

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
ADVERTISED PLAN

CITY OF MARIBYRNONG
RECEIVED
20/5/2025
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: Free Street
Suburb/Locality: YARRAVILLE		Post Code: 3013

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

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

A	Vol.: 10063	Folio.: 353	Suburb.: Yarraville
OR	Lot No.: 1	Type.: Title Plan	
B	Crown Allotment No.:		Section No.:
	Parish/Township Name:		

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application

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

Demolition and construction of a replacement dwelling

📎 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 *

732892.00

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


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

Existing Conditions

Describe how the land is used and developed now *

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

Single dwelling


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

Title Information

Encumbrances on title *

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

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

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Name:

Title: CO First Name: Surname:

Organization (if applicable): Taylors Development Strategists

Unit No: FCTY 8 St. No: 270 St. Name: Ferntree Gully Road

Suburb: NOTTING HILL State: VIC Postcode: 3168

Business phone: 0395012800 Email: h.senior@taylorsds.com.au

Mobile phone: 0409701519 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: CO First Name: Surname:

Organization (if applicable): Boutique Homes C/O Taylors Development Strategists

Unit No: FCTY 8 St. No: 270 St. Name: Ferntree Gully Road

Suburb: NOTTING HILL State: VIC Postcode: 3168

Business phone: 0395012800 Email: planning@taylorsds.com.au

Mobile phone: 0409701519 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: U First Name: Romana Surname: Widdison

Organization (if applicable):

Postal Address:

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

Unit No: UNIT 2 St. No: 12 St. Name: Elwood Street


Suburb: BRIGHTON State: VIC Postcode: 3186

Business Phone: 0395012800 Email:

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:

Date
day / month / year

Need help with the Application?

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

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

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

☒ No ☐ Yes

Officer Name:


Date: day / month / year


Checklist

Have you:

☒ Filled in the form completely?

☒ Paid or included the application fee?

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

 Provided all necessary supporting information and documents?

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

☐ A plan of existing conditions.

☒ Plans showing the layout and details of the proposal.

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

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

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

☒ Completed the relevant council planning permit checklist?

☒ Signed the declaration?

Lodgement

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

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

Contact information:

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

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

MORE INFORMATION

The Land

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

How is land identified


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

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


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

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

How do planning schemes affect proposals?

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

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

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

See **Example 2**.


Estimated cost of development

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

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

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

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

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

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

Existing Conditions

How should land be described?

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

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

See **Example 3**.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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

AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT Request Form

Privacy Information

Any material submitted with this application, including plans and personal information, will be available for public viewing, including electronically, and copies may be made to interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.

DETAILS OF APPLICATION TO BE AMENDED

Application Number: TP143/2025	Address of Land : 3 Free Street, Yarraville
--	---

Under what section of the Planning and Environment Act 1987, is the amendment being sought:

☒ Section 50 – Amendment to the application prior to notice
☐ Section 57A – Amendment to the application after notice (*Note – A fee of 40% of the original application fee is required with this request*)

THE APPLICANT

Name:	Organisation: Boutique Homes C/O Taylors Development Strategists
Address: 8/270 Ferntree Gully Road, Notting Hill	
Contact Phone Number: 0407 701 519	
Email: h.senior@taylorsds.com.au	
Are you the applicant of the original planning permit application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (<i>Note: Only the applicant of the original planning permit application may ask Council to amend the application</i>)	

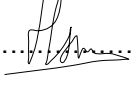
DETAILS OF THE PROPOSED CHANGES

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

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

The Development Plans and Landscape Plan have been updated to replace the double car garage with a single car garage as per Councils request.

DECLARATION TO BE COMPLETED FOR APPLICATIONS

I declare that all information I have given is true	Applicant Signature:  Date: 24/09/25
--	--

HOW TO REQUEST FOR AMENDMENT TO AN APPLICATION FOR PLANNING PERMIT

ALL OF THE INFORMATION OUTLINED BELOW MUST ACCOMPANY THIS APPLICATION.

ALL REQUESTS SUBMIT:

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

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

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

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

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

If you are amending the plans, please submit:

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

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

Page 1 of 1

VOLUME 08330 FOLIO 764

Security no : 124123151725H
Produced 26/03/2025 12:34 PM

LAND DESCRIPTION

Lot 1 on Title Plan 404280C.
PARENT TITLE Volume 07338 Folio 560
Created by instrument B309047 02/11/1961

CITY OF MARIBYRNONG
RECEIVED
20/5/2025
URBAN PLANNING

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
PAUL ANTHONY REECE
PENELOPE FRONDOZO PARNES both of 3 FREE STREET YARRAVILLE VIC 3013
AJ093960T 27/07/2011

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ093961R 27/07/2011
WESTPAC BANKING CORPORATION

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 TP404280C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 3 FREE STREET YARRAVILLE VIC 3013

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

DOCUMENT END

Imaged Document Cover Sheet

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

Document Type	Instrument
Document Identification	AJ093960T
Number of Pages (excluding this cover sheet)	1
Document Assembled	26/03/2025 12:34

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TRANSFER OF LAND**Section 45 Transfer of Land Act 1958****Lodged by:**

Name: _____
 Phone: _____
 Address: **ST GEORGE**
 Ref: **13611U**
 Customer Code: _____

Privacy The information maintained in the	AJ093960T 27/07/2011 \$1355 45 	Order of indexes
MADE AVAILABLE/CHANGE CONTROL Office Use Only		

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

Certificates of Title Volume 8330 Folio 764 and Volume 10063 Folio 353

Estate and Interest: (e.g. "all my estate in fee simple")

All Our Estate In Fee Simple

Consideration:

\$685,000.00

Transferor: (full name)

DAMIEN RONALD MORROW

Transferee: (full name and address including postcode)

**PAUL ANTHONY REECE AND PENELOPE FRONDOZO PARNES
 of 3 FREE STREET YARRAVILLE 3013 As Joint Proprietors**

Directing Party: (full name)

NIL

Dated: **25/7/11**

Execution and Attestation

**Signed by the Transferor
 in the presence of:**

MARCUS COOKSEY
 CONSTABLE
 37570

M. Cooksey
 MATTHEW PICKERING

Damien Morrow

**Signed by the Transferee
 in the presence of:**

[Signature]

[Signature]
 P. R.

[Signature]

Approval No. 798096A

ORDER TO REGISTER

Please register and issue title to

T1

Page 1 of 1

Signed

Cust. Code:



Anstat Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED

Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

STAMP DUTY USE ONLY

PSI Global Property Services Pty Ltd	
DRS	AP 445
Vic Duty	\$36,170.00
Consideration	\$685,000.00
Trans No.	8033/2011
Endorse Date	25/07/2011
Section	Original
STGEORGE Signature	<i>[Signature]</i>

Imaged Document Cover Sheet

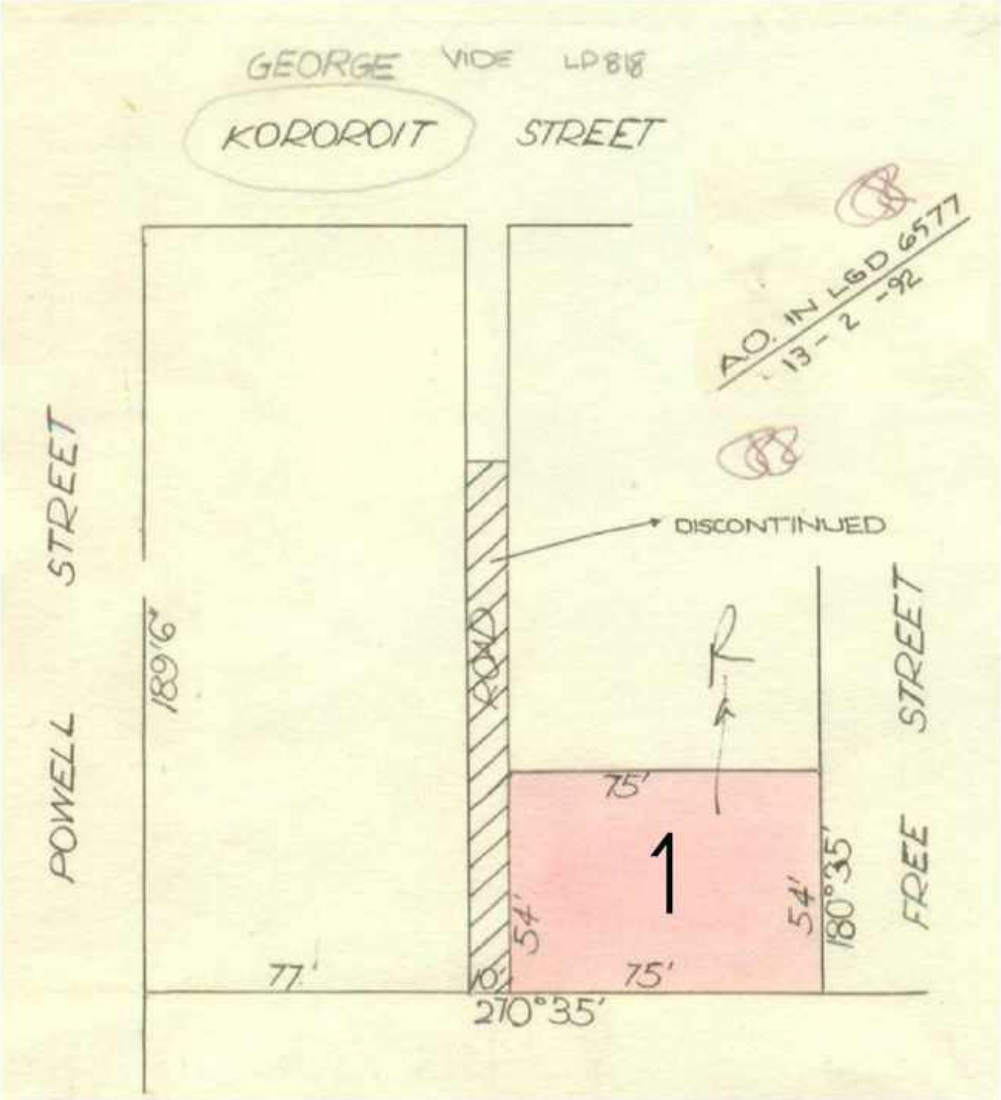
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Document Type	Plan
Document Identification	TP404280C
Number of Pages (excluding this cover sheet)	1
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TITLE PLAN		EDITION 1	TP 404280C						
Location of Land Parish: CITY OF FOOTSCRAY AT YARRAVILLE PARISH OF CUT-PAW-PAW Township: Section: 8 Portion: 3 Crown Allotment: 146 (PT) Last Plan Reference: Derived From: VOL 8330 FOL 764 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information <u>ALL THAT</u> piece of land delineated and coloured red on the map -- in the margin being part of Crown Allotment 146 Portion 3 Section 8 City of -- Footscray at Yarraville Parish of Cut Paw Paw Together with a right of -- carriage way over the roads coloured brown on Plan of Subdivision No.818 --		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 26/06/2000 VERIFIED: AD							
COLOUR CODE R = RED									
									
<table border="1"><thead><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr></thead><tbody><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 = CP 146 (PT)</td></tr></tbody></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 = CP 146 (PT)	
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 = CP 146 (PT)									
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets						

Preliminary Arboricultural Assessment

Location:

3 Free Street, Yarraville

Report Commissioned by:

Boutique Homes

Author:

Lachlan Scott

Grad. Cert. Arb.

Arbkey ref: 24-11-22FreeYarraville.docx

Date submitted: November 29, 2024

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1 Introduction

Arbkey has been engaged by Boutique Homes to provide a Preliminary Arboricultural Assessment for trees potentially affected by an in-planning development at 3 Free Street, Yarraville. For the report arbkey has:

- Identified and assessed the trees, providing their location, species, dimensions, useful life expectancy and health and structural condition.
- Allocated each tree an arboricultural value, indicating its merit for retention in the landscape throughout nearby disturbance.
- Calculated the size of the Tree Protection Zone (TPZ) in accordance with Australian Standard 4970, Protection of Trees on Development Sites.
- Provided recommendations to protect any trees through adjacent developments.

2 Site Details

The subject site is a single occupancy residential property featuring a house building, rear garage and surrounding yards (Figure 1). Except for a canopy tree within the front yard, trees are not a major feature of the site itself but are more common within the surrounds. Development of the site is in the early planning phases.



Figure 1: Subject site

2.1 Planning and Policy Context

The subject site is located within Neighbourhood Residential Zone - Schedule 1 of the Maribyrnong Planning Scheme (DEECA 2024). Tree protection related planning overlays or local law are not applied to the site.

Due to their ownership, any trees within adjacent third-party owned property must remain viable throughout works at the subject site unless under agreement with the tree's respective owner. Modification of trees in adjacent property may also be subject to permit approval.

2.2 Site Map

A site map detailing existing conditions and tree locations has been provided in Appendix 1: Site Map

3 Methodology

On the 27 November 2024, Jason Clifford (Grad Cert Arb) undertook inspection of trees greater than 3m in height located at, or with tree protection zones (AS4970 2009) likely to intersect the property at, 3 Free Street, Yarraville. The following information was collected for the trees:

- Tree Species
- Tree Location
- Height (m)
- Crown Spread (m)
- Diameter at Breast Height (DBH) at 1.4m (cm)
- Diameter at Base (DAB) at just above the root flare (cm)
- Health
- Structure
- Significance
- Photographs of tree

Only a ground based visual inspection was undertaken of all trees according to the principles of Visual Tree Assessment and tree hazard assessment described in Harris, Clark and Matheny (1999) and Mattheck and Breloer (1994).

Tree location has been derived using a feature survey provided by the client or if not present aligned using an RTK corrected GNSS receiver.

Height was measured on site using an impulse laser accurate to +/- 30cm. Crown spread values or drawings are indicative of crown size only, not shape or form.

A diameter tape was used to measure DBH. To prevent trespass, DBH has been estimated on adjacent sites.

Health, Structure and Significance are qualitative values derived from visual indicators and the authors experience and qualifications.

Full data collection definitions are available in Appendix 6: Data Definitions.

3.1 Documents Reviewed

Table 1: Documents reviewed to assist in the compilation of this report

Document Name	DWG/Document #	Author	Document Description	Date compiled/drawn
59781 – SURVEY	59781	PRIME	Feature Survey	14 November 2024

4 Observations

4.1 Tree Details

Nine (9) trees were assessed, two (2) on the site itself and seven (7) within adjacent third-party managed property (Table 2). Full details of the assessed trees have been provided in Appendix 2: Tree Details.

Table 2: Count of assessed species and their respective species origin

Genus Species	Common Name	Species Origin	Count of Trees	Tree IDs
<i>Olea europaea</i>	European Olive	Exotic	3	5, 6, 7
<i>Syagrus romanzoffiana</i>	Queen Palm	Exotic	2	3, 4
<i>Cinnamomum camphora</i>	Camphor Laurel	Exotic	1	1
<i>Pittosporum tenuifolium</i>	Kohuhu	Exotic	1	9
<i>Pittosporum undulatum</i>	Sweet Pittosporum	Australian Native	1	8
<i>Prunus xblireana</i>	Double-rose Cherry Plum	Exotic	1	2

5 Discussion

5.1 Arboricultural Value

All the assessed trees have been attributed an arboricultural value (Table 3). Arboricultural value is a calculated rating indicating the arboricultural merit of the tree for retention through any nearby disturbance. It is a qualitative combination of the trees ULE and significance values. Trees of higher arboricultural value should be prioritised for retention through works that may impact trees. Conversely, trees of low or no arboricultural value can often be removed to facilitate a development with little or no effect on wider landscape value.

Trees attributed an arboricultural value of 'Third Party Ownership' are located on adjacent land to the assessment. It is assumed that the owner of the tree attributes it a 'High' arboricultural value and requires its retention in the landscape.

Table 3: Overview of arboricultural value

Arboricultural Value	Count	Tree IDs
Medium	1	1
Low	1	2
Third Party Ownership	7	3, 4, 5, 6, 7, 8, 9

5.2 Tree Protection Zone (TPZ) and Structural Root Zone (SRZ)

AS4970 (2009) specifies areas drawn radially from each tree's stem which indicate the area required for its stability (SRZ) and viability (TPZ) throughout nearby disturbance such as development. Further information on TPZs and SRZs has provided in Appendix 7: Tree Protection Zones and Encroachment

5.2.1 TPZ and SRZ details

TPZ and SRZ details for all trees has been supplied in Appendix 3: TPZ and SRZ details.

5.2.2 TPZ and SRZ Map

Maps detailing the TPZ and SRZ have been provided in Appendix 4: TPZ and SRZ Map.

6 Conclusions and Recommendations

Development of the site at 3 Free Street, Yarraville is currently in the early design phases. Arbkey has been engaged to assess the trees at or adjacent to the site. Nine (9) trees were assessed, two (2) on the site and seven (7) within adjacent property. Detailed assessments have been provided for each tree. Additionally, the tree protection zone (TPZ) and structural root zone (SRZ) has been calculated for each tree as per AS4970 (2009). It is recommended that:

- The design team is made fully aware of the location, arboricultural value and planning/policy context of the trees including all appropriate tree protection measures, prior to finalising the design process. Particularly the Tree Protection Zone (TPZ) guidelines, dimensions, and requirements.
- Trees of higher arboricultural value are prioritised for retention throughout the design process.
- The proposed design ensures that the impact to the canopy and root systems of all trees to be retained, including those within adjacent property, is kept to a minimum and does not encroach on the tree's Tree Protection Zone (TPZ). If it is impossible to keep construction out of the TPZ then encroachment should not exceed 10% of a tree's respective TPZ area.
 - Where TPZ are encroached, the lost area must be compensated elsewhere in an area contiguous to the remaining TPZ.
 - If encroachment cannot be minimised to less than 10% of a tree's respective TPZ area; tree sensitive construction methods such as at-grade construction or pier, cantilevered or screw pile footings should be considered to minimise below and above ground TPZ disturbance.
 - Site factors, such as existing hard stand or root inhibitive soil conditions, may increase the encroachment tolerance of adjacent trees. These factors should be considered during the design phases of the development.
- If, throughout the design process, the TPZ of trees will be impacted during the actual development:
 - Prior to construction commencement, an Arboricultural Impact Assessment and Tree Management Plan should be prepared by a suitably qualified arborist. This would assess the impact of the final design and provide recommendations to protect any trees to be retained on the site throughout the development.

7 References

AS 4373, 2007, Australian Standard, Pruning Amenity Trees, 2nd Edition Standards Australia

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8 Appendix 1: Site Map



Figure 2: Site Map – Existing Conditions

9 Appendix 2: Tree Details

Table 4: Details of assessed trees

Tree ID	Genus Species	Common Name	Species Origin	Height (m)	Crown Spread (m)	Total DBH (cm)	DAB (cm)	Health	Structure	Maturity	ULE (years)	Arboricultural Value	Comments
1	<i>Cinnamomum camphora</i>	Camphor Laurel	Exotic	13	10	60.42	65	Good	Fair	Mature	15 to 40	Medium	
2	<i>Prunus xblireana</i>	Double-rose Cherry Plum	Exotic	8	6	50.04	50	Fair	Fair	Mature	5 to 15	Low	Abutting fence, Large trunk wound
3	<i>Syagrus romanzoffiana</i>	Queen Palm	Exotic	9	4	25	30	Fair	Fair	Mature	5 to 15	Third Party Ownership	
4	<i>Syagrus romanzoffiana</i>	Queen Palm	Exotic	9	4	25	30	Fair	Fair	Mature	5 to 15	Third Party Ownership	
5	<i>Olea europaea</i>	European Olive	Exotic	8	4	16	22	Good	Fair	Mature	15 to 40	Third Party Ownership	
6	<i>Olea europaea</i>	European Olive	Exotic	7	5	12.21	16	Good	Fair	Mature	15 to 40	Third Party Ownership	
7	<i>Olea europaea</i>	European Olive	Exotic	8	5	19.42	35	Good	Fair	Mature	15 to 40	Third Party Ownership	
8	<i>Pittosporum undulatum</i>	Sweet Pittosporum	Australian Native	7	6	20	25	Fair	Fair	Mature	5 to 15	Third Party Ownership	
9	<i>Pittosporum tenuifolium</i>	Kohuhu	Exotic	7	5	20	25	Good	Fair	Mature	5 to 15	Third Party Ownership	

10 Appendix 3: TPZ and SRZ details

Table 5: TPZ and SRZ details of assessed trees (AS4970 2009)

Tree ID	Genus Species	Common Name	SRZ radius (m) AS4970	TPZ radius (m) AS4970	TPZ Area AS 4970 (m2)
1	<i>Cinnamomum camphora</i>	Camphor Laurel	2.76	7.25	165.13
2	<i>Prunus xblireana</i>	Double-rose Cherry Plum	2.47	6	113.097
3	<i>Syagrus romanzoffiana</i>	Queen Palm	0	3	28.274
4	<i>Syagrus romanzoffiana</i>	Queen Palm	0	3	28.274
5	<i>Olea europaea</i>	European Olive	1.75	2	12.566
6	<i>Olea europaea</i>	European Olive	1.53	2	12.566
7	<i>Olea europaea</i>	European Olive	2.13	2.33	17.055
8	<i>Pittosporum undulatum</i>	Sweet Pittosporum	1.85	2.4	18.096
9	<i>Pittosporum tenuifolium</i>	Kohuhu	1.85	2.4	18.096

11 Appendix 4: TPZ and SRZ Map

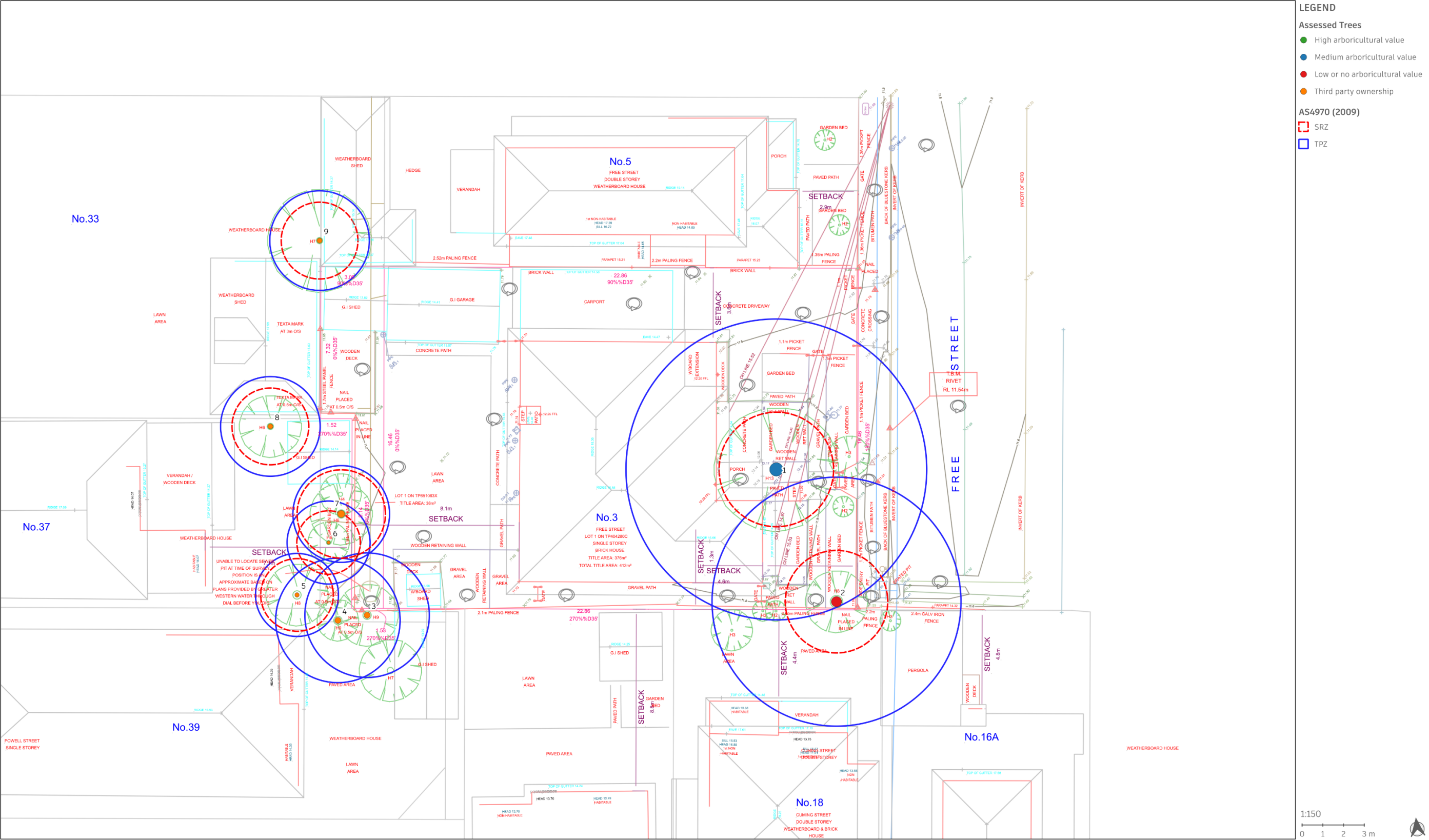


Figure 3: TPZ and SRZ Map

12 Appendix 5: Tree Photos

Tree ID: 1



Tree ID: 2



Tree ID: 3



Tree ID: 4



Tree ID: 5



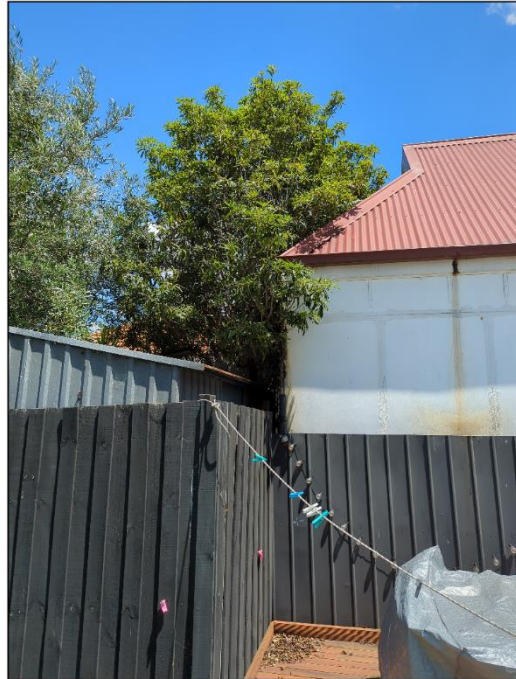
Tree ID: 6



Tree ID: 7



Tree ID: 8



Tree ID: 9



13 Appendix 6: Data Definitions

DBH (Diameter at Breast Height) is measured at 1.4 m above ground level or calculated from the total stem area if the tree was multi-stemmed at 1.4m above ground level in accordance with AS 4970 (2009).

DAB (Diameter at Base) is measured just above the root collar of a tree in accordance with AS 4970 (2009)

Health summarises qualitative observations of canopy density, overall vigour and vitality made in the field:

- Good - Canopy is visually dense with less than 10% dieback and shows no, or only very minor nutrient deficiencies, pest and disease presence or stress-induced epicormic growth.
- Fair - Canopy is of average density, consists of between 10-30% dieback and shows a minor, or occasionally moderate, level of nutrient deficiency, pest and disease presence or stress-induced epicormic growth.
- Poor - Canopy is visually sparse, consists of more than 30% dieback and typically has significant nutrient deficiency, pest and disease presence or stress induced epicormic growth.
- Dead – No indication the tree is alive

Structure summarises qualitative observations of tree structure and stability made in the field:

- Good - The tree's form is optimal for the species. Typically trees of 'Good' structure have no or only very minor trunk leans or canopy asymmetry. These trees have parts that are not structurally compromised by decay, cracks, or other structural faults. Structural failure of these trees is only likely only under strong and unusual weather events
- Fair - The tree's structure includes minor structural defects that do not typically fail in light or moderate weather events. Typically trees of 'Fair' structure have minor trunk leans or slightly asymmetric canopies. These trees are likely to have parts that are partly compromised by decay or structural defects such as included bark.
- Poor - The tree's structure includes major structural defects. Failure of these trees is considered possible under light or moderate weather events. Typically trees of 'Poor' structure have major trunk leans or heavily asymmetric canopies. These trees are likely to have parts that are heavily compromised by decay or structural defects such as included bark.

Maturity summarises the life stage of the tree.

- Juvenile – The tree is in approximately the first 10% of its expected lifespan in its current environment
- Semi-mature – Tree is 10%-20% through its expected lifespan in its current environment and has not yet reached its mature dimensions.
- Mature – The tree is through 20%-90% of its expected lifespan in its current environment.
- Over-mature – The tree is through approximately 90% of its expected lifespan in its current environment

ULE (Useful Life Expectancy) indicates the anticipated remaining years of lifespan of the tree in its existing surroundings. The tree's lifespan is the time that it will continue to provide amenity value without undue risk or hazard and with a reasonable amount of maintenance.

Significance indicates the importance a tree may have on a respective site. The following descriptors are used to derive this value (adapted from IACA 2010):

High -

- Tree is good condition and good vigour
- The tree has a form typical for the species
- The tree is a remnant specimen or is rare or uncommon in the local area or of botanical interest or substantial age
- The tree is listed as a heritage item or threatened species or listed on a municipal significant tree register
- The tree is visually prominent and visible from a considerable distance when viewed from most directions due to its size and scale. The tree makes a positive contribution to the local amenity.
- The tree supports social or cultural sentiments or spiritual associations or has commemorative values
- The tree is appropriate to the site conditions

Medium -

- The tree is in fair condition and good or low vigour
- The tree has form typical or atypical of the species
- The tree is a planted locally indigenous taxa or a common species within the area.
- The tree is visible from surrounding properties, although not visually prominent as partially obstructed by other vegetation or buildings when viewed from a public space. The tree provides a moderate contribution to the amenity and character of the local area
- The tree is often partially restricted by above or below ground influences and/or resources.

Low -

- The tree is in fair condition and good or low vigour
- The tree has form atypical of the species.
- The tree is not visible or is partly visible from surrounding properties due to obstructions.
- The tree provides a minor contribution or has a negative impact on landscape amenity or character of the local area.
- The tree is a juvenile specimen that can easily be replaced.
- The tree's growth is severely restricted by above or below ground influences and/or resources.
- The tree has a feature that has potential to become structurally unsound.
- The tree is listed as a noxious or environmental weed under state, federal or municipal policy

Dead/Irreversible Decline -

- The tree is structurally unsound or unstable
- The tree is dead or in irreversible decline

Third Party Ownership

- The tree is located on adjoining land to the assessment.

A tree is to meet several or all the criteria in a category to be classified in that group

Arboricultural Value is a calculated value indicating the merit of the tree for retention through any nearby developments. It is a qualitative combination of the trees ULE and Significance Values (Table 6).

Table 6: Matrix for the calculation of Arboricultural Value

ULE	Significance Value					
		High	Medium	Low	Dead/Irreversible Decline	Third Party Ownership
	>40 years	High	Medium	Low	Low	Third Party Ownership
	15-40 years	High	Medium	Low	Low	Third Party Ownership
	5-15 years	High	Medium	Low	None	Third Party Ownership
	<5 years	Medium	Low	None	None	Third Party Ownership
	0 years	Low	None	None	None	Third Party Ownership

- High – Trees attributed a 'High' arboricultural value are generally of strong visual amenity and significant in the landscape. The utmost level of consideration should be given for the retention of these trees throughout development activities and/or nearby disturbance
- Medium – Trees attributed a 'Medium' arboricultural value are of moderate amenity value and have been attributed some value in the landscape. Trees attributed a 'Medium' arboricultural value should be retained and designed around during developments or nearby disturbance. If retention is not possible for these trees, removal and replacement can be often considered as an acceptable compromise.
- Low – Trees attributed a Low arboricultural value are of poor arboricultural merit. Removal and replacement is an acceptable compromise if designing around these trees is not possible.
- None – Trees attributed an arboricultural value of none have no arboricultural merit. Removal is usually acceptable or required for these trees.
- Third Party Ownership – The tree is located on adjacent land to the assessment. It is assumed that the owner of the tree attributes it a High arboricultural value and requires its retention in the landscape.

14 Appendix 7: Tree Protection Zones and Encroachment Overview

14.1 Structural Root Zones (SRZ)

SRZs are an indication of the area surrounding the base of a tree that is required for its stability. AS 4970 (2009) provides a method to calculate the SRZ of trees: The SRZ is calculated as

$$(DAB \times 50)^{0.42} \times 0.64$$

For grass like trees such as palms or tree ferns; SRZs are not calculated.

14.2 Tree Protection Zone (TPZ)

A Tree Protection Zone (TPZ) is considered one of the most effective ways to ensure the retention of trees throughout development. The aim of a TPZ is to secure the space around the tree so that no above or below ground activities or developments can affect the integrity of the tree's root system or above ground parts.

AS 4970 (2009) provides a method for calculating the standard area of TPZ's. For all broadleaf trees, the radius of the TPZ is calculated as:

$$12 * DBH$$

For grass like trees such as palms or tree ferns; TPZs are calculated as:

$$\text{Radius of extent of canopy} + 1\text{m},$$

Dead trees are attributed a TPZ of the same size as their SRZ as only their stability can now be protected and not their vigour

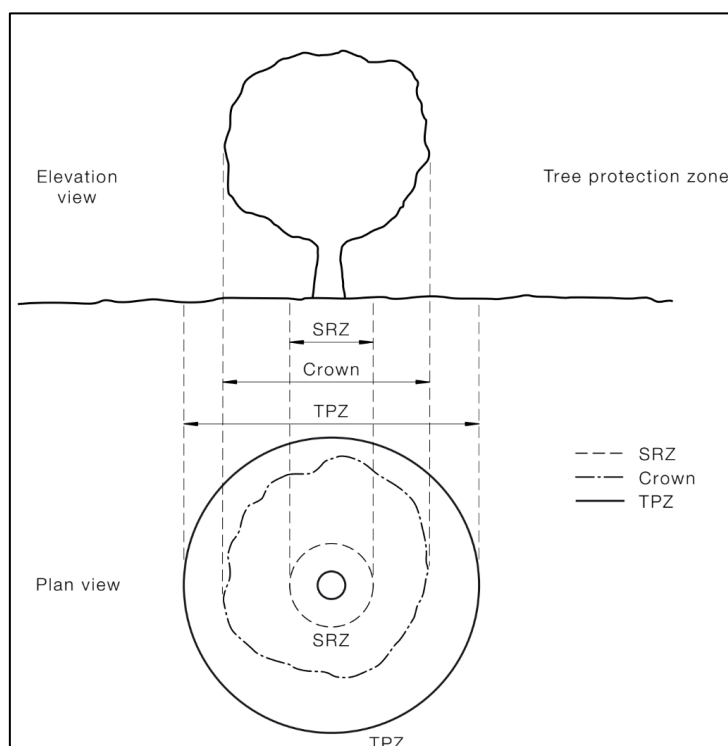


Figure 4: Diagram of TPZ and SRZ (AS 4970 2009)

14.2.1 TPZ Encroachment:

AS 4970 (2009) allows the extents of 'calculated' TPZs to be varied, under certain conditions, to allow varying levels encroachment into TPZs. Encroachment is the term given to the level of impact of the footprint of a disturbance (such as a development or construction activity) on the calculated TPZ of a tree. Two levels of encroachment are classified within AS 4970:

14.2.1.1 Minor Encroachment

Where encroachment of a respective TPZ is limited to less than 10% of a TPZs area it is termed 'Minor Encroachment'. Minor encroachment and corresponding variations to a TPZ is considered acceptable while the lost area is compensated elsewhere while still being contiguous with the TPZ.

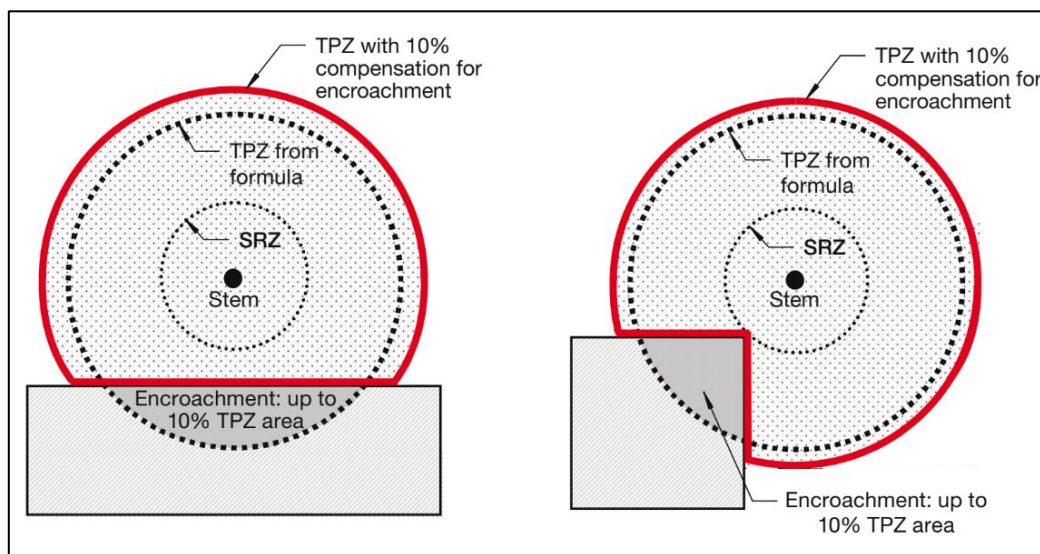


Figure 5: Examples of Minor TPZ encroachment and contiguous TPZ compensation (AS 4970 2009)

14.2.1.2 Major Encroachment

Where encroachment of the standard TPZ exceeds 10% of a TPZ it is termed 'Major Encroachment'. Major encroachment and corresponding variations to a TPZ can be considered acceptable providing the following conditions are met:

- The project arborist demonstrates the tree will remain viable through the encroachment.
- The lost area is compensated elsewhere while still being contiguous with the TPZ.

Regardless of encroachment, final TPZs and tree protection requirements should be clear to all parties during the entire construction process. Ideally all tree protection requirements should be outlined within a Tree Protection Management Plan (TPMP), prepared by a suitably qualified arborist, prior to the commencement of any construction activities

CITY OF MARIBYRNONG

RECEIVED

20/5/2025

URBAN PLANNING

Town Planning Report

Demolition and construction of a dwelling

3 Free Street
YARRAVILLE

Prepared by Taylors for
Boutique Homes

May 2025

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1.0 Introduction

Taylor's Development Strategists have been engaged by Boutique Homes to prepare this report to support an application to demolish the existing dwelling and construct a replacement dwelling on the land at 3 Free Street, Yarraville ('the site').

This Report outlines the proposed development, provides an assessment against the provisions of the Maribyrnong Planning Scheme ('the Planning Scheme') and expresses our recommendation for a permit to be granted. Also submitted as part of the application, and to be read in conjunction to this report is:

- Development Plans prepared by Boutique Homes.
- Landscape Plan prepared by Taylors.
- Preliminary Arboricultural Assessment prepared by Arbkey.
- Colour and Material Schedule prepared by Boutique Homes.
- Copy of Title

A permit is required for the following:

- To demolish the existing dwelling on site pursuant to Clause 43.05-2 (NCO5)
- To construct a building or construct of carry out works pursuant to Clause 43.05-2 (NCO5)



Figure 1. Site Aerial Photograph (MetroMap.com)

2.0 Subject Site and Surrounds

2.1 Subject Site

The site is located on the western side of Free Street within the established residential area of Yarraville.



Figure 2. Subject Site (MetroMap.com)

The site is formally known as Lot 1 on Title Plan 404280C per the Certificate of Title Volume 08330 Folio 764 (a copy of which has been submitted with the Application). The site is predominantly square in shape with a maximum depth of 25.91 metres along the northern boundary, and a street frontage of approximately 16.46 metres. The site maintains a total area of 413 square metres. Access is provided via an existing concrete crossover to Free Street along the northern boundary of the site.

The subject site is currently occupied by a single storey brick dwelling with a pitched tile roof. The site contains two trees within the front setback which have been assessed in the arborist report prepared by Arbkey. Please refer to the Arborist Report for further information on the existing vegetation on site.

2.2 Surrounding Area

The site is located in an established residential area of Yarraville and is bound by the following:

North: A double storey weatherboard dwelling with a pitched metal roof at 5 Free Street. No vehicle access is provided for this site, and minor landscaping is maintained within the front and rear setbacks.

East: Free Street directly to the east of the site. Further east at 2 Free Street, is a double storey rendered dwelling with a pitched tiled roof. Vehicle access is provided by a single concrete crossover, leading to a single garage. Landscaping of a variety of species is provided within the front and rear setbacks.

South: A double storey weatherboard and brick dwelling with a pitched tiled roof at 18 Cuming Street and a single storey weatherboard dwelling with a pitched metal roof at 20 Cuming Street. The site shares the southern boundary with these two properties. Both properties maintains minimal landscaping of which is primarily concentrated within the rear setback.

West: A single storey weatherboard dwelling with a pitched tiled roof at 37 Powell Street and a single storey weatherboard dwelling with a pitched tiled roof at 33 Powell Street. The property at 37 Powell Street features clustered vegetation along the rear boundary.

The character of the surrounding area is generally defined by a mixture of single and double storey detached dwellings. The area is predominantly characterised by detached Victorian, post-war and Edwardian style dwellings with an emerging character of more contemporary infill double storey developments. Dwellings are commonly constructed using weatherboard or brick and incorporate a pitched metal or tiled roof form. Contemporary dwellings predominantly utilise render finishes. In addition, the area is generally characterised by small front setbacks, with vegetation planting concentrated at the rear of the site.

A summary of the key attributes within close proximity to the subject site include:

Schools: Yarraville West Primary School (75m), St Josephs (200m) and St Augustine's Yarraville (350m)

Open Space: Yarraville Oval (100m), Beaton Reserve (200m) and M Zacour Park (300m)

Shops: Yarraville Neighbourhood Activity Centre (400m)

Public Transport: Yarraville Train Station (330m), Bus Route's 409, 431 and 432 (330m) and Bus Route 472 (350m)

Main Roads: Anderson Street (100m), Somerville Road (220m) and Williamson Road (250m)

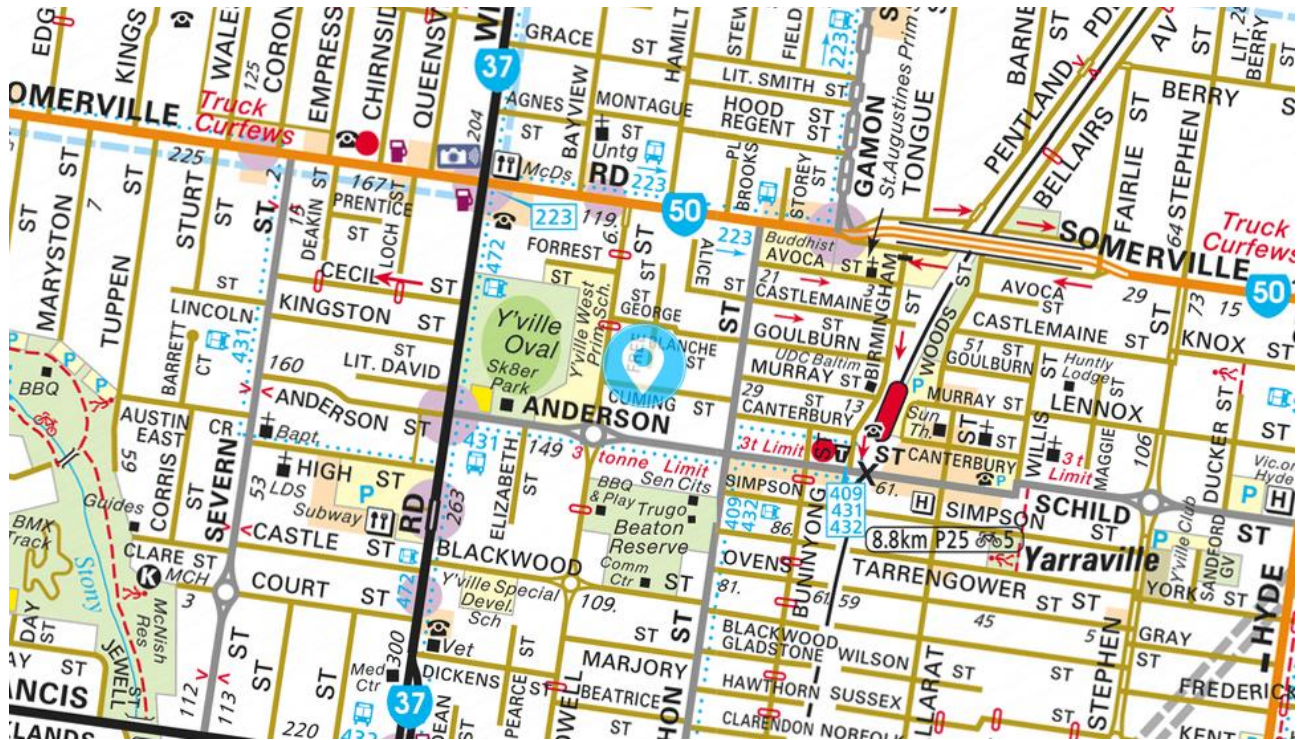


Figure 3. Location Map (melway.com.au)

The proposal seeks to demolish the existing dwelling on site and construct a double storey replacement dwelling.

Site Area	413 sqm
Site Coverage	38.71%
Garden Area	52.14%
Street setback	4.95 metres
Maximum building height	7.578 metres.

The proposed dwelling has a maximum building height of 7.578 metres. All walls are setback off boundaries, with the exception of the garage to be situated on the northern boundary. The proposal is also appropriately sited to maintain sufficient setbacks, with the exception of the garage located on boundary. The siting of the garage should not impose any adverse impacts on the amenity of the neighbouring property.

The elevations, as shown on the Development Plans, shows the front façade of the dwelling will be finished with painted pressed brickwork and rendered blue-board at the ground floor. At the first floor, rendered polystyrene cladding is to be utilised along with painted vertical Losp cladding. The sides and rear of the dwelling utilise face brickwork and rendered polystyrene cladding.



4.0 Planning Controls

4.1 Zone Provisions

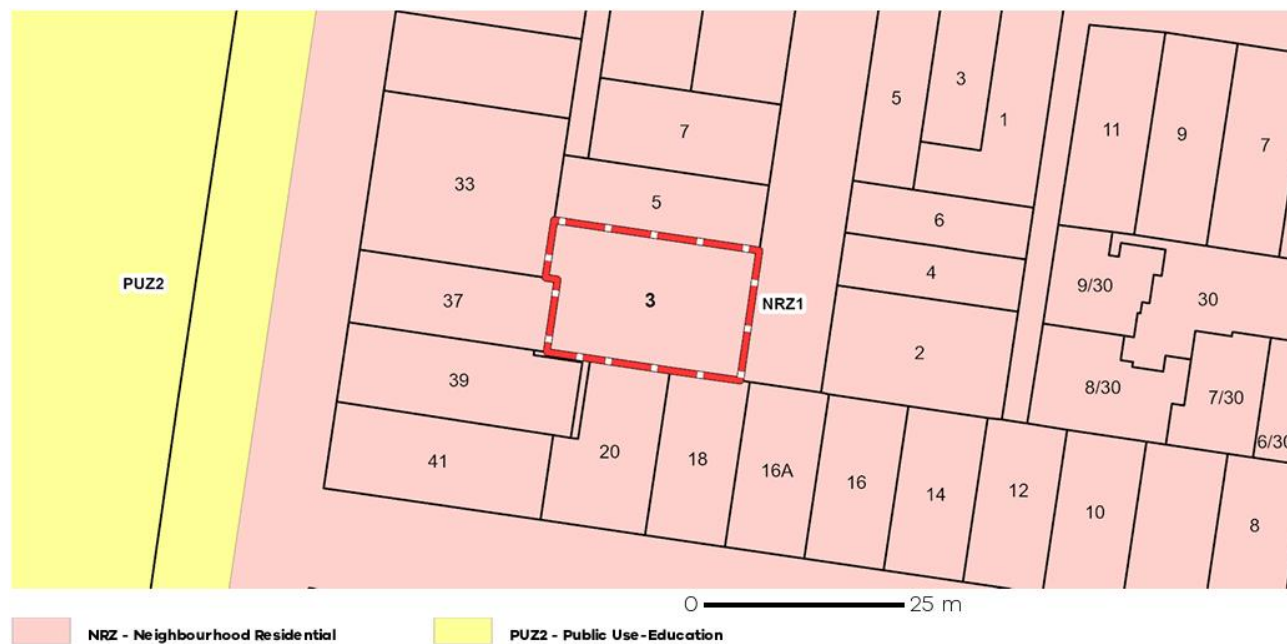


Figure 5. Zone Map (VicPlan)

The subject site is located within the Neighbourhood Residential Zone – Schedule 1 (NRZ1) pursuant to the Maribyrnong Planning Scheme. The purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise areas of predominantly single and double storey residential development.*
- *To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of a dwelling within the NRZ1 is 'as of right' and does not require planning permission pursuant to Clause 32.09-2 of the Planning Scheme. A planning permit is not required to construct a single dwelling pursuant to Clause 32.09-5 in this instance as the total land area exceeds 300 square metres.

The plans indicate a total garden area equating to approximately 52.14% of the site area, well exceeding the 25% requirement of Clause 32.09-4 of the Planning Scheme.

The proposed maximum building height of 7.578 metres and two (2) storeys is comfortably under the maximum height of nine (9) metres and two (2) storeys as prescribed at Clause 32.09-11 of the Planning Scheme.

The schedule to this zone does not alter any Clause 54 Standards.

On the basis of the above, we maintain that the proposal is entirely appropriate in the context of the NRZ1.

4.2 Overlay Controls

4.2.1 Neighbourhood Character Overlay – Schedule 5

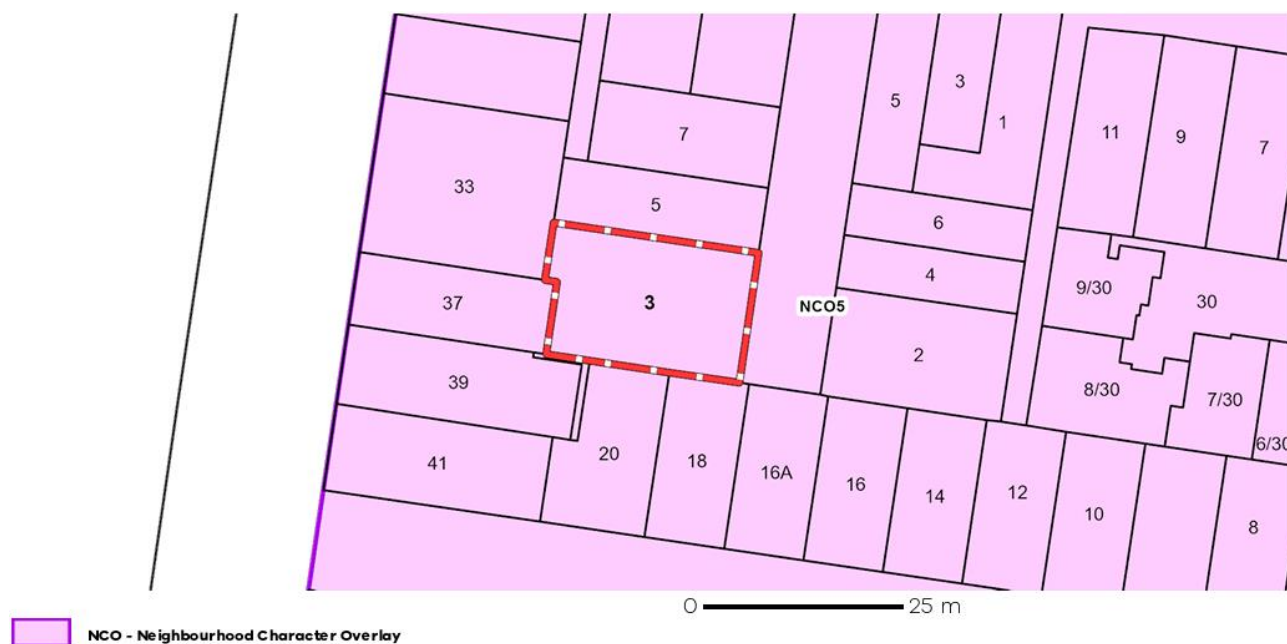


Figure 6. Overlay Map (VicPlan)

The subject site is located within the Neighbourhood Character Overlay – Schedule 5 (NCO5) pursuant to the Maribyrnong Planning Scheme. The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas of existing or preferred neighbourhood character.
- To ensure that development respects the neighbourhood character.
- To prevent, where necessary, the removal of buildings and vegetation before the neighbourhood character features of the site and the new development have been evaluated.

Pursuant to Clause 43.05-2, a permit is required to construct a building or construct or carry out works.

Pursuant to Clause Item 3 of the NCO5, a permit is also required to demolish or remove a building.

By virtue of the proposal seeking to demolish the existing building on site and to construct a new dwelling on site, planning permission is required pursuant to the NCO5.

The NCO5 applies the following variations to the following Standards under Clause 54 of the Planning Scheme. A response to each of these variations is provided below:

Standard	Response
<p>Standard A9 (Building Setback)</p> <ul style="list-style-type: none"> • <i>Locate garages and car ports behind the front line of the dwelling.</i> • <i>The loss of front garden space to paved surfaces and the dominance of car parking structures should be minimised.</i> • <i>In new developments two car spaces should be provided per dwelling with:</i> <ul style="list-style-type: none"> ○ <i>One space at least 6 metres long and 3.5 metres wide and covered or capable of being covered.</i> ○ <i>The second space at least 4.9 metres long and 2.6 metres wide.</i> • <i>If the car spaces are provided in a garage, carport or otherwise constrained by walls, a double space may be 5.5 metres wide measured inside the garage or carport.</i> • <i>A building may project into a car space if it is at least 2.1 metres above the space.</i> • <i>The requirements of this standard relating to the provision of car parking do not apply to extensions to existing dwellings.</i> 	<p>The proposal complies with this varied standard as detailed below:</p> <ul style="list-style-type: none"> • The garage is set back a sufficient distance behind the front line of the dwelling. its visual dominance of the garage will be minimised when viewed from the street. • The proposal will share a similar front setback to the existing dwelling to accommodate for landscaping within the front setback. A generous garden area of 52.14% is proposed on site, allowing for front garden space. • The proposal has been designed to include the following: <ul style="list-style-type: none"> ○ A double garage of the appropriate dimensions; 5.99 metres long and 6.25 metres wide. ○ The second space in the form of the driveway, maintaining dimensions of at least 5.9 metres long and 3 metres wide. • No proposed buildings will project into the car space.
<p>Standard A19 (Detailed Design Objective)</p> <p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> • <i>The number of storeys,</i> • <i>Façade articulation and design,</i> • <i>Roof form,</i> • <i>Building materials,</i> • <i>Verandahs, eaves and parapets, and</i> 	<p>We preface the difference between the terms "should" and "must" in relation to the preferred character under the NCO5. "Must" imposes mandatory requirements, while statements with the word "should" suggests a discretionary requirement, allowing for alternative suitable solutions provided that the variation can be justified. As such, we maintain that the proposal respects components of the preferred and emerging neighbourhood character with regard to the listed detailed design features.</p>

<ul style="list-style-type: none">• <i>Building siting</i> <p><i>should respect the preferred neighbourhood character of the area.</i></p> <p><i>Upper storeys should be recessed behind the front façade.</i></p> <p><i>Garage and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</i></p>	<p><u>Number of storeys:</u></p> <p>The proposed double storey scale of the dwelling is in keeping with, and does not exceed the predominant height of the streetscape. As also shown in Figures 7 to 10 below, there are examples of double storey dwellings within the Precinct (NCO5) demonstrating the proposal's consistency with the scale of development within the surrounding area.</p> <p>It is noted that the Statement of Neighbourhood Character does not explicitly prohibit double storey dwellings and an upper floor can be proposed if appropriately recessed. Unlike other existing examples within the Precinct, we deem the current upper floor setbacks appropriate and adequately reduce this floor's visual dominance.</p> <p><u>Facade articulation and design:</u></p> <p>The proposal is sensitively designed in response to the neighbourhood character by incorporating a variety of materials/finishes, fenestration and setbacks. The proposed design is distinguishable from the original dwelling stock comprising of a several styles and design. The design does not also seek to replicate the design of older dwellings.</p> <p>The variation in materials and finishes in addition to the curved wall design on the ground floor, ensure an appropriate level of articulation to avoid visual bulk.</p> <p><u>Roof form</u></p> <p>The proposed pitched metal roof that will complement the preferred character of the area.</p> <p><u>Building materials</u></p> <p>Weatherboard, brick and render are the predominant building materials for contemporary dwellings within Yarraville. The proposal will utilise pressed brickwork and rendered cladding, consistent with other contemporary developments within the area. Specifically, the pressed</p>
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	<p>brickwork will complement the existing materiality, rather than replicating period dwelling styles.</p> <p><u>Verandahs, eaves and parapets</u></p> <p>While it may not be strictly defined as a verandah, a porch incorporated into the design to provide shelter and sense of personal address.</p> <p>We again refer to Figures 7-10 illustrating that contemporary dwellings within the NCO5 are often constructed without eaves and utilise the parapet wall design. A parapet wall is proposed for first floor façade, consistent with other approved developments within this Precinct.</p> <p><u>Building siting:</u></p> <p>The development maintains adequate front, side and rear setbacks to maintain the rhythm of spacing between dwellings within the streetscape. The provided front and rear setbacks are easily capable of accommodating landscaping works.</p> <p>The first floor has been recessed to sit behind the ground floor's building line. The northern wall has also been recessed above the garage to provide an increased setback to the neighbouring property.</p> <p>The proposed garage has been sited behind the front building line to ensure it is not the dominant feature when viewed from the street.</p>
<p>Standard A20 (Front Fence Objective)</p> <p><i>Front fences should reflect the typical fencing height within the precinct.</i></p> <p><i>Fences should be low and allow views through or over the fence into the front garden.</i></p>	<p>No front fence is proposed.</p>

The proposal positively responds to the varied Clause 54 Standards under the NCO as assessed above.



Figure 7. 2 Free Street, Yarraville (Google Streetview)



Figure 8. 8 Free Street, Yarraville (Google Streetview)



Figure 9. 61A Castlemaine Street, Yarraville (Google Streetview)



Figure 10. 62 Murray Street, Yarraville (Google Streetview)

The NCO5 applies to the Yarraville Neighbourhood Character Precinct, Yarraville and has the following statement of neighbourhood character:

“The preferred neighbourhood character of the Yarraville Neighbourhood Character Precinct will be intimately scaled and characterised by predominantly single storey dwellings, small allotments, low front fences and narrow streets. New, low-scale buildings with pitched roofs will incorporate well-articulated facades. Where newer development exceeds the predominant height in the street, visually recessive upper levels will reduce their prominence. New buildings will be sited in accordance with the predominant pattern of setbacks in the street. The character of the precinct will continue to be influenced by the adjoining old central ‘core’ of the Yarraville village, much of which is protected by the Heritage Overlay, and the existence of older dwellings in a very compact, inner urban form. Older dwellings will be complemented by newer development that is distinguishable from original building stock, but respectful of the key elements of these styles. The narrow footpaths and generally low-level vegetation in front gardens will continue to contribute to the intimate scale of the precinct. The sense of history of the precinct will continue to be supported by the bluestone kerbing of many streets, and established exotic street trees in some instances.”

We contend the proposed development appropriately responds to the preferred neighbourhood character prescribed above. The contemporary design does incorporate elements of the existing built form character and will be easily distinguishable from the original building stock.

It should also be noted that Free Street comprises of lots varying in size and width resulting in a varied front setback pattern. This is demonstrated in Figure 11 below. However, the provided front setback is similar to the existing dwelling's setback to maintain the intimate scale of the precinct and will be capable with the street setback pattern of the street.

The proposal does not exceed the predominant building height in the street, of which is generally consistent with the double storey scale of the properties at 2, 4, 5 and 6 Free Street. To mitigate the appearance of visual bulk, the first floor has been recessed above the garage and curved wall to the south to ensure the first floor provides visual recession when viewed from the street.

All works will be limited to the subject site and no impact on the public realm, including the bluestone kerbing and the existing street trees.



Figure 11. Marked up Aerial Image showing varied front setbacks within NCO (Metromap.com)

On the basis of the above, we submit that the proposal complies with the above components prescribed under Item 1 of the NCO5.

Furthermore, a response to each of the relevant neighbourhood character objectives under the NCO5 have been provided below:

Neighbourhood Character Objective	Response
<i>To ensure new dwellings and additions respect the form and key characteristics of older nearby buildings.</i>	As discussed throughout this report, the proposal respects the existing character of the area through the utilisation of painted pressed brickwork and a pitched roof form.
<i>To ensure buildings and extensions respect the dominant building scale and forms.</i>	As detailed above, the proposed double storey dwelling is in keeping with the neighbourhood character, with respect to the existing double storey dwellings at 2, 4, 5 and 6 Free Street.
<i>To maintain and strengthen the garden setting of dwellings.</i>	52.14% of the site has been afforded to garden area. The generous setbacks have afforded vegetation planting along the front, side and rear

	boundaries, including an indigenous Willow Myrtle within the rear setback.
<i>To maintain the consistency of front boundary setbacks.</i>	<p>The proposal will maintain a front setback of 4 metres from porch and 4.95 metre from the main building line. This is generally consistent with the existing street setback of the original dwelling.</p> <p>By virtue of the varying size and width of the lots along Free Street, in addition to the variable front setback pattern, the current setbacks are deemed appropriate.</p> <p>Notwithstanding the above, the proposed front setback allows adequate space for a high-quality front garden as detailed on the Landscape Plan.</p>
<i>To encourage innovative and contemporary architectural responses that respect and assist in achieving the preferred neighbourhood character.</i>	<p>The proposal incorporates a high-quality contemporary design which respects the existing and emerging character of Yarraville but does not seek to replicate it.</p> <p>The incorporation of a pitched roof, generous setbacks and well-articulated façades contribute towards achieving a contemporary architectural response that is generally in keeping with the neighbourhood character.</p>

It is considered that the proposed respectfully responds to the neighbourhood character objectives under the NCO5.

A response has also been provided to the relevant decision guidelines below:

Decision guideline	Response
<i>The extent to which the proposed building or works assists in reflecting and enhancing the preferred character of the area.</i>	As discussed above, the proposed dwelling respects the characteristics of the preferred character, utilising common building materials and providing a pitched roof, an articulated façade and generous setbacks.
<i>With regard to demolition applications:</i>	The demolition of the existing building is not expected to have any adverse impact on the neighbourhood character of the precinct. The

<i>The contribution the proposed development will make to the preferred neighbourhood character of the precinct.</i>	proposed replacement dwelling has been designed to be consistent with the NCO5 where relevant.
<i>The extent to which garages and car ports dominate the streetscape.</i>	<p>A double car garage is proposed, allowing for two car parking spaces on site, in accordance with the variation to Standard A19 under the NCO5.</p> <p>The proposed garage has been setback behind the predominant building line, ensuring it does not dominate the streetscape.</p>
<i>The selection of building materials and the contribution the materials will make to the preferred neighbourhood character of the precinct.</i>	The utilisation of painted pressed brickwork and render as the main building materials and finishes are in keeping with other contemporary dwellings within the precinct.
<i>The impact of buildings and extensions on the streetscape, and the respect shown for the predominant building height and roof forms of the street and nearby properties, including the extent to which upper storeys are recessed behind the front façade.</i>	<p>The proposal has been designed in accordance with the surrounding properties, of which, maintain visually recessed first floors, pitched roof and articulated façade.</p> <p>The maximum building height of the proposed dwelling has also been designed in accordance with the adjoining properties, resulting in a design that will be well-integrated design with the streetscape.</p>
<i>The ability to distinguish new development, including additions to existing buildings, from the original dwelling stock through the use of innovative and contemporary architecture.</i>	The dwelling will be distinguishable from the existing housing stock by virtue of the proposed finishes and vertical LOSP cladding to the front façade.
<i>The extent to which the front setback, landscaping plan and front fence treatment contribute to the garden setting character of the area.</i>	<p>The 4.95 metre front setback provided allows for a high-quality landscaping outcome within the front setbacks, placing emphasis on the garden setting of the area.</p> <p>As detailed on the Landscape Plan prepared by Taylors, extensive shrubs and groundcovers planting is proposed within the front setback as well as a Willow Myrtle tree within the rear setback. This tree is an indigenous species to Maribymong City Council and is expected to contribute to the garden setting character of the area.</p>

On the basis of above, the proposal positively responds to the neighbourhood character statement and objectives pursuant to the NCO5. We submit that the proposal achieves a high level of compliance with the decision guidelines on the NCO5 and contributes to the preferred character of the area.

4.2.2 Development Contributions Plan Overlay – Schedule 2



Figure 12. Overlay Map (VicPlan)

The subject site is located within the Development Contributions Plan Overlay – Schedule 2 (DCPO2) under the Maribyrnong Planning Scheme. The purpose of this zone is:

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

Pursuant to Item 4 of the DCPO1, the demolition of a development, followed by the construction of a dwelling on the same land is exempt from the requirements to pay any development contribution.

4.3 Municipal Planning Strategy

The Maribyrnong Municipal Planning Strategy includes policy direction that reflects the diverse land uses and development intensity of the within the Maribyrnong. The policies are general in nature and build on the overarching strategic directions of the Planning Policy Framework to provide adequate land. The key clauses relevant to this proposal include:

- Clause 02.01 *Context*
- Clause 02.02 *Vision*
- Clause 02.03 *Strategic Directions*
- Clause 02.04 *Strategic framework plans*

4.3.1 Clause 02.01 – Context

Clause 02.01 of the Planning Scheme sets out the community context for the municipality and specifically states that:

The City of Maribyrnong (the City) is situated on the Maribyrnong River, 4km to the west of the Melbourne Central City. It comprises the suburbs of Braybrook, Footscray, Kingsville, Maidstone, Maribyrnong, Seddon, West Footscray, Tottenham and Yarraville.

The City's proximity to the Melbourne Central City allows for convenient access to employment, education, retail and business services. Maribyrnong is a 'gateway' to Melbourne's western region with good accessibility to the Port of Melbourne and airports.

The City's population is one of the most culturally and ethnically diverse within Victoria. The population is projected to increase from approximately 86,400 in 2021 to approximately 155,000 in 2051 (Forecast ID, 2023). Population growth, redevelopment, gentrification and a transitioning economy is leading to an increase in residents, businesses and other opportunities in the City.

Built Environment and Heritage

The City has a rich and diverse heritage. Heritage places include places of Aboriginal cultural heritage, early European settlement and the various phases of the City's industrial, commercial and residential development.

New development over the past 10 years has changed the appearance and form of the city significantly. The dominance of the industrial character and image has receded and the city's 'renewal' is bringing about a greater residential character and reputation.

The proposal seeks to provide a high-quality built form outcome, which respects the existing and preferred neighbourhood character of the streetscape, and the wider area of Yarraville. The two-storey dwelling will provide increased housing diversity and choice to the growing population of Maribyrnong, in an ideal location approximately 400 metres west of the Yarraville Neighbourhood Activity Centre.

4.3.2 Clause 02.02 – Vision

Clause 02.02 of the Planning Scheme sets out the Land Use Vision for the Maribyrnong. Specifically, it states the following:

By 2030, the City of Maribyrnong will be a popular inner-city municipality with a vibrant and diverse community, a strong identity and a prosperous, modern economy. The City's adaptation to climate change will make it more environmentally sustainable and more resilient to future changes. Significant redevelopment will transform the City and give it a greater residential character. The City's valued heritage and neighbourhood character will be complemented by new development on key redevelopment sites and within activity centres. More people will be living and working in the city attracted by its choice of housing, accessibility and employment opportunities. A broad economic base will strengthen local employment through a strong retail sector, new offices and business services, a growing arts base and the renewal of the City's industrial areas. New facilities and infrastructure will meet the needs of the community. The network of open spaces and trails will be enhanced and offer an improved range of recreational facilities and activities for the community, while the Maribyrnong River will be more accessible and offer a range of recreational, cultural and tourism experiences.

The proposed development at 3 Free Street contributes to the growing residential character of Maribyrnong. Through contemporary design techniques, the proposal integrates with surrounding properties, respects the neighbourhood character statement, objectives and decision guidelines of the NCO5, and complements the existing housing stock.

4.3.3 Clause 02.03 – Strategic Directions

Clause 02.03-4 (Built environment and heritage) which states the following (inter-alia):

Building and urban design

A well designed urban environment can enhance the image, aesthetics and amenity of the City. Excellence in urban design can improve streetscapes and public spaces and help achieve a more sustainable, attractive and liveable city.

Council seeks to:

- *Encourage development that enhances and contributes to the local built form context of the area.*
- *Improve urban design outcomes by enhancing the safety, amenity, access and attractiveness of an area.*

The contemporary design of the proposed dwelling responds accordingly to the local built form context of the area, incorporating building materials and design elements, such as a pitched roof, articulated façades and a visually recessed first floor, consistent with surrounding properties. As such, an improved design outcome is proposed which also enhances safety and amenity through improved passive surveillance by way of large habitable room windows at the ground and first floor fronting Free Street.

Neighbourhood Character

Development provides opportunities to build on the qualities of the City's heritage and neighbourhood character while introducing new built form that can enhance the City's image and liveability. In new residential areas, innovative design provides opportunities to establish a preferred character for that area.

Council seeks to:

- *Encourage development to respect the heritage values and identified character of neighbourhoods.*
- *Encourage contemporary architecture to establish a preferred neighbourhood character in new residential areas.*
- *Encourage development that is responsive to the preferred future neighbourhood character.*
- *Retain and enhance identified elements that contribute to neighbourhood character.*

As discussed throughout this report, the proposed design respects the existing and preferred character of the area, including building materials, architectural features, building height and setbacks. Furthermore, the design responds accordingly to the character objectives and decision guidelines under the NCO5.

Housing Growth

The Housing Framework Plan in Clause 02.04 identifies the opportunities for residential development to cater for the forecast population and housing increase to 2030. Housing growth is directed to appropriate locations with access to employment, infrastructure and services....

Limited housing change should occur in Limited Change Areas as identified in the Housing Framework Plan. Limited Change Areas are existing residential areas with heritage significance, an identified residential character, or an identified constraint such as inundation that warrants planning protection. The majority of these areas have been identified in Council's Heritage Study (2001) and neighbourhood character studies or are in an overlay.

As shown below at Figure 13, the site is located within an area of limited housing change, with development guided by the NCO5 applied to the site. As discussed above, the proposal has a high level of compliance with the neighbourhood character, as well as providing a housing density increase complementary of the limited change area.

4.3.4 Clause 02.04 – Strategic Framework Plans

The site is located within an area of limited housing change as shown on the Housing Framework Plan under this Clause.

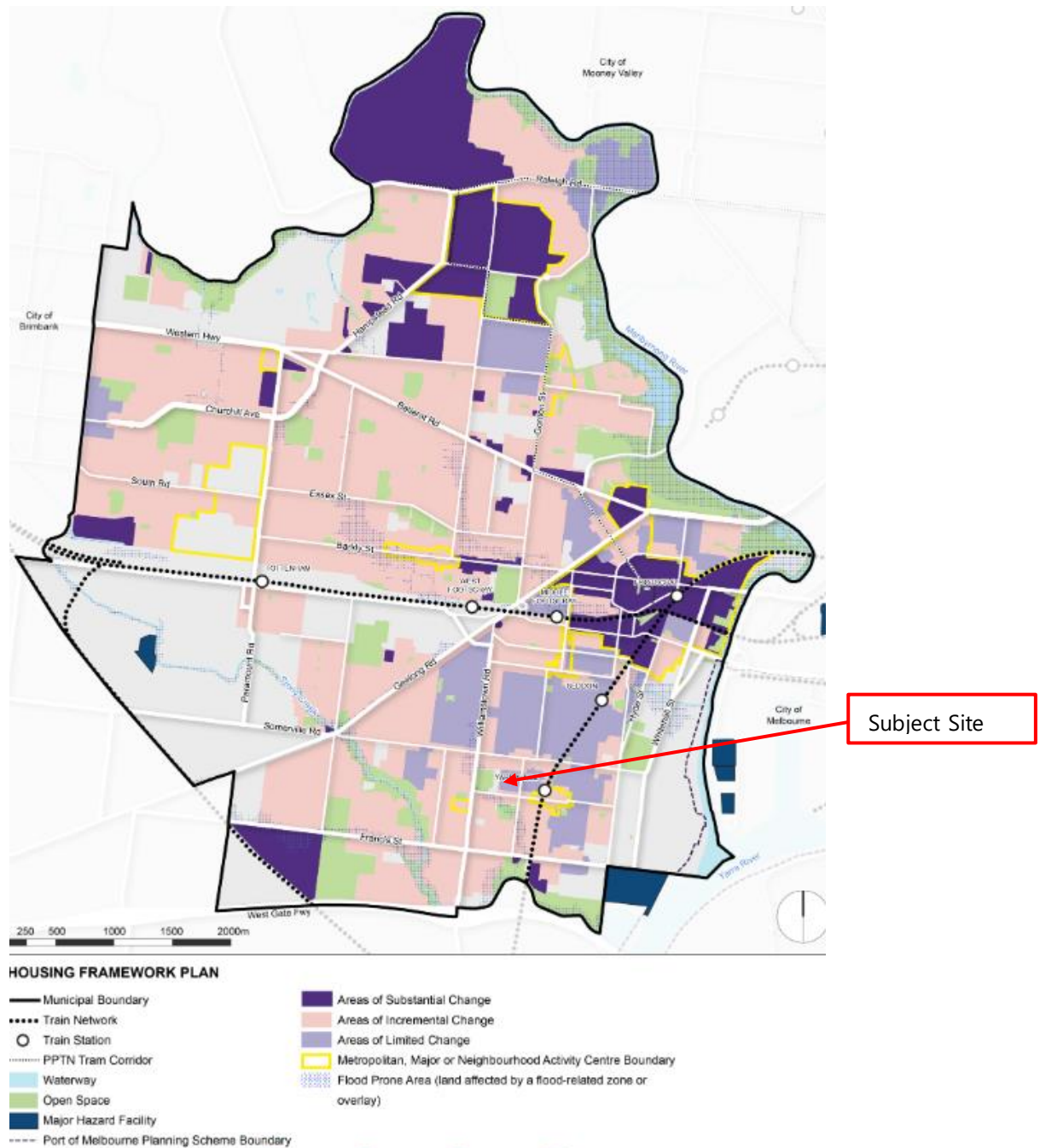


Figure 13. Housing Framework Plan (Maribyrnong Planning Scheme)

4.4 Planning Policy Framework (PPF)

The Planning Policy Framework sets out the relevant statewide, regional and local policies for residential development at Clause 11 (Settlement), Clause 13 (Environmental Risks and Amenity), Clause 15 (Built Environment and Heritage) and Clause 16 (Housing). Clause 71 (Operation of this planning scheme) requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development.

4.4.1 Clause 15.01-5L – Neighbourhood Character

This clause seeks to guide development, ensuring design outcomes respect the preferred character of the relevant precinct. Based on the Neighbourhood Character Area Precinct Map under this Clause, the subject site is located within the Inner-Urban 1 Precinct (IU1).

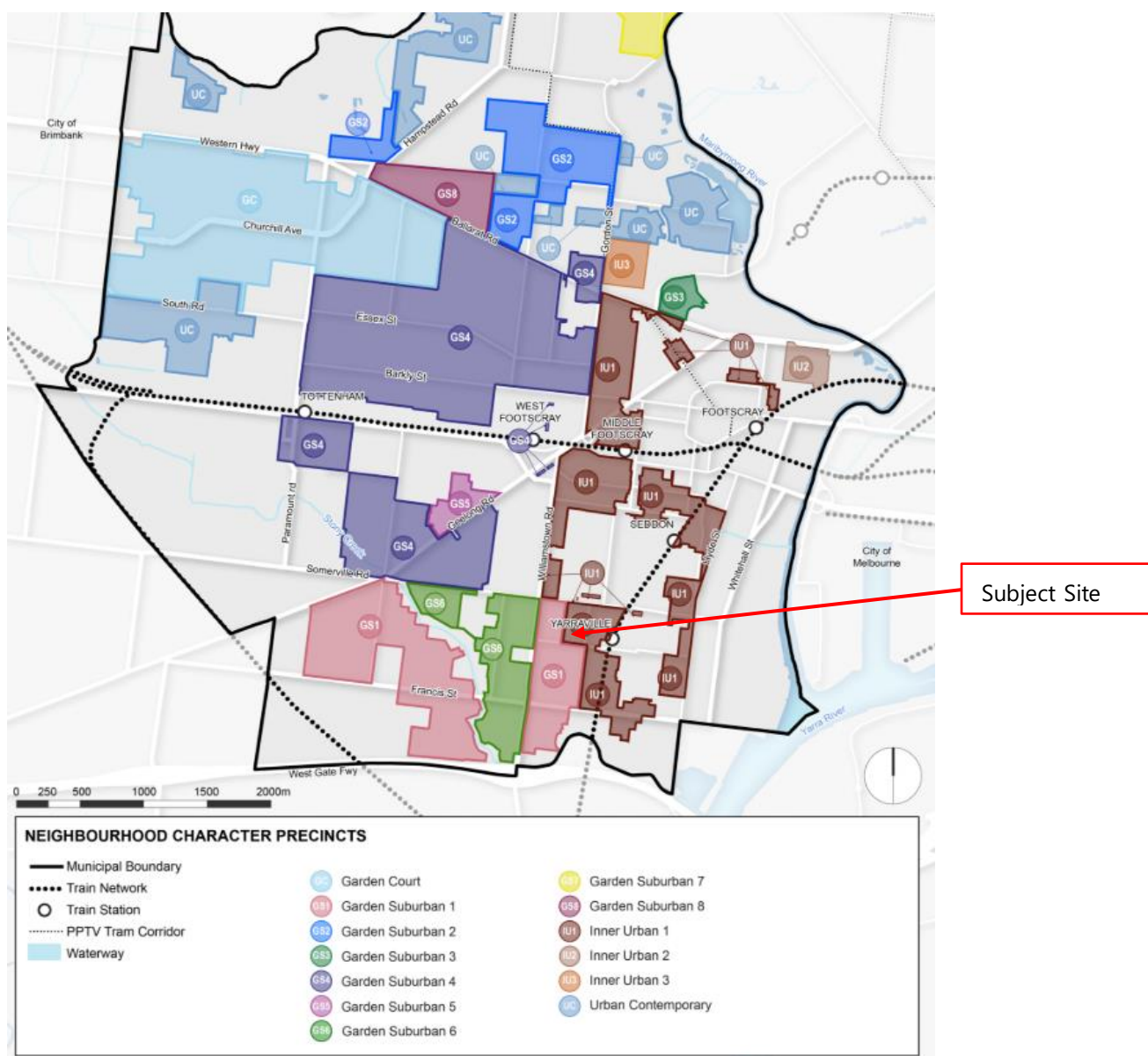


Figure 14. Neighbourhood Character Precinct Map (Maribyrnong Planning Scheme)

To determine if the proposal responds appropriately to the neighbourhood character, an assessment has been undertaken against the IU1 precinct strategies where appropriate.

Please refer to the table below:

Inner Urban 1	
<i>Respect the existing scale and sense of history of streetscapes.</i>	The two-storey dwelling proposed responds accordingly to the existing built form scale of the immediate surrounds, including the double storey dwellings at 2, 4, 5 and 6 Free Street.
<i>Encourage the retention of older dwellings, including those from the Victorian, Edwardian and Interwar eras.</i>	<p>The existing dwelling on site does not have any known significance within the surrounding area and its removal will facilitate the construction of a contemporary style dwelling which has been designed in accordance with the NCO5 applied to the site.</p> <p>It is also noted that the site is not located within a Heritage Overlay, further demonstrating that property provides no contribution from a heritage perspective.</p>
<i>Encourage development that is distinguishable from original building stock, but respectful of the key elements from the Victorian, Edwardian and Interwar eras.</i>	The contemporary design of the proposal, inclusive of pressed brickwork and render cladding, achieves a subtle integration with the streetscape whilst being distinguished from the existing building stock through the inclusion of the vertical LOSP cladding and design details.
<i>Encourage development to respect the existing scale with pitched roofs that incorporate lightly coloured materials within well-articulated facades.</i>	<p>The proposed dwelling respects the existing double storey scale of the streetscape and incorporates a pitched roof, in keeping with surrounding properties.</p> <p>Vertical LOSP cladding is proposed at the first floor and will contribute to the incorporation of light-coloured materials to the façade.</p> <p>At the ground floor front façade has been articulated, using a timber beam and a curved wall adjoining the porch. Additionally, the garage has been set back from the predominant building line, further contributing to the articulated façade.</p>

<i>Encourage recessed upper levels where development is higher than the predominant building height to reduce their prominence.</i>	<p>While the proposed dwelling aligns with the predominant building height of the surrounding dwellings, the first floor has also been visually recessed to reduce visual bulk and prominence when viewed from the street.</p> <p>The first floor presents as visually recessed by virtue of the recession above the ground floor garage and curved wall when viewed from the street.</p>
<i>Site new buildings to respond to the predominant pattern of setbacks in the street, which may include terraced housing or buildings abutting one side boundary.</i>	<p>A 4.95 metre front setback has been provided, consistent with the varied front setback pattern along Free Street. The garage wall is to be situated on the northern boundary with the remaining setbacks ranging from 1.87 metres to 3.12 metres.</p> <p>By virtue of the small lot sizes in the area, a single wall on boundary is a common feature in the surrounding area. For example, a single wall on boundary has been provided for 2 and 5 Free Street, adjacent to the site.</p> <p>Majority of the proposed wall on boundary will align with the existing walls on boundary at 5 Free Street and should therefore not adversely impact the amenity of the adjoining property.</p>
<i>Encourage development that is consistent with predominant characteristics, such as built form, siting and materials, particularly in intact areas including Seddon and Yarraville (south of the Footscray Metropolitan Activity Centre and south-west of Yarraville Station).</i>	<p>As discussed throughout this report, the proposal utilises brickwork and render, two of the predominant materials in the streetscape and wider surrounds.</p>
<i>Encourage low, permeable front fences and small front setbacks with space for planting to soften the built form.</i>	<p>No front fence to proposed.</p>

Based on the above, we submit that the proposal is entirely congruent with the preferred neighbourhood character of the Inner Urban 1 Precinct.

4.4.4 Clause 16 – Housing

This clause aims to promote residential development that meets the needs of the community and provides housing affordability and choice, whilst achieving access to employment, transport and services.

Clause 16.01-1L-01 (Housing change areas) identifies the following strategies for properties in the limited change area:

- *Ensure the scale, form and appearance of new housing is in keeping with the surrounding development.*
- *Ensure that new development respects the existing heritage values and preferred neighbourhood character.*
- *Support a diversity of dwelling types and sizes, including affordable housing, where appropriate.*

As detailed throughout this report, the proposed double storey dwelling is entirely in keeping with the existing scale and appearance of built forms within Free Street, respecting a similar maximum building height and utilises materials consistent with existing dwellings in the streetscape.

Section 4.2.1 of this report provides a detailed assessment of the proposal against the NCO5 and demonstrates a high level of compliance with the character objectives and decision guidelines. Furthermore, the sites close proximity to Yarraville Neighbourhood Activity Centre and Yarraville Oval, provides an excellent location for increased housing diversity.

Clause 16.01-1L-02 (Housing diversity) seeks to encourage appropriate housing diversity through the following relevant strategies:

- *Support increased housing choice by providing a diversity of dwelling types, sizes and tenures.*
- *Ensure residential developments provide a mix of housing that caters for a range of households, lifestyles, age, incomes and life stages appropriate to the scale and nature of the project.*
- *Increase the overall stock of housing within the municipality, particularly medium and higher density development to ensure greater diversity to meet changing household needs.*

The high-quality design outcome provides increased housing choice and diversity within Yarraville, whilst respecting the emerging character of contemporary double storey dwellings. The 4-bedroom dwelling will cater to a range of households whilst increasing the housing stock within the municipality.

5.0 Conclusion

It is considered that the proposal has a high level of compliance with the relevant planning policies and is consistent with the objectives NCO5. In conclusion the proposal is considered to:

- Complement the preferred neighbourhood character, provide an appropriate design response and an improved design outcome on site, with respect to the NCO5.
- Be adequately sited and designed to provide ample private open space and natural light.
- Incorporate generous space around the dwelling, to allow for a high-quality landscaping outcome on site, as detailed in the Landscape Plan.

It is therefore submitted that a permit should be issued for the proposal.

Taylors Development Strategists Pty Ltd

May 2025

**CITY OF MARIBYRNONG
ADVERTISED PLAN**