




Application to AMEND 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's planning department.

 This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

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

 Click for further information.

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

Clear Form

The Land


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

Street Address *

Unit No.:	St. No.: 21	St. Name: ST LEONARDS AVENUE
Suburb/Locality: YARRAVILLE		Postcode: 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	Lot No.: 388	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: 011691
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

Planning Permit Details

What permit is being amended?*

Planning Permit No.: **TP447/2014**

The Amended Proposal

 You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for?*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.


If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:

- | | |
|---|---|
| <input type="checkbox"/> What the permit allows | <input checked="" type="checkbox"/> Plans endorsed under the permit |
| <input type="checkbox"/> Current conditions of the permit | <input type="checkbox"/> Other documents endorsed under the permit |

Details:

CONSTRUCTION OF A DWELLING TO THE FRONT OF THE EXISTING DWELLING

 Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

Development Cost

Estimate cost of development*

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ <input type="text"/>	\$ UNKNOWN	\$ <input type="text"/>

Insert 'NA' if no development is proposed by the permit.

You may be required to verify this estimate.

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.

Have the conditions of the land changed since the time of the original permit application? Yes No

If yes, please provide details of the existing conditions.

DWELLING TO THE REAR CONSTRUCTED

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. 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).

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.

Please provide at least one contact phone number *

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

Owner *

The person or organisation who owns the land

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

Name:		
Title: MRS	First Name: ZEKIJA	Surname: DEDIC-ALIBASIC
Organisation (if applicable): Z.D.A. DESIGN		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.: 10	St. No.: 82	St. Name: MAKLAND DRIVE
Suburb/Locality: DERRIMUT	State: VIC	Postcode: 3030


Contact information for applicant OR contact person below	
Business phone: 03 8390 5665	Email: zda_design@bigpond.com
Mobile phone: 0419 554 796	Fax:

Contact person's details*		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Name:		Same as applicant <input type="checkbox"/>
Title: MR	First Name: MARKO	Surname: NASTIC
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 21	St. Name: ST LEONARDS AVENUE
Suburb/Locality: YARRAVILLE	State: VIC	Postcode: 3013
Owner's Signature (Optional):	Date: day / month / year	

Declaration i

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; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.

Signature: 	Date: 16.04.2026 day / month / year
---	--

Need help with the Application? i

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

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

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

<input type="radio"/> No	<input checked="" type="radio"/> Yes	If 'Yes', with whom?: SAURABHA IYER (VIA EMAIL)
Date: 16.04.2026		day / month / year



Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?



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

Lodgement

Lodge the completed and signed form and all documents with:

Maribyrnong City Council
PO Box 58
Footscray VIC 3011
Cnr Napier & 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.

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

Page 1 of 1

VOLUME 08178 FOLIO 934

Security no : 124129785280W
Produced 11/11/2025 11:07 AM

LAND DESCRIPTION

Lot 388 on Plan of Subdivision 011691.
PARENT TITLE Volume 08166 Folio 311
Created by instrument A488594 04/03/1958

**CITY OF MARIBYRNONG
RECEIVED
16/04/2026
URBAN PLANNING**

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MARKO NASTIC of 21 ST LEONARDS AVENUE YARRAVILLE VIC 3013
AG081902C 15/09/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AX860372Q 28/03/2024
WESTPAC BANKING CORPORATION

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

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 LP011691 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 28/03/2024

DOCUMENT END



Imaged Document Cover Sheet

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COLOUR CODE
 BL=BLUE G&E-1=GREEN
 R1, R2 & BR=BROWN P=PURPLE

APPROPRIATIONS

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR ROADS
 THE LAND COLOURED BLUE IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND SEWERAGE
 THE LAND COLOURED GREEN IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE

NOTATIONS

SPLAYED CORNERS ARE 10 FEET TO STREET ALIGNMENTS EXCEPT WHERE OTHERWISE SHOWN

PLAN OF SUBDIVISION
 PART OF CROWN ALLOTMENTS 3,4,6 OF PORTION 5 SECTION 8, PART OF CROWN ALLOTMENT C SEC IX

PARISH OF CUT PAW PAW
 COUNTY OF BOURKE

VOL. 5104 FOL. 765

Measurements are in Feet & Inches
 Conversion Factor
 FEET X 0.3048 = METRES

ENCUMBRANCES

PARTS OF THE ROADS R1 & R2 AND PARTS OF THE LAND COLOURED PURPLE ARE ENCUMBERED BY EASEMENTS TO THE S.E.C. VIDE INST. No. 113327, 1509369 & 2137061

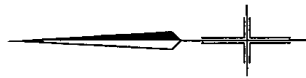
AS TO THE LAND MARKED E-1 THE EASEMENT TO THE S.E.C. CREATED BY INST. 1509369

AS TO THE ROADS R1 & R2 THE CARRIAGEWAY EASEMENT CREATED IN TR. 2248930

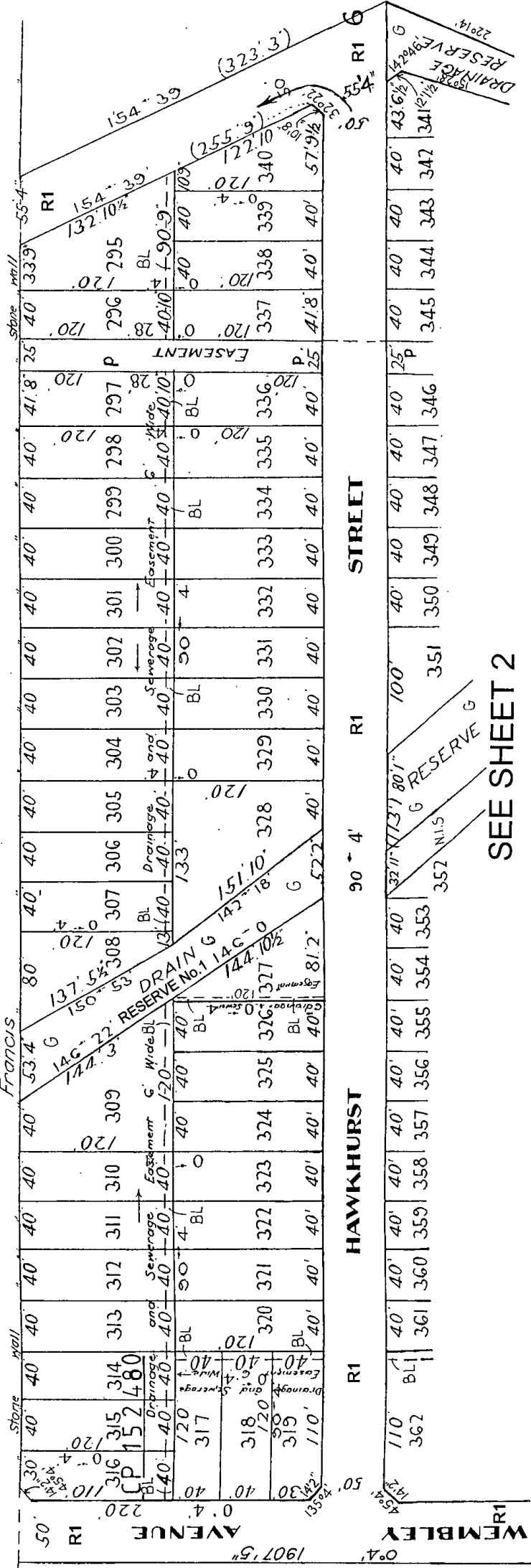
THE ROADS R1 & R2 ARE SET APART FOR EASEMENTS OF WAY & DRAINAGE ON LP 20044

THE ROAD R1 SHOWN AS HAWKHURST STREET IS ENCUMBERED BY THE CARRIAGEWAY EASEMENT CREATED IN D31462

LP 11691
 EDITION 7
 PLAN MAY BE LODGED 16-9-1926
5 SHEETS
SHEET 1



FRANCIS (Govt. Road) STREET

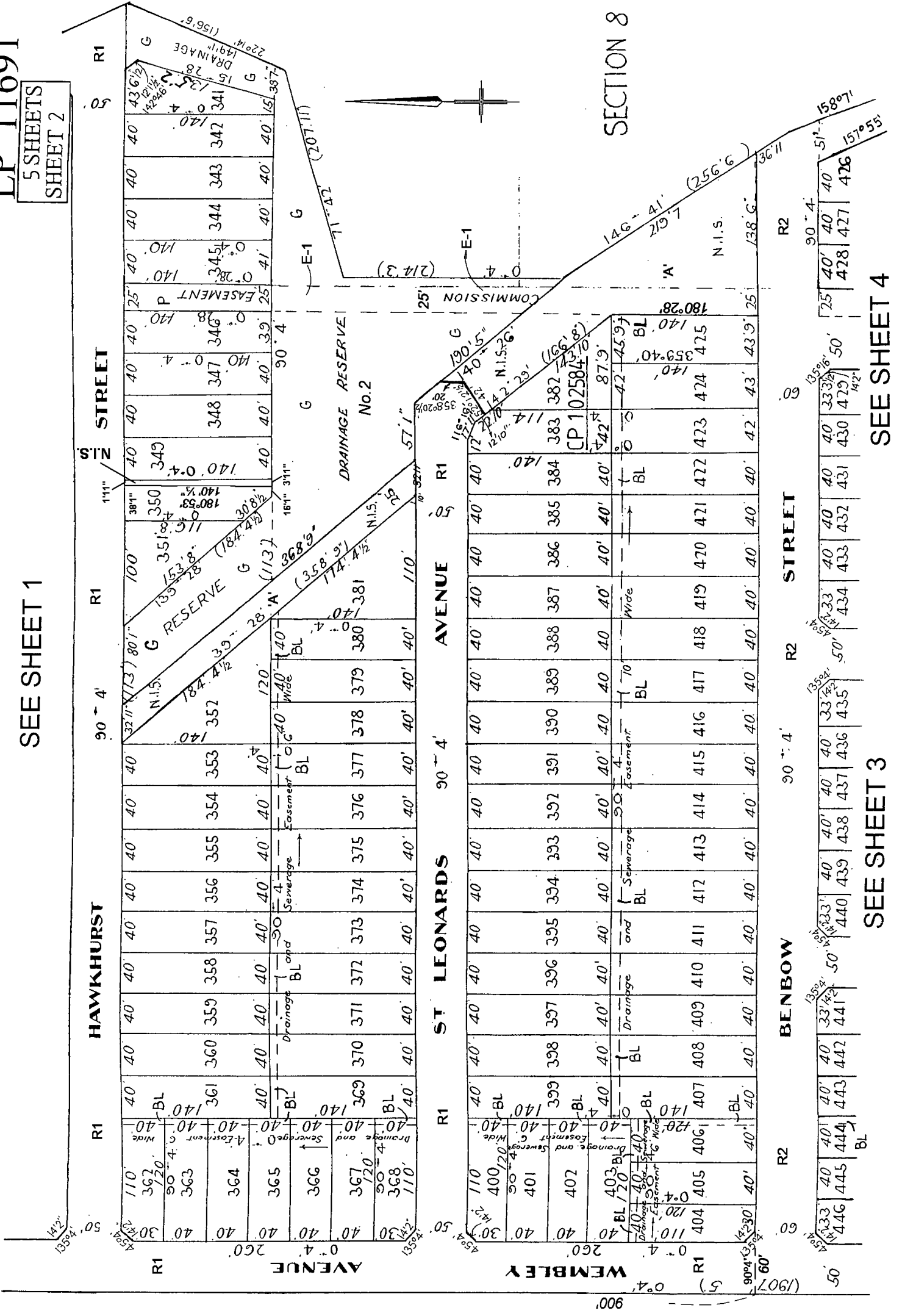


SEE SHEET 2

SEE SHEET 1

SEE SHEET 4

SEE SHEET 3



SECTION 8

900

1392'

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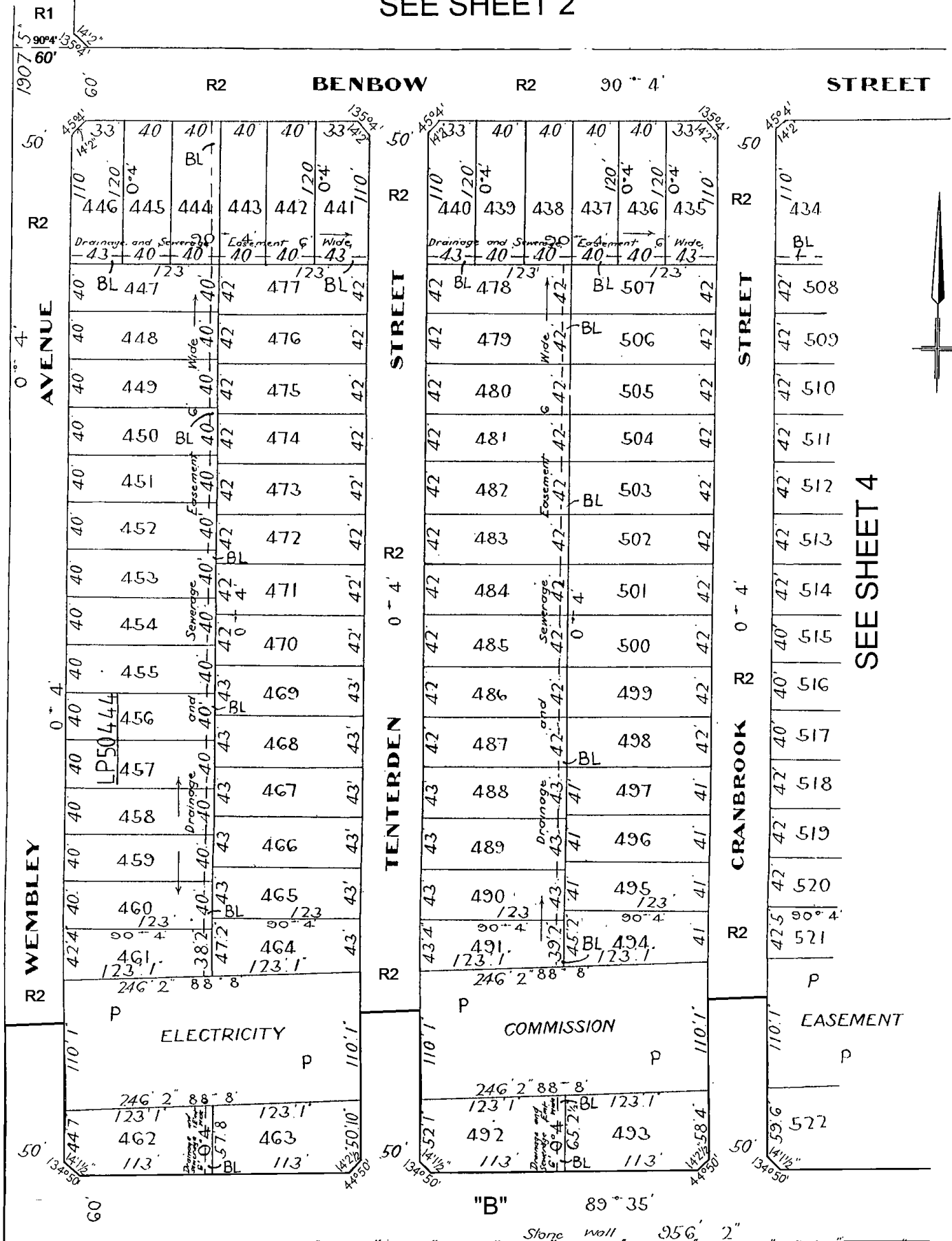
1392'

142'

1392'

SECTION 9

SEE SHEET 2

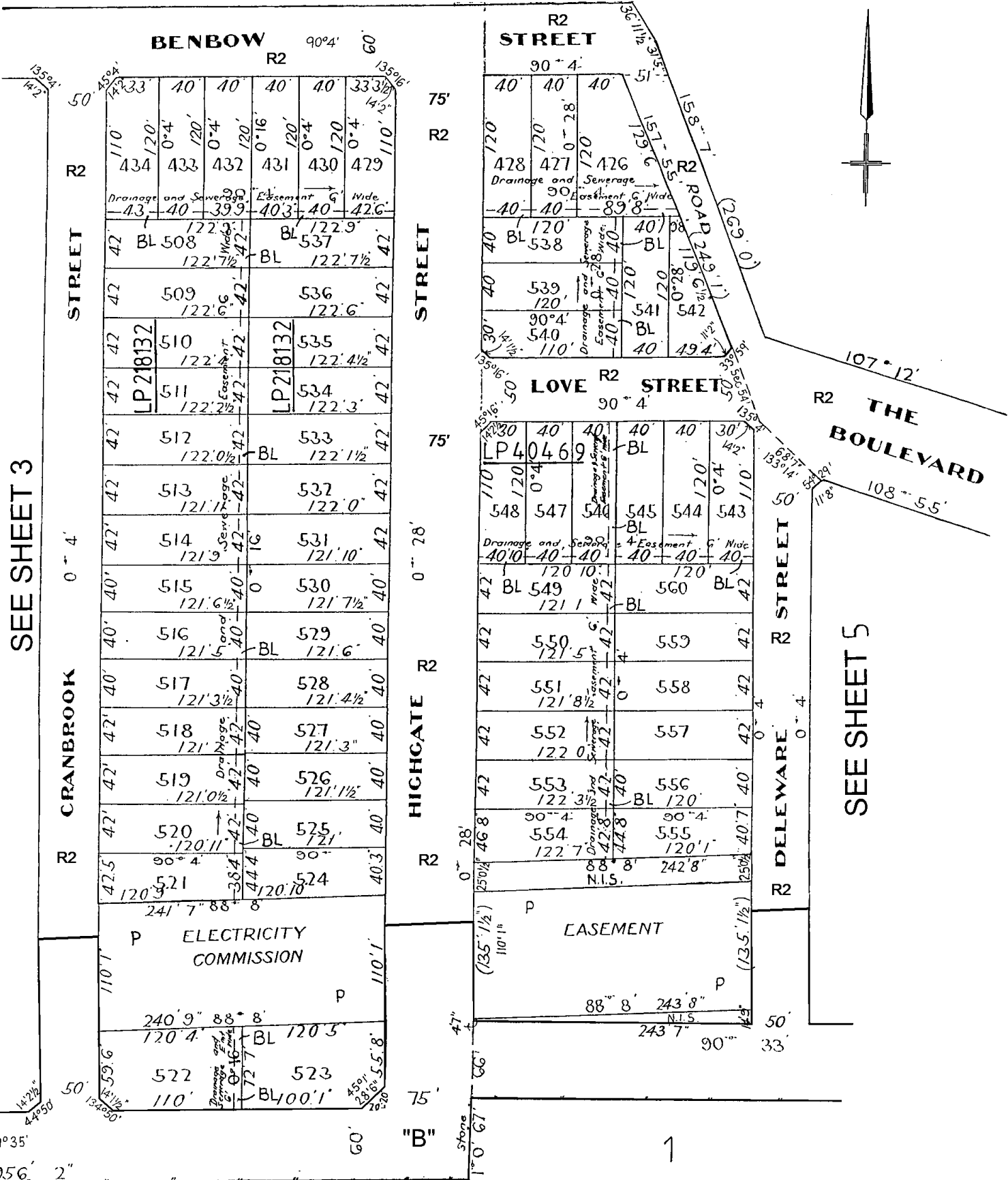


SEE SHEET 4

B

"B" 89' 35"
Stone wall 956' 2"

SEE SHEET 2



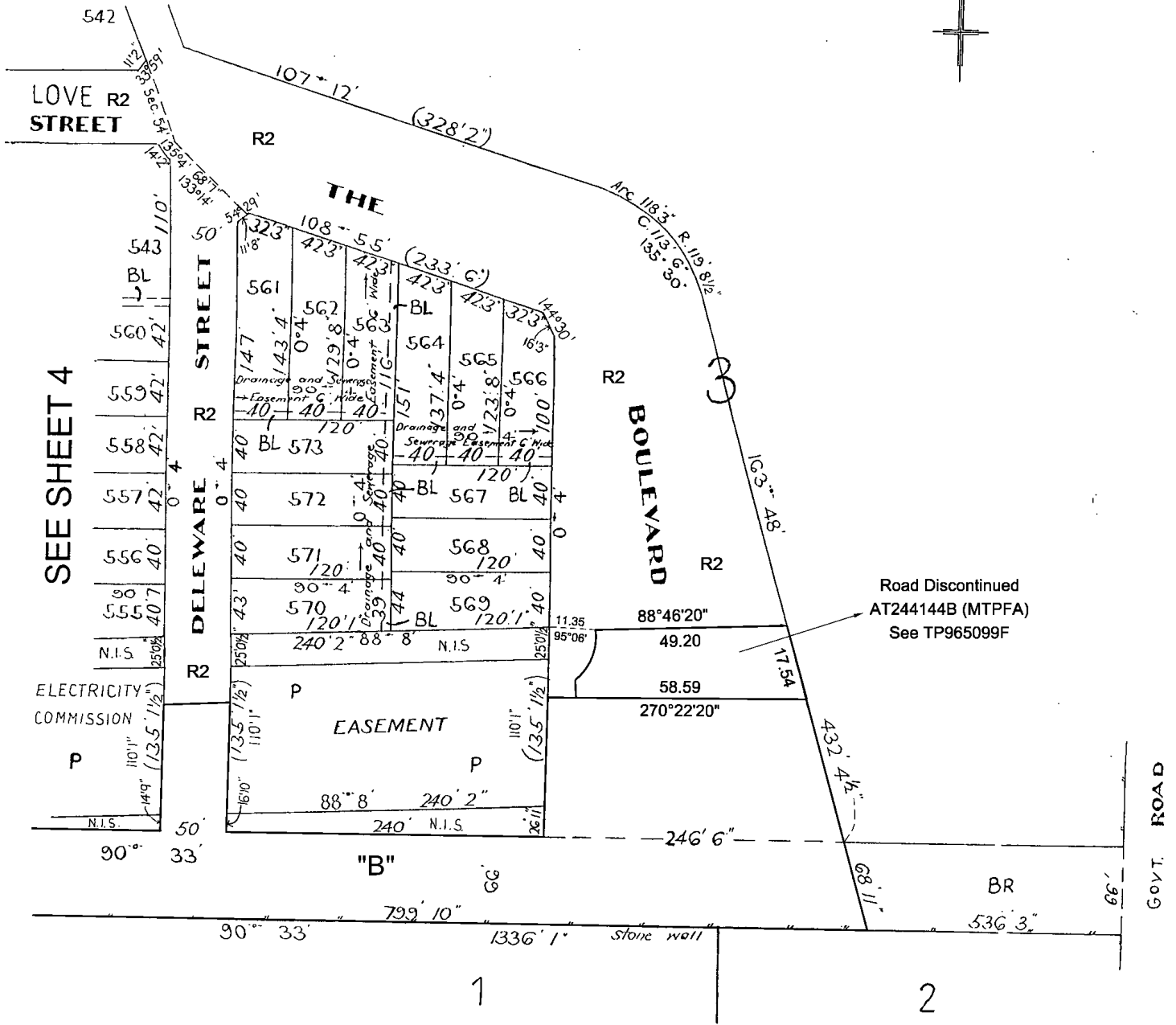
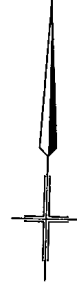
SEE SHEET 3

SEE SHEET 5

89°35'
956' 2"

B

1



TOWN PLANNING REPORT

PREPARED ON BEHALF OF THE PERMIT-APPLICANT TO JUSTIFY A SECTION 72 AMENDMENT TO PLANNING PERMIT TP447/2014 TO REPLACE THE FRONT EXISTING DWELLING WITH A NEW DOUBLE STOREY DWELLING ON THE LAND KNOWN AS 21 ST LEONARDS AVENUE, YARRAVILLE.



This report was completed on 2nd February 2026 by:

LUKAMRKONJIC
TOWN PLANNING SERVICES

0439 593 231
lukatownplanning@gmail.com

SUBJECT LAND:

The land that is the subject of this application is located on the southern side of St. Leonards Avenue. The subject land is rectangular in shape. The width of the land is 12.19 metres and the length is 42.67 metres. The land has an overall area of approximately 510.15 square metres.



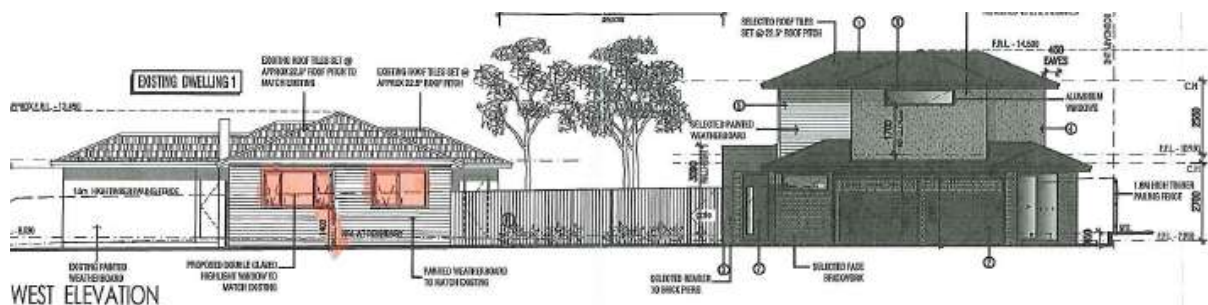
St. Leonards Avenue is a cul-de-sac that terminates at the Stony Creek reserve to the west of the subject site.



The subject land currently accommodates two dwellings. The front dwelling is the original single storey weatherboard clad dwelling.

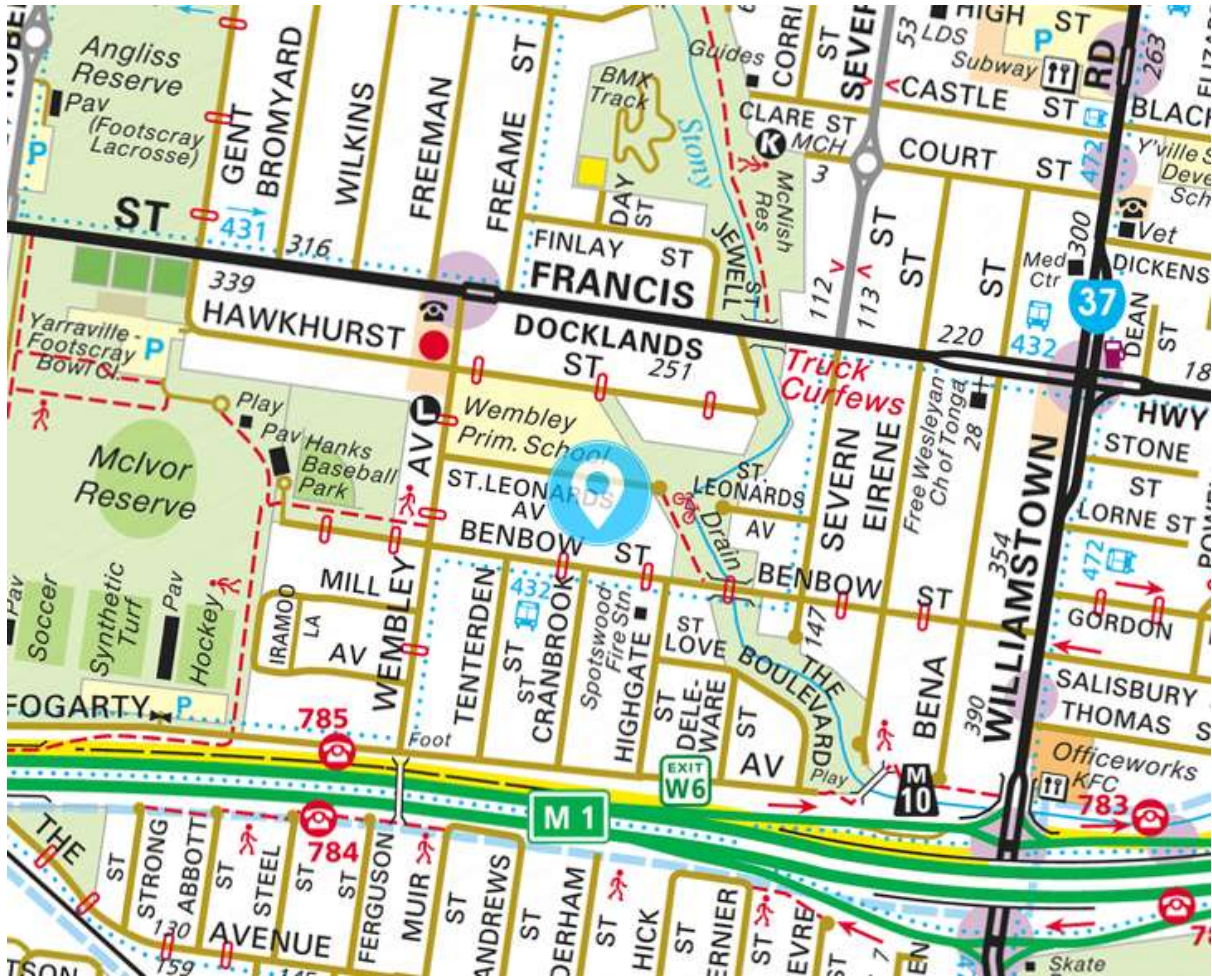


The second dwelling on the subject land is a double storey dwelling that was constructed less than 10 years ago. The second dwelling was approved under Planning Permit No. TP447/2014.



The land is relatively flat, with no noticeable fall.

The subject land is located within a well-serviced area that is conveniently located being within close proximity to bus stops, local shops, schools and recreation reserves.



The adjacent dwelling immediately west of the subject land at 23 St. Leonards Avenue is a robust double storey dwelling with a double garage.



Immediately east of the subject land at 19 St Leonards Avenue is a single storey, weatherboard clad dwelling.

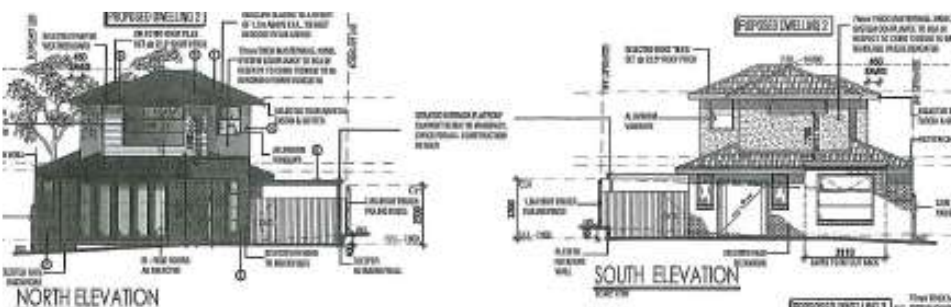
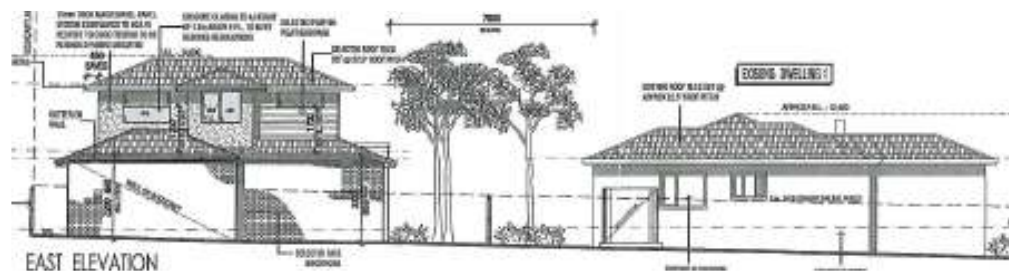
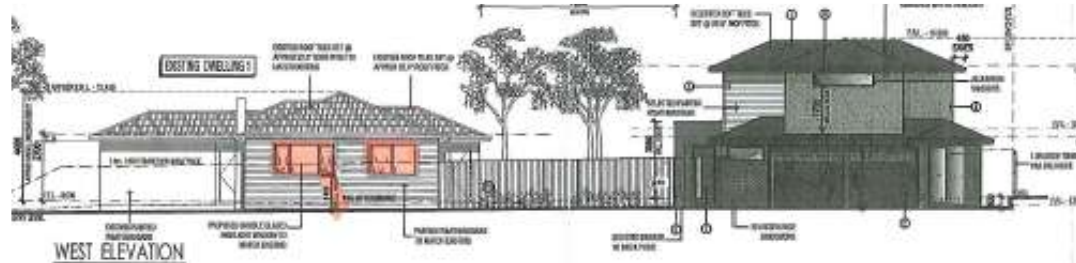
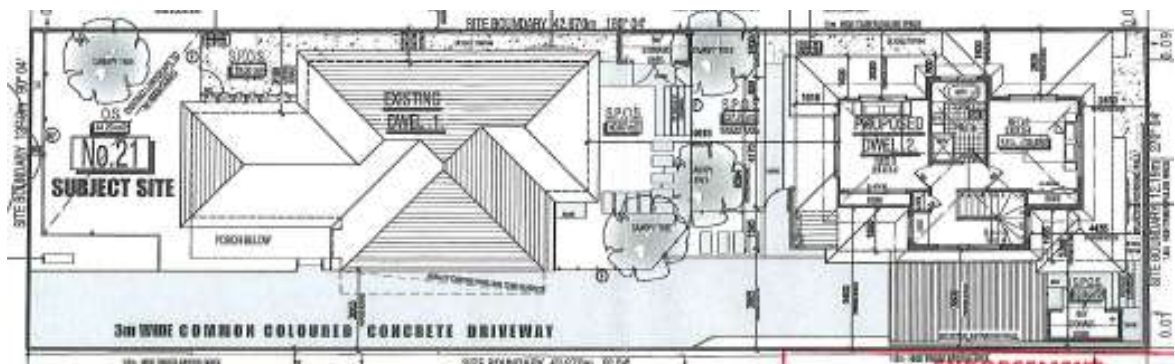
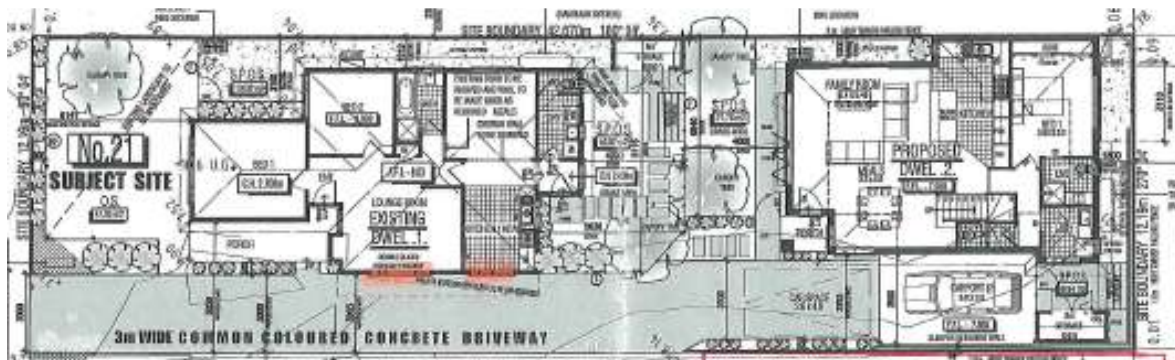


Directly opposite the subject land (northern side of St Leonards Avenue), is the Wembley Primary School.



PLANS FORMING PART OF PLANNING PERMIT TP447/2014

These plans were endorsed by Maribyrnong Council on 20th July 2015.



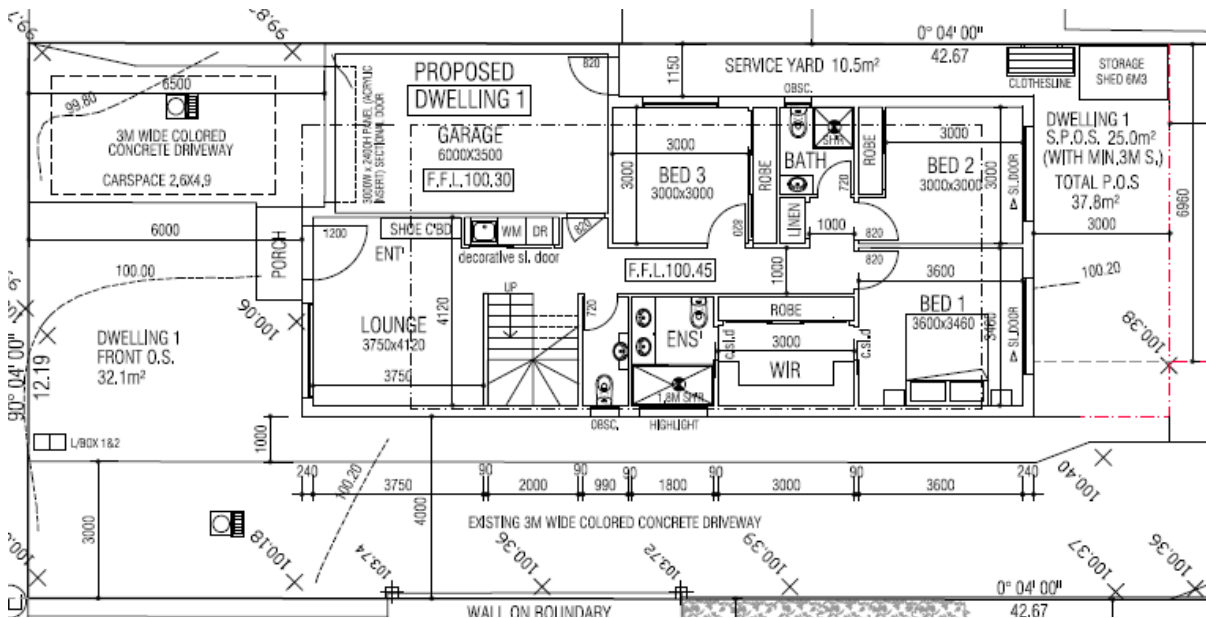
PROPOSAL:

This application is an amendment under Section 72 of the Planning & Environment Act, 1987 to amend plans forming part of Planning Permit TP447/2014 which approved a two-dwelling development. This application comprised of the retention of the existing dwelling at the site frontage and the construction of a new double storey dwelling at the rear.

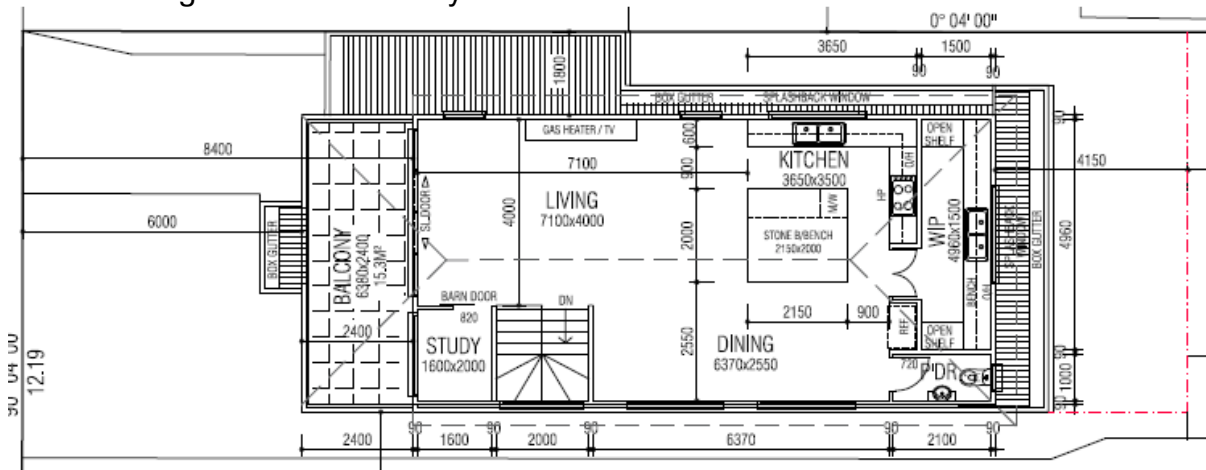
The application that is now proposed under Section 72 is limited to the front dwelling only. It includes demolition of the existing front single storey dwelling and its replacement with a new double storey dwelling and garage.

This proposal also includes the creation of a new vehicle crossing to provide exclusive vehicular access to the front dwelling.

The following is the proposed dwelling's ground level layout:



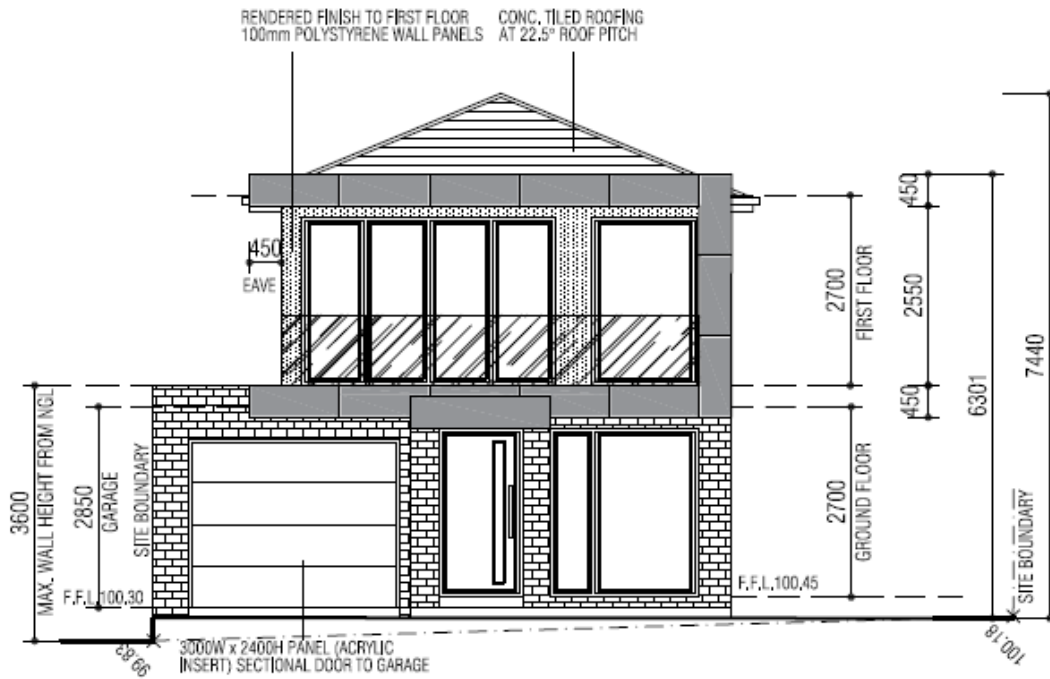
The following is the first floor layout:



The proposed dwelling reflects a reverse-living layout that includes three bedrooms and a lounge room at ground level.

The first floor component includes the main living/dining area and a kitchen. The principal open space area is proposed in the form of a first floor front balcony facing the street frontage.

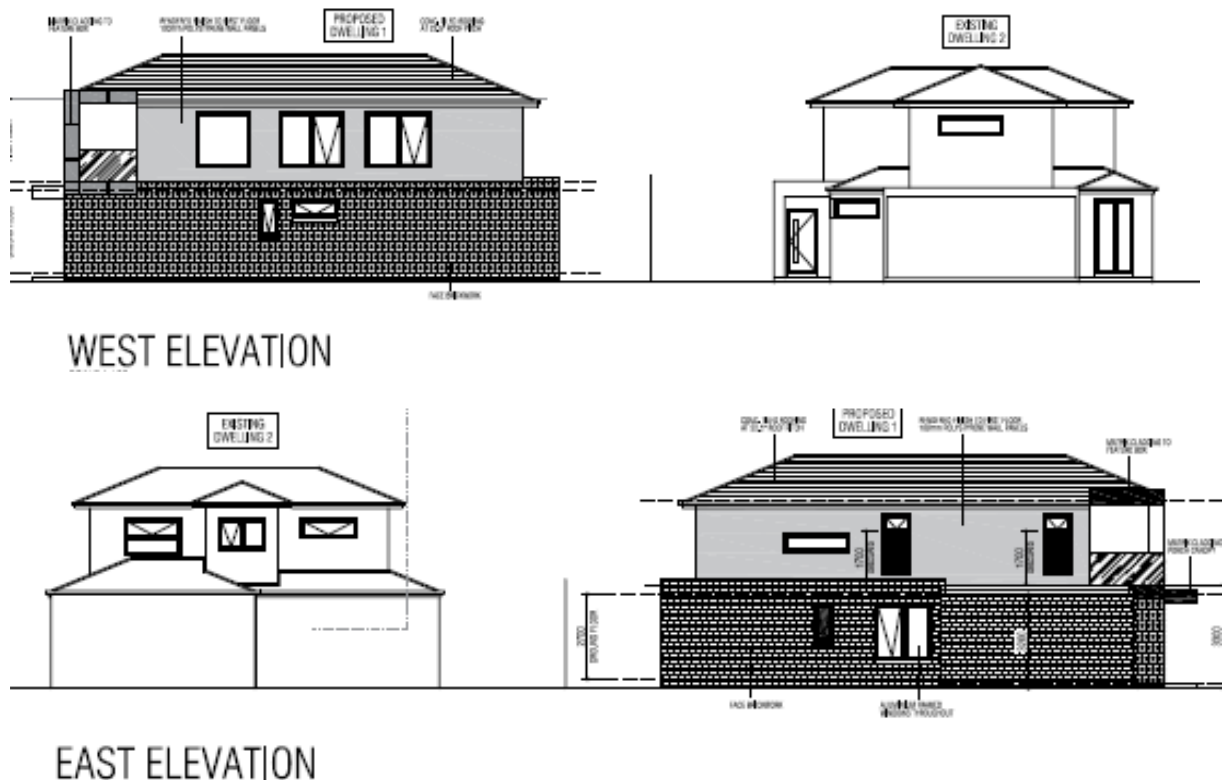
The front elevation is as follows:



The following is a three-dimensional rendered image of the proposal.



The following is a side elevation of the proposed dwelling at the front of the site and the existing dwelling being retained on the subject land.



PROPOSED DESIGN RESPONSE:

The proposed replacement dwelling reflects an appropriate design response based on the following:

- The proposed contemporary design is respectful of the contemporary design of the more recently constructed double storey dwelling on the adjacent site at 23 St Leonards Avenue:



- The proposal includes a flat roof double storey dwelling that is complementary to the adjacent flat roof double storey dwelling at 23 St Leonards Avenue.
- The flat roof form will not unnecessarily raise the overall building height, ensuring that the proposed double storey dwelling reflects a respectfully

graduated increase in building height with the neighbouring single storey dwelling at 19 St Leonards Avenue.

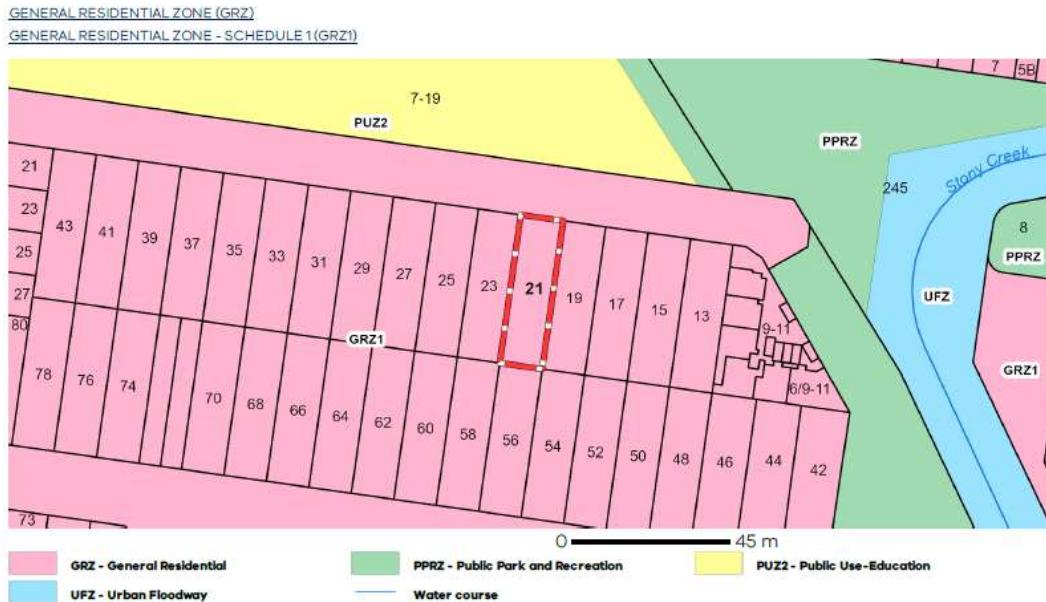
- A 6.0 metre front setback that is complementary to both neighbouring setbacks (both having minimum setbacks of 6.1 metres).
- Despite the loss of one on-street car space (due to the proposed vehicle crossing), the proposal now provides off-street parking for two cars associated with the proposed dwelling. The original dwelling that is being replaced, does not include on-site car parking.
- Based on the statutory car parking rate pursuant to Clause 52.06, the existing (original dwelling) on the subject land, reflects a one car space shortfall. The current proposal provides the required on-site car parking
- The front porch reflecting a simple design and not extending too far forward into the front setback.
- The use of a mix of external cladding complements the mix of cladding found on existing dwellings within St Leonards Avenue.



- The use of face brick ground walls, rendered and painted Matrix cladding, a fully glazed front balcony and extensive use of glazing creates a visually interesting design, reflecting the emerging character of this section of Yarraville.
- The contrasting cladding throughout and appropriate levels of articulation aids in minimising building bulk.
- Appropriate fenestration is provided at the front elevation, proving extensive glazing and front entry doors (also fully glazed) orientated toward the street frontage.
- There is no need to create common property within the subject land, avoiding future site management issues between the owners and/or occupiers of the respective dwellings on the subject land.

ZONE REQUIREMENTS:

A planning permit is required pursuant to Clause 32.08-6 of the Maribyrnong Planning Scheme for the construction of two dwellings on the subject site on land in a **General Residential Zone (GRZ1)**.



The proposal accords with the Purpose of the General Residential Zone, which includes respecting neighbourhood character and encouraging dwelling diversity.

It is important for all suburbs to accommodate diverse housing to meet specific needs of a variety of household types, which is in fact a relevant planning policy that Council's should acknowledge.

The provision of dwelling diversity will ultimately contribute towards improved housing affordability. This is generally attributed to the efficient use of the land by accommodating a three-bedroom 'family-home' with separate living zones on each level and on-site parking for two cars on a compact parcel of land.

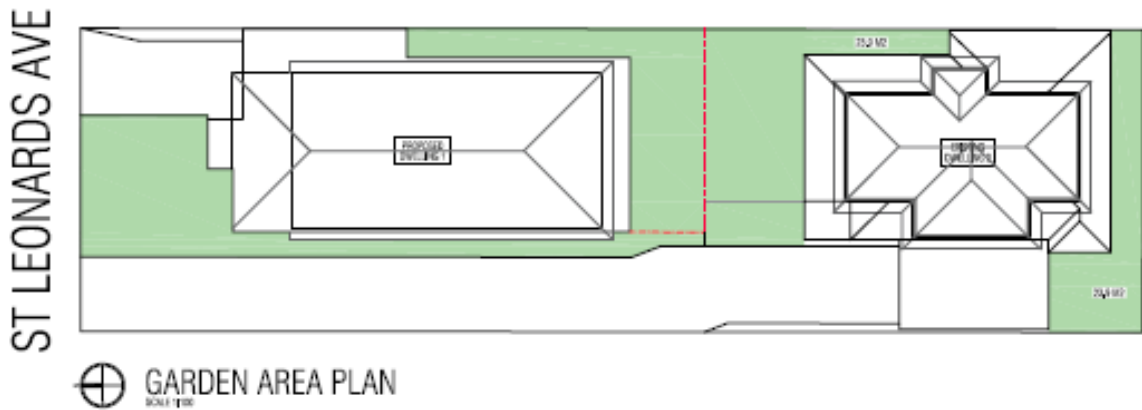
The site is within **Schedule 1 of the General Residential Zone**. There are no Clause 55 variations within the Schedule to the zone.

There are no specific neighbourhood character objectives and no maximum building height requirements outlined in Schedule 1 to Clause 32.08 General Residential Zone.

Apart from the **Development Contributions Plan Overlay (DCPO2)**, there are no other planning scheme overlays affecting the subject land. This particular Overlay has no bearing on the actual design, nor does it influence any preference to character.

The proposal accords with the 30% minimum garden area that is required pursuant to Clause 32.08-4 of the Maribyrnong Planning Scheme.

The garden area is depicted/demonstrated in plan form. The proposal provides a 156.10 square metre garden area, that equates to the required 30% garden area.



GARDEN AREA ANALYSIS	
Site Area:	520.15m ²
Garden Area provided:	156.10m ² =30.00%
Min. required:	156.10m ² =30.00%

HATCHING DENOTES GARDEN AREA IN ACCORDANCE WITH CLAUSES 32.08-4

Based on the surrounding context as well as the site's proximity to public transport (bus stops in relatively close walking distance on Francis Street and Williamstown Road), it is submitted that this development accords with all of the relevant planning scheme requirements. This includes the purpose of the General Residential Zone. This includes encouraging dwelling diversity and housing growth in locations offering good access to services and transport.



The proposed will provide a high level of internal amenity for the future occupants. The reverse-living layout will ensure an excellent northern orientation to the principal living area and the smaller ground level lounge room.

The proposed dwelling can accommodate a very wide range of household types.

One of the most challenging housing issues facing families in more recent years, is the lack of affordability for three 'family homes' within established, well-serviced areas. A development such as this proposal at 21 St Leonards Avenue which replaces an existing two-bedroom single storey dwelling with a double storey three-bedroom dwelling represents a pragmatic solution is to increase the supply of more affordable 'family homes.'

A rigid approach in applying planning policies (which would include 100% compliance with the Clause 55 Standards), would not provide the opportunity for additional and more affordable three-bedroom dwellings on compact parcels of land.

ASSESSMENT OF CURRENT PROPOSAL AGAINST THE RELEVANT PLANNING SCHEME REQUIREMENTS:

PLANNING POLICY FRAMEWORK:

The Planning Policy Framework section of the planning scheme encourages the provision of more affordable housing. In this case, the efficient use of land results in the provision of two more affordable 'family homes' each having four bedrooms.

It is submitted that the responsible authority should acknowledge that the provision of two dwellings on the subject site, facilitate a more efficient use of land that is a pragmatic way to achieving greater dwelling affordability.

This application that proposes the replacement of the original dwelling two-bedroom dwelling at the front of the site with a more spacious three-bedroom dwelling. It is the three (or more bedroom) dwellings that are becoming the least affordable within Yarraville. Therefore, to achieve improved housing affordability, land needs to be used efficiently through diverse housing solutions.

In this instance, the current proposal reflects a reverse-living layout in order to facilitate a three-bedroom dwelling in place of the original dwelling.

Clause 15.01-1R is satisfied as the proposal will achieve high-standard in architecture and urban design.

It is submitted that there is not a single objective or strategy outlined in **Clause 15.01-1S**, which relates to Urban Design that this proposal for this proposed two-dwelling development would conflict with.

The proposal reflects an attractive contemporary architectural style, that also includes traditional design elements such as brick walls that will acknowledge the traditional character of this area.

The elevations being proposed outline a very simple building form which is presented to the street frontage. The flat roof form and the combination of face brick, painted and a recessed first floor component which is attributed to the provision of a front balcony with glass balustrading, will not dominate adjacent and nearby single storey dwellings.

It is submitted that the proposal satisfies the **Clause 15.01-2S** objective by achieving building design outcomes that will contribute positively to the local context and enhance the public realm.

The provision of two vehicle crossings will not adversely impact the streetscape character due to the variety of vehicle crossings that are located within close proximity of the subject site within St Leonards Avenue.



The adjacent property at 23 St Leonards Avenue has a double crossing that provides access to a double garage.



The school directly opposite the subject site has more than one vehicle crossing, including the crossing shown below that provides access to the school's service area.



One of the objectives of **Clause 15.01-5S** seeks to ensure buildings have an interface to the public realm to support personal safety, perceptions of safety and property security. Therefore, such provision justifies the two-storey, form where first floor front balcony is orientated toward the street frontage to maximise passive surveillance.



The ground level front living room window facing the street is positive from a surveillance point of view.

One of the objectives of **Clause 15.01-5S** seeks to ensure support personal safety, perceptions of safety and property security. Therefore, the provision of each dwelling having a separate driveway facilitates improved safety and property security.

The aspect of Clause 15.01-5S relating to neighbourhood character is considered met. This area possesses no importance from a heritage point of view, justifying the proposed second vehicle accessway at the site frontage.

To accommodate two 'family homes' on the subject site, each comprising with three bedrooms and compliant on-site parking, can only be facilitated with the additional crossing being accommodated at the site frontage.

The provision of two three-bedroom dwellings, one of which has a reverse-living layout and the other with a conventional layout (with a ground level bedroom) on a compact parcel of land, will contribute towards improved housing diversity and affordability as outlined in **Clause 16** of the planning scheme.

Clause 16 encourages the efficient use of land to accommodate additional dwellings suitable for a variety of household types.

Diversity of housing is facilitated by the provision of dwellings that include suitable accommodation for families with dependent children.

Clause 16.01-31S relating to housing supply as well as **Clause 16.01-2S** relating to housing affordability have both been satisfied.

This proposal facilitates both moderate housing growth and affordability.

This is attributed to the provision of two separate vehicle crossings to enable efficient use of the land.

Both dwellings utilising a common driveway and one vehicle crossing would not enable a new three-bedroom dwelling to be accommodated on the subject site.

The close proximity of schools, child care facilities, shops, public transport and recreational facilities makes the proposal highly suitable for occupants that have school-aged children, justifying the proposed dwelling having the provision of three bedrooms and more than one living area. Such housing could only be accommodated by the provision of the additional vehicle crossing and a separate driveway.

It is important for all areas to have housing options to meet the increasingly diverse housing needs, which includes families with school aged children. This particular proposal will contribute towards improved housing diversity and affordability as outlined in **Clause 16** of the planning scheme through the efficient use of land to accommodate additional dwellings suitable for larger families.

Clause 16.01-3S relating to housing diversity & **Clause 16.01-4S** relating to housing affordability have both been satisfied.

MUNICIPAL PLANNING STRATEGY

Clause 02.01 outlines that Maribyrnong's population as a municipality is one of the most culturally and ethnically diverse within Victoria, as well as the significant population increase that is anticipated, provides justification to replace a small two-bedroom dwelling, with a larger three-bedroom dwelling with more than one living area.

The proposed dwelling will have the ability to accommodate a wider range of household/family types.

Clause 02.02 will be satisfied. This proposal will not conflict with Council's Plan Vision and will continue to provide a liveable neighbourhood as well as contributing to a safe environment.

Clause 02.03-4 relating to built environment and heritage is satisfied. In terms of building and urban design, the proposal satisfies the following objectives:

- *'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 innovative design response represents a reflection of the emerging character of this area. The contemporary design will enhance the streetscape character.



The reverse living layout and front balcony that is orientated to the street frontage will provide for improved passive surveillance contributing to a safer environment.

There are no heritage implications relating to this proposal.

Clause 02.03-5 relating to housing and housing growth is satisfied for an incremental change area. The proposal will achieve the desired housing outcomes which will achieve the provision of a second more affordable three-bedroom family home being accommodated on the subject land, by adopting an innovative design solution.

An incremental change area is one where change is anticipated unlike 'limited change areas' where a greater acknowledgement of the existing housing stock is warranted when preparing a design response for a new development.

By increasing the supply and diversity of housing opportunities can assist in meeting affordability objectives.

The compact size of the proposed dwelling which is attributed to the reverse-living layout and enables a three-bedroom 'family home' to be accommodated on a compact parcel of land.

It is the efficient use of small sites that contribute towards improved housing affordability, especially when compared to larger dwellings on an individual parcel of land.

Clause 02.03-5 justifies housing growth to cater for the forecast population increase. The provision of an additional vehicle crossing will enable the site to accommodate an additional dwelling.

Furthermore, this Clause encourages housing diversity and affordability. The proposed (additional) vehicle crossing at the site frontage, will facilitate a more affordable form of three-bedroom 'family home.'

CLAUSE 52.06 – CAR PARKING

The provision of two car spaces for the proposed three-bedroom dwelling ensures that car parking for residents is appropriate to the needs of residents.

Pursuant to the recent changes made to the Clause 52.06 car parking requirements, the subject land is located within Category 2, requiring one car space per dwelling.



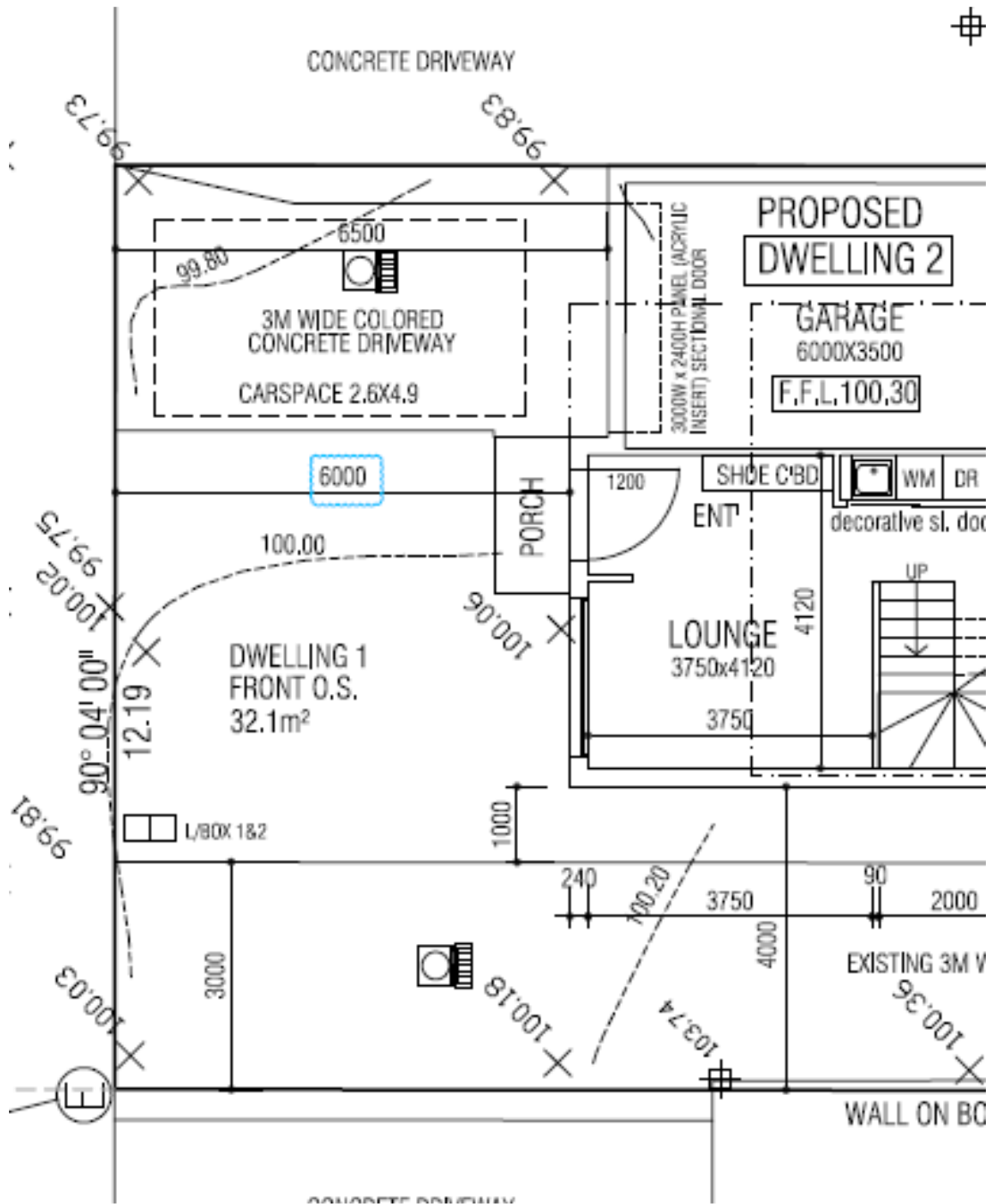
Based on the current car parking requirements (as of 18th December 2025 as part of Amendment VC277), a single on-site car parking space for each dwelling is required.

The current proposal adheres to the previous statutory requirements that applied before 18th December 2025, providing two on-site car spaces for the proposed dwelling. In terms of the on-site car spaces and accessways that are proposed, these have been designed to satisfy the appropriate dimensions specified in Clause 52.06.

The proposal accords with all of the design standards pursuant to Clause 52.06-9 of the Maribyrnong Planning Scheme by way of the following:

- Design Standard 1 relating to accessways fully satisfied in terms of the plans adhering to all of the specified dimensions.
- Design Standard 2 relating to car parking spaces is fully satisfied. A lock-up garage is proposed that will accord with all of the relevant dimensions.
- Design Standard 3, no conflict due to flat site and no basement parking being proposed.
- Design Standard 4, no conflict as mechanical parking is not proposed.
- Design Standard 5 fully met relating to urban design. The single-width driveway provides adequate landscaping opportunity at the site frontage.

- Design Standard 6 is fully met relating to safety by way of each dwelling on the subject land having an exclusive driveway, avoiding the need for common property.
- Design Standard 7 is met as car spaces about a landscaping buffer (front yard and side boundary strips abutting the driveways), which will 'soften' the appearance of the driveways.



RESCODE ASSESSMENT – CLAUSE 55

CLAUSE 55.01 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

This application has been accompanied by a neighbourhood and site description (site analysis) and a design response that accords to the specific requirements of Clause 55.01 of the planning scheme.

55.01-1 Neighbourhood and site description

The neighbourhood and site description utilises a site plan outlining surrounding properties, existing buildings (which includes materials, roof design, location of windows and associated open space areas), vegetation, as well as delineating roads, drains, power poles, hydrants, nature strips, footpaths and vehicle crossings.

The site context plan also outlines the proximity of existing services to the subject site.

55.01-2 Design response

The design response that has been prepared for the subject site in plan form, outlines the proposal within the context of surrounding properties.

It is submitted that the proposal will positively respond to the neighbourhood.

The two storey form is highly appropriate and there are numerous examples of more recent double storey buildings being accommodated within St. Leonards Street itself.

The following are three VCAT cases that provide justification for appropriately designed double storey dwellings from a neighbourhood character point of view:

1. Waylan Consulting v Moreland CC:

“Double storey dwellings are not two headed monsters. They are a normal housing type throughout the Melbourne metropolitan area. Under the present planning and building regulations there is no prohibition of double storey single dwellings in most of the metropolitan area unless heritage or design and development overlays affect them. In this case there are no overlays.”

2. Rendevski v Greater Geelong CC:

Leaving aside the fact that this would not be the first two storey “intrusion” (either for a single home or multi-unit), the Tribunal would be reluctant to reject what is a perfectly normal and acceptable form of development right throughout our urban areas, except if the neighbourhood characteristics were so pristine and important so as to make a two storey proposal unacceptable.”

3. Jacobs v Banyule CC:

I regard double storey dwellings as such perfectly normal and acceptable scale of building throughout metropolitan Melbourne,.....they would surely qualify as “low scale”.

55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE

55.02-1 Neighbourhood character objectives

It is submitted that the proposed design respects the existing neighbourhood character and contributes to a preferred neighbourhood character.

The proposal reflects a high-quality contemporary design, which will make a positive contribution to the area, whilst also incorporating design features that are respectful of the existing dwellings within St. Leonards Avenue.

The fact that there are two storey developments on nearby sites will help to justify this proposal at 21 St Leonards Avenue from a neighbourhood character point of view. As previously stated, this includes a similar two storey development on an adjacent site (23 St Leonards Avenue):



- The new design incorporates building materials as well as fenestration that respects the current building stock.
- The use of face brick and painted cladding at the front elevation will respect the existing mix of houses found within St Leonards Avenue.
- The integrating of the garage doors with the first floor cladding, will represent design elements that will be respectful of the key elements of traditional wall cladding found within this area.

- The front entry door having a direct orientation to the street is appropriate from a neighbourhood character point of view.
- The large vertically profiled windows and sliding doors at the front elevation reflect window profiles found on existing dwellings throughout this area.
- The flat parapet walls at both the ground and first floor component will acknowledge Council's recommendation a horizontal building emphasis.
- The proposed external walls throughout, will be appropriately articulated and will include contrasting cladding to minimise building bulk.
- Ample landscaping opportunities are provided throughout the site to accommodate canopy trees. planting.
- No front fencing is proposed which will 'open up' the front garden to the street, which will enhance the 'open' front garden character of St Leonards Avenue.

Appropriate levels of articulation at both the ground and first floor components of both dwellings, as well as the contrasting material finishes, will effectively minimise the impact of visual bulk. Such measures result in a development that is respectful of its surrounding context.

The relevant local policy defines the site as being within an **incremental change area**, where change in terms of the existing neighbourhood character is anticipated.

This development for two dwellings on the subject site has been designed to reflect a scale and form, as well being positioned within the site in a respectful manner, acknowledging the existing neighbourhood character.

The flat roof form being proposed will ensure that the proposed building height is not unnecessarily raised, respecting the large proportion of nearby single storey dwellings.

Standard B1

It is submitted that the proposed design response (on the basis of the afore-mentioned provisions) is appropriate to the neighbourhood and the site and satisfies ResCode Standard B1.

55.02-2 Residential policy objectives

It is submitted that the proposed two-dwelling residential development is in accordance with the relevant policies for housing contained under both the Planning Policy Framework and the Municipal policy, which has been outlined earlier in this report.

Standard B2

This written report describes how the development is consistent with any relevant policy for housing in the Planning Policy Framework and the Municipal Planning Strategy.

55.02-3 Dwelling diversity objective

This particular objective is only considered mandatory to developments of ten or more dwellings.

Standard B3

Not applicable to a two-dwelling development.

55.02-4 Infrastructure objectives

It is submitted that the subject land is appropriately serviced to ensure that the proposed two-dwelling development is provided with appropriate utility services and infrastructure.

It is unlikely that a two-dwelling development within this established and well-serviced area would unreasonably overload the capacity of utility services and infrastructure.

Standard B4

The proposed development will be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas.

The proposed development will not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads within this established and well-serviced area.

55.02-5 Integration with the street objective

As previously stated in this report, the proposed dwelling has been appropriately integrated to the street frontage.

Standard B5

The proposed dwelling provide adequate vehicle and pedestrian links that maintains and enhance local accessibility. This is attributed to the provision of a new driveway and vehicle access point for the front dwelling (improving convenience and

accessibility by avoiding common driveways) and the reverse-living layout (which includes a front balcony to maximise passive surveillance of the street frontage).

55.03 SITE LAYOUT AND BUILDING MASSING

55.03-1 Street setback objective

The permit-applicant has incorporated a front building setback that is approximately 100mm short of the **Standard B6** 'average' of the two neighbouring setbacks (both neighbouring setbacks at 6.1 metres).

If Council insists on full Standard B6 compliance, a permit condition can be imposed for the setback to be increased.

However, it is my submission that any requirement to increase the front setback would be at 'odds' with a secondary aspect of the street setback objective of Clause 55.03-1 to make efficient use of the site.

The aerial photograph below outlines the lack of consistence in terms of front setbacks of existing dwellings and school buildings close to the subject land, justifying the proposed front setback dispensation.



55.03-2 Building height objective

It is submitted that the design of the proposed two-storey dwellings through the use of varying materials, the recessive two-storey form, coupled with appropriate articulation and detailing, will result in a two storey form that is considered respectful within an area having a prevailing single storey form.

The fact that both dwellings have a flat roof form will better respect the single storey dwellings which predominate within the St Leonards Avenue streetscape, as the

overall building height is kept to a workable minimum for a proposed two storey development due to the flat roof form and reasonable floor-to-ceiling heights.

The adjoining site at 23 St Leonards Avenue includes a similar two storey built form and scale.



However, the emerging character currently being established within the wider area are attached two storey building form, which justifies the scale, form and number of storeys that are being proposed on the subject site.

The following are some examples of more recent development that have occurred on nearby streets, justifying a two storey built form based on the emerging character of this section of Yarraville:



4 Benbow St



59 Hawkhurst St



92 Hawkhurst St



52 Wembley Ave



62 Severn St



2a Severn St



117 Severn St

Standard B7

The proposal easily satisfies that maximum building height of Standard B7 by having an overall height that is well below the maximum height of 9.0 metres as recommended by Standard B7. The maximum building height of the proposed dwelling is 7400mm.

55.03-3 Site coverage objective

The proposed two dwelling development has been designed to ensure that the site coverage respects the preferred neighbourhood character and responds to the features of the site and the adjacent context.

Both dwellings will have generous secluded open spaces at the front and rear of the site which ensures appropriate site coverage from a neighbourhood character point of view.

Standard B8

The proposal satisfies this Standard as site coverage being proposed is well below the 60% maximum that is allowed pursuant to this Standard (46.08% proposed).

55.03-4 Permeability objectives

The proposal has been designed to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration.

Standard B9

The proposal complies with the Standard as more than 20% of the site will not be covered by impervious surfaces. Proposed permeability compliant being 28%.

55.03-5 Energy efficiency objectives

The excellent northern orientation of the ground level lounge room and the first floor living area and balcony ensures that the proposed layout is highly appropriate from an energy-efficiency perspective.

Standard B10

Relevant building regulations will require both dwellings to achieve an appropriate energy rating based on the current standards.

55.03-6 Open space objective

The site does have a direct interface to a public open space.

55.03-7 Safety objective

The proposed development has been designed to ensure the layout provides for the safety and security of residents and property.

The double storey, reverse-living layout with a balcony facing the street frontage facilitates passive surveillance of the street frontage.

The separate vehicle accessways provide a safe internal layout avoiding potential conflict between cars and pedestrians associated with the respective dwellings.

Standard B12

The proposed layout will not conflict with Standard B12. The two-storey form, that include the living areas and balcony of the proposed dwelling being orientated toward the street, facilitates passive surveillance of the street frontage, justifying a two storey form and a reverse living layout for the proposed dwelling.

55.03-8 Landscaping objectives

A landscaping plan has been developed to ensure that the proposal respects the landscape character of the neighbourhood, which will include advanced, canopy tree planting within the front and rear yards of the proposed dwelling.

Standard B13

Permit conditions can be imposed by the responsible Authority to ensure compliance with Standard B13 having regard to landscaping provision.

55.03-9 Access objectives

The use of two single crossings on either side will respect the neighbourhood character as previously outlined in this report, avoiding the need to maintain a common property and potential conflict between cars and pedestrians.

It is submitted that the proposal satisfies the Clause 55.03-9 Objectives by the proposed accessways being designed to allow for convenient, safe and efficient vehicle movements and connections within the development and to the street network.

Standard B14

The proposal seeks a dispensation pursuant Standard B14 which specifically relates to the proposed second driveway and vehicle crossing for a site having a 12.9 metre width.

The two 3.0 metre vehicle accessways (one existing and one proposed) equates to 49.22%. The relevant Standard recommends a 40% maximum.

The following will justify the Standard B14 dispensation:

It is submitted that the proposal will not conflict with the Clause 55.02-6 Access Objective based on the emerging neighbourhood character of this particular section of Yarraville.

It is submitted that the area between Francis Street to the north and the Westgate Freeway to the south, that is located east of Wembley Avenue to the Stony Creek, represents the section of Yarraville where all the streets have a similar character throughout.

This is attributed to the original 'grid pattern' subdivision that created the following streets (Hawkhurst Street, St Leonards Avenue, Benbow Street, Tenterden Street, Cranbrook Street and Highgate Street). The uniform rectangular sites that were created within this section of Yarraville, generally have 12.19 metre wide frontage and are included within the same General Residential Zone (GRZ1).

One of the emerging characteristics of the afore-mentioned area is the original dwellings being replaced with new side-by-side, double storey townhouses. The new character elements that are the most evident being the provision of two vehicle access points and the double storey form of the proposed dwellings.

Recent side-by-side developments have been accommodated on the following sites and all of these sites have the provision of two driveways on a narrow 12.19 metre wide site:





16 Hawkhurst St



5 Hawkhurst St



9 Hawkhurst St



4 Benbow St



72 Benbow St



10 Tenterden St



22 Tenterden St



23 Cranbrook St



17 Cranbrook St



21 Highgate St

In the past, Maribyrnong Council may have had concerns regarding side-by-side developments on sites having widths less than 15 metres.

However, in more recent years, both VCAT (in their decisions) and the Maribyrnong Council have adopted a more flexible approach to allow 12.19 metre wide sites to accommodate two side-by-side dwellings, which necessitates two separate vehicle accessways. This approach has been necessitated by the need for additional and more affordable three (or more) bedroom dwellings to be accommodated within this area.

As far as new development is concerned within this part of Yarraville, a side-by-side development with two crossings on a site with a frontage width of 12.19 metres has become the norm, representing an emerging character of the area.

Based on numerous, side-by-side developments within section of Yarraville, representing a reflection of the emerging character, justifies the subject land to also accommodate a second vehicle accessway at the site frontage.

Furthermore, strong justification of this proposal is also derived from:

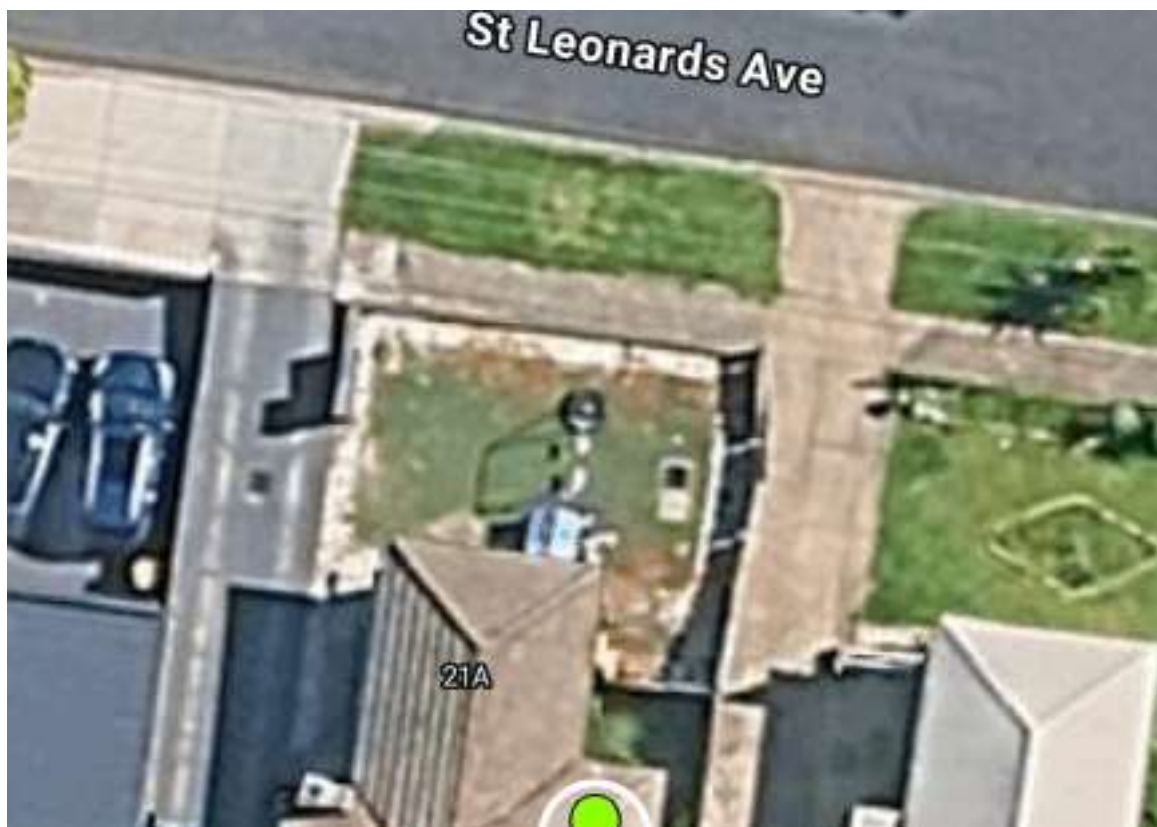
- The relevant planning policy including purpose of the zone encouraging housing growth and diversity within well-serviced areas;

- The eclectic existing streetscape character; and
- The need for more affordable and adaptable housing that can accommodate a wide range of household types.

Further justification for the variation to Standard B2-6 being proposed is attributed to St Leonards Avenue being a local road and not a road in a Transport Zone 2 or a Transport Zone 3. Standard B2-6 states:

The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.

Furthermore, there is no street tree in front of the subject site, which also helps to justify the additional vehicle crossing.



The **reduction of on-street parking** as a result of the proposed (additional) vehicle crossing should not be a negative factor in the consideration of the Standard B2-6 reduction.

The current arrangement includes the existing front dwelling without on-site car parking. Only one car space is available directly in front of the subject land. Therefore, the car associated with this (existing) front dwelling would be parked directly in front

of the subject land. Having regard to Clause 52.06, the existing dwelling represents a one car space shortfall.

The replacement of the existing front dwelling may result in a one car space shortfall in terms of on-street car parking, the proposed replacement dwelling will provide a Clause 52.06 compliant on-site parking provision. Therefore, the loss of one on-street car space is effectively off-set by the provision of two additional on-site car spaces.

Other factors that justify the loss of one car space directly in front of the subject site is that residential dwellings are limited to the southern side of the street. The northern side of the street is that back of a school.

The southern side of the street includes car parking restrictions during 8:00am to 9:00am and 3:00pm to 4:00pm on school days. Therefore, the loss of the on-street car parking space in front of the subject site will not be considered significant for parents dropping off or picking up children from the school opposite the subject land.



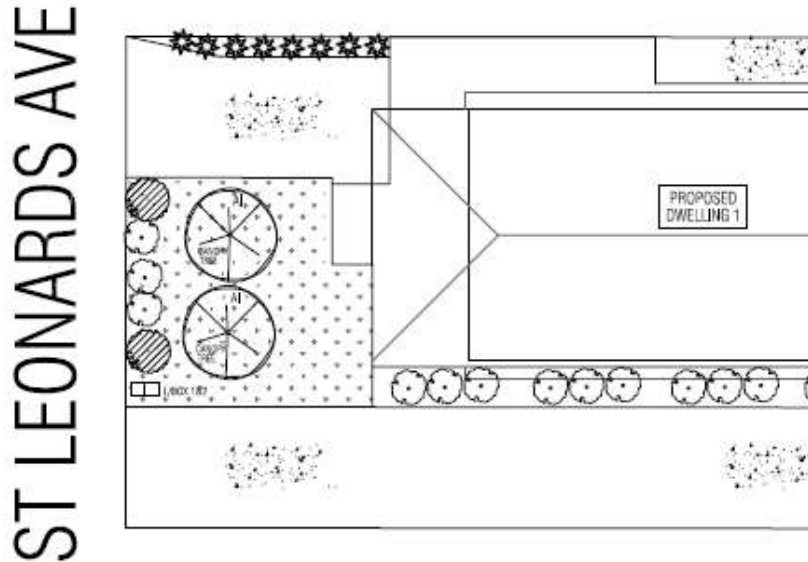
It is the northern side of the street where car parking demand is at its highest as shown in the aerial and streetscape photographs below:





There is ample opportunity for on-street car parking opportunity along the southern side of St Leonards Avenue to 'absorb' any resident or visitor on-street car parking as a direct implication of the loss of the one on-street car parking space due to the additional vehicle crossing proposed for the subject land at 21 St Leonards Avenue.

Despite the additional vehicle crossing and the driveway being proposed for the subject land will continue to provide sufficient space for an attractive front garden that can accommodate two canopy trees and additional planting that provides an attractive front garden setting.



The proposed garden as outlined in the landscaping plan for the proposed dwelling will represent an improvement to the 'barren-looking' front yard that currently exists.



Therefore, the decision guideline to justify the variation to the Standard B2-6 access width is justified, as the proposed accessway width maintains the ability to accommodate canopy trees within the front yard. Furthermore, there is also space to accommodate a future street tree within the remaining section of nature strip directly in front of the subject land

55.03-10 Parking location objectives

The respective car spaces are conveniently located to the respective dwellings. One design feature is that all garages have direct access into the dwellings, which would encourage their use as opposed to residents parking in the street.

Standard B15

The proposal satisfies Standard B15 as the car parking facilities for the proposed dwelling is close and conveniently located to the proposed dwelling.

55.04 AMENITY IMPACTS

55.04-1 Side and rear setbacks objective

The proposed development has been designed to incorporate side and rear setbacks which will ensure that the height and setback of the proposed two-storey form, respecting the preferred neighbourhood character and limits the impact on neighbouring properties, safeguarding their amenity.

The proposed side and rear setbacks for both dwellings will satisfy the numeric requirements of **Standard B17**.

55.04-2 Walls on boundaries objective

The proposed boundary wall associated with the proposed dwelling's garage along the eastern side boundary will not be detrimental to the neighbourhood character and amenity of occupiers on the adjacent allotment (which abuts the neighbouring dwelling's driveway).

The proposal accords with **Standard B18** on the basis of the following:

The proposed dwelling includes boundary wall construction being limited to the eastern side boundary.

Based on the 42.67 metre long eastern boundary, Standard B18 would permit a length of 18.16 metres of boundary wall construction.

The proposed dwelling's garage, coupled with the existing rear dwellings boundary wall construction (along the same eastern boundary) is substantially less than the permitted 18.16 metres, achieving compliance with Standard B2-4 for length of boundary wall construction.

The height of the proposed dwelling's boundary wall garage achieves the Standard B18 maximum average height of 3.2 metres.

55.04-3 Daylight to existing windows objective

Due to the provision of the appropriate building setbacks for the proposed development, it will ensure that there is adequate separation from neighbouring dwelling's habitable room windows.

It is submitted that the proposal will well-designed and positioned within the site so that there is no conflict with the requirements of **Standard B19**.

55.04-4 North-facing windows objective

The proposal has been designed to fully accord with **Standard B20**.

55.04-5 Overshadowing open space objective

The provision of appropriate building setbacks at both the ground and the first floor components ensures that the proposal will not conflict with the objectives of Clause 55.04-5.

The proposal will not conflict with the requirements of **Standard B21** and shadow diagrams demonstrate full compliance.

55.04-6 Overlooking objective & 55.04-7 Internal views objective

The provision of suitably treated first floor windows at the upper level will ensure that there will be no adverse overlooking of neighbouring properties and within the development site itself. It is submitted that **Standards B22** and **B23** have been satisfied.

Permit conditions can be imposed by Council to safeguard the amenity of neighbours.

55.04-8 Noise impacts objectives

The proposed development has been designed in such a way to contain noise sources within developments, so that that there is unlikely to be any adverse impact to the occupiers living on adjacent properties.

Standard B24

In terms of Standard B24 relating to noise sources, provisions such as mechanical plant (external air-conditioning units, heaters, hot-water units, etc.), these can easily be addressed by appropriate permit conditions being imposed by the Responsible Authority.

55.05 ON-SITE AMENITY AND FACILITIES

55.05-1 Accessibility objective

It is submitted that the proposal has been designed to be mindful of visitors with limited mobility to the proposed dwellings in the design of this two-dwelling development.

The ground level sub-floor has been kept to a 'workable' minimum.

The specific requirement of Standard B25 relates specifically to the dwelling entries of the ground floor of dwellings are accessible to people with limited mobility. Despite the reverse living layout of the proposed dwelling, the provision of a ground level lounge room is highly appropriate for visitors to this dwelling with limited mobility.

55.05-2 Dwelling entry objective

The proposal satisfies the dwelling entry objective of Clause 55.05-2 justifying the proposed layout by having the provision of the front entry door of the proposed dwelling with a direct orientation to the street.

Standard B26

The proposed design of each dwelling accords with the requirements of Standard B26 by ensuring that the respective entries to each dwelling are:

- *Visible and easily identifiable from street.*
- *Provides shelter, a sense of personal address and a transitional space around the entry.*

55.05-3 Daylight to new windows objective

The design of the proposed dwellings ensures adequate daylight into new habitable room windows and fully accords with Standard B27.

55.05-4 Private open space objective

The proposed development has been designed to provide adequate private open space for the reasonable recreation and service needs of residents. The proposal will have a balcony that substantially exceeds the minimum dimensions and area of **Standard B28**, ensuring a highlevel amenity for future occupiers.

A ground level service area supplements the proposed dwelling's balcony which results in a high level of compliance with Clause 55.05-4, representing an appropriate design response for a three bedroom 'family home' that is proposed for the subject land.

The front dwelling also includes a 32.1 square metre front yard and 37.8 square metre rear open space area, which supplements the principal secluded open space (front balcony), which is appropriately integrated with the first floor living area.

The existing rear dwelling achieves a Standard B28 compliant open space provision by having the provision of 27.8 square metres of north-facing secluded open space, exceeding the required 25 square metres with a minimum dimension of 3.0 metres. There is an additional 18.1 square metres of additional service area for the existing rear dwelling that is being retained.

55.05-5 Solar access to open space objective

The objective of Clause 55.05-5 is to allow solar access into the secluded private open spaces of new dwellings. The proposal satisfies this particular Standard by having the proposed dwelling's principal secluded open space (the balcony), having an excellent northern orientation.

The appropriate physical separation between the proposed front dwelling and the existing rear dwelling, ensures that **Standard B29** is achieved for the rear dwelling's principal open space at ground level.



Clause 55.05-6 Storage objective

It is submitted that the proposal satisfies the Objective and **Standard B30** as proposed dwellings will each have an appropriately sized storage sheds (6m³) within the secluded open space areas at ground level.

55.06 DETAILED DESIGN

55.06-1 Design detail objective

It is submitted that the proposed development reflects design detail that is of a high standard and will have a positive effect on the character of the area.

Standard B31

The proposed design of the proposed development includes:

- *Appropriate front facade articulation and detailing which includes varying wall treatments to external elevations to minimise visual impact of a proposed two-storey development.*
- *Window and door proportions, as well as a combination in varying external cladding, results in design detail that is complementary with numerous existing dwellings within St Leonards Avenue as well as the surrounding area.*
- *The proposal reflects a unique and contemporary design as encouraged by this section of ResCode. The ‘decision guidelines’ of Standard B31 seek the design to be “innovative and of a high architectural standard.” The proposed ‘Box Modern’ architectural style; the inclusion of the varying cladding materials and finishes; as well as a flat roof form and the modern window proportions will contribute to an appropriate design, being a reflection of the emerging character of more recent development occurring within this part of Yarraville. Pages 23-25 of this report include examples of the more recent dwellings that have been constructed in this section of Yarraville, justifying the proposed design detail.*
- *The proposed buildings being well articulated throughout which is positive from a design point of view, where visual bulk associated with the upper level component has been minimised utilising a number of design techniques, including the provision of a front balcony.*
- *The proposed garages have front tilt-a-doors that are integrated into the overall design.*

Overall, **Standard B31** encourages designs to be of an appropriately innovative nature as well as of a high architectural standard, which this development will achieve.

55.06-2 Front fences objective

As fencing at the street frontage is not proposed, this will in fact accord with the preferred neighbourhood character to create an appropriate ‘open’ green character and does not conflict with **Standard B32**.

55.06-3 Common property objectives

Common property has been avoided for this proposal.

55.06-4 Site services objectives

The proposed development has been designed in such a way to ensure that site services can be installed and easily maintained, as well as the site facilities being accessible, adequate and attractive.

Permit conditions can be imposed by the Responsible Authority to ensure that the specific requirements of **Standard B34** are satisfied.