

# Application for a Planning Permit

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

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

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

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

**i** Click for further information.

CITY OF MARIBYRNONG  
**RECEIVED**  
**24/9/2024**  
URBAN PLANNING

## The Land **i**

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

### Street Address \*

Unit No:	St. No.: 66	St. Name: Darnley Street
Suburb/Locality: BRAYBROOK		Post Code: 3019

### 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.

<b>A</b>	Vol.: 8811	Folio.: 839	Suburb.: Braybrook
<b>OR</b>	Lot No.: 363	Type.: Lot/Lodged Plan	
<b>B</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? \*

Propose 2 dwellings on a lot

**📎** 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 \*


800000.00	<b>⚠</b> You may be required to verify this estimate. Insert '0' if no development is proposed.
If the application is for land within <b>metropolitan Melbourne</b> (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 <b>must</b> be submitted with the application. Visit <a href="http://www.sro.vic.gov.au">www.sro.vic.gov.au</a> 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.

A single-storey dwelling with a tiled roof.


 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: CO	First Name:	Surname:
Organization (if applicable): Better Design Architecture		
Unit No: UNIT 303	St. No: 47	St. Name: Nelson Place
Suburb: WILLIAMSTOWN	State: VIC	Postcode: 3016
Business phone: 0391019898		Email: info@betterdesign.au
Mobile phone: 0434142987		Home: 0434142987

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

### Contact person's details\*

Name:		Same as applicant <input checked="" type="checkbox"/>
Title: CO	First Name:	Surname:
Organization (if applicable): Better Design Architecture		
Unit No: UNIT 303	St. No: 47	St. Name: Nelson Place
Suburb: WILLIAMSTOWN	State: VIC	Postcode: 3016
Business phone: 0391019898		Email: info@betterdesign.au
Mobile phone: 0434142987		Home: 0434142987

### 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 <input type="checkbox"/>
Title: MR	First Name: Nha	Surname: Trinh
Organization (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No:	St. No: 103	St. Name: Westmoreland Road
Suburb: SUNSHINE NORTH	State: VIC	Postcode: 3020
Business Phone:		Email:
Mobile phone: 0405991504		Home:

## Declaration

This form must be signed by the applicant \*

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

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

Signature:

Date   
day / month / year

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://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](mailto: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](http://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](http://www.landata.vic.gov.au) Contact your local Council to obtain a planning certificate in Central Gol fields, 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](http://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](http://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 08811 FOLIO 839

Security no : 124118434249Y  
Produced 21/09/2024 01:25 AM

### LAND DESCRIPTION

Lot 363 on Plan of Subdivision 059133.  
PARENT TITLE Volume 08708 Folio 124  
Created by instrument A152991 28/01/1970

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### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
DUC NHA TRINH  
LINH THUY THI LY both of 103 WESTMORELAND ROAD SUNSHINE NORTH VIC 3020  
AE652704S 09/10/2006

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL565123N 16/12/2014  
COMMONWEALTH BANK OF AUSTRALIA

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 LP059133 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: 66 DARNLEY STREET BRAYBROOK VIC 3019

### ADMINISTRATIVE NOTICES

NIL

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

DOCUMENT END

# Imaged Document Cover Sheet

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

Document Type	<b>Plan</b>
Document Identification	<b>LP059133</b>
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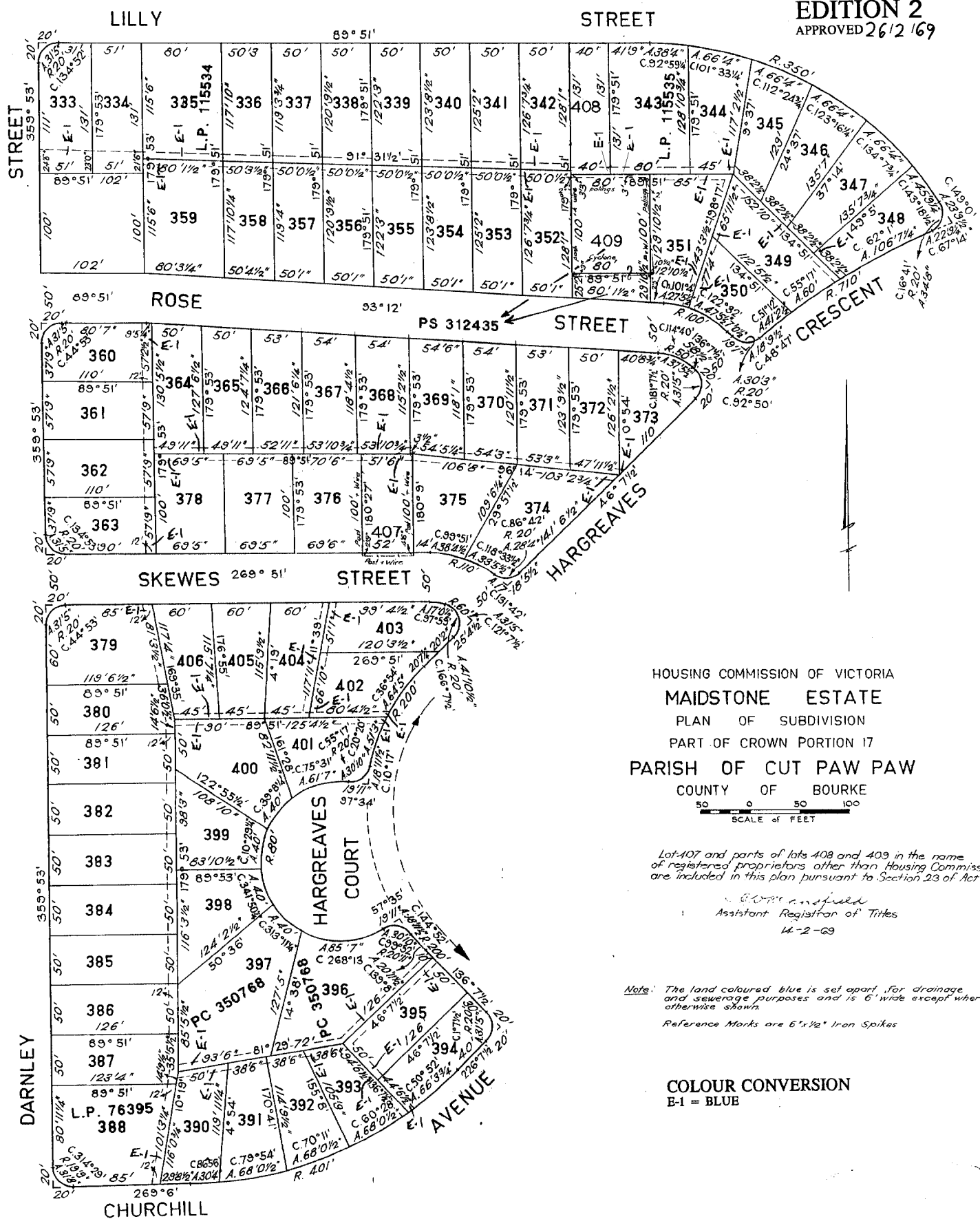
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CITY OF MARIBYRNONG

**RECEIVED**

**03/02/2025**

URBAN PLANNING



Note: The land coloured blue is set apart for drainage and sewerage purposes and is 6' wide except where otherwise shown.

Reference Marks are 6"x1/2" Iron Spikes

**COLOUR CONVERSION**  
E-1 = BLUE



CERTIFICATE OF TITLE V. 8062 F. 079 V8708 F124  
3627 257  
4293 560

LODGED BY HOUSING COMMISSION

A152991  
DATE 8.5.56

DECLARED BY R. D. STEELE 3.2.69

CONSENT OF COUNCIL CITY OF

SUNSHINE

10.12.68

PLAN MAY BE LODGED  
PLAN APPROVED DATE 26-2-69 TIME

THE LAND COLOURED BLUE  
IS APPROPRIATED  
OR SET APART FOR  
EASEMENTS OF DRAINAGE AND SEWERAGE.

LP 59133  
BACK OF SHEET 1

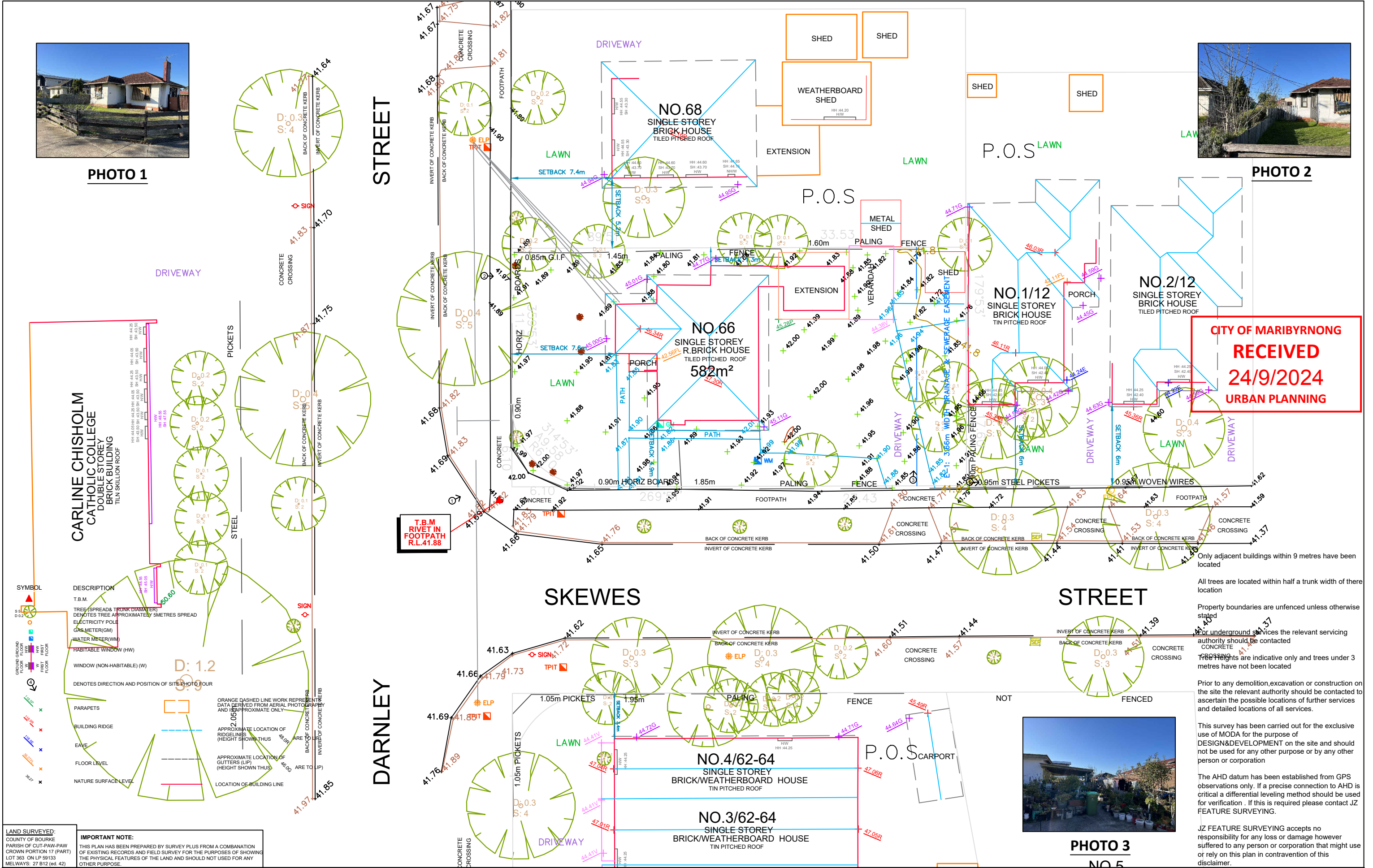




PHOTO 1



PHOTO 2



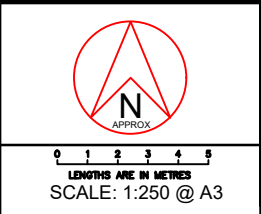
**LAND SURVEYED:**  
COUNTY OF BOURKE  
PARISH OF CUT-PAW-PAW  
CROWN PORTION 17 (PART)  
LOT 383 ON L.P. 89153  
MELWAYS: 27 812 (ed. 42)

**IMPORTANT NOTE:**  
THIS PLAN HAS BEEN PREPARED BY SURVEY PLUS FROM A COMBINATION OF EXISTING RECORDS AND FIELD SURVEY FOR THE PURPOSES OF SHOWING THE PHYSICAL FEATURES OF THE LAND AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

DATUM NOTES:				
- LEVELS SHOWN THUS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD)				
- LEVEL DATUM BASED ON CUT-PAW-PAW PM 177, R.L. 37.720				
- CONTOUR INTERVAL AT 0.2m MINOR & 1.0m MAJOR				
REV.	REVISION	DATE	APP'D	CHECK
J.Z. Feature surveying certify that this plan is in all respects accurate and correctly represents the existing conditions on the 19/09/21				
PROJECT		DEMO/UNITS		
Surveyors		J.Z.	23/06/24	
Drawn		H.D.	09/07/24	
Checked		J.Z.	10/07/24	

**EXPLANATORY NOTES:**

- DATA ON THIS PLAN MAY ONLY BE MANIPULATED WITH THE PERMISSION OF J.Z. LAND SURVEYING
- ACCURACY OF REDUCED LEVELS  $\pm 0.02$
- ACCURACY OF DETAIL LOCATION  $\pm 0.05$
- THIS HARDCOPY PLAN IS A VERIFICATION PLOT OF COMPUTER FILE: DWG: 66DARNLEY.dwg DATE: 09/07/24
- LOCATION OF ABUTTING BUILDINGS AND ENVIRONS IS INDICATIVE ONLY UNLESS OTHERWISE SHOWN.
- TREE SPREAD SHOWN ON THIS PLAN IS INDICATIVE ONLY.
- ONLY SIGNIFICANT TREES HAVE BEEN LOCATED AND SHOWN ON THIS PLAN.
- ALL VEGETATION SHOWN ON THIS PLAN IS TO BE VERIFIED BY AN ARBORIST.
- WINDOW DESCRIPTIONS ANNOTATED ON THIS PLAN ARE INDICATIVE ONLY AND SHOULD BE VERIFIED BY THE ARCHITECT, OWNER OR BUILDER PRIOR TO ANY DESIGN.
- ONLY VISIBLE SERVICES ARE SHOWN ON THIS PLAN.
- THIS IS NOT A TITLE RE-ESTABLISHMENT SURVEY.



Client : BETTER DESIGN Municipality : MARIBYRNONG

FEATURE AND LEVELS SURVEY PLAN

66 DARNLEY STREET

BRAYBROOK VIC 3019

DWG:	66DARNLEY.dwg
Job No:	DD1158
Sheet:	1 OF 1

**J.Z. FEATURE SURVEYING**

**LAND SURVEYORS**

**PH. 0403 006 224**

**john.zhang.surveyors@gmail.com**

**451 Pascoe Vale Road, Strathmore VIC 3041**



Date: 16th Jan 2025

Sara Abusidou  
Senior Planner  
Maribyrnong City Council  
PO BOX 58  
West Footscray 3012

Proposal: Construction of two dwellings on a lot  
Property: 66 Darnley Street Braybrook  
Application No: TP406/2024(1)

Dear Sara,

I am writing in response to council's letter dated 22nd October 2024.

Please find attached updated plans as supporting document.

1. Updated planning application form.
2. A recently searched Plan of Subdivision
3. A Revised Neighbourhood and Site Description and Design Response Plan TP01, TP02
4. Written assessment report
5. Site/ Floor plans have been updated
6. Street elevations
7. Shadow diagrams
8. Landscape Plan
9. Tree Report from Treemap
10. WSUD plan

Extension of time:

We have provided all information requested as best as we can. If any other further information is required, we request for an extension of time until the 16th March 2025 to enable us to provide additional information (only if any required) and to ensure that the application will not lapse.

If you wish to discuss any issues further, please feel free to contact me at 0421 561 090 or email [info@betterdesign.com.au](mailto:info@betterdesign.com.au)

Kind Regards,



**Luc Dao**  
Director  
(Bachelor of Architecture and Urban Planning)

*Better*  
**Design**  
ARCHITECTURE

Address: 303/47 Nelson Pl.  
Williamstown, 3016

Mob: 0421 561 090

[info@betterdesign.com.au](mailto:info@betterdesign.com.au)

**CITY OF MARIBYRNONG**  
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**03/02/2025**  
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# TOWN PLANNING SUBMISSION

66 DARNLEY ST, BRAYBROOK, VIC 3019

Maribyrnong Planning Scheme

**JAN 2025**

## **BETTER DESIGN ARCHITECT**

Address: U303 – 47 Nelson Pl., Williamstown 3016.

Phone: (03) 9101 9898 | Mobile: 0421 561 090

Email: [info@betterdesign.com.au](mailto:info@betterdesign.com.au)

Website: [betterdesign.com.au](http://betterdesign.com.au)



# 01 | LOCATION AND LOCAL

## Subject Site



Figure 1 - the subject site

**Location:** The site is located on the eastern side of Darnley Street.

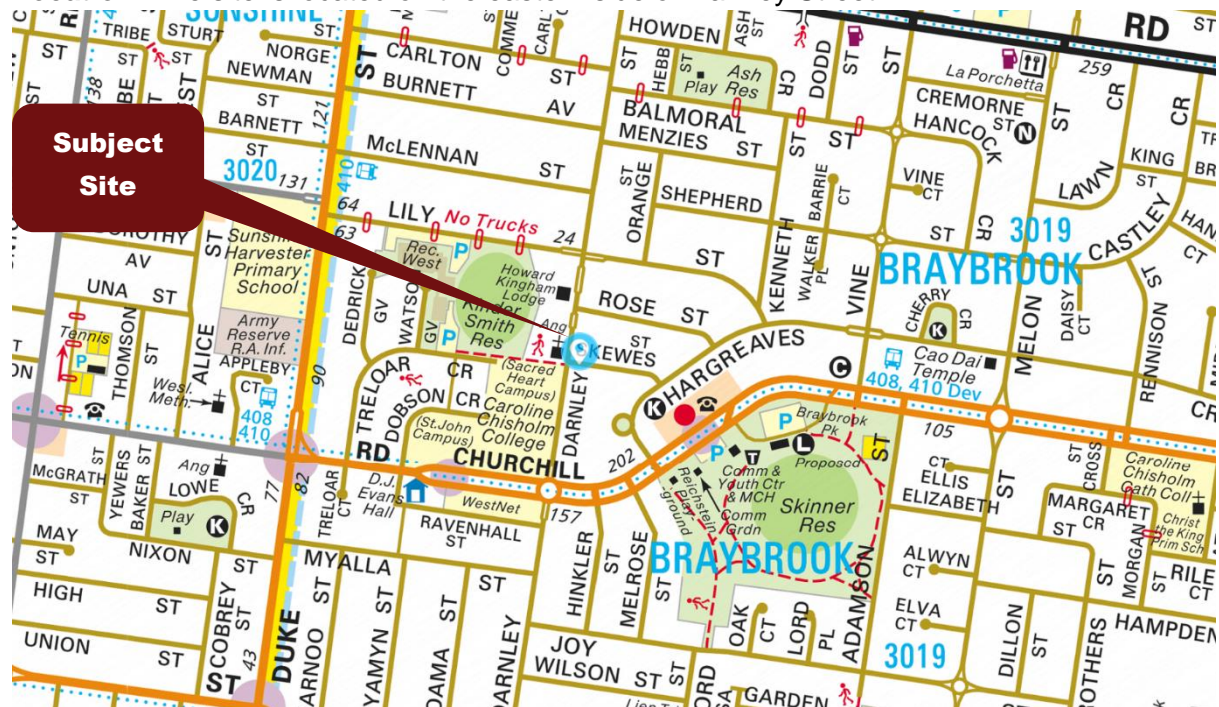
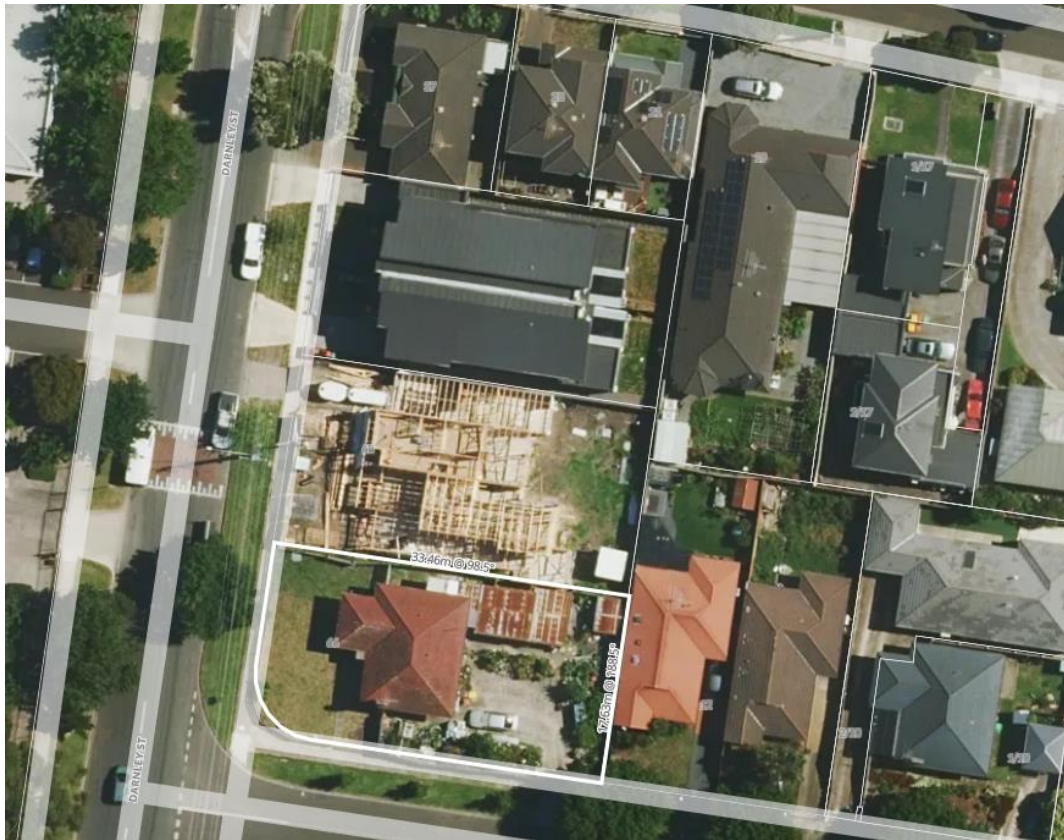


Figure 2 - Melway map of the site (Extract from Melway Online)



**The Site:** The site is located at the corner of Darnley Street and Skewes Street, with an area of approximately 582 square meters. It features a frontage of approximately 17.6 meters along Darnley Street and a length of approximately 33.53 meters. The site exhibits a slight slope of 0.9 meters. The existing structure is an aged single-storey dwelling with a tiled roof.



*Figure 3 - Satellite image of the site - Extract from Landchecker*

The backyard has few small sized trees and shrubbery. There are one sheds and extension, verandah towards the rear of the lot behind the existing dwelling.

**The Surrounds:** The house is located at the corner of Darnley Street and Skewes Street. To the left of the site, at No. 68 Darnley Street, is a new development of two dwellings on a similarly-sized parcel. To the right of the site, at No. 12 Skewes Street, are two single-storey dwellings on a slightly larger lot.



*72C Darnley St*



*52 Darnley St*

*Figure 4 – Surrounding photos*

## **Neighbourhood and Site Description (Clause 55 01-1)**

(Refer neighbourhood site description plan)

### **Pattern of development of the neighbourhood:**

Predominantly 1960s and 1970s dwellings and recent developments.

- A mixture of brick dwellings generally. Predominantly concrete tiles of various colours and metal roofs.
- Subdivision pattern site sizes are similar and range from 500-900sqm. Frontages are generally 11-25m. Subdivision pattern provides similar size, shape and orientation of sites in the direct area.
- Land topography is generally flat and sloping across the area from west to east.
- Front boundary fences when present are a mix of timber, wire, and rock and brick construction. Front gardens are generally low level with lawn and shrubs/trees.
- Dwelling heights are a predominantly single storey with instances of 2 storey dwellings.
- Street tree plantings are irregular. Street trees are predominantly small and medium size natives.
- Vehicle Side driveways are provided; carports and garages are generally present, adjacent to access/storage the dwelling.
- Areas in the immediate surrounding are residential.
- Surrounding homes are sited on similar sized allotments with a side setback from one side boundary to accommodate vehicle accommodation and access and a side setback from the other side boundary.

### **Built form, scale and character of surrounding development including front fencing:**

- The predominant dwelling style is single storey dwelling.
- The building form is rectangular extending the width of the allotment.
- Predominantly 1960s and 1970s dwellings and recent developments.
- Generally, a mixture of brick dwellings. Predominantly concrete tiles of various colours with some instances of metal roofs.

### **Architectural and roof styles:**

- The predominant building material is brick with roof tiles.
- Combination of gable and hip roof forms.

### **Notable features or characteristics of the neighbourhood:**

- Front setbacks of dwellings along Darnley St are varied ranging from 6.0 to 7.6m.
- Front gardens of adjoining properties are a combination of low maintenance and fully established with lawn cover, flower beds and small to medium sized native trees and shrubs.
- Front boundary fences when present are generally timber and brick. Front gardens are generally low level with lawn and shrubs, becoming more established with larger trees to rear yards.
- There are instances of solid high front fences along Darnley St.

### **In relation to the site:**

---

Planning Report  
66 Darnley St, Braybrook VIC 3019

**Site shape, size, orientation, site levels and easements:**

- The site has a frontage width of approximately 17m along Darnley St and a frontage width of approximately 33m Skewes St corner) along Darnley St.
- There are minimal height variations along the street frontage and to adjacent land.
- There is approximately 0.9m fall across the site.
- There is an easement 3.6m at rear of the site.
- Allotment area is 582sq.m.
- A single storey brick dwelling with tile roof occupies the site.
- The site has a crossover to Skewes St.
- The front garden is low maintenance with lawn cover, no tree within the front setback of the dwelling that contribute to the neighbourhood and streetscape character of the area.
- There is a horizontal boards front fence to Darnley St and a short piece of fence combine timber fence along Skewes St.

**Significant trees on site and any trees to be removed:**

- There are no mature/significant trees on the site to be removed.

**Soil conditions:**

- There are no soil contaminations or fill on the site.

**Local Provision: Maribyrnong Planning Scheme**

The subject site is situated within a General Residential Zone (GRZ1) and Development Contributions Plan Overlay (DCPO2). There is no heritage overlay applicable to the site.

This planning submission highlights the development's ability to comply with the relevant Clauses of the Maribyrnong Planning Scheme, Clause 45.06 Development Contributions Plan Overlay, Clause 32.08 General Residential Zone and Clause 55 Two or more dwellings on a lot and residential buildings.

**PLANNING INFORMATION**

**Planning Zone:** [GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE – SCHEDULE 1 \(GRZ1\)](#)

**Planning Overlay:** [DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY \(DCPO\)](#)

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY – SCHEDULE 2 \(DCPO2\)](#)

*Extract from Property Report (<https://mapshare.vic.gov.au/MapShareVic/>)*



## 02 | Proposal Summary

### Development summary

The development proposes two new dwellings on a site. The proposed development is an appropriate form of infill for the site based on existing development in the immediate and surrounding area.

AREA SCHEDULE						
SITE AREA	SITE COVERAGE		SITE PERMEABILITY		GARDEN AREA	
	AREA	%	AREA	%	AREA	%
582 m <sup>2</sup>	281 m <sup>2</sup>	48.3%	268 m <sup>2</sup>	46.0%	248 m <sup>2</sup>	42.6%

#### DWELLING 1

1. GROUND FLOOR	107.3 m <sup>2</sup>	11.5 SQ
2. FIRST FLOOR	114.5 m <sup>2</sup>	12.3 SQ
3. GARAGE	37.9 m <sup>2</sup>	4.1 SQ
4. PORCH	2.1 m <sup>2</sup>	0.2 SQ
	261.8 m <sup>2</sup>	28.2
POS	133.9 m <sup>2</sup>	
SPOS	35.9 m <sup>2</sup>	
	169.8 m <sup>2</sup>	

#### DWELLING 2

1. GROUND FLOOR	108.9 m <sup>2</sup>	11.7 SQ
2. FIRST FLOOR	97.8 m <sup>2</sup>	10.5 SQ
3. GARAGE	23.2 m <sup>2</sup>	2.5 SQ
4. PORCH	2.1 m <sup>2</sup>	0.2 SQ
	232.0 m <sup>2</sup>	25.0
POS	47.2 m <sup>2</sup>	
SPOS	30.9 m <sup>2</sup>	
	78.1 m <sup>2</sup>	

## **CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY**

### **45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY**

Shown on the planning scheme map as DCPO with a number.

#### **Purpose**

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

#### **45.06 – 1 Development contributions plan**

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme. This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay. A permit granted must: Be consistent with the provisions of the relevant development contributions plan. Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

#### **45.06 – 2 Preparation of a development contributions plan**

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

Specify the area to which the plan applies.

Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.

Relate the need for the works, services or facilities to the proposed development of land in the area.

Specify the estimated costs of each of the works, services and facilities.

Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.

Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.

Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.

Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.

# 03| Clause 55 Assessment

## Neighbourhood Character

## Clause 55.02

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>B1</b> <b>Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	1. Appropriate design response to the neighbourhood and site.	- <b>Complies</b>
	2. Design respects the existing or preferred neighbourhood character & responds to site	- <b>Complies</b>
<b>B2</b> <b>Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	1. Application to be accompanied by written statement that explains consistency with relevant housing policy in SPPF, LPPF, MSS and local planning policies.	- The proposal aligns with the State and Local Policy Frameworks and complies with the relevant provisions outlined in the Maribyrnong Planning Scheme by increasing housing diversity within an established residential area. - The proposed development demonstrates a satisfactory response to objectives of Clause 55. It is designed to deliver a high standard of onsite amenity while ensuring that the amenity of adjoining dwellings is not unreasonably impacted.
<b>B3</b> <b>Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	1. Developments of ten or more dwellings to provide for: Dwellings with a different number of bedrooms. At least one dwelling containing a kitchen, bath or shower, and a toilet and wash basin at ground floor level.	- <b>N/A</b>
<b>B4</b> <b>Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	1. Connection to reticulated sewerage, electricity, gas and drainage services.	<b>Complies</b>
	2. Capacity of infrastructure and utility services should not be exceeded	<b>Complies</b>
	3. Provision should be made for upgrading and mitigation of the impact of services or infrastructure where little or	- <b>N/A</b>
<b>B5</b> <b>Integration with the Street</b> Integrate the layout of development with the street.	1. Development orientated to front existing and	<b>Complies</b>
	2. Vehicle and pedestrian links that maintain and enhance local	
	3. High fences in front of dwellings should be avoided	

- |  |
|--|
| 4. Development next to public open space should be laid out to complement the open |
|--|

## Site Layout and Building Massing

## Clause 55.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>B6</b> <b>Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	1. 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 setbacks should be as set out below. <i>Porches, pergolas and verandahs less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i>	<b>Complies</b>
	2. Existing building on both the abutting allotments facing the same street & site is not on a corner. Min front Setback = average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.	<b>-N/A</b>
	3. Existing building + vacant site either side of the subject site facing the same street & site is not on a corner Min front Setback = same setback of front wall of existing building or 9m, whichever is the lesser.	<b>-N/A</b>
	4. The site is on a corner Min side setback for front walls = Same setback of existing building or 9m, whichever is the lesser. If no building 6m for streets in a RDZ1 and 4m for other. Min side setback for side walls = same setback of existing building or 3m, whichever is the lesser.	-The site is located on a corner, with the adjoining site having a front setback of 7.9m. Other corner dwellings in the vicinity have front setbacks of 7m. - The existing building on the site has a front setback of 7.6m. ➔ It is suggested to propose a slight variation for the front setback at 7.2m
<b>B7</b> <b>Building Height</b> Building height should respect the existing or preferred neighbourhood character.	1. The maximum building height should not exceed that specified in the zone, schedule to the zone or any overlay that applies to the land.	<b>Complies</b> The maximum height is lower than 9m.
	2. Where no maximum height is specified, the max height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site is 2.5 degrees or more, in which case the max height should not exceed 10m.	
	3. Changes of building height between new and existing should be graduated.	<b>Complies</b>



<b>B8</b> <b>Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	1. The site area covered by buildings should not exceed: The max site coverage specified in the schedule to the zone, or If no max site coverage is specified 60%	<b>Complies (50.3%)</b>
<b>B9</b> <b>Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	1. At least 20% of the site should not be covered by impervious surfaces	<b>Complies (58.8%)</b>
<b>B10</b> <b>Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	1. Orientation of buildings should make appropriate use of solar energy.	<b>Complies</b>
	2. Siting and design of buildings should not reduce the energy efficiency of buildings on adjoining lots.	<b>Complies</b>
	3. If practicable the living areas and private open space are to be located on the north side.	<b>Complies</b>
	4. Solar access for north-facing windows should be maximized.	<b>Complies</b>
<b>B11</b> <b>Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	1. Public open spaces should: Be substantially fronted by dwellings. Provide outlook for dwellings. Be designed to protect natural features. Be accessible and usable.	<b>Complies</b>
<b>B12</b> <b>Safety</b> Layout to provide safety and security for residents and property.	1. Entrances to dwellings and residential buildings should not be isolated or obscured from the street and internal accessways.	<b>Complies</b>
	2. Planting should not create unsafe spaces along streets and accessways	<b>Complies</b>
	3. Good lighting, visibility and surveillance of car parks and internal accessways.	<b>Complies</b>
	4. Protection of private spaces from inappropriate use as public thoroughfares.	<b>Complies</b>
<b>B13</b> <b>Landscaping</b> To provide appropriate landscaping To encourage: Development that respects the landscape character of the neighbourhood. Development that maintains and enhances habitat for plants and animals in locations of habitat importance.	1. Landscape layout and design should: Protect predominant landscape features of the neighbourhood Take into account the soil type and drainage patterns of the site Allow for intended veg. growth and structural protection of buildings In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. Provide a safe, attractive and functional environment for residents	<b>Complies</b>

The retention of mature vegetation on the site.	2. Development should: Provide for the retention or planting of trees, where these are part of the character of neighbourhood.  Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	<b>Complies</b>
	3. Landscape design should specify landscape themes, vegetation location & species, paving & lighting.	<b>Complies</b>
<b>B14</b> <b>Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	1. Accessways should provide: Safe, convenient and efficient vehicle movements and connections to the street network  Designed to ensure that vehicles can exit in a forward direction if the accessway serves more than 5 car spaces, 3 or more dwellings or connects to a road in a Road Zone.  A width of at least 3m. An internal radius of at least 4m at changes of direction.  A passing area at the entrance that is at least 5m wide and 7m long if the accessway serves 10 or more car spaces and connects to a road in a Road Zone.	<b>Complies</b>
	2. The width of the accessways or car spaces should not exceed:  33% of the street frontage; or 40% if the width of the street frontage is less than 20m.	<b>Complies</b>
	3. For each dwelling fronting a street, only one single width crossover should be provided.	<b>Complies</b>
	4. The location of crossovers will maximize the retention of on- street car parking spaces.	<b>Complies</b>
	5. Access points to a road in Road Zones to be minimized.	<b>Complies</b>
	6. Access for service, emergency and delivery vehicles must be provided.	<b>Complies</b>
<b>B15</b> <b>Parking Location</b> Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	1. Car parking facilities should be: <ul style="list-style-type: none"> <li>- Close and convenient to dwellings.</li> <li>- Secure.</li> <li>- Designed to allow safe and efficient movements.</li> <li>- Well ventilated if enclosed.</li> <li>- Broken up with trees and buildings or different surface treatments (applicable to Large Parking Areas.)</li> </ul>	<b>Complies</b>
	2. Shared access ways, car parks of other dwellings/ residential buildings should be at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m, where there is a fence at least 1.5m high or window sills are at least 1.4m above the access way.	<b>Complies</b>

<b>B16</b> <b>Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Access ways should be practical, attractive and easily maintainable.	1. Car parking for residents to be provided as follows: 1 car space for each 1 or 2 bedroom dwelling. 2 spaces for each 3 or more bedroom dwelling with 1 space under cover.  Note: Separate studies or studios must be counted as bedrooms.	<b>Complies</b>
	2. Developments of 5 or more dwellings should provide visitor parking of 1 per 5 dwellings and marked for visitor parking.	<b>N/A</b>
	3. In developments of five or more dwellings bicycle parking spaces should be provided.	<b>N/A</b>
	4. Minimum car park and access way dimensions met: Parallel 2.3m x 6.7m. Access way width: 3.6m 45 degrees 2.6m x 4.9m Access way width: 3.5m 60 degrees 2.6m x 4.9m Access way width: 4.9m 90 degrees 2.6m x 4.9m Access way width: 6.4m (refer to the table in 55.03-11 detailing further options of minimum dimensions for 90 degree angle parking).	<b>Complies</b>
	5. A building may project into a car space, if it is at least 2.1m above the space.	<b>Complies</b>
	6. Car spaces provided in a garage, carport or otherwise constrained by walls should be:  One space: 6m long + 3.5m wide. Two spaces: 6m long + 5.5m wide measured inside the garage or carport.	<b>Complies</b>
	7. Car parking facilities should: Be designed for efficient use and management. Minimise hard surface areas. Be designed, surfaced and graded to reduce run-off and allow for stormwater to drain into the site. Be lit.	<b>Complies</b>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p><b>B17</b></p> <p><b>Side and Rear Setbacks</b></p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>1. A new building not on or within 150mm of a boundary should be setback from side or rear boundaries:</p> <p>At least the distance specified in the schedule to the zone, or</p> <p>1m+ 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>(refer Diagram B1 for more detail and information about minor encroachments).</p>	<p><b>Complies</b></p>
<p><b>B18</b></p> <p><b>Walls on Boundaries</b></p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>1. A new wall constructed on or within 150mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <p>10m plus 25 % of the remaining length of the boundary of an adjoining lot.</p> <p>or</p> <p>Where there are existing or simultaneously constructed walls or carports abutting the boundary of an abutting lot, the length of the existing or simultaneously constructed walls or carports - whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in effective height of the wall or carport being less than 2m on the abutting property boundary.</p> <p>A height of a new wall constructed on or within 150mm of a side or rear boundary or a carport constructed on or within 1m of a side or rear boundary should not exceed an average of 3m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>Complies</b></p>
<p><b>B19</b></p> <p><b>Daylight to Existing Windows</b></p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>1. Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum dimension of 1m clear to the sky (this can include land on the adjoining lot).</p>	<p>- <b>N/A</b></p>
	<p>2. Walls or carports more than 3m in height opposite should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p>	<p>- <b>N/A</b></p>



<b>B20</b> <b>North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.	1. Buildings should be setback 1m if an existing north-facing habitable window is within 3m of the abutting lot boundary. (Add 0.6m to this setback for every metre of height over 3.6m and add 1m for every metre over 6.9m.) Refer to 55.04-4 for further clarification (a diagram is included).	- N/A
<b>B21</b> <b>Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	1. Where sunlight to a private open space of an existing dwelling is reduced, at least 75%, or 40sqm with min. 3m, whichever is the lesser area, of the open space should receive a min. of 5 hours of sunlight between 9 am and 3pm on 22 Sept.  If the existing sunlight to the private open space of an existing dwelling is less than these requirements, the amount of sunlight should not be reduced further.	Complies
<b>B22</b> <b>Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	1. A habitable room window, balcony, terrace, deck or patio should be designed to avoid direct views into the secluded private open space of an existing dwelling within 9m (see clause for details) should have either:  A minimum offset of 1.5m from the edge of one window to the other.  Sill heights of at least 1.7m above floor level.  Fixed obscure glazing in any part of the window below 1.7m above floor level.  Permanently fixed external screens to at least 1.7m above floor level and be no more than 25 % transparent.	Complies
	2. Obscure glazing below 1.7m above floor level may be openable if there are no direct views as specified in this standard.	Complies
	3. Screens to obscure view should be: Perforated panels or trellis with solid translucent panels or a maximum 25% openings.  Permanent, fixed and durable. Blended into the development.  See Clause 55.04-6 for instances where this standard does not apply.	Complies
<b>B23</b> <b>Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	1. Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling or residential building within the same development.	Complies

<b>B24</b> <b>Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	1. Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.	<b>Complies</b>
	2. Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties.	- <b>N/A</b>
	3. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry.	- <b>N/A</b>

## On-Site Amenity and Facilities

## Clause 55.05

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>B25</b> <b>Accessibility</b> Consider people with limited mobility in the design of developments.	1. Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility.	<b>Complies</b>
<b>B26</b> <b>Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	1. Entries are to be visible and easily identifiable from streets and other public areas.	<b>Complies</b>
	2. The entries should provide shelter, a sense of personal address and a transitional space.	<b>Complies</b>
<b>B27</b> <b>Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	1. Habitable room windows to face: Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or; 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.	<b>Complies</b>

<p><b>B28</b></p> <p><b>Private Open Space</b></p> <p>Provide reasonable recreation and service needs of residents by adequate private open space</p>	<p>1. Unless specified in the schedule to the zone, a dwelling should have private open space consisting of:</p> <p>40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or;</p> <p>Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or;</p> <p>Roof-top minimum 10sqm, minimum width 2m and convenient access from living room.</p>	<p><b>Complies</b></p>
<p><b>B29</b></p> <p><b>Solar Access to Open Space</b></p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>1. The private open space should be located on the north side of the dwelling if appropriate.</p>	<p><b>Complies</b></p>
	<p>2. Southern boundary of open space should be setback from any wall on the north of the space at least <math>(2+0.9h)</math> <math>h</math>= height of wall.</p>	<p>- <b>N/A</b></p>
<p><b>B30</b></p> <p><b>Storage</b></p> <p>Provide adequate storage facilities for each dwelling.</p>	<p>1. Each dwelling should have access to a minimum 6m<sup>3</sup> of externally accessible, secure storage space.</p>	<p><b>Complies</b></p>

## Detailed Design

## Clause 55.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>B31</b> <b>Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	1. Design of buildings should respect the existing or preferred neighbourhood character and address: Façade articulation & detailing. Window and door proportions. Roof form. Verandahs, eaves and parapets.	<b>Complies</b>
	2. Garages and carports should be visually compatible with the development and neighbourhood character.	<b>Complies</b>
<b>B32</b> <b>Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character	1. The front fence should complement the design of the dwelling or any front fences on adjoining properties.	- <b>N/A</b>
	2. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone or if no max. specified, the front fence should not exceed: 2m if abutting a Road Zone, Category 1. 1.5m in any other streets.	<b>Complies</b>
<b>B33</b> <b>Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	1. Should be functional and capable of efficient management.	<b>Complies</b>
	2. Public, communal and private areas should be clearly delineated. Common property should be functional and capable of efficient management.	<b>Complies</b>
<b>B34</b> <b>Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.	1. Dwelling layout and design should provide for sufficient space and facilities for services to be installed and maintained.	<b>Complies</b>
	2. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with in with the development.	<b>Complies</b>
	3. The site facilities including mailboxes should be located for convenient access. Bin and recycling enclosures located for convenient access. Mailboxes provided and located for convenient access as required by Aust. Post.	<b>Complies</b>



## 04 | Conclusion

It is submitted that the proposal of two new dwellings on a site is consistent with the State and Local Policy Framework and relevant provisions set out in the Maribyrnong Planning Scheme.

The proposed development provides a satisfactory response to neighbourhood character objectives, and the objectives of Clause 55 and will provide a high standard of onsite amenity without unreasonably affecting the amenity of the adjoining dwellings.

We submit that the proposal is worthy of Council support.

CITY OF MARIBYRNONG

**RECEIVED**

03/02/2025

URBAN PLANNING

# TREEMAP

ARBORICULTURE



## Arboricultural Assessment & Report 66 Darnley Street, Braybrook

Treemap Arboriculture  
PO Box 465, Heidelberg VIC 3084  
ABN 20 325 463 261  
[www.treemap.com.au](http://www.treemap.com.au)

November 2024

Prepared for:  
Better Design Architecture

## 1 Name and address of consultant

Dean Simonsen (AQF Level 7)  
Treemap Arboriculture  
PO Box 465, Heidelberg, Victoria 3084

## 2 Instructions

- 2.1 The instructions provided to Treemap Arboriculture on 11/11/24 by Better Design Architecture were to provide an Arboricultural assessment and report for trees located on or near the subject site, the subject site being 66 Darnley Street, Braybrook.

## 3 Introduction

- 3.1 The owners of the subject site are undertaking investigations to develop the property. As part of the design and application process, the owners are undertaking investigations with regard to the vegetation located on or near the site. This report examines the arboricultural matters associated with this vegetation.
- 3.1 Under the guidelines of AS4970-2009 (Australian Standard – Protection of trees on development sites), the following report would be defined as an ‘Arboricultural impact assessment’. The standard indicates that “*The report will identify possible impacts on trees to be retained. The report will explain design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated TPZ.*”

## 4 Key Objectives

- 4.1 To undertake a general assessment of trees located on or near the subject site.
- 4.2 To provide an assessment of the subject trees with respect to their overall condition, structure, safety and suitability for protection.
- 4.3 To provide recommendations on the suitability of the trees for protection, and provide approved methods of tree protection.

## 5 Method

- 5.1 A site and tree inspection were conducted on Tuesday 19<sup>th</sup> November 2024.
- 5.2 The tree assessment consisted of a visual inspection, which was undertaken with regard to modern arboricultural principles and practices. The assessment did not involve a detailed examination of below ground or internal tree parts. The assessment was undertaken from the ground of the subject site to determine tree condition and species type. Measurements were taken to establish trunk and crown dimensions. No tree samples or site soil samples were taken unless specified. Trunk diameters for trees on adjoining properties may be estimated due to site access limitations.
- 5.3 The trees have been allocated a retention value rating which combines tree condition factors with functional and aesthetic characteristics in the context of an urban landscape. The

retention or preservation of trees may not depend solely on arboricultural considerations; therefore, the ratings may act as a guide to assist in decisions relating to tree management and retention.

- 5.4 A survey plan was provided by the client (Feature & Levels Survey Plan prepared by J.Z. Feature Surveying, Ref. no: DD1158, dated 03/12/23). The assessed trees have been numbered on a section of this plan (Appendix 3).
- 5.5 A proposed ground floor plan was provided by the client for analysis (Proposed Ground Floor Plan prepared by Better Design Architecture, Ref. no: RFI66DAR.B, Revision C dated 21/11/24). The trees have been numbered on this plan and Tree Protection Zones are provided for specific trees (Appendix 3a).

## 6 Observations

- 6.1 The site under review presented as a single residential allotment with an existing dwelling. The site is a corner allotment and adjoins residential properties to the east, west and south. Dunedin Street frontage is located to the north. The subject site contained fruit trees and weeds.



- 6.2 Nine (9) trees or large shrubs were assessed in detail as part of the site review. This included 4 trees on the subject site and 5 street trees. The detail of each individual tree assessment is provided in table format at Appendix 1. Tree numbers within the assessment table correspond to those provided on the marked-up feature survey plan (Appendix 3).
- 6.3 The property is not influenced by any vegetation controls under the City of Maribyrnong Planning Scheme. This is based on a planning property report for the site being obtained from [www.planning.vic.gov.au/](http://www.planning.vic.gov.au/) on 19/11/24.



#### 6.4 The proposed design indicates a two-unit development.

## 7 Discussion

The Australian Standard (AS4970-2009) – ‘Protection of trees on development sites’ puts forward a process for undertaking tree inspections and reports on property where development is being considered. It recommends a preliminary assessment be undertaken to help guide planners and property owners with regard to the preservation of existing trees; that is trees that might contribute to the completed proposal. The standard points out that the preliminary report ‘information is to be used by planners, architects and designers, in conjunction with any planning controls and other legislation, to develop the design layout in such a way that trees selected for retention are provided with enough space’.

These assessments typically reveal a range of trees with varying attributes for health, structure and overall value. Some trees may be considered insignificant for their size, age, species type or condition, but they might still be considered for retention because they are situated conveniently on the site. Conversely, some trees may be exceptional for various reasons but there may be no scope for their retention because of their location or other site constraints. An objective of the tree assessment is to determine the trees that may be preferable, in terms of preservation, and to identify poor or insignificant trees that might be easily replaced or replaced with better species.

The arborist must also exercise judgement and expertise with respect to the types of trees that are deemed suitable for retention, and they should also consider what stage the tree is at in its overall lifecycle.

The site contained fruit trees and weeds. The retention value of the trees and shrubs on the site was rated ‘Low’ or ‘None’. The very low quality of the vegetation on the site and the absence of any vegetation controls, supports an approach whereby existing trees and shrubs should offer limited constraint to the proposed design. All of the fruit trees and weeds on the site are recommended for removal (Trees 6-9). A permit is not required to remove any trees.

A factor that may influence the proposed development on the subject site will be the impact of the design towards the street trees. The Tree Protection Zone and Structural Root Zone for trees on adjoining land have been indicated on the proposed plan at Appendix 3a.

Street tree 1 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.

Street tree 2 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.

Street tree 3 - *Pyrus calleryana* (Callery's Pear) is proposed to be relocated or replaced to allow the installation of a crossover.

Street tree 4 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.

Street tree 5 - *Fraxinus angustifolia* subsp. *angustifolia* (Desert Ash) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.

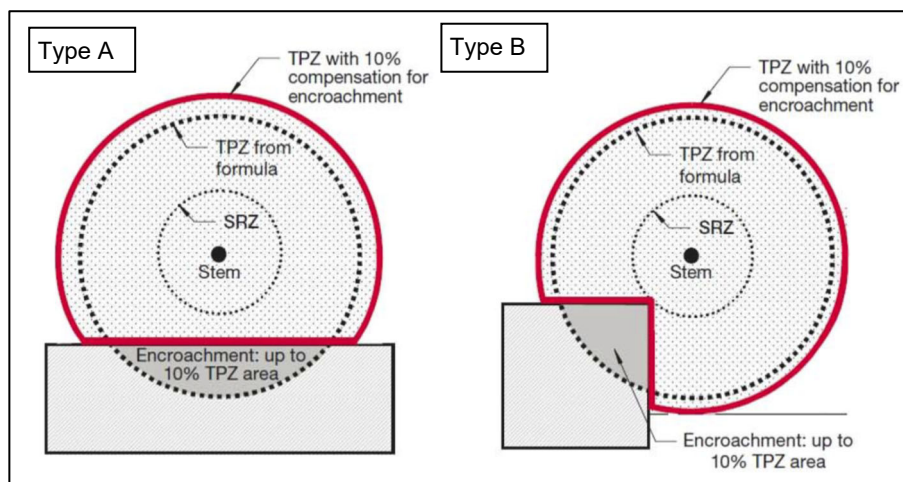
There are no tree protection matters associated with trees or shrubs on adjoining land.

## 7.1 Tree protection zones on development sites

The level of encroachment and the impact to specific trees can be estimated by comparing standard or modified tree protection clearances with those clearances provided to trees in the development design. The overall impact towards a specific tree will be based on the severity of encroachment into the respective tree protection zones. The degree of root activity in the tree protection zone can vary significantly with local growing conditions, which may result in more or less severe impacts to trees. The most accurate means of determining root activity in these zones is to undertake subsurface root investigations. The alternative to undertaking root investigations is to assign appropriate tree protection zones.

This report adopts AS4970-2009, Australian Standard – Protection of trees on development sites as the preferred tree protection method. The method provides a tree protection zone and a tree protection fencing distance (radial measurement from trunk centre) by using the width of the trunk at 1.4m above ground multiplied by 12. The prescribed TPZ distances are provided for each tree in Appendix 1 and they are illustrated for specific trees at Appendix 3a.

There is scope to reduce the tree protection zone by an area of 10% without further investigations. The rationale for any reduced tree protection distance is detailed in AS4970-2009 (*Australian Standard – Protection of trees on development sites*). Under encroachment Type A, it is acceptable to reduce the Tree Protection Zone (TPZ) area by 10%. This translates to a reduction in radial clearance distance of approximately 33% on one side of the tree only. This can be applied if there is contiguous space around the tree for root development to occur. The following diagram, from AS4970-2009, is provided to illustrate the approach.



## 8 Recommendations

- 8.1 The retention value of the trees and shrubs on the site was rated 'Low' or 'None'. The very low quality of the vegetation on the site and the absence of any vegetation controls, supports an approach whereby existing trees and shrubs should offer limited constraint to the proposed design. All of the fruit trees and weeds on the site are recommended for removal (Trees 6-9). A permit is not required to remove any trees.
- 8.2 Street tree 1 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.

- 8.3 Street tree 2 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.
- 8.4 Street tree 3 - *Pyrus calleryana* (Callery's Pear) is proposed to be relocated or replaced to allow the installation of a crossover.
- 8.5 Street tree 4 - *Pyrus calleryana* (Callery's Pear) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.
- 8.6 Street tree 5 - *Fraxinus angustifolia* subsp. *angustifolia* (Desert Ash) would be exposed to no Tree Protection Zone encroachment. The Structural Root Zone is avoided. No harm is predicted to this street tree from the proposed design.
- 8.7 Any vegetation in the study area that was not assessed as part of this report was considered insignificant, generally undesirable or sufficiently clear of any expected works.
- 8.8 Any proposed development on the site should make provision for landscaping and the planting of new trees.



Dean Simonsen (BAppSc Melb.)  
Consultant Arborist

## 9 References

Australian Standard AS 4970, 2009. *Protection of trees on development sites*. Standards Australia

## 10 Definitions

The TPZ and SRZ are defined in AS4970-2009, Australian Standard – Protection of trees on development sites as:

**Tree protection zone (TPZ)**

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

**Structural root zone (SRZ)**

*The area around the base of a tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres. This zone considers a tree's structural stability only, not the root zone required for a tree's vigour and long-term viability, which will usually be a much larger area.*

## 11 Expertise of Arborist to prepare report

**Qualifications and expertise of consultant**

- Bachelor of Applied Science, Horticulture (Plant Production) – University of Melbourne, Burnley College.
- Diploma of Applied Science, Horticulture (Arboriculture) – University of Melbourne, Burnley College. Dux of Arboriculture.

- More than 25 years of experience in the arboriculture/horticulture industry (private and local government experience).
- Consultant Arborist and Director at Tree Logic Pty Ltd from June 1999 to September 2011.
- Manager of Arboriculture – Royal Botanic Gardens, Melbourne (27 Months 1997-1999).
- Secretary for the Victorian Tree Industry Organisation (VTIO) 2007-2012.
- Financial member of the International Society of Arboriculture (ISA).
- Presented paper at the International Society of Arboriculture Conference, 2011 at Parramatta, NSW.

**Expertise to prepare report**

- My qualifications and experience have primarily involved the management of tree issues in the urban landscape. Specifically, this has involved hazard, general or detailed assessment of tree condition on private and public land with recommendations made on preservation strategies or remedial works.
- Tree assessments to establish tree health, tree structure and arboricultural values are core components of Treemap Arboriculture's business activities.
- Prepared in excess of 4000 development reports.
- I have experience at Victorian Civil Administrative Tribunal and the magistrate's court as an expert witness on arboricultural matters.
- I have inspected and assessed well over one hundred thousand trees and managed assessment programs for at least ten times as many.

## Appendix 1

**Tree Assessment Table**

No	Species	Common Name	DBH (cm)	TPZ AS4970 (m)	SRZ AS4970 (m)	HxW (m)	Age	Health	Structure	Form	Comment	Tree Type	Retention value	Recommend
1	<i>Pyrus calleryana</i>	Callery's Pear	39	4.68	2.32	6x9	Maturing	Fair	Fair to Poor	Asymmetric		Exotic deciduous	Low	Street tree
2	<i>Pyrus calleryana</i>	Callery's Pear	5	2.00	1.50	3x1	Young	Fair	Fair to Poor	Symmetric		Exotic deciduous	Low	Street tree
3	<i>Pyrus calleryana</i>	Callery's Pear	5	2.00	1.50	3x1	Young	Fair	Fair to Poor	Symmetric		Exotic deciduous	Low	Street tree
4	<i>Pyrus calleryana</i>	Callery's Pear	5	2.00	1.50	3.5x1	Young	Fair	Fair to Poor	Symmetric		Exotic deciduous	Low	Street tree
5	<i>Fraxinus angustifolia</i> subsp. <i>angustifolia</i>	Desert Ash	27,24,24 (43.4)	5.21	2.43	6.5x8	Semi-mature	Fair	Poor	Manipulated	Powerline pruned, Woody weed	Exotic deciduous	None	Street tree
6	<i>Prunus persica</i>	Peach	10	2.00	1.50	2.2x4	Semi-mature	Fair	Poor	Minor asymmetry		Exotic deciduous	Low	Remove
7	<i>Malus Xdomestica</i>	Apple	10	2.00	1.50	2.3x2	Semi-mature	Fair	Poor	Manipulated		Exotic deciduous	Low	Remove
8	<i>Citrus X limon</i>	Lemon	15	2.00	1.55	2.1x3	Semi-mature	Fair	Poor	Manipulated		Exotic evergreen	Low	Remove
9	<i>Grevillea</i> sp.	Grevillea	11	2.00	1.50	2x2	Semi-mature	Fair	Poor	Manipulated		Australian native	Low	Remove

\*Descriptors in Appendix 2

DBH = Diameter at Breast Height in centimetres (bracketed dimension = modified diameter according to AS4970)

HxW= Height and Width of crown, in metres.

TPZ – optimum radial clearance distance as per AS4970.

SRZ – radial clearance distance to maintain tree stability, as per AS4970.

Woody weeds determined from White, M., Cheal, D., Carr, G. W., Adair, R., Blood, K. and Meagher, D. (2018). Advisory list of environmental weeds in Victoria. Arthur Rylah Institute for Environmental Research Technical Report Series No. 287. Department of Environment, Land, Water and Planning, Heidelberg, Victoria



## Appendix 2

### Descriptors

Field name	Description
<b>No.</b>	Tree identification number. Unique numbers are assigned to each assessed individual tree or tree group.
<b>Species</b>	Identifies the tree using the international taxonomic classification system of binomial (or trinomial) nomenclature (genus, species, variety and cultivar).
<b>Common Name</b>	Provides the common name as occurs in current Australian horticultural literature. More than one common name can exist for a single tree species, or several species can share the same common name.
<b>DBH</b> (Diameter at breast height)	Indicates the trunk diameter (expressed in centimetres) of an individual tree usually measured at 1.4m above the existing ground level. Multiple stemmed trees are calculated using a formula to combine the stems into a single stem for tree protection zone calculations.
<b>TPZ</b> (Tree protection zone)	Tree protection zone expressed as a radial distance in metres, measured from trunk centre. Based on AS 4970
<b>SRZ</b> (Structural Root Zone)	Radial distance in metres measured from trunk centre to maintain tree stability - AS4970
<b>HxW</b> (Height x Width)	Indicates height and width of single tree and measurement generally expressed in whole metres

Age	Description
<i>Young</i>	Sapling tree and/or recently planted
<i>Semi-mature</i>	Tree rapidly increasing in size and yet to achieve expected size in situation
<i>Maturing</i>	Specimen approaching expected size in situation, with reduced incremental growth
<i>Over-mature</i>	Tree is senescent and in decline

<b>Health</b>	Term assigned that provides a broad description of the health and vigour of the tree.					
<u>Ratings</u>	<i>Good</i>	<i>Fair</i>	<i>Fair to Poor</i>	<i>Poor</i>	<i>Very poor</i>	<i>Dead</i>

<b>Structure</b>	Term assigned that provides a broad description of the structure and stability of the tree.					
<u>Ratings</u>	<i>Good</i>	<i>Fair</i>	<i>Fair to Poor</i>	<i>Poor</i>	<i>Very poor</i>	<i>Failed</i>

Form	Description
<i>Symmetric</i>	Evenly balanced crown
<i>Asymmetric</i>	Crown biased in one direction; can be minor or major
<i>Stump re-sprout</i>	Adventitious shoots originating from stump or trunk
<i>Manipulated</i>	Hedge, pollard, topiary, windrow; managed for specific landscape use or aesthetic outcome

<b>Comment</b>	Additional comments that provide specific detail on the condition of the tree or management requirements
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Tree type	Description
<i>Indigenous</i>	Occurs naturally in the area or region of the subject site
<i>Victorian native</i>	Occurs naturally within some part of Victoria (not exclusively) but is not indigenous
<i>Australian native</i>	Occurs naturally within Australia but is not a Victorian native or indigenous
<i>Exotic deciduous</i>	Occurs outside of Australia and typically sheds its leaves during winter
<i>Exotic evergreen</i>	Occurs outside of Australia and typically holds its leaves all year round
<i>Exotic conifer</i>	Occurs outside of Australia and is classified as a gymnosperm
<i>Native conifer</i>	Occurs naturally within Australia and is classified as a gymnosperm
<i>Palm</i>	Woody monocotyledon
<i>Other</i>	Other descriptions as indicated

<b>Retention value</b>	Qualitative rating provided on tree based on assessment factors. Provided as a guide for management decisions.			
<u>Ratings</u>	<i>High</i>	<i>Moderate</i>	<i>Low</i>	<i>None</i>

<b>Recommend</b>	Recommended action based on condition of the tree with reference to proposed site changes							
<u>Responses</u>	<i>Retain</i>	<i>Could be retained</i>	<i>Consider removal</i>	<i>Remove</i>	<i>Street tree</i>	<i>Neighbour's Tree</i>	<i>Already removed</i>	<i>Transplant</i>

Descriptors reviewed annually and subject to change

## STREET





AREA SCHEDULE						
SITE AREA	SITE COVERAGE		SITE PERMEABILITY		GARDEN AREA	
	AREA	%	AREA	%	AREA	%
582 m <sup>2</sup>	281 m <sup>2</sup>	48.3%	268 m <sup>2</sup>	46.0%	248 m <sup>2</sup>	42.6%

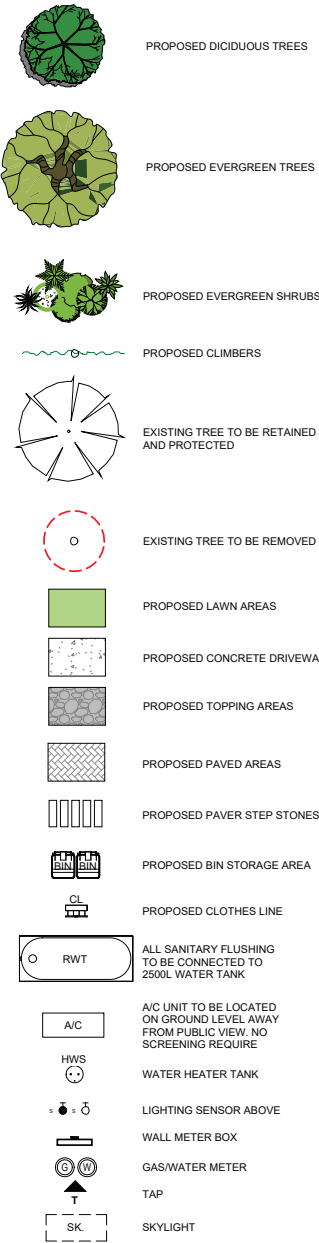
DWELLING 1		
1. GROUND FLOOR	107.0 m <sup>2</sup>	11.5 SQ
2. FIRST FLOOR	112.2 m <sup>2</sup>	12.1 SQ
3. GARAGE	37.4 m <sup>2</sup>	4.0 SQ
4. PORCH	2.5 m <sup>2</sup>	0.3 SQ
	259.2 m <sup>2</sup>	27.9
POS	134.1 m <sup>2</sup>	
SPOS	35.9 m <sup>2</sup>	
	170.1 m <sup>2</sup>	

DWELLING 2		
1. GROUND FLOOR	108.9 m <sup>2</sup>	11.7 SQ
2. FIRST FLOOR	109.8 m <sup>2</sup>	11.8 SQ
3. GARAGE	23.2 m <sup>2</sup>	2.5 SQ
4. PORCH	2.1 m <sup>2</sup>	0.2 SQ
	244.0 m <sup>2</sup>	26.3
POS	47.2 m <sup>2</sup>	
SPOS	30.9 m <sup>2</sup>	
	78.1 m <sup>2</sup>	

# Appendix 3a



## LEGENDS:



## **Assumptions and limiting conditions of arboricultural consultancy report**

1. Any legal description provided to Treemap Arboriculture is assumed to be correct. Any titles and ownerships to any property are assumed to be correct. No responsibility is assumed for matters outside the consultant's control.
2. Treemap Arboriculture assumes that any property or project is not in violation of any applicable codes, ordinances, statutes or other local, state or federal government regulations.
3. Treemap Arboriculture has taken care to obtain all information from reliable sources. All data has been verified insofar as possible; however Treemap Arboriculture can neither guarantee nor be responsible for the accuracy of the information provided by others not directly under Treemap Arboriculture control.
4. No Treemap Arboriculture employee shall be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.
5. Loss of this report or alteration of any part of this report not undertaken by Treemap Arboriculture invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by anyone but the client or their directed representatives, without the prior consent of the Treemap Arboriculture.
7. This report and any values expressed herein represent the opinion of the Treemap Arboriculture consultant and the Treemap Arboriculture fee is in no way conditional upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, diagrams, graphs and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural drawings, reports or surveys.
9. Unless expressed otherwise: 1) Information contained in this report covers only those items that were covered in the project brief or that were examined during the assessment and reflect the condition of those items at the time of inspection; and 2) The inspection is limited to visual examination of accessible components without dissection, excavation or probing unless otherwise stipulated.
10. There is no warranty or guarantee, expressed or implied by Treemap Arboriculture, that the problems or deficiencies of the plants or site in question may not arise in the future.
11. All instructions (verbal or written) that define the scope of the report have been included in the report and all documents and other materials that the Treemap Arboriculture consultant has been instructed to consider or to take into account in preparing this report have been included or listed within the report.
12. To the writer's knowledge all facts, matter and all assumptions upon which the report proceeds have been stated within the body of the report and all opinion contained within the report have been fully researched and referenced and any such opinion not duly researched is based upon the writers experience and observations.

**AMENDMENT TO AN APPLICATION FOR A PLANNING PERMIT - Request Form  
(before permit is issued)**

**Privacy Information:** Any material submitted with this application, including plans and personal information, will be available for public viewing, including electronically, and copies may be made to interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.  
**Requests for access to and/or amendment of the information provided may be made to Council's Privacy Officer on: 9688 0200.**

**DETAILS OF APPLICATION TO BE AMENDED**

<b>Application Number:</b>	<b>Address of Land :</b>
TP406/2024(1)	66 Darnley Street BRAYBROOK
Under what section of the Planning and Environment Act 1987, is the amendment being sought:	
<input checked="" type="checkbox"/> Section 50 – Amendment to the application prior to notice	
<input type="checkbox"/> Section 57A – Amendment to the application after notice (Note – A fee of 40% of the original application fee is required with this request)	

**THE APPLICANT**

<b>Name:</b>	Chi Phan	<b>Organisation:</b>	Better Design Architecture
<b>Address:</b>	303/47 Nelson Pl. Williamstown		
<b>Contact Phone Number:</b>	0434 142 987		
<b>Email:</b>	info@betterdesign.au		
<b>Are you the applicant of the original planning permit application?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Note: Only the applicant of the original planning permit application may ask Council to amend the application)			

**DETAILS OF THE PROPOSED CHANGES**

Is there a change to the description of the land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is there a change to the plans and/or other documents submitted with the application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there a change to the use and/or development of the land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**List in detail the proposed changes (This can be listed on a separate page)**

Add windows to the west elevation and update the roof design as per the Council's request.

**DECLARATION TO BE COMPLETED FOR APPLICATIONS**

<b>I declare that all information I have given is true.</b>	<b>Applicant Signature:</b> 
	<b>Date:</b> 25/03./2025



## HOW TO REQUEST FOR AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT

ALL OF THE INFORMATION OUTLINED BELOW MUST ACCOMPANY THIS APPLICATION.

### **ALL REQUESTS SUBMIT:**

1. Application form
2. A written statement detailing all alterations/amendment proposed
3. Application fee if required

### **If you are amending the description of the land, please submit:**

1. Provide the street number, street name, town, postcode, the lot number and lodged plan number or other title particulars
2. If you attach a plan, include:
  - The boundaries of the land and their measures;
  - The street it faces, the nearest intersecting street, the distance from this street and the name of all streets on the plan;
  - Reasons for the amendment

### **If you are amending the use and/or development of the land, please submit:**

1. Details of the changes to the use and development of the land;
2. Reasons for wishing to amend the use and/or development;

### **If you are amending the plans, please submit:**

1. An electronic copy of the plans (coloured to highlight the proposed amendments):
  - Site plan of the existing site and all amendments that are proposed;
  - Floor plans showing existing conditions, and all proposed amendments;
  - Elevation plans of the existing proposal, and all proposed amendments.