

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 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.

CITY OF MARIBYRNONG
RECEIVED
07/08/2024
URBAN PLANNING

The Land **i**

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

Street Address *

Unit No:	St. No.: 60	St. Name: Wales Street
Suburb/Locality: KINGSVILLE		Post Code: 3012

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 checked="" 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? *

residence

i 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.

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

650000.00

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

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.

residence


 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 'sregister 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: Ausdraft	Surname: CO
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No: 407	St. Name: Waverley Road
Title:	State: VIC	Postcode: 3145

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email: sellis@ausdraft.com.au
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*		
Name:	Same as applicant <input type="checkbox"/>	
Title:	First Name: undefined	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No:	St. No:
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.

Name:		Same as applicant <input type="checkbox"/>
Title: MR	First Name: Ivan	Surname: Jaksic
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No: 60	St. No: Wales Street
Suburb/Locality: KINGSVILLE	State: VIC	Postcode: 3012
Postcode: 3012	Date : 07 08 2024 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:

Auscraft CO

Date:

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 and 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 Goldfields, 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.
- signed the declaration on the last page of the application form

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.

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 05279 FOLIO 748

Security no : 124118681643S
Produced 01/10/2024 04:06 PM

LAND DESCRIPTION

Lot 37 Block 1 on Plan of Subdivision 002584.
PARENT TITLE Volume 05113 Folio 525
Created by instrument 1321819 13/06/1927

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
IVAN JAKSIC of 60 WALES STREET KINGVILLE VIC 3012
AF268544V 13/08/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF268545T 13/08/2007
COMMONWEALTH BANK OF AUSTRALIA

COVENANT 1260917

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 LP002584 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: 60 WALES STREET KINGSVILLE VIC 3012

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 23/10/2016

DOCUMENT END

Delivered from the LANDATA® System by GlobalX Pty Ltd

Lodged By:
Name: Commonwealth Bank of Australia
Customer Code: 11543V



AF268545T
13/08/2007 \$76.90 74

MORTGAGE OF LAND

Reference: 616533606

Privacy Collection Statement:

The information made under this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry

The mortgagor mortgages to the mortgagee the estate and interest specified in the land described subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this mortgage.

The mortgagor covenants with the mortgagee that the provisions of the Memorandum of Common Provisions (MCP) referred to in this mortgage and retained by the Registrar of Titles form part of this mortgage.

Memorandum of Common Provisions:

AA966

Land: (Unique Land Identifier appropriate to the jurisdiction)
Volume 5279 Folio 748

Initial

x IS

Mortgagor: (full name)
Ivan Jaksic

Initial

x IS

Estate and Interest being mortgaged: (eg "fee simple")
Fee Simple

Mortgagee: (full name and address including postcode)

Commonwealth Bank of Australia ABN 48 123 123 124
385 Bourke Street, Melbourne 3000

COVENANTS:

Where a MCP is incorporated into this mortgage, the mortgagor acknowledges that they received, read and understood a copy of the MCP before signing this mortgage.

The mortgagor covenants with the mortgagee as follows:

1. A reference to "this mortgage" in this cover sheet, in any annexure to this cover sheet or in the MCP specified in the first page of this cover sheet is a reference to the mortgage constituted by this cover sheet, each annexure to this cover sheet and that MCP. You (the mortgagor) agree to keep to the provisions in the MCP.
2. You acknowledge giving this mortgage and incurring obligations and giving rights under it in return for the things we (the mortgagee) do when we enter into a Secured Agreement.
3. The mortgage includes not only the land but all of The Property as defined in the MCP.
4. You warrant that:
 - (a) neither you nor any person on your behalf has sold The Property under a terms contract within the meaning of the Sale of Land Act 1962; and
 - (b) you have told us if you have a tenant in The Property.

AF268545T

13/08/2007 \$76.90 74



Date: **14 JUL 2007**

Execution and Attestation:

Signed by:

Signed in my presence

Debbie Joseph

Signature of Witness

**DEBBIE JOSEPH
11 DUNROSSIL CRT BROOKFIELD
VIC 3338**

Full Name & Residential Address of Witness
(BLOCK LETTERS)

Ivan Jakšić

Ivan Jakšić

Signature of mortgagor

Order to Register

Please register and issue CofT to:

Signed:

Customer Code:

Firm's Name:

Approval Number: 27600610G

Office of Titles Victoria


Bank Form Number: TLS100VIC
Print Date: 151106

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:
Name:
Phone:
Address:
Ref:
Customer Code:

Commonwealth Bank of Australia
ABN 48 123 123 124
385 Bourke Street, Melbourne
Phone: 1300 137 762
Name
Reference 616533606
Customer Code 11543V



Privacy Colle
information from
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indexes in the Vi

AF268544V
13/08/2007 \$97 45NM


MADE AVAILABLE/CHANGE CONTROL
Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (*volume and folio reference*)

Certificate of Title Volume 5279 Folio 748

Estate and Interest: (*e.g. "all my estate in fee simple"*)

All our estate in fee simple.

Consideration:

Pursuant to Consent Orders made by the Registrar of the Family Court of Australia dated 20 June 2007

Transferor: (*full name*)

Rachel Jennifer JAKSIC and Ivan JAKSIC

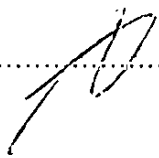
Transferee: (*full name and address including postcode*)
Ivan JAKSIC of 60 Wales St, Kingville 3012 A
~~75 President Road, Albanvale 3021~~

Directing Party: (*full name*)
NIL

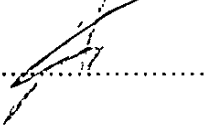
Dated 27.6.2007

Execution and Attestation:

SIGNED by the said RACHEL JENNIFER JAKSIC)
In the presence of:) 

Witness:.....



SIGNED by the said IVAN JAKSIC)
In the presence of:) 

Witness:.....


Approval No: 1774059A ORDER TO REGISTER
Please register and issue title to

T1

Signed Cust. Code:



STAMP DUTY USE ONLY

Original Land Transfer
Exempt Section 44-1
Doc ID 2221874, 28 Jun 2007
SRO Victoria Duta, NXE1

19/97

2687832

FREEHOLD
The Registrar of Titles

Mrs. E. Faddie
471 Barkly St. Footscray
Victoria *1260917*

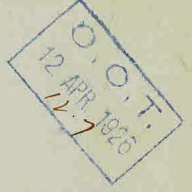
Please Register this Transfer.

Transfer of Land

1260917



I **James Ramsay Webb** of Power Street, Hawthorn. Surgeon.



being registered as the proprietor of an estate in fee-simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of **One hundred and thirty two pounds Stg. (£ 132 : 0 : 0.)**

paid to **me** by **Esther Faddie** of 471 Barkly Street, Footscray. Married Woman.

Do hereby Transfer to the said **Esther Faddie**.

All my estate and interest in ALL those pieces of land being part of
Crown Allotment B Section Fourteen
Parish of Cut Paw Paw County of Bourke
being Lots 36 and 37 of Block I on Plan of Subdivision No. 2564 lodged in the Office of Titles and being part of the land comprised in Certificate of Title Volume 2763 Folio 552471.

And the said Esther Faddie for herself her heirs executors administrators and transferees registered proprietors for the time being of the land hereby transferred or any part thereof hereby Covenants with the said James Ramsay Webb and his transferees registered proprietor or proprietors of the land now comprised in the said Certificate of Title (other than the land hereby transferred) that she or they will not at any time hereafter quarry for Stone on the land hereby transferred or any part thereof nor allow stone to be excavated below a depth of two feet from the surface thereof, and the said Esther Faddie requests that the above covenant may appear as an encumbrance on the Certificate of Title to be issued on this Transfer and run with the land.

DATED the **Nineteenth** day of **March** One thousand nine hundred and **twenty six**.

SIGNED in Victoria by the said **James Ramsay Webb**.

J Ramsay Webb

in the presence of

J.W. Doe
Clerk
94 Barkly Street
Footscray

SIGNED in Victoria by the said **Esther Faddie**.

Esther Faddie

in the presence of

A. A. Harris JP

ENCUMBRANCES REFERRED TO

IMAGED

NOTE.—The witness may be (within the limits of Victoria) the Registrar or an Assistant Registrar, or a Justice of the Peace, Notary Public, Barrister, Solicitor, or Clerk to a Solicitor, Registrar of County Court, Clerk of Petty Sessions, or Commissioner for taking Affidavits, or any perpetual Commissioner, or Town Clerk, Shire Secretary, Postmaster, Post Mistress, Head Teacher of State School, Bank Manager, or Bank Accountant, Secretary of Building Society, Minister of Religion authorised to celebrate marriages within Victoria.
The witness, besides signing his name, must write his qualification and address.

Title lodged by Mrs. E. Faddie under R/j 2664785

See also Book 97 Page 17



J.W. Doe

2763 Part 471 under name of Mrs. Faddie

S.F. Edg 1.5.26
M.H.H 6/5/26

97099

MA 20/4/26

Certificate of Registrar of Titles or other authorised person taking Declaration of attesting witness.

Appeared before me at **Footscray** the **Nineteenth** day of

March One thousand nine hundred and **twenty-six**

Frederick William Doe

the attesting witness to this instrument and declared that personally knew **James Ramsay Webb**

the person signing the same, and whose signature the said **Frederick William Doe**

attested; and that the name purporting to be the signature of the said **James Ramsay Webb**

was **his** own handwriting, and that he **was** of sound mind, and freely and voluntarily signed

such instrument.

A. A. Harris

Australian Printing and Stationery Co.,
435 Little Collins Street, Melbourne.

Transfer

TO

Dated

192

MEMORIAL OF INSTRUMENT.

Nature of Instrument	Time of its production for Registration	Names of the Parties thereto <i>to whom given</i>	Number or Symbol thereon
TRANSFER <i>as to part</i>	The ^{12th} day of <i>April</i> 192 ⁶ o'clock in the noon.	TO <i>Esther Faddie</i>	<i>1260917</i>

ARS

[Signature]

Assistant Registrar of Titles.

certify that a memorial of the within Instrument was entered in the Register Book Vol. *2763* Fol. *552471* at the time last above-mentioned.

[Signature]

Assistant Registrar of Titles.

Delivered by LANDATA®, timestamp 09/02/2024 11:21 Page 1 of 5

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PLAN OF SUBDIVISION OF
PART OF CROWN PORTION B SECTION 14
PARISH OF CUT-PAW-PAW

COUNTY OF BOURKE
"QUEENSVILLE ESTATE"
V.1817 F.337

Measurements are in Feet & Inches
Conversion Factor
FEET x 0.3048 = METRES

LP 2584
EDITION 3
PLAN MAY BE LODGED
10/7/89

4 SHEETS
SHEET 1

COLOUR CODE

E-1 & R1 = BROWN

ROADS COLOURED BROWN

STREET NAME AMENDED
FROM MOORE STREET
TO WEBB STREET
VIDE CORR.30/7255 & 28/19643

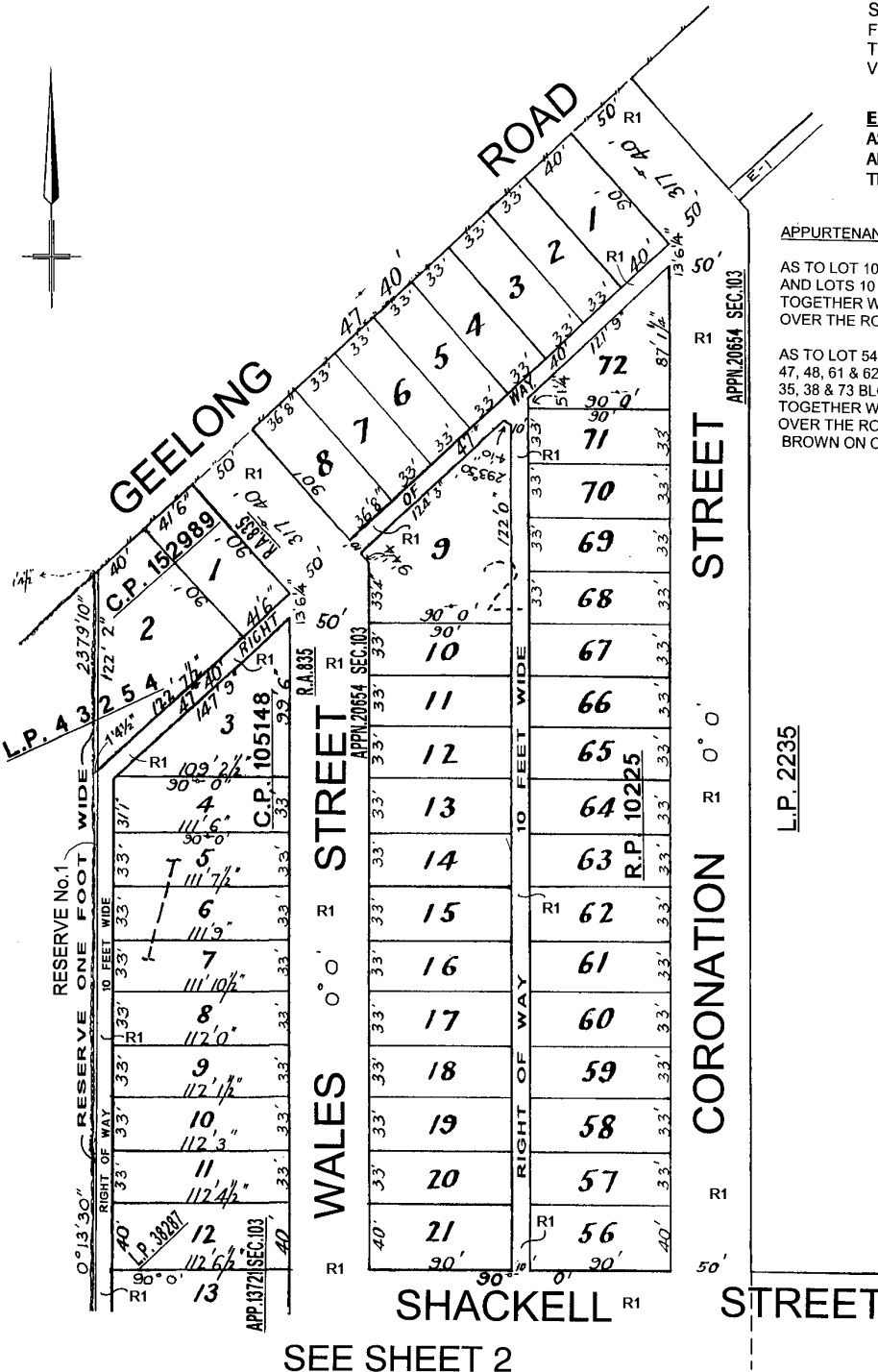
ENCUMBRANCES

AS TO THE ROAD R1 & RESERVE No.1:
ANY EASEMENTS AFFECTING
THE SAME

APPURTENANCIES

AS TO LOT 10 BLOCK 2, LOTS 44, 45 & 46 BLOCK 3
AND LOTS 10 & 11 BLOCK 4
TOGETHER WITH A RIGHT OF CARRIAGEWAY
OVER THE ROADS COLOURED BROWN

AS TO LOT 54 BLOCK 1, LOTS 13, 14, 15, 37, 38,
47, 48, 61 & 62 BLOCK 3, LOTS 17, 31, 32, 33, 34,
35, 38 & 73 BLOCK 4
TOGETHER WITH A RIGHT OF CARRIAGEWAY
OVER THE ROADS COLOURED BLUE AND
BROWN ON CT VOLUME 2763 FOLIO 471



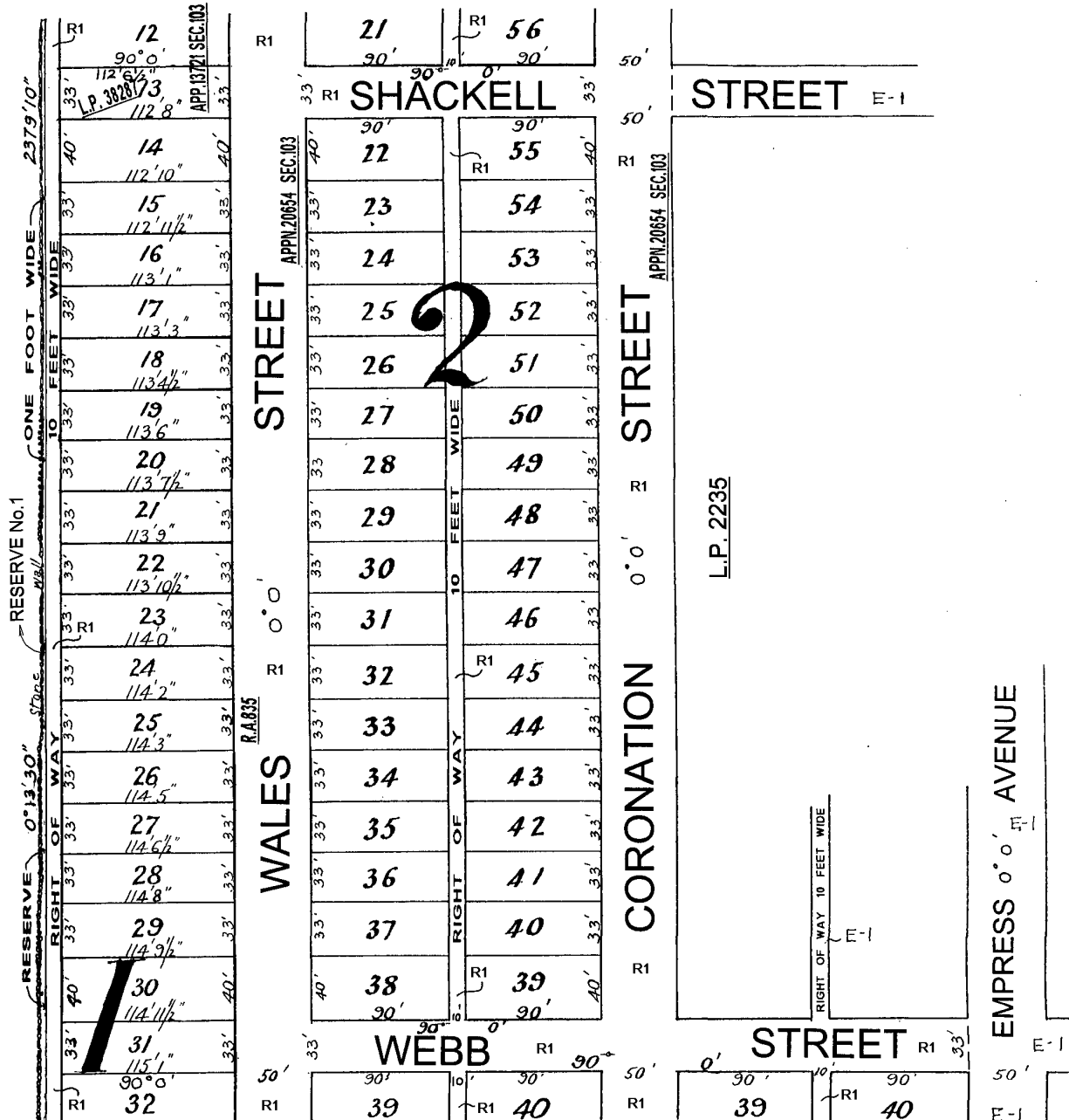
SEE SHEET 2

LP 2584

4 SHEETS
SHEET 2



SEE SHEET 1

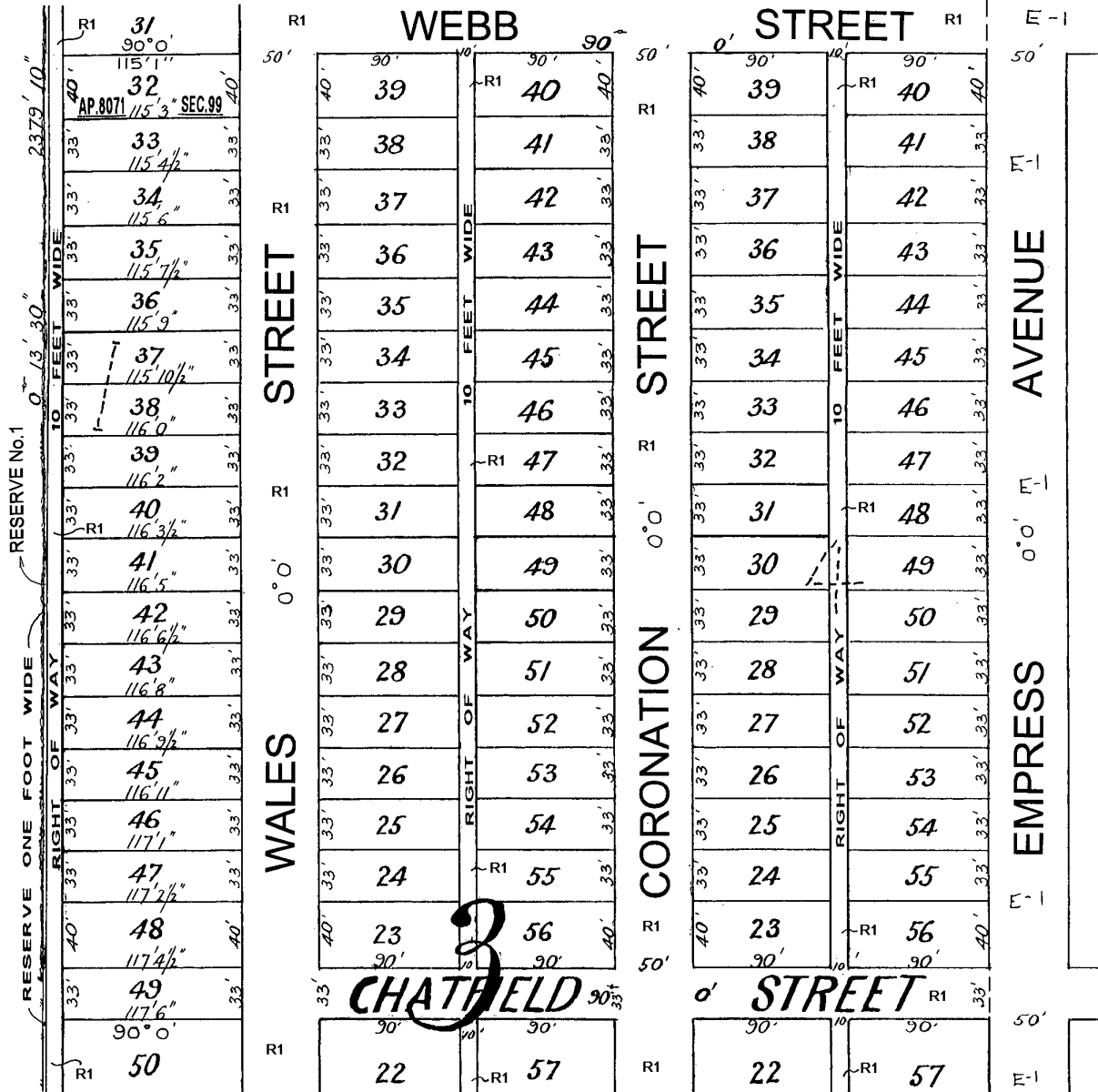


SEE SHEET 3

LP 2584

4 SHEETS
SHEET 3

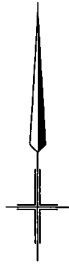
SEE SHEET 2



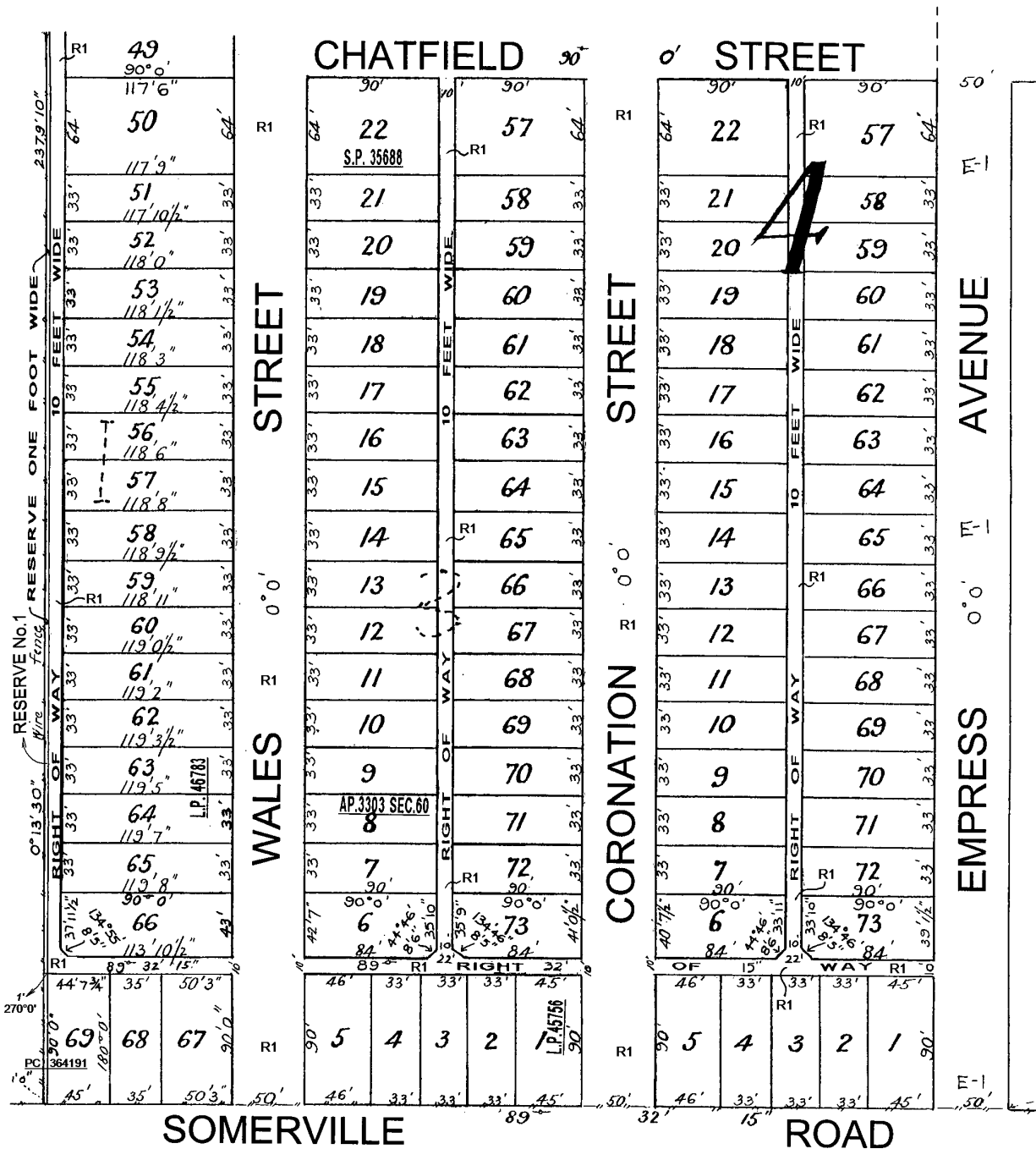
SEE SHEET 4

LP 2584

4 SHEETS
SHEET 4



SEE SHEET 3





Construction of a building and works, related part or full demolition of existing buildings and alterations to existing building, in association with an extension to an existing dwelling in a Heritage Overlay at

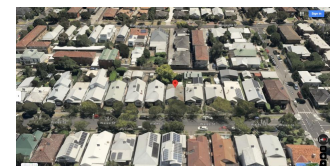
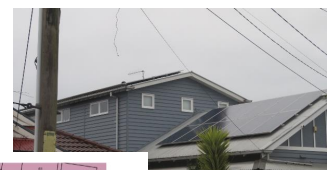
60 Wales Street
Kingsville 3012 (Lot
37 Block 1 LP2584)

Application for Permit



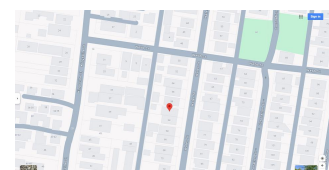
6 August 2024

Town
Planning
Report



big picture urban *rural* 
taking the pain out of planning

Consultant Town Planners)
0410 762 304
matt.gorman@bpur.com.au
PO Box 200, Ballan VIC 3342
www.bpur.com.au
ABN: 14 242 281 164



INTRODUCTION

Big Picture Urban Rural has been engaged to prepare a report in support of an application for the proposed Construction of a building and works, related part or full demolition of existing buildings and alterations to existing building, in association with an extension to an existing dwelling in a Heritage Overlay at 60 Wales Street Kingsville 3012 (Lot 37 Block 1 LP2584).

This report, which should be read in conjunction with the plans and other information submitted with the application, explains the proposal in detail and sets out its compliance with the Maribyrnong Planning Scheme. The methodology used is to identify the zone, overlay(s)/ or other provisions that trigger a requirement for a planning permit, identify the relevant state and local policies arising from them, and then demonstrate how the proposal addresses the main planning issues arising from both.

The site is in a Neighbourhood Residential Zone (NRZ1 -Neighbourhood Residential Areas). Under the NRZ1: a permit is not required to construct or extend a dwelling on a lot of not less than 300sqm; there are no varied Standards of Clause 54: there is a general maximum building height of 9m (or 10m for steeper sites) or two storeys; and (for a site area of less than 400sqm) a minimum garden area requirement of 0%. The site does not adjoin a road in a Transport Zone. The site is also in a Heritage Overlay and a Development Plan Contributions Overlay. No other overlays apply.

A permit is required (only) to: Construct (including extend) a building or works, externally alter an existing building and/or demolish a building (including in part) in the HO8. A permit is not required for any aspect of the proposal under the NRZ1 and Clause 54 does not apply; the only relevant considerations are those arising from the Heritage Overlay.

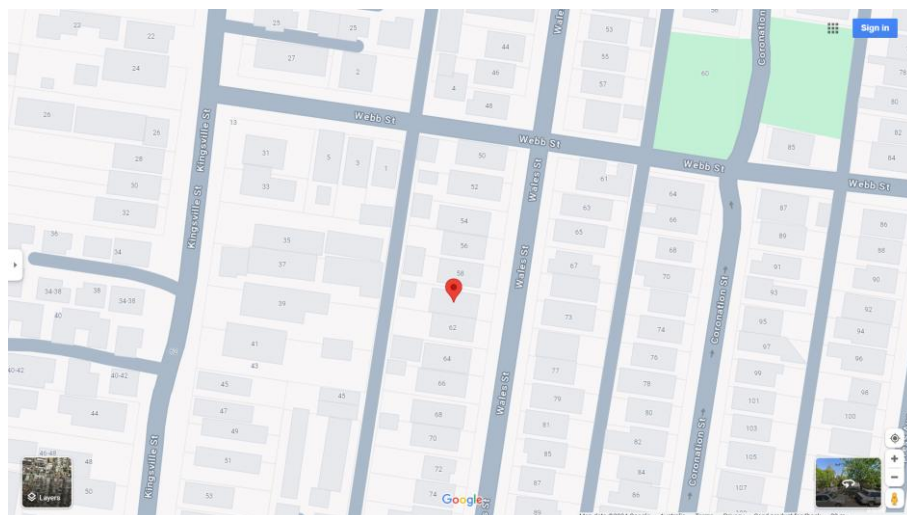
The report considers these key questions:

- *Is there general support for the proposal in the Planning Scheme?*
- *Will the proposal provide acceptable outcomes under the local Heritage Policy?*

The answer to each of these questions is “yes”- the report concludes that the proposal will achieve acceptable planning outcomes and it is appropriate to grant a permit.

A permit is required in this case not because of the zoning but because of the HO8 only. The proposal is appropriate in terms of this overlay (and associated policies) because it involves basically minor development only, including the retention of most of the existing house, the construction of the extension at its rear only, as well as the minor nature of both all proposed demolition and all other proposed external alterations. The extension will be both sympathetic in its external appearance to the existing house and not impact in any significant and/or negative way upon Wales Street.

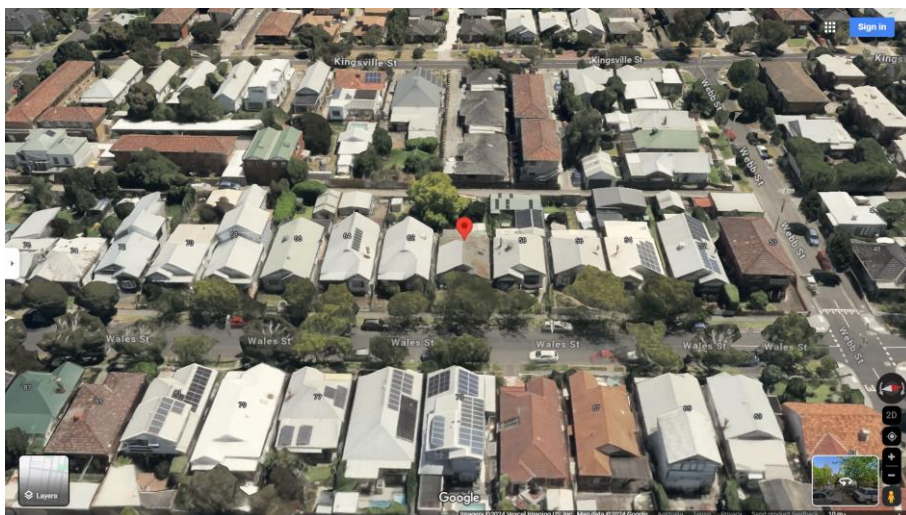
EXISTING CONDITIONS



Locality plan, with site marked with red peg (from Google Maps)



Aerial photo showing site (marked with red peg) in context of immediate neighbourhood (from Google Maps)



Oblique aerial photos showing site (marked with red peg) in context of immediate neighbourhood (from Google Maps)



Cadastral/subdivision/zoning map, with site highlighted in blue (from VicPlan). A more detailed zoning map is below

The site

The site abuts the west side of Wales Street and the east side of a rear lane in an established, well-serviced historic residential neighbourhood in Kingsville. The site consists of a single rectangular lot with an area of 355sqm.

The site is developed with a dwelling, in the form of a single-storey, three-bedroom, single-storey weatherboard-walled and corrugated metal-roofed, Edwardian or post WW1 house (facing Wales Street), outbuildings including a garage and a work shed, and works include paths (there is no driveway).

The dwelling is well setback from all site boundaries, except for its outbuildings, which abut the rear lane. At ground level are front and rear gardens. There is a low woven wire fence (including a gate) along the frontage. Existing vegetation consists of small shrubs and trees.

Being in an established residential area, all reticulated infrastructure would be available to the site. Vehicular access to the site is via the opening to the existing garage off the rear lane; there is no vehicle access off Wales Street.

The neighbourhood

The neighbourhood surrounding the site is entirely residential, with a variety of mainly older single or double-storey houses (on generally regular lots) fronting the street and in garden settings.

Along both sides of Wales Street, the site is uniformly surrounded by smallish suburban residential lots containing houses fronting Wales Street; across the rear lane, while also residential, development is more mixed as it includes as well as houses, units and flats (fronting Kingsville Street.)

Wales Street is a typical older Kingsville street with: a bitumen carriageway; bluestone gutters, concrete footpaths and concrete crossovers (though limited in number); and small grassy nature strips with small-medium street trees (including one in front of the site). The lane is a 6m wide road that services site on either side of it.

The site and its neighbourhood



The site in its streetscape context



The site (taken from 1.7m above the centre of the footpath directly opposite)



Front of house on site



Street frontage features



Rear of site (from lane). Note: garage opening in centre



Wales Street looking north (L) and south (R) from next to site



Houses fronting west side of Wales Street on either side of site



Houses fronting east side of Wales Street generally opposite site





Existing houses, including extensions along both sides of Wales Street about 50m on either side of the site





Lane at rear of site



Webb Street just west of Wales Street

THE PROPOSAL

The proposal is the Construction of a building and works, related part or full demolition of existing buildings and alterations to existing building, in association with an extension to an existing dwelling in a Heritage Overlay:

General features

- The existing front portion of the house will be retained; the extension will create additional floor area at both ground floor at the rear of the existing house and a new first floor above and at the rear of the existing house. This will incorporate a (single) garage and a store room, which will abut the rear boundary (to the lane); unlike the existing conditions, there will be no separate outbuildings but a combined house and garage/store room, including that a bedroom and its ancillary rooms will be located above the garage/store room at the site's rear.
- The proposal will increase the number of bedrooms (there are no bedroom-suitable studies etc) - from three, to four.
- The dwelling will retain its existing interface with the street including that there will be no change to the existing front windows or door.
- There will be no change to the existing house's street setback, however the proposed first floor will be setback 5.77m from the (ground floor) front wall of the existing house.
- The maximum height of the extension will be about 8m above Natural Ground Level (NGL).

- The extension will be largely-hidden from public view behind the existing front portion of the house and add only minimal bulk when viewed from its primary public interface, Wales Street. The external design of the extension will be distinguishable from, but nonetheless complementary to that of the existing house.

Layout

- The extension will achieve energy efficiency and/or sustainability by having: a fairly compact form; good internal cross ventilation/circulation by appropriate location of doors and windows; and retaining a secluded private open space with reasonable northern solar access.
- There is no apparent relevant solar energy facility but even if there were it would not be affected by the extension given its side setbacks.
- No significant trees will be removed as part of the proposal. Any trees on adjoining land will be protected from the proposed development. The proposed garden area will be 44.4%. No formal landscaping is proposed.
- The proposed site coverage will be 55.6%.
- The proposed permeability will be 33.1%.

Access and parking

- The existing onsite vehicle access at the boundary with the rear lane will be changed, however only to the extent it will now be in the location of the opening to the proposed garage, which will be approximately in the same location as the opening of the existing garage (as, like the existing opening, the proposed opening will abut the lane, there will be no "vehicle crossover" per se). No vehicle access to Wales Street is proposed.

Internal amenity provision

- While the existing private open space (POS) will be reduced in area, the proposal will provide 158sqm of POS (45% of site area) of which 51sqm will be secluded private open space (SPOS).
- While it will be reduced in area, the retained SPOS will be located on the north side of the rear portion of the proposed extension, and will have appropriate solar access free of major buildings to its north.

External amenity protection

- The proposed garage will abut the site's west (rear) and south (side) boundaries, the store will abut the west boundary only. Each wall will not be more than 10m in length (on any boundary), or have an average height of 3.2m or a maximum height of more than 3.6m.
- Largely following the line of the footprints of both the existing house and the existing outbuildings, the extension will generally be setback from all side and rear site boundaries. This includes that while it will be double-storey, its side setbacks would meet Standard A10 to Clause 54.04-1 Side and rear setback objective (this technically does not apply but is relevant as a guide to compliance with the relevant building permit siting requirement. While its rear setbacks would not meet Standard A10, the rear boundary is to the lane only.
- Unreasonable overlooking (where it might otherwise occur) of adjoining private open spaces or habitable room windows within the relevant 9m horizontal viewing arc will be prevented by a combination of floor levels and side or rear boundary fencing.
- Unreasonable overshadowing will be prevented by the orientation, scale and the setbacks of the extension.

Other features

- Proposed demolition includes of various minor parts of the existing house (and all of the outbuildings) required to facilitate the extension and other alterations. The proposal will thus only demolish the rear of the dwelling, which makes minimal contribution to the heritage significance

of the precinct, while retaining the front rooms, roof form, windows and doors that make a more substantial contribution to the precinct.

- No change is proposed to the existing front fence along Wales Street.

PLANNING CONTROLS AND POLICY

The Maribyrnong Planning Scheme

Land use and development in the municipality is subject to the Maribyrnong Planning Scheme, which is a combination of state government and council provisions.

All clauses referred to in this report are from Maribyrnong Planning Scheme.

Relevant definitions

Under Clause 73.03 Land use terms, "Dwelling" is defined as:

A building used as a self-contained residence which must include:

- a) a kitchen sink;*
- b) food preparation facilities;*
- c) a bath or shower; and*
- d) a toilet and wash basin.*

It includes outbuildings and works normal to a dwelling.

Zones and overlays affecting the site

Under the Maribyrnong Planning Scheme, the site is in a Neighbourhood Residential (NRZ1 - Neighbourhood Residential Areas). The site is also in a Heritage Overlay and a Development Plan Contributions Overlay. No other overlays apply.



Zoning (L) and Heritage Overlay (R) maps with the site highlighted in the centre of each. I have not included the Development Plan Contributions Overlay map as it is not relevant to the application

Non-applicable clauses

The following clause(s), that might otherwise be thought applicable, do not apply here:

- 22.05 Preferred Neighbourhood Character Statements - this does not apply because the site is not in any precinct shown on the Maribyrnong Neighbourhood Character Precincts map.
- 52.06 Carparking - a formal exemption from the requirements of this clause apply to the extension of one dwelling on a lot in a Neighbourhood Residential Zone.
- 53.18 Stormwater Management in Urban Development - this does not apply to single dwelling applications.
- 54 One dwelling on a lot - the site is more than 300sqm in area and no Neighbourhood Character Overlay applies.

32.09 Neighbourhood Residential Zone (NRZ1 - Neighbourhood Residential Areas)

Under the NRZ1: a permit is not required to construct or extend a dwelling on a lot of not less than 300sqm; there are no varied Standards of Clause 54: there is a general maximum building height of 9m (or 10m for steeper sites) or two storeys; and (for a site area of less than 400sqm) a minimum garden area requirement of 0%. The site does not adjoin a road in a Transport Zone.

The purpose of the NRZ1 -Neighbourhood Residential Areas is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

...

...

43.01 Heritage Overlay (HO8 - Queensville Estate Heritage Area Kingsville)

This includes:

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land.

Heritage places may also be shown on the planning scheme map.

43.01-1 Permit requirement

A permit is required to:

- ...
- *Demolish or remove a building.*
- *Construct a building or construct or carry out works, including:*
 - *Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.*
 - *A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.*
 - *A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.*
 - *A fence, if the fence is visible from a street (other than a lane) or public park.*
 - *Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.*
 - *Buildings or works associated with a railway, railway station or tramway constructed or carried out by or on behalf of the Head, Transport for Victoria.*
 - *Street furniture other than:*
 - *Traffic signals, traffic signs, bus shelters, fire hydrants, parking meters, post boxes and seating.*
 - *Speed humps, pedestrian refuges and splitter islands.*
 - *A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.*
 - *A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.*
 - *A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park*
 - *Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.*

- *An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.*
- *Services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.*
- *Construct or display a sign.*
- *Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.*
- *Externally paint an unpainted surface.*
- *Externally paint a building if the painting constitutes an advertisement.*
- *Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.*
- *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.*
- *Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:*
 - *To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.*
 - *If the tree presents an immediate risk of personal injury or damage to property.*

43.01-4 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 HO8 Heritage Place is not included on the Victorian Heritage Register and is not an Aboriginal heritage place. Paint controls and Internal alteration controls do not apply. The following Incorporated plan applies: Permit Exemptions in Heritage Precincts Incorporated Plan, October 2018 (however, there are no apparent exemptions relevant in this case).

Summary of permit requirements

From the above, in relation to the proposal, a permit is required to:

- Construct (including extend) a building or works, externally alter an existing building and/or demolish a building (including in part) in the HO8.

A permit is not required for any aspect of the proposal under the NRZ1 and Clause 54 does not apply; the only relevant considerations are those arising from the Heritage Overlay. Note: while “constructing a building and works” appears to cover the entire proposal, just in case there is any dispute about this I have included “externally alter an existing building” as a “catchall”.

Relevant policy in the Planning Policy Framework

There are several relevant state policies, mainly relating to heritage and the nature, location and physical form of residential development.

15.03-15 Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies

Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines

Consider as relevant:

- *The findings and recommendations of the Victorian Heritage Council.*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013.*

Relevant policy in the Local Planning Policy Framework

Under Clause 21.07 Housing, the site is a Limited Change Area, described as, "Existing residential areas with heritage significance or an identified residential character that warrants planning protection through specific overlays, and areas with an identified constraint, such as inundation, that necessitate protection through an overlay. The majority of these areas have been identified in Council's Heritage Study (2001) and neighbourhood character studies".

The key relevant sections of the Municipal Strategic Statement (MSS) are Clause 21.06 Built Environment and Heritage. These include:

21.06-3
15/09/2011
C82(Part 1)

Heritage

A range of heritage places can be found in the city that reflect its pre-European aboriginal cultural heritage, early European settlement and the various phases of the city's industrial, commercial and residential development.

Industrial heritage is significant within the city. This history stretches back to the first industrial establishment on the Maribymong River in the 1840's. There are valuable remnants of the City's industrial past remaining. Future development of these sites will be guided by local planning policy. The role of local defence establishments in the production of explosives and munitions, especially at Maribymong and Maidstone, are also significant elements of the city's heritage.

The city's industrial and defence heritage has influenced the patterns of residential development. Late Victorian and Edwardian-era housing is evident in parts of Footscray, Seddon and Yarraville. Later Interwar housing is evident in areas of West Footscray, Kingsville and Yarraville. In Braybrook the munitions workers housing is significant. There are examples of significant post-war housing evident throughout the city.

Many activity centres are characterised by Victorian and Edwardian commercial buildings, which along with a smaller number of Interwar examples, express the major commercial growth eras for the city. Culturally significant trees and landscapes are important as very few examples of early introduced trees and landscapes remain.

The changes the city is undergoing places pressure on heritage places. In industrial areas and activity centres, such as the Footscray CAD, there is greater pressure to demolish or alter heritage places. In these areas buildings are considered more difficult to retain, adapt and incorporate into larger redevelopments. Conversely, gentrification of the city has seen an increased appreciation of heritage places resulting in the conservation of many heritage buildings.

Many of the changes occurring are within the context of adaptation to contemporary living requirements. Knowledge of the values and significance of the heritage places can assist in minimising the impact of any changes. Citations prepared for heritage places detail the particular heritage values and significance of a place and will be used in the assessment of applications. In some situations conservation management plans, will be required for places to guide development. Local planning policies guide development within heritage precincts.

Demolition or removal of significant heritage elements should be seen as a last resort. Options for retention should be considered and the necessity for demolition or removal demonstrated. Prior to demolition, the heritage place must be recorded and interpretation opportunities identified.

Objective 8

To protect and conserve heritage places.

Strategies

Protect areas and sites which are the best expression of the city's major industrial, commercial and residential growth eras.

Encourage development to be undertaken in accordance with the accepted conservation standards of the International Council on Monuments and Sites (ICOMOS) Burra Charter.

Record and interpret heritage places.

Interpret heritage places through various methods including interpretative signage, brochures, and trail creation where appropriate.

Ensure representation of all the different phases of the City's development.

Objective 9

To protect heritage places from adverse impacts.

Strategies

Consider the heritage values and significance of places when assessing planning applications.

Support applications that conserve heritage places through the adaptive reuse of heritage buildings.

Support applications that conserve and enhance the public view of significant places.

Preserve the public view of cultural heritage places and elements.

Encourage conservation and other works including maintenance, restoration, reconstruction and adaptation that assist in the restoration of original features of heritage areas and places.

Use Conservation Management Plans as a tool to manage change where appropriate.

Objective 10

To preserve significant trees and landscapes.

Strategies

Support development applications that retain trees and landscapes of cultural significance.

Ensure new street trees complement the species of contributory trees.

Policy Guidelines

Apply the Heritage Policy at Clause 22.01.

There is one relevant local policy: Clause 22.03 Cultural Heritage Policy.

22.03 Cultural Heritage Policy

This includes (relevant sections only):

22.01

15/03/2015
C125

CULTURAL HERITAGE POLICY

This Local Planning Policy is to be used in conjunction with the MSS Heritage policy (at Clause 21.06-3).

The policy comprises the following:

- General
- HO1 – Angliss Housing Estate Heritage Area, Yarraville Policy
- HO2 – Ballarat Road Residential Heritage Area, Footscray Policy
- HO3 – Footscray Commercial Heritage Area Policy
- HO4 – Footscray Residential Heritage Area Policy
- HO5 – Munitions Worker’s Housing Heritage Area, Braybrook Policy
- HO7 – Old Footscray Township Residential Heritage Area Policy
- HO8 – Queensville Estate Heritage Area Policy

- HO9 – Seddon Residential and Commercial Heritage Area Policy
- HO10 – Somerville Road 20th Century Residential Heritage Area Policy
- HO11 – Upper Footscray Residential Heritage Area Policy
- HO12 – War Service Homes Heritage Area Policy
- HO13 – William Angliss Worker Housing Heritage Area, Footscray Policy
- HO14 – Yarraville Civic and Commercial Heritage Area Policy
- HO15 – Yarraville Residential Heritage Area Policy
- Industrial Heritage Policy

22.01-1

15/03/2011
C82(Part 1)

General guidelines

Where the General guidelines apply

These General guidelines apply to all scheduled heritage sites and places which are included within the Heritage Overlay except:

- Industrial heritage sites which are developed for or being used for industrial purposes.
- Archaeological sites which are included in the Heritage Overlay only because of their archaeological values.

Specific guidance for heritage sites and places within heritage precincts should be read in conjunction with this policy.

Objectives

To protect and conserve heritage places.

To protect heritage places from adverse impacts.

To ensure demolished heritage places are documented and archived.

Policy

Assess development of heritage places against the following criteria:

- New buildings and additions should be visually recessive, supporting the visual dominance of the significant elements of the heritage place.
- Additions and new works should respect the context of the heritage place or an adjacent heritage place.
- Heritage places should be recorded if demolition is permitted. The recording should clearly demonstrate significant elements of the place and be of archival quality.
- Development should facilitate the continued use and conservation of a heritage place.
- The original subdivision patterns and street construction form including existing footpaths, kerbs, channels, crossovers and laneways should be preserved.
- Significant elements on public land within a heritage place, including roadway and footpath treatments and elements in parks and gardens should be maintained.
- Significant settings, such as fences, gates, driveways and landscape around significant buildings and places should be maintained.
- New buildings and works should include the preservation, restoration or reconstruction of original heritage buildings and elements.
- Replacement buildings or elements should respect the cultural significance of the heritage place.

- New allotments should include design envelopes that allow for the construction of buildings that conform visually to the nearest or typical contributory elements in the place.
- New traffic treatments and signs should respect the heritage character of the place.
- Significant fabric should be preserved unless demolition is necessary due to damage or structural defect. This should be verified by a written report by a Structural Engineer with recognised experience in heritage places.
- Any demolition or removal should contribute to the long term conservation of significant fabric.

Decision guidelines

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

- The relevant policy for the heritage place.
- The citation of a heritage place along with the Statement of Significance.

22.01-8
15/09/2011
C82(Part 1)

H08 – Queensville Estate Heritage Area Policy

Where the policy applies

This policy applies to all land included in the Queensville Estate Heritage Area shaded and labelled **H08**.

Policy basis

The Queensville Estate provides a distinctive physical expression of two important eras of residential speculation and growth in the area. The narrow fronted 1880s “land boom” subdivisions and the post World War One residential building boom.

The uniformity of building stock in the estate allows comprehension of the rapid rise of a community from paddocks in the post First World War era. This period of growth reflects the spread of tramways in nearby Somerville Road and the influence of new transport networks in the area.

The visual effect of closely spaced gabled Bungalow forms on narrow 19th century lots creates a distinct streetscape, which is unusual in the metropolitan area compared to other Bungalow era estates.

The Estate has a strong visual cohesion arising from its relatively unaltered housing stock from the immediate post World War One era and the use of two basic house styles.

The general character of the Estate is that of detached, single storey, timber Edwardian and Post First World War era homes. Elements of the Estate are narrow streets with narrow fronted regular lots laid out on a grid-iron pattern. Streetscape elements also include common setbacks from front and side boundaries, original rear bluestone, right-of-ways, asphalt footpaths and stone kerbs and channels.

The area is also distinct for the absence of off-street vehicle accommodation within the streetscape. Original fences were low simple timber picket or timber framed fences.

The design characteristics of the contributory buildings also include:

- Corrugated iron or metal sheet roofing with hipped and gabled roof forms of nominally 33 to 63 degrees;
- Groups of, or single, timber framed windows in vertical rectangle format;
- Timber weatherboards with some use of red imperial size bricks or stucco; and
- Timber framed front verandahs of a skillion, convex or bullnose profile.

Objectives

To conserve and enhance the contributory elements in the area, as a good and distinctive expression of a “land boom” era subdivision designed for maximum return superimposed with later eras of housing from two major periods of growth in the region.

To conserve and enhance the original Queensville Estate subdivision pattern.

To conserve and enhance the area’s Edwardian and Post First World War era style residential dwellings.

To ensure that vehicle garaging is concealed or recessive.

To ensure that new buildings and additions and extensions to contributory buildings do not detract from the character of the heritage area or overwhelm the existing contributory buildings.

To discourage new building that closely imitates, replicates or mimics the contributory buildings in the heritage area.

Policy

It is policy to give preference to applications for development that:

- Retain the existing front and side setbacks;
- Retain or reinstate boundary fence designs from the era;
- Encourage garaging and storage of vehicles at the rear of the blocks;
- Encourage the retention and reinstatement of bluestone kerbs, gutters and asphalt footpath paving in street and laneways; and
- Retain or reinstate the Queensville Estate subdivision pattern.

It is policy that the introduction of new cross-overs not be supported.

The relevant Statement of Significance is included below:

Historic Places - Urban Conservation Areas & Individual Places in the former City of Footscray

Identification and location	
Name of place: Queensville Estate Precinct	
Other Name	Kingsville
Address	bounded by Shackell, Empress, Webb, Wales, Chirnside and Queensville Streets, part Williamstown Road West Footscray
Place Identifier	22171 Heritage Overlay Number 2000 HA9
Heritage Significance	Residential
Creation date(s)	1910s-20s Map (Midway) 41/17
Boundary description	Shackell, Empress, Webb, Wales, Chirnside and Queensville Streets and the west side of Williamstown Road, with emphasis on all original Edwardian-era and inter-war built elements, including basalt pitched paving, asphalt footpaths, lot sizes and street patterns.
Local Government Area	City of Maribymong
Ownership Type	Private & Public
Description	
Site Type: Housing estate	
Physical Description	
<p>The general character of the Queensville Estate Precinct is that of timber Edwardian and Post First War era single storey detached timber housing on small and consistent lot frontages with long narrow streets on a grid-iron layout. There is a dominance of the gabled roof form and houses originally with low simple square or round top timber picket or timber framed wire fabric front fences. The street originally had asphalt footpaths and stone kerb and channel, with some surviving and there was no provision for on-site vehicle parking for most of the identified housing. The surviving rear right-of-ways are valuable elements associated with the 19th century night soil collection. The resulting area character is a visually cohesive blend of two major house styles derived from the Edwardian and Bungalow eras, and mainly built of timber. They share the gabled roof form but the Edwardian-era house types also have a hipped roof combined.</p> <p>A product of the large estates surveyed in the 1880s, the street arrangement is surprisingly regular for Footscray, providing a contrast to the other contemporary estates of the city while also possessing the narrow frontages of the late 19th century boom. Most of the estate has the basalt kerb and channel and asphalt footpaths which contributes to the period expression. Of the 830 places listed, 749 places are contributory.</p>	

Jill Barnard Graeme Butler Francine Gilfedder Gary Vines, 2000. Volume 5. Appendix 1: 58

Historic Places - Urban Conservation Areas & Individual Places in the former City of Footscray

<p>As industry grew during the nineteenth century, it was at first drawn to the banks of the Maribymong, especially at Footscray and Yarraville, but also at Maribymong. It was not really until the twentieth century that industry began to stray away from a belt along the river, joining established residential areas to spread out along Geelong Road at Footscray West and Ballarat Road at Footscray and Maidstone. From the 1920s industry spread along Sunshine Road at West Footscray and Tottenham and from the 1940s it moved into the Harropstead Road district at Maribymong, along Ballarat Road at Bnybrook, and filled up wide open spaces around Paramount Road, Sunshine Road and Somerville Road at Tottenham and Brooklyn (Barnard, 2000).</p> <p>The development of tramways did not involve such a linear plan.</p> <p>While several other inner Melbourne municipalities were connected to the centre of the city by cable tramways as early as the 1880s, the City of Maribymong could not boast its own tramway system until the second decade of the twentieth century. Tramway systems were usually established by local Tramways Trusts and the Footscray Tramway Trust was created in 1916. Although trams in other parts of Melbourne generally provided a route into the city, Footscray's was different in that it was intended to bring passengers into Footscray from 'outlying areas' such as Kingsville, Essendon, West Footscray and Seddon. Initially the Tramways Trust envisaged a system that ran from Essendon to Williamstown, via Footscray, but this ambitious plan did not eventuate. The Footscray Tramways system opened on September 6, 1921, with three routes leading out from a Leeds St terminus and with a tram depot at Buckley Street. The routes terminated at the corner of Somerville and Williamstown Road, Yarraville, Barkly Street/Russell Street, West Footscray and Rosamond Road/Summerhill Road, Maidstone (Barnard, 2000).</p> <p>The Queensville Estate Precinct is distinctive because of its narrow fronted 1880s boom era subdivision as a basis for Edwardian-era and immediate post World War One detached housing which is more typically seen on larger blocks governed by the merging Council by-laws of the early 20th century. Today the Estate is a combination of the speculative fever of the late 19th century in terms of density and the need for housing in the population growth in this part of the City during the Edwardian and World War One eras.</p> <p>The various Queensville estates divided Thomas Chirnside's 89 acre Crown Portion B/14 in the 1880s Land Boom era. The Estates, numbering 1 to 6, were authorised by the solicitor firm of Klingender Dickson & Kiddie (and associated firms) and surveyed by Marmaduke Terry of the architects Terry & Terry. The owner may have been a Mr Thompson. Other estates near the area, including Clarendon (owned by Edgar) and Kingsville (owned by Bishop), combined with Queensville to make up the Kingsville locality which, as an area, had been reluctantly part of the Werthebe Shire since 1872.</p>
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<p>Wales Street: A major part of the north end of Wales Street has been taken up with a park which provides a gap in what is otherwise a repetitive streetscape based on the gabled roof form set on narrow frontages relatively close to the street. Nevertheless the park has some mature trees which are related to the precinct era. Otherwise there is a mixture of post World War One (number 3 Wales St) and Edwardian-era houses (number 7 Wales St).</p> <p>Coronation St: As with the other streets there is a large number of Edwardian-era (numbers 12, 9 Coronation St) and 1920s (number 7 Coronation St) weatherboard housing on narrow lots.</p> <p>Chirnside Street: Californian Bungalow (gabled type - see numbers 112, 151) and Edwardian-era (hipped roof, verandahed type- see number 85) timber housing, with the best areas south of Shackell Street.</p> <p>Empress Street: The west side integrity to the area's period is better than the east side of Empress Street, particularly north of Shackell Street. The south end of Empress, below Chaffield, the east side has a lower integrity. The Empress Avenue and Somerville Road intersection has unrelated development at both corners.</p> <p>Queensville Street: Generally a Californian Bungalow street with some Edwardian intermixed, all timber. The western side has fairly high integrity to period of both Edwardian and Bungalow era, despite brick intrusions. The east side has less integrity. Both blocks north and south of the present UCA should be considered for inclusion.</p>
Condition
good (partially disturbed, well preserved)
Integrity
substantially intact/some intrusions
Context
The estate lies between the two major roadways of Somerville and Geelong Roads while the tramways of 1921 ended at Williamstown Road, Summerhill- Rosamond Roads and Russell Street, bringing access to large residential acreages such as this. Workers could travel from here to the large factory lots which were still located mainly along the Maribymong River, Geelong Road and the adjacent Sunshine railway line.
Threats:
Unrelated development, changes to original fabric, increased vehicle traffic.
History
The banks of the Maribymong River were significant in terms of the development of industrial patterns in 19th century Footscray.

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<p>Suffering from a long period of municipal neglect and experiencing rapid residential growth in the immediate post First War period, the local progress association sought annexation to the Footscray municipality in 1920, succeeding in the following year. The tramways of 1921 ended at Williamstown Road, Summerhill- Rosamond Roads and Russell Street, bringing access to large residential acreages such as the Kingsville Estate, Maidstone and Footscray West. Workers could travel from here to the large factory lots which were still located mainly along the Maribymong River, Geelong Road and the adjacent Sunshine railway line. No longer was the housing infilling in old 19th century estates. Now whole subdivisions were filled with the one era of house, making the period expression more obvious. In 1922 the 'Advertiser' noted a '...total absence of the jerry builder and the presence of pleasing and artistic dwellings...the American bungalow type is rapidly gaining favour, few of the houses cost less than £800'.</p> <p>By the mid 1920s there was a land and building boom in Footscray and local timber merchant and builder, Anders Hansen, was among the most prolific houses builders on the Queensville and Kingsville estates (see precinct 12). Hansen built 300 houses between 1913 and 1925, at the rate of one per week. The Kingsville school, built in 1919 by local builder Shillaber, reflected this sudden growth and had to extend after a decade to squeeze the new population in. The William Angles estates south of Somerville Road (Barnard, 2000) are further examples of this era.</p> <p>Historical Influences on the Queensville Estate include:</p> <ol style="list-style-type: none"> 1. Transport Development: the railway, the tramways (1921-) and the development of the road system and motor transport; 2. Industrial Development (secondary): the early creek and riverside fell mongering and noxious trades removed from the city of Melbourne (nearby Angles land), the development of major rail and riverside secondary industries linked with the rural export trade recovery of early this century, the resort to Footscray for cheap land by the inner city industries and the growth in the 1930s, particularly around wartime, of further secondary industries, this time away from the railway stations and river and along major road links like Geelong Road. 3. Residential Development: grouped like the industrial sites along transport routes, spread by the tramway and finally motor transport, and residential development which follows closely the prosperity of industry.
Thematic context
Australian Patrimonial Theme <input type="checkbox"/> Making suburbs
PAHT Subtheme <input type="checkbox"/> Making suburbs <input type="checkbox"/> Local Theme(s) <input type="checkbox"/> Twentieth Century Residential Development

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Cultural Significance

The Queensville Estate Precinct is significant historically and aesthetically to the City of Maribyrnong and the Western Region of Melbourne because:

- the precinct provides a distinctive physical expression of two important eras of residential speculation and growth in the area, the 1880s land boom and the post WW1 residential building surge, one overlaid on the other as expressed by:
 - timber Edwardian and Post First War era single storey detached timber housing on small and consistent lot frontages,
 - long narrow streets on a grid-iron layout,
 - dominance of the gabled roof form,
 - some surviving early asphalt footpaths and stone kerb and channel, and
 - the pre-motor age, with no provision for on-site vehicle parking for most of the identified housing. (Criterion A4);
- the uniformity of building stock allows comprehension of the rapid rise of a community from paddocks in the post First War era (Criterion A4).
- the precinct has a strong visual cohesion arising from its relatively unaltered housing stock from the immediate post WW1 era, and the use of two basic house styles (Criterion E1), and
- of the visual effect of closely spaced mainly gabled Californian Bungalow forms on the narrow 19th century lots is unusual in the metropolitan area compared to other Bungalow-era estates (Criterion B2).

Comparative Examples:

The William Angles estates south of Somerville Road are further examples of early 20th century era housing (see HA14). Estates further to the west are either lacking in integrity to any one period or have been redeveloped. Other Bungalow streets include Prince, Clive and Monash. There are few large Bungalow-era tracts in the Region which compare in size and consistency while none has this distinctive use of housing stock conceived in a detached villa form but placed on narrow allotments more suitable for attached houses.

Recommendations

Heritage Victoria Register: No Yes

Register of the National Estate: No Yes

National Trust Register: No Yes

Other Heritage Listings: No Yes

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Planning Scheme Protection: Recommended Not Recommended

External Paint Controls Apply?: Yes No

Internal Alterations Controls Apply?: Yes No

Tree Controls Apply?: No Yes

Included in the Victorian Heritage Register under the Act: No Yes

Are there Outbuildings or Fences not Exempt?: No Yes

Prohibited Uses may be Permitted: No Yes

Recommendations:

The boundaries of the existing Heritage Overlay HA 9 in the City of Maribyrnong Planning Scheme should be adjusted to the revised boundaries as required (refer map) to include all of Shackell, Empress, Webb, Wales, Chimside and Queensville Streets and the west side of Williamstown Road (2-204).

The following objectives have been drawn from the Statement of Significance where contributory places or elements are generally those which derive from the Edwardian and immediate post WW1 eras (c1910-35) including:

- timber Edwardian and Post First War era single storey detached timber housing on small and consistent lot sizes and frontages, with rear right-of-ways;
- long narrow streets on a grid-iron layout;
- dominance of the gabled roof form;
- originally with low simple square or round top timber picket or timber framed wire fabric front fences;
- originally with asphalt footpaths and stone kerb and channel, with some surviving;
- originally with no provision for on-site vehicle parking for most of the identified housing.

It is recommended:

- to conserve and enhance the contributory elements in the precinct and individually significant places, as a good and distinctive expression of a land boom era subdivision designed for maximum return superimposed with later eras of housing from two major periods of growth in the region, where elements include buildings, objects, landscape, land and street works and enhancement includes the reinstatement of missing original elements;
- to conserve and enhance the visual relationship between contributory elements in the precinct;
- to conserve and enhance the public view of these contributory elements;
- to conserve and enhance the amenity of the precinct to aid in its heritage conservation;
- to ensure that new elements within the precinct are recessive and related to the precinct's contributory elements in roof and plan form, external materials, front and side setbacks from

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property boundaries, and building bulk as viewed from public areas (excluding rear right-of-ways), and

- that Council investigate the preparation of an incorporated plan for the precinct which will embody the above objectives.

Australian Heritage Commission Criteria

A1 Importance for their association with events, developments or cultural places which have had a significant role in the human occupation and evolution of the nation, state, region or community.

A2 Importance in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practiced, in danger of being lost, or of exceptional interest.

A3 Importance for a community for aesthetic characteristics held in high esteem or otherwise valued by the community.

A4 Importance for their association with events, developments or cultural places which have had a significant role in the human occupation and evolution of the nation, state, region or community.

A5 Importance in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practiced, in danger of being lost, or of exceptional interest.

A6 Importance for a community for aesthetic characteristics held in high esteem or otherwise valued by the community.

historical significance architectural significance social significance scientific significance

Documentation

References

Butler, 1993, The Footscray Urban Conservation Area Review, City of Footscray, 44 - cites Lack: 246-8, Footscray's First One Hundred Years (FFOY) 1909, 33, Lodged Plans 2584, 2233-7;

Barnard, 2000, Historic Places Review, Vol.2 Environmental History, City of Maribyrnong

Data recording

Assessed By: Francine Gillfodder

Assessed Date: June 00

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Statement of Significance for the Queensville Estate Precinct Heritage Place (from Heritage Victoria). Note: I have not provided a separate response to this Statement as its requirements are incorporated into the local Heritage Policy

THE MERITS OF THE APPLICATION

The main issues to be determined are whether the proposal will achieve satisfactory outcomes in terms of matters in the headings below.

Is there general support for the proposal in the Planning Scheme?

The fact that a permit is required for the proposal *only* under Heritage Overlay is highly significant in this case. As a permit is not required for the proposal under the Neighbourhood Residential Zone, any policies relating to neighbourhood character and 54 One dwelling on a lot *do not apply*.

This is relevant because – as they do *not* reasonably relate to issues arising from the Heritage Overlay – Clauses 16.01-1S Integrated housing, 16.01-2S Location of residential development, 16.01-3S Housing diversity and 16.01-4S Housing affordability and related provisions and local policies – *do not apply* (the proposal is automatically *deemed to comply* with these policies).

If the Council (or any neighbours, or referrals) wish to raise issues with the proposal, in accordance with well-established planning case law¹, they must be *heritage* issues, not general amenity, or even neighbourhood character, issues².

Whether or not it requires a permit, the proposal clearly satisfies Clause 32.09 Neighbourhood Residential Zone, whose Purpose includes, “To recognise areas of predominantly single and double storey residential development” and “To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics”. The proposal involves an extension to an existing dwelling, in a manner that respects the area’s neighbourhood character, heritage, environmental and landscape characteristics.

Accordingly, the proposal satisfies the following relevant clauses:

- 15.03-1S Heritage conservation and 21.06 Built Environment and Heritage – by satisfying Clause 22.03 Cultural Heritage Policy, which the proposal will satisfy basically by retaining most of the existing dwelling including its interface with the street and involving very minor and respectful alterations and additions only. A detailed response to this clause is provided below.
- 43.01 Heritage Overlay – by satisfying Clause 22.03 Cultural Heritage Policy, below.

As can be seen, whether the proposal will achieve appropriate outcomes under the state and local policies on heritage, as well as the Heritage Overlay itself is very much dependent on how well the proposal satisfies the local heritage policy; this is therefore set out immediately below.

Will the proposal provide acceptable outcomes under the local Heritage Policy?

The proposal’s compliance with this policy is set out below:

Policy requirement	How the proposal responds
<p>22.01-1 General guidelines</p> <p><i>Where the General guidelines apply</i></p> <p><i>These General guidelines apply to all scheduled heritage sites and places which are included within the Heritage Overlay except:</i></p> <ul style="list-style-type: none"> • <i>Industrial heritage sites which are developed for or being used for industrial purposes.</i> • <i>Archaeological sites which are included in the Heritage Overlay only because of their archaeological values.</i> <p><i>Specific guidance for heritage sites and places within heritage precincts should be read in conjunction with this policy.</i></p>	
<p>Objectives</p> <p><i>To protect and conserve heritage places.</i></p> <p><i>To protect heritage places from adverse impacts.</i></p> <p><i>To ensure demolished heritage places are documented and archived.</i></p>	
<p>Policy</p>	<p>The existing front portion of the house will be retained; the extension will create additional floor area at both ground floor at</p>

¹ This is known as the “National Trust Principle”. See *Bowman v Boroondara CC [2016] VCAT 301 (2 March 2016)*.

² Having said that, the fact that a permit is not required by the NRZ is not a neutral consideration; many “issues” arising from residential development - walls on boundaries, overshadowing, overlooking etc - only tend to be “issues” in the first place in relation to development on smaller lots (ie where a permit is required by the NRZ)

<p><i>Assess development of heritage places against the following criteria:</i></p> <ul style="list-style-type: none"> • <i>New buildings and additions should be visually recessive, supporting the visual dominance of the significant elements of the heritage place.</i> • <i>Additions and new works should respect the context of the heritage place or an adjacent heritage place.</i> • <i>Heritage places should be recorded if demolition is permitted. The recording should clearly demonstrate significant elements of the place and be of archival quality.</i> • <i>Development should facilitate the continued use and conservation of a heritage place.</i> • <i>The original subdivision patterns and street construction form including existing footpaths, kerbs, channels, crossovers and laneways should be preserved.</i> • <i>Significant elements on public land within a heritage place, including roadway and footpath treatments and elements in parks and gardens should be maintained.</i> • <i>Significant settings, such as fences, gates, driveways and landscape around significant buildings and places should be maintained.</i> • <i>New buildings and works should include the preservation, restoration or reconstruction of original heritage buildings and elements.</i> • <i>Replacement buildings or elements should respect the cultural significance of the heritage place.</i> • <i>New allotments should include design envelopes that allow for the construction of buildings that conform visually to the nearest or typical contributory elements in the place.</i> • <i>New traffic treatments and signs should respect the heritage character of the place.</i> • <i>Significant fabric should be preserved unless demolition is necessary due to damage or structural defect. This should be verified by a written report by a Structural Engineer with recognised experience in heritage places.</i> • <i>Any demolition or removal should contribute to the long term conservation of significant fabric.</i> 	<p>the rear of the existing house and a new first floor above and at the rear of the existing house. This will incorporate a (single) garage and a store room, which will abut the rear boundary (to the lane); unlike the existing conditions, there will be no separate outbuildings but a combined house and garage/store room, including that a bedroom and its ancillary rooms will be located above the garage/store room at the site's rear.</p> <p>Proposed demolition includes of various minor parts of the existing house (and all of the outbuildings) required to facilitate the extension and other alterations. The proposal will thus only demolish the rear of the dwelling, which makes minimal contribution to the heritage significance of the precinct, while retaining the front rooms, roof form, windows and doors that make a more substantial contribution to the precinct.</p> <p>The extension will be largely-hidden from public view behind the existing front portion of the house and add only minimal bulk when viewed from its primary public interface, Wales Street. The external design of the extension will be distinguishable from, but nonetheless complementary to that of the existing house.</p> <p>The extension will be located away from Wales Street and setback from nearly all side and rear boundary boundaries.</p>
<p>Decision guidelines</p> <p><i>Before deciding on an application, in addition to the decision guidelines in Clause 65, the</i></p>	

<p><i>responsible authority must consider, as appropriate:</i></p> <ul style="list-style-type: none"> • <i>The relevant policy for the heritage place.</i> • <i>The citation of a heritage place along with the Statement of Significance.</i> 	
<p>22.01-8 HO8 – Queensville Estate Heritage Area Policy</p> <p>Where the policy applies</p> <p><i>This policy applies to all land included in the Queensville Estate Heritage Area shaded and labelled HO8.</i></p>	
<p>Policy basis</p> <p><i>The Queensville Estate provides a distinctive physical expression of two important eras of residential speculation and growth in the area. The narrow fronted 1880s “land boom” subdivisions and the post World War One residential building boom.</i></p> <p><i>The uniformity of building stock in the estate allows comprehension of the rapid rise of a community from paddocks in the post First World War era. This period of growth reflects the spread of tramways in nearby Somerville Road and the influence of new transport networks in the area.</i></p> <p><i>The visual effect of closely spaced gabled Bungalow forms on narrow 19th century lots creates a distinct streetscape, which is unusual in the metropolitan area compared to other Bungalow era estates.</i></p> <p><i>The Estate has a strong visual cohesion arising from its relatively unaltered housing stock from the immediate post World War One era and the use of two basic house styles.</i></p> <p><i>The general character of the Estate is that of detached, single storey, timber Edwardian and Post First World War era homes. Elements of the Estate are narrow streets with narrow fronted regular lots laid out on a grid-iron pattern. Streetscape elements also include common setbacks from front and side boundaries, original rear bluestone, right-of-ways, asphalt footpaths and stone kerbs and channels.</i></p> <p><i>The area is also distinct for the absence of off-street vehicle accommodation within the streetscape. Original fences were low simple timber picket or timber framed wire fences.</i></p> <p><i>The design characteristics of the contributory buildings also include:</i></p> <ul style="list-style-type: none"> • <i>Corrugated iron or metal sheet roofing with hipped and gabled roof forms of nominally 33 to 63 degrees;</i> • <i>Groups of, or single, timber framed windows in vertical rectangle format;</i> • <i>Timber weatherboards with some use of red imperial size bricks or stucco; and</i> 	

<ul style="list-style-type: none"> • <i>Timber framed front verandahs of a skillion, convex or bullnose profile.</i> 	
<p>Objectives</p> <p><i>To conserve and enhance the contributory elements in the area, as a good and distinctive expression of a "land boom" era subdivision designed for maximum return superimposed with later eras of housing from two major periods of growth in the region.</i></p> <p><i>To conserve and enhance the original Queensville Estate subdivision pattern.</i></p> <p><i>To conserve and enhance the area's Edwardian and Post First World War era style residential dwellings.</i></p> <p><i>To ensure that vehicle garaging is concealed or recessive.</i></p> <p><i>To ensure that new buildings and additions and extensions to contributory buildings do not detract from the character of the heritage area or overwhelm the existing contributory buildings.</i></p> <p><i>To discourage new building that closely imitates, replicates or mimics the contributory buildings in the heritage area.</i></p>	<p>The proposal will retain the front part of the existing house, which is the site's main contribution to the significance of the precinct.</p> <p>As it does <i>not</i> involve subdivision, the proposal will conserve and enhance the original Queensville Estate subdivision pattern.</p> <p>The proposal will conserve and enhance the existing Edwardian or Post First World War era style residential dwelling on the site.</p> <p>The proposal involves vehicle garaging at the rear of the site only (off the lane, where there is already an existing garage).</p> <p>Because it will be setback from both the street and the front walls of the house, the extension will not detract from the character of the heritage area or overwhelm existing contributory buildings.</p> <p>The extension (eg through its lack of mock-historic detailing) will not closely imitate, replicate or mimic contributory buildings.</p>
<p>Policy</p> <p><i>It is policy to give preference to applications for development that:</i></p> <ul style="list-style-type: none"> • <i>Retain the existing front and side setbacks;</i> • <i>Retain or reinstate boundary fence designs from the era;</i> • <i>Encourage garaging and storage of vehicles at the rear of the blocks;</i> • <i>Encourage the retention and reinstatement of bluestone kerbs, gutters and asphalt footpath paving in street and laneways; and</i> • <i>Retain or reinstate the Queensville Estate subdivision pattern.</i> <p><i>It is policy that the introduction of new cross-overs not be supported.</i></p>	<p>There will be no change to the existing house's street setback, however the proposed first floor will be setback 5.77m from the (ground floor) front wall of the existing house.</p> <p>No change is proposed to the front fence along Wales Street.</p> <p>Facing the lane, the proposed garage will be located at ground level at the rear of the extension (in roughly the same location as the existing garage). It will have a single roller door similar to existing roller doors nearby along the lane.</p> <p>Wales Street is a typical older Kingsville street with: a bitumen carriageway; bluestone gutters, concrete footpaths and concrete crossovers (though limited in number); and small grassy nature strips with small-medium street trees (including one in front of the site). The lane is a 6m wide road that services site on either side of it. The proposal will not affect this.</p> <p>The proposal will retain the Queensville Estate subdivision pattern (no subdivision is proposed).</p> <p>The garden area will be 44.4%. No formal landscaping is proposed.</p> <p>The existing onsite vehicle access at the boundary with the rear lane will be changed, however only to the extent it will now be in the location of the opening to the proposed garage, which will be approximately in the same location as the opening of the existing garage (as, like the existing opening, the proposed opening will abut the lane, there will be no "vehicle crossover" per se). No vehicle access to Wales Street is proposed.</p>

CONCLUSION

The application involves the proposed Construction of a building and works, related part or full demolition of existing buildings and alterations to existing building, in association with an extension to an existing dwelling in a Heritage Overlay.

The site is in a Neighbourhood Residential Zone (NRZ1 -Neighbourhood Residential Areas), a Heritage Overlay and a Development Plan Contributions Overlay. Under Clause 21.07 Housing, the site is a Limited Change Area, "Existing residential areas with heritage significance or an identified residential character that warrants planning protection through specific overlays, and areas with an identified constraint, such as inundation, that necessitate protection through an overlay. The majority of these areas have been identified in Council's Heritage Study (2001) and neighbourhood character studies".

A permit is required in this case not because of the zoning but because of the HO8 only. The proposal is appropriate in terms of this overlay (and associated policies) because it involves basically minor development only, including the retention of most of the existing house, the construction of the extension at its rear only, as well as the minor nature of both all proposed demolition and all other proposed external alterations. The extension will be both sympathetic in its external appearance to the existing house and not impact in any significant and/or negative way upon Wales Street.

This discretely-located double-storey single-dwelling house extension is thus a suitable proposal for this part of Kingsville. It will provide good housing outcomes for the occupants of the site and the wider community without detrimentally affecting the heritage value of either the dwelling or the precinct.

The proposal is specifically appropriate in terms of the state policy and the MSS, as well as Clauses 22.03 Cultural Heritage Policy, 32.09 Neighbourhood Residential Zone, and 43.01 Heritage Overlay.

The proposal is thus an entirely appropriate response to the planning provisions and physical opportunities and constraints affecting its site, and we look forward to Council support.

Matt Gorman BA MUP³
Consultant Town Planner

³ I, Matthew Gilbert Gorman, consent to having my personal information (name, phone number, business name, business address, email address etc) contained in this document or any other document authored by me as part of a planning application, be made available electronically in accordance with the public availability requirements of the Planning and Environment Act 1987. I understand that if I wish to withdraw my consent at any time, I need to notify the Council in writing. I have considered whether any information (including in photos) in the application breaches anyone's privacy and have determined that it *does not*

Att. Joshua Seager

Maribyrnong City Council
PO Box 58,
West Footscray, VIC 3012

3 October 2024

**RE: Response to Further Information Request
Planning Application No.: TP280/2024(1)**

AT: No. 60 WALES STREET, KINGSVILLE, VIC. 3012

Dear Joshua,

Please see the following response to the Request for Further Information.

a. The preliminary concerns section of this letter (see below).

1.

Clause 21.07 Housing

The site is identified as being in a Limited Change Area on the Housing Framework Plan (Clause 21.07); the proposal does not meet the relevant Objective (Objective 3), being:

- *Maintain and enhance these areas and ensure that new development respects the existing heritage values and preferred neighbourhood character.*
- *Ensure the scale, form and appearance of new housing is in keeping with the surrounding development and the heritage and preferred neighbourhood character values of the area.*

-

*The concerns have been addressed.
Please refer to the revised planning drawings.*

2.

Clause 22.01 Cultural Heritage Policy

The proposal does not meet the objective of Clause 22.01 Cultural Heritage Policy, being:

- *New buildings and additions should be visually recessive, supporting the visual dominance of the significant elements of the heritage place.*
- *Additions and new works should respect the context of the heritage place or an adjacent heritage place.*
- *New buildings and works should include the preservation, restoration or reconstruction of original heritage buildings and elements.*

-

*The concerns have been addressed.
Please refer to the revised planning drawings.*

3.

Clause 22.01 HO8 – Queensville Estate Heritage Area Policy

The proposal does not meet the objective of Clause 22.01-8 Cultural Heritage Policy HO8 – Queensville Estate Heritage Area Policy, being:

- *To conserve and enhance the contributory elements in the area, as a good and distinctive expression of a “land boom” era subdivision designed for maximum return superimposed with later eras of housing from two major periods of growth in the region.*
- *To conserve and enhance the area’s Edwardian and Post First World War era style residential dwellings*
- *To ensure that new buildings and additions and extensions to contributory buildings do not detract from the character of the heritage area or overwhelm the existing contributory buildings.*

*The concerns have been addressed.
Please refer to the revised planning drawings.*

4.

Clause 43.01 Heritage Overlay

The proposal does not meet the purpose of Clause 43.01 Heritage Overlay, being:

- *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.*

*The concerns have been addressed.
Please refer to the revised planning drawings.*

b. Clarification on whether the proposal includes works to the front façade including front fence.

- *Existing front fascia/gutter etc. to be replaced like for like due to poor conditions. Existing front north side metal roofing to be replaced with zinc roofing to match the existing front south side roofing due to poor conditions. No changes have been made to the front fence. Please refer to the revised planning drawings.*

Attached are the following documents:

- S50 application form;
- RFI written response;
- A recently searched full, clear, copy of the Title;
- Full set of amended plans that clearly illustrate the information you requested;

Should you find these files to be incomplete, please send a new request.

Yours Sincerely,



Scott Ellis, Director

**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: TP280/2024(1)	Address of Land : 60 Wales Street, Kingsville
Under what section of the Planning and Environment Act 1987, is the amendment being sought: <input checked="" type="checkbox"/> Section 50 – Amendment to the application prior to notice <input type="checkbox"/> Section 57A – Amendment to the application after notice (<i>Note – A fee of 40% of the original application fee is required with this request</i>)	


THE APPLICANT

Name: Scott Ellis	Organisation: Ausdraft
Address: Level 1/150-152 Waverley Rd. Malvern East VIC 3145	
Contact Phone Number: 0395715525	
Email: sellis@ausdraft.com.au	
Are you the applicant of the original planning permit application? <input checked="" type="checkbox"/> Yes <input 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 checked="" 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 checked="" type="checkbox"/> No
List in detail the proposed changes (This can be listed on a separate page) Partial demolition, alterations and addition to the existing dwelling in a Heritage Overlay.	

DECLARATION TO BE COMPLETED FOR APPLICATIONS

I declare that all information I have given is true.	Applicant Signature:  Date: 01/10/2024
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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.