Section 72 Amendment Officer Report

Planning Permit PA2503483-2
18-24 Scott Street Dandenong VIC 3175





Section 72 Amendment Officer Assessment Report
Development Assessment

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VICTORIA State Government | Department of Transport and Planning

Executive Summary

Key Information	Details
Permit No:	PA2503483-2
Permit Allows:	The permit allows construct a thirteen-storey building, comprising 86 dwellings, use of the land for dwellings as the frontage at ground level exceeds 2 metres and car parking reduction.
Land Address:	18-24 Scott Street Dandenong VIC 3175
Amendment Received:	28 September 2026
Applicant:	Squareback Planning Pty Ltd
Planning Scheme:	Greater Dandenong
s72 Proposal Summary:	Condition 16 and 17 of the planning permit are proposed to be altered and condition 21 is proposed to be deleted. Refer to body of report for further detail. The approved planning permit is proposed to be amended in the following way:
Development Value:	**Approved value:** $ 2,500,000,000 m **Amended value:** $ 2,500,000,000 m
Why is the Minister responsible?	**S. 72 Application for amendment of a permit** *(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*

Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.02	Comprehensive Development Zone – Schedule 2 	Use of the land for dwellings as the frontage at ground level exceeds 2 metres and car parking reduction. Construct a building or construct or carry out works
Overlays:	Clause 43.02	Built Form Overlay – Schedule 3	Construct a building or construct or carry out works at the ground level
	Clause 43.01	Heritage Overlays Schedule 63 and 64 affect the front portion of the subject site. 	Construct a building or construct or carry out works in the Heritage Overlay
Particular Provisions:	Clause 52.06	Car Parking	Reduction to the car parking requirements

Background Information:	A planning permit was issued on 18 September 2025 for the construction of a thirteen-storey building, comprising 86 dwellings, use of the land for dwellings as the frontage at ground level exceeds 2 metres and car parking reduction.
Planning History:	Section 72 amendment was approved on 3 August 2026 and approved the following changes: • Condition 1a and b deleted.

	• Condition 1 and 6 amended to update plan title to *Amended Architectural Plans prepared by Cera Stribley Architects, titled '18-24 Scott Street, Dandenong' and dated May 2026*.
	• Condition 7 amended to update the waste management plan title to *Amended report prepared by One Mile Grid, dated 28 May 2026*
	• Condition 12 amended to update the ESD title to *Amended Sustainable Management Plan prepared by GIW Environmental Solutions, dated 10 June 2026*
	• Amendment to the plans to allow for:
	  ○ Amalgamation of all the car parking from levels 2 and 3 into a single car park level on level 2
	  ○ Car Parking increased by 1 space
	  ○ Two additional dwellings on level 3, resulting in an increased the yield from 86 to 88 dwellings
	  ○ Built form increased on eastern boundary at level 3 to allow for apartment 205
	  ○ Provision of a 30 square metre communal roof deck
	• Consequential amendments to the approved Waste Management Plan, Sustainability Management Plan and Traffic Report.
	
	On 3 August 2026 the following documents were endorsed to form part of the planning permit:
	• Condition 6 - Façade Strategy Pages TP104 – TP2201, prepared by Cera Stribly dated 5 June 2026.
	• Condition 7 - Amended report prepared by One Mile Grid, dated 28 May 2026.
	• Condition 12 - Amended Sustainable Management Plan prepared by GIW Environmental Solutions, dated 10 June 2026.
	
	On 13 August 2026 the following documents were endorsed to form part of the planning permit:
	• Condition 1 - Amended Architectural Plans prepared by Cera Stribley Architects, titled '18-24 Scott Street, Dandenong' and dated May 2026
	• Condition 9 - Landscape plan prepared by Cera Stribley dated 1 August 2026
	• Condition 15 - Wind Tunnel Test Report Prepared by MEL Consultants dated 13 February 2026

Referral Authorities:	Development Victoria (s55 – determining) Head of Transport for Victoria (s55 – determining) Greater Dandenong City Council (s52 Notice)
Public Notice:	The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions: Comprehensive Development Zone Schedule 2, the Heritage Overlay and the Design Development Overlay Schedule 2. Notice of the application under section 52 of the Act was not given, for the following reasons: • The amendment did not include any new planning permit triggers. • The changes proposed are limited to changes to condition wording. • The changes do not result in any material detriment to any persons.
Delegates List:	Not applicable
Recommendation:	The amendments to the permit are recommended for approval.

Background

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting	Not applicable
Application lodgement	28 September 2026
Further information requested	29 September 2026
Further information received	13 October 2026
Decision Plans	None
Other Assessment Documents	Letter prepared by Jean Paul Pearce, Environmental Auditor. Status of Environmental Audit (Ref: EA1286_C4), dated 7 September 2026; Letter prepared by Squareback Planning, dated 28 September 2026: Updated Auditor letter Jean Paul Pearce, Environmental Auditor. Status of Environmental Audit (Ref: EA1286_C6_Audit Status), dated 13 October 2026; Executed State Contribution Agreement. Homes Victoria and Community Housing Investment (Vic) Limited, dated 23 September 2026; and DRC Environmental. Asbestos Visual Surface Clearance Statement, dated 21 September 2026.

2. The subject of this report is the documents as described above.

3. This application seeks a Section 72 Amendment to the approved planning permit is proposed to be amended in the following way (changes shown in red):

Condition 16

Environmental Audit (Part 2)

16. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the use or the occupation of any dwelling ~~development (excluding any works necessary to undertake the audit),~~ an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the responsible authority. The EAS must either:

    a) State the site is suitable for the use and development allowed by this permit; or

    b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

Condition 17

Environmental Audit Statement (Part 3)

17. From the date of issue of the EAS All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

Delete condition 21 (Section 173 Agreement – Affordable Housing).

Section 173 Agreement – Affordable Housing

~~21. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:~~

~~a) 100 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.~~

~~b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.~~

~~The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).~~

~~Car Parking, Access and layout and Loading~~

Subject Site and Surrounds

Site Description

4. The subject site is approximately 836 square metres in area and is located on the northern side of Scott Street, in Dandenong. The site has a 20.7 metre frontage to Scott Street, 20.7 metre rear to Lois Lane, and a part frontage to McQuade Lane to the east.

5. The existing site is currently vacant and void of any vegetation. As a result of the vacant land, it is informally used for car parking. A vehicular crossing is located along the Scott Street frontage.

6. The subject site is shown below:



Subject site highlighted in yellow



Subject site viewed from Scott Street



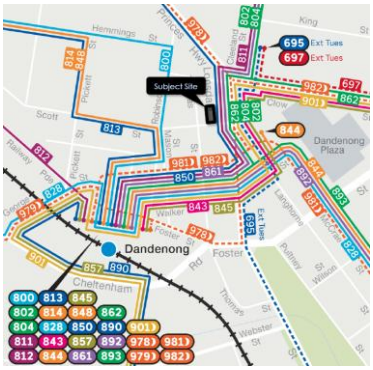


Subject site views from Lois Lane

7. The site is formally described as comprising the following land parcels:
    - Lot 1 on Plan of Subdivision 057871. Volume 10785 Folio 918.
    - Lot 1 on Title Plan 242817J. Volume 10785 Folio 917.
8. There are no easements, restrictions or reserves registered on the title.

Site Surrounds

9. The subject site is located within the Dandenong Activity Centre. Land use in the immediate vicinity of the site is mixed in nature. There are a mix of commercial and retail in nature with the Lonsdale Street shopping strip and Dandenong Plaza to the east of the site and Dandenong station to the south.
10. Scott Street is a local road generally aligned east-west, running between Lonsdale Street in the east, and the Carson Street / Bulong Street / Hopetoun Street roundabout intersection to the west. Scott Street provides a single traffic lane and line marked parallel parking lane in each direction adjacent to the site. Parallel parking spaces are provided on both sides of the road, generally restricted to 1-hour ticketed parking between 9am and 5pm, Monday to Friday and between 9am and 1pm on Saturdays. A 40 km/h speed limit applies to Scott Street in the vicinity of the site.
11. Lois Lane is a local laneway arranged in a reverse ‘L’ shape which runs between Thomas Street in the west, and Clow Street to the north. Lois Lane is largely constructed with an asphalt surface and provides rear car parking and service access to properties fronting Lonsdale Street to the east and Thomas Street to the west. Lois Lane has a trafficable carriageway width of 5.5 m allowing for vehicle movements in each direction adjacent the site.
12. McQuade Lane is an asphalted laneway generally aligned north-south, running from Scott Street in the south and terminating approximately 50 m to the north of Scott Street, and provides a 4 metre wide carriageway.
13. The site is located within the Principal Public Transport Network Area and has excellent public transport accessibility, with numerous bus services accessible from Lonsdale Street, Clow Street and Dandenong Central, and train services available from Dandenong Station within a 1 km walk from the site.





Subject site

14. Development surrounding the site can be described as follows:

- To the **south** of the site in Scott Street, described above.
- To the **north** of the site is Lois Lane, as described above. Over Lois Lane is a two storey commercial building with under croft car parking.
- To the **east** of the site of the site are the rear of commercial buildings. These areas contain car parking spaces and no private open spaces or habitable rooms windows.
- To the **west** of the site: is a commercial building with walls built to the boundary for 4 and 11 storeys. By virtue of being a commercial building, this elevation contains no habitable room windows or balconies.

Referrals and Notice

Referrals

15. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Determining Clause 66.02-11 An application to subdivide land, to construct a building or to construct or carry out works for any of the following: • A residential development comprising 60 or more dwellings or lot.	Head Transport for Victoria	**16 October 2026** No objection and no conditions provided
Section 55 Referral – Determining Clause 66.04 - Schedule to Clause 51.01 - Declared Project Area, Central Dandenong. Where an application is for the use and/ or development of land that meets any of the following thresholds: • Development with a building height of 4 storeys or greater. • Use and/or development for 60 or more dwellings. • Use and/or development with a gross floor area exceeding 10,000 square metres. Use and/or development where any part of the land is owned by a public authority and/or municipal council and the estimated cost of development is more than $10,000,000.	Development Victoria	**19 October 2026** No objection and no conditions provided

16. The Greater Dandenong City Council was given notice of the application. On 23 October 2026 the following comments were provided:

<u>Amendment to condition 16 and 17.</u>
The existing conditions reflect the standard wording recommended by Planning Practice Note 30 and provide certainty that the suitability of the land is established before development proceeds.

While the Environmental Auditor has advised that construction could commence prior to completion of the Environmental Audit Report and Statement of Environmental Audit, this advice is expressly contingent on the implementation of additional measures, including a Construction Environmental Management Plan, an unexpected finds protocol and ongoing auditor oversight. These requirements are not reflected in the proposed amendment.
In the absence of conditions incorporating these safeguards, Council officers are not satisfied that deferring completion of the environmental audit process until occupation of the dwellings would provide an equivalent level of assurance regarding contamination risks and the suitability of the land for the approved use. Accordingly, it is considered appropriate that the permit retain the existing environmental audit conditions.

However, it is noted that the ultimate determination of whether to amend the permit conditions rests with the Minister for Planning as the Responsible Authority.

<u>Deletion of condition 21</u>
Council officers have no objection to the deletion of condition 21, provided that the condition exemptions in Clause 53.23-4 of the Greater Dandenong Planning Scheme are met.

It is noted that the ultimate determination of whether to delete the permit condition rests with the Minister for Planning as the Responsible Authority.

Notice

17. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Planning and Environment Act 1987 pursuant to the following provisions: Comprehensive Development Zone Schedule 2, the Heritage Overlay and the Design Development Overlay Schedule 2.

18. Notice of the application under section 52 of the Act was not given, for the following reasons:

    - The amendment did not include any new planning permit triggers.
    - The changes proposed are limited to changes to condition wording.
    - The changes do not result in any material detriment to any persons.

Planning Policy

20. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the natura of the amendments these policies do not need to be re-examined.

21. However, Planning Scheme Amendment GC285 was introduced on 22 July 2026. This amendment replaced the Design and Development Overlay with the Built Form Overlay. However, this policy has transitional provisions and therefore this new overlay does not apply to this application.

Statutory Planning Controls

22. The zoning and overlay controls remain the same since the decision for the application was made.

23. The proposed amendments to the conditions will not compromise the objectives of the zone and overlays and the permitted development.

Amended Conditions

24. Changes are proposed to the plans and assessed as follows:

Condition 16 Environmental Audit (Part 2)	
Proposed Change shown in red	Condition 16 **Environmental Audit (Part 2)** 16. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the use or the occupation of any dwelling ~~development (excluding any works necessary to undertake the audit),~~ an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the responsible authority. The EAS must either: a) State the site is suitable for the use and development allowed by this permit; or b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

Condition 17 Environmental Audit (Part 3)	
Proposed Change shown in red	Condition 17 **Environmental Audit Statement (Part 3)** 17. From the date of issue of the EAS All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

Assessment

The existing permit conditions are consistent with the standard approach recommended in Planning Practice Note 30 and ensure that the suitability of the land is demonstrated prior to the commencement of development. Greater Dandenong City Council also raise concern and do not support the changes to Conditions 16 and 17.

The proposed changes are inconsistent with the principles set out in Practice Note 30: Potentially Contaminated Land, which requires decision makers to be satisfied that land is suitable for its intended use and that any contamination risks have been appropriately assessed and addressed before sensitive uses or development proceed. The purpose of these requirements is to ensure that contamination issues are resolved through a completed environmental audit process and that any recommendations arising from that process are fully understood and capable of implementation prior to development occurring.

While the Environmental Auditor has advised that remediation works have been undertaken and that construction may proceed subject to a range of requirements, the audit process has not been completed, and the relevant environmental audit

documentation has not yet been issued. The advice provided by the Auditor is contingent upon the completion of several outstanding actions, including the preparation and implementation of management measures, the undertaking of additional verification where required, and the finalisation of the Environmental Audit Report and Statement of Environmental Audit.

The Auditor's advice does not provide an unconditional finding that the land is suitable for the approved use. Rather, the advice is expressly dependent upon the satisfactory completion of further investigations, management measures and reporting. As such, there remains a degree of uncertainty regarding the final outcome of the audit process and any conditions or restrictions that may ultimately be imposed through the audit documentation.

In these circumstances, amending Conditions 16 and 17 would be contrary to the intent of Practice Note 30, which seeks to ensure that contamination risks are appropriately resolved before development progresses. Accordingly, DTP is not satisfied that sufficient justification has been provided to depart from the existing permit requirements and considers that Conditions 16 and 17 should remain unchanged.

Condition 21 Section 173 Agreement – Affordable Housing

Proposed Change shown in red

Delete condition 21 (Section 173 Agreement – Affordable Housing).

Section 173 Agreement – Affordable Housing

~~21. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:~~

~~a) 100 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.~~

~~b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.~~

~~The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).~~

~~Car Parking, Access and Layout and Loading~~

Assessment

Condition 21 above is the condition was originally placed on the planning permit as required by Clause 53.23-4 of the Greater Dandenong Planning Scheme.

Clause 53.23-4 states that the requirement to include a condition does not apply if any of the following apply:

- The responsible authority is satisfied that an agreement exists with the State of Victoria or a public authority for the provision of at least 10 per cent of the total number of dwellings in the development as affordable housing and:
- the use or development will be carried out by or on behalf of, or jointly or in partnership with, the State of Victoria or a public authority; or
- the development will be funded, or partly funded, by the State of Victoria, the Commonwealth or a public authority; or
- the development will be carried out on Crown land.

In support of the deletion of Condition 21 the applicant has submitted the following signed agreement.

The State Contribution Agreement between Homes Victoria and Community Housing Investment (Vic) Limited under the Social Housing Growth Fund Affordable Housing Partnership Program Round was executed on 23 September 2026.

The agreement:

- Identifies 18-24 Scott Street, Dandenong as the Initial Project, comprising 54 one-bedroom and 34 two-bedroom apartments, each an affordable housing dwelling. This is all 88 dwellings (100 per cent), well above the 10 per cent threshold;

- Requires the dwellings to be made available as affordable rental housing for an Availability Term ending 30 years after the final dwelling first becomes available; and
- Is a partnership with, and is funded by, Homes Victoria, a public authority, which holds enforceable rights under the agreement to secure the affordable housing outcome.

Given the signage agreement between the permit holder and Homes Victoria, it is now satisfied that Condition 21 is no longer required. However, to ensure the development proceeds in line with the signed agreement the following wording will replace the existing Condition 21 wording:

> *All (100%) of the dwellings in the development must be provided for affordable housing in accordance with the State Contribution Agreement (SCA) with Homes Victoria.*

New Condition 22 to be included:

> *Before the development is occupied, written conformation of the following must be provided to the satisfaction of the responsible authority:*
>
> *a) The agreement with Homes Victoria and a community housing provisor remains valid and binding*
>
> *b) All dwellings will be delivered and managed as affordable housing in accordance with Section 3AA of the* Planning and Environment Act 1987
>
> *c) The affordable housing provider will retain ownership or long-term management of the dwellings for affordable housing purposes.*

Recommendation

25. The proposed amendments are generally supported by Head Transport for Victoria and Development Victoria.
26. The council raised concern with the changes to conditions 16 and 17. DTP officers also do not support these changes and conditions 16 and 17 remain unchanged on the planning permit.
27. It is recommended that the planning permit be amended in the following manner:

    Permit changes

    Condition 21 deleted

    New condition 22 and 23 included.

    Affordable Housing – Homes funded by State of Victoria or the Commonwealth

    22. *All (100%) of the dwellings in the development must be provided for affordable housing in* accordance *with the State Contribution Agreement (SCA) with Homes Victoria.*
    23. *Before the development is occupied, written confirmation of the following must be provided to the satisfaction of the responsible authority:*
        a) *The agreement with Homes Victoria and a community housing provisor remains valid and binding*
        b) *All dwellings will be delivered and managed as affordable housing in accordance with Section 3AA of the Planning and Environment Act 1987*
        c) *The affordable housing provider will retain ownership or long-term management of the dwellings for affordable housing purposes.*

    Conditions 24 to 33 renumbered

28. It is recommended that the Amended Planning Permit No. PA2503483-2 for the development at 18-24 Scott Street Dandenong VIC 3175, be issued subject to conditions.
29. It is recommended that Head, Transport for Victoria, Development Vicotria and the applicant be notified in writing of the decision.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

[redacted]

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the **Statutory Planning Services declaration of Conflict/Interest form**.

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[redacted]