

Agenda Item 9.1**WEST FOOTSCRAY NEIGHBOURHOOD PLAN (AMENDMENT C162)**

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PURPOSE

To present the West Footscray Neighbourhood Plan - Planning Panel Report (Amendment C162), and to recommend Amendment C162 to the Maribyrnong Planning Scheme be adopted with changes and submitted to the Minister for Planning for approval.

SUMMARY

- The West Footscray Neighbourhood Plan (WFNP) was endorsed by Council in 2018. It outlines a vision to guide the future growth and development of the area.
- Council resolved, in August 2019, to request authorisation from the Minister for Planning to prepare and exhibit Amendment C162 and introduce the land use and built form directions of the WFNP into the Maribyrnong Planning Scheme.
- Public exhibition of Amendment C162 occurred from 6 November to 14 December 2020, a total of 43 submissions were received.
- In November 2021, Council's delegate referred all submissions to an independent Planning Panel for consideration. A three-day hearing was held 7-9 March 2022.
- The Panel's report was received in May 2022, concluding the Amendment is well founded and strategically justified. The Panel recommends adoption of the Amendment subject to changes as outlined in their report.
- Two key changes recommended by the Panel include rezoning the former 501 Receptions Centre (495-507 Barkly Street, West Footscray) to Commercial 1 Zone (C1Z) and incorporating greater flexibility to building height and setbacks in the proposed overlay controls and WFNP.
- The Panel did not consider there to be sufficient justification for *mandatory maximum* building heights along Barkly Street, instead recommending *preferred maximum* building heights.
- In response to the Panel's recommendations, Council officers undertook a detailed review and recommend that 495-507 Barkly Street, West Footscray, retain its existing Mixed Use Zone (MUZ) and that further strategic work is specified in Clause 21.14 regarding the role of the MUZ and Commercial 2 Zone (C2Z) land along Barkly Street. This would form a future project and possible Planning Scheme Amendment.
- Council officers support providing greater flexibility to building heights in Barkly Village, subject to development meeting criteria that protects village character, public realm and amenity. Mandatory street wall height and street setback controls should continue to be sought along Barkly Street to ensure the WFNP objectives are achieved.

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- Other recommendations made by the Panel generally reflect revisions proposed by officers at the hearing and should be supported with minor changes.
- It is recommended Council adopt the WFNP (October 2022) and Amendment C162 with changes, and submit it to the Minister for Planning for approval.

ATTACHMENTS

1. Panel report for Amendment C162 [↓](#)
2. Officer's response to the Panel's recommendations [↓](#)
3. List of post-exhibition changes to Amendment C162 [↓](#)
4. West Footscray Neighbourhood Plan - updated October 2022 (tracked changes) [↓](#)
5. Amendment C162 planning scheme provisions - updated (tracked changes) [↓](#)
6. Amendment C162 Explanatory Report and documentation - updated [↓](#)

OFFICER RECOMMENDATION**That Council:**

1. **Receive and note the Amendment C162 Panel Report (as detailed in Attachment 1), and resolve to support changes to the Amendment in response to the Panel's recommendations (as detailed in Attachments 2 and 3), pursuant to Section 27 of the *Planning and Environment Act 1987*;**
 2. **Adopt the West Footscray Neighbourhood Plan (October 2022) and Amendment C162 with changes, as detailed in Attachments 4, 5 and 6, pursuant to Section 29 of the *Planning and Environment Act 1987*;**
 3. **Submit Amendment C162, as detailed in Attachments 4, 5 and 6, to the Minister for Planning for approval pursuant to Section 31 of the *Planning and Environment Act 1987*; and**
 4. **Delegate to the Manager City Places the power to make any necessary changes to the West Footscray Neighbourhood Plan (October 2022), following approval of the Amendment by the Minister for Planning to ensure consistency with the approved planning provisions.**
-

Agenda Item 9.1**BACKGROUND****West Footscray Neighbourhood Plan 2018 (WFNP)**

Council's City Development Special Committee endorsed the WFNP on 30 October 2018. The WFNP was prepared to guide growth and development in West Footscray and surrounds. It is premised on a vision of a '20-minute neighbourhood' and includes built form guidelines to establish a strong coherent streetscape character along Barkly Street, enhance the public realm and protect amenity in the surrounding area. The WFNP supersedes the West Footscray Urban Design Framework 2008 (UDF 2008) as the long-term strategic plan for the area.

Preparation of Amendment C162

Amendment C162 was prepared to implement the land use and built form directions of the WFNP by:

- Reconciling the segmented zoning pattern in the West Footscray Neighbourhood Activity Centre (NAC) to expand and focus retail and commercial opportunities and strengthen street level activity.
- Updating local policy to reflect its strategic direction and remove reference to the UDF 2008.
- Supporting a diverse mix of housing types and sizes responding to forecast housing needs, and directing higher density apartment forms to preferred locations close to public transport and services.
- Introducing built form controls to provide clear direction for change in the NAC and adjacent precincts, establish a strong coherent streetscape character along Barkly Street, enhance the public realm and protect amenity in the surrounding area.
- Providing a framework for the potential transition of land on the southern side of Barkly Street between the West Footscray NAC and Whitten Oval (existing car yards and service industries).

The Amendment implements Action 1 of the WFNP, which is to *"Prepare and implement a planning scheme amendment to the Maribyrnong Planning Scheme to introduce the zoning and built form guidelines as outlined in this document."*

The Amendment is divided into four main precincts, as shown in Map 1 below.

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Map 1: Amendment C162 Precinct Plan



Precinct 1: West Footscray NAC (Barkly Village)

Precinct 2: Barkly Street East (northern side between Summerhill Road & Gordon Street)

Precinct 3: West Footscray Railway Station (4, 6 & 8 Cross Street)

Precinct 4: Barkly Street East (southern side east of Hewitt Avenue to Whitten Oval)

Amendment process

On 27 August 2019, Council resolved to request authorisation from the Minister for Planning to prepare and exhibit Amendment C162 to the Maribyrnong Planning Scheme. The Minister granted authorisation on 11 September 2020.

Public exhibition of the Amendment occurred from 6 November to 14 December 2020. Notice of the Amendment was provided in accordance with the *Planning and Environment Act 1987*, as detailed in Section 3 of this report.

The exhibited Amendment proposed a number of changes to the Maribyrnong Planning Scheme, including amendments to local policy, zoning and overlays as outlined in the WFNP and Explanatory Report (attachment 6).

Council received 43 submissions (including one late submission) from residents, public bodies/agencies, service authorities and landowners. Five submissions supported the amendment as exhibited; the balance (38 submissions) either requested changes, further information, or did not support the amendment in the form exhibited.

On 9 November 2021, Council's delegate considered all submissions and resolved to request the Minister for Planning appoint an independent Planning Panel. The report also identified potential changes in response to matters raised by submitters as detailed in Section 1.1 of this report (below).

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A two-member Panel was appointed by the Minister. The Directions Hearing was held on 16 December 2021 to discuss preliminary matters and the Public Hearing was held over three days (7-9 March 2022). The Panel submitted its report to Council on 2 May 2022. It was made public on 16 May 2022.

DISCUSSION/KEY ISSUES**1. Key Issues****1.1. Post exhibition review and proposed changes**

On 9 November 2021, Council's delegate endorsed recommended changes to the Amendment to form part of Council's submission to the Panel. Key changes included:

- Amending the DDO7 and schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) to specify a notice requirement to service provider AusNet.
- Applying the EAO to 438-440 Barkly Street, Footscray.
- Minor edits to the exhibited planning controls to remove incorrect references to laneways and typographical errors.

Notice requirement to service provider AusNet

Submissions were received from Energy Safe Victoria (ESV) and Downer Utilities (on behalf of AusNet) regarding potential impact on a high pressure gas pipeline along Warleigh Road, Barkly Street and Summerhill Road affecting land in Precincts 1 and 2.

The Amendment does not directly impact the pipeline itself, and does not fundamentally alter the environment surrounding the pipeline as the existing planning controls generally allow for higher density development (retail/residential). However, in some cases the Amendment may encourage and allow an additional 1-2 storeys on top of what is already permitted, and therefore facilitate more intense development near the pipeline. It may also increase the likelihood of a higher concentration of residential uses through the rezoning of 509-511 Barkly Street, West Footscray.

Qualified pipeline engineers, CNC Group, were engaged to prepare a Safety Management Study (SMS) in consultation with ESV and Downer to consider and address matters raised in their submissions. A key action arising from the SMS is that service provider AusNet should be notified during the planning permit process of new development proposed in Precincts 1 and 2 within 27 metres of the pipeline. This would provide AusNet with an opportunity to comment and raise any matters of potential impacts on the pipeline. To facilitate this, Council officers proposed updating the Amendment to specify a notice requirement to AusNet in the DDO7 and schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions).

Application of the EAO at 438-440 Barkly Street

Council undertook early consultation with the Environmental Protection Authority (EPA), in accordance with Ministerial Direction 19, and followed their initial advice in preparing Amendment C162. During public exhibition the EPA lodged a submission raising new matters and recommended an EAO be applied to 438-440 Barkly Street, Footscray (a former petrol station site). An audit undertaken in 2016 found the site to be suitable for high-density residential, commercial and industrial uses subject to conditions. If an

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alternative sensitive use is proposed (e.g. childcare centre) a new audit would be required, and therefore an EAO should be applied.

On 6 July 2021, Council wrote to the landowner of 438-440 Barkly Street inviting submissions on the EPA's suggested application of the EAO. A copy of the letter was also provided to a planning consultant who had recently acted for the owner on a permit application for the site. A further letter was sent on 9 December 2021 to the landowner and their consultant providing an update on the referral of the Amendment to a Panel hearing and advising that Council would be suggesting the EAO be applied to their site. Council did not receive any response from the landowner or their consultant.

Minor edits to correct errors

The following administrative revisions were proposed to the exhibited planning provisions:

- Removing reference to two private driveways incorrectly depicted as laneways in plans included under Clause 21.11-6, DDO7 and DDO8.
- Minor edits to correct typographical errors in DDO7.

1.2. Panel report

The Panel delivered its report to Council on 2 May 2022, concluding Amendment C162 is well founded and strategically justified, and recommends adoption subject to changes (Attachment 1). The Panel considers it will likely produce positive environmental, social and economic effects and has potential to be a key driver of rejuvenation of West Footscray.

Overall the Panel supports the Amendment, however does outline seven recommendations for Council to consider. A full list of the Panel's recommendations and Council officers' response is in Attachments 2 and 3. Two key changes recommended by the Panel include:

- Introducing greater flexibility to building heights and setbacks along Barkly Street in the proposed planning controls and WFNP. The Panel did not support the proposed mandatory maximum building height and setback requirements specified in DDO7.
- Rezoning 495-507 Barkly Street, West Footscray, from MUZ to C1Z, subject to Council satisfying itself that notice requirements under *Planning and Environment Act 1987* have been met.

In response, Council officers recommend:

- Providing additional guidance and flexibility to building heights in Precinct 1, subject to development proposals meeting criteria on protecting village character, public realm and amenity.
- Continuing to apply a mandatory street wall height and street setback control along Barkly Street.
- Retaining schedule 2 to the GRZ which specifies a mandatory maximum 4 storey height for Precinct 2 and remove these details duplicated in DDO7.
- Retaining 495-507 Barkly Street, West Footscray, in its existing MUZ as notice requirements have not been satisfied.
- Amending Clause 21.14 to identify that further strategic work should be undertaken on the role of the MUZ land and review of C2Z land along Barkly

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Street. A separate planning scheme amendment would be required and supported by appropriate economic and strategic justification, identify preferred built form outcomes and notification to neighbouring residents.

The Panel's other recommendations generally reflect revisions proposed by Council officers at the hearing and should be supported subject to minor changes. This includes:

- Applying the EAO to 438-440 Barkly Street, Footscray.
- Including a notice requirement to service provider AusNet of development proposals near its pipeline in the DDO7 and schedule to Clause 66.06.
- Modifying the rear setback guiding new development at 8 Cross Street, Footscray, specified in the DDO8 and WFNP.
- Minor edits to improve drafting, correct technical errors and reduce duplication in the planning provisions.
- Update technical information in the WFNP and Explanatory Report.

It is recommended that Council accept all of the recommendations made by officers as outlined in Attachments 2 and 3. A tracked-change version of the WFNP and planning scheme provisions is provided in Attachments 4, 5 and 6.

1.3. Next steps

Having regard to the Panel's recommendations and Council officers' response outlined in this report and Attachments 2 and 3, it is recommended that Council adopt Amendment C162 with the following changes:

- Revise DDO7 to provide additional guidance and incorporate flexibility for building heights in the NAC (Precinct 1), subject to development meeting criteria on protecting village character, public realm and amenity. Mandatory street wall height and street setback provisions along Barkly Street should continue to be sought to ensure the WFNP objectives are achieved.
- Revise DDO7 to remove building height details specified for Precinct 2 as they duplicate the provisions of the proposed schedule 2 to GRZ. It should be noted that the Panel did not comment on the fact the GRZ (which currently applies to Precinct 2) includes mandatory height controls by default.
- Amend Clause 21.14 to identify that further strategic work should be undertaken on the role of the MUZ land in the NAC (Precinct 1) and review the C2Z land along Barkly Street (Precinct 4).
- Apply the EAO to the former petrol station site at 438-440 Barkly Street, Footscray.
- Include a notice requirement to service provider AusNet of development proposals near its pipeline in the DDO7 and schedule to Clause 66.06.
- Revise DDO8 to modify the rear setback guiding new development at 8 Cross Street, Footscray.
- Minor edits to the proposed planning controls to improve drafting, correct technical errors, reduce duplication and ensure consistency with other provisions in the planning scheme.
- Update technical information in the WFNP (Reference Document).
- Include additional background information in the Explanatory Report.

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The above changes are reflected in Attachments 4, 5 and 6. The next step in the process (upon adoption) is to submit the Amendment to the Minister for Planning for approval and for incorporation into the Maribyrnong Planning Scheme.

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

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

- Strategic Objective:
 - Safe climate and healthy environment - Council will proactively identify opportunities to support a return to a safe climate and healthy environment and work with our community to respond to climate emergency challenges.
 - Liveable neighbourhoods - Council will partner with community to provide & advocate for integrated built and natural environments with access to open spaces that are well maintained, engaging, accessible and respectful.
 - A place for all - Council will provide well-planned neighbourhoods & strong local economy, delivering services that are inclusive & accessible to the whole community, support wellbeing, healthy & safe living, community connection, and cultural interaction.
 - Future focussed - Council will plan and advocate for new infrastructure and safe, sustainable and effective transport networks and a smart innovative city that encourages and supports new generations to thrive.
 - Ethical leadership - Council will proactively lead changing City using strategic foresight, innovation, transparent decision making & well-planned & effective collaboration & community engagement to support community & economic growth.

Legislation

Relevant legislation, government directions and guidelines include:

- *Planning and Environment Act 1987* (the Act)
- *COVID-19 Omnibus (Emergency Measures) Act 2020* (for exhibition)
- Ministerial Direction – Form and Content of Planning Schemes
- Ministerial Direction 1 – Potentially Contaminated Land
- Ministerial Direction 9 – Metropolitan Strategy
- Ministerial Direction 11 – Strategic Assessment of Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process
- Ministerial Direction 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health.

Pursuant to Section 27 of the Act, Council must consider the Panel's report before deciding whether or not to adopt the Amendment. Pursuant to Section 29 of the Act, after complying with Divisions 1 and 2 of the Act, Council may adopt the Amendment or part of the Amendment with or without changes. Pursuant to Section 31 of the Act, Council must submit an adopted Amendment to the Minister for Planning together with the prescribed information.

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The Ministerial Directions and Planning Practice Notes have been followed in the preparation and process of the Amendment.

The Amendment was prepared in accordance with the version of the *Ministerial Direction No. 1 – Potentially Contaminated Land* that was current at the time. A revised direction came into effect in August 2021, after public exhibition of the Amendment. The revised direction requires a greater level of detail in the Explanatory Report regarding assessment of a site as potentially contaminated and justification for applying an EAO or other measures. This matter is addressed in sections 1.1 and 1.3 of this report and the updated Explanatory Report (Attachment 6).

The Amendment is consistent with and supports Ministerial Direction No. 9 and advances the following policies specified in Plan Melbourne: 2017-2050:

- Direction 1.2 – Improve access to jobs across Melbourne and closer to where people live
- Direction 1.3 – Create development opportunities at urban renewal precincts across Melbourne
- Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city
- Direction 2.5 – Provide greater choice and diversity of housing
- Direction 4.3 – Achieve and promote design excellence
- Direction 5.1 – Create a city of 20-minute neighbourhoods
- Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions.

The requirements of *Ministerial Direction No. 11 Strategic Assessment of Amendments* have been followed in preparing this Amendment. The Explanatory Report contains a full assessment as required under the direction (Attachment 6).

Council undertook early consultation with the EPA in accordance with *Ministerial Direction No. 19 Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health*. During public exhibition, the EPA lodged a submission which raised new matters and departed from their original advice. Refer to sections 1.1 and 1.3 of this report for further details.

Conflicts of Interest

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

Human Rights Consideration

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

3. Engagement

The Amendment was publically exhibited from 6 November to 14 December 2020 in accordance with sections 19, 205 and 205A of the Act, including:

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- Approximately 5,600 letters and notices sent to affected/neighbouring owners and occupiers, prescribed ministers, public authorities and service agencies.
- Notice of preparation published in the Maribyrnong Star Weekly newspaper on 11 November 2020 and the Government Gazette on 12 November 2020.
- Display advertisement published in the Maribyrnong Star Weekly newspaper on 25 November 2020.
- Emails sent to approximately 200 businesses, traders and community groups registered in/near the Amendment area.
- Information provided online via Council's website and community engagement portal 'Your City Your Voice'.
- Information provided online via the DELWP website.

Public inspection of Amendment documents were available online, instead of in person at Council's municipal offices, due to COVID safe arrangements in place at the time. Council received 43 submissions, including one late submission. All submitters were invited to attend and present at the Panel Hearing held in March 2022 (online). Three submitters participated in the hearing.

4. Resources

Resource requirements for the Amendment are in accordance with existing operational budgetary allocation.

5. Environment

The Amendment promotes positive environmental effects by encouraging the needs of the West Footscray community to be met locally, reducing reliance on car travel and increasing active and public transport use. High quality urban design and architectural outcomes in new development will complement public realm improvements in the West Footscray neighbourhood and increase amenity, safety and attractiveness of the area.

This Amendment does not preclude nor inhibit the ability for Council to continue advocating for higher environmental targets via Amendment C177 to the Maribyrnong Planning Scheme.

CONCLUSION

The Planning Panel appointed to consider Amendment C162 concluded the Amendment is well founded and strategically justified. It will implement the land use and built form directions of the WFNP.

The Amendment will deliver numerous benefits for our community by facilitating economic opportunities, strengthening street level activity and public realm environment in Barkly Village, and supporting housing growth and diversity in targeted locations while protecting surrounding neighbourhood amenity.

It is recommended Council adopt the Amendment with changes and submit to the Minister for Planning for approval.

**Maribyrnong Planning Scheme Amendment C162mari
West Footscray Neighbourhood Plan**

Panel Report

Planning and Environment Act 1987

2 May 2022

Agenda Item 9.1 - Attachment 1

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Maribyrnong Planning Scheme Amendment C162mari

West Footscray Neighbourhood Plan

2 May 2022



Lisa Kendal, Chair



Jonathan Halaliku, Member

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Glossary and abbreviations

C1Z	Commercial 1 Zone
Council	Maribyrnong City Council
DDO	Design and Development Overlay
DDO7	Design and Development Overlay – Schedule 7
DDO8	Design and Development Overlay – Schedule 8
DELWP	Department of Environment, Land, Water and Planning
Downer	Downer Group on behalf of AusNet
EAO	Environmental Audit Overlay
EPA	Environment Protection Authority Victoria
ESV	Energy Safe Victoria
Fabcot	Fabcot Pty Ltd

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Fabcot Land	495-507 Barkly Street, West Footscray
GRZ	General Residential Zone
GRZ2	General Residential Zone – Schedule 2
Heritage Study	West Footscray Inter-war and Post-war Heritage Precinct Study
Housing Strategy	Maribyrnong Housing Strategy 2018
MD1	Ministerial Direction No. 1 – Potentially Contaminated Land
MD19	Ministerial Direction No. 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health
MUZ	Mixed Use Zone
NAC	Neighbourhood Activity Centre
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Maribyrnong Planning Scheme
PPF	Planning Policy Framework
PPN30	Planning Practice Note 30: Potentially Contaminated Land
PPN46	Planning Practice Note 46: Strategic Assessment Guidelines, August 2018
Practitioner’s Guide	A Practitioner’s Guide to Victorian Planning Schemes
SMS	Safety Management Study
VCAT	Victorian Civil and Administrative Tribunal
WFEA	West Footscray Economic Assessment
WFNP	West Footscray Neighbourhood Plan 2018
VPP	Victoria Planning Provisions

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Overview

Amendment summary

The Amendment	Maribyrnong Planning Scheme Amendment C162mari
Common name	West Footscray Neighbourhood Plan
Brief description	Implements the land use and built form directions of the West Footscray Neighbourhood Plan 2018
Subject land	Applies to land in Footscray and West Footscray
The Proponent	Maribyrnong City Council
Planning Authority	Maribyrnong City Council
Authorisation	11 September 2020, with conditions
Exhibition	6 November to 14 December 2020
Submissions	Number of Submissions: 43 Opposed, requested changes or further information: 38 (see Appendix B)

Panel process

The Panel	Lisa Kendal (Chair) and Jonathan Halaliku
Directions Hearing	Video conference, 16 December 2021
Panel Hearing	Video conference, 7, 8 and 9 March 2022
Site inspections	Unaccompanied, 4 March 2022 (Lisa Kendal) and 18 March 2022 (Jonathan Halaliku)
Parties to the Hearing	<p>Maribyrnong City Council represented by David Vorcheimer of HWL Ebsworth Lawyers, called the following expert evidence:</p> <ul style="list-style-type: none"> - Alastair Campbell of Hansen Partnership on urban design - Brian Haratsis of macroplan on economics <p>Fabcot Pty Ltd represented by Stuart Morris QC of Counsel instructed by Jarryd Gray of MinterEllison, called the following expert evidence:</p> <ul style="list-style-type: none"> - Marco Negri of Contour on town planning - Justin Ganly of Deep End Services on retail economics <p>Residents of 20 Hewitt Street, represented by Helen Cheng (withdrew prior to the Hearing)</p> <p>Deb Bain-King</p> <p>Arthur Bolkas</p>
Citation	Maribyrnong PSA C162mari [2022] PPV
Date of this report	2 May 2022

Executive summary

Maribyrnong Planning Scheme Amendment C162mari (the Amendment) seeks to implement the land use and built form directions of the West Footscray Neighbourhood Plan 2018 (WFNP).

The WFNP was prepared to guide growth and development in West Footscray and surrounds. The WFNP is a long term plan that aims to facilitate appropriate land use and built form in the core activity area along Barkly Street and around West Footscray Station. It includes the vision:

A well-connected, vibrant, sustainable and green neighbourhood with inviting open spaces, offering diverse housing choices and facilities that can be accessed safely by all modes of transportation including walking and cycling.

Specifically the Amendment seeks to:

- update the Municipal Strategic Statement to reflect the WFNP and introduce it as a reference document
- rezone selected land in the West Footscray Neighbourhood Activity Centre to apply the commercial zone
- revise and extend design and development provisions in the activity centre, Barkly Street East and West Footscray Railway Station precincts
- identify sites of existing or potential contamination and apply provisions to manage their remediation and redevelopment.

Key issues raised in submissions included:

- land use and activity:
 - whether the Commercial 1 Zone should be applied to 495-507 Barkly Street, West Footscray (Fabcot Land)
 - other issues relating to land zoning
- built form and neighbourhood character:
 - planning provisions should be discretionary or mandatory
 - building heights in the various precincts are too tall
 - a five storey maximum building height for the Fabcot Land is too modest
 - protection of neighbourhood character and amenity
 - protection of heritage architecture
- whether movement and access, including increased pressure on traffic, parking and transport infrastructure, has been adequately considered
- management of potentially contaminated land
- whether the existing licensed gas pipeline has been adequately considered
- other issues including social housing, community infrastructure and open space, noise and environmental outcomes
- form and content of planning provisions.

The Panel accepts the broad strategic justification for the Amendment and considers there will likely be positive environmental, social and economic effects resulting in a net community benefit. The Amendment aims to support additional housing and employment opportunities within close proximity to public transport and services, while strengthening preferred built form and character. The Amendment has the potential to be a key driver of rejuvenation of West Footscray.

The Panel concludes:

- Land use and rezoning
 - It is appropriate for the Panel to consider the proposed rezoning of the Fabcot Land.

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- It is appropriate to rezone the Fabcot Land to Commercial 1 Zone, subject to Council satisfying itself that notice requirements are met.
- Built form and character:
 - Building heights and setbacks should be discretionary.
 - The proposed buildings heights are appropriate, subject to the recommendations in this Report.
 - An appropriate building height will need to be determined for the Fabcot Land based on a comprehensive built form analysis, including a context assessment and a site responsive design with consideration of appropriate criteria.
 - The 'Design objectives' in the Schedules to the Design and Development Overlay are strategically justified and appropriate, subject to the recommendations in this Report.
 - The proposed local policy relating to Precinct 4 is strategically justified, and it is appropriate for detailed controls to be developed through a separate strategic planning process.
 - The Amendment will not negatively impact identified heritage architecture.
- Movement and access:
 - The Amendment adequately considers movement and access, in particular the impact of increased development on parking, traffic and transport infrastructure.
- Potentially contaminated land:
 - It is appropriate to apply the Environmental Audit Overlay to the land at 438-440 Barkly Street, Footscray, subject to Council satisfying itself that adequate notice has been given to affected land owners and occupiers.
 - The Explanatory Report should be updated to explain how the Amendment addresses the views of the Environment Protection Authority Victoria.
- Licensed gas pipeline:
 - The Amendment incorporates suitable protections for the licensed gas pipeline, subject to the post exhibition changes proposed by Council.
- The Panel supports the post exhibition changes proposed in Council's final version of the Amendment documents, unless otherwise stated in this Report.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Maribyrnong Planning Scheme Amendment C162mari be adopted as exhibited subject to the following:

1. **Rezone 495-507 Barkly Street, West Footscray from the Mixed Use Zone to the Commercial 1 Zone, subject to Council satisfying itself that notice requirements have been met.**
2. **Amend local policy Clause 21.11-6 (West Footscray Neighbourhood Activity Centre, Barkly Street East and West Footscray Railway Station Precincts) to:**
 - a) **Remove reference to the laneways incorrectly referenced in the West Footscray Neighbourhood Activity Centre Framework Plan and Barkly Street East and West Footscray Railway Station Precincts Framework Plan (see Figures 15 and 16 of this Report).**
 - b) **Update the Framework Plan to explain provisions for building height options for larger sites.**

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3. Amend Schedules 7 and 8 to the Design and Development Overlay, in accordance with Panel preferred versions in Appendix C of this Report.
4. Amend the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) to include the following notice requirement:

Clause	Kind of application	Person or body to be notified
Schedule 7 to Clause 43.02 (DDO7)	An application for buildings and works on land shown in Figure 2 of Schedule 7 to Clause 43.02.	Owner and licensee of the Footscray to Sunshine gas transmission pipeline.

5. Prior to adoption of the Amendment, update the West Footscray Neighbourhood Plan to:
 - a) Amend the cross sections to reflect changes to the updated built form requirements in the Schedules to the Design and Development Overlay
 - b) Insert a revision date, and ensure the correct version is included as a reference document in the Amendment documents.
6. Subject to Council satisfying itself that notice requirements have been met:
 - a) Apply the Environmental Audit Overlay to 438-440 Barkly Street, Footscray.
 - b) Amend the Explanatory Report to include information about application of the Environmental Audit Overlay to 438-440 Barkly Street, Footscray.
7. Amend the Explanatory Report to explain how the Amendment addresses the views of the Environment Protection Authority.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the land use and built form directions of the West Footscray Neighbourhood Plan 2018 (WFNP).

Specifically, the Amendment proposes the following changes to the Maribyrnong Planning Scheme (Planning Scheme):

- amend the Municipal Strategic Statement to reflect the WFNP to:
 - update land use and built form policy for West Footscray Neighbourhood Activity Centre (NAC) (Precinct 1) to strengthen its role as the focus for retail, commercial and local services with a residential population in integrated apartment developments
 - introduce new policy for Precincts 2 and 3 to support uses that complement the NAC and facilitate diverse housing opportunities
 - provide guidance on the potential transition of Precinct 4 to residential mixed use development
 - update the municipal framework plans
 - include the WFNP as a Reference Document
 - remove redundant references to the West Footscray Urban Design Framework 2008
- rezone selected land in the West Footscray NAC to Commercial 1 Zone (C1Z)
- inserting Schedule 2 to the General Residential Zone (GRZ2) and apply it to all land in Precinct 2
- rezone land in Precinct 3 to Mixed Use Zone (MUZ)
- revise the Design and Development Overlay (DDO) – Schedule 7 (DDO7) and extend its application to include all land in Precincts 1 and 2, apart from the following properties in Precinct:
 - properties affected by the existing Development Plan Overlay – Schedule 10
 - the rear portion of the Sims IGA supermarket carpark fronting Milton Street
- revise the DDO – Schedule 8 (DDO8) and extend its application to include all land in Precinct 3
- apply the Environmental Audit Overlay (EAO) to:
 - Sims IGA supermarket site at 509-511 Barkly Street, West Footscray
 - land at 8 Cross Street, Footscray.

The Amendment also proposes to correct a mapping anomaly by rezoning all of 45 Hewitt Avenue, Footscray to MUZ to ensure the entire property is in one residential zone.

Maribyrnong City Council (Council) is the proponent for the Amendment.

(ii) Subject land

The Amendment applies to land in West Footscray, which is located approximately seven kilometres from the Melbourne central business district (see Figure 1).

The Amendment applies to land within four precincts as shown in Figure 2:

- Precinct 1 - the West Footscray NAC (also referred to as Barkly Village)

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- Precinct 2 - Barkly Street East - northern side (northern side of Barkly Street between Summerhill Road and Gordon Street)
- Precinct 3 – West Footscray Railway Station (4, 6 and 8 Cross Street)
- Precinct 4 - Barkly Street East – southern side (southern side of Barkly Street between West Footscray NAC and Whitten Oval).

Figure 1 WFNP study area – regional context



Source: WFNP, page 11

Figure 2 Precinct plan



Source: Explanatory Report

The proposed application of DDO7 and DDO8 is shown in Figure 3.

Figure 3 DDO7 and DDO8 overlay map



Source: Amendment C162mari exhibited maps

1.2 Background

(i) Chronology

Council provided details of the strategic work and consultation undertaken in preparation of the WFNP and a detailed chronology of events associated with the Amendment, as summarised by the Panel in Table 1.¹

Table 1 Chronology of events

Timeframe	Event
Preparation of the WFNP and Housing Strategy	
Late 2016	Preparation of an updated Maribyrnong Housing Strategy (Housing Strategy) commenced
Early 2017	WFNP project commenced
August 2017	WFNP Issues and Opportunities Paper prepared
22 August 2017	Council endorsed the WFNP Issues and Opportunities Paper for community consultation
August to September 2017	Consultation on WFNP Issues and Opportunities Paper
April 2018	West Footscray Economic Assessment (WFEA) prepared by Tim Nott
April 2018	Local Area Traffic Management Study prepared by Cardno
May 2018	Draft WFNP prepared

¹ Document 6, Council's Part A submission

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Timeframe	Event
29 May 2018	Council endorsed the draft WFNP for community consultation
June 2018	Consultation on draft WFNP
26 June 2018	Council endorsed draft Housing Strategy 2018
July to October 2018	Final WFNP prepared
30 October 2018	Council endorsed the final WFNP
Preparation and exhibition of the Amendment	
Early 2019	Preparation of draft Amendment commenced
June to July 2019	Early consultation with Environment Protection Authority (EPA)
27 August 2019	Council's City Development Special Committee resolved to request authorisation from the Minister for Planning to prepare and exhibit the Amendment
11 September 2020	Authorisation granted by Department of Environment, Land, Water and Planning (DELWP) with conditions: <ul style="list-style-type: none"> - Refine DDO7 to clarify design objectives and requirements, remove duplication with other sections of the Scheme and correct minor drafting errors. - Create a separate DDO schedule for Precinct 3 (DDO8). - Include the Amendment ordinance in the Amendment Tracking System. - Formally notify the Department of Jobs, Precincts and Regions as part of the exhibition process.
6 November to 14 December 2020	Public exhibition of the Amendment
Consideration of submissions and referral to Panel	
19 May 2021	Meeting with EPA
May to September 2020	Safety Management Study (SMS) prepared by CNC Group
6 July 2021	Notification to owner of 438 - 440 Barkly Street, Footscray
9 September 2021	Late submission received (submission 43)
9 November 2021	Council's delegate considered all 43 submissions, the SMS and proposed revisions
10 November 2021	Council requested a Panel be appointed
15 November 2021	Panel appointed
17 November 2021	Submitters notified about proposed recommended changes
9 December 2021	Owner of 438 - 440 Barkly Street, Footscray, notified

(ii) West Footscray Neighbourhood Plan

Council prepared the WFNP to guide growth and development in West Footscray and surrounds. The WFNP is a long term plan that aims to facilitate appropriate land use and built form in the core activity area along Barkly Street and around West Footscray Station. It includes the vision:

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A well-connected, vibrant, sustainable and green neighbourhood with inviting open spaces, offering diverse housing choices and facilities that can be accessed safely by all modes of transportation including walking and cycling.

The WFNP supersedes the West Footscray Urban Design Framework 2008 and is designed to respond to the current planning context, with consideration of Plan Melbourne, population and demographic trends, economic growth, development pressures, upgraded West Footscray station and recent strategic work and policies prepared by Council including an updated Housing Strategy which is under preparation.

The WFNP states:

... West Footscray's population is forecasted to grow from 12,152 in 2016 to 14,247 by 2031*, with an additional 800 new dwellings forecast*. Community services, facilities and open space need to respond to the growth of West Footscray and its changing demographics.²

The WFNP includes an action to "Prepare and implement a planning scheme amendment to the Maribyrnong Planning Scheme to introduce the zoning and built form guidelines as outlined in this document".³

The Amendment relates to the WFNP Land Use and Built Form Precincts 1 and 2 (see Figure 4). The Amendment then further refined the precincts from two precinct areas into four precinct areas. Council explained the relationship of the two precincts in the WFNP to the four precincts in the Amendment (see Table 2).

Figure 4 WFNP Land Use and Built Form Precincts



Source: WFNP, page 37

² WFNP, page 9. * Population data and the projections relate to West Footscray suburb boundaries. It is to be noted that the study area contains a small section of Maidstone and Footscray.

³ Document 6, Council's Part A submission, page 11

Table 2 Relationship of precincts in the WFNP and the Amendment

WFNP Precincts	Corresponding Amendment C162 Precincts
Precinct 1 – West Footscray NAC	Precinct 1 – West Footscray NAC
Precinct 2 – Barkly East/West Footscray station	Precinct 2 – Barkly Street East (northern side) Precinct 3 – West Footscray Railway Station (4, 6 and 8 Cross Street) Precinct 4 – Barkly Street East (southern side)

Source: Council’s Part A submission, page 22

(iii) West Footscray Economic Assessment 2018

The WFEA was prepared to inform the WFNP. It considers external pressures for development that affect land in West Footscray, and the policy environment that affects how sites should be developed to meet community needs.

Specifically it:

discusses economic drivers of change, particularly as they affect the future of several key sites in the area; and provides a framework for deciding whether and how these sites should be rezoned to accommodate new uses. In addition, the report looks at the residential interfaces with local industrial areas and how these may be improved.⁴

The WFEA found the West Footscray NAC plays an important service and employment role for the local and regional community, particularly in the service of food (including culturally specific restaurants), groceries, convenience items and clothing outlets.

The WFEA includes a key finding relating to growth forecasts:

The neighbourhood centre has a local catchment of 9,400 people which is expected to grow to 11,400 by 2041. This growth is forecast here to generate demand for an additional 2,200 sqm of retail and commercial space in the centre over the period, requiring a notional 4,900 sqm of land. Demand could be more if, for example, a higher share of retail spending by residents can be achieved or if more non-retail activity can be attracted.⁵

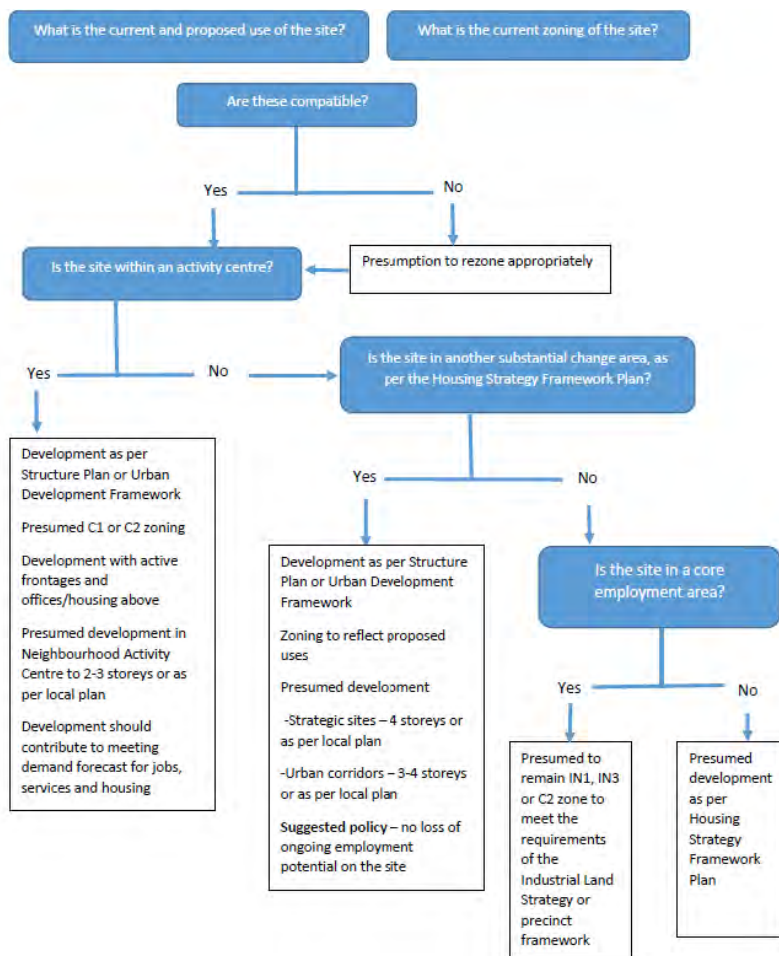
A ‘decision tree’ was applied to guide decision making and determine how particular sites should be treated and whether particular proposals will meet policy requirements (see Figure 5).

The WFEA includes recommendations on the future zoning and use of six key sites along Barkly Street (see Figure 6). The sites were identified by Council as land which may be under pressure for change.

⁴ WFEA, Executive Summary

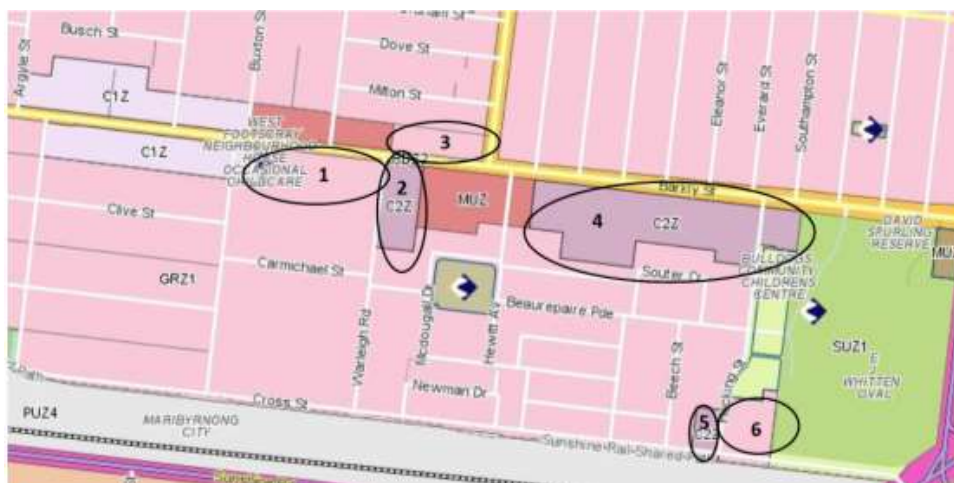
⁵ WFEA, Executive Summary

Figure 5 WFEA decision making framework



Source: West Footscray Economic Assessment page 44

Figure 6 Key sites investigated in WFEA



Source: WFEA, Executive Summary

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(iv) Draft Maribyrnong Housing Strategy 2018

The draft Housing Strategy seeks to manage the City's growing population to 2031 and ensure new development meets current and future needs. The Housing Strategy includes a Housing Framework Plan which nominates the land subject to the Amendment as 'Substantial Change Areas'. 'Substantial Change Areas' are proposed to accommodate the majority of future medium to higher density residential development to meet the municipality's forecast housing needs.

The Amendment reflects the policy directions of the draft Housing Strategy by encouraging development which supports:

- Barkly Village as a NAC with high density mixed use development and diverse housing typologies of up to four storeys, or as prescribed in a strategic plan.
- Precinct 2 as an 'urban corridor' with medium density residential development of three to four storeys on consolidated sites with limited vehicle access points on main roads and appropriate transition to adjoining lower scale properties.
- Precincts 3 and 4 as 'strategic development sites' which are urban renewal sites providing opportunity for increased density proximate to activity centres and fixed-line transport, with scale and density subject to site specific planning.

Maribyrnong Amendment C154mari proposes to introduce the Housing Strategy to the Planning Scheme.

(v) Local Area Traffic Management Study

A Local Area Traffic Management Study was prepared for West Footscray and Maidstone in 2018, informed by community consultation.

The study investigated traffic, pedestrian and cyclist related issues within local streets and outlines recommended traffic and road safety improvements. The findings of the study were integrated into the WFNP.

1.3 Procedural issues

(i) Submission 43 / Fabcot Pty Ltd

Fabcot Pty Ltd (Fabcot) submitted a Request to Heard to the Panel and Mr Jarryd Gray of MinterEllison represented Fabcot at the Directions Hearing.

Fabcot is purchaser of the land at 495-507 Barkly Street, Footscray (Fabcot Land) and proposed to take over the submission of 495507 Barkly Street Pty Ltd (Submitter 43). Mr Gray advised that Fabcot proposed to provide Council with an updated submission.

The Panel asked Mr Gray and Council its view on the submitter status of Fabcot. The discussion was unresolved and the Panel asked Council to clarify whether Fabcot was being referred to the Panel as a submitter to the Hearing. The Panel prepared a version 1 distribution list and timetable which showed Fabcot as representing Submission 43 (to be confirmed).

Following the Directions Hearing, Council confirmed the submitter status of Fabcot and that it had accepted a replacement submission from Fabcot in place of the original submission 43.

The Panel subsequently confirmed Fabcot as a party to the Hearing (21 January).

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The replacement submission for Submitter 43 (dated 21 December 2022) was circulated to all parties to the Hearing.⁶

(ii) Safety Management Study

Council advised at the Directions Hearing that it had engaged CNC to undertake a Safety Management Study (SMS) in relation to the Amendment, and would provide the Panel with an update relating to the gas transmission pipeline.

On 17 December Council emailed updated information relating to the SMS prepared by CNC, and associated updated submissions from Downer Group on behalf of AusNet (Downer) and Energy Safe Victoria (ESV).

The Panel notes this information was distributed to all parties by Council in its Part A submission.

(iii) Site visit

The Panel Chair undertook an unaccompanied site inspection prior to the Hearing.

Due to unforeseen circumstances, Panel member Mr Halaliku was not able to undertake a site visit prior to the hearing. He undertook an unaccompanied site inspection after the Hearing.

At the Hearing the Panel advised parties that if Mr Halaliku's site inspection raised any new issues, the Panel would correspond with parties and leave open the option of reconvening the Hearing. No additional issues were identified and this option was not required.

(iv) Hearing submissions

Helen Cheng (Submitter 31) was scheduled to make submissions to the Panel on Wednesday 9 March. She advised the Panel via email on 1 March 2022 that she was no longer available to attend the Hearing.

An updated timetable (version 3) was prepared and distributed to all parties by the Panel on 8 March 2022.

1.4 Summary of issues raised in submissions

Key planning issues raised in submissions relate to:

- land use, rezoning and activity:
 - C1Z should be applied to the Fabcot Land
 - commercial zoning should be extended along Warleigh Road
 - appropriate zoning of laneways
 - a large supermarket should not be located in Precinct 3
- built form and neighbourhood character
 - height controls should be discretionary or mandatory
 - nominated building heights in the various precincts are too tall, and some confusion about proposed building heights
 - nominated five storey maximum building height for the Fabcot Land in Precinct 1 is too modest
 - clarification of what is proposed in Precinct 4

⁶ Document 13

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- opposes apartments/higher density development in the area
- how will neighbourhood character be protected
- need to provide adequate private open space and setbacks
- protection of heritage architecture
- movement and access:
 - must include adequate provision for parking and unloading
 - increased traffic and transport infrastructure and way finding improvements
- management of potentially contaminated land:
 - justification of application of the Environmental Audit Overlay (EAO)
 - seeks more information about appropriate management
- whether the existing licensed gas pipeline has been adequately considered (ESV and Downer)
- other issues:
 - social housing
 - community infrastructure and open space
 - noise
 - environmental outcomes
- form and content of planning provisions.

1.5 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Land use
- Built form and character
- Movement and access
- Potentially contaminated land
- Licensed gas pipeline
- Other issues
- Form and content of the Amendment.

1.6 Limitations

Council submitted that a number of issues are outside the scope of this Amendment, including:

- businesses causing nuisance for adjacent residents and in laneways
- promotion and activation of Barkly Village
- provision of a pedestrian and cycling bridge over the railway corridor at Russell Street

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- specific public realm upgrades
- redirection of Cross Street.

The Panel accepts Council's position and these issues have not been addressed further in this Report.

2 Planning context and strategic justification

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework (PPF), which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the *Planning and Environment Act 1987* (PE Act) by:

- improving the planning framework in the West Footscray NAC and two adjacent precincts by providing improved guidance for land use and development
- supporting the role and function of the West Footscray NAC and the Footscray Metropolitan Activity Centre, in particular by helping to rejuvenate the West Footscray NAC with additional commercial/mixed use sites and an increased residential and worker population while protecting the amenity of adjacent residential areas
- ensuring the risks to human health and the environment of potentially contaminated sites are managed.

PPF

The Explanatory Report states that the Amendment supports and addresses the following planning policies:

- State PPF:
 - Clause 11 (Settlement) by encouraging growth and development of the West Footscray NAC and adjacent precincts.
 - Clause 15.01 (Built Environment) by implementing improved design and development controls to help create quality urban environments that are safe, healthy, functional and enjoyable with a better sense of place and cultural identity.
 - Clause 15.02 (Sustainable Development) by encouraging land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions through sustainable development.
 - Clause 16 (Housing) by encouraging housing developments in key redevelopment areas that are integrated with infrastructure and services.
 - Clause 17 (Economic Development) by strengthening and diversifying the local economy and facilitating growth in a range of employment sectors, improving access to employment closer to where people live and clustering activities to promote innovation.
 - Clause 18 (Transport) by creating a safer and more sustainable transport system, better integrating land use and transport and coordinating improvements to public transport, walking and cycling networks, as well as land use and development that supports the Principal Public Transport Network.
 - Clause 19 (Infrastructure) by ensuring the development of the necessary physical and social infrastructure to support land use and development.
- Local PPF:
 - Clause 21.04 (Open Space)
 - Clause 21.05 (Environment and Landscape Values)

- Clause 21.06 (Built Environment and Heritage)
- Clause 21.07 (Housing)
- Clause 21.08 (Economic Development)
- Clause 21.09 (Transport)
- Clause 21.10 (Community and Development Infrastructure)
- Clause 21.11 (Local Areas)
- Clause 22.03 (Potentially Contaminated Land Policy).

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne’s development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 3.

Table 3 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
01 - Melbourne is a productive city that attracts investment, supports innovation and creates jobs	Direction 1.2 – Improve access to jobs across Melbourne and closer to where people live	Policy 1.2.1 - Support the development of a network of activity centres linked by transport
	Direction 1.3 – Create development opportunities at urban renewal precincts across Melbourne	Policy 1.3.1 - Plan for and facilitate the development of urban renewal precincts Policy 1.3.2 - Plan for new development and investment opportunities on the existing and planned transport network
02 - Melbourne provides housing choice in locations close to jobs and services	Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city	Policy 2.1.2 - Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport Policy 2.1.4 - Provide certainty about the scale of growth in the suburbs
	Direction 2.5 – Provide greater choice and diversity of housing	Policy 2.5.1 - Facilitate housing that offers choice and meets changing household needs

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Outcome	Directions	Policies
Melbourne is a distinctive and liveable city with quality environments	Direction 4.3 – Achieve and promote design excellence	Policy 4.3.1 - Promote urban design excellence in every aspect of the built environment
Inclusive, vibrant and healthy neighbourhoods	Direction 5.1 – Create a city of 20-minute neighbourhoods	Policy 5.1.1 - Create mixed use neighbourhoods at varying density Policy 5.1.2 - Support a network of vibrant neighbourhood activity centres
Melbourne is a sustainable and resilient city	Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050	Policy 6.1.1 - Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the PPF. Other purposes of the relevant zones and overlays are set out in Table 4.

Table 4 Zone and overlay purposes

Control	Purposes/objectives
C1Z	To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.
C2Z	To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.
GRZ	To encourage development that respects 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.
MUZ	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.

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Control	Purposes/objectives
	To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.
DDO	To identify areas which are affected by specific requirements relating to the design and built form of new development.
EAO	To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.
Heritage Overlay	<p>To conserve and enhance heritage places of natural or cultural significance.</p> <p>To conserve and enhance those elements which contribute to the significance of heritage places.</p> <p>To ensure that development does not adversely affect the significance of heritage places.</p> <p>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.</p>

(i) Particular provisions

Relevant particular provisions include:

- Clause 52.06 (Car Parking)
- Clause 52.34 (Bicycle Facilities)
- Clause 66.06 (Notice of Permit Applications under Local Provisions)
- Clause 71.02-3 (Integrated decision making).

2.4 Other amendments

(i) Amendments VC148 and C154mari

Amendment VC148 was introduced as part of the Victorian Government's Smart Planning Program to simplify and modernise the PPF. Amendment VC148, gazetted on 31 July 2018, made substantial changes to the structure and content of the PPF, as well as other planning scheme provisions.

Amendment VC148 introduced to all planning schemes in Victoria:

- a new a new integrated State, regional and local policy structure – the PPF
- a format to enable the introduction of a Municipal Planning Strategy
- modified schedules to some existing zones, overlays and provisions to accommodate additional local content
- created new operational provisions.

Council explained in its Part A submission that Amendment C154mari had been combined with the translation to the new PPF required by Amendment VC148. Amendment C154mari received conditional authorisation from DELWP on 12 April 2021.

(ii) Amendments C172mari and C173mari

Council explained that during preparation of the WFNP community consultation identified the need to investigate potential heritage values in the area. Consequently the West Footscray Inter-war and Post-war Heritage Precinct Study (Heritage Study) was prepared and completed in 2021. The Heritage Study forms the basis of Amendment C172mari.

Amendment C172mari proposes to protect eight residential precincts of heritage significance by rezoning to Neighbourhood Residential Zone and applying the Heritage Overlay. Amendment C172mari was authorised on 1 November 2021, and interim Heritage Overlay protection was introduced in December 2021 through Amendment C173mari.

The heritage precincts in Amendment C172mari are located near but do not overlap the land subject to Amendment C162mari (see Figure 7).

Figure 7 West Footscray Inter-war and Post-war Heritage Precincts (Amendment C172mari)



Source: Council’s Part A submission, page 24

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report states that the Amendment has been prepared in compliance with:

- Ministerial Direction – The Form and Content of Planning Schemes
- Ministerial Direction No. 1 – Potentially Contaminated Land (MD1)
- Ministerial Direction No. 9 – Metropolitan Planning Strategy
- Ministerial Direction No. 11 – Strategic Assessment of Amendments
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process
- Ministerial Direction No. 19 – Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health (MD19).

Planning Practice Notes

There are a number of relevant Planning Practice Notes, including:

- Planning Practice Note 30: Potentially Contaminated Land (PPN30)
- Planning Practice Note 46: Strategic Assessment Guidelines, August 2018 (PPN46)

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- Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)
- Planning Practice Note 60: Height and Setback Controls for Activity Centres (PPN60).

Practitioner's Guide to Victorian Planning Schemes

The Practitioner's Guide to Victorian Planning Schemes (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure that:

- the intended outcome is within scope of the objectives and power of the Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions (VPP) in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

2.6 Evidence and submissions

Strategic justification

Council submitted the WFNP and WFEA provide the strategic basis for the Amendment. Further, the preparation of the WFNP:

was informed by extensive community and stakeholder consultation, State planning policy, expert economic advice, local area traffic investigations and a range of Council policies and strategies.

Council considered the Amendment was required to:

- reconcile the segmented zoning pattern in Barkly Village to expand and focus retail and commercial opportunities and strengthen street level activity
- update local policy to reflect the strategic direction of the WFNP and remove reference to the Urban Design Framework 2008
- support a diverse mix of housing types and sizes to respond to forecast housing needs
- introduce built form guidelines to manage change in the precincts
- provide a framework for the potential transition of land on the southern side of Barkly Street between Barkly Village and Whitten Oval.

Council relied on the Explanatory Report which states the Amendment will have a positive environmental, social and economic effect resulting in a net community benefit. Benefits would include a more vibrant NAC with high quality development, an improved public realm, reduced reliance on car travel and increased use of active and public transport, increased economic activity, increased safety and wellbeing of the community and appropriate management of environmental risk.

Council called Mr Campbell to give expert evidence on urban design. He was of the opinion that a "*legitimate body of background work has led to the preparation of the exhibited Amendment documentation*".⁷

Fabcot generally supported the Amendment, considered it made sense from a policy and spatial planning point of view and commended Council for the work. It considered the broad WFNP area entirely appropriate, with the NAC as part of the broader area.

⁷ EWS Mr Campbell, page 7

Fabcot called Mr Negri of Contour to give evidence on town planning. Mr Negri considered the Amendment had sound strategic support with regard to the PE Act and planning policy.

Several submissions provided broad support for the Amendment. Submission 31, on behalf of the owners of 20 Hewitt Street (abutting the southern boundary of Precincts 1 and 4), was generally supportive of the overall objectives of the Amendment, but considered there were a number of distinct policy gaps relating to cultural diversity and social impact, sustainable housing growth and specific details at the neighbourhood and building scale.

Several submissions sought clarification on what was proposed for Precinct 4. In response, Council submitted that the Amendment seeks to introduce policy but does not include rezoning or specific built form provisions for Precinct 4. This would be subject to a future amendment, following further site investigations and master planning.

West Footscray Economic Assessment

Fabcot questioned the assumptions and conclusions of the WFEA and subsequent recommendations in the WFNP. Its submissions focussed on how the Amendment impacted the Fabcot Land in terms of land use zoning and the proposed drafting of the DDO7. Fabcot considered its land should have been identified and assessed as a key site in the WFEA, however supports the application of the 'decision tree' to other potential development sites.

Fabcot relied on the expert economic evidence from Mr Ganly of Deep End Services. Mr Ganly gave evidence that he had reviewed the WFEA, including population and growth forecasts and underlying assumptions, and had undertaken a separate analysis of the retail characteristics and catchments of the WFNP and surrounding activity centres.

Mr Ganly was of the opinion that:

- the trade area for the NAC was not based on any survey or shopper based data and relied on conservative assumptions around shopper behaviour resulting in a very small trade area
- the population growth forecasts relied on in the WFEA were not appropriate and had resulted in a conservative understanding of growth
- it is unusual that Council identified the list of sites to be considered for rezoning, and it would have been preferable for the WFEA's author to have been able to identify sites.

By way of comparison Mr Ganly determined a likely catchment area for the NAC based on accessible smartphone data (Vista data) which he considered to be more accurate.⁸ The Vista data suggested the WFEA trade area only represented approximately 51 per cent of actual sales.

Mr Ganly concluded that the WFEA had relied on overly conservative assumptions which had implications for understanding the current and future retail floorspace requirements for the NAC. Consequently the WFNP had erred in not addressing the need for a full line supermarket at West Footscray.

He considered the Fabcot Land should have been included along with the other key sites assessed for future development. He also noted that while the WFNP was based on the WFEA it did not reference it.

⁸ Document 8, Expert Witness Statement – Justin Ganly – “Vista location data provides details of the geolocation of smartphone devices where location services have been switched on as well as the inferred residential address derived from the device's typical location during the evening”.

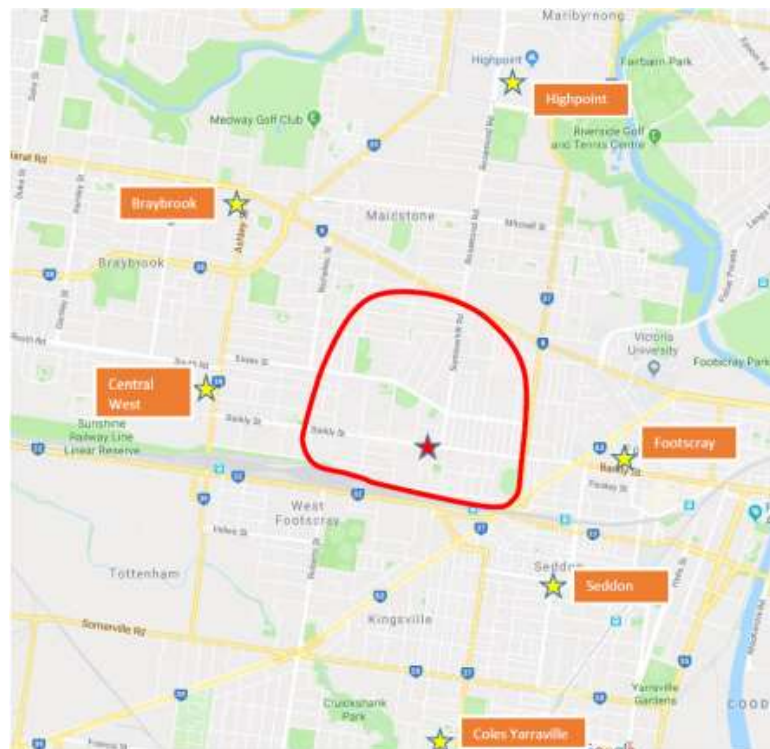
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Council relied on the economic evidence of Mr Haratsis. Mr Haratsis was of the view that the WFEA is not current as it was prepared before the COVID-19 pandemic and Victoria in Future data from 2019, and the underlying assumptions are based on out of date population expectations.

He noted that while the WFEA projected a growth rate of 0.8 per cent within the defined trade area (see Figure 8), while:

- the actual average growth rate between 2012 and 2021 was 2.24 per cent (local statistical area level 2)
- replacement Submission 43 (Fabcot) expected growth in the likely catchment area to increase to 2.9 per cent per annum.

Figure 8 West Footscray NAC trade area and surrounding supermarket centres



Source: West Footscray Economic Assessment for the Neighbourhood Plan April 2018 (page 19)

Based on an assumption of localised population growth of 2.2 per cent per annum, Mr Haratsis concluded there is:

- currently sufficient demand to support a full line supermarket in the area
- insufficient demand to support both a full line and medium tier supermarket in the short term.

He gave the opinion that if a full line supermarket is proposed adjacent to the existing IGA then an Economic Impact Assessment should be prepared.

Mr Haratsis emphasised the outdated nature of the data relied upon within the WFEA, and that uncertainty around such data was amplified by the economic transition of the area. He considered that upcoming census data would be critical in understanding the socio-economics of the area.

2.7 Discussion

The Panel accepts that the WFEA is not intended to be an exhaustive retail assessment. While the assessment would benefit from updated inputs, more refined assumptions and a methodology that widens the scope of investigation, the Panel does not see these deficiencies as fatal to the Amendment.

Experts and submitters were generally in agreement on the strategic basis for the Amendment. The Panel accepts the broad strategic justification for the Amendment, and agrees with Council there will likely be positive environmental, social and economic effects resulting in a net community benefit. The Amendment intends to support additional housing and employment opportunities within close proximity to public transport and services, while strengthening preferred built form character. The Amendment has the potential to be a key driver of rejuvenation of West Footscray.

The Council has foreshadowed additional strategic work to underpin future rezoning of Precinct 4. The Panel is of the view that an updated WFEA would assist to identify opportunities for Precinct 4 and across the entire WFNP area.

While the conservative nature of the assumptions underpinning the WFEA were debated at the Hearing, it was not disputed that the findings of the assessment carry merit and nexus to the strategic objectives for the activity centre.

The Panel is of the view that the WFEA aligns well with the higher order economic drivers of planning policy, including strategies that seek to ensure adequate supply of commercial land in appropriate locations and small scale shopping opportunities that meet the needs of local residents (Clause 17.02-1S Business). Specifically the WFEA finds:

- the West Footscray NAC performs an important role within the Maribyrnong activity centre hierarchy
- that retail and commercial expansion could be accommodated within the NAC and *“some parcels would need to be rezoned to accommodate activity centre expansion, even though they are within the activity centre boundary”*.

This aligns with imperatives of Clause 21.11-6 that acknowledge further development of the NAC should bridge the gaps in street activity along Barkly Street to consolidate the retail area and extend the shopfront character to the eastern end of the centre.

It became evident through the hearing that the WFEA has limitations which extend from assumptions that were made based on the scope of the work. This was most notable in the exclusion of the Fabcot site from the list of key sites, which given its location, spatial and physical characteristics seems anomalous when considering the opportunities it presents to potentially delivering desired outcomes of the WFNP.

Specific matters relating to the Fabcot Land are discussed in other chapters of this Report.

2.8 Conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Land use

3.1 495-507 Barkly Street, West Footscray

(i) Proposal

The Fabcot Land at 495-507 Barkly Street, West Footscray is currently zoned MUZ and is proposed to remain MUZ.

The land is currently subject to site specific DDO7 and an EAO. The Amendment proposes to amend and retain the DDO7 and retain the EAO on the land.

(ii) Background

The Fabcot Land is a substantial landholding of 6,291 square metres that comprises three allotments with a combined 83.8 metre frontage to Barkly Street (see Figure 9).

Figure 9 Aerial Photograph of Fabcot Land



Source: Fabcot replacement submission (Document 13)

Fabcot (the development arm of Woolworths Limited) acquired the land in December 2021 for the specific purpose of developing a mixed use development including a full line supermarket, retail tenancies and residential dwellings.

Fabcot advised the Panel of planning permits associated with Fabcot Land, including for use and development of:

- a five storey building (plus basement) accommodating shops, dwellings and associated car parking (issued on 16 March 2010, since expired)
- a five storey building with shops, dwellings and car parking (issued on 21 December 2015, modified by the Victorian Civil and Administrative Tribunal (VCAT) by order in 2016, since expired)

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- multiple three storey buildings with shops, dwellings and car parking (current permit following a VCAT order on 17 April 2020).

(iii) The issue

The issue is whether the Fabcot Land should be rezoned to C1Z.

(iv) Evidence and submissions

Is it appropriate to consider the rezoning?

Fabcot submitted that it was appropriate for the Panel to consider whether rezoning the Fabcot Land is appropriate even though the rezoning was not exhibited as part of the Amendment. Fabcot submitted that its request to amend the Amendment after exhibition is “*squarely within the subject matter of the Amendment*”. Fabcot considered its proposal would result in net community benefit as it would strengthen the commercial role of the Fabcot Land and promote 20 minute neighbourhoods by diversifying the local economy and employment opportunities.

Fabcot submitted:

67. Procedurally, the Panel should have no hesitation in recommending that the Amendment be modified to incorporate the changes requested by Fabcot.
68. In respect of the requested rezoning, it is a matter which is clearly within the contemplation of the Amendment for sites within the activity centre.
69. Notwithstanding, if the Panel is of the view that this change is of such significance that some form of further notice should be given, it is open to the Panel to make a recommendation to this effect.⁹

Fabcot urged the Panel to resist procedural arguments to defer consideration of the proposal to another day. It considered there was no legal basis for this in the PE Act.

It submitted that:

- the proposal clearly did not transform the Amendment
- matters relating to whether public notice of the proposal was adequate could be determined by Council or the Minister for Planning
- the matter before the Panel is whether the principles underpinning the Amendment have been applied in a consistent fashion (with reference to the Panel report for Yarra Planning Scheme Amendment C220 as precedent).

Fabcot considered no further notice would be required, but considered it a role for the Minister to determine when the matter is referred for adoption.

Council submitted in its closing submissions:

- 1.4 Section 19(1)(b) of the *Planning and Environment Act 1987*, a planning authority must give notice of its preparation of an amendment to a planning scheme to the owners and occupiers of land that it believes may be materially affected by the amendment.
- 1.5 In Council's respectful submission, the requirement to advertise relates not just to notifying the IGA supermarket, but also the Banbury development to the south and east of the Fabcot land.
- 1.6 On this basis, it is Council's submission that if the panel considers that the Fabcot site ought be considered for rezoning, such rezoning ought occur in conjunction with any planning scheme amendment for Precinct 4 or alternatively subject to further exhibition. If the Panel is of the view that the Fabcot land ought be considered for rezoning as part

⁹ Document 15, Fabcot submission

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of the Amendment, Council respectfully submits that notice should be given to the IGA supermarket, and the owners and occupiers of the Banbury development at a minimum.

Proposed rezoning

Council submitted that the existing MUZ was appropriate and should be retained on the Fabcot Land. It considered the existing zone allows for a mix of complementary uses (commercial and residential) to the centre and was warranted due to the transitional role Council envisages the Fabcot Land playing to the east and its location on the outer edge of Precinct 1.

Council submitted that the Amendment supported the economic role of Precinct 1 (Barkly Village) by unlocking retail/commercial opportunities in the centre's core and creating a continuous high-street/shopfront character at the eastern end.

Council reasoned that the MUZ enables a mixed use higher density and commercial development and is a zone that implements the objectives of the WFNP. Further, Council submitted there is no urgent imperative to rezone the site and that:

The primary focus of rezoning in the NAC is to address the fragmentation caused by GRZ in the core separating existing shops from the IGA supermarket.¹⁰

Fabcot submitted that the MUZ is inferior to the C1Z in its ability to respond to the economic drivers of the centre's renewal. It submitted that while the MUZ allows for some commercial uses as well as residential use, it does not make it the most appropriate zone. It submitted the:

- MUZ unnecessarily constrains commercial uses
- MUZ allows dwelling as of right along the ground level frontage, which is at odds with the intended role and character of the centre
- purposes of the C1Z better aligns with the strategic context of the Fabcot Land.

Fabcot considered that the Amendment was inconsistent in its approach to rezone all other land within Precinct 1 to C1Z, apart from the Fabcot Land. Fabcot drew the Panel's attention to the WFNP, which states that:

- the activity centre has fragmented zoning that does not necessarily allow for the *"highest and best use of the site and for a range of important strategic directions to be realised"*
- the preferred land use pattern involves strengthening *"the current land use pattern to provide consistent and complementary zoning."*¹¹

Fabcot advocated rezoning the Fabcot Land to C1Z as part of the Amendment given:

- the physical context of land
- consistency with the strategic work underpinning the Amendment
- the preferred land use pattern and activity set out in the WFNP.

Fabcot referred to the 'decision tree' in the WFEA (see Chapter 2.6), which states that the land within an activity centre has a presumed Commercial 1 or Commercial 2 zoning, and:

Therefore, simply on the basis that the Fabcot Land is within the activity centre it can be reasonably inferred that it would have been recommended for rezoning to a commercial zone had it been identified as a key site.¹²

¹⁰ Document 21, Council's closing submission

¹¹ WFNP, pages 18 and 20

¹² Document 15, Fabcot submission, para 33

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Fabcot considered that rezoning to C1Z was required to prevent residential development from occurring as of right along the Barkly Street frontage, an outcome that would be at odds with the strategic role and preferred character of Precinct 1 and the NAC more broadly. In broad terms Fabcot considered its proposed changes to the Amendment would achieve a net community benefit by strengthening and diversifying the local economy and contributing to 20 minute neighbourhood objectives.

Mr Negri gave evidence that the C1Z is the most appropriate zone for the Fabcot Land because it would:

- promote a mix of retail, commercial and residential uses
- support apartment buildings that add to the viability of the centre
- strengthen street level activity by allowing a range of ground level retail and commercial uses without a permit to allow for a greater range of uses without requiring planning permission
- better align with the strategic ambition promoted for the Fabcot Land within the Neighbourhood Activity Centre (Clause 21.11-6).

It was Mr Negri's evidence that given the purposes and land use provisions of the C1Z, it is a more appropriate planning tool to manage the use and development and delivery of the WFNP, particularly as it relates to harnessing economic activity and removing approval hurdles for preferred land uses.

(v) Discussion

In consider the issues of whether the Fabcot Land should be rezoned to C1Z, the Panel has firstly considered whether it is appropriate for the Panel to consider the issue, and secondly whether the proposal has merit.

The Panel agrees with Fabcot that it is squarely in the remit of the Panel to consider whether the proposal to rezone is appropriate. The critical issue is whether the strategic work underpinning the Amendment has been applied consistently, and whether "*essentially identical parcels of land have been treated differently for no explicit reason*".¹³ If the proposed rezoning is consistent with the underlying principles and strategic intent of the Amendment, then matters relating to public notice can be considered and addressed if necessary.

As discussed in Chapter 2.7, it appears that there was some inconsistency with identification and assessment of key development sites. While the Panel understands Council's reasoning for identifying investigation sites, it is surprising that the site was not subject to further review as part of the WFNP given the overwhelming physical and strategic attributes of the land such as its size, single ownership and central location. The Panel considers this strengthens the case for consideration of whether rezoning of the land is appropriate.

A key objective of the WFNP is to support the economic role of Barkly Village as a NAC. The WFNP proposes to strengthen the current land use pattern to provide consistent and complementary zoning which delivers new residential and commercial opportunities. Economic development is a key driver of the Amendment.

The Panel considers the WFNP and tools such as the 'decision tree' in the WFEA have established a clear strategic framework for considering the rezoning. When tested against the WFEA 'decision

¹³ Yarra Planning Scheme Amendment C220 Panel Report, page 24

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tree' the Fabcot Land emerges as a candidate for rezoning despite the Fabcot Land not being put forward in this amendment for rezoning.

In contemplating the appropriate zone the Panel is mindful of the guidance in PPN46, in particular whether the strategic planning exercise in the Amendment makes:

- proper use of the VPP
- uses the most appropriate planning tool to achieve the strategic objectives of the planning scheme
- is consistent with any relevant planning practice note.

The Practitioner's Guide explains the purpose of the MUZ and C1Z:

- MUZ provides for residential uses and a range of complementary commercial, industrial and other uses suitable for areas with a mixed use character
- C1Z applies in mixed use commercial centres for retail, office, business, residential, entertainment and community uses. It allows a wide range of commercial and accommodation uses without a permit, including a supermarket or shop.

While MUZ enables retail/commercial uses it is within the suite of residential zones. PPN91 explains the role and application of the residential zones, specifically MUZ is to be applied to:

...areas suitable for a mixed-use function, including a range of residential, commercial, industrial and other uses. Suitable for areas identified for residential development at higher densities including urban renewal and strategic redevelopment sites.

The Panel accepts that the MUZ allows for a full line supermarket (over 150 square metres) with planning approval, however it concurs with Mr Negri's evidence that the MUZ is residential in nature and may facilitate outcomes that contradict the WFNP. The Panel agrees with Fabcot that the MUZ is not the optimal zone for delivering the economic aspirations of the WFNP on the Fabcot land.

In contrast, the purposes of the C1Z promote residential densities that complement the role and scale of the centre. The Panel considers C1Z to be the appropriate zone for the Fabcot Land having regard to:

- achieving higher order strategic imperatives such as healthy, 20 minute neighbourhoods and give people the ability to meet every day needs within a 20 minute walk
- the C1Z being the most appropriate tool within the VPP to deliver the objectives of the WFNP given the site's physical and policy context
- consistency of zoning and development expectations on the north and south sides of Barkly Street
- future redevelopment of Precinct 4 and potential shifting of the core of the activity centre east of its current location
- strengthening of the street level activity by allowing a range of ground level retail and commercial uses as encouraged within the WFNP
- promoting residential density above street level.

The Panel is persuaded by Fabcot's submission that the Amendment should look to introduce 'optimal' rather than 'compatible' controls to implement the objectives of the WFNP. It is desirable to introduce optimal controls where strategically supported. The Panel considers C1Z represents an optimal control for the Fabcot Land having regard to the objectives of the WFNP and strategic context and physical attributes of the site.

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The Panel understands that the proposal to rezone the land to C1Z was not exhibited with the Amendment. While the Panel has focussed on the merits of the proposal rather than the procedural implications, the Panel considers rezoning the Fabcot Land to C1Z may require further notice. The Panel supports the rezoning subject to Council satisfying itself that adequate notice has been given in accordance with statutory requirements.

(vi) Conclusion and recommendation

The Panel concludes:

- It is appropriate for the Panel to consider the proposed rezoning of the Fabcot Land.
- There is sufficient justification to support the rezoning of the Fabcot Land from MUZ to C1Z.
- It is appropriate to rezone the Fabcot Land to C1Z, subject to Council satisfying itself that notice requirements are met.

The Panel recommends:

Rezone 495-507 Barkly Street, West Footscray from the Mixed Use Zone to the Commercial 1 Zone, subject to Council satisfying itself that notice requirements have been met.

3.2 Zoning along Warleigh Road

(i) The issue

The issue is whether the commercial zoning should be extended along Warleigh Road.

(ii) Submissions

Submitter 15 submitted that the commercial zoning should be extended south along Warleigh Road to accommodate more mixed-used residential, retail and commercial activity.

Council opposed the suggestion on the basis that the Amendment seeks to concentrate retail and commercial activities in the NAC. It submitted that extending the commercial zone along Warleigh Road beyond the centre is inconsistent and is not supported.

(iii) Discussion

The WFNP proposes to consolidate land use patterns and promote development and renewal within the boundaries of Precinct 1. This will not only deliver a critical mass of economic land use but protect abutting residential land. Warleigh Road is a 300 plus metre north-south connecting road between Barkly and Cross Street. Both sides of Warleigh Road are zoned GRZ, aside from the IGA fronting Barkly Street which are proposed to be zoned C1Z.

The WFNP does not anticipate non-residential development expanding into the abutting GRZ areas and the Panel supports this approach. It is sound planning policy to ensure non-residential land uses do not 'leak' into residential areas and threaten the quality of residential amenity.

The Panel is mindful that the core activity area of Barkly Street and West Footscray Railway Station is the focus of the land use and built form guidance. The Panel accepts Council's position and does not support the expansion of commercial zoning of the residential areas along Warleigh Road.

(iv) Conclusion

The Panel concludes:

- The commercial zoning along Warleigh Road should not be extended.

3.3 Supermarket in Precinct 3

(i) The issue

The issue is whether a large supermarket should be supported in Precinct 3.

(ii) Submissions

Submitter 41 was concerned the proposal would encourage a large supermarket in Precinct 3, and did not support this. It submitted that new development should not adversely affect the local shopping destinations such as Barkly Village, Seddon, Central West and Footscray.

Council said that it would be inappropriate for a large supermarket development/major retail to occur in Precinct 3. Council submitted that the WFNP was informed by the WFEA which recommended this location as suitable for higher density residential with ground floor employment and limited convenience retail to serve commuters (for example café, newsagent, drycleaner). Council said its policy is for major retail to be focussed in activity centres, such as those identified in the submission.

(iii) Discussion

The Amendment proposes Precinct 3 to be zoned MUZ. The MUZ promotes diversity of land use while retaining the primacy of residential land use, and a shop larger than 150 square metres requires a planning permit. This is further complemented by the 'Design objectives' of the accompanying DDO8 which include:

- ... encourage a range of well-designed apartment buildings that support complementary uses at ground floor level.
- ... Improve activation and utilisation of public spaces through active frontages to buildings along roads and public spaces.
- ... development appropriately responds to amenity of surrounding areas.

The Panel accepts that it is not the strategic intent of the WFNP for a supermarket to be located in Precinct 3. Indeed, a full line supermarket in Precinct 3 would likely constitute 'activity leakage' contrary to the land use and activity centre consolidation objectives of the WFNP.

The accompanying policy support to the MUZ is important in delivering strategic intent for this Precinct. Objectives of the exhibited Clause 21.11-6 include *"to limit commercial uses in West Footscray Railway Station Precincts"* and is assisted by strategies to *"ensure that any retail, commercial and other employment uses complement the role of the West Footscray Neighbourhood Activity Centre"*.

While a planning permit may be sought for the development of a site as a supermarket, the proposal would be assessed against the full breadth of the Planning Scheme including the WFNP. The Panel accepts Council's position on this issue.

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(iv) Conclusions

The Panel concludes:

The MUZ, DDO and accompanying planning policy does not promote a large-scale supermarket in Precinct 3.

A sufficient planning assessment framework will be implemented to ensure proposals are assessed with consideration of the objectives for Precinct 3.

4 Built form and character

4.1 Discretionary or mandatory controls

(i) The issue

The issue is whether the planning controls should be discretionary or mandatory.

(ii) Relevant guidelines

A Practitioner's Guide identifies that a DDO is intended to achieve the following planning outcomes:

- ... principally intended to implement requirements based on a demonstrated need to control built form and the built environment, using performance based rather than prescriptive controls.

PPN59 establishes a criterion for assessing whether or not the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility inherent in a performance based system.

- Is the mandatory provision strategically supported?
- Is the mandatory provision appropriate to the majority of proposals?
- Does the mandatory provision provide for the preferred outcome?
- Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?
- Will the mandatory provision reduce administrative costs?

PPN60 stipulates that mandatory height and setback controls will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction. Mandatory height or setback controls should only be applied where:

- Exceptional circumstances exist; or
- Council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- They are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

(iii) Evidence and submissions

Council submitted that mandatory height controls are strategically supported, appropriate to the majority of proposals and will provide for the preferred outcome as set out in the WFNP. It said that given the fine grain setting of Barkly Street (unlikely to facilitate development above four to five storeys), the application of maximum height controls will increase certainty. Council considered this would in turn reduce administration costs in assessment and application preparation.

Council submitted that a number of complementary factors combine to justify mandatory maximum height provisions to achieve good design outcomes; its lower order status in the activity centre hierarchy, the width of Barkly Street through Precinct 1, the proximity of dwellings in the surrounding area and outcomes of the 3D modelling.

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Council took the Panel to the Bayside Planning Scheme Amendment C126bays (Small Neighbourhood Activity Centres) Panel report. It suggested Amendment C126bays is a relevant example where mandatory controls have been used to guide built form and character outcomes. Council considered the Panel should give weight to Amendment C126bays as an appropriate precedent for mandatory provisions.

Mr Campbell supported the mandatory maximums in the DDO7 and strong discretion in the DDO8:

...given the clear community desire to maintain the local centre's 'village' feel and ensure appropriate transition in scale to abutting residential properties.

Mr Campbell considered the rigour of built form testing sufficient to warrant the implementation of mandatory provisions, and that the maximum height limits were sufficient to allow infill development consistent with policy.

Fabcot submitted that the DDO7 proposed mandatory height limits fail to meet the need for 'exceptional circumstances' set out within PPN60:

mandatory height and setback controls will only be considered in exceptional circumstances and should only be considered where they are necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis.¹⁴

Mr Negri did not support mandatory building height and street setback requirements, with regard to the guidance set out in PPNs 59 and 60. Mr Negri referred to the tests for applying mandatory provisions in PPN60 and was of the view that this was not a case where there are exceptional circumstances. He did not consider mandatory controls were warranted on the basis that:

There is limited heritage sensitivity. The existing urban framework is sought to be transformed in order to repair deficiencies (i.e. the fragmented shopping street). There are properties of varying size and proportion that have differing development opportunity.

(iv) Discussion

The VPPs are premised on mandatory provisions as the exception. Planning guidance states that mandatory provisions should only be applied in exceptional circumstances, and only where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis.

The Panel has considered the proposal against the criteria suggested in PPN59 *"to assess whether or not the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility inherent in a performance-based system"*.

Is the mandatory provision strategically supported?

The WFNP underpinning the Amendment does not recommend mandatory controls. Instead it includes preferred maximum building heights, and does not include justification or recommendation for any mandatory built form controls.

Council relied on the 3D modelling to justify mandatory provisions, however the modelling presented as an exercise that documented the controls rather than tested scenarios that would be required to demonstrate the appropriateness of mandatory provisions.

The NAC does not exhibit heritage significance, distinctive physical features or distinctive neighbourhood character, and the Panel is satisfied that exceptional circumstance do not exist.

¹⁴ Document 15, page 13

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The Panel notes that similarly the panel for Bayside Planning Scheme Amendment C126bays did not consider mandatory maximum building heights were strategically justified except where they were proposed adjacent to properties of heritage significance.

The Panel is not satisfied that the application of mandatory height provisions is strategically justified.

Is the mandatory provision appropriate to the majority of proposals?

The Panel does not agree with Council that because individual lots are contextually unlikely to achieve heights over four to five storeys then all lots should have a mandatory cap. This approach disregards the ability of land to be consolidated and disregards anomalous sites that can facilitate an innovative design. The Panel considers in this instance a mandatory provision is not appropriate for the majority of sites and may result in lost development opportunities to deliver on the objectives of the WFNP.

Does the mandatory provision provide for the preferred outcome?

It is not clear that mandatory provisions will achieve the WFNP preferred outcomes. The varying physical context from the east to the west of the village may invite varied responses that should be tested against the relevant policy and interface considerations. Good design is contextual in its response and should be achieved with discretion to exercise quality architectural and urban design outcomes unless there is a good strategically justified reason to be more prescriptive.

Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?

It was not demonstrated through the 3D modelling, submissions or evidence that the majority of proposals not in accordance with mandatory provisions would be clearly unacceptable. The analysis illustrated that building heights in the Schedules to the DDO would deliver an acceptable built form outcome, however it did not conclusively illustrate that the taller heights could not also be appropriate.

Will the mandatory provision reduce administrative costs?

While mandatory provisions can reduce administrative costs, the Panel is not persuaded that reduced administrative costs reasonably outweigh lost opportunities to realise full development potential of land in a NAC. As a NAC it is identified to undergo significant change to support its community and the broader catchment over the next 30 years. In the absence of exceptional circumstances the Panel prefers discretionary controls that promote opportunities for innovation and site responsive designs.

The Panel gives weight to the guidance in PPN59 which states *“the VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements”*.

(v) Conclusion and recommendation

The Panel concludes:

- Building heights and setbacks should be discretionary.

The Panel recommends:

Amend the Schedules to the Design and Development Overlay to make building heights and setbacks discretionary, in accordance with the Panel preferred version in Appendix C.

4.2 Building heights

(i) The proposal

The proposed building heights are derived from the preferred maximum building heights in the WFNP (see Figure 10).

Figure 10 Preferred maximum heights in the WFNP



Source: WFNP, page 22

The proposed DDO7 includes the following 'Buildings and works' permit requirement:

A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the building height and street setback requirements specified in Tables 1 and 2 of this schedule.

The following buildings and works requirements in Tables 1 and 2 and shown in Figure 1 apply to an application to construct a building or construct or carry out works.

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Figure 1 of the Schedules to the DDO (shown at Figure 9 below) shows preferred building heights:

- Precinct 1 - mixed use/commercial – 4 storey (13.5 metres)
- Precinct 2 - residential – 4 storey (13.5 metres)
- Precinct 3 – residential – 8 storey (25.5 metres).

The Schedules to the DDO include design requirements for building heights in each of the precincts. The Panel has summarised these requirements in Table 5. Other requirements relate to setbacks and public realm interface.

The Amendment introduces local policy (Clause 21.11-6) to guide the future development of Precinct 4 to a mixed commercial and higher density residential area with preferred maximum building heights of 6 storeys (19.5 metres).

Figure 11 Figure 1 of DDO7

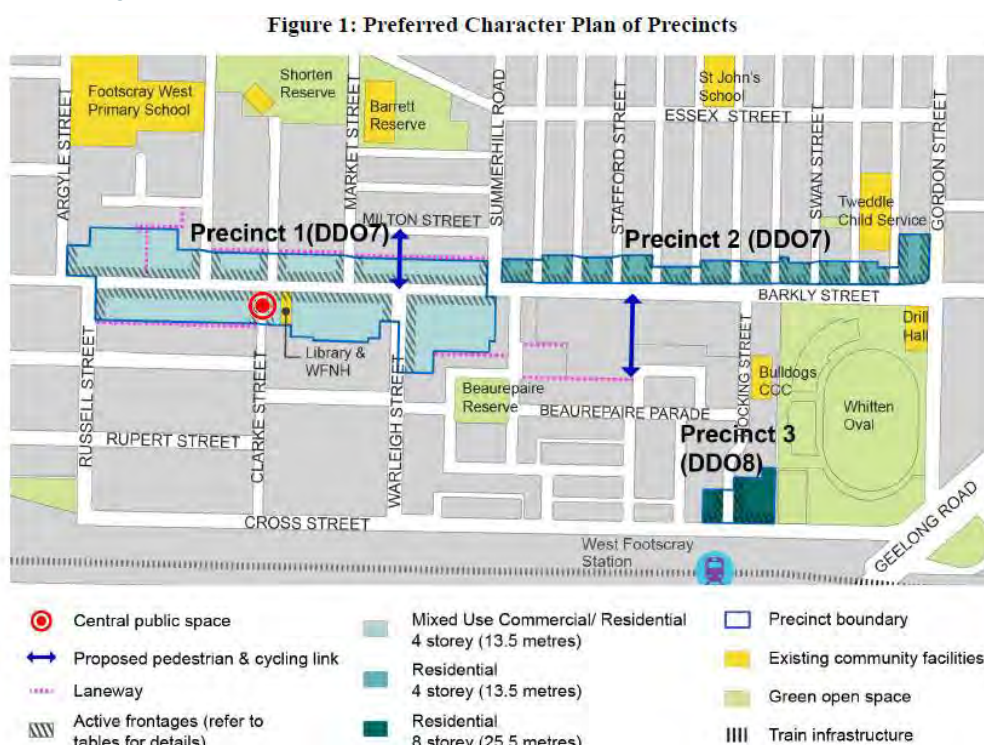


Table 5 Building height design requirements for each precinct

Precinct	Building height requirement
Precinct 1	Building height must not exceed 13.5 metres and four storeys, except for sites greater than 2000 square metres where building height must not exceed 16.5 metres (five storeys). Height of a storey at the ground floor level of a new building must be at least 4 metres measured from finished floor level to the ceiling.
Precinct 2	Building height must not exceed 13.5 metres and four storeys.
Precinct 3	Building height must not exceed 25.7 metres (eight storeys).

(ii) The issues

The issues are whether:

- the proposed building heights are too tall and will result in unacceptable impacts
- the five storey maximum building height for the Fabcot Land is too modest.

(iii) Evidence and submissions

Appropriate building heights

Several submitters considered the proposed building heights too tall and likely to result in unacceptable impacts on the public realm, neighbourhood character and amenity of surrounding lower scale residential areas. Submitters 2 and 7 opposed the eight storey height in Precinct 3 as excessive, suggesting it be capped at four storeys. Several submitters were supportive of mandatory building height controls.

Council submitted that the proposed heights in each precinct have been based on detailed analysis of built form to ensure a strong and consistent streetscape, a high level of amenity and to address the interface with abutting lower scale residential development. Council submitted the nominated building heights reflect the capacity to strengthen the role of Barkly Village as a lively, mixed use precinct and the complementary role of the adjacent precincts. The Schedules to the DDO include design provisions requiring new development to recess upper floors and address sensitive residential interfaces to ensure amenity is protected.

Council submitted that the DDO7 includes a combination of mandatory and discretionary controls, designed to provide clear direction to achieve the outcomes sought in WFNP. It stated the proposed planning controls were consistent with guidance in PPN59 and PPN60.

In response to community concerns, Council submitted in its Part B that:

... the DDOs strike an appropriate balance between facilitating growth in and around the Amendment area, whilst being respectful of the community's concerns. It responds to the directions of the *Plan Melbourne*, including Policy.2.1.4 which is to "provide certainty about the scale of growth in the suburbs".

Council relied on the evidence of Mr Campbell. Mr Campbell gave evidence that the 3D modelling analysis undertaken by Council clearly conveyed an "*indicative (massing) arrangement of future forms along the Barkly Street corridor and demonstrates the proposed proportional arrangements between street walls and recessive upper levels*". It also demonstrated overshadowing impacts on Barkly Street and neighbouring residential properties.¹⁵

Mr Campbell supported the heights in the DDO7. He considered the building heights to be generally appropriate and aligned with the West Footscray NACs lower order position within the Maribyrnong Activity Centre Hierarchy, and associated expectation of overall development intensity and scale. He was of the view that the overall height provisions offer some flexibility while maintaining clear expectations. He acknowledged that larger sites may have the ability to accommodate an additional upper level provided there are no additional off-site amenity impacts.

Mr Campbell's Expert Witness Statement included:

The overall height provisions also offer some flexibility and acknowledge that larger sites (sites greater than 2000m²) may have the ability to successfully accommodate an additional upper level, that will have no additional off-site amenity impacts. I consider this as an

¹⁵ EWS Mr Campbell, page 8

appropriate provision as it recognises that larger sites can absorb greater building envelopes and it also encourages land consolidation to achieve more efficient development outcomes.

At the Hearing Mr Campbell advised the Panel that on reflection, he considered there could be some discretion in building heights for much larger sites. While he had not given this much thought, he said the DDO7 would need to include some parameters around how this might be done. Mr Campbell responded to a question from Council about what height is appropriate and stated he would consider five to six storeys may be appropriate on larger lots, being mindful of street width and lot depth.

Under cross examination by Fabcot, Mr Campbell stated a provision that exempts sites greater than 4,000 square metres from building height requirements could be inserted into DDO7. He gave the opinion that there could be some discretion for larger sites to facilitate taller built form outcomes provided there were no unreasonable off-site amenity impacts.

Under re-examination Mr Campbell revealed potential criteria for assigning additional height to larger sites, including consideration of impact on abutting residential zones and the NAC, sightlines and respect for fine grain of the NAC.

Further, Mr Campbell suggested minor changes to:

- the height of the street wall in Precinct 1 (DDO7) to accommodate a parapet dimension. He proposed the street wall height requirement be increased to 11.5 metres, noting this would not alter the overall building height dimensions of 13.5 metres and 16.5 metres (for larger sites)
- increase the building height requirement in Precinct 3 (DDO8) by 200 millimetres (to 25.7 metres) to allow for services and to accommodate internal dimensions.

Fabcot Land

Council submitted that the nominated heights for the Fabcot Land were based on a comprehensive urban design analysis. Council submitted the analysis considered street scale, lot size and the purpose and role of Precinct 1. It noted the 'transitioning' role of the Fabcot Land as a relevant factor in determining height, and the need to have regard for the built form east of the Land in Precinct 4.

Fabcot submitted it was not clear how the WFNP was informed by the 3D built form analysis. It questioned how the nominated building height had been set for the Fabcot Land and challenged the validity of the five storey maximum given the size, single ownership and strategic and locational significance of the site. Fabcot stated:

The Built Form Analysis at Part C of the WFNP outlines the emerging character in the NAC, including recent planning approvals but fails to identify unacceptable built form outcomes the WFNP seeks to avoid.

Mr Negri made reference to the history of planning permit activity on the Fabcot Land noting that an approval for a five storey building had previously been granted. He further noted the proximity of the Fabcot Land to Precinct 4 where taller buildings of six storeys were envisaged in the Framework Plan at Clause 21.11-6.¹⁶

Under cross examination Mr Negri agreed that it would be appropriate to include criteria to guide any discretion relating to building height. He considered the appropriate height should be determined by design and response to agreed criteria. He suggested that it may be appropriate to

¹⁶ (Precinct 4 southern side of Barkly Street).

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have taller buildings on the approach to the activity centre. From a policy perspective it is a gateway and has appropriate interfaces.

Post exhibition proposed changes

Council updated its proposed changes to the building height requirements following Mr Campbell’s evidence. It proposed the introduction of new wording to guide the discretion for building height on lots greater than 5,000 square metres in area (see Figure 12).

Figure 12 Council updated DDO7 08.03.22

Design or Built Form Element	Requirement
Building Height	<p>Building height must not exceed 13.5 metres and four storeys, except for:</p> <ul style="list-style-type: none"> ▪ Sites greater than 2000 square metres <u>in area</u>, where building height must not exceed 16.5 metres (five storeys) <u>or</u> ▪ Sites greater than 5000 square metres <u>in area</u>, where a building may exceed the 16.5m (5 storeys) building height by up to one storey if the building: <ul style="list-style-type: none"> • is designed to <u>minimise the visual appearance of levels above the street wall</u>; • does not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing <u>impacts</u>; • achieves a greater overall consistency of scale within the streetscape; and • respects the fine grain presentation of adjoining land uses fronting the street. <p>Height of a storey at the ground floor level of a new building must be at least 4 metres measured from finished floor level to <u>the ceiling/finished floor level</u>.</p>

Fabcot acknowledged that the minimum 2,000 square metre land size threshold should remain for sites seeking to exceed four storeys. Fabcot proposed further exemptions for land greater than 4,000 square metres in area and submitted that discretion guiding exceedance should, as a matter of statutory drafting, be decision guidelines.

Fabcot proposed alternative drafting of the DDO as follows:

- introduce an exemption to the proposed DDO7 ‘Buildings and works’ permit requirement as follows:

A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the building height and street setback requirements specified in Tables 1 and 2 of this schedule. This does not apply to a site greater than 4,000 square metres in area.
- introduce additional ‘Decision guidelines’:

If the development does not meet the built form requirements in Table 1, the extent to which the development departs from the built form requirements and whether the development:

 - is designed to minimise the visual appearance of levels above the street wall;

- does not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing impacts;
- achieves a greater overall consistency of scale within the streetscape; and
- respects the fine grain presentation of adjoining land uses fronting the street.

(iv) Discussion

Appropriate building heights

In considering appropriate building heights for the centre the Panel has had regard for planning guidance in PPN60 which states:

... structure plans may propose preferred built form outcomes including minimum or maximum building heights and setbacks. Height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes.

Proposed height and setback controls, whether maximum or minimum, must be soundly based on the outcomes of strategic research that includes a **comprehensive built form analysis** that is **consistent with State policy**.

Height controls must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements, as consistent with state and regional development policy in the VPP.

Unfortunately Council did not provide a detailed response to the requirements of PPN60. This would have been of assistance to the Panel in understanding the strategic justification for building height requirements.

Alignment of the Amendment with State policy is discussed in other chapters of this Report. The Panel considers the proposal is generally consistent with State policy in that it intends to support and encourage appropriate development in a NAC and surrounding precincts. The Panel acknowledges Council's intent to strengthen the role of Barkly Village as a *"lively, mixed use precinct and the complementary role of the adjacent precincts"*.¹⁷

The Panel is of the view that while the NAC's position in the hierarchy of activity centres is a consideration, it is not in itself the determining factor of appropriate building height. While one might expect more modest heights in lower order activity centres, the overall heights are primarily a function of physical context, and protection of amenity and the public realm.

In response to questions from the Panel, Council provided 3D modelling for Precinct 1 during the Hearing and for Precincts 2 and 3 after the Hearing.¹⁸ The Panel agrees with Mr Campbell that the 3D modelling demonstrates proposed proportional arrangements, not rigorous testing of options.

In relation to Precinct 1 the modelling demonstrates that building heights combined with street wall heights, setback and transition, would not result in unreasonable impacts on abutting residential areas or Barkly Street. The Panel is satisfied that the overall heights are guided by contextual considerations such as overshadowing to the southern side of Barkly Street and the protection of sunlight to the southern footpath at the equinox.

The Panel agrees with Council that the amenity provisions for pedestrians and kerbside dining and trading along the southern side of Barkly Street should be protected and DDO7 can achieve this. From a first principles perspective, the Panel is comfortable that generally four to five (for sites larger than 2,000 square metres in area) storey building height in the Barkly Village is appropriate.

¹⁷ Council Part A submission, page 28

¹⁸ Documents 14 and 22

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This is not to say taller building heights cannot be achieved under various conditions. There may be instances where taller buildings could be achieved, provided the public realm, high quality design, amenity and appropriate setbacks are achieved. This was explored through submissions and evidence at the Hearing, with options to assess taller buildings against a clear set of parameters suggested by Council and Fabcot. The discretionary building height criteria proposed by Council includes consideration of visual impact and dominance, amenity impacts and character of the surrounding area. Parties generally considered the criteria appropriate and the Panel agrees.

Mr Campbell suggested that land size should be the key trigger for discretion. While Council sought discretionary height controls for sites larger than 5,000 square metres and Fabcot preferred sites larger than 4,000 square metres, the Panel was not provided with any submissions or evidence justifying the proposed land size threshold. The Panel is generally comfortable the criteria for assessing discretionary building height for larger lots of greater than either 4,000 or 5,000 is appropriate. On this basis the Panel supports the land size threshold for trigger of 4,000 square metres.

The Panel supports the modifications proposed by Mr Campbell relating to street wall height, and accepts this will not impose on the public realm and the upper taller levels will be largely concealed behind the street wall profile and from the ground.

Precinct 3 located between the West Footscray Railway Station and Whitten Oval represents a strategic redevelopment site and the eight storey maximum building height was advanced based on the built form analysis. The Panel agrees with Council that the Precinct exhibits a different physical context to Precincts 1 and 2, with less sensitive interfaces to the south, east and northeast.

The Panel accepts Mr Campbell's evidence that the height in Precinct 3 should be increased slightly to accommodate services and required internal building dimensions. The Panel is satisfied that adequate design guidance for the more sensitive north and west interfaces is provided within the DDO8, subject to the recommendations of Mr Campbell. The Panel notes these changes are reflected in Council's final proposed changes.

In relation to submitter general concerns that buildings will be too tall, the Panel is satisfied that the combination of planning controls, that take into consideration site constraints and context, zone and overlay purpose and objectives, design and application requirements and decision guidelines, will ensure a comprehensive and integrated assessment of a development proposal to ensure acceptable impacts on the public realm and amenity of surrounding areas.

Fabcot Land

The Panel agrees with Fabcot that a comprehensive built form analysis for the Fabcot Land was not undertaken. This was verified by Council submissions, extracts of the built form modelling, Council's urban design evidence, and the exclusion of the Fabcot Land from the key investigations for rezoning.

With regard to the tests for comprehensive built form analysis in PPN60, the Panel notes:

- the Fabcot Land was not identified for significant opportunities for change
- there was no analysis of visual and amenity impacts, solar access and overshadowing impacts etcetera undertaken on the Fabcot Land

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- while broadly significant physical features, such as views to or from the activity centre or topography were considered, none of these were specifically applied and tested to the Fabcot Land
- broadly the WFNP identifies and articulates how new development should address street frontages and laneways and relate to adjacent residential areas however no such detailed analysis was undertaken for the Fabcot Land.

While it is common for building heights to be determined at a precinct level, the Fabcot Land exhibits strategic and physical attributes that deserve the consideration of site specific built form analysis. Or at the very least, assessment of the Fabcot Land as part of a broader analysis. Neither was undertaken.

The Panel is not satisfied that appropriate consideration and testing has been given to determine the maximum building heights on the Fabcot Land. While a five or more storey building may be appropriate on the site, the Panel is of the view that an appropriate height will need to be determined based on a comprehensive built form analysis, including context assessment and site responsive design with consideration of appropriate criteria as discussed above. The Panel agrees with Mr Negri that it may be appropriate to have taller buildings on the approach to the NAC.

Post exhibition proposed changes

While parties generally agreed on the appropriate criteria for assessing appropriate building height, there was a difference of opinion in how the criteria should be drafted. The Panel prefers the suggestion of Fabcot to include the criteria as decision guidelines as this captures all discretionary elements of the requirements not just building height.

The Panel preferred version of DDO7 at Appendix C1 includes elements of suggestions from Council and Fabcot and other suggestions from the Panel to ensure building height requirements are clear. Notably, the Panel recommends:

- insertion of the land size trigger of 4000 square metres in Table 1
- removal of the first 'Buildings and works requirement' which is premised on mandatory controls. This is no longer required and essentially duplicates the final requirement which refers to the requirements in Table 1 and 2.

The Panel notes that both Figure 1 of the DDO7 and the Framework Plan at Clause 21.11-6 show Precinct 1 as four storeys with no options for larger sites. These plans should be updated to reflect the recommendations of this Report.

Further, the cross sections in the WFNP may need to be updated to reflect changes to the built form requirements in accordance with the evidence of Mr Campbell and the updated requirements in the Schedules to the DDO.

(v) Conclusion and recommendations

The Panel concludes:

- The proposed buildings heights are appropriate, subject to the recommendations in this Report.
- An appropriate building height will need to be determined for the Fabcot Land based on a comprehensive built form analysis, including context assessment and site responsive design with consideration of appropriate criteria.

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- The reference to building heights in Precinct 3 should be removed from DDO7, including updating the map and notation on 'Figure 1: Preferred Character Plan of Precincts'.
- Figure 1: Preferred Character Plan of Precincts in DDO8 is not required and should be removed.
- The cross sections in the WFNP may need to be updated to reflect changes to the built form requirements in accordance with the evidence of Mr Campbell and the updated requirements in the Schedules to the DDO.
- Figure 1 in the DDO7 and the Framework Plan at Clause 21.11-6 should be updated to reflect the recommendations of this Report and provide building height options for larger sites.

The Panel recommends:

Amend the Schedules to the Design and Development Overlay in accordance with Panel preferred versions in Appendix C.

Amend local policy Clause 21.11-6 (West Footscray Neighbourhood Activity Centre, Barkly Street East and West Footscray Railway Station Precincts) to:

- a) **update the Framework Plan to explain provisions for building height options for larger sites.**

Prior to adoption of the Amendment, update the West Footscray Neighbourhood Plan to:

- a) **amend the cross sections to reflect changes to the updated built form requirements in the Schedules to the Design and Development Overlay**
- b) **insert a revision date, and ensure the correct version is included as a reference document in the Amendment documents.**

4.3 Neighbourhood character and amenity

(i) The issue

The issue is whether the Amendment adequately protects neighbourhood character and amenity.

(ii) Evidence and submissions

Council submitted that the introduction of built form guidelines will manage change in the precincts, establish a strong coherent streetscape character, enhance the public realm and protect amenity in the surrounding area. Council said that the controls had been specifically formulated to provide clear direction to achieve the outcomes sought in WFNP.

Council submitted that the WFNP and Schedules to the DDO strike an appropriate balance between facilitating growth in and around the Amendment area, providing opportunities for consolidation, redevelopment and intensification, while balancing neighbourhood character considerations and addressing community concerns.

Council submitted that the WFNP will ensure the fine grain characteristics of Precinct 1 would be protected and reproduced in future development. Land use and built form guidelines in the Amendment were intended to facilitate the objectives of the WFNP such as the principles of identity and diversity, a thriving village, high quality buildings and spaces and a great place to live.

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Council submitted the proposed policy guidance in Clause 21.11-6 was intended to set up a framework to guide the future transition of Precinct 4. The Amendment does not include rezoning or specific built form provisions for Precinct 4 as this will be subject to a future amendment, following master planning and site investigations.

Council submitted that built form outcomes envisaged for each precinct are based on detailed analysis. It relied on the evidence of Mr Campbell, who stated:

I consider the proposed built form aspirations and urban design measures contained within Amendment C162 to be sound and worthy of approval as they seek to appropriately manage the future urban form and evolution of the West Footscray Neighbourhood Activity Centre.

Mr Campbell commended the built form guidelines:

In respect of the public realm interface guidelines the proposed provisions seek contemporary best practice urban design outcomes for a street based Activity Centre, requiring active frontages at Ground Floor level and to maintain a fine grain rhythm, concealment of car parking area/s from the street and no vehicle access from the main frontage, legible building entries and continue weather protection across the footpath, etc. I support the provisions as they suitably seek to enhance the streetscape presentation of new buildings and ensure a vibrant environment for pedestrian activity, with vehicle access relegated to secondary frontages (for corner sites) or rear laneways.

Mr Campbell was of the view that the *“provisions will facilitate future development consistent with the preferred outcomes and will foster a desirable future streetscape provide and character”*. He was of the opinion that the side setback provisions are consistent with best practice.

He concluded he was satisfied that principle of modest infill development was appropriate and would allow development to appropriately respond to the valued village character and residential interfaces.

With regard to urban design outcomes, Mr Campbell suggested minor wording refinements to the ‘Design objectives’:

- DDO7:
 - To encourage a range of well designed buildings with a consistent street wall height and fine grain presentation that supports 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 and lot consolidated sites consolidation in the Barkly Street East Residential Precinct.
 - To improve activation and utilisation of public spaces the public realm through active frontages to buildings along roads street frontages and public spaces in the activity centre and adjacent precinct.
- DDO8:
 - To encourage a range of well designed apartment buildings that support complementary uses at ground floor level.
 - To facilitate mixed use development that is of high architectural and urban design quality, offers attractive and functional internal and external spaces and provides good amenity.
 - To improve activation and utilisation of public spaces the public realm through active frontages to buildings along roads street frontages and public spaces.

Mr Campbell suggested further refinements to the wording of ‘Building Height’ and ‘Public Realm Interface’ requirements in the Schedules to the DDO.

The changes proposed by Mr Campbell were captured by Council in its final preferred version.

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Submitter 35 opposed apartments/higher density development in the area stating that new development should be restricted to 2 storeys. Several submitters said that:

- the heights nominated across the precincts are too tall and would result in unacceptable impacts on the public realm, neighbourhood character, and amenity of surrounding lower scale residential areas
- new development on Barkly Street should be required to retain existing facades to retain unique local character.

Specific issues raised in relation to precincts include:

- Precinct 1
 - objection to proposed height due its potential impact to the Barkly Street village character and the potential for overshadowing of the street¹⁹
 - concern about the potential change of the character of the area²⁰
 - redevelopment in this precinct should incorporate similar 'village' character to surrounding area and be restricted to four storeys
- Precinct 2
 - how will the landscape front garden character be achieved²¹
 - new development needs to incorporate plenty of green space, substantial setbacks from main roads and suitable open space for children
- Precinct 3
 - oppose the eight storey height limit in Precinct 3 as being excessive, incongruous with the surrounding area and likely to cause amenity impacts²²
- Precinct 4
 - requested more details about the future redevelopment of Precinct 4.²³

(iii) Discussion

The WFNP includes built form guidelines that aim to establish a coherent streetscape character along Barkly Street, respond better to the public realm and help protect amenity of the area. The WFNP takes its cues from Barkly Village however also seeks to employ new standards in relation to public realm engagement and amenity protection that, together with the built form guidance, will deliver a renewal of activity and reinvigoration of character in the NAC.

The Panel considers the built form guidance and planning provisions are generally sound on the basis that:

- the design and built form elements (building height, street setback, side and rear setbacks, public realm interface) are measures and design cues that accord with current best practice built form assessment frameworks
- there is a clear nexus between the design guidelines in the WFNP and the objectives in the Schedules to the DDO
- the design guidance for planning permit applicants and Responsible Authority is unambiguous.

¹⁹ Submitter 9 and 13

²⁰ Submitters 5 and 7

²¹ Submitter 7

²² Submitters 19, 20, 21, 22 and 41

²³ Submitter 31

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The Panel is satisfied that the 'Design objectives' are balanced and have regard for quality design and appropriate presentation at ground floor while also allowing for improved activation and a range of well designed low-rise apartments. In other words, a balance has been struck between respecting key characteristics while recognising change will occur.

The Panel considers the wording refinements suggested by Mr Campbell assists with understanding the urban design intent and desired built form outcomes. The addition of words relating to 'fine grain presentation' in Precinct 1 is important to ensure this characteristic is adequately recognised.

The Panel supports the proposed refinements suggested by Mr Campbell apart from the proposed rewording of the second objective in DDO7 to:

To encourage a range of well designed low-rise apartment buildings with landscaped front setbacks ~~on and lot consolidated sites~~ [consolidation](#) in the Barkly Street East Residential Precinct.

The proposed change encourages lot consolidation in Precinct 2. The strategic basis of this is not clear in the WFNP, and the Panel is of the view that further consideration is required to ensure it is consistent with the intent of the WFNP and there are no unintended consequences.

Village feel

The Panel understands the village feel to be as much about the ground plane, streetscape, and public realm as it is about building height. Where building height is recessed and not an imposition on the street, the urban design focus turns to building engagement at street level and the manner in which the ground plane delivers an activated human scale.

The design objectives are supported by a range of design guidelines including public realm interface guidelines that incorporate an active frontage response at all ground level interfaces, and *"the maintenance of a fine grain street pattern of buildings with a 6 metre width at ground level and incorporate vertical articulation"*.

The DDO provides clear guidance and design cues to planning permit applicants and the Responsible Authority to protect and or continue to deliver a fine grain presentation and human scale experience. The Panel considers the proposed policy and provisions will facilitate preferred character outcomes, including creating/reinforcing the village feel sought by submitters.

This issue of building height is discussed in other chapters of this Report.

Form

While some submitters are concerned the WFNP encourages higher density and apartment development, the Panel accepts the proposal is consistent with State and local planning policy which supports the continued growth and diversification of activity centres (Clause 11.03-1S). It is also consistent with housing policy which seeks to direct residential development to identified substantial change areas, and substantial change activity centres (Clause 21.04-2 Housing Growth).

A transition to apartment typology can reasonably be expected to deliver on policy. Application of the C1Z in Precinct 1 further complements the built form objectives of the WFNP by allowing as of right residential land use and form above the street level provided *"any frontage at ground floor does not exceed 2 metres"*.

Amenity and landscaping

The Panel is satisfied that the Schedules to the DDO provide adequate amenity protection for the public realm and abutting residential interfaces. The amenity tests in the design or built form guidelines provide the Responsible Authority with a balanced assessment framework.

The Panel is comfortable the side setbacks will ensure building separation and the protection of amenity for habitable rooms and spaces. Adoption of the standard rear setback provisions will meet the transition expectations to abutting residential areas as outlined in Clause 21.04-1 (Activity Centre planning), specifically strategies include to:

- Protect areas adjacent to activity centres from negative impacts.
- Discourage uses or new developments in activity centres which will be incompatible with a continued residential presence whether through scale, image or off-site environmental or amenity impacts.²⁴

The requirements in the planning provisions will ensure that new buildings at interfaces do not physically overwhelm or intrude on the reasonable privacy of low-rise residential surroundings.

The Panel notes that requirements for Precinct 2 provides generous street setbacks and a requirement to incorporate landscaping, including space for at least one tree. The Panel supports the wording refinement proposed by Mr Campbell to require *“at least one canopy tree per front yard”*.

Precinct 4

While details around the built form and land use aspirations for Precinct 4 would have assisted in understanding of its future development, the Panel accepts that:

- the proposed policy relating to Precinct 4 aligns with the WFNP
- the policy in the proposed Clause 21.11-6 adequately signals Council’s intentions for Precinct 4 and an appropriately staged approach
- a separate strategic planning exercise is entirely appropriate should the testing and strategic work not yet be completed.

(iv) Conclusions and recommendation

The Panel concludes:

- The ‘Design objectives’ in the Schedules to the DDO are strategically justified and appropriate, subject to the recommendations of this Report.
- The wording refinements suggested by Mr Campbell are appropriate, apart from the proposed rewording of the second objective in DDO7 relating to lot consolidation.
- The proposed local policy relating to Precinct 4 is strategically justified, and it is appropriate for detailed controls to be developed through a separate strategic planning process.

The Panel recommends:

Amend the Schedules to the Design and Development Overlay in accordance with the Panel preferred versions in Appendix C of this Report.

²⁴ Standard B17 residential profile to Clause 55 and 58 together with Standards B19 and B20 of Clause 55 (D15 of Clause 58)

4.4 Protection of heritage architecture

(i) The issue

The issue is whether the amendment adequately protects heritage architecture.

(ii) Submissions

Several submitters were concerned the Amendment would result in the loss of heritage architecture. Submitter 33 was concerned about adverse impact on the character of the neighbourhood and suggested engaging historians and artists to interview residents and advise on saving the identity of the area. Submitter 19 suggested that new development on Barkly Street should be required to retain existing facades to retain unique local character.

Council explained the Heritage Study was recently completed, endorsed by Council and formed the basis of Amendments C172mari (permanent controls) and C173mari (interim) (see Chapter 2.4(ii)). The Heritage Study investigated, recorded, assessed and made recommendations across 34 streets in West Footscray (see Figure 13), and was intended to provide:

- an assessment of the heritage values of each house in the entirety of each street
- recommendations for listing them in the Heritage Overlay as heritage precincts.

Council identified the Heritage Overlay had been applied to only four sites relevant to the Amendment.²⁵ Council submitted that for two of the sites the Amendment either doesn't include zoning or overlay changes or where changes are proposed, they are heritage places protected in approved permits.

Figure 13 Location plan of area of Heritage Study investigation



Source: West Footscray Post War and Heritage Study 2021, page 8.

²⁵ HO93 (Drill Hall, 395 Barkly Street); HO94 (Canary Island date palm row and Canary Island Palms, 399-413 Barkly Street); HO95 (Washingtonia Palm at Multiple Sclerosis Centre, rear of 400-406 Barkly Street); HO96 (Nundah, 600 Barkly Street).

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(iii) Discussion

It is clear to the Panel that Council is well aware of the heritage values within the WFNP area, and Council is advanced in implementing the recommendations of the recently completed Heritage Study in the Planning Scheme.

The heritage protections for the four sites within the Amendment area will remain and any future development of these sites will be required to meet the relevant tests within the Planning Scheme including the Heritage Overlay. The Panel makes no comment on sites outside of the Amendment area.

(iv) Conclusion

The Panel concludes:

- The Amendment will not negatively impact identified heritage architecture.

5 Movement and access

5.1 The issue

The issue is whether the Amendment adequately considers movement and access, in particular the impact of increased development on parking, traffic and transport infrastructure.

5.2 Evidence and submissions

Several submitters raised issues relating to movement and access, including:

- Parking
 - more intensive development will increase pressures on street parking and congestion
 - new development must include adequate private parking and unloading facilities
 - parking restrictions should be applied to residential streets
 - more car, bike and scooter parking is needed
- traffic and public transport:
 - pedestrian and cycling infrastructure needs to be improved
 - public transport between West Footscray station and Barkly Village needs to be improved
 - the laneway on the supermarket car park between Milton Street and Summerhill Road should be preserved
 - Barkly Street should be widened to manage congestion.

Council submitted that a key objective of the WFNP is to improve walking, cycling and public transport connections. In tandem with the Amendment it prepared a Local Area Traffic Management Study for West Footscray and Maidstone which informed the WFNP and recommendations are being implemented to improve road and pedestrian safety. Council is also undertaking a range of works derived from the Maribyrnong Bicycle Strategy 2020 – 2030.

Council submitted that the WFNP recognised there would be additional demand for road space and need for traffic management as a result of redevelopment in the area. Council stated in its Part B submission that it was “*acutely aware of the importance of the public realm interface*” and considered minimising the impact of car parking and access on the public realm as paramount.

In relation to car parking it stated that the Amendment is premised on urban consolidation and 20 minute city principles and sought to locate housing growth in locations with good access to services. Accordingly the Schedules to the DDO require new development proposals to:

be informed by an assessment of traffic and transportation issues, including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.²⁶

Council considered existing policies in the Planning Scheme and Clause 52.06 (Car parking) would provide sufficient guidance for decision makers on the provisions of car parking for new development.

In closing submissions Council explained that car parking in Barkly Village would be managed in accordance with its Parking Management Policy 2017. The policy seeks to:

- provide car based visitor access that maximises both attractiveness and visitation

²⁶ Document 6, Council’s Part A submission, page 31

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- optimise community benefit by ensuring high vehicle turns
- maintain and enhance residential amenity.

A Parking Management Precinct Plan would be prepared if required.

Council submitted that:

- issues relating to movement and access would be further considered during the master planning for Precinct 4
- it would continue to work with State government and relevant transport agencies to deliver the active and public transport improvements identified in the WFNP.

In relation to car parking, Mr Campbell gave evidence that he supported the proposed planning provisions. He stated that while not strictly an urban design matter, he was confident the Amendment would:

suitably direct the provision of future car parking provision. I also understand that the intent of Council is for necessary car park provision to be incorporated within future developments and be ideally within basement level/s or at Ground level (concealed from view from the public realm). Such an approach to car park provision within contemporary apartment and mixed use developments is appropriate.²⁷

Mr Negri considered the Amendment encouraged growth within close proximity to public transport.

5.3 Discussion

The Amendment responds to State and local transport planning policy by better integrating land use and transport, and directing growth into areas along the Principal Public Transport Network and which complements the redevelopment of West Footscray Railway Station. In line with 20 minute city principles, it is sound strategic planning practice to encourage urban consolidation and encourage housing growth in locations with good access to transport services.

The Panel commends Council's integrated approach to land use and transport planning. The Local Area Traffic Management Study has informed both the Amendment and a works program to ensure road and transport infrastructure is consistent with the objectives of the WFNP. Further Council has an active Parking Management Policy and associated monitoring program in place.

The Schedules to the DDO appropriately address locally relevant design matters, while Clause 52.09 (Car parking) deals with provision. The Panel notes the proposed Schedules to the DDO include the following relating to car parking and traffic:

- Buildings and works requirements:
 - Where a laneway or secondary street exists, no vehicle access from the main street.
 - Car parking area not visible from the street.
- Application requirements:
 - An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.
 - and report demonstrating high standards of environmental sustainability, including:
 - Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
- Decision guidelines:

²⁷ Document 9, EWS Mr Campbell, para 70

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- Whether the location, design and layout of car parking is an acceptable response to the public realm.
- The quality of pedestrian, bicycle and vehicular access and egress points and connections.
- The impact of traffic and parking on the road network.

The purposes of Clause 52.09 (Car parking) include:

- ensuring the appropriate supply of car parking
- supporting sustainable transport options
- promoting the efficient use of car parking spaces through the consolidation of car parking facilities
- ensuring car parking does not adversely affect the amenity of the locality
- ensuring the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The Panel is satisfied that the State planning provisions relating to car parking provision will provide an adequate decision making framework, and the Schedules to the DDO will manage public realm and amenity issues where a planning permit is required.

The Panel has reviewed the Preferred Character Plan at Figure 1 of the DDO7, and accepts Council's submission that preservation of the laneway on the supermarket car park between Milton Street and Summerhill Road is preserved.

The Panel supports Council's commitment to advocacy with relevant State agencies to achieve active and public transport improvements.

The master planning for Precinct 4 presents a significant opportunity to address issues relating to access and movement, and to provide detailed policy and design guidance if appropriate.

5.4 Conclusion

The Panel concludes:

- The Amendment adequately considers movement and access, in particular the impact of increased development on parking, traffic and transport infrastructure.

6 Potentially contaminated land

6.1 The issue

The issue is whether it is appropriate to apply the EAO to land at:

- 509-511 Barkly Street, West Footscray
- 8 Cross Street, Footscray
- 438-440 Barkly Street, Footscray.

6.2 The proposal, background and guidance

Proposal

The exhibited Amendment proposed to apply the EAO to:

- 509-511 Barkly Street, West Footscray
- 8 Cross Street, Footscray.

Post exhibition Council also proposed to apply the EAO to:

- 438-440 Barkly Street, Footscray.

Relevant Ministerial Directions and Planning Guidance

MD1 aims to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by contamination. MD1 was updated on 27 August 2021 to align with the *Environment Protection Act 2017*.

MD19 requires planning authorities to seek early advice from EPA when undertaking strategic planning processes and preparing planning scheme amendments that may significantly impact Victoria's environment, amenity and/or human health due to pollution and waste. The explanatory report for an amendment must include a statement of how the proposed amendment addresses the views of EPA.

PPN30 provides planning guidance on:

- how to identify potentially contaminated land
- the appropriate level of assessment of contamination in different circumstances
- appropriate provisions in planning scheme amendments
- appropriate conditions on planning permits.

Panel Directions

The Panel issued a direction to Council in relation to the proposed Environmental Audit Overlay, to:

- explain the basis of the proposed Environmental Audit Overlay as exhibited and proposed changes
- explain how the proposal has had regard to Ministerial Direction 1 and Planning Practice Note 30
- copies of all relevant correspondence between Council and the EPA
- seek and provide updated advice from the EPA regarding the proposal, including their views on Council's current position on the Amendment in light of the *Environment Protection Act 2017* and associated regulations which came into effect on 1 July 2021

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- explain Council's position on whether it is appropriate to introduce to the EAO to 438-440 Barkly Street, Footscray when this was not included in the exhibited Amendment

Summary of discussions and advice from EPA

Council's Part B submission provided a detailed overview of discussions and advice from the EPA in relation to the Amendment. The Panel has summarised this in Table 6.

Table 6 Summary of discussions and advice from the EPA

Timeframe	Activity and advice
June to July 2019	Council undertook early consultation with the EPA regarding the Amendment
17 July 2019	EPA wrote to Council it: <ul style="list-style-type: none"> - notes proposed application of the EAO to 8 Cross Street, Footscray and 509-511 Barkly Street, Footscray - while it prefers site assessment and if necessary remediation prior to rezoning of land, it accepts the EAO as an appropriate tool for Council to signal the need to address potential risk - did not consider it necessary to apply the EAO to 438-440 Barkly Street, Footscray
10 December 2020	EPA made submission on the Amendment: <ul style="list-style-type: none"> - 509-511 Barkly Street, West Footscray – there does not appear to be sufficient justification to demonstrate the land is potentially contaminated - 8 Cross Street, Footscray – the Amendment documentation does not appear to provide justification which demonstrates the land is potentially contaminated and requires an environmental audit - 438-440 Barkly Street, Footscray – given the land is potentially contaminated and sensitive uses are allowed under the zoning, the EAO should be applied
19 May 2021	Council meeting with EPA to discuss its submission Council advised it proposed to introduce the EAO to 438-440 Barkly Street, Footscray in addition to the two other properties
6 July 2021 and 9 December 2021	Council wrote to land owners informing of them of its intentions and reasoning, and providing an opportunity to make submission on the Amendment ²⁸
21 December 2021	Council wrote to the EPA noting that the Panel had requested Council seek clarification from EPA and provide updated advice regarding EPA's views on the Amendment, including EPA's views on Council's current position on the Amendment in light of the <i>Environment Protection Act 2017</i> and associated regulations which came into effect on 1 July 2021.

²⁸ Document 11, attachments

Timeframe	Activity and advice
31 January 2022	<p>EPA wrote to the Planning Panel noting that:</p> <p>(a) <i>It appears that the amendment is generally consistent with the requirements of the land use framework for the management of potentially contaminated land which supports the implementation of the EP Act 2017.</i></p> <p>(b) <i>What remains outstanding is the need for the planning authority to state the determination in the Explanatory Report that the land is potentially contaminated and satisfy itself that the environmental conditions of that land are or will be suitable for that use through application of the EAO. This is likely to be a straightforward update to the amendment documentation.</i></p> <p>(c) <i>On that basis, EPA does not object to the amendment being approved and have determined that we will not be participating in the hearing process.</i></p>

6.3 Submissions

Council submitted it had prepared the Amendment with consideration of MD1 and PPN30, and that it had undertaken the necessary steps to determine that the sites are potentially contaminated. It considered it appropriate to introduce the EAO to the sites:

including 438-440 Barkly Street, Footscray which was not included in the exhibited Amendment, on the basis that all three sites are potentially contaminated, and sensitive uses could be established at all three sites.

It is noted that in 2016 there was an audit of 438-440 Barkly Street, Footscray based on higher density uses which found that the land is contaminated. The audit did not consider all other potential sensitive uses such as childcare. Therefore, further audits may be required.²⁹

The Council officer summary of response to submissions (attachment 4 to the Council report of 9 November 2021) explained the basis of potential contamination of relating to 509-511 Barkly Street, West Footscray and 8 Cross Street Footscray. The attachment also stated:

The Explanatory Report for the amendment will be updated to include the additional details in accordance with the new MD1 at adoption stage

Council submitted that application of the EAO to 438-440 Barkly Street, Footscray through the Amendment was appropriate from a procedural perspective given that:

- the site is known to be contaminated due to a previous audit
- the previous audit did not include all sensitive uses
- Council has provided sufficient opportunity for those potentially materially affected to make a submission.

EPA submissions relating to application of the EAO are detailed above. No further submissions were received in relation to the proposal.

6.4 Discussion

The Panel accepts Council's justification for why it is appropriate to apply the EAO to all three properties.

Ministerial Direction 15 (The Planning Scheme Amendment Process) and the PE Act detail requirements for public exhibition and notice of a planning scheme amendment. This includes a

²⁹ Document 11, Council's Part B submission

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requirement for a planning authority to give notice to the owners and occupiers of land that it believes may be materially affected by the amendment. Council provided the Panel with copies of correspondence it had sent to the owner of the property at 438-440 Barkly Street, Footscray advising that it proposed to apply the EAO to the land, and explaining the process for a submission.

The Panel accepts that it may be appropriate to apply the EAO to the land at 438-440 Barkly Street, Footscray and understands that Council gave notice and provided an opportunity for submission to the owners of the land following exhibition, and that no submission was received. The Panel considers that prior to adoption Council must determine whether it has adequately provided notice to owners and occupiers of the land that may be materially affected by the Amendment. If Council is satisfied that notice is adequate, it may include application of the EAO to the land at 438-440 Barkly Street, Footscray through the Amendment.

MD19 states the explanatory report for a planning scheme amendment must include a statement of how the proposed amendment addresses the views of the EPA. As noted by the EPA, the exhibited Explanatory Report does not provide an explanation of the determination that the land is potentially contaminated. The Panel agrees with the EPA that the Explanatory Report should be updated to include this information.

6.5 Conclusions and recommendations

The Panel concludes:

- It is appropriate to apply the EAO to the land at to 438-440 Barkly Street, Footscray, subject to Council satisfying itself that adequate notice has been given to affected land owners and occupiers.
- The Explanatory Report should be updated to explain how the Amendment addresses the views of the EPA.

The Panel recommends:

Subject to Council satisfying itself that notice requirements have been met:

- a) Apply the Environmental Audit Overlay to 438-440 Barkly Street, Footscray**
- b) Amend the Explanatory Report to include information about application of the Environmental Audit Overlay to 438-440 Barkly Street, Footscray.**

Amend the Explanatory Report to explain how the Amendment addresses the views of the Environment Protection Authority.

7 Licensed gas pipeline

7.1 The issue

The issue is whether the Amendment provides suitable protections for the licensed gas pipeline.

7.2 Background and relevant policy and legislation

The land affected by the Amendment is in proximity to AusNet Services 400 millimetre diameter gas transmission pipeline (Pipeline Licence 18) which traverses Warleigh Road, Barkly Street and Summerhill Road (see Figure 14). Pipeline Licence 18 is a regulated asset and is operated in accordance with the requirements of the Victorian *Pipelines Act 2005* and relevant Australian Standards.³⁰

The *Pipelines Act 2005* requires licensed pipelines be constructed and operated in accordance with Australian Standard 2885: Pipelines—Gas and liquid petroleum (AS (/NZS) 2885). The standard requires pipeline licensees to implement a range of safety measures to reduce foreseeable risks associated with operating a pipeline. This includes considering changes to land use in the vicinity of operational pipelines.

The objective of Clause 19.-01-3S (Pipeline Infrastructure) is to:

- To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

Figure 14 Existing Licensed Pipeline within West Footscray Village



Source: Submission 25 from ESV

³⁰ The *Pipelines Act 2005* applies to 'transmission' pipelines that have a maximum design pressure exceeding 1050 kilopascal (gaseous hydrocarbons) and 345 kilopascal (liquid hydrocarbons) for the conveyance of gas, oil and other substances.

7.3 Submissions

Council submitted the Amendment did not directly impact the pipeline itself and would not fundamentally alter the environment surrounding the pipeline, as the existing planning controls generally allow for higher density development (retail/residential). However it acknowledged the Amendment may encourage and facilitate more development near the pipeline, and may increase the likelihood of a higher concentration of residential uses as a result of the rezoning.

ESV and Downer originally recommended Council seek feedback from the pipeline licensee (AusNet Gas Services) to confirm whether a SMS was required. ESV and Downer submitted that relevant risk mitigation measures from an SMS should be incorporated in the Amendment. They did not object to the Amendment provided conditions were met in relation to the high-pressure gas pipeline that intersects Precincts 1 and 2.

Prior to the Hearing a SMS was submitted to the Panel. Further written submissions were received from Downer and ESV confirming the conditions set out in their original submissions had been addressed, with their conditional support now amended to:

- Specific development/s within proposed planning scheme containing construction activities in the vicinity (3.0m exclusion zone) of the gas transmission pipeline shall adhere to the requirements of the Victorian Pipeline Act 2005 and AusNet Services 'Condition of Works' TS 2607.2 and TS 2607.3.
- Specific development/s within proposed planning scheme that will constitute in High Density or Sensitive land uses within measurement length (as determined by AS/NZS 2885.6), the development/s applicant/s shall conduct Safety Management Study as per requirements of AS/NZS 2885.1:2018 and in conjunction with AusNet Services, to identify and mitigate the threats to the pipeline.

Council proposed post exhibition changes the Amendment to:

- include a notice requirement in the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions)³¹
- amend the DDO7 to refer development within 27 metres of the licensed gas pipeline to Clause 66.06 notice requirements
- include a Decision guideline to consider whether the development has been appropriately design in relation to the pipeline.

7.4 Discussion

The Planning Scheme recognises the need to protect existing transmission-pressure gas pipelines from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.

The Panel notes that Council engaged a qualified pipeline engineer to prepare a SMS in consultation with Downer and ESV in response to the issues raised in submissions, and the recommendations in the SMS were supported by the pipeline licensee on 3 September 2021.

The Panel notes that Council, ESV and Downer were all in agreement that the following findings of the SMS provide suitable protections for the pipeline:

- The pipeline location class is currently T1 Residential.

³¹ Notice of Permit Applications under Local Provisions for works within the 3 metre exclusion zone to relevant gas transmission line owner and licensee

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- The pipeline location class may need to be changed in future to T2 High Density and Sensitive. The design of the pipeline meets relevant standards for these location classes.
- A SMS is likely to be required during detailed design stage of new development of sites interfacing the pipeline (responsibility of the developer).
- A SMS is likely to be required as part of design phase of new development in the Amendment C162mari area within 27 metres of the pipeline (to be completed by the developer).
- Council should notify service provider AusNet during the planning permit process for these sites.

The Panel agrees with the proposed exhibition changes of Council, in combination with AusNet as an existing Determining Authority under Clause 66 (Referrals and notice provision). The Panel considers this an appropriate response to Clause 19.01-3S and the *Pipelines Act 2005*.

7.5 Conclusion and recommendations

The Panel concludes:

- The Amendment incorporates suitable protections for the licensed gas pipeline, subject to the post exhibition changes proposed by Council.

The Panel recommends:

- Amend Design and Development Overlay - Schedule 7 to ensure the license gas pipeline is adequately protected, in accordance with the Panel preferred version shown at Appendix C1.**
- Amend the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) to include the following notice requirement:**

Clause	Kind of application	Person or body to be notified
Schedule 7 to Clause 43.02 (DDO7)	An application for buildings and works on land shown in Figure 2 of Schedule 7 to Clause 43.02.	Owner and licensee of the Footscray to Sunshine gas transmission pipeline.

8 Other issues

8.1 Social housing

(i) The issue

The issue is whether the Amendment should include social housing requirements.

(ii) Submissions

Submission 4 raised concerns the Amendment would disadvantage and displace low-income households by causing rents to rise. It sought direct measures to combat isolation and inequality and requirement for accessible social housing to be incorporated into new developments.

Submission 31 broadly supported the Amendment and activation of the NAC, however, considered there are policy gaps. It sought more information on how the Amendment addresses housing diversity and affordability. The submission suggested Council investigate a social partnership to deliver affordable housing.

Council responded by outlining the State Government framework and legislation for considering social and affordable housing in the planning system. Council submitted that it supported and encouraged new development to provide a portion of social and affordable housing, with reference to the draft Housing Strategy and Amendment C154mari which seeks to include policies to ensure inclusive and diverse housing. Council stressed there is currently no provision in planning legislation available to Council to require all new development to provide social housing.

(iii) Discussion

The Housing Strategy includes objectives, *“to increase the supply of affordable, public and social housing in the City”* and *“to reduce housing stress in the City”*. Under the housing affordability challenges and opportunities, a range of strategies are listed that contemplate the provision of social affordable housing including:

- Facilitate development of affordable housing across the City
- Maintain and improve the quality of the existing supply of social and public housing
- Support a more spatially even distribution of social, public and affordable housing
- Support private developers to work with registered affordable housing providers.³²

Further work is required to underpin inclusion of a metric or quantum for delivering social and affordable housing in the Planning Scheme. The existing provisions such as Clause 16.01-2S (Housing Affordability) are a starting point for Council to incorporate social and affordable housing requirements, however appropriate metrics for the contributions must be determined and tested.

(iv) Conclusion

The Panel concludes:

- Additional strategic work would be required to determine if specific of social and affordable housing requirements are required and strategically justified.

³² Housing Strategy, page 25

8.2 Community infrastructure and open space

(i) The issue

The issue is whether the Amendment has adequately considered community infrastructure and open space.

(ii) Background

The Explanatory report explains how the Amendment supports planning for community infrastructure and open space, including how it relates to the following policies:

- Clause 19 – Infrastructure by ensuring the development of the necessary physical and social infrastructure to support land use and development. This includes improved open space provision and networks, community facilities and the integrated provision of all utility services.
- Clause 21.04 – Open Space by improving open space provision and networks, linkages and connections throughout the West Footscray NAC and adjacent precincts and residential areas.
- Clause 21.10 – Community and Development Infrastructure by encouraging and providing improved community, social, cultural, sporting and recreational facilities in the West Footscray NAC and at, and adjacent to, Whitten Oval.

The WFNP states that it has considered the Open Space Strategy 2014. It contains Community Infrastructure and Open Space objectives to:

- Create a high quality public realm that is attractive, safe and walkable.
- To create high quality, flexible community facilities that accommodate the needs of a diverse and growing population.
- To support expansion of facilities at Whitten Oval adjacent to West Footscray Railway Station.
- To increase opportunities for residents to engage in outdoor recreation and leisure.

The WFNP also includes a comprehensive action plan with 20 actions relating to improvements of community infrastructure and open space.

(iii) Submissions

Submission 4 proposed a new community activity space on Barkly Street, and noted that the Amendment did not include improvements to Council facilities as outlined in the WFNP.

Other issues raised in submissions relating to open space relate to:

- further information on how the open space network had been considered
- the Amendment not adequately considering loss of public open space at Whitten oval and provision of playgrounds
- requests for public realm upgrades to incorporate greening and pedestrians
- no change should be made to Whitten Oval.

Submitters at the Hearing spoke passionately about the need for adequate provision of accessible passive open space.

In relation to issues raised in submissions it stated that the WFNP:

- recognises increasing population and land use change creates additional demand on community infrastructure and public open space

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- includes several relevant actions including upgrades to existing open space reserves, opportunities for new parks and renewal of West Footscray Library
- includes public realm upgrades and street tree planting.

In relation to community spaces along Barkly Street, it submitted:

Recent Council initiatives have included a parklet programme to enable outdoor dining on Barkly Street and a pop-up park on the corner of Clarke Street, providing a central open space for community members and visitors to gather in Barkly Village.

In relation to Whitten Oval, Council submitted the Amendment proposed to include a local policy statement that reinforces support for recreational, sporting and community facilities at, and opposite, Whitten Oval.

Council did not propose any changes to the Amendment in response to submissions.

(iv) Discussion

The Panel considers the WFNP supports policy intended to ensure adequate and equitable provision of community infrastructure and open space. The Panel supports Council's approach to the WFNP which is integrated plan responding to a range of interrelated objectives including the provision of a safe, accessible and attractive public realm and opportunities for outdoor recreation and leisure.

The Panel notes that the WFNP includes clear objectives and a comprehensive action plan for community infrastructure and open space improvements throughout the West Footscray area. Many of the actions are proposed to be implemented through Council programs not associated with the Amendment.

The Panel accepts Council's response to issues raised in submissions.

(v) Conclusion

The Panel concludes:

- The Amendment has adequately considered community infrastructure and open space.

8.3 Noise

(i) The issue

The issue is whether the impact of noise from Whitten Oval events has been adequately addressed in the Amendment.

(ii) Submissions

Submission 33 raised issues relating to the potential adverse impact of Whitten Oval event noise on residents, and considered new development needs to incorporate noise reduction measures. The submission stated that residents, particularly shift workers, found the sirens distressing in the morning on match days.

Council submitted the Schedules to the DDO include a requirement for assessment of noise impacts for a development proposal. Specifically, new development must be informed by:

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An Acoustic Report which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities and the surrounding road network.

If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.

DDO8, which applies to the land immediately abutting Whitten Oval also require:

An adverse amenity impact assessment consisting of a report(s) prepared by a suitably qualified person(s). The report(s) must identify all potential adverse amenity impacts (eg; noise, odour) from nearby land and uses including, but not limited to:

- The recreation facility to the east of the subject site(s).
- Use of the rail corridor to the south of the subject site(s).
- The paint manufacturing facility at Graingers Road, West Footscray.
- The report(s) must include specific design recommendations to address any potential adverse amenity impacts identified.

Both Schedules to the DDO include a decision guideline which requires consideration of whether the response to noise is acceptable.

In response to a question from the Panel about the standards or guidelines requirement to be considered for the acoustic assessment, Council submitted:

The standards / guidelines to be considered and applied for this assessment are the EPA standards/guidelines referenced in the PPF and SEPPs.

Council proposed a post exhibition change to the wording of the 'Application requirements' as follows:

An Acoustic Report [by a suitably qualified acoustic consultant](#), which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities and the surrounding road network.

(iii) Discussion

The Amendment is intended to support growth and development while protecting the amenity of residential areas. This is consistent with the objectives of the PE Act and planning policy.

The Explanatory Report states that the Amendment will generate positive social and environmental outcomes and that *"High quality urban design and architectural outcomes in new development will complement public realm improvements in the precincts and increase the amenity, safety and attractiveness of the centre"*.

The Panel supports the provisions in the Schedules to the DDO and considers these will result in appropriate assessment of adverse noise impacts and if required, will ensure noise mitigation measures are acceptable. The Panel supports Council's proposed post exhibition change to wording of the Application requirements and considers this will help determine standards.

(iv) Conclusion and recommendation

The Panel concludes:

- The Amendment adequately addresses the impact of noise from Whitten Oval events, subject to amendment to the wording of 'Application requirements' as proposed by Council.

The Panel recommends:

Amend the Schedule 8 to the Design and Development Overlay to revise the wording of the fifth dot point under the heading 'Application requirements', in accordance with the Panel preferred version shown at Appendix C1.

8.4 Environmental outcomes

(i) The issue

The issue is whether the Amendment adequately explains how environmental outcomes will be achieved.

(ii) Submissions

Submissions raised issues relating to:

- how environmental benefits would be delivered, in particular green buildings, greening of the public realm and congestion reduction
- specific suggestions for greening and undergrounding powerlines and introducing solar street lights
- and how the Amendment would address urban heat island effect and adaptation to climate change.

Council submitted the Amendment:

addresses environmental objectives by encouraging the needs of the growing West Footscray community to be met locally, reducing reliance on car travel and increasing active and public transport use. New development will be required to demonstrate environmental sustainable design as part of the planning permit process.

Further the requirement for front yard canopy tree will improve the greening of the Amendment area.

The Panel sought clarification of how the proposed decision guideline "*whether the development is environmentally sustainable*" would be assessed.

Council proposed a post exhibition change to the wording of the 'Decision guidelines' as follows:

Whether the development is environmentally sustainable [as assessed against the Built Environment Sustainability Scorecard](#).

(iii) Discussion

The Panel notes that the WFNP includes a number of interrelated objectives and strategies relating to urban greening, sustainable transport and design. While it does not specifically mention climate change adaptation or urban heat island effect, many of the actions will have beneficial outcomes to improve the environmental sustainability of the built environment.

The WFNP strategy that "*new buildings must meet best practice environmentally sustainable design standards*" and refers to Urban Design Guidelines for Victoria, Objective 5.1.8 which relate to sustainable buildings in activity centres.

The 'Application Requirements' in the Schedules to the DDO include extensive design considerations relating to environmental sustainability, including:

- Energy efficiency.

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- Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
- Integrated water management.
- Waste minimisation.
- Building materials.
- Demolition and construction practices.
- Landscaping.
- Indoor environmental quality and natural lighting.
- Other environmental sustainability issues impacting the proposed design.

The Panel considers the Amendment demonstrates a strong commitment to environmental outcomes and includes 'Application requirements' and 'Decision guidelines' to appropriately assess development proposals.

The Panel supports Council's proposed post exhibition change to wording of the 'Decision guidelines' and considers this will help clarify expectations.

(iv) Conclusion and recommendation

The Panel concludes:

- The Amendment adequately explains how environmental outcomes will be achieved, subject to amendment to the wording of 'Decision guidelines' as proposed by Council.

The Panel recommends:

Amend Schedules 7 and 8 to the Design and Development Overlay to revise the wording of 'Decision guidelines', in accordance with the Panel preferred version shown at Appendix C.

9 Form and content of the Amendment

(i) Submission and evidence

Council submitted it proposed a number of post exhibition changes, as set out in the Council officer report accompanying the Council resolution. These are addressed in other chapters of this Report, apart from:

- removal of any reference to the 'two laneways' in response to submission 31 and submission 43 from the framework plans in Clause 21.11 and precinct plans in DDO7 and DDO8
- correction of minor typographical errors in DDO7.

Mr Campbell was of the view that the proposed Figures 1 in both Schedules to the DDO would be clearer if each contained their own version of the map which illustrates only the extent of land that each Schedule applies to. To avoid confusion Council proposed to refine Figure 1 from DDO7 as suggested by Mr Campbell, and remove Figure 1 from DDO8 as it is not required.

Mr Campbell considered there may be a mapping anomaly with respect to the extent of DDO, which should accord with the extent of MUZ land fronting Cross Street.

Mr Negri gave evidence that the following exemptions should not apply in DDO7 as they may result in under development of land:

- A single dwelling on a site greater than 300 square metres.
- An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.

Council proposed the to remove both exemptions from DDO8 and only the first exemption relating to single dwellings from DDO7.

Further Mr Negri suggested drafting changes, including:

- Replace 'must' with 'should' consistent with my observations above;
- 'Side Setback' should be expressed as 'setback to other land included in DDO7'; and
- 'Rear setback' should be expressed as 'setback to land in the General Residential Zone outside the DDO7'.

He also suggested corrections to Figure 1 in DDO7 relating to laneways.

(ii) Discussion

The drafting changes proposed by Mr Campbell were generally accepted by Council and not challenged by other parties or experts. Council included the changes in its final versions of the Schedules to the DDO. The Panel considers the proposed changes generally improve and clarify drafting, subject to specific changes discussed in other chapters of this Report.

The Panel accepts the identified laneways have been incorrectly referenced in the Amendment documents and should be removed. This is shown in the Panel preferred Panel versions of the Schedules to the DDO, and the laneways required to be removed from Clause 21.11 are shown in Figure 15 and 16.

The Panel has reviewed the mapping and considers there may not be a mapping anomaly with application of DDO8, and that the discrepancy reflects the land to which the DDO8 already applies.

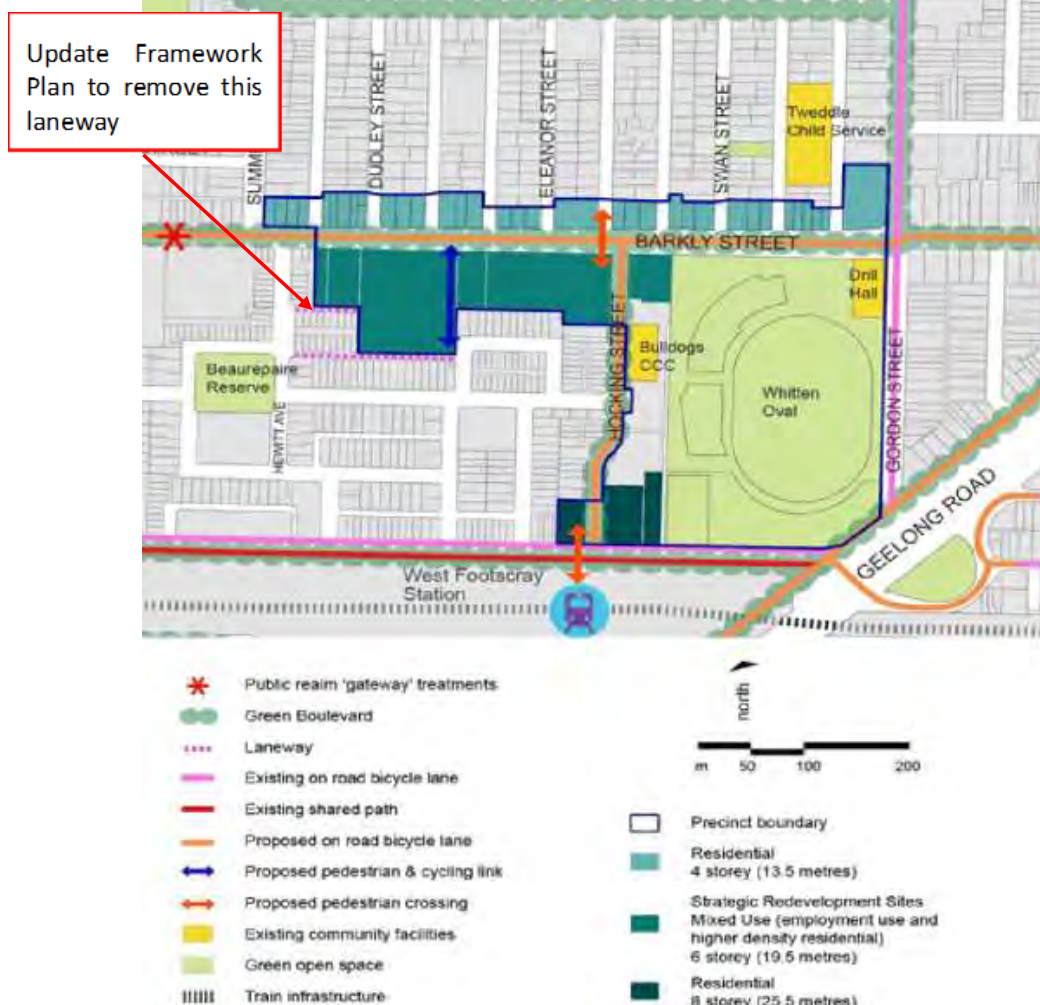
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Figure 15 Clause 21.11 West Footscray Activity Centre Framework Plan



Update Framework Plan to remove this laneway

Figure 16 Barkly Street East and West Footscray Railway Station Precincts Framework Plan



With regard to Mr Negri’s drafting suggestions, the Panel agrees the following exemptions should apply to the DDO7, and also the DDO8 as proposed by Council:

- A single dwelling on a site greater than 300 square metres.
- An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.

As discussed in Chapter 4.1, the Panel agrees that the controls should be discretionary, and the term ‘must’ should be replaced with ‘should’ in the relevant requirements. The need to amend the definitions of side and rear setback was not demonstrated or supported by Council, and the Panel does not recommend this change.

The Panel has reviewed the Amendment documents against the Ministerial Direction on Form and Content and is satisfied that they generally comply with requirements.

Unless otherwise stated in this Report, the Panel supports the post exhibition changes proposed in Council final versions of the Amendment documents. Panel preferred versions of DDO7 and DDO8 are included in Appendix C.

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(iii) Conclusions and recommendations

The Panel concludes:

- The Panel supports post exhibition changes proposed in Council final versions of the Amendment documents, unless otherwise stated in this Report.
- The removal of reference to the two laneways as proposed by Council in response to submissions is appropriate.
- There does not appear to be a mapping anomaly with application of DDO8.

The Panel recommends:

Amend local policy Clause 21.11-6 (West Footscray Neighbourhood Activity Centre, Barkly Street East and West Footscray Railway Station Precincts) to:

- a) **Remove reference to the laneways incorrectly referenced in the West Footscray Neighbourhood Activity Centre Framework Plan and Barkly Street East and West Footscray Railway Station Precincts Framework Plan (see Figure 15 and 16 of this Report).**

Amend the Schedules to the Design and Development Overlay in accordance with the Panel preferred versions in Appendix C of this Report.

Appendix A Submitters to the Amendment

No.	Submitter
1	Matthew Kehoe
2	Sarah Alexander
3	Katrina Bell
4	Jai Moore, Juniper Bout, Faerlie Burton and Elizabeth Kit
5	Lee Pallas Bryant
6	Juanita Custance
7	Annie Wormald
8	David Lane
9	Emily White
10	Debra Dennis
11	Jordan Garuccio
12	Caitlin MacLeod
13	Leanne Mitchell
14	Elizabeth Duggan
15	Claudia Priori
16	Arthur Bolkas
17	Caitlin Robinson
18	Casey Wright
19	Nathan Goetz and Sarah Poon
20	Jenny Smith
21	David and Elizabeth Hedger
22	Steve Khoury
23	Diana Gardner
24	Lucie Bradley
25	Energy Safe Victoria
26	Brett Fenton
27	City West Water
28	Gina Hough
29	EPA Victoria
30	Melbourne Water
31	Residents of 20 Hewitt Avenue, West Footscray

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32	Mignon Moyle
33	Deb Bain-King
34	Lindsay Rattray
35	Josh Martin
36	Ross Garnet
37	Mara McSweeney
38	Roger Ting
39	Downer Utilities on behalf of AusNet Gas Services
40	Steve Hubbard
41	Chris Biddle
42	Christy Ho
43	Fabcot Pty Ltd (replacement submitter for original submitter 495507 Barkly Street Pty Ltd)

Appendix B Document list

No.	Date	Description	Provided by
1	21/01/2022	Email confirmation of Fabcot Pty Ltd as a party to the Hearing	Planning Panels Victoria (PPV)
2	21/01/2022	Confirmation of expert witnesses	Fabcot Pty Ltd (Fabcot)
3	21/01/2022	Confirmation of expert witnesses	Maribyrnong City Council (Council)
4	31/01/2022	Updated advice from EPA	Council
5	25/02/2022	Site visit suggestions for the Panel	"
6	28/02/2022	Council Part A submission, with attachments: (30+ docs) General information about the Amendment: <ul style="list-style-type: none"> - Chronology of events - Map of relevant existing and proposed zoning - Map of relevant existing and proposed overlays - Plan showing location of submitters Strategic documents and background studies: <ul style="list-style-type: none"> - West Footscray Neighbourhood Plan 2018 (WFNP) - West Footscray Urban Design Framework 2008 (UDF 2008; predecessor to WFNP) - WFNP Issues and Opportunities Paper 2017 - West Footscray Economic Assessment for the Neighbourhood Plan 2018 - West Footscray and Maidstone Local Area Traffic Management Study 2018 - Draft Maribyrnong Housing Strategy 2018 - West Footscray Inter-war and Post-war Heritage Precinct Study 2021 Exhibited amendment documents <ul style="list-style-type: none"> - Explanatory Report - Notice of the preparation of an amendment - Instruction Sheet - Planning Scheme Ordinance - Planning Scheme Maps - Reference Document (WFNP) - Supporting Document (West Footscray Economic Assessment for the Neighbourhood Plan 2018) Relevant extracts from the Scheme <ul style="list-style-type: none"> - Planning Policy Framework clauses - Local Planning Policy Framework clauses 	"

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No.	Date	Description	Provided by
		Council resolutions	
		<ul style="list-style-type: none"> - Report and Minutes of Council’s City Development Special Committee (CDSC), 22 August 2017 (WFNP Issues and Opportunities Paper) - Report and Minutes of Council’s CDSC, 29 May 2018 (draft WFNP) - Report and Minutes of Council’s City Development Special Committee, 30 October 2018(final WFNP) - Report and Minutes of Council’s City Development Special Committee, 27 August 2019 (Amendment authorisation) - Report of Council’s delegate, signed 9 November 2021 (consideration of submissions and referral to Panel) 	
		Other Amendment documents and correspondence	
		<ul style="list-style-type: none"> - Letter from EPA dated 17 July 2019 (initial advice on the Amendment in accordance with Ministerial Direction 19) - Letter of Authorisation letter with conditions from DELWP dated 11 September 2020 - Attachment to DELWP letter dated 11 September 2020 (marked-up DDO) - Safety Management Study – Amendment C162 (Barkly Street West Footscray), prepared by CNC Group, August 2021. ESV response to SMS recommendations dated September 2021 - Downer response to SMS recommendations dated September 2021 - Letter to owner of 438-440 Barkly Street, Footscray, dated 6 July 2021 - Letter to owner of 438-440 Barkly Street, Footscray, dated 9 December 2021. 	
		Recommended tracked-changed revisions to Amendment C162 planning provisions endorsed by Council’s delegate on 9 November 2021.	
7	28/02/2022	Expert Witness Statement – Marco Negri of Contour Town Planners	Fabcot
8	28/02/2022	Expert Witness Statement – Justin Ganly of Deep End services	“
9	28/02/2022	Expert Witness Statement - Alastair Campbell of Hansen Partnership	Council
10	28/02/2022	Expert Witness Statement - Brian Haratsis of macroplan	“
11	04/03/2022	Council Part B submission with attachments <ul style="list-style-type: none"> - Bayside C126 Explanatory Report 	“

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No.	Date	Description	Provided by
		<ul style="list-style-type: none"> - Bayside C126 Panel Report - C162mari – Clause 66.06 – recommended revisions - C162mari – DDO7 – recommended revisions Council and Hansen - C162mari – DDO8 recommended revisions Council and Hansen - <i>FSG Corp Australia Pty v Maribyrnong CC</i> - Table of specific site references in submissions - Email to EPA (20.12.2021) - EPA letter (17.07.19) - Letter to 438-440 Barkly Street, Footscray (09.12.21) - Letter to 438-440 Barkly Street, Footscray (06.07.21) <p>Title and Plan of Subdivision for 438-440 Barkly Street, Footscray (Lot 1 on TP689953F & TP247963U)</p>	
12	07/03/2022	Maribyrnong C162mari track changes version of the exhibited clause 21.11 (Local Areas)	“
13	07/03/2022	Woolworths Group replacement submission (Fabcot Pty Ltd) dated 21.12.21	Fabcot
14	07/03/2022	West Footscray Neighbourhood Activity Centre – 3D Model extracts	Council
15	07/03/2022	Submissions on behalf of Fabcot Pty Ltd	Fabcot
15A	08/03/2022	Exhibited Clause 21.11 (tracked-changes version)	Council
16	08/03/2022	DDO7 recommended revisions – updated 8.3.22	“
17	08/03/2022	DDO8 recommended revisions – updated 8.3.22	
18	08/03/2022	<p>Authorities relied upon by Fabcot</p> <ul style="list-style-type: none"> - <i>Anti Cancer Council of Victoria v Melbourne City Council [2003] VCAT 144</i> - Brimbank C88 (PSA) [2006] PPV 63 - Casey C68 (PSA) [2006] PPV 59 - <i>Fabcot Pty Ltd v Glen Eira CC (2020) VCAT 957</i> - <i>Kentucky Fried Chicken Pty Ltd v Gantidis (1978) 14 CLR 675 extract</i> - <i>Mondib Group Pty Ltd v Moonee Valley City Council [2021] VSC 722</i> - Whitehorse C142 (PSA) [2012] PPV 61 <p>Yarra C220 (PSA) [2019] PPV 11 (22 February 2019)</p>	Fabcot
19	08/03/2022	Replication of Mr Brian Haratsis analysis (spreadsheet)	“
20	08/03/2022	DDO7 recommended revisions - Fabcot	“
21	09/03/2022	<p>Council closing submission including attachments:</p> <ul style="list-style-type: none"> - Clause 21.14 – authorisation 	Council

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No.	Date	Description	Provided by
		- DDO7 recommended revisions - DDO8 recommended revisions	
22	10/03/2022	Excerpt 3D massing model for precincts 2 and 3	"

Appendix C Panel preferred versions of Schedules 7 and 8 to DDO

[Tracked Added](#)

~~Tracked Deleted~~

C1 Design and Development Overlay Schedule 7

~~Proposed C162marl~~ SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

WEST FOOTSCRAY NEIGHBOURHOOD ACTIVITY CENTRE AND BARKLY STREET EAST RESIDENTIAL PRECINCT (NORTH SIDE)

1.0 Design objectives

~~Proposed C162marl~~ To encourage a range of well designed buildings with a consistent street wall height **and fine grain presentation** that supports 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 improve activation and utilisation of **the public spaces realm** through active frontages to buildings along ~~roads~~ **street frontages** and public spaces in the activity centre and adjacent precinct.

2.0 Buildings and works

~~Proposed C162marl~~ ~~A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the building height and street setback requirements specified in Tables 1 and 2 of this schedule.~~

A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*. Earthworks must be carried out in accordance with a Remediation Action Plan and an Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.

A permit is not required to construct or carry out buildings and works for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade in Precinct 1 provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.
- Shade sails to an existing roof deck.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager.
- ~~A single dwelling on a site greater than 300 square metres.~~
- ~~An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.~~

The following buildings and works requirements in Tables 1 and 2 and shown in Figure 1 apply to an application to construct a building or construct or carry out works.

Amend Fig 1 to only show DDO7 area (i.e. remove Precinct 3)

Update figure 1 to remove these two 'laneways'

Update legend to provide for building height options for larger sites in Precinct 1

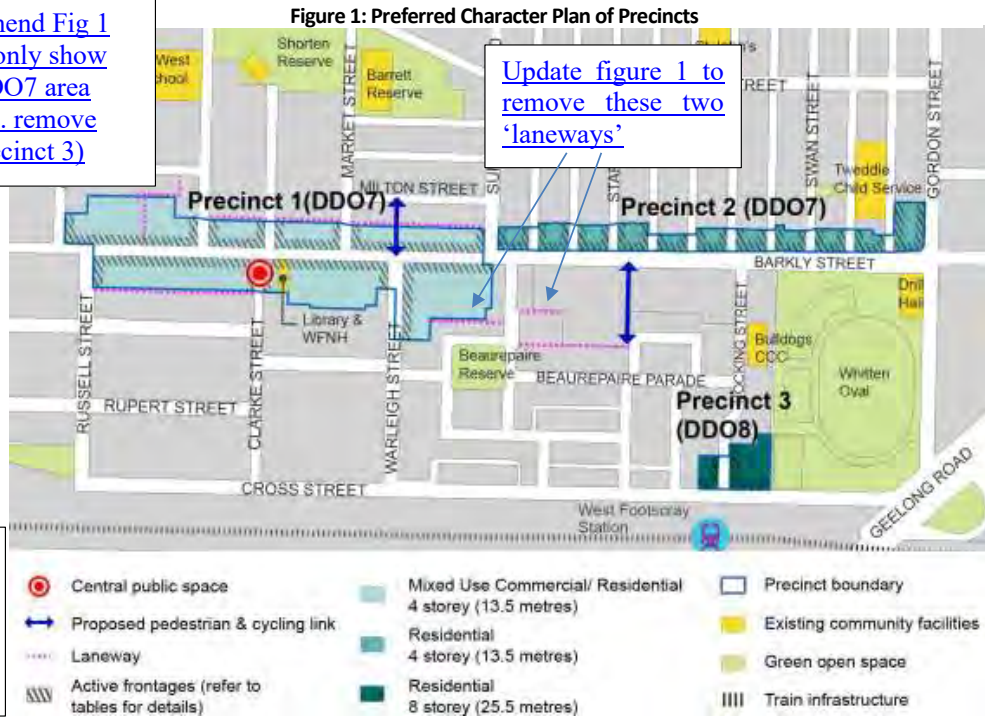


Table 1: Precinct 1 - West Footscray Neighbourhood Activity Centre

Design or Built Form Element	Requirement
Building Height	<p>Building height must<u>should</u> not exceed 13.5 metres and four storeys, except for sites greater than 2000 square metres where building height must<u>should</u> not exceed 16.5 metres (five storeys). <u>This does not apply to a site greater than 4000 square metres in area.</u></p> <p>Height of a storey at the ground floor level of a new building must be at least 4 metres measured from finished floor level to the ceiling<u>finished floor level</u>.</p>
Street Setback	<p>Walls of buildings must<u>should</u> be set back from the front street:</p> <ul style="list-style-type: none"> 0 metres up to and including a height of 40<u>11.5</u> metres (<u>three storeys</u>) with a continuous streetwall edge. minimum 3 metres from the frontage above a height of 40<u>11.5</u> metres (<u>three storeys</u>). <p>For a corner site, walls of buildings should have a 0 metre setback from the side street.</p>
Side Setback	<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 a 4.5 metres from the side boundary for a minimum length of 3 metres and be clear to the sky (except along the frontage).</p>

Design or Built Form Element	Requirement
Rear Setback	A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-14, Standard B19 of Clause 55.04-3, Standard B20 of Clause 55.04-4, Standard B21 of Clause 55.04-5, Standard D14 of Clause 58.04-1 and Standard D15 of Clause 58.04-2 of the Maribyrnong Planning Scheme.
Public Realm Interface	<p>Incorporate an active frontage response at all ground level interfaces.</p> <p>Maintain a fine grain street pattern of buildings with a 6 metre width at ground level and incorporate vertical articulation.</p> <p>Ensure north-south pedestrian and cycling connections.</p> <p>Buildings on the north side of Barkly Street should be designed to ensure the footpath on the south side of the street receives full sunlight between 10am and 3pm on the 22 September.</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 on the ground floor for residential uses on the upper levels (no alcoves or unsecured/setback entries).</p> <p>Incorporate 65-80% glazing and transparency on the ground floor façade.</p> <p>Incorporate windows on all levels of the building façade with direct access and outlook to the street frontage.</p> <p>Incorporate a canopy or awning over the footpath for the full width of the building frontage.</p> <p>Minimise the visual impact of service cabinets on the façade.</p> <p>Limit large signs.</p> <p>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened.</p>

ent 1

Table 2: Precinct 2 - Barkly Street East Residential Precinct (north side between Summerhill Road and Gordon Street)

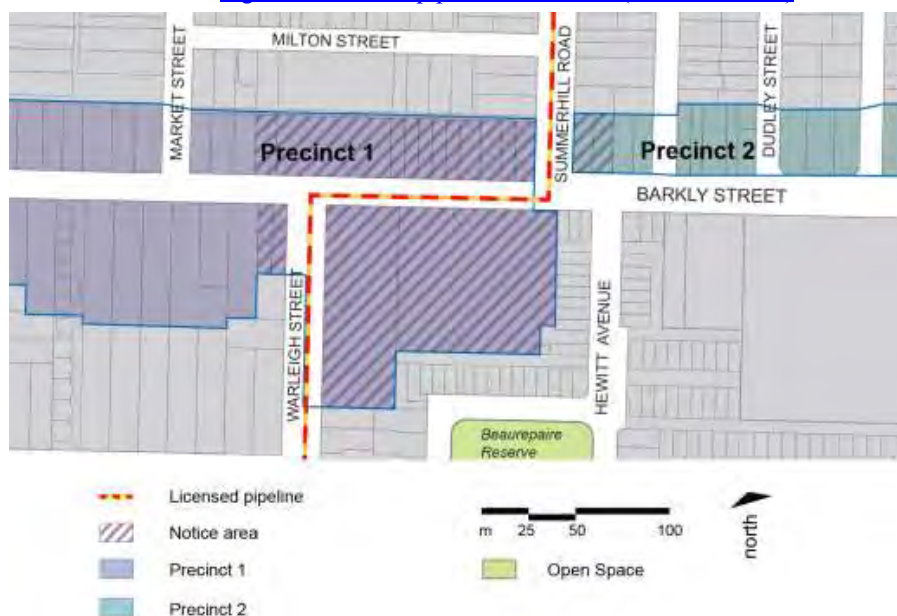
Design or Built Form Element	Requirement
Building Height	Building height must <u>should</u> not exceed 13.5 metres and four storeys.
Street Setback	<p>Walls of buildings must <u>should</u> be set back:</p> <ul style="list-style-type: none"> ▪ minimum 3 metres from the front street (incorporating landscaping). ▪ minimum 2 metres from the side street.
Side Setback	<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 (except along the frontage).</p>

Design or Built Form Element	Requirement
Rear Setback	A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-4 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 of the Maribyrnong Planning Scheme.
Public Realm Interface	<p>Incorporate a residential an 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 street frontage.</p> <p>Incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium size 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>

[Development near licensed pipeline](#)

[In accordance with Section 52\(1\)\(c\) of the Act, notice must be given for any application for buildings and works on land within 27 metres of Licensed Pipeline No. 18 shown in Figure 2 of this schedule to the relevant pipeline owner and licensee as specified in the schedule to Clause 66.06.](#)

Figure 2: Licensed pipeline notice area (Licence No. 18)



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3.0 Subdivision

None specified.

Proposed C162mari

4.0 Signs

None specified.

Proposed C162mari

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Proposed C162mari

- A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.
- An Urban Design and Context Report that demonstrates how the design responds to the existing urban context, preferred future development of the area, Preferred Character Plan of Precincts shown in Figure 1 and built form requirements in Tables 1 and 2 of this Schedule.
- An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.
- An assessment of waste collection, removal and delivery areas for the proposed development.
- An Acoustic Report [by a suitably qualified acoustic consultant](#), which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities and the surrounding road network.
If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.
- A report showing that the design of the development demonstrates high standards of environmental sustainability. The report should assess the design of the proposed development in the following areas:
 - Energy efficiency.
Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
 - Integrated water management.
 - Waste minimisation.
 - Building materials.
 - Demolition and construction practices.
 - Landscaping.
 - Indoor environmental quality and natural lighting.
 - Other environmental sustainability issues impacting the proposed design.
- A Landscape Plan which shows information relating to:
 - The quantity and both botanical and common names of all proposed plants.
 - The size at time of installation and typical size (height and width) at maturity of all proposed plants.
 - Pot size for understorey planting and height for tree planting.
 - The ongoing management, including the maintenance needs of all plants within common areas.

6.0 Decision guidelines

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Proposed C162marl

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development meets the built form requirements in Tables 1 and 2 ~~and shown in Figure 2-1~~ of this schedule.
- If the development does not meet the built form requirements in Table 1, the extent to which the development departs from the built form requirements and whether the development:
 - is designed to minimise the visual appearance of levels above the street wall;
 - does not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing impacts;
 - achieves a greater overall consistency of scale within the streetscape; and
 - respects the fine grain presentation of adjoining land uses fronting the street.
- Whether the response to noise, odour and overshadowing is acceptable.
- Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.
- Whether windows, terraces and balconies are appropriately oriented to the street or open space.
- Whether plant and equipment is successfully screened and integrated into the overall building design.
- How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.
- Whether the location, design and layout of car parking is an acceptable response to the public realm.
- Whether the development has been appropriately designed in relation to the licensed pipeline referred to in Figure 2 of this schedule and in the schedule to Clause 66.06.
- The quality of pedestrian, bicycle and vehicular access and egress points and connections.
- The impact of traffic and parking on the road network.
- Whether the development is environmentally sustainable as assessed against the Built Environment Sustainability Scorecard.

C2 Design and Development Overlay Schedule 8

~~Proposed C162mari~~ SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**.

WEST FOOTSCRAY RAILWAY STATION MIXED USE PRECINCT

1.0 Design objectives

~~Proposed C162mari~~ To encourage ~~a range of~~ well designed apartment buildings that support complementary uses at ground floor level.

To facilitate mixed use development that is of high architectural and urban design quality, offers attractive and functional internal and external spaces and provides good amenity.

To improve activation and utilisation of the public spaces realm through active frontages to buildings along ~~roads~~ street frontages and public spaces.

To ensure development appropriately responds to amenity of surrounding areas.

2.0 Buildings and works

~~Proposed C162mari~~ A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*. Earthworks must be carried out in accordance with a Remediation Action Plan and an Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.

A permit is not required to construct or carry out buildings and works for:

- The installation of an automatic teller machine.
- Shade sails to an existing roof deck.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager.

~~▪ A single dwelling on a site greater than 300 square metres.~~

~~▪ An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.~~

The following buildings and works requirements in Table 1 ~~and shown in Figure 1~~ apply to an application to construct a building or construct or carry out works ~~on land in Precinct 3 shown in Figure 1~~.

Note: delete figure 1

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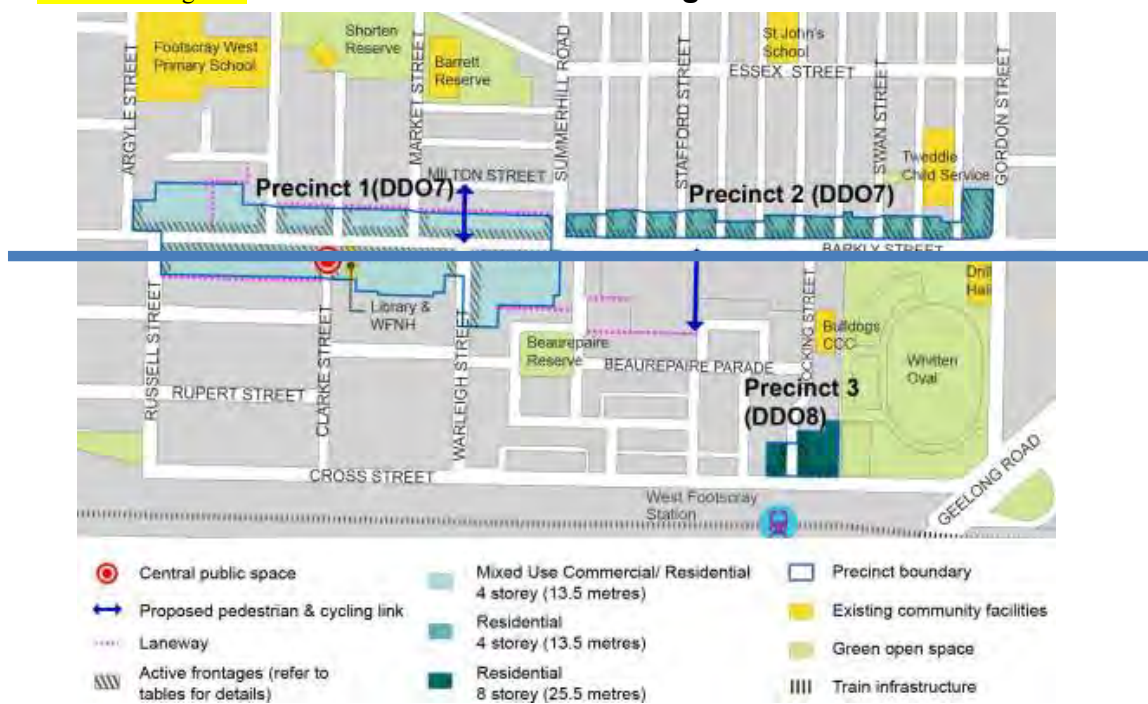


Table 1: West Footscray Railway Station Mixed Use Precinct (4, 6 and 8 Cross Street)

Design or Built Form Element	Requirement
Building Height	Building height must <u>should</u> not exceed 25.5-7 metres (eight storeys).
Street Setback	<p>Walls of buildings should be set back from the front street:</p> <ul style="list-style-type: none"> 3 metres at ground level (incorporating landscaping) for development with a ground floor residential use. 0 metres to a height of 19.5 metres (<u>6 storeys</u>) with a continuous street wall edge for development with a ground floor commercial use. 5 metres above a height of 19.5 metres (6 storeys). <p>Walls of buildings should be set back from side streets:</p> <ul style="list-style-type: none"> 0 metres at ground floor level. 3 metres above 19.5 metres (<u>6 storeys</u>).
Side Setback	<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 6 metres from the side (except along the frontage or side street).</p>
Rear Setback	<p>At ground floor level, where a wall does not include a habitable room window or balcony, a 0 metre setback to a rear boundary.</p> <p>At ground floor level, where a wall includes a habitable room window or balcony, a 3 metre setback to a rear boundary.</p> <p><u>For land at 4-6 Cross Street:</u></p> <ul style="list-style-type: none"> Above ground floor level to a height of 19.5 metres (<u>6 storeys</u>), a 6 metre setback to a rear boundary.

Design or Built Form Element	Requirement
	<ul style="list-style-type: none"> ▪ Above above a height of 19.5 metres <u>(6 storeys)</u>, a 9 metre setback to a rear boundary. <p><u>For land at 8 Cross Street:</u></p> <ul style="list-style-type: none"> ▪ <u>above ground floor level to a height of 13.5 metres (4 storeys), a 6 metre setback to a rear boundary.</u> ▪ <u>above a height of 13.5 metres (4 storeys), a setback to a rear boundary in accordance with Standard B17 of Clause 55.04-1.</u>
Public Realm Interface	<p>Incorporate an 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 on the ground floor for residential uses on the upper levels (no alcoves or unsecured/setback entries).</p> <p>Incorporate windows on all levels of the building façade with direct access and outlook to the street frontage.</p> <p>Where ground floor land use is retail or commercial:</p> <p>Incorporate 65-80% glazing and transperaney <u>transparency</u> on the ground floor façade.</p> <ul style="list-style-type: none"> ▪ Incorporate a canopy or awning over the footpath for the full width of the building frontage. <p>Where ground floor land use is residential, incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium size <u>canopy</u> tree <u>per front yard</u>.</p> <p>Incorporate direct entries from the street to ground floor uses.</p> <p>Minimise the visual impact of service cabinets on the façade.</p> <p>Limit large signs.</p> <p>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened.</p>

3.0 Subdivision

~~---/---/---~~
Proposed C162mari None specified.

4.0 Signs

~~---/---/---~~
Proposed C162mari None specified.

5.0 Application requirements

~~---/---/---~~
Proposed C162mari The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.

- An Urban Design and Context Report that demonstrates the design response to the existing urban context, preferred future development of the area, Preferred Character Plan of Precincts shown in Figure 1 and built form requirements in Table 1 of this Schedule.
- An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.
- An assessment of waste collection, removal and delivery areas for the proposed development.
- An Acoustic Report [by a suitably qualified acoustic consultant](#) which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities and the surrounding road network.
If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.
- A report showing that the design of the development demonstrates high standards of environmental sustainability. The report should assess the design of the proposed development in the following areas:
 - Energy efficiency.
 - Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
 - Integrated water management.
 - Waste minimisation.
 - Building materials.
 - Demolition and construction practices.
 - Landscaping.
 - Indoor environmental quality and natural lighting.
 - Other environmental sustainability issues impacting the proposed design.
- A Landscape Plan which shows information relating to:
 - The quantity and both botanical and common names of all proposed plants.
 - The size at time of installation and typical size (height and width) at maturity of all proposed plants.
 - Pot size for understorey planting and height for tree planting.
 - The ongoing management, including the maintenance needs of all plants within common areas.
- An adverse ~~amaenity~~ [amenity](#) impact assessment consisting of a report(s) prepared by a suitably qualified person(s). The report(s) must identify all potential adverse amenity impacts (eg; noise, odour) from nearby land and uses including, but not limited to:
 - The recreation facility to the east of the subject site(s).
 - Use of the rail corridor to the south of the subject site(s).
 - The paint manufacturing facility at Graingers Road, West Footscray.The report(s) must include specific design recommendations to address any potential adverse amenity impacts identified.

6.0 Decision guidelines

~~Proposed C162marl~~
Proposed C162marl

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development meets the built form requirements in Tables 1 ~~and 2 and shown in Figure 12~~ of this schedule.

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- Whether the response to noise, odour and overshadowing is acceptable.
- Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.
- Whether windows, terraces and balconies are appropriately oriented to the street or open space.
- Whether plant and equipment is successfully screened and integrated into the overall building design.
- How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.
- Whether the location, design and layout of car parking is an acceptable response to the public realm.
- The quality of pedestrian, bicycle and vehicular access and egress points and connections.
- The impact of traffic and parking on the road network.
- Whether the development is environmentally sustainable [as assessed against the Built Environment Sustainability Scorecard](#).

Agenda Item 9.1 - Attachment 2

Attachment 2

Maribyrnong Amendment C162 – Council officer response to the Panel’s recommendations

The Panel recommended Council adopt Amendment C162 as exhibited subject to the following changes:

No.	Panel recommendation	Council officer response
1	<p>Rezone 495-507 Barkly Street, West Footscray from the Mixed Use Zone to the Commercial 1 Zone, subject to Council satisfying itself that notice requirements have been met.</p>	<p>Noted and not supported</p> <p>Public exhibition of Amendment C162 did not include a rezoning of this site. Neighbouring owners/occupiers and residents who may be materially affected have not been provided with an opportunity to comment or raise matters on its rezoning. Therefore it is not considered that notice requirements under Section 19 of the <i>Planning and Environment Act 1987</i> (the Act) have been satisfied. Council officers do not support the Panel’s recommendation at this point in time.</p> <p>The Panel has only considered academic merits and not the practical implications of rezoning the site at this late stage of the Amendment process. Council would need to re-exhibit the Amendment, which would further delay the implementation of the WFNP. As the Panel agreed that the Amendment is strategically sound and justified, it is not reasonable to delay its implementation.</p> <p>It is also relevant to note that Council officers consider the site’s existing MUZ to be consistent with the WFNP vision and allows for a range of complementary commercial, retail, residential and other uses (subject to a planning permit).</p> <p>Furthermore, Council officers do not agree with the Panel that there is sufficient economic and strategic justification to rezone the land as part of this Amendment. Further strategic work should be undertaken on the role of the MUZ land and the C2Z land along Barkly Street. As noted by the Panel any review should include an updated economic assessment to assist in identifying opportunity for both precincts and the wider area.</p> <p>It is recommended the existing MUZ be retained at 495-507 Barkly Street, West Footscray, and that Clause 21.14 Further Strategic Work (Attachment 5) be amended to specify the following:</p> <p><u>“Review the zoning and role of the Mixed Use Zone land in the West Footscray Neighbourhood Activity Centre.</u>”</p>

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		<i>Review the zoning and built form controls of the Commercial 2 Zone land between West Footscray Neighbourhood Activity Centre and Whitten Oval to facilitate a fix of residential and commercial (non-retail) uses.</i>
2	<p>Amend local policy Clause 21.11-6 (West Footscray Neighbourhood Activity Centre, Barkly Street East and West Footscray Railway Station Precincts) to:</p> <p>a) Remove reference to the laneways incorrectly referenced in the West Footscray Neighbourhood Activity Centre Framework Plan and Barkly Street East and West Footscray Railway Station Precincts Framework Plan (see Figures 15 and 16 of this Report).</p>	<p>Supported</p> <p>The framework plans in Clause 21.11-6 Local Areas have been updated to remove incorrect references to laneways, in accordance with the Panel's recommendation (refer to Attachments 3 and 5).</p>
	<p>b) Update the Framework Plan to explain provisions for building height options for larger sites.</p>	<p>Supported with changes</p> <p>Generally the Panel's position that additional guidance and flexibility to building height options for larger sites is supported. However, officers consider the Design and Development Overlay (DDO) to be the appropriate tool to guide decision making on the design and built form for new development (including heights and setbacks) in the WFNP area. This is consistent with the Victorian Planning Provisions and State Government's Practitioner's Guide to Victoria's Planning Schemes.</p> <p>It is recommended that revisions are made to DDO7 to specify clear guidance and provide flexibility to building heights for larger sites in Precinct 1, subject to development meeting performance criteria relating to village character, public realm and amenity. Attachment 3 outlines the specific changes and revisions officers recommend to DDO7 regarding building height options for larger sites. A track change version of DDO7 is provided in Attachment 5.</p> <p>It is not considered necessary to repeat these changes or identify them in the local policy framework plans at Clause 21.11-6 as recommended by the Panel. The role of the local policy is to provide high level direction on the preferred land use and development outcomes for an area. Whereas, the proposed DDO provisions that form part of Amendment C162 will specify the design and built form requirements when assessing a planning application.</p>

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<p>3</p>	<p>Amend Schedules 7 and 8 to the Design and Development Overlay, in accordance with Panel preferred versions in Appendix C of this Report.</p>	<p>Supported with changes</p> <p>Council officers have undertaken a detailed review of the Panel's preferred DDO7 and DDO8. It is recommended the Panel's changes be supported subject to:</p> <ul style="list-style-type: none">• Retaining the mandatory street wall and setback provisions in the DDO7 for Precincts 1 and 2 to establish consistent street character.• Providing additional guidance in DDO7 that allows for flexibility to the building heights in Precinct 1, subject to development meeting criteria on protecting village character, public realm and amenity.• Removing building height details specified for Precinct 2 in DDO7, as they duplicate the provisions outlined in schedule 2 to the GRZ.• Removing provisions that duplicate other provisions in the planning scheme.• Updating the application requirement for an acoustic report to ensure aircraft noise is considered in the design of new development, where appropriate, to ensure consistency with State policy changes introduced to Clause 18 through Amendment VC218 in May 2022. <p>It is important that the proposed Amendment C162 planning controls set clear direction on built form outcomes. Establishing a consistent street wall and form on Barkly Street with a high amenity public realm is a critical objective of the WFNP. The controls have been prepared with a vision of ensuring Barkly Village (Precinct 1) is an attractive place for people to visit and gather, and for urban greening to occur. These features are increasingly important as our local neighbourhoods recover from the impacts of the Covid-19 pandemic and respond to environmental objectives/climate change risks.</p> <p>Council officers acknowledge that larger sites may have capacity to absorb higher building forms while respecting the preferred street wall height, street setback, village character, public realm and amenity. Maintaining the mandatory street wall height and street setback control will ensure that the amenity for pedestrians and kerbside dining/trading along the southern side of Barkly Street is protected. The proposed changes to the DDO7 enable flexibility for larger sites, such as 495-507 Barkly Street, provided they can demonstrate through a comprehensive built form analysis that the proposed taller forms have meet these tests.</p> <p>The Panel position in relation to mandatory building heights is concentrated on Precinct 1. They did not offer or appear to give consideration to the fact the GRZ (which applies to Precinct 2) includes mandatory controls by default. The GRZ is considered to be the appropriate tool to specify the building height and setbacks for Precinct 2 and is consistent with Planning Practice Note No. 91 Using the Residential Zones. They also did not appear to consider Plan Melbourne directions to provide certainty about the scale of growth in the suburbs (Policy 2.1.4) or the</p>
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		<p>introduction of mandatory height controls in numerous neighbourhood centres across Melbourne in recent years, such as in Moreland and Darebin.</p> <p>Council officers disagree with the Panel's view that the neighbourhood does not have any special features that warrant protection. As evidenced by submissions to the Amendment, Barkly Village is highly valued and the planning controls are seeking to strengthen and enhance it's valued 'village character'.</p> <p>Attachment 3 outlines the specific changes and revisions Council officers recommend to DDO7 and DDO8. Track change versions of both controls are provided in Attachment 5.</p>
4	<p>Amend the Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) to include a notice requirement to the owner and licensee of the Footscray to Sunshine gas transmission pipeline for buildings and works applications on land shown in Figure 2 in DDO7.</p>	<p>Supported</p> <p>The Schedule to Clause 66.06 has been included in the Amendment and amended to incorporate the notice requirement, in accordance with the Panel's recommendation (refer to Attachments 3 and 5).</p>
5	<p>Prior to adoption of the Amendment, update the West Footscray Neighbourhood Plan to:</p> <p>a) Amend the cross sections to reflect changes to the updated built form requirements in the Schedules to the Design and Development Overlay</p>	<p>Supported with changes</p> <p>The cross-sections in the WFNP have been updated to be consistent with the revised built form requirements in the DDO7 and DDO8, in accordance with the Panel's recommendations (refer to Attachment 4, Appendix B: Built Form Guidelines).</p> <p>As a logical consequence of these changes, the text in the table of guidelines in Appendix B has been updated to reflect the revised DDO7 and DDO8. Additional introductory text has also been added to assist the reader understand what the guidelines are aspiring to achieve.</p> <p>Attachment 3 outlines the specific changes.</p>
	<p>b) Insert a revision date, and ensure the correct version is included as a reference document in the Amendment documents.</p>	<p>Supported</p> <p>In accordance the Panel's recommendation, the following changes have been made:</p> <ul style="list-style-type: none"> • The WFNP has been updated to include a revision date on the cover and table of contents pages (refer to Attachment 4 for track changes). • Clause 21.12 has been updated to refer to the updated version of the WFNP (refer to Attachment 5 for track changes).

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		Attachment 3 outlines the specific changes.
6	<p>Subject to Council satisfying itself that notice requirements have been met:</p> <p>a) Apply the Environmental Audit Overlay to 438-440 Barkly Street, Footscray.</p>	<p>Supported</p> <p>The Amendment has been updated to apply the EAO to 438-440 Barkly Street, Footscray.</p> <p>Council officers are satisfied that notice requirements under Section 19 of the Act have been met on this matter. Council has taken reasonable steps to notify the affected landowner about the proposed EAO and provided sufficient opportunity for them to make a submission and participate in the Amendment process. This includes:</p> <ul style="list-style-type: none"> On 6 November 2020, Council wrote to the owner notifying them of public exhibition period of the Amendment. On 6 July 2021, Council wrote to the owner to notify them of the EPA's submission suggesting that the EAO be applied to their land and invited late submissions on the proposal. A copy of the letter was also provided to a planning consultant who had recently acted for the owner on a planning application for the site. On 9 December 2021, a further letter was sent to the owner and their planning consultant, providing an update on the referral of the Amendment to a Panel and to confirm Council officers would be suggesting the EAO be applied to their site. <p>Council did not receive a response from the landowner or their consultant.</p> <p>At the time of writing this report the site is vacant. It is not considered necessary to notify any other parties about the proposed application of the EAO, having regard to section 19 of the Act.</p> <p>Attachment 3 outlines the specific changes and the Amendment documents have been updated and provided in Attachment 6.</p>
	<p>b) Amend the Explanatory Report to include information about application of the Environmental Audit Overlay to 438-440 Barkly Street, Footscray.</p>	<p>Supported</p> <p>The Explanatory Report has been updated in accordance with the Panel's recommendation. Attachment 3 outlines the specific changes and a track changed version is provided in Attachment 6).</p>
7	<p>Amend the Explanatory Report to explain how the Amendment addresses the views of the Environment Protection Authority.</p>	<p>Supported</p> <p>The Explanatory Report has been updated in accordance with the Panel's recommendation. Attachment 3 outlines the specific changes and a track changed version is provided in Attachment 6.</p>

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Additional changes to the Amendment:

In addition to the changes described above, minor edits have been made to the Amendment documents and WFNP to correct technical errors, improve drafting/clarify intent of provisions and ensure consistent use of terms. The planning provisions have also been updated to reflect provisions approved by the Minister for Planning through other amendments, which have come into effect since Amendment C162 was exhibited. These changes are administrative and do not introduce new information/ change the intent of the documents.

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Attachment 3

Maribyrnong Amendment C162 – Post exhibition changes to the Amendment documents

Table 1: West Footscray Neighbourhood Plan (Reference Document)

Table 1 describes changes made to the West Footscray Neighbourhood Plan (WFNP) and should be read in conjunction with Attachment 4 (tracked-change version of the updated WFNP).

Changes made	Reason
Whole document	
Footer updated as follows: <i>“West Footscray Neighbourhood Plan 2018”</i>	To reflect the date the WFNP was revised in accordance with Panel recommendation no. 5b.
Cover page	
Revision date inserted at the bottom of the cover page.	To reflect the date the WFNP was revised in accordance with Panel recommendation no. 5b.
Table of contents page	
A document revision history table has been inserted below the table of contents (page 3).	To provide a clear version history as a consequence of the changes made in accordance with Panel recommendation no. 5b.
Appendix B: Built Form Guidelines	
Figure 10 Land Use and Built Form Precincts, page 37, legend modified as follows: <i>“Precinct 2 – Barkly East /West Footscray station”</i>	Administrative edit to ensure consistent referencing in the document.

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Changes made	Reason
<p>The introduction to the Precinct 1 guidelines on page 38 modified as follows:</p> <p><i>“The design guidelines below will encourage high quality built form that contributes positively to the public realm. They will apply to the West Footscray Neighbourhood Activity Centre Precinct, also known as ‘Barkly Village’, precincts as identified in Figure 10.</i></p> <p><i>Apartment type developments are preferred within the West Footscray Activity Centre.</i></p> <p><i>The following design guidelines will form requirements in addition to Clause 58. They will help shape new buildings to fit better to the local context, strengthen the distinctive village character and support visitation to the centre.</i></p> <p><i>New buildings will be of human scale, maintain a sense of openness and contribute to a consistent street wall. They will integrate with the street through active frontages and allow solar access that supports street level activity and urban greening.</i></p> <p><i>The guidelines recognise that larger sites may have greater development potential while respecting the preferred village character and amenity of the public realm and surrounding areas.</i></p> <p><i>Further reference to the Victorian Urban Design Guidelines is provided as required.”</i></p>	<p>To provide additional explanatory text to assist the reader understanding the built form guidelines and building height options for larger sites in response to Panel recommendation 2b.</p>
<p>The following text added to Building Height guidelines for Precinct 1 (page 38):</p> <p><i>“The ground floor to have a minimum finished floor level to finished floor level height of 4m.”</i></p>	<p>To provide consistency with updated built form requirements in the DDO7, reflecting Panel recommendations 3 and 5.</p>

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Changes made	Reason
<p>Front Setbacks guidelines for Precinct 1 (page 38) modified as follows:</p> <p><i>“Construct buildings with retail and/or commercial uses on the ground floor to the street boundary (street wall height) up to a height of 10.5 11.5 metres</i></p> <p><i>Provide a continuous street wall along Barkly Street to form a consistent streetscape</i></p> <p><i>Setback building level(s) above the street wall height a minimum of 3 metres to form recessive elements when viewed from a height of 1.6 metres on the opposite side of the street</i></p> <p><i>Provide consistent setback from the front boundary when more than one levels exist above the street wall</i></p> <p><i>Buildings should be built to the side street boundary on corner sites (0 metre setback) up to 10.5 11.5 metres</i></p> <p><i>Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.1”</i></p>	<p>To provide consistency with updated built form requirements in the DDO7, reflecting Panel recommendations 3 and 5.</p>
<p>The following Public Realm Interface guideline for Precinct 1 (page 39) modified as follows:</p> <p><i>“Buildings on the north side of Barkly Street should be designed to ensure southern footpaths <u>and extended outdoor dining areas</u> receive sunlight between 10 am and 3pm on the September Equinox.”</i></p>	<p>To clarify matters that need to be considered when assessing the height of new development on the northern side of Barkly Street and ensure consistency with updated built form requirements in DDO7, reflecting Panel recommendations 3 and 5a.</p> <p>As discussed in Attachment 2, the DDO7 has been updated to replace the mandatory height control for Precinct 1 with a discretionary height control. The updated provisions allow flexibility for overall building heights, subject to development meeting criteria on protecting village character, public realm and amenity. Critical to achieving a high quality public realm and visitation to the NAC is ensuring sufficient solar access is maintained to the southern side of the street for the amenity of pedestrians and kerbside dining/trading.</p>
<p>Figure illustrating the cross section for Barkly Village on page 39 modified as follows:</p>	<p>To provide consistency with updated built form requirements in the DDO7, in accordance with Panel recommendation 5a.</p>

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Changes made	Reason
<ul style="list-style-type: none"> Street wall height modified from 10.5m to 11.5m. Outdoor dining and street tree planting added. Internal ground floor dimension added. 	
<p>Building Height guideline for 4, 6 and 8 Cross Street on page 43 modified as follows:</p> <p><i>“Building height must <u>should</u> not exceed 25.5<u>7</u> metres (eight storeys)”</i></p>	<p>To provide consistency with the built form requirements in the DDO8 and reflect Panel recommendations no. 3 and 5.</p>
<p>Rear Setbacks guideline for 4, 6 and 8 Cross Street on page 43 modified as follows:</p> <p><i>“Ground floor: 0 metres setback up to a height of 4 metres when no outlook is provided</i></p> <p><i>3 metres minimum setback up to a height of 4 metres when outlook is provided</i></p> <p><i>6 metres minimum setback to floors 1-5 and 9 metres minimum setback above podium height from property boundary</i></p> <p><u><i>For 4-6 Cross St:</i></u></p> <ul style="list-style-type: none"> <u><i>above ground level to a height of 19.5 metres, a minimum 6 metre setback</i></u> <u><i>above a height of 19.5 metres, minimum 9 metre setback</i></u> <p><u><i>For 8 Cross Street:</i></u></p> <ul style="list-style-type: none"> <u><i>above ground level to a height of 13.5 metres, a minimum 6 metre setback</i></u> <u><i>above a height of 13.5 metres, a setback in accordance with Standard B17”</i></u> 	<p>To provide consistency with the built form requirements in the DDO8 and reflect Panel recommendations no. 3 and 5.</p>

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Changes made	Reason
<p>Cross section on page 44 modified as follows:</p> <ul style="list-style-type: none"> Title changed to: <i>“Cross section: 4-6 Cross Street”</i> The following note added: <i>“Note: Varied rear setback guidelines apply to 8 Cross Street, refer to table for details”</i> 	<p>To ensure consistency with updated built form requirements in DDO8 in accordance with Panel recommendation 5a.</p>
Appendix C: Built Form Analysis	
<p>Administrative edits made throughout Appendix C, including:</p> <ul style="list-style-type: none"> The title of the Precinct 1 analysis updated to: <i>“Precinct 1 - West Footscray Neighbourhood Activity Centre (Barkly Village)”</i> Typographical errors corrected. Incorrectly referenced laneways removed from figures (as identified in Panel recommendation 2a). The boundary of the NAC as shown in various figures corrected to exclude the rear half of the supermarket carpark facing Milton Street (between Market Street and Summerhill Road). This area of land does not form part of the NAC and is not affected by the built form guidelines/ DDO7. 	<p>To make minor edits to correct errors and ensure consistency with the updated planning provisions.</p>

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Table 2: Planning scheme provisions

Table 2 describes post exhibition changes to the planning scheme provisions and should be read in conjunction with Attachment 5 (tracked-change version of the exhibited provisions).

Changes made	Reason
Clause 21.01 (Municipal Strategic Statement)	
No post exhibition changes.	
Clauses 21.03 (Council Vision), 21.04 (Settlement), 21.05 (Environment and Landscape Values), 21.07 (Housing) and 21.08 (Economic Development)	
<p>The following municipal framework plan maps have been updated to reflect mapping changes in relation to open space that were approved through a separate amendment (C159) in August 2021:</p> <ul style="list-style-type: none"> • Land Use Framework Plan (Clause 21.03) • Open Space Framework Plan (Clause 21.04) • Environmentally Sustainable Development Framework Plan (Clause 21.05) • Housing Framework Plan (Clause 21.07) • Industrial Related Employment Land Framework Plan (Clause 21.08) 	<p>To ensure the latest version of the maps are being amended. This is an administrative change that ensures consistency with changes to the planning scheme that have occurred since the Amendment was exhibited.</p>
Clause 21.11-6 (West Footscray Neighbourhood Activity Centre, Barkly Street East and West Footscray Railway Station Precincts)	
<p>The framework plan maps under this clause have been modified to remove incorrectly referenced laneways.</p>	<p>To remove incorrect references to laneways in accordance with Panel recommendation no. 2.</p>
Clause 21.12 (Reference Documents)	

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Changes made	Reason
List of Reference Documents updated to include the Maribyrnong Significant Tree Register (2021) which was approved as part of Amendment C163 in February 2022.	To ensure the latest version of Clause 21.12 is being amended. This is an administrative change that ensures consistency with changes to the planning scheme that have occurred since the Amendment was exhibited.
Reference to the WFNP has been updated as follows: <i>“West Footscray Neighbourhood Plan (2018 - updated October 2022)”</i>	To ensure the clause refers to the correct version of the Reference Document in accordance with Panel recommendation No. 5(b).
Clause 21.14 (Further Strategic Work)	
The clause has been updated to identify the following matters as further strategic work: <i>“Review the zoning and role of the Mixed Use Zone land in the West Footscray Neighbourhood Activity Centre. Review the zoning and built form controls of the Commercial 2 Zone land between West Footscray Neighbourhood Activity Centre and Whitten Oval to facilitate a fix of residential and commercial (non-retail) uses.”</i>	This change has been made in response to Panel recommendation 1. As discussed in Attachment 2, Council officers have identified further investigation is required on the role of the MUZ land in Precinct 1 before a rezoning can be supported. The review of the C2Z land relates to Precinct 4 of the Amendment. It has been inserted in Clause 21.14 for consistency with Clause 21.11-6, which includes the following strategy: <i>“Support potential rezoning of sites on the south side of Barkly Street East to provide for higher density residential development, commercial/employment and limited retail uses.”</i>
Schedule 2 to Clause 32.08 (GRZ2)	
No post exhibition changes.	
Schedule 7 to Clause 43.02 (DDO7)	
Clause 1.0 (Design objectives) modified as follows: <i>“To encourage a range of well designed buildings with a consistent street wall height and fine grain presentation that</i>	The first and third objectives have been edited to clarify intent and reflect the Panel’s preferred DDO7 (in accordance with Panel recommendation 3). Superfluous text has also been deleted to ensure the objectives are concise.

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Changes made	Reason
<p><i>supports a mix of active uses on ground floor level in the West Footscray Neighbourhood Activity Centre.</i></p> <p><i>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.</i></p> <p><i>To improve activation and utilisation of <u>the public spaces realm</u> through active frontages to buildings along roads <u>street frontages</u> and public spaces in the activity centre and adjacent precinct.</i></p> <p><i><u>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.</u></i></p> <p><i><u>To ensure development appropriately responds to the amenity of surrounding areas.</u></i></p>	<p>The additional design objectives have been included in response to the Panel's recommendation to change building height provisions for Precinct 1 from mandatory to discretionary and provide guidance to building height options for larger sites (Panel recommendation 3 and 5). The matters in the design objectives are not new features, but ensure parameters are clearly expressed.</p>
<p>Clause 2.0 (Buildings and works) initial text modified as follows:</p> <p><u>Permit exemptions</u></p> <p>A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the building height and street setback requirements specified in Tables 1 and 2 of this schedule.</p> <p><i>A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, <u>undertaking a preliminary risk screen assessment or environmental audit under the Environment Protection Act 2017 or a certificate or statement of environmental audit under the Environment Protection Act 1970</u> obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970. Earthworks must be carried out in accordance with a Remediation Action Plan and an</i></p>	<p>The provision specifying mandatory requirements has been modified and relocated to a different part of Clause 2.0 (see 'Variations to the design and built form requirements' sub-section).</p> <p>The permit exemption relating to earthworks has been modified to ensure consistency with the new Environment Protection Act and EAO requirements implemented through Amendment VC210 in May 2022.</p> <p>The deletion of permit exemptions relating to a single dwelling and outbuildings reflect the Panel's preferred DDO7 (in accordance with Panel recommendation no. 3).</p> <p>The inclusion of sub-headings and general drafting edits have been made to improve readability of the provisions. Superfluous text has been removed from provisions to ensure provisions are concise.</p>

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Changes made	Reason
<p>Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.</p> <p>A permit is not required to construct or carry out buildings and works for:</p> <ul style="list-style-type: none"> ▪ The installation of an automatic teller machine. ▪ An alteration to an existing building façade in Precinct 1 provided: <ul style="list-style-type: none"> • The alteration does not include the installation of an external roller shutter. • At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing. ▪ Shade sails to an existing roof deck. ▪ An awning that projects over a road if it is authorised by the relevant public land manager. ▪ Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager. ▪ A single dwelling on a site greater than 300 square metres. ▪ An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level. <p><u>Design and built form requirements</u></p> <p>The following buildings and works requirements in Tables 1 and 2 and shown in Figure 1 apply to an application to construct a building or construct or carry out works.</p>	

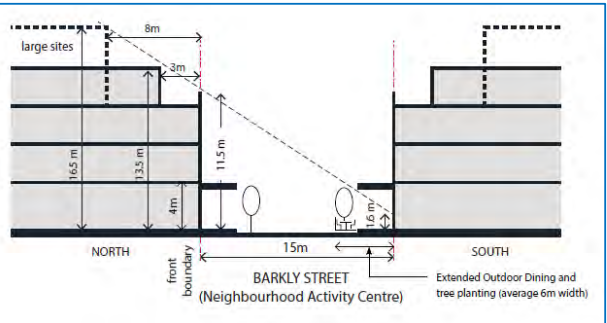
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Changes made	Reason
<p>Modify Figure 1: Preferred Character Plan of Precincts (under Clause 2.0) as follows</p> <ul style="list-style-type: none"> • Remove reference to Precinct 3, which is regulated by a separate control (DDO8). • Remove incorrectly referenced laneways. • Correct the name of 'Warleigh Street' to 'Warleigh Road'. • Update the legend to clarify building height options by: <ul style="list-style-type: none"> - Inserting 'Preferred' in front of the nominated 4-storey heights in Precinct 1 (West Footscray NAC) - Inserting 'Maximum' in front of the nominated 4-storey heights in Precinct 2 (Barkly Street East, northern side) 	<p>The changes have been made to correct technical errors and remove reference to provisions regulated by a separate control (DDO8), in accordance with the Panel's preferred DDO7 and DDO8 (Panel recommendation no. 3).</p> <p>The purpose of inserting 'preferred' and 'maximum' regarding nominated building heights is to clarify where discretion may be applied and responds to Panel recommendations 2b and 3. The figure is to be read in conjunction with the design and built form requirements specified in Tables 1 and 2 of the DDO7 and the GRZ2.</p>
<p>Under Table 1: Precinct 1 in Clause 2.0:</p> <ul style="list-style-type: none"> • Building Height requirements modified as follows: <p><i>"Building height must should not exceed 13.5 metres and four storeys, except for sites greater than 2000 square metres where building height must should not exceed 16.5 metres (five storeys).</i></p> <p><i>Height of a storey at the ground floor level of a new building must should be at least 4 metres measured from finished floor level to the ceiling finished floor level."</i></p> • Street Setback requirements modified as follows: <p><i>"Walls of buildings must be set back from the front street:</i></p> <ul style="list-style-type: none"> ▪ <i>0 metres up to and including a height of 10.5 11.5 metres (three storeys) with a continuous streetwall edge.</i> ▪ <i>minimum 3 metres from the frontage above a height of 10.5</i> 	<p>Building Height requirements have been changed from mandatory to discretionary requirements and internal dimensions have been clarified, as per Panel's preferred DDO7 (in accordance with Panel recommendation no. 3).</p> <p>Refinements have been made to the Street Setback requirements to slightly increase the street wall height to allow for building services and parapets and to incorporate reference to storeys. These are changes identified in the Panel's preferred DDO7 (in accordance with Panel recommendation no. 3).</p> <p>The Rear Setback requirements have been changed to correct a technical error, as per Panel's preferred DDO7 (in accordance with Panel recommendation no. 3).</p> <p>The Public Realm Interface requirement relating to public realm solar access considerations has been updated to clarify that outdoor dining areas need to be considered and reflect that it is a discretionary provision. This clarification is important to ensure clear guidance is provided in relation to the discretionary building heights in Precinct 1 and the importance of ensuring a strong public realm. This is consistent with the views of the Panel, who stated in their report (page 37):</p>

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Changes made	Reason
<p><u>11.5 metres (three storeys).</u></p> <p><i>For a corner site, walls of buildings should have a 0 metre setback from the side street.”</i></p> <ul style="list-style-type: none"> Rear Setback requirements modified as follows: <p><i>“A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-41, Standard B19 of Clause 55.04-3, Standard B20 of Clause 55.04-4, Standard B21 of Clause 55.04-5, Standard D14 of Clause 58.04-1 and Standard D15 of Clause 58.04-2 of the Maribyrnong Planning Scheme.”</i></p> Public Realm Interface requirements modified as follows: <p><i>“Buildings on the north side of Barkly Street must should be designed to ensure the footpath <u>and outdoor dining areas</u> on the south side of the street receives full sunlight between 10am and 3pm on the 22 September <u>as shown in Figure 2.</u>”</i></p> 	<p><i>“The Panel agrees with Council that the amenity provisions for pedestrian and kerbside dining and trading along the southern side of Barkly Street should be protected”.</i></p> <p>The provision is to be read in conjunction with a new Figure 2 (see below).</p>
<p>Under Table 2: Precinct 2 in Clause 2.0:</p> <ul style="list-style-type: none"> Building Height requirements deleted from the table. Rear Setback requirements modified as follows: <p><i>“A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-41, 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 of the Maribyrnong Planning Scheme.”</i></p> Public Realm Interface requirements modified as follows: <p><i>“Incorporate a <u>residential</u> active frontage response at all ground level interfaces.</i></p> <p><i>Where a laneway or secondary street exists, no vehicle access</i></p> 	<p>The Building Height requirements have been deleted from DDO7 to avoid duplication with GRZ2, which specifies a mandatory building height of 4 storeys in Precinct 2.</p> <p>The Rear Setback requirements have been changed to correct a technical error, as per Panel’s preferred DDO7 (Panel recommendation no. 3).</p> <p>The Public Realm Interface requirements have been refined and clarify intent of provisions, as per Panel’s preferred DDO7 (Panel recommendation no. 3).</p>

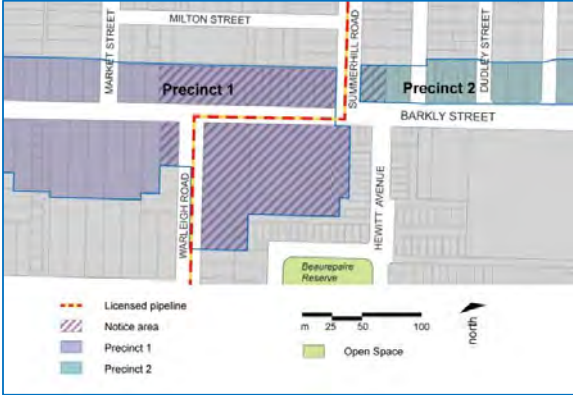
Agenda Item 9.1 - Attachment 3

Changes made	Reason
<p>from the mainstreet.</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 street frontage.</p> <p>Incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium size 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>Insert the following provisions at the end of Clause 2.0:</p> <p><u>Figure 2: Preferred cross-section plan for Precinct 1</u></p> 	<p>Figure 2 has been inserted to support the design and built form requirements specified for Precinct 1 in Table 1, which have been updated to provide flexibility to building height options for larger sites in response to Panel recommendation 3. The figure illustrates the preferred cross-section of Precinct 1, including the street interface and public realm considerations that apply to new development.</p> <p>The 'Variations to the design and built form requirements' has been included in response to the Panel's recommendation to change building height provisions in Precinct 1 from mandatory to discretionary and provide guidance to building height options of larger sites (see Panel recommendations 3 and 5). These provisions introduce flexibility for building heights in Precinct 1, while retaining the mandatory street setback requirements to establish a consistent street wall and strong character along Barkly Street. This will ensure the objectives and vision outlined in the WFNP is achieved while providing design flexibility. These provisions provide clear parameters to guide the discretionary height control to ensure development outcomes respect village character, public realm and</p>

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Changes made	Reason
<p><u>Variations to the design and built form requirements</u></p> <p><u>A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the street setback requirements specified in this schedule, except for the purpose of creating publicly accessible open space.</u></p> <p><u>An application to vary the other design and built form requirements of this schedule, must demonstrate the proposal (as appropriate):</u></p> <ul style="list-style-type: none"> ▪ <u>delivers a scale of development that provides street definition and a very high level of pedestrian amenity, including active frontages, sky views and a pedestrian friendly scale;</u> ▪ <u>respects the fine grain presentation of adjoining land uses fronting the street;</u> ▪ <u>is designed to minimise visual appearance of levels above the street wall and achieve an overall consistency of scale within the streetscape;</u> ▪ <u>is designed to allow solar access to the southern side of the street in a manner that maintains opportunities for outdoor dining and street activities in the public realm as shown in Figure 2; and</u> ▪ <u>does not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing impacts.</u> <p><u>Development near licensed pipeline</u></p> <p><u>In accordance with Section 52(1)(c) of the Act, notice must be given for any application for buildings and works on land within 27 metres of Licensed Pipeline No. 18 shown in Figure 3 of this</u></p>	<p>amenity. These are not new features, but were previously not necessary to outline in this detail as they were implied in the mandatory height limit.</p> <p>An exemption has been included for publically accessible open space to enable opportunities for public gathering places (e.g. plaza) in new development.</p> <p>The provisions regarding development near licensed pipeline has been inserted to specify a notice requirement to service provider AusNet and reflect Panel's preferred DDO7 (in accordance with Panel recommendation no. 3). Note: a minor edit has been made to the figure to correct the name of Warleigh Street to Warleigh Road.</p>

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Changes made	Reason
<p>schedule to the relevant pipeline owner and licensee as specified in the schedule to Clause 66.06.</p> <p>Figure 3: Licensed pipeline notice area (Licence No. 18)</p> 	
<p>Clause 5.0 (Application requirements) modified as follows:</p> <p><i>The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:</i></p> <ul style="list-style-type: none"> ▪ <i>A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.</i> ▪ <i>An Urban Design and Context Report that demonstrates how the design responds to the existing urban context, preferred future development of the area, Preferred Character Plan of Precincts shown in Figure 1 and the design and built form requirements in Tables 1 and 2 specified in this Schedule.</i> 	<p>General drafting edits have been made to reflect changes made elsewhere in the control.</p> <p>The Acoustic Report requirement has been updated to specify who should prepare the report in accordance with Panel recommendation 3. It has also been updated to ensure aircraft noise is considered in the design of new development, where appropriate, to ensure consistency with State policy changes introduced to Clause 18 through VC218 in May 2022.</p>

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Changes made	Reason
<ul style="list-style-type: none"> ▪ <i>An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.</i> ▪ <i>An assessment of waste collection, removal and delivery areas for the proposed development.</i> ▪ <i>An Acoustic Report by a suitably qualified acoustic consultant which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities, and the surrounding road network and aircraft noise.</i> <p><i>If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.</i></p> <ul style="list-style-type: none"> ▪ <i>A report showing that the design of the development demonstrates high standards of environmental sustainability. The report should assess the design of the proposed development in the following areas:</i> <ul style="list-style-type: none"> • <i>Energy efficiency.</i> • <i>Measures to reduce or manage car parking demand and encourage sustainable alternative</i> • <i>transport modes.</i> • <i>Integrated water management.</i> • <i>Waste minimisation.</i> • <i>Building materials.</i> 	

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Changes made	Reason
<ul style="list-style-type: none"> • <i>Demolition and construction practices.</i> • <i>Landscaping.</i> • <i>Indoor environmental quality and natural lighting.</i> • <i>Other environmental sustainability issues impacting the proposed design.</i> ▪ <i>A Landscape Plan which shows information relating to:</i> <ul style="list-style-type: none"> • <i>The quantity and both botanical and common names of all proposed plants.</i> • <i>The size at time of installation and typical size (height and width) at maturity of all proposed plants.</i> • <i>Pot size for understorey planting and height for tree planting.</i> • <i>The ongoing management, including the maintenance needs of all plants within common areas.”</i> 	
<p>Clause 6.0 (Decision guidelines) modified as follows:</p> <p><i>“The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</i></p> <ul style="list-style-type: none"> ▪ <i>Whether the development meets the design and built form requirements in Tables 1 and 2 specified in of this schedule.</i> ▪ <i>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.</i> ▪ <i>Whether the development respects the fine grain presentation of adjoining land uses fronting the street.</i> 	<p>Additional guidelines have been included to guide decision making on the discretionary design and built form requirements of DDO7 in response to Panel recommendation 3.</p> <p>The inclusion of a guideline relating to the licensed pipeline reflects the Panel’s preferred DDO7 (in accordance with Panel recommendation 3).</p> <p>The guideline relating to environmental sustainability has been updated to clarify how this matter will be assessed and reflects the Panel’s preferred DDO7 (in accordance with Panel recommendation 3).</p> <p>The other changes are general drafting edits to reflect changes made elsewhere in the control.</p>

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Changes made	Reason
<ul style="list-style-type: none"> ▪ <u>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.</u> ▪ <u>Whether the development is designed to allow solar access to the southern side of the street in a manner that maintains opportunities for outdoor dining and street activities in Precinct 1.</u> ▪ <u>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.</u> ▪ <i>Whether the response to noise, odour and overshadowing is acceptable.</i> ▪ <i>Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.</i> ▪ <i>Whether windows, terraces and balconies are appropriately oriented to the street or open space.</i> ▪ <i>Whether plant and equipment is successfully screened and integrated into the overall building design.</i> ▪ <i>How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.</i> ▪ <i>Whether the location, design and layout of car parking is an acceptable response to the public realm.</i> ▪ <u>Whether the development has been appropriately designed in relation to the licensed pipeline referred to in Figure 2 of this schedule and in the schedule to Clause 66.06.</u> 	

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Changes made	Reason
<ul style="list-style-type: none"> ▪ <i>The quality of pedestrian, bicycle and vehicular access and egress points and connections.</i> ▪ <i>The impact of traffic and parking on the road network.</i> ▪ <i>Whether the development is environmentally sustainable as assessed against the Built Environment Sustainability Scorecard.</i> 	
Schedule 8 to Clause 43.02 (DDO8)	
<p>Clause 1.0 (Design objectives) modified as follows:</p> <p><i>“To encourage a range of well designed apartment buildings that support complementary uses at ground floor level.</i></p> <p><i>To facilitate mixed use development that is of high architectural and urban design quality, offers attractive and functional internal and external spaces and provides good amenity.</i></p> <p><i>To improve activation and utilisation of the public spaces realm through active frontages to buildings along roads street frontages and public spaces.</i></p> <p><i>To ensure development appropriately responds to amenity of surrounding areas.”</i></p>	<p>To improve the drafting of the design objectives and reflect the Panel’s preferred DDO8 (in accordance with Panel recommendation no. 3).</p>
<p>Clause 2.0 (Buildings and works) initial text modified as follows:</p> <p><u>“Permit exemptions</u></p> <p><i>A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, undertaking a preliminary risk screen assessment or environmental audit under the Environment Protection Act 2017 or a certificate or statement of environmental audit under the Environment Protection Act 1970 obtaining a Certificate or Statement of Environmental Audit under the</i></p>	<p>The permit exemption relating to earthworks has been modified to ensure consistency with the new Environment Protection Act and EAO requirements implemented through Amendment VC210 in May 2022.</p> <p>The deletion of permit exemptions relating to a single dwelling and outbuildings reflect the Panel’s preferred DDO8 (in accordance with Panel recommendation no. 3).</p> <p>The inclusion of sub-headings and general drafting edits have been made to improve readability of the provisions.</p>

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Changes made	Reason
<p>Environment Protection Act 1970. Earthworks must be carried out in accordance with a Remediation Action Plan and an Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.</p> <p>A permit is not required to construct or carry out buildings and works for:</p> <ul style="list-style-type: none"> ▪ The installation of an automatic teller machine. ▪ Shade sails to an existing roof deck. ▪ An awning that projects over a road if it is authorised by the relevant public land manager. ▪ Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager. <p>▪ A single dwelling on a site greater than 300 square metres.</p> <p>▪ An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.</p> <p><u>Design and built form requirements</u></p> <p>The following buildings and works requirements in Table 1 and shown in Figure 1 apply to an application to construct a building or construct or carry out works on land in Precinct 3 shown in Figure 1.</p>	
<p>Figure 1 under Clause 2.0 (Buildings and works) deleted.</p>	<p>Figure 1 is considered superfluous and has been removed in accordance with the Panel's preferred DDO8 (Panel recommendation 3).</p>
<p>Under Clause 2.0, Table 1:</p> <ul style="list-style-type: none"> • Building Height requirement modified as follows: 	<p>The built form requirements have been updated in accordance with Panel recommendation 3.</p>

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Changes made	Reason
<p><i>“Building height must <u>should</u> not exceed 25.<u>57</u> metres (eight storeys).”</i></p> <ul style="list-style-type: none"> • Street Setback requirements modified as follows: <p><i>“Walls of buildings should be set back from the front street:</i></p> <ul style="list-style-type: none"> ▪ <i>3 metres at ground level (incorporating landscaping) for development with a ground floor residential use.</i> ▪ <i>0 metres to a height of 19.5 metres (<u>six storeys</u>) with a continuous street wall edge for development with a ground floor commercial use.</i> ▪ <i>5 metres above a height of 19.5 metres (6 <u>six</u> storeys).</i> <p><i>Walls of buildings should be set back from side streets:</i></p> <ul style="list-style-type: none"> ▪ <i>0 metres at ground floor level.</i> ▪ <i>3 metres above 19.5 metres (<u>six storeys</u>).”</i> • Rear Setback requirements modified as follows: <p><i>“At ground floor level, where a wall does not include a habitable room window or balcony, a 0 metre setback to a rear boundary.</i></p> <p><i>At ground floor level, where a wall includes a habitabl room window or balcony, a 3 metre setback to a rear boundary.</i></p> <p><u><i>For land at 4-6 Cross Street:</i></u></p> <ul style="list-style-type: none"> ▪ <i>Above ground floor level to a height of 19.5 metres (<u>six storeys</u>), a 6 metre setback to a rear boundary.</i> ▪ <i>Above a height of 19.5 metres (<u>six storeys</u>), a 9 metre setback to a rear boundary.</i> <p><u><i>For land at 8 Cross Street:</i></u></p> <ul style="list-style-type: none"> ▪ <i><u>above</u> ground floor level to a height of 13.5 metres (four</i> 	

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Changes made	Reason
<p><u>storeys</u>), a 6 metre setback to a rear boundary.</p> <p><u>above a height of 13.5 metres (four storeys), a setback to a rear boundary in accordance with Standard B17 of Clause 55.04-1.</u>”</p> <ul style="list-style-type: none"> Public Realm interface requirements modified as follows: <ul style="list-style-type: none"> <i>“Incorporate an active frontage response at all ground level interfaces.</i> <i>Where a laneway or secondary street exists, no vehicle access from the main street.</i> <i>Car parking area not visible from the street.</i> <i>Provide clearly visible and distinct entry points on the ground floor for residential uses on the upper levels (no alcoves or unsecured/setback entries).</i> <i>Incorporate windows on all levels of the building façade with direct access and outlook to the street frontage.</i> <i>Where ground floor land use is retail or commercial:</i> <ul style="list-style-type: none"> ▪ <i>Incorporate 65-80% glazing and transperancy <u>transparency</u> on the ground floor façade.</i> ▪ <i>Incorporate a canopy or awning over the footpath for the full width of the building frontage.</i> <i>Where ground floor land use is residential, incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium-size <u>canopy</u> tree <u>per front yard</u>.</i> <i>Incorporate direct entries from the street to ground floor uses.</i> <i>Minimise the visual impact of service cabinets on the façade.</i> <i>Limit large signs.</i> 	

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Changes made	Reason
<p><i>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened."</i></p>	
<p>Under Clause 5.0 (Application requirements), the following requirements modified:</p> <p><i>"The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:</i></p> <ul style="list-style-type: none"> ▪ <i>A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.</i> ▪ <i>An Urban Design and Context Report that demonstrates how the design responds to the existing urban context, preferred future development of the area, Preferred Character Plan of Precincts shown in Figure 1 and <u>the design and</u> built form requirements <u>specified</u> in Table 1 of this Schedule.</i> ▪ <i>An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.</i> ▪ <i>An assessment of waste collection, removal and delivery areas for the proposed development.</i> ▪ <i>An Acoustic Report <u>by a suitably qualified acoustic consultant</u> which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities, and the surrounding road network <u>and aircraft noise</u>.</i> ▪ <i>A report showing that the design of the development demonstrates high standards of environmental sustainability.</i> 	<p>The Acoustic Report requirement has been updated to specify who should prepare the report in accordance with Panel recommendation 3. It has also been updated to ensure aircraft noise is considered in the design of new development, where appropriate, to ensure consistency with State policy changes introduced to Clause 18 through VC218 in May 2022.</p> <p>The other changes are general drafting edits to correct spelling errors and reflect changes made elsewhere in the control.</p>

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Changes made	Reason
<p><i>The report should assess the design of the proposed development in the following areas:</i></p> <ul style="list-style-type: none"> • <i>Energy efficiency.</i> • <i>Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.</i> • <i>Integrated water management.</i> • <i>Waste minimisation.</i> • <i>Building materials.</i> • <i>Demolition and construction practices.</i> • <i>Landscaping.</i> • <i>Indoor environmental quality and natural lighting.</i> • <i>Other environmental sustainability issues impacting the proposed design.</i> <ul style="list-style-type: none"> ▪ <i>A Landscape Plan which shows information relating to:</i> <ul style="list-style-type: none"> • <i>The quantity and both botanical and common names of all proposed plants.</i> • <i>The size at time of installation and typical size (height and width) at maturity of all proposed plants.</i> • <i>Pot size for understorey planting and height for tree planting.</i> • <i>The ongoing management, including the maintenance needs of all plants within common areas.</i> ▪ <i>An adverse amaenity-amenity impact assessment consisting of a report(s) prepared by a suitably qualified person(s). The report(s) must identify all potential adverse amenity impacts (eg; noise, odour) from nearby land and uses including, but not limited to:</i> <ul style="list-style-type: none"> • <i>The recreation facility to the east of the subject site(s).</i> 	

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Changes made	Reason
<ul style="list-style-type: none"> • <i>Use of the rail corridor to the south of the subject site(s).</i> • <i>The paint manufacturing facility at Graingers Road, West Footscray.</i> <p><i>The report(s) must include specific design recommendations to address any potential adverse amenity impacts identified."</i></p>	
<p>Clause 6.0 (Decision guidelines) modified as follows:</p> <p><i>"The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:</i></p> <ul style="list-style-type: none"> ▪ <i>Whether the development meets the design and built form requirements specified in Tables 1 and 2 and shown in Figure 2 of this schedule.</i> ▪ <i>Whether the response to noise, odour and overshadowing is acceptable.</i> ▪ <i>Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.</i> ▪ <i>Whether windows, terraces and balconies are appropriately oriented to to the street or open space.</i> ▪ <i>Whether plant and equipment is successfully screened and integrated into the overall building design.</i> ▪ <i>How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.</i> ▪ <i>Whether the location, design and layout of car parking is an acceptable response to the public realm.</i> 	<p>The guideline relating to environmental sustainability has been updated to clarify how this matter will be assessed and reflects the Panel's preferred DDO8 (in accordance with Panel recommendation 3).</p> <p>The other changes are general drafting edits to reflect changes made elsewhere in the control.</p>

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Changes made	Reason						
<ul style="list-style-type: none"> ▪ <i>The quality of pedestrian, bicycle and vehicular access and egress points and connections.</i> ▪ <i>The impact of traffic and parking on the road network.</i> ▪ <i>Whether the development is environmentally sustainable as assessed against the Built Environment Sustainability Scorecard.</i> 							
Schedule to Clause 66.06 (Notice of permit applications under local provisions)							
<p>Schedule to Clause 66.06 included in the Amendment and modified to include the following notice requirement:</p> <p>Notice of permit applications under local provisions</p> <table border="1" data-bbox="349 699 1081 879"> <thead> <tr> <th>Clause</th> <th>Kind of application</th> <th>Person or body to be notified</th> </tr> </thead> <tbody> <tr> <td>Schedule 7 to Clause 43.02 (DDO7)</td> <td>An application for buildings and works on land shown in Figure 3 of Schedule 7 to Clause 43.02.</td> <td>Owner and licensee of the Footscray to Sunshine gas transmission pipeline.</td> </tr> </tbody> </table>	Clause	Kind of application	Person or body to be notified	Schedule 7 to Clause 43.02 (DDO7)	An application for buildings and works on land shown in Figure 3 of Schedule 7 to Clause 43.02.	Owner and licensee of the Footscray to Sunshine gas transmission pipeline.	<p>To include a notice requirement to service provider AusNet of development near its pipeline in accordance with Panel recommendation 4. Note: a minor edit has been made to ensure the provision refers to the correct figure, as a consequence of other changes made to the DDO7 (as outlined above).</p>
Clause	Kind of application	Person or body to be notified					
Schedule 7 to Clause 43.02 (DDO7)	An application for buildings and works on land shown in Figure 3 of Schedule 7 to Clause 43.02.	Owner and licensee of the Footscray to Sunshine gas transmission pipeline.					

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Table 3: Planning scheme maps

Table 3 describes post exhibition changes made to the planning scheme maps. The updated maps are in Attachment 6.

Changes made	Reason
Zoning maps	
No change.	
Overlay maps	
Modify Amendment C162mari Map No.7DDO so the DDO7 is not shown on land at 495-507 Barkly Street, Footscray on this map.	<p>To make a minor administrative change identified by the DELWP mapping team in May 2022.</p> <p>The purpose of this map is to show the land where the DDO is being introduced. As the DDO7 already applies to 495-507 Barkly Street, it should not technically be shown on this map. This edit addresses a technical error and the DDO7 will continue to apply to this site through Amendment C162.</p>
Modify Amendment C162mari Map No. 8EAO to include the EAO on land at 438-448 Barkly Street, Footscray.	To apply the EAO to 438-448 Barkly Street in accordance with Panel recommendation no. 6(a).



Maribyrnong
CITY COUNCIL

West Footscray Neighbourhood Plan

URBAN DESIGN FRAMEWORK 2018





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A message from the Mayor

The neighbourhood of West Footscray is home to a diverse community and businesses that have made it a vibrant area that is enjoyed by residents and visitors alike.

The West Footscray Neighbourhood Plan 2018 sets a new vision to guide growth and development. This document is shaped by feedback that was provided by the community and stakeholders when we held consultations in 2017.

The feedback provided set a vision for a neighbourhood that could grow into a well-connected, vibrant, sustainable and green neighbourhood. Our community wants to see a neighbourhood that has diverse housing choices, inviting open spaces, safe transport and convenient connections, not to mention services and facilities that respond to changing community needs.

The Plan is also in line with the State Government's objectives to create a '20-minute city', where we meet the everyday needs of people in one convenient location – making it easy for them to reach the services they need.

The Plan also focusses on improving access and movement across the neighbourhood. We have identified the need to increase connection between open space networks, the Maribyrnong River and community facilities among other issues.

With the West Footscray Neighbourhood Plan we look forward to seeing our residents and stakeholders continue to enjoy the many wonderful aspects of West Footscray.



CR CUC LAM

Mayor
Maribyrnong City Council



Executive summary

The West Footscray Neighbourhood Plan (the Plan) has been developed to ensure the coordinated growth and development of the neighbourhood. It is a long term planning framework that presents objectives, strategies and actions to facilitate appropriate land use and built form for the core activity area along Barkly Street and the West Footscray station precinct.

The core activity area is envisioned as a place where people can gather, socialise, shop, work, live and make use of community and leisure services without having to travel far. For the broader study area the Plan outlines complementary strategies to improve access and movement, public places, and community infrastructure. A number of existing Council strategies (Open Space Strategy, Bicycle Strategy, Play Maribyrnong etc.) have informed the content of this framework.

The Plan will help manage change in West Footscray. It delivers:

- A strategic framework for a vibrant and sustainable neighbourhood to meet Council's vision outlined in the Council Plan 2017-21. The Plan actions a number of Council strategies into a holistic place-based framework, including shops and services, community facilities, housing, employment, public transport and public spaces.
- The preferred locations for higher density housing to respond to the forecast population growth in West Footscray. This initiative is complemented by a set of design guidelines for higher density, mixed-use development that will deliver improved built form outcomes and clear framework for decision-making.
- A set of design guidelines for higher density mixed-use development that will deliver improved built form outcomes and a clear decision making framework.

- Support and guidance for strengthening the role of the West Footscray Neighbourhood Activity Centre by concentrating mixed-use activity and greater density to provide people with the ability to meet most of their everyday needs. This also meets State objectives for a '20-minute city'.
- Implementation actions for the elements of land use, built form, access and movement and community infrastructure that are required to achieve the strategic vision for West Footscray. It includes an agenda for advocacy for Council, and projects for creation of new policy, investigations, and works.

The Plan is structured to present a 'vision' and a set of principles which respond to community expectations. The Principles guide and inform the three key themes of Land Use and Built Form, Access and Movement, and Community Infrastructure and Open Space.

Each theme comprises the following components:

- **Objectives** ambitions for the future
- **Strategies** a means of achieving the objectives
- **Actions** steps to implement the strategies

The Implementation Plan sets out the actions required to achieve the vision including action type, lead responsibility, and external partners.

The Plan seeks to facilitate and guide change under three themes, outlined overleaf.

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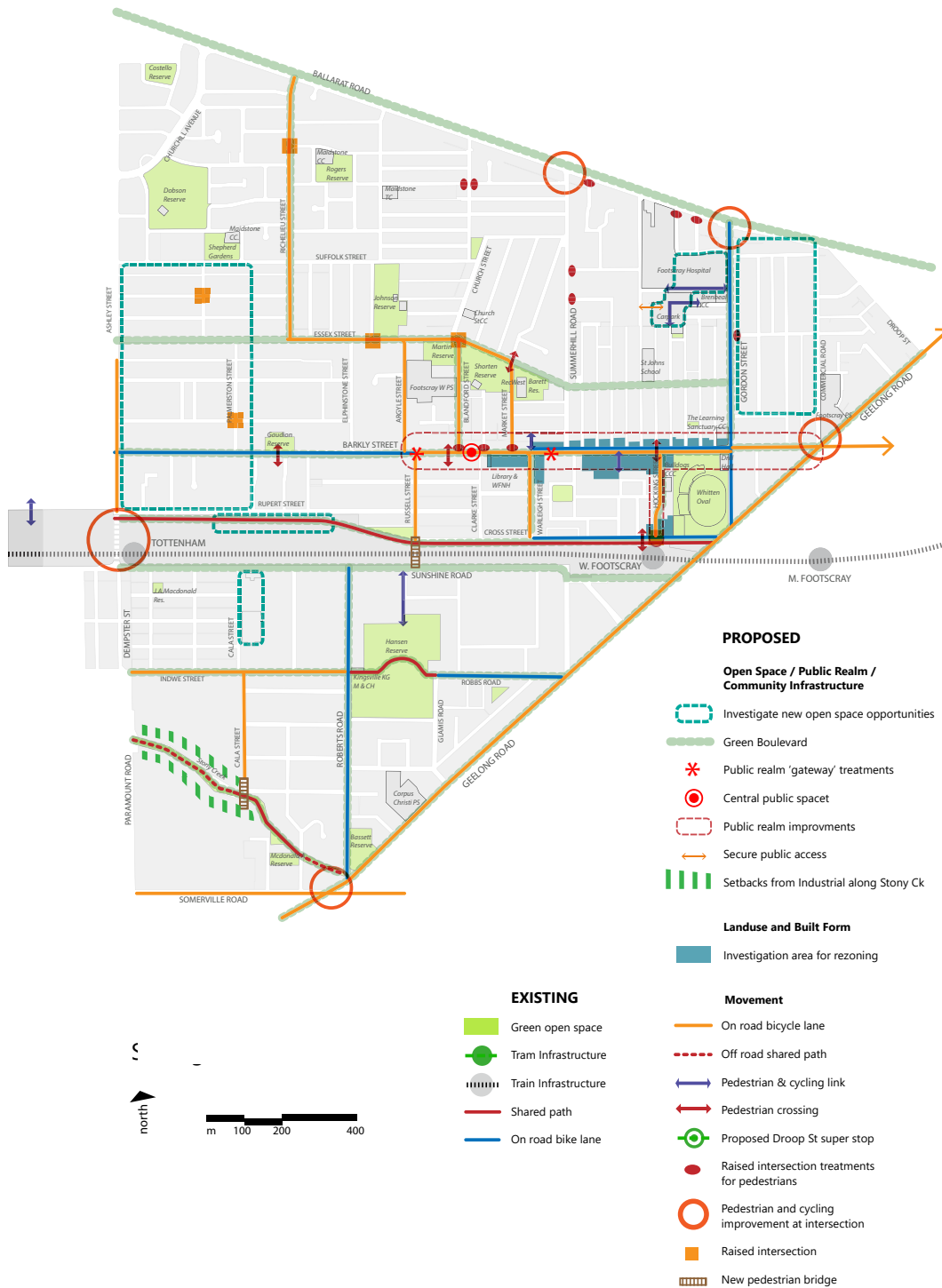


Figure 1 Strategic Framework

1. Land use and built form

- The West Footscray Neighbourhood Activity Centre will develop over time as an integrated mixed-use centre that will support more intense street level activity and a resident population in medium density developments of a maximum four storey scale.
- Council will consider the rezoning of sites within the activity centre that are inconsistent with, but support, its retail and services function.
- Council will consider the rezoning of sites fronting Barkly Street East and West Footscray Railway Station to allow opportunities for higher density residential development.
- For sites fronting Barkly Street East and West Footscray Railway Station, building heights will range from four and six storeys along Barkly Street to eight storeys near the railway station.
- The built form design guidelines will establish a coherent streetscape character along Barkly Street, respond better to the public realm and help to protect the amenity of the area.

2. Access and movement

- A safe and legible network of north-south and east-west pedestrian/cycle routes will be provided – particularly along Barkly Street - to enhance connectivity in West Footscray.
- Improvements to pedestrian, cycle and bus connections to nearby major destinations such as the Maribyrnong River, Highpoint and Footscray will drive a shift to active transport modes and reduce traffic congestion.
- Safer streets will be provided through traffic calming measures such as raised crossings, pedestrian crossings and reduced traffic speeds to encourage walking.
- The open space network, the Maribyrnong River and community facilities will be connected through defined 'green' streets, pedestrian links and trails.

3. Community infrastructure and open space

- A central open space in Barkly Village will provide a place for social interaction and gathering.
- Planning for community facilities and open spaces will be undertaken to provide flexible spaces that encourage multiple-uses by the community.
- Provision of additional open space will be investigated to address existing gaps in the open space network in the west and east of the neighbourhood.
- Strategic partnerships will be developed to improve activation and utilisation of public spaces and increase joint use opportunities of community facilities.
- Improvements to the industrial and residential interfaces south of the railway corridor through new local policy.

The Strategic Framework Plan for West Footscray is identified in Figure 1.

Implementation Plan

The Implementation Plan provides actions with top priorities including:

- Supporting change of land use to mixed-use development that responds to new built form guidelines
- Implementing a central open space in Barkly Village
- Planning for improvements for cycling connectivity through the suburb
- Supporting the implementation of open space upgrades identified in the Open Space Strategy
- Investigation of opportunities for additional active recreation facilities for the growing population.

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01

Introduction

The West Footscray Neighbourhood Plan has been prepared to respond to the changing population and development activity in West Footscray. While the incremental infill development which is generally spread across the study area is expected to continue, the Barkly Street corridor provides particular opportunities for growth.

There is renewed development interest around the West Footscray Neighbourhood Activity Centre (Barkly Village) and West Footscray Railway Station. In these areas, integrating land use and transport will play a crucial role in providing new housing choices, well connected communities and promoting sustainable travel.

The City of Maribyrnong is experiencing steady population and housing growth. In particular West Footscray's population is forecast to grow from 12,152 in 2016 to 14,247 by 2031*, with an additional 800 new dwellings forecast*. Community services, facilities and open space need to respond to the growth of West Footscray and its changing demographics.

The Plan provides a vision for West Footscray with objectives, strategies and actions to achieve the vision. In conjunction with other relevant Council strategies, the Plan provides guidance on:

- Land use and built form
- Access and movement
- Community infrastructure and open space.

The Plan draws upon a range of existing Council strategies to guide active transport and open space, and seeks to link these strategies and actions to ensure a "whole of neighbourhood" response to the growth and development of West Footscray.

The core activity area of Barkly Street and West Footscray Railway Station is the focus of the land use and built form guidance. Planning guidance on the balance of the study area is provided by the existing Maribyrnong Planning Scheme and Maribyrnong Housing Strategy.

** Note: Population data and the projections relate to West Footscray suburb boundaries. It is to be noted that the study area contains a small section of Maidstone and Footscray.*

Study area

The Plan's study area is bound by Ballarat Road to the north, Geelong Road to the southeast and Ashley Street to the west. The study area also includes the southern portion of Maidstone and a small section of Footscray to the east. The railway corridor divides the study area into two halves.

The core activity area of the West Footscray Neighbourhood Plan is centred on two precincts, the West Footscray Neighbourhood Activity Centre (Barkly Village) and the Barkly Street East and Station precinct.

Structure of the plan

The Plan is structured to present a 'vision' and a set of 'principles' which respond to community expectations. The 'principles' guide and inform the three key themes of land use and built form, access and movement, and community infrastructure and open space. Each theme comprises the following components:

- **Objectives** ambitions for the future
- **Strategies** a means of achieving the objectives
- **Actions** steps to implement the strategies.

The Implementation Plan sets out the actions required to achieve the vision in greater detail including action type, lead responsibility, and external partners.



Figure 2 West Footscray Neighbourhood Plan Study Area

Regional and local context

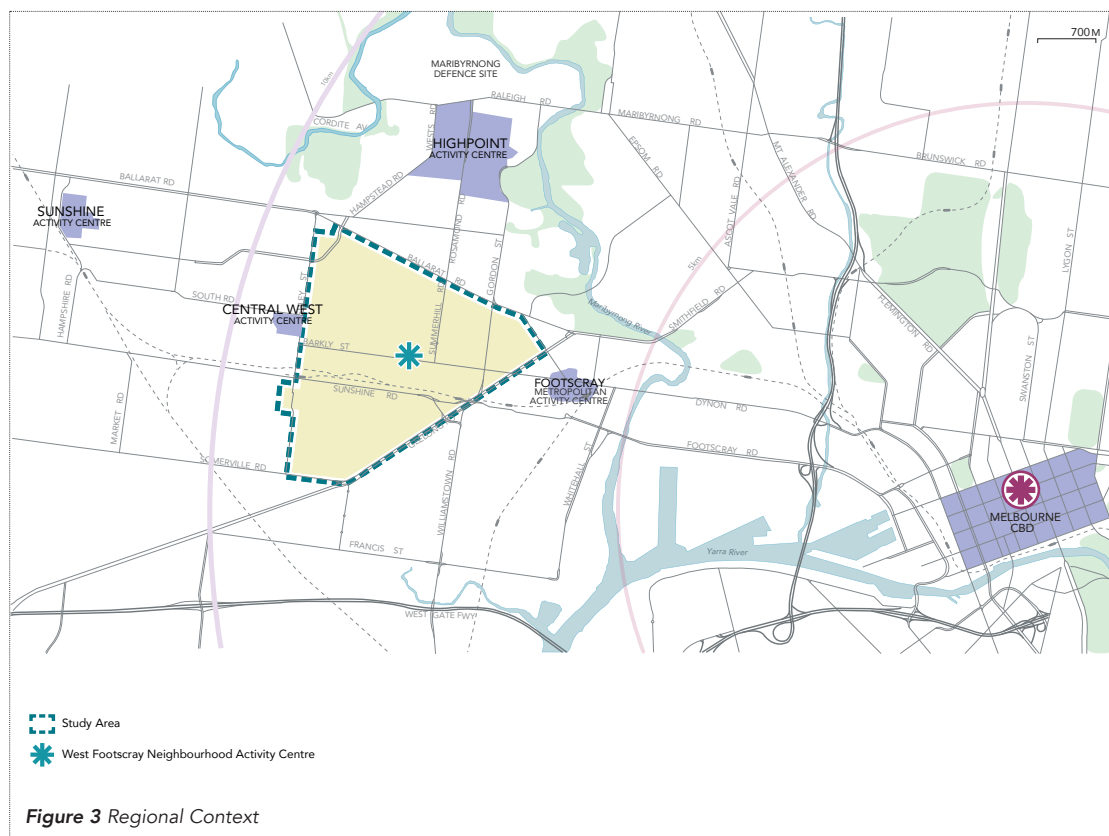
The study area is well positioned to access services and employment, being located seven kilometres from Melbourne CBD with convenient public transport connectivity. Proximity to the activity centres of Footscray, Highpoint and Sunshine further underline the opportunities and attractiveness of this location.

A number of regional facilities are located within the study area, including the Footscray Hospital, Whitten Oval and Victoria University. They present opportunities to attract investment, support innovation and create greater employment opportunities linking health, sport, education, research, advanced manufacturing and industry. The Barkly Village is the core of the neighbourhood and includes the West Footscray Neighbourhood House and Library, retail convenience and open spaces along Essex Street. It is an area of recent revitalisation and has a strong night time economy.

The railway corridor, however, divides the suburb; with residents on the southern side of railway corridor experiencing difficulty in accessing the retail and community facilities of the village.

The area north of the railway line is predominantly residential. Industrial land south of the railway line makes up 13% of the study area. These areas are designated as core employment areas in the Maribyrnong Planning Scheme, specifically the Tottenham Precinct and West Footscray Precinct. The Tottenham Precinct contains 10.8% of all jobs based in the municipality, and West Footscray has 1.6% of jobs based in the municipality. These core employment areas need to be protected to ensure a local workforce is maintained and enhanced. These industrial areas are also identified as a part of the State-significant industrial precincts in Plan Melbourne 2017-2050. The State-significant industrial precincts are to be protected from incompatible land uses to allow for their future growth, development and importance to the regional and state economy.

More diverse housing choices are being provided in West Footscray, with a range of apartment and townhouse developments being constructed since 2008, particularly along Barkly Street.



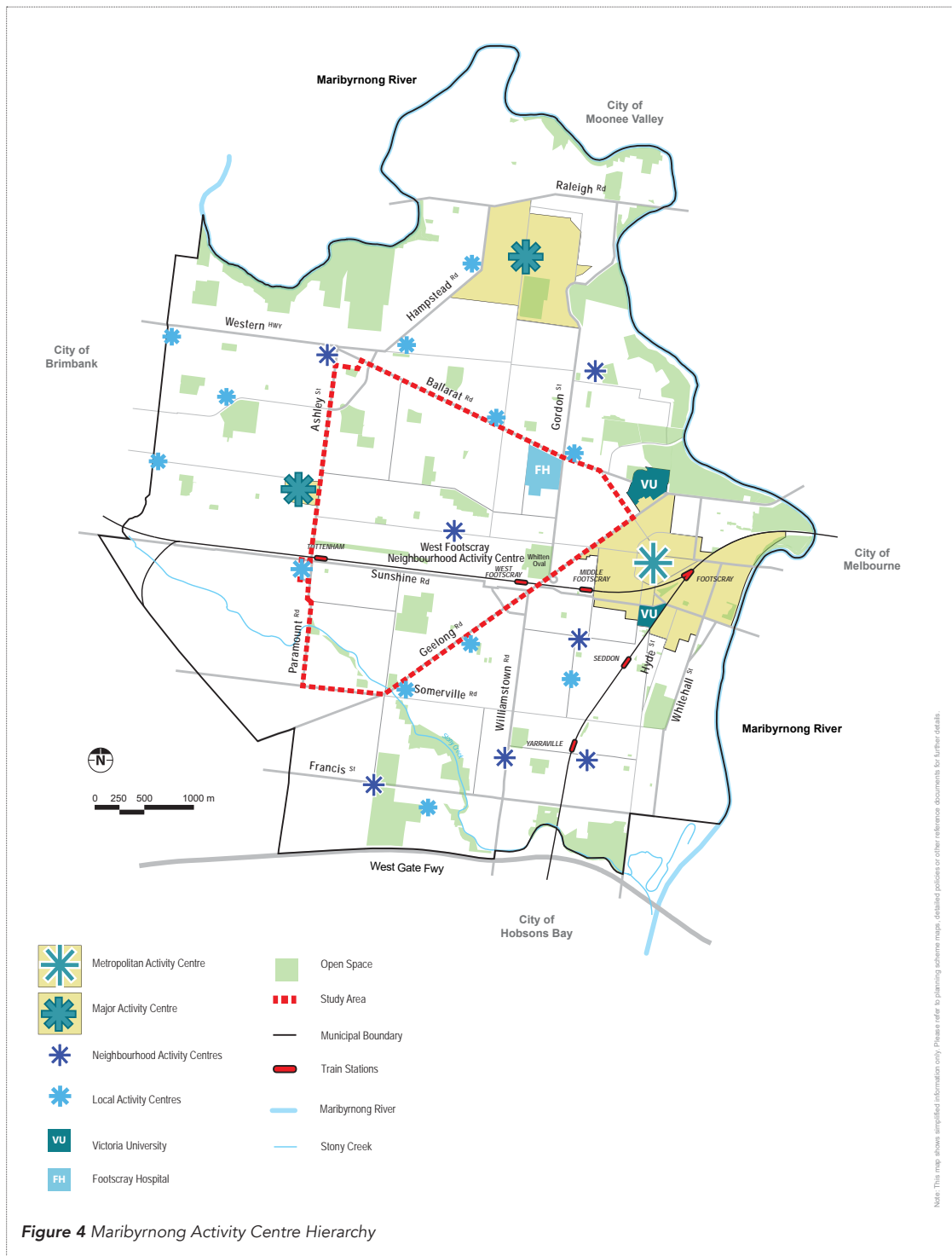
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Activity centre hierarchy

Based on its role and capacity for growth, the West Footscray Neighbourhood Activity Centre (Barkly Village) is considered as a neighbourhood activity centre similar to Yarraville and Seddon.

Plan Melbourne recognises the importance of neighbourhood centres. It also recognises the need to support a network of vibrant neighbourhood activity centres to enhance the liveability and character of neighbourhoods.





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Policy context

Plan Melbourne 2017-2050

Plan Melbourne seeks to guide Melbourne's growth in population and employment and enhance Melbourne as a liveable and sustainable city. Some of the policies that relate to West Footscray are:

- Create a productive city that attracts investment, supports innovation and creates jobs
- Create inclusive, vibrant and healthy neighbourhoods
- Create a distinctive and liveable city with quality design and amenity through a network of accessible, high quality, local open spaces
- Promote urban design excellence in all aspects of the built environment
- Provide housing choice in locations close to jobs and services through mixed-use neighbourhoods of varying densities
- Improve neighbourhoods to enable walking and cycling as a part of daily life
- Create mixed-use neighbourhoods at varying densities
- Support a network of vibrant neighbourhood activity centres.

Council Plan 2017-2021

The Plan will contribute to the strategic objectives of the Council Plan 2017-2021 by implementing the priorities:

- Growth and Prosperity – Council will support diverse, well planned neighbourhoods and a strong local economy
- Mobile and Connected – Council will plan and advocate for a safe, sustainable and effective transport network and a smart and innovative city
- Quality Places and Spaces - Council will lead the development of integrated built and natural environments that are well maintained, accessible and respectful of the community and neighbourhoods.

Council is committed to promoting and protecting the wellbeing of the community and seeks to create and improve the physical, social, natural, cultural and economic environments that promote health and wellbeing.

West Footscray Urban Design Framework 2008

The West Footscray Urban Design Framework (WFUDF) was adopted in 2008 and outlined a vision and series of action plans to improve the quality, function and amenity of key public and private spaces across West Footscray.

The WFUDF 2008 provided limited planning and design policy. It produced a number of site specific projects to improve the public realm and strategies to advocate for State Government support. A list of achievements is contained in the Appendices.

Maribyrnong Planning Scheme Clause 21.11-6

Clause 21.11-6 'West Footscray Neighbourhood Activity Centre' provides the objectives and strategies for the Plan. The current strategic direction for the West Footscray Neighbourhood Activity Centre is:

- To consolidate and enhance the role of the centre
- To encourage a built form that is consistent with the preferred character of the centre
- To enhance the public realm.

Draft Maribyrnong Housing Strategy 2018

The Maribyrnong Housing Strategy seeks to deliver positive outcomes in housing diversity, affordability, location and design. West Footscray is identified as an area of incremental change with a small number of sites that are identified to be areas of substantial change.

Maribyrnong Economic and Industrial Development Strategy (MEIDS) 2011

MEIDS seeks to guide sustainable economic and industrial development in the City of Maribyrnong. In particular, the Industrial Land Strategy visions for Tottenham and West Footscray are to be considered, which are that:

- Tottenham is a major core employment area embracing manufacturing, logistics and storage
- West Footscray is a core employment area with long established manufacturing operations and good access.

Issues and opportunities

An Issues and Opportunities Paper was released to the community in August 2017. It confirmed the challenges and opportunities facing West Footscray now and in the future. The consultation reflected the following key themes:

- Planning guidance for better residential buildings and the opportunity for diverse retail and commercial uses that meet local convenience and employment needs
- Better walking and cycling connections that are safe and integrated
- New and upgraded green open spaces with a new public space in Barkly Village
- Improved community facilities and services providing family, social and recreational services
- Improved safety and amenity along well treed streets and public transport corridors.

Appendix A includes a more detailed summary of the consultation outcomes on the Issues and Opportunities Paper.

The consultation helped shape the vision for the project and established the principles which guide the development of the Plan.

Open Space Strategy 2014

The Open Space Strategy 2014 identifies existing and proposed open space opportunities, and outlines objectives for continually improving existing open space and identifying gaps in the network where additional space is required.



02

The Plan

Vision

A well-connected, vibrant, sustainable and green neighbourhood with inviting open spaces, offering diverse housing choices and facilities that can be accessed safely by all modes of transportation including walking and cycling.



Principles

These principles underpin the neighbourhood plan.



IDENTITY AND DIVERSITY

West Footscray's urban character and identity will reflect its cultural diversity and influence all aspects of future planning and development



THRIVING VILLAGE

The vibrant urban identity of Barkly Village will continue to support diverse commercial and accommodation uses, creative arts and community events



STREETS AND SPACES FOR PEOPLE

Streets and parks will be appealing and safe for people to enjoy



EASY ACCESS FOR ALL

Walking, cycling and public transport will be priorities delivered through a well-connected sustainable transport network



HIGH QUALITY BUILDINGS AND SPACES

West Footscray will be an attractive neighbourhood with high quality, adaptable buildings and spaces that respect and enhance the existing character and, in designated precincts, create a new character



A GREEN SUBURB

West Footscray will be recognised for its trees and landscapes which will feature strongly across the neighbourhood



A GREAT PLACE TO LIVE

West Footscray will provide convenient access to a range of housing, commercial and community spaces supporting it as a great place to live



Land Use and Built Form

PRINCIPLES:



IDENTITY AND DIVERSITY



THRIVING VILLAGE



HIGH QUALITY BUILDINGS
AND SPACES



A GREAT PLACE TO LIVE

West Footscray's attraction for housing and new residents continues to grow, due to its proximity to the city, access to public transport and the emergence of cafes, bars, restaurants and convenience retail. This growth trend is aligned with a number of other inner city suburbs that are experiencing significant growth.

Key challenges include:

- segmented land use in Barkly Village
- development potential around Barkly Village, West Footscray and Tottenham railway stations, and the interface with lower scale residential fabric
- interfaces between industrial and residential land south of the railway line
- traffic and parking issues from population growth
- amenity and land use of Tottenham shops
- lack of local retail services south of the railway line.

This section is a combination of two parts:

Land use: existing and preferred land use pattern and activity; and

Built form: recommendations to create better built form outcomes, create more consistency in the streetscape and have a high level of amenity.

Existing land use pattern and activity

The study area is predominantly residential but does, however, encompass a wide range of land uses supporting a variety of activities. The mix and diversity of uses is reflective of the current zoning provisions that includes land zoned for General Residential, Commercial 1 and 2, Mixed Use, Special Use, Public Use and Industrial 1 and 3 Zones.

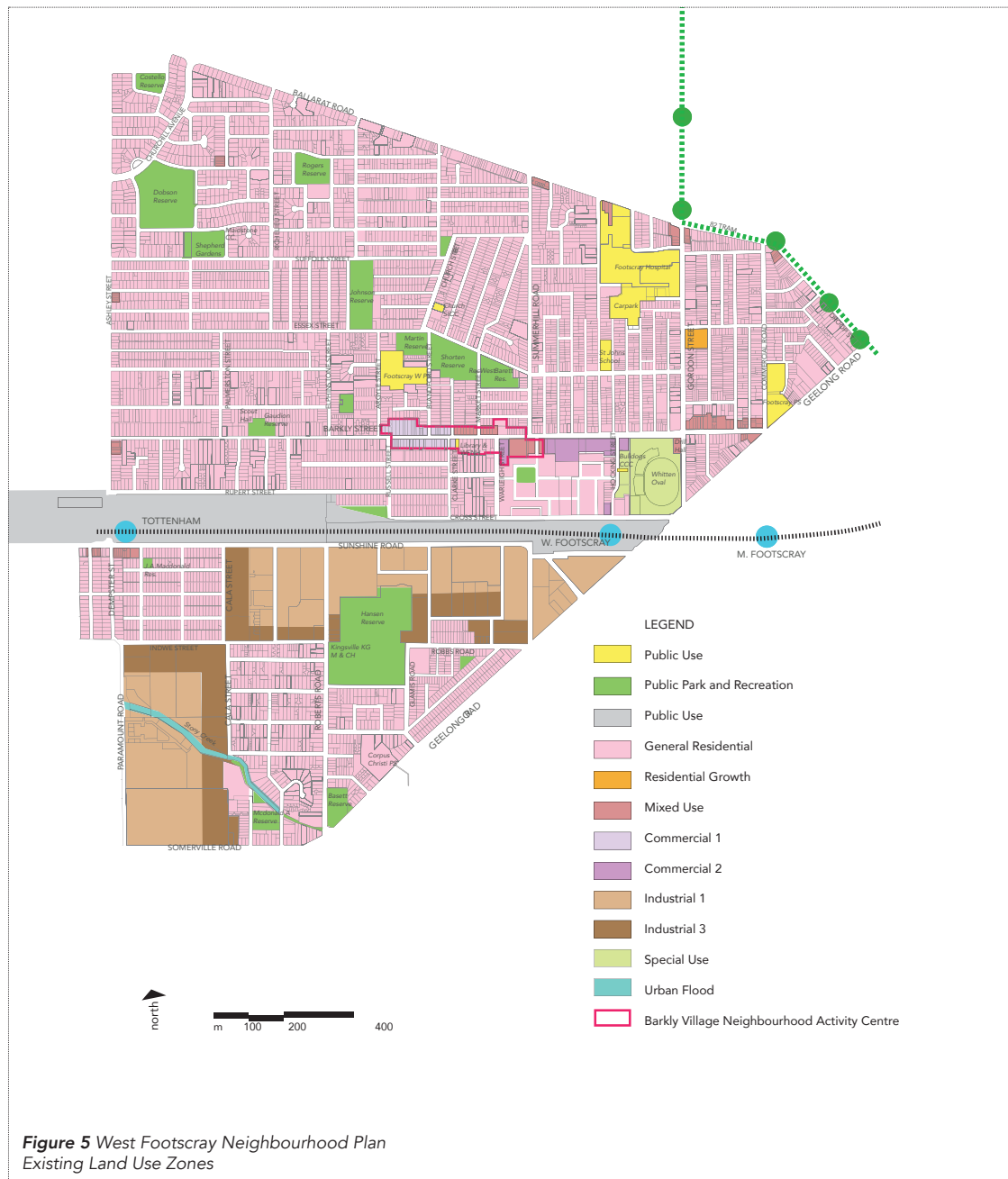
In addition to residential uses, Barkly Street includes strip shopping in the West Footscray Neighbourhood Activity Centre which provides retail and commercial activity, service industry, gyms, offices and medical uses. The neighbourhood activity centre has fragmented zoning that includes Commercial 1 Zone, Commercial 2 Zone, General Residential Zone and the Mixed Use Zone. Many uses are not compatible with the existing zone, or the zoning does not allow for the highest and best use of the site and for a range of important strategic directions to be realised. The eastern section of Barkly Street consists of a mix of residential uses, showrooms, sports and education facilities at Whitten Oval. This location is significant due to its proximity to the West Footscray Railway Station and the Footscray Metropolitan Activity Centre.

The area to the north-east includes the Footscray Hospital and other health services. It is noted that the State Government has committed funds to investigate the possible relocation of the hospital.

The area south of the railway corridor comprises a small strip of shops near Tottenham Railway Station, providing limited local convenience retailing. West Footscray also includes two industrial precincts that are designated as 'Core Employment' land and State significant industrial land. It is used for industry, manufacturing, office and warehousing. Many of these uses are located adjacent to residential uses, where there are community concerns regarding the industrial and residential interfaces and land use conflicts. No changes are proposed to industrial zonings through this neighbourhood plan, reflecting the importance of State and Council planning policy related to State significant industrial land.

The existing land use zones are identified in Figure 5.

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Preferred land use pattern and activity

The plan proposes a strengthening of the current land use pattern to provide consistent and complementary zoning which delivers new residential and commercial opportunities within the core area of Barkly Street and West Footscray Station.

There is a forecast demand for future retail and commercial space in the West Footscray Neighbourhood Activity Centre due to an increasing population in the area. Retail and commercial redevelopment in this area would enhance the main street destination, improve visitor experience and generate higher visitation.

The eastern end of Barkly Street includes a number of larger sites providing opportunities for medium to high density residential development in diverse housing typologies. It is a preferred location for this type of development due its positioning on a key street with good connections to services and public transport.

To provide further opportunities for locally accessible jobs, sites with a commercial zoning and undergoing redevelopment should provide areas of ground floor commercial floor space.

The current activity at Whitten Oval and any future redevelopment would further support a lively neighbourhood. Mixed-use developments including residential and community uses would be supported in this area as it has excellent connections to public transport and existing services. In addition, the presence of Victoria University and the potential development of underutilised VicTrack land adjacent to West Footscray Railway Station are further opportunities that will strengthen this precinct.

Revitalisation of the Tottenham shopping strip is encouraged. Uses such as small grocery outlets, cafes and other services are supported. Adaptive reuse of the heritage warehouses on Sunshine Road and introducing office/warehouse, business incubator and other creative industry uses are strongly encouraged.

The preferred locations for future residential and commercial opportunities are identified in Figure 6.

The objectives and strategies for land use are:

OBJECTIVES

- To enhance the role of the West Footscray Neighbourhood Activity Centre (Barkly Village) by supporting a cohesive, lively and diverse mix of uses.
- To support opportunities for residential and commercial uses in locations that are well serviced by public transport, and provide good access to community spaces and services.

STRATEGIES

- Strengthen street level activity in Barkly Village by supporting active retail uses on the ground floor.
- Support potential rezoning of sites within the activity centre to allow a mix of uses that complement the role and function of the centre.
- Facilitate shop top housing to contribute to the viability and activity of the centre.
- Support potential rezoning of sites on Barkly Street (east end) and adjacent to West Footscray Railway Station that provide opportunities for higher density residential development and some commercial and limited retail uses.
- Ensure that commercial and other employment uses outside of the neighbourhood activity centre will complement the role of the neighbourhood activity centre and residential uses.
- Restrict retail uses outside of the neighbourhood activity centre.

ACTIONS

- Amend the Maribyrnong Planning Scheme to reflect the potential rezoning of identified sites to consolidate commercial land use opportunities and provide residential growth in preferred areas.

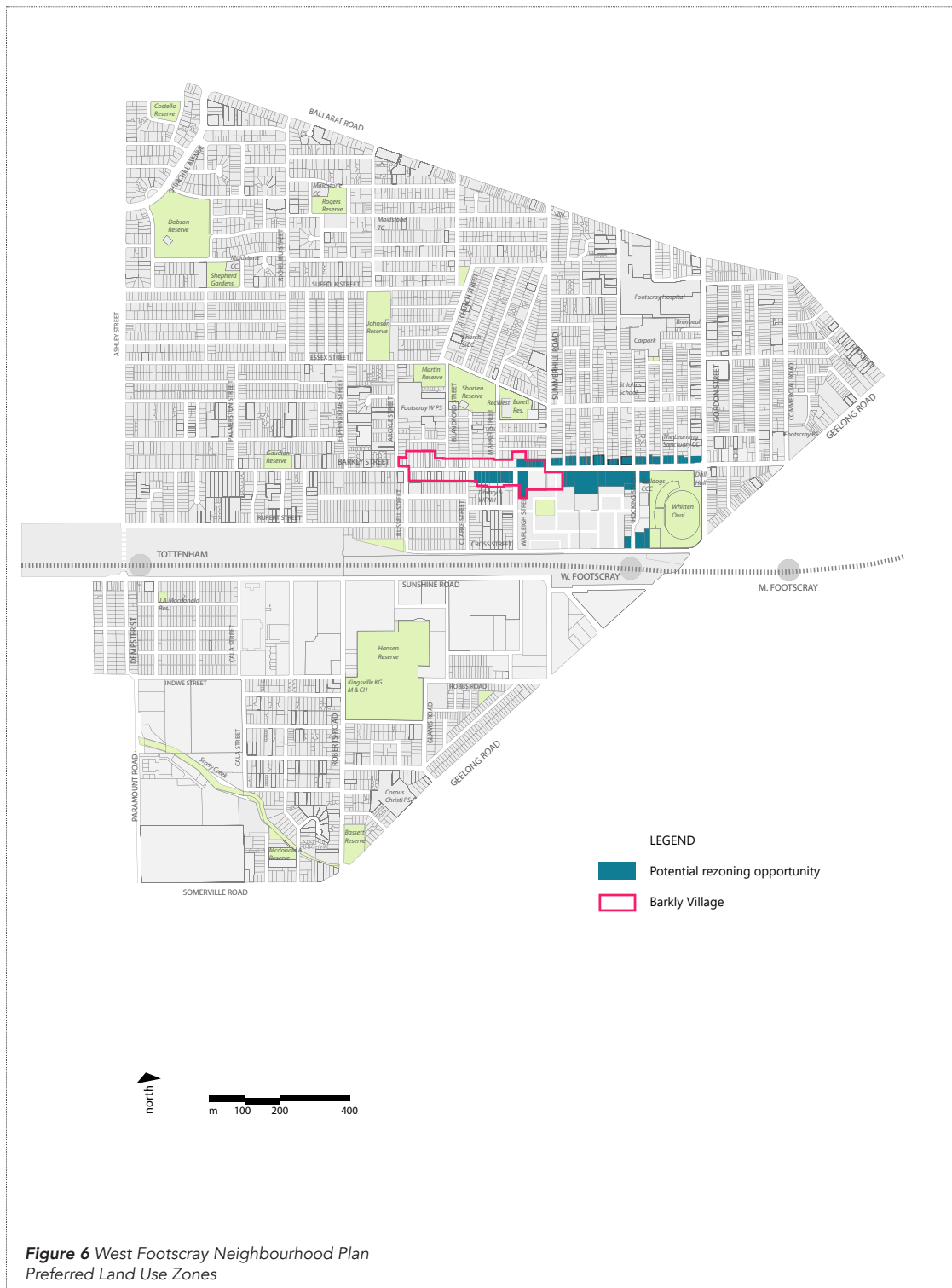


Figure 6 West Footscray Neighbourhood Plan Preferred Land Use Zones

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Built form

Built form guidance is focussed upon Barkly Street and West Footscray Railway Station. These areas are well serviced by public transport and provide good access to community spaces and services.

The objectives and strategies which shaped these guidelines are:

OBJECTIVES

- To ensure building form and scale responds appropriately to the existing character of Barkly Street and improves the overall amenity of the core activity area.
- To ensure new developments recognise the potential of large sites to provide increased scale that contributes positively to the public realm and creates quality living and working environments.
- To facilitate development that is of high architectural and urban design quality, offers attractive and functional internal and external spaces and provides good amenity.

STRATEGIES

- New buildings must address the design guidelines for the West Footscray Neighbourhood Activity Centre.
- New buildings must address the design guidelines for Barkly Street East and West Footscray Railway Station.
- Support development that establishes a consistent streetscape and built form character.
- New buildings must meet best practice environmentally sustainable design standards.

The guidelines can be found at Appendix B. The built form analysis can be found at Appendix C.

ACTIONS

- Develop Built Form Guidelines within the Maribyrnong Planning Scheme, with a preferred;
 - 4 storey height limit in the neighbourhood activity centre
 - 4 storey height limit on the north side of Barkly Street (East End)
 - 6 storey height limit on the south side of Barkly Street (East End)
 - 8 storey height limit on Cross St, adjacent to West Footscray Railway Station.

The preferred maximum heights are identified in Figure 7.

- Maintain the fine grain subdivision pattern.
- Encourage buildings of a "human scale" that provide a high level of external and internal amenity.
- Ensure developments present a high level of architectural quality and urban design responses that enhance the streets and neighbourhood.



Access and Movement

PRINCIPLES:



STREETS AND SPACES FOR PEOPLE



EASY ACCESS FOR ALL

The Plan envisages a neighbourhood that has safe, convenient and attractive walking and cycling connections to services and facilities.

Increasing walking, cycling, and public transport use will be essential to maintain the liveability of the neighbourhood. As the population and activities grow in West Footscray, it is important to develop a coherent movement network that prioritises pedestrians and cyclists, which will contribute to an efficient, more sustainable neighbourhood. The network needs to be integrated with land use planning which will help deliver a safe and connected neighbourhood.

Greater emphasis on improving pedestrian and cycling access involves challenges which include:

- The area is bound by arterial roads and highways that are physical and psychological barriers to walking or cycling.
- The railway corridor and Sunshine Road are major barriers to all forms of transport.
- Barkly Street is a major road that connects to central Footscray and the Melbourne CBD, but lacks the capacity for significant modal shifts.

The Maribyrnong Integrated Transport Strategy 2012, Maribyrnong Bicycle Strategy 2014, and the Maribyrnong Walking Strategy 2011 provide guidance on access and movement. There has been change in that time, however, and community input has strengthened the need for active transport solutions for West Footscray.

The following projects have also informed the movement and access actions for the neighbourhood:

- A Local Area Traffic Management (LATM) for the Barkly Village precinct aims to improve traffic management and road safety bounded by Ballarat Road to the north, Summerhill Road and Warleigh Road to the east, Cross Street / Rupert Street to the south, and Ashley Street to the west.
- VicRoads has identified parts of Footscray and West Footscray as pedestrian casualty areas which has triggered a pedestrian safety improvement project aiming to improve safety and amenity for pedestrians and reducing casualties to zero.
- As part of the Melbourne Metro project, the West Footscray train station will undergo an upgrade which, when operational (by 2022), will increase the number of services.

The proposals outlined in this section can be delivered only through an integrated approach from both local and state governments. Council will therefore advocate for better outcomes and seek opportunities to form partnerships with state government and transport providers.

OBJECTIVES

The objectives and strategies for access and movement are:

- To create a well-connected, safe and attractive pedestrian and cycle network.
- To improve walking, cycling and bus connections within and beyond the study area to key destinations, including schools and Barkly Village.
- To facilitate a transport mode shift towards walking, cycling and public transport.

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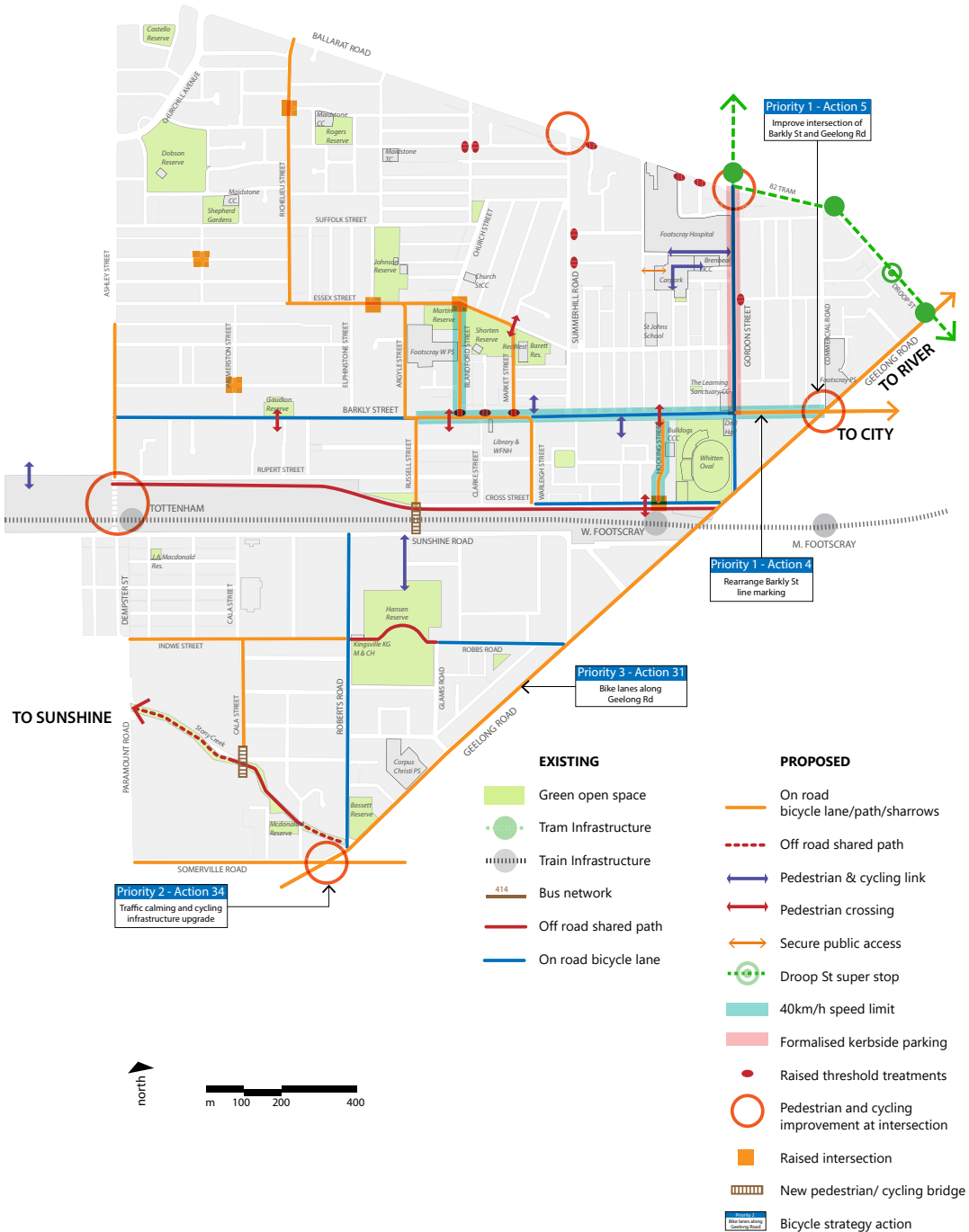


Figure 8 West Footscray Neighbourhood Plan Existing and Proposed Movement Network

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STRATEGIES

- Create a safe and legible network of east-west and north-south pedestrian/cycle routes to connect the centre and surrounding areas.
- Improve safety for cyclists and pedestrians along Barkly Street.
- Improve pedestrian, cycle and bus connections to nearby major destinations such as the Maribyrnong River, Highpoint and Footscray.
- Identify the streets and shared trails that will connect the open space network, Barkly Village and community and recreational facilities along Essex Street.
- Use traffic calming measures to encourage more walking and cycling for short trips.

The identified actions for the study area are illustrated in Figure 8.

ACTIONS

- Create a safe network of pedestrian and cycle routes linking shops, schools, open spaces and community facilities.
- Implement the main recommendations from the Local Area Traffic Management Plan to calm traffic and create safer road crossings.
- Advocate to VicRoads for pedestrian improvements at major intersections along Geelong Rd, Ballarat Rd, Ashley Street and Barkly Street.
- Investigate opportunities to improve safety at the Rupert Street carpark at Tottenham Railway Station.
- Construct a shared user path between Robert Street and Waratah Street along Stony Creek.
- Investigate opportunities to improve pedestrian and cycling access to Highpoint, the Maribyrnong River and Footscray.
- Implement on-road cycle lanes along Geelong Road.
- Ensure the Cross Street shared user path is enhanced through the future redevelopment of Whitten Oval.
- Reduce traffic speeds along Barkly Street, Blandford Street and Hocking Street.
- Investigate the potential extension of the Stony Creek trail west of Paramount Road.



Community infrastructure and open space

PRINCIPLES:



A GREAT PLACE TO LIVE



THRIVING VILLAGE



STREETS AND SPACES FOR PEOPLE



A GREEN SUBURB

West Footscray will be a neighbourhood that is green, safe and provides opportunities for social interaction and community well-being.

The key elements include accessible and treed open spaces, great streets and community infrastructure that contributes to the sense of belonging in a local community. The provision of facilities and services to residents continue to be key priorities for Council, particularly infrastructure that creates opportunities for community and leisure participation.

The community has emphasised the desire for a green neighbourhood through increased street tree planting, improved open spaces and community infrastructure that meets the needs of existing and a growing population. In particular, residents south of the railway line were concerned with the lack of connection across the rail corridor to West Footscray. Access south of Geelong Road to schools, open space and shops is also challenging.

The Maribyrnong Open Space Strategy 2014 (MOSS), the Street Tree Planting Strategy 2013, Recreation Strategy 2009 and the draft Maribyrnong Community Infrastructure Plan assist in guiding the provision of facilities and improvements in the neighbourhood.

The key challenges include:

- Increasing population creating additional demand on existing community infrastructure. Services for the 12-17 years and 60+ years age groups in particular are forecast to see the largest increases.
- Public open spaces will increasingly fulfil the role that private open spaces / back yards have historically played, as new infill and apartment development reduces private open space. This will place additional pressure on existing open space, their facilities, condition and maintenance, as well as highlighting the need for new open space for the forecast population.
- The need to provide new open spaces to address existing gaps in the network which are required for the existing population.
- Residents south of the railway line find it difficult to access facilities such as the West Footscray Neighbourhood House and Library while residents to the north have difficulty accessing the largest open space (Hansen Reserve) due to the railway corridor.

The objectives and strategies for community infrastructure and open space are:

OBJECTIVES

- Create a high quality public realm that is attractive, safe and walkable.
- To create high quality, flexible community facilities that accommodate the needs of a diverse and growing population.
- To support expansion of facilities at Whitten Oval adjacent to West Footscray Railway Station.
- To increase opportunities for residents to engage in outdoor recreation and leisure.

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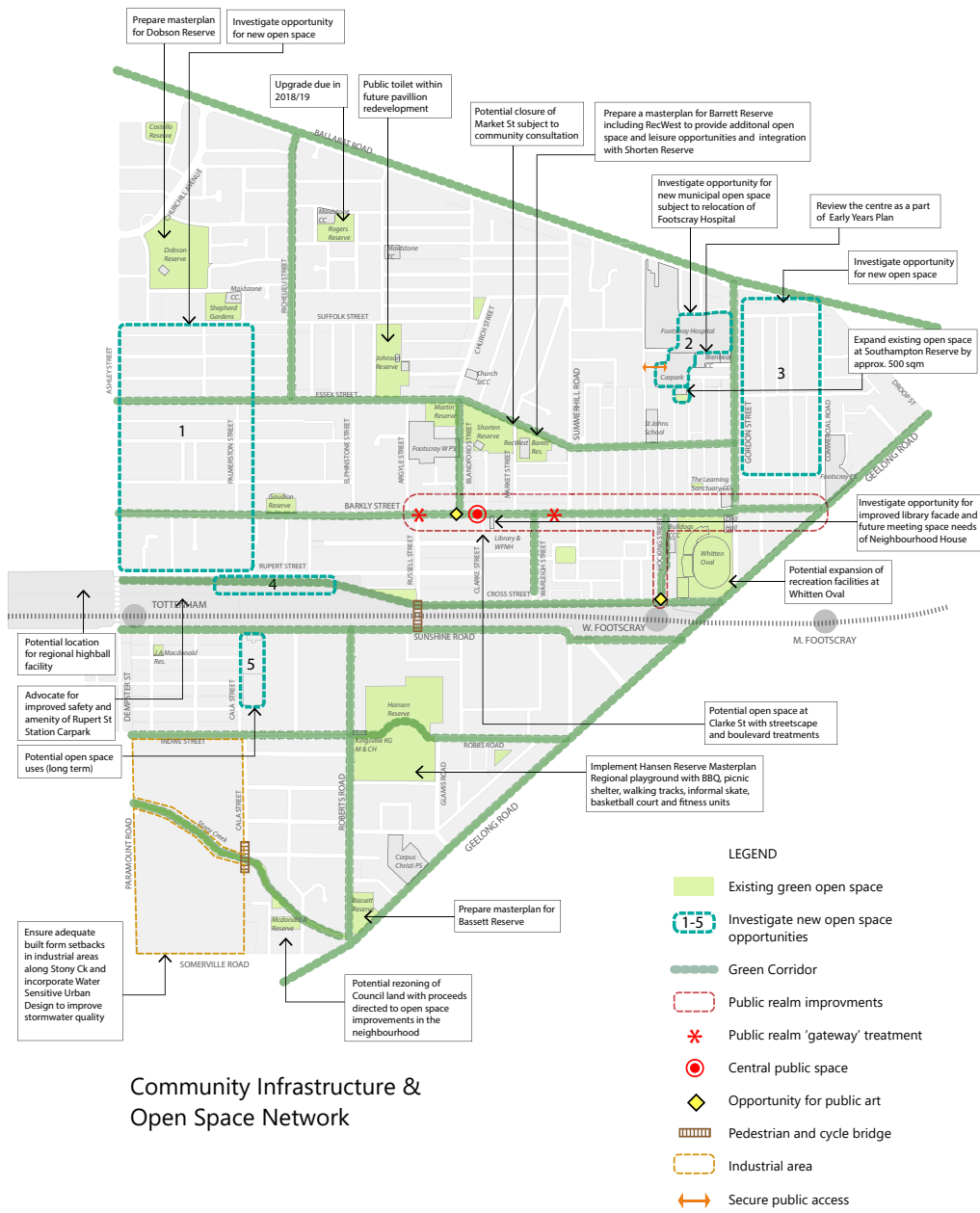


Figure 9 West Footscray Neighbourhood Plan
Community Infrastructure and Open Space

STRATEGIES

- Provide community buildings, streets and open spaces that are safe, accessible and attractive.
- Secure additional public open space to connect the network.
- Facilitate strategic partnerships that increase leisure and open space opportunities.
- Facilitate joint use recreational opportunities with local schools and Government agencies.
- Recognise and enhance Stony Creek as a biodiversity corridor providing active transport and open space opportunities.

The identified actions for the study area are illustrated in Figure 9.

ACTIONS

- Complete the Early Years Infrastructure Plan to ensure adequate service provision and facilities are provided at key locations.
- Increase recreational opportunities through the redevelopment of Whitten Oval.
- Implement the Hansen Reserve Masterplan.
- Prepare a masterplan for Barrett Reserve including RecWest to provide open space and leisure opportunities and potential integration with Shorten Reserve.
- Seek to establish a new public open space in Barkly Village.
- Increase street tree plantings and opportunities along Sunshine Rd, Geelong Rd and Ballarat Rd.
- Advocate to State Government for potential open space and recreational opportunities on the Footscray Hospital site if a relocation occurs.
- Improve interfaces between residential and industrial uses through Landscape Guidelines.
- Activate Barkly Street through footpath trading, pop-up opportunities and shop-front improvements, as long as they do not compromise pedestrian convenience and safety.
- Connect the Stony Creek trail between Roberts St and Waratah Street.



03

Implementation

The Implementation Plan sets out the actions required to achieve the vision of the Plan. The actions are identified in the following categories:

- Policy
- Investigation
- Project
- Advocacy

Every action is also allocated a lead responsibility, as well as any internal or external partners. Broad timeframes are identified for each action as short (1-5 years), medium (6-10 years) and ongoing.



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ACTION	CATEGORY	MCC LEAD RESPONSIBILITY	EXTERNAL PARTNER	TIMEFRAME
Land Use and Built Form				
1 Prepare and implement a planning scheme amendment to the Maribyrnong Planning Scheme to introduce the zoning and built form guidelines as outlined in this document	Policy	Planning Services	DELWP	Short
2 Initiate Council-led economic development initiatives such as shop-front improvement programs, footpath trading and pop-up programs	Investigation	Planning Services	West Footscray Traders Association	Medium
3 Encourage redevelopment of VicTrack land located east of West Footscray Railway Station	Advocacy	Planning Services	VicTrack	Short
4 Facilitate the development of the Whitten Oval masterplan	Advocacy	Planning Services Community Services	Western Bulldogs Victoria University VicTrack	Short
5 Investigate the need for a car parking overlay for future developments in the core activity area	Investigation	Planning Services Infrastructure Services	DELWP	Medium
6 Ensure land use planning is integrated with transport where greater residential densities are located close to train stations and main roads accessing bus routes	Policy	Planning Services	TfV	Ongoing
Access and Movement				
7 Implement the Local Area Traffic Management Plan recommendations of traffic calming, safer crossings raised intersections and speed reductions	Project	Infrastructure Services	TfV	Short
8 Advocate to VicRoads for pedestrian and cycling improvements at: - Summerhill Rd / Ballarat Rd - Gordon St / Ballarat Rd - Ballarat Rd / Geelong Rd - Barkly St / Geelong Rd - Somerville Rd / Geelong Rd - Ashely St underpass	Advocacy	Infrastructure Services	TfV	Short
9 Advocate for improved amenity and safety measures at the Rupert Street carpark (Tottenham Railway Station)	Advocacy	Infrastructure Services	TfV VicTrack	Short
10 Investigate opportunities for separated bicycle lanes along Barkly Street, Essex Street, Summerhill Road, Gordon Street and Indwe Street	Investigation	Infrastructure Services	TfV Bicycle Network Victoria	Short

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ACTION	CATEGORY	MCC LEAD RESPONSIBILITY	EXTERNAL PARTNER	TIMEFRAME
11 Implement the actions of the Maribyrnong Bicycle Strategy	Project	Infrastructure Services		Ongoing
12 Advocate for widening of the Ashley Street underpass to create safe and inviting walking and cycling paths	Advocacy	Infrastructure Services	State Government VicTrack	Ongoing
13 Advocate for a pedestrian and cycling bridge over the railway corridor at Russell Street	Advocacy	Infrastructure Services	State Government VicTrack	Ongoing
14 Support pedestrian safety initiatives from VicRoads through speed reductions including Barkly Street	Advocacy	Infrastructure Services	TfV VicRoads	Ongoing
15 Construct shared user path between Robert Street and Waratah Street and pedestrian/cycling bridge at Cala Street along Stony Creek	Project	Infrastructure Services	Melbourne Water	Short
16 Investigate the extension of the Stony Creek trail west of Paramount Rd to connect with Sunshine	Investigation	Planning Services	Private Land Owners	Medium
Community Infrastructure and Open Space				
17 Prepare public realm improvement plan for Barkly Street	Project	Planning Services	Community	Short
18 Prepare a masterplan for Barrett Reserve including redevelopment options for community facilities at RecWest	Project	Planning and Community Services	Community	Short
19 Investigate the potential closure of Market St subject to community consultation	Investigation	Planning Services	Community VicRoads	Short
20 Investigate opportunities for new open space north of Tottenham Station between Ashley St and Palmerston St	Investigation	Planning Services	VicTrack	Medium
21 Investigate opportunities for new open space north of Barkly St between Gordon St and Commercial Road	Investigation	Planning Services		Long
22 Upgrade existing reserves in accordance with the Maribyrnong Open Space Strategy	Project	Planning Services		Ongoing
23 Explore joint use arrangements for community use of facilities between Council and local schools	Investigation	Community Services	All Schools and Department of Education	Short
24 Explore options for a public space in Barkly Village	Investigation	Planning Services	Community West Footscray Traders Association	Short

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ACTION	CATEGORY	MCC LEAD RESPONSIBILITY	EXTERNAL PARTNER	TIMEFRAME
25 Work with the Western Bulldogs to meet the projected demand for recreation and community services	Advocacy	Community Services	Western Bulldogs Victoria University	Ongoing
26 Prioritise street tree planting and community led projects for 'greening' of the streets	Project	Planning Services	Community	Ongoing
27 Continue to implement streetscape upgrades in the village, especially through greening	Project	Planning Services		Ongoing
28 Revise Council's Landscape Guidelines to improve interfaces between residential and industrial uses	Policy	Planning Services		Short
29 Support pop ups and cafes at select locations including Hansen Reserve to provide meeting and focal points for residents	Advocacy	Planning Services	Community	Ongoing
30 Seek to establish a new municipal open space of 3-4ha subject to relocation of the Footscray Hospital, improving connections through the site, and incorporating a hard surface multi-use space on the landfill site and green open space to the north	Advocacy	Planning Services	State Government Footscray Hospital	Medium
31 Investigate five locations for obtaining sites to increase the open space network	Investigation	Planning Services		Short
32 Review needs of maternal and child health, kindergarten and long day care through the Early Years Infrastructure Plan	Investigation	Community Services		Short
33 Undertake master planning for Bassett Reserve	Project	Planning Services		Short
34 Investigate the potential of VicTrack Land west of Ashley Street to provide a regional highball facility and open space	Investigation	Community Services	VicTrack	Medium
35 Expand existing open space at Southampton Reserve, doubling the park size by utilising the carpark to the north	Project	Planning Services		Short
36 Investigate improving West Footscray library's connection to the street through façade renewal	Investigation	Planning Services	Library and Neighbourhood House	Short

04

Appendices



Appendix A: Issues and Opportunities

An Issues and Opportunities Paper was prepared and released to the community in August 2017 which identified the following:

Growth and prosperity

ISSUE	OPPORTUNITY
Planning measures to deliver higher quality buildings	Develop planning policy that guides high quality buildings with appropriate heights, setbacks and landscaping
Improved amenity of shopping strips	Support Traders Association and continue to provide incentives and programs for small business
Better utilisation of vacant land	Seek interim uses for underutilised land
Industrial land provides employment but can be detrimental to residential amenity	Develop planning and design guidance to improve interfaces between residential and industrial land
Focus on services surrounding the Whitten Oval precinct	Strengthen economic and social opportunities in close proximity to railway station to activate the area

Mobile and Connected

ISSUE	OPPORTUNITY
Disconnection of suburb north and south of the train line	Advocate for improved connectivity between areas north and south of the railway line with VicTrack and VicRoads
Improved safety on Barkly Street for pedestrians and cyclists	Improve east west connections to provide safer options for cyclists. Increase traffic calming and install new pedestrian crossings.
Provision of improved cycling infrastructure	Install high quality bike infrastructure at train stations and connect missing links in bike and shared path networks
Desire for safe cycling and walking options across major roads	Increase access by introducing traffic calming and safer crossings
Improve safety for school children commuting to Footscray West and Kingsville Primary Schools and Footscray City College	Improve pedestrian safety by traffic calming and safer crossings to schools
Improve walking, cycling and bus connections to Highpoint and Footscray	Explore options for north-south and east-west cycling connections to activity centres and advocate to State Government for improved bus connectivity and access
Reduce traffic and parking impacts	Advocate for improved public transport and walking and cycling accessibility

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Quality places and spaces

ISSUE	OPPORTUNITY
Isolated nature of the residential areas and lack of local services south of the railway corridor	Explore opportunities to improve the amenity for residents south of the railway line
Greening the suburb through a variety of approaches (tree planting, community gardens, planting in industrial areas, nature strip gardens)	Plan for increased tree plantings through an Urban Forest Strategy
Provision of a central public space in Barkly Village	Secure central public space at the corner of Barkly Street and Clarke Street
Services and community infrastructure need to match projected growth (particularly noting RecWest and West Footscray Neighbourhood House)	Complete Community Infrastructure Plan for the City to determine infrastructure needs. New facilities need to be flexible spaces and adaptable to cater to all members of the community
Council support for community led projects	Formalise partnerships between community and Council to support community led projects
Improve public safety and amenity on routes that access train stations	Develop a plan to increase safety and access to railway stations, including lighting in public areas
Lack of open space in the north eastern and central western pockets of the study area	Explore additional public open space in the gap areas and/or improve access to existing public open space

The consultation results reflect the following important themes:

- Improved safety and public amenity in streets and around public transport services.
- Planning guidance for better residential buildings and the opportunity for diverse retail and commercial uses that meet convenience and employment needs.
- Better walking and cycling connections that are safe and integrated which will promote a greater sense of participation in public life.
- More new and upgraded green open spaces and trees and a new public space in Barkly Village for the community to interact and connect.
- Improved community facilities and services providing family, social and recreational uses.

Appendix B: Built Form Guidelines



Figure 10 Land Use and Built Form Precincts

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Precinct 1: West Footscray Neighbourhood Activity Centre

The design guidelines below will encourage high quality built form that contributes positively to the public realm. They will apply to precincts as identified in Figure 10.

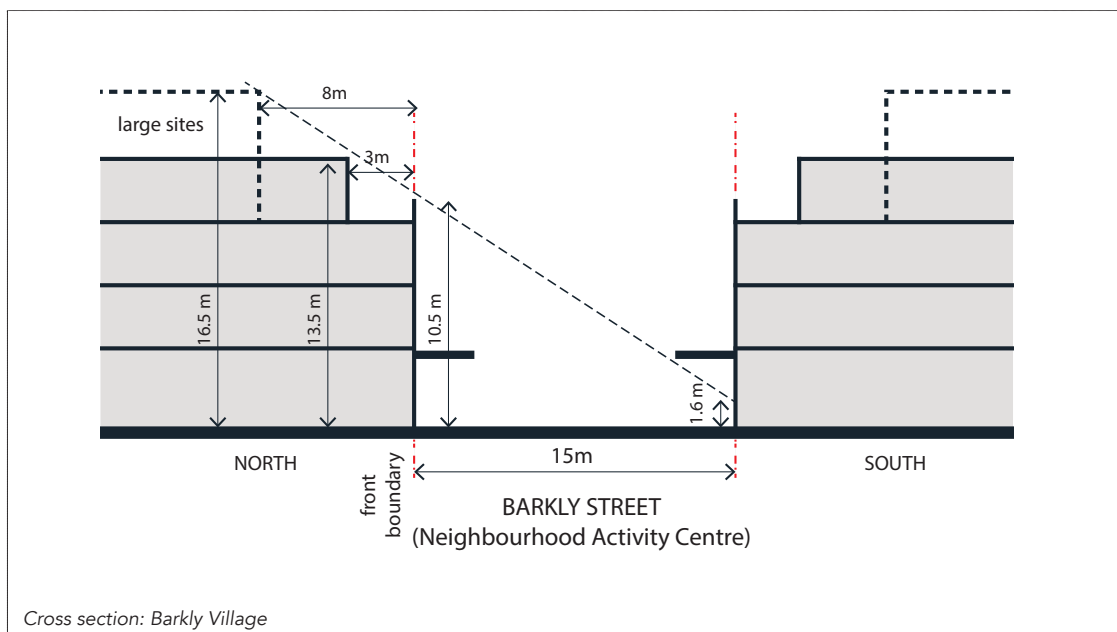
Apartment type developments are preferred within the West Footscray Activity Centre. The following design guidelines will form requirements in addition to Clause 58. They will help shape new buildings to fit better to the local context.

Further reference to the Victorian Urban Design Guidelines is provided as required.

	STANDARD	GUIDELINE
Building Height	None specified	Building height should not exceed 13.5 metres On sites over 2000 square metres a maximum of 16.5 metres height may be permitted
Front Setbacks	None specified	Construct buildings with retail and/or commercial uses on the ground floor to the street boundary (street wall height) up to a height of 10.5 metres Provide a continuous street wall along Barkly Street to form a consistent streetscape Setback building level(s) above the street wall height a minimum of 3 metres to form recessive elements when viewed from a height of 1.6 metres on the opposite side of the street Provide consistent setback from the front boundary when more than one levels exist above the street wall Buildings should be built to the side street boundary on corner sites (0 metre setback) up to 10.5 metres Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.1
Side Setbacks	None specified	Provide side setbacks to ensure adequate daylight, outlook and ventilation for habitable spaces: <ul style="list-style-type: none"> • 0 metres setback when no outlook is provided to the side boundary • 4.5 metres minimum setback when outlook to habitable spaces is provided to side boundary while ensuring that a continuous ground floor retail/commercial frontage to Barkly Street is not compromised
Rear Setbacks	B17 of Clause 55 and D14 of Clause 58 of the Maribyrnong Planning Scheme	Provide rear setbacks to ensure buildings provide an adequate transition to adjoining properties Consideration must be given to Urban Design Guidelines for Victoria: Objectives 5.1.2 and 5.1.3

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Public Realm Interface	None specified	<p>Maintain a fine grain street pattern by incorporating vertical articulation that reflects the prevailing pattern of subdivision and buildings (typically 6 metres wide)</p> <p>Incorporate active frontages on corner lots to both streets</p> <p>Provide shopfront canopies to Barkly Street and side streets</p> <p>Development should clearly define the public realm leaving no undefined, concealed or obscured spaces</p> <p>Provide visual interest and avoid extensive blank or poorly presented walls to maximise passive surveillance of the public realm</p> <p>Encourage access to development from rear laneways or side streets (no crossovers to the frontage)</p> <p>Retail uses should present an active edge with clear glazed facade. An unobstructed view to the interior should be provided</p> <p>Plant and equipment on the top of buildings (including air conditioning units and exhausts) should be integrated into the design and appropriately screened</p> <p>Buildings on the north side of Barkly Street should be designed to ensure southern footpaths receive sunlight between 10 am and 3pm on the September Equinox</p> <p>Consideration must be given to Urban Design Guidelines for Victoria: Objectives 5.1.4, 5.1.5, 5.1.6, 5.1.7</p>
Environmentally Sustainable Design	None specified	<p>Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.8</p>
Amenity Impacts	<p>D15 of Clause 58 and Standards of Clause 55.04 of the Maribyrnong Planning Scheme</p>	<p>Minimise overlooking of neighbourhood properties by orienting outlook towards the front, rear and internally within the site</p> <p>Address potential overlooking by orienting the built form and window size/ location in preference to screening devices</p>



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Precinct 2: Barkly East/West Footscray Station Precinct

The design guidelines below will encourage high quality built form that contributes positively to the public realm. They apply to lots within the Barkly Street East / West Footscray Station precinct as identified in Figure 10.

Within the Precinct, apartment type developments are preferred rather than townhouse forms. The following design guidelines will form requirements for future developments in addition to Clauses 54, 55 and 58, along with other requirements of the Maribyrnong Planning Scheme.

They will help shape new buildings to respond better to the local context.

South side - Summerhill Road to Gordon Street

	STANDARD	GUIDELINE
Building Height	None specified	Building height should not exceed 19.5 metres (six storeys)
Front Setbacks	None specified	Construct buildings with commercial / employment uses to the street boundary up to a height of 13.5 metres (four storeys) Setback building level(s) above street wall by minimum 5 metres (consistent across each upper level) Setback levels above street wall should have consistent setback from property boundary Construct buildings on corner sites to side street boundary (0 metres setback) up to 13.5 metres. Setback levels above street wall minimum 3 metres from property boundary
Side Setbacks	None specified	0 metres when no outlook is provided to side boundary 6 metres minimum setback when outlook is provided to side boundary Separation of buildings within sites should have regard to separation standards within Clause 58 of the Maribyrnong Planning Scheme
Rear Setbacks	B17 of Clause 55 and D14 of Clause 58 of the Maribyrnong Planning Scheme	Buildings should not cause overshadowing (measured at Equinox) or overlook private open spaces of existing residential properties at the rear
Public Realm	None specified	Car parking should not be visible from the public realm. Open car parks at ground level, apart from on-street parking spaces, should not be included in new developments Avoid interruptions from car park entries to street frontages on key pedestrian routes Incorporate active frontages on both street corners Provide canopies to Barkly Street and side streets Development should clearly define the public realm leaving no undefined concealed or obscured spaces All visible faces of a building should maximise passive surveillance, provide visual interest and avoid extensive blank or poorly presented walls Retail uses should present an active edge to any street, with a clear glazed facade. An unobstructed view to the interior should be provided Plant and equipment on the top of buildings (including air conditioning units and exhausts) should be integrated into the design and appropriately screened Consideration must be given to Urban Design Guidelines for Victoria: Objectives 5.1.4, 5.1.5, 5.1.6, 5.1.7

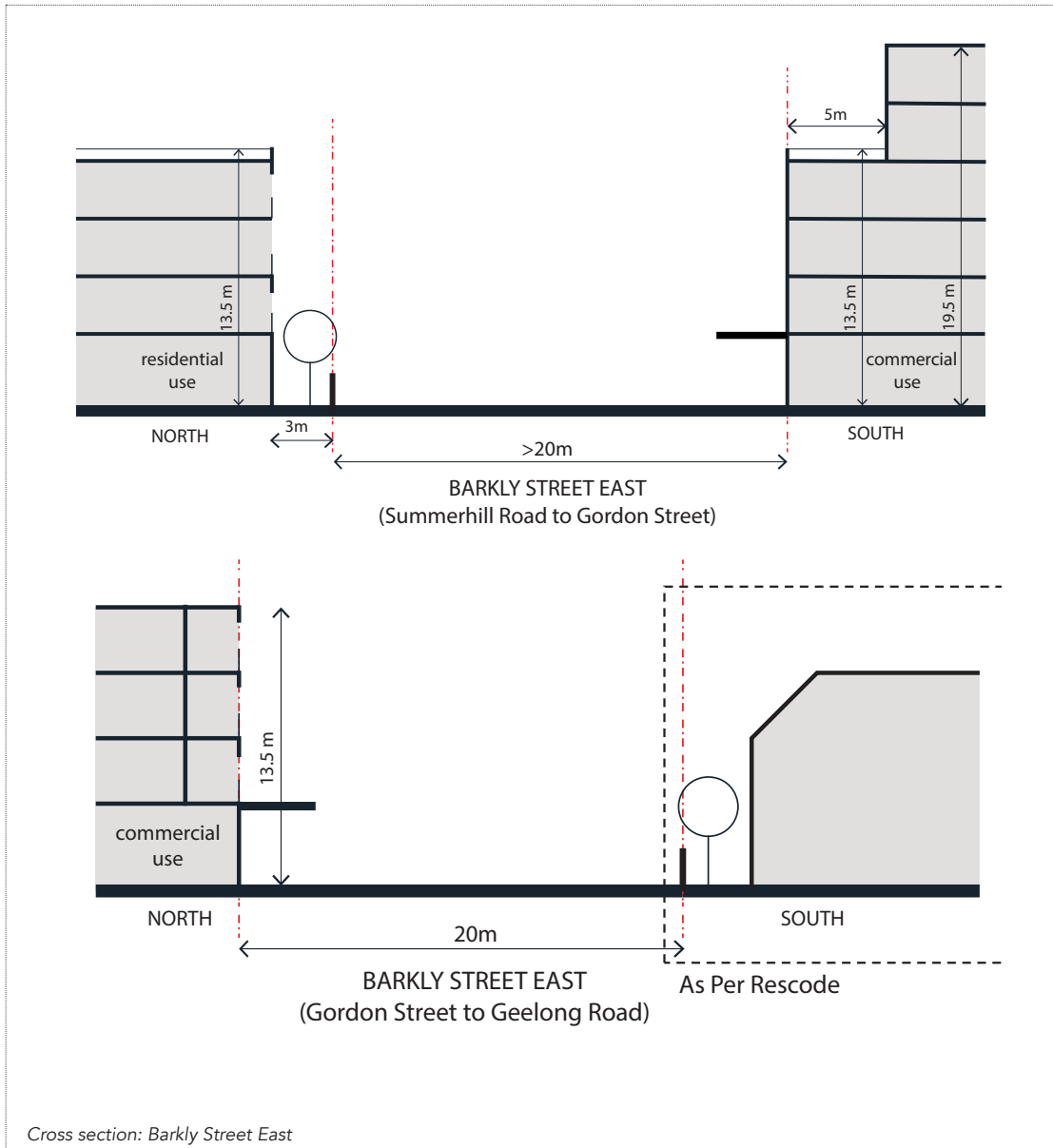
Environmentally Sustainable Design	None specified	Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.8
Amenity Impacts	D15 of Clause 58 and Standards of Clause 55.04 of the Maribyrnong Planning Scheme	Minimise overlooking of neighbourhood properties by orienting outlook towards the front, rear and internally within the site Address potential overlooking by orienting the built form and window size/ location in preference to screening devices

North side - Summerhill Road to Geelong Road

	STANDARD	GUIDELINE
Building Height	None specified	Building height must not exceed 13.5 metres (four storeys)
Front Setbacks	None specified	Construct buildings with commercial / employment uses on ground floor (Gordon Street to Geelong Road north side) to the street boundary up to a height of 13.5 metres Setback residential buildings (Summerhill Road to Gordon Street north side) 3 metres from the street and include at least one medium size tree in the front yard Setback buildings on corner sites 2 metres from the side boundary
Side Setbacks	None specified	0 metres setback when no outlook is provided to side boundary, 4.5 metres minimum setback when outlook is provided to side boundary Separation of buildings within sites should have regard to standards of Clause 58 of the Maribyrnong Planning Scheme
Rear Setbacks	B17 of Clause 55 and D14 of Clause 58 of the Maribyrnong Planning Scheme	Avoid overlooking of private open spaces of existing residential properties at the rear
Public Realm	None specified	Sites with residential ground floor uses: <ul style="list-style-type: none"> • Provide landscape setback of 3 metres on sites and include space for one medium size tree • Orient windows, terraces and balconies to the street or open space Sites with commercial ground floor uses • Car parking should not be visible from the public realm. Open car parks at ground level, apart from on-street parking spaces, should not be included in new developments <p>Avoid interruptions from car park entries to street frontages on key pedestrian routes</p> <p>Incorporate active frontages on both street corners</p> <p>Provide canopies to Barkly Street and side streets</p> <p>Development should clearly define the public realm leaving no undefined concealed or obscured spaces</p> <p>All visible faces of a building should maximise passive surveillance, provide visual interest and avoid extensive blank or poorly presented walls</p> <p>Retail uses should present an active edge to any street, with a clear glazed facade. An unobstructed view to the interior should be provided</p> <p>Plant and equipment on the top of buildings (including air conditioning units and exhausts) should be integrated into the design and appropriately screened</p> <p>Consideration must be given to Urban Design Guidelines for Victoria: Objectives 5.1.4, 5.1.5, 5.1.6, 5.1.7</p>

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Environmentally Sustainable Design	None specified	Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.8
Amenity Impacts	D15 and Standards of Clause 58 of the Maribyrnong Planning Scheme	Minimise overlooking of neighbourhood properties by orienting outlook towards the front, rear and internally within the site Address potential overlooking by orienting the built form and window size/ location in preference to screening devices



4, 6 and 8 Cross Street

	STANDARD	GUIDELINE
Building Height	None specified	Building height must not exceed 25.5 metres (eight storeys)
Front Setbacks	None specified	<p>Construct buildings to:</p> <ul style="list-style-type: none"> street boundary up to a height of 19.5 metres above 19.5 metres be setback 5 metres from front boundary <p>Ensure the street wall is does not have any breaks in built form along Cross Street</p> <p>On corner sites:</p> <ul style="list-style-type: none"> Construct buildings to side street boundary (0 metres setback) 3 metres setback above the podium <p>Additional built form above the podium that addresses the corner of Hocking and Cross Street may be permitted</p>
Side Setbacks	None specified	<p>0 metres setback when no outlook is provided to side boundary (build to side boundaries to create continuous street edge)</p> <p>6 metres minimum setback when outlook is provided to side boundary</p>
Rear Setbacks	B17 and D14	<p>Ground floor: 0 metres setback up to a height of 4 metres when no outlook is provided</p> <p>3 metres minimum setback up to a height of 4 metres when outlook is provided</p> <p>6 metres minimum setback to floors 1-5 and 9 metres minimum setback above podium height from property boundary</p>
Public Realm	None specified	<p>Sites with residential ground floor uses:</p> <ul style="list-style-type: none"> Provide landscape setback of 3 metres on sites and include space for one medium size tree Orient windows, terraces and balconies to the street or open space <p>Sites with commercial ground floor uses:</p> <ul style="list-style-type: none"> Car parking should not be visible from the public realm. Open car parks at ground level, apart from on-street parking spaces, should not be included in new developments <p>Avoid interruptions from car park entries to street frontages on key pedestrian routes</p> <p>Incorporate active frontages to both street corners</p> <p>Provide canopies to Barkly Street and side streets</p> <p>Development should clearly define the public realm leaving no undefined concealed or obscured spaces</p> <p>All visible faces of a building should maximise passive surveillance, provide visual interest and avoid extensive blank or poorly presented walls</p> <p>Retail uses should present an active edge to any street, with a clear glazed facade. An unobstructed view to the interior should be provided</p> <p>Plant and equipment on the top of buildings (including air conditioning units and exhausts) should be integrated into the design and appropriately screened</p> <p>Consideration must be given to Urban Design Guidelines for Victoria: Objectives 5.1.4, 5.1.5, 5.1.6, 5.1.7</p>

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Environmentally Sustainable Design	Non specified	Consideration must be given to Urban Design Guidelines for Victoria: Objective 5.1.8
Amenity Impacts	D15 and Standards of Clause 55.04 of the Maribyrnong Planning Scheme	Minimise overlooking of neighbourhood properties by orienting outlook towards the front, rear and internally within the site Address potential overlooking by orienting the built form and window size/ location in preference to screening devices



Hocking Street properties in SUZ1

	STANDARD	GUIDELINE
Building Height and setbacks	None specified	Building height must not exceed 13.5 metres to respect the existing 2-3 storey built form character west of Hocking Street Provide detailed framework plans for this precinct to identify appropriate mix of uses and built form outcomes consistent with the preferred urban character
Public Realm Interface	None specified	Incorporate vertical articulation that reflects the prevailing pattern of subdivision and buildings Provide active frontages as per Active frontage Type A or B as applicable (see below). On corner lots both streets should be designed to incorporate active frontages Ensure that development at street level incorporates floor to ceiling heights that enable ground floor of buildings to be adaptable for a range of uses (including commercial uses)
Amenity	Clause 58 of the Maribyrnong Planning Scheme	Minimise overlooking by orienting outlook towards the front, rear and within the site Use means such as location and window design and balconies, landscaping, level changes and setbacks to avoid overlooking in preference to screening/obscuring devices

Agenda Item 9.1 - Attachment 4

Active Frontage requirements

TYPE A -

applicable where ground floor land use is retail or commercial

Where laneway or secondary street exists no vehicle access points from the main street

Car parking is not to be visible from the street

Provide clearly visible and distinct entry points for upper level residential uses (no alcoves or unsecured set-backed entries permitted)

Incorporate 65-80% glazing and transparency on the ground floor facade

Incorporate windows on all levels of the building facade with direct access and outlook to street frontages

Incorporate awnings over footpath for full width of the building frontage

Minimise the visual impact of service cabinets on facade

Large signs are not supported

TYPE B -

applicable where ground floor land use is residential

Where laneway or secondary street exists no vehicle access points from the main street

Car parking is not to be visible from the street

Provide clearly visible and distinct entry points for upper level residential uses

Incorporate direct entries from the streets to the ground floor units

Incorporate windows on all levels of the building facade with direct access and outlook to street frontages

Incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium size tree



Appendix C: Built Form Analysis

Precinct 1 - Barkly Village

Existing built form character

'Barkly Village' neighbourhood activity centre is characterised by a consistent, low rise one to two storey streetscape typical of Melbourne high streets. The centre's fine-grain pattern of continuous shopfronts built to the street edge and side boundaries, simplicity of built form and a street section (15 metre wide street) that provides openness to sky contribute towards its 'village' feel.

The residential buildings within the centre are typically setback from the street. The analysis of existing building heights is outlined in Figure 11.



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Emerging built form character

Recent planning approvals for new four to five storeys residential apartment buildings indicate a transition to a moderate scale of built form. Four storey building approvals include 578 Barkly Street, 525 Barkly Street and 542 Barkly Street. Planning approval for a 5-storey building was issued at 501 Barkly Street.

A characteristic of these new approvals is a three storey street wall height that complements the existing two storey forms. The upper (fourth) levels are setback from the street wall. The recent approvals are identified in Figure 12 below.

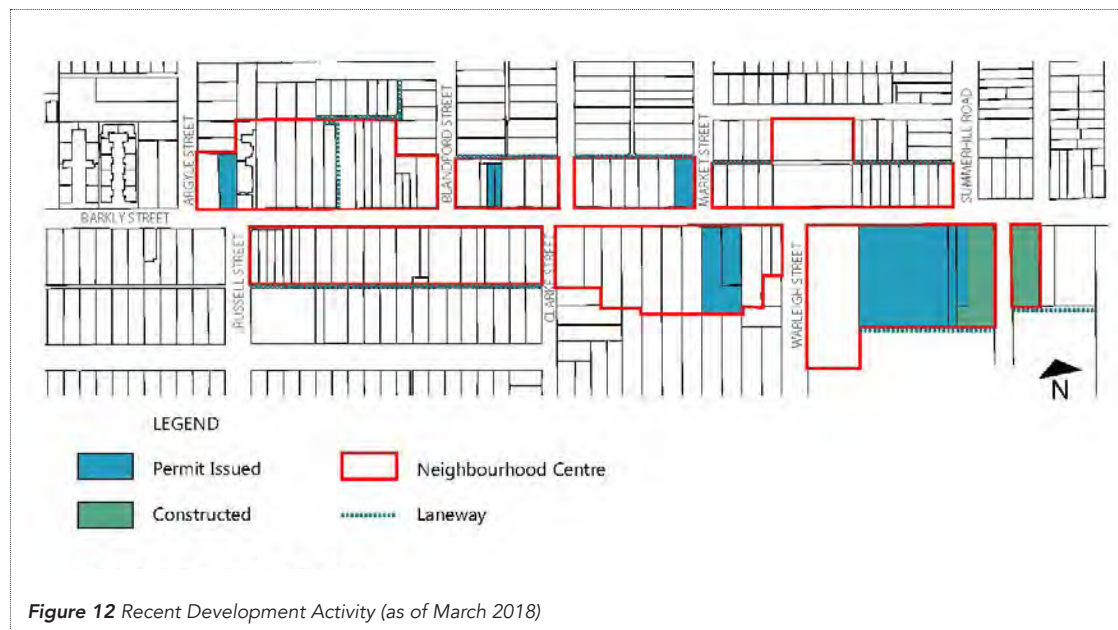


Figure 12 Recent Development Activity (as of March 2018)



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Lot configuration

A broad range of lot depths exist within Barkly Village, oriented north-south. A majority of the lots (approximately 70%) are between 30-40 metres deep while another 26% are in the range of 50-70 metres. A few lots in the south east corner of the Village are over 70 metres deep. These sites provide opportunity for increased development yield.

Lot depth analysis for Barkly Village is identified in Figure 13 below.

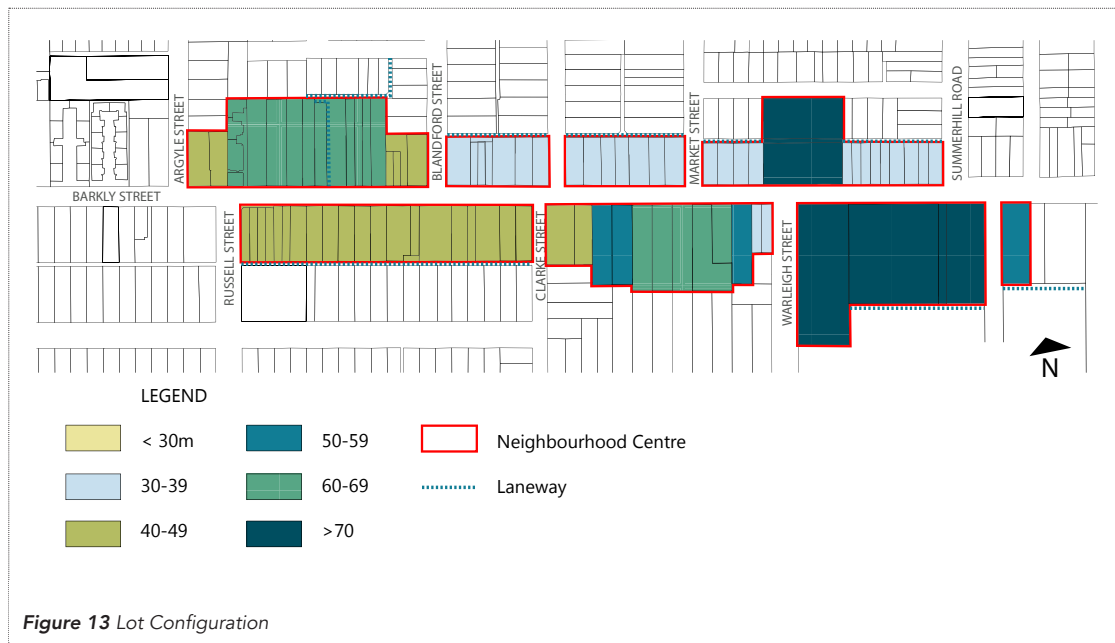


Figure 13 Lot Configuration

Interface with neighbouring properties

The rear interface to Barkly Village has the following conditions:

- Residential lot abutting Barkly Village, with no rear laneway;
- Residential lot abutting Barkly Village, with rear laneway;
- Residential lots abutting the southern boundary of the Village are a mix of typical suburban detached dwellings and infill development;
- Lots abutting the northern boundary of the village have a consistent character of typical suburban detached dwellings. A majority of them are separated by a laneway.

Protecting the amenity of the residential lots abutting Barkly Village has been a key consideration of the study.

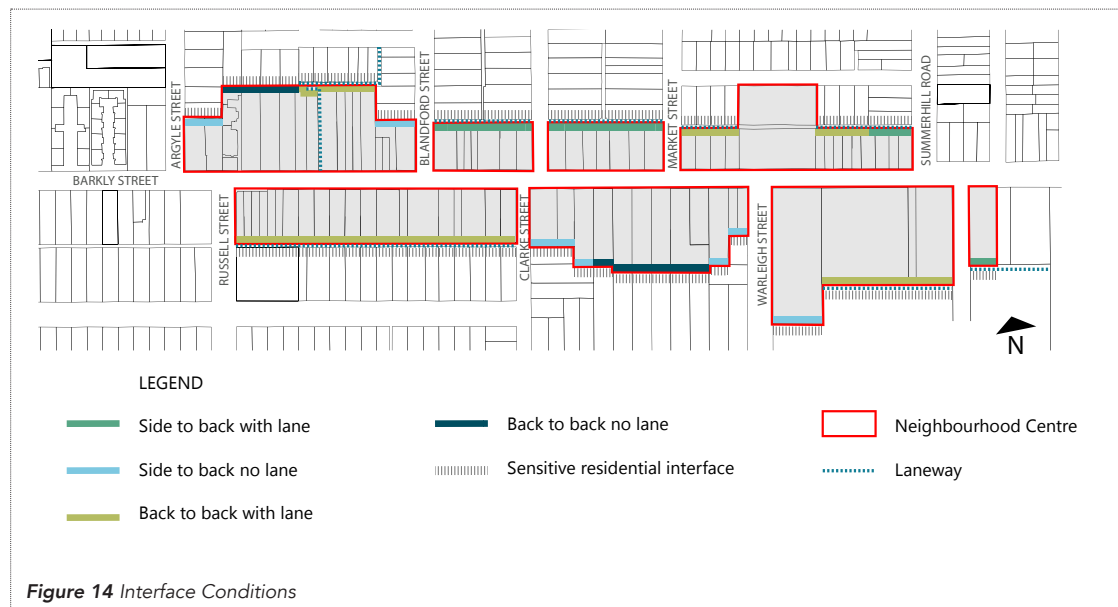


Figure 14 Interface Conditions

Precinct 2 - Barkly East / West Footscray Station

Existing built form character

East of Summerhill Road, Barkly Street widens from 20 metres up to 30 metres contributing towards a more open streetscape character. Spurling Reserve at Whitten Oval and the predominantly single storey built form contribute to this open street environment. The north side of Barkly Street comprises mostly single storey detached houses which are setback from the street. On the south west corner of the precinct a cluster of fragmented, single storey car showrooms, with expansive at grade storage areas for cars front the street. East of Gordon Street, the built form is more mixed with a few two to three storey buildings setback from the street along with commercial premises built to the street edge.

The southern part of the precinct includes the Bulldogs Community Children's centre on Hocking Street, sporting facilities within Whitten Oval, residential properties on the west side of Hocking Street and commercial premises at the Cross Street intersection. The car parks at Whitten Oval dominate the streetscape. There is an opportunity for the precinct to develop into a welcoming 'front door' to the suburb when arriving from West Footscray train station. There is also an opportunity to create a new pedestrian and cycling connection from Barkly Street through car yard sites into Banbury Village.



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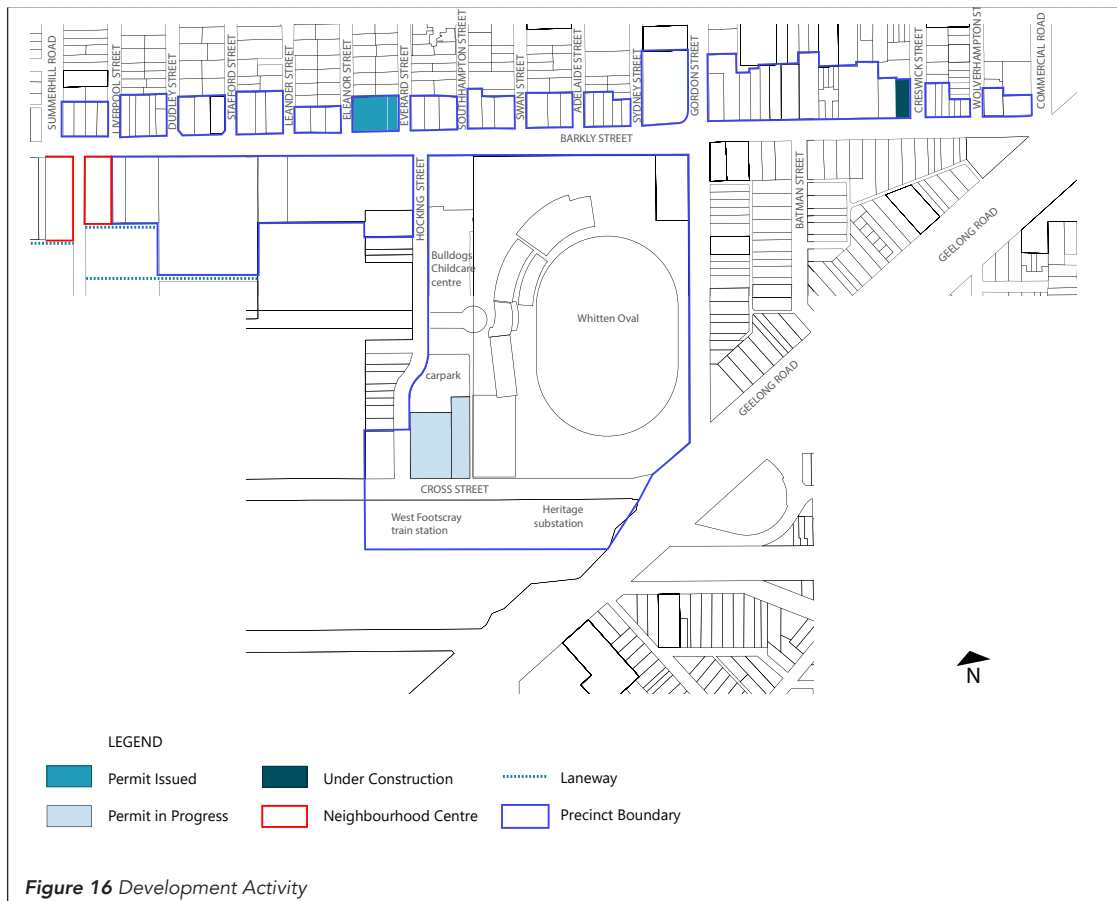
Emerging built form character

Minimal development activity has occurred in this precinct. A planning permit was issued for a three storey apartment development at 438 Barkly Street in 2010. The construction of a three storey townhouse development was completed at 360 Barkly Street in 2017.

The recent planning permit activity suggests a transition to moderate scale built form with new apartment buildings ranging between three and seven storeys. Recent planning approvals include a seven storey building at 6 Cross Street and a three storey townhouse development at 4 Cross Street.



438 Barkly Street

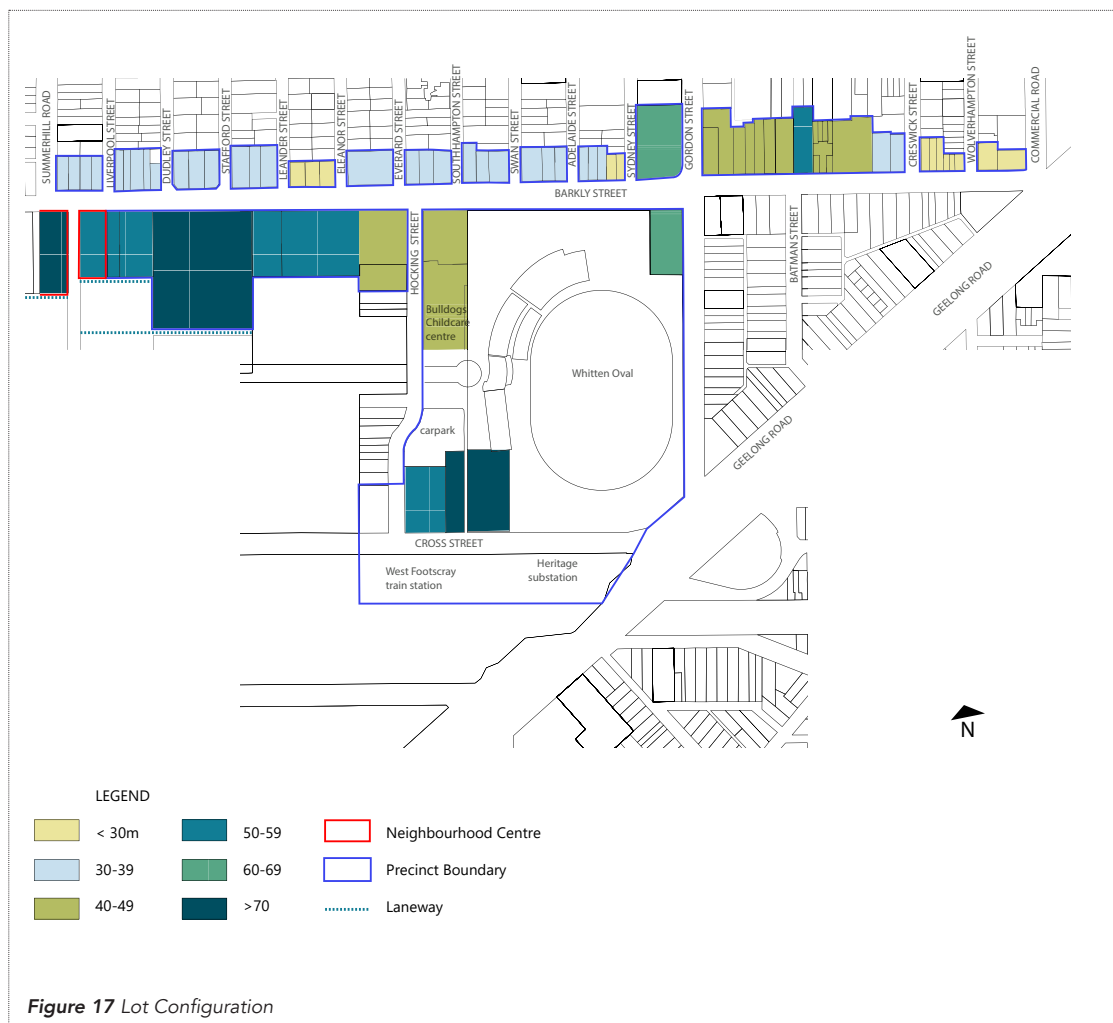


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Lot configuration

There are a broad range of lot depths in the Barkly East precinct, oriented north-south. A vast majority of the lots (approximately 70%) have a lot depth under 39 metres. Another 20% of the lots have a lot depth that ranges between 40-49 metres. The car yard sites in the south west corner of the precinct are large with depths of over 50 metres offering a high level of development potential and the ability to avoid off-site amenity impacts.

A desk-top analysis of lot configurations identifies 38-55 meter lot depths along Hocking Street, oriented east-west. Lots fronting Cross Street are oriented north-south ranging in depth from 46-76 metres. Lot depth analysis is identified in the figure below.



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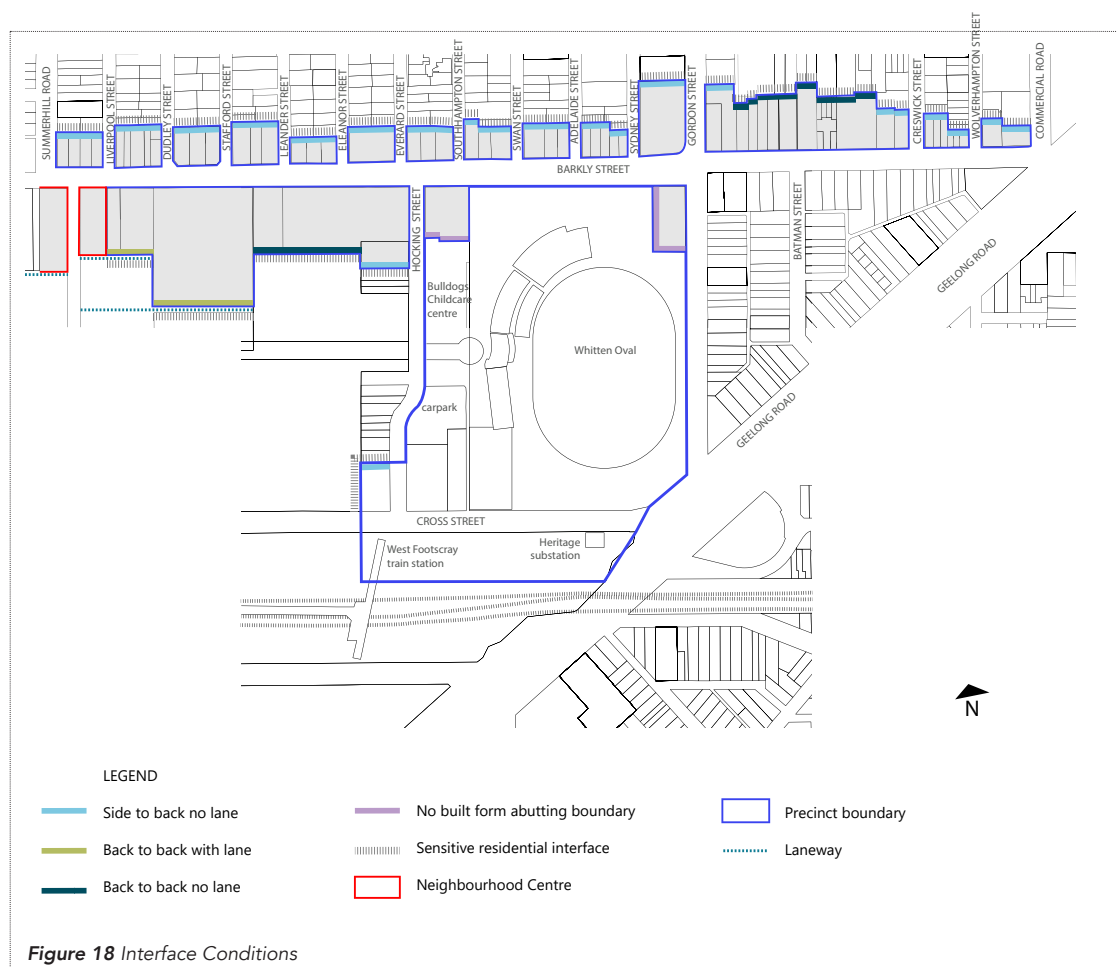
Interface with neighbouring properties

The rear interface to Barkly East / West Footscray Station precinct Village has the following characteristics:

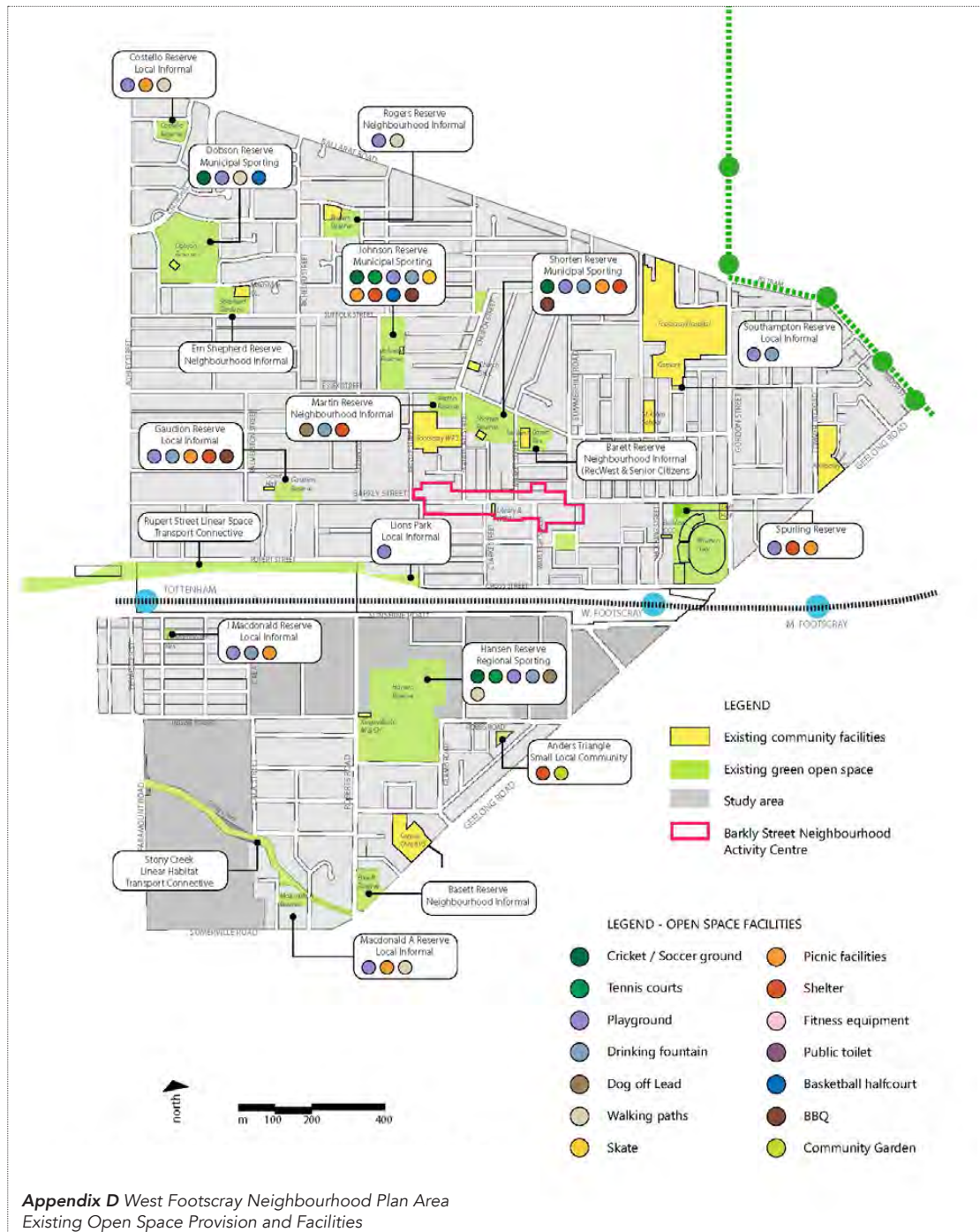
- Residential lot abutting the precinct with no rear laneway;
- Car park or open space abutting the precinct;
- Residential lot abutting the precinct with rear laneway; and
- Residential lots to the north which are typical suburban detached dwellings with a side-on relationship to the precinct.

The south side of the precinct has an interface with existing townhouses within Banbury Village. In some parts the townhouses are separated by a laneway while in other parts private open spaces directly abut the precinct.

Lots in this precinct do not have abutting sensitive residential interfaces suggesting minimal off-site amenity impacts from potential future development. The exception is 8 Cross Street which has residential interfaces along its north and western boundaries.



Appendix D: Open Space Facilities







Maribyrnong
CITY COUNCIL

MARIBYRNONG CITY COUNCIL

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21.03 COUNCIL VISION

Proposed
C162mari

Council Plan

The Council Plan is the overarching strategic document for the city. The plan sets out Council's vision and objectives for the city, and details the strategies, actions and commitments that will achieve these. A primary objective of the Council Plan is to protect and promote the wellbeing of the community. This objective informs all Council policy, strategy and actions.

The vision for the city of Maribyrnong as stated in the Council Plan 2009-13 is:

A diverse, vibrant, and proud city focused on people-based places, environmentally sustainable practices, and opportunities to enhance community health and wellbeing through education, responsive services and participation in community life.

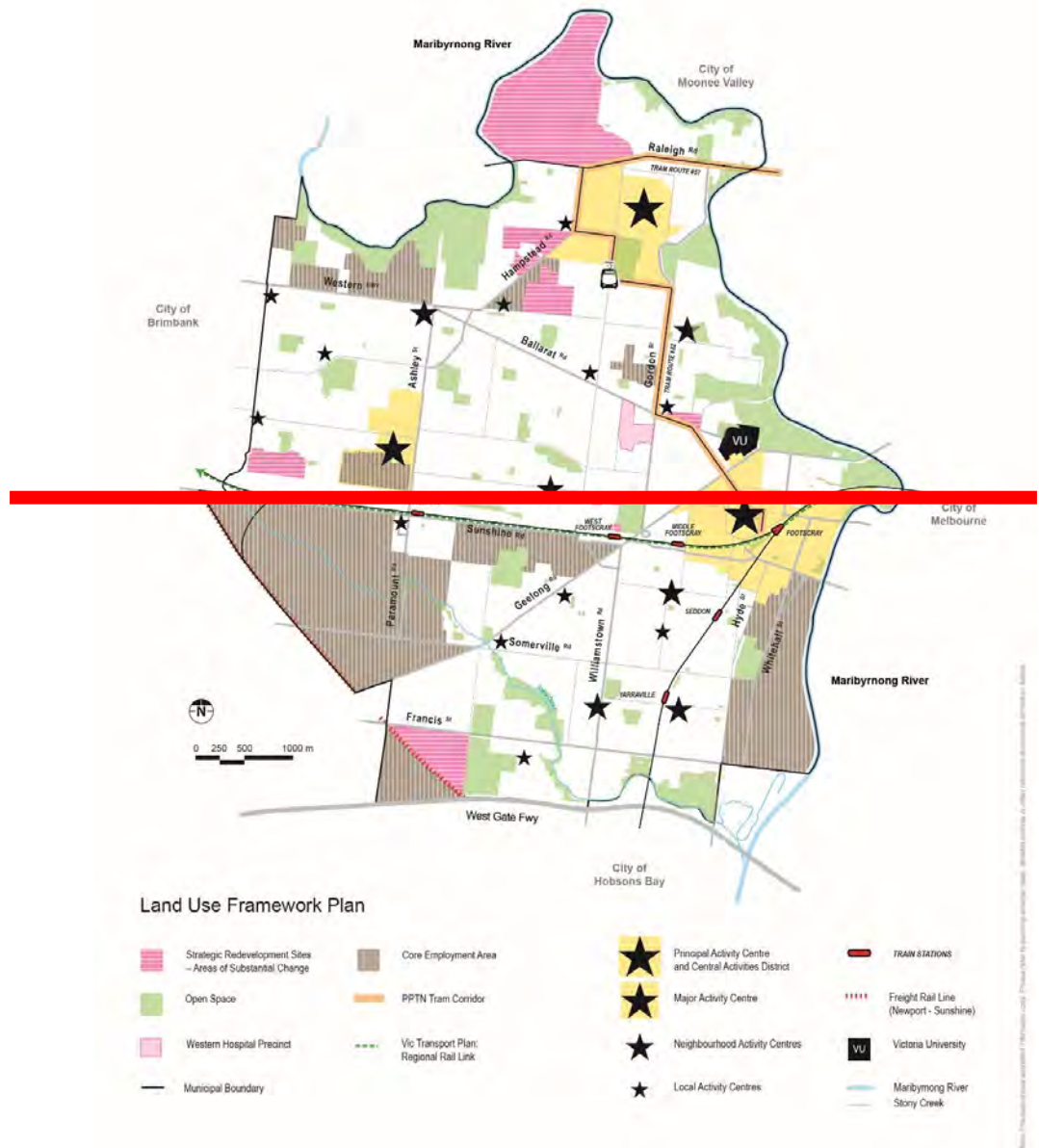
The six key commitment areas of the Council Plan are:

1. Building community spirit, engagement and places
2. Prosperity
3. Moving around the city
4. Amenity
5. Environmental sustainability
6. Organisational performance

Many aspects of the Council Plan's vision and objectives will be realised through the city's land use planning and development approval. The Maribyrnong Planning Scheme implements the land use and development components of the Council Plan by setting policies and objectives that support Council's overall vision and the wellbeing of the community.

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.





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15/09/2012
C82(Part 1)

SETTLEMENT

Activity Centre Planning

The overall retailing pattern in the City of Maribyrnong is consistent with the objectives of the State Planning Policy Framework as most retailing in the municipality is undertaken in activity centres. Retail activity outside the activity centres is generally marginal and in many cases declining.

The City of Maribyrnong’s activity centre network comprises:

Activity Centres

Centre Type	Location
Central Activities District (CAD)	Footscray
Principal Activity Centre (PAC)	Highpoint
Major Activity Centre (MAC)	Central West
Specialised Activity Centre (SAC)	Victoria University
Existing Neighbourhood Activity Centres (NAC)	Barkley Village West Footscray, Braybrook Shopping Centre, Edgewater, Seddon, Yarraville, and Yarraville Square.
Proposed Neighbourhood Activity Centres	Maribyrnong Defence Site and at the Bradmill precinct in Yarraville. These centres, created as part of the overall planning for the redevelopment of the sites, will cater for local retail, services and business needs of those new communities.
Local Centres	Ballarat and Duke, Ballarat and Summerhill, Ballart and Gordon, Braybrook Village, Gamon Street, Mitchell and Hampstead, Waterford Gardens, and Wembley Avenue. The centres listed below are expected to decline as local convenience-oriented centres for their local neighbourhoods because of their location on very busy roads or their proximity to other centres providing a better range of goods and services: Geelong Road and Wales Street, Kingsville – Somerville and Geelong Road, South Road and Duke Street, and Tottenham.
Small Destination Centres	Western Gateway (Cnr Williamstown Road and Thomas St), Williamstown Road at Francis Street, Somerville Road from Wales to Coronation Streets, Somerville Road at Williamstown Road, and Somerville Road at Gamon Street.

The activity centre network excludes various retail clusters of businesses and shops, mostly around major intersections, because they do not provide local convenience retailing and are not preferred locations for expansion of retailing.

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Generally the city's activity centre network has limited transit orientation. Footscray and Yarraville are the only two centres with a train station in the heart of the centre. Buses serve most centres and are the main form of public transport. The majority of centres are on or immediately adjacent to busy roads and concentrate on exposure to passing car traffic rather than interaction with pedestrians. Planning for centres must focus on the role of activity centres as places that can encourage sustainable transport practices such as increased walking, cycling and use of public transport.

The preferred development and improvement of activity centres is being guided by the *Review of Retail Development and Activity Centre Policy 2009*, structure plans and urban design frameworks.

There are a number of local centres that provide convenience retailing and commercial services for local communities. The local centres with the most potential for growth and diversification are in the redeveloping and growing northern part of the municipality.

Objective 1

To create an activity centre network with a variety of easily accessible, pleasant and safe places where people can gather, socialise, shop, work, live, be entertained and make use of many kinds of community and leisure services without having to travel far.

Strategies

Encourage development that implements the relevant Urban Design Framework or Structure Plan.

Promote the complementary nature of Footscray and Highpoint activity centres.

Facilitate the development of new neighbourhood centres at the Bradmill Precinct site, Yarraville and Maribyrnong Defence Site, to cater for local retail, services and business needs of those new communities.

Ensure that development at the new neighbourhood centre at the Maribyrnong Defence Site is complementary to the nearby Highpoint Principal Activity Centre.

Maintain and enhance the viability of the network of centres by ensuring any expansion of retailing floorspace is appropriate for the centre's place in the hierarchy.

Protect areas adjacent to activity centres from negative impacts.

Limit the expansion of small destination centres with poor connections to public transport and a declining role to reduce their influence on the activity centre network.

Objective 2

To transform the Footscray CAD, Highpoint PAC and Central West MAC into mixed use retail, commercial, residential and community services centres with a sense of place.

Strategies

Increase housing intensification within and adjacent to the Footscray CAD, Highpoint PAC and Central West MAC in accordance with centre structure plans.

Develop the city's larger activity centres as regional arts, recreation and leisure nodes.

Objective 3

To develop centres in accordance with their place in the activity centre hierarchy.

Strategies

Encourage new buildings in activity centres to provide for a mix of uses.

Encourage residential uses above and to the rear of business uses.

Ensure new developments in activity centres respect the character, form and height of buildings within any adjoining Residential 1 zoned land on or within 10 metres of the site boundaries.

Discourage uses or new developments in activity centres which will be incompatible with a continued residential presence whether through scale, image or off-site environmental or amenity impacts.

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Objective 4

To enhance the community focus of local activity centres.

Strategies

Encourage a wider business and land-use mix in local activity centres geared to servicing a wider range of local resident needs.

Increase employment opportunities in local activity centres.

Increase opportunities for social interaction in local activity centres.

Policy Guidelines

Support the implementation of the Activity Centre Zone in Footscray CAD and Highpoint PAC.

21.04-2 Housing Growth

13/12/2012
C111

The city's population is growing and is forecast to reach 104,000 by 2031, an increase of 30,800 from 2011. It is anticipated that about 14,000 - 16,000 new dwellings will be needed to support this increase. With an increasing proportion of Melbourne's growth expected to occur within established suburbs and at higher densities, this forecast may increase in the future.

The population structure of the municipality will change depending upon the form of development, the increase in population and through ageing.

Council has developed a Housing Growth Area Framework (included at Clause 21.07) that indicates the opportunities for residential development to cater for the forecast population and housing increase over the next 20 years.

Objective 5

To accommodate between 14,000 and 16,000 additional households by 2031.

Strategies

Direct most of the residential development to identified substantial change areas, and substantial change activity centres.

Support incremental change across residential areas.

Limit change in established residential areas with heritage significance or an identified residential character, and areas with an identified constraint, such as inundation, that necessitate protection through a specific overlay.

21.04-3 Social Impact

15/09/2012
C82(Part 1)

Despite increasing gentrification the municipality is one of the most disadvantaged in Victoria. The city continues to have high levels of unemployment, combined with higher levels of refugees and new arrivals, a highly mobile population and greater burden of preventable disease associated with poor socio-economic populations. The level of disadvantage is even higher in some locations, especially around public housing areas.

Objective 6

To minimise adverse social impacts from development and land uses.

Strategies

Require a social impact assessment for significant rezoning proposals, residential developments greater than 300 dwellings and major commercial developments.

Use social impact assessments to determine what new facilities are needed and the contributions required from developers.

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21.04-4 Open Space network

Proposed
C162mari

The city has a network of just over 150 open spaces covering more than 307 hectares of land. A notable feature of the open space network is its diversity. This includes large historical gardens, major sporting reserves, open space corridors along the Maribyrnong River and Stony Creek, and the highly valued smaller neighbourhood and local parks and spaces. However, large parts of the city are without quality open space including areas where existing parks need improvement and additional facilities, while in other parts of the city there is no open space within safe and easy walking access of the community. Access to open space can be limited due to barriers, such as main road and rail lines, distance and the lack of appropriate facilities. While much of the open space is located along the Maribyrnong River with regional open space and biodiversity values, it is distant from the populated areas and is subject to flooding, which limits the extent of possible improvement and use.

The open space and recreational needs of the community are changing due to the city's significant redevelopment, the changing population structure, recreational trends and increasing expectations. Many recreational facilities are ageing and require significant renewal. Additional and improved open space and new or upgraded recreational facilities will be needed to broaden the range of recreational settings and opportunities available to the community.

The open space and recreational needs of the community will be influenced by higher density living and the forecast population growth. Significant medium and high density redevelopment will increase demands on public open space and facilities. An increasing proportion of single person households creates the need for more diverse recreational options that provide opportunities for social interaction.

In the central and southern parts of the city, a combination of seeking opportunities to provide new open space and improve the diversity, quality and accessibility of existing open space will create a better connected network of open spaces, activity centres and facilities. The northern part of the city includes significant redevelopment sites with opportunities for providing new open space to meet the sport and recreation needs of new communities. In particular, redevelopment of the former Maribyrnong Defence Site offers the opportunity to provide additional sporting facilities and passive open space, along with extending the linear open space system along the Maribyrnong River improving both the biodiversity and recreational values of this corridor.

Objective 7

To expand and improve the network of open space throughout the municipality.

Strategies

Provide new open space in areas identified as underserved.

Improve access to open space and recreational facilities for the increasing residential and worker population.

Upgrade existing public open space to meet changing community needs including the condition, accessibility, facilities and character/aesthetics.

Develop shared path linkages between existing and new open space, community recreation facilities and activity centres.

Promote shared path linkages along existing railway, transport linkages and waterways.

Ensure that new development contributes to the planned open space network.

Objective 8

To provide a continuous linear open space network along the Maribyrnong River and Stony Creek.

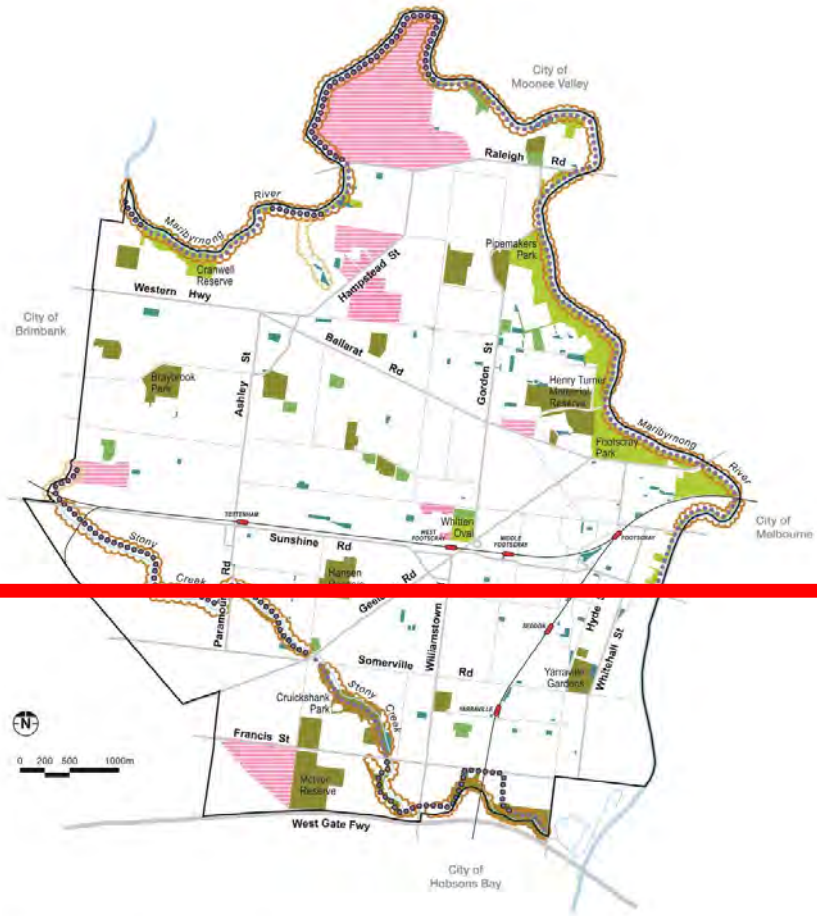
Strategies

Complete the gaps in the linear open space and trail network along the Maribyrnong River with connections to the adjoining urban areas, regional trail system, adjacent open space, community facilities and activity centres.

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Develop a linear open space corridor and shared trail along Stony Creek with connections to surrounding urban areas.

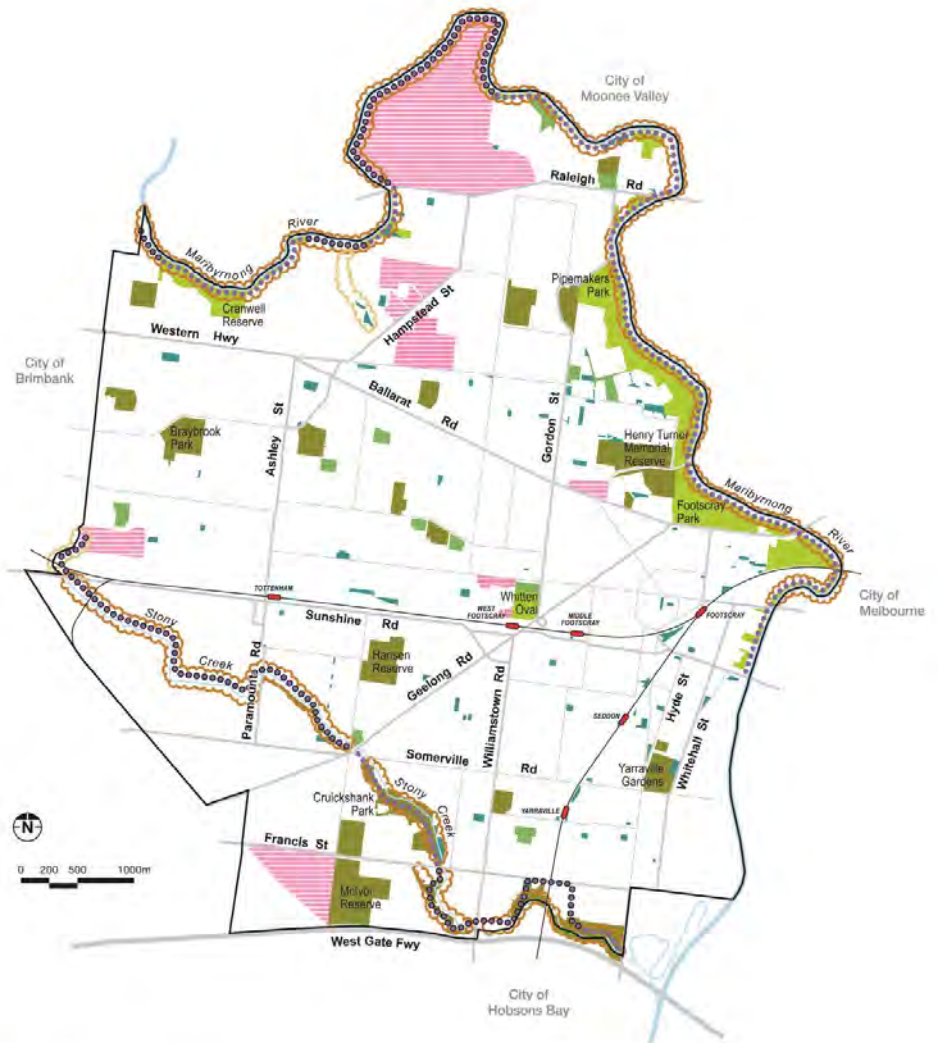
Improve the biodiversity values along the Maribyrnong River and Stony Creek.



Open Space Framework Plan

- | | | | |
|--------------------------|---|---|--------------------|
| Regional open space | Local & Small Local open space | Proposed Maribyrnong River and Stony Creek Trails | Waterway |
| Municipal open space | Strategic Redevelopment Sites - Areas of Substantial Change | Existing biodiversity corridors | Municipal Boundary |
| Neighbourhood open space | Maribyrnong River and Stony Creek Trails | Proposed biodiversity corridors | TRAIN STATIONS |

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Open Space Framework Plan

- | | | | |
|--------------------------|---|---|--------------------|
| Regional open space | Local & Small Local open space | Proposed Maribyrnong River and Story Creek Trails | Waterway |
| Municipal open space | Strategic Redevelopment Sites - Areas of Substantial Change | Existing biodiversity corridors | Municipal Boundary |
| Neighbourhood open space | Maribyrnong River and Story Creek Trails | Proposed biodiversity corridors | TRAIN STATIONS |

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21.04-5 Strategic Employment Investigation Areas

Proposed
C162mar

Three areas have been identified for investigation due to having significant limitations or issues. Further investigation is required to determine if these uncertainties can be addressed in order for these areas to retain or increase their employment role. Strategic Employment Investigation Areas are considered to be employment areas until such time as further investigation clearly demonstrated that this is not a viable option. The areas are:

- Braybrook Ashley Street
- Yarraville Mobil Terminal

In addition to these three areas, the redevelopment of the Maribyrnong Defence Site provides an opportunity to potentially extend the tram route and further improve public transport access to this area.

Braybrook Ashley Street

The area is located west of Ashley Street, Braybrook, extending north from South Road to Hampden Street. The area also has direct residential street abuttal along Crothers, Joy and Melon Streets. The area is located north of the Central West Shopping Centre and 4.1 Ashley Street Braybrook Core Employment Area. The closure of the carpet manufacturing activities from the area has left a large portion of land with large purpose-built industrial buildings, which are not readily adaptable for other industrial uses.

Yarraville Mobil Terminal

The area is a small industrial pocket located in the south east corner of the municipality, straddling the intersection of Hyde and Francis Streets, and directly opposite the Mobil Yarraville Terminal, a recognized major hazard facility situated in the neighbouring City of Hobsons Bay. Existing residential use in the precinct is problematic given the close proximity to the Mobil Yarraville Terminal, while future land use is also influenced by Port Environs controls.

Tram routes

The city's two tram routes (57 and 82), link the Footscray CAD with the Highpoint PAC and provide access from northern Maribyrnong to Moonee Ponds and the Melbourne CBD. The tram routes have the potential to become more important transport and development corridors linking key development nodes with activity centres and transport interchanges. This is occurring between Footscray CAD and Highpoint PAC, with sites such as Victoria University, Kinnears, the Edgewater neighbourhood activity centre, and the Maribyrnong Defence Site. With service improvements, and appropriate land use planning and design, these routes can improve the access residents have to key activity centres and employment based in the Melbourne CBD, as well as increasing and further encouraging the use of sustainable public transport.

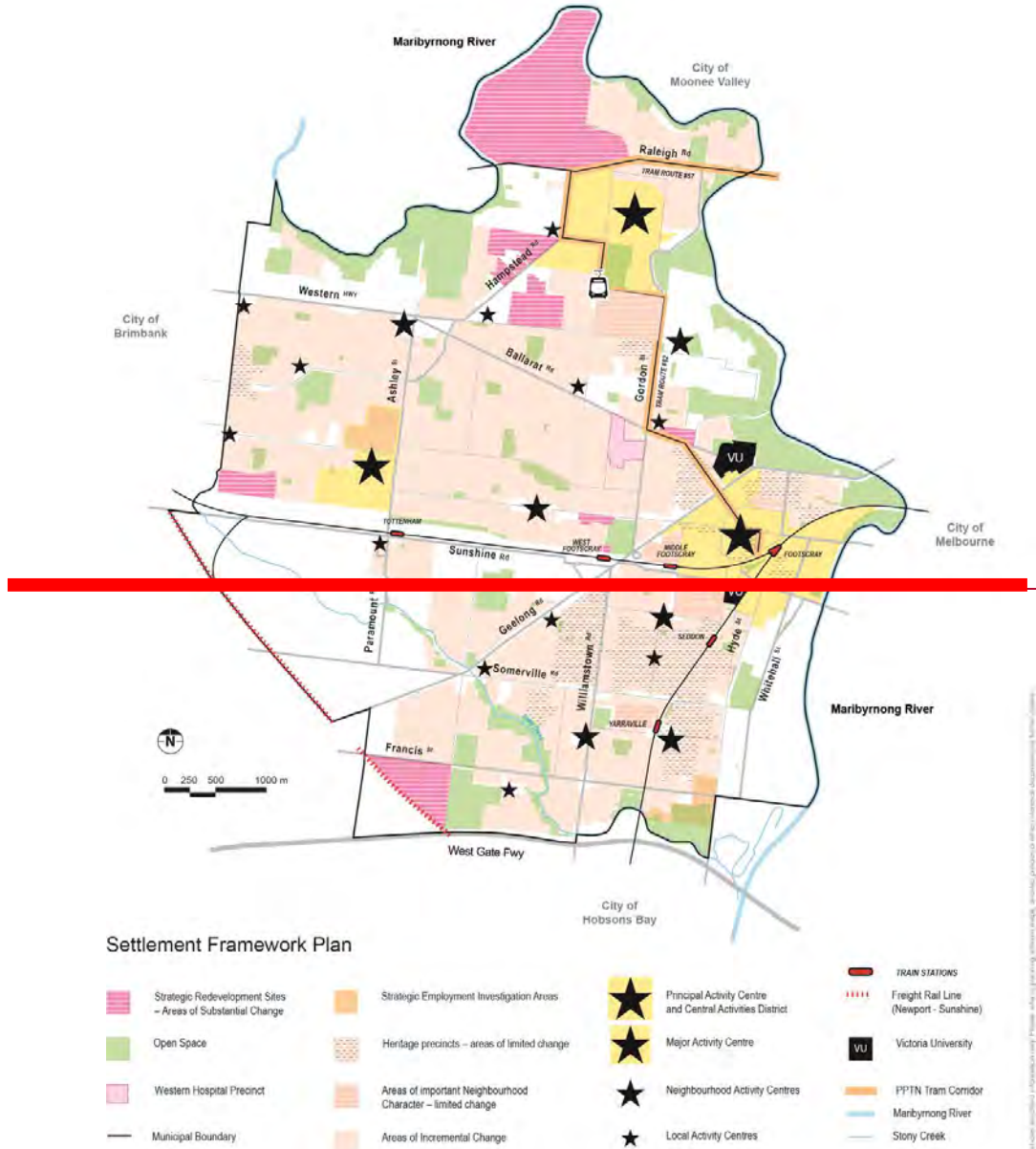
Potential residential development along the tram corridors needs to be further explored, however it is likely that it will take the form of 'development nodes' rather than continuous linear development. This type of link is envisaged by the *Western Region Employment and Industrial Development Strategy*.

Objective 9

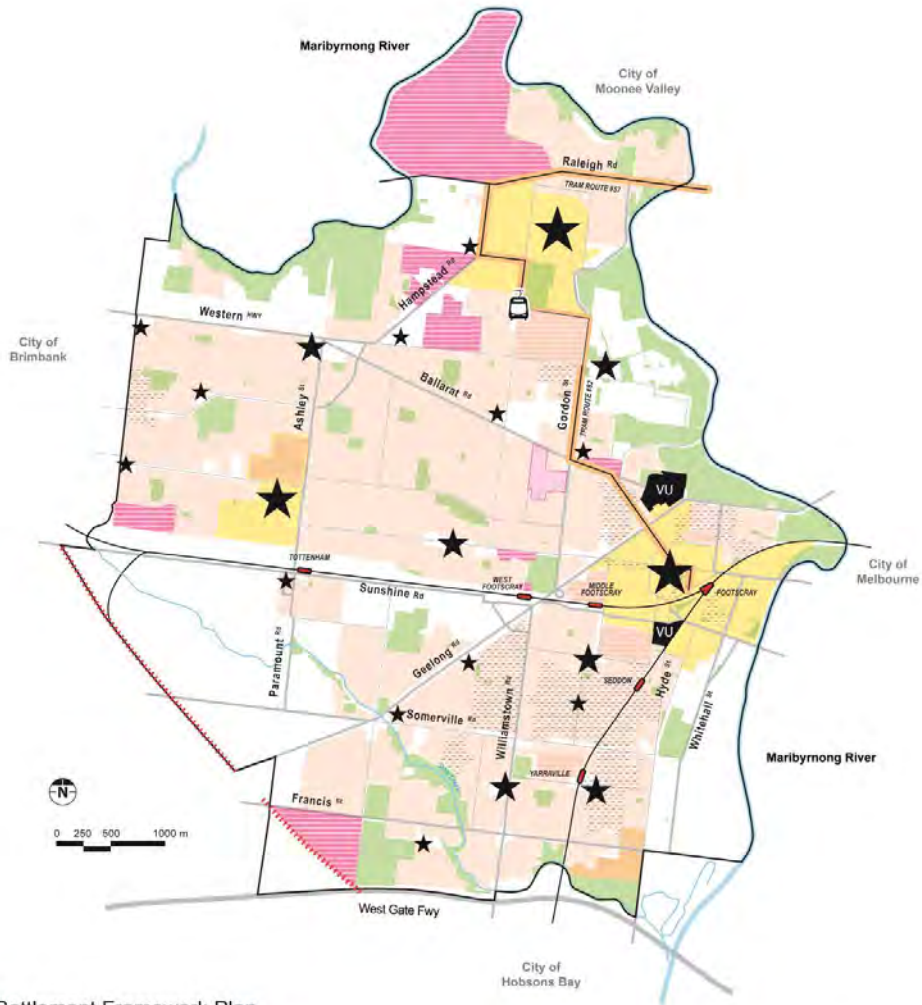
To manage the redevelopment of Strategic Employment Investigation Areas and land along tram corridors in an integrated manner.

Strategy

Ensure the Strategic Employment Investigation Areas and land along tram corridors are appropriately planned and developed.



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Settlement Framework Plan

- | | | | |
|---|---|---|--|
| Strategic Redevelopment Sites - Areas of Substantial Change | Strategic Employment Investigation Areas | Principal Activity Centre and Central Activities District | TRAM STATIONS |
| Open Space | Heritage precincts - areas of limited change | Major Activity Centre | Freight Rail Line (Newport - Sunshine) |
| Western Hospital Precinct | Areas of important Neighbourhood Character - limited change | Neighbourhood Activity Centres | Victoria University |
| Municipal Boundary | Areas of Incremental Change | Local Activity Centres | PPTN Tram Corridor |
| | | | Maribyrnong River |
| | | | Stony Creek |

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21.05 ENVIRONMENT AND LANDSCAPE VALUES

Proposed C162mari

21.05-1 Landscape values

15/09/2011
C82(Part 1)

The Maribyrnong River is a highly valued metropolitan waterway and its valley forms an important regional open space corridor. The river valley and escarpment are dominant landforms that provide an attractive setting. The character of the river varies within the city. The *Maribyrnong River Valley Design Guidelines (2010)* has identified six main character lengths along the river:

- Steele Creek – secluded river,
- Maribyrnong – a suburban river,
- Racecourse – river flats,
- Footscray – an urban river,
- Footscray Wharf – an urban river, and
- Port – a working river.

There are opportunities to enhance the landscape character along the river, in particular the steeply sided valley and escarpments in Braybrook and Maribyrnong. Development of the Maribyrnong Defence Site will open up the river front for public access, add open spaces and enable completion of the shared river trail.

There is significant potential to expand and enhance the open space corridor along Stony Creek and improve links as opportunities arise. However, the potential to extend the shared trail west of Paramount Road is limited due to private land ownership and physical barriers. Access to this section of the creek will be from local roads that will form key nodes along the creek.

Objective 1

To enhance the landscape character along the Maribyrnong River and Stony Creek.

Strategies

Create a diverse mix of environments within the Maribyrnong River valley from a natural indigenous vegetation corridor in the upper reaches to more hard-edged urban environments in the lower reaches.

Enhance the interpretation of the cultural heritage of the Maribyrnong River and Stony Creek environs.

Encourage development that enhances the environmental qualities of the Maribyrnong River Valley.

Encourage development that complements existing activities along the river.

Policy Guidelines

Assess development adjacent to Stony Creek against the following criteria:

- Development west of Roberts Street should protect and improve the Stony Creek open space corridor.
- Development should be setback from Stony Creek.
- Development should be designed to address the creek frontage.

21.05-2 Climate Change

Proposed
C162mari

The City will need to adapt to the impacts of climate change and to meet targets for reducing greenhouse gas emissions. Council is committed to creating an environmentally

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sustainable city and has set a target for the city to become carbon neutral by 2020. A more sustainable city will strengthen the city's economy and its social well being.

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
- Offset any remaining carbon emissions.

The city's inherent strengths, including its convenience, compact form, good public transport, range and network of activity centres, local employment and opportunities for new development provides resilience to potential climate change impacts and can form a foundation for improving the city's future sustainability. Encouraging more intensive development within key activity centres and close to public transport, reducing car dependency and encouraging uses that will provide local employment will produce a more sustainable city.

Local energy production using solar power and wind turbines could be provided in strategic redevelopment sites to help reduce greenhouse gas emissions. There is potential for a large wind turbine adjacent to the Westgate Freeway.

Objective 2

To ensure that the city adapts to the impacts of climate change.

Strategies

Plan and design according to the latest findings regarding the impacts of climate change such as rising sea levels, and weather events.

Encourage risk management strategies to address identified climate change probabilities.

Encourage development that reduces car dependency especially for short journeys and work trips.

Encourage uses that will provide local employment.

Promote landscaping that provides habitat, open spaces, food resilience and climate control.

Ensure planning scheme amendments and development applications consider and respond to the changing effects of climate change.

Objective 3

To ensure that the city is carbon neutral by 2020.

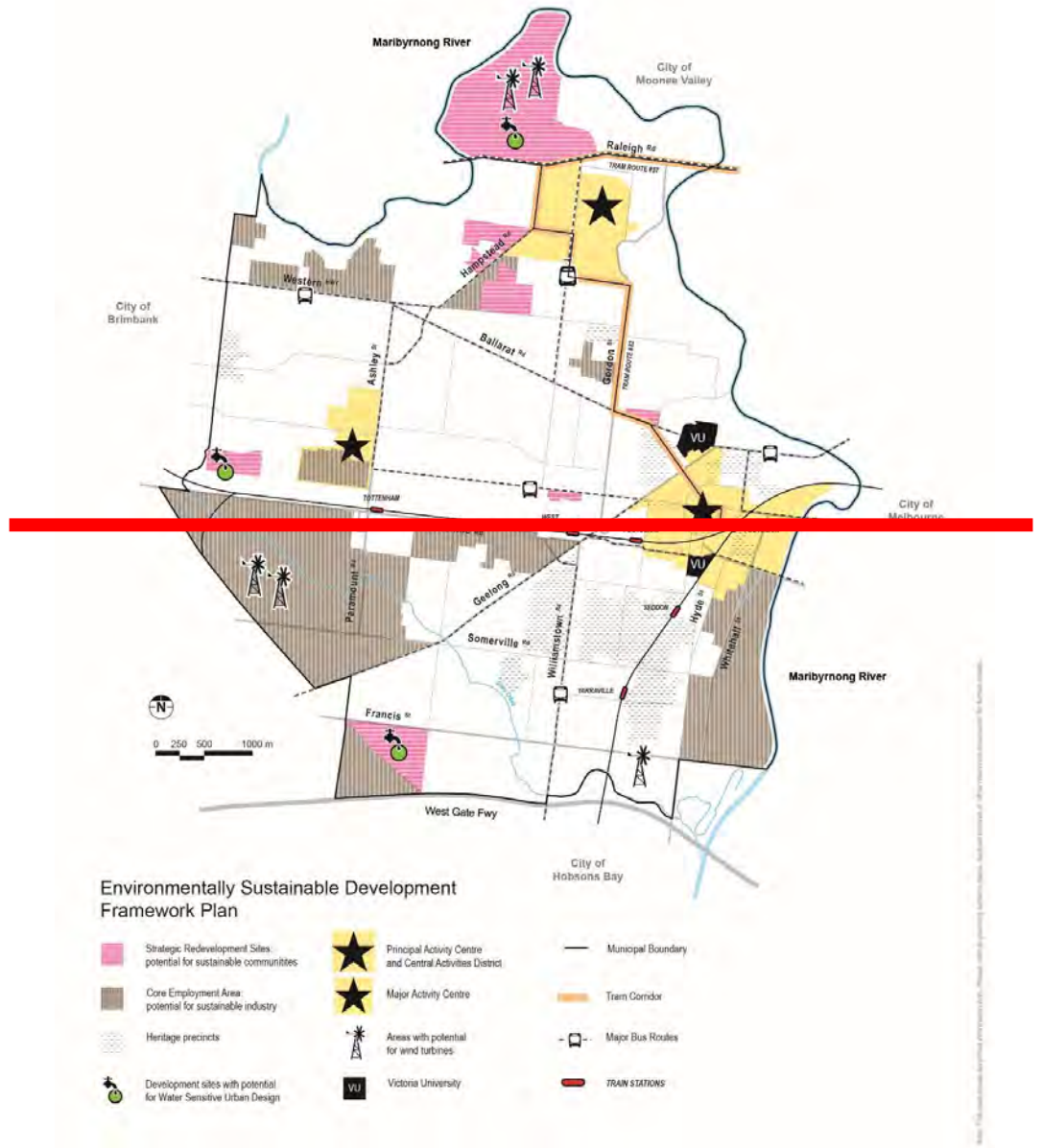
Strategies

Encourage developments that reduce energy usage and greenhouse gas emissions.

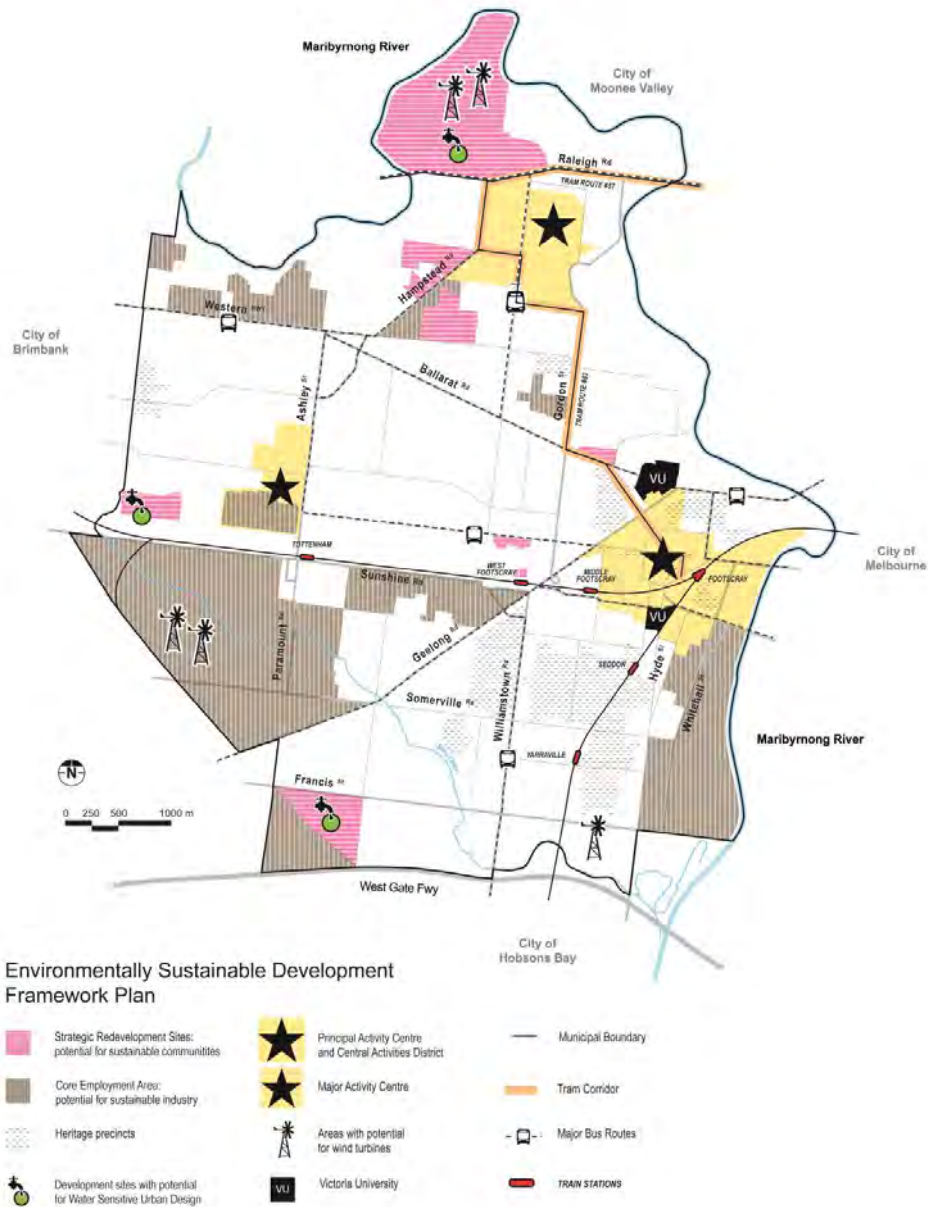
Encourage industry to develop on-site renewable energy and new emerging low carbon technologies.

Encourage renewable energy at household level and at strategic redevelopment sites.

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



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21.05-3 Flood Prone Areas

15/09/2011
 C82(Part 1)

There are flood prone areas in the city in the vicinity of the Maribyrnong River and Stony Creek. Residential development in flood prone areas, particularly along the Maribyrnong River and Stony Creek, needs to have regard to limitations caused by flooding and the requirements of Melbourne Water.

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Objective 4

To protect flood prone areas from inappropriate development.

Strategy

Ensure appropriate development occurs in flood prone areas.

21.05-4 Potentially Contaminated Land

15/09/2011
C82(Part 1)

The potential contamination of a number of sites is a legacy of the municipality's long industrial history, and is an important matter to consider when proposing a use or development of a site, whether it is an existing building or vacant land.

Objective 5

To manage contaminated land to protect human health and the environment and optimise the future use of the land.

Strategies

Ensure that potentially contaminated land is identified, appropriately tested and remediated and managed to a standard suitable for the intended use or development.

Encourage best practice solutions to remediation and management of contaminated land.

Policy Guidelines

Apply the Potentially Contaminated Land Policy at Clause 22.03.

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21.07 HOUSING

Proposed C162marl

21.07-1 Residential capacity and location

10/11/2016
C108

The City has opportunities for significant residential redevelopment for the next 20 years that will cater for the forecast population and housing increase.

Substantial, Incremental and Limited change areas are identified on the Framework Plan that forms part of this Clause.

Housing growth area framework

Substantial change areas	Significant redevelopments are proposed for the Maribyrnong Defence Site (MDS), Kinnears site in Footscray, the former Defence site in Beachley Street, Braybrook, the Bradmill Precinct in Yarraville and the Maidstone Hampstead Road East Strategic Redevelopment Sites. Other smaller sites across the municipality will also contribute to the supply of new housing.
Substantial change activity centres	In the future the Highpoint PAC and Footscray CAD will assume a stronger role and greater capacity for substantial medium and higher density housing developments.
Incremental change areas	All other residential areas without heritage significance or an identified residential character that warrants planning protection through specific overlays.
Incremental change activity centres	The mixed use and residential developments occurring in activity centres will continue and increase.
Limited change areas	Existing residential areas with heritage significance or an identified residential character that warrants planning protection through specific overlays, and areas with an identified constraint, such as inundation, that necessitate protection through an overlay. The majority of these areas have been identified in Council's Heritage Study (2001) and neighbourhood character studies.

The mixed use and residential developments occurring in key activity centres will continue and increase. This will extend housing choice, improve access to infrastructure, services and transport for residents and will help support and broaden the function of centres.

Core employment areas, key passenger and freight transport corridors and major hazard facilities need protection from residential encroachment to maintain their viability and prevent adverse risk and amenity impacts.

Objective 1

To provide significant opportunities for new residential development in substantial change areas and substantial change activity centres.

Strategies

Determine the form, amount and mix of housing of substantial change areas through site planning.

Ensure the site planning of larger sites facilitates the development of diverse, high amenity precincts which have an identifiable sense of place.

Encourage residential development in substantial change areas to predominantly comprise medium and higher density housing in the form of townhouses; units; apartments; and shop-top dwellings.

Encourage a range of dwelling types and sizes, including affordable housing, to be provided in larger developments.

Ensure new development integrates with existing areas and communities.

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Ensure new larger scale developments establish a preferred urban design and architectural character that complements existing areas and creates safe and liveable communities.

Encourage new higher density development to provide space for planting, communal spaces and rooftop gardens to improve amenity and liveability of dwellings.

Ensure developments with sensitive interfaces have a scale and massing that respects the character and scale of their context.

Support developments located away from sensitive interfaces that create a new, higher density urban character.

Ensure development of sites greater than 60 dwellings are well served by public transport, the bike/shared path network, and cater for potential changes to the public transport network.

Encourage higher density residential and mixed use developments within activity centres that are well served by public transport.

Require larger scale residential land redevelopment to contribute to high quality, accessible open space for a range of activities.

Require provision of land for a formal sports reserve and parkland for unstructured recreational activities on the former Maribyrnong Defence Site.

When applying overlays or other planning tools to larger substantial change sites ensure the requirements include:

- provision of a diversity of dwelling types, sizes and tenures
- appropriate provision of community infrastructure and open space
- consideration of public realm improvements and amenity protection at residential interfaces
- preparation of an adverse amenity report
- incorporation of environmentally sustainable design principles.

Objective 2

To provide incremental opportunities for new residential development in incremental change areas and incremental change activity centres.

Strategies

Ensure development has regard to and clearly responds to preferred character statements and design guidelines for specific neighbourhood character precincts.

Ensure the siting and design of infill development respects the scale, form and siting of surrounding development.

Encourage residential development within incremental change areas to predominantly comprise of low and medium density housing in the form of separate and semi detached houses and in appropriate locations units, shop top dwellings and low scale apartments.

Support low scale apartment developments at locations within key Neighbourhood Activity Centres; they must reflect existing local character in terms of height, mass setbacks and building materials; and provide a sensitive and appropriate interface to adjoining streetscapes, buildings and residential areas.

Support gradual medium density 'infill' development, in the form of townhouses, units and shop-top dwellings, located close to transport, activity centres and community infrastructure.

Support smaller scale infill residential development in keeping with the streetscape and character of the centres and their adjacent residential in incremental change activity centres.

Encourage the retention of existing housing that positively contributes to preferred neighbourhood character.

Ensure development in activity centres follows relevant structure plans and urban design frameworks.

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Protect areas that contribute to the range of housing choice especially for families and lifestyle choices.

Objective 3

In Limited change areas, limit development in residential areas with heritage significance; an identified residential character protected through a specific overlay; and identified constraints, such as inundation, that necessitate protection through an overlay.

Strategies

Maintain and enhance these areas and ensure that new development respects the existing heritage values and preferred neighbourhood character.

Ensure the scale, form and appearance of new housing is in keeping with the surrounding development and the heritage and preferred neighbourhood character values of the area.

Support the renovation and redevelopment of single houses as a means of ensuring diversity across the municipality, and providing accommodation for larger household types.

Support a diversity of dwelling types and sizes, including affordable housing, where appropriate.

Objective 4

To protect core employment areas, key passenger and freight transport corridors and major hazard facilities from residential encroachment.

Strategies

Ensure appropriate buffers are provided between new residential areas and core employment areas, key transport corridors and major hazard facilities.

Incorporate appropriate noise attenuation measures in residential developments adjacent to noise generating sources.

Protect and maintain existing buffers to the core employment areas.

Policy Guidelines

Apply the Preferred Neighbourhood Character Statements policy at Clause 22.05.

Request applications for residential development provide an assessment against the preferred character statements included in the local policy Preferred Neighbourhood Character Statements at Clause 22.05.

Request applications for key strategic redevelopment sites and for developments with more than 300 dwellings provide a social impact assessment.

Support the rezoning of strategic redevelopment sites to provide for higher density residential and mixed use development.

Support the Neighbourhood Character Overlay in appropriate areas.

21.07-2 Housing Diversity and Affordability

13/12/2012
C111

The city has a range of housing comprising detached housing (67%), semi detached (13%), and apartment (20%); this varies across its suburbs. Recent significant developments indicate densities are increasing with more medium density housing forms and some high-rise developments, particularly within the Footscray CAD. In the future there will be an increasing proportion of medium and higher density housing in the municipality. However, detached housing will remain the predominant form of housing across the municipality.

The existing stock of detached 'family' housing (lots greater than 500 sqm) contributes to the diversity and choice of housing available within the municipality, as they can cater for family households and people preferring these forms of housing as part of their lifestyle. It is expected that this stock of housing will reduce as a proportion of overall housing.

The city has been an affordable area offering housing opportunities for a wide range of households and incomes. The increasing popularity of the area and rising housing prices is reducing affordability and housing opportunities for some lower and middle income

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households. Increasing the supply and diversity of housing opportunities can assist in meeting affordability objectives.

Objective 5

To encourage a mix of housing.

Strategies

Support increased housing choice by providing a diversity of dwelling types, sizes and tenures.

Ensure new residential developments provide a mix of housing that caters for a range of households, lifestyles, age, incomes and life stages appropriate to the scale and nature of the project.

Encourage larger developments to provide a range of dwelling types and sizes, including affordable housing.

Encourage forms of housing suitable for the needs of an ageing population.

Encourage forms of housing suitable for home based businesses.

Protect areas that contribute to the range of housing choice especially for families and lifestyle choices.

Support the renovation and redevelopment of single houses as a means of providing accommodation for larger household types.

Objective 6

To encourage housing affordability.

Strategies

Support the provision of social housing, in particular development that improves the distribution of social housing across the municipality.

Encourage public, social and affordable housing in activity centres, close to public transport and as part of developments on strategic redevelopment sites.

Encourage the use of dwellings above shops in activity centres for affordable housing.

Encourage new residential development to provide opportunities for public, social and community based affordable housing.

Increase the overall stock of housing within the municipality, particularly medium and higher density development to ensure greater diversity to meet changing household needs.

Implement social and affordable housing targets at the Bradmill Precinct, Maribyrnong Defence Site and Beachley Street, Braybrook redevelopment sites.

Policy Guidelines

Request applications for ten or more dwellings provide an assessment of their housing mix, projected household mix, affordability, and options for including public, social and community affordable housing.

21.07-3

15/09/2012
C82(Part 1)

Student Housing

Housing is needed for students, and to support the role of Victoria University. Increasingly housing is provided privately as well as directly by the university. The possible closure of the university's student village in Maidstone will result in the relocation of housing to other areas, such as Footscray CAD.

Many residential developments located within the Footscray CAD provide specialised student housing. However, not all of these developments provide a suitable design, or are speculative and don't respond to an identified need. Some have been converted to other forms of housing.

The most suitable locations for student housing are within the Footscray CAD and close to the university campuses where students have good access to transport, facilities and services and can contribute to the life of the activity centre.

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Objective 7

To encourage a sustainable supply of student housing.

Strategies

Encourage appropriate student housing in Footscray CAD and close to the university campuses.

Integrate student housing and services into the role, function and life of the Footscray CAD.

Identify and monitor the long term demand and supply of student housing.

21.07-4 Caretaker's Houses

Proposed
C162mari

Industrial areas need to be protected from the intrusion of residential development in the form of inappropriate Caretaker's Houses.

Objective 8

To discourage Caretaker's houses in the Industrial 1, Industrial 3 and Business 3 zones.

Strategies

Discourage Caretaker's houses, unless it is demonstrated they are a necessary ancillary use to an existing or proposed building, operation or place.

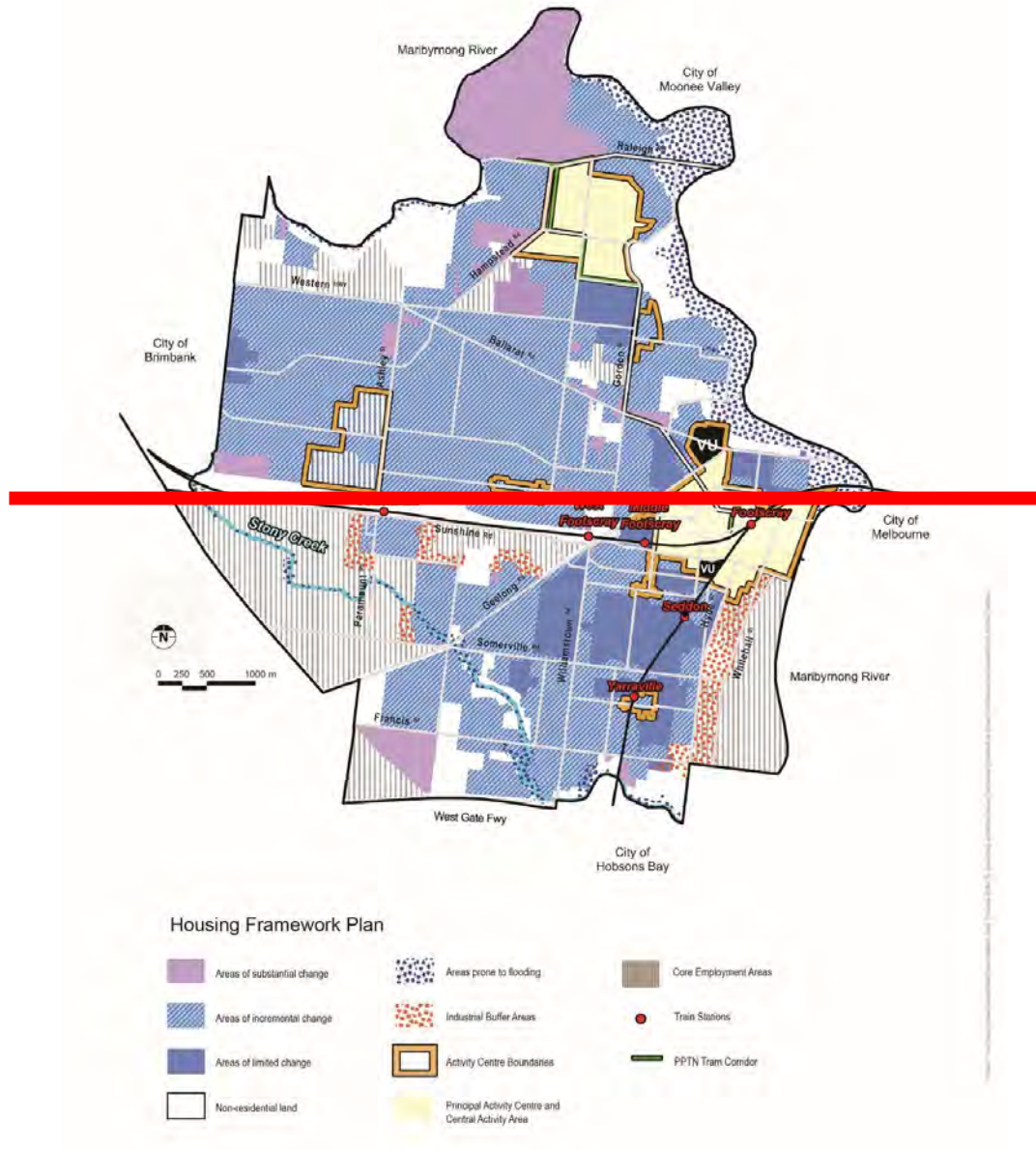
Discourage subdivision of Caretaker's houses from the use or development to which they are ancillary.

Policy Guidelines

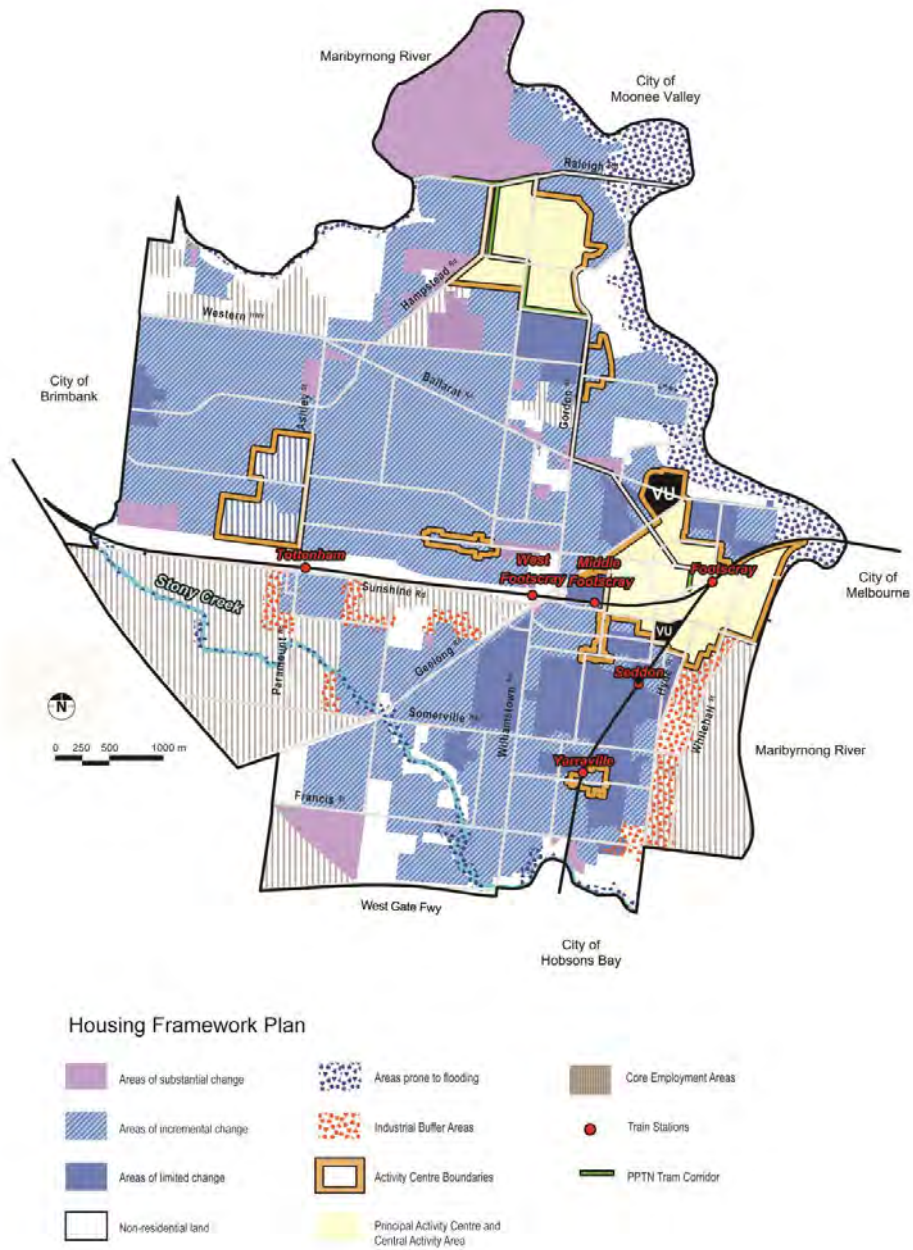
Assess proposals for Caretaker's houses against the following criteria:

- The design of Caretaker's houses should minimise potential amenity conflicts.
- Caretaker's houses should not exceed 30% of the total gross floor area of the industrial or commercial building, or 100 sqm, whichever is the lesser.
- Parking at the rate specified in Clause 52.06 should be provided unless it can be demonstrated by a qualified professional that a variation is justified.

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21.08 ECONOMIC DEVELOPMENT

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Proposed C162mari

21.08-1 Retail

26/04/2018
C141

Retailing in the city is dominated by Highpoint PAC and Footscray CAD. The Highpoint PAC has capacity for expanded retail floorspace and will continue to operate as a regional comparison shopping centre and as the key focus in Maribyrnong for bulky goods (restricted retail) retailing. Footscray CAD is very important in providing a range of cosmopolitan shops, a variety of health and community services, excellent access to public transport and proximity to both Victoria University campuses.

Some of the neighbourhood and local centres are showing strengths in lifestyle retailing, ethnic retailing and entertainment/leisure niches in response to demographic changes. The supermarket offer is improving in neighbourhood and local centres and will be augmented by additional supermarkets in the planned neighbourhood activity centres at the Bradmills Precinct and Maribyrnong Defence Site.

Several former main road showroom and bulky goods areas have declined leaving Highpoint PAC as the key focus and preferred location in the City for bulky goods (restricted retail) retailing.

Objective 1

To ensure that retail premises are developed in appropriate locations.

Strategies

Discourage retail development outside of identified Activity Centres.

Support the Highpoint PAC as a regional comparison shopping centre and as the key focus in the City for bulky goods (restricted retail) retailing.

Provide for street-front retail and businesses within activity nodes along the Footscray to Northern Maribyrnong transport corridor.

Objective 2

To ensure restricted retail premises are developed in appropriate locations.

Strategies

Focus the municipality's restricted retail premises retailing at the Highpoint PAC.

Discourage new significant retailing proposals in marginal and declining bulky goods (Business 4 Zone) areas including:

- Geelong Road – north side between Somerville Road and Cromwell Parade;
- Ballarat Road – south side west of Melon Street; and
- Barkly Street – north side west of Geelong Road to Gordon Street.

Ensure restricted retail premises do not develop as stand alone centres, remote from activity centres.

Ensure restricted retail premises developments are designed to provide street frontage activation, pedestrian networks and appropriate car parking.

Policy Guidelines

Request development proposals that significantly increase retail floorspace, analyse the impact of the development on in-centre trade/turnover taking into account current and future consumer expenditure capacity.

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21.08-2 Office

10/11/2016
C108

The demand for offices is expected to increase as population growth and continued gentrification stimulate growth in the commercial services sector. Footscray CAD, Highpoint PAC and Central West MAC have capacity for new office development, but the preferred location is within the Footscray CAD which has excellent public transport links for office based workers.

The network of activity centres provides a good range of products from a retailing base but is poor in its range of commercial services. This sector will grow as an increase in resident population creates a demand for offices servicing the needs of those local residents.

Objective 3

To ensure that offices are developed in appropriate locations.

Strategies

Discourage offices outside of identified Activity Centres.

Encourage offices in the Footscray CAD, Highpoint PAC and Central West MAC in accordance with the centre structure plans, with the preferred location being Footscray CAD.

Encourage offices in areas with good access to public transport.

Encourage office-warehouse development in Core Employment Areas.

21.08-3 Industrial Related Employment Land

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Proposed
C162mari

The identification of Industrial Related Employment Land (IREL) to be retained for current and future use will ensure enough land is available for economic development. The City must embrace a mixed-use and urbanisation perspective which supports and revitalises the City's exiting employment and economic activity strengths and ensures Maribyrnong does not transition to become a predominantly residential city. Achieving this balance between residential and employment outcomes contributes to the creation of a sustainable community and economy.

The City now and in the future will require similar amounts of IREL. Whilst demand for IREL in the medium term (5 to 10 years) may decline, projections indicate there will be an increase in demand in the longer term, requiring IREL to be protected now.

The Port of Melbourne has major facilities located at Swanson Dock (container storage and handling) and Coode Island (chemical storage), while Holden Docks and the Yarraville Wharves are actively used by industries located in the Yarraville port industrial precinct. The port's container trade is forecast to grow significantly by 2030. To cater for this the port will develop and integrate with the Dynon rail centre, which is intended to become an international freight centre. Significant road and rail freight routes traverse the city and are important to the effective operation of the port.

IREL precincts have been categorised as either a Core Employment Area (CEA) or a Strategic Employment Investigation Area (SEIA).

Core Employment Area (CEA)	<p>Areas which are highly suitable for employment that are functioning relatively efficiently and where the employment role is to be protected and enhanced.</p> <p>CEAs are identified from the stock of Industrial Related Employment Land (IREL) at the precinct level, or are identified in a framework/structure planning process following interim designation as a SEIA.</p> <p>Underutilised industrial premises in CEA's should not be considered obsolete, but be regarded as needing adaption or modification in any initial consideration.</p>
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Strategic Redevelopment Sites (SRS)	Sites or areas determined after investigation not to have a future in which employment is the primary purpose. SRSs are identified from the stock of Industrial Related Employment Land (IREL) at the precinct level by means of a framework/structure planning process.
Strategic Employment Investigation Area (SEIA)	Areas which are considered to be suitable for employment until such time as further investigation clearly demonstrates that this is not a viable option. SEIAs are identified from the stock of Industrial Related Employment Land (IREL) determined to require investigation through a framework/structure planning process, because there are significant limitations or issues relating to their continued employment role. Areas in which these limitations are able to be addressed and the employment role retained or increased, are likely to be designated CEA. Areas determined to be inherently/intrinsically unsuitable for an employment role, are likely to be designated SRS.

There are 8 Core Employment Areas:

- Precinct 1 Yarraville Port;
- Precinct 2 Tottenham;
- Precinct 3 West Footscray;
- Precinct 4.1 Braybrook Ashley Street;
- Precinct 5 Braybrook Ballarat Road;
- Precinct 6 Maidstone Hampstead Road;
- Precinct 7 Yarraville Cawley; and
- Precinct 9 Gordon and Mephan Street.

There are 2 Strategic Employment Investigation Areas:

- Precinct 4.2 Braybrook Ashley Street; and
- Precinct 8 Yarraville Mobil Terminal.

The preferred development and improvement of the stock of IREL is being guided by the *Maribyrnong Economic and Industrial Development Strategy, 2011*, framework plans or structure plans prepared for each precinct. For instance, the whole of what was Precinct 6 – Maidstone Hampstead Road while initially identified as a SEIA, has, through the framework planning process, been designated to be part CEA and part SRS.

Objective 4

To protect and improve Core Employment Areas.

Strategies

Protect the Core Employment Areas from residential encroachment.

Maintain a stable supply of Industrial Related Employment Land to deliver jobs and economic prosperity.

Maintain the employment/ economic development role of Core Employment Areas by supporting a greater range of employment generating uses.

Ensure that the design and layout of new sites provides cost effective and attractive sites for employment generating uses and activities.

Maintain land buffers around and within the Core Employment Areas.

Objective 5

To ensure high quality industrial and commercial development in Core Employment Areas.

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Strategies

Encourage industrial and office buildings to make a positive contribution to the amenity of adjoining streets and residential areas, enhance street activity and enhance the visual appeal of the area.

Avoid new interface and transition impacts through appropriate land use planning at a precinct level; and siting, building design, landscaping or other mitigation measures at individual site level.

Minimise the impact of car parking and loading areas on the streetscape through the appropriate orientation, siting of buildings, landscape design and shared services between sites.

Encourage the provision of wayfinding and directional signage to aid legibility and navigation to bus stops and other key destinations, and improve the overall cohesiveness of the area.

Encourage services, storage areas, plant and roof-top equipment to be located to minimise impacts on the public realm and be designed as an integral part of the building.

Provide adequate on-site provision of all off-street parking, turning circles, vehicular access and loading bays.

Reduce dust through improved building and site maintenance, landscaping and sealing of car parking, hard stand and outdoor storage areas.

Encourage the incorporation of Water Sensitive Urban Design for the treatment of stormwater.

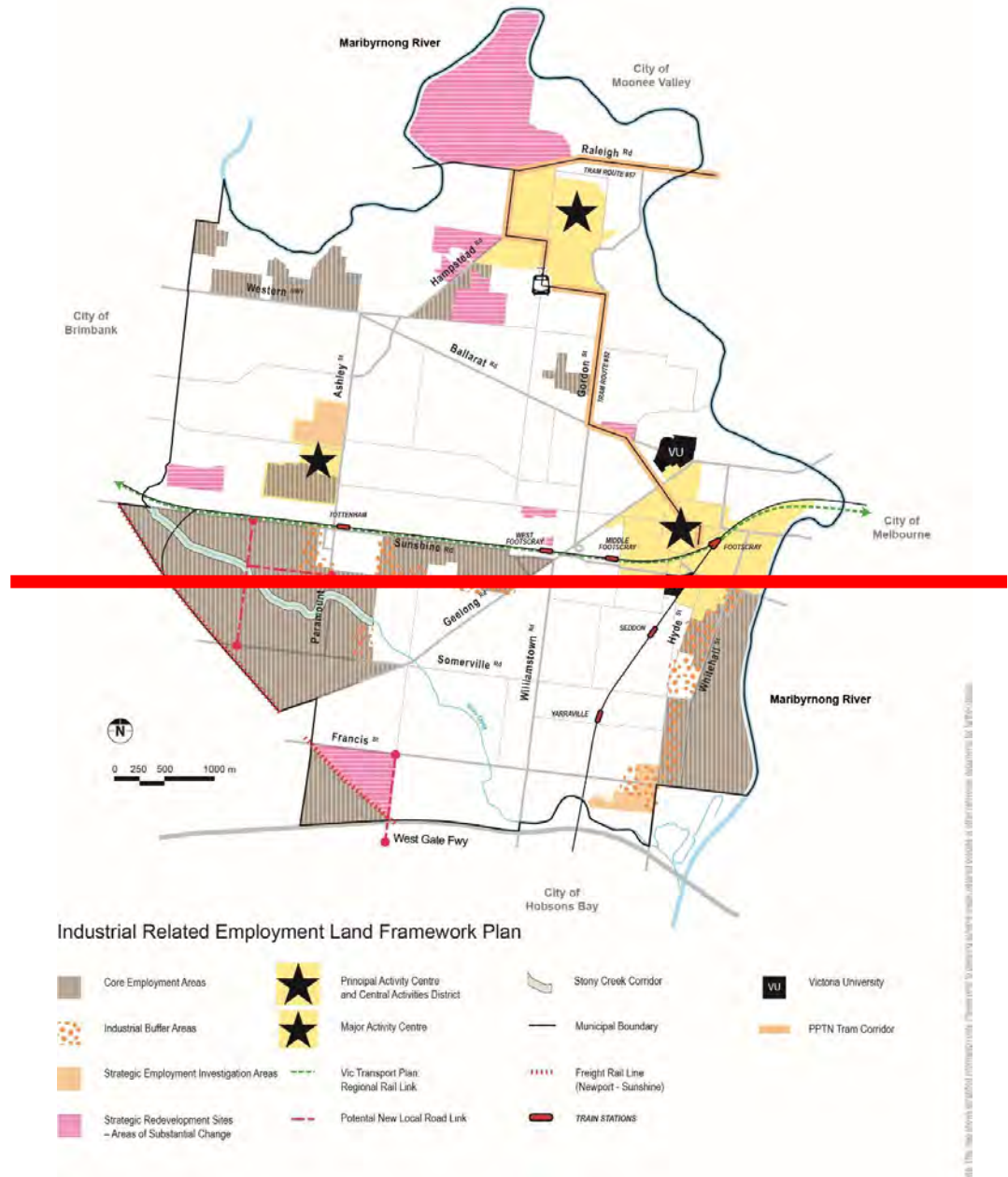
Support the rezoning of Strategic Redevelopment Sites (SRS) that are identified through a framework/structure planning process of Core Employment Areas and/or Strategic Employment Investigation Areas shown in the Industrial Related Employment Land Framework Plan.

Policy Guidelines

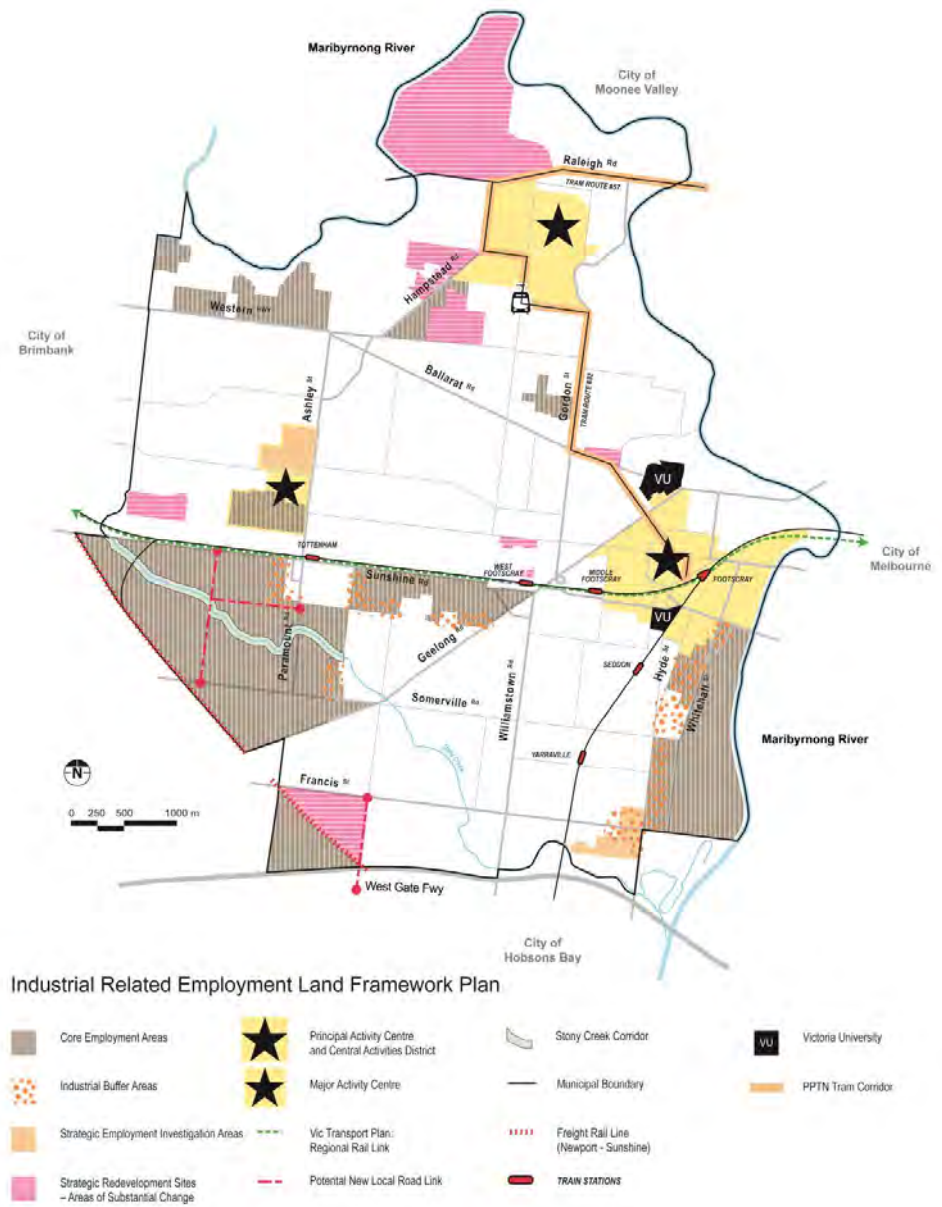
Use and/or development in Core Employment Areas should be consistent with any relevant adopted framework plan or structure plan prepared for the precinct, including any associated urban design and development guidance.

Generally the supply of employment land contained in Core Employment Areas should not be diminished. In exceptional cases, it may be appropriate to consider redevelopment and if necessary a change in zoning if:

- A framework plan or a structure plan has been prepared for the precinct or sub-precinct in accordance with the framework planning principles of the Maribyrnong Industrial Land Strategy and the framework plan or the structure plan recommends the change in land use and the rezoning; and
- The new land uses will not adversely impact or restrict existing business/employment uses or near the precinct (particularly existing business in the Core Employment Area to be retained).



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21.08-4 Tourism Facilities

15/09/2011
 C82(Part 1)

There is limited potential for tourism, cultural and water based recreational facilities and activities along the river corridor.

Identified opportunities for new facilities include the redevelopment of Footscray Wharf as a commercial marina, new tea house/café and moorings south of Dynon Road and a café at

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the former Dales Stables (Chifley Drive) in Maribyrnong. It is expected that the redevelopment of the Maribyrnong Defence Site will also present further opportunities for community, and limited commercial, facilities.

Objective 6

To support appropriate tourism development.

Strategy

Develop the recreation and tourism potential of the Maribyrnong River.

21.08-5 Gaming

26/04/2018
C141

The city has one of the highest expenditure levels on gaming in Victoria and particularly high concentrations of gaming machines per head of population. The density of gaming machines and high levels of gaming expenditure have significant social and economic impacts on the community, which in turn places increasing pressure on community services and facilities. Council wants to reduce the impacts of gaming on the community.

Objective 7

To minimise adverse social impacts from electronic gaming machines.

Strategies

Ensure the establishment of new or additional gaming machines does not occur proximate to relatively disadvantaged or vulnerable communities.

Require a social impact assessment for electronic gaming machine applications. .

Reduce the number of gaming machines within the city and per head gaming expenditure to no greater than the Victorian average.

Implementation

Apply Clause 22.06 Gaming Policy in considering an application to install or use a gaming machine or use of land for gaming.

21.08-6 Licensed Premises

26/04/2018
C141

The City of Maribyrnong has over 250 licensed premises which contribute to the vitality of an area, consumer choice, and the economic strength of the municipality.

Council's desire is for new licensed premises and changes to existing licensed premises to result in positive amenity impacts while minimising negative amenity impacts.

Positive amenity impacts include the enhanced vitality of an area, streetscape activation, passive surveillance, and the creation of a local 'identity' as an entertainment and tourism destination. Negative amenity impacts relate to violence, street disturbance, noise, anti-social behaviour, litter, and vandalism.

There are a range of factors which can influence the likelihood of amenity impacts relating to licensed premises. These include:

- Venue type
- Internal and external venue design
- Noise
- Operating hours
- Patron numbers
- Location and access
- Clustering

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The relationship between these factors will determine the likelihood and extent of positive and negative amenity impacts on the local community.

Objective 8

- To ensure that activity centres are the primary focus for the establishment of licensed premises
- To encourage new licensed premises and changes to existing licensed premises to result in positive amenity impacts and minimal negative amenity impacts.

Strategies

- Ensure the location, design and operation of licensed premises maximises the opportunity for streetscape activation, passive surveillance, and enhanced vitality of an area.
- Ensure the location, design and operation of licensed premises minimises the potential for negative amenity impacts on the surrounding area.
- Ensure the licensed premises will not result in an adverse cumulative impact on the surrounding area.

Implementation

Apply Clause 22.08 Licensed Premises Policy in considering an application for licensed premises.

21.11-6

Proposed C162mar

West Footscray Neighbourhood Activity Centre, Agency Items 9.1 and Attachment 5 Footscray Railway Station Precincts

The West Footscray Neighbourhood Activity Centre, also known as Barkly Village, is recognised as the heart of the West Footscray community. The activity centre has good access to public transport, includes community facilities and has links to nearby open space and recreation facilities. Commercial uses within the activity centre meet local needs for convenience shopping and also provide specialised food, retail, restaurant and other services.

The activity centre has an extended linear form and will continue to develop as an integrated mixed-use centre supporting more intense street level activity, a coherent streetscape character, a variety of transport modes, and a residential population in apartment developments.

The Barkly Street East and West Footscray Railway Station Precincts are located in a distinct corridor between the Footscray Metropolitan Activity Centre and West Footscray Neighbourhood Activity Centre. The precincts will support the role and function of these centres with apartment developments and limited retailing/commercial opportunities.

These precincts will provide a well connected, vibrant, sustainable and landscaped area with inviting open spaces that offer diverse housing choices and facilities accessible by a wide range of transport modes.

Objective 1

To enhance the role of the West Footscray Neighbourhood Activity Centre by supporting a cohesive, lively and diverse mix of residential, commercial and community uses.

Strategies

Encourage mixed use retail, commercial and residential uses.

Facilitate mixed use apartment style buildings that contribute to the viability and activity of the centre.

Strengthen street level activity by supporting a range of retail and commercial uses at ground level.

Objective 2

To encourage residential and limited commercial uses in the Barkly Street East and West Footscray Railway Station Precincts with apartment developments, recreation and community facilities.

Strategies

Encourage residential uses in apartment developments.

Support recreational, sporting and community facilities at, and opposite, Whitten Oval.

Ensure that any retail, commercial and other employment uses complement the role of the West Footscray Neighbourhood Activity Centre.

Support potential rezoning of sites on the south side of Barkly Street East to provide for higher density residential development, commercial/employment and limited retail uses.

Objective 3

To encourage a built form scale that positively responds to preferred character of the activity centre and precincts with development that is of high architectural and urban design quality.

Strategies

Encourage a preferred built form character for development along Barkly Street that provides a consistent streetscape.

Encourage a fine grained building width at a scale that respects the preferred character of the activity centre of up to four storeys.

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Ensure that development along Barkly Street includes a vertical mix of uses prioritising retail and other commercial uses at ground level with residential above.

Ensure a preferred built form character for development along the north side of Barkly Street East Precinct that provides a consistent streetscape of up to four storeys and a landscaped front setback.

Ensure a preferred built form character for development on Cross Street, adjacent to West Footscray Railway Station, of up to 8 storeys with appropriate upper level setbacks.

Encourage development that is in proportion to the street width, with an appropriate street wall height that provides a high level of external and internal amenity and public realm improvements.

Recognise the potential of large sites to provide quality living and working environments through development at increased scale.

Encourage development to meet best practice environmentally sustainable design standards.

Objective 4

To create a high quality public realm that is attractive, safe and walkable, and community facilities that meet the needs of a diverse and growing population.

Strategies

Provide streets and open spaces that are safe, accessible and attractive with high quality pavement treatments, safe pedestrian crossing points and good lighting.

Provide high quality and flexible community facilities.

Develop new public spaces that connect to the wider open space network.

Provide improved opportunities for residents to engage in outdoor recreation, sport and leisure activities.

Promote development that contributes to the natural surveillance of the street through windows, balconies, low fences and appropriate setbacks.

Encourage buildings to be designed to provide enhanced shade and shelter for pedestrians by providing canopies that extend the width of the footpath.

Objective 5

To facilitate a transport mode shift towards walking, cycling and public transport through a well connected, safe, useable and attractive pedestrian, cycling and public transport network.

Strategies

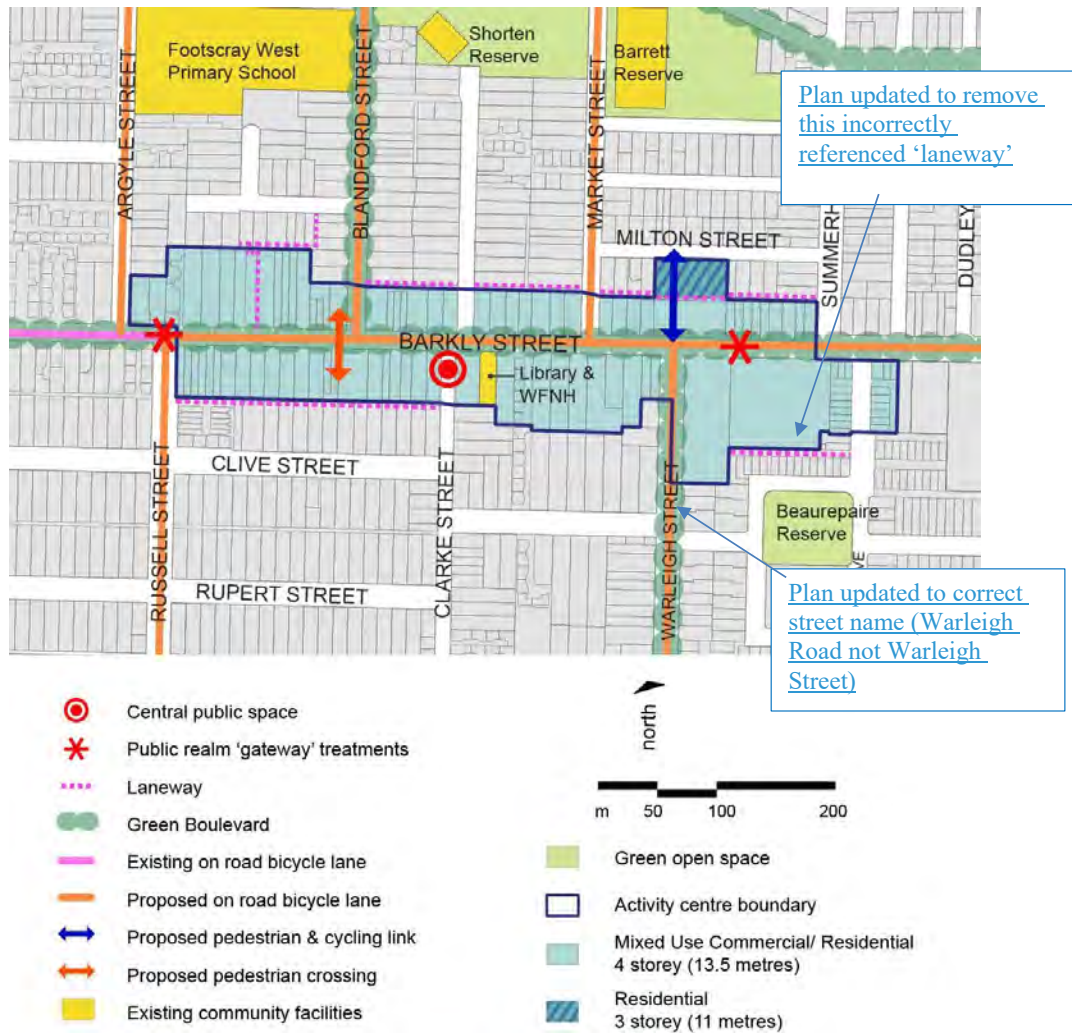
Create a safe and legible network of east-west and north-south pedestrian and cycle routes to better connect the activity centre and precincts to surrounding areas, particularly along Barkly Street.

Improve pedestrian, cycle and public transport connections to nearby major destinations such as the Maribyrnong River and Highpoint and Footscray activity centres.

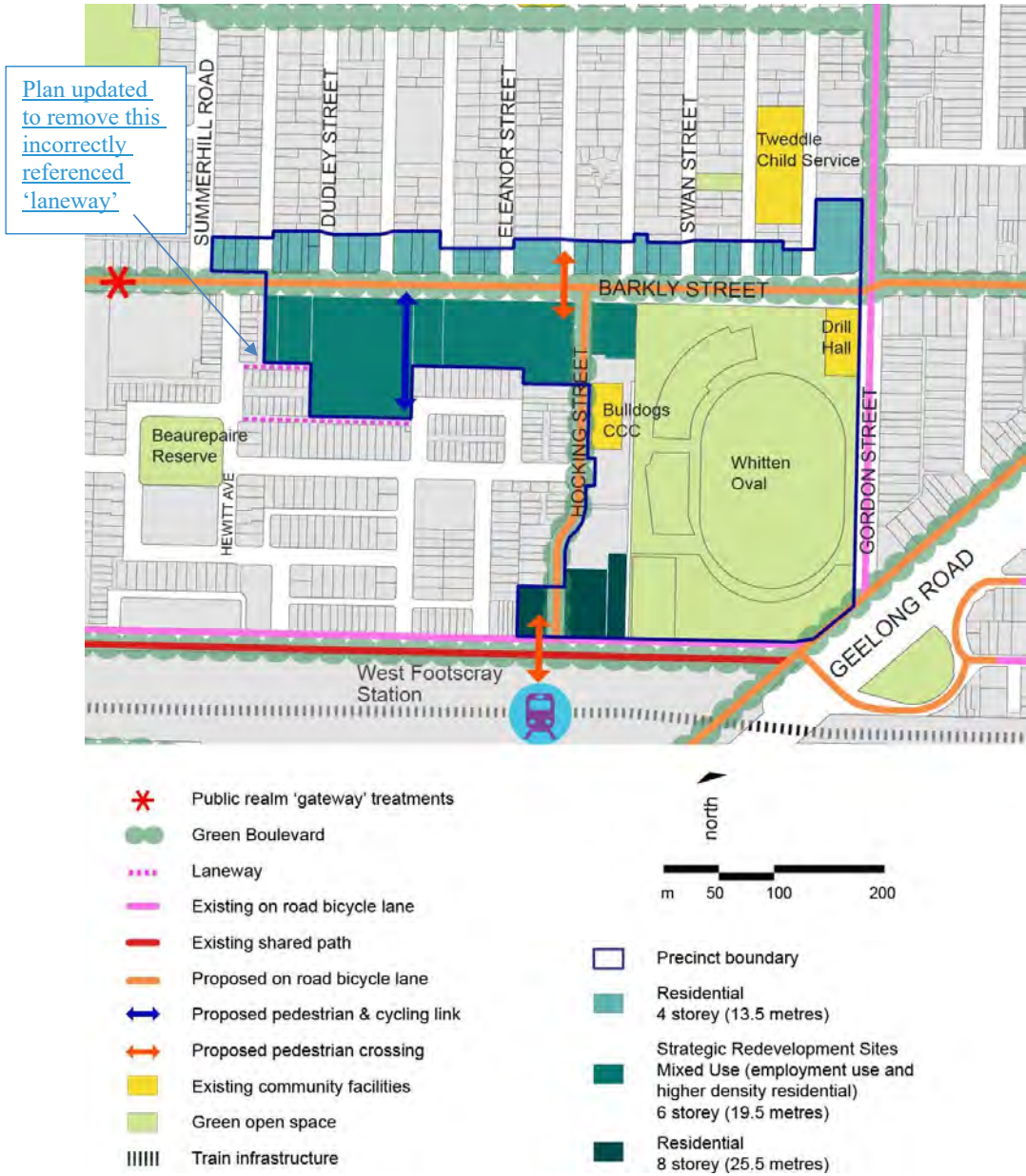
Utilise traffic calming measures to enhance safety and encourage more walking and cycling for short trips.

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West Footscray Neighbourhood Activity Centre Framework Plan



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 Barkly Street East and West Footscray Railway Station Precincts Framework Plan



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Laneway Strategy (2007)

Public Lighting Policy (2008)

Road and Footpath Asset Management Plan (2004)

Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water) (1999)

Waste Minimisation Strategy 2004-2009 (2004)

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21.12 REFERENCE DOCUMENTS

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Proposed
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Settlement

Review of *Retail Development and Activity Centre Policy 2009* Peter McNabb and Associates for Maribyrnong City Council

Environment and Landscape Values

Carbon Neutral Action Plan (2008)
Greenhouse Reduction Strategy (2006)
Maribyrnong Landscape Guidelines (2005)
Maribyrnong River Valley Vision and Design Guidelines (2010)
[Maribyrnong Significant Tree Register \(2021\)](#)
Natural Heritage Study (2001)
Peak Oil Policy and Action Plan (2008)
Stony Creek Linear Park Feasibility Study (2003)
Stony Creek Project Directions Plan (1999)
Sustainable Water Management Plan (2006)

Built Environment and Heritage

Australia ICOMOS Inc, The Burra Charter, (The Australia ICOMOS Charter for Places of Cultural Significance) (1999)
Biosis Research, *Aboriginal Heritage Study*, Maribyrnong City Council (2001)
Ecology Australia Pty Ltd & Environmental Geosurveys Pty Ltd, *Natural Heritage Study*, (2001)
Graeme Butler and Associates, Footscray Conservation Study (1989)
Heritage Victoria, The Heritage Overlay: Guidelines for Assessing Planning Permit Application, (draft 2007)
HLA-Envirosciences Pty Ltd, Archaeological Management Plan: Early Post Contact Sites, (2001)
Jill Barnard, Graeme Butler, Francine Gilfedder & Gary Vines, *Maribyrnong Heritage Review, Volumes 1 – 7 (2001)*
The Heritage Plan, (2001)
Trevor Westmore for Footscray City Council, Yarraville Village Enhancement Study (1990)
Heritage Alliance and Graeme Butler and Associates, Footscray *CAA Heritage Citations*, Maribyrnong City Council, 2013

Housing

Maribyrnong Neighbourhood Character Guidelines
Maribyrnong Neighbourhood Character Review (February 2010)
Maribyrnong Housing Strategy (December 2011)

Economic Development

Central West Major Activity Centre Structure Plan (2008)
Footscray CAA Structure Plan (2013)
Footscray Skyline Study (2012)

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Freight Futures, Victorian Freight Network Strategy (2009)
Gordon and Mephan Precinct Framework Plan (February 2015)
Highpoint Activity Centre Structure Plan (2008)
Highpoint Planning and Urban Design Framework (September 2015)
Maidstone Hampstead Road East Framework Plan (2012 – updated Nov 2015)
Maribyrnong City Council Electronic Gaming Machines Reference Document (August 2012)
Maribyrnong City Council Managing the Impacts of Licensed Premises (2015)
Maribyrnong Economic and Industrial Development Strategy Part 1 – Economic Development Strategy (2011)
Maribyrnong Economic and Industrial Development Strategy Part 2 – Industrial Land Strategy (2011)
Port Development Strategy 2035 Vision (2009)
Seddon Urban Design Framework (2004)
West Footscray Neighbourhood Plan (2018 – [updated October 2022](#))
Western Region Employment & Industrial Development Strategy, August 2007 Ratio Consultants Pty Ltd in association with National Institute of Economic & Industry Research, C.B. Richard Ellis, CSIRO Transport Futures
Yarraville Port Environs Local Planning Policy (2010)
Yarraville Village Urban Design and Traffic Management Strategy (2006)

Transport

Guidelines for the Development of Green Travel Plans and Transport Access Guides (2003)
Maribyrnong Integrated Transport Strategy (2001)
Maribyrnong Strategic Bicycle Plan (2004)
Maribyrnong Way-Finding Strategy
Footscray CAA Car Parking Study, GTA (2013)

Community and Development Infrastructure

City of Maribyrnong Open Space Strategy, Thompson Berrill Landscape Design Pty Ltd in association with Environment & Land Management Pty Ltd, 2014
City of Maribyrnong Open Space Strategy, Public Open Space Contributions Program Report, prepared by Environment & Land Management Pty Ltd in association with Thompson Berrill Landscape Design Pty Ltd, 2015
Playground Strategy, 2008-2013 (2008)
Recreation Strategy (2009)
Sports Development Strategy (2005)
Ageing Well Policy and Action Plan 2004-2016
Arts and Cultural Development Strategy 2007-2012
Disability Policy and Action Plan 2007-2012
Drug Strategy 2006
Gambling Policy and Action Plan 2003
Our City Our children, City of Maribyrnong, 2007
Asset Management Policy and Strategy (2003)
Drainage Management Strategy (2000)
Footpath Policy (2000)

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Laneway Strategy (2007)

Public Lighting Policy (2008)

Road and Footpath Asset Management Plan (2004)

Urban Stormwater Best Practice Environmental Management Guidelines (Melbourne Water) (1999)

Waste Minimisation Strategy 2004-2009 (2004)

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21.14 FURTHER STRATEGIC WORK

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Proposed
C162mari

Planning controls

Review the IN1Z zoning of the land in the rail corridor at Central West with a view to rezoning to Public Use Zone 4 (PUZ4).

Review the zoning of the small residual MUZ sites at Central West to the north west of the Business Park with a view to rezoning those situated to the west of the local park to R1Z and those situated to the east of the local park to B3Z.

Review the Business 2 zoning of the area west of the railway line in the Yarraville Activity Centre with a view to rezoning to Business 1.

Review the Business 2 zoning of the Braybrook NAC on Ashley Street.

Review the Business 4 zoning of marginal and declining bulky goods areas on Geelong Road and Ballarat Road.

Review the zoning of local centres to facilitate a mix of uses.

[Review the zoning and role of the Mixed Use Zone land in the West Footscray Neighbourhood Activity Centre.](#)

[Review the zoning and built form controls of the Commercial 2 Zone land between West Footscray Neighbourhood Activity Centre and Whitten Oval to facilitate a mix of residential and commercial \(non-retail\) uses.](#)

Strategic studies and implementation

Settlement

Prepare directions on the future use and development of each Strategic Employment Investigation Area.

Environment and Landscape Values

Identify land that is suitable for creating urban forest, urban orchards and community food production enterprises.

Review biodiversity preservation and habitat corridors linking remnant vegetation.

Update the Stony Creek Open Space Directions Plan.

Establish a policy for Main Road landscape treatments.

Prepare master plans for key open spaces and facilities.

Built Environment and Heritage

Implement Council's Heritage Plan 2001.

Prepare citations for places identified as being of potential heritage significance.

Research places listed in the Heritage Review 2001 and newly identified sites.

Housing

Monitor the reduction of detached housing stock to ensure a range of housing choices are maintained in the city.

Monitor population changes to understand their impacts on community facilities and service planning.

Undertake a housing capacity study.

Prepare a municipal housing strategy.

Investigate residential development opportunities along existing tram corridors and the extension of the tram route into the Maribyrnong Defence Site.

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Prepare urban design frameworks and structure plans for activity centres to support and guide residential development.

Review the current and future student housing supply and demand, locations and design standards.

Assess the infrastructure needed to support new developments and the population growth and change.

Undertake post-occupancy surveys of key new residential developments.

Monitor housing and population changes, future capacity and changing housing requirements.

Liaise with the community housing sector to identify development opportunities.

Identify the risk and amenity buffer requirements of major hazard facilities.

Economic Development

Identify the vision for and preferred future uses in the marginal and declining bulky goods areas (Business 4 zone) that do not form part of the Activity Centre hierarchy.

Prepare strategic plans for core employment areas.

Prepare a local planning policy on licensed premises.

Prepare an arts strategy for Footscray CAD.

Prepare a municipal community infrastructure strategy.

Transport

Review the Maribyrnong Integrated Transport Strategy.

Investigate potential public transport infrastructure and service improvements along tram corridors to reduce travel times.

Investigate potential development capacity along PPTN routes.

Work with the State Government on implementing major transport infrastructure projects and improvements.

Prepare a municipal walking strategy.

Review Council's car parks in the Footscray CAD and investigate the need for a multi-deck car park in the area.

Seek VicRoads commitment towards implementing truck curfews and other restrictions on heavy vehicle movements.

Review the Maribyrnong Strategic Bicycle Plan.

Investigate alternative rail access to Footscray Wharf including a potential new Maribyrnong River crossing.

Community and Development Infrastructure

Investigate introducing a schedule to Clause 52.01 of the scheme, specifying the percentage payable for open space contributions.

Identify the gaps and deficiencies in social and cultural infrastructure in the Footscray CAD and Highpoint PAC.

Investigate the redevelopment of the Highpoint library.

Develop a new library as part of the Bradmill Precinct development.

Investigate the feasibility of Jacks Magazine as a potential future arts location.

Undertake a drainage study to identify areas best suited for WSUD.

Review drainage infrastructure requirements.

Review flood management plans based on Melbourne Water 2007 Flood Management Strategy.

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Proposed
C162mari

SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ2**.

BARKLY STREET EAST RESIDENTIAL PRECINCT (NORTH SIDE OF BARKLY STREET, FOOTSCRAY, BETWEEN SUMMERHILL ROAD AND GORDON STREET)

1.0 Neighbourhood character objectives

--/20--
Proposed
C162mari

None specified.

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

--/20--
Proposed
C162mari

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

Yes

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

--/20--
Proposed
C162mari

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

--/20--
Proposed
C162mari

	Standard	Requirement
Minimum street setback	A3 and B6	None specified
Site coverage	A5	None specified
	B8	The site area covered by buildings should not exceed 80 per cent.
Permeability	A6 and B9	None specified
Landscaping	B13	None specified
Side and rear setbacks	A10 and B17	None specified
Walls on boundaries	A11 and B18	None specified
Private open space	A17	None specified
	B28	None specified
Front fence height	A20 and B32	None specified

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5.0 Maximum building height requirement for a dwelling or residential building

~~120~~
Proposed
C162mari

A building used as a dwelling or a residential building must not exceed a height of 13.5 metres and 4 storeys.

6.0 Application requirements

~~120~~
Proposed
C162mari

None specified.

7.0 Decision guidelines

~~120~~
Proposed
C162mari

None specified.

Agenda Item 9.1 - Attachment 5

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Proposed C162mari

SCHEDULE 7 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO7**.

WEST FOOTSCRAY NEIGHBOURHOOD ACTIVITY CENTRE AND BARKLY STREET EAST RESIDENTIAL PRECINCT (NORTH SIDE)

1.0 Design objectives

--/---
Proposed C162mari

To encourage a range of well designed buildings with a consistent street wall height and fine grain presentation that supports 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 improve activation and utilisation of the public spaces-realm through active frontages to buildings along roads-street frontages and public spaces ~~in the activity centre and adjacent precinct.~~

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 appropriately responds to the amenity of surrounding areas.

2.0 Buildings and works

--/---
Proposed C162mari

Permit exemptions

~~A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the building height and street setback requirements specified in Tables 1 and 2 of this schedule.~~

A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, undertaking a preliminary risk screen assessment or environmental audit under the Environment Protection Act 2017 or a certificate or statement of environmental audit under the Environment Protection Act 1970 ~~obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970. Earthworks must be carried out in accordance with a Remediation Action Plan and an Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.~~

A permit is not required to construct or carry out buildings and works for:

- The installation of an automatic teller machine.
- An alteration to an existing building façade in Precinct 1 provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.
- Shade sails to an existing roof deck.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager.

~~▪ A single dwelling on a site greater than 300 square metres.~~

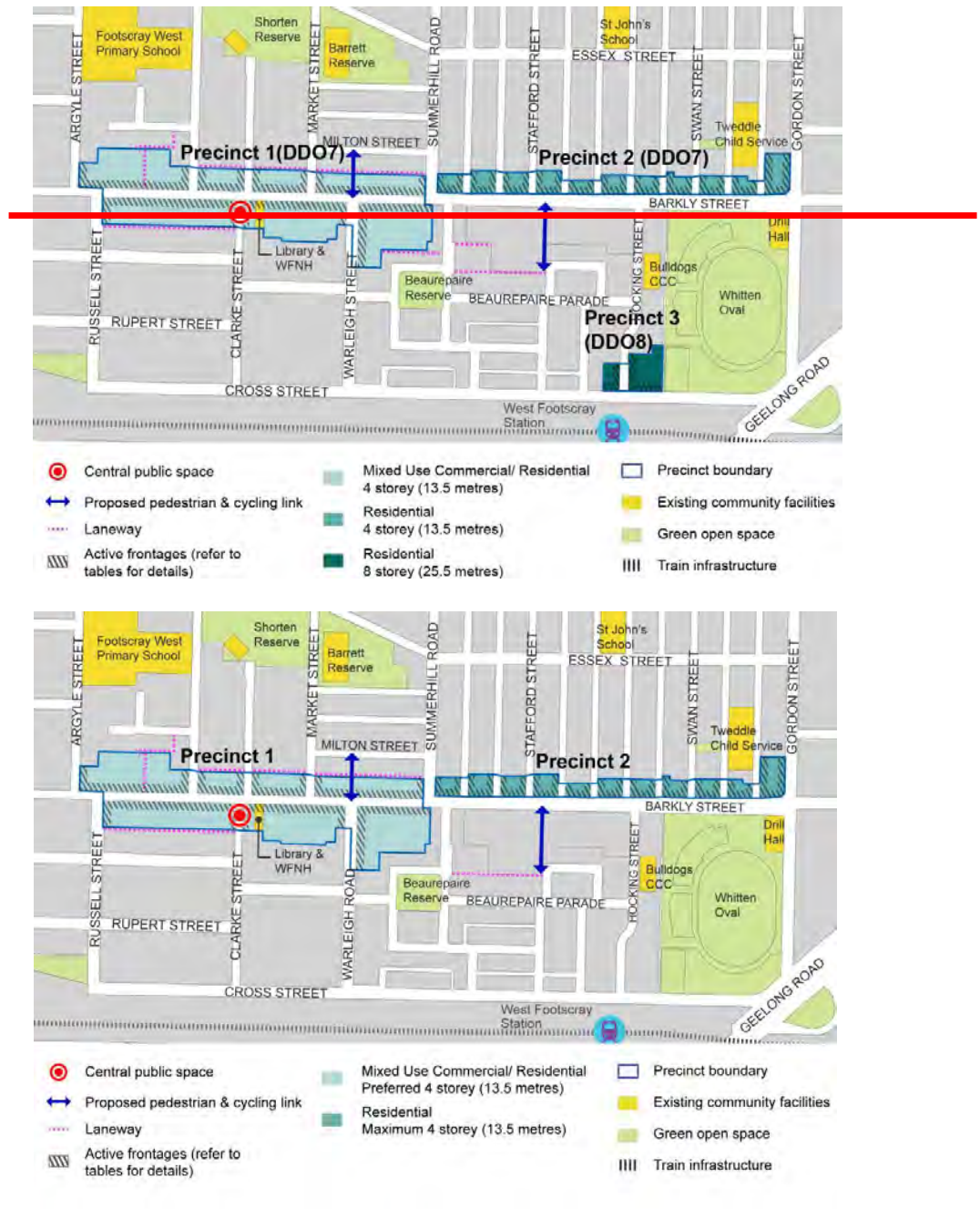
~~▪ An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.~~

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Design and built form requirements

The following ~~buildings and works~~ requirements in Tables 1 and 2 and shown in Figure 1 apply to an application to construct a building or construct or carry out works.

Figure 1: Preferred Character Plan of Precincts



Agenda Item 9.1 - Attachment 5

Table 1: Precinct 1 - West Footscray Neighbourhood Activity Centre

Design or Built Form Element	Requirement
Building Height	<p>Building height must<u>should</u> not exceed 13.5 metres and four storeys, except for sites greater than 2000 square metres where building height must<u>should</u> not exceed 16.5 metres (five storeys).</p> <p>Height of a storey at the ground floor level of a new building must<u>should</u> be at least 4 metres measured from finished floor level to the ceiling<u>finished floor level</u>.</p>
Street Setback	<p>Walls of buildings must be set back from the front street:</p> <ul style="list-style-type: none"> ▪ 0 metres up to and including a height of 40<u>11.5</u> metres (<u>three storeys</u>) with a continuous streetwall edge. ▪ minimum 3 metres from the frontage above a height of 40<u>11.5</u> metres (three storeys). <p>For a corner site, walls of buildings should have a 0 metre setback from the side street.</p>
Side Setback	<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 a 4.5 metres from the side boundary for a minimum length of 3 metres and be clear to the sky (except along the frontage).</p>
Rear Setback	<p>A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-4<u>1</u>, Standard B19 of Clause 55.04-3, Standard B20 of Clause 55.04-4, Standard B21 of Clause 55.04-5, Standard D14 of Clause 58.04-1 and Standard D15 of Clause 58.04-2 of the Maribyrnong Planning Scheme.</p>
Public Realm Interface	<p>Incorporate an active frontage response at all ground level interfaces.</p> <p>Maintain a fine grain street pattern of buildings with a 6 metre width at ground level and incorporate vertical articulation.</p> <p>Ensure north-south pedestrian and cycling connections.</p> <p>Buildings on the north side of Barkly Street should<u>must</u> be designed to ensure the footpath <u>and outdoor dining areas</u> on the south side of the street receives full sunlight between 10am and 3pm on the 22 September <u>as shown in Figure 2</u>.</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 on the ground floor for residential uses on the upper levels (no alcoves or unsecured/setback entries).</p> <p>Incorporate 65-80% glazing and transparency on the ground floor façade.</p> <p>Incorporate windows on all levels of the building façade with direct access and outlook to the street frontage.</p> <p>Incorporate a canopy or awning over the footpath for the full width of the</p>

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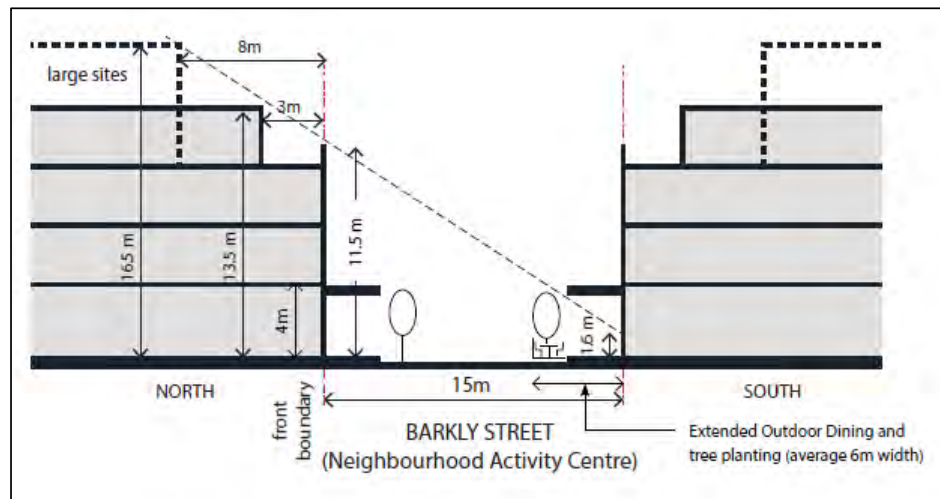
Design or Built Form Element	Requirement
	<p>building frontage.</p> <p>Minimise the visual impact of service cabinets on the façade.</p> <p>Limit large signs.</p> <p>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened.</p>

Table 2: Precinct 2 - Barkly Street East Residential Precinct (north side between Summerhill Road and Gordon Street)

Design or Built Form Element	Requirement
Building Height	Building height must not exceed 13.5 metres and four storeys.
Street Setback	<p>Walls of buildings must be set back:</p> <ul style="list-style-type: none"> ▪ minimum 3 metres from the front street (incorporating landscaping). ▪ minimum 2 metres from the side street.
Side Setback	<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 (except along the frontage).</p>
Rear Setback	<p>A rear setback of a building should be designed having regard to Standard B17 of Clause 55.04-41, 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 of the Maribyrnong Planning Scheme.</p>
Public Realm Interface	<p>Incorporate a an 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 street frontage.</p> <p>Incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium size 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>

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Figure 2: Preferred cross-section plan for Precinct 1



Variations to the design and built form requirements

A permit cannot be granted to construct a building or construct or carry out works in Precinct 1 or Precinct 2 which are not in accordance with the street setback requirements specified in this schedule, except for the purpose of creating publicly accessible open space.

An application to vary the other design and built form requirements of this schedule, must demonstrate the proposal (as appropriate):

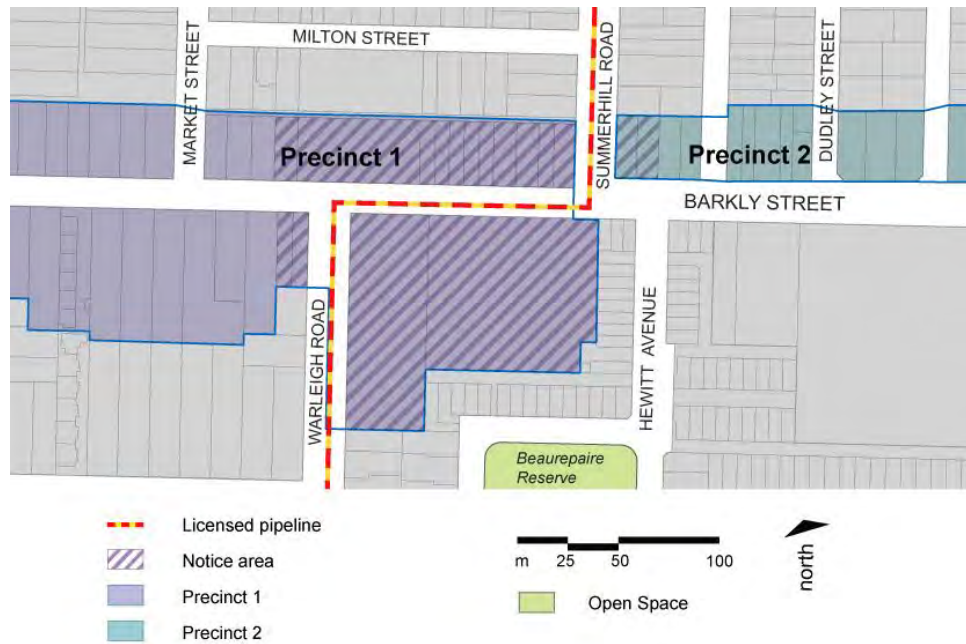
- delivers a scale of development that provides street definition and a very high level of pedestrian amenity, including active frontages, sky views and a pedestrian friendly scale;
- respects the fine grain presentation of adjoining land uses fronting the street;
- is designed to minimise visual appearance of levels above the street wall and achieve an overall consistency of scale within the streetscape;
- is designed to allow solar access to the southern side of the street in a manner that maintains opportunities for outdoor dining and street activities in the public realm as shown in Figure 2; and
- does not overwhelm adjoining properties in a residential zone in terms of building scale or bulk, access to daylight, outlook and overshadowing impacts.

Development near licensed pipeline

In accordance with Section 52(1)(c) of the Act, notice must be given for any application for buildings and works on land within 27 metres of Licensed Pipeline No. 18 shown in Figure 3 of this schedule to the relevant pipeline owner and licensee as specified in the schedule to Clause 66.06.

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Figure 3: Licensed pipeline notice area (Licence No. 18)



3.0 Subdivision

Proposed C162mari
None specified.

4.0 Signs

Proposed C162mari
None specified.

5.0 Application requirements

Proposed C162mari
The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.
- An Urban Design and Context Report that demonstrates how the design responds to the existing urban context, preferred future development of the area, Preferred Character Plan of Precincts shown in Figure 1 and [the design and built form requirements in Tables 1 and 2 of specified in this Schedule.](#)
- An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.
- An assessment of waste collection, removal and delivery areas for the proposed development.
- An Acoustic Report [by a suitably qualified acoustic consultant](#) which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities, ~~and the surrounding road network~~ [and aircraft noise.](#)

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If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.

- A report showing that the design of the development demonstrates high standards of environmental sustainability. The report should assess the design of the proposed development in the following areas:
 - Energy efficiency.
 - Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
 - Integrated water management.
 - Waste minimisation.
 - Building materials.
 - Demolition and construction practices.
 - Landscaping.
 - Indoor environmental quality and natural lighting.
 - Other environmental sustainability issues impacting the proposed design.
- A Landscape Plan which shows information relating to:
 - The quantity and both botanical and common names of all proposed plants.
 - The size at time of installation and typical size (height and width) at maturity of all proposed plants.
 - Pot size for understorey planting and height for tree planting.
 - The ongoing management, including the maintenance needs of all plants within common areas.

6.0 Decision guidelines

Proposed C162mari

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development meets the [design and](#) built form requirements in [Tables 1 and 2 and shown in Figure 2](#) ~~1~~ specified in ~~of~~ this schedule.
- 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.
- Whether the development respects the fine grain presentation of adjoining land uses fronting the street.
- 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.
- Whether the development is designed to allow solar access to the southern side of the street in a manner that maintains opportunities for outdoor dining and street activities in 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.
- Whether the response to noise, odour and overshadowing is acceptable.
- Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.
- Whether windows, terraces and balconies are appropriately oriented to the street or open space.

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- Whether plant and equipment is successfully screened and integrated into the overall building design.
- How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.
- Whether the location, design and layout of car parking is an acceptable response to the public realm.
- [Whether the development has been appropriately designed in relation to the licensed pipeline referred to in Figure 2 of this schedule and in the schedule to Clause 66.06.](#)
- The quality of pedestrian, bicycle and vehicular access and egress points and connections.
- The impact of traffic and parking on the road network.
- Whether the development is environmentally sustainable [as assessed against the Built Environment Sustainability Scorecard.](#)

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Proposed
C162mari

SCHEDULE 8 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO8**.

WEST FOOTSCRAY RAILWAY STATION MIXED USE PRECINCT

1.0 Design objectives

---/---
Proposed
C162mari

To encourage ~~a range of~~ well designed apartment buildings that support complementary uses at ground floor level.

To facilitate mixed use development that is of high architectural and urban design quality, offers attractive and functional internal and external spaces and provides good amenity.

To improve activation and utilisation of the public spaces-realm through active frontages to buildings along ~~roads~~ street frontages and public spaces.

To ensure development appropriately responds to amenity of surrounding areas.

2.0 Buildings and works

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Proposed
C162mari

Permit exemptions

A permit is not required under this overlay for any earthworks associated with the remediation of land in accordance with, or for the purpose of, undertaking a preliminary risk screen assessment or environmental audit under the Environment Protection Act 2017 or a certificate or statement of environmental audit under the Environment Protection Act 1970 ~~obtaining a Certificate or Statement of Environmental Audit under the Environment Protection Act 1970~~. Earthworks must be carried out in accordance with a Remediation Action Plan and an Environmental Management Plan endorsed by the EPA appointed environmental auditor for the site.

A permit is not required to construct or carry out buildings and works for:

- The installation of an automatic teller machine.
- Shade sails to an existing roof deck.
- An awning that projects over a road if it is authorised by the relevant public land manager.
- Buildings and works for the purpose of Local Government, Education or Transport provided the use is carried out by, or on behalf of, the public land manager.

~~▪ A single dwelling on a site greater than 300 square metres.~~

~~▪ An outbuilding with a gross floor area not more than 10 metres and a maximum building height not more than 3 metres above natural ground level.~~

Design and built form requirements

The following ~~buildings and works~~ requirements in Table 1 ~~and shown in Figure 1~~ apply to an application to construct a building or construct or carry out works ~~on land in Precinct 3 shown in Figure 1~~.

Agenda Item 9.1 - Attachment 5

Figure 1: Preferred Character Plan of Precincts

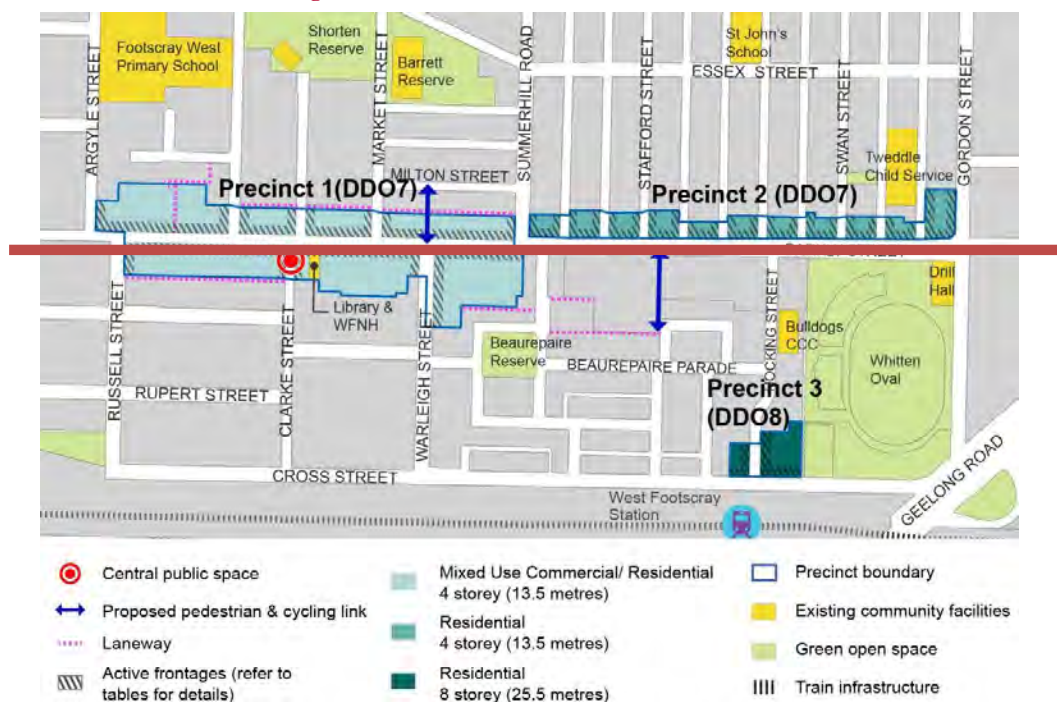


Table 1: West Footscray Railway Station Mixed Use Precinct (4, 6 and 8 Cross Street)

Design or Built Form Element	Requirement
Building Height	Building height must <u>should</u> not exceed 25.5-7 metres (eight storeys).
Street Setback	Walls of buildings should be set back from the front street: <ul style="list-style-type: none"> 3 metres at ground level (incorporating landscaping) for development with a ground floor residential use. 0 metres to a height of 19.5 metres (<u>six storeys</u>) with a continuous street wall edge for development with a ground floor commercial use. 5 metres above a height of 19.5 metres (6-<u>six</u> storeys). Walls of buildings should be set back from side streets: <ul style="list-style-type: none"> 0 metres at ground floor level. 3 metres above 19.5 metres (<u>six storeys</u>).
Side Setback	Where a wall does not include a habitable room window or balcony, the wall should be set back 0 metres to a side boundary. Above ground floor level, where a wall includes a habitable room window or balcony, the wall should be set back 6 metres from the side (except along the frontage or side street).
Rear Setback	At ground floor level, where a wall does not include a habitable room window or balcony, a 0 metre setback to a rear boundary. At ground floor level, where a wall includes a habitabl room window or balcony, a 3 metre setback to a rear boundary.

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Design or Built Form Element	Requirement
	<p>For land at 4-6 Cross Street:</p> <ul style="list-style-type: none"> ▪ Above ground floor level to a height of 19.5 metres (six storeys), a 6 metre setback to a rear boundary. ▪ Above a height of 19.5 metres (six storeys), a 9 metre setback to a rear boundary. <p>For land at 8 Cross Street:</p> <ul style="list-style-type: none"> ▪ above ground floor level to a height of 13.5 metres (four storeys), a 6 metre setback to a rear boundary. ▪ above a height of 13.5 metres (four storeys), a setback to a rear boundary in accordance with Standard B17 of Clause 55.04-1
Public Realm Interface	<p>Incorporate an 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 on the ground floor for residential uses on the upper levels (no alcoves or unsecured/setback entries).</p> <p>Incorporate windows on all levels of the building façade with direct access and outlook to the street frontage.</p> <p>Where ground floor land use is retail or commercial:</p> <ul style="list-style-type: none"> ▪ Incorporate 65-80% glazing and transparency transparency on the ground floor façade. ▪ Incorporate a canopy or awning over the footpath for the full width of the building frontage. <p>Where ground floor land use is residential, incorporate low fences and setbacks to allow landscaped front yards with sufficient space for at least one medium-size canopy tree per front yard.</p> <p>Incorporate direct entries from the street to ground floor uses.</p> <p>Minimise the visual impact of service cabinets on the façade.</p> <p>Limit large signs.</p> <p>Plant and equipment (including air conditioning units and exhausts) should be integrated into the building design and appropriately screened.</p>

3.0

Subdivision

Proposed
C162mari

None specified.

4.0

Signs

Proposed
C162mari

None specified.

Agenda Item 9.1 - Attachment 5

5.0 Application requirements

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Proposed
C162mari

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A Planning Report that demonstrates how the development satisfies relevant planning policies and clauses of the Maribyrnong Planning Scheme.
- An Urban Design and Context Report that demonstrates how the design responds to the existing urban context, preferred future development of the area, ~~Preferred Character Plan of Precincts shown in Figure 1~~ and the design and built form requirements specified in Table 1 of this Schedule.
- An assessment of traffic and transportation issues including car parking design, provision, access and egress for future residents/occupants and visitors, and the relationship to the pedestrian, cycling and public transport network.
- An assessment of waste collection, removal and delivery areas for the proposed development.
- An Acoustic Report by a suitably qualified acoustic consultant which includes a detailed assessment of potential noise impacts at different times of the day and week. This includes noise generated from abutting commercial activities, ~~and the~~ surrounding road network and aircraft noise.

If the report identifies that the proposed use and/or development may be adversely affected, specific recommendations must be provided within the report for appropriate acoustic design treatments to be implemented to ensure the proposed use and/or development is not adversely affected by the identified impacts.

- A report showing that the design of the development demonstrates high standards of environmental sustainability. The report should assess the design of the proposed development in the following areas:
 - Energy efficiency.
 - Measures to reduce or manage car parking demand and encourage sustainable alternative transport modes.
 - Integrated water management.
 - Waste minimisation.
 - Building materials.
 - Demolition and construction practices.
 - Landscaping.
 - Indoor environmental quality and natural lighting.
 - Other environmental sustainability issues impacting the proposed design.
- A Landscape Plan which shows information relating to:
 - The quantity and both botanical and common names of all proposed plants.
 - The size at time of installation and typical size (height and width) at maturity of all proposed plants.
 - Pot size for understorey planting and height for tree planting.
 - The ongoing management, including the maintenance needs of all plants within common areas.
- An adverse ~~amenity~~ amenity impact assessment consisting of a report(s) prepared by a suitably qualified person(s). The report(s) must identify all potential adverse amenity impacts (eg; noise, odour) from nearby land and uses including, but not limited to:
 - The recreation facility to the east of the subject site(s).
 - Use of the rail corridor to the south of the subject site(s).

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- The paint manufacturing facility at Graingers Road, West Footscray.

The report(s) must include specific design recommendations to address any potential adverse amenity impacts identified.

6.0 Decision guidelines

~~Proposed C162~~
Proposed C162mar

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the development meets the [design and](#) built form requirements [specified in Tables 1 and 2 and shown in Figure 2 of](#) this schedule.
- Whether the response to noise, odour and overshadowing is acceptable.
- Whether the development provides suitable daylight, sunlight and outlook to proposed dwellings, habitable areas, landscaped areas and adjacent developments.
- Whether windows, terraces and balconies are appropriately oriented to the street or open space.
- Whether plant and equipment is successfully screened and integrated into the overall building design.
- How the location and design of exhaust flues and air conditioning units will ameliorate odour, heat and visual impacts on adjoining uses and streets.
- Whether the location, design and layout of car parking is an acceptable response to the public realm.
- The quality of pedestrian, bicycle and vehicular access and egress points and connections.
- The impact of traffic and parking on the road network.
- Whether the development is environmentally sustainable [as assessed against the Built Environment Sustainability Scorecard](#).

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Proposed
C162mari

**SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS
UNDER LOCAL PROVISIONS**

1.0 Notice of permit applications under local provisions

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Proposed
C162mari

Clause	Kind of application	Person or body to be notified
Schedule 7 to Clause 43.02 (DDO7)	An application for buildings and works on land shown in Figure 3 of Schedule 7 to Clause 43.02.	Owner and licensee of the Footscray to Sunshine gas transmission pipeline.

Note: The following matters are highlighted through tracked-changes:

- Key post-exhibition changes to the Amendment.
- Additional information provided in response to Panel recommendations.

MARIBYRNONG PLANNING SCHEME

AMENDMENT C162

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Maribyrnong City Council which is the planning authority for this Amendment.

The Amendment has been made at the request of Maribyrnong City Council.

Land affected by the Amendment

The Amendment applies to land in West Footscray and Footscray as outlined in red in Figure 1:

Figure 1: Land affected by Amendment C162



What the Amendment does

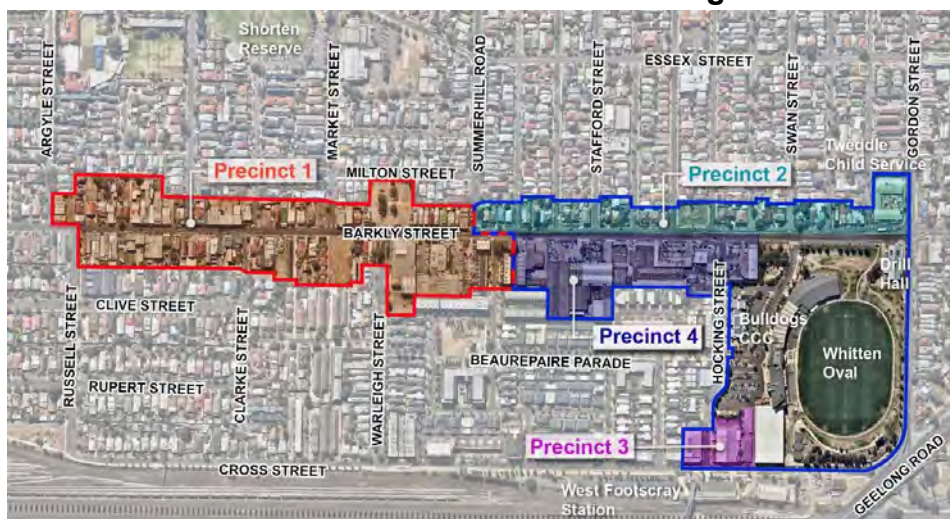
The Amendment implements the land use and built form directions of the West Footscray Neighbourhood Plan ~~2018~~ (WFNP), prepared in 2018 and updated in October 2022. It extends commercial zonings in the West Footscray Neighbourhood Activity Centre (NAC) and introduces design and development provisions to manage change in the activity centre and Barkly Street East and West Footscray Railway Station precincts.

It also identifies sites of existing or potential contamination and applies provisions to manage their remediation and redevelopment.

The Amendment is divided into four main precincts, as shown in Figure 2:

Figure 2: Amendment C162 Precinct Plan

Agenda Item 9.1 - Attachment 6



- Precinct 1** West Footscray NAC. Also known as ‘Barkly Village’.
- Precinct 2** Barkly Street East - northern side
(northern side of Barkly Street between Summerhill Road and Gordon Street)
- Precinct 3** West Footscray Railway Station (4, 6 and 8 Cross Street)
- Precinct 4** Barkly Street East – southern side
(southern side of Barkly Street between West Footscray NAC and Whitten Oval)

Specifically, the Amendment:

- Amends the Municipal Strategic Statement at clauses 21.01, 21.03, 21.04, 21.05, 21.07, 21.08, 21.11, 21.12 and 21.14 to reflect the WFNP by:
 - Updating land use and built form policy for West Footscray NAC (Precinct 1) to strengthen its role as the focus for retail, commercial and local services with a residential population in integrated apartment developments.
 - Introducing new policy for precincts 2 and 3 to support uses that complement the NAC and facilitate diverse housing opportunities.
 - [Identifying further strategic work on the role of the Mixed Use Zone land in the NAC and providing guidance on the potential transition of Precinct 4 to facilitate a mix of residential and commercial \(non-retail\) uses-mixed-use development.](#)
 - Updating the municipal framework plan maps to align with the WFNP.
 - Including the WFNP as a Reference Document in the planning scheme.
 - Removing redundant references to the West Footscray Urban Design Framework 2008 (predecessor to the WFNP).
- Rezones selected land in the West Footscray NAC from the General Residential, Mixed Use and Commercial 2 zones to Commercial 1 Zone.
- Inserts Schedule 2 to the General Residential Zone and applies it to all land in Precinct 2.
- Rezones land in Precinct 3 from the Commercial 2 and General Residential zones to Mixed Use Zone.
- Revises Design and Development Overlay – Schedule 7 (DDO7) and extends its application include all land in precincts 1 and 2. This does not apply to:

- Agenda Item 9.1 Attachment 6**
- Properties in Precinct 1 affected by the existing Development Overlay (Schedule 8) (481-491A Barkly Street, 22-32 Hewitt Avenue and 45-57 Hewitt Avenue).
 - The rear portion of the supermarket carpark fronting Milton Street in Precinct 1 (comprising Lot 1 on TP742312, Lot 25 on LP700, Lot 24 on LP700, Lot 1 on TP135229 and Lot 1 on TP692860).
 - Revises Design and Development Overlay – Schedule 8 and extends its application to include all land in Precinct 3.
 - Applies the Environmental Audit Overlay (EAO) to the supermarket site at 509-511 Barkly Street, West Footscray, [land at 438-440 Barkly Street, Footscray](#), and land at 8 Cross Street, Footscray, to ensure [sites of existing and potentially contaminated contamination are land is](#) suitably remediated prior to sensitive uses being allowed.
 - [Amends the Schedule to Clause 66.06 \(Notification of Permit Applications under Local Provisions\) to include a notice requirement to the owner and licensee of Licensed Pipeline No. 18 of development applications in Precinct 1 and 2 within 27 metres of the pipeline.](#)

The Amendment also corrects a mapping anomaly by rezoning 45 Hewitt Avenue, Footscray, to Mixed Use Zone in its entirety to ensure it is not unnecessarily affected by two residential zones.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to implement the land use and built form directions of the WFNP. The plan was prepared by Council in 2018 to guide growth and development of the area. It is premised on the vision of a 20-minute neighbourhood, where people can gather, socialise, shop, work, live and make use of community and leisure services without having to travel far.

The Amendment implements the WFNP by:

- Reconciling the segmented zoning pattern in the West Footscray NAC to expand and focus retail and commercial opportunities and strengthen street level activity.
- Updating local policy to reflect its strategic direction and remove reference to the UDF 2008.
- Supporting a diverse mixed of housing types and sizes responding to forecast housing needs, and directing higher density apartment forms to preferred locations close to public transport and services.
- Introducing built form controls to provide clear direction for change in the NAC and adjacent precincts, established a strong coherent character along Barkly Street, enhance the public realm and protect surrounding amenity.
- Providing a framework for the potential transition of land on the southern side of Barkly Street between West Footscray NAC and Whitten Oval, currently used as car yards and service industries (Precinct 4).

The WFNP and West Footscray Economic Assessment for the Neighbourhood Plan, April 2018, form the strategic basis for the Amendment.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of section 4 of the *Planning and Environment Act 1987* by:

- Improving the planning framework around the use and development of land in a neighbourhood activity centre and two adjacent precincts by providing improved guidance for land uses and the design and development of new development.
- Supporting the role and function of the West Footscray NAC and the Footscray Metropolitan Activity Centre by helping to rejuvenate the West Footscray NAC with additional commercial/mixed

use sites and an increased residential and worker population within the vicinity of adjacent residential areas. **Agenda Item 9.1 Attachment 6**

- Ensuring the risks to human health and the environment in relation to sites of existing or potential contamination are managed.

How does the Amendment address any environmental, social and economic effects?

The Amendment will generate positive environmental, social and economic effects resulting in a net community benefit.

The rejuvenation of the centre through additional worker and residential population will lead to improvements in the economic wellbeing of the community, providing for an enhanced and more vibrant commercial and retail area. Safety will be increased through increased population and high quality development that better interacts with the streetscape and the public realm.

A more vibrant neighbourhood activity centre will result in people's local needs being met in the centre reducing their reliance on car travel and increasing active and public transport use. High quality urban design and architectural outcomes in new development will complement public realm improvements in the precincts and increase the amenity, safety and attractiveness of the centre.

The Amendment manages potential environmental risk by requiring adverse amenity impact assessments for new development where appropriate and by applying the EAO to sites of existing or potential contamination.

Does the Amendment address relevant bushfire risk?

The Amendment will not increase the risk to life, property, community infrastructure and the natural environment from bushfire. The affected land is not located in or near a designated bushfire prone area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment complies with the requirements of *Ministerial Direction – The Form and Content of Planning Schemes*.

[The Amendment complies with the requirements of Ministerial Direction No. 1 Potentially Contaminated Land \(MD1\) by applying the EAO to sites of existing or potential contamination.](#)

[The Amendment rezones land at 509-511 Barkly Street, West Footscray, and 8 Cross Street, Footscray, from Commercial 2 Zone thereby facilitating their possible redevelopment for sensitive/residential use in future. These sites are considered potentially contaminated due to historical uses and the nature of groundwater and soil contamination on adjoining land. The application of the EAO to these sites will ensure the appropriate environmental audit process takes place before a sensitive use and development commences.](#)

[The Amendment also applies the EAO to a former petrol station at 438-440 Barkly Street, Footscray. An audit undertaken in 2016 found the site to be suitable for high density residential, commercial and industrial uses subject to conditions. If an alternative sensitive use is proposed \(e.g. childcare\) a new audit would be required, and therefore an EAO has been applied.](#)

[In accordance with clause 6\(3\) of MD1, it is appropriate to defer environmental audit requirements through the EAO in this manner as the rezonings relate to a large strategic exercise and multiple sites in separate ownership.](#)

The Amendment is consistent with and supports *Ministerial Direction No. 9 Metropolitan Planning Strategy* by advancing the following objectives of Plan Melbourne: 2017-2050:

- Direction 1.2 – Improve access to jobs across Melbourne and closer to where people live
Policy 1.2.1 is to “*Support the development of a network of activity centres linked by transport*”

The Amendment supports this policy by expanding commercial opportunities in the West Footscray NAC and facilitating greater density of people residing in and close to the NAC.

- Direction 1.3 – Create development opportunities at urban renewal precincts across Melbourne

Policy 1.3.1 is to “*Plan for and facilitate the development of urban renewal precincts*” and Policy 1.3.2 is to “*Plan for new development and investment opportunities on the existing and planned transport network*”

The Amendment supports this policy by facilitating transition of strategic redevelopment sites on Barkly Street and opposite West Footscray Railway Station, capitalising on improvements to the station.

- Direction 2.1 – Manage the supply of new housing in the right locations to meet population growth and create a sustainable city

Policy 2.1.2 is to “*Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport*”.

The Amendment supports this policy by facilitating residential growth in West Footscray NAC and adjoining precincts, which are locations well served by community facilities, employment and public transport.

Policy 2.1.4 is to “*Provide certainty about the scale of growth in the suburbs*”

The Amendment supports this policy by targeting growth to specified locations and managing that growth with planning provisions based on comprehensive analysis and consultation and that set clear guidance about development heights, preferred character and measures to protect residential amenity.

- Direction 2.5 – Provide greater choice and diversity of housing

Policy 2.5.1 is to “*Facilitate housing that offers choice and meets changing household needs*”.

The Amendment supports this policy by seeking to facilitate integrated apartment development in West Footscray to increase diversity of housing types in the area and respond to forecast population needs.

- Direction 4.3 – Achieve and promote design excellence

Policy 4.3.1 is to “*Promote urban design excellence in every aspect of the built environment*”

The Amendment supports this policy by seeking to strengthen the quality of the public realm in West Footscray NAC and create a strong consistent streetscape character on Barkly Street. By implementing design guidelines in the NAC and neighbouring precincts, it also seeks to facilitate well-designed buildings with a high degree of internal and external amenity.

- Direction 5.1 – Create a city of 20-minute neighbourhoods

Policy 5.1.1 is to “*Create mixed-use neighbourhoods at varying density*” and Policy 5.1.2 is to “*Support a network of vibrant neighbourhood activity centres*”

The policies are central to the Amendment, which seeks to implement the WFNP and its vision for West Footscray “as a place where people can gather, socialise, shop, work, live and make use of community and leisure services without having travel far”.

- Direction 6.1 – Transition to a low-carbon city to enable Victoria to achieve its target of net zero greenhouse gas emissions by 2050

Policy 6.1.1 is to “*Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades*”

The Amendment supports this policy by requiring new development to demonstrate environmental sustainable design as part of the planning permit process. It also addresses the need to reduce greenhouse gas emissions by encouraging the needs of the growing West

Footscray community to be met locally, reducing reliance on private cars and public transport use. **Agenda Item 9.4 Attachment 6**

The requirements of *Ministerial Direction No. 11 Strategic Assessment of Amendments* and *Ministerial Direction No. 15 The Planning Scheme Amendment Process* have been followed in preparing and processing this Amendment.

[Council undertook early consultation with the Environment Protection Authority Victoria \(EPA\) in accordance with Ministerial Direction 19 Preparation and Content of Amendments That May Significantly Impact the Environment, Amenity and Human Health \(MD19\), and followed their initial advice in preparing the Amendment. During public exhibition, the EPA lodged a submission which identified new matters. Council modified the Amendment in response by applying the EAO to a former petrol station site at 438-440 Barkly Street, Footscray \(after providing appropriate notice to affected parties\). Additional information was also included in this Explanatory Report to address updated requirements in MD1 introduced in August 2021 after the Amendment was exhibited.](#)

How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports and implements the following objectives of the PPF:

- Clause 11 – Settlement by encouraging growth and development of the West Footscray NAC and adjacent precincts. This will provide opportunities for the consolidation, redevelopment and intensification of the existing urban area and better balance neighbourhood character considerations in other areas. Increased supply of land for residential, commercial, retail, recreational, and other community uses will be provided through implementation of the WFNPs.
- Clause 13.04S – Contaminated and Potentially Contaminated Land by identifying sites of existing or potential contamination and applying the EAO to manage their remediation before redevelopment.
- Clause 15.01 – Built Environment by implementing improved design and development controls to help create quality urban environments that are safe, healthy, functional and enjoyable with a better sense of place and cultural identity. The Amendment facilitates a 20-minute neighbourhood that gives residents the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.
- Clause 15.02 – Sustainable Development by encouraging land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions through sustainable development.
- Clause 16 - Housing by encouraging housing developments in key redevelopment areas that are integrated with infrastructure and services. The Amendment will facilitate housing diversity and affordable housing closer to jobs, transport and services through sustainable and efficient provision of infrastructure with access to services, public transport, schools and open space.
- Clause 17 – Economic Development by strengthening and diversifying the local economy and facilitating growth in a range of employment sectors, improving access to employment closer to where people live and clustering activities to promote innovation. The Amendment will encourage development that meets the community's needs for retail, entertainment, office, and other commercial services by planning for an adequate supply of commercial land in appropriate locations. It will also ensure that commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure by locating commercial facilities in or adjacent to the West Footscray NAC.
- Clause 18- Transport by creating a safer and more sustainable transport system, better integrating land-use and transport and coordinating improvements to public transport, walking and cycling networks, as well as land use and development that supports the Principal Public Transport Network (PPTN). [The Amendment is consistent with policies to safeguard Melbourne Airport's operations by requiring new development to be informed by an acoustic report that considers the impact of aircraft noise where appropriate.](#)
- Clause 19 – Infrastructure by ensuring the development of the necessary physical and social infrastructure to support land use and development. This includes improved open space provision and networks, community facilities and the integrated provision of all utility services.

How does the Amendment support or implement the Local Planning Framework, Attachment 6 specifically the Municipal Strategic Statement?

The Amendment supports and addresses the following objectives of the LPPF:

- Clause 21.04 – Settlement by providing for forecast housing growth to identified locations and strengthening the West Footscray NAC as an accessible, pleasant and safe place where people can gather, socialise, shop, work, live and make use of community and leisure services without having to travel far. It also seeks to improve linkages and connections throughout the West Footscray NAC, adjacent precincts and residential areas to enable better access open space, public transport and daily services.
- Clause 21.05 – Environment and Landscape Values by enhancing the landscape character of the West Footscray NAC and adjacent precincts. It also directs urban intensification into designated areas around public transport and services and implements improved provisions for new development to meet environmental sustainability requirements.
- Clause 21.06 – Built Environment and Heritage by implementing environmentally sustainable design, ensuring that new development will assist in reducing greenhouse gas emissions and minimise impacts on storm water quality and manage better water resources. The Amendment makes no change to existing heritage controls in the West Footscray NAC and adjacent precincts.
- Clause 21.07 – Housing by updating the Housing Framework Plan to identify the Barkly Street East and West Footscray Railway Station precincts as substantial change areas to reflect the residential outcomes planned in the WFNP.
- Clause 21.08 – Economic Development by encouraging the growth and development of retail and other commercial uses into the West Footscray NAC.
- Clause 21.09 – Transport by directing residential and commercial growth into areas along the PPTN and complementing the redevelopment of West Footscray Railway Station.
- Clause 21.10 – Community and Development Infrastructure by encouraging and providing improved community, social, cultural, sporting and recreational facilities in the West Footscray NAC and at, and adjacent to, Whitten Oval.
- Clause 21.11 – Local Areas by implementing revised objectives and strategies for the West Footscray NAC and Barkly Street East and West Footscray Railway Station precincts, incorporating the recommendations of the WFNP.
- Clause 21.12 – Reference Documents by updating the clause to insert the WFNP and remove the West Footscray Urban Design Framework 2008, which is the predecessor to the WFNP.
- Clause 21.14 – Further Strategic Work by updating the clause to reflect the strategic work the WFNP has fulfilled (~~review of zoning within the West Footscray NAC~~) [and identifying future work to implement the WFNP objectives \(i.e. reviewing the role of Mixed Use Zone land in the West Footscray NAC and the zoning and built form controls of land in Precinct 4\).](#)
- Clause 22.03 – Potentially Contaminated Land Policy by applying the EAO to identified sites of existing or potential contamination and require remediation before a sensitive use is located on the land.

How does the Amendment support or implement the Municipal Planning Strategy?

The Maribyrnong Planning Scheme does not contain a Municipal Planning Strategy so this consideration is not relevant to the Amendment.

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions (VPP) by utilising the appropriate VPP tools (such as the Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Design and Development Overlay and Environment Audit Overlay) and correcting a mapping anomaly to land at 45 Hewitt Avenue, Footscray.

How does the Amendment address the views of any relevant agencies? Agenda Item 9.1 - Attachment 6

~~The views of the Environment Protection Authority Victoria (EPA) informed the preparation of the Amendment. The EPA were satisfied with the use of the Environmental Audit Overlay to manage environmental risk in relation to potentially contaminated land.~~

~~The views of agencies will be sought through the exhibition process.~~

Council undertook early consultation with the EPA in accordance with MD19. Their initial advice was following in drafting the Amendment through the application of the EAO to land considered potentially contaminated (being 509-511 Barkly Street, West Footscray, and 8 Cross Street, Footscray).

During public exhibition, the EPA lodged a submission which raised new matters. In response, the Amendment was modified to apply the EAO to 438-440 Barkly Street, Footscray (following appropriate notice to affected parties), and further information has been included in this Explanatory Report to reflect new requirements in MD1.

During public exhibition, submissions were also received from Melbourne Water, City West Water, Energy Safe Victoria (ESV) and Downer Utilities (on behalf of AusNet Gas Services).

Melbourne Water and City West Water offered their support/ did not object to the Amendment.

ESV and Downer Utilities made submissions regarding impact on a licensed gas pipeline intersecting the Amendment area along Warleigh Road, Barkly Street and Summerhill Road (precincts 1 and 2). In response, Council engaged a qualified pipeline engineer to prepare a Safety Management Study (SMS) in consultation with ESV and Downer Utilities. The SMS recommended notice of future planning permit applications in the Amendment area within 27 metres of the pipeline be made to AusNet (as the relevant service provider) to consider future impact on the pipeline on a case-by-case basis. The DDO7 and Schedule to Clause 66.06 (Notice of Permit Applications under Local Provisions) have been modified to include this notice provision.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will have a positive impact on the transport system by reducing reliance on car travel and promoting use of public and active transport modes. This will be brought about through increased ability to live and work locally in the West Footscray NAC and adjacent precincts and enhanced connections between various transport modes to encourage the use of active and public transport.

Resource and administrative costs

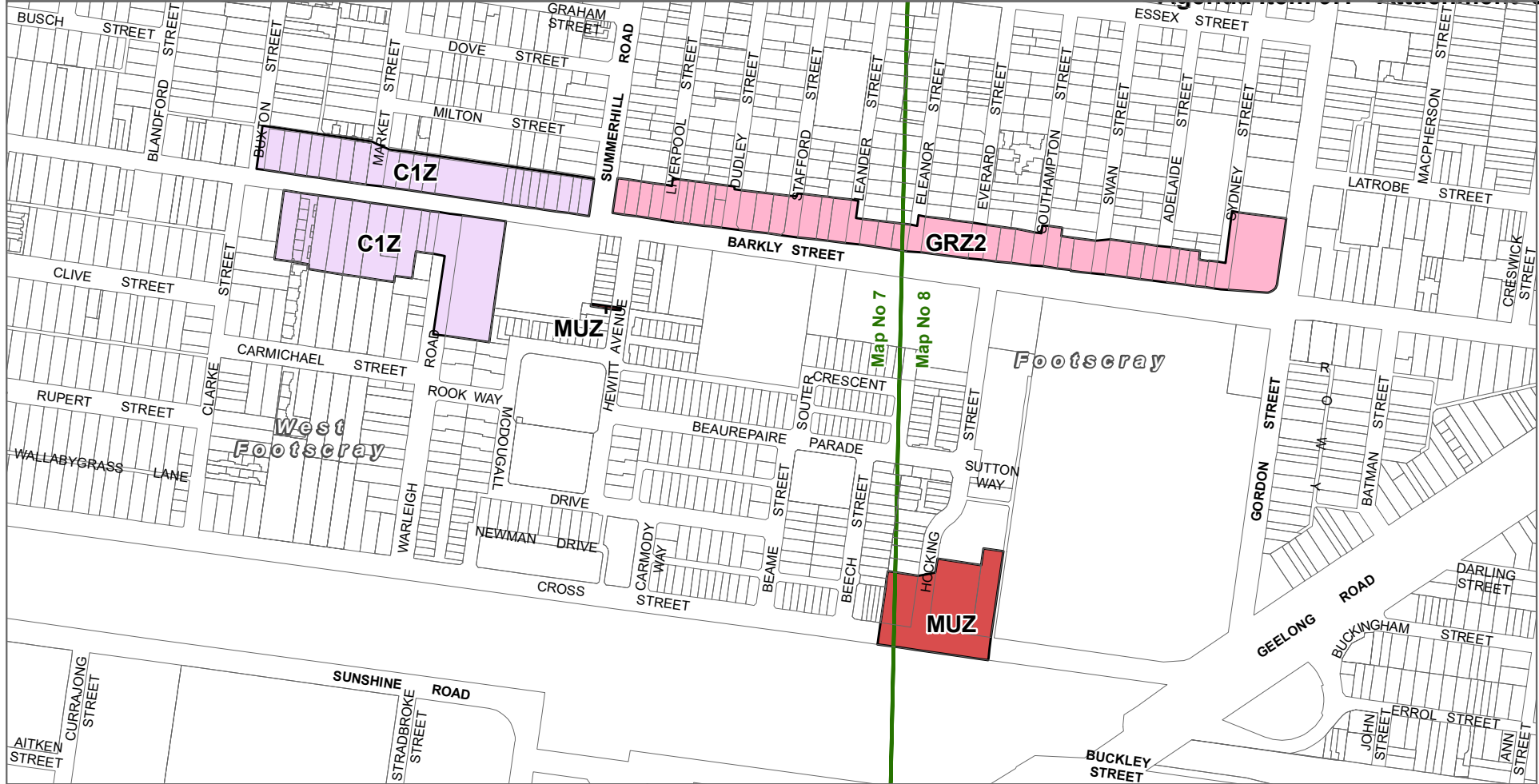
- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The Amendment is unlikely to have substantial impacts on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The Amendment can be inspected free of charge at the Maribyrnong City Council website at www.maribyrnong.vic.gov.au/AmendmentC162 or by contacting the office on 9688 0200 to arrange a time to view the amendment documentation.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.



- LEGEND**
- C1Z - Commercial 1 Zone
 - GRZ - General Residential Zone
 - MUZ - Mixed Use Zone
 - Local Government Area

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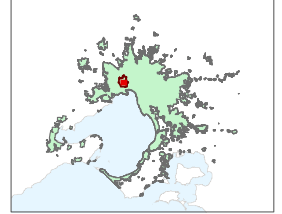
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Print Date: 5/19/2022
Amendment Version: 6

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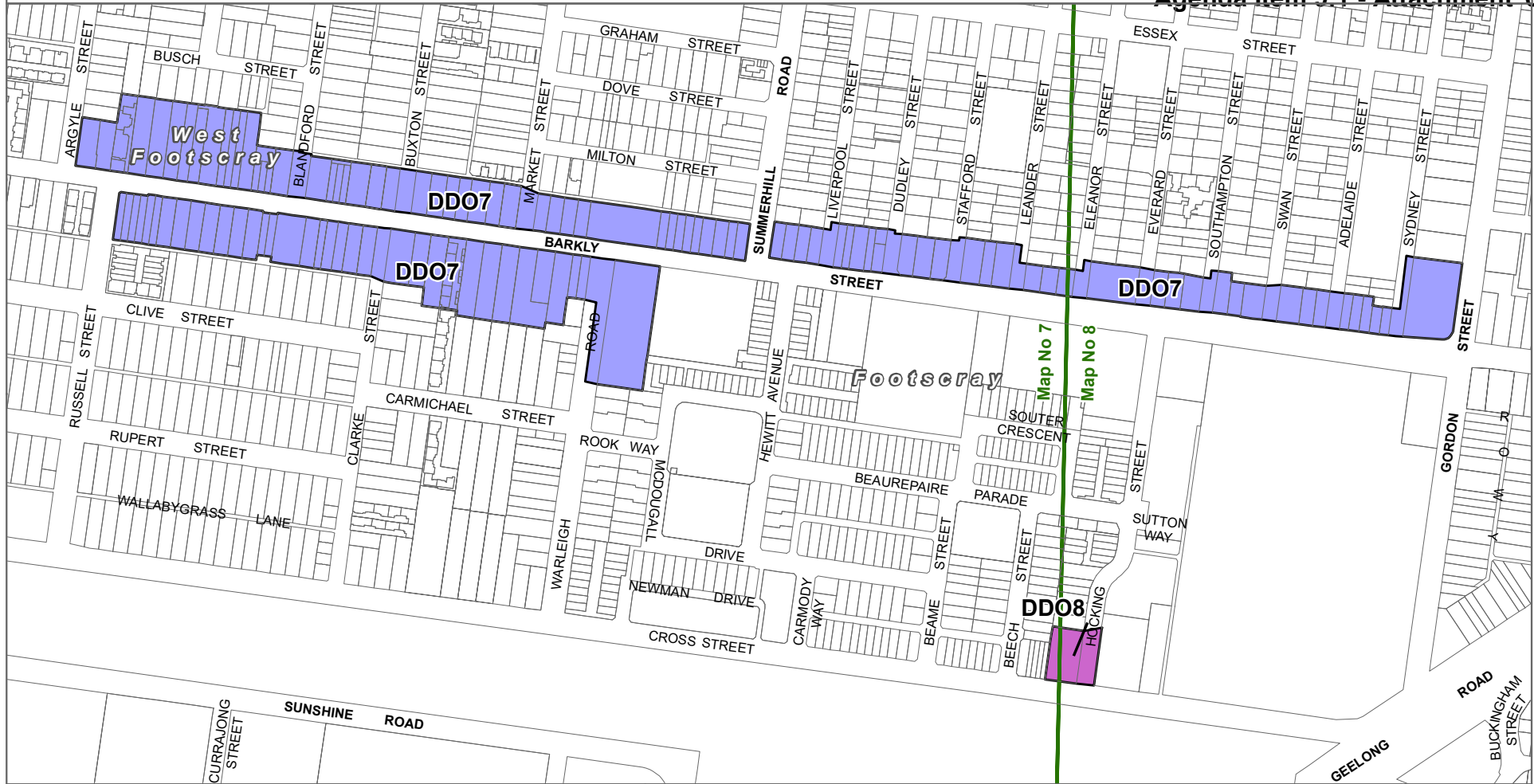
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Part of Planning Scheme Maps 7 & 8



AMENDMENT C162mari
Agenda Item 9.1 - Attachment 6



- LEGEND**
- DDO7 - Design and Development Overlay - Schedule 7
 - DDO8 - Design and Development Overlay - Schedule 8
 - Local Government Area

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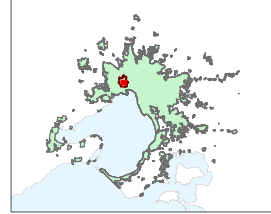
Planning Group
 Print Date: 5/19/2022
 Amendment Version: 6

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Part of Planning Scheme Maps 7DDO & 8DDO





LEGEND
 EAO - Environmental Audit Overlay
 Local Government Area

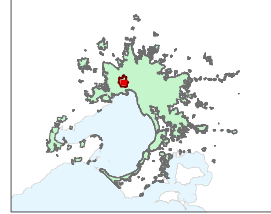
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Part of Planning Scheme Maps 7EAO & 8EAO



Agenda Item 9.1 - Attachment 6

Planning and Environment Act 1987

MARIBYRNONG PLANNING SCHEME

AMENDMENT C162

INSTRUCTION SHEET

The planning authority for this amendment is the Maribyrnong City Council.

The Maribyrnong Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of four attached map sheets.

Zoning Maps

1. Amend Planning Scheme Map No.s 7 and 8 affected in the manner shown on the attached map marked "Maribyrnong Planning Scheme, Local Provision Amendment C162".

Overlay Maps

2. Amend Planning Scheme Map No.s 7DDO and 8DDO in the manner shown on the attached map marked "Maribyrnong Planning Scheme Planning Scheme, Local Provision Amendment C162".
3. Amend Planning Scheme Map No.s 7EAO and 8EAO in the manner shown on the attached map marked "Maribyrnong Planning Scheme, Local Provision Amendment C162".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

4. In **Local Planning Policy Framework** – replace Clause 21.01 with a new Clause 21.01 in the form of the attached document.
5. In **Local Planning Policy Framework** – replace Clause 21.03 with a new Clause 21.03 in the form of the attached document.
6. In **Local Planning Policy Framework** – replace Clause 21.04 with a new Clause 21.04 in the form of the attached document.
7. In **Local Planning Policy Framework** – replace Clause 21.05 with a new Clause 21.05 in the form of the attached document.
8. In **Local Planning Policy Framework** – replace Clause 21.07 with a new Clause 21.07 in the form of the attached document.
9. In **Local Planning Policy Framework** – replace Clause 21.08 with a new Clause 21.08 in the form of the attached document.
10. In **Local Planning Policy Framework** – replace Clause 21.11 with a new Clause 21.11 in the form of the attached document.

Agenda Item 9.1 - Attachment 6

11. In **Local Planning Policy Framework** – replace Clause 21.12 with a new Clause 21.12 in the form of the attached document.
12. In **Local Planning Policy Framework** – replace Clause 21.14 with a new Clause 21.14 in the form of the attached document.
13. In **Zones** – Clause 32.08 insert a new Schedule 2 in the form of the attached document.
14. In **Overlays** – Clause 43.02 replace Schedule 7 with a new Schedule 7 in the form of the attached document.
15. In **Overlays** – Clause 43.02 replace Schedule 8 with a new Schedule 8 in the form of the attached document.
- ~~15.~~16. In **General Provisions** – Clause 66.06 replace the schedule with a new schedule in the form of the attached document.

End of document