

Application for Planning Permit

Planning Enquiries
 Phone: 03 9205 2200
 Web: <http://www.hume.vic.gov.au>

If you need help to complete this form, read [How to complete the Application for Planning Permit 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 concerns, please contact Council's planning department.

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

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

Clear Form

The Land i ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 10	St. Name: LEE STREET
Suburb/Locality: CRAIGIEBURN		Postcode: 3064

Formal Land Description * Complete either A or B.

⚠ This information can be found on the certificate of title.

A Lodged Plan Title Plan Plan of Subdivision

OR

B

Remove Address

If this application relates to more than one address, please click this button and enter relevant details.

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.

Why is it important to describe the proposal correctly? x

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 (SPPF), the Local Planning Policy Framework (LPPF), zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website, www.delwp.vic.gov.au/planning

! 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 some rural areas can be obtained by visiting www.landata.vic.gov.au In rural areas, contact your local Council to obtain a planning certificate.

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

If you need help about the proposal, read: [How to Complete the Application for Planning Permit Form](#)

Select the focus of this application and describe below:

CONSTRUCTION OF THREE (3) DOUBLE STOREY DWELLINGS

Provide additional information on 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.

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 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 www.delwp.vic.gov.au/planning to view a summary of fees in the Planning and Environment (Fees) Regulations.

3 Estimated cost of development for which the permit is required *

Cost \$900,000.00

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 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

4 Describe how the land is used and developed now *

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

EXISTING SINGLE STOREY DWELLING (TO BE DEMOLISHED)

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

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.

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

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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.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

! You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title. In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

! Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

! Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.land.vic.gov.au - go direct to "titles & property certificates".

5 Encumbrances on title *

If you need help about the title, read:

[How to complete the Application for Planning Permit form](#)

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

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

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

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Name:	
Title: Mrs	<input type="text"/>
Organisation (if applicable): Z.D.A. DESIGN	
Postal Address:	
Unit No.: 10	St. No.: 82
If it is a P.O. Box, enter the details here:	
St. Name: MAKLAND DRIVE	
Suburb/Locality: DERRIMUT	State: VIC
Postcode: 3030	

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

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

Please provide at least one contact phone number *

Contact information	
Business Phone: 0419 554 796	Email: zda_design@bigpond.com
	Fax:


Owner *


The person or organisation who owns the land

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

Declaration

7 This form must be signed by the applicant *

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

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.	
Signature: 	Date: 07.11.2025 day / month / year

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Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#)
General information about the planning process is available at www.delwp.vic.gov.au/planning

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

8 **Has there been a pre-application meeting with a Council planning officer?**

No Yes

If 'yes', with whom?:

Date:


day / month / year

Checklist

9 **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 (eg 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 (section 7)?

Lodgement

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

Hume City Council
PO Box 119 Dallas VIC 3047
Pascoe Vale Road Broadmeadows VIC 3047

Contact information:

Telephone: 61 03 9205 2200

Email: email@hume.vic.gov.au

DX: 94718

Translation: 03 9205 2200 for connection to Hume Link's multilingual telephone information service

Deliver application in person, by fax, or by post:

Print Form

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

Save Form To
Your Computer

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.

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Water Sensitive Urban Design (WSUD) Report

10 Lee Street, Craigieburn
VIC

20/03/2026

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Water Sensitive Urban Design (WSUD) Report

Proposed Residential Development

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DOCUMENT VERSION

1st Version issued – 20/03/2026

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Initiatives to be Marked on Drawings

- Mark-up showing the roof catchment area to be diverted to the Rainwater tank for each dwelling– If required, the use of charged pipe system will be explicitly acknowledged on the drawings and charged pipes will not be running underneath the building footprint
- Location and size of each Rainwater tank proposed
- Note showing connection to the toilets and laundry
- Extent of minimum 30m² permeable driveway

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Introduction

Certi Sustainability has been engaged to undertake a Water Sensitive Urban Design Report (WSUD) for the proposed residential development located 10 Lee Street, Craigieburn. This has been prepared to address the requirements of Hume city council especially Clause 53.18 of the Local Planning Policy *Stormwater Management in Urban Development (Water Sensitive Urban Design)*.

The BlueFactor stormwater assessment tool, which addresses stormwater quality and integrated water management outcomes, has been used for this development to confirm that best-practice stormwater management requirements have been met. The results of the BlueFactor assessment are provided in the report.

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Description of development

The proposed site is located at 10 Lee Street, Craigieburn. The site is occupied by an existing single-story building which is proposed demolished prior to construction.

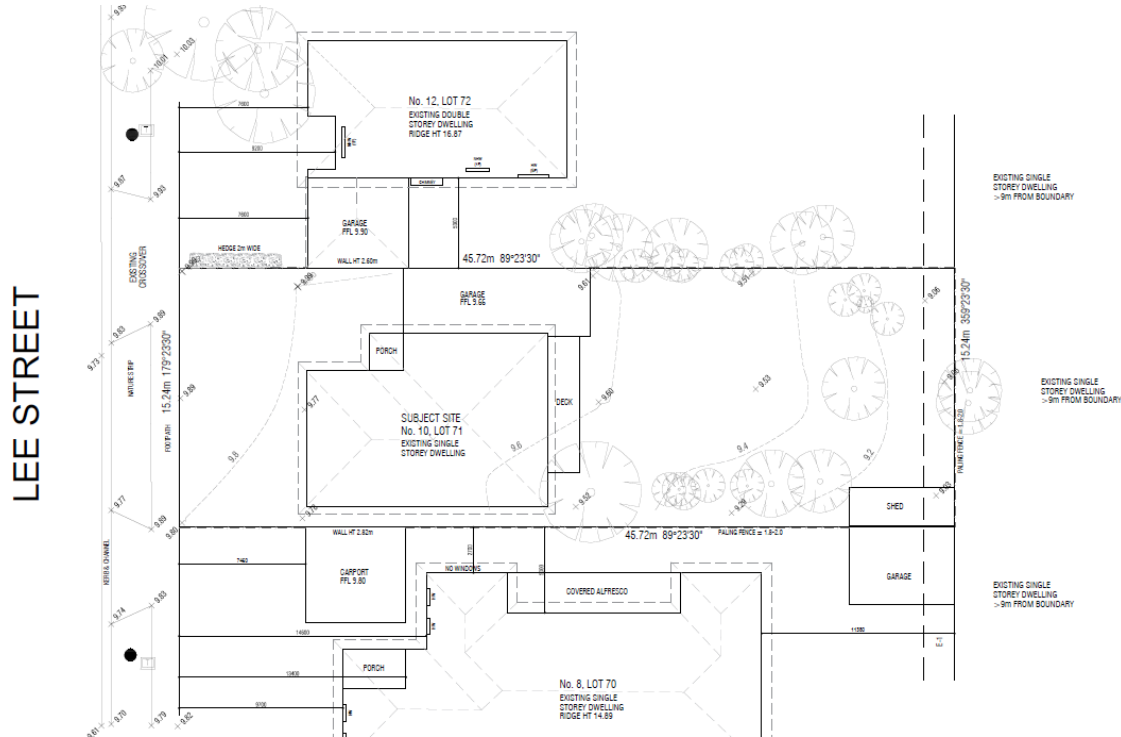


Figure 1- Birds eye of site

The site, with an area of approximately 697 m², is proposed to be developed with three double-storey dwellings. Each dwelling will comprise three bedrooms and include an undercover garage.

Dwelling 1 will be serviced by its own individual driveway, while Dwellings 2 and 3 will share a common driveway. All driveways will gain access from Lee Street.

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Stormwater Management Objectives

The City of Hume has recognised the importance of stormwater management and its effects on the surrounding environment. As a result, a local planning policy, Clause 53.18 "*Stormwater Management (Water Sensitive Urban Design)*", has been introduced into the Hume Planning Scheme. New developments, or extensions to existing buildings that are 50m² in floor area or greater, must adhere to the local policy.

The objectives that form part of the Stormwater Management Policy include:

- To achieve the best practice water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (as amended). Currently, these water quality performance objectives are:
 - Suspended Solids - 80% retention of typical urban annual load
 - Total Nitrogen - 45% retention of typical urban annual load
 - Total Phosphorus - 45% retention of typical urban annual load
 - Litter - 70% reduction of typical urban annual load
- To promote the use of water sensitive urban design, including stormwater reuse.
- To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
- To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.
- To reintegrate urban water into the landscape to facilitate a range of benefits, including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.

The Blue Factor tool, an industry accepted tool, was used to assess the development and ensure that the best practice targets described above are met. A minimum compliance score of 100% is required to achieve for the development.

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Development Characteristics

Site Delineation

For the purpose of the assessment, the development has been delineated into the following surface types:

Assessed Site area of 697 m²

Total roof catchment of 326.2 m², comprising:

- Dwelling 1 roof area: **121 m²**
- Dwelling 2 roof area: **117.6 m²**
- Dwelling 3 roof area: **87.6 m²**

Landscaped permeable area of 205.5 m²

Permeable driveway area of a minimum 30 m²

Remaining impervious areas of 135.3 m², consisting of hardstand surfaces and other non-permeable site elements

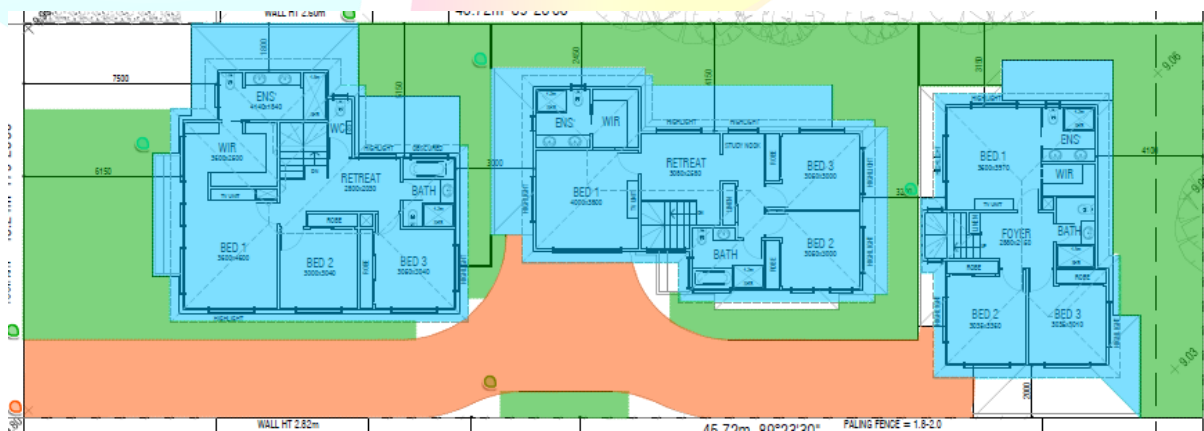


Figure 3: Roof catchment (blue) / Landscaped areas (green) / Area excluded (black) / Untreated areas (white) / Potential driveway area in which a part (30sqm) will be permeable (orange)

The driveway area shown is indicative only. The location of driveway that's permeable will be confirmed by the civil/drainage engineer during detailed design. Only the minimum treatment area of the driveway (30 m²) is required to be permeable.

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Stormwater initiatives

Rainwater Tank

(Rainwater tank for toilet flushing and laundry for each dwelling)

The roof catchment area of 326.2m² (as described above) will be diverted to rainwater tank(s) with a total effective capacity of 2,000L for each dwelling. The rainwater collected will be used for toilet flushing and laundry in the development.

Permeable Driveway

Part of the common driveway (as described above) will be designed to be permeable. This will reduce the overall stormwater runoff from part of the site.

The remainder of impervious areas will directly be released at the legal point of discharge on site.



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Stormwater Results

The initiatives and areas described above have been applied to the Blue Factor and has achieved a score above 100%

Project # B98B3F87
 10 Lee St, Craigieburn VIC 3064, Australia
 WALI ZERMATI - wali@certisustainability.com
 10 Lee St, Craigieburn VIC 3064, Australia
 20 March 2026 1:10 p.m.



10 Lee St, Craigieburn VIC 3064, Australia

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



Project details

Name	10 Lee St, Craigieburn VIC 3064, Australia
Project ID	B98B3F87
Street address	10 Lee St, Craigieburn VIC 3064, Australia
Municipality	Hume
Site area	697 m ²
Planning Number	



Flow and pollutant load reductions



Item	Result	Target	
Mean annual runoff volume harvested or evapotranspired (%)	48%	>29%	✓
Mean annual runoff volume infiltrated or filtered (%)	0%	>6%	✗
Total suspended solids (%)	56%	>80%	✗
Total phosphorus (%)	53%	>45%	✓
Total nitrogen (%)	49%	>45%	✓
Total gross pollutants (%)	70%	>70%	✓







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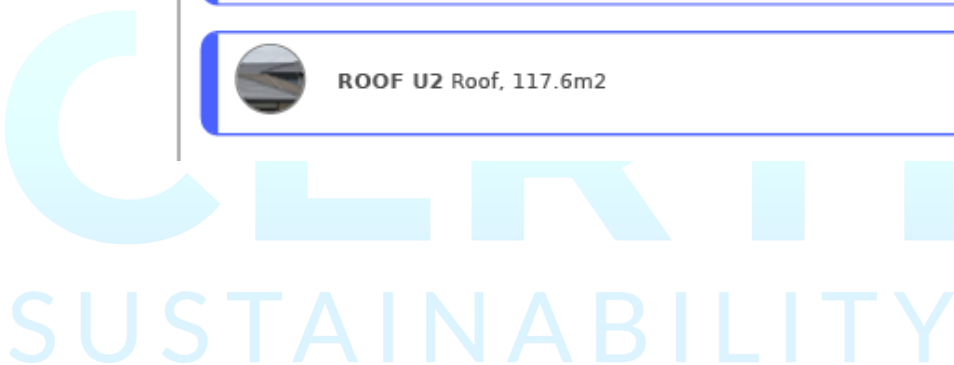
Water treatment

Configuration 1	
	ROOF U1 Roof, 121m2
	Rainwater Tank 1 Rainwater tank retention volume in kilolitres: 2





Configuration 2	
	ROOF U2 Roof, 117.6m2
	Rainwater Tank 2 Rainwater tank retention volume in kilolitres: 2

Configuration 3	
	ROOF U3 Roof, 87.6m2
	Rainwater Tank 3 Rainwater tank retention volume in kilolitres: 2

Catchments	
	ROOF U1 Roof, 121m2
	ROOF U2 Roof, 117.6m2




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-  **ROOF U3 Roof**, 87.6m2
-  **LANDSCAPED Pervious** (garden and lawn), 205.5m2
-  **OTHER IMPERVIOUS AREAS Paved**, 135.3m2
-  **PERMEABLE DRIVEWAY Pervious** (garden and lawn), 30m2

Treatments

-  **Rainwater Tank 1**
Rainwater tank retention volume in kilolitres: 2 149%
-  **Rainwater Tank 2**
Rainwater tank retention volume in kilolitres: 2 151%
-  **Rainwater Tank 3**
Rainwater tank retention volume in kilolitres: 2 174%

Buildings & dwellings

 D1 Residential Townhouse , 3 bedroom(s)	
Water sources	I want to use the average efficiency for a typical new dwelling or building
Basin taps - Primary water source	Mains water
Showers - Primary water source	Mains water
Clothes Washer - Primary water source	Rainwater
Toilets connected to mains water	0
Toilets connected to rainwater	3
Toilets connected to recycled water	0
Garden water use	Garden water demands are not in use

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D2 Residential Townhouse, 3 bedroom(s)

Water sources	I want to use the average efficiency for a typical new dwelling or building
Basin taps - Primary water source	Mains water
Showers - Primary water source	Mains water
Clothes Washer - Primary water source	Rainwater
Toilets connected to mains water	0
Toilets connected to rainwater	3
Toilets connected to recycled water	0
Garden water use	Garden water demands are not in use



D3 Residential Townhouse, 3 bedroom(s)

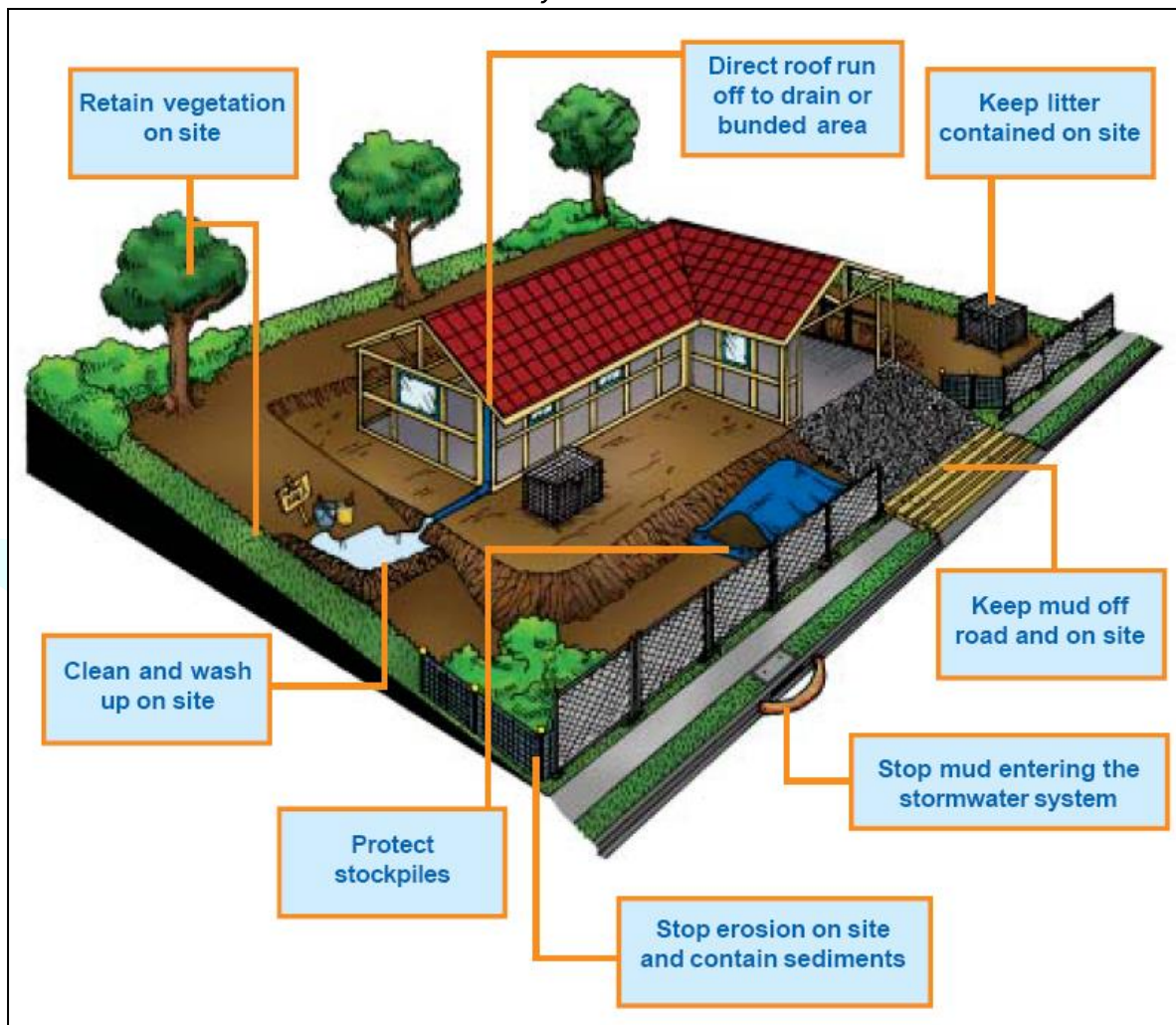
Water sources	I want to use the average efficiency for a typical new dwelling or building
Basin taps - Primary water source	Mains water
Showers - Primary water source	Mains water
Clothes Washer - Primary water source	Rainwater
Toilets connected to mains water	0
Toilets connected to rainwater	3
Toilets connected to recycled water	0
Garden water use	Garden water demands are not in use

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Stormwater Management at Construction Site

To manage stormwater management in the construction stage, measures will be put in place to minimise the likelihood of contaminating stormwater. This will mean ensuring buffer strips are in place, sediment traps are installed, and the site will be kept clean from any loose rubbish. The builder will follow the process outlined in “Keeping Our Stormwater Clean – A Builder’s Guide” by Melbourne Water.



Copies of “Keeping Our Stormwater Clean – A Builder’s Guide” booklet can be downloaded from the following website:

<https://www.clearwaterVIC.com.au/resource-library/guidelines-and-strategy/keeping-our-stormwater-clean-a-builders-guide.php>

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Conclusion

With the proposed stormwater treatment measures incorporated into the development at 10 Lee Street, Craigieburn, the design will achieve a score of more than 100%, meeting the minimum performance standards of the Hume City Council planning scheme. The proposed development will include a 2,000 L rainwater tank for each dwelling, connected to the toilets and laundry, as well as part of the common driveway that will be permeable.

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Appendix A – WSUD Maintenance & Installation

Installation

Rainwater Tank(s)

The rainwater tank(s) will be installed above ground. Its manufacturer or material has not been nominated. It will be installed with a mesh insect cover over the inlet pipe to ensure the tank does not become a breeding ground for pests. Mesh needs to be installed over overflow pipes and if a man hole is present it needs to be properly sealed.

Please refer to the architectural drawings for the location of the rainwater tank.

Pumps

The pumps required either to divert the stormwater runoff to the rainwater tank or to distribute the collected water to the end uses (toilets and laundry) will be required to be installed as per the chosen manufacturer specifications.

Permeable Paving

Permeable paving used for driveway shall be installed in strict accordance with the site plans and the permeable paving manufacturer specific drawings and requirements.

Inspection Requirements

Rainwater Tanks

Inspections of roof areas and gutters leading to the tank should take place every 6 months. Rainwater in the tanks should be checked every 6 months for mosquito infestation.

The rainwater tank should be examined every 2 years for sludge build up.

Ensure the monitoring system (be it digital or a simple float system) is functioning properly by checking the water level in the rainwater tanks.

Pumps

The pumps required will be required to be routinely inspected by listening for the day-to-day operation of the pumps. Unusual noise or no noise should be investigated. Inspection should occur as per the chosen manufacturer specifications.

Permeable Paving

Permeable paving should be inspected for damage after large storm events (48.2mm in one hour is considered a large storm event in Melbourne – 1 in 100 year storm) and should be inspected every 3-month.

During inspection, the following should be looked for:

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- Water ponding on porous joints or permeable pavers;
- Soggy and boggy soils;
- Uneven surface;
- Rubbish, leaf litter and sediment; and
- Blocked underdrainage.

Clean Out / Maintenance Procedure

Rainwater Tank, Roof and Gutters

Rainwater tanks will require the roof and gutters onsite to be maintained; gutters should be checked, maintained and cleaned every six months to avoid blockages from occurring. If a leaf blocking system is installed this can be completed annually.

Any trees onsite should be maintained every 6 months with branches overhanging the roof removed.

Water ponding in gutters should be avoided as this provides a breeding ground for mosquitos; tanks should also not become breeding grounds for mosquitoes. If mosquitoes are detected in the tank remedial steps need to occur to prevent breeding. If mosquitoes or other insects are found in rainwater tanks, the point of entry should be located and repaired. As well as preventing further access, this will prevent the escape of emerging adults. Gutters should be inspected to ensure they do not contain ponded water, and be cleaned if necessary.

Please refer to <https://www.health.vic.gov.au/sites/default/files/2022-11/Keeping-your-rainwater-tank-safe-from-mosquitos.pdf> for more information on mosquito control.

Rainwater tanks should be checked by regular maintenance person every 3-6 months to ensure that connection to the building is maintained and there are no blockages.

A simple way to ensure the tank is operating as intended would be through the installation of a smart monitoring device (e.g. OneBox®). These systems allow users to operate tanks remotely from internet or smartphone, monitor and control the tanks in real time, allow automatic release of stored water prior to storm events, alert users if there is any blockage and view tank history and usage patterns.

Alternatively, onsite tank gauges can help those familiar with the tank know if the tank is not working correctly.

Pumps

Maintenance should occur as per the chosen manufacturer specifications. All strainers and filters should be cleaned every 6 months. Good quality pump should provide trouble free service for up to 10 years.

Permeable Paving

admin@certisustainability.com

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Permeable paving will require ongoing maintenance based on the inspection. The following maintenance task could be required:

Item	What to check for	Inspected	Maintenance undertaken	Further action required or comment
Civil components – Permeable pavement				
Permeability	Pavement area is free draining (i.e. no clogging of the pavement surface). Clogging is generally evident by water ponding on the surface of the permeable paving more than 2 hours after rainfall.			
Pavement surface	No uneven paver surface (i.e. pavement surface lifting and rutting). No physical damage to the pavement surface – look for cracks and holes.			
Infill material	Infill material is present between pavers. No scour occurring.			
Landscape components – Permeable pavement				
Weeds	Less than 10% of infill surface area (where present) covered by weeds.			

Commissioning

Rainwater Tank

All rainwater tanks should be washed or flushed out prior to use. All inlets and outlets should be correctly sealed to prevent insects entering. Connection to all toilets and laundry in the development should be tested (dye test or equivalent).

Please note if new roof coating or paint is to be installed then the first few run-offs after installation need to be discarded.

Pumps

Commissioning should occur as per the chosen manufacturer specifications.

Permeable Paving

Commissioning should occur as per the chosen manufacturer specifications.

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Summary

The following needs to occur onsite to ensure compliance with WSUD requirements and maintain operation of rainwater tank and connections onsite.

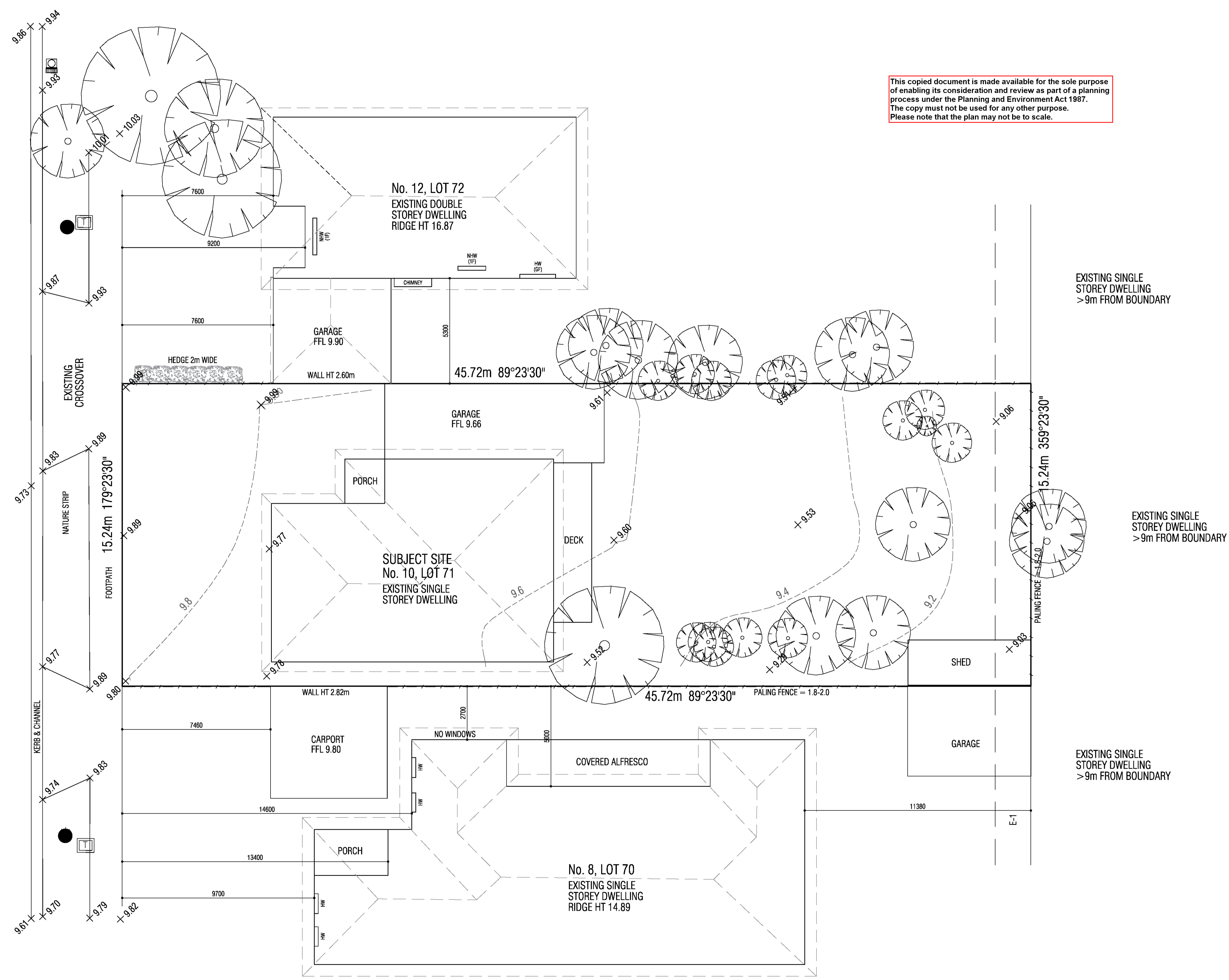
Task	When?	Requirement
Inspect Rainwater tanks	Every 6 months	<ul style="list-style-type: none"> • Check for any damage/compression • Mosquitoes infestation
	Every 2 years	<ul style="list-style-type: none"> • Sludge Build up – if sludge build up occurs a vacuum tank needs to be called out to site.
Inspect roofs & gutters	Every 6 months	<ul style="list-style-type: none"> • Clean out of leaves / debris. • Remove any overhanging branches onsite.
Inspection of Permeable Paving	3-Monthly	<ul style="list-style-type: none"> • Check joints • Check soil • Check for blockages • Check for ponding • Check for uneven surfaces
	Following large storm event	



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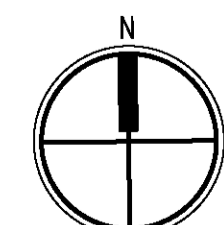
LEE STREET



EXISTING SINGLE STOREY DWELLING
> 9m FROM BOUNDARY

EXISTING SINGLE STOREY DWELLING
> 9m FROM BOUNDARY

EXISTING SINGLE STOREY DWELLING
> 9m FROM BOUNDARY



EXISTING SITE PLAN

SCALE 1:100



ZDA Design Pty. Ltd.
Zekija Dedic-Alibasic
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Derrimut VIC, 3030
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Mobile: 0419 554 796
E-mail: zda_design@bigpond.com

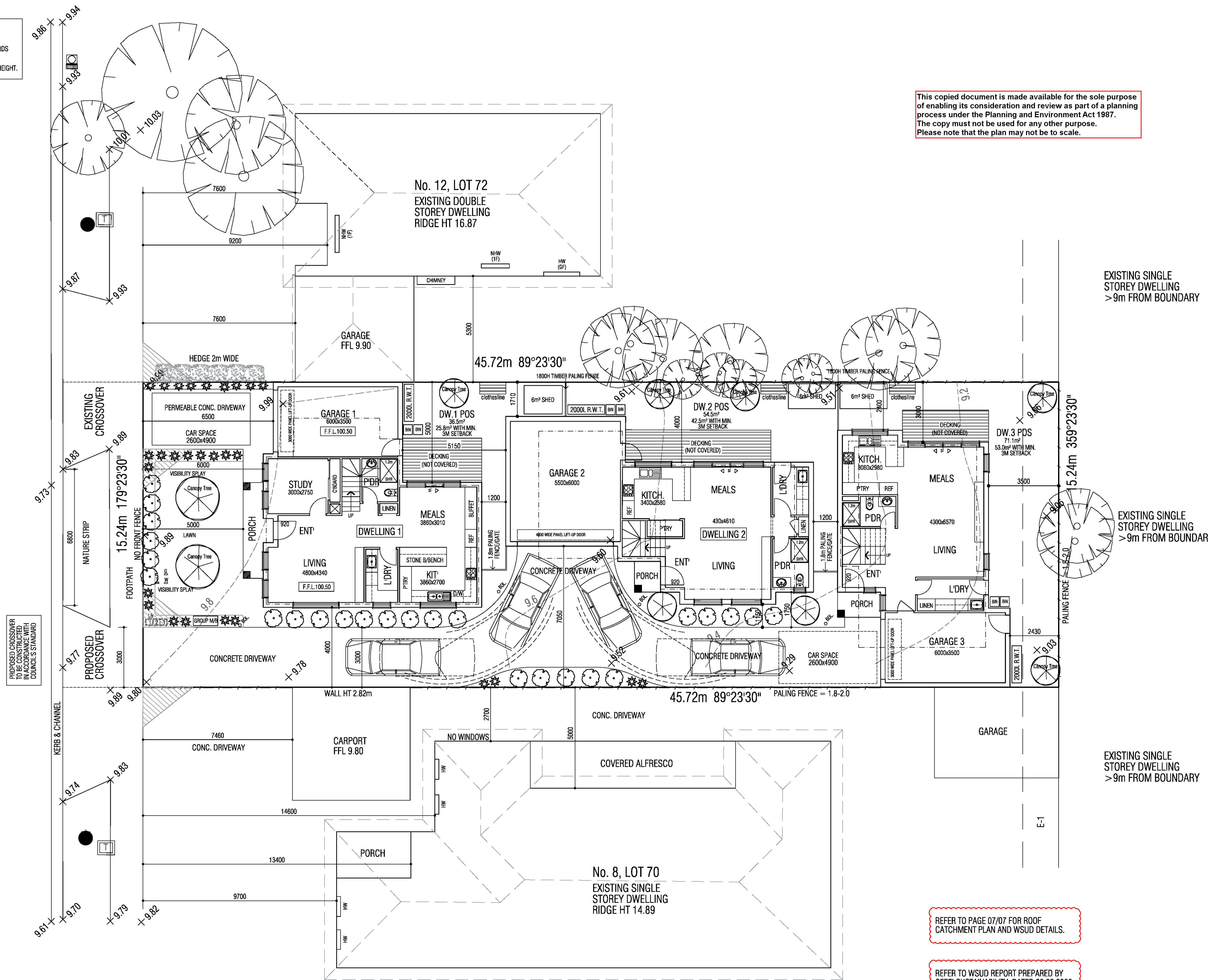
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At: No. 10, LOT 71 LEE STREET CRAIGIEBURN		Sheet No: 01/07
Date: 30.03.2026	Job No: 25008	Drawn: Z.D.A.
		Rev. A

Original Sheet Size:
A1

2.0x2.5m PEDESTRIAN VISIBILITY SPLAYS IN ACCORDANCE WITH CLAUSE 52.06-8 (DESIGN STANDARDS FOR CAR PARKING) OF THE PLANNING SCHEME. NO PLANTS OR STRUCTURES OVER 900mm IN HEIGHT.

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LEE STREET



SITE ANALYSIS

SITE AREA	696.80m ²
BUILT-UP AREA	299.20m ²
SITE COVERAGE	42.94%
PERMEABILITY	31.40%
GARDEN AREA	243.80m ² /35.00%

AREA SCHEDULE - DWELLING 1

GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	196.30m² (21.09 sq.)

AREA SCHEDULE - DWELLING 1

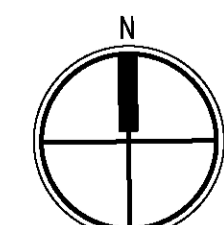
GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	190.8m² (20.50 sq.)

AREA SCHEDULE - DWELLING 1

GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	160.80m² (17.28 sq.)

REFER TO PAGE 07/07 FOR ROOF CATCHMENT PLAN AND WSUD DETAILS.

REFER TO WSUD REPORT PREPARED BY CERTI SUSTAINABILITY, DATED 20.02.2026.



PROPOSED SITE / GROUND FLOOR PLAN
SCALE 1:100



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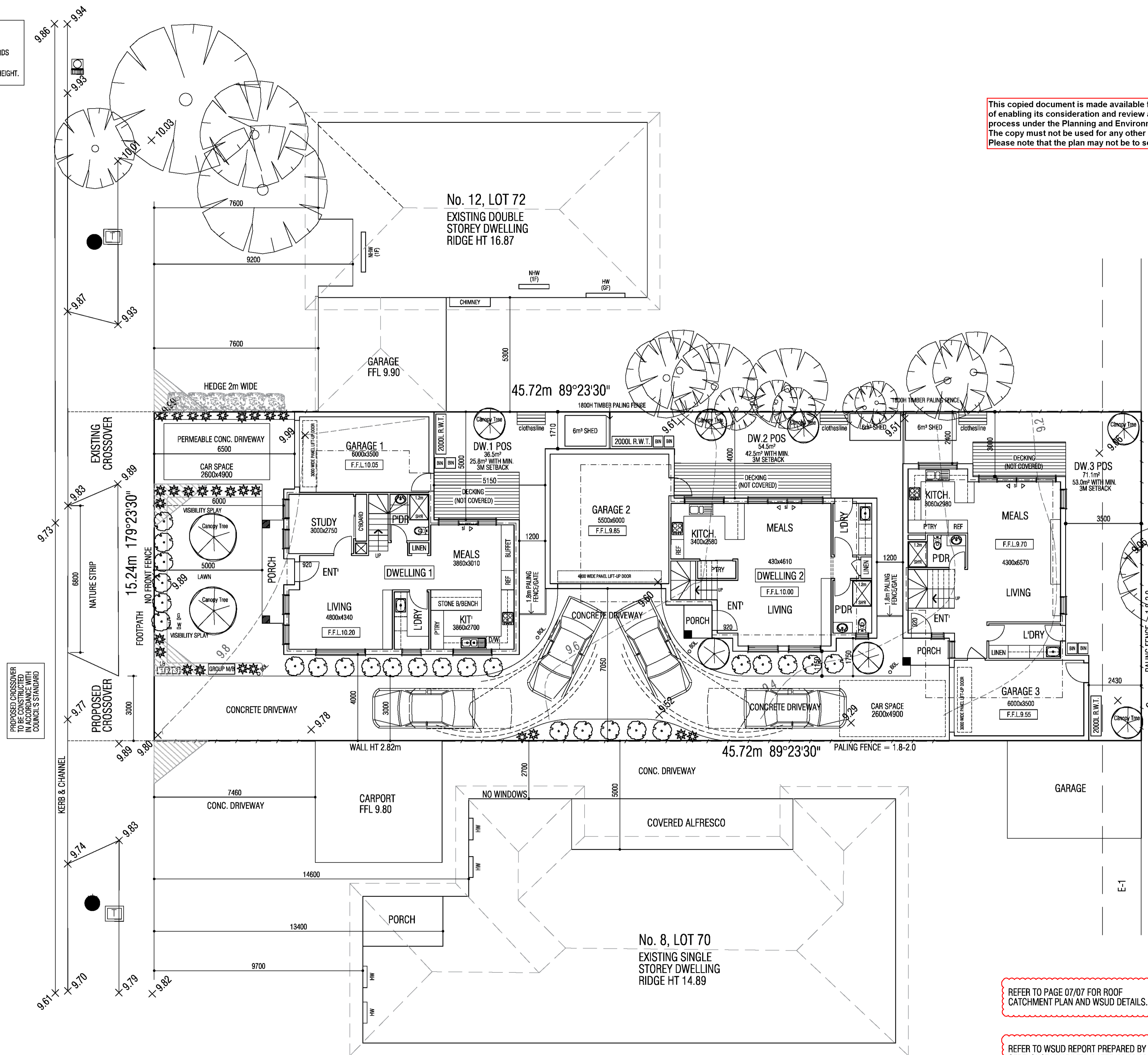
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At:	No. 10, LOT 71 LEE STREET CRAIGIEBURN	Sheet No.:	02/07
Date:	30.03.2026	Job No.:	25008
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Original Sheet Size: A1

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LEE STREET



EXISTING SINGLE STOREY DWELLING > 9m FROM BOUNDARY

EXISTING SINGLE STOREY DWELLING > 9m FROM BOUNDARY

EXISTING SINGLE STOREY DWELLING > 9m FROM BOUNDARY

SITE ANALYSIS

SITE AREA	696.80m ²
BUILT-UP AREA	299.20m ²
SITE COVERAGE	42.94%
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GARDEN AREA	243.80m ² /35.00%

AREA SCHEDULE - DWELLING 1

GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	196.30m² (21.09 sq.)

AREA SCHEDULE - DWELLING 1

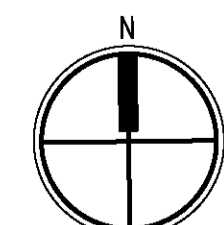
GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	190.8m² (20.50 sq.)

AREA SCHEDULE - DWELLING 1

GROUND FLOOR	
FIRST FLOOR	
GARAGE	
PORCH	
DECKING	
TOTAL	160.80m² (17.28 sq.)

REFER TO PAGE 07/07 FOR ROOF CATCHMENT PLAN AND WSUD DETAILS.

REFER TO WSUD REPORT PREPARED BY CERTI SUSTAINABILITY, DATED 20.02.2026.



PROPOSED SITE / GROUND FLOOR PLAN
SCALE 1:100

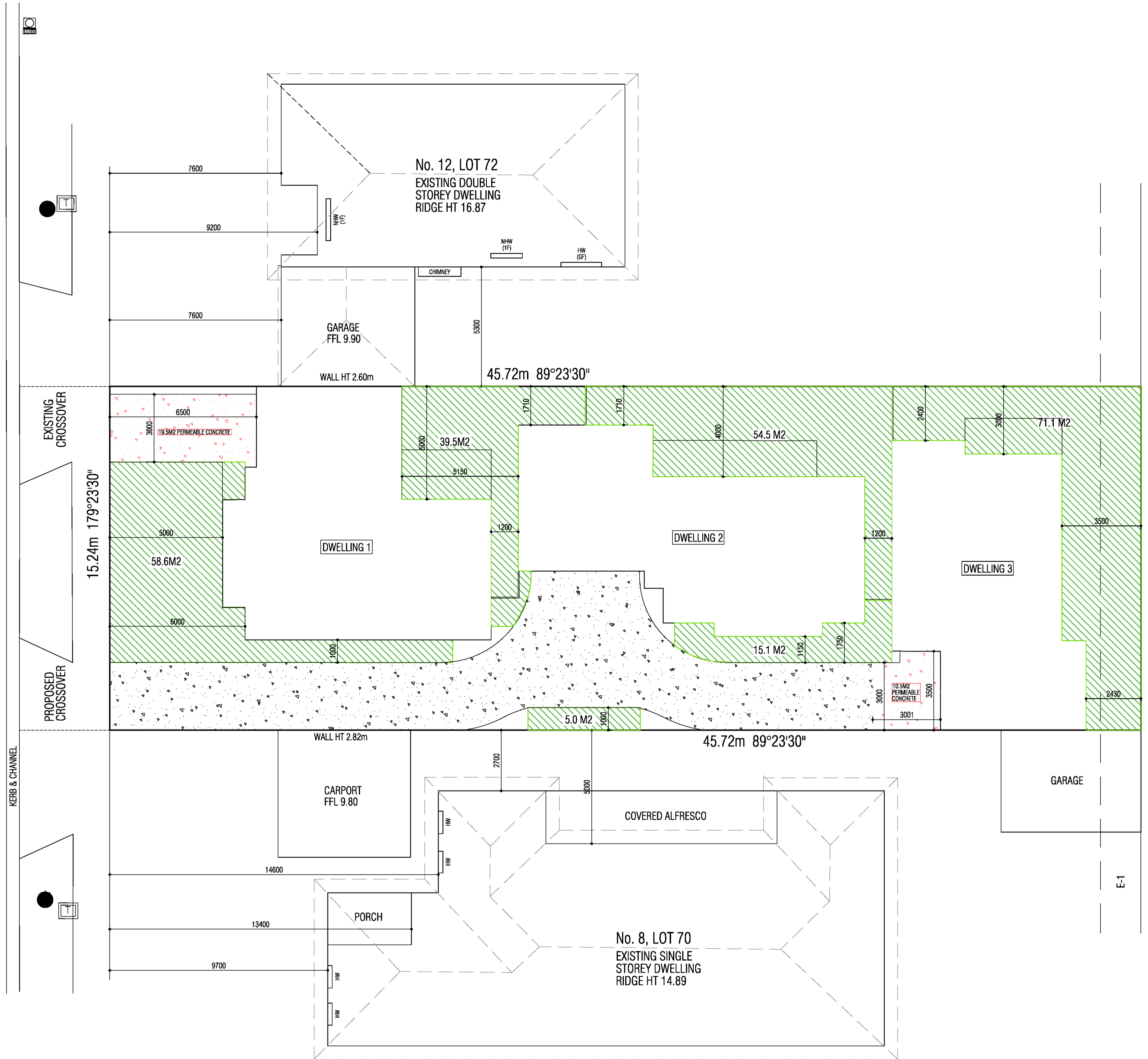


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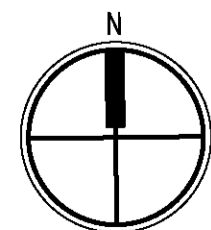
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At:	No. 10, LOT 71 LEE STREET CRAIGIEBURN	Sheet No.:	02/07
Date:	30.03.2026	Drawn:	Z.D.A.
Job No.:	25008	Rev.:	A

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GARDEN AREA PLAN

SCALE 1:100

GARDEN AREA ANALYSIS	
Site Area:	696.80m ²
Garden Area provided:	243.80m ² 35.0%

- HATCHING DENOTES GARDEN AREA IN ACCORDANCE WITH THE HUME CITY COUNCIL
- HATCHING DENOTES CONCRETE AREA
- HATCHING DENOTES PERMEABLE CONCRETE AREA (30M²)

REFER TO PAGE 07/07 FOR ROOF CATCHMENT PLAN AND WSUD DETAILS.

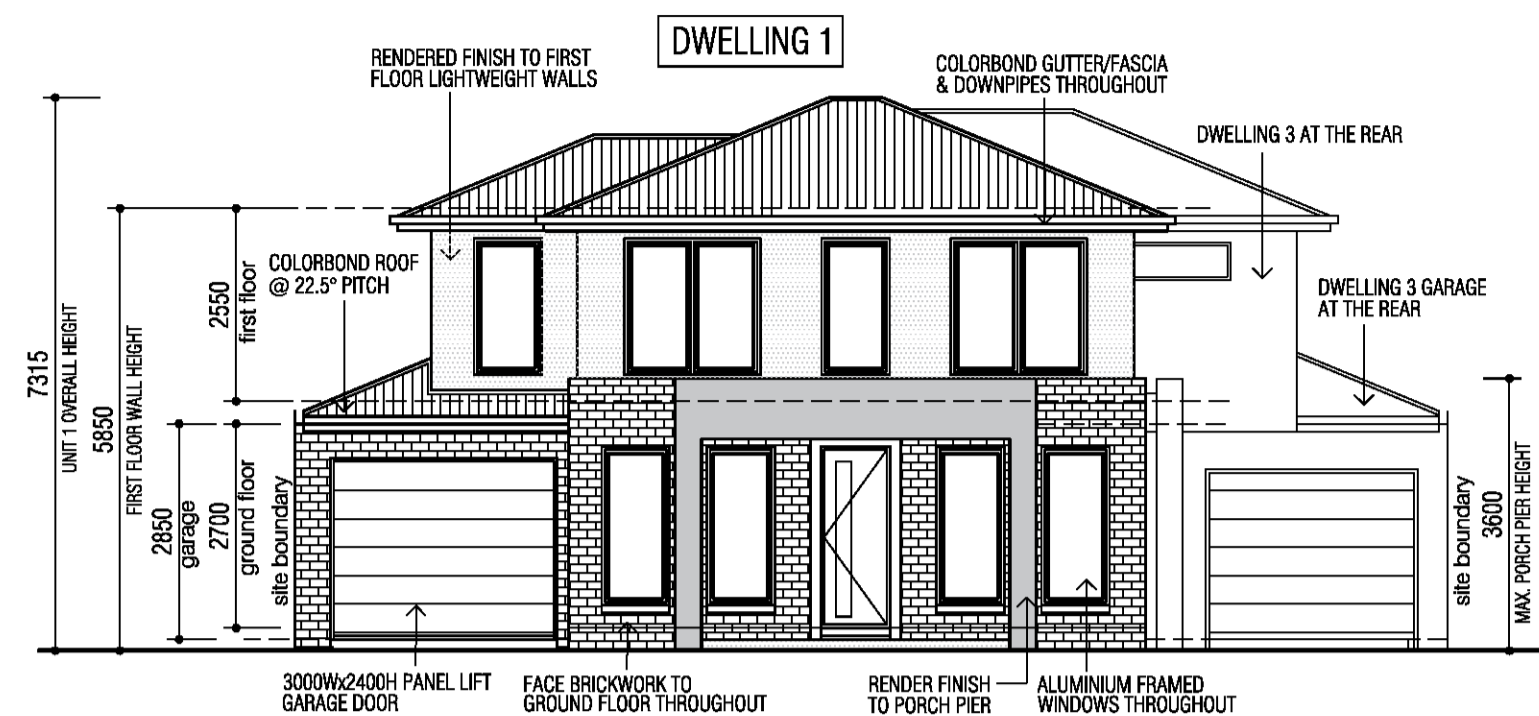
REFER TO WSUD REPORT PREPARED BY CERTI SUSTAINABILITY, DATED 20.02.2026.

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Project: THREE UNIT DEVELOPMENT		Scale: 1:100
At: No. 10, LOT 71 LEE STREET CRAIGIEBURN		Sheet No: 04/07
Date: 30.03.2026	Job No: 25008	Drawn: Z.D.A.
		Rev. A

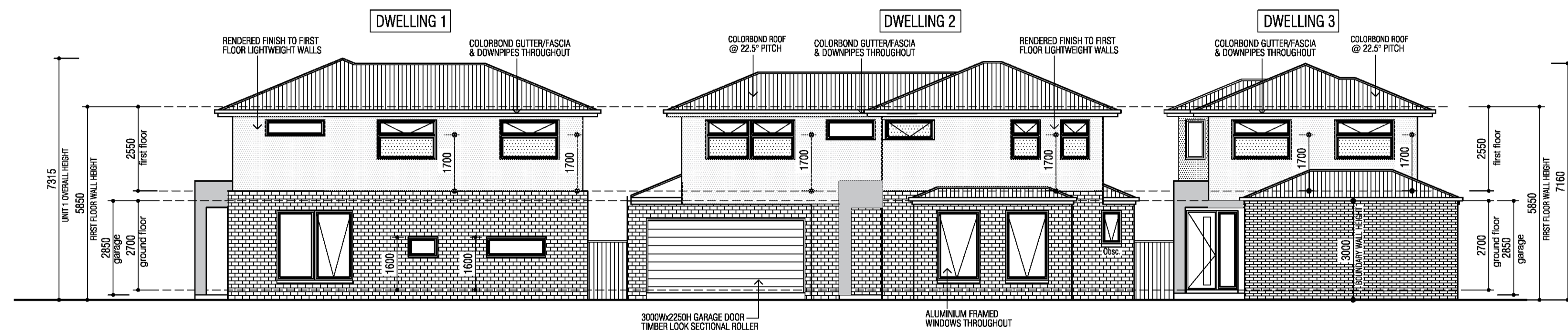
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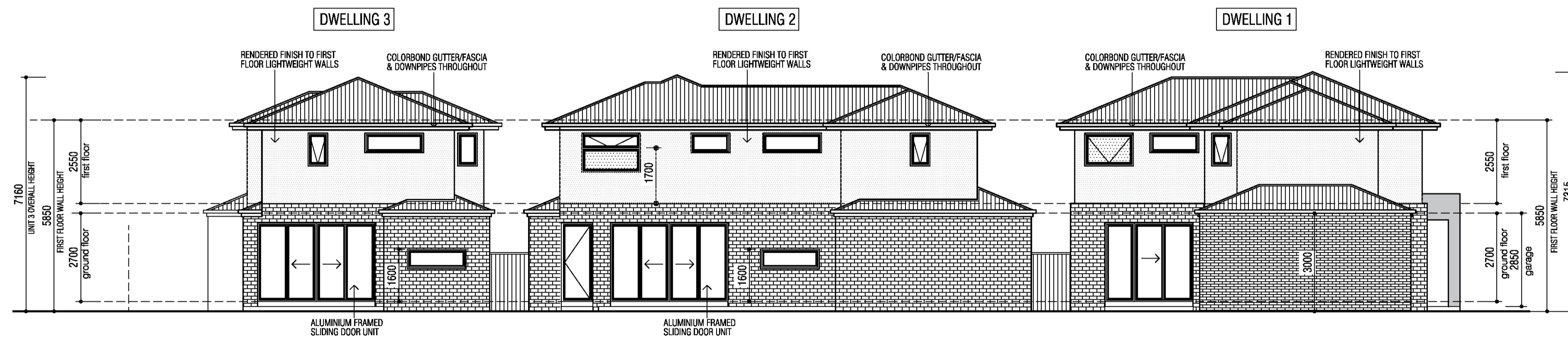
WEST (FRONT) ELEVATION - DWELLING 1



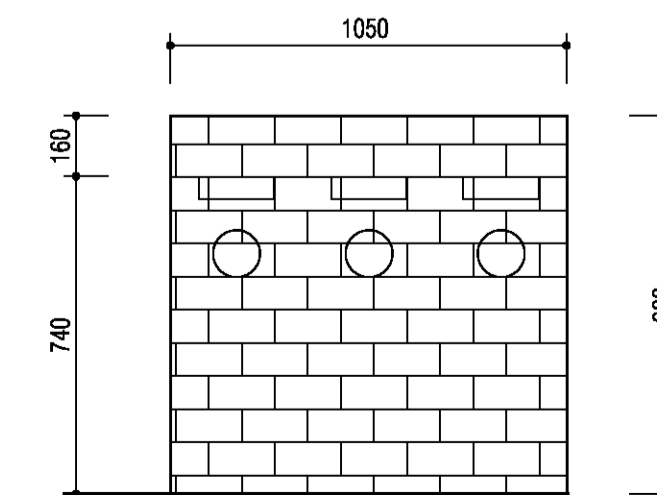
EAST (REAR) ELEVATION - DWELLING 3
SCALE 1:100



SOUTH (SIDE) ELEVATION - DWELLING 1,2 AND 3
SCALE 1:100



NORTH (SIDE) ELEVATION - DWELLING 1,2 AND 3
SCALE 1:100



LETTER BOX ELEVATION
SCALE 1:20

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Project:
THREE UNIT DEVELOPMENT

Scale:
1:100

Sheet No:
05/07

At:
No. 10, LOT 71
LEE STREET
CRAIGIEBURN

Date:
30.03.2026

Job No:
25008

Scale:
1:100

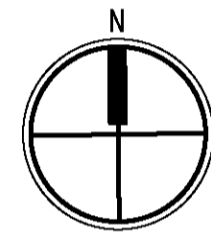
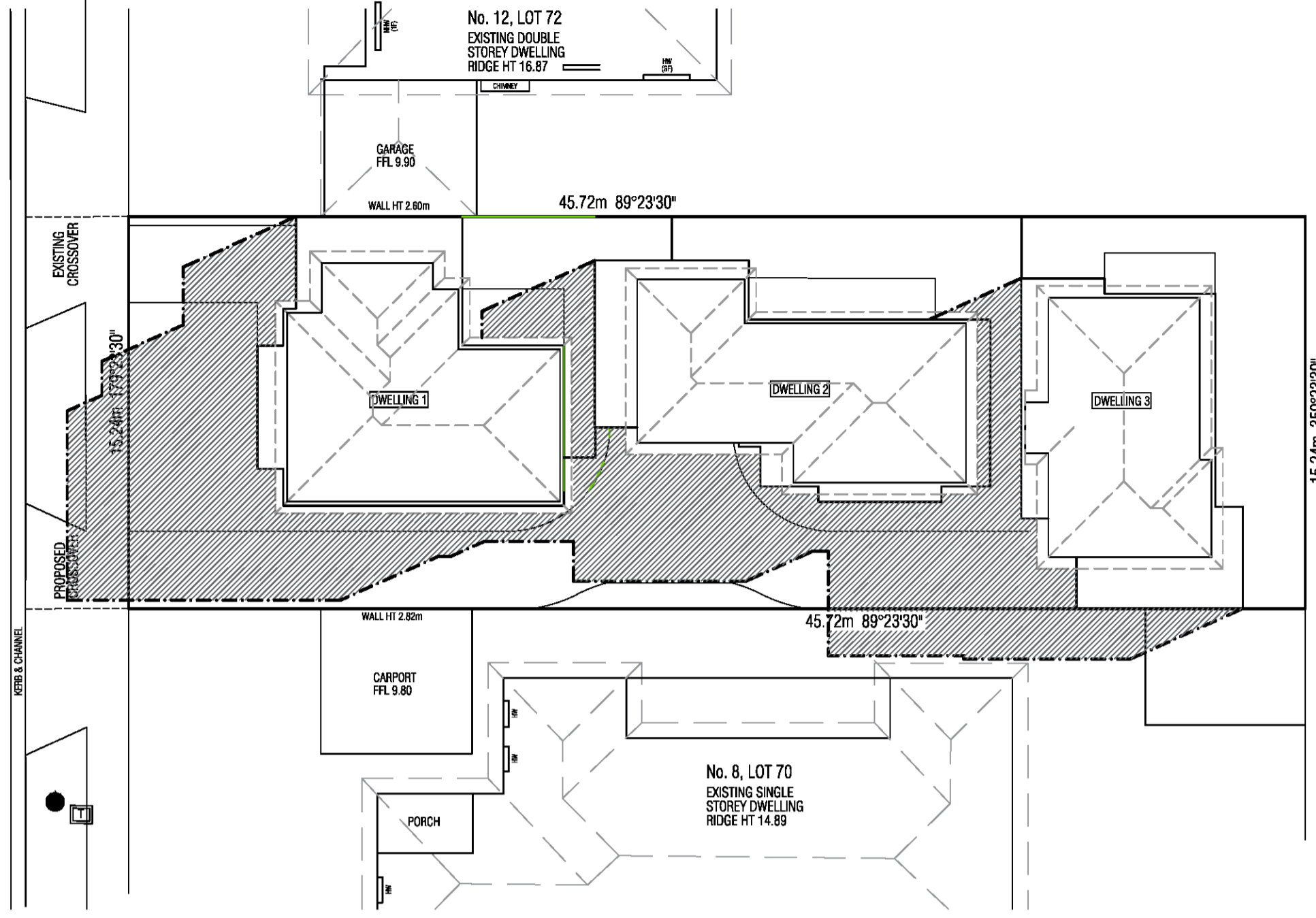
Sheet No:
05/07

Drawn:
Z.D.A.

Rev.
A

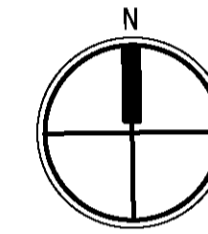
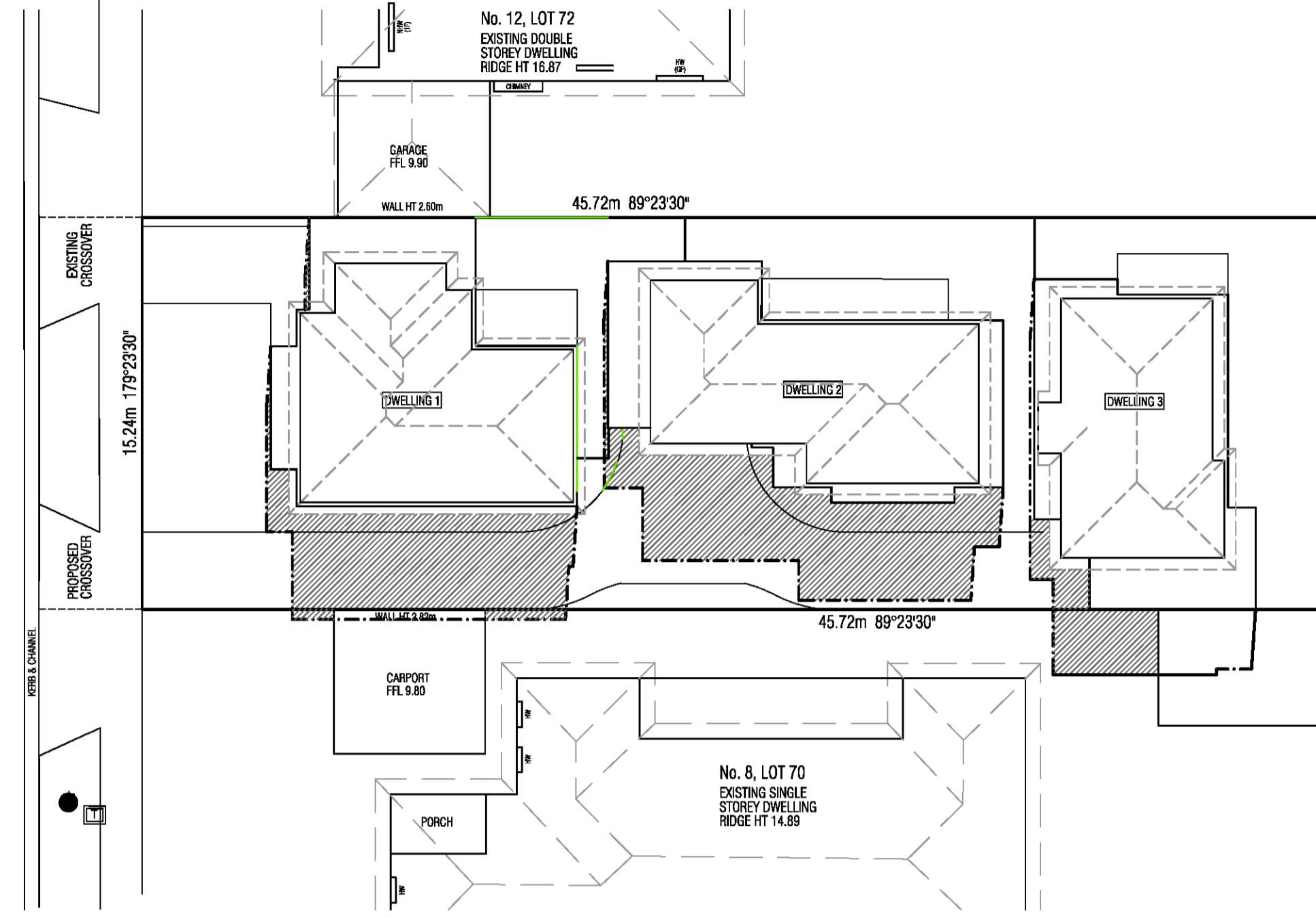
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LEE STREET



9AM SHADOW DIAGRAM
SCALE 1:200

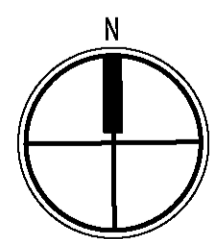
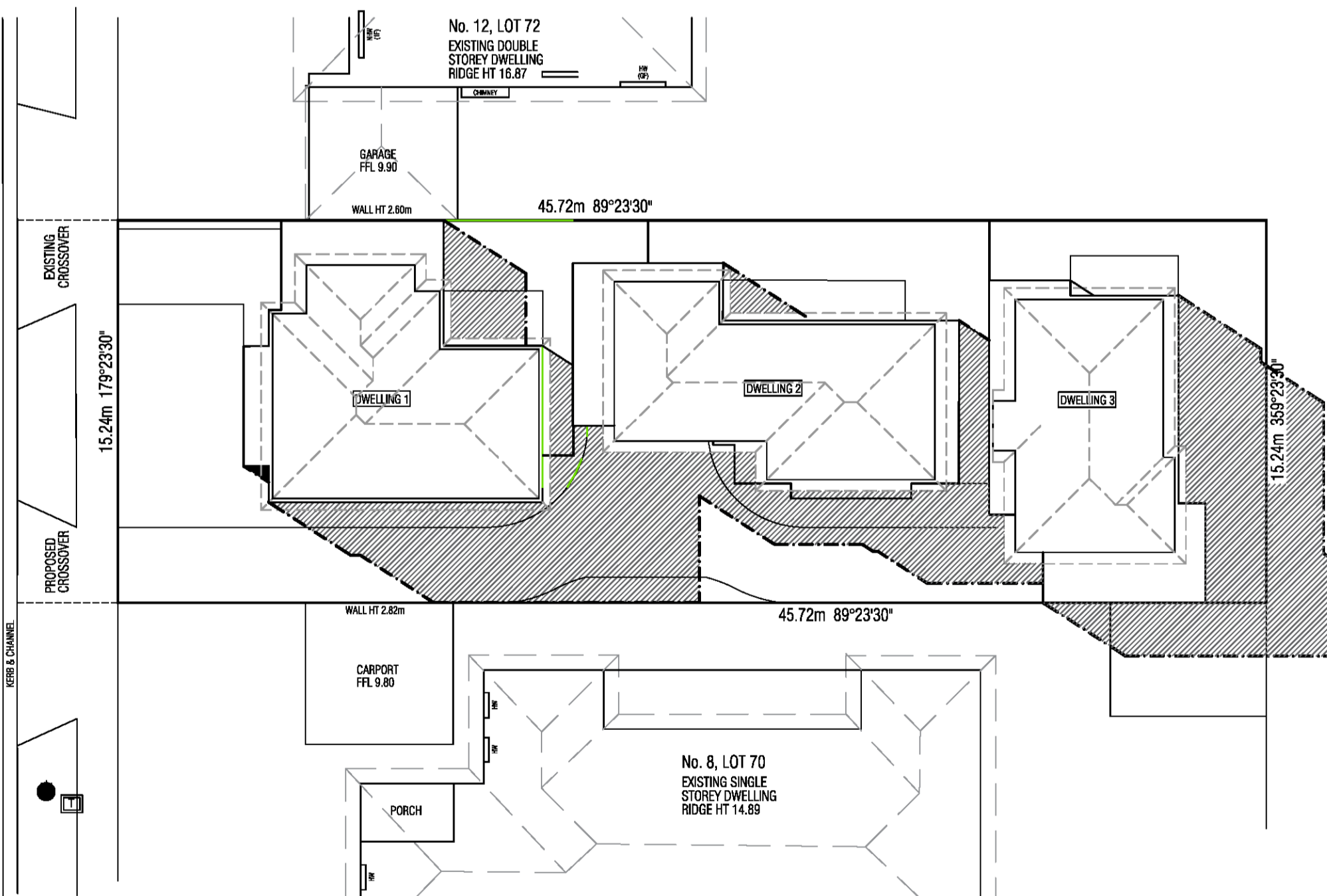
LEE STREET



12PM SHADOW DIAGRAM
SCALE 1:200

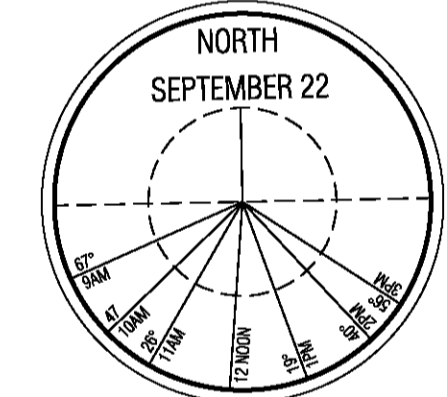
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LEE STREET



3PM SHADOW DIAGRAM
SCALE 1:200

LEGEND
SUNLIGHT TO PRIVATE OPEN SPACE



EQUINOX DATUM:
22 SEPTEMBER
MELBOURNE, VICTORIA
SHADOW TIME:

TIME	SUN ALTITUDE (DEGREES)	SHADOW LENGTH PER METRE HIGH
9AM	32°	1.6m
10AM	41°	1.15m
11AM	46°	0.87m
12 NOON	52°	0.78m
1PM	50°	0.84m
2PM	45°	1.0m
3PM	38°	1.3m



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E-mail: zda_design@bigpond.com

Project:
THREE UNIT DEVELOPMENT

Scale:
1:100

Sheet No:

06/07

At:
No. 10, LOT 71
LEE STREET
CRAIGIEBURN

Date:
30.03.2026

Job No:
25008

Drawn:
Z.D.A.

Rev.
A

Original Sheet Size:
A1

Assessed Site area of 697 m²

Total roof catchment of 326.2 m², comprising:

- Dwelling 1 roof area: **121 m²**
- Dwelling 2 roof area: **117.6 m²**
- Dwelling 3 roof area: **87.6 m²**

Landscaped permeable area of 205.5 m²

Permeable driveway area of a minimum 30 m²

Remaining impervious areas of 135.3 m², consisting of hardstand surfaces and other non-permeable site elements

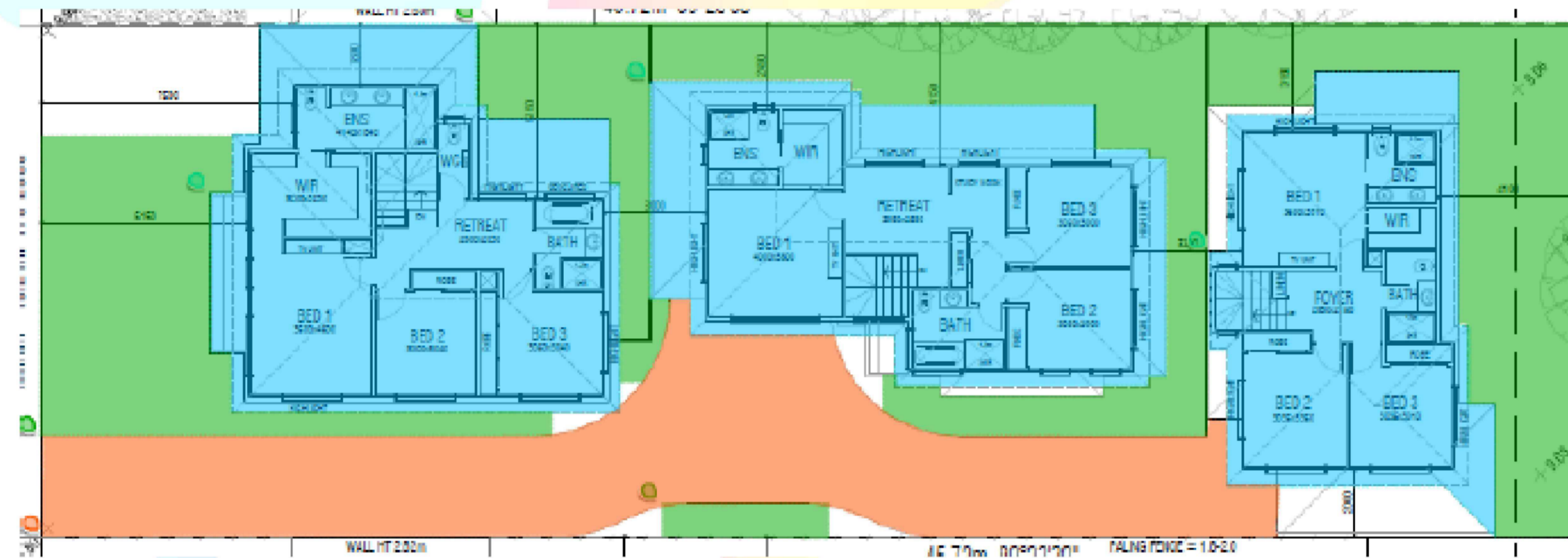


Figure 3: Roof catchment (blue) / Landscaped areas (green) / Area excluded (black) / Untreated areas (white) / Potential driveway area in which a part (30sqm) will be permeable (orange)

Stormwater Results

The initiatives and areas described above have been applied to the Blue Factor and has achieved a score above 100%

Project # B98B3F87
 10 Lee St, Craigieburn VIC 3064, Australia
 WALI ZERMATI - wali@certisustainability.com
 10 Lee St, Craigieburn VIC 3064, Australia
 20 March 2026 1:10 p.m.



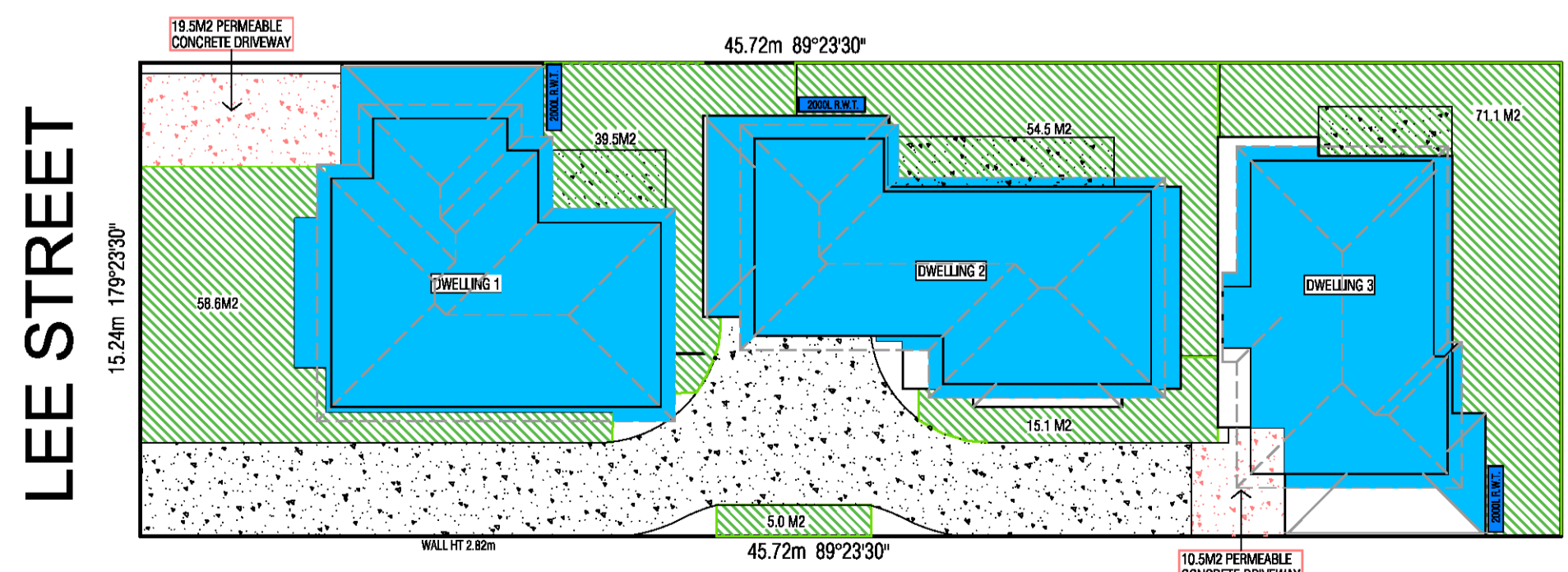
10 Lee St, Craigieburn VIC 3064, Australia

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

Project details

Name	10 Lee St, Craigieburn VIC 3064, Australia
Project ID	B98B3F87
Street address	10 Lee St, Craigieburn VIC 3064, Australia
Municipality	Hume
Site area	697 m ²
Planning Number	

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LEGEND	
	HATCHING DENOTES GARDEN AREA IN ACCORDANCE WITH THE HUME CITY COUNCIL
	HATCHING DENOTES CONCRETE AREA
	HATCHING DENOTES PERMEABLE CONCRETE AREA (30M2)
	ROOF AREA TREATED BY RAINWATER TANK
	2000L R.W.T.

REFER TO WSUD REPORT PREPARED BY CERTI SUSTAINABILITY, DATED 20.02.2026.

ROOF CATCHMENT PLAN
 SCALE 1:200

	ZDA Design Pty. Ltd. Zekija Dedic-Alibasic DP-AD 20968	Project: THREE UNIT DEVELOPMENT	Scale: 1:100	Original Sheet Size: A1
	10/82 Makland Drive Derrimut VIC, 3030 Phone/Fax: 8390 5665 Mobile: 0419 554 796 E-mail: zda_design@bigpond.com	At: No. 10, LOT 71 LEE STREET CRAIGIEBURN	Date: 30.03.2026	
		Job No: 25008	Drawn: Z.D.A.	Rev. A

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

Page 1 of 1

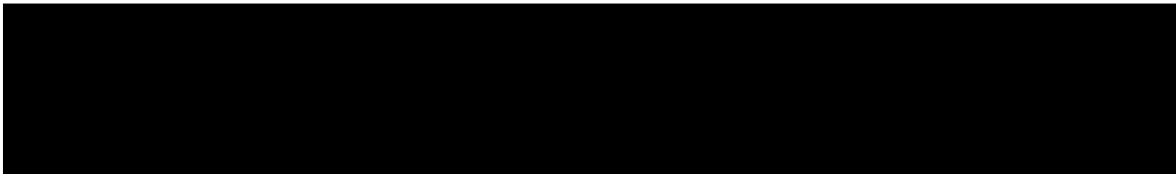
VOLUME 08642 FOLIO 343

Security no : 124129785120V
Produced 11/11/2025 11:04 AM

LAND DESCRIPTION

Lot 71 on Plan of Subdivision 072629.
PARENT TITLE Volume 08634 Folio 366
Created by instrument LP072629 19/10/1966

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



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

DIAGRAM LOCATION

SEE LP072629 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: 10 LEE STREET CRAIGIEBURN VIC 3064

ADMINISTRATIVE NOTICES

NIL

eCT Control 19531K DENTONS AUSTRALIA
Effective from 28/04/2025

DOCUMENT END

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Document Identification	LP072629
Number of Pages (excluding this cover sheet)	4
Document Assembled	11/11/2025 11:04

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PLAN OF SUBDIVISION OF PART OF CROWN ALLOTMENT A2 SECTION 23 PARISH OF YUROKE COUNTY OF BOURKE

LP 72629

EDITION 1
APPROVED 6/10/66

4 SHEETS
SHEET 1.

Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES
DEPTH LIMITATION: 50 FEET

COLOUR CODE

E-1 = BLUE
R1 & E-2 = BROWN
E-3 = GREEN

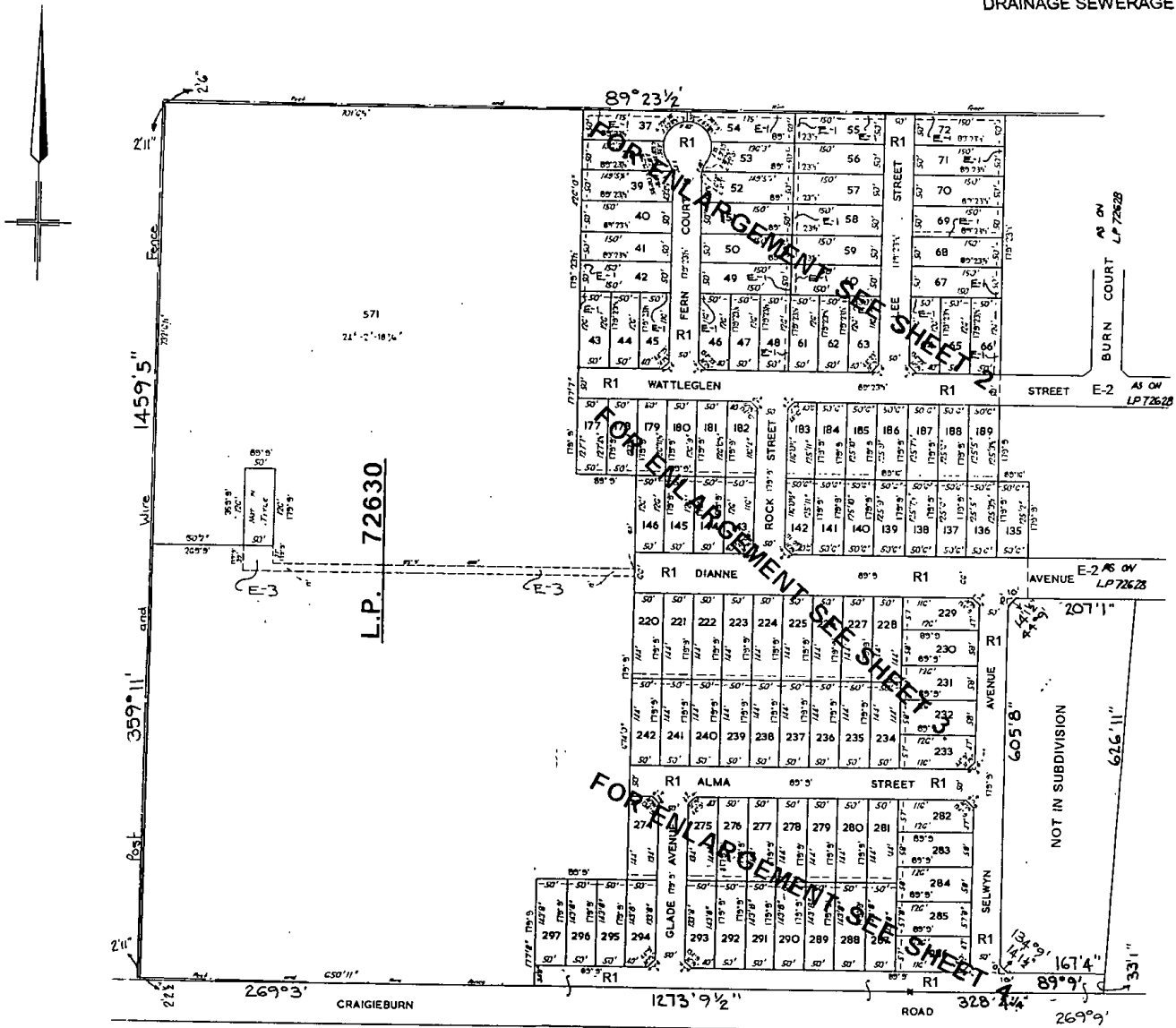
APPROPRIATIONS

THE LAND COLOURED BLUE IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND SEWERAGE AND IS SIX FEET WIDE

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE SEWERAGE AND WAY

THE LAND COLOURED GREEN IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE SEWERAGE AND WAY

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LP 72629

4 SHEETS
SHEET 3

SEE SHEET 2

WATTEGLEN STREET

ROCK STREET

DIANNE AVENUE

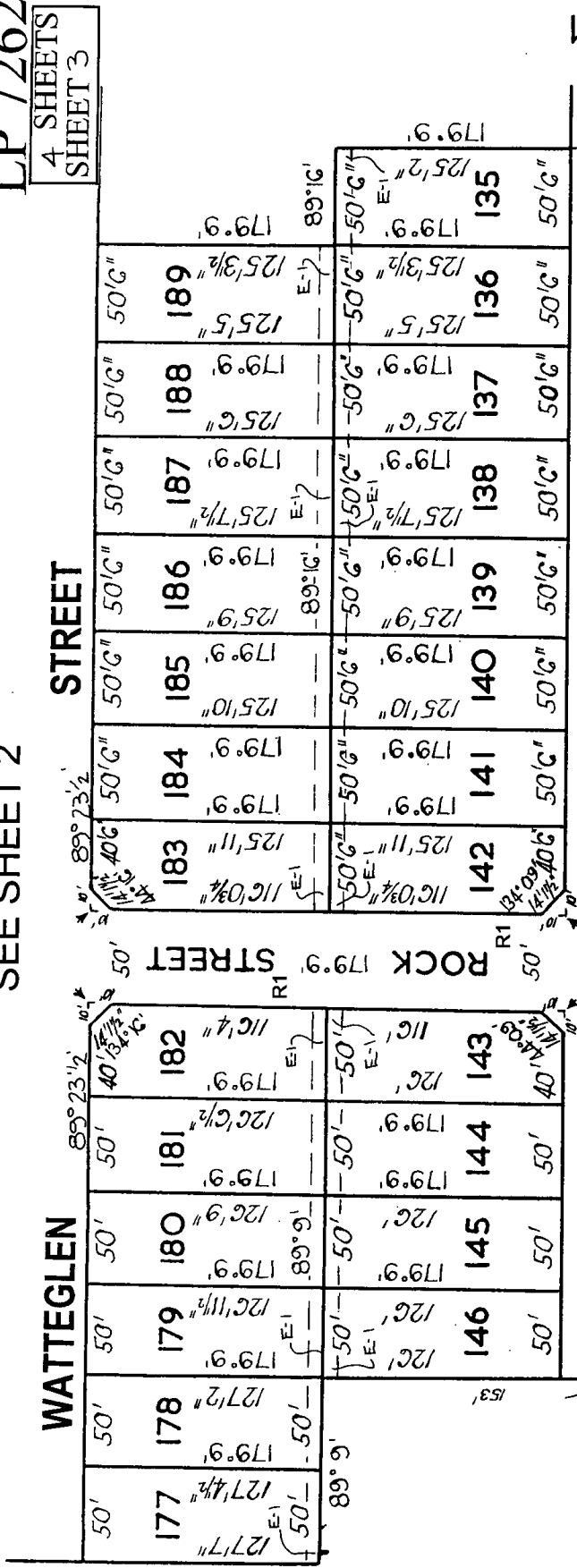
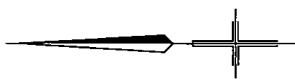
SELWYN AVENUE

SEE SHEET 1

SEE SHEET 1

SEE SHEET 1

SEE SHEET 1



SEE SHEET 1

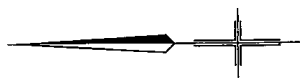
SEE SHEET 1

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LP 72629

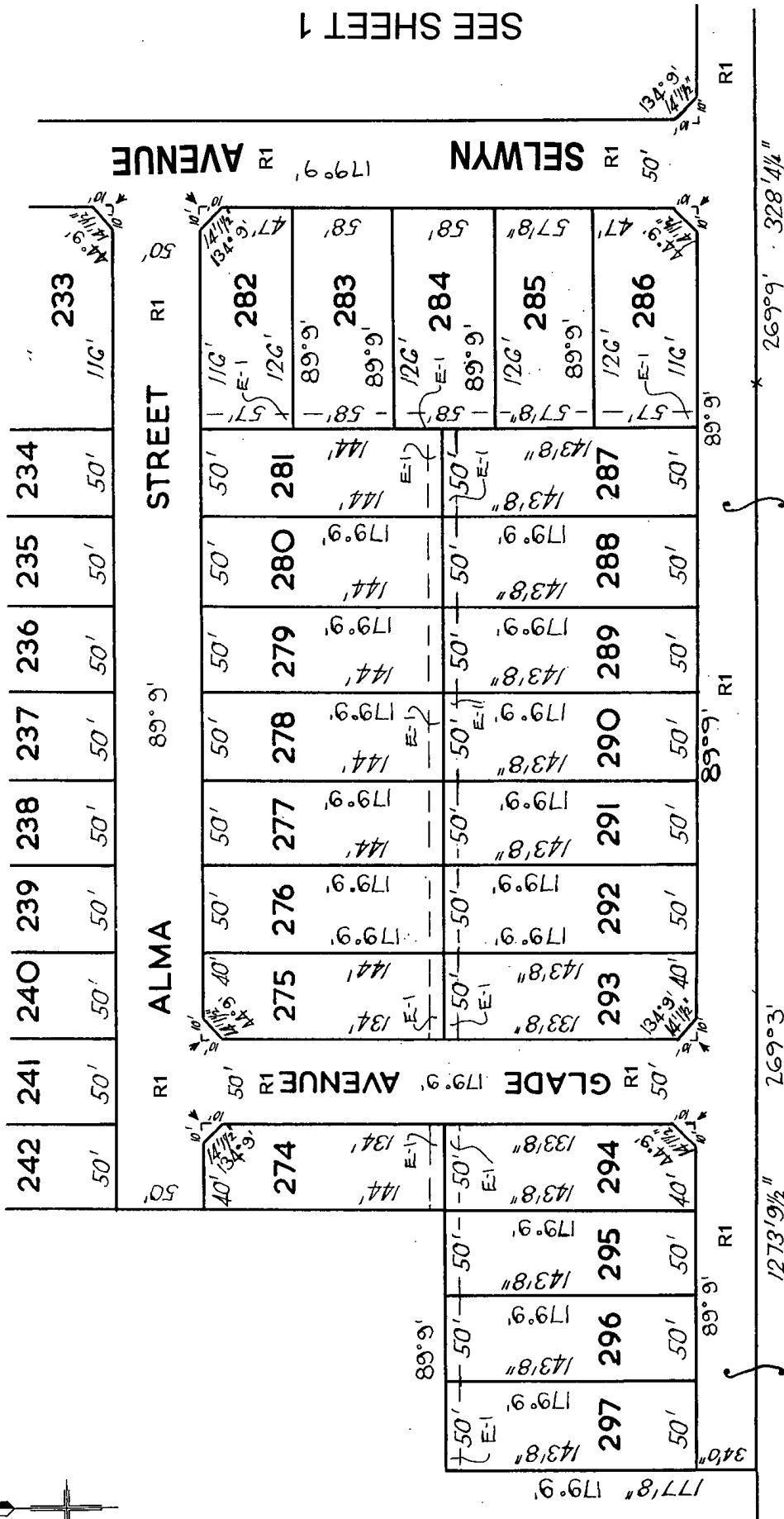
SEE SHEET 3

4 SHEETS
SHEET 4



SEE SHEET 1

SEE SHEET 1



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Town Planning Written Submission

Completed on behalf of the permit-applicant to justify the development of three double storey dwellings on land known as 10 Lee Street, Craigieburn.

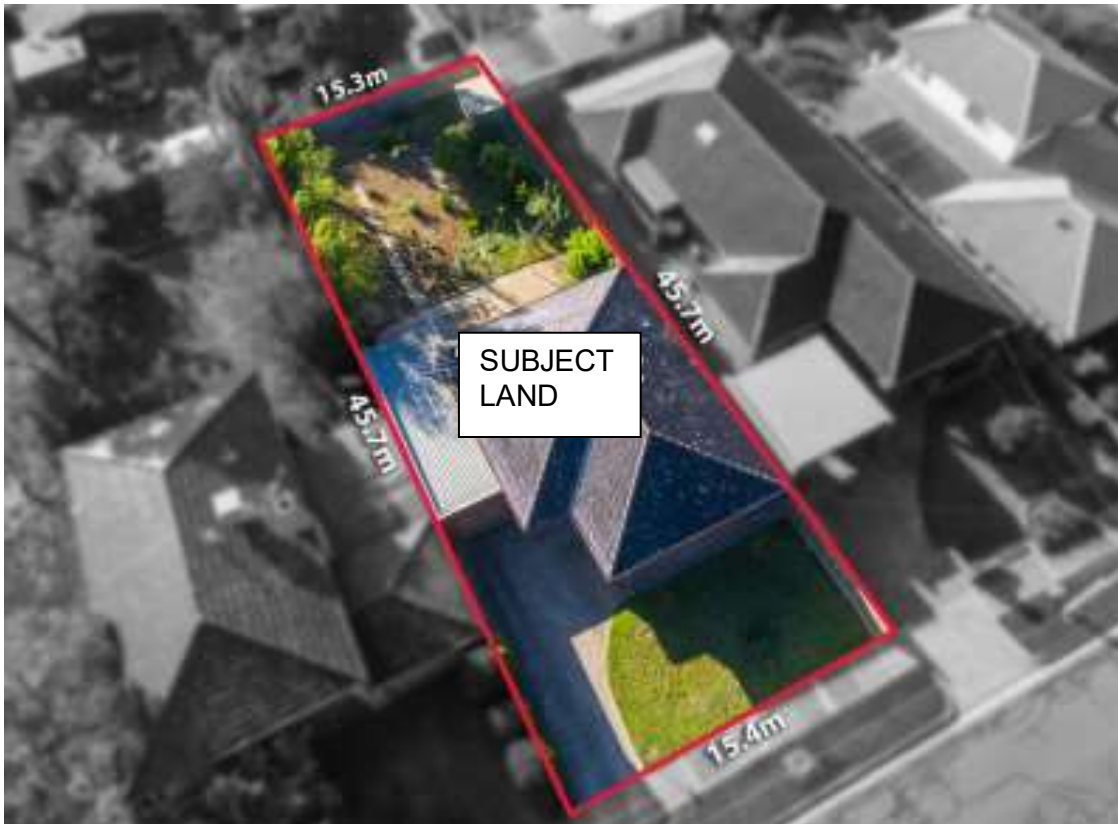


This report was completed on 27th October 2025 by:

LUKAMRKONJIC
TOWN PLANNING SERVICES

████████████████████
lukatownplanning@gmail.com

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There are no street trees in front of the subject site.



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The following two photographs show the rear yard of the subject land:



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NEIGHBOURING DWELLINGS

Immediately south of the subject land (8 Lee Street), is a single storey brick veneer dwelling that includes a carport constructed along the side boundary shared with the subject land.



Immediately north of the subject land (12 Lee Street), is a double storey brick veneer dwelling that includes a garage constructed along the side boundary shared with the subject land.



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SURROUNDING CONTEXT

The surrounding context reflects an eclectic mix of single and double storey dwellings. Examples of nearby dwellings within Lee Street include the following:



PROPOSAL

This application is for the construction of three double storey dwellings, whereby the proposed dwellings are to be laid out in a front-to-back tandem arrangement.

Proposed **Dwelling 1** is located at the site frontage. The ground level component comprises of a study, a living/meals area, a kitchen, a combined bathroom/toilet, a laundry and a single lock-up garage at ground level.

The first floor component comprises of the master bedroom with an ensuite and walk-in-robe, two additional bedrooms, a combined bathroom/toilet, a retreat and a separate toilet.

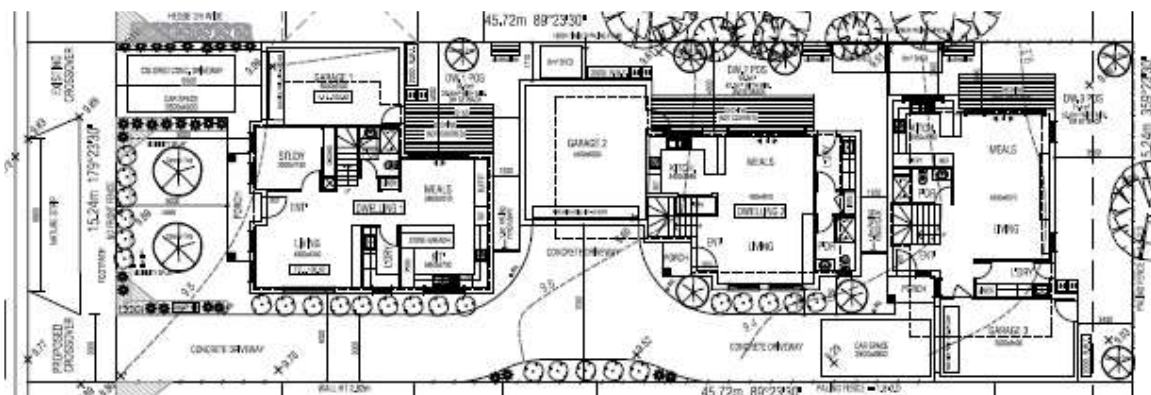
Proposed **Dwelling 2** is located within the centre of the site. The ground level component comprises of a living/meals area, a kitchen, a combined bathroom/toilet, a laundry and a double lock-up garage at ground level.

The first floor component comprises of the master bedroom with an ensuite and walk-in-robe, two additional bedrooms, a combined bathroom/toilet, a retreat and a study nook.

Proposed **Dwelling 3** is located at the rear of the site. The ground level component comprises of a living/meals area, a kitchen, a combined bathroom/toilet, a laundry and a single lock-up garage at ground level.

The first floor component comprises of the master bedroom with an ensuite and walk-in-robe, two additional bedrooms and a combined bathroom/toilet.

The following is the ground level layout:



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The following is the first floor layout:



The proposed elevations reflect a contemporary design that includes face brick cladding to ground level walls, lighter-looking rendered walls at the first floor, a combination of ground level parapet and hipped roofs, contrasting porches and rectangular shaped windows.

A three-dimensional impression of the proposal is as follows:

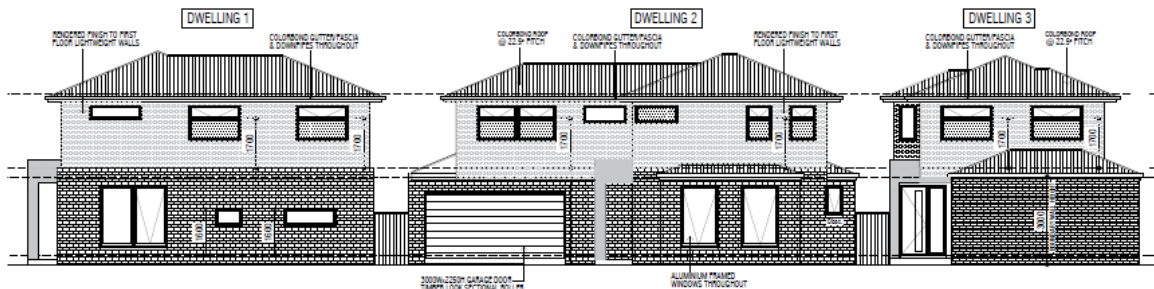


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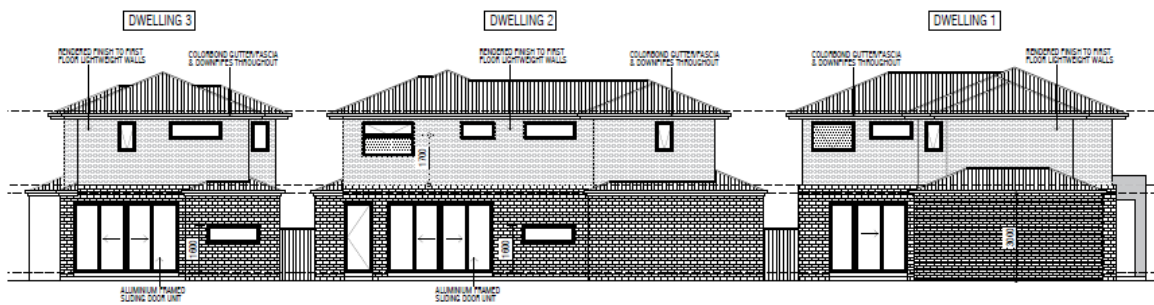
The following is the front elevation plan of Dwelling 1:



The following are the side elevations of all three proposed dwellings:



SOUTH (SIDE) ELEVATION - DWELLING 1, 2 AND 3



NORTH (SIDE) ELEVATION - DWELLING 1, 2 AND 3

The proposed elevations include varying design detailing for all three dwellings. External elevations are extensively articulated, upper level roofs reflect a complex arrangement of roofs, contrasting rendered porches and variations to window proportions that contributes to a visually interesting design.

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The subject land is included within the General Residential Zone. No planning scheme overlays affect the subject site.

GENERAL RESIDENTIAL ZONE (GRZ)
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



The following are the relevant purposes of the General Residential Zone pursuant to the Hume Planning Scheme:

32.08

GENERAL RESIDENTIAL ZONE

31/03/2025

VC267

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that is responsive to the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

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Schedule 1 to the General Residential Zone does not include specific neighbourhood character objectives, nor are there any local Clause 55 variations.

HUME PLANNING SCHEME

27/05/2019
C238hume

SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as **GRZ1** .

HUME RESIDENTIAL AREAS

1.0
27/05/2019
C238hume

Neighbourhood character objectives

None specified.

2.0
26/04/2024
VC252

Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?

No

3.0
08/09/2025
VC282

Requirements of Clause 54 and Clause 55

	Standard	Requirement
Minimum street setback	A2-1	None specified
	B2-1	None specified
Site coverage	A2-5	None specified
	B2-5	None specified
Private open space	A3-2	None specified
	B3-5	None specified
Front fence height	A2-7 and B2-8	None specified

4.0
26/04/2024
VC252

Maximum building height requirement for a dwelling, small second dwelling or residential building

None specified.

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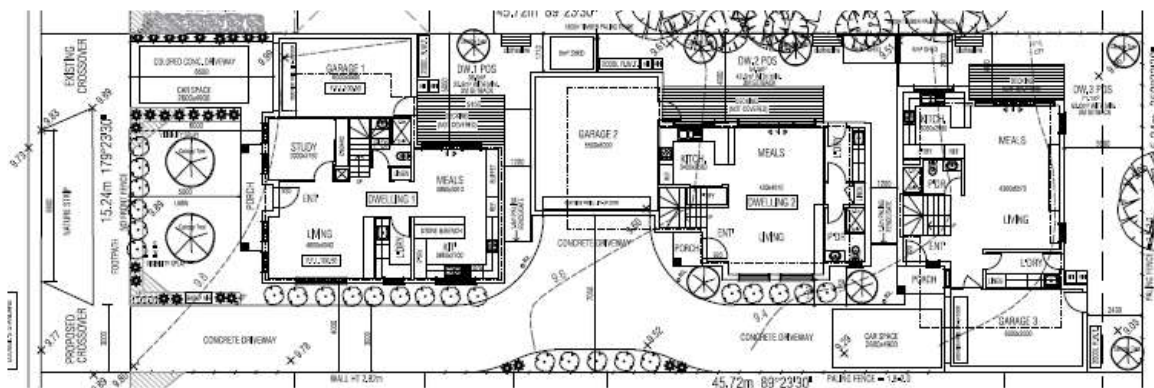
CLAUSE 52.06 – CAR PARKING

All three proposed dwellings have the provision of three bedrooms and all have the provision of two on-site car spaces.

Dwelling 1 has access via an exclusive driveway. A single lock-up garage and a tandem 'open' car space provides the second on-site car parking space.

Proposed Dwelling 2 has three bedrooms and a fully compliant two on-site car space provision in the form of a double garage. Proposed Dwelling 3 has on-site car parking provision in the form of a single garage and an 'open' car space in front of the garage.

Proposed Dwellings 2 and 3 utilise a common driveway.



The provision of the required number of car spaces for each of the three dwellings accords with the requirements of Clause 52.06, which will not 'trigger' a permit requirement that would need to be assessed pursuant to Clause 52.06 of the Hume Planning Scheme.

As the proposal is for less than five dwellings, on-site visitor parking is not required.

The cars associated with Dwelling 2 would have the ability to enter and exit the subject site in a forward gear.

The car associated with proposed Dwellings 1 and 3 have the ability to reverse out onto Lee Street as this street is not defined as a TR22 (Transport 2 Zone).

A previous VCAT decision (VCAT Reference No. P911/2022 *Vrselja v Brimbank CC* 2023-VCAT 91) which is reproduced as Attachment 1 at the end of this report (page 30-47) which would support the car associated with proposed Dwellings 1 and 3 reversing out onto Lee Street, despite the common driveway serving cars associated with more than one dwelling.

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The VCAT decision being cited allowed four cars associated with two dwellings, reversing out onto Betson Court in Kealba, where all four cars utilise a single vehicle crossing.

In paragraphs 25 of *Vrselja v Brimbank CC*, Senior VCAT Member J.A. Bennett states:

25 Mr Mrkonjic submitted that the proposal fails to meet Design Standard 1 in clause 52.06-9 because the accessways serve four or more car spaces and



must be designed to allow vehicles to exit in forward direction. I find this a curious interpretation of the clause given no permit is being sought for car parking and where a car parking plan (and compliance with design standards) is to be to the satisfaction of the responsible authority. Mr

CLAUSE 53.03-1 – RESIDENTIAL RETICULATED GAS CONNECTION

Despite the owner's intention of wanting the option of a gas connection for all three proposed dwellings, it is acknowledged that the planning scheme will not permit such provision and the amended plans do not outline provisions for a gas connection.

TOWNHOUSE & LOW-RISE CODE

On 31st March 2025 Planning Scheme Amendment VC267 implemented the new residential development planning assessment provisions in order to boost housing construction to meet the housing needs of Victoria.

Amendment VC267 also applies to Hume Council.

Clause 55 of all planning schemes applies to the development of two or more dwellings on a lot and residential buildings up to and including three storeys.

A planning permit is always required for these developments in the residential zones.

The applicable planning for considering a development of two or more dwellings on a lot (as proposed for the subject site) under Clause 55 is:

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- A development must meet all of the applicable Objectives contained in Clause 55.
- If a development meets a Standard:
 - o The corresponding objective is deemed to be met;
 - o The responsible authority is not required to consider the corresponding decision guidelines.
- If a development does not meet a Standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

If an application meets certain requirements, the planning application cannot be refused on the basis of that requirement.

When a Standard is met, the council is not required to consider any other policy or decision guideline in the planning scheme and specified matters under section 60 of the Planning & Environment Act.

TOWNHOUSE & LOW RISE CODE ASSESSMENT

Under clause 55.01 (Application requirements) of the planning scheme an application must be accompanied by a written statement outlining which standards are met and which are not met.

If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines.'

The deemed to comply standards were approved on 6 March 2025 and commenced operation on 31 March 2025 under VC267.

It is submitted that this four-dwelling development has met all of the relevant Objectives and Standards contained in Clause 55.

Clause 55.01-1 Neighbourhood and site description

The neighbourhood and site description utilises a site plan that outlines all of the applicable requirements relating to the surrounding, existing context.

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55.01-2 Design response

The following written statement has been completed to demonstrate that the proposed three-dwelling development reflects an appropriate design response for the subject land.

The provision of three (3) compact, three-bedroom dwellings on the subject site facilitates dwelling diversity for this area, which is encouraged by the Hume Planning Scheme.

It is also submitted that dwelling diversity also contributes to improved housing affordability for households wanting three-bedroom dwellings on compact parcels of land.

The provision of a single dwelling at the site frontage accords with the prevailing pattern of development found along both sides of Lee Street.



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The common driveway along the southern side boundary will achieve an appropriate sense of separation between proposed and existing dwellings.

All three proposed dwellings have an excellent northern orientation for living areas and secluded open spaces.

All three proposed dwellings within the subject land being detached from one another will aid in minimising building bulk and reinforces the prevailing detached dwelling character.

The proposal will also reflect a positive design response, avoiding a continuous built form extending the length of the site.

The proposed three-dwelling development being proposed on the subject land is consistent in scale and form to a recently approved multi-dwelling development on a nearby site at 4 Lee Street, Craigieburn.



A comparison of the front elevation of Dwelling 1 at 4 Lee Street and the front elevation of proposed Dwelling 1 on the subject land (10 Lee Street) is as follows:



4 Lee Street



10 Lee Street

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The dwellings at 4 Lee Street and the dwellings proposed for 10 Lee Street reflect a complementary architectural style to one another.

The contrasting materials between the ground level and first floor external walls, as well as the extensive articulation of all three dwellings will create a visually interesting design response, which will enhance the existing streetscape character.

No front fencing is proposed to achieve an 'open' front garden character which will respect the streetscape character of Lee Street. A significant number of properties within Lee Street do not have front fences.



The subject site is flat and the ground level sub-floor has not been unnecessarily raised. Similarly, floor-to-ceiling heights are at a reasonable height to ensure a respectful two storey form is achieved.

The proposed two-storey form has been appropriately designed to not adversely affect or dominate the adjacent properties. The adjacent two storey dwelling at 12 Lee Street also helps to justify the proposed two storey built form from a contextual point of view.



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One of the design responses of the current proposal that was adopted for the current proposal, is to accommodate a single dwelling at the site frontage.

The dimensions and locations of the secluded open spaces will ensure that the new dwelling to be incorporated into an appropriate garden setting and that the proposed two-storey dwellings will 'sit comfortably' within the existing context.

The provision of open spaces at the front, centre and rear of the site will ensure that the proposal is integrated within an appropriate garden setting. The proposal reflects a site responsive layout whereby the proposed dwellings will not adversely affect adjacent sites.

The subject land has an area of 766 square metres, requiring the proposal to achieve a minimum garden area of 35 square metres. The proposal achieves a fully compliant 35% garden area. The proposal cannot be described as an over-development of land, achieving a compliant site coverage of 42.94% and achieving permeability within the site that equates to a compliant 25%.

With respect to the General Residential Zone, the proposed development satisfies the purpose of this zone by providing housing diversity to meet the housing needs of all households.

The proposal reflects a site responsive design that will respect the existing neighbourhood context and will not adversely affect the amenity of neighbouring properties.

By providing for additional housing within an area that is within proximity to existing activity centres and is well-served by public transport (train and buses) as well as schools, reduces pressure on supply of urban land.



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Increasing housing supply within an area that is conveniently located within proximity to two major existing activity centres (Craigieburn Plaza Shopping Centre and Craigieburn Central Shopping Centre), local shops, schools, recreation facilities and public transport is considered positive and accords with the intent of the applicable planning policy, which is to increase housing growth within established, well-serviced areas.

The proposed three-dwelling development on the subject site can be justified by statements included in the Hume Planning Scheme relating to population growth and Hume's demographic profile.

One of these statements includes:

- *"Hume's population will grow by more than fifty percent from just under 245,000 in 2021 to nearly 395,000 by 2041. When all current growth area land is developed the population will be around 420,000."*

The demographics of this municipality also justifies the provision of additional, more compact dwellings on compact parcels of land. The Hume planning scheme also states the following:

- *"One and two person households make up more than 47% of Hume's households, another 10% are one parent families and 33% of households are couples with children."*

The relevant strategic directions that justify this proposal that are included within the Hume Planning Scheme include the following:

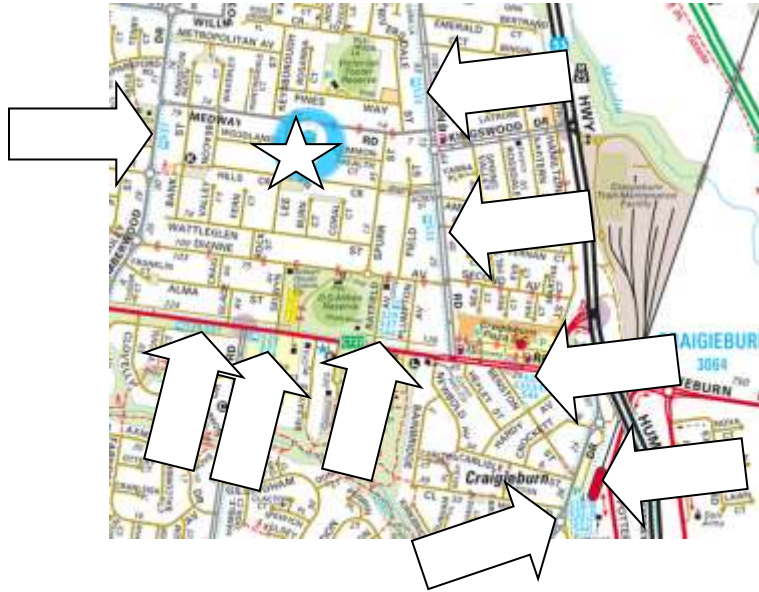
- *"Increase the diversity of housing in Hume."*
- *"Encourage well-designed infill residential development that provides housing options for smaller households."*

Households with fewer occupants also create demand for compact three-bedroom dwellings, whereby spare bedrooms can be used as home offices and guest rooms.

Implications of the General Residential Zone

Currently, the subject land is within a **General Residential Zone** (GRZ1); is free of Clause 55 variations as part of the Schedule to the Zone and the land not encumbered by a planning scheme overlay that would have any influence on the building design and form in any way.

One of the purposes of the General Residential Zone is to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport. This justifies the proposed development of three dwellings on the subject site as the subject site is located within convenient walking distance to bus stops and the Craigieburn train station.



The proposed layout contributes positively to the garden character of this area. The proposal incorporates a generous front yard for Dwelling 1, as well as generous size rear yards for each of the three dwellings.

The proposal accommodates the required garden area requirement pursuant to Clause 32.08-4 of the Hume Planning Scheme.

Preferred Neighbourhood Character

Having specific regard to the Municipal Planning Strategy (unlike a number of other areas within the municipality of Hume), Craigieburn is 'policy silent' as far as preferred character policy is concerned.

Therefore, it is submitted that due to the subject site's proximity to the two major shopping centre, bus stops and a train station, the proposed additional dwellings are justified for a well-served area. Within well-served area, it is anticipated that the neighbourhood character is more likely to change in comparison to a more remote location away from existing services.

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A quote from a previous VCAT decision, **Jacobs v Banyule CC [2008] VCAT 634**, whereby Member Keaney appropriately states the following which is highly relevant to the subject site:

- *“The Tribunal has commented often enough on the fact that suburbs will physically change as state and local policy on encouraging medium density housing takes effect.”*

As previously outlined in this report, it is submitted that the proposal has been carefully designed to respect the neighbourhood character of the area.

The designer has not ignored the original (single and double storey) character of this area by adopting a well-designed, two storey form for all three proposed dwellings.

The proposal avoids a continuous side-boundary to side-boundary development, as well as a continuous development extending the full length of the subject site.

The physical building separation from one of the site boundaries (by way of the provision of the common driveway), will acknowledge the existing pattern of development generally found on existing dwellings. This will satisfy another aspect of the existing neighbourhood character.

The proposed layout also includes a physical separation between the respective dwellings being proposed. Such provision avoids a continuous built form extending the length of the subject site as well as acknowledging the prevailing detached residential character of this area.

The generous open spaces that are proposed at the front, centre and rear of the site can accommodate numerous canopy trees to achieve the desired garden character.

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CLAUSE 55 – ASSESSMENT

Where the Standards shaded in grey are met, an objector has no right of appeal.

Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B2-1 Street setback (Clause 55.02-1)	Yes	No, as standard met	Proposed Dwelling 1 has the required 6.0 metre front setback.
Standard B2-2 Building height (Clause 55.02-2)	Yes	No, as standard met	The maximum height is 7315mm, being below the 9000mm maximum to achieve full numeric compliance with Standard B2-2.
Standard B2-3 Side and rear setbacks (Clause 55.02-3)	Yes	No, as standard met	The side setbacks for all three dwellings comply with Standard B2-3.
Standard B2-4 Walls on boundaries (Clause 55.02-4)	Yes	No, as standard met	The boundary wall construction is limited to the Dwelling 1 garage along the northern boundary and the Dwelling 3 garage along the southern boundary. The length of both garage walls along their respective side boundaries is approximately 6.5 metres in length. Based on the 45.72 metre length of the site, Standard B2-4 would allow 18.93 metres of wall along the side boundary. The heights of these boundary walls all reflect average heights of less than 3.2 metres.
Standard B2-5 Site coverage (Clause 55.02-5)	Yes	No, as standard met	The proposal has a compliant site coverage of 42.94% being well under the 65% maximum.

Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B2-6 Access (Clause 55.02-6)	Yes	No, as standard met	Two 3.0 metre wide driveways for a site exceeding 15 metres in width fully complies with Standard B2-6.
Standard B2-7 Tree canopy (Clause 55.02-7)	Yes	No, as standard met	The landscaping plan that will be completed for this three-dwelling development will demonstrate full compliance with Standard B2-7.
Standard B2-8 Front fences (Clause 55.02-8)	Yes	No, as standard met	No front fence is proposed.
Standard B3-1 Dwelling diversity (Clause 55.03-1)	Yes	No, irrespective of whether the standard is met or not.	Not applicable to a three-dwelling development.
Standard B3-2 Parking location (Clause 55.03-music patches2)	Yes	No, irrespective of whether the standard is met or not.	The plans have been designed to accord with Standard B3-2. Landscaped buffers (at least 1.0 metre wide), separate habitable room windows and the common driveway to achieve compliance with B3-2.

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Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B3-3 Street integration (Clause 55.03-3)	Yes	No, irrespective of whether the standard is met or not.	<p>Dwelling 1 has a direct interface to the street frontage.</p> <p>Location of Unit 1 windows promotes passive surveillance of the street frontage by locating study, living room and master bedroom windows at the front facade.</p> <p>Proposed Dwellings 2 and 3 are appropriately integrated with the street frontage by the common driveway.</p> <p>Windows of Dwellings 2 and 3 will provide passive surveillance of the common driveway.</p>
Standard B3-4 Entry (Clause 55.03-4)	Yes	No, irrespective of whether the standard is met or not.	<p>Proposed entries of all three dwellings are appropriately positioned and located to be easily identifiable from either the street frontage or from within the common driveway.</p> <p>Proposed Dwelling 1 has the front entry door directly facing street frontage.</p> <p>Proposed Dwellings 2 and 3 are appropriately orientated toward the common driveway.</p>
Standard B3-5 Private open space (Clause 55.03-5)	Yes	No, irrespective of whether the standard is met or not.	<p>Secluded open space area of all three dwellings have been designed to provide an area of at least 25 square metres with a minimum dimension of 3.0 metres, achieving full compliance with Standard B3-5.</p> <p>All three dwelling's secluded open spaces have direct access via the meals area sliding doors.</p>
Standard B3-6 Solar access to open space (Clause 55.03-6)	Yes	No, irrespective of whether the standard is met or not.	<p>The proposal reflects a site responsive design to ensure that the secluded open spaces of all three dwellings satisfies Standard B3-6 achieving the desired northern orientation.</p>

Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B3-7 Functional layout (Clause 55.03-7)	Yes	No, irrespective of whether the standard is met or not.	Bedroom and living area sizes accord with Standard B3-7.
Standard B3-8 Room depth (Clause 55.03-8)	Yes	No, irrespective of whether the standard is met or not.	<p>The room depth requirements exceed the minimum dimensions specified in Standard B3-8.</p> <p>The proposed dwellings include a 2.7 metre (internal) floor-to-ceiling height, ensuring a substantial level of compliance is achieved.</p> <p>Single aspect rooms do not exceed 6.75 metre depth (which equates to 2.5 times the 2.7 metre ceiling height).</p>
Standard B3-9 Daylight to new windows (Clause 55.03-9)	Yes	No, irrespective of whether the standard is met or not.	<p>Standard B3-9 compliance is achieved to all habitable room windows associated with both proposed dwellings.</p> <p>The provision of adequate physical separation between habitable room windows from fences and walls (both proposed and existing), would provide a high level of internal amenity for future occupiers.</p> <p>As Standard B3-9 is met, no further consideration of the decision guidelines is required.</p>
Standard B3-10 Natural ventilation (Clause 55.03-10)	Yes	No, irrespective of whether the standard is met or not.	Standard B3-10 compliance is achieved to all rooms associated with both proposed dwellings. The layout of the respective dwellings ensures that habitable room windows are located on different orientations of a dwelling (front, one side and rear of each dwelling).

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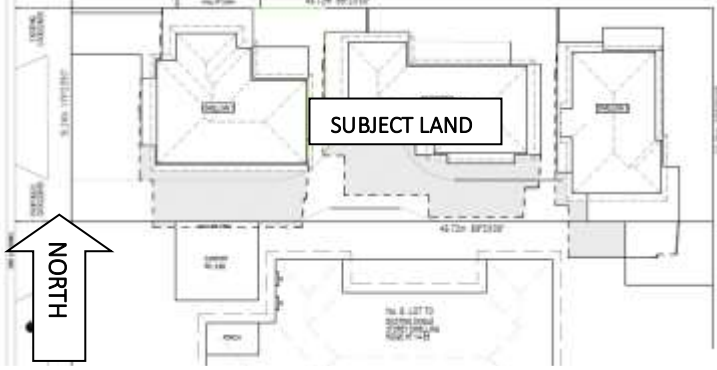
Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B3-11 Storage (Clause 55.03-11)	Yes	No, irrespective of whether the standard is met or not.	<p>Standard B3-11 compliance is achieved for all three proposed dwellings.</p> <p>Garden sheds are provided in the secluded open space areas for all three dwellings having a 6m³ capacity.</p> <p>Internal storage area is also provided for each dwelling.</p> <p>The total storage capacity exceeds the relevant storage Standard.</p>
Standard B3-12 Accessibility for apartment developments (Clause 55.03-12)	Not applicable	No, irrespective of whether the standard is met or not.	
Standard B4-1 Daylight to existing windows (Clause 55.04-1)	Yes	No, as standard met	<p>Standard B4-1 compliance is achieved as the proposal will not impact existing windows.</p> <p>The proposed dwellings include will include appropriate separation from existing dwellings to both sides of the subject land.</p> <p>The car parking structures associated with the neighbouring properties to both side of the subject land, are located along the boundary shared with the subject land.</p> <p>As Standard B4-1 is met, no further consideration of the decision guidelines is required.</p>

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Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B4-2 Existing north-facing windows (Clause 55.04-2)	Yes	No, as standard met	<p>The proposed common driveway that serves Dwellings 2 and 3 will ensure that the proposal will not impact future north-facing windows.</p> <p>The plans confirm that the neighbouring dwelling immediately south of the subject, does not include north-facing windows.</p>
Standard B4-3 Overshadowing secluded open space (Clause 55.04-3)	Yes	No, as standard met	<p>Shadow diagrams are provided, demonstrating compliance with Standard B4-3.</p> <p>Shadow diagrams have been appropriately completed at the equinox for the hours stipulated by Standard B4-3.</p>
Standard B4-4 Overlooking (Clause 55.04-4)	Yes	No, as standard met	<p>No conflict with Standard B4-4 due to first floor bedroom windows not having to be screened under the new Standard B4-4 provisions.</p> <p>However, all proposed first floor habitable room windows at the northern, eastern and southern elevation are screened to a height of 1.7 metres, in order to not adversely overlook neighbouring properties.</p> <p>The screening measures to the windows are being incorporated into this design voluntarily by the developer to eliminate overlooking and not because of a statutory requirement.</p> <p>The elevation plans show screening measures at all side elevations as well as the rear elevation at first floor level.</p>

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Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B4-5 Internal views (Clause 55.04-5)	Yes	No, irrespective of whether the standard is met or not.	Existing and proposed fencing having a height between 1.8 metres and 2.0 metres that will ensure compliance with Standard B4-5.
Standard B5-1 Permeability and stormwater management (Clause 55.05-1)	Yes	No, irrespective of whether the standard is met or not.	The plans incorporate the relevant WSUD initiatives that will achieve compliance with Standard B5-1. Proposed permeability is 25% which accords with the minimum requirement of Standard B5-1.
Standard B5-2 Overshadowing domestic solar energy systems (Clause 55.05-2)	Yes	No, as standard met	 <p>Adjoining properties to the south and east of subject land will not cast shadows onto the roofs of adjoining dwellings as demonstrated by the shadow diagrams that were completed.</p>
Standard B5-3 Rooftop solar energy generation area (Clause 55.05-3)	Yes	No, irrespective of whether the standard is met or not.	There is ample roof area, coupled with the ideal northern orientation to the side will ensure full compliance with Standard B5-3.

Standard	Is standard fully met?	Does an objector have a right of appeal?	If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard B5-4 Solar protection to new north-facing windows (Clause 55.05-4)	Yes	No, irrespective of whether the standard is met or not.	North-facing windows will be protected by way of eaves or shading canopies to satisfy Standard B5-4.
Standard B5-5 Waste and recycling (Clause 55.05-5)	Yes	No, irrespective of whether the standard is met or not.	Ground level open space areas (which are all concealed from direct view from the public realm), accommodate the bin storage areas. These all have an area of 1.8 square metres to satisfy Standard B5-5.
Standard B5-6 Noise impacts (Clause 55.05-6)	Yes	No, irrespective of whether the standard is met or not.	No external plant equipment is being proposed that would be a cause for concern for neighbouring properties.
Standard B5-7 Energy efficiency for apartment developments (Clause 55.05-7)	Not applicable	No, irrespective of whether the standard is met or not.	

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ATTACHMENT 1

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P911/2022
PERMIT APPLICATION NO. P575/2021

CATCHWORDS

Brimbank Planning Scheme; Application pursuant to Section 82 of the *Planning and Environment Act 1987*; Neighbourhood Residential Zone Schedule 1 (NRZ1); New double storey dwelling in rear yard; Retention and alterations to existing dwelling; Neighbourhood character; Landscaping; Access and car parking; Clause 55; Amenity.

APPLICANT	Gabriel Vrselja
RESPONSIBLE AUTHORITY	Brimbank City Council
RESPONDENT	Paola Joyce
SUBJECT LAND	5 Betson Court KEALBA VIC 3021
HEARING TYPE	Hearing
DATE OF HEARING	18 January 2023
DATE OF ORDER	31 January 2023
CITATION	Vrselja v Brimbank CC [2023] VCAT 91

ORDER

- 1 In application P911/2022 the decision of the Responsible Authority is varied.
- 2 In planning permit application P575/2021 a permit is granted and directed to be issued for the land at 5 Betson Court, Kealba in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
 - Construction of a double storey dwelling to the rear of the existing dwelling in the Neighbourhood Residential Zone Schedule 1.

J A Bennett
Senior Member

Appearances

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For Gabriel Vrselja	Luka Mrkonjic, Town Planner of Luka Mrkonjic Town Planning Services.
For Brimbank City Council	Irene Plakidis, Town Planner of Refine Town Planning.
For Paola Joyce	In person.

INFORMATION

Description of proposal	Construction of a second dwelling to the rear of the existing dwelling and alterations and additions to the existing dwelling.
Nature of proceeding	Application under section 82 of the <i>Planning and Environment Act 1987</i> – to review the decision to grant a permit.
Planning scheme	Brimbank Planning Scheme.
Zone and overlays	Neighbourhood Residential Zone - Schedule 1 (NRZ1). Development Contributions Plan Overlay - Schedule 2 (DCPO2).
Permit requirements	Clause 32.09-6 (Construct two or more dwellings on a lot in NRZ1).
Relevant scheme policies and provisions	Clauses 11, 15, 16, 18, 19, 21.06, 21.07, 21.10, 32.09, 52.06, 53.18, 55, 65 and 71.02.
Land description	The site is located on the north western arc of the court bowl. The site of 623.33 square metres is irregular in shape with a curved frontage of 11.69 metres, side boundaries of 39.43/19.53 metres and a rear boundary of 43.28 metres. The site is currently occupied by a single storey brick dwelling containing 3 bedrooms, and attached carport near the southern boundary. A swimming pool, gazebo and garden are located north of the dwelling where the new dwelling is to be located.

Tribunal inspection

An unaccompanied inspection of the locality was undertaken prior to the hearing on 16 January 2023.

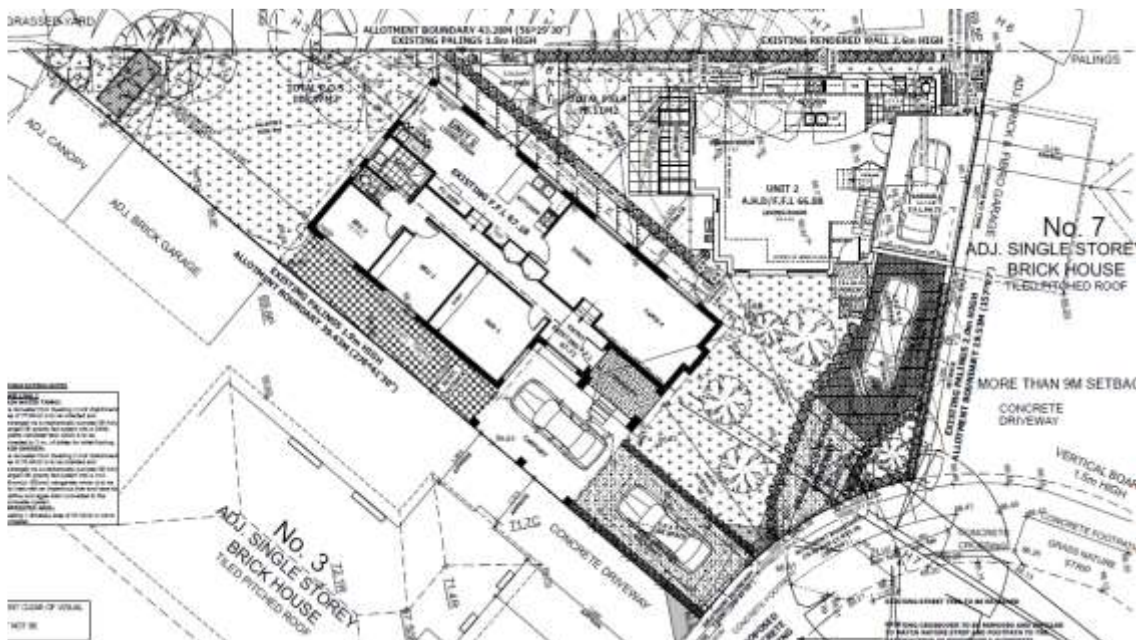
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REASONS¹

THE PROPOSAL

- 1 Brimbank City Council (**Council**) has supported an application to construct a new double storey dwelling behind and to the side of an existing single storey dwelling in a residential area in Kealba. The existing dwelling is to be retained but altered. The existing crossover is to be widened substantially to accommodate the driveway to the new dwelling.
- 2 The overall site layout and the physical relationship between the existing and proposed dwellings is depicted in the following proposed ground floor plan.



- 3 The new double storey dwelling contains three bedrooms and two car spaces in a tandem arrangement. The ground floor is occupied by living areas, a small service yard and ground level open space of 78.11 square metres accessed off the living areas. The single car garage is positioned on the side boundary with No 7 Betson Court. A tandem car space is provided in front of the garage. The first floor contains three bedrooms, an ensuite for Bedroom 1 and a shared bathroom.

¹ The submissions, any supporting exhibits given at the hearing, and the statements of grounds filed, have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

- 4 For the reasons which follow, I support Council's decision and will grant a permit. However before turning to the planning issues, I want to make it clear that the personal financial matters raised by Ms Joyce have had no bearing on my decision as they are not relevant to my consideration of the planning provisions contained in the Planning Scheme.

MY ASSESSMENT

- 5 Two dwellings on a lot of 623.33 square metres represent a modest intensification of housing in an established urban area. There is a consistently expressed intention in planning policy that locations such as this will contribute to urban consolidation by allowing for a limited increase in the number of dwellings on lots already developed with single dwellings.
- 6 Policy at clause 21.07.1 identifies that land within the NRZ will support lower density housing, with increased densities in the General Residential Zone (**GRZ**), and higher densities in the Residential Growth Zone (**RGZ**) and in activity centres.
- 7 Implementation of housing policy at clause 21.07-5 applies the NRZ to land designated for limited change. The site is within an area designated for limited change. I agree with Ms Plakidis that the construction of one additional dwelling provides a limited degree of change and is the least amount of change that could occur in terms of new housing on the site. In principle, the concept of providing an additional dwelling on the site is consistent with, and serves to implement, housing policies.
- 8 However, it is also necessary to decide whether a particular proposal is an acceptable response to the physical site context and policies and decision guidelines designed to guide built form, along with the requirements of clause 55.
- 9 My assessment of neighbourhood character is informed by material submitted at the hearing and my inspection. In his submission, Mr Mrkonjic referred to a 2019 draft neighbourhood character study. At the hearing he acknowledged it has not been adopted and therefore cannot be considered a seriously entertained planning document. I have therefore disregarded any comments concerning that draft study. Until that study (or a revised study) is adopted, the Brimbank Planning Scheme at present does not include existing and preferred neighbourhood character policies for different precincts within the municipality. It is therefore necessary to consider the existing neighbourhood character of the area.
- 10 Whilst I acknowledge that the existing dwellings in Betson Court are single storey, double storey dwellings exist in the area and can be seen from within Betson Court. They include three double storey dwellings on the lots behind Nos 5 and 7 Betson Court in Ashleigh Court. Even where there is an absence

of double storey dwellings, it does not preclude them from being constructed given one of the NRZ purposes is to recognise areas of predominantly single and double storey residential development, and where clause 32.09-10 states that the maximum height or number of storeys must not exceed 9 metres or contain more than 2 storeys unless varied by a schedule. The proposed double storey dwelling meets these height and storey limits.

- 11 I cannot agree with Mr Mrkonjic that the proposed double storey dwelling does not meet the building height objective or related standard B7, or that changes of building height between existing buildings and new buildings should be graduated at the front façade. The reference to graduation in building height in standard B7 is more usually understood in height and storeys, and I find Mr Mrkonjic's reference to graduating the front façade a most unusual interpretation of the standard and one which I do not support.
- 12 The Tribunal has stated in many cases that respecting neighbourhood character does not mean more of the same. In *Iloray Pty Ltd v Darebin CC and Ors* [2003] VCAT 692, cited by Ms Plakidis, the Tribunal stated that:

[53]. In considering this issue, the first point to be made is that the notion of development which is "respectful" of neighbourhood character does not imply that such development must be the same as what already exists. If policy, the purpose of the zone and the objectives of clause 55 were calling for the development that is more of the same, then they would say so. Rather, the notion of "respectful" development must embrace the need for change and diversity in the type of dwellings that are provided and an increase in the intensity of development in circumstances where this is encouraged by planning policy and the purpose of the zone.
- 13 Given the planning policies and zone purpose I have previously referred to, I consider that the concept of constructing a double storey dwelling on the site would be an acceptable addition to the neighbourhood.
- 14 However, any development of two or more dwellings on a lot must meet the requirements of clause 55 which is specifically designed to provide guidance as to what might be an acceptable medium density housing development. Requirements include objectives which must be met and standards which should be met. Decision guidelines must also be considered. Where compliance with a numeric standard is not achieved then a judgement needs to be made as to whether the related objective has been met.
- 15 I note that Council has assessed the proposal as complying with all the quantifiable Clause 55 standards except for crossover width. At the hearing I also observed that the minimum 5 metre dimension for secluded open space for the new dwelling is not met, although I accept this can be achieved with a minor change to the layout of the new dwelling.
- 16 Despite submissions to the contrary from Mr Mrkonjic, in all other respects the proposal meets the quantifiable standards in clause 55 including building

height, site coverage, permeability, side and rear setbacks, walls on boundaries, daylight to existing windows, overshadowing open space and front fences. Each dwelling is provided with car parking which meets the requirements of Clause 52.06. The garden area at 45.76 % far exceeds the mandatory 30% required by Clause 32.09-4 for a lot below 650 square metres in area. Site coverage is 44.71% which exceeds the varied maximum of 50% in standard B8 while permeability at 47.38% is well above the minimum of 30% in standard B9.

- 17 Although Mr Mrkonjic questioned the accuracy of the permeability percentage on the plans, I am not persuaded the figure is inaccurate, or even if there is some inaccuracy, that it would make any significant difference to the acceptability of the proposal given the easy compliance with the site coverage and garden area requirements. The garden area provides plenty of scope for landscaping, including the provision of two medium trees in the front setback and one small to medium tree in private or secluded private open space as required by the varied standard B13 in clause 55.
- 18 As discussed at the hearing, I consider there is benefit in delineating the boundary between the two dwellings within the front garden area. As discussed, any boundary fence should be semi-transparent (e.g. metal pickets) of a low height (not more than one metre) and include hedging plants. Such an approach will maintain the open appearance of the front garden. I find it ironic there is concern about future planting opportunities at No 5 Betson Court, when many of the nearby front yards contain limited landscaping, including within the front garden at No 7 Betson Court which has virtually no taller trees or shrubs.
- 19 When the proposal is assessed against the various off-site amenity requirements in clause 55.04, there are no areas where the relevant standard, and hence the related objective, are not met. Standards B17 (side and rear setbacks), B18 (walls on boundaries), B20 (north facing windows), B21 (overshadowing open space), B22 (overlooking), B23 (internal views) and B24 (noise impacts) relating to off-site amenity impacts are all met or do not apply.
- 20 I am not persuaded there are any direct off-site amenity to No 7 Betson Court. As can be seen in the following photo tabled by Ms Plakidis, there is a single storey garage built to the common boundary on Mr Vrselja's property. It will provide additional physical and visual separation to the proposed dwelling which is to be located behind the shrubs in the left foreground. I accept that part of the first floor will be visible from some areas in Mr Vrselja's property, but being able to see the upper floor of dwellings is not uncommon in a residential area. As I have already observed, double storey

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dwelling exists in the neighbourhood and are visible from No 7 Betson Court.



- 21 Parties referred to a somewhat similar second dwelling at No 6 Nerida Court, located a short distance from Betson Court. Mr Mrkonjic described Mr Vrselja's reaction to that development as it being 'bizarre'. Apart from looking at the photos tendered by parties, I also took the opportunity to view No 6 Nerida Court during my inspection. I make no comment about the pros and cons of that development, except to observe that the proposal I am assessing is a different design and has a different site context with attributes, such as a recessed garage and retention of a large street tree, not seen at No 6 Nerida Court.
- 22 Whilst Mr Vrselja may prefer for the character of Betson Court to remain largely unchanged, the NRZ and planning policies are clear that some limited change will occur, even in streets such as Betson Court where the original housing stock remains intact.
- 23 I now comment on the parking and traffic issues raised by Mr Mrkonjic and which generated a great deal of opposition from Mr Vrselja. Whilst I understand Mr Vrselja is concerned about additional on-street parking and traffic movements, I would not refuse the application because of those concerns.
- 24 On-site resident parking complies with the rates specified in clause 52.06 of the Planning Scheme, there is no permit being sought to reduce the required

number and I cannot request more spaces than the number required in Clause 52.06. Consequently, there is no reliance on kerbside parking to meet the rates set out in Clause 52.06, although I acknowledge some kerbside parking may take place. I also note that Council's traffic engineers did not raise any concerns about the number of car spaces being provided.

- 25 Mr Mrkonjic submitted that the proposal fails to meet Design Standard 1 in clause 52.06-9 because the accessways serve four or more car spaces and must be designed to allow vehicles to exit in forward direction. I find this a curious interpretation of the clause given no permit is being sought for car parking and where a car parking plan (and compliance with design standards) is to be to the satisfaction of the responsible authority. Mr Mrkonjic's submission seems to suggest that every double width crossover across Victoria serving two dwellings, with four or more off street car spaces would require vehicles to exit in a forward direction. Given the prevalence of such crossovers I cannot agree with that interpretation or that it should be applied to this proposal.
- 26 The existing double width crossover serving Nos 3 and 5 Betson Court will need to be widened to accommodate access to the proposed dwelling. The result is a crossover width of 6.3 metres or 54.7% of the frontage of No 5 Betson Court.² This exceeds standard B14 which includes a 40% maximum. Relevantly the objective is:
- To ensure the number and design of vehicle crossovers respects the neighbourhood character.
- 27 I accept a crossover occupying 54.7% of the frontage may be unusual but double crossovers of up to 6 metres in width are not uncommon where the lots are a more rectangular shape and where it is much easier to stay below the 40%. On lots having narrow frontages it will be much harder to stay below 40% requirement but that doesn't mean a wider crossover is unacceptable. It depends on the individual site context.
- 28 In assessing the crossover width, I have also considered the non-numeric parts of standard B14 and the related decision guidelines and am not persuaded that the widened crossover is unacceptable. In this instance I am not persuaded that the widened crossover will result in a loss of on-street parking given the kerb length between the existing crossovers is approximately 4 metres. While cars may attempt to park there at present, I understand from Ms Joyce that such parking causes difficulties for vehicles accessing the driveway at No 7 Betson Court. One of the benefits of reducing

² *Council calculated 62% but this appears to be based on frontage width of 10.15 metres. It is my understanding that the frontage width is 11.69 metres (1.54 metres plus 10.15 metres).*

the length of kerb will be to remove the temptation to park in an inappropriate and inconvenient position.

- 29 Whilst 54.7% may seem an excessive width of crossover, one of the benefits enjoyed by No 5 Betson Street is a large street tree which will be retained despite the widened crossover. Whilst Mr Mrkjonc cast doubt as to whether the tree would survive widening the crossover to within approximately one metre of the trunk, Council's Arborist considers that the tree can be retained. I have no contrary expert evidence to suggest that Council's Arborist is incorrect.
- 30 I acknowledge that a development of an additional dwelling will marginally increase traffic movements on the road network. I also recognise that ever increasing traffic volumes are inconvenient and lead to a level of congestion and concerns about safety for local residents. However, Betson Court does not carry any through traffic and the increase of additional vehicle movements from one additional dwelling are well within the capacity of the street.
- 31 Whilst Mr Mrkjonc suggests that the proposal is trying to cram too much onto a site that has the constraint of a narrow frontage width, I do not agree. When assessed against the requirements of clause 55, existing neighbourhood character, site context and relevant policies in the Planning Scheme, I consider the proposal is acceptable. To paraphrase Ms Plakidis, every proposal has pros (benefits) and cons (disbenefits). Balancing these will not provide a perfect or ideal development but one that is acceptable. That is what is required in clause 65 and I find this is an acceptable development. In its own modest way, it will also provide a net community benefit in the manner required by clause 71.02-3.
- 32 Having regard to all the above, I support the decision made by the Responsible Authority, subject to following changes:
- Additional words in what the permit allows.
 - Requiring a greater width for the secluded open space of the new dwelling.
 - Requiring a semi-transparent boundary fence in the front yard.
- 33 I have also amended the street tree condition to include a requirement for a Tree Protection and Management Plan based on wording provided by Council.
- 34 The decision of the Responsible Authority is therefore varied, and a permit is to be issued.

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J A Bennett
Senior Member

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APPENDIX A – PERMIT CONDITIONS

PERMIT APPLICATION NO	P575/2021
LAND	5 Betson Court KEALBA VIC 3021

WHAT THE PERMIT ALLOWS

In accordance with endorsed plans:

- Construction of a double storey dwelling to the rear of the existing dwelling in the Neighbourhood Residential Zone Schedule 1.

CONDITIONS

Amended/Endorsed Plans

- 1 Before the use and/or development start(s), amended plans and / or reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans and / or reports will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans and / or reports must be generally in accordance with the plans and / or reports submitted with the application (received by Council on 4/3/2022) but modified to show:
 - (a) The secluded open space for Dwelling 2 to be widened by further setting back the ground floor living room wall so the entire length of the western wall of the living room is on the same plane.
 - (b) Dwelling 1 galvanised iron shed noted as being at least 6 cubic metres in volume.
 - (c) Dwelling 2 internal driveway not less than 3 metres in width at any point.
 - (d) Provision of a boundary fence to separate the front garden areas of Dwellings 1 and 2. The fence is to be semi-transparent (e.g. metal pickets) of a low height (not more than one metre) and may include associated hedging plants.
 - (e) The location of the meter box, gas and water meter for dwelling 1, clear of the proposed driveway and associated works approved herein.

- (f) Removal of the use of ‘obscured glazing’ to the south (street) facing ensuite window. Privacy is to be obtained through the use of internal blinds.
 - (g) Notation to the south-west and north-east elevations that the external walls of the dwelling will be constructed of ‘brick with a rendered finish’.
 - (h) Any amendments arising from the landscape plan under Condition 3 of this permit.
 - (i) A notation included on plan to show:
 - i That no pruning of the existing street tree located within the naturestrip shall be undertaken by any party other than Brimbank Tree Services.
 - ii That the naturestrip and street tree to be barricaded out using portable cyclone fencing for the duration of the development.
 - iii That no building materials are to be stacked and/or dumped on the naturestrip during construction.
- 2 The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping

- 3 Prior to the endorsement of plans, and commencement of development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape concept as shown on the site plan dated 4/3/2022 prepared by M7 Design Group, except that the plan must show:
- (a) Details of surface finishes of pathways and driveways;
 - (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) Landscaping and planting within all open areas of the site;
 - (d) Appropriate irrigation system;
 - (e) A minimum of 2 medium sized trees (minimum 2 metres tall when planted and 6-12 metres at maturity) must be provided in the front setback;

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- (f) A minimum of 1 small to medium sized tree (minimum 2 metres tall when planted and up to 6 metres at maturity) must be provided in the secluded private open space greater than 25 square metres in area, of each dwelling.

All species selected must be to the satisfaction of the Responsible Authority.

- 4 Prior to the commencement of Occupation, unless otherwise agreed in writing with the Responsible Authority, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
- 5 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority. This includes the (ie; within 30 days) replacement of any dead, diseased or damaged plants.
- 6 A cash bond for \$1000, plus a non-refundable 5% service charge of \$50 (**Total of \$1050**), shall be lodged with the Responsible Authority prior to the collection of endorsed plans to ensure the completion and establishment of landscaped areas. This cash bond will only be refunded after a 13 week establishment period beginning when the Responsible Authority is satisfied with the completed landscaping works, provided that the landscape is being maintained to the satisfaction of the Responsible Authority.

Adherence to Arborist Report

- 7 All recommendations as provided by the Arboricultural Report from Treed Environs dated May 2022 are to be adhered to, to the satisfaction of the Responsible Authority. Once Condition 1 plans are endorsed, the Arboricultural report will also be endorsed and form part of the permit.

Street Tree Protection & Management Plan

- 8 Before the development permitted by this permit commences, a Tree Protection & Management Plan (TPMP) must be submitted to and approved by the Responsible Authority for the (Melaleuca) street tree. The TPMP must be prepared by a suitably qualified arborist, including:
 - (a) The management and maintenance of the street tree.
 - (b) A management regime for the street tree during the demolition, construction and post construction phases of the development;
 - (c) A tree protection plan drawn to scale;
 - (d) The tree protection zone (TPZ) and structural root zone (SRZ) of the street tree to be indicated on the plan;
 - (e) Details of any excavation within the TPZ and pruning of any roots required which must be undertaken by the project arborist;

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- (f) The location/design of tree protection fencing for the street tree;
 - (g) Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and in accordance with the approved TPMP. This must be submitted to the satisfaction of the responsible authority.
- 9 The following measures must be adhered to for the protection of the street tree(s):
- (a) The naturestrip and street tree within Betson Court frontage of the site must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder.
 - (b) No pruning of the existing street tree located within the naturestrip within the Betson Court frontage of the site shall be undertaken by any party other than Brimbank Tree Services.
 - (c) No building materials are to be stacked and/or dumped on any naturestrip during construction.
- 10 The Tree Protection Zone (TPZ) around the existing street tree/s must be fenced in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites. The following activities must not occur within the TPZ:
- (a) Construction of any works without the supervision of a qualified arborist;
 - (b) Driving or parking of any vehicles or machinery;
 - (c) Stockpiling of building materials, debris or soil;
 - (d) Dumping of fuel, oil or chemicals;
 - (e) Altering of soil levels;
 - (f) Open trenching, including for the placement of pipes or wires;
 - (g) Attachment of wires, nails, screws or any other fixing device to the existing tree/s.

Supplementary watering must be provided to trees through dry periods and during and after the construction process.

Development Contribution Levy

- 11 A Development Contribution in accordance with the approved Development Contributions Plan must be paid to Brimbank City Council.

Payment of the Development Infrastructure Levy (DIL) must:

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- (a) Be paid prior to the commencement of any development or works on the land or prior to Statement of Compliance (SOC) for the subdivision of the land associated with the development permit, whichever comes first; OR
- (b) When a staged subdivision is sought, be paid prior to the issue of a Statement of Compliance based on the net increase in the number of new dwellings within each stage.

Payment of the Community Infrastructure Levy (CIL) must be paid prior to the issue of a building permit under the Building Act 1993.

Car Parking

- 12 Before the occupation of the development starts, the areas set aside for the parking of vehicles and driveways as shown on the endorsed plans must be:
 - (a) Constructed in concrete or asphalt;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Drained; and
 - (d) Maintained

all to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 13 Prior to the commencement of the development hereby approved, a vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) in every location shown on the endorsed plans to the satisfaction of the Responsible Authority. A Vehicle Crossing Permit must be obtained from Council's Engineering Department prior to any works commencing on the site.
- 14 Prior to the commencement of occupation, all disused or redundant vehicle crossings must be removed and replaced with kerb and channel, and the naturestrip and footpath reinstated to the satisfaction of the Responsible Authority. A permit must be obtained from Council's Engineering Department prior to the commencement of these works.
- 15 The owner/developer is responsible for determining the location of any road infrastructure or non-road infrastructure in the road reserve (e.g. pits, poles, water mains, gas mains, telecommunications cables etc.) that could be affected by the installation of the new crossover(s) or related works.

Any existing road infrastructure or non-road infrastructure located within or adjacent to the new crossover(s) must be altered, relocated or reconstructed

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to the satisfaction of the Responsible Authority and/or the relevant utility provider or infrastructure manager at the expense of the owner/developer.

Engineering

- 16 Access to the site and ancillary road works must be constructed in accordance with the requirement of the Responsible Authority.
- 17 The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the Responsible Authority.
- 18 The crossover(s) must be located and constructed to the satisfaction of the Responsible Authority in accordance with plans approved by the Responsible Authority. The plans submitted must show all services within the road reservation including power poles, drainage pits, Telstra pits, trees, road humps, bus stops and any other road infrastructure or asset that may hinder or impact on the operation of the crossover.
- 19 Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas and to control drainage flows.

Multi Unit Residential Development

- 20 Prior to the commencement of occupation, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land abutting the dwelling 2 driveway to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 21 All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 22 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 23 Provision must be made on the land for the storage of waste and recycling bins in a location that is not visible from the street to the satisfaction of the Responsible Authority.
- 24 Prior to the occupation of the dwellings hereby permitted all side, rear and internal fencing must be provided to a minimum height of 1.8m above the finished ground level (except where visibility splays are required toward the front of the site) and be in good condition to the satisfaction of the Responsible Authority. The owner of the subject land must pay all costs

associated with the construction / modification of the fence(s) (including fences), to the satisfaction of the Responsible Authority.

Time Limit – Development

25 This permit will expire if one of the following circumstances applies:

- (a) The development is not started within two years of the date of this permit,
- (b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (c) Within six months afterwards for commencement, or
- (d) Within twelve months afterwards for completion.

--End Conditions--

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