



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 28 May 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 26 March 2025 be confirmed.

5. **COUNCIL REPORTS**

- | | | |
|-----|--|----|
| 5.1 | CITY DEVELOPMENT ACTIVITY REPORT MARCH QUARTER | 4 |
| 5.2 | 463-465 VICTORIA STREET, BRUNSWICK WEST - PLANNING PERMIT APPLICATION - MPS/2024/486 | 25 |

6. **URGENT BUSINESS**

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT MARCH QUARTER

Director Place and Environment, Pene Winslade

City Development

Officer Recommendation

That Council notes the City Development Activity Report – March 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 average decision-making timeframes that continue to be better than the metropolitan average.

The 1,141 applications received in the past 12 months (April 2024 to March 2025) was a slight increase of 6.14 per cent compared to the previous 12 months, although notably lower when compared to the 2021 calendar year when 1,383 applications were received. The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service.

The focus for the Urban Planning Unit is to influence better quality planning and building design outcomes in Merri-bek, while maintaining the timeliness of planning permit decisions. The March quarter saw the continuation of decision-making above the current State average of 65 per cent, with 73 per cent of decisions being made within the 60 statutory days at Merri-bek. Pleasingly, Vic Smart timeframes, for minor matters, also remain above the State average of 83 per cent, with 90 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. Council continues to have good success at VCAT. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 88 per cent of cases in the past 12 months (April 2024 to March 2025)

The Planning Enforcement Unit has had a productive quarter. The reactive enforcement team have continued to improve their overall performance this year, with 89 per cent of cases received, being closed out this quarter. The proactive enforcement program is on target for this second quarter in terms of the number of developments audited in 2024/2025. The team were able to close out more than half (57 per cent) of cases without the need to escalate to formal enforcement actions.

Previous Council Decisions

City Development Activity Report – December Quarter 2024 – 26 February 2025

That Council notes the City Development Activity Report – December Quarter 2024.

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 263 planning applications were received for the March quarter. This compared with 231 for the same quarter in 2024. A total of 309 planning applications were decided in the March quarter compared to 263 for the same quarter in 2024.

In the past 12 months (April 2024 to March 2025), there have been 1,141 planning applications received by Council, in comparison to only 1,075 applications being received by Council in the previous 12 months (April 2023 to March 2024). This reflects a 6.14 per cent increase in planning applications compared to the previous 12 months. It is noted however that application numbers remain lower than previous years with 1,383 applications received in 2021. The number of decisions made in the past 12 months was also 18 applications less than the number of applications being received, while manageable officer caseloads have been maintained. See **Figures 1 and 2 at Attachment 1**.

It remains that most applications lodged for the quarter were multi-unit development with 63 applications received. Alterations and additions to buildings comprised 44 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 65 per cent in the 2024/25 financial year (9 months). Merri-bek's average for the 2024/25 financial year (9 months) was higher at 73 per cent. It is pleasing to see the continuation of timely decision-making in the March quarter. See **Figure 4 at Attachment 1**.

Streamlined Planning Services

Council's streamlined planning services include the Vic Smart 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 2024/2025 financial year (Quarters 1, 2 and 3), with 90 per cent of planning permit applications determined within 10 days, compared to the State average in 2024/2025 financial year of 83 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 expedient assessment and decision. In the 2024/2025 financial year so far, there have been 22 new or expanding businesses processed as Commercial Priority Applications, with 73 per cent of these applications determined within 60 statutory days. This did not meet the Unit target of 80 per cent noting the Commercial Priority Planner position was vacant between September to November 2024 and the recruitment of a new Commercial Priority Planner at the end of November 2024 requiring learning of the systems and processes.

The Urban Planning Unit also supports the Better Approvals Merri-bek business concierge service, by providing planning advice to between 12 to 23 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 developments across the State of Victoria. The Victorian Planning System 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 52.22 or Clause 52.23 of Victorian Planning Schemes. In April 2025, these Ministerial application avenues were expanded, by a new Clause 52.35 (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 are exempt from VCAT reviews by objectors, including 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.

In the March quarter, Council was notified of the following application being considered by the Minister for Planning:

- 1/427 Albert Street, Brunswick West which sought approval for a development of up to nine storeys which contained 61 dwellings. The March Planning and Related Matters Council meeting resolved that the application should be refused as the proposal failed to satisfy the requirements of the relevant Design and Development Overlay and failed to deliver public benefits sought by the Merri-bek Planning Scheme. The final decision of the Minister was to issue a planning

permit which made no changes to the built form, however included a condition for at least 10 per cent of the total number of dwellings in the development to be provided as affordable housing, or an alternative affordable housing contribution (i.e. cash contribution). Objectors to the application, including Council had no rights of review to the VCAT.

Heritage Permit Applications before Heritage Victoria

In the last quarter, the Executive Director, Heritage Victoria sought Council's views on the following application for a Heritage Permit:

- 82 Bell Street, Coburg seeks approval to construct a freestanding building adjacent to the bluestone cottage and outside the registered land. There is a concurrent planning permit application, lodged with Council, that seeks approval for the freestanding building. On heritage considerations, the officer advice to Heritage Vitoria, on behalf of Council, was supportive of the proposal.

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 March 2025 quarter, Council received 2 retrospective planning permit applications, while 8 decisions were made on retrospective planning applications. The types of retrospective applications determined include:

- Amendments to business signs.
- Amendments to multi dwelling developments, including changes to fencing, introduction of garage doors and altered location of service authority meters.
- A rear demolition and extension of a house in a Heritage Overlay.
- Rearrangement of the endorsed site layout and Liquor License area 'redline plan'.
- To convert five arts and craft centre tenancies into five dwellings, noting a recent re-zoning made this permissible, with a permit.

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 period from January to March 2025 planning permits were issued that included a requirement to provide social or affordable housing, totalling 43 dwellings. These planning permits are:

- 16-20 Sheppard Street, Planning Permit MPS/2024/531 issued by Council on 3 February 2025, including at least 9 affordable dwellings (12.5 per cent).
- 251-265 Lygon Street and 1A Pitt Street, Brunswick East. Planning Permit PA2403218 (Issued by Minister for Planning) on 28 February 2025, with 27 affordable dwellings (25 per cent).
- 1/427 Albert Street, Brunswick. Planning Permit PA2403456 (Issued by the Minister for Planning) on 27 March 2025, with either 7 affordable dwellings (10 per cent) or an alternative affordable housing contribution (i.e. cash contribution).

Council's performance at the Victorian Civil and Administrative Tribunal

In the March quarter, 5 applications for review of planning decisions were lodged at VCAT, being:

- Two against conditions of a planning permit;
- One against a refusal to grant a planning permit;
- One to cancel a permit which was procedural to avoid having two permits regulating a land use; and
- One enforcement order lodged by a resident.

Only 23 applications for review to VCAT were lodged in the 2024 calendar year.

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 represented in **Figures 9 and 10 in Attachment 1**. **Figure 10** indicates that of the total VCAT decisions made in the past 12 months (April 2024 to March 2025), when including decisions that were resolved by consent of all parties as win, Council won, 22 cases and lost 3 per cent.

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

There were 8 decisions made by VCAT in the March quarter. Details of these decisions are provided in **Table 2, in Attachment 2**.

The State Planning Permit Activity Reporting System (PPARS) indicates that Council's VCAT success rate is slightly lower than the rest of the State at 64 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 past 12 months (April 2024 to March 2025), 8 (32 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 88 per cent of cases in the past 12 months (April 2024 to March 2025).

VCAT Outcomes from Planning and Related Matters Council Meeting Decisions

There were 6 VCAT determinations in the past 12 months (April 2024 to March 2025) that relate to planning decisions made at the Planning and Related Matters Council meeting. Of these 6 decisions, 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 67 per cent. Of the two matters that were lost these were:

11-17 Colebrook Street, Brunswick:

This application sought to convert a Victorian Heritage Register (VHR) former grain store into a live music venue. Council won the VCAT review lodged by objectors VCAT agreed with Council that the location was appropriate for the proposed Live music venue.

However, the permit applicant also lodged an appeal against the condition imposed by Council to restrict the total patron numbers at the venue. The application initially sought a capacity of 875 patrons for the live music venue. In Council's decision only 500 patrons were approved. VCAT overturned Council's limit on patron numbers allowing the initial proposal of 875 patrons. In doing so the Tribunal said amenity impacts on the surrounding land would not be unreasonable. The VCAT decision therefore varied Council's decision.

10 Dawson Street, Brunswick:

This application sought approval for the construction of an eight storey mixed-use building, use of the land for dwellings (amongst other things). The VCAT review was lodged by the applicant as a decision was not made by Council within 60 statutory days and the applicant was aware that Council officers were not supportive of the building height and other aspects of proposal. Council adopted a position to support the application at the Planning and Related Matters (PARM) meeting on 26 June 2024 with the changes recommended by Council officers. The applicant sought a review of Council's permit conditions which required:

- The deletion of one level, which was to reduce overshadowing onto the footpath on the opposite side of Dawson Street and better respond to the surroundings of important heritage buildings including the Brunswick Baths, Brunswick Town Hall and Library.
- Increase upper level setbacks to Saxon Street and Dawson Street
- Increase employment generating floor space

In deleting these conditions of permit VCAT noted:

- There are existing eight storey developments in the surrounding area supporting the height and there are no negative impact on views.
- Overshadowing to the opposite footpath in Dawson Street was acceptable noting only a small portion of a raingarden in the footpath was affected.
- The lack of additional employment generating commercial floor space was acceptable.
- The street wall was acceptable as a result of the ground floor setback to Saxon Street and retention of the street tree

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 comply 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 105 complaints were received in the three months that make up the March quarter of 2025. This was a 6 per cent increase in complaints received compared to the March quarter in 2024 and 25 per cent increase in complaints compared to the March quarter in 2023. Despite the increased number of cases, the team were able to close 93 cases this quarter.

This equates to 89 per cent of cases received being determined in the March 2025 quarter compared to 86 per cent of cases in the December 2024 quarter.

Figure 2, in Attachment 3 shows how the outstanding reactive enforcement caseload is tracking. From its peak in the December 2023 quarter of 256 active cases, the number of active cases has reduced to 166 cases at the end of the March 2025 quarter. This is slightly up from the December 2024 quarter of 154 cases due to the increase in cases received this quarter, although the team are still tracking well. Pleasingly, **Figure 2** shows the team have been able to get on top of the backlog, and individual officer caseloads are returning to more ideal levels. Further reductions are required in order to return to even higher levels of performance.

Figure 3, in Attachment 3 shows the outcome of investigations over the March 2025 quarter. The most common outcome was that the investigation found there to be no planning breach identified in 46 cases, followed by 28 cases where voluntary compliance of a confirmed breach was achieved without the need to escalate to fines or other formal enforcement proceedings. In 12 cases an informal resolution was achieved where a breach was not confirmed but the land owner or occupier informally addressed the concern raised. In 4 cases, a minor breach was identified but no action was warranted, which reflects a proportionate response to the seriousness of the breach identified. Breaches are categorised into three categories, and where a breach is determined to be 'negligible impact and/or risk', it is often not an efficient use of Council resources to require rectification of the minor inconsequential matters. For transparency, all negligible breaches are recorded with an accompanying explanation as to why the breach is considered negligible and therefore further action will not be pursued.

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 publicly accessible links/open space are also proactively audited.

A total of 86 new proactive audits have been allocated so far in 2024/25, comprising 78 medium density developments and 8 audits of planning decisions made at the Planning and Related Matters Council meeting or overturned at VCAT. **Figure 4, in Attachment 3** shows that 22 of these new proactive audits commenced in the March quarter. The proactive enforcement program is on track to meet the target of 90 proactive audits in 2024/25. **Figure 5, in Attachment 3** shows a total of 12 out of 21 cases were closed in the March 2025 quarter through the proactive enforcement program, without needing to be escalated to formal enforcement action. This represents 57 per cent of the total number of cases closed this quarter, which demonstrates the value of the proactive enforcement program.

In total 30 planning breaches were rectified this quarter. These are breaches that would otherwise have been passed on to the new owners. 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) and landscaping 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
- Section 20: Property Rights.

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 existing operational resources and budget.

In terms of overall development in Merri-bek during the March 2025 quarter, developments to the value of \$285 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$655 million during the same quarter in 2023. 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 million in Public Open Space Contributions was collected during the March 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 August 2025 Planning and Related Matters Council meeting.

Attachment/s

1	Urban Planning data - March quarter 2025	D25/204784
2	VCAT data - March quarter 2025	D25/235931
3	Planning Enforcement data - March quarter 2025	D25/239811

Attachment 1 – Urban Planning March 2025 Quarterly Data

PART 1 – volume

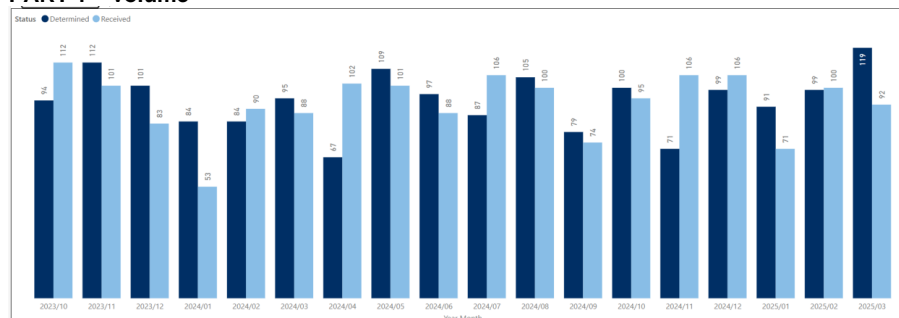


Figure 1: Urban planning number applications received and determined since October 2023

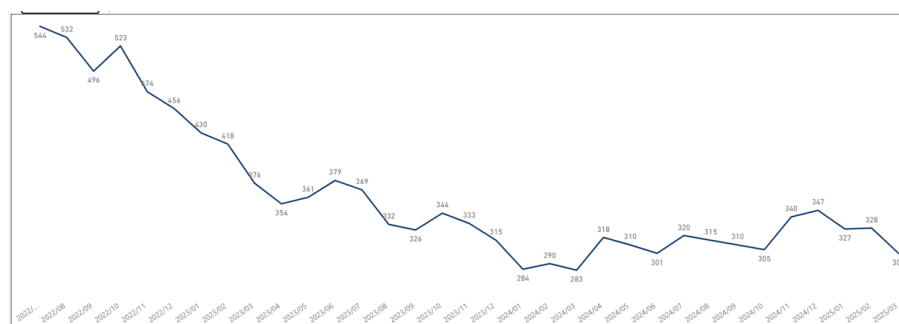
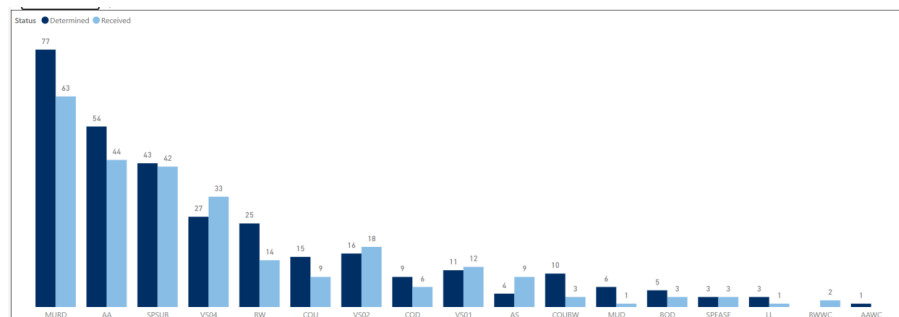


Figure 2: Urban planning overall caseload since July 2022



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	COD = construction of dwelling	AS = advertising sign	COUBW = use and development	MUD = mixed use development
BQD = Better Quality 2 Dwellings	LL = liquor licence	BWWC = building and works, waiver car parking	AAWC – alterations, additions and waiver car parking	BWWC – buildings, works and waiver car parking

Figure 3: Urban planning applications received and determined March quarter

Attachment 1 – Urban Planning March 2025 Quarterly Data

PART 2 – Timeliness

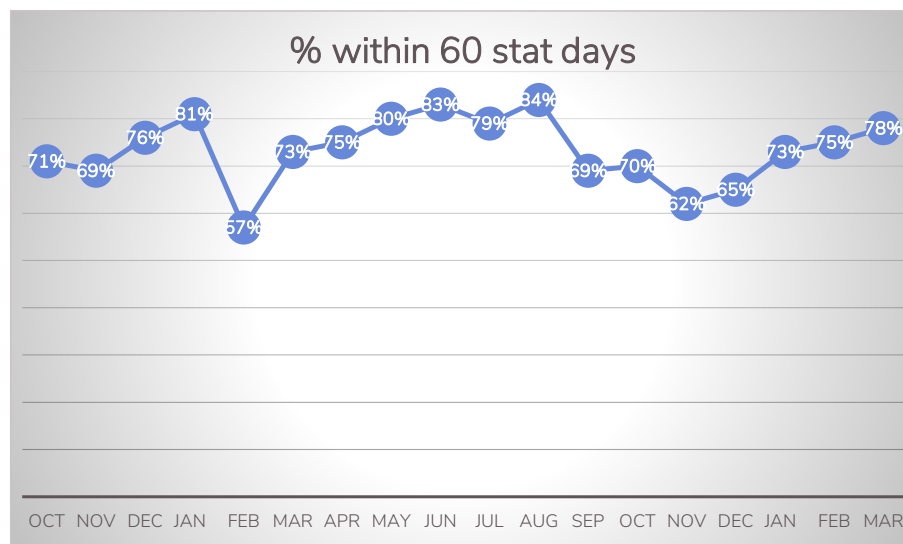


Figure 4: Urban planning applications determined within 60 days for 18 months

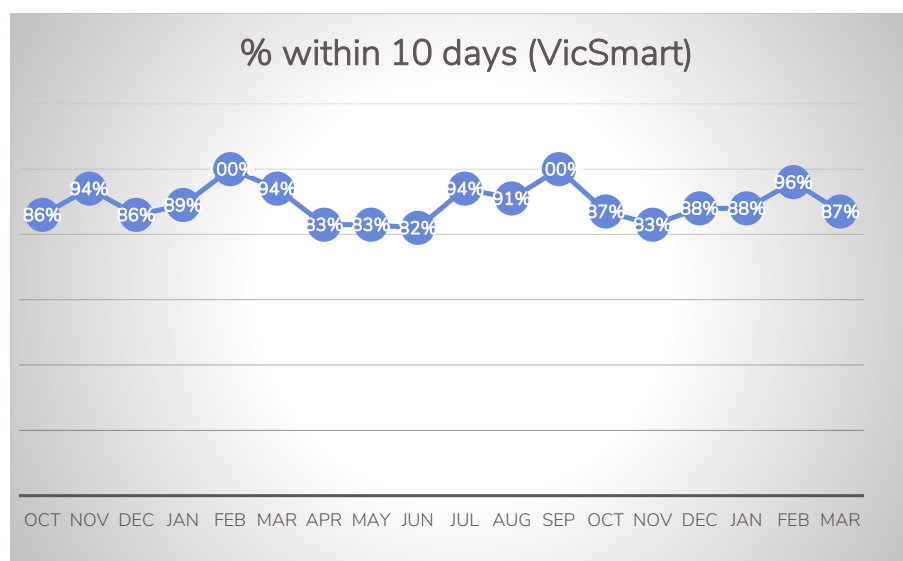
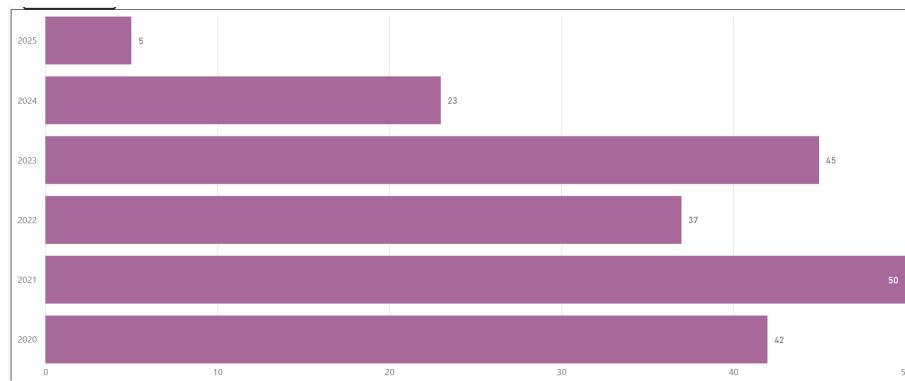


Figure 5: Urban planning VicSmart applications determined within 10 days for 18 months

Attachment 1 – Urban Planning March 2025 Quarterly Data

PART 3 – VCAT



Breakdown this quarter:

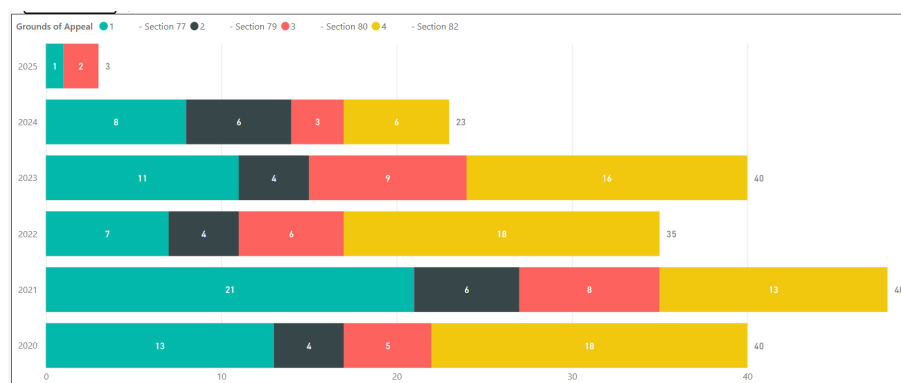
Section 77 (refusal) = 1

Section 87 (cancel) = 1

Section 80 (conditions) = 2

Section 114 (enforcement) = 1

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



Legend

Section 77 = against refusal

Section 79 = failure to determine within 60 statutory days

Section 80 = against conditions

Section 82 = by objectors

Figure 7: VCAT reviews lodged by type since 2020

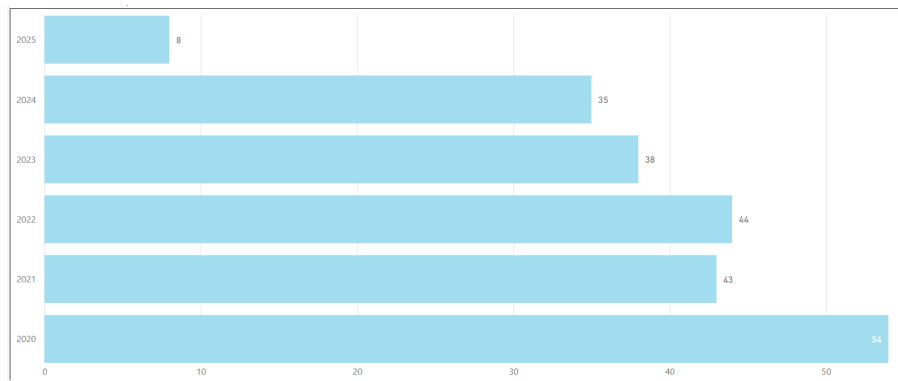
Attachment 1 – Urban Planning March 2025 Quarterly Data

Figure 8: VCAT reviews determined by calendar year since 2020

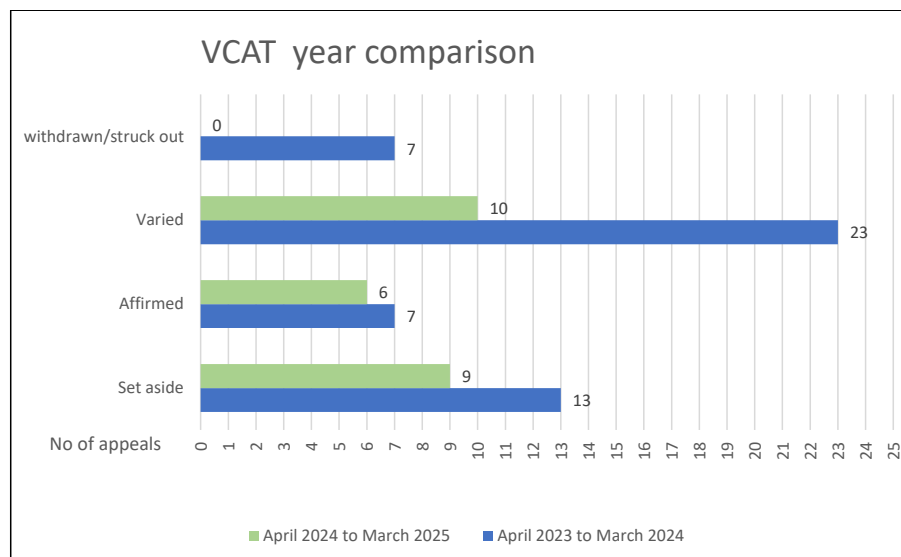


Figure 9: VCAT results comparing years (includes consents)

Attachment 1 – Urban Planning March 2025 Quarterly Data

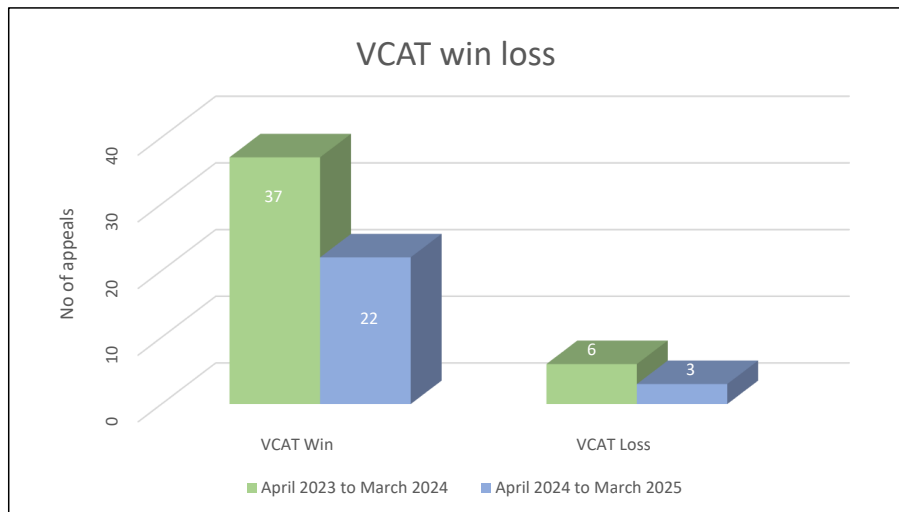


Figure 10: VCAT results comparing years with consent counted as a win

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

VCAT Appeals lodged in March 2025 quarter				
Application number	Appeal type	Address	Original decision	Proposal
Council Meeting Decision				
N/A				
Delegated Officer Decision				
MPS/2016/698/A	Applicant review against refusal	238 Waterloo Road, OAK PARK	Refusal to Amend a planning permit	Construction of five triple-storey dwellings
MPS/2019/172	The applicant is requesting the permit be cancelled. <i>(Note this VCAT review is procedural)</i>	946-948 Sydney Road, COBURG NORTH	Planning Permit	Buildings and works, the use of the land for a food and drink premises, including take away food, alteration of access to a Road Zone Category 1 road and display of signs
MPS/2021/612	Enforcement order application lodged by a resident	7 Danin Street, PASCOE VALE	Planning Permit	Construction of four double storey dwellings
MPS/2024/239	Applicant review against conditions	10 Prendergast Street, PASCOE VALE SOUTH	Planning Permit	Demolition of a dwelling and building and works to construct a double storey dwelling in a Heritage Overlay
MPS/2024/443	Applicant review against conditions	12 Collings Street, BRUNSWICK WEST	Planning Permit	Partial demolition, alterations and additions to the existing dwelling in a Heritage Overlay

Table 1: VCAT reviews lodged in the March 2025 quarter

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

VCAT reviews determined in the March 2025 quarter:						
Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Council Meeting Decision						
MPS/2023/316	Applicant against conditions & objector against approval	11-17 Colebrook Street, BRUNSWICK	Notice of Decision to Grant a Planning Permit	Use of land as a Place of Assembly (Live Music and Entertainment Venue), buildings and works, reduce the number of car parking spaces required, display an electronic promotion sign and use of land to sell or consume liquor	No	<p>VCAT varied Council's decision including increasing patron numbers from 500 to 875.</p> <p>In making this change VCAT noted:</p> <ul style="list-style-type: none"> the absence of specific Statewide external noise protocol relating to patron noise/traffic movements/parking in streets to determine patron noise impacts leaving the venue the availability of alternative transport means and existing car parking supply low risk of intrusive noise on sensitive uses the size of the venue and the effectiveness of a Venue and Patron Management Plan there being no cumulative impact from patrons of nearby land uses
MPS/2023/637	Applicant review as decision not made within 60 statutory days	10 Dawson Street, BRUNSWICK	Planning Permit	Demolition of existing buildings and construction of a multi storey mixed-use building, use of the land for dwellings, to vary an easement and a reduction of the standard car parking requirement	No	<p>VCAT varied Council's decision by deleting each permit condition that was being appealed by the applicant which required:</p> <ul style="list-style-type: none"> Deletion of one level Increase upper level street setbacks to Saxon St and Dawson St Increase employment generating floor space <p>In deleting these conditions of permit VCAT noted:</p> <ul style="list-style-type: none"> There are existing eight storey developments in the surrounding area supporting the height and there are no negative impact on views Overshadowing to the opposite footpath in Dawson St was acceptable noting only a small portion of a rain garden in the

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

						<p>footpath was affected.</p> <ul style="list-style-type: none"> The commercial floor space was acceptable. The street wall was acceptable as a result of the ground floor setback to Saxon St and retention of the street tree
Delegated Officer Decision						
MPS/2019/172	The applicant is requesting the permit be cancelled.	946-948 Sydney Road, COBURG NORTH	Planning Permit	Buildings and works, the use of the land for a food and drink premises, including take away food, alteration of access to a Road Zone category 1 road and display of signs	No	VCAT cancelled the permit giving effect to condition 40 of permit MPS/2023/22 which required the cancellation of permit MPS/2019/172 as it would contravene the use and development approved as part of permit MPS/2023/22. The processing of this review was procedural.
MPS/2021/612	Enforcement order application lodged by a resident	7 Danin Street PASCOE VALE	Planning Permit	Construction of four double storey dwellings	No	VCAT dismissed the enforcement order application on the basis that the alleged breach of the Deed of Settlement and Release, is not of a type that can be enforced under section 114 of the Planning and Environment Act 1987
MPS/2023/515	Applicant against refusal	737-757 Sydney Road, COBURG NORTH	Refusal	Use and development of a service station and car wash, display of business identification signage and alteration of access to a Transport Zone 2 Zone	No	<p>VCAT overturned Council's refusal.</p> <p>Council's submission argued that the proposal was an underdevelopment of the land given its location within the Coburg Activity Centre and the planning controls allowing for a higher mixed use apartment development on this key corner site with Gaffney Street.</p> <p>In overturning Council's refusal, VCAT noted:</p> <ul style="list-style-type: none"> The site was on the edge of the Coburg Activity Centre, and somewhat disconnected to the main activity centre Insisting on high-density mixed-use development in this specific location might be detrimental to the commercial uses that could thrive in this location Precinct specific guidance on scaling

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

						down to low scale residential development, was achieved by a two storey scale
SP/2024/120	Applicant against conditions	141 Rennie Street COBURG	Planning Permit	Two lot subdivision	No	VCAT upheld Council's condition of permit requiring the payment of a Public Open Space Contribution, dismissing the Applicant's review to have the condition deleted. Council's submission relied on the potential future development and subdivision of the land capable of creating more than one additional lot and therefore requiring a Public Open Space Contribution.
SP/2024/136	Applicant against conditions	29-31 Alexander Avenue COBURG NORTH	Planning Permit	Two lot subdivision	No	VCAT upheld Council's condition of permit requiring the payment of a Public Open Space Contribution, dismissing the Applicant's review to have the condition deleted. Council's submission relied on the potential future development and subdivision of the land capable of creating more than one additional lot and thus requiring a Public Open Space Contribution.

Table 2: VCAT reviews determined in the March 2025 quarter

City Development Activity Report

Attachment 3 – Planning Enforcement Unit – March 2025 Quarterly Data

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

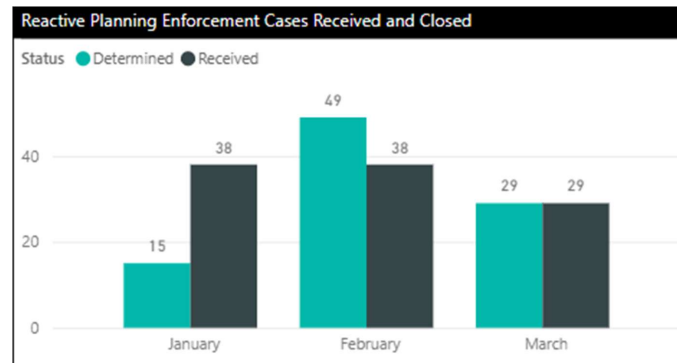


Figure 2: Outstanding Planning Enforcement Reactive Cases at 31 Mar 2025

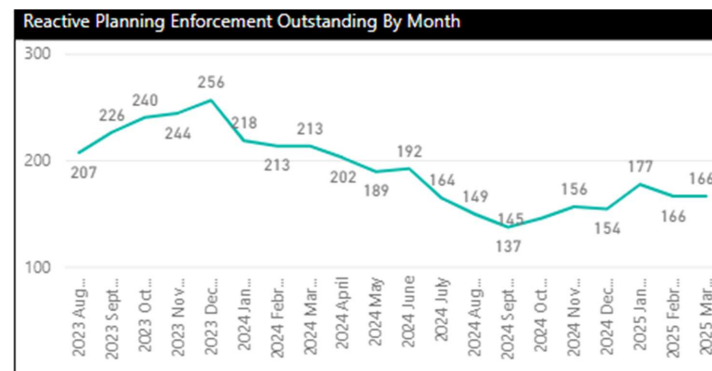


Figure 3: Outcome of Reactive Cases - Mar Quarter 2024/25

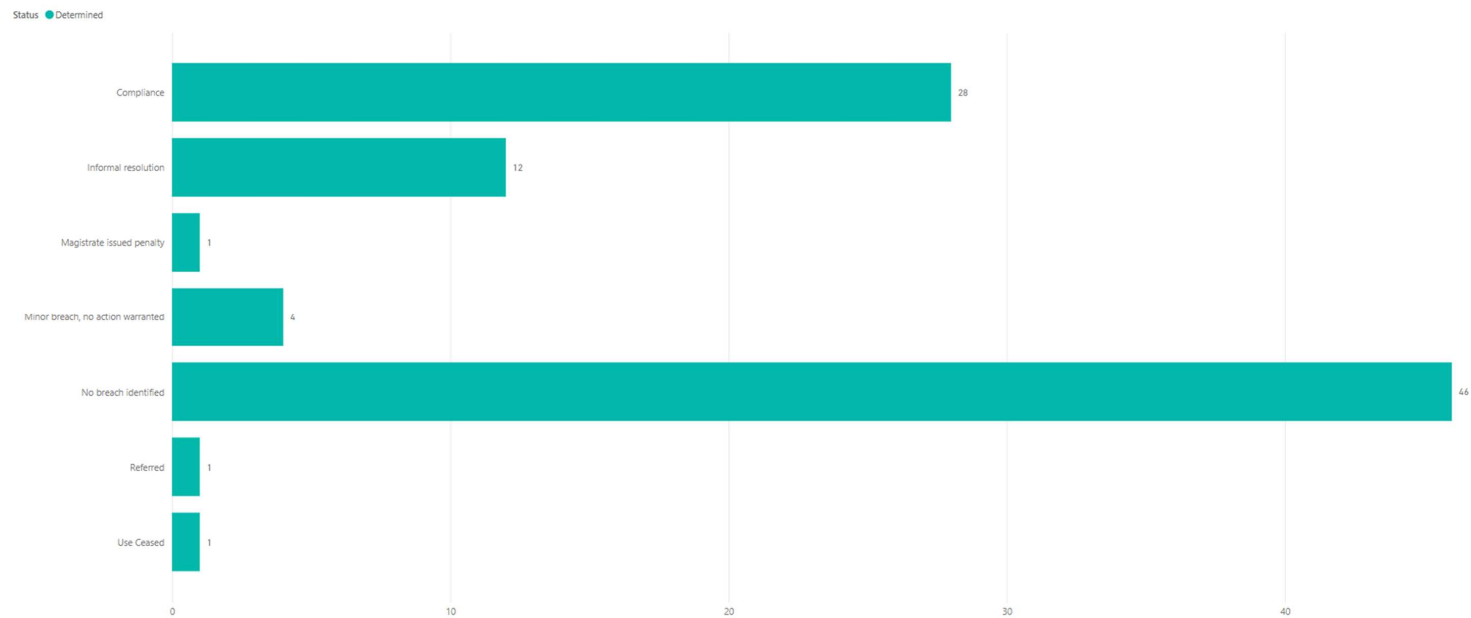


Figure 4: Proactive First Inspections Completed - Mar Quarter 2024/25

First Inspections Completed	
Count of Major_Description	Major_Description
22	Statement of Compliance or Certificate of Occ
22	

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

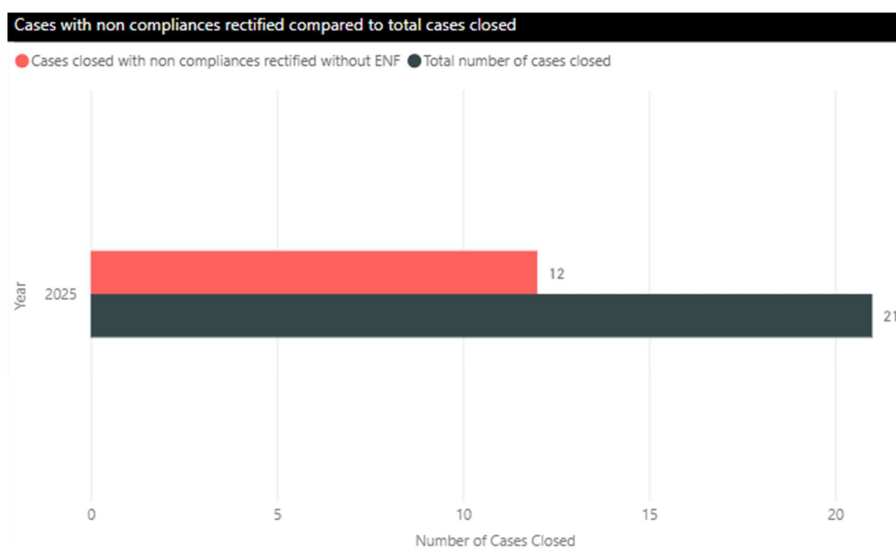
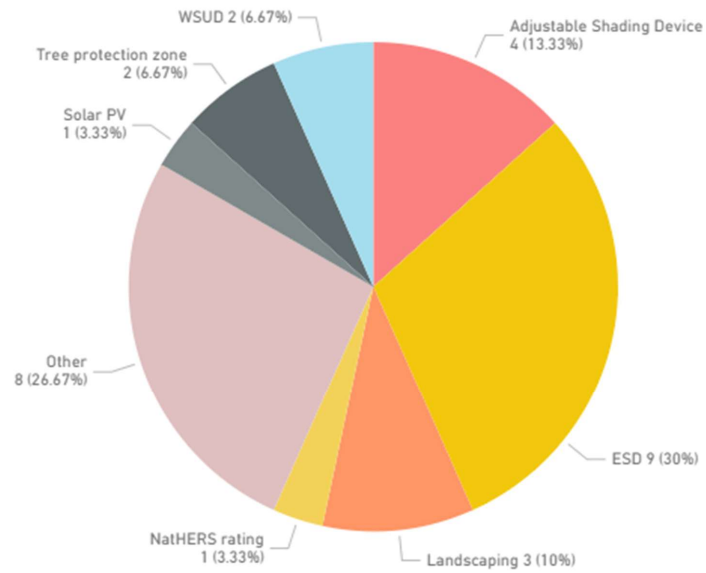


Figure 6: Non-compliances rectified through Proactive Enforcement - Mar Quarter 2024/25

Non compliances rectified by type



5.2 463-465 VICTORIA STREET, BRUNSWICK WEST - PLANNING PERMIT APPLICATION - MPS/2024/486

Director Place and Environment, Pene Winslade
City Development

Executive Summary



Property:	463-465 Victoria Street, Brunswick West
Proposal:	Construction of five four-storey dwellings and a reduction of statutory car parking
Zoning and Overlay/s:	<ul style="list-style-type: none"> Mixed Use Zone, Schedule 1 (MUZ1) Design and Development Overlay – Schedule 24 (DDO24) Parking Overlay – Schedule 1 (PO1) Development Contributions Plan Overlay (DCPO)
Strategic setting:	<div>Minimal change</div> <div>Incremental change</div> <div>Significant change</div>
Objections:	<ul style="list-style-type: none"> Twelve (12) Objections received Key issues: <ul style="list-style-type: none"> Building height and setback to the north Amenity impacts Car parking and traffic concerns
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Held on 31 March 2025 Attendees: Five (5) objectors, the applicant, two Council officers, and Cr Svensson Sketch plans were prepared after the PID meeting to address objector and Council officer concerns. This recommendation refers to sketch plans provided to officers on 7 April 2025.
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7.0 stars.
Accessibility:	<ul style="list-style-type: none"> No adaptable dwellings, noting the Planning Scheme only requires the dwelling entries to be accessible.
Key reasons for support:	<ul style="list-style-type: none"> High compliance with Clause 55 housing standards. Acceptable outcome for DDO24 objectives (subject to conditions).
Recommendation:	Notice of Decision to Grant a Planning Permit

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No MPS/2024/486 be issued for the land at 463-465 Victoria Street, Brunswick West.

The Permit would allow:

Construction of four, four-storey dwellings, one three-storey dwelling and a reduction of statutory car parking.

Planning Scheme Clause	Matter for which a permit is required
32.04-7	Construct two or more dwellings on a lot
43.02-2	Construct a building or carry out works
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 advertised on 9 January 2025 but modified to show:
 - a) Modifications to the development plans to be consistent with the Sketch Plans, provided on 7 April 2025, including:
 - i. The deletion of the fourth storey for dwelling 5;
 - ii. The relocation of the bin store area to the rear of the site;
 - iii. The internal layout changes of the home office space for Dwelling 1;
 - iv. Modification of screening applied to the western elevation of the first-floor balconies of Dwellings 2-5, to allow downwards views to the western laneway while minimising unreasonable overlooking of the adjacent property at 467-469 Victoria Street.
 - b) A detailed section to show the screening required by Condition 1a)iv of this permit. The screening diagram must include:
 - i. Techniques to ensure reasonable outlook from impacted apartments is maintained.
 - ii. All dimensions, including the width of slats and the gap between slats.
 - iii. Use of the standard of Clause 55.04-6 (overlooking) of the Merri-bek Planning Scheme as a guide for assessment (pre amendment VC267).
 - c) The provision of two bike parking spaces for Dwelling 1.
 - d) Show the dimensions of each bicycle parking device to be 500mm wide and 1800mm long for horizontal spaces, and 1200mm long for vertical spaces, as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3)
 - e) Include a notation to confirm that garage doors are not to be single panel tilt doors.
 - f) Label the public footpath with a prominent note stating, “Reinstate public footpath with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary”.
 - g) Label each pedestrian entrance and garage with a prominent note stating, “Floor to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb”.

- h) The preparation of a revised materials and colours schedule that reduces the extent of 'monument' applied across the development, in accordance with the requirements of Condition 6c) of this permit.
- i) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6c) of this permit.
- j) The amended Waste Management Plan, as required by Condition 9 of this permit.

Secondary Consent

- 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 endorsement of plans, a landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the site layout as shown on the Sketch Plans, provided on 7 April 2025 and include the following detail:
 - a) A schedule of all proposed plant species, 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 Landscape Guidelines 2009.
 - b) Notes and diagrams detailing the establishment and maintenance of all proposed vegetation.
 - c) 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 any endorsed Sustainability Design Assessment or Sustainability Management Plan.
 - d) Details of all planter boxes, green walls, rooftop gardens and similar, including:
 - i. Soil volume sufficient for the proposed vegetation
 - ii. Soil mix
 - iii. Drainage design
 - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

Once submitted to and approved by the Responsible Authority, the landscape plan will be endorsed to form part of the permit. The endorsed landscape plan must not be modified 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.

Environmentally Sustainable Development

6. Prior to the endorsement of plans, an amended Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SDA prepared by Melbourne Sustainability Consultants, advertised 9/1/2025 but modified to include the following changes:
- a) Submit a preliminary NatHERS report achieving a minimum of 7 stars and a Whole of Home assessment achieving a minimum of 60 per cent for each dwelling. Demonstrate any energy efficiency initiatives within the plans and BESS assessment (e.g., solar panels, hot water systems, etc.) along with the following changes:
 - i. At 'Roof type' on page 6 of the NatHERS report, amend the solar absorptance levels to ensure they are consistent with the amended colours in the Material Schedule.
 - b) Amend BESS Report (and any other corresponding documentation) to:
 - i. At 'Dwelling Energy Profiles: Energy Performance', reflect the heating and cooling loads of the preliminary NatHERS ratings certificates.
 - c) Show the following ESD initiatives on the development plans:
 - i. An amended ESD table to include: 'no gas connection'.
 - ii. A copy of the WSUD plan included within the plan set.
 - iii. One clothesline to each dwelling.
 - iv. Window operation on all elevation plans (e.g. arrows for a sliding window, a V for an awning...).
 - v. An eave, projection, or canopy to all dwelling sliding glazed doors at third floor.
 - vi. Double glazing 'DG' to all habitable room windows and glazed doors annotated on each individual glazing unit on the floor plans and elevations.
 - vii. On the first floor plan, ASD' annotated to the dwelling 5 north-facing living room window.
 - viii. External operable shading devices to the first floor west facing windows and glazed doors to habitable rooms drawn and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The devices must be operable from within the dwelling. Include a product diagram or section of the proposed device (must not be roller shutters for any street facing glazing). Ensure windows that have external adjustable shading can open when using the blind. Amend head height of windows accordingly. Shading devices to balconies may instead be attached to the underside of the overhang of the floor above.
 - ix. Annotate '32A-40A electric vehicle charging infrastructure' in each garage.
 - x. A landscape plan. On the landscape plan, provide detail of irrigation to the balcony planter boxes.
 - xi. A tap and floor waste to each balcony.

- xii. Specify the colour, Solar Absorptance (SA), and Light Reflectance Value (LRV) of all materials in the Material Schedule. Ensure that no more than 25 per cent of the building elevations are specified as a dark colour outside of the acceptable limits listed below. Ensure that roofs, bricks, and driveways have a Solar Absorptance (SA) value less than or equal to 0.60 or no darker than 'Medium', and that cladding colours have a Light Reflectance Value (LRV) at least 40 or no darker than 'Medium'.
- d) A STORM report and stormwater management response that achieves a minimum STORM score of 100 per cent and:
 - i. All rainwater tanks meet a minimum tank water supply reliability score of 80 per cent.
 - ii. All rainwater tanks are a minimum of 2000 litres.

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

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

Waste Management

- 9. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The amended WMP must consider the layout of the development as required by this permit, including changes to the location of bin storage areas.
- 10. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

General Conditions

- 11. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the Merri-bek Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
- 12. Any ramp constructed to access the garage floor from the laneway must be contained entirely within the garage, and the level of the existing laneway must not be raised for the development.
- 13. The public footpath is to be reinstated with the standard crossfall slope of 1 in 33 from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps.
- 14. All external lighting, other than balcony lighting, must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

15. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
16. Any external lighting illuminating the rear laneway must be no higher than 1.2 metres above ground level.
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.
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.
19. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.
20. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development 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, 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.
22. The Home Office Window of Dwelling 1 must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.

3D Model

23. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.Merri-bek.vic.gov.au/planning-building/3D-Guidelines/>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

Permit Expiry

24. 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: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

Note 2: Unless no permit is required under the Merri-bek Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

Note 3: 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/living-in-Merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 4: The development of the site may require that the nearby bus stop located along Victoria Street is temporarily relocated. Any temporary relocation of the bus stop must be to the satisfaction of the Head, Transport for Victoria. Please contact maintenance@transport.vic.gov.au to obtain any required authorisation.

1. Background

Subject site

The site is made up of 463 and 465 Victoria Street, Brunswick West. Each lot has a frontage to Victoria Street. There is a laneway abutting the western and northern boundaries. The site contains single storey commercial buildings. It has a frontage of 10.06 metres, and a maximum length of 34.3 metres. The total area is approximately 346 square metres. The buildings have previously been used as shops and offices, including a building design studio, dance school, gym and art gallery. Historical aerial images also show that the land was previously used for residential purposes before the existing commercial buildings were constructed.

There is a restrictive covenant indicated on the Certificate of Title. The covenant requires that the land will not be used for the manufacture of bricks, tiles, pipes, pottery or similar. The proposal does not breach this covenant.

Surrounds

The site is in an area of commercial buildings, made up of double-storey buildings to the east, and a mixture of one, two and three storeys to the west. Development along Victoria Street has a high degree of site coverage. There are examples of houses constructed along the street frontage which are located between commercial buildings resulting in a mixed character of land uses.

More broadly, the surrounding area is characterised as a long-established residential area with more recent change in building forms occurring along Victoria Street. The site has good access to nearby parks, shops and public transport.

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

The proposal

The proposal is summarised as follows:

- Construction of five, four-storey dwellings, each containing three bedrooms.
- West-facing living areas provided at the first floor level, with bedrooms at the second and third storeys.
- A reduction of two car parking spaces.
- Vehicle and pedestrian access provided along the laneway to the west of the site.

The Development Plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Mixed Use Zone	A permit is required to construct more than one dwelling on a lot. Pursuant to Clause 32.04-1 no permit is required to use land for dwellings.
Design and Development Overlay – Schedule 24	A permit is required to construct a building or carry out works.
Particular Provisions	A permit is required to reduce the car parking requirement from 10 spaces to 8 spaces.

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

- Clause 45.09: Parking Overlay. The Parking Overlay means that the reduced 'Column B' car parking rates in the table to Clause 52.06 apply
- Clause 53.18: Stormwater Management in Urban Development

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land
- Placing signs on the Victoria Street frontage of the site, and along the western and northern laneway.

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

The key issues raised in objections are:

- Setbacks and building design
- Inadequate car Parking
- Inadequate sustainability outcomes
- Inadequate landscaping outcomes
- Home office design
- Compliance with the Merri-bek Planning Scheme
- Amenity Impacts (overlooking, internal amenity, visual bulk)
- Vehicle movements within the laneway
- Heritage impacts
- Property values
- Mental health

A Planning Information and Discussion (PID) meeting was held on 31 March 2025 and attended by Cr Svensson, two Council Planning Officers, the applicant and approximately half of the objectors (i.e. 5 objectors). The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

As part of the PID process, the applicant has prepared **Sketch plans** to attempt to respond to some objector concerns. Key modifications contained in the sketch plans are:

- An increase in size and modification of layout for the Dwelling 1 'home office' space facing Victoria Street.
- A reduction in height for Dwelling 5, via the removal of one storey (Dwelling 5 would be three storeys in height).
- Removal of one bedroom from Dwelling 5 resulting in a change to the proposed car parking reduction from 2 to 1 space.
- Changes to screening along the western elevation to allow for downward views to the laneway from the living room and balcony spaces of Dwellings 2-5.

This report will reference the sketch plans as a point of comparison to the decision plans. The sketch plans form **Attachment 4**.

Internal referrals

The proposal was referred to the following internal branches:

Internal Branch/Business Unit	Comments
Urban Design Unit	<p>Supports the proposal, subject to minor changes to the building appearance and the following modifications:</p> <ul style="list-style-type: none"> • Improved layout of the 'home office' space. • Additional outlook to the western laneway. • Rear setbacks that better aligns with the preferred setbacks of the DDO24. <p>These changes are addressed by conditions of the recommendation.</p>
Transport - Development Engineering	<p>Supports the proposal, subject to the provision of more bike parking, and ensuring that the proposed development does not alter the levels and conditions of the laneways.</p> <p>These changes are addressed by conditions of the recommendation.</p>
Sustainable Built Environment - ESD Team	<p>Supports the proposal, subject to conditions that require updates to submitted ESD documentation.</p> <p>These changes are addressed by conditions of the recommendation.</p>

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Settlement (Clause 2.03-1)
 - Built Environment and Heritage (Clause 2.03-4)
 - Housing (Clause 2.03-5)
 - Transport (Clause 2.03-7)
- Settlement (Clause 11)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
 - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S and 15.01-2L)
 - Building Design in Neighbourhood and Local Centres (Clause 15.01-2L)
 - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Energy efficiency in Merri-bek (Clause 15.01-2L-04)
 - Environmentally Sustainable Development (Clause 15.01-2L-05)

- Housing (Clause 16.01), including:
 - Housing Supply (Clause 16.01-1S and 16.01-1R)
 - Homes in Merri-bek (Clause 16.01-1L)
 - Housing Affordability (Clause 16.01-2S and 16.01-2L)
- Transport (Clause 18), including:
 - Car parking (Clause 18.02-4S and 18.02-4L)

Planning Scheme Amendments

Planning Scheme Amendment VC267 was gazetted into the Planning Scheme on 31 March 2025, and changes the assessment provisions for certain residential developments lodged after 6 March 2025. The application was lodged prior to these dates therefore the new residential assessment provisions do not apply. The assessment is based on the Planning Scheme policies and provisions that existed before 6 March 2025.

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

An assessment of whether there is any potential for unreasonable overlooking has been undertaken in section 4 of this report. The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Merri-bek Planning Scheme.

4. Issues

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

Does the proposal have strategic policy support?

Both State and local planning policies support increased density in Activity Centres, to take advantage of access to public transport and other services within these locations. The Strategic Framework plan for housing, located at Clause 2.04 of the Merri-bek Planning Scheme, identifies the site as being within an area of significant change.

The purpose of the Mixed-Use Zone is “*To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*” The site is located within the Melville Road/Albion Street/Victoria Street, Brunswick West Neighbourhood Centre, where planning policy seeks to “*Accommodate an increase in density and scale of built form appropriate to their role in the Activity Centre Hierarchy but at a lesser intensity and scale to the larger centres of Coburg, Brunswick and Glenroy.*”

The proposal for five, four storey dwellings therefore benefits from strong strategic support at both State and Local level.

Does the proposal respond to the preferred neighbourhood character outcomes?

The Design and Development Overlay – Schedule 24 (DDO24) provides for preferred building heights and setbacks. A summary of the preferred and proposed building heights and setbacks outcomes is provided below:

Building Height:

The preferred maximum building height in the DDO24 is 13.5 metres and four storeys. The development has a maximum height of 13.17 metres and is four storeys in height, meeting the preferred height in the DDO24. The building height is suitable to its location in a neighbourhood centre and mirrors existing development nearby.

Front Setback

The DDO24 identifies the site as having a preferred outcome of a commercial frontage, which requires a 0m front setback. Alternatively, a residential frontage should provide a 3m street setback. A variation is proposed, which seeks a 0m front setback for the residential frontage.

While a residential frontage is proposed, the development includes floor to ceiling display windows for a flexible home office space fronting Victoria Street - providing a commercial appearance. The western development, which provides a similar outcome, provides a 0m street setback for a home office space. Other buildings display 0m front setbacks, providing a commercial appearance.

Sketch plans submitted to Council have also improved this space by increasing its size and improving the placement of the front door. With these changes, the proposed 0m residential frontage is acceptable, especially given the mixed-use character of this section of Victoria Street.

Side Setbacks

The development seeks a variation to the preferred side setback requirements of the DDO24 in the following manner:

- Living rooms and balconies require a 4.5m side setback from the property boundary, to be planted with trees. The proposal seeks approval for 0m side setbacks for primary outlooks.
- Bedrooms require a 2m side setback from the property boundary, to be planted with trees. The proposal seeks approval for 0m side setbacks for secondary outlooks.
- Any part of the building with no outlook should comply with the side setback requirements of Standard B17 (Side and Rear Setbacks). The proposal seeks approval for 0m side setbacks for areas with no outlook.

The side setback variations are acceptable, noting the surrounds of the site.

The mixed-use surrounds of development along Victoria Street shows a lack of side setbacks and buildings built to both side boundaries, with high site coverage. Being in a historically commercial area, buildings are commonly built to the side and rear boundaries as this is a key neighbourhood character feature. It is expected that future development to the east will directly abut the proposed building and adopt 0m side setbacks, to create an unbroken building form. Narrow frontages also make meeting preferred side setbacks challenging, as compliance would require removal of substantial portions of the proposal.

It is also proposed to build along the western boundary. This is acceptable as the proposed building would mirror the development at 467 Victoria Street and take advantage of the separation provided by the laneway. This would allow for a separation of at least four metres between the two buildings at all levels ensuring that each building receives acceptable access to daylight and internal amenity. While this falls just short of the 4.5 metre separation envisaged by DDO24, it is an acceptable outcome noting the character of the area and constraints of the site.

Rear Setbacks

DDO24 includes the following preferred setbacks:

- A 3m setback for any part of the building up to 4m in height.
- A 6m setback for any part of the building between 4m and 10.5m in height.
- A 8.8m setback for any part of the building exceeding 10.5m in height.

The following rear setbacks are proposed, which seek variation to the preferred outcomes:

- A 0m setback for wall heights up to 7.85m.
- A 3.14m setback for wall heights up to 12.43m.

The current design of the rear interface is unacceptable as the upper level of Dwelling 5 is not setback in accordance with the DDO24 requirement of 8.6 metres from the adjacent properties in the Neighbourhood Residential Zone. This results in a bulky and imposing appearance when viewed from the properties to the north. To address this concern, the applicant submitted sketch plans which show removal of the top floor of Dwelling 5 ensuring that the upper-level rear setback requirement is now addressed. While the 2 storey element in the far rear of the site still exceeds the DDO24 requirement by one storey, the variation is supported given that the 2-storey form is opposite a shed structure on the opposite side of the laneway which provides separation from the main outdoor space at 41 Whitby Street. In addition, the adjoining building to the west of the site also has a sheer double-storey form that abuts the laneway.

The development provides an acceptable response to all other objectives of the DDO24 including building articulation, car parking location and vehicle entry, and site services.

Does the proposal manage on-site and off-site amenity impacts?

A detailed assessment of the proposal against the objectives and standards at Clause 55 has been undertaken. The development generally performs well against these standards with some issues discussed below.

Site Coverage and Permeability

The proposed development seeks 100 per cent site coverage which is a variation from the requirement of 60 per cent site coverage and 20 per cent permeability. The variations to these standards are appropriate for the site noting the existing character of high site coverage in the area and planning policy that seeks higher densities and significant change at this location.

Overlooking

The proposed development applies screening to habitable windows and balcony spaces that are within a 9-metre horizontal arc from neighbouring habitable room windows and balconies. This screening includes the western elevation of the development however contributes to poor outlook and therefore amenity within the balcony spaces of dwellings 2-5. Sketch plans have been provided to modify the proposed screening to allow downward views into the laneway area. This will ensure that the internal amenity of these spaces is improved while also ensuring that potential overlooking to neighbours is addressed. Downward views to the laneway also provide of casual surveillance of this space to improved safety. Conditions in the recommendation require section drawings to be submitted to ensure that this is achieved.

Has adequate car parking and bike parking been provided?

A total of ten car parking spaces are required for the dwellings to achieve compliance with the requirements of the Merri-bek Planning Scheme. The development as shown on the submitted sketch plans proposes nine car parking spaces and therefore seek approval for a reduction of one car parking space.

Council's *Car parking in Merri-bek* policy supports reduced car parking rates in developments:

- within and close to activity centres
- with excellent access based on frequency and location to a range of public transport options
- with increased provision of bicycle parking above the rates specified in Clause 52.34.

The site has convenient access to public transport including trams on Melville Road, buses on Victoria Street and Brunswick Train Station.

Council's Development Engineers are satisfied that the car parking requirement can be reduced for this application, subject to the addition of two appropriately dimensioned bike parking spaces for Dwelling 1.

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. It is expected that the level of parking provided will cater for the car ownership levels of the occupiers.

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

The proposal also provides a positive response to Council's *Vehicle Access Design* policy as it:

- Utilises the side and rear laneway for vehicle access to allow street frontages to prioritise pedestrian movement and safety and to create active frontages.
- Does not provide a vehicle crossover along the site frontage and relies on existing laneways, resulting in no loss of on-street public parking spaces.
- Provides bike parking within the garage of each dwelling.

Does the proposal incorporate adequate Environmentally Sustainable Design (ESD) features?

Subject to the inclusion of conditions, the ESD features of the development are adequate and can include a NatHERS rating of 7.0 stars and STORM rating of 100 per cent.

Is the land Potentially Contaminated?

Historical aerial images from 1951 and 1966 show that prior to the construction of the existing buildings, the land was occupied by residential dwellings. The dwellings were replaced with two commercial tenancies by 1979, which have remained in use until current day. Evidence of previous commercial tenancies includes shops and offices, including a building design studio, dance school, gym and art gallery. Based on the information available with respect to the historic use of the land as residential and commercial tenancies, it is unlikely that the site has experienced any contamination.

5. Response to Objector Concerns

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

- Setbacks and building design
- Inadequate Car Parking
- Inadequate sustainability outcomes
- Inadequate landscaping outcomes
- Home office design
- Compliance with the Merri-bek Planning Scheme
- Amenity Impacts (overlooking, internal amenity, visual bulk)

Other issues raised by objectors are addressed below:

Vehicle movements within the laneway

Whilst it is acknowledged that the development will generate some additional vehicle movements within the laneway, the movements are not unreasonable and do not create a substantial increase in traffic volume. Vehicles are most likely to travel directly from the site to Victoria Street, which will further reduce vehicle traffic in the wider laneway network. Relying on laneway vehicle access is supported by planning policy and is encouraged in preference to the impact of a new vehicle crossover to Victoria Street.

Heritage impacts

The site is not included in a Heritage Overlay and therefore heritage is not a relevant planning consideration for this proposal. Specific design responses to heritage dwellings nearby are not required. The layout and setbacks of the proposal are acceptable as discussed in this report and are found to meet the relevant objectives of the Merri-bek Planning Scheme.

Property values

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the *Planning and Environment Act 1987*, or the Merri-bek Planning Scheme.

Mental health

The relevant considerations for the assessment of this planning permit application are provided within the provisions of the *Planning and Environment Act 1987*, and the Merri-bek Planning Scheme. These do not extend to the considerations of impacts to mental health from the approval of a planning permit application.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications

There are no financial or resource implications from this report.

8. Conclusion

The proposed development is acceptable, subject to being modified in-line with sketch plans prepared by the permit applicant and secured by conditions in the recommendation. The changes brought about by the sketch plans will improve the impact of the development to the north, improve the useability of the home office space and make positive adjustments to screening applied along the western facade.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that a Notice of Decision to Grant a Planning Permit No MPS/2024/486 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

1	Zoning and Location Plan - 463-465 Victoria Street, Brunswick West	D25/225329
2	Proposed Architectural Plans - 463-465 Victoria Street, Brunswick West	D25/225330
3	Objector Location Plan - 463-465 Victoria Street, Brunswick West	D25/225331
4	Discussion Plans - 463-465 Victoria Street, Brunswick West	D25/225332

463-465 Victoria Street, Brunswick West

