN**

Planning Report

337-351 Barkly Street Footscray

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01

Introduction

This report supports the planning permit application and contains the following:

- Details the proposed use and development;
- Describes the planning development context of the wider area;
- Outlines the relevant planning controls and policies and the relevant decision guidelines of the Maribyrnong Planning Scheme;
- Outlines the merits of the proposal having regard to the relevant decision guidelines.

02

Context and Design Response

The following sections of this report describe the site that is the subject of this application and its relationship to adjoining areas, and the pattern of planned development within the surrounding area.

02.1

The Subject Site

The subject site is situated within an existing building located at a corner intersection of Barkly Street and Geelong Road in an established area of Footscray. Built between 1913 and 1914, this building is a heritage landmark, known as the “Green’s Buildings”, a locally historically, architecturally and socially significant building. Internally, this two-storey building comprises of seven (7) tenancies of various sizes and all with direct access to either Barkly Street or Geelong Road alongside of common areas, a store, mezzanine on the upper floor, and a large storage space which was at one time used as a dance hall. Four internal staircases from tenancies and entrance lobbies provide access to the upper floor. For this planning application, the subject site hereon referred is the ‘warehouse and mezzanine’ tenancy, while the subject building signifies the entire heritage building.

The building is a two-storey brick and render clad development with a distinctive domed balcony along the splayed corner entrance. This corner dome decorated timber posts and balustrade rails along the balcony overlooking the street intersection. There is a clock set into a wooden fascia at the centre of the dome façade. The balcony cantilevers over the footpath below and extends into projected canopies that cover the shopfronts along Barkly Street and Geelong Road of the building. The facades along both sides of the street have been replaced over time, with floor to ceiling glass windows, replacing the original Edwardian era fenestrations, though some elements remain. Upper floor windows facing Geelong Road and parts of Barkly Street contain double hung sash windows spaced between piers. Some sections of the wall have larger window openings. The building has a main hipped roof set out in two bays clad with corrugated iron.



Above – Aerial view of subject site (Metro Maps)

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The entire site sits on one title with two lots being known as Lot 47 and Lot 48 of LP4973. Access to the subject site is provided via an existing concrete crossover in front of the warehouse entrance from Geelong Road, equipped with a roller door and windows on either side. The subject site is vacant internally and supports the mezzanine floor with five posts. Internally, the subject premise has a ground floor area of 446.48sqm which provides access to a mezzanine above measuring 199.95sqm.

The building has been occupied by a variety of uses since its construction, often used as place for retail tenancies and shops. However, it remains substantially intact despite undergoing various development stages. There is currently no provision for on-site car parking, however six (6) restricted car spaces are located along the service road at the southern boundary. A right of way is located to the west of the subject building, providing rear access to sites along Geelong Road, Barkly Street and Batman Street.



Above – Street view of subject building via Barkly Street intersection - Historic Image and Current Image.



Above – View of subject site from Geelong Road

02.2

The Surrounding Context

The subject building on the site is situated in a well-established part of Footscray at a busy intersection of Geelong Road and Barkly Street. Situated within a mixed-use zone, it occupies a central location surrounded by a blend of residential, commercial, and public use properties. As a result, the surrounding buildings showcase a diverse range of architectural styles. The subject building has long served as a local centre servicing the community and the surrounding residential precinct.

Barkly Street

Barkly Street is designated within the Transport Road Zone 3 and is a significant municipal road. The properties adjoining the building along both sides of Barkly Street form a continuous row of small-scale commercial and retail establishments, serving the local community, alongside a number of residential dwellings. These structures, a mix of single- and double-storey designs, are characterized by modest proportions and a varied combination of pitched and flat roofing styles.

Geelong Road

Geelong Road is a busy collector road under Transport Road Zone 2, and experiences moderate to heavy traffic flow. A service road off Geelong Road provides vehicular access to the subject site and residential dwellings to the west.

To the south-west of the subject building lies a row of single- and double-storey residential homes, as well as multi-unit dwellings. Architecturally these residential dwellings are eclectic in terms of their design and materiality both of which have largely been informed by their date of construction. The earlier older dwellings are Victorian and extend to Post War dwellings which feature weatherboard, brick and rendered decorative features whilst newer dwellings, some of which are infill developments bring in more contemporary and robust form, with brick, render and cladding all being prevalent.

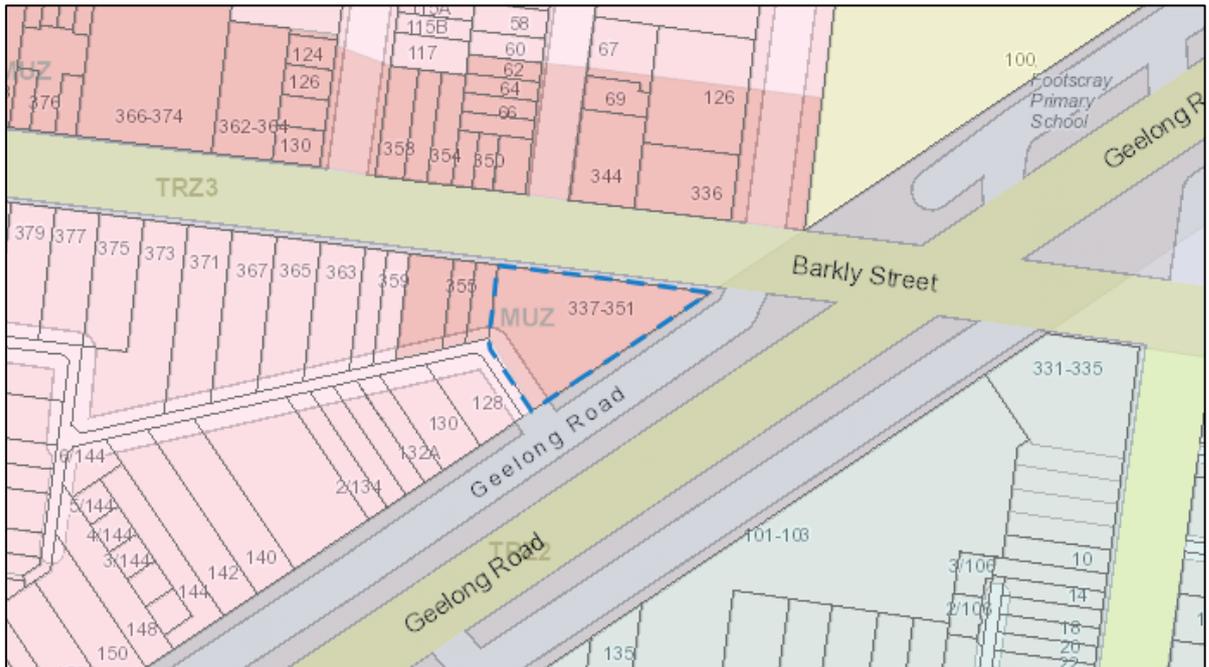
On the south-east side of Geelong Road is the western edge of the Footscray Activity Centre, where the majority of the establishments facing the road are trade supply stores, warehouses, offices, and the Plough Hotel is situated at the intersection.

Understanding the subject site's location within its surrounding residential and commercial context is essential for analysing the area's pedestrian and vehicular networks. As a key service point for the locality, the building and the adjacent activity centre play an important role. The surrounding streets, therefore, are designed with well-defined movement networks, featuring pedestrian pathways aligned with nature strips to facilitate safe and efficient circulation.

The subject site's location and proximity to the Footscray Activity Centre accounts for its eclectic mix of uses contributing to the vibrancy of Footscray and its cultural identity with the Mixed-Use Zone that includes the subject site and sites along Barkly Street providing a transition to the residentially zoned land. The subject site falls under Maribyrnong's Principal Public Transport Network (PPTN) Area and is well connected to the surrounding neighbourhood amenities. Within a 500m radius, the site is afforded access to various bus and key pedestrian network routes along Geelong Road and Barkly Street, leading to the Footscray Activity Centre and is located at 500m to Middle Footscray Station and 670m to West Footscray Station along Cross Street. Other neighbourhood amenities within the surrounding realm include educational institutions such as Footscray Primary and High School and recreational areas for the community like the Victoria University Stadium and the Footscray Library. Some significant land uses near the site include:

- Bus Stop servicing routes 216, 220, 410 – 90m
- Footscray Primary School – 100m
- Plough Hotel – 130m
- Footscray High School – 250m
- Middle Footscray Railway Station – 500m
- West Footscray Station – 670m

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Above – Zoning map of the subject site and surrounding area (Vic Plan)



Above – Street view of surrounding residential dwellings (126 Princess Hwy Service Rd)

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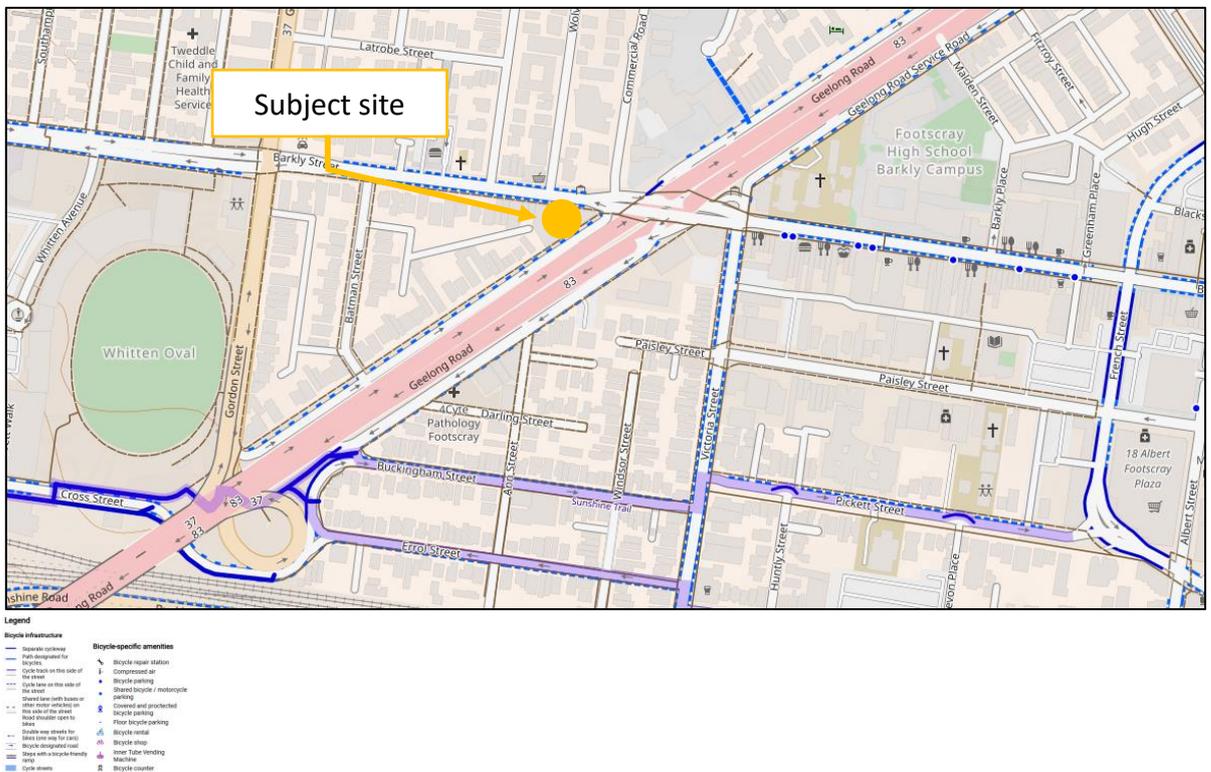
Above – Street view of surrounding residential dwellings (128 Princess Hwy Service Rd)



Above – Street view of surrounding food and drink premises (353 Barkly St)



Above – Public Transport Network Map (PTV Website)



Above – Cycling Infrastructure within the surrounding areas (Cyclosm.org)

03

Proposal

The proposal seeks to change the use from the existing warehouse tenancy to a restaurant (food and drinks premise) within part of the existing building, including associated building and works within a Heritage Overlay, and a signage. Further details are as follows:

Use

The proposal seeks to change the existing warehouse tenancy and repurpose the existing warehouse structure and its mezzanine to a restaurant (food and drinks premise). Under Clause 73.03, a restaurant is defined as, '*Land used to prepare and sell food and drink, for consumption on the premises.*'

The proposed restaurant will encompass a total floor area of 584.28sqm, inclusive of the mezzanine floor, and accommodate up to 240 patrons at any one time with seating provided for 216 patrons. The proposed hours of operation are as follows:

- Monday: Closed
- Tuesday to Wednesday: 5pm to 10pm
- Thursday: 5pm to 11pm
- Friday: 5pm to 12:30am
- Saturday: 12pm to 12:30am, and
- Sunday: 5pm to 12pm

Building and Works

The proposal is primarily a change of use from warehouse to restaurant, however, minor works are proposed along the western wall to create an opening for access to the bin storage area. A new airlock is proposed, nevertheless, this sits internally within the building (behind the existing roller shutter door) and the remaining works being internal are not subject to a planning permit.

Car Parking and Bicycle Facilities

The existing site currently has no provision for car parking spaces, and the proposed conversion will not introduce any additional car parking. A total of 12 bicycle spaces will be provided as a part of this proposal, located within the subject site. These conditions have been further assessed under their relevant sections.

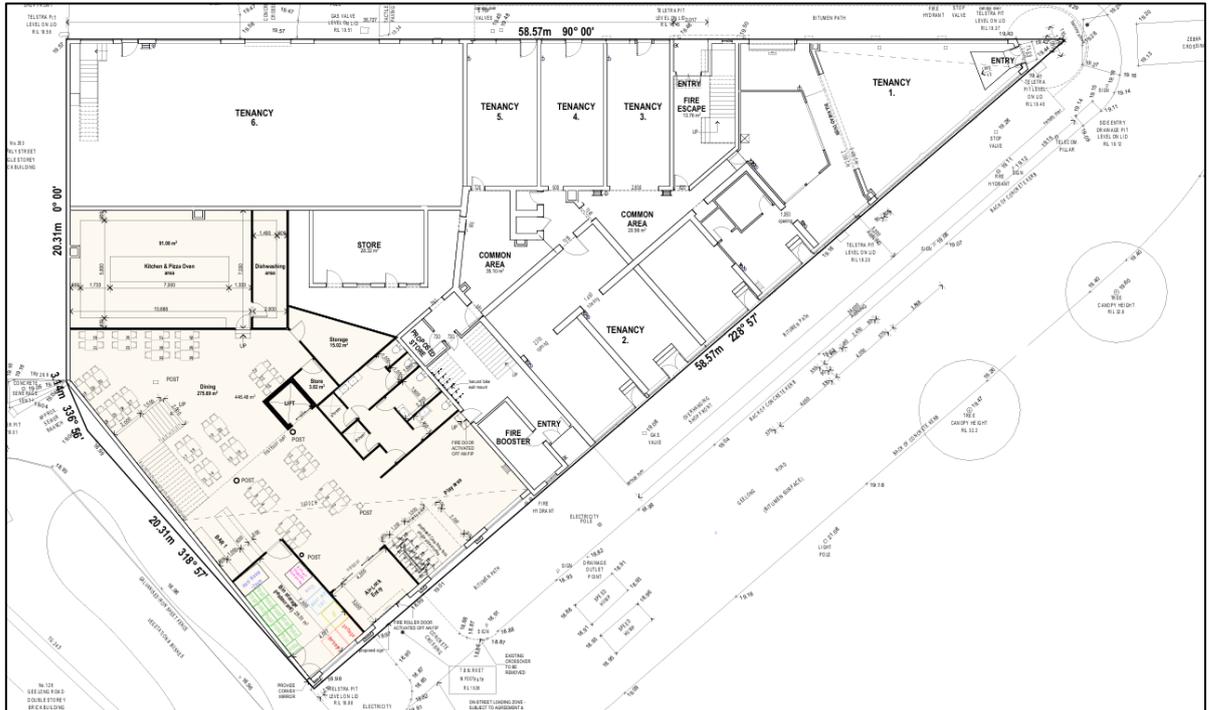
General

The proposed restaurant will be provided access via the subject site's southern boundary along Geelong Road Service Road and is intended to be utilised by both patrons and staff. The redundant crossover to Geelong Road Service Road will be reinstated as a part of the proposal, and consent is sought by Council to designate this area as a Loading Zone to assist with loading opportunities for the restaurant and other adjoining uses.

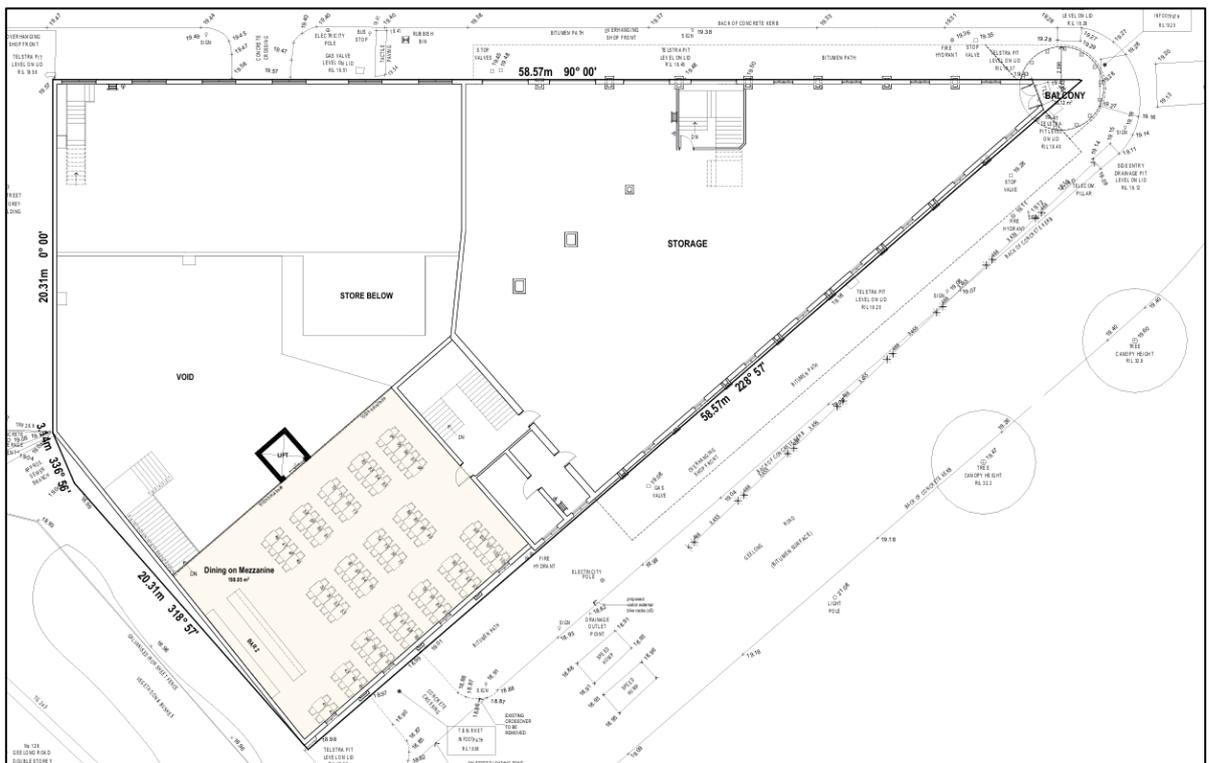
Internally, the restaurant features a designated play area, a bar on the ground floor, and a fully equipped kitchen with a pizza oven and dishwashing area. Additional facilities include a storage room and male, female, and unisex ambulant toilets. A reconstructed staircase and proposed lift provide access to the mezzanine level, which contains an open dining area and a secondary bar. At the southern end of the site, a 27.48sqm bin storage room is provided, serving the restaurant. The bin room is accessible from the restaurant internally and via double doors that open onto the laneway, allowing for waste management vehicles to access the area.

A singular sign with the name of the restaurant is proposed along the façade facing Geelong Road Service Road at a height of 4.2m from the ground, above the roller door entrance. The proposed sign is backlit using a soft LED illumination within internal lightbox and is provided with baffles internally to reduce light spill and glare. Further signage details are assessed under Clause 52.05.

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Above: Proposed ground floor plan (Five7 Architects)



Above: Proposed mezzanine floor plan (Five7 Architects)

04

Planning Controls

An assessment according to the Planning Policy Framework, the Local Planning Policy Framework of the Maribyrnong Planning Scheme, and Council's Municipal Strategic Statement are carried out below.

04.1

Municipal Planning Strategy

Clause 02.02 – Vision

Council Plan Vision

The Council Plan 2021-25 outlines a vision for the City of Maribyrnong to be 'an inclusive, flourishing, progressive city that cares for both its residents and its environment.' To achieve the vision, Council has focused on five strategic objectives:

- *Safe climate and healthy environment.*
- *Liveable neighbourhoods.*
- *A place for all.*
- *Future focussed.*
- *Ethical leadership.*

Land Use Vision

- *By 2030, the City of Maribyrnong will be a popular inner-city municipality with a vibrant and diverse community, a strong identity and a prosperous, modern economy. The City's adaptation to climate change will make it more environmentally sustainable and more resilient to future changes. Significant redevelopment will transform the City and give it a greater residential character. The City's valued heritage and neighbourhood character will be complemented by new development on key redevelopment sites and within activity centres. More people will be living and working in the city attracted by its choice of housing, accessibility and employment opportunities. A broad economic base will strengthen local employment through a strong retail sector, new offices and business services, a growing arts base and the renewal of the City's industrial areas. New facilities and infrastructure will meet the needs of the community. The network of open spaces and trails will be enhanced and offer an improved range of recreational facilities and activities for the community, while the Maribyrnong River will be more accessible and offer a range of recreational, cultural and tourism experiences.*

Clause 02.03-3 – Environmental risks and amenity

Climate change

- *Council has declared a climate emergency and is committed to creating an environmentally sustainable city. It has set a target for the city to become carbon neutral by 2020. A more sustainable city will strengthen the local economy and social wellbeing. Planning can help reduce climate change impacts, including by encouraging intensive development within activity centres and close to public transport to reduce car dependency and encourage local employment, and by supporting renewable energy.*
- *The Maribyrnong City Council Carbon Neutral Action Plan 2008 adopts a best practice carbon reduction hierarchy with regard to avoiding waste energy, efficient use of energy, purchase of green power, and offsetting any remaining carbon emissions.*
- *In 2019 Council acknowledged there is a climate emergency and in 2020 endorsed the Maribyrnong City Council Climate Emergency Strategy 2020-2025.*
- *Council seeks to:*
 - *Ensure that the city adapts to the impacts of climate change.*

Flood prone areas

- *There are flood prone areas in the City, particularly near the Maribyrnong River and Stony Creek. It is important for development in these areas to maintain the free passage and temporary storage of floodwater and minimise damage to property from flooding.*

- Land affected by flood-related zones and overlays (including the Urban Floodway Zone, Floodway Overlay, Land Subject to Inundation Overlay and Special Building Overlay) is labelled as 'Flood prone area' on the framework plans in Clause 02.04.
- Council seeks to:
 - Protect flood prone areas from development that would increase the impacts of flooding
 - Ensure development in flood prone areas responds to limitations caused by flooding and the requirements of Melbourne Water.

Amenity and safety

- The encroachment of residential use and development into core employment areas, key transport corridors, major hazard facilities (MHFs) or their buffers can threaten the viability of these areas, and reduce the standard of amenity for the encroaching residential use or development. Locating high intensity and sensitive use and development adjacent to MHFs also poses potential health and safety risks.
- The **Francis Street Mixed Use Precinct** is predominantly residential in nature, but due to its location on a state highway and proximity to the Yarraville Port Core Employment Area, MHFs, and other impacting industry, it does not have a viable long-term residential future and should be transitioned away from residential uses. Francis Street and Hyde Street carry large and increasing volumes of heavy vehicle traffic.
- Council seeks to:
 - Protect Core employment areas, key passenger and freight transport corridors, and MHFs from residential encroachment.
 - Protect industrial and commercial areas from the intrusion of residential development in the form of inappropriate Caretaker's houses.
 - Maintain the Francis Street Mixed Use Precinct and the Yarraville Port Core Employment Area as an industrial buffer between the Port of Melbourne and residential activity to protect the operations of the Port of Melbourne.
 - Limit the concentration of people and sensitive uses in areas adjacent to MHFs, including the Francis Street Mixed Use Precinct and the Yarraville Port Core Employment Area.

Clause 02.03-4 – Built environment and heritage

Building and urban design

- Development needs to be responsive to its context, which varies considerably between different settings.
- A well designed urban environment can enhance the image, aesthetics and amenity of the City. Excellence in urban design can improve streetscapes and public spaces and help achieve a more sustainable, attractive and liveable city.
- Council seeks to:
 - Encourage development that enhances and contributes to the local built form context of the area.
 - Improve urban design outcomes by enhancing the safety, amenity, access and attractiveness of an area.

Environmentally sustainable design

- The extent of redevelopment occurring in the City affords an opportunity for sustainable design and development outcomes that can reduce greenhouse gas emissions, energy consumption, and waste. Water conservation practices are needed to manage water resources and reduce reliance on potable water for non-drinking purposes. New development will be expected to incorporate water re-use technology and Water Sensitive Urban Design.
- Sustainability principles will strongly influence the design, siting and servicing of buildings (especially residential). Development will need to meet new design and development requirements, adopt new and emerging technologies, and achieve best practice. Best practice can be achieved by applying a variety of tools, technology, and design. Evaluation tools such as the Built Environment Sustainability Scorecard (BESS) and Sustainable Design Assessment should be used to demonstrate the sustainability of new developments. Other recognised evaluation tools include Green Star, Stormwater Treatment Objective Relative Measure (STORM), and Model for Urban Stormwater Improvement Conceptualisation (MUSIC).
- Council seeks to:
 - Encourage development to incorporate environmentally sustainable design.

Heritage

- Heritage places in the City reflect its Aboriginal cultural heritage, early European settlement and the various phases of industrial, commercial and residential development. Industrial heritage is significant within the City, and stretches back to the first industrial establishment on the Maribyrnong River in the 1840s. Meat and meat product processing, engineering, munitions and armaments have been dominant industries in the City over long periods of time and have left behind some of Victoria's most significant industrial heritage.

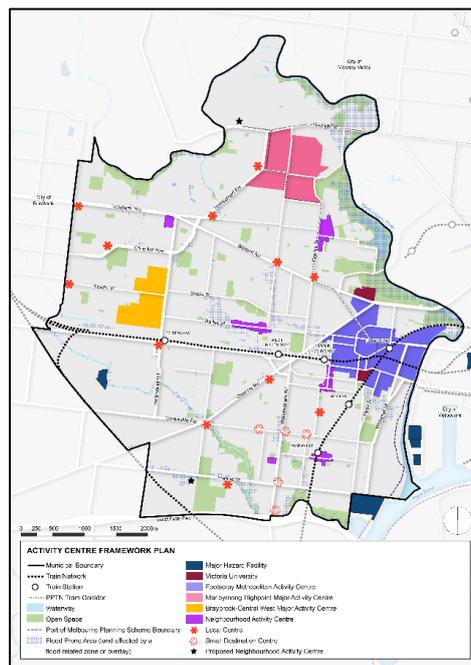
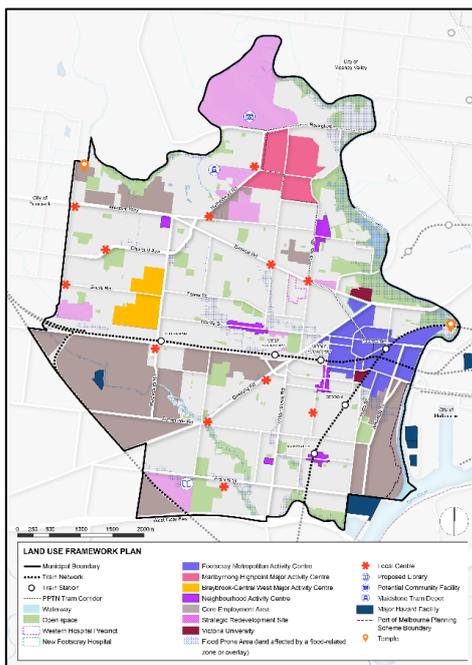
- The City's industrial and defence heritage has influenced the patterns of residential development. Many activity centres are characterised by Victorian and Edwardian commercial buildings, which along with a smaller number of Interwar examples, express the major commercial growth eras for the City. Culturally significant trees and landscapes are important as very few examples of early introduced trees and landscapes remain.
- Changes in the City are placing pressure on heritage places, which need to be protected. Demolition or removal of significant heritage elements should be seen as a last resort. Options for retention should be considered and the necessity for demolition or removal demonstrated.
- Council seeks to:
 - Protect and conserve heritage places.
 - Protect areas and sites that are the best expression of the City's major industrial, commercial and residential growth eras.
 - Ensure representation of all the different phases of the City's development.
 - Conserve and enhance the public view of significant heritage places and elements.

Clause 02.03-7 – Transport

Movement networks

- Significant improvements are needed to the transport network to ensure the region's growth is sustainable.
- The City is generally well served by public transport although suburbs to the north and west have poor connections to train services and are reliant upon bus services. There are opportunities to improve public transport services, upgrade interchange facilities at the Footscray Metropolitan Activity Centre and Maribyrnong-Highpoint Major Activity Centre and improve links between activity centres. As a metropolitan transport 'hub' and interchange for various rail, tram and bus services, the Footscray Metropolitan Activity Centre provides opportunities to encourage less car use and reducing car parking provision in developments.
- Development of paths and shared trails will complete key sections of metropolitan trails including the Maribyrnong River and Stony Creek trails, Sunshine to Footscray link, and connections to the Federation Trail. Upgraded pedestrian and cyclist facilities will be used in activity centres to encourage walking and provide an enhanced sense of place.
- The Transport Framework Plan is shown in Clause 02.04.
- Council seeks to:
 - Support and promote walking, cycling, public transport and other forms of sustainable transport, particularly to and within activity centres.
 - Facilitate improved links between the open space network, recreation facilities and activity centres to maximise access to a range of places.

Clause 02.04 – Strategic Framework Plans



Above: Land use and Activity Centre framework Plans (Maribyrnong Planning Scheme)

Response:

The proposal aligns with the relevant Municipal Planning Strategies. Converting the existing warehouse tenancy in the Green's Building into a restaurant/bar (food and drinks premise) will enhance the neighbourhood's local amenity and contribute positively to the area's vitality and economic vibrancy of the municipality. The adaptive reuse of this portion of the building will assist and support the conservation of the heritage building with a use that is commensurate with its mixed-use location. The omission of car parking alongside the local employment opportunities created supports Council's Climate Change initiatives. Furthermore, the use will contribute to the urban design outcomes sought, creating a more activated space along a busy intersection, providing passive surveillance and improved amenity access for nearby residents.

By introducing a diverse and social amenity in the vacant tenancy within the historic building, the proposal will further activate the neighbourhood, offering more social gathering options for residents. This, in turn, is expected to attract more visitors to the site, boosting community life through the food premises and its associated seating areas. The proposed restaurant will serve as a social space for the community, thereby protecting the historic and social significance of the Green's Building that represents Footscray's social and cultural heritage.

Additionally, the development improves accessibility and connectivity by taking advantage of the existing transport network along Barkly Steet, promoting efficient and sustainable movement of goods and people.

04.1

Planning Policy Framework

Relevant policies within the Planning Policy Framework include:

- Clause 11 – Settlement
- Clause 13 – Environmental Risks and Amenity
- Clause 17 – Economic Development
- Clause 19 – Infrastructure

Clause 11.01-1S – Settlement

Objective

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Support sustainable development of the regional centres of Ararat, Bacchus Marsh, Bairnsdale, Benalla, Castlemaine, Colac, Echuca, Gisborne, Hamilton, Kyneton, Leongatha, Maryborough, Portland, Sale, Swan Hill, Warragul/Drouin and Wonthaggi.*
- *Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.*
- *Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.*
- *Create and reinforce settlement boundaries.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure.*
- *Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.*
- *Strengthen transport links on national networks for the movement of commodities.*
- *Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:*

- *Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.*
 - *Developing settlements that will support resilient communities and their ability to adapt and change.*
 - *Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.*
 - *Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.*
 - *Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.*
 - *Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.*
 - *Improving transport network connections in and between regional cities, towns and Melbourne.*
 - *Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.*
 - *Minimising exposure to natural hazards, including increased risks due to climate change.*
 - *Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.*
- *Encourage a form and density of settlements that supports healthy, active and sustainable transport.*
 - *Limit urban sprawl and direct growth into existing settlements.*
 - *Promote and capitalise on opportunities for urban renewal and infill redevelopment.*
 - *Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.*
 - *Ensure retail, office-based employment, community facilities and services are concentrated in central locations.*
 - *Ensure land that may be required for future urban expansion is not compromised.*
 - *Support metropolitan and regional climate change adaption and mitigation measures.*

Clause 13.05-1S – Noise Management

Objective

To assist the management of noise effects on sensitive land uses.

Strategy

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Clause 13.07-1S – Land Use Compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

Clause 15.01-1L-01 – Urban design

Strategies

- *Provide landscaping for shade and visual relief in pedestrian networks and car park areas.*
- *Encourage vehicle access via established laneways and ‘right of ways’ at the side and rear of lots.*

- Provide safe access pathways, lighting, landscaping and spaces for people to meet.
- Ensure appropriate design responses to gateway locations within activity centres, including by providing high quality design to reflect the prominence of the location.
- Provide for street-front retail and businesses within activity nodes along the Footscray to Northern Maribyrnong transport corridor.

Clause 15.01-2L-01 – Building and development design

Strategies

Development on laneways objective

To provide safe, accessible and attractive settings in laneways.

Development on laneways strategies

- Encourage dwellings to have a frontage to established laneways.
- Design and site development abutting rear laneways to provide passive surveillance of the laneway.
- Provide adequate vehicular access in development on rear laneways, including turning manoeuvres and access for emergency vehicles.
- Support design and architectural forms fronting laneways that improve the amenity of the laneway.

Clause 15.01-2L-03 – Environmentally sustainable design

Strategies

- Encourage development that achieves best practice in environmental sustainability in its design, demolition, construction and operation.
- Encourage developments that meet the requirements of BESS, Green Star, or STORM/MUSIC evaluation tools.
- Encourage the siting of buildings and works to protect existing solar collecting devices and passive solar elements on adjoining buildings or land.
- Encourage the use of sustainable building materials and the reuse and recycling of waste building materials.
- Encourage drought proof landscaping and protection of existing vegetation.
- Encourage roof top gardens in multi-level developments to provide opportunity for green spaces and food growing.
- Encourage landscaping that provides habitat, open spaces, food resilience and climate control.
- Encourage industry to develop on-site renewable energy and new emerging low carbon technologies.
- Encourage renewable energy at household level and at strategic redevelopment sites.

Clause 15.03-1L-01 – Heritage

Policy application

This policy applies to land affected by a Heritage Overlay other than:

- Industrial heritage places that are developed for or being used for industrial purposes or a utility installation.
- Archaeological sites that are affected by a Heritage Overlay only because of their archaeological values.

Strategies

- Design and site new buildings and additions to be visually recessive and maintain the visual dominance of the significant elements of the heritage place.
- Design and site additions and works to respect the context of the heritage place or an adjacent heritage place.
- Support use or development that facilitates and conserves heritage places through the adaptive reuse of heritage buildings.
- Preserve the original subdivision patterns and street construction form, including existing footpaths, kerbs, channels, crossovers and laneways.
- Support use or development that maintains significant settings, such as fences, gates, driveways and landscape around significant heritage buildings and places.
- Support new buildings and works that include the preservation, restoration or reconstruction of original heritage buildings and elements.
- Support replacement buildings or elements that respect the significance of the heritage place.
- Design new allotments to allow for the construction of buildings that conform visually to the nearest or typical contributory elements in the heritage place.
- Design new signs to respect the significance of the heritage place.
- Encourage development to retain trees and landscapes of cultural significance.
- Preserve significant fabric unless demolition is necessary due to damage or structural defect.
- Discourage demolition or removal unless it contributes to the long term conservation of significant fabric.

Clause 17.01-1S –Diversified Economy

Objective

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategies

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify.*

Clause 17.02-1S –Business

Objective

To strengthen and diversify the economy.

Strategies

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
- *Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.*
- *Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.*
- *Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.*
- *Regulate the use and development of land for a sex services premises in commercial and mixed use areas in the same way as for other types of shop.*
- *Ensure that planning for the use and development of land for a sex services premises and home based business is consistent with decriminalisation of sex work and provides for the reduction of discrimination against, and harm to, sex workers.*

Clause 18.01-1L – Travel demand management

Strategies

- *Encourage the provision of better transit facilities within and connecting the activity centre network.*
- *Encourage the use of travel demand management strategies, including Integrated Transport Plans and Green Travel Plans, for significant development.*

Policy guidelines

- *A Green Travel Plan for:*
 - *Developments where significant car parking dispensations are sought.*
 - *Residential developments of 60-200 lots/dwellings.*
 - *Any other development which is likely to generate significant travel demand.*

Clause 18.01-3L – Sustainable Transport

Strategies

- *Improve pedestrian and cycling access into activity centres and link with public transport.*
- *Provide high quality pedestrian and cycling path networks between frequently used local destinations.*
- *Promote shared path linkages:*
 - *Between open space areas, community recreation facilities and activity centres.*
 - *Along existing railway, transport linkages and waterways.*
- *Encourage end of trip facilities, such as bike racks and signage, to be provided in new developments.*

Clause 18.02-4L – Car parking

Strategies

- *Support car parking dispensations for developments under 100 square metres in gross floor area.*
- *Support car parking dispensations for developments that are well served by the Principal Public Transport Network, if supported by a Green Travel Plan.*
- *Support the provision of shared car parking in new development.*

Clause 19.03-2L –Infrastructure Provision

Strategies

- *Ensure new development provides sustainable new infrastructure or improvements to existing infrastructure.*
- *Improve existing and create new infrastructure.*
- *Obtain development contributions towards new infrastructure.*

Clause 19.03-3L –Integrated water management

Strategies

- *Encourage use and development to improve stormwater quality.*
- *Encourage development to capture, store, reuse and recycle water for non-drinking purposes.*
- *Encourage Water Sensitive Urban Design in all development to meet or exceed best practice standards.*

Clause 19.03-5L –Waste management

Strategies

Promote waste management that reduces waste and improves management of emissions from landfill.

Response:

The proposed use of a restaurant (food and drinks premise) on the subject site is commensurate with the relevant Local and State policies within the Planning Policy Framework. This proposal specifically addresses the warehouse tenancy facing Geelong Road Service Road and the mezzanine floor above it, with all other tenancies remaining unchanged. The design acknowledges the heritage overlay and the building's heritage significance, and a detailed response has been provided in accordance with the relevant heritage overlay clause.

The location of the proposed restaurant is commensurate with the mixed-use area of the subject site and its proximity to other similar land uses along Barkly Street and the opposing side of Geelong Road within the Footscray Activity Centre. The introduction of a new restaurant through the repurposing of the vacant warehouse tenancy aids in the development of the local economy. It provides spaces for the community and increases safety during the night by increased passive surveillance on the street. The vitality of the area is enhanced and allows for improved amenity for nearby residents. Given its location within a mixed-use zone near the Footscray Activity Centre, the proposed operational hours for the restaurant is deemed appropriate. In terms of the use, we lastly note that a restaurant is considered commensurate with the mixed-use location, being more sensitive and complimentary to the residential areas nearby than other alternative commercial uses.

The proposal particularly meets the objectives within Clauses 15.01-1L-01 and 19.03-2L by improving the urban design context of the site and improving the existing infrastructure of the existing building through change of use and internal works. The proposal also addresses noise levels expected to be generated by the proposed use within the Acoustic Report.

In terms of the Local Heritage Policy contained within Clause 15.03-1L-01 the works merely pertain to an opening along the western wall which would have negligible impacts on the heritage fabric of the building alongside a modest and appropriately located business identification sign. Whilst the works are modest, we note that the formalisation of a new use on site, which is accessible to the public will not only assist in preserving the significant heritage building but will also allow the public to view the internal heritage features.

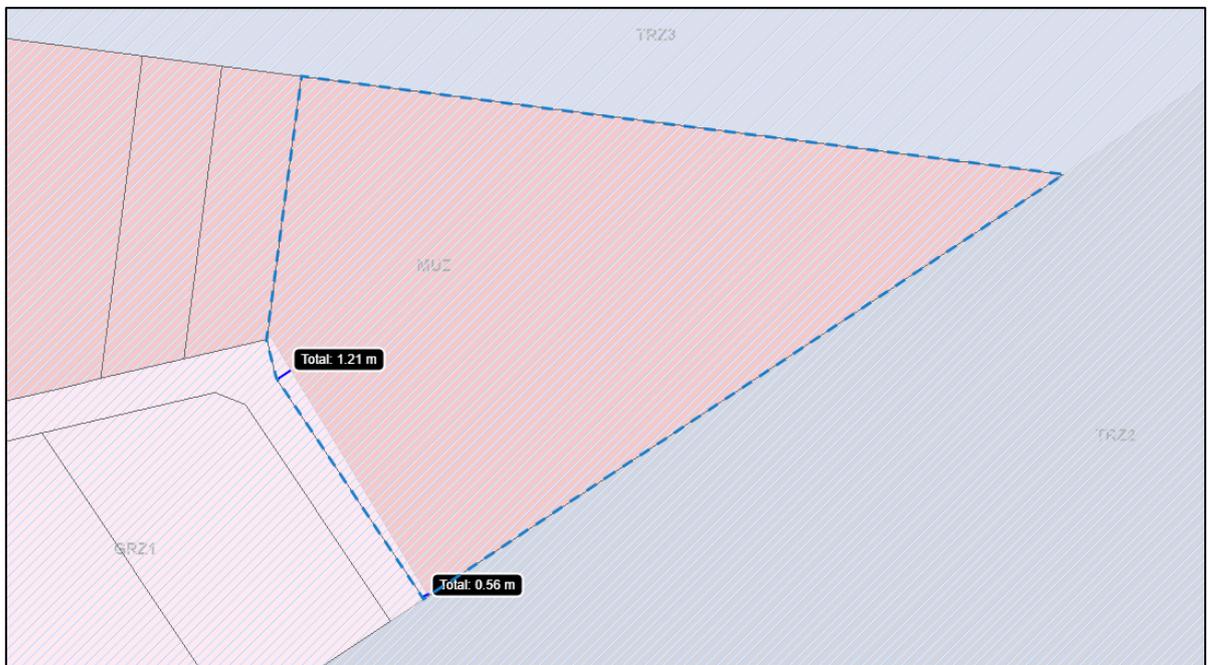
The amenity impacts of the anticipated traffic is modest and effectively mitigated due to the support of alternative modes of transport such as the bus and tram service networks servicing route from Barkly Street. Further, vehicular and pedestrian movements are not anticipated to cause detrimental impacts on nearby residential uses, as we note the property has significant amount of exiting traffic given its location along a busy collector road. Since it is not possible to retrofit built form outcomes in existing heritage buildings, the proposal does support the reduction of carbon emissions via the omission of car parking in lieu of bicycle parking facilities, pedestrian and public transportation access.

The proposal introduces a bin/waste room for the storage of waste generated by the restaurant. This room is located along the western wall adjoining the ROW from Geelong Road Service Road. A Waste Management Plan has been attached with this application assessing collection, storage and disposal of generated waste.

05

Zoning and Overlays

The subject site is situated within a Mixed Use and General Residential Zone and is affected by Heritage Overlay (HO190), Development Contributions Plan Overlay (Schedule 2) and Special Building Overlay.



Above – Zoning map of the subject site (Vic Plan)

Mixed Use Zone

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Section 1 – Permit not required	
Use	Condition
Food and drink premises	The leasable floor area must not exceed 150 square metres.

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

Buildings on lots that abut another residential zone

- Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary.
- This does not apply to a building or works for a residential aged care facility.

Decision guidelines

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Housing Choice and Transport Zone, Mixed Use Zone or Residential Growth Zone.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

Response:

The proposed use of the subject site (warehouse tenancy) for a Food and Drinks Premise (restaurant/bar) triggers a permit given the leasable floor area is greater than 150sqm. We specify that this proposal only pertains to the warehouse tenancy facing Geelong Road Service Road and the mezzanine floor above it, with remaining tenancies not included as part of this application.

The application has been assessed against the Maribyrnong's Municipal Planning Strategies and Planning Policy Framework. Addressing the decision guidelines within this zone, we note the following:

- **The proposal is merely for a change of use to the existing vacant warehouse tenancy and mezzanine floor with works associated with the works not requiring a permit given they are internal (wall opening is on the General Residential Zoned portion of the site).**
- **The proposed use aligns with the purpose of the zone by providing for a commercial use within an established commercial building which complementing the mixed-use function of the area and is a use which is commensurate with more sensitive land uses nearby such as residential.**
- **Given the site's proximity to residential zones, an Acoustic Report has been developed to assess the levels of noise generated with the proposed use. The subject site is along a busy road and intersection, therefore the addition of a restaurant on the site is not expected to significantly impact the areas amenity, particularly given the use is entirely within a building and has no external dining areas and noise related to waste has been considered as part of the waste management plan. The proposal does not have any live amplified music or karaoke but will involve ambient background music for its patrons.**
- **Operational hours for the proposed restaurant/bar are deemed appropriate, not being considered late night, rather being consistent with those typical of a restaurant and from a location perspective being within a mixed-use zone in proximity to the Footscray Activity Centre. The proposed use provides a direct benefit to surrounding area. The adaptive reuse of the site will significantly improve the amenity of the locality, by increasing safety and passive surveillance on the street and providing community access to an integral heritage building.**

General Residential Zone (Schedule 1)

Purpose

- 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.

Section 2 - Permit required	
Use	Condition
Food and drink premises (other than Convenience restaurant and Take away food premises)	

Buildings and works associated with a Section 2 use

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.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Response:

We note that a maximum of 1.2m of the western boundary forms part of the General Residential Zone which is predominately the wall itself rather than the internal floor area. Notwithstanding, the proposal appropriately responds from a building and works perspective, given it merely provides an opening to the ROW with no other alterations proposed. Whilst the zone would trigger a use permit similar to the Mixed Use Zone its impacts would be negligible given the zone arguably doesn't even cover any of the floor area.

Heritage Overlay (HO190)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
 - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
 - A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.

- A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
 - A fence, if the fence is visible from a street (other than a lane) or public park.
 - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
 - Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.
 - Street furniture other than:
 - Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.
 - Speed humps, pedestrian refuges and splitter islands.
 - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
 - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
 - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park
 - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
 - An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
 - Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.
- Externally alter a building by structural work, rendering, sandblasting or in any other way.
 - Construct or display a sign.
 - Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
 - Externally paint an unpainted surface.
 - Externally paint a building if the painting constitutes an advertisement.
 - Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
 - Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
 - Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
 - If the tree presents an immediate risk of personal injury or damage to property.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.

- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.

Use of a heritage place

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.
- Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

PS map ref	Heritage place	External paint controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO190	Green's Buildings 337-351 Barkly Street, Footscray	No	No	No	Yes	No	No	No	-

Response:

The subject site is within the Green's Building which is listed under HO190 in the Victorian Heritage Database. The Statement of Significance for this building is as follows:

Statement of Significance:

Green's Buildings are locally historically, architecturally, and socially significant, within the City context:

- As a distinctive historical landmark on a prominent site, made so by the domed corner bandstand (Criterion B2);
- For its association with the Green Family who were well known in the Footscray area during the early 20th century and remembered today in the Green Fountain (Criterion H1); and
- As a dance hall, it has been a venue for social events in the locality (Criterion A4, G1).

Australian Heritage Commission (AHC) criteria:

The Australian Heritage Commission criteria consist of a set of eight criteria which cover social, aesthetic, scientific, and historic values. Each criterion has sub-criteria written specifically for cultural or natural values. The relevant criteria are:

- B.2 rarity
- H.1 association with important person or group
- A.4 demonstrates well the course and pattern of history, important historic events
- G.1 social importance to the community

The Green's Building is an individually listed site, which is historically, socially, and architecturally significant. Under the heritage overlay permit exemptions do not apply to places identified as 'individually significant'. Therefore, a permit is required to carry out works within this building. It is noted that the built form and external structure of the building is not proposed to be altered. The proposal is a change of use to repurpose the existing vacant warehouse tenancy into a restaurant with works sought to an opening on the western wall of the building with no other alterations proposed.

The proposal also provides an internally illuminated (backlit) signage displaying the name of the restaurant on the façade wall above the roller door at a height of 4.2m from the floor level with an area of 2.45sqm of dimensions 3.5m (L) x 0.7m (H) x 0.1m (D). A permit is triggered for the signage; however, it is noted that the proposed signage will not adversely affect the character or appearance of the building/ façade. It maintains a modest appearance and is appropriately located along the building façade.

The proposed restaurant will respect and complement the building's original heritage fabric, adhering to the criteria outlined in the statement of significance. The new use will align with the site's social importance, offering a welcoming space for the community. As the external structure will remain unchanged, the addition of a restaurant and bar will enhance the building's amenity, fostering a lively and socially engaging environment. This revitalization will breathe new life into the landmark while preserving its historical value. Repurposing the currently vacant warehouse tenancy into a vibrant community hub will contribute to the building's long-term conservation. As such, the proposal is expected to have no negative impact on the heritage building's significance, character, or appearance.

Special Building Overlay

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling or small second dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling or small second dwelling with a finished floor level not more than 800mm above ground level.
- A disabled access ramp.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles designed to operate at more than 66,000 volts.
- To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an extension of less than 20 square metres in floor area to an existing building (not including an out-building), where the floor levels are constructed to at least 300mm above the flood level or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.
- To an upper storey extension to an existing building.
- To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level.
- To an out-building (including replacement of an existing building) if the out-building is less than 10 square metres in floor area and constructed to at least 150mm above the flood level or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.
- To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.
- To a replacement fence in the same location and of the same type and materials as the existing fence.
- To a pergola or an open deck area with unenclosed foundations.
- To a carport constructed over an existing carspace.
- To an in-ground swimming pool and associated security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.
- To a tennis court at existing surface level with fencing designed to minimise obstruction to flows.
- To an aviary or other enclosure for a domestic animal if it is less than 10 square metres in floor area at ground level.
- To open sided verandahs, open sided picnic shelters, barbeques and park furniture (excluding playground equipment) if there is less than 30mm change to existing surface levels.
- To radio masts, light poles or signs on posts or attached to buildings.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- Any other matters specified in a schedule to this overlay.

Response:

The proposed door opening does not increase the floor area, nor would it change the existing levels on site and therefore we say that the SBO has no real bearing on the application itself. However, if Council deems necessary it can refer the plans for comments to Melbourne Water.

06

Particular Provisions

Clause 52.05 – Signs

Purpose

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 2 - Permit required	
Sign	Condition
Above-verandah sign	None specified
Business identification sign	
Electronic sign	The display area must not exceed 3 sqm.
Floodlit sign	None specified
High-wall sign	Must be a business logo or street number.
Internally illuminated sign	None specified
Pole sign	
Promotion sign	The display area must not exceed 3 sqm.
Reflective sign	None specified

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

All signs

- The character of the area including:
 - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
 - The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
 - The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
 - The consistency with any identifiable outdoor advertising theme in the area.
- Impacts on views and vistas:
 - The potential to obscure or compromise important views from the public realm.
 - The potential to dominate the skyline.
 - The potential to impact on the quality of significant public views.

- *The potential to impede views to existing signs.*
- *The relationship to the streetscape, setting or landscape:*
 - *The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.*
 - *The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.*
 - *The ability to screen unsightly built or other elements.*
 - *The ability to reduce the number of signs by rationalising or simplifying signs.*
 - *The ability to include landscaping to reduce the visual impact of parts of the sign structure.*
- *The relationship to the site and building:*
 - *The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.*
 - *The extent to which the sign displays innovation relative to the host site and host building.*
 - *The extent to which the sign requires the removal of vegetation or includes new landscaping.*
- *The impact of structures associated with the sign:*
 - *The extent to which associated structures integrate with the sign.*
 - *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.*
- *The impact of any illumination:*
 - *The impact of glare and illumination on the safety of pedestrians and vehicles.*
 - *The impact of illumination on the amenity of nearby residents and the amenity of the area.*
 - *The potential to control illumination temporally or in terms of intensity.*
- *The impact of any logo box associated with the sign:*
 - *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.*
 - *The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The impact on road safety. A sign is a safety hazard if the sign:*
 - *Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.*
 - *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.*
 - *Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.*
 - *Is at a location where particular concentration is required, such as a high pedestrian volume intersection.*
 - *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.*
 - *Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.*
 - *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.*
 - *Is within 100 metres of a rural railway crossing.*
 - *Has insufficient clearance from vehicles on the carriageway.*
 - *Could mislead drivers or be mistaken as an instruction to drivers.*

Response:

The proposed restaurant signage is an internally illuminated signage signifying the name of the restaurant, therefore triggering a permit. In accordance with the decision guidelines, we note the following:

- **We say that the area is not deemed to be sensitive as it is located along a major transport road that is largely and forms part of a mixed-use precinct of high amenity. From a character perspective, the area will evolve with the formation of new businesses whereby similar signage will be incorporated which will identify the sites in the evening hours. Notwithstanding, signage is a common character of this building given its history as a retail space.**
- **The proposed signage has a display area of 2.45sqm with dimensions 3.5m (L) x 0.7m (H) x 0.1m (D). The signage is internally illuminated and will be backlit using soft yellow LED illumination within an internal lightbox. It will be fixed to the façade using a stand-off adjustable bracket at 50mm offset from the wall face. Baffles are provided internally to reduce glare and**

light spill. The illumination will be controlled internally by a switch and will be switched on only during business operating hours.

- The proposed signage is well sought out, being of a scale that is consistent with its building. When comparing to other signage in nearby areas it is modest and well thought out and does not result in a proliferation of signage on site.
- The sign is located on the wall of the building above the roller door along Geelong Road Service Road and subsequently will have no impacts on view lines or vistas.
- The sign is appropriately fixed to the wall of the building and therefore form part of the buildings overall design rather than forming a separate structure.
- The proposed signage is internally illuminated with soft recessed lighting displaying the restaurant name, therefore will have no impacts on the amenity of the area.
- The sign is not considered to impact the safety of drivers along Geelong Road. The sign is not immediately adjacent to an intersection. The sign remains well setback from the main road itself and is not animated, nor does it flash. It merely identifies the restaurant name and has no promotional elements and therefore is commensurate with other business identification signage in the area. Therefore, the proposed business identification sign is appropriate in this instance.

Clause 52.06 – Car Parking

Pursuant to Clause 52.06 car parking should be provided as follows: -

Land use	Measure	Category 1 (Minimum Requirement)	Category 2 (Minimum Requirement)	Category 3 (Minimum and Maximum Requirement)	Category 4 (Maximum Requirement)
Food and drink premises - other than specified in this table	To each 100 square metres of net floor area	4	2	0 - minimum 2 - maximum	1

Permit Requirement

A permit is required to:

- Reduce (including reduce to zero) the minimum number of car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay.
- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the minimum number of car parking spaces required for a new use if the following requirements are met:

- The number of car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone, Activity Centre Zone or Precinct Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

A permit is not required to provide more car parking spaces than the maximum car parking requirement in clause 52.06-5 if the existing number of car parking spaces on the land exceeds the maximum car parking requirement and no new additional car parking spaces will be provided.

Response:

The proposal falls under the land-use category of 'restaurant' under Clause 73.03 of the Planning Scheme. Given that there is no separate numerical value provided for restaurants, the value for 'food and drinks premises' has been considered. The subject site is under Category 3 of the Car Parking Requirement Maps, which no longer has a minimum rate requirement. The proposal therefore does not provide any car parking spaces for the new use in accordance with the requirements sought under Clause 52.06.

Clause 52.34 – Bicycle facilities

Purpose

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Provision of bicycle facilities

- A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
- Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

Use	Employee/Resident	Visitor/Shopper/Student
Restaurant	1 to each 100 sq m of floor area available to the public	2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.

Permit requirement

A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Australian Standard AS2890.3:2015, Parking Facilities Part 3: Bicycle Parking (Standards Australia, 2015)
- Any relevant bicycle parking strategy or equivalent.

Response:

The floor area of the proposed restaurant available to the public is 493sqm, therefore based on the statutory bicycle parking calculations, 5 spaces are required for employees and 5 spaces required for customers. The proposal exceeds these requirements by providing 12 total bicycle parking spaces, with 6 racks within the restaurant and 6 bicycle parking spaces within the building on mounted racks.

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Conclusion

The proposal is consistent with the relevant Municipal Planning Strategies, Planning Policy Framework, Zone, Particular Provisions, and therefore represents an appropriate use and development of the land, which will impact positively on existing and future development in the area.

The proposal in conjunction with the attached written submission, will demonstrate how the proposed use and development fully satisfies the Maribyrnong Planning Scheme. It is therefore submitted that it would be appropriate for the Council to approve the proposed development and grant a planning permit

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