

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

# 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  
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21/04/2025  
URBAN PLANNING

**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

## The Land **ℹ**

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

### Street Address \*

Unit No:	St. No.: 1	St. Name: Windsor Street
Suburb/Locality: FOOTSCRAY		Post Code: 3011

### 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.: 4697	Folio.: 301	Suburb.: Footscray
<b>OR</b>	Lot No.: 1	Type.: Title 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? \*

Knock down and extended kitchen + lounge

**🔗** 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 \*


75000.00	<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 i

Describe how the land is used and developed now \*

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

Single story stand alone Victorian home


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

## Title Information i

Encumbrances on title \*

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

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

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

### Applicant \*

The person who wants the permit.

Name:

Title: MR

First Name: Joshua

Surname: Moore

Organization (if applicable):

Unit No:

St. No: 4

St. Name: Windsor Street

Suburb: FOOTSCRAY

State: VIC

Postcode: 3011

Business phone: 0411376156

Email: josh@limeelectrics.com.au

Mobile phone:

Home:

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

Contact person's details\*

Name: 

Same as applicant ☒

Title: MR

First Name: Joshua

Surname: Moore

Organization (if applicable):

Unit No:

St. No: 4

St. Name: Windsor Street

Suburb: FOOTSCRAY

State: VIC

Postcode: 3011

Business phone: 0411376156

Email: josh@limeelectrics.com.au

Mobile phone:

Home:

### Owner \*

The person or organisation who owns the land

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

Name: 

Same as applicant ☒

Title: MR

First Name: Joshua

Surname: Moore

Organization (if applicable):

Postal Address: 

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

Unit No:

St. No: 4

St. Name: Windsor Street

Suburb: FOOTSCRAY

State: VIC

Postcode: 3011

Business Phone: 0411376156


Email: josh@limeelectrics.com.au

Mobile phone:

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:

*Joshua Moore*

Date

21 / 04 / 2025

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?

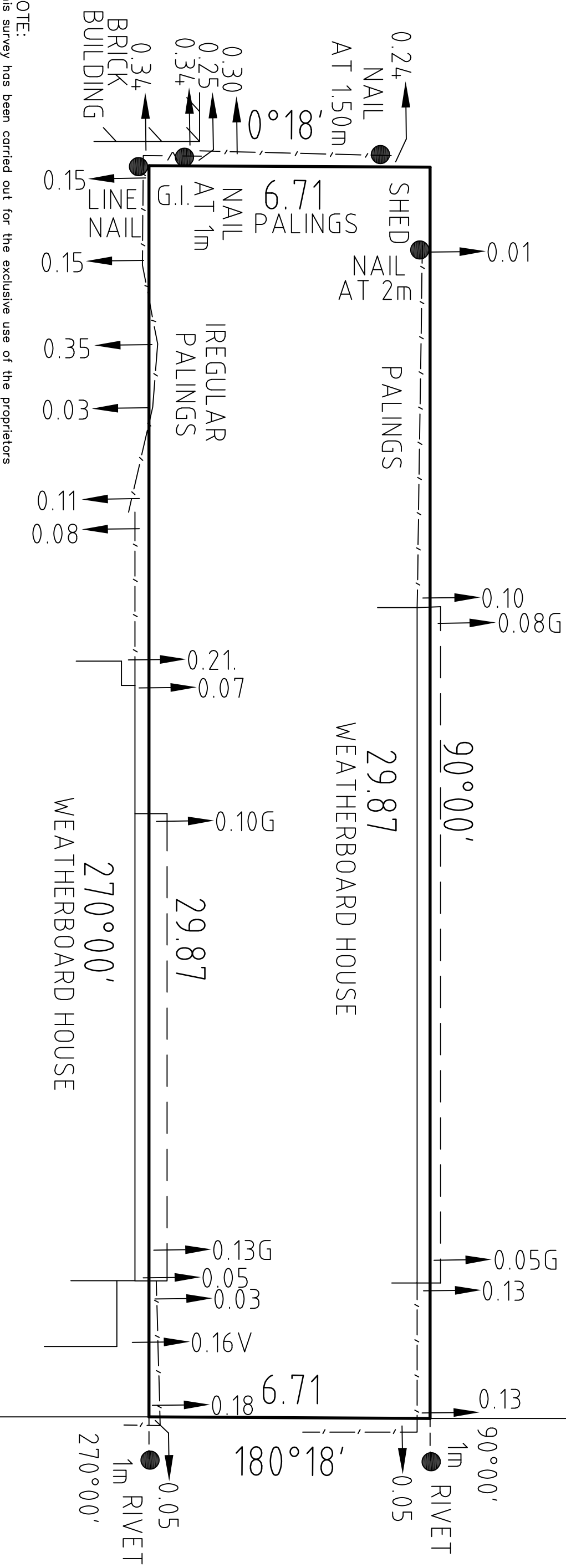
A caveat is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect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





NOTE:

This survey has been carried out for the exclusive use of the proprietors for the purpose of title re-establishment on the site and should not be used for any other purpose or by any other person or corporation.

Where occupation including fences and buildings around the perimeter of a property encroach onto the subject site, the land beyond the occupation may not be recoverable as rights of possession may have passed to adjoining owners. The position of occupation (fences, buildings etc) shown near boundaries are not necessarily plotted to scale and in most instances their positions have been exaggerated for clarity.

Wilson Surveying accepts no responsibility for any loss or damage howsoever suffered to any person or corporation that might use or rely on this plan in contravention of this disclaimer. Issues have been resolved.

All title dimensions are survey based.

PAUL CLEMENTS  
LICENSED SURVEYOR  
REGISTRATION 1899

10

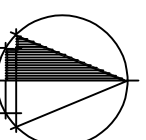
V: VERANDAH  
G: GUTTER

G: GUTTER

CITY OF MARIBYRNONG  
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21/04/2025  
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# PLAN OF RE-ESTABLISHMENT SURVEY

4 WINDSOR STREET, FOOTSCRAY  
LOT 1 on TP746666T



APPROXIMATE  
TRUE NORTH

DRAWN PC

DRAWN 12/11/2024 DATE OF SURVEY 08/11/2024	ORIG SCALE 1:100 A3
--	------------------------

ORIG SCALE  
1:100 A3

# SOWDEN SURVEYS

EMAIL:- [INFO@SOWDENSURVEYS.COM.AU](mailto:INFO@SOWDENSURVEYS.COM.AU)  
PO BOX 251 LILYDALE 3140  
TEL 0408 771 852

463440



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**AN237261P**

# APPLICATION BY SUCCESSOR CORPORATION

Section 59A Transfer of Land Act 1958

Lodged by: **VICTORIAN RAIL TRACK**

Name: Matt Del Campo

Phone: 9619 8623

Address: 1010 Latrobe Street, Docklands VIC 3008

Ref: 59A Application

Customer Code: **14410A**

Priv: 02/11/2016 \$0 59  
The i  
colle  
used for the purpose of maintaining  
publicly searchable registers and indexes  
in the Victorian Land Registry:

The applicant, being the successor in law to the registered proprietor, applies to be registered as proprietor of the estate and interest of the former body corporate in the land described.

Land: *(title, mortgage, charge or lease)*

SEE SPREADSHEET ATTACHED

Applicant: *(full name and address including postcode)*

VICTORIAN RAIL TRACK of Level 8 1010 La Trobe Street Docklands Vic 3008

Grounds of Application:


SUCCESSOR IN LAW TO THE REGISTERED PROPRIETOR

Registered Proprietor: *(full name(s) of former body corporate)*

SEE CERTIFICATE ATTACHED

Dated: 25/10/2016

Signed for and on behalf of Victorian Rail Track  
by its Authorised Signatory

  
Campbell Rose  
Chief Executive  
8/1010 La Trobe St Docklands  
Vic 3008

# X59A

THE BACK OF THIS FORM MUST NOT BE USED

**CERTIFICATE PURSUANT TO  
SECTION 59A (2) OF THE *TRANSFER OF LAND ACT 1958***

I, CAMPBELL ROSE certify that:

1. I am the Chief Executive of Victorian Rail Track and am authorised to give this Certificate on its behalf.
2. The successor body is the successor at law to the body or bodies listed below ("the former body").
3. The property, rights or liabilities of the former body have been vested by operation of law in, or become the property, rights and liabilities of the successor body or bodies.

Dated : 25/10/2016

Signed: .....

Name(s) of former body or bodies:

BOARD OF LAND AND WORKS

FITZROY NORTHCOTE AND PRESTON TRAMWAYS TRUST

FOOTSCRAY TRAMWAYS TRUST

HAWTHORN TRAMWAYS TRUST

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD

MELBOURNE BRUNSWICK AND COBURG TRAMWAYS TRUST

MELBOURNE UNDERGROUND RAIL LOOP AUTHORITY

METROPOLITAN TRANSIT AUTHORITY

PRAHRAN AND MALVERN TRAMWAYS TRUST

PUBLIC TRANSPORT AUTHORITY

PUBLIC TRANSPORT CORPORATION

**AN237261P**

02/11/2016

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RAILWAY CONSTRUCTION & PROPERTY BOARD

RAILWAY CONSTRUCTION AND PROPERTY BOARD

RAILWAY CONSTRUCTION BOARD

STATE TRANSPORT AUTHORITY

STATE TRANSPORT AUTHORITY OF VICTORIA

THE MELBOURNE AND ESSENDON RAILWAY COMPANY

THE MELBOURNE AND HOBSONS BAY UNITED RAILWAY COMPANY

THE PRAHRAN AND MALVERN TRAMWAYS TRUST

THE RAILWAY CONSTRUCTION BOARD

THE STATE TRANSPORT AUTHORITY

THE VICTORIAN RAILWAY COMMISSIONERS

THE VICTORIAN RAILWAYS BOARD

THE VICTORIAN RAILWAYS COMMISSIONER

THE VICTORIAN RAILWAYS COMMISSIONERS

VICTORIAN RAIL AUTHORITY

VICTORIAN RAILWAYS BOARD

VICTORIAN RAILWAYS COMMISSIONERS

DARLING TO GLEN WAVERLEY RAILWAY CONSTRUCTION TRUST

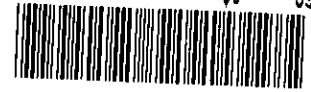
THE DARLING TO GLEN WAVERLEY RAILWAY CONSTRUCTION TRUST

**AN237261P**

02/11/2016

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59





2825/948	2879/708	2932/254	2996/086	3069/638	3179/726
2826/159	2881/073	2933/440	2999/717	3073/588	3185/909
2831/174	2883/421	2933/445	2999/718	3075/883	3185/928
2832/228	2883/504	2933/513	2999/740	3075/955	3185/997
2837/216	2888/437	2934/604	3000/936	3077/260	3188/424
2837/240	2888/578	2934/605	3001/143	3079/616	3188/544
2837/327	2890/841	2935/833	3005/954	3081/070	3189/787
2837/351	2890/849	2935/987	3009/749	3084/617	3190/926
2839/666	2890/898	2936/069	3015/939	3085/890	3191/057
2840/905	2890/948	2937/352	3015/940	3089/760	3193/437
2840/983	2891/107	2940/849	3015/941	3099/638	3193/548
2841/067	2896/064	2940/933	3015/942	3103/556	3195/981
2841/079	2897/261	2945/905	3015/943	3105/869	3195/982
2841/125	2897/267	2946/024	3015/944	3105/870	3200/849
2845/997	2897/366	2946/028	3015/945	3105/871	3200/923
2845/998	2900/848	2948/600	3015/946	3108/404	3201/062
2848/448	2901/087	2949/604	3015/947	3108/513	3201/131
2849/632	2903/513	2952/286	3015/948	3108/576	3204/732
2849/773	2904/714	2954/753	3015/949	3115/878	3204/734
2849/791	2904/715	2955/000	3022/296	3118/529	3204/735
2854/643	2905/891	2955/931	3025/958	3118/531	3209/764
2854/644	2906/066	2955/932	3025/990	3118/532	3211/007
2854/715	2907/329	2956/085	3026/116	3119/674	3211/052
2854/725	2907/333	2958/500	3027/204	3123/548	3216/094
2854/731	2910/936	2959/779	3027/316	3124/646	3217/234
2856/199	2910/938	2961/065	3030/816	3124/669	3219/730
2859/669	2910/944	2961/067	3030/950	3124/678	3225/920
2859/743	2910/947	2963/458	3030/973	3127/319	3225/989
2860/983	2910/955	2963/460	3034/610	3135/843	3226/152
2862/305	2910/965	2964/619	3038/408	3136/168	3227/238
2863/548	2910/986	2964/747	3038/544	3140/842	3227/244
2864/624	2911/028	2964/748	3038/545	3144/767	3231/083
2864/698	2915/809	2968/569	3040/941	3146/122	3231/092
2866/081	2917/278	2970/906	<del>3042/360</del>	3148/453	3231/093
287/232	2917/279	2976/105	3042/361	3150/932	3233/554
2870/870	2921/173	2978/447	3042/362	3151/020	3233/555
2870/966	2922/248	2978/485	<del>3042/363</del>	3157/277	3236/116
2870/976	2922/314	2978/517	3042/364	3157/302	3237/288
2870/982	2922/359	2978/591	3043/454	3161/129	3237/289
2871/065	2924/698	2979/695	3043/522	3165/815	3239/712
2873/403	2925/942	2979/760	3043/547	3166/074	3241/092
2875/801	2926/122	2979/761	3046/161	3166/139	3241/095
2875/820	2927/282	2981/105	3049/664	3166/170	3245/971
2875/853	2927/344	2983/552	3050/810	3168/419	3246/122
2876/076	2927/391	2984/630	3050/919	3170/999	3250/835
2877/225	2928/490	2985/949	3057/332	3172/248	3254/626
2877/226	2928/491	2985/955	3064/757	3172/249	3255/822
2878/465	2929/774	2986/012	3064/758	3172/318	3257/213
2878/497	2930/810	2992/388	3066/045	3176/012	3257/288
2879/658	2930/965	2993/505	3066/100	3176/013	3257/383

**AN237261P**

02/11/2016 \$0 59



KC02/11/16

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

Page 1 of 1

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CITY OF MARIBYRNONG  
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**21/04/2025**  
URBAN PLANNING

### LAND DESCRIPTION

Lots 1 and 2 on Title Plan 431961X.  
Created by instrument H614374 24/07/1979

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
VICTORIAN RAIL TRACK of LEVEL 8 1010 LA TROBE STREET DOCKLANDS VIC 3008  
AN237261P 02/11/2016

### ENCUMBRANCES, CAVEATS AND NOTICES

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

### DIAGRAM LOCATION

SEE TP431961X 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)

### ADMINISTRATIVE NOTICES

NIL

eCT Control 14410A VICTORIAN RAIL TRACK  
Effective from 02/11/2016

DOCUMENT END

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URBAN PLANNING

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TITLE PLAN		EDITION 1		TP 431961X									
Location of Land			Notations										
Parish: CUT-PAW-PAW													
Township:													
Section: 14													
Crown Allotment: F (PT), J (PT)													
Crown Portion:													
Last Plan Reference:													
Derived From: VOL 3255 FOL 822			ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN										
Depth Limitation: NIL													
Description of Land / Easement Information			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT										
			COMPILED: 11/07/2000										
			VERIFIED: HG										
<p style="text-align: right;">TOTAL AREA = 1.326 ha</p>													
<table><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CA F (PT)</td></tr><tr><td colspan="2">PARCEL 2 = CA J (PT)</td></tr></table>						TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA F (PT)		PARCEL 2 = CA J (PT)	
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PARCEL 1 = CA F (PT)													
PARCEL 2 = CA J (PT)													
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets									

**Proposed Alterations and Additions – 4 Windsor Street,  
Footscray VIC – 3011**

## Assessment Table 1 - One Dwelling on a Lot (Clause 54)

Refer to Clause 54 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

### Neighbourhood Character Clause 54.02

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A1 Neighbourhood Character</b>  Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.  Design responds to features of the site and surrounding area.	Appropriate design response to the neighbourhood and site.	<b>Complies</b>  The proposed building and works to the existing dwelling is an appropriate design response to the neighbourhood, site and surrounding properties. The proposed extension and alterations are minimally visible from the front of the property.
	Design respects the existing or preferred neighbourhood character & responds to site features.	<b>Complies</b>  The result of the proposed building and works on the existing dwelling respects the existing or preferred neighbourhood character and responds to the features of the site. The proposed extension and alterations are not minimally visible from the front of the property.
<b>A2 Integration with Street</b>  Integrate the layout of development with the street.	Dwelling oriented to front of the street.	<b>Complies</b>
	High fences avoided where practicable.	<b>Complies</b>  No new fences are proposed.
	Dwellings designed to promote the observation of abutting streets / public open spaces.	<b>Complies</b>  The dwelling retains its orientation to Windsor Street.  Dwelling designed to promote the observation of abutting streets / public open spaces.

## Site Layout and Building Massing Clause 54.03

Title & Objective	Standard	Complies / Does not comply/ Variation required
<p><b>A3 Street Setback</b></p> <p>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Walls of buildings should be setback from streets at least the distance specified in the schedule to the zone or If no distance is specified as outlined below.</p> <p>Existing building on both the abutting allotments facing the same street &amp; site is not on a corner.</p> <p>Min front Setback = average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.</p>	<p><b>Complies</b></p> <p>The proposed buildings and works to the existing building do not change the front setback to Windsor Street.</p>
	<p>Existing building + vacant site either side of the subject site facing the same street &amp; site is not on a corner.</p> <p>Min front Setback = same setback of front wall of existing building or 9m, whichever is the lesser.</p>	<p><b>N/A</b></p>
	<p>There is no existing building on either of the abutting allotments facing the same street &amp; site is not on a corner.</p> <p>Min front Setback = 6m in RDZ1 &amp; 4m for other streets.</p>	<p><b>N/A</b></p>
	<p>The site is on a corner.</p> <p>If there is a building on the abutting allotment facing the front street Min front setback = same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9m, whichever is the lesser</p> <p>If there is no building on the abutting allotment facing the front street, 6m from street in RDZ1 and 4m for other streets.</p>	<p><b>N/A</b></p>



	Min setback from side street = same setback of existing building or 2m, whichever is the lesser.	
Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A4 Building Height</b>  Building height respects the existing or preferred neighbourhood character.	The maximum building height should not exceed that specified in the schedule to the zone.  Where no maximum height is specified, the height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in this case max height not to exceed 10m.	<b>Complies</b>  The proposed building height is below the max 9m.  <b>Variation required</b>  The side and rear walls are within the allowed for 3.6m max, though the north wall exceeds the 3.2m average heights, it has been designed in respect to the existing wall and surrounding properties and is site responsive to the area.
	Changes of building height should be graduated between new and existing buildings.	<b>Complies</b>  The proposed extension is setback from front the boundary and at a consistent height to the existing building.
<b>A5 Site Coverage</b>  Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Buildings should not exceed 60% of the site covered, unless otherwise specified in a schedule to the zone.	<b>Complies</b>  The proposed changes to the existing dwelling will have a site coverage of 54.96% which is under the maximum of 60%.
<b>A6 Permeability</b>  Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Site should not be covered by any more than 20% of impervious surface.	<b>Complies</b>  The proposed changes to the existing dwelling will result in permeable surfaces to remain only slightly different as they are at present.  Site Area = 200m <sup>2</sup> <u>Existing</u> Front/Side Yard Permeability = 32.28m <sup>2</sup> Rear Yard Permeability = 76.04m <sup>2</sup> Total = 108.32m <sup>2</sup> /54.16%

		<p><u>Proposed</u>  Front/Side Yard Permeability = 37.74m<sup>2</sup>  Rear Yard Permeability = 50.05m<sup>2</sup>  Total = 87.79m<sup>2</sup>/43.89%</p>
<p><b>A7 Energy Efficiency Protection</b></p> <p>Achieve and protect energy efficient dwellings.  Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	<p>Orientation of buildings should make appropriate use of solar energy.</p>	<p><b>Complies</b></p> <p>The proposed development retains the existing orientation and makes appropriate use of solar energy.</p>
	<p>If practicable the living areas and private open space are to be located on the north side.</p>	<p><b>Complies</b></p> <p>Due to the site constraints it is not practical to locate living areas and private open space to the north of the dwelling, however, large windows &amp; doors have been proposed to face the rear yard which will allow solar penetration into the living area proposed at the rear of the dwelling <b>facing west</b>.</p>
	<p>Solar access for north-facing windows should be maximised.</p>	<p><b>Variation required</b></p> <p>Due to the constraints of the site and the north facing walls on boundaries, it is not possible to gain solar access to north – facing windows.</p>
	<p>Siting and design of buildings should not reduce the energy efficiency of adjoining buildings.</p>	<p><b>Complies</b></p> <p>As indicated on the shadow diagrams, the proposed building and works to the existing dwelling will not reduce the energy efficiency of adjoining buildings, as the existing building walls &amp; fences produce shadows to adjoining properties with only a small increase.</p>

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A8 Significant Trees</b>  Development respects the landscape character of the neighbourhood and retains significant trees on site.	Provide for the retention or planting of trees, where these are part of the neighbourhood character.	<b>Complies</b>  There is no significant vegetation on the subject site.
	Replace significant trees removed in 12 months prior to application.	<b>N/A</b>

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A9 Parking</b>  Ensure car parking is adequate for the needs of residents.	Two car spaces should be provided per dwelling with:  One space: minimum 6m long & 3.5m wide and covered or capable of being covered.  Second space: minimum 4.9m long and 2.6m wide.	<b>Complies</b>  There is no undercover parking spaces for the existing dwelling, only street parking provided.  The existing dwelling is as a 2 bedroom dwelling and we are keeping the same, so the need for parking is not applicable.
	For spaces provided in a garage, carport or otherwise constrained by walls, a double space may be 5.5m wide. (measured inside the garage or carport).  A building may project into a car space, if it is at least 2.1m above the space.  <i>Note: The above standards do not apply to extensions to existing dwellings.</i>	<b>N/A</b>

## Amenity Impacts

## Clause 54.04

Title & Objective	Standard	Complies / Does not comply/ Variation required
<p><b>A10 Side and Rear Setbacks</b></p> <p>Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>New building not on or within 150mm of a boundary should be setback from side or rear boundaries: distance specified in the schedule to the zone or a minimum 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m. Refer to standards for more information on encroachments.</p>	<p>The proposal complies with rear setback requirements. <b>Complies</b></p> <p>The proposal complies with eastern side setback requirements. <b>Complies</b></p> <p>The proposed side north wall is an extension of the wall that is currently built as a wall on boundary. This is in keeping with the adjoining and surrounding properties also building their northern wall to the boundary line, and will not be of a detriment to the adjoining property 4 Windsor St. <b>Does Not Comply/Variation Required.</b></p>
<p><b>A11 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 impact on the amenity of existing dwellings.</p>	<p>A new wall that is 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 more than: 10m plus 25 % of the remaining length of the boundary of an adjoining lot, or Where there are existing or simultaneously constructed wall/carport abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.</p>	<p><b>Does Not Comply/Variation Required.</b></p> <p>The side and rear walls are within the allowed for 3.6m max, though the north wall exceeds the 3.2m average heights, it has been designed in respect to the existing wall and surrounding properties and is site responsive to the area.</p> <p>The northern side wall does exceed the 10m plus 25% regulation but keeps in with the existing building wall length and is relevant to the overall built form of the area.</p> <p>Given the restrictive width of the site, to move this wall to be 1m from the northern boundary would not allow inadequate space for what we require to have sufficient room for furniture and circulation through this space.</p> <p>The proposed side walls are</p>

		kept in line with the existing walls on both sides, to also have access to the rear yard from the southern side.
	A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.	<b>N/A</b>
	<p>The height of a new wall constructed on or within 150mm of a side or rear boundary or a carport on or within 1m of a side or rear boundary should not exceed an average of 3.2m, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</p> <p>Refer to 54.04-2 for further clarification of the standards.</p>	<p><b>Variation required</b></p> <p>The proposed new wall on the northern side boundary will be higher than the rescode regulation, being over 3.2 average</p> <p>These wall heights fall in line with the existing structure and match the height of the existing walls. Lessening the height of these walls to 3.2m we believe will cause a significant detriment to the internal space, as would creating a minimum of 1m offset into the side areas.</p> <p>Although some of these new walls on boundaries do not comply with the height standard, the consequences of these additions have minimal impact on the adjoining properties.</p>
<b>Title &amp; Objective</b>	<b>Standard</b>	<b>Complies / Does not comply/ Variation required</b>
<p><b>A12</b> <b>Daylight to Existing Windows</b></p> <p>Allow adequate daylight into existing habitable room windows.</p>	Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum of 1m clear to the sky. (Calculation area may include abutting lot).	<p><b>Complies</b></p> <p>Windows that face the subject site on the adjoining dwellings will not be affected, as the existing structure already sits in this location and the proposed extension will not reduce the amount of light accessed by the windows of either property.</p>



Title & Objective	Standard	Complies / Does not comply/ Variation required
	<p>Walls and carports of more than 3m 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.</p> <p>Refer to 54.04-3 for further clarification (a diagram is included).</p>	<p><b>Complies</b></p> <p>The proposed new walls of more than 3m high do not further restrict daylight into existing habitable room windows on adjoining properties.</p>
<p><b>A13</b> <b>North Facing Windows</b></p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Building should be setback 1m if an existing north-facing habitable room 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).</p> <p>Refer to 54.04-4 for further clarification (a definition of a north facing window and a diagram is included).</p>	<p><b>Complies</b></p> <p>Due to the site constraints it is not possible to provide this setback, however as the proposed extension will be located where an existing structure already exists, the proposal will not cause additional shadowing of any north facing window of the adjoining property.</p>
<p><b>A14</b> <b>Overshadowing Open Space</b></p> <p>Ensure buildings do not unreasonably overshadow existing secluded private open space.</p>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced at least 75% or 40sqm with min. Dimension of 3m, whichever is the lesser area, the secluded private open space should receive a min. of 5 hours of sunlight between 9am and 3pm on 22 September</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p><b>Complies</b></p> <p>As shown on the shadow Plans, shadow cast of the September equinox, the proposed development does cover secluded open space of rear, but only at 9am.</p>

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A15 Overlooking</b>  Limit views into existing secluded private open space and habitable room windows.	A habitable room window, balcony, terrace, deck or patio with a direct view into an existing habitable window within a horizontal distance of 9m should have either: A minimum offset of 1.5m from the edge of the window to the edge of the other. Sill heights of at least 1.7m above floor level. 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.	N/A
	Obscure glazing to 1.7m above floor level may be openable if there are no direct views as specified in this standard.	N/A
	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. Refer to 55.04-4 for further clarification (a diagram is included).	N/A

## On-Site Amenity and Facilities Clause 54.05

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A16 Daylight to New Windows</b>  Allow adequate daylight into new habitable room windows.	A habitable room window should be located to face: An outdoor space with a minimum area of 3sqm and minimum dimension of 1m clear	<b>Complies</b>  The new living/dining/kitchen area at the rear of the dwelling will face the rear west-facing yard which allows more than

	to the sky, not including land on an abutting lot. A verandah with at least one third of its perimeter open. A carport with two or more open sides and is open for at least one third of its perimeter.	adequate daylight to the habitable room. Additional windows are positioned along the southern wall for extra natural light in these new areas.
<b>A17 Private Open Space</b>  Provide adequate private open space for the recreation and service needs of residents.	Unless specified in the schedule to the zone, a dwelling should have private open space of at least: 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm. At least one part of the private open space should have a min. area of 25 sqm with a min. 3m at the side or rear of the dwelling with convenient access from a living room.	<b>Complies</b>  The proposed development will retain an area of private open space well above the required minimum requirements.
<b>A18 Solar Access to Open Space</b>  Allow solar access into secluded private open space of a new dwelling.	The private open space should be located on the north side of the dwelling if practicable.	<b>Complies</b>  Due to the orientation of the lot it is not possible to locate the private open space to the north of the dwelling. The size of the private open space located at the rear of the dwelling will have adequate solar access. (Refer to the shadow diagram)
	Southern boundary of open space should be setback from any wall on the north side of space by a minimum of 2m + 0.9 x wall height.	<b>N/A</b>  Our proposed wall is in the same line of the existing and therefore the setback will remain consistent.

## Detailed Design

## Clause 54.06

Title & Objective	Standard	Complies / Does not comply/ Variation required
<b>A19 Design Detail</b>  Encourage design detail that respects the existing or preferred neighbourhood character.	Design of buildings should respect the existing or preferred neighbourhood character and address: Façade articulation & detailing. Window and door proportions.	<b>Complies</b>  No works are proposed to the front façade of the dwelling, however the works to the rear respect the existing and preferred neighbourhood

	Roof form. Verandahs, eaves and parapets.	character in relation to articulation and detailing, window and door proportions. It is considered the additions will not appear out of character with the existing and preferred neighbourhood character, as the extension is adequately set back from the front boundary.
	Garages and carports should be visually compatible with the development and neighbourhood character.	<b>N/A</b>
<b>A20 Front Fences</b>  Encourage front fence design that respects the existing or preferred neighbourhood character.	The front fence should complement the design of the dwelling or any front fences on adjoining properties.	<b>N/A</b>
	A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone. If no schedule is specified, the front fence should not exceed: 2m if abutting a RDZ1 1.5m in any other streets.	<b>N/A</b>

To Maribyrnong Council

25/06/2025

4 Windsor Street, Footscray 3011

Project: Proposed Alteration & Addition to Existing Dwelling.

*Partial Demolition and construction of an extension to an existing dwelling on a lot less than 300m2 within the Neighbourhood Character Overlay. (and Special Building Overlay)*

In reference to RFI dated 19<sup>th</sup> May 2025, please find attached:

*Clause 43.05 – Neighbourhood Character Overlay:*

Decision guidelines Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

(Please see response in red).

. The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The proposed extension works considers these requirements.

. The statement of the key features of the neighbourhood character and the neighbourhood character objectives contained in a schedule to this overlay.

The proposed extension works considers these requirements.

. Whether the location, layout and form of the proposed development respects the neighbourhood character.

The proposed extension works is in line the neighbourhood character.

. The contribution that the existing building makes to the neighbourhood character.

The proposed extension works is in line the neighbourhood character.

. Whether the site is to remain vacant or is to be developed for another purpose.

N/A

. The contribution that the tree makes to the neighbourhood character.

N/A - no tree is being removed or planted.

. The health of the tree.

N/A - no tree is being removed.

. Any proposed landscape improvements.

Landscape is being maintained or improved by minimal works.

. Any matter specified in a schedule to this overlay.

As per above.