

# CITY OF MARIBYRNONG ADVERTISED PLAN

11 MAR 2025

Attention to: *Nicolas Rocca*

Maribyrnong city council

**APPLICATION NO:** TP503/2024(1)  
**ADDRESS:** 7 BERTHANDRA COURT, WEST FOOTSCRAY, VIC, 3012  
**PROPOSAL:** CONSTRUCTION OF TWO DWELLINGS ON AN ALLOTMENT

Hi Nicolas

Please find enclosed amended plans addressing the issue of the street tree, which is to be retained.

We would like to apply for time extension if the RFI is not satisfied.

List of changes

- General
  - **Street tree (T3) to be retained.**
  - **Crossover of dwelling 2 relocated to Southern corner**
- Dwelling 1
  - Staircase relocated
  - Ground floor and first floor redesigned to suit
- Dwelling 2
  - Garage relocated to the South
  - Ground and first floor redesigned to suit.

Please do not hesitate to contact us if you require further information.

Yours sincerely,

**Thang LE**

# 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 for further information.

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**ADVERTISED PLAN**

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**URBAN PLANNING**

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

**Street Address \***

Unit No:	St. No.: 1	St. Name: Berthandra Court
Suburb/Locality: WEST FOOTSCRAY		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.

<b>A</b>	Vol.: 8474	Folio.: 966	Suburb.: West Footscray
<b>OR</b>	Lot No.: 7	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? \*

Construction of duplex ( side by side) dwellings on an allotment.

**📎** 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 \*


950000.00	<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.

Single dwelling on an allotment.


 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: MRS First Name: Jenny Surname: Mai  
Organization (if applicable):

Unit No: SE 306 St. No: 838 St. Name: Collins Street  
Suburb: DOCKLANDS State: VIC Postcode: 3008  
Business phone: 0403563815 Email: info@arczero.com.au  
Mobile phone: 03 9492 3891 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: MRS First Name: Jenny Surname: Mai  
Organization (if applicable):

Unit No: SE 306 St. No: 838 St. Name: Collins Street  
Suburb: DOCKLANDS State: VIC Postcode: 3008  
Business phone: 0403563815 Email: info@arczero.com.au  
Mobile phone: 03 9492 3891 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: MR First Name: Walter Surname: Bourne  
Organization (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No: St. No: 147 St. Name: Meredith Street  
Suburb: HOWLONG State: NSW Postcode: 2643  
Business Phone: Email: info@arczero.com.au  
Mobile phone: 0403563815 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:

*Jenny Mai Arc Zero Pty Ltd*

Date

19 / 12 / 2024

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 08474 FOLIO 966

Security no : 124121684288X  
Produced 03/02/2025 12:57 PM

### LAND DESCRIPTION

Lot 7 on Plan of Subdivision 053106.  
PARENT TITLE Volume 08340 Folio 138  
Created by instrument B464136 18/07/1962

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03/02/2025  
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### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
PD NO. 1 PTY LTD of 26 EUCALYPTUS DRIVE MAIDSTONE VIC 3012  
AY787096L 16/01/2025

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AY787097J 16/01/2025  
BNY TRUST COMPANY OF AUSTRALIA LTD

COVENANT 0593639

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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 LP053106 FOR FURTHER DETAILS AND BOUNDARIES

### ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AY465330C (E)	CONV PCT & NOM ECT TO LC	Completed	04/10/2024
AY466152U (E)	TRANSFER	Registered	04/10/2024
AY787096L (E)	TRANSFER	Registered	16/01/2025
AY787097J (E)	MORTGAGE	Registered	16/01/2025

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 7 BERTHANDRA COURT WEST FOOTSCRAY VIC 3012

### ADMINISTRATIVE NOTICES

NIL

eCT Control 18440T MSA NATIONAL  
Effective from 16/01/2025

DOCUMENT END

# Imaged Document Cover Sheet

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**03/02/2025**

URBAN PLANNING

**CITY OF MARIBYRNONG  
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# 593639



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LAND MANAGEMENT

**REGISTERED ORIGINAL TRANSFER**

**NUMBER 593639 CANNOT BE LOCATED**

**IN THIS OFFICE AND THE ATTACHED**

**IMAGED COPY IS ILLEGIBLE .**

**HOWEVER , THE COVENANT CONTAINED**

**IN THE TRANSFER IS SET OUT ON THE**

**FACE OF CERTIFICATE OF TITLE VOLUME**

**3650 FOLIO 809 .**

**A COPY OF THE FACE OF THE SAID TITLE**

**IS ATTACHED**

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

*Dan Sp*  
**MANAGER  
REGISTER BOOK  
25 - 8 - 1998**



D593639-1-8

PO Box 500, East Melbourne 3002  
283 Queen Street, Melbourne 3000 DX 250639  
Telephone: (03) 9603 5555 Facsimile: (03) 9603 5555

 **Victoria ON THE MOVE**





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Cellar 2

593639

MICROFILMED

JOHNSON & JOHNSON

Victoria

TRANSFER OF LAND

We SIR RUFERT TURNER HAVELOCK CLARKE Baronet of "Rupertwood"  
Sunbury JANET MARION LADY CLARKE of "Cliveden" East Melbourne  
Widow and CHESBOROUGH FALCONER MACDONALD of Wantabadgery near  
Wagga Wagga New South Wales but at present temporarily absent  
from Australia Grazier being registered as the proprietors as --  
executors and executrix of the Will and Codicil of the Honorably  
Sir William JEN Clarke Baronet of an estate in fee simple in the  
land hereinafter described subject to the encumbrances notified  
hereunder in consideration of the sum of Eight hundred and eighty  
pounds seven shillings and six pence paid to us by Percy Thomson  
of Collins Street Melbourne <sup>Valuer</sup> Agent and Robert McCutcheon ~~Edgar~~ of  
Number 278 Post Office Place Melbourne Manufacturer ~~DO JAMES~~ --  
TRANSFER to the said PERCY THOMSON and ROBERT McCUTCHEON --  
EDGAR as tenants in common in equal shares All our estate and --  
interest in ALL THAT piece of land being part of Crown Allotment  
Seven of Section Thirteen Parish of Cut Paw Paw (at Footscray --  
County of Bourke and being lots six to thirteen both inclusive

on Plan of Subdivision lodged in the Office of Titles numbered 5054  
together with a right of carriage way over all the roads  
as delineated and colored brown on the said plan of subdivision.

DATED the 29th day of April One thousand nine --

hundred and nine.

SIGNED by the said Sir Rupert --  
Turner Havelock Clarke Baronet in  
the presence of

*Rupert Turner*

*James Macdonald*

SIGNED by the said Janet Marion --  
Lady Clarke in the presence of

*Agnes Macdonald*



D593639-2-3



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593639

SIGNED by the said Chesborough ---  
Falconer Macdonald by his Attorney  
William Howat in the presence of

C. Falconer Macdonald  
by his Attorney  
W. Howat

*(Signature)*

SIGNED by the said Percy Thomson  
in the presence of

*Percy Thomson*

*(Signature)*

SIGNED by the said Robert -----  
McCutcheon Edgar in the presence of

*R. M. Edgar*

*(Signature)*

*Wm. S. Robertson and M. M. M. M.*

ENCUMBRANCES REFERRED TO.

Appeared before me at *Melbourne* the *Twenty fourth* day of *April*  
One thousand nine hundred and nine Leslie Hocking the attesting  
witness to this instrument and declared that he personally knew  
Percy Thomson and Robert McCutcheon Edgar the persons signing the  
same and whose signatures the said Leslie Hocking attested and  
that the names purporting to be the signatures of the said Percy  
Thomson and Robert McCutcheon Edgar are of their own handwriting  
and ~~and~~ they of sound mind freely and voluntarily signed such

*Edgar P. Thomson*  
*Shirley Melbourne*



D593639-3-9





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0593639-3-9

<p><i>[Large handwritten mark]</i></p>		<p>DATE: 1800</p>	
		<p>SIR HUBERT TURNER HAYLOCK CLARET, BARONET and others</p>	
<p>MR. PERCY THOMSON and another</p>		<p>to</p>	
<p>TRANSFER</p>			
<p><i>[Redacted section]</i></p>			
<p>MEMORIAL OF INSTRUMENT.</p>			
<p>NATURE OF INSTRUMENT</p>	<p>TIME</p>	<p>AND OF THE PARTIES TO THE INSTRUMENT</p>	
<p><i>Transfer for part of the estate of</i></p>	<p>THE 5<sup>th</sup> DAY May 1809 AT 10<sup>th</sup> O'CLOCK IN THE Forenoon</p>	<p><i>Hubert Turner Haylock Clarke Janet Haron Lady Clarke and Edinburgh Talcon and Macdonald</i></p>	
<p><i>of</i></p>	<p><i>Forenoon</i></p>	<p><i>Percy Thomson and Edgar</i></p>	
<p><i>to them</i></p>			
<p>2063 412579</p>			
<p><i>to them</i></p>			
<p>ASSISTANT REGISTRAR OF</p>			





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D593639-4-4



hereunder in consideration of the sum of Eight hundred and eighty pounds seven shillings and six pence paid to us by Percy Thomson of Collins Street Melbourne <sup>Valuer</sup> ~~Agent~~ and Robert McCutcheon Edgar of Number 278 Post Office Place Melbourne Manufacturer DO HEREBY TRANSFER to the said PERCY THOMSON and ROBERT MCCUTCHEON EDGAR as tenants in common in equal shares All our estate and interest in ALL THAT piece of land being part of Crown Allotment Seven of Section Thirteen Parish of Cut Paw Paw (at Footscray) County of Bourke and being lots six to thirteen both inclusive

on Plan of Subdivision lodged in the Office of Titles numbered 5054 together with a right of carriage way over all the roads delineated and colored brown on the said plan of subdivision. DATED the 27th day of April One thousand nine

hundred and nine.

SIGNED by the said Sir Rupert ---

Turner Havelock Clarke Baronet in

the presence of

SIGNED by the said Janet Marion ---

Lady Clarke in the presence of



*Robert McCutcheon Edgar*

*Edgar*

Enlarged Reproduction  
of Instrument No: 593639

SIGNED by the said Janet Marion ---  
Lady Clarke in the presence of





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ORIGINAL

NOT TO BE TAKEN FROM THE OFFICE  
OF TITLES



VICTORIA

FILE WITH 593639

REGISTER BOOK

VOL 3650 FOL 809

SECOND EDITION

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL 3650 FOL 809  
SECOND EDITION

ALCO HOMES PROPRIETARY LIMITED of 13 Horne Street Elsternwick is now the --  
proprietor of an estate in fee simple subject to the encumbrances notified ---  
hereunder in ALL THAT piece of land delineated and coloured red on the map in -  
the margin being part of Lot 12 on Plan of Subdivision No.5054 Parish of ---  
Cut Paw Paw County of Bourke Together with a right of carriage way over the -  
roads coloured brown on the said Plan of Subdivision - - - - -



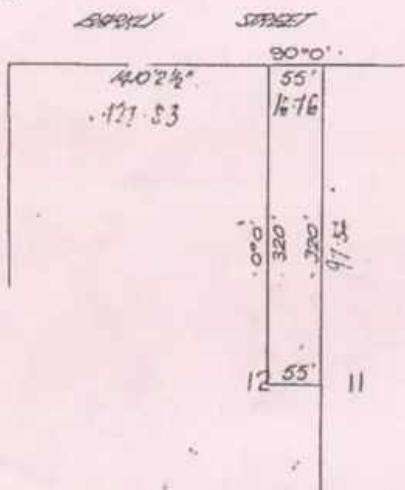
D593639-6-5

DATED the 19th day of September 1969

*RA Higgins*  
Assistant Registrar of Titles



**ENCUMBRANCES REFERRED TO**  
THE COVENANT contained in Transfer --  
593639 that the registered proprietor  
or proprietors for the time being of-  
the above land will not open or ---  
permit to be opened thereon or on any  
part thereof any pit or quarry or dig  
work for quarry raise or remove or --  
permit to be dug worked for quarried-  
raised or removed any stone gravel --  
scoria granite or other building or -  
road material from the said land or -  
any part thereof except in the way of  
excavation for the foundation of any-  
building to be erected thereon or for  
use in such building or in preparing-  
or laying out gardens fields or ---  
paddocks to be occupied therewith - -



MEASUREMENTS ARE IN FEET AND INCHES.

Derived from Vol.3338 Fol.485  
D510724



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179-185 Peel Street, North Melbourne, VIC, 3051  
0490 931 074  
info@arczero.com.au

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**19/12/2024**

**URBAN PLANNING**

## RESCODE

Proposed Residential Development  
7 BERTHANDRA COURT,  
WEST FOOTSCRAY VIC 3012

12 DEC

**2024**

*The proposal is for the construction of  
multiple dwellings on an allotment.*

**CITY OF MARIBYRNONG  
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## THE PROPOSAL

The proposal is for the construction of **Two (2)** double-storey dwellings on an allotment of approximately **482 m<sup>2</sup>**, with a width of **19.48m** frontage and a length of **21.11m / 27.43 m**.

## PLANNING SCHEME PROVISIONS

The proposed site and surrounding land are zoned **General Residential Zone\_GRZ1 (Schedule 1)** under the **Maribyrnong Planning Scheme**.

The purpose of the zone is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide high-density housing, allowing building up to and including four-storey buildings.

To encourage various housing types in areas that provide reasonable access to services and transportation, including activity and town centres.

To encourage appropriate transition between intensive development areas and other residential areas.

To ensure the design objectives' achievement, which is specified in the schedule of this zone.

In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

## STATE PLANNING POLICY FRAMEWORK

### Clause 15 Built Environment and Heritage

#### 15.01 Urban Environment

##### Objective

- ✓ To create urban environments that are safe, functional, and provide good quality environments with a sense of place and cultural identity.
- ✓ To achieve architectural and urban design outcomes that contribute positively to the local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

##### Response

- ✓ The subject site is making use of numerous services in the surrounding areas, including main bus routes, shops, schools, and local parks. Being in such a potential context of a healthy and high-quality living environment, the proposal aims to improve the urban density of a well-established urban area.
- ✓ The design offers an appropriate scale and built form corresponding with the current development wave in the area. Besides, local neighbourhood characters are enhanced by the provision of substantial landscaping opportunities, creating natural and informal buffer zones between the existing and new buildings.
- ✓ The proposal layout takes the safety of the public into account, limits the negative impacts of car parking, and positively adds functional and meaningful values to the local streetscape.

#### 15.02 Sustainable development

##### Objective

To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

##### Response

- ✓ The proposal takes advantage of orientation which maximises natural light into the primary living spaces in the winter while minimising the hot summer sun. The design also encourages cross ventilation for healthy fresh air and passive cooling.
- ✓ A min. 7-star energy rating is committed to ensuring the sufficient thermal performance of the development. This can be achieved by adopting suitable and sustainable construction strategies such as thermal-efficient glazing and advanced insulation. If allowed, renewable energy strategy such as photovoltaic system is available to include.
- ✓ The provision of rainwater tanks, which are connected to toilets and/or laundry contributes to potable water consumption and positively improves urban stormwater treatment. Solar hot water systems can also be applied to utilise solar energy.

#### Clause 16 Housing

##### 16.01 Residential development

##### Objective

- ✓ To promote a housing market that meets community needs.
- ✓ To locate new housing in or close to activity centres, employment corridors, and other strategic redevelopment sites that offer good access to services and transport.
- ✓ To provide for a range of housing types to meet increasingly diverse needs.
- ✓ To deliver more affordable housing closer to jobs, transport, and services.

##### Response

- ✓ The proposed double-storey dwellings are designed with a contemporary approach that respects the existing neighbourhood characters while adding meaningful and modern lifestyles to the ever-changing urban context of the area.
- ✓ Being close to various public amenities, the proposal's layout strategically responds to the increasing population and diverse housing market without sacrificing the affordability of housing in the area. It advocates that better high-quality living standards should be readily available to the public when population projection is putting pressure on the need for affordable accommodation.
- ✓ The proposal is designed to accommodate and support the inevitability of living and working in a more condensed environment in the future.

#### Clause 18 Transport

##### Objective

- ✓ To create a safe and sustainable transport system by integrating land use and transport.

##### Response

- ✓ The proposed development location is highly sought after, given its proximity to various transport modes.
- ✓ The proposal is within walking distance of shopping routes, public facilities, local reserves and parks.
- ✓ Required car parking per dwelling is appropriately provided on-site which potentially minimises street parking, thus improving public and road safety.

### **LOCAL PLANNING POLICY FRAMEWORK**

#### Clause 22 Local Planning Policies

##### 22.05 Preferred Neighbourhood Character Statements

##### Garden Court -

##### Objective

- ✓ To encourage the maintenance of existing dwellings and gardens which strengthens this precinct's characteristics of being spacious and informal streetscapes. Original Interwar and 1950s are encouraged to be retained and restored to promote a sense of history in the precinct.
- ✓ Any new replacement buildings will need to incorporate wide-pitched roof forms with well-articulated facades that include variations of materials.
- ✓ Car parking structures and crossover will be minimal, with single-lane driveways and garages that are set behind the line of the front façade.
- ✓ Spacious garden comprising canopy trees, shrubs and lawns, should be readily visible from the street by providing no front fence or low and permeable fencing.

##### Response

- ✓ The existing house on the subject site is not capable of accommodating the population projection in Braybrook, therefore its demolition and replacement by a higher-density housing typology should be considered given its strategic location, which positively contributes to and aligns with the State Planning Policy Framework.
- ✓ The design of the new townhouses features wide gable roof forms as a result of being inspired by and combining contemporary and traditional design.
- ✓ Car parking structure is located to the rear facing the laneway, therefore there is no visual impact from the street.
- ✓ The proposed development includes permeable fences that allow views of substantial landscaping provided in the front setback of the site. This landscape also allows other site utilities such as meters to be kept discrete.

## 52.06 Car Parking

**Objectives:** To ensure that car parking is provided under the State Planning Policy Framework and Local Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces regarding the demand likely to be generated, the activities on the land and the nature of the locality. To support sustainable transport, which is an alternative to the motor car. To promote the efficient use of car parking spaces by consolidating car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking are of a high standard, creating a safe environment for users and enabling easy and efficient use.

**Response to objectives:** The proposal complies with relevant regulations to ensure that at least one car space is provided for each two-bedroom dwelling, and two car spaces for each three or more-bedroom dwelling with a covered area. Despite the increment in the number of vehicle crossings, the development still preserves one safe and convenient on-street parking space for visitors. Besides convenient access, pedestrian safety is also taken into consideration within and outside of the site by strictly following visibility standards and requirements.

## 55.01 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

### 55.01-1 NEIGHBOURHOOD AND SITE DESCRIPTION

The proposed developments are in a quiet suburban street close to reserves, schools, public transport, local shops, and restaurants.

The local area is featured by typical grid street patterns and flat topography.

Street setback varies from 4 m to 5 m. An average of 4.2 m is typical in the area.

Housing type in the neighbourhood varies from single and double-storey houses.

The hip roof form, either made of conventional tiles or metal sheets, dominates the streetscape.

Various materials, finishes and colours are available in the area, including brick, rendered masonry, weatherboard and lightweight claddings.

### DESIGN RESPONSE- CLAUSE 55.01-2

The proposal is a legitimate response to housing consolidation, diversity, affordability and good design policies. The design performs well against Clause 55, which assesses development comprising two or more dwellings on a lot.

The form and height are comparable with other developments in this neighbourhood; the styling and design will complement new developments and add value to the street's character.

The accommodation will be relatively compact but comfortable, providing a good balance of indoor and outdoor amenities in a location so close to public transport and community facilities and services. Hence, the development density is justified. (Refer to the attached site context plan for further information)

Overlooking adjoining properties is minimised by privacy screens, obscure glazing, and windows with suitable sill height.

Overshadowing is minimised to neighbouring properties by suitable setbacks from the first floor to the property boundaries.

The development's setback is complementary to the setbacks of other dwellings on the street. Walls on boundaries are designed to reduce the impact on adjoining properties. Clotheslines are concealed in the backyards away from public view, while plenty of storage areas are provided for diverse occupants' needs.

Private open spaces and primary living areas are designed to take advantage of daylight.

Well-maintained and water-sensitive landscaping is offered wherever possible, ensuring a positive long-term contribution to the neighbourhood's character.

## **55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE**

### **NEIGHBOURHOOD CHARACTER OBJECTIVE- CLAUSE 55.02-1**

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that the design responds to the features of the site and the surrounding area.

#### **Standard B1\_Neighbourhood character**

Objectives: The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the site's features.

Response to objectives: The design approach is inspired by the surrounding areas, either massing, facades or material selection. However, instead of imitating the original neighbourhood characters, the proposal has its design aspects well interpreted and articulated to offer an exciting interface to the local area, which belongs to the Central Heart area of Braybrook.

#### **Standard B2\_Residential policy**

Objectives: To ensure that residential development is provided following any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

Response to objectives: The application must be accompanied by written statements that explain consistency with relevant housing policy in SPPF, LPPF, MSS and local planning policies.

#### **Standard B3\_Dwelling Diversity**

Objectives: To ensure a range of dwelling sizes and types in developments of ten or more dwellings.

Response to objectives: Not applicable due to the proposal of fewer than ten dwellings.

#### **Standard B4\_Infrastructure**

Objectives: Provides appropriate utility services and infrastructure without overloading the capacity.

Response to objectives: The development is connected to essential services, including electricity, gas, sewerage and drainage while ensuring the existing capacity of infrastructure and utility services is not impaired.

#### **Standard B5\_Integration with the street**

Objectives: Integrate the layout of the development with the street.

Response to objectives: The development has a reasonable engagement with the street. Vehicle and pedestrian links that maintain and enhance local accessibility. The development next to the public open space should be laid out to complement the open space.

## **55.03 SITE LAYOUT AND BUILDING MASSING**

### **Standard B6\_Street setback**

Objectives: The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Response to objectives: Front setback dispensation is sought in this development.

The proposal have staggered setback of minimum of is **4.05m and maximum of 7.8m with an average of approximate of 4.5m** which is in line with the surrounding.

### **Standard B7\_Building height**

Objectives: Building height should respect the existing or preferred neighbourhood character.

Response to objectives: The proposed building height complies with the standard.

### **Standard B8\_Site coverage**

Objectives: Site coverage should respect the existing or preferred neighbourhood character and respond to the site's features.

Response to objectives: The proposal complies with the standard .



**Standard B9\_Permiability**

Objectives: Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.

Response to objectives: The proposal complies with the standard.

**Standard B10\_Energy Efficiency**

Objectives: Achieve and protect energy-efficient dwellings and residential buildings. Ensure that orientation and layout reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Response to objectives: All dwellings are well considered the orientation of the site, that most of habitable rooms have access to Northern sun.

**Standard B11\_Open space**

Objectives: Integrate development layout with any public and communal open space in or adjacent to the development.

Response to objectives: There is no communal open space in or adjacent to the development.

**Standard B12\_Safety**

Objectives: Layout to provide safety and security for residents and property.

Response to objectives: Entrances to dwellings are readily visible from the street, which complies with the standards. The landscape is designed to avoid creating unsafe spaces along the street and accessways by providing good lighting, visibility, and surveillance. Meanwhile, private areas are well protected from public thoroughfares.

**Standard B13\_Landscaping**

Objectives: To provide appropriate landscaping which respects the character of the neighbourhood. Encouraging retention of mature vegetation of the site wherever possible.

Response to objectives: The proposal offers potential for canopy trees and complimentary vegetation wherever possible. In addition, the proposal will ensure a positive long-term contribution to the neighbourhood's character by providing planting opportunities to all sides.

**Standard B14\_Access**

Objectives: Ensure safe, manageable, and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respect neighbourhood character.

Response to objectives: Two driveways and crossovers are proposed with dwelling 1 to utilise the existing crossover.

**Standard B15\_Parking location**

Objectives: 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.

Response to objectives: Each dwelling has a secured enclosed car space (car stacker) and conveniently accessed.

**55.04 AMENITY IMPACTS**

**Standard B17\_Side and Rear Setbacks**

Objectives: Ensure the height and setback respects the existing or preferred neighbourhood character and limit the amenity impacts on existing dwellings.

Response to objectives: The proposal complies with the standard.

**Standard B18\_Wall on boundaries**

Objectives: 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.

Response to objectives: No wall on boundary is proposed.

**Standard B19\_Daylight to Existing windows**

Objectives: Allow adequate daylight into existing habitable room windows. Where walls of the dwellings are being constructed opposite habitable room windows in adjacent dwellings, the walls are sufficiently setback from those windows to exceed the 3m<sup>2</sup> with a minimum 1.0 metre clear to the sky dimension.

Response to objectives: The proposal complies with the standard.

**Standard B20\_North Facing windows**

Objectives: Allow adequate solar access to existing north-facing habitable windows of the adjoining neighbours.

Response to objectives: The proposal complies with the standard.

**Standard B21\_Overshadowing open space**

Objectives: Ensure buildings do not significantly overshadow existing secluded private open spaces. At least 75%, or 40sqm with min. 3m, whichever lesser, of the open space should receive a minimum of 5 hours of sunlight between 9 am and 3 pm on 22 September.

Response to objectives: The new dwellings comply with the standard and do not significantly overshadow neighbouring secluded private open spaces.

**Standard B22\_Overlooking**

Objectives: Limit views into existing secluded private open spaces and habitable windows.

Response to objectives: The risk of overlooking neighbours' private open spaces is minimised wherever possible. The proposal applies permanently fixed, obscure glazing (not film) in any part of the window below 1.7 metres above floor level to any windows facing neighbouring secluded private open spaces and habitable windows.

**Standard B23\_Internal views**

Objectives: Limit views into existing secluded private open spaces and habitable windows of dwellings and residential buildings within the same developments.

Response to objectives: Openings such as doors and windows are thoroughly planned for great amenities while minimising the risk of internal overlooking.

**Standard B24\_Noise impact**

Objectives: Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

Response to objectives: Main living areas and private open spaces are designed to mitigate noise impact to adjoining properties. Services equipment have been placed away from adjoining habitable windows or SPOS.

**55.04 ON-SITE AMENITY AND FACILITIES**

Objectives: Consider people with limited mobility in the design of developments.

Response to objectives: The ground floors of the dwellings are accessible and capable of being modified to suit people with limited mobility. In addition, Dwelling 2 have bedrooms on ground floor.

**Standard B26\_Dwelling Entry**

Objectives: Provide a sense of identity to each dwelling.

Response to objectives: All entry points are easily identified and readily visible from the street. They are designed to add a sense of personal address to each dwelling while offering sufficient transitional space between indoors and outdoors.

**Standard B27\_Daylight to New windows**

Objectives: Allow adequate daylight into new habitable room windows.

Response to objectives: All habitable rooms' windows are located to face an outdoor space that is clear to the sky, therefore complying with this standard.

**Standard B28\_Private open space**

Objectives: Provide residents with reasonable recreation and service needs through adequate private open space. Unless specified in the schedule to the zone, a dwelling should have a private open space of 40 m<sup>2</sup>, with one part of the private open space to consist of

a secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 m<sup>2</sup>, a minimum dimension of 3 m and convenient access from a living room.

Response to objectives: The proposal complies with the standard.

**Standard B29\_Solar access to open space**

Objectives: Allow solar access into the secluded private open space of new dwellings.

Response to objectives: All dwellings have primary private open spaces that will receive direct solar access. Solar access to open spaces is provided in an amount that suits the usability of those areas.

**Standard B30\_Storage**

Objectives: Provide adequate storage facilities (min. 6 m<sup>3</sup>) for each dwelling.

Response to objectives: The proposal complies with the standard.

**55.06 DETAILED DESIGN**

**Standard B31\_Design detail**

Objectives: Encourage design detail that respects the existing or preferred neighbourhood character façade articulation, detailing, window and door proportions, roof form, veranda, eaves, and parapets. Garages and carports should be visually compatible with the development and neighbourhood character.

Response to objectives: The design of this medium-density development has been composed and detailed that can fit appropriately among other homes and their garden settings.

**Standard B32\_Front fences**

Objectives: Encourage front fence design that respects the existing or preferred neighbourhood character. A front fence within 3 metres of a street should not exceed 1.5 metres in "other streets". Front fence height on streets in a Road Zone, Category 1 as specified in the Tables to Standard A20 and Standard B32 continues to apply. (Scheduled to the zone)

Response to objectives: No front fence is proposed

**Standard B33\_Common property**

Objectives: Ensure car parking, access areas and other communal open spaces are practical, attractive, and easily maintained. Avoid future management difficulties in common ownership areas.

Response to objectives: No common area exist

**Standard B34\_Site services**

Objectives: Ensure site services and facilities can be installed, easily maintained, accessible, adequate, and attractive.

Response to objectives: The proposal complies with the standard.