

Clear Form

Office Use Onl

Application No.:

Date Lodged: / /

CITY OF MARIBYRNONG
ADVERTISED PLAN

Application for a Planning Permit

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

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

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

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

i Click for further information.

The Land **i**

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

Street Address *

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

Formal Land Description *

Complete either A or B.

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

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

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

The Proposal

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

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

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

Cost \$	⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.
<p>If the application is for land within metropolitan Melbourne (as defined in section 3 of the <i>Planning and Environment Act 1987</i>) 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.</p>	

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

Existing Conditions

Describe how the land is used and developed now *

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

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

Title Information

Encumbrances on title *

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

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

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

Please provide at least one contact phone number *

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

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

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

Owner *


The person or organisation who owns the land

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

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

Declaration

This form must be signed by the applicant *

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

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

Signature:

Date:

day / month / year

Need help with the Application?

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

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

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

No

Yes

If 'Yes', with whom?:

Date:


day / month / year


Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

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

 Provided all necessary supporting information and documents?

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

A plan of existing conditions.

Plans showing the layout and details of the proposal.

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

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

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

Completed the relevant council planning permit checklist?

Signed the declaration?

Lodgement

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

Maribyrnong City Council

PO Box 58

Footscray VIC 3011

Cnr Napier & Hyde Streets

Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200

Email: email@maribyrnong.vic.gov.au

DX: 81112

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

MORE INFORMATION

The Land

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

How is land identified


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

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


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

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

How do planning schemes affect proposals?

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

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

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

See **Example 2**.


Estimated cost of development

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

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

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

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

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

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

Existing Conditions

How should land be described?

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

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

See **Example 3**.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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

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

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

Why is title information required?

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

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

What is a 'full' copy of the title?

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

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

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

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

Why is 'current' title information required?

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

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

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

Applicant and Owner Details

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

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

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

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

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

See **Example 4**.

Declaration

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

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

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

Need help with the Application?

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

Checklist

What additional information should you provide to support the proposal?

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

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

The checklist is to help ensure that you have:

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

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

Lodgement

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

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

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

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

EXAMPLES

Example 1

The Land i

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

Street Address *

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

Formal Land Description *
Complete either A or B.

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

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

⚠ 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.

Example 2

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

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

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

Example 3

Existing Conditions 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.

Single dwelling.

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

Example 4

Applicant and Owner Details i

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

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

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

Owner *

The person or organisation who owns the land

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

Name:		
Title: Mr	First Name: Len	Surname: Browning
Organisation (if applicable): Responsible Developers P/L		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.: 4	St. No.: 12	St. Name: Ardour Lane
Suburb/Locality: Wycheproof	State: Vic	Postcode: 3527
Contact information for applicant OR contact person below		
Business phone: 9123 4567	Email: tcpl@bigpond.net.au	
Mobile phone: 0412 345 678	Fax: 9123 4567	
Contact person's details* Same as applicant <input type="checkbox"/>		
Name:		
Title: Mr	First Name: Andrew	Surname: Hodge
Organisation (if applicable): Town Planning Consultants		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name: PO Box 111
Suburb/Locality: Parkdale	State: Vic	Postcode: 3194
Owner * Same as applicant <input checked="" type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):		Date:
<small>day / month / year</small>		

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

VOLUME 07697 FOLIO 041

Security no : 124117843890T
Produced 29/08/2024 08:12 PM



LAND DESCRIPTION

Lot 156 on Plan of Subdivision 005581.
PARENT TITLE Volume 03779 Folio 646
Created by instrument 2474749 25/02/1952

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
 ZORAN GALEVSKI of 15 AQUANITA CRESCENT KEILOR DOWNS VIC 3038
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
 STEVCE GALEVSKI of 15 AQUANITA CRESCENT KEILOR DOWNS VIC 3038
 AD978947E 04/11/2005

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AF263805V 10/08/2007
 AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

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 LP005581 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: 15 FONTEIN STREET WEST FOOTSCRAY VIC 3012

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Effective from 23/10/2016

DOCUMENT END

Imaged Document Cover Sheet

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

Document Type	Plan
Document Identification	LP005581
Number of Pages (excluding this cover sheet)	4
Document Assembled	29/08/2024 20:12

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PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENT 6
SECTION 13
PARISH OF CUT-PAW - PAW

COUNTY OF BOURKE

VOL 2453 FOL 497

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

LP 5581

EDITION 4
PLAN MAY BE LODGED
09/09/1911

3 SHEETS
SHEET 1

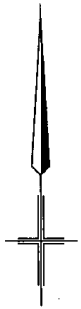
COLOUR CODE
E-1 = BLUE
E-2 = BROWN

APPURTENANCIES

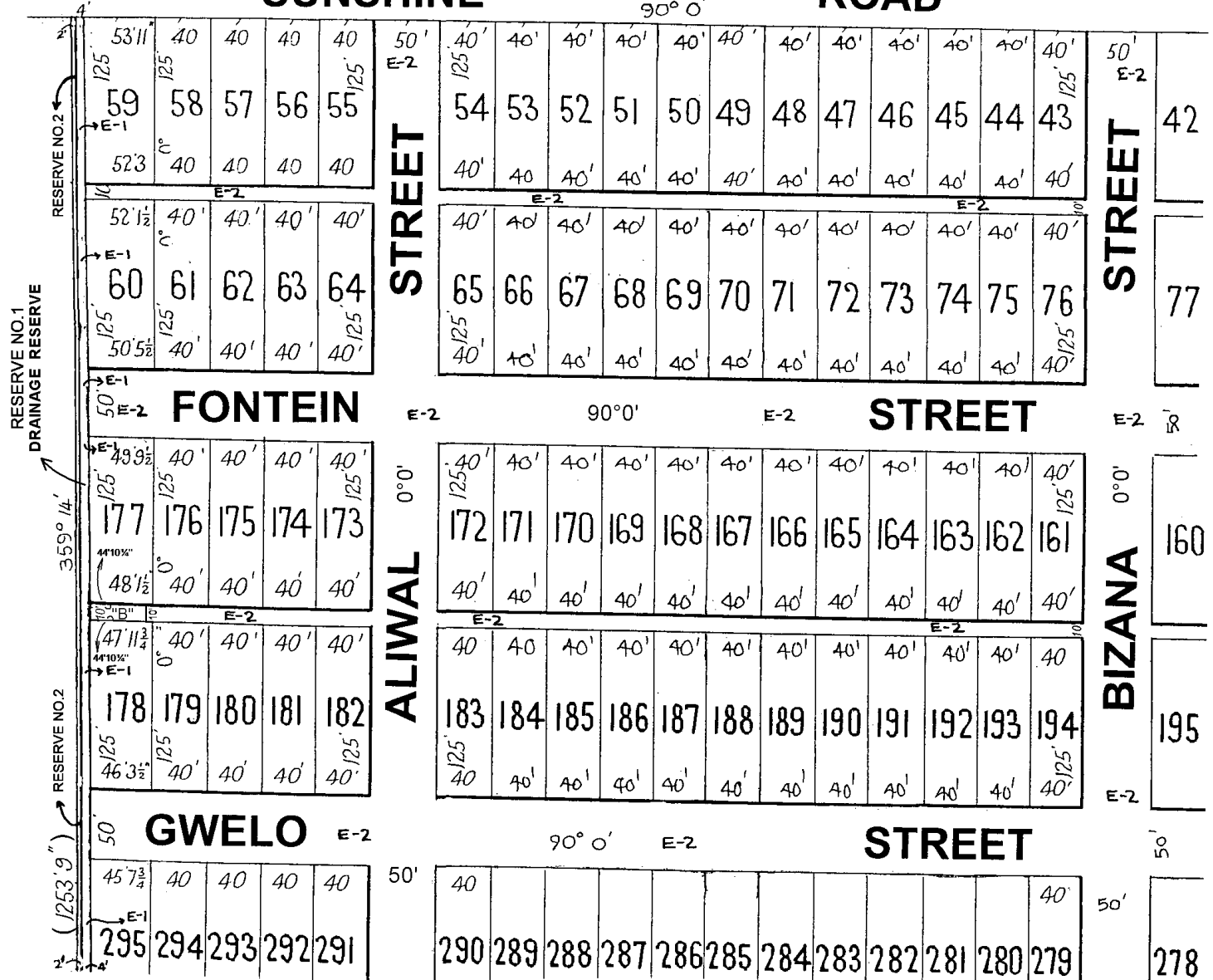
AS TO LOTS 32 TO 40 (BI),
42 TO 49 (BI), 51 TO 73 (BI),
75 TO 88 (BI), 149 TO 206 (BI),
267 TO 322 (BI), 323, 324 & 385 TO 441 (BI)
TOGETHER WITH A RIGHT OF
CARRIAGEWAY OVER THE ROADS
COLOURED BROWN ON THIS PLAN

ENCUMBRANCES

E-2
ANY EASEMENTS
AFFECTING THE SAME

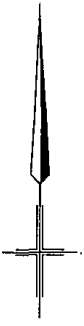


SUNSHINE ROAD

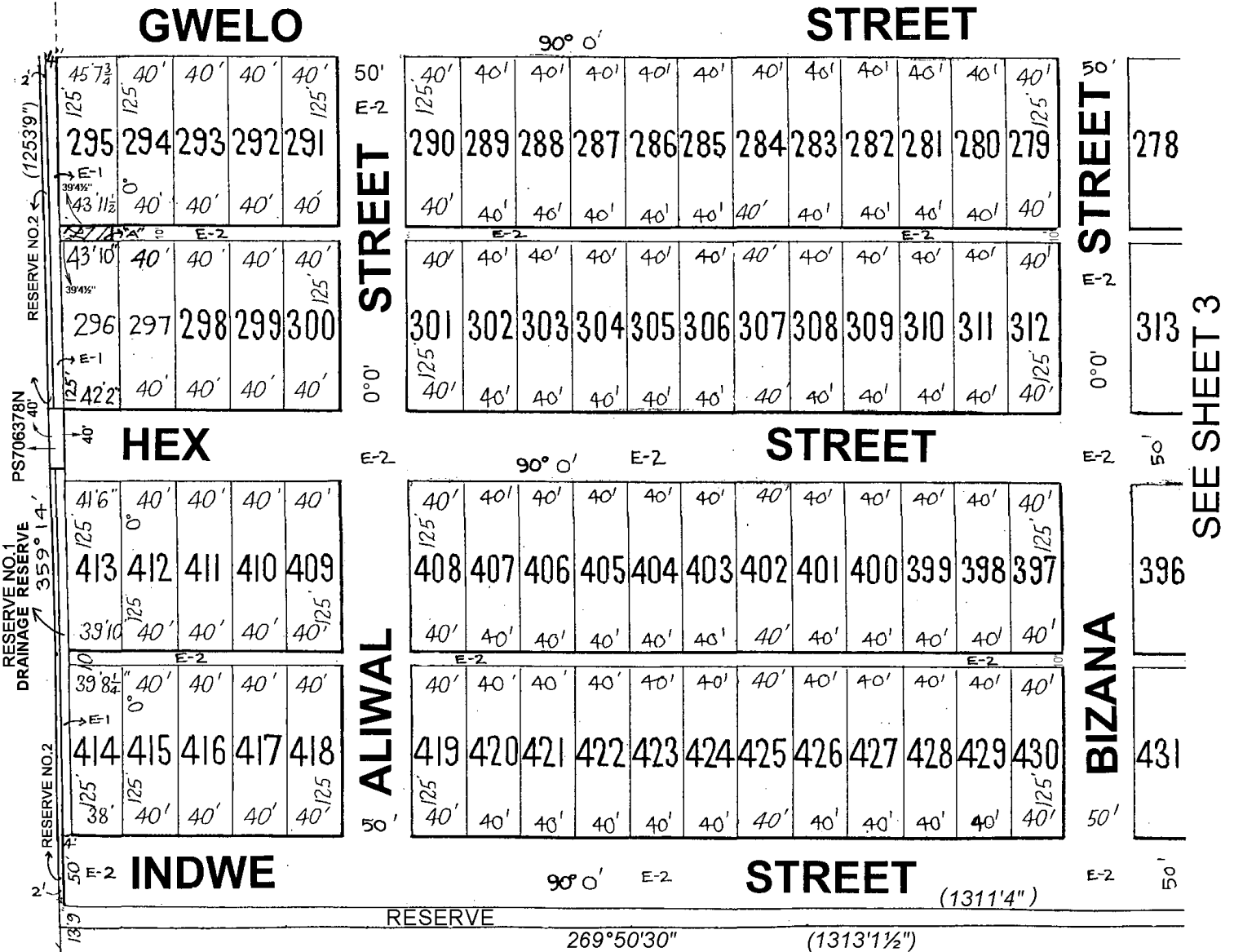


SEE SHEET 3

SEE SHEET 2



SEE SHEET 1



SEE SHEET 3

SUNSHINE ROAD

90° 0'

3 SHEETS
SHEET 3

SEE SHEET 1

STREET

40' 125	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40' 125	50' E-2
42	41	40	39	38	37	36	35	34	33	32	31			
40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	

50' FONTEIN STREET 50'

E-2 90° 0'

40' 125	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40' 125	
160	159	158	157	156	155	154	153	152	151	150	149			
40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	

STREET

180° 0'

50' GWELO STREET 50'

E-2 90° 0'

40' 125	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40' 125	
278	277	276	275	274	273	272	271	270	269	268	267			E-2
40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	

50' HEX STREET 50'

E-2 90° 0'

40' 125	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40' 125	
396	395	394	393	392	391	390	389	388	387	386	385			
40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	

BIZANA

CALA

50' INDWE STREET 50'

E-2 90° 0'

(1311'4")

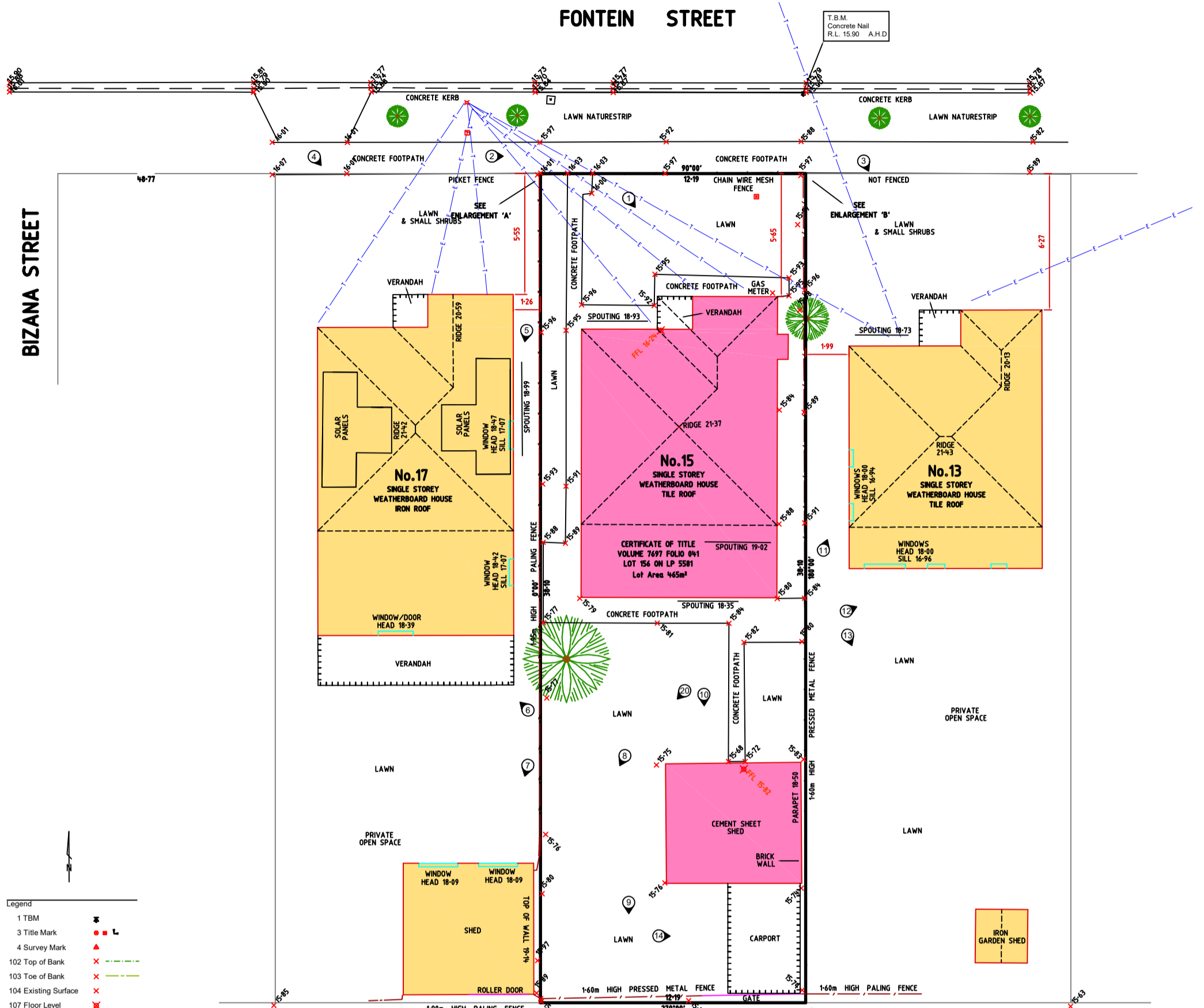
269°50'30" RESERVE (1313'1 1/2") 910'

SEE SHEET 2

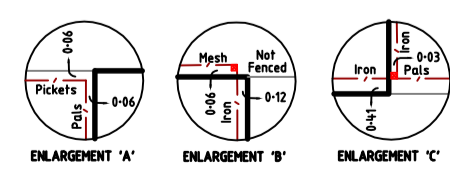


Fontein Street

Bizana Street



- Legend**
- 1 TBM
 - 3 Title Mark
 - 4 Survey Mark
 - 102 Top of Bank
 - 103 Toe of Bank
 - 104 Existing Surface
 - 107 Floor Level
 - 201 Tree
 - 308 Side Entry Pit
 - 309 Grated Pit
 - 310 Junction Pit
 - 403 Edge of Bitumen
 - 404 Edge of Gravel
 - 406 Kerb Lip
 - 407 Kerb Invert
 - 408 Kerb Back
 - 409 Kerb Top
 - 410 Footpath
 - 419 Concrete
 - 503 Sign
 - 507 Traffic Signal Pit
 - 525 Flag Pole
 - 602 Shed
 - 603 Building
 - 604 Verandah
 - 605 Window
 - 606 Door
 - 609 Retaining Wall
 - 634 Ridge
 - 635 Spouting
 - 711 Light Pole
 - 712 Electricity Pole
 - 713 Electricity w/ Light
 - 716 Electrical Pit
 - 717 Overhead Electrical
 - 721 Communication Pit
 - 722 Communication Pillar
 - 727 Overhead Telco
 - 738 Gas Meter
 - 747 Inspection Cap
 - 741 Sewerage Pit
 - 751 Stop Valve
 - 753 Hydrant
 - 754 Water Meter
 - 901 Boundary
 - 903 Fence
 - EASE Easement



<p>Notation: Date of Survey 25/11/2013 & 02/04/2024 Land Subject to Easement: Nil Location of buildings and features beyond site boundaries are indicative only Adverse Possession rights may apply where fence or building encroachments are in excess of 15 years</p>	<p>Enlargements not shown to scale Refer to frozen layers -L for additional Levels Refer to frozen layers -S for additional Symbols Site Photographs shown Levels shown to Australian Height Datum vide Cut Paw Paw PM 457 with a Reduced Level of 22.65</p>	<p>Scale 1:100 Sheet 1 of 1 Date 29/05/24 A1 Licensed Surveyor: Stephen Bodey Drawing No: 071401AD</p>	<p>CLIENT Zoran Galevski PROJECT 15 Fontein Street, West Footscray DETAILS Title Re-establishment, Levels & Features Survey</p>	<p>SOS SURVEYING admin@sosurveying.com P 1300 887 319 F 1300 887 139 A.B.N. 68 131 720 708 P.O. Box 3203 Prahran East, Victoria 3181</p>
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Town Planning Report

15 Fontein Street, West Footscray

Development of two dwellings

Ver.1: August 2024



Version	Date	Description	Note
1	28 August 2024	For planning application lodgement	-

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1. Introduction



Figure 1 The subject site street frontage

This report has been prepared by **PlaceX** on behalf of the applicant to accompany a planning permit application to the Maribyrnong City Council. The application is for the development of land at **15 Fontein Street, West Footscray**.

The proposal seeks approval for the development of land for two dwellings. Planning permission is sought for the construction of two or more dwellings on a lot in a General Residential Zone.

The development cost is estimated to be \$820,000.

This report provides:

- A description of the site and surrounding area.
- A description of the proposal.
- An outline of the relevant statutory planning framework under the Maribyrnong Planning Scheme.
- An assessment of the proposal against the relevant planning provisions.

This report should be read in conjunction with:

- Land survey plan, prepared by SOS Surveying.
- Architectural and landscape plans, prepared by Blueberry Ink.

Overall, the proposal is for a well-designed medium-density development in the established neighbourhood of West Footscray which has strong policy designation for incremental growth. The proposal provides a housing type with exceptional internal amenity provisions, suitable for a range of residents with different needs, contributing to the housing diversity and the preferred neighbourhood character of the area.

2. The Site Context

2.1. The subject site

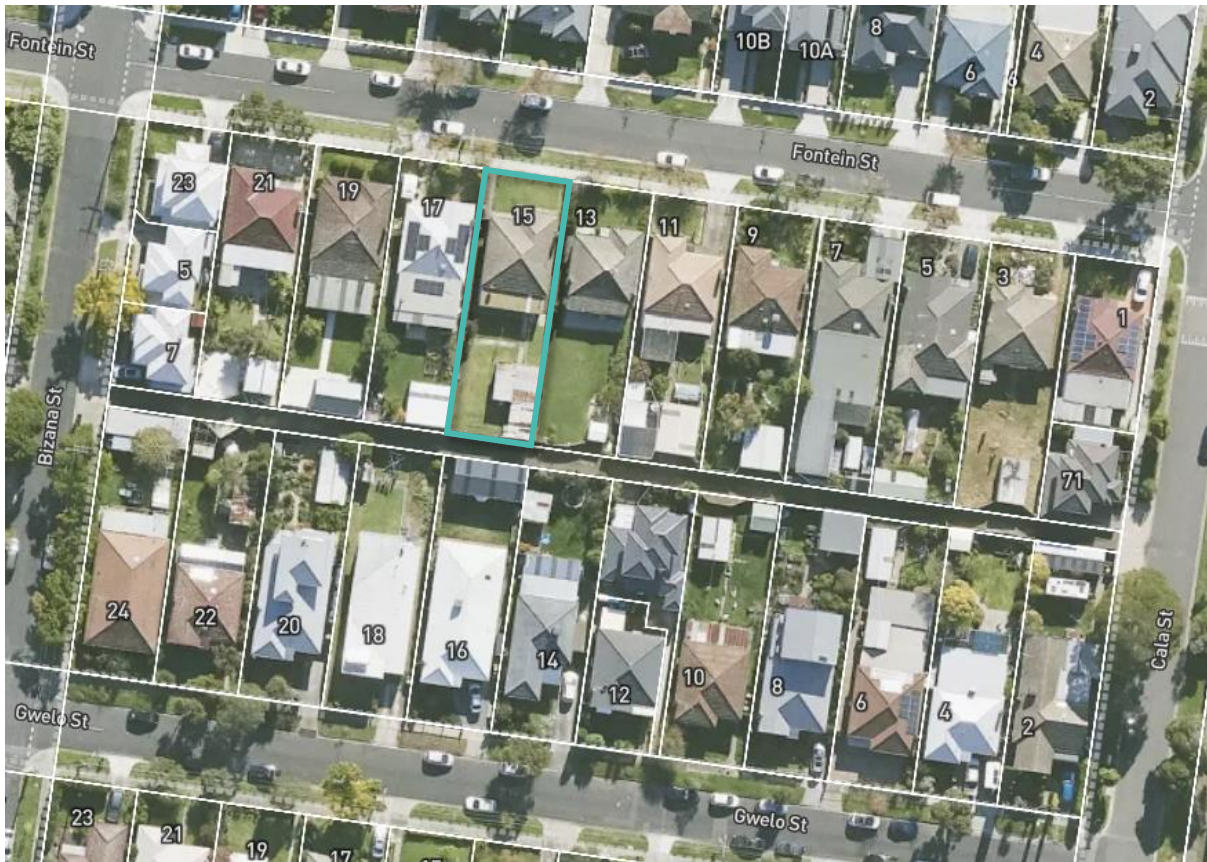


Figure 2 The subject site and the surrounding lot layout (Source: Metro Map)

Site location

The subject site is located on the southern side of Fontein Street, approximately 50 metres east of Bizana Street, and approximately 100 metres west of the Maribyrnong City Operations Centre.

Site particulars

The site (formally described as Lot 156, LP5581) is regularly shaped with an overall area of 464.44 square metres. The site has a frontage of 12.19 metres to Fontein Street and a depth of 38.1 metres. The site is relatively flat, with a gentle level difference of approximately 300mm from the front down to the rear.

The site benefits from a rear lane of approximately 3 metres in width which can provide access to properties bounded by Fontein Street, Cala Street, Gwelo Street and Bizana Street.

There is no easement or title restriction which would prevent the redevelopment of the site.

Existing site conditions and street frontage

The subject site contains an existing single-storey dwelling fronting Fontein Street with low open front fence.

Car access is via the rear lane to a carport on the rear boundary. There is no vehicle crossover from Fontein Street.

The Fontein Street frontage contains nature strip with powerlines above. There is no street tree or power poles immediately within the property frontage. Fontein Street is a neighbourhood street with two-lane traffic and street parking on both sides.

2.2. Surrounding land use and development

The subject site is surrounded by other residential properties, including:

- Adjoining to the east at 13 Fontein Street, a single-storey dwelling with a street setback of 6.27 metres and vehicle access from the rear. This dwelling contains a habitable room window at approximately 2 metres from the common boundary, with private open space at the rear.
- Adjoining to the west at 17 Fontein Street, a single-storey dwelling with a street setback of 5.55 metres and vehicle access both from the front and the rear. This dwelling contains habitable room windows at approximately 1.26 metres from the common boundary, with private open space at the rear.
- To the south across the laneway at 16 Gwelo Street with a single-storey dwelling and a large shed at the rear.

The subject site is in a residential pocket to the south of Sunshine Road, within walking distance from the Tottenham train station on the Sunbury line. The West Footscray Neighbourhood Activity Centre along Barkly Street is located on the northern side of the railway corridor.

The surrounding area is of a low-rise character with new double-storey infill developments emerging among the earlier single-storey dwellings.

Front fencing character is mixed, with varying heights and materials.

The nearby existing industrial land around Tottenham is designated of “state significance” by *the Melbourne Industrial and Commercial Land Use Plan 2020*.

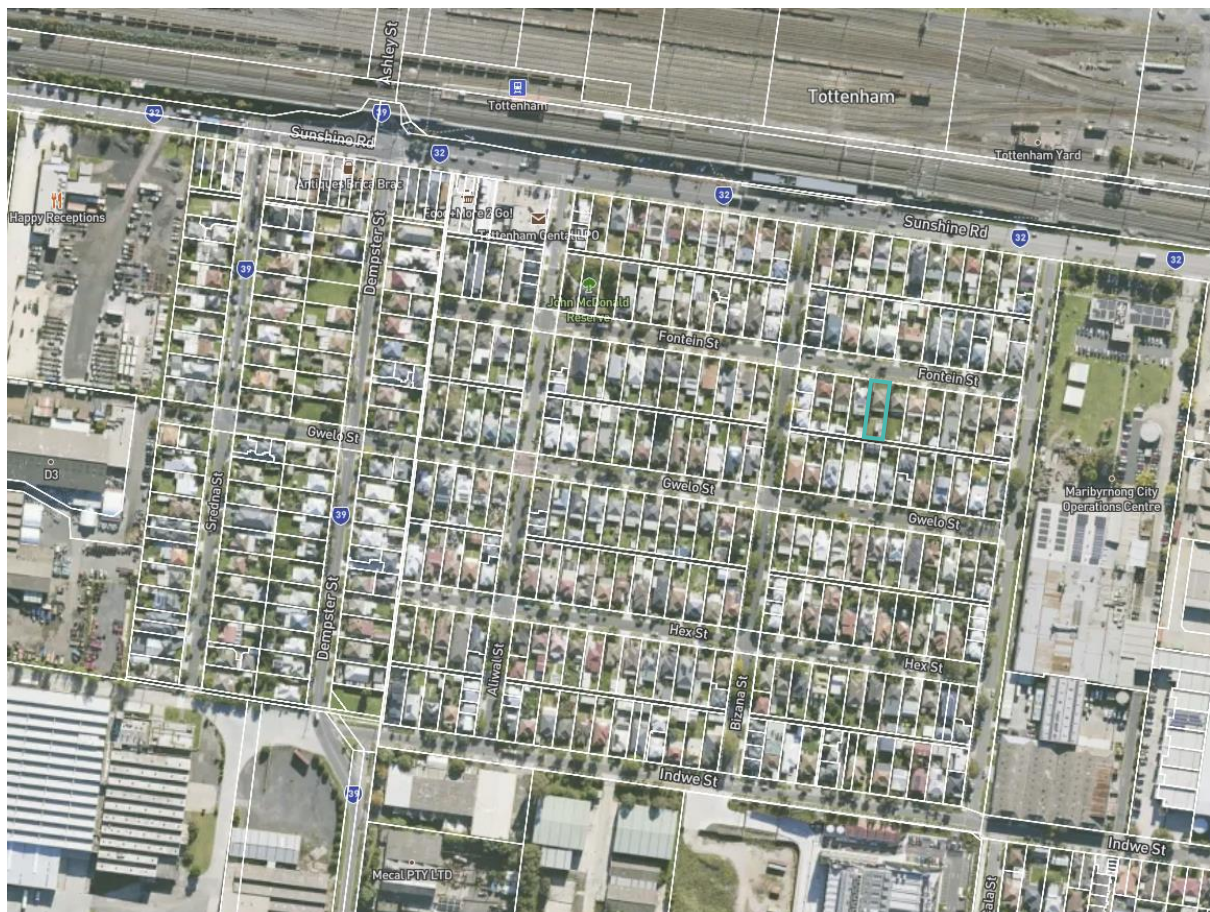


Figure 3 The broader surrounding (Source: Metro Map)



Figure 4 1 Fontein Street



Figure 5 3 Fontein Street



Figure 6 5 Fontein Street



Figure 7 7 Fontein Street



Figure 8 9 Fontein Street



Figure 9 11 Fontein Street



Figure 10 13 Fontein Street



Figure 11 15 Fontein Street (subject site)



Figure 12 15 Fontein Street (subject site)



Figure 13 17 Fontein Street



Figure 14 19 Fontein Street



Figure 15 21 Fontein Street



Figure 16 23 Fontein Street



Figure 17 23 Fontein Street (Bizana Street side)



Figure 18 23 Fontein Street (Bizana Street side)



Figure 19 24 Gwelo Street (Bizana Street side)



Figure 20 23 Fontein Street (rear laneway side)



Figure 21 Rear laneway



Figure 22 Rear laneway



Figure 23 Rear of 20 Gwelo Street



Figure 24 Rear laneway



Figure 25 Rear of 16 Gwelo Street (opposite to subject site)



Figure 26 Rear laneway



Figure 27 Rear laneway



Figure 28 Rear of 12 Gwelo Street



Figure 29 Rear laneway



Figure 30 71 Cala Street (rear laneway side)



Figure 31 Maribyrnong City Operations Centre



Figure 32 71 Gala Street



Figure 33 1 Fontein Street (Gala Street side)



Figure 34 2 & 4 Fontein Street



Figure 35 6 Fontein Street



Figure 36 6 & 8 Fontein Street



Figure 37 10 Fontein Street



Figure 38 10 Fontein Street



Figure 39 12 Fontein Street



Figure 40 14 Fontein Street



Figure 41 16 Fontein Street



Figure 42 18 & 20 Fontein Street



Figure 43 20 & 22 Fontein Street



Figure 44 22 Fontein Street



Figure 45 Bizana Street, looking north



Figure 46 24 Gwelo Street



Figure 47 11 Bizana Street & 24 Hex Street



Figure 48 11 Bizana Street & 24 Hex Street



Figure 49 24 Indwe Street (Bizana Street side)

3. The Neighbourhood Context

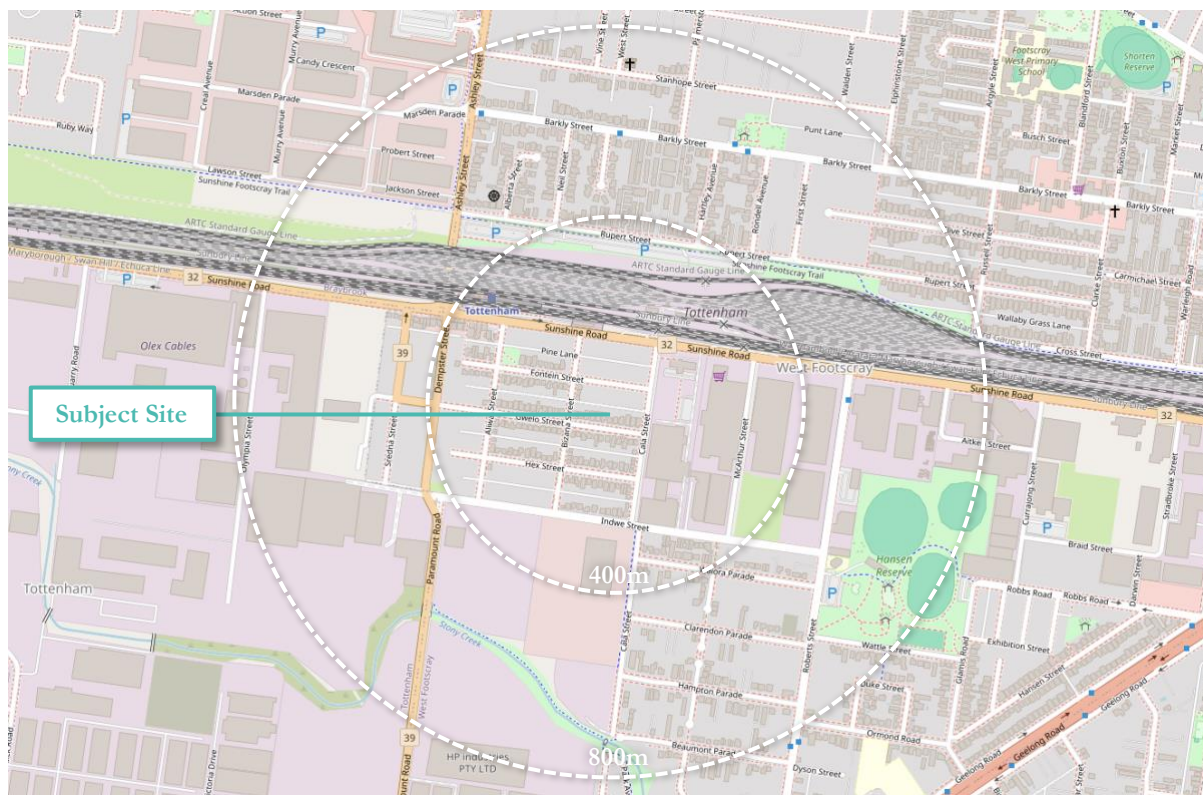


Figure 50 Site locality (Source: Open Street Map)

The subject site is located approximately 8 kilometres west of the Melbourne CBD in the established and growing neighbourhood of West Footscray. More locally, the site is within a 400-metre radius of Tottenham train station.

Strategically, the subject site is in proximity to the Sunshine National Employment & Innovation Cluster (NEIC) anchored by the Sunshine train station and the Sunshine Metropolitan Activity Centre, extending to the area around Tottenham station. The Sunshine train station is expected to be developed into a transport super hub with the Suburban Rail Loop and the Melbourne Airport Rail.

3.1. Aspirations for growth

The City of Maribyrnong has an estimated population of 95,209 in 2024 and is forecast to grow to 155,006 by 2051 (+63.12%)¹. Particularly, West Footscray has an estimated population of 12,818 in 2024 and is forecast to grow to 16,814 by 2036 (+31.17%)², which is at a growth rate at about half of the municipal growth rate but nonetheless is expected to grow in population.

3.2. Proximity to infrastructure

There is ample infrastructure and public amenity in the area to support this expected growth. The subject site is in proximity to a range of public transport options and facilities, as follows:

Public transport

- Tottenham train station on the Sunbury line, approximately 300 metres by walking distance in the north.
- But No.414 (Laverton Station – Footscray via Geelong Road), approximately 700 metres on Roberts Road in the east.

¹ <https://forecast.id.com.au/maribyrnong>

² <https://forecast.id.com.au/maribyrnong/about-forecast-areas?WebID=500>

- Bus No.220 (Sunshine Station – City via Footscray Road), approximately, 800 metres in the north on Barkly Street.

Convenience

- Small local shops, eateries and small businesses that provide the day-to-day needs of adjacent to the Tottenham station, approximately 300-400 metres in the north.
- Local shops, eateries and small businesses around West Footscray station, approximately 1.5-2 kilometres in the east.

Public open space

- Hansen Reserve, approximately 600 metres in the east.
- Stony Creek Linear Reserve, approximately 800 metres in the south.
- Bassett Reserve, approximately 1 kilometre in the south.

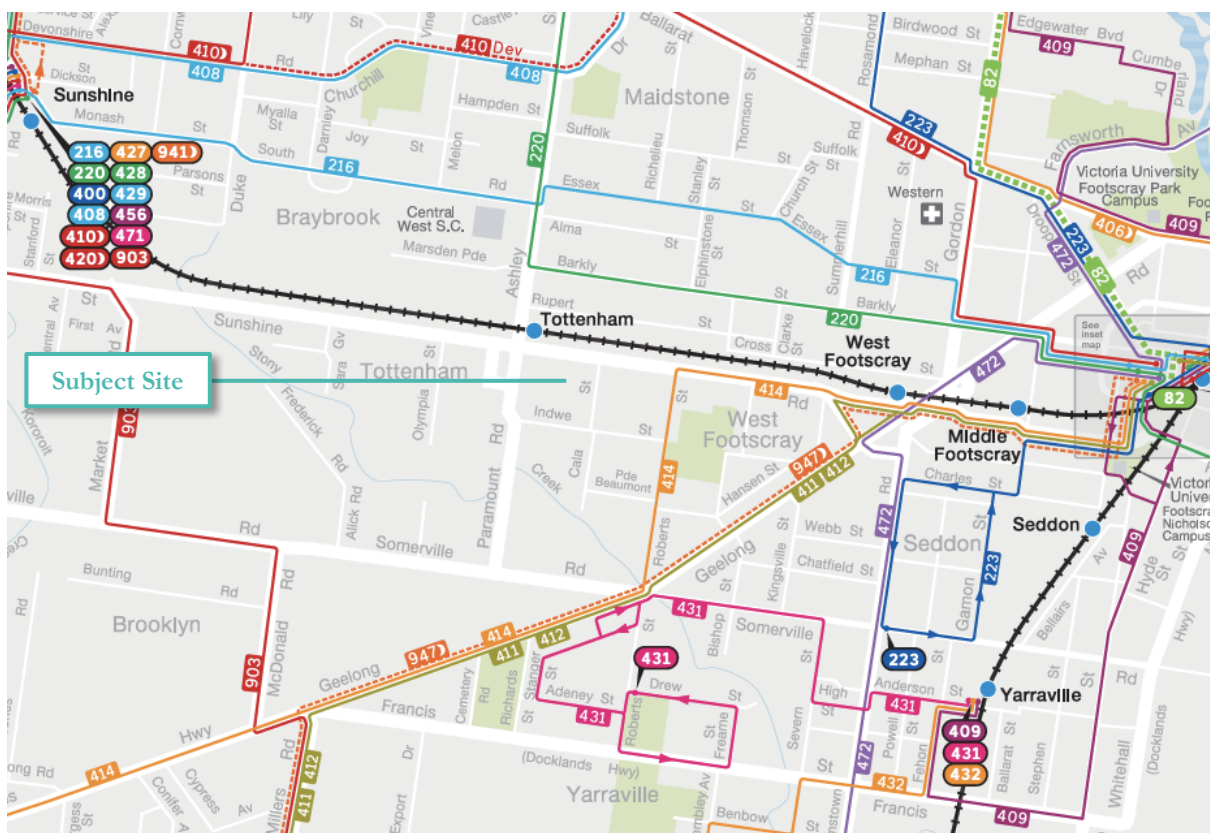


Figure 51 Extract from Public Transport Victoria's area map of Maribyrnong

In summary, the site is well located in an established and growing suburb of West Footscray as supported by existing public transport and other public infrastructure. The area is suitable for a small increase in residential density for future residents to benefit from convenient access to jobs and services nearby.

The strategic context of the site provides basis for an incremental level of change to the existing neighbourhood character of the area, with new residential developments to support the employment growth within the Sunshine NEIC and the state-significant industrial land.

4. The Proposal

Based on the subject site's physical and strategic contexts, the proposal presents a redevelopment opportunity for medium-density housing to this location. The proposal is illustrated in the accompanying **architectural plans**.

The proposal involves the replacement of the existing dwelling with two new double-storey dwellings.

Each dwelling contains four bedrooms with two car parking spaces. Bedrooms are provided with windows on an external wall of the dwellings. The layout and design of each dwelling has been carefully considered to maximise its amenity, functionality and passive sustainable design performance.

The proposed dwellings are suitable for a range of families who aspire to settle in the middle-ring suburb of West Footscray with convenient access to surrounding amenity. The dwellings are also suitable for multi-generation families and/or downsizers who value the neighbourhood and looking for an alternative housing option locally.

4.1. Built form

The dwellings are proposed to be contained in a modulated double-storey built form. The proposed design adopts a contemporary architectural response to the site's context, especially to the surrounding buildings. The development is of a high-quality design that is grounded to its location and its attributes as well as the suitability and desire for modern infill development.

The key built form parameters include:

- The two dwellings are adjoined in one building, presented to the street in a two-storey form in response to the established streetscape pattern.
- Proposed street setback of 5.91 metres with tree planting in the front gardens.
- Proposed wall on boundary for each garage in response to the emerging character from similar side-by-side developments in the area.
- Side setbacks of 1.866 metres are provided for dwelling services, as well as landscaping and separation from adjoining properties.
- A rear setback of 6.1 metres is provided for recreational purposes, including an uncovered deck and open space with landscaping for each dwelling.
- Building recesses are provided across both floors. The combination of upper-level setbacks and recessed creates modulations and visual relief and interest to the building.
- A contemporary pitched roof form is adopted, with a varied material palette to create visual contrast and articulation.

4.2. Materials and finishes

The proposal incorporates a carefully selected palette of materials and finishes, drawing reference from the variety of materials existing in the surrounding area and responding to the emerging styles of more recent developments. Proposed materials are varied in texture and colours to create visual interest responding to the streetscape.

The contemporary appearance will consist of the following palette of materials and finishes:

- Face bricks in a white finish for both floor facades to create an elegant appearance for the building without unnecessary visual clutter.
- Metal frames in a black finish for window frames, gutters and fencing to provide an accent colour complementary to the brick exterior.
- Roof in a dark grey finish to tie in with the bricks and metal frames.

4.3. Access and parking

Vehicle access to the site is an individual crossover from Fontein Street, both of minimum 3 metres in width.

Car parking is provided with an individual garage (single garage of 3.5m x 6m) with an additional tandem parking space (2.6m x 4.9m) on the driveway. Each dwelling is provided with two car parking spaces.

Storage space is integrated in each garage.

5. Planning Policy Framework

5.1. Zone



Figure 52 Zone (GRZ1)

The subject site is located in the **General Residential Zone – Schedule 1 (GRZ1)**. The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposed land use is 'Dwelling' which is a Section 1 use of the GRZ and does not require a permit.

A permit is required to construct two or more dwellings on a lot.

The GRZ prescribes the following mandatory requirements relevant to the proposal:

- A minimum garden area of 25% of the lot for a lot of 400-500 sqm.
- A maximum building height up to three storeys and 11 metres (or 12 metres on a sloping site).

Schedule 1 (General Residential Areas) to the Zone does not vary any standard requirements under Clause 55 (ResCode) of the Planning Scheme.

5.2. Overlays

The subject site is affected by the **Development Contributions Plan Overlay – Schedule 2 (DCPO2)**. The purpose of the Development Contributions Plan Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Schedule 2 (Maribyrnong Development Contributions Plan) requires the payment of Development Infrastructure Levy and Community Infrastructure Levy for each additional dwelling, prior to the commencement of the development.



Figure 53 Overlay (DCPO2)

5.3. Plan Melbourne

Plan Melbourne 2017-2050: Metropolitan Planning Strategy must be considered by responsible authorities in assessing applications for planning permits.

Refreshed in March 2017, *Plan Melbourne 2017-2050* builds upon *Plan Melbourne* (released in May 2014) and *Melbourne @ 5 Million and Melbourne 2030*. The Strategy projects a population of 7.9 million in metropolitan Melbourne by 2051 (4.5 million in 2015), requiring an additional 1.6 million dwellings and 1.5 million jobs. Out of these new dwellings, 70% are aspired to be located in established areas and 30% to be in growth areas.

The key directions and policies that are of particular relevance to the proposal include:

Outcome 2: Melbourne provides housing choice in locations close to jobs and services

- *Direction 2.1: Manage the supply of new housing in the right locations to meet population growth and create a sustainable city.*
 - *Policy 2.1.2: Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.*
 - *Policy 2.1.3: Plan for and define expected housing needs across Melbourne's regions.*
 - *Policy 2.1.4: Provide certainty about the scale of growth in the suburbs.*
- *Direction 2.2: Deliver more housing closer to jobs and public transport.*
 - *Policy 2.2.3: Support new housing in activity centres and other places that offer good access to jobs, services and public transport.*
- *Direction 2.5: Provide greater choice and diversity of housing.*
 - *Policy 2.5.1: Facilitate housing that offers choice and meets changing housing needs.*

Outcome 5: Melbourne is a city of inclusive, vibrant and healthy neighbourhoods

- *Direction 5.1: Create a city of 20-minute neighbourhoods.*
 - *Policy 5.1.1: Create mixed-use neighbourhoods at varying densities.*
 - *Policy 5.1.2: Support a network of vibrant neighbourhood activity centres.*
- *Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.*
 - *Policy 5.2.1: Improve neighbourhoods to enable walking and cycling as part of daily life.*

5.4. Planning Policy Framework

The following planning policies in the Maribyrnong Planning Scheme are applicable to the proposal:

CLAUSE 11: SETTLEMENT

Clause 11.01-1S: Settlement

The clause generally encourages consolidation in existing settlement areas across Victoria by limiting urban sprawl.

Clause 11.01-1R: Settlement – Metropolitan Melbourne

The strategies are to promote urban consolidation and a sustainable city within metropolitan Melbourne.

CLAUSE 15: BUILT ENVIRONMENT AND HERITAGE

Clause 15.01-1S: Urban design

The objective is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-2S: Building design

The objective is to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Clause 15.01-5S: Neighbourhood character

The objective is to recognise, support and protect neighbourhood character, cultural identity and sense of place.

CLAUSE 16: HOUSING

Clause 16.01-1S: Housing supply

The objective is to facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.01-1R: Housing supply – Metropolitan Melbourne

Within metropolitan Melbourne, the strategies are to manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are neighbourhood activity centres (especially those with good public transport connections) and areas near existing and proposed railway stations that can support transit-oriented development, among others.

Other strategies include to allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing; and to create mixed-use neighbourhoods at varying densities that offer more choice in housing.

CLAUSE 18: TRANSPORT

Clause 18.01-3S: Sustainable and safe transport

The objective is to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Clause 18.02-3S: Public transport

The objective is to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

Clause 18.02-3R: Principal Public Transport Network

One relevant strategy is to maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network.

Clause 18.02-4S: Roads

The objective is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

MUNICIPAL STRATEGIC STATEMENT

Clause 21.04: Settlement

The relevant housing growth objective and strategies are:

Objective 5:

- *To accommodate between 14,000 and 16,000 additional households by 2031.*

Strategies

- *Direct most of the residential development to identified substantial change areas, and substantial change activity centres.*
- *Support incremental change across residential areas.*
- *Limit change in established residential areas with heritage significance or an identified residential character, and areas with an identified constraint, such as inundation, that necessitate protection through a specific overlay.*

Clause 21.06: Built Environment and Heritage

The relevant urban design objective and strategies are:

Objective 3

- *To encourage well designed residential development.*

Strategies

- *Encourage high quality design and development.*
- *Encourage development that respects the heritage values and identified character of neighbourhoods.*
- *Encourage contemporary and innovative architecture to establish a preferred neighbourhood character in new residential areas.*

Objective 4

- *To support appropriate development on rear laneways.*

Strategies

- *Encourage vehicle access via established laneways - that is rear loaded allotments.*
- *Encourage new dwellings to have a frontage to established laneways.*
- *Ensure development in rear laneways allows for passive surveillance of the laneway.*
- *Ensure development in rear laneways provides adequate vehicular access (including turning manoeuvres and emergency vehicles).*
- *Support innovative design and architectural forms in rear laneways.*

Clause 21.07: Housing

The subject site is within an ‘incremental change area’ for housing development, which is described as “all other residential areas without heritage significance or an identified residential character that warrants planning protection through specific overlays.”

Relevant objectives and strategies are:

Objective 2

- *To provide incremental opportunities for new residential development in incremental change areas and incremental change activity centres.*

Strategies

- *Ensure development has regard to and clearly responds to preferred character statements and design guidelines for specific neighbourhood character precincts.*
- *Ensure the siting and design of infill development respects the scale, form and siting of surrounding development.*
- *Encourage residential development within incremental change areas to predominantly comprise of low and medium density housing in the form of separate and semi detached houses and in appropriate locations units, shop top dwellings and low scale apartments.*
- ...

- Support gradual medium density 'infill' development , in the form of townhouses, units and shop-top dwellings, located close to transport, activity centres and community infrastructure.
- ...
- Encourage the retention of existing housing that positively contributes to preferred neighbourhood character.
- ...
- Protect areas that contribute to the range of housing choice especially for families and lifestyle choices.

LOCAL PLANNING POLICIES

Clause 22.05: Preferred Neighbourhood Character Statements

The objectives are:

- To ensure that development is responsive to the preferred future character of the area.
- To retain and enhance the identified elements that contribute to the character of the area.
- To implement the recommendations of the Maribyrnong Neighbourhood Character Review, February 2010.

The subject site is located in the neighbourhood character area of Garden Suburban 4 (GS4).

The preferred neighbourhood character statement is:

The mix of architectural styles and the consistencies across the built form will be maintained and strengthened through the provision of new development that adds to the layers of history throughout the precinct. Older dwellings that contribute to the character of the area, including those from the Victoria, Edwardian and Interwar eras will be retained and complemented by newer development that is distinguishable from original building stock. New development will provide pitched roofs and other features that respond to the building form. Garden settings will be strengthened through new plantings that provide canopy trees, shrubs and garden beds that contribute to the leafiness of streetscapes. Where present, front fences will maintain the openness of streetscapes and allow views to gardens and dwellings.

5.5. Particular Provisions

The particular provisions relevant to the proposal include:

Clause 52.06: Car Parking

The purpose of the clause includes:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

As the subject site is within a Principal Public Transport Network (PPTN) area, Column B of Table 1 to Clause 52.06-5 applies, which requires:

- 1 space to each one or two bedroom dwelling, plus
- 2 spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as bedrooms), plus
- 0 space for visitors (to every 5 dwellings for developments of 5 or more dwellings).

The statutory requirement of the proposal is 4 parking spaces for resident use (2 for each dwelling).

The proposal satisfies this statutory requirement and does not require a permit for reduction.

Design standards for car parking specified within the clause are also required to be addressed by the proposal.

Clause 55: Two or More Dwellings on a Lot (ResCode)

The purpose of the clause includes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

The proposal is required to achieve all relevant objectives and meet the relevant standards where possible.

5.6. General Provisions

Clause 65: Decision Guidelines

The purpose of this clause is to establish a basis for the responsible authority to decide whether the proposal will provide acceptable outcomes in terms of the decision guidelines of this clause.

5.7. Operational Provisions

Clause 71.02-3: Integrated decision making

Above all, planning aims to meet the various needs of society and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development. The clause requires planning and responsible authorities to integrate the range of relevant planning policies and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

6. Planning Assessment

The assessment of the proposal involves an analysis of the following matters:

- The strategic support for the development, with regards to both the relevant state and local policies in the Planning Policy Framework.
- The built form and design considerations, including the provision of landscaping.
- Amenity considerations, including externally the occupiers of adjoining properties, the public realm and internally the intended residents of the development.
- Car parking and access considerations.

6.1. Planning policy support

The proposal can be considered as a form of medium-density housing development. Strategic support for the location and the density of the proposal is provided in the following relevant Planning Policies:

- *Plan Melbourne 2017-2050*
- Clause 11: Settlement
- Clause 16: Housing
- Clause 18: Transport
- Clause 21.04: Settlement

The subject site is located within an area in the General Residential Zone (GRZ) with clear policy designation to be an incremental change housing area. There is strong strategic support from both state and local planning policies for housing growth in an incremental change area. The proposal provides a two-dwelling development in this location where the neighbourhood character is expected to change incrementally.

New residential developments are encouraged to support other uses in the area, and also to allow future residents to benefit from the proximity to public transport options and a range of essential services and amenities, including employment opportunities, shops and restaurants, recreational facilities.

Plan Melbourne supports new housing in locations with good access to services and transport. The proposal contributes to urban consolidation and sustainable growth as sought by Clause 11 in the established neighbourhood of West Footscray.

The subject site is an underutilised middle-suburban allotment. The development would complement the growing townhouse typology established in the area, which in turn provides strong contextual support for the proposal. The proposal provides an alternative housing type to add to the housing diversity in West Footscray. Consistent with the provision of Clause 16 and Clause 18, the subject site can be supported for medium density development for its convenient location which is served by a range of public transport options.

Overall, the proposal is consistent with the purpose of the GRZ which is to encourages development that respects the neighbourhood character of the area, while facilitating housing growth particularly in locations offering good access to services and transport. The proposed development is of a suitable scale that can promote urban consolidation, but is not a high-density development, and therefore suitable for a general residential area which has been nominated for 'incremental growth' by Maribyrnong's residential framework plan.

6.2. Built form and design

The policy considerations for the assessment of built form and design details include the following:

- General Residential Zone – Schedule 1 (GRZ1)
- Clause 15: Built Environment and Heritage
- Clause 21.06: Built Environment and Heritage
- Clause 21.07: Housing
- Clause 22.05: Preferred Neighbourhood Character Statements

Mandatory provisions

The General Residential Zone specifies mandatory provisions regarding minimum garden area and maximum building height requirements. The proposal is compliant with these mandatory requirements, as follows:

- **Garden area:** A total of 30% garden area is provided, which is compliant with the minimum 25% requirement for a lot of 400-500 sqm. Care has been taken to ensure the following areas ground-level areas that are less than 1 metre in dimension, or covered, or above natural ground level (NGL), are not included in the garden area calculation.
- **Building height:** The proposed development has a maximum building height of two storeys and 8 metres.

Discretionary and neighbourhood character considerations

A detailed assessment of the proposed built form against the requirements of Clause 55 (ResCode) can be found at **Appendix 1** of this report. Particularly, the key aspects of the proposed built form which require exercise of discretion with balance given between the site's neighbourhood character context and the relevant local planning policy requirements are assessed below.

Clause 15 requires development to respond to the applicable neighbourhood character. The proposal responds to the *preferred* future character for 'incremental change area' and 'Garden Suburban 4 (GS4)' as follows:

- A side-by-side arrangement is adopted to allow both dwellings to achieve a street frontage and direct access from the street. The side-by-side arrangement is consistent with the other recent developments in a similar configuration in the area.
- Both garages are sited to the side boundaries for efficient utilisation of the land, consistent with other similar side-by-side developments also with garages constructed to the site boundaries.
- A single garage and a tandem uncovered parking space are provided to each dwelling in order to reduce the visual massing of the garages presented to the street.
- Fontein Street is not a key road corridor, cycling route or pedestrian priority street. The creation of two crossovers would not unreasonably affect the traffic or on-street parking along the street.
- Generous side setbacks are provided for site services and landscaping, also maintaining the pattern of space between dwellings.
- A generous front setback is provided for a landscaped front garden with tree planting.
- A generous rear setback is provided for a landscaped rear garden with tree planting and also outlook for the dwellings.
- Upper-level setbacks are provided on all sides of the building.
- Contemporary design with a pitched roof form is incorporated in response to the other pitched and hipped form in the area.
- Low and visually permeable front fencing is provided.
- The overall scale and massing of the development consistent with the surrounding developments, particularly with the emerging typology of side-by-side developments in the area.
- Overall, providing a respectful infill development to the West Footscray area while maintaining its landscaped character.

An assessment against the preferred GS4 character statement is provided below:

GS4 preferred character statement	Assessment of the proposal
The mix of architectural styles and the consistencies across the built form will be maintained and strengthened through the provision of new development that adds to the layers of history throughout the precinct.	The proposed contemporary development will add to the existing dwellings from earlier developments in the area.
Older dwellings that contribute to the character of the area, including those from the Victoria, Edwardian and	The existing dwelling on the subject site is not of any distinguishable styles that are worth retaining.

GS4 preferred character statement	Assessment of the proposal
Interwar eras will be retained and complemented by newer development that is distinguishable from original building stock.	
New development will provide pitched roofs and other features that respond to the building form.	Pitched roofs are recessed form are provided.
Garden settings will be strengthened through new plantings that provide canopy trees, shrubs and garden beds that contribute to the leafiness of streetscapes.	Front and rear gardens are provided to allow for planting of trees and shrubs to contribute to the landscaped streetscapes.
Where present, front fences will maintain the openness of streetscapes and allow views to gardens and dwellings.	Low and visually permeable front fencing is provided.

6.3. Amenity

A full assessment of the proposal against the relevant provisions of Clause 55 (ResCode) is undertaken at **Appendix 1**. The proposal is compliant with all relevant standards and meets all of the objectives of Clause 55. The proposal provides an appropriate level of amenity to both the future residents of the site and the occupants of the neighbouring dwellings.

In summary:

- The proposed design and scale of the development has been sensitively designed to respond to the desired built form character of the neighbourhood.
- The proposal features unique design and detail to all facades that provides a rich and positive contribution to the public realm.
- The internal living spaces are generously proportioned and functional and all living spaces have direct access to an external private open space and daylight.
- The proposal has been designed to respect the privacy and maintain the daylight access to neighbouring properties through the building setbacks from the boundary.
- The shadow analysis undertaken by the project architect demonstrates the proposal will not result in unreasonable overshadowing at the equinox.

6.4. Access and parking

The access and parking component of the application takes consideration of the following policy provisions:

- Clause 18: Transport
- Clause 52.06: Car Parking

In accordance with the statutory requirements, the proposal provides two car parking spaces for each of the four-bedroom dwellings.

Relevant design standards for car parking under Clause 52.06-9 have been met, including:

- Accessways to be minimum 3 metres in width.
- Corner plays are to be provided accordingly.
- All car spaces are provided within a garage with 3.5m x 6m clear of obstructions. Tandem parking spaces are 2.6m x 4.9m each.
- Any ramp gradients are provided in accordance with design standard 3.
- The car parking area in each garage will be secure, well-lit and easily accessed from each dwelling.
- Adequate landscaping is provided along the sides of the driveways.

7. Conclusion

It is concluded that the proposal will provide an appropriate development outcome for the subject site. In particular:

- The subject site is strategically located in the established and growing middle-ring suburb of West Footscray, which has strong state and local levels of designation for incremental growth.
- The subject site is also conveniently located with proximity to public transport, job locations and day-to-day services which can mutually benefit with new residential developments.
- The proposal provides a housing type suitable for a range of residents with different needs and contribute to the housing diversity of the area.
- The neighbourhood character is expected to change incrementally over time. The proposed building design will sit comfortably in the existing built form context while responding to the development potential for medium density development contemplated by the Planning Scheme.
- The proposed design will ensure that the development will not unreasonably impact upon the amenity of neighbouring properties.
- The proposed development provides a very high level of amenity for future residents in terms of sunlight access, ventilation, outlook and open space provision, and exhibits a high level of passive sustainable design performance.
- The proposal incorporates features and measures in environmentally sustainable development and traffic and parking in accordance with the relevant Planning Scheme provisions.

On balance, the proposal achieves a strong community benefit as well as a high-quality development outcome for the site. The development respects the existing site context and is expected to contribute positively to the desired future character for the area.

Appendix 1: Assessment of the Proposal against Clause 55 (Two or More Dwellings on a Lot)

Clause and Title and Objective	Standard	Complies with the standard	Achieves the objective
55.02-1: Neighbourhood character	B1	Complies	Achieves
55.02-2: Residential policy	B2	Complies	Achieves
55.02-3: Dwelling diversity	B3	Complies	Achieves
55.02-4: Infrastructure	B4	Complies	Achieves
55.02-5: Integration with street	B5	Complies	Achieves
55.03-1: Street setback	B6 *	Complies	Achieves
55.03-2: Building height	B7 *	Complies	Achieves
55.03-3: Site coverage	B8 *	Complies	Achieves
55.03-4: Permeability	B9	Complies	Achieves
55.03-5: Energy efficiency	B10	Complies	Achieves
55.03-6: Open space	B11	N/A	N/A
55.03-7: Safety	B12	Complies	Achieves
55.03-8: Landscaping	B13	Complies	Achieves
55.03-9: Access	B14	Variation	Achieves
55.03-10: Parking location	B15	Complies	Achieves
55.04-1: Side and rear setbacks	B17 *	Complies	Achieves
55.04-2: Walls on boundaries	B18 *	Complies	Achieves
55.04-3: Daylight to existing windows	B19 *	Complies	Achieves
55.04-4: North-facing windows	B20 *	N/A	N/A
55.04-5: Overshadowing open space	B21 *	Complies	Achieves
55.04-6: Overlooking	B22 *	Complies	Achieves
55.04-7: Internal views	B23	Complies	Achieves
55.04-8: Noise impacts	B24	Complies	Achieves
55.05-1: Accessibility	B25	Complies	Achieves
55.05-2: Dwelling entry	B26	Complies	Achieves
55.05-3: Daylight to new windows	B27 *	Complies	Achieves
55.05-4: Private open space	B28 *	Complies	Achieves
55.05-5: Solar access to open space	B29	Variation	Achieves
55.05-6: Storage	B30 *	Complies	Achieves
55.06-1: Design detail	B31	Complies	Achieves
55.06-2: Front fences	B32 *	Complies	Achieves
55.06-3: Common property	B33	N/A	N/A
55.06-4: Site services	B34	Complies	Achieves

* If a development meets the standard, it is deemed to meet the objective for that standard. Where the standard is met the decision guidelines for that standard do not apply to the application.

Clause 55.02: Neighbourhood Character

Title and Objective	Standard	Compliance
<p>Clause 55.02-1 Neighbourhood character</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that the design responds to the features of the site and the surrounding area.</p>	<p>B1</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies</p> <p>The proposal has been designed in response to the built form and policy contexts, with balanced consideration of the existing and preferred character of this residential area of West Footscray where the neighbourhood character is expected to change incrementally over time.</p>
<p>Clause 55.02-2 Residential Policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>B2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>Complies</p> <p>The proposal is for a two-dwelling development that makes efficient use of an under-utilised site, while responding to the built form and scale providing for an alternative housing type in accordance with the Municipal Planning Strategy and the Planning Policy Framework of Maribyrnong.</p>
<p>Clause 55.02-3 Dwelling Diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>N/A</p> <p>The proposal is for two dwellings.</p>
<p>Clause 55.02-4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>B4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity, if available. Connection to a reticulated gas service is optional.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>	<p>Complies</p> <p>The subject site is in an urban area that is well serviced and can accommodate the proposed development with existing servicing provisions.</p> <p>The development will provide connection to electricity, water, telecommunication, drainage and sewerage infrastructure and services.</p>

Title and Objective	Standard	Compliance
<p>Clause 55.02-5 Integration with the street</p> <p>To integrate the layout of development with the street.</p>	<p>B5</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The development is oriented to the front Fontein Street and provided with easily identifiable vehicle and pedestrian accessways to the building from the street.</p> <p>Frontage treatment integrated with landscaping has been designed in response to the streetscape.</p>

Clause 55.03: Site Layout and Building Massing

Title and Objective	Standard	Compliance
<p>Clause 55.03-1 Street setback</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> At least the distance specified in the schedule to the zone or; If no distance is specified in the schedule to the zone, the distance specified in Table A1. <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p> <p><u>Development Context:</u> There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</p> <p><u>Minimum setback from front street:</u> The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</p>	<p>Complies</p> <p>The street setbacks of the existing dwellings on either side are 6.27m (No.13) and 5.55m (No.17), resulting in an average of 5.91m.</p> <p>The proposed street setback is 5.91m for both dwelling and is compliant with the standard.</p>
<p>Clause 55.03-2 Building height</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>B7</p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p>	<p>Complies</p> <p>The dwellings are of two storeys with a maximum building height of 8 metres. This is compliant with the building height limit of GRZ.</p>
<p>Clause 55.03-3 Site coverage</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and</p>	<p>B8</p> <p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> The maximum site coverage specified in the schedule to the zone or; 	<p>Complies</p> <p>The proposed site coverage is 60% and complies with the standard.</p>

Title and Objective	Standard	Compliance
<p>responds to the features of the site.</p>	<ul style="list-style-type: none"> If no maximum site coverage is specified in the schedule to the zone, 60 per cent. 	
<p>Clause 55.03-4 Permeability and stormwater management</p> <p>To reduce the impact of stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p>	<p>B9</p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> The minimum area specified in a schedule to the zone; or If no minimum is specified in a schedule to the zone, 20 percent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	<p>Complies</p> <p>The proposed permeability is 30% and complies with the varied standard.</p>
<p>Clause 55.03-5 Energy efficiency</p> <p>To achieve and protect energy efficient dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<p>B10</p> <p>Building should be:</p> <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	<p>Complies</p> <p>Due to the orientation of the site, the dwellings have been oriented to provide north-facing windows are provided where possible.</p> <p>The energy efficiency of adjoining lots will not be compromised.</p>
<p>Clause 55.03-6 Open Space</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development</p>	<p>B11</p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> Be substantially fronted by dwellings, where appropriate. Provide outlook for as many dwellings as practicable. Be designed to protect any natural features on the site. Be accessible and useable. 	<p>N/A</p> <p>None proposed.</p>
<p>Clause 55.03-7 Safety</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p>	<p>Complies</p> <p>The individual entries to the dwellings are all clearly defined and easily identifiable from the street.</p> <p>Car parking in garages will be secure and well lit.</p>

Title and Objective	Standard	Compliance
	<p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	
<p>Clause 55.03-8 Landscaping</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. <p>Provide a safe, attractive and functional environment for residents.</p>	<p>Complies</p> <p>The existing street tree and neighbouring trees will be retained and protected from construction impacts.</p> <p>There are no significant trees requiring retention.</p> <p>The development incorporates ample ground level space along side and rear setbacks for landscaping and tree planting.</p>
<p>Clause 55.03-9 Access</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>Variation required</p> <p>The proposal involves two crossovers with a combined width of 6 metres. This is 46.5% of the frontage of 12.19 metres. This requires a variation from the standard requirement of a maximum 40% for a frontage less than 20 metres.</p>
<p>Clause 55.03-10 Parking Location</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>B15</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>Complies</p> <p>All car parking spaces are proposed in an individual garage that can be conveniently accessed from each dwelling, and is secure, ventilated and designed for efficient entry and exit.</p> <p>There are no habitable room windows located adjacent to any shared driveway.</p>

Clause 55.04: Amenity Impacts

Title and Objective	Standard	Compliance
<p>Clause 55.04-1 Side and rear setbacks</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in the schedule to the zone, or • If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>Complies</p> <p>The proposed building complies with the standard side and rear setback requirements as demonstrated in the elevation drawings.</p>
<p>Clause 55.04-2 Walls on boundaries</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>B18</p> <p>A new wall that is on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot, should not abut the boundary</p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> - 10m plus 25% of the remaining length of the boundary of an adjoining lot, or - Where there are existing or simultaneously constructed wall/carport abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, <p>Whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>Complies</p> <p>Two walls on boundaries are proposed, each associated with the respective garage:</p> <p><u>Dwelling 1:</u></p> <ul style="list-style-type: none"> • 6.49m in length • 3.178-3.254m in height <p><u>Dwelling 2:</u></p> <ul style="list-style-type: none"> • 6.49m in length • 3.18-3.21m in height <p>The wall length is compliant with the maximum length allowed under this standard: $10 + (38.1 - 10) \times 25\% = 17.025\text{m}$.</p> <p>The maximum wall height does not exceed 3.6m; the average wall height is no more than 3.2m.</p>

Title and Objective	Standard	Compliance
<p>Clause 55.04-3 Daylight to existing windows</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</p> <p>The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p> <p>All windows on adjoining lots are provided with adequate daylight access (i.e. light court of min. 3 metres with min. dimension of 1 metre clear to the sky).</p>
<p>Clause 55.04-4 North-facing windows</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>B20</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>N/A</p> <p>There are no north-facing windows within 3m from the common boundary on adjoining properties requiring attention.</p>
<p>Clause 55.04-5 Overshadowing open space</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>B21</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>Complies</p> <p>The proposed development does not significantly overshadow the adjoining neighbours, in accordance with this standard for 5 hours between 9am and 3pm for adjoining properties.</p>
<p>Clause 55.04-6 Overlooking</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>B22</p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of</p>	<p>Complies</p> <p>The proposal has been designed to limit overlooking to adjoining neighbours, with the use of high window sills, obscured glazing and privacy screens in accordance with this standard.</p>

Title and Objective	Standard	Compliance
	<p>the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	
<p>Clause 55.04-7 Internal views</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p>	<p>B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 percent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies</p> <p>Windows are positioned to prevent internal overlooking between the proposed dwellings.</p>
<p>Clause 55.04-8 Noise Impacts</p> <p>To contain noise sources in developments that may affect existing dwellings.</p> <p>To protect residents from external noise.</p>	<p>B24</p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p>	<p>Complies</p> <p>There are no existing unreasonable noise sources to the proposed dwellings.</p> <p>No noise sources are proposed.</p>

Title and Objective	Standard	Compliance
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	

Clause 55.05: On-Site Amenity and Facilities

Title and Objective	Standard	Compliance
<p>Clause 55.05-1 Accessibility</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p>	<p>B25</p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies</p> <p>All dwellings are accessible with convenient ground level entries.</p>
<p>Clause 55.05-2 Dwelling Entry Objective</p> <p>To provide each dwelling or residential building with its own sense of identity.</p>	<p>B26</p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable from streets and other public areas. • Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies</p> <p>All entries are clearly visible from the street and provided with transitional space.</p>
<p>Clause 55.05-3 Daylight to new windows</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>B27</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> • An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or • A verandah provided it is open for at least one third of its perimeter, or • A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <p>The development will allow adequate daylight into all new habitable rooms.</p> <p>All new windows have adequate access to daylight access (i.e. light court of min. 3 metres with min. dimension of 1 m clear to the sky).</p>
<p>Clause 55.05-4 Private open space</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents</p>	<p>B28</p> <p>A dwelling should have private open space of an area and dimensions specified in the schedule to the zone.</p> <p>If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or 	<p>Complies</p> <p>The proposal incorporates private open space for each dwelling as follows:</p> <ul style="list-style-type: none"> • SPOS (min.3m width): 37.2 sqm • Total POS: 56.7 sqm. <p>The proposed POS provisions are compliant with the standard.</p>

Title and Objective	Standard	Compliance
	<ul style="list-style-type: none"> A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	
<p>Clause 55.05-5 Solar access to open space</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p>	<p>B29</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</p>	<p>Variation required</p> <p>The southern wall height of both dwellings is 6.463m. Under the standard, a minimum setback from this wall of $2 + 0.9 \times 6.463 = 7.82\text{m}$ is required for the SPOS. A rear setback of 6.1m is proposed for the SPOS and requires variation from the standard.</p>
<p>Clause 55.05-6 Storage</p> <p>To provide adequate storage facilities for each dwelling.</p>	<p>B30</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</p> <p>Each dwelling is provided with external storage space of 6 cubic metres in the garage.</p>

Clause 55.06: Detailed Design

Title and Objective	Standard	Compliance
<p>Clause 55.06-1 Design detail</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> Façade articulation and detailing; Windows and door proportions; Roof form; and Verandahs, eaves and parapets. <p>Should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with development and the existing or preferred neighbourhood character.</p>	<p>Complies</p> <p>The contemporary architectural appearance of the development will contribute to the desired character with new infill developments in this medium-density residential area in West Footscray.</p>
<p>Clause 55.06-2 Front fences</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>B32</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> The maximum height specified in the schedule to the zone, or If no maximum height is specified in the schedule to the zone, the maximum height specified in Table B3. That is, 2 metres for Streets in a Transport Zone 2 and 1.5 metres for other streets. 	<p>Complies</p> <p>A front fence of 1m in height is proposed and complies with the standard.</p>

Title and Objective	Standard	Compliance
<p>Clause 55.06-3 Common property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>N/A</p> <p>No common property proposed.</p>
<p>Clause 55.06-4 Site services</p> <p>To ensure that site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>B34</p> <p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>	<p>Complies</p> <p>The proposal incorporates sufficient provision for services, bin storage and mailboxes and can be conveniently accessed by all residents.</p>

Place



22 January 2025

Joshua Seager
Urban Planner
Maribyrnong City Council

Lodged Electronically

Dear Joshua

Address: 15 Fontein Street, West Footscray
Council Ref: TP375/2024
Re: Response to RFI letter

Connect Town Planning has been engaged by the Permit Applicant in respect to application TP375/2024 relating to the property at 15 Fontein Street West Footscray.

Specifically, we have been asked to provide a response to Item 1 of Council's request for further information dated 20 September 2024.

This response has been prepared with consideration to the following material:

- Council RFI letter dated 20 September 2024.
- Meeting held with Council officers on the 26 November 2024.
- Updated architectural plans prepared by Blueberry Ink.
- Review of the Maribyrnong Planning Scheme.
- Review of supporting material including arborist report.
- Aerial photography.
- Arborist Report and Root mapping, by Arbor Express.
- Storm Assessment.
- Site inspection

This response accompanies the formal response to Council's RFI and follows a meeting held with Council on the 26 November 2024.

In respect to the preliminary comments included in Council's letter, we provide the following responses:

Neighbourhood Character & Standard B31 Design Detail

Firstly, in respect to the existing character of the surrounding area, we note that there has been considerable development occurring in the immediate area which has typically taken the form of two storey townhouse development, specifically with duplex style development and three unit development on corner sites. While there remains a large number of original housing stock, it can be reasonably be expected that the original housing will continue to be replaced with new contemporary housing including two storey townhouses in a range of configurations given the General Residential Zone which applies and the areas' location in proximity to services and public transport.

Within Fontein Street itself, there has been a recent duplex development diagonally opposite at 10 Fontein Street which has included front loaded two storey duplex housing. The applicant also submits that a common feature of the area is to have buildings which are built to boundaries of the side boundaries and often with garages and driveways to the side.

In respect to preferred future character as set out in Clause 15.01-5L Neighbourhood Character, we acknowledge that the preferred character statement seeks to maintain consistencies in building form and respect the low scale nature of the area. The character statement also acknowledges the strengthening of 'the mix of architectural styles' and to encourage development that is 'distinguishable from original housing stock'. In noting that, it is clear that the area does support a number of two storey built form outcomes and it cannot be expected that future development is to be limited to single storey in form, rather it should be considered that new buildings should seek to avoid unnecessary height and scale.

In principle, the provision of two double storey townhouses on the site is an acceptable outcome subject to considerations of form, visual bulk, architectural features and amenity.

It is understood that the primary issues relate to the massing and scale of the dwellings, the extent that garages and driveways occupy the front setback.

In response to the recent meeting held with Council officers, and the issues raised in the RFI letter, we note that the proposal has been amended to include the following changes:

- The garages for each dwelling have been setback 500mm behind the front building line so to make them more recessive in the façade to reduce their dominance from the street.
- The garage doors are to be finished with a vertical timber veneer cladding which is integrated with the façade materials so they 'blend in' with the façade design and which reduces their prominence.
- The driveways for each dwelling have been reduced to a maximum of 3m wide with an associated increase in the landscape area in the front setback with planting provided also on each side boundary.
- The previous bin areas in the front setback have been removed and replaced with landscaping so that there is a substantial overall net increase in deep soil landscaping in the front setback.
- To respond to visual bulk design response and as included in the housing design guidelines, the design has applied a dynamic façade articulation which responds on multiple planes with the main façade initially setback as the average of the two neighbouring properties either side.
- The ground floor entrance and first floor level facade are the governing elements which the articulation bases itself from. From here the garage recesses back 500mm along with integrating materiality to reduce overall bulk to the streetscape, secondly, the facade plane is broken up with a combination of a feature break front canopy made up of protruding columns and an eave for weather protection. And thirdly, a transparent facade which incorporates full entrance glazing, within the entire break front canopy, which allows the eye to project inward into the building through transparency design response and softens the facade by allowing it to be read with less solid surface, the resulting response is a monolithic design with clean lines, no shear walls, and a subtle facade highlighting an organic nature through building material and yard vegetation to mitigate any visual bulking.

- Bedroom 1 for each dwelling at the first floor level has been reduced in length to reduce the amount of built form.
- The previous pitched roof has been removed and replaced with a flat roof (parapet) providing a simple and clean roof form and also reducing the impact to the streetscape and the neighbouring properties by keeping the overall building height down.
- The front façade and side elevation design has been softened with a reduction in the extent of glazing the building presents to the streetscape, therefore providing a more coherent and integrated design.
- External material change from brick to timber has been applied to soften the facade articulation; by helping it blend back into the neighbouring properties. The design response avoids dominance and any bulk articulation through hard surface materiality, such as brick or concrete and applies a more organic and sustainable material.
- The timber articulation compliments the proposed canopy trees in the front yard allowing for an overall more organic design response, which is also selected as a more sustainable option in regards to full life cycle design. The timber rates 9 out of 10 for sustainability and is easily deconstructed from location and as a combined wall element.

These changes are considered to represent a considerable improvement in the presentation of the proposed dwellings to Fontein Street and which is presented in the figures below.



Figure 1: Submitted front façade design

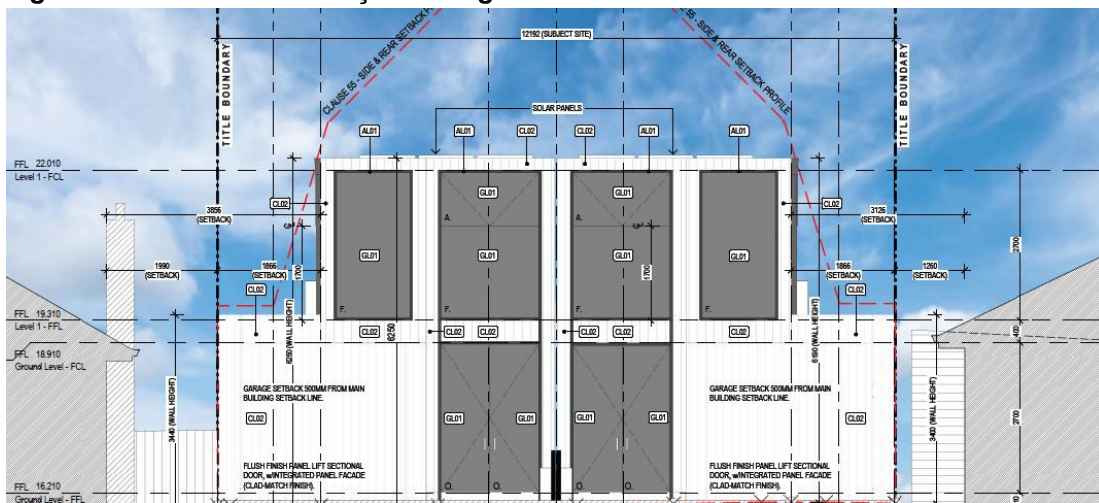


Figure 2: Amended front façade design.

The new building façade maintains a contemporary design response but has reduced the impact of the garages and glazing to the street interface. The revised roof form has reduced the overall height and scale of the building and ensures the building will sit comfortably in this streetscape and will not be overbearing in respect to the two adjoining single storey dwellings.

The design has also significantly reduced the extent that garages present in the façade by both recessing them behind the front building line and also integrating the garage doors into the façade. This design approach is commonly used in duplex style developments and successfully reduces the prominence of garaging. The design has also utilised a projecting first floor level for bedroom 1 which sits forward of the garages.

Further to this, we note that the garages are only single width and are setback over 6.41m from the frontage. As noted previously, there is a clear established character of garages and driveways being present in the immediate area, with two driveways servicing the recent townhouse development opposite the site at 10 Fontein Street.

We note that during the meeting held with Council, that it was suggested that access to one or both dwellings could be from the rear laneway. While this is an option that is available and some other developments have used that approach, that design solution is not considered suitable. Firstly, we note that the laneway itself is very narrow and is unmade and which will not result in easy or convenience access to the site as is south under Clause 55.03-10 Parking Location. In order to achieve suitable swept paths, it would require a large splay area to be provided in front of any garages which would significantly reduce the area of the site and the useability and availability of secluded private open space. While some other developments have access from the rear laneways, these are typically located closer to the main roads and not in mid-block locations such as the subject site where they do not need to travel a long distance from the paved roads to their garages.

The other major concern the applicant has with utilising the rear laneway is that there is a lack of surveillance and lighting which creates an unsafe environment for residents.

On that basis, we continue to consider that the provision of vehicular access from Fontein Street is the most appropriate and suitable arrangement for the site.

Passive Surveillance

In respect to surveillance opportunities to the street frontage, the design allows for suitable levels of passive surveillance of the street frontage which is achieved at both ground and first floor level.

At ground level, the front doors are proposed to be double width glass doors which face directly to the street frontage and have a direct line of sight to the rear habitable rooms, and at first floor level there is additional surveillance associated with the north facing bedroom 1 windows for each dwelling.

Hard Surfacing

As noted above, the design has reduced the amount of hard paving in the front setback by reducing the width of the driveways which enables the provision of landscaping on each side boundary, removing the previous bin enclosures in the front setback to be replaced with landscaping and reducing the paths in front of the entries for each dwelling.

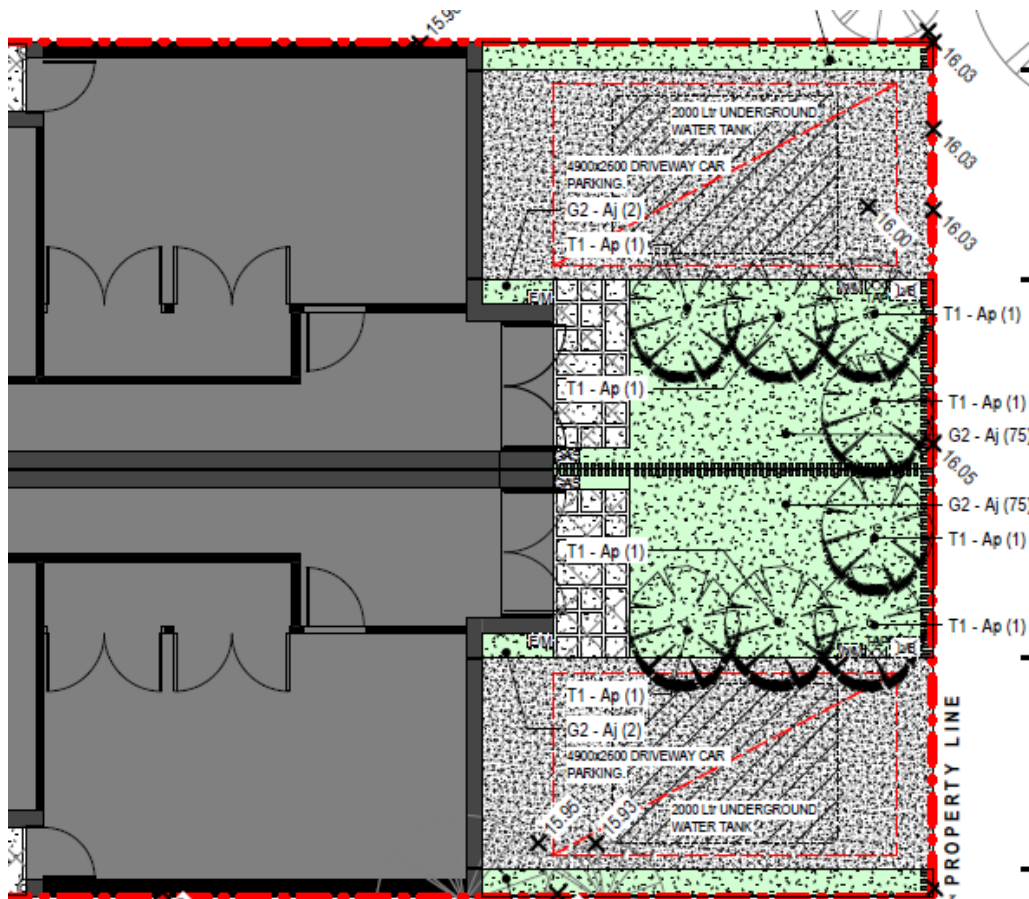


Figure 3: Amended design showing landscaping in the front setback

The front setback can be readily planted with a combination of canopy trees and understorey planting to create a soft landscape presentation to the street.

Access Objectives – Standard B14

We acknowledge that the extent of crossovers does not comply with Standard B14 which requires that new crossovers should not occupy more than 40% of the frontage. The relevant decision guidelines under Clause 5.03-9 include:

- *The design response.*
- *The impact on the neighbourhood character.*
- *The reduction of on-street car parking spaces.*
- *The effect on any significant vegetation on the site and footpath.*

We have already provided a response to the considerations of neighbourhood character and landscape within the site.

Turning to the issue of the loss of on-street car parking, while it is acknowledged that the crossovers will result in the loss of at least one on-street car parking space, this needs to be considered against the major benefit of providing the ability to provide for four on-site car parking spaces for the new dwellings. The existing dwelling on the site does have a garage/shed structure in the rear yard however this is not suitable for use for on-site car parking and therefore the site currently does not contain any on-site car parking. The applicant in this

permit application currently resides at the property and only use the on-street car parking spaces for convenience as a result of the rear laneway not being fit for purpose.

The provision of four on-site spaces which are conveniently located and easily accessible will easily compensate for the loss of on-street car parking.

We are not aware of any particular parking issues or constraints within Fontein Street or surrounding streets noting that there appears to be more than adequate on-street parking available and the loss of some on-street car parking spaces is not anticipated to significantly impact parking in the area. The site is not located adjacent to any activity centres or other uses which attract significant parking demands.

In respect to impacts on existing street trees, we note that the applicant has engaged the services of Arbor Express to undertake an arboriculture assessment and root mapping to determine the potential impacts of the proposed crossovers on the existing street trees in Fontein Street.

We refer to the details provided in the Arbor Express reports and assessments but note that the advice is that there will be no impacts on the TPZ or SRZ of Tree 4 associated with the crossover for Dwelling 15A. For Dwelling 15B and its impact on street Tree 3, subject to appropriate construction methods the proposal will not unreasonably impact the overall health of the tree.

Overall, it is considered that the proposed amended design has appropriately responded to the concerns raised by Council from a neighbourhood character perspective and represents a reasonable and acceptable planning outcome.

We trust that the attached information and above responses have addressed all items in Council's RFI and the application can proceed for determination.

Please contact the undersigned on 0400 829 235 or by email at phillipr@connectplanning.com.au if you have any questions regarding this correspondence.

Yours sincerely,



Phillip Rygl
Connect Town Planning



STORM Rating Report

TransactionID: 0
Municipality: MARIBYRNONG
Rainfall Station: MARIBYRNONG
Address: 15 Fontein Street

West Footscray
VIC 3012

Assessor: Zoran Galevski
Development Type: Residential - Multiunit
Allotment Site (m2): 465.00
STORM Rating %: 104

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Townhouse A	139.90	Rainwater Tank	2,000.00	4	117.80	83.00
Driveway A	19.20	Rainwater Tank	0.00	0	0.00	0.00
Townhouse B	139.90	Rainwater Tank	2,000.00	4	117.80	83.00
Driveway B	19.20	Rainwater Tank	0.00	0	0.00	0.00

15 Fontein Street West Footscray VIC 3012 Arboricultural Impact Assessment

Prepared for Zoran Galevski



Document Tracking

Project Name	15 Fontein Street West Footscray VIC 3012 Arboricultural Impact Assessment
Project Number	AIA6/01/2025
Prepared by	Patrick Mortell – AQF Level 5 Arborist
Reviewed by	Alex de Jong – AQF Level 5 Arborist
Status	Final
Version	v2
Last saved on	21/01/2025

This report should be cited as 'Arbor Express 15 Fontein Street West Footscray VIC 3012 Arboricultural Impact Assessment prepared for Zoran Galevski'.

ACKNOWLEDGEMENTS

This document has been prepared by Arbor Express Pty Ltd with support from Zoran Galevski

Disclaimer

I do not assume responsibility for liability associated with the tree on/or adjacent to this project site, the future demise and/or any damage which may result therefrom. They take care to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant can neither guarantee nor be responsible for the accuracy of information provided by others. I cannot be held responsible for any consequences as result of work carried out outside specifications, not in compliance with Australian Standards or by inappropriately qualified staff. If further investigations such as, aerial, drill and root tests are recommended, the report shall not be considered final until all investigations have been completed as further defects may be found. I have made every effort to accurately identify the current tree health and hazards. Results may or may not correlate to actual tree structural integrity. There are many factors that may contribute to limb or total tree failure, not all these symptoms are visible. There can be hidden defects that may result in a failure even though it would seem that other, more obvious defects would be the likely cause of failure. All standing trees have an element of unpredictable risk. The inspection was limited to a visual ground examination of the tree, without aerial inspections and below ground excavations. The assessments are limited and do not include specialized analysis. No internal diagnostics, aerial inspection and pathology test were conducted. Sketches, diagrams, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale.

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Abbreviations

Abbreviation	Description
AE	Arbor Express
AIA	Arboricultural Impact Assessment
AQF	Australian Qualifications Framework
AS	Australian Standards
C	Canopy
DAB	Diameter Above Buttress
DBH	Diameter at Breast Height
H	Height
m	Metre
mm	Millimetre
NDE	Non-Destructive Excavation
NO	Number
NSW	New South Wales
SRZ	Structural Root Zone
TPP	Tree Protection Plan
TPZ	Tree Protection Zone
VTA	Visual Tree Assessment

1. Introduction

This AIA has been prepared for Zoran Galevski in relation to a proposed development at 15 Fontein Street West Footscray VIC 3012. The address of the subject site is in Table 1 and mapped in Figure 1. The purpose of this report is to:

- Identify the trees within the site and adjacent surrounding area that are likely to be affected by the proposed development.
- Undertake a visual tree assessment of the subject trees.
- Assess the current overall health and condition of the subject trees.
- Evaluate the retention value of the subject trees.
- Identify trees to be removed, retained or transplanted.
- Determine the likely impacts of trees to be retained.
- Recommend tree protection measures to minimise the impacts to retained trees.
- Preparation of a tree protection plan for trees to be retained (if applicable).

Features of the subject site are tabulated below.

Table 1: Development site

Criteria	Description
Street address	15 Fontein Street West Footscray VIC 3012
Local government area	Maribyrnong City Council

Figure 1: Location



2. Method

Visual Tree Assessment

The subject trees were assessed in accordance with a stage one visual tree assessment (VTA) as formulated by Mattheck and Breloer (1994)¹, and practices consistent with modern arboriculture.

A total of 4 subject trees were inspected on 6 January 2025.

The following limitations apply to this methodology:

- Trees were inspected from ground level.
- These assessments did not include aerial (climbing) inspections, soil sampling, or root excavations.
- The canopy spread was measured either by estimation or pacing, and the longest span was recorded.
- The height of each tree was estimated.
- Trees were inspected within limits of site access.
- No aerial inspections or root mapping was undertaken.
- Trees located on adjacent properties or in restricted areas were not fully visually inspected, so any defects or abnormalities may not have been documented.
- Tree identification relied on broad taxonomical features visible from ground level at the time of inspection.

Retention Values

The retention value is the value of retaining a tree or group of trees and is assessed based on a blend of environmental, cultural, physical, and social factors.

- **High:** These trees are deemed worthy of preservation, and their retention should be prioritized. Proposed site designs and the positioning of buildings and infrastructure should take into account the Tree Protection Zones (TPZs) to mitigate any negative effects. Additionally, the extent of the canopy, especially concerning high-rise development, should be taken into consideration. Significantly pruning the trees to accommodate building envelopes or temporary scaffolding is typically not acceptable.
- **Medium:** Retaining these trees is desirable. They should be preserved as part of any proposed development, if feasible. However, these trees are considered less crucial for retention. If their removal becomes necessary, replacement planting should be contemplated in alignment with the Council's Tree Replacement Policy to offset any loss of amenity.
- **Low:** These trees lack significant ecological, heritage, or amenity value, or such values are greatly diminished due to their Safe Useful Life Expectancy (SULE). Therefore, these trees should not be viewed as hindrances to the future development of the site.
- **Very Low:** These trees are regarded as potentially hazardous, very poor specimens, or may even qualify as environmental or noxious weeds. Consequently, their removal is recommended irrespective of any proposed development considerations.

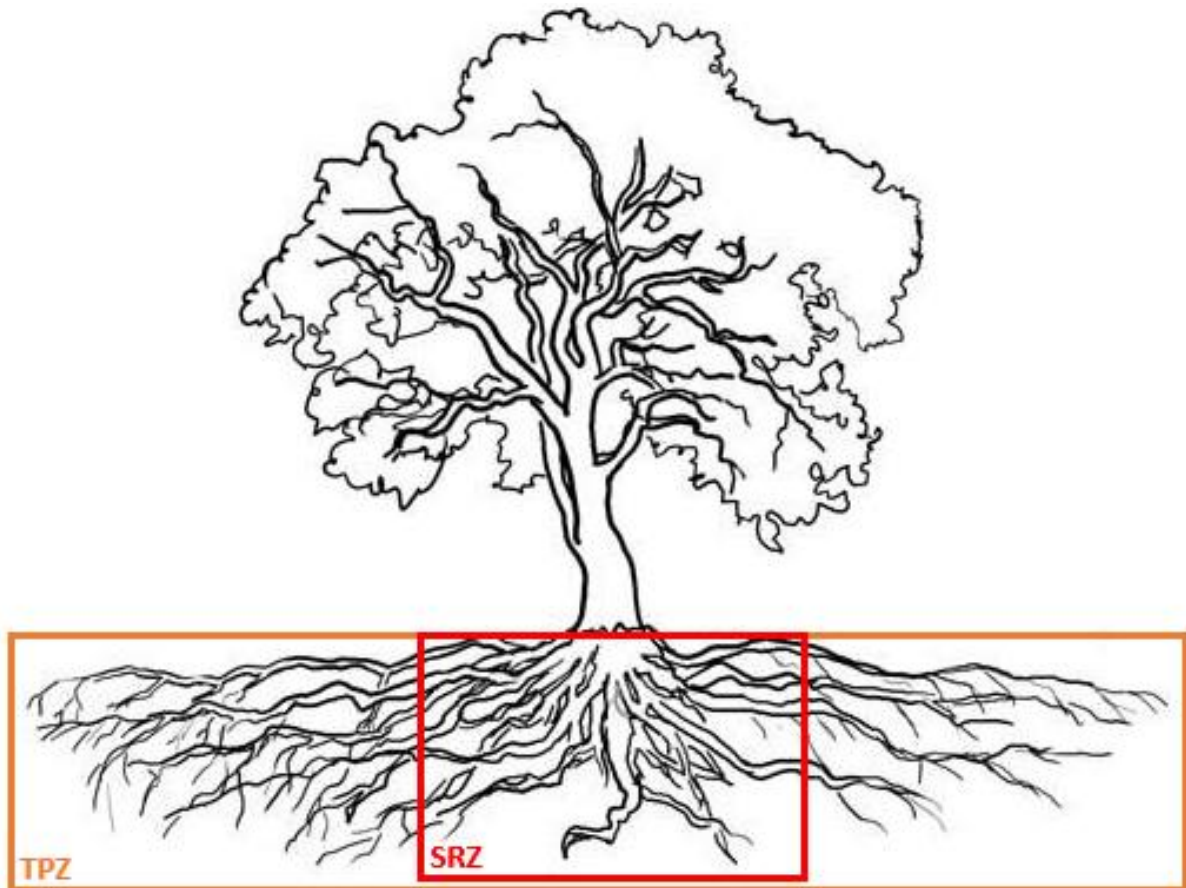
¹ Field Guide for Visual Tree Assessment (VTA) by Mattheck, C., and Breloer, H. Arboricultural Journal, Vol 18 pp 1-23 (1994).

Protection Zones

Tree Protection Zone (TPZ): The Tree Protection Zone (TPZ) is fundamental for safeguarding trees on development sites. It encompasses both the root and crown spread, creating a protected space free from construction disturbances to preserve the tree's health and viability.

Structural Root Zone (SRZ): The Structural Root Zone (SRZ) defines the space essential for maintaining tree stability, often requiring a larger area to sustain the tree's health. Calculating the SRZ becomes necessary when substantial encroachment into a Tree Protection Zone (TPZ) is proposed. Further analysis through root investigations can provide valuable insights into the extent of these roots.

Figure 2: Tree Protection Zone and Structural Root Zone

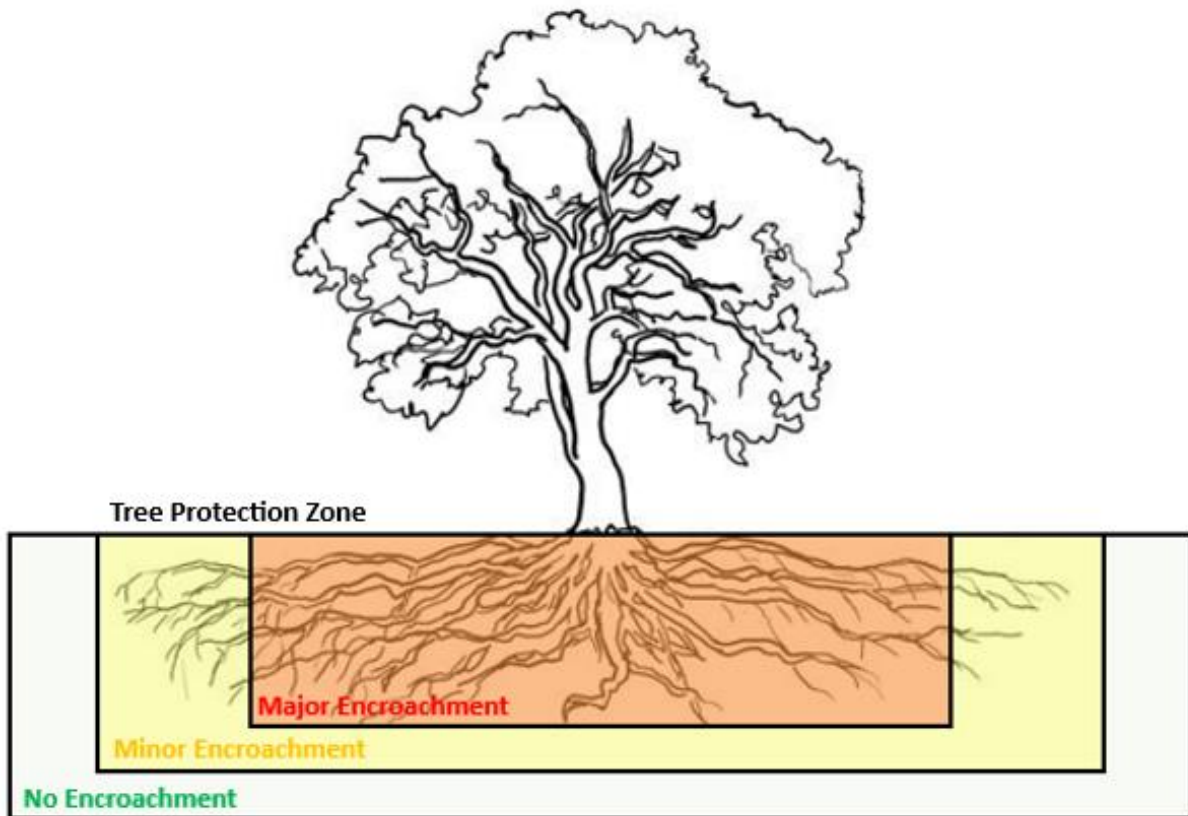


Impact Assessment

Development activities should be undertaken outside of Tree Protection Zones as much as possible. However, it's recognized that complete avoidance is not always feasible, and some encroachment within these zones may occur due to various reasons. Australian Standard AS 4970-2009, "*Protection of trees on development sites*," offers guidelines for managing such encroachments without necessitating extensive tree management and protection measures. Encroachment parameters are categorized as follows:

- **Minor encroachment:** Detailed root investigations should not be necessary if the proposed encroachment is less than 10% of the TPZ and outside of the SRZ. However, the area lost to this encroachment should be compensated for elsewhere, contiguous with the TPZ.
- **Major encroachment:** If the proposed encroachment exceeds 10% of the TPZ, it is imperative to show that the tree(s) can still thrive. The lost area due to this encroachment should be offset elsewhere, maintaining continuity with the TPZ. Non-destructive root investigations may be necessary for any planned works within this area.

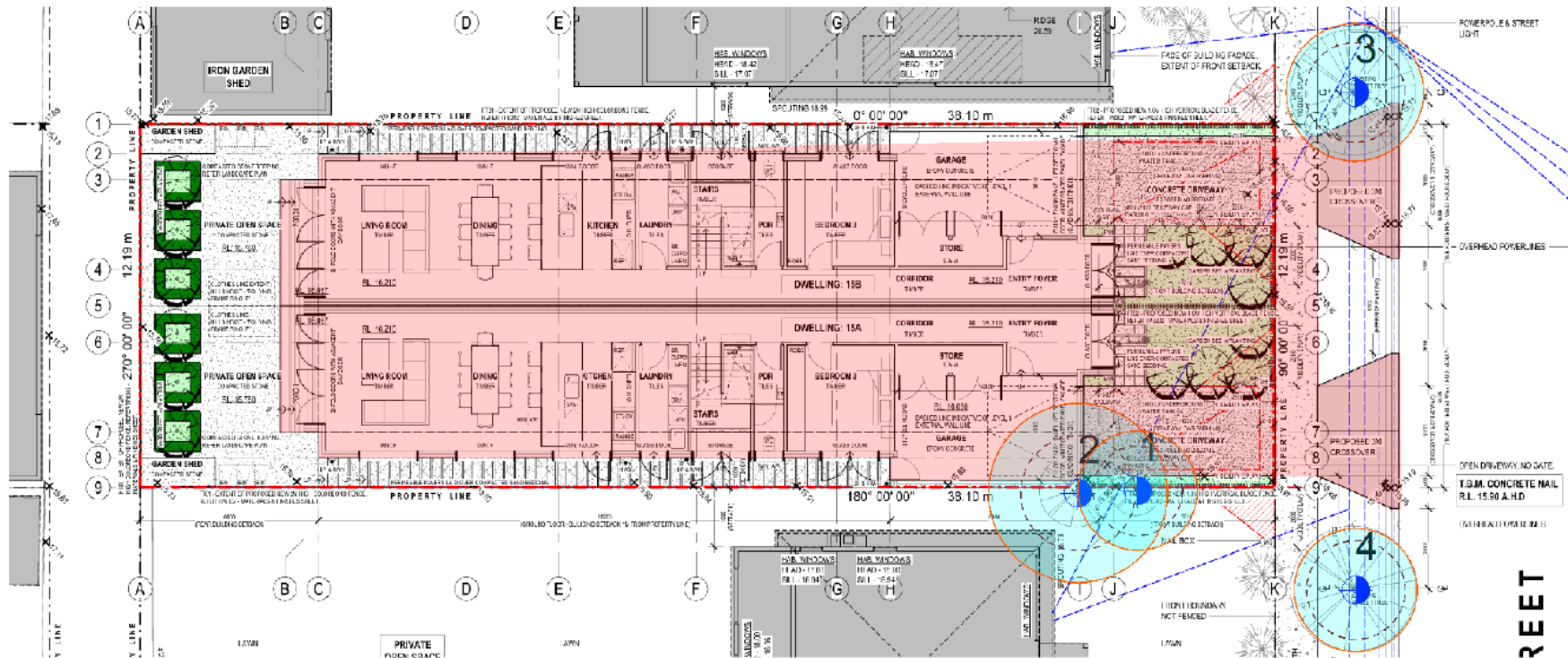
Figure 3: Tree Protection Zone Encroachments






3. Tree Schedule

Tree #	Botanical Name (Common Name)	Height (m)	Canopy (m)	DBH (mm)	DAB (mm)	TPZ (m)	SRZ (m)	TPZ Encroachment	SULE	Retention Value	Action
1	<i>Pittosporum undulatum</i> (Australian Cheesewood)	2.80	2.50	105	115	2.00	1.50	33.8%	2B	Low	Remove
2	<i>Ligustrum vulgare</i> (Privet)	4.60	3	250	275	3.00	1.92	39.6%	2B	Low	Remove
3	<i>Pyrus calleryana</i> (Callery Pear)	5.80	4.60	192	196	2.30	1.70	22.3%	1A	Moderate	Retain
4	<i>Pyrus calleryana</i> (Callery Pear)	5.20	4.20	172	192	2.10	1.70	0.0%	1A	Moderate	Retain

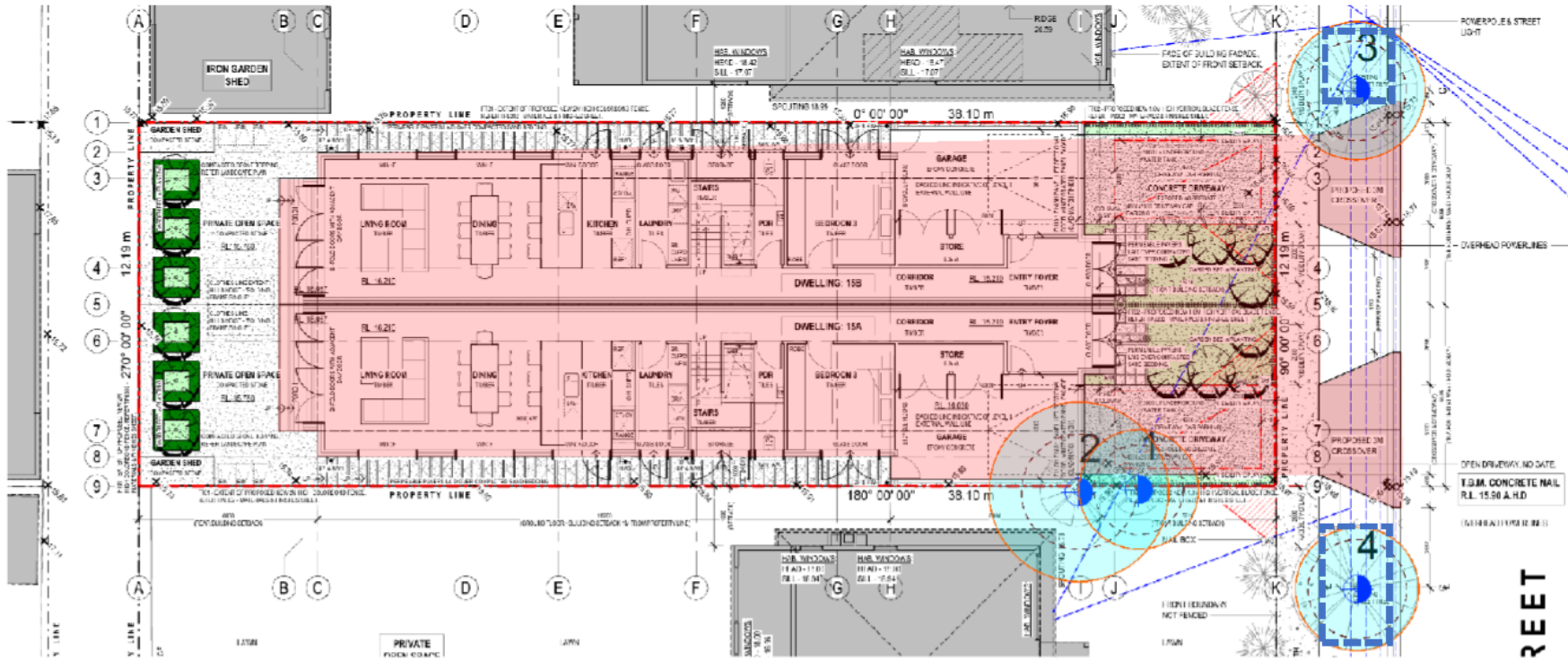
4. Arboricultural Impact Assessment



Legend

- Tree Protection Zone 
- Tree Protection Zone Encroachment 
- Structural Root Zone 

5. Tree Protection Plan



Legend

Tree Protection Fencing - - - - -

6. Recommendations

Tree Protection

A total of 2 individual trees are proposed for retention. The following mitigation measures will be required:

- The tree protection plan (Section 5) must be implemented.
- Tree protection fencing is required around the TPZs (where viable) of Trees 3 and 4.
- All trees to be retained must be protected in accordance with AS 4970-2009, details of which are included in Appendix D.
- No over-excavation, shall be undertaken beyond the footprint of any structure unless approved by the Project Arborist.
- The root mapping investigation for Tree 3 (refer to the root mapping report prepared by Arbor Express), revealed roots that are critical to the tree's vitality and cannot be severed without compromising its health. The roots appear to be deep enough to allow a vehicle crossover over the top (To be confirmed by an engineer), and the crushed rock sub-grade would have to be placed around the roots. As a result, the vehicle crossover construction must be adapted to ensure the preservation of these roots. Alternatively, A hydrovac or air spade could be used to excavate the area around the root system impacted by the vehicle crossover. This approach allows for the careful lowering if required and retention of the roots, creating space for the vehicle crossover construction without compromising the tree's health. This will need to be supervised by an AQF Level 5 Arborist to ensure that the roots are not damaged during the process.

This strategy will help balance the vehicle crossover requirements with the preservation of Tree 3 structural and biological integrity.

Tree Removal

Trees 1 and 2 TPZ encroaches on the proposed development by 33.8% and 39.6% respectively. These trees have been recommended for removal to accommodate the proposed development due to the TPZ encroachment being greater than 10% and root loss. Additionally, both trees are of low retention value and should be removed irrespective of the development

7. Construction Hold Points for Tree Protection

Project Arborist

Below is a sequence of hold points requiring project arborist certification throughout the development process. It provides a list of hold points that must be checked and certified. All certifications must be provided in written format upon completion of the development. The final certification must include details of any instructions for remediation undertaken during the development. The principle contractor should be responsible for implementation of all tree protection requirements.

Hold Point	Stage	Date Completed and Signature of Project Arborist Responsible
Project Arborist to hold pre construction site meeting with principle contractor to discuss methods and importance of tree protection measures and resolve any issues in relation to feasibility of tree protection requirements that may arise. Project Arborist to mark all trees approved for removal under DA consent.	Prior to development work commencing	
Project Arborist to assess and certify that tree protection has been installed in accordance with AS 4970-2009 prior to works commencing at site.	Prior to development work commencing	
In accordance with AS 4970-2009 the Project Arborist should carryout regular site inspections to ensure works are carried out in accordance with the relevant DA conditions.	On-going through the development	
The removal of existing structures inside the TPZ of any tree to be retained, such as the existing buildings and hard surfaces must be supervised by the Project Arborist.	Demolition	
Project Arborist to supervise all manual excavations and root pruning inside the TPZ of any tree to be retained. Project Arborist to approve all pruning of roots greater than 30mm inside TPZ. All root pruning of roots greater than 30mm in diameter must be carried out by an AQF level 5 Arborist.	Construction	
Project Arborist to certify that all underground services including storm water inside TPZ of any tree to be retained have been installed in accordance with AS 4970-2009.	Construction	
Project Arborist to approve relocation of tree protection for landscaping. All landscaping works within the TPZ of trees to be retained are to be undertaken in consultation with the Project Arborist to minimise the impact to trees.	Construction / Landscape	
After all demolition, construction and landscaping works are complete the Project Arborist should assess that the subject trees have been retained in the same condition and vigour. If changes to condition are identified the project Arborist should provide recommendations for remediation.	Upon completion of the development	

8. References

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- Standards Australia 2003. *Composition, Soil and Mulches, AS 4454 (2003)*, Standards Australia, Sydney.
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Appendix A: Glossary of Terms

Abiotic - Pertaining to non-living agents, e.g. environmental factors.

Anchorage - The system whereby a tree is fixed within the soil, involving cohesion between roots and soil and the development of a branched system of roots which withstands wind and gravitational forces transmitted from the aerial parts of the tree.

Branch:

- Primary. A first order branch arising from a stem.
- Lateral. A second order branch, subordinate to a primary branch or stem and bearing sub-lateral branches.
- Sub-lateral. A third order branch, subordinate to a lateral or primary branch, or stem and usually bearing only twigs.

Branch collar - A visible swelling formed at the base of a branch whose diameter growth has been disproportionately slow compared to that of the parent stem; a term sometimes applied also to the pattern of growth of the cells of the parent stem around the branch base.

Cambium - Layer of dividing cells producing xylem (woody) tissue internally and phloem (bark) tissue externally.

Canker - A persistent lesion formed by the death of bark and cambium due to colonisation by fungi or bacteria.

Compartmentalisation - The confinement of disease, decay or other dysfunction within an anatomically discrete region of plant tissue, due to passive and/or active defences operating at the boundaries of the affected region.

Condition - An indication of the physiological condition of the tree. Where the term 'condition' is used in a report, it should not be taken as an indication of the stability of the tree.

Crown/Canopy - The main foliage bearing section of the tree.

Crown lifting - The removal of limbs and small branches to a specified height above ground level.

Crown reduction/shaping - A specified reduction in crown size whilst preserving, as far as possible, the natural tree shape.

DAB (Diameter Above Buttress) - Trunk diameter measured above the root buttress.

Defect - In relation to tree hazards, any feature of a tree which detracts from the uniform distribution of mechanical stress, or which makes the tree mechanically unsuited to its environment.

Dieback - The death of parts of a woody plant, starting at shoot-tips or root-tips.

Disease - A malfunction in or destruction of tissues within a living organism, usually excluding mechanical damage; in trees, usually caused by pathogenic micro-organisms.

DBH (Diameter at Breast Height) - Stem diameter measured at a height of 1.4 metres or the nearest measurable point. Where measurement at a height of 1.4 metres is not possible, another height may be specified.

Deadwood - Branch or stem wood bearing no live tissues. Retention of deadwood provides valuable habitat for a wide range of species and seldom represents a threat to the health of the tree. Removal of deadwood can result in the ingress of decay to otherwise sound tissues and climbing operations to access deadwood can cause significant damage to a tree. Removal of deadwood is generally recommended only where it represents an unacceptable level of hazard.

Epicormic shoot - A shoot having developed from a dormant or adventitious bud and not having developed from a first year shoot.

Heartwood/false-heartwood - The dead central wood that has become dysfunctional as part of the aging processes and being distinct from the sapwood.

Included bark (ingrown bark) - Bark of adjacent parts of a tree (usually forks, acutely joined branches or basal flutes) which is in face-to-face contact.

Lions tailing - A term applied to a branch of a tree that has few if any side-branches except at its end and is thus liable to snap due to end-loading.

Occlusion - The process whereby a wound is progressively closed by the formation of new wood and bark around it.

Pruning - The removal or cutting back of twigs or branches, sometimes applied to twigs or small branches only, but often used to describe most activities involving the cutting of trees or shrubs.

Reactive Growth/Reaction Wood - Production of woody tissue in response to altered mechanical loading; often in response to internal defect or decay and associated strength loss (cf. adaptive growth).

Ring-barking - The removal of a ring of bark and phloem around the circumference of a stem or branch, normally resulting in an inability to transport photosynthetic assimilates below the area of damage. Almost inevitably results in the eventual death of the affected stem or branch above the damage.

Stress - In plant physiology, a condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water, inadequate nutrition or extremes of temperature.

SRZ (Structural Root Zone) - The area around the base of the tree required for the tree's stability in the ground.

Topping - In arboriculture, the removal of the crown of a tree, or of a major proportion of it.

TPZ (Tree Protection Zone) - A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

Veteran tree - Tree that, by recognised criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned. These characteristics might typically include a large girth, signs of crown retrenchment and hollowing of the stem.

Vigour - The expression of carbohydrate expenditure to growth (in trees).

Appendix B: Retention Value

Evaluating Sustainability and Landscape Significance to Determine Retention Value	
Retention Value	Criteria and Categories
High	These trees are considered to be worthy of preservation. As such, careful consideration should be given to their retention as a priority. Proposed site design and placement of buildings and infrastructure should consider the TPZ to minimize any adverse impact. In addition to TPZs, the extent of the canopy should also be considered, particularly in relation to a high-rise development. Significant pruning of the trees to accommodate the building envelope or temporary scaffolding is generally not acceptable.
Moderate	The retention of these trees is desirable. These trees should be retained as part of any proposed development, if possible; however, these trees are considered to be less critical for retention. If these trees must be removed, replacement planting should be considered in accordance with Council's Tree Replacement Policy to compensate for loss of amenity.
Low	These trees are not considered to be worthy of any special measures to ensure their preservation, due to current health, condition or suitability. They do not have any special ecological, heritage or amenity value, or these values are substantially diminished due to their SULE. These trees should not be considered as a constraint to future development of the site.
Very Low	These trees are considered to be potentially hazardous or very poor specimens or may be environmental or noxious weeds. The removal of these trees is therefore recommended regardless of the implications of any proposed development.

Appendix C: Safe Useful Life Expectancy (SULE)

	1 LONG SULE	2 MEDIUM SULE	3 SHORT SULE	4 REMOVALS	5 MOVED OR REPLACED
	Long: appeared to be retainable at the time of assessment for over 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Medium: appeared to be retainable at the time of assessment for 15 to 40 years with an acceptable degree of risk, assuming reasonable maintenance.	Short: appeared to be retainable at the time of assessment for 5 to 15 years with an acceptable degree of risk, assuming reasonable maintenance.	Removal: trees which should be removed within the next 5 years.	Moved or Replaced: Trees which can be readily moved or replaced.
A	Structurally sound trees located in positions that can accommodate future growth.	Trees that may only live between 15 and 40 more years.	Trees that may only live between 5 and 15 more years.	Dead, dying, suppressed or declining trees through disease or inhospitable conditions.	Small trees less than 5 metres (m) in height.
B	Trees that could be made suitable for long-term retention by remedial tree care.	Trees that may live for more than 40 years but would be removed for safety or nuisance reasons.	Trees that may live for more than 15 years but would be removed for safety or nuisance reasons.	Dangerous trees through damage, structural defect, instability or recent toss of adjacent trees.	Young trees less than 15 years old but over 5m in height.
C	Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long term retention.	Trees that may live for more than 40 years but should be removed to prevent interference with more suitable individuals or to provide space for new planting.	Trees that may live for more than 15 years but should be removed to prevent interference with more suitable individuals or to provide space for new planting.	Dangerous trees through structural defects including cavities, decay, included bark, wounds or poor form.	Trees that have been regularly pruned to artificially control growth'.
D		Trees that could be made suitable for retention in the medium term by remedial tree care.	Trees that require substantial remedial tree care and are only suitable for retention in the short term.	Damaged trees that are clearly not safe to retain.	
E				Trees that may live for more than 5 years but should be removed to prevent interference with more suitable individuals or to	

	1 LONG SULE	2 MEDIUM SULE	3 SHORT SULE	4 REMOVALS	5 MOVED OR REPLACED
				provide space for new planting.	
F				Trees that are damaging or may cause damage to existing structures within 5 years.	
G				Trees that will become dangerous after removal of other trees for the reasons given in A) to F).	

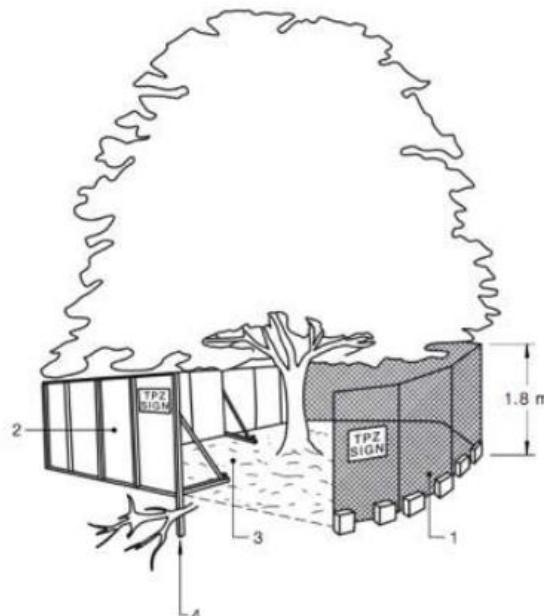
Appendix D: Tree Protection Guidelines

The following tree protection guidelines must be implemented during the construction period if no tree specific recommendations are detailed.

Tree Protection Zone Establishment

Prior to the introduction of any machinery or materials onto the site, and before initiating any works such as bulk earthworks, fencing should be installed. Once in place, any alterations or removal of protective fencing must receive approval from the project arborist. Access to the TPZ must be restricted by securing it appropriately. The establishment and management of the Tree Protection Zone should adhere to the following guidelines:

- 1) Specify the trees within and around the subject allotment that are slated for preservation and protection during the development process. This could involve trees on neighboring properties as well as street trees.
- 2) The Tree Protection Zone radius should align with the calculation specified in the Individual Tree Data and Imagery.
- 3) Please locate and mark the alignment of protective fencing. This alignment may differ from the actual TPZ radius, taking into account areas where acceptable encroachment is permitted (determined in consultation with the project arborist) and site access needs. Protective fencing is necessary only within the subject allotment, assuming appropriate boundary fencing is already installed.
- 4) Set up protective fencing as depicted in the accompanying image. Adhere to the relevant fencing requirements outlined in AS 4687 for temporary fencing and hoardings. Additionally, affix shade cloth or a similar material to mitigate the transfer of dust, particulate matter, and liquids into the protected area.



Legend:

1. Chain wire mesh panels with shade cloth (if required) attached, held in place with concrete feet.
2. Alternative plywood or wooden palling fence panels. This fencing material also prevents building materials or soil entering the TPZ.
3. Mulch installation across surface of TPZ (at the discretion of the Project Arborist). No excavation construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.
4. Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

Protection when works within the tree protection zone is required

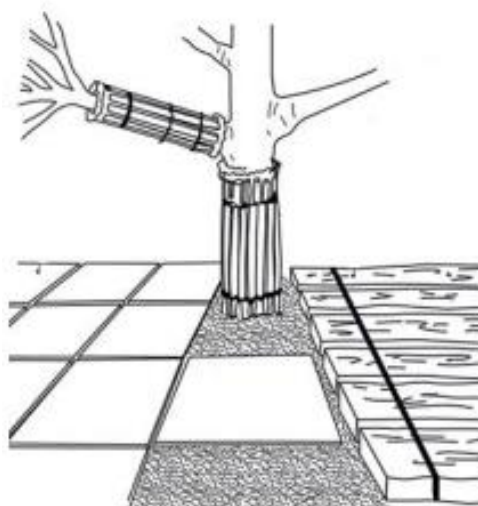
If the fencing has been reduced from the full TPZ radius to accommodate vehicle or machinery access, it's crucial to implement heavy-duty ground protection and trunk protection. This measure is essential to support the passage of vehicles like excavators, cranes, pier drilling machinery, hydro-excavation trucks, and other necessary equipment.

The heavy-duty ground protection includes:

- 1) A layer of geotextile fabric on top of the natural ground.
- 2) Cover the geotextile with a 100mm thick layer of organic mulch.
- 3) Install ground protection on top of the organic mulch (Bog mat or timber battens)

Trunk protection will include protection to the trunk and branches of trees as shown below. A minimum height of 2m is recommended.

- 1) Install breathable padding or hessian around the trunk of the tree.
- 2) Install closely spaced timber battens around the trunk, with the top edge protecting the trunk/bark by the padding/hessian. Secure with strapping

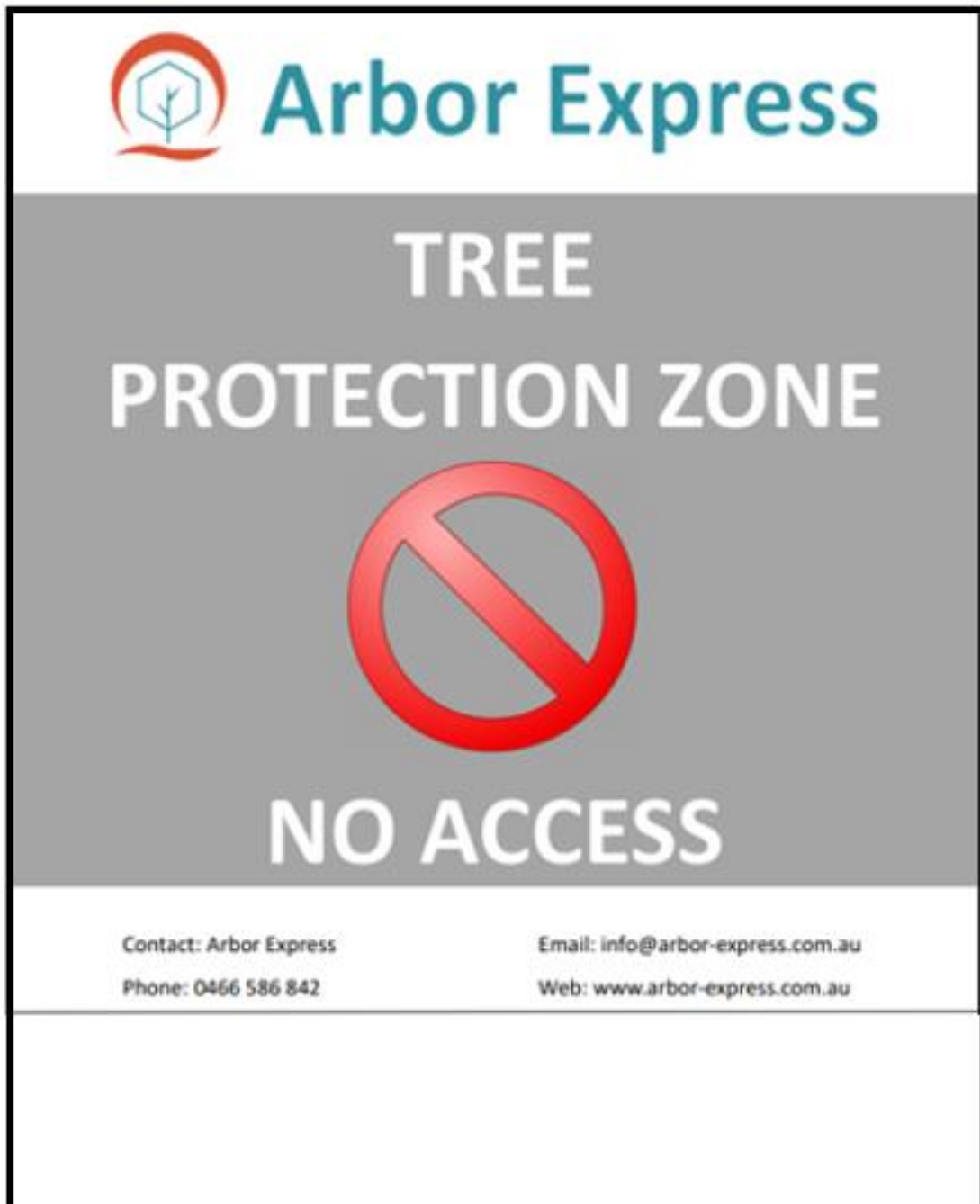
**Notes:**

1. For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
2. Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

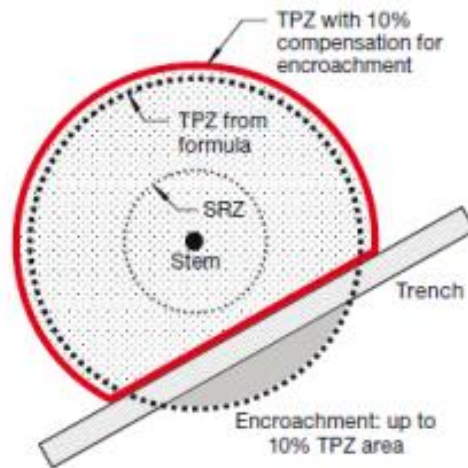
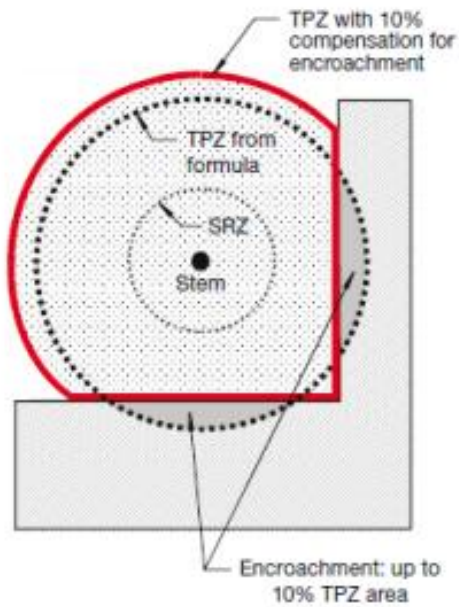
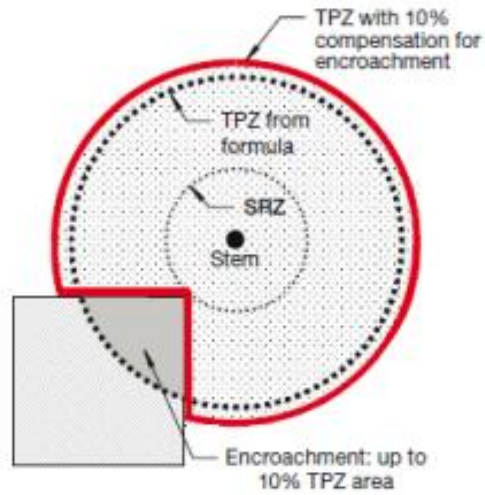
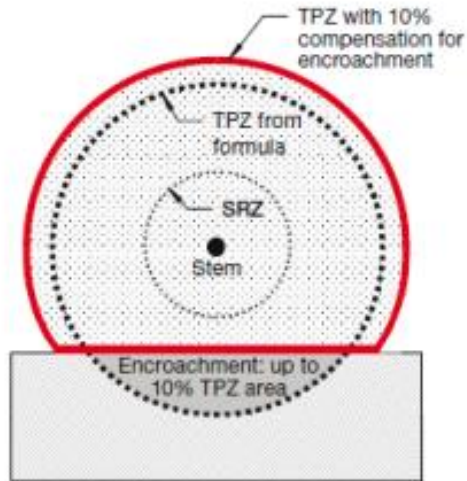
Underground Services

Whenever feasible, route all underground services away from the TPZ. If installing underground services within the TPZ becomes unavoidable, utilize non-intrusive methods such as horizontal directional drilling (HDD), non-destructive excavation (NDE) techniques like hydro-vacuum or Air Spade, or manually excavated trenches. Ensure that horizontal drilling or boring is carried out at a depth of at least 600 mm below grade. It's important to note that trenching for services is classified as "excavation." The project arborist should assess the potential impacts of drilling and bore pits on retained trees.

Example of a Tree Protection Sign



Appendix E: Encroachment into the Tree Protection Zones





Locations

- Sydney
- NSW South Coast (Wollongong to Bega)
- NSW Central Coast (Gosford to Newcastle)
- Southern Highlands
- Blue Mountains
- Canberra and Queanbeyan
- Regional NSW

Services

- Arborist Reports for Developments
- Tree Root Mapping
- Project Arborist
- Tree Health and Safety Assessments
- Tree Structural Testing (Resistograph)
- Flora & Fauna Assessments and Project Ecologist
- Vegetation Management Plans

Contact Us

- 0466 586 842
- Info@arbor-express.com.au

Zoran Galevski
 15 Fontein Street
 West Footscray VIC 3012

16 December 2024

To whom it may concern

Root Mapping Investigation
15 Fontein Street West Footscray VIC 3012

Root mapping using an air spade has been undertaken on 16 December 2024 within the Tree Protection Zone (TPZ) of Tree 3 to determine the size and depth of the tree roots prior to the construction for the vehicle crossover. Tree 4 has a TPZ of 2.064 meters and it will not be impacted by the construction of a vehicle crossover. Photos 1 and 2 shows the tree locations at 15 Fontein Street West Footscray VIC 3012. The trench for root mapping of Tree 3 was 2 metres long and the depth of the trench was 600mm. The location of the tree roots and measurements have been listed in Table 1.

Trench	Root #	Tree #	Root Diameter (mm)	Depth to the top of the root (mm)
1	1	3	27	201
1	2	3	65	220
1	3	3	30	216
1	4	3	52	180

Table 1: Tree Root Data

Tree #	Botanical Name (Common Name)	Height (m)	Canopy (m)	DBH (mm)	DAB (mm)	SULE	Retention Value
3	<i>Pyrus calleryana (Callery Pear)</i>	5.80	4.60	192	196	1A	Moderate
4	<i>Pyrus calleryana (Callery Pear)</i>	5.20	4.20	172	192	1A	Moderate

Trees 3 and 4 age; Mature.

Tree 3 TPZ; 2.304 meters, SRZ; 1.67 meters.

Tree 4 TPZ; 2.064 meters, SRZ; 1.65 meters.

In my opinion Roots 2 and 4 (**Major Root**) of Tree 3 should not be cut given their size. However, roots 1 and 3 could be cut with minimal impact. Cutting the Major Roots could cause the vitality and structural stability of Tree 3 to be compromised.

For further information please contact Arbor Express via email at info@arbor-express.com.au A photolog has been attached overleaf.

Your sincerely,

Patrick Mortell
 AQF level 5 Arborist

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Photo Log

Photo 1: Tree 3



Office Contact:

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Photo 2: Tree 4



Office Contact:

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Photo 3: Roots 1-4 of Tree 3.



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Photo 4: Root Mapping for Tree 3.



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