

26 September 2024

Wyndham City Council
Statutory Planning Department
45 Princess Highway
WERRIBEE VIC 3030

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Dear Planning Department,

PLANNING PERMIT APPLICATION 7 MARKET ROAD, WERRIBEE

Planning & Property Partners Pty Ltd act on behalf of [REDACTED] in relation to the above matter.

On behalf of our client, we enclose a planning permit application for retrospective approval entailing the use of the land for the purpose of accommodation ('Residential Building') containing nine self-contained rooms on the land at 7 Market Road, Werribee ('Site'). Car parking is to be provided to the satisfaction of Council pursuant to Clause 52.06.

Following the issuing of a building permit for the construction of a rooming house on-Site, that building on-Site was constructed with self-contained services. Accordingly, the building no longer falls within the rooming house requirements of Clause 52.23 and is better characterised as a 'Residential Building'. A copy of Council's pre-application advice about this is provided at **Appendix A** to this submission.

In this regard we refer to email correspondence from Council planning officers to our client's designer advising that the changes to the certified plans would necessitate a permit being issued for a 'Residential Building'.

As Council is aware, our client's building operates as a rooming house but providing a higher standard of amenity for the occupants through the inclusion of more functional spaces and food preparation facilities.

In support of the application please find the following:

- Architectural Plans prepared by *Modo Project Builders Pty Ltd*;
- Traffic Impact Assessment prepared by *Amber Organisation Pty Ltd*;
- Completed planning permit application form; and
- Certificate of Title.

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As to the proper approach to assessing this application, it is well established that in a case where buildings and works have been undertaken without a planning permit, the application for that retrospective approval cannot be put to any disadvantage for having undertaken the works without a permit.

Nor can that applicant take any special advantage for having done so.

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But that the works exist, enables Council to gain a better appreciation of the works, particularly in respect of matters such as character and amenity impacts.

That principle is relevant here.

Proposal

In essence, our client wishes to use the building on-Site for a rooming house, as that term is commonly understood, without reference to the definitions in the Wyndham Planning Scheme ('Scheme') or the operation of the Residential Tenancies Act 1997 ('RT Act').

However, as per the Application Drawings which reflect the constructed building on-Site, all of the 9 rooms provided contain kitchen, bathroom and toilet facilities.

In this case, having regard to those definitions in the Scheme and the RT Act, as a matter of statutory construction more so than practical implementation, our client's building cannot be characterised under the RT Act (therefore nor the Scheme) as a 'rooming house' due to the number of rooms that are provided with the kitchen, bathroom, and toilet facilities.

While we do observe that a 'Rooming House' can, under the RT Act, still house 'self-contained apartments' subject to compliance with a ratio to 'rooms' set out at s 18(2) of the RT Act, in this instance, given that all of the 9 rooms would be characterised under the RT Act as 'self-contained apartments', the use of the constructed building cannot be for a 'Rooming House'.

Otherwise, the rooms within the constructed building are being and will continue to be operated and offered for rent under agreements with a housing provider in the same way as they would if they didn't all have the above facilities.

Further, we note that the constructed building provides common entry, laundry, parking and access facilities and cannot be subdivided, nor can the rooms be offered for private sale.

It is for those reasons we say that the underlying nature of the Site's use is indeed a 'Rooming House', albeit with rooms that surpass the traditional standards of amenity by being provided kitchen facilities.

On that basis, we say that the real and substantive purpose of the Site's use within the realms of the Scheme and the RT Act is for a form of accommodation, whereby self-contained accommodation is provided in a series of 'self-contained apartments' within a building.

Turning to the Planning Scheme, it is submitted that our client's building is properly characterised as one for a change of use, seeking to use the constructed building for the purpose of a 'Residential Building', defined at Clause 73.03 as:

'Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dwelling, group accommodation, host farm, residential village, retirement village or small second dwelling.'

We note that in this case, there may be several characterisations open in respect of the Site's use; however, noting the nature of the accommodation and its distinct similarities in respect to form and tenure to a rooming house, the best fit in this case is that the building is to be categorised as a 'Residential Building'.

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Furthermore, characterisation of a 'Residential Building' is consistent with advice given to our client previously in respect to the nature of an application required for permission to use a building containing rooms with the individual facilities present here.

Under Clause 32.08-2, a permit is required to use the Site for the purpose of 'Accommodation' under which 'Residential Building' is defined.

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In respect to buildings and works, noting the requirements of Clause 32.08-10, further retrospective permission is required for the buildings and works associated with the constructed building on-Site.

Ambit of discretion

Our client is content to accept that the application ought be made for the use and retrospective development of a 'Residential Building', and therefore it is open to argue that the provisions of Clause 55 of the Scheme are engaged.

In that regard, we note that the provisions in Clause 55 apply to:

'...an application to:

- ...
- *Construct or extend a residential building.'*

Furthermore, in respect to car parking under Clause 52.06, we note that 'Residential Building' is not listed as a use attracting a particular parking requirement, and as such the provision of parking is to be to Council's satisfaction. In this regard, we refer to the Traffic Impact Assessment provided by *Amber Organisation Pty Ltd*.

Subject Site

The Site is located on the north side of Market Road, where the road tapers off into Railway Avenue (north-east). The Site forms part of a residential area consisting of existing dwellings and recent infill development facilitating varied forms of three or more dwellings on a lot. The 'Residential Building' occupies the Site.

The Site has a frontage to Market Road of approximately 15.24 metres and a depth of approximately 45.72 metres, providing a total land size area of approximately 805.42 square metres. A full copy of the certificate of title is included at **Appendix B** to this letter.

The Site is currently cleared with a vehicle crossover accessed via Market Road.

No restrictive covenants are registered on the Site's Certificate of Title.

Figures 1 and 2 below displays the Site's contextual setting and location within Werribee.

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Figure 1- Subject Site



Figure 2 - Subject Site

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Surrounding context

The Site is strategically located within close proximity to Werribee train station, providing a direct connection to the Melbourne CBD. The Site is also directly adjacent the north east boundary of the Werribee Activity Centre which is a major centre for business, retail, entertainment, arts, culture, community, sport and leisure.

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Directly south of the Site over Market Road, consists of Werribee Central Shopping Centre, containing a full line supermarket and convenience stores and restaurants, servicing the everyday needs of future occupants.

This immediate area of Werribee is in an area of transition and gentrification from historical single dwellings, to now demonstrating areas of infill development consisting of generally three or more dwelling townhouses developments, as seen along Market Road.

To the east of the Site consists of a single storey dwelling, with vehicle access from Market Road and a large area of rear private open space ('POS').

Immediately north of the Site, consists of a block of approximately 14 units with a frontage and vehicle access to Glen Street.

Similarly, to the west of the Site consists of 6 dwellings, accessed via one central driveway.

Planning Scheme Controls

The Site is located in the General Residential Zone – Schedule 1 ('GRZ1') pursuant to the provisions of Planning Scheme.

General Residential Zone – Schedule 1 ('GRZ1')

The purpose of the GRZ1 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects 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 nonresidential uses to serve local community needs in appropriate locations.*

The retrospective use of the land for the purpose of a 'Residential Building' is nested within the broader land use definition of 'Accommodation' pursuant to Clause 73.04 of the Planning Scheme. Accordingly, the use of the land for Accommodation is Section 2 – Permit required land use pursuant to the GRZ1.

It is not proposed to alter the existing building on Site, to facilitate retrospective approval of this 'Residential Building'.

Planning Scheme Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06 of the Planning Scheme sets out car parking requirements relevant to the Site.

Clause 52.06-3 of the Planning Scheme states that:

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"A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- *The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.*
- *The gross floor area of the building is not increased.*
- *The reduction does not exceed 10 car parking spaces.*
- *The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use."*

Pursuant to Clause 52.06 (Car Parking) of the Wyndham Planning Scheme:

"Before:

- *a new use commences; or*
- *the floor area or site area of an existing use is increased; or*
- *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,*

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority."

The use of the land for the purpose of a 'Residential Building' is not listed within Table 1 to Clause 52.06-5 of the Planning Scheme. Accordingly, car parking requirements are to the satisfaction of the Responsible Authority.

In this regard, we refer to the Traffic Impact Assessment provided by *Amber Organisation Pty Ltd* which has assessed the Site's parking demand on the basis of a 'Dwelling' use, adopting a conservative approach and assessing each bedroom within the 'Residential Building' as a one-bedroom dwelling.

We say that this is appropriate given that there are no specific parking requirements within the Planning Scheme for the existing 'Residential Building' and the Site is well located to the Werribee Activity Centre, public transport services and pedestrian and cycling connections.

Furthermore, we reiterate that undertaking an analysis of the application based on a demand generated by dwellings is an extremely conservative analysis.

The unfortunate reality is that most occupants of the building, and indeed rooming houses more generally do not own cars.

It is by no fluke that this building has been constructed and operates in such proximity to the railway line, shops and other services. It is because the success of this use and the community benefit it offers is better unlocked by being in such close proximity to such infrastructure.

The Traffic Impact Assessment draws upon the current vehicle ownership rates for Werribee and the City of Wyndham (from 2021 Census Data), which are lower than the statutory parking requirements of the Planning Scheme. Using these rates, the assessment concludes that the car parking demand for

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the Site equates to three car spaces which can be accommodated by the 'Residential Building's' 4 on-Site spaces.

The Site also adequately addresses the design standards related to car parking at Clause 32.06-9 as a result of the following:

- Providing an accessway which has a minimum width of 3.2 metres;
- Allowing all vehicles to safely enter and exit the site in a forward direction;
- Adequate pedestrian sight splays provided on each side of the accessway;
- Car parking spaces reflect the minimum dimensions in accordance with the Planning Scheme;
- Accessible car parking is provided in accordance with Australian Standards;
- Achieving appropriate gradients for parking spaces and the accessway; and
- Providing passive surveillance and landscaping of car parking spaces and the accessways.

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The accompanying traffic impact assessment prepared by *Amber Organisation Pty Ltd*, demonstrating that the parking space can be accessed in an efficient manner. Further details on the appropriateness of the reduction in car parking spaces is detailed within the accompanying traffic impact assessment.

KEY PLANNING CONSIDERATIONS

The key considerations in this application are:

1. The planning merits of the 'Residential Building' in responding to planning policy and the planning controls.
2. Whether the 'Residential Building' results in an acceptable amenity outcome.

Each in turn is further expanded upon below.

This retrospective approval application seeks to address the use of the existing building on-Site, containing 9 self-contained rooms. We consider the building is closely aligned to the directives of the Planning Scheme seeking to provide for additional housing within appropriate locations. Importantly, the building is closely aligned with the surrounding land uses being a mix of dwellings at an increasing density of development.

The key issues for assessment of the 'Residential Building' are matters relating to on-site amenity.

Furthermore, at a higher policy level, there should be no question about the appropriateness or indeed desirability to facilitate more and better quality accommodation of this nature.

On this basis, the 'Residential Building' is acceptable in managing a number of competing objectives that arise out of the policy context and the applicable planning controls.

The following sections detail a response to the key planning considerations.

The planning merits of the 'Residential Building' in responding to planning policy and the planning controls.

The operation of the 'Residential Building' constructed on-Site, is driven by the current market demand and excellent location to existing services.

More specifically, there is no more appropriate time to be providing additional housing options than right now. There is a demand that's supported by the PPF strategies and objectives identified above for additional housing to be provided within appropriate locations as the objective of Clause 16.01-2s details:

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'To deliver more affordable housing closer to jobs, transport and services.'

The Site is strategically located to take benefit of its proximity to Werribee Activity Centre and located approximately 200 metres from the Werribee train station. ~~They are the most recent version at the date shown below:~~

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The 'Residential Building' provides an appropriate response to the GRZ and relevant PPF when having regard to the following:

- The 'Residential Building' provides an improved level of internal amenity for the Site, demonstrated through compliance with the objectives and standards of Clause 55;
- A diversity in the type of housing is provided through the 'Residential Building' (Clause 02.03-5);
- The location of additional housing is appropriately located with convenient access to services, transport, university and employment to meet community needs (Clause 16.01-1S);
- This application does not introduce new built form, with the current and constructed 'Residential Building' to remain; and
- The Site has excellent access to public transport. Accordingly, the 'Residential Building' provides an appropriate level of transport options.

For background reference and to demonstrate the improved level of amenity provided by the 'Residential Building', a tabulated response to each of the requirements of Clause 55 are detailed at **Appendix C** to this letter.

It is submitted that the existing 'Residential Building' provides an appropriate response in the context of the Site.

We reiterate that no Clause 55 assessment is required in this instance noting the nature of the application; however, our assessment is provided in support of our proposition that the existing 'Residential Building' provides a high level of amenity for future occupants.

Whether the existing 'Residential Building' results in an acceptable amenity outcome.

The 'Residential Building' provides a high level of internal amenity. The following key features demonstrate this:

- All rooms are provided with ground floor open space provided with a north, east and western aspect;
- A considered design response that maximises receipt of sunlight and natural light, in the case of the rooms with a northerly aspect; and
- No unreasonable noise impacts outside of general residential noise to be expected within the area, are caused by the 'Residential Building'.

A full and detailed Clause 55 assessment for background purposes is provided at **Attachment B** below.

The design response features identified above and within the Clause 55 assessment are considered appropriate when having regard to the following:

- The 'Residential Building' optimises the Site's potential, within an appropriate location close to services and transport;
- The internal amenity is provided to satisfy the relevant requirements;

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- The Site is afforded excellent Kelly and Wyndham Parks, approximately 850 metres of the Site;
- and
- The functionality of the rooms allows for storage to be located internally.

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Based on the above, the 'Residential Building' is considered appropriate in providing a varied type of accommodation within an area that is afforded excellent proximity to services, transport, education and opportunities for work.

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SUMMARY

In summary, the constructed 'Residential Building' is a positive and consistent response to the relevant planning policy and is closely aligned to the 16.01-2S of the Planning Scheme.

The application is confined to the existing and constructed 'Residential Building' on-Site, that provides a net community benefit in a market where there is strong demand for accommodation that is well located to existing services.

The application is worthy of support by Council, and a permit should be granted.

We trust that Council has all the required information to advance an assessment and determine this application. However, please do not hesitate to contact the undersigned on [REDACTED] or [REDACTED] should Council have any questions or require additional information.

Yours faithfully,

[REDACTED] PLANNING & PROPERTY PARTNERS PTY LTD

Encl.

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APPENDIX A

Council pre-app comments

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Rom Barca

From: StatPlanning <StatPlanning@wyndham.vic.gov.au>
Sent: Tuesday, 1 August 2023 4:28 PM
To: [REDACTED] Modo Project Builders
Subject: PLA9860/23 - Existing Rooming House - 7 Market Road Werribee

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Shaun,

As discussed in our phone conversation this afternoon with you, Linda, Jane, James and I, the following information is provided as requested:

Based on the plans provided (Modo Project Builders, dated 17/4/2023, Project No. M0146, Sheet No. CC 1, 2, 3, 4 of 4) a planning permit is required as it does not comply with the definition of a 'Rooming House' under the Planning Scheme as outlined below:

A 'Rooming House' is defined in the Wyndham Planning Scheme under Clause 73.03 (Land Use Terms) as:
'Land used for a Rooming House as defined in the Residential Tenancies Act 1997'

The Residential Tenancies Act 1997 defines 'Rooming House' as:

A building, other than an SDA enrolled dwelling, in which there is one or more rooms available for occupancy on payment of rent-

*(a) in which the total number of people who may occupy those rooms is not less than 4; or
(b) In respect of which a declaration under Section 19(2) or (3) is in force.*

A 'Room' is also defined under the Residential Tenancies Act 1997 as:

'A room in a building, where the room is occupied or intended to be occupied for the purpose of a residence by a person having a right to occupy the room together with a right to use in common with others any facilities in the building but does not include a self-contained apartment'

A 'Self-contained apartment' is defined in the Residential Tenancies Act 1997 to mean:

'A portion of a building which forms a self-contained residence, including kitchen and bathroom and toilet facilities, under the exclusive possession of the occupier'

Based on the above definitions, a Rooming House contains rooms that people occupy together with a right to use communal facilities. If a room contains a kitchen, bathroom and toilet facilities then it forms a self-contained apartment and cannot be considered as a room within a Rooming House.

Therefore, the following options are available:

Option 1:

Modify the building to meet the definition of a 'Rooming House':

- Remove either the kitchen, bathroom or toilet facilities from the individual rooms.
- Removal of the kitchen facilities (including all plumbing) from individual rooms - Note Section 18 of the Residential Tenancies Act defines 'self-contained apartments' in the context of Rooming House Provisions. It reads:
(1) *Subject to subsections (2) and (3) (this being the following paragraphs), the Residential Tenancies Act provisions do not apply to a self-contained apartment.*

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(2) This Act applies to a self-contained apartment in a Rooming House as if it were a room in that Rooming House if the ratio of rooms to self-contained apartments in the Rooming House is not less than 3 rooms for every self-contained apartment.

(3) This Act applies to a self-contained apartment in a building declared to be a Rooming House by the Minister under Section 19 (3) as if the self-contained apartment were a room in that Rooming House.

Therefore, the Act applies to a self-contained apartment in a Rooming House as if it were a room in that Rooming House if the ratio of rooms to self-contained apartments in the rooming house is not less than **3 rooms for every self-contained apartment**. For perspective, an 8 bedroom Rooming House could have 2 self-contained rooms.

- The exemptions under Clause 52.23 (Rooming House) of the Wyndham Planning Scheme are still required to be met. This includes a shared functional living area. Council are taking a common sense approach to this element and the expectation is that a shared living area is provided consistent with a home or dwelling.

Note: As an example of the above - if the kitchen facilities were removed within 6 of the bedrooms (including the removal of plumbing and capped off in the wall), and one bedroom was changed to a shared Living area, the proposal would be defined as a 'Rooming house' and (based on the information provided) would comply with the planning exemptions and therefore a planning permit would not be required.

Should you choose the above option, amended plans showing the rectification works must be submitted for assessment and a compliance inspection will confirm that the definition and exemptions are met.

Option 2:

If the plans remain unchanged a planning permit would be required for a 'Residential Building' and a car parking reduction. Justification for the car parking reduction prepared by a traffic engineer would be required as part of that application.

If you have any queries with the above information, please contact myself or Linda Morris on 8376 5503.

Regards



Senior Town Planning Support Officer | City Planning & Building | City Operations
45 Princes Hwy (PO Box 197) Werribee Victoria 3030
t: 8376 5503 | statplanning@wyndham.vic.gov.au



View details/status of planning applications & applications on advertising on our new updated Online Planning Register at http://www.wyndham.vic.gov.au/planning_register
www.wyndham.vic.gov.au

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APPENDIX B

Copy of title and plan

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

VOLUME 06233 FOLIO 422

Security no : 124118565033S
Produced 26/09/2024 11:03 AM

LAND DESCRIPTION

Lot 7 on Plan of Subdivision 010129.
PARENT TITLE Volume 04980 Folio 894
Created by instrument 1703412 07/09/1938

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

AU095413T 01/03/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU477363D 21/06/2021
COMMONWEALTH BANK OF AUSTRALIA

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

DIAGRAM LOCATION

SEE LP010129 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: 7 MARKET ROAD WERRIBEE VIC 3030

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 21/06/2021

DOCUMENT END

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Clause 55 assessment

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CLAUSE 55 – RESCODE ASSESSMENT 7 MARKET ROAD, WERRIBEE		<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p>
<p>Clause 55.02-1 – Neighbourhood character objectives</p> <p><i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i></p> <p><i>To ensure the development responds to the features of the site and surrounding area.</i></p> <p>Standard B1</p> <p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>		<p>Complies Date Plans Provided: 11/03/2025</p> <p>No new works or additions are proposed from what has already been constructed and approved under the Building Permit.</p>
<p>Clause 55.02-2 – Residential policy objectives</p> <p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i></p> <p>Standard B2</p> <p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and Planning Policy Framework.</i></p>		<p>Complies</p> <p>Detailed within planning assessment and architectural plans.</p>
<p>Clause 55.02-3 – Dwelling diversity objective</p> <p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i></p> <p>Standard B3</p> <p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> • <i>Dwellings with a different number of bedrooms; and</i> • <i>At least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.</i> 		<p>Complies</p> <p>Nine rooms are within the constructed building in a location that largely consists of a traditional one or two storey building on a lot within infill townhouse developments. The typology provides a different offering suitable to the Site and its excellent location to services and public transport.</p>
<p>Clause 55.02-4 – Infrastructure objectives</p> <p><i>To ensure development is provided with appropriate utility services and infrastructure.</i></p> <p><i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i></p> <p>Standard B4</p>		<p>Complies</p> <p>The constructed building is connected to all existing services.</p> <p>The constructed building does not result in unsustainable demands upon existing infrastructure.</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<p>Development should be connected to reticulated services including reticulated sewerage, drainage, electricity and gas if available.</p> <p>Developments should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no space capacity, developments should provide for the upgrading or mitigation of the impact on services or infrastructure.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.02-5 – Integration with the street objective</p> <p>To integrate the layout of development with the street.</p> <p>Standard B5</p> <p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be orientated to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies</p> <p>The constructed single storey form is consistent with the requirements of the GRZ1 and what has already been considered by Council.</p>
<p>Clause 55.03-1 – Street setback objective</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, the distance specified in Table B1. <p>Porches, pergolas and verandas that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>Complies</p> <p>The building provides a 15.24 metre front setback.</p>
<p>Clause 55.03-2 – Building height objective</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p> <p>Standard B7</p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p>	<p>Complies</p> <p>The constructed single storey building provides a maximum building height of approximately 4.14 metres.</p>

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<p>Clause 55.03-3 – Site coverage objective</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p> <p>Standard B8</p> <p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> • The maximum site coverage specified in a schedule to the zone, or • If no maximum site coverage is specified in a schedule to the zone, 60 per cent. 	<p>Complies</p> <p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council. However they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.03-4 – Permeability and stormwater management objectives</p> <p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>Standard B9</p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> • The minimum area specified in a schedule to the zone, or • If no minimum is specified in a schedule to the zone, 20 percent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> • Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). • Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	<p>Complies</p> <p>The development includes 34.88 per cent permeability.</p>
<p>Clause 55.03-5 – Energy efficiency objectives</p> <p>To achieve and protect energy efficient dwellings, residential buildings and small second dwellings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>Standard B10</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced. 	<p>Satisfies objective</p>

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<ul style="list-style-type: none"> Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>	
<p>Clause 55.03-6 – Open space objective</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p> <p>Standard B11</p> <p>If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> Be substantially fronted by dwellings, where appropriate. Provide outlook for as many dwellings as practicable. Be designed to protect any natural features on the site. Be accessible and useable. 	<p>Satisfies objective</p>
<p>Clause 55.03-7 – Safety objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p> <p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies</p> <p>Clear pedestrian entry is provided from Market Road to the common entry, clearly accessible from the frontage.</p>
<p>Clause 55.03-8 – Landscaping objectives</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p> <p>Standard B13</p>	<p>Satisfies objective</p>

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<p><i>Landscape layout and design should:</i></p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</i></p> <p><i>Development should meet any additional landscape requirements specified in a schedule to the zone.</i></p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.03-9 – Access objective</p> <p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i></p> <p>Standard B14</p> <p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i></p> <p><i>The location of crossovers should maximise the retention of on-street car parking spaces.</i></p> <p><i>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	<p>Complies</p> <p>The existing crossover location is utilised, maintaining less than 40% of the Site's frontage.</p>
<p>Clause 55.03-10 – Parking location objectives</p> <p><i>To provide for convenient parking for residents and visitor vehicles.</i></p> <p><i>To protect residents from vehicular noise within developments.</i></p> <p>Standard B15</p> <p><i>Car parking facilities should:</i></p>	<p>Complies</p> <p>Car parking is located within the front setback of the Site, limiting adverse noise and amenity impacts.</p>

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<ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.04-1 – Side and rear setbacks objective</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</p> <p>Standard B17</p> <p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>Complies</p> <p>For a maximum building height of 4.14 metres, a minimum setback of 1.16 metres is required from all side and rear boundaries.</p> <p>Accordingly, all side and rear walls are set back in excess of the minimum requirement.</p>
<p>Clause 55.04-2 – Walls on boundaries objective</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</p> <p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or 	<p>N/A</p> <p>No walls are on boundary.</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<ul style="list-style-type: none"> Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.04-3 – Daylight to existing windows objective</p> <p>To allow adequate daylight into existing habitable room windows.</p> <p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky and the constructed building is set back from any window at least 50 per cent of the wall height over 3 metres.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>Complies</p> <p>All adjacent existing habitable room windows receive a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky and the constructed building is set back from any window at least 50 per cent of the wall height over 3 metres.</p>
<p>Clause 55.04-4 – North-facing windows objective</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p> <p>Standard B20</p> <p>If a north-facing habitable room window of an existing dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p>N/A</p> <p>There are no north facing habitable room windows located within 3 metres of the Site.</p>
<p>Clause 55.04-5 – Overshadowing open space objective</p>	<p>Complies</p> <p>WYNDHAM CITY COUNCIL</p>

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<p>To ensure buildings do not significantly overshadow existing secluded private open space.</p> <p>Standard B21</p> <p>Where sunlight to the secluded private open space of an existing dwelling or small second dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p>	<p>Both adjoining properties maintain an area of unshaded private open space in excess of 40cm. PLEASE NOTE: The plans that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	
<p>Clause 55.04-6 – Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p> <p>Standard B22</p> <p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. 	<p>Complies</p> <p>No overlooking to adjoining properties.</p>

<ul style="list-style-type: none"> Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
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<p>Clause 55.04-7 – Internal views objective</p> <p>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</p> <p>Standard B23</p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</p>	<p>Complies</p> <p>The building does not allow for any internal views of any habitable room windows or secluded private open space, complying with Standard B23.</p>
<p>Clause 55.04-8 – Noise impacts objectives</p> <p>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</p> <p>To protect residents from external noise.</p> <p>Standard B24</p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>Complies and satisfies objective</p>
<p>55.05-1 – Accessibility objective</p> <p>To encourage the consideration of the needs of people with limited mobility in the design of developments.</p> <p>Standard B25</p> <p>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</p>	<p>Complies and satisfies objective</p>
<p>55.05-2 – Dwelling entry objective</p> <p>To provide each dwelling or residential building with its own sense of identity.</p> <p>Standard B26</p> <p>Entries to dwellings and residential buildings should:</p> <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. 	<p>Complies and satisfies objective</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<ul style="list-style-type: none"> Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p>
<p>Clause 55.05-3 – Daylight to new windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard B27</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <p>Having regard to the location of windows and separation distances to boundaries and between the form, compliance is comfortably achieved.</p>
<p>Clause 55.05-4 – Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard B28</p> <p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <ul style="list-style-type: none"> An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p>	<p>Complies</p> <p>Ground floor secluded private open spaces are provided, easily accessible from living areas with excellent access to daylight.</p>
<p>Clause 55.05-5 – Solar access to open space objective</p> <p>To allow solar access into the secluded private open space of new dwellings and residential buildings.</p> <p>Standard B29</p> <p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p>	<p>Complies</p> <p>Sunlight is provided to the north, east and west facing ground floor open spaces.</p>

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<p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres where 'h' is the height of the wall.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Satisfies objective Date Plans Provided: 11/03/2025</p>
<p>Clause 55.05-6 – Storage objective</p> <p>To provide adequate storage facilities for each dwelling.</p> <p>Standard B30</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	
<p>Clause 55.06-1 – Detail design objective</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>Complies</p> <p>The design response of the building has previously been considered and approved through the building permit process.</p>
<p>Clause 55.06-2 – Front fences objective</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Standard B32</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	<p>N/A</p> <p>There is no front fence.</p>
<p>Clause 55.06-3 – Common property objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p> <p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies</p> <p>All communal areas are appropriately managed through body corporation.</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<p>Clause 55.06-4 – Site services objectives</p> <p>To ensure that site services can be installed and easily maintained</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p> <p>Standard B34</p> <p><i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</i></p> <p><i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</i></p> <p><i>Bin and recycling enclosures should be located for convenient access by residents.</i></p> <p><i>Mailboxes should be provided and located for convenient access as required by Australia Post.</i></p>	<p>Complies</p> <p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-1 – Energy efficiency objectives</p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p> <p>Standard B35</p> <p>Buildings should be:</p> <ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings or small second dwellings on adjoining lots is not unreasonably reduced. • Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings or small second dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is optimised.</p> <p>Dwellings located in a climate zone identified Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.</p>	<p>Complies</p> <p>The orientation and location of rooms maximise the northern, eastern and western orientation of the building. In addition, the location of the Site is afforded excellent access to public open space.</p>
<p>Clause 55.07-2 – Communal open space objective</p>	<p>Complies</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<p>To provide communal open space that meets the recreation and amenity needs of residents.</p> <p>To ensure that communal open space is accessible, functional, and is easily maintained.</p> <p>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</p>	<p>The building is afforded excellent access to public parks in the form of Kelly and Wyndham Parks, allowing for future residents to access them. The building is also located within a public open space area, as at the date shown below:</p> <p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what ultimately approves by Council, however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
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Standard B36

A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres.

If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and consist of multiple separate areas of communal open space.

Each area of communal open space should be:

- *Accessible to all residents.*
- *A useable size, shape and dimension.*
- *Capable of efficient management.*
- *Located to:*
 - *Provide passive surveillance opportunities, where appropriate.*
 - *Provide outlook for as many dwellings as practicable.*
 - *Avoid overlooking into habitable rooms and private open space of new dwellings.*
 - *Minimise noise impacts to new and existing dwellings and existing small second dwellings.*

Any area of communal outdoor open space should be landscaped and include canopy cover and trees.

Clause 55.07-3 – Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Clause 55.07-4 – Landscaping objective

To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape.

N/A

N/A

The area of the planning unit is confined to 805.42 square metres, less than that specified in Table B5.

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<p>To preserve existing canopy cover and support the provision of new canopy cover.</p> <p>To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.</p> <p>Standard B38</p> <p>Development should retain existing trees and canopy cover.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p> <p>Development should:</p> <ul style="list-style-type: none"> Provide the canopy cover and deep soil areas specified in Table B5. Existing trees can be used to meet the canopy cover requirements of Table B5. Provide canopy cover through canopy trees that are: <ul style="list-style-type: none"> Located in an area of deep soil specified in Table B6. Where deep soil cannot be provided trees should be provided in planters specified in Table B6. Consistent with the canopy diameter and height at maturity specified in Table B7. Located in communal outdoor open space or common areas or street frontages. Comprise smaller trees, shrubs and ground cover, including flowering native species. Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. Protect any predominant landscape features of the area. Take into account the soil type and drainage patterns of the site. Provide a safe, attractive and functional environment for residents. Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-5 – Integrated water and stormwater management objective</p> <p>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</p>	<p>Complies</p> <p>As detailed above, the Site connects to existing services.</p>
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<p>To facilitate stormwater collection, utilisation and infiltration within the development.</p> <p>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Standard B39</p> <p><i>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</i></p> <p><i>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</i></p> <p><i>The stormwater management system should be:</i></p> <ul style="list-style-type: none"> • <i>Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999).</i> • <i>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</i> 	
<p>Clause 55.07-6 – Access objective</p> <p><i>To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.</i></p> <p><i>To ensure that vehicle crossovers are designed and located to minimise visual impact.</i></p> <p>Standard B40</p> <p><i>Vehicle crossovers should be minimised.</i></p> <p><i>Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building.</i></p> <p><i>Pedestrian and cyclist access should be clearly delineated from vehicle access.</i></p> <p><i>The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees.</i></p> <p><i>Development must provide access for service, emergency and delivery vehicles.</i></p>	<p>Complies</p> <p>The Site utilises the existing crossover.</p>
<p>Clause 55.07-7 – Noise impacts objective</p> <p><i>To contain noise sources in developments that may affect existing dwellings</i></p> <p><i>To protect residents from external and internal noise sources.</i></p> <p>Standard B41</p>	<p>Complies</p> <p>No additional detriment is anticipated to arise.</p>

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<p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p> <p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</p> <p>Buildings within a noise influence area specified in Table B8 should be designed and constructed to achieve the following noise levels:</p> <ul style="list-style-type: none"> Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. <p>Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.</p> <p>Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.</p>	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-8 – Accessibility objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p> <p>Standard B42</p> <p>At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. A main bedroom with access to an adaptable bathroom. At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B9. 	<p>Complies</p> <p>All bathrooms and accessways comply with the relevant design requirements of Table B9 of the Planning Scheme.</p>
<p>Clause 55.07-9 – Private open space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard B43</p> <p>A dwelling should have private open space consisting of at least one of the following:</p>	<p>Complies</p> <p>All areas of private open space are conveniently located from the living areas of each room.</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<ul style="list-style-type: none"> • An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. • A balcony with at least the area and dimensions specified in Table B10 and convenient access from a living room. If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table B10 should be increased by at least 1.5 square metres. • An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. • An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-10 – Storage objective</p> <p>To provide adequate storage facilities for each dwelling.</p> <p>Standard B44</p> <p>Each dwelling should have convenient access to usable and secure storage space.</p> <p>The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B11.</p>	<p>Complies</p>
<p>Clause 55.07-11 – Waste and recycling objectives</p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p> <p>Standard B45</p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> • Waste and recycling enclosures which are: <ul style="list-style-type: none"> - Adequate in size, durable, waterproof and blend in with the development. - Adequately ventilated. - Located and designed for convenient access by residents and made easily accessible to people with limited mobility. • Adequate facilities for bin washing. These areas should be adequately ventilated. • Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. • Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. 	<p>Complies</p> <p>A bin enclosure is provided to facilitate the appropriate waste and recycling. The location of the waste is convenient for access of residents and for the curb side collection that does not provide unreasonable amenity impacts to adjoining properties and future occupants.</p>

<ul style="list-style-type: none"> Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. <p>Waste and recycling management facilities should be design and managed in accordance with a Waste Management Plan approved by the responsible authority and:</p> <ul style="list-style-type: none"> Be designed to meet the better practice design options specified in Waste Management and Recycling in Multi-unit Developments (Sustainability Victoria, 2019). Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-12 – Functional layout objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p> <p>Standard B46</p> <p>Bedrooms should:</p> <ul style="list-style-type: none"> Meet the minimum internal room dimensions specified in Table B12. Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe. <p>Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B13.</p>	<p>Complies</p> <p>Each of the rooms complies with the bedroom and living area requirements of Table B12 and B13 respectively.</p>
<p>Clause 55.07-13 – Room depth objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p> <p>Standard B47</p> <p>Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.</p> <p>The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen. The kitchen is located furthest from the window. The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Complies</p> <p>All habitable rooms, including the open plan layout of living areas, comply with the standard when measuring the depth from the glazing line of the habitable room.</p>
<p>Clause 55.07-14 – Windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>Complies</p> <p>WYNDHAM CITY COUNCIL Town Planning</p> <p>No rooms are reliant upon borrowed light.</p>

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<p>Standard B48</p> <p>Habitable rooms should have a window in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> • A minimum width of 1.2 metres. • A maximum depth of 1.5 times the width, measured from the external surface of the window. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-15 – Natural ventilation objectives</p> <p>To encourage natural ventilation of dwellings.</p> <p>To allow occupants to effectively manage natural ventilation of dwellings.</p> <p>Standard B49</p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> • A maximum breeze path through the dwelling of 18 metres. • A minimum breeze path through the dwelling of 5 metres. • Ventilation openings with approximately the same area. <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Complies</p> <p>The building provides cross ventilation, meeting the requirements of Standard B49.</p>
<p>Clause 55.07-16 – Building entry and circulation objectives</p> <p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p> <p>Standard B50</p> <p>Entries to dwellings and buildings should:</p> <ul style="list-style-type: none"> • Be visible and easily identifiable. • Provide shelter, a sense of personal address and a transitional space around the entry. <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> • Clearly distinguish entrances to residential and non-residential areas. • Provide windows to building entrances and lift areas. 	<p>Complies</p> <p>A clear and distinct individual pedestrian accessway is afforded to the building and occupants with access taken. All rooms are afforded direct access from Market Road in accordance with Standard B50.</p> <p>WYNDHAM CITY COUNCIL Town Planning Advertised Documents</p>

<ul style="list-style-type: none"> Provide visible, safe and attractive stairs from the entry level to encourage use by residents. Provide common areas and corridors that: <ul style="list-style-type: none"> Include at least one source of natural light and natural ventilation. Avoid obstruction from building services. Maintain clear sight lines. 	<p>PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:</p> <p>Date Plans Provided: 11/03/2025</p>
<p>Clause 55.07-17 – Integration with the street objective</p> <p>To integrate the layout of development with the street.</p> <p>To support development that activates street frontages.</p> <p>Standard B51</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>Along street frontages, development should:</p> <ul style="list-style-type: none"> Incorporate pedestrian entries, windows, balconies or other active spaces. Limit blank walls. Limit high front fencing, unless consistent with the existing urban context. Provide low and visually permeable front fences, where proposed. Conceal car parking and internal waste collection areas from the street. <p>Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.</p>	<p>Complies</p> <p>The rooms address Market Road, consistent with the existing typologies provided through the area.</p>
<p>Clause 55.07-18 – Site services objective</p> <p>To ensure that site services are accessible and can be easily installed and maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape.</p> <p>Standard B52</p> <p>Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically.</p> <p>Meters and utility services should be designed as an integrated component of the building or landscape.</p> <p>Mailboxes and other site facilities should be adequate in size, durable, weather-protected, located for convenient access and integrated into the overall design of the development.</p>	<p>Complies</p> <p>Site services are necessarily required, and cleverly integrated into the Site.</p>
<p>Clause 55.07-19 – External wall and materials objective</p>	<p>Complies</p>

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To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.

To ensure external walls endure and retain their attractiveness.

Standard B53

External walls should be finished with materials that:

- Do not easily deteriorate or stain.
- Weather well over time.
- Are resilient to the wear and tear from their intended use.

External wall design should facilitate safe and convenient access for maintenance.

All external wall and materials are sympathetic to the existing and emerging building typologies within the broader context of the Site.
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