

Officer Assessment Report

PA2504013 – 95-97 Melon Street, Braybrook



Officer Assessment Report
Development Assessment

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details												
Application No:	PA2504013												
Received:	21 October 2025												
Applicant:	Homes Victoria												
Planning Scheme:	Maribyrnong												
Land Address:	95 & 97 Melon Street, Braybrook (Lots 21 and 22 of Plan of Subdivision LP059127)												
Development Value:	\$8 million												
Why is the Minister responsible?	In accordance with Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a development to which clause 53.23 applies.												
Why is a permit required?	<table border="1"><thead><tr><th>Clause</th><th>Control</th><th>Trigger</th></tr></thead><tbody><tr><td>Zone:</td><td>Clause 32.08 General Residential Zone Schedule 1 (GRZ1)</td><td>– Clause 32.08-7 – construct two or more dwellings on a lot</td></tr><tr><td>Overlays:</td><td>Clause 45.06 Development Contributions Plan Overlay – Schedule 2 (DCPO2)</td><td>Not applicable – exempt under Ministerial Direction 19 (MD19)</td></tr><tr><td>Particular Provisions:</td><td>Clause 52.06 Car Parking</td><td>Applies to this application - Land is located within Category 2 of the car parking requirement maps.</td></tr></tbody></table>	Clause	Control	Trigger	Zone:	Clause 32.08 General Residential Zone Schedule 1 (GRZ1)	– Clause 32.08-7 – construct two or more dwellings on a lot	Overlays:	Clause 45.06 Development Contributions Plan Overlay – Schedule 2 (DCPO2)	Not applicable – exempt under Ministerial Direction 19 (MD19)	Particular Provisions:	Clause 52.06 Car Parking	Applies to this application - Land is located within Category 2 of the car parking requirement maps.
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Cultural Heritage:	The subject site is <u>not</u> located within an area of cultural heritage sensitivity.												
Total Site Area:	1,206m ²												
Proposal	<p>The proposal is a 3-storey apartment building containing 19 social housing dwellings (mixture of 1- and 2-bedroom apartments).</p> <p>The development also includes new landscaping throughout the site and the provision of new canopy trees.</p> <p>The proposal also provides 11 car parking spaces (0.6 spaces per dwelling) and 10 bicycle spaces.</p>												
External Advice	Maribyrnong City Council – s52 notice – no objection, subject to conditions												
Public Notice:	<p>Notice of the application was undertaken by the applicant at the direction of the Minister for Planning by way of one public notice on the frontage of the site, and letters sent to owners and occupiers of the adjacent and adjoining allotments.</p> <p>Following the notice period, 5 objections have been received.</p>												
Delegates List:	Approval to determine under delegation received on 18 December 2025.												
Recommendation:	Grant planning permit PA2504013, subject to conditions.												



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	13 August 2025
Application lodgement	21 October 2025
Further information requested	3 November 2025
Further information received	18 November 2025
Notice Period	3 December 2025 to 17 December 2026 (14 days)

Decision Plans and Reports

Decision Plans	<ul style="list-style-type: none">Architectural Plans prepared by McGregor Westlake Architecture, Revision A, dated 18 November 2025Landscape Plan prepared by Hansen Partnership, Revision P1, dated 19 September 2025
Other Assessment Documents	<ul style="list-style-type: none">Arborist Report prepared by Blooming Tree Group, Revision 1.0, dated 22 September 2025Sustainability Management Plan prepared by Low Impact Development Consulting, Version 1.0, dated 2 October 2025Traffic Impact Assessment prepared by Traffix Group, Revision B dated 24 September 2025Waste Management Plan prepared by Traffix Group, Revision B, dated 24 September 2025

2. The subject of this report is the decision plans (as described above).

Proposal Summary

3. It is proposed to redevelop the site for a 3-storey apartment building (approximately 11m in height at its highest point) comprising 19 social housing dwellings, with 16 x one-bedroom apartments, and 3 x two-bedroom apartments.



Figure 1 - Render of the proposed development

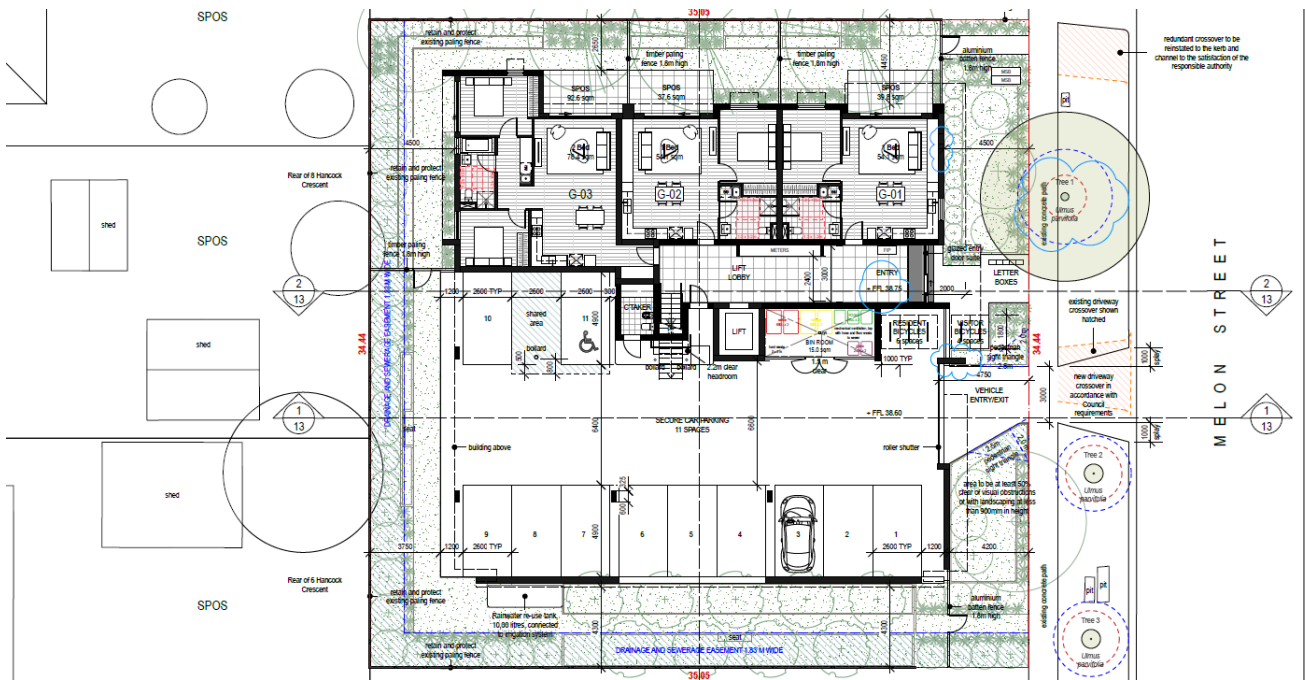


Figure 2 - Extract of the ground floor plan

4. Key features of the development include:

- Landscaped setbacks with a range of canopy trees and shrubs within and around the ground floor dwelling.
- An undercroft car park with 11 car spaces and 10 bicycle spaces accessed by one 3m wide crossover.
- Use of a private contractor for waste collection.
- A range of committed ESD initiatives ensuring that the development is capable of achieving 7-star NatHERs.

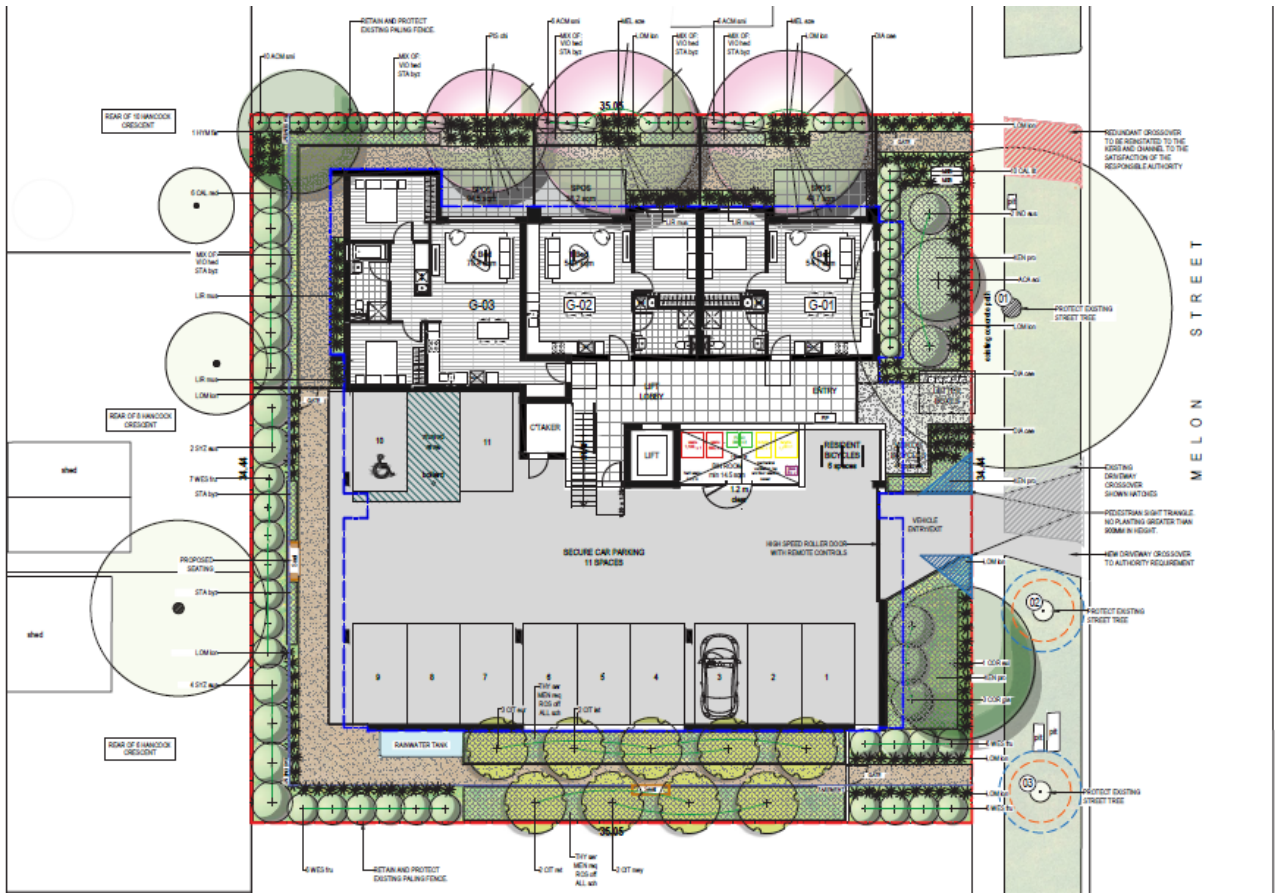


Figure 3 - Extract of the proposed landscape plan

Subject Site and Surrounds

Site Description

5. The subject site comprises two parcels of land (95 and 97) on the western side of Melon Street. The land has a total site area of approximately 1,206m². The land is rectangular in shape and currently contains a number of existing canopy trees, which have been appropriately identified within the submitted arborist report.

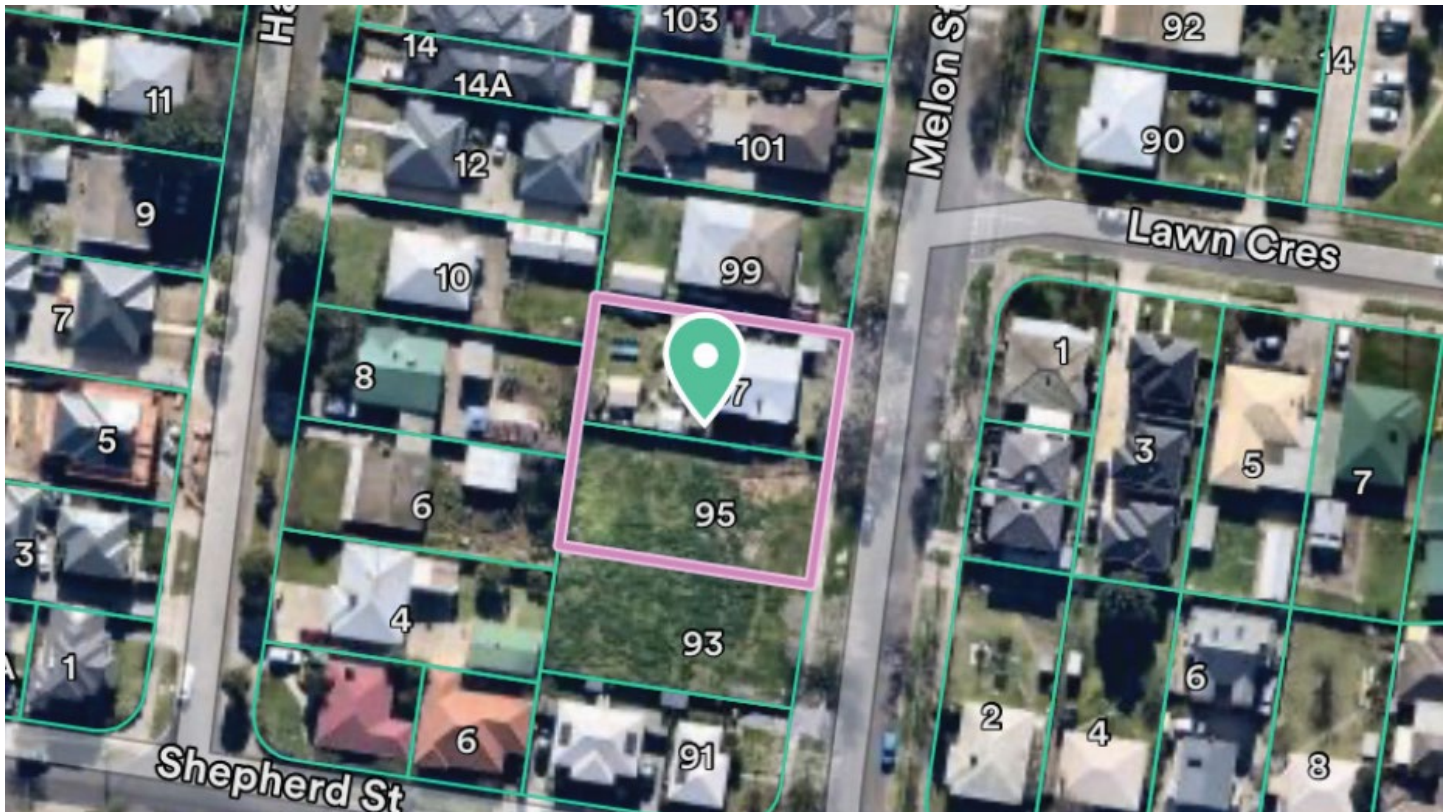


Figure 4 - Aerial of the subject site outlined in red (source: Applicant)

Site Surrounds

7. Immediate abuttals can be summarised as follows:
- To the **north** of the site: 99 Melon Street, comprising a single storey dwelling zoned within a GRZ1.
 - To the **south** of the site: 93 Melon Street, which is a vacant block of land owned by Homes Victoria, zoned within GRZ1.
 - To the **east** of the site: Melon Street, a local council road.
 - To the **west** of the site: the rear yards of 6, 8 and 10 Hancock Street, which contain dwellings, zoned within GRZ1.
8. The site is located within the established residential suburb of Braybrook and development surrounding the site is predominantly residential dwellings. The land is also strategically located close to a range of services and amenities, including:
- Public transport options such as:
 - Footscray Station, approximately 2.4km west of the site.



- Bus Routes 215, 220 and 410, nearest bus stop located approximately 280m north, along Ballarat Road
 - Education facilities including Braybrook College (approximately 1km north-west), Caroline Chisholm College (approximately 450m south), Sunshine Harvester Primary School (approximately 650m north), and Rosamond School (approximately 500m north).
 - Community facilities including Braybrook Community Hub and Skinner Reserve (approximately 580m south-west) and Footscray Hospital (approximately 2.5km east)
 - Retail premises at Braybrook Shopping Centre (approximately 500m east) and Sunshine Activity Centre (approximately 2.5km west).
9. In summary, the subject site is well serviced by a range of amenities and services to meet the everyday needs of residents, expected of any established urban settlement and conducive to supporting redevelopment for medium density housing.



Municipal Planning Strategy

10. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:
 - Clause 2 – Municipal Planning Strategy
 - Clause 2.01 Context
 - Clause 2.02 Vision
 - Clause 2.03 Strategic Directions
 - Clause 2.04 Strategic Framework Plan
 - Clause 11 – Settlement
 - Clause 11.01 – Victoria
 - Clause 15 – Built environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 16 – Housing
 - Clause 16.01 – Residential Development
 - Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport

Zoning and Overlays

Zoning

11. The subject site located within General Residential Zone – Schedule 1 (GRZ1).
12. The purpose of the GRZ1 is:
 - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To encourage development that respects the neighbourhood character of the area.*
 - *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
13. Pursuant to clause 32.08-7, a planning permit is required to construct two or more dwellings on a lot.
14. Under clause 32.08-4, an application to construct a dwelling must provide a minimum of 35% garden area, which is achieved by the proposal.
15. Schedule 1 to clause 32.08 does not contain any variations or specific decision guidelines.

Overlays

Development Contributions Plan Overlay – Schedule 2 (DCPO2)

16. A planning permit would not be triggered under DCPO2 owing to the Ministerial Direction (MD) on the preparation and content of Development Contributions Plans.



- 17. Clause 4.0 of the MD exempts development infrastructure levy for housing provided by or on behalf of the Department of Health and Human Services (now Homes Victoria through the Department of Families, Fairness and Housing).

Particular Provisions

Clause 52.06 – Car Parking

- 18. Clause 52.06 sets out the requirements of car parking provisions and associated design standards. Clause 52.06-2 specifies that before a new use commences, the number of car parking spaces be provided to the satisfaction of the responsible authority.
- 19. Under the car parking requirement maps, the subject site is located within ‘Category 2.’ As this application has been made by the Chief Executive Officer of Homes Victoria under clause 53.23, it specifies that:

A minimum 0.6 car parking spaces should be provided to each dwelling. Car parking spaces may be covered or uncovered. If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number greater than 1. Car parking for other land uses in the proposed development must be to the satisfaction of the responsible authority.
- 20. The proposal involves 19 dwellings and a total of 11 car parking spaces is provided. This equates to 0.6 car parking spaces per dwelling. Accordingly, a planning permit is not triggered for a reduction of car parking spaces under clause 52.06-3.

Clause 53.18 (Stormwater Management in Urban Development)

- 21. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Clause 53.23 (Significant Residential Development with Affordable Housing)

- 22. The purpose of Clause 53.23 is to:
 - *To facilitate residential development that includes affordable housing to meet existing and future needs.*
 - *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
 - *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*
 - *To facilitate residential development with high quality urban design, architecture and landscape architecture.*
 - *To provide opportunities for non-residential use and development in association with residential development.*
- 23. Clause 53.23 of the Planning Scheme applies to this application because pursuant to Clause 53.23-1:
 - The application includes the development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel); and
 - The condition correspondence to a category in Table 1 (Category 2) is met, as follows:

Category	Condition	Compliance Comments
Category 2	<p><i>The use or development of land for accommodation (other than camping and caravan park, group accommodation and residential hotel) will be:</i></p> <ul style="list-style-type: none"> • <i>carried out by or on behalf of, or jointly or in</i> 	<p>Complies</p> <p>The proposal is carried by the State of Victoria through Homes Victoria under the Department of Families, Fairness and Housing (DFFH) and is</p>



- *partnership with, the State of Victoria or a public authority; or*
- *funded, or partly funded, by the State of Victoria or a public authority; or*
- *carried out on Crown land.*

At least 10% of the total number of dwellings in the development must be affordable housing, or alternatively this condition may be met via an alternative mechanism for the provision of affordable housing specified in the agreement under section 173 of the Act referred to in clause 53.23-4.

located on land that is owned by Homes Victoria. All of the proposed dwellings are to be dedicated to social housing. The responsible authority may waive the requirement for a Section 173 agreement.

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24. Pursuant to Clause 52.23-2 the responsible authority may waive or vary any of the following (as relevant to this application):
- A minimum garden area requirement; and
 - Any building height or setback requirement.
25. An application is exempt from an application requirement in this planning scheme if in the opinion of the responsible authority the requirement is not relevant to the assessment of the application.
26. Pursuant to Clause 52.23-6, an application under any provision of this planning scheme is exempt from the decision requirements of Section 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Clause 55 (Two or more dwellings on a lot and residential buildings)

27. The objectives and standards of Clause 55 are applicable to this application and are assessed in detail in the assessment section of this report and at **Appendix A**.



Referrals

28. The application was not required to be referred to any external agency.

Notice

Municipal Council Comments

29. Maribyrnong City Council (the council) was notified of the application in accordance with Section 52(1)(b) of the *Planning and Environment Act 1987* (the Act).
30. The council provided officer level comments on 16 January 2026 advising that council did not object to the application, subject to inclusion of a range of conditions.
31. The council's conditions have been considered within the body of this report.

Public notice

32. The applicant was directed to give notice by way of erecting a sign on the site and sending letters to surrounding owners and occupiers.
33. At the time of this report, 5 objections have been received raising the following issues: neighbourhood character, building height, off-site amenity, visual bulk, overlooking and overshadowing, traffic, active transport, inaccurate planning documentation submitted.



Strategic Direction and Land Use

34. The *Planning Policy Framework* encourage appropriate land use and development which enhances the built environment, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
35. Having regard to the planning policy framework, it is considered that the proposal aligns with the strategic direction for this part of Braybrook, noting that:
- The proposal is for a 3-storey apartment building with a maximum building height of no more than 11m, which complies with the maximum building height limit under the GRZ1.
 - The proposal is consistent with the purpose of the GRZ which encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
 - The proposal involves the delivery of new medium-density housing in the form of apartments for social housing. The development delivers a range of one-, and two-bedroom dwellings which responds appropriately to the objectives of housing diversity within clause 16.01-1L-02 and 16.01-2S and supports increased housing choice.
 - The development optimises the land for medium density redevelopment within an appropriately serviced area, while ensuring that unreasonable off-site amenity is avoided.
 - The proposal has been appropriately massed and sited to enable landscaping opportunities within the front and rear setbacks, consistent with the existing character of the area, while respectful of the Garden Court character strategies. This aligns with the aspiration for 'incremental areas' strategies specified within clause 15.01-1L-01.
36. Accordingly, the proposal is an acceptable response to the strategic direction that has been established by the underlying planning provisions.

Built Form

Height

37. The proposal is 3 storeys with a maximum building height of approximately 10.5m from NGL and contains no more than 3-storeys. This does not exceed the mandatory maximum building of 11m as specified within the GRZ1 and therefore complies with clause 55.02-2 (standard B2.2 – building height).
38. In addition, the proposed 3-storey built form is considered to be acceptable for the following reasons:
- a. The building design incorporates a central recess that effectively breaks up the mass of the building length and minimises the perception of visual bulk when viewed from the street, as shown in Figure 1.
 - b. The overall massing and design of the development is such that it avoids unreasonable overshadowing to any neighbouring and adjoining properties. Refer to the assessment below.
 - c. The building is setback sufficiently from the rear (western) boundary in accordance with the requirements of clause 55.02-3 (standard B2.3-3.1) so avoid to unreasonable visual impacts when viewed from the rear yards of 6, 8 and 10 Hancock Street. Similarly, the building avoid unreasonable visual bulk impacts to the adjoining driveway interface at 99 Melon Street (north).
39. Overall, the proposed height is acceptable.

Street Setbacks

40. The proposal provides a 4.5m front setback to Melon Street, instead of 6m, and therefore does not comply with the requirements of clause 55.02-1 (standard B2-1 – street setback).

41. A variation is supported for the following reasons:
- It does not unreasonably diminish landscaping and tree planting opportunities within the front setback nor does the building result in any unreasonable impacts to the street tree.
 - The front façade is appropriately articulated and differentiated into ‘segments’ which provides visual interest and reduces the perceived visual bulk from the streetscape.
 - A sense of openness is still achieved through the open garden setting and lack of front fence consistent with the broader aspiration for the Garden Court neighbourhood character.
42. As such, the front is acceptable as the objective of standard B2-1 is met.

Side and Rear Setbacks

Rear (western) setback

43. The building is setback 4.5m from the western (rear) boundary. This complies with the requirements of clause 55.02-3 (side and rear setback), given that it meets the requirements specified under standard B2-3.1.

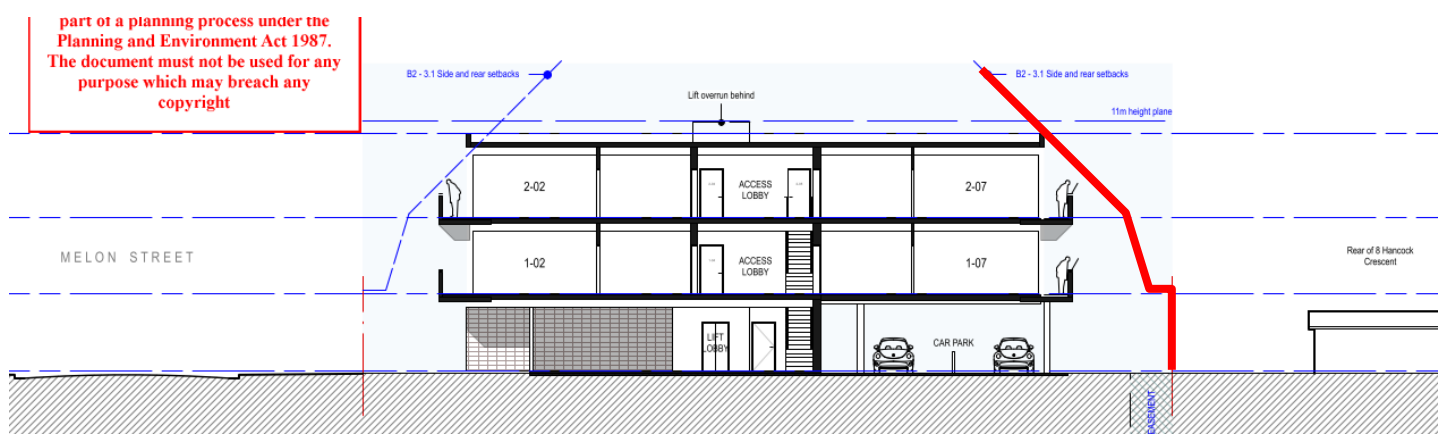


Figure 5 - Typical east-west section showing the compliance of the building from the rear (western) boundary

Side boundaries (north and south)

44. The proposal is not fully setback in accordance with the requirements of standard B2.3.1. A variation is supported for the following reasons:
- Where adjacent to 99 Melon Street (north), it is next to the driveway is not considered a sensitive interface. As such, a minor incursion is supported.
 - Where adjacent to 93 Melon Street (south), it is a vacant land. As such, there is no unreasonable visual impact caused this property
 - It is also noted that the non-compliance is due to canopy feature of the built façade encroaching into the setbacks, rather than a deliberate attempt to maximise yield, as generally shown in Figure 6.
45. As such, the objective is met.

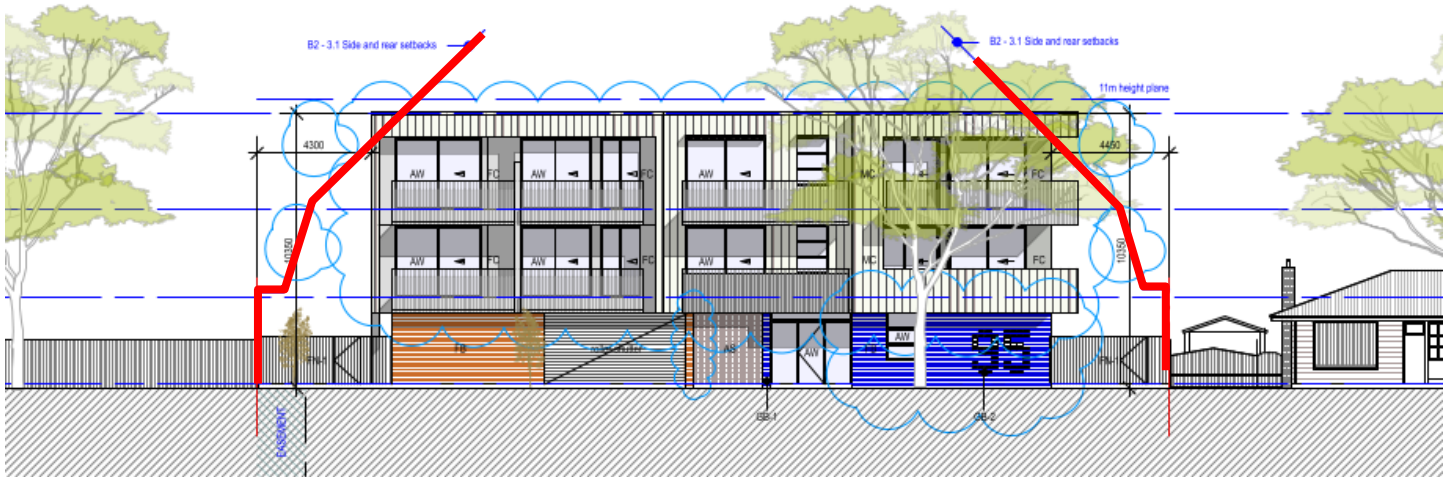


Figure 6 – Extract of the streetscape (East) elevation showing the extent of non-compliance with standard B2.3-1.

Overlooking and Overshadowing

Overshadowing

46. The overshadowing diagrams show that the proposed development will cast some additional overshadowing to the backyards of 6 and 8 Hancock Street at 9am and will be removed by 10am on 22 September. Regardless, the development causes no additional overshadowing to these backyards between 10am – 3pm, achieving the required 5 hours. As such, the proposal complies with the requirements of standard B4-3.

Overlooking – 99 Melon Street

47. The submitted plans included overlooking diagrams that demonstrate that there are no habitable room windows within 9 metres from proposed habitable room windows. Additionally, any views of the SPOS of this dwelling are obscured by an existing garage/outbuilding. As such there are no overlooking opportunities to this dwelling.

Overlooking – 6, 8 and 10 Hancock Street

48. The submitted plans shown that there are proposed balconies located within 9 metres from the SPOS of 6, 8 and 10 Hancock Street. At ground floor, there are no opportunities for overlooking into that space.
49. At the first and second floor, the balconies have an angled privacy shelf. This will appropriately preclude direct horizontal and downward views to the SPOS of these dwellings. As such, the proposal will avoid unreasonable overlooking.

Design Detail

50. The applicant has satisfactorily demonstrated that the proposal achieves a high degree of detailed design, noting that:
- The design includes a series of breaks within the built form to separate and break up the volume and massing. This creates articulation in the façade, provides visual interest and avoids large expanses of blank walls.
 - The facades are further 'divided' into small sections using a series of 'building breaks' to provide a relief in built form, while being respectful of the existing rhythm and spacing.
 - The chosen material is combination of masonry and metal cladding, which appropriately balances neighbourhood character while providing a contemporary built form.



- The undercroft car parking has been sensitivity integrated within the overall design ensuring that the car parking structure is appropriately screened from the public realm.
51. However, the submitted material schedules and the colour elevations are inconsistent. For example, the ground floor finishes show a combination of beige (presumably Taupe colour, as noted within the material schedule) and blue (unspecified) face brick. As such, it will be a condition of permit requiring that the elevations are corrected to align with the material schedule.
52. At ground floor, the extent of passive surveillance towards Melon Street can be further improved through the deletion of the “95” building number on the eastern wall at the ground floor and replaced with a new window in the living area of Dwelling G-01. This can be secured through a permit condition.
53. The architectural response is considered acceptable, subject to minor refinements.

Neighbourhood Character – Garden Court Precinct

54. It is an objective of clause 15.01-1S to support new development that contributes to the preferred neighbourhood character. Clause 15.01-5L identifies that the subject site is located within Garden Court precinct.
55. Overall, the proposal provides an acceptable response to the strategies of the Garden Court precinct as outlined within the table below.

Relevant Strategy	DTP Assessment / Comment
Maintain the openness of streetscapes by maintaining existing dwellings and gardens, and encourage replacement buildings to enhance these characteristics.	The proposal provides a 4.5m setback from Melon Street which is sufficient to provide meaningful tree planting and landscaping opportunities. This will continue to preserve the front garden character along Melon Street.
Encourage the retention of original dwellings including those from the Interwar and 1950s eras.	The land has not been identified with any heritage values
Encourage new development that incorporates pitched roofs and uses materials that reflect the current building stock, with a variation of materials across facades.	The development provides a contemporary interpretation of the existing materials and building stock within the local area, and responds appropriately to the diversity of buildings within the surrounding area.
Minimise the visual prominence of car parking structures, including by setting garages or car ports well behind the front wall of the building.	The at-grade car park is appropriately integrated and not readily identifiable within the overall design. Its appearance is further softened by the use of face brick work, metal cladding and landscaping within the frontage.
Limit crossovers to a single-lane crossover per site.	The proposal utilises one single width crossover
Encourage development to have spacious gardens that comprise canopy trees, shrubs and lawn.	The front setback is sufficient to provide meaningful tree planting and landscaping opportunities, noting that there is no front fences proposed.
Encourage low, permeable or no front fencing to retain views to landscaped areas.	

Landscaping and Trees

56. The application was accompanied by a landscape concept plan. The plan illustrates that:
- The frontage will provide a combination of new canopy trees, grass and low level shrubs, replacing the removed low value vegetation currently on site. These elements are considered appropriate and conducive towards creating a ‘front garden’ character that prevails within this part of Braybrook.



- The proposal provides a combination of small and medium canopy trees throughout the development such that it meets the objective of clause 55.02-7 (standard B2-7 – trees canopy)
- The proposal avoids unreasonable impacts to the existing street trees. A tree protection management plan will be required via permit condition.

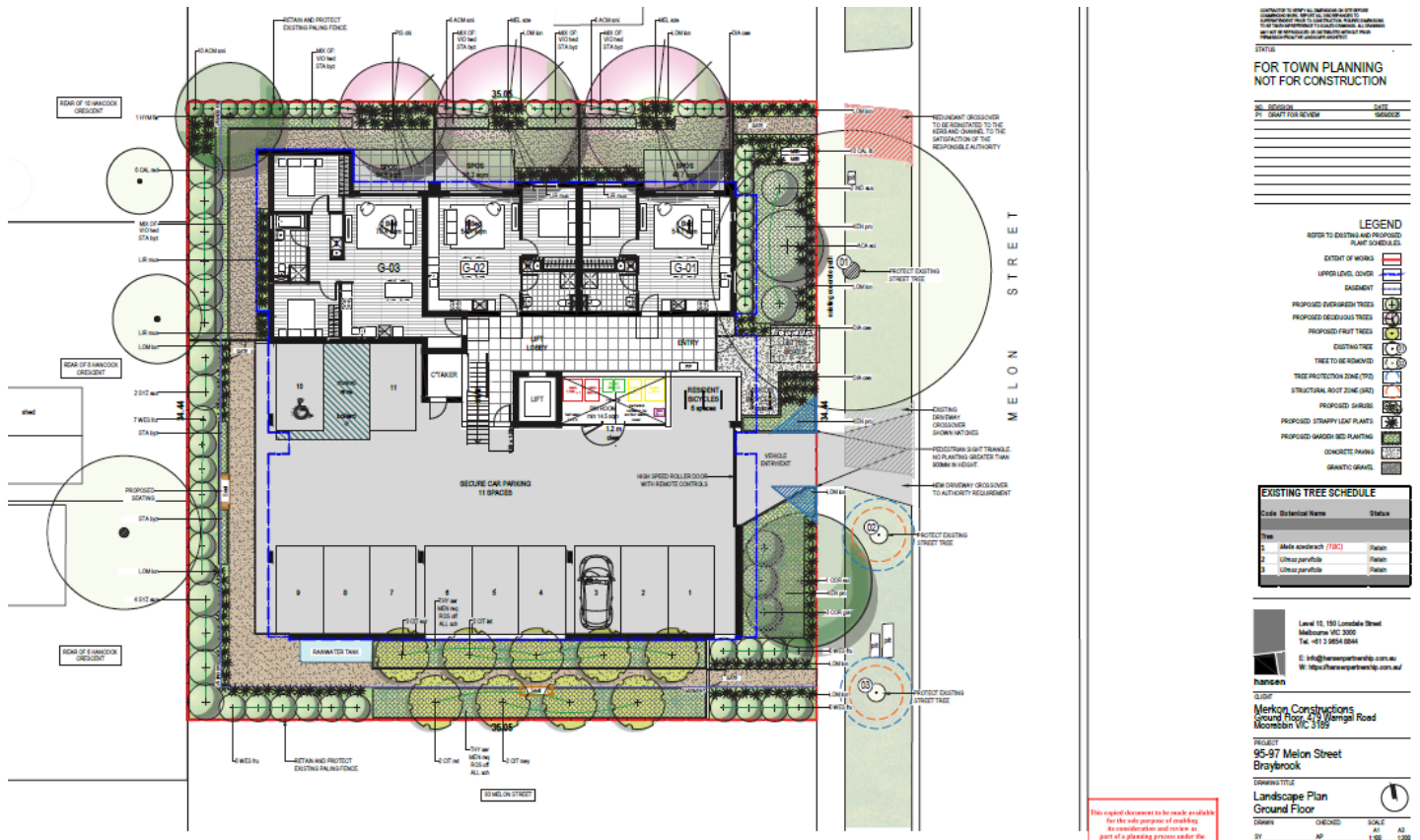


Figure 7 - Extract from the landscape concept plan showing the proposed landscape features

57. Overall, the proposal will provide an acceptable degree of landscaping, subject to conditions.

Internal Amenity

58. Clause 16.01-1S (Housing Supply) seeks to facilitate development that adopts best practice through a combination of methods and provides a high level of internal amenity. The plans were accompanied with a detailed assessment of the apartment layouts and are considered to achieve a high degree of internal amenity. In particular:

- The individual apartment plans demonstrate that the internal circulation paths and bathroom configurations are compliant with Clause 55.03-12 (Accessibility – Standard B3-12).
- All apartments are provided with access ground level private open space or balcony as sought by requirements contained within clause 53.23-2.
- The dimensions of bedrooms and living room areas comply with the requirements of Clause 55.03-7 (Functional Layout – Standard B3-7).
- All single aspect apartments are not deeper than 9m, compliant with Clause 55.07-8 (Room Depth – Standard B3-8).

Car and Bicycle Parking, Waste Management

Car Parking

59. As noted above, as the proposal is on behalf of the Chief Executive Officer of Homes Victoria, the development's applicable car parking requirement rates is 0.6 spaces per dwelling within clause 53.23-2.
60. The proposal provides a total of 11 car spaces, equating to 0.6 spaces per dwelling. As such, this complies with the requirements.

Design Standards for Car Parking

61. The proposed car parking layout has otherwise been assessed against the requirements of Clause 52.06-9 and is compliant. In particular:
 - The aisle width is 6.4m and capable of facilitating vehicles exiting the site in a forward direction without vehicle conflicts. Splays on the corner of the driveway to ensure suitable sight line have been provided. This complies with Design Standard 1.
 - The car parking spaces are designed to comply with the planning scheme requirements with a 4.9m depth and 2.6m width. As such, this complies with Design Standard 2.
 - As noted previously, the at-grade car park is appropriately integrated and readily identifiable within the overall design. Its appearance is further softened by landscaping within the frontage. As such, this complies with Design Standards 5, 6 and 7.


Waste Collection

62. The submitted waste management plan (WMP) outlines that a private contractor will undertake waste collection.
63. The plans show a dedicated waste storage room conveniently located to the waste collection area, sufficient sized for the proposed development.
64. As such, the WMP identifies that waste collection will occur off-site on Melon Street with the waste collection staff wheeling the bins out to the kerbside on any waste collection day.
65. This is acceptable noting that there is sufficient kerbside space to accommodate bin collection, and the council has not objected to this arrangement.
66. As such, the proposal provides acceptable waste collection.

Sustainability

Environmentally Sustainable Design (ESD)

67. The application was accompanied by an ESD report which identifies a range of ESD measures to ensure a sustainable built form including:
 - Capable of achieving an average 7 stars of NatHERs rating ensuring good building energy efficiency.
 - A 19kW solar PV system which minimises reliance on fossil fuels.
 - Water efficient fixtures.
 - High performance glazing systems.
68. The council raised a number of matters seeking for additional refinements to ESD initiatives, which have been responded to below.



69. However, it is otherwise noted that the committed ESD initiatives are acceptable. It is recommended that where possible, these are initiatives are shown on the development plans.

70. As such, the proposal provides an acceptable ESD outcome, subject to condition.

Water Sensitive Urban Design (WSUD)

71. In addition to the ESD measures, the applicant outlines a range of WSUD measures which seek to maximise the reuse of stormwater, as sought by Clause 53.18. For example:

- The proposal incorporates 10kL rainwater tanks dedicated to flushing and irrigation.
- The site achieves more than 20% site permeability to minimise stormwater discharge off-site.
- The proposal achieves a 104% STORM rating.

72. As such, this is an appropriate outcome subject to condition showing the relevant WSUD initiatives being annotated on plans where practical and possible.

Stormwater Management

73. The council did not recommend any specific stormwater management systems within its feedback for this proposal.

74. Nonetheless, it will be a condition of permit requiring that a stormwater management plan be prepared to the satisfaction of the council.

75. Subject to the above conditions, the proposal will result in appropriate stormwater outcomes.

Other Matters

Clause 53.23 (Significant Residential Development with Affordable Housing) – Section 173 agreement provision requirement.

76. As discussed through this report, the proposal is for 19 social housing dwellings. Subject to conditions, the proposal is acceptable in design, landscaping, waste management, carparking and ESD, and avoids unreasonable off-site amenity impact, and makes an important contribution to Victoria's public housing stock. As such, the proposal accords with the purpose of Clause 53.23.

77. As noted above and pursuant to Clause 53.23-1, the responsible authority may decide to reduce the percentage of the total number of dwellings that must be affordable, or not require an agreement to be entered into under Section 173 of the Act.

78. It is considered that the requirement to enter into a Section 173 agreement is appropriate to be waived in this instance for the following reasons:

- The proposed dwellings are for affordable (social) housing.
 - i. Under Section 3AA(1) of the Act, affordable housing includes social housing.
 - ii. Under Section 3AA(4) of the Act, social housing has the same meaning as in Section 4(1) of the *Housing Act 1983*.
 - iii. Under Section 4(1) of the *Housing Act 1983*, 'social housing' is defined as "*housing that is 'public housing (defined as non-profit housing in the public sector) and/or housing owned, controlled or managed by a participating registered agency (defined as a registered housing agency declared by Homes Victoria)*"
- The project is being undertaken by Homes Victoria on Homes Victoria-owned land. As such the development is occurring on State-owned land.



- The dwellings will be controlled and owned by Homes Victoria in perpetuity and will be utilised the purposes of social housing. As such, certainty of dwellings to be used as social housing is secured.

79. Accordingly, the delivery of the proposal through Clause 53.23 is entirely consistent with the purpose and function of the provision, and no Section 173 agreement is required to be entered into.

Response to council comments

80. As noted above, council officer-level conditions were provided to DTP following notification under Section 52(1)(b) of the Act.

81. These comments have been provided to the applicant and the applicant's response has been taken into account in DTP's assessment.

Council Condition	DTP Assessment / Comment
<i>1. Before the use and/or development start(s), amended plans must be submitted to the satisfaction of 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 provided in a digital format (where possible). The plans must be generally in accordance with the considered plans but modified to show:-</i>	<u>Condition accepted</u> This can be confirmed through a permit condition with a DTP equivalent condition
<i>a) All service meters (electricity and water) and similar (fire hydrant and telecommunications) shown on all relevant plans. The design of any structure required to accommodate services must be integrated into the development, must be easily accessible to service authorities, and must not be sited in a standalone location or 'stacked' (refer to condition 5).</i>	<u>Condition accepted</u> This can be confirmed through a slightly reworded condition.
<i>b) An amended landscape plan to the satisfaction of the Responsible Authority (refer to condition 16).</i>	<u>Condition accepted</u> This can be confirmed through a permit condition with a DTP equivalent condition.
<i>c) Tree Protection Zones (TRZ) and Structural Root Zones (SRZ) to be depicted and notated on the site plan.</i>	<u>Condition not accepted</u> The TPZs and SRZs of the existing street trees identified within the submitted arborist report have already been shown on plans. The submitted plans show that trees located in the rear yards of 6 and 8 Hancock Street are located in excess of 3.5 metres from the common fence line when the subject site such that there is no impacts to those trees.
General	
<i>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 Clause 62 of the Maribyrnong Planning Scheme (MPS), except where such exemption would reduce the amount of the site considered 'Garden Area' as defined at Clause 73.01 of the MPS or would increase the number of bedrooms to any dwelling. NOTE: This does not obviate the need for a permit where one is required.</i>	<u>Condition accepted</u> This can be confirmed through a permit condition with a DTP equivalent condition
<i>3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.</i>	<u>Condition accepted</u> This can be confirmed through a permit condition with a DTP equivalent condition
<i>4. All visual screening and measures to prevent overlooking to adjoining properties must be erected prior to the occupation of the buildings to the satisfaction of the Responsible Authority. Where obscure glazing is shown to first floor habitable room windows, the part of the window with a sill height at or below 1.7 metres above Finished Floor Level must have</i>	<u>Condition not accepted</u> Overlooking treatments will be specified on the endorsed plans, and the development is required to be constructed in accordance with the endorsed plans.



obscure glazing at manufacture (i.e. not film) and be either fixed or have restricted awning openings to a maximum of 125 millimetres.

There is no need for a standalone overlooking condition.

5. All service meters (electricity, water and gas) and fire suppression (hydrants and boosters) must only be constructed in the location and to the specifications as shown on the endorsed plans. No changes to the location(s) or appearance(s) of services metres and/or fire suppression infrastructure may be made unless with the prior written consent of the Responsible Authority.

Condition not accepted

Service meters and fire suppression apparatus will be specified on the endorsed plans, and the development is required to be constructed in accordance with the endorsed plans.

There is no need for a standalone overlooking condition.

Street Trees

6. Before the development starts (including any demolition works), tree protection measures in accordance with AS4970-2009 (Protection of trees on Development Sites) must be erected around the existing street trees to Melon Street. The tree protection measures must remain in place until construction is completed.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition

7. Before the development commences, a bond equal to the combined amenity value of the tree (Trees 1, 2 and 3 as identified in the Arboricultural Impact Assessment prepared by Blooming Tree Group), or an amount otherwise specified by Council must be paid to Council's Parks and Open Space department. The bond will be held for a period of 6 months after the certificate of occupancy has been issued and will be released pending a final inspection. If any tree is damaged or goes into decline within the 6 month period the bond amount will be retained to recover the loss of amenity and establishment of new trees. All works to remove the tree(s) must be undertaken by the Responsible Authority at the cost of the developer.

Condition in part

This can be confirmed directly with the council through a permit note.

8. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

Section 173 agreement

9. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:

Condition not required

As mentioned above, the requirement for s173 agreement can be waived in this instance.

The delivery of the proposal through Clause 53.23 is entirely consistent with the purpose and function of the provision, and no section 173 agreement is required to be entered into.

- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.
- b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.

Gas Reticulation Service Connection

10. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition



Engineering

11. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

12. All disused or redundant vehicle crossings must be removed and the area reinstated with either/or footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

13. The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties

Condition accepted

This can be confirmed through a permit condition.

14. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

Condition accepted

This can be confirmed through a permit condition.

15. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.

Condition accepted

This can be confirmed through a slightly reworded condition.

Landscape Plan

16. Concurrent with the submission of plans of endorsement, a landscape plan must be submitted and be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan dated 19 September 2025 prepared by Hansen Partnership except that the plan must show:

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

The plan must show:

- a) Location of existing vegetation to be removed/retained on the subject site including the height and full botanical name
- b) Location of existing trees on adjoining properties that would affect the landscape design
- c) A schedule of proposed additional plantings including trees and shrubs. This schedule needs to indicate the height and spread at maturity
- d) Demonstrate compliance with the objective of Clause 55.02-7 (Tree canopy objectives) as follows:
 - i. Referring to Table B2-7.2, illustrate the location and canopy area of trees on site.
 - ii. Specify the tree type (a, b, or c) of trees to be retained or planted.
 - iii. Notation stating whether a proposed/retained tree is to be in an area of deep soil or planter as specified in Table B2-7.2, and clarifying the deep soil area and minimum deep soil dimension and/or planter volume and minimum depth.
 - iv. Calculation of canopy cover to not include canopy overlap of other canopy trees or built form, or canopy area outside the title boundary.

Condition accepted in part

This can be confirmed through a permit condition with a DTP equivalent condition.

However, there is no requirement to include condition d). A detailed assessment against clause 55.02-7 has been undertaken within Appendix A of this report.

17. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.



18. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, this includes the replacement of any dead, diseased or damaged plants.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

Waste Management Plan

19. The Waste Management Plan prepared by Traffix Group, dated September 2025 endorsed to form part of this permit must be fully implemented to the satisfaction of the Responsible Authority.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

Sustainability Management Plan

20. All recommendations identified in the Sustainable Management Plan prepared by Low Impact Development Consulting, dated 2 October 2025 endorsed to form part of this permit must be fully implemented to the satisfaction of the Responsible Authority.

Condition accepted

This can be confirmed through a permit condition with a DTP equivalent condition.

Expiry

21. This permit will expire if one of the following circumstances applies:

Condition accepted

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

This can be confirmed through a permit condition with a DTP equivalent condition, with timing adjusted.

Response to objections

82. The application was advertised and received 5 objections at the time of this report. Those concerns have been responded to below.
- *Amenity impacts (visual bulk, overlooking and overshadowing)*
83. As discussed above, the proposal does not result in any unreasonable off-site amenity impacts in terms of visual bulk, overshadowing or overlooking.
84. All overlooking opportunities have been addressed by screens in accordance with the relevant requirements of clause 55.
- *Neighbourhood character, visual bulk and building height*
85. As discussed above, the maximum building height that is permitted under the General Residential Zone is 11m containing no more than 3-storeys. The building is approximately 10.5m at its highest point and contains no more than 3-storeys. This complies with the requirement.
86. The overall scale and massing of the building responds appropriately to the Garden Court precinct strategies, immediate interfaces, resulting in a sensitively designed 3-storey built form that is suitably setback from the side and rear boundaries to minimise any perception of bulk from surrounding properties.
- *traffic and active transport infrastructure*
87. The proposal provides the requisite number of car parking spaces required under the planning scheme as noted above.
88. There is no statutory requirement to provide any bicycle parking as part of this application, however 10 spaces have been provided enabling future residents with the option of bicycle parking, should they wish.
89. Improvements to the local road and active transport infrastructure is a matter for Maribyrnong City Council and beyond the scope of the permit application.
- *overflow parking on the street*



90. Changes to the restriction of on-street car parking is a matter for Maribyrnong City Council to consider as the road manager of Melon Street.
 - *inaccurate planning documentation submitted.*
91. A detailed assessment of the application has been undertaken and detailed within this report.
 - *Community input on the design with focus on transport and safety*
92. The application has undertaken notice in accordance with the requirements of s52 of the Act.



93. The proposal is generally consistent with the relevant planning policies of the Maribyrnong Planning Scheme and will contribute to the provision of housing within the Braybrook area.
94. The council was notified of the application and its comments have been considered as part of this assessment.
95. The application was not required to be referred to any external agency.
96. It is **recommended** that:
- a. Planning permit PA2504013 be granted subject to conditions.
 - b. The applicant, objectors and the council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 23 January 2025

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 23 January 2025

Appendix 1: Clause 55 Assessment



The following tables provide an assessment of the proposed apartments against Clause 55 of the Bass Coast planning scheme.

Neighbourhood and site description

Clause 55.01-1	Assessment
<ul style="list-style-type: none"> • <i>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</i> <ul style="list-style-type: none"> ○ <i>In relation to the neighbourhood:</i> <ul style="list-style-type: none"> - <i>The pattern of development of the neighbourhood.</i> - <i>The built form, scale and character of surrounding development including front fencing.</i> - <i>Architectural and roof styles.</i> - <i>Any other notable features or characteristics of the neighbourhood.</i> ○ <i>In relation to the site:</i> <ul style="list-style-type: none"> - <i>Site shape, size, orientation and easements.</i> - <i>Levels of the site and the difference in levels between the site and surrounding properties.</i> - <i>The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.</i> - <i>The use of surrounding buildings.</i> - <i>The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.</i> - <i>Solar access to the site and to surrounding properties.</i> - <i>Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.</i> - <i>Any contaminated soils and filled areas, where known.</i> - <i>Views to and from the site.</i> - <i>Street frontage features such as poles, street trees and kerb crossovers.</i> - <i>The location of local shops, public transport services and public open spaces within walking distance.</i> - <i>Any other notable features or characteristics of the site.</i> • <i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i> <p>Satisfactory neighbourhood and site description</p> <ul style="list-style-type: none"> • <i>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</i> • <i>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.</i> • <i>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</i> 	<p>Complies</p> <p>The application was accompanied by a neighbourhood and site description through the architectural plans.</p>

Design response

Clause 55.01-2	Assessment
<ul style="list-style-type: none"> • <i>The design response must explain how the proposed design:</i> <ul style="list-style-type: none"> ○ <i>Derives from and responds to the neighbourhood and site description.</i> ○ <i>Meets the objectives of Clause 55.</i> ○ <i>Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood</i> 	<p>Complies</p> <p>The application has appropriately demonstrated how the proposed design has been derived from and responds to the character area.</p>



Character Overlay.

- If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.
- The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Neighbourhood character objectives
Street setback objectives

Clause 55.02-1	Assessment																
<p>Objectives</p> <ul style="list-style-type: none"> • To ensure that the setbacks of a buildings form a street respond to the existing or preferred neighbourhood character and make efficient use of the site. 	<p>Variation required – objective met</p> <p>The building is setback 4.5m from Melon Street, instead of 6m. However, a variation is supported for the following reasons:</p> <ul style="list-style-type: none"> • It does not unreasonably diminish landscaping opportunities within the front setback nor does the building result in any unreasonable impacts to the street tree. • The front façade is appropriately articulated and differentiated into ‘segments’ which provides visual interest and reduces the perceived visual bulk from the streetscape. • A sense of openness is still achieved through the open garden setting and lack of front fence. • The proposal provides a positive contribution to Garden Court neighbourhood character strategies contained within clause 15.01-1L, as discussed above. <p>As such, the objective is met.</p>																
<p>Standard B2-1</p> <p><i>Walls of buildings are set back from streets:</i></p> <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone if the distance specified in Table B2-1; or • If no distance is specified in a schedule to the zone, the distance specified in Table B2-1. <p><i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i></p>	<p>Table B2-11 Street setback</p> <table border="1"> <thead> <tr> <th style="background-color: #e0f2f1;">Development Context</th> <th style="background-color: #e0f2f1;">Minimum setback from front street (metres)</th> <th style="background-color: #e0f2f1;">Minimum setback from a side street (metres)</th> </tr> </thead> <tbody> <tr> <td><i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i></td> <td><i>The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i></td> <td><i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i></td> <td><i>6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</i></td> <td>Not applicable</td> </tr> <tr> <td><i>The site is on a corner.</i></td> <td><i>If there is a building</i></td> <td><i>Front walls of new</i></td> </tr> </tbody> </table>		Development Context	Minimum setback from front street (metres)	Minimum setback from a side street (metres)	<i>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>The same distance as the lesser front wall setback of the existing buildings on the abutting allotments facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable	<i>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</i>	<i>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</i>	Not applicable	<i>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</i>	<i>6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</i>	Not applicable	<i>The site is on a corner.</i>	<i>If there is a building</i>	<i>Front walls of new</i>
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	<p>on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser.</p> <p>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Transport Zone 2 and 4 metres for other streets.</p>	<p>development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.</p> <p>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</p>	
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Building height objectives

Clause 55.02-2	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> To ensure that the height of buildings respond to the existing or preferred neighbourhood character. 	<p>Complies</p> <p>The proposal does not contain any more than 3 storeys, and is 11m high.</p>
<p>Standard B2-2</p> <ul style="list-style-type: none"> The maximum building height does not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height does not exceed 9 metres, unless the slope of the natural ground level at any cross-section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height does not exceed 10 metres. 	

Side and rear setbacks objective

Clause 55.02-3	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary responds the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings. 	<p>Variation required – objective met.</p> <p><u>Rear boundary (west)</u></p> <p>The building is setback in accordance with the requirements of standard B2.3-1.</p> <p><u>Side boundaries (north and south)</u></p> <p>The proposal is not fully setback in accordance with the</p>
<p>Standard B2-3</p> <ul style="list-style-type: none"> A new building not on or within 200mm of a boundary should be set back from side or rear boundaries in accordance with either B2-3.1 	



<ul style="list-style-type: none"> • <i>Standard B2-3 is met if the building is set back in accordance with either B2-3.1 or B2-3.2, rather than needing to comply with both of these provisions:</i> <ul style="list-style-type: none"> ○ <i>B2-3.1: The building is setback at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</i> ○ <i>B2-3.2 If the boundary is not to the south of the building, the building is setback at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.</i> • <i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i> • <i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i> 	<p>requirements of standard B2.3.1. A variation is supported for the following reasons:</p> <ul style="list-style-type: none"> • Where adjacent to 99 Melon Street (north), it is next to the driveway is not considered a sensitive interface. As such, a minor incursion is supported. • Where adjacent to 93 Melon Street (south), it is a vacant land. As such, there is no unreasonable visual impact caused this property • It is also noted that the non-compliance is due to canopy feature of the built façade encroaching into the setbacks, rather than a deliberate attempt to maximise yield. <p>As such, the objective is met.</p>
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Walls on boundary objective

Clause 55.02-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings and small second dwellings.</i> 	<p>Complies</p> <p>The proposal does not incorporate any walls on boundaries.</p>
<p>Standard B2-4</p> <ul style="list-style-type: none"> • <i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot does not abut the boundary for a length that exceeds the greater of the following distances:</i> <ul style="list-style-type: none"> - <i>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</i> - <i>The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot.</i> • <i>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i> • <i>A building on a boundary includes a building set back up to 200mm from a boundary.</i> • <i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i> 	

Site coverage objective

Clause 55.02-5	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To ensure that the site coverage respects the existing or preferred</i> 	<p>Complies</p> <p>The proposal achieves a site coverage of 56%, which</p>



neighbourhood character and responds to the features of the site.

Standard B2-5

- The site area covered by buildings should not exceed:
 - The maximum site coverage specified in a schedule to the zone; or
 - If no maximum site coverage is specified in a schedule to the zone, the percentage specified in Table B2-5.
- If the maximum site coverage is specified in a schedule to the zone, it must be greater than the percentage specified in Table B2-5.

Table B2-5 Site Coverage

Zone	Area
Neighbourhood Residential Zone	60 per cent
Township Zone	
General Residential Zone	65 per cent
Residential Growth Zone Mixed Use Zone Housing Choice and Transport Zone	70 per cent

sits below the maximum requirement of 65% within the GRZ.

Access objective

Clause 55.02-6

Objectives

- To ensure the number and design of vehicle crossovers responds to the neighbourhood character.

Standard B2-6

- The width of accessways or car spaces (other than to a rear lane) does not exceed:
 - 33 per cent of the street frontage, or
 - 40 per cent of the street frontage if the width of the street frontage is less than 20 metres.
- The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 is not increased.
- The location of a vehicle crossover or accessway does not encroach the tree protection zone of an existing tree, that is proposed to be retained in a road by more than 10 per cent.

Assessment

Complies

The proposal incorporates one 3m wide driveway along Melon Street.

Tree canopy objective

Clause 55.02-7

Objective

- To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings the streetscape.
- To preserve existing canopy cover and support the provision of new canopy cover.
- To ensure new canopy trees are climate responsive, support biodiversity, wellbeing and amenity, and help reduce urban heat.

Standard B2-7

- Provide a minimum canopy cover as specified in Table B2-7.1.

Table B2-7.1

Site area	Canopy cover
1000 square metres or less	10% of the site area
More than 1000 square metres	20% of the site area

- Existing trees to be retained meet all the following:
 - Has a height of at least 5 metres,

Assessment

Variation required – objective met

As the subject site is approximately 1,206m², the development is required to be provide a minimum of 241.2m² of canopy cover.

The proposal collectively achieves a canopy cover of approximately 251m² through a combination of trees from the table within B2.7-1 and slightly smaller trees.

The landscape concept plan shows the proposal provides:

- 3 x Type A trees; and
- 2 x Type B trees



- Has a trunk circumference of 0.5 metres or greater at 1.4 metres above ground level,
- Has a trunk that is located at least 4 metres from proposed buildings.
- The minimum canopy cover is met using any combination of trees specified in Table B2-7.2
- Existing trees that are retained can be used in calculating canopy cover.

Table B2-7.2 Tree type, canopy cover, deep soil planter requirements

Tree type	Minimum canopy diameter at maturity	Minimum height at maturity	Minimum mature canopy cover	Tree in deep soil Area of deep soil	Tree in planter Volume of planter	Minimum depth of planter soil
A	4 metres	6 metres	12.6 sqm	12 cubic metres (min. plan dimensions 2.5 metres)	12 cubic metres (min. plan dimensions 2.5 metres)	0.8 metre
B	8 metres	8 metres	50.3 sqm	49 cubic metres (min. plan dimensions 4.5 metres)	28 cubic metres (min. plan dimensions 4.5 metres)	1 metre
C	12 metres	12 metres	131.1 sqm	121 cubic metres (min. plan dimensions 6.5 metres)	64 cubic metres (min. plan dimensions 6.5 metres)	1.5 metre

- Provide at least one new or retained tree in the front setback and the rear setback.
- Trees are located in either:
 - An area of deep soil as specified in Table B2-7.2; or
 - A planter as specified in Table B2-7.2.

Any tree required to be planted under this standard must be of species to the satisfaction of the responsible authority, having regard to the location and relevant geographic factors.

This equates to approximately 138.4m² of canopy cover using trees from the table within B2-7.1.

The submitted landscape plan also shows that the shortfall of canopy cover can be offset by 9 smaller canopy trees ranging between 4m (diameter) by 2m (height) with a similar notional canopy cover of approximately 12.6m² equating to 113.4m².

As such, a variation can be supported in this instance given that the quantum of canopy cover is still achieved in a meaningful manner.

Front fences objective

Clause 55.02-8

Objective

- To encourage front fence design that responds to the existing or preferred neighbourhood character.

Standard B2-8

- A front fence within 3 metres of a street is:
 - The maximum height specified in a schedule to the zone, or
 - If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B2-8.

Street context	Maximum front fence height
Streets in a Transport Zone 2	2 metres
Other streets	1.5 metres

Assessment

Complies

No front fence within 3m from the street is proposed.



Liveability

Dwelling diversity objective

Clause 55.03-1	Assessment
Objective <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. 	Variation required – objective met The proposal provides 14 one-bedroom and 3 two-bedroom dwellings, which exceed the minimum requirements. The proposal is required to provide least 1 three-bedroom dwellings. However, the proposal does not provide any three-bedroom dwellings. Given that the proposal is funded by Homes Victoria who are directly funding one and two bedroom dwellings to respond to the demand within the Victorian Housing Register within the Braybrook region.
Standard B3-1 <ul style="list-style-type: none"> Developments include at least: <ul style="list-style-type: none"> One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at round floor level for every 10 dwellings. One dwelling that includes no more and no less than 2 bedrooms for every 10 dwellings. One dwelling that includes no more and no less than 3 bedrooms for every 10 dwellings. 	

Parking location objectives

Clause 55.03-2	Assessment
Objectives <ul style="list-style-type: none"> To minimise the impact of vehicular noise within developments on residents. 	Complies The undercroft car parking has been conveniently and appropriately designed to be integrated within overall the design.
Standard B3-2 <ul style="list-style-type: none"> Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least: <ul style="list-style-type: none"> 1.5 metres; or If there is a solid fence with a height of at least 1.5 metres between the accessway or car park and the window, 1 metre; or 1 metre where window sills are at least 1.5 metres above ground level. This standard is met if an accessway or relevant car parking space is used exclusively by the resident of the building with the habitable room. 	

Street integration objectives

Clause 55.03-3	Assessment
Objectives <ul style="list-style-type: none"> To integrate the layout of development with the street to support the safety and amenity of residents. 	Complies – subject to condition The development has been designed to maximise passive surveillance and activation to both streets, subject to minor design refinements. Adequate provision has been made for mailboxes.
Standard B3-3 <ul style="list-style-type: none"> Where a development fronts a street, a vehicle accessway or abuts public open space: <ul style="list-style-type: none"> Passive surveillance is provided by a direct view from a balcony or a habitable room windows to each street, vehicle accessway and public open space. The total cumulative width of all site services to be located within 3 metres of a street, do not take up more than 20 per cent of the width of the frontage and are screened from view from the street or located behind a fence. Screens or fences are to provide no more than 25 per cent transparency. Lighting is provided to all external accessways and paths. Mailboxes are provided for each dwelling and can be communally located. 	



Entry objective

Clause 55.03-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To provide each dwelling, apartment development or residential building with its own sense of identity. To provide entries with weather protection, safe design, natural light and ventilation. 	<p>Complies</p> <p>The proposal provides a direct and visible entrance from Melon Street, which appropriately covered and has a minimum width of 2m</p>
<p>Standard B3-4</p> <p>Dwellings (other than a dwelling in or forming part of an apartment development) and residential buildings</p> <ul style="list-style-type: none"> Each dwelling and each residential building has a ground level entry door that: <ul style="list-style-type: none"> Has a direct line of sight from a street, accessway or shared walkway. Is not accessed through a garage. Has an external covered area of at least 1.44 square metres with a minimum dimension of at least 1.2 metres over the entry door. 	
<p>Apartment development and residential building with a shared entry</p> <ul style="list-style-type: none"> An apartment development and each residential building has: <ul style="list-style-type: none"> A ground level entry door, gate or walkway with a direct line of sight from a street, accessway or shared walkway. An external covered area of at least 1.44 square metres with a minimum dimension of at least 1.2 metres over the entry door of the building. Shared corridors and common areas have at least one source of natural light and natural ventilation. 	

Private open space objective

Clause 55.03-5	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. 	<p>Not applicable – superseded by the requirements of clause 53.23-2.</p> <p>All apartments are provided with access ground level private open space or balcony as sought by requirements contained within clause 53.23-2.</p>
<p>Standard B3-5</p> <ul style="list-style-type: none"> A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building has private open space with direct access from a living area, dining area or kitchen consisting of: <ul style="list-style-type: none"> An area of 25 square metres of secluded private open space with a minimum dimension of 3 metres width; A balcony with at least the area and dimensions specified in Table 3-5; or An area on a podium or similar of at least 15 square metres, with a minimum dimension of 3 metres width; or An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width. If the area and dimensions of the private open space or secluded private open space is specified in a schedule to the zone; <ul style="list-style-type: none"> The area and dimensions specified in the schedule must be 25 square metres or less; and The area and dimension specified for a podium, balcony or an area on a roof must be less than the area and dimensions specified in this standard. If a cooling or heating unit is located in the secluded private open space or private open space the required area is increased by 1.5 	

square metres.

- Where ground level private open space is provided an area for clothes drying is provided.

Orientation of dwelling	Dwelling type	Minimum area	Minimum dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 bedroom dwelling	12 square metres	2.4 metres

Solar access to open space objective

Clause 55.03-6

Objective

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

Standard B3-6

- The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

Assessment

Complies

There are no south facing balconies or ground level open spaces.

Functional layout objective

Clause 55.03-7

Objectives

- To ensure dwellings provide functional areas that meet the needs of residents.

Standard B3-7

- Bedrooms:
 - Meet the minimum internal room dimensions specified in Table B3-7.1; and
 - Provide an additional area of at least 0.8 square metres to accommodate a wardrobe.

Bedroom type	Minimum width	Minimum depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

- Living areas (excluding dining and kitchen areas) meet the minimum internal room dimensions specified in Table B3-7.2.

Assessment

Complies

The submitted plans generally show the dimensions of the bedrooms and living areas are compliant.



Table B3-72 Living area dimensions

Dwelling type	Minimum width	Minimum area
Studio and 1 bedroom dwelling	3.3 metres	10 sqm
2 or more bedroom dwelling	3.6 metres	12 sqm

Room depth objective

Clause 55.03-8	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To allow adequate daylight into single aspect habitable rooms. <p>Standard B3-8</p> <ul style="list-style-type: none"> The depth of a single aspect habitable room does not exceed 2.5 times the ceiling height measured from the external surface of the habitable room window to the rear wall of the room. <ul style="list-style-type: none"> The room combines the living area, dining area and kitchen; and The kitchen is located furthest from the window; and The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level, this excludes where services are provided above the kitchen; and An overhang extends no more than 2m beyond the window of the single aspect habitable room. In Clause 55.03-8 a single aspect habitable room is a habitable room with windows on only one wall. 	<p>Complies</p> <p>All single aspect apartments do not have depth greater than 9m.</p>

Daylight to new windows objective

Clause 55.03-9	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. <p>Standard B3-9</p> <p>Dwelling (other than a dwelling in or forming part of an apartment development)</p> <ul style="list-style-type: none"> A window in an external wall of the building is provided to all habitable rooms. Habitable rooms in a dwelling have a window that faces: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. <p>Dwelling in or forming part of an apartment development</p> <ul style="list-style-type: none"> A window in an external wall of the building is provided to all habitable rooms. Where daylight to a bedroom is provided from a smaller secondary area within the bedroom, the secondary area is to have: 	<p>Complies</p> <p>All habitable rooms are provided with new room windows.</p>

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.
- A window clear to the sky.

Natural ventilation objectives

Clause 55.03-10	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To encourage natural ventilation of dwellings. • To allow occupants to effectively manage natural ventilation of dwellings. 	<p>Complies</p> <p>At least 50% of apartments are capable of natural ventilation.</p>
<p>Standard B3-10</p> <p>Dwelling (other than a dwelling in or forming part of an apartment development)</p> <ul style="list-style-type: none"> • Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide; <ul style="list-style-type: none"> ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling. 	
<p>Dwelling in or forming part of an apartment development</p> <ul style="list-style-type: none"> • At least 40 percent of dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide: <ul style="list-style-type: none"> ○ A maximum breeze path through the dwelling of 18 metres. ○ A minimum breeze path through the dwelling of 5 metres. ○ Ventilation openings with approximately the same area. • The breeze path is measured between the ventilation openings on different orientations of the dwelling. 	

Storage objective

Clause 55.03-11	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> • To provide adequate storage facilities for each dwelling. 	<p>Complies</p> <p>The architectural plans show that for all:</p> <ul style="list-style-type: none"> - One bedroom apartments a minimum of 10m³ storage has been provided in the form of internal storage. - Two bedroom apartments, a minimum of 14m³ of storage are provided in the form of internal storage.
<p>Standard B3-11</p> <p>Dwelling (other than a dwelling in or forming part of an apartment development)</p> <ul style="list-style-type: none"> • Each dwelling has exclusive access to at least 6 cubic metres of externally accessible storage space. 	
<p>Dwelling in or forming part of an apartment development</p>	



- Each dwelling has exclusive access to storage at least the total minimum storage volume that is specified in Table B3-11.

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Accessibility for apartment developments objective

Clause 55.03-12

Objective

- To ensure the design of dwellings meets the needs of people with limited mobility.

Standard B3-12

- At least 50 per cent of dwellings in or forming part of an apartment development have:
 - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
 - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
 - A main bedroom with access to an adaptable bathroom.
 - At least on adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12.

	Design option A	Design option B
Door opening	A clear 850mm wide door opening.	A clear 820mm wide door opening located opposite the shower.
Door design	Either: <ul style="list-style-type: none"> ■ A slide door, or ■ A door that opens outwards, or ■ A door that opens inwards that is clear of the circulation area and has readily removable hinges. 	Either: <ul style="list-style-type: none"> ■ A slide door, or ■ A door that opens outwards, or ■ A door that opens inwards and has readily removable hinges.

Assessment

Complies

The dwellings has been designed to meet the needs of persons with limited mobility. The plans show that more than 50% of dwellings utilising either design option A or B.



Circulation area	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> ■ A minimum area of 1.2 metres by 1.2 metres. ■ Located in front of the shower and the toilet. ■ Clear of the toilet, basin and the door swing. <p>The circulation area for the toilet and shower can overlap.</p>	<p>A clear circulation area that is:</p> <ul style="list-style-type: none"> ■ A minimum width of 1 metre. ■ The full length of the bathroom and a minimum length of 2.7 metres. ■ Clear of the toilet and basin. <p>The circulation area can include a shower area.</p>
Path to circulation area	A clear path with a minimum width of 900mm from the door opening to the circulation area.	Not applicable.
Shower	A hobless (step-free) shower.	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.
Toilet	A toilet located in the corner of the room.	A toilet located closest to the door opening and clear of the circulation area.

External Amenity

Daylight to existing windows objective

Clause 55.04-1	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To allow adequate daylight into existing habitable room windows.</i> <p>Standard B4-1</p> <ul style="list-style-type: none"> • <i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i> • <i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i> • <i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i> 	<p>Complies</p> <p>All habitable rooms incorporate windows which will allow adequate daylight into the rooms.</p>

Existing north-facing windows objective

Clause 55.04-2	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • <i>To allow adequate solar access to existing north-facing habitable room windows.</i> <p>Standard B4-2</p> <ul style="list-style-type: none"> • <i>Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot:</i> <ul style="list-style-type: none"> ○ <i>A new building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9</i> 	<p>Complies</p> <p>The proposal does not impact any north-facing habitable windows within 3 metres of the boundary on the abutting lot.</p>



metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

- For new buildings that meet the Standard B2-3.2 setback, the building is set back from the boundary by at least 6 metres up to a height not exceeding 11 metres and at least 9 metres for a height over 11 metres between south 30 degrees west to south 30 degrees east. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.
- For this standard a north facing window is a window with an axis perpendicular to its surface orientated from north 20 degrees west to north 30 degrees east.

Overshadowing secluded open space objective

Clause 55.04-3	Assessment
<p>Objective</p> <ul style="list-style-type: none"> • To ensure buildings do not significantly overshadow existing secluded private open space. 	<p>Complies</p> <p>The overshadowing diagrams which demonstrates that the proposed development will cast additional overshadowing to the backyards of 6 and 8 Hancock Street at 9am and will be removed by 10am at 22 September.</p> <p>Nonetheless, the development causes no additional overshadowing to these backyards between 10am – 3pm, achieving the required 5 hours.</p>
<p>Standard B4-3</p> <ul style="list-style-type: none"> • The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. • If existing sunlight to the secluded private open space of an existing dwelling or a small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced. 	



Overlooking objective

Clause 55.04-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows. 	<p>Complies</p> <p><u>99 Melon Street</u></p>
<p>Standard B4-4</p> <ul style="list-style-type: none"> In Clause 55.04-4 a habitable room does not include a bedroom. A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level. A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> Offset a minimum of 1.5 metres from the edge of one window to the edge of the other; or Has sill heights of at least 1.7 metres above floor level; or Has fixed, obscure glazing in any part of the window below 1.7 metre above floor level. Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view are: <ul style="list-style-type: none"> Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. Permanent, fixed and durable. Designed and coloured to blend in with the development. This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary. 	<p>The submitted plans included overlooking diagrams that demonstrate that there are no habitable room windows within 9 metres from proposed habitable room windows. Additionally, any views of the SPOS of this dwelling are obscured by an existing garage/outbuilding.</p> <p>As such there are no overlooking opportunities to this dwelling.</p> <p><u>6, 8 and 10 Hancock Street</u></p> <p>The submitted plans shown that there are proposed balconies located within 9 metres from the SPOS of 6, 8 and 10 Hancock Street.</p> <p>At ground floor, there are no opportunities for overlooking into that space.</p> <p>At the first and second floor, the balconies have an angled privacy shelf. This will appropriately preclude direct horizontal and downward views to the SPOS of these dwellings.</p> <p>As such, the proposal will avoid unreasonable overlooking.</p>

Internal views objective

Clause 55.04-5	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. 	<p>Complies</p> <p>The proposal will avoid direct internal overlooking.</p>
<p>Standard B4-5</p> <ul style="list-style-type: none"> In Clause 55.04-5 a habitable room does not include a bedroom. Within the development, a habitable room window, balcony, terrace, deck or patio that is located with a direct view into the secluded private open space of another dwelling: <ul style="list-style-type: none"> Is offset a minimum of 1.5 metres from the edge of the secluded private open space; or Has a sill height of at least 1.7 metres above floor level; or Has a fixed, visually obscure balustrade to at least 1.7 metres above floor level; or Has fixed elements that prevent the direct view, such as horizontal ledges or vertical fins. 	



- *Direct views are managed at a height of 1.7 metres above floor level and within:*
 - *A 45 degree horizontal angle from the edge of the new window or balcony.*
 - *A 45 degree angle in the downward direction.*
- *Screens provided for overlooking are no more than 25 per cent transparent. Screens may be openable provided that this does not allow direct views as specified in this standard.*

Sustainability

Permeability and stormwater management objective

Clause 55.05-1	Assessment
Objectives <ul style="list-style-type: none"> • <i>To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.</i> • <i>To facilitate on-site stormwater infiltration.</i> • <i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i> • <i>To contribute to urban cooling.</i> 	Complies – subject to condition <p>The proposal achieves a site coverage in excess of 20% and incorporates a range of WSUD initiatives.</p> <p>The council did not recommend any specific stormwater management systems within its feedback for this proposal.</p> <p>Nonetheless, it will be a condition of permit requiring that a stormwater management plan be prepared to the satisfaction of the council.</p>
Standard B5-1 <ul style="list-style-type: none"> • <i>The site area covered by the pervious surfaces is at least 20 percent of the site.</i> • <i>The development includes a stormwater management system designed to:</i> <ul style="list-style-type: none"> ○ <i>Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:</i> <ul style="list-style-type: none"> ○ <i>Suspended solids 80% reduction in mean annual load.</i> ○ <i>Total phosphorus and Total Nitrogen 45% reduction in mean annual load.</i> ○ <i>Litter 70% reduction of mean annual load.</i> ○ <i>Allow for intended vegetation growth and structural protection of buildings.</i> ○ <i>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</i> ○ <i>Provide a safe, attractive and functional environment for residents.</i> <p>Note: <i>A certificate generated from a stormwater assessment tool including Stormwater Treatment Objective – Relative Measurement (STORM), Model for Urban Stormwater Improvement Conceptualisation (MUSIC) or an equivalent product accepted by the responsible authority may be used to demonstrate the performance objectives for stormwater quality are met.</i></p> <ul style="list-style-type: none"> • <i>Direct flows of stormwater into treatment areas, garden areas, tree pits and permeable surfaces, with drainage of residual flows to the legal point of discharge.</i> 	

Overshadowing domestic solar energy systems objective

Clause 55.05-2	Assessment
Objectives <ul style="list-style-type: none"> • <i>To ensure that the height and setback of a building from a boundary allows reasonable solar access to existing domestic solar energy systems on the roofs of buildings.</i> 	Complies <p>The proposal does not overshadow any solar systems between 9am – 4pm on 22 September.</p>
Standard B5-2	

- Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every meter of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.
- This standard applies to an existing building in a Township Zone, General Residential Zone or Neighbourhood Residential Zone.
- In Clause 55.05-2 domestic solar energy system means a domestic solar energy system that existed at the date the application was lodged.

Roftop solar energy generation area objective

Clause 55.05-3

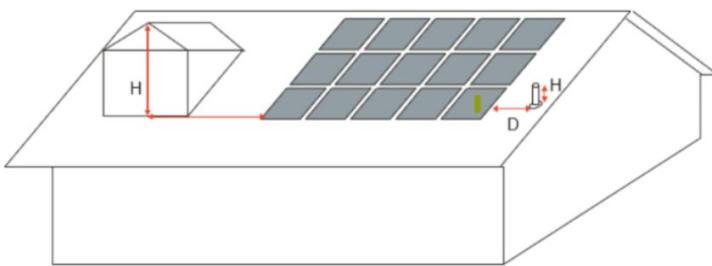
Objectives

- To support the future installation of appropriately sited rooftop solar energy systems for a dwelling.

Standard B5-3

- In Clause 55.05-3 rooftop solar energy area means an area provided on the roof of a dwelling to enable the future installation of a solar energy system.
- An area on the roof is capable of siting on a rooftop solar energy area for each dwelling which:
 - Has a minimum dimension of 1.7 metres.
 - Has a minimum area in accordance with Table B5-3
 - Is orientated to the north, west or east.
 - Is positioned on the top two thirds of a pitched roof.
 - Can be a contiguous area or multiple smaller areas
 - Is free from obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area.

Diagram B5-3 Allowable distance between obstructions and the rooftop solar energy area



- Obstructions located south of all points of the rooftop solar energy area are not subject to the horizontal distance requirements.

Assessment

Complies

The proposal incorporates 19kW solar PV system and appropriate spacing has been made on the roof, sufficient to avoid unreasonable visual impacts.



Table B5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15 square metres
2 or 3 bedroom dwelling	26 square metres
4 or more bedroom dwelling	34 square metres

Solar protection to new north-facing windows objective

Clause 55.05-4	Assessment
<p>Objective</p> <ul style="list-style-type: none"> To encourage external shading of north facing windows to minimise summer heat gain. 	<p>Complies</p> <p>The north windows are provided with a fixed awning of 0.6m deep, which exceeds the minimum requirement.</p>
<p>Standard B5-4</p> <ul style="list-style-type: none"> North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height. 	

Waste and recycling objectives

Clause 55.05-5	Assessment
<p>Objectives</p> <ul style="list-style-type: none"> To ensure dwellings are designed to facilitate waste recycling. To ensure that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity. 	<p>Complies</p> <p>The submitted waste management plan (WMP) outlines that a private contractor will undertake waste collection. The plans show a dedicated waste storage room conveniently located within the car parking area approximately 15m². This exceeds the minimum requirements.</p> <p>The WMP identifies that waste collection will occur off-site on-site with the dedicated on-site manager wheeling the bins out to the kerbside on any waste collection night. This is acceptable noting that there is sufficient kerbside space to accommodate bin collection, and the council has not objected to this arrangement.</p>
<p>Standard B5-5</p> <p>Dwelling (other than a dwelling in or forming part of an apartment development)</p> <ul style="list-style-type: none"> The development includes an individual bin storage area for use by each dwelling, of at least the applicable area, depth and height specified in Table B5-5.1. 	



Table B5-5.1 Bin storage

Type of bin storage area	Minimum area	Minimum depth	Minimum height
Individual bin storage area for a dwelling.	1.8 square metres	0.8 metre	1.8 metres
Shared bin storage area for 3 dwellings or less.	5.4 square metres	0.8 metre	1.8 metres
Shared bin storage area for 4 or more dwellings.	1 square metre per dwelling plus 4 square metres	0.8 metre	1.8 metres

- *If the development includes a shared bin storage area:*
 - *The shared bin storage area:*
 - *Is located within 40 metres of a kerbside collection point.*
 - *Includes a tap for bin washing.*
 - *There is a continuous path of travel free of steps and obstructions from dwellings to the bin storage area.*
- *Where access is provided for private bin collection on the land the design of access ways must allow the vehicle to enter and exit in a forward direction.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Dwelling in or forming part of an apartment development

- *The development includes a shared bin storage area for by each dwelling of at least the applicable area, depth and height specified in Table B5-5.2.*

Table B5-5.2 Apartment bin storage

Number of dwellings	Minimum area	Minimum depth	Minimum height
15 or less dwellings	0.7 square metres per dwelling in a shared waste storage area	0.8 metres	2.7 metres
16 to 55 dwellings	0.5 square metres per dwelling, plus 5 square metres in a shared waste storage area.	1 metre	2.7 metres
56 or more dwellings	0.5 square metres per dwelling in a shared waste storage area.	1 metre	2.7 metres

- *Enclosed bin storage areas are ventilated by:*
 - *Natural ventilation openings to the external air with an area of at least 5 per cent of the area for the bin storage area; or*
 - *A mechanical exhaust ventilation system.*
- *A tap and drain is provided to wash bins.*
- *A continuous path of travel is provided from each dwelling to bin storage areas.*
- *Each dwelling includes an internal waste and recycling storage space of at least 0.07 cubic metres with a minimum depth of 250 millimetres.*

Noise impacts objective

Clause 55.05-6	Assessment
Objectives <ul style="list-style-type: none"> To minimise the impact of mechanical plant noise located in the development. 	Complies The proposal has been designed to ensure that noise sensitive rooms are appropriately positioned away from the lifts.
Standard B5-6 <ul style="list-style-type: none"> Mechanical plant, including mechanical car storage and lift facilities are not located immediately adjacent to bedrooms of new or existing dwellings or small second dwellings, unless a solid barrier is in place to provide a line of sight barrier to transmission of noise and the location of all relevant bedrooms. 	

Energy efficiency for apartment development objectives

Clause 55.05-7	Assessment																	
Objectives <ul style="list-style-type: none"> To achieve energy efficient dwellings and buildings. To ensure dwellings achieve adequate thermal efficiency. 	Complies The application was accompanied by an ESD report which identifies a range of ESD measures to ensure a sustainable built form including: <ul style="list-style-type: none"> Capable of achieving a 7 stars of NatHERs rating ensuring good building energy efficiency. A 19kW solar PV system which minimises reliance on fossil fuels. Water efficient fixtures. High performance glazing systems. Future provision for EV charging. Collectively, this will ensure that apartments have a maximum cooling load of approximately 22MJ/m ² which falls below the maximum cooling load for the climate zone 60 (Tullamarine).																	
Standard B5-7 <ul style="list-style-type: none"> Dwellings in or forming part of an apartment development located in a climate zone identified Table B5-7 do not exceed the maximum NatHERs annual cooling load. <table border="1" data-bbox="135 1025 837 1758"> <thead> <tr> <th>NatHERS climate zone</th> <th>NatHERS maximum cooling load MJ/M² per annum</th> </tr> </thead> <tbody> <tr> <td>Climate zone 21 Melbourne</td> <td>30</td> </tr> <tr> <td>Climate zone 22 East Sale</td> <td>22</td> </tr> <tr> <td>Climate zone 27 Mildura</td> <td>69</td> </tr> <tr> <td>Climate zone 60 Tullamarine</td> <td>22</td> </tr> <tr> <td>Climate zone 62 Moorabbin</td> <td>21</td> </tr> <tr> <td>Climate zone 63 Warrnambool</td> <td>21</td> </tr> <tr> <td>Climate zone 64 Cape Otway</td> <td>19</td> </tr> <tr> <td>Climate zone 66 Ballarat</td> <td>23</td> </tr> </tbody> </table>		NatHERS climate zone	NatHERS maximum cooling load MJ/M ² per annum	Climate zone 21 Melbourne	30	Climate zone 22 East Sale	22	Climate zone 27 Mildura	69	Climate zone 60 Tullamarine	22	Climate zone 62 Moorabbin	21	Climate zone 63 Warrnambool	21	Climate zone 64 Cape Otway	19	Climate zone 66 Ballarat
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Note: <ul style="list-style-type: none"> Refer to NatHERs zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy). 																		