



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 23 August 2023

Commencing 6.30 pm

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

Language Link

This is the Agenda for the Council meeting.
For assistance with any of the agenda items,
please telephone 9240 1111.

這是市政會會議的議程。您若在理解議程中有需要協助的地方，請打電話給“語言連接 (Language Link)”翻譯服務，號碼9280 1910。

Questo è l'ordine del giorno per la Riunione del consiglio Comunale. Se hai bisogno di aiuto sugli argomenti in discussione, sei pregato di telefonare al Language Link al numero 9280 1911.

Αυτή είναι η Ημερήσια Διάταξη για τη Συνεδρίαση του Συμβουλίου (Council Meeting). Για βοήθεια με οποιοδήποτε από τα θέματα της ημερήσιας διάταξης, παρακαλείστε να τηλεφωνήσετε στο Γλωσσικό Σύνδεσμο (Language Link), στο 9280 1912.

هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط Language Link على الرقم 9280 1913.

Belediye Meclisi Toplantısının gündem maddeleri burada verilmiştir. Bu gündem maddeleri ile ilgili yardıma ihtiyacınız olursa, 9280 1914 numaralı telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह काँसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

这是市政府例会的议题安排，如果需要协助了解任何议题内容，请拨打9280 0750。

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

Leaves of absence have been granted to:

Cr Panopoulos - 10 August 2023 to 10 September 2023 inclusive.

Cr Pavlidis - 14 August 2023 to 24 August 2023 inclusive.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. MINUTE CONFIRMATION

The minutes of the Planning and Related Matters Meeting held on 26 July 2023 be confirmed.

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - JUNE QUARTER 2023 4

5.2 12 LINDEN STREET & 14 LINDEN STREET, BRUNSWICK EAST
- PLANNING APPLICATIONS MPS/2022/769 & MPS/2022/772 22

6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - JUNE QUARTER 2023

Group Manager City Development, Phillip Priest
City Development

Officer Recommendation

That Council notes the City Development Activity Report – June Quarter 2023.

| |
|---------------|
| REPORT |
|---------------|

Executive Summary

The City Development Urban Planning Unit is managing to produce positive results with officer caseloads having now returned to more manageable levels. Pleasingly the planning application caseloads awaiting a decision has remained at a manageable level in the June quarter. Having addressed the higher caseloads that resulted from pandemic years the Unit has made further improvements in customer service and decision-making timeframes which is now better than the metropolitan average.

It is evident that in the last quarter of 2022 and continuing into 2023, there has been a reduction in the number of planning applications being received by Council. The planning application reduction over a 12-month period is 15 per cent.

A reducing planning application caseload will have some implications for public open space contributions, and which help to fund Council's Park Close to Home activities and open space enhancements. In the past two decades the public open space reserve funds have been increasing in line with a sustained development boom in Merri-bek. This has enabled the purchase of new open space as well as enhancements within existing open space. A reduction in these contributions, which are realised at the time of subdivision of new apartment buildings or multi-unit developments, is being witnessed in alignment with reduced development activity in Merri-bek.

The area of focus for the Urban Planning Unit is to further improve the timeliness of planning permit decisions, acknowledging that the June quarter saw improvements in timeliness with the current average decision-making within the 60 statutory days exceeding the metropolitan average of 62 per cent. Merri-bek's average is slightly higher at 64 per cent. Pleasingly Vic Smart timeframes, for minor matters, remains above the metropolitan average at 92 per cent within 10 statutory days at Merri-bek compared to the metropolitan average of 80 per cent.

The Planning Enforcement Unit experienced some staff turnover over the last quarter, which together with a 19 per cent increase in complaints received, has impacted the team's ability to close out cases. This has seen an increase in the outstanding compliance caseload this quarter. With interim measures in place and newly appointed staff commencing, there is potential to reduce caseloads towards more ideal levels, next quarter. This will need to be closely monitored over the next quarter.

The proactive enforcement program has met the end of year targeted number of developments audited.

Victorian Civil & Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-COVID-19 case numbers.

Previous Council Decisions

City Development Activity Report - March Quarter 2023 – 24 May 2023

That Council notes the City Development Activity Report – March Quarter 2023.

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 referrals
- Retrospective planning applications
- Social & affordable housing outcomes
- Planning enforcement activity
- Council's performance at the VCAT
- Planning investment activity

3. Issues

Urban Planning

Planning Permit activity

A total of 276 planning applications were received for the June quarter. This compared with 344 for the same quarter in 2022. A total of 271 planning applications were decided in the June quarter compared to 332 for the same quarter in 2022. If 2022/23 financial year (1,173 applications), is compared with the 2021/22 financial year (1,381 applications) there has been a 15 per cent reduction in planning applications being received over the last financial year. It is pleasing that the number of decisions made roughly aligns with number of applications being received, resulting in a continuation of manageable caseloads. See figures 1 and 2 at **Attachment 1**.

It remains that most applications lodged and determined for the quarter were multi-unit development (66 received and 96 determined) and alterations and additions to buildings (49 received and 44 determined). See figure 3 at **Attachment 1**.

The percentage of applications determined within statutory timeframes for all metropolitan Councils averaged 62 per cent in the June quarter. Merri-bek's average is slightly higher at 64 per cent. It is pleasing to see further improvements to average timeframes in the June quarter. See Figure 4 at **Attachment 1**.

Streamlined planning services

Council's streamlined planning services include Vic Smart and Fast Track being minor permit applications that do not qualify as Vic Smart, as well as the Commercial Priority 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 with 92 per cent determined within 10 days compared to the metropolitan average of 80 per cent. It is pleasing to see performance continually exceeding the metropolitan average.

The Commercial Priority 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. 5 Commercial Priority planning permits were issued in the June Quarter and 26 Commercial Priority planning permits were issued for 2022/23 financial year. The Urban Planning Unit continues to look at further opportunities for greater take up of the Commercial Priority Service by those new or expanding business, motivated to supply Council will complete applications for more efficient assessment.

Heritage Victoria Permit Applications and Planning Proposals Under Consideration by the Minister for Planning

The Victorian Planning System provides the ability for the Minister for Planning to intervene in VCAT or Council decisions in certain circumstances.

In 2020 the Development Facilitation Program (DFP) was established by the Minister for Planning to assess and determine planning applications for priority projects in Victoria.

While the *Planning & Environment Act 1987* has always enabled the Minister to 'call-in' and decide applications of State Significance, changes to the Development Facilitation Program's project thresholds, published on the Department of Transport & Planning website to guide call-in activity, changed in late 2021. The threshold levels now exclude mixed use residential apartment development on sites less than 1 hectare. This has resulted in a significant reduction in single mixed use apartment proposals being considered through the Development Facilitation Program. No new planning proposals have been considered by the Development Facilitation Program since this change in threshold levels.

These projects are referred to Council for comments to inform the decision by the Minister. In the fourth quarter of 2022/23, Council was consulted on the following proposal, which has been lodged with the Minister for consideration under the Development Facilitation Program:

In the fourth quarter of 2022/23, Council was consulted on the following Heritage Victoria proposal:

- 11-17 Colebrook Street, BRUNSWICK, which related to a Heritage Victoria permit application for alterations to the heritage listed Former Melvilles Grain Store. Council provided supportive comments, given there were minimal changes proposed to significant heritage fabric.

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 planning enforcement action by Council's Planning Enforcement Unit. The planning compliance practice, encouraged by VCAT and the Magistrates Court, is to pursue retrospective planning approval when this may be possible, before occupying VCAT and Magistrates Court time.

This quarter Council has received 1 retrospective planning permit application, while 6 decisions were made on retrospective planning applications.

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 relevant to increasing 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 and has to be negotiated through the planning permit application process. From January – June 2023, 3 planning permits were issued that included a requirement to provide social or affordable housing, totalling 21 dwellings. These planning permits are:

- 170 Sydney Road Coburg - Planning Permit -16 February 2023 MPS/2021/868/A with provision of 10 per cent (minimum 5) affordable dwellings.
- 699-703 Park Street, 182-192 Brunswick Road and 204 Sydney Road, BRUNSWICK – Ministerial Planning Permit - 18 May 2023 PA2201559 with provision of 10 per cent (minimum 16) affordable dwellings.
- 8 Florence St, Brunswick- Notice of Decision - 22 March 2023 MPS/2015/175/B 10 per cent (minimum 3) affordable dwellings. It is noted, that there is a VCAT conditions review which is challenging this decision and now seeking to remove this voluntary affordable housing offer.

Council's performance at the Victorian Civil & Administrative Tribunal

In the June quarter, 8 applications for review of decisions were lodged at VCAT. The number of appeals was around average for the Covid-19 pandemic period over the last two years, while still well below averages of the pre-pandemic years. Of the 8 reviews lodged, 2 were against refusals, 1 for failure to determine within the statutory timeframe, 1 against conditions of a planning permit, 3 by objectors against a Notice of Decision to Grant a Planning Permit and 1 related to an amendment request associated with a planning permit previously issued at the direction of VCAT. Figures, 6, 7 and 8 in **Attachment 1** provide further details of the trend of reduced VCAT reviews lodged over the last 5 years.

Table 1, in **Attachment 2** is a more detailed list of all VCAT reviews lodged in the June 2023 quarter.

There were 14 decisions handed down by VCAT in the June quarter 2022/23. Details of these decisions are provided in Table 2, in **Attachment 2**.

In respect to success at VCAT, this is represented in Figures 9 and 10 in **Attachment 1**. Given the low number of VCAT decisions, only 39 in the 2022/23 financial year, it is difficult to draw many conclusions. The State Planning Permit Activity Reporting System (PPARS) indicates that Council's success rate is slightly lower than the rest of the State 72 per cent (Merri-bek) compared to 79 per cent (Statewide). Importantly, however PPARS does not include cases resolved by consent of all parties, often following the circulation of revised plans. Relevantly 20 decisions (51 per cent) were consented.

When decisions including consent orders are taken into account, Council won or its concerns were addressed, and agreement reached by revised plans in 85 per cent of cases.

In 2022/23 financial year, there were a total of 6 VCAT decisions that followed a decision at a Planning and Related Matter Council meet. In evaluating success, two of the decisions were classified as part win, as the VCAT decision and/or amended plans reduced the height of the development which was a key ground of refusal recommended by officers. There was one decision that was lost, relating to a condition imposed Planning and Related Matter Council meet to reduce overall height. Of the remaining three wins, one was the former Coburg High School (see details below), another was an objector application for review that was resolved by consent of all parties and the other was a refusal that overturned the officer recommendation (38 Harrison Street, Brunswick East).

A VCAT decision of particular interest is detailed below:

81A Bell Street, Coburg (former Coburg High School):

The application was presented at the July 2022 Planning and Related Matters Council meeting where it was resolved to support the officer recommendation that if the application was listed for a merits review by VCAT, Council's submission would be that no planning permit should be granted.

The initial VCAT review (i.e. failure to determine within statutory time) was dismissed, because the applicant did not carry out public notice in accordance with Council's instructions. This resulted in the application returning to Council, to enable public notice to be completed. Council then determined to refuse the application, with grounds consistent with the Council resolution.

There were some amendments made to the plans as part of the VCAT process, which did not address Council's grounds of refusal. The proposal which was considered by VCAT is summarised as:

- A development consisting of four buildings ranging between 7 and 11 storeys above a two-level basement car park.
- 438 dwellings, shops, food and drink premises and associated car parking.
- Communal facilities including a centrally located open space area, co-working space and a gymnasium/ wellness centre also form part of the proposal.

VCAT noted at paragraph 9:

There is no dispute, and we agree, that the redevelopment of the land in the form of a higher-density mixed-use development incorporating a substantial number of dwellings (including a diversity of dwelling type) is consistent with the Planning Scheme's policies, objectives and strategies which encourage increased residential densities and intensification in well-serviced locations, such as the Coburg major activity centre, within which the subject land is located.

Further VCAT included a number of suggested changes to the development, which are necessary to achieve an acceptable outcome. At paragraph 140 VCAT noted:

The changes identified go beyond what can appropriately be required by permit conditions. This is having regard to the nature of the changes themselves, their implications for the composition of the development and the consequential modifications.

The proposals departure from the built form guidance in the Activity Centre Zone (ACZ), was a key reason for VCAT upholding Council's refusal.

Planning Enforcement

Planning enforcement activity below is categorised as either reactive or 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 building work and preparation for the new use or development is occurring.

Reactive enforcement activity

A total of 96 complaints were received and 58 cases were closed in the June quarter of 2022/23. With a 19 per cent increase in complaints received in the June quarter compared to last quarter (78 complaints), this has resulted in an increase in the outstanding reactive enforcement caseload to 201 active cases. Figure 1, in **Attachment 3** shows how the reactive enforcement caseload has increased from June 2022.

Figure 2, in **Attachment 3** shows the outcomes of investigations over the June quarter. The most common outcome was that the investigation found there to be no planning breach identified (33 cases), followed by cases where a breach was identified, and voluntary compliance was achieved (14 cases).

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. Figure 3 in **Attachment 3** shows that with a further 29 new proactive audits commenced in the June Quarter, the team commenced audits of **106** developments in 2022/23. This comprises **96** audits of medium density developments and 10 audits of planning decisions made at PARM or overturned at VCAT. The proactive enforcement program therefore exceeded their target for new cases commenced for the year.

A total of 35 planning breaches were rectified through the proactive enforcement program in the June quarter. These are breaches that would otherwise have been passed on to new owners of the developments. The different types of breaches resolved are shown at Figure 4, in **Attachment 3**. Breaches relating to Environmentally Sustainable Design (ESD) requirements continue to be the most common. This includes requirements such as the provision of solar PV, passive ESD features like double glazing, external shading to windows, and water sensitive urban design features like rain gardens and permeable surfaces. Other breaches is the second highest and incomplete or incorrect landscaping is the third highest of non-compliance found through the program.

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 these matters.

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 with existing operational resources and budget.

In terms of overall development in Merri-bek during the June quarter developments to the value of \$97 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$386 million during the same quarter in 2022.

A total of \$3 million was collected during the June quarter in Public Open Space Contributions which will help fund the provision of new or enhanced public open space.

7. Implementation

The performance of 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 November Planning and Related Matters Council meeting.

Attachment/s

| | | |
|----------|---|------------|
| 1 | Urban Planning data - June 2023 | D23/358578 |
| 2 | VCAT data - June 2023 | D23/358756 |
| 3 | Planning Enforcement Data - June Quarter 2023 | D23/376008 |

Attachment 1 – Urban Planning June 2023 Quarterly Data

PART 1 - volume

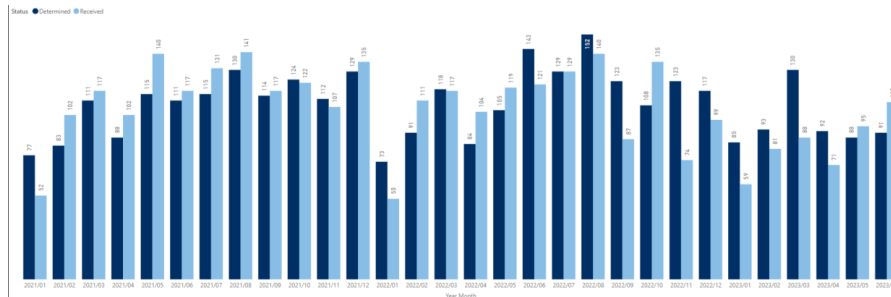


Figure 1: Urban planning number applications received and determined since January 2021

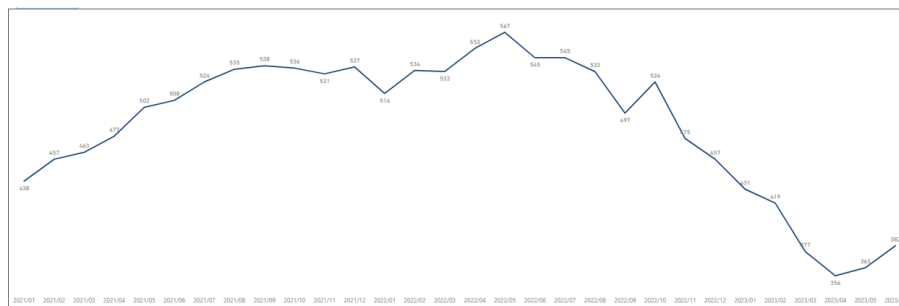
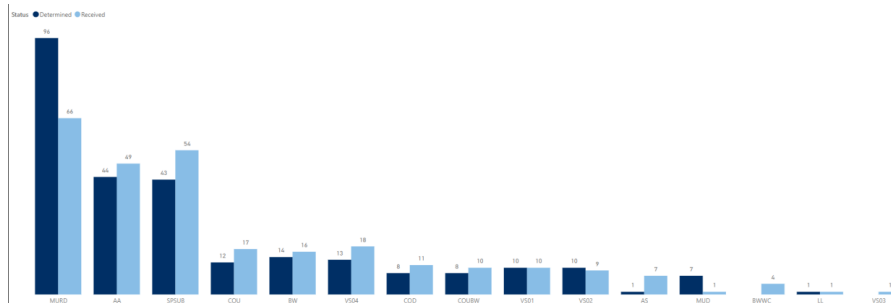


Figure 2: Urban planning overall caseload since January 2021



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

Figure 3: Urban planning applications received and determined December quarter

5.2 12 LINDEN STREET & 14 LINDEN STREET, BRUNSWICK EAST - PLANNING APPLICATIONS MPS/2022/769 & MPS/2022/772

Group Manager City Development, Phillip Priest

City Development

Executive Summary



| | |
|---|--|
| Property: | 12 Linden Street, BRUNSWICK EAST 14 Linden Street, BRUNSWICK EAST |
| Proposal: | Two applications proposing the construction of two triple-storey dwellings and a reduction in the standard car parking requirement |
| Zoning and Overlay/s: | <ul style="list-style-type: none"> Mixed Use Zone (MUZ1) Parking Overlay (PO1) Development Contributions Plan Overlay (DCPO1) |
| Strategic setting: | <div style="display: flex; justify-content: space-around; border: 1px solid black; padding: 5px;"> Minimal change Incremental change Significant change </div> |
| Objections: | <ul style="list-style-type: none"> 15 Objections (MPS/2022/769) 8 Objections (MPS/2022/772) Key issues identified: <ul style="list-style-type: none"> Car parking and traffic impacts Amenity impacts Over-development in area |
| Planning Information and Discussion (PID) Meeting: | <ul style="list-style-type: none"> Held on Thursday 29th June 2023 Attendees included 9 objectors, the applicant, 2 Council officers, and Cr Harte The following agreements were reached at the meeting: <ul style="list-style-type: none"> Provision of setback to side boundaries at 2nd storey Increase to rear setback. Use of lighter colours/materials at rear. Retention of an existing tree. |
| ESD: | <ul style="list-style-type: none"> 7.0 stars average NatHERS rating (conditioned) |
| Accessibility: | <ul style="list-style-type: none"> No accessible dwellings |
| Key reasons for support | <ul style="list-style-type: none"> Well located in proximity to public transport and for active transport Acceptable amenity impacts Good provisions of internal amenity and secluded private open space |
| Recommendation: | Part A, That a Notice of Decision to Grant a Planning Permit No. MPS/2022/769, be issued for the proposal, and Part B, That a Notice of Decision to Grant a Planning Permit No. MPS/2022/772 be issued for the proposal. |

Officer Recommendation

Part A

That a Notice of Decision to Grant a Planning No. MPS/2022/769 be issued for the construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 12 Linden Street, BRUNSWICK EAST, subject to the following conditions:

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 3 May 2023 but modified to show:
 - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:
 - i. Increased second storey eastern side setback to a minimum distance of 1.0m;
 - ii. Increased second storey western side setback to a minimum distance of 1.16m;
 - iii. Increased second storey rear setback to a minimum distance of 7.815m for Dwelling 1;
 - iv. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 2;
 - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;
 - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar.
 - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/772, at 14 Linden Street, Brunswick East such as lowering the vertical fin walls to the entry of Dwelling 2.
 - b) Four resident bicycle parking spaces to be provided for Dwelling 2 in a location that does not require the bicycles to be taken into, or through, the dwelling.
 - c) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
 - d) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - e) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - f) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.
 - g) At least 6m³ of storage external to each of the dwellings.
 - h) A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).

- i) Service authority meters shown on all relevant plans. Where meters would be visible from the street they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
- j) 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.
- k) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
- l) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- m) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6.c) 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 endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by John Patrick Landscape Architects dated September 2022 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The four bins (at the correct size) for both dwellings.
 - c) 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.
 - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - e) A 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 Landscape Guidelines 2009.
 - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - g) 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.

Environmentally Sustainable Design (ESD)

- 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 Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:
- a) Amend the NatHERS report to show
 - i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).
 - ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.
 - b) Amend the BESS report (and any other corresponding documentation) to:
 - i. At BESS Urban Ecology 2.4, add a tap and floor waste for the rooftop garden area and clearly draw and label on the plans. Claim this credit in BESS.
 - ii. At BESS Transport 1.1: Remove this credit.
 - iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.
 - c) Show the following ESD initiatives on the development plans:
 - i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. 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 shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north windows.
 - ii. External operable shading devices to the top floor east windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.
 - iii. Provide a section of the R7 roof insulation and R1.3 roof blanket listed in the NatHERS report with an acceptable air gap to demonstrate there will be adequate space in all roof areas.
 - iv. Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms. Add operable windows to the courtyards where there isn't a door.
 - v. IEQ Shading – remove the adjustable shading for the ground floor courtyard glazing facing north and east.
 - vi. IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.
 - vii. WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.

- viii. Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).
 - ix. Waste - Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.
 - x. BESS Urban ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.
 - xi. Materials – clearly label the materials for the façade on the elevations.
 - xii. Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.
 - xiii. Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.
- d) A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
- i. The STORM report is updated so a minimum of 50m² is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.
 - ii. The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- i. A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
 - Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
 - Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m² and 2 – 4 per cent of the area to be drained. The catchment area must be a minimum of 25m². Proprietary systems cannot be used.
 - Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
 - Ensure consistency between the plans, SDA and STORM report.

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

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

- 7) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
- 8) Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
- 9) 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.

Car Parking and Vehicle Access

- 10) 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).
- 11) 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).
- 12) 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.
- 13) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

Undergrounding cables

- 14) 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

- 15) 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

- 16) 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.
- 17) 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.
- 18) 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.
- 19) 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

- 20) 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 notice of decision/permit or conditions of this notice of decision/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/living-in-Merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 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 8311 4300.

Note 3: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Part B

That a Notice of Decision to Grant a Planning No. MPS/2022/772 be issued for the Construction of two triple-storey dwellings and a reduction in the standard car parking requirement at 14 Linden Street, BRUNSWICK EAST, subject to the following conditions:

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 3 May 2023 but modified to show:
 - a) Changes in accordance with Discussion Plans received on 3 August 2023, which include:
 - i. Increased second storey eastern side setback to a minimum distance of 1.085m;
 - ii. Increased second storey western side setback to a minimum distance of 1.0m;
 - iii. Increased second storey rear setback to a minimum distance of 8.0m for Dwelling 1;
 - iv. Increased second storey rear setback to a minimum distance of 8.135m for Dwelling 2;
 - v. Inclusion of overlooking screens on southern and western side of rooftop deck to a minimum height of 1.7m with maximum 25 per cent transparency;
 - vi. Alteration of the schedule of colours and materials to replace monument standing seam cladding with white standing seam cladding or similar;
 - vii. Retention of existing tree in south east corner of the lot.
 - b) Improvements to the built form rhythm, vertical proportions and sense of dwelling identity, by including some distinctive architectural elements to the façade to avoid the development mirroring planning permit MPS/2022/769 at 12 Linden Street, Brunswick East, such as altering the window proportions for Dwelling 1 lounge room and Dwelling 2 bedroom 1.
 - c) Four resident bicycle parking spaces to be provided for Dwelling 1 in a location that does not require the bicycles to be taken into, or through, the dwelling.
 - d) Resident bicycle parking spaces in bicycle locker(s) or at a bicycle rail in a lockable compound, out of the weather. Any consequential changes to the plans, cannot reduce space available for canopy tree planting or significantly obscure dwelling entries or habitable room windows.
 - e) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - f) Bicycle parking devices dimensioned as 500mm wide and the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - g) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway.
 - h) At least 6m³ of storage external to each of the dwellings.
 - i) A waste bin storage area in the front setback of each dwelling screened from public view to conceal four bins (organics, comingled recycling, glass recycling and garbage).

- j) Service Authority meters shown on all relevant plans. Where meters would be visible from the street realm, they must not be stacked or placed vertically, and must be screened from view using either landscaping or fixed screening.
- k) 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.
- l) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
- m) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- n) Tree protection zone(s) in accordance with Condition 6 of this permit, to tree in north west corner of the site.
- o) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7.c) 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 endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by John Patrick Landscape Architects dated September 2022 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The four bins (at the correct size) for both dwellings.
 - c) 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. This is to include trees that are marked as retained on the Discussion Plans referenced in condition 1(a) of this permit.
 - d) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - e) A 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 Landscape Guidelines 2009.
 - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.
 - g) 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.

Tree Protection

- 6) Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all the trees marked on the endorsed plans as being retained and protected must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

- a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

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.

Environmentally Sustainable Design (ESD)

- 7) 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 Aiden Rosin Architectural dated 29/01/2023 but modified to include the following changes:

- a) Amend the NatHERS report to show

- i. Amended NatHERS modelling for both dwellings which achieves a minimum average NatHERS rating of 7.0 stars (unless suitably reduced to 6.5 stars).
- ii. The correct shading (fixed or adjustable) listed for the north windows and all plans and reports are consistent.

- b) Amend the BESS report (and any other corresponding documentation) to:
 - i. At BESS Urban Ecology 2.4 Tap and Floor Waste: Claim this credit.
 - ii. At BESS Transport 1.1: Do not claim this credit.
 - iii. WSUD - Update the STORM report, BESS and SDA with any changes to the STORM report.
- c) Show the following ESD initiatives on the development plans:
 - i. Horizontal, fixed, external shading devices to all north facing habitable room windows and glazed doors where not located directly under an eave or overhang. Draw and label all shading on the plans and elevations with FSD (Fixed Shading Device). Provide a dimensioned section diagram or photograph of the shading. 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 shading device must also extend horizontally to both sides of the window or glazed door by a distance equal to the depth of the device OR external adjustable shading to all north sitting room windows.
 - ii. External operable shading devices to the top floor west windows and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations. The upper level window shading devices must be operable from within the dwelling. Ensure windows that have external adjustable shading can open when using the blind.
 - iii. Draw on the elevations how all windows open. Maximise operable windows. Provide operable windows to all bedrooms, the study, sitting area and bathrooms.
 - iv. IEQ Double Glazing – add doors to the double glazing ESD note and the shading note on the plans.
 - v. WSUD - Draw and label the location of all water tanks, raingardens and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc. Ensure consistency between all plans and reports.
 - vi. Waste – Provide Dwellings 1 and 2 with four bins. General waste (80L), recycling (240L), FOGO (120L) and glass (120L).
 - vii. Clearly draw, label and dimension a screened area for the four bins for all dwellings at the correct size in the front garden. Provide a section and elevation of the screened area with dimensions and materials.
 - viii. BESS Urban Ecology 2.4 - Add a tap and floor waste for the rooftop garden areas for both dwellings and clearly draw and label on the plans.
 - ix. Materials – clearly label the materials for the façade on the elevations.
 - x. Materials – reduce the dark cladding and paint. Dark materials can only be used for a maximum of 25 per cent of the façade and no dark materials can be used on the west façade. Ensure the Solar Reflective Index (SRI) is no higher than 0.40 for 75 per cent of the materials.
 - xi. Materials – Add a note to the plans to say the roof materials will have a Solar Absorptance (SA) of <0.60. Add this to the material schedule.
- d) A STORM report and stormwater management response that maintains a minimum STORM score of 100 per cent but is modified so that:
 - i. The STORM report is updated so a minimum of 50m² is connected to the 2000 litre (or larger) water tanks. Update the plans, STORM report, BESS, SDA and WSUD plan with any changes.

- ii. The STORM report is updated to have raingarden/s that are located in the front garden OR sections, details, etc are provided to clearly demonstrate that the rooftop planter boxes are raingardens, are feasible and the trafficable roof can drain to the raingardens.
- e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- i. A detailed Stormwater Management System Report and plan must be submitted. The report must include how the stormwater management system is designed to meet Clause 53.18 and the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999), including;
 - Provide a WSUD plan that shows where all stormwater will drain, downpipes clearly marked and the direction of flow shown with arrows.
 - Draw and label the location of all water tanks and WSUD features on the WSUD, landscape and development plans. Provide dimensions, sections, plant types, etc.
 - Raingardens cannot be on boundaries or near building footings or in secluded private open space areas. They must be a minimum of 1m² and 2 – 4 per cent of the area to be drained. The catchment area must be a minimum of 25m². Proprietary systems cannot be used.
 - Detailed drawings and sections of how the roof top planter box raingardens will work with the trafficable roof OR located raingardens on the ground.
 - Ensure consistency between the plans, SDA and STORM report.

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

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

- 8) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
- 9) Prior to the issuing of a Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, a report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
- 10) All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

Car Parking and Vehicle Access

- 11) 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).

- 12) 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).
- 13) 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.
- 14) Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller door must be automatic and remote controlled.

Undergrounding cables

- 15) 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

- 16) 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

- 17) 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.
- 18) 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.
- 19) 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.
- 20) 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

- 21) 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 notice of decision/permit or conditions of this notice of decision/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/living-in-Merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 8311 4300 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 8311 4300.

Note 3: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

1. Background

Subject site

The subject sites for the two applications are adjoining, with each comprising of one lot on the southern side of Linden Street. The sites are located approximately 115 metres south of Glenlyon Road and 155 metres east of Lygon Street. Each lot is generally regular in shape 13.6 metres wide and depths between 24.81 metres to 24.93 metres. Each lot has a total area of approximately 337 square metres.

12 Linden Street contains a single storey brick dwelling with a tiled roof and 14 Linden Street contains a single storey weatherboard dwelling with a metal roof. Each property has a crossover connected to Linden Street. Private open space and outbuildings are located at the rear of each of the existing dwellings with several small trees within the rear yards.

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

Surrounds

The surrounding area is mixed in character with a number of industrial buildings and multi-storey unit developments up to three storeys in height present, with extensive site coverage and limited landscaping. There are also examples of small-scale dwellings present with buildings typically constructed of brick, weatherboard and render. Crossovers are limited along Linden Street, particularly on the western end of the street with not every property having direct vehicle access to the street.

The immediate context includes:

- A single storey industrial building to the east of the site.
- Three-storey dwellings at 1-6/10 Linden Street to the west of the sites.
- Single storey dwellings at 5, 7, 9 and 11 Leyden Street and a double storey dwelling at 13 Leyden Street, Brunswick East at the rear of the site.
- Mostly single storey dwellings on the northern side of Linden Street. At 13 Linden Street development has commenced in accordance with, a planning permit that allows two triple storey dwellings and a reduction to the car parking requirements.

A location plan forms **Attachment 1**.

A zoning map forms **Attachment 2**.

The proposal

The proposals for each application contains essentially the same elements which are summarised as follows:

- The construction of two triple storey dwellings. Details of the dwellings are as follows:
 - All dwellings will have three bedrooms.
 - All dwellings will have an open kitchen/living/dining area and secluded private open space at ground floor and three bedrooms and two bathrooms at first floor and a sitting area and roof terrace at the second floor.
 - A total of four car parking spaces, are provided for the four dwellings. Two dwellings have a single car garage and tandem space access via Linden Street. And two dwellings have no on site car parking.
 - A maximum building height of 10.17 metres.

- The materials comprise of a mix of brick, render and various cladding.

The development plans for each application form **Attachment 3** and **Attachment 4**.

Statutory Controls – why is a planning permit required?

| Control | Permit Requirement |
|----------------|---|
| Mixed Use Zone | Clause 32.04-6: Construction of two or more dwellings on a lot |
| Car Parking | Clause 52.06 – A reduction in the standard car parking requirement from 8 to 4 spaces when combining both applications. |

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. A permit issued after 30 June 2023 is not required to make a payment of the DCP levy for the development as the Development Contributions Plan ends on this date.
- Clause 45.09: Parking Overlay. This means that the Column B rates in Clause 52.06 (car parking) apply.
- Clause 53.18: Stormwater Management in Urban Development
- Clause 55: Two or More Dwellings on a Lot

2. Internal/External Consultation

Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- Placing signs on the Linden Street frontages of each of the sites.

Council has received 15 objections regarding 12 Linden Street (MPS/2022/769) and 8 objections including 2 proforma objections regarding 14 Linden Street (MPS/2022/772) to date. Some of these objectors have objected to both applications

A map identifying the combined location of objectors forms **Attachment 5**.

The key issues raised in objections are:

- Lack of car parking
- Overshadowing
- Privacy and overlooking
- Inaccuracy of submitted documents
- Materials and colours overly dark
- Over development in area
- Traffic
- Landscaping

A Planning Information and Discussion meeting was held on Thursday 29th June 2023 and attended by Cr Harte, two of Councils Planning Officers, the applicant and approximately 9 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Based on discussions at the Planning and Information Discussion meeting, an amended plan condition is recommended to implement the changes included in the circulated discussion plans. The changes provided on plans to address some objector concerns are as follows:

- Increase the side and rear setbacks of the first floor
- Reduction in size of rooftop terrace
- Retention of tree at rear of 14 Linden Street
- Provision of lighter colours to rear of dwellings
- Amendment of details of neighbouring properties to show windows as habitable

These changes address some concerns of several objectors, including those regarding amenity impacts to the dwellings to the rear and the units to the west.

There was a desire at the meeting to provide additional car parking on site for the Dwelling 2 of each proposal. This and the reduction in car parking numbers is assessed in greater detail below.

Internal referrals

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

| Internal Branch/Business Unit | Comments |
|--------------------------------------|--|
| Development Engineering Team | Supports the proposal, including the reduction of car parking for both applications. Key recommendations seek to address the provision of bicycle parking, vehicle access and storage. Recommended changes are addressed by conditions of the recommendation. |
| ESD Team | Supports the proposal. Key recommendations include improvement to alteration to water sensitive urban design response, particularly the rooftop raingardens, and alteration to the energy efficiency of the dwellings. Recommended changes are addressed by conditions of the recommendation. |
| Urban Design Unit | Urban design is supportive of each application individually. However, urban design is not supportive of the applications being a mirror of each other. The key issues raised include the bulk and sense of address with both applications being mirrored, the alignment of the driveway and the façade design. Recommended changes relating to the façade design and driveway alignment are addressed by conditions of the recommendation. Further urban design considerations are included in Section 4 of this report. |

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Settlement (Clause 2.03-1)

- Environmental and Landscape Values (Clause 2.03-2)
- Environmental Risks and Amenity (Clause 2.03-3)
- Built Environment and Heritage (Clause 2.03-4)
- Housing (Clause 2.03-5)
- Economic Development (Clause 2.03-6)
- Transport (Clause 2.03-7)
- Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12), including:
 - Biodiversity in Merri-bek (12.01-1L)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R & 15.01-1L)
 - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
 - Building Design (Clause 15.01-2S & 15.01-2L)
 - Building Design in Neighbourhood and Local Centres (Clause 15.01-2L)
 - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
 - Neighbourhood Character (Clause 15.01-5S)
 - Minimal and Incremental Change Areas (Clause 15.01-5L)
 - Environmentally Sustainable Development (Clause 15.01-2L-05)
 - Energy efficiency in Merri-bek (Clause 15.01-2L-04)
- Residential Development (Clause 16.01), including:
 - Housing Supply (Clause 16.01-1S and 16.01-1R)
 - Homes in Merri-bek (Clause 16.01-2L)
 - Housing for People with Limited Mobility (Clause 16.01-1L)
 - Housing Affordability (Clause 16.01-2S & 16.01-2L)
- Transport (Clause 18), including:
 - Sustainable Personal Transport (Clause 18.02-1S & 18.08-1R)
 - Sustainable Transport in Merri-bek (Clause 18.02-1L)
 - Car parking (Clause 18.02-4S & 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

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?

The sites are located within the Mixed Use Zone. The purpose of this zone is to provide for housing at higher densities and to encourage development that responds to the existing or preferred neighbourhood character of the area. Clause 16.01-1R also seeks to facilitate increased housing in established urban areas. The sites are suitable for increased densities because of the zoning and being close to the Brunswick Activity Centre.

Council's Housing Framework Plan at Clause 2.04 designates this location for incremental housing change. In these areas, Clause 16.01-1L encourages medium density development that contributes to an enhanced landscape. A total of four dwellings on the sites, are appropriate in an established urban area.

Does the proposal respond to neighbourhood character, positively contribute to the local context and enhance the streetscape?

The proposal demonstrates an acceptable development which is broadly consistent with the preferred neighbourhood character. The proposed boundary to boundary construction is similar to industrial buildings and new developments in the area, whilst consistent with the nearby traditional housing which are mostly constructed boundary to boundary. The development is sited to enhance the landscape character, through planting canopy trees in the front and rear open space areas. Overall, the design response is in alignment with the requirements for incremental change areas outlined in Clause 15.01-5L.

The development whilst similar to other developments close by, differs from the traditional dwelling stock in the area which generally display hipped and/or gable roof forms. The proposed roof form is consistent with the emerging character of larger residential developments in the area, such as the adjoining units at 10 Linden Street, the dwellings under construction at 13 Linden Street and the units at 33-35 Piera Street. This would provide an appropriate design response to the site. The external materials of the Dwelling 2 designs include a recycled brick façade at ground and first floor, presenting a traditional building material of existing buildings in the area. Each of the Dwelling 1 designs are provided with a range of more modern materials including grey face brick, painted fibre cement sheeting, concrete look render cladding and standing seam cladding across the ground and first floor. This mixture of materials and differences between the dwellings provides a visually interesting architectural design, as sought by Clause 15.01-1L.

Building height

Unlike other residential zones, there is no mandatory height within the Mixed Use Zone. The proposed height of the developments is three storeys or 10.17 metres which exceeds the discretionary Clause 55.03-2 height guidance of 9.0 metres.

The adjoining development at 10 Linden Street have a maximum height of 10.06 metres, and the development under construction at 13 Linden Street has a maximum height of 10.84 metres. In the context of these other developments in the street, the visual impact from the streetscape would be reasonable and in keeping with the emerging character. Within incremental change policy areas, Clause 15.01-5L directs three storey developments to have “Visually recessive third storey, and, “Building height of no more than two storeys at the interface with adjoining properties and the public realm”. The proposal provides a third storey, which is set back from adjoining properties on all sides as recommended by conditions. Therefore, the building heights proposed respect the existing and preferred neighbourhood character and the proposals are considered to meet the objectives of Clause 55.03-2.

Street Setback

The proposals include a 2.1 metre and 2.03 metre setback to Linden Street at number 12 and 14. These are both less than the 3.15 metres and 4.28 metres required by Clause 55.03-1. The proposed setbacks to Linden Street are appropriate given the existing front setbacks in the street, particularly the adjoining properties. The street setback of Unit 1/10 Linden Street is 0.9 metres, while the commercial site at 16 Linden Street has a street set back of 3.7 metres. The proposed street setbacks would fall within this range and the wider range within Linden Street.

The neighbourhood character of the area would not be unreasonably affected by the proposed front setbacks and a variation to the standard is appropriate in this instance as the objective is met.

Site Coverage and Permeability

The proposals each have a site coverage above the 60 per cent requirement outlined in Clause 55.03-3, with site coverages between 63-65 per cent. This is a minimal increase above the standard and lower than the higher site coverages in the area, such as 10 and 11 Linden Street which each have site coverages above 80 per cent. This variation is acceptable in this instance as the minor increase to site coverage would not have a noticeable impact on the character of the neighbourhood or adjoining properties.

Despite an increased site coverage, the proposals do provide site permeability in excess of the Clause 55.03-4 requirement of 20 per cent with 29 per cent permeability proposed for 12 Linden Street and 27 per cent permeability proposed for 14 Linden Street.

Landscaping

The proposal does include the removal of some vegetation; however a condition is recommended to retain a tree within the rear setback of 14 Linden Street. This was included to address the concerns of an objector to the south regarding privacy and visual impact. The proposal includes the provision of canopy trees on site in accordance with the relevant Clause 55 standard. These trees are provided in the front setback of each site and the secluded private open space of all dwellings. The condition recommended will not require a tree within the SPOS of Dwelling 1 at 14 Linden Street, as an existing tree would be retained in its place.

Does the proposal result in unreasonable off-site amenity impacts?

Setbacks and Walls on Boundary

The proposals include walls on boundaries to the east and west side boundaries, as well as sections that are setback from these boundaries. The height of the walls on boundaries and the side setbacks provided are variations to the relevant Clause 55 standards. Discussion plans provided in response to concerns raised at the PID have removed walls on boundary at the second floor, leaving walls to a height of 7.22 metres to the side boundaries on each side of 12 and 14 Linden Street.

The height of walls proposed on boundaries, and setback to side boundaries, are appropriate in this inner city area. Walls on boundaries and reduced setbacks are common in the area being present at 10 and 16 Linden Street. Similarly, the three storey development at 10 Linden Street includes setbacks that are not in accordance with the standard. Importantly there is no impacts to 16 Linden Street, as it is a commercial business. The amenity impacts to units at 10 Linden Street are minimal, which will be further outlined below.

Discussion plans that have increased rear setbacks and removed walls on the eastern and western side boundaries at first floor have been recommended to be required by conditions.

Daylight to windows

The impact of the proposal on the internal daylight of the adjoining dwellings is minimal and the proposal substantially exceeds minimum compliance. The following explains how compliance is achieved:

- To the west, the first-floor window setback from the shared boundary is 4.7 metres, and second floor window setback by 5.2 metres. These setbacks are greater than half the height of the walls opposite, in accordance with Clause 55.04-3.
- To the south, 5 and 7 Leyden Street do not have north-facing windows within 3 metres of the shared boundary, as such Clause 55.04-4 does not apply. The setback provided is also well over half of the height of the proposed walls. Whereas 14 Linden Street also to the south is built opposite a habitable room window at 13 Leyden Street that is within 3 metres of the shared boundary. The 3.69 metre wall height at ground floor opposite the habitable room window requires a setback of 1.03 metres under Clause 55.04-4. The proposal provides 2.2 metres at the closest point. At second floor, the 8.22 metre wall height at the roof terrace requires a setback of 4.3 metres under Clause 55.04-4, the proposal provides a 8.13m setback. Similarly the first floor is well in compliance.

Overshadowing

The proposed developments do not have any additional overshadowing impact to the dwellings to the south, above the shadowing of the existing fences, from 9am to 3pm on the equinox. The ground floor private open space at 5 to 13 Leyden Street are unaffected during the period in the standard of Clause 55.04-5.

There are some potential overshadowing impacts to units 2 and 3 Linden Street from the proposal at 12 Linden Street. Both adjoining units at 10 Linden Street are each provided with a ground floor courtyard and first floor and second floor balcony. There will be additional overshadowing of these east facing areas, particularly in the morning, resulting in non-compliance with the standard. The setback of the upper level balconies and their increased height will ensure that these areas will continue to have good access to sunlight. The second storey balcony at unit 2, 10 Linden Street will be set back from the proposed second storey by approximately 3.8m at the closest point, and the balcony of unit 3 is not opposite the proposed second storey. The access to these alternate areas of east facing private open space, particularly the second floor balconies, will offset morning overshadowing impact on the ground or first floor. The amenity to the adjoining private open space will not be impacted by approximately 11am. The proposal is considered to meet the overshadowing objective.

Privacy and Overlooking

The proposed developments include habitable room windows that face the private open space of adjoining dwellings. At ground floor, fencing provides sufficient screening. At first floor these windows have sill heights above a height of 1.7 metres above finished floor level. The rooftop terrace has been provided with screening to a height of 1.7 metres above the planters surrounding the area in discussion. The recommended conditions require this rooftop screening to be included in any endorsed plans.

Does the proposal provide appropriate onsite amenity and facilities?

Private Open Space

All four dwellings are provide both private open space and secluded private open space that are in excess of the area requirements. While sufficient space is provided, the first floor wall setback is insufficient to meet the solar access to private open space requirement. The height of first floor walls would require a setback to those walls of 8.5 metres, however only 7.6 metres is proposed. While the shadowing of the proposal of the private open space at ground floor is not ideal, this is offset by the provision of a rooftop terrace. This would allow ample outdoor space with access to sunlight and will provide good amenity for the future residents and is therefore appropriate.

Has adequate car parking been provided?

The development is seeking a parking reduction of four spaces, as two dwellings have no on-site car parking.

Clause 18.02-4L (Car parking in Merri-bek) 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 proposal is located approximately 125 metres east of the Brunswick Activity Centre and has excellent access to alternative transport including;

- A 300m walk of the (to city) Route 1 and Route 6 tram stop (north-south travel);
- A 300m walk of the (east-bound) Route 506 bus stop (east-west travel);
- A 200m, 320m, 640m or 790m walk to the four closest car share vehicles; and
- Close to good bicycle routes

The proposal provides a bicycle parking rack for those dwellings without car parking, however a condition is recommended that requires at least four bicycles to be provided for each development.

Council's Development Engineer is satisfied that a reduction in the car parking requirement is appropriate for this application.

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.

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

During the Planning and Information Discussion meeting there was a discussion about increasing the on-site car parking provision. Whilst the applicant was open to providing an additional on-site car parking space, this option is not recommended due to the loss of a public on-street car parking space which would result in no net increase in parking. Additionally, it would result in a frontage dominated by car parking spaces. As the reduction in parking is supported by policy and additional crossovers are not supported, the proposed provision of parking is appropriate.

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

In relation to traffic impacts, Council's Development Engineers have assessed the proposal and consider that each of the developments would result in two additional vehicle movements per day on Linden Street. This remains within the street'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:

- Lack of car parking
- Daylight to windows
- Overshadowing
- Privacy and overlooking
- Landscaping
- Traffic

Other issues raised by objectors are addressed below.

Inaccuracy of Submitted Documents

The plans provided included several inaccuracies regarding the layout of adjoining properties, and the location of habitable room windows, private open space and vegetation. The objections provided assistance in identifying these inaccuracies, as did the officer visits to the site. Through discussions with objectors, some inaccuracies regarding the layout of their properties were corrected in discussion plans provided. The assessment undertaken has been based on the correct conditions of the subject site and the adjoining properties.

Dark Materials

The discussion plans provided by the applicant have reduced the level of dark cladding materials facing the dwellings to the south in response to the objections. Conditions included in the recommendation require these lighter materials included in discussion plans and also require lighter coloured materials for ESD outcomes.

Overdevelopment

The Victorian State Government has provided a clear policy of urban consolidation as a way of providing housing for Melbourne's growing population. Medium density housing development is key to this. The location of the site within an inner-city context and a Mixed Use Zone is an area where that urban consolidation is suitable. The proposal has been assessed against the requirements of Clause 55, while there are several areas identified where standards are not met, this is common in medium density infill developments. Where these standards are varied the assessment has shown that this is appropriate, and the planning scheme objectives have been met.

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

It is considered that the proposed construction of two triple-storey dwellings and a reduction in the standard car parking requirement, for each application, is an appropriate development that protects neighbouring amenity and contributes to the emerging neighbourhood character anticipated in Incremental Change Areas.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is considered that a Notice of Decision to Grant a Planning Permit for MPS/2022/769 and a Notice of Decision to Grant a Planning Permit for MPS/2022/772 should be issued, subject to the conditions included in the recommendation of this report.

Attachment/s

| | | |
|---|---|------------|
| 1 | Location Map | D23/371798 |
| 2 | Zoning Map | D23/376709 |
| 3 | Advertised Plans - 12 Linden Street, BRUNSWICK EAST | D23/371815 |
| 4 | Advertised Plans - 14 Linden Street, BRUNSWICK EAST | D23/371816 |
| 5 | Objector Map | D23/371817 |

