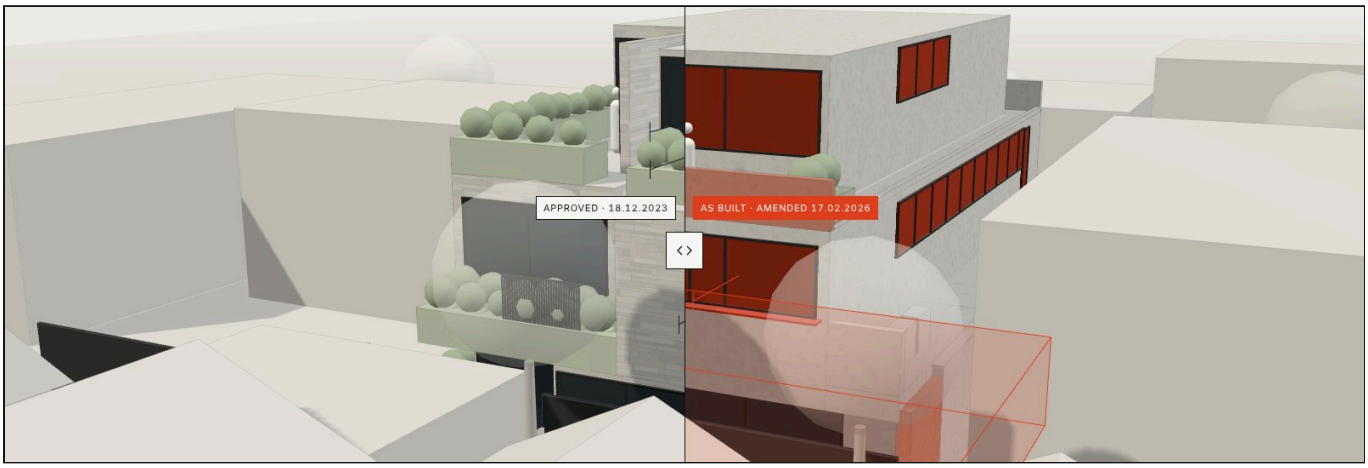
The building does not match its approved plans. None of the changes is approved.

Council endorsed the plans for 7-9 Macfarlan Street on 18 December 2023 (ground floor revised 16 August 2024). The building departs from them on the west, north and south sides, at the front and below ground. The application to approve the changes, 0276/19-3, was lodged on 17 February 2026 and withdrawn on 16 September 2026. Eleven protections drawn on the endorsed plans were not built as approved.



3D model to scale from the endorsed and amended plans. Left: approved (18.12.2023). Right: as built (amended plans, 17.02.2026), additions in red, with the basement outlined below ground. Interactive version on the website.

Eleven planning requirements not built as approved

	REQUIRED BY THE ENDORSED PLANS	AS BUILT	STATUS
R1	Fixed louvre screen to Bedroom 1, 1525 mm high, 23.07% transparent (TP A252). Condition 11: fixed screens before occupation.	No screen. Two-storey glazing and a window strip with a 1.41 m sill and steel angle.	Not built as approved
R2	Raised planter wrapping Bedroom 1, 2.2 to 3.79 m from the west boundary.	Built over by the bedroom and a void.	Not built as approved
R3	Non-trafficable planter at the second floor, 2.725 to 4.275 m off the west boundary, ensuite behind.	Balcony to 2.16 m and a 25 m² home office.	Not built as approved
R4	Views within 9 m into the windows and yards of 12 and 14 Caroline St South screened or blocked by planters.	Balcony, office, first-floor window and two-storey glazing all overlook them.	Not built as approved
R5	Solid first-floor west wall to Bedroom 2, 2.2 m from the boundary.	A 7 m window strip.	Not built as approved
R6	First floor 3.0 m from the north boundary (11A Macfarlan St).	2.35 m, with a raised balustrade.	Not built as approved
R7	Walls on boundaries: north 9.12 m, up to 3.12 m high; south 8.07 m.	About 9.6 m more on the north, up to 3.4 m high; about 3.4 m more on the south.	Not built as approved
R8	Frosted (GL-02) south windows facing 5A Macfarlan St.	A 14 m clear ribbon window and a high clear window.	Changed without approval
R9	Blank second-floor north wall.	Four large windows.	Changed without approval
R10	Grey/beige stone cladding (ST-01).	Off-form concrete throughout.	Changed without approval
R11	Raised garden on the west boundary; garden and 4.9 m² rain garden on the north.	Pool beside the west boundary; walls along the north.	Changed without approval

Who is affected

- **West, 10 to 16 Caroline St South.** A second-floor balcony 2.16 m from the boundary off a home office; a 7 m first-floor window; two storeys of glass at the north end; the bedroom built over the approved planter; no louvre screen; a pool where a garden was approved.
- **North, 11A Macfarlan St.** The first floor 0.65 m closer, four large second-floor windows where the wall was blank, and longer, taller boundary walls.
- **South, 5A Macfarlan St.** A 14 m clear-glass window where two small frosted ones were approved, and longer boundary walls.
- **Street and process.** Concrete for stone; a basement the 2022 amendment removed; changes built without approval and the application to approve them withdrawn.

"No planning permit was needed"

Since Amendment VC243 (22 September 2023), one dwelling on a lot of 300 m² or more needs no permit. This lot is 391 m² (Lot 1 TP395063), and the Housing Choice and Transport Zone applied on 22 July 2026 keeps the same threshold. But the change did not cancel permits already issued. The state planning department's guidance is that an owner who has acted on a permit is likely to remain bound by it and to need an amendment for any change.

The owner acted on this permit after the change: plans lodged for endorsement on 3 November 2023, the time to act extended in November 2023, a secondary consent to amend the endorsed plans lodged in May 2024, building permits in July and October 2024 that reference the planning permit, and an application to amend the permit in February 2026. Departing from a permit is an offence under section 126(1) of the Planning and Environment Act 1987, and since 3 August 2026 a civil penalty provision.

The architect's justification

- FGR's letter of 17 February 2026 says a flat-angled sill "ensures continued compliance with overlooking provisions". The endorsed plans required a fixed louvre screen; the flat angle was never approved and has no construction detail. The same amended drawings use a 1.7 m sill "to prevent overlooking" on the south side; the west sill is 1.41 m.
- For the balcony, "appropriate screening measures will be implemented". The amended overlooking section still says the yard is "screened by planter" and is titled "Ensuite overlooking", though the amended design has neither.
- The letter does not mention the home office, the north windows, the south window, the bedroom over the planter, the two-storey glazing, the pool or the change from stone to concrete.

What neighbours ask of Council

1. Treat the plans endorsed on 18 December 2023 as the approved design.
2. Through ENF26/0013, require the building to match them, starting with what affects neighbours: no balcony on the second-floor planter, no window in the former Bedroom 2 wall, the first floor behind the planter line and 3.0 m from the north boundary, frosted south windows, and no boundary walls beyond those approved. Completion is expected around December 2026.
3. Enforce condition 11. Screening added to windows and a balcony that were never approved is not a substitute for the approved design.
4. Give notice to affected neighbours of any future application, with a complete, dimensioned schedule of every departure.

THE FULL CASE

3D model, requirements, departure schedule, drawing comparisons and documents at **macfarlanstreet.com**. Contact: hello@macfarlanstreet.com

Sources: endorsed plans 0276/19-1-PC2 (18.12.2023) and SC2 (16.08.2024); amended plans lodged with 0276/19-3 (17.02.2026); FGR Architects letter re ENF26/0013 (17.02.2026); Council planning register (viewed 07.11.2026); VicPlan planning property report (07.11.2026); Department of Transport and Planning guidance on VC243; neighbours' photographs (07.11.2026).

Prepared by neighbours from public planning documents. Not legal advice. Measurements are taken from the drawings and are approximate where stated.