

# CITY OF MARIBYRNONG ADVERTISED PLAN

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*Town Planning*

## Town Planning Report

*S72 application  
Planning Permit TP118/2022*

**192 Hyde Street,  
Yarraville**



**Version Control**

Version	Date	Details
1	November 2024	For lodgement
2	January 2025	RFI

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# 1. Introduction

The following report sets out the details and relevant planning considerations relating to a amending Planning Permit T118/2022.

The report sets out the relevant Planning Policies and provides an assessment of the proposal.

The report demonstrates that the proposal has a high level of compliance with policy expectations for a neighbourhood within a General Residential Zone 1, neighbourhood character, and internal and external amenity considerations.

<b>Planning Scheme</b>	Maribyrnong
<b>Current Zoning</b>	General Residential – Schedule 1 (GRZ1)
<b>Overlays</b>	Design and Development Overlay, Schedule 13
<b>Planning permit trigger/s</b>	Construction of two or more dwellings on a lot.
<b>Site Area</b>	679sqm approx.
<b>Garden Area Required</b>	36.2%
<b>Vegetation</b>	No change to that approved.
<b>ResCode</b>	Clause 55 applicable.
<b>Parking</b>	No change to that approved.
<b>Key Considerations</b>	Character/streetscape fit Scale External amenity impacts

## 2. Background and the Subject Site

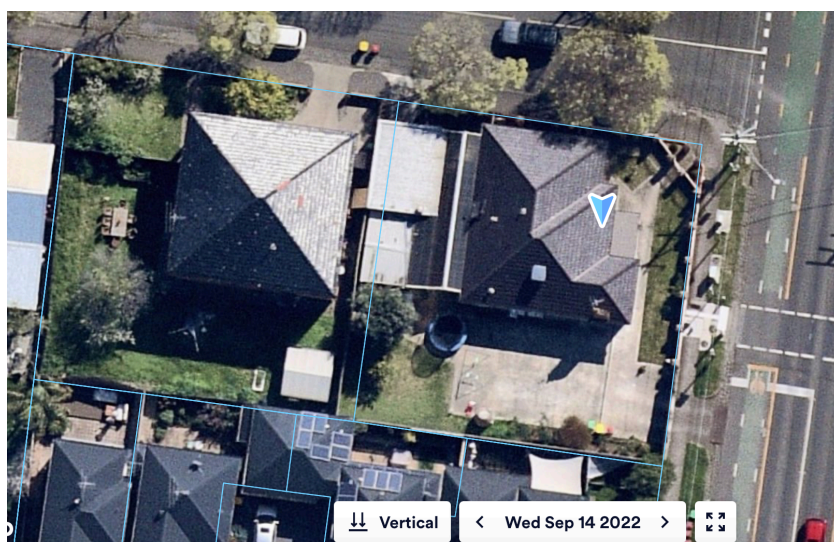
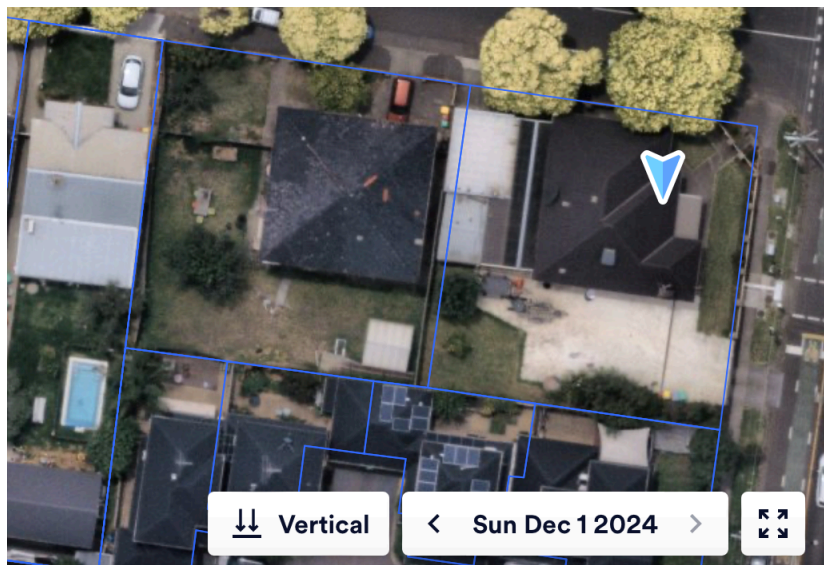
### Background

Planning Permit TP118/2022 was issued on 4 October 2022 and authorised the construction of *multiple dwellings on the lot*. Specifically, the construction of three double storey dwellings was authorised, with roof terraces.

Plans were endorsed on 11 November 2022.

### The site

The subject site comprises a single residential allotment on the south side of Hyde Street, Yarraville, on the corner with Schild Street. The site and surrounding land remains unchanged from when the Planning Permit was issued in 2022 as can be seen in the dated aerial images below.

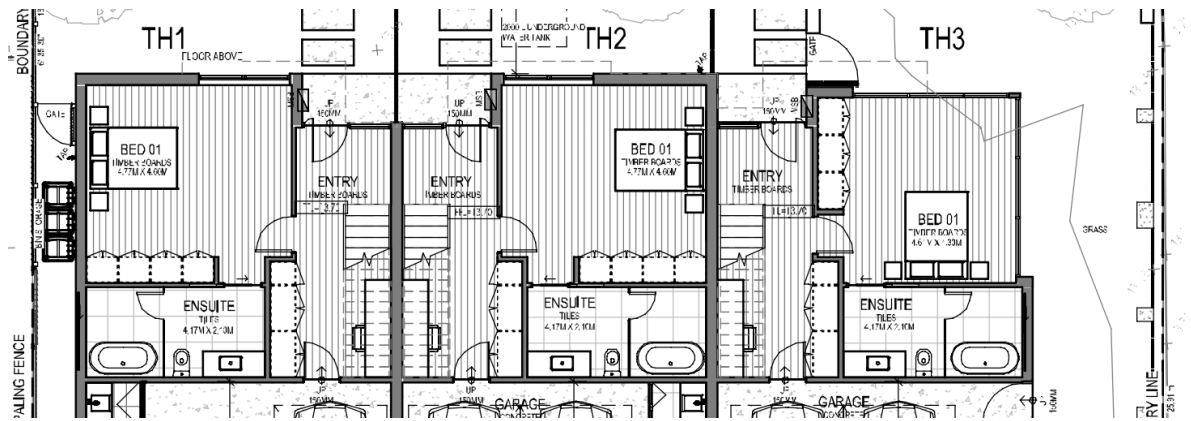


# 3. The Amended Proposal

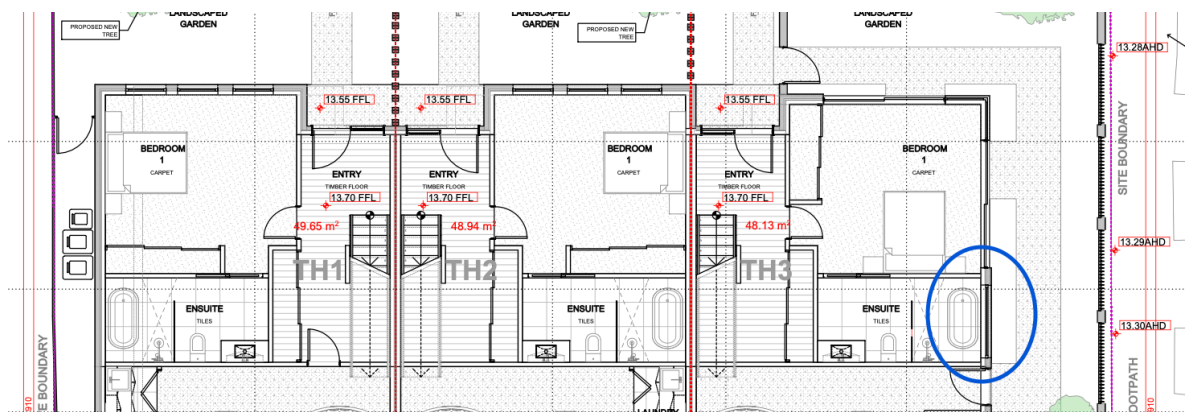
As mentioned the plans were endorsed in November 2022. The following changes are proposed to the endorsed plans:

## Ground floor

The indent associated with the ensuite of bedroom 1 of unit 1 to now match the remainder of the setback as shown in the excerpt below.



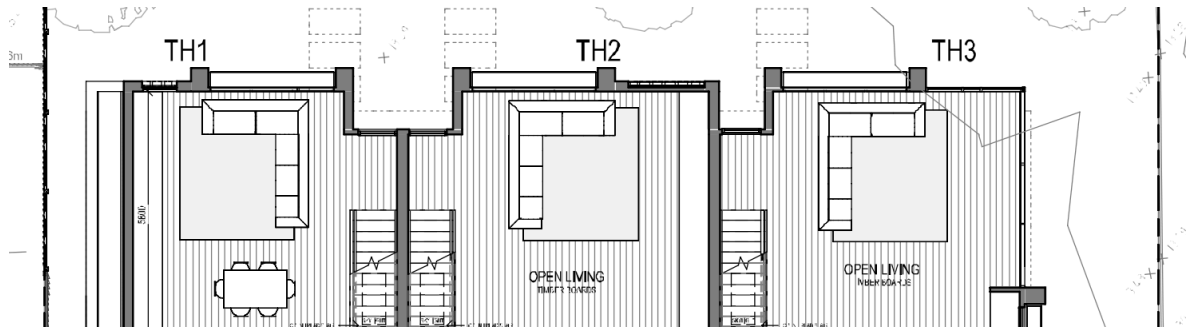
Endorsed plan



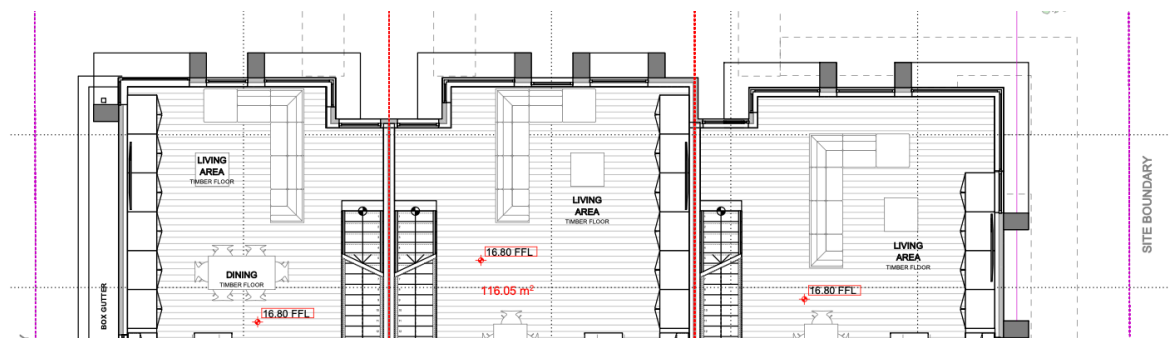
Proposed amended plan – area circled in blue

## First floor

The indents associated with the living areas of all units changed in size as shown in the excerpts below:



Endorsed plans



Proposed plans

## Materials, colors and finishes

The following changes have been proposed:

- The ground floor brick modified to a red recycled (or similar brick). This is also proposed to the front walls in lieu of render.
- Screens to the front elevations removed and replaced with the copper clad shrouds.
- Windows have been simplified.
- The canopy to the roof deck and steel frames removed.

## Roof deck

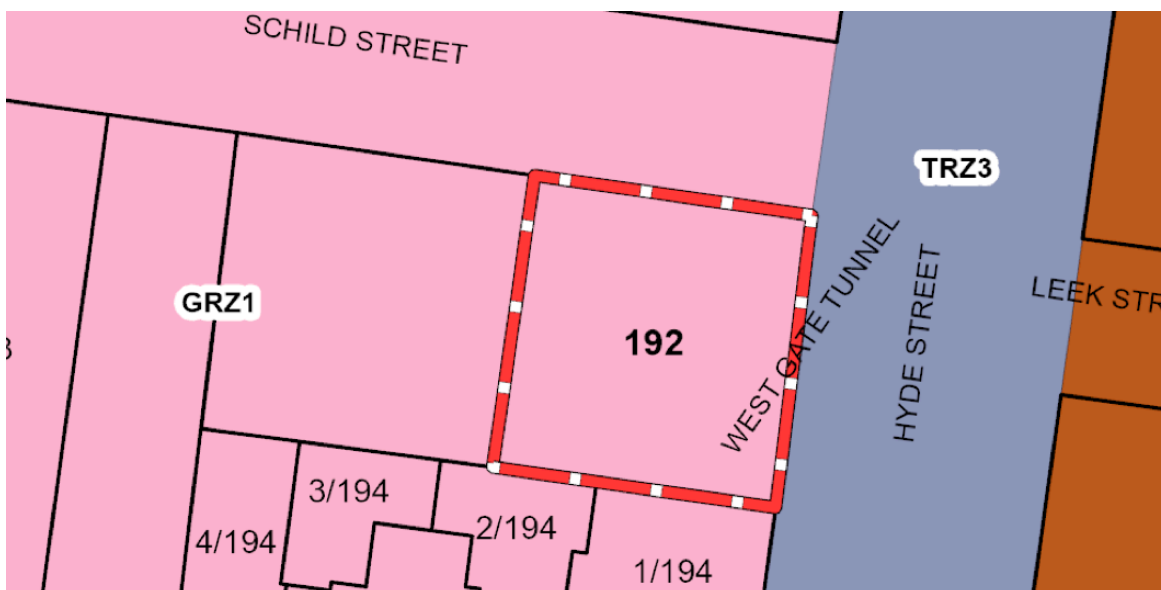
- The finished floor levels of the roof deck have been increased by 150mm. the overall building heights do not change.

# 5. Decision Rules and Policy

## 5.1 Zone, Overlays and Particular Provisions

The subject site is located within a **General Residential Zone -Schedule 1 (GRZ1)** under the Maribyrnong Planning Scheme. The purpose of the GRZ is:

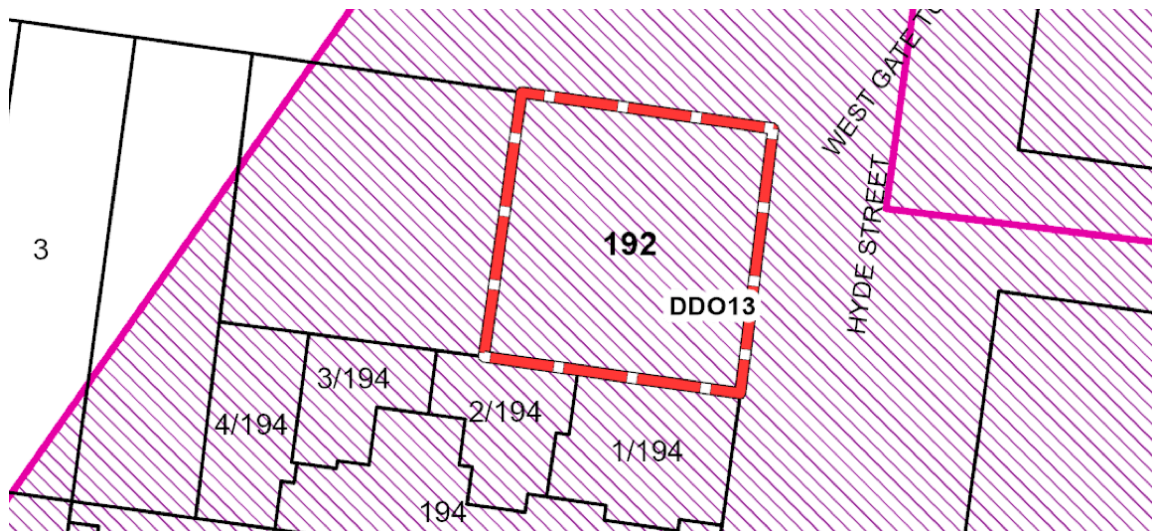
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.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



Pursuant to Clause 32.08-9, a Planning Permit is required for the construction of two or more dwellings on a lot. The zoning has not changed since the grant of the original Planning Permit.

Permission for three dwellings has been granted via Planning Permit TP118/2022. This application seeks changes to the endorsed plans only. No conditions of permit are affected/need changing or deletion by this amended application and no change to the permit preamble is required.

The site is located within a **Design and Development Overlay, Schedule 13 - West Gate Tunnel Project – Tunnel Protection Area 1**



Pursuant to Part 2 of the Schedule 13, a permit is not required under this schedule for:

- A new building of up to five storeys in height without a basement provided any footing is founded no more than three metres below Surface Level.
- A temporary structure of no more than five storeys.
- Excavation works where the depth of excavation is not more than three metres below Surface Level.
- A pole, sign or retaining wall provided any footing is founded no more than three metres below Surface Level.
- An underground utility provided any trench is no more than three metres below Surface Level.
- Earthworks that do not build up the ground level by more than three metres above Surface Level.
- Buildings and works associated with the construction, operation, maintenance or repair of the Project or the West Gate Tunnel

As such, the amended application does not need a permit under the Overlay. The original application did not need a permit under the Overlay either.

#### **Clause 52.06 – Car Parking**

The dwelling proposes three units, with 2 or more bedrooms. As such, 2 undercover car spaces are required for each dwelling.

This was provided and approved with the original application and no change is proposed to the number of car spaces or the parking layout and garages as part of this amended application.



## 5.2 Planning Policy Framework

The subject site is affected by numerous strategies in the Planning Policy Framework (PPF), the most relevant being contained within:

- **Settlement (Clause 11)**
- **Built Environment and Heritage (Clause 15)**
- **Housing (Clause 16)**

### **Settlement (Clause 11) and Metropolitan Melbourne (Clause 11.01-1R1)**

It is policy that land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

### **Built Environment and Heritage (Clause 15.012S, 4R, 5S)**

It is policy that land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.

A stated objective of this policy is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

It is also policy to ensure that buildings and subdivision design improves efficiency in energy use.

### **Residential Development (Clause 16.01)**

Policy in respect to Housing seeks to provide housing diversity, which respects neighbourhood character, efficient provision of infrastructure, access to services and facilities including public transport and include provision for affordable housing.

To achieve this objective, the proportion of housing in Metropolitan Melbourne is to be increased within established urban areas, particularly near activity centres.

It is also housing diversity policy to provide for a range of housing types to meet increasingly diverse needs. One strategy to achieve this is to ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.

In response:

The built form on nearby land provides a mixed character, ranging from new and original single dwellings, to new single dwellings and unit development in a contemporary form. The immediate surrounds have not changed since the grant of the original Planning Permit. The proposed design response is largely unchanged in terms of the building envelope and the changes proposed to the materials colors and finishes are still respectful of the varied character by proposing a high quality contemporary design.

The amended response to the adjoining context is appropriate as the built form proposes a building envelope that is the same as already approved, aside from the minor changes to the indents. Lengths and setbacks remain unchanged and will therefore will continue to not impose unreasonably upon any sensitive interfaces

As the height also remains unchanged, the development will continue to not have an overbearing impact on the surrounding properties and its height is similar to the other development in the locale. The increase in height of the roof deck of 150mm will not be discernible in the overall development, therefore is negligible.

The development is clearly of a very high quality and will also now be constructed of high-quality materials as a result of the amended materials, colors and finishes.

### 5.3 Local Planning Policies

The Municipal Strategic Statements – *Council Vision and Settlement (Clauses 21.03 and 21.04)*, *Housing (Clause 21.07)* and *Preferred Neighbourhood Character Statements (Clause 22.05)* outline objectives and strategies relevant to this proposal and are outlined below.

#### Council Vision and Settlement (Clauses 21.03 and 21.04)

The Strategic Land Use Framework Plan at Clause 21.03 identifies the site within close proximity to the Yarraville Neighbourhood Activity Centre.



Strategies in relation to housing growth at Clause 21.04 are as follows:

- 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.

### Housing (Clause 21.07)

The Housing Framework Plan identifies the site as within an area of **incremental change**.



The housing growth framework plan demonstrates a hierarchy as follows:

<b>Substantial change areas</b>	Significant redevelopments are proposed for the Maribyrnong Defence Site (MDS), Kinnears site in Footscray, the former Defence site in Beachley Street, Braybrook and the Bradmill Precinct in Yarraville.  Other smaller sites across the municipality will also contribute to the supply of new housing.
<b>Substantial change activity centres</b>	In the future the Highpoint PAC and Footscray CAD will assume a stronger role and greater capacity for substantial medium and higher density housing developments.
<b>Incremental change areas</b>	All other residential areas without heritage significance or an identified residential character that warrants planning protection through specific overlays.
<b>Incremental change activity centres</b>	The mixed use and residential developments occurring in activity centres will continue and increase.
<b>Limited change areas</b>	Existing residential areas with heritage significance or an identified residential character that warrants planning protection through specific overlays, and areas with an identified constraint, such as inundation, that necessitate protection through an overlay. The majority of these areas have been identified in Council's Heritage Study (2001) and neighbourhood character studies.

Strategies for incremental change areas include:

- *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 low scale apartment developments at locations within key Neighbourhood Activity Centres; they must reflect existing local character in terms of height, mass setbacks and building materials; and provide a sensitive and appropriate interface to adjoining streetscapes, buildings and residential areas.*
- *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.*
- ***Support smaller scale infill residential development in keeping with the streetscape and character of the centres and their adjacent residential in incremental change activity centres.***
- *Encourage the retention of existing housing that positively contributes to preferred neighbourhood character.*
- *Ensure development in activity centres follows relevant structure plans and urban design frameworks.*
- *Protect areas that contribute to the range of housing choice especially for families and lifestyle choices.*

In response:

The site is ideally located for the type of development approved, close to a range of public transport options including bus and train. There is opportunity for suitable re-development with a well-designed development which takes into consideration the constraints of the site and the adjoining properties. The amended proposal continues to provide this.

The amended development has been architecturally designed, noting that the size of the proposed dwellings have not changed; simply the appearance of the development has been improved.

### **5.3.3 Preferred Neighbourhood Character Statement (Clause 22.05)**

The broad objectives of this policy are as follows:

- *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 site is located in the precinct known as Inner Urban 1 (IU1):



The preferred neighbourhood character statement applicable is as follows:

*The low-scale intimacy of the streetscapes and the sense of history will be maintained and strengthened throughout this precinct. Older dwellings, including those from the Victorian, Edwardian and Interwar eras will be retained and complemented by newer development that is distinguishable from original building stock, but respectful of the key elements of these styles. New, low-scale buildings with pitched roofs will incorporate lightly-coloured timber and other non-masonry materials within well-articulated facades. Where newer development exceeds the predominant height in the street, upper levels will be recessed to reduce their prominence. New buildings will be sited in accordance with the predominant pattern of setbacks in the street, which may include terraced housing or buildings abutting one side boundary. The visual interaction between dwellings and streetscapes will be maintained and strengthened by providing low, permeable front fences and small front setbacks with space for shrubs and flowering plants to soften the built form.*

*Particularly intact areas, including parts of Seddon and Yarraville directly south of the Footscray Activity Centre and the area south-west of Yarraville Station will continue to display consistency in characteristics such as height, built form, siting and use of materials.*

In response:

The proposed development continues to seek to make efficient and effective use of a site in a street with a mix of residential character and one which is well located given its close proximity to shops, services and public transport.

The site and precinct more broadly is not affected by any overlays or higher design standards.

The amended development will contribute more positively to this mixed local urban character where infill development will continue to emerge and also already exists in forms similar to that which is proposed. The wider area is and will continue to experience a level of change in line with its location and context.

The proposal better responds to the character of the area given the new materials proposed. Landscaping opportunities are still available (no change) in the front (north) setback and along the rear and west boundaries.



### Inner Urban 1 Precinct Guidelines

The preferred character statement for the IU1 precinct is as follows:

*The low-scale intimacy of the streetscapes and the sense of history will be maintained and strengthened throughout this precinct. Older dwellings, including those from the Victorian, Edwardian and Interwar eras will be retained and **complemented by newer development that is distinguishable from original building stock, but respectful of the key elements of these styles.** New low-scale buildings with pitched roofs will **incorporate lightly-coloured timber and other***

**non-masonry materials within well-articulated facades.** Where new development exceeds the predominant height in the street, upper levels will be recessed to reduce their prominence.

New buildings **will be sited in accordance with the predominant pattern of setbacks in the street**, which may include terraced housing or buildings abutting one side boundary. The visual interaction between dwellings and streetscapes will be maintained and strengthened by providing low, permeable front fences and small front setbacks with space for shrubs and flowering plants to soften the built form.

Particularly intact areas, including parts of Seddon and Yarraville directly south of the Footscray Activity Centre and the area south-west of Yarraville Station will continue to display consistency in characteristics such as height, built form, siting and use of materials.

In response:

As discussed, the approved setbacks of the development remain unchanged other than the minor changes to the indents. The amended development will continue to complement the area and will also continue to be respectful of the area and not dissimilar to the newer dwellings and additions in the locale.

The Guidelines encourage specific matters to avoid in new development. Given the approved development remains largely unchanged in terms of layout, setbacks and building envelope a full new assessment is not required. In summary:

- The amended development is not dissimilar in size and proportion of other new dwelling and additions in the area – noting that again, the site layout remains unchanged to that already approved.
- There is no significant vegetation on the site. Landscaping as already approved remains unchanged and given the setbacks are not changed, mature trees and other plantings will still be provided.
- The amended development does not exceed the height of other double storey dwellings in the street/area.
- The built form is visually interesting, more so now with the materials changes.

### 5.3 Off-site amenity impacts

An assessment of the proposal against Clause 545 of the Maribyrnong Planning Scheme was made with the original assessment. As no change is proposed to the building envelope and overall height, the off-site amenity impacts also remain unchanged.

Overall, the amended proposal is still site responsive, will provide an attractive living environment for future occupants and it will not result in any unreasonable amenity impacts on neighbouring properties or the area.

## 7. Conclusion

It is our submission that the amended proposal is appropriate for the subject land for the following reasons:

- The proposal successfully balances the need for housing provision in such locations while contributing positively to the local residential character.
- The amended proposal presents a highly resolved architectural design.
- Landscaping opportunities are still provided at the west and rear boundaries and north side.
- The proposal still has a high level of compliance with the Objectives and Standards of Clause 55.

Accordingly, for the above reasons, it is considered appropriate for Council to support the amended application.

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