

# Application for a Planning Permit

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

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

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

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

**i** Click for further information.

**CITY OF MARIBYRNONG**  
**RECEIVED**  
**20/11/2025**  
**URBAN PLANNING**

## The Land **i**

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

### Street Address \*

Unit No:	St. No.: 5	St. Name: Brooks
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.

<b>A</b> <b>OR</b>	Vol.: 1623	Folio.: 549	Suburb.: Yarraville
	Lot No.: 43	Type.: Lot/Lodged Plan	
<b>B</b>	Crown Allotment No.:	Section No.:	
	Parish/Township Name:		

## The Proposal

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

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

Dwelling Extension & Renovation

**📎** 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 \*

250000.00

**⚠** 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](http://www.sro.vic.gov.au) 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.

Extension works to reconfigure the existing home by relocating the service spaces to the side of the dwe

 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: CO	First Name: Refreshing	Surname: P/L
Organization (if applicable):		
Unit No: 808	St. No: 250	St. Name: Barkly Street
Suburb: FOOTSCRAY	State: VIC	Postcode: 3011
Business phone:	Email: tony.to@refreshinghomes.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 <input checked="" type="checkbox"/>
Title: CO	First Name: Refreshing	Surname: P/L
Organization (if applicable):		
Unit No: 808	St. No: 250	St. Name: Barkly Street
Suburb: FOOTSCRAY	State: VIC	Postcode: 3011
Business phone:	Email: tony.to@refreshinghomes.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 <input type="checkbox"/>
Title: MRS	First Name: Yana	Surname: Sumner
Organization (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No:	St. No: 5	St. Name: Brooks Place
Suburb: YARRAVILLE	State: VIC	Postcode: 3013
Business Phone:	Email: yoya.action@gmail.com	
Mobile phone: 0451612803	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:

*Refreshing P/L*

Date

20 / 11 / 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.

## **i** MORE INFORMATION

### The Land

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

#### How is land identified

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

See **Example 1**.

### The Proposal

#### Why is it important to describe the proposal correctly?

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

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

#### How do planning schemes affect proposals?

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

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

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

See **Example 2**.

#### Estimated cost of development

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

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

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

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

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

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

### Existing Conditions

#### How should land be described?

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

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

See **Example 3**.

### Title Information

#### What is an encumbrance?

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

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

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

#### What documents should I check to find encumbrances

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

#### What about caveats and notices?

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

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

#### What happens if the proposal contravenes an encumbrance on title?

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

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

VOLUME 01623 FOLIO 549

Security no : 124130086901X  
Produced 20/11/2025 02:16 PM

## LAND DESCRIPTION

Lot 43 on Plan of Subdivision 000556.  
PARENT TITLE Volume 00734 Folio 754  
Created by instrument F345871 14/06/1974



## REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
YANA SUMNER  
JONATHAN SUMNER both of 5 BROOKS PLACE YARRAVILLE VIC 3013  
AZ417841N 25/07/2025

## ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AZ417842L 25/07/2025  
COMMONWEALTH BANK OF AUSTRALIA

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

## DIAGRAM LOCATION

SEE TP485012W FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AZ417840Q (E)	DISCHARGE OF MORTGAGE	Registered	25/07/2025
AZ417841N (E)	TRANSFER	Registered	25/07/2025
AZ417842L (E)	MORTGAGE	Registered	25/07/2025

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

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

Street Address: 5 BROOKS PLACE YARRAVILLE VIC 3013

## ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 25/07/2025

DOCUMENT END



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LP 556 556

13 Feb 84

EDITION 3  
COLOUR CODE  
E-1= BLUE HATCHED

ENCUMBRANCES  
AS TO THE LAND MARKED R1:  
ANY EASEMENTS AFFECTING  
THE SAME

Portion 20 Crown Allot C. Sec. 14  
Parish of Cut Paw Paw, County of Bourke  
Somerville

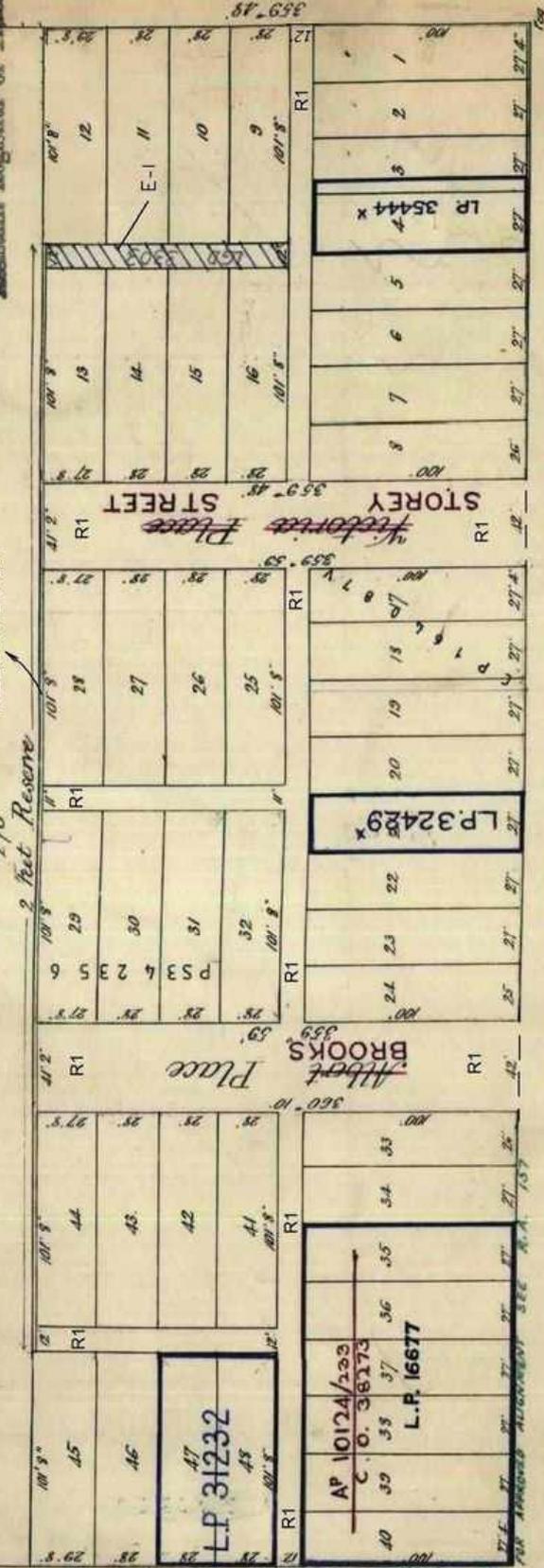
Certificate of Title Vol 104 Fol 146 754 (M.T.B. Webster)

NOTATIONS  
AS TO LOT 15  
TOGETHER WITH A RIGHT OF CARRIAGE WAY OVER THE ROADS COLOURED BROWN ON THE  
MAP ON CERTIFICATE OF TITLE VOL 8491 FOL 436

RESERVE No. 1  
270' 2 Feet Reserve

Assistant Registrar of Titles

Latrobe Road or William Street  
Hamilton Street (wide litno)



Somerville Street Road

PUBLIC HIGHWAY USE CAL 1877 PAGE 2116

STREET NAME AMENDED IN PURPLE  
FROM ALBERT PLACE TO BROOKS PLACE CORN. 62/8314

STREET NAME AMENDED IN PURPLE  
GAZ 1945  
FROM VICTORIA PLACE TO STOREY STREET CORN. P. 1497

24 M.T.B.  
23/1/84

F. WHITE  
ASSISTANT REGISTRAR OF TITLES  
28. 6. 62

F. WHITE  
ASSISTANT REGISTRAR OF TITLES  
8. 6. 62





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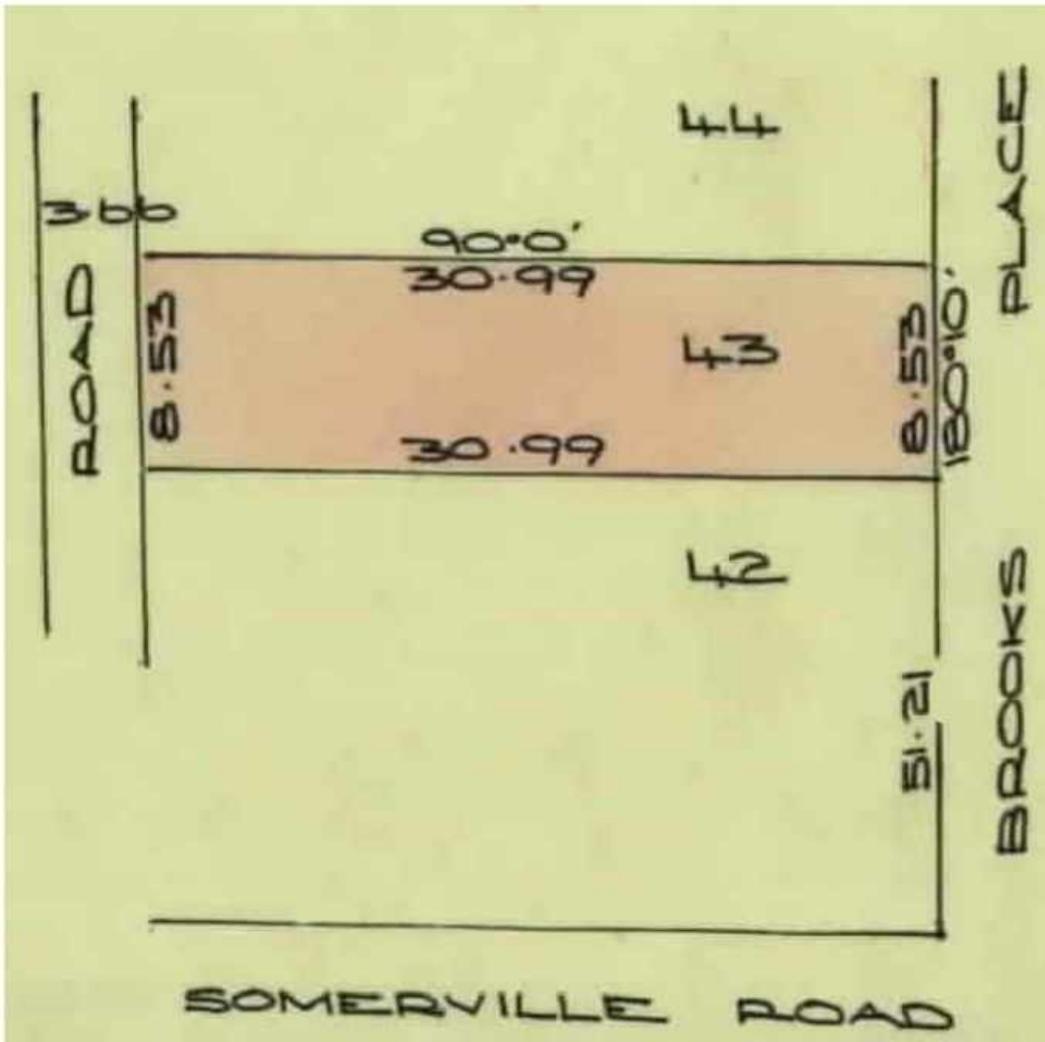
<h1 style="text-align: center;">TITLE PLAN</h1>	EDITION 1	<h1 style="text-align: center;">TP 485012W</h1>
<b>LOCATION OF LAND</b> Parish: CUT PAW PAW Township: - Section: - Crown Allotment: - Crown Portion: -  Last Plan Reference: LOT 43 ON LP 556 Derived From: VOL. 1623 FOL. 549 Depth Limitation: NIL	Notations          <p style="text-align: center;">ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>	

Description of Land/Easement Information

Together with a right of carriageway over the roads coloured brown on Plan of Subdivision No. 556 excepting Somerville Road - - - - -

THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES

COMPILED: Date: 9/1/2008  
 VERIFIED: A. DALLAS  
*Assistant Registrar of Titles*



## Town Planning Report

Property Address	5 Brooks Place, Yarraville VIC 3013
Project Description	Proposed alterations and additions to an existing dwelling
Applicant / Client	Yana and Jonathan Sumner
Local Government Area	Maribyrnong City Council
Zone	Clause 32.08 General Residential Zone – Schedule 1 (GRZ1)
Overlay	Clause 45.06 Development Contributions Plan Overlay – Schedule 2 (DCPO2)
Planning Scheme	Maribyrnong Planning Scheme
Permit Triggers	Clause 32.08-5: Construction or extension of one dwelling on a lot of less than 300 square metres
Date	2 January 2026

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## 1. Executive Summary

This Town Planning Report supports a planning permit application for the proposed alterations and ground-floor extension to the existing detached dwelling at 5 Brooks Place, Yarraville. This assessment reflects the mandatory residential development standards introduced by Amendment VC282 on 8 September 2025, which replaced previous ResCode provisions with the new "**One dwelling and small second dwelling guidelines**".

The subject site, identified as **Lot 43 on Plan of Subdivision 000556**, comprises a compact inner-urban allotment of approximately 264 square metres. Due to the lot size falling **below the 300 square metre** threshold, the proposal triggers the requirement for a planning permit under Clause 32.08-5 for the construction or extension of a dwelling. The application is not processed under the VicSmart pathway as it seeks a qualitative assessment for a specific variation to the ResCode standards, necessitating a standard planning permit application process to allow for a holistic evaluation of neighbourhood character and amenity impacts.

The architectural response is driven by the necessity to modernize the existing housing stock to meet the evolving needs of the owners, Yana and Jonathan Sumner. The design rationale focuses on an extension toward the northern boundary to accommodate reconfigured service areas—specifically the laundry, bathroom, and kitchen—thereby releasing the remainder of the floor plate for an expanded, open-plan living and dining area. This reconfiguration is essential for ensuring the long-term habitability of the dwelling for the family.

The design has been updated to align with the September 2025 standards. This includes **realigning the front building line** to match the neighbours at 7 Brooks Place and incorporating a landscape strategy with **indigenous canopy trees**—*Acacia dealbata* (Sweet Wattle) and *Bursaria spinosa* (Sweet Bursaria)—to meet the new mandatory tree requirements.

A detailed analysis of the proposal reveals a high degree of compliance with the quantitative standards of Clause 54. The site coverage is proposed at 53.4% (140.9 square metres), well below the 65% maximum, and the permeable area is maintained at 23.1% (61 square metres), exceeding the 20% minimum requirement. The design respects the existing single-storey scale of the precinct, with a maximum height significantly below the 11-metre allowance, ensuring the built form remains subservient to the streetscape.

The application seeks a variation to Standard A2-4 (Walls on Boundaries). The proposal incorporates a northern boundary wall length of 18.1 metres, exceeding the "deemed-to-comply" allowance of 15.25 metres. This report provides the justification for this 2.85-metre variation, noting the southern orientation of the site (negating overshadowing of the neighbours), the lower wall height relative to existing neighbouring structures, and the provision of a strategic light well to protect the neighbour's boundary window.

Furthermore, the report confirms that the proposal is exempt from the requirements of the Development Contributions Plan Overlay (DCPO2) pursuant to the specific exemption for alterations and

additions to existing dwellings that do not increase housing yield. Similarly, the Minimum Garden Area requirement is not applicable as the lot size is less than 400 square metres.

**Primary Site and Planning Metrics**

<b>Metric</b>	<b>Site Specification</b>	<b>Regulatory Benchmark</b>	<b>Compliance Status</b>
<b>Lot Area</b>	264 m <sup>2</sup>	< 300 m <sup>2</sup> (Permit Trigger)	Permit Required
<b>Zone</b>	General Residential (GRZ1)	Clause 32.08	Applicable
<b>Site Coverage</b>	53.4% 140.9 m <sup>2</sup>	65% (per VC282)	Complies
<b>Permeability</b>	23.1% 61m <sup>2</sup>	20% (Standard A5-1)	Complies
<b>Building Height</b>	3.55 metres	11 metres / 3 storeys	Complies
<b>POS (Total)</b>	123 m <sup>2</sup>	46% of lot area	Complies
<b>SPOS (Rear)</b>	76 m <sup>2</sup>	25m <sup>2</sup> (Standard A3-2)	Complies

It is the conclusion of this report that the proposed development represents a sensitive and contextually appropriate evolution of the site. It achieves a net community benefit by upgrading the quality of the existing housing stock while respecting the amenity of adjoining properties through intelligent design interventions. The proposal is consistent with the Planning Policy Framework and the purpose of the General Residential Zone, warranting the support of the Maribyrnong City Council.

## 2. Introduction

This submission facilitates the approval of alterations to the family home of Yana and Jonathan Sumner. It evaluates the proposal against the intent of the updated policy framework governing the Maribyrnong municipality following the September 2025 reforms.

### 2.1 Statutory Context and Permit Triggers

The site is in the General Residential Zone – Schedule 1 (GRZ1).

- **Clause 32.08-5:** A permit is required as the site area is 264 square metres. Assessment is conducted against Clause 54.
- **Clause 45.06 (DCPO2):** The project is exempt from development contribution levies as it involves alterations to a single dwelling that do not increase housing yield.

### 2.2 Application Categorisation

It is important to clarify the procedural classification of this application. While Clause 32.08-5 identifies that applications for dwellings on lots under 300 square metres can be assessed under the VicSmart pathway, this is conditional upon the proposal meeting all the standards of Clause 54 listed in the VicSmart provisions.

Because the design seeks a variation to Standard A2-4 (Walls on Boundaries), it is processed via the standard planning permit pathway rather than VicSmart.<sup>3</sup> This allows for a detailed merit-based assessment of the amenity outcome.

### 2.3 Supporting Documentation

This report is designed to be read in conjunction with the following technical documents which form the complete application package:

**Architectural Drawing Package:** Prepared by the project architect, including Site Plan, Demolition Plan, Proposed Floor Plan, Elevations, and Shadow Analysis (Drawings A01-A31).

**Certificate of Title:** Confirming ownership and the absence of restrictive covenants that would prohibit the development.

**Copy of Plan of Subdivision:** Confirming the lot dimensions and boundaries.

### 3. Site Context

#### 3.1 The Subject Site

A thorough understanding of the site and its broader context is the foundation of responsive town planning. This section analyses the physical characteristics of the subject land and the established character of the Yarraville precinct.

The site is located on the western side of Brooks Place, approximately 70 metres from Somerville Road. It is legally described as Lot 43 on Plan of Subdivision 000556.

Site Attribute	Description
Dimensions	The allotment is rectangular in shape, featuring a frontage of approximately 8.5 metres to Brooks Place and a depth of approximately 31 metres.
Orientation	The long axis of the site runs east-west. The street frontage faces east, while the rear private open space is oriented to the west. Crucially, the site's northern boundary abuts 7 Brooks Place, and the southern boundary abuts 3 Brooks Place.
Topography	The land is relatively flat, with no significant slope that would complicate construction or necessitate complex earthworks. This flatness is typical of the immediate floodplain geography of the area.
Existing Conditions	The site currently accommodates a single-storey weatherboard dwelling typical of the early 20th-century worker's cottage typology found in Yarraville. The existing footprint includes a rear lean-to which are proposed for demolition.
Vegetation	The rear yard contains domestic planting. There are no significant canopy trees identified on the site that would trigger local law permits or require retention under a Vegetation Protection Overlay.
Easements	The Title Plan indicates no easements that would impede the proposed building envelope.

### 3.2 Neighbourhood Character

Yarraville is a suburb defined by its strong sense of community and distinct architectural heritage. The neighbourhood character of Brooks Place is consistent with the Garden Suburban and Inner Urban character types.

#### **Built Form Era and Style:**

The streetscape is dominated by single-storey Victorian and Edwardian weatherboard cottages. These homes typically feature hipped or gabled roofs, narrow frontages, and modest setbacks.

#### **Pattern of Development:**

The area has undergone a process of gentle densification and modernisation. It is common to see original facades retained or only minimally altered, with substantial contemporary additions constructed at the rear.

The subject proposal follows this established pattern, preserving and enhancing the integrity of the streetscape.

#### **Wall on Boundary Precedents:**

A defining characteristic of this precinct is the prevalence of walls built on side boundaries. Given the narrow allotment widths (often around 8 metres), building to the boundary is a functional necessity to achieve practical habitable room widths.

This is demonstrated by neighbouring properties: the dwelling at 7 Brooks Place has a boundary wall height of approximately 3.8 metres, and 3 Brooks Place has a wall height of 3.4 metres. The proposal's approach is therefore consistent with, and responsive to, the existing built form context.

## 3.3 Adjoining Properties

A detailed audit of the immediate neighbours is critical for the amenity assessment, particularly regarding the proposed variations.

### **North (7 Brooks Place):**

This property contains a single-storey weatherboard dwelling. Notably, this neighbour has constructed a habitable room window directly on the shared boundary line. This presents a unique constraint and opportunity. Under standard conditions, a 2.0-metre fence could be erected, blocking this window entirely.

The proposal presents a sensitive design response that provides a sensible outcome, maximising the neighbour's amenity, even though that window is technically already "built out" of its amenity.

### **South (3 Brooks Place):**

This property contains a double-storey weatherboard dwelling. The northern interface of this neighbour (facing the subject site) does not contain north-facing habitable room windows on the ground floor, which simplifies the assessment of overshadowing and daylight access.

### **West (Rear):**

The site abuts the rear yards of properties facing the parallel street. The interface here is defined by standard fencing and outbuildings.

## 4. The Proposal

The application proposes comprehensive alterations and additions to the existing single-storey dwelling. The primary design objective is to resolve the functional deficiencies of the current layout—typical of cottages of this era—where service areas obstruct the connection to the rear yard.

### 4.1 Demolition

The proposal involves demolishing the existing rear lean-to, internal bathroom, toilet, laundry and their associated internal walls, as well as opening up the relevant walls connecting to the new proposed spaces. It also includes the removal of the water tank.

These structures are of low structural and aesthetic value, and their removal is necessary to facilitate the new works. The demolition areas are indicated by the shaded regions on the Site Plan included in the architectural package.

### 4.2 Design Description

The proposed extension projects toward the northern boundary, utilising the side setback to maximise internal floor width. The design reconfigures the dwelling into a logical sequence of spaces:

#### **Service Zone:**

The extension along the northern boundary consolidates the functional service core of the home. This includes a new toilet, bathroom, a fully equipped ensuite, laundry, and an extended kitchen/pantry area. By locating these “wet areas” along the boundary, the design frees up the central and southern portions of the floor plate.

#### **Living Zone:**

The removal of the existing rear partitions allows for the creation of a generous open-plan living and dining room. This space is designed to flow directly into the rear private open space, supporting an indoor–outdoor lifestyle.

#### **Amenity Interventions:**

A key design feature is the introduction of a lightwell/courtyard along the northern boundary. Positioned directly opposite the neighbour’s existing boundary window at 7 Brooks Place, this intervention prevents the window from being enclosed by a solid wall. It is proposed as a small

“Japanese garden,” providing visual amenity and natural light for both the subject dwelling and the neighbour.

#### 4.3 Materials and Finishes

The proposed extension adopts a material palette that complements the existing weatherboard dwelling while clearly expressing the new works as contemporary. The design incorporates:

**External Walls:** Weatherboard cladding to match existing, providing continuity of texture.

**Roofing:** Corrugated iron roofing, consistent with the Yarraville vernacular.

**Fenestration:** Aluminium-framed windows with clear glazing to maximise solar gain.

**Boundary Wall:** A brick veneer wall to ensure fire protection, using a common material of the era and enabling ease of construction on the boundary while minimising potential impact on the neighbour at 7 Brooks Place.

#### 4.4 Key Planning Metrics

The following table summarizes the key quantitative metrics of the proposal against the requirements of the Scheme:

Metric	Site Specification	Regulatory Benchmark	Compliance Status
Lot Area	264 m <sup>2</sup>	< 300 m <sup>2</sup> (Permit Trigger)	Permit Required
Zone	General Residential (GRZ1)	Clause 32.08	Applicable
Site Coverage	53.4% 140.9 m <sup>2</sup>	65% (per VC282)	Complies
Permeability	23.1% 61m <sup>2</sup>	20% (Standard A5-1)	Complies
Building Height	3.55 metres	11 metres / 3 storeys	Complies
POS (Total)	123 m <sup>2</sup>	46% of lot area	Complies
SPOS (Rear)	76 m <sup>2</sup>	25m <sup>2</sup> (Standard A3-2)	Complies
Garden Area	N/A	Exempt (Lot <400m <sup>2</sup> )	Exempt
Car Parking	Existing Unchanged	Clause 52.06	Complies
Front Setback	Align with 7 Brooks Place	Standard A2-1	Complies

## 5. Planning Policy Framework / Controls

This section evaluates the proposal against the strategic policy framework of the Maribyrnong Planning Scheme, demonstrating alignment with State and Local planning objectives.

### 5.1 Clause 32.08 General Residential Zone (GRZ1)

The subject site is located within the General Residential Zone. The purpose of this zone is to encourage development that respects the neighbourhood character while allowing for housing growth and diversity.

#### Zone Purpose Analysis:

To encourage development that is responsive to the neighbourhood character of the area: The proposal retains the existing dwelling's street frontage and limits the extension to a single storey. The bulk and scale of the addition are concealed from the public realm, preserving the streetscape rhythm.

To encourage a diversity of housing types: By upgrading a smaller, older dwelling to meet modern family standards (larger living areas, better amenities), the proposal ensures the retention of diverse housing stock. It enables the current owners to remain in the area ("aging in place") rather than forcing a move to a larger greenfield property, supporting sustainable urban consolidation.

### 5.2 Clause 45.06 Development Contributions Plan Overlay (DCPO2)

The site is subject to the DCPO2, which seeks to levy contributions for municipal infrastructure. However, Schedule 2 to the DCPO contains specific exemptions.

Exemption Analysis: Clause 4.0 of Schedule 2 to Clause 45.06 explicitly lists "Alterations and additions to an existing dwelling, which do not create additional dwellings" as exempt from development contributions. As this application is for an extension to a single home with no subdivision proposed, the requirements of this overlay are satisfied via exemption.

### 5.3 Clause 52.06 Car Parking

The proposal is exempt from car parking assessment. Pursuant to Clause 52.06-1, the clause does not apply to the extension of one dwelling on a lot in the General Residential Zone.

## 5.4 Clause 32.08-4 Minimum Garden Area

The Minimum Garden Area requirement introduced by Amendment VC110 applies to lots of 400 square metres or greater. With a lot size of 264 square metres, the subject site is exempt from this mandatory requirement. Nevertheless, the proposal creates a generous rear garden that functionally serves the purpose of this policy by providing ample space for recreation and canopy vegetation.

## 6. Detailed Planning Assessment: Clause 54(ResCode)

This section provides a detailed assessment of the proposal against the objectives and standards of Clause 54. Where a standard is met, the objective is deemed to be met. Where a variation is sought, a detailed justification is provided.

### 6.1 Clause 54.02 Neighbourhood Character and Site Layout

#### **Standard A2-1: Street Setback Alignment**

The street setback of a building is a primary determinant of its relationship with the public realm and the openness of the streetscape. Standard A2-1 in the September 2025 guidelines stipulates that when there is an existing building on an abutting allotment, the minimum setback should be the same distance as the front wall of that existing building, or 6 metres, whichever is less.

The 5 Brooks Place proposal updates the dwelling by aligning its front setback precisely with that of 7 Brooks Place. This alignment reinforces the consistent building line of the street and makes more efficient use of the site's depth. By matching the lesser of the two adjoining setbacks, the proposal adheres to the preferred neighbourhood character of maintaining the intimacy and pedestrian scale of the Yarraville streetscape.

#### **Standard A2-2: Building Height and Vertical Massing**

Standard A2-2 ensures that building heights are responsive to the existing or preferred neighbourhood character. The General Residential Zone (Schedule 1) allows for a mandatory maximum building height of 11 metres and 3 storeys. The proposal at 5 Brooks Place remains strictly single-storey, with a new wall height of approximately 3.55 metres.

#### **Standard A2-3: Side and Rear Setbacks**

The proposal complies with Standard A2-3 as all new building works not constructed on a boundary maintain a minimum setback of at least 1 metre from the side and rear property lines. Because the proposed extension is single-storey with a maximum wall height of approximately 3.2 metres, it falls below the 3.6-metre threshold where additional setbacks are required by the formula .

#### **Standard A2-4: Walls on Boundaries**

Standard A2-4 limits the length and height of walls constructed on boundaries to prevent unreasonable amenity impacts, particularly in relation to visual dominance and overshadowing. Under the deemed-to-comply provision, the maximum allowable wall length is calculated as 10 metres plus 25% of the remaining boundary length.

For the northern boundary, which has a total length of 30.99 metres, the permitted wall length on the boundary is 15.25 metres. The proposal seeks an 18.1-metre wall along this boundary, representing a variation of 2.85 metres.

## Qualitative Justification for Boundary Wall Variation

The request for a 2.85-metre variation is based on a "no-harm" amenity assessment and the specific constraints of the 8.5-metre wide lot. Under the decision guidelines of Clause 54.02-4, the following factors are pertinent:

**Solar Access and Orientation:** The subject site is located to the south of the affected neighbours at 7 Brooks Place. Due to the path of the sun in the southern hemisphere, shadows cast by a wall on the northern boundary of 5 Brooks Place will fall entirely within the subject site itself. It is physically impossible for the proposed 18.1-metre wall to overshadow the neighbour's private open space or north-facing windows between 9:00 am and 3:00 pm.

**Comparative Height Analysis:** The proposed wall has an average height of 3.06 metres, which is significantly lower than the existing boundary walls of neighbours. The neighbour at 7 Brooks Place has a wall of approximately 3.8 metres, and the southern neighbour has a wall of 3.4 metres. Therefore, the proposed wall will not appear visually dominant or imposing to the neighbour, as it is consistent with the height of their own existing built form.

**Light Well and Visual Amenity:** The design proactively addresses the most sensitive point of the interface: the neighbour's existing boundary window. A 3-square-metre light well/Japanese garden is carved out of the building mass opposite this window. This ensures the neighbour retains access to daylight (satisfying Standard A4-1) and receives an improved visual outlook compared to a possible standard 2-metre boundary fence.

**Internal Liveability:** On a site only 8.5 metres wide, building to the boundary is essential to achieve a functional internal floor plan. A 1-metre setback would reduce the internal width of the master suite and kitchen to impractical levels, whereas the boundary wall allows for a consolidated service core (laundry, pantry, bathrooms) that frees up the center of the house for open-plan living.

## Wall on Boundary Summary

Boundary Wall Attribute	Proposed Design	Standard A2-4 Requirement	Variation Status
Northern Wall Length	18.1 metres	15.25 metres	2.85m Variation
Southern Wall Length	2.5 metres	15.25 metres	Complies

## Standard A2-5: Site Coverage

The proposed design results in a site coverage of 53.4%, which is well below the maximum allowable 65% for the General Residential Zone under the September 2025 guidelines, in accordance with the Planning Scheme.

## Standard A2-6: Tree Canopy and Landscape Integration

### Mandatory Tree Requirements for 2025

One of the most transformative elements of the September 2025 Clause 54 update is Standard A2-6 (Tree Canopy). This standard reflects a statewide commitment to urban cooling, biodiversity, and the reduction of the urban heat island effect. For a site area between 200 and 300 square metres, the standard mandates the provision of three canopy trees.

### Selection of Indigenous Species: Botanical Profiles

The proposal integrates two specific indigenous species identified as suitable for the Yarraville climate and soil conditions: *Acacia dealbata* and *Bursaria spinosa*. These selections align with the Maribyrnong City Council's 2025 Tree Management Policy, which encourages species that support local pollinators and can survive the hotter, drier conditions projected for the region.

#### ***Acacia dealbata* (Silver Wattle / Sweet Wattle) - Species ID: AD**

*Acacia dealbata* is a fast-growing evergreen tree renowned for its brilliant display of yellow, fragrant ball-shaped flowers in late winter and early spring.

**Size at Maturity:** In suburban cultivation, it typically reaches heights of 6–10 metres. Its canopy spread is generally 4–10 metres, meeting the mandatory dimensions of Standard A2-6.

**Ecological Value:** As a nitrogen-fixing pioneer species, it improves soil health and provides a critical early-season nectar source for bees and butterflies. Its silvery-blue, feathery foliage offers a light-filtering effect that creates pleasant dappled shade.

**Site Suitability:** It is highly adaptable to various soil types, including the heavy clays typical of the Yarraville plains, and is moderately drought-tolerant once established.

#### ***Bursaria spinosa* (Sweet Bursaria) - Species ID: BS**

*Bursaria spinosa* is a medium to large indigenous shrub or small tree that offers unique aesthetic and biodiversity benefits.

**Size at Maturity:** It typically grows to a height of 5–10 metres, with a canopy width of 4–6 metres. This ensures compliance with the 6m/4m requirement of Standard A2-6.

**Ecological Value:** It is a cornerstone species for local biodiversity, attracting the rare Eltham Copper Butterfly and numerous native predatory wasps that control garden pests. Its fragrant white flowers bloom in summer, providing colour when many other native species are dormant.

**Site Suitability:** Its slender, often multi-stemmed habit makes it ideal for tight urban spaces. It is extremely hardy, tolerating both frost and extended dry periods.

**Table 3: Tree Canopy Compliance Summary**

Requirement (Site 264 m2)	Mandatory Benchmarks	Proposed Landscape Strategy
Number of Trees	3 Trees	3 Trees (AD and BS)
Mature Height	Min 6 metres	<i>A. dealbata</i> : 6-10m; <i>B. spinosa</i> : 5-10m
Canopy Width	Min 4 metres	<i>A. dealbata</i> : 4-10m; <i>B. spinosa</i> : 4-6m
Deep Soil Area	12m <sup>2</sup> per tree	36m <sup>3</sup> provided
Species Selection	Indigenous/Council Approval	<i>Acacia dealbata</i> and <i>Bursaria spinosa</i>

### Standard A2-7: Front fences

The existing front fence is to remain unchanged.

### Standard A2-8: Building setback for small single dwellings

Not applicable.

## 6.2 Clause 54.03 Liveability

### **Standard A3-1: Street Integration**

The proposal complies with Standard A3-1 (Street Integration), as the building layout is designed to support the safety and amenity of residents through active street engagement. Passive surveillance is provided by the Master Bedroom and the Study (utilized as a home office), both of which are positioned at the front of the dwelling.

These habitable rooms feature windows that offer direct, unobstructed views of Brooks Place, ensuring the street is clearly visible and integrated with the internal living environment. Additionally, the inclusion of a window shroud and decked base at the frontage provides a contemporary architectural response that further activates the interface between the private dwelling and the public realm.

### **Standard A3-2: Private Open Space**

Under the September 2025 guidelines, a dwelling must have private open space equal to at least 20% of the lot area, but not less than 25 square metres of secluded space with a minimum dimension of 3 metres.

For the 264-square-metre site at 5 Brooks Place, the total required POS is 52.8 square metres. The proposal provides a total area of over 130 square metres, including a primary secluded private open space (SPOS) at the rear measuring 76 square metres. This SPOS is directly accessible from the open-plan living and dining area, facilitating a seamless indoor-outdoor transition. The dimensions of the SPOS significantly exceed the 3-metre minimum, providing a high-quality environment for family life.

### **Standard A3-3: Solar Access to Open Space**

The orientation of the lot ensures that the rear western-facing yard receives significant afternoon sun, complying with Standard A3-3.

### **Standard A3-4: Daylight to New Windows**

All new habitable rooms at 5 Brooks Place are provided with external windows facing either the rear yard or the strategic light well on the northern boundary. The light well provides a minimum dimension of 1 metre clear to the sky and an area of 3 square metres, which is the benchmark for ensuring adequate daylight penetration.

### **Standard A3-5 Safety and access for small second dwellings**

Not applicable.

## 6.3 Clause 54.04 External Amenity

### **Standard A4-1: Daylight to Existing Windows**

As noted in the site analysis, 7 Brooks Place has a boundary-line window. Standard A4-1 requires a light court for such windows with a minimum area of 3 square metres and a minimum dimension of 1 metre clear to the sky. The subject proposal specifically incorporates a light court opposite this window that meets these dimensions.

### **Standard A4-2: North-Facing Windows**

Standard A4-2 protects the solar access of north-facing windows on adjoining lots. The neighbour to the south, 3 Brooks Place, does not feature any north-facing habitable room windows on the ground floor. Therefore, the proposed single-storey extension does not trigger any additional setback requirements under this standard. The objective of allowing adequate solar access to neighbours is satisfied by default due to the orientation and existing built form of the southern neighbour.

### **Standard A4-3: Overshadowing**

The shadow analysis undertaken for the site confirms that the single-storey height of the extension (3.2 m) results in minimal off-site overshadowing. Shadows cast on 22 September between 9:00 am and 3:00 pm fall primarily within the southern neighbour's non-secluded side setbacks.

The standard requires that a minimum of 50% or 25 square metres of a neighbour's secluded private open space remain unshadowed for at least five hours between 9:00 am and 3:00 pm. As no additional shadow is cast onto the secluded portion of the neighbour's private open space, the proposal complies with Standard A4-3.

### **Standard A4-4: Overlooking and Privacy**

Standard A4-4 does not apply to ground-level windows where a visual barrier of 1.8 metres is present, and the floor level is less than 0.8 metres above ground. As such, the project maintains total privacy for both the subject site and the adjoining properties.

## 6.4 Clause 54.05 Sustainability

### **Standard A5-1: Permeability and Urban Cooling**

Increasing permeability is a key objective of the new code to mitigate the impacts of stormwater runoff on the Maribyrnong drainage system. The standard requires at least 20% of the site to be pervious. The 5 Brooks Place design achieves 23.1% (61 square metres), utilizing a mix of garden beds, grassed areas, and the permeable deep-soil zones required for the canopy trees. This contributes to localized on-site infiltration and assists in urban cooling, addressing the municipal-wide goals of the Maribyrnong Sustainable Living Festival and related policies.

### **Standard A5-2: Overshadowing domestic solar energy systems**

The proposal complies with Standard A5-2 as the new building only reaches a maximum height of 3.55 metres, which is lower than the existing ridgeline of the neighbouring dwellings. The development will not diminish the sunlight received by any (existing or upcoming) solar panels on neighbour's roof.

### **Standard A5-3: Rooftop Solar-Ready Areas**

Amendment VC282 introduced mandatory requirements to ensure new dwellings can support the future installation of rooftop solar energy systems. Standard A5-3 specifies a minimum roof area based on the number of bedrooms, requiring a minimum of 26 square metres for a three-bedroom dwelling on a roof oriented to the north, west, or east.

The existing flat roof at the rear of 5 Brooks Place provides a substantial north-facing roof area that exceeds the 26-square-metre requirement. This area can be located toward the southern side of the roof, minimising the potential for obstruction from elements at 7 Brooks Place such as chimneys, skylights, or flues.

### **Standard A5-4: Solar Protection for New North-Facing Windows**

This standard encourages external shading for new north-facing windows to minimize summer heat gain. There are no new north-facing windows proposed as part of this extension.

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The existing bedroom features a north-facing window facing the internal courtyard; however, this window is existing and unchanged, and is therefore exempt from mandatory upgrading requirements.

Furthermore, the strategic planting of a canopy tree in the courtyard will provide natural shading to further minimize unwanted heat gain.

## 7. Conclusion

The proposed alterations and additions at 5 Brooks Place represent a sensitive evolution of the site that is in strict alignment with the existing neighbourhood character of Yarraville.

The assessment confirms that the development achieves "deemed-to-comply" status for all applicable Clause 54 standards except for the northern boundary wall length. Pursuant to the September 2025 guidelines, these compliant standards are satisfied and are therefore exempt from further evaluation.

The single variation sought for Standard A2-4 (Walls on Boundaries) is 2.85 metres (total 18.1m length). This variation is justified as its impact is minimal: the site's orientation ensures no overshadowing occurs to the northern property, and the proposed wall height is subservient to the existing neighbouring structures.

Furthermore, the proactive inclusion of a light well protects the neighbour's boundary window amenity.

By balancing the need for modernized family living with the preservation of neighbourhood character and amenity, the proposal represents an appropriate planning outcome that warrants Council's support.<sup>2</sup>

## 5 Brooks Place - Update



The proposed stormwater treatments provide 'deemed to comply' compliance with the minimum planning requirement for total nitrogen but does not comply with all the relevant objectives for management of stormwater flows on-site.

### Project details

Name	5 Brooks Place - Update
Street address	5 Brooks Pl, Yarraville VIC 3013, Australia
Municipality	Maribyrnong
Site area	264 m <sup>2</sup>
Planning Number	

### Flow and pollutant load reductions

Item	Result	Target
Mean annual runoff volume harvested or evapotranspired (%)	32%	>28%
Mean annual runoff volume infiltrated or filtered (%)	4%	>9%
Total suspended solids (%)	61%	>80%
Total phosphorus (%)	52%	>45%
Total nitrogen (%)	45%	>45%
Total gross pollutants (%)	52%	>70%

### Water treatment

#### Catchments

**Roof** 98.9m<sup>2</sup>

**Side Pavement** Paved, 15.5m<sup>2</sup>

**Rear Pavement** Paved, 40m<sup>2</sup>

**Front Pavement** Paved, 6.7m<sup>2</sup>

**Garden** Pervious (garden and lawn), 57.9m<sup>2</sup>

**Untreated Roof** 44.7m<sup>2</sup>

## Treatments

### **Rainwater Tank 1**

Rainwater tank retention volume in kilolitres: 2

**Planting Side** Buffer, Area: 9.4 m<sup>2</sup>, Site soil type: Clay

**Planting Rear** Buffer, Area: 36 m<sup>2</sup>, Site soil type: Clay

**Planting Front** Buffer, Area: 6.7 m<sup>2</sup>, Site soil type: Clay

## Buildings & dwellings

**Building 1** Residential Detached house, 3 bedroom(s)

### Configuration 1

**Roof** 98.9m<sup>2</sup>

#### **Rainwater Tank 1**

Rainwater tank retention volume in kilolitres: 2,

**Building 1** Residential Detached house, 3 bedroom(s)

### Side Pavement

**Side Pavement** Paved, 15.5m<sup>2</sup>

**Planting Side** Buffer, Area: 9.4 m<sup>2</sup>, Site soil type: Clay,

### Configuration 3

**Rear Pavement** Paved, 40m<sup>2</sup>

**Planting Rear** Buffer, Area: 36 m<sup>2</sup>, Site soil type: Clay,

#### Configuration 4

**Front Pavement** Paved, 6.7m<sup>2</sup>

**Planting Front Buffer**, Area: 6.7 m<sup>2</sup>, Site soil type: Clay,

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