

CITY OF MARIBYRNONG  
ADVERTISED PLAN

# Architest

## PLANNING PERMIT APPLICATION

### Single Dwelling on a Lot within NRZ1 and H012 overlays

8 Birdwood Street  
Maribyrnong

Maribyrnong City Council

April 2024

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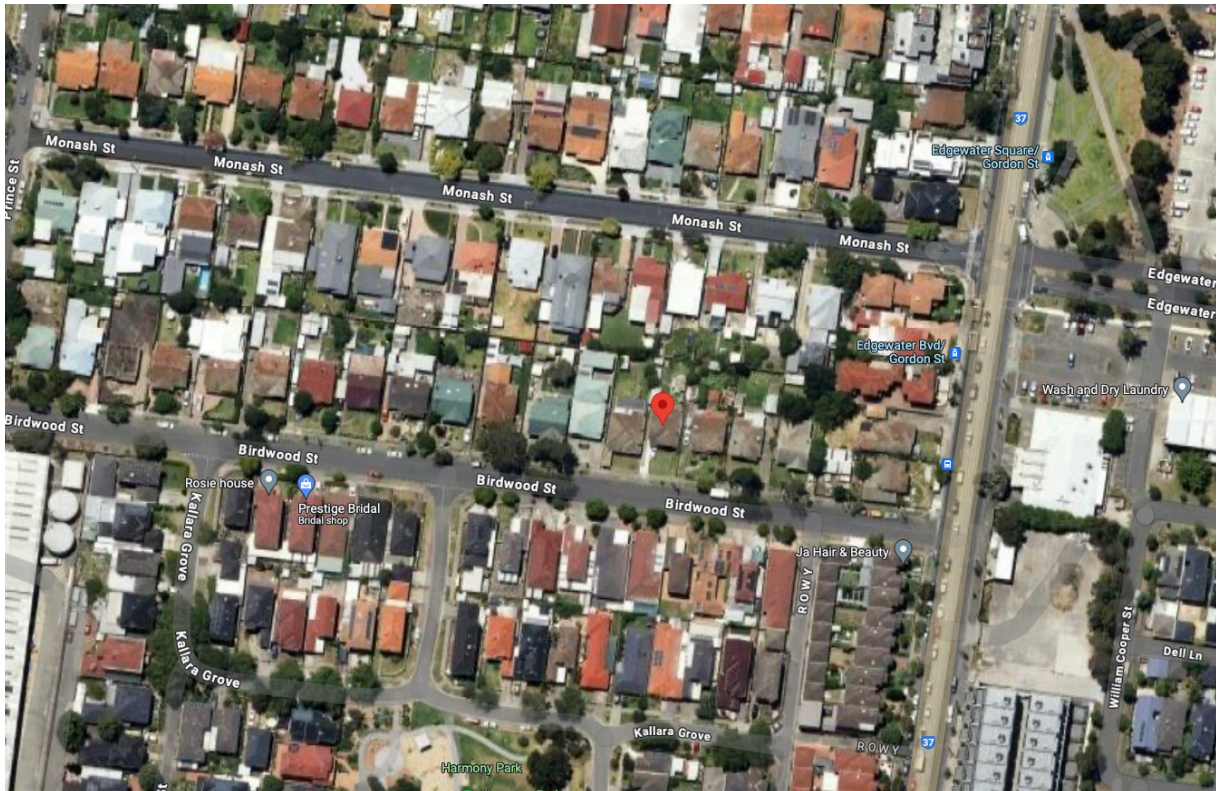
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## 1. PROJECT DESCRIPTION

### 1.1 Introduction

This report provides information in support of the planning application for the renovation and extension of 1 dwelling on a lot in accordance with the requirements of the City of Maribyrnong Planning Scheme.

#### Project Context



Aerial View of subject site and surrounding development context

### 1.2 Proposal

The proposal comprises the renovation and extension of an existing single level dwelling in accordance with the proposed development plans forming part of the application.

The site is located on the northern side of Birdwood Street. The total site area is 460m<sup>2</sup> with residential properties on both sides and to the rear.

The proposed construction will result in the following:

A single story dwelling which will be orientated to face Birdwood Street. The proposal seeks to maintain the heritage fabric of the original building to the facade and will be comprised of eight bedrooms with ensuites and one ambulant suite, a central dining area, laundry and open plan kitchen.

A separate planning application will be sought to change the dwelling from class 1a to class 1b rooming house.

## **Vehicular Access**

Vehicle access to the proposed dwelling will be provided via an existing cross over on the north west corner of the property.

There is no existing mature vegetation/ trees within the site (refer to Survey) and there is no street vegetation that impacts the development.

The attached architectural drawings provide full details of the proposal.

### **1.3 Planning State Policies**

As the subject site is serviced by the required infrastructure and is appropriate to being developed to include a single dwelling, it can be seen to satisfy Clauses 11 and 16 (11.02 Urban Growth).

Clause 11 Settlement – seeks to protect residential land from un-planned residential development and to provide an adequate supply of residential land within areas that are well serviced by infrastructure.

Clause 16 Housing – to provide a housing market that meets community needs: to provide for a range of housing types to meet increasingly diverse needs, and to deliver more affordable housing closer to jobs, transport and diversity

### **Municipal Strategic Statement & Local Planning Policy Clause 21.04 Land Use**

- Housing appropriate for families with children
- A continued supply of good quality affordable housing. This includes both existing housing stock and new development

This will be implemented through the relevant strategy to:

- Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08.

Development is also guided through the implementation of local policy Clause 22.05 Built Form Strategy which seeks to:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type

## **Clause 21.06 Built Environment and Heritage**

### **21.06-3 Heritage**

In conserving areas of heritage significance there is also a need to provide for adaptive reuse and change of buildings.

This will be achieved via Objective 8 - To protect and conserve heritage places and the implementation of the relevant Strategy - Support applications that conserve heritage places through the adaptive reuse of heritage buildings.

### **21.06-1 Urban Design**

Looking at the built form of the whole municipality, a clear picture emerges of a low-rise urban form punctuated by pockets of higher development.

### **Objective 3**

To encourage well designed residential development.

The built form strategy in clause 21.06 is described as follows:

- Supporting development that maintains and strengthens the preferred character of the relevant Built Form Character type.

The proposed development will maintain the preferred character by:

- Integrating with the existing facade of original building
- Stepping back from the original facade
- Matching roof line and built form mass of adjoining properties

## **Zone Provisions**

### **Clause 32.09 Neighbourhood Residential Zone Schedule 1 (NRZ1)**

The site is located in a NRZ(2) – Schedules 2

The most relevant purposes of the NRZ to this application are:

- To encourage development that respects the neighbourhood character of the area
- To implement neighbourhood character policy and adopted neighbourhood character guidelines
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport

### **Overlay Provisions**

The subject site is covered under a heritage Overlay H012.

Pursuant to Clause 43.01-1 a permit is required to:

- Demolish or remove a building
- Construct a building or construct or carry out works
- Externally alter a building by structural work, rendering, sandblasting or in any other way
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials

### **Other forms of planning control or integrated approval**

The site area is 460m<sup>2</sup> and described as Lot 78 on Plan of Subdivision LP10486.

There are no encumbrances on the title in the form of covenants, restrictions of section 173 agreements.

### **Summary of Permit Triggers**

Pursuant to the Yarra City Council Planning Scheme the permit triggers for the development of one dwelling on a lot are as follows:

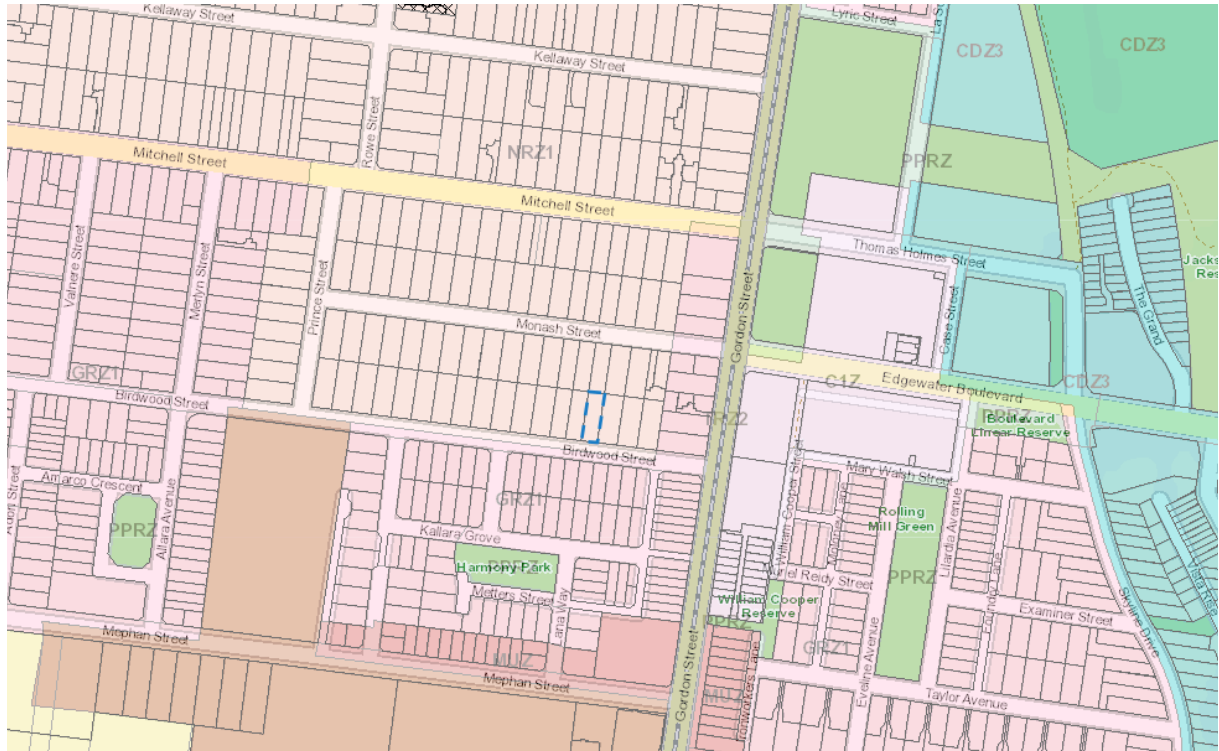
Heritage Overlay Schedule 12 (H012)

- 43.01-1 a permit is required to construct a building or construct or carry out works

## 2 SITE ANALYSIS AND DESIGN RESPONSE

### 2.1 Location

Location of the subject site in the context of its zone and surrounding zones.



**Figure 2.1 : Location and Zone context plan, not to scale**

Subject site is shown in dotted blue outline

Source: DTPLI Website – Online Planning Schemes Maps

The site is located in an established residential area of Maribyrnong.

The site is located close to public transport, bus and rail networks, with bus stops available within walking distance (approximately 50 metres) at Gordon Street bus stop.

The site is located in close proximity to schools, with Footscray North Primary, Footscray High School and Maribyrnong College both within walking distance as well as retail and community facilities and services (Gordon Street shopping strip and Highpoint Shopping Centre) consistent with a well established urban environment.

The site has good access to public parks and opens spaces which provide ovals, playgrounds, walking tracks and sporting reserves.

The surrounding residential area is characterised predominantly with heritage properties with contemporary style second story and rear developments behind existing heritage facades. Within Birdwood Street there are several examples along with new townhouse developments.



The width of lots varies, however medium frontages are common. Front setbacks are an average of 7 to 8m and provide for off street parking and landscaped front gardens.

Dwellings are generally detached. Materials are inconsistent with examples of weather board, brick, and render in the immediate area. Roofs are generally pitched.

Front boundaries are defined by low to medium fences of varying styles and materials. The size of rear gardens varies.

The dwellings to the immediate West (Birdwood Street) is a double fronted weather board property with a pitched tiled roof to the majority and additional flat galvanised roofing sections. Car parking is located within the property. There is no substantial vegetation impacted by the proposal or impacting development.

The dwelling to the immediate East (Birdwood Street) is a single story weather board dwelling with tiled and pitched roof. It provides off street parking for two cars via a single vehicle cross over to Birdwood Street. There is no substantial vegetation impacted by the proposal or impacting development.

## **2.2 Existing Site Development**

The existing site is a rectangular parcel of land oriented in an North-South direction with a site area of 460sqm. The site has a width of 12.19 metres on both the Southern site frontage to Birdwood Street and at the rear of the property and 37.71 metres along the Eastern and 37.72m Western boundaries. One newly planted and immature street tree is located on Birdwood Street adjacent to the south boundary of the site.

The site is described as Lot 78 on Plan of Subdivision LP10486. There are no encumbrances on the title in the form of covenants or section 173 agreements. The site has a little slope with an average of 30mm fall across the site from front to back.

The existing dwelling is a double fronted weather board dwelling with a pitched tiled roof. See survey for aerial imagery.

There is a single vehicular cross over on the southern boundary with provision for ample off street parking.

There is no significant vegetation on the site to be removed or impacted by the proposal.

### **3 CLAUSE 54 ASSESSMENT (ONE DWELLING ON A LOT)**

One Dwelling on a Lot should have regard to the requirements of the Schedule to the relevant Residential Zone, which may vary 6 standards of Clause 54 and Clause 55.

### **4 CLAUSE 54.1 ASSESSMENT NEIGHBOURHOOD & SITE DESCRIPTION & DESIGN RESPONSE**

An application must be accompanied by:

- A Neighbourhood and site description.
- A Design Response

#### **4.1 Neighbourhood & Site Description (54.01-1)**

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.
- In relation to the site
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features or characteristics of the site.

The subject property located at 8 Birdwood Street, Maribyrnong is situated in a Neighbourhood residential zone (NRZ1). Heritage overlay (H012).

Refer supplied Neighbourhood Description, Photographic Survey and Site Analysis.

## 4.2 Design Response (54.01-2)

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 54.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.
- The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.

Refer supplied Architectural drawings and neighbourhood context analysis.

## 5 CLAUSE 54.2 ASSESSMENT - NEIGHBOURHOOD CHARACTER

### 5.1 Neighbourhood Character (54.02-1)

#### Objectives:

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

#### Standard A1

- The design response must be appropriate to the neighbourhood and the site.
- The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

#### Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response

The proposal complies.

The neighborhood character contains a mixture of 1 and 2 storey residences of different eras from Victorian through contemporary. The proposal sits comfortably in this setting especially given the form of the abutting residences and the recessive nature of the proposal behind the existing facade.

## 5.2 Integration with Street (54.02-2)

### Objectives:

To integrate the layout of development with the street.

### Standard A2

- Dwellings should be orientated to front existing and proposed streets
- High fencing in front of dwellings should be avoided if practicable. Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

### Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response

The proposal complies. The proposal does not seek to amend the heritage fabric of the existing facade, and the proposed development sites comfortably behind the ridge and roof form of the existing dwelling.

## 6 CLAUSE 54.3 ASSESSMENT - SITE LAYOUT & BUILDING MASSING

### 6.1 Street Setback (54.03-1)

#### Objective

To ensure that setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site

#### Standard A3

Walls of buildings should be setback from streets the distance specified in Table A1 as follows:

- Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser.
- Where there is an existing buildings on one abutting lot facing the same street, and no existing building on the other abutting lot facing the same street and the site is not on a corner, the same distance as the front wall of the existing adjacent building or 9m, whichever is lesser.
- Where there is no existing buildings on either abutting lot facing the same street and the site is not on a corner, 6m for streets in a Road Zone Category 1, and 4m for other streets.
- Where the site is on a corner, and there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the existing abutting building facing the front street, or 9m whichever is lesser.
- Where the site is on a corner and there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, and 4m for other streets.
- Buildings should be setback from the side street of a corner site, the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser.

### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and adjoining properties.
- The value or retaining vegetation within the front setback.

The proposal complies as the setback is not being altered

### **6.2 Building Height (54.03-2)**

#### **Objective**

To ensure that the height of the buildings respects the existing or preferred neighbourhood character

#### **Standard A4**

- The maximum building height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m.
- Change of building height between existing buildings and new buildings should be graduated.

### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and adjoining properties.

The proposal complies with a maximum building height of 5.719m

### **6.3 Site Coverage (54.03-3)**

#### **Objective**

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site

#### **Standard A5**

- The site area covered by buildings should not exceed 60%.

### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider.

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

The proposal complies with a site coverage of 50%

### **6.4 Permeability (54.03-4)**

#### **Objectives**

To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration

#### **Standard A6**

- At least 20 % of the site should not be covered by impervious surfaces.

### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off
- The practicality of achieving at least 20 per-cent site coverage of pervious surfaces, particularly on lots of less than 300m<sup>2</sup>.

The proposal complies with an impervious area of 50%

## **6.5 Energy Efficiency Protection (54.03-5)**

### **Objectives**

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

### **Standard A7**

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.
- Living areas and private open space should be located on the north side of the dwelling, if practicable.
- Dwellings should be designed so that solar access to north-facing windows is maximised.

### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.

The proposal complies with the design allowing for maximum solar access to northern light.

## **6.6 Significant Trees (54.03-6)**

There is no existing vegetation on the site.

## **6.7 Parking (54.03-7)**

Off street parking for two vehicles has been provided within the existing setback.

## 7 CLAUSE 54.4 ASSESSMENT - AMENITY IMPACTS

### 7.1 Side and Rear Setbacks (54.04-1)

#### Objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

#### Standard A10

- New building not on, or within 150mm of boundary should be setback from side or rear boundaries:  
- 1m, plus 0.3m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m.
- Sun blinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.
- Landings with an area of not more than 2m<sup>2</sup>, and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

#### Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane,

The proposal complies. See table below.

ELEVATION	PROPOSED MAX WALL HEIGHT ABOVE NGL (m)	PROPOSED MINIMUM SETBACK (m)	REQUIRED SETBACK UNDER NRZ2 (m)	COMPLIES WITH OBJECTIVE
NORTH ELEVATION	5.719	5.313	1.637	Y
SOUTH ELEVATION	EXISTING	EXISTING	NA	Y
WEST ELEVATION	3.164	0	0	Y
EAST ELEVATION	2.673	0	0	Y



## 7.2 Walls on boundaries (54.04-2)

### Objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard A11

- New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not abut the boundary for a length of more than:
  - 10m plus 25% of the remaining length of the boundary of an adjoining lot;
- or
  - the length of an existing or simultaneously constructed wall or carport whichever is the greater.
- A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.
- A building on a boundary includes a building up to 150mm from a boundary.
- New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary should not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.

### Decision Guidelines

Before deciding on an application, the responsible authority must consider.

- Any relevant neighbourhood character objective, policy or statement set out in this scheme,
- The design response.
- The extent to which wall on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

The proposal complies see table below.

BOUNDARY	BOUNDARY LENGTH (M)	PROPOSED WALL ON BOUNDARY LENGTH (M)	ALLOWED WALL ON BOUNDARY LENGTH (M)	COMPLIES WITH OBJECTIVE
WEST BOUNDARY	37.72	7.295	16.92	Y
EAST BOUNDARY	37.71	16.00	16.92	Y

### **7.3 Daylight to Existing Windows (54.04-3)**

#### **Objective**

To allow adequate daylight into existing habitable room windows.

#### **Standard A12**

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

#### **Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

The proposal complies

## 7.4 North Facing Windows (54.04-4)

### Objective

To allow adequate solar access to existing north-facing habitable room windows.

### Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

### Decision guidelines

Before deciding on an application, the responsible authority must consider the design response and;

- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

The proposal complies

## 7.5 Overshadowing Open Space (54.04-5)

### Objective

To ensure buildings do not unreasonably overshadow existing secluded private open space.

### Standard A14

- Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> with a minimum dimension of 3m, whichever is the lesser area, or the secluded open space should receive a minimum of 5hours sunlight between 9am and 3pm at 22 September.
- If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

### Decision Guidelines

Before deciding on an application, the responsible authority must consider the design response and;

- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

The proposal complies - please see shadow diagrams

## 7.6 Overlooking (54.04-6)

### Objective

To limit views into existing secluded private open space and habitable room windows.

### Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

### Decision Guidelines

Before deciding on an application, the responsible authority must consider the design response and;

- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.

The proposal complies.

## **8 CLAUSE 54.5 ASSESSMENT - ON-SITE AMENITY & FACILITIES**

### **8.1 Daylight to New Windows (54.05-1)**

#### **Objective**

To allow adequate daylight into new habitable room windows.

#### **Standard A16**

- A window in a habitable room should be located to face:
  - an outdoor space clear to the sky or a light court with a minimum area of 3m<sup>2</sup> and minimum dimension of 1 m, not including land on an abutting lot, or
  - a verandah provided it is open for at least 1/3rd of its perimeter, or
  - a carport provided it has two or more open sides and is open for at least 1/3rd of its perimeter.

#### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

The proposal complies.

### **8.2 Private Open Space (54.05-2)**

#### **Objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

#### **Standard A17**

- A dwelling should have private open space of:
  - 80m<sup>2</sup> or 20% of the lot area, whichever is the lesser, but not less than 40m<sup>2</sup>.
  - At least one part of the private open space should consist of secluded private open space with a minimum area of 25m<sup>2</sup> and a minimum dimension of 3m at the side or rear of the dwelling, with convenient access from a living room.

#### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

The proposal complies.

### **8.3 Solar Access to Open Space (54.05-3)**

#### **Objective**

To allow solar access into the secluded private open space of a new dwelling.

#### **Standard A18**

The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.

#### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider the design response and;

- The useability and amenity of the secluded private open space based on the sunlight it will receive.

The proposal complies

## **9 CLAUSE 54.6 ASSESSMENT - DETAILED DESIGN**

### **9.1 Design Detail (54.06-1)**

#### **Objective**

To encourage design detail that respects the existing or preferred neighbourhood character.

#### **Standard A19**

- The design of buildings should respect the existing or preferred neighbourhood character, including:
  - facade articulation and detailing;
  - window and door proportions;
  - roof form and verandahs, eaves and parapets.
- Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

#### **Decision Guidelines**

Before deciding on an application, the responsible authority must consider the design response and;

- Any relevant neighbourhood character objective, policy or statement set out in this scheme
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

The proposal complies. Given the nature of the adjoining properties, the proposal matches height, visual bulk, set backs and material.

## 9.2 Front Fences (54.06-2)

Not applicable as the original front fence will be retained.

## 10 CLAUSE 43.01 ASSESSMENT - HERITAGE OVERLAY

### Objective

- 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.

### Decision guidelines

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

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

The proposal is deemed to comply in that;

- The proposal seeks to renovate behind the existing heritage fabric of the existing facade.
- The proposal is recessive behind the original roof form of the heritage dwelling
- The proposed works will not adversely effect the significance, character or appearance of the heritage place.

## **11 Clause 52.06 Assessment - Car Parking**

Car parking requirements for a rooming house under clause 52.06-5 demand 1 car parking space per 4 rooms. An allowance has been made on site for 2 standard car parking spaces and 1 accessible car parking space, the proposal therefore complies

## **12 Clause 52.23 Assessment - Rooming House**

Clause 32.09-2 identifies that a permit is not required so long as all requirements of clause 52.23-2 are met. Clause 52.23-2 -use exemption, requires that:

- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.  
The proposal complies with a floor area of 226 sqm
- No more than 12 persons are accommodated.  
9 individual single rooms are provided for 9 occupants - the proposal complies
- No more than 9 bedrooms are provided.  
9 rooms are provided - the proposal complies

The application would therefore benefit from planning permit exemptions

Clause 52.23-3 Building and Works Exemption further identifies that the need to obtain a permit to construct or carry out works within a Neighbourhood Residential Zone is not required if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.

The proposal meets all of the criteria above and is therefore exempt from seeking planning approval under clause 52.23-3 and as part of the NRZ and NRZ1 zoning requirements



## 13 PROPOSAL SUMMARY

The development provides for a single well-appointed rooming house development to suit a variety of households and family types. The site is well located to an extensive range of commercial, recreational and community services. The development is designed to enhance the street scape character. The dwelling has sufficient secluded private open space for occupants and is in line with the rooming house requirements. The overall development has a high degree of consistency with the neighbourhood character.

## 14 PROJECT DATA 6.1

### 14.1 Land Details

Address: 8 Birdwood Street, Maribyrnong  
Title: PARENT TITLE Volume 05869 Folio 677  
Parcel: Lot 78 on Plan of Subdivision 010486  
Area: 460sqm

### 14.2 Development Details

Dwelling Area	226sqm
Lot Area	460sqm
Site Coverage (buildings and hard landscaping)	232sqm
Site Coverage	50%
Permeable Area	232
Permeability	50%

### 14.3 Development Amenities

No. Bedrooms	9
No. Living Spaces (combined)	1
No. bathrooms (inc ensuites)	9
On-Site Car Parking Spaces	3