

Application for a Planning Permit

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

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

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

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

i Click for further information.

CITY OF MARIBYRNONG
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24/03/2025
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.: 30	St. Name: Mitchell Street
Suburb/Locality: MARIBYRNONG		Post Code: 3032

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title

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

A	Vol.: 5257	Folio.: 396	Suburb.: Maribyrnong
OR	Lot No.: 140	Type.: Lot/Lodged Plan	
B	Crown Allotment No.:		Section No.:
	Parish/Township Name:		

CITY OF MARIBYRNONG
ADVERTISED PLAN

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? *

Building of a Brick double story house with double garage

i 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 *


800000.00	⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.
If the application is for land within metropolitan Melbourne (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1.093 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.	

Existing Conditions

Describe how the land is used and developed now *

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

The land is vacant at the moment


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

Title Information

Encumbrances on title *

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

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

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Name:

Title: NA First Name: Calisto Surname: Perri

Organization (if applicable):

Unit No: St. No: 70 St. Name: Mitchell Street

Suburb: MAIDSTONE State: VIC Postcode: 3012

Business phone: 0409951740 Email: cali.perri78@gmail.com

Mobile phone: Home:

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

Contact person's details*

Name:

Same as applicant ☒

Title: NA First Name: Calisto Surname: Perri

Organization (if applicable):

Unit No: St. No: 70 St. Name: Mitchell Street

Suburb: MAIDSTONE State: VIC Postcode: 3012

Business phone: 0409951740 Email: cali.perri78@gmail.com

Mobile phone: Home:

Owner *

The person or organisation who owns the land

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

Name:

Same as applicant ☒

Title: NA First Name: Calisto Surname: Perri

Organization (if applicable):

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

Unit No: St. No: 70 St. Name: Mitchell Street


Suburb: MAIDSTONE State: VIC Postcode: 3012

Business Phone: 0409951740 Email: cali.perri78@gmail.com

Mobile phone: Home:

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Calisto Perri

Date

24 / 03 / 2025

day / month / year

Need help with the Application?

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

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

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



No



Yes

Officer Name:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



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



Provided all necessary supporting information and documents?



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



A plan of existing conditions.



Plans showing the layout and details of the proposal.



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



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



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



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

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

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

Contact information:

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

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

The Land

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

How is land identified


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

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?


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

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

How do planning schemes affect proposals?

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

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

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

See **Example 2**.


Estimated cost of development

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

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

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

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

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

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

Existing Conditions

How should land be described?

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

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

See **Example 3**.

Title Information

What is an encumbrance?

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

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

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

What documents should I check to find encumbrances

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

What about caveats and notices?

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

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

What happens if the proposal contravenes an encumbrance on title?

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

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CITY OF MARIBYRNONG
RECEIVED
12/06/2025
URBAN PLANNING

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 05257 FOLIO 396

Security no : 124125271538N
Produced 12/06/2025 11:40 AM

LAND DESCRIPTION

Lot 140 on Plan of Subdivision 009942.
PARENT TITLE Volume 02226 Folio 154
Created by instrument 1313936 13/04/1927

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
CALISTO PERRI of 26 NAPOLEAN ST WEST FOOTSCRAY 3011
W229772H 18/08/1999

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AC908976B 08/06/2004
WESTPAC BANKING CORPORATION

COVENANT 1313936

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 TP713447S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 30 MITCHELL STREET MARIBYRNONG VIC 3032

ADMINISTRATIVE NOTICES

NIL

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

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 713447S
Location of Land Parish: CUT-PAW-PAW Township: Section: 21 Crown Allotment: 12(PT) Crown Portion: Last Plan Reference: LP 9942 Derived From: VOL 5257 FOL 396 Depth Limitation: NIL		Notations CITY OF MARIBYRNONG RECEIVED 12/06/2025 URBAN PLANNING ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information <i>All that piece of Land delineated and coloured red on the map in the margin being Lot 140 on Plan of Subdivision No.9942 lodged in the Office of Titles and being part of Crown Allotment Twelve Section Twenty-one--- Parish of Cut Paw Paw County of Bourke Together with a right of carriage way over the roads colored brown on said Plan of Subdivision. - - - - -</i>		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 08/12/2000 VERIFIED: CP COLOUR CODE R=RED	
LENGTHS ARE IN FEET & INCHES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets

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1313936 ✓

2801574
FREEHOLD.

HENDERSON AND BALL

Victoria

TRANSFER OF LAND.

2798239

COLONIAL AMMUNITION COMPANY (AUSTRALIA) PROPRIETARY LIMITED whose registered Office is situated at 47 Queen Street Melbourne in the State of Victoria being registered as the proprietor of an estate in fee simple in the land hereinafter described subject to the -- encumbrances notified hereunder in consideration of the sum of -- Seven thousand two hundred and fifty pounds paid to it by THOMAS LAURENCE McNAMARA of "Yangoora" The Avenue Canterbury in the said State Accountant for inter alia such land and in further -- consideration of the sum of Ninety pounds paid to the said Thomas Laurence McNamara by WILLIAM GEORGE ERNEST MARSH of Cowper Street Footscray Laborer -- -- -- and in further consideration of the sum of ONE HUNDRED AND FIFTEEN POUNDS AND SIXPENCE -- -- -- paid to the said William George Ernest Marsh by JOSEPH WILLIAM BROWN of Ryan Street Footscray Carpenter DOTH HEREBY TRANSFER to the said Joseph William Brown at the request and by the direction of the said Thomas Laurence McNamara and William George --- Ernest Marsh testified by their signatures hereto All its estate and interest in ALL THAT piece of land being Lot Number One --- hundred and forty on Plan of Subdivision Number 9942 lodged in the Office of Titles and being part of Crown Allotment Twelve Section Twenty one Parish of Cut Paw Paw County of Bourke and being part of the land described in Certificate of Title Volume 2226 Folio 445154 Together with a right of carriage way over the roads colored brown on the said Plan of Subdivision AND I the said Joseph William Brown for myself my heirs executors administrators and transferees the registered proprietor or proprietors for the time being of the land hereby transferred DO HEREBY COVENANT --- with the said Colonial Ammunition Company (Australia) Proprietary Limited its successors and transferees the registered proprietor or proprietors for the time being of the land remaining untransferred in the said Certificate of Title THAT I the said Joseph William Brown will not excavate carry away or remove or permit to



2226
154 A
Under an acre
Togeth Roads brown
on said L.P.
ENCE The Court in
T.R. 1313936
4/5/27



IMAGED

be excavated carried away or removed from the said land hereby transferred any earth clay stone gravel or sand except for the purpose of excavating for the foundation of any building to be -- erected thereon or use or permit or allow the said land to be used for the manufacture or winning of bricks tiles or pottery-ware and I the said Joseph William Brown consent to the foregoing covenant appearing as an encumbrance on the Certificate of Title to be --- issued in respect of the said land and running with such land.

DATED the *Twelfth* day of *April*
One thousand nine hundred and twenty seven.

THE COMMON SEAL of COLONIAL AMMUNITION)
COMPANY (AUSTRALIA) PROPRIETARY LIMITED)
was hereto affixed in the presence of

Howard Gould }
William J. J. J. J. } Directors
M. Bennett } Secretary

SIGNED by the said THOMAS LAURENCE
MONAMARA in Victoria in the presence
of

W. B. Marshall
W. B. Marshall
W. B. Marshall

SIGNED by the said WILLIAM GEORGE
ERNEST MARSH in Victoria in the pres-
ence of

W. B. Marshall
W. B. Marshall
A Commissioner for taking Declarations &
Affidavits under the Evidence Act 1915.

SIGNED by the said JOSEPH WILLIAM
BROWN in Victoria in the presence of

J. W. Brown
J. W. Brown
A Commissioner for taking Declarations &
Affidavits under the Evidence Act 1915.

ENCUMBRANCES REFERRED TO

Nil.

DATE

1927

COLONIAL AMUNITION COMPANY
(AUSTRALIA) PROPRIETARY LIMITED
(by direction)

MR. J. W. BROWN

to

TRANSFER

HENDERSON & BALL
Solicitors.
450 Little Collins Street
Melbourne.

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR SYMBOL THEREON
TRANSFER AS TO PART	THE 13 th DAY OF April 1927.	TO Joseph William Brown <i>Joseph William Brown</i>	1313936
<p><i>Robt.</i></p> <p>ASSISTANT REGISTRAR OF TITLES.</p> <p>I Certify THAT A MEMORIAL OF THE WITHIN INSTRUMENT WAS ENTERED, AT THE TIME LAST ABOVE MENTIONED IN THE REGISTER BOOK VOL. 2226 FOL. 445/134</p> <p><i>Joseph William Brown</i></p> <p>ASSISTANT REGISTRAR OF TITLES.</p>			

CITY OF MARIBYRNONG

RECEIVED

24/03/2025

URBAN PLANNING

town
planners
melbourne

Design Response Report

Development of Land for a Single Dwelling
30 Mitchell Street, Maribyrnong

March 2025

Narelle Cassar

6/6 Leake Street Essendon Victoria 3040

info@townplannersmelbourne.com.au

Contents

Subject Site & Surrounds	5
Subject site	5
Surrounding area	5
Details of Proposal	6
Planning Triggers	6
Planning Policies	6
00 Purpose and Vision	6
02.01 CONTEXT	6
02.02 VISION	7
02.03 STRATEGIC DIRECTIONS	7
02.03-1 Settlement	7
02.03-4 Built environment and heritage	8
02.03-5 Housing	9
02.04 Strategic framework plans	10
10 Planning Policy Framework	11
11 SETTLEMENT	11
11.01 VICTORIA	11
11.02 MANAGING GROWTH	11
11.03 PLANNING FOR PLACES	11
12 ENVIRONMENTAL AND LANDSCAPE VALUES	12
12.01 BIODIVERSITY	12
12.02 MARINE AND COASTAL ENVIRONMENT	12
12.03 WATER BODIES AND WETLANDS	12
12.04 ALPINE AREAS	12
12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES	12
13 ENVIRONMENTAL RISKS AND AMENITY	12
13.01 CLIMATE CHANGE IMPACTS	13
13.02 BUSHFIRE	13
13.03 FLOODPLAINS	13
13.04 SOIL DEGRADATION	13
13.05 NOISE	13
13.06 AIR QUALITY	13
13.07 AMENITY, HUMAN HEALTH AND SAFETY	13
14 NATURAL RESOURCE MANAGEMENT	14
14.01 AGRICULTURE	14

14.02	WATER.....	14
14.03	EARTH AND ENERGY RESOURCES	14
15	BUILT ENVIRONMENT AND HERITAGE	14
15.01	BUILT ENVIRONMENT	15
15.02	No content	16
15.03	HERITAGE	16
16	HOUSING	16
16.01	RESIDENTIAL DEVELOPMENT	16
19	INFRASTRUCTURE.....	17
19.01	ENERGY.....	17
19.02	COMMUNITY INFRASTRUCTURE	17
19.03	DEVELOPMENT INFRASTRUCTURE	17
	To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.	18
	Planning Policies - Design Response Discussion.....	18
	Zoning and Overlays.....	18
30.0	Zoning	18
32.09	Neighbourhood Residential Zone	18
32.09-2	Table of uses – Section 1 Permit not required	18
32.09-4	Minimum Garden Area requirement.....	19
32.09-5	Construction and extension of one dwelling on a lot	19
	Schedule 8 to the Neighbourhood Residential Zone	19
	Zoning – Design Response Discussion	19
4.0	Overlays.....	20
43.02	Design and Development Overlay.....	20
43.02-2	Building and works.....	20
	Schedule 4 to the Design and Development Overlay	20
	Overlay – Design Response Discussion	21
	Particular Provisions	22
52.06	Car Parking	22
52.06-5	Table 1 – Car Parking Requirements.....	22
	Clause 53.18 – Stormwater Management in Urban Development:	23
54	One dwelling on a lot	23
54.02	NEIGHBOURHOOD CHARACTER	23
54.03	SITE LAYOUT AND BUILDING MASSING	24
54.04	AMENITY IMPACTS.....	27

54.05	ON-SITE AMENITY AND FACILITIES	30
54.06	DETAILED DESIGN	31
Conclusion		33

Subject Site & Surrounds

Subject site

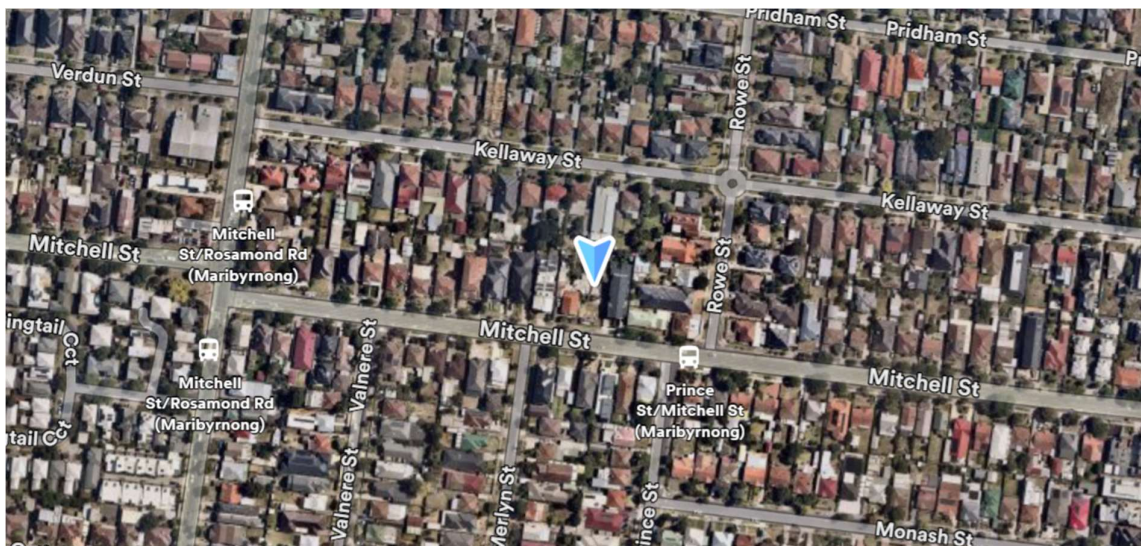
The subject site is a rectangular in shape parcel of approximately 696.77 square metres located on the south northern side of Mitchell Street in Maribyrnong. The frontage of the site to Mitchell Street is 15.24 metres and the site has a depth of 45.72 metres. The site is legally referred to as Lot 140 on lodged plan 9942.

There is one formed concrete vehicular crossover providing access directly from Mitchell Street. There is a concrete pedestrian foot path along the street frontage and grassed nature strip.

The subject site is not within aboriginal cultural heritage area. This application seeks to construct a single dwelling which is exempt from the requirement of preparing a Cultural Heritage Management Plan.

The site is zoned Neighbourhood Residential - schedule 1 (NRZ1) and is affected by the following overlays:

- Development contributions overlay – schedule 2 (DCPO2)
- Design and development overlay – schedule 10 (DDO10)



Subject Site Source: Nearmap 1 February 2025

Surrounding area

The surrounding area is primarily residential with 1950-60s development locally prevalent. The vast majority of allotments range from 60 to 800 square metres in area accommodating single detached dwellings. Although, much of the built form comprises original housing stock within Maribyrnong with additions to the rear there are many examples of more recent infill development particularly along the waterfront.

The subject site is within Garden Suburban Precinct 2.

The streets of this precinct have a sense of openness, due to the relatively wide streets, nature strips and generous front and side setbacks. This is reinforced by the low scale dwellings and low level front fences. Buildings are generally low scale with room for the planting of substantially sized vegetation. Some buildings include architectural detailing. Well maintained nature strips and a variety of street trees strengthen the established feel of this precinct.

Details of Proposal

This application seeks to construct a single dwelling at 30 Mitchell Street Maribyrnong to include: The ground level consists of an entry and study, separate lounge, laundry and toilet, bedroom 1 with WIR and ensuite, kitchen, dining and living area with attached an alfresco. The upper storey includes master bedroom with WIR and ensuite, bedrooms 2, 3 and 4, storage, main bathroom and toilet, play area, retreat and study. There is a double lockable garage attached at the southeastern corner of the site offering internal access via the entry area. Secluded private open space offered to the north of the site.

Planning Triggers

Pursuant to 32.09-5 of the Planning Scheme a permit is required to construct a single dwelling on a lot less than 300 square metres. The subject site occupies an area of 696.77 square metres. As such, a planning permit is not triggered by this clause however this report includes a clause 54 assessment.

Pursuant to 43.02-2 of the Planning Scheme a permit is required to Construct a building or construct or carry out works unless otherwise stated in the schedule to DDO. Schedule 10 states a permit is not required to construct a single storey building however this application involves a double storey dwelling. As such, a planning permit is triggered by this clause.

Planning Policies

00 Purpose and Vision

The relevant provisions within Maribyrnong's planning scheme include:

02.01 CONTEXT

Context

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

The City's proximity to the Melbourne Central City allows for convenient access to employment, education, retail and business services. Maribyrnong is a 'gateway' to Melbourne's western region with good accessibility to the Port of Melbourne and airports. The City's population is one of the most culturally and ethnically diverse within Victoria. The population is projected to increase from approximately 86,400 in 2021 to approximately 155,000 in 2051 (Forecast ID, 2023). Population growth, redevelopment, gentrification and a transitioning economy is leading to an increase in residents, businesses and other opportunities in the City.

Settlement

The City's activity centre network provides residents, workers and visitors with access to a wide range of services. Activity centres are key locations for employment, transport, retailing, businesses, community services and increasingly for higher density forms of housing. The City's activity centres vary in size, functions and roles, ranging from specialised centres like Yarraville through to regional centres like Footscray Metropolitan Activity Centre and Maribyrnong-Highpoint Major Activity Centre.

Built Environment and Heritage

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

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

02.02 VISION

Council Plan Vision

The Council Plan 2021-25 outlines a vision for the City of Maribyrnong to be 'an inclusive, flourishing, progressive city that cares for both its residents and its environment.' To achieve the vision, Council has focused on five strategic objectives:

- Safe climate and healthy environment.
- Liveable neighbourhoods.
- A place for all.
- Future focussed.
- Ethical leadership.

02.03 STRATEGIC DIRECTIONS

02.03-1 Settlement

Activity centres

The larger activity centres have the potential to broaden their range of uses, particularly increasing the extent of professional offices and residential development. Metropolitan and Major Activity Centres provide the greatest capacity for higher density mixed use development and diverse housing typologies. Neighbourhood Activity Centres provide daily convenience retailing and local commercial services, along with housing on the upper levels.

Smaller centres, such as Local Centres and Small Destination Centres, also provide daily convenience services and have capacity to accommodate residential development on the upper levels; however, this should be balanced with the local character.

Maribyrnong's activity centre network is identified in the Activity Centre Framework Plan in Clause 02.04.

02.03-4 Built environment and heritage

Building and urban design

Development needs to be responsive to its context, which varies considerably between different settings.

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

Council seeks to:

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

Environmentally sustainable design

The extent of redevelopment occurring in the City affords an opportunity for sustainable design and development outcomes that can reduce greenhouse gas emissions, energy consumption, and waste. Water conservation practices are needed to manage water resources and reduce reliance on potable water for non-drinking purposes. New development will be expected to incorporate water re-use technology and Water Sensitive Urban Design.

Sustainability principles will strongly influence the design, siting and servicing of buildings (especially residential). Development will need to meet new design and development requirements, adopt new and emerging technologies, and achieve best practice. Best practice can be achieved by applying a variety of tools, technology, and design. Evaluation tools such as the Built Environment Sustainability Scorecard (BESS) and Sustainable Design Assessment should be used to demonstrate the sustainability of new developments. Other recognised evaluation tools include Green Star, Stormwater Treatment Objective Relative Measure (STORM), and Model for Urban Stormwater Improvement Conceptualisation (MUSIC).

Council seeks to:

- Encourage development to incorporate environmentally sustainable design.

Significant trees

There are trees in the City that play a special significance in the urban environment and in the City's urban forest.

Council seeks to:

- Protect and enhance identified significant trees.

Neighbourhood character

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

Council seeks to:

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

02.03-5 Housing Housing Growth

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

Substantial housing change should occur in Substantial Change Areas as identified in the Housing Framework Plan. In the future, the Substantial Change activity centres (Maribyrnong-Highpoint Major Activity Centre and Footscray Metropolitan Activity Centre) will assume a stronger role and greater capacity for substantial medium and higher density housing developments. Significant redevelopments are proposed for the Maribyrnong Defence Site, Kinnears site in Footscray, the former Defence site in Beachley Street, Braybrook, the Bradmill Precinct in Yarraville and the Maidstone Hampstead Road East Strategic Redevelopment Sites. Other smaller sites across the municipality will also contribute to the supply of new housing.

Incremental housing change should occur in Incremental Change Areas as identified in the Housing Framework Plan. Incremental Change Areas are all other residential areas without heritage significance, an identified residential character, or an identified constraint such as inundation that warrants planning protection through specific overlays. The mixed use and residential developments occurring in Incremental Change activity centres will continue and increase.

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

- Direct the majority of the City's housing growth and greater housing diversity to substantial change areas.
- Preserve neighbourhood and heritage character in limited change residential areas.

Housing diversity and affordability

The City has a higher proportion of lone person households and an increasing proportion of family households. Population growth is driving a demand for these forms of housing as well as housing for older people.

Housing affordability is an issue for the City. Increasing the supply of affordable housing is a key priority.

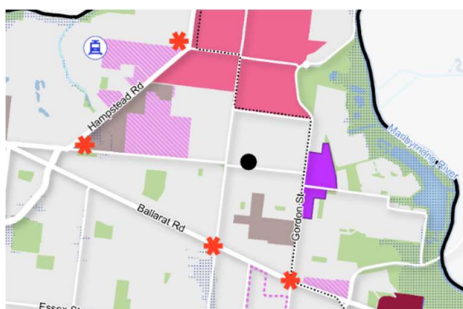
To support the role of Victoria University, housing is needed for university staff and students. Many residential developments located within the Footscray Metropolitan Activity Centre provide specialised student housing while others are not suitably designed for the needs of students or staff. University accommodation should have good access to transport, facilities and services, and contribute to the life of the Footscray Metropolitan Activity Centre.

All housing development should provide a high level of amenity to all residents.

Council seeks to:

- Facilitate a diversity of dwelling typologies, configurations and sizes that cater for differing community needs including students, older people and people with disabilities.
- Facilitate an increase in the supply of affordable housing and other types of housing that are affordable, including social housing to assist in reducing housing stress.
- Support housing development that provides occupants with a high level of amenity.

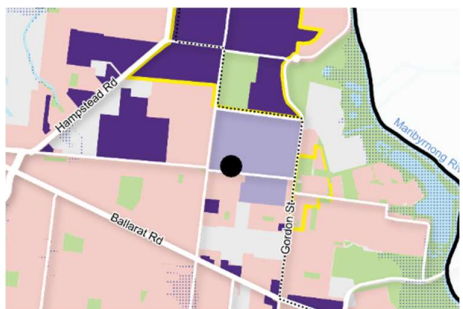
02.04 Strategic framework plans Strategic Framework Plan



No 30 Mitchell Street Maribyrnong is centrally located between:

- 4 local centres within 1km to a major activity centres
- A neighbourhood activity centre
- Maribyrnong-Highpoint major activity centre
- A strategic redevelopment site
- Core employment area

Housing Framework Plan



No 30 Mitchell Street Maribyrnong is within an area where limited change is deemed appropriate

10 Planning Policy Framework

The relevant provisions within Maribyrnong's planning scheme:

11 SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

11.01	VICTORIA
11.01-1S	Settlement
To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.	

11.02	MANAGING GROWTH
11.02-1S	Supply of urban land
To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.	
11.02-2S	Structure planning
To facilitate the fair, orderly, economic and sustainable use and development of urban areas.	
11.02-3S	Sequencing of development
To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.	

11.03	PLANNING FOR PLACES
11.03-1S	Activity centres
To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.	
11.03-2S	Growth areas
To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.	
11.03-3S	Peri-urban areas
To manage growth in peri-urban areas to protect and enhance their identified valued attributes.	
11.03-4S	Coastal settlement
To plan for sustainable coastal development.	

11.03-5S	Distinctive areas and landscapes
To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.	
11.03-6S	Regional and local places
To facilitate integrated place-based planning.	

12 ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

12.01	BIODIVERSITY
12.01-1S	Protection of biodiversity
To protect and enhance Victoria's biodiversity.	
12.01-2S	Native vegetation management
To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.	
12.02	MARINE AND COASTAL ENVIRONMENT
12.02-1S	Protection of the marine and coastal environment
To protect and enhance the marine and coastal environment.	
12.02-2S	Marine and coastal Crown land
To ensure the use and development of marine and coastal Crown land is ecologically sustainable, minimises impacts on cultural and environmental values, and improves public benefit for current and future generations.	
12.03	WATER BODIES AND WETLANDS
12.03-1S	River and riparian corridors, waterways, lakes, wetlands and billabongs
To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.	
12.04	ALPINE AREAS
12.04-1S	Sustainable development in alpine areas
To facilitate sustainable use and development of Alpine areas for year-round use and activity.	
12.05	SIGNIFICANT ENVIRONMENTS AND LANDSCAPES
12.05-1S	Environmentally sensitive areas
To protect and conserve environmentally sensitive areas.	
12.05-2S	Landscapes
To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.	

13 ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

Land use and development compatibility.

- Effective controls to prevent or mitigate significant impacts.
- Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

13.01 CLIMATE CHANGE IMPACTS

13.01-1S Natural hazards and climate change

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

13.01-2S Coastal inundation and erosion

To plan for and manage coastal hazard risk and climate change impacts.

13.02 BUSHFIRE

13.02-1S Bushfire planning

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

13.03 FLOODPLAINS

13.03-1S Floodplain management

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

13.04 SOIL DEGRADATION

13.04-1S Contaminated and potentially contaminated land

To ensure that contaminated and potentially contaminated land is used and developed safely.

13.04-2S Erosion and landslip

To protect areas prone to erosion, landslip or other land degradation processes.

13.04-3S Salinity

To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

13.05 NOISE

13.05-1S Noise management

To assist the management of noise effects on sensitive land uses..

13.06 AIR QUALITY

13.06-1S Air quality management

To assist the protection and improvement of air quality.

13.07 AMENITY, HUMAN HEALTH AND SAFETY

13.07-1S Land use compatibility

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

13.07-2S Major hazard facilities

To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

13.07-3S Live music

14 NATURAL RESOURCE MANAGEMENT

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

14.01 AGRICULTURE

14.01-1S Protection of agricultural land

To protect the state's agricultural base by preserving productive farmland.

14.01-2S Sustainable agricultural land use

To encourage sustainable agricultural land use.

14.01-3S Forestry and timber production

To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests.

14.02 WATER

14.02-1S Catchment planning and management

To assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment.

14.02-2S Water quality

To protect water quality.

14.02-3S Protection of declared irrigation districts

To plan and manage for sustainable change within irrigation districts declared under Part 6A of the Water Act 1989.

14.03 EARTH AND ENERGY RESOURCES

14.03-1S Resource exploration and extraction

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

15 BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods. Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimize detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

Planning should promote development that is environmentally sustainable and minimise detrimental impacts on the built and natural environment.

Planning should facilitate development that:

- Is adapted and resilient to climate related hazards.
- Supports the transition to net zero greenhouse gas emissions.
- Minimises waste generation and supports resource recovery.
- Conserves potable water.
- Supports the use of, and access to, low emission forms of transport.
- Protects and enhances natural values.
- Minimises off-site detrimental impacts on people and the environment.

15.01 BUILT ENVIRONMENT

15.01-1S Urban design

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

15.01-2S Building design

To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

15.01-3S Subdivision design

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

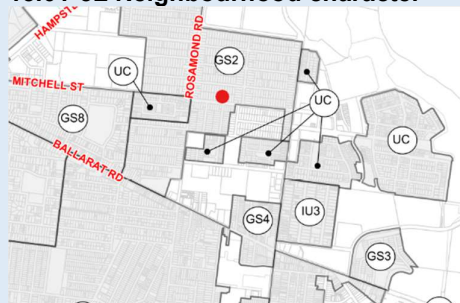
15.01-4S Healthy neighbourhoods

To achieve neighbourhoods that foster healthy and active living and community wellbeing.

15.01-5S Neighbourhood character

To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

15.01-5L Neighbourhood character



No 30 Mitchell Street Maribyrnong is within garden suburban precinct 2

Guidelines

Element	Objectives	Design Response
Existing Buildings	To encourage the retention of older dwellings that contribute to the valued character of the area.	<i>This application will not result in the demolition of older dwellings that contribute to the valued character of the area</i>
Vegetation	To maintain and strengthen the garden setting of the dwellings.	<i>Proposed siting promotes the planting of vegetation and reasonably large setbacks allows for tree growth ultimately providing a canopy back drop to the streetscape. Being setback from one side boundary further enhances this aspect.</i>
Siting	To maintain the consistency, where present, of front boundary setbacks.	<i>The site stands between two dwellings being 28 Mitchell Street and 32 Mitchell Street having front setbacks of 7.11 metres and 6.09 metres, respectively. This proposal presents a front setback of</i>

		<i>6.60 metres, being reasonably consistent with the two adjoining neighbours and locally responsive.</i>
	To maintain gaps between dwellings where this is a characteristic of the street.	<i>Proposed side setback along the western boundary reinforces the rhythm of spatial separation between buildings along Mitchell Street</i>
	To minimise the loss of front garden space and the dominance of car parking structures.	<i>Proposed front setback of 6.60 metres promotes the provision of permeable surfaces and open space and the planting of trees and vegetation</i> <i>Proposed garage is further setback from the street frontage minimising the dominance of car parking structures along Mitchell Street streetscape</i>
Height and building form	To ensure that buildings and extensions do not dominate the streetscape.	<i>Proposed siting, scale and general built form is in keeping with the prevailing pattern of development within garden suburban precinct 2</i>
Front boundary Treatment	To enhance the security of properties and maintain views into front gardens.	<i>Relatively low, transparent front fencing encourages observation of adjoining roads promoting safety</i>
15.01-6S Design for rural areas To ensure development respects valued areas of rural character.		
15.02	No content	
15.03	HERITAGE	
15.03-1S	Heritage conservation To ensure the conservation of places of heritage significance.	
15.03-2S	Aboriginal cultural heritage To ensure the protection and conservation of places of Aboriginal cultural heritage significance.	

16 HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

16.01	RESIDENTIAL DEVELOPMENT	
16.01-1S	Housing supply To facilitate well-located, integrated and diverse housing that meets community needs.	
16.01-2S	Housing affordability To deliver more affordable housing closer to jobs, transport and services.	
16.01-3S	Rural residential development To identify land suitable for rural residential development.	
16.01-4S	Community care accommodation To facilitate the establishment of community care accommodation and support their location being kept confidential.	

19 INFRASTRUCTURE

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services.

Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Infrastructure planning should avoid, minimise and offset environmental impacts, and incorporate resilience to natural hazards, including future climate change risks.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.

19.01	ENERGY
19.01-1S	Energy supply
To facilitate appropriate development of energy supply infrastructure.	
19.01-2S	Renewable energy
To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.	
19.01-3S	Pipeline infrastructure
To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.	
19.02	COMMUNITY INFRASTRUCTURE
19.02-1S	Health facilities
To assist the integration of health facilities with local and regional communities.	
19.02-2S	Education facilities
To assist the integration of education and early childhood facilities with local and regional communities.	
19.02-3S	Cultural facilities
To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.	
19.02-4S	Social and cultural infrastructure
To provide fairer distribution of and access to, social and cultural infrastructure.	
19.02-5S	Emergency services
To ensure suitable locations for police, fire, ambulance and other emergency services.	
19.02-6S	Open space
To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.	
19.03	DEVELOPMENT INFRASTRUCTURE
19.03-1S	Development and infrastructure contributions plans
To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.	
19.03-2S	Infrastructure design and provision
To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.	
19.03-3S	Integrated water management
To sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach.	
19.03-4S	Telecommunications

To facilitate the orderly development, extension and maintenance of telecommunications infrastructure.

19.03-5S Waste and resource recovery

To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.

Planning Policies - Design Response Discussion

The proposal generally satisfies the abovementioned objectives in the Purposes & Vision and the state and local Planning Policy Framework. This application builds on the policy expectation for housing improvement close to existing infrastructure, in creating better livability without compromising the amenity of adjoining properties and neighbourhood character.

The proposed dwelling makes a positive contribution to housing diversity within Maribyrnong. Centrally located between four local centres, a neighbourhood activity centre and Maribyrnong-Highpoint major activity centre within proximity to public transport encouraging other modes of transport.

Proposal thoughtfully responds to the existing built form within garden suburban precinct 2 in terms of its scale and form, proposed siting reflects the rhythm of spatial separation between buildings along Mitchell Street and the front façade creates visual interest. Relatively low transparent front fencing provides a sense of openness to the streetscape and the proposed garage being further setback minimise dominance of car parking structures. Permeability exceeds minimum requirements and the internal layout employs passive design principals supporting sustainability.

Zoning and Overlays

30.0 Zoning

32.09 Neighbourhood Residential Zone

The Neighbourhood Residential Zone provisions contained in the Maribyrnong's Planning Scheme has four main purposes.

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

32.09-2 Table of uses – Section 1 Permit not required

Use	Condition
Dwelling (other than Bed and breakfast)	None

Home based business

Informal outdoor recreation

32.09-4 Minimum Garden Area requirement

Pursuant to 32.09-4 of the Planning Scheme an application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out below:

Allotment size (in square metres)	Minimum % of allotment set aside as garden area	Applicable
400-500	25	
500-650	30	
650 and over	35	Yes

The proposal is compliant with clause 32.09-4 as:

The site occupies an area of 696.77 square metres and the proposed dwelling presents an overall site coverage of 51%, resulting in having sufficient remaining land to provide for more than 35% garden area.

This application includes **39.5% garden area**.

32.09-5 Construction and extension of one dwelling on a lot

Pursuant to 32.09-5 of the Planning Scheme a permit is required to construct a single dwelling on a lot less than 300 square metres. The subject site occupies an area of 663.09 square metres, as such, a planning permit is not triggered by this clause.

Schedule 8 to the Neighbourhood Residential Zone

Standard	Ref	Description	Design Response
Minimum Street Setback	A3	None specified	As per A3 ✓
Site Coverage	A5	None specified	As per A5 ✓
Permeability	A6	None specified	As per A6 ✓
Side and Rear Setbacks	A10	None specified	As per A10 ✓
Walls on Boundaries	A11	None specified	As per A11 ✓
Private Open Space	A17	None specified	As per A17 ✓
Front Fence Height	A20	None specified	As per A20 ✓

Zoning – Design Response Discussion

The proposed dwelling has considered and responded to the purpose of the zone. The subject land is located in close proximity to a variety of facilities and services.

In summary the policy context encourages greater choice in the type of housing to meet the varied accommodation needs of the community and is situated within easy access to public transport, shopping and community facilities; while respecting character and residential amenity, including natural assets and consideration of views. It achieves minimum garden area requirements.

The site is located in close proximity to local shopping, community facilities, education facilities, and public open space reserves. The character of the neighbourhood and surrounds have been fully considered in the design response for this development and is considered to be consistent and in keeping.

4.0 Overlays

43.02 Design and Development Overlay

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

43.02-2 Building and works

Pursuant to 43.02-2 of the Planning Scheme a permit is required to Construct a building or construct or carry out works unless otherwise stated in the schedule to DDO. Schedule 10 states a permit is not required to construct a single storey building however this application involves a double storey dwelling. As such, a planning permit is triggered by this clause.

Schedule 4 to the Design and Development Overlay

COLONIAL AMMUNITIONS ESTATE PRECINCT, MARIBYRNONG

1.0 Design objectives

- To ensure development fits with the surrounding context.
- To maintain the sense of spaciousness and garden setting of the precinct.
- To encourage the continuation of the prevalent subdivision pattern with a predominance of low scale detached dwellings with pitched roofs, in a garden setting.
- To maintain the consistent streetscape rhythm by ensuring appropriate side setbacks and with front setbacks of approximately 8 metres.
- To ensure that fences are low scale and allow views into front gardens.

2.0 Buildings and works

A permit is not required for:

- Single storey buildings and works to the rear and sides of existing dwellings (if located behind the front façade of the dwelling).
- Construction and extension of an outbuilding normal to a dwelling if located to the rear of an existing dwelling, or in the side setbacks behind the front façade of an existing dwelling.
- Construction of a front fence with a height of less than 1.2 metres.

A permit is required to:

- Construct a front fence with a height greater than 1.2 metres.

3.0 Decision guidelines

Objective	Design Response
The extent to which any building to be extended or otherwise modified, contributes to the design objectives.	<i>Not applicable</i>
The extent to which the proposed building or works assists in reflecting and enhancing the character of the area.	<i>This application is consistent with the preferred neighbourhood character for garden suburban precinct 2; Maribyrnong Neighbourhood Character Review (February 2010)</i>
The extent to which the siting of the building/s reflects the established streetscape rhythm.	<p><i>The site stands between two dwellings being 28 Mitchell Street and 32 Mitchell Street having front setbacks of 7.11 metres and 6.09 metres, respectively. This proposal presents a front setback of 6.60 metres, being reasonably consistent with the two adjoining neighbours and locally responsive.</i></p> <p><i>Proposed side setback along the western boundary reinforces the rhythm of spatial separation between buildings along Mitchell Street</i></p>
The potential of the proposed building siting to incorporate space for the planting of substantial vegetation.	<p><i>Proposed front setback of 6.60 metres promotes the provision of permeable surfaces and open space and the planting of trees and vegetation</i></p> <p><i>Proposed siting promotes the planting of vegetation and reasonably large setbacks allows for tree growth ultimately providing a canopy back drop to the streetscape. Being setback from one side boundary further enhances this aspect.</i></p>
The extent to which garages and car ports dominate the streetscape.	<i>Proposed garage is further setback from the street frontage minimising the dominance of car parking structures along Mitchell Street streetscape</i>
The impact of buildings and extensions on the streetscape, and the respect shown for the predominant building height of the street and nearby properties, including the extent to which upper storeys are recessed behind the front façade.	<i>Proposed siting, scale and general built form is in keeping with the prevailing pattern of development along Mitchell Street; contextually responsive to garden suburban precinct 2. The upper storey is further recessed from both side boundaries strengthening the rhythm of spatial separation between buildings.</i>

Overlay – Design Response Discussion

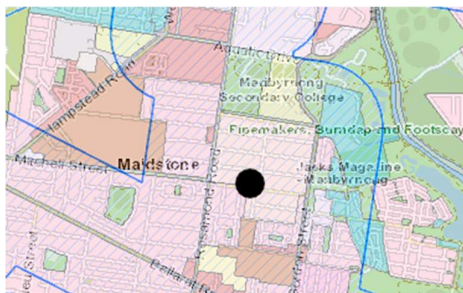
The proposed dwelling has considered and responded to the purpose of the design and development overlay. The proposed dwelling is consistent with the preferred neighbourhood character for garden suburban precinct 2; Maribyrnong Neighbourhood Character Review (February 2010) and consistent with the design guidelines stipulates in schedule 10 of the design and development overlay.

52.06 Car Parking

Purpose:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework;
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality;
- To support sustainable transport alternatives to the motor vehicle;
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities;
- To ensure that car parking does not adversely affect the amenity of the locality;
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

52.06-5 Table 1 – Car Parking Requirements



Column B applies:
No 30 Mitchell Street Maribyrnong is within a Principal Public Transport Network Area

The proposal is consistent with this particular provision as:

- This proposal utilises the existing crossover along Mitchell Street connecting to a driveway which leads to a double lockable garage; that is safe and convenient to use.
- Car parking to be attached to the proposed dwelling, allowing for safe and efficient movement within the site.
- This proposal includes two secure car spaces, limiting the need for on street car parking along Mitchell Street.
- Car parking capacity is responsive to the likely demand generated
- Local public transport infrastructure provide transport alternative.

Use	No of bedrooms	Parking Required	Parking Provided
Dwelling	5	2	2 ✓

Clause 53.18 – Stormwater Management in Urban Development:

A Stormwater Management Plan has not been provided however there is capacity for Water Sensitive Urban Design (WSUD) treatments in the form of rainwater tanks to each dwelling. The site permeability exceeds the minimum requirements under Standard A6 of Clause 54 (which requires 20%), supporting the opportunity for water to filtrate rather than run off into stormwater which will encourage water infiltration.

54 One dwelling on a lot

Standard	Standard
✓ A1 'Neighbourhood Character Objective'	✓ A11 ' Walls on Boundaries Objective'
✓ A2 'Integration with Street Objective'	✓ A12 ' Daylight to existing Windows Objective'
✓ A3 ' Street Setback Objective'	✓ A13 'North Facing Windows'
✓ A4 ' Building Height objective'	✓ A14 'Overshadowing Objective'
✓ A5 'Site Coverage Objective'	✓ A15 'Overlooking Objective'
✓ A6 'Permeability Objective'	✓ A16 'Daylight to new Windows'
✓ A7 ' Energy Efficiency Protection Objective'	✓ A17 ' Private Open Space'
✓ A8 ' Significant Trees Objective'	✓ A18 'Solar Access to Open Space'
✓ Refer 52.06	✓ A19 'Design Detail'
✓ A10 ' Side and Rear Setbacks Objective'	✓ A20 'Front Fence'

54.02 NEIGHBOURHOOD CHARACTER

54.02-1 Neighbourhood character objective

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

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Response

No 30 Mitchell Street Maribyrnong is within garden suburban precinct 2 of Maribyrnong Neighbourhood Character Review (February 2010). Maribyrnong anticipates the cohesiveness of streetscapes brought about by consistencies in the built form and the open, spacious qualities of streets will be maintained and strengthened. Older dwellings that contribute to the character of the area, including those from the Interwar and 1950s eras will be retained and complemented by newer development that is distinguishable from original building stock. Replacement buildings will reflect low-scale appearance of buildings and will use materials that complement those commonly found within the precinct. New development will be sited to retain the spaciousness of precincts through the provision

of setbacks on all sides of dwellings. Landscaping that includes the planting of new canopy trees, shrubs and lawn areas will add to the garden settings of dwellings and provide a sense of leafiness in the precinct. Front fences will remain low or constructed of permeable materials to retain views to gardens.

The proposed dwelling thoughtfully responded to the preferred neighbourhood character statement and is consistent with the design guidelines relating to vegetation, siting, built form and front boundary treatment.

Complies / Does not comply

54.02-2 Integration with street objective

- To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Response

There is an existing constructed concrete footpath to the street frontage providing adequate vehicle and pedestrian links promoting local accessibility.

The proposed dwelling is orientated to front Mitchell Street and reasonably low front fencing introduced encourages greater observation of adjacent streets.

Complies / Does not comply

54.03 SITE LAYOUT AND BUILDING MASSING

54.03-1 Street setback objective

- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Response

No distance is specified in schedule 1 to the zone

The site stands between two dwellings being 28 Mitchell Street and 32 Mitchell Street having front setbacks of 7.11 metres and 6.09 metres, respectively. This proposal presents a front setback of 6.60 metres, being reasonably consistent with the two adjoining neighbours and locally responsive.

Proposed porch is less than 3.6 metre in height and encroaches into the front setback 2.00 metres.

Complies / Does not comply

54.03-2 Building height objective

- To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Response

The height to the uppermost point of the proposal is 8.8 metres; well under the maximum height specified, reducing the appearance of visual bulk, impacts of overshadowing on adjoining properties and overall protects neighbourhood character.

Complies / Does not comply

54.03-3 Site coverage objective

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Response

No percentage is specified in schedule 1 to the zone

The site occupies an area of approx 696.77 square metres and the proposal presents a site coverage of 51%, promoting planting of trees and the provision of open space and permeable surfaces.

Complies / Does not comply

54.03-4 Permeability objective

- To reduce the impact of increased stormwater run-off on the drainage system.
- To facilitate on-site stormwater infiltration.

Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Response

No percentage is specified in schedule 8 to the zone

Due to a site coverage of 51% there is sufficient remaining land to provide for more than 20% of the surface to be permeable promoting increased absorption of stormwater on the site. This application includes 35.60% permeability.

Complies / Does not comply

54.03-5 Energy efficiency protection objective

- To achieve and protect energy efficient dwellings.
- To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Response

This proposal has been designed to make the best use of natural light by providing open plan living towards the rear and the introduction of north facing habitable room windows allowing access to passive solar radiation, hence minimising the need for artificial daylight during the day.

Complies / Does not comply

54.03-6 Significant trees objective

- To encourage development that respects the landscape character of the neighbourhood.
- To encourage the retention of significant trees on the site.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

Response

No requirements set out in schedule 1 to the zone.

This proposal will not result in the removal of significant vegetation on the site and seeks to introduce additional vegetation compatible with the existing landscape character of the neighbourhood.

Utilisation of the existing crossover results in the retention of street trees protecting the existing streetscape of Mitchell Street.

Adequate space has been provided to achieve meaningful landscaping outcomes for the dwellings within the front and rear private open space areas.

This application exceeds minimum garden area requirements.

54.04 AMENITY IMPACTS**54.04-1 Side and rear setbacks objective**

- To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or**
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Response

No setbacks/heights have been specified in schedule 1 to the zone

This proposal has a rear setback of 8.55 metres and is setback 1.20 metres from the western boundary. The garage partially occupies the eastern boundary while the remainder of this elevation is setback 1.98 metres.

The upper storey is further setback from the side boundaries reducing adverse amenity impacts on neighbouring dwellings together with reducing impact of visual bulk on neighbourhood character.

Complies / Does-not-comply

54.04-2 Walls on boundaries objective

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or**
- If no distance is specified in a schedule to the zone, for a length of more than:**
 - 10 metres plus 25 per cent of the remaining length of**

Response

No lengths/heights have been specified in schedule 8 to the zone

The garage wall occupying the eastern (side) boundary has a maximum average height of 3.2 metres with no part exceeding 3.6 metres. The maximum allowable length along this boundary is $10\text{m} + 25\% (35.72\text{m}) = 18.93\text{ metres}$; the proposed wall has a length of 7.17 metres.

<p>the boundary of an adjoining lot, or</p> <ul style="list-style-type: none"> Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p><i>Complies / Does not comply</i></p>
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54.04-3 Daylight to existing windows objective

- To allow adequate daylight into existing habitable room windows.

Standard A12

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Response

This proposal will not reduce the amount of natural daylight entering habitable room windows within neighbouring properties; sufficiently setback.

Complies / Does not comply

54.04-4 North facing windows objective

- To allow adequate solar access to existing north-facing habitable room windows.

Standard A13

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.

Response

There are no habitable room windows within 3m of the site's southern boundary.

Complies / Does-not-comply

54.04-5 Overshadowing open space objective

- To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Response

There is private open space within nine metres of the site and are situated to the rear 28 Mitchell Street, 32 Mitchell Street and directly behind.

According to attached shadow diagrams this proposal will not overshadow these areas.

Complies / Does-not-comply

54.04-6 Overlooking objective

- To limit views into existing secluded private open space and habitable room windows.

Standard A15

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window,

Response

Existing habitable room windows and private open space are within 9m of the proposal, however potential for overlooking is minimised as the upper storey is further setback from the rear boundary and both side boundaries; providing reasonable protection against visual intrusion into neighbouring properties.

balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Complies / Does-not-comply

54.05 ON-SITE AMENITY AND FACILITIES

54.05-1 Daylight to new windows objective

- To allow adequate daylight into new habitable room windows.

Standard A16

A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Response

Habitable room windows of the proposed dwelling face open space with at least 3 square metres in area and a minimum dimension of 1 metre that is open to the sky promoting penetration of natural daylight into these windows for amenity while limiting the need for artificial light during the day.

54.05-2 Private open space objective

- To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Response

No requirements specified in schedule 1 to the zone.

This proposal dwelling includes a total secluded private open space area of 130.30 square metres which has a minimum dimension well in excess of 3 4 metres and is located towards the rear of the site, that is safe, easily accessible from living areas while contributing to neighbourhood character.

Complies / Does-not-comply

54.05-3 Solar access to open space objective

- To allow solar access into the secluded private open space of a new dwelling.

Standard A18

The private open space should be located on the north side of the dwelling, if practicable.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Response

Secluded private open space is located to the northern portion of the site. As such, SPOS will enjoy solar access for five hours between the hours of 9am and 3pm, that is unobstructed by this proposal.

Complies / Does-not-comply

54.06 DETAILED DESIGN**54.06-1 Design detail objective**

- To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19**Response**

<p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p><i>Proposed dwelling incorporates materials complementary those commonly found within the garden suburban precinct 2.</i></p> <p><i>The area surrounding the site is primarily contemporary-styled dwellings nestled in amongst original dwellings along Mitchell Street with a mix of materials and colours.</i></p> <p><i>The proposed dwelling reflects the main themes of the site. Selection of materials include</i></p> <ul style="list-style-type: none"> • <i>Face brickwork, Melbourne-hawthorn by austral bricks</i> • <i>Corrugated iron roofing, monumet by colorbond</i> • <i>Garage door, aluminium timber look panel lift</i> • <i>Solid timber front door</i> <p><i>Their natural colours and textures are contextually responsive, creating interest making a positive contribution to the existing streetscape of Mitchell Street.</i></p>
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Complies / Does-not-comply

54.06-2 Front fences objective

- To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20

A front fence within 3 metres of a street should not exceed:

- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Street context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

Response

No requirements set out in schedule 1 to the zone.

This application includes 1200mm high brickwork with black blade metal infill along the site's frontage.

Complies / Does-not-comply

Conclusion

This proposed dwelling at 30 Mitchel Street Maribyrnong which strikes a balance between improving living standards while protecting the character of our neighbourhoods. It reflects a high standard of design, and has been reached through careful consideration of adjoining properties and the nature of the proposed site.

It is generally in accordance with the relevant objectives of the Planning Policy Frameworks and Maribyrnong Neighbourhood Character Review (February 2010). The proposed dwelling meets the objectives and Standards as set out in Clause 54 of the Scheme, as well as Clause 52.06 pertaining to car.



Narelle Cassar
BAppSc(Surv) BaPlanning
MPIA 147874