



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 27 May 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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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

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.

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

The minutes of the Planning and Related Matters Meeting held on 22 April 2026 be confirmed.

5. COUNCIL REPORTS

- | | | |
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| 5.1 | CITY DEVELOPMENT ACTIVITY REPORT - MARCH QUARTER 2025/26 | 4 |
| 5.2 | 19 MACKINNON AND 20 PATRICK STREET, GLENROY - PLANNING APPLICATION - MPS/2026/49 | 23 |
| 5.3 | 71, 88, 90 AND 99 GRANDVIEW AVENUE, PASCOE VALE SOUTH - MPS/2020/595/B AND MPS/2023/201/A -PLANNING PERMIT AMENDMENT | 60 |

6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - MARCH QUARTER 2025/26

Director Place and Environment, Pene Winslade
City Development

Officer Recommendation

That Council notes the City Development Activity Report – March Quarter 2026.

REPORT

Executive Summary

The City Development Urban Planning Unit has continued to produce positive results with the overall application caseload remaining at manageable levels.

While there has been a very slight increase in the caseload to 369 planning applications awaiting determination, this continues to be at an ideal level to enable timely decision-making and great customer service.

The focus for the Urban Planning Unit is to influence high quality planning outcomes, while maintaining the timeliness of planning permit decisions. The March quarter saw Merri-bek match the State average of 65 per cent of decisions being made within the 60 statutory day timeframe. This is reflective of a 15 per cent increase in applications received so far this financial year compared to the same period in the prior financial year, as well as the Urban Planning Unit adjusting operations in response to Victorian government planning reforms, which over the past 12 months has significantly changed the rules and processes related to residential development and other matters. Once the extra efforts needed to fully implement the reforms are completed and officers have adjusted to the changes, performance levels are expected to return to exceeding statewide averages, however further significant planning reforms will come into effect over the year ahead as the changes to the Planning and Environment Act are implemented with the introduction of new regulations. Timeframes for decisions on VicSmart, which now include new two dwelling applications as well as traditionally minor matters, are just behind the State average of 81 per cent, with 77 per cent of decisions made within 10 statutory days at Merri-bek.

Victorian Civil and Administrative Tribunal (VCAT) activity remains at a much lower level when compared to the pre-pandemic case numbers. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 86 per cent of cases so far in 2025/26 FY.

The Planning Enforcement Unit had a productive quarter. The reactive enforcement team continued to perform well, closing 119 cases despite a 9 per cent increase in cases received (132) last quarter and a 25 per cent increase from the same time last year. The proactive enforcement team commenced 24 new proactive audits this quarter, and the team were able to close more than half (60 per cent) of cases without the need to escalate to formal enforcement actions.

Previous Council Decisions

City Development Activity Report – September Quarter 2025-26 FY – 26 November 2025

That Council notes the City Development Activity Report – September Quarter 2025.

1. Policy Context

The City Development Branch administers Council's town planning, building and environmental health decision-making and compliance responsibilities under the Merri-bek Planning Scheme, Planning and Environment Act 1987, Building Act 1993, Building Regulations 2018, Building Code of Australia 2006, Food Act 1984, and Public Health and Wellbeing Regulations 2009. This report has a focus on the Urban Planning and Planning Enforcement services within the Branch.

2. Background

This report shows the key operational performance and activity of the Urban Planning Unit and Planning Enforcement Unit within the City Development Branch.

This includes analysis of:

- Planning applications received, determined and outstanding.
- Planning application decision-making.
- Streamlined planning services.
- Ministerial and Heritage Victoria applications.
- Retrospective planning applications.
- Planning applications with affordable housing.
- Council's performance at the VCAT.
- Proactive and reactive planning enforcement activity.
- Planning investment activity.

3. Issues

Urban Planning

Planning Permit Activity

A total of 287 planning applications were received for the March quarter. This compared with 263 for the same quarter in 2025. A total of 300 planning applications were decided in the March quarter compared to 309 for the same quarter in 2025 indicating a similar level of team performance. Comparing calendar years, there was a total of 850 applications received and 850 determined in the first three quarters of 2024/25. Whereas there has been a total of 999 applications received and 965 determined in the first three quarters of 2025/26. Comparing the financial years, planning applications increased by 14.9 per cent and applications determined increased by 12 per cent.

The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service. The total caseload awaiting a decision, has reduced by 13 applications since the December quarter. The reduction to the total caseload and increased decision output is notable given the team have been navigating major planning reforms to both the processing and assessment planning applications. See **Figures 1 and 2 at Attachment 1**.

It remains that most applications lodged for the quarter were multi-unit development being 76 of the total applications received, however this was a fairly substantial decrease compared to the 105 multi-unit development applications received in the December quarter. Alterations and additions to buildings comprised 52 applications received. See **Figure 3 at Attachment 1**, for a complete breakdown of the different application types received.

The percentage of applications determined within the 60 day statutory timeframes for all Councils averaged 65 per cent in the March 2026 quarter. Merri-bek's average for the March 2026 quarter matched the state average at 65 per cent. The reduction in timely decision-making timeframes to match the state average, is a consequence of both the increase in the number of applications received and the team adjusting to State government planning reforms. See **Figure 4** at **Attachment 1**.

Streamlined Planning Services

Council's streamlined planning services include the VicSmart and Fast Track streams (being minor permit applications that do not qualify as Vic Smart), as well as the Commercial Priority Planning Permit Service, which is a service to assist businesses setting up or expanding in Merri-bek.

Figure 5, in **Attachment 1**, shows varying levels of performance against Vic Smart application timeframes with a rebound in performance during the final month of the March quarter. The varying results are evidence of the team adjusting to the increase in the number of two dwelling applications being submitted under the 10 day VicSmart pathway. To date despite many lodgements few 2 dwelling applications have been capable of approval via VicSmart. Despite the varying levels of performance, 77 per cent of Vic Smart planning permit applications were determined within 10 days in the March Quarter, consistent with the December Quarter.

The Commercial Priority Planning Service is a longstanding initiative, developed by the Urban Planning Unit, to provide dedicated senior planning officer support to new or expanding local businesses and reward well prepared applications with a more timely assessment and decision. In the 2025/2026 financial year, there have been 27 applications for new or expanding businesses processed as Commercial Priority applications, with 78 per cent of these applications determined within 60 statutory days. This exceeds the Urban Planning Unit target of 70 per cent determined within 60 statutory days.

The Urban Planning Unit also supports the Better Approvals Merri-bek business concierge service, by providing planning advice to between 8 to 11 businesses a month. Some of the planning advice confirms no planning permit is needed, with others serving as the first point of contact for the Commercial Priority Planning Service.

Planning Proposals Under Consideration by the Minister for Planning

Increasingly the Minister, rather than Council, is the Responsible Authority for major developments, private schools and social or affordable housing proposals across the State of Victoria. The Victorian Planning System also provides the ability for the Minister for Planning to intervene in VCAT or Council decisions.

In September 2023, all Victorian Planning Schemes were amended, to include two new provisions to facilitate developments that provide a significant level of housing, including affordable housing, or make a significant contribution to Victoria's economy and provide substantial public benefit, including new jobs. These developments must meet requirements specified in Clause 53.22 or Clause 53.23 of Victorian Planning Schemes. In April 2025, these Ministerial application avenues were further expanded, by a new Clause 53.25 (Great Design Fast Track). This new provision seeks to facilitate development that is of a high quality in its design, liveability and sustainability. Applications made under these new provisions will be determined by the Minister, rather than local Councils and will continue to be subject to public notice requirements, including notice to Council. However, the Minister's decision on these proposals is exempt from VCAT reviews by objectors, or Council.

While the *Planning and Environment Act 1987*, has always enabled the Minister to 'call-in' and decide applications of state significance, these new provisions provide the Minister with the Responsible Authority status to decide the applications without the need to use Ministerial powers of intervention.

There were no Ministerial applications referred to Council during the March quarter.

Heritage Permit Applications before Heritage Victoria

In the last quarter, the Executive Director, Heritage Victoria did not seek Council's views on any heritage permit applications.

Retrospective Planning Permits

Retrospective planning applications seek approval for a use or development that has already taken place without the necessary planning approval. These applications are usually a result of action by Council's Planning Enforcement Unit. The planning compliance practice, encouraged by VCAT and the Magistrates Court, is to firstly pursue retrospective approval, when this may be possible, before occupying VCAT and Magistrates Court time on planning enforcement matters.

In the March 2026 quarter, Council received five retrospective planning permit applications, because of planning enforcement action.

17 retrospective decisions were made in the March 2026 quarter, relating to:

- Three applications related to amendments to single houses;
- Eight applications related to amendments to a commercial building or signage;
- Five applications related to amendments to multi-unit developments; and
- One application was refused as it sought to add a third storey to a dwelling which was prohibited under the land's residential zoning as it exceeded the maximum building height.

The retrospective application that was subsequently refused occurred after the illegal works were revealed to be prohibited under the zone as part of the planning assessment. The Planning Enforcement Unit directed a retrospective application to be lodged instead of directing compliance due to initial information not demonstrating the prohibition of the illegal works. Following refusal of the application, the Planning Enforcement Unit have directed the removal of the illegal structure.

Social and Affordable Housing

The Victorian Planning and Environment Act, 1987 defines affordable housing as housing that is appropriate to the needs of very low, low, and moderate income households. An annually updated Governor in Council order sets the income thresholds for affordable housing. Social housing is a distinct type of affordable housing which has specific eligibility requirements defined under the Housing Act, 1983. Social housing includes public housing which is owned and usually managed by the State Government, or which is owned and/or managed by a registered housing agency.

Council has undertaken significant research to estimate the need for social and affordable housing, projecting up to 2036. The shortfall in affordable housing in Merri-bek was at least 4,000 dwellings in 2016. This shortfall will rise to between 7,000 and 10,500 by 2036. The Council Plan 2025-2029 includes a number of strategies to advocate for more social and affordable housing in Merri-bek, including crisis, transitional and permanent housing options, through planning policy.

In February 2025, Council endorsed an updated 4 year Affordable Housing Action Plan 2022-26. This Plan includes an action to facilitate affordable housing provision in planning permit applications. The provision of social and affordable housing in new development is not currently mandated in the Merri-bek Planning Scheme and has to be negotiated on a voluntary basis through the planning permit application process. All Victorian Planning Schemes contain specific statewide provisions whereby the Minister for Planning can be the Responsible Authority for certain types of developments, and an affordable housing contribution is normally required.

In the March 2026 quarter one planning permit was issued that included a requirement to provide social or affordable housing, totalling 106 dwellings. This planning permit was on Council land associated with the approval of the Coburg Health Hub at:

- 90 Bell Street and 29-31 Urquhart Street Coburg, Coburg. Planning Permit MPS/2024/414 issued by Council on 5 May 2026, including 106 affordable dwellings (100 per cent).

Council's performance at the Victorian Civil and Administrative Tribunal

In the March quarter, two applications for review of planning decisions were lodged at VCAT, being:

- One by a permit applicant against conditions included on a planning permit.
- One by an objector against approval.

Only 16 applications for review to VCAT have been lodged in the 2025/26 financial year to date.

The number of VCAT reviews is still well below averages of the pre-pandemic development boom years. **Figures 6, 7 and 8 in Attachment 1** provide further details of the trend of reduced VCAT reviews lodged and determined over the last 5+ years.

In the March quarter, no VCAT appeals were lodged in relation to any applications decided by Council at a Planning and Related Matters Council meeting and no VCAT decisions were received for applications that had been decided by Council at a Planning and Related Matters Council meeting.

In respect to success at VCAT, this is shown in **Figures 9 and 10 in Attachment 1**.

Figure 10 indicates that of the total VCAT decisions made in the 2025/26 financial year when including decisions that were resolved by consent of all parties as a win, Council won 10 cases and lost two cases resulting in an 83 per cent win rate across the past two years.

Table 1, in Attachment 2 is a more detailed list of all VCAT reviews lodged in the December quarter.

There were 5 decisions made by VCAT in the December quarter. Details of these decisions are provided in **Table 2, Attachment 2**.

The State Planning Permit Activity Reporting System (PPARS) indicates that Council's VCAT success rate is lower than the rest of the State at 46 per cent, compared to 68 per cent State-wide. Importantly, however PPARS does not include cases resolved by consent of all parties, often following the circulation of revised plans. In the 2025/26 financial year so far 10 (62 per cent) of VCAT decisions were resolved by consent of all parties. Therefore, when decisions including consent orders are included, Council won or its concerns were addressed, and agreement reached by revised plans in 86 per cent of cases at VCAT in the 2025/26 financial year.

VCAT Outcomes from Planning and Related Matters Council Meeting Decisions

There was no VCAT determinations in the March quarter that related to a planning decision made at the Planning and Related Matters Council meeting. Therefore, the success rate of 100 per cent for the financial year so far remains intact, which is based on a small sample of 2 VCAT determinations.

Planning Enforcement Activity

Planning enforcement activity includes both reactive and proactive enforcement. Reactive enforcement is investigating complaints about land use and development that may have occurred without a planning permit or may not accord with a planning permit.

Proactive enforcement is proactively checking compliance with a planning permit as the construction and preparation for the new use or development is occurring.

Reactive enforcement activity

Figure 1, in Attachment 3 shows that a total of 132 cases were received in the three months that make up the March quarter of 2026. This is 9 per cent more cases received than the 121 received in the December 2025 quarter. The team were able to close 119 cases this quarter which is an 18 per cent increase on the 101 cases closed in the December quarter.

Figure 2, in Attachment 3 shows how the outstanding reactive enforcement caseload is tracking. The number of outstanding cases at the end of this quarter is 141 cases, up from 128 cases at the end of the December 2025 quarter. This reflects the fact that 132 new cases were received while only 119 cases were closed. Figure 2, shows that the team are still tracking well and have returned to higher levels of performance, enabling them to keep the backlog relatively steady despite the increase in cases received, which is a positive result. The net increase of cases each month will need to be closely monitored.

Figure 3, in Attachment 3 shows the outcome of investigations over the December 2025 quarter. The most common outcome was that in 56 cases voluntary compliance was able to be achieved without the need to escalate to fines or other formal enforcement proceedings. In 44 cases the investigation found the complaint to be unfounded (no planning breach identified). In 10 cases a minor breach was identified but no action was warranted, which reflects a proportionate response to the seriousness of the breach identified. Breaches are categorised into three categories, and where a breach is determined to be 'negligible impact and/or risk', it is not an efficient use of Council resources to require rectification of the breach. For transparency, all negligible breaches are recorded with an accompanying explanation as to why the breach is considered negligible and therefore further action will not be pursued.

Proactive enforcement activity

Each year the proactive planning enforcement program aims to audit at least 80 medium density developments and 10 developments where the planning permit was issued following a Planning and Related Matters (PARM) Council meeting, or after a refusal was overturned at VCAT.

The team also proactively audit all sites with a planning permit requirement to undertake an environmental audit.

All planning permits that have a requirement to enter into a legal agreement with Council, for matters of particular importance or agreed community benefits, such as affordable housing, or new public links or open space etc, are also proactively audited.

In the March 2026 quarter, 24 new proactive audits were commenced bringing the 2025/26 year to date total to 53 proactive audits commenced as shown in **Figure 4, in Attachment 3**. The team remain confident that the proactive enforcement program will meet the target of 90 proactive audits in 2025/26.

Figure 5, in Attachment 3 shows a total of 25 out of 41 cases were closed in the March 2026 quarter through the proactive enforcement program without needing to be escalated to enforcement action. This represents 60 per cent of the total number of cases closed this quarter that achieved compliance without enforcement action being required, demonstrating the value of the proactive enforcement program. The remaining 16 cases required escalation towards enforcement action with an enforcement case opened to follow up and ensure compliance is achieved.

Figure 6, in Attachment 3 shows that a total of 44 separate planning breaches were rectified this quarter through the proactive enforcement program. These are breaches that would otherwise have been passed on to the new owners of the developments in Merri-bek. This figure shows the types of breaches resolved, with breaches in the 'Other' category the most common this quarter, which includes things like bollard lighting, colours and material changes to buildings. This is followed by a failure to provide Adjustable Shading Devices (ASD) and 'Environmentally Sustainable Design' (ESD) breaches being the next most common. These are followed by Tree protection zone, landscaping and privacy screening breaches.

Human Rights Consideration

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities, and it was found that it does not contravene any of these sections and supports the following rights:

- Section 18: Taking part in Public Life
- Section 13: Privacy and Reputation

4. Consultation / Recommendation from Management

No consultation was required to inform the preparation of this report

5. Declaration of Conflict of Interest

Council Officers, involved in the preparation of this report have no conflict of interest in this matter.

6. Financial and Resources Implications

There are no financial or resource implications as a result of this report.

The ongoing operation of the Urban Planning Unit and Planning Enforcement Unit can be met within the existing base budget.

In terms of overall development in Merri-bek during the March 2026 quarter, developments to the value of \$78 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$285 million during the same quarter in 2024/25. Notably, following changes to all Victorian Planning schemes many of the more significant developments in Merri-bek are now being decided by the Minister for Planning, rather than Council.

A total of \$1.23 million in Public Open Space Contributions was collected from the subdivision of new development in Merri-bek during the March 2026 quarter, to help fund the provision of new or enhanced parkland.

7. Implementation and Timeline

The performance of the Urban Planning and Planning Enforcement Units within Council's City Development Branch will continue to be monitored with the activity report for the next quarter to be presented to the August 2026 Planning and Related Matters Council meeting.

Attachment/s

1	Urban Planning March 2026 Quarterly Data	D26/211629
2	VCAT data - March quarter 2026	D26/210559
3	Planning Enforcement - March quarter 2026	D26/216552

Attachment 1 – Urban Planning March 2026 Quarterly Data

PART 1 – Volume



Figure 1: Urban Planning number applications received and determined since March 2025

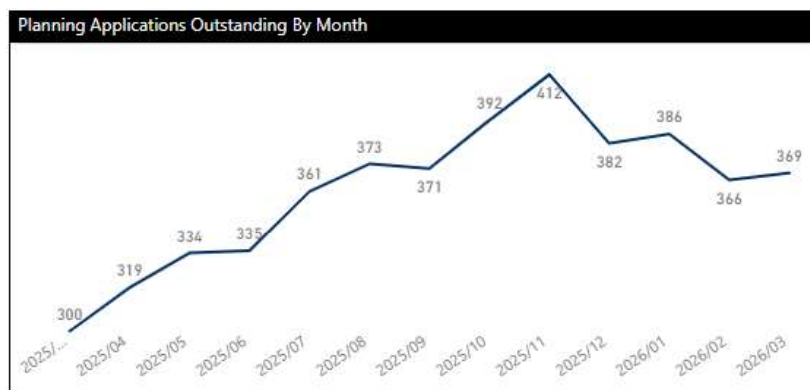


Figure 2: Urban Planning overall caseload since March 2025

Attachment 1 – Urban Planning March 2026 Quarter

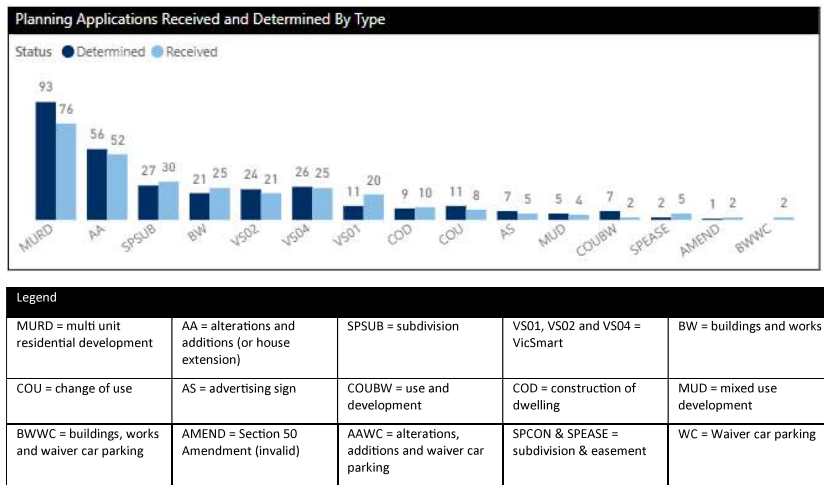


Figure 3: Urban planning applications received and determined December quarter

PART 2 – Timeliness

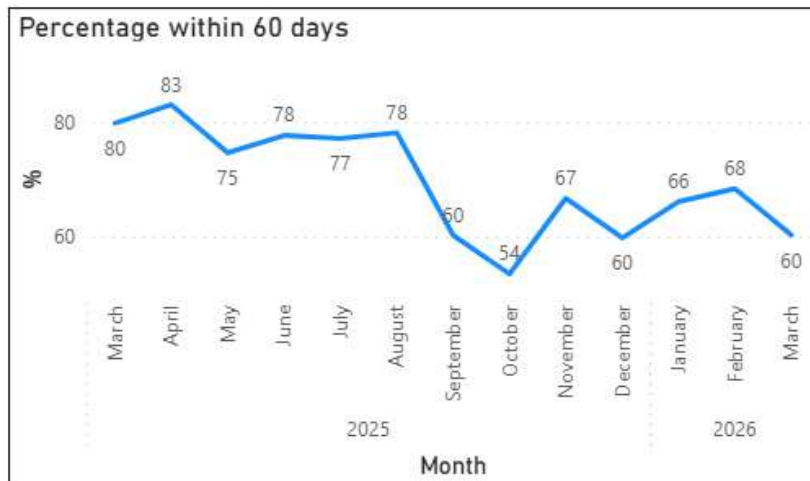


Figure 4: Urban Planning applications determined within 60 days since March 2025

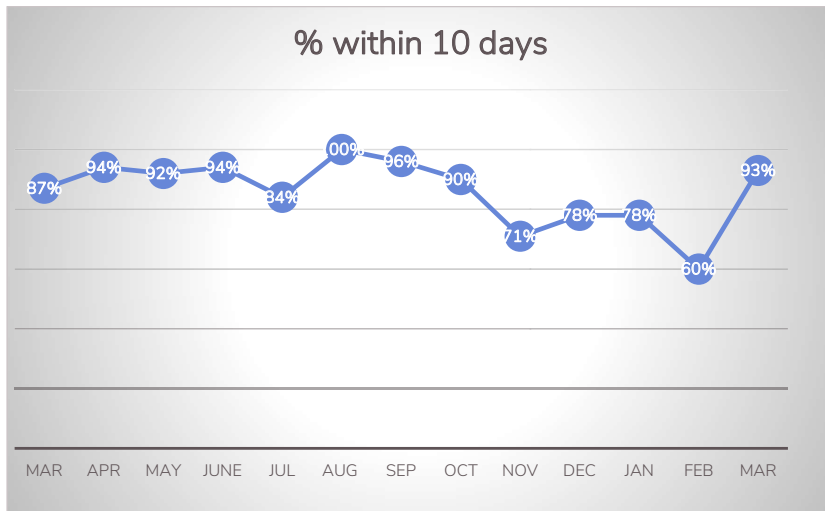
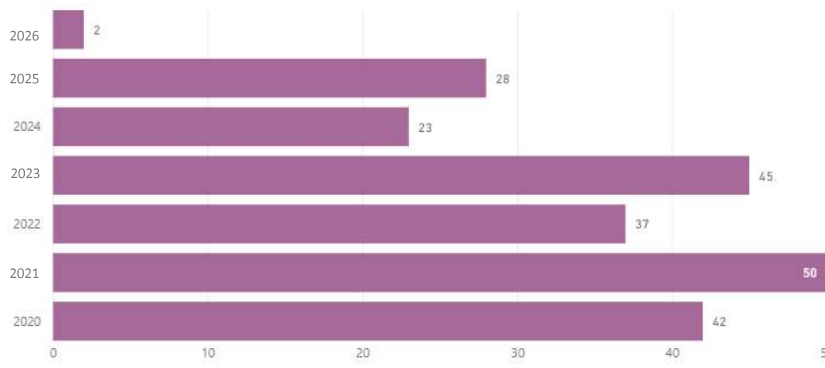


Figure 5: Urban Planning VicSmart applications determined within 10 days since March 2025

PART 3 – VCAT



Breakdown this quarter:	
Section 77 (refusal) = 0	Section 82 (objectors) = 1
Section 80 (conditions) = 1	

Figure 6: VCAT reviews lodged since 2020, by calendar year

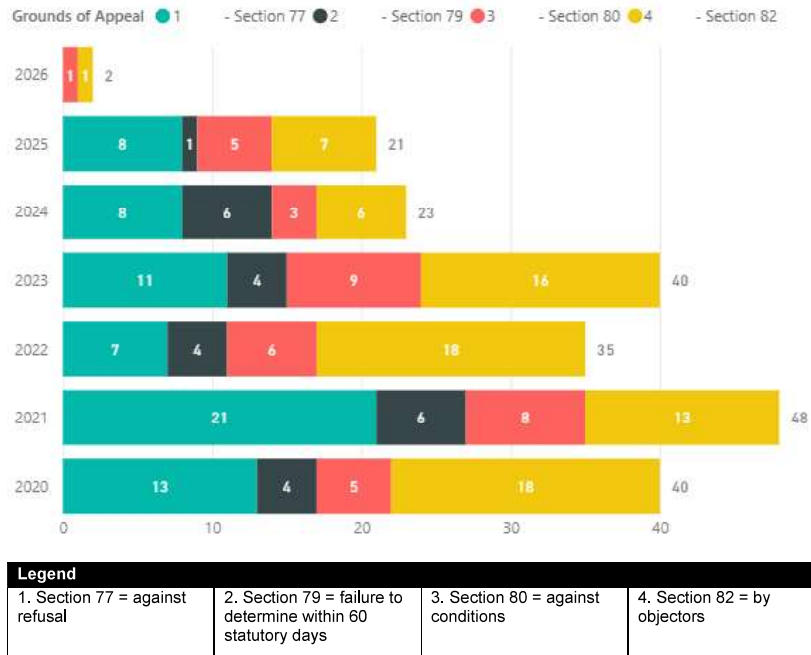


Figure 7: VCAT reviews lodged by type since 2020

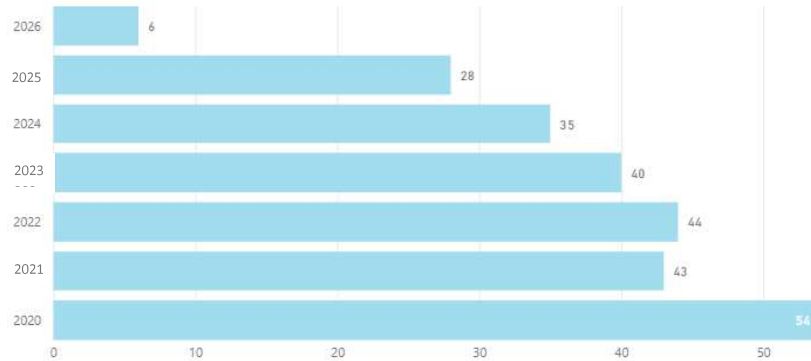


Figure 8: VCAT reviews determined by calendar year since 2020

Attachment 1 – Urban Planning March 2026 Quarter

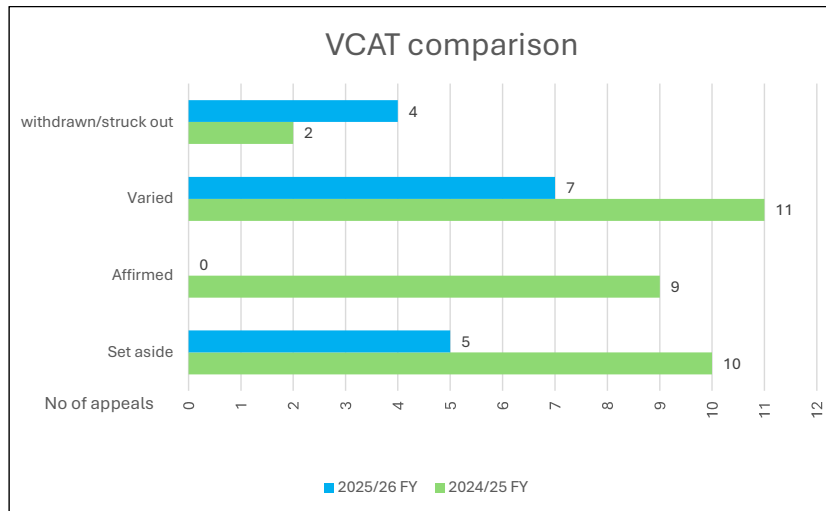


Figure 9: VCAT results comparing financial years (includes consents)

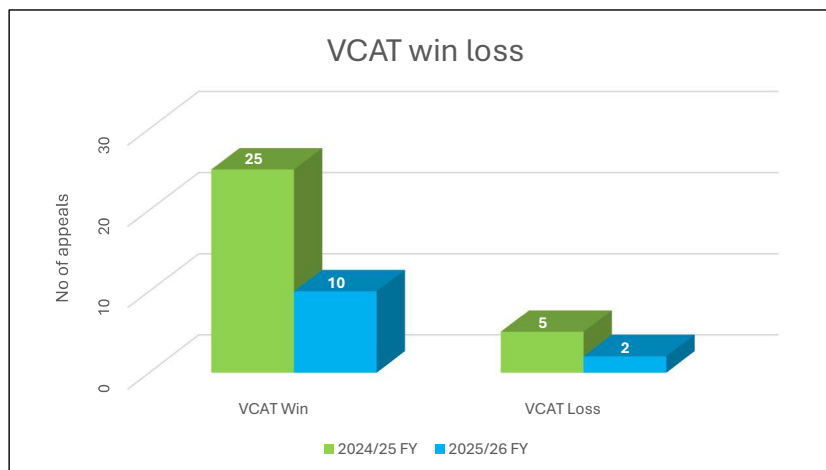


Figure 10: VCAT results comparing financial years (with consent counted as a win)

Attachment 1 – Urban Planning March 2026 Quarter

Attachment 2, City Development Activity Report, VCAT Activity – March 2026 Quarter

VCAT report appeals lodged in March 2026 quarter				
Application number	Appeal type	Address	Original decision	Proposal
Council Meeting Decision				
N/A				
Delegated Officer Decision				
MPS/2022/621/A	Applicant against conditions	143 Edward Street, BRUNSWICK	Amended Planning Permit	Partial demolition and buildings and works for a single-storey extension to an existing dwelling in the Heritage Overlay
MPS/2025/190	Objector against permit	71 Bolingbroke Street, PASCOE VALE	Notice of Decision to Grant a Permit	Construction of four triple storey dwellings

Table 1: VCAT reviews lodged in the March 2026 quarter

VCAT reviews determined in the March 2026 quarter:						
Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Council Meeting Decision						
N/A						
Delegated Officer Decision						
MPS/2020/57	Amendment of permit via VCAT	495-511 Lygon Street, BRUNSWICK EAST	Planning Permit	Amendment to permit which allows part demolition of existing buildings and the construction of a multi-storey building with basement and use of the land for a place of assembly and reduction of car parking	Yes	VCAT issued an amended permit following consent between Council, the applicant, Melbourne Water and two objectors agreeing to the following additional changes negotiated at the compulsory conference: <ul style="list-style-type: none"> • Screen planting for balconies facing objectors property

Attachment 2, City Development Activity Report, VCAT Activity – March 2026 Quarter

						<ul style="list-style-type: none"> • Conditions restricting noise from rooftop terrace • Patron Management Plan • Residential entry ramp widened • Bicycle parking increased • Details of mesh screens over street facing balconies
MPS/2021/1029	Amendment of permit via VCAT	53-57 Albert Street, BRUNSWICK EAST	Planning Permit	Amendment to permit which allows construction of a five storey apartment building and a reduction in the car parking requirement	Yes	<p>VCAT issued an amended permit following consent between Council and the applicant agreeing to the following additional changes negotiated at the compulsory conference:</p> <ul style="list-style-type: none"> • Vehicle crossing relocated to Cross Street • Increasing width of internal courtyard between buildings within the site • Minimum finished floor level raised to meet flood mapping requirements
MPS/2023/251/A	Amendment of permit via VCAT	2/190 Victoria Street, BRUNSWICK	Amended Planning Permit	Amendment to permit which allows two lot subdivision to facilitate construction of a second dwelling on a lot and a reduction in required car parking	No	Appeal withdrawn

Attachment 2, City Development Activity Report, VCAT Activity – March 2026 Quarter

MPS/2024/573	Applicant against refusal	866 Sydney Road, BRUNSWICK	Refusal	Construction of three triple storey dwellings towards the rear of the existing building and a reduction of car parking	Yes	VCAT set aside Council's refusal and remitted the application back to Council for reconsideration following significant changes being proposed at the compulsory conference, including: <ul style="list-style-type: none"> a five storey apartment building in lieu of the three townhouses <p>A decision has not yet been made on the revised proposal.</p>
MPS/2025/62	Objector against permit	23 Blyth Street, BRUNSWICK	Notice of Decision to Grant a Permit	Demolition of the existing dwelling and construction of two double storey dwellings in a Heritage Overlay	Yes	VCAT varied Council's decision following consent between Council, the applicant and objector agreeing to the following additional changes negotiated at the compulsory conference: <ul style="list-style-type: none"> 500mm side setback provided to Dwelling 1 with a concrete strip Introduce a light court opposite 25 Blyth St northern side setback reduced by 500mm
MPS/2025/653	General Application for Review (of Condition 1 plans)	11 Reaburn Crescent, BRUNSWICK WEST	Planning Permit	Construct a carport adjacent to an existing dwelling in a Heritage Overlay	Yes	VCAT set aside Council's decision following consent between Council and the applicant agreeing to the following additional changes negotiated at the compulsory conference: <ul style="list-style-type: none"> increase the length of the carport

Table 2: VCAT reviews determined in the March 2026 quarter

City Development Activity Report

Attachment 3 – Planning Enforcement Unit – Mar 2026 Quarterly Data

Figure 1: Received vs Determined Reactive Cases - Mar Quarter 2025/26

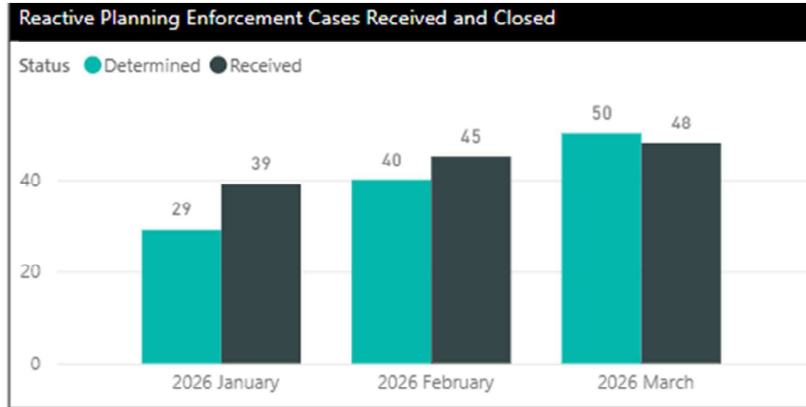


Figure 2: Outstanding Planning Enforcement Reactive Cases at 31 Mar 2026

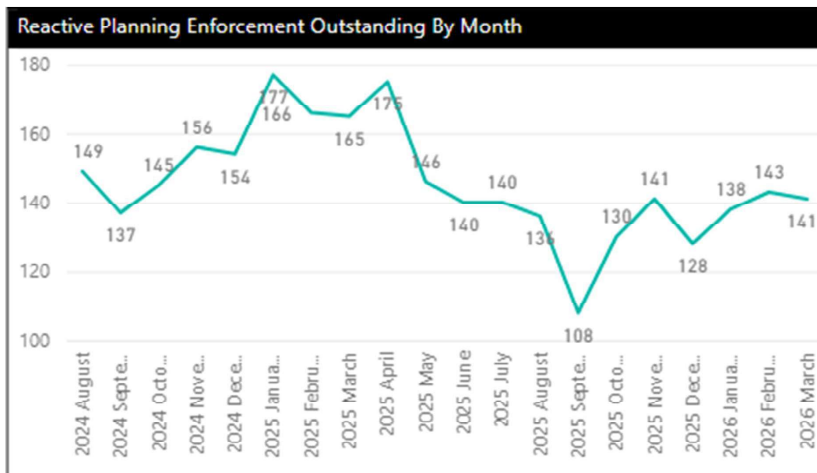


Figure 3: Outcome of Reactive Cases - Mar Quarter 2025/26

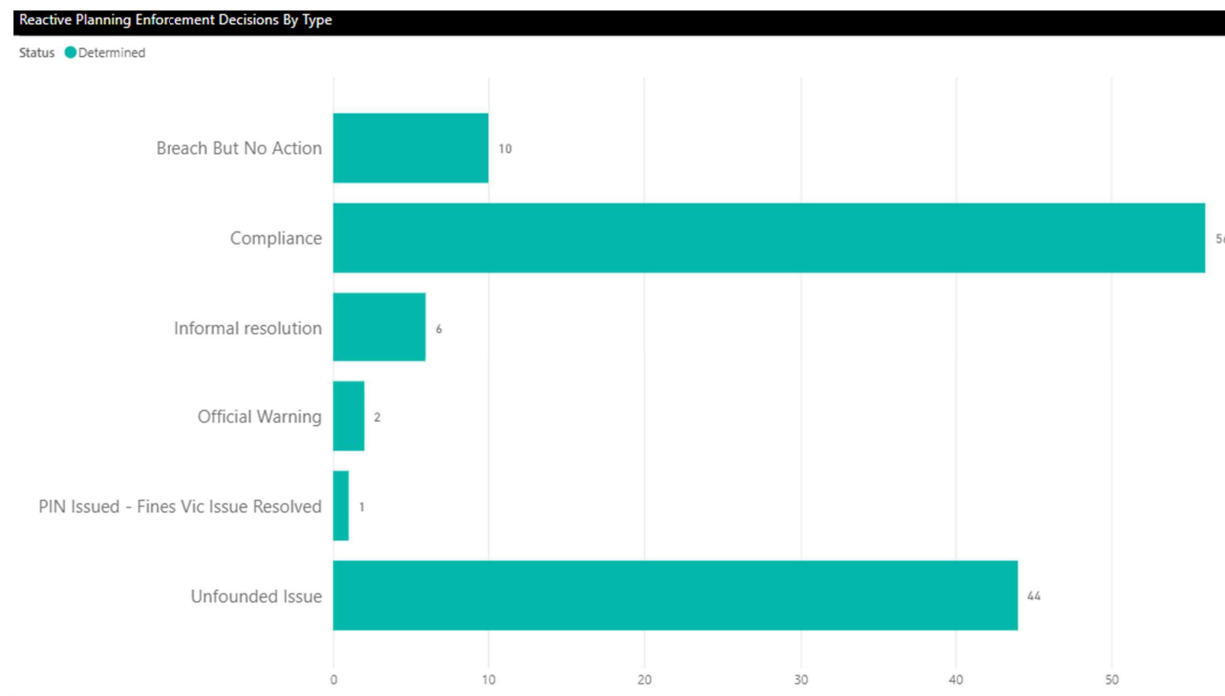


Figure 4: Proactive First Inspections Completed at 31 Mar 2026

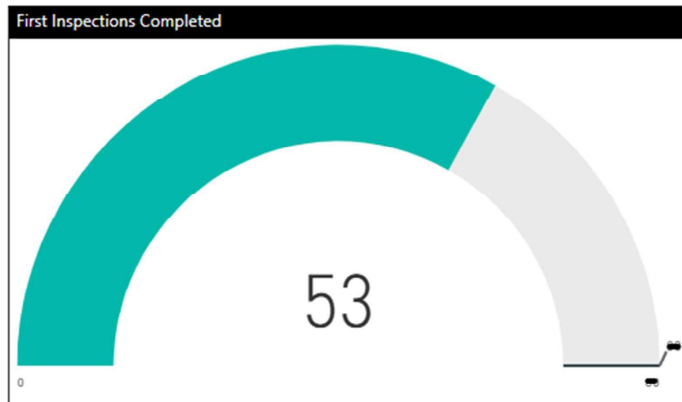


Figure 5: Proactive Cases closed with non-compliance rectified without escalation - Mar Quarter 2025/26

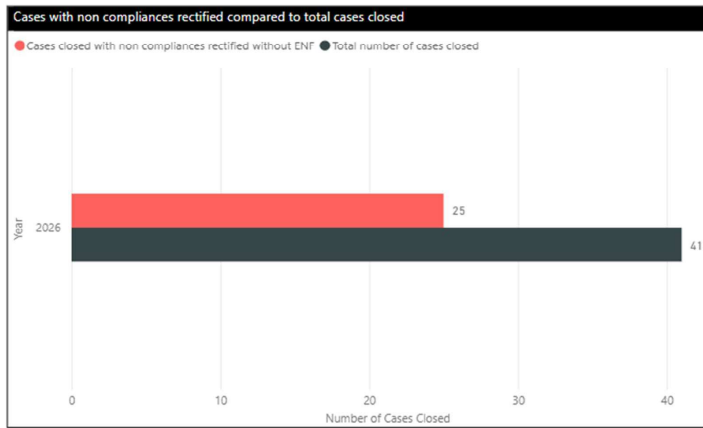
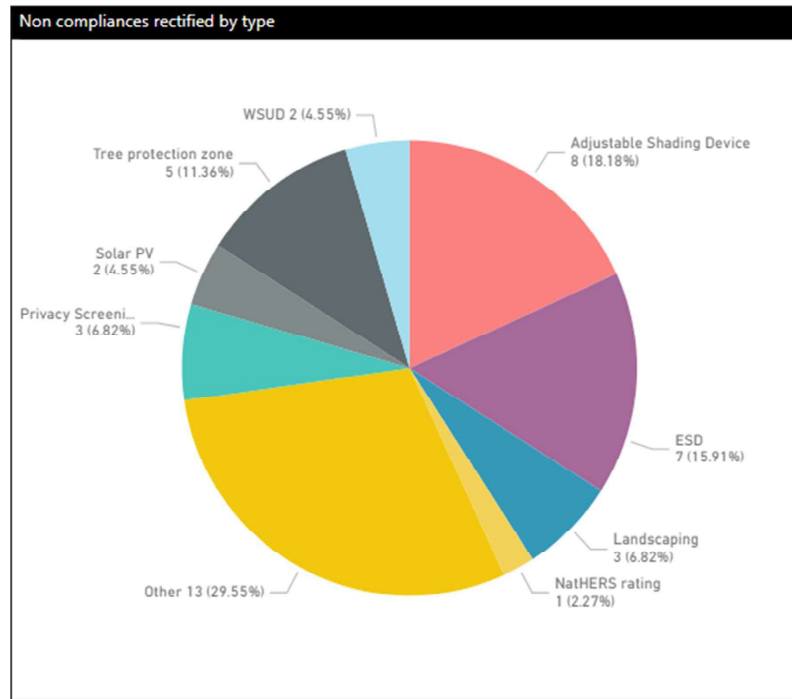


Figure 6: Non-compliances rectified through Proactive Enforcement - Mar Quarter 2025/26



5.2 19 MACKINNON AND 20 PATRICK STREET, GLENROY - PLANNING APPLICATION - MPS/2026/49

Director Place and Environment, Pene Winslade

City Development

Executive Summary



Property:	19 Mackinnon Grove and 20 Patrick Street, Glenroy
Proposal:	Buildings and works to construct eight double storey dwellings and removal of a boundary canopy tree
Zoning and Overlay/s:	<ul style="list-style-type: none"> • General Residential Zone – Schedule 1 • Development Contributions Plan Overlay
Objections:	<p>Seventeen (17) objections (received from fifteen 15 properties), Key issues raised:</p> <ul style="list-style-type: none"> • Overdevelopment • Amenity impacts (Overshadowing, visual bulk, overlooking) • Traffic and car parking
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Held on 28 April 2026 • Attendees: 3 objectors, the applicant, 2 Council officers, and Deputy Mayor Cr Helen Davidson • The following agreements were reached at the PID meeting: <ul style="list-style-type: none"> – Change to materials and finishes – Change to tree species for planting – Changes to design to result in compliance with Standard B4-3 Overshadowing – Additional screening of windows <p>These changes have been conditioned as part of the officer's recommendation.</p>
ESD:	<ul style="list-style-type: none"> • 100 per cent STORM score • 2000L Rainwater Tank provided for Dwellings 1-6 • 2500L rainwater tank for Dwellings 7 and 8 • Conditions included to meet remaining requirements of Clause 55.05
Key reasons for support	<ul style="list-style-type: none"> • Conditions to ensure compliance with overshadowing and overlooking standards. • No unreasonable visual bulk impacts from the building to adjoining properties • Compliance with the neighbourhood character standards in Clause 55.
Recommendation:	That a Notice of Decision to Grant a Planning Permit be issued.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit MPS/2026/49 be issued for the land at 19 Mackinnon Grove and 20 Patrick Street, Glenroy.

The Permit would allow:

Buildings and works to construct eight double storey dwellings and removal of a boundary canopy tree.

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-7	Construct two or more dwellings on a lot
Clause 52.37-2	Removal of a boundary canopy tree

The following conditions would apply to this permit:

Amended Plans

1. Before the development 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 prepared by Design by Kilik advertised on 13 February 2026 but modified to show:
 - a) Compliance with Standard B4-3 (Overshadowing) Clause 55.04-3 of the Merri-bek Planning Scheme by ensuring that:
 - i. At least 50 per cent, or 25 square meters (whichever is the lesser area) of the secluded private open spaces of adjoining dwellings, with a minimum dimension of 3m, receives a minimum of 5 hours sunlight between 9:00am and 3:00pm on 22 September; and
 - ii. Where an adjoining secluded private open space(s) currently receives less than 5 hours of sunlight, the development must not further reduce the amount of sunlight received.
 - b) The outer wall material changes from 'Lime White Quarter' and Caspar White Quarter' to be a less reflective, more muted colour (e.g., Dulux 'Sandy Day' or similar).
 - c) Dwellings 6 and 7 west facing first floor bedroom room windows obscured up to 1.7m above sill height.
 - d) The Dwelling 1 retreat window screened in accordance with Standard B4-4 (Overlooking) Clause 55.04-4 of the Merri-bek Planning Scheme.
 - e) The Western boundary fence adjacent to Dwelling 5 provided with 0.5m high trellis (no more than 25 per cent transparent) to the existing 1.5m high paling fence, in accordance with Standard B4-4 (Overlooking), Clause 55.04-4 of the Merri-bek Planning Scheme.
 - f) Provision of a shared bin enclosure that services Dwellings 1-6 with a minimum width of 1.75m, length of 2.4m and screened to a height of 1.28m to replace the visitor car space. The enclosure must provide for at least two 240L shared rubbish, one 240L FOGO, one 120L shared glass and six individual 240L recycling bins.
 - g) All mechanical plant, including any air conditioning units at ground floor. These are not to be located immediately adjacent to bedrooms of new or existing dwellings, in accordance with Standard B5-6 (Noise impacts), Clause 55.05-6 of the Merri-bek Planning Scheme.
 - h) Site coverage shown consistently on all relevant plans, including the Ground Floor Plan and Design Response Plan.

- i) An individual bin storage area for Dwelling 7 in accordance with Standard B5-5 of Clause 55.05-5 (Waste and recycling).
- j) The double garage doors of Dwellings 1-6 dimensioned to be at least 5.4 metres wide, and the single garage doors of Dwellings 7 and 8 at least 3 metres wide in accordance with Figure 5.4 of the Australian Standard AS2890.1.
- k) No kerbs enclosing the accessway or obstructions within 500mm of the accessway of Dwellings 1-6 that exceed 150mm in height.
- l) Proposed vehicle crossings with 1 metre straight splays on both sides commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
- m) Deletion of the external sensor lights above garage doors.
- n) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 7 of this permit.
- o) Any changes as required by the landscaping plan in Condition 3 of this permit.

Compliance with Endorsed Plans

2. The development 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 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Concurrent with the submission of plans for endorsement under Condition 1, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Design by Kilik dated August 2025 but amended to show:
 - a) Any changes required to align with the plans for endorsement.
 - b) The Peppercorn tree in the rear yard of Dwelling 7 to be replaced with *Olea Europeae* (Swan Hill Olive) Tree.
 - c) The Dwarf Lemon Scented Gum Trees located in the rear yard of Dwelling 7 to be replaced with *Tristaniaopsis Luscious* (Water Gum) tree.

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

4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
5. All landscaping must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Tree Protection

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the following trees must have a Tree Protection Zone (TPZ) in accordance with AS4970-2025 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:
 - i. All Council trees located within 3 metres of the site boundary or a vehicle crossing;
 - ii. The trees marked on the endorsed plans as being retained and protected.

The TPZ must meet the following requirements:

a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Standard Height (DSH) as defined by the Australian Standard AS 4970.2025). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste.". The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970-2025.

e) Access to TPF

The TPF once erected, must be maintained and not altered, tampered or moved. If any works are proposed within the TPZ or require the TPF to be moved or altered, then such works must only be carried out with the prior written approval of, and under the direction of, a suitably qualified Arborist (minimum Level 5 Diploma of Arboriculture). A copy of the approval must be provided to Council upon request.

Environmentally Sustainable Design (ESD)

7. Prior to the endorsement of plans, an amended sustainable design response must be submitted to the satisfaction by the Responsible Authority. The sustainable design response must be generally in accordance with the sustainable design response prepared by Design by Kilik, received 2/9/2025 but modified to include the following changes:

a) Plans modified to show compliance with Standard B5-1 of Clause 55.05-1 (permeability and stormwater) of the Merri-bek Planning Scheme by:

- i. At every mention of a rainwater tank on the ground floor plan, annotate that: 'The rainwater collected from the roof will service all toilets and be connected to the washing machines. Ensure gutter guards, first flush diverters and filters to the water tanks are installed.'
- ii. On the ground floor plan, draw the 2500 litre rainwater tank to Dwelling 7.
- iii. Providing an amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
- iv. Each annotation to a rainwater tank updated to say, 'The rainwater from [etc]... which is to be connected to all toilets for toilet flushing, and laundries (washing machines).'
- v. Reflect the changes required by Condition 1 of this permit.

- b) Plans modified to show compliance with Standard B5-4 of Clause 55.05-4 (solar protection to new north-facing windows) of the Merri-bek Planning Scheme by:
 - i. Deleting the timber battens to the first floor north-facing windows of Dwellings 7 and 8.
 - ii. Showing horizontal, fixed, external shading devices to all habitable rooms on the first floor facing Mackinnon Grove. Draw and label all shading on the plans and elevations. Provide a dimensioned section diagram or photograph of the shading. The depth of the device must be equal to 25 per cent of the distance from sill height to the base of the device. The depth must be annotated on the plans. The device must also extend horizontally to both sides of the window by a distance equal to the depth of the device.

Where an alternative response is proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) sustainability design response outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended sustainable design response and associated notated plans will be endorsed to form part of this permit. No alterations to the sustainable design response may occur without the written consent of the Responsible Authority.

- 8. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed sustainable design response to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
- 9. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Design Assessment (including any BESS and STORM reports) to the satisfaction of the Responsible Authority.
- 10. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained, to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainable Design Assessment.

Residential reticulated gas service connection

- 11. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the Merri-bek Planning Scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Car Parking and Vehicle Access

- 12. The stormwater pit in Mackinnon Grove is to be relocated or modified to the satisfaction of the Responsible Authority.
- 13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
- 14. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

15. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.

Undergrounding cables

17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Stormwater

18. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

General Amenity

19. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned, and finished to the satisfaction of the Responsible Authority.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Permit Expiry

22. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within three (3) years from the date of issue of this permit;
 - b) the development is not completed 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;

- i. within six months after the permit expires to extend the commencement date.
- ii. within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

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 Building and Plumbing Commission, Phone 1300 067 088 or www.bpc.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/>.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information: <https://www.merri-bek.vic.gov.au/residential-parking-permits>

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1111 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 9240 1111.

Note 4: Merri-bek City Council is committed to increasing the amount of affordable housing in the municipality. One way to do this, is through Homes for Homes, a social enterprise founded by the Big Issue that aims to raise new funds via voluntary tax-deductible donations on property transactions and invest those funds in building and managing new social and affordable dwellings. If you would like to help build homes for those in need, visit [Homes for Homes](#) and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Note 5: Council allocates new street addressing to the street that the frontage/main access faces. Should a development abut a suburb boundary, the street addressing will reflect the suburb of that street. In some instances a suburb boundary realignment may be required, should the land be at the suburb boundary.

1. Background

Subject Site

The site comprises of two lots located between Mackinnon Grove and Patrick Street in Glenroy. It has a frontage of 15.24 metres to Mackinnon Grove and 16.59 metres to Patrick Street, with a total combined area of 1,863.7sqm. The land falls gently to the south-west.

19 Mackinnon Grove contains a single-storey weatherboard dwelling with a tiled roof, while 20 Patrick Street is currently vacant. There are no mature trees on either lot.

A restrictive covenant applies to 20 Patrick Street, limiting development to no more than four dwellings. The covenant also restricts the use of the land to residential purposes only, prohibiting quarrying or brickmaking operations, and requires that no roof or exterior wall be constructed of reflective iron or metal. This covenant initially restricted development to one dwelling per lot, however this was varied through a Supreme Court order on 21 November 2024, replacing reference to one dwelling and replacing with four dwellings, and removing reference to front setback requirements.

The proposed development complies with these requirements. In addition, a drainage and sewerage easement runs along the rear boundary of 19 Mackinnon Grove, between the two lots.

Surrounds

The site is located within an established residential area with a mix of housing types including single and double-storey dwellings and more recent multi-unit developments.

The site has boundaries to the rear yards, of a number of houses including 4 single storey dwellings to the east at 17 Mackinnon Grove and 18 Patrick Street.

To the west, 2/266, 3/268, 4/268, 272, 274 and 276 Waterloo Road are all single-storey dwellings, while 21 Mackinnon Grove contains a double-storey dwelling.

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

The proposal

The proposal is to construct eight double storey dwellings, summarised as follows:

- Dwellings 1–6 will contain living, dining area on ground floor, 3 bedrooms on first floor and will have a shared driveway accessed from Patrick Street.
- Dwellings 7 and 8 will be constructed side by side, will contain living, dining, a bedroom plus study on ground floor, 3 bedrooms plus a retreat on first floor and will be individually accessed from Mackinnon Grove.
- The development will contain seventeen (17) car spaces, made up of 2 spaces per dwelling and one visitor space between dwellings 4 and 5.

The proposal also seeks to remove an existing tree located to the rear of the site.

The development plans form **Attachment 2**.

Planning Permit and Site History

Planning Permit MPS/2024/761 was issued on 29 July 2025 that allowed the development of four double storey dwellings at 20 Patrick Street, Glenroy. This permit has not expired and is still valid.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone – Schedule 1	Clause 32.08-7: A permit is required to construct two or more dwellings on a lot. A permit is not required to use land for a dwelling.
Particular Provisions	Clause 52.37: A permit is required to remove, destroy or lop a boundary canopy tree in the General Residential Zone

The following Particular Provisions of the Merri-bek Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.06: Car Parking
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 53.03: Residential Reticulated Gas Service Connection.
- Clause 55: Two Or More Dwellings On A Lot And Residential Buildings Of Three Storeys Or Less

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; and
- Placing a sign on the Mackinnon Grove and Patrick Street frontages of the site.

Council has received 17 objections, from 15 properties. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Overdevelopment
- Amenity impacts (overshadowing, visual bulk, overlooking)
- Neighbourhood character (single dwelling covenants in the surrounding area)
- Traffic concerns
- Increased demand on-street parking
- Waste management
- Lack of adequate landscaping
- Removal of existing canopy trees
- Impact of the proposed buildings/trees on adjoining infrastructure
- Inaccuracy of development plans
- Reflective materials
- Stormwater runoff/flooding
- Potential damage to property during construction

Planning Information and Discussion Meeting

A Planning Information and Discussion meeting was held on 28 April 2026 and attended by Deputy Mayor, Cr Helen Davidson, two Council Planning Officers, the applicant and 3 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

The following changes were agreed to at the PID, and form part of conditions of the recommendation:

- Change to materials and finishes
- Change to tree species for planting
- Changes to design to result in compliance with Standard B4-3 Overshadowing
- Additional screening of windows on the west elevations of Dwelling 6 and 7

Rights to Lodge an Application for Review at the Victorian Civil and Administrative Tribunal (VCAT)

For this application, objectors have rights to lodge a review at VCAT, as the overshadowing and overlooking standard is varied.

Internal/external referrals

The proposal was referred to the following internal branches:

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Supports the proposal, with; Recommended changes for notations on the plans for garage entrances are included as conditions as part of the recommendation. A condition of the recommendation is to remove visitor parking and use the space to provide for a shared bin area. as this is not a Planning Scheme requirement. A condition included to show a shared bin area for Dwellings 1-6.
Sustainable Built Environment - ESD Team	Supports the proposal. Changes are addressed by conditions of the recommendation.

3. Policy Implications

Townhouse and Low-rise Code

On 6 March 2025, the rules for multi dwelling development changed, through the introduction of the Townhouse and Low-rise Code (Clause 55).

When a standard is met, Council also cannot consider any other policy or decision guidelines in the Planning Scheme and broader considerations of the *Planning and Environment Act, 1987*.

The proposal has been assessed against the new Clause 55 requirements and is mostly compliant with the new deemed to comply standards.

The proposal does not comply with the overshadowing standard (Standard B4-3) and overlooking standard (Standard B4-4).

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 20: Property rights

The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Merri-bek Planning Scheme. The privacy of nearby residents has also been considered as part of the application process.

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 proposal have strategic policy support?

The application to construct eight dwellings is consistent with the *Victoria's Housing Statement- The Decade Ahead 2024 - 2034* which seeks to increase the number of homes being built in Victoria.

The site is located within the General Residential Zone (GRZ), which supports a range of housing types and housing growth in locations with good access to services and transport, while ensuring development responds to the neighbourhood character of the area.

The proposal represents a level of change that is expected in an established urban area and has strategic policy support due to:

- The development maintaining acceptable setbacks, site coverage and garden area, ensuring it respects the prevailing neighbourhood character.
- The double-storey built form sitting comfortably within the building height and storey limits of the General Residential Zone.
- Multi-dwelling developments are common in the surrounding area. The design responds appropriately to the surrounding character, meets all the objectives and most standards of Clause 55, and provides adequate opportunities for landscaping to soften the appearance of buildings .

Does the proposal comply with the Townhouse and Low-Rise Code?

An assessment has been carried out against the 'deemed to comply' standards of the Townhouse and Low-rise Code at Clause 55. When these standards are met objectors do not have the right to lodge an application for review with VCAT.

The requirements of Clause 55 are that if a development meets a standard, it is automatically considered to meet the objective of the standard. The overshadowing and overlooking standards are not complied with, and therefore objectors would have a right to lodge a VCAT review.

Neighbourhood character standards:

The proposal has been assessed against the neighbourhood character standards in Clause 55, including street setbacks, building height, side and rear setbacks, walls on boundaries, site coverage, vehicle access, tree canopy and front fences. The development complies with all relevant standards. In particular, it provides a two-storey built form within the mandatory height limit, meets the required setback standards, and achieves a maximum site coverage of 44.5 percent which is below the 65 per cent allowed.

Liveability standards:

The proposal complies with all Clause 55 standards related to onsite amenity and facilities (Clause 55.03 – Liveability). In particular, the proposal provides adequate bedroom sizes, sunlight to open space areas, functional layouts and opportunity for natural ventilation of the dwellings.

External amenity standards:

The proposal has been assessed against the external amenity standards in Clause 55, including daylight to existing windows, overshadowing, overlooking and internal views. It complies with most of these standards, except for overlooking and overshadowing, which are discussed below.

Overlooking

The overlooking standard has recently changed so that bedroom windows no longer require screening.

On ground floor, the 1.9 metres to 2-metre-high boundary fencing on most of the east and west boundaries assist with limiting overlooking from the living room windows which are constructed less than 0.8 metres above ground level therefore, complying with the standard. The ground floor kitchen/dining window of Dwelling 5 faces a paling boundary fence that only reaches 1.5m high. A condition is recommended to require a 0.5 metre high trellis, that is no more 25 per cent transparent, on top of this fence to comply with the standard which requires a minimum of 1.8m high fence to prevent overlooking.

Dwellings 1 – 6 have first floor windows on the eastern elevation that are offset from proposed study nooks or adjacent to a landing. It is considered that these windows serve a corridor rather than the study nooks—where a desk would logically be located—and therefore do not require screening. Windows to corridors do not meet the definition of a habitable room window.

The first-floor retreat window on the west elevation to Dwelling 1 is within 9 metres of a neighbouring backyard and has not been screened, which does not meet the overlooking standard. A condition is recommended requiring screening of this window to prevent overlooking and achieve compliance with this standard. The remaining first floor habitable rooms that require screening, have been obscured in accordance with the standard.

To address objector concerns, the applicant has agreed to screening the west facing first floor bedroom windows of Dwelling 6 and 7. This is included as a condition as part of the recommendation.

Overshadowing

The proposal creates shadow impacts that do not meet the required standard for seven adjoining properties to the east and west. Because a number of properties are affected, this is considered unreasonable and does not meet the purpose of the standard, which is to protect sunlight access for neighbours. A condition is therefore recommended to ensure the development complies with the standard.

Sustainability standards:

The recently introduced townhouse and low-rise code (Clause 55) has resulted in Council's local ESD policy no longer being a relevant planning consideration for this form of development. The ESD features of the development have been assessed against the new standards and are adequate, subject to conditions included in the recommendation. They include:

- Adequate permeability and stormwater management.
- Sufficient areas identified for future installation of appropriately sited rooftop solar energy systems for each dwelling.
- Solar protection to new north-facing windows.
- Adequate waste and recycling considerations.
- Ensuring the impact of mechanical plant noise is minimised.

Has adequate car parking been provided?

A total of 8 car parking spaces is required for the development. 17 on-site spaces have been provided, which exceeds the Planning Scheme requirement. Objectors have raised concerns regarding a potential increase in on street parking associated with the development. However, given that the proposal provides double the required number of car parking space, the level of parking provision is considered appropriate and is not expected to result in additional on-street parking demand.

A condition is included in the recommendation to remove the proposed visitor car space to provide space for a shared bin enclosure for Dwellings 1-6. This is considered appropriate given the visitor car space is not required under the Planning Scheme, and the proposal will maintain 16 on site car spaces which exceeds the Planning Scheme requirements.

The dwellings will not be eligible for parking permits in the event that parking restrictions are imposed by Council on the street. This is included as a note on the planning permit in the recommendation.

What impact does the proposal have on traffic in the local area?

Council's Development Engineers have assessed the proposal and consider that the development will result in about 49 extra vehicle movements per day. These additional vehicles are within the capacity of the road and are not expected to cause traffic problems.

Is the tree removal appropriate?

The proposal includes the removal of a boundary canopy tree located at the rear of the site at 19 Mackinnon Grove, Glenroy. As the development spans two lots, the tree would be situated within the middle of the consolidated site, making its retention impractical. Furthermore, the development includes the planting of 18 new canopy trees, providing approximately 373.3 sqm of canopy cover, noting that the standard requires 372.5 square metres, across the site, while also meeting the garden area requirements of the Planning Scheme. Overall, the proposal will result in an increase in on-site canopy cover; therefore, the removal of the boundary canopy tree is considered appropriate.

5. Response to Objector Concerns

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

- Amenity impacts (Overlooking and overshadowing)
- Traffic concerns
- Increased demand for on on-street parking

- Removal of existing canopy trees

Other issues raised by objectors are addressed below.

Neighbourhood character (Single dwelling covenants in the surrounding area)

The new Townhouse and Low-rise Code (Clause 55) has codified the assessment of neighbourhood character which is now included within 8 'deemed to comply' standards. This means if a development meets the standard, it automatically meets the objectives of that standard. When a standard is met, Council cannot consider any other policy or decision guidelines in the Planning Scheme. The proposal has met all of the relevant standards for neighbourhood character (Clause 55.02). Council is no longer able consider design aspects nor use local policy to assess the proposal against neighbourhood character.

A restrictive covenant initially restricted development to one dwelling per lot, however this was varied through a Supreme Court order on 21 November 2024, replacing the reference to one dwelling with four dwellings, and removing reference to front setback requirements. The proposed development complies with this current restrictive covenant.

Overdevelopment

The Victorian Civil and Administrative Tribunal has commonly determined that whether or not a proposal is an overdevelopment is best determined from a quantitative assessment of a development's compliance with the criteria set out in the Merri-bek Planning Scheme.

The proposal satisfies the requirements of Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site.

Visual bulk

The development meets the neighbourhood character standards (building height, side and rear setbacks, walls on boundaries, site coverage, vehicle access, tree canopy and front fences). Although the zoning allows a maximum building height limit of 11 metres the proposal has a maximum height of 8.4 metres. The visual bulk of the buildings are therefore acceptable.

Impact of the proposed buildings/trees on adjoining infrastructure

Concern was raised with the impact of the new dwellings and trees on existing infrastructure. The site owner will be required to address the infrastructure servicing demands of the additional dwellings required by the various service agencies at the time of subdivision or connection of the development. This may include any service authority's requirements to contribute to the cost of upgrading trunk infrastructure.

Potential damage to property during construction

Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process, however the owners of the land proposing to build have obligations under the *Building Act 1993* to protect adjoining property from potential damage. It is the responsibility of the relevant Building Surveyor to require protection work, as appropriate.

Inaccuracy of development plans

Concern was raised about the potential inaccuracy of the shadow diagrams, particularly regarding ground levels and the slope of adjoining properties. The plans have been reviewed to ensure the neighbouring slope has been accurately considered as part of the assessment. This included by assessing the floor levels of approved adjacent dwellings and a further inspection of the site by officers.

Waste management

The proposal has been considered against Standard B5-5 which ensures dwellings are designed to facilitate waste recycling. Individual bins will be provided for Dwellings 7 and 8, and a shared bin space is recommended to be provided for Dwellings 1-6, This is supported by Council's Development Engineers. These details are conditioned as part of the recommendation.

Materials

Concern has been raised regarding the reflectivity of the materials proposed for the outer walls of the development. A condition, agreed to by the applicant, is included in the recommendation —requiring the use of a less reflective material on the outer walls.

Stormwater run-off

Recommended conditions will ensure that the submitted Water Sensitive Urban Design plan complies with Standard B5-1 to reduce the impact of stormwater runoff to the drainage system and facilitate on-site stormwater infiltration. A Legal Point of Discharge permit will be required to define where remaining stormwater will flow into, which is separate from the planning process.

Lack of adequate Landscaping

Concern was raised regarding the appropriateness of some of the canopy trees proposed, that were located close to shared boundaries and the potential for invasive root systems. An objector has suggested alternative tree species to be provided in the rear yard of Dwelling 7, which was agreed to by the applicant and included as a condition 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

The proposal to construct eight dwellings has strong strategic policy support particularly having regards to the State Government *Victoria's Housing Statement - The Decade Ahead 2024 – 2034*, encouraging more housing in well located areas. The proposal has been assessed against the new Clause 55 requirements and is mostly compliant with the deemed to comply standards.

Conditions will be included in the recommendation to ensure the proposal fully meets all Clause 55 requirements for overlooking and overshadowing. In addition, changes agreed to by the applicant seeking to address neighbour concerns will also be included. These changes include alternative canopy tree species, changes to proposed materials and additional window screening beyond what is required by the Planning Scheme. On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that Notice of Decision to Grant a Planning Permit MPS/2026/49 be issued subject to the conditions included in the recommendation of this report.

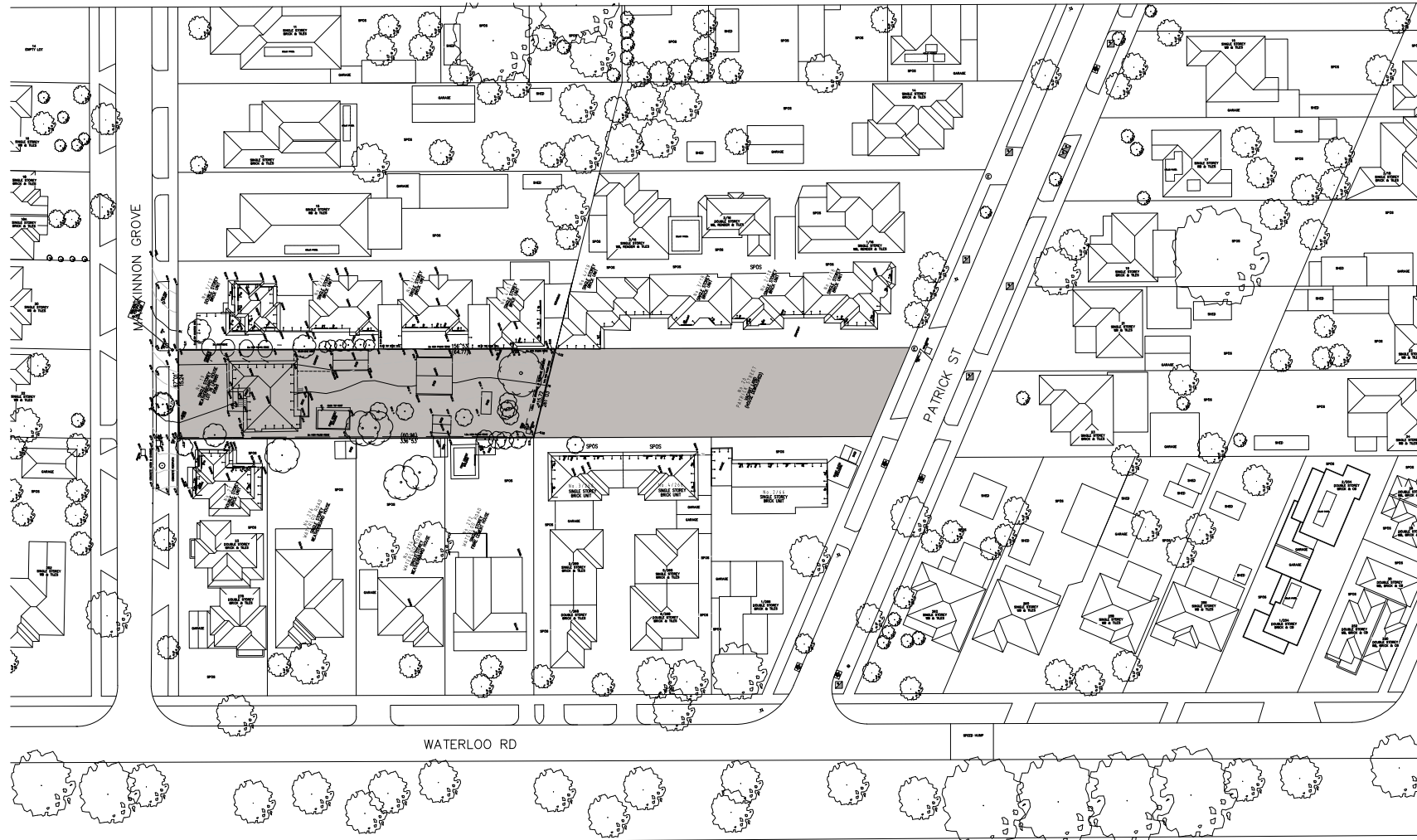
Attachment/s

1	Zoning and Location Map	D26/180168
2	Advertised Development Plans	D26/180169
3	Objector Map	D26/180170

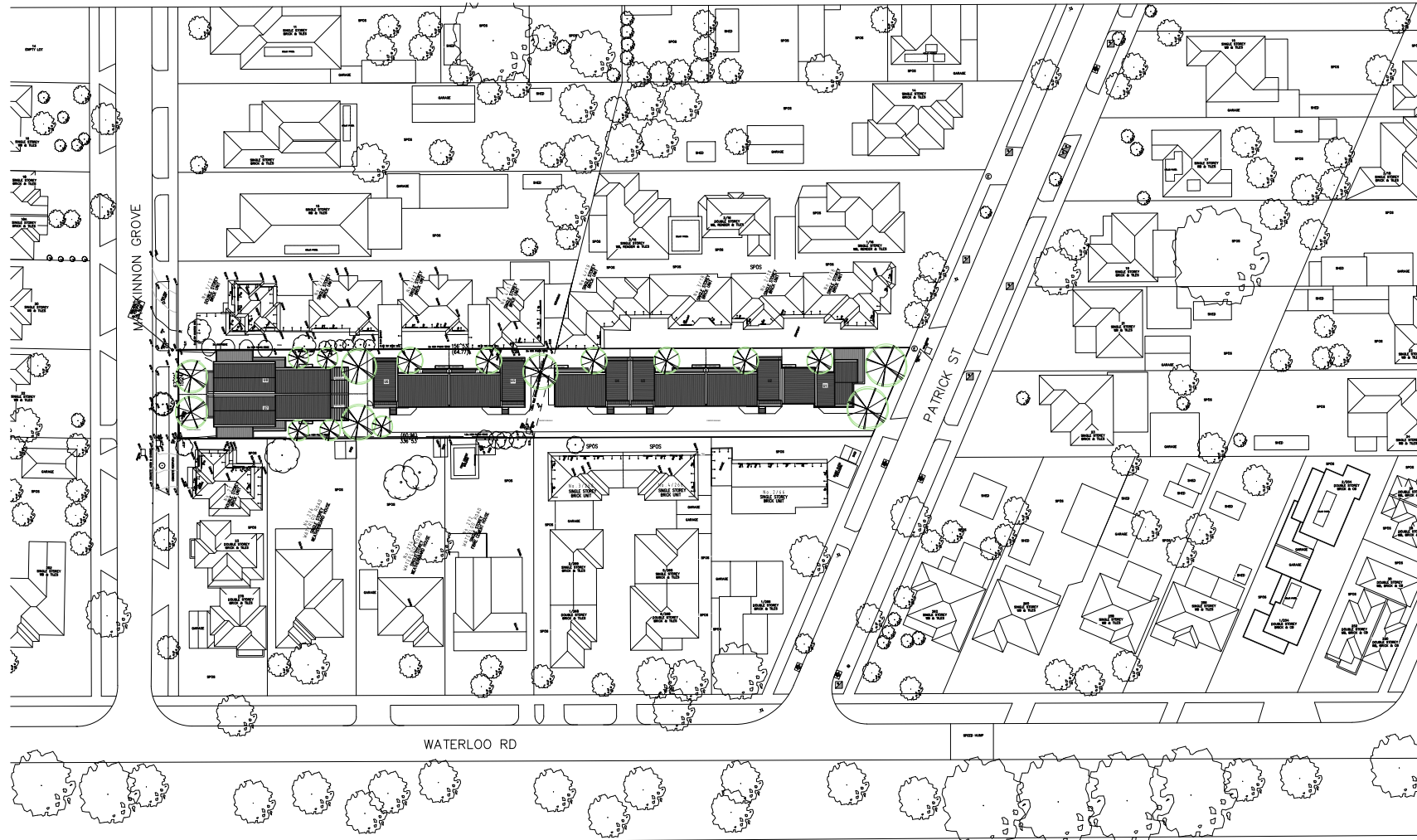
Zoning and Location Map

19 Mackinnon Grove & 20 Patrick Street, GLENROY VIC 3046





KEY S.P.O.S SECLUDED PRIVATE OPEN SPACE HW HABITABLE WINDOW HYDRANT ELECTRICAL PIT SEWER PIT STREET SIGN		AMENITIES NEARBY OAK PARK TRAIN STATION - 500m PASCOE VALE RD MARKET - 1.1km GE CLARKE RESERVE - 360m NAREE NAREE PARK PLAYGROUND - 373m OAK PARK STADIUM - 400m GLENROY LIBRARY - 648m WHEATSHEAF RD SHOPS - 810m ESPERANTO CT/PLIMPTON AVE BUS STOP (613.514) - 210 m OAK PARK MEDICAL CENTRE - 510m		TRAIN RAIL LINE	
PLANNING ENVIRONMENT ACT 1987 MERRI-BEK PLANNING SCHEME Advertised Document Advertised Plan Sheet 1 of 20 Application No. MFS2020/49 Date: 13/02/2026		STATUS: REF:		20 PATRICK ST GLENROY TITLE: SITE CONTEXT SCALE OF A11: 1:100 DATE: DEC 2024 PROJECT NO: 20PAT DRAWING NO:	



DESIGN RESPONSE

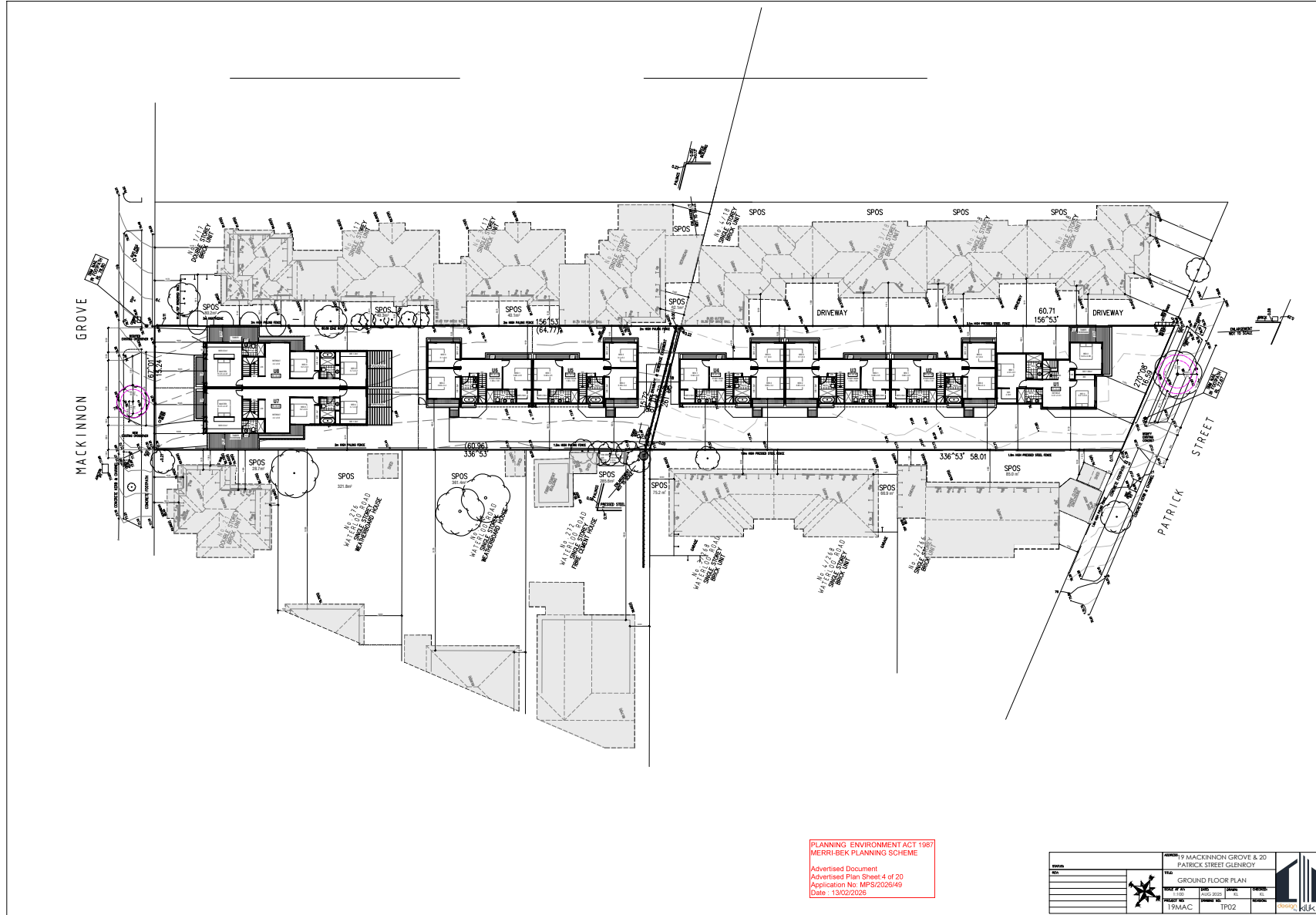
- B5** ALL DWELLING ARE ORIENTATED TO THE STREET AND INTERNAL ACCESSWAY, WITH ADEQUATE VEHICLE AND PEDESTRIAN LINK.
- B6** FRONT SETBACK AT 5.046m IN ACCORDANCE WITH GRZ
- B7** DEVELOPMENT MAX HEIGHT AT 7.485m
- B8** OVERALL DEVELOPMENT SITE COVERAGE AT 64.2%
- B9** OVERALL DEVELOPMENT SITE PERMEABILITY AT 37.1%
- B12** ENTRANCE TO EACH DWELLING ARE WELL LIT AND HAVE DIRECT LINE OF SIGHT FROM THE STREET
- B13** NO MATURE STREET ON-SITE, STREET TREE RETAINED
- B14** EXISTING ACCESSWAY TO BE USED AND MODIFY
- B15** PROPOSE GARAGE TO ALL UNITS WITH CONVENIENT ACCESS TO BUILDING
- B18** NO WALL ON BOUNDARY
- B22** OBSCURED WINDOW UP TO 1.7m A.F.L PROVIDED TO FIRST FLOOR
- B26** ALL UNIT ARE VISIBLE FROM THE STREET
- B28** ALL UNIT PROVIDE IN EXCESS OF SECLUDED PRIVATE OPEN SPACE AT THE BALCONY

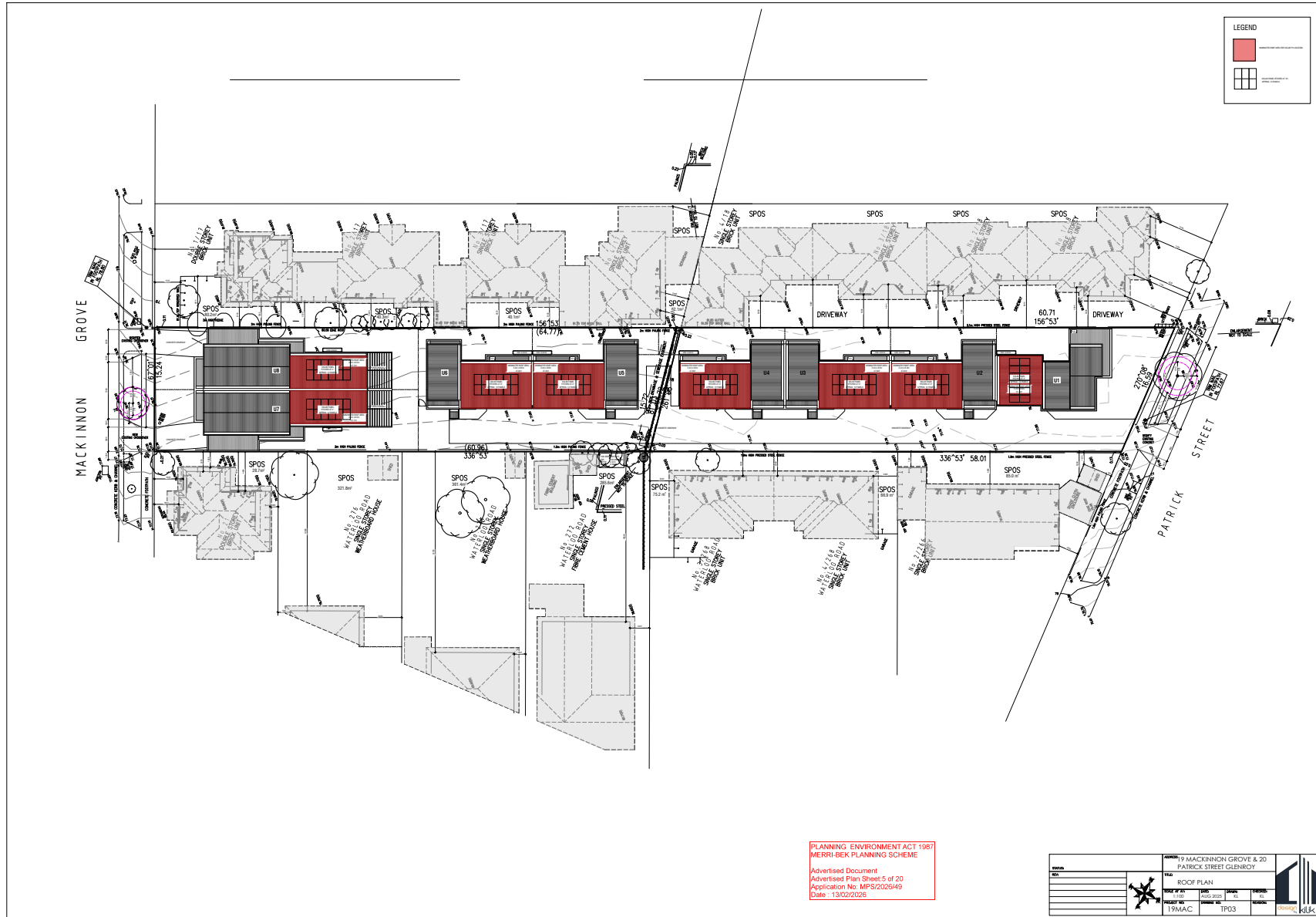
TRAIN RAIL LINE

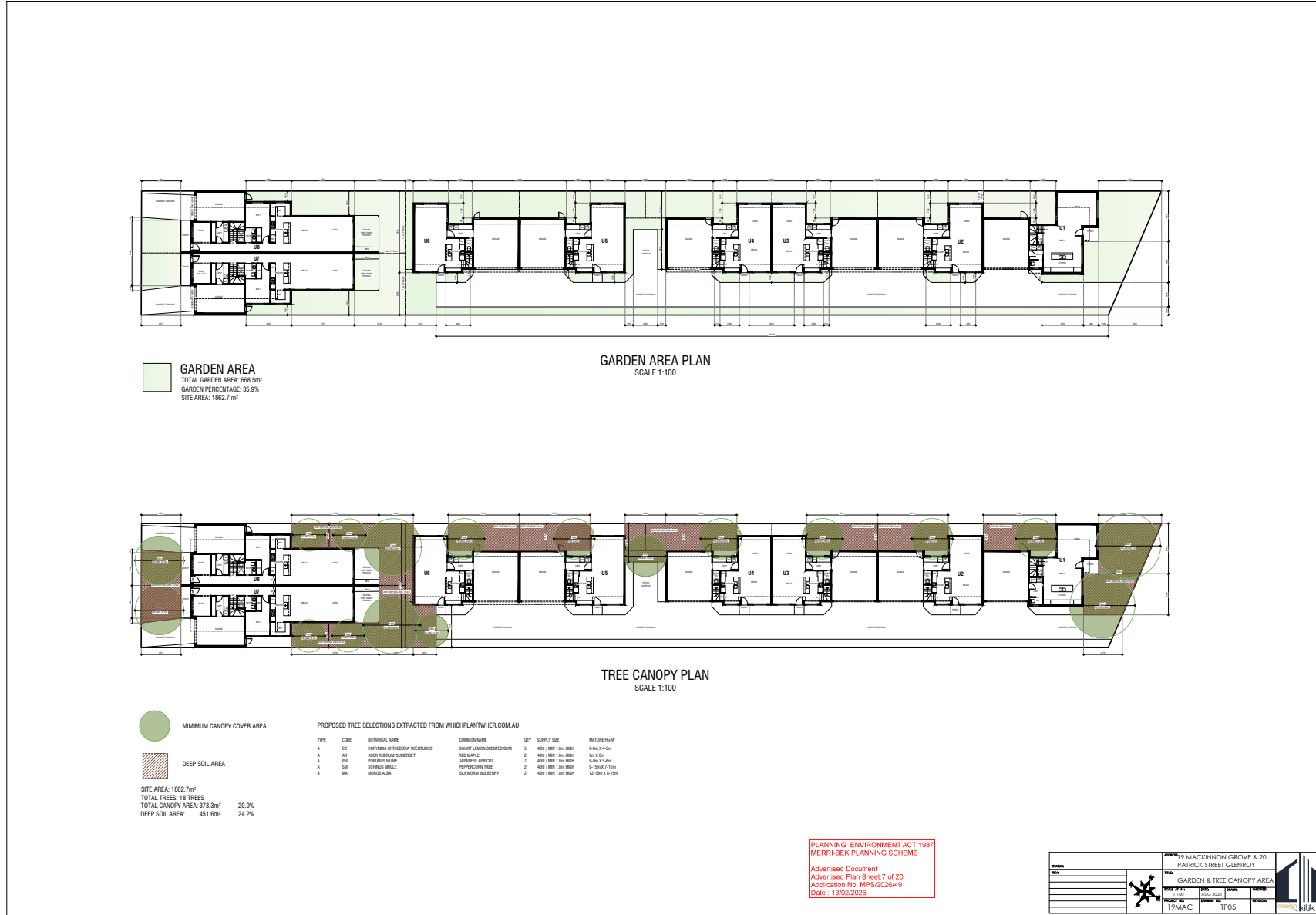
PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME

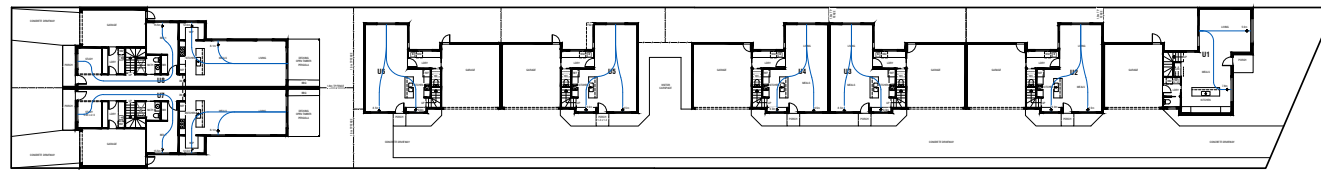
Advertised Document
 Advertised Plan Sheet 2 of 20
 Application No. MFS2020/49
 Date: 13/02/2026

STATUS:	20 PATRICK ST GLENROY		
REV:	TITLE DESIGN RESPONSE		
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		PROJECT NO:	DRAWING NO:
		20PAT	

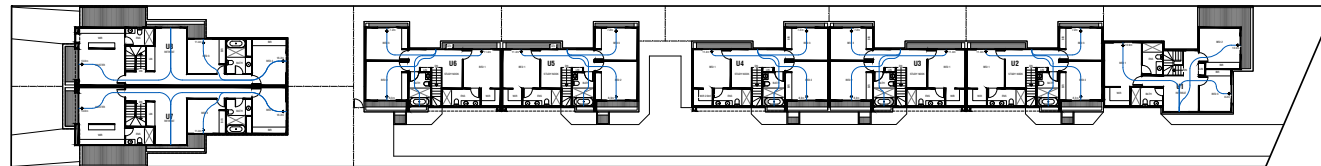








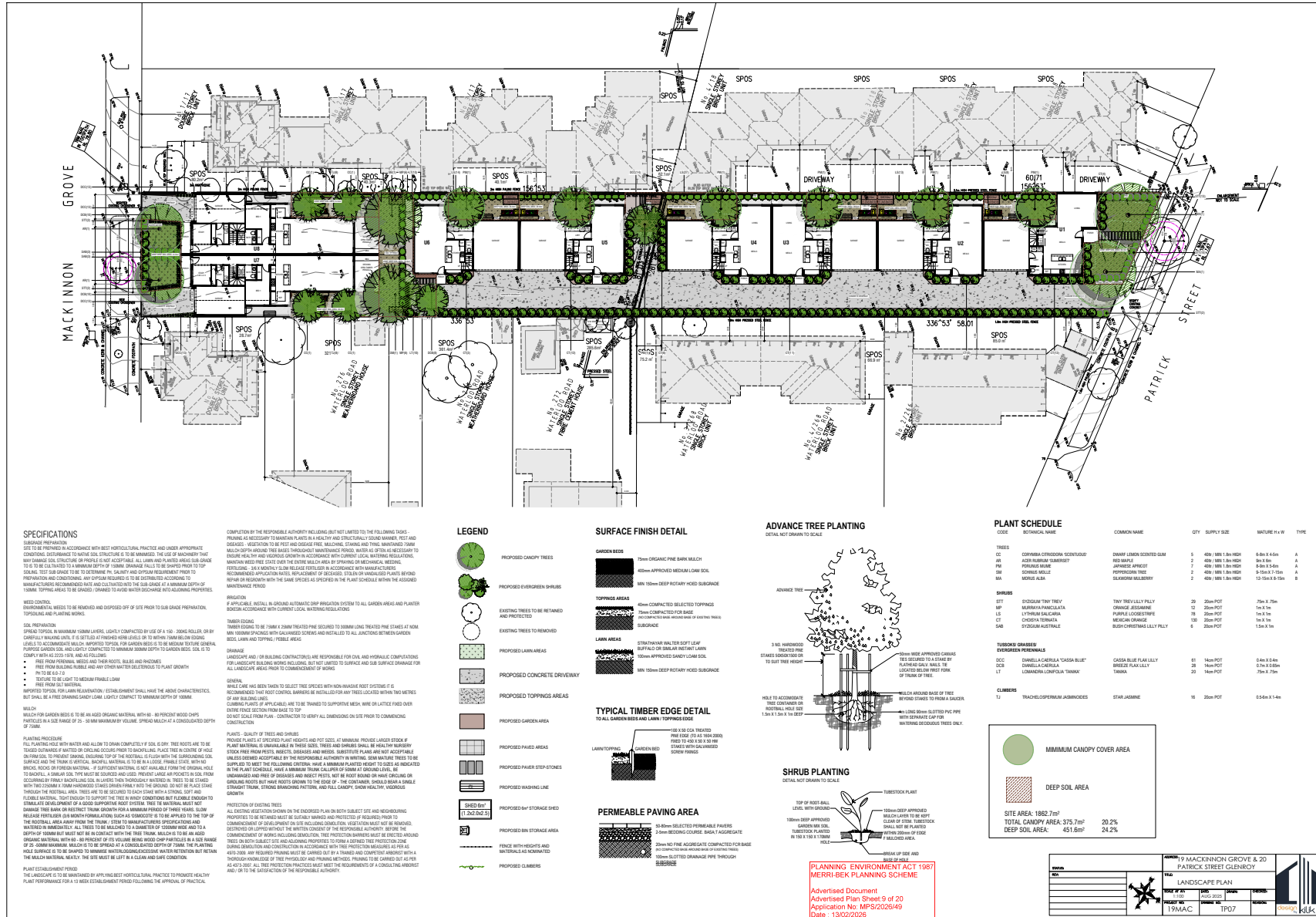
GROUND FLOOR
CROSS FLOW VENTILATION PLAN
SCALE 1:100

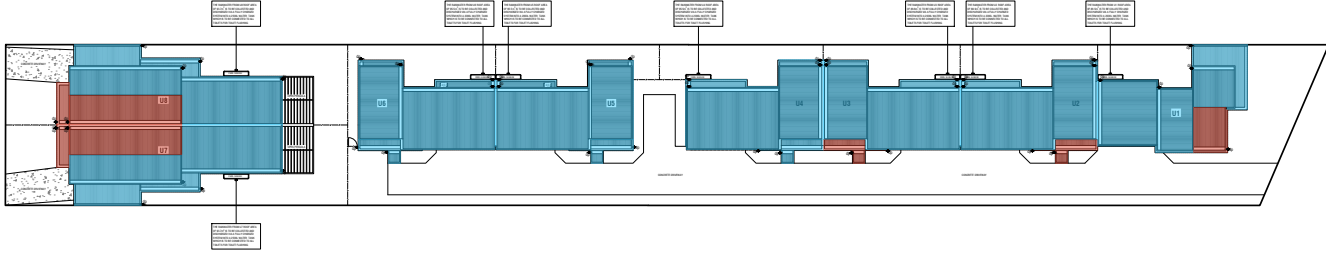


FIRST FLOOR
CROSS FLOW VENTILATION PLAN
SCALE 1:100

PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 8 of 20
Application No. MPS2026/49
Date: 13/02/2026

19 MACKINNON GROVE & 20 PATRICK STREET GLENROY		
CROSS VENTILATION PLAN		
PROJECT NO: 19MAC	DATE: 13/02/2026	DRAWN BY: TP06





Melbourne Water STORM Rating Report

TransactionID: 0

Municipality: MERRI-BEK

Rainfall Station: MORELAND

Address: 19 MACKINNON GR & 20 PATRICK ST

GLENROY VIC 3046

Assessor: 3046

Development Type: Residential - Multiunit

Allotment Site (m2): 1,862.70

STORM Rating %: 100

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
U1 - RWT	88.50	Rainwater Tank	2,000.00	4	162.50	80.00
U1 - UNTREATED	13.90	None	0.00	0	0.00	0.00
U2 - RWT	88.90	Rainwater Tank	2,000.00	4	162.50	80.00
U2 - UNTREATED	6.70	None	0.00	0	0.00	0.00
U3 - RWT	88.60	Rainwater Tank	2,000.00	4	162.50	80.00
U3 - UNTREATED	6.70	None	0.00	0	0.00	0.00
U4 - RWT	95.50	Rainwater Tank	2,000.00	4	163.00	81.40
U5 - RWT	95.50	Rainwater Tank	2,000.00	4	163.00	81.40
U6 - RWT	95.50	Rainwater Tank	2,000.00	4	163.00	81.40
U7 - RWT	93.70	Rainwater Tank	2,500.00	5	163.30	82.00
U7 - UNTREATED	34.90	None	0.00	0	0.00	0.00
U8 - RWT	93.70	Rainwater Tank	2,500.00	5	163.30	82.00
U8 - UNTREATED	34.90	None	0.00	0	0.00	0.00
DRIVEWAY - UNTREATED	371.60	None	0.00	0	0.00	0.00

Date Generated: 23-Aug-2025

Program Version: 1.0.0

*ADDITIONAL BED ADDED TO STORM CALCULATION FOR LAUNDRY CONNECTION

WATER SENSITIVE URBAN DESIGN NOTES:

ALL DRAINAGE TO BE DESIGNED AND CERTIFIED BY AUTHORIZED DRAINAGE ENGINEER

EACH RAINFOREST TANK IS TO BE CONNECTED TO ALL TOILETS IN EACH DWELLING

THE TANKS MUST BE USED ONLY FOR REUSE WITHIN THE DWELLINGS, AND ARE COMPLETELY INDEPENDENT OF ANY DETENTION REQUIREMENTS (THROUGH THE LEGAL POINT OF DISCHARGE PROCESS)

GRAVITY FED OR FULLY CHARGED SYSTEM IS NECESSARY TO ACHIEVE THE MINIMUM ROOF CATCHMENT AREA IN ACCORDANCE WITH STORM REQUIREMENTS

IN NO CASE WILL RAINWATER PIPES BE CHARGED UNDER THE SLAB

THE OVERFLOW SYSTEMS FOR THE RAINWATER TANKS TO BE GRAVITY FED TO THE LEGAL POINT OF DISCHARGE AND NOT SERVICED BY OVERFLOW PUMPS

THE FINAL DESIGN OF THE STORMWATER SYSTEM WILL MEET COUNCIL DRAINAGE ENGINEERS REQUIREMENTS. THE DESIGNED SYSTEM COMPLIES WITH MELBOURNE WATER STORM REQUIREMENTS THAT MEETS VICTORIAN BEST PRACTICE STORMWATER GUIDELINES

MAINTENANCE GUIDELINES (EVERY 3-6 MONTHS)

RAINWATER TANKS: TO BE INSPECTED, INLET TO BE CLEANED REGULARLY. IF SLUDGE IS PRESENT, TANKS MUST BE GRABBED BY PROFESSIONAL PLUMBER AND CLEANED

GUTTERS AND DOWNPIPES: TO BE INSPECTED AND CLEANED REGULARLY

FIRST FLUSH DEVICES: IF APPLICABLE, TO BE INSPECTED AND CLEANED REGULARLY

LEGEND

CONCRETE SURFACE UNTREATED

ROOF AREA TO RAINFOREST TANK

ROOF AREA TO RAINFOREST TANK

SELECTED WATERTANK TO TREAT SELECTED ROOF AREA. CONNECT WATER TANK TO ALL SANITARY FLOORING

PROPOSE DOWN PIPE LOCATION

PLANNING ENVIRONMENT ACT 1987
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19 MACKINNON GROVE & 20 PATRICK STREET GLENROY

WSUD PLAN

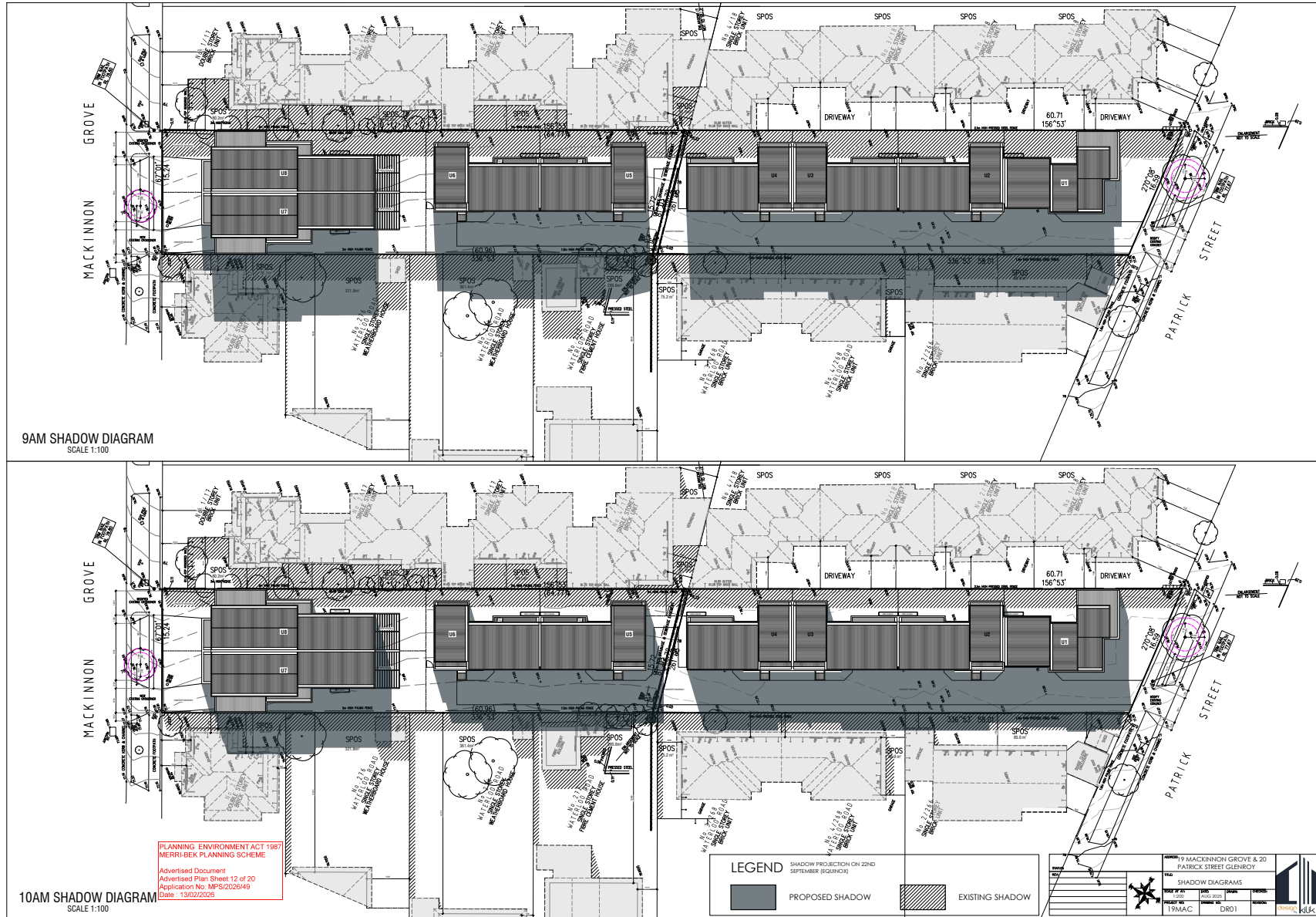
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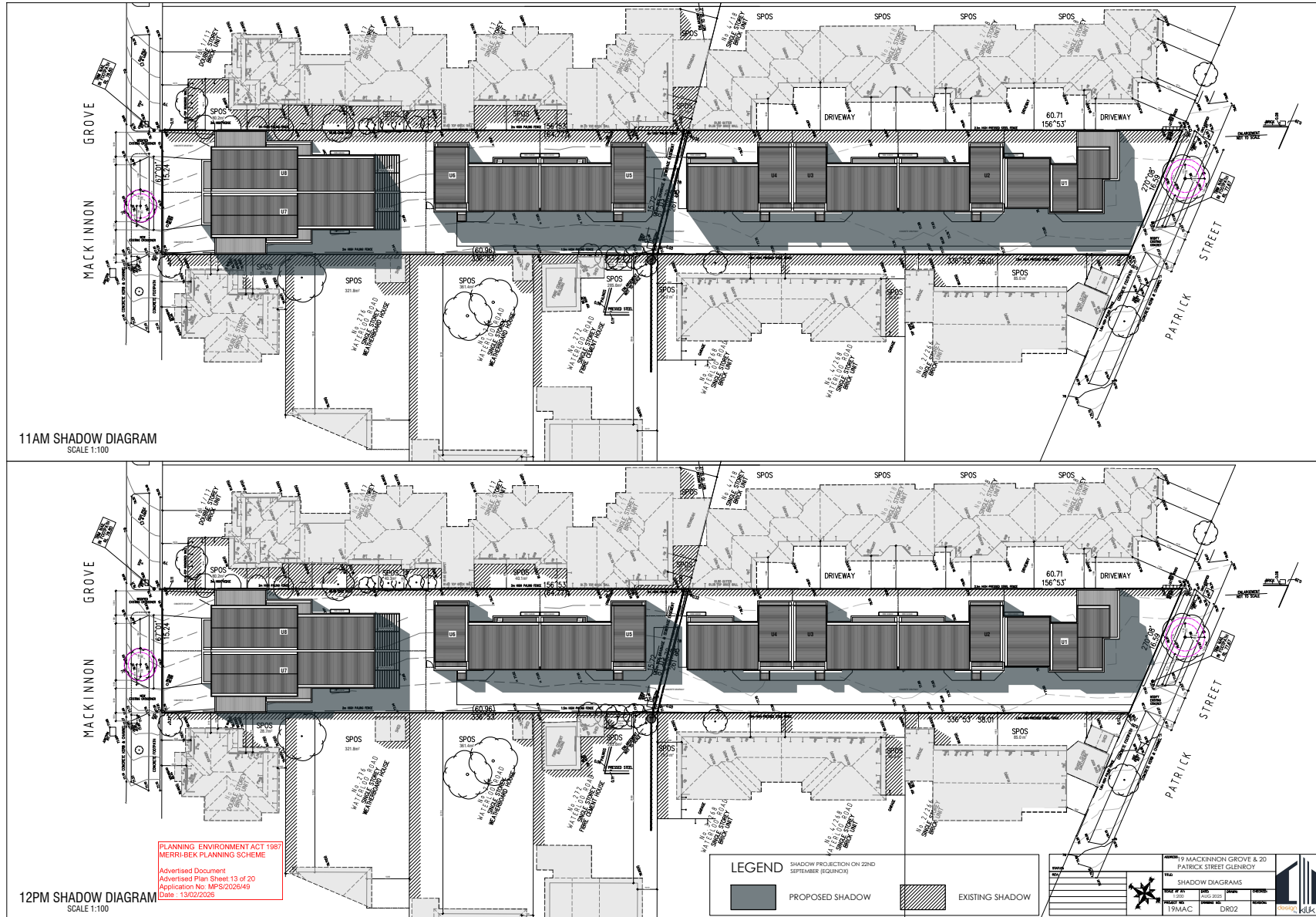
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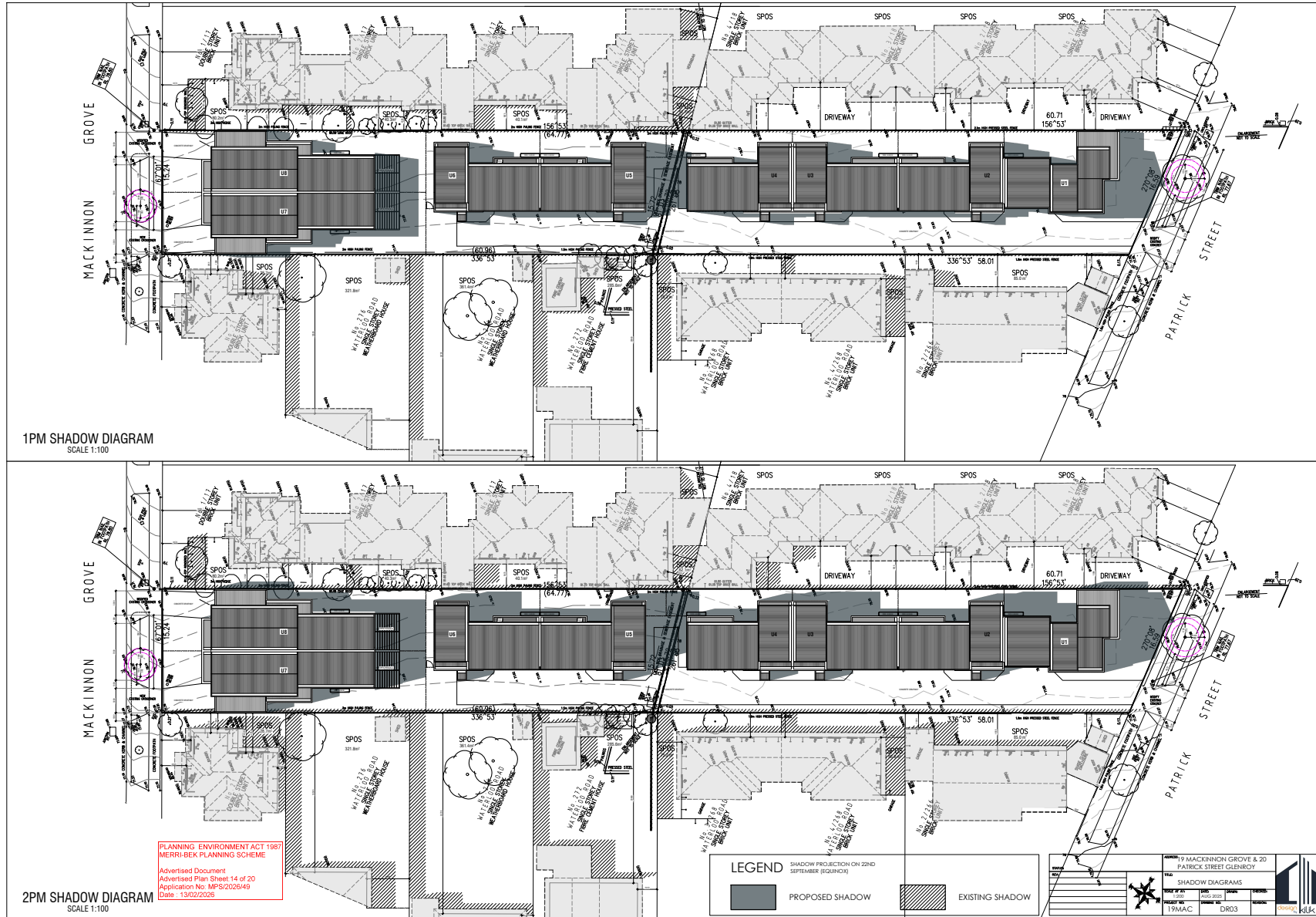
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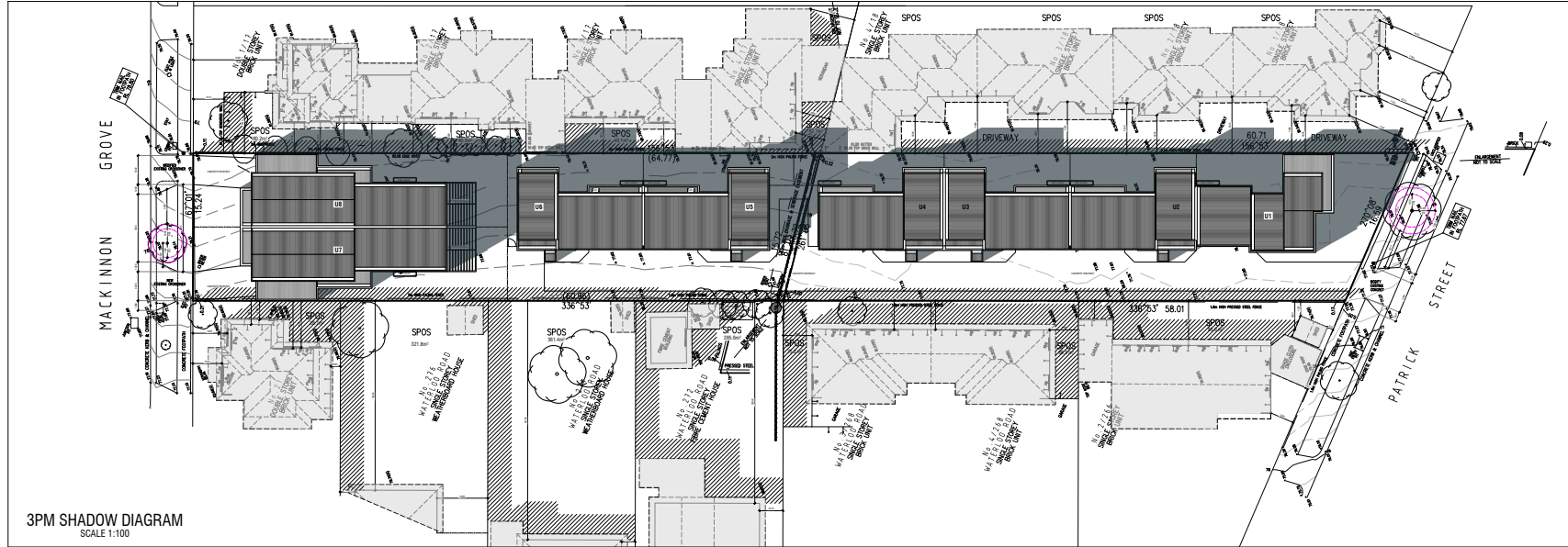












ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)	PROPOSED OVERSHADOW (m2%)		
NO. 21 MACKINNON	28.7m²	9AM	22.7m2 79.1%	28.7m2 100%		
		10AM	18.3m2 63.8%	28.7m2 100%		
		11AM	14.5m2 50.5%	20.8m2 72.5%		
		12PM	12.7m2 44.2%	16.4m2 57.1%		
		1PM	13.7m2 47.7%	14.7m2 51.2%		
		2PM	24.4m2 85.0%	24.4m2 85.0%		
3PM	28.7m2 100%	28.7m2 100%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	73.8m2 22.8%	122.8m2 38.1%	
			10AM	68.2m2 21.2%	92.3m2 28.7%	
			11AM	62.9m2 19.5%	68.3m2 21.2%	
			12PM	60.9m2 18.9%	60.9m2 18.9%	
			1PM	57.5m2 17.9%	57.5m2 17.9%	
2PM	83.0m2 25.8%	83.0m2 25.8%				
3PM	69.3m2 21.5%	69.3m2 21.5%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	86.6m2 16.4%	84.4m2 23.4%	
			10AM	61.5m2 17.0%	61.5m2 17.0%	
			11AM	57.8m2 16.0%	57.8m2 16.0%	
			12PM	56.3m2 15.6%	56.3m2 15.6%	
			1PM	55.8m2 15.4%	55.8m2 15.4%	
2PM	72.9m2 20.2%	72.9m2 20.2%				
3PM	69.3m2 19.2%	69.3m2 19.2%				

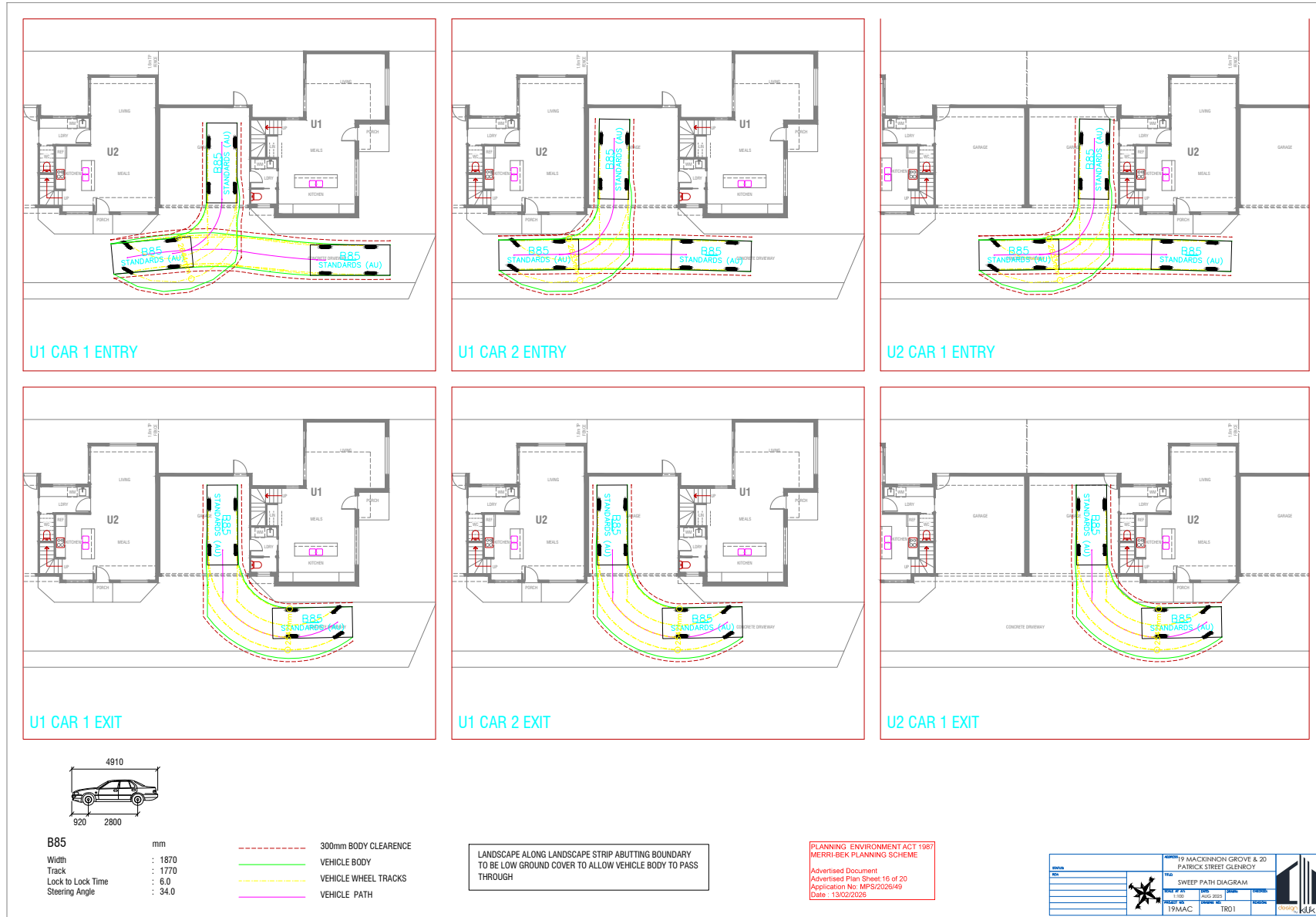
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)	PROPOSED OVERSHADOW (m2%)		
NO. 272 WATERLOO	285.9m²	9AM	92.9m2 32.5%	107.8m2 37.8%		
		10AM	92.3m2 32.3%	68.8m2 24.1%		
		11AM	66.7m2 23.3%	66.7m2 23.3%		
		12PM	85.6m2 30.0%	85.6m2 30.0%		
		1PM	79.4m2 27.8%	79.4m2 27.8%		
		2PM	102.3m2 35.8%	102.3m2 35.8%		
3PM	131.3m2 46.0%	131.3m2 46.0%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	51.7m2 68.5%	51.7m2 68.5%	
			10AM	51.5m2 68.5%	52.6m2 70.0%	
			11AM	44.5m2 59.2%	44.5m2 59.2%	
			12PM	41.1m2 55.0%	41.1m2 55.0%	
			1PM	36.9m2 49.0%	36.9m2 49.0%	
2PM	41.4m2 55.1%	41.4m2 55.1%				
3PM	61.6m2 81.9%	61.6m2 81.9%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	51.4m2 76.8%	36.8m2 85.0%	
			10AM	50.1m2 74.9%	30.7m2 75.8%	
			11AM	43.5m2 65.0%	43.5m2 65.0%	
			12PM	40.1m2 60.0%	40.1m2 60.0%	
			1PM	36.3m2 54.3%	36.3m2 54.3%	
2PM	45.2m2 67.6%	45.2m2 67.6%				
3PM	63.1m2 94.3%	63.1m2 94.3%				

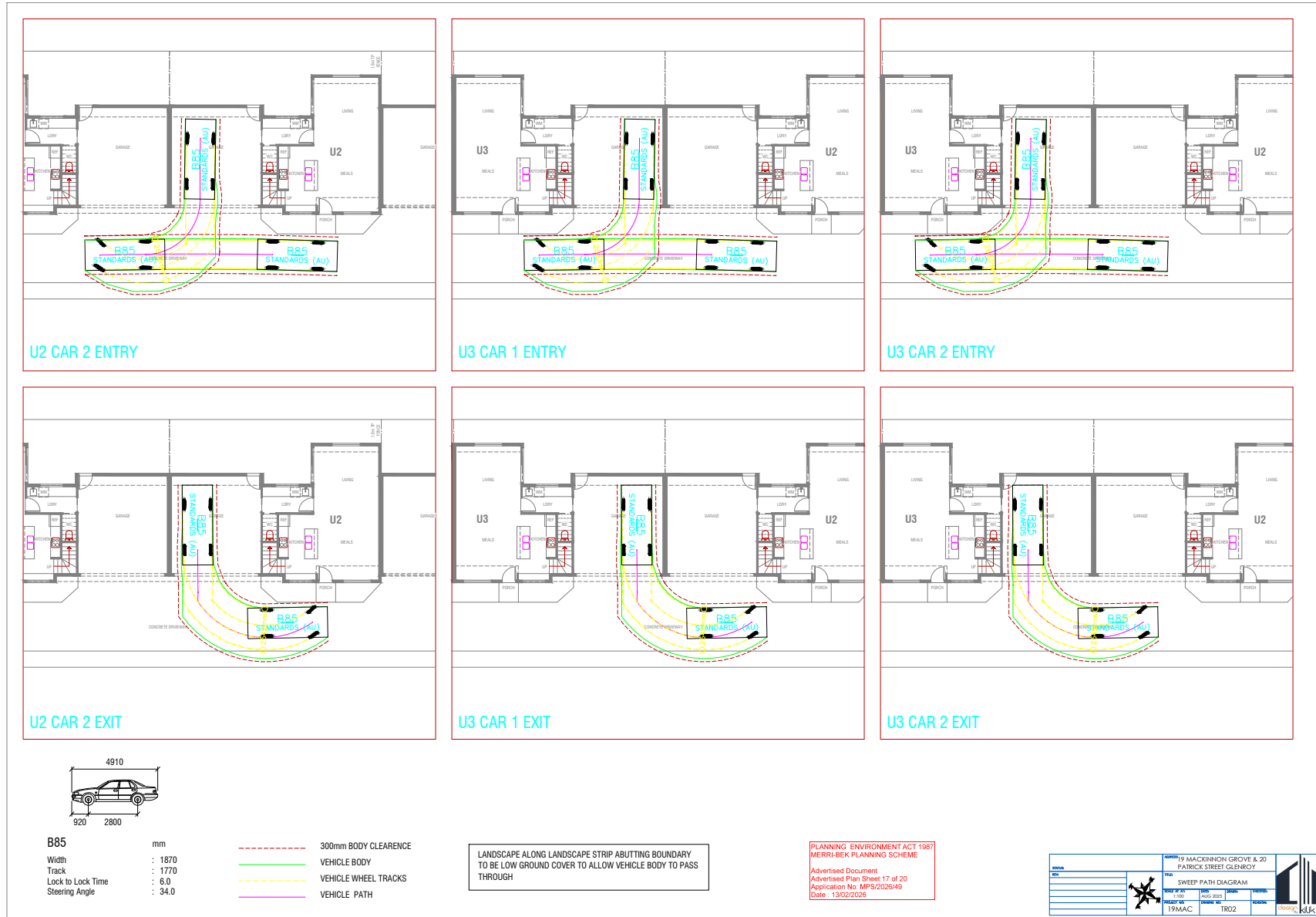
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NO. 2/266 WATERLOO	85.0m²	9AM	66.8m2 78.6%	85.0m2 100%		
		10AM	49.4m2 58.1%	51.2m2 60.2%		
		11AM	37.0m2 43.5%	37.0m2 43.5%		
		12PM	27.7m2 32.6%	27.7m2 32.6%		
		1PM	19.0m2 22.3%	19.0m2 22.3%		
		2PM	28.7m2 33.8%	28.7m2 33.8%		
3PM	55.1m2 64.8%	55.1m2 64.8%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	68.2m2 85%	68.2m2 85%	
			10AM	63.3m2 78.9%	63.3m2 78.9%	
			11AM	56.7m2 70.7%	56.7m2 70.7%	
			12PM	47.8m2 59.6%	47.8m2 59.6%	
			1PM	29.9m2 37.2%	29.9m2 37.2%	
2PM	30.4m2 37.9%	32.9m2 41.0%				
3PM	48.0m2 56.9%	60.9m2 75.9%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	40.3m2 100%	40.3m2 100%	
			10AM	40.3m2 100%	40.3m2 100%	
			11AM	33.1m2 82.1%	33.1m2 82.1%	
			12PM	22.0m2 54.6%	22.0m2 54.6%	
			1PM	12.8m2 31.8%	12.8m2 31.8%	
2PM	18.1m2 44.9%	18.1m2 44.9%				
3PM	27.4m2 68.0%	28.9m2 71.7%				

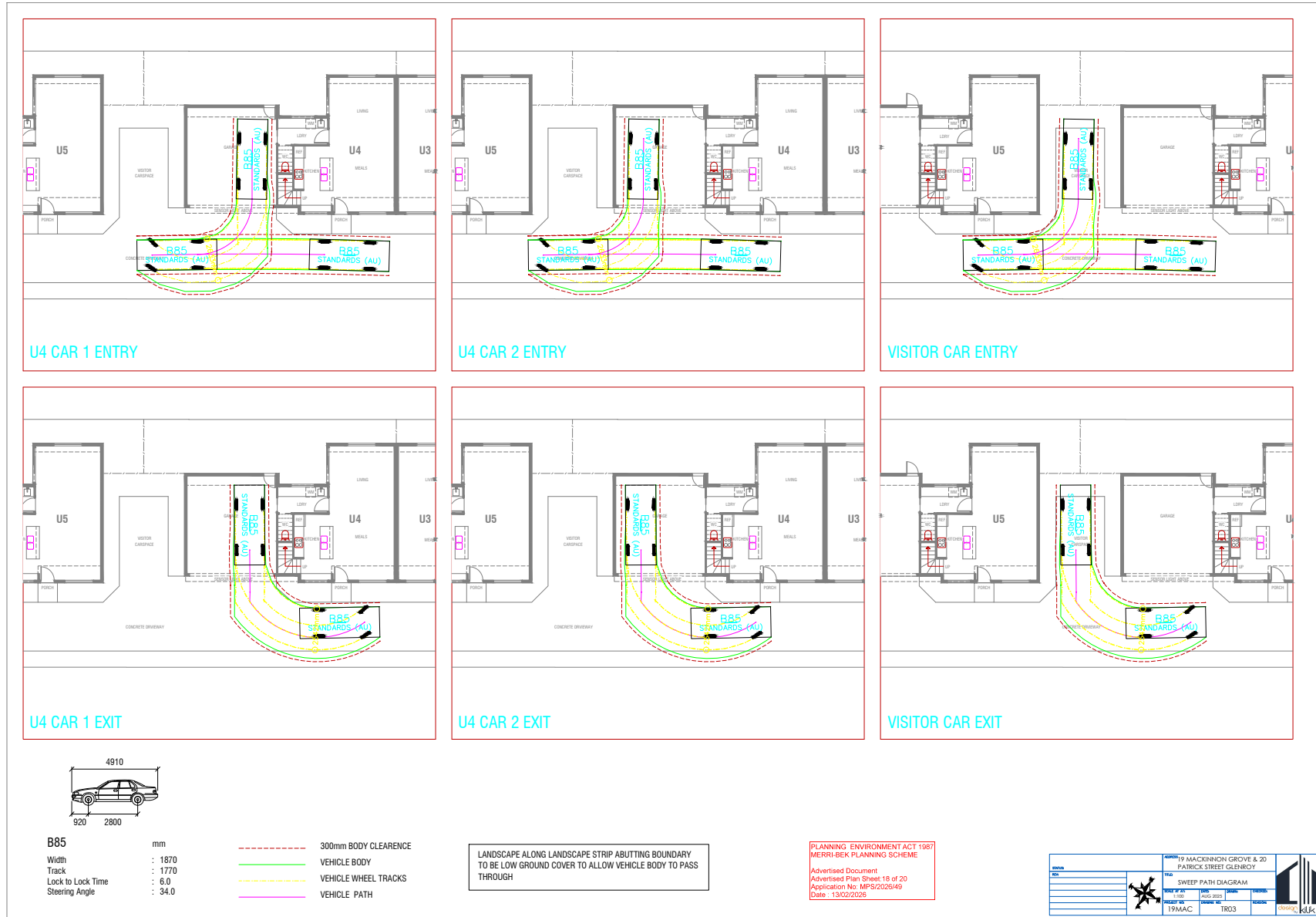
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NO. 3/17 MACKINNON	40.1m²	9AM	40.1m2 100%	40.1m2 100%		
		10AM	40.1m2 100%	40.1m2 100%		
		11AM	32.4m2 80.8%	32.4m2 80.8%		
		12PM	24.3m2 60.6%	24.3m2 60.6%		
		1PM	15.5m2 38.7%	15.5m2 38.7%		
		2PM	20.7m2 51.6%	20.7m2 51.6%		
3PM	28.1m2 70.1%	32.3m2 80.0%				
ADJOINING PROPERTY	SPOS (m2)	TIME	EXISTING OVERSHADOW (m2%)		PROPOSED OVERSHADOW (m2%)	
			9AM	43.8m2 70.5%	43.8m2 70.5%	
			10AM	43.6m2 70.2%	43.6m2 70.2%	
			11AM	47.6m2 76.6%	47.6m2 76.6%	
			12PM	49.4m2 79.5%	49.4m2 79.5%	
			1PM	50.5m2 81.3%	50.5m2 81.3%	
2PM	48.2m2 77.6%	48.2m2 77.6%				
3PM	52.2m2 84.1%	52.2m2 84.1%				

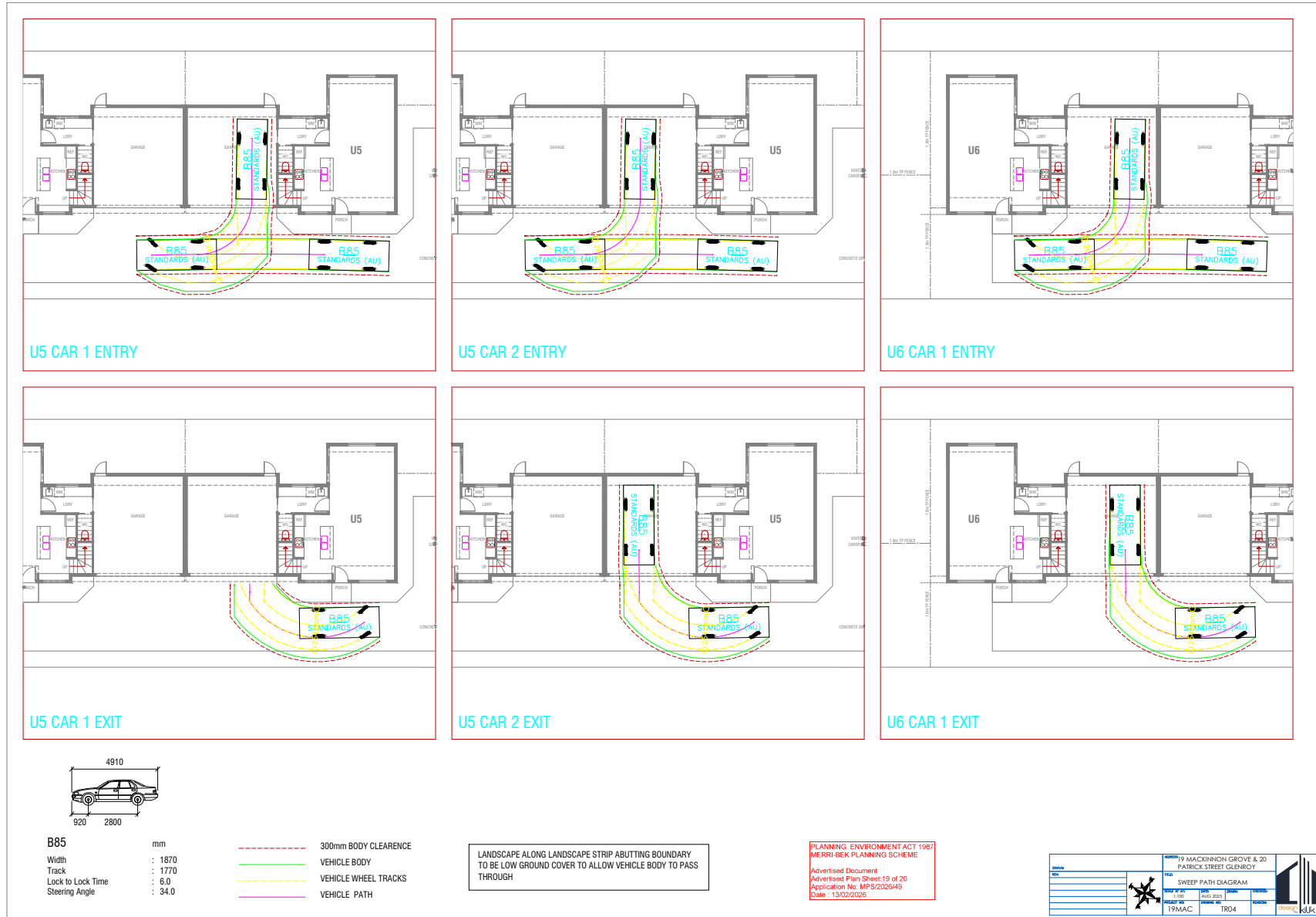
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Date - 13/02/2020

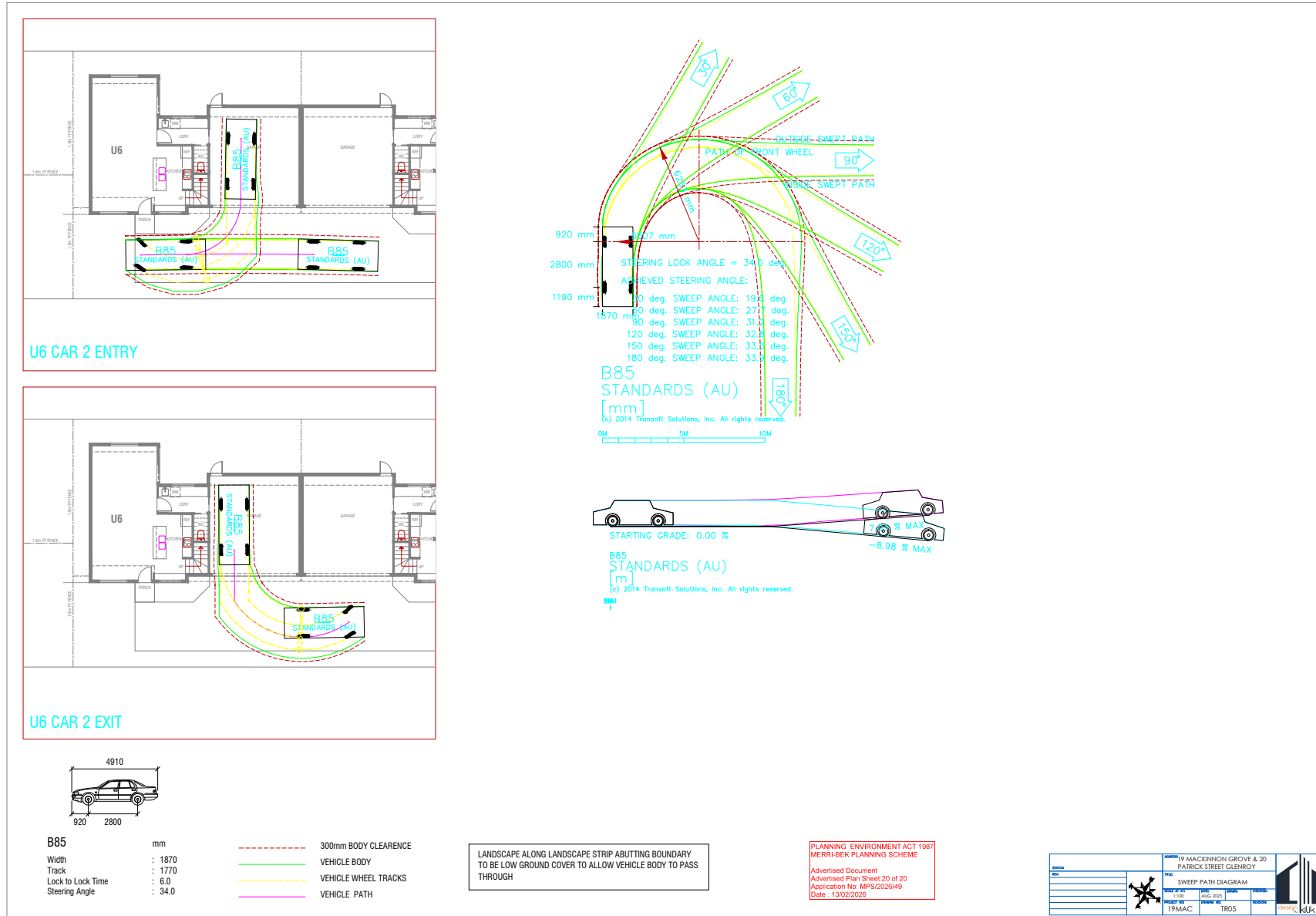












Objector Location Map

19 Mackinnon Grove & 20 Patrick Street, GLENROY VIC 3046



Objector

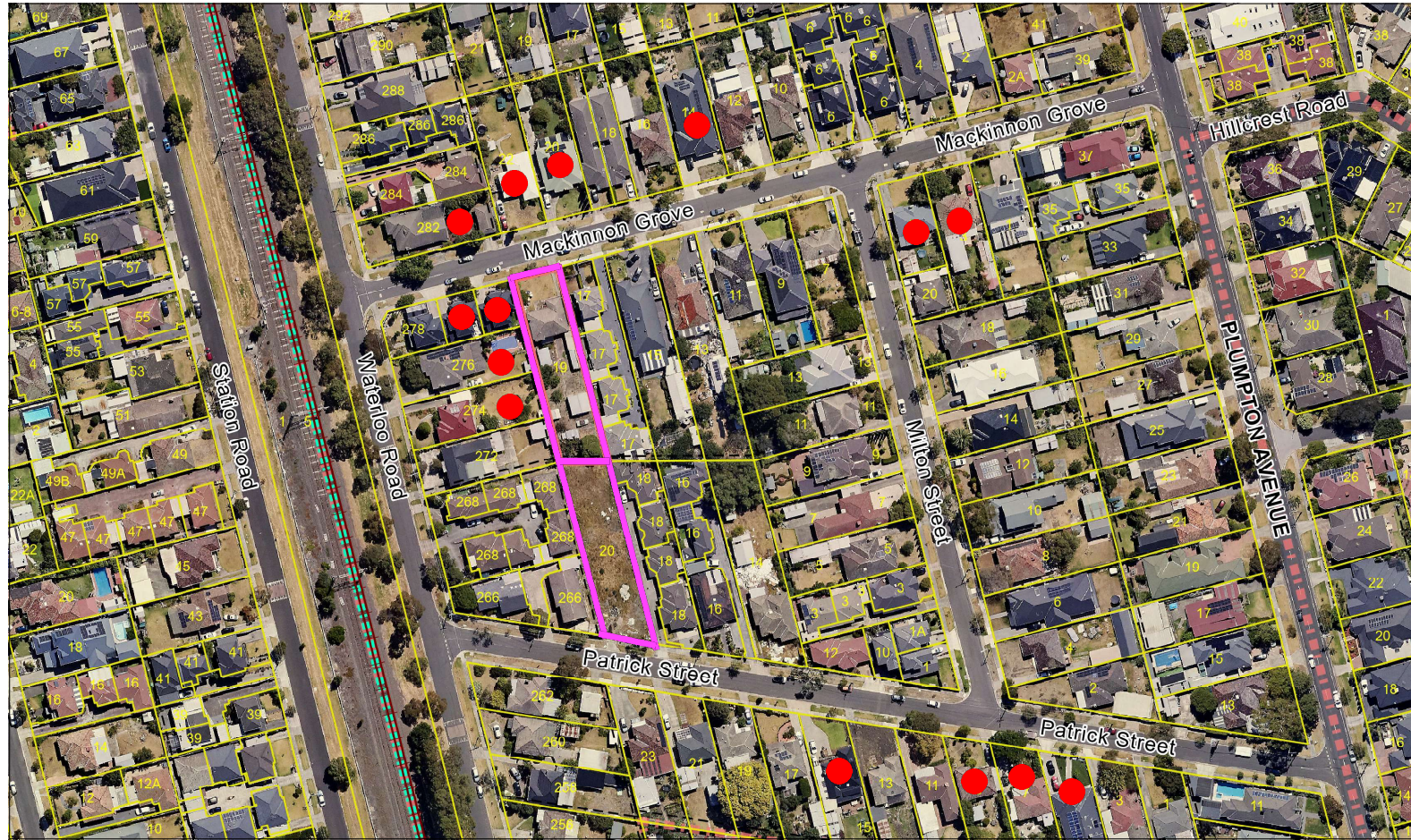


Subject site

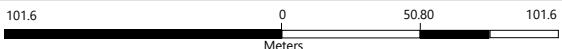
One objector located outside of map area



Merri-bek City Council



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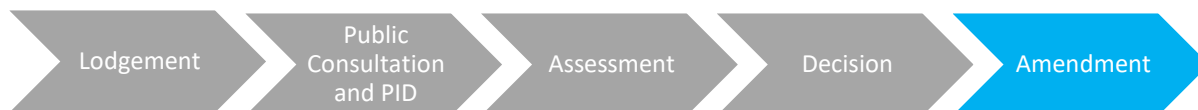
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5.3 71, 88, 90 AND 99 GRANDVIEW AVENUE, PASCOE VALE SOUTH - MPS/2020/595/B AND MPS/2023/201/A -PLANNING PERMIT AMENDMENT

Director Place and Environment, Pene Winslade
City Development

Executive Summary



Property:	71, 88, 90 and 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044
Approved Developments:	<p><u>Permit MPS/2020/595:</u> Use of the land as an education centre (secondary school). Buildings and works to construct a double storey building fronting Waverley Parade including additional classrooms and indoor and outdoor sport courts. Display of a business identification sign.</p> <p><u>Permit MPS/2023/201:</u> The use and development of the land for the purposes of a car park in conjunction with an existing education centre and the display of signage.</p>
Proposals:	<p>Amend permit <u>MPS/2020/595</u> to include the use of the land for leisure and recreation (indoor recreation facility) in addition to the existing secondary school and deletion of permit condition 17 to allow community sporting groups to use the sports facilities outside school hours.</p> <p>Amend permit <u>MPS/2023/201</u> to modify condition 7 to extend the operating hours of the car park to align with the operation of the indoor recreation facility.</p>
Zoning and Overlays:	<ul style="list-style-type: none"> • General Residential Zone, Schedule 1 • Development Contributions Plan Overlay, Schedule 1
Objections:	<ul style="list-style-type: none"> • 26 across both applications • Key issues: <ul style="list-style-type: none"> - Traffic increase and car parking - Noise - Impacts to residential amenity
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> • Date held: 14 April 2026 • Attendees: six objectors, the applicant and Council officers. • 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.

Key reasons for support	<ul style="list-style-type: none"> • The leisure and recreation use would serve local community needs, aligns with the purpose of the General Residential Zone and has strategic policy support in the Merri-bek Planning Scheme. • The site and surrounding streets can accommodate the expected car and bicycle parking demand. • Off-site amenity impacts can be appropriately managed through conditions on operating hours and patron numbers.
Recommendation:	That Notices of Decision to Grant Amended Planning Permits be issued for the proposals.

Officer Recommendation

Part A:

That a Notice of Decision to Grant an Amended Planning Permit No **MPS/2020/595/B** be issued for the land at, 71 Grandview Avenue, Pascoe Vale South.

The Amended Permit (MPS/2020/595/B) would allow (**changes bolded**):

Use of the land as an education centre (secondary school) and **leisure and recreation (indoor recreation facility)**. Buildings and works to construct a double storey building fronting Waverley Parade including additional classrooms and indoor and outdoor sport courts. Display of a business identification sign.

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-2	A permit is required for the use of the land as education centre (secondary school) and leisure and recreation.
Clause 32.08-10	A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
Clause 52.05-2	Display of a business identification sign

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

Amended Plans

1. Before the use and development 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 prepared by Williams Ross Architects and landscape plan prepared by MDG Landscape Architects, both advertised 24 November 2020, but modified to show:
 - a) All initiatives claimed in the amended Sustainability Management Plan (SMP) required by Condition 5 of this permit.
 - b) An amended Tree Management Plan (TMP) in accordance with Condition 8 of this permit.
- 1A. Prior to the commencement of the leisure and recreation (indoor recreation facility) use approved by the amended permit/B, 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 prepared by Williams Ross Architects, advertised 10 February 2026, but modified to show:**

- a) **Any changes to the plans as required by the:**
- i. **Acoustic Report in accordance with Condition 11A of the permit.**
 - ii. **Venue and Patron Management Plan in accordance with Condition 13A of the permit.**

Compliance with Endorsed Plans

2. The use and development 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 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.
3. Prior to the completion of the development, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
4. The location, dimensions, shape and associated structures of the sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Environmentally Sustainable Design (ESD)

5. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by BRT Consulting Pty Ltd dated as December, Revision 00, and the Stormwater Management memo prepared by ACOR Consulting and dated 3 December 2020, but modified to include the following changes:
 - a) The Stormwater Management memo prepared by ACOR Consulting and dated 3 December 2020 amended to:
 - i. Remove the reference to the onsite stormwater water detention volume (OSD) and the permissible site discharge rate (PSD) on page 2.
 - b) Provide a typical cross-section of the proposed Grandview Avenue swale showing how the footpath is to be protected from the swale overflow and during heavy rainfall events. The swale design must be approved by Council's Arborist in accordance with Condition 8 of this permit.

Where alternative ESD initiatives are proposed to those specified in the conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.

6. Prior to the completion of the development, all works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority.

Tree Protection Zones

7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees and the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) in accordance with *AS4970 Protection of Trees on Development Sites* to the satisfaction of the Responsible Authority. The TPZ must meet the following requirements:

a) Tree Protection Fencing

Tree Protection Fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of mesh panels, chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

b) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating “Tree Protection Zone – No entry. No excavation or trenching. No storage of materials or waste”. The TPF signage must be complied with at all times.

c) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

d) Provision of Services

All services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, this must occur in accordance with Australian Standard AS4970.

Tree Management Plan

8. Prior to the endorsement of plans, an amended Tree Management Plan (TMP) must be submitted to the satisfaction of the Responsible Authority. The TMP must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites to ensure that the retained and surrounding trees remain healthy and viable during construction. The TMP must be generally in accordance with the TMP prepared by Tree Logic and advertised 24 November 2020, but modified to show:

- a) Details of the proposed Grandview Avenue swale including drainage design specifications with relevant cross-sections.

When submitted and approved to the satisfaction of the Responsible Authority, the TMP will be endorsed to form part of this permit. The recommendations of the endorsed TMP must be implemented to the satisfaction of the Responsible Authority.

9. Prior to the commencement of the works, the stormwater swale design is to be approved by the Council Arborist. Excavation of the swales must be in accordance with the Tree Management Plan.

Arborist Onsite

10. Council's Arborist must be onsite for the excavation of the swales, unless with the prior written consent of the Responsible Authority. The developer must give Council a minimum 72 hours' notice prior to the excavation. Please contact the Open Space department on 9240 1111.

Acoustic Attenuation

11A. Prior to the commencement of the leisure and recreation use (indoor recreation facility) approved by the amended permit/B, the Acoustic Report prepared by Marshall Day Acoustics and advertised 10 January 2026 must be approved by the Responsible Authority. Once approved, the report will be endorsed and will form part of this permit.

All recommendations of the endorsed Acoustic Report must be implemented and maintained to the satisfaction of the Responsible Authority. The Acoustic Report must not be amended without the written consent of the Responsible Authority.

11. Prior to the endorsement of plans, an Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics and advertised 24 November 2020. When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
12. The buildings must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Venue and Patron Management

13A. Prior to the commencement of the leisure and recreation use (indoor recreation facility) approved by the amended permit/B, a Venue and Patron Management Plan must be submitted to the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must address the following:

- a) **How patrons of the indoor recreation facility will enter and leave the venue in an orderly manner.**
- b) **How the car park will be managed to prevent people loitering outside operating hours.**
- c) **How communication will be facilitated and maintained between nearby residents, the school, and user groups of the indoor recreation facility, including how complaints and feedback will be handled.**
- d) **Doors to the indoor sporting facility must be kept closed while sporting activities are occurring.**
- e) **All car parking spaces on the land must be available for the indoor recreation facility use during its operating hours, as specified in condition 18. During these hours, the car parking spaces must not be used for any other purpose (including parking or storage of school buses).**

Waste Management

13. Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP must be generally in accordance with the WMP prepared by Leigh Design and advertised 24 November 2020. When submitted and approved to the satisfaction of the Responsible Authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Responsible Authority.
14. 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.

Maximum number of staff

15. The maximum number of staff onsite must not exceed 52 at any one time.

Maximum number of students

16. The maximum number of enrolled students at the education centre (secondary school) must not exceed 450 students.

Maximum number of patrons

- 17A. The maximum number of patrons onsite for the leisure and recreation (indoor recreation facility) use approved by the amended permit/B must not exceed the following:**

- a) Maximum 24 people Monday to Friday**
- b) Maximum 74 people Saturday and Sunday**

Other Uses

17. Deleted.

Hours of Operation

18. **The leisure and recreation (indoor recreation facility) use approved by the amended permit /B must only operate between the following hours:**
- a) Monday to Friday 4:00 p.m. to 8:00p.m.**
 - b) Saturday 9:00 a.m. to 6:00p.m.**
 - c) Sundays 10:00 a.m. to 6:00p.m (for a maximum of Sundays per year)**
19. **A record of all Sunday operations associated with the leisure and recreation (indoor recreation facility) use must be maintained and made available to the Responsible Authority upon request at any time. The use must not operate on more than six (6) Sundays in any calendar year.**

Engineering Matters

20. Prior to the completion of the development, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Moreland City Council, City Infrastructure Department).
21. Prior to the completion of the development, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Moreland City Council, City Infrastructure Department).
22. Prior to the completion of the development, the stormwater pit in the street is to be relocated or modified to the satisfaction of the Responsible Authority.
23. Prior to the completion of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
24. Prior to the completion of the development, the indented parking on Waverley Avenue is to be constructed to Council's standards using construction plans approved by Council and the works supervised by Council.
25. Prior to the works commencing, all drainage easements are to be removed under the proposed buildings.
26. Prior to the completion of the development, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the new buildings must be underground to the satisfaction of the Responsible Authority.

Stormwater

27. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Moreland City Council, City Infrastructure Department).

Lighting

28. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.

Signs

29. The sign approved by this permit must not be animated or contain any flashing light.
30. The sign approved by this permit must only be illuminated during the hours of operation of the school.

Permit Expiry

31. This permit will expire if one of the following circumstances applies:
- the development is not commenced within three (3) years from the date of issue of this permit;
 - the development is not completed within five (5) years from the date of issue of this permit.
 - the use is not commenced 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 after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

32. **The leisure and recreation (indoor recreation facility) use approved by the amended permit/B will expire if one of the following circumstances applies:**
- the use does not commence within three (3) years from the date of issue of the amended permit.**
 - the use is discontinued for a period of three (3) years.**

NOTES:

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

Withdrawn on 24/02/2022	An application (MPS/2020/595/A) under Section 72 of the Planning and Environment Act 1987 to amend the permit was lodged on 09/11/2021 and subsequently withdrawn on 24/02/2022.	Merri-bek City Council	N/A
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2026	Amend the permit to include the use of the land for leisure and recreation (indoor recreation facility) in addition to the existing secondary school and deletion of permit condition 17 to allow community sporting groups to use the sports facilities outside school hours.	Merri-bek City Council	Section 72
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Part B:

That a Notice of Decision to Grant an Amended Planning Permit No **MPS/2023/201/A** be issued for the land at 99 Grandview Avenue, Pascoe Vale South, 71 Grandview Avenue, Pascoe Vale South 88 Waverley Parade, Pascoe Vale South , 90 Waverley Parade, Pascoe Vale South.

The Amended Permit (MPS/2023/201/A) would allow **(changes bolded)**:

The use and development of the land for the purposes of a car park in conjunction with an existing education centre and **leisure and recreation (indoor recreation facility)** and the display of signage.

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-2	A permit is required for the use of the land as a car park in conjunction with an existing section 2 use (education centre) and leisure and recreation (indoor recreation facility) .
Clause 52.05-2	A permit is required to display a business identification sign

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

Amended Plans

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 14 August 2023 but modified to show:
 - a) The floor plan updated to remove reference to ‘new canopy trees’.
 - b) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit

Compliance with Endorsed Plans

2. The use and development 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, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by MDG Landscape Architects advertised 14 August 2023 but amended to show:
 - a) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - b) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers.

- d) **Sunday (indoor recreation facility community group use) 9:00 a.m. to 6:30 p.m. (for a maximum of six (6) Sundays a year)**

Car Parking Availability

8. **All car parking spaces on the land must be available for the leisure and recreation use (indoor recreation facility) approved by the amended permit MPS/2020/595/B during its approved operating hours, as specified in condition 18 of the Permit MPS/2020/595/B. During these hours, the car parking spaces must not be used for any other purpose (including parking or storage of school buses).**

Noise

9. Noise levels associated with the use 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.

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.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Water Sensitive Design

10. Before the use and development commences, the Stormwater Management Plan and Water Sensitive Urban Design Strategy advertised by Council on 11 August 2023 must be endorsed to form part of the permit. Once approved, the Stormwater Management Plan and Water Sensitive Urban Design Strategy must not be altered unless with the prior written consent of the Responsible Authority.
11. The Stormwater Management Plan and Water Sensitive Urban Design Strategy endorsed under this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority.

Waste Management

12. Waste must be collected within the car park boundaries no earlier than 7:00 a.m. on weekdays only.

Signs

13. 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
14. The signage approved by this permit must not be animated or contain any flashing or intermittent lights.
15. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
16. No part of the signage approved by this permit must be internally or externally illuminated.

17. The signs approved under this permit expire 15 years from the date of issue, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) 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 after the permit expires to extend the commencement date.
- within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

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. 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/>.

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 3: Unless no permit is required under the Merri-bek Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

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
2026	Amend the permit to modify condition 7 to extend the operating hours of the car park to align with the operation of the indoor recreation facility.	Merri-bek City Council	Section 72

1. Background

Subject site

The site includes four adjoining properties: 71 and 99 Grandview Avenue, 88 and 90 Waverley Parade, Pascoe Vale South.

The site is used for the Antonine College, a private secondary school. The buildings include indoor and outdoor sports facilities approved under planning permit **MPS/2020/595**. The northern part of the site is used as a school car park approved under planning permit **MPS/2023/201**.

The titles include two restrictive covenants. These limit excavation on the land to building foundations only. The proposed application does not breach these covenants.

Surrounds

The surrounding area is residential and developed by detached single and double storey dwellings. The subject site is located approximately:

- 185 metre west of Melville Road, which is serviced by the Route 58 Tram;
- 85 metres south of Bell Street, which is serviced by several bus routes; and,
- 220 metres southwest of the Bell Street/Melville Road Neighbourhood Activity Centre.

A location plan forms **Attachment 1**, and a zoning map is at **Attachment 2**.

The proposal Amendments

The proposed amendments are summarised as follows:

- Use of the existing school gymnasium as an Indoor Recreation Facility for external use by community sporting clubs for sport training and competitions.
- Proposed operating hours for the Indoor Recreation Facility are:
 - Monday – Friday:** 4:00pm – 8:00pm
 - Saturday:** 8:00am – 6:00pm
 - Sunday (up to six Sundays a year):** 10:00am – 6:30pm
- Maximum patron numbers: 74 people on Saturday and Sunday; 24 people on Weekdays
- Extension of the car park's operating hours from Monday – Sunday: 8:00am – 6:00pm to:
 - Monday – Friday:** 7:00am – 8:30pm
 - Saturday:** 7:00am – 6:30pm
 - Sunday (up to six (6) Sundays a year):** 9:00am – 6:30pm (community group use)
 - Sundays (education centre use):** 8:00am – 6:30pm

The development plans form **Attachment 3**.

Relevant Planning Permit and Site History

The site has an extensive planning history and has been used for education purposes for several decades, with Antonine College operating on the site since approximately 2011. The planning permits of most relevance are outlined below:

- Planning permit MPS/2020/595 issued on 7 April 2021 for use of the land as an education centre (secondary school). Buildings and works to construct a double storey building fronting Waverley Parade including additional classrooms and indoor and outdoor sport courts. Display of a business identification sign.

This permit was for an expansion to the existing school and facilities at Antonine College and approved the gymnasium. The construction was completed in 2024.

- Planning permit MPS/2023/20 issued on 27 September 2023 for the use and development of the land for the purposes of a car park in conjunction with an existing education centre and the display of signage.

This permit approved the school's car park. Construction was completed in 2025.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
General Residential Zone	A permit is required for the use as Leisure and Recreation is a Section 2 use in the zone.

The following Particular Provisions of the Merri-bek Planning Scheme are also relevant to the consideration of the proposal:

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.06: Car Parking.

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
- Placing signs on the Grandview Avenue and Waverley Parade frontages of the site

Council has received a total of 26 objections across both applications to date, including a petition, comprising:

- 11 objections to application MPS/2020/595/B; and
- 15 objections to application MPS/2023/201/A.

A map identifying the location of objectors forms **Attachments 4 and 5**.

The key issues raised in objections are:

- Traffic and car parking impacts
- Safety concerns
- Limitations of Traffic Impact Assessment; outdated car parking demand data
- Noise impacts
- Limitations of Acoustic report; assessment taken during the day only
- Impacts to residential amenity

- Excessive Hours of operation
- Light spill
- Excessive Patron numbers
- Impact on quality of life, wellbeing and liveability of area (disruption to sleep and home environments)
- Inappropriate scale and intensity of use
- Incompatible use with residential area
- Compliance of proposed use with the Merri-bek Planning Scheme
- Impact on property values

A Planning Information and Discussion meeting was held on 14 April 2026 and attended by a Council Planning Officer, the applicant and six objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

No agreements were reached at the Planning Information and Discussion meeting. However, following those discussions, the applicant agreed to the following in response to objectors concerns:

- Indoor recreation facility- a later Saturday start time of 9am instead of 8am
- Car park- Opening at 8am instead of 7am on Saturdays.

These changes have been included as conditions in the recommendation to this report.

Internal referrals

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

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Supports the proposal with no changes recommended. Further details are provided in Section 4 of this report.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2)
- Environmental Risks and Amenity (Clause 13):
 - Noise Abatement (Clause 13.05-1S and 13.05-1L)
 - Discretionary Uses in Residential Zones (Clause 13.07-1L)
- 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)
- Community Infrastructure (Clause 19), including:
 - Cultural facilities (Clause 19.02-3S)
 - Cultural facilities - Metropolitan Melbourne (Clause 19.02-3R)
 - Social and cultural infrastructure (Clause 19.02-4S)

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 18: Right to take part in public life
- Section 20: Property rights

This application does not limit human rights. The proposed use of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Merri-bek Planning Scheme.

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 proposal have strategic policy support?

The site is located within the General Residential Zone (GRZ) where educational, recreational, community and a range of other non-residential uses to serve local community needs is encouraged, in appropriate locations.

Social and cultural infrastructure policy in Clauses 19.02-3R and 19.02-4S aim to improve access to recreation and cultural facilities by identifying and addressing gaps.

The gymnasium at the Antonine College was constructed in 2024. Its proposed use by community sporting clubs, outside of school hours, is an appropriate use of these facilities, and will serve the local and broader community needs for more leisure and recreation facilities, in line with the purpose of the zone and planning scheme policy.

The site is located in an established urban area, approximately 100 metres from Bell Street bus routes, 200 metres from Melville Road tram route and 200 metres from Bell Street/Melville Road Neighbourhood Centre transport and services and is therefore well located to existing infrastructure.

Merri-bek's Sport and Active Recreation Strategy (2020) and Indoor Sports Facility Strategy and Coburg North Sports Hub Master Plan, while not incorporated documents in the Merri-bek Planning Scheme, highlight a need for more indoor courts for the area. This strategic work identifies a shortfall of approximately 12 basketball courts for community sporting clubs, revealing a high unmet demand. This work confirms the need for more shared sports facilities in well serviced areas to support the community. Therefore, the proposal has strongly strategic policy support.

Discretionary Uses in Residential Zones - Clause 13.07-1L

Planning policy generally supports discretionary land uses in residential areas where:

- the site is next to land used for non-residential use
- the impacts on neighbours can be managed
- the site has a frontage to a main road (Transport Zone 2 or 3)
- traffic and parking concerns can be reasonably managed.

Policy also generally encourages municipal wide land uses to be in activity centres. However, smaller-scale community uses on existing non-residential sites can still be considered appropriate where impacts can be managed.

The proposal seeks to utilise an existing school gymnasium which is an existing non-residential use and no new buildings and works are proposed. While the site does not have a frontage to a main road, it is located within approximately 100 metres of Bell Street (Transport Zone 2) and approximately 200 metres from the Bell Street/Melville Road Neighbourhood Centre. This provides reasonable access to the broader transport network and nearby services, supporting the suitability of the location for community use. The planning assessment has also determined that the parking and traffic impacts associated with the scale of the proposed use can be reasonably met in this location.

In addition, the proposal is consistent with the purpose of the GRZ in that it supports recreational and community uses that serve local needs in appropriate locations. The existing school site already accommodates higher levels of activity, and the introduction of out-of-hours community use represents an extension of an established community facility.

The proposal will provide additional recreational opportunities in the area. Allowing community sporting clubs to use the gym also creates pathways for students to participate in local sport, providing a net community benefit.

The scale and intensity of the use are considered reasonable. The two indoor basketball courts will be used for training and competitions by local community sporting clubs. The number of users is modest relative to the size of the gymnasium (over 1,700m²), with up to 24 people on weeknights (outside school peak periods) and up to 74 (worst case scenario) on weekends, which represents a peak, short-duration, associated with session changeovers rather than a sustained level of activity. This is significantly smaller than the school's capacity of 450 students and 52 staff, meaning the overall level of activity is relatively low in comparison.

Off-site impacts

The site interfaces with residential properties to the east, west and south, requiring a critical review of the off-site impacts on neighbours. However, impacts can be appropriately managed through the nature of the use and recommended permit conditions.

The proposed leisure and recreation use operates within daytime and evening periods (4pm to 8pm on weeknights, 8am to 6pm on Saturdays, and 10am to 6pm on Sundays up to six Sundays per year) and avoids the more sensitive night time period under EPA guidance which is from 10pm. The activity is fully indoors, so that noise and activity are contained within the building, limiting off-site noise impacts. The building includes two access points (Waverley Parade and internal car park) which helps in dispersing movement and reduces the potential for concentration of people on street, near surrounding homes.

The number of people using the facility is modest, and as outlined above, given the size of the facility and in comparison to existing school use, the intensity is considered appropriate and not expected to generate unreasonable amenity impacts.

Traffic, parking and noise impacts have been assessed by qualified experts and found to be acceptable. The proposal operates outside school peak periods and can largely be accommodated within the existing site layout and car park without causing significant disruption. Traffic and car parking is further assessed within the relevant sections below.

To address objector concerns and reduce weekend impacts, the applicant has agreed to modify the start time on Saturdays from 8am to 9am. This further assists with minimising impacts associated with traffic, noise and people movement. This is included as a condition as part of the officer's recommendation.

The proposal includes an extension to the operating hours of the existing car park. The current approved hours are 8:00am to 6:00pm daily. The proposed revised hours of the car park are:

- Monday – Friday: 7:00am – 8:30pm
- Saturday: 7:00am – 6:30pm
- Sunday: 8:00am – 6:30pm (college use)
- Sunday (up to six (6) Sundays a year): 9:00am – 6:30pm (community group use)

The earlier morning start on weekdays allows staff to arrive and prepare for school activities (not associated with community sporting facility). The extended evening hours of the car park allow users to leave the site after the indoor recreation use finishes at 8pm, providing time to pack up and exit the facility safely. For Sundays, community use would start later than the currently approved 8.00am time, which helps limit amenity impacts. To further reduce weekend impacts, the applicant has agreed to modify the proposed Saturday car park open time from 7.00am to 8.00am, consistent with the currently approved morning open time. This change is included as a condition in the recommendation.

The acoustic report (prepared by Marshall Day Acoustics dated 16 October 2025) confirms that the noise from indoor sporting activities will comply with relevant standards, and recommends operational measures which includes keeping doors closed during activities, managing the car park to prevent people lingering outside of operating hours, and providing a clear process for nearby residents to raise concerns.

These recommendations are secured through conditions of the recommendation, including a requirement for a Venue and Patron Management Plan and to ensure the endorsed acoustic report is complied with. These conditions will minimise the risk of unreasonable noise impacts on surrounding residences.

With these measures in place, the proposal is not expected to result in unreasonable amenity impacts.

Overall, the proposal is considered acceptable having regard to strategic policy, the purpose of the General Residential Zone, and Clause 13.07-1L. The use of an existing facility for community recreation represents an efficient use of established infrastructure in a well-serviced location. Any potential amenity impacts can be appropriately managed through permit conditions. In this context, the proposal achieves an appropriate balance between facilitating community use and protecting surrounding residential amenity, and is consistent with relevant policy and zone objectives.

Has adequate car and bicycle parking been provided?

A Leisure and Recreation use does not have a specified car parking rate, in the Victorian Planning Provisions, therefore the provision of car parking is required to be to the satisfaction of Council.

Objectors have raised concerns about the increased demand for on-street car parking. The submitted Traffic Impact Assessment (TIA), prepared by WGA dated 7 January 2026, identifies the highest parking demand will occur on Saturdays during the overlap of four basketball sessions. In this worst-case scenario, a demand of approximately 74 car spaces is expected at these times. With 50 on-site spaces available, this would result in a shortfall of approximately 24 spaces, which may spill into surrounding streets. However, the TIA finds that the surrounding street network has sufficient capacity to accommodate this demand. The use will operate outside of school hours and will utilise the existing 50 space school car park at 99 Grandview Avenue. A condition of the recommendation will require that all spaces are available for the community sporting facility during its operating hours and not occupied by school buses, which is currently the case.

Council's Development Engineers have reviewed the assessment and are satisfied that the likely parking demand can be accommodated within the site and the available on-street parking supply at peak times.

Objector concerns note that the parking survey included in the submitted TIA was undertaken in October 2024, before the school car park was constructed in 2025. Updated advice from the applicant's traffic engineer after Council's PID meeting confirms that the introduction of the on-site car park in late 2025 has effectively reduced parking demand in surrounding streets associated with the school use, as staff now have access to 50 on-site parking spaces.

The Merri-bek Planning Scheme requires 9 visitor bicycle parking spaces for the proposed use. A total of 12 bicycle parking spaces are provided which is above the 9 spaces required. The proposal is also well located close to the Bell Street/Melville Road Neighbourhood Centre, with good access to public transport including bus services along Bell Street and tram services along Melville Road. Through the provision of 50 on-site car parking spaces and 12 bicycle spaces, the proposal is considered to adequately meet the car, bicycle, and other transport needs of visitors.

What impact does the proposal have on traffic and safety in the local area?

Council's Development Engineers have assessed the proposal and consider that the use would generate up to 76 vehicle movements per hour on the surrounding streets. This remains within the street's design capacity and is not expected to cause traffic or safety problems.

Since local streets can handle up to about 3,000 vehicles per day, the extra traffic from this proposal is not expected to cause congestion problems.

Objectors raised concerns about speeding, shortcutting ("rat running") and accidents on Waverley Parade, and the safety risks this creates. While these are important concerns, Council's consideration is limited to the impacts of the change of use, the proposed patron numbers and changes in the hours of operation. The existing traffic and safety concerns, expressed in objections, can be looked at separately. These safety concerns have been referred to the Transport Unit for further review to see if any safety improvements, such as traffic calming or signage are needed.

Overall, the traffic from the proposed indoor recreation facility is considered acceptable.

5. Response to Objector Concerns

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

- Traffic and car parking impacts
- Safety concerns
- Limitations of Traffic Impact Assessment; outdated car parking demand data
- Noise impacts
- Impacts to residential amenity
- Excessive hours of operation
- Excessive patron numbers
- Inappropriate scale and intensity of use
- Compliance of proposed use with the Merri-bek Planning Scheme
- Incompatible use with residential area

Other issues raised by objectors are addressed below.

Light spill

No new external lighting is proposed as part of this application. An existing condition of the planning permit (MPS/2020/595) requires that any external lighting be designed and operated so that it does not cast direct light onto adjoining properties. Also, an existing condition of planning permit MPS/2023/201 requires no illuminated signs. Compliance with these conditions will continue to be required and enforced, which ensures that light spill to nearby residences is managed and kept to a minimum. To date no complaints have been lodged with Council regarding light spill onto neighbouring properties from the school.

Impact on quality of life, wellbeing and liveability of area (disruption to sleep and home environments)

Amenity, as resolved by many previous Tribunal members, refers to the overall quality and liveability of an area, including factors such as noise, activity levels, and the general character of the neighbourhood. It is broader than just how pleasant an area feels and includes the overall conditions that affect residents' enjoyment of their homes and surroundings.

The proposal will increase activity on the site and therefore change the character of the immediate area. The key question is whether this change would result in a significant or unreasonable impact on nearby residents, including their quality of life, wellbeing, and home environment, such as potential disruption to sleep.

A detailed assessment of amenity impacts is provided in Section 4 of this report, which concludes that any impacts on surrounding properties are not unreasonable and can be managed through permit conditions.

Limitations of Acoustic report; assessment taken during the day only

The report does not rely only on general daytime conditions. It measures actual indoor sporting noise and assesses how it would impact nearby residences.

External noise was measured near the closed doors of the facility, which are identified as the main source of noise breakout. These results were then modelled to account for distance to the nearest homes. The assessment applies the relevant evening noise limit of 50 dB L_{Amax}, appropriate for the proposed operating hours. Predicted noise levels at the nearest dwellings are 48 dB and 36 dB, both below the target.

Accordingly, the acoustic report concludes the proposal complies with relevant noise criteria and is expected to meet acceptable standards at surrounding residential properties, including during evening use.

Property values

The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impact upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

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 use of the existing school gymnasium as a shared sporting facility for leisure and recreation use by community sporting clubs is considered to be appropriate for the site and aligns with the purpose of the General Residential Zone. The proposal assists in meeting demand for local community infrastructure, providing a net community benefit, and is supported by strategic policy in the Merri-bek Planning Scheme. The proposal provides adequate car parking and bicycle parking facilities and off-site amenity impacts can adequately managed through the permit conditions included in the recommendation.


On the balance of guidance within the Merri-bek Planning Scheme and objections received, it is recommended that Notice of Decision to Grant an Amended Planning Permit No MPS/2020/595/B and Notice of Decision to Grant an Amended Planning Permit No MPS/2023/201/A be issued subject to the conditions included in the recommendations of this report.

Attachment/s

1	Location map	D26/193379
2	Zoning map	D26/193382
3	Plans	D26/193383
4	Objector Location Map MPS/2020/595/B	D26/193434
5	Objector Location Map MPS/2023/201/A	D26/211557

Location Map

71, 88, 90 & 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044

 = Subject site

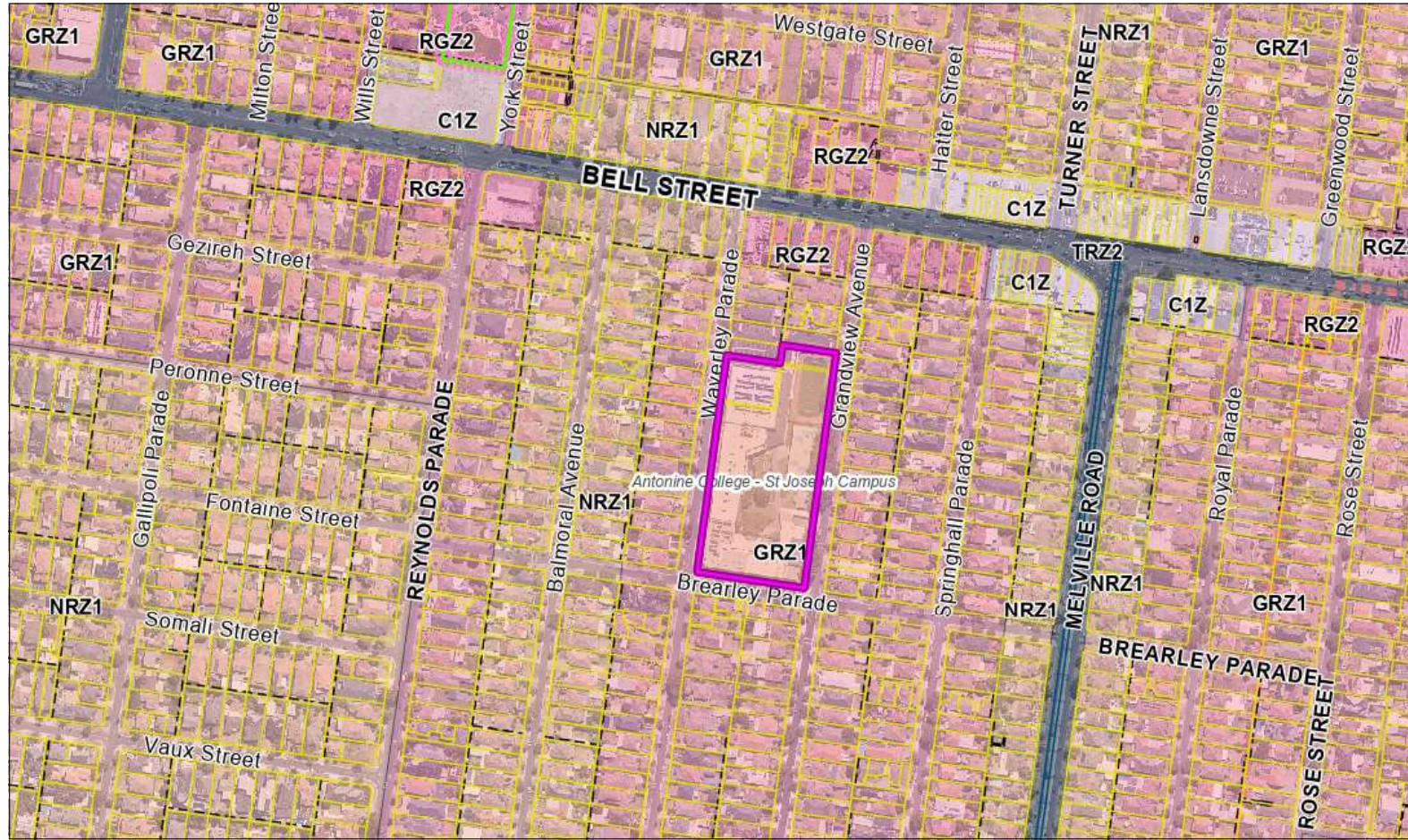


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Zoning Map

71, 88, 90 & 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044

- LEGEND: = Subject site
- GRZ1 - General Residential Zone - Schedule 1
 - NRZ1 - Neighbourhood Residential Zone - Schedule 1
 - RGZ2 - Residential Growth Zone - Schedule 2
 - C1Z - Commercial 1 Zone
 - TRZ2 - Transport Zone 2

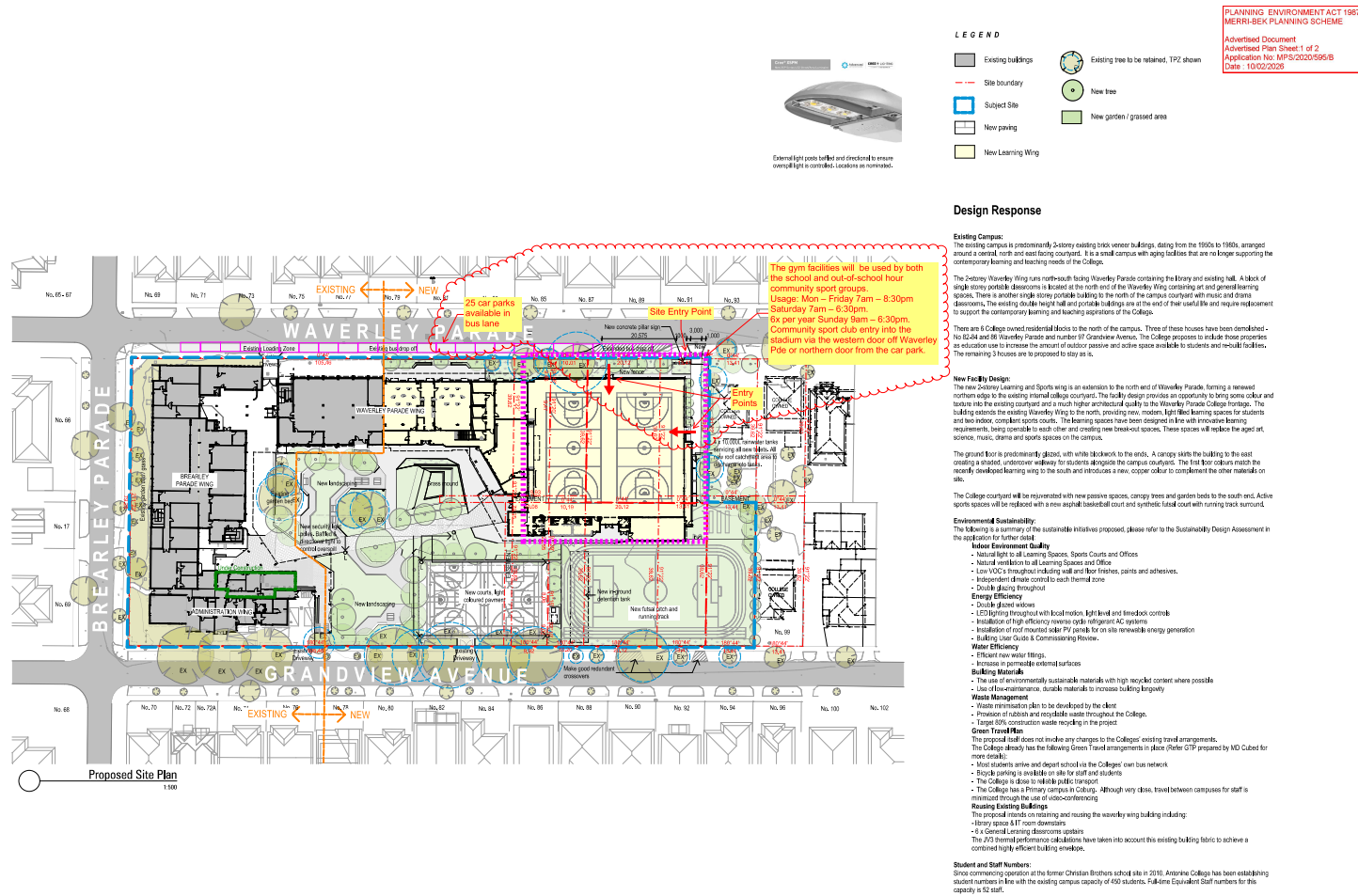


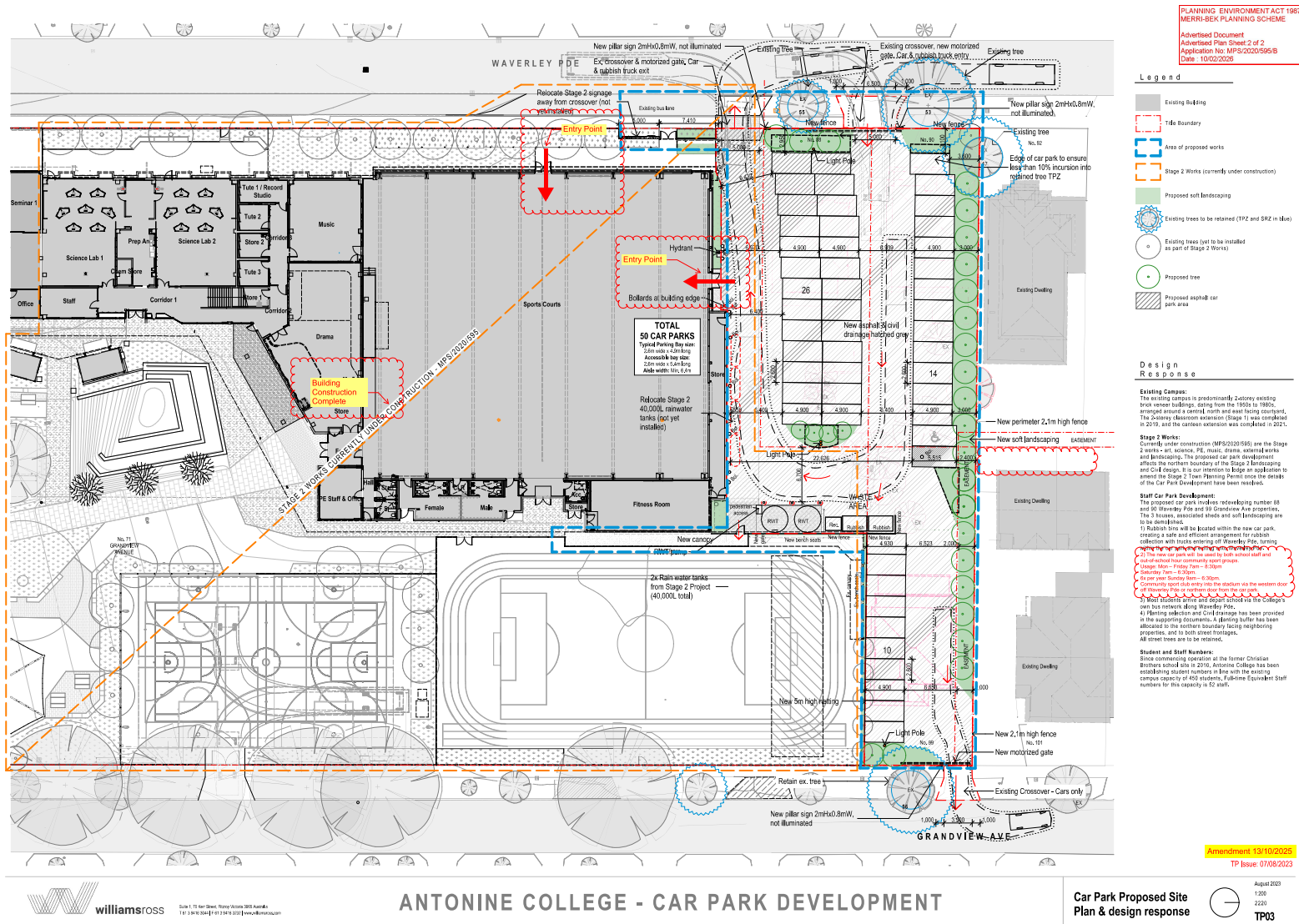
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ANTONINE COLLEGE - CAR PARK DEVELOPMENT

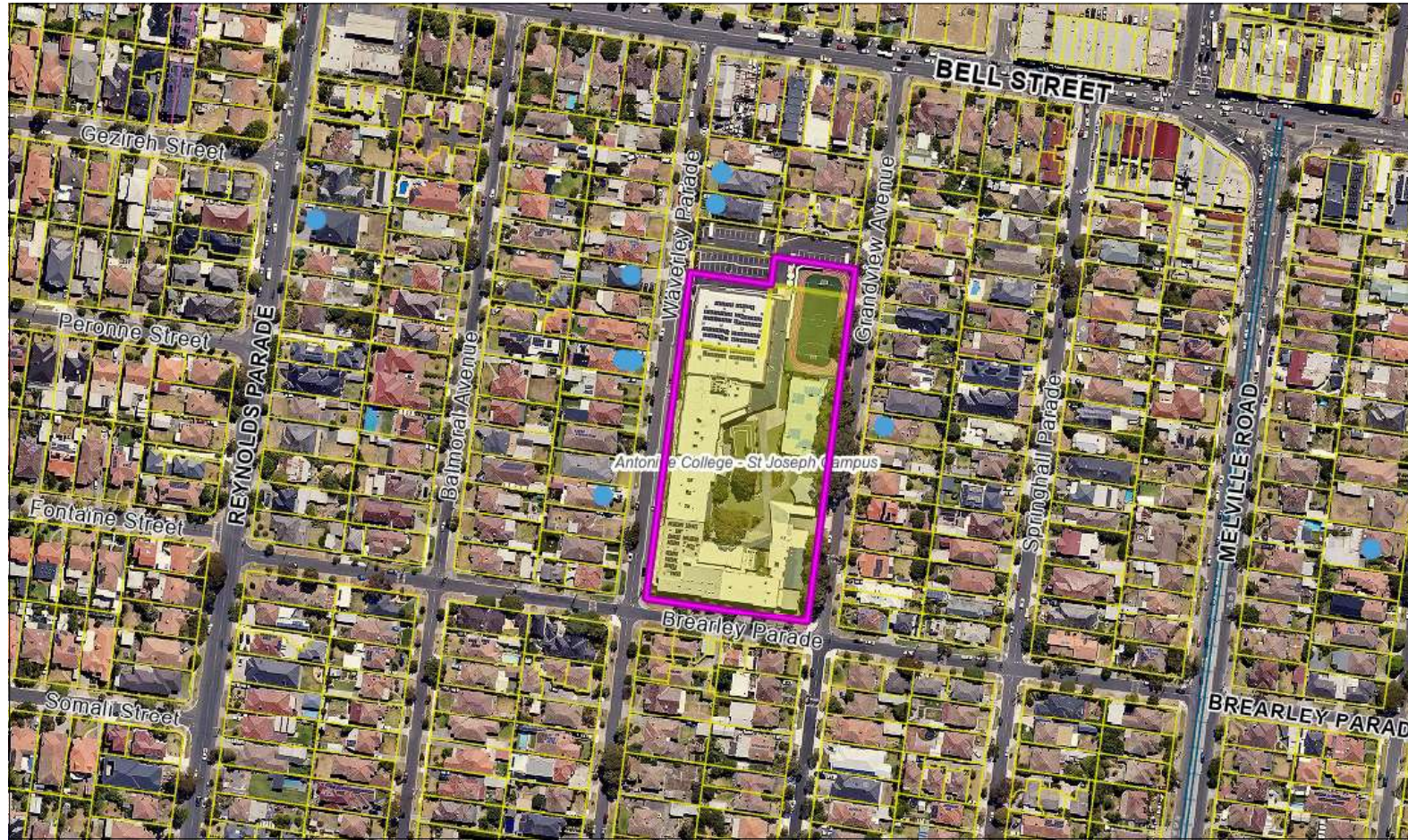
**Car Park Proposed Site
Plan & design response**

August 2023
1:200
2:000
TP03

Objector Location Map (MPS/2020/595/B)

71, 88, 90 & 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044

- = Subject site
 - = Objector Location
- Note: Additional objectors located outside of mapped area



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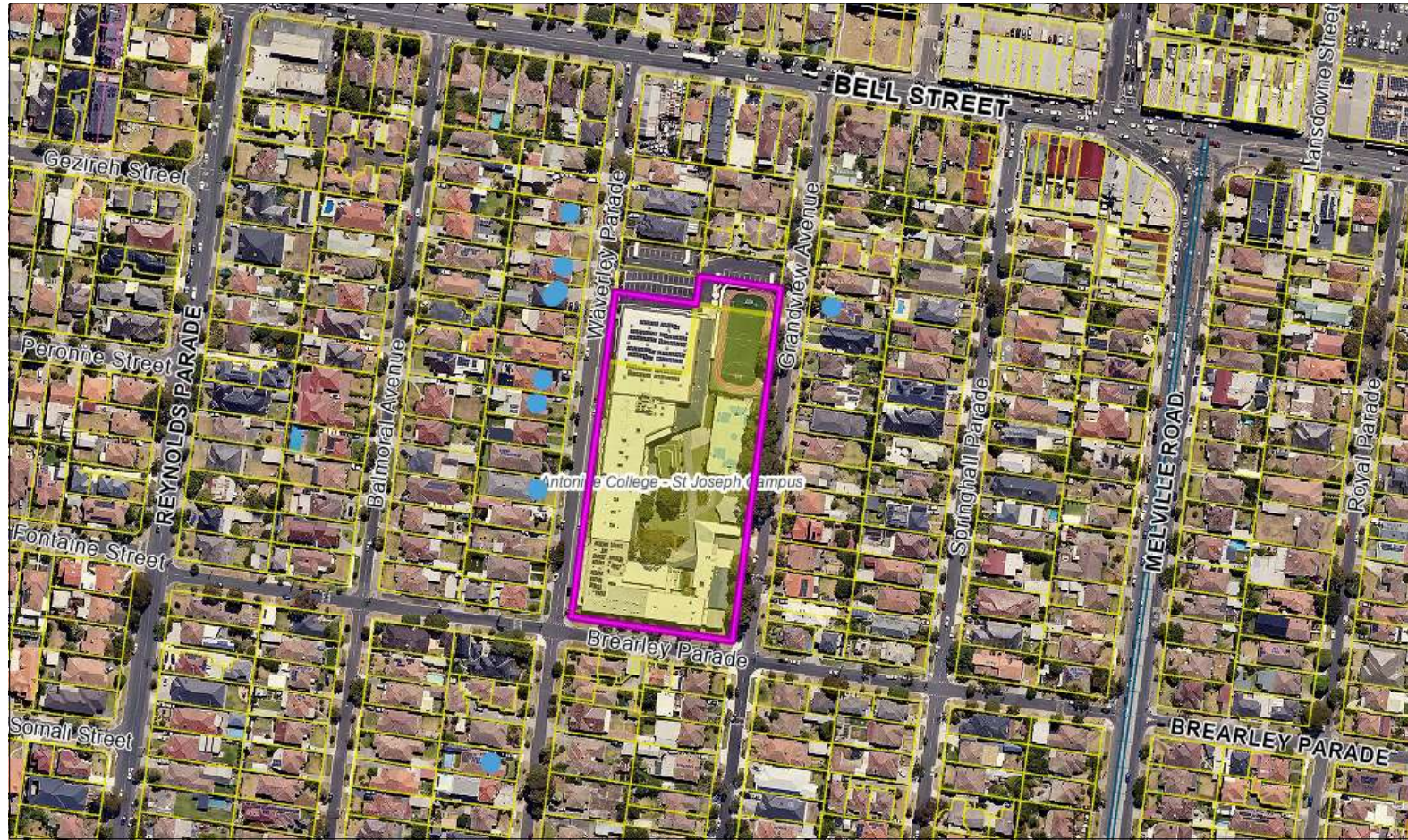
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Objector Location Map (MPS/2023/201/A)

71, 88, 90 & 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044

- = Subject site
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