

## **MARIBYRNONG PLANNING SCHEME**

### **AMENDMENT C141**

#### **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 the Maribyrnong City Council.

##### **Land affected by the Amendment**

The Amendment applies to all land within the City of Maribyrnong.

##### **What the amendment does**

The Amendment implements the findings of the *Maribyrnong City Council Managing the Impacts of Licensed Premises 2015* by:

- Introducing a new Local Policy (LPP) for licensed premises at Clause 22.08
- Making changes to Clause 21.08 of the Municipal Strategic Statement (MSS) by providing a snapshot of existing licensed premises in the municipality, an overview of the issues facing the municipality, and inclusion of new objectives and strategies for licensed premises.
- Including the *Maribyrnong City Council Managing the Impacts of Licensed Premises 2015* as a reference document in Clause 21.12 of the MSS.

##### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

The amendment is required to implement the findings of the *Maribyrnong City Council Managing the Impacts of Licensed Premises 2015*.

In April 2015 the City had over 250 licensed premises. A large number of these are located within activity centres however many are located in, or close to, residential areas.

It is expected that the number, range and diversity of licensed premises in the municipality will grow as the resident population continues to increase.

Council recognises that licensed premises can contribute to the vitality of an area, streetscape activation, passive surveillance, and the creation of a local 'identity' as an entertainment and tourism destination. However, it further recognises that licensed premises can have a negative impact on the amenity of the surrounding area. Such impacts relate to violence, street disturbance, noise, anti-social behaviour, litter, and vandalism.

The Maribyrnong Planning Scheme currently contains no specific Local Planning Policies to address the issues associated with licensed premises. This represents a significant policy gap which reduces Council's ability to encourage the positive impacts which can arise from licensed premises, as well as manage and mitigate the negative amenity impacts.

The proposed introduction of a LPP for Licensed Premises will assist Council in its assessment of planning permit applications for new licensed premises and changes to

existing licensed premises. The policy will apply to all planning permit applications where a permit is required pursuant to *Clause 52.27 – Licensed Premises*.

The LPP will provide guidance on how to assess amenity impacts taking into account the following considerations:

- Venue design,
- Noise,
- Operating hours,
- Patron numbers,
- Access, and
- Location.

It will also provide guidance relating to specific local areas (activity centres) to ensure that licensed premises are located, designed, and operate in a manner which is consistent with the role of the centre.

### **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives of the *Planning and Environment Act 1987*:

- 4(a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- 4(c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

The policy will implement these objectives by providing clearer policy guidance about the location and operation of new and modified licensed premises in seeking to promote positive impacts whilst minimising negative amenity impacts.

### **How does the Amendment address any environmental, social and economic effects?**

The amendment will have a positive social impact in so far as it will assist in reducing negative amenity impacts and encourage positive impacts as a result of new or modified licensed premises.

The amendment will have a positive economic impact as it will seek to establish an appropriate mix of licensed premises in activity centres consistent with the role of the centre. This will assist in ensuring that the amenity and economic viability of activity centres is not unreasonably compromised over time as a result of inappropriate clustering and operation of the licensed premises.

### **Does the Amendment address relevant bushfire risk?**

This matter is not considered relevant to the amendment.

### **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*.

## **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

There are no specific policies relating to licensed premises with the State Planning Policy Framework. However the amendment is consistent with the broader objectives and strategies of the State Planning Policy Framework in the following way:

**Clause 15.01-4 – Design for Safety** seeks to *improve community safety and encourage neighbourhood design that make people feel safe. A relevant associated strategy is to ensure that the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.*

The amendment will provide clearer policy guidance in the assessment of new and modified licensed premises, which will seek to create safer environments through appropriate venue design and location.

**Clause 17.01-1 – Commercial** seeks to *encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The amendment will provide guidance to direct new licensed premises to appropriate locations to meet the communities' needs for retail and entertainment uses.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

**Clause 21.08-1 – Retail** seeks to ensure that retail premises are developed in appropriate locations, and discourages retail development outside of identified Activity Centres.

The amendment will seek to encourage the location of licensed premises in activity centres consistent with the role of the centre, thereby meeting the objectives of this policy.

**Clause 21.08-5 – Licensed Premises and Gaming** seeks to *minimise adverse social impacts from licensed premises. Relevant strategies are to assess the social and amenity impacts of licensed premises on the surrounding areas, and discourage the concentration of late trading licensed venues.*

The amendment will strengthen the municipal strategic statement in relation to licensed premises by separating this matter as a separate sub-clause, providing a snapshot of existing licensed premises in the municipality, highlighting that both positive and negative amenity impacts can arise from licensed premises, and expanding on the objectives and strategies relating to licensed premises. This will ensure a more robust policy and framework for the LPP.

The proposed LPP provides guidance on how to assess amenity impacts, taking into account relevant considerations which are listed in the amended Municipal Strategic Statement.

The amendment removes reference to social impact in the Municipal Strategic Statement as this is considered to be a matter which is not able to be addressed within the Victorian Planning Provisions.

**Clause 21.11 – Local Areas** sets out the vision, objectives and strategies in relation to each of the main activity centres located in the municipality. At a high level, the clause seeks to encourage development which is consistent with the role of the centre.

The amendment will seek to encourage the location of new licensed premises in activity centres consistent with the role of the centre. Area specific guidelines relating to each activity centre are provided in the LPP which will assist in achieving this objective.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The main purpose of a LPP is to guide decision making in relation to a specific discretion in the planning scheme, to assist the responsible authority to make a decision.

The proposed LPP for licensed premises provides guidance on how amenity impacts are to be assessed for applications triggered under Clause 52.27 – Licensed Premises of the Particular Provisions. The policy will assist Council and other users of the Planning Scheme to appropriately assess the positive and negative amenity impacts resulting from new or modified licensed premises.

### **How does the Amendment address the views of any relevant agency?**

The Amendment will be referred to relevant agencies and stakeholders as part of the formal exhibition process which is expected to include the Department of Justice, the Victorian Commission for Gambling and Liquor Regulation and adjoining municipalities.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have any significant impact on the objectives and decision making principles of the *Transport Integration Act 2010*.

### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have no appreciable impact on the resources and administrative costs of the responsible authority. The proposed LPP will apply when a permit is triggered under Clause 52.27 – Licensed Premises. As such it will not result in any increase in the number of applications received by Council.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Maribyrnong City Council website: [www.maribyrnong.vic.gov.au](http://www.maribyrnong.vic.gov.au)

Maribyrnong City Council  
Reception Area – Town Hall  
Corner Hyde and Napier Streets  
Footscray VIC

Footscray Library  
56 Paisley Street  
Footscray VIC

West Footscray Learning  
Centre (Library)  
539 Barkly Street  
West Footscray VIC

Yarraville Library  
32 Wembley Avenue  
Yarraville VIC

Braybrook Community Centre  
107-139 Churchill Avenue  
Braybrook VIC

Maribyrnong Library  
200 Rosamond Road  
Maribyrnong VIC

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

## **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by 19 December 2016.

A submission must be sent to:

Maribyrnong City Council  
City Strategy Amendment C141  
PO Box 58  
FOOTSCRAY VIC 3011

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: week of 20 February 2017
- panel hearing: 20 March 2017