

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

CITY OF MARIBYRNONG
RECEIVED
31/10/2024
URBAN PLANNING

Maribyrnong City Council - Urban Planning Department
Cnr Hyde and Napier Streets, Footscray
T: 9688 0200 email: planningapplications@maribyrnong.vic.gov.au



**AMENDMENT TO AN APPLICATION FOR A PLANNING PERMIT - Request Form
(before permit is issued)**

Privacy Information: Any material submitted with this application, including plans and personal information, will be available for public viewing, including electronically, and copies may be made to interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.
Requests for access to and/or amendment of the information provided may be made to Council's Privacy Officer on: 9688 0200.

DETAILS OF APPLICATION TO BE AMENDED

Application Number: TP153/2024(1)	Address of Land : 28 Rochester Street, Braybrook
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Under what section of the Planning and Environment Act 1987, is the amendment being sought:
 Section 50 – Amendment to the application prior to notice
 Section 57A – Amendment to the application after notice *(Note – A fee of 40% of the original application fee is required with this request)*

THE APPLICANT

Name: Jenny Mai	Organisation: Arc Zero Pty Ltd
Address: 185 Peel Street, North Melbourne, 3051	
Contact Phone Number: 0403 563 815	
Email: info@arczero.com.au	
Are you the applicant of the original planning permit application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(Note: Only the applicant of the original planning permit application may ask Council to amend the application)</i>	

DETAILS OF THE PROPOSED CHANGES

Is there a change to the description of the land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there a change to the plans and/or other documents submitted with the application?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is there a change to the use and/or development of the land?	<input type="checkbox"/> Yes <input type="checkbox"/> No

List in detail the proposed changes (This can be listed on a separate page):

1. I can confirm the revised cost of work of proposed 2 side by side dwellings is \$800,000.
2. Please refer to the attached cover letter for a list of changes.

DECLARATION TO BE COMPLETED FOR APPLICATIONS

I declare that all information I have given is true.	Applicant Signature: Date: 31/10/2024
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HOW TO REQUEST FOR AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT

ALL OF THE INFORMATION OUTLINED BELOW MUST ACCOMPANY THIS APPLICATION.

ALL REQUESTS SUBMIT:

1. Application form
2. A written statement detailing all alterations/amendment proposed
3. Application fee if required

If you are amending the description of the land, please submit:

1. Provide the street number, street name, town, postcode, the lot number and lodged plan number or other title particulars
2. If you attach a plan, include:
 - The boundaries of the land and their measures;
 - The street it faces, the nearest intersecting street, the distance from this street and the name of all streets on the plan;
 - Reasons for the amendment

If you are amending the use and/or development of the land, please submit:

1. Details of the changes to the use and development of the land;
2. Reasons for wishing to amend the use and/or development;

If you are amending the plans, please submit:

1. An electronic copy of the plans (coloured to highlight the proposed amendments):
 - Site plan of the existing site and all amendments that are proposed;
 - Floor plans showing existing conditions, and all proposed amendments;
 - Elevation plans of the existing proposal, and all proposed amendments.

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet

i Click for further information.

Planning Enquiries
Phone: (03) 9688 0200
Web: www.maribyrnong.vic.gov.au

Clear Form

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

i For what use, development or other matter do you require a permit? *

PROPOSED 4 x DOUBLE (2 per lot)SIDE BY SIDE TOWNHOUSES FACING ROCHESTER STREEET BRAYBROOK.
THE PROPOSED CONSTRUCTION CONSISTS OF BRICK AT GROUND LEVEL WITH FOAM RENDER AND WEATHERBOARD ON 1ST LEVEL.

⚠ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$ 1,560,000.00

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

i Estimated cost of any development for which the permit is required *

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

VACANT
<input checked="" type="checkbox"/> Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

No

Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email:
Mobile phone:	Fax:


Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Owner *


The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Owner *		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):		Date:
		day / month / year

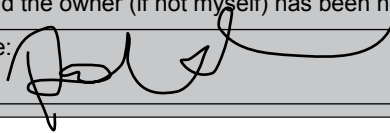
Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:



Date: 1/7/24

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist. Insufficient or unclear information may delay your application

Has there been a pre-application meeting with a council planning officer

No Yes

If 'Yes', with whom?:

Date:


day / month / year


Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts)

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void

Completed the relevant council planning permit checklist?

Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Maribyrnong City Council

PO Box 58

Footscray VIC 3011

Cnr Napier & Hyde Streets

Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200

Email: email@maribyrnong.vic.gov.au

DX: 81112

Deliver application in person, by post or by electronic lodgement.

MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified


Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

 Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting Planning Schemes Online at planning-schemes.delwp.vic.gov.au

 You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goulburn, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.


Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

 Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

 Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Metropolitan Planning Levy refer Division 5A of Part 4 of the *Planning and Environment Act 1987* (the Act). A planning permit application under section 47 or 96A of the Act for a development of land in metropolitan Melbourne as defined in section 3 of the Act may be a leviable application. If the cost of the development exceeds the threshold of \$1 million (adjusted annually by consumer price index) a levy certificate must be obtained from the State Revenue Office after payment of the levy. A valid levy certificate must be submitted to the responsible planning authority (usually council) with a leviable planning permit application. Refer to the State Revenue Office website at www.sro.vic.gov.au for more information. A leviable application submitted without a levy certificate is void.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates"

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist

What additional information should you provide to support the proposal?

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

EXAMPLES

Example 1

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: 4	St. No.: 26	St. Name: Planmore Avenue
Suburb/Locality: HAWTHORN		Postcode: 3122

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: **2** Lodged Plan Title Plan Plan of Subdivision No.: **LP93562**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Example 2

For what use, development or other matter do you require a permit? *

Construction of two, double-storey dwellings and construction of two new crossovers.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

Provide a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:
Title: **Mr** First Name: **Len** Surname: **Browning**

Organisation (if applicable): **Responsible Developers P/L**

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: **4** St. No.: **12** St. Name: **Ardour Lane**

Suburb/Locality: **Wycheproof** State: **Vic** Postcode: **3527**

Contact information for applicant OR contact person below

Business phone: **9123 4567** Email: **tcpl@bigpond.net.au**

Mobile phone: **0412 345 678** Fax: **9123 4567**

Contact person's details* Same as applicant

Name:
Title: **Mr** First Name: **Andrew** Surname: **Hodge**

Organisation (if applicable): **Town Planning Consultants**

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: St. No.: St. Name: **PO Box 111**

Suburb/Locality: **Parkdale** State: **Vic** Postcode: **3194**

Name: Same as applicant

Title: **First Name:** **Surname:**

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:
Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner's Signature (Optional): Date:
day / month / year

**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

VOLUME 09233 FOLIO 858

Security no : 124119489589Q
Produced 31/10/2024 01:19 PM

LAND DESCRIPTION

Lot 37 on Plan of Subdivision 044101.
PARENT TITLE Volume 08165 Folio 956
Created by instrument G729919 14/06/1977



REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TC AUS DEVELOPMENT PTY LTD of 5 SOUTHWOLD STREET ST ALBANS VIC 3021
AX370010J 19/10/2023

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP044101 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 28 ROCHESTER STREET BRAYBROOK VIC 3019

DOCUMENT END

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	LP044101
Number of Pages (excluding this cover sheet)	9
Document Assembled	31/10/2024 13:19

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The document is invalid if this cover sheet is removed or altered.

PLAN OF SUBDIVISION OF
PART OF CROWN PORTION 17
PARISH OF CUT PAW PAW
COUNTY OF BOURKE

8 SHEETS
SHEET 1

LP 44101
EDITION 6
PLAN MAY BE LODGED
1-12-1958

VOL 8165 FOL 956
Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

APPURTENANCIAS
THE LAND COLOURED GREEN
IS AN APPURTENANT EASEMENT
SEE C/E A 648354

COLOUR CODE
BL=BLUE G=GREEN
R1=BROWN P=PURPLE
Y=YELLOW R=RED
H=HATCH CH=CROSS HATCH

NOTATIONS
PART OF THE ROADS R1 ON
THIS PLAN ARE ALSO
APPROPRIATED OR SET APART
FOR EASEMENTS OF WAY &
DRAINAGE ON LP 44102

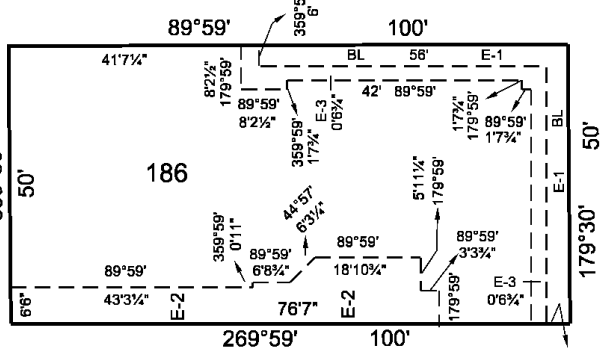
APPROPRIATIONS
THE LAND COLOURED BROWN
IS APPROPRIATED OR SET
APART FOR EASEMENTS OF
WAY AND DRAINAGE

AS TO THE LAND MARKED E-2
CARRIAGEWAY EASEMENT
CREATED IN AT254986S IN FAVOUR
OF LOT 185 ON THIS PLAN

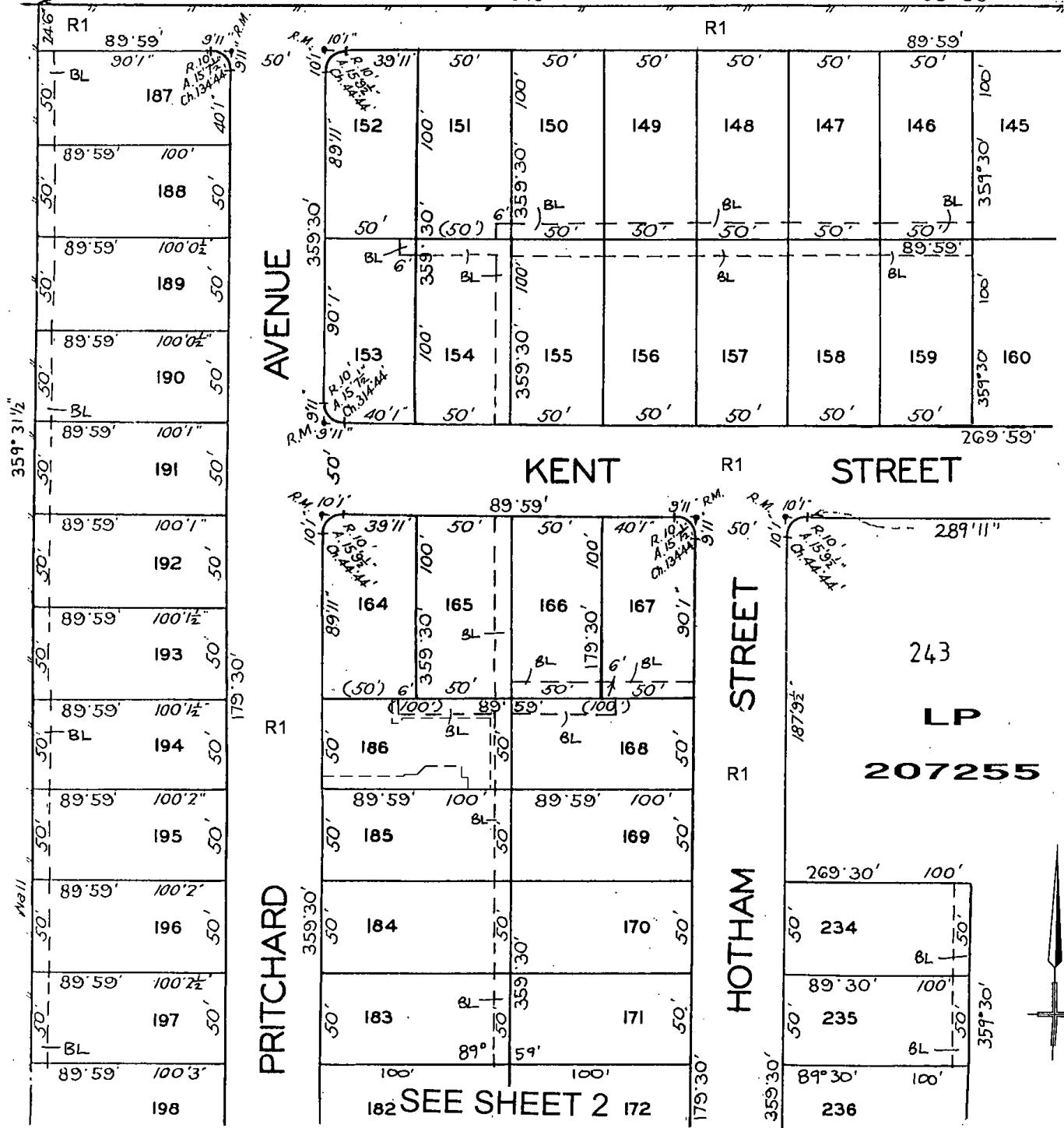
AS TO THE LAND MARKED E-1 & E-3
SEWERAGE EASEMENT CREATED IN
AT254986S IN FAVOUR OF CITY
WEST WATER CORPORATION

THE LAND COLOURED BLUE
IS APPROPRIATED OR SET
APART FOR EASEMENTS OF
DRAINAGE AND SEWERAGE
AND IS 6 FEET WIDE
UNLESS OTHERWISE SHOWN

ENLARGEMENT
LOT 186



SOUTH ROAD



SEE SHEET 3

243
LP
207255



SEE SHEET 4

LP 44101

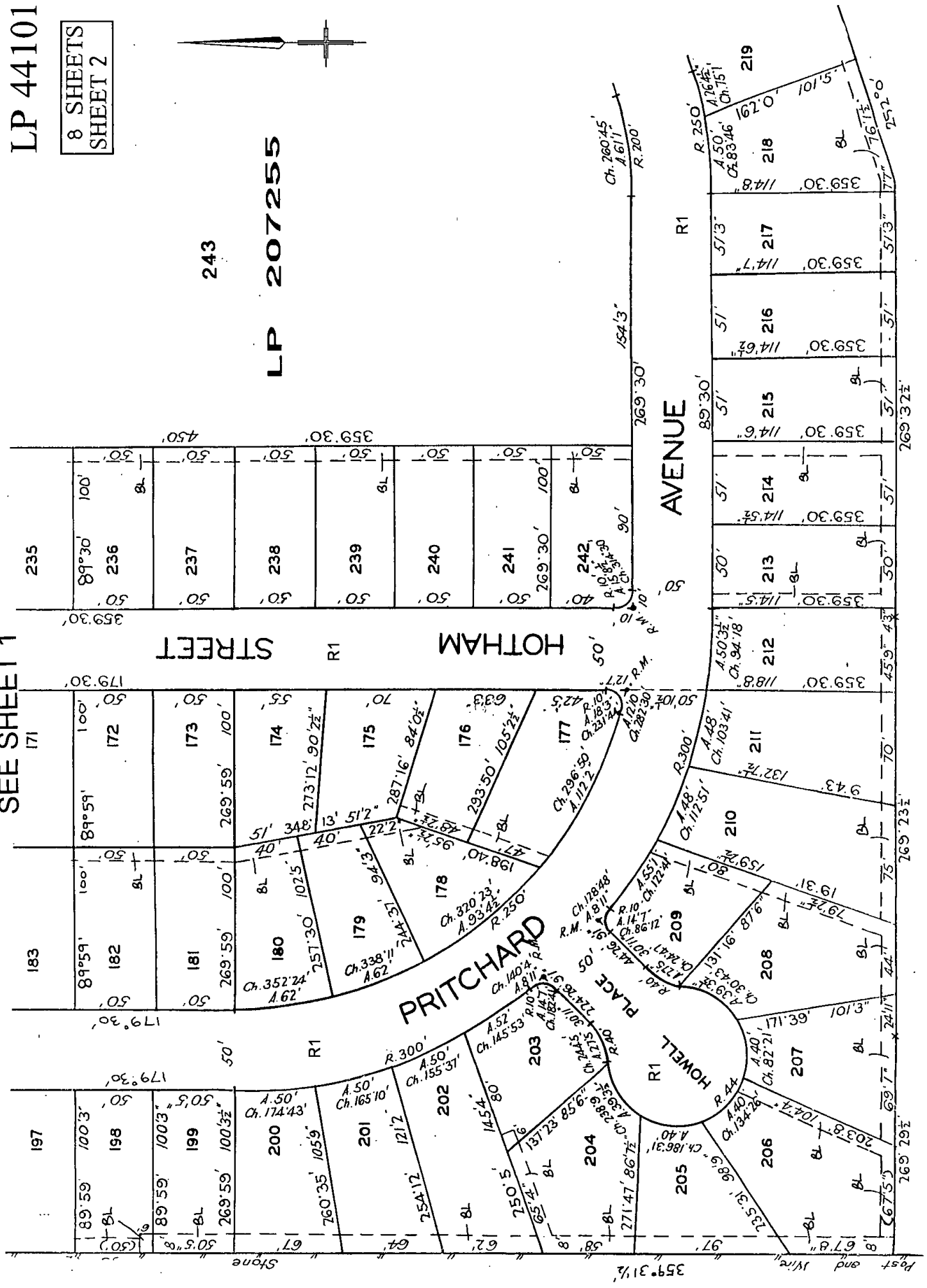
8 SHEETS
SHEET 2



243

LP 207255

SEE SHEET 1



AVENUE

HOTHAM STREET

PRITCHARD PLACE

HOWELL

R1

R1

R1

R.44

R.300'

R.250'

R.300'

R.250'

R.200'

R.200'

R.200'

R.200'

R.200'

R.200'

R.200'

R.200'

Post and Wire

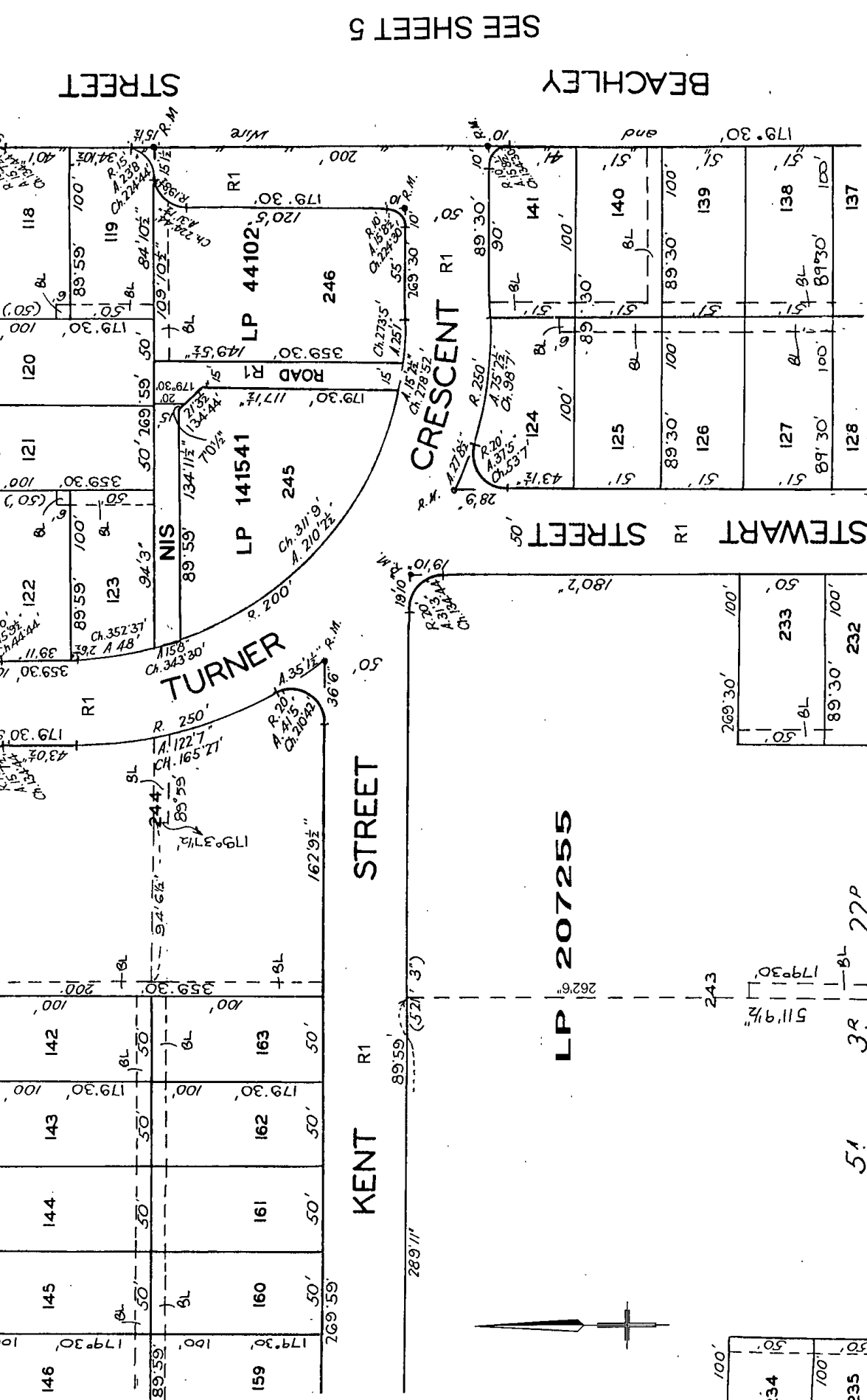
Stone

LP 44101

ROAD

SOUTH

8 SHEETS
SHEET 3

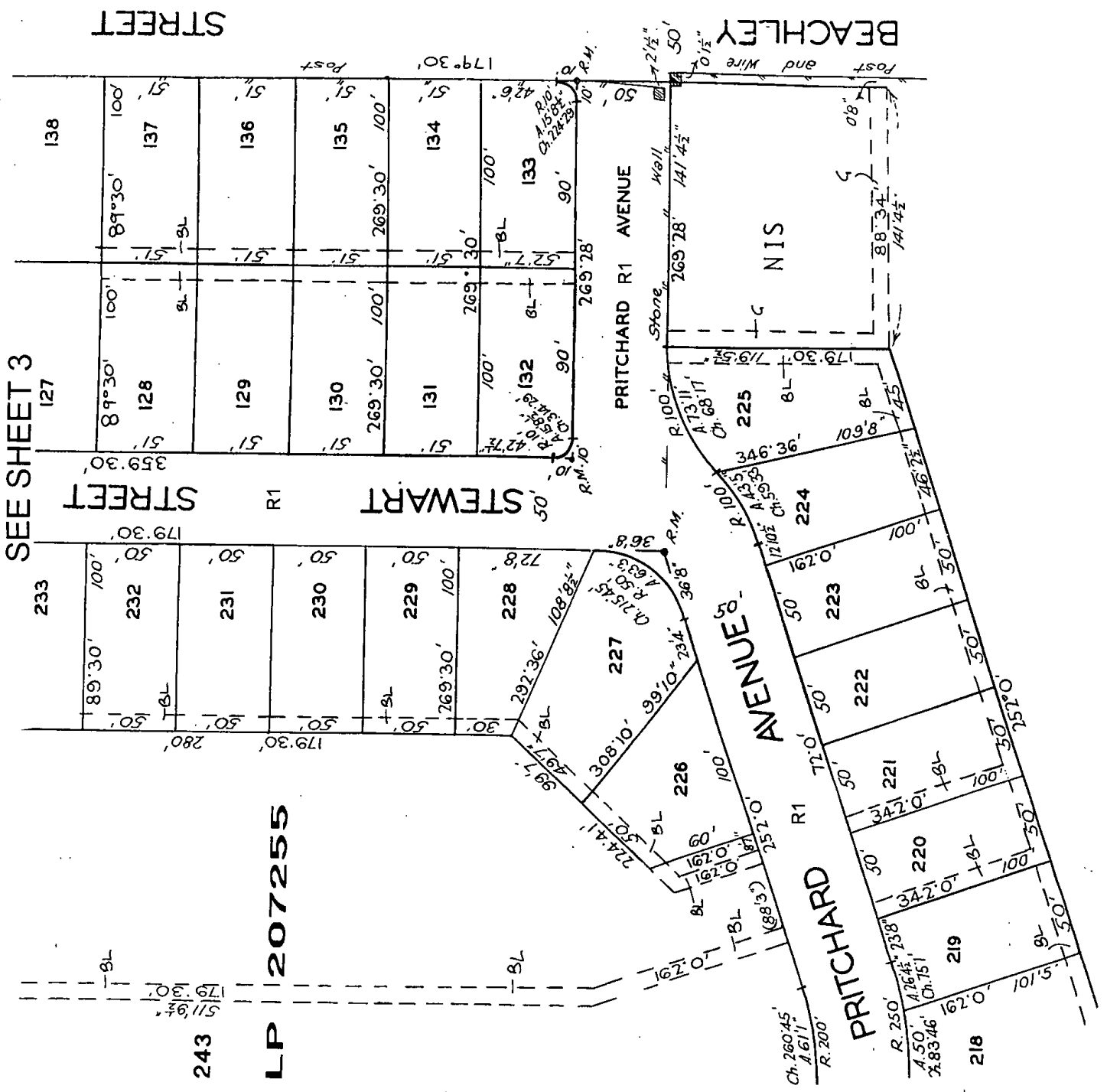


SEE SHEET 5

SEE SHEET 4

SEE SHEET 1

LP 44101
8 SHEETS
SHEET 4



SEE SHEET 3

SEE SHEET 6

SEE SHEET 2

243

LP 207255

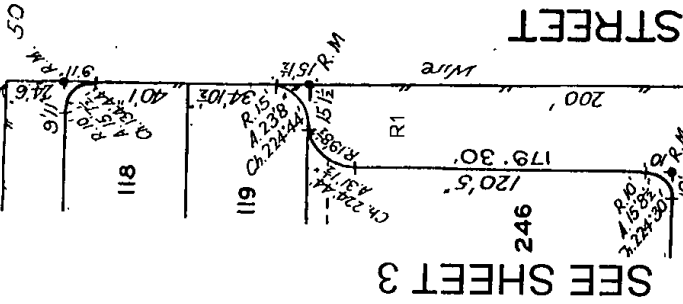
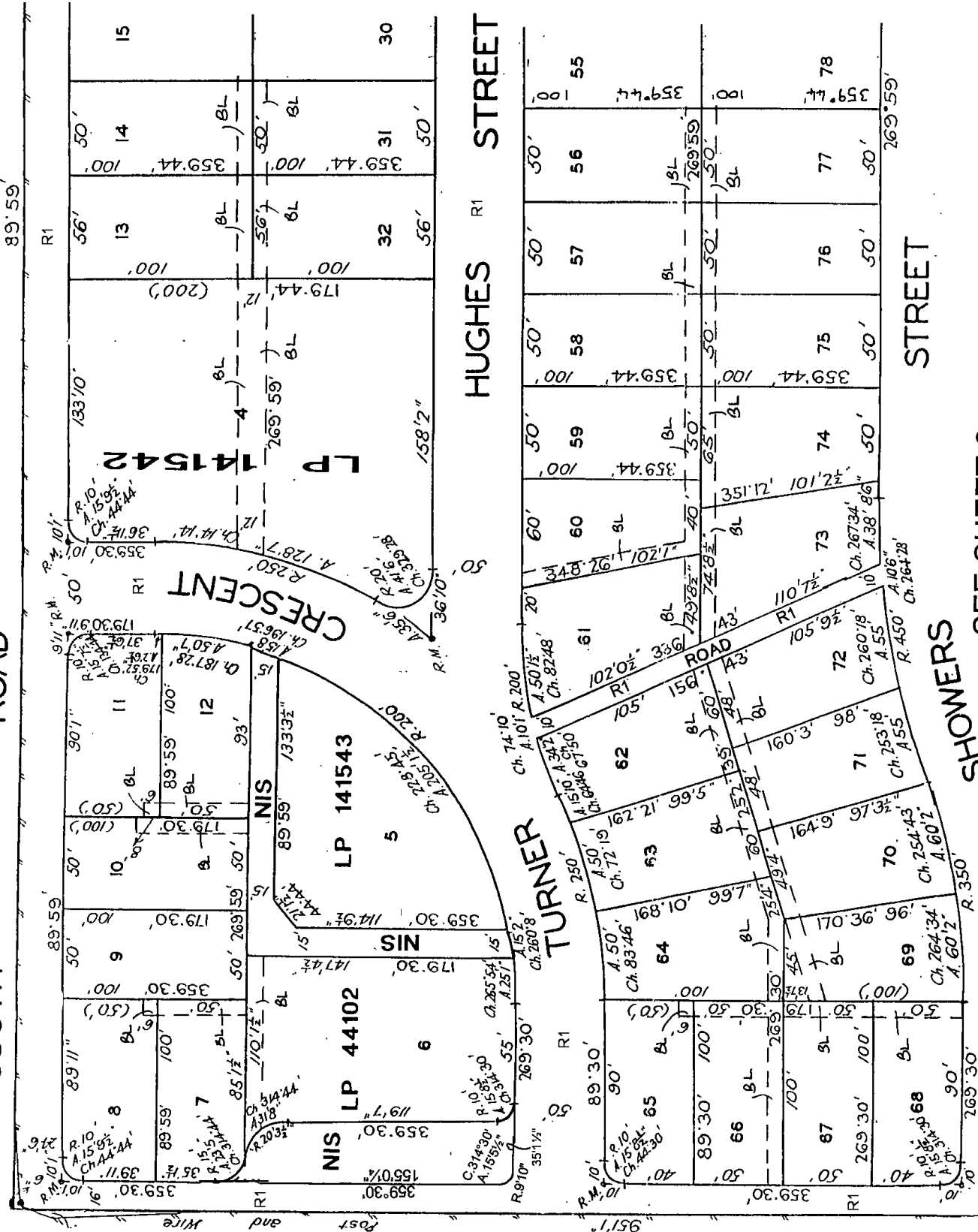


8 SHEETS
SHEET 5

LP 44101

SOUTH ROAD

ROAD



SEE SHEET 3

TURNER CRESCENT

STREET

BEACHLEY STREET



SEE SHEET 7

STREET

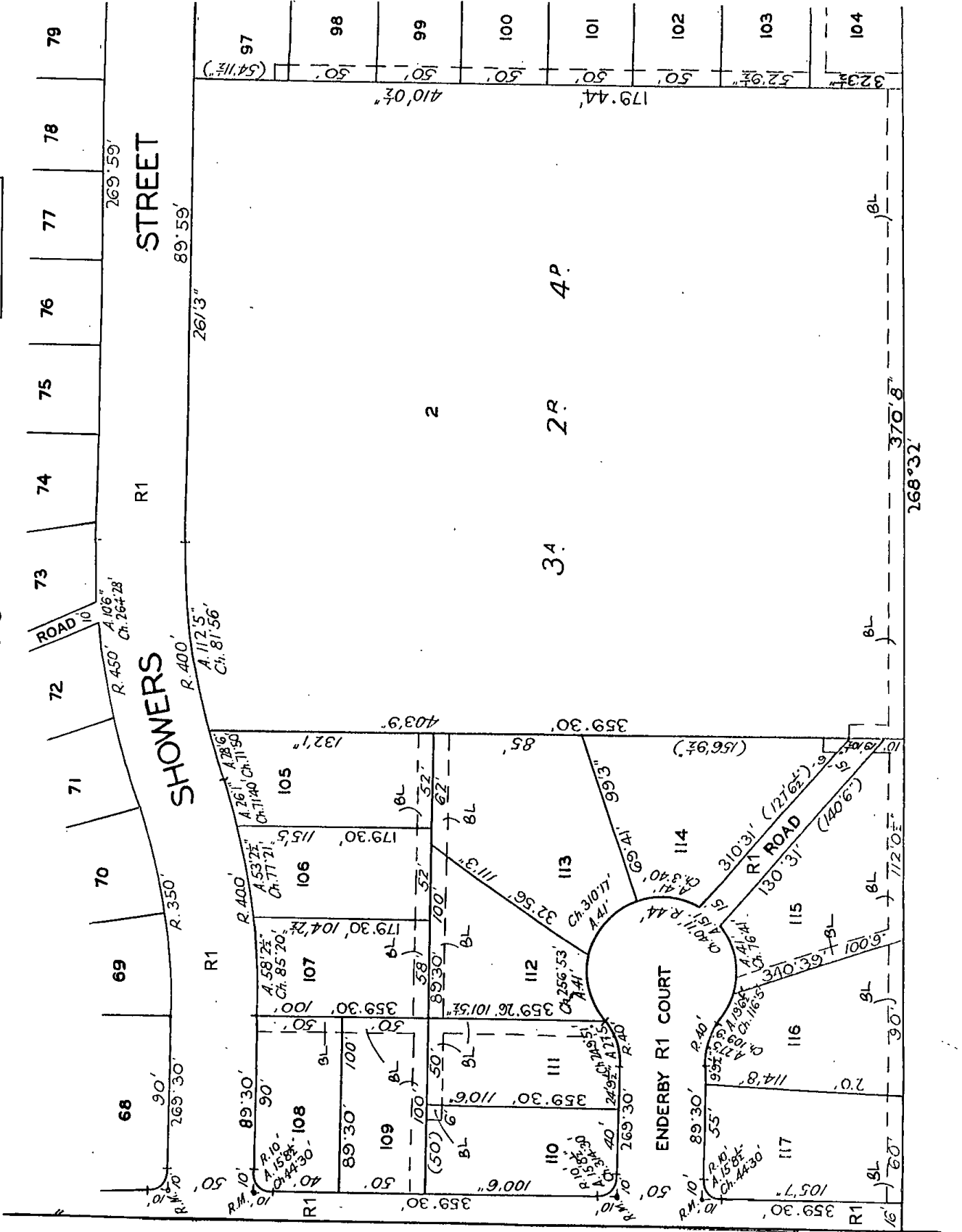
SHOWERS

SEE SHEET 6

LP 44101

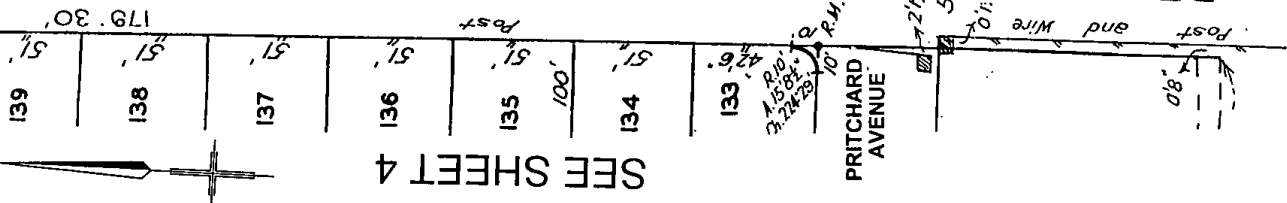
8 SHEETS
SHEET 6

SEE SHEET 5



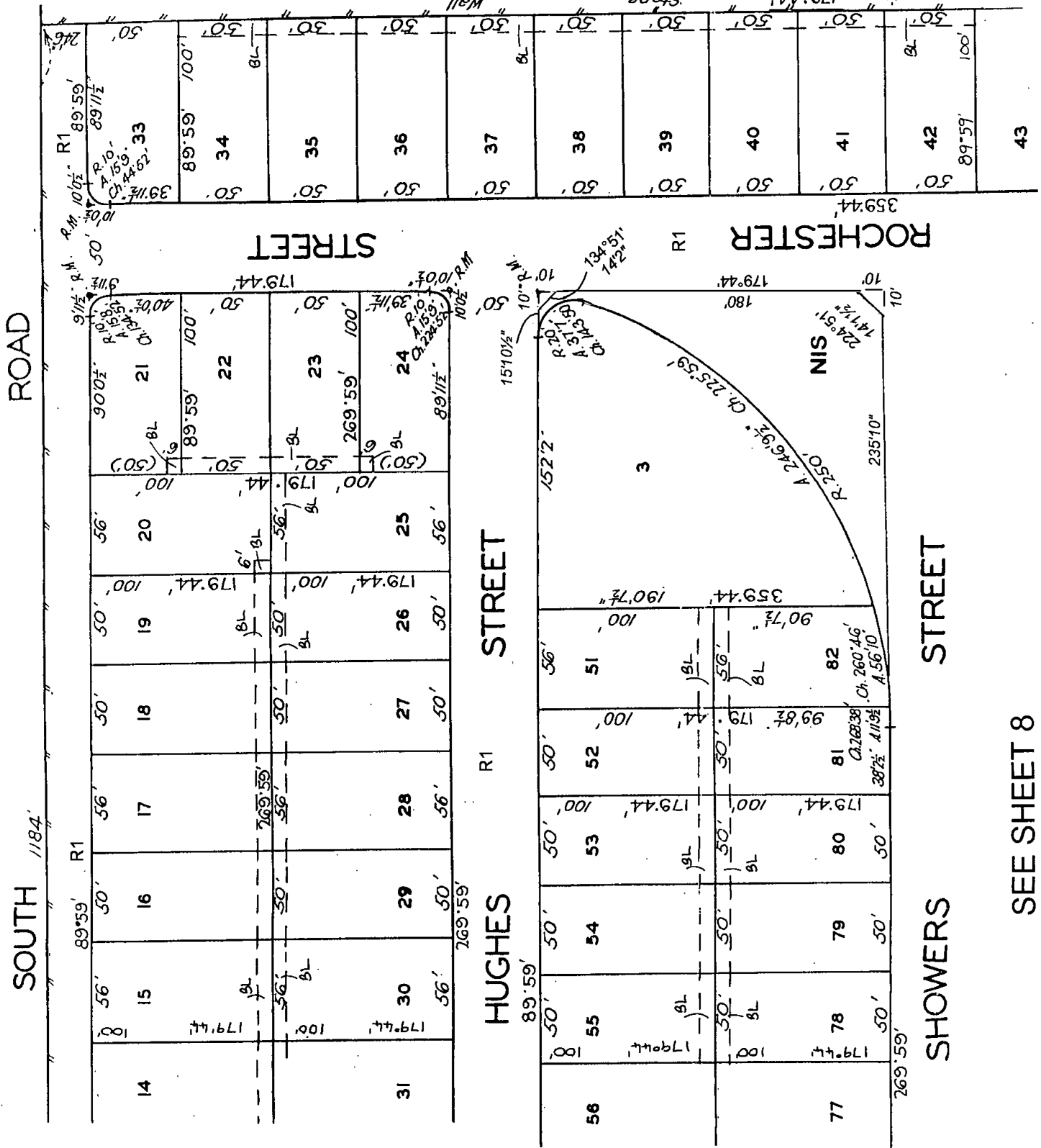
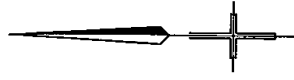
SEE SHEET 4

SEE SHEET 8



LP 44101

8 SHEETS
SHEET 7



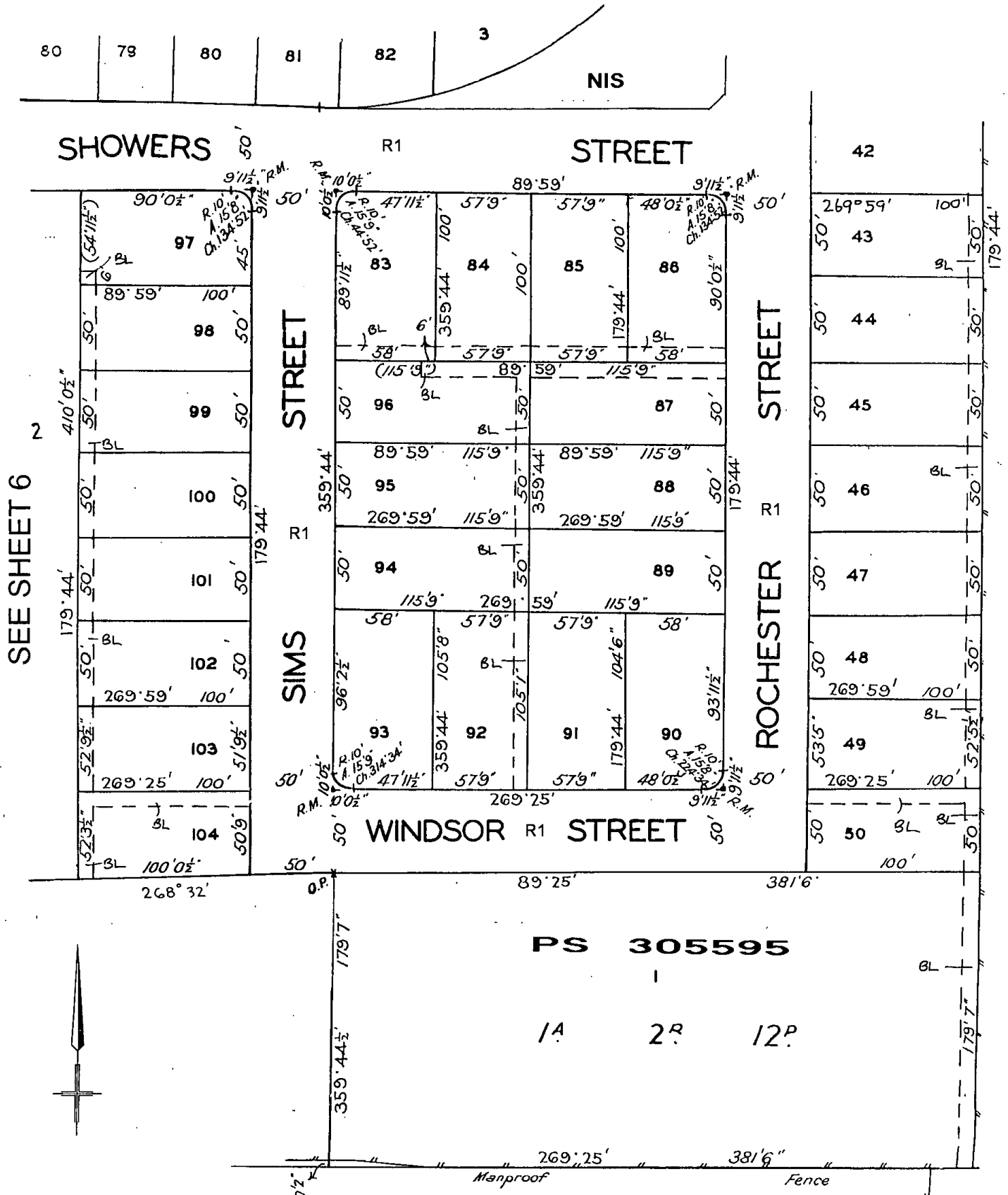
SEE SHEET 5

SEE SHEET 8

LP 44101

8 SHEETS
SHEET 8

SEE SHEET 7



SEE SHEET 6

PS 305595

1A 2R 12P





Manproof

Fence

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
L.P.44101

AFFECTED LAND / PARCEL	LAND / PARCEL / IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
		ROAD DISCONTINUED	VIDE AO IN LGD 5062			1	
LOT 244		EASEMENT EXCISED	VIDE AP L840293 SEC 106C			1	
		ROAD DISCONTINUED	VIDE AO IN LGD 5148 & 5168			1	
		ROAD DISCONTINUED	VIDE AO IN LGD 3450			1	
LOT56		RECTIFICATION	AD113429F	14/09/2004		2	IRM
		WARNING: THE IMAGE OF THIS PLAN / DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN / DOCUMENT.					
LOT33		REMOVAL OF EASEMENT	PS722584T	02/01/18		3	.E.K
LOT 185 & 186	E-2 & E-3	CREATION OF EASEMENT	AT295486S	02/07/2020		4	L.H
LOT 243		REMOVAL OF EASEMENT - PART OF EASEMENT COLOURED BLUE IN LOT 243	PS811089J	4/3/21		5	RH
LOT 186		RECTIFICATION	AU199378N	01/04/21		6	L.H

28 OCT 2024

Attention to: Joshua Seager
Maribyrnong city council

CITY OF MARIBYRNONG
RECEIVED
31/10/2024
URBAN PLANNING

APPLICATION NO: TP153/2024(1)
ADDRESS: 28 ROCHESTER STREET, BRAYBROOK, VIC, 3019
PROPOSAL: CONSTRUCTION OF TWO DWELLING ON AN ALLOTMENT

Hi Joshua

Please find enclosed amended plans addressing your assessment letter dated 25 October 2024.

We would like to apply for time extension if the RFI is not satisfied.

In response to required information

1. Copy of a current title
2. Amended Sec50
3. Floor plans updated
 - Tree protection zone
 - Window note added on legend
 - No 26b photo added on A 101 for further clarity of the windows
4. Development analysis updated
5. Material schedule updated to include front fence detail
6. Shadow diagram updated
 - Confirming no additional shadow from 9am to 2pm (5 hour) occurs to adjoining neighbour @ No 26. However, additional shadow and area cast at 3pm have shown clearly on the plan
7. Arborist report
8. Garden area plan (1: 100) provided on page A202
9. Landscape plan updated

Please do not hesitate to contact us if you require further information.

Yours sincerely,

Thang LE

ArborReport Victoria

Trading as D.S.Murray & Co.
ABN 16 180 495 610

Arboricultural Consultants.

501/89 Beach St., Port Melbourne 3207
Phone: 96456000 Mob. 0412 809 571 Email: robportmel@bigpond.com

ARBORIST'S REPORT & TREE MANAGEMENT PLAN.

CLIENT NAME: TC AUS DEVELOPMENT PTY LTD
5 SOUTHWOLD STREET
ST ALBANS
VIC 3021

PROJECT LOCATION: 28 Rochester Street,
Braybrook.

DATE OF INSPECTION: September 9, 2024

BACKGROUND:

The property is vacant land with no existing trees. It is proposed to build two new residential units on the land. The proposal may have an impact on an existing street tree.

PURPOSE OF THIS REPORT:

- To provide an arborist's report addressing the requirements of The City of Maribyrnong Council. The report is to cover a single street tree on adjoining land near the boundary.
- To provide details of species, origin, age, height, trunk location, trunk diameter, and approximate canopy spread, of the tree.
- To assess the health and structure of the tree.
- To assess the retention value (RV) of the tree.
- To calculate Structural Root Zone (SRZ).
- To list measures to protect the tree during construction, including Tree Protection Zone (TPZ) Tree Protection Management Plan (TPMP) drawing and Tree Management Plan (TMP) document.
- To consider the impact of the proposed development on the tree, under the guidelines of Australian Standard AS 4970-2009 *Protection of Trees on Development Sites*.

METHODS:

The tree was assessed visually from ground level. No specific testing was undertaken. All measurements are approximate. TPZ encroachment is calculated by ArborCAD.

Page 2 provides the description of the tree and page 3, the photo.

Proceed to page 4 for the discussion section of the report and page 6 for the TMP.

Please refer **only** to the accompanying Tree Protection Management Plan 25/9/2024 (the plan) which is referenced to Arc Zero Pty Ltd Ground Floor Plan (28) 24 September 2024.

DESCRIPTION OF THE TREE.

TREE NUMBER ON THE PLAN: T1.

SPECIES: *Arbutus unedo*

COMMON NAME: Irish Strawberry Tree.

ORIGIN: Exotic.

APPROXIMATE AGE: Mature.

APPROXIMATE HEIGHT: 5.5m.

DIAMETER OF CROWN SPREAD: North-South: 7m.
East-West: 6m.

TRUNK TYPE: Single.

TRUNK DIAMETER <1400mm ABOVE GROUND: 23cm. **TPZ:** 2.76m.

DIAMETER OF LOWER TRUNK: 27cm. **SRZ:** 1.91m.

STRUCTURAL CONDITION:

Low branches have been removed. Branching begins below 1400mm from ground level. The trunk diameter was measured below the branches.

HEALTH & VIGOUR:

Healthy and vigorous.

COMMENTS:

RV high (a street tree). To be retained.



DISCUSSION:

Australian Standard AS 4970-2009 *Protection of Trees on Development Sites* defines two specific zones:

1) TREE PROTECTION ZONE (TPZ):

The TPZ is designed to protect the roots, the trunk, and the canopy of the tree.

The area of the TPZ is a circle with a radius calculated by multiplying the trunk diameter at 1400mm above ground level, by 12.

The TPZ is marked on the accompanying plan, to scale, by circles. The TPZ circle is the larger circle.

The minimum allowance for a TPZ is a circle with a radius of two metres, regardless of trunk diameter.

Except in specific circumstances, for the duration of the development, the TPZ should be enclosed by fencing and activity inside the enclosure should be restricted.

There must be:

- No building materials, rubbish or filling of any kind stored inside the fencing.
- No soil disturbance. **This includes no trenching for connection of services.**
- No fixings attached to the tree itself, in particular no bolts, screws, wires or ropes.
- No preparation of paint, cement or plaster products, or washing of tools used with these products.
- No parking of vehicles or refuelling of vehicles or appliances.
- No change in soil surface levels.

See discussion below.

2) STRUCTURAL ROOT ZONE (SRZ):

The SRZ is the area required for tree stability, or the area where the structural (anchor) roots can be expected to be found.

The radius of the SRZ is calculated according to the formula $R_{SRZ} = (D \times 50)^{0.42} \times 0.64$, where D is the trunk diameter (in metres) measured immediately above the root buttress. (Australian Standard AS 4970-2009 *Protection of Trees on Development Sites*). There should be **no soil disturbance** within the SRZ without prior investigation to ascertain the location of roots.

The SRZ is required to be calculated when there is encroachment into the TPZ. It is then marked on the plan, to scale, by a circle.

The minimum allowance for an SRZ is a circle with a radius of 1.5 metres regardless of trunk diameter.

Arboricultural impact assessment:

- Excavation for the Dwelling 02 crossover would encroach on the TPZ of T1 by 3.5% of the TPZ area.

Australian Standard AS 4970-2009 *Protection of Trees on Development Sites* allows for encroachment into the TPZ of 10%, without investigation of the root zone, provided that the size of the TPZ may be extended in another area, contiguous with the original TPZ, to compensate for the encroachment.

The encroachment is within the 10% guideline of the Standard. It is a minor encroachment (Australian Standard AS 4970-2009 clause 3.3.2). The area of the TPZ can be enlarged along the nature strip. Therefore, there would be no discernible impact on the tree.

This report assumes that, apart from TPZ encroachment mentioned above, there will be no mechanical trenching for the installation of services within the TPZ of the tree.

TREE MANAGEMENT PLAN.

1. A project arborist must be appointed. This is a requirement of AS 4970-2009.
2. A copy of this TREE MANAGEMENT PLAN must be available on the site at all times during the life of the project. This is a requirement of AS 4970-2009.
3. Pre-demolition, pre-construction and pre-landscaping meetings must be organized to include the project manager, the contractors and the project arborist, to introduce the tree protection measures and requirements.
4. It is the responsibility of the site supervisor to ensure that the project arborist is notified of the beginning and completion of work on the project and that the project arborist is on the site at all appropriate times.
5. **Before demolition begins** T1 must have a Tree Protection Zone Fence enclosing part of the TPZ. The fence must be erected with commercially available temporary security fence panels, at least 1.8m high, made of chain wire mesh on galvanized pipe frames. Each fence panel must have concrete block footings and be fixed at the top to the adjoining panel with a bolted clamp. The fence must have a sign attached saying "TREE PROTECTION FENCE NO ACCESS". **Within the TPZ fencing of the tree there must be:**
 - No access to personnel, vehicles or machinery.
 - No building materials, rubbish or filling of any kind stored inside the fencing.
 - No soil disturbance. **This includes no mechanical trenching for connection of services.**
 - No fixings attached to the tree itself, in particular no bolts, screws, wires or ropes.
 - No preparation of paint, cement or plaster products, or washing of tools used with these products.
 - No parking of vehicles or refuelling of vehicles or appliances.
 - No change in soil surface levels.
6. The fence must be erected in the position shown on the plan. The position reflects the guidelines of the Australian Standard AS 4970-2009 *Protection of Trees on Development Sites* but is modified to account for limitations on the site. The fence may have to be adapted by the project arborist, according to site conditions.
7. The nature strip must be maintained and mown during demolition and construction.
8. Tree protection fences must not be moved or altered without approval by the project arborist, and without written consent of the Responsible Authority, except that the project arborist will adjust the fence for installation of the crossover
9. At intervals of three months, throughout the development process, the arborist must nominate a day to attend the site to ensure that the Tree Protection Management Plan is being adhered to.
10. After each visit the arborist must issue an emailed report, with photographic evidence, to the developer and to City of Maribyrnong Council detailing the date of the visit and the state of compliance with the Tree Protection Management Plan.
11. The street tree fencing must remain in place until all work is completed.
12. At the conclusion of the development the project arborist must assess the condition of the tree and its growing environment, and make recommendations for any remedial actions.

13. Following the final inspection and completion of remedial works, the project arborist must certify that the completed works have been carried out in compliance with the approved plans and specifications for tree protection. The certification must comply with AS 4970-2009 clause 5.5.2

A handwritten signature in black ink, appearing to read 'R. Murray', written in a cursive style.

Robert Murray A.C.A. *Uni.Melb.*
Arborist.

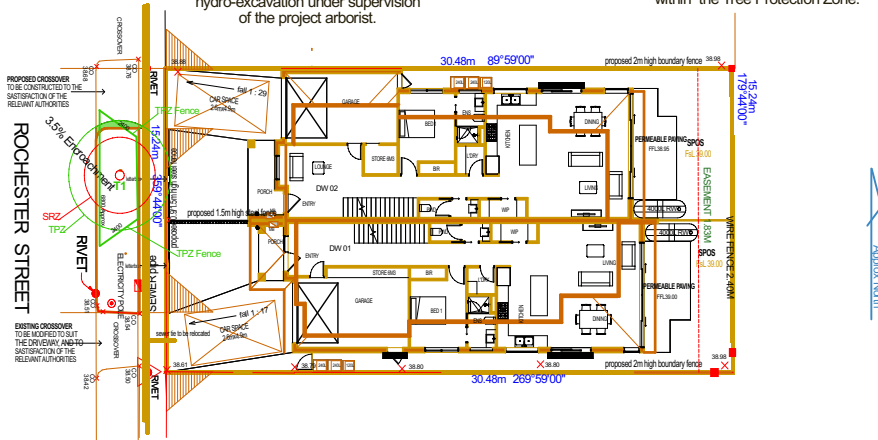
Date 25 / 9 / 2024

Ref:

Australian Standard AS 4970-2009 *Protection of Trees on Development Sites* Standards
Australian Sydney.

Any new services will either be located outside the Tree Protection Zone, bored under the Tree Protection Zone, or installed using hydro-excavation under supervision of the project arborist.

Refer to Tree Management Plan (document) for specific details of what actions are required within the Tree Protection Zone.



28 Rochester Street Braybrook

Tree Protection Management Plan

Scale: 1:100 @ A2

25 / 9 / 2024

ArborReport Victoria

501/89 Beach St., Port Melbourne 3207

Phone: 96456000 Mob. 0412 809 571

Email: robportmel@bigpond.com