



## **COUNCIL AGENDA**

### **PLANNING AND RELATED MATTERS**

**Wednesday 28 January 2026**

**Commencing 6.30 pm**

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

#### **Language Link**

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## **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**

Leave of absence has been granted to:

Cr Miles - 18 December 2025 to 1 February 2026 inclusive.

**3. DISCLOSURES OF CONFLICTS OF INTEREST**

**4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 17 December 2025 be confirmed.

**5. COUNCIL REPORTS**

5.1	194 GLENROY ROAD, GLENROY - PLANNING APPLICATION MPS/2025/554	4
5.2	31-37 STEWART STREET & 12-20 HARDY STREET & 22 HARDY STREET, BRUNSWICK VIC 3056 - AMENDED PLANNING PERMIT APPLICATION - MPS/2015/269/G	34

**6. URGENT BUSINESS**

## 5. COUNCIL REPORTS

### 5.1 194 GLENROY ROAD, GLENROY - PLANNING APPLICATION MPS/2025/554

Director Place and Environment, Pene Winslade

City Development

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#### Executive Summary



<b>Property:</b>	194 Glenroy Road, Glenroy
<b>Proposal:</b>	Use and development of the land as a convenience restaurant and construct and display of business identification signs, internally illuminated signs and promotion signs.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"><li>Commercial 2 Zone</li><li>Special Building Overlay</li><li>Parking Overlay</li><li>Development Contributions Plan Overlay</li></ul>
<b>Strategic setting:</b>	<ul style="list-style-type: none"><li>Glenroy Activity Centre</li><li>Moreland Industrial Land Strategy – Employment Priority Areas</li></ul>
<b>Objections:</b>	<ul style="list-style-type: none"><li>188 (77 proforma) objections</li><li>Key issues:<ul style="list-style-type: none"><li>Traffic congestion and car parking</li><li>Pedestrian and cyclist safety (impacts to shared path)</li><li>Noise and disturbance (patrons, deliveries)</li><li>Litter and waste management</li><li>Odour</li><li>Viability of local small business</li><li>Anti-social behaviour</li><li>Impact on the suburb's overall appeal</li><li>Neighbourhood character</li><li>Visual amenity (signage)</li><li>Underdevelopment / Poor use for the site</li><li>Conflict with Council's vision for Glenroy (Glenroy Structure Plan)</li><li>Health and wellbeing impacts</li></ul></li></ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"><li>Date held: Thursday 20 November 2025</li><li>Attendees: 22 objectors, the applicant, Council officers, Cr Abboud (Mayor), Cr Miles and Cr Irvin.</li><li>Following discussions at the PID meeting, the applicant provided 'without prejudice' discussion plans (received 28 November 2025) to address some of the concerns raised by objectors including:<ul style="list-style-type: none"><li>Safety improvements to the Glenroy Road shared user path through line marking, signage and lighting.</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>- Operation Management Plan including regular litter patrols within 100 metres of the site; noise-management obligations and store manager presence to handle any noise, safety or litter complaints.</li> <li>- Public realm improvements through landscaping within reinstated Blenheim Street crossovers and upgrades to the Glenroy Road frontage.</li> </ul> <p>The discussion plans partially address objector and Council concerns; however, significant issues relating to built form siting and traffic remain unresolved and are detailed in Section 4.</p>
<b>Key reasons for refusal</b>	<ul style="list-style-type: none"> <li>• The traffic generation from a car dominant land use will make the shared user path along Glenroy Road less safe for pedestrians and cyclists.</li> <li>• The building setback with car parking at the front does not create a pedestrian-friendly environment or positive respond to the preferred built form guidance for the Glenroy Activity Centre.</li> <li>• The amount of signage proposed fails to respond to the character of the area.</li> </ul>
<b>Recommendation:</b>	It is recommended that Council's submission to VCAT be that no planning permit should be issued for the proposal, based on the grounds outlined in the recommendation.

## Officer Recommendation

That Council's submission to Victorian Civil and Administrative Tribunal be one that no planning permit should be issued for application No. MPS/2025/554 which seeks permission for the use and development of the land as a convenience restaurant and the construction and display of business identification signs, internally illuminated signs and promotion signs at 194 Glenroy Road, Glenroy, based on the following grounds:

<b>Planning Scheme Clause</b>	<b>Matters for which permit is required</b>
Clause 34.02-1	To use the land for a Food and drink premises (convenience restaurant) where the leasable floor area exceeds 100 square metres.
Clause 34.02-4	To construct a building or construct or carry out works in the Commercial 2 Zone.
Clause 44.04-5	To construct a building or construct or carry out works in the Special Building Overlay.
Clause 52.05-2	To construct or put up for display business identification, internally illuminated and promotion signs.

### Grounds of refusal:

1. The proposal will adversely affect the safety and amenity of the neighbourhood through the vehicle access design, delivery of goods and the effect of traffic to be generated on roads which is contrary to:
  - a) Clause 18.01-1S (Land use and transport planning) which requires that:
    - i. land uses and developments will demonstrate a minimal adverse impact on existing transport networks and the amenity of surrounding areas; and
    - ii. land use and transport integration will protect existing walking and cycling access to public transport.

- b) Clause 02.03-7 (MSS Strategic Directions) which encourages a safe transport system and well-designed streets which encourage physical activity for the local community.
  - c) Clause 15.01-1L (Vehicle access design in Merri-bek) which encourages vehicle access to contribute to an improved urban environment for pedestrians and cyclists.
  - d) Clause 15.01-1S (Urban design) which requires development to support safe access to walking and cycling environments and public transport; and to minimise detrimental impacts on amenity and on the safety and efficiency of roads.
  - e) Clause 34.02-7 (Use of land) of the Commercial 2 Zone which directs consideration of the effect of traffic to be generated on roads.
  - f) Clause 65.01 (Approval of An Application or Plan) which requires consideration of the effect on the amenity of the area.
- 2. The built form and siting of the development does not provide adequate street activation or a pedestrian-focused environment and fails to positively contribute to the preferred character of the area, which is contrary to:
  - a) Clause 15.01-1L (Urban Design in Merri-bek) which requires site design and building frontages to achieve a good interface with and surveillance of the public realm, including maximising opportunities for active frontages.
  - b) Clause 15.01-2S (Building design) which requires the form, scale, and appearance of development to enhance the function and amenity of the public realm.
  - c) Clause 02.03-1 (MSS Strategic Directions) which directs that the role and function of the Glenroy Activity Centre is intended to accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.
  - d) Clause 02.03-4 (MSS Strategic Directions) which directs that development should respond to and contribute to its context.
- 3. The number and scale of signs are excessive and fails to respect the character of the street, which is contrary to:
  - a) Clause 15.01-1L (Signs), which seeks to ensure signs strike a reasonable balance between identification of a business and being complementary to the building and streetscapes.
  - b) Clause 52.05 (Signs), which seeks to ensure signs are proportionate to the scale and form of the streetscape and host building.
- 4. The proposal is contrary to the purpose of the Commercial 2 Zone and Clause 17.01-1L-02 (employment areas) of the Merri-bek Planning Scheme, in particular a convenience restaurant does not:
  - a) Support appropriate manufacturing and industry, bulky goods retailing and other commercial services;
  - b) Provide flexible floor plates to facilitate a variety of employment uses over time; and
  - c) Minimise the amenity impacts on nearby residentially zone land due to the extended operating hours, noise, traffic and potential anti-social behaviour in a location with a limited number of other late night activities.

## REPORT

### 1. Background

#### Subject site

The site is located at 194 Glenroy Road, Glenroy. The site is located on the north-east corner of Glenroy Road and Blenheim Street, Glenroy.

The site has a total area of approximately 1,645 square metres and has a frontage to Glenroy Road of 46.3 metres and a secondary frontage to Blenheim Street of 47.5 metres. The site is currently vacant.

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

#### Surrounds

The surrounding area contains a mix of single and double-storey commercial buildings to the north, south and west that are built hard edge to the site boundaries within this Activity Centre location. The site and land to the north are zoned Commercial 2, while land to the west and south is zoned Commercial 1.

Immediately to the east, across a laneway, is the Glenroy RSL, which is within the Residential Growth Zone Schedule 1. The RSL operates from 10am until 2am Monday–Thursday, until 3am on Friday, until 1am on Saturday and until 11:30pm on Sunday.

Further east is a predominantly residential area with townhouse developments and some detached houses also within the Residential Growth Zone Schedule 1.

A location plan is at **Attachment 1** and zoning map is at **Attachment 2**.

#### The proposal

The proposal is summarised as follows:

- Use of the land as a convenience restaurant operated as 'Hungry Jacks' with a leasable floor area of 245 square metres and further details as follows:
  - Operating hours of 6:00am – 1:00am, 7 days per week
  - Patron capacity: 40 seats
- Buildings and works to construct a single storey building (7 metres high, 245 square metres in area), a drive through, car parking and bicycle facilities.
- Construct and display business identification signs; promotion signs and internally illuminated signs, including a 9 metre high (or pylon) sign on the corner of Glenroy Road and Blenheim Street.
- Modification of two existing vehicle crossovers on Glenroy Road and removal of two redundant crossovers on Blenheim Street.
- 13 car parking spaces and 6 bicycle parking spaces

The development plans form **Attachment 3**.

#### Planning Permit and Site History

There are several planning permits from the 1960's through to 2009 related to a petrol station. Aerial imagery indicates that the petrol station was demolished in 2017. In 2021, the land was occupied as a construction site for the Glenroy level crossing removal project. At the conclusion of the level crossing removal project, the land became vacant.

Planning Permit MPS/2017/930 was issued on 3 January 2019 for the construction of a 3 storey building containing shops and a childcare centre. This planning permit is still valid, expiring in January 2027, if development does not commence.

## Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Commercial 2 Zone	Use of the land as a food and drink premises (convenience restaurant) requires a permit as the leasable floor area exceeds 100 square metres. A permit is required to construct a building or construct or carry out works.
Special Building Overlay (Clause 44.04-5)	A permit is required to construct a building or construct or carry out works.
Particular Provisions <ul style="list-style-type: none"><li>Clause 52.05-2 (Signs)</li></ul>	A permit is required to construct or put up for display business identification signs, internally illuminated signs and promotion signs.

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 45.09: Parking Overlay. Under the transitional rules in Clause 52.06 (Car Parking), sites affected by a Parking Overlay must use the previous Column B rates from the former Clause 52.06 when calculating car parking requirements.
- Clause 53.18: Stormwater Management in Urban Development.

## 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 signs on the Glenroy Road and Blenheim Street frontages of the site.

Council has received 188 objections including 77 proforma objections to date. A map identifying the location of objectors forms **Attachment 4**.

The key issues raised in objections are:

- Traffic congestion and car parking
- Pedestrian and cyclist safety (impacts to shared path)
- Increase foot traffic
- Noise and disturbance (patrons, deliveries)
- Hours of operation
- Litter and Waste Management
- Odour
- Viability of local small business
- Impact on school children (safety and health)
- Antisocial behaviour
- Impact on the suburb's overall appeal
- Neighbourhood character

- Visual amenity (signage)
- Underdevelopment / Poor use for the site
- Location of the development
- Conflict with Council's vision for Glenroy (Glenroy Structure Plan)
- Incompatible with Council's transport strategy
- Health and wellbeing impacts
- Property values and expectations for the suburb

A Planning Information and Discussion(PID) meeting was held on 20 October 2025 and attended by Cr Miles, Cr Abboud (Mayor) and Cr Irvin, Council Planning Officers, the applicant and approximately 22 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns and for the applicant to respond.

Following discussions at the PID meeting, the applicant provided 'without prejudice' discussion plans (received 28 November 2025) to address some of the concerns raised by objectors. The following was offered:

- Safety improvements to the Glenroy Road shared user path through line marking, warning signage and additional lighting.
- An Operation Management Plan including regular litter patrols within 100 metres of the site; noise-management obligations through allocation of delivery / waste / drive-through curfews, trading hours, deterrents to loitering behaviours; and store manager presence in store to handle any noise, safety or litter complaints.
- Public realm improvements through landscaping within reinstated Blenheim Street crossovers and upgrades to the Glenroy Road frontage.

The discussion plans partially address objector and Council concerns; however, significant issues relating to built form siting and traffic safety remain unresolved. These outstanding Council concerns are detailed in Section 4.

#### **Internal/external referrals**

The proposal was referred to the following external agencies or internal branches/business units:

<b>External Agency</b>	<b>Objection/No objection</b>
Melbourne Water	No objection is offered to the proposal subject to conditions if a permit is issued.

<b>Internal Branch/Business Unit</b>	<b>Comments</b>
Development Engineering and Transport Planning	Consolidated traffic engineering and transport planning advice was sought.  Concerns were raised with the proposal which are addressed in detail in Section 4 of this report.

Internal Branch/Business Unit	Comments
Sustainable Built Environment - ESD Team	Discussion plans were submitted on 14 November 2025 addressing initial ESD concerns regarding the on-site stormwater management. No objections were offered to the revised ESD response subject to further details and specifications for the stormwater management treatments and ESD initiatives reflected on plans, which could be addressed by conditions, if a permit was issued.
Urban Design	Concerns were raised with the proposal which are addressed in detail in Section 4 of this report.

### 3. Policy Implications

#### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Strategic Directions (Clause 2.03)
  - Settlement (Clause 2.03-1)
  - Glenroy Activity Centre
  - Built Environment and Heritage (Clause 2.03-4)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
  - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
  - Noise Abatement (Clause 13.05-1S and 13.05-1L)
- 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)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
  - Employment Areas (Clause 17.01-1L-02)
  - Business (Clause 17.02-1S)
  - Out-of-centre development (Clause 17.02-2S)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)
  - Cycling (Clause 18.02-2S and 18.02-2L)

- Public Transport (Clause 18.02-3S and 18.02-3L)
- Car parking (Clause 18.02-4S and 18.02-4L)

There is a strong emphasis in the Planning Policy Framework that development and use applications in Activity Centres should:

- support safe movement and create streets that are welcoming for pedestrians and cyclists.
- create buildings to activate the street, positively contribute to the public spaces and respond to the evolving character of the Glenroy Activity Centre.

### **Planning Scheme Amendments**

On 18 December 2025, new statewide rules changed how car parking is calculated under Amendment VC277. These rules use the Public Transport Accessibility Level (PTAL), which measures how easy it is to reach public transport. PTAL divides Victoria into four categories, and each category has different parking rates. This site is in Category 2 and is also in a Parking Overlay. Because of the Parking Overlay, the old rules still apply, due to transitional rules.

### **Background Documents:**

- Glenroy Structure Plan 2008
- Moreland Industrial Land Strategy (MILS) 2015-2030
- Moving Around Merri-bek (Merri-bek City Council, 2024)

Clause 72.08 (Background Documents) states that while background documents may inform or assist the understanding of the planning scheme, they do not form part of the planning scheme.

### **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 18: Right to take part in public life
- Section 20: Property rights

This application does not limit human 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.

## **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.

### **Is the proposed use appropriate for the location?**

The Commercial 2 Zone purpose is to support offices, appropriate manufacturing and industry, bulky-goods retailing and other commercial services, while ensuring new uses do not harm the safety or amenity of nearby sensitive areas, and to implement the Municipal Planning Strategy and the Planning Policy Framework.

Although some retail uses, including small fast-food restaurants under 100sqm, are allowed without a permit, a much larger 245sqm drive-through restaurant is not typical for the zone and requires careful consideration. This proposal relies heavily on a drive-through layout and high volumes of vehicle traffic, which does not align with the zone's expectations or with activity centre policy that seeks to create walkable, active and people-friendly streets. Because the proposal emphasises vehicle movement over creating an active, safe and welcoming streetscape, for these reasons it is not considered an appropriate use for this location.

The site is located within an Employment Area as defined by Clause 17.01-1L-02. The objective of this policy is:

*To support the transition from traditional industrial uses to a broader range of employment uses.*

The relevant strategies of this policy include to accommodate a broader range of employment generating uses, provide flexible floor plates to facilitate a variety of employment uses over time and to encourage building design and layout in employment areas to minimise adverse amenity and environmental impacts on residential uses.

The proposed land use would contribute to economic activity, however, needs an improved layout/design, with reduced car dependence to be supportable in this context. Specifically, the building and layout is purpose-built for a Hungry Jacks drive-through and lacks flexibility to support a range of employment uses over time. The proposed use and layout also present challenges in managing adverse amenity and environmental impacts associated with the containment of noise and waste associated with a heavily car dependent operation.

### **Is the proposal acceptable having regard to off-site amenity impacts?**

Key issues raised in objections relate to off-site amenity impacts on the community, including operating hours, noise, deliveries, rubbish and odour.

#### **Noise**

The proposal seeks approval for trading hours of 6am–1am the following day. While the site is located within the Commercial 2 Zone and surrounded by commercial uses, residential properties within the Residential Growth Zone are located approximately 50 metres to the east. The Glenroy RSL separates the site from the houses on Glenroy Road and operates later than the proposed hours. The RSL is also zoned Residential Growth. Notwithstanding some degree of separation of the site from housing, the proposed fast food restaurant would generate significant noise from patrons and vehicle movements, particularly during late-night hours.

Under the Environment Protection Authority Victoria (EPA) noise policy, the night period is defined as 10.00pm to 7.00am, when allowable noise levels are lowest to protect residential amenity. As no Acoustic Report has accompanied the application to confirm the noise impacts on nearby houses, an Acoustic Report demonstrating compliance with EPA noise guidelines would also need to be provided by condition, were a permit to issue.

#### **Delivery and despatch of goods**

The application proposes deliveries within an on-site shared loading zone to the west of the building, during business hours, between 7am to 11:30am and 2pm to 6:30pm, on any day.

Objectors have also raised concerns regarding traffic impacts during peak periods, particularly before and after school. The time and frequency of deliveries may have impacts on traffic movements on Glenroy Road, given they fall during peak periods i.e. before and after typical school and work hours.

Were a permit to issue, conditions would be required to further restrict delivery and loading times to avoid peak traffic periods and to ensure consistency with the local law.

#### *Rubbish and litter*

A Waste Management Plan has been submitted, proposing three collections per week for general waste, recycling and food/organic waste by a private contractor. A 23 sqm bin room and adjacent shared loading zone are proposed.

Council's Development Engineering Unit has identified that the bin room is too small, requiring bins to be moved to access others stored behind. If a permit is approved a condition is needed to make the bin room bigger.

In relation to litter, convenience restaurants are recognised as potential sources of litter, as acknowledged in the Victorian Civil and Administrative Tribunal's decision for *McDonald's Australia Limited v Moreland CC* (2020) VCAT 1347. While customer behaviour cannot be fully controlled, further measures such as off-site litter patrols would be required by condition, were a permit to issue, consistent with the approach adopted in the *McDonald's Australia Limited* (2020) decision. If a permit was issued, rubbish and litter impacts could be adequately managed by conditions of the permit.

#### *Odour*

To protect off-site amenity, if a permit was issued, an Odour Report prepared by a suitably qualified professional would be required to demonstrate how odour emissions would be managed in accordance with EPA guidelines. Subject to this condition, odour impacts could be satisfactorily controlled.

#### *Conclusion*

While some impacts like noise, deliveries, rubbish and odour could be managed with permit conditions, the decision guidelines for this zone directs consideration on how the proposal impacts nearby homes and the impact of traffic and late-night activity. Given the nature, size layout and late operating hours the proposed use is likely to cause extra noise, traffic and anti-social behaviour in an area that does not have many other late-night businesses and the measures to satisfactorily address these concerns are not adequately resolved as part of the application.

### **Is building design appropriate for the Glenroy Activity Centre location?**

Objectors raise concerns that the proposal represents an underdevelopment of the site. The site is in the Glenroy Activity Centre, which is guided by the Glenroy Structure Plan (GSP). While the GSP is a background document in the Planning Scheme, it provides clear guidance on the vision for the area.

The GSP, was adopted by Council in 2008, as a long term plan for renewal of the activity centre. The plan identifies that this site should have medium-scale buildings of up to four storeys with mixed-use development. Buildings should be constructed close to the street and have shopfronts that make the street lively and easy for people to walk along, especially along main walking routes.

Instead, the proposal is for a single-storey single-use building that is set well back from Glenroy Road, with a lot of the frontage taken up by car parking and drive-through access. This does not achieve the preferred height, density or building siting outcomes planned for this area.

Plan Melbourne and state policy further reinforces these expectations for activity centres to accommodate higher-density, mixed-use development, support street-based activity, and prioritise pedestrian-friendly design. When considered against this broader strategic direction, the low-scale, car-oriented design does not meet the built form and urban design expectations for activity centres or make good use of this strategic site.

The proposal does not meet Council's Urban Design policy, which aims for buildings to face the street and create active, welcoming frontages. The Commercial 2 Zone also requires buildings to have entrances from the street and keep pedestrian areas active. In this case, the building is set back too far, and most of the frontage is taken up by car parking. This reduces street activity and makes the area less friendly for people walking, which goes against the policy and decision guidelines.

Council's Strategic Direction for Settlement policy sets out that the role and function of the Glenroy Activity Centre is intended to '*accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.*' The proposal does not support this strategic direction, as the single storey building and emphasis on car parking do not contribute to the denser, more intensive and mixed-use character intended for the activity centre.

Council's Strategic Direction for the Built Environment policy seeks to ensure that development responds and contributes to its context. While the design layout reflects Hungry Jack's branding and operational needs, it does not respond to the established and emerging character of the activity centre. Most nearby commercial buildings are built to the street, creating a strong, active connection with Glenroy Road. The RSL to the east, while not a building constructed to the street edge, provides a transition in setback from the Residential Growth Zone. Being located close to Glenroy Road and provides some activation, with car parking predominantly located to the rear of the site.

Council's Urban Design Unit has also raised concerns about the siting of the building, the lack of street activation, and the visual prominence of car parking along Glenroy Road. The Urban Designers have recommended a building constructed to the Glenroy Road street edge and car parking located behind the building, consistent with State Planning Policy and the Glenroy Structure Plan's aspirational built form guidance.

When assessing the building design using fundamental design principles, the proposal fails to deliver an acceptable outcome that is pedestrian-focused for a site within the activity centre and does not contribute to the preferred character for the area identified in the Merri-bek Planning Scheme.

The use of a fundamental design principles approach is consistent with the Tribunal's reasoning in *Brunswick Investment Project Pty Ltd v Moreland CC [2022] VCAT 387*, where Council's refusal of a Bunnings development was upheld. In that case, the Tribunal found the proposal did not provide an acceptable site responsive outcome to the desired future character of the activity centre, particularly due to poor street interaction and a car dominated layout that undermined a pedestrian-focused environment.

Similarly, this proposal places car parking and vehicle access at the forefront of the site, resulting in a poor presentation to Glenroy Road and offering very little active frontage, which is contrary to the built form character of this activity centre location. This lack of active frontages also reduces casual street surveillance which are important expectations for activity centres under Plan for Victoria and other state guidance which promote safe, vibrant public spaces supported by well-designed buildings and great streets.

For these reasons, the proposal does not respond appropriately to its context and fails to deliver an acceptable outcome for the activity centre and cannot be supported.

### **Is the signage appropriate?**

The site is located in a Category 1 - Commercial area for the consideration of signage. The purpose of this category is to provide for business identification and promotion signs and signs that add vitality and colour to commercial areas, provided it does not unreasonably impact on amenity.

The amount of signage planned is excessive and does not satisfy Council's signs policy (Clause 15.01-1L) which encourages signs to be simple and match the look and character of the street. The decision guidelines for signs also require consideration of the cumulative impact of signage, its compatibility with the existing and preferred character, and whether it contributes to visual clutter. In this case, the proposal includes many different signs on almost every part of the building, plus a tall 9-metre pylon sign on the corner. Altogether, the signs amount to about 64 square metres and use different styles, making the building look cluttered. This does not fit with the area, where signs are usually smaller and more balanced. Too many signs will make the building and street look less attractive, contrary to the signs policy (Clause 15.01-1L). Council's Urban Design Unit also says the signs are too big for this site, and the tall pylon sign is especially not suitable.

Overall, the extent of signage will make the building stand out too much on the street, which does not suit the area which generally contains small business signage. A reduction in the quantity, area and height of the signage would resolve these concerns.

### **Has adequate car and bicycle parking been provided?**

A change to all Victorian Planning Schemes on 18 December 2025, updated the car parking requirements for all land uses. The new car parking requirements do not affect land located in a Parking Overlay, therefore the car parking rates for the proposal remain unchanged.

The proposal is required to provide 8 car parking spaces for a 'convenience restaurant'. As the development provides 12 car parking spaces, the car parking requirement has been met.

The development also provides the required 4 staff and 2 visitor bicycle parking spaces, in accordance with the Merri-bek Planning Scheme.

### **What impact does the proposal have on traffic and safety in the local area?**

The Merri-bek Planning Scheme requires consideration of the effects of traffic to be generated on roads, the impact of the proposal on the amenity of the neighbourhood and the appropriateness of the development within the site's context. The Commercial 2 Zone also requires development to consider pedestrian and cyclist movement and amenity impacts. Traffic and safety impacts were key concerns raised by objectors.

A drive-through convenience restaurant is expected to generate additional vehicle movements on Glenroy Road and surrounding streets due to the nature of the use. The Parking Impact Assessment Report, which has been reviewed by Council's Development Engineers, concludes that the additional traffic generated by the development would not overload the surrounding road network. However, Council's Development Engineering and Transport Planning units have identified traffic and safety concerns with the proposal.

In particular, the two vehicle crossovers to Glenroy Road servicing the drive-through, and the additional vehicle movements anticipated from the use, will create high conflict potential that will impact the safety and amenity of pedestrians and cyclists using the Glenroy Road shared user path. This shared user path is a high-priority walking and cycling route as identified in Council's adopted *Streets for People Plan (August 2025)*. Glenroy Road is considered a busy Council road, where increased vehicle turning movements into the road would increase safety risks within the Activity Centre and potentially worsen traffic congestion.

Concerns have also been raised by objectors about the proposal's impact on pedestrian and cyclist safety and its consistency with the *Streets for People Plan*, which seeks to improve conditions for walking and cycling within the Activity Centre and along Glenroy Road. While this plan is not part of the Merri-bek Planning Scheme, it provides relevant guidance on Council's transport and safety objectives.

The Glenroy Road shared user path is an important link to into and out of the Glenroy Activity Centre and to public transport, including Glenroy Train Station. Providing all the vehicle access to Glenroy Road does not align with the strategies in the State's Land Use and Transport Integration policy which aims to protect walking and cycling access to public transport. Furthermore, the proposal does not meet the objectives of Council's Vehicle Access Design policy, which seek to ensure vehicle access contributes to an improved urban environment for pedestrians and cyclists. The two crossovers along the Glenroy Road frontage create high potential for conflict with users of the shared user path and undermine pedestrian and cyclist safety.

Vehicle access to Glenroy Road should be limited to a single crossover at the eastern boundary, operating as left-in and left-out only with other vehicle movements coming from Blenheim Street. This arrangement would reduce conflicts and improve safety outcomes, which would allow for safer and more efficient access for westbound traffic entering and exiting the site, using the existing intersection with Glenroy Road and avoiding additional congestion and safety risks.

The proposal does not provide an acceptable traffic or safety outcome for the site as it fails to create a safe environment for pedestrians and cyclists and therefore cannot be supported.

### **Is stormwater management appropriately implemented?**

Planning policy seeks best-practice stormwater management that improves water quality, reduces pollution, and contributes to cooling and habitat.

The applicant submitted an updated stormwater response via discussion plans received on 14 November 2025. Council's ESD Unit supports the revised approach, subject to conditions requiring detailed stormwater specifications, confirmation of best-practice pollutant reduction, and adequate separation between raingardens and car parking spaces. If a planning permit was issued with these conditions, the proposal would meet Clause 53.18.

The site is affected by the Special Building Overlay. Melbourne Water has reviewed the proposal, does not object and requires conditions to be included on any permit that is issued.

### **Is the land potentially contaminated and suitable for the proposed land use?**

The site has been identified as potentially contaminated land, given its previous use as a service station. An Environmental Audit prepared by *Douglas Partners* (dated September 2017) was submitted under the previous permit application MPS/2017/930. The Audit concludes that the site is suitable for the beneficial uses associated with high density residential, commercial and industrial land uses, subject to specific conditions. If a permit was issued, a condition could require that all conditions of the 2017 Statement of Environmental Audit are implemented in association with this proposal.

## **5. Response to Objector Concerns**

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

- Traffic congestion and car parking
- Pedestrian and cyclist safety (impacts to shared path)
- Noise and disturbance (patrons, deliveries)
- Hours of operation
- Litter and Waste management
- Odour
- Visual amenity (signage)

- Underdevelopment / Poor use for the site
- Deliveries (traffic and noise)
- Conflict with Council's vision for Glenroy (Glenroy Structure Plan)
- Incompatible with Council's transport strategy

Other issues raised by objectors are addressed below.

### **Increase foot traffic**

The proposal may increase foot traffic in the area. However, the site is within the Glenroy Activity Centre, where higher pedestrian activity is expected and encouraged. Increased foot traffic is generally considered positive for activity centres as it supports local businesses and public transport use.

### **Viability of local small business**

The Commercial 2 Zone encourages a broad mix of commercial activities, including those that may operate alongside or in competition with existing businesses. The presence of smaller or similar businesses nearby is not a valid basis for refusing a planning application. Neither the Planning Scheme nor the Planning and Environment Act provide for the consideration of potential loss of trade or commercial competition when assessing a proposal. The assessment must instead focus on the planning issues of the use and development, which are addressed in this report.

### **Impact on school children (safety and health)**

The location of schools in the surrounding area is noted. While the planning assessment framework does not provide a basis for evaluating the impacts of a discretionary land use on school children specifically, Section 4 of this report provides a detailed assessment of the amenity impacts of this proposal, including pedestrian safety.

With respect to health and food choices of school students, this is not a matter that can be considered under a planning assessment.

### **Antisocial behaviour**

Concerns have been raised about the potential for antisocial behaviour associated with fast food restaurants. These customer behaviour issues and impacts are generally managed through operational measures and are typically addressed through patron or operational management plans, which can include measures to promote staff and customer safety and minimise antisocial behaviour. A Venue and Patron Management Plan could be required by condition were a permit to issue.

Other matters relating to crime and law enforcement fall outside the planning system and are the responsibility of Victoria Police.

### **Impact on the suburb's overall appeal / Neighbourhood character**

Concerns about the suburb's overall appeal are noted. The planning assessment focuses on whether the design responds to the character and policies for the area. The proposal does not meet Council's urban design objectives and fails to create a pedestrian-friendly environment, which is why it is not supported.

### **Poor use for the site / Location of the development**

The site is zoned Commercial 2, which allows a range of commercial uses, including convenience restaurants, subject to a permit. While the location is suitable for commercial activity, the design and layout of this proposal do not respond well to the activity centre context or Council's strategic vision. This is a key reason for recommending refusal.

## **Health and wellbeing impacts**

While concerns about the health impacts of fast food are acknowledged, these matters are not a planning consideration. The planning system does not regulate food choices, and the assessment is limited to land use and development impacts within the Planning Scheme.

## **Property values and expectations for the suburb**

The Victorian Civil and Administrative Tribunal have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity impacts rather than any impact upon property values.

## **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 proposed use and development will have an unreasonable impact on traffic safety within the Glenroy Activity Centre and will make the shared user path along Glenroy Road less safe for pedestrians and cyclists and cannot be supported. The development also fails to respect the character of the area and to respond to the existing and preferred future character of the area as it does not deliver an active, pedestrian-focused building design response, that is appropriate for an activity centre. For these reasons, the proposal is not supported.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is considered that Council's submission to VCAT be to not support the application No. MPS/2025/554 for the reasons detailed in the recommendation.

## **Attachment/s**

<a href="#"> 1</a>	Location Map	D25/619295
<a href="#"> 2</a>	Zoning Map	D25/619296
<a href="#"> 3</a>	Development Plans	D25/619305
<a href="#"> 4</a>	Objector Location Map	D25/619924

**Location Map**

194 Glenroy Road, Glenroy

 = Subject Site

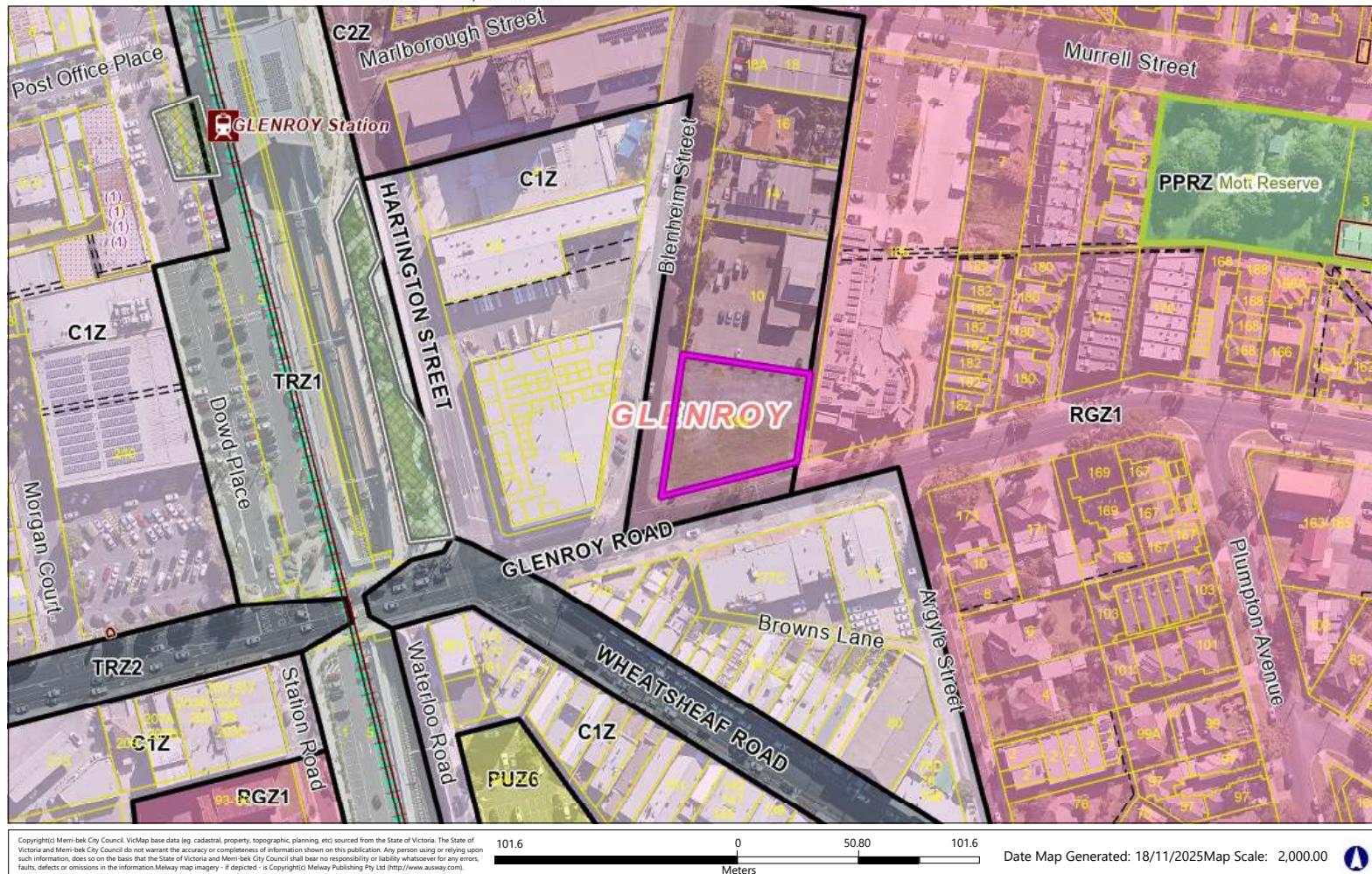
## Zoning Map

194 Glenroy Road, Glenroy

### LEGEND:

- C1Z – Commercial 1 Zone
- C2Z – Commercial 2 Zone
- TRZ1 – Transport Zone 1
- TRZ2 – Transport Zone 2
- RGZ1 – Residential Growth Zone - Schedule 1
- PPRZ – Public Park and Recreation Zone
- PUZ6 – Public Use Zone

 = Subject Site

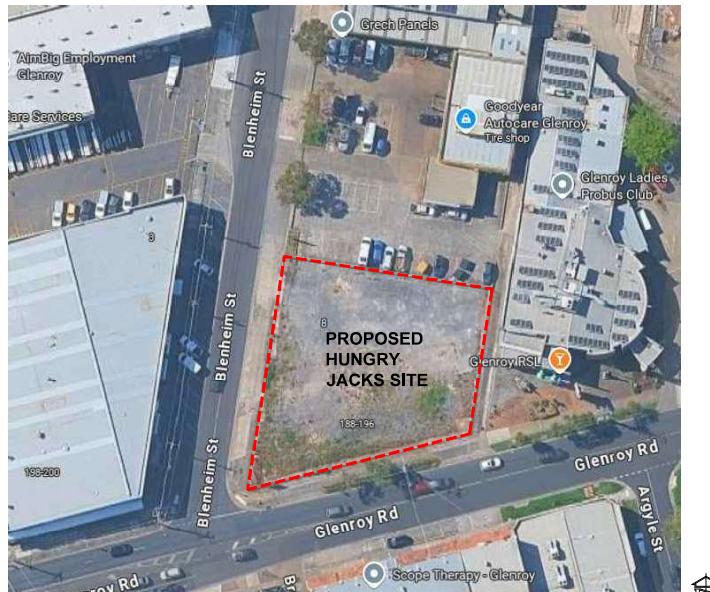




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PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME

Advertised Document  
Advertised Plan Sheet:1 of 12  
Application No: MPS/2025/554  
Date : 29/09/2025



LOCATION PLAN

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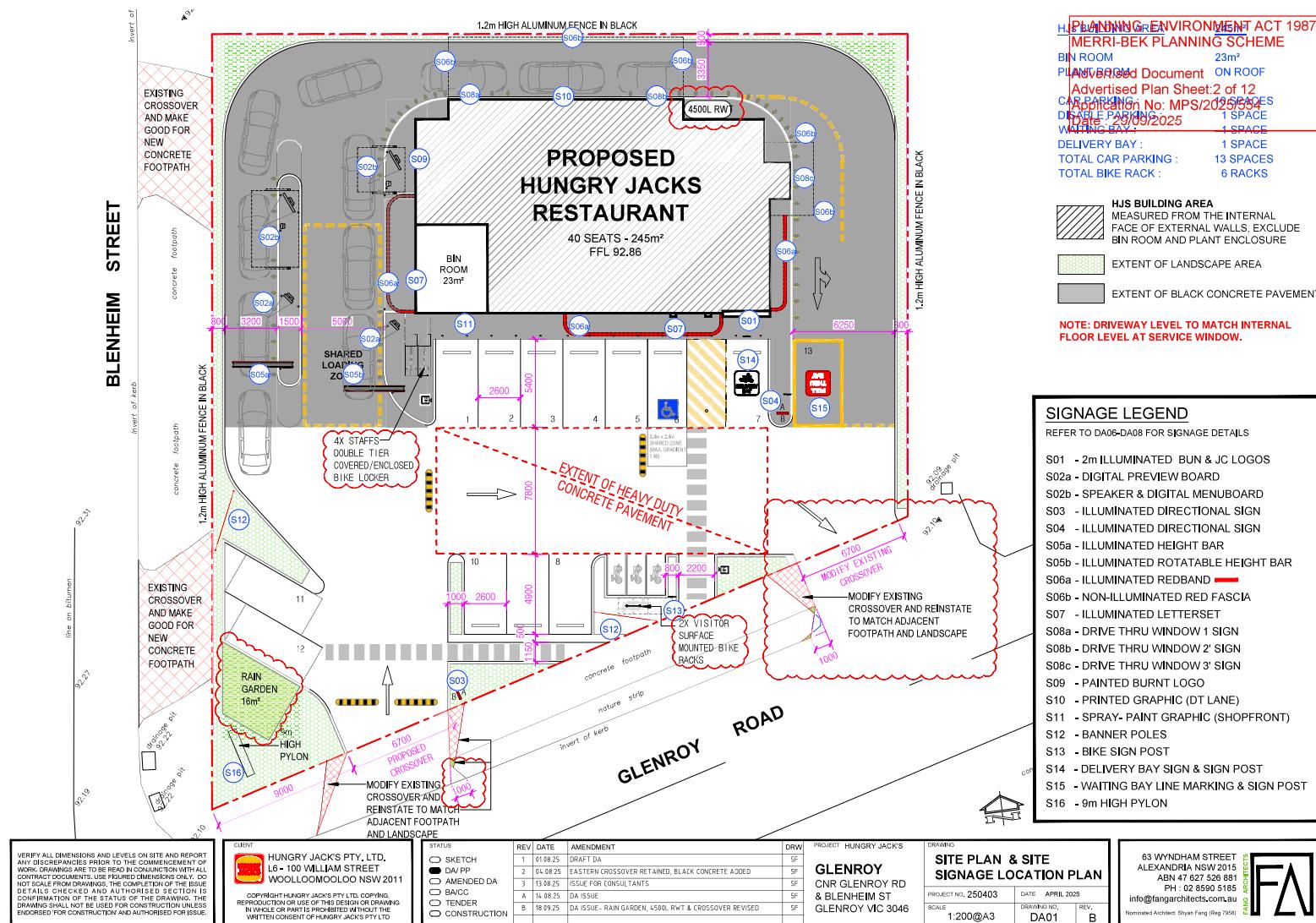
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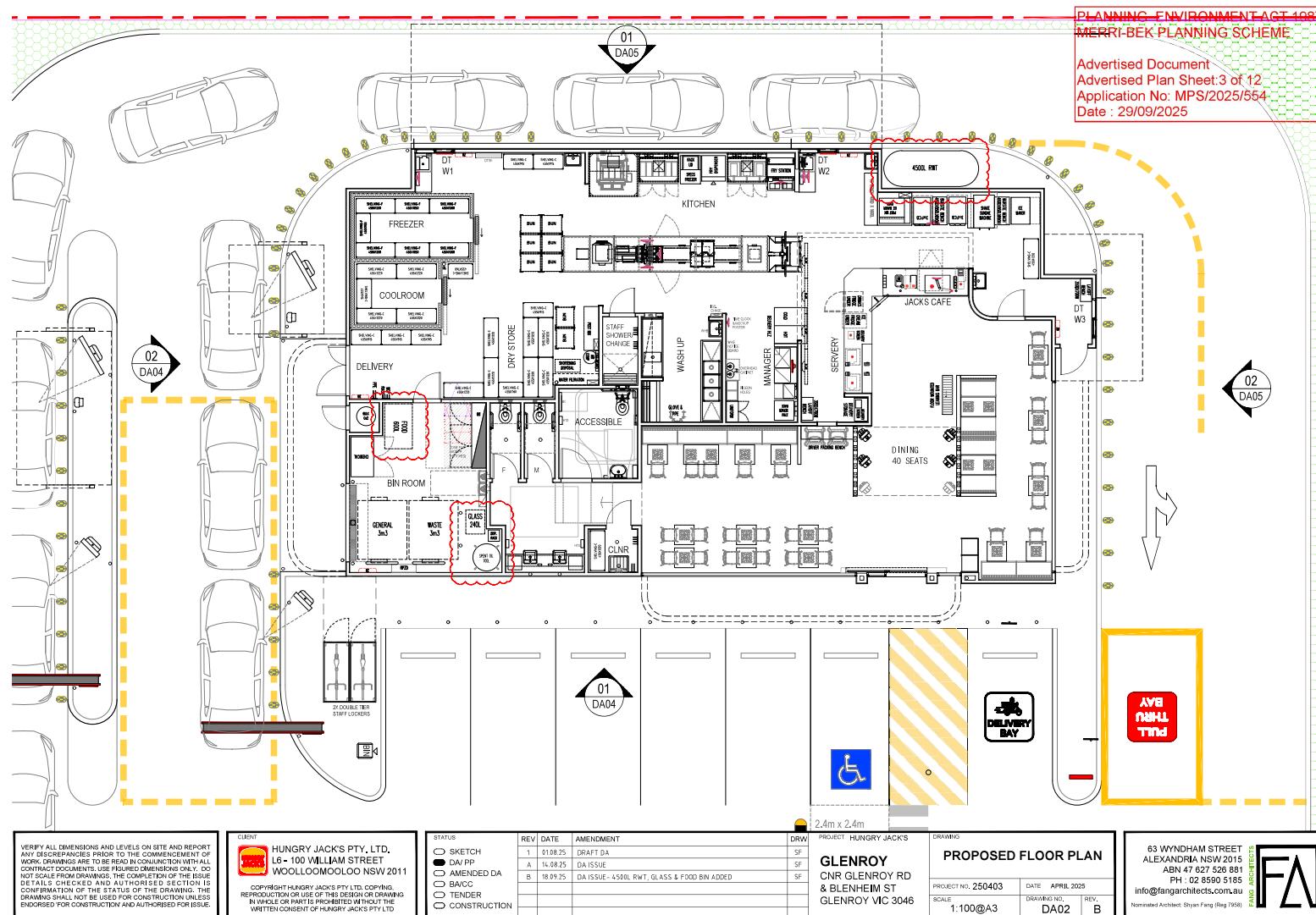
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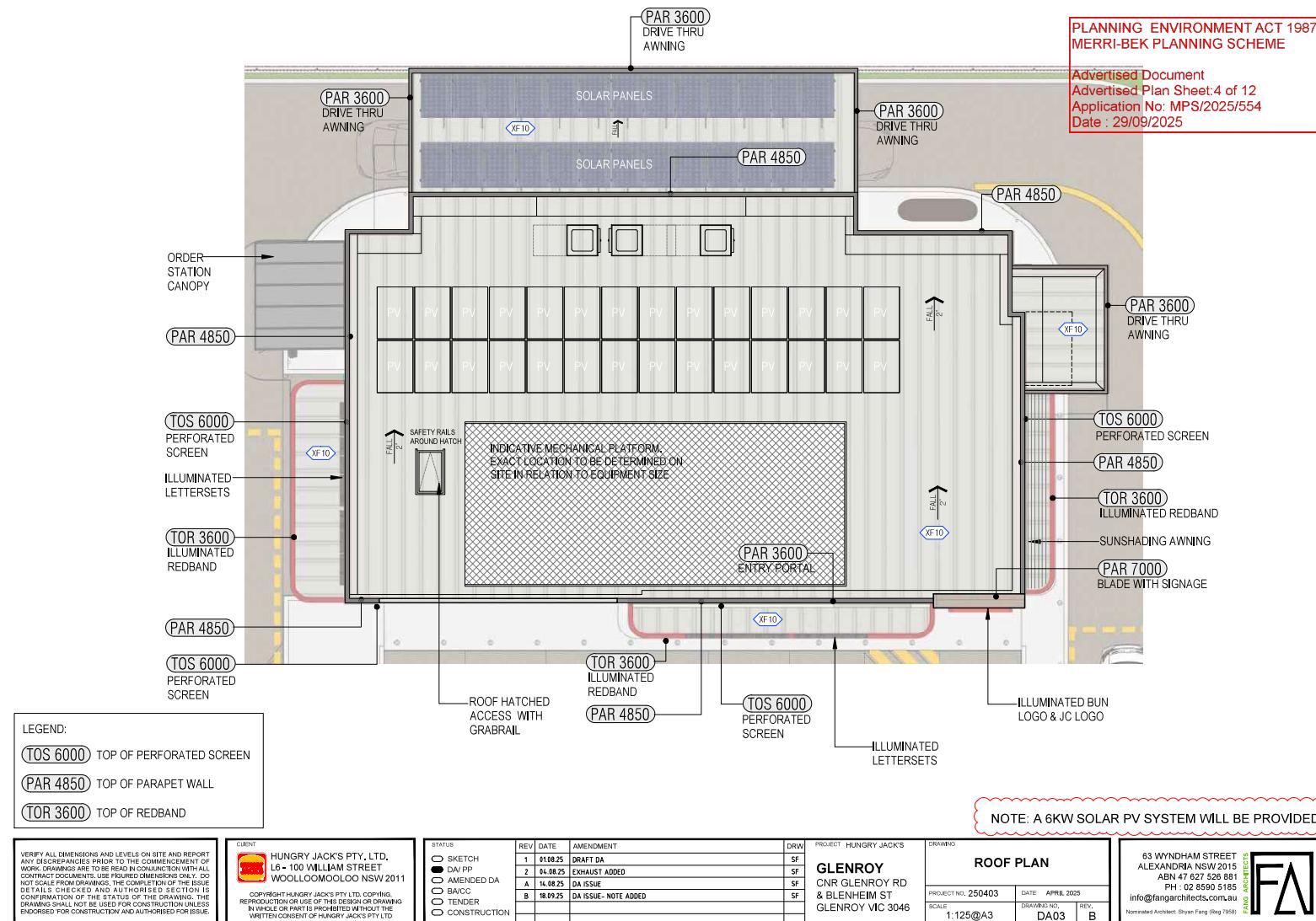
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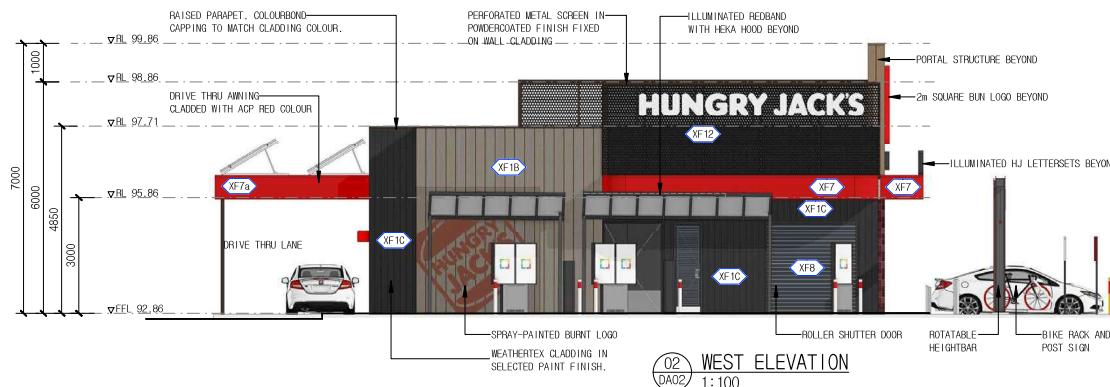
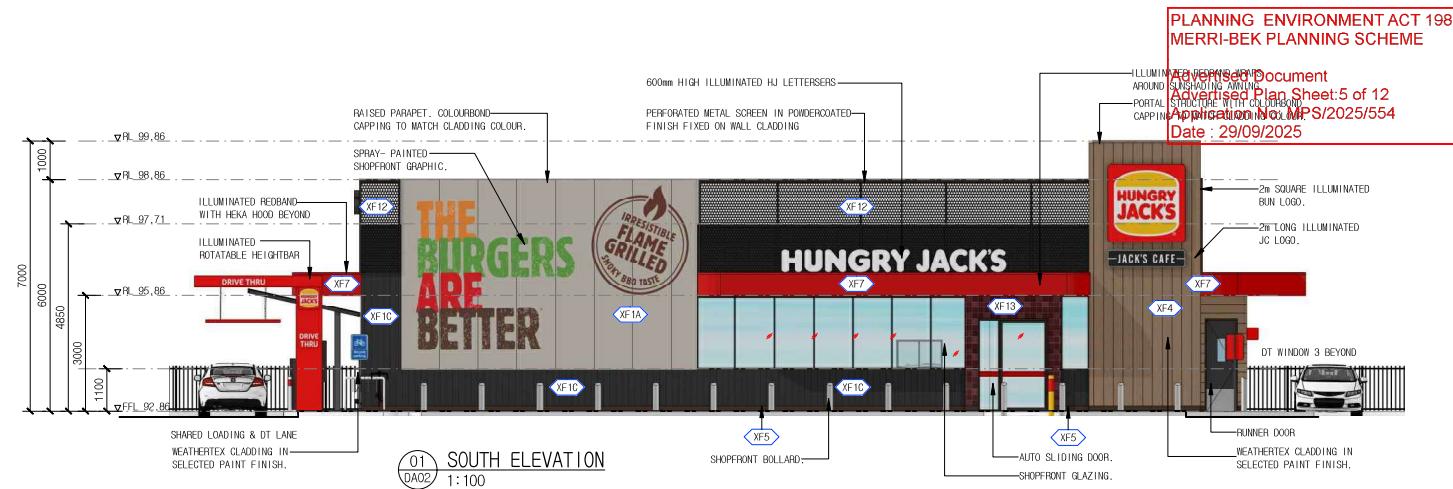
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PROJECT NO. 250403 DATE APRIL 2025  
SCALE NTS@A3 DRAWING NO. DA00 REV. 1

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ABN 47 627 526 881  
PH: 02 8590 5185  
info@fangarchitects.com.au  
Nominated Architect: Shyren Fang (Reg 7568)  
FANG ARCHITECTS









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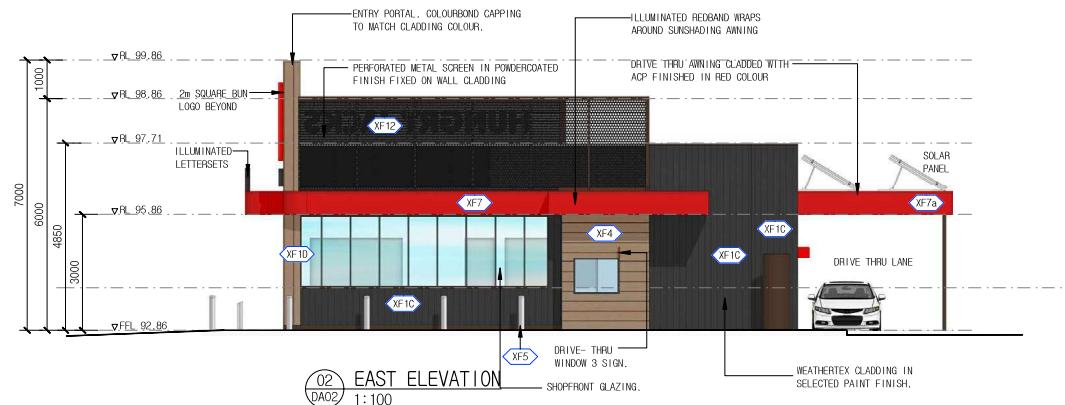
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EXTERNAL ELEVATIONS  
SHEET 1

**PROJECT NO.** 250403 **DATE** APRIL 2025  
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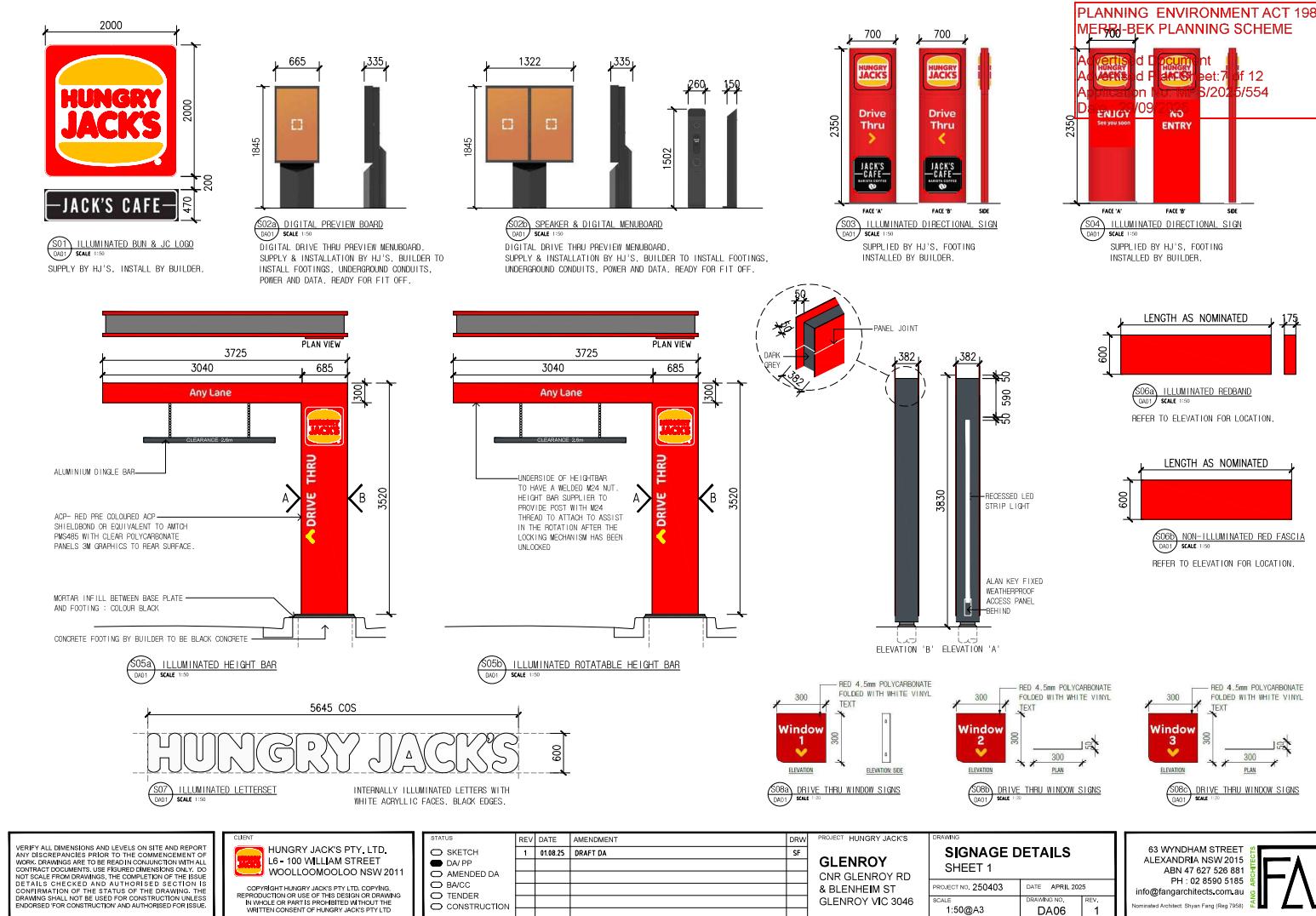
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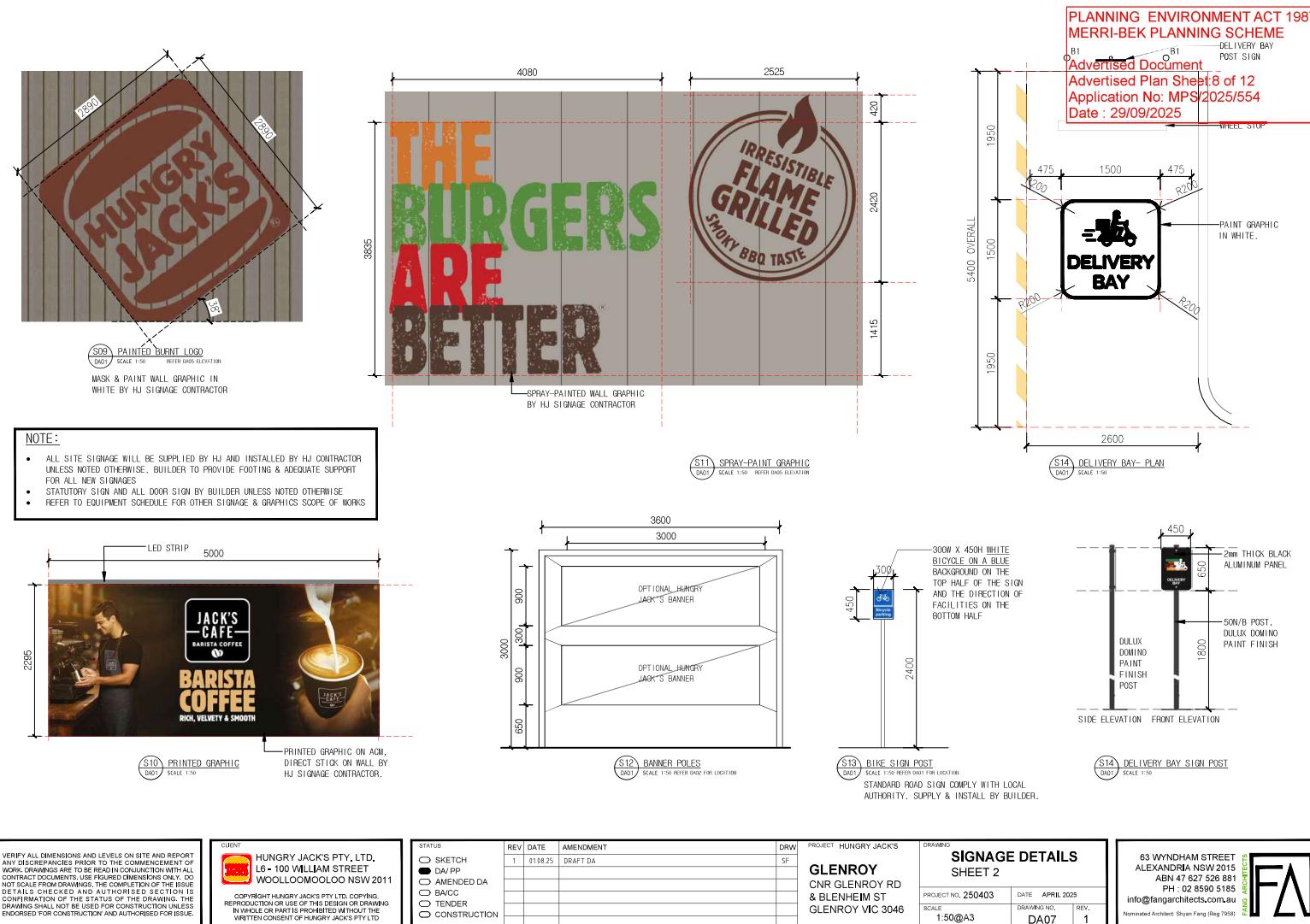
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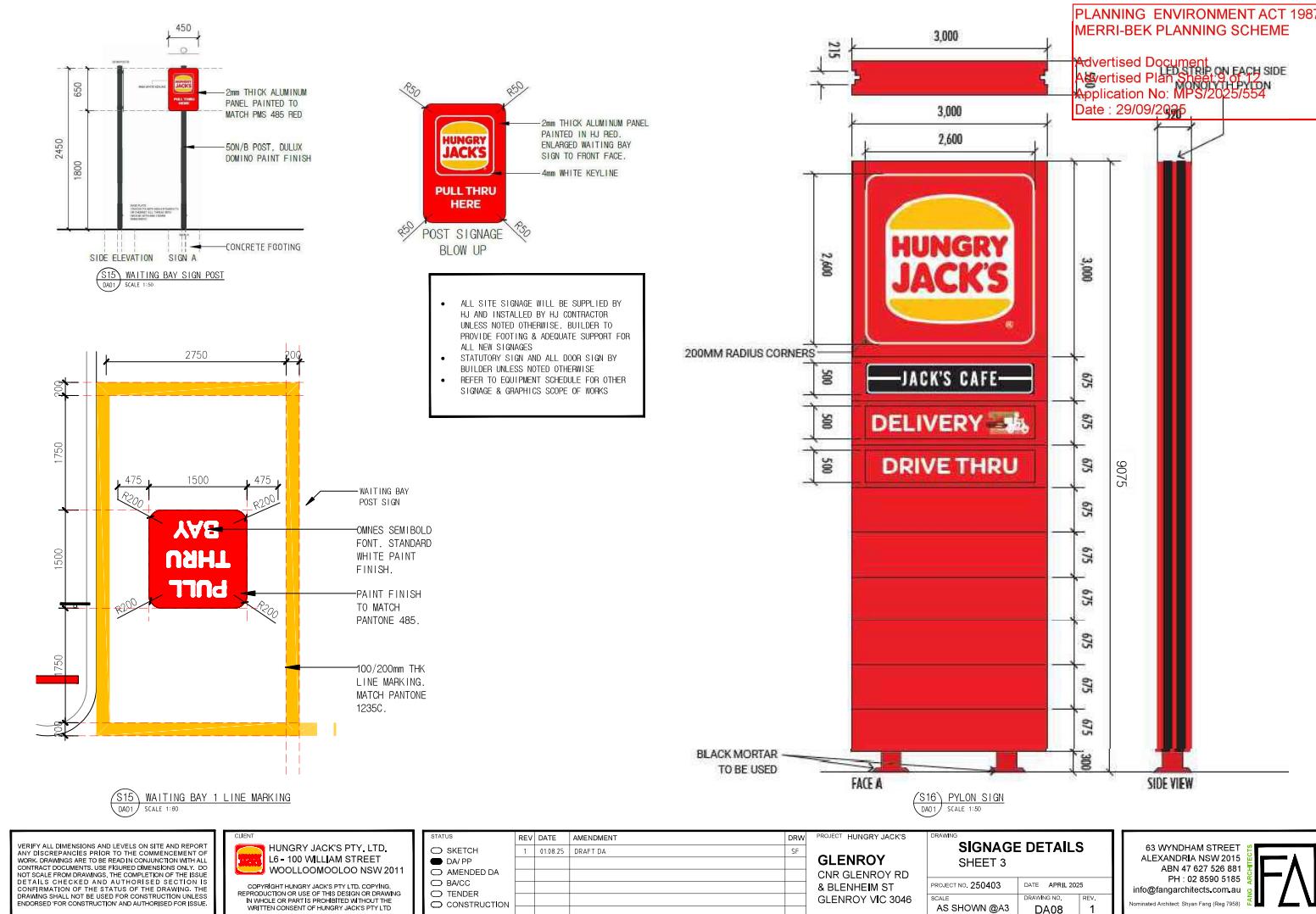
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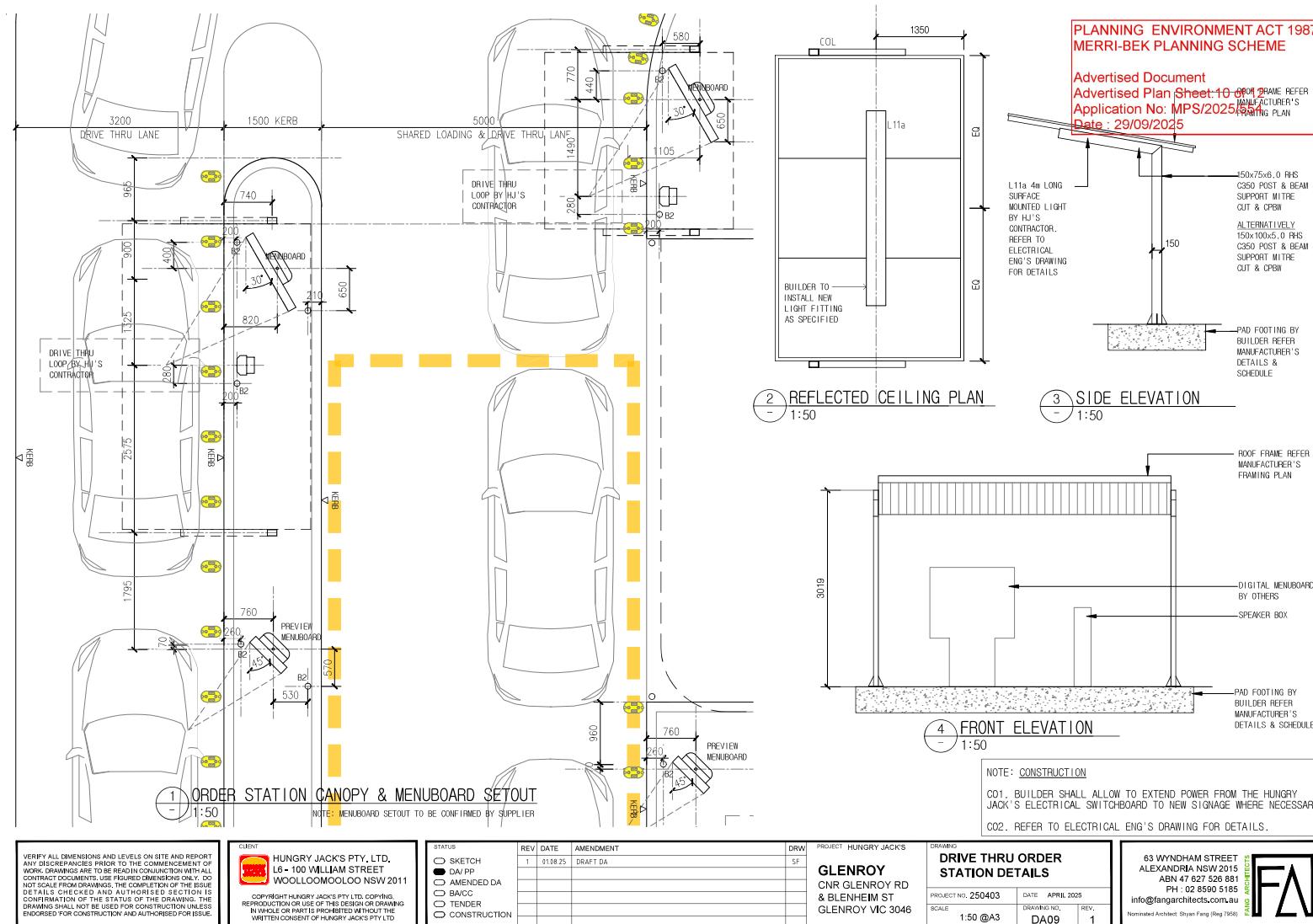
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Nominated Architect: Shyren Fang (Reg 758)











EXTERNAL FINISHES SCHEDULE				
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CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION	SAMPLE PICTURE FOR REF. ONLY
XF1A	PAINT - WEATHERTEX (WEATHERGROOVE SMOOTH 1200)	BRAND: DULUX COLOUR: HEIFER (P14B2) FINISH: LOW SHEEN APPLY NON SACRIFICIAL ANTI GRAFFITI COATING TO WEATHERTEX	EXTERIOR WALLS / FASCIA	
XF1B	PAINT - WEATHERTEX (WEATHERGROOVE WOODSMAN 150)	BRAND: DULUX COLOUR: STRING S13B6 FINISH: LOW SHEEN APPLY NON SACRIFICIAL ANTI GRAFFITI COATING	EXTERIOR WALLS	
XF1C	PAINT - WEATHERTEX (WEATHERGROOVE WOODSMAN 150)	BRAND: DULUX COLOUR: DOMINO GR10 FINISH: LOW SHEEN	EXTERIOR WALLS	
XF2	PAINT - DARK GREY	BRAND: DULUX COLOUR NAME: DOMINO GR10 FINISH: SEMI-GLOSS	WALLS GUTTERS, FASCIA & DOOR	
XF3	POWDER COATED FINISH	BRAND: DULUX NAME: ZEUS CHARCOAL 9008732 FINISH: GLOSS	WINDOW & DOOR FRAMES (EXCLUDE DRIVE THRU WINDOW)	
XF4	WALL CLADDING WEATHERTEX-SELFLOK ECO(GROOVE)	WOODSMAN 150, CONCEALED 300mm WOODSMAN OFF STUD JOINER COLOUR: TAUBMAN FOX TERRIER SATIN (2 COATS) (T15 105.5) ANTI GRAFFITI PAINT FINISH REQUIRED	EXTERIOR WALLS	
XF5	SKIRTING TILES	BRAND: SKHEME COLOUR: GEM BLACK GRIP GROUT: BLACK EPOXY GROUTING SIZE: 150 X 600mm	ENTRY PORTAL & EXTERNAL WALLS. REFER TO DRAWING FOR LOCATION	
XF6	PAINT - WHITE COMPRESSED PRE-CEMENT CLADDING	BRAND: DULUX COLOUR NAME: LEXICON B16 FINISH: LOW SHEEN	EXTERIOR WALLS, SOFITS AND CANOPY FASCIA	
XF7a	ILLUMINATED LIGHT BOX	ILLUMINATED LIGHT BOX COLOUR: PMS 485 /3M 3630-143 POPPY RED (SUPPLY AND INSTALL BY HJS SIGNAGE CONTRACTOR)	BUILDING FASCIA / METALWORK REFER TO ELEVATION & ROOF PLAN	
XF7b	MOM-COMBUSTIBLE PRE-FINISHED ALUMINUM PANELS	BRAND: MONOCLOAD COLOUR: RED	AWNING SURROUNDING DT LANE REFER TO ELEVATION & ROOF PLAN	
XF8	PAINT - DARK GREY TO MATCH XF2	COLORBOND FINISH / POWDER COATED	AWNING/ GUTTERS / GATES TO SERVICES PLANT ENCLOSURE	
XF11	POWDER COATED FINISH	BRAND: DULUX COLOUR NAME: COLORBOND SHALE GREY C4	ROOF	
XF12	PERFORATED SCREEN PANELS	LOCKER R25448 (25.5mm @ 35mm CENTRES 48% OPEN AREA) POWDERCOAT: DULUX DURATEC MONUMENT (SATIN)	STRUCTURE SHOPFRONT	

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Advertised Document Advertised Plan Sheet: 11 of 12 Application No: MPS/2025/154 Date: 29/09/2025		NOTES: REFERENCE ONLY	
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION
XF13	WALL TILES	CLASSIX CERAMIC DIMENSION: 130mm x 130mm COLOUR: BURGUNDY	ENTRY PORTAL
	WHEELSTOP	PRODUCT: REPLAS WHEELSTOP DIMENSION: 100mm x 135mm LENGTH: 1650mm COLOUR: BLACK WITH 4 DIAMOND REFLECTORS ON FRONT, 2 ROUND REFLECTORS ON BACK	CONTACT: KIMBERLEY WILLIAMS 0459 269 692 kimberley.williams@replas.com.au
	TGS1	PRODUCT: DTAC ULTIMAT TACTILE CLASSIC YELLOW URETHANE. SIZE: 300W x 300H x T2mm	KERB RAMP
B1	BOLLARD (FACING SHOPFRONT GLAZING)	BELLOW GROUND 90mm STAINLESS STEEL BEVELLED TOP BOLLARD BRAND: SAFETY XPRESS CODE: SKU-BOLB90059B WEIGHT: 22 KGS MATERIAL: 304 GRADE STAINLESS STEEL COLOUR: STAINLESS POLISHED HEIGHT: 1200mm (900mm ABOVE GROUND, 300mm BELOW GROUND) DIAMETER: 90mm FIXING: ANCHOR ROD INCLUDED AT BASE WHICH CAN BE REMOVED WHEN CORE DRILLING INTO NEW CONCRETE OR INSERTED WHEN SETTING IN NEW CONCRETE	DRIVEWAY ALONG ENTRY AND FOH GLAZING
B2	HEAVY DUTY BOLLARD	BELLOW GROUND 60mm Ø GALVANISED BOLLARD COLOUR: SILVER WITH CLASS 1 RED REFLECTIVE TAPE HEIGHT: 1300mm (1000mm ABOVE GROUND AND 300mm BELOW GROUND) FIXING: ANCHOR ROD INCLUDED AT BASE WHICH CAN BE REMOVED WHEN CORE DRILLING INTO EXISTING CONCRETE OR INSERTED WHEN SETTING IN NEW CONCRETE	LOADING AREA, DT LANES AND LPG STORAGE (IF APPLICABLE)
B3	SHARED ZONE BOLLARD (IN GROUND)	PRODUCT: AREA SAFE PRODUCTS COLOUR: YELLOW (115mm Ø) CONTACT: LINDSAY STEAD PHONE: 1300 889 821 EMAIL: lindsay@areasafe.com.au	SHARED ZONE BAY
HH	AWNING	PRODUCT: HEKA HOODS WIDTH: 900 mm DEEP COLOUR: DURATEC ZEUS - CHARCOAL (SATIN) CONTACT: LOUIS PURCHASEHOUSE PHONE: 07-54069886 EMAIL: HELLO@HEKAHOODS.COM.AU	LOADING BAY
RWT	3000L RAINWATER TANK	PRODUCT: KINGSPAN 3000L OR EQUAL TYPE: SLIMLINE POLYETHYLENE TANK COLOUR: TO MATCH CLOSEST BUILDING FAÇADE. SOURCE BY BUILDER TO BE REVIEWED AND CONFIRMED BY HJS PM BEFORE ORDER AND INSTALLATION	DT LANE
	PLASTIC RUMBLE BAR	PRODUCT: eSAFETY SUPPLIERS TYPE: SEMI-PLASTIC RUMBLE BAR SKU: BDD-NPS-006 SIZE: 1200(W) X 220(L) X 25(H)mm PH: 1300 281 700 EMAIL: sales@esafetysupplies.com.au	DT LANE KERB

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PROJECT: HUNGRY JACKS  
GLENROY  
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DRAWING NO: EXTERNAL FINISHES  
SCHEDULE  
PROJECT NO: 250403 DATE: APRIL 2025  
SCALE: NTS @ A3 DRAWING NO: DA10 REV: 1

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ABN 47 627 526 881  
PH: 02 8590 5185  
info@fangarchitects.com.au  
Nominated Architect: Shyan Fang (Reg 7958) FANG ARCHITECTS FA

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Application No: MPS/2025/554  
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STATUS  
 SKETCH  
 DRAFT  
 AMENDED DA  
 BAC/C  
 TENDER  
 CONSTRUCTION

REV DATE AMENDMENT

1 01/08/25 DRAFT DA

DRW

SF

PROJECT HUNGRY JACK'S  
GLENROY  
CNR GLENROY RD  
& BLENHEIM ST  
GLENROY VIC 3046

DRAWING  
3D PERSPECTIVES  
PROJECT NO. 250403 DATE APRIL 2025  
SCALE NTS@A3 DRAWING NO. DA11 REV. 1

63 WYNDHAM STREET  
ALEXANDRIA NSW 2015  
ABN 47 627 526 881  
PH: 02 8590 5185  
info@fangarchitects.com.au  
Nominated Architect: Shyren Fang (Reg 756)



## Objector Location Map

194 Glenroy Road, Glenroy

□ = Subject Site      ● = Objector Location

Note: Additional objectors located outside of mapped area



**5.2 31-37 STEWART STREET & 12-20 HARDY STREET & 22 HARDY STREET, BRUNSWICK VIC 3056 - AMENDED PLANNING PERMIT APPLICATION - MPS/2015/269/G**

**Director Place and Environment, Pene Winslade**

**City Development**

**Executive Summary**



<b>Property:</b>	31-37 Stewart Street & 12-20 Hardy Street & 22 Hardy Street, Brunswick		
<b>Approved development:</b>	The partial demolition of existing buildings and the construction of 58 two and three storey dwellings, with a reduction of the car parking requirement		
<b>Proposal:</b>	Amend the development plans to increase the total number of dwellings from 58 to 59 by altering the layout of the retained building on Hardy Street.		
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Neighbourhood Residential Zone, Schedule 1</li> <li>Heritage Overlay, noting that the building relevant to this amendment is not located within the Heritage Overlay area.</li> <li>Development Contributions Plan Overlay, Schedule 1</li> </ul>		
<b>Strategic setting:</b>	Minimal change	Incremental change	Significant change
<b>Objections:</b>	20 objections received who raised the following key issues: <ul style="list-style-type: none"> <li>Car parking and traffic impacts</li> <li>Building height</li> <li>Roof decks</li> <li>Overlooking</li> </ul>		
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date held: 30 September</li> <li>Attendees: Cr Liz Irvin and Deputy Mayor Cr Helen Politis, two Council Planning Officers, the applicant, six objectors and two residents who did not object.</li> <li>No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.</li> </ul>		
<b>ESD:</b>	<ul style="list-style-type: none"> <li>7.2kW solar PV system (2.4kW for each dwelling)</li> <li>6,000 litre rainwater harvesting and reuse system</li> <li>EV charging car space per dwelling</li> <li>3 residential bicycle parking spaces (one per dwelling)</li> </ul>		

<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>• The development complies with Merri-bek Planning Scheme rules related to townhouse development, including setbacks, open space provision, etc.</li> <li>• Overlooking impacts can be addressed by permit conditions.</li> <li>• The proposal meets the on-site car parking requirements, and the number of on-street parking spaces between the northern-most proposed crossover and the next closest vehicle crossover on Hardy Street (approximately 66 metres north) remains unchanged from the existing approval (11 on-street parking spaces).</li> </ul>
<b>Recommendation:</b>	Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.

## Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2015/269/G be issued for the land at 31-37 Stewart Street & 12-20 Hardy Street & 22 Hardy Street, Brunswick.

### The Permit would allow:

The partial demolition of existing buildings and the construction of dwellings.

Planning Scheme Clause	Matters for which permit is required
32.09	A permit is required to construct more than one dwelling on a lot.
43.01	A permit is required to demolish or remove a building, construct a building or construct or carry out works.  (Note: The Heritage Overlay applies to the front portion of the site (to Stewart Street). The building/site that is to be changed by the amendment MPS/2015/269/G is not located within the Heritage Overlay).
52.06	A permit is required to reduce the statutory car parking requirement.

The following conditions would apply to this Amended Permit (**changes bolded**):

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 three copies must be provided. The plans must be generally in accordance with the plans described as TP01.01-01.05, TP02.01-02.08, TP03.01-03.03 and TP04.01-04.07 prepared by Rothe Lowman, Project No 215462 REV J but modified to show:
  - a) Each façade to comprise no more than 20% concrete and coloured render.
  - b) Reconfigure Lots 7 & 8 into a single lot/dwelling and relocate the 3 visitor car spaces to the south side of the roadway to part of the area previously occupied by Lots 7 & 8.
  - c) Extend the communal open space southward to align with the northern edge of the garage to Lot 42 and adjust the alignment of the roadway to accommodate the enlarged communal open space. The additional communal open space area is to include an additional large evergreen canopy tree.
  - d) The provision of outdoor furniture such as BBQ, tables or play equipment in the communal open space.

- e) The southern visitor bicycle area with a frontage to Stewart Street to dimension the four bicycle spaces at least 2.4 metres long and 1.7 metres deep.
- f) The internal dimensions of the garages at least 6 metres long by 3.5 metres wide, in accordance with Clause 52.06-8 of the Moreland Planning Scheme.
- g) The visitor car parking spaces 4.9 metres by 2.6 metres adjacent to a 6.4 metre wide accessway.
- h) Deleted.**
- i) The single and double garage doors at least 2.8 metres and 5 metres wide, respectively, as required by the Australian Standard for Off-Street Parking (AS2890.1).
- j) The vehicle crossing from Hardy Street (providing access to dwellings H Lot 51 to H Lot 59) 3.2 metres in width.
- k) The vehicle crossing providing the main access from Stewart Street 5.8 metres wide.
- l) One bicycle parking rack be provided in each garage on the end wall or a side wall near either end in a manner that accords with the specifications in Bicycle Victoria's Bicycle Parking Handbook.
- m) At least 6m<sup>3</sup> of storage to each dwelling.
- n) Provision of a new 2 metre high paling fence along the boundary with 39 Stewart Street and 26 Hardy Street.
- o) The colours and materials of the electricity substation to the satisfaction of the Responsible Authority.
- p) The location of letterboxes for dwellings on Lots 3-24 at either public road frontage for all dwellings that do not have frontages to Stewart Street or Hardy Street.
- q) The planter boxes on the terraces of Lots 53, 54, 57 and 58 are to be provided with a 160mm extension to 1410mm above terrace level, as proposed on Lots 55 and 56.
- r) A screen diagram drawn at a scale of 1:50 which details the screen associated with first floor windows of dwellings on Lots 3-26. This diagram must include:
  - i. All dimensions, including the width of slats and the gap between slats.
  - ii. All side screens.
  - iii. How compliance is achieved with the standard of Clause 55.04-05 (overlooking) of the Moreland Planning Scheme.
- s) Initiatives contained within the amended ESD report (condition 6) including:
  - i. Outdoor clothes lines.
  - ii. Bicycle racks or spaces.
  - iii. Solar Hot Water systems as per SMP and BESS report.
  - iv. Location and capacity of photovoltaic system as per BESS report.
  - v. Location and capacity of rainwater tanks as per SMP and STORM report.
  - vi. Raingardens as per STORM report.
  - vii. Double glazing for living areas and bedrooms to be annotated on plans/elevations.
  - viii. Adjustable shading for East, North and West facing glazing to be shown on plans as per SMP.

- t) Any amendments required by condition 13 (Waste Management Plan).
- u) Any amendments required by condition 15 (Access Plan).

**1A. Prior to the commencement of any works approved by amendment MPS/2015/269/G, 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 to supersede the corresponding previously endorsed plans and will then form part of the permit. The plans must be generally in accordance with the plans described as TP06 to TP13 prepared by Caulfield Krivanek Architecture, advertised 24 November 2025 and must show:**

- a) The 0.65-metre-wide blade screen/shroud on the eastern edge of the southern balcony and the second-floor bedroom 1 window of Unit 1, and the fixed metal vertical blades on the first and second floor south and east-facing habitable room windows of Unit 1, shown on scaled (1:50) screening diagrams, including:**
  - i. Techniques to maintain reasonable outlook from the affected balcony.**
  - ii. All dimensions, including:**
    - the width of the blade screen/shroud**
    - the width of the fixed vertical blade screens and gaps between the blades.**
  - iii. All side screens.**
  - iv. How compliance with Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme is achieved (pre-VC267).**
- b) Any changes to the plans arising from the Amended Sustainable Design Assessment in accordance with Condition 10A.**
- c) Any changes to the plans arising from the Amended Waste Management Plan in accordance with Condition 13A.**
- d) Any changes to the plans arising from the Tree Management Plan required by Condition 32.**

2. The development as shown on the endorsed plans must not be altered or modified unless with the further written approval of the Responsible Authority.

### **Roof Decks**

- 3. There will be no roof decks anywhere within the approved development (**except for the three dwellings at 22 Hardy Street**).
- 4. The roof from of the approved townhouses must not, once constructed, be altered in any manner so as to create a roof deck, entertainment area or any other manner of habitable area (**except for the three dwellings at 22 Hardy Street**).

### **Development Contribution**

- 5. Prior to the issue of a Building Permit in relation to the development approved by this permit, a Development Infrastructure Levy and Community Infrastructure Levy must be paid to Moreland City Council in accordance with the approved Development Contributions Plan. The Development Infrastructure Levy amount for the development is \$319.33 per 100 square metres of leasable floor space and the Development and Community Infrastructure Levy amount for the development is \$283.18 per dwelling. In accordance with the approved Development Contributions Plan, these amounts will be indexed annually on 1 July.

If an application for subdivision of the land in accordance with the development approved by this permit is submitted to Council, payment of the Development Infrastructure Levy can be delayed to a date being whichever is the sooner of the following:

- a) For a maximum of 12 months from the date of issue of the Building Permit for the development hereby approved; or
- b) Prior to the issue of a Statement of Compliance for the subdivision.

When a staged subdivision is sought, the Development Infrastructure Levy must be paid prior to the issue of a Statement of Compliance for each stage of subdivision in accordance with a Schedule of Development Contributions approved as part of the subdivision.

## **Landscaping**

6. Prior to the commencement of any development works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must provide the following:
  - a) Any amendments required by condition 1 of this permit.
  - b) Identification of any existing tree(s) and vegetation proposed to be removed and retained. Vegetation retainment must include strategies for the retainment (i.e. barriers and signage during the construction process).
  - c) The provision of canopy trees within the front setback(s) to assist in the integration of the development within the existing streetscape.
  - d) Details of the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. The adoption of porous/permeable paving is encouraged.
  - e) Integration of water sensitive urban design (WSUD) features (e.g. raingardens, bio-swales etc) if contained within a Sustainable Design Assessment.
  - f) Following completion of the development the areas designated as garden areas on the endorsed landscape plan must be maintained and used as garden areas.
7. The landscape plan will be endorsed to form part of this permit. Prior to the issuing of a Statement of Compliance or occupation of the development, whichever occurs first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the approved and endorsed Landscape Design Report to the satisfaction of the Responsible Authority. The areas designated as landscaped areas on the endorsed Landscape Design Report must thereafter be maintained and used for that purpose.
8. Prior to commencing works, an Arborist must be engaged to review trees on adjoining sites and provide recommendations in regard to undertaking tree protection works on trees likely to be affected by the approved development.
9. The developer must undertake tree protection works in accordance with the recommendations made by the project Arborist.

## **Environmentally Sustainable Development**

10. Prior to the endorsement of plans, an amended Sustainable Design Assessment must be submitted to and approved by the Responsible Authority. The amended SDA must demonstrate best practice environmentally sustainable design and address the following:
  - a) BESS Energy inputs with amended Solar PV system size.

When submitted and approved to the satisfaction of the Responsible Authority, the amended ESD Report and associated notated plans will be endorsed to form part of this permit.

10A. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Sustainable Development Consultants, received 11/03/2025 but modified to include the following changes:

- a) Submit a preliminary NatHERS report achieving a minimum of 7 stars and a Whole of Home assessment achieving a minimum of 60%, for each dwelling. Demonstrate any energy efficiency initiatives within the plans and BESS assessment (e.g., solar panels).
- b) Amend BESS Report (and any other corresponding documentation) to:
  - i. At 'Dwelling Energy Profiles: Energy Performance', reflect the heating and cooling loads of the preliminary NatHERS ratings certificates.
  - ii. Reference to gas connection deleted.
- c) Show the following ESD initiatives on the development plans:
  - i. An ESD table for items that cannot be drawn that is consistent with the BESS assessment and Whole of Home assessment e.g.:
    - (1) WELS ratings of the showers toilets and taps
    - (2) star rating of whitegoods if not selected as default;
    - (3) NatHERS star ratings;
    - (4) that rainwater tanks are connected to laundry (washing machines);
    - (5) type and star rating of the heating and cooling systems;
    - (6) type and star rating of the hot water system;
    - (7) motion sensor lights;
    - (8) that internal lights are to have a maximum illumination density of 4W/m<sup>2</sup>;
    - (9) EV charging infrastructure;
    - (10) 'no gas connection'.
  - ii. For the rainwater tanks,
    - (1) Provide annotation for water filtration treatment measures (e.g. floor drain, leaf strainer, gutter guards, debris screens, first flush diverters, etc.) and
    - (2) Information signage to be installed on balconies stating that "Rainwater on this terrace drains to a rainwater tank".
  - iii. Double glazing 'DG' to all habitable room windows and glazed doors annotated on each individual glazing unit on the floor plans and elevations.
  - iv. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations. Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25% of the distance from sill height to the base of the device. The device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device.

- v. External operable shading devices to all east and west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). The devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind. Amend head height of windows accordingly.
- vi. Annotate '32A-40A electric vehicle charging infrastructure' in each garage.

**Where alternative ESD initiatives are 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) ESD outcomes in association with the development.**

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

11. All works must be undertaken in accordance with the endorsed Sustainable Design Assessment report to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment report may occur without the written consent of the Responsible Authority.
12. Prior to the commencement of occupation or issue of a Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report from the author of the ESD Report approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the ESD Report have been implemented in accordance with the approved plan. The report must include the final NatHERS certificates for the dwellings issued for building permit.
13. Prior to the endorsement of plans, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must include, but not limited to the following:
  - a) A description of ease of disposal for residents that does not disadvantage recycling;
  - b) Confirmation that educational material will be displayed in the waste bin storage area explaining what material can be recycled;
  - c) Calculations showing the amount of garbage and recycling expected to be generated;
  - d) A statement of whether the garbage, medical waste, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection;
  - e) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
  - f) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
  - g) Detail the ventilation to prevent garbage odours entering the car park and/or dwellings;
  - h) Detail the ease of taking the fully loaded waste bins to the point of waste collection;

- i) State where and when the bins will be placed for waste collection;
- j) Confirm that the bins will be removed from the street promptly after collection; and
- k) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).

When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will form part of this permit.

**13A. An amended Waste Management Plan, generally in accordance with the endorsed waste management plan (prepared by Leigh Design dated 2 March 2018) must be submitted in accordance with condition 13 of this permit but modified to include an additional dwelling, detailing how waste collection will work and other necessary updates to reflect the development approved by amendment MPS/2015/269/G.**

- 14. All works must be undertaken in accordance with the recommendations contained in the endorsed Waste Management Plan to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.
- 15. Prior to the endorsement of plans, an Access Plan must be prepared by a suitably qualified access auditor to assess any plans and provide advice/recommendations on access and mobility issues to the satisfaction of the Responsible Authority. The Plan must be submitted to and approved by the Responsible Authority. The Plan must provide for, but not be limited to, the following:
  - a) All dwellings marked type J (18 in total) to be accessible.
  - b) The provision of tactile indicators.
  - c) The use of contrasting paving or surface materials to assist the vision impaired.
  - d) At least 10% of the total number of dwellings to be specifically adapted to provide access for all, including bathrooms and toilets.
  - e) Emergency exits, particularly above the ground floor.
  - f) Car parking.

When submitted and approved to the satisfaction of the Responsible Authority, the Disability Access Plan and associated notated plans will form part of this permit.

- 16. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Access Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Access Plan have been implemented in accordance with the approved Plan.

### **Environmental Assessment and Auditing Requirements**

- 17. Prior to the commencement of construction or carrying out works pursuant to this permit either:
  - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the *Environment Protection Act 1970* and provided to the Responsible Authority; or
  - b) An Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the *Planning and Environment Act 1987*. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the *Subdivision Act 1988*. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

Prior to any remediation works being undertaken in association with an Environmental Audit, a Remediation Works Plan, prepared in consultation with the appointed Environmental Auditor, must be submitted to and approved by the Responsible Authority. The plan must detail only those remediation works, excavation works as well as any proposed structures such as retaining walls, necessary to facilitate the completion of the environment audit. Only the works detailed in the Remediation Works Plan, approved by the Responsible Authority, are permitted to be carried out prior to the issue of a Certificate or Statement of Environmental Audit.

## **General**

18. Prior to the occupation of the development, 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.
19. Prior to the occupation of the development, the garage doors must be automatic and remote controlled.
20. Prior to the occupation of the development, any vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
21. Prior to the occupation of the development, 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 (Moreland City Council, City Infrastructure Department).
22. Before the occupation of the development, lighting above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the rear dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
23. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

24. Prior to the occupation of the development all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
25. The stormwater run-off from the accessway must not flow out of the property over the public footpath to the satisfaction of the Responsible Authority.
26. **All stormwater from the land at 22 Hardy Street, 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).**
27. The level of the footpath must not be raised to improve vehicle access to the garages unless with the prior written consent of the Responsible Authority.
28. The owner must provide an advanced replacement street tree in an appropriate location in a nature strip nearby in accordance with the Moreland Street Landscape Strategy for each street tree removed for the vehicle crossing to the satisfaction of the Responsible Authority.
29. The dimensions, placement and numbering of the letterboxes must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority.
30. **Prior to the occupation of the development at 22 Hardy Street, 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.**
31. **Lighting on each balcony and roof decks must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.**

#### Tree Protection

32. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2025 - Protection of Trees on Development Sites to ensure that the street tree adjacent to 22 Hardy Street remains healthy and viable during construction.

**The TMP must include the following to the satisfaction of the Responsible Authority:**

- a) **A tree protection plan to scale that shows:**
  - i. **All Tree Protection Zones and Structural Root Zones**
  - ii. **All Tree Protection Fencing**
  - iii. **Areas where ground protection systems will be used**
  - iv. **The type of footings within any Tree Protection Zone**
  - v. **The location of services within any Tree Protection Zone**
- b) **The location and design of Tree Protection Fencing.**
- c) **Details of appropriate footings within the Tree Protection Zone.**
- d) **The method of installing any services through the Tree Protection Zone.**
- e) **Details of how the root zone within the Tree Protection Zone will be managed throughout the project.**
- f) **A timetable outlining works requiring supervision by the Project Arborist.**

g) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

**When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.**

### **Section 173 Agreement**

33. Prior to the commencement of the development hereby permitted, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the Owners of the land and the Responsible Authority in a form satisfactory to the Responsible Authority providing for:

- Unrestricted public pedestrian and bicycle access through the pedestrian link from Stewart Street to Hardy Street along the eastern site boundary for 24 hours a day (364 days of the year).
- The owners of the land to indemnify the Moreland City Council against any claims associated with the use of the pedestrian link between Stewart and Hardy Streets within the site.

The agreement must be registered on title. The owner must pay the reasonable costs of the Responsible Authority in relation to the preparation, execution and registration of the agreement on title.

### **Permit Expiry**

34. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the issue date of this permit.
- The development is not completed within four (4) years of the issue date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

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

**Note 1:** This permit has been issued in accordance with the Victorian Civil and Administrative Tribunal's Order P458/2016 dated 2 May 2017.

**Note 2:** Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

The Responsible Authority may amend this permit under Division 1A of Part 4 of the *Planning and Environment Act 1987*.

Date of amendment: 13-May-2020

Amendment Number: MPS/2015/269/A

**Brief description of amendment:**

Amendment to plans to show:

- Demolition of part of the boundary wall on the southern boundary
- Alterations to the fencing materials and height on the east and west boundaries
- Relocation of the substation to the south-eastern corner of the site adjoining Stewart Street.

Amendment to wording of Condition 1o

Date of amendment: 26-Oct-2022

Amendment Number: MPS/2015/269/B

**Brief description of amendment:**

Amendment to plans to show:

- Construction of a first floor terrace to Lots 3 and 6 (Units 1 and 4 at 35 Stewart Street)

Amendment to wording of Condition 4

Date of amendment: 26-Oct-2022

Amendment Number: MPS/2015/269/C

**Brief description of amendment:**

Amendment to plans to show:

- Enclosed balcony to Lot 25 (12 Hardy Street, Brunswick). Plans that show changes to be read in conjunction with previously endorsed plans.

Date of amendment: 04-Nov-2022

Amendment Number: MPS/2015/269/D

**Brief description of amendment:**

Endorsed plans to be read in conjunction with previously endorsed plans which shows the roof to the balcony at (Lot 26) 12A Hardy Street, Brunswick

Date of amendment: 27-Mar-2023

Amendment Number: MPS/2015/269/E

**Brief description of amendment:**

Endorsed plans to be read in conjunction with previously endorsed plans which shows a glass door to first floor southern elevation and two skylights to Lot 22 (19/35 Stewart Street, Brunswick)

Date of amendment: 19-Feb-2024
Amendment Number: MPS/2015/269/F
<b>Brief description of amendment:</b> Extension of built form to cover existing courtyard of 12 Hardy Street (lot 25) to create a first floor decking and extended ground floor bedroom

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS: Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
	<p>Amend the development plans to increase the total number of dwellings from 58 to 59 by altering the layout of the retained building on Hardy Street.</p> <p>Delete the permit trigger of car parking reduction to align with amendment VC277 which replaced the previous requirement in Clause 52.06 of two car spaces per three-bedroom dwelling to requiring a minimum of zero spaces per dwelling and a maximum of two spaces.</p> <p>Correcting the permit address to 31-37 Stewart Street &amp; 12-20 Hardy Street &amp; 22 Hardy Street, Brunswick.</p>	Merri-bek City Council	Section 75

## REPORT

### 1. Background

#### Subject site

The site is an existing two storey brick building belonging to a wider townhouse development. It has a frontage to Hardy Street at the corner where the street turns from an east-west to a north-south orientation. The entire development occupies 31-37 Stewart Street and 12-20 Hardy Street, Brunswick and is comprised of 56 completed townhouses of 2-3 storeys. The current proposal is the final part of the development to be completed.

The title contains a legal requirement for unrestricted public pedestrian and bicycle access from Stewart Street to Hardy Street.

#### Surrounds

Immediately north of the site is the pedestrian access into the development followed by a three storey townhouse. South of the site are three storey townhouses. West of the site is communal open space within the development, including barbecue facilities, landscaping, pedestrian pathways, and internal vehicle access roads. Further west are additional dwellings within the development. East of the site is Hardy Street, with a street tree located in the road reserve. Across Hardy Street is a single storey dwelling.

The surrounding area is mainly residential with single and double storey dwellings.

A location plan forms **Attachment 1**.

#### The proposal

The current permit allows conversion of an existing two storey brick building into two, three storey dwellings. The proposed amendment seeks to increase this to three dwellings. The amendment is summarised as follows:

	Approved Development	Proposed Amendment
<b>Height</b>	11.76 metres maximum height, 3 storeys with roof decks	11.76 metres maximum height, 3 storeys with roof decks
<b>No. of dwellings</b>	2 dwellings, 3 bedrooms each	3 dwellings, 3 bedrooms each
<b>Private open space</b>	To each dwelling: First floor west-facing terrace; Second floor east-facing terrace; and roof deck	Unit 1: First floor west facing balcony and roof deck Unit 2 & 3: First floor east facing balcony and roof deck
<b>On-site car parking</b>	4 spaces accessed via one double vehicle crossover (8.37 metres wide)	6 spaces accessed via three separate crossovers (9 metres total width)
<b>On-street car parking</b>	11 on-street car spaces between the northern edge of proposed crossover to the southern edge of the emergency vehicle access crossover	11 on-street car spaces between the northern edge of proposed crossover to the southern edge of the emergency vehicle access crossover

The following changes are proposed to the permit:

- Delete condition 1h) which was associated with a previous a garage door width requirement.
- Amend permit conditions 3 and 4 to allow roof decks for the proposed three dwellings.

The proposed development plans form **Attachment 2** and the current endorsed plans form **Attachment 3**.

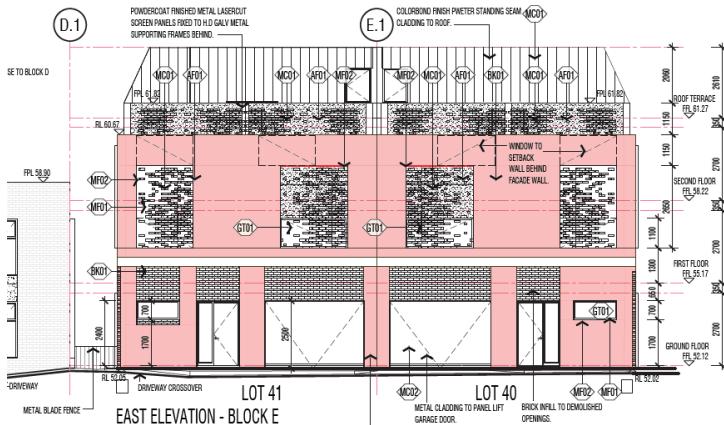


Figure 1: Approved East Elevation (Hardy Street frontage) of Development



Figure 2: Proposed East Elevation (Hardy Street frontage) of Development

The following procedural amendments to the permit are needed:

- Removing the permit trigger for car parking, to align with the current requirements for car parking (Clause 52.06)
- Correcting a clerical mistake with the address on the permit.

## Planning Permit and Site History

Planning permit application (MPS/2015/269) proposed a townhouse development, which was connected through an internal road and pedestrian network. The application received 93 objections. Council at the then Urban Planning Committee refused the application, which resulted in a Victorian Civil and Administrative Tribunal (VCAT) review being lodged. Prior to the VCAT hearing, amended plans were circulated which resulted in many objector parties withdrawing, as their concerns had been satisfied. Relevantly the deletion of the roof decks from the development and a bollard restricting vehicle access to Hardy Street were some of the things that satisfied objector concerns. Council continued to advocate for a refusal, noting VCAT ultimately supported the application resulting in a planning permit being issued on 27 July 2017, for the construction of 58 dwellings.

Since the issue of the planning permit, there has been a number of amendments to the plans.

The subdivision (Stage 2, final plan) was registered on 21 December 2021. The buildings on the lots were approved for occupation around November 2021, based on Building records.

## Statutory Controls – why was the original planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone	A permit is required to construct more than one dwelling on a lot. No permit is required to use land as a dwelling.
Heritage Overlay	A planning permit is required to demolish or remove a building, construct a building or construct or carry out works. The Heritage Overlay applies to the front portion of the site. It does not apply to the part of the site that is the subject of this proposed amendment to the permit.

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 DCP condition was part of the original planning permit and has been paid.
- 52.06 – Car Parking: It is noted that under the current planning scheme, the development, no longer needs a planning permit to reduce the amount of car parking to be provided.
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 55: Two or more dwellings and residential buildings.

## 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 two signs on the Hardy Street (east) and west frontages of the site.

Council has received 20 objections to date. Under the initial advertising, 19 objections were received, 16 of which were received from different properties. One additional objection has been received during the second advertising period, as discussed below. Notably 12 objections have been received from residents within this recently completed development and 7 from residents in the surrounding streets. One objection received did not include a property address. A map identifying the location of objectors forms **Attachment 2**.

The key issues raised in objections are:

- Car parking and traffic impacts
- Impacts from crossovers including safety concerns, reduction of on-street parking and uncharacteristic of streetscape character
- Overlooking
- Neighbourhood character
- Building height and bulk
- Insufficient front setback
- Loss of original warehouse features
- Impact on daylight of adjoining properties
- Overshadowing of adjoining properties and communal open space
- Roof terrace concerns (privacy, lights, noise from occupants and A/C units, odour emissions, previously refused by VCAT)

- Overdevelopment
- Construction impacts and infrastructure
- Broader development issues & compliance concerns (including concerns about unfinished works, developer contributions, landscaping, street tree planting)
- Compliance with original VCAT decision

A Planning Information and Discussion meeting was held on 30 September and attended by Cr Liz Irvin and the then Deputy Mayor Cr Helen Politis, two Council Planning Officers, the applicant, six objectors and two residents who did not object. Relevantly the two residents who did not object, are not entitled to receive a decision from Council. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Following the discussions at the PID meeting, it was resolved by the applicant to amend the plans, to address some of the concerns raised by objectors. The following changes were made:

- Western rooftop terrace setback increased to 1.5m.
- Perimeter screen height reduced from 1.7m to 1.2m; existing brick parapet retained.
- Rooftop deck areas reduced to 111sqm (total area) in lieu of the previously proposed 145sqm (total area)
- 1.5m planter boxes added along western, northern, and southern rooftop edges
- Glass balustrades (1.2m high) added to western and partial northern/southern terraces to reduce visual bulk.
- Perimeter screen updated to metal cladding (MC01, 'Surfmist' or similar) in a lighter colour tone.
- Sightline diagrams (Sheet TP14) confirm no overlooking into Lot 42's private open space due to planter box placement and terrace design.

The following additional changes were made to plans (not in response to objector concerns):

- Overlooking screens updated with fixed blades.
- Additional windows added to south-facing ground floor garage and first floor living/dining areas.
- Wider windows on the western second floor.
- Balustrade materiality adjusted.
- Metal shrouding introduced to rear elevation.

The amended proposal was re-advertised and resulted in 10 objections, comprising nine from existing objectors and one new objection. The original objectors remain and this brings the total number of objections to 20.

#### **Internal/external referrals**

The proposal was referred to the following internal branches/business units:

<b>Internal Branch/Business Unit</b>	<b>Comments</b>
Urban Design Unit	Supports the proposal and the proportion of existing brick façade retained.

Internal Branch/Business Unit	Comments
Transport - Development Engineering	<p>Supports the northern crossover showing a 0.5 metre splay to the northern side of Unit 3's vehicle crossing for retention of the street tree.</p> <p>Additional traffic generated is not expected to cause unacceptable congestion.</p> <p>Recommendations are addressed by conditions of the recommendation or are considered further in Section 4 of this report.</p>
Sustainable Built Environment - ESD Team	<p>Supports the proposal subject to conditions.</p> <p>Recommended conditions include ESD initiatives to be shown on the plans and NatHERS demonstrating minimum 7 stars.</p>
Planning Arborist	<p>Supports retention of the street tree subject to a tree protection management plan ensuring recommendations made with respect to protection of the retained street tree, are fulfilled.</p> <p>Recommendations are addressed by conditions.</p>

### 3. Policy Implications

#### Planning Policy Framework (PPF)

From 6 March 2025, townhouse developments in Victoria are only assessed against clear numerical "deem to comply" standards, while applications lodged before this date still require a full assessment against the entire planning policy framework, including local and state policies. As the original permit was issued before 6 March 2025 the following policies are relevant to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Settlement (Clause 2.03-1)
  - Environmental and Landscape Values (Clause 2.03-2)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Built Environment and Heritage (Clause 2.03-4)
  - Housing (Clause 2.03-5)
  - Transport (Clause 2.03-7)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
  - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
- Built Environment (Clause 15.01), including:
  - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
  - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
  - Building Design (Clause 15.01-2S & 15.01-2L)
  - Building Design in Neighbourhood and Local Centres (Clause 15.01-2L)
  - Healthy Neighbourhoods (Clause 15.01-4S & 15.01-4R)
  - Neighbourhood Character (Clause 15.01-5S)
  - Minimal and Incremental Change Areas (Clause 15.01-5L)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)
  - Energy efficiency in Merri-bek (Clause 15.01-2L-04)

- Residential Development (Clause 16.01), including:
  - Housing Supply (Clause 16.01-1S & 16.01-1R)
  - Homes in Merri-bek (Clause 16.01-1L)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S & 18.02-1L)
  - Cycling (Clause 18.02-2S & 18.02-2L)
  - Public Transport (Clause 18.02-3S & 18.02-3L)
  - Car parking (Clause 18.02-4S & 18.02-4L)
- Infrastructure (Clause 19.02), including:
  - Open Space (Clause 19.02-6S, 19.02-6R & 19.02-6L)

### **Planning Scheme Amendments**

From 18 December 2025, statewide car parking reforms under Amendment VC277 replaced the previous requirement of two car spaces per three-bedroom dwelling. The new provisions use a new concept of the Public Transport Accessibility Level (PTAL), an internationally recognised way to measure a location's public transport connections. This PTAL mapping divides Victoria into four categories that set the new parking rates. The site is in both Category 2 and Category 3 areas, but Category 3 applies for rate calculations, requiring a minimum of zero spaces per dwelling and a maximum of two spaces. Under the transitional provisions at Clause 52.06-10, the least restrictive rate between the old and new rules applies, so the Category 3 minimum of zero spaces applies to this application.

### **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 13: Privacy and Reputation. An assessment any potential for unreasonable overlooking has been undertaken in section 4 of this report.

## **4. Issues**

In considering this application, regard has been given to the relevant policy and provisions of the Merri-bek Planning Scheme, objections received and the merits of the application.

### **Does the proposal have strategic policy support?**

Council's Housing Framework Plan designates this area for minimal housing change where a mix of single dwellings and lower density multi-dwelling developments should contribute to a low density, open and landscaped character.

The site has good access to a range of infrastructure and services. An existing approval is already in place for 58 dwellings, 56 of which have been constructed. The amended proposal seeks to increase the total number of dwellings by one (59 total). The proposed development therefore represents a minimal level of change in the context of a large land parcel and is supported by planning scheme policy.

### **Are the proposed amendments acceptable?**

#### *Increase from two to three dwellings*

The proposal to convert the existing building into three dwellings is acceptable as they fit comfortably within the building envelope, provide good internal amenity, and minimise off-site impacts, subject to conditions discussed below.

### *Building height*

The VCAT decision for the original permit application determined that the proposal benefited from the transitional provisions of the Neighbourhood Residential Zone. This means that because the original application was lodged before the introduction of mandatory two storey and 9 metre height limits, it did not have to comply with these requirements. The three storey buildings were therefore permitted.

The amended proposal maintains a maximum building height of 11.76 metres which is consistent with the existing approval. Notably, there are less roof top structures in the amended proposal which has reduced the overall size of the building.

### *Roof decks*

Roof decks were a key concern for objectors during the original application process, particularly those located adjoining the back yards of Connelly Street properties to the west of the site. In response, Conditions 3 and 4 of the permit, which prohibit roof decks, were introduced as part of an agreement reached during the VCAT review to address these concerns. This agreement was supported by many objecting parties.

In a subsequent amendment approval, roof decks were endorsed, on the retained building only, which is the location of this amendment application.

Council can amend or delete conditions, even when they have formed the basis of objectors withdrawing from VCAT proceedings, provided public notice is undertaken. The subject building is a standalone structure that is well separated from all dwellings external to the development, especially those on Connelly Street. As further amended the roof decks provide additional private open space without unreasonably impacting the amenity of neighbouring properties primarily due to the 1.5 metre-deep setbacks from the building edge which limits overlooking and downward views. The recommendation seeks to amend condition 3 and 4 to allow roof decks only on 22 Hardy Street (Lots 40 & 41 on the plans). The amended proposal which form the decision plans have reduced the size of the roof decks in area from 145sqm to 111sqm to respond to objector concerns.

### **Does the proposal respond to neighbourhood character and the street?**

The proposal largely retains the existing building and its red brick façade, with alterations and additions including glazed openings, garage access and roof decks to accommodate the conversion of the warehouse to housing. While the site is not within a heritage precinct, retaining as much of the original brickwork as possible is preferred, as it contributes positively to the established streetscape character. This is a positive outcome for the development. The amended proposal (decision plans) changes the colour of the upper-level metal cladding to a lighter grey colour (Surfmist). This responds to objector concerns about the visual impact of the upper level and improves the building's appearance so it better fits with the rest of the development and the streetscape.

### **Does the proposal result in any unreasonable off-site impacts?**

The proposal increases the southern wall height by 1.2 metres, which does not meet the standard that seeks to protect daylight to existing windows. The amended proposal (decision plans) has reduced the southern wall height, which previously proposed an increase to the southern wall of up to 2.3 metres. It is also noted that neither the owner or occupier of the neighbouring dwelling has objected to the proposal.

Notwithstanding, the non-compliant setback to the affected first floor window of the adjoining dwelling is acceptable for the following reasons:

- The first floor window is set back 1.7 metres from the existing wall and is unlikely to be significantly affected by the 1.2 metre height increase opposite this window.
- Additionally, this habitable room has a large west-facing window that provides an additional daylight source.

Overlooking was raised as a concern by objectors. The planning scheme requires consideration of habitable room windows (HRW) and areas of secluded private open space (SPOS) within a 9 metre distance. In this case, there are no sensitive areas to the east or west, as the habitable room windows and private open space of neighbouring dwellings are more than 9 metres from the proposed development.

The dwelling to the north has two ground level windows within 9 metres that would be impacted by the development. Two of the north facing windows of the proposal have a sill height of 1.7 metres above the floor level which complies with the planning scheme. The other two north facing habitable windows (living and bedroom) are non-compliant with the overlooking standard. This variation is acceptable as the two impacted windows are already screened with translucent glazing. Further, the affected property was notified and did not object to the proposal.

To the south, there is a neighbouring HRW and SPOS within 9 metres of the first floor balcony and three windows at the first and second floors of Unit 1. The plans show that the eastern edge of the southern balcony and the second-floor bedroom 1 window are screened with a 0.65-metre-wide solid blade, preventing direct views into this house. The first floor dining room window and second-floor bedroom 2 window are screened with fixed metal vertical blades. A condition of the recommendation requires detailed diagrams of the balcony and window screens to show they comply with the overlooking standard. It is noted that the affected property was notified and did not object.

To the south-east, two habitable room windows are within 9 metres of the east-facing living room and bedroom windows of Unit 1. These windows are also screened with fixed metal vertical blades, and a condition requires diagrams to demonstrate compliance with the overlooking standard.

Under the amended proposal (decision plans), the rooftop level now includes 1.5-metre setbacks from the north, east and south edges, with planter boxes, a reduced balustrade height from 1.7 metres to 1.2 metres, and a lighter-coloured material. These changes respond to objector concerns about the visual bulk and appearance of the upper level. Sightline diagrams provided by the applicant show that the setbacks and planter-box balustrades prevent any direct views into neighbouring habitable room windows or private open space within 9 metres, avoiding overlooking.

### **Does the proposal provide appropriate onsite amenity and facilities?**

The proposal provides good housing for future occupants, due to compliance with standards that relates to daylight, private open space provision and storage facilities.

### **What impact does the proposal have on traffic and safety in the local area?**

The proposal is expected to generate about 8 extra vehicle movements per day on Hardy Street. This is within the street's capacity and is not expected to cause traffic problems.

Swept path diagrams provided by the applicant prepared by a traffic engineer show that vehicles can enter and exit all proposed garages. Council's Engineers reviewed these paths and noted that for Unit 1, vehicles need to drive close to the edge of the crossover to enter and exit. This is considered acceptable because this house is on a street corner, and it is not possible to meet all requirements fully. Widening the crossover is also not possible due to an existing power pole to the east.

### **Has adequate car parking been provided?**

A change to all Victorian Planning Schemes on 18 December 2025, updated the car parking requirements for all land uses. Previously, the proposal required 6 car parking spaces for three 3-bedroom dwellings. The new requirements set a minimum of zero spaces per dwelling and a maximum of two spaces. The development provides six on-site spaces which meets the Merri-bek Planning Scheme requirements.

Objectors raised concerns about the loss of on-street car parking due to the three proposed vehicle crossovers.

The three proposed crossovers combine for a width of 9 metres across the 18.95-metre frontage. This layout would typically not be supported by Council's Vehicle Crossing Policy, which seeks 8 metres of separation between crossovers to preserve on-street parking. Council's Engineers estimate that the crossover layout could result in the loss of two on-street spaces directly in front of the building. Whilst removing the middle dwelling's garage/crossover and associated car parking was a solution offered by Council's Engineers, this has not been pursued, for reasons outlined below.

A review of available on-street car parking has revealed that under both the existing approval and the current proposal, 11 on-street spaces along this section of Hardy Street are retained, measured from the northern-most vehicle crossover proposed to the next vehicle crossing along Hardy Street, which is an emergency vehicle access crossover approximately 66 metres north. This is the result of the development having very few crossovers along Hardy Street, with only this corner section of Hardy Street having multiple crossovers, which occupies just 8.8% of the site's 102-metre frontage to Hardy Street. Therefore the proposal would provide an acceptable streetscape outcome, as the impact on on-street parking is not unreasonable when considering the overall development.

#### **Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?**

ESD features of the development are considered to be adequate and include:

- 7.2kW solar PV system (2.4kW for each dwelling)
- 6,000 litre rainwater harvesting and reuse system
- EV charging car space per dwelling
- 3 residential bicycle parking spaces (one per dwelling)

The existing approval provided a rainwater tanks, solar panels and bicycle space to the two previously approved dwellings.

#### **Does the proposal result in loss of trees and habitat?**

There is one street tree adjacent to the site on Hardy Street. The proposal has been designed to ensure retention of the existing street tree. Council's Planning Arborist supports retention of the street tree subject to conditions including the recommendation that require tree protection.

### **5. Response to Objector Concerns**

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

- Car parking and traffic impacts
- Impacts from crossovers including safety concerns, reduction of on-street parking and uncharacteristic of streetscape character
- Overlooking
- Neighbourhood character
- Building height and bulk
- Loss of original warehouse features
- Impact on daylight of adjoining properties

Other issues raised by objectors are addressed below.

## Overdevelopment

The proposal is not considered to be an overdevelopment, noting it increases the yield by one dwelling and fits comfortably within the existing structure. The amendment does not alter key measures of the approved development that would typically indicate overdevelopment, specifically, the overall site coverage remains at approximately 50%, there is no increase in building heights and the amount of landscaped and permeable areas within the development is unchanged and on-site car parking requirements are met.

## Insufficient front setback

The existing building which is constructed to the street edge, is retained. The proposal does not seek to alter the front setback from the existing conditions, or the existing approval.

## Roof terrace concerns (privacy, lights, noise from occupants and A/C units, odour emissions, previously refused by VCAT)

Concerns regarding overlooking and the previous VCAT decision, restricting roof top decks of dwellings on the western side of the entire development, have been addressed in Section 4. The residential use of the dwellings does not require a planning permit. Residential noise associated with a dwelling and private open space is considered normal and reasonable in an urban setting. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter. The roof decks will be used for residential purposes, no unreasonable off-site amenity impacts or emissions are expected. A standard condition requires lighting on balconies and roof decks to not emit light onto adjoining properties.

## Overshadowing of adjoining properties and communal open space

The overshadowing standard in the planning scheme requires an assessment of shadows cast onto secluded private open space of neighbouring properties. This doesn't include overshadowing of communal spaces.

The dwellings to the south and south-east have outdoor areas in the form of first-floor balconies. These balconies are located toward the rear (south) of the dwellings, set within the building envelope (not projecting outward), and facing the west and east as shown in Figure 3 below. The submitted shadow diagrams confirm that the proposed development does not cast shadows over any SPOS. Shadows are limited to ground level common areas within the development and the roof forms of the southern dwellings, not their private open spaces (refer figure 4).

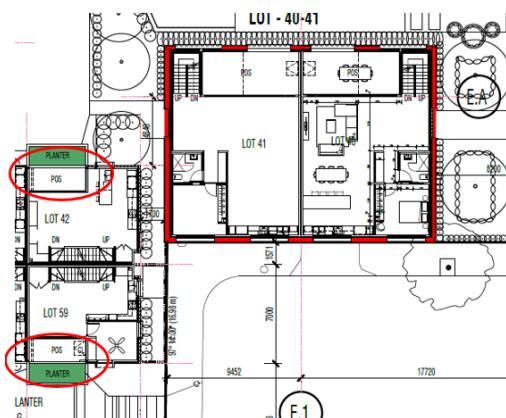


Figure 3: Approved First Floor Plan of Development – southern neighbouring SPOS circled red (endorsed plan for MPS/2015/269/A)

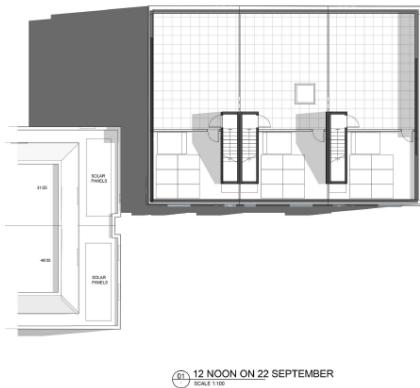


Figure 4: Proposed shadow diagram at 12 noon at the September Equinox

### **Broader development issues & compliance concerns (including concerns about unfinished works, developer contributions, landscaping, street tree planting)**

The permit allows time to complete a development. The permit is still valid and there is time left for completion of works. If there are any aspects of the development which have not been carried out in accordance with the endorsed plans.

It is important to note that concerns relating to workmanship, construction quality, or building defects fall outside the scope of Council's planning responsibilities. These matters should be directed to the developer or builder and may be covered under warranty provisions administered by Consumer Affairs Australia. Builders are legally required to meet certain standards and obligations when they do building work.

### **Construction impacts and infrastructure**

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

A Construction Management Plan is required to be approved under the General Local Law by Council's Amenity & Compliance Branch before construction starts. A Construction Management Plan outlines how the impact of the construction will be minimised. The recommendation includes a note regarding construction management.

Concern was raised with the impact of the dwellings on infrastructure, particularly a utility pole and sewer pipe. 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. The development plans dimension a 1 metre setback from the power pole to the proposed vehicle crossing. Condition 30 of the recommendation will ensure that the 1 metre setback remains, or the power pole is relocated should vehicle crossing location change.

### **Compliance with original VCAT decision**

Under the *Planning and Environment Act 1987*, amendments to a planning permit are allowed and may result in development outcomes that differs from the original approval. Any proposed amendment is subject to an assessment against relevant planning policy and site conditions, at the time of assessment, including the views of objectors following public notice, as has occurred with this 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 with conditions will achieve a balanced and acceptable planning outcome. The proposal delivers good internal amenity for future residents as demonstrated in its compliance with standards that relate to daylight, private open space provision and through incorporating a range of Environmentally Sustainable Design features into the development. The proposal minimises off-site impacts to surrounding residential properties, subject to appropriately addressing wall height and overlooking concerns. The proposal also aligns with planning policy by modestly increasing housing yield in a well-serviced location, with good access to a range of infrastructure and community services.

Based on an assessment against the standards and objectives of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) and relevant policy guidelines, it is recommended that a Notice of Decision to Grant an amendment to Planning Permit MPS/2015/269/G be issued subject to the conditions included in the recommendation of this report.

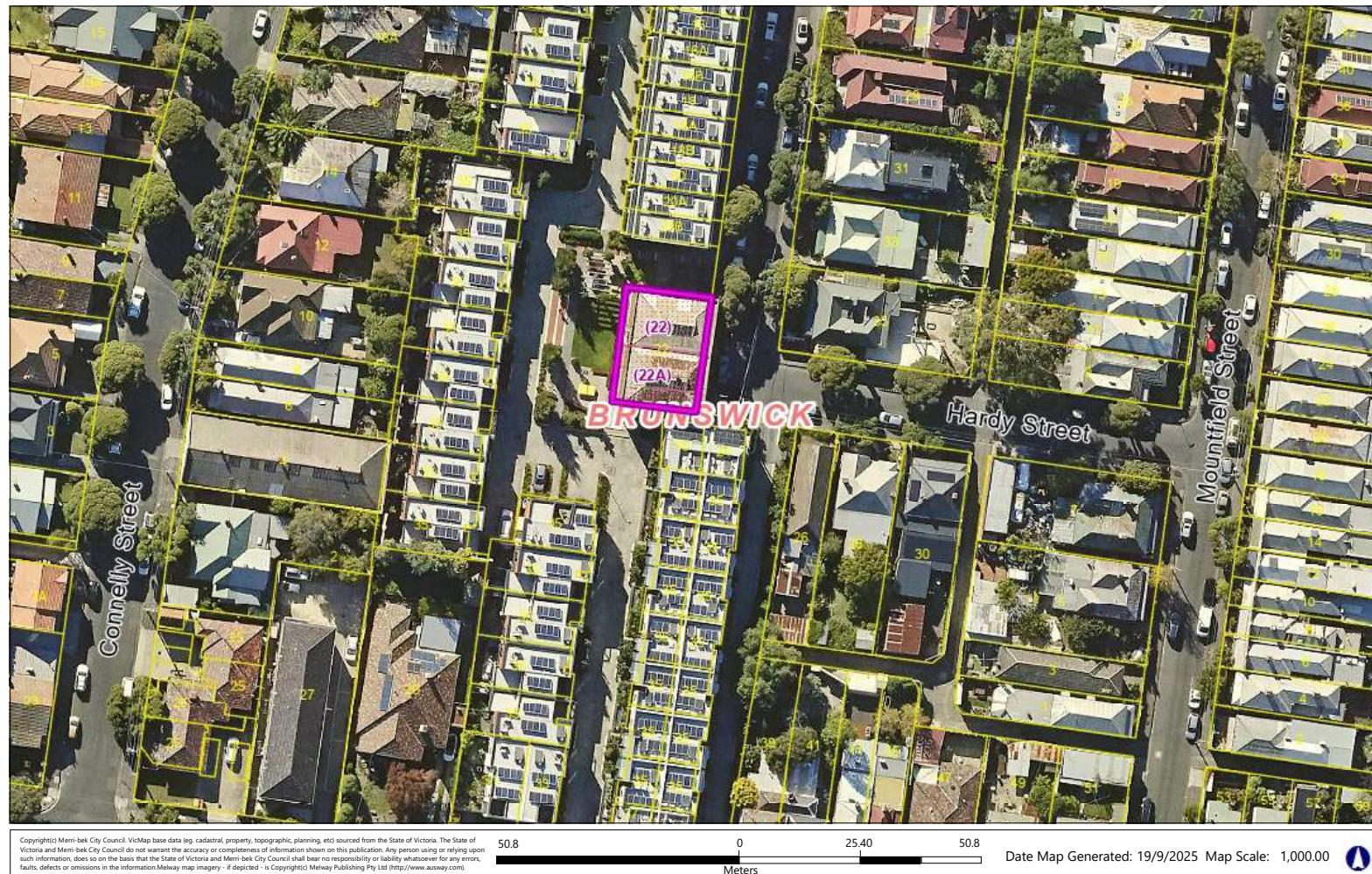
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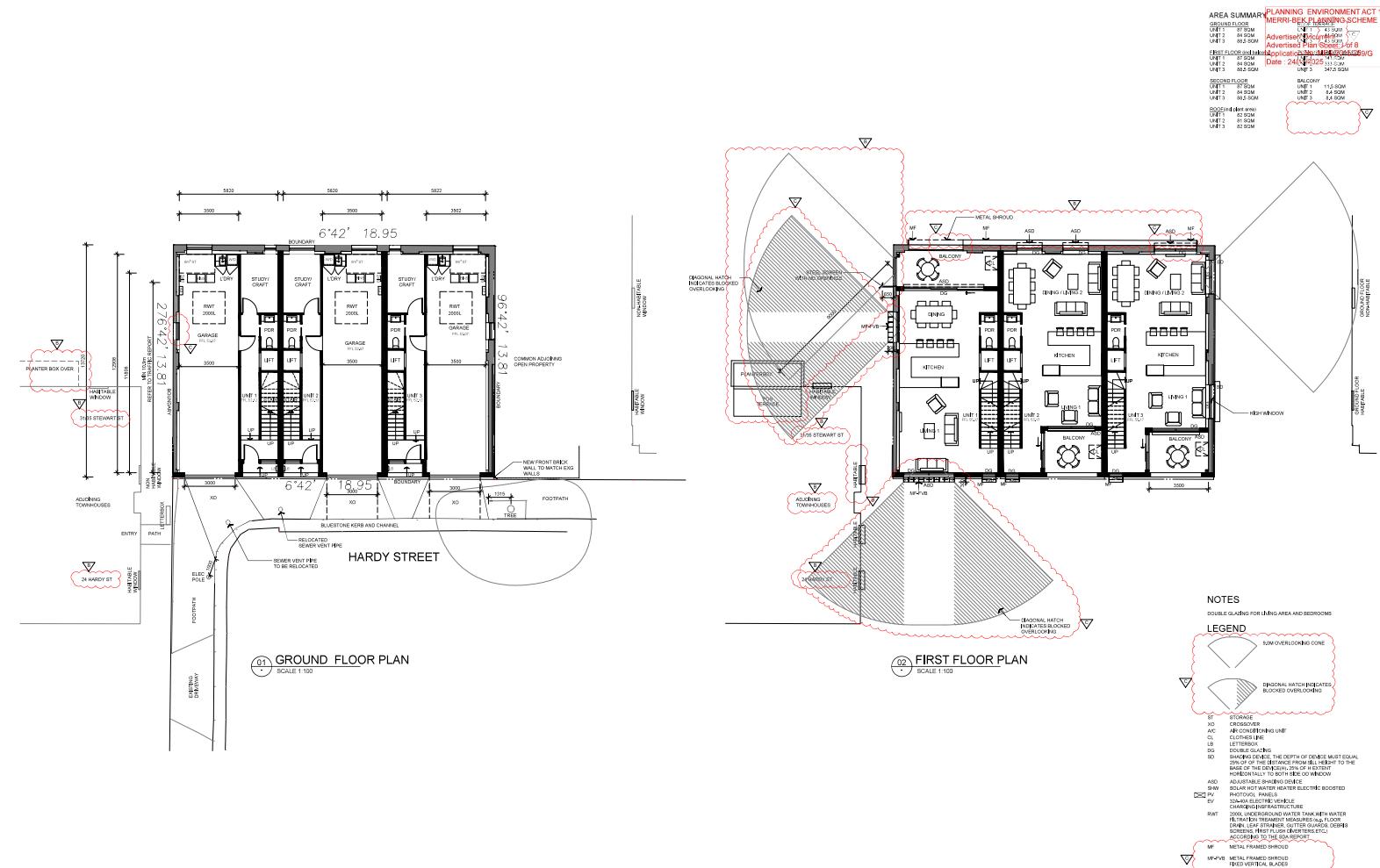
<a href="#"> 1</a>	Location Map	D25/502928
<a href="#"> 2</a>	Development Plans	D26/675
<a href="#"> 3</a>	Existing Amended Endorsed Plans	D25/502945
<a href="#"> 4</a>	Objector Map	D25/503041

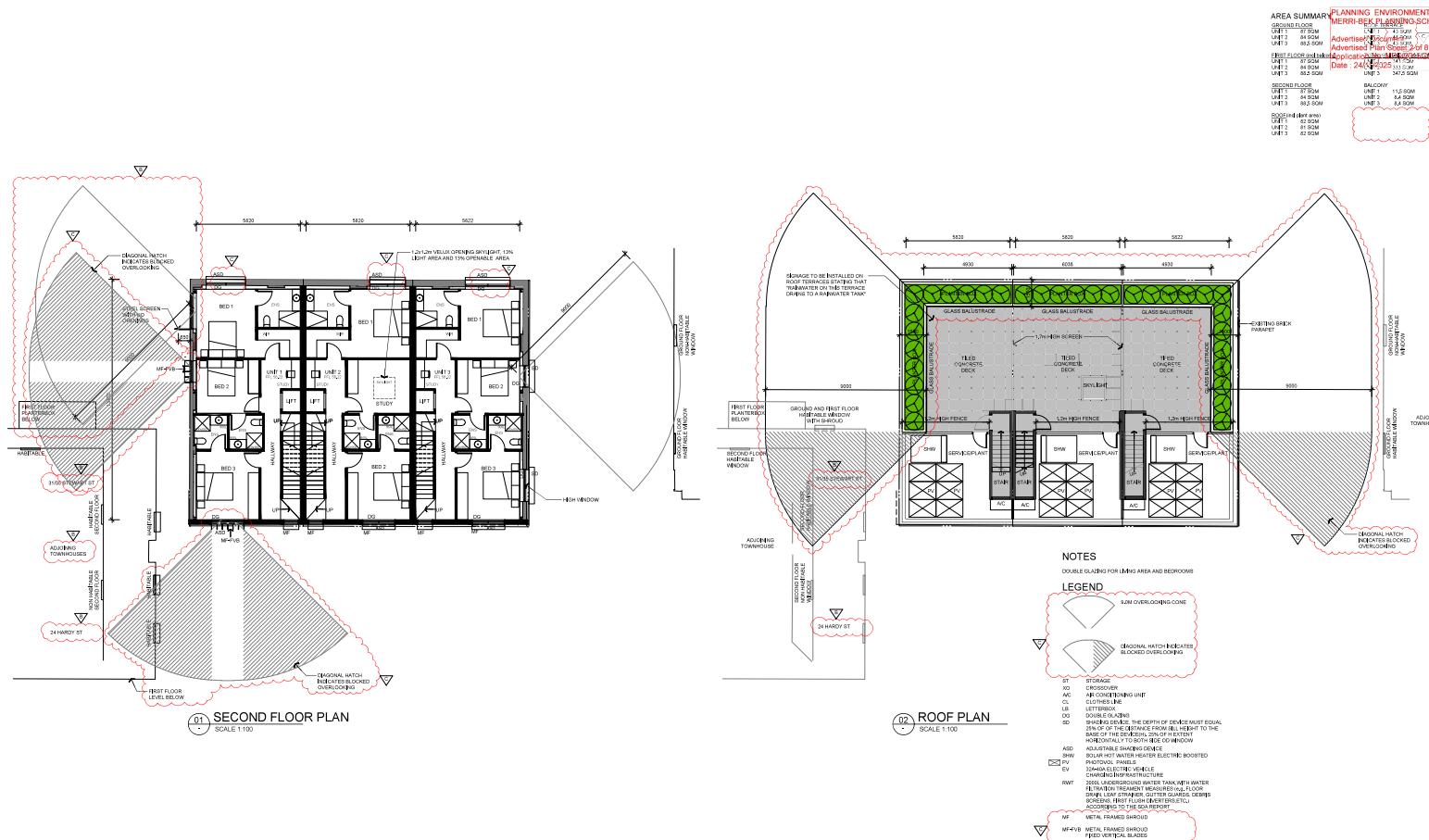
## Location Map

22 Hardy Street, Brunswick

 = Subject site







Architect	Client	Project	Drawings	Notes
CAULFIELD KRIVANIEK ARCHITECTURE ARCHITECTS/PLANNERS/INTERIOR DESIGNERS 1192 Toorak Road Cremorne VIC 3124 Australia Telephone +61 3 9556 4000 Email: info@ckgroup.com.au Website: www.ckgroup.com.au		PROPOSED MULTI-RES DEVELOPMENT Address: 22 HARDY STREET BRUNSWICK	Second Floor TP07 23023	Drawn No. TP07 Scale: 1:100 Date Drawn: 16/10/2024 Drawn by: SY Reviewed by: CA Reviewed Date: 23/02/2025
22/01/2024 AMENDMENTS AS CLOUDED 22/09/2023 AMENDMENTS AS TAGGED 22/05/2023 REVISED DRAWINGS AND NOTES Date				
C P.M. CKA				
G P.M. CKA				
B P.M. CKA				
A S.Y. CKA				
No. By Date Revision	No. By Date Revision			

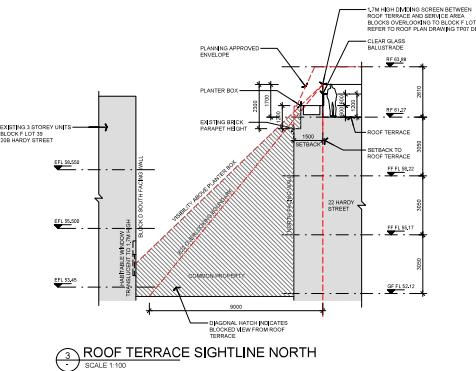
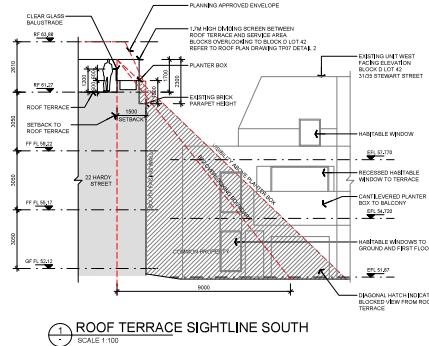
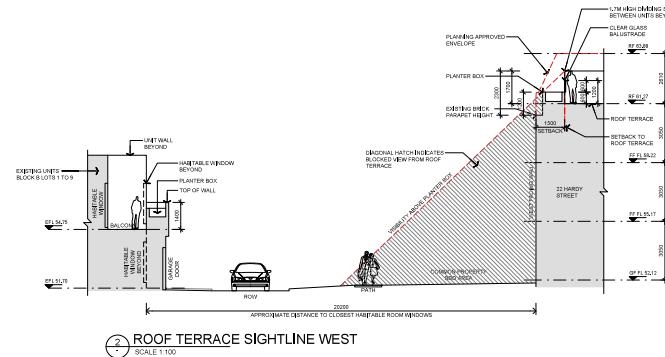


Amendments as Tagged										Architect		Client		Project		Drawing	
30/10/2025	AMENDMENTS AS TAGGED	B	P/M	CKA	A	S/Y	CKA			CAULFIELD KRIVANIEK ARCHITECTURE ARCHITECTS/PLANNERS/INTERIOR DESIGNERS 1192 Tonak Road Camberwell VIC 3124 Australia Telephone +61 3 9556 4000 Email: info@ckgroup.com.au Website: www.ckgroup.com.au				PROPOSED MULTI-RES DEVELOPMENT	Drawing No. TP	Job No. 23023	Rev. B
Date	Revision	No.	By	QA	Date	Revision	No.	By	QA	Address 22 HARDY STREET BRUNSWICK			Comments The full ownership and design illustrated by this drawing is the copyright of Caulfield Krivaniek Architecture and may not be copied or reproduced in any form without written consent of the company directors.	Design No. TP08	Design RC	Code A1	
														Date Started 16/10/2024	Date SY		
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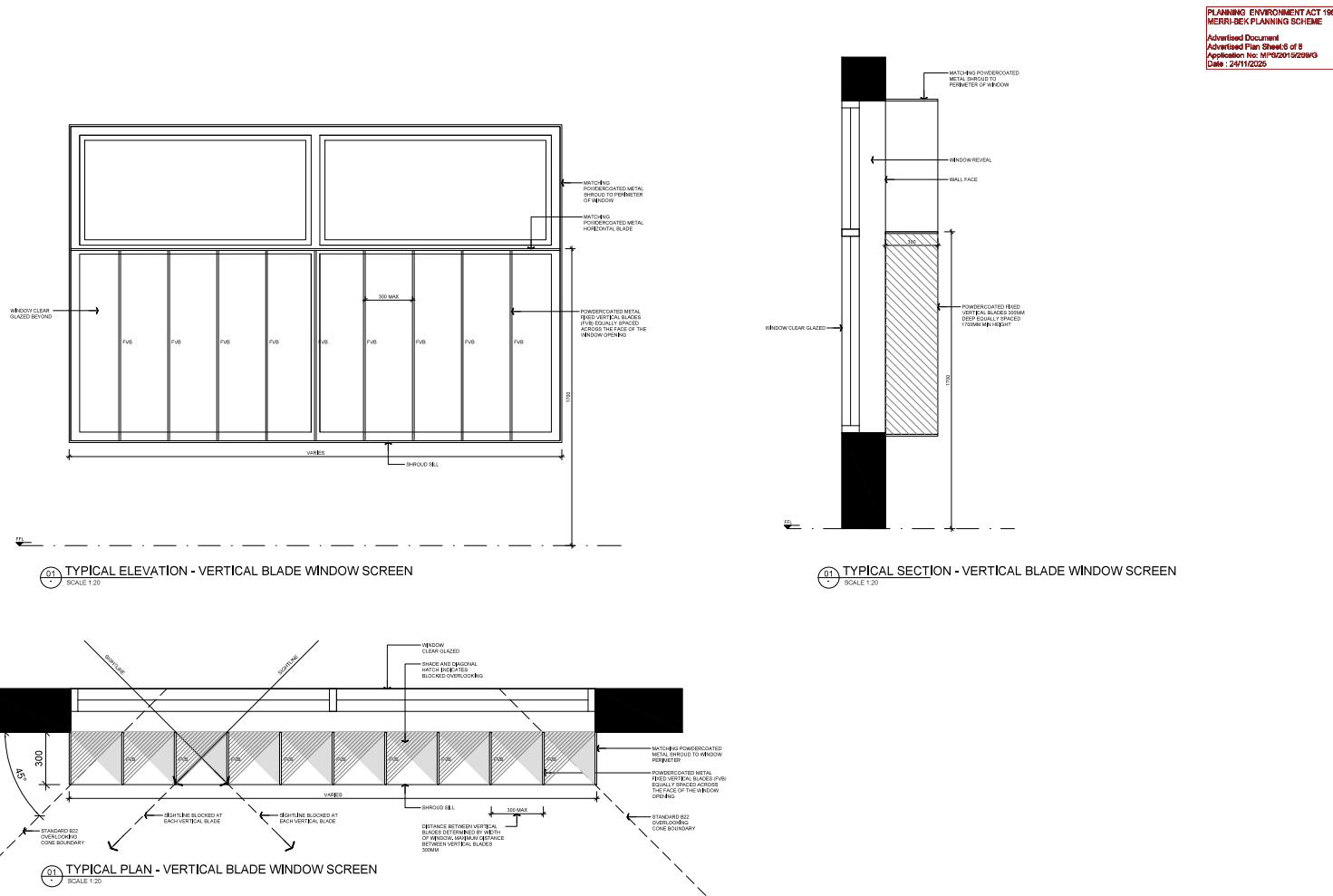


Architect	Client	Project	Drawing/TB	Sheet No.
CAULFIELD KRAVANEK ARCHITECTURE ARCHITECTS / PLANNERS / INTERIOR DESIGNERS 110/2 Tonkin Royal Campbell VIC 3124 Australia Telephone: +61 3 9540 1020 Email: info@caulkra.com.au Website: www.caulkra.com.au		PROPOSED MULTI-RES DEVELOPMENT	ELEVATIONS	
30/05/2024 AMENDMENTS AS TAGGED	C RM CKA		Design Stage	
15/05/2024 AMENDMENTS AS TAGGED	B PM CKA		TP	Job No. 23023
22/05/2024 ADDED SEQ&ASD AND UPDATE NOTES	A BY CKA			Date Drawn 16/05/2024
	Date Checked Signature	Address		Approved Signature
		22 HARDY STREET BRUNSWICK		
				The intellectual property rights in this drawing are the copyright of Caulfield Kravanek Architecture and Interior Designers. This drawing is the property of Caulfield Kravanek Architecture and Interior Designers and is to be returned to them on completion of the project.
				23023.PDS.DWG

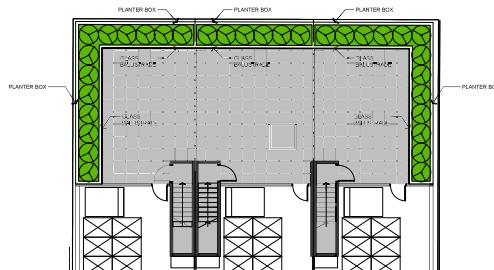
PLANNING ENVIRONMENT ACT 1967  
MERRI-BEK PLANNING SCHEME  
Advertised Document  
Advertised Plan Sheet 5 of 8  
Applicant: Inc. MP32015/2993  
Date: 24/11/2025



Architect	Client	Project	Drawings	Notes
CAULFIELD KRIVANIEK ARCHITECTURE ARCHITECTS/PLANNERS/INTERIOR DESIGNERS 1192 Toorak Road Camberwell VIC 3124 Australia Telephone +61 3 9556 4000 Email info@ckgroup.com.au Website www.ckgroup.com.au		PROPOSED MULTI-RES DEVELOPMENT Address 22 HARDY STREET BRUNSWICK	23023 TP14 1.100@A1 23023-TP14.DWG	Rev. A Code RC Date 16/10/2024 Drawn PM
30/10/2025 NEWSHEET ISSUE Date	A. P.M. CKA No. By QA Revision			

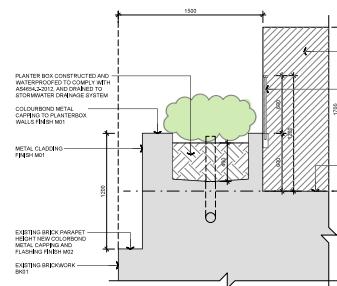


Architect	Client	Project	Screening Detail	Notes
CAULFIELD KRIVANIEK ARCHITECTURE ARCHITECTS (PLANNERS) / INTERIOR DESIGNERS 1192 Toorak Road Camberwell VIC 3124 Australia Telephone +61 3 9556 4000 Email <a href="mailto:info@ckgroup.com.au">info@ckgroup.com.au</a> Website <a href="http://www.ckgroup.com.au">www.ckgroup.com.au</a>		PROPOSED MULTI-RES DEVELOPMENT Address 22 HARDY STREET BRUNSWICK	Drawing No. <b>TP15</b> Job No. <b>23023</b>	Rev. <b>A</b> Code RC Date Started 16/10/2024 Date PM The full ownership and design illustrated by this drawing is the copyright of Caulfield Krivanek Architecture and may not be copied or reproduced in any form without written consent of the company directors. 23023-TP15.DWG



1 LANDSCAPING PLAN  
SCALE 1:100

• SCALE 1:100

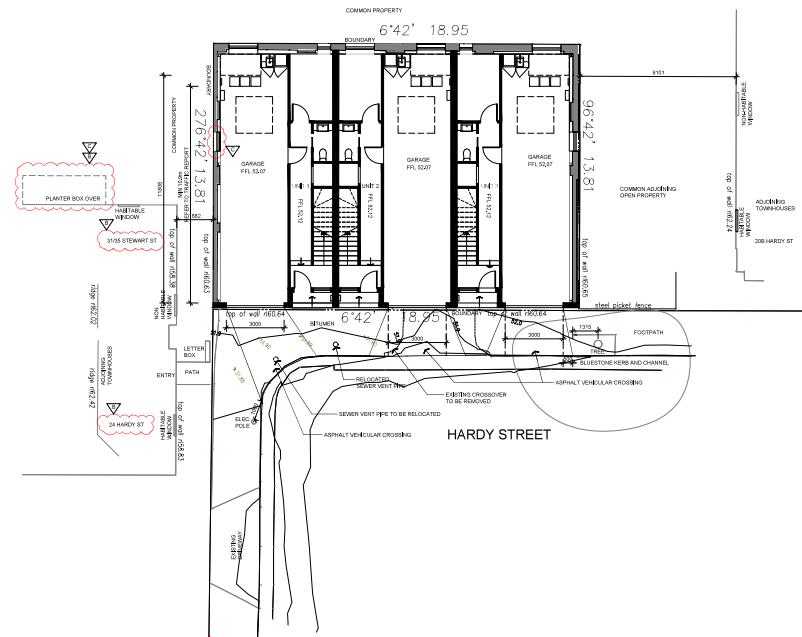


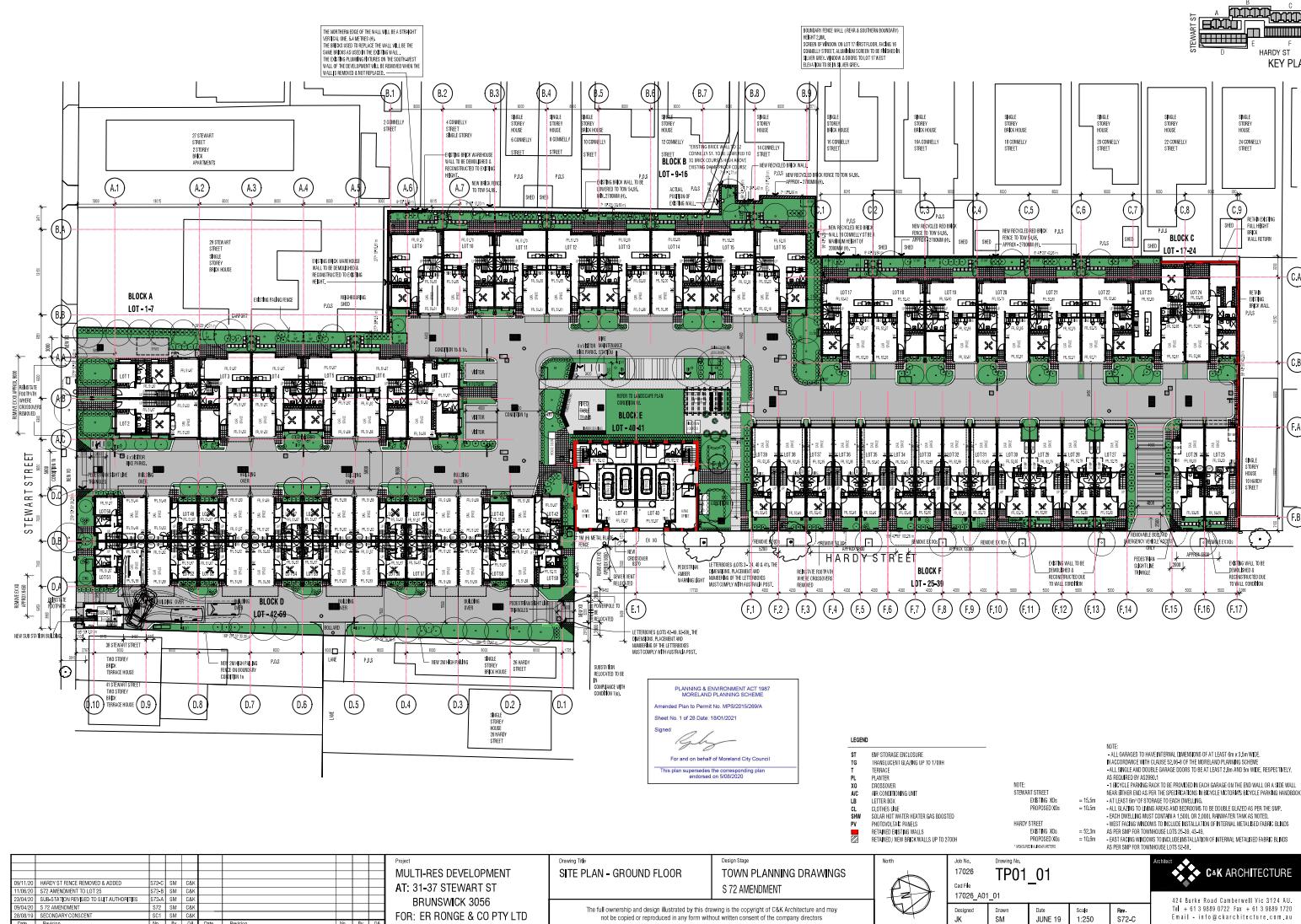
2 TYPICAL SECTION - PLANTER BO

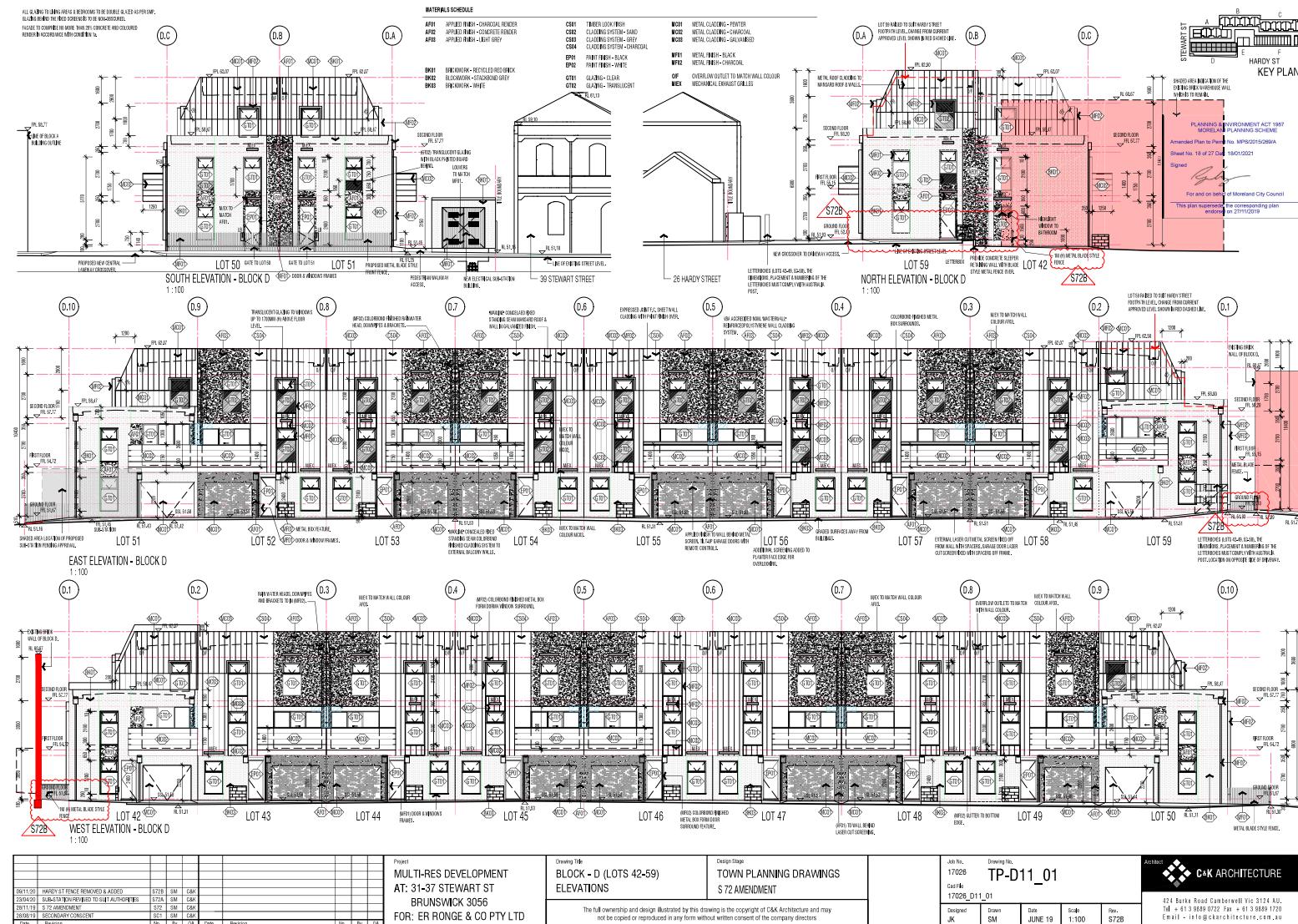
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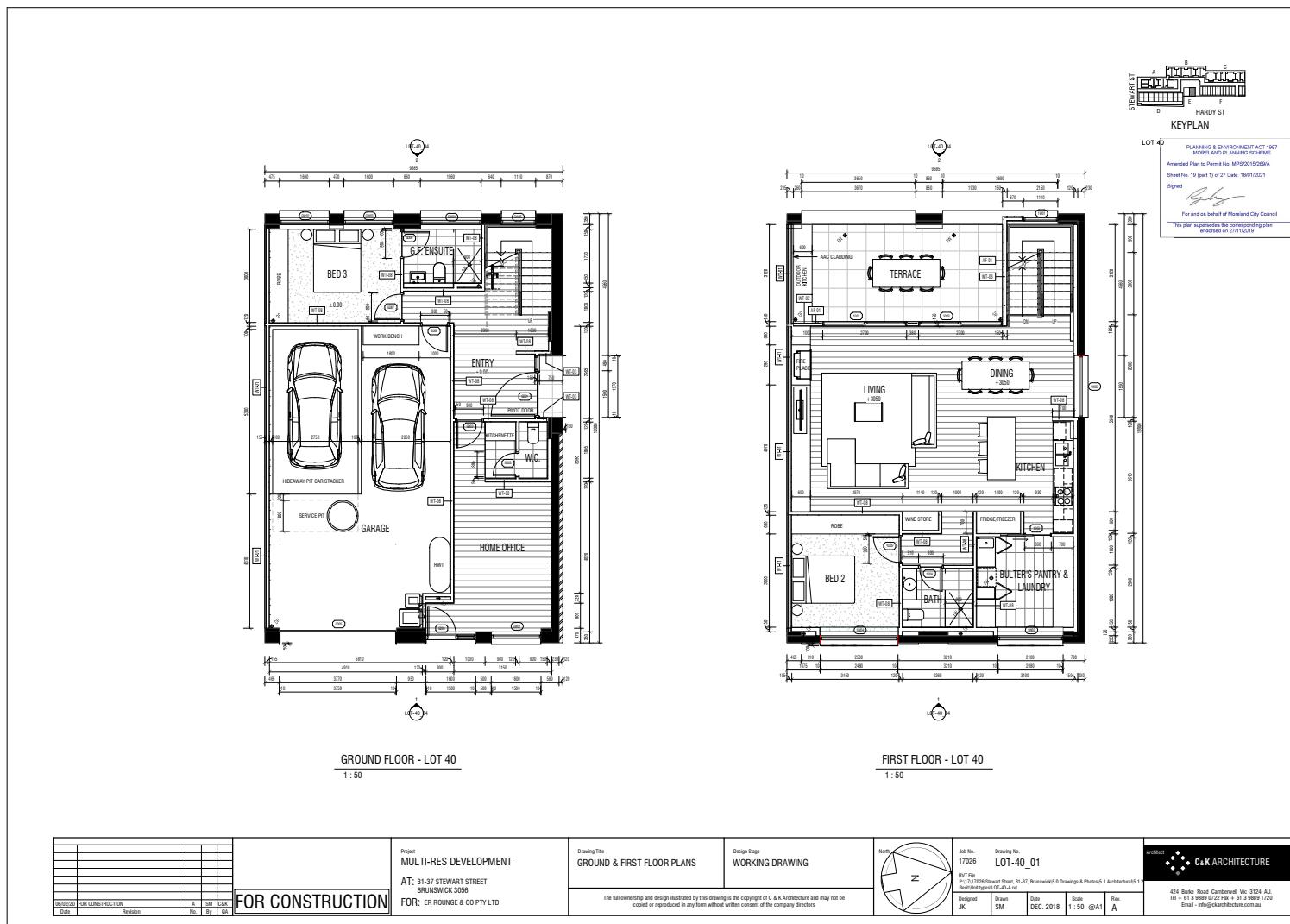
PLANTING LIST BOTANICAL NAME	COMMON NAME	HEIGHT AND WIDTH AT Maturity	MINIMUM SUPPLY SIZE	PLANTING DENSITY	QTY	PLANT NUMBER
Rhamnuslaureola	Snow Maple	0.75 to 1.00	250mm pot	As shown	32	P1

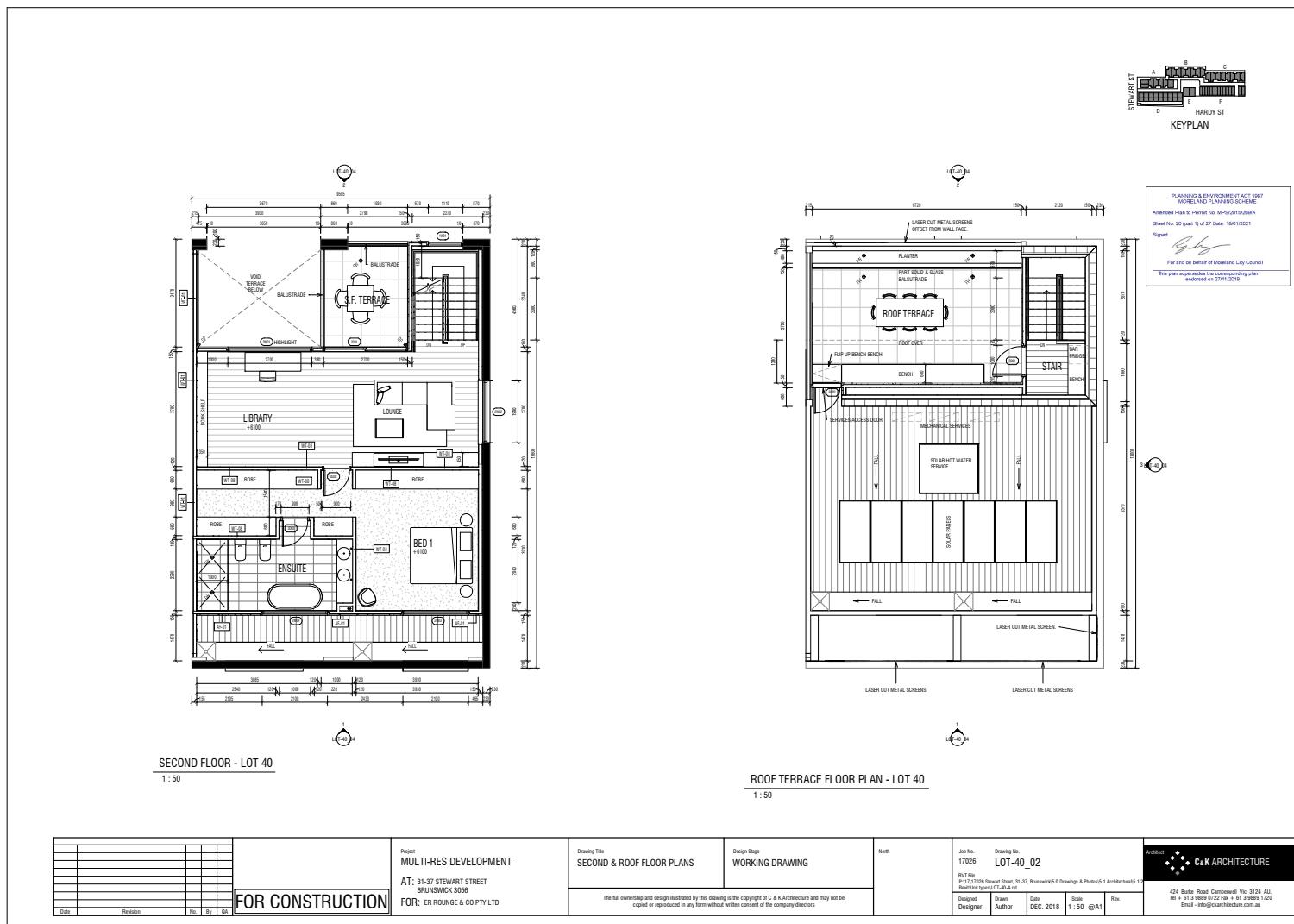
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MERRI-BEK PLANNING SCHEME

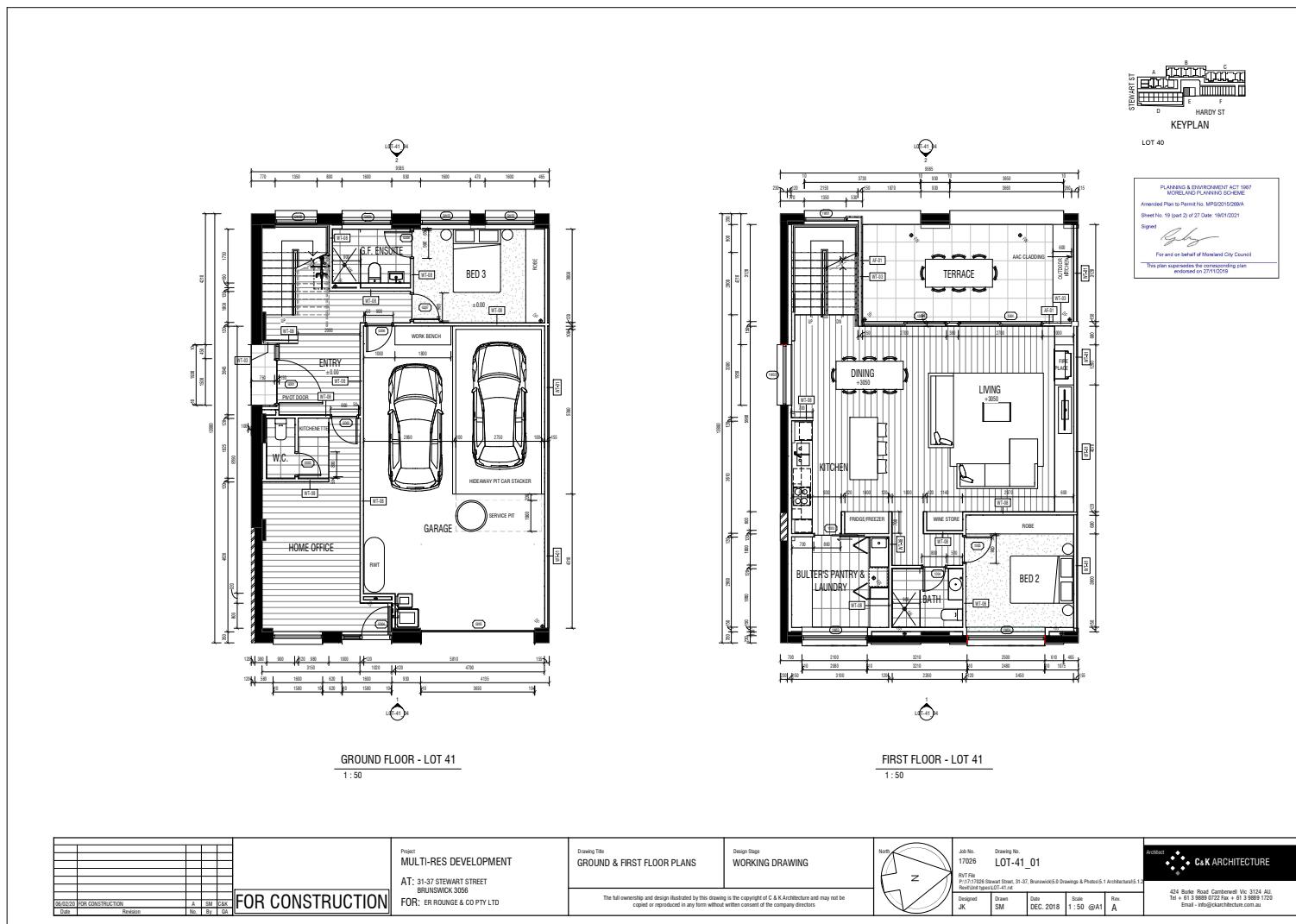


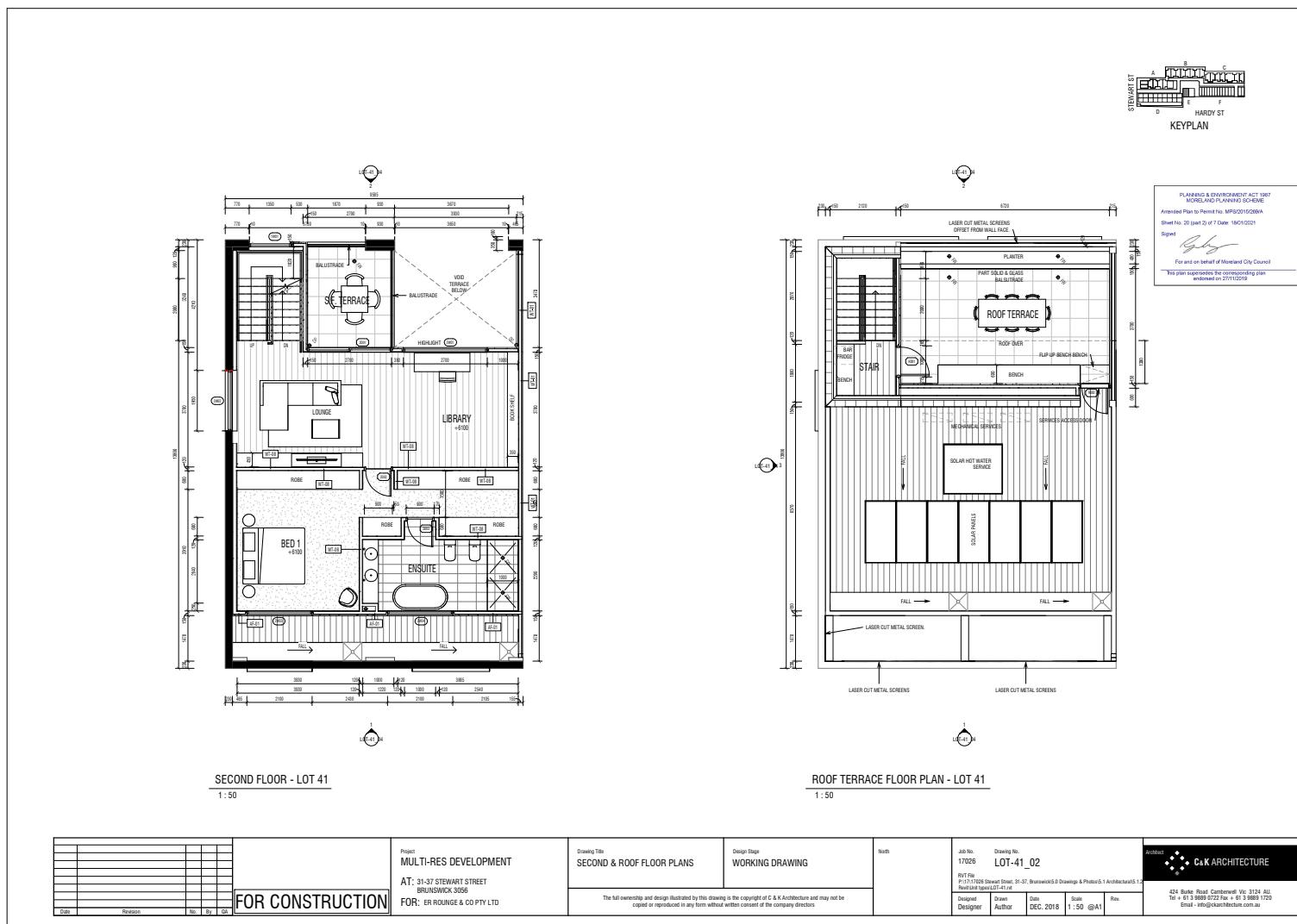


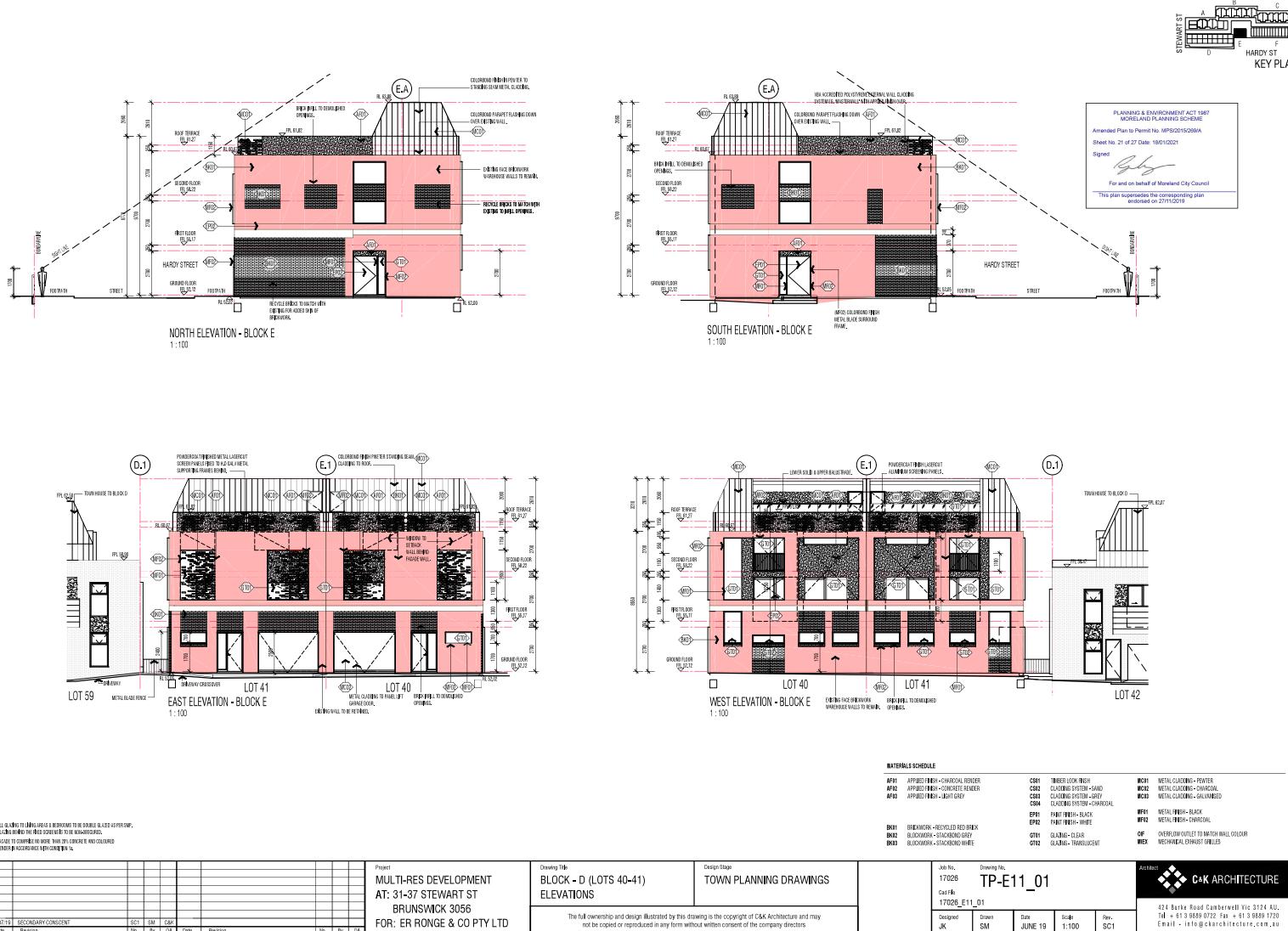












## Objector Map

22 Hardy Street, Brunswick

□ = Subject site

● = Location of objector

