

**Merri-bek**  
City Council

**PROPOSED**  
**Minutes of the Planning and Related Matters Meeting**

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,  
90 Bell Street, Coburg  
on Wednesday 27 May 2026

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The Mayor opened the meeting at 6.30 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

<b>Present</b>	<b>Time In</b>	<b>Time Out</b>
Cr Nat Abboud, Mayor	6.30 pm	7.34 pm
Cr Helen Davidson, Deputy Mayor	6.30 pm	7.34 pm
Cr Sue Bolton	6.30 pm	7.34 pm
Cr Liz Irvin	6.30 pm	7.34 pm
Cr Dr Jay Iwasaki	6.30 pm	7.34 pm
Cr Chris Miles	6.30 pm	7.34 pm
Cr Helen Politis	6.30 pm	7.34 pm
Cr Adam Pulford	6.30 pm	7.34 pm
Cr Ella Svensson	6.30 pm	7.34 pm
Cr Katerine Theodosis	Apology	
Cr Oscar Yildiz JP	6.30 pm	7.33 pm

## **OFFICERS**

Director Place and Environment – Pene Winslade  
 Group Manager City Development – Phil Priest  
 Acting Unit Manager Urban Planning – Ryan Hay  
 Planning Coordinator – Aileen Chin  
 Urban Planner - Jessica Henwood-White  
 Acting Manager Governance and Strategy – Sophie Barison  
 Team Leader Governance – Naomi Ellis

## **APOLOGIES/LEAVE OF ABSENCE**

Cr Theodosis was an apology to the meeting.

## **DISCLOSURES OF CONFLICTS OF INTEREST**

Nil.

## **MINUTE CONFIRMATION**

### **Resolution**

**Cr Davidson moved, Cr Irvin seconded -**

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

**Carried**

## **COUNCIL REPORTS**

### **5.1 CITY DEVELOPMENT ACTIVITY REPORT - MARCH QUARTER 2025/26**

#### **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.

#### **Officer Recommendation**

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

#### **Resolution**

**Cr Irvin moved, Cr Davidson seconded -**

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

**Carried**

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



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

### Officer Recommendation

That a Notice of Decision to Grant a Planning Permit 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 Tristaniopsis 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/](http://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](http://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.

## **Resolution**

**Cr Davidson moved, Cr Miles seconded -**

**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.**

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

**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 Tristaniopsis 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/](http://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).

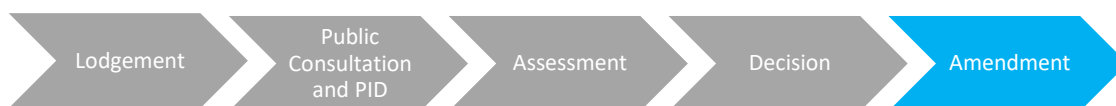
**Note 5:** Council allocates new street addressing to the street that the frontage/main access faces. Should a development abut a suburb boundary, the street addressing will reflect the suburb of that street. In some instances a suburb boundary realignment may be required, should the land be at the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

Carried unanimously

6.53 pm Cr Miles left the meeting.

6.54 pm Cr Miles returned to the meeting.

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



<b>Property:</b>	71, 88, 90 and 99 Grandview Avenue, PASCOE VALE SOUTH VIC 3044
<b>Approved Developments:</b>	<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>

<b>Proposals:</b>	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. 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.
<b>Zoning and Overlays:</b>	<ul style="list-style-type: none"> <li>• General Residential Zone, Schedule 1</li> <li>• Development Contributions Plan Overlay, Schedule 1</li> </ul>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>• 26 across both applications</li> <li>• Key issues: <ul style="list-style-type: none"> <li>- Traffic increase and car parking</li> <li>- Noise</li> <li>- Impacts to residential amenity</li> </ul> </li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>• Date held: 14 April 2026</li> <li>• Attendees: six objectors, the applicant and Council officers.</li> <li>• No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.</li> </ul>
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The site and surrounding streets can accommodate the expected car and bicycle parking demand.</li> <li>• Off-site amenity impacts can be appropriately managed through conditions on operating hours and patron numbers.</li> </ul>
<b>Recommendation:</b>	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) <b>and leisure and recreation.</b>

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:**

<b>Date of amendment</b>	<b>Brief description of amendment</b>	<b>Name of responsible authority that approved the amendment</b>	<b>Section of the Act under which the permit has been amended</b>
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<b>Withdrawn on 24/02/2022</b>	<b>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.</b>	<b>Merri-bek City Council</b>	<b>N/A</b>
<b>2026</b>	<b>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.</b>	<b>Merri-bek City Council</b>	<b>Section 72</b>

**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.

<b>Planning Scheme Clause</b>	<b>Matters for which permit is required</b>
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) <b>and leisure and recreation (indoor recreation facility).</b>
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.
  - c) Nominate an alternative species within the landscape strip adjacent to the building envelope of the dwelling located at 92 Waverly Parade, Pascoe Vale South. The nominated species must not exceed a maximum height of 2.5 metres and have a non-invasive root system.
4. Prior to the commencement of the use, 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 Zone

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees 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.

## Hours of Operation

7. The car park must only be accessed between the following hours (other than for purposes outlined within condition 12);
- |   |   |
|---|---|
| a) <b>Monday to Friday</b>  | <b>7:00 a.m. to 8:30 p.m.</b>   |
| b) <b>Saturday</b>  | <b>8:00 a.m. to 6:30 p.m.</b>   |
| c) <b>Sunday (education centre use)</b>                           | <b>8:00 a.m. to 6:30 p.m.</b>   |
| d) <b>Sunday (indoor recreation facility community group use)</b> | <b>9:00 a.m. to 6:30 p.m. (for a maximum of six (6) Sundays a year)</b> |

## 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](http://www.vba.vic.gov.au). Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

**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

**Resolution**

Cr Irvin moved, Cr Svensson seconded -

**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:

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.
  - b) An additional 5 bicycle hoops or similar bicycle parking equal to an additional 10 bicycle parking spaces on the site in close proximity to the school gymnasium building.

#### 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:
  - 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.
  - c) 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:
    - a) the use does not commence within three (3) years from the date of issue of the amended permit.
    - b) the use is discontinued for a period of three (3) years.

**NOTES:**

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

<b>Date of amendment</b>	<b>Brief description of amendment</b>	<b>Name of responsible authority that approved the amendment</b>	<b>Section of the Act under which the permit has been amended</b>
<b>Withdrawn on 24/02/2022</b>	<b>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.</b>	<b>Merri-bek City Council</b>	<b>N/A</b>
<b>2026</b>	<b>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.</b>	<b>Merri-bek City Council</b>	<b>Section 72</b>

**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.**

<b>Planning Scheme Clause</b>	<b>Matters for which permit is required</b>
<b>Clause 32.08-2</b>	<b>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).</b>
<b>Clause 52.05-2</b>	<b>A permit is required to display a business identification sign</b>

**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.
  - c) Nominate an alternative species within the landscape strip adjacent to the building envelope of the dwelling located at 92 Waverly Parade, Pascoe Vale South. The nominated species must not exceed a maximum height of 2.5 metres and have a non-invasive root system.
4. Prior to the commencement of the use, 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 Zone**

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all council trees 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.

**Hours of Operation**

7. The car park must only be accessed between the following hours (other than for purposes outlined within condition 12);
  - a) Monday to Friday 7:00 a.m. to 8:30 p.m.
  - b) Saturday 8:00 a.m. to 6:30 p.m.
  - c) Sunday (education centre use) 8:00 a.m. to 6:30 p.m.
  - 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](http://www.vba.vic.gov.au). Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

**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

**Carried**

Cr Yildiz abstained from voting

7.33 pm Cr Yildiz left the meeting.

**URGENT BUSINESS**

Nil.

The Council meeting closed at 7.34 pm.

Confirmed

Cr Nat Abboud  
**MAYOR**