

Multi-Unit Public Notice Information Sheet



What is the purpose of this information sheet?

You have received notice, pursuant to Section 52 of the *Planning and Environment Act 1987*, that a nearby property is seeking planning permission to develop townhouses or a low-rise (up to three stories) apartment building.

The purpose of this information sheet is to outline;

- how you can participate in the planning process
- what matters Council can take into account
- what matters Council cannot take into account; and
- what review/appeal rights you may have once a decision is made.

What has changed?

In October 2023 the Victoria State Government released its *Housing Statement, The Decade Ahead 2024-2034*.

The Housing Statement committed to delivering housing and planning reforms to make it easier for builders, buyers and renovators to get planning permits.

In March 2025 Amendment VC267 was approved by the Minister for Planning to introduce a new code with a 'deemed to comply' assessment pathway to support faster decisions for townhouses and apartment buildings (up to three storeys) at Clause 55 of all local planning schemes.

What does deemed to comply mean?

Prior to March 2025 Council Planners would make an assessment of a planning application against the provisions of the Maribyrnong Planning Scheme, including how the development complied with Neighbourhood Character principles.

Deemed to comply changes the way Council must assess an application, with a range of numerical standards replacing the qualitative assessment which was previously undertaken.

If a development meets the numerical standards Council is unable to refuse the application.

Can I still object to an application?

Yes. Anyone who feels they may be affected by a development proposal can object.

Your objection must be based on planning grounds. Council is unable to consider objections which relate to things such as noise from future residents, potential changes in property value, construction impacts or asbestos removal (or similar).

What are the deemed to comply Standards?

The below are the deemed to comply standards, meaning that if a development complies Council is unable to refuse an application and you are unable to appeal the decision.

- 55.02-1 Street Setback
- 55.02-2 Building Height
- 55.02-3 Side and Rear Setbacks
- 55.02-4 Walls on Boundaries
- 55.02-5 Site Coverage
- 55.02-6 Access (Driveways)
- 55.02-7 Tree Canopy
- 55.02-8 Front Fence
- 55.04-1 Daylight to existing windows
- 55.04-2 Existing north-facing windows
- 55.04-3 Overshadowing secluded open space
- 55.04-4 Overlooking
- 55.05-2 Overshadowing solar energy systems

What if a Standard is not met?

If the standard is not met, council will assess the alternative design solution against any relevant neighbourhood character objective, policy or statement set out in the scheme.

If Council determines that the alternative design is acceptable, but you disagree, you may be able to appeal the decision to VCAT.

What are the rules around overshadowing?

A new development must not overshadow an area of secluded private open space (i.e. a backyard) by more than 50%, or 25 square metres (whichever is the lesser) between 9 am and 3 pm on the Spring Equinox (22 September).

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If at least 25 square metres of your backyard remains in sunlight between 9 am and 3 pm on the Spring Equinox Council is unable to request changes to increase sunlight.

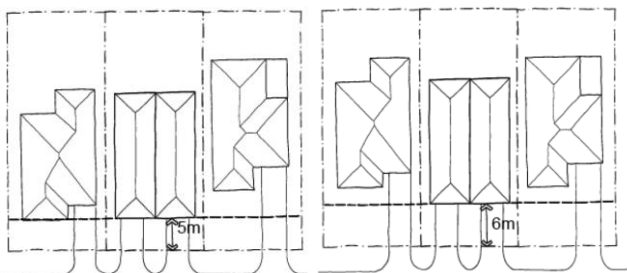
In terms of overshadowing of solar panels, the new building on an adjoining lot must be set back from the common boundary by at least 1 metre at 3.6 metres above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Provided this setback is achieved then Council is unable to further consider impacts on solar panels.

What are the front setback requirements for new developments?

A new development must be setback the lesser of the two buildings on either side or 6m, whichever is the lesser.

As an example, if the house on the left is setback 5m, and the house on the right side is setback 7m, then the new development must be setback a minimum of 5m.



Source: Victorian Government Townhouse Code

There is a window looking into my backyard, is this allowed?

Prior to March 2025 all habitable room windows (living room, bedroom, kitchen, study and similar) were required to be screened to a height of 1.7m above the floor level of the room where they had a view into an adjoining habitable room window or private open space (i.e. a balcony or backyard) within 9 metres.

VC267 removed the requirement for bedroom windows to be screened. This means that Council is unable to require bedroom windows to be

screened even if there is a view into your backyard.

Other habitable room windows within 9 metres of an adjoining window or backyard still require privacy screening, but only up to 1.7 metres in height and may be up to 25% transparent.

Who considers construction impacts?

Construction impacts, such as noise and dust are regulated by the Environment Protection Authority (EPA) and/or by Council's General Purpose Local Law. These impacts cannot be considered at the planning permit stage.

In terms of protection of adjoining properties, these are matters which will be considered by the Relevant Building Surveyor (not Council) at the time of a building permit.

Can I appeal Council's decision?

Where all the applicable standards are met under the deemed to comply provisions there will be no third party right of appeal (objector appeal) to the Victorian Civil and Administrative Tribunal (VCAT).

If a development does not meet the deemed to comply provisions then you may be able to appeal the decision to VCAT.

Prior to deciding whether to appeal a decision Council recommends that you seek your own independent planning and/or legal advice.

Council is not able to assist you in deciding whether to appeal an application nor can we assist you in preparing your appeal. We can assist you with general information regarding the appeal process.

Need further information?

Should you have questions please contact Council's Urban Planning Department on (03) 9688 0200 during business hours or email; urbanplanning@maribyrnong.vic.gov.au

Should you wish to meet; please email or call to arrange an appointment. Staff will not be available to meet without an appointment.