



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 27 March 2024

Commencing 6.30 pm

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

Language Link

This is the Agenda for the Council meeting.
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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ।
ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ,
ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Merri-bek

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

1. WELCOME

2. APOLOGIES

Leaves of absence have been granted to:

Cr Yildiz - 20 November 2023 to 31 March 2024 inclusive.

Cr Harte - 8 February 2024 to 31 March 2024 inclusive.

3. DISCLOSURES OF CONFLICTS OF INTEREST

4. MINUTE CONFIRMATION

The minutes of the Planning and Related Matters Meeting held on 13 December 2023 be confirmed.

5. COUNCIL REPORTS

5.1	CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER 2023	4
5.2	20 WOODLANDS AVENUE, PASCOE VALE SOUTH - PLANNING PERMIT APPLICATION - MPS/2023/634	25

6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER 2023

Group Manager City Development, Phil Priest

City Development

Officer Recommendation

That Council notes the City Development Activity Report – December Quarter 2023.

REPORT

Executive Summary

The City Development Urban Planning Unit is producing positive results with officer caseloads remaining at manageable levels. Having addressed the higher caseloads that resulted from pandemic years the Unit has maintained average decision-making timeframes that continue to be better than the metropolitan average.

It is evident that in the last quarter of 2022 and continuing into 2023, there has been a reduction in the number of planning applications being received by Council. The planning application reduction over a 12 month period is 16 per cent. The caseload of planning applications awaiting determination is now at an ideal level to enable timely decision-making and good customer service.

A reducing planning application caseload will have some implications for public open space contributions that help to fund new public parks guided by Council's Park Close to Home Program as well as enhancements to existing parks and open spaces. In the past two decades the public open space reserve funds have been increasing in line with a sustained development boom in Merri-bek. A reduction in these contributions, which are realised at the time of subdivision of new apartment buildings or multi-unit developments, is being witnessed with reduced development activity in Merri-bek.

The area of focus for the Urban Planning Unit is to maintain the timeliness of planning permit decisions. The December quarter saw the continuation of timely decision making above the current metropolitan average of 64 per cent for decision-making within the 60 statutory days. Merri-bek's average is 71 per cent. Pleasingly Vic Smart timeframes, for minor matters, also remain above the metropolitan average at 94 per cent within 10 statutory days at Merri-bek compared to the metropolitan average of 77 per cent.

Victorian Civil & Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers.

The Planning Enforcement Unit was impacted by staff turnover and recruitment for much of 2023 which has impacted the team's ability to close out cases and keep up with a slight surge in cases over this time. This has seen a further increase in individual officer caseloads and the outstanding reactive compliance cases in the December quarter. With all newly appointed staff now fully operational and a senior officer returning from maternity leave in mid-January 2024, it is anticipated that the team will be in a better and more stable position to enable individual and the overall reactive caseload, to be reduced to more manageable levels in 2024. This will continue to be closely monitored.

The proactive enforcement program is back on target for this second quarter in terms of the number of developments audited.

Previous Council Decisions

City Development Activity Report - September Quarter 2023 – 22 November 2023

That Council notes the City Development Activity Report – September Quarter 2023.

1. Policy Context

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

2. Background

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

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

3. Issues

Urban Planning

Planning Permit activity

A total of 298 planning applications were received for the December quarter. This compared with 311 for the same quarter in 2022. A total of 308 planning applications were decided in the December quarter compared to 352 for the same quarter in 2022. When comparing calendar years in 2022 a total of 1281 applications were received by Council which when compared with 1081 applications received in 2023 is a 16 per cent reduction in planning applications being received over the last 12 months. The number of decisions made roughly aligns with number of applications being received, resulting in a continuation of manageable caseloads. See Figures 1 and 2 at **Attachment 1**.

It remains that most applications lodged and determined for the quarter were multi-unit development (78 received and 87 determined) and alterations and additions to buildings (52 received and 58 determined). See Figure 3 at **Attachment 1**.

The percentage of applications determined within 60 day statutory timeframes for all metropolitan Councils averaged 64 per cent in the December quarter. Merri-bek's average is higher at 71 per cent. It is pleasing to see the continuation of timely decision-making in the December quarter. See Figure 4 at **Attachment 1**.

Streamlined planning services

Council's streamlined planning services include Vic Smart and Fast Track (being minor permit applications that do not qualify as Vic Smart), as well as the Commercial Priority Planning Service, which is a service to assist businesses setting up or expanding in Merri-bek. Figure 5, in **Attachment 1**, shows the continued high performance of the Vic Smart application timeframes, with 94 per cent of planning permit applications determined within 10 days, compared to the metropolitan average of 77 per cent. It is pleasing to see performance continually exceeding the metropolitan average.

The Commercial Priority Planning Service is a longstanding initiative developed by the Urban Planning Unit to provide dedicated senior planning officer support to new or expanding local businesses and reward well prepared applications with a more expedient assessment and decisions. 7 Commercial Priority planning permits were issued in the December Quarter and 28 Commercial Priority planning permits were issued for the 2023 calendar year. When the September and December Quarters are combined 100 per cent (20 of 20) Commercial Priority decisions were made within 60 statutory days. In addition to issuing planning permits, the Urban Planning Unit supports the Better Approvals Merri-bek initiative, by providing planning advice to between 17 to 25 businesses a month, noting some of the planning advice confirms no planning permit is needed, with others serve as the first contact for the Commercial Priority Planning Service.

Heritage Victoria Permit Applications and Planning Proposals Under Consideration by the Minister for Planning

The Victorian Planning System provides the ability for the Minister for Planning to intervene in VCAT or Council decisions. Increasingly the Minister, rather than Council, is the responsible authority for major developments, private schools and social or affordable housing developments.

In September 2023, all Victorian Planning Schemes were amended, to include two new particular provisions that seek to facilitate developments that provide a significant level of housing, which may include affordable housing, or make a significant contribution to Victoria's economy and provide substantial public benefit, including new jobs. These developments must meet requirements specified in Clause 52.22 or Clause 52.23 of Victorian Planning Schemes. Applications made under these new provisions will be determined by the Minister and will continue to be subject to public notice requirements, including notice to Council. However the Minister's decision on such proposals will be exempt from VCAT reviews by objectors, including Council. While the *Planning & Environment Act 1987* has always enabled the Minister to 'call-in' and decide applications of state significance, these new provisions provide the Minister with the responsible authority status to decide the applications without the need to use her Ministerial intervention powers.

In the December quarter, no planning permit applications within the City of Merri-bek, were determined by the Minister for Planning and no heritage permit applications were referred to Council from Heritage Victoria.

Retrospective Planning Permits:

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

This quarter Council has received 2 retrospective planning permit applications, while 6 decisions were made on retrospective planning applications.

Social and Affordable Housing

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

Council has undertaken significant research to estimate the need for social and affordable housing, projecting up to 2036. The shortfall in affordable housing in Merri-bek was at least 4,000 dwellings in 2016. This shortfall will rise to between 7,000 and 10,500 by 2036. The Council Plan 2021-2025 includes a number of strategies relevant to increasing social and affordable housing in Merri-bek, including through supporting the establishment of Merri-bek Affordable Housing, revitalising major activity centres, and developing affordable housing on Council land.

In October 2022, Council endorsed a 4-year Affordable Housing Action Plan. This Plan includes an action to facilitate affordable housing provision in planning permit applications. The provision of social and affordable housing in new development is not currently mandated in the Merri-bek Planning Scheme and has to be negotiated through the planning permit application process. From June – December 2023, 4 planning permits were issued that included a requirement to provide social or affordable housing, totalling 369 dwellings. These planning permits are:

- 35 Pentridge Boulevard, Coburg – Amended Planning Permit MPS/2017/1006/C 27 September 2023 - 5 per cent of dwellings to be sold to registered housing agency, at cost
- 342-348 & 368-370 Victoria Street, 13 & 15 Rosser St, and 32 Wilkinson Street Brunswick – Amended VCAT Planning Permit MPS/2017/745/A 13 October 2023 with provision of 60 per cent affordable dwellings.
- 17-19 Hope Street Brunswick – Planning Permit 10 November 2023 MPS/2022/701 with provision of a minimum 15 per cent of 282 dwellings to be affordable.
- 718-724 Sydney Road, Coburg North – Amended VCAT Planning Permit MPS/2015/595/A, 13 December 2023 – 147 apartments with 100 per cent affordable dwellings

Council's performance at the Victorian Civil and Administrative Tribunal

In the December quarter, 12 applications for review of decisions were lodged at VCAT. The number of reviews was around average for the Covid-19 pandemic period, while still well below averages of the pre-pandemic years. Of the 12 reviews lodged, 3 were against a refusal, 5 against conditions of a planning permit and 4 by objectors against a Notice of Decision to Grant a Planning Permit. Figures, 6, 7 and 8 in **Attachment 1** provide further details of the trend of reduced VCAT reviews lodged and determined over the last 5 years.

Table 1, in **Attachment 2** is a more detailed list of all VCAT reviews lodged in the December 2023 quarter.

There were 6 decisions handed down by VCAT in the December quarter. Details of these decisions are provided in Table 2, in **Attachment 2**.

In respect to success at VCAT, this is represented in Figures 9 and 10 in **Attachment 1**. Given the low number of VCAT decisions, only 38 in the 2023 calendar year, it is difficult to draw many conclusions. The State Planning Permit Activity Reporting System (PPARS) indicates that Council's success rate is slightly higher than the rest of the State at 69 per cent, compared to 68 per cent Statewide. Importantly, however PPARS does not include cases resolved by consent of all parties, often following the circulation of revised plans. Relevantly 3 decisions were consented in the December quarter. When decisions including consent orders are taken into account, Council won or its concerns were addressed, and agreement reached by revised plans in 88 per cent of cases in 2023 calendar year, with only 4 cases lost in the 2023 calendar year.

There were 8 VCAT determinations in 2023 that relate to planning decisions made via the Planning and Related Matter Council meeting. Of these 8 decisions, 6 were either won or resolved via consent, often based on revised plans to address Council's concern, which equates to a success rate of 75 per cent. Of the two matters that were lost these were:

255- 259 Albert Street BRUNSWICK:

VCAT overturned Council's refusal which was related to internal amenity of apartments, inadequate provision of no onsite car parking, heritage impacts and excessive building height.

The applicant made several amendments to the proposal before the VCAT hearing to address some of Council's concerns, including replacing two ground floor apartments with two shop/office tenancies and consolidating a number of apartments from 32 to 24. These changes made a significant improvement to the internal amenity of dwellings, resolving internal layout concerns included in Council's grounds of refusal.

However VCAT found the provision of '0' car parking in this location, the building height and the impact on the heritage building to all be acceptable.

53-57 Albert Street BRUNSWICK EAST:

Whilst overturning Council's refusal, VCAT included conditions to reduce the overall building height and mass, including:

- Deletion of a storey, making the building five storeys in height.
- Reduction of the street wall height in Albert Street to three storeys.
- Increase the setback from Albert Street for the new fourth storey by a minimum of 3 metres and the new fifth storey by a minimum of 5 metres.
- Provide for a setback from Cross Street for the new fifth level a minimum of 10.47 metres.

It is a positive outcome that the Tribunal has imposed conditions requiring 1 storey reduction in the overall height and Albert Street streetwall height, as well as upper-level setback requirements.

A VCAT decision of particular interest from the December quarter is detailed below:

17-23 Hodgson Street, BRUNSWICK

The application was for the partial demolition, alterations, and additions to the existing former industrial buildings and the construction double storey dwellings and a reduction of car parking at 17-23 Hodgson Street, Brunswick. Council ultimately decided that had it not been for the application for review (failure to determine within 60 days) it would have refused to grant a permit for a number of reasons. Council's key concerns related to the dominance of car parking facilities, insufficient landscaping, and extent of demolition of a heritage significant factory.

The Tribunal was satisfied that the proposal was acceptable making the following observations about Council's key concerns.

In disagreeing with Council's submission about dominance of car parking facilities, the Tribunal observed at paragraph 74 that:

"Regarding the north-south driveway, we consider that this space is similar to a rear laneway that is iconic to inner Melbourne areas and where these spaces are usually 'back of house' and literally a rear access to garages and residential parking facilities. We do not consider the proposal to be any different in this regard and is an acceptable design response and outcome in our view."

The Tribunal noted that the proposal is for the conversion of former industrial buildings on a site which historically was used for industrial purposes and did not have any landscaping. The proposal will introduce landscaping with some canopy trees and other plantings, which VCAT considered to be respectful of the landscape character of the neighbourhood and a benefit in introducing greenery to an otherwise barren site and overall is an acceptable outcome. The Tribunal did not consider the alterations to the retained facades, were substantial enough to diminish or undermine the industrial heritage character of the place. The Tribunal commented that the public will not notice the changes, just as past changes over time have not been noticed.

Planning Enforcement Activity

Planning enforcement activity is categorised as either reactive or proactive enforcement. Reactive enforcement is investigating complaints about land use and development that may have occurred without a planning permit or may not accord with a planning permit. Proactive enforcement is proactively checking compliance with a planning permit as the construction and preparation for the new use or development is occurring.

Reactive enforcement activity

Figure 1, in **Attachment 3** shows that a total of 99 complaints were received and 69 cases were closed in the December quarter of 2023/24, compared to 74 cases closed in the September quarter. This equates to 69 per cent of the cases received, being determined in the December quarter which is the same as for the September quarter. During this period, individual officer caseloads were very high, which reduces an officer's ability to effectively manage their cases. Figure 2, in **Attachment 3** shows how this has impacted the outstanding reactive enforcement caseload, which increased to 256 active cases for the December quarter (up from 226 cases in the September quarter).

With all newly appointed staff now fully operational and a senior officer returning from maternity leave in mid-January 2024, it is anticipated that the team will be in a better and more stable position to enable individual and the overall reactive caseload, to be reduced to more manageable levels in 2024. This will continue to be closely monitored.

Figure 3, in **Attachment 3** shows the outcome of investigations over the December quarter. The most common outcome was that the investigation found there to be no planning breach identified (36 cases), followed by cases where voluntary compliance was achieved (11 cases) and in 7 cases, an informal resolution was achieved. In 5 cases, a planning infringement was issued and paid with the breach resolved, 1 through Fines Victoria.

Proactive enforcement activity

Each year the proactive planning enforcement program aims to audit at least 80 medium density developments and 10 developments where the planning permit was issued following a Planning and Related Matters (PARM) Council meeting, or after a refusal was overturned at VCAT. The team also proactively audit all sites with a planning permit requirement to undertake an environmental audit and all planning permits that have a requirement to enter into a legal agreement with Council, for matters of particular importance or agreed community benefits, such as affordable housing, or new publicly accessible links/open space.

Figure 4 in **Attachment 3** shows that 39 of these new proactive audits commenced in the December quarter, with a total of 51 commenced in 2023/2024. The proactive enforcement program is back on target for this second quarter.

A total of 17 planning breaches were rectified through the proactive enforcement program in the December quarter, which represents 94 per cent of cases closed this quarter. These are breaches that would otherwise have been passed on to new owners of the developments. The different types of breaches resolved are shown at Figure 5, in **Attachment 3**. Other breaches and breaches relating to Environmentally Sustainable Design (ESD) requirements continue to be the most common. The ESD breaches include requirements such as the provision of solar PV, passive ESD features like double glazing, external shading to windows, and water sensitive urban design features like rain gardens and permeable surfaces. Adjustable shading devices is the third highest non-compliance found through the program.

Human Rights Consideration

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

- Section 18: Taking part in Public Life
- Section 13: Privacy and Reputation
- Section 20: Property Rights.

4. Community consultation and engagement

No consultation was required to inform the preparation of this report.

5. Officer Declaration of Conflict of Interest

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

6. Financial and Resources Implications

There are no financial or resource implications as a result of this report. The ongoing operation of the Urban Planning Unit and Planning Enforcement Unit can be met with existing operational resources and budget.

In terms of overall development in Merri-bek during the December quarter, developments to the value of \$248 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$161 million during the same quarter in 2022.

A total of \$2 million was collected during the December quarter in Public Open Space Contributions which will help fund the provision of new or enhanced public open space.

7. Implementation

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

Attachment/s

- | | | |
|---|-------------------------------------|------------|
| 1 | Urban Planning data - December 2023 | D24/97447 |
| 2 | VCAT data - December 2023 | D24/103665 |
| 3 | Planning Enforcement | D24/109450 |

Attachment 1 – Urban Planning December 2023 Quarterly Data

PART 1 - volume

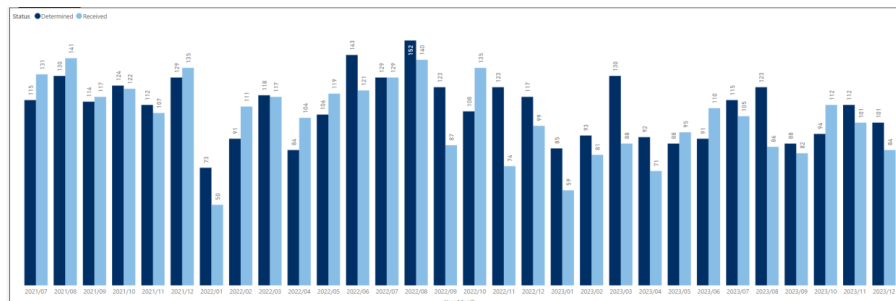


Figure 1: Urban planning number applications received and determined since July 2021

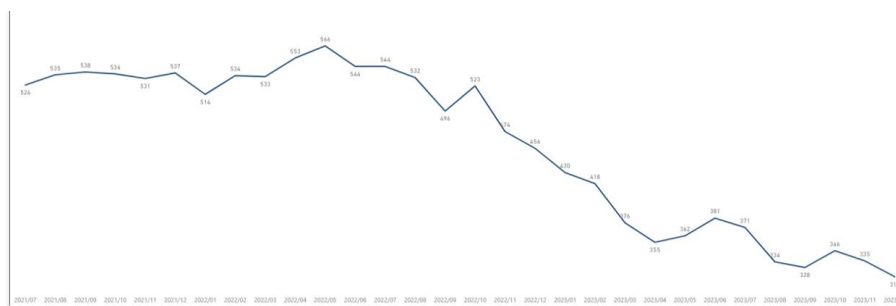
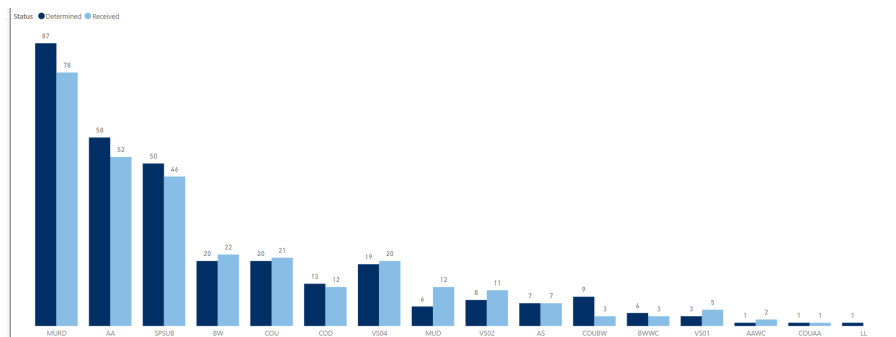


Figure 2: Urban planning overall caseload since July 2021



Legend

MURD = multi unit residential development	AA = alterations and additions (or house extension)	SPSUB = subdivision	BW = buildings and works
COU = change of use	VS01, VS02 and VS04 = VicSmart	COD = construction of dwelling	MUD = mixed use development

AS = advertising sign	COUBW = use and development	BWWC = building and works, waiver car parking	LL = liquor licence
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Figure 3: Urban planning applications received and determined December quarter

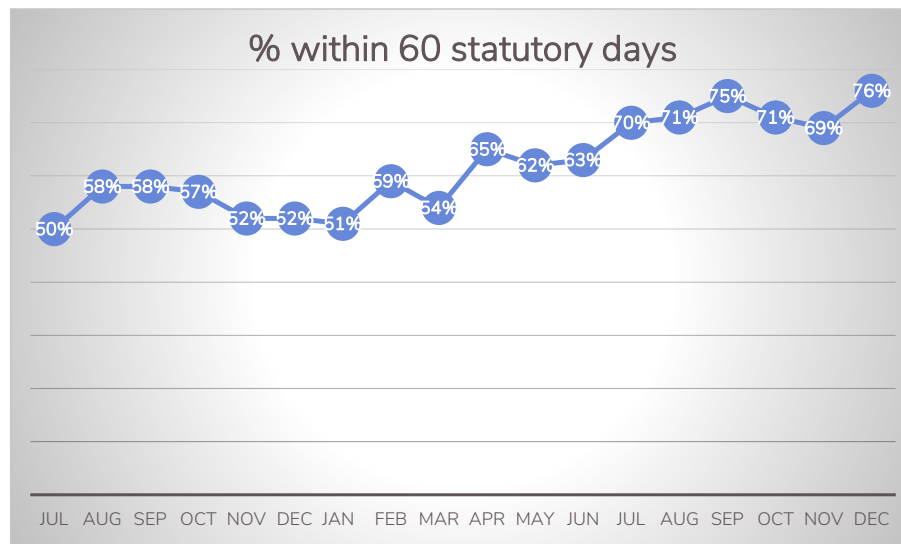
PART 2 – Timeliness

Figure 4: Urban planning applications determined within 60 days for 18 months

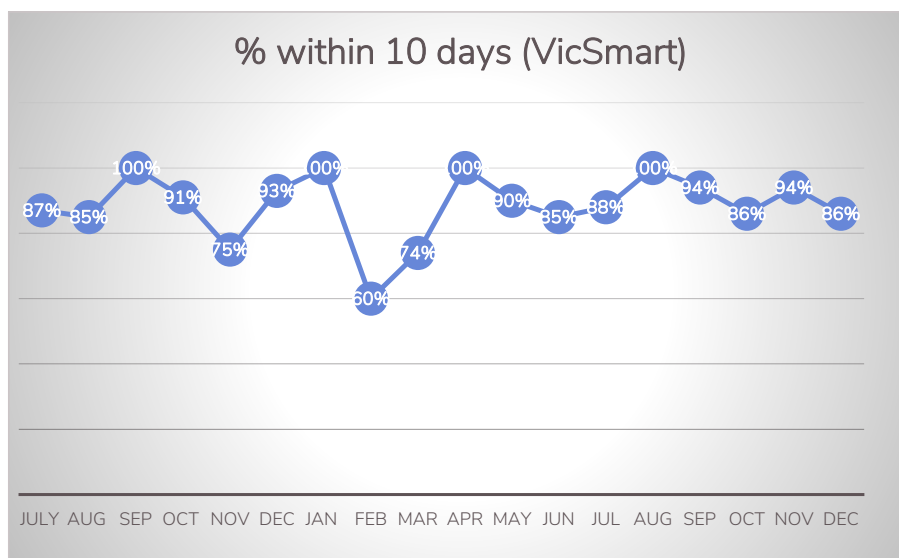


Figure 5: Urban planning VicSmart applications determined within 10 days for 18 months

PART 3 – VCAT

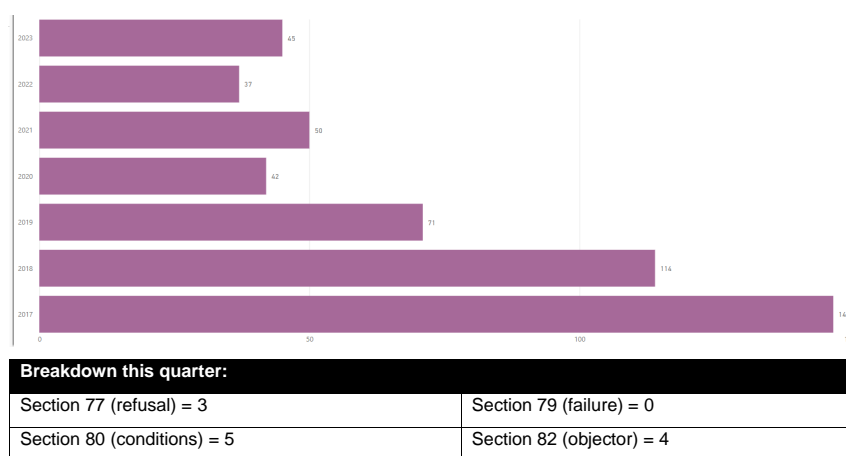


Figure 6: VCAT review reviews lodged since 2017, by calendar year

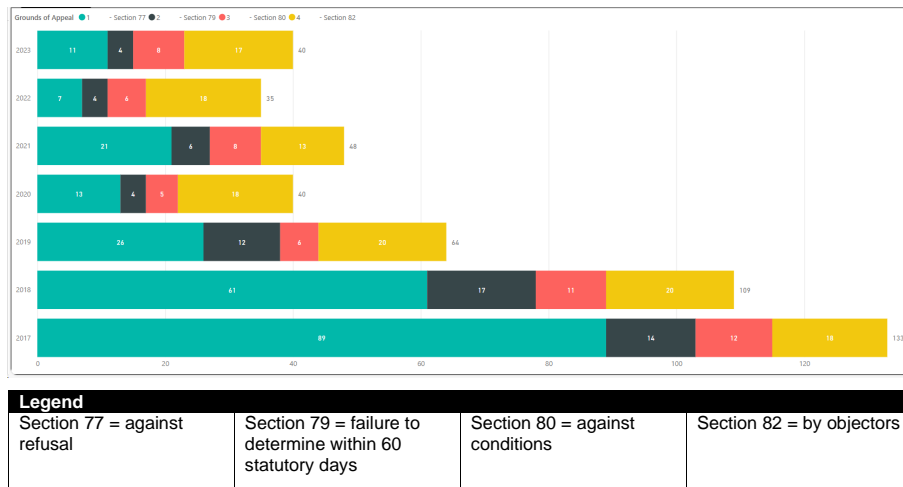


Figure 7: VCAT reviews lodged by type since 2017

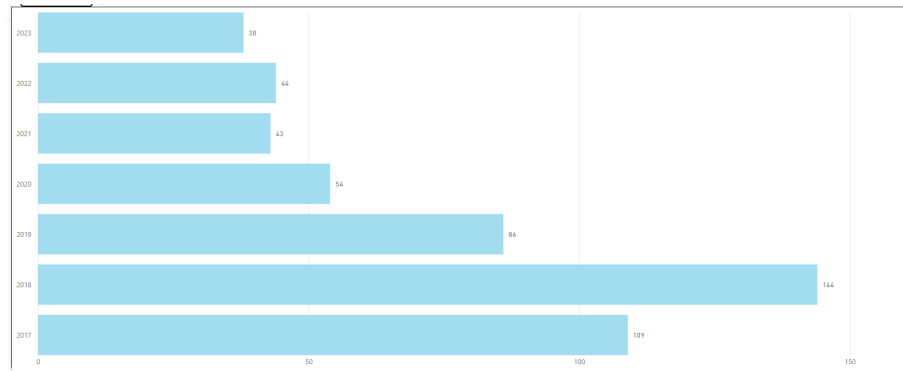


Figure 8: VCAT reviews determined by calendar year since 2017

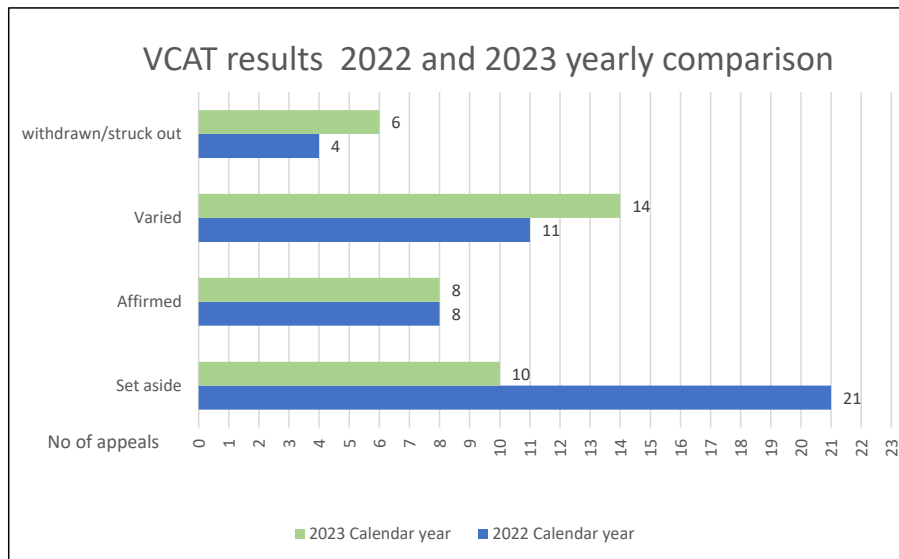


Figure 9: VCAT results comparing years (includes consents)

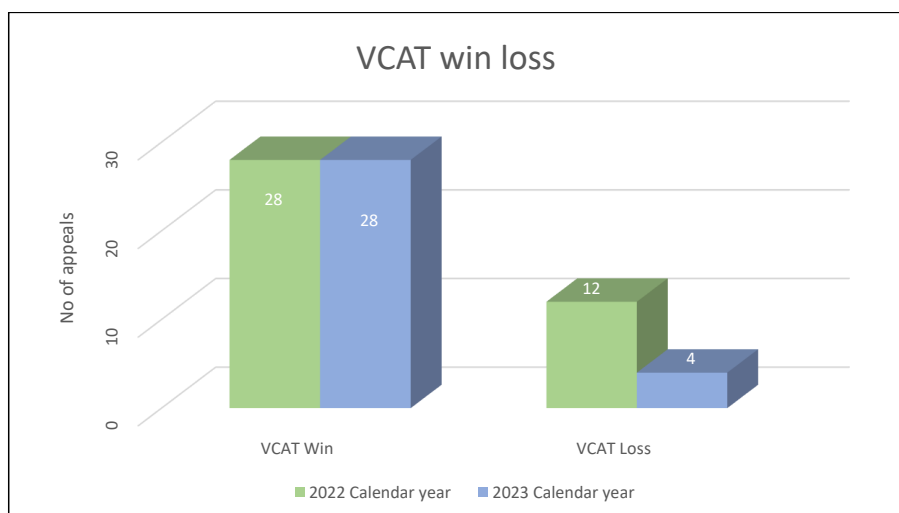


Figure 10: VCAT results comparing years with consent counted as a win

Attachment 2, City Development Activity Report, VCAT Activity - December 2023 Quarter

VCAT report appeals lodged in December 2023 Quarter				
Application number	Appeal type	Address	Original decision	Proposal
Council Meeting Decision				
MPS/2018/856/A	Applicant against conditions	10 Ballarat Street, BRUNSWICK	Amended planning permit	<p>The proposal is to amend an existing permit to allow the construction of a revised mixed-use development. Notably, the proposal seeks to increase the building height and number of dwellings and amend the development layout to provide a new publicly accessible open space.</p> <p>The permit applicant in October has lodged a VCAT review against conditions including the lowering of the overall building height by one storey.</p>
MPS/2021/520/A	Objector against approval and Applicant against conditions	347 Reynard Street, PASCOE VALE SOUTH	Notice of Decision to Grant an Amended Planning Permit	<p>The proposal is to amend an existing permit to increase operating hours (i.e. evening trade) for a restaurant.</p> <p>The conditions appeal is highly likely to be consented as Council will no longer pursue the deletion of an existing servery window on the facade.</p>
MPS/2022/478	Applicant against conditions	11 Harry Street, BRUNSWICK WEST	Planning Permit	The proposal sought approval to construct three dwellings. The permit applicant challenged conditions that sought to reduce visual impacts from the neighbours back yard and increase canopy tree planting.
Delegated Officer Decision				
MPS/2005/209/A	Objector against approval	129 Lygon Street, BRUNSWICK EAST	Notice of Decision to Grant an Amended Planning Permit	<p>The proposal is to amend an existing permit to allow:</p> <ul style="list-style-type: none"> the construction of a pergola, extension of trading hours, permitting background music in the courtyard; and an amendment to the liquor licence to include the sale of take away liquor

Attachment 2, City Development Activity Report, VCAT Activity - December 2023 Quarter

MPS/2021/203/A	Applicant against conditions	39 Disraeli Grove, PASCOE VALE SOUTH	Amended planning permit	The proposal is to amend an existing permit, through altering the house extension including reducing the eastern boundary setback by 1 metre and enlarging the carport (amongst other things).
MPS/2021/658	Applicant against refusal	112 Barkly Street, BRUNSWICK EAST	Refusal	Partial demolition of a building and construction of five, three storey dwellings.
MPS/2022/818	Applicant against conditions	24 Hazel Grove, PASCOE VALE	Planning Permit	The proposal sought approval to construct three dwellings. The permit applicant challenged conditions related to Environmental Sustainable Design (ESD) and dwelling layout.
MPS/2022/934	Objector against approval	1-5 Weston Street, BRUNSWICK	Notice of Decision to Grant a Planning Permit	Construction of multi-storey building with rooftop area, use of land for office and retail (food and drinks premises) and reduction of the standard car parking rate
MPS/2023/230	Applicant against refusal	71 Bolingbroke, Street PASCOE VALE	Refusal	Construction of four triple storey dwellings
MPS/2023/236	Objector against approval	3 Loyola Avenue, BRUNSWICK	Notice of Decision to Grant a Planning Permit	Partial demolition, alterations and additions to a single storey dwelling in a Heritage Overlay
MPS/2023/363	Applicant against conditions	78 Mitchell Street, BRUNSWICK	Planning Permit	Partial demolition of an existing dwelling in a heritage overlay and rear extension including a new deck and pergola at the rear.
MPS/2023/368	Applicant against refusal	4 Little Gold Street, BRUNSWICK	Refusal	Development of a multi-level, mixed-use building with a reduction of the standard car parking requirement

Table 1: VCAT reviews lodged in the December 2023 quarter

Attachment 2, City Development Activity Report, VCAT Activity - December 2023 Quarter

VCAT reviews determined in the December 2023 quarter:						
Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
Council Meeting Decision						
MPS/2017/745/A	Applicant amendment process through VCAT	342-348 Victoria Street, BRUNSWICK	Consent to the grant an amended Planning Permit	Proposed redesign of a mixed-use development previously approved at VCAT, which includes the following changes: <ul style="list-style-type: none"> • Alteration of the design, layout and massing of four approved buildings • Inclusion of land at 368 – 370 Victoria Street • Increase in number of dwellings and decrease in commercial floor space • Decrease in number of car parking spaces and increase in number of bicycle parking spaces 	Yes	At the September PARM meeting, Council resolved to consent to the issue of an amended planning permit, subject to a range of conditions. Settled by consent on 5 October 2024 with an amended permit granted

Attachment 2, City Development Activity Report, VCAT Activity - December 2023 Quarter

Delegated Officer Decision						
MPS/2015/255	Applicant against extension of time to a planning permit.	26 Bruce Street FAWKNER	Council granted one year extension rather than the request two years	An extension to a planning permit	No	VCAT review was dismissed because the Tribunal does not have jurisdiction to consider the application for review because the length of the extension of time (i.e. one year) is not a matter that can be reviewed.
MPS/2017/412/A	Objector against approval	10A Russell Street BRUNSWICK	Notice of Decision to Grant an Amended Planning Permit	An amendment to an existing planning permit to allow an entertainment venue (tavern) to increase hours to allow trading until 1am Friday and Saturday.	Yes	Amended Planning Permit issued. Resolved by consent with the hours live music is allowed being further restricted.
MPS/2022/202	Applicant against refusal	97 Nicholson Street COBURG	Refusal	Construction of two double storey dwellings, a reduction in the standard car parking requirement and alteration of access to a Transport Zone 2.	No	VCAT review was dismissed because the grant of a planning permit would contravene a restrictive covenant.
MPS/2022/808	Applicant review as decision not made within 60 statutory days	17-23 Hodgson Street, BRUNSWICK	Council decided that it would have refused to grant a permit for a number of reasons. Council's key concerns related to the dominance of car parking facilities, insufficient landscaping and extent of demolition of a	Part demolition and alterations and additions to existing buildings, construction of two or more dwellings (23 dwellings) on a lot and reduction of car parking	No	<p>The Tribunal was satisfied that the proposal was acceptable making the following observations about Council's key concerns.</p> <p><i>"Regarding the north-south driveway, we consider that this space is similar to a rear laneway that is iconic to inner Melbourne areas and where these spaces are usually 'back of house' and literally a rear access to garages and residential parking facilities. We do not consider the proposal to be any different in this regard and is an acceptable design response and outcome in our view."</i></p> <p>The Tribunal noted that the proposal is for the conversion of former industrial buildings on a site which historically was used for industrial</p>

Attachment 2, City Development Activity Report, VCAT Activity - December 2023 Quarter

			heritage significant factory.			<p>purposes and did not have any landscaping. The proposal will introduce landscaping with some canopy trees and other plantings, which VCAT considered to be respectful of the landscape character of the neighbourhood and a benefit in introducing greenery to an otherwise barren site and overall is an acceptable outcome.</p> <p>The Tribunal did not consider the alterations to the retained facades, were substantial enough to diminish or undermine the industrial heritage character of the place. The Tribunal commented that the public will not notice the changes, just as past changes over time have not been noticed.</p>
MPS/2023/96	Objector against approval	212-214 Albion Street BRUNSWICK	Notice of Decision to Grant a Planning Permit	Use of the land for the sale and consumption of liquor associated with a food and drink premises.	Yes	Planning permit issued. Resolved by consent at compulsory conference with minor changes to hours of operation on a Sunday.

Table 2: VCAT reviews lodged in the December 2023 quarter

City Development Activity Report

Attachment 3 – Planning Enforcement Unit - December 2023 Quarterly Data

Figure 1: Received vs Determined Reactive Cases to 31 December 2023

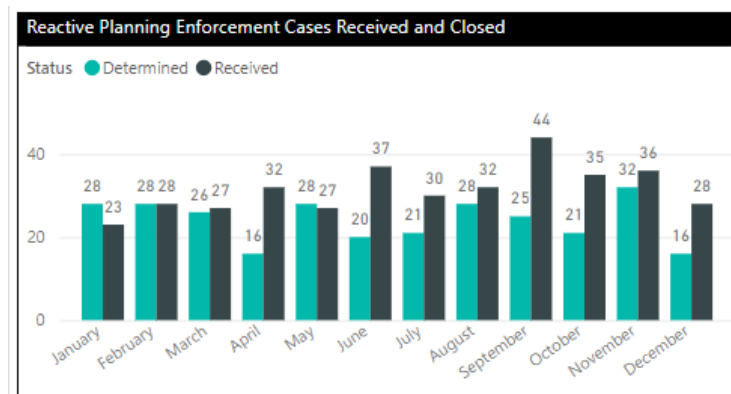


Figure 2: Outstanding Planning Enforcement Reactive Cases to 31 December 2023

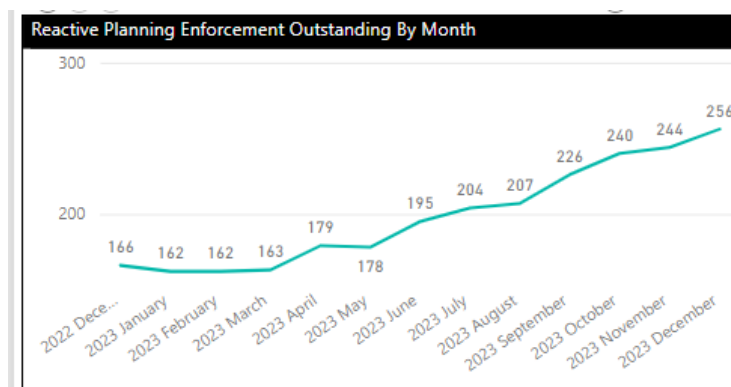


Figure 3: Outcome of Reactive Cases - December Quarter 2023/24

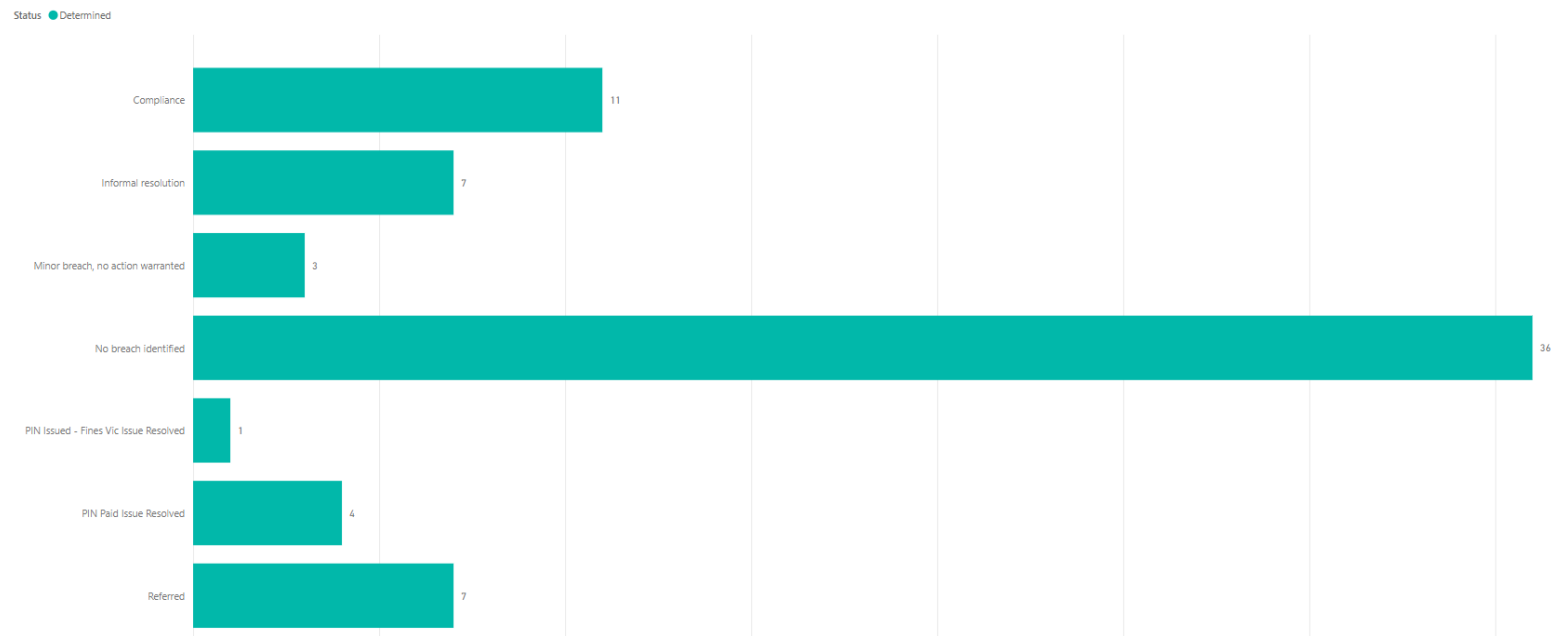


Figure 4: Proactive First Inspections Completed for December Quarter 2023/24

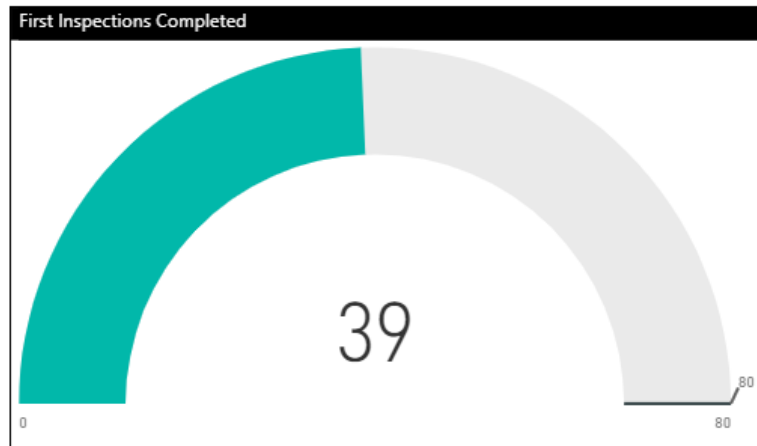
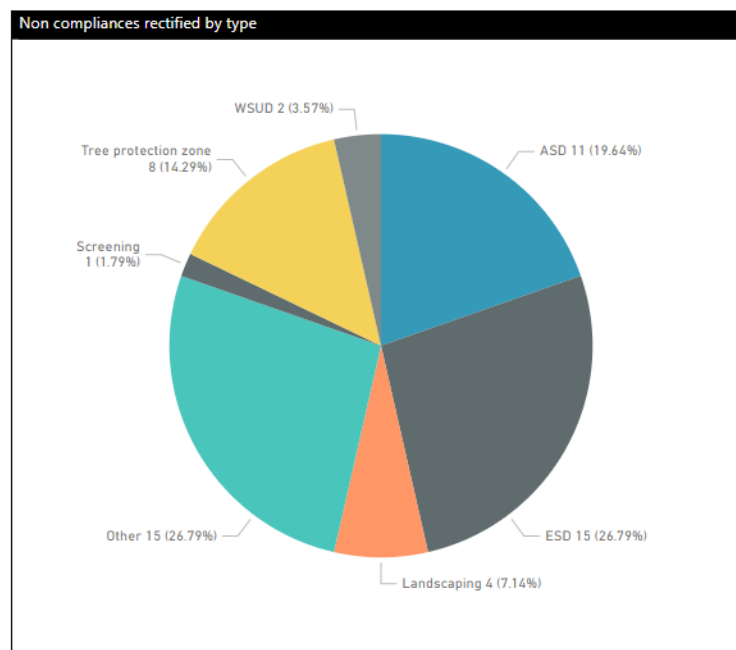


Figure 5: Non-compliances rectified through Proactive Enforcement - December Quarter 2023/24



5.2 20 WOODLANDS AVENUE, PASCOE VALE SOUTH - PLANNING PERMIT APPLICATION - MPS/2023/634

Group Manager City Development, Phil Priest

City Development

Executive Summary



Property:	20 Woodlands Avenue, PASCOE VALE SOUTH
Proposal:	<ul style="list-style-type: none"> Demolition of the existing pavilion and construction of a new pavilion within a Heritage Overlay, with the car parking provision to the satisfaction of Council.
Zoning and Overlays:	<ul style="list-style-type: none"> Public Park and Recreation Zone (PPRZ) Development Contributions Plan Overlay (DCPO) Heritage Overlay – Schedule 110 (HO110)
Strategic setting:	<ul style="list-style-type: none"> Site is located within Public Open Space The surrounding residential area is an area of minimal change.
Objections:	<ul style="list-style-type: none"> Fifteen (15) objections (inclusive of a signed petition) One (1) letter of support Key issues: <ul style="list-style-type: none"> Car Parking and Bike Parking Heritage and demolition Amenity impacts – noise and waste Tree removal
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Held on: 13 February 2024 Attendees: 8 objectors, the applicant (Council officers, City Infrastructure Department), 2 Council officers from Urban Planning Unit. Following the PID, the applicant agreed to make a number of changes to address objector concerns, which form conditions of the recommendation. The applicant also confirmed that separate public consultation on this project will occur in April.
ESD:	<ul style="list-style-type: none"> Commitment to Best Practice ESD via a Sustainable Design Assessment.

Accessibility:	<ul style="list-style-type: none"> • Provision of ramps to enhance accessibility to the pavilion.
Key reasons for support	<ul style="list-style-type: none"> • The existing pavilion is non-contributory to the heritage significance of the site and not cited within the statement of significance. • The new pavilion will not negatively impact the heritage precinct. • The new pavilion will provide improved amenities for the users. • Car parking is adequate for the proposed use.
Recommendations:	<ul style="list-style-type: none"> • That a Notice of Decision to Grant a Planning Permit be issued for the proposal. • Car parking provided in association with the use of the land is to Council's satisfaction.

Officer Recommendation

Part A

That a Notice of Decision to Grant a Planning Permit No. MPS/2023/634 be issued for the demolition of the existing pavilion and construction of a new pavilion within a Heritage Overlay at 20 Woodlands Avenue, Pascoe Vale South, subject to the following conditions:

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 advertised on 7 December 2023 (Plans prepared by DIG Design, Project No. 23020 and generally dated 2 December 2023) but modified to show:
 - a) External cladding colours - CL01 and CL02 - replaced with soft muted earthy tones.
 - b) Materials (i.e. aluminum or timber slats), dimensions and elevations for bin screening, demonstrating that bins are screened from public view.
 - c) The footpath to the north-east of the pavilion and in front of the oval to be retained without modification, to remain accessible for residents.
 - d) The ramp and steps leading to the pavilion to be redesigned so that they do not impede on the existing concrete path.
 - e) Provision of at least 2 additional bike parking hoops.
 - f) Tree protection zone(s) of all retained trees within a 10 metre radius of the development and in accordance with Condition 7 of this permit, to the trees shown on plans as being retained.
 - g) Any changes to the building footprint or construction method that may be required by recommendations of the Tree Management Plan required by Condition 7 of this permit.
 - h) A schedule of all proposed exterior decorations, materials, finishes and colours, including colour samples.
 - i) Any Environmentally Sustainable Design initiatives that form part of the Sustainable Design Assessment, as required by Condition 3 of this permit.
 - j) Any changes recommended in the Waste Management Plan required by Condition 9 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.

Environmentally Sustainable Design (ESD)

3. Prior to the endorsement of plans, a Sustainable Design Assessment (SDA) and plans must be submitted to the satisfaction by the Responsible Authority. The SDA must demonstrate a best practice standard of environmentally sustainable design and generally include the following information:

- a) A 'published' Built Environment Sustainability Scorecard (BESS) Report
- b) A STORM report.

When submitted and approved to the satisfaction of the Responsible Authority, the Sustainable Design Assessment and associated notated plans will be endorsed to form part of this permit. No alterations to the SDA may occur without the written consent of the Responsible Authority.

4. Prior to the issue of an Occupancy Permit, 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.
5. Prior to the issuing of a Certificate of Occupancy of the building approved under this permit, a report/checklist must be submitted to the Responsible Authority. The report/checklist must be to the satisfaction of the Responsible Authority and must confirm (with suitable evidence) that measures specified in the endorsed Sustainable Design Assessment have been implemented in accordance with the approved plans.
6. 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.

Tree Management Plan

7. Prior to the endorsement of plans, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP applies to all trees within a 10 metre radius of the development, inclusive of any new hard paving associated with the development. 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 trees on the plans shown as being retained remain healthy and viable during construction.

The TMP must include the following to the satisfaction of the Responsible Authority:

- a) A tree protection plan to scale that shows:
 - i. All Tree Protection Zones and Structural Root Zones.
 - ii. All Tree Protection Fencing.
 - iii. Areas where ground protection systems will be used.
 - iv. The type of footings within any Tree Protection Zone.
 - v. The location of services within any Tree Protection Zone.
- b) The location and design of Tree Protection Fencing.
- c) Details of appropriate footings within the Tree Protection Zone.
- d) The method of installing any services through the Tree Protection Zone.
- e) Details of how the root zone within the Tree Protection Zone will be managed throughout the project.

- f) A timetable outlining works requiring supervision by the Project Arborist.
 - g) The results of any exploratory trenching where there is encroachment (construction or excavation) greater than 10 per cent into the Tree Protection Zone (in accordance with Australian Standard AS4970:2009 - Protection of Trees on Development Sites) of any tree to be retained. This must include photographic evidence of any trenching/ excavation undertaken.
 - h) All remedial pruning works that are required to be performed on the tree during the development of the site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
8. 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.

Waste Management

9. Prior to the endorsement of plans, a Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must show:
- a) Calculations showing the amount of garbage and recycling expected to be generated;
 - b) A statement of whether the garbage, hard waste and recycling will be collected by Council or a private collection, stating the size of bins, frequency of collection and hours of collection which must be outside of the sensitive sleep time period;
 - c) Include a plan showing the location of the bin storage area on the site and details of screening from public view;
 - d) Include a dimensioned plan showing the storage area is sufficient to store the required number of bins in a manner that allows easy access to every bin;
 - e) Detail the ease of taking the fully loaded waste bins to the point of waste collection;
 - f) State where and when the bins will be placed for waste collection;
 - g) Confirm that the bins will be removed from the street promptly after collection; and
 - h) Include a plan showing where the waste trucks will stop to service the waste bins and state whether No Parking restrictions will be required for the waste trucks to access that space (e.g. 6am-midday, Wed).

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.

10. 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.

Site services

- 11. Prior to the issue of an Occupancy Permit, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the new building must be underground to the satisfaction of the Responsible Authority.
- 12. All stormwater from the new building 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).

Access to Car Park

13. The car park to the north-west of the Pavilion must, at all times, be accessible by vehicle from McKeon Avenue by members of the public.

Permit Expiry

14. 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.

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: 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.

Note 2: This permit does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval in writing from the Responsible Authority.

Part B

That the car parking provided in association with the use of the land is to Council's satisfaction, as required by Clause 52.02-6 of the Merri-bek Planning Scheme.

1. Background

Subject site

The subject site is located at 20 Woodlands Avenue, Pascoe Vale South, also known as Shore Reserve, which has a total site area of approximately 3,412 sqm. The application relates to the sports pavilion, which is located towards the south-western corner of the Reserve, near McKeon Avenue.

The pavilion is a single storey brick building with metal pitched roof. It spans across a total floor area of approximately 290 sqm and is used mostly by West Coburg Football Club and West Coburg Cricket clubs for sporting activities. Shore Reserve also contains Doris Blackburn Kindergarten to the south of the existing pavilion, a sports oval, play equipment, and vegetation. There is a car park located directly to the south-east of the pavilion, having access from Woodlands Avenue. Additional car parking spaces are located north-west of the pavilion, having access from McKeon Avenue.

Shore Reserve has a direct abuttal to Reynard Street to the north, Melville Road to the north-east and Woodlands Avenue to the south. Numerous other streets terminate at the Reserve to the east and west. The Reserve has a direct interface to the side or rear of multiple residential dwellings to the east and west.

The title contains 3 restrictive covenants. The application proposed does not breach any of the restrictive covenants as it is not proposed to excavate or carry away any soil, nor to use the land for the manufacturing or kilning or bricks, tiles, or pottery.

Surrounds

The surrounding area is residential, with single storey dwellings from the Inter-War and Post-war periods, and some more recent two storey dwellings and townhouse developments.

The site and properties to the east are covered by the Heritage Overlay 110 – Melville Road Precinct. With specific regard to Shore Reserve, the Statement of Significance outlines that:

The former West Coburg Gardens and Recreation Reserve (now the Shore Reserve) is representative of the parks and gardens established by the City of Coburg during the interwar period at a time of rapid growth. The informal layout of the northern section of the reserve is typical of interwar parks of the period and contributes to the historic character of the precinct.

Properties on the southern side of Woodlands Avenue are within the HO207 – Coonans Hill Precinct. It is comprised of Inter-War and Post-war housing, generally with consistent scale and setbacks.

A location plan forms **Attachment 1**.

The proposal

The proposal is summarised as follows:

- Complete demolition of the existing pavilion and replacing it with a new, single storey structure with James Hardie Axon cladding and low metal skillion roof.
- The location of the new proposed pavilion is roughly the same as the original pavilion.
- The proposed pavilion has a total floor area of approximately 467 sqm, which is approximately 178sqm more than the existing floor area.
- The use of the pavilion will remain the same, however it will have enlarged changing rooms, club rooms and an expanded kitchen and bar for the facility.

- No changes to the current car parking arrangements are proposed.
- Some small trees and other vegetation located along the south-west side of the existing pavilion will be removed (for which no planning permit is required).

The development plans form **Attachment 2**.

Planning Permit and site history

Several prior planning permits have been issued for various works within Shore Reserve, only one of which has any bearing on the current application, being:

- MPS/2022/602 – Buildings and works to an existing kindergarten in a Heritage Overlay. This permit has been acted on.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Public Park and Recreation Zone (PPRZ)	Clause 36.02-2: A permit is not required to carry out buildings and works, by or on behalf of a public land manager. As Merri-bek Council is the public land manager no permit is required for the building under the PPRZ. Clause 36.02-2: No permit is required to use the land as an open sports ground.
Heritage Overlay (HO 110)	Clause 43.01-1: A permit is required to: <ul style="list-style-type: none"> • Demolish or remove a building • Construct a building or construct or carry out works
Car Parking (Clause 52.06)	Clause 52.06-6: Where a use of land is not specified in Table 1, before the floor area of an existing use is increased, car parking spaces must be provided to the satisfaction of the Responsible Authority. The use of the land is an 'Open Sports Ground', which is defined at Clause 73.03 as: <i>'Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters'.</i> This use is not specified in Table 1 of Clause 52.06-6. Therefore, car parking must be provided to the satisfaction of the Responsible Authority.

The following Provisions of the Merri-Bek Planning Scheme are also of note:

- Clause 45.06: Development Contributions Plan Overlay (Schedule 1), is not relevant because the Development Contribution Plan timeframe for all developments within Merri-Bek ended on 30 June 2023.
- Clause 52.31: Local Government Projects, seeks to facilitate development on land by or on behalf of municipal councils through planning permit and public notice exemption when the cost of the development is less than \$10 million.

2. Internal/External Consultation

Public notification

Notification of the application has been undertaken pursuant to Clause 67 (land owned or permit required by Responsible Authorities) and Section 52(1)(c) of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land (*including residents along the entire periphery of the reserve*)

- Placing two signs on the site – one facing McKeon Avenue and one near the south-eastern kindergarten car park.

Council has received 15 objections, including 1 signed petition, and 1 letter of support to date. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Lack of car and bike parking facilities
- Heritage presentation of the pavilion
- Demolition of the existing pavilion instead of renovation
- Amenity impacts – noise and waste
- Significant tree removal
- Sponsored advertising
- Inappropriate use of Council funds
- Lack of community consultation
- Unsightly storage container

A Planning Information and Discussion meeting was held on 13 February and attended by two Council Planning Officers, the applicant being, officers from Council's City Infrastructure Department and approximately 8 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Based on discussions at the Planning and Information Discussion meeting, the following changes were proposed by the applicant to address some objector concerns:

- The footpath in front of the oval will be retained and accessible for residents. Ramps and steps leading to the pavilion will undergo a redesign so that they no longer impede into the area where the footpath is currently located.
- A Tree Management Plan will be submitted to ensure that the mature trees around the site are retained and protected.
- Provision of aluminium and timber slats for the bin enclosure to enhance its appearance and minimise bin visibility for residents.
- A Waste Management Plan (WMP) will be implemented for the proposed development.
- Provision of a Sustainable Design Assessment to achieve Environmentally Sustainable Development (ESD) excellence.
- Provision of 2 additional bike hoops for the proposed development.
- The northern car park which is currently locked will be unlocked and will be made available for public use.
- Confirmation that the storage container currently on-site is to be removed, as shown on the plans submitted with the application.

These changes form conditions of the recommendation, on the basis that they have been agreed to by the applicant.

The changes seek to address some concerns of several objectors, including those residents to the south and west of the pavilion concerned with the amenity and visual impacts of the pavilion.

Internal/external referrals

The proposal was referred to the following internal branches:

Internal Branch/Business Unit	Comments
Heritage Advisor	Supports the proposal, subject to a recommendation regarding the colour of the external cladding. The existing structure is non-contributory to the heritage significance of the subject site and is not cited within the statement of significance. Therefore, no concerns were raised for the proposed demolition. Advice from Council's Heritage Advisor is considered further in Section 8 of this report.
Transport - Development Engineering	Supports the proposal. Council's Development Engineers are satisfied that the existing car parking facilities available around the site is sufficient for the proposed pavilion. Advice from Council's development engineering team is expanded further in Section 8 of this report.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Built Environment and Heritage (Clause 2.03-4)
- Heritage (Clause 15.03), including:
 - Heritage Conservation (Clause 15.03-1S)
 - Heritage in Merri-bek (Clause 15.03-1L)

Human Rights Consideration

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

- Section 12: Freedom of movement

The proposed redevelopment of a part of the public parkland does not present any physical barrier preventing freedom of movement, noting that the pavilion is in approximately the same location as the existing one.

4. Issues

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

The only permit trigger is the Heritage Overlay, together with car parking being provided to Council's satisfaction. As a result, the scope of the planning assessment will be limited. This aligns with the 'National Trust principle', a long-held understanding within the Victorian planning system, that the decision-maker is limited to considering matters directly related to the need for a planning permit.

Does the proposal have strategic policy support?

A theme that is consistent through the Planning Scheme is retaining and conserving elements (historical and cultural) of individual significance or places that contribute to the significance of an area. However, as the existing Pavilion is a later addition, it does not contribute to the heritage significance of the area.

Is the demolition or removal appropriate?

Clause 15.03-L of the Merri-bek Planning Scheme states that it is policy to support the demolition of non-contributory buildings in a heritage precinct, subject to the provision of a replacement building which is appropriately designed to make a positive contribution to the heritage significance of the precinct.

The complete demolition of the sports pavilion, is supported for the following reasons:

- The existing sports pavilion is a modest structure within Shore Reserve; not referred to or described within the Statement of Significance of the Melville Road Heritage Precinct as being of any heritage significance.
- The heritage significant elements, described in the Statement of Significance for Shore Reserve include mature exotic trees, lava rock walls, and an early substation.
- The sports pavilion is a later addition and does not contribute to the existing and original heritage fabric of Shore Reserve. Therefore, the fabric proposed to be demolished does not contribute to the significance of the heritage place.
- Council's Heritage Advisor has offered no objections to the proposed demolition.

Overall, the proposed demolition works to the pavilion is acceptable as it will not have any detrimental impacts to either the existing reserve nor the broader heritage precinct.

Does the new building impact the significance of the heritage place?

Clause 15.03-1L of the Merri-Bek Planning Scheme encourages new buildings that:

- *Respect the existing scale, massing, form, and siting of contributory or significant elements and do not dominate the heritage place or precinct.*
- *Adopt innovative and contemporary design that makes a positive contribution to the heritage place.*
- *Do not imitate historic styles and detailing.*

The proposed pavilion is well designed with minimal visual impact and will not impact the significance of the heritage parkland, and is therefore acceptable:

- The proposed pavilion is roughly located at the same spot as the existing pavilion.
- The proposed pavilion does not damage any views to the significant elements of the heritage precinct, being the mature exotic trees and lava rock walls to the north of the Shore Reserve. It is also noted that the dwellings to the west of the Shore Reserve along McKeon Avenue are not in a Heritage Overlay.
- The proposed single storey building height of the pavilion is in keeping with the heritage park.
- Although simple in design, the proposal does not copy historic styles.

The main proposed material of the pavilion is 'James Hardie Exotec', which is fibre cement panels, and are proposed to be painted dark grey.

As recommended by Council's Heritage Advisor, a condition seeks to replace the proposed dark grey cladding colour with a soft muted earthy tone that blends in with the park.

Has adequate car and bicycle parking been provided?

Clause 52.06 of the Merri-bek Planning Scheme states that car parking must be provided to the satisfaction of the Responsible Authority.

There are two off-street car parks in the near vicinity (90m walk or less) of the pavilion:

- Immediately north of the pavilion – accessed from McKeon Avenue – 22 parking spaces available
- South of the pavilion – accessed from Woodlands Avenue – 13 parking spaces available.

It is acknowledged that the car parks are also currently used for kindergarten uses located in the south-western corner of Shore Reserve, however it is considered that the existing car-parking spaces can also meet the needs of the pavilion due to the following reasons:

- The site is located within a PPTN (Principal Public Transport Network) and has adequate access to public transport, including:
 - A 350m walk of the (to West Coburg) Route 58 stop and Route 6 tram stop (north-south travel)
 - A 450m walk of the (East Coburg) Route 512 bus stop (east-west travel)
 - Close proximity to car share vehicles; and
 - Close to bicycle routes
- The proposal is intended to provide improved amenities to the pavilion users but does not intend to increase the operations and functions. Notably:
 - The existing social room is approximately 95 sqm which is proposed to be increased to 118 sqm. This is not a significant increase that would result in substantially more patrons of any functions that occur.
 - Whilst there is an increase in the overall floor area, improved change areas, store and bathroom facilities contribute to most of the proposed increase.
- The applicant has provided a traffic and parking assessment that confirms that the level of car-parking provided on and off site is appropriate, should a planning permit be granted for the proposed development.
- Council's Development Engineer is satisfied that the existing car parking requirements are sufficient.
- No further reduction to the existing car parking has been proposed.
- The training and sporting facilities are expected to be occupied between 4:30-9:00 pm on weekdays. On weekends, the pavilion is expected to be utilised between mornings and afternoons, with no change in the existing operations of the sports pavilion. The timing of kindergarten drop-offs and pick-ups and the use of the sporting facilities do not have significant overlap and the parking facilities can be shared by both the uses.

As a result, it is recommended that Council determine that car parking is to the satisfaction of the Responsible Authority. This part of the recommendation cannot be part of any VCAT review, by objectors should one be lodged.

During the Planning and Information Discussion meeting there was a discussion about increasing the on-site car parking provision. After the meeting, the applicant looked at opportunities for providing more car parking but found that increasing car parking was not practical. However, the applicant has agreed to provide at least 2 new bicycle hoops for the proposed development. This forms a condition of the recommendation.

Objectors also raised concerns that the northern carpark is exclusively accessible to the sporting clubs and is locked at all other times. The applicant has agreed to change this arrangement, so that the car park is open for public use and a condition of the recommendation

Vehicles, whether related to this or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions.

5. Response to Objector Concerns

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

- Lack of car and bike parking facilities
- Heritage presentation of the pavilion

Other issues raised by objectors are addressed below.

Demolition of the existing pavilion instead of renovation

The applicant has advised that the existing facilities are inadequate for a sporting pavilion and that a cost analysis found that renovation as opposed to complete demolition was not the best solution.

Council, in its role as Responsible Authority for the Planning Scheme, is required to consider the application before it and must determine whether such an application is an acceptable outcome based on the relevant planning controls. Section 4 of this report outlines that complete demolition of the existing building is acceptable.

Amenity Impacts - Noise associated with the sports pavilion

Concerns have been raised regarding the potential noise generated from the pavilion. The consideration of this planning application is limited to heritage and car parking. As discussed in the statutory controls section above, the proposed use does not need a planning permit. Noise associated with a sporting pavilion is considered to have existed in this location for many decades and is not likely to change as a result of the replacement building.

Further it is noted that the new building will have improved sound proofing and will be subject to lease restrictions, which for example limits operation hours of the pavilion. Should there be occasions of excessive noise, Council can investigate these concerns against the lease restrictions.

Amenity Impacts - Waste Collection and bin screening

The consideration of this planning application is limited to heritage and car parking. Despite this, the applicant has agreed to:

- Provide a Waste Management Plan for the proposed development; and
- Provide aluminium and timber slats to the bin cage fencing to minimise bin visibility for residents.

Conditions are therefore included in the recommendation reflecting these agreements.

Significant Tree Removal

The consideration of this planning application is limited to heritage and car parking. Nevertheless, Council's Urban Forest Strategy seeks to protect and enhance our Urban Forest. In light of this, advice was sought from Council's Planning Arborist about the proposed tree removal, who was satisfied that the trees to the south-west of the building nominated for removal are small species that can readily be replaced. However, it was recommended that an arborist report be provided to ensure that the two large mature trees to the east (River Oak) and the other Eucalyptus to south-east of the existing building can be suitably protected. The applicant has agreed to this being included as a condition of the permit.

Sponsored Advertising

An objector has raised a concern that there is no indication in the documents how the pavilion will be used with regard to sponsored advertising except for a small mention on branding/logo.

This application does not include any proposed advertising signage. Any signs that require a permit under the Merri-bek Planning Scheme would need to be approved through a separate planning permit application.

Inappropriate use of Council funds

Council, in its role as Responsible Authority for the Planning Scheme, is required to consider the application before it and must determine whether such an application is acceptable or unacceptable based on the relevant planning controls. Whether the project is an appropriate use of Council's funds is not a relevant planning scheme consideration or reason to refuse a planning permit application. The allocation of funding for projects occurs as part of Council's budget, which is a separate process.

Lack of Community Consultation

The applicant has advised that they intend to schedule community consultation in early April 2024 allowing for further input from the community. If any further changes arise from the community consultation, an amendment would be required, should a planning permit be granted to this development.

Objectors have also raised concerns about the timing and extent of public notice of this planning permit application. Council has undertaken public notice that exceeds the requirements of the Planning and Environment Act 1987, by sending 67 letters and placing two signs on site. The application was also advertised for a period of 28 days, rather than 14 days, given public notice occurred during the Christmas/Holiday period. Council officers are satisfied that anyone interested and affected by the application has been provided with the opportunity to inspect the application and make a submission.

Unightly storage container

The applicant has advised that the storage container currently on site is being removed and will not be replaced. This does not need to form a condition of the recommendation as it is already indicated for removal on the plans.

6. Officer Declaration of Conflict of Interest

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

7. Financial and Resources Implications




There are no financial or resource implications.

8. Conclusion

The assessment of this planning permit application has found that the proposed demolition of the existing sports pavilion and construction of a new pavilion within a Heritage Overlay is appropriate and does not cause any negative impacts to the heritage significance of the precinct, subject to a condition requiring a change in colour. It is also considered that the existing car parking is appropriate and should be approved being to the satisfaction of the Responsible Authority.


On the balance of policies and controls within the Merri-Bek Planning Scheme and objections received, it is considered that Notice of Decision to Grant a Planning Permit No MPS/2023/634 should be issued subject to the conditions included in the recommendation of this report.

Attachment/s

- | | | |
|---|--|-----------|
| 1  | 20 Woodlands Avenue - Location, Zoning and Overlay Map | D24/85597 |
| 2  | 20 Woodlands Avenue - Development Plans | D24/85609 |
| 3  | 20 Woodlands Avenue - Objector Map | D24/85610 |

20 Woodlands Avenue, PASCOE VALE SOUTH VIC 3044

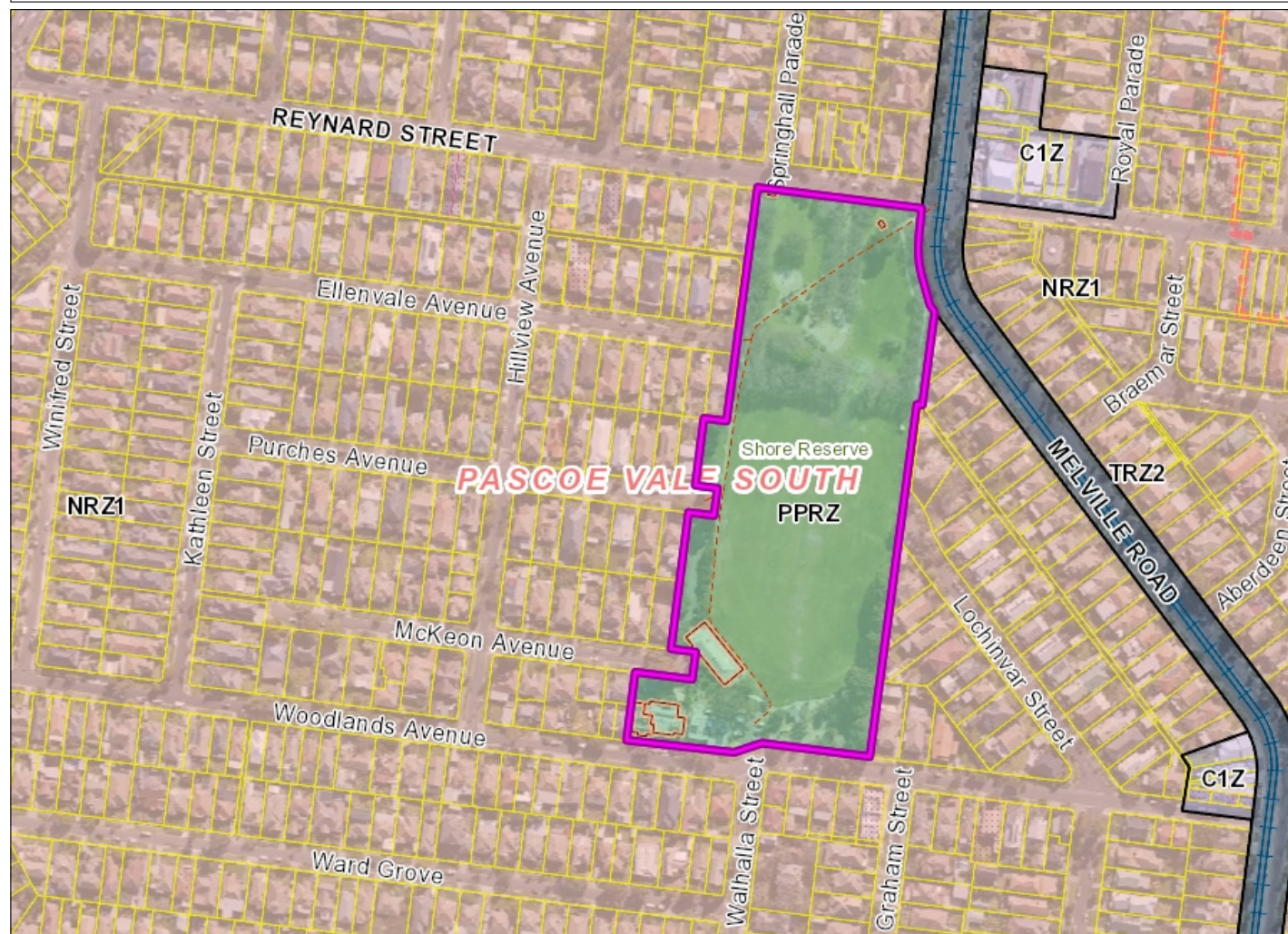
Location Map

 Subject Site



20 Woodlands Avenue, PASCOE VALE SOUTH Zoning Map

Subject Site
C1Z - Commercial 1 Zone
NRZ1 - Neighbourhood Residential Zone 1
TRZ2 - Transport Zone - Schedule 2
PPRZ - Public Park and Recreation Zone

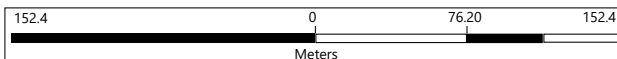


Legend

- ACZ1 - Activity Centre Zone 1
- C1Z - Commercial 1 Zone
- CZ2 - Commercial 2 Zone
- GRZ1 - General Residential Zone 1
- GRZ2 - General Residential Zone 2
- GRZ3 - General Residential Zone 3
- GRZ4 - General Residential Zone 4
- IN1Z - Industrial 1 Zone
- IN3Z - Industrial 3 Zone
- MUZ - Mixed Use Zone
- MUZ2 - Mixed Use Zone 2
- NRZ1 - Neighbourhood Residential Zone 1
- PPRZ - Public Park and Recreation Zone
- PUZ1 - Public Use Zone 1: Service and Utility
- PUZ2 - Public Use Zone 2: Education
- PUZ3 - Public Use Zone 3: Health and Community
- PUZ5 - Public Use Zone 5: Cemetery/Crematorium
- PUZ6 - Public Use Zone 6: Local Government
- PUZ7 - Public Use Zone 7: Other Public Use
- RGZ1 - Residential Growth Zone 1
- RGZ2 - Residential Growth Zone 2
- SUZ1 - Special Use Zone 1
- SUZ3 - Special Use Zone 3
- TRZ1 - Transport Zone 1
- TRZ2 - Transport Zone 2
- TRZ4 - Transport Zone 4
- UFZ - Urban Floodway Zone



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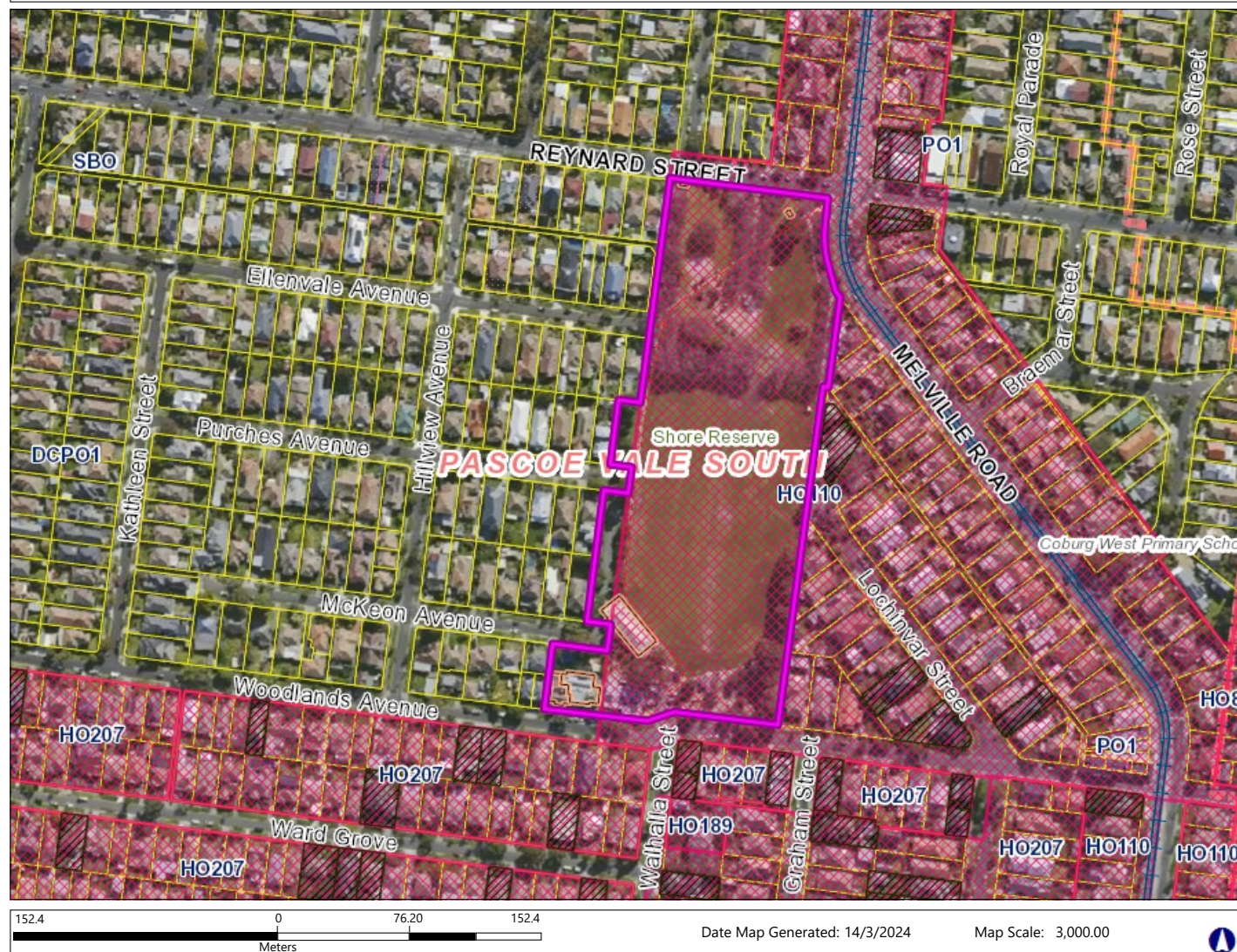
Date Map Generated: 14/3/2024

Map Scale: 3,000.00



20 Woodlands Avenue, PASCOE VALE SOUTH Overlay Map

Subject Site
HO110 - Melville Road Precinct, Pascoe Vale South
HO207 - Coonans Hill Precinct, Pascoe Vale South
HO189 - 46 Walhalla Street, Pascoe Vale South
PO1 - Parking Overlay - Schedule 1



Legend

Planning Overlays

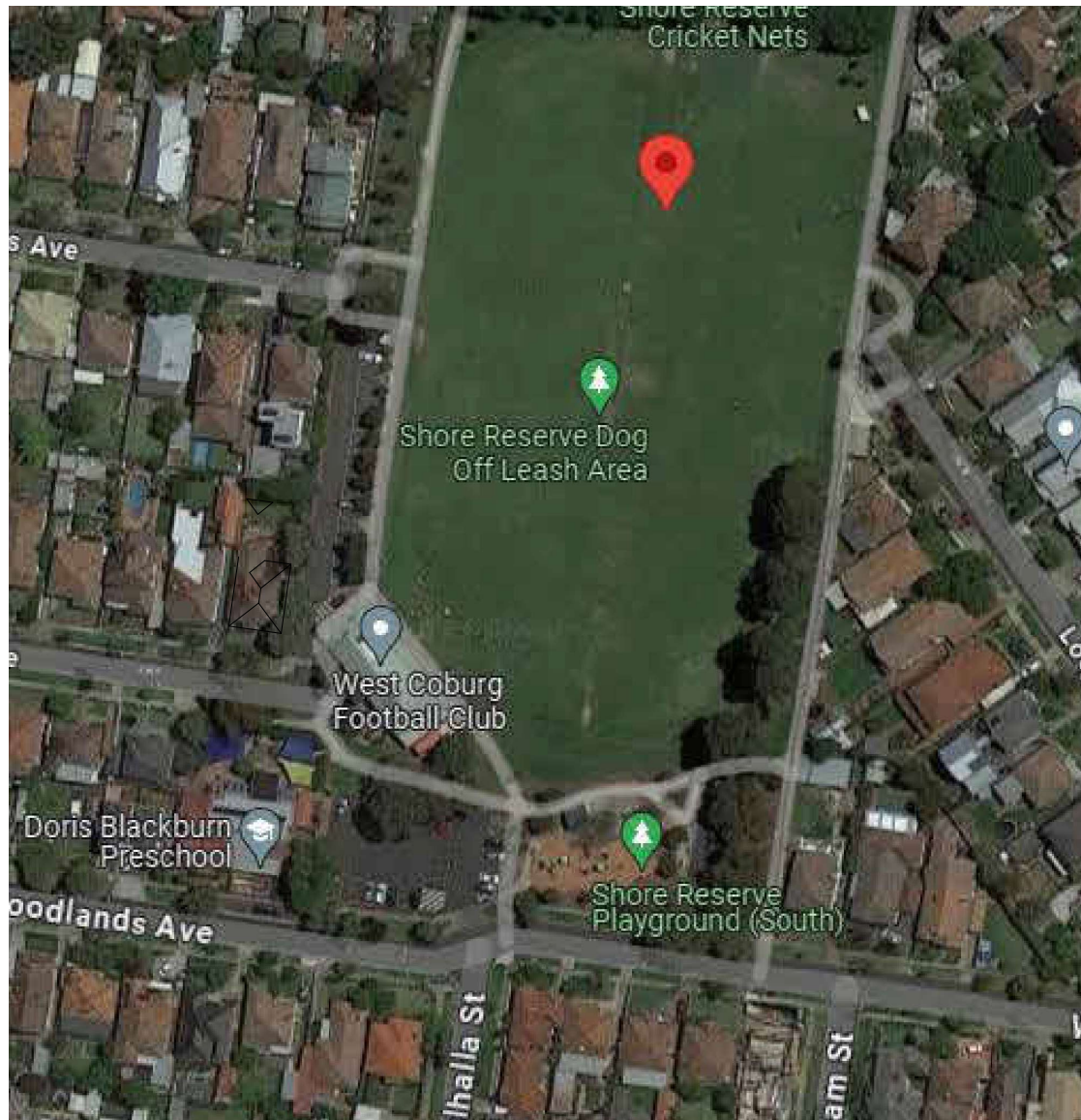
- CLPO - City Link Project Overlay
- DCPO - Development Contributions Plan Overlay
- DDO - Design & Development Overlay
- DPO - Development Plan Overlay
- EAO - Environmental Audit Overlay
- EMO - Erosion Management Overlay
- ESO - Environmental Significance Overlay
- HO - Non-Contributory Properties
- HO - Heritage Overlay
- IPO - Incorporated Plan Overlay
- LSIO - Land Subject To Inundation Overlay
- Engeny 1in100yr Flood Extents
- MAEO - Melb Airport Environs Overlay
- PAO - Public Acquisition Overlay
- PO - Parking Overlay
- RKO - Road Closure Overlay
- SBO - Special Building Overlay
- SCO - Specific Controls Overlay
- SLO - Significant Landscape Overlay

Drainage Network

- MWC Designated Works (Reg. 154)



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PLANNING ENVIRONMENT ACT 1987
MERRIBEEK PLANNING SCHEME
Advised Document
Advised Plan Sheet 1 of 13
Application No: MPS/2023/634
Date: 7/12/2023

Revision	Date	Description	By	Checked

Shore Reserve Pavilion
223 Reynard Street
Pascoe Vale South Victoria 3044

Aerial

Status	Town Planning		
Scale	1:500	@ A1	
Drawn	Author	Checked	Checker
Project No.	23 020		
Plan Date	27/10/2023 4:07:08 PM		
By			

Drawing No.
A050

Revision

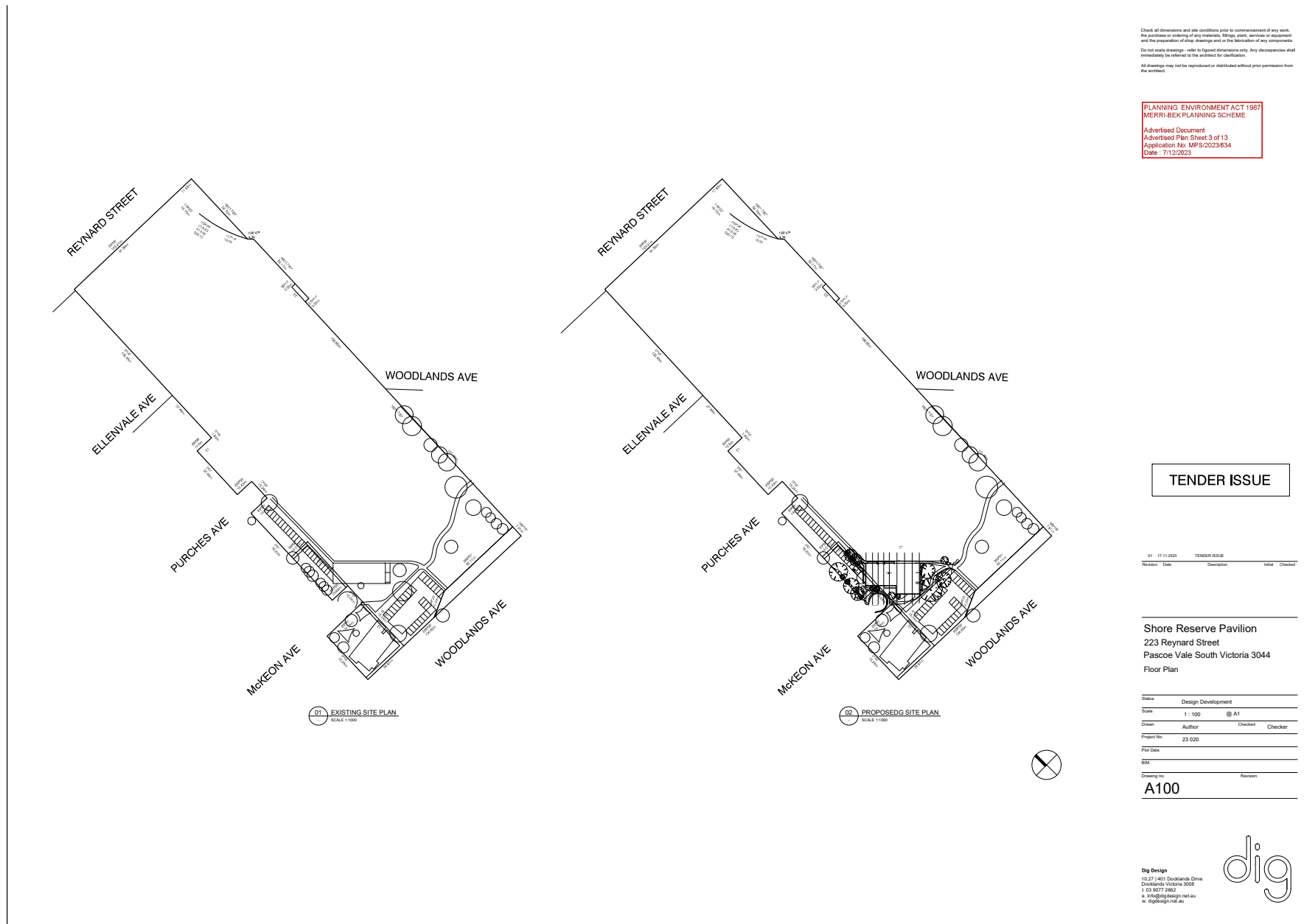
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42 Marshall Street
Williamstown Victoria 3016
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w: digdesign.net.au

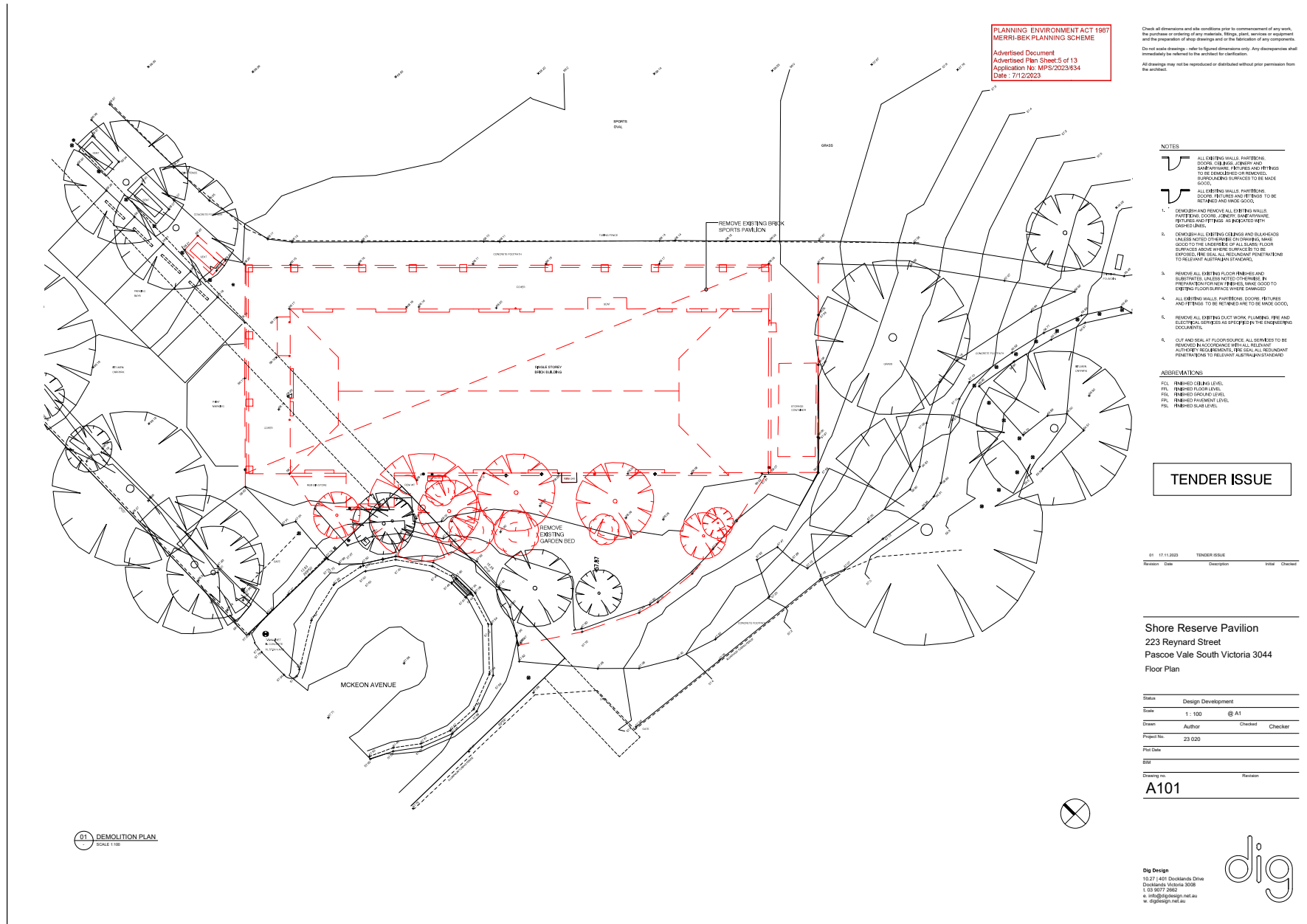


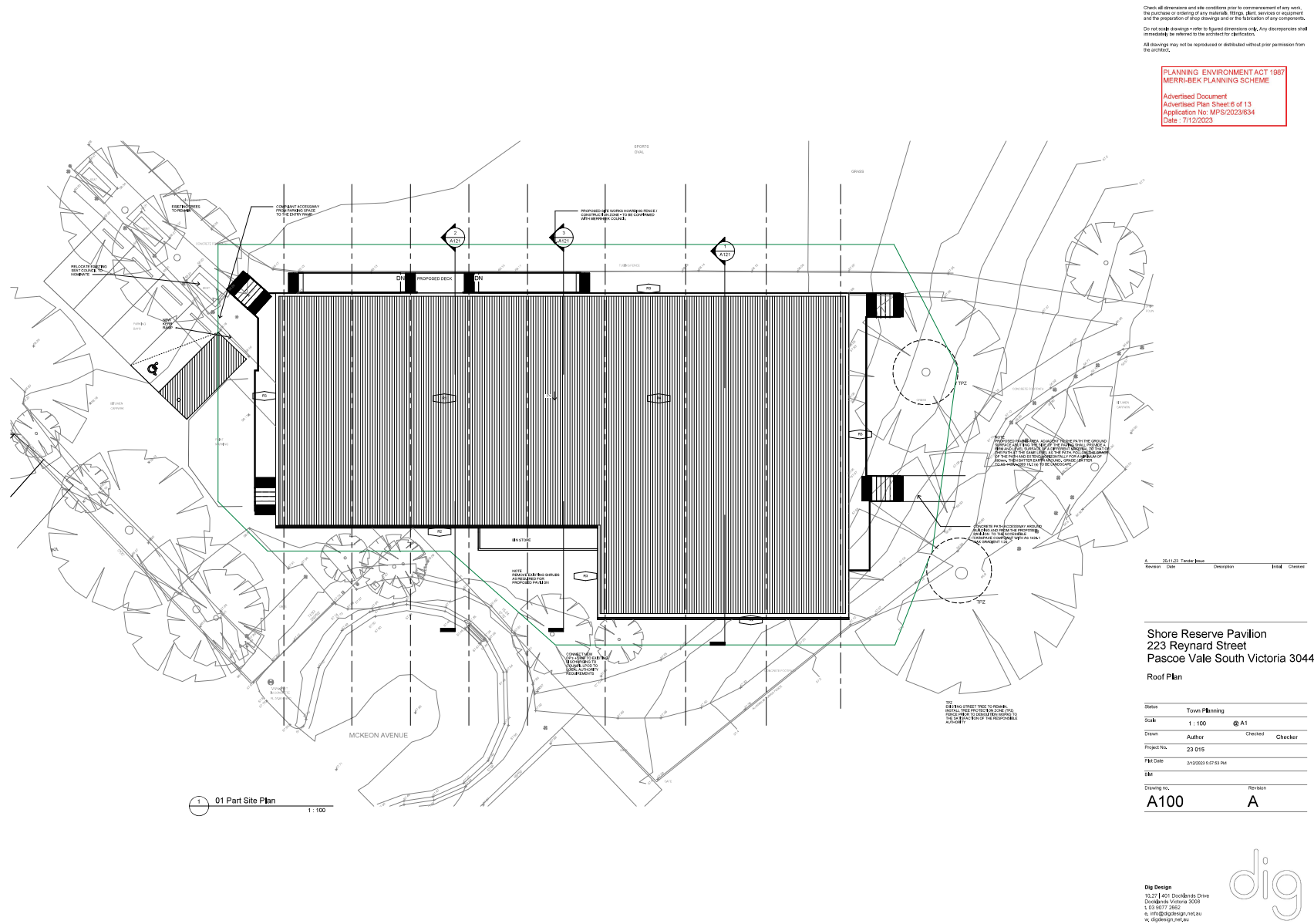
MPS/2023/634 - Merri-Bek Planning Scheme
Pascoe Vale South Victoria 3044

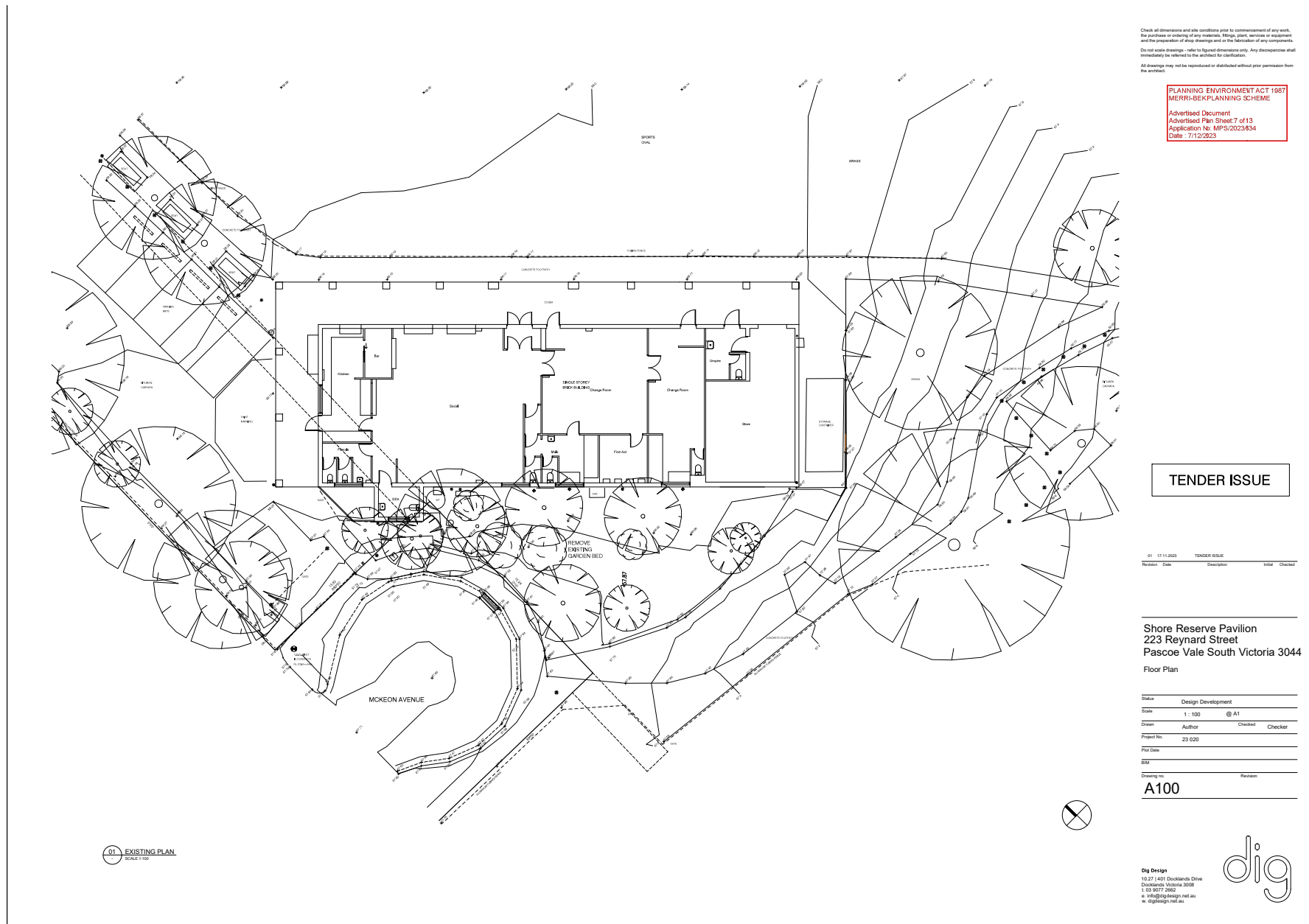
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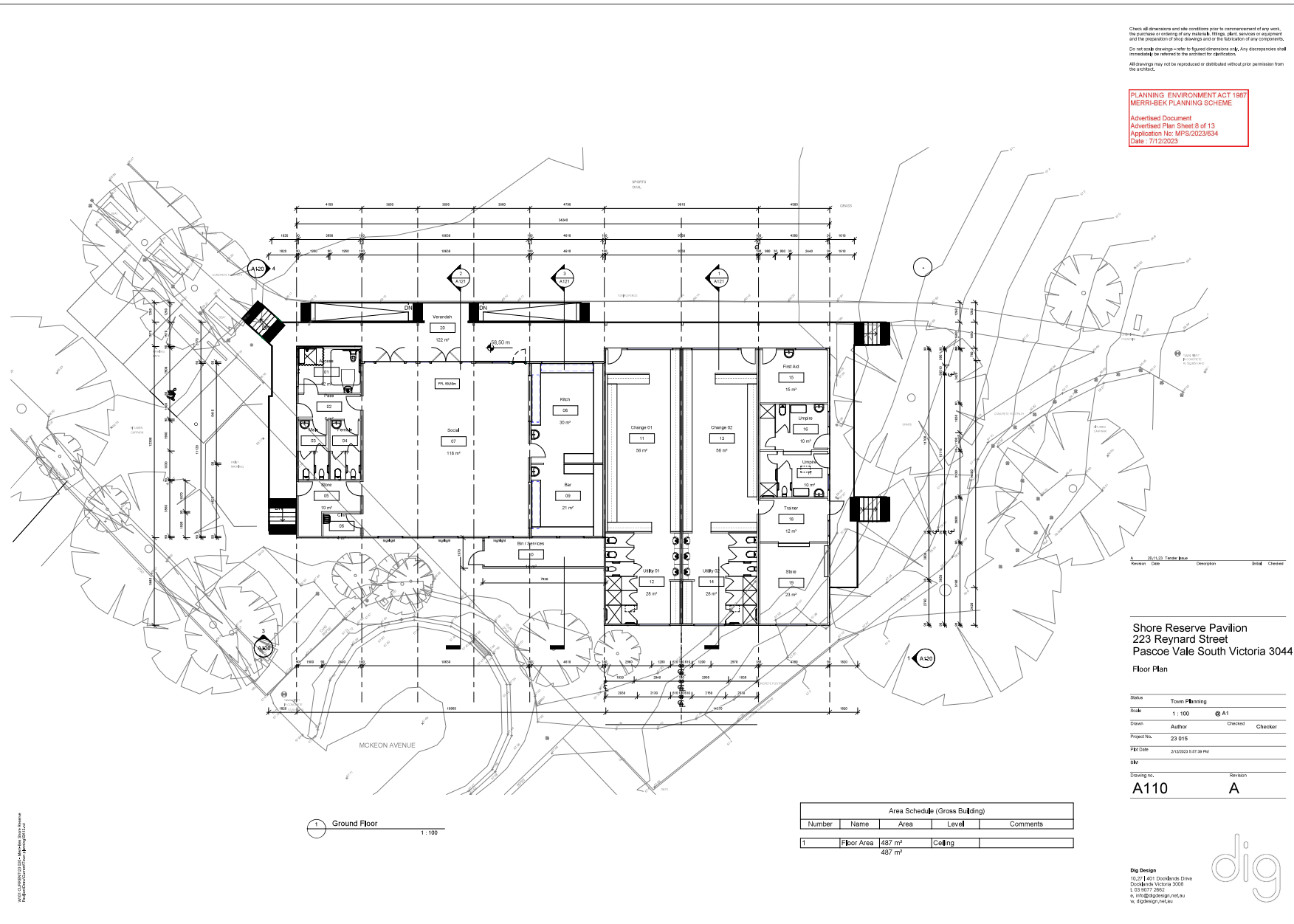


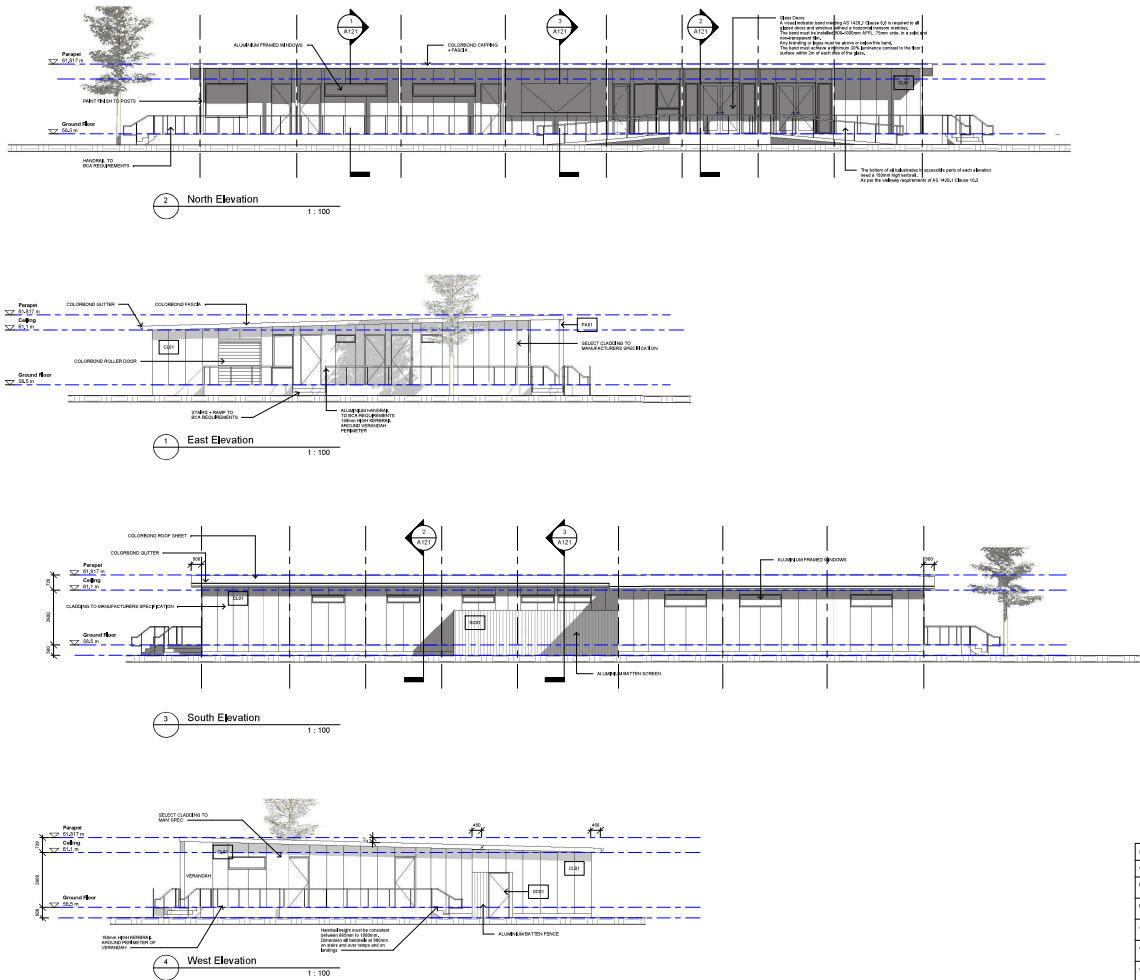












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PLANNING ENVIRONMENT ACT 1987
MERRIBEEK PLANNING SCHEME
Advertised Document
Advertised Plan Sheet 9 of 13
Application No: MFS/2023/634
Date: 7/12/2023

Revision	Date	Description	Drawn	Checked
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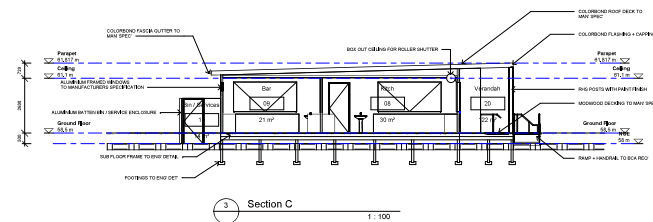
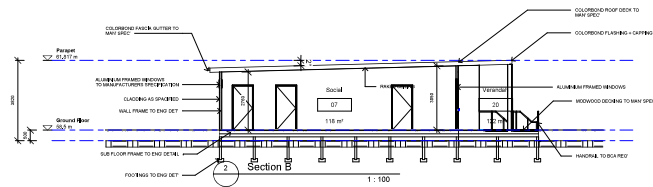
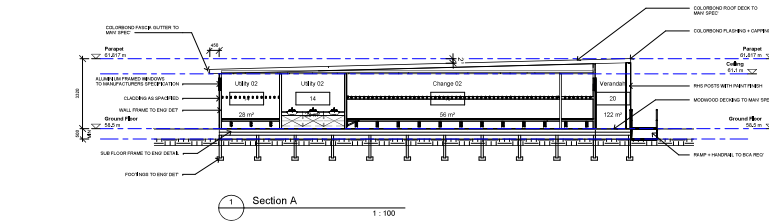
Shore Reserve Pavilion
223 Reynard Street
Pascoe Vale South Victoria 3044
Elevations

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Scale	1:100 @ A1
Drawn	Author
Project No.	23 015
File Date	3/10/2023 5:07:25 PM
Date	
Drawing No.	Revision
A120	A

CODE	MATERIAL	COLOR/FINISH	UPV
PR01	STEELING PAINT FINISH	DUPLICATE	
PR02	INTERNAL PAINT FINISH	DUPLICATE	
AL01	ALUMINUM FRAMED WINDOWS (COLORED)	BLACK POWDER COAT	
CR01	COLORBOND ROOF DECK	COLORBOND WOODLAND GREY	
CR02	COLORBOND PANEL CORRUGATED ROOF DECK	COLORBOND WOODLAND GREY	
CR03	NEW CONCRETE PAVING	-	
CL01	HARVESTED WOOD CLADDING TO UNPAINTED WOOD STRUCTURE	DUPLICATE	
CL02	HARVESTED WOOD CLADDING TO UNPAINTED WOOD STRUCTURE	DUPLICATE	

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View From Oval

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PLANNING ENVIRONMENT ACT 1987
MERRI-BEK PLANNING SCHEME
Advised Document
Advised Plan Sheet 10 of 13
Application No. MPS/2023/834
Date - 7/12/2023

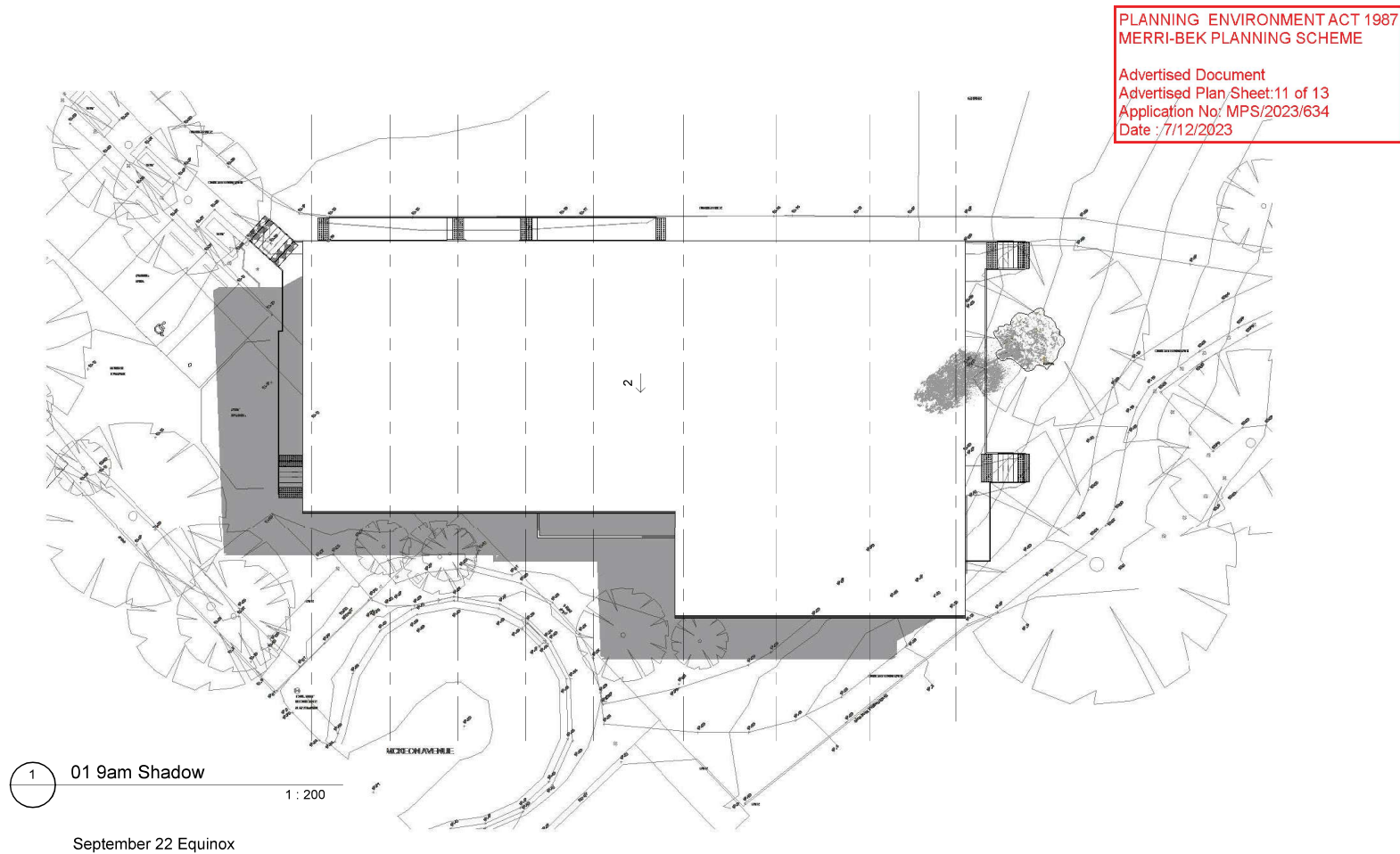
Revision	Date	Description	Initial	Checked
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Shore Reserve Pavilion
223 Reynard Street
Pascoe Vale South Victoria 3044
Sections

Status	Town Planning		
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Drawn	Author	Checked	Checker
Project No.	23 015		
File Date	2/12/2023 5:57:57 PM		
File			
Drawing no.	Revision		
A121	A		

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Shore Reserve Pavilion
 223 Reynard Street
 Pascoe Vale South Victoria 3044

Status

Scale 1 : 200 @ A3

Project No.

Drawing no. A130

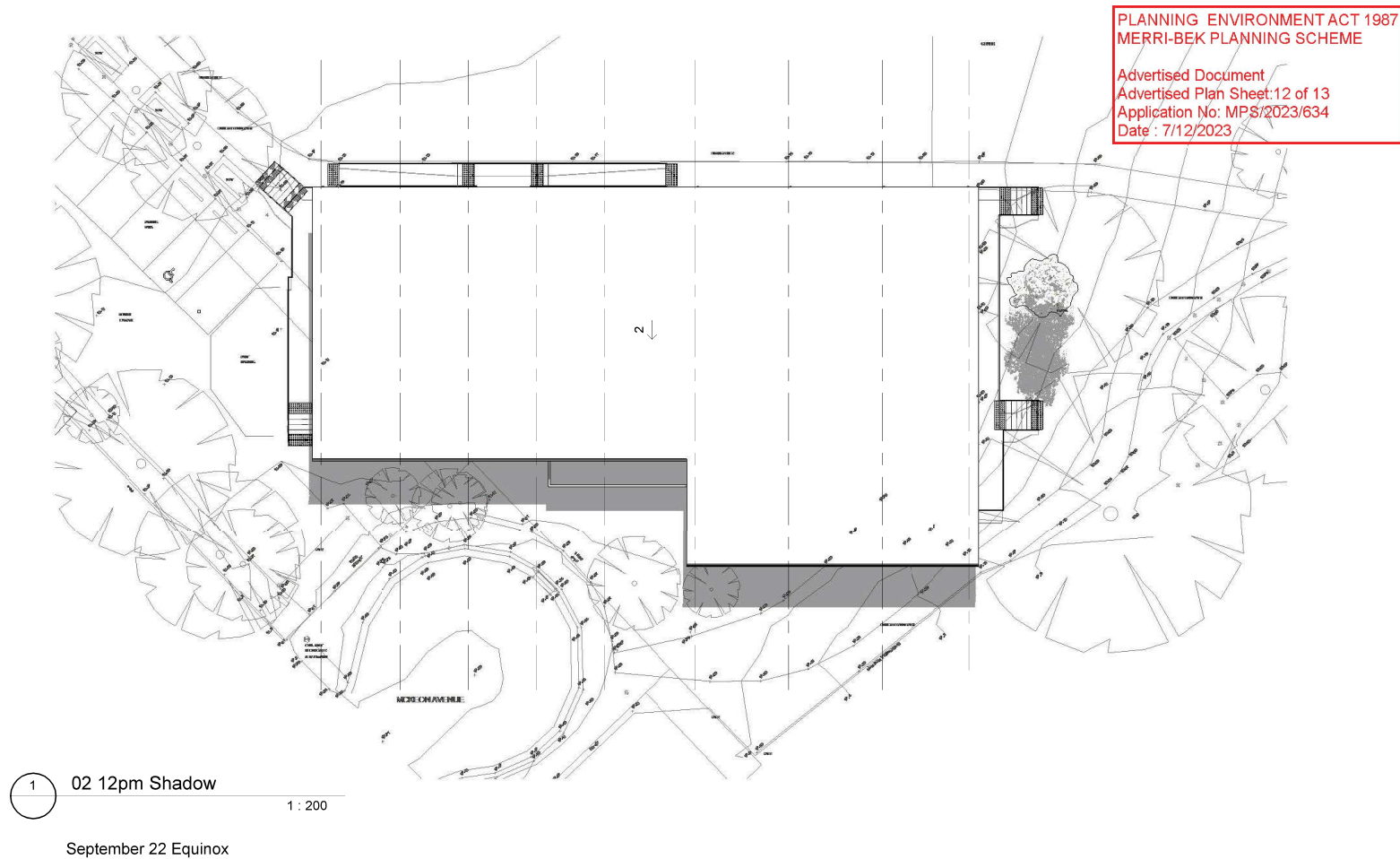
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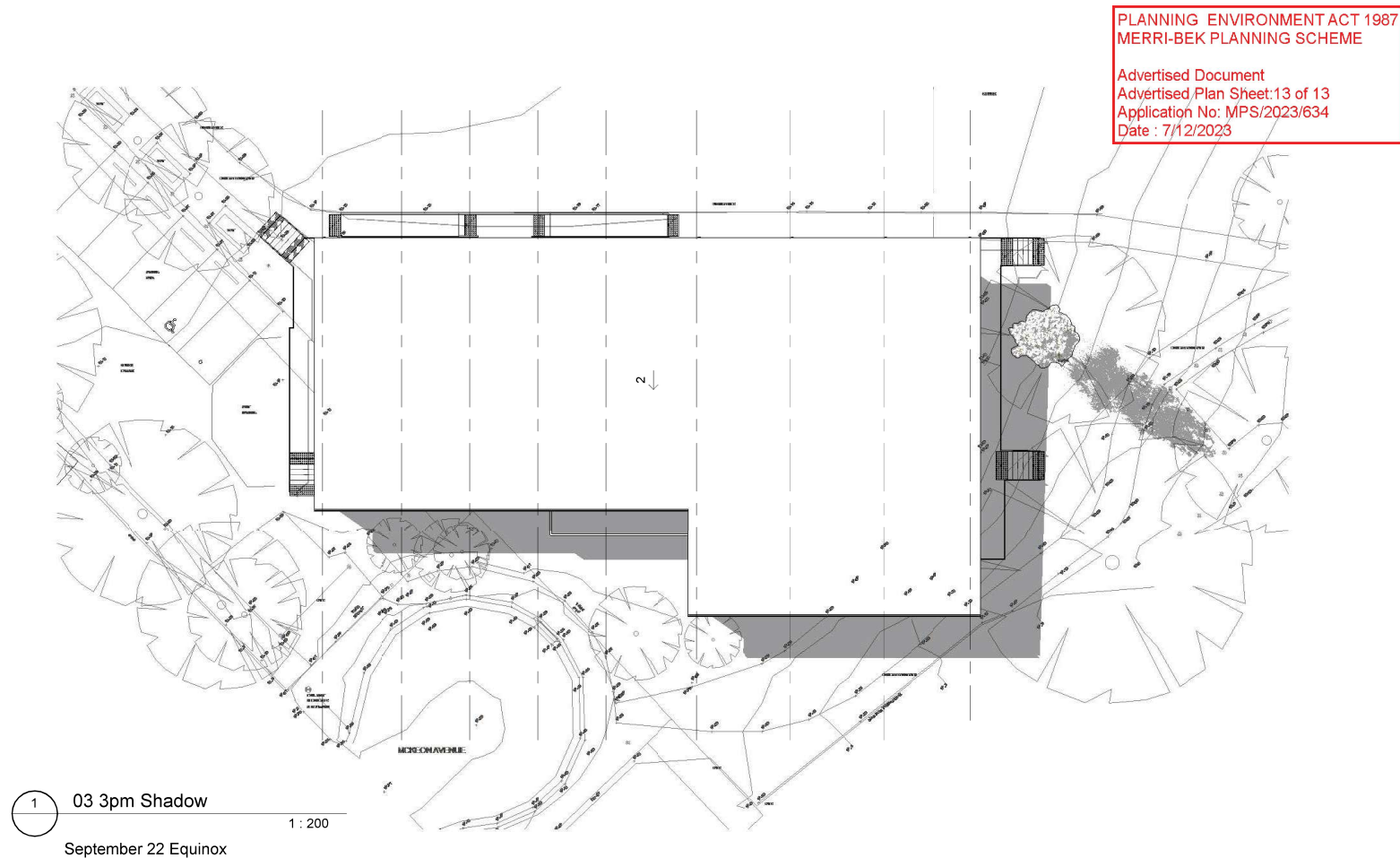
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Revision	Date	Description

9am Shadow





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Shore Reserve Pavilion

223 Reynard Street
Pascoe Vale South Victoria 3044

Status

Scale 1 : 200 @ A3

Project No.

Drawing no. Revision

A132

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Revision	Date	Description

3pm Shadow

20 Woodlands Avenue, PASCOE VALE SOUTH VIC 3044

Objector Map (3 Objectors have not stated their residential address or are located outside the boundaries of this map)

