

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.

**CITY OF MARIBYRNONG
RECEIVED
25/9/2024
URBAN PLANNING**

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

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

Clear Form

The Land **i**

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

Street Address *

Unit No.:	St. No.: 24	St. Name: Castlemaine Street
Suburb/Locality: Yarraville		Postcode: 3013

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.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 132790R
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? *

Demolition of existing single storey brick house and construction of double-storey dwelling. Car parking reduction.

⚠ 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 \$950,000

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

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

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

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.

Title Information i

Encumbrances on title *

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

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

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

Applicant and Owner Details i

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

Applicant *

The person who wants the permit.

Name:		
Title: Mr	First Name: Ali	Surname: Kaddour
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 420	St. Name: Melbourne Road
Suburb/Locality: Newport		State: Vic Postcode: 3015

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email: ak@alikaddour.com
Mobile phone: 03 9391 8558	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 checked="" 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 checked="" type="checkbox"/>
Name:		
Title: Mrs	First Name: SON THANH	Surname: TRAN
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 9	St. Name: White Street
Suburb/Locality: Footscray		State: Vic Postcode: 3011
Owner's Signature (Optional):		Date: 24/09/2024 day / month / year



Declaration i

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: **ALI KADDOUR**

Date: **25.09.2024**

day / month / year

Need help with the Application? i

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 i

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 i

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

Maribyrnong City Council

PO Box 58

Footscray VIC 3011

Cnr Napier & Hyde Streets

Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200

Email: email@maribyrnong.vic.gov.au

DX: 81112

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

MORE INFORMATION

The Land

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

How is land identified


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

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


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

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

How do planning schemes affect proposals?

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

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

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

See **Example 2**.


Estimated cost of development

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

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

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

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

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

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

Existing Conditions

How should land be described?

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

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

See **Example 3**.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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



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

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

Why is title information required?

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

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

What is a 'full' copy of the title?

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

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

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

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

Why is 'current' title information required?

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

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

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

Applicant and Owner Details

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

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

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

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

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

See **Example 4**.

Declaration

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

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

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

Need help with the Application?

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

Checklist

What additional information should you provide to support the proposal?

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

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

The checklist is to help ensure that you have:

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

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

Lodgement

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

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

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

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

EXAMPLES

Example 1

The Land

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

Street Address *

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

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

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

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

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

Example 2

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

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

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

Example 3

Existing Conditions

Describe how the land is used and developed now *

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

Single dwelling.

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

Example 4

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

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

Owner *

The person or organisation who owns the land

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

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

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

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

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

Contact information for applicant OR contact person below

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

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

Contact person's details* Same as applicant

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

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

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

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

Name: Same as applicant

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

Organisation (if applicable):

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

Suburb/Locality: State: Postcode:

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

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

VOLUME 10391 FOLIO 610

Security no : 124114366479N
Produced 22/04/2024 02:03 PM

LAND DESCRIPTION

Lot 1 on Title Plan 132790R (formerly known as part of Crown Allotment 1B Section 8 Parish of Cut-paw-paw).
PARENT TITLE Volume 04095 Folio 966
Created by instrument V407904R 07/05/1998

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

**CITY OF MARIBYRNONG
RECEIVED
24/4/2024
URBAN PLANNING**

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
SON THANH TRAN
THUY HOANG DU both of 9 WHITE STREET FOOTSCRAY 3011
V407904R 07/05/1998

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG240055K 10/12/2008
BANK OF WESTERN AUSTRALIA 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 set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP132790R 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: 24 CASTLEMAINE STREET YARRAVILLE VIC 3013

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 22/10/2016

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	TP132790R
Number of Pages (excluding this cover sheet)	1
Document Assembled	22/04/2024 14:03

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

TITLE PLAN	EDITION 1	TP 132790R
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Location of Land Parish: CUT-PAW-PAW Township: Section: 8 Crown Allotment: 1B(PT) Crown Portion: Last Plan Reference: Derived From: VOL 10391 FOL 610 Depth Limitation: NIL	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
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<p style="text-align: center;">Description of Land / Easement Information</p> <p>ALL THAT PIECE OF LAND IN THE PARISH OF CUT PAW PAW BEING PART OF CROWN ALLOTMENT ONE^B SECTION 8 WHICH LAND IS SHOWN ENCLOSED BY CONTINUOUS LINES ON THE MAP HEREOF TOGETHER WITH A RIGHT OF CARRIAGE WAY OVER THE ROAD SHOWN MARKED "A-1"- - -</p>	THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 06/09/1999 VERIFIED: DB
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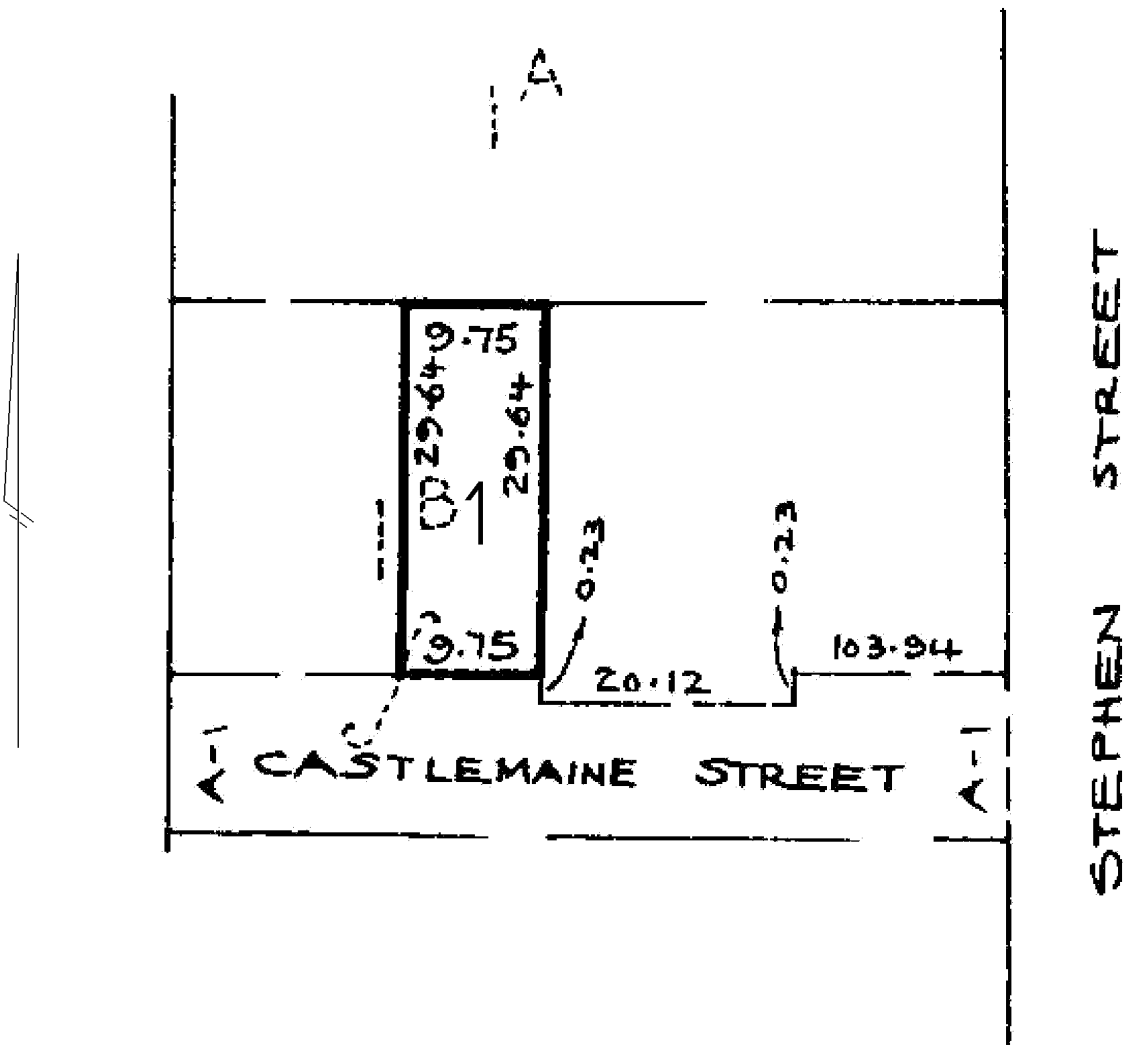


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 1B (PT)



PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5

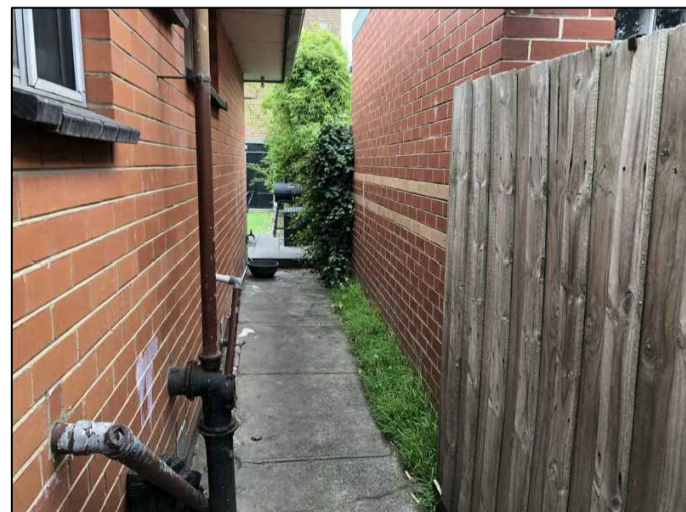
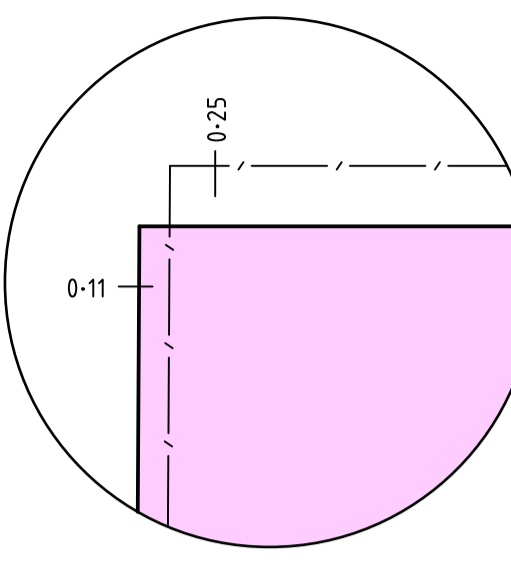
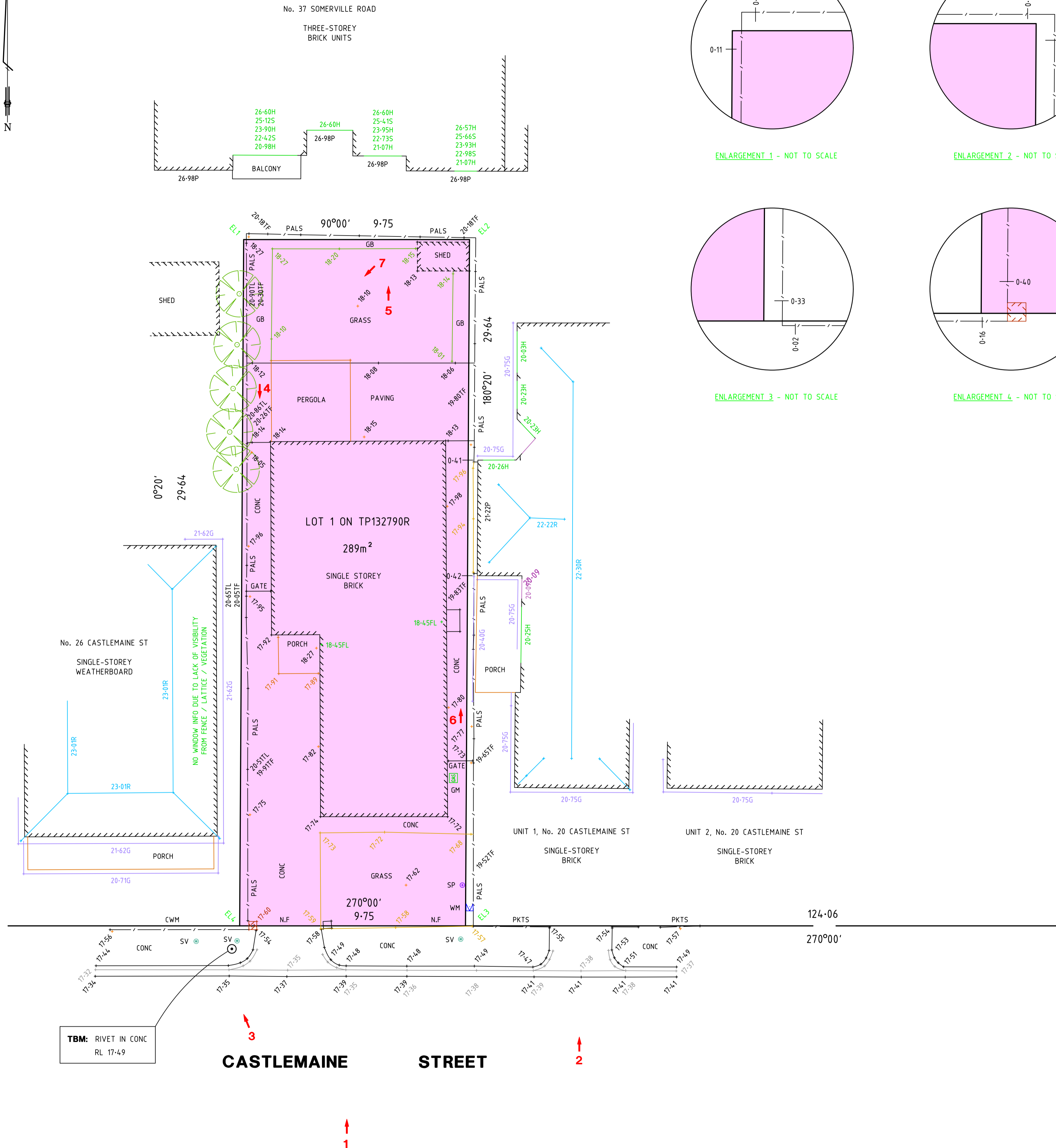


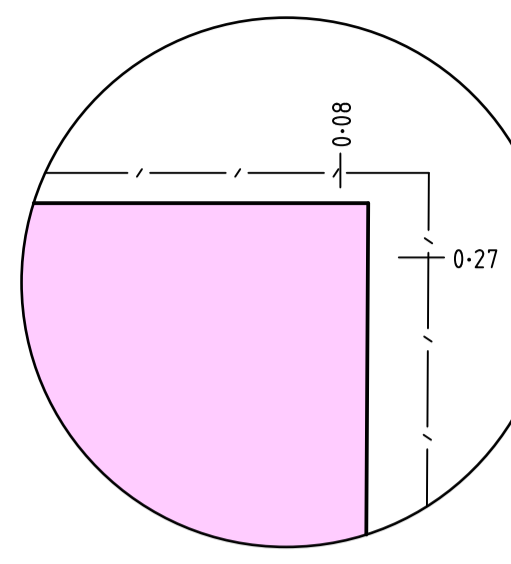
PHOTO 6



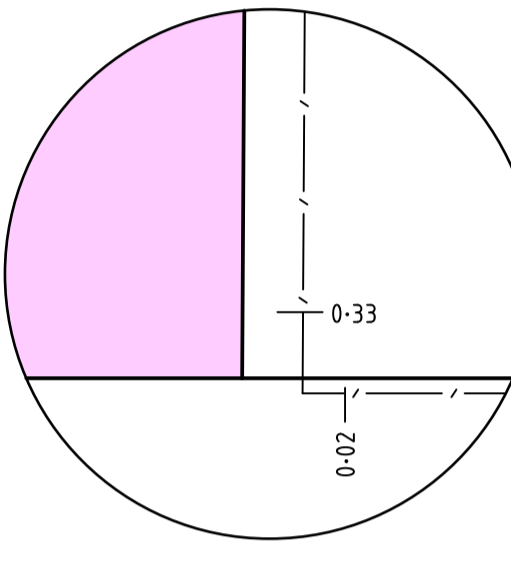
PHOTO 7



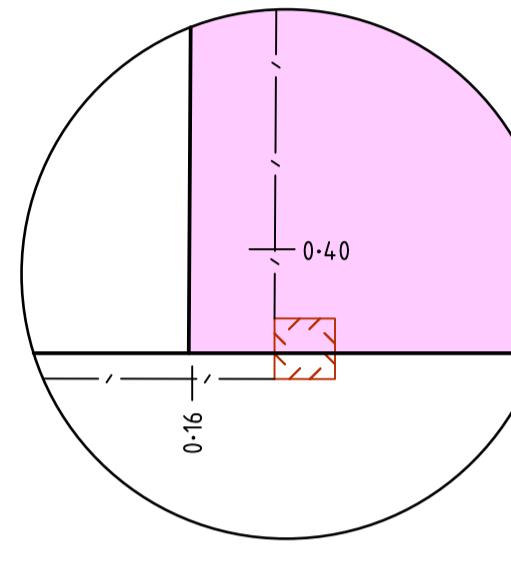
ENLARGEMENT 1 - NOT TO SCALE



ENLARGEMENT 2 - NOT TO SCALE



ENLARGEMENT 3 - NOT TO SCALE



ENLARGEMENT 4 - NOT TO SCALE

NOTATIONS:

THIS PLAN SHOULD NOT BE SCALED. ALL DIMENSIONS SHOULD BE CONFIRMED BY CONTRACTORS AND OTHER CONSULTANTS PRIOR TO ANY WORKS.

THIS PLAN SHALL BE CONSIDERED PROVISIONAL UNTIL IT HAS BEEN SIGNED AND CHECKED.

CHECKED ZK 13/12/23

WARNING

THIS PLAN IS A RE-ESTABLISHMENT SURVEY ONLY AND AS SUCH IS NOT REGISTERED BY THE REGISTRAR OF TITLES. SUBSEQUENT REGISTERED OR OTHER SURVEYS IN THIS AREA MAY AFFECT THE BOUNDARY DEFINITION SHOWN ON THE PLAN. ANY DIFFERENCES SO CAUSED TO THE BOUNDARY DEFINITIONS SHOWN ON THIS PLAN ARE BEYOND THE CONTROL OF AAM PTY LTD WHO CAN ACCEPT NO RESPONSIBILITY FOR SUCH DIFFERENCES.

NOTATION:

TITLE BOUNDARY SHOWN BY THICK CONTINUOUS LINES BASED ON TITLE DIMENSIONS. AREAS OF ENCROACHMENT ONTO OR FROM ADJOINING LAND MAY BE SUBJECT TO POSSESSORY RIGHTS, AND SHOULD BE CONSIDERED WHEN UNDERTAKING DESIGN WORKS.

LEVELS ARE TO THE AUSTRALIAN HEIGHT DATUM AND WERE DERIVED FROM CUT-PAW-PAW PM 154 WITH A STATED RL OF 9.329m VIDE SMES AS AT 10/12/2023.

DATE OF SURVEY: 10/12/23
SURVEYORS: ZK

LEGEND:

BOUNDARY	———
HOUSE	
GARAGE / SHED	
FENCE	— · — · — ·
BACK OF KERB	———
INVERT OF KERB	———
LIP OF KERB	———
EDGE OF CONCRETE	———
RIDGE - R	———
GUTTER - G	———
WINDOW	———
DOOR	———

NOTE:

- 8-45R DENOTES RIDGE LEVEL
- 6-58G DENOTES GUTTER LEVEL
- 6-17H DENOTES WINDOW HEAD LEVEL
- 4-30S DENOTES WINDOW SILL LEVEL
- 6-17H DENOTES DOOR HEAD LEVEL

- 4-16FL DENOTES FLOOR LEVEL
- 4-40TF DENOTES TOP OF FENCE LEVEL
- 4-40TL DENOTES TOP OF LATTICE LEVEL
- 4-40P DENOTES PARAPET LEVEL

- WM DENOTES WATER METER
- GM DENOTES GAS METER
- GB DENOTES GARDEN BED
- SV DENOTES STOP VALVE
- SP DENOTES SEWER PIT

CITY OF MARIBYRNONG
RECEIVED
24/4/2024
URBAN PLANNING

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**RE-ESTABLISHMENT AND
FEATURE SURVEY
24 CASTLEMAINE STREET
YARRAVILLE**

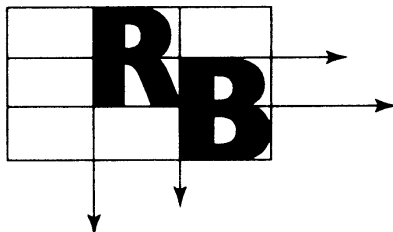
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NOTE: SOME LAYERS HAVE BEEN TURNED OFF FOR PLAN CLARITY

TOWN PLANNING SUBMISSION

DEMOLITION OF EXISTING DWELLING AND
CONSTRUCTION OF A NEW TWO-STOREY DWELLING

NO. 24 CASTLEMAINE STREET, YARRAVILLE



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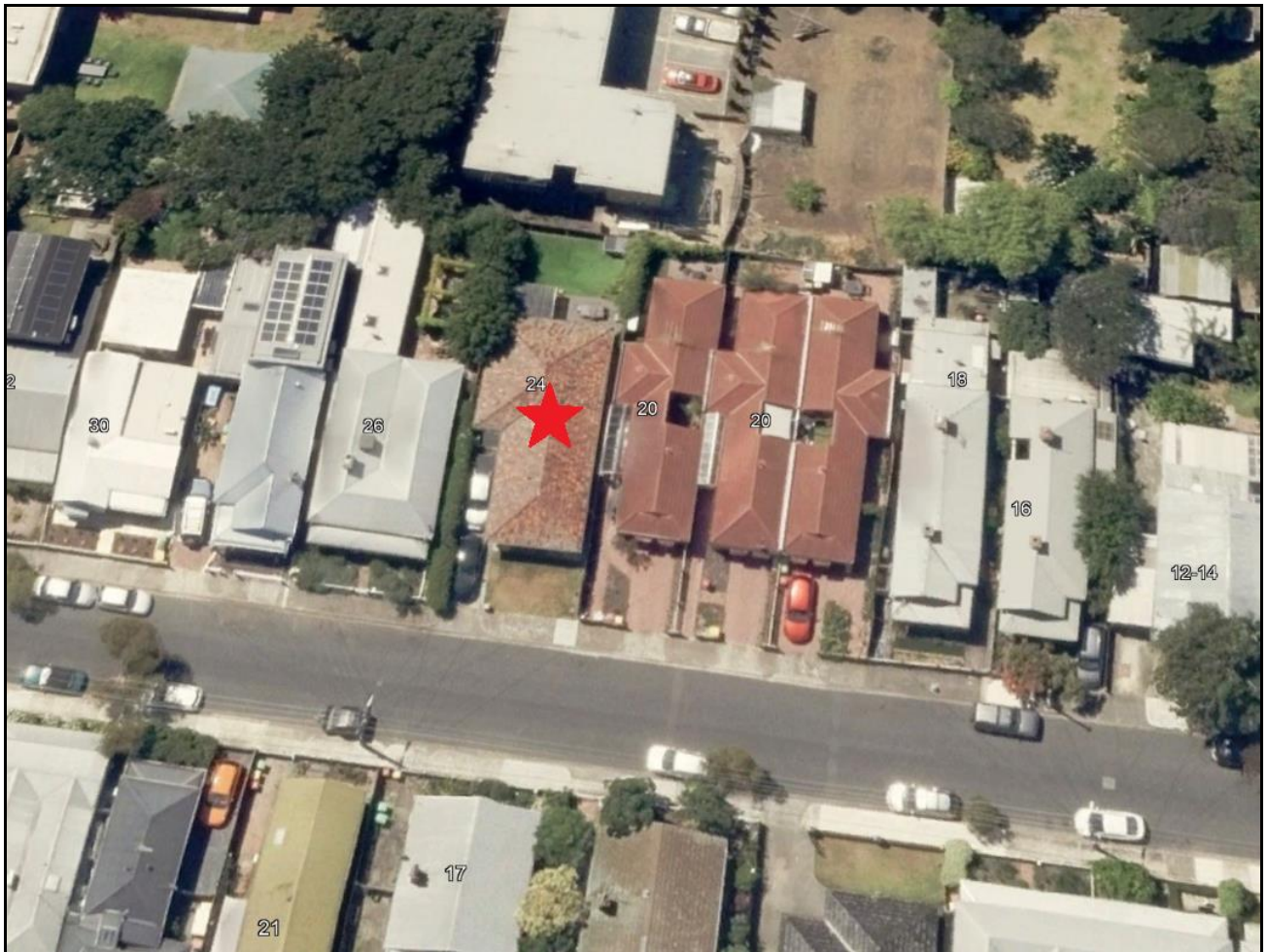
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1. PURPOSE OF SUBMISSION

This submission has been prepared to support an application for the demolition of an existing single brick storey dwelling and the construction of a new two-storey dwelling at 24 Castlemaine Street, Yarraville. The subject site is included in a Heritage Overlay.

2. EXSITING DWELLING / SITE CONTEXT

The subject site is located on the north side of Castlemaine Street between Willis Street and Stephen Street. Castlemaine Street is a local street in that residential part of Yarraville located east of the rail line and north of the Yarraville Village shopping centre. Castlemaine Street has a narrow reservation width of approximately 12 metres but kerbside parking is available on both sides of the street. There are footpaths on both sides of the street but no nature strips.



24 Castlemaine Street, Yarraville - ★



View east along Castlemaine Street towards subject site/existing dwelling - ◀



View west along Castlemaine Street towards subject site/existing dwelling

The site is rectangular in shape with a frontage of 9.75 metres, a depth of 29.64 metres and an area of 289 square metres. The site is flat and there is no significant difference in level between the site and any of the adjoining properties.

Located on the site and setback approximately 5 metres from the street frontage is a single-storey brick dwelling, possibly from the 1970s. This dwelling has 2 bedrooms, is in reasonably good condition and has an internal layout typical of the era of its construction.

This existing dwelling has a driveway along the west side boundary of the site and a vehicle crossing onto Castlemaine Street. The front garden is lawn area only and the backyard area is also mainly lawn.



Subject site/existing dwelling - No. 24 Castlemaine Street (note 3-storey built form of flats visible at rear of site)

To the west of the site at No. 26 Castlemaine Street is a double fronted single storey Victorian weatherboard dwelling. This dwelling has a 3.875 metre front setback and has one habitable room, a bedroom window, facing towards the subject site. Any view from this window and the backyard area of this dwelling towards the subject site is obscured by planting along and next to the side boundary fence.



Adjoining dwelling to west of subject site at 26 Castlemaine Street



View of setback/interface between dwelling on subject site and dwelling to the west at 26 Castlemaine Street – note vegetation.

To the east of the site at No. 1/20 Castlemaine Street is a single storey brick dwelling that is one of a group of three similar dwellings that appear to date from the late 1980s or early 1990s. This dwelling has a setback of just under 6 metres with this setback providing off-street parking. This adjoining dwelling is largely setback of the east side boundary of the site and has several habitable room windows facing the subject site.



Adjoining dwellings to the east of subject site – 1/20, 2/20 and 3/20 Castlemaine Street



View of setback/interface between dwelling on subject site and dwelling to the east at 1/20 Castlemaine Street (note 3-storey built form of flats visible at rear of site)

To the north or rear of the site is a large three-storey block of flats in Somerville Road. This block of flats is prominent in views from the backyard of the subject site.



Adjoining flats to rear of site in Somerville Road

Opposite the site and along Castlemaine Street generally there is a mix of older Victorian and Edwardian era dwellings interspersed with brick dwellings from the 1960s and 1970s. A number of the older weatherboard dwellings have been the subject of contemporary or modern style rear additions

It is also noted that as well as the adjoining 1980s era dwellings at No. 20 there are also more recent contemporary dwellings in Castlemaine Street and the other streets nearby. The following examples of contemporary two-storey built form can be found in the immediate vicinity of the subject site.



Edwardian dwelling at 28 Castlemaine Street with modern rear addition



Possibly Victorian era dwelling at 32 Castlemaine street with modern rear addition



Contemporary style dwelling at 46 Castlemaine Street



Contemporary style dwellings at eastern end of Castlemaine Street



Dwelling at 6 Goulburn Street



Dwelling at 1A Willis Street (between Castlemaine Street and Goulburn Street)

Generally, the site can be seen as being located in an area of predominantly older heritage dwellings. The majority of these original heritage dwellings along Castlemaine Street and the dwellings in the streets nearby are weatherboard dwellings. The area is experiencing and is continuing to experience a level of new dwelling development because of the presence of non-heritage dwellings such as the dwelling on the subject sites. Double storey replacement dwellings are now quite common.

The subject site is well located being within easy walking distance of the Yarraville railway station and the Yarraville Village shopping centre.

3. DESIGN RESPONSE / PROPOSAL

As the existing dwelling has no heritage value and as the site is similar in size to other allotments in the immediate area that have been developed with new dwellings it presents an opportunity for the development of a new dwelling in a modern or contemporary style.

In establishing a design and layout for the new dwellings on the subject site the following factors were considered:

- The area and north-south orientation of the site.
- The frontage width of the subject site.
- The availability of vehicle access onto Castlemaine Street.
- The frontage setback of the adjoining dwellings.
- The non-heritage nature of the dwellings to the east of the site.
- The location and setback to habitable room windows in the adjoining dwellings in Castlemaine Street.
- The two-storey nature of nearby recent new dwellings and additions to the rear of heritage dwellings.
- The absence of any large trees or vegetation on the site.
- The location of the private open space and outdoor living areas of the adjoining dwellings.

It is proposed to demolish the existing dwelling and develop the site with a new two-storey dwelling in a contemporary style. This dwelling would be built in part to both the east and west side boundaries of the site.

At ground floor level the new dwelling would comprise two bedrooms, a gym, bathroom and laundry and an open plan kitchen/living dining area at the rear, and including an alfresco area in conjunction with a substantial area of rear private open space between the rear of the dwelling and the rear boundary. A 5-metre front setback would provide space for off-street parking for one car and utilising the existing vehicle crossing onto Castlemaine Street.

At first floor level the dwelling would comprise two bedrooms, a bathroom and a retreat/living area. The first-floor area would be well setback from the front of the ground floor footprint and off both side boundaries.

The ground floor of the dwelling would have a flat deck roof while the first floor would have a pitched roof and thus a gable facing the street.

The built form and contemporary style of the dwelling is considered acceptable having regard to the mix of built form and style of dwellings in the street.

Overall, the demolition of the existing dwelling and the construction of the new dwelling is seen as a reasonable redevelopment proposal will that will result in a much more liveable dwelling without that dwelling significantly impacting on the heritage character and streetscape of Castlemaine Street.

Other aspects of the proposal are further elaborated upon in the included assessment of the proposal against the objectives and standards of Clause 54.

4. ZONING – PLANNING POLICY FRAMEWORK

The site and most land in the surrounding area are zoned Neighbourhood Residential (NRZ1) under the Maribyrnong Planning Scheme.



Zoning Map

The relevant part of the purpose of the Neighbourhood Residential Zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas of predominantly single and double storey residential development.
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

A dwelling is a Section 1 use in the Neighbourhood Residential Zone but Clause 32.09-5 specifies that a permit is required to construct a dwelling on a lot of less than 300 square metres and this clause also requires that a development must meet the requirements of Clause 54.

Schedule 1 to the Neighbourhood Residential Zone (Neighbourhood Residential Areas) has no neighbourhood character objectives and does not vary any of the requirements of Clause 54, specify application requirements or provide additional decision guidelines.

The site is included in a Heritage Overlay – HO15 – Yarraville residential area



Heritage Overlay

The relevant part of the purpose of the Heritage Overlay is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

The demolition of the existing dwelling and the construction of the proposed new dwelling require approval pursuant to Clause 43.01-1 and there is no permit exemption via the Incorporated Plan document – Permit Exemptions in Heritage Precincts – October 2018

The site is also in an area affected by a Development Contributions Plan Overlay and is in Charge Precinct 6D. This will see the imposition a development and community infrastructure levy for a new dwelling.



Development Contributions Plan Overlay

PLANNING POLICY FRAMEWORK

Obviously, there are no major or strategic planning policy issues that might be associated with a proposal that involves a new dwelling replacing a non-heritage dwelling. There are however some aspects of local planning policy that should be addressed.

Policies and strategies somewhat relevant to this proposal can be found in Clauses 11 and 15 in the Planning Policy Framework.

Clause 11 says planning is to recognise the need for, and as far as practicable contribute towards among other things:

- Diversity of choice.
- A high standard of urban design and amenity.
- Energy efficiency.

Furthermore, planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

Clause 15 – Built Environment and Heritage starts by saying:

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.

Having regard to the above the existing dwelling has no heritage value but sits within a streetscape with heritage value due to the presence of Victorian and Edwardian era dwellings.

Clause 15 also says that planning should, among other things, achieve high quality urban design and architecture that contributes positively to local urban character and sense of place and which minimises detrimental impact on neighbouring properties.

Clause 15.01-1S – Urban design has the objective of creating urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies include:

- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.

The proposed development is appropriate having regard to these strategies; it is a simple infill dwelling development that creates a new four-bedroom dwelling suited to a variety of households on a suitably located allotment that is situated within a developed urban residential area.

Clause 15.01-2S – Building Design – has the objective of achieving building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Strategies include:

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Clause 15.01-5S - Neighbourhood Character – has the objective of recognising, supporting and protecting, neighbourhood character, cultural identity and sense of place. It should be noted

however that the local planning policy for Preferred Neighbourhood Character Statements in the Maribyrnong Planning Scheme at Clause 22.05 does not apply as the site is in an area where a Neighbourhood Character Precinct is not identified.

Clause 15.03-1S – Heritage Conservation has the objective of ensuring the conservation of places of heritage significance.

Strategies include:

- Provide for the protection of natural heritage sites and man-made resources.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

LOCAL PLANNING POLICY FRAMEWORK - Municipal Strategic Statement

Council's Municipal Strategic Statement (MSS) is found at Clause 21 of the Maribyrnong Planning Scheme and Clause 21.06 deals with Built Environment and Heritage. Objectives and strategies at Clause 21.06-1 for Urban Design, include:

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.

Clause 21.06-3 deals with heritage and it starts by saying:

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

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

Objectives and strategies include:

Objective 8

To protect and conserve heritage places.

Strategies

- Protect areas and sites which are the best expression of the city's major industrial, commercial and residential growth eras.
- Encourage development to be undertaken in accordance with the accepted conservation standards of the International Council on Monuments and Sites (ICOMOS) Burra Charter.
- Record and interpret heritage places.
- Ensure representation of all the different phases of the City's development.

Objective 9

To protect heritage places from adverse impacts.

Strategies

- Consider the heritage values and significance of places when assessing planning applications.
- Support applications that conserve and enhance the public view of significant places.
- Preserve the public view of cultural heritage places and elements.

Policy guidelines are to apply the Heritage Policy at Clause 22.01.

LOCAL PLANNING POLICY

The local policy of relevance to this proposal is the Cultural Heritage Policy and it has general guidelines at Clause 22.01-1 which include the following objectives and policy:

Objectives

- To protect and conserve heritage places.
- To protect heritage places from adverse impacts.

Policy

- New buildings and additions should be visually recessive, supporting the visual dominance of the significant elements of the heritage place.
- Additions and new works should respect the context of the heritage place or an adjacent heritage place.
- Development should facilitate the continued use and conservation of a heritage place.
- Replacement buildings or elements should respect the cultural significance of the heritage place.
- Any demolition or removal should contribute to the long term conservation of significant fabric.

It is submitted that the policy is sufficiently satisfied noting that the existing dwelling has no heritage value and that the new dwelling has a setback (particularly the upper floor) that makes it recessive in longer views along the street.

Decision guidelines that the responsible authority must consider, as appropriate are:

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

The Statement of Significance for HO15 is:

The Yarraville Residential Precinct is significant to the City of Maribyrnong because:

- it (with the Yarraville Commercial & Civic precinct) is expressive of two major development periods in the City's history (Victorian-era, Edwardian-era), with all of the elements which make up an urban area from these periods, such as the transport hub and associated entertainment, civic and commercial buildings close to the station, and the surrounding residential areas which still express the dominant Edwardian and Victorian-eras, as expressed by:

- small Victorian & Edwardian single-storey detached housing with mainly weatherboard and some brick wall cladding, corrugated iron roofing, front verandahs, similar front and side setbacks and narrow block frontages,*
- some surviving early asphalt footpaths and stone kerb and channel,*
- pre motor-car age indicated by no provision originally for on-site vehicle parking for most of the identified housing,*
- major built form of the typical Victorian era hipped roof and Edwardian era main hip and projecting gable roof form combination,*
- some early two storey masonry parapeted, zero lot line, corner-sited commercial development at prominent locations in the streetscape,*
- mature elm street tree planting typical of the Victorian-era (Criteria A3, A4);*
- of the early underlying street, subdivision pattern and street names (1859 plan of Yarraville Township) which derive from one of the early private town surveys in the Colony of Victoria and the oldest known private township plan to be created and sold within the City (Criterion A4); and*
- it contains elements of the earlier phase of Yarraville's commercial development which occupied prominent street corners (Criterion A4).*

The Yarraville Residential Area Policy is to be found at Clause 22.0-15 and the basis of the policy is:

The area surrounding the Yarraville Commercial and Civic centre is a relatively intact Victorian and Edwardian area of working class housing established on the oldest known private township plan to be created and sold within the City, the 1859 plan of Yarraville Township Subdivision.

The area clearly illustrates the elements that make up an urban area from the Victorian and Edwardian eras, such as the transport hub and associated entertainment, civic and commercial buildings close to the station, and the surrounding residential areas.

The area also reflects the changes in the area's development with an early phase of Yarraville's commercial development that occupied prominent street corner sites in Schild, Lennox and Stephen Streets.

The Yarraville Residential Heritage Area includes individually significance buildings such as Glenara at 82 Stephen Street and residences at 1 Goulbourn Street and 12 Ovens Street.

The dwellings in the residential area are typically small, detached, single storey, Victorian and Edwardian era homes set on narrow blocks. Many of the homes are altered in detail but retain enough original fabric to express their development period. This is aided by rare, mature, public landscape elm street trees in Stephen Street.

The design characteristics of the contributory buildings include:

- *Corrugated iron or metal sheet roofing, slate or similar modern equivalent;*
- *Timber framed windows in vertical rectangle format;*
- *Horizontal weatherboard wall cladding, brown and red imperial sized bricks and stucco;*
- *Timber framed front verandahs of a skillion, convex or bull nose profile; and*
- *Hipped and gabled roof forms of nominally 33 to 63 degrees.*

Objectives of the policy include:

- To conserve and enhance the contributory elements in the area as evocation of Victorian and Edwardian era worker housing in Yarraville.
- To conserve and enhance the surviving 1859 township layout as shown in the ‘Township of Yarraville’ plan including the street and subdivision pattern and street names.
- To ensure that new buildings and additions and extensions to contributory buildings do not detract from the character of the heritage area or overwhelm the existing contributory buildings.
- To discourage new building that closely imitates, replicates or mimics the contributory buildings in the heritage area.

Having regard to these objectives the following comments are made:

- The existing dwelling on the subject site and three neighbouring dwellings to the east are not contributory elements to the HO15 area.
- Development of the subject site with the new dwelling will have no impact on the street or subdivision pattern.
- The new dwelling because of its setback and simple form will not overwhelm its closest contributory neighbour.
- The new dwelling is a contemporary style and as such it does not imitate or mimic any of the older heritage dwellings

Clause 22.0-15 also says that it is policy to give preference to applications for development that:

- Retain the existing front and side setbacks;
- Retain the subdivision layout from the 1859 Yarraville township survey plan;
- Encourage the retention and reinstatement of fences from the relevant eras;
- Encourage the retention and reinstatement of bluestone kerbs, gutters and asphalt footpath paving in street.

Having regard to the above the new dwelling has a suitable set back from Castlemaine Street and setbacks in part from both side boundaries.

It is also policy that new crossovers be single width and limited to one per allotment. In this case the new dwelling would utilise an existing crossover.

Overall, the not insignificant presence of a number newer dwellings in a variety of contemporary styles in the immediate locality of the site is seen as supporting the contemporary suburban style and design detail of this proposal.

The site is located in street of mixed architectural styles and the proposed dwelling will simply add to the mix of dwelling styles.

The proposed new dwelling generally respects the scale of buildings in a street and an area that has numerous 2-storey dwellings and 2-storey additions at the rear of single storey heritage dwellings. The location and setback of the dwelling ensures that a suitable front garden area can be planted at the Castlemaine Street frontage in a manner consistent with the pattern of modest suburban scale front gardens in this street.

Furthermore, the existing dwelling is an unremarkable 1970s brick dwelling that makes a limited contribution, if any, to the character of the street.

5. Clause 43.01 – HERITAGE OVERLAY

As already noted, the purpose of the overlay includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building, construct a building or construct or carry out works.

Clause 43.01-8 includes the following relevant decision guidelines the responsible authority must consider before deciding on an application:

- The Municipal Planning Strategy and the Planning Policy Framework.

Comment: The proposal would not be at odds with the Municipal Planning Strategy as it involves the demolition non-contributory dwelling and replaces it with a well-designed contemporary style dwelling with appropriate setbacks, built form and detailing.

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.

Comment: The heritage place, HO15, is large and reasonably diverse and the existing dwelling and three of its neighbours are not contributory dwellings. Replacing the existing non-contributory dwelling will not affect its significance as it relates to Castlemaine Street. The new dwelling will not detrimentally affect the existing heritage streetscape.

- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.

Comment: Castlemaine Street is not specifically mentioned in the Statement of Significance but the presence of Victorian and Edwardian weatherboard dwellings in HO15 is noted. It is submitted

that the new dwelling will not overwhelm or detract from the heritage appearance of the adjoining Victorian dwelling at No. 26 Castlemaine Street.

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.

Comment: The proposed new dwelling would have minimal impact on the significance of the heritage place which is HO15.

- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.

Comment: The proposed new dwelling has no significant implications for how built form on the site will sit in relation to, or in the context of the adjoining and nearby dwellings. Its streetscape appearance will be recessive because of the setback of the first-floor area and generally the streetscape will be largely unchanged as the contribution of the existing non-contributory dwelling will be replaced by another non-contributory dwelling, but one that exhibits a higher standard of contemporary design and which will be more visually interesting in the streetscape.

- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.

Comment: Removal of the existing non-contributory dwelling not affect the overall significance of HO15 as it applies in Castlemaine Street.

6. CLAUSE 54 RESCODE ASSESSMENT

NEIGHBOURHOOD CHARACTER

Neighbourhood character objective

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

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

Comment

The proposal continues the contribution of a non-contributory dwelling to the residential streetscape of Castlemaine Street and this is reasonably important because of the collective streetscape presentation of the proposed dwelling and its closest contributory neighbours to the west. Because the site is covered by a Heritage Overlay the proposal has a design and layout that sees the new dwelling clearly distinguishable from the built form of the older heritage dwellings. The form and scale of the new dwelling is appropriate and will not overwhelm the dwelling at No. 26. It is submitted that there will be no significant change to the Castlemaine Street streetscape as result of the contribution of the proposed dwelling.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

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

Comment

The design and layout are considered appropriate having regard to the scale, style and built form of the existing original heritage dwellings, the nature of additions that have been carried out to some of these heritage dwellings and the presence of new contemporary style dwellings in the area. The location of the first floor back from the Castlemaine Street frontage is seen as supporting the proposed new dwelling. The proposed dwelling respectful of the heritage character of the adjoining and other nearby contributory dwellings in the street in that it will be of minimal visual impact. It will not impair the legibility of the older dwellings and their contribution to the streetscape and heritage character.

It should also be remembered that part of the purpose of the Neighbourhood Residential Zone is to recognise areas of predominantly single and double storey residential development. See also assessment against heritage policy.

Integration with the street objective

To integrate the layout of development with the street.

Comment

New dwelling will have an orientation to Castlemaine Street.

Standard A2

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

Comment

Standard satisfied as the presentation of the new dwelling to Castlemaine Street compared to the existing is largely unchanged in terms of its relationship to the public space of this street.

SITE LAYOUT AND BUILDING MASSING

Street setback objective

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

Comment

Pattern of frontage setbacks is established by the existing dwelling and other dwellings on the north side of Castlemaine Street – proposed new dwelling addition has no impact on pattern of setbacks.

Standard A3

Walls of buildings should be set back from streets:

- 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.

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.

Comment

Standard satisfied.

Building height objective

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

Comment

Older dwellings in the precinct have been the subject of double storey additions and there are new 2-storey dwellings in the street and locality. The proposed dwelling is 2-storey.

Standard A4

The maximum building height should not exceed the maximum height specified in the schedule to the zone.

If no maximum height is specified in the schedule to the zone, 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.

Changes of building height between existing buildings and new buildings should be graduated.

Comment

Standard satisfied – proposed well under 9 metres in height.

Site coverage objective

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

Comment

Most of the older dwellings in the street and in the immediate vicinity, and especially those nearby have a reasonably high site coverage because of size of lots. As this lot is reasonably large because of its depth the new dwelling will retain a sizeable open space area.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in the schedule to the zone, or
- If no maximum site coverage is specified in the schedule to the zone, 60 per cent.

Comment

Standard not satisfied – site coverage 61% but the proposed dwelling will have a useable outdoor living area and overall, the floor plan of the dwelling works extremely well with the rear private open space.

Permeability objectives

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

Comment

Some change to site coverage but as a sizeable rear yard is retained; new dwelling will not greatly impact permeability – front garden area also retained.

Standard A6

At least 20 per cent of the site should not be covered by impervious surfaces.

Comment

Standard satisfied - pervious areas around 36% of site because of size of front garden and backyard.

Energy efficiency protection objectives

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

Comment

Site/dwelling is located on the north side of the street and so the design includes extensive rear glazing to enhance solar access to the rear living areas.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Comment

Dwelling layout provide for good solar penetration – good natural light to rear living areas because of extensive north facing rear windows.

Significant trees objectives

To encourage development that respects the landscape character of the neighbourhood.
To encourage the retention of significant trees on the site.

Comment

Not applicable.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Comment

Standard satisfied – there are no canopy trees on the site and although site is located in an area of established gardens these are generally suburban in scale with few large trees. The extent of the front garden of the existing dwelling and planting in the front garden and of the adjoining dwelling at No. 26 is typical of the area. Size of site and location of the new dwelling retains the front garden landscaping in the Castlemaine Street front setback. Any planting in this area will soften the appearance of the proposed dwelling to a standard comparable with the nearby dwellings. A landscape plan has been prepared and landscaping will be required by a condition of permit.

AMENITY IMPACTS

Side and rear setbacks objective

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

Comment

Most detached dwellings in the street are located off both side boundaries but some have a section that is built quite close to or on at least one side boundary. Change to existing setback situation from the existing dwelling in relation to No. 1/20 and No. 26 as the proposed dwelling will be somewhat longer with sections of wall on the side boundaries of the site.

Standard A10

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- 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.

Comment

Standard satisfied.

Walls on boundaries objective

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

Comment

Section(s) of proposed dwelling wall on east and west side boundaries of site.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A building on a boundary includes a building set back up to 200 mm from a boundary.

The height of a new wall constructed on or within 200 mm 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.

Comment

Standard satisfied for height – but length of east side wall exceeds standard by 900mm. The extent of new boundary wall extending beyond the rear of the existing dwelling will not greatly impact habitable room windows in the dwelling at 1/20 Castlemaine and will not impact its rear private open space.

Daylight to existing windows objective

To allow adequate daylight into existing habitable room windows.

Comment

The proposed dwelling will not significantly affect daylight to the adjoining dwellings at No. 1/20 or No. 26 Castlemaine Street.

Standard A12

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

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

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

Comment

This standard satisfied because of setbacks/location of adjoining dwellings to the east and west - particularly the side setback of the dwelling at 1/20 Castlemaine Street

North-facing windows objective

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

Comment

No north facing windows affected.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building not on or within 150 mm of the boundary should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Comment

Standard satisfied.

Overshadowing open space objective

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

Comment

Proposed dwelling would not significantly shade the rear open space of the adjoining dwellings at No. 1/20 and No. 26 Castlemaine Street.

Standard A14

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.

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.

Comment

Standard satisfied.

Overlooking objective

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

Comment

There are no significant overlooking issues associated with the works proposed. No east or west facing upper floor windows.

Standard A15

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

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

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

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.

Comment

Standard satisfied by boundary fencing and obscure glazing to rear or north facing windows.

ON-SITE AMENITY AND FACILITIES

Daylight to new windows objective

To allow adequate daylight into new habitable room windows.

Comment

All new windows will receive adequate daylight.

Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 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.

Comment

Standard satisfied.

Private open space objective

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

Comment

Dwellings on these sized lots can have quite useable areas of rear private open space - in this case the rear yard area is still quite large and its useability will be enhanced by its location in relation to internal living areas and the al fresco area. A good sized and very useable area is provided between the rear of the dwelling and northern boundary of the site. This area will work well in conjunction with the rear living areas of the proposed dwelling.

Standard A17

A dwelling should have private open space of an area and dimensions specified in the schedule to the zone.

If no area or dimensions is specified in the schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Comment

Standard not satisfied – secluded private open space is 51 square metres but this open space is generously dimensioned (length X width) and will work well in conjunction with rear living area of the proposed dwelling.

Solar access to open space objective

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

Comment

The location and orientation of the rear private open space means that it will enjoy good solar access.

Standard A18

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

Comment

Standard satisfied.

DETAILED DESIGN

Design detail objective

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

Comment

Layout and design detailing is such that the proposed dwelling will be readily distinguishable as a new dwelling from the original front section of the existing dwelling – the altered/extended dwelling will sit comfortably with the other dwellings in Castlemaine Street.

Standard A19

The design of buildings, including:

- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,

should respect the existing or preferred neighbourhood character.

Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Comment

Standard considered satisfied having regard to the location of the first floor and the location of the site in Heritage Overlay – HO15. See also heritage assessment section of this submission and the following local strategies should be noted.

- Encourage contemporary and innovative architecture...
- To discourage new building that closely imitates, replicates or mimics the contributory buildings in the heritage area

Front fences objective

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

Comment

No front fence at present.

Standard A20

The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.

A front fence within 3 metres of a street should not exceed:

- 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 A2.

Comment

Standard satisfied. Mainly low front fences along Castlemaine Street. Site presently has no fence to Castlemaine Street frontage. A new simple 1.2 metre front fence is proposed.

Clause 52.06 – Car Parking

Clause 52.06-5 Number of car parking spaces required under Table 1

The provision of a single driveway car space for the proposed 4-bedroom dwelling does not satisfy the requirements of the table to this clause but the parking able to be provided is considered acceptable given the parking arrangements of the existing dwelling and the fact that few of the dwellings in the street, particularly the older dwellings have any on-site car parking

Clause 52.06-7 Requirement for a car parking plan

The submitted plans satisfy the requirements of this clause.

Clause 52.06-8 Design standards for car parking

Design standard 1 – Accessways

Proposal relies on an existing driveway crossing being utilised for the new dwelling. Vehicles will be able to exit the site to the street in a reverse direction in the manner of egress from any detached house with a side driveway. No need for vehicles to be able to exit the site in a forward direction.

Design standard 2 – Car parking spaces

This standard satisfied because of width/depth of car space.

Submission - Terms of Use

1. Ownership and copyright of this submission remains with Ross Bardin - Town Planning Services.
2. The submission must not be altered or amended in any way without the consent of Ross Bardin - Town Planning Services.
3. The submission has been prepared on the instructions of Rima El-Hawli of Ali Kaddour Architects for the purposes of seeking planning approval from Maribyrnong City Council for the demolition of an existing dwelling and the development of a new 2-storey dwelling in a Neighbourhood Residential Zone and a Heritage Overlay at 24 Castlemaine Street, Yarraville.
4. The submission satisfies the provision of planning consulting services as outlined in email exchanges provided to Rima El-Hawli of Ali Kaddour Architects and any additional planning consulting services will be subject to an additional quote and/or contract.