



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 22 July 2026

Commencing 6.30 pm

Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg

Language Link

This is the Agenda for the Council meeting.
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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।
ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ,
ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Merri-bek

Merri-bek City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

- 1. WELCOME**
- 2. APOLOGIES**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST**
- 4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 24 June 2026 be confirmed.

5. COUNCIL REPORTS

- 5.1 81 DAVIES STREET, BRUNSWICK - PLANNING APPLICATION
- MPS/2026/101

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6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 81 DAVIES STREET, BRUNSWICK - PLANNING APPLICATION - MPS/2026/101

Director Place and Environment, Pene Winslade

City Development

Executive Summary



Property:	81 Davies Street, Brunswick
Proposal:	Construction of four triple storey dwellings
Zoning and Overlay/s:	- General Residential Zone – Schedule 1 - Development Contributions Plan Overlay
Strategic setting:	Minimal change Incremental change Significant change
Objections:	12 Objections - Key issues raised: - Neighbourhood character - Overdevelopment - Traffic
Planning Information and Discussion (PID) Meeting:	- Date held: 30 June 2026 - Attendees: 6 objectors, the applicant, 2 Council officers, and Cr Irvin - Prior to this meeting, the applicant submitted discussion plans showing compliance with the front street setback standard of Clause 55. Following this meeting, the applicant agreed to conditions requiring an improved stormwater management response, overlooking treatment and relocation of A/C units.
ESD:	Sustainability objectives and standards of Clause 55 are met, noting Council's Environmentally Sustainable Design Policy is no longer a relevant consideration for this application.
Key reasons for support	- The proposal meets most of the Clause 55 standards including those for, overshadowing and daylight to existing windows. - The proposal provides reasonable liveability and internal amenity. - The proposal meets car parking requirements. - Recommended conditions will require changes to improve the quality of external materials and colours, front street setback and stormwater management.
Recommendation:	That a Notice of Decision to Grant a Planning Permit be issued

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit MPS/2026/101 be issued for the land at 81 Davies Street, Brunswick

The Permit would allow:

The construction of four dwellings

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-7	Construct two or more dwellings on a lot

The following conditions would apply to this permit:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Beyond Design Group, Sheet No.'s TP1-TP7, dated 19/05/2026 but modified to show:
 - a) Changes, generally in accordance with the discussion plans dated 26/06/2026, including:
 - i. Reducing the size of the balcony to Dwelling 1 and ensuring the first floor does not encroach into the 6 metre front setback.
 - ii. A porch to the front entrance of Dwelling 1. The height and encroachment of the porch must comply with the requirements of Standard B3-4 of Clause 55.03-4 (Street setback).
 - b) The elevations updated to include a notation that confirms all windows nominated as 'obs' as fixed shut obscure glazing to a minimum of 1.7 metres above finished floor level.
 - c) The east facing second floor bed 4 windows of Dwelling 2 and 3 to have fixed obscure glazing to a minimum of 1.7 metres above finished floor level.
 - d) The east-facing first floor powder room windows of Dwellings 1 to 3 must be obscurely glazed and restricted to a maximum opening of 10 millimeters.
 - e) The east facing stairwell windows of all dwellings to have fixed obscure glazing to a minimum height of 1.7 metre above finished floor level.
 - f) Removal of the two street trees located on the nature strip along Davies Street, adjacent to the crossover serving Dwelling 1.
 - g) The air conditioning unit associated with Dwelling 3 must be relocated to the second floor south-facing wall of bed 4.
 - h) The air conditioning unit associated with Dwelling 4 must be relocated to the first floor north-facing wall of the laundry.
 - i) Floor plans updated to show the setbacks of the dwellings measured from the eastern title boundary.
 - j) An updated schedule of all proposed exterior decorations, materials, finishes and colours, which includes:
 - i. Weatherboard cladding or similar to be the primary and visually dominant material to the first and second floors, covering the majority of visible external wall areas.
 - ii. The use of monument for any external surfaces of the building to be replaced with lighter colour tones.

- k) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- l) Tree protection zones in accordance with Condition 6 of this permit, to the street trees within the Barrow Street road reserve fronting the site.
- m) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.

Compliance with Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, except where no permit is required under the Merri-bek Planning Scheme, provided the minimum garden area requirement under the Scheme continues to be met and the alteration is not contrary to any specific condition of this permit.

Landscaping

- 3. Concurrent with the submission of plans for endorsement under Condition 1, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Zenith Concepts dated 17/02/2026 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) Identification of existing tree(s) and vegetation within the road reserves fronting the site proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
 - c) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

- 4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
- 5. All landscaping must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

- 6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the street trees located within the Barrow Street road reserve must have a Tree Protection Zone (TPZ) in accordance with AS4970-2025 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:

The TPZ must meet the following requirements:

- a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Standard Height (DSH) as defined by the Australian Standard AS 4970.2025). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

- b) Signage
Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.
- c) Irrigation
The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.
- d) Provision of Services
All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970-2025.
- e) Access to TPF
The TPF once erected, must be maintained and not altered, tampered or moved. If any works are proposed within the TPZ or require the TPF to be moved or altered, then such works must only be carried out with the prior written approval of, and under the direction of, a suitably qualified Arborist (minimum Level 5 Diploma of Arboriculture). A copy of the approval must be provided to Council upon request.

Street Tree Removal and Replacement

- 7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

- 8. Prior to the endorsement of plans, an amended sustainable design response must be submitted to the satisfaction of the Responsible Authority. The sustainable design response must be generally in accordance with the sustainable design response prepared by Beyond Design Group, advertised 19/05/2026 but modified to include the following changes:
 - a) Plans modified to show compliance with Standard B5-1 Clause 55.05-1 (permeability and stormwater objective) by:
 - i. Providing an amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the Blue Factor report, clearly showing roof details including location of parapet walls, box gutters, roof fall direction, and downpipes (either charged, gravity or internal) to demonstrate how stormwater catchments drain to the rainwater tanks without charged pipes running under building slabs.
 - ii. Providing a Blue Factor report and stormwater management response that:
 - Maintains a minimum score of 100 per cent but is modified so that the dwelling 1 roof area is approx. 89.4m², to match the WSUD plan.
 - Achieves an 80 per cent reduction in suspended solids mean annual load

Where an alternative response is proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) sustainability design response outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended sustainable design response and associated notated plans will be endorsed to form part of this permit. No alterations to the sustainable design response may occur without the written consent of the Responsible Authority.

9. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed sustainable design response to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

No Residential reticulated gas service connection

11. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Merri-bek Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Car Parking and Vehicle Access

12. Prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first, No Stopping yellow-edge line on street markings, are to be installed at the cost of the applicant to ban parking in the undersized on-street car parking space(s) created by the development between the crossovers of Dwellings 2 and 3 on Barrow Street to the satisfaction of the Responsible Authority.
13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.

Undergrounding cables

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Stormwater

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

19. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

General Amenity

20. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting, and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned, and finished to the satisfaction of the Responsible Authority.

Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land 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.

22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
23. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by, Council's City Infrastructure Department under Council's General Local Law. Guidance on how to prepare a Construction Management Plan can be found on Council's website.

Permit Expiry

24. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within three (3) years from the date of issue of this permit;
 - b) the development is not completed within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

- i. within six months after the permit expires to extend the commencement date.
- ii. within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

Notes: These notes are for information only and do not constitute part of this permit or conditions of this permit.

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.merri-bek.vic.gov.au/residential-parking-permits>

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1111 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 9240 1111.

REPORT

1. Background

Subject site

The site comprises of a rectangular corner lot with a frontage of 13.4 metres to Davies Street, width along Barrow Street of 45.7 metres and a total site area of 613 square metres. The site also abuts a laneway to the north which provides vehicle access.

The site contains a single-storey weatherboard house with a corrugated metal roof.

There are no restrictive covenants indicated on the Certificate of Title.

Surrounds

The site is located within an established residential area with a mix of housing types including single and double storey homes and several older blocks of units some fronting Moreland Road. Brunswick Private Hospital is located 50 metres to the east of the site.

The adjoining property to the east, at 83 Davies Street, contains a single-storey house. To the north, across the laneway, is the shared car parking area serving the block of units at 98 Moreland Road.

A location plan forms **Attachment 1**.

The proposal

The proposal seeks to construct four triple storey dwellings, summarised as follows:

- All dwellings contain two bedrooms on ground floor, first floor living and kitchen areas and two additional bedrooms at the second floor.
- Each dwelling contains first floor balconies.
- A total of eight (8) car spaces is provided, with two (2) spaces allocated per dwelling.

The development plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone – Schedule 1	Clause 32.08-7: A permit is required to construct two or more dwellings on a lot. A permit is not required to use land for a dwelling

The following Particular Provisions of the Merri-bek Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.06: Car Parking
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 53.03: Residential Reticulated Gas Service Connection.
- Clause 55: Two Or More Dwellings On A Lot And Residential Buildings Of Three Storeys Or Less

2. Internal/External Consultation

Public notification

Notification of the application has been undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- Placing a sign on the Davies and Barrow street frontages of the site.

Council has received 12 objections to date. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Overdevelopment
- Neighbourhood character
- Concern about the Blue Factor stormwater score
- Impact on infrastructure
- Overlooking
- Overshadowing
- Daylight to windows
- Private open space
- Impact on quality of life and quiet enjoyment of the neighbourhood
- Walls on boundary
- Noise impacts
- Laneway access during construction
- Vehicle access
- Visual bulk
- Landscaping
- Street trees
- Reflective materials
- No proper notice given to tenants on the land

A Planning Information and Discussion meeting was held on 30 June 2026 and attended by Cr Irvin, two Council Planning Officers, the applicant and approximately 6 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Prior to this meeting, to address objector concern's the applicant submitted discussion plans showing compliance with the front street setback standard of Clause 55. Following this meeting, the applicant agreed to conditions requiring an improved stormwater management response and requiring obscure glazing to upper floor windows to limit overlooking and the relocation of A/C units.

Internal referrals

The proposal was referred to the following internal branches:

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal, subject to changes to improve the appearance and durability of the proposed buildings. These changes include reducing the amount of render and using high quality materials and colours such as cladding and lighter colour scheme. The required changes are addressed as conditions in the recommendation.

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Council's development engineers are generally supportive of the proposal. Concern was raised that the 7 metre separation between the crossovers serving Dwellings 2 and 3 on Barrow Street is insufficient to accommodate on-street parking between them. A condition of the recommendation requires the permit holder to install No Stopping yellow-edge line marking at their expense, to prevent conflicts between parked vehicles and access to these car spaces.
Sustainable Built Environment - ESD Team	Supports the proposal. Recommended changes to the blue factor report and Water Sensitive Urban Design (WSUD) plans have been addressed via conditions of the recommendation.
Arborist	Supports the removal of the street tree along Davies Street. No concerns raised with the modest encroachment of the crossovers to the existing street trees located along Barrow Street. The recommendation will include conditions requiring removal of the Davies Street trees, with applicant required to pay for replacement trees with appropriate planting locations to be determined by Councils Urban Forest Unit.

3. Policy Implications

Townhouse and Low-Rise Code

On 6 March 2025, the rules for multi dwelling development changed, through the introduction of the Townhouse and Low-rise Code (Clause 55).

When a standard is met, Council cannot consider any other policy or decision guidelines in the Planning Scheme and broader considerations of the Planning and Environment Act, 1987.

The proposal has been assessed against the new Clause 55 requirements and is mostly compliant with the deemed to comply standards.

The proposal does not comply with the street setback (standard B2-1), side and rear setback (standard B2-3) and Access (Standard B2-6) which are neighbourhood character standards. Therefore, the following local policies can form part of the consideration.

- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
 - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S and 15.01-2L)
 - Neighbourhood Character (Clause 15.01-5S)
 - Minimal and Incremental Change Areas (Clause 15.01-5L)

Human Rights Consideration

This application has been processed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Merri-bek Planning Scheme) reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*. In addition, the assessment of the application has had particular regard to:

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Merri-bek Planning Scheme. The privacy of nearby residents has also been considered as part of the application process.

4. Issues

In considering this application, regard has been given to the Planning Policy Framework (PPF), the provisions of the Merri-bek Planning Scheme, objections received and the merits of the application.

Does the proposal have strategic policy support?

The application to construct four dwellings is consistent with *Victoria's Housing Statement- The Decade Ahead 2024 - 2034* which seeks to increase the number of homes being built in Victoria.

The site is in the General Residential Zone (GRZ). This zone supports a range of housing types and housing growth in locations with good access to services and transport, while ensuring development responds to the neighbourhood character of the area.

The proposal represents a level of change that is expected in an established urban area and has strategic policy support due to:

- With design changes the site can accommodate four dwellings, noting site coverage, garden area and landscaping are acceptable.
- The three-storey building height is allowed in the General Residential Zone.
- The design meets most standards of Clause 55 and provides appropriate opportunities for landscaping.

Does the proposal comply with the Townhouse and Low-Rise Code?

An assessment has been carried out against the 'deemed to comply' standards of the Townhouse and Low-rise Code at Clause 55. When these standards are met, objectors do not have the right to lodge an application for review with the Victorian Civil and Administrative Tribunal (VCAT).

The requirements of Clause 55 are that if a development meets a standard, it is automatically considered to meet the objective of the standard. The street setback, side setback and access standards are not complied with, and therefore objectors would have a right to lodge a VCAT review.

Neighbourhood character standards:

The proposal has been assessed against the neighbourhood character standards in Clause 55, including street setback, side and rear setbacks, building height and walls on boundaries. It complies with most of these standards, except for street setback, rear setback and access, which are discussed below.

Street setback

The proposal requires a 6 metre front setback to Davies Street. The ground floor front wall and first floor of the dwelling are both set back at least 6 metres from Davies Street and therefore meet this requirement. However, the first floor balcony projects into this setback by between approximately 600 millimetres to 1.4 metres and has a maximum height of 3.55 metres. This results in a variation, as balconies are not included among the structures that may project into the front setback which includes a porch, pergola or verandah.

Discussion plans were submitted by the applicant on 26/06/26 to address this variation. The plans show the balcony for Dwelling 1 being reduced in size, so it no longer extends into the required front setback. The discussion plans also show a porch, which meets the allowable encroachment under the standard, for the future residents of Dwelling 1. A condition of the recommendation is included to reflect this change.

Rear setback- northern boundary

Dwelling 4 does not meet the rear setback standard on the northern boundary. The shortfall is minor at first floor, but larger at second floor, as shown below:

Level	Proposed setback	Standard requires	Shortfall
First floor (wall height 6.4 metres)	1.79 metres	1.81 metres	0.02 metres
Second floor (wall height 9.4 metres)	3.05 metres	4.79 metres	1.74 metres

This variation requires consideration of the relevant local policy at Clause 15.01-5L (Minimal and Incremental Change Areas), which encourages a visually recessive third storey where the prevailing scale of the area is one or two storeys. As the prevailing character is of a lower scale, a recommended condition will require the predominant material to the first and second floors to be weatherboard cladding, or similar, rather than render. This will break up the building form and reduce the perceived bulk of the upper levels as the proposed use of a continuous rendered finish presents as a bulkier form that visually emphasises the upper levels rather than recessing them.

Despite the lower scale character, the site is in the General Residential Zone which allows for an overall height of 11 metres, 3 storeys. The development complies by having an overall height of 9.7 metres and being 3 storeys.

Subject to the materials changes, the variation is considered acceptable because the northern boundary adjoins a laneway, with a shared car park beyond. As a result, the reduced setbacks do not directly face nearby living room or bedroom windows, or private open space areas used by adjoining residents. Given this separation, the proposal is not expected to result in unreasonable visual bulk, overlooking or overshadowing impacts.

Side setbacks eastern boundary

The advertised floor plans show setbacks measured from the existing fence line, which do not align with the title boundaries. As the planning standards require setbacks to be measured from title boundaries, a condition of the recommendation will require this detail to be included, noting that the discussion plans provided on 26/06/26 show this detail, in addition to compliance with the standard.

Access- Tree Protection Zone

The proposed vehicle crossover to Davies Street would impact on the tree protection zone of an existing street tree on Davies Street. The encroachment is approximately 16 per cent, which is more than the 10 per cent generally allowed by the standard.

The applicant originally proposed to retain this tree, as well as the adjacent street tree. However, Council's Arborist has advised that both Davies Street trees have very low retention value. Council's Arborist therefore supports their removal to allow the crossover works to occur, subject to the applicant paying the required amenity fee, and cost of Council planting two replacement trees. This has been included as a condition of the recommendation. When the affected Davies Street trees are removed, the crossover will no longer encroach into their tree protection zones. This means the proposal can meet the access standard and avoid a crossover encroachment of more than 10 per cent.

The new crossovers to Barrow Street both comply with the 10 per cent allowable encroachment into the tree protection zones as the extent of encroachment is less than this requirement (ranging between 2.3 per cent to 6 per cent).

Apart from the tree protection zone the development complies with the required length of the vehicle crossover along Barrow and Davies Streets.

Condition 7 of the recommendation will ensure that two replacement street trees are planted by Council, in the nature strips next to the site or close by, at the cost of the permit applicant. This ensures the street trees are planted at the best time of year and appropriately maintained for the best chance of survival.

External amenity standards:

Objectors raised concerns regarding overshadowing, overlooking, walls on boundaries and impacts on existing windows. These matters have been assessed against the external amenity standards in Clause 55. The proposal is considered acceptable for the following reasons:

- **Overlooking:** Obscure glazing is incorporated to east-facing living area windows, preventing unreasonable overlooking. The recommendation includes a condition to confirm that obscure glazing is not openable. In response to objector concerns, the applicant has also agreed to treating the other east facing windows associated with bedrooms, stairwell and powder rooms, which while they go beyond the requirements of the planning scheme have been included as conditions of the recommendation.
- **Overshadowing:** Shadow diagrams demonstrate compliance with the overshadowing standard.
- **Daylight to Existing windows:** The setback of the development from habitable room windows at 83 Davies Street meets the daylight to existing windows standard under Clause 55.
- **Walls on boundaries:** The proposal meets the walls on boundaries standard, with the length and height of boundary walls considered acceptable under Clause 55.

As the proposal meets the relevant external amenity standards, the impacts on adjoining properties are considered to be acceptable under Clause 55.

Sustainability standards:

The recently introduced Townhouse and Low-Rise Code (Clause 55) has resulted in Council's Local Environmentally Sustainable Design (ESD) policy no longer being a relevant planning consideration for this form of development. An objector has raised concern in relation to the scoring in the submitted Blue Factor report. The ESD features of the development have been reviewed by Council's ESD officers and have been assessed against the new standards and are adequate, subject to conditions included in the recommendation. They include:

- **Adequate permeability and stormwater management.** Conditions of the recommendation seeks to improve the blue factor response by increasing the suspended solids reduction to a minimum of 80 percent.

- Sufficient areas identified for future installation of appropriately sited rooftop solar energy systems for each dwelling.
- Adequate waste and recycling considerations.

Has adequate car parking been provided?

The proposal provides two off-street car spaces per dwelling, which is a total of 8 car spaces. Under the recent changes to the Planning Scheme, and as the land is not affected by a Parking Overlay, there is no minimum car parking requirement for this development and a maximum of eight car parking spaces may be provided, which the proposal achieves.

Objectors are concerned about an increase in on street parking associated with the development. However, because the proposal provides 8 spaces, for 4 dwellings, the development is not expected to result in additional on-street parking demand. Following recent State Government Planning reform, the proposal now exceeds the minimum requirement.

The dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street. This is included as a note on the planning permit in the recommendation.

Will the proposal impact local traffic conditions?

Council's Development Engineers have assessed the proposal and consider that the development will result in about 24 extra vehicle movements per day. These additional vehicles are within the capacity of the roads and are not expected to cause traffic problems.

The proposed vehicle access arrangements to Barrow Street comply with the access requirements of Clause 55, therefore Council's ability to require changes to the location or design of the crossovers is limited. The space between the crossovers serving Dwellings 2 and 3 is not long enough to accommodate a standard sized parked vehicle as minimum of 8 metres is required between the crossovers, measured at the title boundary and only 7 metres is provided. A permit condition is recommended requiring no stopping line marking restrictions to be installed in this location to prevent unsafe or impractical parking between the crossovers.

5. Response to Objector Concerns

The following issues raised by objectors are addressed in section 4 of this report:

- Neighbourhood character
- Vehicle access
- Street trees
- Score in the blue factor report relating to stormwater management
- Overlooking
- Overshadowing
- Walls on boundary
- Daylight to windows

Other issues raised by objectors are addressed below.

Noise associated with dwellings

Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting particularly where the site is in the residential zone. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter or may be able to be addressed by Council's Environmental Health Unit, if they do not meet the Environmental Protection Authority's (EPA's), Environment Protection Regulations for residential noise.

Noise from air conditioning units

In response to the objector concerns, the permit applicant has agreed to relocate the air conditioning units associated with Dwelling 2 and 3. This is reflected as a condition of the recommendation.

Overdevelopment

VCAT has commonly determined that whether or not a proposal is an overdevelopment is best determined from a quantitative assessment of a development's compliance with the criteria set out in the Merri-bek Planning Scheme.

The proposal satisfies the requirements of Clause 55 in respect to garden area, site coverage, permeability, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site.

Private Open Space

Each dwelling is provided with private open space compliant with the requirements of Standard B3-5 of Clause 55.03-5 (Private open space objective). The balconies for dwelling satisfy the requirements for a 3+ bedroom development.

Impact on infrastructure

Concern was raised with the impact of the dwellings on infrastructure, particularly increased pressure on sewerage and drainage infrastructure. The site owner will be required to address the infrastructure servicing demands of the additional dwellings required by the various service agencies at the time of subdivision or connection of the development. This may include any service authority's requirements to contribute to the cost of upgrading trunk infrastructure.

Construction issues

Traffic, noise, laneway access, construction times and other impacts associated with the construction of a development are not considered as part of a planning application.

The recommendation includes a condition that will require the permit holder to prepare a Construction Management Plan to be approved by Councils Amenity and Compliance Branch prior to the commencement of works, which will detail how construction-related impacts will be managed during the building phase.

Visual bulk

The development meets the neighbourhood character standards (building height, walls on boundaries, site coverage, tree canopy and front fences). Although the zoning allows a maximum building height limit of 11 metres the proposal has a maximum height of 9.7 metres. Conditions are recommended requiring change of materials at the upper levels which will assist with making the upper levels more visually recessive.

Reflective material

Concern has been raised regarding the potential reflectivity of the proposed external wall materials and the possibility of glare impacts on nearby properties.

This concern is acknowledged. While the planning policies does not require a technical assessment of material reflectivity or glare for this type of development, the visual appearance and finish of external materials can be considered as part of the overall design assessment. The recommendation requires the use of alternative materials, such as weatherboard cladding or similar, at upper levels to reduce bulk which is a less reflective material when compared to mirrored glass/polished metal.

Loss of landscaping/open space

The proposal complies with the requirements of Standard B2-7 of Clause 55.02-7 (Tree canopy objective). The proposal provides 11 percent canopy coverage which exceeds the 10 percent requirement. The proposal also complies with the mandatory garden area requirement by providing a minimum of 30 percent. In addition, the building site coverage is 60.4 percent which is less than the 65 percent maximum allowable.

Impact on quality of life, wellbeing and liveability of area (disruption to sleep and home environments)

Amenity, as resolved by many previous Tribunal members, refers to the overall quality and liveability of an area, including factors such as noise, activity levels, and the general character of the neighbourhood. It is broader than just how pleasant an area feels and includes the overall conditions that affect residents' enjoyment of their homes and surroundings.

The proposal will increase activity on the site and therefore change the character of the immediate area. A consideration is whether this change would result in a significant or unreasonable impact on nearby residents, including their quality of life, wellbeing, and home environment, such as potential disruption to sleep.

Noise impacts are discussed above and an assessment of other amenity impacts, against planning scheme requirements is provided in Section 4 of this report, which concludes that the proposal is compliant with the external amenity requirements in the Planning Scheme and that any impacts on surrounding properties are not unreasonable.

Tree encroachment

The concern regarding the Davies Street crossover and its proximity to the mature paperbark tree in the road reserve is acknowledged. The plans were referred to Council's Arborist, who did not raise any concern about the proposed crossover in relation to the existing paperbark tree. The applicant also reviewed the extent of works within the tree protection area and confirmed that the crossover would affect approximately 1.6 per cent of that area. In practical terms, this is a very small encroachment and is not expected to adversely affect the health or ongoing retention of the tree.

Tenancy arrangements

This is a civil matter and not relevant to the consideration of the planning application.

6. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

The proposal to construct four dwellings has strong strategic policy support particularly having regards to the State Government *Victoria's Housing Statement - The Decade Ahead 2024 – 2034*, encouraging more housing in well located areas. The proposal has been assessed against the Clause 55 requirements and is mostly compliant with the deemed to comply standards. The proposal provides for reasonable amenity for future occupants whilst meeting Environmentally Sustainable Design requirements.

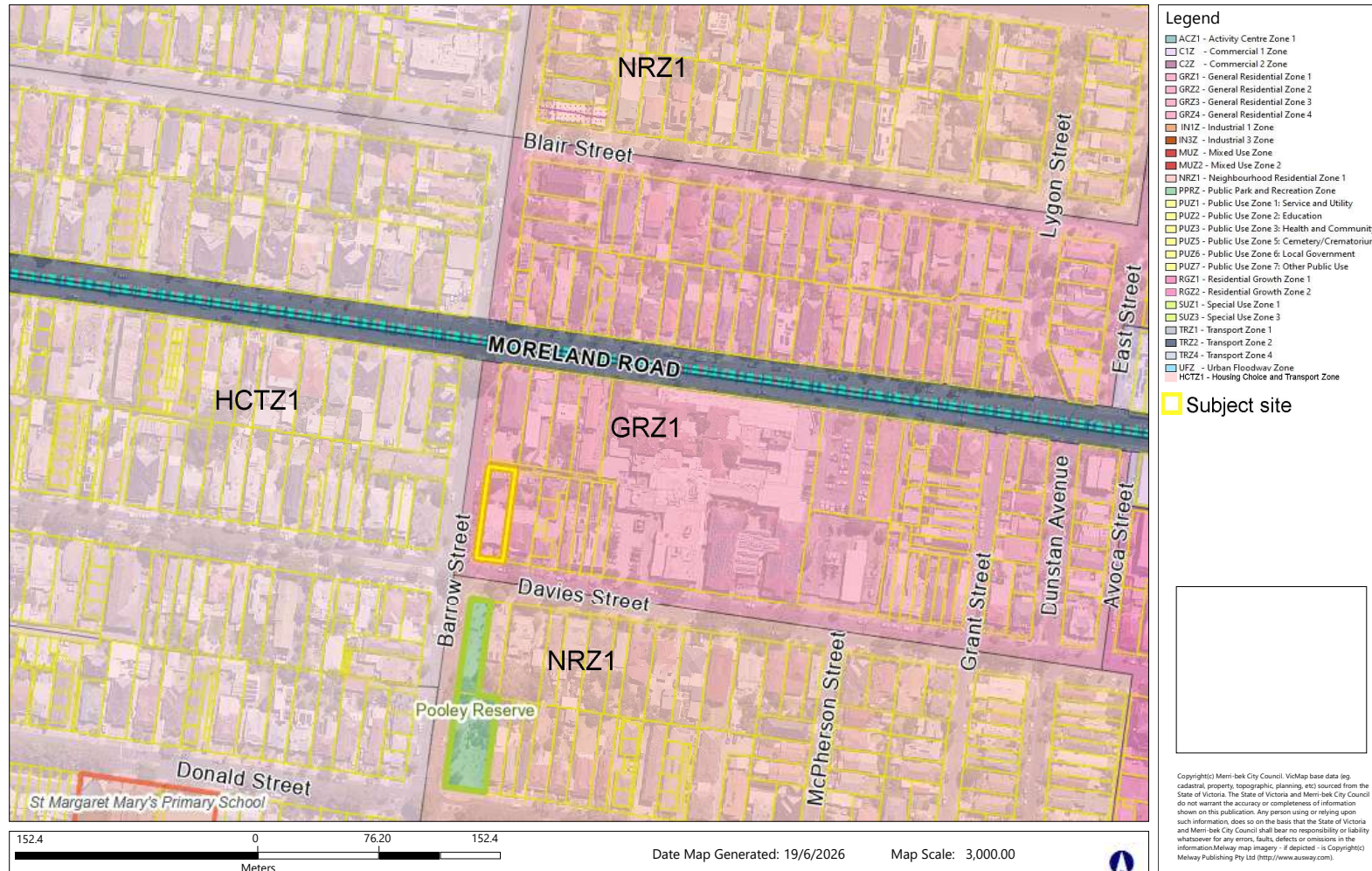
Conditions have been included in the recommendation that seek to ensure the proposal complies with the front street setback requirements of Clause 55 and address objector concerns to reduce overlooking by treating the upper floor east facing windows and by relocating A/C units. In addition, conditions requiring material changes will ensure that the development provides an improved presentation to the street.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that a Notice of Decision to Grant a Planning Permit MPS/2026/101 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

- | | | |
|-----------------------------------|-------------------------|------------|
| 1 <u>↓</u> | Zoning and Location Map | D26/275338 |
| 2 <u>↓</u> | Advertised Plans | D26/275344 |
| 3 <u>↓</u> | Objector Map | D26/275431 |

81 Davies Street, Brunswick
Zoning and location map



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Analysis

- 1 The Subject Site has an North - South orientation, from the rear to the front. Best access to direct sunlight is from the north and from the side boundaries of the property.
- 2 The Subject Site is a relatively flat with a minor fall from the front to the rear of the site.
- 3 The site contains only a few small-medium trees & shrubs. The proposed development incorporate areas with the capacity for new trees with spreading crowns.
- 4 The existing dwelling on the Subject Site is in a fair condition and is proposed to be removed
- 5 The site has access to all services (Sewer water, electricity, gas & telephone).
- 6 Surrounding properties have mixed types of front and rear fencing such as: Picket, brick, coloured, bonded, metal and palis fencing.
- 7 Access to the site is currently from an existing crossover located at the North-West corner of the site.
- 8 Dwellings surrounding the Subject Site, consist of single and double story brick veneer & weatherboard. Adjoining secluded private open spaces contain single storey outbuildings. (Metal & weatherboard, bricks).
- 9 Adjoining secluded private open space of surrounding properties.
- 10 Habitable room windows facing the subject site within 9 metres.
- 11 Habitable room windows facing the subject site within 9 metres at the first floor.
- 12 Pookley Reserve located opposite Subject Site.
- 13 Campbell Reserve, 600 metres.
- 14 Moreland Primary School, 300 metres.
- 15 St Margaret Mary's Primary School, 600 metres.
- 16 Convenience Stores located on Holmes Street, 400 metres.
- 17 Bus services located on Moreland Road, 50 metres.
- 18 Train service located on Moreland Road, 50 metres.
- 19 Moreland Railway Station, 750 metres.

The Neighbourhood Site Description is produced in accordance with our on site assessment & Scaled Aerial Photographs. Due to confrontations regarding invasions of privacy issues, we endeavour to respect neighbours privacy as much as is possible, to limit confrontation. Therefore all dimensioning is based on approximation, estimation & in some cases, assumption.

Beyond Design Group Pty, Ltd,

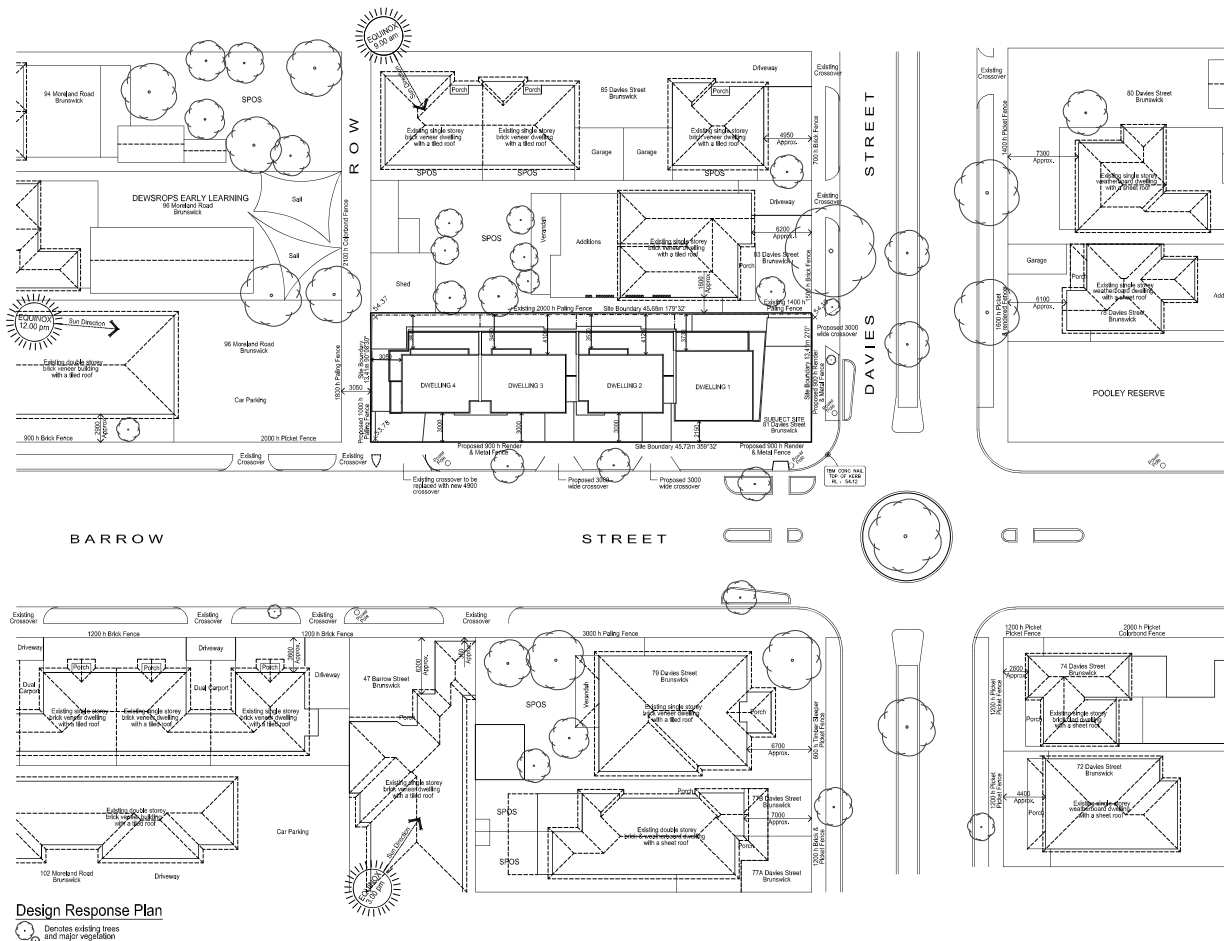
Neighbourhood Site Description

 Denotes existing trees and major vegetation

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						PROPOSAL: Multi Dwelling Development	NEIGHBOURHOOD SITE DESCRIPTION & ANALYSIS				
						SCALE: 1:250					
						DATE: 21.12.23					
						ADDRESS: 81 Davies Street					
						DRAWING BY: Bentongroup					



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Design Response

- The proposed dwellings have a strong sense of identity, with sheltered entry areas and transitional spaces providing secure and welcoming access.
- The articulated, triple-story design offers a visually appealing elevational treatment, pleasant to view from adjoining secluded private open spaces. Minimal walls are built on the boundary, preserving views and maintaining openness for neighbouring properties.
- Private open space areas are strategically positioned to minimise impacts on neighbouring properties, particularly in terms of sunlight access and overlooking.
- On-site infiltration is maximised through landscaped areas, with stormwater runoff directed into garden beds, reducing water demand and pressure on drainage infrastructure.
- Secluded private open space is provided via first-floor balconies overlooking Davies Street and Barrow Street. This ensures good street integration, capitalises on street outlooks, and does not require high screening.
- Each dwelling includes sufficient space for external storage and outdoor clothes drying.
- The development provides adequate canopy vegetation in-line with Standard S27, with trees primarily located along both street frontages to offset the visual impact of the buildings.
- Each dwelling is provided with two car parking spaces, meeting the maximum requirement.

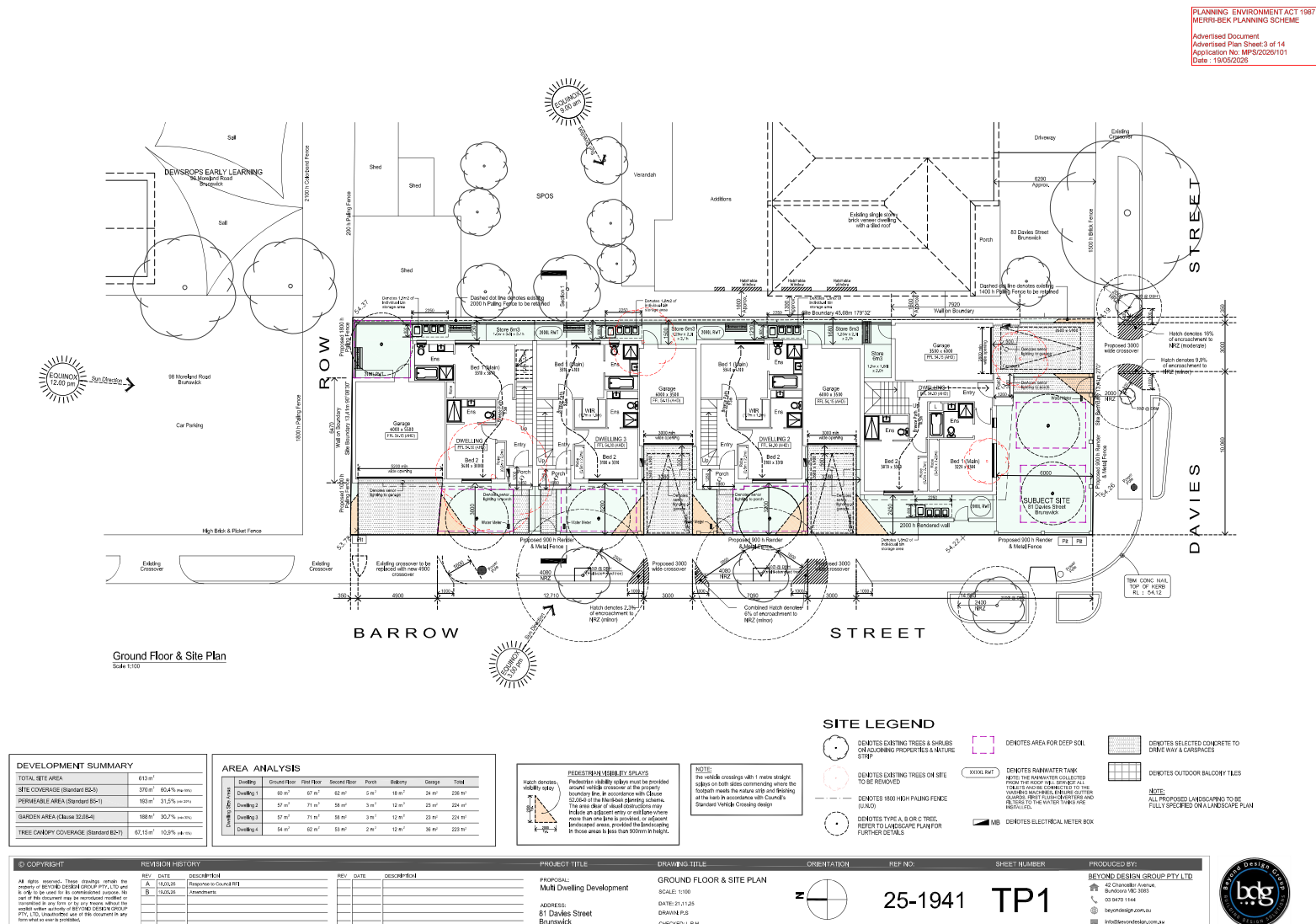
Design Response Plan

☉ Denotes existing trees and major vegetation

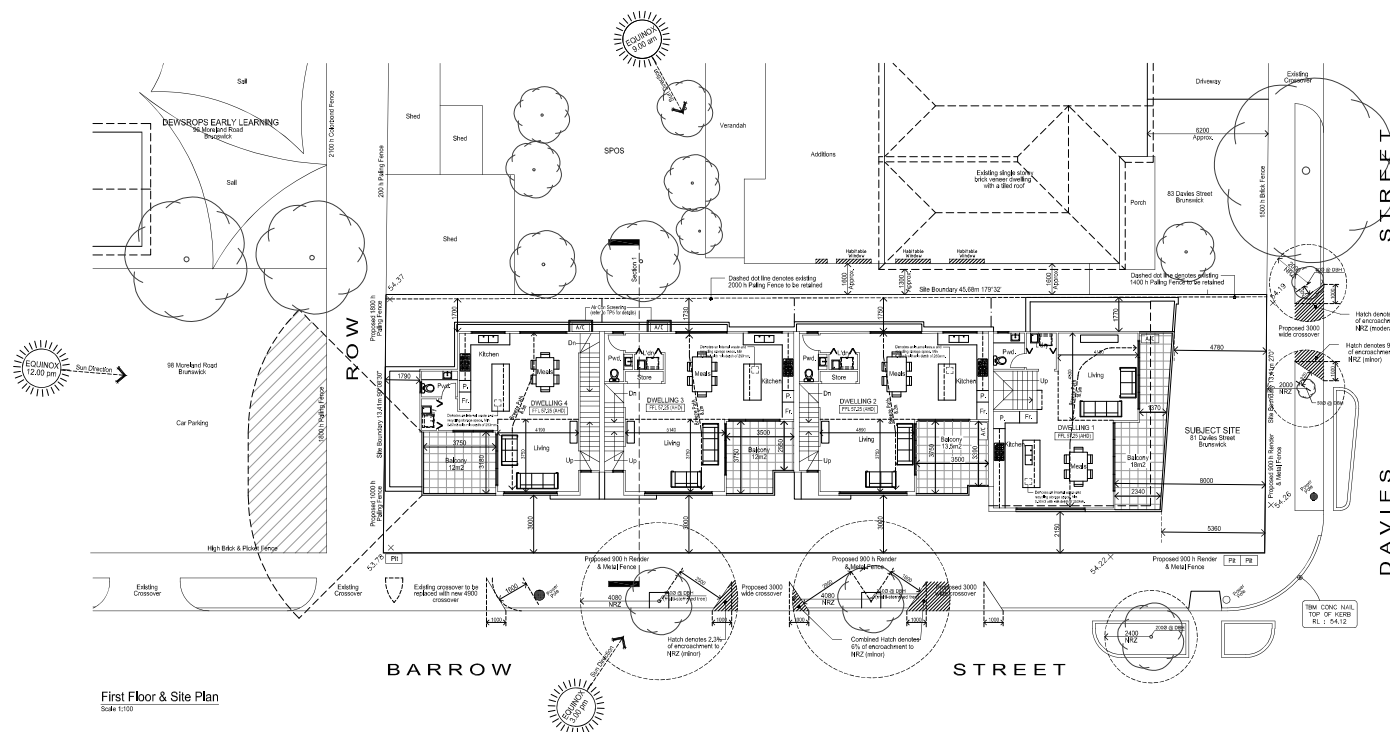
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A	14/05/26	Response to Council Ref			
B	19/05/26	Finalisation			

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PROPOSAL	Multi Dwelling Development	SCALE	1:200		25-1941	DR1	BEYOND DESIGN GROUP PTY LTD
ADDRESS	81 Davies Street Brunswick	DRAWN	PJL				45 Chippendale Avenue Brunswick VIC 3053 03 9470 1144 beyonddesign.com.au info@beyonddesign.com.au
		CHECKED	LJH				





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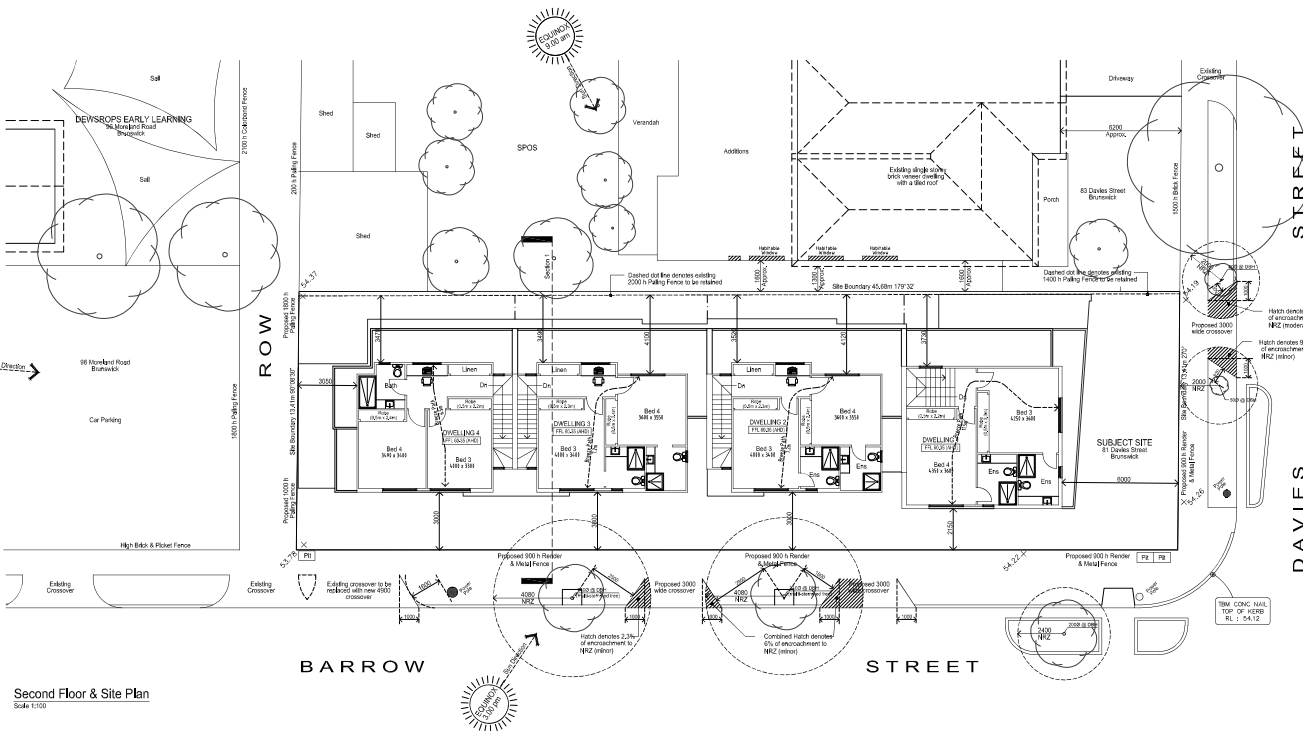
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A	19/05/26	Response to Council R1			
B	19/05/26	Final			

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PROPOSAL: Multi Dwelling Development	FIRST FLOOR & SITE PLAN		25-1941	TP2	BEYOND DESIGN GROUP PTY LTD
ADDRESS: 81 Davies Street Brunswick	SCALE: 1:100 DATE: 21/1/25 DRAWN: JLB CHECKED: LJR				45 Chippendale Avenue Brunswick VIC 3055 03 9470 1144 beyonddesigngroup.com.au info@beyonddesigngroup.com.au



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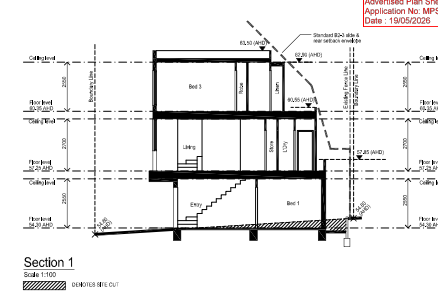
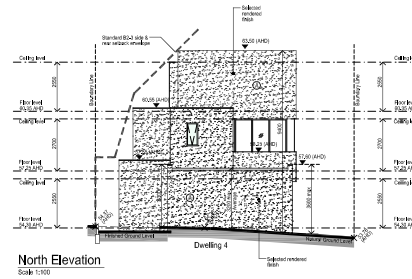
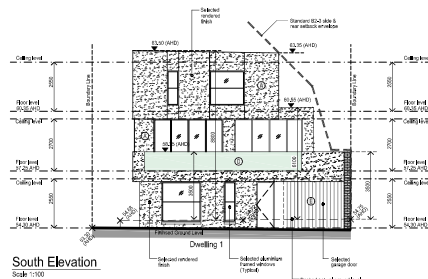
Advertised Document
Advertised Plan Sheet: 5 of 14
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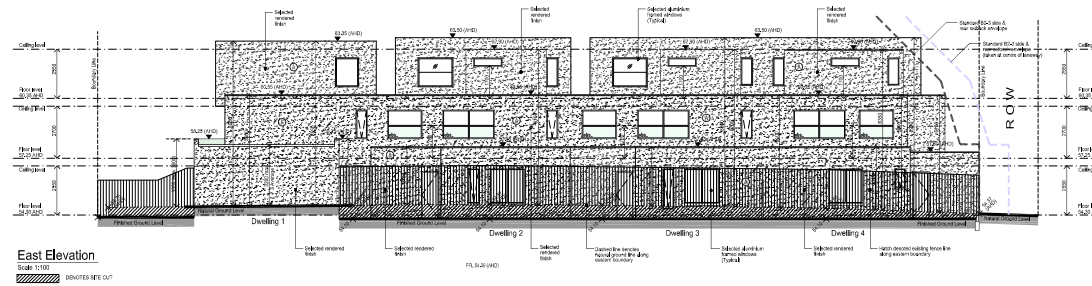
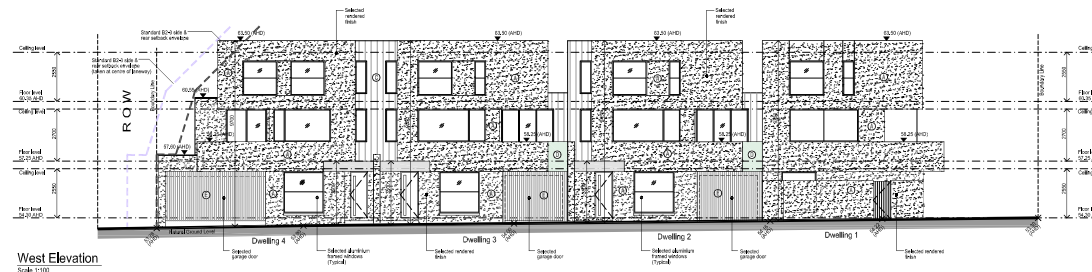
Second Floor & Site Plan
Scale 1/100

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A	15/03/23	15/03/23	15/03/23	Response to Council Ref: 22/000000 Amendments	SCALE: 1:500	DATE: 15/03/23			
									BEYOND DESIGN GROUP PTY LTD 45 Convent Avenue Burlington NSW 2083 02 9551 1011 www.beyondgroup.com.au info@beyondgroup.com.au sales@beyondgroup.com.au





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COLOURS & FINISHES SCHEDULE		
A	Selected Rerouted Finish Colour: Polished Concrete Paint or similar	
B	Selected Front Entry Doors Colour: White Paint or similar	
C	Selected All Outdoor Cladding Colour: Monument or similar	
D	Selected Glass Balustrade Clear Tinted Cladding	
E	Selected Garage Doors Colour: Monument or similar	
F	Selected Aluminium Windows Colour: Monument or similar	
G	Selected Coloured Concrete Driveway Colour: Light or Medium Grey or similar	



AIR CONDITION UNIT SCREENING
(Example Diagram)
Material: Aluminium (match colour of window frames)
Dimensions: 1025mm H x 525mm D x 900mm L

REVISION HISTORY		REVISION HISTORY		REVISION HISTORY	
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
A	14/05/26	Response to Council RFI			
B	16/05/26	Finalisation			

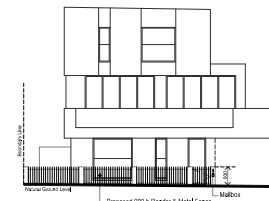
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PROPOSAL		ELEVATIONS								BETONG DESIGN GROUP PTY LTD	
Multi Dwelling Development		SCALE: 1:100								45 Chesham Avenue	
ADDRESS:		DATE: 21/1/25								Brunswick VIC 3055	
81 Davies Street		DRAWN: RLS								03 9450 1144	
Brunswick		CHECKED: LRLH								betongdesign.com.au	



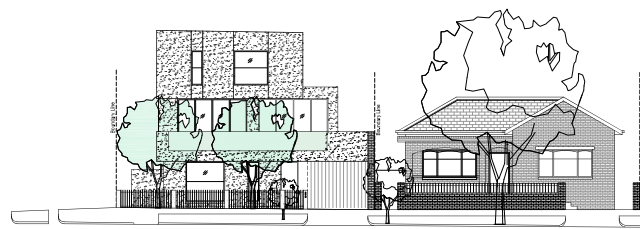
PLANNING ENVIRONMENT ACT 1987
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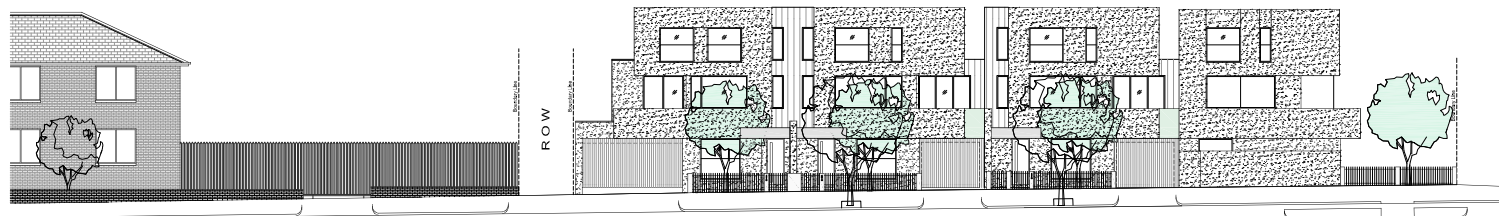
Front Fence Elevation (Barrow Street)
Scale 1:100



Front Fence Elevation (Davies Street)
Scale 1:100



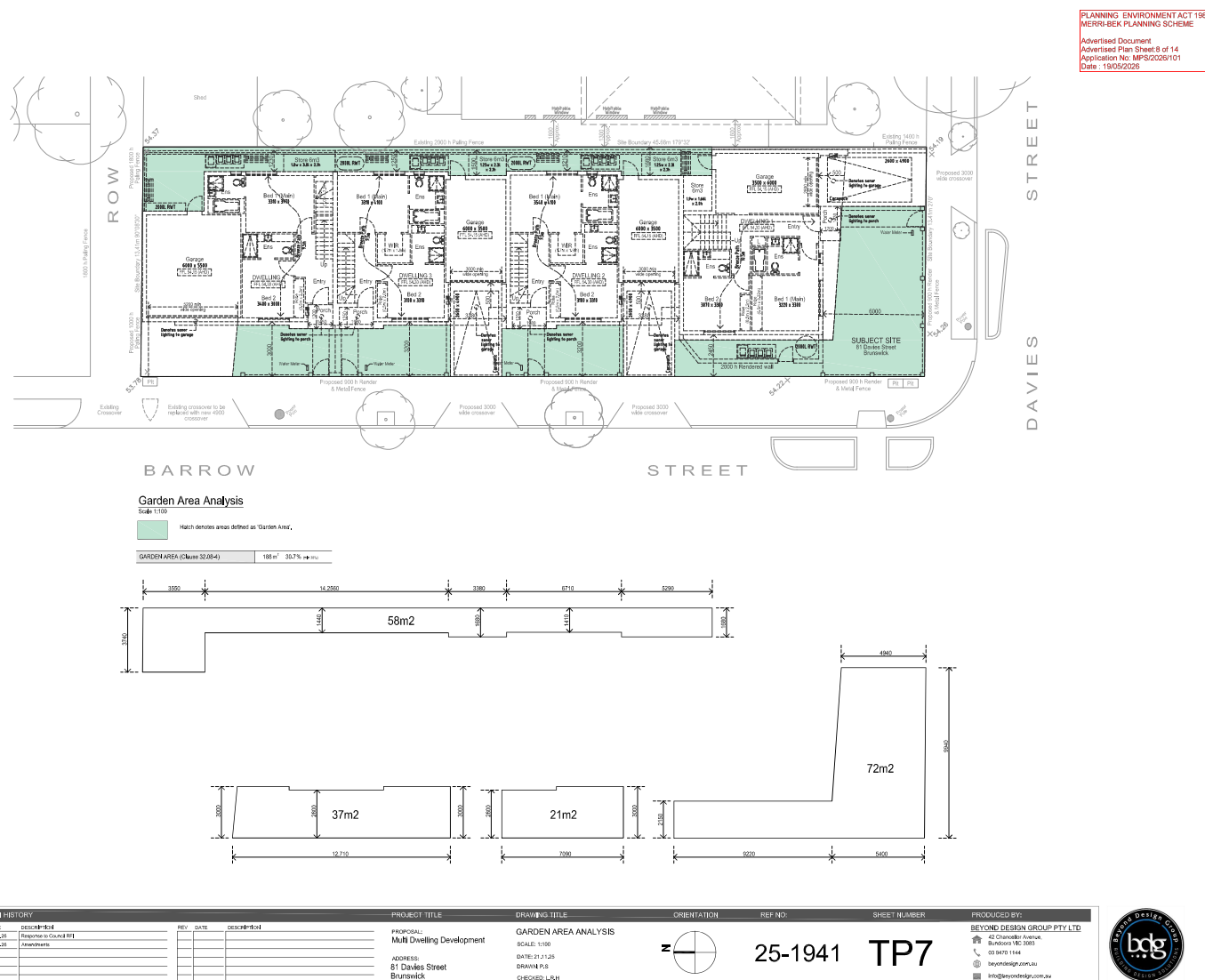
Streetscape Elevation - View From Davies Street
N.T.S

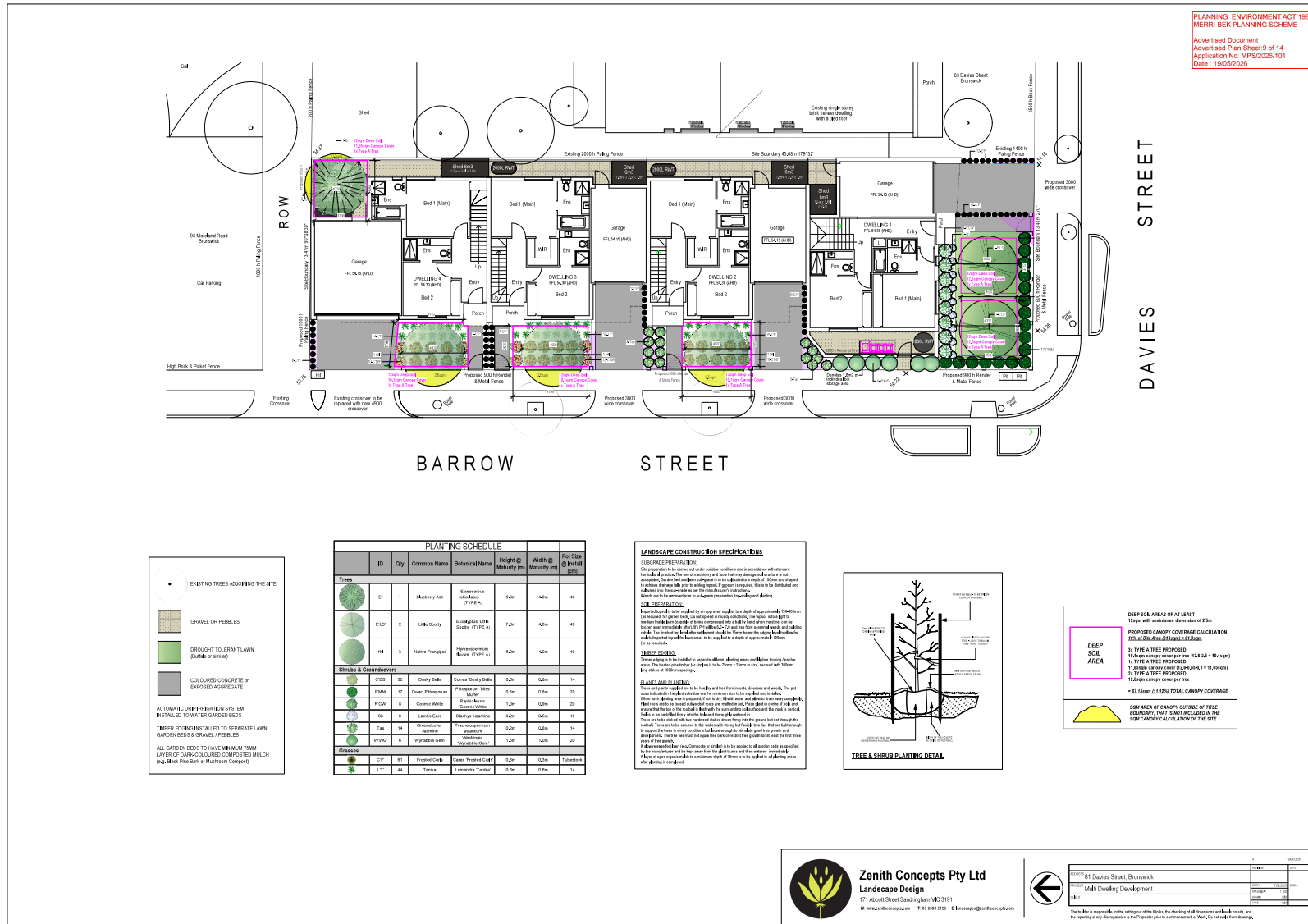


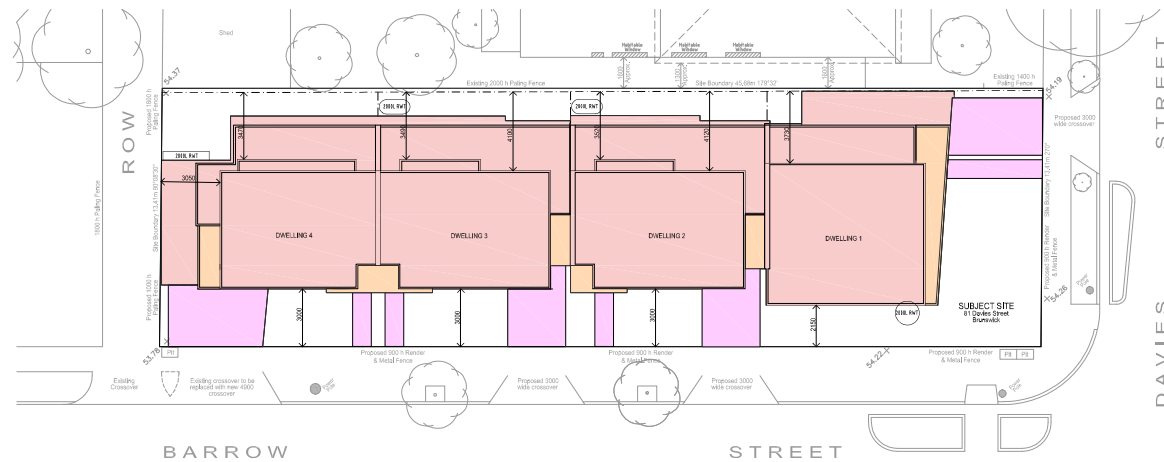
Streetscape Elevation - View From Barrow Street
N.T.S

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	A	18/05/26	Response to Council RFI					
	B	19/05/26	Final					









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81 Davies Street			
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.	136% SCORE		
Project details			
Name	81 Davies Street		
Street address	81 Davies St, Brunswick VIC 3056, Australia		
Municipality	Marrn-Bell		
Site area	613 m ²		
Planning Number	N/A		
Flow and pollutant load reductions			
Item	Result	Target	
Mean annual runoff volume harvested or evapotranspired (%)	60%	>28%	✓
Mean annual runoff volume infiltrated or filtered (%)	0%	>9%	✗
Total suspended solids (%)	66%	>60%	✗
Total phosphorus (%)	64%	>45%	✓
Total nitrogen (%)	61%	>45%	✓
Total gross pollutants (%)	79%	>70%	✓

SITE LEGEND

	ROOF AREA CONNECTED TO RAINWATER TANKS (CONDUCTED TO TANKS & LAUNDRIES)
	UNTREATED AREA SURFACE AREA
	UNTREATED ROOF/BALCONY AREA
	DENOTES RAINWATER TANK.

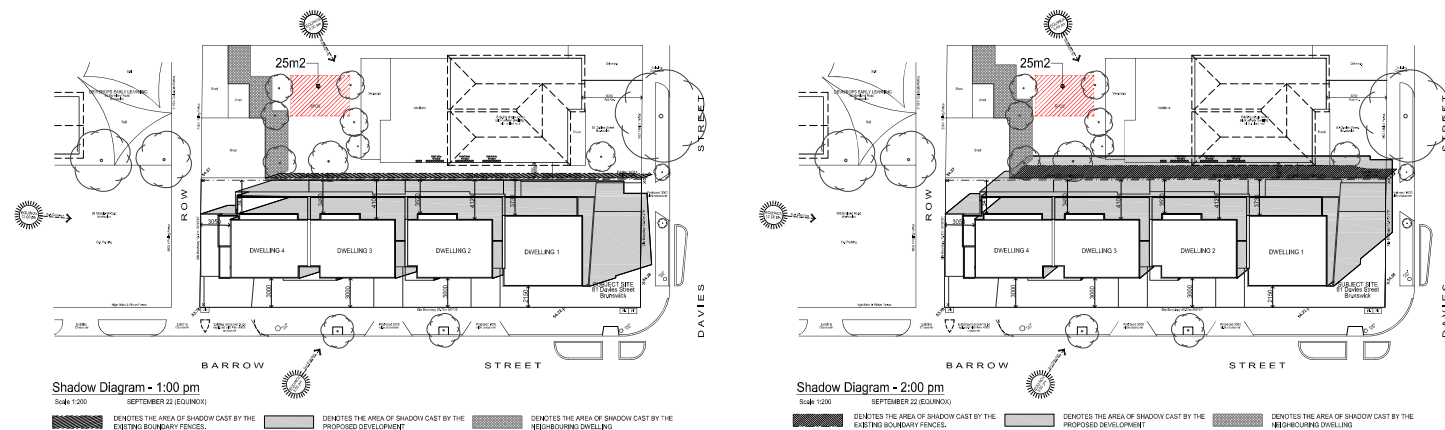
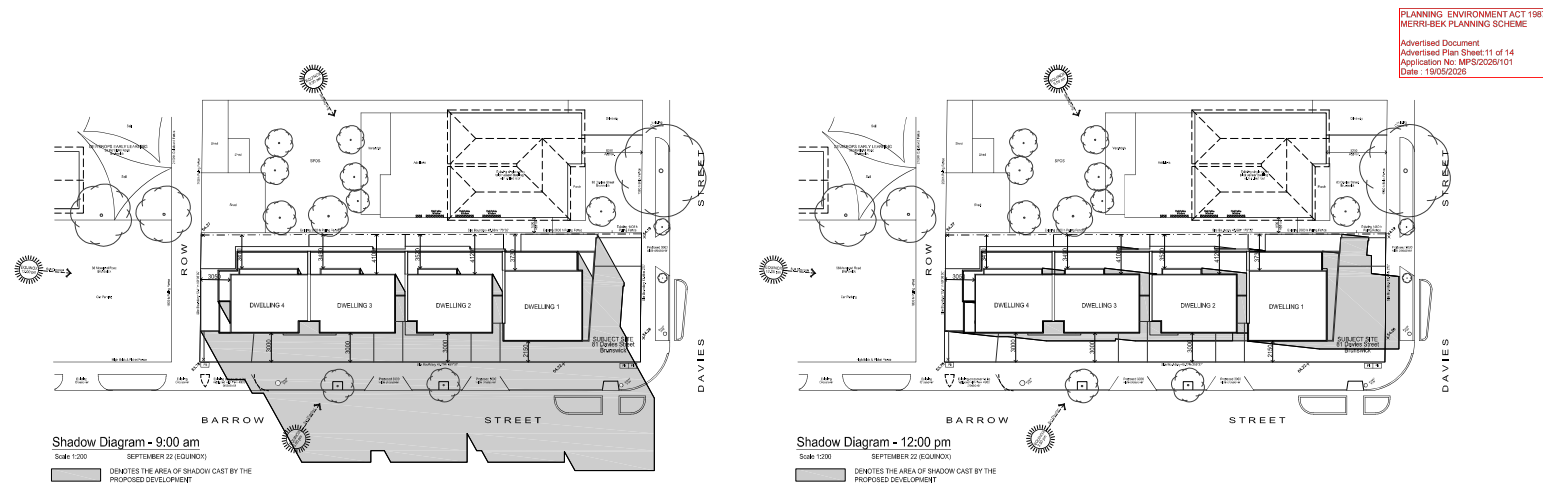
NOTE: THE RAINWATER COLLECTED FROM THE ROOF WILL BE USED FOR LAUNDRIES AND BE CONNECTED TO THE RAINWATER TANKS. THE TANKS WILL BE CONNECTED TO THE RAINWATER TANKS AND TANKS TO THE WATER TANKS ARE INSTALLED.

NOTE:
Rainwater tanks are to only be used for reuse within the dwellings. Tanks are to be completely independent of any sanitation requirements through the legal point of discharge.

[illegible]

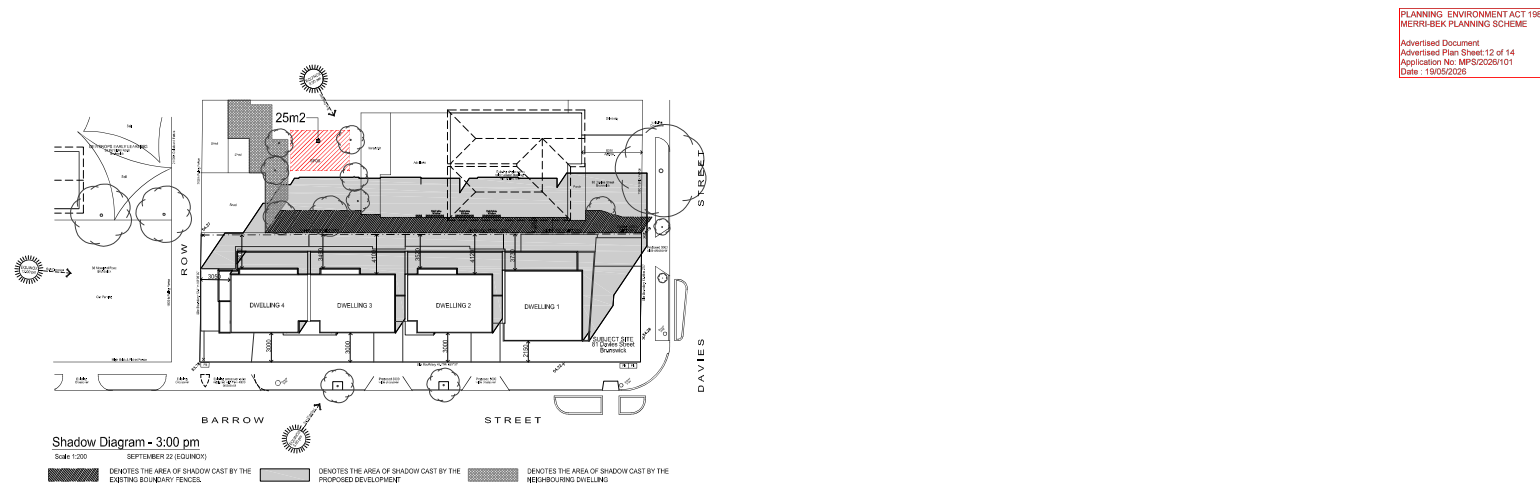
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REV.	DATE	DESCRIPTION																															
A	15/01/2018	ISSUED FOR PERMIT																															
B																																	
REV.	DATE	DESCRIPTION																															
					ADDRESS: 81 Davies Street Melbourne																												





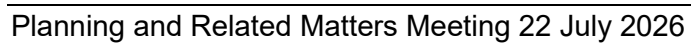
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		A	15/03/23	Response to Council Ref												
		B	15/03/23	Amendments												
				PROPOSAL:		SHADOW DIAGRAMS										
				Multi Dwelling Development		SCALE: 1:500										
				ADDRESS:		DATE: 21/03/23										
				81 Davies Street		DRAWN PLS										
						CADDWORK: PLS										

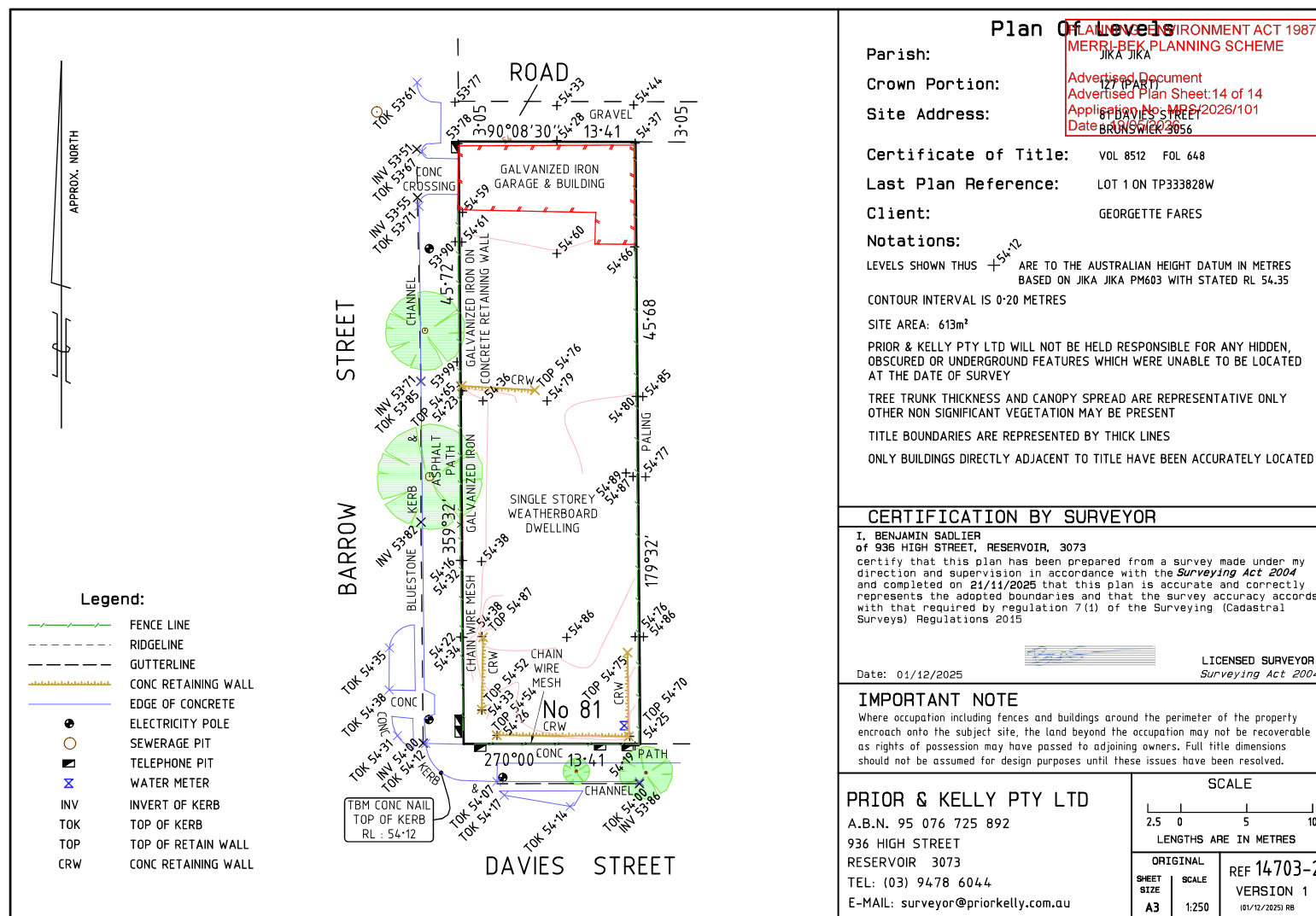




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		A	19/05/26	Response to Council Ref											
					ADDRESS: 81 Davies Street Brunswick										







81 Davies Street, Brunswick Objector location map



● - Objector Location

4 objections were received from outside the map area

□ Subject site

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