



**Merri-bek**  
City Council

## COUNCIL AGENDA

# PLANNING AND RELATED MATTERS

Wednesday 24 June 2026

Commencing 6.30 pm

Bunjil (Council Chamber), Merri-bek Civic Centre,  
90 Bell Street, Coburg

### Language Link

This is the Agenda for the Council meeting.  
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## **Acknowledgement of the traditional custodians of the City of Merri-bek**

Merri-bek City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

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- 1. WELCOME**
- 2. APOLOGIES**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST**
- 4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 27 May 2026 be confirmed.

**5. COUNCIL REPORTS**

5.1 209 SYDNEY ROAD, BRUNSWICK - PLANNING APPLICATION - MPS/2026/194 4

5.2 LOT S17, 1 CHAMP STREET, COBURG - PLANNING APPLICATION - MPS/2020/109/A 21

**6. URGENT BUSINESS**

## 5. COUNCIL REPORTS

### 5.1 209 SYDNEY ROAD, BRUNSWICK - PLANNING APPLICATION - MPS/2026/194

Director Place and Environment, Pene Winslade

City Development

#### Executive Summary



<b>Property:</b>	209 Sydney Road, Brunswick.
<b>Proposal:</b>	Use of the land for the purpose of a Restricted Recreation Facility (Pilates Studio), and to construct or display a sign within the Heritage Overlay.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"><li>• Commercial 1 Zone (C1Z).</li><li>• Development Contributions Plan Overlay – Schedule 1. (DCPO1).</li><li>• Built Form Overlay – Schedule 1 (BFO1).</li><li>• Design and Development Overlay – Schedule 18 (DDO18).</li><li>• Heritage Overlay – Schedule 149 (HO149).</li><li>• Special Building Overlay – Schedule 2 (SBO2).</li><li>• Parking Overlay – Schedule 1 (PO1).</li></ul>
<b>Strategic setting:</b>	Brunswick Activity Centre.
<b>Objections:</b>	<ul style="list-style-type: none"><li>• Fourteen (14) objections.</li><li>• Key issues:<ul style="list-style-type: none"><li>- Noise emission, including use of free weights.</li><li>- Internal security arising from access to the common building area.</li><li>- Inappropriate hours of operation contributing to noise concerns, including building entry and parking during antisocial hours.</li><li>- Unstaffed business model resulting in a lack of supervision and controlled entry.</li><li>- Advertising sign impacting the architecture of the building.</li></ul></li></ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"><li>• Date held: Thursday 4 June 2026.</li><li>• Attendees: Three objectors, the applicant, Council officers, and Cr Iwasaki.</li><li>• No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.</li></ul>

<b>Key reasons for support:</b>	<ul style="list-style-type: none"> <li>• Appropriate use in the context of the Commercial 1 Zone and Brunswick Activity Centre.</li> <li>• Potential noise impacts have been addressed by an acoustic report prepared by an acoustic engineer and can be further managed by permit conditions.</li> <li>• Venue and Patron Management Plan to be required.</li> </ul>
<b>Recommendation:</b>	That a Notice of Decision to Grant a Planning Permit be issued.

## Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2026/194 be issued for the land at 209 Sydney Road, Brunswick.

### The Permit would allow:

Use of the land for the purpose of a Restricted Recreation Facility (Pilates Studio), and to construct or display a sign within the Heritage Overlay.

Planning Scheme Clause	Matters for which permit is required
Clause 34.01-1 (C1Z)	To use the land for a restricted recreation facility.
Clause 43.01-1 (HO149)	To construct or display a sign.

### The following conditions would apply to this permit:

#### Amended plans

1. Before the use commences or the sign is constructed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by 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 must be generally in accordance with the plans advertised on 31/03/2026 but modified to show:
  - a) Any changes as required by the acoustic report by Condition 8;
  - b) An annotation on the site plan to confirm rubber padding will be applied to the feet of all reformer machines;
  - c) An annotation on the site plan to show the location of signage to be installed at the fire exit door (at the rear of the property), to state the door must not be used and remain closed except for the purpose of emergency evacuation.
  - d) The internally illuminated sign must be dimensioned as no less than 2.7 metres above the footpath on front elevation.

#### Compliance with endorsed plans

2. The use of land 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 Clauses 62.01 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.
3. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

#### Operational conditions

4. The use allowed by this permit must operate only between 5am and 11pm Monday to Sunday (daily).
5. Free weights (dumbbells or similar) provided as part of the facility must be bean bag, sand bag, or a similar material, to the satisfaction of the Responsible Authority.

6. The rear internal fire exit door must remain closed at all times and must not be used by patrons of the facility except for the purpose of emergency egress and ingress.

### **Venue and Patron Management Plan**

7. Concurrent with the submission of plans under Condition 1, a Venue and Patron Management Plan must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must provide details on the business's operation, including but not limited to the following:
  - a) Detail the process of membership inductions;
  - b) Indicate how building access will be restricted to members only;
  - c) Any security mechanisms in place to monitor the facility;
  - d) Provide a named contact, including a method of contact, for the duty manager of the facility;
  - e) Detail a complaints management process.

Upon endorsement a copy of the Venue and Patron Management Plan must be given to the Owners Corporation of the building. The use must be undertaken in accordance with the endorsed Venue and Patron Management Plan unless otherwise approved in writing by the Responsible Authority.

### **Noise management**

8. The Acoustic Report prepared by JTA dated 14/05/2026 will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority. Prior to the commencement of the use, the recommendations as specified within the endorsed Acoustic Report must be implemented. The use must be undertaken in accordance with the endorsed Acoustic Report unless otherwise approved in writing by the Responsible Authority.
9. Any music or audio/video system must be connected to a system which is inaccessible by members of the facility and controls the volume of the speakers. Before the use commences, the speaker volume must be calibrated and commissioned by a suitably qualified acoustic consultant. Commissioning of the speaker volume must ensure that the noise limits do not exceed the noise limits stipulated within the endorsed Acoustic Report.
10. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit a post commencement acoustic report to the satisfaction of the Responsible Authority which demonstrates compliance with the endorsed Acoustic Report, or which outlines any measures considered necessary to achieve further compliance.

The recommendations of the post commencement acoustic report must be implemented to the satisfaction of the Responsible Authority.

### **Signage**

11. The sign approved by this permit must not be animated or contain any flashing or intermittent lights.
12. The sign hereby approved must be maintained in good condition to the satisfaction of the Responsible Authority.

### **Expiry**

13. The use or signage approved by this permit will expire if one of the following circumstances applies:
  - a) the use is not commenced within three (3) years from the date of issue of this permit.

- b) the signage is not erected and displayed within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

**Notes: These notes are for information only and do not constitute part of this permit or conditions of this permit.**

**Note 1:** It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or [www.vba.vic.gov.au](http://www.vba.vic.gov.au). Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

## **1. Background**

### **Subject site**

The site is located on the western side of Sydney Road in Brunswick within the ground floor of a seven storey building. The site is one of two commercial spaces facing Sydney Road where the remaining building contains residential dwellings on the floors above. Building entry is provided directly on Sydney Road and the space also provides an emergency exit at the rear which opens into the building's common space. The commercial space is currently unoccupied and contains an area of approximately 117sqm.

### **Surrounds**

The site and surrounding area are within the Commercial 1 Zone and the Brunswick Activity Centre. Sydney Road includes a number of commercial services and businesses and often contains first floor residential dwellings above shopfronts. Land to the south of the property is occupied by a hotel, The Brunswick Club, while land to the north contains commercial premises, including a retail shop, with Brunswick Town Hall located further north. The Brunswick Uniting Church is located to the east of the site on the opposite side of Sydney Road. To the rear of the site is Saxon Street with a mix of land uses beyond that.

A location plan forms **Attachment 1**.

### **The proposal**

The proposal is summarised as follows:

- Use of the land for a reformer pilates studio. Reformer pilates uses purpose-built machines for pilates activities.
- Times of operation are 5am until 11pm daily (Monday to Sunday).
- Eight (8) reformer machines are provided and a maximum class size of eight (8) members is proposed.
- Small group and virtual instructor led classes are offered.
- Music will be played at a background level during classes.
- Display of an internally illuminated sign containing the business logo is proposed on the front wall of the studio.

The application plans form **Attachment 2**.

### **Planning Permit and Site History**

Planning Permit MPS/2016/685 was approved on 13 November 2017 allowing the *'Demolition of the existing building and construction of a seven storey building containing three retail premises, one office and twenty dwellings, with a reduction (to zero) of the standard car parking requirement and waiver of the loading bay requirement'*. This planning permit does not require amending as a result of the current application.

## Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Commercial 1 Zone (C1Z)	Clause 34.01-1 (C1Z): A permit is required to use the land for a restricted recreation facility (including a pilates studio).
Heritage Overlay (HO149)	Clause 43.01-1 (HO149): A permit is required to construct or display a sign.
Clause 52.06 (Car Parking):	A restricted recreation facility does not have a defined car parking rate and therefore car parking assessment of any provision is to the satisfaction of Council.

### Other relevant provisions:

- Built Form Overlay – Schedule 1 (BFO1): Transitional provisions apply and the site continues to be included within the Design and Development Overlay.
- Design and Development Overlay – Schedule 18 (DDO18): A permit is not required for a sign attached to a building.
- Special Building Overlay – Schedule 2 (SBO2): A permit is not required for a sign attached to a building.
- Development Contributions Plan Overlay (DCPO): The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.05 (Signs): One internally illuminated sign is proposed which has a display area of 0.15sqm (less than the 1.5sqm threshold) and is located under the existing street awning. A permit is not required for the sign under this clause as the sign is more than 30 metres from a residential zone or traffic lights.
- Parking Overlay – Schedule 1 (PO1): As a permit is not required to reduce a car parking requirement, the use does not require assessment under the overlay.

## 2. Internal/External Consultation

### Public notification

Notification of the application has been undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land including all of the occupants of the greater apartment building on-site.
- Placing a sign on the front of the site.

Council has received fourteen (14) objections to date that are all from residents of the same building. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Noise emission, including use of free weights.
- Internal security arising from access to the common building area.
- Inappropriate hours of operation contributing to noise concerns, including building entry and parking during antisocial hours.
- Unstaffed business model resulting in a lack of supervision and controlled entry.
- Advertising sign impacting the architecture of the building.

A Planning Information and Discussion meeting was held on 04/06/2026 and attended by Cr Iwasaki, Council Planning Officers, the applicant and three objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond. Before the meeting the applicant agreed to the following changes:

- Submission of an acoustic report.
- Conditions requiring the rear internal fire door to be closed and not used by patrons of the business other than for the purpose of emergency fire exit.
- Rubber padding to be installed on the feet of the reformer machines to reduce any potential noise.
- Free weights (dumbbells or similar) provided as part of the facility must be bean bag, sandbag, or a similar material.
- Condition requiring a Venue Management Plan which outlines security measures and provides a named contact for the duty manager among other things.
- Background music only.

No further agreements were made as part of the Planning Information and Discussion Meeting.

#### **Internal/external referrals**

None required for this assessment.

### **3. Policy Implications**

#### **Planning Policy Framework (PPF):**

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Settlement (Clause 2.03-1)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Built Environment and Heritage (Clause 2.03-4)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
  - Strategic framework plans (Clause 2.04)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
  - Noise Management (Clause 13.05-1S)
- Heritage (Clause 15.03), including:
  - Heritage conservation (Clause 15.03-1S)
  - Heritage in Merri-bek (Clause 15.03-1L)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
  - Business (Clause 17.02-1S)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)

- Cycling (Clause 18.02-2S and 18.02-2L)
- Public Transport (Clause 18.02-3S and 18.02-3L)
- Car parking (Clause 18.02-4S and 18.02-4L)

### **Human Rights Consideration**

This application has been processed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Merri-bek Planning Scheme) reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*. In addition, the assessment of the application has had particular regard to:

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 16: Right to peaceful assembly and freedom of association
- Section 18: Right to take part in public life
- Section 20: Property rights

This application does not limit human rights. The impact of the proposal on the users of the facility and occupants of the building have been considered.

## **4. Assessment**

In considering this application, regard has been given to the Planning Policy Framework (PPF), the provisions of the Merri-bek Planning Scheme, objections received and the merits of the application.

### **Does the proposal have strategic policy support?**

The proposal has strong strategic support at both State and Local level given its central location within the Brunswick Activity Centre and within an established shopping strip. The Commercial 1 Zone seeks to create vibrant commercial centres through facilitating new business and community uses. The Brunswick Activity Centre also seeks to promote a thriving economy and provide for a range of commercial services including recreational land uses. As the site is located on the ground floor of a mixed-use building, the tenancy is purpose built for commercial use which contributes to this setting. The proposed pilates studio will support the mix of shops and services available along Sydney Road.

The proposed operation, with a maximum of 8 members at any one time and open daily between 5am and 11pm can be comfortably accommodated by the existing commercial space without negatively impacting on surrounding business. This is further supported by local planning strategies, including State Business Policy (Clause 17.02-1S) which directs commercial facilities to be located within existing activity centres. The site is appropriate for a pilates studio.

### **Does the proposal result in any unreasonable off-site impacts?**

The site is located within the ground floor of an existing mixed use apartment building which contains residential dwellings on the floors above. Objections have been received which raise concern regarding the opening times of the business, and the potential for this to impact residents during evening and night time hours.

In response to the concerns the permit applicant has supplied an acoustic report, prepared by an acoustic consultant who attended the site and completed noise testing between the pilates studio and the closest residential apartment, located immediately above the site. The testing conducted demonstrated that use of the video and music system did not increase the noise level in the bedroom and living areas of the above apartment, and likewise the dropping of soft “bean-bag” weights was barely audible against background noise of this Sydney Road location.

In conclusion the acoustic report recommends that the video and music system should be set to operate at a fixed level, not able to be adjusted by customers, which may include a noise limiter, and that the soft bean bag weights should be used. This is included within the officer's recommendation, however as the studio only plays background music, requiring a noise limiter would be more restrictive than necessary.

The Acoustic report does not specifically assess the likely noise generated by reformer pilates machines. However, these machines are not expected to produce significant noise, as their operation primarily involves wheels moving along tracks and the use of springs, which may generate only minor rolling or clicking sounds during use. Further conditions are recommended to require ongoing compliance with the acoustic report throughout the operation, and for Council to retain the ability to ask for a post-commencement acoustic test should any future complaints be received.

Objections have also raised concern regarding the entrance and exit of the studio during evening and night hours. The building's location on a main road and within an established shopping strip, is a suitable location for extended opening hours, including early morning and evening times. Notably the building has been constructed with concrete walls and floors as well as double glazed windows, to manage noise as part of the earlier development application. With the recommended conditions, the background level only noise from the pilates studio can be suitably managed to not impact the residents above.

#### **Is the advertising sign appropriate in the heritage area?**

The site is in the Sydney Road Heritage Precinct, where it is listed as a non-contributory building. As the sign is on a new building it will not impact any original features of a heritage building. Whilst the heritage policy (Clause 15.03-1L) discourages signs which project from a wall, the proposed sign is modest in size (0.15sqm display) and generally reflects the same style and appearance of other signs located along Sydney Road, including projecting wall signs, and therefore meets part of the advertising signage objectives of the Heritage in Merri-bek Policy. Concerns were raised regarding the sign's impact on the building's architectural style, however given the sign only requires permission under the Heritage Overlay the impact of the signage on a non-contributory building is considered acceptable.

#### **Is the provision of no car parking to Council's satisfaction?**

The studio accommodates classes of up to 8 people at any one, acknowledging that there may be a limited period during which classes transition from one to another, and during which the total number of members may temporarily exceed eight people, nonetheless this is not considered to attract a high volume of vehicle traffic. The site benefits from excellent off-site alternative transport options being adjacent to the Sydney Road tram line, and within close proximity to the Upfield train line and bicycle path. Sydney Road offers timed roadside parking spaces, and several bicycle parking hoops including one immediately adjacent to the site which will service members of the facility. Additionally, the Car parking in Merri-bek Policy encourages the use of sustainable transport and supports reduced car parking within activity centres.

Clause 52.06 of the Merri-bek Planning Scheme does not set a car parking rate for a 'leisure and recreation' use providing that the car parking requirement must be to Council's satisfaction. The original development approval considered the space as a retail premises and approved a parking reduction of 4 spaces for the retail use, which the new proposal takes the benefit of in the form of a parking credit. Given the low intensity of the use, and its location within the Brunswick Activity Centre, many of the members will travel to the venue by walking, cycling or public transport. The provision of no additional parking is considered appropriate and is to Council's satisfaction.

## 5. Response to Objector Concerns

The following issues raised by objectors are addressed in section 4 of this report:

- Noise emission, including use of free weights.
- Inappropriate hours of operation contributing to noise concerns, including building entry and parking during early and evening hours.
- Proposed sign impact to the architecture of the building.

Other issues raised by objectors are addressed below:

- Internal security arising from access to the common building area.

There are no planning policies relating to impacts on internal security. The studio space has been designed and constructed for commercial use, so that regardless of the use, there will always be the potential for patrons to access and exit into the building's common area through the emergency exit. The pilates studio proposes restricted access to members only to control the use of the space.

The permit applicant has agreed to a condition that the rear fire exit door must not be used by members of facility unless for the purpose of emergency evacuation. This is included as part of the recommendation.

- Unstaffed business model causing a lack of supervision and controlled entry.

There are no requirements within the planning scheme for a business to be staffed. It is not uncommon for a recreation facility, such as gyms, to have an un-staffed business model with facilities used by members of the business. The permit applicant has agreed to conditions requiring a venue and patron management plan, which will provide guidance on building entry, security, memberships and complaint management. This is included as part of the recommendation.

## 6. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

## 7. Financial and Resources Implications

There are no financial or resource implications.

## 8. Conclusion

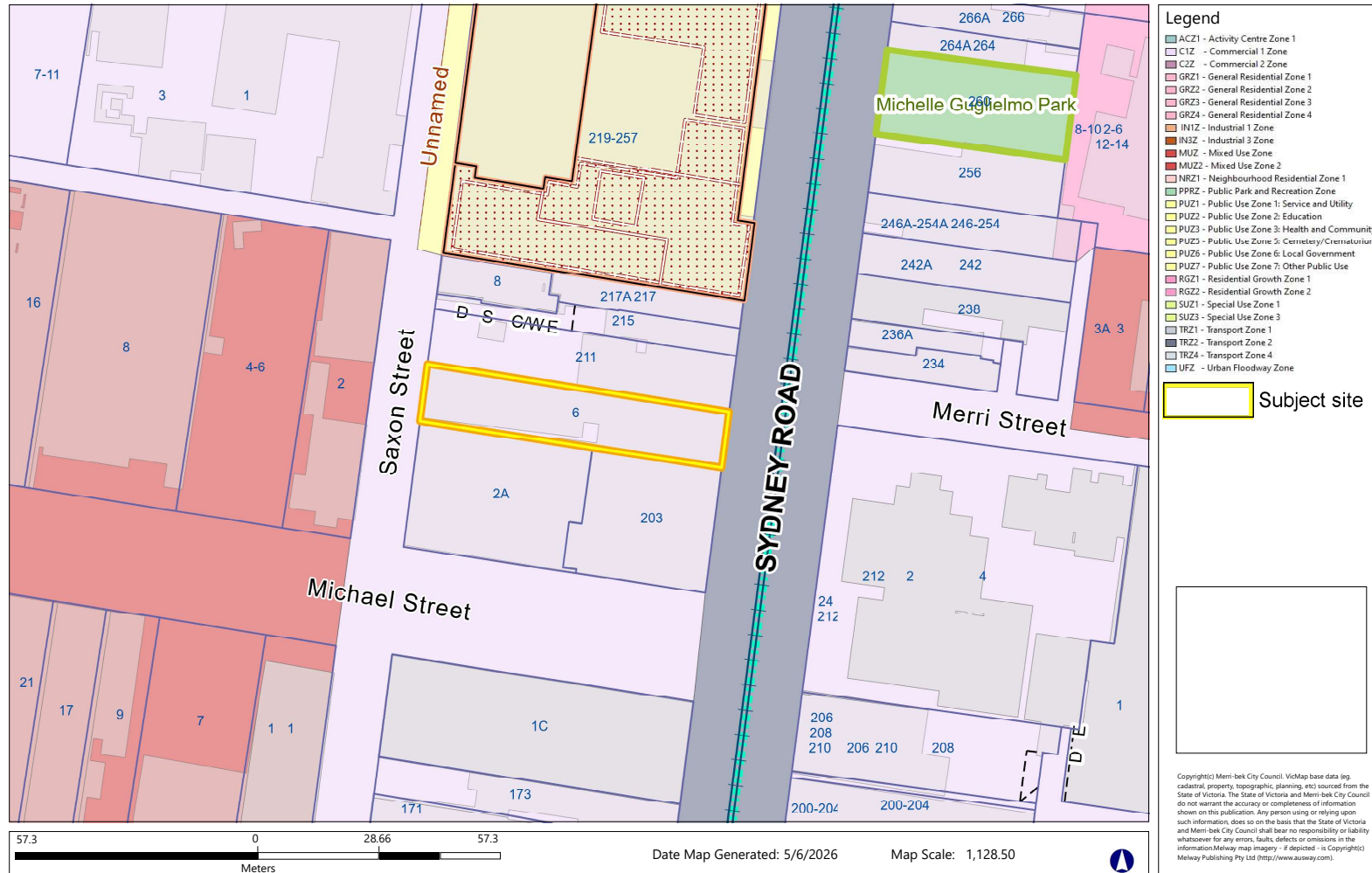
It is considered that the proposed use of a restricted recreation facility (pilates studio) is appropriate at the site, subject to conditions which control its operation. The pilates studio is a suitable use with the Commercial 1 Zone and Brunswick Activity Centre and any potential noise impacts have been considered in the acoustic report and can be further managed by permit conditions, including the requirement for a Venue and Patron Management Plan.

On the balance of policies and controls within the Merri-bek Planning Scheme and consideration of objections received, it is recommended that Notice of Decision to Grant a Planning Permit No MPS/2026/194 should be issued subject to the conditions included in the recommendation of this report.

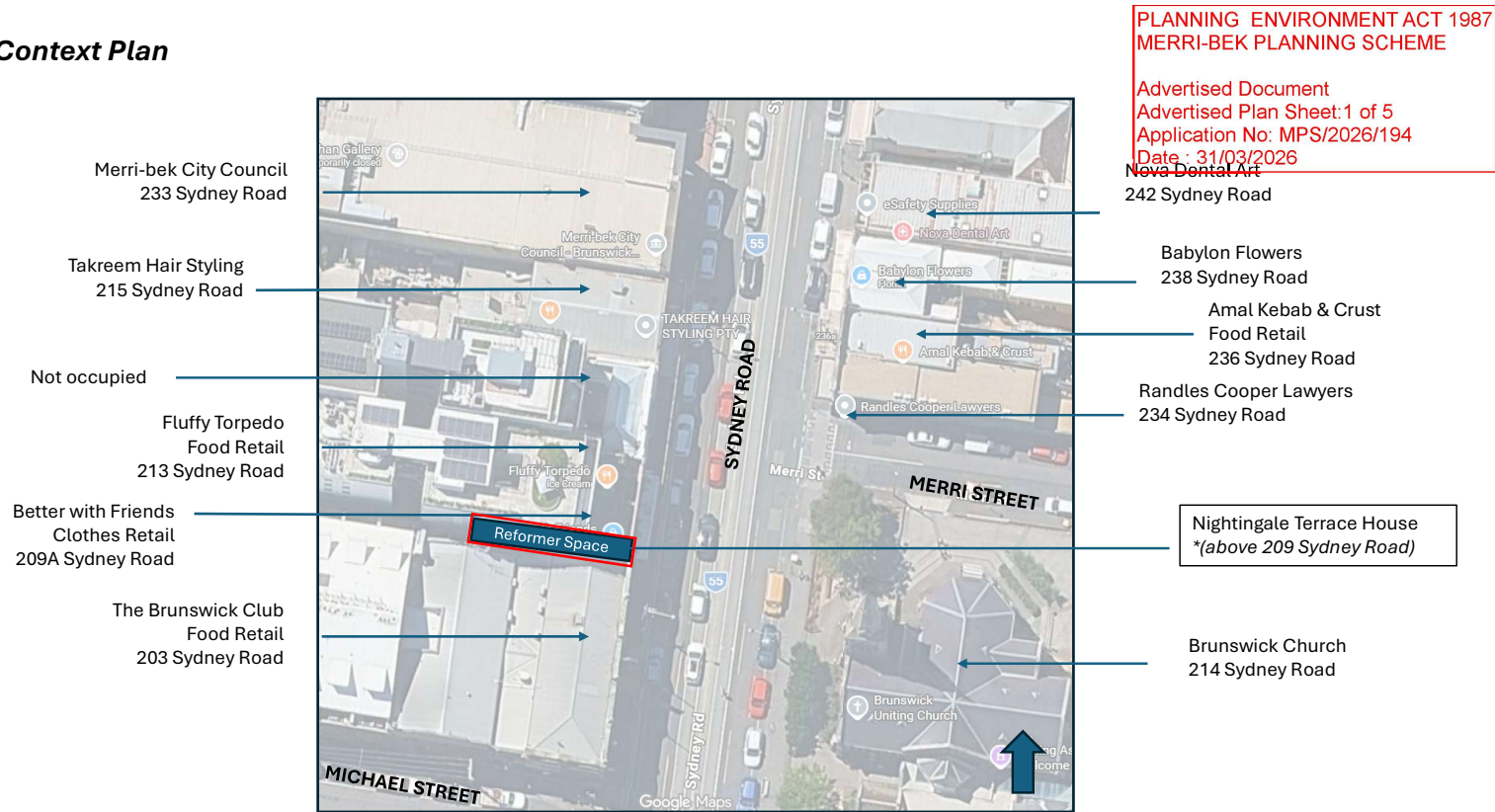
## Attachment/s

- |   |                          |            |
|---|--------------------------|------------|
| 1 | Zoning and Location Plan | D26/250468 |
| 2 | Application Plans        | D26/250480 |
| 3 | Objector Location Plan   | D26/250520 |

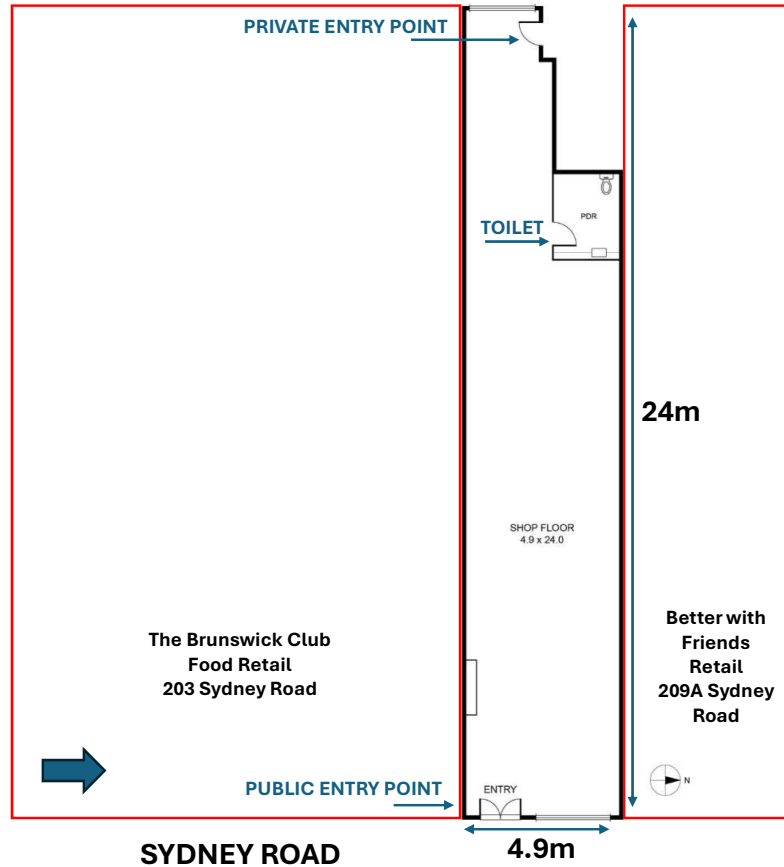
Zoning and Location Plan  
209 Sydney Road, Brunswick



**Site Context Plan**



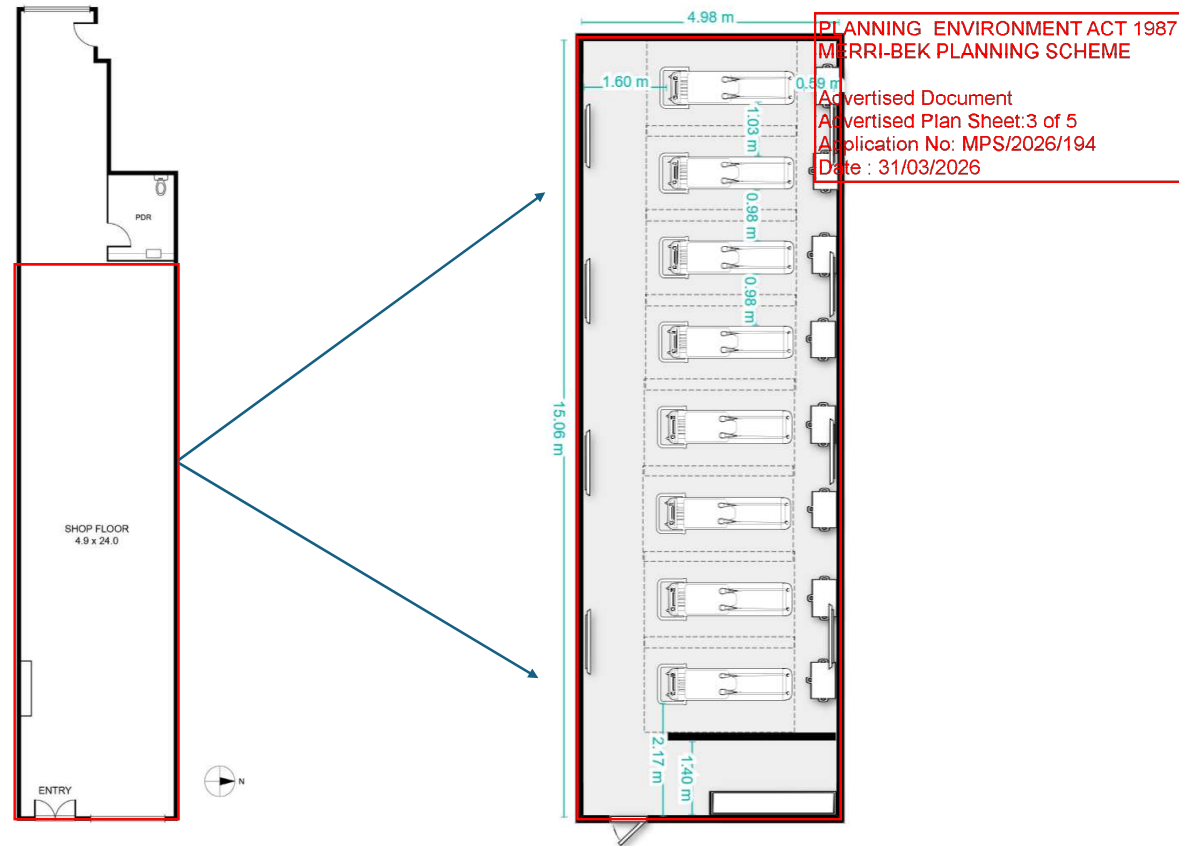
**Site Plan**



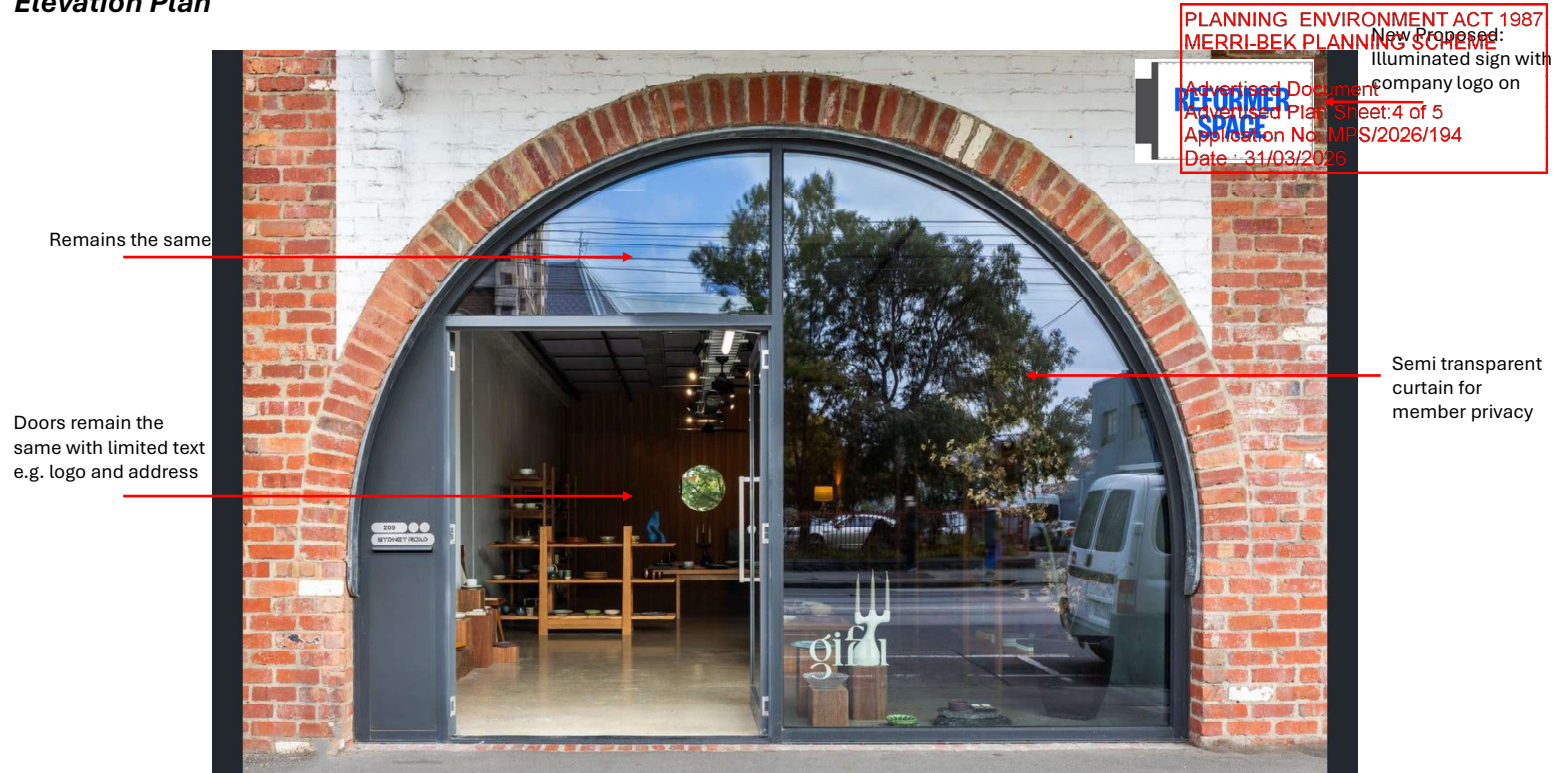
PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME  
  
Advised Document  
Advised Plan Sheet: 2 of 5  
Application No: MPS/2026/194  
Date : 31/03/2026

**Maximum  
number of  
patrons: 8  
people at any  
one time**

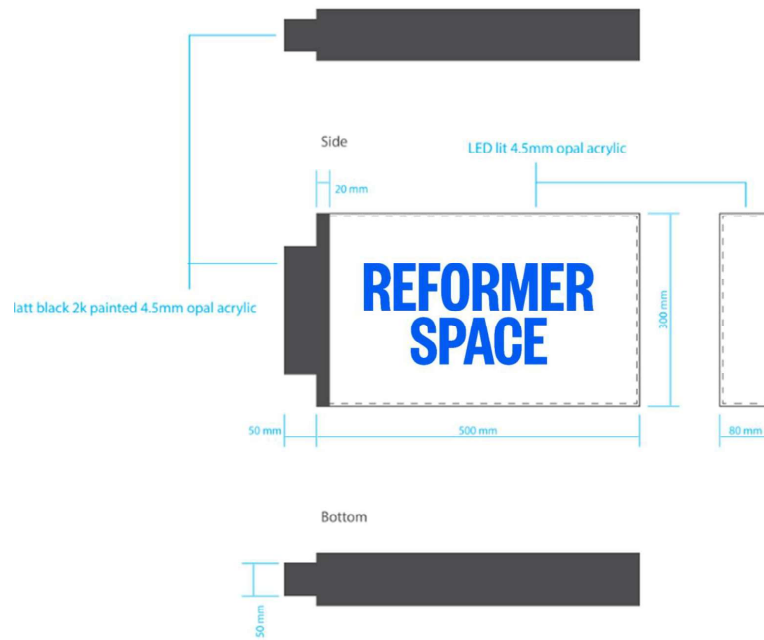
**Site Plan**



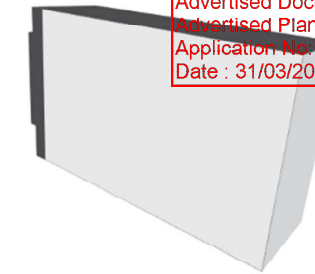
**Elevation Plan**



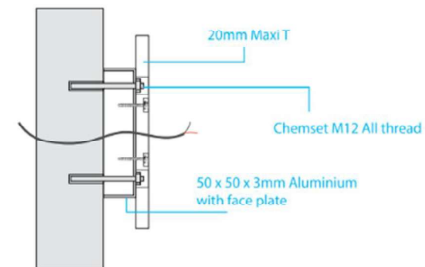
**Illuminated Signage**

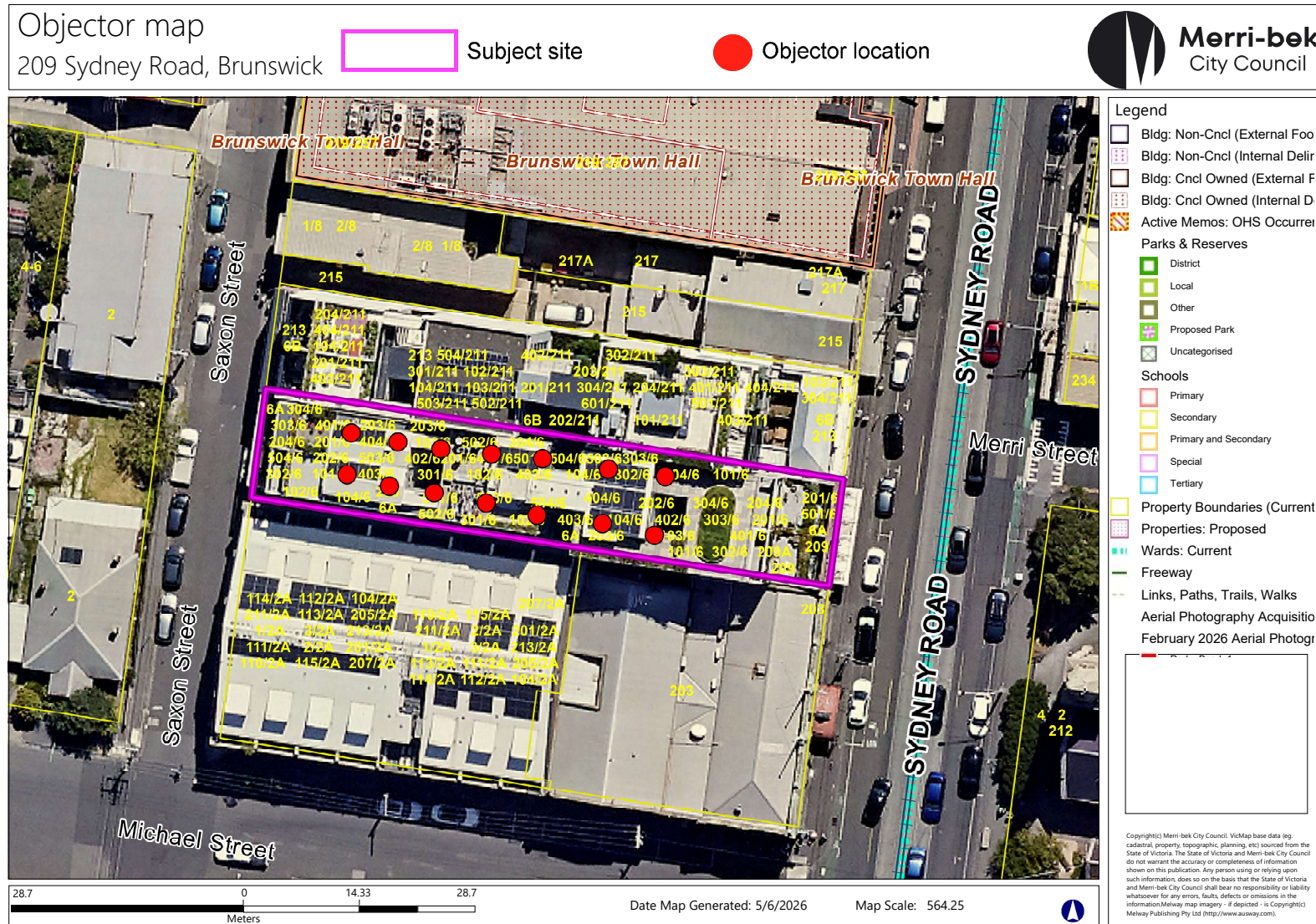


PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME  
Advertised Document  
Advertised Plan Sheet: 5 of 5  
Application No: MPS/2026/194  
Date : 31/03/2026



Mounting plate detail





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## 5.2 LOT S17, 1 CHAMP STREET, COBURG - PLANNING APPLICATION - MPS/2020/109/A

Director Place and Environment, Pene Winslade

City Development

### Executive Summary



<b>Property:</b>	1 Champ Street, Coburg (Lot S17 on Plan of Subdivision 501198H)
<b>Approved use:</b>	Use of the land for a Hotel with the sale and consumption of liquor (on and off premises license) pursuant to Clause 52.27 within and adjacent to existing E Division building and a reduction of Clause 52.06 car parking requirements with part of the car parking spaces provided on another site, in accordance with the endorsed plans
<b>Proposal:</b>	Amend the existing planning permit to increase hours of operation to start from 7am every day.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>• Activity Centre Zone – Schedule 1</li> <li>• Heritage Overlay (HO47)</li> <li>• Parking Overlay – Schedule 1 (PO1)</li> <li>• Environmental Audit Overlay</li> <li>• Development Contributions Plan Overlay (DCPO)</li> </ul>
<b>Strategic setting:</b>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #cccccc; padding: 5px;">Minimal change</div> <div style="background-color: #cccccc; padding: 5px;">Incremental change</div> <div style="background-color: #00a0e3; color: white; padding: 5px;">Significant change</div> </div>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>• Forty (40) objections received</li> <li>• Key issues:               <ul style="list-style-type: none"> <li>○ Noise due to increased hours of operation</li> <li>○ Increase in consumption of liquor</li> <li>○ Increase in anti-social behaviour</li> <li>○ Venue and security issues</li> </ul> </li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>• Date held: 20 May 2026</li> <li>• Attendees: Three objectors, the applicant, Council officers, and Mayor Cr Nat Abboud, Cr Dr. Jay Iwasaki, Cr Sue Bolton and Cr Helen Politis</li> <li>• Prior to the meeting, the applicant voluntarily removed the proposed extension of late night operating hours to 3am from the application.</li> <li>• Following the meeting, the applicant has agreed to additional conditions to strengthen patron management and provision of an additional acoustic report upon commencement, along with a reduction of patron numbers permitted within the beer garden to 400 people within the hours of the proposed amendment.</li> </ul>

<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>Any off-site amenity impacts can be appropriately managed by conditions of the recommendation</li> <li>The earlier start time will contribute to an increase in diversity of daytime mixed use activities within the Pentridge precinct, in line with strategic policy objectives and the Activity Centre Zone.</li> </ul>
<b>Recommendation:</b>	Notice of Decision to Grant an Amended Planning Permit be issued for the proposal.

## Officer Recommendation

That an Amended Planning Permit No. MPS/2020/109/A be issued for the land at Lot S17 on Plan of Subdivision 501198H at 1 Champ Street, Coburg, subject to the following amended conditions:

### The Permit would allow:

Use of the land for a Hotel within and adjacent to existing E Division building and a reduction of Clause 52.06 car parking requirements with part of the car parking spaces provided on another site, in accordance with the endorsed plans.

<b>Planning Scheme Clause</b>	<b>Matters for which permit is required</b>
Clause 37.08-2 (Activity Centre Zone)	A planning permit is required to use the land for a Hotel

### Amended plans

The following conditions would apply to this Amended Permit (**amendments bolded**):

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by 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 must be generally in accordance with the plans (advertised 29 June 2020) but modified to show:
  - a) The location of the waste storage area.
  - b) At least 10 patron bicycle spaces provided within the vicinity of the Division E building.
  - c) Any changes required by the Acoustic Report prepared by Watson Moss Growcott Acoustics dated 8 May 2020 including, but not limited to:
    - i. An in-house music system with the location of the speakers shown and angled inward towards the centre of the areas; and
    - ii. The external doors to be fitted with an automatic closing mechanism.
  - d) Any changes required by the Venue and Patron Management Plan in accordance with Condition 11 of this permit.
  - e) Any changes required by the Waste Management Plan in accordance with Condition 14 of this permit.
- 1A. Prior to the commencement of the extended hours of operation approved by the amended permit/A, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended documents must be generally in accordance with the documents 27 February 2026 but modified to show:**
  - a) The location of the revised waste storage area.**
  - b) Any changes required by the Acoustic report in accordance with Condition 5A of the permit.**

- c) **Any changes required by the Venue and Patron Management Plan in accordance with Condition 14A of the permit.**
  - d) **Any changes required by the Waste Management Plan in accordance with Condition 17A.**
2. The use 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 Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.

#### **Hours of operation and patron numbers**

3. **The use must operate only between the following hours:**
- a) **Monday to Sunday 7 a.m. to 1 a.m.**
4. The maximum number of patrons permitted on the premises must not exceed the following at any one time:
- a) Internal Area of the Building: 566
  - b) Beer Garden: **400 between the hours of 7 a.m. and 11 a.m., and 440** all other times (prior to commencement of Building 12)
  - c) Terrace: 85
  - d) Family Area: **0 between the hours of 7 a.m. and 11 a.m., and 112** all other times
  - e) Lovers Laneway: 30

#### **Acoustic Attenuation**

- 5A. **Prior to the commencement of the extended hours of operation approved by the amended permit/A, an amended Acoustic Report that is generally in accordance with the Acoustic Report prepared by Enfield Acoustics Noise Vibration dated 1 December 2025 must be submitted and approved to the satisfaction of the Responsible Authority. The report must include any necessary adjustments in operations to ensure acceptable patron and other noise impacts associated with, but not be limited to the following:**
- a) **The expanded hours of operation in accordance with Condition 3A of this permit.**
5. Prior to the commencement of the use, an amended Acoustic Report that is generally in accordance with the Acoustic Report prepared by Watson Moss Growcott Acoustics dated 8 May 2020 must be submitted and approved to the satisfaction of the Responsible Authority. The report must include, but not be limited to the following:
- a) The hours of operation in accordance with Condition 3 of this permit.
  - b) Recommendations of acoustic attenuation measures to ensure that the mechanical service equipment complies with State Environment Protection Policy SEPP N1 - Control of noise from commerce, industry and trade.
  - c) Recommendations of acoustic attenuation measures required to ensure that patron noise levels do not exceed the predicted patron noise levels specified in the acoustic report.
  - d) Recommendations of acoustic attenuation measures required to ensure that the proposal complies with SEPP N-2 – Control of music from public premises

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit.

- 6A. Within 3 months of the commencement of the extended hours of operation approved by the amended permit/A, acoustic testing is to be carried out to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations under the Environment Protection Act, 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation. The testing is to be carried out by an independent acoustician approved by the Responsible Authority. If the testing reveals that the use does not meet the specified maximum noise levels the use must be modified or operational measures implemented to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during busy periods to the satisfaction of the Responsible Authority. The results of testing are to be provided to the Responsible Authority and made available to the public. If the Responsible Authority requires a peer review of the acoustic testing, all costs of the review must be paid by the applicant.**
6. Within 3 months of the commencement of the use shown on the endorsed plans and the endorsed acoustic report, acoustic testing is to be carried out to ascertain whether the use complies with the maximum noise levels prescribed by SEPP N-1 and SEPP N-2. The testing is to be carried out by an independent acoustician approved by the Responsible Authority. If the testing reveals that the use does not meet the specified maximum noise levels the buildings and works must be modified or operational measures implemented to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during a busy period. The results of testing are to be provided to the Responsible Authority and made available to the public.
7. Prior to the commencement of live music, **and the extended hours of operation approved by the amended permit/A** all acoustic attenuation works as per the recommendations contained within the Watson Moss Growcott Acoustics Report dated 8 May 2020 and the **endorsed acoustic report approved by the amended permit/A** must be installed and tested by a suitably qualified independent acoustic engineer to demonstrate compliance with **the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation**, with documentary evidence confirming such to be submitted to the satisfaction of the Responsible Authority.
8. Music played within external areas must be maintained to background levels only (defined as 'background music'). Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.
- 9. No live music can be played within external areas including the beer garden and terrace during the hours of 7am to 11am every day.**
10. No live or background music can be played within the outdoor family area.
11. Prior to the occupation of any dwelling on the land identified as Building 13 in the Pentridge Coburg Masterplan (February 2014), the beer garden must cease operation.

12. Prior to the commencement of construction on the land identified as Building 12 in the Pentridge Coburg Masterplan (February 2014), the following must be submitted to and approved by the Responsible Authority:
  - a) An amended layout plan showing the deletion of the beer garden.
  - b) An amended venue and patron management plan.
13. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
- 14A. Noise levels associated with the use approved by the amended permit/A must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.**
- 14B. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance that must then be implemented within 3 months of the approval of the Acoustic Report by the Responsible Authority.**
14. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of noise from commerce, industry and trade) No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance.

#### **Venue and Patron Management**

- 15A. Prior to the commencement of the extended hours of operation approved by the amended permit/A, a revised Venue and Patron Management Plan must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Plan must be generally in accordance with the Venue and Patron Management Plan prepared by Australian Venue Co dated September 2025 to the satisfaction of the Responsible Authority and must address the following:**
  - a) **Update the amended hours of operation, removing any reference to later evening trading hours.**
  - b) **Date of the report to reference the updated document.**
  - c) **No use of family area during the hours of 7am to 11am.**
  - d) **Main entry must be used for all access, with all side entries and gates closed prior to 8.30am on any day.**
  - e) **Contact details (including a mobile number and email address) of two individuals to whom incidents can be reported to. The individuals must be available 24 hours a day, 7 days a week.**
  - f) **Signage to display contact details referenced in Condition 15A (vi) in a location visible from the entrance to the venue to the satisfaction of the Responsible Authority.**

- g) An area designated for smoking.**
15. Prior to the endorsement of plans, a revised Venue and Patron Management Plan prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must address the following:
- a) Patron capacity of all parts of the premises;
  - b) Details of when third party security will be employed;
  - c) The complaint handling process;
  - d) Management of outdoor areas;
  - e) Noise attenuation measures in accordance with the Acoustic Report prepared by Watson Moss Growcott Acoustics Report dated 8 May 2020;
  - f) Music provision in all parts of the premises;
  - g) Lighting outside the premises;
  - h) Rubbish storage and disposal (including hours of disposal and collection);
  - i) The management plans for non-typical events (e.g. Patrons shouting) within outdoor areas;
  - j) The external doors to be closed when live music is played;
  - k) The measures to be taken by management, staff and security to ensure patrons depart the premises and the surrounding area in an orderly manner;
  - l) The measures to be taken by management, staff and security to ensure that patrons do not cause nuisance or annoyance to persons beyond the site; and
  - m) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed use.
16. The venue must operate in accordance with the approved Venue and Patron Management Plan and any activities or ongoing obligations contained in the approved plan must be carried out in accordance with the approved plan, to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

- 17A. Prior to the commencement of the extended hours of operation approved by the amended permit/A, an amended Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the report prepared by MG Waste Management and dated 6 October 2025 but modified to:**
- a) Align with the architectural plans submitted for endorsement;**
  - b) Include calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins in accordance with Sustainability Victoria Waste Management and Recycling in Multi-unit Developments Better Practice Guide or similar guidance;**
  - c) Show the bins stored out of sight and any enclosed room manually ventilated;**
  - d) Include a dimensioned plan, to scale, showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);**
  - e) Show the bins in the plan, to scale, colour coded to each waste stream; and**
  - f) Provide a collection frequency of no more than twice per week.**

**When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan will be endorsed to form part of this permit. No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.**

17. Before the plans required by Condition 1 of this permit are endorsed, a Waste Management Plan generally in accordance with the Waste Management Plan prepared by Happsa Group must be submitted to, and approved in writing by, the Responsible Authority.

The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

**General**

18. Prior to the commencement of the use, a Loading Management Plan that explains how the loading and unloading of goods and supplies will occur for this premises must be provided to the satisfaction of the Responsible Authority.
19. The use of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement of Environmental Audit dated 15 June 2015 issued by David Lam of Coffey Environments Australia Pty. Ltd. issued for the land.
20. Prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*, and prior to the issue of an Occupancy Permit under the *Building Act 1993*, a letter prepared by an Environmental Auditor appointed under Section 53S of the *Environment Protection Act 1970* must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement of Environmental Audit dated 15 June 2015 issued by David Lam of Coffey Environments Australia Pty. Ltd have been satisfied

**Permit Expiry**

21. This permit will expire if the use is not commenced within two years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

This permit has been corrected pursuant to Section 71 of the Planning and Environment Act 1987 on 16 November 2020 to correct a clerical error relating to Condition 3.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
June 2026	<ul style="list-style-type: none"> <li>• Amend condition 3 to include operating hours of 7am to 11am every day</li> <li>• Deletion of 'sale and consumption of liquor (on and off premises license) pursuant to Clause 52.27' from the permit preamble</li> <li>• Amend conditions 4 and 7</li> </ul>	Merri-bek City Council	Section 72

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
	<ul style="list-style-type: none"> <li>• Addition of conditions 1A, 5A, 6A, 9, 14A, 14B, 15A and 17A</li> <li>• Subsequent re-numbering of conditions</li> </ul>		

## 1. Background

### Subject site

The site is located at (Lot S17 on Plan of Subdivision 501198H), 1 Champ Street, Coburg and forms part of the Pentridge Coburg precinct. The site is identified as E Division within the Pentridge Coburg Masterplan (February 2014). The site has a north and east frontage to Success Lane. The venue itself is within the original E Division two storey, bluestone building which includes a large beer garden enclosed by bluestone and brick walls. The venue operates as 'BrewDog Pentridge' which includes the hotel use incorporating restaurant, bar, activities and multiple areas for seating.

### Surrounds

The developments surrounding the site include the Pentridge Village and shopping centre to the east, as well as multi-storey buildings and apartments containing a mix of commercial and residential uses. This includes the 12 and 11 storey apartment buildings to the north which are currently under construction. There is nearby public open space including seating and a playground to the south and the Adina Pentridge hotel further to the south. There is an undeveloped site to the west earmarked for future mixed use development of 6 storeys.

The wider Pentridge Coburg site is bound by Murray Road and the Coburg Lake Reserve to the north; Champ Street to the west; Pentridge Boulevard and the Pentridge Village precinct to the south and south-east; and established housing to the east. This broader site is identified as 1 Champ Street and is located within the northern part of the Coburg Activity Centre. The masterplan provides details of the preferred building locations, heights and uses for the precinct.

A location and zoning plan forms **Attachment 1**.



Figure 1 – The broader site of 1 Champ Street in red, with the development area (the Site) in orange.

## **Title details**

The title is encumbered by a number of covenants and Section 173 agreements, all of which have no other implications for this development.

## **The proposal**

The proposed amendment seeks approval to increase the hours of operation of the Hotel from:

- Monday to Sunday – 11:00am – 1:00am

To (changes in **bold**):

- Monday to Sunday – **7:00am** – 1:00am

When originally submitted the application included extension of trading hours until 3.00am. Following the public notice period and receipt of objections the application has been formally amended to delete the extended trading hours in the night-time period until 3.00 am so that this no longer form part of the application to be decided by Council.

The proposal requires further updates to the permit conditions and the endorsed documents, including the Venue and Patron Management Plan and the Acoustic Report. This includes:

- Amendment of operating hours to 7am to 11am every day.
- Deleting references to the sale and consumption of liquor from the permit preamble following the deletion of Clause 52.27 from the Merri-bek Planning Scheme.
- No live music to be played within external areas including the beer garden and terrace during the hours of 7am to 11am every day.
- Updates to the Venue and Patron Management Plan including:
  - No use of family area during the hours of 7am to 11am.
  - Main entry must be used for all access, with all side entries and gates closed prior to 8.30am on any day.
  - Contact details (including a mobile number and email address) of two individuals to whom incidents can be reported to. The individuals must be contactable 24 hours a day, 7 days a week.
  - Signage to display contact details in a location visible from the entrance to the venue.
  - A designated area for smoking.

## **Planning Permit and Site History**

Planning permit MPS/2020/109 was issued 16 November 2020 for the use of the land for a Hotel with the sale and consumption of liquor (on and off premises license) pursuant to Clause 52.27 within and adjacent to existing E Division building and a reduction of Clause 52.06 car parking requirements with part of the car parking spaces provided on another site.

The approved hours of operation are Monday to Sunday – 11:00am – 1:00am. The maximum number of patrons permitted on the premises must not exceed the following at any one time:

- a) Internal Area of the Building: 566
- b) Beer Garden: 440 (prior to commencement of Building 12)
- c) Terrace: 85

- d) Family Area: 112
  - e) Lovers Laneway: 30
- Total patrons: 1,233

The endorsed plans form **Attachment 3**.

Planning Permit MPS/2016/896 was issued on 11 August 2017 for buildings and works in association with the construction of a four level commercial building (Building 9) and adaptive reuse of A Division; reduction in the parking requirement. The planning permit has an endorsed Car Parking Management Plan which accommodates car parking spaces for other sites within Pentridge which includes the subject site.

Planning Permit MPS/2020/206 was issued on 24 July 2020 for alterations and additions to the E Division building.

Planning Permit MPS/2022/247 was issued 31 May 2022 for buildings and works for a beer garden adjacent to the E Division building associated with the Hotel.

**Statutory Controls – The following Planning Controls are relevant to the consideration of this application to amend the original planning permit.**

Control	Permit Requirement
Activity Centre Zone	Clause 37.08-2: A planning permit is required to use the land for a hotel, including for the proposed extension of hours to the existing use
Licensed Premises	Clause 52.27: A planning permit was required to use the land for the sale or consumption of liquor. Clause 52.27 has since been removed from all Victorian Planning Schemes.

The following Clauses of the Merri-bek Planning Scheme are relevant to the consideration of the proposal:

- Clause 43.01: Heritage Overlay (HO47). H.M. Prison Pentridge, included on the Victorian Heritage Register (VHR). No planning permit is required to develop a heritage place which is included in the VHR. The site is included in the VHR.
- Clause 45.03: Environmental Audit Overlay. An audit was completed for the relevant area on 26 November 2014 demonstrating the land is suitable for residential and commercial development.
- Clause 45.06: Development Contributions Plan Overlay (Schedule 1). The Development Contribution Plans have expired and therefore not relevant to this application.
- Clause 45.09: Parking Overlay (Schedule 1). The parking overlay means that the 'Column B' rates in the table to Clause 52.06 apply.
- Clause 52.06: Car Parking. The proposal does not seek to increase the building's floor area or number of patrons for the existing hotel and therefore car parking is not a relevant consideration of this application.
- Clause 52.34: Bicycle Parking. There are no further requirements for the provision of bicycle parking in this proposal.
- Clause 53.06: Live Music and Entertainment Noise. The assessment considers this planning provision.

**Other Relevant Legislation**

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018* provide for the protection of Aboriginal places, objects and human remains in Victoria.

While the site is close to a waterway and defined heritage place, the permit applicant has supplied evidence as part of previous applications at the same site that demonstrates the land has been subject to significant ground disturbance. Therefore, no Cultural Heritage Management Plan was required.

## 2. Internal/External Consultation

### Public notification

Section 7.0 Notice and Review of the Activity Centre Zone Schedule 1 states that:

An application for use or an application to construct a building, subdivide land or construct or carry out works for Precinct 9 and 10 is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act, if it is generally in accordance with the objectives in Clause 2.0 or requirements at Clause 5.0 of this Schedule and either the Pentridge Coburg Masterplan (February 2014) or the Pentridge Village Design Guidelines and Masterplan (August 2009), whichever is applicable, or if the proposal to subdivide land is for the subdivision of land into super-lots.

Following a detailed assessment of the application the proposed increase to the Hotel's hours of operation is considered to be generally in accordance with the Masterplan as the Masterplan supports commercial use of the E Division building and the beer garden area. The proposed change in hours of operation is consistent with Clause 2.0 of the Activity Centre Zone, supporting the diversification of retail offerings in the Pentridge Site and Precinct 9. There are also no changes to the built form, or car parking provision, that would be inconsistent with Clause 5.0 of the schedule to the zone. As such, the proposal is 'generally in accordance with' the relevant provisions of the ACZ1 and the Masterplan and is exempt from notice and third party appeal rights.

The detailed assessment of the application has confirmed that public notice of the application occurred in error, as the application has been found to be exempt from this process, as outlined above.

Public notice of the amendments to the planning permit, as originally submitted, was however undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land within Pentridge and neighbouring properties on Pentridge Boulevard and Champ Street
- Placing a sign(s) on the frontages of the subject site (venue – BrewDog Pentridge)

Council has received 40 (forty) objections to date. A map identifying the location of objectors forms **Attachment 2**.

The key issues raised in objections are:

- Noise due to increased hours of operation
- Increased consumption of liquor
- Increase in anti-social behaviour
- Car-parking and traffic
- Existing venue management and security issues

While objections have been received and have been considered as part of the assessment of the application, objector have no right of review of this decision to the Victorian Civil AND Administrative Tribunal as the application is exempt from the public notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

After public notification of the application, the applicant voluntarily submitted a formal amendment to the application to alter the proposed hours of operation, by deleting the proposed late night trading until 3.00am. The amendment to the application reduced the proposed operating hours for the venue from:

- Sunday to Thursday – 7am – 1am
- Friday, Saturday and on the eve of a public holiday – 7am to 3am

To the following amended hours only :

- Monday to Sunday - 7am – 1am

All objectors were emailed on 17 April 2026 and informed of the formal amendment to the application.

A Planning Information and Discussion meeting was held on 20 May 2026 and attended by Mayor Cr Abboud, Councillors Iwasaki, Bolton and Politis, Council Planning Officers, the applicant and three objectors. The meeting provided an opportunity to explain the application, including the further amendment to the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Following the Planning Information and Discussion meeting, the applicant has agreed to additional conditions included in the recommendation, and voluntarily reduced patron numbers permitted within the beer garden to 400 people within the hours of the proposed amendment. No objections have been withdrawn.

#### Internal referrals

The proposal was referred to the following internal branches/business units:

Internal Branch/Business Unit	Comments
Transport - Development Engineering	<p>Supports the proposed amendment subject to an updated waste management plan. The recommendation will include Condition 16A to address this.</p> <p>36 car parking spaces required for the approved hotel use are provided within the basement car park of Building 9, which is located approximately 14 metres to the east of the subject site. The proximity of Building 9 to the subject site ensures that the patrons and staff of the proposed hotel have convenient access to the car parking area. Council's Development Engineers continue to support this provision of the car parking spaces in Building 9 for the increased hours of operation proposed, which will continue to be appropriate due to the very low parking demand during the early morning hours. This arrangement is referenced in the endorsed Car Parking Management Plan within Planning Permit MPS/2016/896/A.</p>

### 3. Policy Implications

#### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Settlement (Clause 2.03-1)
  - Built Environment and Heritage (Clause 2.03-4)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
- Settlement (Clause 11)
  - Activity centres and precincts (Clause 11.03-1S and 11.03-1R)
- Environmental Risks and Amenity (Clause 13):
  - Entertainment Venues and Licensed Premises (Clause 13.07-1L)
  - Live music (Clause 13.07-3S)
- Economic Development (Clause 17), including:
  - Employment Areas (Clause 17.01-1L-02 and 17.01-1S)
  - Business (Clause 17.02-1S)
  - Tourism (17.04)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)
  - Cycling (Clause 18.02-2S and 18.02-2L)
  - Public Transport (Clause 18.02-3S and 18.02-3L)
  - Car parking (Clause 18.02-4S and 18.02-4L)

*Incorporated documents:*

- Pentridge Coburg Masterplan (February 2014)

#### Planning Scheme Amendments

On 1 July 2025, State Government planning reforms resulted in Planning Scheme Amendment VC286 being gazetted which deleted Clause 52.27 'Licenses Premises' from the Merri-Bek Planning Scheme. Through the deletion of this clause, Council can no longer consider the sale and consumption of liquor in applications lodged to Council.

Despite the changes to the planning controls, a liquor licence will still be required from the Liquor Control Victoria (LCV). The amendment seeks to remove the term 'liquor' from the permit preamble. As a result, Council is unable to rely on Clause 52.27 in assessing this amendment.

## Human Rights Consideration

This application has been processed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Merri-bek Planning Scheme) reviewed by the State Government, and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*. In addition, the assessment of the application has had particular regard to:

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 16: Right to peaceful assembly and freedom of association
- Section 18: Right to take part in public life
- Section 20: Property rights

This application does not limit human rights. The impact of the proposal on the visitors to the premises and surrounds have been considered.

## 4. Issues

In considering this application, regard has been given to the Planning Policy Framework (PPF), the provisions of the Merri-bek Planning Scheme, objections received and the merits of the application.

### **Does the proposed amendment have strategic policy support and is it appropriate in the zone?**

The proposal is supported by state and local planning policies that encourage the provision of a diverse mix of land uses and higher density development within activity centres which have excellent access to public transport and other services.

The proposal achieves the objectives for the Pentridge Coburg Precinct given the site's location within the Coburg Activity Centre Zone, contributing to a vibrant, sustainable, high-density mixed-use precinct with residential, retail, tourism and commercial activities that complement the precinct's heritage significance.

The venue will continue to provide for multiple services operating as a bar, including substantive food and drink offerings as a restaurant and cafe, alongside the serving of alcohol which is supported by the zone. By introducing earlier trading hours, the venue is seeking to attract a broader customer base whilst operating within typical commercial hours in an activity centre.

The amendment is generally consistent with Council's Entertainment venues and licenses premises policy, subject to some further limitations during the proposed extended morning hours to reduce the external patron numbers to minimise amenity impacts on nearby residential properties. This forms a condition in the recommendation.

The increased hours of operation will increase employment opportunities and enhance economic development within the Activity Centre Zone (Clause 17).

### **Is the proposed amendment acceptable having regards to off-site amenity impacts?**

The Activity Centre Zone seeks to encourage intensive development of activity centres by facilitating a mixture of uses and higher density housing. Within Pentridge, residential apartments are located in close proximity to commercial activity. A careful balance needs to be achieved with the consideration of amenity impacts alongside the broader strategic objective of supporting a vibrant, mixed-use activity centre.

Notably, there are no changes proposed to the patron numbers permitted or the approved built form while conditions of the permit continue to oversee the management of patrons and the operation of the venue, as well as noise restrictions.

The now amendment application is limited to extending the morning trading hours to allow the venue to cater towards the live streaming of international sporting events, which can occur in the early mornings due to the time zone differences.

Concerns have been raised by objectors regarding the impact of increased operating hours on noise and anti-social behaviour associated with the serving of alcohol within the premises. Planning policy strategies seek to limit noise from licensed premises to avoid unreasonable amenity impacts and to direct venues trading after 11pm to Major Activity Centres. With the removal of planning permission for the sale and consumption of liquor in Victoria, Liquor Control Victoria are the responsible authority for overseeing liquor licences but will seek input from Council on the extended trading hours regarding potential amenity impacts.

The proposed early morning trading hours and any associated changes to the venue's operation can be managed through an amended Venue and Patron Management Plan and other conditions in the recommendation. The applicant has confirmed that early morning trading is intended to occur only occasionally, primarily when live-streamed events are available. A number of measures have been secured to minimise amenity impacts on nearby residents. This includes a reduction of the patron numbers within the beer garden to 400 during the early morning trading hours. There will be no live music played within external areas including the beer garden and terrace, or use of the family area (which is the tables and chairs outside of the venue) during the early morning hours. There will be further restrictions requiring only the main entry to be used prior to 8.30am on any day. The venue will be required to nominate 2 contact person details including a mobile number to whom any incidents can be reported to, who must be available 24 hours a day, 7 days a week for any complaints. Signage displaying these contact details must be placed in a location visible from the entrance to the venue.

Existing permit conditions, including noise controls, will continue to apply and remain relevant under the amended hours.

The proposed extended hours (7am opening) are consistent with nearby cafe/restaurant venues opening at a similar time, including the Boot Factory. In the context of the established precinct, it is reasonable to provide an existing commercial operator with additional daytime flexibility, noting that activity centres are expected to function throughout the day and evening and that business operations are a part of activity centre locations. An acoustic report has been submitted which demonstrates that patron and music noise emissions, both inside and outside, are not unreasonable and comply with the relevant EPA Noise Protocols. The venue will need to continue to comply with noise limits which represents a reasonable outcome for a hotel located within a major activity centre. The amended acoustic report includes recommendations requiring acoustic controls included as part of the previously endorsed Acoustic Report (endorsed 25 October 2022) continue during the amended operational hours, which will form part of the amended conditions.

The submission of an amended Venue and Patron Management Plan will ensure that any off-site amenity impacts caused by the proposed amendments can be appropriately managed.

### **Car parking, Bicycle Parking and Traffic Concerns**

Council's Development Engineer Unit has reviewed the proposed increase in operating hours and is supportive of the amendment. No concerns have been raised regarding the extended hours, parking capacity, or traffic implications. The amendment does not propose any change to the size of the venue or to patron numbers. As a result, it does not trigger any additional car parking or bicycle requirements or warrant further consideration of traffic impacts.

### **Are the changes to conditions on permit appropriate?**

With the change in proposed hours of operation, there are consequential amendments to permit conditions and endorsed documents referenced within the permit to ensure consistency with the amended operation hours. This includes updates to the Venue and Patron Management Plan and acoustic report.

## **5. Response to Objector Concerns**

The following issues raised by objectors are addressed in section 4 of this report:

- Noise emission caused by the increased hours of operation
- Increased trading hours relating to increased consumption of liquor and increased anti-social behaviour
- Car parking and Traffic concerns

Other issues raised by objectors are addressed below.

### **Existing issues with venue management and security**

Concerns have been raised regarding patron management, vandalism, regulation of smoking areas and broader security arrangements for the Pentridge Precinct. These matters are outside of the scope of the amendment which is limited exclusively to modifying the opening hours to 7:00am.

The Venue and Patron Management Plan states that the operator is to maintain an area designated for smoking that is separate from areas designated for food service in accordance with the *Tobacco Act 1987*. It is understood that Lovers Lane is used as the informal smoking area. A recommendation will include formally noting this location on the plans.

### **Litter**

Concerns have been raised regarding litter management. Staff are to ensure that the building entry and surrounds are kept clean and clear of litter, including doing regular litter patrols before and after the premises opens/closes. This is a requirement of the Venue and Patron Management Plan.

## **6. Officer Declaration of Conflict of Interest**

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

## **7. Financial and Resources Implications**

There are no financial or resource implications.

## **8. Conclusion**

The amendment to Planning Permit MPS/2020/109 continues the commercial use of the site with the increase to the Hotel's hours of operation allowing for a greater diversity of commercial offerings in the Pentridge Site. The proposal is generally in accordance with the Pentridge Coburg Masterplan (February 2014), the Activity Centre Zone and the wider objectives and requirements of the Merri-bek Planning Scheme. The proposal is considered acceptable when assessed against the objectives and requirements of the Merri-bek Planning Scheme, including those aimed at managing potential conflicts between existing and proposed land uses within an activity centre that supports mixed use and higher intensity development, as well as encouraging economic growth within the Activity Centre Zone.

The proposed amended operating hours can be supported, subject to the continued application of conditions regulating amenity impacts; such as hours of operation, noise, and venue management, and an increase in the number of measures to minimise amenity impacts including:

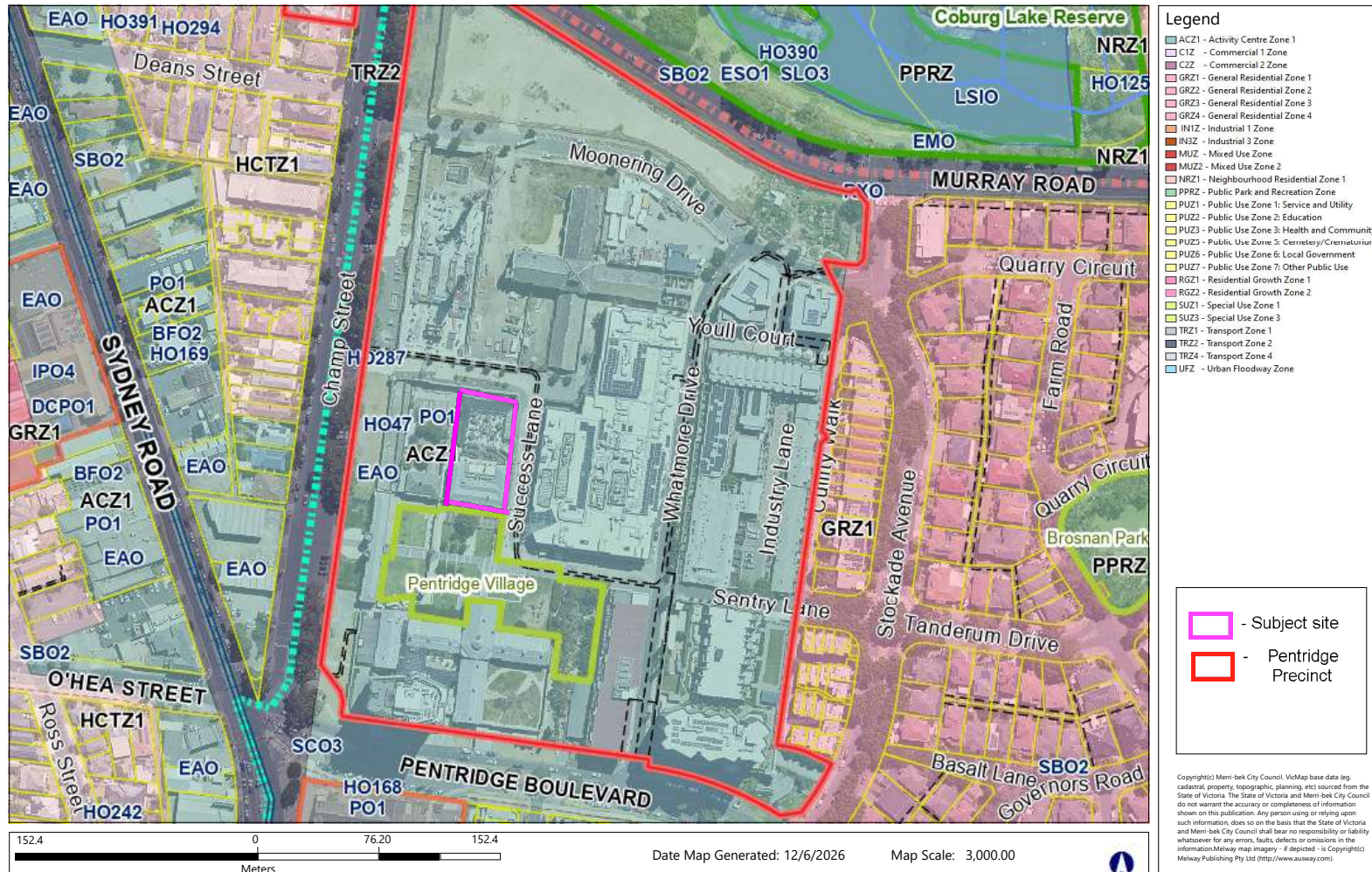
- a reduction of the patron numbers within the beer garden to 400 during the early morning trading hours
- no live music played within external areas including the beer garden and terrace during the early-morning trading hours
- no use of the family area (which is the tables and chairs outside of the venue) during the early morning hours
- restrictions requiring only the main entry to be used prior to 8.30am on any day
- inclusion of 2 contact person details including a mobile number to whom any incidents can be reported to, who must be available 24 hours a day, 7 days a week for any complaints
- Signage displaying these contact details in a location visible from the entrance to the venue.

On balance and having considered both relevant planning policies and the objections received, it is recommended an Amended Planning Permit MPS/2020/109/A be issued in accordance with the conditions outlined in this report.

### **Attachment/s**

<a href="#">1</a>	Zoning and Location Map	D26/227890
<a href="#">2</a>	Objector Location Plan	D26/227889
<a href="#">3</a>	Endorsed Plans	D22/478316

Zoning and Location Plan  
1 Champ Street Coburg VIC 3058



# Objector Location Plan

1 Champ Street, COBURG VIC 3058

- Subject site
- - Objector Location

Note: Some objector addresses could not be identified on the map



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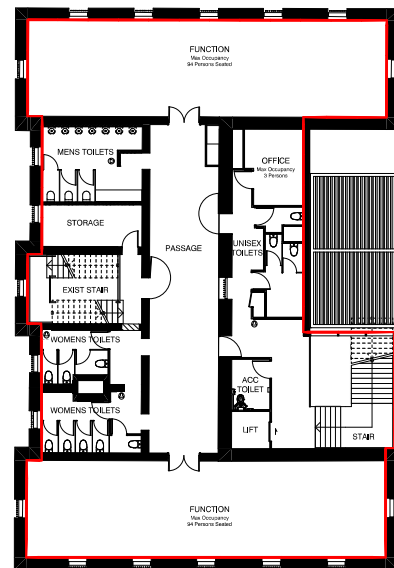
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Meters

Date Map Generated: 21/5/2026    Map Scale: 3,000.00



PLANNING AND ENVIRONMENT ACT 1987  
 MORELAND PLANNING SCHEME  
 This plan has been endorsed pursuant to  
 Planning Permit: MP/2020/0109  
 Date: 25/10/2022  
 Sheet 2 of 2  
 Signed:   
 For and on behalf of Moreland City Council



3. FIRST FLOOR - RED LINE PLAN  
 1:100

**STAGE ONE - CONSTRUCTION ONLY**

<b>StudioY.</b> blackformspace <small>1001/1111 Springvale Rd, Springvale VIC 3171                  Tel: 03 9594 1000                  www.studioy.com.au</small>	<small>The client is responsible for ensuring that all construction work is carried out in accordance with the relevant building codes and standards. StudioY. is not responsible for any structural or other defects that may arise from the construction work.</small>	<small>It is the responsibility of the client to ensure that all construction work is carried out in accordance with the relevant building codes and standards. StudioY. is not responsible for any structural or other defects that may arise from the construction work.</small>	Records <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE										<input type="checkbox"/> Drawing Conditions <input type="checkbox"/> Issues <input checked="" type="checkbox"/> Issue Merging <input type="checkbox"/> Design Development <input type="checkbox"/> Tender <input type="checkbox"/> Construction	Project Name: AYC PENTHOUSE Address: CHAMP STREET COBURG VIC 3086 Drawn By: [Name] Checked By: [Name]	Scale: 1:100 Sheet No: A1 Date: 17/06/2022 Drawn By: [Name] Checked By: [Name]
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<b>RED LINE PLAN 1F</b>																		