

# Rescode Clause 55

Neighbourhood and Site Description and ~~Design response~~

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Advertised Plan Sheet: 1 of 26  
Application No: MPS/2025/234  
Date: 9/07/2025

## Clause 55 ResCode Town Planning Report

Proposal of two residential dwellings on a lot at

### 44 Austin Crescent, Pascoe Vale



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## ResCode Clause 55.01-1 Neighbourhood and site description

Scale Neighbourhood site description plan (1:300)

Written site analysis report

Locality map and report

Merri-Bek City Council Planning Scheme-Local Provision maps

## ResCode Clause 55.01- Design Response to the neighbourhood and site description

Written Design response

## ResCode Clause 55 Assessment Summary Table

Development Summary

Rescode Clause 55 (Two or more dwelling on a lot and residential buildings) Checklist

## Design Response to the objectives and standards of Clause 55 of the Merri-Bek City Council Planning

Written report

In relation to the neighbourhood (refer neighbourhood and site description [Advertisement Document](#))

***The pattern of development of the neighbourhood:***

- Predominantly 1960s to 1980s dwellings and recent developments.
- Generally brick dwellings in a range of brown and orange tones.
- Predominantly concrete roof tiles roofing of various colours.
- Subdivision pattern site sizes are generally 500 - 900 sqm. Frontages are generally 13 - 22m.
- Subdivision pattern provides varying size, shape and orientation of sites in the direct area.
- Land topography has a fall of approximately 210 - 260mm from the rear down to the front.
- Front gardens are generally low level with lawn and shrubs/trees.
- Dwelling heights are a combination of single and double storey dwellings.
- Street tree plantings are irregular. Street trees are predominantly medium to large size natives.
- Kerb and channel are standard concrete square profile. Concrete 1.2m wide footpaths are provided both sides of the street. Formal 2.2m nature strips are provided both sides of the street.
- Vehicle Side driveways are provided with carports and garages present, adjacent to access/storage the dwelling.
- Properties in the immediate and surrounding area are residential.

***The built form, scale and character of surrounding development including front fencing:***

- The predominant dwelling style is a combination of single and double storey detached dwellings.
- Unit developments in the immediate area are a combination of detached and attached single and double storey dwellings.
- Predominantly 1960s to 1980s dwellings and recent developments.
- Generally, brick dwellings.
- Front boundary fences when present are variations of brick and metal construction.

***Architectural and roof styles:***

- Predominantly roofing is concrete tiles of various colours.
- Combination of gable and hip roof forms.

***Any other notable features or characteristics of the neighbourhood:***

- Front setbacks of dwellings along Austin Crescent are varied ranging from 7.5m to 12.0m.
- Front gardens of adjoining properties are a combination of low maintenance and fully established with lawn cover, and occasionally flower beds and small to medium sized native trees and shrubs.
- Front boundary fences when present are variations of brick and metal construction.
- Front gardens are generally low level with lawn and shrubs becoming more established with larger trees to rear yards.

In relation to the site (refer neighbourhood and site description plan)

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***Site shape, size, orientation and easements:***

- The site is rectangular in shape with a frontage width of approximately 15.24m along Austin Crescent.
- Allotment area is 974 sqm.
- This is a vacant site.
- The site has a single existing crossover, located within the South-West corner of the site.

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***Levels of the site and the difference in levels between the site and surrounding properties:***

- Land topography has a fall of approximately 4.5m from the front to rear.
- There are minimal height variations along the street frontage and to adjacent lots.

***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:***

- This is a vacant site.
- A double storey rendered brick dwelling with tiled roof occupies the neighbouring property to the North with a front setback of 8.9m from Austin Crescent.
- A single storey rendered brick dwelling with tiled roof occupies the neighbouring property to the South with a front setback of 10.5m from Austin Crescent.

***The use of surrounding buildings:***

- Properties in the immediate and surrounding area are residential.

***The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9m:***

- Private open space of the property to the north is located in the rear yard facing East.
- Private open space of the property to the south is located in the rear yard facing East.

***Solar access to the site and to surrounding properties:***

- Dwellings on surrounding properties are setback from boundaries to allow for adequate solar access.

***Location of significant trees existing on the site and any significant trees to be removed from the site 12 months prior to the application being made, where known:***

- There are no mature significant trees that have been removed from the site within the last 12 months.
- There are no significant trees on site. Refer site plan.

***Any contaminated soils and filled areas, where known:***

- There are no contaminated soils or fill on the site.

***Views to and from the site:***

- Views to the site from the street are unclear.
- Views from the site are of trees and the street which provides casual surveillance of the street.

***Street frontage features such as poles, street trees and kerb crossovers:***

- There is one tree within the nature strip directly outside the site.
- The site has direct access to Austin Crescent with a concrete crossover in the south west corner of the site.

*The location of local shops, public transport services and public open spaces within walking distance:*

- Refer locality map and report.

*Any other notable features or characteristics of the site:*

- N/A.

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# Locality Map and Report

## PLANNING ENVIRONMENT ACT 1987 MERRI-BEK PLANNING SCHEME



### Local Shops:

- 850m to Woolworths and West Street shopping strip

### Public transport services:

- Access to 542 bus service along North Cumberland Rd 290m away
- 0.65km to Pascoe Vale Train Station

### Public open spaces:

- 0.40km to Gavin Park
- 0.35km to Austin Crescent Playground

### Local schools and colleges:

- 875m to Pascoe Vale Primary School
- 900m to Pascoe Vale Girls Secondary College

Town Planning Report for two dwellings on a lot at  
44 Austin Crescent, Pascoe Vale

Date: 17<sup>th</sup> April, 2025

**Merri-Bek City Council Planning Scheme- Local Provision**

The subject site is situated within a General Residential Zone (R1Z) of the Reformed Residential Zone adopted in March 27, 2017.

**Development Summary**

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**Proposed Dwelling 1:**

Number of bedrooms:	4
Ground floor area:	252 sqm
Garage:	26 sqm
Alfresco:	NIL
Secluded private open space > 3.0m:	111 sqm
On site car parking spaces:	2

**Proposed Dwelling 2:**

Number of bedrooms:	4
Ground floor area:	246 sqm
Garage:	25 sqm
Alfresco:	NIL
Secluded private open space > 3.0m:	112 sqm
On site car parking spaces:	2

**Proposed Development:**

Site Area:	974 sqm approximately
Building Site Coverage:	57.0% approximately
Permeability:	37.0%
Garden area:	37.0%

## ResCode Clause 55 Assessment Summary Table

Rescode Clause 55 Checklist (Two or more dwelling on a lot and residential buildings)

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ResCode Objectives and Standards	Objectives (Complies)	Standards (Complies)	Comments Advertised Plan Sheet: 8 of 26 Application No: MPS/2025/234 Date : 9/07/2025
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### 55.02 NEIGHBOURHOOD CHARACTER

Standard B2-1 - Street setback	Yes	Yes	Complies; 6m front setback proposed
Standard B2-2 - Building height	Yes	Yes	Complies; Max building height is 6.2m
Standard B2-3 - Side and rear setbacks	Yes	Yes	Complies; the proposal sits within minimum setback dimensions
Standard B2-4 - Walls on boundaries	Yes	Yes	Complies; Max allowable wall on boundary length is 23.25m. The proposal has a total of 6.89m of wall on boundary just for Dwelling 1
Standard B2-5 - Site coverage	Yes	Yes	Complies; Site coverage is 57%, which is within the allowable coverage area.
Standard B2-6 - Access	Yes	N/A	Complies; Width of accessways are less than 40% of street frontage, and there is no effect to existing trees on site or within nature strip NB: No existing trees on site
Standard B2-7 - Tree canopy	Yes	Yes	Complies; Proposal takes into account space to allow for substantial and compliant landscaping
Standard B2-8 - Front fences	Yes	Yes	Complies; 900mm high metal slat fence proposed less

### 55.03 LIVEABILITY

Standard B3-1 - Dwelling diversity	Yes	Yes	Complies; Both single storey dwellings contain all required amenities at ground floor level
Standard B3-2 - Parking location	Yes	Yes	Complies; Both dwellings have garages and tandem car spaces immediately adjacent to site frontage and away from habitable rooms.
Standard B3-3 - Street integration	Yes	Yes	Complies; Both dwellings have direct interface with the site frontage and Austin Crescent. This ensure street integration and supports passive surveillance of Austin Crescent.
Standard B3-4 - Entry	Yes	Yes	Complies; Both dwelling entry zones have their own clear sense of identity, provide natural light, ventilation and weather protection. The dwelling entry zones have direct interface with the site frontage and Austin Crescent, which allows a direct line of sight and access.
Standard B3-5 - Private open space	Yes	Yes	Complies; Both dwellings have an allowance of minimum 25m <sup>2</sup> of SPOS with a minimum dimension of 3m and direct access from a living, dining or kitchen area
Standard B3-6 - Solar access to open space	Yes	Yes	Complies; Site setbacks, building heights and shadow diagrams demonstrate compliance
Standard B3-7 - Functional layout	Yes	Yes	Complies; All bedroom sizes ensure minimum requirements are satisfied
Standard B3-8 - Room depth	Yes	Yes	Complies; Room sizes ensures compliant daylight to single aspect rooms

ResCode Objectives and Standards	Objectives (Complies)	Standards (Complies)	Comments
Standard B3-9 - Daylight to new windows	Yes	Yes	Complies; Daylight allowance to new windows is satisfied via minimum compliant setbacks.
Standard B3-10 - Natural ventilation	Yes	Yes	Complies; Minimum breeze path allowances and ventilation openings across rooms are provided.
Standard B3-11 - Storage	Yes	Yes	Complies; Min. 18m <sup>3</sup> of storage provided to each dwelling. Minimum 6m <sup>3</sup> of storage provided outside of the main dwelling area for both dwellings.
Standard B3-12 - Accessibility for apartment developments objective	N/A	N/A	N/A
<b>55.04 EXTERNAL AMENITY</b>			
Standard B4-1 - Daylight to existing windows	Yes	Yes	Complies; Daylight allowance to existing windows is satisfied via minimum compliant setbacks to the proposed development.
Standard B4-2 Existing north-facing windows	Yes	Yes	Complies, Daylight allowance to existing north-facing habitable windows is satisfied via minimum compliant setbacks to the proposed development.
Standard B4-3 - Overshadowing secluded open space objective	Yes	Yes	Complies; The proposal ensures there is no significant overshadowing to the existing SPOS areas.
Standard B4-4 Overlooking	Yes	Yes	Complies; The siting and interfaces of the proposal ensure that views into existing SPOS areas and habitable windows are protected from overlooking and are compliant.
Standard B4-5 Internal views	Yes	Yes	Complies; The siting and interfaces of the proposal ensure that internal views into SPOS areas and habitable windows within the development are protected and compliant.
<b>55.05 SUSTAINABILITY</b>			
Standard B5-1 Permeability and stormwater management	Yes	Yes	Complies; The development ensure compliant permeability figures and best stormwater management practices.
Standard B5-2 Overshadowing domestic solar energy systems	Yes	Yes	Complies; No overshadowing to adjoining roof areas. No existing domestic solar energy systems on adjoining dwellings.
Standard B5-3 Rooftop solar energy generation area	Yes	Yes	Complies; Minimum roof area allowance of 34m <sup>2</sup> is available to both dwellings. 4 bedroom dwelling requires minimum 34m <sup>2</sup> orientated to the north, east, west.
Standard B5-4 Solar protection to new north-facing windows	Yes	Yes	Complies; Minimum shading elements provided to habitable room glazing as required with the standard
Standard B5-5 Waste and recycling	Yes	Yes	Complies; Individual bin storage area of 1.8m <sup>2</sup> provided for each dwelling
Standard B5-6 Noise impacts	Yes	Yes	Complies; No such mechanical equipment are present within the development
Standard B5-7 Energy efficiency for apartment developments	N/A	N/A	N/A

## 55.02 NEIGHBOURHOOD CHARACTER

### Standard B2-1: Street Setback

*The setback of buildings from the street defines the spatial relationship between buildings and the street and is a key determinant of neighbourhood character by contributing to the overall aesthetic, pedestrian experience, and sense of openness in the street.*

Objective: To ensure that the setbacks of buildings from a street respond to the existing or preferred neighbourhood character and make efficient use of the site

*Importantly, the street setbacks provide space for the planting and growth of canopy trees. This standard relates the front setback to neighbouring setbacks, so all new buildings respond to the street's character and make efficient use of the site. Importantly, the street setbacks provide space for the planting and growth of canopy trees. This standard relates the front setback to neighbouring setbacks, so all new buildings respond to the street's character and make efficient use of the site*

- There is existing building/s on either side of the abutting allotment facing the same street.
- Dwelling on the south is a single storey render dwelling with front setback of 10.5 meters
- Dwelling to the north is a double storey render dwelling with front setback of 8.9 meters
- 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

Comments: Complies; 6m front setback proposed

### Standard B2-2: Building Height

*Building height is an important aspect of both character and amenity in residential areas. The standard protects the amenity of properties near new development and ensures that excessive building height does not diminish the character of neighbourhoods.*

Objective: To ensure that the height of buildings respond to the existing or preferred neighbourhood character.

*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*

- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Comments: Complies; Max building height is 6.2m as we don't exceed 9m which is permitted as per the clause.

### **Standard B2-3: Side & Rear Setbacks**

*This standard ensures adequate separation between dwellings and small second dwellings on adjacent lots, particularly above ground floor level. Adequate setbacks ensure privacy, sufficient daylight, and enhanced amenity*

**Objective:** To ensure that the height and setback of a building from a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.

- A new building not on or within 200mm of a boundary is set back from side or rear boundaries in accordance with either B2-3.1 or B2-3.2.
- 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:
- B2-3.1: The building is set back 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.
- B2-3.2: If the boundary is not to the south of the building, the building is set back at least 3 metres up to a height not exceeding 11 metres and at least 4.5 metres for a height over 11 metres.
- If the boundary is to the south of the building, the building is set back 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.
- Sunblinds, verandahs, porches, eaves, facias, 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 side and rear setbacks.

Comments: Complies, the proposal sits within minimum setback dimensions

### **Standard B2-4: Walls on Boundary**

*This standard limits the height and length of walls on lot boundaries, to reduce the amenity impact of housing on neighbouring properties. The length and height of walls on lot boundaries also impacts neighbourhood character*

**To ensure that the location, length and height of a wall on a boundary responds to the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings** A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- The length of existing or simultaneously constructed walls or carports abutting the boundary on abutting lot

Comments: Complies, Max allowable wall on boundary length is 23.25m on either side both North & South Boundary.

The permissible length is 23.25m of wall on boundary.

Dwelling 1 – 6.89m;

## **Standard B2-5: Site Coverage**

*The standard limits the proportion of any lot that can be built on, to provide outdoor space for residents and to protect the amenity and character of neighbourhoods*

Objective: To ensure that the site coverage responds to the existing or preferred neighbourhood character and responds to the features of the site

The site area covered by buildings dose not exceed:

- The maximum site coverage specified in a schedule to the zone
- If no maximum site coverage in a schedule to the zone, the percentage specified in Table B2-5

Table B2-5 Site Coverage

Zone	Area
Neighbourhood residential zone	60%
Township Zone	
General Residential Zone	65%
Residential Growth Zone	70%
Mixed Use Zone	
Housing Choice & Transport Zone	

Comments: Complies as we cover 57.0% & permitted is 60%

## **Standard B2-6: Access**

*This standard regulates the width of accessways for vehicles entering and exiting a site to protect trees, allow for landscaping, enhance pedestrian safety and minimise the loss of on-street parking*

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

The width of the 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%

Comments: Complies; Width of accessways are less than 40% of street frontage, and there is no effect to existing trees on site or within nature strip

NB: No existing trees on site & proposed cross over located at a comfortable distance from the Street Tree.

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### Standard B2-7: Tree Canopy

This standard encourages canopy cover in residential areas to enhance quality of life. Tree canopies provide shade, reduce the urban heat island effect, and improve the streetscape by creating an attractive environment that complements neighbourhood character

Objective: To provide tree canopy that responds to the neighbourhood character of the area and reduces the visual impact of buildings on 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*

Table B2-7.1 Canopy Cover

Site Area	Canopy Cover
1000m <sup>2</sup>	10% of site area
More than 1000m <sup>2</sup>	20% of site area

Existing trees to be retained meet all of the following:

- Has a height of at least 5 metres,
- 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

Table B2-7.2

Tree Type	Min. Canopy dia. At Maturity	Min. height at Maturity	Min. Mature Canopy Cover	Tree in deep soil Area of deep soil	Tree in Planter Volume of Planter	Min. depth of planter soil
A	4m	6m	12.6m <sup>2</sup>	12m <sup>2</sup> (Min. plan dimension 2.5m)	12m <sup>3</sup> (Min. plan dimension 2.5m)	0.8m
B	8m	8m	50.3m <sup>2</sup>	49m <sup>2</sup> (Min. plan dimension 4.5m)	28m <sup>3</sup> (Min. plan dimension 4.5m)	1m
C	12m	12m	113.1m <sup>2</sup>	121m <sup>2</sup> (Min. plan dimension 6.5m)	64m <sup>3</sup> (Min. plan dimension 6.5m)	1.5m

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.

Comments: Complies; Proposal takes into account space to allow for substantial and compliant landscaping

### **Standard B2-8: Front Fence**

*This standard provides for front fences to be lower than other fences, so that houses and vegetation can be seen from the street and contribute to the streetscape*

Objective: To encourage front fence design that responds to the existing or preferred neighbourhood character

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

Table B2-8 Maximum Front Fence

Street Context	Max. Front Fence Height
Streets in a Transport Zone 2	2m
Other Streets	1.5m

Comments: Proposal has 0.9m high Metal slate fence which is compliant as below & is lower than that allowed as per the standard.

## 55.03 LIVEABILITY

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### Standard B3-1: Dwelling Diversity

*This standard promotes a variety of dwelling sizes and types to accommodate the diverse needs of households. The standard promotes inclusivity by providing housing choices for individuals and families at different stages of life to create a vibrant, mixed community*

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Objective: To encourage a range of dwelling sizes and types in developments of ten or more dwellings

Developments include at least:

- One dwelling that contains a kitchen, bath or shower, bedroom and a toilet and wash basin at ground 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

Comments: Complies; Both single storey dwellings contain all required amenities at ground floor level

### Standard B3-2: Parking Location

*This standard seeks to reduce the impact of vehicular noise and overall amenity impact on residents within developments*

Objective: To minimise the impact of vehicular noise within developments on residents

Habitable room windows with sill heights of less than 3 metres above ground level are setback from accessways and car parks by at least:

- 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.

Comments: Complies; Both dwellings have garages and tandem car spaces immediately adjacent to site frontage and away from habitable rooms.

### Standard B3-3: Street integration

*This standard promotes innovative, high-quality design outcomes that enhance safety and the amenity of residents. The standard encourages passive surveillance and external lighting, while ensuring that site services do not dominate the development's frontage*

Objective: To integrate the layout of development with the street to support the safety and amenity of residents

Where a development fronts a street, a vehicle accessway or abuts public open space:

- Passive surveillance is provided by a direct view from a balcony or a habitable room window 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% 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% transparency
- Lighting is provided to all external accessways and paths
- Mailboxes are provided for each dwelling and can be communally located

Comments: Complies; Both dwellings have direct interface with the site frontage and Austin Crescent.

This ensure street integration and supports passive surveillance of Austin Crescent.

**Standard B3-4: Entry**

*This standard ensures each dwelling's entrance is identifiable, sheltered and provides a sense of address and a transitional space around the entry for accessibility and usability.*

Objective: 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.

Each Dwelling and each residential building has a ground level entry door that:

- 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 least 1.2 metres over the entry door

An apartment development and each residential building has:

- 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 least 1.2 metres over the entry door to the building.
- Shared corridors and common areas have at least one source of natural light and natural ventilation.

Comments: Complies, as both dwellings face Austin Crescent which allows for Passive Surveillance which will help the neighbourhood

**Standard B3-5: Private Open Space**

*This standard ensures that all residents of new dwellings have usable and adequate private open space accessible from living areas. Private open space offers residents an exclusive area for relaxation and recreation, enhancing the overall functionality and liveability of a dwelling and contributes to the character of residential areas*

Objective: To provide adequate private open space for the reasonable recreation and service needs of residents

A dwelling or residential building has private open space of an area and dimensions specified in a schedule to the zone:

- An area of 25 square metres of secluded private open space, with a minimum dimension of 3 metres width; or
- A balcony with at least the area and dimensions specified in Table B3-5; 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;

- The area and dimensions specified in the schedule must be 25 square metres or less; and
- The area and dimensions 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

Table B3-5 Private Open Space for a Balcony

Orientation of Dwelling	Dwelling Type	Min. Area	Min. Dimension
North (between north 20	All	8m <sup>2</sup>	1.7m

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degrees west to north 30 degrees east)			
South (between south 30 degrees west to south 20 degrees east)	All	8m <sup>2</sup>	1.2m
Any other orientation	Studio or 1 bedroom dwelling	8m <sup>2</sup>	1.8m
	2 bedroom dwelling	8m <sup>2</sup>	2m
	3 bedroom dwellings	12m <sup>2</sup>	2.4m

Comments: Complies; Both dwellings have an allowance of minimum 25m<sup>2</sup> of SPOS with a minimum dimension of 3m and direct access from a living, dining or kitchen area.

Dwelling1: 111m<sup>2</sup> & Dwelling 2 : 112m<sup>2</sup>

### **Standard B3-6: Solar Access to Open Spaces**

*This standard is a key amenity requirement that ensures all secluded private open spaces receive adequate sunlight, enhancing their usability throughout the day. Solar access improves overall amenity and supports healthy outdoor living environments*

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

Comments: Complies; Site setbacks, building heights and shadow diagrams demonstrate compliance

### **Standard B3-7: Functional Layout**

*This standard promotes adaptable layouts that accommodate future household changes, ensuring the longevity of the housing stock. A diverse range of housing types is essential to meet the long-term needs of the community, catering to people of various ages, backgrounds, and requirements.*

Objective: To ensure dwellings provide functional areas that meet the needs of residents

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.

Table B3-7.1 Bedroom Dimensions

Bedroom Type	Min. Width	Min. Depth
Main Bedroom	3m	3.4m
All other Bedrooms	3m	3m

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

Table B3-7.2 Living Area Dimension

Dwelling type	Min. Width	Min. Depth
Studio and 1 bedroom dwelling	3.3m	10m <sup>2</sup>
2 or more-bedroom dwelling	3.6m	12m <sup>2</sup>

Comments: Complies; All bedroom sizes ensure minimum requirements are satisfied

### **Standard B3-8: Room Depth**

*This standard emphasises the importance of adequate quality of daylight into single aspect habitable rooms, based on room depth and height. Quality daylight minimises the need for artificial lighting, enhancing energy efficiency and creating a more comfortable living environment*

Objective: To allow adequate daylight into single aspect habitable rooms

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.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:

- 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

Comments: Complies; Room sizes ensures compliant daylight to single aspect rooms

### **Standard B3-9: Daylight to New Windows**

*This standard is a fundamental amenity standard that ensures that all new windows of habitable rooms receive adequate daylight. Quality daylight minimises the need for artificial lighting, enhancing energy efficiency and creating a more comfortable living environment*

Objective: To allow adequate daylight into new habitable room windows

*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:

- An outdoor space clear to the sky or a light court with a minimum area of 3m<sup>2</sup> and minimum dimension of 1m 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

Dwelling in or forming part of an apartment development

*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:

- 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

Comments: Complies; Daylight allowance to new windows is satisfied via minimum compliant setbacks.

### **Standard B3-10: Natural Ventilation**

*This standard ensures occupants can effectively manage the natural ventilation of their dwellings to improve air quality, reduce the build-up of indoor pollutants and regulate indoor temperatures*

Objective: To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.

Dwellings have openable windows, doors or other ventilation devices in external walls of the building that provide:

- 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 size
- The breeze path is measured between the ventilation openings on different orientations of the dwelling

Comments: Complies; Minimum breeze path allowances and ventilation openings across rooms are provided.

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### **Standard B3-11: Storage**

*This standard ensures that dwellings provide adequate, usable, and functional storage space. Adequate storage promotes efficient use of space and contributes to overall comfort and convenience.*

Objective: To provide adequate storage facilities for each dwelling

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

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Table B3-11 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8m <sup>3</sup>	5m <sup>3</sup>
1 bedroom dwelling	10m <sup>3</sup>	6m <sup>3</sup>
2 bedroom dwelling	14m <sup>3</sup>	9m <sup>3</sup>
3 or more bedroom dwelling	18m <sup>3</sup>	12m <sup>3</sup>

Comments: Complies; Min. 18m<sup>3</sup> of storage provided to each dwelling. Minimum 6m<sup>3</sup> of storage provided outside of the main dwelling area for both dwellings.

**Standard B3-12: Accessibility for apartment developments objective**

*This standard ensures the design of dwellings meets the needs of people with limited mobility, families with young children and older people to live comfortably and navigate dwellings easily and safely.*

Objective: To ensure the design of dwellings meets the needs of people with limited mobility

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 one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B3-12

Table B3-12 Bathroom Design

	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"> <li>– A slide door, or</li> <li>– A door that opens outwards, or</li> <li>– A door that opens inwards that is clear of the circulation area and has readily removable hinges.</li> </ul>	Either: <ul style="list-style-type: none"> <li>– A slide door, or</li> <li>– A door that opens outwards, or</li> <li>– A door that opens inwards and has readily removable hinges.</li> </ul>
Circulation area	A clear circulation area that is: <ul style="list-style-type: none"> <li>– A minimum area of 1.2 metres by 1.2 metres.</li> <li>– Located in front of the shower and the toilet.</li> <li>– Clear of the toilet, basin and the door swing.</li> <li>– The circulation area for the toilet and shower can overlap</li> </ul>	A clear circulation area that is: <ul style="list-style-type: none"> <li>– A minimum width of 1 metre.</li> <li>– The full length of the bathroom and a minimum length of 2.7 metres.</li> <li>– Clear of the toilet and basin.</li> <li>– The circulation area can include a shower area.</li> </ul>
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.

Comments: Not Applicable to this application.

## 55.04 EXTERNAL AMENITY

PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME

### Standard B4-1: Daylight to existing windows

*This standard ensures that all new dwellings provide adequate daylight to existing windows. Maximising daylight is important for energy efficiency and comfort of indoor spaces.*

Objective: To allow adequate daylight into existing habitable room windows

*Buildings opposite an existing habitable room window 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.*

*Walls or carports more than 3 metres in height opposite an existing habitable room window are 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. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.*

Comments: Complies; Daylight allowance to existing windows is satisfied via minimum compliant setbacks to the proposed development.

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### Standard B4-2: Existing north-facing windows

*This standard protects the energy efficiency of existing dwellings or small second dwellings which use north facing windows for passive solar heating*

Objective: To allow adequate solar access to existing north-facing habitable room windows

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:

- A new building is to be set back from the boundary by at least 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 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 oriented from north 20 degrees west to north 30 degrees east

Comments: Complies, Daylight allowance to existing north-facing habitable windows is satisfied via minimum compliant setbacks to the proposed development.

### Standard B4-3: Overshadowing secluded open space objective

*This standard protects existing secluded private open space from overshadowing from new developments. Secluded private open space areas should receive adequate natural light for the comfort of residents and to promote the use of the space.*

Objective: To ensure buildings do not significantly overshadow existing secluded private open space.

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 a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling or small second dwelling is less than the requirements of this standard, the amount of sunlight will not be further reduced.

Comments: Complies; The proposal ensures there is no significant overshadowing to the existing SPOS areas

### **Standard B4-4: Overlooking**

*This standard protects existing windows and private open spaces from overlooking, ensuring privacy, security, and the overall amenity of a space for the well-being and usability of its occupants*

Objective: To limit views into existing secluded private open space and habitable room windows

A habitable room window, balcony, podium, terrace, deck or patio is located and designed to avoid direct views into the secluded private open space of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views are 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 that is located with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio:

- Is 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; or
- Has permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent; or
- 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:

- 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

Comments: Complies; The siting and interfaces of the proposal ensure that views into existing SPOS areas and habitable windows are protected from overlooking and are compliant.

### **Standard B4-5: Internal Views**

*This standard limits views into the secluded private open spaces and habitable room windows of dwellings and residential buildings within a development to ensure privacy*

Objective: To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development

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:

- 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 metre above floor level; or
- Has permanently fixed external screens 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 measured 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

Comments: Complies; The siting and interfaces of the proposal ensure that internal views into SPOS areas and habitable windows within the development are protected and compliant.

## 55.05 SUSTAINABILITY

### **Standard B5-1: Permeability and stormwater management**

*This standard limits the amount of hard surfaces that can surround a new development and requires stormwater management that maximises the retention and reuse of stormwater. These measures help to make best use of all water sources, reduce pollution of waterways, minimise the contribution of stormwater runoff to localised flooding and support cooling and greening of urban environment in the face of a changing climate.*

Objective:

- To reduce the impact of increased stormwater run-off on the drainage system and downstream waterways.
- To facilitate on-site stormwater infiltration.
- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To contribute to urban cooling.

The site area covered by the pervious surfaces is at least 20 percent of the site.

The development includes a stormwater management system designed to:

- Meet the best practice quantitative performance objectives for stormwater quality specified in the Urban stormwater management guidance (EPA Publication 1739.1, 2021) of:
  - Suspended solids 80% reduction in mean annual load.
  - Total phosphorus and Total Nitrogen 45% reduction in mean annual load.
  - Litter 70% reduction of mean annual load.

Note:

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.

- 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.

Comments: Complies; The development ensure compliant permeability figures and best stormwater management practices.

### **Standard B5-2: Overshadowing domestic solar energy systems**

*This standard ensures that reasonable solar access is provided to existing domestic solar energy systems on the roofs of buildings*

Objective: 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

*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 metre 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*

Comments: Complies; No overshadowing to adjoining roof areas. No existing domestic solar energy systems on adjoining dwellings.

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**Standard B5-3: Rooftop solar energy generation area**

*This standard supports the future installation of appropriately sited rooftop solar energy systems for a dwelling. Rooftop solar panels allow occupants to generate their own electricity, reducing dependence on external energy providers and decrease greenhouse gas emissions, reduce air pollution, and help combat climate change.*

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

Table B5-3 Minimum rooftop solar energy generation area

Number of bedrooms	Minimum roof area
1 bedroom dwelling	15m <sup>2</sup>
2 or 3 bedroom dwelling	26m <sup>2</sup>
4 or more bedroom dwelling	34m <sup>2</sup>

Comments: Complies; Minimum roof area allowance of 34m<sup>2</sup> is available to both dwellings.

4 bedroom dwelling requires minimum 34m<sup>2</sup> orientated to the north, east, west.

**Standard B5-4: Solar protection to new north-facing windows**

*This standard ensures that north facing windows are designed to optimise solar access and thermal comfort*

Objective: To encourage external shading of north facing windows to minimise summer heat gain

*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.*

Comments: Complies; Minimum shading elements provided to habitable room glazing as required with the standard

**Standard B5-5: Waste and recycling**

*This standard ensures that waste and recycling facilities are accessible and are of sufficient size to manage organic and general waste, and mixed and glass recycling. It ensures that dwellings facilitate waste recycling effectively. Good waste management promotes recycling, protects the environment and addresses health and safety risks. Developments with good waste management facilities minimise the impacts of waste on the health and wellbeing of occupants and the amenity of the public realm*

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Objective:

- 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.

Comments: Complies; Individual bin storage area of 1.8m<sup>2</sup> provided for each dwelling

Table B5-5.1 Bin storage

Type of bin storage area	Minimum area	Minimum depth	Minimum height
Individual bin storage area for a dwelling.	1.8m <sup>2</sup>	0.8m	1.8m
Shared bin storage area for 3 dwellings or less.	5.4m <sup>2</sup>	0.8m	1.8m
Shared bin storage area for 4 or more dwellings.	1m <sup>2</sup> per dwelling + 4m <sup>2</sup>	0.8m	1.8m

**Standard B5-6: Noise impacts**

*This standard minimises the impact of mechanical plant noise located within the development by ensuring the shared mechanical plant is appropriately located. Reducing internal and external noise impacts is important to occupant wellbeing and amenity*

Objective: To minimise the impact of mechanical plant noise located in the development

*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.*

Comments: Complies; No such mechanical equipment are present within the development

**Standard B5-7: Energy efficiency for apartment developments**

This standard complements the energy efficiency provision of the National Construction Code to support energy efficiency and thermal comfort of new apartments. Dwellings that are energy efficient through passive design provide good thermal comfort and reduce energy costs. With the ongoing effects of climate change, ensuring the thermal performance of apartments over summer will become increasingly important. Reducing energy costs is important for housing affordability.

Objective:

- To achieve energy efficient dwellings and buildings.
- To ensure dwellings achieve adequate thermal efficiency.

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Table B5-7 Cooling Load

NatHERS climate zone	NatHERS maximum cooling load MJ/M2 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	23

Comments: Not Applicable to this application.

**CONCLUSION**

The proposed development of two dwellings sited on a rectangular site meets the objectives and standards of Clause 55 of the Merri-Bek City Council Planning Scheme.