

Application for a Planning Permit

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

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

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

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

i Click for further information.

The Land **i**

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

Street Address *

Unit No:	St. No.: 48	St. Name: Empress
Suburb/Locality: Kingsville		Post Code: 3012

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

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

A	Vol.: 2378	Folio.: 407	Suburb.: Kingsville
OR	Lot No.: 30	Type.: Lot/Lodged Plan	
B	Crown Allotment No.:		Section No.:
	Parish/Township Name:		

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

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? *

alteration and addition to single story dwelling to rear

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

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

380000.00	⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.
If the application is for land within metropolitan Melbourne (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.	

Existing Conditions

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 story residential dwelling with no onsite car space

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

Title Information

Encumbrances on title *

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

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

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Name:		
Title: MR	First Name: Jack	Surname: Fugaro
Organization (if applicable):		
Unit No:	St. No:	St. Name:
Suburb:	State:	Postcode:
Business phone: 0414825558		Email: jfugaro@hallmarc.com.au
Mobile phone:		Home:

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

Contact person's details*

Name:		Same as applicant ☒
Title: MR	First Name: Jack	Surname: Fugaro
Organization (if applicable):		
Unit No:	St. No: 14	St. Name: Railway Place
Suburb: BRUNSWICK	State: VIC	Postcode: 3056
Business phone: 0414825558		Email: jfugaro@hallmarc.com.au
Mobile phone:		Home:

Owner *

The person or organisation who owns the land

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

Name:		Same as applicant ☐
Title: CO	First Name:	Surname:
Organization (if applicable): Jack Fugaro Architect		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No:	St. Name:
Suburb:	State:	Postcode:
Business Phone: 0414825558		Email: jfugaro@hallmarc.com.au
Mobile phone: 0414825558		Home: 0414825558

Declaration

This form must be signed by the applicant *

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

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

Signature:

Jack Fugaro

Date

27 / 05 / 2026

day / month / year

Need help with the Application?

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

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

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

☒ No ☐ Yes

Officer Name:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



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



Provided all necessary supporting information and documents?



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



A plan of existing conditions.



Plans showing the layout and details of the proposal.



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



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



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



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

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

Maribyrnong City Council
PO Box 58
Footscray VIC 3011
Cnr Napier and Hyde Streets
Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200
Email: email@maribyrnong.vic.gov.au
DX: 81112

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

The Land

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

How is land identified

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

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?

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

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

How do planning schemes affect proposals?

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

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

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

See **Example 2**.

Estimated cost of development

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

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

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

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

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

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

Existing Conditions

How should land be described?

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

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

See **Example 3**.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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

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

Page 1 of 1

VOLUME 02378 FOLIO 407

Security no : 124135051843W
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LAND DESCRIPTION

Lot 30 on Plan of Subdivision 002235.
PARENT TITLE Volume 01817 Folio 337
Created by instrument F941050 25/11/1975

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DANIELLE LISA RAMSEY of 48 EMPRESS AVENUE KINGSVILLE VIC 3012
AG252713E 17/12/2008

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP002235 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: 48 EMPRESS AVENUE KINGSVILLE VIC 3012

ADMINISTRATIVE NOTICES

NIL

eCT Control REGISTRAR OF TITLES
Effective from 19/12/2025

DOCUMENT END

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	LP002235
Number of Pages (excluding this cover sheet)	3
Document Assembled	27/05/2026 20:53

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PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENT B SEC 14
PARISH OF CUT PAW PAW
COUNTY OF BOURKE
VOL.1817 FOL.337

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

APPURTENANCIES

AS TO LOTS 5, 10 TO 14 (BI), 17,
20 TO 23 (BI), 25 TO 32 (BI), 39 TO 42 (BI)
65, 66, 70, 71, 78 TO 82 (BI), 259,
295 TO 301 (BI) & 305
TOGETHER WITH A RIGHT OF CARRIAGEWAY
OVER THE ROADS COLOURED BROWN

AS TO LOTS 43, 268, 271, 315 TO 322 (BI)
TOGETHER WITH A RIGHT OF CARRIAGEWAY
OVER THE ROADS COLOURED BROWN AND
BLUE ON VOL.3220 FOL.846

AS TO LOTS 57 & 58:
TOGETHER WITH A RIGHT OF CARRIAGEWAY
OVER THE ROADS COLOURED BROWN ON
IMAGED FOLIO Vol. 3210 Fol. 959

LP 2235

EDITION 5
PLAN MAY BE LODGED
22/11/88

2 SHEETS
SHEET 1.

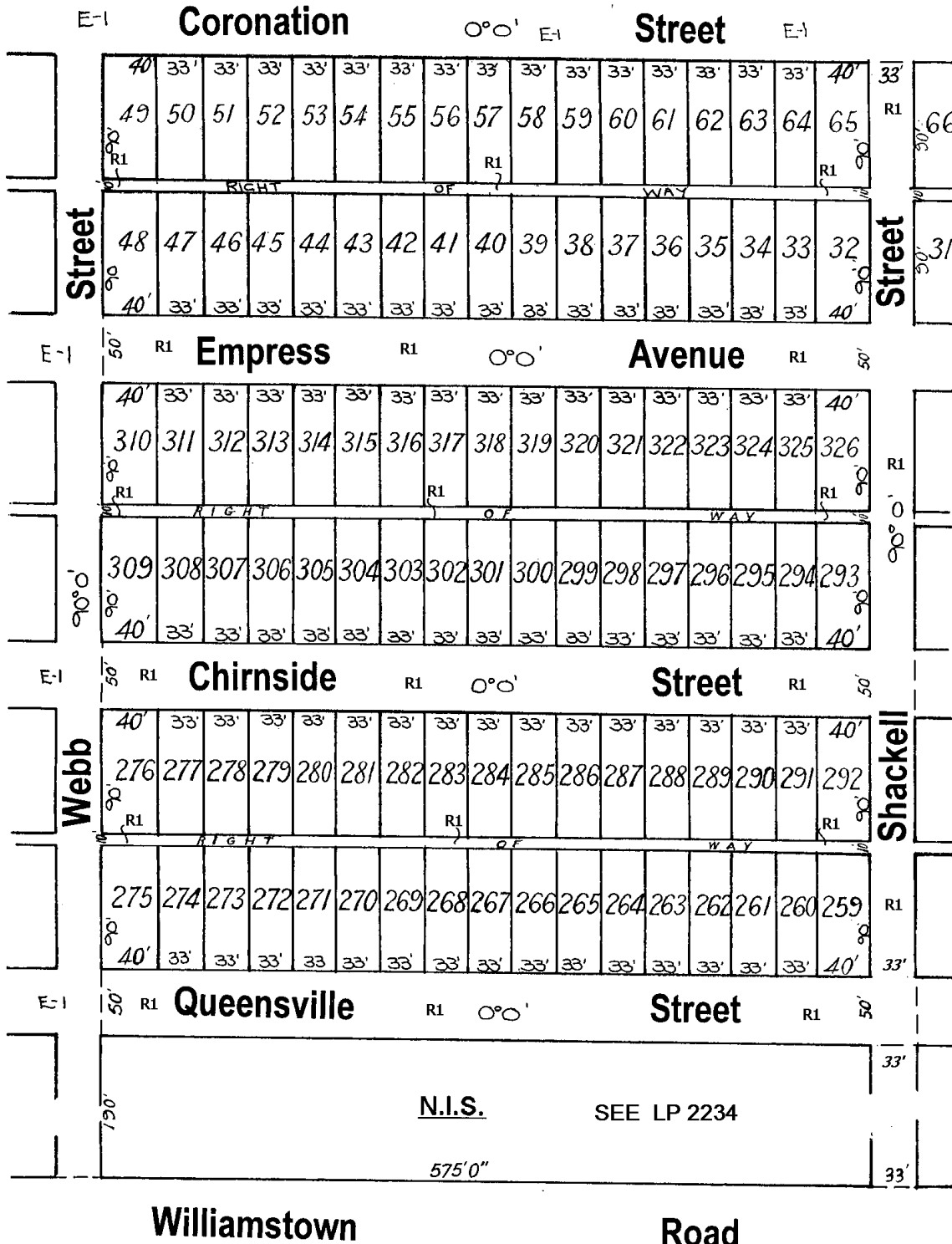
COLOUR CODE
E-1 & R1 = BROWN

ROADS COLOURED BROWN

ENCUMBRANCES
AS TO ROAD R1:
ANY EASEMENTS AFFECTING
THE SAME



L.P. 2584



SEE SHEET 2

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

PLAN NUMBER

LP 2235

[illegible]

Jackfugaroarchitect

www.jackfugaro.com.au

14 Railway Place
Brunswick 3056

PLANNING REPORT – 26 May 2026

PROPOSED ADDITION AND ALTERATIONS TO EXISTING
DWELLING

48 EMPRESS AVE KINGSVILLE

CLAUSE 54 ASSESSMENT – One Dwelling or Second Small Dwelling on a Lot less than 300sqm in Area

APPLICATION REQUIREMENTS

An application to which this clause applies must be accompanied by:

- A site description – Clause 54.01-1.
- A design response – Clause 54.01-2 including a landscape plan.
- A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.

54.01-1 Site Description	The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe • In relation to the neighbourhood - The built form, scale and character of surrounding development including front fencing. - Architectural and roof styles. - Any other notable features or characteristics of the neighbourhood. • In relation to the site - Site shape, size, orientation and easements. - Levels of the site and the difference in levels between the site and surrounding properties. - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site. - The use of surrounding buildings. - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres. - Solar access to the site and to surrounding properties.	✓ Complies Comments The site and its surrounding neighbourhood character and features outlined below. -Eclectic mix of varied attached AND DETACHED dwellings. -Streetscape feature single, two Level period weatherboard, residential and with mixed use buildings at either end of avenue. -Site sits along Empress Ave& is nestled between historic and period traditional and terrace- bungalow dwellings. Empress Ave and Neighboring Street features include -predominantly -weatherboards to dwellings facades with galvanized- colourbond street awnings and verandahs dominant feature, Victorian era architecture.	Right of Appeal No, standard met
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	- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known. - Any contaminated soils and filled areas, where known. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - Any other notable features or characteristics of the site.	-High density built up area -period style attached dwellings, shopfronts, cafes and small businesses. At its book ends -Flat iron, pitched galvanized roofs/ -Bladed – piket metal front fences -Single, two period Era architecture style. High density visual street and rear laneway wall-built mass. -Minimal openings to wall mass, door sand windows. -Built form on or close to boundary. -Subject site and adjoining rear private open spaces are minimal and overshadowing to these spaces are typical character and accepted in historic high density built up areas. See TP02 & TP03 Architectural Drawings demonstrating the existing site context and analysis.	
		✓ Complies Comments The proposal complies AT MAXIMUM height of 2 storey high. <u>Proposal is well under at stoery at its highest point above NGL</u> The built form and height respects existing neighborhood character built form at low & High scale , older building bulk within the area. The site marginally slopes at laneway and fairly flat. design is acceptable and responds to its surrounding built mass and max building height of 2 levels.	Right of Appeal No, standard met

Design Response & Heritage	CLAUSE 54.01-2 DESIGN RESPONSE The design response must explain how the proposed design: • Derives from and responds to the neighbourhood and site description. • Meets the objectives of Clause 54. • Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. • The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. :	✓ Complies Comments Proposed design responds it the existing conditions with an appropriate fit to the existing area and its surrounds. Refer to WD104, architectural drawings and plans for detailed design response AND FINISHES The proposal consists of 1 single dwelling consisting of 4 bedrooms, NO onsite carspace and private GARDENS ✓ Complies	Right of Appeal No, standard met
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CLAUSE 54 ASSESSMENT

The following objectives and standards are current up to and including Amendment VC282 on 13/8/2025.

54.02 Neighbourhood character

54.02-3 Side and rear setbacks objective To ensure that the height and setback of a building from a boundary responds to the existing or	Standard A2-3 A new building not on or within 200mm of a boundary is set back from side or rear boundaries at least 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.	✓ Partly Comply Comments Minimal rear AND SIDE setback is considered acceptable within the existing general neighborhood context and rhythm found in small NARROW INNER CITY sites. Minimal and no setbacks to side boundary walls is a predominant feature-	Right of Appeal Yes, standard varied-Partly Complies-Acceptable in Small built up narrow inner city
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preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.	Sunblinds, verandahs, porches, eaves, facias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the side and rear setbacks. Landings that have an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the side and rear setbacks.	character of the area. Adjoining buildings are built to boundary and minimal to zero side and rear setbacks. Proposed rear EMPRESS AVE setback aligns with abutting dwelling for consistency respecting the neighboring setback rhythm. FRONT SETBACK WILL REMAIN AS IS Before deciding on an application, the responsible authority must consider: - Any relevant neighbourhood character objective, policy or statement set out in this scheme. - The design response. - The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings or small second dwellings. - Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. - Whether the wall abuts a side or rear lane. - Whether a different setback in a rear yard affects the ability to retain or plant canopy trees.	site and neighbourhoods.
54.02-4 Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary responds	Standard A2-4 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 lot does not abut the boundary for a length that exceeds the greater of the following distances:	✓ PARTLY COMPLIES Comments NO BOUNDARY WALL PROPOSED	Right of Appeal Yes, standard varied-Partly Complies-Acceptable in Small built up narrow inner city

to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.	• 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or • The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot. A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary. A building on a boundary includes a building set back up to 200mm from a boundary. The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary does 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.	Before deciding on an application, the responsible authority must consider: • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The extent to which walls on boundaries are part of the neighbourhood character. • The impact on the amenity of existing dwellings or small second dwellings. • The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. • The orientation of the boundary that the wall is being built on. • The width of the lot. • The extent to which the slope and retaining walls or fences reduce the effective height of the wall. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter.	site and neighbourhoods.
54.02-5 Site coverage objective To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site.	Standard A2-5 The site area covered by buildings does not exceed: • The maximum site coverage specified in a schedule to a zone; or • If no maximum site coverage specified in a schedule to a zone, the percentage specified in Table A2-5:	Deemed to Comply The maximum site coverage specified for this site is 60 percent as per the schedule to the zone/Table A2-5. The proposed site coverage of building is 100 percent of the site. Before deciding on an application, the responsible authority must consider:	Right of Appeal Yes, standard varied and site coverage is considered acceptable given the narrow inner city site and is in keeping with the neighbourhoods urban character.

	Table A2-5 Site coverage <table><tr><th>Zone</th><th>Area</th></tr><tr><td>Neighbourhood Residential Zone</td><td>60 per cent</td></tr><tr><td>Township Zone</td><td></td></tr><tr><td>General Residential Zone</td><td>65 per cent</td></tr><tr><td>Residential Growth Zone</td><td>70 per cent</td></tr><tr><td>Mixed Use Zone</td><td></td></tr><tr><td>Housing Choice and Transport Zone</td><td></td></tr></table>	Zone	Area	Neighbourhood Residential Zone	60 per cent	Township Zone		General Residential Zone	65 per cent	Residential Growth Zone	70 per cent	Mixed Use Zone		Housing Choice and Transport Zone		- Any relevant neighbourhood character objective, policy or statement set out in this scheme. - The design response. - The existing site coverage and any constraints imposed by existing development or the features of the site. - The site coverage of adjacent properties. - The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood. - Whether a different area of site coverage affects the ability to retain or plant canopy trees.	
Zone	Area																
Neighbourhood Residential Zone	60 per cent																
Township Zone																	
General Residential Zone	65 per cent																
Residential Growth Zone	70 per cent																
Mixed Use Zone																	
Housing Choice and Transport Zone																	
54.02-6 Tree canopy objective To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and	Standard A2-6 Provide a minimum canopy cover as specified in Table A2-6. Table A2-6 Minimum tree requirement <table><tr><th>Site area</th><th>Tree</th></tr><tr><td>100 square metres or less</td><td>One tree</td></tr><tr><td>Above 100 square metres to 200 square metres</td><td>Two trees</td></tr><tr><td>Above 200 square metres to 300 square metres</td><td>Three trees</td></tr></table> A tree must meet the following: - Reach a height of at least 6 metres at maturity. - Achieve a canopy width of at least 4 metres at maturity. - Planted in a minimum deep soil area of 12 square metres with a minimum plan dimension 2.5 metres or in a planter with a minimum volume of 12 cubic metres with a minimum depth of 0.8 metres of planter soil Existing trees to be retained meet all of the following: - Has a height of at least 5 metres.	Site area	Tree	100 square metres or less	One tree	Above 100 square metres to 200 square metres	Two trees	Above 200 square metres to 300 square metres	Three trees	Deemed to Comply There are adequate areas available on site to allow for tree retention/planting which will complement the landscape character of the area. The tree canopy requirement has been achieved as per Table A2-6 though the planting of 2 existing trees will be retained to the rear of the site. An appropriate landscaping plan has been submitted for assessment. Before deciding on an application, the responsible authority must consider: - Any relevant neighbourhood character objective, policy or statement set out in this scheme. - The site context and design response.	No, standard met. Minimal Tree-landscaping is considered acceptable given the narrow inner city site and is in keeping with the neighbourhoods urban character. No existing trees within the site. Opportunities to have potted plants on FARIdck areas if required.						
Site area	Tree																
100 square metres or less	One tree																
Above 100 square metres to 200 square metres	Two trees																
Above 200 square metres to 300 square metres	Three trees																

amenity, and help reduce urban heat	- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level, - Has a trunk that is located at least 4 metres from proposed buildings. Existing trees that are retained can be used to satisfy the tree canopy requirement. Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.	- The extent to which the existing and proposed canopy trees contribute to a greener environment and reduce urban heat. - Whether the growth characteristics of existing trees and proposed canopy trees will provide the required canopy cover. - The suitability of the planting location, deep soil areas and planter soil volume for proposed canopy trees. - Whether the species of canopy tree is suited to the soil conditions of the site. - Whether an alternative combination of the canopy trees will provide the required tree canopy cover.							
54.02-7 Front Fences To encourage front fence design that responds the existing or preferred neighbourhood character.	Standard A2-7 A front fence within 3 metres of a street is: - The maximum height specified in a schedule to the zone, or - If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2-7. Table A2-7 Maximum front fence height <table><tr><th>Street context</th><th>Maximum front fence height</th></tr><tr><td>Streets in a Transport Zone 2</td><td>2 metres</td></tr><tr><td>Other streets</td><td>1.5 metres</td></tr></table> This standard does not apply to a small second dwelling.	Street context	Maximum front fence height	Streets in a Transport Zone 2	2 metres	Other streets	1.5 metres	N/A This Standard does not apply as the existing fabric and front fence.WILL REMAIN Before deciding on an application, the responsible authority must consider: - Any relevant neighbourhood character objective, policy or statement set out in this scheme. - The design response. - The setback, height and appearance of front fences on adjacent properties. - The extent to which slope and retaining walls reduce the effective height of the front fence. - Whether the fence is needed to minimise noise intrusion.	Right of Appeal No, standard met
Street context	Maximum front fence height								
Streets in a Transport Zone 2	2 metres								
Other streets	1.5 metres								

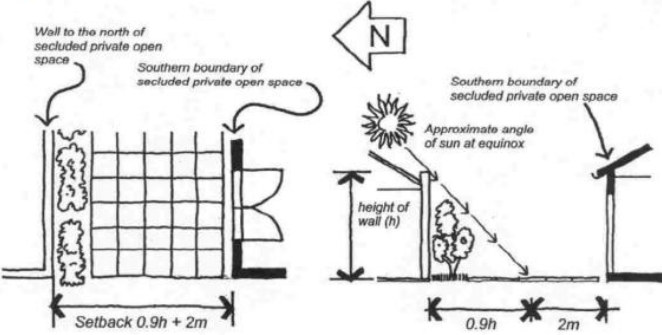
54.02-8 Building setback for small second dwelling To ensure that small second dwellings are sited to respond to the existing or preferred neighbourhood character.	Standard A2-8 Walls of a small second dwelling are set back behind the front wall of the existing dwelling on the lot, facing the frontage. Porches, pergolas, verandahs, and eaves do not encroach into the setback of this standard	N/A This Standard does not apply as there is no second dwelling proposed on the site. Before deciding on an application, the responsible authority must consider: - Any relevant neighbourhood character objective, policy or statement set out in this scheme. - The design response. - The setback, height and appearance of front fences on adjacent properties. - The extent to which slope and retaining walls reduce the effective height of the front fence. - Whether the fence is needed to minimise noise intrusion.	Right of Appeal No, standard met
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54.03 Liveability

54.03-1 Street integration objective To integrate the layout of development with the street to support the safety and amenity of residents	Standard A3-1 Where a development fronts a street, a vehicle accessway or abuts public open space passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space. This Standard does not apply to a small second dwelling.	Complies The development is designed to provide passive surveillance of EMPRESS AVE through a direct view from the ground floor front lounge-office glazing. Direct views to EMPRESS habitable room window from the bedroom and terrace deck. Before deciding on an application, the responsible authority must consider: Any relevant neighbourhood character objective, policy or statement set out in this scheme.	Right of Appeal No, standard met
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		The design response.	
54.03-2 Private open space objective To provide adequate private open space for the reasonable recreation and service needs of residents.	Standard A3-2 A dwelling or small second dwelling has private open space of an area and dimensions specified in the schedule to the zone. If no area or dimensions are specified in the schedule to the zone, a dwelling or residential building has private open space with direct access from a living room, dining area or kitchen consisting of: - An area of 20 per cent of the area of the lot, but not less than 25 square metres. At least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres width; or - A balcony with at least the area and dimensions specified in Table A3-2; or - An area on a roof of at least 10 square metres with a minimum width of 2 metres. If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone: - The area and dimensions specified for the private open space and secluded private open space must be less than the area and dimensions specified in this standard, and - The area and dimensions specified for a balcony or an area on a roof must be less than the area and dimensions specified in this standard. A small second dwelling has a secluded private open space consisting of an area of 8 square metres with a minimum	✓ Complies Comments Proposal complies with the dwellings private open space located within the front and REAR GARDENS . EXISTING Clothes drying has been provided in the REAR private open space and laundry of the dwelling/small second dwelling. Before deciding on an application, the responsible authority must consider: - The design response. - The useability of the private open space, including its size and accessibility. - The availability of and access to public or communal open space. - The orientation of the lot to the street and the sun.	Right of Appeal No, standard met

	dimension of 1.6 metres and convenient access from a living area, dining area or kitchen If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 square metres. Where ground level private open space is provided, an area for clothes drying is provided. Table A3-2 Private open space for a balcony <table> <tr> <th>Orientation of dwelling</th><th>Dwelling type</th><th>Minimum area</th><th>Minimum dimension</th></tr> <tr> <td>North (between north 20 degrees west to north 30 degrees east)</td><td>All</td><td>8 square metres</td><td>1.7 metres</td></tr> <tr> <td>South (between south 30 degrees west to south 20 degrees east)</td><td>All</td><td>8 square metres</td><td>1.2 metres</td></tr> <tr> <td rowspan="3">Any other orientation</td><td>1 bedroom dwelling</td><td>8 square metres</td><td>1.8 metres</td></tr> <tr> <td>2 bedroom dwelling</td><td>8 square metres</td><td>2 metres</td></tr> <tr> <td>3 bedroom dwelling</td><td>12 square metres</td><td>2.4 metres</td></tr> </table>	Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension	North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres	South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres	Any other orientation	1 bedroom dwelling	8 square metres	1.8 metres	2 bedroom dwelling	8 square metres	2 metres	3 bedroom dwelling	12 square metres	2.4 metres		
Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension																						
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres																						
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Any other orientation	1 bedroom dwelling	8 square metres	1.8 metres																						
	2 bedroom dwelling	8 square metres	2 metres																						
	3 bedroom dwelling	12 square metres	2.4 metres																						
54.03-3 Solar access to open space objective To allow solar access into the secluded private open space of new dwellings.	Standard A3-3 The southern boundary of secluded private open space is 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.	Complies Solar access into all living and habitable rooms via windows facing north, east, west and internal ROOMS AND GARDENS Before deciding on an application, the responsible authority must consider: - The design response. - The useability and amenity of the secluded private open space based on the sunlight it will receive.	Right of Appeal No complies																						

	Diagram A3-3 Solar access to open space  This standard does not apply to a small second dwelling.		
54.03-4 Daylight to new windows objective To allow adequate daylight into new habitable room windows.	Standard A3-4 A window in an external wall of the building is provided to all habitable rooms. Habitable rooms in a dwelling have a window that faces: • 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.	Deemed to Comply All habitable room windows are located on an external wall. Complies Solar access into all living and habitable rooms via windows facing north, east, west All habitable room windows 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. Before deciding on an application, the responsible authority must consider: • The design response.	Right of Appeal No complies

		• The extent to which habitable rooms are provided with reasonable daylight access through the number, size, location and orientation of windows. • The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms. • Whether there are other windows in the habitable room which have access to daylight.	
54.03-5 Safety and accessibility for small second dwelling objective To ensure access to a small second dwelling is safe, convenient and meets the needs of residents.	Standard A3-5 A small second dwelling is provided with a clear and unobstructed path from the frontage that: • Has a minimum width of at least 1 metre, with no encroachments. If the path is longer than 30 metres, the minimum width of the path is at least 1.8 metres. • Has a minimum clear height of at least 2 metres, with no encroachments. • Has a gradient no steeper than 1 in 14. • Has a cross fall no steeper than 1 in 40. • Is sealed or has an all-weather access.	N/A This Standard does not apply to a dwelling as there is no second dwelling proposed. Deemed to Comply Before deciding on an application, the responsible authority must consider the safety and accessibility of the small second dwelling.	Right of Appeal No complies

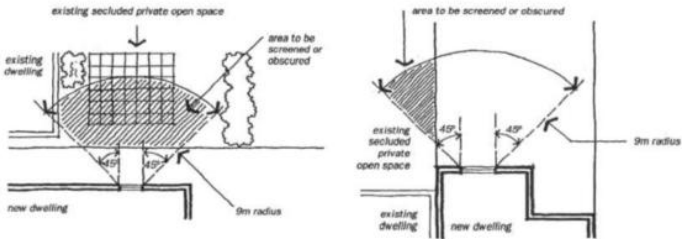
54.04 External Amenity

54.04-1 Daylight to existing windows objective To allow adequate daylight into existing habitable room windows.	Standard A4-1 Buildings opposite an existing habitable room window 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 are 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	Deemed to Comply Acceptable Comments Proposal is considered acceptable Not Applicable	Right of Appeal No, standard met
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	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. Diagram A4-1 Daylight to existing windows	There are no existing habitable room windows opposite the proposed buildings that require consideration. Before deciding on an application, the responsible authority must consider: • The design response. • The extent to which the existing dwelling or small second dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings.	
54.04-2 Existing north facing windows objective To allow adequate solar access to existing north-facing habitable room windows.	Standard A4-2 Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot a new building is to be set back from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window. For this standard, a north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	Not Applicable There are no north facing habitable room windows on abutting lots that require consideration. Before deciding on an application, the responsible authority must consider: • The design response. • Existing sunlight to the north-facing habitable room window of the existing dwelling or small second dwelling. • The impact on the amenity of existing dwellings or small second dwellings.	Right of Appeal No, standard met

	Diagram A4-2 North-facing windows NORTH FACING HABITABLE ROOM WINDOW SOUTH BOUNDARY		
54.04-3 Overshadowing secluded open space objective To ensure buildings do not significantly overshadow existing secluded private open space.	Standard A4-3 The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced	Acceptable Proposal is acceptable given small dense inner city site constraints. The existing building and adjoining building significantly overshadow their own windows and private open spaces. Refer to Existing and proposed Shadows on the architectural plans. Before deciding on an application, the responsible authority must consider: • The design response. • The impact on the amenity of existing dwellings or small second dwelling.	Right of Appeal Yes, standard varied

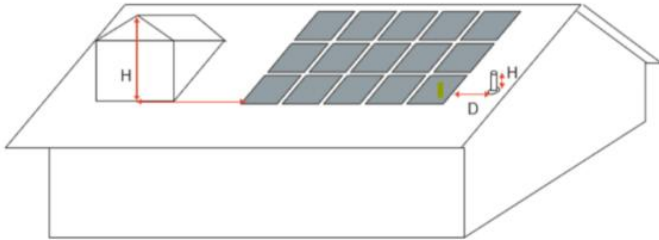
		- Existing sunlight penetration to the secluded private open space of the existing dwelling or small second dwelling. - The time of day that sunlight will be available to the secluded private open space of the existing dwelling or small second dwelling. - The effect of a reduction in sunlight on the existing use of the existing secluded private open space.	
54.04-4 Overlooking objective To limit views into existing secluded private open space and habitable room windows.	Standard A4-4 In Clause 54.04-4 a habitable room does not include a bedroom. A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 that is located with a direct view into a habitable room window of existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio: - Is offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or - Has sill heights of at least 1.7 metres above floor level; or	Acceptable Complies Comments Proposal adopts privacy GLASS TO BATHROOM AND LAUNDRY no overlooking into adjoining dwelling habitable windows and private open spaces. There are also demonstrated on architectural PLANS AND ELEVATIONS . Before deciding on an application, the responsible authority must consider: - The design response. - The impact on the amenity of the secluded private open space or habitable room window. - The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. - The internal daylight to and amenity of the proposed dwelling or residential building.	Right of Appeal No, standard met

	• Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level; or • Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or • Has fixed elements that prevent direct views, such as horizontal ledges or vertical fins. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be: • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. 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. Diagram A4-4 Overlooking 		
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54.05
Sustainability

54.05-1 Permeability objectives To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To contribute to urban cooling	Standard A5-1 The site area covered by the pervious surfaces is at least 20 percent of the site.	Deemed to Comply The site retains 100.00 per cent at ground level existing sheel built form. Complies Comments Permeable surfaces at 114.638 m2 within the PRIVATE GARDENS Small site is acceptable within the area. The rear ABD FRONTS GARDEN will be landscaped with permeable ground surfaces allowing or water infiltration. Before deciding on an application, the responsible authority must consider: • The design response. • The existing site coverage and any constraints imposed by existing development. • The capacity of the drainage network to accommodate additional stormwater. • The practicality of achieving the minimum site coverage of pervious surfaces.	Right of Appeal No, standard met
54.05-2 Overshadowing domestic solar energy systems To ensure that the height and setback of a building from a	Standard A5-2 Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over	N/A There are no existing domestic solar energy systems on adjoining buildings that require consideration. or The site is located in the Residential/Mixed Use Zone/Housing Choice and Transport Zone.	Right of Appeal Yes, standard varied

boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings	3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone. In Clause 54.05-2, domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.	Deemed to Comply There is an existing domestic solar system on the adjoining building to the adjoining Overshadowing diagrams demonstrate that no domestic solar system will be effected overshadowed between 9am and 3pm on 22 September. Decision guidelines Before deciding on an application, the responsible authority must consider whether the domestic solar energy system has been sited to optimise efficiency and protection from overshadowing.	
54.05-3 Rooftop solar energy generation area objective To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.	Standard A5-3 In Clause 54.05-3, rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system. An area on the roof is capable of siting a rooftop solar energy area for each dwelling which: • Has a minimum dimension of 1.7 metres. • Has a minimum area in accordance with Table B5-3. • Is oriented to the north, west or east. • Is positioned on the top two thirds of a pitched roof. • Can be a contiguous area or multiple smaller areas. • Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.	N/A This Standard does not apply to a small second dwelling. Deemed to Comply The submitted plans demonstrate that the dwelling • Has a minimum dimension of 1.7 metres. Above the rear first floor roof of the ens 2. • Is oriented to the north, west or east. • Is an contiguous area or multiple smaller areas. • Is free of obstructions on the roof of the dwelling Decision guidelines Before deciding on an application, the responsible authority must consider: • The design response.	Right of Appeal No – Standard varied

	Diagram A5-3 Allowable distance between obstructions and the rooftop solar energy area  Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements. Table A5-3 Minimum rooftop solar energy generation area <table><tr><th>Number of bedrooms</th><th>Minimum roof area</th></tr><tr><td>1 bedroom dwelling</td><td>15 square metres</td></tr><tr><td>2 or 3 bedroom dwelling</td><td>26 square metres</td></tr><tr><td>4 or more bedroom dwelling</td><td>34 square metres</td></tr></table> This standard does not apply to a small second dwelling.	Number of bedrooms	Minimum roof area	1 bedroom dwelling	15 square metres	2 or 3 bedroom dwelling	26 square metres	4 or more bedroom dwelling	34 square metres	• The size and orientation of the building. • The availability of solar access to the rooftop. • The extent to which the rooftop solar energy generation area is overshadowed by existing buildings, other permanent structures or equipment on the rooftop.	
Number of bedrooms	Minimum roof area										
1 bedroom dwelling	15 square metres										
2 or 3 bedroom dwelling	26 square metres										
4 or more bedroom dwelling	34 square metres										
54.05-4 Solar protection to new north facing windows objective To encourage external shading of north facing windows to minimise summer heat gain	Standard A5-4 North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height.	Complies Deemed to Comply North facing windows are EXISTING Before deciding on an application, the responsible authority must consider: • The design response. • The size and orientation of the lot. • The type and useability of external solar shading devices, including alternative design responses.	Right of Appeal No								

