

Assessment Officer Report

PA2403283 – 47-61
Sunshine Road, West
Footscray



Officer Assessment Report
Development Approvals & Design

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Prepared by:	15
Reviewed / Approved by:	15

Executive Summary



Key Information	Details									
Application No:	PA2403283									
Received:	16 October 2024									
Statutory Days:	31									
Applicant:	Untitled Group Pty Ltd c/- Planning & Property Partners									
Planning Scheme:	Maribyrnong Planning Scheme									
Land Address:	47-62 Sunshine Road, West Footscray									
Proposal:	Use of the land as a 'Place of Assembly' and a reduction in the car parking requirements.									
Development Value:	\$0									
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for applications to which Clause 53.22 applies.									
Why is a permit required?	<table border="1"><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>Clause 33.01 Industrial Zone 1</td><td><i>Use the land for a Place of Assembly</i></td></tr><tr><td>Particular Provisions:</td><td>Clause 52.06 Car Parking</td><td><i>Reduction to the car parking requirements</i></td></tr></tbody></table>	Clause	Control	Trigger	Zone:	Clause 33.01 Industrial Zone 1	<i>Use the land for a Place of Assembly</i>	Particular Provisions:	Clause 52.06 Car Parking	<i>Reduction to the car parking requirements</i>
Clause	Control	Trigger								
Zone:	Clause 33.01 Industrial Zone 1	<i>Use the land for a Place of Assembly</i>								
Particular Provisions:	Clause 52.06 Car Parking	<i>Reduction to the car parking requirements</i>								
Cultural Heritage:	The site is not located in an Area of Aboriginal Cultural Heritage as such a CHMP is not required.									
Total Site Area:	18,860m ²									
Land Uses:	<table border="1"><thead><tr><th>Dwellings</th><th>Office</th><th>Retail</th><th>Other</th></tr></thead><tbody><tr><td></td><td></td><td></td><td>Place of Assembly</td></tr></tbody></table>	Dwellings	Office	Retail	Other				Place of Assembly	
Dwellings	Office	Retail	Other							
			Place of Assembly							
Parking:	<table border="1"><thead><tr><th>Cars</th><th>Motorcycles</th><th>Bicycles</th></tr></thead><tbody><tr><td>0</td><td>0</td><td>0</td></tr></tbody></table>	Cars	Motorcycles	Bicycles	0	0	0			
Cars	Motorcycles	Bicycles								
0	0	0								
Referral Authorities:	Head, Transport for Victoria (s55 – recommending)									
Advice sought:	Maribyrnong City Council EPA									
Public Notice:	Notice of the application was undertaken by the applicant by mail to the owners and occupiers of adjacent and nearby properties for a period of 14 days and display of signage on the Sunshine Road and Roberts Street frontages. Three objections have been received as of 19 November 2024									
Delegates List:	Approval to determine under delegation received on 14 November 2024.									



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
DFP Pre-application meeting (DTP, Maribyrnong City Council & applicant)	08 October 2024
Application lodgement	16 October 2024
Decision Plans	Woolstore Cultural Master Plan prepared by Untitled Group, dated 2024 Site Master Plan V04.0, prepared by Untitled Group, dated 12 September 2024
Other Assessment Documents	Events Management Plan, prepared by Adrian Bell / Untitled Group

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. The proposal can be summarised as follows:

Key Information	Details
Proposal:	Use of the land as a 'Place of Assembly' and a reduction in the car parking requirements.
Total Site Area:	18,860m ²
Land Uses:	Place of Assembly
Car Parking:	0
Bicycle Parking:	0
Motorcycle Parking:	0
Total Parking:	0

4. Specific details of the application include:

- Six live music concert events running between 8 Dec 2024 - 1 Feb 2026, specifically:
 - Sunday 8 December 2024
 - Saturday 4 January 2025;
 - Sunday 5 January 2025;
 - Saturday 11 January 2025;
 - Sunday 12 January 2025; and
 - Saturday 1 February 2025.
- A maximum of 5,000 patrons
- Hours of operation between 2pm-10pm

- An indoor stage inside the existing building and two outdoor stages, one towards Sunshine Road and one along the Roberts Road frontage
- Provision of associated services including a bar, food trucks and temporary toilet amenities
- Main pedestrian / patron entry provided at the midpoint of the site's frontage to Roberts Street and operational / staff vehicle entry from the southernmost crossover from Roberts Street.
- The operator is seeking approval for a temporary limited licence (Major Event Liquor License) in accordance with the provisions of the Victorian Gambling and Casino Control Commission (VGCCC). A planning permit is not required for the purposes of a temporary limited licence in accordance with Clause 52.27 of the Planning Scheme.

5. The applicant has provided the following concept images of the proposal:



Figure 1: Concept 3D Aerial image (Source: Woolstore Cultural Master Plan)

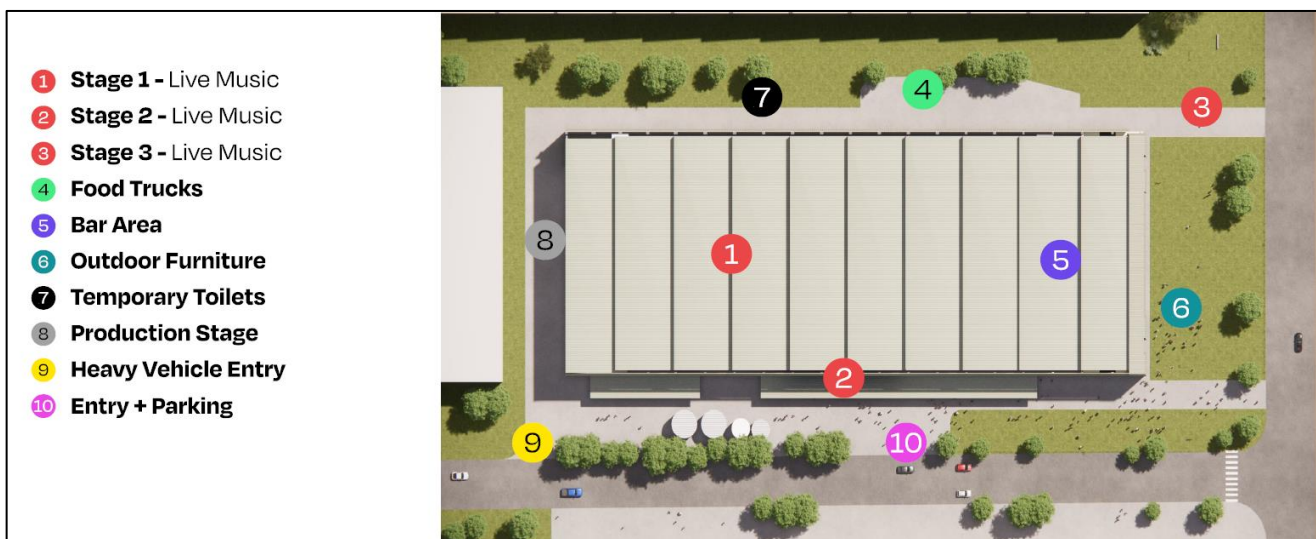


Figure 2: Site Map (Source: Woolstore Cultural Master Plan)

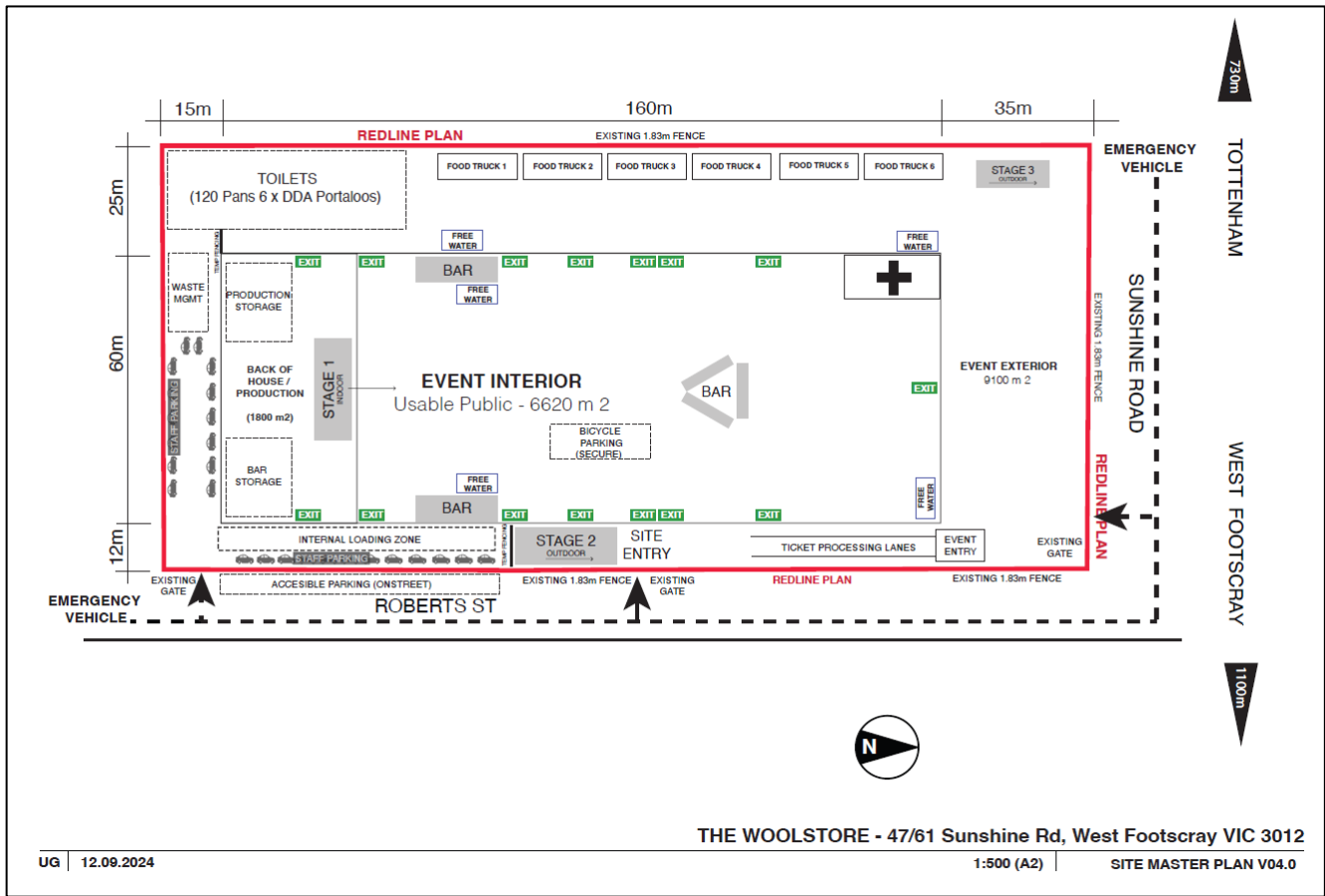
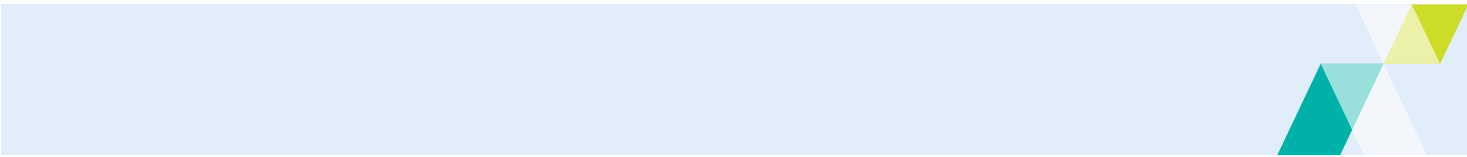


Figure 3: Site Master Plan (Source: Events Management Plan) and Licenced Area Plan

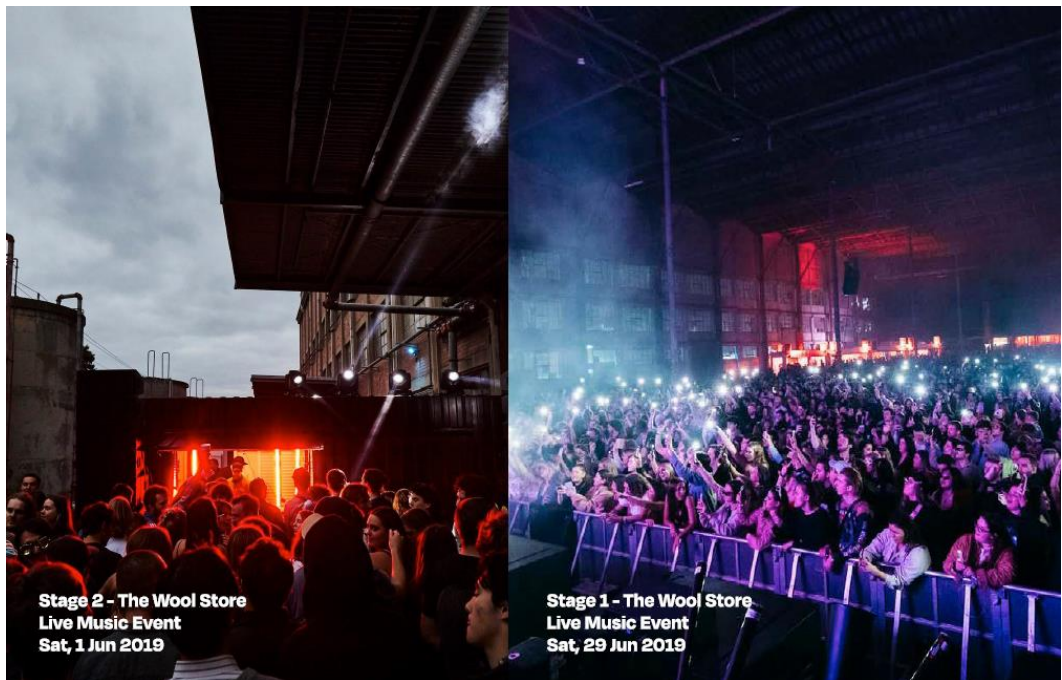


Figure 4: Images of previous live music events held by Untitled Group at the site (Source: Woolstore Cultural Master Plan)



Site Description

6. The site is located on the corner of Sunshine Road and Roberts Street, West Footscray with a total area of 18,860m².
7. The existing site comprises a circa 1940s, four storey red brick warehouse building with a sawtooth truss roof which occupies approximately 10,000sqm of the site. The front portion of the site is a grassed, open area and the side and rear of the building are also open, concreted areas. There is an existing, double crossover from Sunshine Road and two crossovers off Roberts Street.
8. The site is formally described as comprising the following land parcels:
 - Lot 1 on Plan of Subdivision 125717 Volume 09442 Folio 342
9. There is a covenant on the site, as follows:
 - Covenant J861007, dated 19/03/1982 which notes: *“Australian Estates Ltd. Its successors and transferees the registered proprietor or proprietors for the time being of the said Lot 1 or any part thereof will not erect or cause or suffer to be erected on the said Lot 1 any building or other erection (other than railway lines) within a distance of 15.24 metres from the western boundary of the said Lot 1 for a distance of 61 metres along the western boundary of the said Lot 1 from the north-west corner of the said Lot 1.”*
 - As the application does not propose any buildings and works, the restrictions of this Covenant would not be breached.

Site Surrounds

10. The surrounding development consists mainly of large warehouse buildings on large lots used for industrial purposes. The nearest residential use is more than 170 metres south of the site.
11. Development surrounding the site can be described as follows:
 - To the **north** of the site, across Sunshine Road is a railway corridor servicing the Sunbury Metro Line, V/Line and interstate lines.
 - To the **south** of the site is 36-38 Roberts Road occupying a warehouse building with offices fronting Roberts Road to the north section of the site and a large open hardstand area to the south.
 - To the **east** of the site is 1 Roberts Road includes several industrial and warehouse buildings, as well as liquid and bulk storage buildings used for the operation of GrainCorp foods.
 - To the **west** of the site is a 63 Sunshine Road comprising a similar style warehouse building to the one at the subject site, currently being used for offices and storage purposes. A large open grassed area is located to the rear of the building.



Planning Policy Framework

12. The following objectives and strategies of the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) of the scheme are relevant to the proposal:

Clause 13	Environmental Risks and Amenity
13-05-1S	Noise Management
13-07-1A	Land Use Compatibility
Clause 17	Economic Development
17.01-1S	Diversified Economy
17.01-1R	Diversified Economy – Metropolitan Melbourne
17.04-1S	Facilitating Tourism
17.04-1R	Tourism in Metropolitan Melbourne
Clause 19	Infrastructure
19.02-3S	Cultural Facilities
19.02-3R	Cultural Facilities - Metropolitan Melbourne
Clause 21	Municipal Strategic Statement
21.10	Community and Development Infrastructure
21.10-3	Arts and Culture
21.10-4	Recreation Facilities

13. The assessment section of this report provides a detailed assessment of the relevant planning policies

Statutory Planning Controls

Applicable Zone – Industrial 1 Zone

14. A planning permit is required to use land as a Place of Assembly in accordance with Clause 33.03-1 of the INZ1.

Applicable Overlays

Heritage Overlay – Schedule 160

15. A planning permit is not required pursuant to the provisions of the Heritage Overlay, as no demolition or construction of buildings and works are proposed as part of the application.

Development Contributions Plan Overlay – Schedule 2

16. The requirements of this Overlay are not applicable to the proposal and do not form part of the assessment.

Particular Provisions

Provisions that Require, Enable or Exempt a permit

17. Clause 52.06 sets out the requirements of car parking provision and design.



General Requirements and Performance Standards

18. Clause 53.22 sets out the provisions of Significant Economic Development, with the application being submitted under Category 2 of this Clause. The application's eligibility for this pathway has been reviewed and confirmed during the Development Facilitation Program stage under Pre-Application PPA-751.



Referrals

19. The DFP pre-application PPA-751 was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining	Head, Transport Victoria	No objection – 19 September 2024

Non-Statutory Referral

20. The DFP pre-application PPA-751 meeting for the proposal was referred to the EPA for review, with comment received on 25 September 2024. The EPA noted that the proposal will not trigger EPA Permit requirements for prescribed activities Lo5 (Operation outside of hours or extended operations) or L06 (Conducting more than 6 outdoor concerts).

Municipal Council Comments

21. The Maribyrnong City Council (the council) objected to the application and provided comments on 18 November 2024. No conditions were provided by the Council.

Notice

22. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d). The application is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act pursuant to Clause 53.22-4.

23. The applicant was directed to give notice by way of erecting signs (on both Sunshine Road and Roberts Street) on the site and notifying adjoining owners and occupiers.

24. At the time of writing this report, three objections have been received from properties in the area. The details of their objection are outlined as follows

Issue of concern	Department Response
Noise pollution	Noise levels from the premises will be required to comply with relevant regulations and not exceed the allowable levels.
Traffic and parking impacts	A Transport Engineering Assessment report provides a comprehensive assessment of the anticipated traffic and parking impacts of the proposal development. A Traffic Management Plan also forms part of the application which details temporary traffic measures to be implemented, encouraging the use of ride share vehicles to access the site, as well as measures to manage pedestrian travel from the site to the nearby train stations.
Impact on local environment and infrastructure	A concern has been raised on potential increased pressure on servicing infrastructure. The site is sufficiently well serviced and connected to services, further noting the events are of a limited nature.
Public safety and security	An Events Management Plan, Security Management Plan, Medical Management Plan and Alcohol Management Plan have all been provided to ensure public safety and security is addressed.
Amenities for event patrons	A query has been raised as to what facilities will be in place at the venue for patrons to use the toilet, eat and drink at the event. A set of portable toilets, a number of food trucks and water will be made available on a complimentary basis at several locations throughout the event site.
<p> [REDACTED] concerns: Security, Traffic Management, Property Management, Further Undertakings, Vermin, </p>	<p> [REDACTED] has requested specific conditions to address their concerns, as such all the requested conditions (apart from those relating to potential property damage as indemnification for loss or damage is not a relevant planning permit </p>



Issue of concern	Department Response
Certificate of Currency Public Liability Insurance	matter) to be provided via a planning permit will be included on the permit.

Key Considerations

25. The following are deemed the key considerations in assessing the acceptability of the proposal:
- If the proposal responds appropriately to the Municipal Planning Strategy and Planning Policy Framework of the Maribyrnong Planning Scheme
 - If the proposal responds to the objectives and decision guidelines of the applicable zoning
 - Whether the proposed car parking reduction is acceptable

Strategic Direction and Land Use

26. The relevant PPF and LPPF policies have been considered in assessing the application as detailed below.
27. The purpose of the **INZ1** is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
 - To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.
- A 'Place of Assembly' is a section 2 use which for a which a permit could be applied for and considered on its merits.
28. While the application does not propose a manufacturing industry or storage/distribution function, it does propose a use on a temporary nature that is appropriate in the context of the site and their operations.
29. The proposal is in accordance with the PPF, specifically the objective of Clause 17.04-1R to maintain and develop Metropolitan Melbourne as a desirable tourist destination by supporting artistic and cultural life and providing leisure services.
30. The live music events will also contribute to meeting strategies outlined in Clause 17.01-1R to support diverse employment generating uses, including creative industries, where well connected to transport networks. The proposal is anticipated to employ approximately 1,500 people for the preparation and pack down, with the total number of event staff during operation between 500-800 comprising bar staff, security, production staff, sound engineers, electricians and others.
31. The proposal is further in line with the PPF, specifically Clause 19.02-3S which has the objective to develop a strong cultural environment and increase access to arts, recreation and other cultural facilities. The live music events will feature local and international headline artists which will contribute to a vibrant festival scene in the summer season in the Maribyrnong Municipality and greater Melbourne. The events will also maintain and strengthen Melbourne's distinctiveness as a leading cultural and sporting city, in accordance with the objectives of Clause 19.02-3R Cultural Facilities - Metropolitan Melbourne.
32. The proposal is also in line with LPPF, specifically Clause 31.10-3 Arts and Culture which has the objective to strengthen the role and expression of art and culture within the Maribyrnong municipality, as well as the objective of Clause 21.10-4 Recreation Facilities to ensure that recreational facilities are developed to meet the needs of the community.
33. The objective and strategies surrounding Clause 13.05-1S Noise Management seeks consideration of the noise impacts on amenity and human health. This is an important consideration in the assessment of the appropriateness of the proposal, particularly given the nearby residentially zoned properties located approximately 170m south on Indwe Street, as well as some on Roberts Street (albeit located in the INZ3).



34. In respect to potential noise considerations, the following is noted:

- The applicant has run several events of a similar scale at this venue in the past. A letter from the applicant's noise consultant identifies that the past events at the site had a high level of compliance with applicable noise limits of 65dB within noise sensitive areas. The letter acknowledges a single noise complaint related an event held on 14 April 2018. The letter notes that the noise limit was exceeded by 2dB(A) on two occasions at [REDACTED] and submits that this was likely a result of the stage being oriented south. The letter notes that the stages were oriented north for subsequent events, as per the current proposal, and no further noise complaints were received.
- The applicant has provided advice confirming that the events will be able to comply with relevant EPA noise limits. A note will be included to draw the attention of the permit holder to their obligations under the EPA Act and respective regulations.
- Further, a Noise Management Plan has been submitted which details the location and orientation of the stages, closest residential premises, residential noise limit, target front of house amplified music noise level, amplified music noise impact, community notification, procedure for noise complaint response and noise control measures. It is considered that any noise generated from the proposal will be appropriately managed through the implementation of the Noise Management Plan.

35. Regarding the management of patrons, An Events Management Plan, Traffic Management Plan, Security Management Plan, Medical Management Plan and Alcohol Management Plan have all been provided to sufficiently address patron management and behaviour during and after the events.

36. It is noted the Traffic Engineering Assessment prepared by Traffix Group makes a number of additional recommendations to be included in the Traffic Management Plan which will be addressed via conditions. These added conditions will ensure the amenity of the surrounding area and traffic conditions are not unreasonably impacted by the proposed events.

37. It is noted the Event Management Plan includes the following practical measures to ensure the event operates in an orderly manner:

- Notifications for the events will be submitted to Public Transport Victoria with specific event capacities to provision additional train services.
- An Events Operations Centre (EOC) will be constantly staffed by a Communications Officer during the events and run by an Operations Manager. The Communications Officer will have open radio channels and act as an interface between all the departments at the events. The Communications Manager will run a log of all incidents, threats, changes and treatments across all aspects of the Events.
- Patrons will be informed of recommended forms of travel and arrival times at the time of ticket purchase, on their ticket and via electronic communications. This will include a listing of available means of transport (train to/from Tottenham and West Footscray, Taxi & rideshare drop off point, coach service, buses and so on). This will include an indication of schedules and last services for relevant means of transport to assist patrons in making a timely exit from the area.
- The events will have a safety hotline number for patrons to call if they see the need. A hotline phone number for the events will also be provided and staffed 24h from bump in to bump out for neighbouring commercial stakeholders.
- The event operator will be in regular communication with the following Emergency Service and personnel: Victoria Police, Ambulance Victoria, Fire Rescue Victoria, VicRoads, Worksafe, Public Transport Victoria, Maribyrnong City Council and VGCCC.

38. The effect the proposed use may have on other uses in the immediate area has also been considered, particularly regarding the 24-hour operation of the [REDACTED] facility to the east of the site and its use of heavy truck and machinery entering and exiting its site. [REDACTED] has objected to the application, however, has provided a set of conditions they would like included on any permit issued. These conditions have been shared with the Applicant who

has agreed with their inclusion on the permit, apart from those relating to potential indemnification. These will assist with patron management, and in particular arrival and dispersal of patrons from the site.

Car Parking and Bicycles Storage

Car Parking

39. The following car parking rates are relevant to the application:

Use	Rate	Amount Required	Amount Provided
Car Parking	0.3 car spaces per patron	1500 spaces	0 - Not Achieved

40. Whilst 36 car parking spaces are currently located within the site, these are proposed to be reserved for staff members and no parking spaces will be available for patrons. The requested full waiver of car parking provision has been considered in accordance with the decision guidelines outlined in Clause 52.06-7 and can be supported, as:

- A Car Parking Demand Assessment prepared as part of the Traffic Report indicates that patrons are generally expected to arrive at the site via alternative modes of travel such as via ride share vehicles or public transport, with very few, if any patrons travelling via private vehicles given the nature of the event.
- The site is well serviced by public transport options including, Tottenham Railway Station located 800m to the west of the site and West Footscray Railway Station located 1km to the east of the site, as well as bus route 414 operating from Roberts Street.
- It is anticipated that the majority of patrons will travel to the venue via public transport or by ride sharing vehicles such as taxis, Ubers, etc. Ride share vehicles will enter the area via McArthur Street to drop off / pick-up patrons, and then proceed to Indwe Street and depart the area. Temporary traffic measures will be implemented as per the Traffic Management Plan prepared for the application, which will manage pedestrian travel to and from the site.
- A Green Travel Plan has been prepared which sets out initiatives to encourage alternative modes of transport for both patrons and staff and notes that patrons will be made aware of the drop off and pick-up arrangements by the company website at the time of ticket purchase.
- The practicality of providing car parking at the site has also been considered and deemed unfeasible. As there is very little opportunity to provide car parking on the site for this temporary use, and given the number of events proposed it would be inappropriate to provide additional or formal car parking. It is also important to note that the proposal is only for 6 events in the period of 3 months, with any potential parking impacts confined to these times.

Bicycles Facilities

41. Clause 52.34-1 of the Scheme requires bicycle parking facilities as follows:

Proposed Use	Purpose	Bicycle Parking Rate	No. of Spaces Required	No. of Spaces Provided
Place of Assembly	Employee	1 per 1500m ² of net floor area	4	
	Visitor	2, plus 1 per 1500m ² of net floor area	6	
Total			10	20



42. A total of 20 bicycle parking facilities are provided via temporary horizontal rails that will be transported to the site for event times. This will be within the exterior event area at the north end of the site.

Waste

43. A waste management plan (WMP) has been provided detailing a private waste contractor will be engaged to manage waste at the site. The WMP outlines how waste streams will be managed onsite to help reduce the festivals environmental impact, reduce waste and improve the overall resource recovery performance of the event. The WMP also details the waste management & sustainability objective covering signage, waste contamination, key performance indicators, key stakeholders, infrastructure and processes that will be put in place to help the festival reach their sustainability and environmental impact goals.

Recommendation



44. The proposal is generally consistent with the relevant planning policies of the **Maribyrnong Planning Scheme** and will contribute to the provision of arts, cultural and recreational facilities within the **Maribyrnong** area.
45. The proposal is generally **supported** by the various formal and informal referral agencies, apart from Maribyrnong Council.
46. It is **recommended** that a Delegate for the Minister of Planning issue Planning Permit No. **PA2403283** for use of the land as a 'Place of Assembly' and a reduction in the car parking requirements at **47-61 Sunshine Road, Melbourne**, subject to conditions.
47. It is **recommended** that the applicant and the council be notified of the above in writing.



Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [REDACTED]

Title: Senior Planner, Development Approvals and Design

Phone: [REDACTED]

Signed: [REDACTED]

Dated: 19 November 2024

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form.**
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name: [REDACTED]

Title: Manager, Development Approvals and Design

Phone: [REDACTED]

Signed: [REDACTED]

Dated: 19 November 2024