



**Merri-bek**  
City Council

# Council Resolution Action Memo

**Meeting Date:** 13/08/2025

**Report Heading / Item No.** 7.4 **AMENDMENT C196MORE -  
INTRODUCTION OF SPECIAL  
BUILDING OVERLAY SCHEDULE 2 -  
DECISION GATEWAY 3 -  
CONSIDERATION OF PANEL  
REPORT AND DECISION ON THE  
AMENDMENT (D25/348487)**

**Confidential Status:** Public

**Department:** Director Place and Environment

**Further Report Required:** No

**Notes**

## **7.4 AMENDMENT C196MORE - INTRODUCTION OF SPECIAL BUILDING OVERLAY SCHEDULE 2 - DECISION GATEWAY 3 - CONSIDERATION OF PANEL REPORT AND DECISION ON THE AMENDMENT**

### **Executive Summary**

Amendment C196more (Amendment) proposes to apply a Special Building Overlay Schedule 2 (SBO2) to properties identified within areas where Council is the local drainage authority. This is separate from the existing Special Building Overlay Schedule 1 (SBO1) map in the Merri-bek Planning Scheme, which applies to areas where Melbourne Water is the main drainage authority.

The Amendment will support more informed decision-making by identifying land in Merri-bek subject to overland flows and guiding the assessment of planning permit applications. It will also assist licensed building surveyors, who must consider the mapped area when assessing building permit applications.

In December 2023, Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment, following detailed technical work by specialist engineering firm Engeny (now part of the Egis group). Authorisation was granted in March 2024. The Amendment was publicly exhibited in May and June 2024, with information sent to approximately 10,000 landowners. A follow-up letter was mailed to affected properties in October 2024.

A proactive and comprehensive approach was taken during the exhibition of the Amendment, including direct engagement with submitters to resolve concerns where possible. A total of 94 submissions were received, with six later withdrawn, and three expressing support.

An independent Planning Panel Hearing was held over two days on 12 and 13 June 2025, with only two submitters requesting to be heard. A copy of the Panel report is provided at Attachment 1. The report has also been shared with all submitters and is available on Council's website under [Amendment C196](#).

The Panel concluded in their report that *"the Amendment has strong policy support, will deliver a net community benefit, and should be progressed."* It also supported the recommended changes to the SBO2 map, as proposed by Engeny's expert witness. These recommendations align with those outlined in the Council Report dated 12 February 2025.

In line with the Panel's report, officers recommend that Council adopt the Amendment as exhibited, subject to the changes outlined in the Panel's report. Further details on these

changes are provided in Section 3 of this report. Once adopted, the Amendment will be submitted to the Minister for Planning for approval.

## **Officer Recommendation**

That Council:

1. Considers the publicly released Planning Panel Report for Merri-bek Planning Scheme Amendment C196more – Special Building Overlay Schedule 2 (Amendment) under section 26 of the *Planning and Environment Act 1987* (Vic) (Act).
2. Adopts the Amendment in accordance with section 29(1) of the Act, as exhibited with the changes recommended by the Planning Panel and discussed at Section 3 of this report and shown in Attachments 4 to 7.
3. Authorises the Director Place and Environment, following adoption of the Amendment, to finalise the Amendment documentation in accordance with Council's resolution, including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution.
4. Submit the adopted Amendment together with the prescribed information to the Minister for Planning for approval, in accordance with section 31(1) of the Act.
5. Write to all submitters to the Amendment, the Building and Plumbing Commission, local building surveyors and Melbourne Water, to advise of this Council resolution.
6. Designates the Amendment Special Building Overlay Schedule 2 (SBO2) map in Attachment 5, under Regulation 5(2) of the *Building Regulations 2018*, to replace the previously designated map.

## **Resolution**

**Cr Pulford moved, Cr Svensson seconded -**

**That Council:**

1. **Considers the publicly released Planning Panel Report for Merri-bek Planning Scheme Amendment C196more – Special Building Overlay Schedule 2 (Amendment) under section 26 of the *Planning and Environment Act 1987* (Vic) (Act).**
2. **Adopts the Amendment in accordance with section 29(1) of the Act, as exhibited with the changes recommended by the Planning Panel and discussed at Section 3 of this report and shown in Attachments 4 to 7.**
3. **Authorises the Director Place and Environment, following adoption of the Amendment, to finalise the Amendment documentation in accordance with Council's resolution, including any administrative or formatting changes to the amendment documentation and mapping required to give effect to Council's resolution.**
4. **Submit the adopted Amendment together with the prescribed information to the Minister for Planning for approval, in accordance with section 31(1) of the Act.**
5. **Write to all submitters to the Amendment, the Building and Plumbing Commission, local building surveyors and Melbourne Water, to advise of this Council resolution.**
6. **Designates the Amendment Special Building Overlay Schedule 2 (SBO2) map in Attachment 5, under Regulation 5(2) of the *Building Regulations 2018*, to replace the previously designated map.**

**Carried**

