



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 26 November 2025

Commencing 6.30 pm

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

Language Link

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

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

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

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

The minutes of the Planning and Related Matters Meeting held on 22 October 2025 be confirmed.

5. COUNCIL REPORTS

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| 5.1 | CITY DEVELOPMENT ACTIVITY REPORT - SEPTEMBER QUARTER 2025-26 FY | 4 |
| 5.2 | 139 LOONGANA AVENUE, GLENROY - PLANNING PERMIT APPLICATION - MPS/2025/364 | 24 |
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6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - SEPTEMBER QUARTER 2025-26 FY

Director Place and Environment, Pene Winslade
City Development

Officer Recommendation

That Council notes the City Development Activity Report – September Quarter 2025.

REPORT

Executive Summary

The City Development Urban Planning Unit has continued to produce positive results with the overall application caseload remaining at manageable levels. Having addressed the higher caseloads that resulted from pandemic years the unit has maintained decision-making timeframes that continue to be better than the metropolitan average.

The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service, acknowledging the total caseload has grown by 38 applications since the June Quarter.

The focus for the Urban Planning Unit is to influence high quality planning outcomes, while maintaining the timeliness of planning permit decisions. The September quarter saw the continuation of decision-making above the current State average of 66 per cent, with 74 per cent of decisions being made within the 60 statutory days. Pleasingly, VicSmart timeframes, for minor matters, also remain above the State average of 83 per cent, with 92 per cent of decisions made within 10 statutory days at Merri-bek.

Victorian Civil and Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 75 per cent of cases in the past 12 months.

Of the planning decisions made at the Planning and Related Matters Council meeting that were appealed to VCAT and determined in the last quarter, 4 were either won, withdrawn or ultimately resolved via consent of all parties, often based on revised plans to address Council's concerns. This results in a success rate of 80 per cent.

The Planning Enforcement Unit has had a productive quarter. The reactive enforcement team have continued to improve their overall performance this year, with the number of cases closed this quarter (130), exceeding the number of cases received (98), helping to reduce the overall backlog of cases. The proactive enforcement team has allocated 22 new proactive audits to date in 2025/26, and the team were able to close out more than half (57 per cent) of cases this quarter without the need to escalate to formal enforcement actions.

Previous Council Decisions

City Development Activity Report – June Quarter 2025 – 27 August 2025

That Council notes the City Development Activity Report – June Quarter 2025.

1. Policy Context

The City Development Branch administers Council's town planning, building and environmental health decision-making and compliance responsibilities under the Merri-bek Planning Scheme, *Planning and Environment Act 1987*, *Building Act 1993*, *Building Regulations 2018*, *Building Code of Australia 2006*, *Food Act 1984*, and *Public Health and Wellbeing Regulations 2009*. This report has a focus on the Urban Planning and Planning Enforcement services within the Branch.

2. Background

This report shows the key operational performance and activity of the Urban Planning Unit and Planning Enforcement Unit within the City Development Branch.

This includes analysis of:

- Planning applications received, determined and outstanding.
- Planning application decision-making.
- Streamlined planning services.
- Ministerial and Heritage Victoria applications.
- Retrospective planning applications.
- Planning applications with affordable housing.
- Council's performance at the VCAT.
- Proactive and reactive planning enforcement activity.
- Planning investment activity.

3. Issues

Urban Planning

Planning Permit Activity

A total of 364 planning applications were received for the September quarter. This compared with 280 for the same quarter in 2024. A total of 326 planning applications were decided in the September quarter compared to 271 for the same quarter in 2024. See **Figures 1 at Attachment 1**.

The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service, acknowledging the total caseload has grown by 38 applications since the June Quarter. See **Figures 2 at Attachment 1**.

It remains that most applications lodged for the quarter were multi-unit development being 120 of the total applications received, showing a nominal increase compared to the 89 multi-unit development applications received in the June Quarter. Alterations and additions to buildings comprised 61 applications received. See **Figure 3 at Attachment 1**, for a complete breakdown of the different application types received.

The percentage of applications determined within the 60 day statutory timeframes for all Councils averaged 69 per cent in the September 2025 quarter. Merri-bek's average for the September 2025 quarter was higher at 71 per cent. It is pleasing to see the continuation of timely decision-making in the September quarter, particularly given the higher number of more resource intensive medium and high density applications at Merri-bek in comparison to many others. See **Figure 4 at Attachment 1**.

Streamlined Planning Services

Council's streamlined planning services include the VicSmart and Fast Track streams (being minor permit applications that do not qualify as Vic Smart), as well as the Commercial Priority Planning Permit Service, which is a service to assist businesses setting up or expanding in Merri-bek.

Figure 5, in Attachment 1, shows the continued high performance of the Vic Smart application timeframes in the 2025/2026 financial year (September quarter), with 93 per cent of Vic Smart planning permit applications determined within 10 days, compared to the State average in 2025/2026 financial year of 84 per cent. It is pleasing to see performance continually exceeding the State average.

The Commercial Priority Planning Service is a longstanding initiative, developed by the Urban Planning Unit, to provide dedicated senior planning officer support to new or expanding local businesses and reward well prepared applications with a more timely assessment and decision. In the 2025/2026 financial year, there have been 11 applications for new or expanding businesses processed as Commercial Priority applications, with 80 per cent of these applications determined within 60 statutory days. This meets the Unit target of 70 per cent determined within 60 statutory days.

The Urban Planning Unit also supports the Better Approvals Merri-bek business concierge service, by providing planning advice to between 16 to 18 businesses a month. Some of the planning advice confirms no planning permit is needed, with others serving as the first point of contact for the Commercial Priority Planning Service.

Planning Proposals Under Consideration by the Minister for Planning

Increasingly the Minister, rather than Council, is the responsible authority for major developments, private schools and social or affordable housing proposals across the State of Victoria. The Victorian Planning System also provides the ability for the Minister for Planning to intervene in VCAT or Council decisions.

In September 2023, all Victorian Planning Schemes were amended, to include two new provisions to facilitate developments that provide a significant level of housing, including affordable housing, or make a significant contribution to Victoria's economy and provide substantial public benefit, including new jobs. These developments must meet requirements specified in Clause 53.22 or Clause 53.23 of Victorian Planning Schemes. In April 2025, these Ministerial application avenues were further expanded, by a new Clause 53.25 (Great Design Fast Track). This new provision seeks to facilitate development that is of a high quality in its design, liveability and sustainability. Applications made under these new provisions will be determined by the Minister, rather than Councils and will continue to be subject to public notice requirements, including notice to Council. However, the Minister's decision on these proposals is exempt from VCAT reviews by objectors, including any objection by Council.

While the *Planning and Environment Act 1987*, has always enabled the Minister to 'call-in' and decide applications of state significance, these new provisions provide the Minister with the responsible authority status to decide the applications without the need to use Ministerial powers of intervention.

There were no Ministerial applications referred to Council during the September quarter.

Heritage Permit Applications before Heritage Victoria

In the last quarter, the Executive Director, Heritage Victoria did not seek Council's views on any heritage permit applications.

Retrospective Planning Permits

Retrospective planning applications seek approval for a use or development that has already taken place without the necessary planning approval. These applications are usually a result of action by Council's Planning Enforcement Unit. The planning compliance practice, encouraged by VCAT and the Magistrates Court, is to firstly pursue retrospective approval, when this may be possible, before occupying VCAT and Magistrates Court time on planning enforcement matters.

In the September 2025 quarter, Council received 3 retrospective planning permit applications, as a result of planning enforcement actions.

One decision was made which approved a retrospective planning application this quarter. The application was for the part demolition, alterations and additions at the rear of a house in a Heritage Overlay.

Social and Affordable Housing

The Victorian Planning and Environment Act, 1987 defines affordable housing as housing that is appropriate to the needs of very low, low, and moderate income households. An annually updated Governor in Council order sets the income thresholds for affordable housing. Social housing is a distinct type of affordable housing which has specific eligibility requirements defined under the Housing Act, 1983. Social housing includes public housing which is owned and usually managed by the State Government, or which is owned and/or managed by a registered housing agency.

Council has undertaken significant research to estimate the need for social and affordable housing, projecting up to 2036. The shortfall in affordable housing in Merri-bek was at least 4,000 dwellings in 2016. This shortfall will rise to between 7,000 and 10,500 by 2036. The Council Plan 2021-2025 includes a number of strategies to increase social and affordable housing in Merri-bek, including through supporting the establishment of Merri-bek Affordable Housing, revitalising major activity centres and developing affordable housing on Council land.

In October 2022, Council endorsed a 4 year Affordable Housing Action Plan. This Plan includes an action to facilitate affordable housing provision in planning permit applications. The provision of social and affordable housing in new development is not currently mandated in the Merri-bek Planning Scheme and has to be negotiated on a voluntary basis through the planning permit application process. All Victorian Planning Schemes contain specific statewide provisions whereby the Minister for Planning can be the Responsible Authority for certain types of developments, and an affordable housing contribution is normally required.

In the September quarter, the following planning permit was issued which included an affordable housing cash contribution to a Registered Housing Provider:

- 4 Sheppard Street, Coburg North – Planning Permit MPS/2008/737/A issued by VCAT on 10 September 2025, included a cash contribution of \$18,600 to The Women's Property Initiative.

Council's performance at the Victorian Civil and Administrative Tribunal

In the September quarter, 3 applications for review of planning decisions were lodged at VCAT, being:

- One by a permit applicant against a refusal to grant a planning permit; and
- Two by permit applicants against conditions included on a planning permit.

Only 17 applications for review to VCAT have been lodged this calendar year to date, with 3 being in the 2025/26 financial year to date.

The number of VCAT reviews is still well below averages of the pre-pandemic years. **Figures 6, 7 and 8 in Attachment 1** provide further details of the trend of reduced VCAT reviews lodged and determined over the last 5 years.

In respect to success at VCAT, this is shown in **Figures 9 and 10 in Attachment 1**.

Figure 10 indicates that of the total VCAT decisions made in the 2025/26 financial year so far when including decisions that were resolved by consent of all parties as a win, Council won, 3 cases and lost 2 cases.

Table 1, in Attachment 2 is a more detailed list of all VCAT reviews lodged in the September quarter.

There were 5 decisions made by VCAT in the September quarter. Details of these decisions are provided in **Table 2, Attachment 2**.

The State Planning Permit Activity Reporting System (PPARS) indicates that Council's VCAT success rate is marginally lower than the rest of the State at 60 per cent, compared to 68 per cent State-wide. Importantly, however PPARS does not include cases resolved by consent of all parties, often following the circulation of revised plans. In the 2025/26 financial year so far 2 (40 per cent) of VCAT decisions were resolved by consent of all parties.

When decisions including consent orders are included, Council won or its concerns were addressed, and agreement reached by revised plans in 65 per cent of cases at VCAT in 2025.

VCAT Outcomes from Planning and Related Matters Council Meeting Decisions

There was 1 VCAT determination in the September quarter that related to a planning decision made at the Planning and Related Matters Council meeting. This decision was resolved via consent of all parties to address objector concerns. This results in a success rate of 100 per cent for the financial year so far.

Planning Enforcement Activity

Planning enforcement activity includes both reactive and proactive enforcement. Reactive enforcement is investigating complaints about land use and development that may have occurred without a planning permit or may not accord with a planning permit.

Proactive enforcement is proactively checking compliance with a planning permit as the construction and preparation for the new use or development is occurring.

Reactive enforcement activity

Figure 1, in Attachment 3 shows that a total of 98 complaints were received in the three months that make up the September quarter of 2025. This is consistent with the number of complaints received in the June 2025 quarter (99 complaints) and 12 per cent higher than at the same time last year, in September quarter 2024 (87 complaints). The team were able to close 130 cases this quarter which is more than the number of cases received. This is an increase from the June 2025 quarter of 94 cases being determined and 126 cases determined in the March 2025 quarter.

Figure 2, in Attachment 3 shows how the outstanding reactive enforcement caseload is tracking. Since February 2024 when there were 213 active cases, the number of active cases has reduced to 108 cases at the end of the September 2025 quarter. Figure 2 shows that the team are tracking well and have been able to get on top of the backlog, with individual officer caseloads now returning to more ideal levels. This backlog reduction will enable the team to return to even higher levels of performance.

Figure 3, in Attachment 3 shows the outcome of planning enforcement investigations over the September 2025 quarter. The most common outcome was that in 77 cases compliance was achieved without the need to escalate to fines or other formal enforcement proceedings, followed by 36 cases where the investigation found the complaint to be unfounded (no planning breach identified). In 8 cases an informal resolution was achieved where a breach was not confirmed but the land owner informally addressed the concern raised.

Proactive enforcement activity

Each year the proactive planning enforcement program aims to audit at least 80 medium density developments and 10 developments where the planning permit was issued following a Planning and Related Matters (PARM) Council meeting, or after a refusal was overturned at VCAT.

The team also proactively audit all sites with a planning permit requirement to undertake an environmental audit.

All planning permits that have a requirement to enter into a legal agreement with Council, for matters of particular importance or agreed community benefits, such as affordable housing, or new public links or open space et cetera, are also proactively audited.

Figure 4, in Attachment 3 shows that 4 new proactive audits commenced in the September quarter. The number of cases commenced to date is lower than usual, although it is anticipated that the proactive enforcement program will still be able to meet its target of 90 audits being commenced in 2025/26.

Figure 5, in Attachment 3 shows a total of 13 out of 23 cases were closed in the September 2025 quarter through the proactive enforcement program without needing to be escalated to enforcement action. This represents 57 per cent of the total number of proactive cases closed this quarter, which demonstrates the value of the proactive enforcement program.

Of cases that did need enforcement action, a total of 26 were rectified in the September quarter. These are breaches that would otherwise have been passed on to the new owners of the developments in Merri-bek. The types of breaches resolved are shown in **Figure 6, in Attachment 3** which shows that 'Environmentally Sustainable Design' (ESD) breaches and 'Other' breaches continue to be the most common. ESD breaches include requirements such as the provision of solar panels, passive ESD features like double glazing, external shading to windows. These are followed by a failure to provide Adjustable Shading Devices (ASD), landscaping, privacy screening and water sensitive urban design (WSUD) related breaches.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities, and it was found that it does not contravene any of these sections and supports the following rights:

- Section 18: Taking part in Public Life
- Section 13: Privacy and Reputation

4. Community consultation and engagement

No consultation was required to inform the preparation of this report.

5. Officer Declaration of Conflict of Interest

Council officers involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

There are no financial or resource implications as a result of this report.

The ongoing operation of the Urban Planning Unit and Planning Enforcement Unit can be met within the existing base budget.

In terms of overall development in Merri-bek during the September 2025 quarter, developments to the value of \$244 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$313 million during the same quarter in 2024. Notably, following changes to all Victorian Planning scheme many of the more significant developments in Merri-bek are now being decided by the Minister for Planning, rather than Council.

A total of \$1.85 million in Public Open Space Contributions was collected from the subdivision of new development in Merri-bek during the September 2025 quarter to help fund the provision of new or enhanced parkland.

7. Implementation

The performance of the Urban Planning and Planning Enforcement Units within Council's City Development Branch will continue to be monitored with the activity report for the next quarter to be presented to the February 2026 Planning and Related Matters Council meeting.

Attachment/s

1	Activity Report	D25/617542
2	VCAT data - September quarter 2025	D25/598974
3	Planning Enforcement data – September Quarter 2025	D25/597126

Attachment 1 – Urban Planning September 2025 Quarterly Data

PART 1 – volume

Status ● Determined ● Received

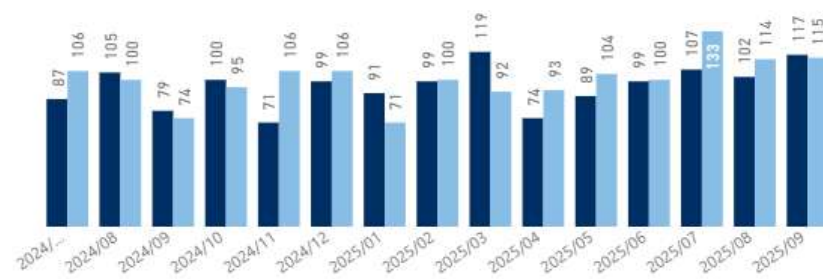
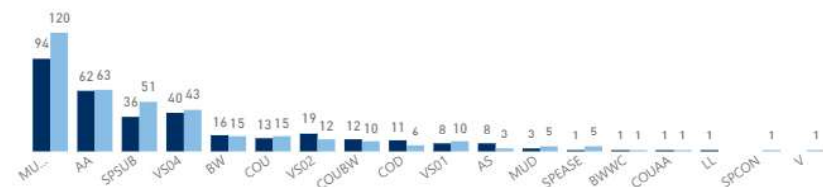


Figure 1: Urban planning number applications received and determined since July 2024



Figure 2: Urban planning overall caseload since September 2023

Status ● Determined ● Received



Legend				
MURD = multi unit residential development	AA = alterations and additions (or house extension)	SPSUB = subdivision	VS01, VS02 and VS04 = VicSmart	BW = buildings and works
COU = change of use	AS = advertising sign	COUBW = use and development	COD = construction of dwelling	MUD = mixed use development
BWWC = buildings, works and waiver car parking	LL = liquor licence	AAWC = alterations, additions and waiver car parking	SPCON & SPEASE = subdivision & easement	WC = Waiver car parking

Figure 3: Urban planning applications received and determined September quarter

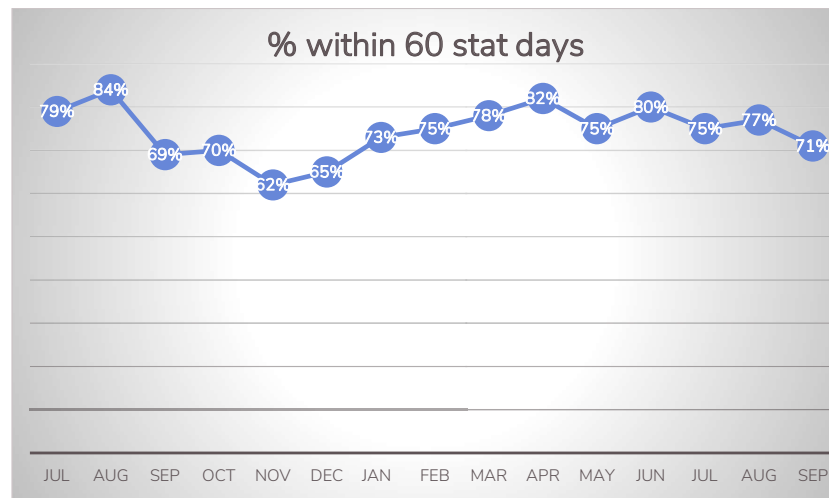
PART 2 - Timeliness

Figure 4: Urban planning applications determined within 60 days for 15 months

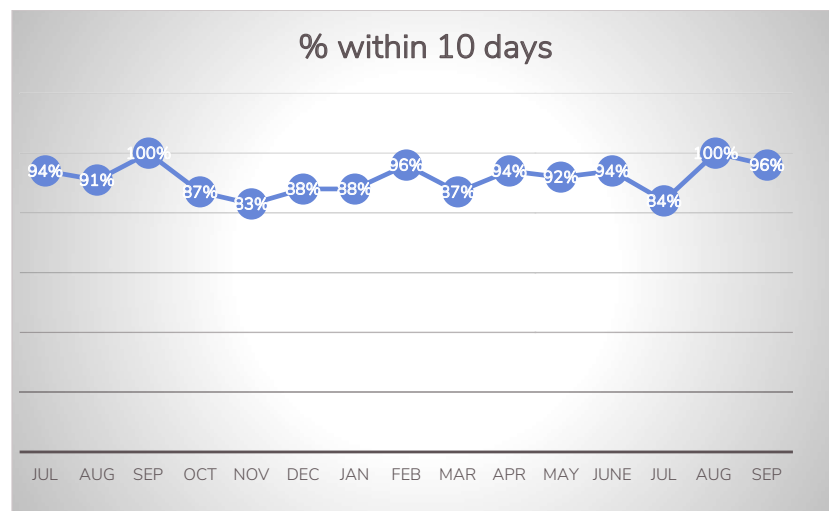


Figure 5: Urban planning VicSmart applications determined within 10 days for 15 months

PART 3 – VCAT

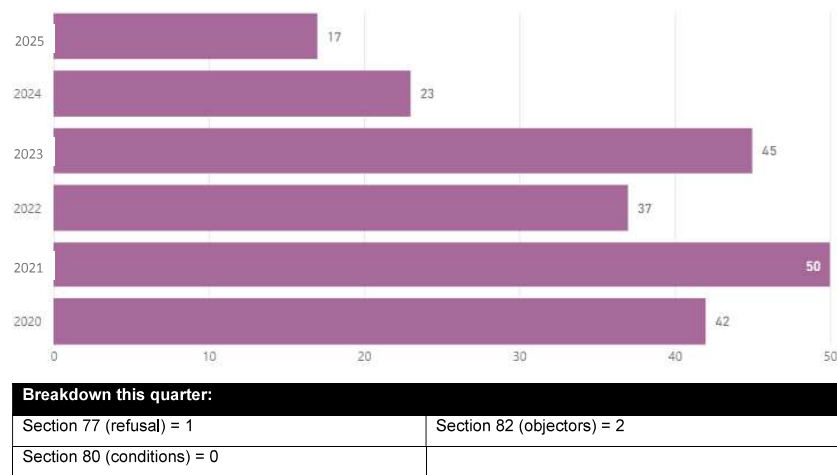


Figure 6: VCAT reviews lodged since 2020, by calendar year



Figure 7: VCAT reviews lodged by type since 2020

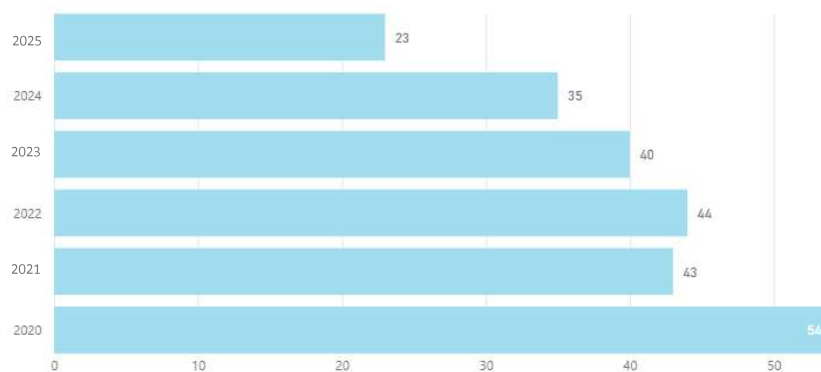


Figure 8: VCAT reviews determined by calendar year since 2020

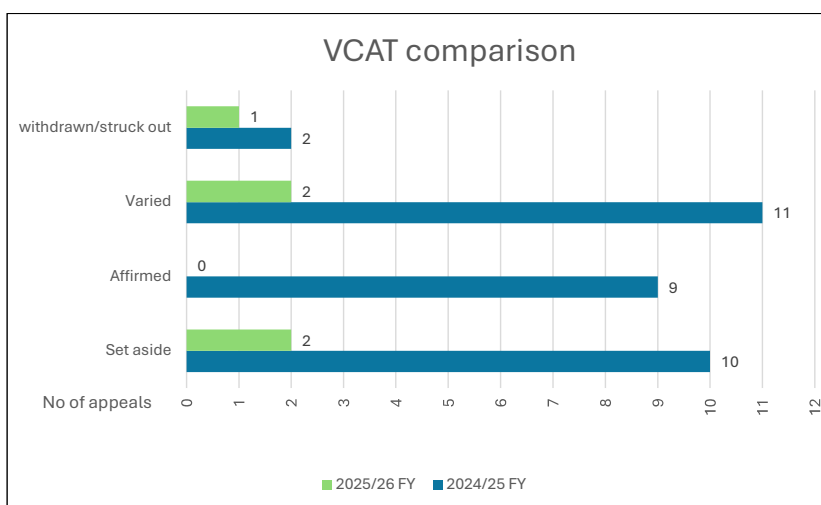


Figure 9: VCAT results comparing years (includes consents)

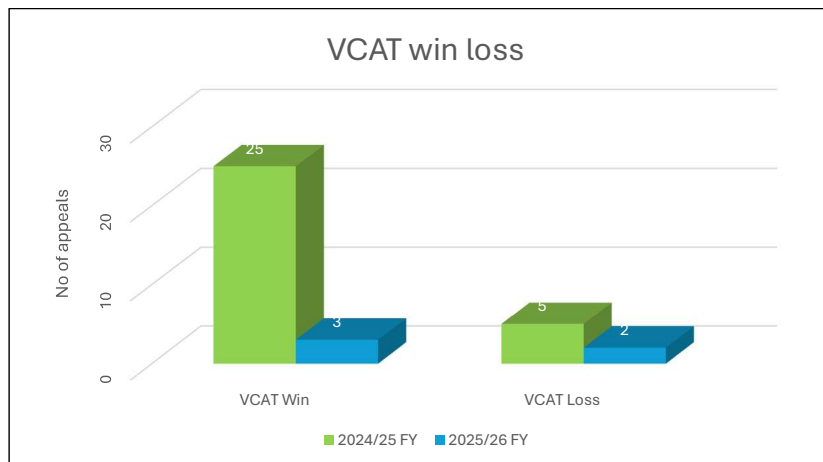


Figure 10: VCAT results comparing years with consent counted as a win

Attachment 2, City Development Activity Report, VCAT Activity – September 2025 Quarter

VCAT report appeals lodged in September 2025 quarter				
Application number	Appeal type	Address	Original decision	Proposal
Council Meeting Decision				
N/A				
Delegated Officer Decision				
MPS/2024/526	Applicant against conditions	1/179 Union Street BRUNSWICK WEST	Notice of Decision to Grant a Permit	Construction of one three-storey dwelling and three two-storey dwellings, and a reduction of statutory car parking
MPS/2024/573	Applicant against refusal	866 Sydney Road BRUNSWICK	Refusal	Construction of three triple storey dwellings towards the rear of the existing building and a reduction of car parking
MPS/2025/87	Applicant against conditions	171 Nicholson Street COBURG	Notice of Decision to Grant a Permit	Construction of five double storey dwellings and alter access to a Transport Road Zone Category 2

Table 1: VCAT reviews lodged in the September 2025 quarter

VCAT reviews determined in the September 2025 quarter:						
Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Council Meeting Decision						
MPS/2024/465	Objector against permit	27 Ballarat Street BRUNSWICK	Notice of Decision to Grant a Permit	Development of a six storey building containing dwellings and ground floor commercial, and reduction to the standard car parking requirements	Yes	VCAT varied Council's decision to grant a permit subject to the conditions provided as part of a consent position reached between the objector, Council and the applicant. All parties agreed to: Alternative timing for the delivery of the sustainable design initiatives, acoustic treatment works and undergrounding of telecommunication services

Attachment 2, City Development Activity Report, VCAT Activity – September 2025 Quarter

Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Delegated Officer Decision						
MPS/2021/695/A	Applicant against refusal	16 Jessie Street COBURG	Amended Refusal	Partial demolition of, and alterations and additions to, an existing dwelling in a Heritage Overlay	No	VCAT overturned Council's refusal. Council's submission argued that the proposed crossover and driveway would be out of character with the existing heritage streetscape, contrary to Council's heritage policy. In overturning Council's refusal, VCAT noted: • Whilst many of the crossovers may not have been constructed with the original settlement of the street and area, many of the crossovers have existed for a long time • The construction of a crossover that retains the bluestone channel, relays the bluestone kerb and is constructed of charcoal concrete will not adversely affect the significance of the heritage place in this particular street

Attachment 2, City Development Activity Report, VCAT Activity – September 2025 Quarter

Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Delegated Officer Decision						
MPS/2008/737/A	Applicant against conditions	4 Sheppard Street COBURG NORTH	Amended Planning Permit	Construction of five triple storey dwellings	Yes	VCAT varied Council's decision to grant a permit subject to the conditions provided as part of a consent position reached between Council and the applicant. Council and the applicant agreed to: • A varied affordable housing contribution amount • Confirmed specific sustainable design initiatives • Alternative timing for the delivery of works
MPS/2024/499	Applicant against refusal	20 Gowanbrae Drive GOWANBRAE	Refusal	To delete Item 4 of Restrictive Covenant X219447T that prohibits the further subdivision of land	N/A	Applicant withdrew appeal.

Attachment 2, City Development Activity Report, VCAT Activity – September 2025 Quarter

Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Delegated Officer Decision						
MPS/2015/892/A	Applicant against refusal	8 McMahon Road COBURG NORTH	Amended Refusal		No	VCAT overturned Council's refusal. Council's submission argued that the construction of a carport within the side street setback of the existing dwelling is not a character of the street and would dominate the streetscape. In overturning Council's refusal, VCAT noted: • The high fence adjacent to the carport would obscure views from the streetscape and minimize any dominance • The carport would not impact on any rooms/windows of the dwelling or passive surveillance • Design of the carport is slimline making it less prominent

Table 2: VCAT reviews determined in the September 2025 quarter

City Development Activity Report

Attachment 3 – Planning Enforcement Unit – Sept 2025 Quarterly Data

Figure 1: Received vs Determined Reactive Cases - Sept Quarter 2024/25

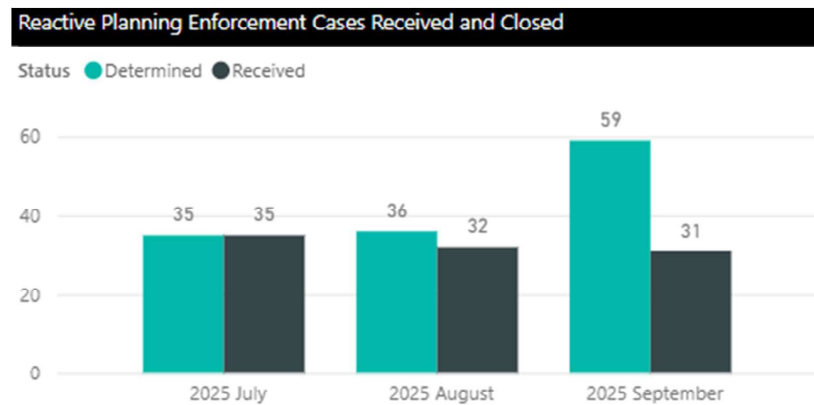


Figure 2: Outstanding Planning Enforcement Reactive Cases at 30 Sept 2025

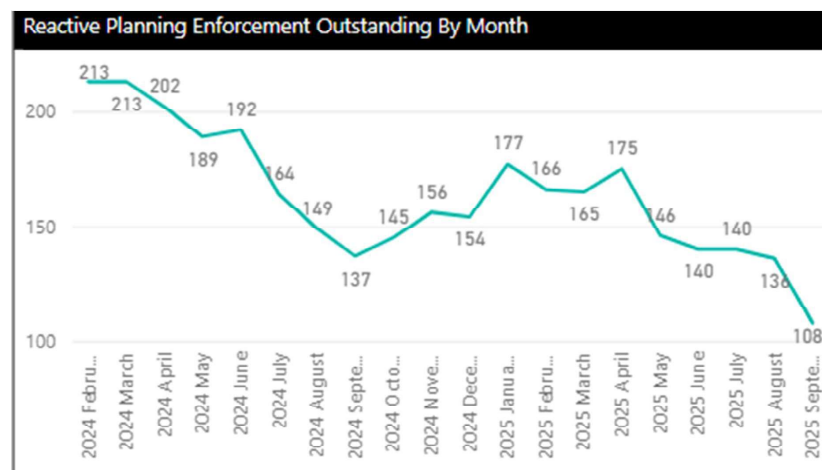


Figure 3: Outcome of Reactive Cases - Sept Quarter 2024/25

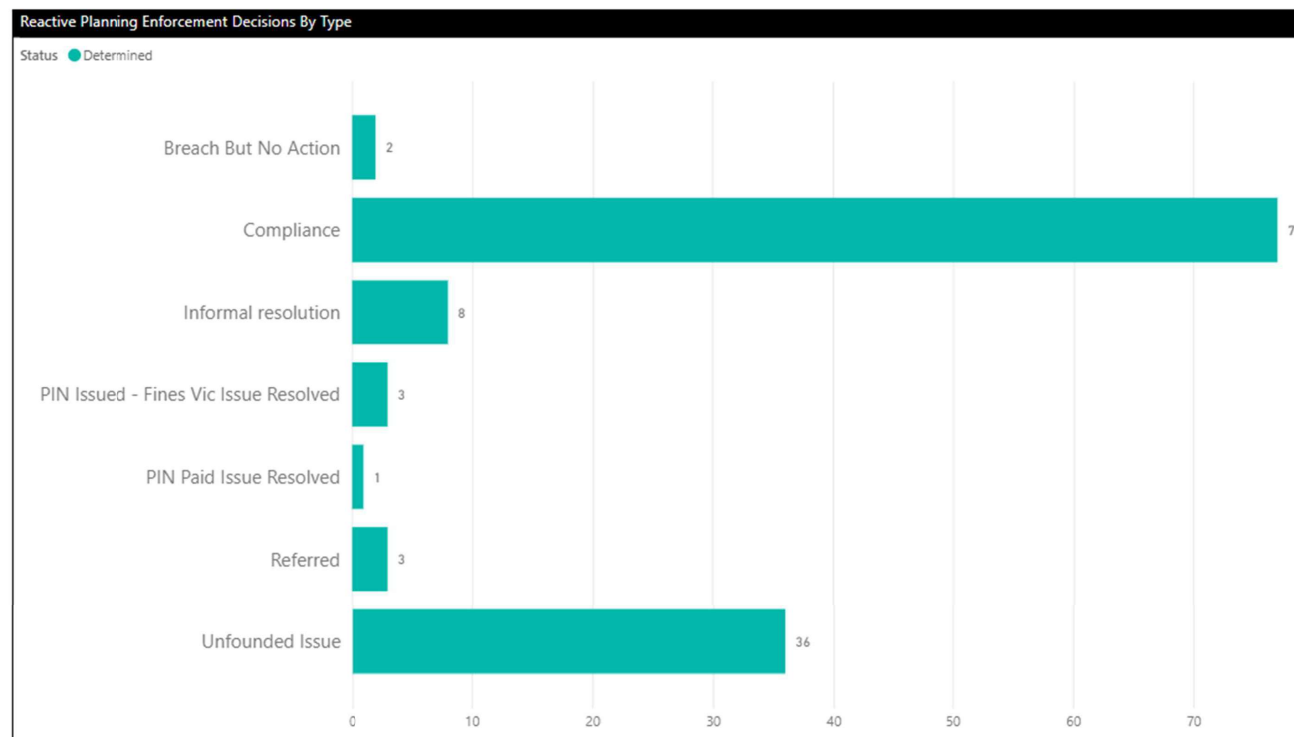


Figure 4: Proactive First Inspections Completed - Sept Quarter 2024/25

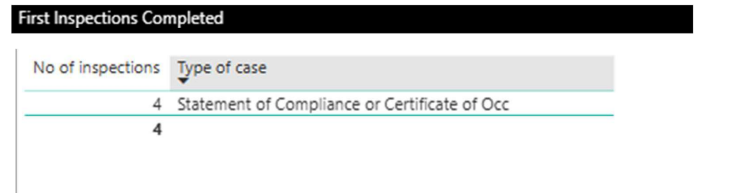


Figure 5: Proactive Cases closed with non-compliance rectified without escalation - Sept Quarter 2024/25

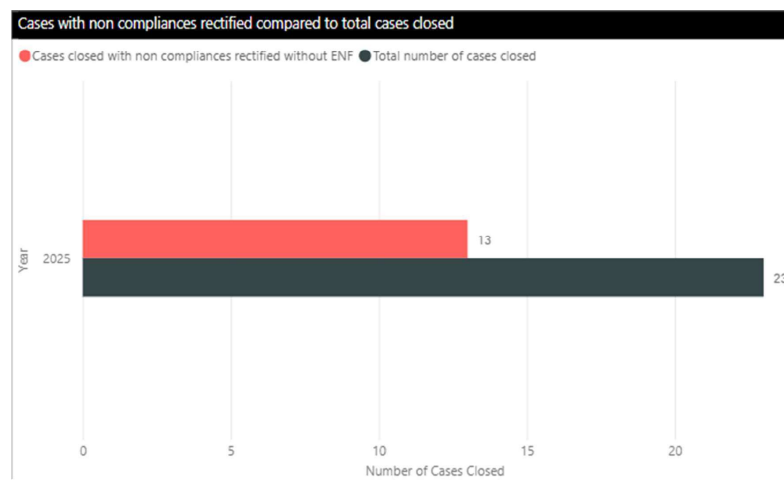
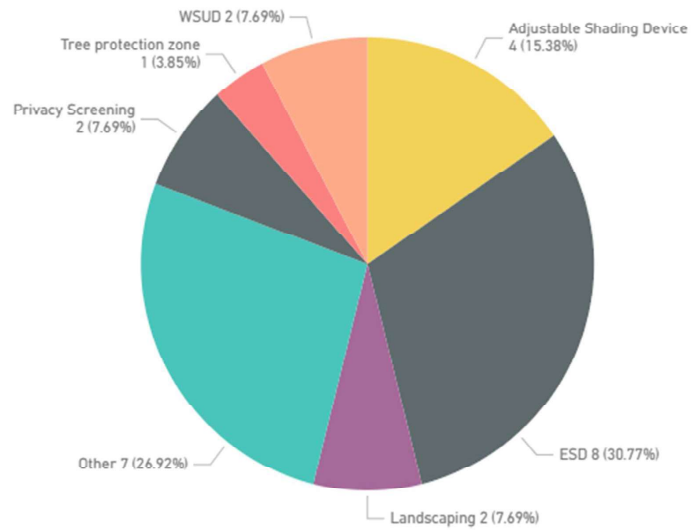


Figure 6: Non-compliances rectified through Proactive Enforcement - Sept Quarter 2024/25

Non compliances rectified by type



5.2 139 LOONGANA AVENUE, GLENROY - PLANNING PERMIT APPLICATION - MPS/2025/364

Director Place and Environment, Pene Winslade
City Development

Executive Summary



Property:	139 Loongana Avenue, GLENROY
Proposal:	To construct five dwellings and a reduction in the statutory car parking requirements
Zoning and Overlay/s:	- Neighbourhood Residential Zone – Schedule 1 - Development Contributions Plan Overlay
Objections:	- Twelve (12) objections received Key issues raised: - Overdevelopment - Car-parking reduction - On street congestion
Planning Information and Discussion (PID) Meeting:	- Held on 5 November 2025 - Attended by 6 objectors, the applicant and 2 Council officers - Revised plans were prepared prior to the meeting to address objector and Council officer concerns. This recommendation refers to the 'Discussions Plans' provided to officers on 9 October 2025.
ESD:	Sustainability objectives and standards of Clause 55 met, noting Council's Environmentally Sustainable Design Policy is no longer a relevant consideration for this application.
Key reasons for support	- Conditions to ensure car parking requirements are satisfied. - No unreasonable overshadowing or building visual bulk impacts to adjoining properties. - Conditions to ensure there is no unreasonable overlooking.
Recommendation:	Notice of Decision to Grant a Planning Permit be issued

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/364 be issued for the land at 139 Loongana Avenue, Glenroy.

The Permit would allow:

Buildings and works to construct dwellings and a reduction in statutory car parking requirements.

Planning Scheme Clause	Matters for which permit is required
Clause 32.09-7	Construct two or more dwellings on a lot
Clause 52.06-3	Reduce the number of car parking space required

The following conditions would apply to this permit:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Beyond Design Group referenced as TP1-TP6, Revision A dated 11 July 2025 but modified to show:
 - a) Design changes shown generally in accordance with the discussion plans by Beyond Design Group referenced as TP1-TP6, Revision B, dated 9 October 2025 which show the following changes:
 - i. Screening measures on the first-floor retreat associated with Dwelling 3 to comply with standard B4-4.
 - ii. The external car parking space for Dwelling 3 converted into a visitor car parking space.
 - iii. The first floor of Dwelling 3 rearranged to replace 'Bed 3' with an open retreat thereby resulting in a two bedroom dwelling.
 - iv. The visitor car parking space to be 3.2 metres wide.
 - b) The first floor study spaces associated with Dwelling 4 and 5 to be screened to comply with standard B4-4 (Overlooking).
 - c) The staircase for Dwelling 3 reversed, so that the entry and exit at the upper level is located on the north-east side to support the use of the open retreat rather than an additional bedroom.
 - d) The front setback increased to a minimum of 7.0 metres.
 - e) The elevation labelling to be corrected against the orientation (e.g. east elevation replaced with north-east elevation).
 - f) Wall heights all taken from the natural ground level.
 - g) The building wall heights, being the vertical distance between the top of the eaves at the wall line or parapet height and the natural ground level in the following locations:
 - i. North-east elevation from the top of the party wall between Dwellings 3 and 4.
 - ii. South-west elevation showing the wall height of bed 2 associated with Dwelling 2.
 - iii. South-west elevation from the top of the party wall between Dwellings 3 and 4.
 - iv. South-west elevation parapets of Dwellings 5 garage boundary wall.
 - v. North-west elevation showing first floor wall height associated with Dwelling 5.
 - h) Plans to dimension Dwelling 2 garage door at least 5.2 metres wide.
 - i) Tree protection zone in accordance with Condition 5 of this permit.

Compliance with Endorsed Plans

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

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

Tree Protection

5. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the following trees must have a Tree Protection Zone (TPZ) in accordance with AS4970-2025 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:
 - i. All Council trees located within 3 metres of the site boundary or a vehicle crossing;
 - ii. the trees marked on the endorsed plans as being retained and protected.

The TPZ must meet the following requirements:

a) Tree Protection Fencing

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

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

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste." The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970-2025.

e) Access to TPF

The TPF once erected, must be maintained and not altered, tampered or moved. If any works are proposed within the TPZ or require the TPF to be moved or altered, then such works must only be carried out with the prior written approval of, and under the direction of, a suitably qualified Arborist (minimum Level 5 Diploma of Arboriculture). A copy of the approval must be provided to Council upon request.

Environmentally Sustainable Design (ESD)

6. When submitted and approved to the satisfaction of the Responsible Authority, the amended sustainable design response and associated notated plans will be endorsed to form part of this permit. No alterations to the sustainable design response may occur without the written consent of the Responsible Authority.
7. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed sustainable design response to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Residential reticulated gas service connection

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

Car Parking and Vehicle Access

9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
12. The number of bedrooms allowed by this permit must not be increased. This condition continues to have force and effect after the development authorised by this permit has been completed.

Undergrounding cables

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

Stormwater

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

General Amenity

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

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

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

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

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

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

Note 3: 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.

1. Background

Subject site

The site is located on the north-west side of Loongana Avenue, is irregular in shape, with a frontage of approximately 15.24 metres, a depth of approximately 76.73 metres (north-east boundary), a depth of approximately 69.84 metres (south-west boundary), and a total site area of approximately 1117 square metres. The site is relatively flat and contains a double storey weatherboard house. At the rear of the house (or back yard), there is a garage and shed. The site also has multiple mature trees throughout the site.

There are no restrictive covenants indicated on the Certificate of Title. There is a drainage and sewerage easement along the rear boundary and a stormwater easement through the middle of the site.

Surrounds

The site is located within an established residential area where there is a mix of housing including single storey, double storey and newer multi-unit development.

The neighbouring land to north-east has been developed with four, double storey dwellings and a single storey detached house with a large back yard, which faces Warana Court, also has a rear boundary with the subject site.

The neighbouring land to the south-west has a single storey detached home with a large back yard.

To the south-east of the site on the opposite Loongana Avenue are a mix of multi-unit sites and single detached homes. The rear interface is a freight railway line.

A zoning and location plan forms **Attachment 1**.

The proposal

The proposal seeks to construct a double storey development containing 5 dwellings, summarised as follows:

- Dwellings 1, 2, 3, 4 and 5 contain living and dining areas on ground floor.
- Dwellings 1 and 2 contain 4 bedrooms on first floor.
- Dwellings 3, 4 and 5 contain 3 bedrooms on first floor.
- Dwellings 1, 2, 3, 4 and 5 have 2 car parking spaces each.
- No visitor parking provided.
- A total of ten car parking spaces are provided, with 8 spaces accessed from a communal driveway.
- Dwelling 1 has its own crossover and vehicle access catering for 2 car spaces.
- Pedestrian access for dwellings 2 - 5 is shared with the driveway southwest of the site.
- Dwelling 1 will have an independent pedestrian pathway.

The development plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone – Schedule 1	Clause 32.09-6: A permit is required to construct more than one dwelling on a lot. Clause 32.09-1: No permit is required to use land as a dwelling.
Particular Provisions – Car Parking	Clause 52.06-5: Dwelling: • 1 space for visitors to every 5 dwellings for developments of 5 or more dwellings. • No visitor car-parking space has been provided.

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

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.37: Canopy Trees. On 15 September 2025, new rules were introduced to protect existing canopy trees in residentially zoned land. These rules apply to applications lodged from 15 September 2025 and therefore not applicable to this application.
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 55: Two or more dwellings on a lot 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 a public notice on the Loongana Avenue frontage

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

The key issues raised in objections are:

- Overdevelopment
- Car parking reduction
- Increased on-street parking
- Traffic concerns
- Neighbourhood character
- Amenity Impacts (overlooking, visual bulk, loss of sunlight)
- Strain on infrastructure
- Removal of existing canopy trees
- Concerns with emergency services, bin collection and larger vehicles entering the street

Planning Information and Discussion meeting

A Planning Information and Discussion meeting was held on 5 November 2025 and attended by two Council Planning Officers, the applicant and six objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Discussion plans were prepared prior to the PID meeting to address objector and Council officer concerns (dated 9 October 2025). The plans were circulated to all objectors prior to the PID meetings. The following changes were within the plans:

- Dwelling 3 to be a 2 bedroom dwelling with 1 car-space
- A visitor car-parking space to be provided on-site to comply with car-parking requirements

A concern was raised by an objector in regards to the discussion plans changing Dwelling 3 to a two bedroom dwelling with a retreat which can easily be converted into a bedroom. This was responded to by the applicant who shared plans indicating how the staircase direction can be switched to have the landing run through the retreat to reduce the likelihood of the retreat being converted into a bedroom.

However, no changes were agreed to at the meeting.

Rights to Lodge an Application for Review at the Victorian Civil and Administrative Tribunal (VCAT)

For this application objectors have rights to lodge a review at VCAT, as the street setback and overlooking standard is varied and a permit is needed to reduce the car parking requirement.

Internal/external referrals

The proposal was referred to the following internal branches units:

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Supports the proposal, subject the garage doors and tandem car spaces annotated correctly, ensuring that the cars have enough room to manoeuvre. The required changes are addressed as conditions in the recommendation.
Sustainable Built Environment - ESD Team	Supports the proposal. The proposal is completely compliant with sustainability standards of Clause 55.

3. Policy Implications

Townhouse and low-rise code

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

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

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

The proposal does not comply with the street setback (Standard B2-1) which is a neighbourhood character standard. Therefore, local policy can form part of the consideration.

Does the proposal have strategic policy support?

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

The site is located within the Neighbourhood Residential Zone (NRZ). The purposes of this zone include recognising areas of single and double storey residential development and ensuring that development respects the identified neighbourhood character.

The proposal for 5 dwellings represents a level of change that is expected in an established urban area and has strategic policy support.

- The proposal for four dwellings on site represents an acceptable level of change in housing density whilst continuing to respect the neighbourhood character of the surrounding area, with incorporated acceptable setbacks, site coverage and garden area.
- The development proposes double storey dwellings, fitting comfortably within the recommended height and storeys in the NRZ.
- The dwellings represent an acceptable level of change in an area where multi-dwelling developments are now commonly found, the design adequately responds to the existing character and meets Clause 55 requirements and provides appropriate opportunities for landscaping.

Car parking policy

This application also needs a planning permit to reduce the statutory car parking requirements. Therefore, the following local policies in the Merri-bek Planning Scheme are of relevance to this application:

- Built Environment and Heritage (Clause 15), including
 - Vehicle access design in Merri-Bek (Clause 15.01-1L)
- Transport (Clause 18), including:
 - Car parking (Clause 18.02-4L)

Human Rights Consideration

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

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

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

4. Issues

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

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

Attachment 4 details an assessment against the 'deem to comply' standards of the townhouse and low-rise code at Clause 55, that if complied with, remove objectors' rights to lodge an application for review at VCAT.

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

Neighbourhood character standards:

The proposal has been assessed against the neighbourhood character standards in Clause 55 relating to street setback, building height, side and rear setbacks, walls on boundaries, site coverage, vehicle access, tree canopy and front fences. The proposal complies with most of the neighbourhood character standards except for the street setback standard which is detailed below. In particular, the proposal provides for two storey buildings which meets the mandatory height control, provides setbacks that meet the standard requirements, and has a maximum site coverage of 60 percent required by the standard.

The street setback standard (B2-1) is varied as the proposed porch of Dwelling 1 is 3.6 metres high, whereas the standard only allows porches 'less than' 3.6 metres to encroach into the setback area. When this is achieved, the porch can be excluded when measuring the front setback.

The front porch exceeds the allowable encroachment, by not being less than 3.6 metres in height. The decision guidelines invite consideration on whether the variation takes into account the prevailing setbacks of existing buildings on nearby lots. The recommendation includes a condition to increase the front setback to 7.0 metres, to better complement the prevailing front setbacks.

Liveability standards:

The proposal complies with Clause 55 standards related to onsite amenity and facilities (Clause 55.03 – Liveability). In particular, the proposal provides adequate bedroom sizes, functional layouts and opportunity for natural ventilation of the dwellings.

External amenity standards:

The proposal has been assessed against the external amenity standards in Clause 55 relating to daylight to existing windows, overshadowing, overlooking and internal views. The proposal complies with most of the external amenity standards except for overlooking and internal views which is detailed below.

The standards relating to overlooking have recently changed with overlooking treatment no longer required for bedrooms. As the living areas are on the ground floor for all the dwellings, the boundary fencing provides a barrier to prevent unreasonable overlooking. At first floor, the bedroom windows do not require screening from overlooking.

The study spaces at first floor to Dwelling 4 and 5 are not screened. These are within 9 metres of neighbouring garden areas resulting in non-compliance with the overlooking standard. In addition, these will also overlook courtyard areas within the development resulting in non-compliance with the internal views standard. The recommendation includes a condition to limit overlooking into the neighbouring garden areas and courtyards within the development. This will result in compliance with the standard.

Sustainability standards:

The recently introduced townhouse and low-rise code (Clause 55) has resulted in Council's local ESD policy no longer being a relevant planning consideration for this form of development. The ESD features of the development have been assessed against the new standards and are adequate. They include:

- Adequate permeability and stormwater management.
- Sufficient areas identified for future installation of appropriately sited rooftop solar energy systems for each dwelling.
- Solar protection to new north-facing windows.
- Adequate waste and recycling considerations.
- Ensuring the impact of mechanical plant noise is minimised.

Has adequate car parking been provided?

A total of 11 car spaces is required for the proposal which is made up of 10 private spaces and one visitor car-space. The development provides 10 private car spaces on-site and no visitor space therefore seeking approval for a reduction of 1 space. A key concern raised by objectors relates to inadequate car parking spaces being provided.

In response to these concerns plans for discussion were submitted to Council by the applicant that have amended Dwelling 3 to become a two-bedroom dwelling. Two bedroom dwellings only require one car parking space in the planning scheme. The external car parking space that was previously allocated to Dwelling 3 is converted into a visitor car space that the whole development can utilise. This change eliminates the requirement to obtain a car parking reduction for the proposal. The changes to the plans have not resulted in any changes to setbacks or heights, therefore there is no additional impact to neighbouring properties in terms of visual appearance or shadowing. With these changes, the car parking will comply with the planning scheme and is therefore acceptable. These changes have been secured by recommended permit conditions.

The development must be completed in accordance with the planning permit and endorsed plans. This means it would be illegal as part of the construction process or at a later time, to undertake internal re-arrangement to return Dwelling 3 to a 3 bedroom dwelling. To make a potential conversion harder the recommendation includes a condition to reverse the direction of the staircase, as suggested by the permit applicant at the PID and a condition restricting the number of bedrooms for the development.

The proposal satisfies Council's Vehicle Crossing policy by providing 9 metres between the proposed vehicle crossings ensuring that a car parking space is retained on street.

Vehicles, whether related to this or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions and the availability of on-street car spaces.

The dwellings will not be eligible for on-street parking permits. This is included as a note on the planning permit in the recommendation.

What impact does the proposal have on car congestion and traffic in the local area?

Council's Development Engineer have assessed the proposal and consider that the development will result in about 32 additional vehicle movements per day than generated from this site previously. It is considered that such additional movements would not unnecessarily be concentrated or conflict substantially with existing traffic. The vehicles will travel along Loongana Avenue, and the vehicles are not expected to cause unacceptable congestion at nearby intersections.

5. Response to Objector Concerns

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

- Car parking reduction
- Increased on-street parking
- Traffic concerns
- Neighbourhood character
- Amenity Impacts (overlooking)

Other issues raised by objectors are addressed below.

Neighbourhood character

The new Townhouse and Low-rise Code (Clause 55) changed the assessment against neighbourhood character removing the previous '*neighbourhood character*' standard and replacing it with the new theme which is codified and includes eight standards. The standards under neighbourhood character are included within the 'deemed to comply' standards. This means if a development meets the standard, it automatically meets the objectives of that standard. When a standard is met, Council cannot consider any other policy or decision guidelines in the Planning Scheme. This results in Council no longer able consider design aspects nor use local policy to assess against neighbourhood character.

Overdevelopment

The Victorian Civil and Administrative Tribunal has commonly determined that whether or not a proposal is an overdevelopment is best determined from a quantitative assessment of a development's compliance with the criteria set out in the Planning Scheme.

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

Visual bulk

The development meets most of the neighbourhood character standards (building height, side and rear setbacks, walls on boundaries, site coverage, vehicle access, tree canopy and front fences). Although the zoning allows a maximum building height limit of 9 metres the proposal has a maximum height of 7.7 metres.

Loss of sunlight

The submitted shadow diagrams highlights that the shadows will be largely contained within the site or are cast within the shadows of the existing boundary fences. The proposal is compliant with the overshadowing standard. The proposal also complies with daylight to existing windows standard where the proposal is sufficiently setback ensuring that neighbouring habitable room windows receive sufficient daylight.

Strain on infrastructure

Concern was raised with the impact of the dwellings on infrastructure. The owner will be required to address infrastructure servicing demands as required by the relevant service authorities towards the upgrade of existing infrastructure. The proposed dwellings will be required to be connected to the water, sewerage, and electricity services. New connections to the reticulated gas supply are no longer permitted. The applicant will have to meet the requirements of the relevant servicing authorities.

Removal of existing canopy trees

An objective of the tree canopy standard B2-7 is to preserve existing canopy cover and support the provision of new canopy cover. The proposal removes existing vegetation on site however the land is zoned for residential purposes and has no specific Vegetation Protection Overlay in the Merri-bek Planning Scheme. The proposed new canopy cover meets the standard by providing 20 per cent of canopy coverage with 14 new canopy trees proposed. A condition on the decision will require a landscape plan to be submitted and endorsed as part of the decision.

During the assessment of this application, Clause 52.37 (Canopy Trees) was added to the planning scheme which introduces new permit requirements for the removal and pruning of some trees. However, the proposed application was lodged before the introduction of the clause and therefore is not subject to these requirements.

Concerns with emergency services, bin collection and larger vehicles entering the street

The traffic engineering assessment has confirmed the proposal will not change the situation for emergency services, bin collection and larger vehicles entering the Loongana Street, acknowledging the constraints in many existing streets throughout Merri-bek.

Vehicle movement

Vehicle turning paths have been checked by Council Development Engineering and are adequate. The turning areas provided allow cars to both enter and exit the street in a forward direction. The car-parking areas are generally acceptable subject to a condition requiring the visitor car parking space to be 3.2 metres wide.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

The proposal to construct five dwellings has strong strategic policy support particularly having regards to the State Government *Victoria's Housing Statement - The Decade Ahead 2024 – 2034*, encouraging more housing in well located areas. The proposal has been assessed against the new Clause 55 requirements and is mostly compliant with the deemed to comply standards. The proposed car parking is supported as a reduction is no longer required based on the discussion plans provided by the applicant and included as a condition in the recommendation.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that Notice of Decision to Grant a Planning Permit MPS/2025/364 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

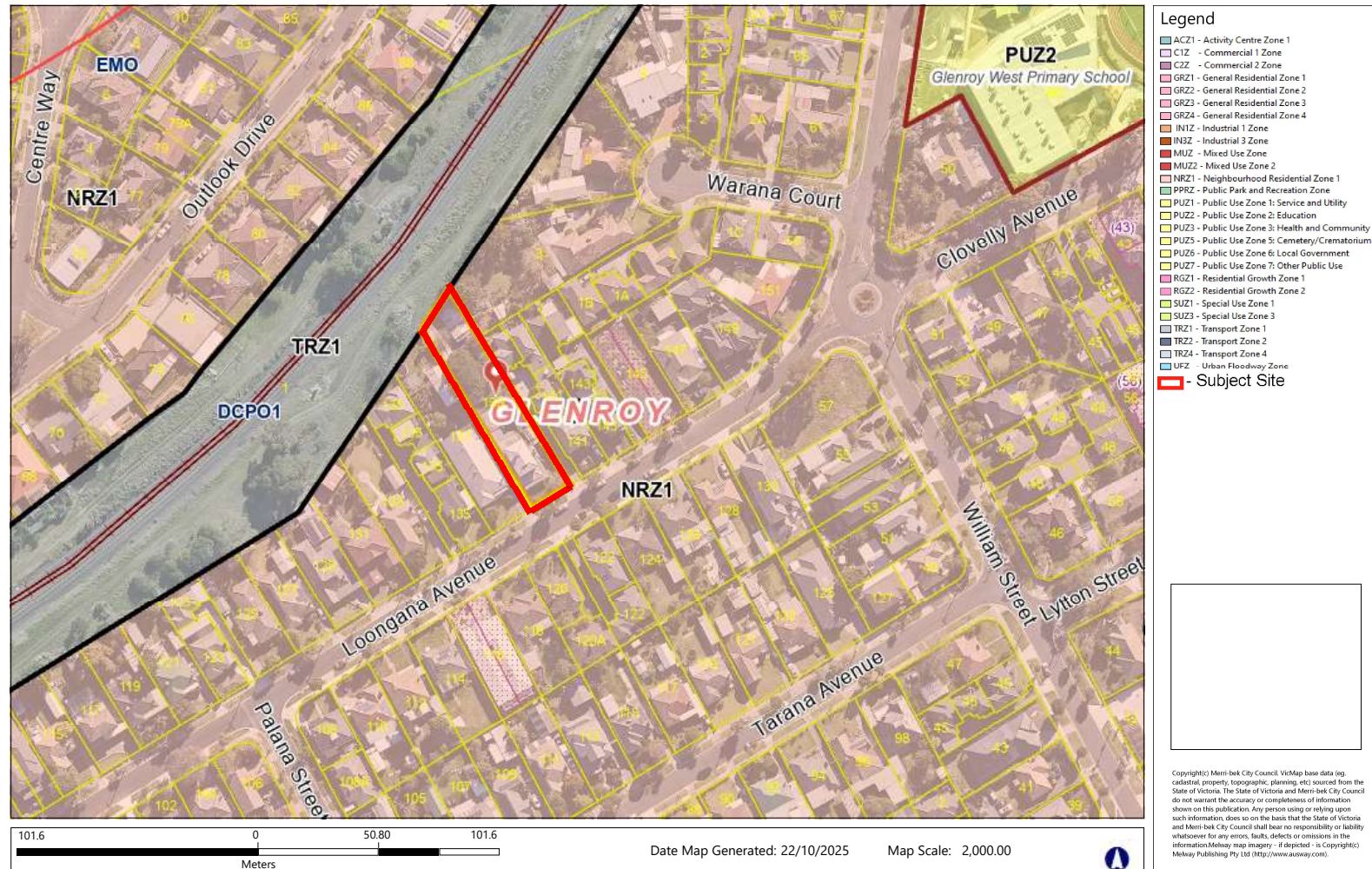
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2 ↓	Development Plans	D25/569981
3 ↓	Objector Location Plan	D25/570037
4 ↓	Clause 55 table - 13 deemed to comply standards	D25/606927

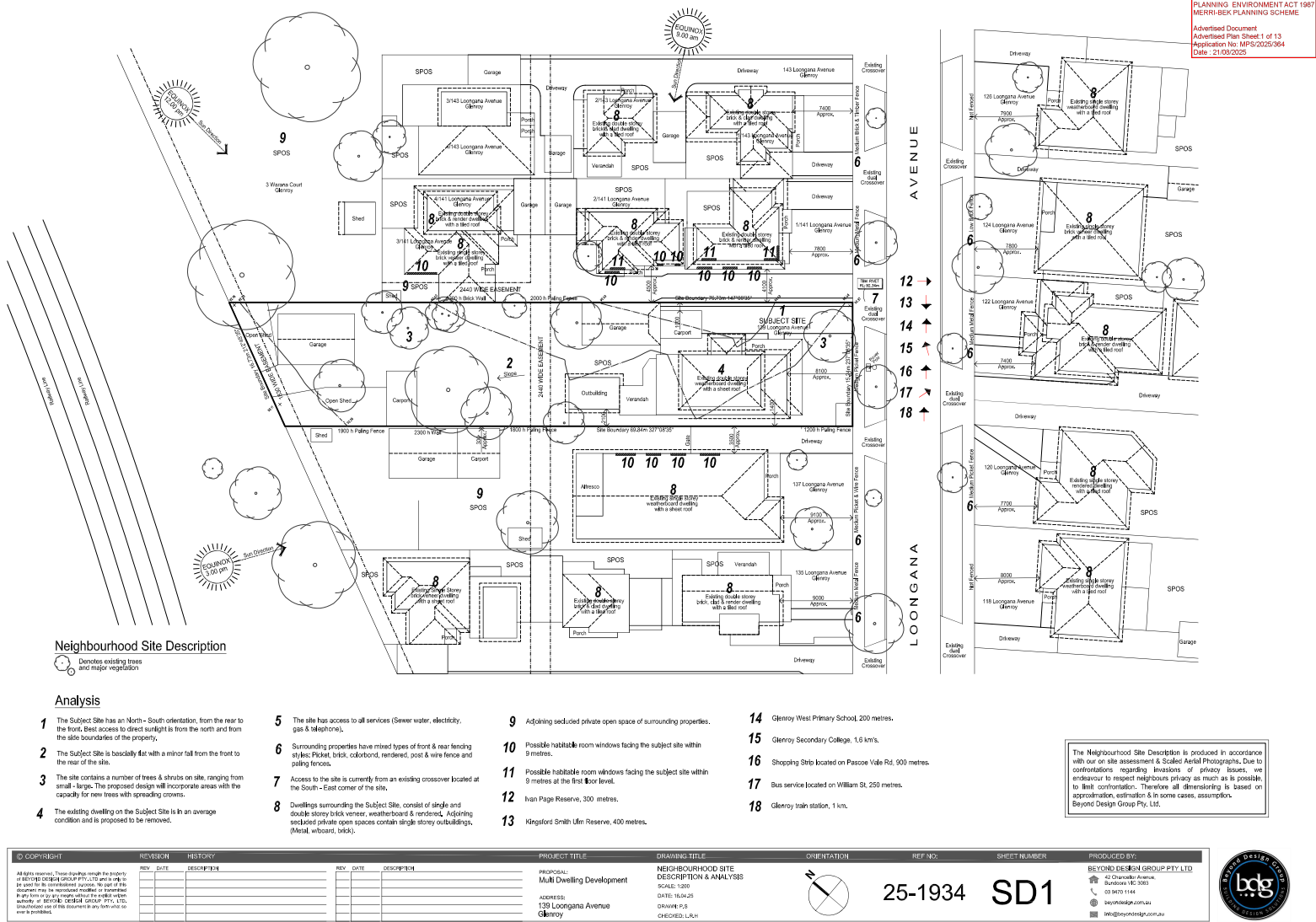
Zoning and Location Plan

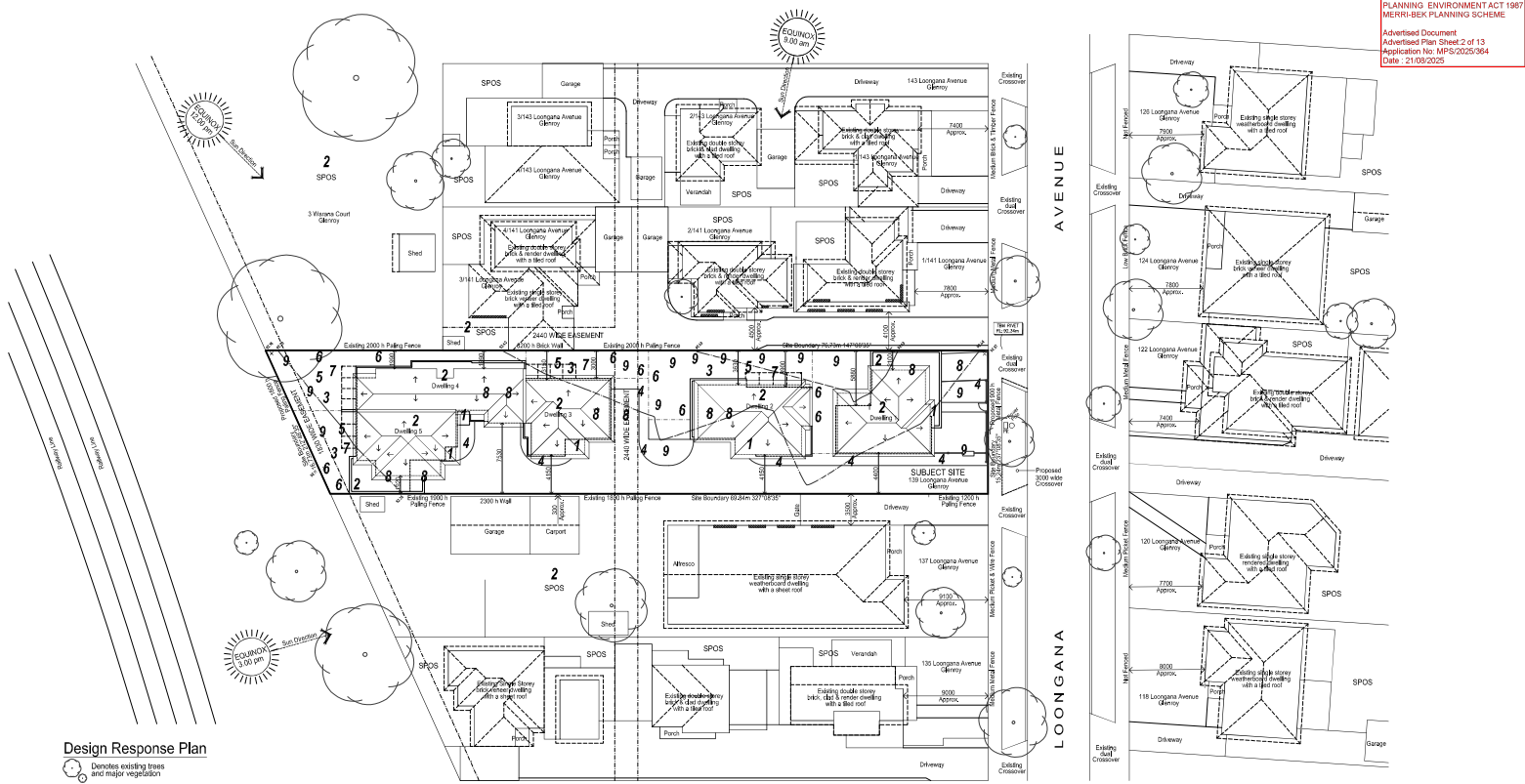
139 Loongana Avenue, GLENROY VIC 3046



Merri-bek
City Council







Design Response Plan

Denotes existing trees and major vegetation

The proposed development has responded to the site context in the following ways:

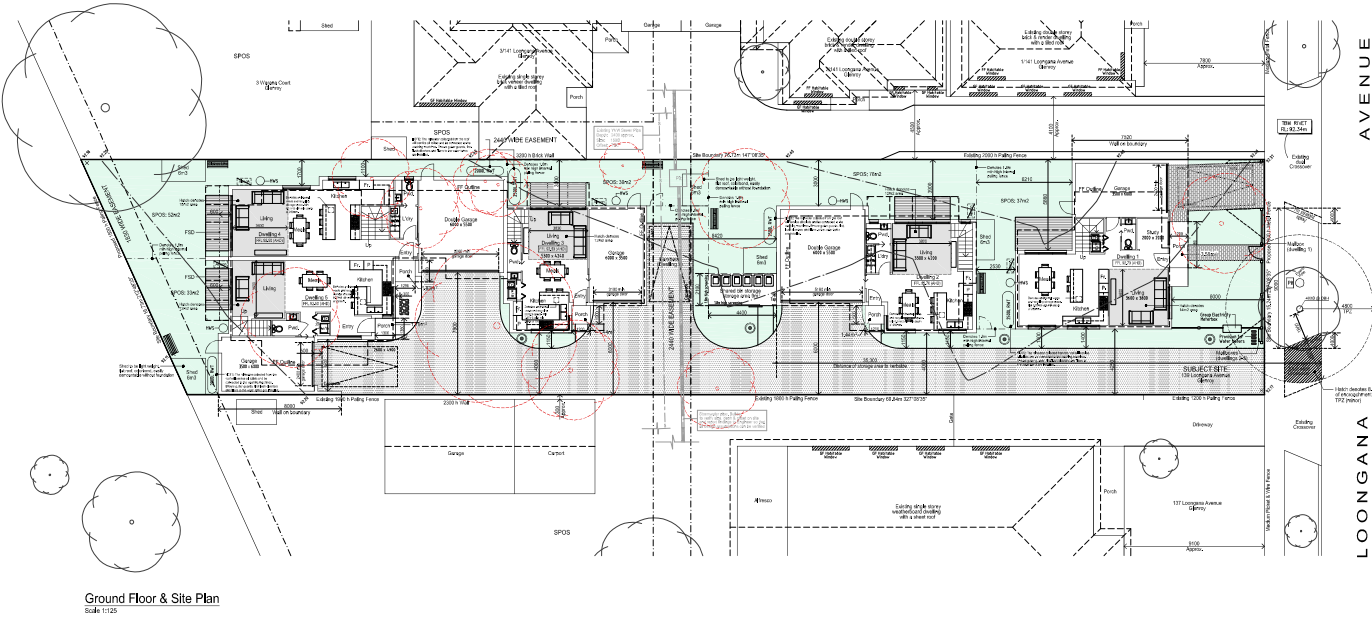
- 1 The proposed dwellings have a clear sense of identity. A sheltered area and transitional space is provided around the entry point of all of the proposed dwellings, which will provide secure access.
- 2 Proposed double storey construction provides for an additional treatment that is articulated and more pleasant to view from adjoining private open spaces and upon entry to the site. Only a small component of walls are proposed on the boundary, which helps maintain existing views from adjoining secluded private open spaces.
- 3 The private open space areas have been positioned to minimise any adverse impact on adjoining properties with respect to access to natural light and overlooking.
- 4 On site infiltration has been maximised through the introduction of landscaped areas and stormwater run-off will be directed into garden areas to reduce watering and the demand on drainage infrastructure.
- 5 The principal open space areas of each dwelling will be accessed directly from main living areas. Secluded open space areas within the development will achieve total privacy.
- 6 Each dwelling will have sufficient room for storage and outdoor clothes drying facilities.
- 7 The varied dimensions (a minimum of 3.0m) of secluded private open space areas proposed for the dwellings will allow for the planting of small canopy trees and screen vegetation and provide a reasonable recreation area for each of the dwellings.
- 8 The proposed dwellings 1, 3 & 5 will each be provided with a single garage, with the provision for an additional second car space in a tandem formation. Dwellings 2 & 4 will each be provided with a double garage. Sufficient visitor parking is available in Loongana Avenue.
- 9 Canopy vegetation and extensive landscaping is proposed throughout the site to enhance the appearance of the site and to soften hard surfaces areas.

The Design Response has been prepared taking into account the opportunities and constraints of the subject site and the Standards of Clause 55. The Design Response has been derived from the Neighbourhood Site Description ensuring that a coherent design outcome has been achieved.

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										PROPOSAL		SCALE 1:200		DATE 16/04/25		DRAWN P.S.	
										ADDRESS		130 Loongana Avenue		DRAWN P.S.		CHECKED L.H.	
										Garage							



PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 3 of 13
Application No: MPS/2025/364
Date: 21.09.2025

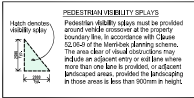


Ground Floor & Site Plan
Scale 1:125

AREA ANALYSIS

Dwelling	Ground floor	First floor	Porch	Garage	Total	Dwelling	POB (front & rear)	SPOS	Total
Dwelling 1	65 m ²	75 m ²	4 m ²	24 m ²	168 m ²	Dwelling 1	47 m ² + 13 m ²	37 m ²	60 m ²
Dwelling 2	51 m ²	80 m ²	1.4 m ²	37 m ²	169.4 m ²	Dwelling 2	9 m ²	78 m ²	87 m ²
Dwelling 3	43 m ²	65 m ²	1.4 m ²	24 m ²	133.4 m ²	Dwelling 3	6 m ²	39 m ²	45 m ²
Dwelling 4	62 m ²	80 m ²	1.4 m ²	37 m ²	180.4 m ²	Dwelling 4	2 m ² + 23 m ²	62 m ²	77 m ²
Dwelling 5	54 m ²	66 m ²	1.4 m ²	24 m ²	145.4 m ²	Dwelling 5	8 m ² + 6 m ²	33 m ²	47 m ²

SITE AREA	SITE COVERAGE	SITE COVERAGE	GARDEN AREA	Canopy Tree
1117 m ²	450 m ² 40.3 %	366 m ² 32.8 %	361 m ² 32.3 %	227 m ² 20.3 %



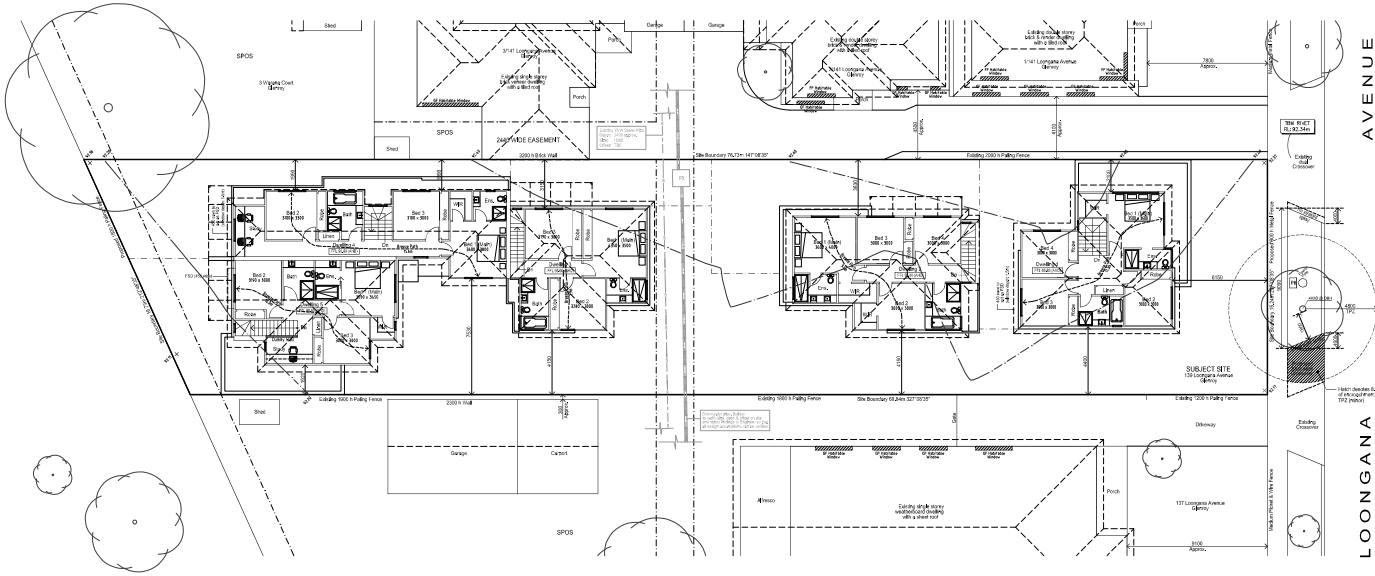
SITE LEGEND

- DENOTES EXISTING TREES & SHRUBS ON ADJOINING PROPERTIES & NATURE STRIP
- DENOTES EXISTING TREES ON SITE TO BE REMOVED
- DENOTES PERMEABLE CONCRETE
- DENOTES PROPOSED RAINWATER AREA TO THE SPECIFICATIONS OF MELBOURNE WATER
- DENOTES 1800 HIGH PAULING FENCE (LUND)
- BAFFLED BOLLARD STYLE PUBLIC LIGHTING TO BE PROVIDED ALONG THE LENGTH OF THE COMMON ACCESSORY (MAX 1.2M HIGH)
- DENOTES RAINWATER TANK
- DENOTES SELECTED CONCRETE TO DRIVE WAY & CARSPACES
- DENOTES PROPOSED DECKING (PERMEABLE)
- FSD FRIED SHADING DEVICE
- NOTE: ALL PROPOSED LANDSCAPING TO BE FULLY SPECIFIED DUAL LANDSCAPE PLAN

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		Response to RFP																																														
				ADDRESS: 139 Longgins Avenue, Glenroy		SCALE: 1:125 DATE: 16/09/25 DRAWN: PLS CHECKED: LUK						45 Chesham Avenue, Bundoora VIC 3083 03 9470 1144 info@beyonddesign.com.au																																				



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First Floor & Site Plan
Scale: 1:125

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REV.	DATE			
A	11/07/25			Preparation of SFP

PROJECT TITLE

PROPOSAL

Multi Dwelling Development

ADDRESS

139 Loongana Avenue, Glenroy

DRAWING TITLE

FIRST FLOOR & SITE PLAN

SCALE: 1:125

DATE: 16/09/25

DRAWN: PLS

CHECKED: LUKH

ORIENTATION

REF NO:

25-1934

SHEET NUMBER

TP2

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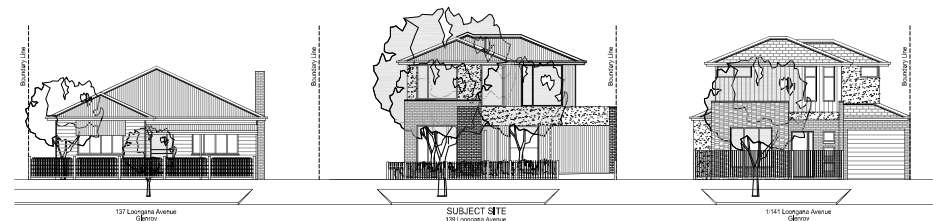
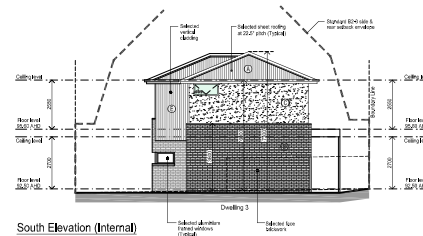
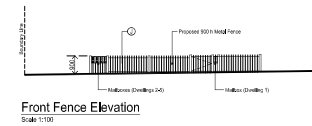




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A	11/01/25	Preparation				PROPOSAL	SCALE 1:200	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25	DATE 16/01/25
						Multi-Dwelling Development									
						ADDRESS									
						130 Longana Avenue, Glenroy									

25-1934 TP3

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Streetscape Elevation - View from Loongana Avenue
M.T.S

SHADING DEVICE LEGEND

fixed shading device (FSD)

Placed on external shading studies in all North Facing horizontal rooms (all external elevations). The depth of the device is to be equal to 25% of the distance from all heights to the base of the window. The device must be placed on the outside of the window and must be placed on a distance not less than 10' from the device. Adjustably shading devices can be placed on these elevations that are 1' from the boundary of a fixed shading device and all elevation while in the setback from the boundary.

$FSD = \frac{H}{4}$

FSD

10'

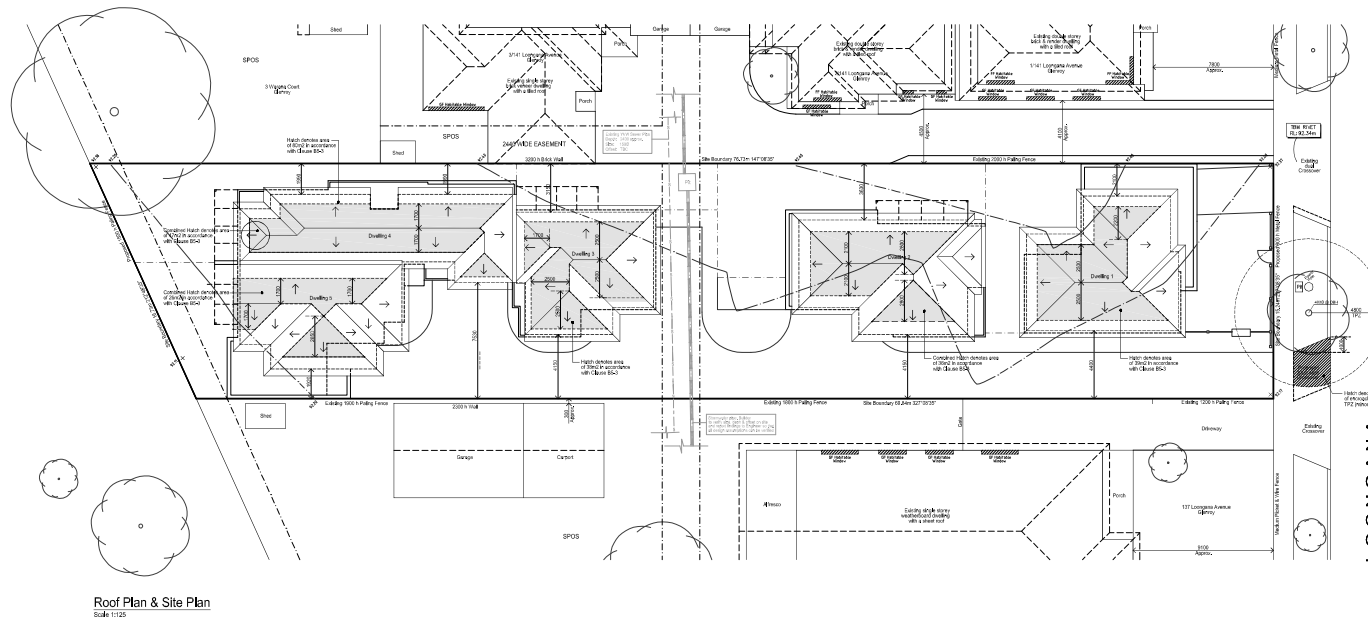
External Image

COLOURS & FINISHES SCHEDULE		
A	Selected Sheet Roofing Colour: Monochrome	
B	Selected Brick Wall Colour: Shweler or similar	
C	Selected Render Colour: Leankor or similar	
D	Selected Render Colour: Monochrome or similar	
E	Selected Vertical Slatted Cladding Colour: Monochrome or similar	
F	Selected Front Entry Doors Colour: Leankor or similar	
G	Selected Garage Doors Colour: Monochrome or similar	
H	Selected Aluminium Windows Colour: Monochrome or similar	
I	Selected Coloured Concrete Driveway Colour: Light or Medium Grey or similar	
J	Selected Hard Stone Fencing Block or similar	

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	A	14/02/25	Proposed RFP	Multi Dwelling Development	SCALE: 1:200		25-1934	TP4	
				ADDRESS:	DRAWN P/S				
				139 Longcane Avenue, Glenroy					



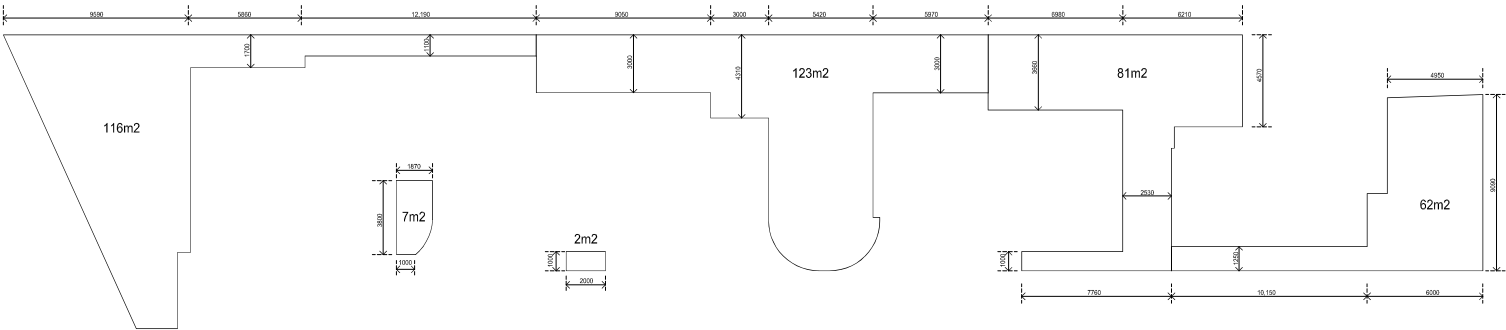
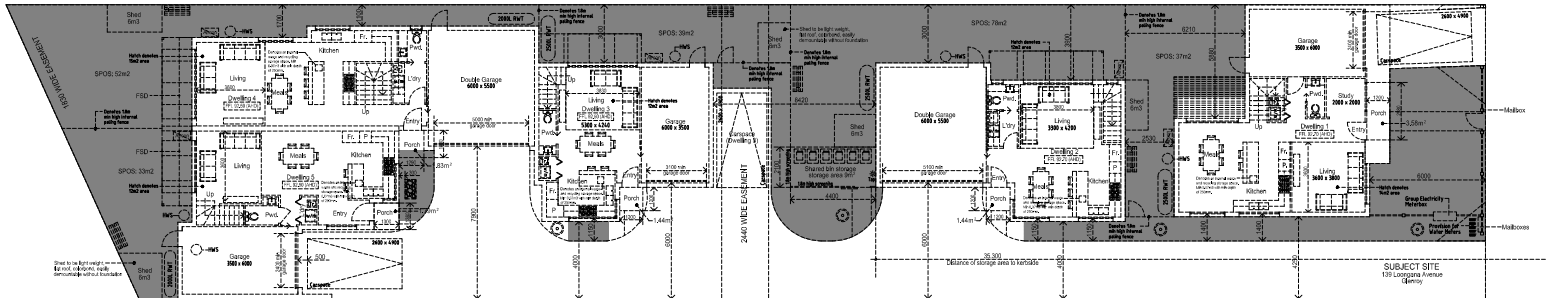
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		A	11/07/25			DESCRIPTION: [REDACTED]	SCALE: 1:125								
							DATE: 16/09/25								
							DRAWN: PLS								
							CHECKED: LUK								
				130 Loongana Avenue, Glenroy											



PLANNING ENVIRONMENT ACT 1987
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SITE AREA	SITE COVERAGE Building Area	SITE COVERAGE Pervious Surfaces	GARDEN AREA 650m² ± = 35% min	Canopy Tree Coverage (min 20%)
1117 m²	450 m² 40.3 %	396 m² 35.5 %	391 m² 35.0 %	227 m² 20.3 %

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PROJECT TITLE

PROPOSAL

Multi Dwelling Development

ADDRESS

139 Loongana Avenue, Glenroy

DRAWING TITLE

GARDEN AREA ANALYSIS

SCALE: 1:150

DATE: 16.09.25

DRAWN: PLS

CHECKED: LRLH

ORIENTATION

25-1934 TP6

SHEET NUMBER

25-1934 TP6

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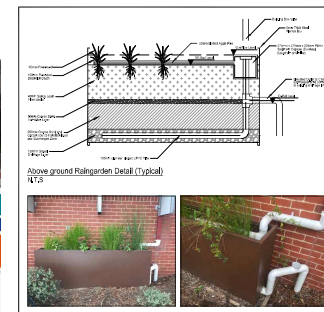
Bundoora VIC 3083

03 9470 1144

bryoniodesign.com.au

info@bryoniodesign.com.au



[illegible]

Area	Inspection and Maintenance Activities for Rain Gardens	Frequency
Site design	- Check that rainwater discharge is being directed into the surface of the rain garden or through a downspout - Review planting of native plants and trees - Review mulching of native plants and trees - Review retention of early native plants or trees if appropriate	As required
Structure	- Check that retention or permeable filter pits exist - Check that retention or permeable filter pits are properly installed - Check that retention or permeable filter pits are properly maintained - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed	As required
Vegetation	- Check that retention or permeable filter pits exist - Check that retention or permeable filter pits are properly installed - Check that retention or permeable filter pits are properly maintained - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed	As required
Water quality	- Check that retention or permeable filter pits exist - Check that retention or permeable filter pits are properly installed - Check that retention or permeable filter pits are properly maintained - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed - Check that retention or permeable filter pits are properly sealed	As required

WATERWORKS SCHEDULE FOR PERMANENT PAVING		
Time Frame	Inspection	Maintenance
1. Daily after the major work ends until fully in place	Visual: Verify infiltration performance. Check that pavement covered exposed joints.	Determine cause
2. Quarterly (monthly during the last 12 months)	Check for surface erosion and immediate corrective action is taken.	Re-grade, repair or resurface pavement as required and/or
3. Annually	Check bottom surface of pavement and adjacent subgrade. Perform surface of joints for deterioration or structural damage.	Re-grade, patch or resurface base with closely matched perfor UH changed pavers, after the selected material is shown to be
4. 3-5 years (or least until 15 years)	Perform infiltration rate test	Underlain will sustain loading if required

	ROOF AREA DIRECTED TO RAINWATER TANKS		UNTREATED AREA SURFACE AREA		UNTREATED ROOF AREA
	ROOF AREA DIRECTED TO ABOVE GROUND RAINGARDEN		PERMEABLE CONCRETE PAVING		ABOVE GROUND RAINGARDEN AREA TO THE SPECIFICATIONS OF MELBOURNE CITY COUNCIL

NOTE: THE RAINWATER COLLECTED FROM THE ROOF WILL SERVICE ALL TOILETS AND BE CONNECTED TO THE WASHING MACHINES. ENSURE GUTTER GUARDS, FIRST FLUSH DIVERSERS AND FILTERS TO THE WATER TANKS ARE INSTALLED.

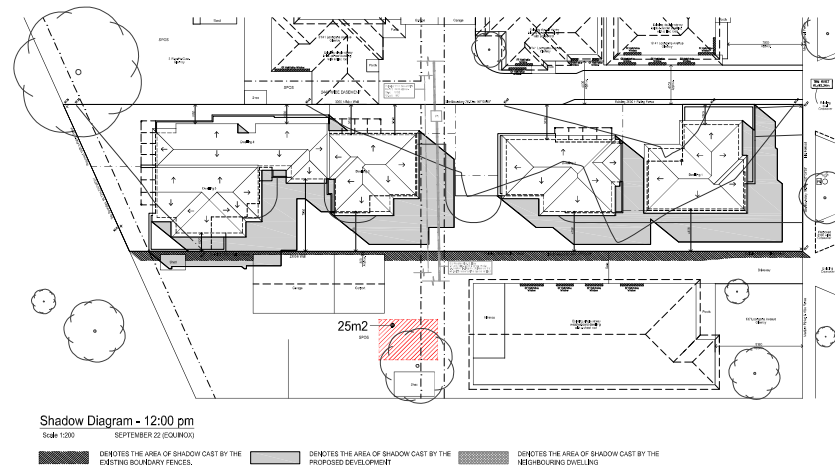
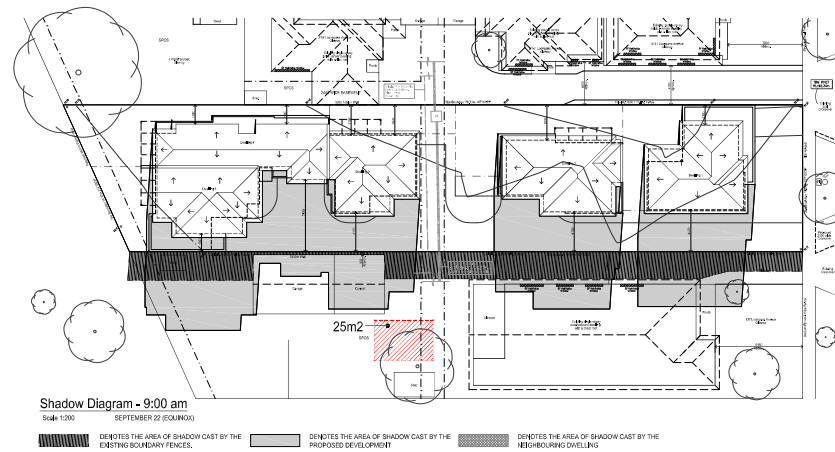
NOTE:
Rainwater tanks are to only be used for reuse within the dwellings. Tanks are to be completely independent of any detention requirements (through the legal point of discharge).

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1	11/02/23	Issued for ITP												





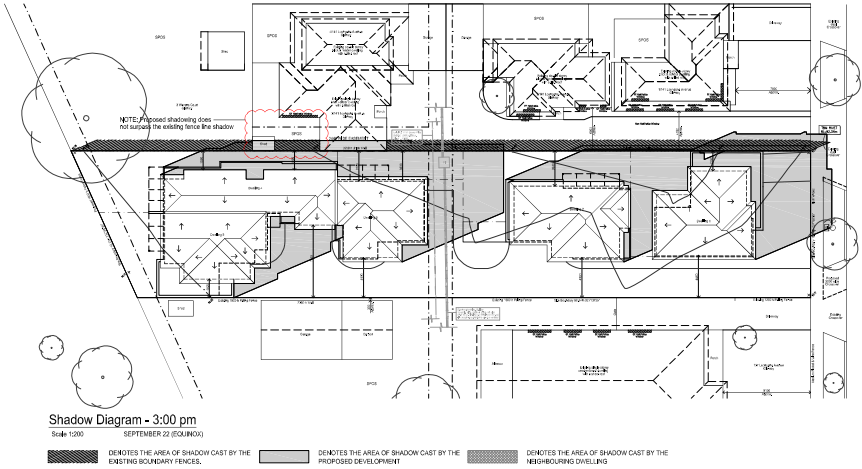
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			A	11/07/25	PROPOSED DEVELOPMENT												



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REV.	DATE	REV.	DATE	DESCRIPTION
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PROJECT TITLE

PROPOSAL: Multi Dwelling Development

ADDRESS: 139 Loongana Avenue, Glenroy

DRAWING TITLE

SHADOW DIAGRAMS

SCALE: 1:500

DATE: 16/09/25

DRAWN: PLS

CHECKED: LPLH

ORIENTATION

REF NO:

25-1934

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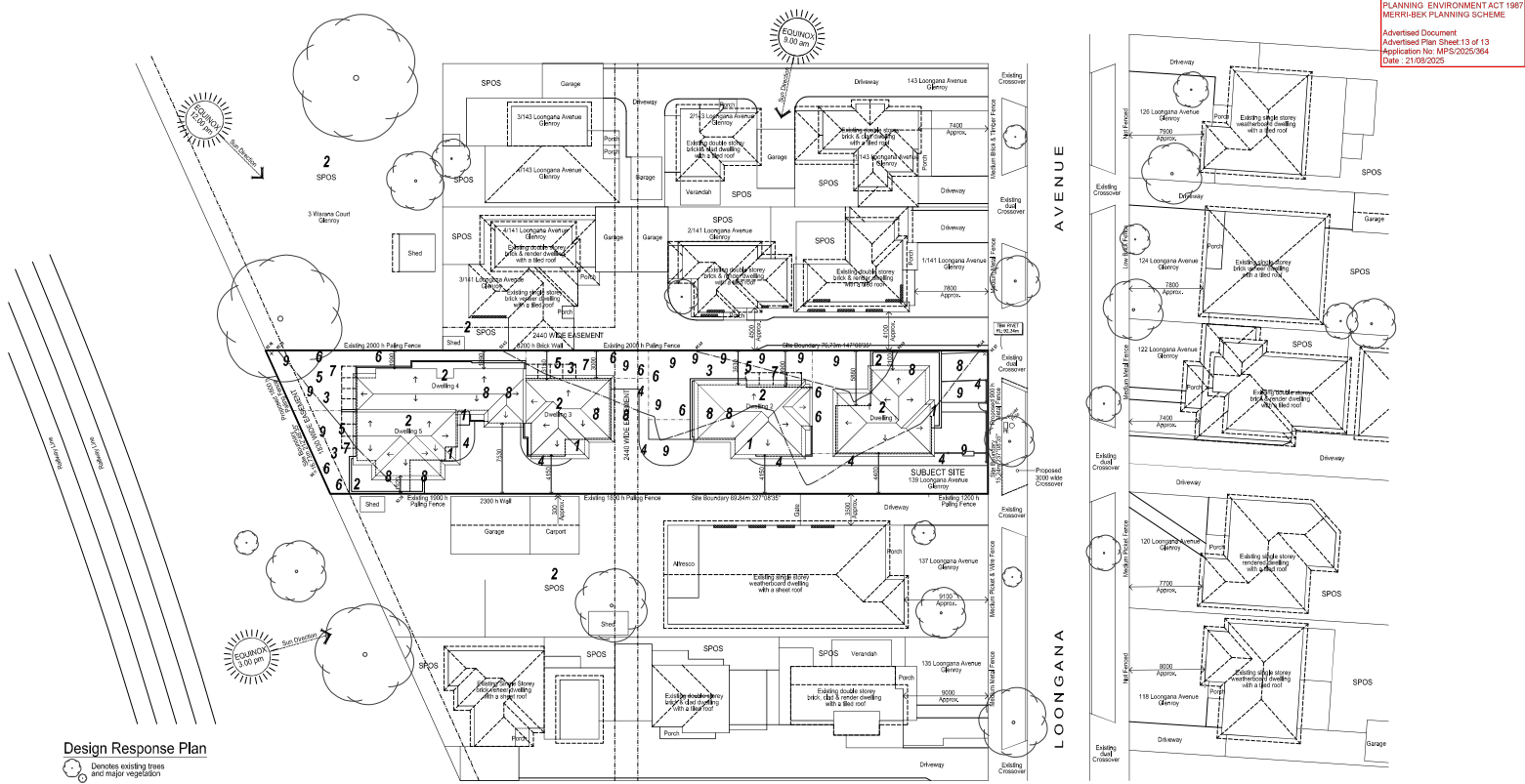
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Advised Document
Advised Plan Sheet 13 of 13
Application No: NPS/2025/364
Date: 21/05/2025

Design Response Plan

Denotes existing trees and major vegetation

The proposed development has responded to the site context in the following ways:

- 1 The proposed dwellings have a clear sense of identity. A sheltered area and transitional space is provided around the entry point of all of the proposed dwellings, which will provide secure access.
- 2 Proposed double storey construction provides for an additional treatment that is articulated and more pleasant to view from adjoining private open spaces and upon entry to the site. Only a small component of walls are proposed on the boundary, which helps maintain existing views from adjoining secluded private open spaces.
- 3 The private open space areas have been positioned to minimise any adverse impact on adjoining properties with respect to access to natural light and overlooking.
- 4 On site infiltration has been maximised through the introduction of landscaped areas and stormwater run-off will be directed into garden areas to reduce watering and the demand on drainage infrastructure.
- 5 The principal open space areas of each dwelling will be accessed directly from main living areas. Secluded open space areas within the development will achieve total privacy.
- 6 Each dwelling will have sufficient room for storage and outdoor clothes drying facilities.
- 7 The varied dimensions (a minimum of 3.0m) of secluded private open space areas proposed for the dwellings will allow for the planting of small canopy trees and screen vegetation and provide a reasonable recreation area for each of the dwellings.
- 8 The proposed dwellings 1, 3 & 5 will each be provided with a single garage, with the provision for an additional second car space in a tandem formation. Dwellings 2 & 4 will each be provided with a double garage. Sufficient visitor parking is available in Loongana Avenue.
- 9 Canopy vegetation and extensive landscaping is proposed throughout the site to enhance the appearance of the site and to soften hard surfaces areas.

The Design Response has been prepared taking into account the opportunities and constraints of the subject site and the Standards of Clause 55. The Design Response has been derived from the Neighbourhood Site Description ensuring that a coherent design outcome has been achieved.

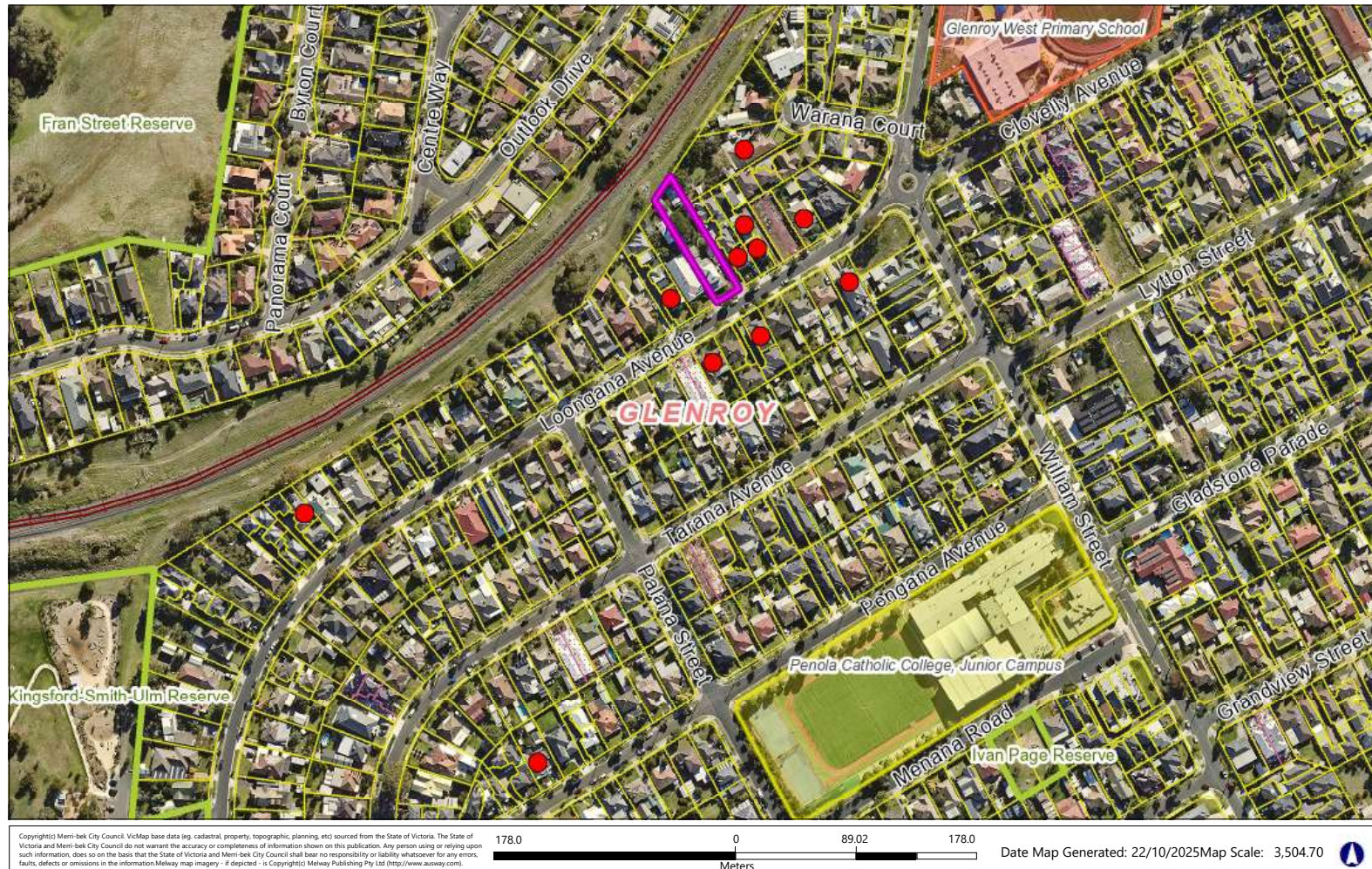
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	REV. DATE	DESCRIPTION	ADDRESS: 139 Loongana Avenue Glenroy	SCALE: 1:200 DATE: 16/04/25 DRAWN: P.S. CHECKED: L.H.				



Objector Location Plan

139 Loongana Avenue, GLENROY VIC 3046

- Subject site
- - Objector location



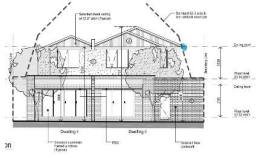
Attachment 4: Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

The following table details an assessment of proposals compliance/non-compliance with the 13 standards of Clause 55 which impact objectors rights to lodge a review of a planning decision before the Victorian Civil & Administrative Tribunal (VCAT). Statewide Planning Scheme changes now provide that if all these 13 standards are met, objectors can no longer apply to VCAT for a review of Council's decision.

55.02 - Neighbourhood Character

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
B2-1 Street Setback	No	<i>Street setback</i> The standard requires a minimum 6 metre setback, as both of the adjoining building front setbacks exceed 6 metres. The proposal provides the minimum 6 metre front street setback from both the ground floor and first floor to Dwelling 1. <i>Porch</i> The standard allows porches that are less than 3.6 metres high to encroach no more than 2.5 metres into the front street setback. The proposed porch is exactly 3.6 metres high and does not encroach more than 2.5 metres into the front street setback. As it is not less than 3.6 metres high the height component of the standard is not met.	Yes

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
		The porch has a 1.2 metre encroachment into the front setback.	
B2-2 Building height	Yes	The standard requires that the maximum building height does not exceed the maximum height specified in the zone. The site is located in the Neighbourhood Residential Zone which allows a maximum height of 2 storeys and 9 metres in height. The proposal has a maximum height of 7.7 metres and is two storeys.	No
B2-3 Side and rear setbacks	Yes	The proposal to the north-east boundary has a minimum upper floor setback of 1.99m, which would allow a wall height of 6.90 metres. The plans indicate wall heights of approximately 6 metres. The proposal to the south-west boundary has a minimum upper floor setback of 1.92m, which would allow a wall height of 6.6 metres. The plans indicate wall heights of approximately 6 metres. Eaves may encroach not more than 0.5 metres into the side and rear setback standard. Dwelling 5 – has a minor eave encroachment which can be seen as 0.3 metres which complies. Refer to figure below:	No

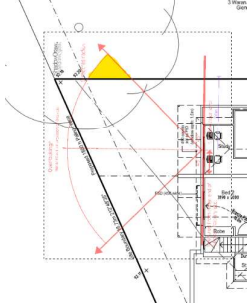
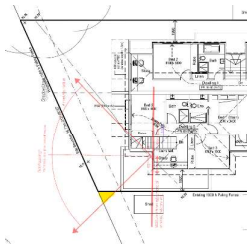
Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
		 Figure 1- North elevation – showing minor side encroachment (blue highlight) – advertised plans 21 August 2025 Rear The proposal to the north-west boundary has a minimum upper floor setback of 4.5m, which would allow a wall height of 9.4 metres. The plans indicate wall heights of approximately 6.7 metres. The proposal complies with side and rear setbacks. Noting some additional elevation dimensions are needed to remove any doubt about the wall height.	
B2-4 Walls on boundaries	Yes	The two proposed walls on boundary – both comply with the average wall height and length for the site: <u>North-east</u> Allowable: 26.68 metres Proposed length: <u>7.52 metres</u> Average Height: 3.2 metres <u>South-west</u> Allowable: 24.96 metres Proposed length: <u>8 metres</u> The garage appears to comply with the standard, in that it has a dimension that the wall height will be an average of 3.2 metres.	No

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
		The following condition will form part of the decision: The front setback increased to a minimum of 7.0 metres. This will be in accordance with the decision guidelines of standard B2-1 which states: <i>'Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.'</i>	
B2-5 Site coverage	Yes	The standard allows 60% site coverage in the zone. The proposal provides for 40.3% (450sqm) The proposal complies.	No
B2-6 Access	Yes	This standard seeks to ensure that the number and design of vehicle crossovers along the street frontage responds to the neighbourhood character. Requirement for frontages less than 20 metres is 40%. The site has a 15.24 metre frontage – allowing 6.096 metres of access way. Proposed is: 6 metres <u>Street tree TPZ encroachment must be less than 10%</u> The proposal complies at 8.8%.	No
B2-7 Tree canopy	Yes	This standard requires: • 20% of the site area to be provided with tree canopy; • The tree canopy to be met using specific type of trees outlined in the table to the standard;	No

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
		- At least one tree to be provided in the front and the rear setbacks. - Trees to be located in a minimum area of deep soil specified in the table to the standard. The proposal provides for: 20% of 1117sqm = <u>223.4sqm of tree canopy area required</u> - The site proposes; 227.10 sqm which is just over the requirement. - At least one new tree is proposed in the front setback and the rear setback. - In total 14 canopy trees are proposed. - The type of trees and the minimum deep soil area is met. The proposal complies.	
B2-8 Front fences	Yes	The standard allows a 1.5 metre high front fence. The proposal provides for a front fence that has a maximum height of 0.9 metres. The proposal complies.	No

Clause 55.04 - External amenity

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
B4-1 Daylight to existing windows	Yes	The proposal is designed to have setbacks from neighbouring existing windows that exceeds the requirements of standard B4-1. The proposal complies.	No
B4-2 Existing north facing windows	N/A	N/A	No
B3-3 Overshadowing	Yes	The standard requires the area of secluded private open space that is not overshadowed by the new development to be greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. The proposal complies.	No
B4-4 Overlooking	No	In Clause 55.04-4 a habitable room does not include a bedroom. The ground floor boundary fences are annotated on both the floor plans and elevation plans and comply with the standard. The first-floor habitable room windows to the east and west are bedrooms and therefore, do not require screening. The study rooms proposed at first floor to Dwelling 4 and 5 have partial views to neighbouring secluded private open spaces (refer to figure 2 & 3 below).	Yes

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
		A condition will form part of the decision to require screening to limit overlooking onto neighbouring secluded private open spaces and prevent internal overlooking.  Figure 2- First floor plans – showing overlooking arch with non-compliance to neighbouring property at 3 Warana Court, Glenroy (yellow highlight) – dwelling 4 - advertised plans 21 August 2025  Figure 2- First floor plans – showing overlooking arch with non-compliance at 137 Loongana Avenue Glenroy (yellow highlight) – dwelling 5 - advertised plans 21 August 2025	

Clause 55.05 - Sustainability

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of appeal?
B5-2 Overshadowing domestic solar energy systems	N/A	Neighboring properties do not have existing solar panels which could be impacted by the proposal.	N/A

5.3 2-4 MCCOLL COURT, BRUNSWICK WEST - PLANNING PERMIT APPLICATION - MPS/2025/289

DIRECTOR PLACE AND ENVIRONMENT, Pene Winslade

City Development

Executive Summary



Property:	2-4 McColl Court, BRUNSWICK WEST
Proposal:	Construction of six double dwellings and a reduction in the statutory car parking requirements.
Zoning and Overlay/s:	Neighbourhood Residential Zone – Schedule 1 Development Contributions Plan Overlay
Objections:	- Sixteen (16) objections received from 12 properties - Key issues: - Visitor car parking reduction - Amenity impacts (overlooking, overshadowing, visual bulk, noise) - Overdevelopment
Planning Information and Discussion (PID) Meeting:	- Held on 2 October 2025 - Attendees: Three (3) objectors, the applicant, two Council officers, Deputy Mayor Cr Politis and Cr Svensson - Following the discussions at the PID meeting, the applicant has made voluntary commitments to address some of the concerns raised by objectors, related to protecting neighbouring trees, overlooking and location of air conditioning units. The recommendation includes conditions to give effect to these voluntary commitments.
ESD:	Sustainability objectives and standards of Clause 55 will be met by the proposal, subject to conditions in the recommendation. The application is committed to achieving best practice ESD through 60 per cent BESS Score and an average of 7.1-star rating for all six dwellings.
Key reasons for support	- Conditions are needed to ensure that the proposal complies with key standards, related to: - Side and rear setbacks; - Appropriate canopy tree species; - Front fence height; and - Overlooking screening. - The provision of no visitor car parking is acceptable, due to availability of on-street car parking and provision of 3 bicycle parking spaces on-site.
Recommendation:	A Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/289 be issued for the land at 2-4 McColl Court, BRUNSWICK WEST.

The Permit would allow:

Construction of six double dwellings and a reduction in statutory car parking requirements (visitor parking).

Planning Scheme Clause	Matters for which permit is required
Clause 32.09-7	Construct two or more dwellings on a lot
Clause 52.06-3	Reduce the number of car parking space required

The following conditions would apply to this permit:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Ben and Ben, Sheet No.'s T01 – T17, advertised on 7 August 2025 but modified to show:
 - a) A front fence with a height of not more than 1.5 metres above ground level.
 - b) The removal of the 500mm setback of the front fence resulting in the front fence being constructed to the front boundary.
 - c) The balconies associated with Dwellings 2 and 3, modified to achieve compliance with Standard B2-3 (side and rear setbacks) and Standard B4-4 (overlooking) by:
 - i. Deleting the planters.
 - ii. Increasing the west boundary setback to a minimum of 1.42 metres.
 - iii. Incorporating overlooking screening to a height of 1.7 metre above the finished floor levels of the balcony.
 - d) Privacy Screen diagrams drawn at a scale of 1:50 which details the west (condition 1(c)) and south facing screens associated with balconies of Dwellings 2 and 3. 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 standard B4-4 of Clause 55.04-4 (Overlooking) of the Merri-bek Planning Scheme.
 - e) Mechanical plant such as air-conditioning condenser units for all dwellings located on rooftops including any solid barriers to minimise the transmission of noise in accordance with Standard B5-6 (noise impacts).
 - f) The building wall heights, being the vertical distance between the top of the eaves at the wall line or parapet height or balustrade height and the natural ground level fully dimensioned in the following locations:
 - i. The west elevation showing the height to top of balustrade associated with the first-floor balconies of Dwellings 2 and 3.
 - ii. The east elevation overall height measured from natural ground level.
 - iii. The east elevation staircase for Dwellings 4 and 5.

- g) Dimensions for the frontage of 2 and 4 McColl Court consistent with the title boundary included on all relevant plans.
- h) The retaining wall on or near the common boundary with 14 Hopetoun Avenue.
- i) Garage doors to be at least 5.2 metres wide in accordance with Figure 5.4 of the Australian Standard AS2890.1.
- j) Vehicle turning swept paths demonstrating safe egress and ingress to garages having regard to any permanent landscaping obstructions (e.g. light bollards).
- k) Any garden bed subject to vehicle overhang as shown by the swept paths must be designed with a maximum kerb height of 150 mm and a minimum clearance of at least 300 mm behind the kerb in accordance with Figure 5.4 of the Australian Standard for Off-Street Car Parking (AS2890.1).
- l) The vehicle crossing modified to show 1 metre straight splays, commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
- m) Relocation of the power pole in front of the development to a minimum of 1 metre from the proposed vehicle crossing, inclusive of vehicle crossing splays.
- n) The bicycle facilities to meet the requirements of the Australian Standard for Bicycle Parking (AS2890.3), through:
 - i. the provision of undercover and secure bike parking; and
 - ii. nominate bike parking spaces of least 1800mm long, 500mm wide, and allow for a height of 1200mm for vertical parking.
- o) Updated material schedule and details, including finishes for overlooking screens, equal angled screens and 'OG' as 'obscured glazing'.
- p) Provision of a shared bin enclosure with a minimum width of 0.75m, length of 2.32m and screened to a height of 1.28m within either the common landscaped area outside of a revised private open space area of Dwelling 3 or an alternate location at the end of the driveway, to the satisfaction of the Responsible Authority.
- q) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- r) Any changes to the plans arising from the Non-Destructive Root Investigation report in accordance with Condition 6 of this permit.
- s) Tree protection zone(s) in accordance with Condition 6 of this permit, to the street tree outside 4 McColl Court and trees on adjoining sites that are to be retained and require a Tree Protection Zone (TPZ).
- t) The sustainability initiatives that are required to be shown on plans, as contained within Condition 9 of this permit.

Compliance with Endorsed Plans

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

- 3. Concurrent with the submission of plans for endorsement under Condition 1, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Peninsula Landscape Architects advertised on 7 August 2025 but amended to show:
 - a) Any changes required to align with the plans for endorsement.

- b) A new Type A tree to replace species 'Acacia implexa' (Lightwood). The replacement species must achieve the requisite canopy coverage requirement while also having regard to the specific planting location and Merri-bek's growing conditions.
- c) An amended schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-Bek tree finder tool.
- d) Proposed location and quantities of the canopy tree Types A and B to be consistent with the development plan Drawing No. T15.
- e) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained and protected.
- f) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
- g) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
- h) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Sustainability Design Assessment.

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

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

Non-Destructive Root Investigation

- 6. Concurrent with the submission of plans for endorsement under Condition 1, a Non-Destructive Root Investigation (NDRI) report must be submitted to and approved by the Responsible Authority. The NDRI 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 Tree 2 on adjoining property at 12 Hopetoun Avenue remains healthy and viable both during construction and after the development is completed. The results of any exploratory trenching where there is encroachment (construction or excavation) into the Nominal Root Zone (NRZ) of Tree 2 on adjoining property at 12 Hopetoun Avenue to be retained must include photographic evidence of any trenching/ excavation undertaken and any recommendations required to ensure Tree 2's retention.

Tree Protection

- 7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the following trees must have a Tree Protection Zone (TPZ) in accordance with AS4970-2025 *Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority:
 - i. All Council trees located within 3 metres of the site boundary or a vehicle crossing;

- ii. the trees marked on the endorsed plans as being retained and protected.

The TPZ must meet the following requirements:

a) Tree Protection Fencing

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

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

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970-2025.

e) Access to TPF

The TPF once erected, must be maintained and not altered, tampered or moved. If any works are proposed within the TPZ or require the TPF to be moved or altered, then such works must only be carried out with the prior written approval of, and under the direction of, a suitably qualified Arborist (minimum Level 5 Diploma of Arboriculture). A copy of the approval must be provided to Council upon request.

Tree Removal

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

Environmentally Sustainable Design (ESD)

- 9. Concurrent with the submission of plans for endorsement under Condition 1, an amended sustainable design response must be submitted to the satisfaction of the Responsible Authority. The sustainable design response must be generally in accordance with the sustainable design response prepared by Eco Results and development plans prepared by Ben and Ben, advertised 7/8/2025 but modified to include the following changes:

- a) Plans modified to show compliance with Standard B5-1 Clause 55.05-1 (permeability and stormwater objective) by:
 - i. Providing an amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing, roof details including location of parapet walls, box gutters or roof fall direction, downpipes (either charged, gravity or internal) to demonstrate how stormwater catchments drain to the rainwater tanks without charged pipes running under building slabs.
 - ii. Providing a STORM report or Bluefactor report and stormwater management response that maintains a minimum STORM score of 100 per cent (or Bluefactor equivalent) but is modified so that Dwelling 3's roof area is 77sqm, to match the WSUD plan.
 - iii. Including the Dwelling 4 rainwater tank on the ground floor plan. Ensure all rainwater tank capacities match the STORM Report (or Bluefactor equivalent) capacities.
 - iv. Draw all rainwater tanks on the landscape plan.
- b) The plans to show horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors including:
 - i. Labelling of all shading on the plans and elevations.
 - ii. Dimensioned section diagram or photograph of the shading.
 - iii. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The depth must be annotated on the plans. 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.

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

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

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

Residential reticulated gas service connection

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

Car Parking and Vehicle Access

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.

Undergrounding cables

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

Stormwater

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

General Amenity

19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
22. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

Permit Expiry

23. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

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

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

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

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

Note 3: Council may not issue individual bins to new Owners Corporation developments. In the event that shared bins are provided for this development, an amendment to the plans may be required to show the location of a storage area for the shared bins on common land. Please contact Council's City Infrastructure department on 9240 1111 for more information.

Note 4: 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.

1. Background

Subject site

The site is located on the south side of McColl Court, with a frontage of approximately 24.7 metres, a maximum depth of 44.78 metres, and a total site area of approximately 1099.3 square metres. The site has a gentle slope of approximately 900 millimetres from south-east to north-west of the site. The site is currently occupied by three single storey brick dwellings with two outbuildings in the south-western part of the site.

There are no restrictive covenants indicated on the Certificate of Title. There is a drainage and sewerage easement along the rear boundary and party wall easement along the common boundary of 2 and 4 McColl Court.

Surrounds

The site is located within an established residential area where there is a mix of housing including single and double storey dwellings, and an emerging character of newer multi-unit development.

To the east is a double storey brick walk-up flat building comprising six dwellings, with vehicular access via McColl Court.

To the west are two single storey semi-detached homes with backyards, facing Hopetoun Avenue.

To the south are three single storey semi-detached homes with multiple outbuildings within their backyards.

To the north of the site (on the opposite side of McColl Court) are properties containing single storey detached homes. The rear of the properties have been developed for multi units.

A location plan forms **Attachment 1**.

The proposal

The proposal seeks to construct a double storey development containing 6 dwellings, summarised as follows:

- Dwellings 1 and 6 face the street. Each dwelling contains north-facing living areas and secluded private open space on the ground floor, with 3 bedrooms on the first floor.
- Dwellings 2 – 5 have reverse living arrangements. Each dwelling contains west-facing living areas, 1 bedroom and a balcony on the first floor, with 2 additional bedrooms on the ground floor.
- Each dwelling is provided with a double garage, accessed via a central shared accessway.
- 3 bicycle parking spaces provided adjacent to the accessway.
- A communal seating area within the front setback.

The development plans form **Attachment 2**.

Planning Permit and Site History

2 McColl Court

MPS/1996/307 was issued on 16 October 1996 for a rear extension to the existing dwelling. Development has been undertaken in accordance with this permit.

4 McColl Court

MPS/2009/34 was issued on 27 April 2009 for construction of an additional single storey dwelling to the rear of the existing dwelling. Development has been undertaken in accordance with this permit.

SP/2012/216 – issued on 05 September 2012 for the subdivision of land into two lots.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Neighbourhood Residential Zone – Schedule 1	Clause 32.09-7: A permit is required to construct two or more dwellings on a lot. Clause 32.09-1: No permit is required to use land as a dwelling.
Particular Provisions – Car Parking	Clause 52.06-3: A permit is required to reduce the number of car parking spaces required (reduction of 1 visitor space).

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 53.18: Stormwater Management in Urban Development.
- Clause 55: Two or more dwellings on a lot and residential buildings.

Aboriginal Heritage

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018* provide for the protection of Aboriginal places, objects and human remains in Victoria.

The site is located within an area of Cultural Heritage Sensitivity. However, the proposal is an exempt activity under the Aboriginal Heritage Regulations 2018 as the lot is less than 0.11 hectares in size and not within 200m of the coast or Murray River and therefore a Cultural Heritage Management Plan is not required.

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 (2) public notice signs on the frontage of the site (2 and 4 McColl Court respectively).

Council has received 16 objections from 12 properties to date. A map identifying the location of objectors forms **Attachment 3**.

Key issues raised by objectors are:

- Overdevelopment
- Amenity impacts (visual bulk, overlooking, overshadowing, daylight to existing windows, noise)
- Visitor car parking reduction
- Traffic concerns
- Construction issues
- Impacts on adjacent trees

- Adjacent retaining wall not shown
- Inaccuracy between development and landscape plans
- Pedestrian safety

A Planning Information and Discussion (PID) meeting was held on 2 October 2025 and attended by Deputy Mayor Cr Politis, Cr Svensson, two Council Planning Officers, the applicant and three 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 the discussions at the PID meeting, the applicant has made voluntary commitments to address some of the concerns raised by objectors, related to protecting neighbouring trees, overlooking and location of air conditioning units. The recommendation includes conditions to give effect to these voluntary commitments.

Internal referrals

The proposal was referred to the following internal branches units:

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Supports the proposal, including the visitor car parking reduction, given that the proposal includes 3 bike parking spaces and the consolidation of the crossovers into one central crossover assists with the creation of one additional on-street car space on McColl Court. Other recommended changes relate to garage door dimensions, relocation of power pole, appropriate landscaping to accommodate internal vehicle movements and updated swept path diagrams, are addressed by conditions of the recommendation.
Sustainable Built Environment - ESD Team	Supports the proposal, subject to conditions that require updates to the submitted ESD documentation. Required changes are addressed as conditions in the recommendation.
Planning Arborist	Supports the proposal, including the removal of Street Tree 16. This is subject to conditions requiring the selection of appropriate tree species for planting, costs paid for street tree removal and replacement planting, and consistency on the landscape plan with regards to the location and quantities of tree planting shown on the tree canopy plan T15. Required changes are addressed by conditions of the recommendation and are considered further in Section 4 of this report.

3. Policy Implications

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

The site is located within the Neighbourhood Residential Zone (NRZ). An assessment against the purposes of the zone and the local housing policies in the Merri-bek Planning Scheme does not apply to applications assessed against the new townhouse and low-rise code.

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

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

Car parking policy

This application also needs a planning permit to reduce the statutory car parking requirements. Therefore, the following local policies in the Merri-bek Planning Scheme are of relevance to this application:

- Built Environment and Heritage (Clause 15), including
 - Vehicle access design in Merri-Bek (Clause 15.01-1L)
- Transport (Clause 18), including:
 - Car parking (Clause 18.02-4L)

Clause 52.37 (Canopy Trees)

On 15 September 2025, new rules were introduced to protect existing canopy trees in residentially zoned land. These rules apply to applications lodged from 15 September 2025 and therefore not applicable 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 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

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

4. Issues

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

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

Attachment 4 details an assessment against the 'deemed to comply' standards of the townhouse and low-rise code at Clause 55, that if complied with, remove objectors' rights to lodge an application for review at VCAT.

The requirements of Clause 55 are that if a development meets a standard, it is automatically considered to meet the objective of the standards. The side and rear setback (B2-3), access (B2-6), tree canopy (B2-7), front fences (B2-8) and overlooking (B4-4) standards are not complied with in their current form, and therefore objectors would have a right to lodge a VCAT review.

Neighbourhood Character Standards:

The proposal has been assessed against the neighbourhood character standards in Clause 55 relating to street setback, building height, walls on boundaries, site coverage, vehicle access and front fences. The proposal provides for two storey buildings which meets the mandatory height control and provides setbacks and a maximum site coverage of 54.3 percent that meets the standard requirements. The proposal complies with all the neighbourhood character standards except access, tree canopy and the front fences standard – an assessment of these standards follows below.

The side and rear setback standard (B2-3) has not been met as the balustrades or screening associated with the balconies for Dwellings 2 and 3 encroach into the allowable setback. This variation is not supported because it will impact on the amenity of the nearby habitable room windows and private open space through visual bulk. The recommendation includes a condition to achieve compliance with the applicable standard.

The access standard (B2-6) has not been met due to the extent of encroachment caused by the vehicle crossover (13 per cent or approximately 1.65sqm) into the Tree Protection Zone (TPZ) of Street Tree 16, which is more than the 10 per cent allowed by the standard. While the applicant has sought to retain the tree, it is not possible to retain it as the tree is juvenile, has low arboricultural value and is not expected to thrive given the distance of the proposed crossover from the tree is 1.2 metres. Council's arborist is supportive of the street tree to be removed, and a condition has been included within the recommendation requiring the removal of the tree and costs associated with the tree's removal and replacement, including amenity valuation, to be paid to Council.

The canopy tree standard (B2-7) has not been met as the tree species selected for Tree type A 'Acacia Implexa' (Lightwood) is poor performing within Merri-bek and is not to Council's satisfaction. A condition of the recommendation will require it to be replaced by an alternative tree species from Council's planting list, and for an updated landscape plan with the location and quantities of tree planting consistent with the tree canopy plan T15 used for assessment of this standard.

The front fences standard (B2-8) has not been met as the front fence has a maximum height of 1.8 metres which exceeds the 1.5 metre height allowed by the standard. The proposed height of the front fence does not respond to the existing or preferred neighbourhood character. The surrounding properties generally have no or low front fencing, resulting in a part solid front fence being out of character. The front fence includes a 500mm setback which is also out of character and likely to result in unmaintained landscaping at the street edge. The recommendation includes a condition requiring the front fence to be 1.5 metres in height to comply with the standard and constructed to the front boundary.

Liveability standards:

The proposal complies with Clause 55 standards related to onsite amenity and facilities (Clause 55.03 – Liveability). In particular, the proposal provides adequate bedroom sizes, functional layouts and opportunity for effective management of natural ventilation of the dwellings.

The entry standard B3-4 is varied due to the porch dimensions for the dwellings not meeting the minimum dimension of 1.2 metres. The variation proposed to the dwellings ranges between 0.05 metres to 0.2 metres which is negligible and does not significantly compromise the ability of the entries to provide for a sense of address, or shelter, therefore meeting the objective.

The private open space standard (B3-5) is varied as the balcony areas relied upon as the private open space for Dwellings 2-5 falls short of the 12sqm area required by the standard by 0.8 – 1.2 square metres. The balconies also fall short of the minimum 2.4m width requirements by 0.1 to 0.4 metres. The variation is supported as:

- Each dwelling is provided with generous ground floor secluded private open space areas approximately 63-65sqm in size for Dwellings 3 and 4 and approximately 25sqm for Dwellings 2 and 5 and do not rely solely on the balconies at first floor. It is noted that provision of shared waste collection enclosure will result in loss of approximately 2sqm of private open space area for Dwelling 3. However, this is considered acceptable as the useability of the area is not compromised and the area does not serve as a primary space for recreation for residents of Dwelling 3.
- While the ground floor private open space areas do not meet the minimum requirements to be considered as the primary private open space, these areas are at least 2.9 metres by 5.5 metres which is still sizeable to accommodate services such as outdoor dining areas and clothes lines, freeing up useable space on the balconies.

For Dwellings 1 and 6, a minimum area of 25sqm of secluded private open space with a minimum 3 metres width is required with direct living room access. Both dwellings are provided with an area exceeding 25sqm at ground floor. It is noted that a condition of the recommendation will require the front fence height to be lowered to 1.5 metres. Lowering the fence from 1.8 metres to 1.5 metres will result in the secluded open space being non-compliant as the front yards will not have a reasonable amount of privacy. There is an alternative courtyard space of approximately 15sqm, which has reasonable privacy and useable dimensions of 2.9m by 5.4m. This element of the proposal is acceptable, in that different open space areas can cater for the reasonable recreation and service needs of residents.

External amenity standards:

The proposal has been assessed against the external amenity standards in Clause 55 and deemed to comply with standards relating to daylight to existing windows and overshadowing.

The overlooking standard (B4-4) is not complied with for the balconies associated with Dwellings 2 and 3. The proposed technique of a planter and 1.4-metre-high balustrade does not prevent views within 9 metres of habitable room windows and secluded private open space. The applicant has offered to increase the balustrade to 1.5 metres in height, which is encouraging, but it remains uncertain whether such a change would achieve compliance. Additionally increasing the height of the balustrade, would also increase the extent of non-compliance with the side and rear setback standard. The recommendation includes conditions to increase the screening to 1.7 metres, which is necessary to limit unreasonable overlooking. Related to the condition is the need to increase the setback of the balcony to achieve compliance with the side and rear setback, which consequentially results in the removal of the planter.

Sustainability standards:

The recently introduced townhouse and low-rise code (Clause 55) has resulted in Council's local Environmentally Sustainable Design (ESD) policy no longer being a relevant planning consideration for this form of development. The ESD features of the development have been assessed against the new standards and are adequate. They include:

- Adequate permeability and stormwater management.
- Sufficient areas identified for future installation of appropriately sited rooftop solar energy systems for each dwelling.
- Solar protection to new north-facing windows.

- Adequate waste and recycling considerations.
- Ensuring the impact of mechanical plant noise is minimised.

The recommendation includes conditions for the location of air conditioning units, updated Water Sensitive Urban Design (WSUD) plan and STORM report, shading to north facing windows which will be included within the planning permit. It is also noted that, the application is committed to exceeding current ESD requirements and achieving best practice ESD through 60 per cent BESS Score and an average of 7.1 star rating for all six dwellings.

Has adequate car parking been provided?

A total of 13 car spaces is required for the proposal, comprising 12 resident car spaces and a visitor car space. While the development has provided for the required resident parking on-site, it has not provided visitor parking and therefore seeks approval for the reduction of 1 visitor car parking space. A key concern raised by objectors relates to inadequate car parking spaces being provided.

The proposal provides 3 bicycle spaces within the frontage of the site. This exceeds the Merri-bek Planning Scheme requirements which does not require bicycle parking for the development. The recommendation includes a condition that bicycle parking complies with the Australian Standard.

Council's Development Engineer is satisfied that the car parking requirement can be reduced. There is an on-street parking space directly outside the site that can be used as a visitor space. This is acceptable as McColl Court is not a collector street or an arterial road with significant traffic volumes.

The proposal will combine the two existing crossovers into a central crossover, thereby increasing the capacity of the court to accommodate one extra car parking space on-street. This means that while a visitor car space is not provided by the proposal, there will be a nett gain of one on-street car space to offset the reduction sought. It is expected that the level of parking provided will cater for the car ownership levels of the occupiers.

The proposal is consistent with Council's Vehicle Crossing Policy (Clause 15.01-1L) which requires at least 8 metres between the vehicle crossings as measured along the street title boundary. It is noted that the proposal satisfies the requirements of the policy by providing approximately 21 metres between the proposed vehicle crossing at 2-4 McColl Court and the existing vehicle crossing at 6 McColl Court.

The dwellings will not be eligible for on-street parking permits. This is included as a note on the planning permit in the recommendation.

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

In relation to traffic impacts, Council's Development Engineers have assessed the proposal and consider that the development will result in 24 additional vehicle movements per day than generated from this site previously. This remains within the court's design capacity and is not expected to cause traffic problems.

5. Response to Objector Concerns

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

- Visitor car parking reduction
- Traffic concerns
- Inaccuracy between development and landscape plans
- Overlooking

Other issues raised by objectors are addressed below.

Overdevelopment

The Victorian Civil and Administrative Tribunal has commonly determined that whether or not a proposal is an overdevelopment is best determined from a quantitative assessment of a development's compliance with the criteria set out in the Planning Scheme.

The proposal satisfies the requirements of Clause 55 in respect to site coverage, setbacks (with conditions), permeability and building height provisions and the car parking provision has been assessed as acceptable. Therefore, the proposal is not considered to be an overdevelopment of the site.

Visual bulk

The development with conditions to increase the side setbacks to the west boundary, is acceptable in respect to visual bulk. The perimeter of the site is able to be landscaped, due to the absence of boundary walls, with some canopy tree planting throughout the site assisting in reducing visual bulk.

Construction issues

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 and 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.

Noise

The plans do not show the locations of air-conditioner condensers required by Clause 55. A voluntary condition has been put forward by the applicant to locate these on the rooftops of dwellings to reduce the transmission of noise to neighbours. This is included in the recommendation.

Damage to adjoining property

Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process, however the owners of the land proposing to build have obligations under the *Building Act 1993* to protect adjoining property from potential damage. It is the responsibility of the relevant Building Surveyor to require protection work, as appropriate.

Impacts on adjacent trees

The adjoining land is zoned for residential purposes and there are no specific Vegetation Protection Overlays in the Merri-bek Planning Scheme applicable to the site. The trees within the adjoining properties are proposed to be retained. A voluntary condition has been put forward by the applicant as a result of the PID meeting for a detailed root investigation for Tree 2 on the adjoining property at 12 Hopetoun Avenue to be undertaken, and adoption of any setback changes recommended by this report to ensure the tree's retention and ongoing health. A condition requiring this to be undertaken is included in the recommendation.

Overshadowing and daylight to existing windows

The submitted shadow diagrams comply with the requirements of Clause 55. Shadows cast by the development will be largely contained within the development site itself or are cast onto adjoining existing boundary walls and fencing. Where overshadowing occurs onto adjacent secluded private open space, the expected shadowing is within the requirements. The proposal also complies with daylight to existing windows standard where the proposal is sufficiently setback ensuring that neighbouring habitable room windows receive sufficient daylight.

Pedestrian safety

The proposal has been assessed by Council's Development Engineer and is not considered to have any negative impact on the pedestrian safety. Council's development engineer is satisfied that the site can accommodate the traffic numbers generated by the development in a safe manner without leading to unreasonable congestion across the site and cars can enter and exit without impacting on the safety of the residents.

Inaccuracy between development and landscape plans

A condition requiring the landscape plan to be consistent with the tree canopy plan T15, with regards to the location and quantities of tree planting is included in the recommendation.

Adjacent retaining wall not shown

A condition requiring the adjacent retaining wall on or near the common boundary with 14 Hopetoun Avenue to be annotated on the development plans is included in the recommendation.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications.

8. Conclusion

The proposal to construct six dwellings has strong strategic policy support particularly having regards to the State's Government *Victoria's Housing Statement- The Decade Ahead 2024 – 2034*, encouraging more housing in well located areas, close to public transport. The proposal has been assessed against the new Clause 55 requirements and is mostly compliant with the deemed to comply standards, subject to conditions. The proposed visitor car parking reduction can be supported given its location and the 3 bicycle parking spaces which exceed the Merri-bek Planning Scheme requirements.

The applicant has voluntarily agreed to address some of the concerns raised by objectors, related to protecting neighbouring trees and location of air conditioning units and is committed to achieving best practice sustainability outcomes through 60 per cent BESS Score and an average of 7.1-star rating for all six dwellings.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that Notice of Decision to Grant a Planning Permit No MPS/2025/289 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

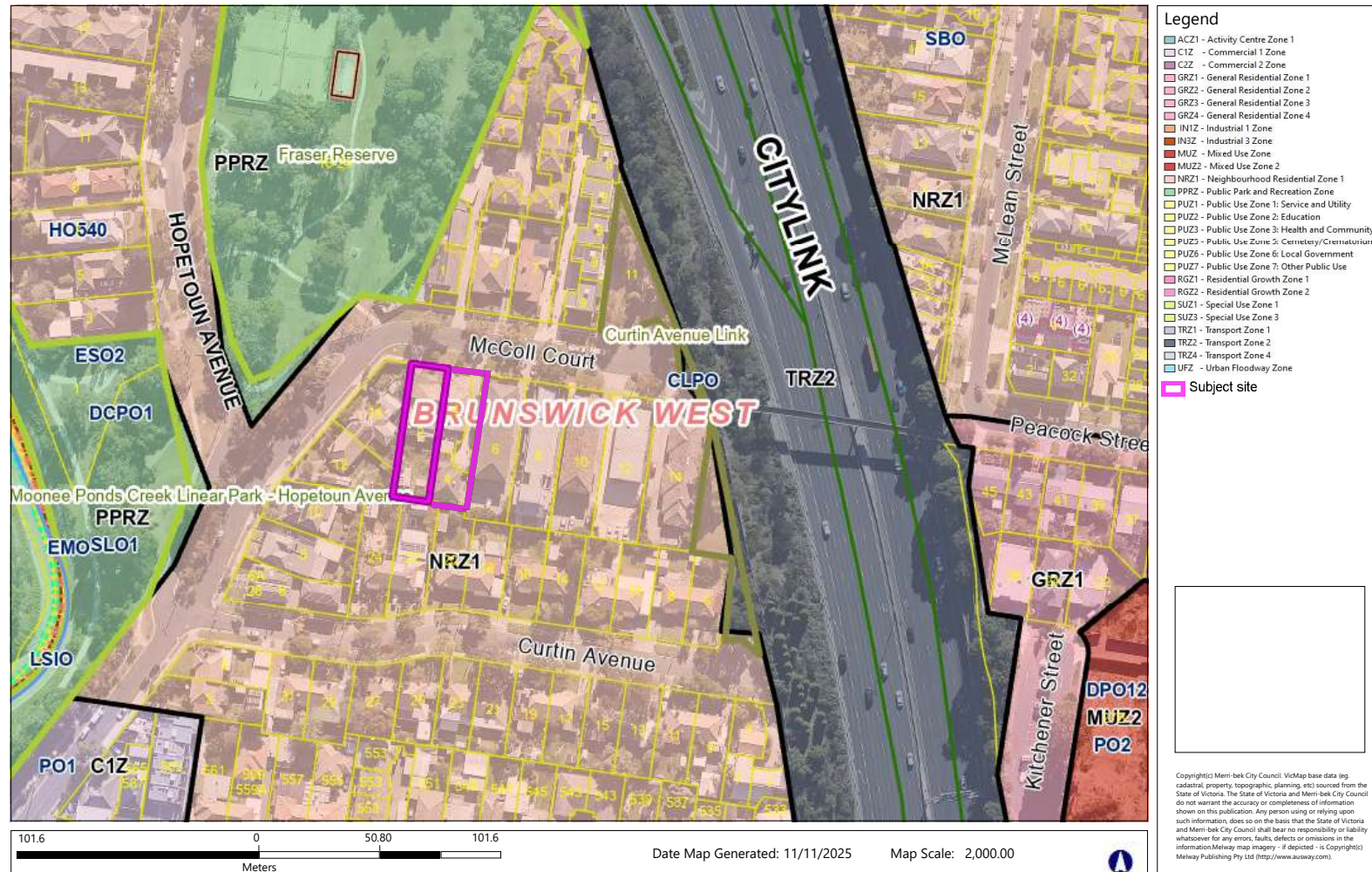
<u>1</u>	Zoning and Location Map	D25/575325
<u>2</u>	Development Plans	D25/575368
<u>3</u>	Objector Location Plan	D25/575375
<u>4</u>	Clause 55 table - 13 deemed to comply standards	D25/575388

Zoning and Location Plan

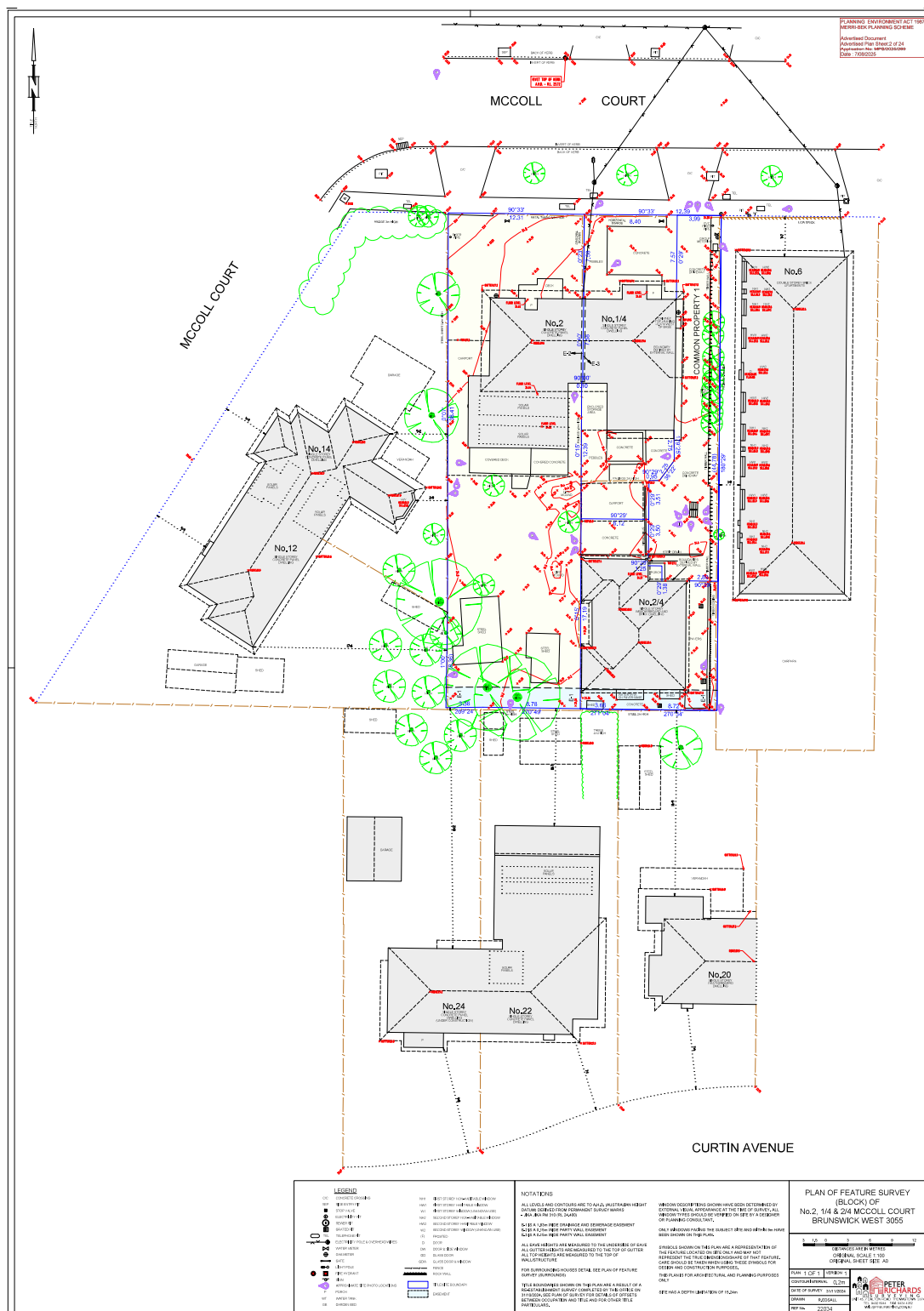
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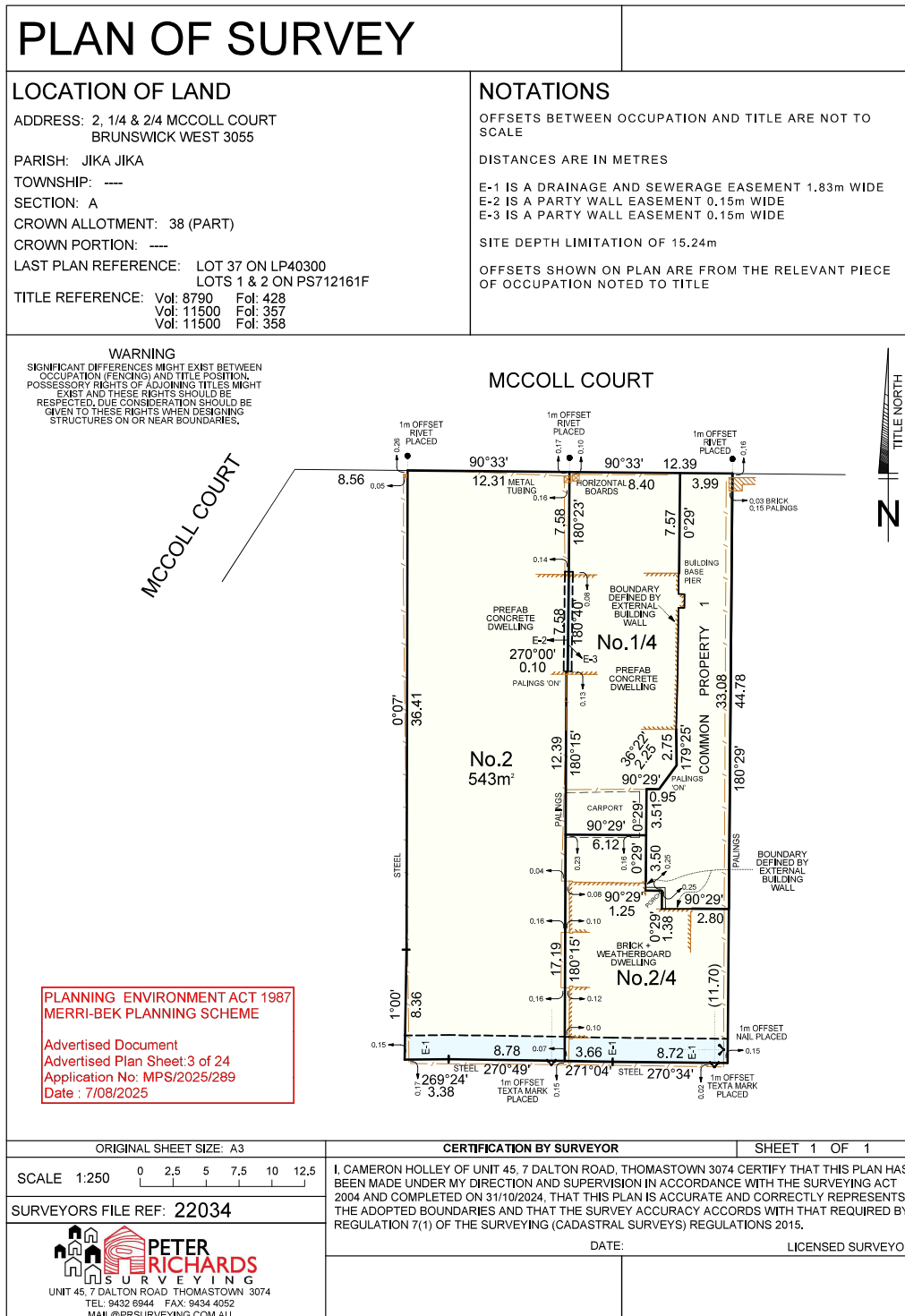


Merri-bek
City Council









PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

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Advertised Plan Sheet: 4 of 24
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Planning Application April 2025



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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025
Scale
1:50 @ A1
1:100 @ A3

Revision	Drawn By	Checked By	Date
A	Tom Hoggins	Tom Hoggins	25/07/25
B	Tom Hoggins	Tom Hoggins	26/07/25

Drawing Title
Cover Page
Town Planning

T01

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MERRI-BEK PLANNING SCHEME

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DESIGN STATEMENT

The proposed development of 2-4 McColl Court, Brunswick West utilises a consolidated site and proposes six new homes over two levels in a Neighbourhood Residential Zone (NRZ1). The site is bordered by two storey flats to the East, single storey dwellings to the West & South, McColl Court to the North.

The site is located in an established residential street with strong precedence for new and existing double storey, multi dwelling developments in McColl Court and its immediate context.

There are main areas of neighbouring open space to the west at 12 & 14 Hopetown Avenue & to the South at 20-24 Curtin Avenue, which have been considered and addressed in the design response by tastefully minimising overlooking and screening. The residences have been arranged as a set of two masses, mimicing the prevailing pattern of sub-division. The facade has been modulated to give a sense of individual address while materiality and landscape enhance the dwelling entries.

All dwellings have been oriented to maximise desired aspect for both living and outdoor spaces to encourage light and ventilation, whilst optimising internal amenity by blending the indoor and outdoor living capability.

Contextually, the streetscape of McColl Court and its immediate context is eclectic in materiality and form; the proposed dwellings draw on the setting's rich grain of textures; the building form designed to optimise passive solar performance.

The buildings benefit from a refined material palette with generous landscaping carefully selected to complement these materials. The use of materiality serves to unite the building, as well as break it down into a number of modulated components which fit neatly into each other. This, along with the integration of landscaping creates an inclusive and positive contribution to the area.

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Project
New Multi Dwelling Residential
Development

Site Address
2-4 McColl Court, Brunswick West

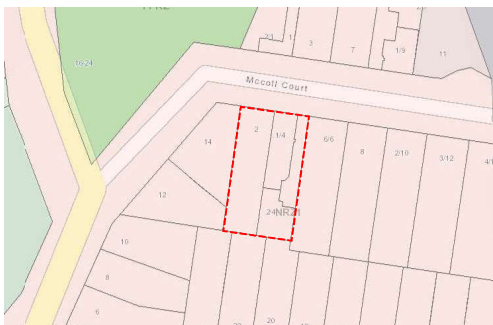
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Revision	Drawn	Checked	Issued
1	24/07/2025	24/07/2025	24/07/2025
2	24/07/2025	24/07/2025	24/07/2025

Drawing Title
Design Statement
Town Planning

T02



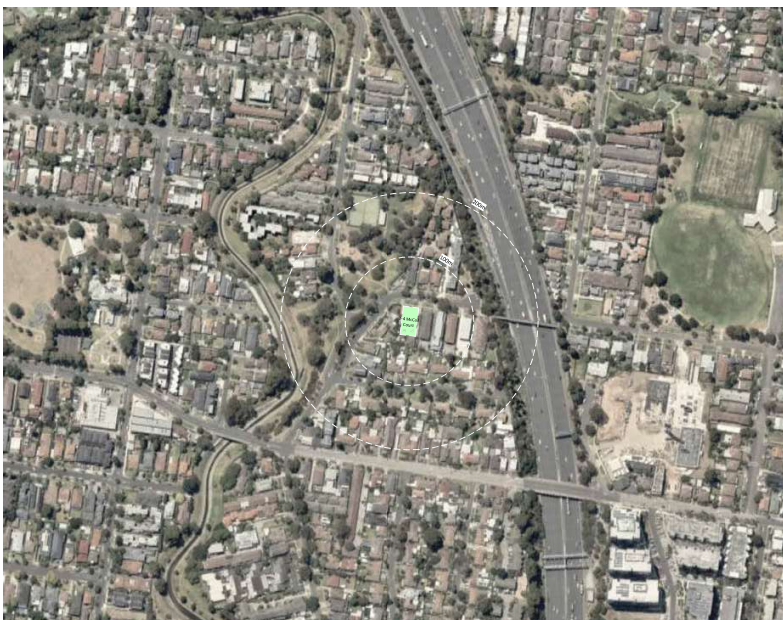
2-4 McColl Court, Brunswick West

Zoning:
NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1
(NRZ1)

Overlays:
DEVELOPMENT CONTRIBUTION OVERLAY - SCHEDULE 1
(DCP01)

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

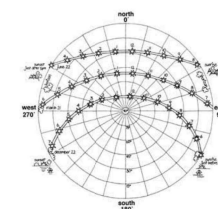
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The surrounding buildings comprise of contemporary and traditional designs with a mix of commercial, residential & multi-residential dwellings.

Amenities in the immediate region include:

Fraser Reserve Playground	93m	NW
Essendon Traffic School	316m	W
Montgomery Park Kindergarten	370m	W
Dustan Reserve Playground	305m	E
Johns Reserve Playground	315m	NE
Benetas Gladwood Lodge Aged Care Home	308m	S
Aurum Aged Care - Brunswick	505m	SE
Sheils Reserve Playground	628m	SE
Brunswick North West Primary School	674m	E



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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025
Scale
1:50 @ A1
1:100 @ A3

Revision
A - Town Planning Submission - 25/07/25
B - Town Planning Ref - 26/07/25

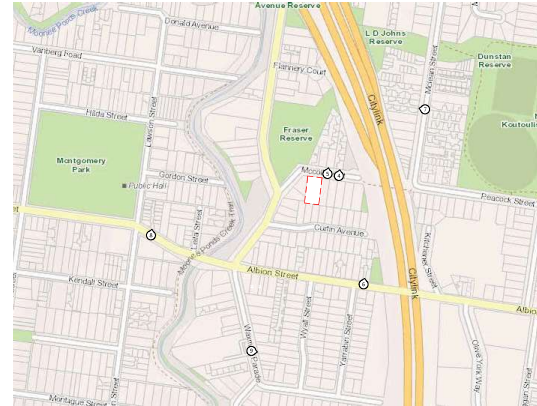
Drawing Title
Site Overview
Town Planning

T03

SITE PHOTOS



NEIGHBOURHOOD PHOTOS



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MERRI-BEK PLANNING SCHEME

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Date : 7/08/2025

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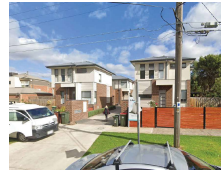
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Project
New Multi Dwelling Residential
Development
Site Address
2-4 Meccell Court, Brunswick West

Date
24/07/2025
Scale
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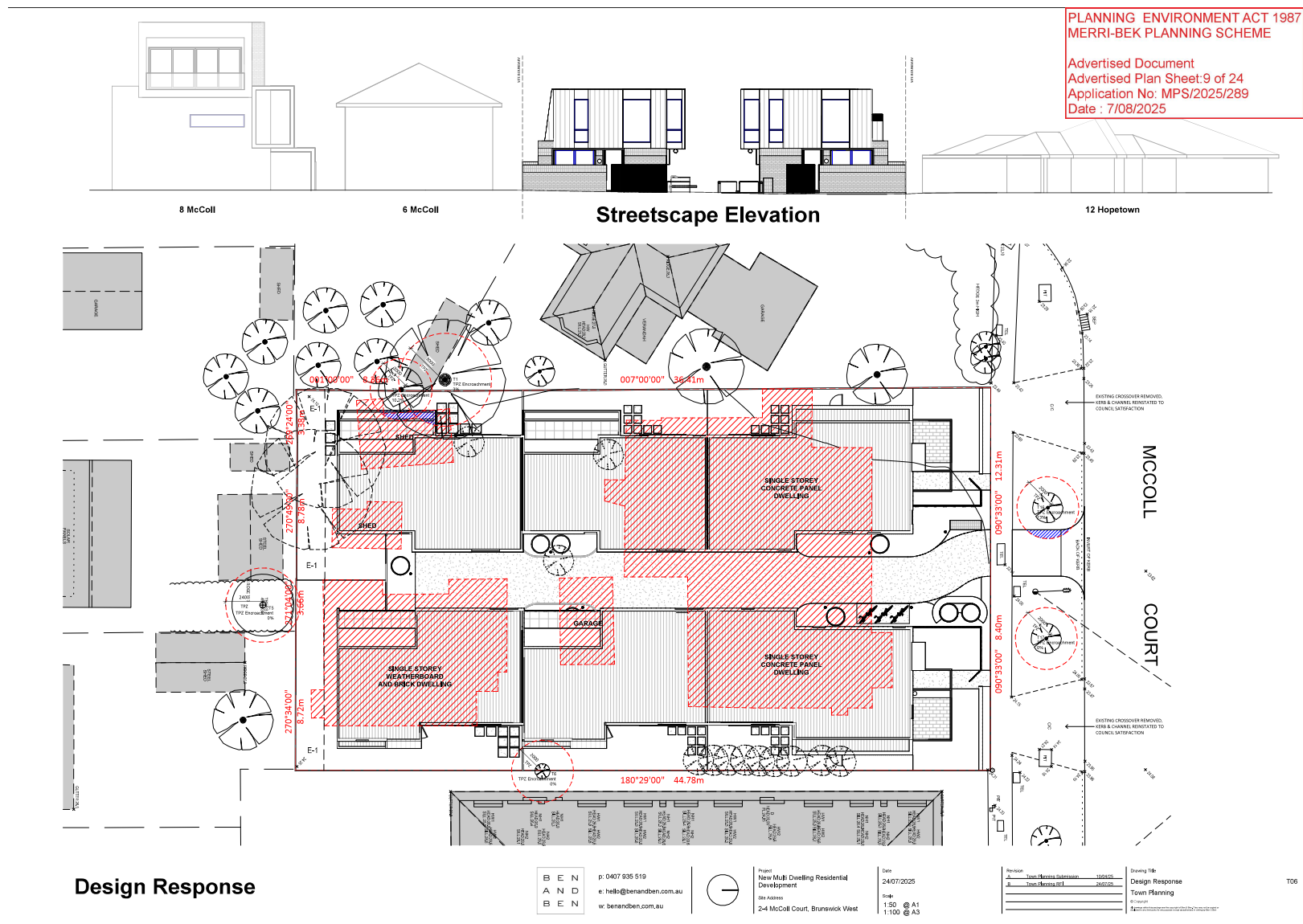
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24/07/2025
24/07/2025

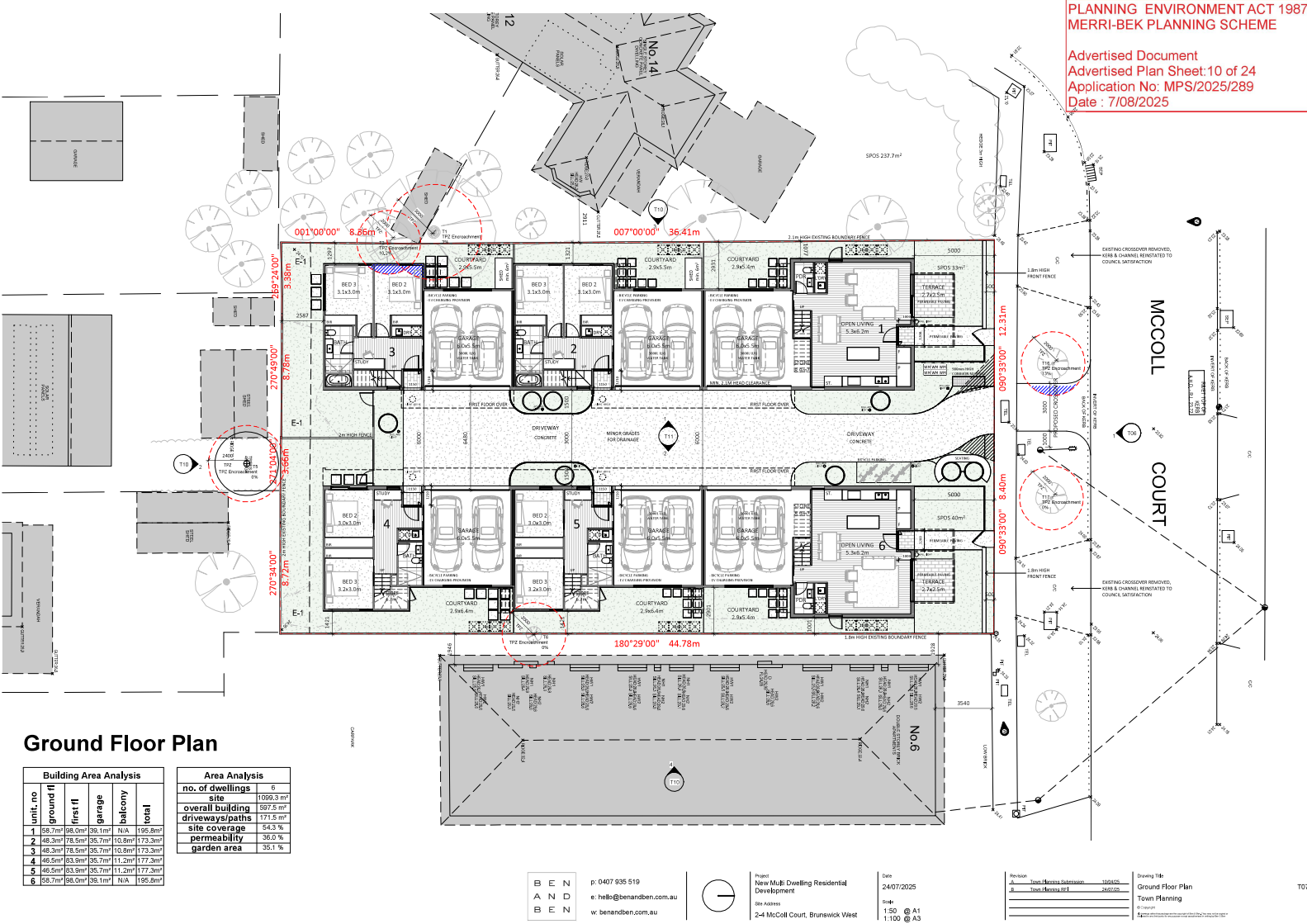
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Locality
Town Planning

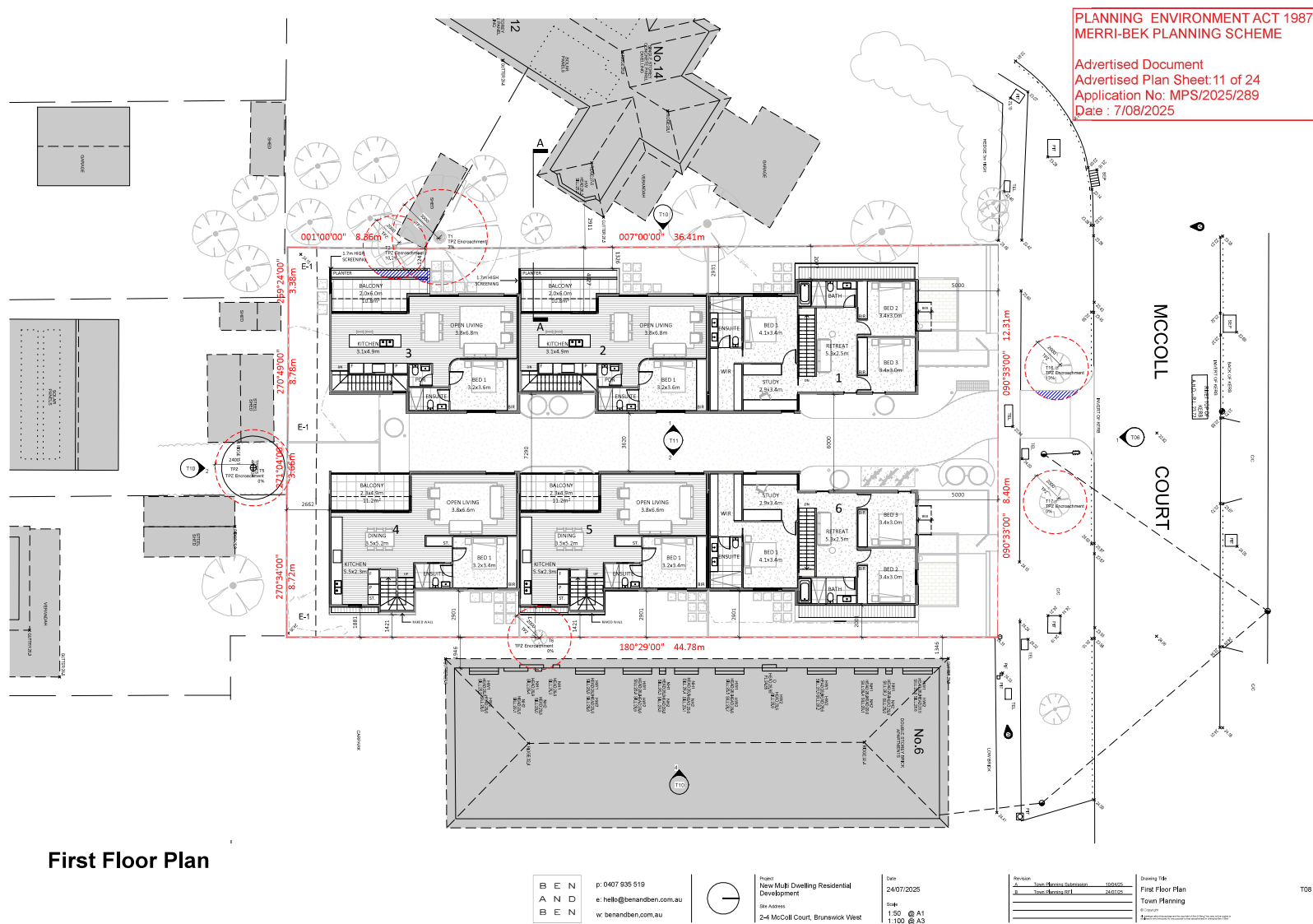
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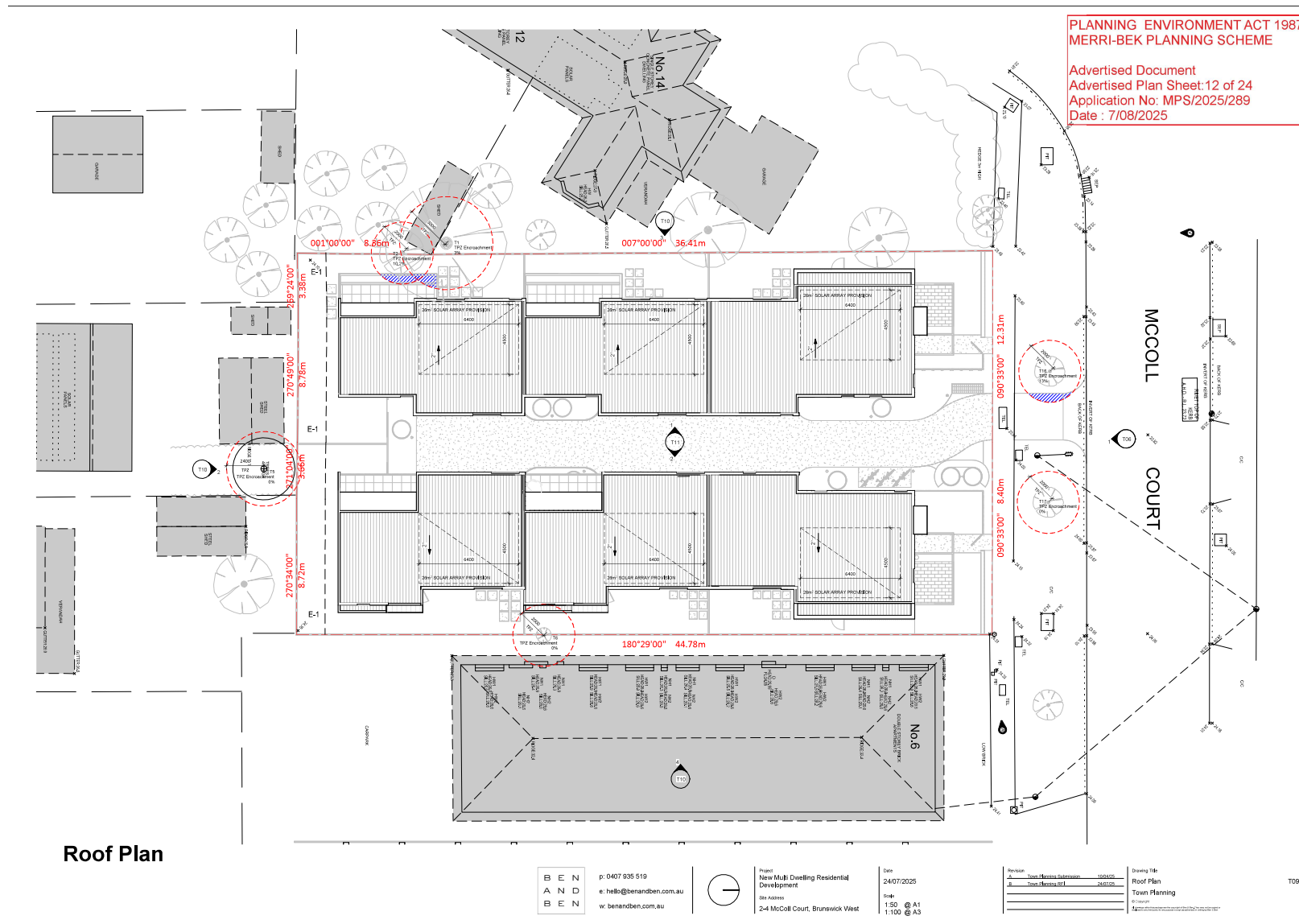


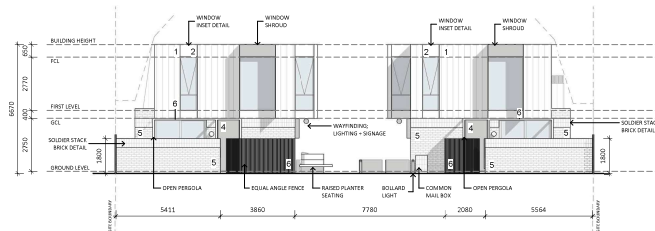
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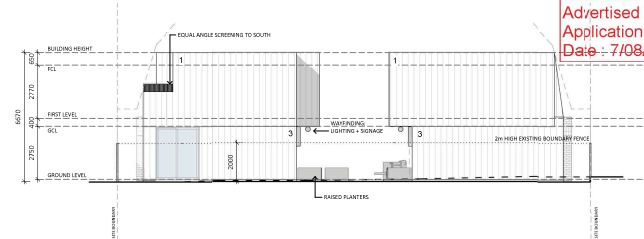




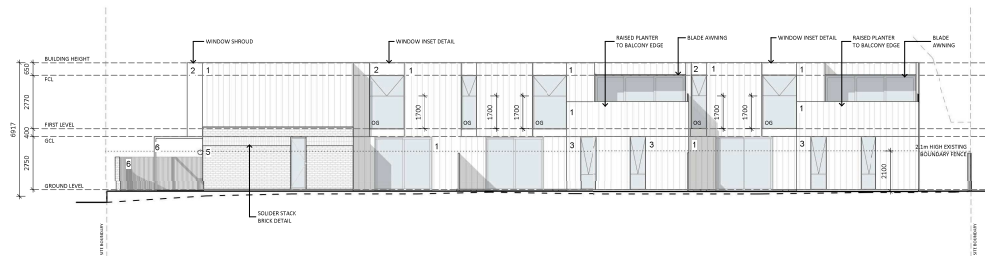




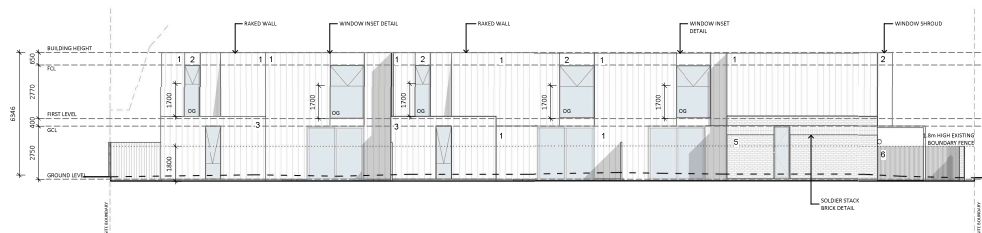
North Elevation



South Elevation



West Elevation



East Elevation

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

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MATERIALS

- 1. Vertical Linear Cladding;
Paint Finish Pale Eucalypt
-First Floor Walls
- 2. Paint Finish; Pale Eucalypt
-Window Insets
- 3. Vertical Linear Cladding;
Paint Finish Shale Grey
-Ground Floor Wall
- 4. Silvered Timber
-Entry Doors
-Ship Lap Cladding
- 5. Light Brick
-Ground Floor Walls
- 6. White Powdercoat
-Metal detail
-Garage Door

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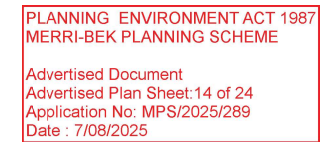
Project
New Multi-Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025
Scale
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1:100 @ A3

Revision
A - Town Planning Submission 15/07/25
B - Town Planning Ref 24/07/25

Drawing Title
External Elevations
Town Planning

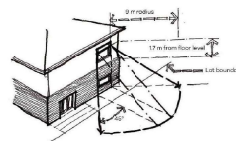
T10



East Elevation Internal



West Elevation Internal



RESCODE OVERLOOKING
PRACTICE NOTE DIAGRAM

Overlooking Section AA

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

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Street View

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B E N

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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

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Scale
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1:100 @ A3

Revision	Drawn	Checked	Date
1	Tom McKeown	Tom McKeown	25/07/25

Drawing Title
Perspective Views
Town Planning

T12.1

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

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Application No: MPS/2025/289
Date : 7/08/2025



Front Entry View

BEN
AND
BEN
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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McCall Court, Brunswick West

Date
24/07/2025
Scale
1:50 @ A1
1:100 @ A3

Revision
A Town Planning Submission 15/04/25
B Town Planning Ref 25/07/25

Drawing Title
Perspective Views
Town Planning

T12.2

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advertised Document
Advertised Plan Sheet: 17 of 24
Application No: MPS/2025/289
Date : 7/08/2025



Internal Entry View

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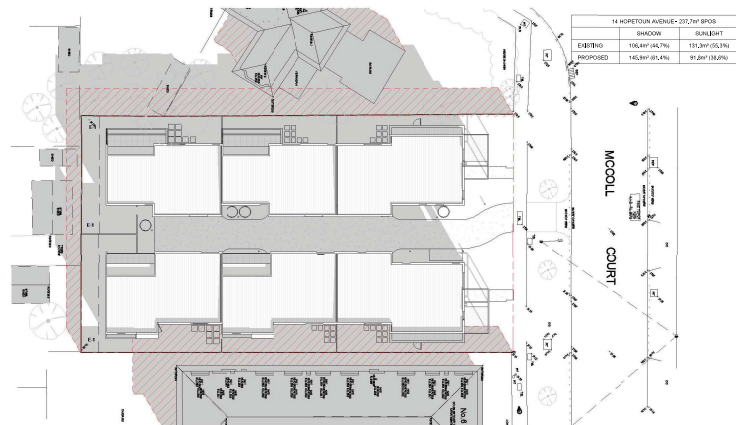
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New Multi Dwelling Residential
Development
Site Address
2-4 McCall Court, Brunswick West

Date
24/07/2025
Scale
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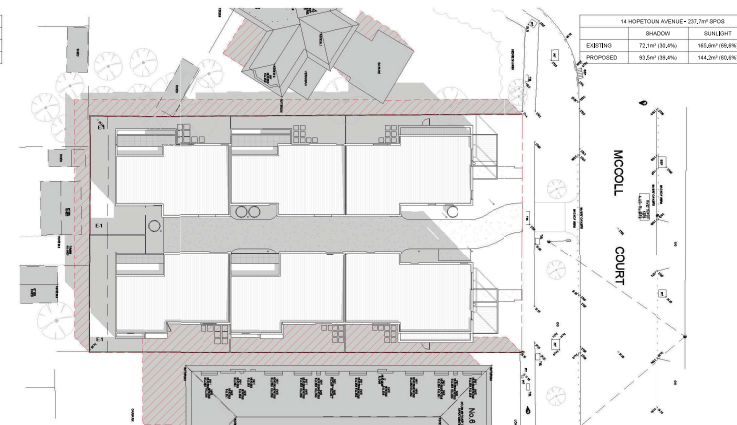
Revision
A Town Planning Submission 15/04/25
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Drawing Title
Perspective Views
Town Planning

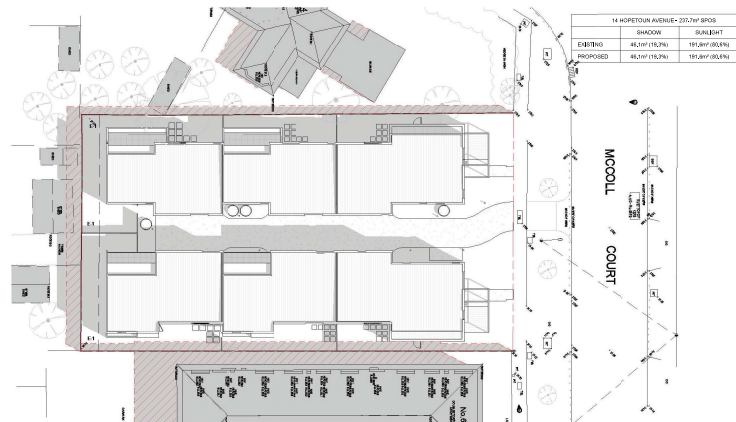
T12.3



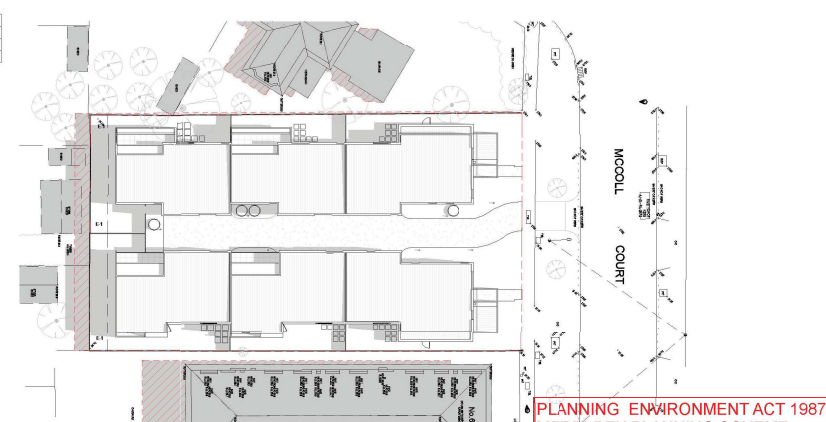
Shadow Diagram @9am



Shadow Diagram @10am



Shadow Diagram @11am



Shadow Diagram @12pm

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advised Document
Advised Plan Sheet: 18 of 24
Application No: MPS/2025/289
Date: 7/08/2025

SHADOWS TAKEN ON SPRING EQUINOX (22ND SEPT)



EXISTING SHADOWS CAST
BY EXISTING STRUCTURE

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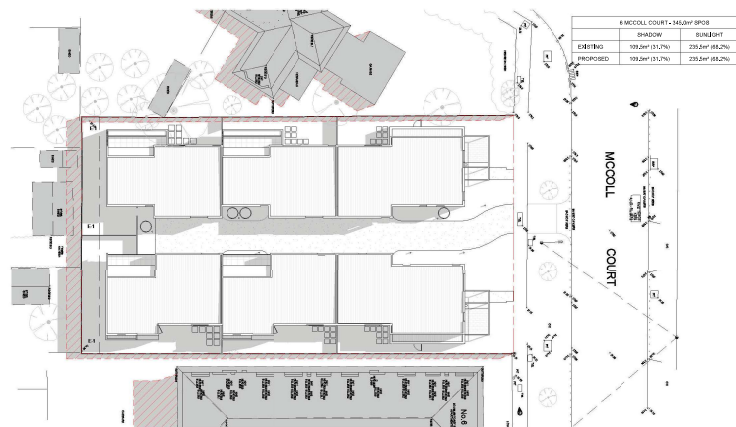
Project
New Multi Dwelling Residential
Development
Site Address
24 McColl Court, Brunswick West

Date
24/07/2025
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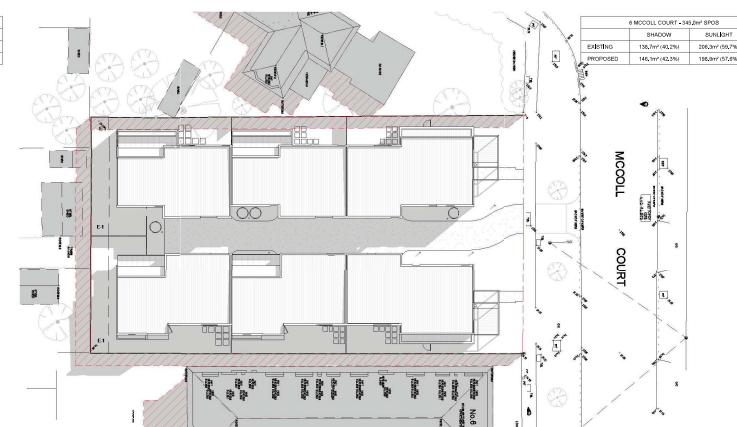
Revision
A - Town Planning Submission
B - Town Planning Ref
15/07/25
24/07/25

Drawing Title
Shadows
Town Planning

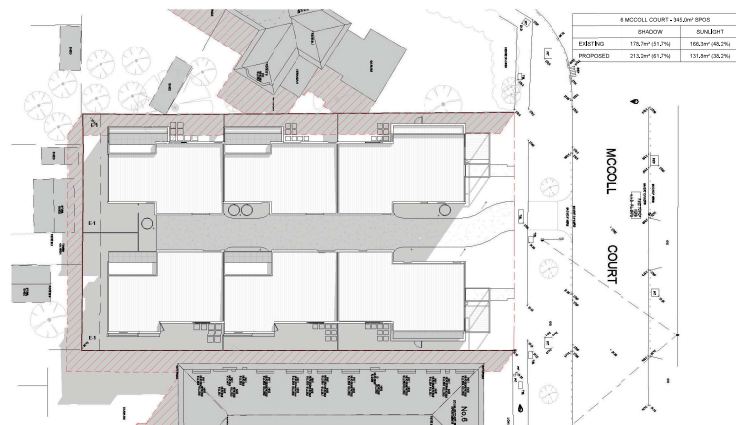
T13.1



Shadow Diagram @1pm



Shadow Diagram @2pm



Shadow Diagram @3pm

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advertised Document
Advertised Plan Sheet: 19 of 24
Application No: MPS/2025/289
Date : 7/08/2025

SHADOWS TAKEN ON SPRING EQUINOX (22ND SEPT)

 EXISTING SHADOWS CAST BY EXISTING STRUCTURE

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Project
New Multi Dwelling Residential Development
Site Address
24 McColl Court, Brunswick West

Date
24/07/2025
Scale
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1:400 @ A3

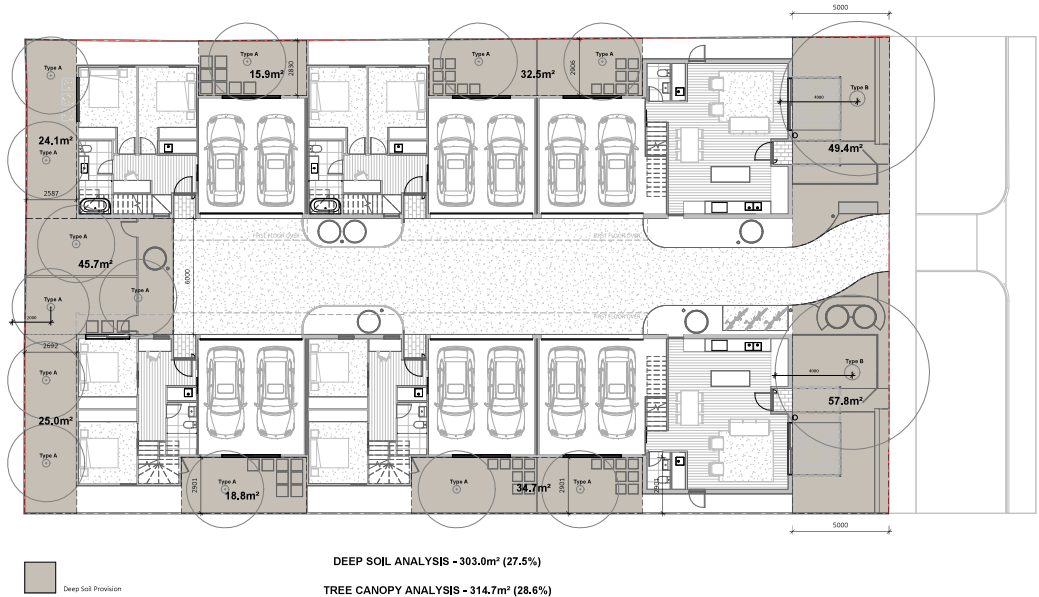
Revision
1. Town Planning Submission 15/08/25
2. Town Planning Ref 26/07/25

Drawing Title
Shadows
Town Planning

T13.2

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advised Document
Advised Plan Sheet: 21 of 24
Application No: MPS/2025/289
Date : 7/08/2025



Tree Canopy & Deep Soil Analysis	
total site area	1096.3 m²
total deep soil	303.0 m²
tree canopy req.	219.8 m² (20.0%)
total tree canopy	314.7 m² (28.6%)
Type A trees(12.6m²)	x13 trees (163.8m²)
Type B trees(50.3m²)	x3 trees (150.9m²)

Tree Canopy Plan

B
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Project
New Multi Dwelling Residential Development

Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025

Scale
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1:100 @ A3

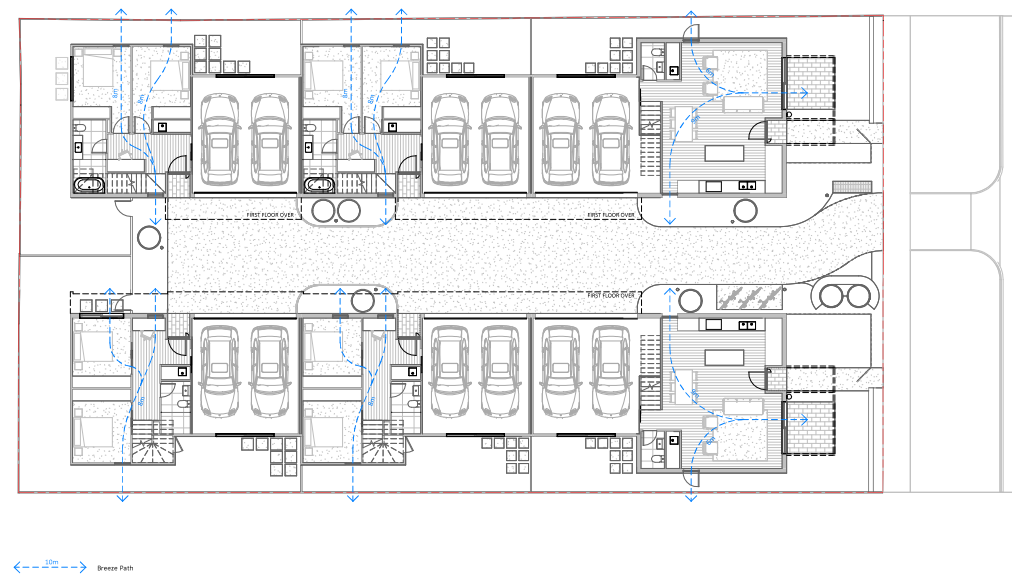
Revision
A - Tree Canopy Submission 15/08/25
B - Tree Canopy Ref 26/07/25

Drawing Title
Tree Canopy Plan
Town Planning

T15

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advised Document
Advised Plan Sheet: 22 of 24
Application No: MPS/2025/289
Date : 7/08/2025



Ground Floor Breeze Path Analysis

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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025
Scale
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1:100 @ A3

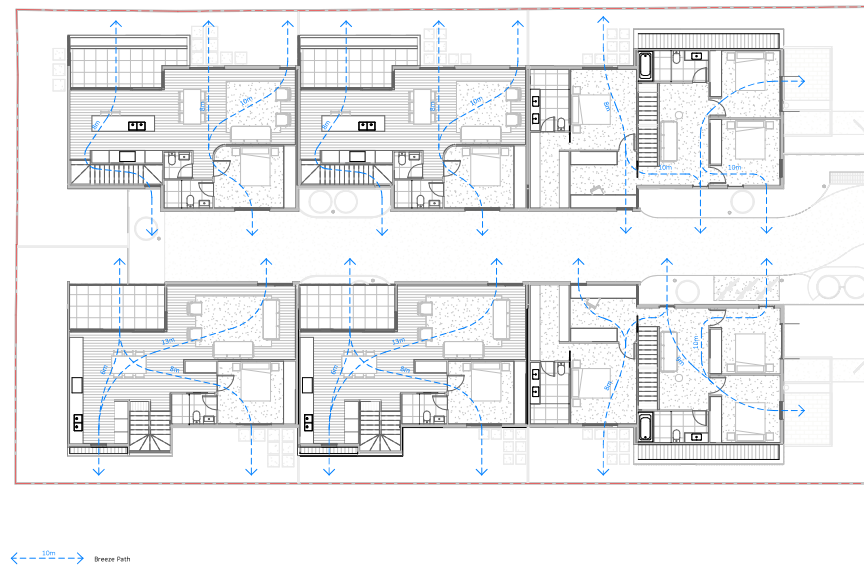
Revision
A: Town Planning Submission 15/04/25
B: Town Planning Ref 24/07/25

Drawing Title
Ground Floor Breeze Path Analysis
Town Planning

T16.1

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

Advised Document
Advised Plan Sheet: 23 of 24
Application No: MPS/2025/289
Date : 7/08/2025



First Floor Breeze Path Analysis

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Project
New Multi Dwelling Residential
Development
Site Address
2-4 McColl Court, Brunswick West

Date
24/07/2025
Scale
1:50 @ A1
1:100 @ A3

Revision
A Town Planning Submission 15/04/25
B Town Planning Ref 24/07/25

Drawing Title
First Floor Breeze Path Analysis
Town Planning
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T16.2

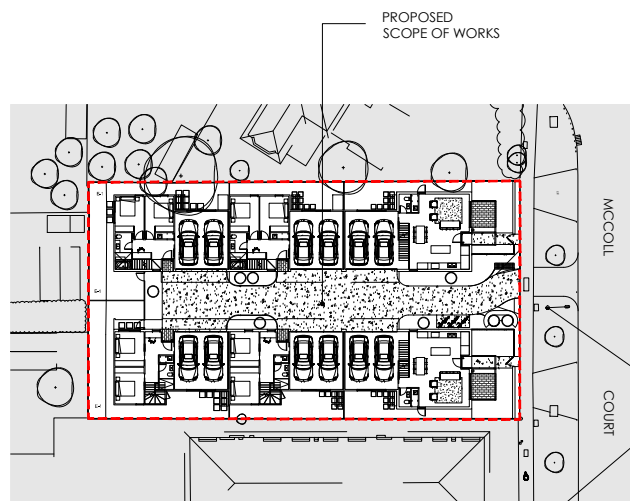
LANDSCAPE DOCUMENTATION PACKAGE

RESIDENTIAL DEVELOPMENT

TERESA CAMBON
2-4 MCCOLL COURT,
BRUNSWICK WEST,
VICTORIA

DRAWING REGISTER

L0	CONTEXT PLAN
L1	TREE PLAN
L2	LANDSCAPE PLAN - GROUND FLOOR
L3	LANDSCAPE PLAN - FIRST FLOOR
L4	DETAILS



PLANNING ENVIRONMENT ACT 1987
MERRIBEEK PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 1 of 8
Application No. MPS/2025/289
Date: 7/8/2025



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LANDSCAPE
ARCHITECTS

RESIDENTIAL & COMMERCIAL
LANDSCAPE ARCHITECTURE
PUBLIC & PRIVATE OPEN SPACE MASTERPLANS
CONTEMPORARY LANDSCAPE DESIGN
TOWN PLANNING & LAND CONSTRUCTION
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(DANIEL LUNDO (M.A., ARCH) | M: 0438 815 447

ISSUE	DATE	REVISION	APPROVED
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B	10/03/25	LA DESIGN PACKAGE	DL

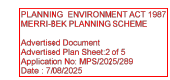
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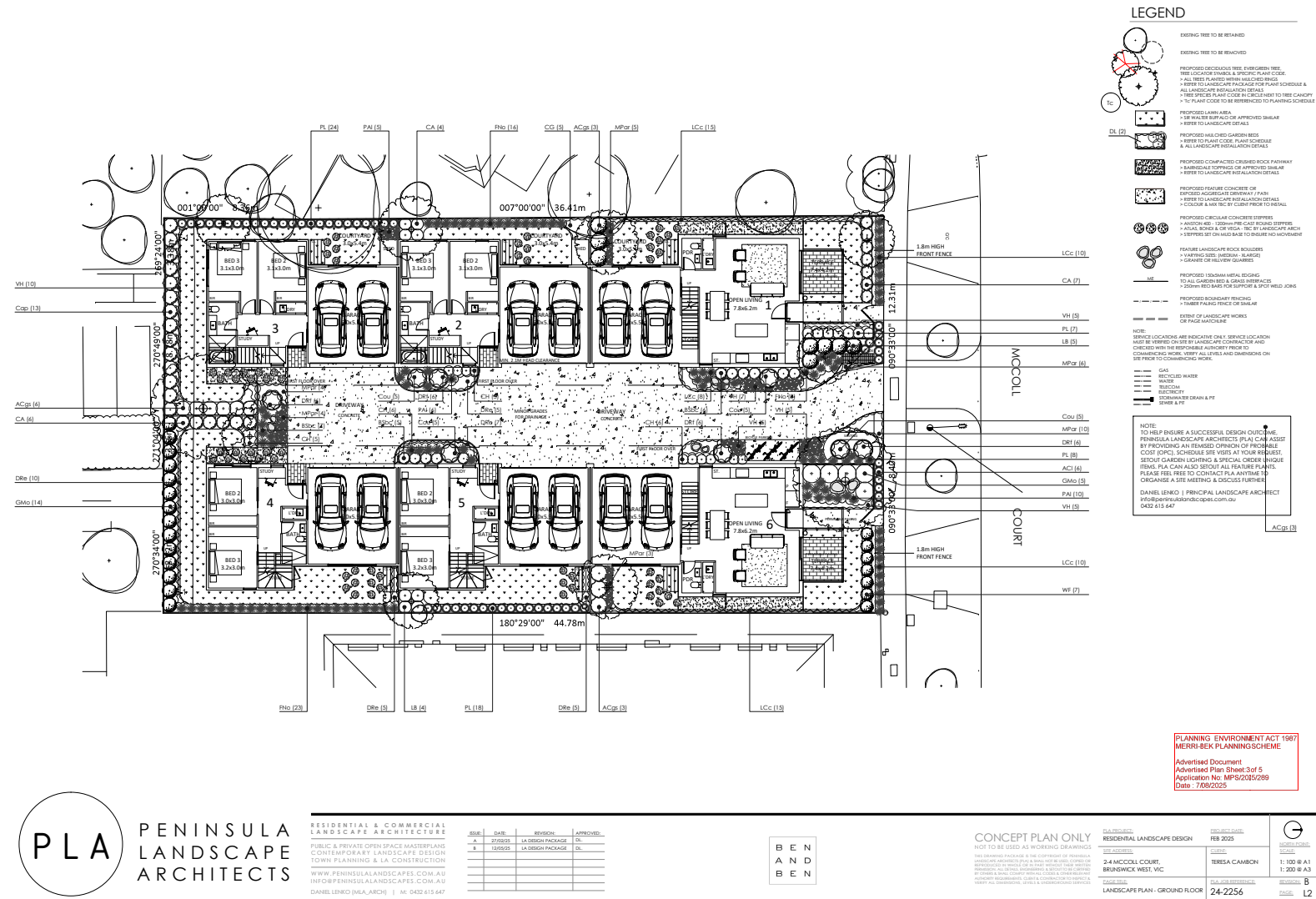
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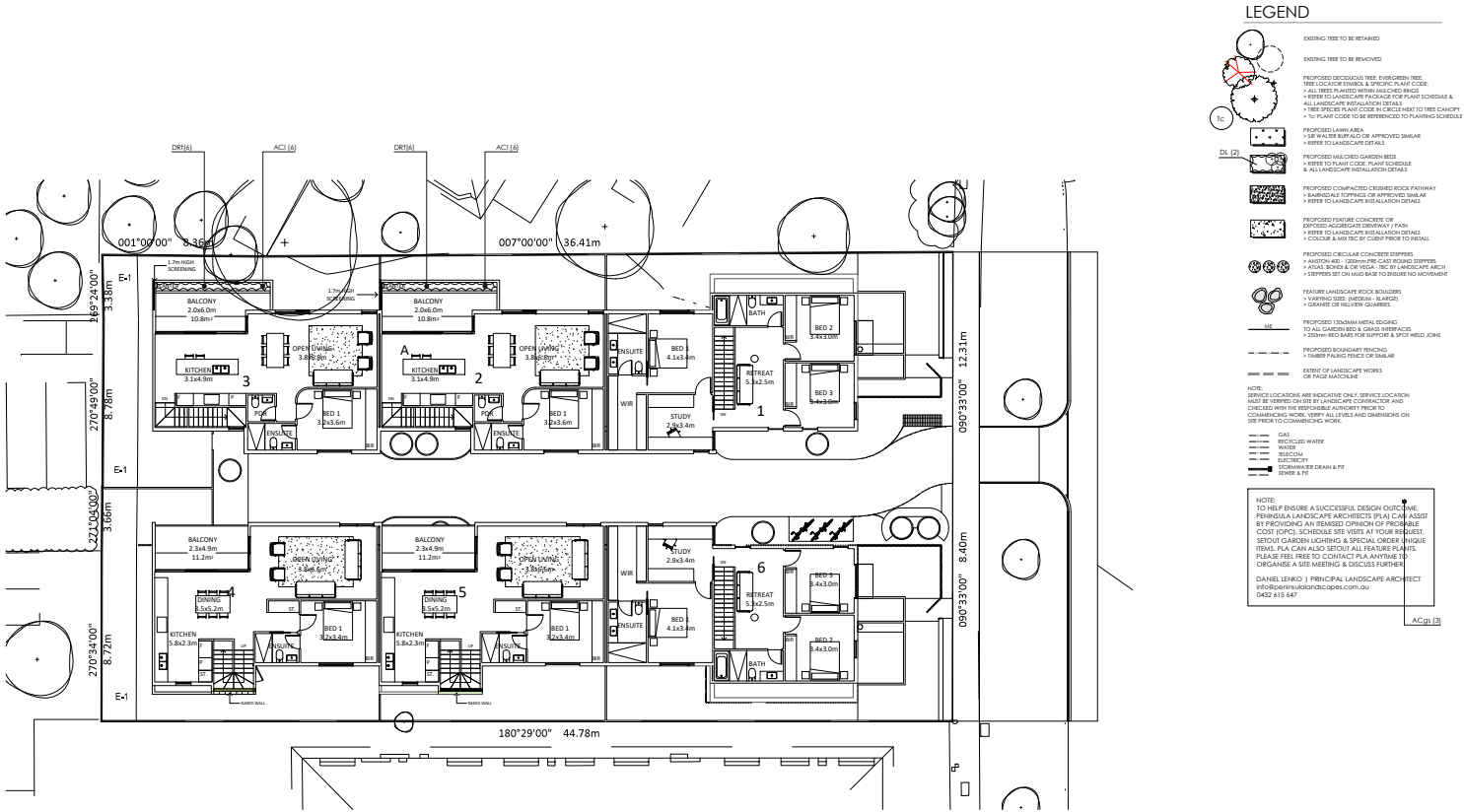
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PROJECT RESIDENTIAL LANDSCAPE DESIGN	DATE FEB 2025	SCALE 1:200 @ A1 1:400 @ A3
CLIENT 2-4 MCCOLL COURT, BRUNSWICK WEST, VIC	DESIGNER TERESA CAMBON	REVISION B
DRAWN CONTEXT PLAN	DATE 24-2-25	SCALE L0







ISSUE	DATE	REVISION	APPROVED
A	27/02/25	LA DESIGN PACKAGE	DL
B	03/03/25	LA DESIGN PACKAGE	DL

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PROJECT	CLIENT	DATE
RESIDENTIAL LANDSCAPE DESIGN	24 MCCOLL COURT, BRUNSWICK WEST, VIC	FEB 2025
DESIGNED BY	24 MCCOLL COURT, BRUNSWICK WEST, VIC	24-2256
DATE	24-2256	24-2256

SCALE	DATE
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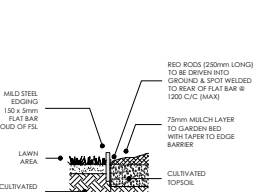
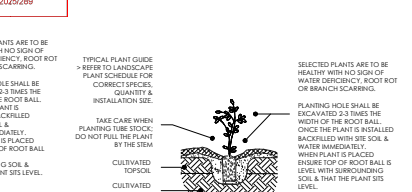
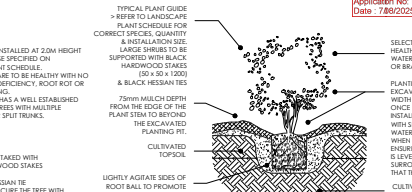
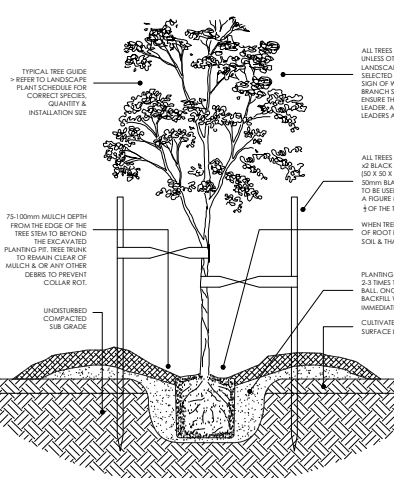
PLANTING SCHEDULE

TREES					
CODE	BOTANIC NAME	COMMON NAME	H	W	PLANTED SIZE
TYPE A					
AI	Acacia implexa	LIGHTWOOD	8.00	6.00	2.0M TALL
AV	Allocasuarina verticillata	UNDOING THE DREAM	8.00	3.00	2.0M TALL
AV	Banksia marginata	SILVER BANKSIA	4.00	4.00	2.0M TALL
TYPE B					
BA	Eucalyptus leucocylon	YELLOW GUM	10.00	8.00	2.0M TALL
GRASSES & GROUND COVERS					
CODE	BOTANIC NAME	COMMON NAME	H	W	PLANTED SIZE
ACI	Acacia cognata	MINI COG	1.00	1.00	250 DIA POT
EDC	Eriosema apiculatum	WITCHAM CONVOY	0.30	1.50	250 DIA POT
CH	Chrysocarpum apiculatum	COMMON EVERLASTING	0.30	1.00	250 DIA POT
FN	Rhinia nodosa	KNOBBY CLUB-SEED	1.00	0.80	250 DIA POT
DRE	Dichondra repens	KIDNEY WEED	0.30	1.50	250 DIA POT
DRE	Dichondra repens	SILVER FALLS	0.30	1.50	250 DIA POT
LCC	Lomandra confertifolia	LIME TUFF	0.30	0.30	250 DIA POT
MPF	Myoporum parvifolium	CREeping KOOMBALLA	0.10	1.00	250 DIA POT
PAI	Penstemon alpinus	HEATH	0.40	0.70	250 DIA POT
PT	Poa trivialis	COMMON TUSsock GRASS	0.80	0.50	250 DIA POT
VH	Vicia hederacea	NATIVE VIOLET	0.15	0.50	150 DIA POT
SHRUBS					
CODE	BOTANIC NAME	COMMON NAME	H	W	PLANTED SIZE
ACG	Acacia cognata	Green Screen	3.00	2.00	250 DIA POT
CM	Calluna glauca	Cloudy P. - Blue-rose	1.30	0.40	250 DIA POT
CD	Callistemon ciliatus	LIME BOTTLEBRUSH	3.50	3.00	150 DIA POT
CA	Correa alba	WHITE CORREA	1.50	1.50	250 DIA POT
GM	Grevillea	Moonlight	3.00	2.00	250 DIA POT
LB	Leucophyta brownii	CUSHION BUSH	1.00	1.50	250 DIA POT
W	Westringia frutescens	NATIVE ROSEMARY	1.50	1.50	250 DIA POT



LANDSCAPE NOTES

- 1. This landscape package is not to be used as working drawings and all details, engineering and setout is to be certified by others.
- 2. Contractor to verify location of all underground services prior to commencement of work.
- 3. Remove weeds from all areas shown on the drawings as garden bed and lawn. Weeds to be removed.
- 4. Grade site into garden beds, lawn or gravel areas. Adjust grading accordingly when water tracks or ponding is apparent.
- 5. Determine pH of soil using pH kit available at most nurseries. The soil should have a pH slightly acidic to neutral (pH - 5.5 to 7.0). If outside of this range contact your local nursery to obtain advice on improving the pH level. Plant tolerance of high or low pH varies.
- 6. Clay soils should be checked for responsiveness to gypsum which can allow plant roots to penetrate the soil. If required, add gypsum according to manufacturer's directions.
- 7. Minimise cultivation of existing soil and improve with organic material such as well rotted manure, soil improvers or compost prepared to AS 4454:2003. Top dress existing soil with this matter and cover with mulch. If existing topsoil is not available then imported topsoil that complies with AS 4419:2003 should be used.
- 8. Plant selection shall be as per the plant schedule in locations as shown on the drawings. Plant quantities are to be confirmed by the contractor and any discrepancies between the plant schedule and plan are to be reported to the Landscape Architect before proceeding. Plants are to have well developed root systems and be free of pests and diseases.
- 9. A drip watering system should be installed to all garden beds and connected to a rainwater tank if available. If unavailable, a rainwater tank should be sized and installed as per plumbing regulations and local guidelines. Guide to confirm location and style on site.
- 10. Apply organic mulch to all garden bed areas to a depth of 75mm as per planting details. Recommended sources of mulch should be Pine or local common Eucalyptus. Rare timbers such as Red Gum or Jarrah should not be used.
- 11. Seed is an ideal fertiliser to apply upon initial planting. Seeded targets roots and promotes healthy & balanced growth. Phoslogon is an ideal liquid fertiliser that can be applied to the entire garden every three months. Individual plant species have varying requirements. Consult your local nursery for advice.
- 12. All timber products to be treated pine, recycled or plantation grown. Jarrah, Red Gum or Native (White) Cypress Pine (Callitris columbiana) should not be used unless demonstrated that they are a recycled product.
- 13. Stake trees for one to two years as per detail. Use two or three 38x38x1800 HW stakes per tree and feature with 50mm fabric ties.
- 14. All climbers require wire or trellis climbing frame to be attached to the adjacent surface.
- 15. Unless otherwise noted on plan, use timber edging as per detail between all garden beds, crushed rock paths & lawn areas.
- 16. Areas shown as lawn on the drawings are to be re-graded to provide smooth contours and sited to remove soil clods and debris. It is recommended that lawn areas be seeded with non-invasive grass species such as Queensland Blue Grass (Dactyloctenium aegyptium), Red-leg Grass (Bothriochloa macra), Weeping Grass (Microseris alpestris), Creeping Bent Grass (Agrostis setacea), Chained Wattle Grass (Dactyloctenium aegyptium), Kentucky Blue Grass (Poa pratensis), Tall Fescue (Festuca arundinacea). Water lawn areas during establishment in accordance with State guidelines as advised by Local Water Authority.
- 17. Follow-up maintenance should be undertaken every 4-6 weeks for 2 years following establishment. Dead or diseased plants should be replaced. Continue to monitor for weed species and remove as required. Establish any pest animals or insects. Continue to water plants according to individual species moisture needs, seasonal conditions and as advised by Local Water Authority. All plants and trees to be monitored and pruned as required, according to AS 4373 (Pruning of Arnhem Trees). Mulch to be replenished annually in Spring.



LANDSCAPE DETAIL: 1~ L4
TREE PLANTING DETAIL (TYP)
SECTION
DETAIL 1:10

LANDSCAPE DETAIL: 2~ L4
SHRUB PLANTING DETAIL (TYP)
SECTION
DETAIL 1:10

LANDSCAPE DETAIL: 3~ L4
TUBE STOCK PLANTING DETAIL (TYP)
SECTION
DETAIL 1:10

LANDSCAPE DETAIL: 4~ L4
METAL EDGING DETAIL (TYP)
SECTION
DETAIL 1:10

PLA

PENINSULA
LANDSCAPE
ARCHITECTS

RESIDENTIAL & COMMERCIAL
LANDSCAPE ARCHITECTURE

DATE: 27/09/2025
BY: J. CAMERON
REVISION: LA DESIGN PACKAGE
LA DESIGN PACKAGE
APPROVED: J. CAMERON

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24 MCCOLL COURT,
BRUNSWICK WEST, VIC

LANDSCAPE DETAILS

24-2256

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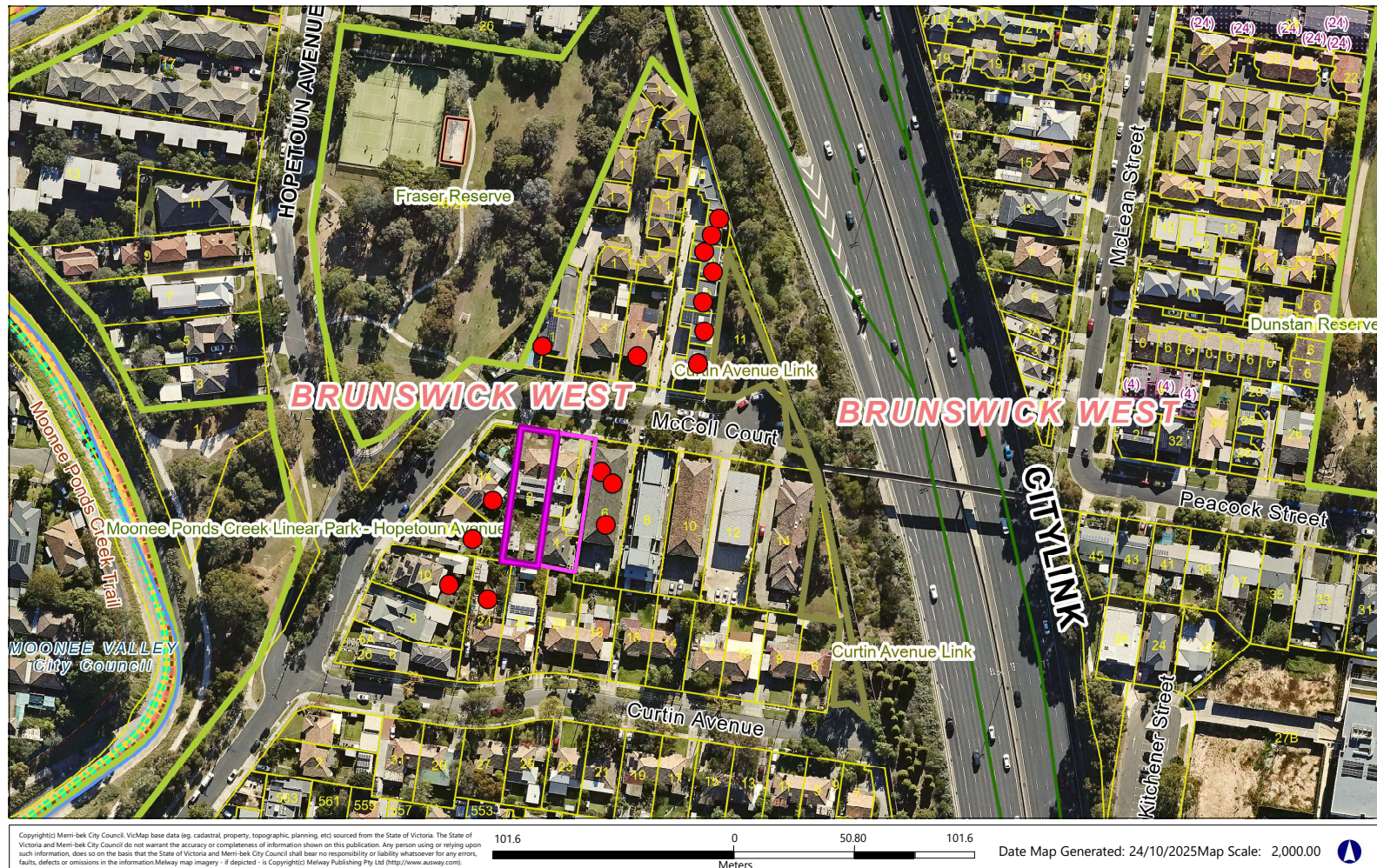
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Objector Location Plan

2-4 McColl Court, Brunswick West VIC 3055

- Subject site
- - Objector Location



Attachment 4: Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

The following table details an assessment of proposals compliance/non-compliance with the 13 standards of Clause 55 which impacts objectors rights to lodge a review of a planning decision before the Victorian Civil & Administrative Tribunal (VCAT). If all these 13 standards are met, objectors can no longer apply to VCAT for a review of Council's decision.

55.02 - Neighbourhood Character

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
B2-1 Street Setback	Yes	<i>Street setback</i> The standard requires a minimum 3.54 metre setback, which matches the front setback of 6 McColl Street. The proposed front setback is 5 metres which complies with the standard. <i>Porch</i> The standard allows porches that are less than 3.6 metres high to encroach no more than 2.5 metres into the front street setback. The proposed porch is approximately 2.75 metres high and does not encroach more than 2.5 metres into the front street setback. The proposal complies.	No
B2-2 Building height	Yes	The standard requires that the maximum building height does not exceed the maximum height specified in the zone. The site is located in the Neighborhood Residential Zone which allows a maximum height of 2 storeys and 9 metres in height. The proposal has a maximum height of 6.91 metres and is two storeys. The proposal complies.	No
B2-3 Side and rear setbacks	No	<i>Eastern boundary (side boundary)</i> The standard requires the eastern	Yes

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
		wall of the building to be setback 1.82 metres from a side boundary. The proposal is setback a minimum of 1.88 metres to 2.9 metres maximum from the eastern boundary. The former is measured to the top of the raked first floor wall. The proposal complies. <i>Western boundary (side boundary)</i> It is noted that the setbacks along the western boundary are not measured from the balustrade of the balconies, which are not allowable encroachments. Balconies of Dwellings 2 and 3 are setback 1.24 metres from the western boundary and are non-compliant in their current form. A condition of the recommendation will require the balconies of Dwellings 2 and 3 to be setback at least 1.42m from the western boundary to demonstrate compliance. <i>Southern boundary (rear boundary)</i> The standard requires the northern wall of the building to be setback 1.92m from the rear boundary. The proposal is setback a minimum of 2.66m from the rear boundary. The proposal complies.	
B2-4 Walls on boundaries	Yes	No walls on boundaries are proposed as a part of this proposal	No
B2-5 Site coverage	Yes	The standard allows 60% site coverage in the zone. The proposal provides for 54.3% (597.5sqm) The proposal complies.	No
B2-6 Access	No (can comply with condition)	This standard seeks to ensure that the number and design of vehicle crossovers along the street frontage responds to the neighborhood character.	Yes

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
		The standard allows 33% of the frontage to contain an accessway. This proposal has a 3m wide accessway, which equates to 12.15% of the frontage which complies. The standard allows the location of the vehicle crossover to encroach no more than 10% into the TPZ of an existing tree. TPZ of Street Tree 16: 12.56sqm Encroachment of crossover: 1.65sqm or 13% of TPZ. Therefore, the proposal seeks a variation to the standard. Council's arborist is supportive of the street tree being removed, subject to conditions. This means that the standard will be met by a condition with the removal of the tree.	
B2-7 Tree canopy	No (can comply with condition)	This standard requires: - 20% of the site area to be provided with tree canopy; - The tree canopy must be met using specific type of trees outlined in the table to the standard; - At least one tree to be provided in the front and the rear setbacks. - Trees to be located in a minimum area of deep soil specified in the table to the standard. The proposal provides for: - 28.6% (314.7sqm) of tree canopy meeting this part of the standard. Although some canopy trees along east, west and south boundaries have an overhang into the neighbouring properties, the balance of the canopy tree coverage satisfies more than 20% of the site area. - Meets the minimum deep soil requirements, which is 12 square metres (with minimum dimension of 2.5 metres) for Type A canopy trees and 49 square metres (with minimum dimension of 4.5metres) for Type B canopy trees.	Yes

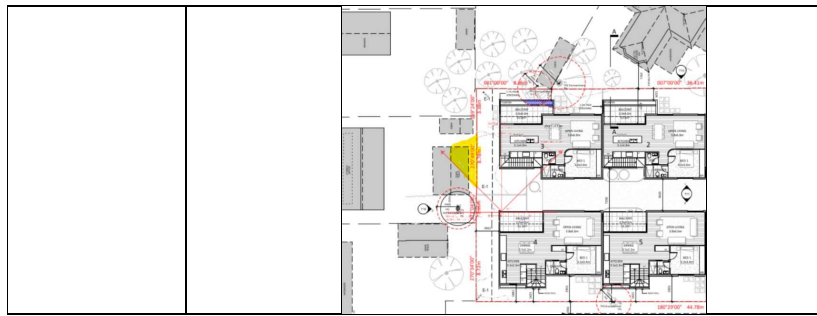
Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
		The proposal allows for 13 type A trees nominated as 'Acacia implexa' (Lightwood) which is a poor performing tree species and is not considered satisfactory by the Responsible Authority. A condition of the recommendation will require Acacia implexa' (Lightwood) to be replaced by an alternative tree species selected from Merri-Bek's online tree finder tool. It is also noted that there are discrepancies within the location and the quantity of trees nominated within the landscape plan and the development plan T15. A condition of the recommendation will require the landscape plan to be updated to reflect the location and quantity of trees nominated as per T15.	
B2-8 Front fences	No	The standard allows a 1.5m high front fence. The proposal provides for a front fence that has a maximum height of 1.8 metres and therefore seeks a variation against the standard. A condition is included in the recommendation requiring the front fence to be 1.5 metres in height.	Yes

Clause 55.04 - External amenity

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
B4-1 Daylight to existing windows	Yes	The neighboring property to the east and west have habitable room windows that face the site. The standard requires a building opposite existing habitable room windows to provide a minimum area of 3sqm and a minimum dimension of 1 metre clear to the sky. Where wall heights exceed 3 metres, the standard	No

		requires the wall to be setback 50% of that height. East Elevation - 6 McColl Court • Ground floor wall height: 3.1m • Ground floor setback: 2.93m • First floor wall height: 6.34m • First floor setback: 3.36 metres West Elevation - 14 Hopetoun Avenue • Ground floor wall height: 4.7m (top of balcony balustrade) • Ground floor setback: 4.23m • First floor wall height: 6.9m • First floor setback: 4.24 metres The proposal complies.	
B4-2 Existing north facing windows	N/A	N/A – there are no north facing windows within 3 metres of a common boundary.	N/A
B3-3 Overshadowing	Yes	The standard requires the area of secluded private open space that is not overshadowed by the new development to be greater than 50%, or 25 sqm with a minimum dimension of 3 m, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. The proposal has shadow impacts to the neighbouring secluded private open space (SPOS) at 14 Hopetoun Avenue at 9am and 10am. The SPOS of 14 Hopetoun Avenue is approximately 230sqm. It is noted that although the development significantly overshadows 14 Hopetoun Avenue at 9am, approximately 90sqm with a minimum dimension of 3 metres remains unshadowed, with less of an impact at 10am. The secluded private open spaces of the other adjoining properties, such as 12 Hopetoun Avenue, 20, 22 and 24 Curtin Avenue and 6 McColl Court remain unshadowed for more than 25sqm, with a minimum dimension of 3 metres, for a minimum of five hours between 9 am and 3 pm on 22 September. The proposal complies.	No

B4-4 Overlooking	No	In Clause 55.04-4 a habitable room does not include a bedroom. The standard requires a habitable room window and balcony located and designed to avoid direct views into the secluded private open space of an existing dwelling within a distance of 9 metres of the window and balcony. Views are measured within a 45 degree angle from the plane of the window or perimeter of the balcony, and from a height of 1.7 metres above floor level. Screening is not required to bedrooms, bathrooms and ensuites, hallways and stairs, as allowed by the Standard. The proposal includes screening measures to the other first floor habitable living room windows facing west. The proposed technique of a planter and 1.4m high balustrade does not prevent views within 9m of habitable room windows and secluded private open space. The applicant has offered to increase the balustrade to 1.5m in height, which is encouraging, but it remains uncertain whether such a change would achieve compliance. Additionally increasing the height of the balustrade, would also increase the extent of non-compliance with the side and rear setback standard. The recommendation includes conditions to increase the screening to 1.7 metres, which is necessary to limit unreasonable overlooking. Screening to 1.7m above finished floor level is applied to the southern edge of the balcony of Dwelling 3. Ground level overlooking is limited by existing east, west and south boundary fencing which is between 1.8 metres to 2.1 metres in height. It is noted that the overlooking arc of Dwelling 4 balcony has some views into the secluded private open space of 22 Curtin Avenue. However, most of the sightlines are obscured by the existing shed and the 2 metre high boundary wall between the subject site and 22 Curtin Avenue.	Yes
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Clause 55.05 - Sustainability

Standard	Standard Met	How has the standard been met/where has it been shown on the plans?	Objector right of review to VCAT?
B5-2 Overshadowing domestic solar energy systems	Yes	The neighboring property to the east at 14 Hopetoun Avenue has an existing domestic solar energy system along the north-western and south-eastern ridge of the roof. The standard requires the development to be setback 1.95 metres from the title boundary. The proposal is setback a minimum of 2.93 metres from the western boundary and approximately 12 metres from the solar panels on the roof. The proposal complies.	No