

Application for Planning Permit

12 Van Ness Avenue, Maribyrnong – Jacks Magazine

CITY OF MARIBYRNONG

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Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.

The river system illustrated in this visual image is bound in greens and golds to acknowledge the warmth often felt in a colder climate. The rich earth hues of green, reds and browns reflect the local landscapes of this state while the extensive use of rhythmical patterning captures the unique landscapes of flat and mountainous areas. The use of earth colours imparts a sense of strength and serenity while contrasting greens throughout the image reminds us of the lushness of the natural world, where animals and humans once lived in harmony – it reminds us of the importance to protect the lands, waterways and skies and care for our localised environment. Scattered throughout the image are bold colours of oranges – a source of energy that continues to be felt as a life-giving source. The orange hues also portray the varying sunsets in which many Victorians enjoy seeing.

Contact

Henry Wallis
Associate Director

Hwallis@ethosurban.com
0409 524 842

This document has been prepared by:

This document has been reviewed by:

Evangeline Davidson

1/02/23

Henry Wallis

1/02/23

Version No.

1.0 (DRAFT)

Date of issue

1/02/23

Version No.

ED

Approved by

HW

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1.0 Executive Summary

Site Location and Context

The subject site is located at 12 Van Ness Avenue, Maribyrnong (also known as Magazine Way). The land is subject to the Comprehensive Development Zone overlay and is affected by the Environmental Audit Overlay and Heritage Overlay. HO45 applies to all buildings on the site which are identified as Jacks Magazine (formerly Saltwater River Powder Magazine). It is also included on the Victoria Heritage Register under the *Heritage Act 2017* (H1154).

Various buildings previously constructed from 1875 to 1921 for the storage of explosives during the Gold Rush era exist on the site, behind earth mounds, tramways and canals. The site is generally regular in shape and is bound by a solid brick wall. It is afforded pedestrian and vehicular access via the existing driveway from Pipe Makers Park Carpark to the north. The site has an approximate area of 6ha.

There are residential areas located to the west and south of the site. The residential dwellings within the La Scala Avenue court located immediately north west of the site, comprise a mix of multi-storey residential apartments which reflect a contemporary-infill style of development. These buildings are constructed of a variety of contemporary materials, including render, concrete, brick and weatherboard and feature predominately flat, metal roof forms.

The height of these apartments varies between 3-7 storeys, with lower building forms generally located within the western and southern area of the court, whilst higher density-built form characterises the eastern area of the court, north-west of Jacks Magazine.

The setbacks of these apartments from La Scala Avenue varies between 4-7m, as those apartments with carports within the front setback are set back further from the street. Majority of the apartments feature upper-level setbacks, front yard spaces and balconies at upper levels. Majority of the apartments are north-east facing, orientated towards the Maribyrnong River.

Nature strips within the La Scala Avenue court contain low levels of vegetation, consisting of grassed nature strips and intermittent tree canopy.

Proposal

Events By Jacks propose to reuse the existing Jacks Magazine site as a Function centre. The proposal includes minor buildings and works, a reduction of car parking in accordance with Clause 52.06 and the selling and consumption of liquor in accordance with Clause 52.27. It will operate from Monday to Sunday between 8:00am and 6:00pm and until 11:00pm on Thursdays to Saturday's. Patron numbers will be limited to 200 people and staff will vary on demand with up to 15 staff required at any one time.

Access to the site is provided from the existing driveway and shared path from Jacks Magazine Carpark in the south and from the Pipe Makers Park carpark to the north. A statutory reduction of 17 car parking spaces is required.

Planning Permit Triggers

The following planning permit triggers apply:

- A permit is required for the use as a Function centre (Clause 37.02-1).
- A permit is required for buildings and works associated with a Section 2 use (Clause 37.02-4).
- A permit is required for a reduction in car parking (Clause 52.06).
- A permit is required to sell and consume liquor (Clause 52.27).

Reasons why the Proposal should be supported

The proposal satisfied the relevant sections of the VPP and should be supported as it:

- Provides for the continuing contribution of this significant site to the local and regional communities and economies. The use of the proposed Function centre and the minor alterations will not cause unacceptable amenity impacts on surrounding land and will respect the heritage significance of the site;

- The design of the proposed works are consistent with the site's existing built form and character and include functional design elements that will avoid unacceptable impacts on adjoining properties and will provide a high quality design respecting the heritage significance of the site;
- The proposal provides an opportunity for an existing site to accommodate the operations of a Function centre to move to the site and provide local employment through the use of existing buildings in a prominent and highly accessible location;
- The proposed use responds to the Purpose, Objectives and Decision guidelines of the Comprehensive Development Zone;
- The use will not cause detrimental amenity impact on residential development surrounding the site, especially those located on La Scala Avenue;
- The use is contained within the existing buildings and will not limit or restrict other surrounding uses. Similarly, it will not be unreasonably impacted by other surrounding uses;
- The works will not significantly alter the appearance of existing buildings as viewed from the adjoining streets or impact the existing streetscape character;
- The proposed works correspond with the context and characteristics of its local environment, matching the scale, design, form and materiality of the surrounding built form. This ensures minimal effect on the existing built form, landscape character and amenity;
- The proposed works and use are suitable from a transport planning perspective;
- The proposed Function centre and associated buildings and works are consistent with the recommendations outlined in Jacks Magazine Management Plan 2017;
- A Venue Management Plan by Events By Jacks has been prepared, which outlines detailed set of recommendations and directions relating to land use, carparking, access, traffic management and waste at the site. This management plan will be endorsed as a part of the planning permit and is enforceable by Council.

2.0 Overview and Context

2.1 Introduction

Ethos Urban have been engaged by Events By Jacks to prepare a planning permit application for the use and buildings and works associated with the proposed reuse of the existing Jacks Magazine site as a Function centre, including a reduction of car parking in accordance with Clause 52.06 and the selling and consumption of liquor in accordance with Clause 52.27.

The subject site is located at 12 Van Ness Avenue, Maribyrnong (also known as Magazine Way). The land is subject to the Comprehensive Development Zone overlay and is affected by the Environmental Audit Overlay and Heritage Overlay. HO45 applies to the entirety of the site where it is identified as Jacks Magazine (formerly Saltwater River Powder Magazine). It is also included on the Victoria Heritage Register under the *Heritage Act 2017* (H1154).

The site is located in a low-lying area adjacent to the Maribyrnong River and is surrounded by residential development and open space. The site's locational context is shown at **Figure 1** and an aerial is provided at **Figure 2**.

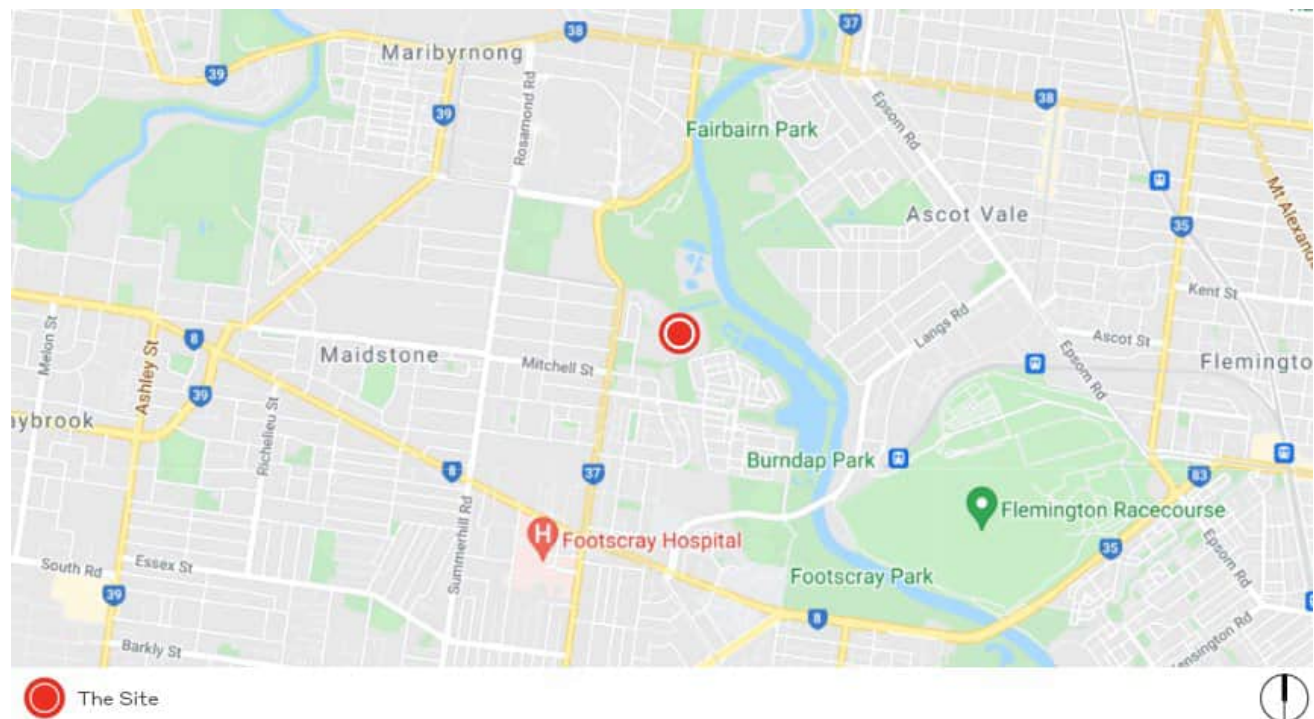


Figure 1 Locational Context

Source: Ethos Urban & NearMap



Figure 2 Site Aerial

Source: Ethos Urban & Nearmap

2.2 Planning Summary

Events By Jacks propose to reuse the existing Jacks Magazine site as a Function centre including minor buildings and works, a reduction of car parking in accordance with Clause 52.06 and the selling and consumption of liquor in accordance with Clause 52.27.

The following drawings and documentation are appended to this report:

- Copies of the Certificate of Title (**Appendix A**);
- Development Plans and Elevations prepared by RBA Architects (**Appendix B**);
- Traffic Impact Assessment prepared by EB Traffic Solutions (**Appendix C**);
- Environmental Noise Assessment prepared by Marshall Day Acoustics (**Appendix D**);
- Events by Jacks Venue Management Plan prepared by Events By Jacks (**Appendix E**) and;
- Jacks Magazine Management Plan, 2017 (**Appendix F**).

Table 1 provides an overview of the relevant information about the application, including the planning provisions and policies that are addressed in this report.

Table 1 Planning Summary Particulars

Item	Application Specifics
Address	12 Van Ness Avenue, Maribyrnong
Existing Use and Development	Existing Jacks Magazine site previously used as storage space – currently vacant.
Proposed Use and Development	Use and buildings and works associated with the development of the site as a Function centre, on premises liquor licence, and a reduction in the number of car parking spaces required.
Existing Zone(s)	Comprehensive Development Zone – Schedule 3 (CDZ3) Public Park and Recreation
Overlay(s)	Environmental Audit Overlay Heritage Overlay (HO45)
Planning Policy Framework	Clause 11 – Settlement Clause 13 – Environmental Risks and Amenity Clause 15 – Built Environment and Heritage
Local Planning Policy Framework	Clause 21.02 – Municipal Profile Clause 21.04 – Settlement Clause 21.06 – Built Environment and Heritage Clause 21.11 – Local Areas Clause 22.08 – Licensed Premises Policy
Particular Provisions	Clause 52.06 – Car Parking Clause 52.27 – Licensed Premises
Application Triggers	A permit is required for the use of the site as a Function centre (Clause 37.02-2). A permit is required for buildings and works associated with a Section 2 use (Clause 32.02-4). A permit is required for a reduction in car parking (Clause 52.06-7). A permit required to use land to sell or consume liquor (Clause 52.27).
Restrictive Covenants & Easements	No easements or covenants are included on the Title.
Incorporated Documents	Riverside Physical Framework Plan No 1, Gordon Street, Maidstone
Reference Documents	N/A
Title	Crown Allotment 2112, 2113 and 2114 Parish of Cut-paw-paw.

2.3 Site and Surrounds

The subject site is located at 12 Van Ness Avenue, Maribyrnong. Various buildings previously constructed from 1875 to 1921 for the storage of explosives during the Gold Rush era exist on the site, behind earth mounds, tramways and canals.

The site is generally regular in shape and is bound by a solid brick wall, circulating the perimeter. The site comprises 11 buildings. The centre of the site comprises two main buildings known as B1 and B2, behind 8m high earth mound blast walls. Buildings B3 to B11 are located outside of the earth mounds, with building B5-B8 located at the northern entry to the site. There is a 2m blue stone wall located around the perimeter of the Jacks Magazine complex.

The site is afforded pedestrian and vehicular access via the existing driveway from Pipe Makers Park Carpark to the north. The site has an approximate area of 6ha.

The residential dwellings within the La Scala Avenue court located immediately north west of the site, comprise a mix of multi-storey residential apartments which reflect a contemporary-infill style of development. These buildings are constructed of a variety of contemporary materials, including render, concrete, brick and weatherboard and feature predominately flat, metal roof forms.

The height of these apartments varies between 3-7 storeys, with lower building forms generally located within the western and southern area of the court, whilst higher density-built form characterises the eastern area of the court, north-west of Jacks Magazine.

The setbacks of these apartments from La Scala Avenue varies between 4-7m, as those apartments with carports within the front setback are set back further from the street. Majority of the apartments feature upper-level setbacks, front yard spaces and balconies at upper levels. Majority of the apartments are north-east facing, orientated towards the Maribyrnong River.

Nature strips within the La Scala Avenue court contain low levels of vegetation, consisting of grassed nature strips and intermittent tree canopy.

The surrounding area predominantly comprises residential dwellings and open space. Specifically, the following land uses surround the site:

- **To the north:** Directly to the northwest of the site are residential apartment buildings located off La Scala Avenue. To the north east is Frogs Hollow Wetland and Thomson Reserve / Pipemakers Park. Beyond this is land zoned Commercial 1 and General Residential.
- **To the south:** To the immediate south of the site is Magazine Way and Iblis Place. Residential dwellings and Jacks Wood Reserve are located south of Magazine Way.
- **To the east:** To the east of the site is the Maribyrnong River. Riverside Gold Centre is located east of the river with residential land beyond this.
- **To the west:** Immediately the west is residential dwellings located at 2 and 82 La Scala Avenue. Dwellings are located across multiple multi storey residential buildings.

2.4 Certificate of Title and Encumbrance

The land is formally referred to as Crown Allotment 2112, 2113 and 2114 Parish of Cut-paw-paw.

There are no easements included on the title plans for each crown allotment.

There are no covenants included on the titles.

3.0 The Proposal

3.1 Overview

The proposal includes the use and buildings and works associated with the existing Jacks Magazine site for a Function centre, with reduced parking and proposed red line boundary for the operation of a licensed premises.

3.2 Use – Function centre

The proposal relates to the use of the land for the purpose of Function centre. At Clause 73.03, a Function centre is defined as *land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings.*

Pursuant to Clause 37.02-2, a permit is required for the use of the site as a Function centre.

The use will be primarily conducted across the three existing heritage buildings, being B2, B3 and B4. Staff and guests will access the site through the northern gate between B5 and B6. All event spaces are contained within the 8m high earth mounds which surround the site.

All events will be conducted within the existing buildings. Guests will only be outside the buildings whilst accessing the site, and walking to buildings within the site. Guests will be directed to move promptly from the external access areas to the internal event spaces.

Guests will be shuttled to the entry by an electric shuttle bus. More details relating to access and parking are provided at Section 3.6.

The proposed Function centre will accommodate up to a maximum of 200 patrons.

The Function centre will operate from Monday to Sunday between 8:00am and 6:00pm and until 11:00pm on Thursdays to Saturday's.

The Function centre will operate 52 weeks of the year.

The proposed use a Function centre, associated buildings and works and operation hours are consistent with the recommendations outlined in Jacks Magazine Management Plan 2017 (**Appendix F**).

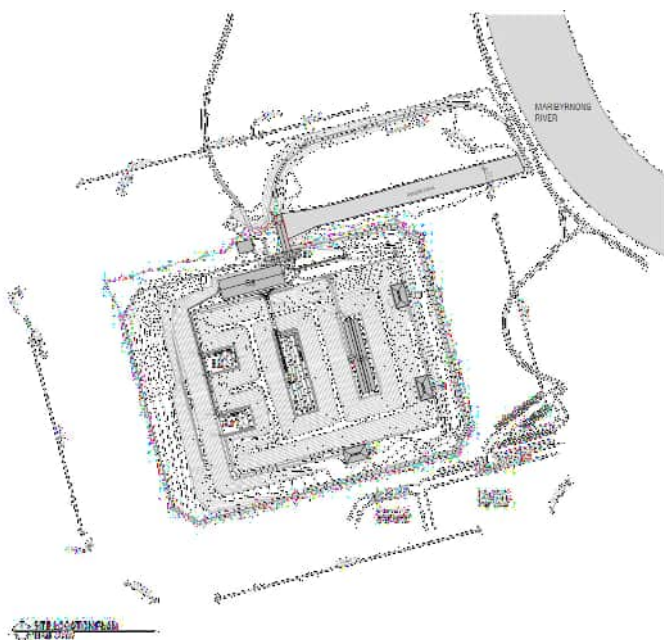


Figure 3 Site Location Plan

Source: Events By Jacks / RBA Architects

3.3 Buildings and Works

The proposal includes minor works to the existing buildings and surrounding landscaped areas, including new footpaths connecting to the existing entry footpath and buildings on site and toilet amenities block. Specifically, the following works are proposed to buildings B2, B3 and B4:

- **Building B2:** New gravel footpath connecting to a metal mesh ramp and landing providing a new staff entry point on the eastern elevation of the existing building. The staff entry will also include a new barbecue area with a metal grille to the floor of the entry and barbecue area;
- **Building B3:** New gravel footpath leading to a timber ramp and landing providing an entry to the existing building on the northern elevation and new amenities block on the eastern elevation comprising a unisex toilet and DDA compliant toilet. The amenities block will extend 3.8m from the existing building and will comprise a circulation space connecting to the new walkway. Entry to the building will be provided from the northern elevation only; and
- **Building B4:** New gravel footpath connecting to a timber walkway and landing providing an entry to the existing building on the northern elevation.

A new tunnel access path is also proposed to Building B2. The path is proposed as timber to connect to the entry porch and will include a handrail and balustrade over the bridge.

All proposed walkways and ramps will be DDA compliant, providing step free access to buildings B2, B3 and B4. It is noted a separate permit application has been submitted to Heritage Victoria for internal buildings and works.

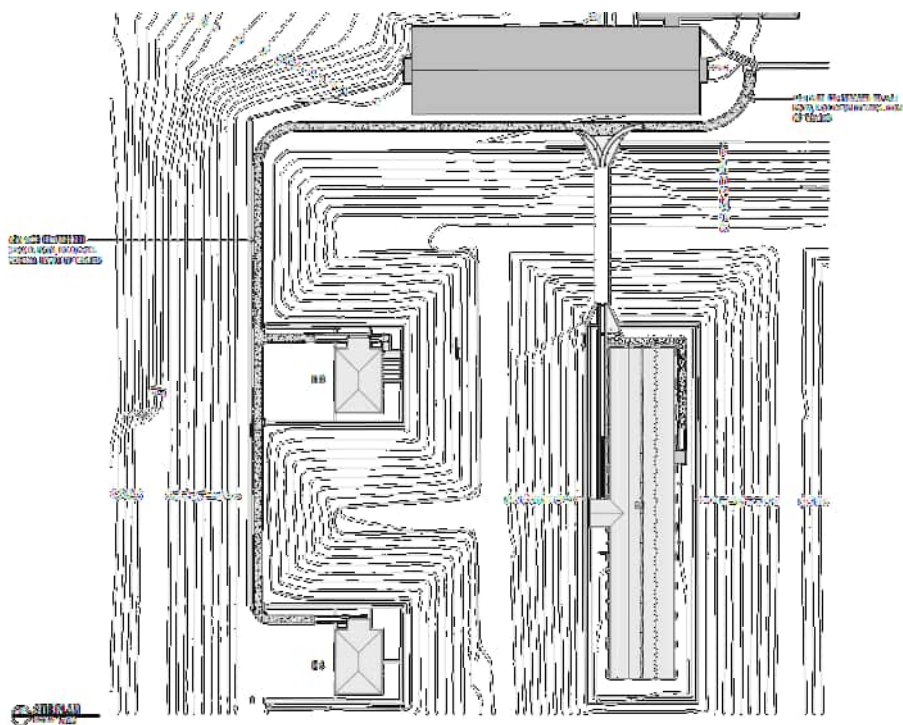


Figure 4 Site Plan

Source: Events By Jacks / RBA Architects

3.4 Design and Materials

The proposed materials have been designed with regard to the existing building design and fenestrations. It is noted that the proposed works are minor in nature and are proposed to 'make good' the existing buildings for use as a Function centre. Accordingly, the proposed materials are considered appropriate to the site's context and to retain the heritage significance of the site. Specifically, the proposed materials will include:

- External timber boards;
- Expanded steel walkway;
- Light grey compressed gravel pedestrian pathway and dark grey gravel for small service vehicles; and
- Structural steel in powder coated 'monument' to staff entry.

The proposed materials schedule has been prepared by RBA Architects and is included at **Appendix B**.

3.5 Licensed Premises Operation

The proposal seeks approval for a red line liquor boundary for the sale and consumption of liquor where it seeks to include Buildings B2, B3 and B4. The sale of liquor will occur during the hours of operation. The proposed red line area is shown at Attachment C and at Figure 3 below.



Figure 5 Proposed red line boundary plan

Source: Events By Jacks / RBA Architects

3.6 Access, Parking and Services

The subject site benefits from on-title carparking area at Jacks Magazine Carpark on the south-east side of the site. The carpark has a total of 43 parking spaces. Jacks Magazine Carpark will act as the primary car parking area and access point for guests arriving at the site by private vehicle.

However, guests will be encouraged to access the site by chartered bus. The public access through Pipemakers Park will act as the primary entrance to Jacks Magazine for guests arriving by chartered bus and for staff, loading and waste collection.

When guests arrive at the site, an electric shuttle bus will be used to transport both staff and guests between Jacks Magazine Carpark, Pipemakers Park carpark and the venue. The capacity of the electric shuttle bus is 14 persons and, based upon a cycle frequency of 15 minutes between drop of and pick up at Jacks Magazine car park, there will be a total of four shuttle bus movements per hour.

During events, vehicular access to the site via the Pipemakers Park entrance will only be provided for the purpose of disabled access, delivery vehicles and staff access as required. The entry to the site from Pipemakers Park will be attended at all times and be subject to boom gate control. Witches' cones will also be placed on the roadway directly east of the entrance to the Pipemakers Park carpark to assist in traffic management.

Pipemakers Park Carpark is available as a public car park and will be used to accommodate any overspill car parking on the occasions that there are high levels of parking demand. The Pipemakers Park Carpark has a total of 66 parking spaces.

Afterhours, between 11.00-11.30pm, any vehicles including buses waiting to collect patrons will be directed to wait at Pipemakers Park. This avoids noise impacts to residents in adjacent areas, including residential apartments along La Scala Avenue to the north of the site.

A disabled bay and shared space is being developed by Heritage Victoria as part of Planning Permit application TP481/2022. It will be located at the northern end of the forecourt area adjacent to the existing B7 building.

For an event scheduled past 5pm on Friday and Saturday, witches' cones will be installed by traffic management personnel to regulate vehicle movements within the wider Pipemakers Park area.



Figure 2Example of Electric shuttle bus

Source: EB Traffic Solutions

4.0 Planning Controls and Strategic Documents

4.1 Zoning

Comprehensive Development Zone – Schedule 3

The site is located within the Comprehensive Development Zone – Schedule 3 (CDZ3). The Purpose of the CDZ3 is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

Pursuant to Clause 37.02-2, use of the land for the purpose of a Function centre as it is a Section 2 use and requires a planning permit.

Pursuant to Clause 37.02-4, buildings and works to develop the site for a Section 2 use requires a planning permit.

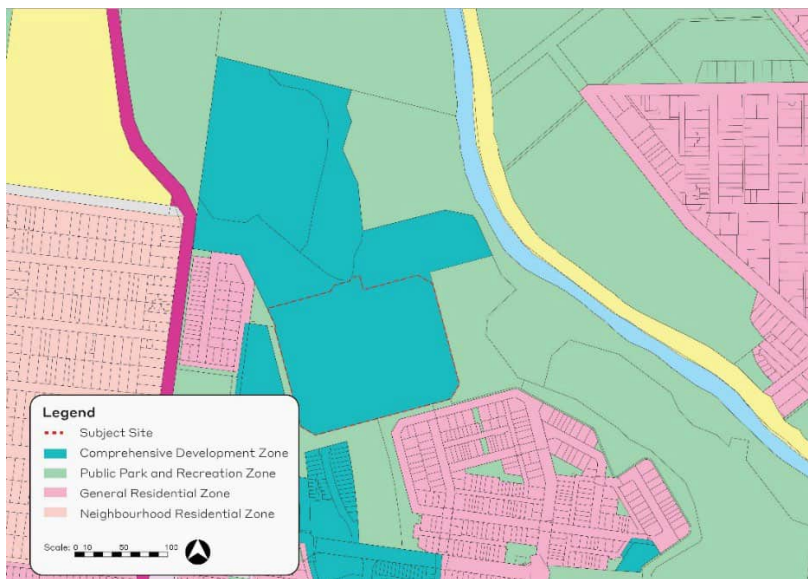


Figure 7 Zone Map

Source: VicPlan / Ethos Urban

4.2 Overlays

The subject site is affected by the Environmental Audit Overlay (EAO), Heritage Overlay (HO45) and is partially identified as an area of Aboriginal Cultural Heritage Sensitivity.

The area affected by HO45 is also included on the Victorian Heritage Register (VHR) as H1154 – *Jack's Magazine* (formerly *Saltwater River Powder Magazine*).

Environmental Audit Overlay

The EAO applies to the entirety of the site and cites the following Purpose:

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



Figure 8 Environmental Audit Overlay

Source: VicPlan / Ethos Urban

Heritage Overlay

The Heritage Overlay applies to the entirety of the site and cites the following purpose:

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

Pursuant to Clause 43.01-3 no permit is required to develop a heritage place which is included in the Victorian Heritage Register.



Figure 9 Heritage Overlay

Source: VicPlan / Ethos Urban

4.3 Particular Provisions

Clause 52.06: Car Parking

The Purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-5 seeks to ensure that adequate parking is provided, having regard to likely demand generated by activities on the land and the nature of its locality. Further discussion is provided in **Section 6.5**.

Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 52.27: Licensed Premises

The Purpose of Clause 52.27 is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Pursuant to Clause 52.27, a permit is required to use land to sell liquor where a license is required under the *Liquor Control Reform Act 1998*.

The proposed use and development seeks consent for the sale and consumption of liquor during the hours of operation.

It is respectfully submitted that the proposal achieves the purpose and decision guidelines of Clause 52.27 of the Maribyrnong Planning Scheme to ensure licenced premises are located in appropriate locations and to ensure the amenity and impacts of a licensed premise on the amenity of the surrounding area is considered. Further discussion is provided in **Section 6.3**.

Clause 65 – General Provisions

Clause 65.01 provides standard decision guidelines which must be considered by the responsible authority before a permit is granted. These are as follows:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

4.4 Strategic Documents

Jacks Magazine Management Plan

Prepared by Ethos Urban in 2018, Jacks Management Plan was commissioned on behalf of Working Heritage Incorporated. The Management Plan provides a framework for the use and development of Jack's Magazine in accordance with the requirements of Clause 37.02 of the Maribyrnong Planning Scheme.

The Plan only applies to the proportion of the site affected by the Comprehensive Development Zone. The Plan features an overarching vision and a set of principles for Jacks Magazine, which underpins directions for;

- Management and ongoing maintenance of the site;
- What land and buildings will be available to the public and in what way;
- Landscaping and maintenance of the open space and;
- The use and any proposed changes to the land and buildings.

The Plan provides necessary context in regard to management and approvals and relevant planning policy and strategy. The Plan highlights site-specific information and details which must be considered through the future development of the site, including recommendations for:

- Maintenance and conservation;
- Public access;
- Landscape and conservation treatment of open space areas and;
- Use and development of the site.

Riverside Physical Framework Plan No 1, Gordon Street, Maidstone

Published in 1992, the Riverside Physical Framework Plan No 1 exists as an Incorporated Document to Clause 37.02 Comprehensive Development Zone – Schedule 3 (CDZ3) of the Maribyrnong Planning Scheme. The Incorporated Document applies to all land affected by CDZ3, and its purpose is:

- *To encourage redevelopment of land located on the east side of Gordon Street, City of Maribyrnong in a comprehensive manner for a mixture of residential, commercial, office, light industrial, entertainment, community, residential and ancillary uses.*

In relation to Jacks Magazine, the Framework Plan identifies the following relevant details:

- The site is classified as a Heritage Area.
- The sites' northern, eastern, southern and western interfaces, including Pipemakers Park Entrance are categorised as a Key Pedestrian Linkages.
- The intersection of La Scala Avenue and Thomas Holmes Street, immediately west of the site, is identified as a Major Landscaped Pedestrian Node.
- The surrounding area directly north and east of the site are classified as Open Space & Recreation.

5.0 Policy Context

5.1 Planning Policy Framework

The State and Regional Planning Policy Framework provides the broad objectives and strategies for planning in Victoria. The policies enable planning at a state and regional/municipal level and guide the formulation of local policies to implement good planning outcomes. The key provisions of the PPF relevant to this application are:

- Clause 11 – Settlement
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment and Heritage

Key objectives and strategies of each Clause as applicable to this proposal are detailed below, with a response from the proposal for each Clause.

Clause 11 – Settlement

Clause 11 (Settlement) advocates for planning to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure, recognise the need for a contribute towards health, wellbeing and safety, diversity of choice, adaptation in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration

Clause 11 also advocates for planning to prevent environmental problems created by siting incompatible land uses close together and facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

Clause 11.01-1S (Settlement) seeks to “*promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*”

Strategies to achieve this objective of relevance to the subject site include:

- *Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network.*
- *Plan for development and investment opportunities along existing and planned transport infrastructure.*
- *Ensure retail, office-based employment, community facilities and services are concentrated in central locations.*

Clause 15 – Built Environment and Heritage

Clause 15 addresses the design of the built environment and includes principle objectives of ensuring land use and development responds to its landscape, character, valued built form and cultural context, and delivering functional, accessible, safe and diverse physical and social environments through the appropriate location of use and development and through high quality buildings and urban design.

Clause 15.01-1S (Urban Design) seeks to “*create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*” Relevant Strategies include:

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

Clause 15.01-2S (Building Design) seeks to “achieve building design outcomes that contribute positively to the local context and enhance the public realm.” Relevant strategies include:

- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm*
- *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*

Clause 15.01-5S (Neighbourhood Character) aims to “recognise, support and protect neighbourhood character, cultural identity, and sense of place.” Strategies to achieve this objective include:

- *Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Neighbourhood character values and built form that reflect community identity.*

5.2 Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework is prepared by Council to apply high level State policies to a local context, responding to specific requirements and features of the municipality. Key policies of relevance to this application are:

- Clause 21.02 – Municipal Profile
- Clause 21.06 – Built Environment and Heritage
- Clause 22.08 – Licensed Premises Policy

Key objectives and strategies of each Clause as applicable to this proposal are detailed below.

Clause 21.02 – Municipal Profile

Clause 21.01 identifies the key planning influences, issues, vision and plan for the City of Maribyrnong. The vision for Maribyrnong 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.” Key elements of the Strategic Framework Plan include:

- Building community spirit, engagement and places;
- Prosperity;
- Moving around the city;
- Amenity;
- Environmental sustainability; and
- Organisational performance.

Clause 21.06 – Built Environment and Heritage

This Clause identifies the issues, objectives and strategies relating to the urban environment and heritage. Relevant Objectives and Strategies are as follows:

- *To protect and conserve heritage places.*

- *To protect heritage places from adverse impacts.*

Strategies to achieve this include:

- *Protect areas and sites which are the best expression of the city's major industrial, commercial and residential growth eras.*
- *Encourage development to be undertaken in accordance with the accepted conservation standards of the International Council on Monuments and Sites (ICOMOS) Burra Charter.*
- *Record and interpret heritage places. Interpret heritage places through various methods including interpretative signage, brochures, and trail creation where appropriate.*
- *Ensure representation of all the different phases of the City's development.*
- *Consider the heritage values and significance of places when assessing planning applications.*
- *Support applications that conserve heritage places through the adaptive reuse of heritage buildings.*
- *Support applications that conserve and enhance the public view of significant places.*
- *Preserve the public view of cultural heritage places and elements.*

Clause 22.08 – Licensed Premises Policy

This Clause applies to all permit application pursuant to Clause 52.27. The Objectives of this Clause include:

- *To effectively manage amenity conflicts between licensed premises and other uses.*
- *To ensure licensed premises are appropriate to their locations.*
- *To ensure licensed premises located in activity centres are appropriate to the role and vision of the centre.*
- *To encourage an appropriate mix of licensed premises relative to other commercial, retail, residential and community uses.*
- *To ensure licensed premises will not generate unreasonable noise impacts on the surrounding area.*
- *To ensure the operating hours and patron numbers of licensed premises will not unreasonably impact on the amenity of the surrounding area.*
- *To encourage good venue design providing a high level of public safety and surveillance.*
- *To support reasonable opportunities for licensed premises to trade.*

6.0 Planning Assessment

6.1 State and Local Planning Policy

The proposed use and development is consistent with the policy directions and strategies outlined in the Maribyrnong Planning Scheme. These include the following:

- The proposal provides for the continuing contribution of this significant site to the surrounding community and economy. It maintains the heritage significance of the site and provides for an appropriate use that respects the built form and landscape of the site in accordance with Clause 11 and 13.
- The siting and design of the proposed works are consistent with the area's character and includes retrofitting an existing area to support its use as a Function centre, while allowing for the heritage significance to be restored and respected. This means the proposed design will avoid unacceptable impacts on adjoining properties, consistent with Clause 15.
- The proposal is consistent with the objectives of Clause 22.02, as the proposed refurbishment of existing buildings at the site will facilitate the renewal of ageing community infrastructure whilst simultaneously respecting existing heritage and broader context.
- The proposed development and minor buildings and works support the preservation of existing heritage and a high-quality urban design outcome. The minor buildings and works will avoid any adverse impacts upon the heritage site and the proposed footpaths and landscaping will ensure that water resources are managed in a sustainable manner, consistent with Clause 21.06.
- The use of the site for the service of alcohol is consistent with Clause 22.08 as it includes appropriate limits on patron numbers and hours of operation; makes simple use of the existing heritage buildings; the unique features of the site including the 8m high earth mounds protect residential areas from unreasonable amenity impacts. The above uses are consistent with the Jacks Magazine Management Plan and recommendations for site use and development.

6.2 Land Use

Pursuant to clause 37.02-2 a permit is required for the use of the site as a Function centre. The proposed use is considered to satisfy the decision guidelines of Clause 37.02-2 as:

- The use is consistent with the Municipal Planning Strategy and the Planning Policy Framework in that it will provide significant local economic stimulus and provide a large number of local jobs.
- The use is consistent with the purpose of the CDZ3 as it responds to the following relevant objectives:
 - Encourages employment opportunities as a Function centre.
 - The use is contained within the existing buildings. The proposal also includes limits on patron numbers and hours of operation, thus will not negatively impact the amenity of the surrounding area.
 - Addresses vehicle and pedestrian access and provides for supporting controls and measures to regulate traffic within the site (refer to section 6.6 for more detail).
 - Use as a Function centre encourages the adaptation and reuse of existing heritage buildings.
- The use respects and plays homage to the heritage significance of the site.
- The use will not limit or restrict other surrounding uses. Similarly, the use will not be unreasonable impacted by other surrounding uses and is contained within the existing buildings on site.
- The use is consistent with the recommendations of Jacks Magazine Management Plan. For example, the proposed buildings and works will establish new functional links between the existing buildings whilst simultaneously retaining and interpreting the cultural significance of the site's design and planning. Overall, the proposed Function Centre and associated buildings and works are in accordance with directions of the Management Plan and are compatible with the heritage and cultural values of the complex more broadly.
- The use provides for the provision of adequate vehicular and pedestrian access to the site (refer to section 6.6 for more detail).
- The use will not impact upon on the surrounding declared roads.

The Events By Jacks Venue Management Plan puts in place restrictions and requirements on the use of the site. The Venue Management Plan will be approved as part of the permit and enforceable by Council. It will ensure the use is conducted in a manner that limits potential impacts on neighbouring properties. The Venue Management Plan includes the following restrictions:

- Hours of operation are consistent with the trading hours outlined in direction 6.1;
- Patron numbers are limited to 200 for all active areas, consistent with direction 7.1;
- All guests will be off site by 12pm, consistent with direction 15.5; and
- All buildings will be sound proofed, and amplified music will be limited to hours between 10am and 11pm. This is to ensure the venue is in accordance with State Law policy and that the venue does not have a negative impact on the amenity for surrounding residents, consistent with direction 16.

Accordingly, the proposed Function centre use is acceptable and should be supported by Council.

6.3 Response to Heritage and Environmental Audit Overlay

The site is registered on the Victorian Heritage Register. Accordingly, a planning permit is not required for buildings and works. A permit will be required from Heritage Victoria under the Heritage Act.

The proposal seeks planning approval for minor buildings and works to allow for the future operation of a Function centre. The proposal does not seek consent for the introduction of a new 'sensitive use' as defined by the EAO nor does it propose buildings and works in association with an existing sensitive use. Accordingly, the proposed development is exempt from the requirement of the EAO for a preliminary risk screen assessment or an environmental audit.

6.4 Sale and consumption of Alcohol

Pursuant to Clause 52.27 a permit is required to use land to sell or consume liquor where a licence is required under the *Liquor Control Reform Act 1998*.

As part of the proposed Function centre use, this application seeks approval for service of alcohol within the existing buildings. A red line plan is provided to indicate the areas alcohol will be served.

The proposed hours of service align with the hours of operation, as detailed in **Section 3.0** above and in the Events By Jacks Venue Management Plan at **Appendix E**. The management and operation of the premise will not result in any adverse impacts to adjoining areas.

The proposal consistent with the relevant decision guidelines of Clause 52.27 of the Maribyrnong Planning Scheme as:

- The sale and consumption of liquor will only occur during the specified hours of operation and in appropriate locations within the red line boundary outlined in section 3.5.
- The hours of Monday to Sunday between 8:00am and 6:00pm are generally consistent with standard hospitality business hours and will not disturb residents in the surrounding area at sensitive times. The proposed hours of service on Thursday to Saturday evenings until 11:00pm align within the hours of operation which are consistent with the nature of the use the Jacks Magazine Management Plan. This ensures that the amenity of the surrounding area is not unreasonably impacted.
- The assessment of predicted noise levels undertaken indicates that compliance with EPA sleep disturbance noise targets is achieved. During the night period, the predicted patron noise targets are achieved.
- The assessment identifies that the predicted noise levels indicate that compliance within the day and evening period patron noise is largely achieved, and only a minor 1 dB excess of the target is predicted at three locations. The highest contributing noise sources in during the day and evening are patrons standing outside the during the ceremony at outer buildings. The proposal addresses the following as ceremonies will generally occur during non-sensitive times, specifically the early evening. At the conclusion of ceremonies in outer buildings and night events, guests will be moved promptly and loaded onto the electric shuttle bus within the Jacks Magazine complex to minimise any noise impacts.
- Patron numbers are limited to 200 for all active areas, which is consistent with the nature of the proposed use. The environmental noise assessment indicates that predicted patron noise can be feasibly managed to comply with relevant noise criteria to ensure the amenity of the surrounding area is not impacted.
- There will be no cumulative impact as there are no licensed existing premises within the surrounding area between Gordons Street to the west and Edgewater Boulevard to the south.

Importantly, the Environmental Noise Assessment prepared by Marshall Day Acoustics and included at **Appendix D** confirms the environmental noise assessment indicates the proposal can be appropriately designed and managed to comply with relevant noise criteria and target noise level. While a minor exceedance of the day / evening period of

patron noise has been predicted, Marshall Day Acoustic confirm this is low risk and provide design measures to ensure appropriate compliance as follows:

- Signage and ushering during the wedding ceremonies, in the smoking area and at the bus collection point to limit the number of patrons and the level of noise they produce;
- Appropriate equipment and protocols to limit the level of music and voices to the levels identified in the noise assessment (for example noise limiters / commission measurements);
- Constructing a bus collection point to keep patrons within the general Jacks Magazine site boundary and utilise the built form to provide a buffer between the nearby apartment buildings and patron noise;
- Provide completely enclosed, electric buses in place of regular shuttles to minimise noise level; and
- Ensure mechanical services equipment is selected with consideration of noise levels identified in the noise assessment.

In accordance with the above and the Events by Jacks Venue Management Plan (refer to **Appendix E**) and the Environmental Noise Assessment (refer to **Appendix D**), the proposal achieves the purpose and decision guidelines of Clause 52.27 of the Maribyrnong Planning Scheme which aims to ensure the amenity of the surrounding area is considered.

6.5 Buildings and Works

Pursuant to Clause 32.02-4 a permit is required for buildings and works associated with a Section 2 use. As discussed in Section 3.0, the proposed works are generally minor in nature, to suit the operational and access requirements for use of the site as a Function centre.

Specifically, the proposal will utilise the existing buildings and access arrangements from the north. Therefore, the works will not alter the setbacks or envelopes of the existing buildings, nor will they result in any increase in additional floor area.

The works are consistent with the decision guidelines of Clause 32.02-4 as they:

- Will not alter the setbacks or envelopes of the buildings and will not result in any additional floor area and will maintain the existing character of the area;
- Are consistent with the policy direction provided by the Municipal Planning Strategy and the Planning Policy Framework;
- Will not significantly alter the appearance of the building as viewed from the adjoining streets or impact the existing streetscape character;
- Will not alter the interface of the site as viewed from the residential areas to the north, west and south;
- Will provide appropriate traffic circulation and vehicle parking areas that are appropriately located and designed to avoid impacts on the character of amenity of the surrounding area; and
- Will not impact the natural or cultural values of nearby land.

6.6 Car Parking, Access and Waste

Pursuant to Clause 52.06-7 a permit is required for a reduction in car parking.

A detailed assessment of the traffic generation, car parking and access arrangement is provided in the Traffic Impact Assessment at **Appendix C**. A summary of the report findings is provided below.

6.6.1 Car Parking

The subject site benefits from on-titled carparking of Jacks Magazine Carpark on the south-east side of the site. The carpark has a total of 43 parking spaces.

The site can make occasional use of the Pipemakers Park Carpark in the north of the site. The carpark has a total of 66 parking spaces.

No reliance on on-street carparking in the surrounding area will be required.

The statutory requirements for carparking are outlined in Clause 52.06 of the Maribyrnong Planning Scheme. Clause 52.06 stipulates that the carparking requirements for a Place of assembly corresponds to '0.3 spaces to each patron permitted.

Based on the on-title provision of 43 parking spaces at Jacks Magazine Carpark, there is a requirement of a statutory reduction of 17 parking spaces.

As outlined in the Traffic Impact Assessment Report, the anticipated peak staff and visitor parking demand generated by the proposal is equivalent to 44 parking spaces.

Assessment

The proposed carparking arrangement is consistent with the directions of Jacks Magazine Management Plan. The proposed carparking involves no reliance on on-street carparking, which will mitigate any disruption to nearby residents by noise or movement of vehicles.

The required statutory reduction of 17 parking spaces is acceptable in the context of the proposal and the subject site. The proposal satisfies the following relevant application requirements and decisions guidelines of Clause 52.06-7:

- The peak anticipated demand for car parking generated by the proposal is 44 parking spaces. Accordingly, the anticipated demand can be met entirely with the car parking available at Jacks Magazine.
- Pipemakers Park Carpark is available as a public car park to accommodate any overspill in the occasion that there are high levels of parking demand. The carpark has a total of 66 parking spaces.
- There is no reliance on on-street carparking in the surrounding area. Accordingly, proposed carparking will not impact on the surrounding declared roads, local amenity or restrict other surrounding uses i.e. residential.
- Provides a disabled bay and parking facilities at the northern end of the forecourt area which will abut the existing B7 building.

Access

An electric shuttle bus will be used as an alternative transport mode to and from the subject site, consistent with Clause 52.06-7. The shuttle bus will transport both staff and guests between Pipemakers Park carpark, Magazine Way carpark and Jacks Magazine.

The proposal also satisfies statutory bicycle parking requirements outlined in Clause 52.34. The provision of six bicycle spaces immediately west of the loading bay area, supports cyclist access to the site as an alternative transport mode which is consistent with 52.06-7.

The proposed access is appropriate as:

- Access to the site avoids impacts on the local street network as there is no reliance on on-street carparking, as all carparking will be managed through Jacks Magazine Carpark and Pipemakers Park Carpark for any overspill if there are high levels of parking demand.
- An electric shuttle bus will transport both staff and guest between Jacks Magazine Carpark, Pipemakers Park Carpark and Jacks Magazine efficiently and effectively with a total of four shuttle bus movements per hour.
- Use of the electric bus will minimise noise impacts to residents of apartments located on La Scala Avenue, located north-west of the site.
- Afterhours, between 11.00-11.30pm, any vehicles including buses waiting to collect patrons will be directed to wait at Pipemakers Park. This avoids noise impacts to residents in adjacent areas, including residential apartments along La Scala Avenue to the north of the site.
- A disabled bay is provided at the northern end of the forecourt area, ensuring the site is accessible and meets the needs of disabled people.
- The provision of adequate bicycle parking facilities promotes cyclists access to the site.

The proposed access is consistent with the directions outlined in the Events By Jacks Venue Management Plan as:

- Following arrival, all guests will be transported to Jacks Magazine and events via an electric shuttle bus, during controlled and regulated periods of time within operation hours, consistent with direction 15.1.
- During an event, vehicular access via the Pipemakers Park entrance will only be provided for the purpose of disabled parking, deliveries and staff access as required. This is consistent with direction 15.2.

Traffic Generation

The proposal is consistent with Clause 52.06-7, responding to the need to create safe, functional and attractive parking areas as:

- The level of traffic by guest drop offs/pickups will be staggered and will occur at non-critical times on the surrounding road network, that is, typically during the Friday and weekend mid-afternoon and late evening periods.
- During an event, the gate located in the south-eastern corner of the Pipemakers Park carpark will be manned and be subject to boom gate control.
- Witches' cones will also be placed on the roadway directly east of the entrance to the Pipemakers Park carpark. For an event scheduled past 5pm on Friday and Saturday, witches' cones will be installed by traffic management personnel to regulate vehicle movements beyond the Pipemakers Park carpark.

Anticipated traffic generation will be reduced by encouraging visitors and guests not to drive to the site. Instead, all visitors and guests will be encouraged to use private charter buses to arrive at the site. Upon arrival, guests will be transported via electric shuttle buses between Pipemakers Park carpark, Magazine Way carpark and Jacks Magazine. This would reduce the need for individual trips and traffic generation associated with the use.

The proposed traffic management and controls are consistent with the directions outlined in the Events By Jacks Venue Management Plan as:

- At the conclusion of events, guests will be marshalled by traffic management personnel and loaded onto electric shuttle busses to effectively regulate traffic movements within and beyond Jacks Magazine, consistent with direction 15.3.
- Traffic management personnel will also ensure that people do not loiter in the respective carparks and are safely loaded onto the electric shuttle buses, consistent with directions 15.7 & 15.8.

Waste

As outlined in the Traffic Impact Assessment Report, waste and bins will be stored within the site and will be serviced by a private contractor in accordance with the development's Waste Management Plan.

A Waste Management plan can be required by permit condition.

Accordingly, the proposed carparking, access and waste management meets the requirements of Clause 52.06 and should be supported by Council.

The proposed approach to waste management is consistent with the directions outlined in the Events By Jacks Venue Management Plan, which include:

- Events By Jacks has a responsibility to ensure that rubbish generated by the venue and its patrons are cleaned on a regular basis; direction 17.1.
- The venue operator will ensure that the amenity both within the bar and in the immediate area are cleaned on a regular basis; direction 17.3.

7.0 Conclusion

As discussed throughout this report, the proposal is consistent with the Maribyrnong Planning Scheme as it:

- Provides for the continuing contribution of this significant site to the local and regional communities and economies. The use of the proposed Function centre and the minor alterations will not cause unacceptable amenity impacts on surrounding land and will respect the heritage significance of the site;
- The design of the proposed works are consistent with the site's existing built form and character and include functional design elements that will avoid unacceptable impacts on adjoining properties and will provide a high quality design respecting the heritage significance of the site;
- The proposal provides an opportunity for an existing site to accommodate the operations of a Function centre to move to the site and provide local employment through the use of existing buildings in a prominent and highly accessible location;
- The proposed use responds to the Purpose, Objectives and Decision guidelines of the Comprehensive Development Zone;
- The use will not cause detrimental amenity impact on residential development surrounding the site, especially those located on La Scala Avenue.
- The use is contained within the existing buildings and will not limit or restrict other surrounding uses. Similarly, it will not be unreasonably impacted by other surrounding uses;
- The works will not significantly alter the appearance of existing buildings as viewed from the adjoining streets or impact the existing streetscape character;
- The proposed works correspond with the context and characteristics of its local environment, matching the scale, design, form and materiality of the surrounding built form. This ensures minimal effect on the existing built form, landscape character and amenity;
- The proposed works and use are suitable from a transport planning perspective.
- The proposed Function centre and associated buildings and works are consistent with the recommendations outlined in Jacks Magazine Management Plan 2017.
- A Venue Management Plan by Events By Jacks has been prepared, which outlines detailed set of recommendations and directions relating to land use, carparking, access, traffic management and waste at the site. This management plan will be endorsed as a part of the planning permit and is enforceable by Council.

Accordingly, the proposal is consistent with the relevant provisions of the Maribyrnong Planning Scheme and relevant strategies and Council should support this proposal.

Appendix A Certificate of Title

Appendix B Development Plans and Elevations

Appendix C Traffic Impact Assessment

Appendix D Environmental Noise Assessment

Appendix E Venue Management Plan

Appendix F Jacks Magazine Management Plan 2017