



**Merri-bek**  
City Council

## **COUNCIL AGENDA**

### **PLANNING AND RELATED MATTERS**

Wednesday 25 March 2026

Commencing 6.30 pm

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

#### **Language Link**

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

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

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

The minutes of the Planning and Related Matters Meeting held on 28 January 2026 be confirmed.

5. **COUNCIL REPORTS**

5.1	CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER 2025/26 FY	4
5.2	90 BELL STREET AND 29-31 URQUHART STREET COBURG - PLANNING PERMIT APPLICATION - MPS/2024/414	25
5.3	932 SYDNEY ROAD COBURG NORTH - PLANNING APPLICATION - MPS/2025/599	133
5.4	278-282 ALBERT STREET BRUNSWICK - PLANNING PERMIT APPLICATION - MPS/2025/369	195
5.5	74 DEVON ROAD PASCOE VALE - PLANNING PERMIT APPLICATION - MPS/2025/528	270

6. **URGENT BUSINESS**

## 5. COUNCIL REPORTS

### 5.1 CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER 2025/26 FY

Director Place and Environment, Pene Winslade  
City Development

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#### Officer Recommendation

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

<b>REPORT</b>
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#### Executive Summary

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

While there has been an increase in the caseload of planning applications awaiting determination, this continues to be at an ideal level to enable timely decision-making and great customer service. It is noted that there have been an extra 162 applications (14.6 per cent) being lodged when comparing 2024 and 2025 calendar years.

The focus for the Urban Planning Unit is to influence high quality planning outcomes, while maintaining the timeliness of planning permit decisions. The December quarter saw a dip in timely decision-making below the current State average of 68 per cent, with 60 per cent of decisions being made within the 60 statutory days. This is a consequence of the Urban planning team adjusting operations in response to Victorian government planning reforms, which over the past 12 months has significantly changed the rules and processes related to residential development and other matters. Once the extra efforts needed to fully implement the reforms are completed and officers have adjusted to the changes, performance levels are expected to return. Pleasingly, VicSmart timeframes, for minor matters for the past 12 months, are above the State average of 83 per cent, with 93 per cent of decisions made within 10 statutory days at Merri-bek.

Victorian Civil and Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 70 per cent of cases so far in 2025/26 FY.

The Planning Enforcement Unit had a productive quarter. The reactive enforcement team continued to perform, closing 101 cases despite a 19 per cent increase in cases received (121). The proactive enforcement team commenced 24 new proactive audits, and the team were able to close almost half (43 per cent) of cases without the need to escalate to formal enforcement actions.

#### Previous Council Decisions

**City Development Activity Report – December Quarter 2025 – 26 November 2025**

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

#### 1. Policy Context

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

## 2. Background

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

This includes analysis of:

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

## 3. Issues

### Urban Planning

#### *Planning Permit Activity*

A total of 351 planning applications were received for the December quarter. This compared with 307 for the same quarter in 2024. A total of 338 planning applications were decided in the December quarter compared to 270 for the same quarter in 2024 indicating higher levels of overall team performance. See **Figures 1 at Attachment 1**. Comparing calendar years, there was a total of 1,109 applications received and 1,078 determined in 2024. Whereas there was a total of 1,271 applications received and 1,234 determined 2025. Comparing the 2024 and 2025 calendar years, planning applications increased by 14.6 per cent and applications determined increased by 14.5 per cent.

The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service. The total caseload has grown by 19 applications since the September quarter. Since March 2025, there has been an increase in applications received which is when major planning reforms were introduced related to residential development. See **Figures 2 at Attachment 1**.

It remains that most applications lodged for the quarter were multi-unit development being 105 of the total applications received, however this was a nominal decrease compared to the 120 multi-unit development applications received in the September quarter. Alterations and additions to buildings comprised 64 applications received. See **Figure 3 at Attachment 1**, for a complete breakdown of the different application types received.

The percentage of applications determined within the 60 day statutory timeframes for all Councils averaged 68 per cent in the December 2025 quarter. Merri-bek's average for the December 2025 quarter was lower at 60 per cent. The decline in timely decision-making, is a consequence the team adjusting to State government planning reforms, which over the past 12 months has significantly changed the rules and processes related to residential development. See **Figure 4 at Attachment 1**.

### **Streamlined Planning Services**

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

**Figure 5, in Attachment 1**, shows a slight dip in the past higher levels of performance of the Vic Smart application timeframes in the last two months of the December quarter. This is also related to the team adjusting to Victorian Planning reforms which now enable assessment of two dwelling applications via the 10 days VicSmart pathway, if compliant. To date despite many lodgements few 2 dwelling applications have been capable of approval via VicSmart. Despite the dip in the last 2 months, 81 per cent of Vic Smart planning permit applications were determined within 10 days in the December Quarter. Doing a calendar year comparison, Merri-bek has determined 93 per cent of the VicSmart applications within 10 days, which is above the State average of 83 per cent.

The Commercial Priority Planning Service is a longstanding initiative, developed by the Urban Planning Unit, to provide dedicated senior planning officer support to new or expanding local businesses and reward well prepared applications with a more timely assessment and decision. In the 2025/2026 financial year, there have been 21 applications for new or expanding businesses processed as Commercial Priority applications, with 94 per cent of these applications determined within 60 statutory days. This exceeds the Unit target of 70 per cent determined within 60 statutory days.

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

### **Planning Proposals Under Consideration by the Minister for Planning**

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

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

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

There was one Ministerial application referred to Council during the December quarter being:

655-661 Sydney Road and 50-52 Breese Street, BRUNSWICK (Brunswick Market):

This application seeks Ministerial approval for 43 townhouses in a two to three storey configuration, including 5 townhouses designated as affordable housing. Public notice of this application has been delayed as it is understood that further information was required to allow full assessment.

### **Heritage Permit Applications before Heritage Victoria**

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

### **Retrospective Planning Permits**

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

In the December 2025 quarter, Council received 3 retrospective planning permit applications, because of planning enforcement action.

Five retrospective decisions were made, relating to:

- Amendment to plans for a two-dwelling development, which allowed an increase in height and removal of existing vegetation.
- Amendment to plans for a 23 dwelling development, to allow the reconstruction of a wall which was originally proposed to be retained.
- An application for solar panels in a Heritage Overlay.
- Amendments to plans for a house extension.
- Permit to allow replacing a rotten timber window with a black PVC window.

### **Social and Affordable Housing**

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

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

In 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 on a voluntary basis through the planning permit application process. All Victorian Planning Schemes contain specific statewide provisions whereby the Minister for Planning can be the Responsible Authority for certain types of developments, and an affordable housing contribution is normally required.

In the period from January to December 2025 three planning permits were issued that included a requirement to provide social or affordable housing, totalling 43 dwellings and one permit involved a financial contribution towards affordable housing. These planning permits are:

- 16-20 Sheppard Street, Planning Permit MPS/2024/531 issued by Council on 3 February 2025, including at least 9 affordable dwellings (12.5 per cent).
- 251-265 Lygon Street and 1A Pitt Street, Brunswick East. Planning Permit PA2403218 (Issued by the Minister for Planning) on 28 February 2025, with 27 affordable dwellings (25 per cent).
- 1/427 Albert Street, Brunswick. Planning Permit PA2403456 (Issued by the Minister for Planning) on 27 March 2025, with either 7 affordable dwellings (10 per cent) or an alternative affordable housing contribution (i.e. cash contribution).
- 4 Sheppard Street, Coburg North – Planning Permit MPS/2008/737/A issued by Council on 10 September 2025, included a cash contribution of \$18,600 to The Women’s Property Initiative. It is noted that the cash contribution condition was contested at VCAT by the permit applicant, which was ultimately resolved via consent.

### **Council’s performance at the Victorian Civil and Administrative Tribunal**

In the December quarter, 11 applications for review of planning decisions were lodged at VCAT, being:

- One by a permit applicant against a refusal to grant a planning permit.
- Two by permit applicants against conditions included on a planning permit.
- One by a permit applicant as decision not made within 60 statutory days.
- Three by objectors against approval.
- One community member requesting a permit be cancelled; and
- Two permit applicants requesting that VCAT amends the planning permit
- One application seeking cancellation of a planning permit(subsequently withdrawn).

The ability to amend a permit through VCAT is sometimes used by permit applicants, as an alternative pathway to seeking an amendment through Council.

Only 28 applications for review to VCAT have been lodged this calendar year to date, with 14 being in the 2025/26 financial year to date.

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

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

**Figure 10** indicates that of the total VCAT decisions made in the 2025 calendar year when including decisions that were resolved by consent of all parties as a win, Council won, 18 cases and lost 5 cases.

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

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

The State Planning Permit Activity Reporting System (PPARS) indicates that Council's VCAT success rate is lower than the rest of the State at 46 per cent, compared to 68 per cent State-wide. Importantly, however PPARS does not include cases resolved by consent of all parties, often following the circulation of revised plans. In the 2025/26 financial year so far 5 (50 per cent) of VCAT decisions were resolved by consent of all parties. Therefore, when decisions including consent orders are included, Council won or its concerns were addressed, and agreement reached by revised plans in 70 per cent of cases at VCAT in 2025.

### **VCAT Outcomes from Planning and Related Matters Council Meeting Decisions**

There was 1 VCAT determination in the December quarter that related to a planning decision made at the Planning and Related Matters Council meeting. This decision was resolved via consent of all parties to address an overshadowing concern. This results in a success rate of 100 per cent for the financial year so far, which is based on a small sample of 2 VCAT determinations. The following VCAT determination is of interest:

#### **253-259 Brunswick Road, Brunswick**

This application sought to re-use and extend a building on the Victorian Heritage Register for student accommodation. The planning permit which was issued following a Planning and Related Matters Council meeting, included a condition which sought to reduce overshadowing onto a key pedestrian street (Brunswick Road). This matter was resolved through consent where parties agreed to changes to the upper level facade which allow dappled sunlight onto the footpath, resulting in an improvement upon the original application plans considered by Council.

### **Planning Enforcement Activity**

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

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

#### ***Reactive enforcement activity***

#### **Figure 1, in Attachment 3**

**Figure 1, in Attachment 3** shows that a total of 121 cases were received in the three months that make up the December quarter of 2025. This is 19 per cent more cases received this quarter than the number of cases received in the September 2025 quarter (98 cases). The number of cases received by calendar year was 425 in 2025 which is a 5 per cent increase compared to the 403 cases received in 2024 and an 11 per cent increase compared to the 379 cases received in 2023. The team were able to close 101 cases this quarter compared to 133 cases in the September 2025 quarter. The number of cases closed by calendar year was 451 in 2025 which is down 12 per cent compared to the 505 cases closed in 2024 but a 36 per cent increase compared to the 289 cases closed in 2023.

**Figure 2, in Attachment 3** shows how the outstanding reactive enforcement caseload is tracking. In June 2024 there were 192 active cases, which has been reduced to 128 active cases at the end of the December 2025 quarter. Figure 2 shows that the team are tracking well and have been able to get on top of the caseload with individual officer caseloads returning to more ideal levels. This caseload reduction has enabled the team to return to higher levels of performance.

**Figure 3, in Attachment 3** shows the outcome of investigations over the December 2025 quarter. The most common outcome was that in 47 cases the investigation found the complaint to be unfounded (no planning breach identified), followed by 42 cases where a breach was identified but voluntary compliance was achieved without the need to escalate to fines or other formal enforcement proceedings. In 8 cases an informal resolution was achieved where a breach was not identified but the respondent informally addressed the concern raised.

#### ***Proactive enforcement activity***

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

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

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

**Figure 4, in Attachment 3** shows that 24 new proactive audits commenced in the December 2025 quarter. The number of cases commenced to date is lower than usual, although it is anticipated that the proactive enforcement program will still be able to meet its target of 90 proactive audits being commenced in 2025/26.

**Figure 5, in Attachment 3** shows a total of 16 out of 37 cases were closed in the December 2025 quarter through the proactive enforcement program without needing to be escalated to enforcement action. This represents 43 per cent of the total number of cases closed this quarter that achieved compliance without enforcement action being required, demonstrating the value of the proactive enforcement program. The remaining 21 cases required enforcement action with a reactive enforcement case opened to follow up and ensure compliance is achieved.

**Figure 6, in Attachment 3** shows that a total of 30 separate planning breaches were rectified this quarter through the proactive enforcement program. These are breaches that would otherwise have been passed on to the new owners of the developments in Merri-bek. The figure shows the types of breaches resolved, with a failure to provide Adjustable Shading Devices (ASD) and 'Environmentally Sustainable Design' (ESD) breaches the most common. ESD breaches include requirements such as the provision of solar panels, passive ESD features like double glazing, external shading to windows. These are followed by 'Other' breaches, water sensitive urban design (WSUD), landscaping, privacy screening and tree protection zone breaches.

#### **Human Rights Consideration**

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

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

#### **4. 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 within the existing base budget.

In terms of overall development in Merri-bek during the December 2025 quarter, developments to the value of \$201 million have been approved by planning permits issued by the Urban Planning Unit, compared to \$280 million during the same quarter in 2024. Notably, following changes to all Victorian Planning schemes many of the more significant developments in Merri-bek are now being decided by the Minister for Planning, rather than Council.

A total of \$1.58 million in Public Open Space Contributions was collected from the subdivision of new development in Merri-bek during the December 2025 quarter, to help fund the provision of new or enhanced parkland.

## 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 April 2026 Planning and Related Matters Council meeting.

### Attachment/s

- |   |   |           |
|---|---|-----------|
| 1 | Urban Planning data - December Quarter 2025       | D26/38369 |
| 2 | VCAT data - December quarter 2025                 | D26/41807 |
| 3 | Planning Enforcement data - December Quarter 2025 | D26/61341 |

**Attachment 1 – Urban Planning December 2025 Quarterly Data**

**PART 1 – volume**

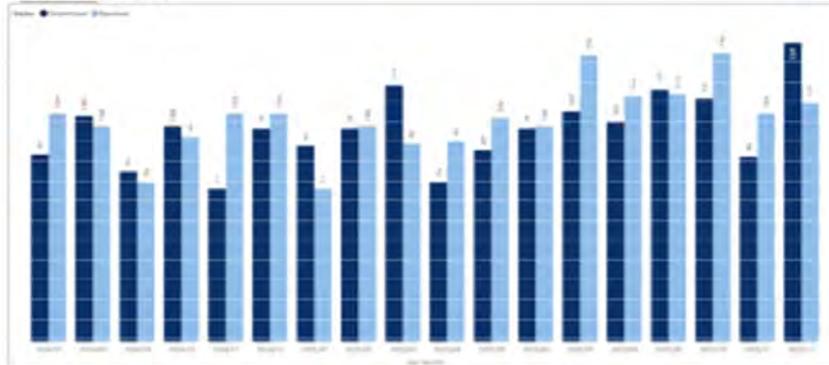
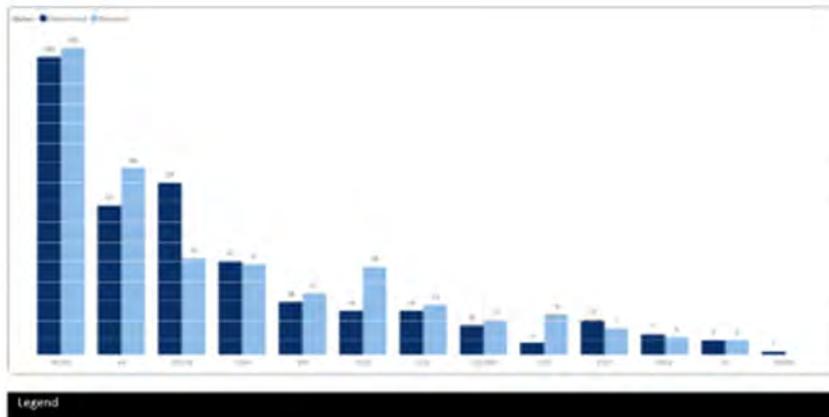


Figure 1: Urban planning number applications received and determined since July 2024



Figure 2: Urban planning overall caseload since September 2023



Legend

MURD = multi unit residential development	AA = alterations and additions (or house extension)	SPSUB = subdivision	V501, V502 and V504 = VicSmart	BW = buildings and works
COU = change of use	AS = advertising sign	COUBW = use and development	COD = construction of dwelling	MUD = mixed use development
BWWC = buildings, works and waiver car parking	LL = liquor licence	AAWC = alterations, additions and waiver car parking	SPCON & SPEASE = subdivision & easement	WC = Waiver car parking

Figure 3: Urban planning applications received and determined December quarter

**PART 2 – Timeliness**

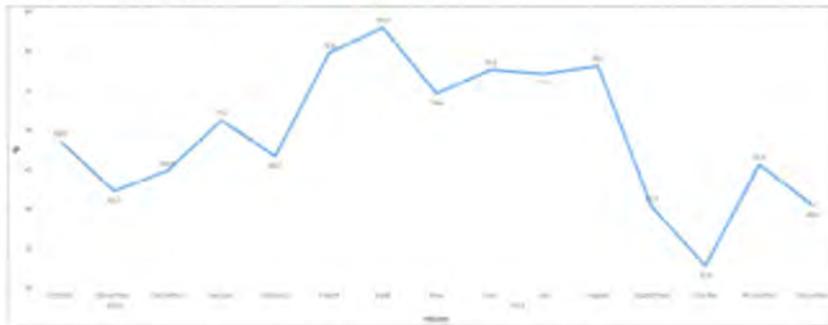


Figure 4: Urban planning applications determined within 60 days for 15 months



Figure 5: Urban planning VicSmart applications determined within 10 days for 15 months

**PART 3 – VCAT**



Breakdown this quarter:	
Section 77 (refusal) = 1	Section 79 (outside of time) = 1
Section 80 (conditions) = 2	Section 82 (objectors) = 3
Section 87 (Amend/Cancel permit) = 4	

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



Legend			
1. Section 77 = against refusal	2. Section 79 = failure to determine within 60 statutory days	3. Section 80 = against conditions	4. Section 82 = by objectors

Figure 7: VCAT reviews lodged by type since 2020



Figure 8: VCAT reviews determined by calendar year since 2020

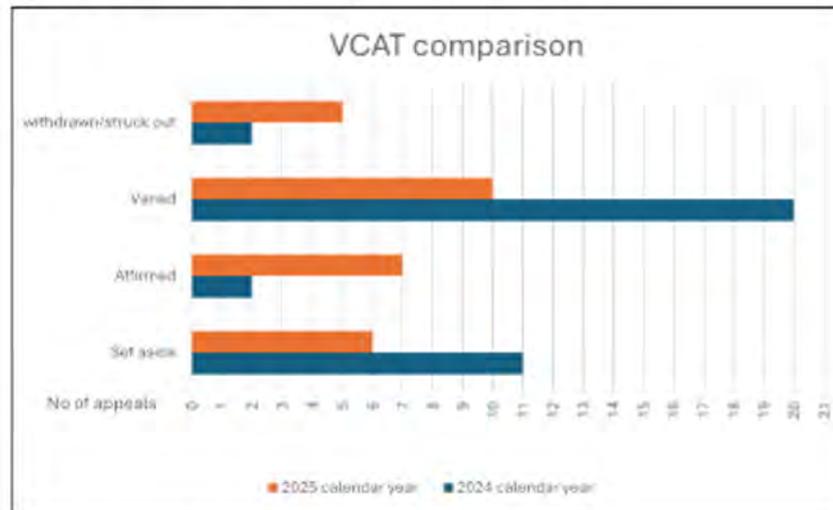


Figure 9: VCAT results comparing years (includes consents)

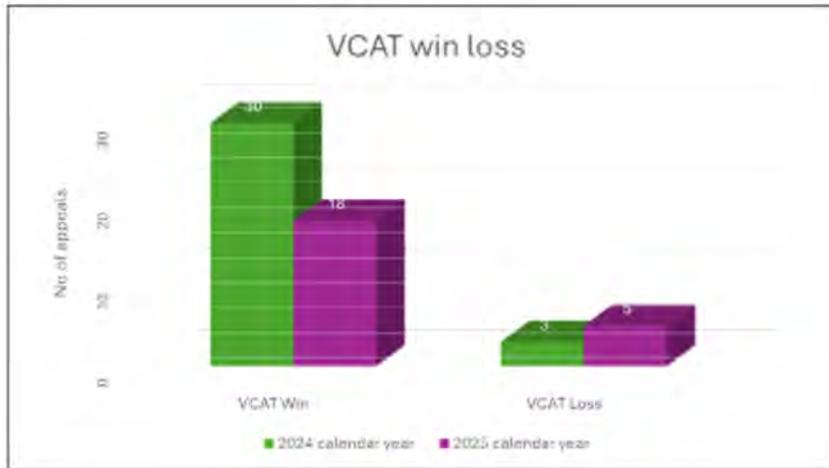


Figure 10: VCAT results comparing years with consent counted as a win

## Attachment 2, City Development Activity Report, VCAT Activity – December 2025 Quarter

VCAT report appeals lodged in December 2025 quarter				
Application number	Appeal type	Address	Original decision	Proposal
<b>Council Meeting Decision</b>				
MPS/2020/57	Applicant seeking to amend permit via VCAT	495-511 Lygon Street BRUNSWICK EAST	VCAT Permit	Amend the permit to allow changes to the development including: <ul style="list-style-type: none"> <li>• Increase the basement underneath the heritage building</li> <li>• Increase partial demolition of heritage building and increase parts to be reconstructed</li> <li>• Reduce car parking for commercial uses from 43 to 17</li> <li>• Reduce number of apartments from 52 to 46</li> <li>• Increase car parking spaces for residential from 58 to 63</li> <li>• Increase bicycle parking spaces from 19 to 57</li> </ul>
MPS/2021/1029	Applicant seeking to amend permit via VCAT	53-57 Albert Street BRUNSWICK EAST	VCAT Permit	Amend the permit to allow changes to the development including: <ul style="list-style-type: none"> <li>• Reduce the number of storeys from 6 to five</li> <li>• Basement deleted, at grade and above ground parking introduced</li> <li>• Reduce number of apartments from 68 to 49</li> <li>• Increase car parking spaces from 50 to 53</li> <li>• Relocate entry to residential building and access to car parking</li> <li>• Modifications to building appearance</li> </ul>
MPS/2025/554	Applicant review as decision not made within 60 statutory days.	194 Glenroy Road GLENROY	Not supported	Use and development of the land as a convenience restaurant and construct and display signage
MPS/2024/528	Applicant against conditions	253-259 Brunswick Road BRUNSWICK	Permit	Use and development of the land for a 6 storey building for student accommodation and reduction in car parking requirements
<b>Delegated Officer Decision</b>				
MPS/2023/251/A	Cancellation of permit	2/190 Victoria Street BRUNSWICK	Permit	Two lot subdivision to facilitate construction of a second dwelling on a lot and a reduction in required car parking
MPS/2023/66/A	Applicant against refusal	1/377 Barkly Street BRUNSWICK	Refusal	Amend the permit to allow changes to the development including: <ul style="list-style-type: none"> <li>• Complete demolition of the existing contributory dwelling</li> <li>• Construction of a new Double-storey dwelling</li> </ul>

Attachment 2, City Development Activity Report, VCAT Activity – December 2025 Quarter

MPS/2024/230	Cancellation of permit	54 Ward Street GLENROY	Permit	Construction of two single storey dwellings
MPS/2024/563	Objector against approval	2 Blair Street BRUNSWICK	Notice of Decision to Grant a Permit	Construction of a double storey dwelling to the rear of the existing dwelling, a reduction in statutory car parking and 2 lot subdivision
MPS/2024/710	Objector against approval	113 Barkly Street BRUNSWICK	Notice of Decision to Grant a Permit	Partial demolition and buildings and works to carry out alterations and extension to the existing dwelling on a lot less than 300sqm
MPS/2025/62	Objector against approval	23 Blyth Street BRUNSWICK	Notice of Decision to Grant a Permit	Demolition of the existing dwelling and construction of two double storey dwellings in a Heritage Overlay
MPS/2025/653	Applicant against Condition 1 review	11 Reaburn Crescent BRUNSWICK WEST	Permit	Construct a carport adjacent to an existing dwelling in a heritage overlay

Table 1: VCAT reviews lodged in the December 2025 quarter

VCAT reviews determined in the December 2025 quarter:						
Application number	Appeal type	Address	Original decision	Proposal	Consent Order	VCAT decision
<b>Council Meeting Decision</b>						
MPS/2024/528	Applicant against conditions	253-259 Brunswick Road BRUNSWICK	Permit	Use of the land for Student Accommodation, buildings and works associated with the construction of a five (5) storey addition above the existing heritage place and a reduction in car parking requirements	Yes	VCAT varied Council's decision to grant a permit subject to the conditions provided as part of a consent position reached between Council and the applicant  All parties agreed to: <ul style="list-style-type: none"> <li>Upper level façade altered to achieve sunlight to 50% of the opposite footpath with dappled sunlight to the other 50%, with overshadowing occurring only between 10am to 10.30am</li> </ul>

Attachment 2, City Development Activity Report, VCAT Activity – December 2025 Quarter

Delegated Officer Decision						
MPS/2024/366	Applicant against refusal	98-100 John Street BRUNSWICK EAST	Refusal	Use and development of the land for the purpose of dwellings and a reduction in the statutory car parking rate	Yes	<p>VCAT set aside Council's decision to grant a permit subject to the conditions provided as part of a consent position reached between Council and the applicant</p> <p>All parties agreed to:</p> <ul style="list-style-type: none"> <li>The covenant not being breached after it was amended at the Supreme Court</li> <li>Modifications to internal and external wall materials as well as balustrades on the south elevation</li> </ul>
MPS/2024/474	Applicant against refusal	12 Margaret Street OAK PARK	Refusal	Construction of four double storey dwellings in a Special Building Overlay	No	Applicant withdrew appeal
MPS/2024/710	Objector against approval	113 Barkly Street BRUNSWICK EAST	Notice of Decision to Grant a Permit	Partial demolition and buildings and works to carry out alterations and extension to the existing dwelling on a lot less than 300sqm	Yes	<p>VCAT varied Council's decision to grant a permit subject to the conditions provided as part of a consent position reached between the objector, Council and the applicant.</p> <p>All parties agreed to:</p> <ul style="list-style-type: none"> <li>The master bedroom at first floor level setback 0.8m from the eastern side boundary</li> <li>Shroud to the north-facing master bedroom window setback 1.3m from</li> </ul>

Attachment 2, City Development Activity Report, VCAT Activity – December 2025 Quarter

						<p>the eastern side boundary</p> <ul style="list-style-type: none"> <li>• The eastern stair wall height reduced</li> <li>• The ground-floor eastern wall on the eastern side boundary reduced in height to 3.2m above ground floor level</li> <li>• Cladding of eastern ground and first floor walls a light render finish</li> <li>• The eastern ground floor wall not to encroach into the title boundary of 111 Barkly Street</li> </ul>
MPS/2025/87	Objector against approval	171 Nicholson Street COBURG	Notice of Decision to Grant a Permit	Construction of five double storey dwellings and alter access to a Transport Road Zone Category 2	No	Applicant withdrew appeal

**Table 2:** VCAT reviews determined in the December 2025 quarter

**City Development Activity Report**

**Attachment 3 – Planning Enforcement Unit – Dec 2025 Quarterly Data**

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



**Figure 2: Outstanding Planning Enforcement Reactive Cases at 31 Dec 2025**



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

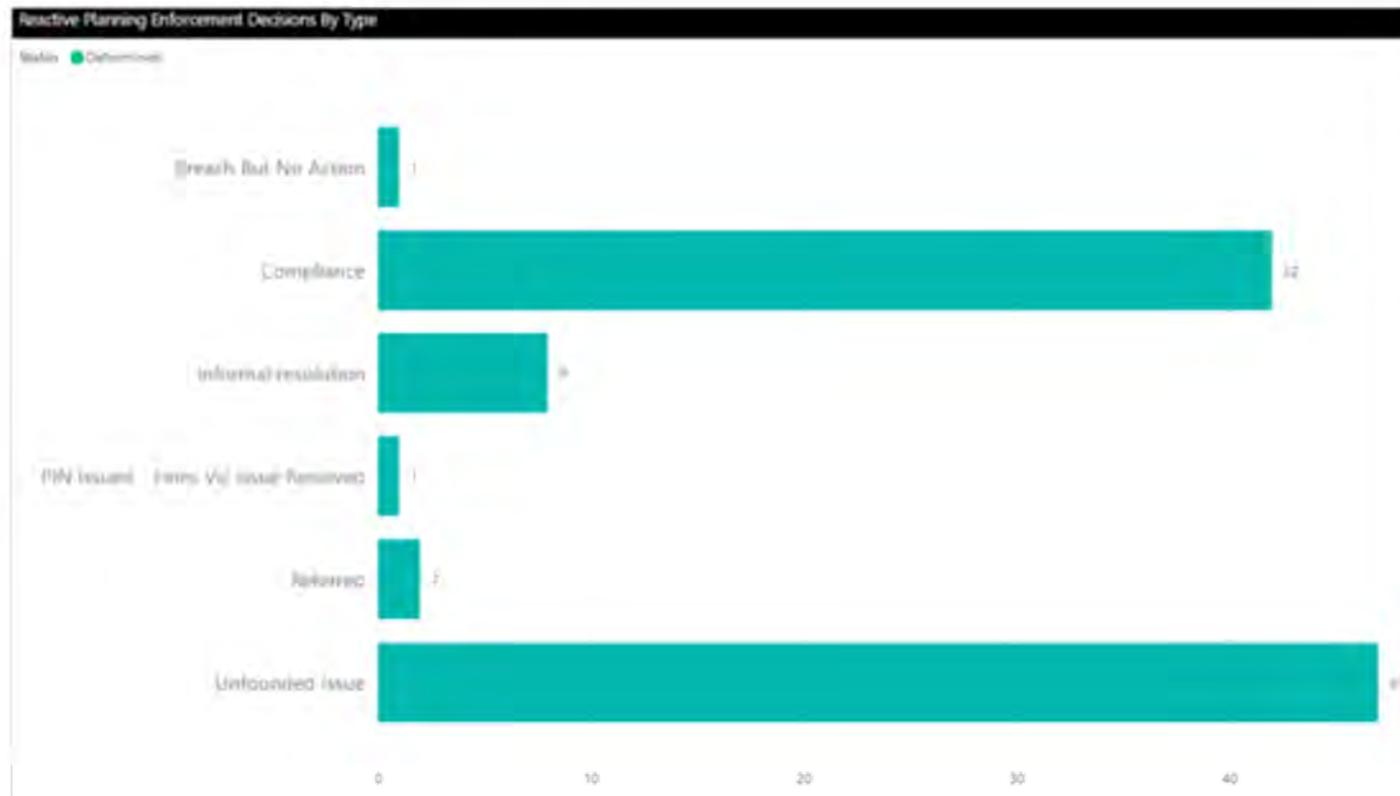


Figure 4: Proactive First Inspections Completed - Dec Quarter 2025/26

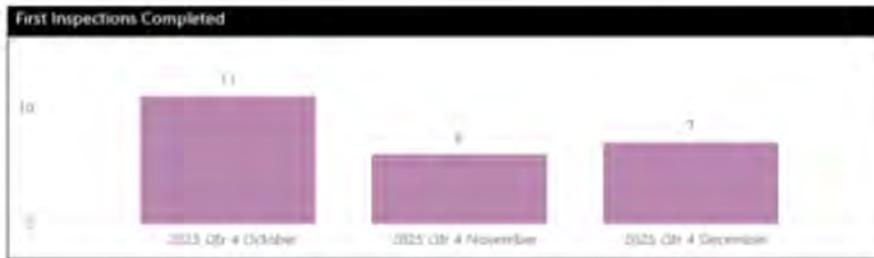


Figure 5: Proactive Cases closed with non-compliance rectified without escalation - Dec Quarter 2025/26

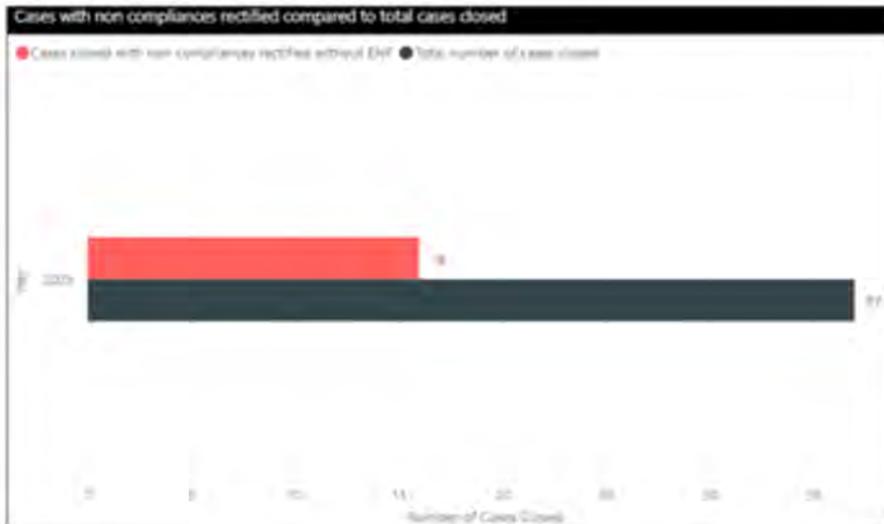
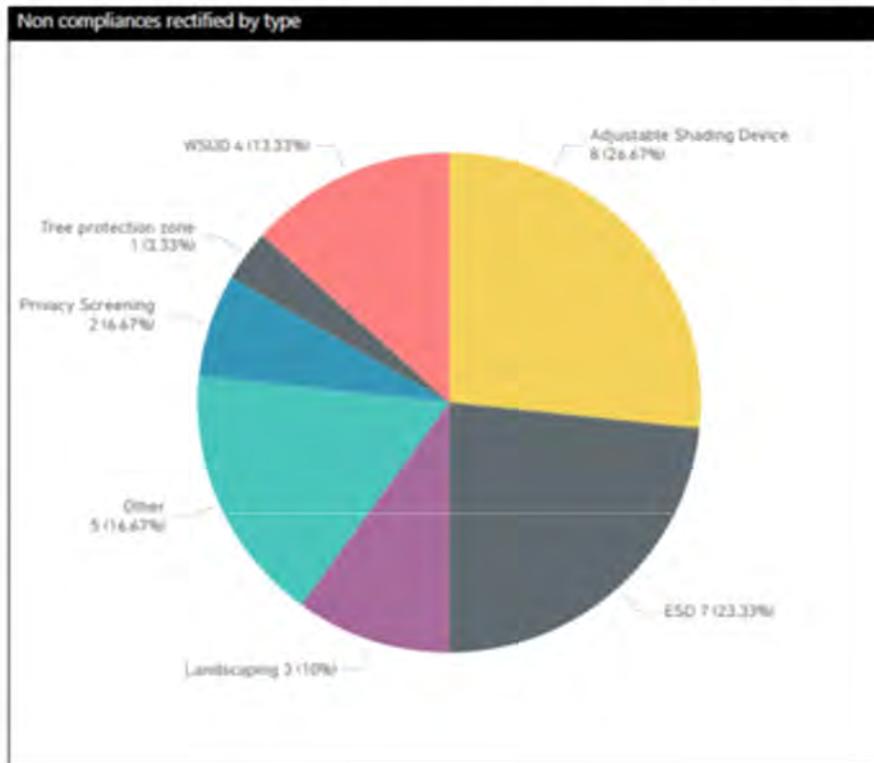


Figure 6: Non-compliances rectified through Proactive Enforcement - Dec Quarter 2025/26



## 5.2 90 BELL STREET AND 29-31 URQUHART STREET, COBURG - PLANNING PERMIT APPLICATION - MPS/2024/414

Group Manager City Development, Phil Priest

City Development

### Executive Summary



<b>Property:</b>	90 Bell Street and 29-31 Urquhart Street, Coburg	
<b>Proposal:</b>	Buildings and works to construct three (3) multi-storey buildings in stages to create a mixed-use health precinct, use of the land for residential aged care, childcare centre, food and drink premises and shop, subdivision of land into 2 lots, removal and creation of easements, to create or alter access to a road in a Transport Zone 2 (Pentridge Boulevard and Urquhart Street) and to reduce the standard car and bicycle parking requirements.	
<b>Zoning and Overlay/s:</b>	<b>90 Bell Street, Coburg</b>	<b>29-31 Urquhart Street, Coburg</b>
	<ul style="list-style-type: none"> <li>Activity Centre Zone – Precinct 5 (Civic and Community)</li> <li>Parking Overlay Schedule 1</li> <li>Specific Controls Overlay – SCO3</li> </ul>	<ul style="list-style-type: none"> <li>Activity Centre Zone – Precinct 10 (Pentridge Village)</li> <li>Parking Overlay Schedule 1</li> <li>Environmental Audit Overlay</li> </ul>
<b>Strategic setting:</b>	Minimal change	Incremental change
<b>Strategic setting:</b>	Significant change	
<b>Objections:</b>	5 objections, raising key issues of: <ul style="list-style-type: none"> <li>Car parking and traffic impacts</li> <li>Heritage</li> <li>Building height and bulk</li> <li>Staging</li> <li>Solar access and overshadowing</li> </ul>	
<b>Objector consultation:</b>	Discussions held with all objectors to understand their concerns. Officer explained the application in detail and responded to concerns.	
<b>ESD:</b>	<ul style="list-style-type: none"> <li>Commitment for Green Star certification</li> </ul>	
<b>Accessibility:</b>	<ul style="list-style-type: none"> <li>At least 73 per cent of apartments are accessible</li> <li>16 Specialist Disability Accommodation (SDA) units proposed</li> </ul>	
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>Delivery of health services, social and community infrastructure, and diverse housing which provides significant benefits to the community. <ul style="list-style-type: none"> <li>Provision of affordable housing outcome</li> <li>Provision of new publicly accessible space and streetscape upgrades</li> </ul> </li> </ul>	

<b>Property:</b>	90 Bell Street and 29-31 Urquhart Street, Coburg
<b>Recommendation:</b>	Car parking for the hospital (Building A) is to Council's satisfaction and a Notice of Decision to Grant a Planning Permit be issued for the proposal.

### Officer Recommendation A

That the proposed number of car parking spaces provided for the hospital (Building A) in application MPS/2024/414 at 90 Bell Street, Coburg is to the satisfaction of the Responsible Authority.

### Officer Recommendation B

That a Notice of Decision to Grant Planning Permit No. MPS/2024/414 be issued for the land at 90 Bell Street and 29-31 Urquhart Street, Coburg.

#### The Permit would allow:

Buildings and works to construct three (3) multi-storey buildings in stages to create a mixed-use health precinct, use of the land for residential aged care, childcare centre, food and drink premises and shop, subdivision of land into 2 lots, removal and creation of easements, to create or alter access to, or subdivide land adjacent to, a road in a Transport Zone 2 (Pentridge Boulevard and Urquhart Street) and to reduce the standard car and bicycle parking requirements.

Planning Scheme Clause	Matters for which permit is required
37.08-2	Use land for a section 2 use (residential aged care, childcare centre, food and drink premises and shop)
37.08-4	Subdivision of land
37.08-5	Construct a building or construct or carry out works
52.02	Create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant under <i>Section 23 of the Subdivision Act 1988</i>
52.06-3	Reduce the number of car parking spaces required
52.34-2	Reduce the number of bicycle parking spaces required
52.29-2	Create or alter access to a road in a Transport Zone 2

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

##### Amended Plans – Stage 1a (Building C)

1. Before the development of Stage 1a commences, as identified on the Site Staging Plan TP004 prepared by Clarke Hopkins dated 29 September 2025, 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 dated 29 September 2025, Project No. 2020126 by Clarke Hopkins Clarke, but modified to show:
  - a) An updated staging plan detailing the following:
    - i. Delivery of the Central Plaza in conjunction with Building A as part of Stage 2a;
    - ii. The construction sequence for each stage;
    - iii. The buildings and works, access arrangements, and public realm upgrades to be delivered within each stage;
    - iv. The commencement and completion timeframe for each stage; and

- v. Any temporary treatments between stages to ensure that the remaining vacant land is attractive and well maintained.
- vi. Interim landscaping and temporary car park layout of the Stage 2 land.
- b) Floor plans, elevations, and sections at a scale of 1:200 or greater for Building C.
- c) Ground floor indicative internal layouts for tenancies demonstrating the relationship and interaction between indoor and outdoor spaces.
- d) Functional layout plans for all dwelling types at a scale of 1:50 including a legend diagram on each page demonstrating their location within the relevant floor plan.
- e) At least 75m<sup>2</sup> of outdoor communal open space for the exclusive use of residents. This must include landscaped and seating areas and meet the solar access requirements of Clause 58.03-3 (Standard D8 – Solar Access).
- f) Commercial and residential mailboxes.
- g) Accessible apartments provided to meet Clause 58.05-1 (Standard D18 – Accessibility) to have all the ‘main bedroom’ door opening widths increased to at least 850mm.
- h) Include at least one source of natural light and ventilation within each communal circulation area of levels 5-11, Building C.
- i) The location of heating and cooling units for residential apartments. If located on balconies, these must meet the minimum dimensions of Clause 58.05-3 (Standard D20 - Private open space).
- j) A schedule detailing compliance with Clause 58.05-4 (Standard D21 - Storage). This must include the location and dimensions of all internal storage in the function layout plans and the location of any external storage on the relevant floor plans.
- k) Indicative layouts of all dwellings.
- l) Confirm the allocation of the tandem resident car parking spaces. If these are not for the same dwelling, they must be reallocated for another purpose.
- m) A signage and wayfinding strategy to direct visitors to the correct entrances. This must include locations, dimensions, and content of signage.
- n) At least 120 bike parking spaces for the residents and at least 35 bike parking spaces for the offices located within Building C.
- o) All visitor, resident, and staff bike parking spaces to be dimensioned in accordance with the Australian Standard for Bicycle Parking (AS2890.3)
- p) Layout of the End of Trip facilities including at least four showers, change rooms and locker areas.
- q) Any changes to the plans arising from the:
  - i. Landscape Plan in accordance with Condition 6 of this permit.
  - ii. A Sustainable Management Plan in accordance with Condition 12 of this permit.
  - iii. Waste Management Plan in accordance with Condition 16 of this permit.
  - iv. Green Travel Plan in accordance with Condition 18 of this permit.
  - v. Building Interfaces and Facade Strategy in accordance with Condition 20 of this permit.
  - vi. Affordable Housing in accordance with Condition 27 of this permit.
  - vii. Accessibility Report in accordance with Condition 28 of this permit.

- viii. A Car Parking Management Plan in accordance with Condition 76 of this permit.
- ix. Wind Assessment in accordance with Condition 21 of this permit.

### **Amended Plans – Stage 1b (Building B)**

2. Before the development of Stage 1b commences, as identified on the endorsed Site Staging Plan, 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 dated 29 September 2025, Project No. 2020126 by Clarke Hopkins Clarke, but modified to show:
- a) Floor plans, elevations, and sections at a scale of 1:200 or greater for Building B.
  - b) Ground floor indicative internal layouts for tenancies demonstrating the relationship and interaction between indoor and outdoor spaces.
  - c) The waste bin room for Building B shown to scale which must accommodate all bins identified in the Waste Management Plan prepared by Salt3 dated 8 July 2024. The layout must demonstrate that each bin can be directly accessed by staff at all times without the need to move any other bin. If the bin room cannot accommodate this requirement, the room must be increased in size accordingly.
  - d) Details of the "Bike Store" room including the layout and number of bike parking spaces.
  - e) All visitor, resident, and staff bike parking spaces to be dimensioned in accordance with the Australian Standard for Bicycle Parking (AS2890.3)
  - f) Cross sections of the northern interface including retaining wall/planting treatments.
  - g) Tree Protection Zones in accordance with Condition 15 of this permit.
  - h) Any changes to the plans arising from the:
    - i. Landscape Plan in accordance with Condition's 7 and 9 of this permit.
    - ii. Waste Management Plan in accordance with Condition 16 of this permit.
    - iii. Green Travel Plan in accordance with Condition 18 of this permit.
    - iv. Building Interfaces and Facade Strategy in accordance with Condition 20 of this permit.
    - v. Wind Assessment in accordance with Condition 21 of this permit.

### **Amended Plans – Stages 2a (Building A)**

3. Before the development of Stages 2a commences, as identified on the endorsed Site Staging Plan 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 dated 29 September 2025, Project No. 2020126 by Clarke Hopkins Clarke, but modified to show:
- a) Floor plans, elevations, and sections at a scale of 1:200 or greater for Building A.
  - b) Ground floor indicative internal layouts for tenancies demonstrating the relationship and interaction between indoor and outdoor spaces.
  - c) Integrated seating and/or seat-height planters along the northern boundary and within the title boundaries of the site.
  - d) The podium facade concrete to be a formed concrete and not applied finish.

- e) A minimum of 111 car parking spaces for staff and a minimum of 110 car parking spaces for visitors.
- f) Confirmation of wind mitigation measures in accordance with Section 6.9 of the Environmental Wind Assessment by MEL Consultants dated 17 February 2025.
- g) At least 9 external and publicly accessible bike parking spaces within the hospital title boundary.
- h) All visitor, resident, and staff bike parking spaces to be dimensioned in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- i) Tree Protection Zones in accordance with Condition 15 of this Permit.
- j) Any changes to the plans arising from the:
  - i. Landscape Plan in accordance with Condition 8 of this permit.
  - ii. Waste Management Plan in accordance with Condition 16 of this permit.
  - iii. Green Travel Plan in accordance with Condition 18 of this permit.
  - iv. Building Interfaces and Facade Strategy in accordance with Condition 20 of this permit.
  - v. Wind Assessment in accordance with Condition 21 of this permit.

### **Staging**

- 4. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

### **Compliance with Endorsed Plans**

- 5. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

### **Landscaping**

#### **Building C**

- 6. Concurrent with the endorsement of plans for Stage 1a, an amended landscape plan relating to Building C must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by FFLA dated 10 October 2025 revision TP6 but amended to show:
  - a) Landscape plans for Building C only.
  - b) Landscaping within the outdoor communal open space as required by Condition 1(e).
  - c) Substitute plant species in Level 3 planters with species that will cascade down the facade to contribute to vertical greening.
  - d) An irrigation plan for landscaped areas. Detailed landscape plan to include automatic irrigation plan, water source, controller, and section drawings.
  - e) A schedule of all proposed trees, shrubs, and ground covers, including numbers, size at planting, size at maturity, botanical names, and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.
  - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs, and ground covers.
  - g) Details of all planter boxes including:
    - i. Soil volume sufficient for the proposed vegetation (refer to Clause 58.03-5, Standard D10 Landscaping as a guide)

- ii. Soil mix
- iii. Drainage design
- iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

#### Building B

7. Concurrent with the endorsement of plans for Stage 1b, an amended landscape plan relating to Building B must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by FFLA dated 10 October 2025 revision TP6 but amended to show:
- a) Landscape plans for Building B only.
  - b) Substitute plant species in Level 2, 3, 4 and rooftop planters with species that will cascade down the facade to contribute to vertical greening.
  - c) Cross sections of the northern interface including retaining wall/planting treatments.
  - d) An irrigation plan for landscaped areas. Detailed landscape plan to include automatic irrigation plan, water source, controller, and section drawings.
  - e) A schedule of all proposed trees, shrubs, and ground covers, including numbers, size at planting, size at maturity, botanical names, and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.
  - f) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs, and ground covers.
  - g) Details of all planter boxes including:
    - i. Soil volume sufficient for the proposed vegetation (refer to Clause 58.03-5, Standard D10 Landscaping as a guide)
    - ii. Soil mix
    - iii. Drainage design
    - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

#### Building A

8. Concurrent with the endorsement of plans for Stage 2a, an amended landscape plan relating to Building A must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by FFLA dated 10 October 2025, revision TP6 but amended to show:
- a) Landscape plans for Building A only.
  - b) An irrigation plan for landscaped areas. Detailed landscape plan to include automatic irrigation plan, water source, controller, and section drawings.
  - c) A schedule of all proposed trees, shrubs, and ground covers, including numbers, size at planting, size at maturity, botanical names, and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.

- d) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs, and ground covers.
- e) Details of all planter boxes including:
  - i. Soil volume sufficient for the proposed vegetation (refer to Clause 58.03-5, Standard D10 Landscaping as a guide)
  - ii. Soil mix
  - iii. Drainage design
  - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

### Central Plaza

- 9. Concurrent with the endorsement of plans for Stage 1b, an amended landscape plan relating to the Central Plaza must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by FFLA dated 10 October 2025 revision TP6 but amended to show:
  - a) A signage and wayfinding strategy to direct visitors to the correct entrances. This must include locations, dimensions, and content of signage.
  - b) Additional canopy tree planting and enlarged planter zones to create canopy continuity through the courtyard.
  - c) Additional detail of each outdoor area/zone including indicative furniture layouts, adjacent interface conditions, level changes, and adjacent interior and exterior spaces.
  - d) Trees located in raised planters to achieve a minimum 1000mm soil depth (excluding drainage layers).
  - e) A primary path of at least 4 metres width to facilitate clear movement through the space. This must be clear of any structures.
  - f) A detailed lighting plan. Lighting should be generally in accordance with AS1158.3.1 category PP4. Lighting should also be integrated into building facades where appropriate.
  - g) An irrigation plan for landscaped areas. Detailed landscape plan to include automatic irrigation plan, water source, controller, and section drawings.
  - h) A schedule of all proposed trees, shrubs, and ground covers, including numbers, size at planting, size at maturity, botanical names, and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009.
  - i) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs, and ground covers.
  - j) Details of all raised planters and planter boxes including:
    - i. Soil volume sufficient for the proposed vegetation (refer to Clause 58.03-5 Standard D10 Landscaping as a guide)
    - ii. Soil mix
    - iii. Drainage design
    - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.
  - k) Updated sections and 3D views showing the revised courtyard layout.

l) Tree Protection Zones in accordance with Condition 12 of this Permit.

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

10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, for each stage of the development as shown on the endorsed Site Staging Plan, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
11. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

12. Prior to the endorsement of plans for Stage 1a, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Introba 14 January 2026 but modified to include the following changes:
  - a) Amended plans to show the following ESD related initiatives:
    - i. Stormwater management treatments, including rainwater harvesting tanks and their capacity and reuse and adequate space for on-site detention tanks
    - ii. A minimum of 5 per cent of car spaces noted on the plans as being EV ready, as per Green Star credit 27 'movement and space' and an improved response as per the National Construction Code Section J9D4 'facilities for electric vehicle charging equipment'.
    - iii. Secure bike storage for bike commuters within the 3 buildings (currently the amount of ground floor spaces are not nominated in Building A).
    - iv. End of trip facilities for bicycle commuters (for example, in Building C the showers and locker numbers have not been nominated), as per Green Star credit 27 'movement and space'.
    - v. That all roofing materials (and shading structures) have the following (as per Green Star credit 19 'Heat Resilience':
      - i. For roof-pitched <150 – a three-year SRI of minimum 64
      - ii. For roof-pitched >150 – a three-year SRI of minimum 34
    - vi. The roofs designed to optimise the area available for solar panels.
    - vii. Details of external sun shading for exposed north, east and west facing windows or alternatives on the plans.
    - viii. Amendments required to meet best practice natural daylight standards within dwellings and non-residential spaces (including the aged care areas and childcare centre), including changes required to meet:
      - A minimum daylight factor of 1 per cent for 90 per cent of the floor area for 80 per cent of living areas, and
      - A minimum daylight factor of 0.5 per cent for 90 per cent of the floor area for 80 per cent of bedrooms.
      - For non-residential developments, achieve a daylight factor of at least 2.0 per cent for at least 30 per cent of the floor area of regularly occupied primary spaces.

- b) An amended NatHERS discussion and NatHERS modelling, including:
  - i. Deleted reference to Merri-bek expectations being 7.0 stars and remove any conflicting discussion that the dwellings will only need to meet the minimum 6.0 stars and average 7.0 stars.
  - ii. Confirmation that all dwellings will meet a minimum NatHERS average of 7.5 stars.
  - iii. Amended NatHERS modelling which updates the heating and cooling loads for a 7.5 star average dwelling.
  - iv. All dwellings within the development are modelled and thermally represented (e.g., level 11).
  - v. Copies of the preliminary NatHERS modelling (e.g., the First Rate modelling) including the Whole of Home assessment.
- c) An amended response to the 'Energy' objectives of Clause 15.01-2L-05 'Environmentally Sustainable Development', including:
  - i. Preliminary energy modelling that includes preliminary J1V3 modelling and updated facade calculators using 2022 calculators. This update demonstrates a 10 per cent improvement on base NCC Section J requirements (excluding solar).
  - ii. Roof spaces maximised to have on-site solar PV.
- d) Amended daylight modelling, including:
  - i. Additional details of the daylight modelling model (additional screenshots of the model, setbacks between the buildings, width of Urquhart Street and footpaths, the architectural plans modelled).
  - ii. The modelling for the dwellings amended to align more accurately with the architectural development plans (including the dimensions of the lightwells within Building C).
  - iii. Modelling to include the childcare centre.
  - iv. An improved response and amended daylight modelling report which demonstrates how the various spaces and uses across the development meet the best practice daylight standards:
    - A minimum daylight factor of 1 per cent for 90 per cent of the floor area for 80 per cent of living areas, and
    - A minimum daylight factor of 0.5 per cent for 90 per cent of the floor area for 80 per cent of bedrooms.
    - For non-residential developments, achieve a daylight factor of at least 2.0 per cent for at least 30 per cent of the floor area of regularly occupied primary spaces.
  - v. Discussion of amendments required upon the architectural plans to improve the natural daylight levels as required by the ESD policy, including:
    - A minimum daylight factor of 1 per cent for 90 per cent of the floor area for 80 per cent of living areas, and
    - A minimum daylight factor of 0.5 per cent for 90 per cent of the floor area for 80 per cent of bedrooms.
    - For non-residential developments, achieve a daylight factor of at least 2.0 per cent for at least 30 per cent of the floor area of regularly occupied primary spaces.

- e) The following changes within the overall SMP to align with the Green Star self-assessment, including:
  - i. Construction and demolition waste diverted from landfill to be increased to a minimum of 90 per cent (as per Green Star credit 2 'Responsible Construction').
  - ii. Discussion of how Green Star credit 'Responsible Finishes' will be met.
  - iii. A preliminary Acoustic Comfort Strategy, as per the requirements for credit 12 'Acoustic Comfort', for all 3 buildings.
  - iv. A preliminary response to credit 13 'Exposure to Toxins', including how and which contractors will be responsible for meeting these requirements for all 3 buildings.
  - v. A preliminary 'Climate Change Resilience' assessments, as per the requirements of credit 16 'Climate Change Resilience'.
  - vi. Confirmation of how 100 per cent of the building's energy comes from renewables (no gas <1 per cent) (as per Green Star credit 23 'Energy Source'. This must address all uses in the development across the 3 stages.
  - vii. Confirmation of no gas (as per Green Star credit 23 'Energy Source'.
- f) An amended stormwater management report that includes:
  - i. Stormwater runoff from the site treated to achieve best practice as demonstrated through MUSIC modelling, to the satisfaction of the Responsible Authority.
  - ii. A water balance calculator clearly justifying the tank reuse rates within the MUSIC model. The balance must align with the overall SMP, the uses within the buildings, expected patronage, staff and residents and areas requiring irrigation (noting Merri-bek's annual rainfall).
  - iii. Discussion of maintenance for all assets, including discussion of: all assets (tanks, tank filters, buffer strips, GPT) and who will be responsible for short-term maintenance, long-term maintenance, and periodic maintenance (e.g., after storms).
  - iv. How best practice stormwater management practices will be adhered to during construction.
- g) An improved Transport response including electric vehicle parking that aligns with the latest Green Star credit.

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

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

- 13. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy, whichever occurs first, for each stage as shown on the endorsed Site Staging Plan, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

14. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever occurs first, for each stage as shown on the endorsed Site Staging Plan, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan. This must include how the development is progressing with confirmation that the development / stage will meet the requirements for a 4 star (minimum) Green Star development to the satisfaction of the Green Building Council of Australia.

### **Tree Protection**

15. Prior to development commencing for any works in Stages 1b and 2a as shown on the endorsed Site Staging Plan (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the following trees must have a Tree Protection Zone (TPZ) in accordance with AS4970 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:

- a) Trees 18, 19, 20 and 22 within the bluestone cottage land as defined in the Arboricultural Assessment and Report by Tree Logic dated 18 June 2018.

The TPZ must meet the following requirements:

- i. Tree Protection Fencing

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

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

- ii. Signage

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

- iii. Irrigation

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

- iv. Provision of Services

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

- v. Access to TPZ

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

## **Waste Management**

16. Concurrent with the endorsement of plans for each Stages 1a, 1b and 2a, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the report prepared by Salt3 and dated 19 February 2025 but modified to:
- a) Provide waste management arrangements for the relevant stage of the development only. Each building is to have a standalone waste management plan.
  - b) Align with the plans for endorsement.

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.

17. 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.

## **Green Travel Plan**

18. Concurrent with the endorsement of plans for each Stages 1a, 1b and 2a, an amended Green Travel Plan (GTP) must be prepared, submitted to, and approved by the Responsible Authority. The amended GTP must be generally in accordance with the GTP by One Mile Grid dated 02 October 2025 but modified to:
- a) Provide a GTP for the relevant stage of the development only. Each building is to have a standalone GTP.
  - b) Align with the conditions of this permit and plans for endorsement.

When approved to the satisfaction of the Responsible Authority, the Green Travel Plan will be endorsed to form part of this permit. No alterations to the endorsed Green Travel Plan may occur without the written consent of the Responsible Authority. The implementation, ongoing management and monitoring of the Plan must be undertaken to the satisfaction of the Responsible Authority to ensure ongoing commitments to alternative modes of transport are met.

19. The Green Travel Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Merri-bek City Council unless with the further written approval of the Merri-bek City Council.

## **Facade Strategy**

20. Concurrent with the endorsement of plans for each Stages 1a, 1b and 2a, a facade strategy must be approved and endorsed by the responsible authority. The facade strategy must be prepared to the satisfaction of the responsible authority and must include:
- a) A concise description by the project architect of the building design concept and how the facade works to achieve this.
  - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding.
  - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating typical building details, clear resolution of level transitions and entries and coordination with adjacent public realm treatments.

- d) Detailing of pedestrian access points, awnings, projections (fins, etc.) and services screening.
- e) Sections through the facade to show threshold treatments with interior uses and adjacent landscape 5m either side of the building line.
- f) Cross sections or other method of demonstrating the facade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- g) Confirmation that the materials and overall building expression will not cause specular light reflectance greater than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
- h) Information on how the facade will be accessed, maintained, and cleaned.
- i) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- j) For Buildings B and C, details of planter locations and how they will contribute to vertical greening.

### **Wind Mitigation**

- 21. Concurrent with the endorsement of plans for each Stages 1a, 1b and 2a, an amended Wind Impact Assessment report must be approved and endorsed by the Responsible Authority. The report must be generally in accordance with the Environmental Wind Assessment, prepared by MEL Consultants, dated 17 February 2025, but amended to include:
  - a) Any changes required to be consistent with the endorsed architectural plans.
- 22. Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be to the satisfaction of the Responsible Authority.

### **Public Works**

#### Urquhart Street and Rodda Street

- 23. Prior to the commencement of Stage 1c of the development as shown on the endorsed Site Staging Plan, a Public Works Plan and associated construction drawing specifications detailing the works to the land within Urquhart Street and Rodda Street must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
  - a) Urquhart Street detailed design to be prepared in consultation with Council's Urban Design Unit.
  - b) Undergrounding of existing power lines on the northern side of Urquhart Street. This applies to power lines immediately adjacent to the development site only.
  - c) The provision of new street tree planting or landscaping in consultation with the Responsible Authority (Open Space Branch). Any required tree pits are to be constructed by the developer in accordance with the relevant Technical Notes with temporary capping if required. Public realm tree planting will be undertaken by Merri-bek City Council at the expense of the developer.
  - d) The installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
  - e) Reinstate public footpaths with a crossfall slope of 1 in 40.
  - f) All construction details in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version).

- g) A detailed level and feature survey of the footpaths and roads.
- h) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
- i) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
- j) Any necessary drainage works.
- k) Any other works to the public land adjacent to the development.

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

24. Prior to the commencement of Stage 2a as shown on the endorsed Site Staging Plan, all public works shown on the endorsed public works plan for Stage 1c must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

#### Bell Street and Pentridge Boulevard

25. Prior to the commencement of Stage 2a of the development as shown on the endorsed Site Staging Plan, a Public Works Plan and associated construction drawing specifications detailing the works adjacent to the site in Bell Street and Pentridge Boulevard, must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
- a) Removal of all trees adjacent to the shared path along Pentridge Boulevard, any necessary remediation and upgrades to the planting area/substrate, and replacement with appropriate tree species all in consultation with Council's Open Space Unit.
  - b) Works to the Pentridge Boulevard median island including any necessary remediation and upgrades to the planting area/substrate and additional tree planting in consultation with Council's Open Space Unit.
  - c) Works to the median between the pedestrian path and cycle path on Pentridge Boulevard including any necessary remediation and upgrades to the planting area/substrate to enable long term landscape health, in consultation with Council's Open Space Unit.
  - d) The provision of other street tree planting or landscaping in consultation with the Responsible Authority (Open Space Department).
  - e) Any required tree pits are to be constructed by the developer in accordance with the relevant Technical Notes with temporary capping if required. Public realm tree planting will be undertaken by Merri-bek City Council at the expense of the developer.
  - f) All construction details in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version).
  - g) A detailed level and feature survey of the footpaths and roads.
  - h) Reinstate public footpaths with a crossfall slope of 1 in 40.
  - i) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
  - j) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
  - k) Any necessary drainage works.

- l) The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
- m) Any other works to the public land adjacent to the development.

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

26. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for Stage 2a of the development as shown on the endorsed Site Staging Plan, all public works shown on the endorsed public works plan for Bell Street and Pentridge Boulevard must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

### **Affordable Housing Report**

27. Concurrent with the endorsement of plans for Stage 1a of the development as shown on the endorsed Site Staging Plan, an amended Affordable Housing Report must be submitted to and approved by the Responsible Authority. The report must be generally in accordance with the Affordable Housing Report prepared by Merri-bek Affordable Housing and dated January 2025 but modified to:
- a) Alignment with the plans for endorsement.
  - b) Commitment to providing information to Merri-bek Council that demonstrates the housing is being used as Affordable Housing. This must be done each year, for the first five years following occupation of Stage 1a, and then every five years for the life of the Affordable Housing.

### **Accessibility**

28. Concurrent with the endorsement of plans for Stage 1a of the development as shown on the endorsed Site Staging Plan, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must:
- a) Align with the plans for endorsement
  - b) Detail how the development will incorporate design features in accordance with Standard D18 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g., confirmation of hobless showers and removable hinges to doors).
  - c) Include a Disability Discrimination Act (DDA) accessibility assessment of the publicly accessible central outdoor plaza, including but not limited to:
    - i. Continuous accessible paths of travel
    - ii. Gradients and crossfalls
    - iii. Surface treatments and slip resistance
    - iv. Thresholds and level changes
    - v. Access to seating, landscaping, and amenities
    - vi. Wayfinding and lighting
    - vii. Any other features relevant to equitable and dignified access

When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

29. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for Stage 1a of the development as shown on the endorsed Site Staging Plan, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

#### **Section 173 Agreement – Affordable Housing**

30. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy, whichever occurs first for Stage 1a of the development as shown on the endorsed Site Staging Plan, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Merri-bek City Council and register the agreement on the title for the land in accordance with Section 181 of the Planning and Environment Act 1987 to provide for the following:
- a) All of the non-SDA apartments in Building C are to be owned and managed by a registered agency (as defined by the Housing Act 1983) more commonly referred to as a registered housing agency.
  - b) The registered agency must make the apartments available as Affordable Housing (as defined in the Planning and Environment Act) for a minimum of 30 years from the date of occupation.
  - c) For the life of the Affordable Housing, the registered agency must put in place allocation, and rent-setting process that ensure:
    - i. Housing is allocated to very low, low, and moderate income households.
    - ii. Rent is set at no more than 30 per cent of household income at a level that does not cause rental stress to eligible households, having regard to household income and any eligible Commonwealth Rent Assistance (CRA) and must not exceed 74.99 per cent of market rent.

Where it is reasonably determined that changes to funding or financing arrangements are necessary for reasons of project sustainability and/or changes in government policy, the parties may agree to amend the rent setting percentage whilst not causing rental stress.

Once the Section 173 Agreement has been prepared to the satisfaction of the Responsible Authority, the owner must:

- do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

#### **Section 173 Agreement – Pedestrian Access**

31. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy, whichever occurs first for Stage 2a of the development as shown on the endorsed Site Staging Plan, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act, 1987 with Merri-bek City Council and register the agreement on the title for the land in accordance with Section 181 of the Planning and Environment Act 1987, to provide for the following:
- a) Unrestricted public pedestrian access to the central plaza linking Bell Street and Urquhart Street for 24 hours a day (364 days a year) commencing at the time of commencement of the use or the issue of a Statement of Compliance for Stage 2a, whichever occurs first, unless otherwise agreed to by the Responsible Authority.

- b) Details of how and the terms on which access will be managed.
- c) Arrangements for an indemnity which is to be provided by the Owner in favour of the Council for any claims associated with the use of the central plaza.
- d) Responsibility for the on-going maintenance of the central plaza.

Once the Section 173 Agreement has been prepared to the satisfaction of the Responsible Authority, the owner must:

- do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

### **Retention of Architect**

- 32. Except with the consent of the responsible authority, CHC Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of Responsible Authority.

### **3D Model**

- 33. Prior to the commencement of the each of the Stages 1a, 1b and 2a of the development as determined by the Site Staging Plan, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of Merri-bek City Council. The model should be prepared in accordance with Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.vic.gov.au/building-and-business/planning-and-building/planning/virtual-merri-bek/#autoAnchor1>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

### **Environmental Audit**

#### **Conditions 34-40 apply to Stage 1a at 29-31 Urquhart Street only.**

- 34. Before the construction or carrying out of buildings and works for Stage 1a of the development as shown on the endorsed Site Staging Plan, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide the following:
  - a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
  - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or,
  - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.

35. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.
36. Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).
37. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
38. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 34, 35 and 36 are satisfied.
39. Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
40. Where a preliminary risk screen assessment has satisfied Condition 35(a) (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the- layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

### **Consolidation of Allotments**

41. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy, whichever occurs first for Stage 1a of the development as shown on the endorsed Site Staging Plan, 29 and 31 Urquhart Street, Coburg (Lot S36 and Lot S37 on Plan of Subdivision 543333S) must be consolidated into one single allotment.

### **Subdivision**

42. The subdivision as shown on the endorsed plan must not be altered without the consent of the Responsible Authority.
43. Prior to the issue of a Statement of Compliance for the subdivision under the Subdivision Act 1988, the stormwater drain must be constructed (not bonded) in accordance with the approved drainage plan to all lots to the satisfaction of the Responsible Authority.

44. All public works relating to the construction of footpath, roads, vehicle crossings, and the reinstatement of Council's assets must be constructed or bonded to the satisfaction of the Responsible Authority.
45. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
46. All existing and proposed easements and sites for existing or required utility services and roads on land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
47. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Subdivision Act.
48. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
49. Before the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
50. Before the construction or carrying out of buildings and works for Stage 2a of the development as shown on the endorsed Site Staging Plan, an application must be made to Yarra Valley Water for Preliminary Service Advice to confirm what would be required to abandon the existing sewer off Pentridge Boulevard. An application can be made [here](#).
51. Before the construction or carrying out of buildings and works for Stage 2a of the development as shown on the endorsed Site Staging Plan, the existing 150mm Yarra Valley Water sewer main within the site (located off Pentridge Boulevard), must be abandoned to the satisfaction of Yarra Valley Water.
52. Permit conditions Nos. 42 to 51 inclusive must be satisfied prior to the issue of a Statement of Compliance.

### **Transport for Victoria**

53. Prior to the occupation of the buildings as identified, or unless agreed in writing by the Head, Transport for Victoria, the below roadworks must be completed and available for use to the satisfaction of and at no cost to the Head, Transport for Victoria:
  - a) Building A (Stage 2):

- i. Signalisation of Pentridge Boulevard / Urquhart Street intersection.
    - ii. At Building A's main vehicle access point on Pentridge Boulevard: a short right turn lane via median break opening on Pentridge Boulevard and a short exclusive left turn lane into the site on Pentridge Boulevard being provided.
    - iii. At Bell Street/ Pentridge Boulevard intersection: existing right turn lane on the east approach on Bell Street being extended by 30m.
  - b) Building B or C (Stage 1):
    - i. At Sydney Road / Urquhart Street intersection: the existing right turn lane on the south approach on Sydney Road being extended by way of line marking, without impact to existing bicycle lane or lane width narrowing.
54. Prior to the commencement of roadworks related to Building A as required under Head, Transport for Victoria condition above, or unless agreed in writing by the Head, Transport for Victoria, amended concept layout plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the concept layout plan must be endorsed by the Responsible Authority and will then form part of the permit. The plan must be generally in accordance with the concept layout plan Drawing CLP1-2 Revision F in the Traffic Impact Assessment (Reference 240109TIA001L-F by One Mile Grid dated 02/10/2025) but modified to show:
- a) The left turn lane on the east approach of Pentridge Boulevard / Urquhart Street intersection is signalised in accordance with the SIDRA modelling that was submitted to the Head, Transport for Victoria during the Further Information Response process.
  - b) The median opening on Pentridge Boulevard that will facilitate the short right turn lane into Building A's main vehicle access shall have all U-turn movements banned.
55. The preparation of functional layout plans, detailed engineering design and the construction and completion of all roadworks must be undertaken in a manner consistent with current Head, Transport for Victoria policy, procedures, and standards, and at no cost to the Head, Transport for Victoria.
56. Within 12 months from the occupation of the full site, or unless otherwise agreed in writing by the Head, Transport for Victoria, signal operation optimisation and coordination for the road network that was analysed in the Traffic Impact Assessment (Reference 240109TIA001L-F by One Mile Grid) including the new signals at Pentridge Boulevard / Urquhart Street intersection, must be done at no cost to the Head, Transport for Victoria.
57. Prior to the occupation of Building A, or unless otherwise agreed in writing by the Head, Transport for Victoria, a way finding strategy or a signage plan for the hospital must be submitted and approved by the Responsible Authority. The way finding strategy or signage plan must show how the hospital will be sign-posted around the road network to help hospital visitors to navigate to its access point(s).
58. Prior to the occupation of Building A, all disused or redundant vehicle crossings on Bell Street must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
59. During demolition and construction of the development, the existing bus stop infrastructure on Bell Street must not be damaged or altered. Any damage or alteration to bus infrastructure must be rectified at no cost to and to the satisfaction of the Head, Transport for Victoria.

60. The demolition and construction of the development must not disrupt bus operations without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt bus operations during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

#### **Residential reticulated gas service connection**

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

#### **Stormwater**

62. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).
63. The surface of all balconies, terraces and rooftops are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

#### **Engineering**

64. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for the relevant stage of the development as per the endorsed site staging plan, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
65. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for the relevant stage of the development as per the endorsed site staging plan, access to the site, any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
66. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for the relevant stage of the development as per the endorsed site staging plan, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
67. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for the relevant stage of the development as per the endorsed site staging plan, all car park entry gate and/or garage roller door(s) must be automatic and remote controlled.
68. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for the relevant stage of the development as per the endorsed site staging plan, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
69. The existing 225 mm and 300 mm Council stormwater drains through the site must be relocated to plans approved by Council, and the works supervised by Council.

#### **General**

70. The area marked as a loading bays on the endorsed plan must not be used for any other purpose.

71. Lighting on each balcony must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
72. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned, and finished to the satisfaction of the Responsible Authority.
73. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.
74. Air conditioning and other plant and generator equipment must be screened from the view of streets and all other publicly accessible areas to the satisfaction of the Responsible Authority.
75. All shopfront windows at lower ground floor and ground floor must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.

### **Car Parking**

76. Concurrent with the endorsement of plans for Stage 1b, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a suitably qualified professional and detail car parking arrangements for Building A and all temporary car parking arrangements, as follows:
  - a) Detail the allocation of car parking spaces within Stage 2a (Building A – Hospital) to hospital staff, hospital visitors, retail staff, and Merri-bek City Council’s civic operations. This must include the number of spaces and locations.
  - b) For Stage 2a (Building A – Hospital): details of any permit, boom gate, ticketing, time restriction, or other management systems.
  - c) A staging plan identifying each development stage.
  - d) The timing of delivery and removal of car parking areas associated with each stage.
  - e) Details of temporary car parking numbers to be maintained on the land during each stage of construction.
  - f) Identification of land proposed to be used for temporary car parking, including any landscaping, layout, access, surfacing, drainage, and lighting arrangements.
  - g) Measures to ensure safe vehicle and pedestrian access to temporary car parking areas.

When approved, the Car Parking Management Plan will be endorsed and will then form part of this permit. The use and development must thereafter be carried out in accordance with the endorsed Car Parking Management Plan to the satisfaction of the Responsible Authority.

77. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
  - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
  - b) Be maintained.
  - c) Be properly formed to such levels that it can be used according to the endorsed plan.
  - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
  - e) Not be used for any other purpose other than the parking of vehicles.
  - f) Be numbered to facilitate management of the car park.

78. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first for Stage 2a (Building A – Hospital) of the development as shown on the endorsed staging plan, car parking spaces must be allocated as follows:
- a) A minimum of 111 car parking spaces for hospital staff
  - b) A minimum of 110 car parking spaces for hospital visitors.

### **Expiry**

79. This permit will expire if one of the following circumstances applies:

#### **Stage 1a, 1b and 2a**

- a) The development is not commenced within 5 years from the date of issue of this permit;
- b) The development is not completed within 7 years from the date of issue of this permit.
- c) The use of Stages 1b and 2a are not commenced within 7 years from the date of issue of this permit.

#### **Subdivision**

- d) The subdivision is not commenced within three (5) years of the date of issue of this permit as evidenced by a Plan of Subdivision being certified by the Council within that time;
- e) The Certified Plan of Subdivision is not registered within five (7) years from the date of the Certification of the Plan.

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.
- Section 7 of the Subdivision Act 1988 does not allow for any extension of time for the registration of the certified Plan of Subdivision.

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

**Note 1:** Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's [website](#) for more information.

**Note 2:** No approval would be given by Council to build over the easement (E-1 within Lot 2 on PS907817S) until the existing 150mm sewer main within that easement has been abandoned to the satisfaction of Yarra Valley Water.

#### **Note 3: Environmental Audit Notes**

- i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.
- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

## **Transport for Victoria Notes**

**Note 1:** The proposal requires works within the arterial road reserve. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria prior to commencing any works within the road reserve. Please contact the Department of Transport and Planning prior to commencing any works.

## **1. Background**

### **Subject site**

The application relates to two sites at 90 Bell Street and 29-31 Urquhart Street, Coburg, both within the Coburg Activity Centre (Precincts 5 and 10) and approximately 330m from Sydney Road.

90 Bell Street contains Council's civic buildings, car parking areas and a bluestone cottage. This application relates to the part of the site that contains car parking. The site has been subdivided so that Council's civic buildings and bluestone cottage sits on one lot, and another lot is created for the proposed development.

29-31 Urquhart Street was historically part of the Pentridge Prison grounds, and has been mostly vacant since the late 1990's. The site is subject to Covenant PS430271T which protects a registered bluestone wall by certain landowners. The proposed development will not affect this covenant. Covenant AF860980W also applies and requires certain landowners to care for and maintain Pentridge heritage infrastructure. This site does not contain heritage infrastructure.

### **Surrounds**

The surrounding area has a range of uses. This includes commercial activity, schools, community buildings, formal outdoor recreation and parks. The streets to the south-east are mostly residential. Sites around Bell Street, Sydney Road and Pentridge Boulevard are being redeveloped with larger apartment buildings with some commercial activity, usually at ground floor level. The site is well connected, with buses on Bell Street, trams on Sydney Road and Coburg Station all nearby.

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

### **The proposal**

The proposal is for a staged development to construct three (3) multi-storey buildings to create a mixed-use health precinct and carry out associated street upgrade works. This includes a landscaped pedestrian plaza through Buildings A and B, connecting to Building C to the north. Details are as follows:

#### Stages

- Stage 1a: Building C (Community Health and Dwellings)
- Stage 1b: Building B (Residential Aged Care / Childcare Centre)
- Stage 1c: Rodda Street / Urquhart Street upgrades
- Stage 2a: Building A (Hospital)
- Stage 2b: Central Plaza

#### Building A - Hospital

- 9-10 storeys / 40.60 metres (excluding plant and architectural features)
- 64 hospital consulting rooms, 8 perioperative theatres, 128 ward beds, 1125m<sup>2</sup> of retail space (shops and cafe), 278 basement car parking and 56 bike parking spaces

#### Building B- Residential Aged Care/ Childcare Centre

- 7 storeys / 26.60 metres (excluding plant)
- Childcare centre on ground floor and aged care on upper levels
- 126 aged care beds, 100 children, 136m<sup>2</sup> cafe, 80 basement car parking spaces

### Building C – Community Health and Dwellings

- 8 - 13 storeys / 46.97 metres (excluding plant and architectural features)
- 106 affordable housing dwellings (69 x 1 bed, 23 x 2 bed and 14 x 3 bed)
- 14 Specialist Disability Accommodation (SDA) dwellings (8 x 1 bed and 6 x 2 bed)
- 2442m2 of office space, 4592m2 of medical tenancies, 131m2 of cafe, 139 car parking spaces within level's 1 and 2 and 95 bike parking spaces.

### Subdivision of land into 2 lots

- Creation of two new lots; Lot 1 (aged care/childcare building) and Lot 2 (hospital building)

### Removal and creation of easement

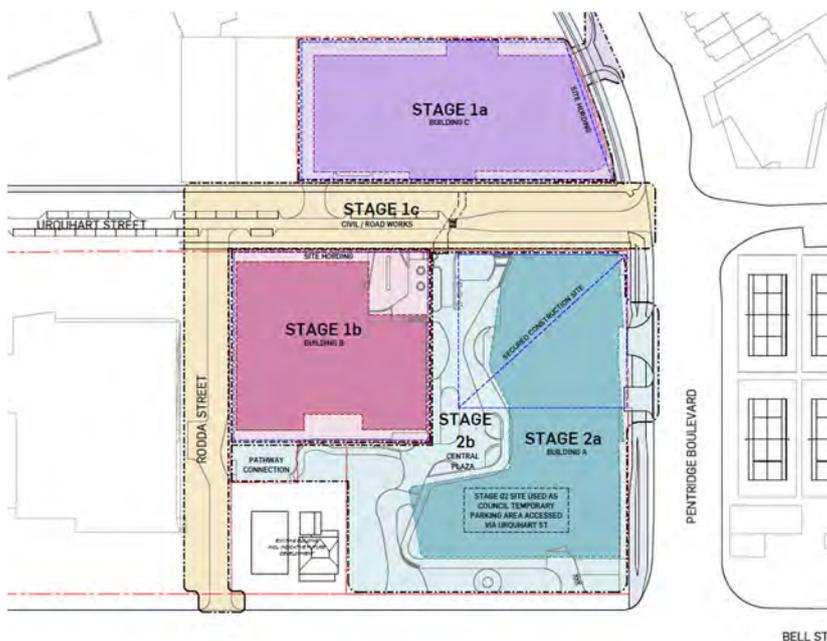
- Removal of the existing sewer easement and the creation of a footpath easement

### Creation and alteration of access

- Existing vehicle crossings removed and new crossings created along Pentridge Boulevard and Urquhart Street.

The proposal results in the removal of the at grade car parking that which services the municipal offices.

The development plans form **Attachment 2** and 3D images form **Attachment 4**.



**Site Staging Plan. Source: 'Coburg Health Hub' 29 September 2025, Clarke Hopkins Clarke**

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

- Permit No. SP/2022/171 was issued 01 February 2024 allowing a two-lot subdivision of 82 Bell Street Coburg (also known as 90 Bell Street). This creates Lot 1 (existing Council offices and bluestone building) and Lot 2 (proposed hospital and aged care/childcare buildings), a road between the two lots (identified as Rodda Street) and a footway easement located to the rear of the bluestone cottage land. The Plan of Subdivision has been certified.

- Amended Planning Permit No. MPS/1999/254/A for 90 Bell Street, Coburg issued 21 March 2024 which allows a reduction in the car parking requirements associated with the Council offices and provision of the car parking spaces on another site.

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

Control	Permit Requirement
Activity Centre Zone (Precincts 5 and 10)	<p>Clause 37.08-2:</p> <ul style="list-style-type: none"> <li>• In Precinct 5 (90 Bell Street), residential aged care, childcare centre, food and drink premises and shop are all Section 2 uses meaning that a permit is required for these uses.</li> <li>• In Precinct 5, a hospital is a Section 1 use meaning that a permit is not required for this use.</li> <li>• In Precinct 10 (29 - 31 Urquhart Street), dwellings and offices (which includes medical tenancies) are Section 1 uses meaning that a permit is not required for these uses.</li> </ul> <p>Clause 37.08-5: A permit is required to construct a building or construct or carry out works.</p>
Particular Provisions	<p>Clause 37.08-4: A permit is required to subdivide land.</p> <p>Clause 52.02: A permit is required to create, vary or remove an easement.</p> <p>Clause 52.06-3: A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 for Building C from 349 spaces to 139 spaces (reduction of 210 spaces sought).</p> <p>Clause 52.29-2: A permit is required to create or alter access to and subdivide land adjacent to a road in a Transport Zone 2 (Pentridge Boulevard and Urquhart Street).</p> <p>Clause 52.34-2: A permit is required to reduce the number of bicycle parking spaces for Building C from 198 to 99 (reduction of 99 spaces sought).</p>

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

- Clause 45.03: Environment Audit Overlay. This applies to the land at 29-31 Urquhart Street. A condition of the recommendation requires environmental assessment and auditing to be undertaken before the development commences, to ensure that the site is suitable for the proposed use and development.
- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 45.09: Parking Overlay. The Parking Overlay means that the reduced 'Column B' car parking rates in the table to Clause 52.06 apply.
- Clause 53.18: Stormwater Management in Urban Development.

## 2. Internal/External Consultation

### Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing three signs on the Bell Street site and two signs on the Urquhart Street site.
- Placing a copy of the public notice in one printed edition of the Herald Sun on 27 November 2025 and in its online notices.

Council has received five objections to date. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Car parking and traffic impacts
- Setback from bluestone cottage
- Building height and bulk
- Provision of green space and public open space
- Overshadowing
- Bluestone cottage restoration/redevelopment
- Proposed staging
- Responsible Authority / Conflict of Interest
- Estimated cost of development
- MPL Certificate
- Status of planning permit SP/2022/171
- Impact of neighbouring development at 22-30 and 27 Pentridge Blvd
- Solar access to plaza

Direct discussions were held with all objectors via phone and email. These discussions provided an opportunity to explain the proposal, allowed objectors to further outline their concerns, and enabled the officer to respond to those matters.

### Internal/external referrals

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

External Agency	Objection/No objection
Transport for Victoria	No objection subject to conditions included in the recommendation.
Yarra Valley Water	No objection provided the section of reticulated sewer main within the easement is abandoned. This requirement is included in the recommended subdivision conditions.

<b>Internal Branch/Business Unit</b>	
Urban Design Unit	Supports proposed building heights and setbacks. Outstanding concerns relates to insufficient details regarding the architecture, landscaping, ground floor treatment and the interaction with public areas. These requirements are addressed by conditions in the recommendation and are considered further in Section 4 of this report.
Development Engineering	Supports the proposed car parking reduction. Made recommendations for a road safety audit, waste management, a public works plan, underground drainage and other standard engineering conditions. These are addressed by conditions in the officer's recommendation and are considered further in Section 4 of this report.
Transport Planning	Supports the proposal with recommendations to signalise the Pentridge Blvd and Urquhart Street intersection. This recommendation is reflected in the mandatory conditions set out by Transport for Victoria.
Sustainable Built Environment - ESD Team	Noted that the commitment for Green Star certification is a positive aspect. Raised concerns that certain elements remained unresolved and required further demonstration that they meet the best practice ESD requirements. Some recommendations are addressed by conditions and are considered further in Section 4 of this report.
City Development - Heritage Advisor	Supports the proposal. Considered that the height, views and setbacks to the bluestone cottage are appropriate. This is discussed further in Section 4 of this report.
Open Space Design and Development Unit	Concerns raised relate to insufficient details provided to support the pedestrian landscaped plaza and public works on the surrounding streets. The concerns are addressed by conditions in the recommendation and are considered further in Section 4 of this report.
Planning Arborist	Supports tree removal on site and within the road reserve. Recommends replacement tree planting as part of public works which is addressed by conditions in the recommendation.
Advisor - Social and Affordable Housing	Supports the affordable housing outcome. Considered that the proposal delivers very good affordable housing outcomes for Merri-bek. Recommended changes are addressed by conditions in the recommendation and are considered further in Section 4 of this report.
Property Unit	Supports the proposal.

### 3. Policy Implications

#### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Settlement (Clause 2.03-1)
  - Environmental and Landscape Values (Clause 2.03-2)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Built Environment and Heritage (Clause 2.03-4)
  - Housing (Clause 2.03-5)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
  - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12), including:
  - Biodiversity in Merri-bek (12.01-1L)
- Environmental Risks and Amenity (Clause 13):
  - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
- Built Environment (Clause 15.01), including:
  - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
  - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
  - Building Design (Clause 15.01-2S and 15.01-2L)
  - Apartment developments in Merri-bek (Clause 15.01-2L)
  - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)
  - Energy efficiency in Merri-bek (Clause 15.01-2L-04)
- Residential Development (Clause 16.01), including:
  - Housing Supply (Clause 16.01-1S and 16.01-1R)
  - Homes in Merri-bek (Clause 16.01-1L)
  - Housing for People with Limited Mobility (Clause 16.01-1L)
  - Housing Affordability (Clause 16.01-2S and 16.01-2L)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
  - Core Industry and Employment Areas (Clause 17.01-1L-01)
  - Employment Areas (Clause 17.01-1L-02)
  - Business (Clause 17.02-1S)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)
  - Cycling (Clause 18.02-2S and 18.02-2L)
  - Public Transport (Clause 18.02-3S and 18.02-3L)
  - Car parking (Clause 18.02-4S and 18.02-4L)
- Infrastructure (Clause 19.02), including:
  - Health Facilities (Clause 19.02-1S and 19.02-1L)
  - Development infrastructure (Clause 19.03)

## Planning Scheme Amendments

On 18 December 2025, new statewide rules changed how car parking is calculated under Amendment VC277. These rules use the Public Transport Accessibility Level (PTAL), which measures how easy it is to reach public transport. PTAL divides Victoria into four categories, and each category has different parking rates. This site is in Categories 2 and 3 and is also in a Parking Overlay. Because of the Parking Overlay, the car parking rates are not changed by this amendment.

## Human Rights Consideration

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

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

The proposed redevelopment of the land does not present any physical barrier preventing freedom of movement and will enhance the north south pedestrian connections in this precinct. The right to develop and use the land has been considered in accordance with the Merri-bek Planning Scheme.

## 4. Issues

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

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

Both State and local planning policies support increased housing and a diverse range of services in Activity Centres, to take advantage of the excellent access to public transport and co-location with other services.

The proposal meets the objectives and strategies of the Planning Policy Framework by:

- Co-locating additional medical services, childcare and accommodation with existing education, civic, recreation and retail services.
- Providing additional accommodation options (affordable, specialist disability and aged care) within a well serviced location.
- Concentrating increased density at a location with excellent access to public transport.

The site is within Precinct 5 and 10 of the Activity Centre Zone (ACZ1). Precinct 5 encourages the establishment of institutional uses including hospital or major medical facilities, and Precinct 10 encourages a mix of uses including residential and health care facilities. The proposal aligns with this and therefore, enjoys strong strategic support at both State and Local level.

### **Does the built form and appearance respond to the preferred character of the area?**

Schedule 1 to the ACZ1 outlines the preferred built form outcomes that are to be achieved on the site. The built form objectives and guidelines for Precinct 5 and 10 are summarised below.

## Precinct 5 - Civic and Community (90 Bell Street)

This precinct seeks to create a sense of arrival to the Activity Centre from the east and locate a contemporary landmark building on land bounded by Bell Street, Urquhart Street and Pentridge Boulevard. The table below outlines the preferred built form outcomes for the precinct. These can be varied if the overall objectives and guidelines for the precinct are achieved and any additional height or reduced setbacks results in specific design benefits, facilitates benefits to the community via providing excellent ESD outcomes, provision of affordable housing, public realm upgrades, and does not negatively affect the surrounding streetscape.

<b>Design Element</b>	<b>ACZ1 Precinct 5 Requirement</b>	<b>Proposal</b>
<i>Building Height</i>	38.6 metres (9 storeys*)	<i>Building A (hospital): 40.60 metres** (9-10 storeys)</i> <i>Building B (childcare): 26.60 metres** (7 storeys)</i>
<i>Streetwall height (all streets)</i>	14.5m	<i>Building A (hospital)</i> <ul style="list-style-type: none"> <li>• Bell Street: 8.5 - 12.25 metres</li> <li>• Urquhart Street: 10.2 - 12.6 metres</li> <li>• Pentridge Blvd: 12.8 - 14 metres</li> </ul> <i>Building B (childcare)</i> <ul style="list-style-type: none"> <li>• Urquhart Street: 15.5 - 19 metres</li> <li>• Rodda Street: 15.1 - 15.3 metres</li> </ul>
<i>Upper-level setback (all streets)</i>	5m	<i>Building A (hospital)</i> <ul style="list-style-type: none"> <li>• Bell Street: 8.5 metres</li> <li>• Urquhart Street: 3.5 metres</li> <li>• Pentridge Blvd: 4.8 - 6.5 metres</li> </ul> <i>Building B (childcare)</i> <ul style="list-style-type: none"> <li>• Urquhart Street: 3.4 metres</li> <li>• Rodda Street: 0 metres</li> </ul>

\* Hospital buildings have higher floor to ceiling heights than residential buildings.

\*\* In the ACZ1, calculation of maximum building height excludes architectural features and rooftop plant.

Building A is two metres taller than the preferred maximum height, however this minor increase is supported. It will not cause overshadowing of the southern footpath of Bell Street (a key pedestrian route) on either the March/September equinox which is a key outcome sought by the ACZ1. The additional two metres will not result in unacceptable visual impacts from surrounding streets, public spaces, or private property.

Building A does not meet the upper-level setback requirements, falling short by 1.5 metres on Urquhart Street and 0.2 metres on Pentridge Boulevard. These shortfalls are considered minor given the overall scale of the building. A clear visual separation between the lower and upper levels is still maintained.

The building's prominent massing and strong architectural expression at the Bell Street/ Pentridge Boulevard corner create a clear visual marker that announces arrival to the Activity Centre from the east. Its contemporary appearance and solid concrete street wall establishes the development as a landmark building consistent with the precinct's policy objectives.

Building B exceeds the preferred street wall height by up to 0.8 metres on Rodda Street and 4.5 metres on Urquhart Street, and the upper-level setbacks do not fully comply on either frontage. The extra height on Rodda Street is acceptable because this part of the street has no defined character and will have more a service function with lesser pedestrian activity in comparison to the other street frontages. On Urquhart Street, the extra height is acceptable with some extent of height variation supportable in establishing a new character for the area where a mix of building heights and street walls is expected. The sloping land from west to east partly explains the taller street wall at the eastern end. The building design also includes a central cut-out for the childcare play area and a large undercroft entry for the aged care which further helps to reduce the visual impact from Urquhart Street.

#### Precinct 10 – Pentridge Village (29-31 Urquhart Street)

In this precinct, tower development is supported along Pentridge Boulevard and Urquhart Street, with taller buildings required to provide a clear transition to the lower-scale established residential areas to the north and west of Pentridge Boulevard.

For Precinct 10, the ACZ1 takes its discretionary height guidance from the *Pentridge Village Design Guidelines and Masterplan 2009 (Masterplan)* which identifies buildings ranging between 6 to 10 storeys in height for this site. The area at the intersection of Pentridge Boulevard and Urquhart Street is identified as being suitable for a landmark building with the following specific direction for the site:

*Identify higher built form near intersection of Pentridge Boulevard and Urquhart Street as landmark to complement the 10 storey development proposed for Council land south of Urquhart Street and the higher built form proposed east of Pentridge Boulevard, thereby reinforcing a boulevard built form along Pentridge Boulevard.*

The proposed height of Building C ranges from 8 to 13 storeys, exceeding the preferred height. This increase is considered acceptable having regard to the objectives of the ACZ1 and the masterplan, which envisage a landmark tower building on this site. The proposed building will act as a southern gateway to the taller buildings along Pentridge Boulevard, many of which are already present further north. The building steps down along Urquhart Street from 13 storeys to 8 storeys, responding positively to the lower-scale developments to the west, as sought by the ACZ1. Building C wraps the intersection with a four-storey brick street wall incorporating feature arched elements. This creates a visually engaging building when viewed from multiple locations which together with the higher built form to the corner, appropriately respond to the planning scheme direction for a landmark building.

While Council's Urban Design Unit supports the proposed heights and upper-level setbacks, concerns remain that insufficient information has been provided to assess matters relating to materials, facade detail, pedestrian access points, awnings, projections, and services screening. The applicant agrees that further detail is required and has accepted that these matters can be addressed through permit conditions. Subject to these conditions, officers are satisfied that the development will positively contribute to the character of the area through high quality materials, well detailed facades, and active street frontages that add visual interest and provide passive surveillance.

#### **Does the proposal incorporate adequate landscaping and positively contribute to public areas?**

The proposal includes a central landscaped plaza between Buildings A and B. This will be publicly accessible and include canopy tree planting, shrubs, garden beds and both formal/informal seating areas. Many of the proposed ground floor retail tenancies will face the plaza, helping to improve activation and surveillance of this space.

The proposal also includes upgrades to surrounding streets to increase tree canopy and improve pedestrian and cyclist amenity. Council's Open Space and Urban Design teams have requested detailed information relating to the public street works and have recommended additional tree planting, adequate lighting within the central plaza. These form conditions in the recommendation.

Objections received seek a greater proportion of the site to be allocated to landscaping. However, officers consider that an appropriate balance will be achieved through the recommended permit conditions to secure additional canopy trees in the central plaza and surrounding streets, appropriate planter depths for canopy tree growth and appropriate planting species to contribute to vertical greening.

**Does the proposal provide adequate building setbacks and are there any offsite amenity impacts?**

Objector concerns related to the development not being adequately setback from the bluestone cottage therefore appearing dominating and causing shadows. Building A is setback a minimum of 19 metres from the cottage and Building B a minimum of 28.5 metres. This is considered an acceptable response that does not dominate the significant heritage building, particularly given its activity centre location where higher density is anticipated. Council's Heritage Advisor was also supportive of this response. While the ACZ1 does not prescribe an overshadowing standard for the bluestone cottage, and its non-residential use by the Coburg Historical Society is noted, the September Equinox shadows are a tool to assess impacts. The submitted shadow plans demonstrate that the cottage's rear garden areas will receive adequate sunlight between 9am and 3pm with shadows mostly falling on the far rear of the site and the future pedestrian link.

At the upper levels, there is an internal separation of between 20.6 - 25.6 metres between the hospital rooms of Building A and aged care rooms of Building B. This is a positive outcome ensuring that both buildings achieve reasonable outlook for occupants. Building B is also setback from Council's office by 16.4 metres which is an appropriate response.

Building C is located on land that is surrounded by roads and vacant development sites. The key consideration is ensuring upper-level dwellings maintain outlook and are not unreasonably affected when the neighbouring vacant sites are developed. Council's Apartment Developments Policy (Clause 15.01-2L) sets out building setback standards which require adequate daylight and outlook for occupants.

<b>Building C (northern boundary)</b>		
<b>Height</b>	<b>Requirement</b>	<b>Proposed</b>
5 - 8 storeys	4.5 metres (bedroom to boundary)	5.2 metres
5 - 8 storeys	9 metres (main balcony to boundary)	12.26 – 15.90 metres
9 or more storeys	6 metres (bedroom to boundary)	5.2 metres
9 or more storeys	12 metres (main balcony to boundary)	12.26 – 15.90 metres

The assessment demonstrates that the development performs well against the setback requirements ensuring that the apartments will retain reasonable outlook and daylight. The only non-compliance relates to some bedroom windows at levels 8-11 which fall short by 0.8 metres. This is acceptable given the minor proportion of bedrooms impacted (8 out of 177 bedrooms).

### *Overshadowing of residential properties, footpaths and tennis courts*

The development will overshadow parts of the Pentridge Boulevard and Urquhart Street footpaths at various times of the day, although the ACZ1 does not identify these areas as requiring protection from overshadowing. On the September Equinox, there will be no additional overshadowing of residential properties on the southern side of Bell Street, and shadows at East Coburg Tennis Club to the east will commence from roughly 2:20pm onwards. This overshadowing impact is considered acceptable.

One objection raised concerns that sunlight to the central plaza does not meet the overshadowing standards for residential buildings (Clause 58). It was clarified to the objector that, as a public space, the plaza is not subject to this policy.

### *Wind impacts*

A wind assessment has been carried out with the report finding that the design will generally satisfy the walking comfort criterion for all streets surrounding the site including the central plaza area. Outdoor terrace areas were also assessed, and it was recommended that the Level 2 Terrace on Building A include wind amelioration strategies to improve the walking comfort level. A condition will require an updated report to confirm the final design is acceptable.

### **Does the proposal provide an acceptable level of amenity for future apartment residents within Building C?**

Detailed floor plans have been provided for 75 per cent of the 120 apartments. An assessment undertaken highlights that subject to conditions the development will comply with the objectives of Clause 58. Key issues from the assessment are discussed below:

#### *Standard D7 (Communal open space)*

Building C has a requirement to provide at least 250 square metres of outdoor communal open space to meet the recreation and amenity needs of residents. The application does not currently have any communal open space which is not acceptable, particularly given 49 of the 120 balconies are south facing with no access to sunlight year-round. As the layout of the building has opportunities for an outdoor area, (e.g. at Level 8), a condition in the recommendation will require the provision of at least 75m<sup>2</sup> of communal open space. This is an acceptable outcome noting that internal apartment and private balcony dimensions performed well against the apartment standards and the availability of nearby McDonald Reserve, both of which ensure reasonable amenity for future residents. This condition will also seek that the area is landscaped and that adequate sunlight to this area is achieved.

#### *Standard D18 (Accessibility)*

The standard requires 50 per cent of apartments to meet accessibility requirements for door widths, circulation dimensions and bathroom design. Based on the information submitted, 88 apartments have been designed to comply which equates to at least 73 per cent, exceeding the standard requirement. This number is likely to increase when detailed design of the remaining apartments is confirmed, including the proposed Specialist Disability Accommodation (SDA). A condition in the recommendation will require detailed floor plans to confirm compliance with this standard, as well as the submission of an Accessibility Report.

### **Has adequate car and bicycle parking been provided?**

The proposed development will see the removal of the current at grade car parking that currently supports the operation of the municipal offices. The proposal also provides car parking across three buildings that will service each building individually. A summary of the car parking assessment is provided for each building below:

### Building A - Hospital

The planning scheme does not specify a car parking rate for hospitals, so the number of spaces must satisfy Council. The application estimates a maximum of 127 hospital staff, but Council's engineering unit calculated 146 staff based on the hospital's size and function. Using ABS travel data, 146 staff would require 111 parking spaces.

The submitted traffic report estimated visitor parking needs using hospital surveys. The survey suggested the need for one visitor parking space for every two treatment areas (consulting rooms, hospital beds or operating theatres). Based on this approach, the hospital would require 110 visitor spaces, giving a total of 221 car spaces for hospital staff and visitors.

The planning scheme requires 39 car parking spaces to be allocated to the ground level retail uses, resulting in a total requirement of 260 spaces for the hospital. The hospital provides 278 spaces, representing an overall surplus. In practice, 39 spaces would not be dedicated solely to retail uses as this would not reflect the typical demand generated by these tenancies. This provides additional capacity to accommodate up to 58 spaces within Building A to be allocated to Merri-bek City Council for general Council operations.

The allocation and management of these spaces, including the provision of temporary parking for Council operations during staged construction, will be detailed within a Car Parking Management Plan to be submitted for endorsement. This will be secured via recommended permit conditions. Officers are satisfied that the proposed car parking provision for Building A is acceptable.

### Building B – Childcare / aged care

Based on the planning scheme car parking rates, Building B requires 62 car parking spaces. 80 spaces are provided resulting in a surplus of 18 spaces which is acceptable.

### Building C – Dwellings and medical offices

Building C's car parking requirement is summarised below:

Use	No.	Planning Scheme Rate	Parking Required	Parking Provided
1bed and 2bed dwellings	92 dwellings	1 to each dwelling	92 spaces	139 spaces
3bed dwellings	14 dwellings	2 to each dwelling	28 spaces	
SDA dwellings – 1bed and 2bed	14 dwellings	1 to each dwelling	14 spaces	
Office (medical, allied health, etc)	7034 m <sup>2</sup>	3 per 100 m <sup>2</sup> NFA	211 spaces	
Food and Drink	131 m <sup>2</sup>	3.5 per 100 m <sup>2</sup> NFA	4 spaces	
<b>Total</b>			349 spaces	139 spaces

The assessment shows that a reduction of 210 car parking spaces is proposed for Building B. Of the 139 spaces provided, 63 are for the affordable housing dwellings, 14 are for SDA dwellings, 59 spaces for the offices and 3 for the retail use. To support the reduction of car spaces, a traffic report was submitted with the application which applies an alternative car parking rate 0.6 spaces per dwelling. This rate is accepted to more accurately reflect car ownership patterns in affordable housing developments. The full car parking requirement has been provided for the SDA dwellings.

The parking assessment for the office component recognises that office parking needs vary widely and depend on factors such as access to public transport, cycling facilities and site location. Studies show that office parking in inner-suburban Melbourne can be much lower than traditional rates, particularly where good alternatives to driving exist. Council policy and past VCAT decisions support reducing car parking to help limit traffic congestion and encourage people to use public transport, walk or cycle. Oversupplying parking can undermine these objectives by increasing car use and traffic movements.

In this case, the site has excellent access to trains, trams and buses, as well as bicycle parking and end of trip facilities within the basement. The proposed office parking rate is lower than typical but is considered appropriate given the site's transport options and Council's policy direction toward sustainable travel. The assessment also notes that parking demand is partly driven by how much parking is provided, and staff are less likely to drive if alternatives are convenient. Overall, it is concluded that the proposed parking supply is sufficient for the office component and supports broader transport and planning objectives. The car parking provision is supported by Council's Development Engineers.

#### *Bicycle Parking*

Bicycle spaces for a resident or employee must be secured, protected from the weather and have dimensions to Australian Standards. The ACZ1 statutory requirement for resident and employee bike parking is calculated as follows:

<b>Total Resident and Employee Bicycle Parking Requirement</b>		
<b>Component</b>	<b>Bicycles Required</b>	<b>Bicycles Provided</b>
Building A	Hospital: 13 spaces Retail: 4 spaces Total: 17 spaces	50 spaces
Building B	0 spaces	6 spaces
Building C	Office: 35 spaces Dwellings: 163 spaces Total: 198 spaces	99 spaces

The bike parking requirement for Building A has been exceeded which is positive. Showers and change rooms have also been provided next to the bike storage room to encourage their use.

Building B has 6 spaces identified on the plans with an additional room on ground floor labelled "bike store". It is estimated that during peak periods, the aged care will have 25–30 staff on site, and the childcare would have 18–22 staff. Additional bike parking would therefore be a positive outcome to provide additional transport options.

Building C does not provide the full bike parking requirement. The submitted traffic report states that 35 spaces will be allocated to residents and 64 spaces to employees which does not strike an appropriate balance given the number of occupants in the building and the car parking reduction sought by the proposal. The applicant has confirmed that they can provide 120 bike spaces for residents and 35 spaces for the offices which is an acceptable figure that is secured by recommended conditions. Showers and change rooms have also been provided although detailed layouts are still required.

Bicycle spaces for visitors must be easily accessible within public areas, have a bicycle rail for security and have dimensions to Australian Standards. The ACZ1 statutory requirement for visitor bike parking is calculated as follows:

<b>Total Visitor Bicycle Parking Requirement</b>		
<b>Building</b>	<b>Bicycles Required</b>	<b>Bicycles Provided</b>
Building A	9 spaces	6 spaces
Building B	0 spaces	14 spaces
Building C	9 spaces	12 spaces

Building A falls short of the requirement by three spaces. A condition will require Building A to provide three more spaces to meet the minimum requirement. For Building B, the planning scheme does not prescribe visitor bike parking for aged care or childcare however the development provides 14 spaces which includes two cargo bike spaces for parents dropping off children. Building C also provides three additional visitor spaces which is positive.

The bike parking arrangement is supported by Council's Development Engineering Unit.

### **Staging the development**

Objections sought clarity on why and how the application is staged. The application seeks to stage the development as outlined in the site staging plan and summarised earlier in this report. The benefit of this for larger developments with extended construction timelines is that certain aspects of the development can commence operation while other parts are still being constructed. There are no issues with the sequencing of the three buildings. The key consideration for Council relates to the sequencing of the works relating to the central plaza and Urquhart and Rodda Street. The timing of the permit conditions requires completion of the Urquhart and Rodda Street upgrades before any works for the hospital commence. This ensures less disruption on the completed Building B and C while Building A is constructed. Permit conditions also require Stage 2b (central plaza) to be absorbed into Stage 2a (hospital) to ensure that the works are completed prior to the commencement of hospital operations. Subject to conditions, the staging is appropriate.

### **Are adequate loading/unloading facilities provided?**

Clause 65.01 requires consideration of the adequacy of loading and unloading facilities. There are designated loading facilities within the car parking areas of all three buildings. This arrangement is supported by Council's Development Engineer.

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

The application was referred to the Head of Transport for Victoria, the road authority for Bell Street, Urquhart Street, Pentridge Boulevard, and Elm Grove. They reviewed traffic volumes, intersections, and new vehicle access points and found the proposal supportable, subject to permit conditions. These include intersection changes, signage to direct motorists, a road safety audit, and measures to protect bus services. Council's Transport Planning Unit also recommended signalling the Urquhart Street and Pentridge Boulevard intersection, which is captured by Transport for Victoria's recommended permit conditions.

### **What is the provision of affordable housing?**

The proposal includes 106 affordable housing apartments that will be owned and managed by HousingFirst which is a registered housing agency. The mix includes a range of dwelling sizes including three-bedroom dwellings providing options for different household types.

These dwellings will be used as Affordable Housing for at least 30 years and will be allocated to people on very low, low and moderate incomes. Rents will be capped so that households pay no more than 30 per cent of their income and no more than 74.99 per cent of market rent. The proposal has been reviewed by Council's social and affordable housing advisor who noted that it will deliver strong affordable housing outcomes for Merri-bek making a meaningful contribution to long-term affordable housing supply. These outcomes are secured by recommended condition for a legal agreement on the land.

The agreement would include a flexibility provision recognising that funding or financing arrangements may change over time. In such circumstances, the parties may agree to amend the rent-setting percentage provided the housing continues to be allocated to eligible households and does not cause rental stress. Any amendment to a Section 173 Agreement must be formally assessed and agreed to by the relevant parties at that time, ensuring that any proposed change is considered on its merits and continues to deliver appropriate affordable housing outcomes.

### **Does the proposal incorporate adequate Environmentally Sustainable Design (ESD) features?**

The proposal includes some positive ESD initiatives, including a commitment to achieving a minimum 4-Star Green Star rating. A Green Star assessment is an independent sustainability rating that evaluates how well a development is designed, built and operated to reduce environmental impact. Green Star is unique in that it provides a whole-of-development sustainability rating that goes beyond minimum building regulations to assess environmental performance, liveability and resilience outcomes.

While this is a positive approach, many key matters relating to energy performance, on-site renewable energy provision, daylight access, indoor environmental quality, stormwater management and transport outcomes remains unresolved. Although the development will be delivered in stages, the Sustainable Management Plan (SMP) and the Green start assessment have been prepared for the whole site, making it impractical to meaningfully assess or condition ESD outcomes on a stage-by-stage basis. Overall, the proposal does not yet demonstrate adequate ESD outcomes, but these matters can be addressed through amended plans and an updated Sustainable Management Plan (SMP) required by permit conditions. The SMP referenced in permit conditions is a later version than the one placed on public notice due to additional analysis requested by Council.

### **Is the proposed subdivision appropriate?**

Permit No. SP/2022/171 allowed a two-lot subdivision of Council land to create Lot 1 (Council offices and bluestone building) and Lot 2 (part health hub site). It is proposed to further subdivide Lot 2 into two lots: one lot for Building A and another lot for Building B. This is an administrative exercise to legally separate the two buildings. The proposed title boundaries on the plan of subdivision align with the proposed development plans. Subdivision conditions are included in the recommendation.

### **Is the removal and creation of easements appropriate?**

Council and Yarra Valley Water have an interest in the easement on the hospital site. Council does not have any services within the easement and therefore consents to its removal. The application was referred to Yarra Valley Water, which confirmed that the easement is required to be retained until the section of the reticulated sewer main is abandoned. This outcome is secured through the recommended subdivision conditions, including the need for an application to Yarra Valley Water.

A footway easement is proposed over Lot 1 (Building B) to allow pedestrian movement over the site between the central plaza and Rodda Street. The easement allows connection between sites and is appropriate.

## 5. Response to Objector Concerns

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

- Car parking and traffic impacts
- Setback from bluestone cottage
- Building height and bulk
- Provision of green space and public open space
- Overshadowing
- Status of planning permit SP/2022/171
- Solar access to plaza

Other issues raised by objectors are addressed below.

### **Responsible Authority / Conflict of Interest**

The objection raises concern regarding Council's role in the application, noting that Council is both the landowner and Responsible Authority. The Planning and Environment Act, 1987 allows a council to perform multiple statutory roles in relation to land it owns, including as landowner or vendor, and as Responsible Authority. The planning process provides for public notification and consideration of objections with an ability for any objector party to seek an independent review of the Council decision before VCAT.

The application has been assessed by Council's statutory planning officers who are independent of the land sale and project delivery functions with no involvement in the commercial or contractual arrangements associated with the site. The application has been assessed against the requirements of Merri-bek Planning Scheme, relevant legislation and submissions received, with the statutory process providing appropriate transparency and procedural safeguards.

### **Bluestone cottage restoration/redevelopment**

The objection sought clarification on how the staging of the Coburg Health Hub construction would interact with the approved works to the bluestone cottage site under Planning Permit MPS/2025/4. It was explained that this matter falls outside the scope of the current application given that it relates to a separate planning permission. The relevant Council project manager overseeing those works advised that timing would become clearer once the Coburg Health Hub secures a planning permit. This information was relayed to the objector.

### **Estimated cost of development**

An objection raises concern regarding the estimated cost of development provided with the application. While the final construction cost may vary as the project progresses through detailed design and procurement, Council assessed the application based on the information submitted at the time of lodgement. The estimated cost of development was accepted and was sufficient for the purposes of placing the application on public notice.

Importantly, the estimated cost of development does not form a planning control and does not influence the assessment of the proposal against the relevant planning scheme provisions. Any variation to the final project cost does not invalidate the application, nor does it give rise to a planning consideration that would warrant withholding or re-advertising the application.

### **Metropolitan Planning Levy (MPL) Certificate**

An objection was concerned that the MPL wasn't paid. A MPL certificate was submitted with the application confirming that the MPL was paid. This was also provided to the objector upon request.

## **Impact of neighbouring development at 22-30 and 27 Pentridge Blvd**

An objection was concerned that the documents refer to approved developments at 22-30 and 27 Pentridge Boulevard but that no additional information was available. It was explained that there are no current planning permits for those properties and that the submitted Urban Context Report was seeking to model what may be possible on surrounding vacant sites. It is accepted that an existing conditions site plan would not usually include this detail although this did not impact the assessment.

## **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 proposed development has been assessed against the relevant provisions of the Merri-bek Planning Scheme, State and local planning policy, and the objections received. Overall, the proposal is strongly supported by planning policy, which encourages the delivery of health services, social and community infrastructure, and diverse housing within Activity Centres that are well serviced by public transport.

The development provides a public benefit through the delivery of a hospital, community health services, affordable housing and specialist disability accommodation consolidated into a single, integrated health precinct.

While the proposal exceeds some preferred built form controls, these variations are considered acceptable in the context of the Activity Centre and the strategic role of the site. Potential improvements relating to environmentally sustainable development, residential amenity, appearance and landscaping, and impacts related to traffic and car parking have been carefully considered and can be satisfactorily managed through permit conditions.

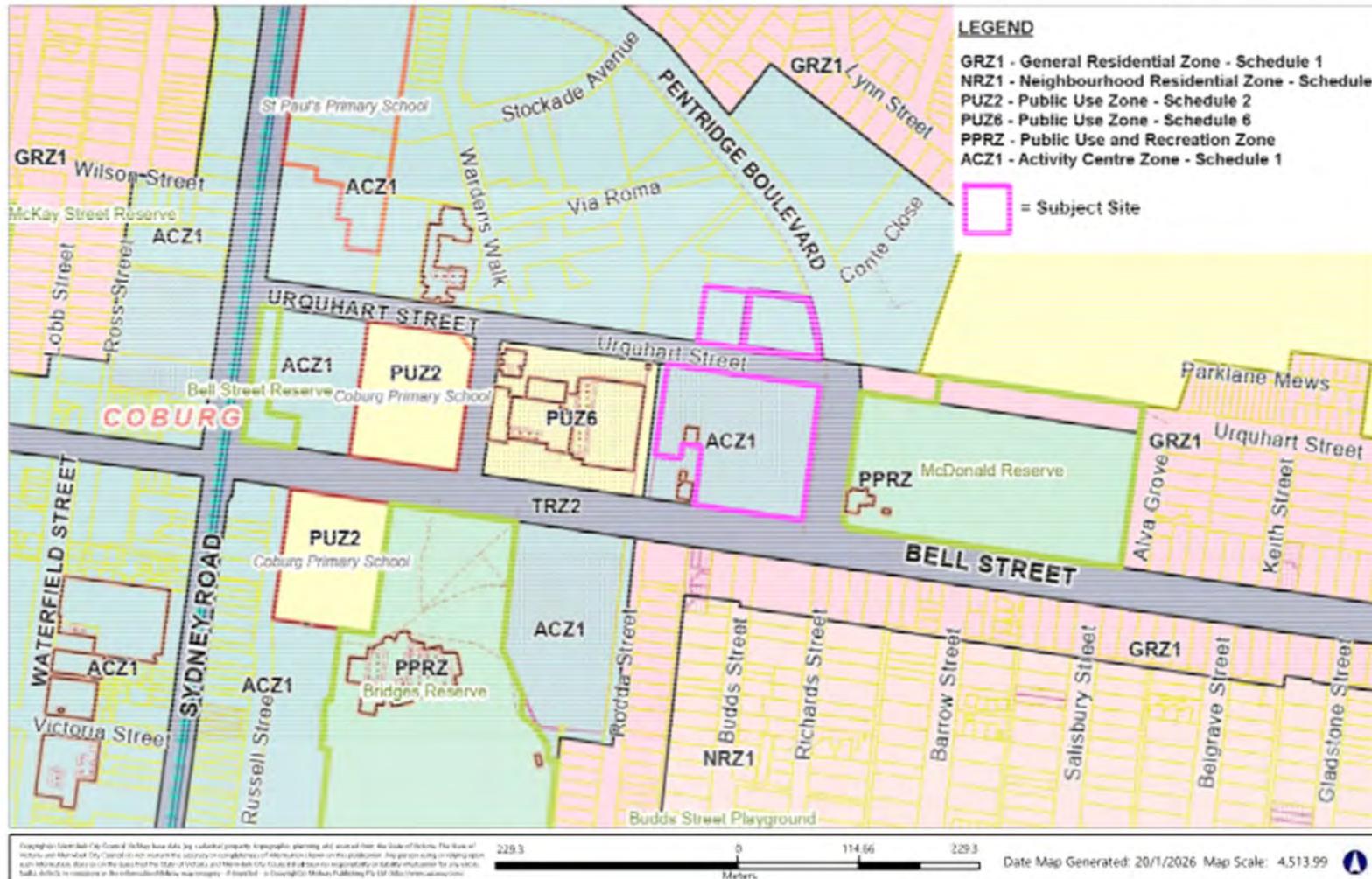
On balance, the proposal will make a positive contribution to the Coburg Activity Centre and the broader community. Accordingly, it is recommended that a Notice of Decision to Grant Planning Permit No. MPS/2024/414 be issued, subject to the conditions set out in this report.

## **Attachment/s**

- |          |                          |           |
|----------|--------------------------|-----------|
| <b>1</b> | Zoning and Location Plan | D26/25972 |
| <b>2</b> | Architectural Plans      | D26/26159 |
| <b>3</b> | Objector Map             | D26/26012 |
| <b>4</b> | 3D images                | D26/36858 |

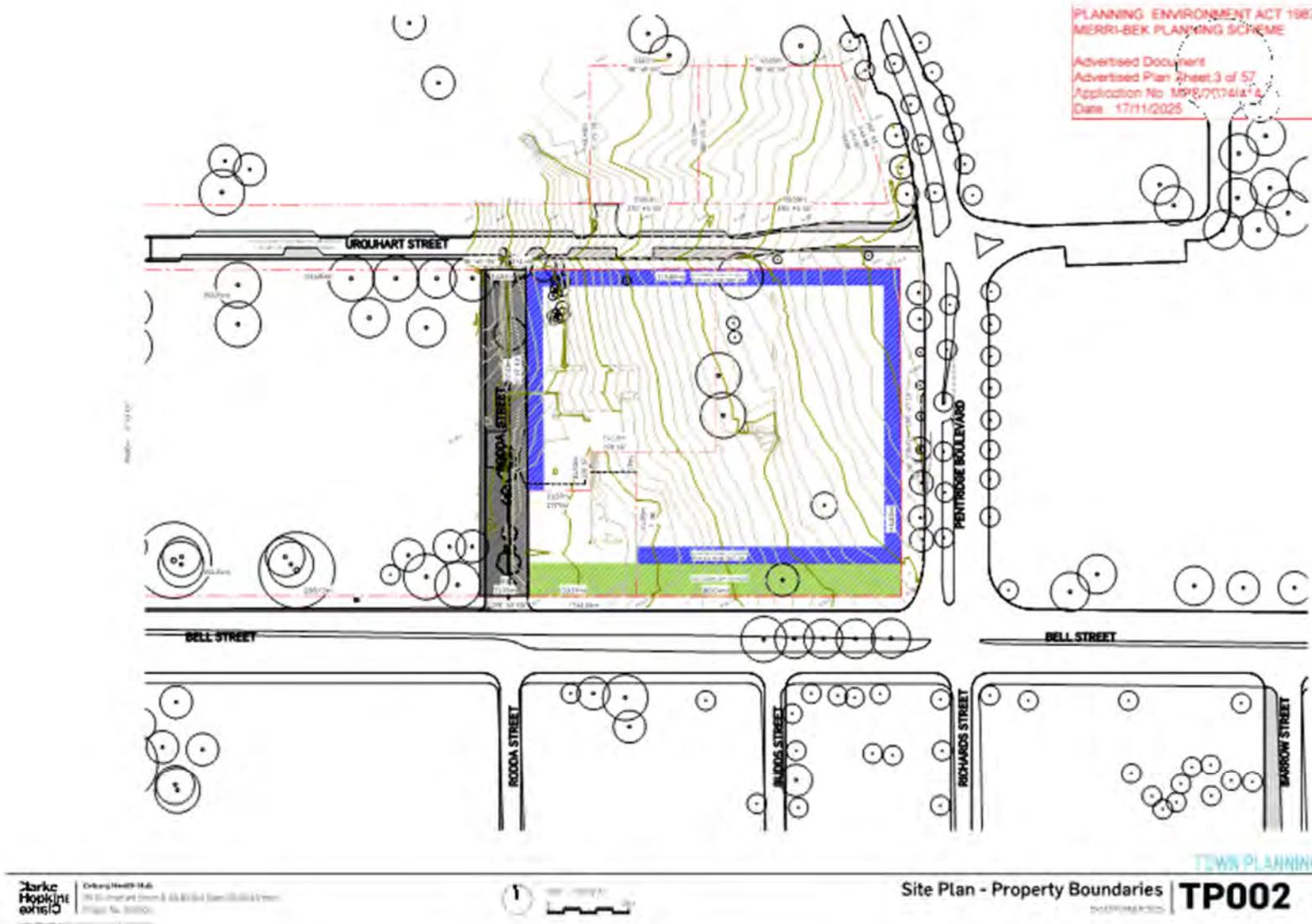
# Zoning and Location Plan

90 Bell Street and 29-31 Urquhart Street, Coburg



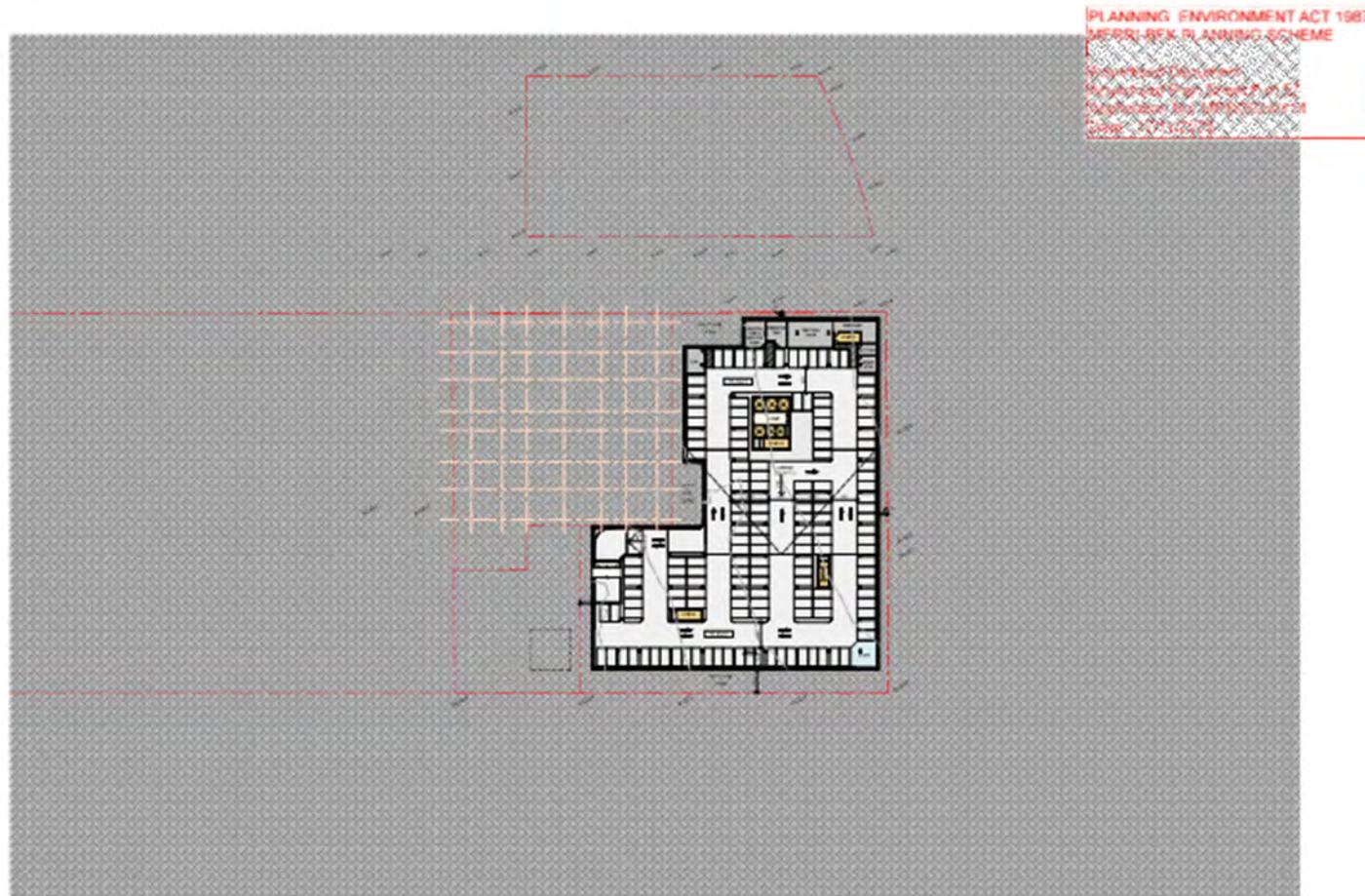


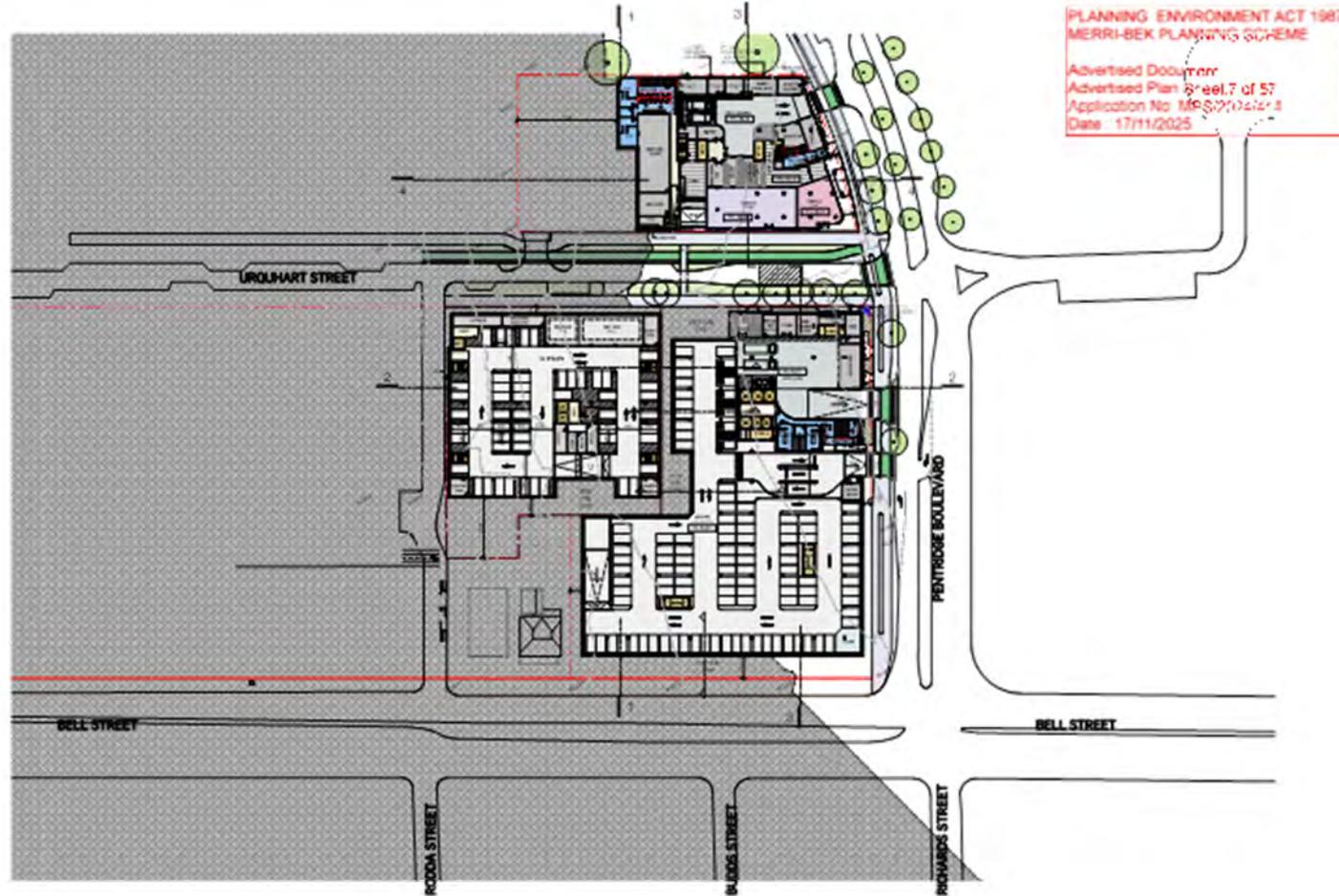








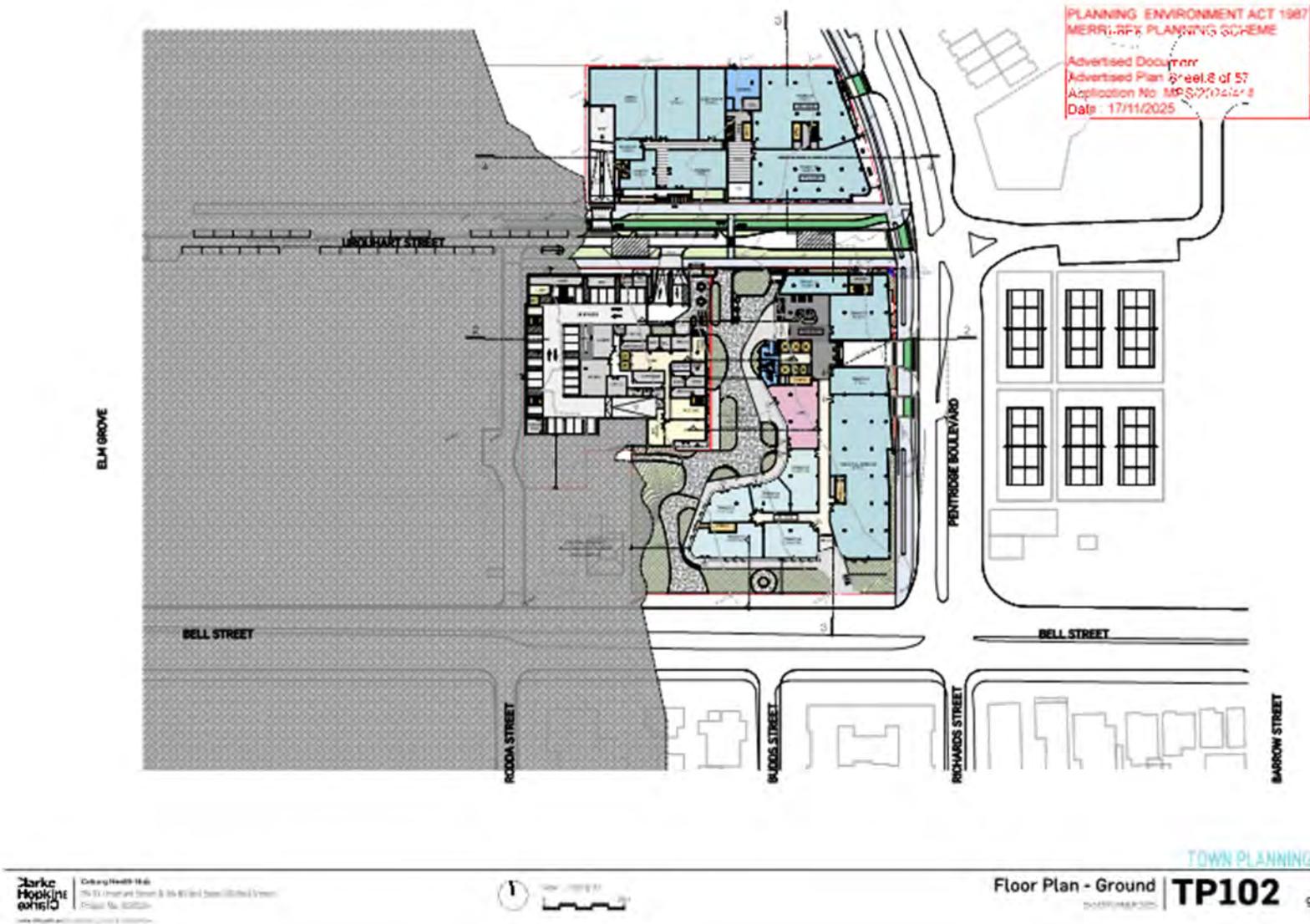


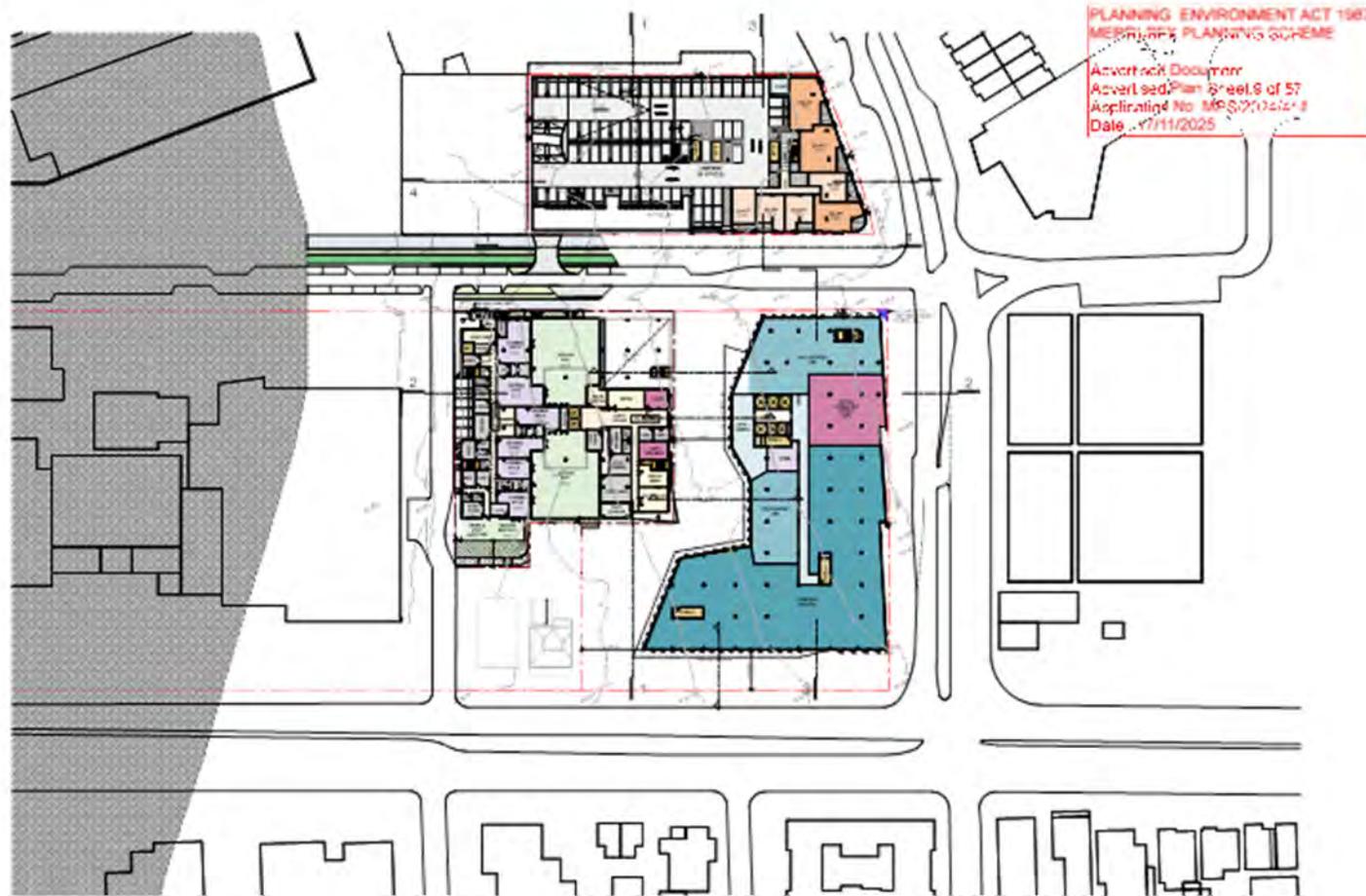


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TOWN PLANNING  
Floor Plan - Lower Ground | **TP101** 9





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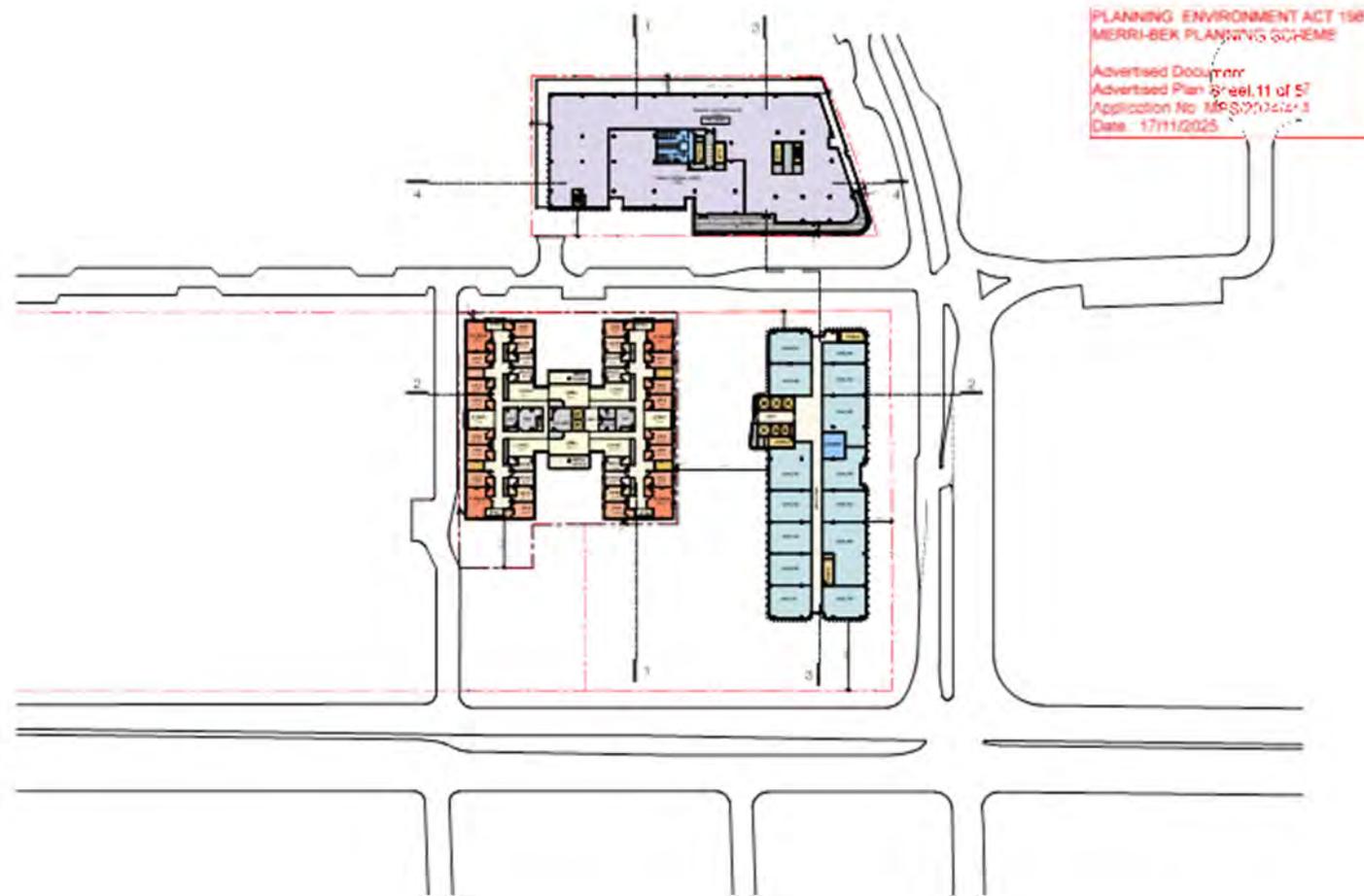
TOWN PLANNING  
Floor Plan - Level 1 | **TP103** 9



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Project No: 202201



TOWN PLANNING  
Floor Plan - Level 2 | **TP104** g



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TOWN PLANNING  
Floor Plan - Level 3 | **TP105** g



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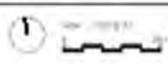


TOWN PLANNING  
Floor Plan - Level 4 | **TP106** 9  
DRAFT/REVISIONS



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TOWN PLANNING  
Floor Plan - Level 5 | **TP107** 9



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TOWN PLANNING  
Floor Plan - Level 6 | **TP108** g



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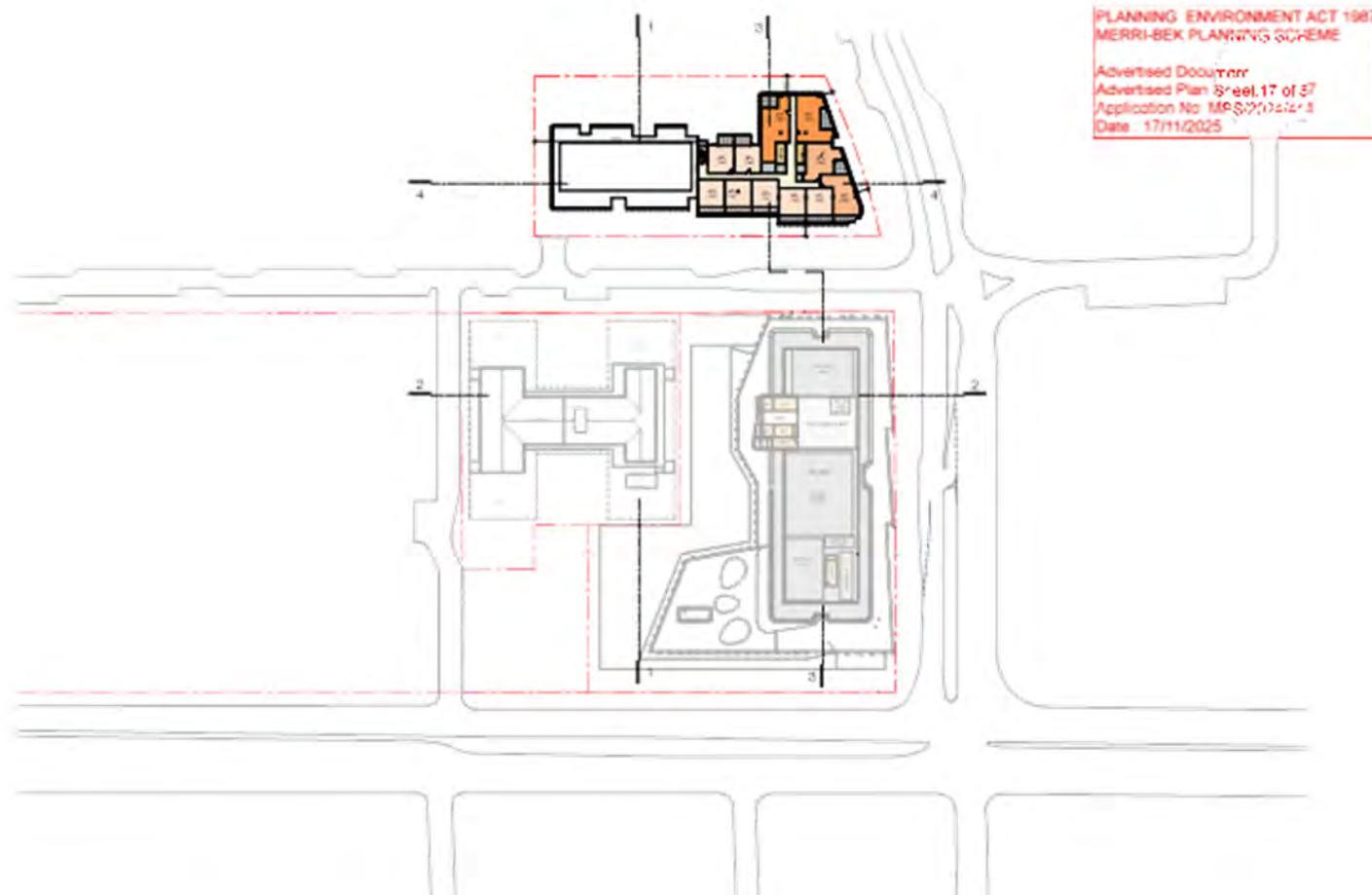
TOWN PLANNING  
Floor Plan - Level 7 | **TP109** 9



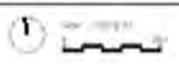
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TOWN PLANNING  
Floor Plan - Level 8 | **TP110** g

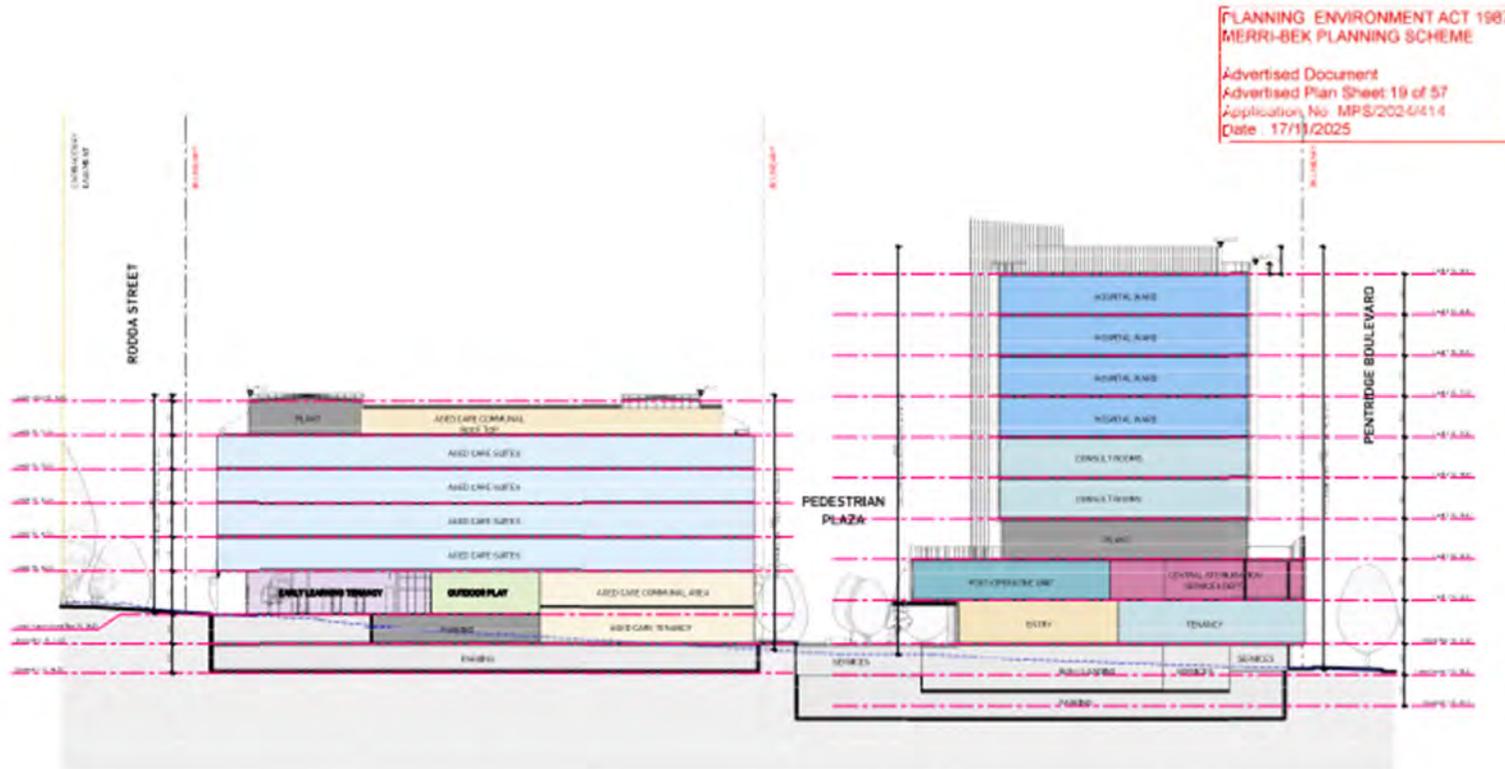


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TOWN PLANNING  
Floor Plan - Level 9-11 | **TP111** g  
DRAFT/PROPOSED





Section 2 - East West through Buildings B & A

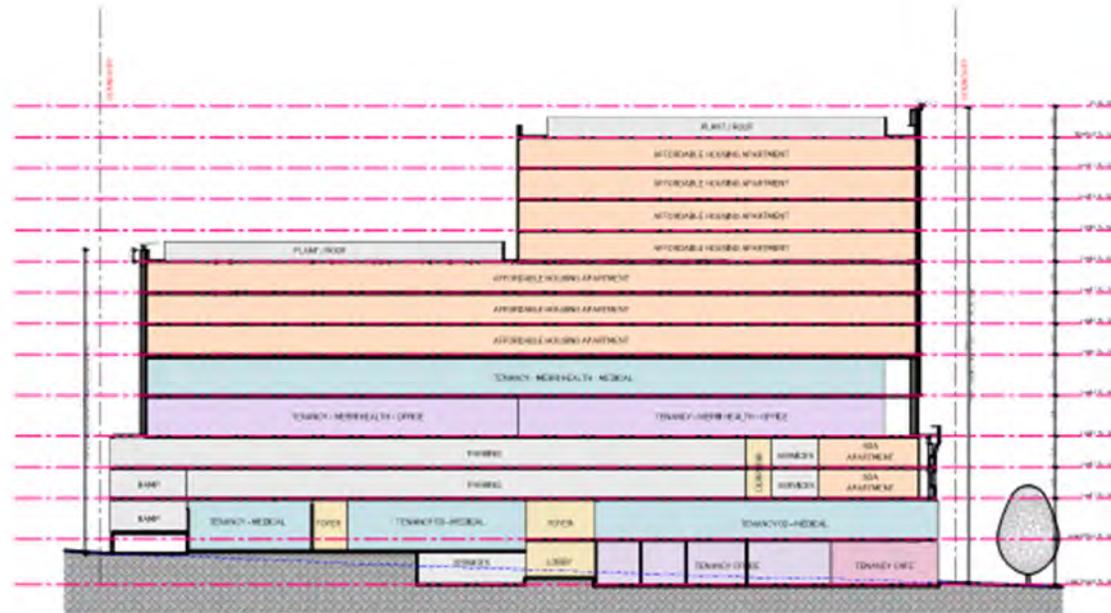
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TOWN PLANNING  
 Section - East-West Building A & B | **TP201** 9



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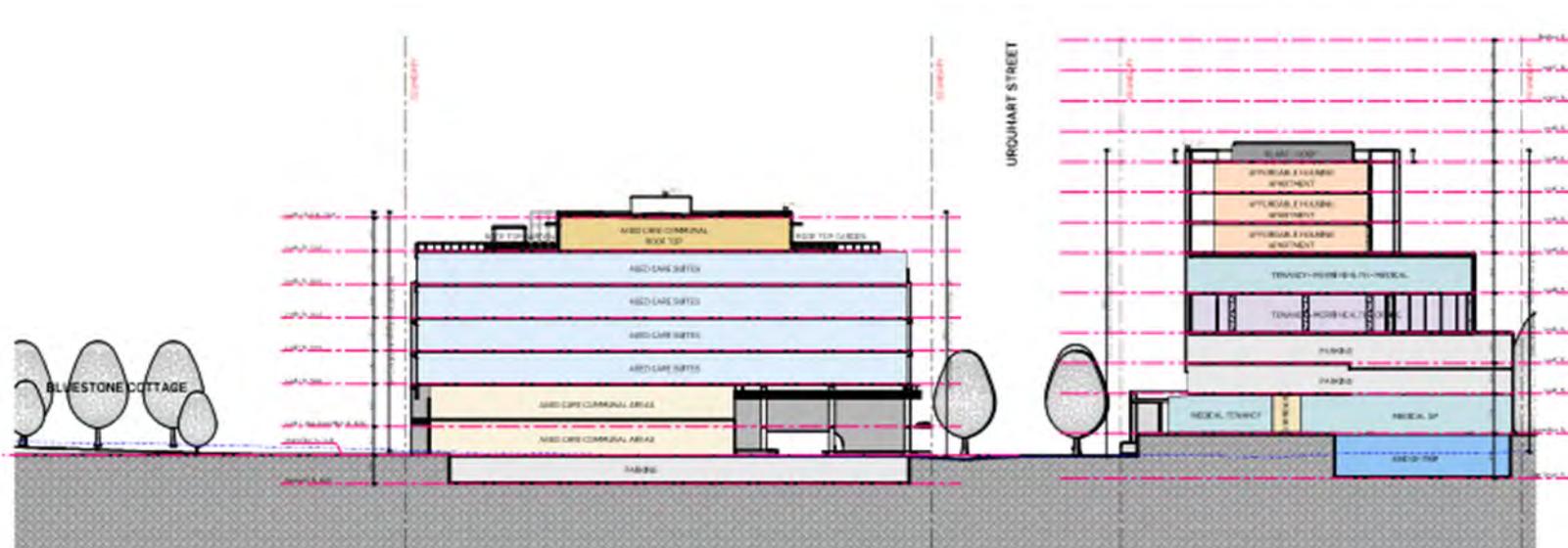
Section 4 - East West through Building C

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 Section - East-West Building C | **TP203**

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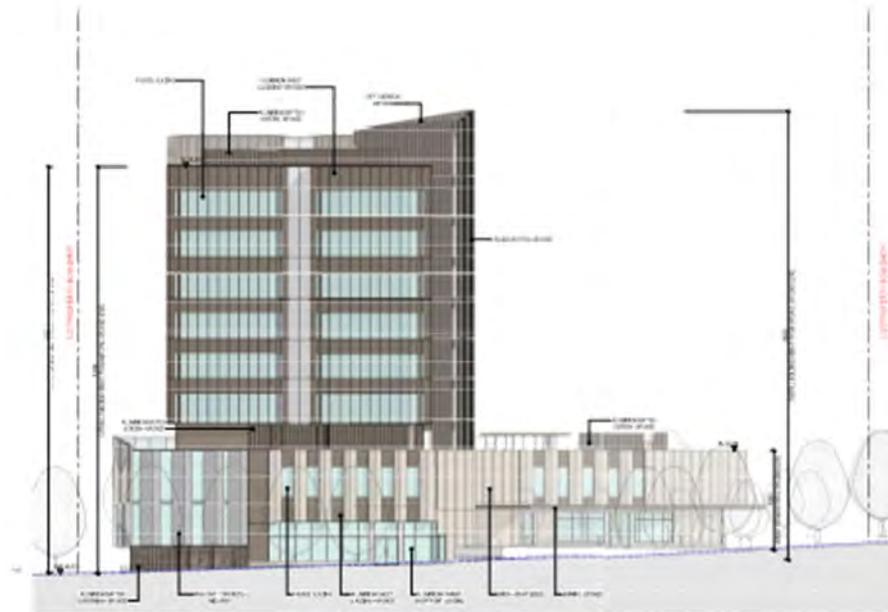
Section 1 - North-South through Building C & B

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 Section - North-South Building C & B | **TP204** g

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Date: 17/11/2025



⊕ Elevation - Building A - North (Mount Street)  
17/11/2025

Legend - Material Schedule



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TOWN PLANNING  
Elevation - Building A - North | **TP301** g  
DRAWING NUMBER

PLANNING ENVIRONMENT ACT 1967  
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Legend - Material Schedule



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Project No. 20020



TOWN PLANNING  
Elevation - Building A - East | TP302 g

PLANNING ENVIRONMENT ACT 1987  
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Elevation - Building A - South  
Scale: 1:100

Legend - Material Schedule

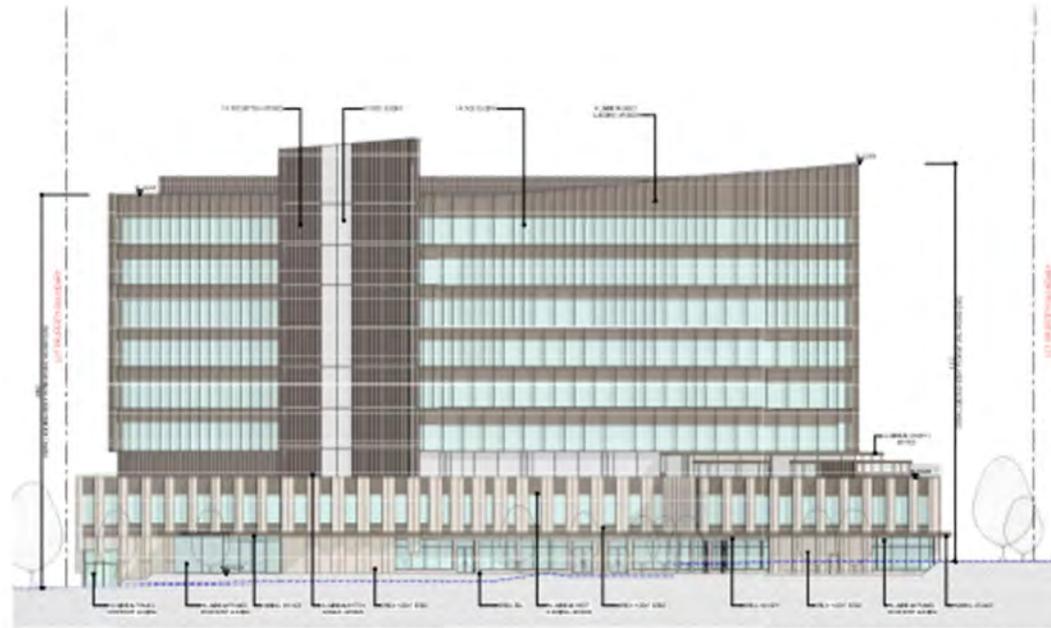


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Project No. 20020



TOWN PLANNING  
Elevation - Building A - South | TP303  
20/11/2025

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MERRI-BEK PLANNING SCHEME  
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Legend - Material Schedule



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Project No. 200226



TOWN PLANNING  
Elevation - Building A - West | **TP304** g



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25-31 Orchard Street & 34-36 Hill Street (Billed Street)  
Project No. 200320



TOWN PLANNING  
Elevation - Building B | TP311  
20/06/2020

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Elevation - Building C - North

Legend - Material Schedule

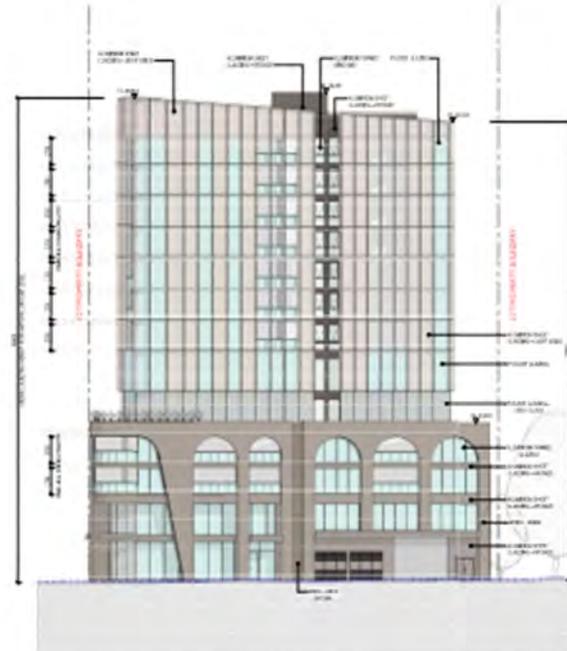


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Project No. 200326



TOWN PLANNING  
Elevation - Building C - North | TP321 9

PLANNING ENVIRONMENT ACT 1987  
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Elevation - Building C - East, Frittridge Boulevard  
 16/08/2025

Legend - Material Schedule

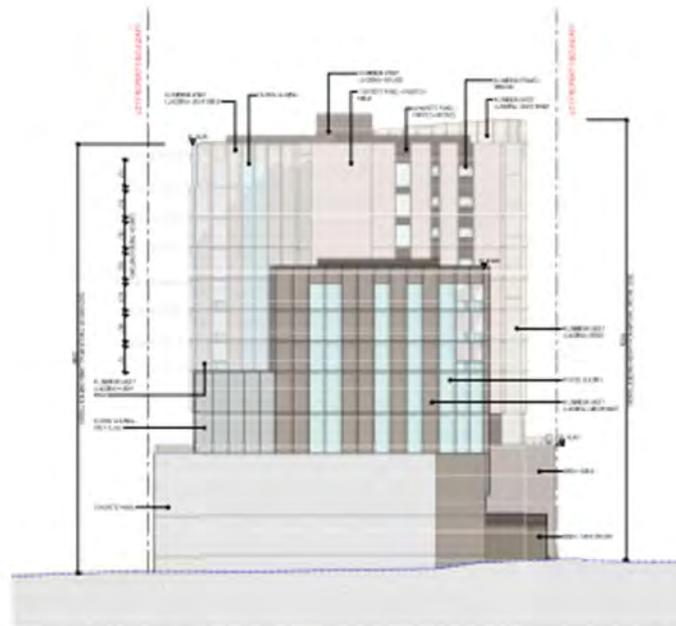


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TOWN PLANNING  
 Elevation - Building C - East | TP322 g  
 DRAFTSMAN

PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME  
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Elevation - Building C - West

Legend - Material Schedule



Clark Hopkins  
Colony Health Hub  
25-31 Orchard Street & 84-86 Lord Street (Billed Street)  
Project No. 200324



TOWN PLANNING  
Elevation - Building C - West | TP323 9

PLANNING ENVIRONMENT ACT 1987  
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Elevation - Building C - South (Kauahau Street)  
Scale: 1:100

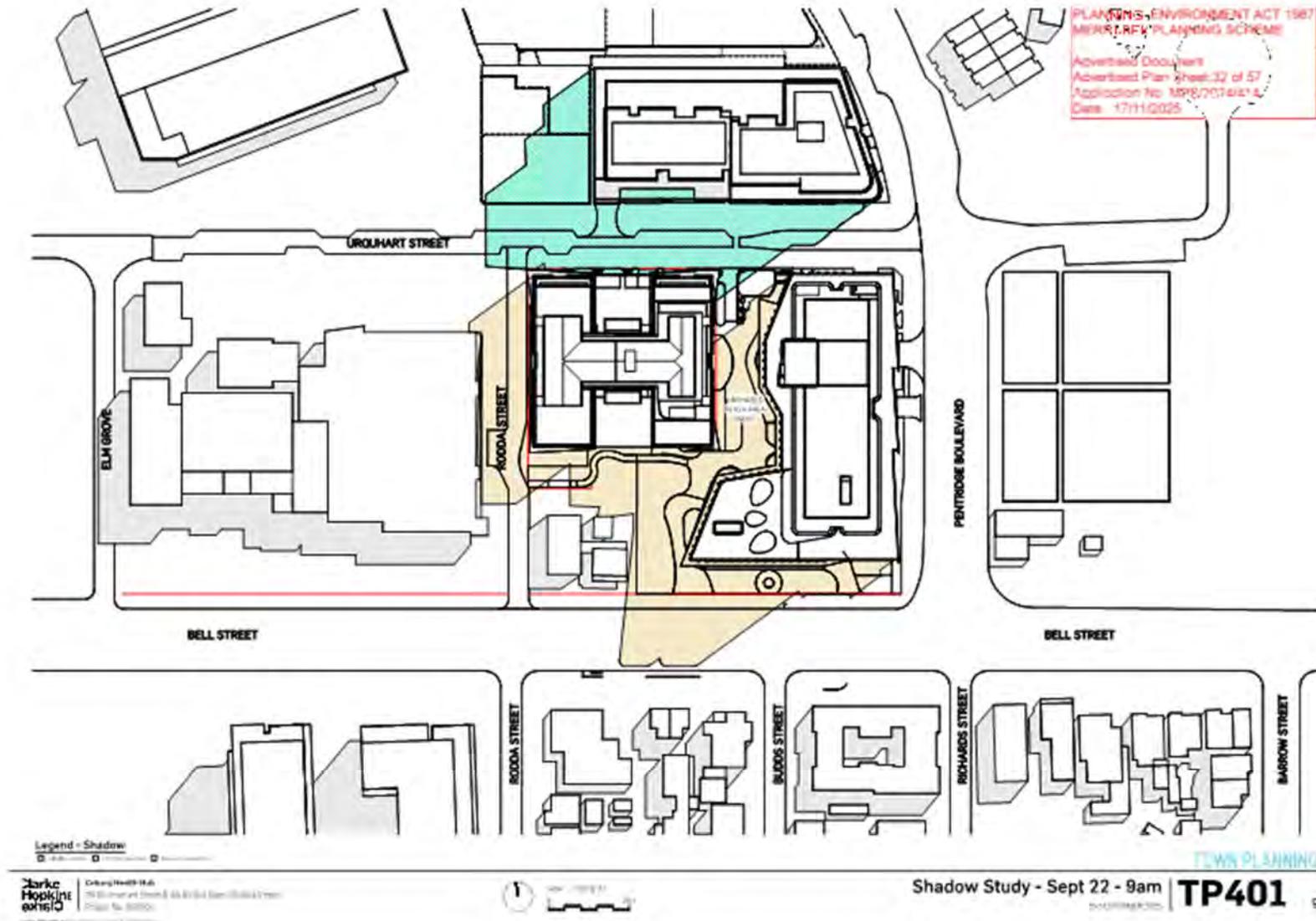
Legend - Material Schedule

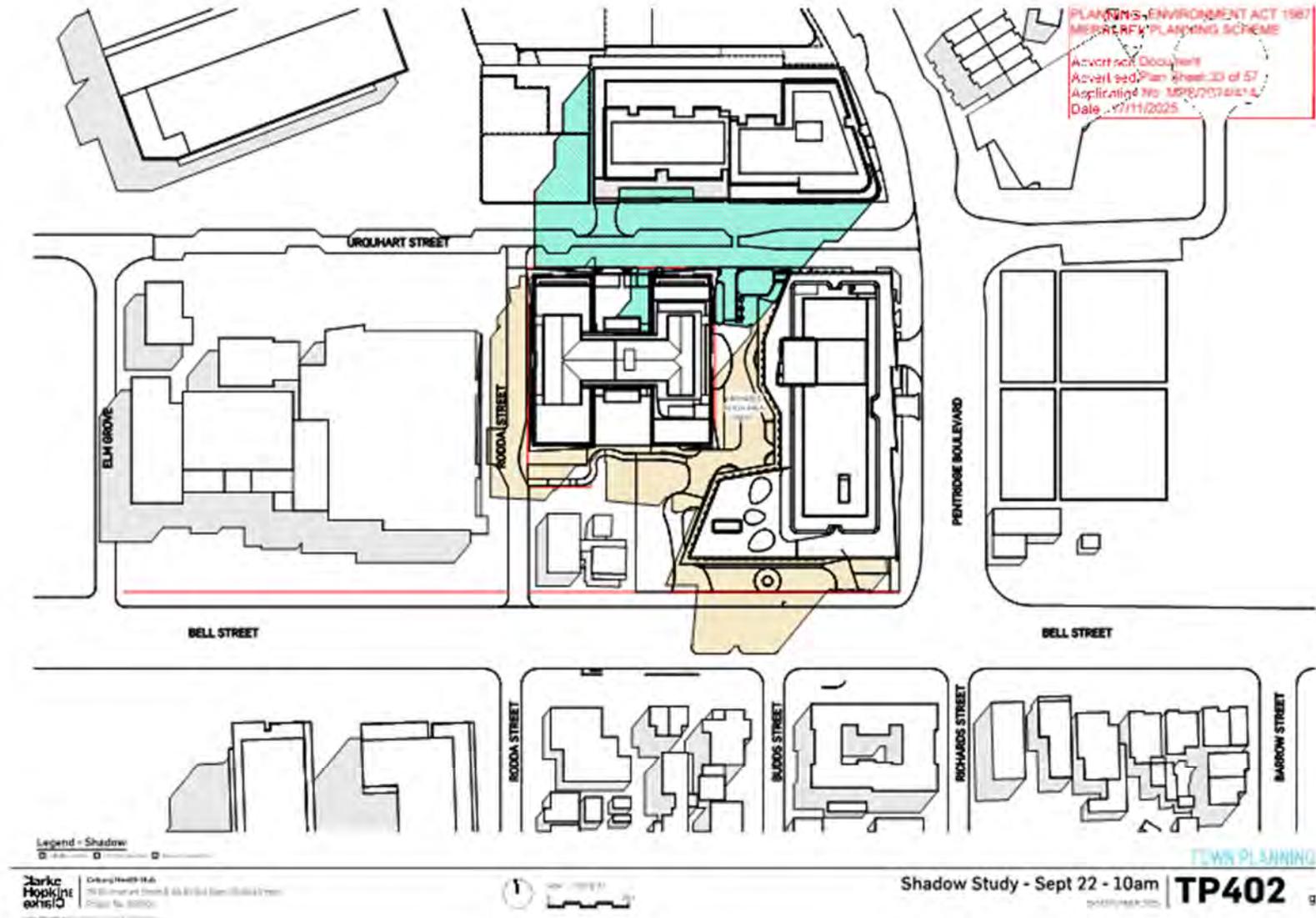


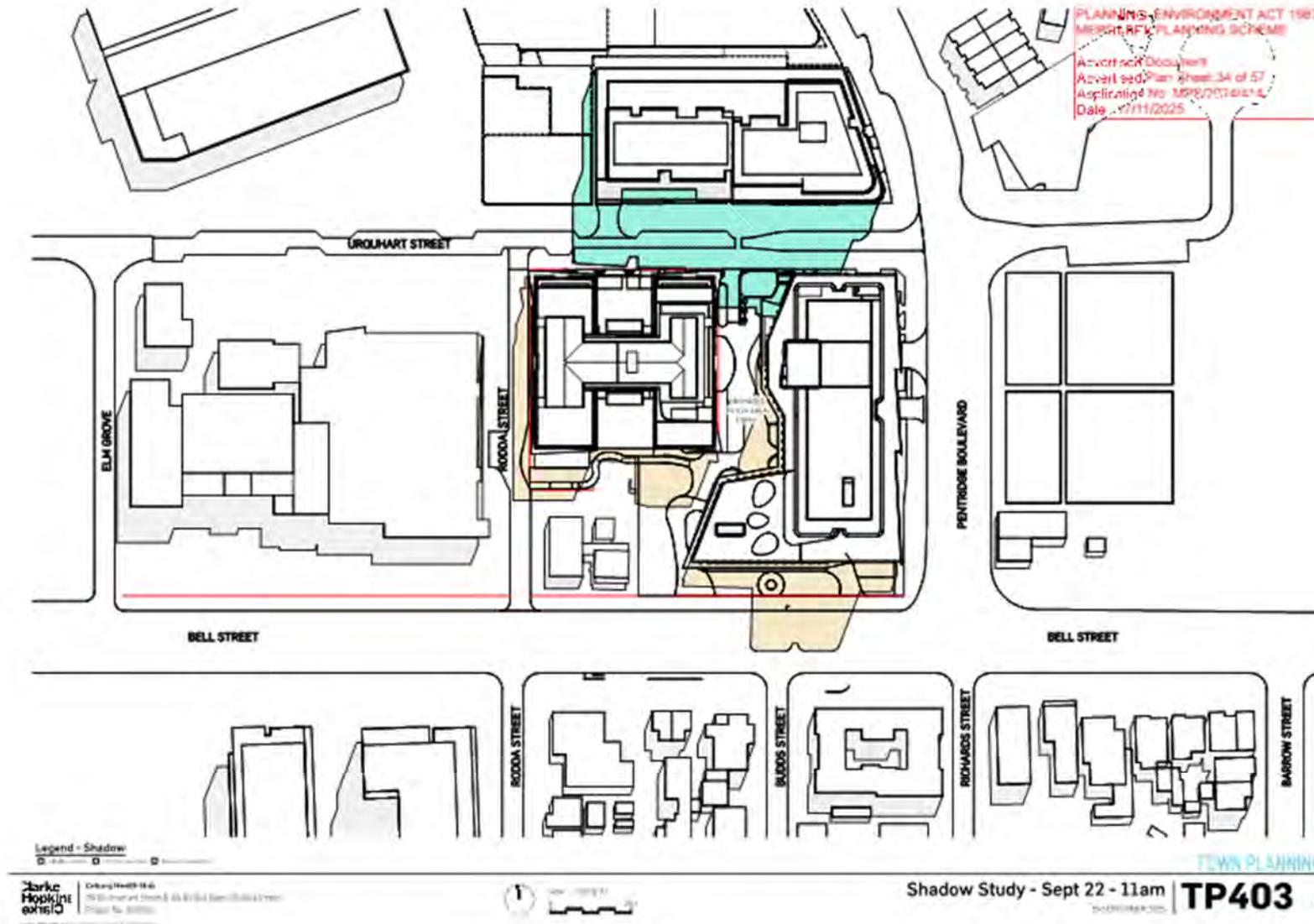
Clark Hopkins  
Colony Health Hub  
25-31 Orchard Street & 88-90 Lord Street (Billed Street)  
Project No. 200320

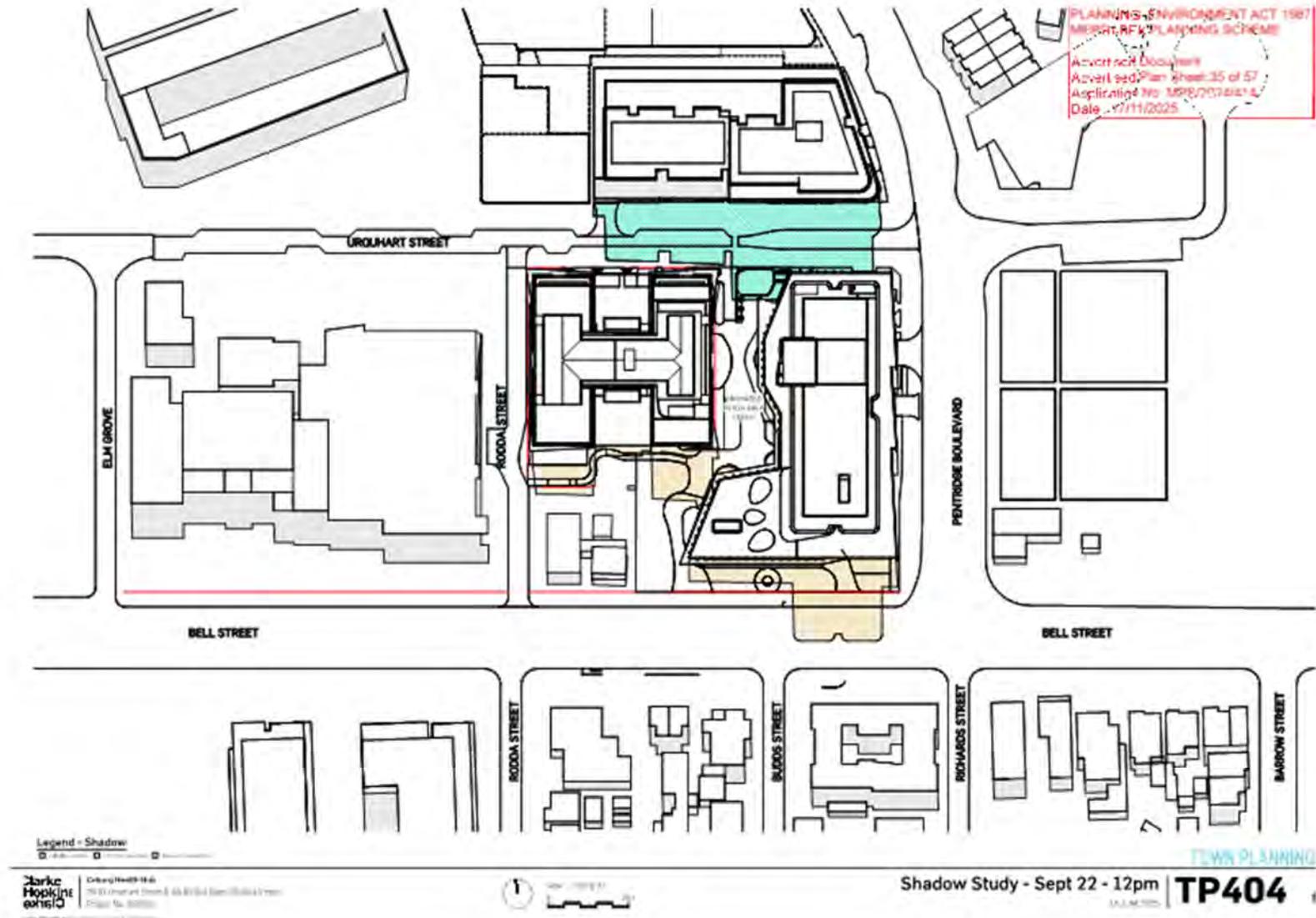


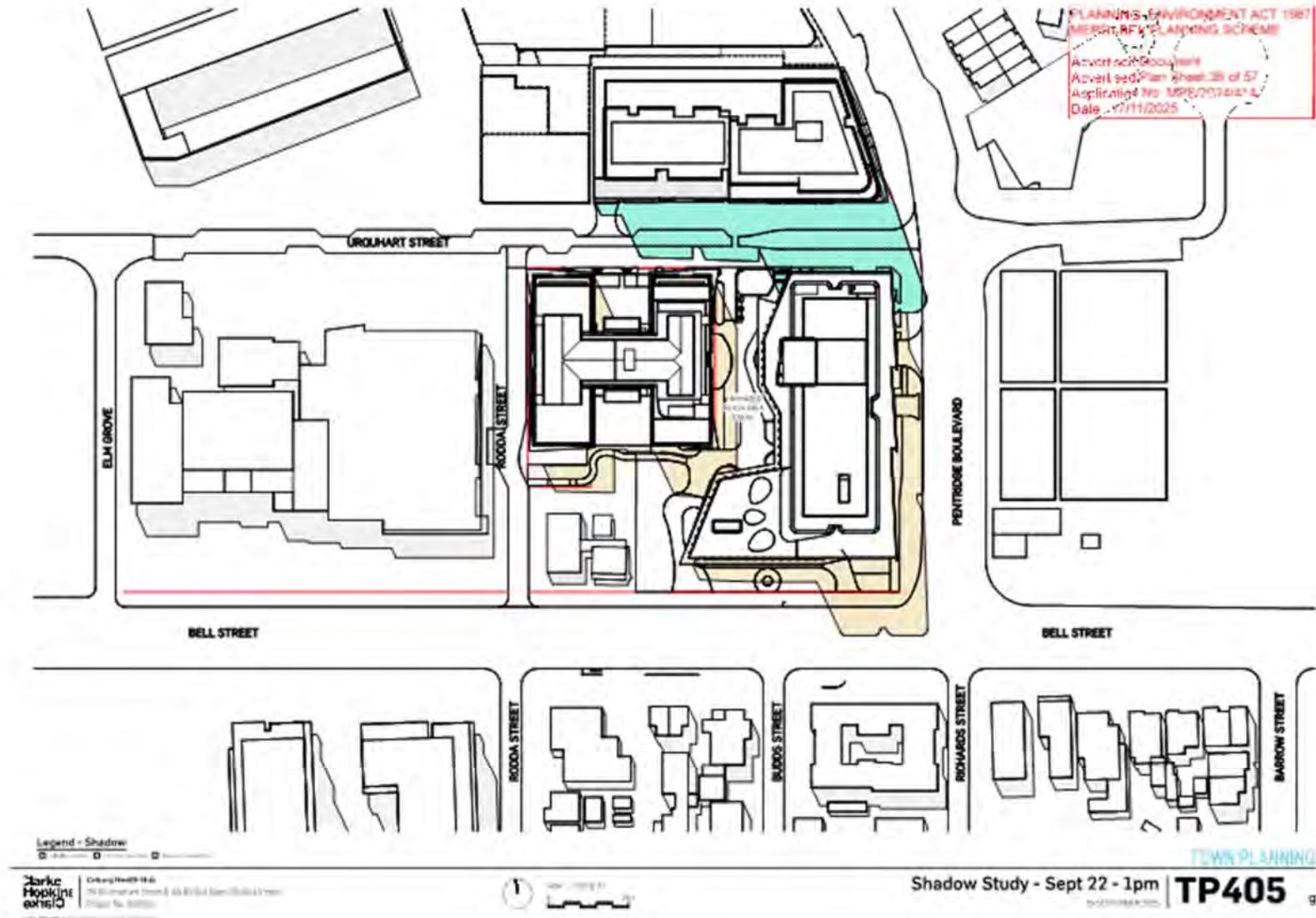
TOWN PLANNING  
Elevation - Building C - South | TP324 g  
DOCUMENT ID

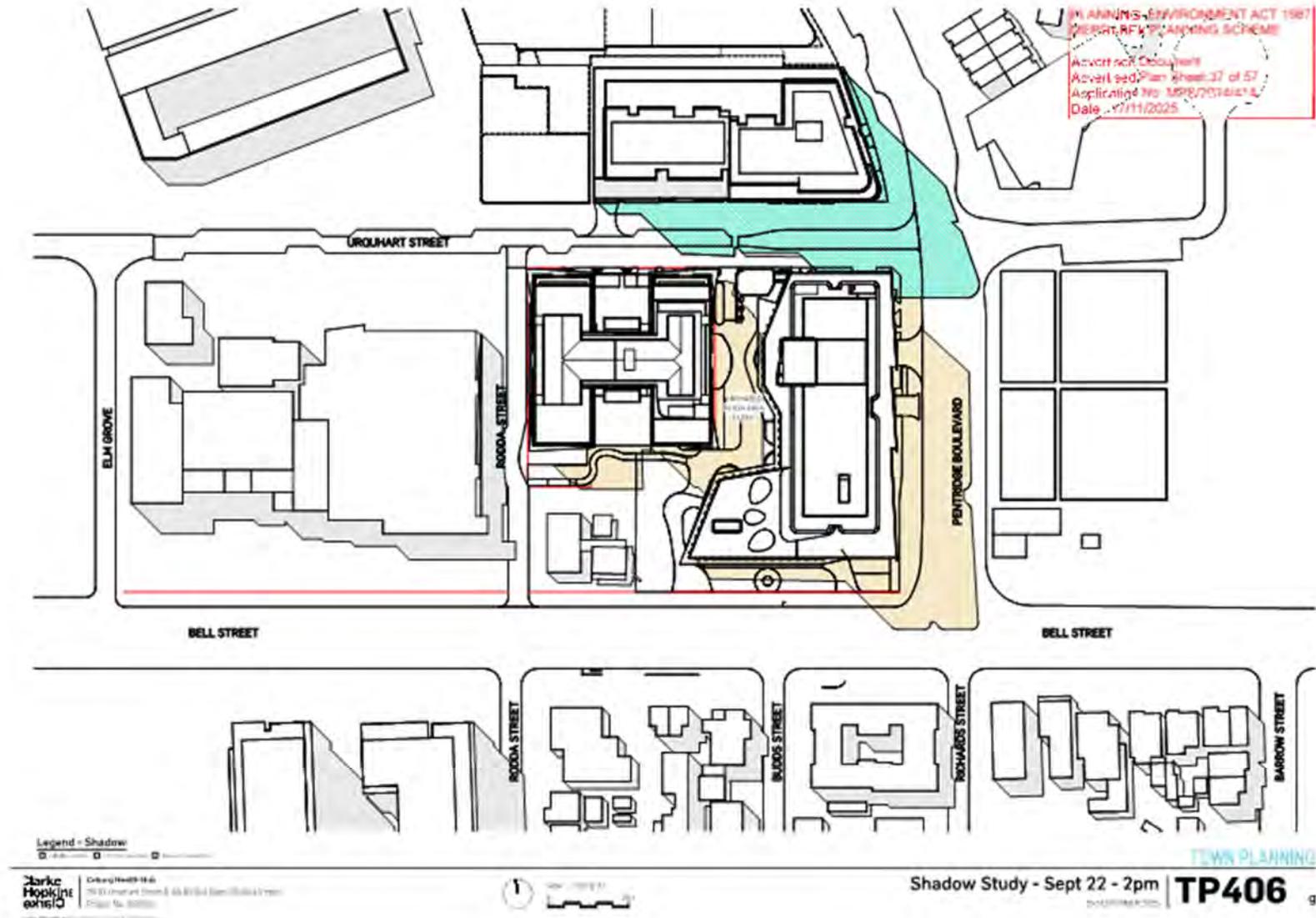


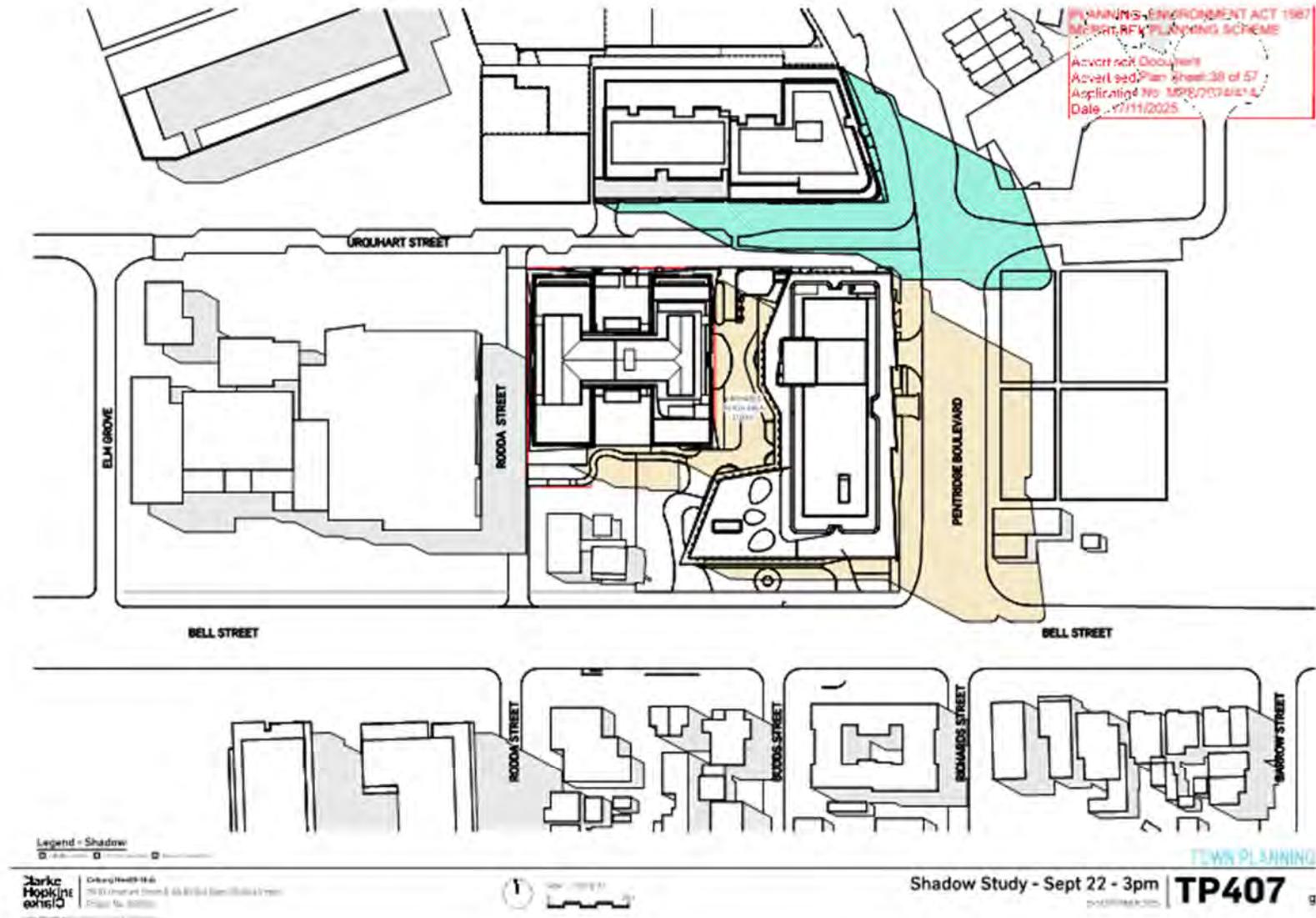


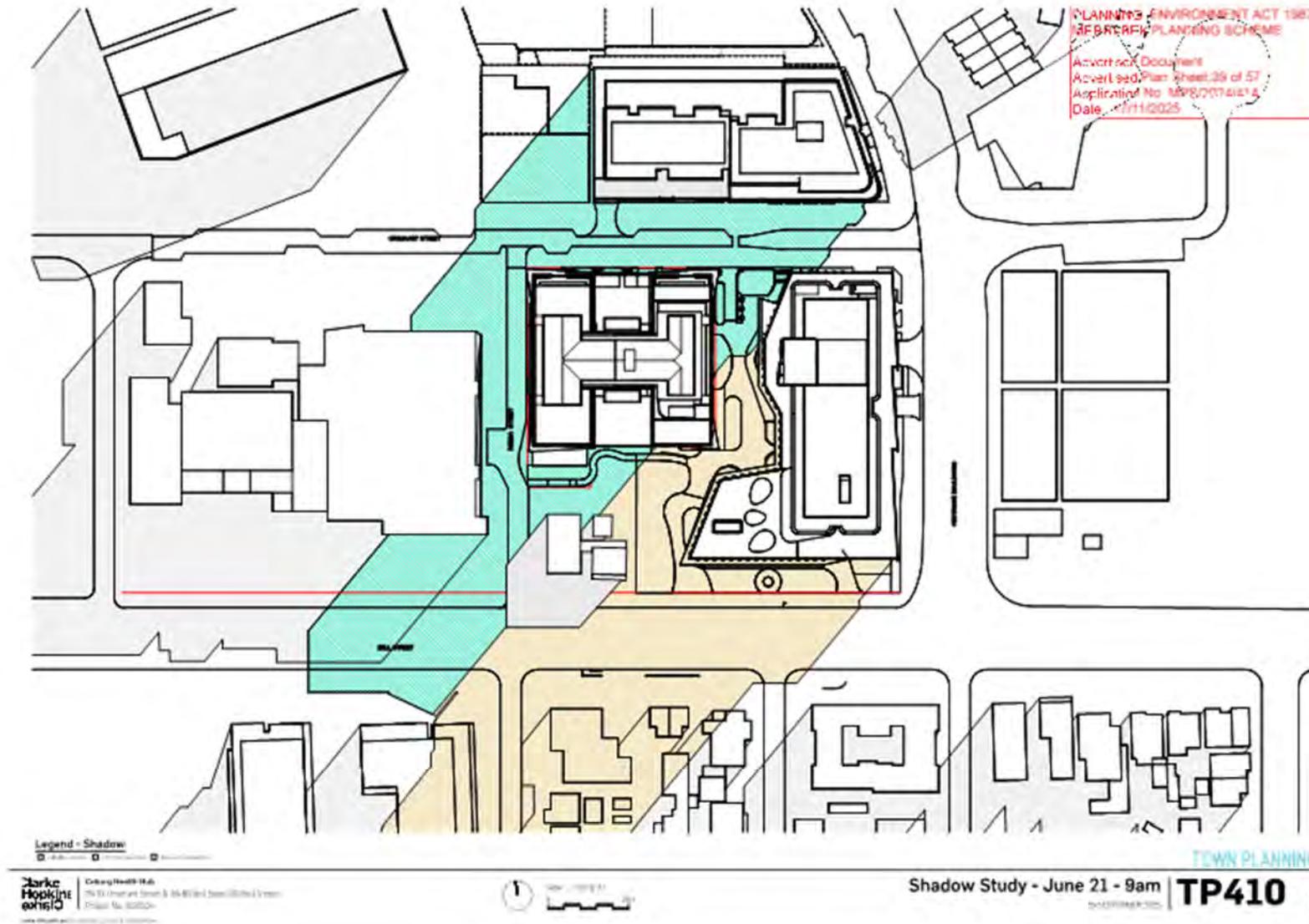


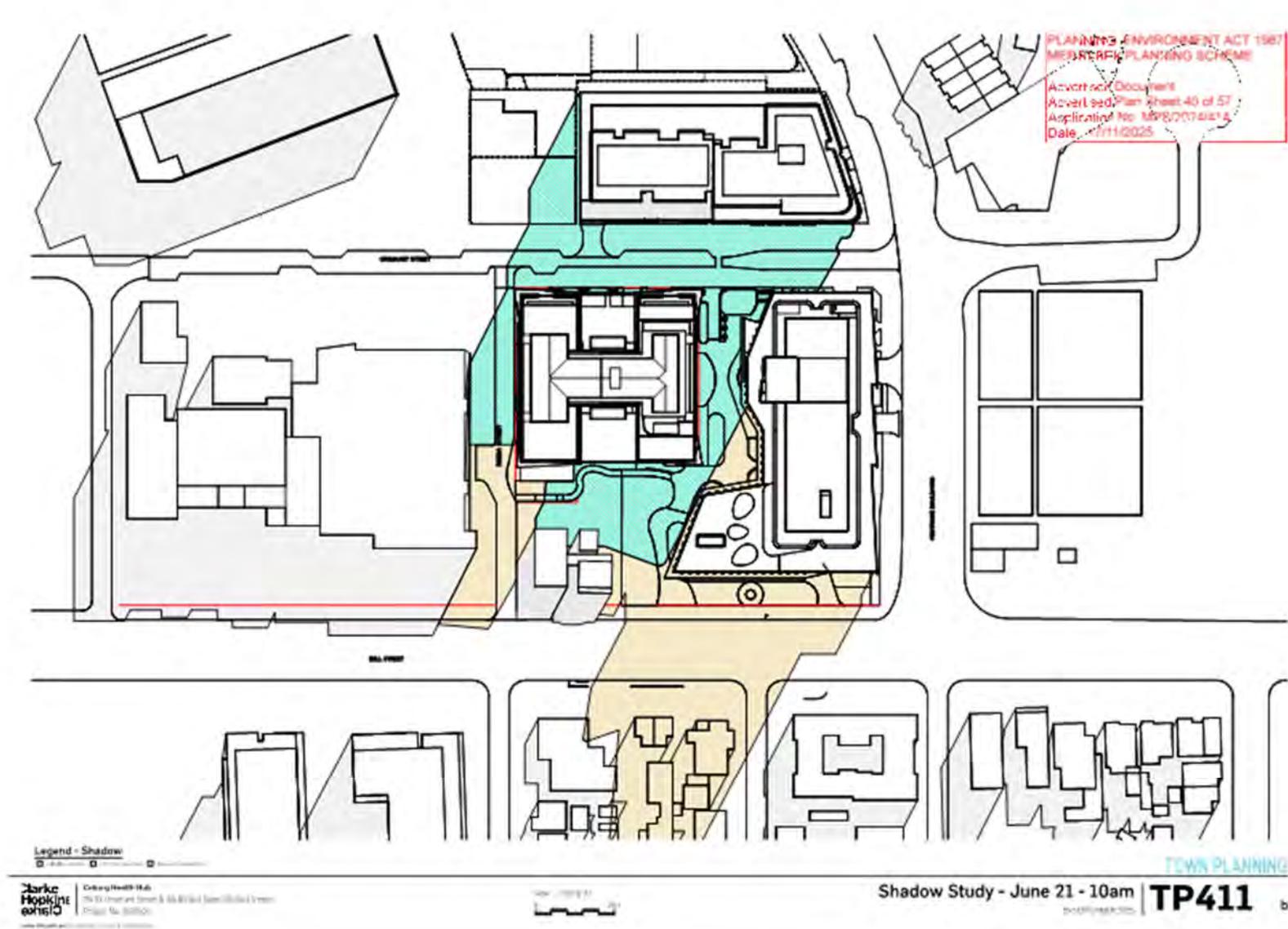


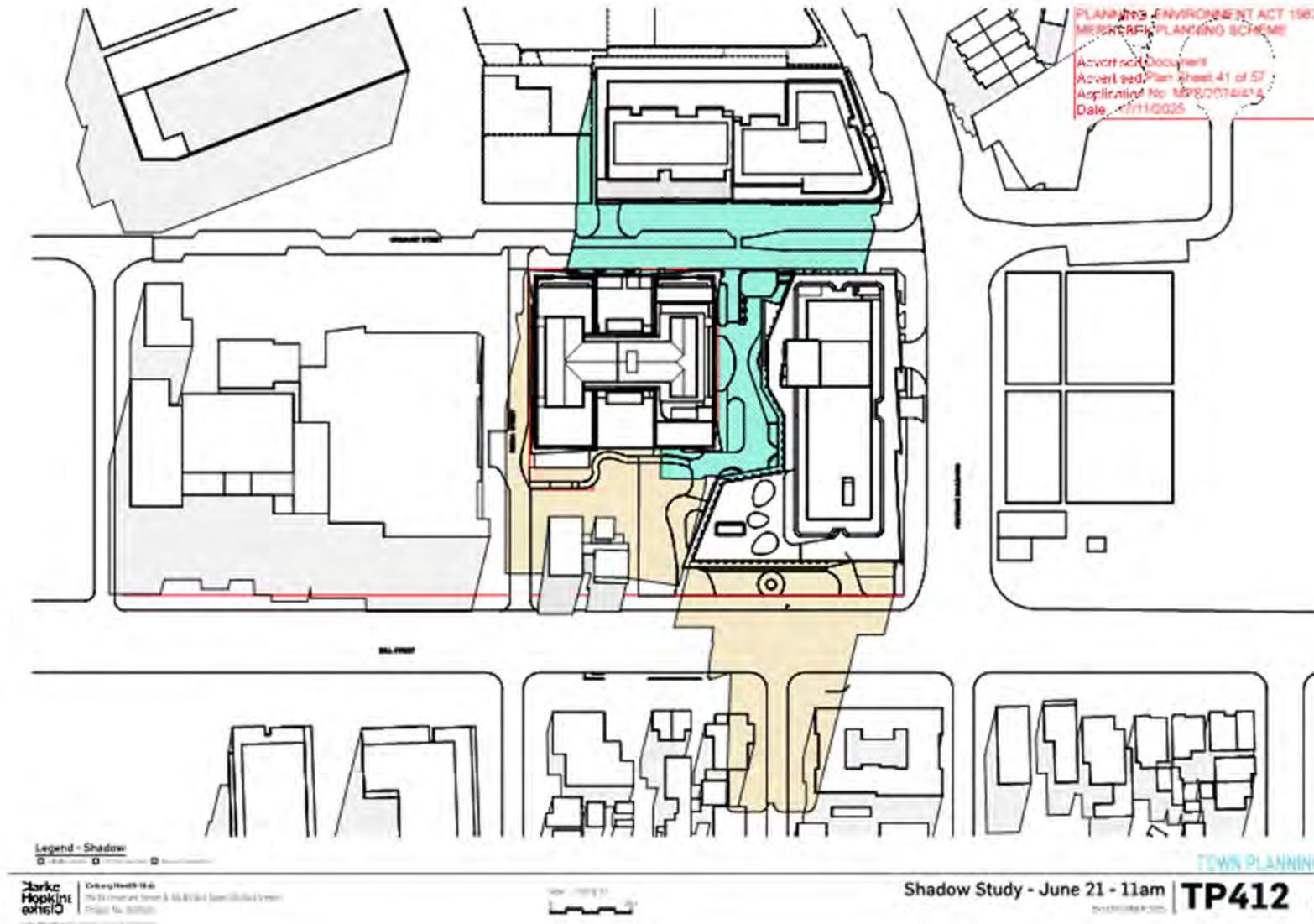


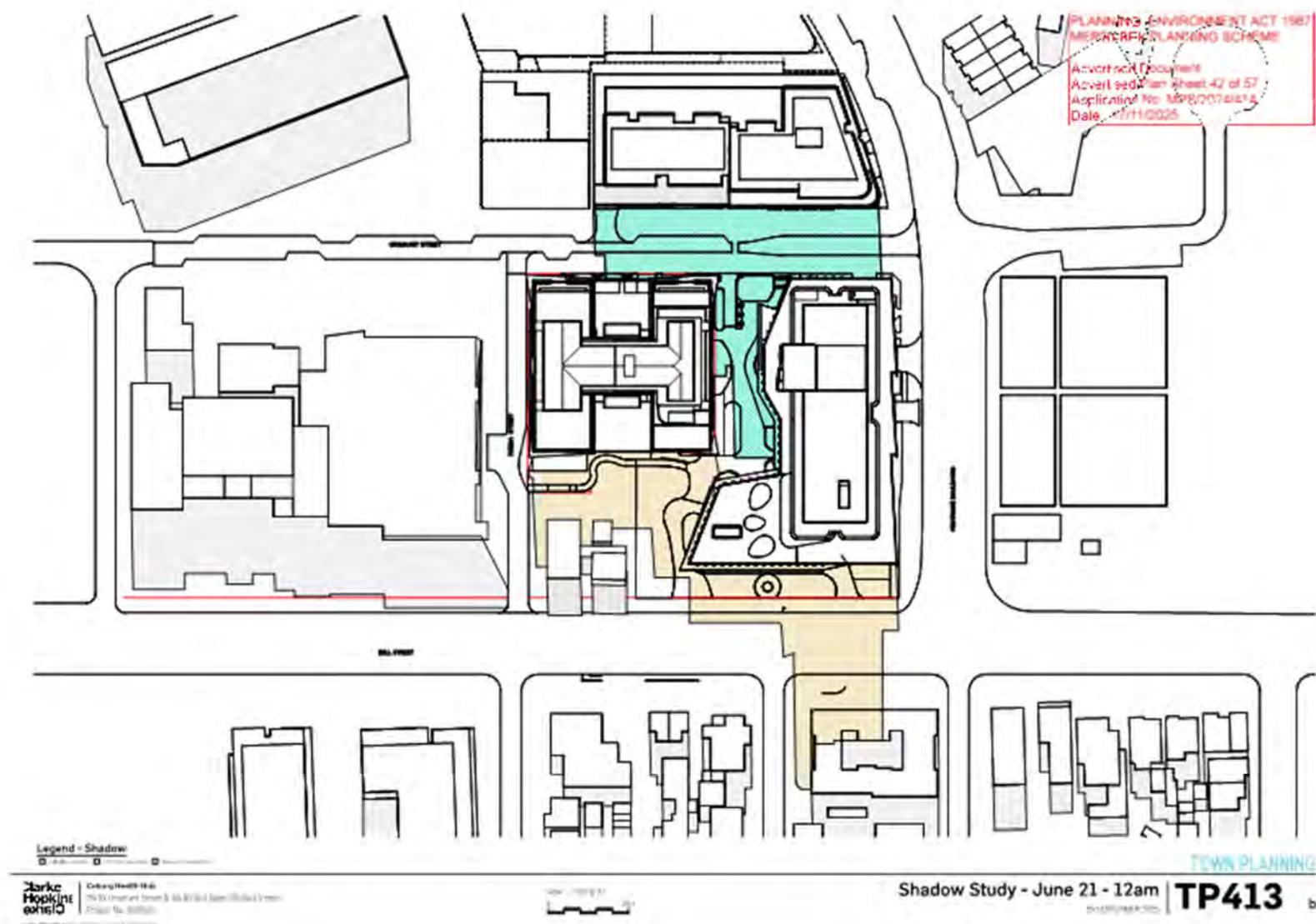


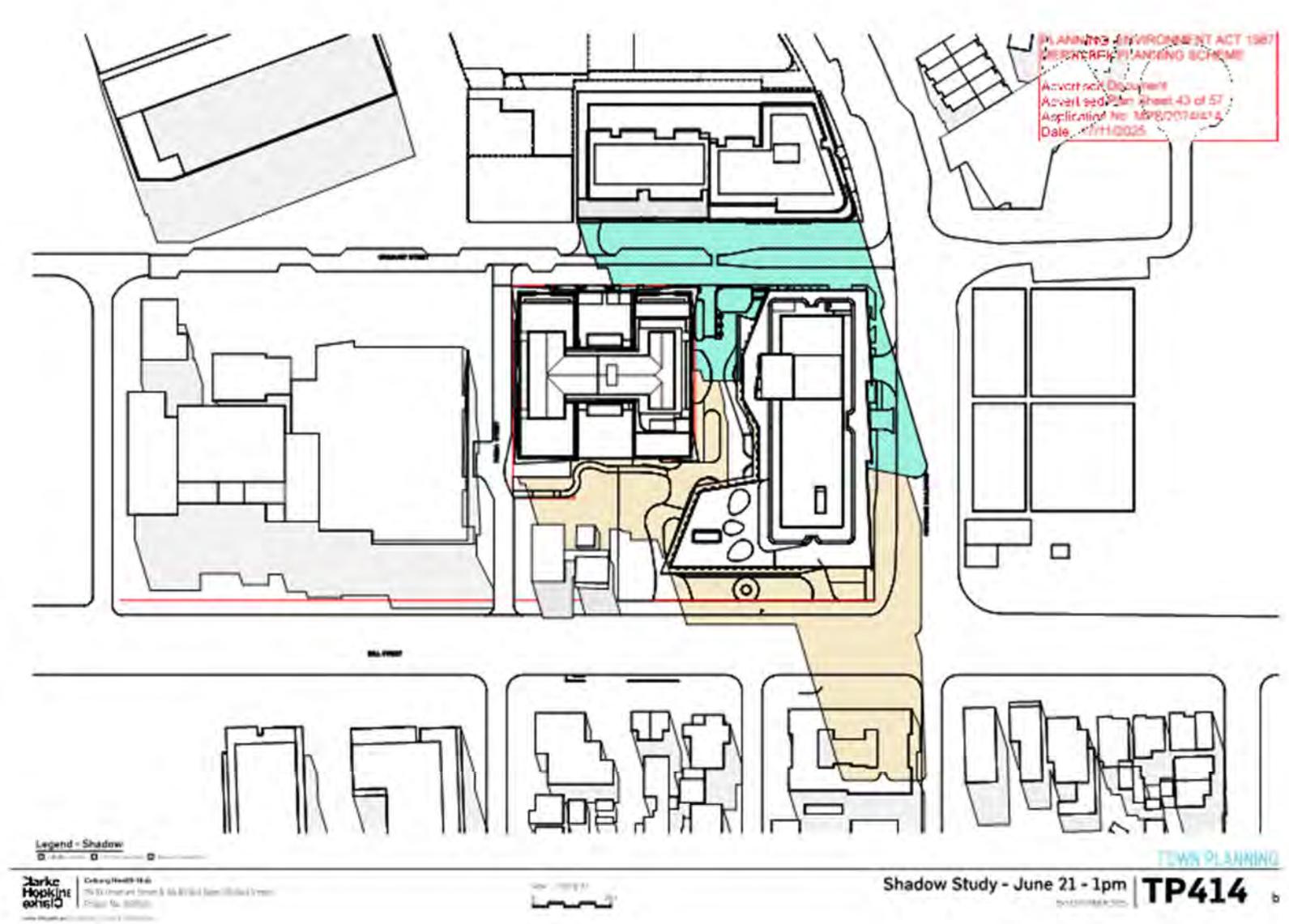


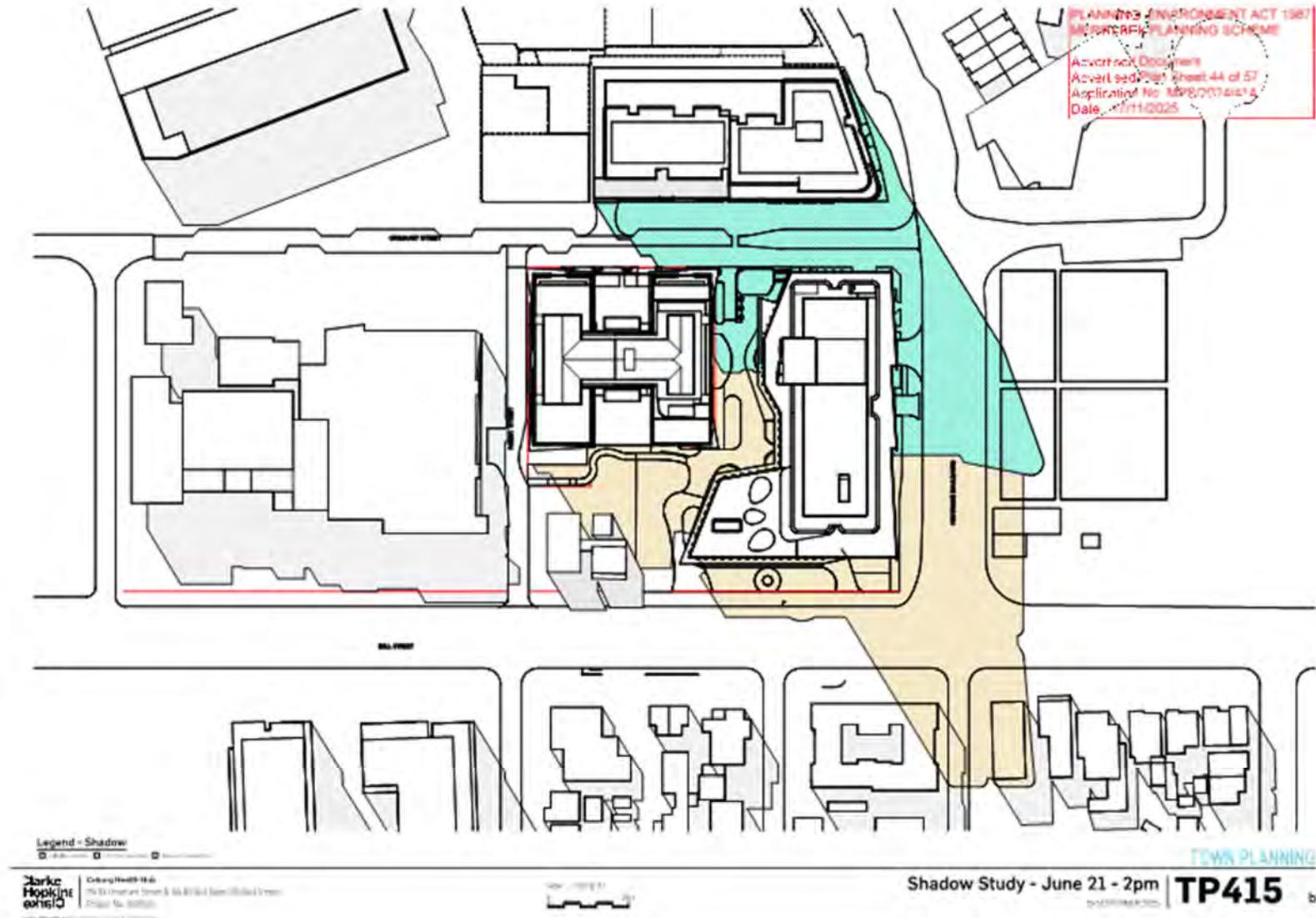


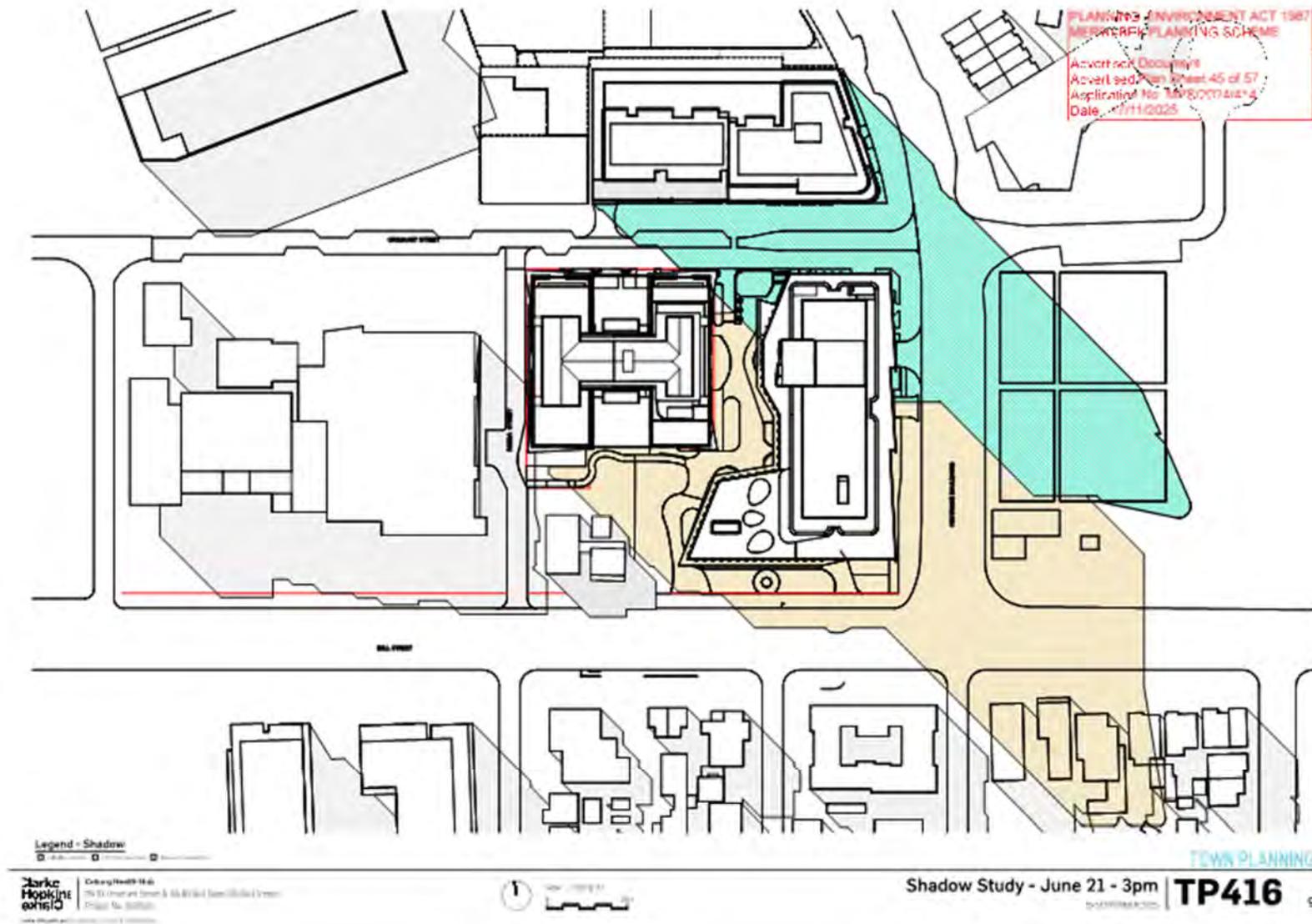




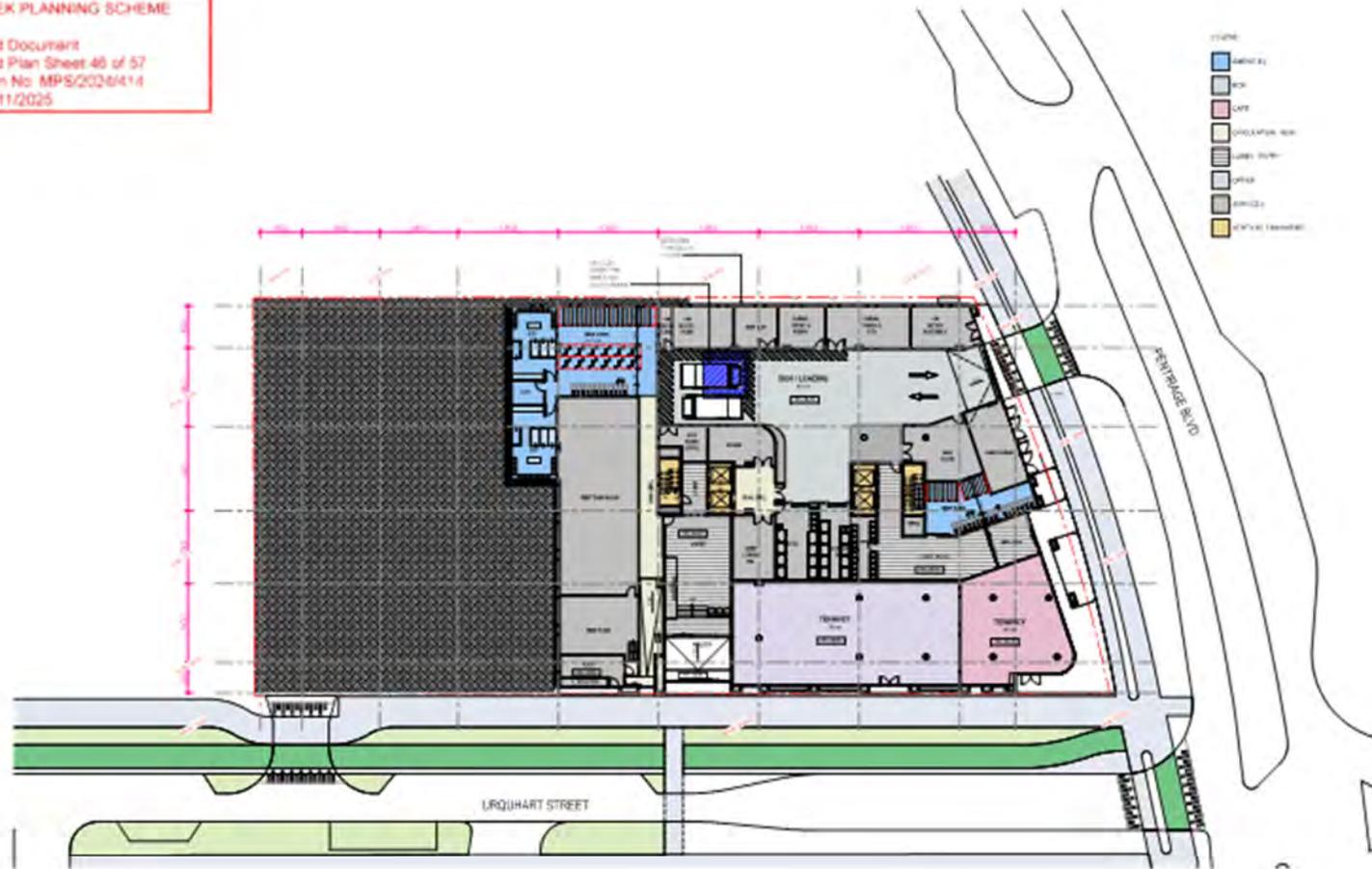








PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME  
Advertised Document  
Advertised Plan Sheet 46 of 57  
Application No: MPS/2024/14  
Date: 17/11/2025



Clark  
Hopkins  
eohsio  
Clark Hopkins eohsio  
Clark Hopkins eohsio  
Clark Hopkins eohsio



PRELIMINARY  
Building C - Lower Ground **TP3101**  
DRAWING NO. TP3101

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Advised Document  
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Date: 17/11/2025



Clark  
Hopkins  
architects  
Clark Hopkins Architects  
100-11000 Street 3, Bldg 1000  
Project No. 202401



PRELIMINARY  
Building C - Ground | **TP3102**  
CLASSIFICATION

PLANNING ENVIRONMENT ACT 1987  
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Advised Document  
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Date: 17/11/2025



Clark  
Hopkins  
consid  
Clark Hopkins consid  
100 Sturges Street & 100 Sturges Street  
Project No. 2025/014



PRELIMINARY  
Building C - Level 1 | **TP3103**  
DRAFT/REVISIONS

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Advertised Document  
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Date: 17/11/2025



Clarke  
Hopkins  
consolidated  
Engineering & Architecture  
100-110 Market Street, Auckland  
Phone: 09 309 9000  
www.clarkehopkins.co.nz



PRELIMINARY  
Building C - Level 2 | **TP3104.**  
DRAWING NUMBER

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Advertised Document  
Advertised Plan Sheet 50 of 57  
Application No. MPS/2024/14  
Date: 17/11/2025



Clark  
Hopkins  
consid  
Clark Hopkins consid  
100 St Vincent Street & Balfour Street  
Project No. 2025/01



PRELIMINARY  
Building C - Level 3 | **TP3105**  
DRAWING NUMBER





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Advised Document  
Advised Plan Sheet 53 of 57  
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Date: 17/11/2025



Clark Hopkins  
Engineering  
180 St Albans Street, St Albans, Victoria 3021  
Phone: 9450 8800  
www.clarkhopkins.com.au



PRELIMINARY  
Building C - Level 6-7 | **TP3108**  
Doc: 01/18/2025

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Advised Document  
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Clarke  
Hopkins  
architects

Colony Road (Level 8-11) Building C  
75-77 Mount Street & Bilton Street  
Project No. 2024/414



PRELIMINARY  
Building C - Level 8-11 | **TP3110**  
20/11/2025



APT 1.01  
1 BED  
53 m<sup>2</sup>

Clause 58	Guideline	True/False	Comment
D05	Functional Layout	✓	
T01	Private Open Space	✓	
D01	Storage (Internal)	✓	1m <sup>2</sup>
D01	Storage (External)	✓	3m <sup>2</sup>
D18	Accessibility Type	✓	Design Option B
D18	Window Location	✓	
D09	Cross Ventilation	✓	



APT 2.01  
2 BED  
70 m<sup>2</sup>

Clause 58	Guideline	True/False	Comment
D05	Functional Layout	✓	
D05	Private Open Space	✓	
D01	Storage (Internal)	✓	12m <sup>2</sup>
D01	Storage (External)	✓	3m <sup>2</sup>
D18	Accessibility Type	✓	Design Option A
D18	Window Location	✓	
D09	Cross Ventilation	✓	



APT 2.02  
2 BED  
79 m<sup>2</sup>

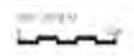
Clause 58	Guideline	True/False	Comment
D05	Functional Layout	✓	
D05	Private Open Space	✓	
D01	Storage (Internal)	✓	11m <sup>2</sup>
D01	Storage (External)	✓	3m <sup>2</sup>
D18	Accessibility Type	X	N/A
D18	Window Location	✓	
D09	Cross Ventilation	✓	

**Legend - Clause 58 Standards**

- Functional Layout
- Private Open Space
- Storage (Internal)
- Storage (External)
- Accessibility Type
- Window Location
- Cross Ventilation

PLANNING ENVIRONMENT ACT 1987  
MERRI-BEK PLANNING SCHEME

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APT 3,03  
2 BED  
75 m²

Class #	Guideline	True/False	Comment
03	Functional Layout	<input type="checkbox"/>	
04	Private Open Space	<input type="checkbox"/>	
07	Storage (Internal)	<input checked="" type="checkbox"/>	10m²
07	Storage (External)	<input type="checkbox"/>	3m²
08	Accessibility Type	<input type="checkbox"/>	100%
09	Window Location	<input type="checkbox"/>	
09	Cross Ventilation	<input type="checkbox"/>	



APT 3,01  
3 BED  
97 m²

Class #	Guideline	True/False	Comment
03	Functional Layout	<input type="checkbox"/>	
04	Private Open Space	<input type="checkbox"/>	
07	Storage (Internal)	<input type="checkbox"/>	14m²
07	Storage (External)	<input type="checkbox"/>	3m²
08	Accessibility Type	<input type="checkbox"/>	Design Option B
09	Window Location	<input type="checkbox"/>	
09	Cross Ventilation	<input type="checkbox"/>	



APT 3,02  
3 BED  
101 m²

Class #	Guideline	True/False	Comment
03	Functional Layout	<input type="checkbox"/>	
04	Private Open Space	<input type="checkbox"/>	
07	Storage (Internal)	<input type="checkbox"/>	19m²
07	Storage (External)	<input type="checkbox"/>	3m²
08	Accessibility Type	<input type="checkbox"/>	100%
09	Window Location	<input type="checkbox"/>	
09	Cross Ventilation	<input type="checkbox"/>	

**Legend - Class 51 Standards**

- Functional Layout
- Private Open Space
- Storage (Internal)
- Storage (External)
- Accessibility Type
- Window Location
- Cross Ventilation

Legend\_2024.MXD

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Clause 58 Report - Dwelling Amenity  
25/11/2025  
25/11/2025  
25/11/2025

Level	No.	Type	Bed	SSP Purchased Liquor	SSP Rear Deck	SSP Windows	Storage Shed	Pool Area	Storage (Car/Mo)	Storage (Fuel)	Pool Area	SSP Storage Compliance	SSP Natural Ventilation (m <sup>2</sup> area)	SSP Private Open Space	SSP Amenity (m <sup>2</sup> area)
Typical Level	1	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	2	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	3	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	4	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	5	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	6	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	7	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	8	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	9	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	10	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	11	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	12	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	13	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	14	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	15	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	16	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	17	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	18	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	19	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Typical Level	20	1	1 Bed	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
TOTALS	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20

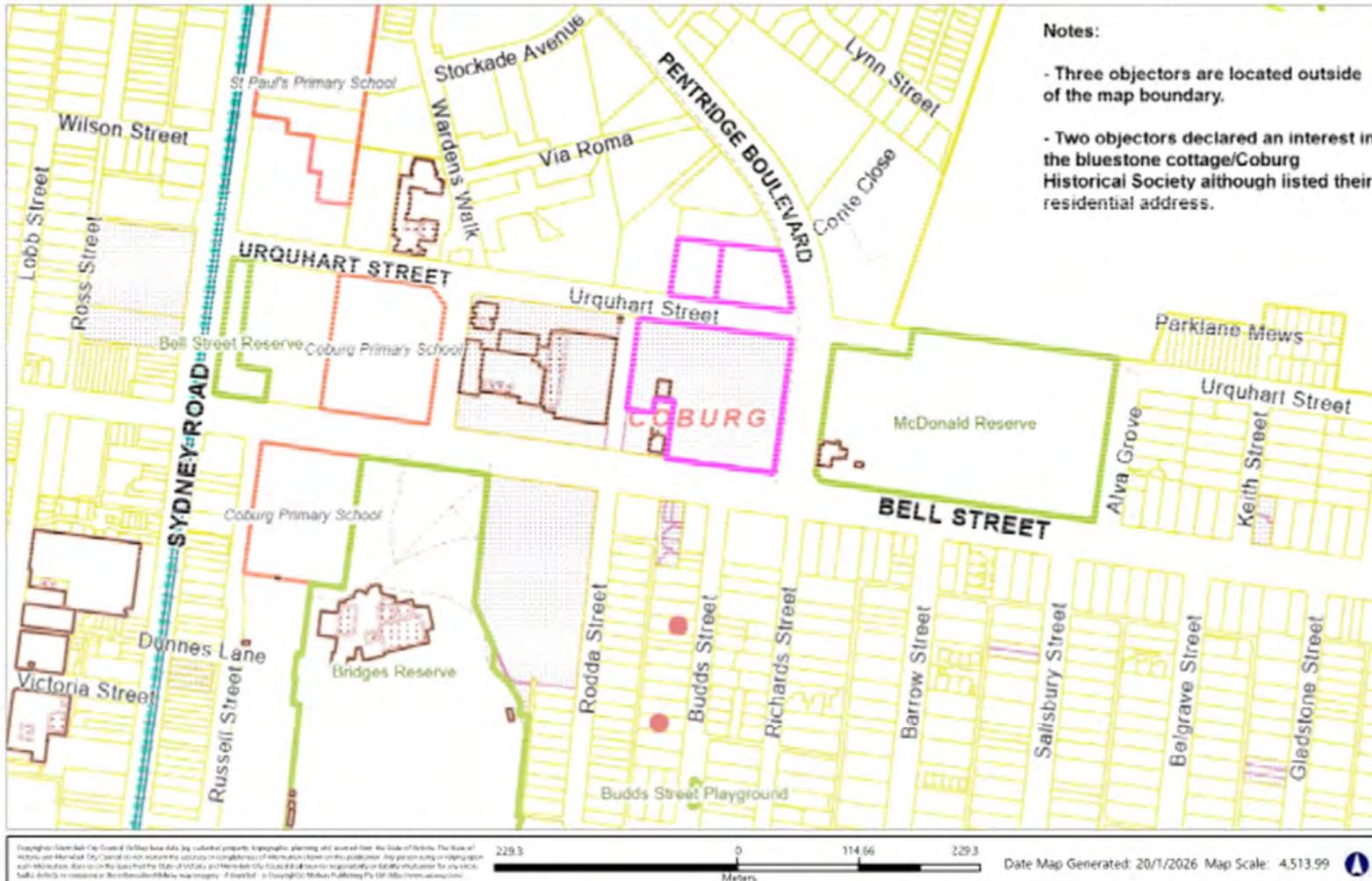
Notes:  
 1. Storage volume is sufficient only if floor area ratio is maintained in all levels, including upper floors and roof area.  
 2. In-line parking with at least 10m from the entrance to the building and rear boundary.  
 3. Minimum design is shown with Table 10.1 including setbacks shown, appropriate height to meet hanging bush (per 4), minimum shown unless otherwise stated.

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# Objector Map

90 Bell Street and 29-31 Urquhart Street, Coburg

- = Subject Site
- = Objector Location





Look & Feel - Central Plaza  
Stantec/UrbanWorks



Look & Feel - Bell Street Plaza Entry  
Stanton/Clark





Look & Feel - Building B: Urquhart Street (Coburg Aged Care)  
Stanton/Johnson/Clark

Coburg Health Hub (1100m) Concept Design | 2020/2021 | 9



Look & Feel - Building B: Urquhart Street (Early Learning)  
© 2024 City of Vancouver

City of Vancouver | 1100 | Design | 11/2024 | 9



Look & Feel - Building C: Pentridge Boulevard / Urquhart Street Corner  
© 2025 HOK



Look & Feel - Building C: Urquhart Street  
© 2024 H&H Architects



Look & Feel - Building A: Pentridge Boulevard / Urquhart Street Corner

## 5.3 932 SYDNEY ROAD, COBURG NORTH - PLANNING APPLICATION - MPS/2025/599

Director Place and Environment, Pene Winslade

City Development

### Executive Summary



<b>Property:</b>	932 Sydney Road, COBURG NORTH
<b>Proposal:</b>	Use and development of the land for warehouses, offices, convenience restaurants, food and drink premises, store, and a service station, remove, destroy or lop vegetation including native vegetation, construct and display of signage, and to create or alter access to a road in a Transport Zone 2.
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>• Industrial 3 Zone (IN3Z)</li> <li>• Public Acquisition Overlay – Schedule 1 (PAO1)</li> <li>• Development Contributions Plan Overlay (DCPO)</li> </ul>
<b>Objections:</b>	<p>Ninety-three (93) to date</p> <p>Key issues:</p> <ul style="list-style-type: none"> <li>• Traffic congestion and impact on local road network.</li> <li>• Inadequate car parking.</li> <li>• Impact on shared user path and bicycle movements on Keady Street.</li> <li>• Waste Management.</li> <li>• Impacts from multiple convenience restaurants and health implications.</li> <li>• Amenity impacts; hours of operation, odour, anti-social behaviour, light and noise.</li> <li>• Domination of signage.</li> <li>• Tree removal.</li> <li>• Land should alternatively be used for housing or rezoned.</li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>• Date held: 03/03/2026</li> <li>• Attendees: 28 objectors, Mayor Abboud, Councillor Bolton, Council planning officers and permit applicant.</li> <li>• The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. Following this meeting the applicant agreed to conditions requiring the submission of an acoustic report, odour report, litter management plan and patrol, venue and patron management plan and lighting report.</li> </ul>

<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>• The proposal supports State and Council planning policy that encourages new jobs and business growth in this industrial zone with a long frontage to Sydney Road.</li> <li>• Permit conditions on opening hours, waste, litter, noise, and odour, will ensure the impacts on neighbours are acceptable.</li> <li>• To address traffic concerns in Keady Street, part of the northern edge of the land will be set aside to widen the road and add a new bicycle lane.</li> </ul>
<b>Recommendation:</b>	<ul style="list-style-type: none"> <li>• A Notice of Decision to Grant a Planning Permit be subject to conditions contained within the officer recommendation.</li> </ul>

## Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/599 be issued for the land at 932 Sydney Road, Coburg North.

### The Permit would allow:

Planning Scheme Clause	Matters for which a permit is required
Clause 33.03-1	To use the land for warehouses, offices, convenience restaurants, food and drink premises, store and a service station.
Clause 33.03-4	To construct a building or construct or carry out works.
Clause 45.01-1	To use land for warehouses, offices, convenience restaurants, food and drink premises, store, and a service station. To construct a building or construct or carry out works including demolishing a building. To remove, destroy or lop any vegetation.
Clause 52.05-2	To construct or display signage.
Clause 52.17-1	To remove, destroy or lop native vegetation.
Clause 52.29	To create or alter access to a road in a Transport 2 Zone.

### Amended Plans

1. Before the use or development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by BDAI dated 27/11/202025 Revision B TP1-101 – TP1-105, TP1-201, TP2-101, TP2-102, TP2-201 – TP2-205, TP2-301, TP3-101, TP3-102, TP3-201, TP3-301, TP3-302, TP4-101, TP4-201, TP4-202, TP4-301, TP5-101, TP6-101, TP6-102, TP6-201, TP6-301, TP7-101, TP7-102, TP7-201, TP7-301, TP7-302 but modified to show:
  - a) A public realm plan, generally in accordance with the sketch plan submitted to Council on 6 March 2026, which shows a 1.5-metre strip of land adjacent to Keady Street set aside for road widening, starting at Sydney Road and extending to the east. This land must be shown on the plans and will be vested in Council as road;
  - b) The accessible parking bay in front of warehouse U6 to be relocated to a location that does not interfere with the loading bay opening of a warehouse;

- c) The height of the pylon signs (s13, 7E-S1, G-DP-12, and ESG-01) reduced to be no greater than 6 metres in height, and the width to be no greater than 2.5 metres;
- d) Any changes as required to meet the Department of Transport and Planning Conditions 30 to 33;
- e) Any changes required to align with the following;
  - i. The amended landscape plan required by Condition 4.
  - ii. The Acoustic Report required by Condition 10.
  - iii. The Odour Assessment Report required by Condition 13
  - iv. The amended Waste Management Plan required by Condition 15.
  - v. The amended Sustainable Management Plan and any modifications to the plans required by Condition 16.
  - vi. The Venue and Patron Management Plan required by Condition 14.
  - vii. The Public Works Plan as required by Condition 19.
  - viii. Tree Protection Specifications required under Condition 24.
  - ix. Lighting Impact Assessment and Management Plan required under Condition 25.

#### **Compliance with Endorsed Plans**

- 2. The use and development of land as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.
- 3. At all times what the permit allows must be maintained and carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the Responsible Authority. This includes, but is not limited to:
  - a) The endorsed plans
  - b) The endorsed Sustainable Management Plan
  - c) The endorsed Waste Management Plan
  - d) The endorsed Acoustic Assessment and Noise Management documents
  - e) The endorsed Venue and Patron Management Plan
  - f) The endorsed Landscape Plan including replacing any dead, diseased or damaged plants with a suitable species to the satisfaction of the Responsible Authority
  - g) The endorsed Tree Protection Specifications
  - h) The endorsed Functional and Signal Layout Plan
  - i) Lighting Impact Assessment and Management Plan
  - j) Any other plan, report, or management document endorsed under the conditions of this permit

#### **Landscape plan**

- 4. Concurrent with the submission of plans for endorsement under Condition 1, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Weir and Co dated 28/11/2025 but amended to show:
  - a) Any changes required to align with the plans for endorsement.

- b) Identification of any existing tree(s) and vegetation on site and adjoining land proposed to be removed and retained, including the tree protection zone(s) of trees to be retained, as aligning with the TPS required under Condition 25;
- c) Strategies for retaining vegetation (i.e. barriers and signage during the construction process) consistent with the Tree Protection Specifications required under Condition 25
- d) A schedule of all proposed trees, shrubs and ground covers, including numbers, size at planting, size at maturity, botanical names and common names. The flora selection and landscape design should be drought tolerant and based on species selection recommended in the Merri-bek Landscape Guidelines 2009;
- e) Notes and diagrams detailing the establishment and maintenance of all proposed trees, shrubs and ground covers;
- f) A new native tree, with similar growth characteristics (height and width), to replace *the Agonis flexuosa species*. The replacement species must be appropriate for the specific planting location and Merri-bek's growing conditions;
- g) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:
  - i. Soil volume sufficient for the proposed vegetation
  - ii. Soil mix
  - iii. Drainage design
  - iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

5. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.

#### **Warehouses and offices**

6. The warehouse and office uses must only operate Monday to Sunday – 7:00am until 7:00pm.
7. The warehouse use must not include any of the uses or storage of goods that are listed in the Table to Clause 53.10 of the Merri-bek Planning Scheme.

#### **Convenience restaurants**

8. At least once in each day that the premises are open for trading to the public, the operator of each convenience restaurant must send a litter patrol to:
  - a) Collect all litter originating from any approved use under this permit;
  - b) Cover all public roads, public reserves within a 100 metre radius of land measured from site boundary and the entirety of Keady Street; and
  - c) Be undertaken to the satisfaction of the Responsible Authority.
9. An anti-litter sign (including a warning regarding fines for littering), with appropriate illumination and of a size that makes it readily readable, must be erected adjacent to each drive-through collection area and adjacent to the vehicle exits to the land to the satisfaction of the Responsible Authority.

## Noise

10. Concurrent with the submission of plans for endorsement under Condition 1, an Acoustic Assessment and Noise Management Plan is to be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified acoustic consultant, and make assessment of the approved uses within the western precinct containing the convenience restaurants, food and drink premises and the petrol station, and include the following matters, but not limited to:
- Predict** noise from all fixed and operational sources (including mechanical equipment, kitchen exhausts, drive-through speakers, vehicle movements, fuel and waste delivery and any other night time operations) at the nearest noise sensitive locations. This may include testing and reference to other similar venues to establish a likely noise output;
  - Set the applicable noise limits** using the Environment Protection Regulations 2021 and the EPA **Noise Protocol** (Publication **1826.5**, or any superseding publication);
  - Demonstrate**, using calculation/modelling, how the design will meet those limits **at all relevant times** (day/evening/night), and specify the **acoustic measures** required; and
  - Include a **Noise Management Plan (NMP)** that sets operating controls (e.g., drive-through speaker levels/timers, waste and delivery windows, maintenance/inspection of acoustic controls, complaint response procedure with log).

Once submitted to and approved by the Responsible Authority, the report will be endorsed to form part of the permit. The development must incorporate all endorsed acoustic measures **prior to the commencement of the approved uses** and must be maintained to the satisfaction of the Responsible Authority. The report must not be altered without the prior written consent of the Responsible Authority.

11. Within 60 days, or other timeframe as agreed with the Responsible Authority, a Post Commencement Acoustic Report must be submitted and approved by the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:
- Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.
  - Further testing that has occurred to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) under the Environment Protection Act 2017 (Vic) and the incorporated Noise Protocol (Publication 1826.5, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021, as amended from time to time) or any other superseding regulation.
  - Confirmation that the acoustic testing has been carried out during the operation of the use at night-time.
  - Testing must occur when the venues are operating in a typical or representative peak operational state, so that measured noise reflects the worst-case realistic scenario.
  - If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report.

Once submitted to and approved by the Responsible Authority, the report will be endorsed to form part of the permit. The provisions, recommendations and requirements of the endorsed Post Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority within 30 days of the endorsement of that report, or as otherwise agreed in writing by the Responsible Authority. The report must not be altered without the prior written consent of the Responsible Authority.

12. Noise levels associated with the uses must at all times comply with the requirements of Environment Protection Regulations 2021 (as amended from time to time) and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and

Entertainment Venues, Environmental Protection Authority, March 2021), to the satisfaction of the Responsible Authority.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

### **Odour report**

13. Concurrent with the submission of plans for endorsement under Condition 1, an odour assessment report from a suitably qualified expert (environmental consultant or similar) must be provided to the satisfaction of the Responsible Authority. The report must be generally in accordance with section 7 of the EPA's Guidance for Assessing Odour Publication 1883 (June 2022) and detail the following matters to the satisfaction of the Responsible Authority:

- a) Identify an appropriate odour emissions standard; and
- b) Mitigation measures to ensure that the intensity of odour from cooking at each premises complies with that standard.

Once submitted and approved, the Odour Assessment Report will be endorsed to form part of the planning permit. No alternations to the Odour Assessment Report may occur without the written consent of the Responsible Authority.

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

14. Concurrent with the submission of plans for endorsement under Condition 1, a Venue and Patron Management Plan must be submitted to and approved by the Responsible Authority. The plan must provide for an operational strategy for each of the convenience restaurants including, but not limited to the following:

- a) Signage to be used to encourage responsible off-site patron behaviour.
- b) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
- c) The venue Duty Manager for each convenience restaurant to be on-site during the hours of operation.
- d) Complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which record details of the complaint received, any action taken and the response provided to the complainant.
- e) Any management requirements from the acoustic report, as detailed in condition 10(d) of this permit.

Once submitted and approved, the Venue Management Plan will be endorsed to form part of the planning permit. No alterations to the Plan may occur without the written consent of the Responsible Authority.

## Waste Management

15. Concurrent with the submission of plans for endorsement under Condition 1, an amended Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the report prepared by OneMileGrid and dated 3 September 2025 but modified to:
- a) Align with the architectural plans submitted for endorsement;
  - b) Include calculations and discussions of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;
  - c) Include details of waste and recycling bins for patrons, including frequency of collections.
  - d) Include a dimensioned plan, to scale, showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (ie no bin placed behind another bin); and
  - e) Show the bins in the plan, to scale, colour coded to each waste stream.

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.

## Sustainable Management Plan

16. Concurrent with the submission of plans for endorsement under Condition 1, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction of the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by EcoResults dated 2 September 2025, Stormwater Management response (report and civil plans) prepared by Branson Dilettoso Daglas received 11 February 2026 but modified to include the following changes:
- a. An amended BESS report that is amended to align with the overall SMP, including:
    - i. A Deemed-to-Satisfy Section J response
    - ii. Amended stormwater management response
    - iii. Shading details updated
    - iv. Urban Ecology 1.1 – Communal Spaces credit is not claimed
    - v. Any other amendments to BESS report required after the conditions described have been met
  - b. An amended stormwater management responds???? that meets the best practice environment management guidelines pollutants reduction targets and includes:
    - i. An amended MUSIC model in which:
      - The catchments in the model accurately reflect the plans, including raingardens and their catchments included as separate catchments and nodes (rather than combined).
    - ii. A written stormwater management response to include:
      - A table describing all catchments on the site (including pervious and impervious areas), area, building and roof details, connection to treatments (and their sizes) and a clear link to the catchment plan.
      - The Atlan product catchment and purpose clarified: Typically, these products are used in places where high levels of hydrocarbon are present, such as the ground of petrol stations. However, the documentation currently shows only the canopy areas draining to the Atlan product.

- iii. Amended raingarden (civil) details, including:
  - The catchments clearly explained and aligning with the amended MUSIC model.
  - An amended annotated catchment plan explaining the catchments for all raingarden and tanks.
  - Alignment with the development plans clearly showing the raingarden sizes and tank capacity and locations.
  - In-ground raingardens to have sufficient setbacks from pedestrian car spaces, pedestrian pathways, vehicle turning circles and other uses that could damage the raingardens / cause concerns with these other uses.
  - A section detail for each in-ground raingarden detailing: the top Relative Level (RL), the depth of extended detention (and the RL for each raingarden, as per the MUSIC model), the RL of the overflow pit / pipe, the confirmed RL of the underdrain; and the RL connection into the relevant LPOD and confirmation that this will occur via gravity and without any mechanical pumps.
- iv. Rainwater tank harvesting and water re-use explained for all tanks and uses (e.g. the irrigation demand does not appear to be evident, the toilet demand is not explained, etc).
- c. An improved energy response, including:
  - i. Maximised roof space for solar panels provided for the McDonalds, Guzman y Gomez, El Jannah, 7-11 convenience store and food and beverages shop.
  - ii. Preliminary Section J modelling / equivalent for all of the uses demonstrating an improvement of 10 per cent (not including on-site solar PV) above minimum Section J NCC requirements.
- d. Amended development plans to show:
  - i. The stormwater management details, including:
    - The surface area of raingardens
    - Separation between in-ground raingardens and car parking spaces / pedestrian pathways (e.g. 0.5m between an in-ground raingarden and an adjoining car space).
  - ii. Rainwater tanks capacities annotated on the plans and reuse annotated.
  - iii. The basement plan for the warehouses to be incorporated into the development plans.
  - iv. Provide details on the floor and elevations of how BESS credit IEQ 3.4 Thermal comfort – shading – non-residential' has been met, including:
    - Floor plans and elevations to detail how the planting will be accommodated.
    - Details of how the planting will attach to the wall to provide effective shading as per the BESS credit IEQ 3.4, sufficient ground and garden bed connection, etc.
- e. Details of the Electric Vehicle charging stations, including the minimum power charging capacity to be level 2 32-amp supplies / similar.
- f. Materials of the buildings (roofs and facades) to be a lighter colour, with a Solar Reflectance Index of a minimum 60 /equivalent.

- g. Amended landscape plans to include:
  - i. Details of the stormwater management treatments, including the location and land size of raingardens, separation between in-ground raingardens and car parking spaces / pedestrian pathways (e.g. 0.5m between an in-ground raingarden and an adjoining car space).
  - ii. As per the above condition, if planting is used for shading, details of how the planting will attach to the buildings to effectively provide the shading (as per the BESS IEQ credit), planting species, irrigation, maintenance schedule, roles and responsibilities of parties responsible for the maintenance and irrigation and a 2-year contract / commitment for maintenance.

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

When submitted and approved to the satisfaction of the Responsible Authority, the amended SMP (including stormwater management response) and associated notated plans will be endorsed to form part of this permit. No alterations to the SMP (including stormwater management response) may occur without the written consent of the Responsible Authority.

- 17. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan and Stormwater Management report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.
- 18. Prior to the issue of Certificate of Occupancy or Statement of Compliance of any of the buildings approved within this development, whichever comes first, a report from the author of the Sustainable Management Plan (SMP) and Stormwater Management report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report(s) must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP and Stormwater Management response have been implemented in accordance with the approved plans.

### **Public Works Plan**

- 19. Concurrent with the submission of plans for endorsement under Condition 1, a Public Works Plan and associated construction drawing specifications detailing the works to the land along each frontage (Sydney Road, Keady Street and Treloar Street) and on any adjacent public road must be submitted to the satisfaction of the Responsible Authority. The Plan must be in accordance the Merri-bek City Council Technical Notes October 2022, or any updated version, and include:
  - a) A feature survey of the footpaths and roads.
  - b) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
  - c) Consideration of the altered road design for Keady Street as required by condition 22, including if required an interim footpath or road treatment.
  - d) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
  - e) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
  - f) Any necessary drainage works.

- g) The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
- h) The provision of new street tree planting or landscaping along Sydney Road in appropriate locations in consultation with the Responsible Authority (Open Space Branch). Public realm tree planting will be undertaken by Merri-bek City Council at the expense of the developer.
- i) Any other works to the public land adjacent to the development.

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

- 20. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.
- 21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council's costs and fees associated with Street tree planting.

#### **Road widening and protected bicycle lane**

- 22. Prior to the commencement of development an altered road design for Keady Street must be submitted to and approved in writing by the Department of Transport and Planning and the Responsible Authority. The altered road design must show:
  - a) A 1.5-metre wide strip of land for road widening, to be vested in Council, consistent with the endorsed plans.
  - b) A 1.7-metre-wide footpath along the southern side of Keady Street.
  - c) A 1.5-metre-wide protected bicycle lane.
  - d) A 0.3-metre-wide concrete barrier space to separate the drive lane from the bicycle lane.
  - e) Bicycle signal phasing at the Keady Street/Sydney Road intersection.
- 23. Before the issue of an Occupancy Permit, all public works shown on the endorsed altered road design must be constructed at the expense of the owner and to the satisfaction of the Responsible Authority, following written approval of the works by the Department of Transport and Planning, where required.

#### **Tree Protection Specifications**

- 24. Concurrent with the submission of plans for endorsement under Condition 1, a Tree Protection Specifications (TPS) must be submitted to and approved by the Responsible Authority. The TPS must be prepared by a suitably qualified Arborist and make specific recommendations in accordance with the Australian Standard AS4970-2025 - Protection of Trees on Development Sites to ensure that all street trees remain healthy and viable during construction. The TPS must include the following to the satisfaction of the Responsible Authority:
  - a) A Tree Protection Plan (TPP) 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 Notional Root Zone (NRZ) 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 Nominal Root Zone (NRZ) (in accordance with Australian Standard AS4970-2025 - *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 AS4373-2007, *Pruning of Amenity Trees* and a detailed photographic diagram specifying what pruning will occur.

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

### **Lighting Impact Assessment and Management Plan**

25. Concurrent with the submission of plans under Condition 1, a Lighting Impact Assessment and Management Plan prepared by a suitably qualified lighting engineer must be submitted to and approved by the Responsible Authority. The assessment must demonstrate how outdoor lighting and illuminated signage will avoid light spill and glare to sensitive interfaces. The report must include, but not limited to:
- a) An assessment of the potential for light spill and glare affecting the nearest residential properties.
  - b) Technical specifications for all external lighting and illuminated, electronic signage, including location, mounting height, fixture type, power, illuminance levels, and operating hours.
  - c) Calculations demonstrating that light spill at the boundary of nearest residential zone will not exceed limitations established within Australian Standard AS4282.
  - d) Confirmation and evidence that all external lighting will be baffled, shielded or directed so as to prevent any adverse effect on adjoining residential land.

When submitted and approved to the satisfaction of the Responsible Authority, the lighting impact assessment and management plan will be endorsed to form part of this permit. The recommendations of the endorsed lighting impact assessment and management plan must be implemented to the satisfaction of the Responsible Authority.

### **Car parking**

- 26. Prior to the commencement of the use of the land for the warehouses, any parking space located in front the loading bay openings of warehouses U1-U6 and U25-30 must be allocated to the respective warehouse tenancy.
- 27. All parking spaces allocated to the warehouses are to be marked with the associated warehouse number to facilitate management of the car park to the satisfaction of the Responsible Authority.
- 28. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
  - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.

- b) Be maintained.
- c) Be properly formed to such levels that it can be used according to the endorsed plan.
- d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
- e) Not be used for any other purpose other than the parking of vehicles.
- f) Be numbered to facilitate management of the car park.
- g) The areas marked as a loading bay on the endorsed plan must not be used for any other purpose.

## **Department of Transport and Planning Conditions**

### Amended Plans

29. Unless otherwise agreed in writing with the Head, Transport for Victoria, before the development starts, amended plans must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. When approved, the plans will be endorsed by the Responsible Authority and form part of the permit. The plans must be generally in accordance with the plans prepared but modified to show the following:
- a) Clearance dimensions applied to the site's western boundary to ensure an accurate representation of the Public Acquisition Overlay (PAO) as per the relevant definition plan (ie. the depiction of a 3.3m extent at the site's southern boundary and a 3.1m extent at the site's northern boundary), with gardens, signage and substation works located outside of land affected by the PAO.

### Access Conditions

30. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the commencement of the development a Functional and Signal Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
- a) A fully controlled right turn at Keady Street / Sydney Road intersection (north and south bound) and all associated works
  - b) an agreed right turn lane length on Sydney Road (north bound) for the Keady Street right turn and all associated line marking
  - c) any required signal upgrades for the fully controlled right turn works (north and south bound) at the Keady Street / Sydney Road intersection.
  - d) left in left out only for all other access points along Sydney Road
  - e) all features such as pavement, kerb/shoulders, line marking, power poles, crossovers, trees, and other road furniture along the frontage of the property. All crossings must be 1 metre clear of any road infrastructure.
  - f) the design of the works including footpaths and pram crossing to be DDA compliant as required
31. Unless otherwise agreed in writing with the Head, Transport for Victoria, prior to the occupation of the development, the works shown on the endorsed Functional and Signal Layout Plan must be completed to the satisfaction and at no cost to the Head, Transport for Victoria.
32. Before the use starts a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must provide for:
- a) a traffic flow plan for each access from Sydney Road
  - b) hours of fuel delivery restricted to outside commuter peak times (generally 7pm to 6am seven days a week unless otherwise agreed)

- c) fuel delivery in accordance with endorsed plans
- d) Fuel deliveries and loading activities managed through the preparation of a fuel delivery plan. The fuel delivery plan must detail the access path and times as per the above and ensure the service station restricts access to fuel delivery locations to ensure unimpeded access and vehicles are able to enter / exit safely.

The Traffic Management Plan must be implemented and complied with to the satisfaction of the Head, Transport for Victoria.

All costs associated with the preparation and implementation of the Traffic Management Plan will be at no cost to the Head, Transport for Victoria.

The endorsed Traffic Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria.

- 33. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety to the satisfaction of the Head, Transport for Victoria.
- 34. All vehicles must always enter and exit the site in a forward direction to the satisfaction of the Head Transport for Victoria.
- 35. Prior to the occupation of the development, the crossings and associated works shown on the endorsed plans must be completed to the satisfaction and at no cost to the Head, Transport for Victoria.
- 36. Prior to the occupation of the development all disused or redundant crossings along Sydney Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria.

#### Public Acquisition Overlay

- 37. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.
- 38. All buildings and works approved under this permit within the land affected by the Public Acquisition Overlay must be removed at no cost to, and to the satisfaction of, the Head, Transport for Victoria once the land is proposed to be acquired for road works.
- 39. Unless otherwise agreed in writing by the Head, Transport for Victoria, utility metres and letter boxes must not be located in the land affected by the Public Acquisition Overlay.

#### Advertising Signs

- 40. All advertising signs / lighting on site remains static to the satisfaction of the Head, Transport for Victoria (except the price boards at the drive through ordering points)
- 41. The sign/s must not at any point in time comprise of retro-reflective material or high glossy surfaces to the satisfaction of the Head, Transport for Victoria.
- 42. The sign/s must not display content, images or text which:
  - a) Give the illusion of continuous movement.
  - b) Capable of being mistaken for traffic signals or traffic control devices, including red, amber or green circles, octagons, crosses or triangles.
  - c) Capable of being mistaken as an instruction to a road user, including the wording stop, give way, slow down, turn left or turn right.
  - d) With a flashing background, flashing text, flashing images, blinking or fading elements that create the illusion of movement.
  - e) Contain any animation.

- f) Capable of being interpreted as projections beyond the face of the advertising screen such as through 3D technology.
- g) Contain any present time or other contemporary update information relating to news, weather or time.
- h) Contain video, movie or television broadcasts; or
- i) Dazzle or distract road users due to colouring,  
to the satisfaction of the Head, Transport for Victoria.

### **Tree removal**

- 43. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

### **Asset engineering**

- 44. The accessway to Treloar Street is to be constructed at a level and in a manner that ensures the vehicle crossing will have a slope of 1 in 40 over a one metre width along the public footpath and allow the B85 template in Figure C1 of the Australian Standard for Off-Street Parking (AS2890.1) to access from the road.
- 45. Prior to the occupation of the development, any Council or service authority pole or pit within one metre of every proposed vehicle crossing must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
- 46. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
- 47. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any proposed vehicle crossover, ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
- 48. Any new pedestrian ramp or stair providing access to the higher ground levels of the development from the footpath must be contained entirely within the site to ensure that the footpath level remain as constructed by the Responsible Road Authority.
- 49. Before the occupation of the development, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
- 50. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.
- 51. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

## Signs

52. The location, dimensions, shape and associated structures of the approved sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
53. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
54. The signage approved by this permit must not be animated or contain any flashing or intermittent lights.

## Construction Environmental Management Plan

55. Prior to the commencement of development (including excavation, demolition), a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority. The CEMP must be prepared by a suitably qualified environmental consultant or similar and detail any mitigation measures to reduce the residual risk posted by landfill gas and soil contamination.

## Permit Expiry

56. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within three (3) years from the date of issue of this permit;
  - b) the signage is not erected and displayed within three (3) years from the date of issue of this permit;
  - c) the development is not completed within five (5) years from the date of issue of this permit;
  - d) the use is not commenced within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

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

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

- Note 1:** 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.
- Note 2:** Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.
- Note 3:** Proposals for kerbside seating or a parklet are subject to a separate permit for footpath trading from Council's Amenity and Compliance Branch.
- Note 4:** The development seeks the construction of a new crossover to Sydney Road and other works. Before works start, separate approval/s under the Road Management Act 2004 may be required from the Head, Transport for Victoria for works within the road reserve.

## **1. Background**

### **Subject site**

The site is on the eastern side of Sydney Road in Coburg North and has a frontage of 154 metres to Sydney Road, 117 metres to Keady Street, and 134 metres to Treloar Street. With a total site area of approximately 14,968sqm, the site contains a car sales and warehouse building. A large part of the site has not been developed and has been used for car storage. The site has 2 vehicle crossovers from Sydney Road and Keady Street, and 3 crossovers from Treloar Street.

### **Surrounds**

Properties adjacent to the site's northern and eastern interfaces are in the General Residential Zone and contain low-scale residential dwellings. Properties directly south are in the Industrial 3 Zone and contain industrial, commercial, and residential dwellings, which separate the site from Spry Street. Dawson Reserve is located to the west of the site, across Sydney Road. The surrounding area along Sydney Road is also within industrial zone and commercial zones, and contains a petrol station, car wash, furniture and flooring outlets.

A location plan forms **Attachment 1**.

### **Site history**

Records indicates that the land has been used for industrial purposes including a former basalt quarry and specialised industrial machinery and equipment wholesaling. These uses appear to have been discontinued in the early 2000's when a planning permit (MPS/2002/758) was issued to carry out works to fill in and compact the former quarry excavation pit. Since the early 2000s, the site appears to have been used as an informal storage space and has been partially developed to include a vehicle sales building, approved under Planning Permit MPS/2003/450. Other relevant permit history includes crossover widening permits relating to the Sydney Road vehicle access (MPS/2008/550).

### **The proposal**

The site is to be developed into two precincts: Western and Eastern precincts. Details are as follows:

#### Western Precinct - Convenience restaurants, food and drink premises, and service station

- Three (3) convenience restaurants proposed (Guzman y Gomez, El Jannah, and McDonalds) with frontage to Sydney Road and with vehicle drive through options.
- A single storey 7/11 service station with an attached food and drink premises proposed centrally, adjacent to McDonalds.
- Both the service station and convenience restaurants will operate 24/7.
- When combined, the convenience restaurant uses will have a total of 45 employees and a total of 148 patrons.
- A total of 49 car parking spaces and 25 bicycle parking spaces are provided for these uses.
- Access is provided via two separate vehicle crossovers along Sydney Road and one crossover on Keady Street.
- A landscaping buffer is proposed to Sydney Road and Keady Street.

### Eastern Precinct - Warehouses, store, and office spaces

- Twenty- five (25) warehouses and five (5) individual office spaces are proposed. The warehouses and offices have a total floor area of 4,319 square metres and 920 square metres respectively.
- Buildings closest to residential properties on Treloar Street will be double storey in height, and the rest will be three storeys.
- The warehouses and offices are accessed via Keady Street.
- The warehouses and offices will operate between 7am and 7pm, 7 days a week.
- A basement is proposed underneath the offices and warehouses, which will be accessed from Treloar Street, and will contain twenty four (24) storage spaces for hire which can be accessed 24/7.
- A total of 73 car spaces are proposed for the warehouse, office and the storage spaces. 51 car parking spaces will be provided on ground level, and 20 car spaces, specifically for the offices, will be provided at basement level.
- The basement will also contain 10 bicycle spaces for the offices.

### Other works

- Five street trees are proposed for removal and one private tree which is a native species.
- Many signs are proposed in the western precinct. Most notable are the electronic and pylon signs proposed along Sydney Road.

The development plans form **Attachment 2**.

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

<b>Control</b>	<b>Permit Requirement</b>
Industrial 3 Zone (IN3Z)	A permit is required to use the land for warehouse, store, convenience restaurant, food and drink premises, service station and office. A permit is required to construct a building or construct or carry out works.
Public Acquisition Overlay (PAO1)	A permit is required to use the land for warehouse, store, convenience restaurant, convenience shop, food and drink premises, service station and office. A permit is required to construct a building or construct or carry out works including demolishing or removing a building. A permit is required to remove or lop vegetation.
Signs (Clause 52.05)	A permit is required to construct or display business identification, electronic, pylon, internally illuminated and promotion signage.
Clause 52.17 (Native vegetation)	A permit is required to remove native vegetation. Tree 26 is a native tree and is protected therefore requiring a planning permit for removal.
Clause 52.29 (land adjacent to the principal road network)	A permit is required to create or alter access to a road in a Transport 2 Zone.

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

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to new applications determined on or after 1 July 2023.
- Clause 52.06: Car Parking. For the convenience restaurants and food and drink premises uses, the proposal provides for a total of 49 car spaces which exceeds the Clause 52.06 requirements of 24 spaces. For the warehouses, offices and store uses, the proposal provides for 73 spaces which exceeds the Clause 52.06 requirements of 14 spaces.

## 2. Internal/External Consultation

### Public notification

Notification of the application was undertaken pursuant to Section 52 of the *Planning and Environment Act 1987*, being by way of:

- Sending notices to the owners and occupiers of adjoining and adjacent land.
- Placing a sign on Sydney Road, Keady Street and Treloar Street frontages.

The application has received a total of ninety three (93) objections. A map identifying the location of objector forms **Attachment 3**.

The key issues raised in objections are summarised as follows:

- Traffic congestion and impact on local road network.
- Impacts on pedestrian and cyclist safety on Keady Street.
- Impacts on achieving Council's Streets for People Project.
- Inadequate car parking.
- Waste management, litter and pollution effects on the local environment including Merri-creek.
- Overconcentration of service stations within the immediate area.
- Environmental impacts from service station
- Impacts from multiple convenience restaurants and the health implications from fast food.
- Amenity impacts including hours of operation, odour, anti-social behaviour, light and noise.
- Tree removal.
- Community benefit, impact to local economy.
- Domination of pylon signage.
- Land should alternatively be used for housing or rezoned.

### Planning and discussion meeting

A Planning Information and Discussion (PID) meeting was held on 03/03/2026. Two Council Planning Officers, the applicant, Mayor Abboud, Councillor Bolton and 28 objectors attended.

The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond. Following this meeting the applicant agreed to conditions being imposed, should a permit be issued, requiring the submission of an acoustic report, odour report, litter management plan and patrol, venue and patron management plan and lighting report. The recommendation includes these conditions.

## Referrals

The proposal was referred to the following external agencies and internal branches:

External Agency	Objection/No objection
Department of Transport and Planning (DTP)	No objection subject to conditions requiring updated plans that correctly show the Public Acquisition Overlay, submission of a function and signage layout plan seeking to create a signalise turn at Keady Street, submission of a traffic management plan and management of electronic signage to ensure it does not create a traffic hazard.

Internal Branch/Business Unit	Comments
Engineering Services Unit with input from the Transport Planning Unit	Concerns raised relates to increased traffic into Keady Street, which nearly exceeds the roads capacity of 3000 vehicles per day (2800 vehicles per day at peak hours). To address concerns, it is recommended widening of part of Keady Street to create a separated bicycle lane which will assist in improving bicycle infrastructure and road safety, and that these works be carried out by the developer. The applicant has agreed to the provision of land to allow for the widening of Keady Street. Council's Engineering's requirements have been included as conditions in officer's recommendation.
Council Arborist	Supports the removal of native vegetation given that it is a dead species. Supports the removal of the street trees subject to all costs, including removal, replacement, and amenity valuation to be paid to Council by the owner/builder. Recommends improvements to the landscape plan and a tree protection specifications to protect the remaining street trees which have been conditioned as part of the officer's recommendation.
Environmentally Sustainable Design	Recommends conditions requiring minor modifications to the Sustainable Management Plan.
Urban Design	Recommends conditions requiring improvements to pedestrian access, adding more landscaping along the shared driveways, reducing the height of the pole signs, and improving the appearance of the warehouse buildings particularly along Treloar Street by greater setbacks and increasing the separation between buildings on first floor. The applicant made changes to the plans before public notice to improve pedestrian access and add landscaping. However, no changes were made to the appearance of the warehouse buildings along Treloar Street or the height of the pylon signage. This is discussed further in Section 4 of the report.
Open Space	Supportive of the proposal subject to modifications to the landscape plan which have been included as conditions in the officer's recommendation.

Internal Branch/Business Unit	Comments
Economic Development	Supportive of the proposal acknowledging the significant employment opportunity it provides. The submitted employment report indicates that the proposal is expected to generate 195 ongoing job opportunities overall, comprising a mix of permanent, part-time, and casual staff. The advertised planning report refers to 45 employees to the convenience restaurants uses and does not include warehouses or the office spaces.

### 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)
  - Environmental and Landscape Values (Clause 2.03-2)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
- Settlement (Clause 11)
- Environmental and Landscape Values (Clause 12), including:
  - Biodiversity in Merri-bek (Clause 12.01-1L)
- Environmental Risks and Amenity (Clause 13), including:
  - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
  - Noise Management (Clause 13.05-1S)
  - Land use compatibility (Clause 13.07-1S)
- Built Environment (Clause 15.01), including:
  - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
  - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
  - Building Design (Clause 15.01-2S and 15.01-2L)
  - Signs (Clause 15.01-1L)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)
  - Energy efficiency in Merri-bek (Clause 15.01-2L-04)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
  - Core Industry and Employment Areas (Clause 17.01-1L-01)
  - Industry (Clause 17.03)
- Transport (Clause 18), including:
  - Movement Networks (Clause 18.02)

### 4. Planning scheme amendments

On 18 December 2025, new statewide rules changed how car parking is calculated under Amendment VC277. The new car parking requirements are less restrictive than the former requirements, and whilst the application was advertised with a car parking reduction this no longer applies as the car parking provided as part of the proposal satisfies the new requirements. Under the former car parking requirements, the application required a total of 49 spaces for the western precinct and 86 spaces for the eastern precinct (135 space total). Under the new car parking requirements, the proposal now requires 24 spaces for the western precinct and 14 spaces for the eastern precinct (total 38 car spaces). The proposal exceeds this requirement by providing a total of 49 car parking spaces for the western precinct, and 73 car spaces for the eastern precinct (total 122 car spaces).

### **Human Rights Consideration**

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

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

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

## **5. Assessment**

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

### **Is the proposed use appropriate for the location?**

The site is located within the Industrial 3 Zone and within a Core Industry and Employment Area. The key purpose and strategies of these controls are to support industry and employment generating land uses (including limited retail opportunity) in appropriate locations while minimising impacts on sensitive land uses.

The site is adjacent to a major road (Sydney Road), making it suitable for retail uses such as convenience restaurants and a service station, which are generally encouraged along busy transport routes. The eastern part of the site includes warehouse and office spaces that separate nearby residential areas from late-night commercial activity. The warehouses and offices will operate between 7am – 7pm, which helps protect the safety and minimises disruption to the residential area.

The proposal will create significant employment opportunities, on what is currently a largely underutilised site and particularly within an area with comparably higher local unemployment rates (5.4 per cent where the Greater Melbourne rate is 4.5 per cent). The application was referred to Council's Economic Development Unit who support the proposed redevelopment, based on its contribution to local employment.

### **Is the proposal acceptable having regards to off-site impacts?**

The convenience restaurants and service station are proposed to operate 24/7. Key issues raised in objections relate to impacts on the surrounding area including noise, anti-social behaviour, light pollution, odour and waste. These are addressed below.

### *Noise*

The convenience restaurants and service station are positioned on the western side of the site, fronting Sydney Road. The warehouses and offices are located to the east, providing a buffer to the residential properties to the north and east and creating appropriate separation from more intensive commercial uses.

In the PID meeting the applicant committed to completing acoustic testing, to ensure there is no unreasonable noise to nearby neighbours. The recommendation includes several acoustic conditions, including post occupation testing to ensure the proposed acoustic measures are effective should the use be approved.

The warehouse and office spaces are proposed to operate between 7am-7pm which are considered standard times for commercial and industrial trade. Also, the building entries face into an internal driveway limiting activity opposite residential properties. The general nature of activities associated with a warehouse or office space are unlikely to generate any significant noise emission. A condition of the officer recommendation requires these spaces to comply with the relevant EPA noise guidelines for industrial trade.

### *Anti-social behaviour*

Objectors have raised concerns that the convenience restaurants may attract anti-social behaviour, particularly during late night trading. Management of customer behaviour can be addressed through an operational strategy. The recommendation includes the submission of a Venue and Patron Management Plan, prior to the commencement of the development, which will outline the operational strategy for the convenience restaurants to manage customer behaviour. The site's direct connection to Sydney Road (an arterial road) allows vehicles and pedestrians to leave in a north-south direction along the main road. This reduces reliance on Keady Street and reduces impacts on residential properties in the General Residential Zone.

### *Light pollution*

The recommendation gives effect to the applicant's commitment in the PID meeting to minimise light impacts through conditions requiring a lighting impact assessment and management plan.

### *Odour*

The recommendation requires the submission of an Odour Report prepared by a suitably qualified professional prior to the commencement of convenience restaurant uses, to demonstrate how odour emissions would be managed in accordance with EPA guidelines. Subject to this, odour impacts are expected to be appropriately managed.

### *Waste and litter*

Each building contains a waste management and storage area. A Waste Management Plan has been submitted, which measures the anticipated waste generation from each of the proposed uses. Waste is proposed to be collected by a private contractor. For the convenience restaurants and service station, the waste is proposed to be collected three times per week. The collection times align with Council's Local Law. With slight modification including a bin plan and calculations on all four waste streams, it is recommended that this report be endorsed as part of the permit conditions.

Convenience restaurants can be a source of litter. While customer behaviour cannot be fully controlled, measures such as off-site litter patrols and installation of anti-litter signs have been conditioned as part of the recommendation. This is consistent with the approach adopted in the Victorian Civil and Administrative Tribunal (VCAT) decision for McDonald's Australia Limited v Moreland CC (2020). The permit applicant has agreed to this condition to address objector concerns. Subject to these conditions, the rubbish and litter impacts are expected to be adequately managed.

### **Does the proposal provide for appropriate car parking and bicycle spaces?**

The proposed car parking provision satisfies the car parking requirements of the planning scheme. Council's Development Engineer has reviewed the proposal and has recommended 1 bicycle parking space to each warehouse and office, and 25 bicycle spaces to the western precinct. The plans show 2 spaces per warehouse and office space, and 25 bicycle spaces for the western precinct which meets the Engineer's requirement.

### **Does the proposal result in unreasonable disruption and impact to the surrounding transport network?**

A key concern raised in objection relates to the traffic impact on the surrounding road network. These issues are addressed below.

#### *Traffic Congestion and Road Safety on Keady Street*

The application proposes to use the existing traffic lights on Sydney Road for right-turn into Keady Street for northbound traffic. Traffic modelling submitted by the applicant demonstrates the street's maximum vehicle capacity (3000) is not exceeded through the approval of the development, however, is at high vehicle capacity (2,800). Keady Street is identified within Council's *Streets for People* project (aiming to provide calmer and safer streets for pedestrians and cyclists). The Streets for People Project is an initiative in the Moving Around Merri-bek (Merri-bek City Council, 2024) which is a Council Strategy and is a background document within the Merri-bek Planning Scheme.

Whilst it is Council's Development Engineering strong preference to have a standalone right hand turn option on Sydney Road, the Department of Transport and Planning (DTP) have not supported this due to road safety concerns. In light of this, Council's Development Engineer has recommended widening of part of Keady Street to create a separated bicycle lane which will assist in improving bicycle infrastructure and road safety, and that these works be carried out by the developer. The applicant has agreed to the provision of 1.5m strip of land adjacent to Keady Street starting at Sydney Road and extending a minimum of 58 metres to the east. Council's Engineer requirements have been conditioned as part of the officer's recommendation.

#### *Drive through overflow and spillage*

The submitted traffic report provides demonstrates the vehicle capacity at the ordering and collection point is appropriate when measured against the average metropolitan queue lengths. The design includes exclusive 'drive-through bays' for each convenience restaurant to avoid queue delays. Council's Development Engineer and DTP have not objected to this arrangement as part of their referral response.

#### *Industrial Vehicles on Keady Street*

The site has an overall size of 14,968sqm and fronts three streets. Being in the Industrial 3 Zone, industrial activity is expected. It is not unreasonable for the development to make use of these existing streets. The development limits impacts to the residential streets by proposing one central vehicle accessway to the office/warehouse buildings from Keady Street. The size of the warehouses is unlikely to generate intense industrial traffic (including heavy rigid vehicles or similar).

### **Is the Development Acceptable?**

Buildings within the western precinct of the site (including the convenience restaurants, and service station) are single and double storeys in height and are designed to provide a positive street appearance. The style of the buildings match the character found along this section of Sydney Road. The site is currently vacant and surrounded by tall, graffitied, sheet metal fencing This re-development will improve the current appearance of the site.

The warehouse and office buildings in the eastern part of the site have a modern design. The building height steps down to two storeys opposite residential properties along Treloar Street. Street-facing balconies on warehouses 1–5 provide additional upper-level setbacks, to improve the appearance of the buildings.

Council's Urban Design Unit are generally supportive of the development, with some minor design adjustments to the eastern row of warehouse/office spaces. Recommendations include providing greater first floor setbacks, and a larger internal separation. Adopting these changes would require significant redesign which is not considered necessary in this instance. The two storey height is not unreasonable in the street and the Industrial 3 Zone, which generally expects more bulky industrial buildings

As the adjoining properties are within the General Residential Zone, building heights of up to three storeys could be expected, which is larger than the two storeys proposed.

**Does the proposal incorporate adequate Environmentally Sustainable Design (ESD) features?**

Council's Environmental Sustainability Unit have reviewed the application and provided support subject to requiring modifications to the Sustainable Management Plan which forms conditions in the officer's recommendation. The development provides for five vehicle parking spaces dedicated for electric vehicle charging to cater for electric vehicles.

**Are the Signs Acceptable?**

Four pylon signs are proposed along Sydney Road which identify each of the businesses and the fuel pricing. Each pylon sign is 12 metres in height other than El Jannah pylon sign which is 10 metres in height. The quantity of pylon signage is appropriate in the context of the properties 154 metre frontage to Sydney Road, particularly given they are well spaced from one another. This provides an appropriate balance between the reasonable needs of business identification without impacting the existing streetscape as directed by Council's local signage policy (Clause 15.01-1L – Signs).

The height of the pylon signage is not reflective of the surrounding character and does not align with the 6 metre maximum height of Council's local signage policy. To encourage general consistency in pole signage his forms a condition in the officer's recommendation.

Two electronic signs constructed on pylons have been proposed for Guzman y Gomez and El Jannah. There are no examples of electronic signage on pylons within the surrounding area. The plans show these signs will contain static content. DTP has not objected to these signs subject to conditions ensuring that the electronic signs do not impact on road safety. Electronic signs are not uncommon for convenience restaurants on main roads. Subject to conditions, the proposed electronic signs can be supported. All other signs fit the character of commercial uses along an arterial road.

### **Is the land potentially contaminated and suitable for the proposed land use?**

An Environmental Report has been submitted with the application which refers to an Environmental Due Diligence assessment (EDD). The findings of the report conclude the site has been historically used as a basalt quarry and therefore has a potential for land contamination particularly in relation to landfill gas. A Landfill Gas Risk Assessment was undertaken which assessed the proposed works and concluded that constructing the proposed development is a low environmental risk. The report recommends a Construction Environmental Management Plan (CEMP) prior to the commencement of works which has been conditioned as part of the recommendation.

### **Is the removal of trees appropriate?**

The application seeks to remove one native private tree (Tree 26) which is 95 per cent dead, and five street trees (Trees 1, 19, 20, 21 and 25) including a native street tree (Tree 1). Council's Arborist supports the proposed tree removal subject to conditions that requires the owner to pay Council the amenity value, removal, replacement and establishment costs for each street tree being removed.

## **6. Response to Objector Concerns**

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

- Traffic congestion and impact on local road network.
- Impacts on pedestrian and cyclist safety on Keady Street.
- Impacts on achieving Council's Streets for People Project.
- Inadequate car parking.
- Waste management, litter and pollution effects on the local environment including Merri-creek.
- Amenity impacts including hours of operation, odour, anti-social behaviour, light and noise.
- Tree removal.
- Community benefit, impact to local economy.
- Domination of pylon signage.

Other issues raised by objectors are addressed below:

#### Overconcentration of service stations

Objections received relate to the overconcentration of service stations along Sydney Road. Traffic surveys in the submitted traffic reports show the road carries high volumes of vehicles, highlighting the need for car-based services like a petrol station. There are no planning requirements that seek to restrict the number of similar businesses in an area.

#### Land should alternatively be used for housing or rezoned

Council has reviewed all industrial land in the Municipality using the Moreland Industrial Land Strategy (MILS). This strategy looked at which land could change to housing and which land should stay industrial to keep jobs. While many smaller and less well located industrial precincts were identified for re-zoning, including to residential or commercial zones, the strategy identifies this site and the wider industrial precinct to be retained as industrial for employment. This zone does not allow housing. The site is part of a larger industrial precinct that can create many jobs for the community. Because this area is a Core Employment and Industrial area, it is important for Council to support businesses and protect land that can create jobs.

### Impacts from multiple convenience restaurants and the health implications from fast food.

A number of concerns have been raised to the public health effects of food sold at the convenience restaurants and this being a negative impact on the surrounding community, particularly in a cluster. While concerns about the health impacts of fast food are acknowledged, the planning system does not regulate food choices, and the assessment is limited to land use and development impacts within the Merri-bek Planning Scheme. For the reasons outlined in this report, the site is considered an appropriate location for the proposed uses and subject to conditions the impacts from noise, light spill, odour, anti-social behaviour, waste and litter can be appropriately managed.

### Environmental impacts from service station

Objections have been raised with the sale of fossil fuels associated with the service station and the negative environmental impact. The policies in the Victorian Planning Schemes do not assess products sold as part of a commercial activity. Whilst the effects of petrol are recognised as an environmental pollutant, the planning scheme does not control its sale, and the objection is therefore outside the scope of Council's assessment of this planning application

## **7. 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.

## **8. Financial and Resources Implications**

There are no financial or resource implications.

## **9. Conclusion**

The approval of the proposed development and land uses are considered acceptable when balancing the objections received, with the Merri-bek Planning Scheme requirements and objectives, including those seeking:

- To support economic development, including new business activities on a mostly under used site, bringing new local employment, within the industrial zoned land.
- To manage conflict between existing and proposed land uses.

Subject to conditions seeking to manage the uses and reduce offsite impacts, the proposed use and development can be supported. The traffic impacts of this proposal are acceptable by the State Road Authority and can be further improved by part of the northern edge of the land being set aside to widen the road and add a new bicycle lane at the start of Keady Street.

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 MPS/2025/599 should be issued, subject to the conditions included in the recommendation of this report.

## **Attachment/s**

- 1** Zoning and Location Plan D26/90346
- 2** Development Plans D26/90375
- 3** Objector Location Map D26/90689



**COBURG NORTH ENTERPRISE HUB**  
**COBURG NORTH VIC. 3058**  
**262 SYDNEY ROAD, COBURG NORTH**

**PLANNING DEPARTMENT ACT 100**  
**APPLICABLE TO ALL**  
**APPLICABLE TO ALL**  
**APPLICABLE TO ALL**  
**APPLICABLE TO ALL**



**FOR INFORMATION ONLY**  
**AND WILL BE UPLOADED TO**  
**A PUBLIC PLATFORM**

**BD&P**

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Date	Description	By
2024-03-25	Issue for Information Only	BD&P
2024-03-25	Issue for Information Only	BD&P

**REV**  
**COVER PAGE**

TP1-000	A
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1. SYDNEY ROAD - STREET VIEW

2. SYDNEY ROAD / KEADY ST - CORNER VIEW

3. KEADY ST / TRELGAR ST - CORNER VIEW

4. TRELGAR ST - STREET VIEW

5. KEADY ST - MCCOY CORNER VIEW

6. PARKER RESERVE KEADY ST - STREET VIEW

7. SHOPS AT SYDNEY ROAD CORNER SYDNEY ROAD - SPRY ST CORNER VIEW

8. BP SERVICE STATION SYDNEY ROAD - SPRY ST CORNER VIEW

9. SYDNEY RD - STREET VIEW

10. DAWSON RESERVE SYDNEY ROAD - SHORTS RD CORNER VIEW

11. BURGERTORY SYDNEY ROAD - SHORTS RD CORNER VIEW

12. CAFE CORNER SYDNEY ROAD - KEADY ST CORNER VIEW

832 SYDNEY RD COBURG NORTH

BDAD

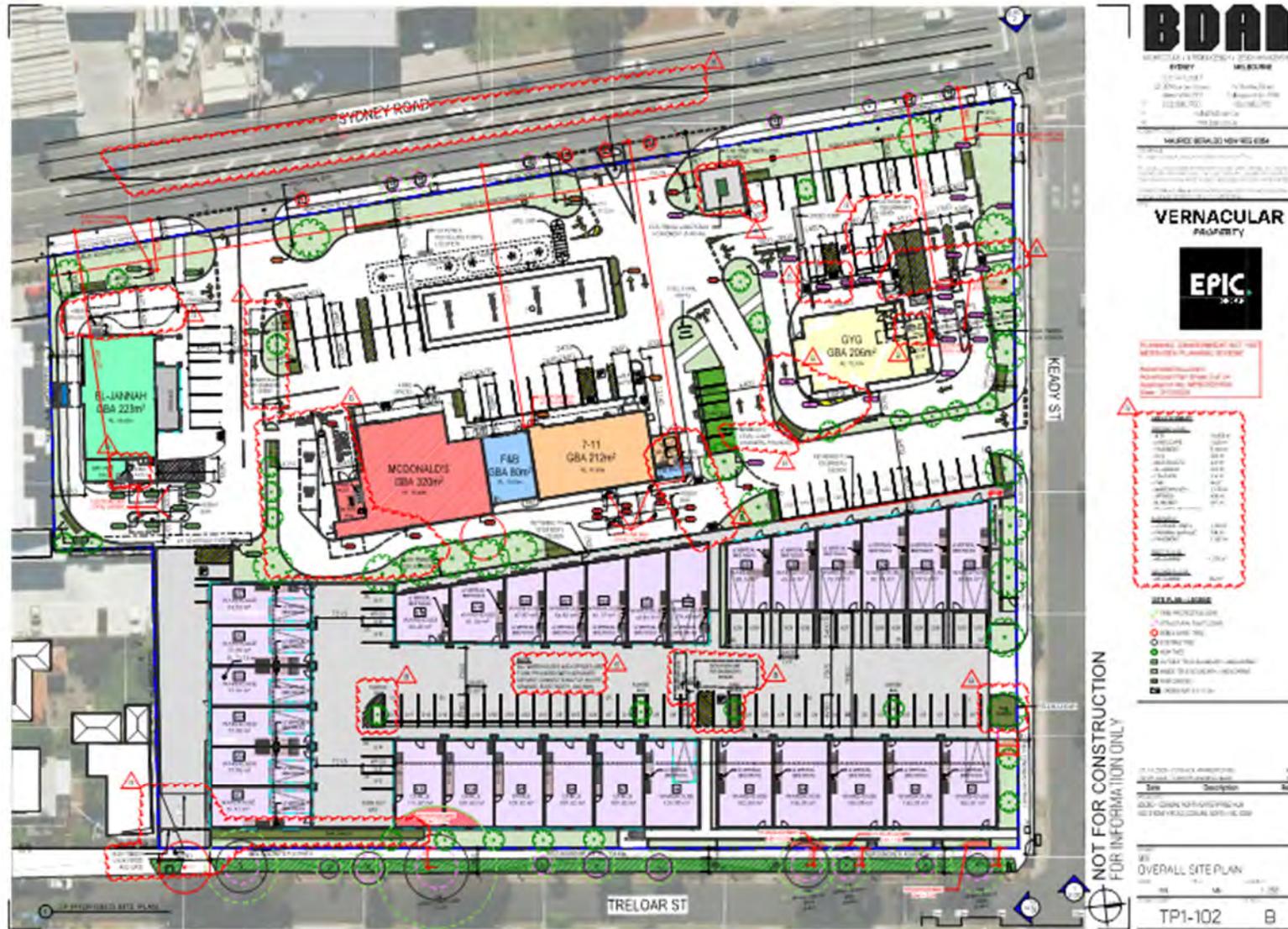
VERNACULAR PROPERTY

EPIC

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SITE LOCATION & CONTEXT

TP1-101 A



**BD&A**  
 BUILDING DESIGN ARCHITECTURE  
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MARKED BOUNDARY OVERVIEW  
 This plan shows the marked boundary for the development. The marked boundary is shown in red dashed lines. The marked boundary is shown in red dashed lines.

**VERNACULAR**  
 PROPERTY



Minimum Construction All the way to the marked boundary  
 Minimum Construction All the way to the marked boundary  
 Minimum Construction All the way to the marked boundary

Item	Area (m²)	Volume (m³)
Concrete	1000	1000
Brickwork	2000	2000
Roofing	3000	3000
Paintwork	4000	4000
Glazing	5000	5000
Electrical	6000	6000
Plumbing	7000	7000
Mechanical	8000	8000
Landscaping	9000	9000
Other	10000	10000

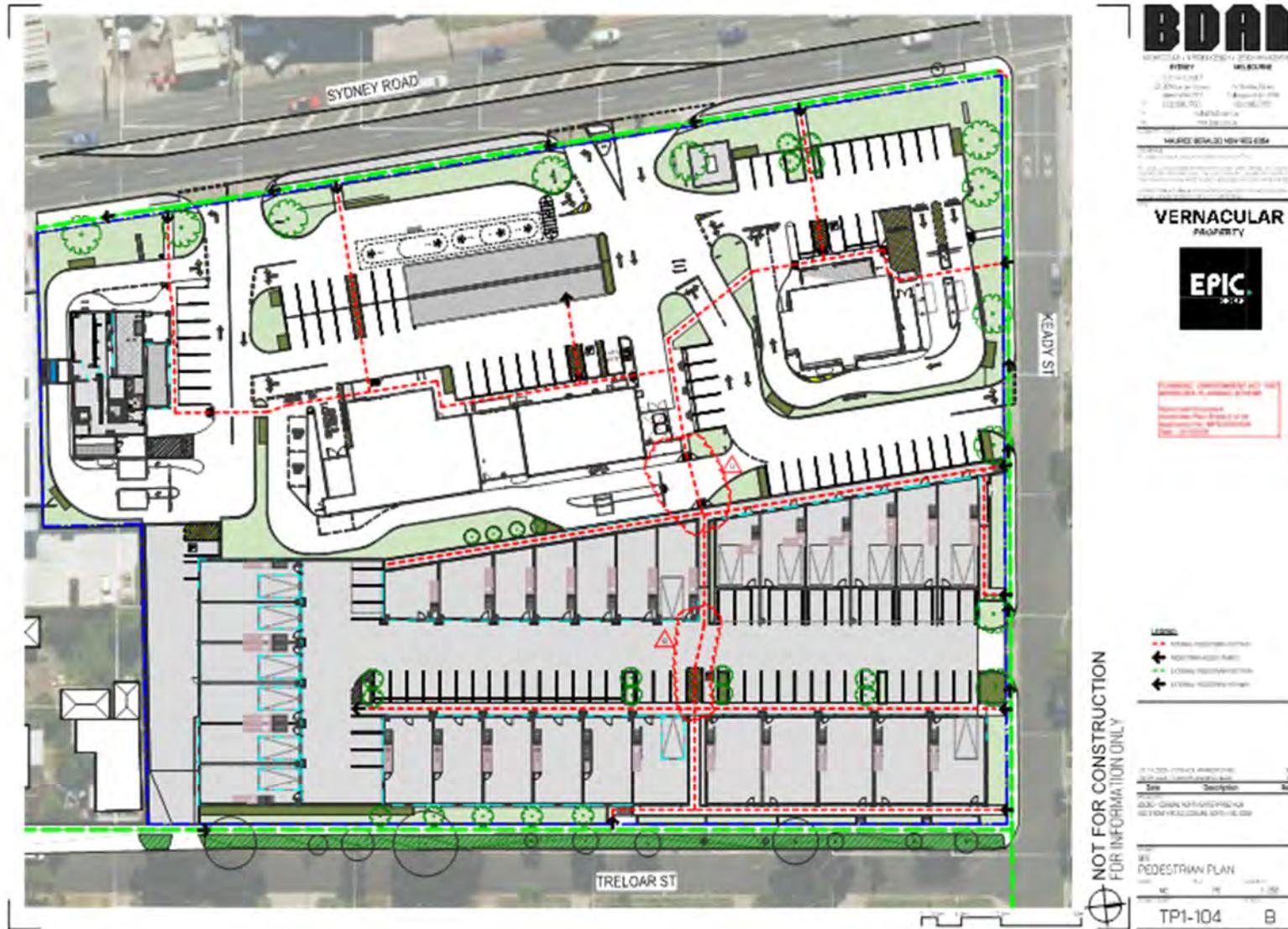
- KEY PLAN LEGEND**
- THE PROPOSED DEVELOPMENT
  - STRUCTURAL FOOTPRINT
  - EXISTING WALLS
  - EXISTING ROOF
  - EXISTING FLOOR
  - EXISTING CEILING
  - EXISTING SERVICES
  - EXISTING LANDSCAPE
  - EXISTING PAVEMENT
  - EXISTING DRIVEWAYS
  - EXISTING FENCES

Date	Description	Rev
10/10/2024	ISSUED FOR CONSTRUCTION	1
10/10/2024	ISSUED FOR CONSTRUCTION	2

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WE OVERALL SITE PLAN  
 TP1-102 B







TP1-105 (TP1-105) - 3/20/2024



TP1-105 (TP1-105) - 3/20/2024

**BDAD**

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TP1-105 (TP1-105) - 3/20/2024

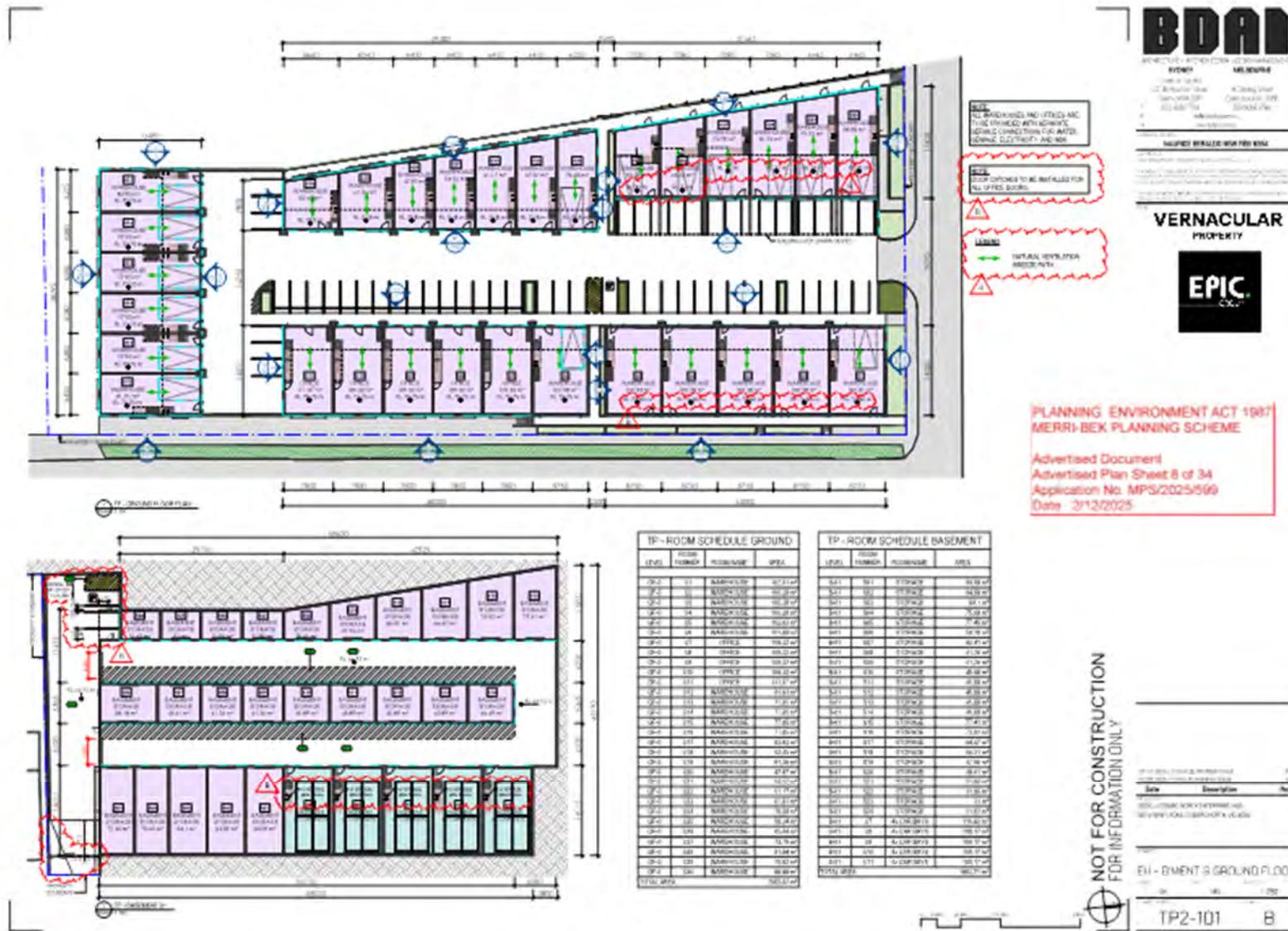
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Date	Description	By

ALL SHADOW DIAGRAMS  
 1/20/2024

TP1-105 A









Material Code	Material Name	Material Description
01	CONCRETE	CONCRETE
02	GLASS	GLASS
03	STEEL	STEEL
04	PAINT	PAINT
05	ROOFING	ROOFING
06	CLADDING	CLADDING
07	INSULATION	INSULATION
08	MECHANICAL	MECHANICAL
09	ELECTRICAL	ELECTRICAL
10	PLUMBING	PLUMBING
11	LANDSCAPE	LANDSCAPE
12	OTHER	OTHER

01 CONCRETE  
 02 GLASS  
 03 STEEL  
 04 PAINT  
 05 ROOFING  
 06 CLADDING  
 07 INSULATION  
 08 MECHANICAL  
 09 ELECTRICAL  
 10 PLUMBING  
 11 LANDSCAPE  
 12 OTHER

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**VERNAULAR PROPERTY**

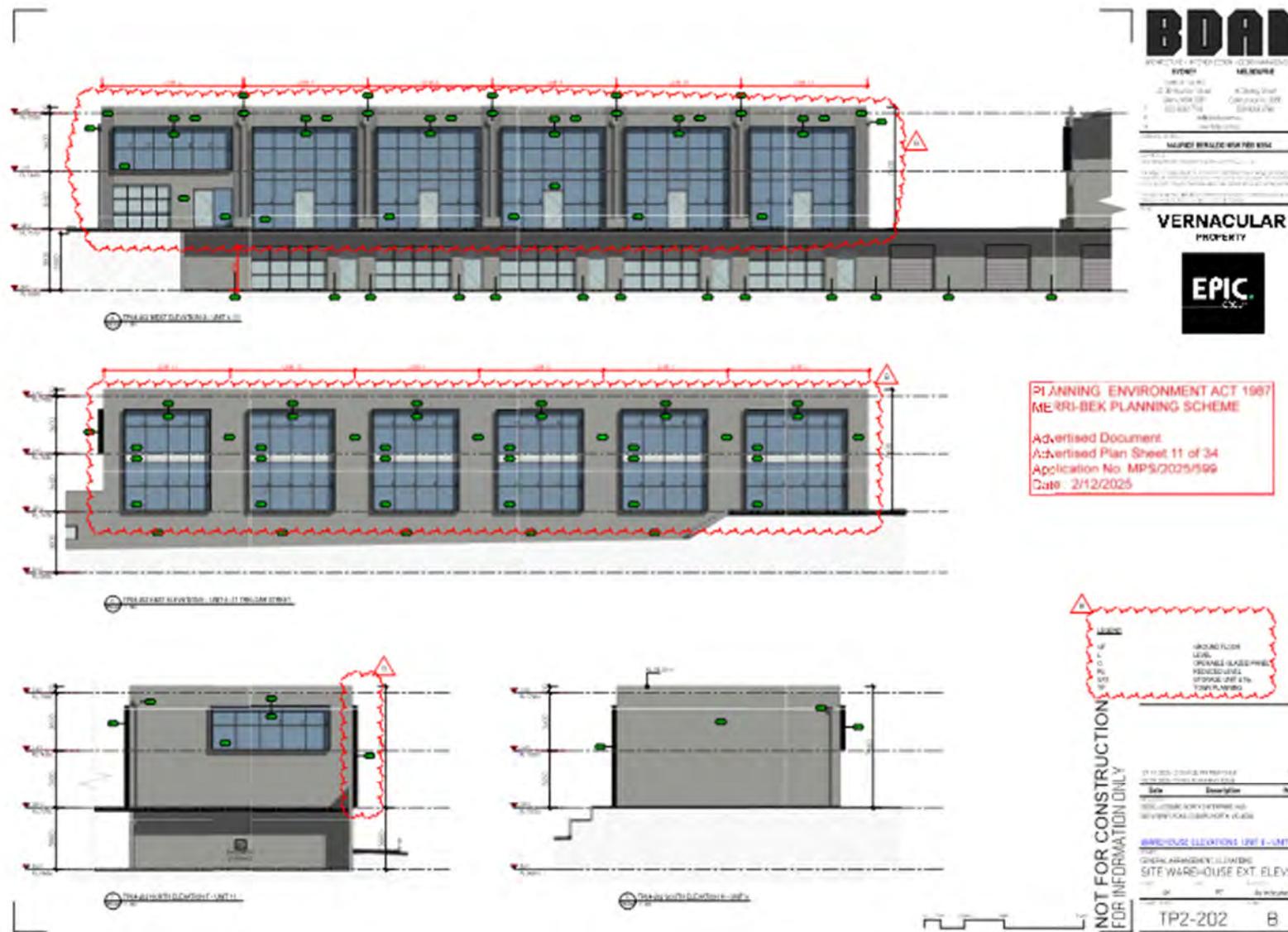
**EPIC**

PLANNING ENVIRONMENT ACT 1987  
 MERRI-BEK PLANNING SCHEME  
 Adversely Document  
 Adversed Plan Sheet 10 of 34  
 Application No. MPS/2025/599  
 Date: 2/12/2025

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Date	Description	By
2025-12-02	ISSUED FOR INFORMATION	BD&A
2025-12-02	ISSUED FOR INFORMATION	BD&A

WAREHOUSE ELEVATIONS UNIT 10 UNITS 11  
 GENERAL ARCHITECTURE PLAN EPIC  
 SITE WAREHOUSE EXT. ELEVS  
 Scale: 1:100  
 TP2-201 8





**BD&A**  
 ARCHITECTURE • INTERIOR DESIGN • LANDSCAPE  
 1000 14th St. S. Suite 100  
 Denver, CO 80202  
 Tel: 303.733.1111  
 www.bdanda.com

**VERNACULAR PROPERTY**

**EPIC**  
 CONSTRUCTION

PLANNING ENVIRONMENT ACT 1987  
 MFRI REK PLANNING SCHEME

Advertised Document  
 Advertised Plan Sheet 12 of 34  
 Application No: MPS/2025/599  
 Date: 21/2/2025

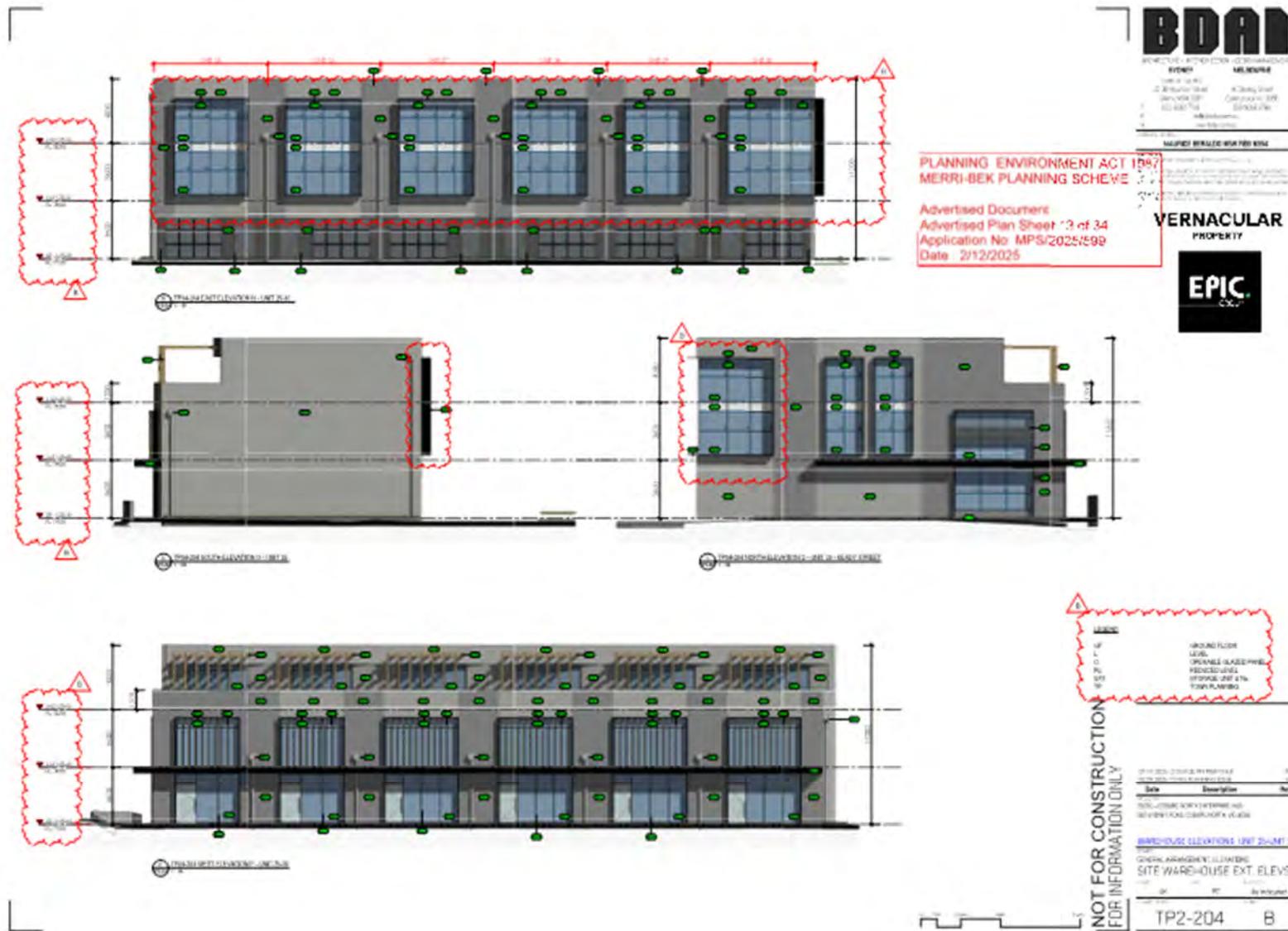
**NOT FOR CONSTRUCTION FOR INFORMATION ONLY**

GROUND FLOOR LEVEL, OPENABLE GLASS PANELS, REDUCED LEVEL STORAGE OFF 4th FLOOR PLANNING

Date	Description	By
21/02/2025	CONSTRUCTION PROPOSAL	BD&A

**WAREHOUSE ELEVATIONS UNIT 1 - UNITS 5**  
 GENERAL ARRANGEMENT, CLADDING  
 SITE WAREHOUSE EXT. ELEV.  
 1:100

TP2-203 B





# INSPIRATION



**BD&A**  
 ARCHITECTURE + INTERIOR DESIGN + ENVIRONMENTAL  
 10/10/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

**VERNAICULAR PROPERTY**  
**EPIC**

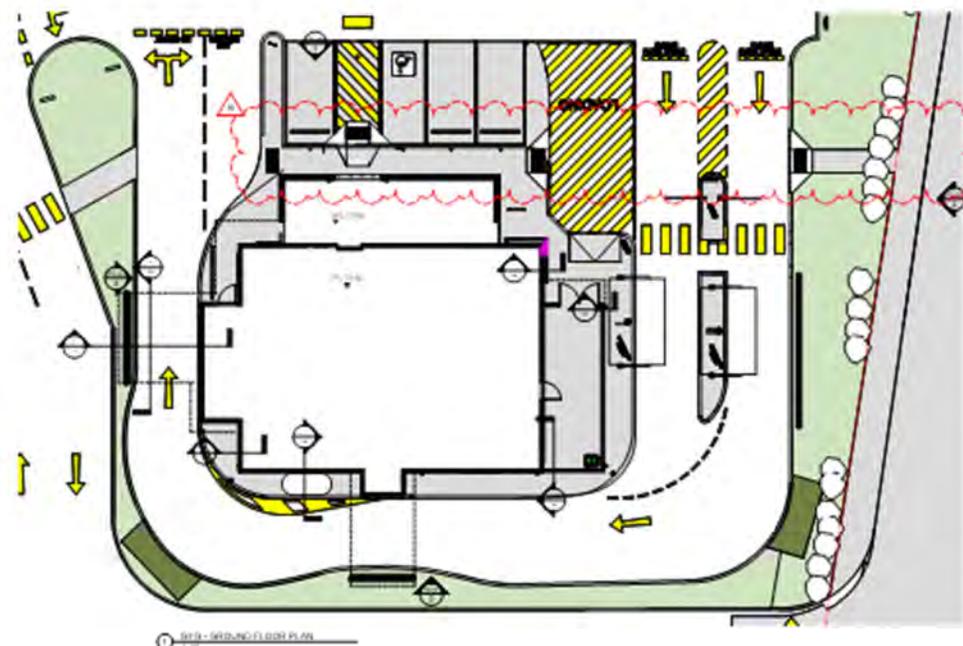
PLANNING ENVIRONMENT ACT 1987  
 MERRI-BEK PLANNING SCHEME  
 Adversed Document  
 Adversed Plan Sheet 15 of 34  
 Application No: MPS/2025/599  
 Date: 2/12/2025

# MATERIALITY



**NOT FOR CONSTRUCTION FOR INFORMATION ONLY**

Date	Description	No.
	WOODBOARD	
	TP2-301	A



010 - GROUND FLOOR PLAN

**BD&B**  
 BUILDING DESIGN & BUILDERS  
 100 WILSON STREET  
 WILSON VIC 3177  
 PH: 03 9594 1111  
 WWW.BD&B.COM.AU

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**VERNACULAR**  
 PROPERTY

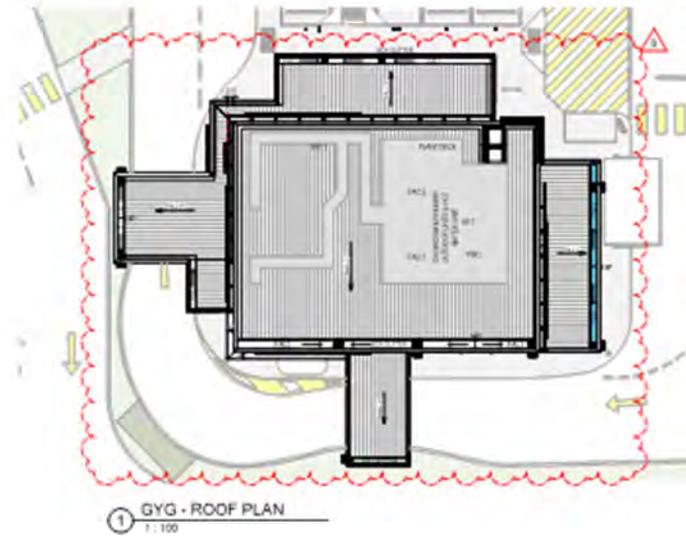
**EPIC**  
 2012

Consent, Conditional AP for  
 44 months to expire 2026  
 Approved Plans & Specifications  
 Approved for Construction  
 by Council

NOT FOR CONSTRUCTION  
 FOR INFORMATION ONLY

Date	Description	Rev.
11/11/2025	ISSUE FOR CONSTRUCTION	1
02/02/2025	ISSUE FOR CONSTRUCTION	2

010 - GROUND FLOOR PLAN  
 TP3-101 B



**BDAD**

BRITISH DRAINAGE ASSOCIATION  
 15, BRISTOL ROAD, WILMINGTON, WILMSHIRE, B81 1LH  
 TEL: 01928 545000 FAX: 01928 545001  
 WWW.BDAD.CO.UK

**VERNACULAR**  
PROPERTY



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 THIS PLAN IS FOR INFORMATION ONLY  
 AND SHOULD NOT BE USED FOR CONSTRUCTION

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 FOR INFORMATION ONLY

Date	Description	Rev.
2020-03-10	ISSUE FOR INFORMATION ONLY	1

GYG - ROOF PLAN

Author	WJ	Checked	WJ
TP3-102			B



**BDAD**  
 BOUNDARY DEVELOPMENT AUTHORITY  
 1100 WILSON BLVD  
 SUITE 100  
 WILSON, BC V3V 2K9  
 TEL: 604-953-3333  
 WWW.BDAD.BC.CA

**VERNACULAR PROPERTY**  
**EPIC**

**NOT FOR CONSTRUCTION FOR INFORMATION ONLY**

Sign No.	Location	Description	Rev.
020	0200	0200	0200
020	0200	0200	0200
020	0200	0200	0200

DATE: 10/10/2023  
 TIME: 10:10:10  
 USER: ADMIN

TP3-301 A

**GUZMAN Y GOMEZ™**  
*Piñon Pines*  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.

**GUZMAN Y GOMEZ™**  
*Piñon Pines*  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.

**BREKKE LUNCH DINNER**  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.  
 SIGN SHALL BE 12" HIGHER THAN THE SIGNAGE TO BE REPLACED.

**BDAD**  
 BUREAU OF DEVELOPMENT AND DESIGN  
 1000 N. GARDEN AVENUE, SUITE 100  
 DENVER, CO 80202  
 (303) 733-7000  
 www.bdad.com

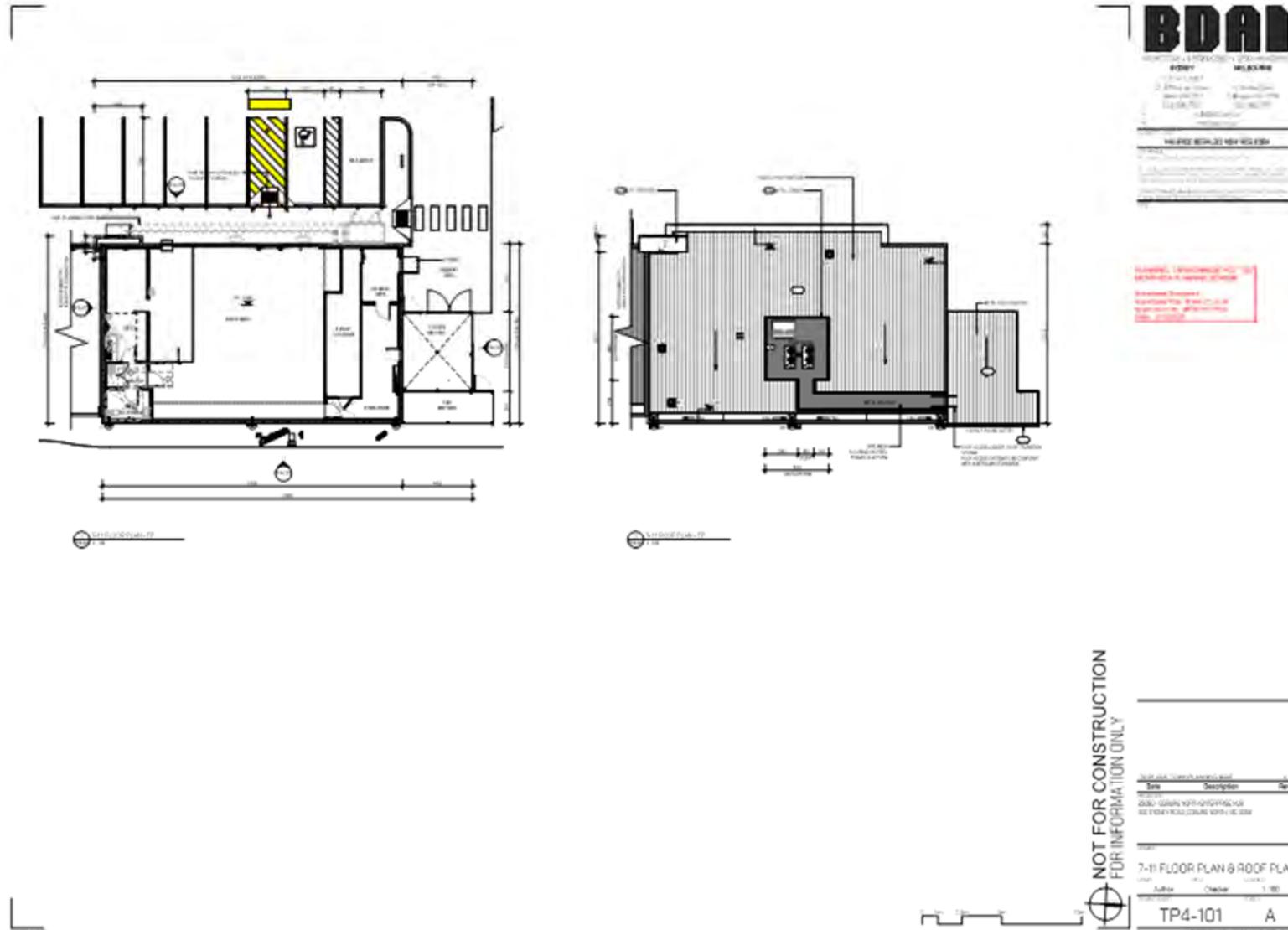
**VERNACULAR**  
 ARCHITECTURE

**EPIC**  
 ARCHITECTURE

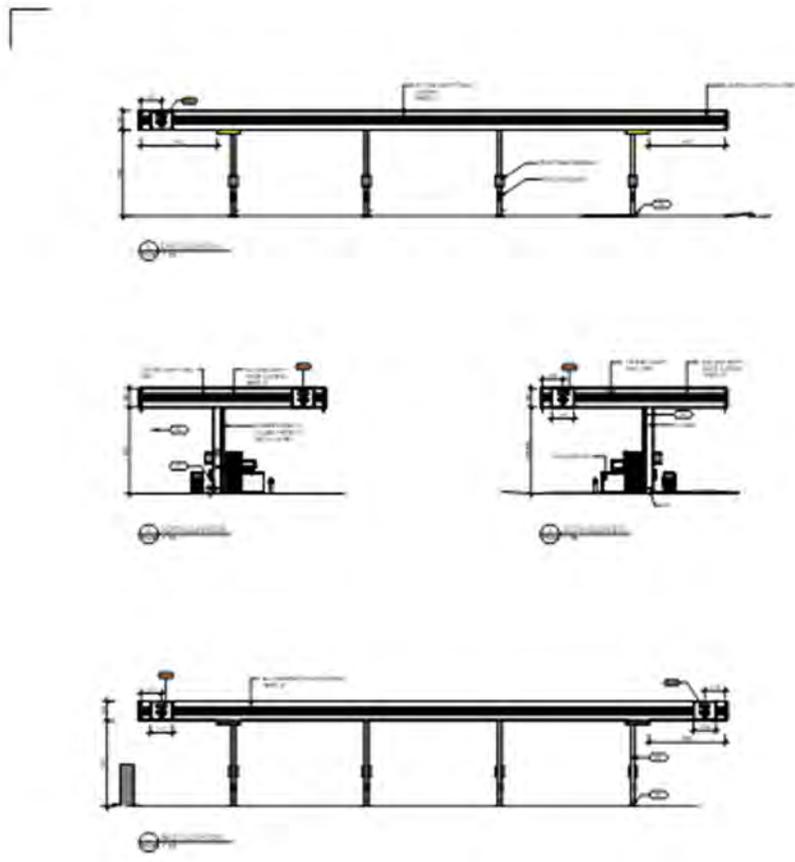
**NOT FOR CONSTRUCTION FOR INFORMATION ONLY**

Date	Description	Rev.
07/11/2018	ISSUE FOR PERMIT	1
08/01/2018	ISSUE FOR PERMIT	2
08/01/2018	ISSUE FOR PERMIT	3

**OVC - STORAGE - BUILDING**  
 Author: [Name] Date: [Date]  
 Checker: [Name] Date: [Date]  
 TP3-302 B



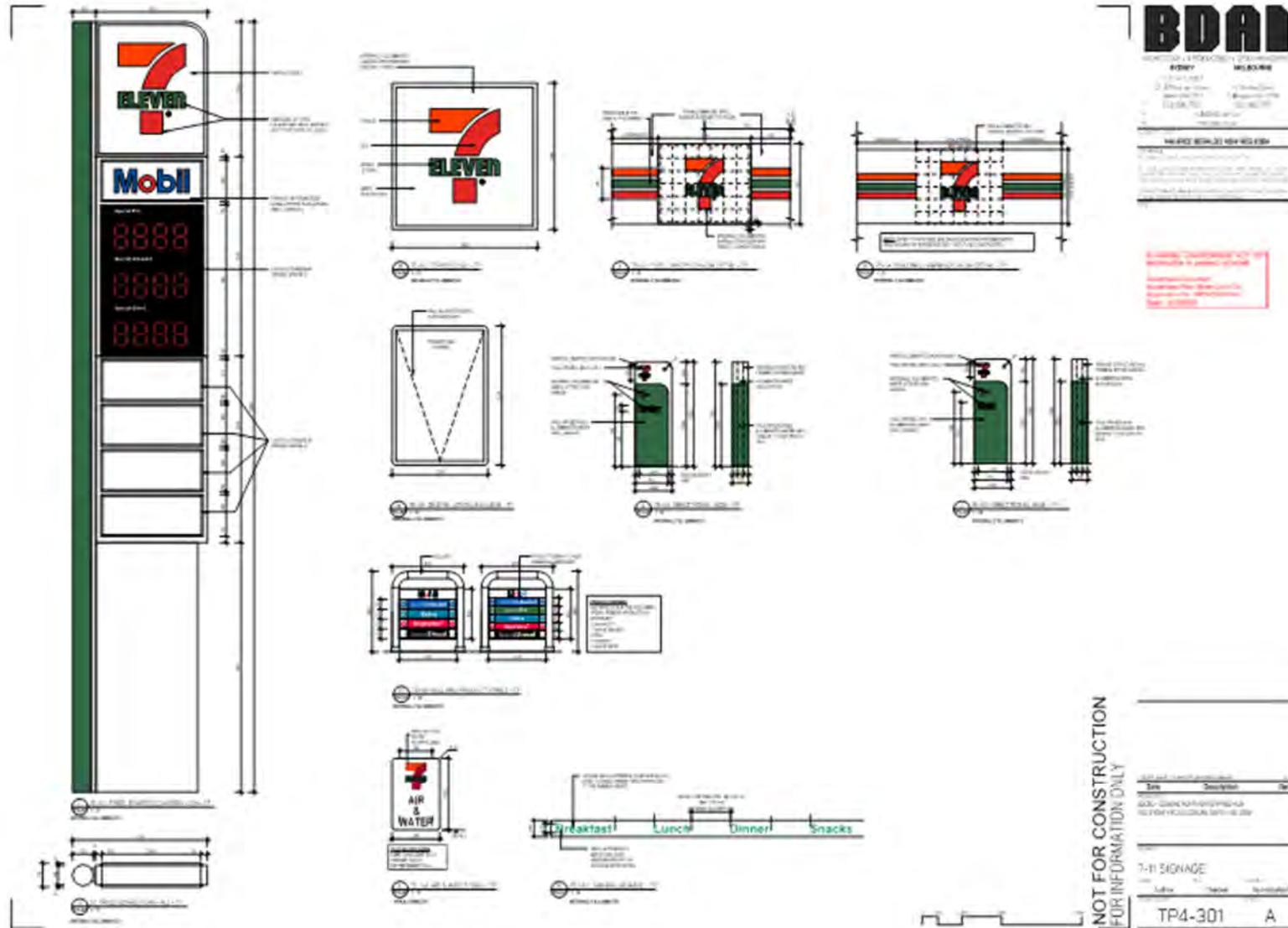




NOT FOR CONSTRUCTION  
FOR INFORMATION ONLY

Date	Description	Rev.
03/01/2026	7-11 CANOPY ELEVATIONS	1

TP4-202 A





Material	Description
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[Color swatch]	Dark Grey Wall Panel
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[Color swatch]	Dark Grey Wall Panel
[Color swatch]	Light Grey Wall Panel
[Color swatch]	Dark Grey Wall Panel
[Color swatch]	Light Grey Wall Panel

**BD&B**

BRIDGES DESIGN & BUILD  
 100/101 STATION STREET  
 SYDNEY NSW 2000  
 PH: (02) 9231 9000  
 WWW.BD&B.COM.AU

MARKET WORLD DEVELOPMENT  
 100/101 STATION STREET  
 SYDNEY NSW 2000  
 PH: (02) 9231 9000  
 WWW.MARKETWORLD.COM.AU

VERNACULAR PROPERTY



MARKET WORLD DEVELOPMENT  
 100/101 STATION STREET  
 SYDNEY NSW 2000  
 PH: (02) 9231 9000  
 WWW.MARKETWORLD.COM.AU

NOT FOR CONSTRUCTION  
FOR INFORMATION ONLY

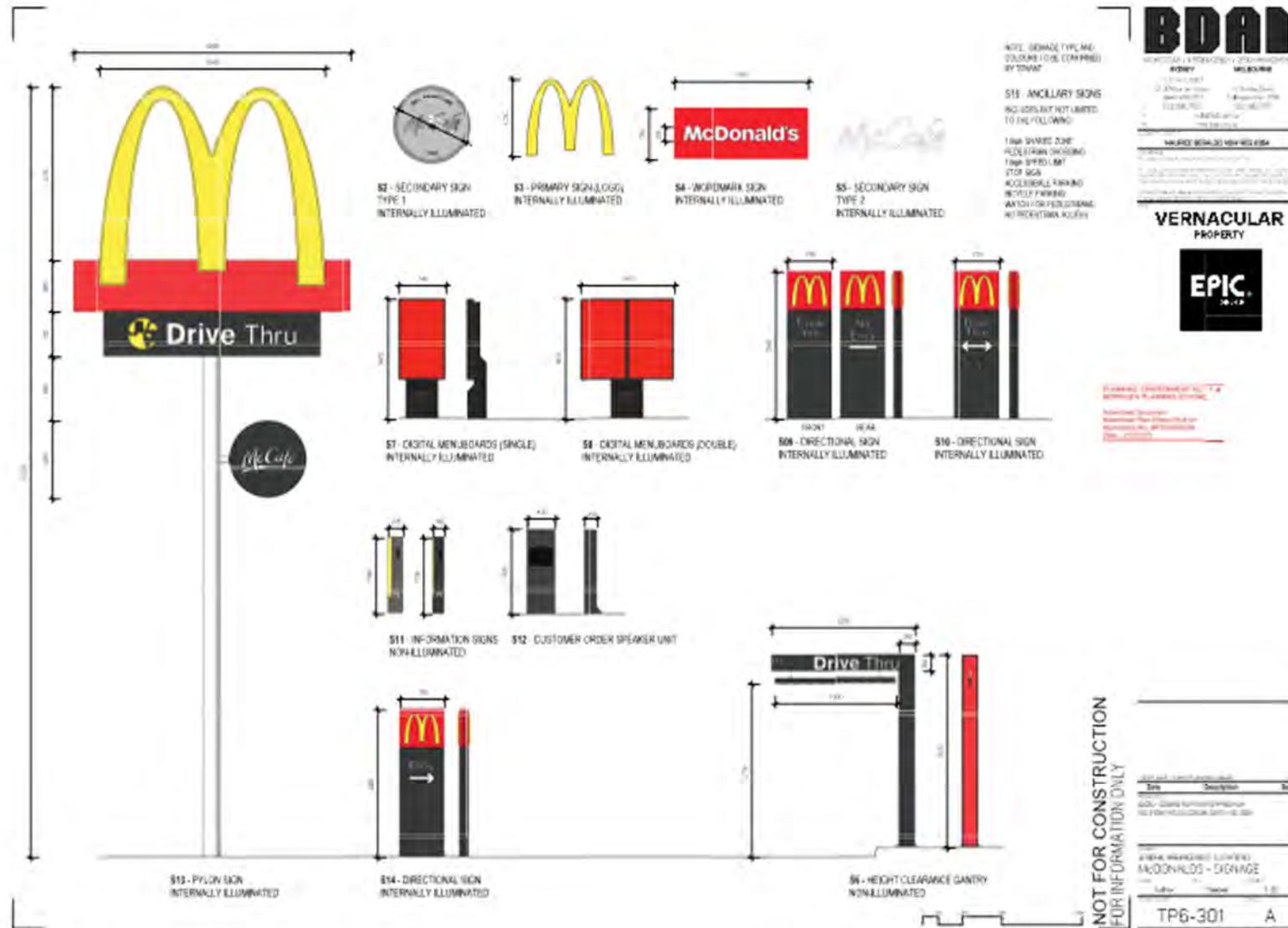
Date	Description	By
2025-03-25	Issue for Information	BD&B

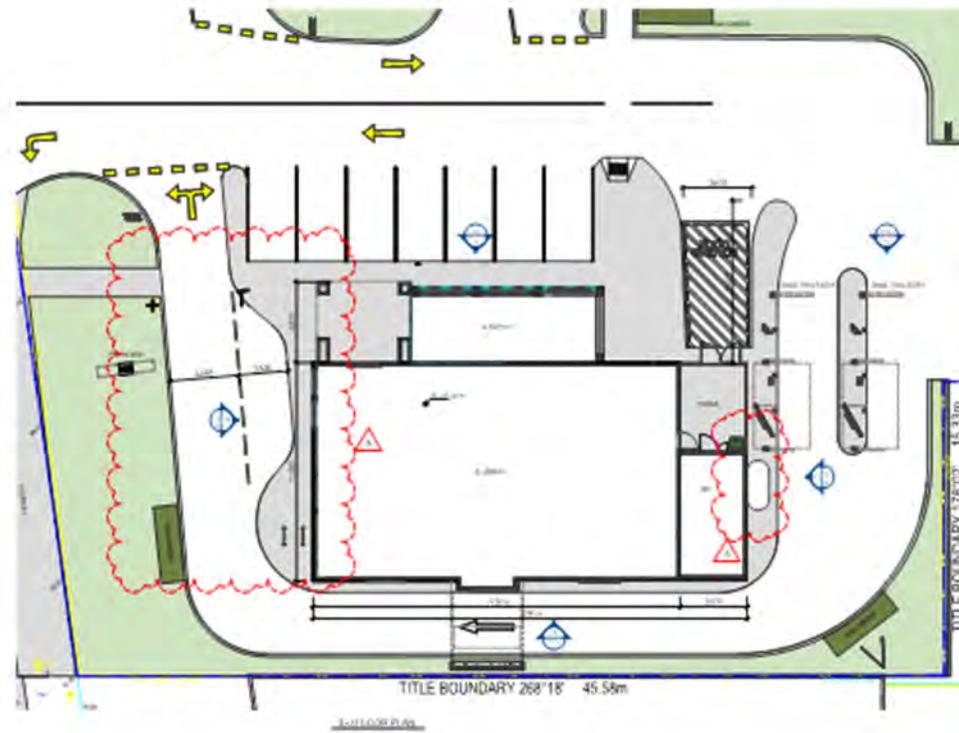
F60 - PLANS & ELEVATIONS  
 Title: TP5-101  
 Rev: A











**BD&A**

BRIDGE DESIGN ARCHITECTURE  
 1700 WEST 10TH AVENUE  
 SUITE 200  
 DENVER, CO 80202  
 (303) 733-1100  
 www.bdand.com

**VERNACULAR**  
 PROPERTY

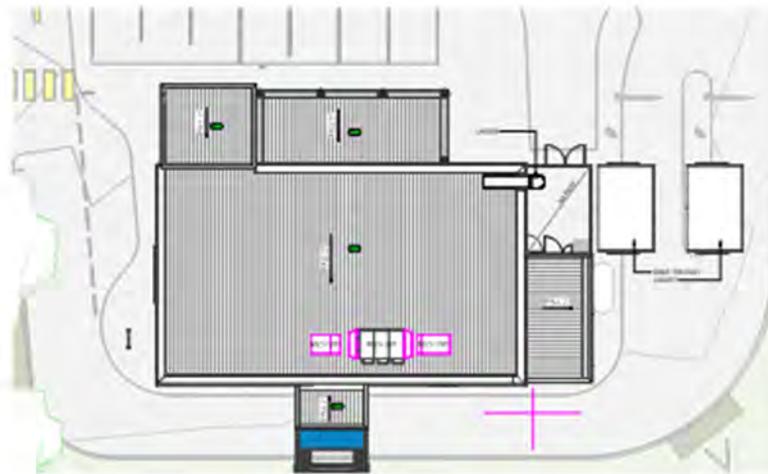


Structural Elements Not Shown  
 Refer to Structural Drawings  
 Architect's Office  
 Responsible for all Fabrication  
 (Not Shown)

NOT FOR CONSTRUCTION  
 FOR INFORMATION ONLY

Date	Description	Rev.
03/01/2025	ISSUE FOR PERMITTING	1
02/27/2025	REVISIONS TO PERMITTING	0

E-J FLOOR PLAN			
Author	Check	Scale	Level
TP7-101		1/8"	B



1:1000 Scale

**BD&B**

BRIDGES DESIGN & BUILD  
 SYDNEY MELBOURNE  
 11/11/2024  
 11/11/2024  
 11/11/2024  
 11/11/2024

MAURICE BOALDO HWY REG 034

VERNACULAR PROPERTY

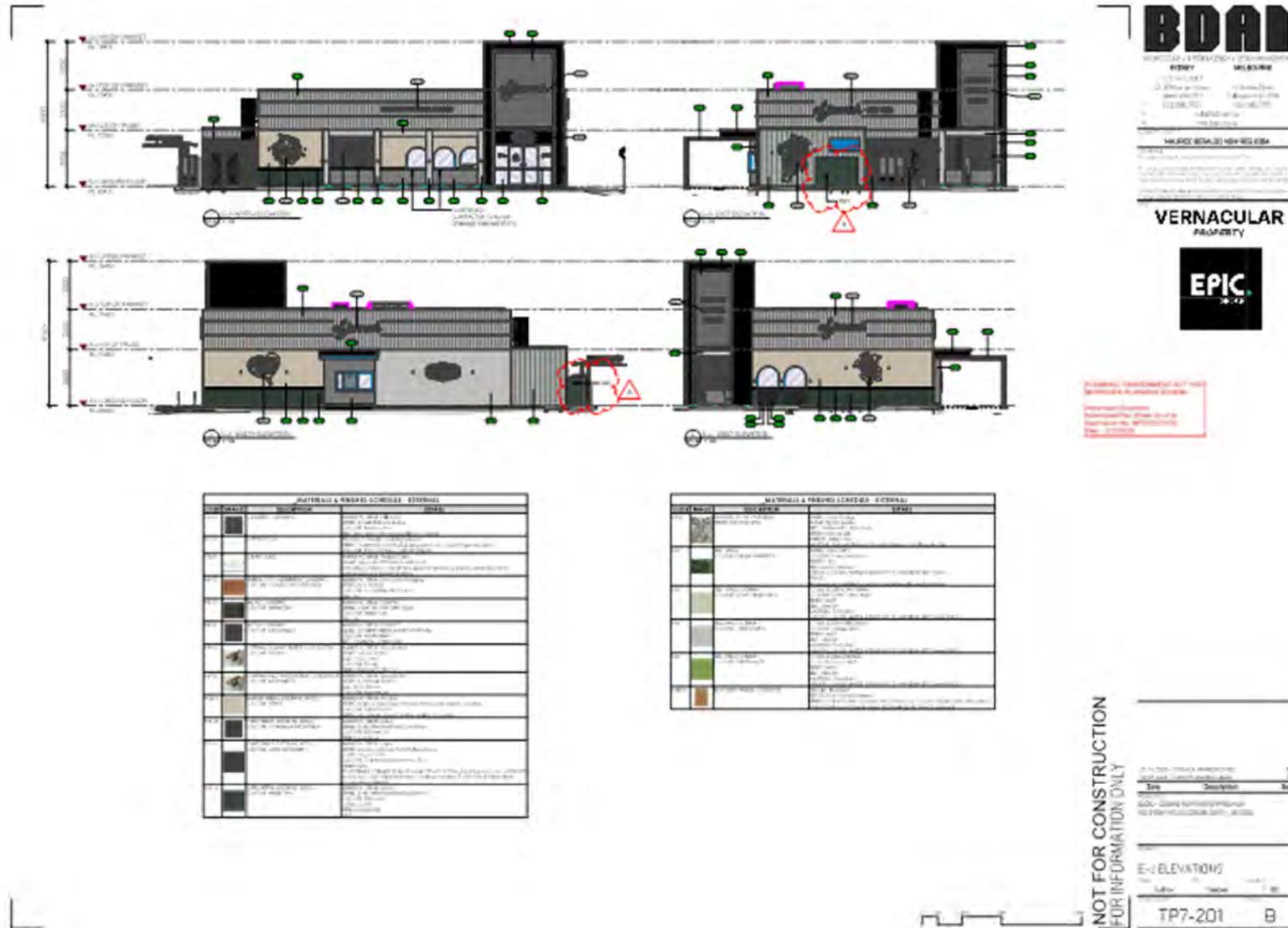


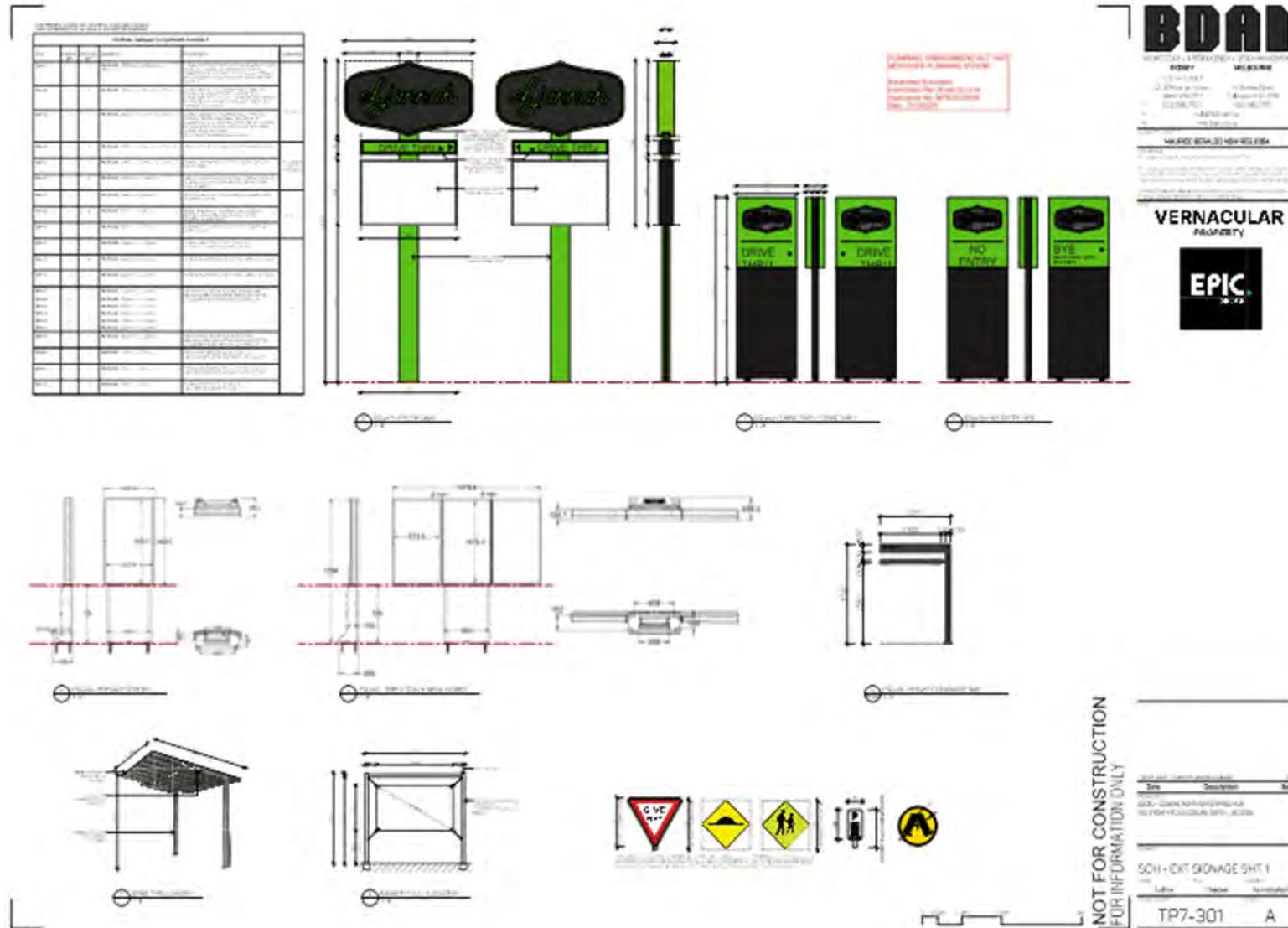
NOT FOR CONSTRUCTION  
 FOR INFORMATION ONLY

NOT FOR CONSTRUCTION  
 FOR INFORMATION ONLY

Date	Description	Rev.
2024-11-11	ISSUED FOR INFORMATION ONLY	1

E-J ROOF PLAN  
 Author: [Name] Checker: [Name] Date: 11/11/24  
 TP7-102 A





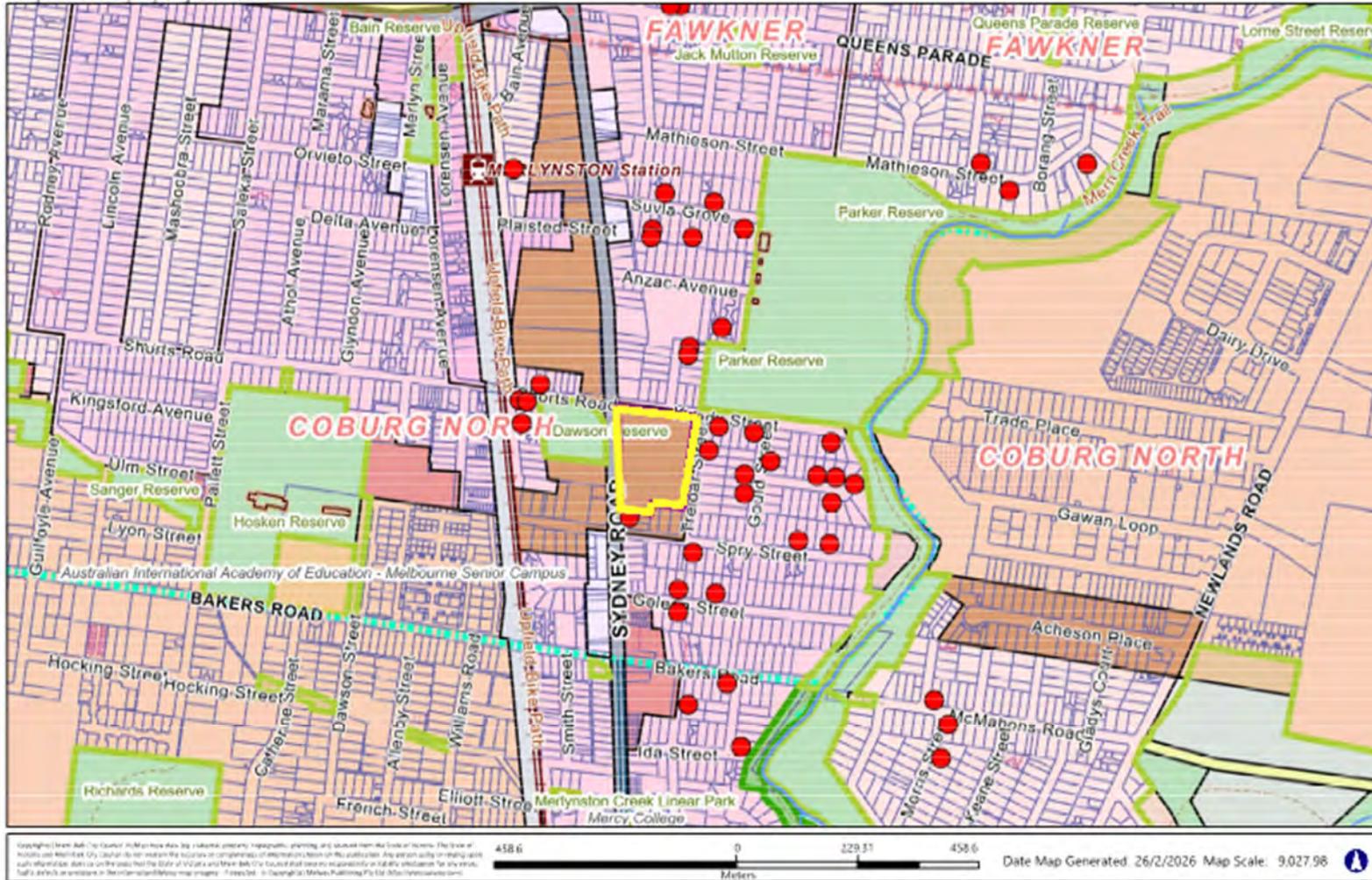


### Objector Location Map

The map identifies 43 objector locations acknowledging 50 submissions are outside the mapped area, or have not provided a property address.

 Objector location

 Subject site



## 5.4 278-282 ALBERT STREET, BRUNSWICK - PLANNING PERMIT APPLICATION - MPS/2025/369

Director Place and Environment, Pene Winslade

City Development

### Executive Summary



<b>Property:</b>	278-282 Albert Street, Brunswick		
<b>Proposal:</b>	Construction of a 9 storey building (residential and commercial), reduction of car parking requirements, buildings and works, and demolition of a building in a Heritage Overlay		
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>Commercial 1 Zone</li> <li>Heritage Overlay HO149</li> <li>Design and Development Overlay DDO18</li> <li>Parking Overlay PO1</li> </ul>		
<b>Strategic setting:</b>	Minimal change	Incremental change	Significant change
<b>Objections:</b>	<ul style="list-style-type: none"> <li>34 objections</li> <li>Key issues:               <ul style="list-style-type: none"> <li>Daylight access</li> <li>Overshadowing</li> <li>Building height</li> </ul> </li> </ul>		
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date held: 3 February 2026</li> <li>Attendees: 12 objectors, the applicant and architect, 2 Council officers, and Cr Liz Irvin.</li> <li>Following the meeting, the applicant explored potential design changes to address objector concerns regarding impacts to the neighbouring communal area. As discussed in Section 2, some of these changes may have created additional objector concerns and have therefore not been adopted.</li> </ul>		
<b>Environmentally Sustainable Design:</b>	<ul style="list-style-type: none"> <li>Minimum average NatHERS rating of 7.9 stars.</li> <li>55 per cent BESS score</li> <li>10KW Solar PV System</li> <li>Electric Vehicle (EV) distribution boards for future EV charging</li> </ul>		
<b>Accessibility:</b>	<ul style="list-style-type: none"> <li>Adaptable apartments in 54 per cent of the proposal</li> </ul>		
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>High compliance with apartment standards</li> <li>Positive ESD response</li> </ul>		
<b>Recommendation:</b>	Notice of Decision to Grant a Planning Permit be issued for the proposal.		

## Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/369 be issued for the land at 278-282 Albert Street, Brunswick.

### The Permit would allow:

Construction of a 9 storey building (residential and commercial), reduction of car parking requirements, buildings and works, and demolition of a building in a Heritage Overlay.

Planning Scheme Clause	Matter for which a permit is required
34.01-1	Use of land for accommodation (dwellings)
34.01-4	Construct a building or construct or carry out works
43.01-1	Demolish or remove a building in the Heritage Overlay
43.01-1	Construct a building or construct or carry out works in the Heritage Overlay
43.02-2	Building and Works in the Design and Development Overlay
52.06	Reduce the number of car parking spaces required

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

#### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans TP01-TP38 Rev TP2, Project No. 2339 by JAM Architects dated 15 October 2025 but modified to show:
  - a) Amendments to Apartments 105, 205, 305, 405 and 505 generally in accordance with discussion plans dated 10 February 2026. This must include an increase to the eastern setback of the Level 2, 3, 4 and 5 balconies to at least 4.35 metres from the centreline of the laneway.
  - b) All the accessible apartments to annotate bathroom design type in accordance with Clause 58.05-1 (Accessibility).
  - c) Two separate waste rooms – one for residents and one for the commercial tenancy. Direct access to all bins must be maintained (i.e. no bins placed behind other bins).
  - d) A visual barrier with a minimum height of 1.7 metres above finished floor level provided along the southern boundary of the site to minimise overlooking of first-floor habitable room windows at 343 Sydney Road from the southern common terrace and the terrace of Apartment 107.
  - e) The existing vehicle crossing must be modified to match the location and width of the 3 metre wide accessway. The vehicle crossing is to be no more than 4 metres wide.
  - f) The amended vehicle crossing to have 1 metre straight splays on both sides commencing at the property boundary and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.
  - g) Redundant crossovers removed and the footpath reinstated.
  - h) Each pedestrian entrance and garage with a note stating, "Floor to be ramped down to match the level of the public footpath that will be reinstated at 1 in 40 from top of roadside kerb".
  - i) The verandah modified so that it is setback not less than 750mm from the face of the kerb and at a height of not less than 3m above the level of the footpath.

- j) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6 of this permit.
- k) Any changes to the plans arising from the:
  - i. Landscape Plan in accordance with Condition 3 of this permit.
  - ii. Accessibility Report in accordance with Condition 10 of this permit.
  - iii. Waste Management Plan in accordance with Condition 12 of this permit.

### **Compliance with Endorsed Plans**

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

### **Landscaping**

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by John Patrick Landscape Architects dated 10 October 2025 but amended to show:
  - a) Any changes required to align with the plans for endorsement.
  - b) Correct the 'canopy cover area' calculation and subsequent figures on the Deep Soil and Canopy Cover.
  - c) Alterations to the first-floor central communal area to provide less circulation space and more usable spaces. For example, locate trees closer to edges and incorporate a BBQ area and/or communal table and planter edges to be bench seating.

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

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

### **Environmentally Sustainable Design (ESD)**

- 6. Prior to the endorsement of plans, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction to the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Eco Results dated 29 September 2025, but modified to include the following changes:
  - a) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report / a new Blue Factor report clearly showing:
    - i. The entire site;
    - ii. All permeable areas with dimensions;
    - iii. All stormwater catchment areas (impervious areas and roofs) clearly marked and dimensioned and connected to corresponding Water Sensitive Urban Design (WSUD) treatment measures;

- iv. Details of any raingardens, including details about them being lined, above-ground / planter-box style, the raingarden sections and connection to Council drainage system.
  - v. The WSUD plan to be consistent with all development plans.
- b) Amended development plans to show the stormwater management details as per the above condition.

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

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

- 7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the development must be constructed in accordance with the Sustainable Design Assessment (including any BESS and STORM reports and NatHERS Ratings) to the satisfaction of the Responsible Authority.
- 8. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.
- 9. All stormwater treatment devices (e.g. rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

### **Accessibility**

- 10. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must:
  - a) Align with the plans for endorsement.
  - b) Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors).

When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

- 11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Accessibility Report have been implemented in accordance with the approved report.

## **Waste Management**

12. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the report prepared by Traverse and dated 15 September 2025 but modified to:
  - a) Align with the plans for endorsement.
  - b) Detail the provision of two separate waste rooms – one for residents and one for the commercial tenancy. Direct access to all bins must be maintained (i.e. no bins placed behind other bins).

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.

13. 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.

## **Residential reticulated gas service connection**

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

## **Public Works Plan**

15. Prior to the commencement of works, a Public Works Plan for Albert Street directly in front of the site must be submitted to the satisfaction of the Responsible Authority. The Plan must be in accordance with the *Merri-bek City Council Technical Notes October 2022*, or any updated version and include:
  - a) A detailed feature survey of the footpaths and roads.
  - b) The upgrade of the footpath adjacent to the site. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
  - c) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
  - d) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
  - e) The relocation or replacement of existing and installation of new street furniture and infrastructure (in a graffiti-proof finish), such as parking and traffic signs, public seating, bicycle parking and similar.
  - f) Provide 1 - 3 street trees for the footpath on Albert Street for the footpath area not below the power line (subject to underground services clearance) in consultation with the Responsible Authority. Any required tree pits are to be constructed by the developer in accordance with the relevant Technical Notes with temporary capping if required. Public realm tree planting will be undertaken by Merri-bek City Council at the expense of the developer.
  - g) Line marking for on-street parking bays and parking signs outside the site on Albert Street is to reinstate any parking space in front of any existing vehicle crossing that will be made redundant as a result of the development.
  - h) Underground powerlines in front of the site.
  - i) Any other works to the public land adjacent to the development.

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

16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Council's costs and fees associated with Street tree planting.

### **Environmental Audit**

18. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:
  - a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
  - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or,
  - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with.
19. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.

Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first). All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

20. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.

21. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 18, 19 and 20 are satisfied.
22. Prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
23. Where a preliminary risk screen assessment has satisfied Condition 18a (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the- layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

### **3D model**

24. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found [here](#). In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of the Responsible Authority.

### **Engineering Matters**

25. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
26. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
27. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, access to the site, any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
28. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.
29. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the car park entry gate and garage roller door must be automatic and remote controlled.

30. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance whichever comes first, traffic signal devices must be installed on the vehicular access ramp from the basement to the street, so vehicles do not enter the bend from opposing directions at the same time. The traffic signal devices must be maintained to the satisfaction of the Responsible Authority
31. Any ramp constructed to access the car park floor from the laneway must be contained entirely within the site to ensure that the level of the laneway remains as constructed by Responsible Road Authority
32. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
33. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the Responsible Authority. Bicycle signage should be at least 0.3 metres wide and 0.45 metres high; display a white bicycle on a blue background on the top half of the sign and display information about the direction of facilities on the bottom half of the sign.

### **Stormwater**

34. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).
35. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.
36. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of the Responsible Authority.

### **Car Parking**

37. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
  - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
  - b) Be maintained.
  - c) Be properly formed to such levels that it can be used according to the endorsed plan.
  - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
  - e) Not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
  - f) Be numbered to facilitate management of the car park.

### **General**

38. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
39. Unless with the prior written consent of the Responsible Authority, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.

40. The shopfront window must not be painted or blocked out in any way to the satisfaction of the Responsible Authority.
41. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.

#### **Privacy screens to be installed and maintained**

42. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all visual screening measures shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.

#### **Permit Expiry**

43. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within three (3) years from the date of issue of this permit;
  - b) the development is not completed within five (5) years from the date of issue of this permit.
  - c) the use is not commenced within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

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

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

**Note 1:** It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Building and Plumbing Commission, Phone 1300 067 088 or [www.bpc.vic.gov.au/](http://www.bpc.vic.gov.au/). Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

**Note 2:** Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information [here](#).

**Note 3:** Environmental Audit Notes

- i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.
- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.

- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

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

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

**Note 6:** The planting of street trees will only occur between April and September each year. Developers must ensure that all their tree-related civil work components are completed prior to 30 March and provide Council with at least 8 months' notice to ensure Council can secure high quality tree stock for their development. To facilitate this, the developer is to request an invoice for the tree planting works 8 months prior to the scheduled completion date of the public realm works associated with the development.

**Note 7:** Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

## 1. Background

### Subject site

The site is located on the southern side of Albert Street roughly 35 metres west of Sydney Road. The site has a total area of approximately 1071 square metres and is currently occupied by single storey industrial building used as a car mechanic.

There are no restrictive covenants indicated on the Certificate of Title.

### Surrounds

The site is located within the Brunswick Activity Centre which contains a diverse mix of land uses. The immediate surrounds include a variety of low to medium scale buildings with an emerging character of multi-storey, mixed use buildings. The commercial uses are mostly retail, contributing to the role Albert Street and Sydney Road play as a commercial centre. There is a multi-storey mixed use building west and south of the site, and there is a laneway along the eastern boundary of the site.

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

### The proposal

The proposal is summarised as follows:

- A part 8, part 9-storey building with one basement level with a maximum height of 27.6 metres.
- 42 apartments:
  - 5 x 1-bedroom dwellings
  - 29 x 2-bedroom dwellings
  - 8 x 3-bedroom dwellings.
- 128sqm of communal terrace within Level 1 and a 175sqm communal roof top.
- A retail/office totalling 137sqm.
- 34 car parking spaces.
- 46 resident, 9 visitor and 3 staff bicycle parking spaces.

The development plans form **Attachment 3**.



*Figure 1: Proposal 3D Render, JAM Architects, 15 October 2025*

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

Planning Control	Clause
Commercial 1 Zone	Clause 34.01-1: A permit is required to use land for dwellings as the frontage at ground floor exceeds 2 metres. Clause 34.01-4: A permit is required to construct a building or construct or carry out works. Retail premises and office are Section 1 uses (permit not required) in the zone, meaning that a permit is not required for these uses.
Design and Development Overlay – Schedule 18	Clause 43.02-2: A permit is required to construct a building or construct or carry out works.
Heritage Overlay HO149	Clause 43.01-1: A permit is required to demolish a building and to construct a building or carry out works.
Particular Provisions – Car parking	Clause 52.06-3: A permit is required to reduce the standard car parking requirements.

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

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 45.09: Parking Overlay. Under the transitional rules in Clause 52.06 (Car Parking), sites affected by a Parking Overlay must use the previous Column B rates from the former Clause 52.06 when calculating car parking requirements.
- Clause 53.18: Stormwater Management in Urban Development.
- Clause 58: Apartment Developments

## 2. Internal/External Consultation

### Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing a sign on the Albert Street frontage of the site.

Council has received 34 objections and one supporter to date. A map identifying the location of objectors forms **Attachment 2**.

The key issues raised in objections are:

- Overshadowing
- Sunlight, light and air
- Loss of views
- Building height
- Building bulk and mass
- Setbacks
- Building separation
- Noise and disturbance
- Heritage

- Internal layout
- External walkway impacts
- Car parking
- Traffic congestion, vehicle access and pedestrian/cyclist safety
- Inadequate traffic assessment
- Urban design response
- Overdevelopment
- Laneway Impacts/Safety
- Property Values
- Passive surveillance
- Apartment and commercial demand
- Demand on local services and public transport
- Construction impacts
- Wind impacts
- Vulnerable population

A Planning Information and Discussion meeting was held on 3 February 2026 and attended by Cr Liz Irvin, Council Planning Officers, the applicant and 12 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

After the meeting, the applicant prepared amended plans for discussion. These plans included an open walkway between the north and south buildings with a 1.7m high obscure glass balustrade. This was intended to address objector concerns about the walkway's impact on sunlight, daylight and ventilation to the Level 5 communal area and some apartments at 288 Albert Street.

Officers have reviewed the change and are generally supportive. However, this change cannot be secured through permit conditions as the change could be considered to cause material detriment to neighbouring residents. While it may address some resident concerns (e.g. sunlight, daylight and ventilation), it may also cause additional concerns for others (e.g. privacy and noise). It could also be the case that some residents did not object to the application at all on the basis that a solid wall is preferred. To introduce the change, the application would therefore need to be formally amended and go through public notice. The applicant has chosen not to pursue this.

Another change was put forward to address one of Council's concerns with the location of certain apartments which is discussed in Section 4 below.

### Internal referrals

The proposal was referred to the following internal business units:

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal, with some recommendations for the podium communal open space area and public works. Recommended changes are addressed by conditions of the recommendation and are considered further in Section 4 of this report.

Internal Branch/Business Unit	Comments
Development Engineering	Supports the proposal, including the reduction in car parking. Standard conditions relating to drainage, vehicle access, undergrounding of cables, public works and waste management were recommended.
Sustainable Built Environment - ESD Team	Supports the proposal. Recommended conditions seek additional details of the proposed Water Sensitive Urban Design response.
City Development - Heritage Advisor	Supports the proposal noting that the demolition and replacement building are appropriate.
Planning Arborist	Supports the landscape design and species selection. Tree canopy calculation needs to be corrected. Changes are addressed by conditions of the recommendation and are considered further in Section 4 of this report.

### 3. Policy Implications

#### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Vision (Clause 2.02)
  - Settlement (Clause 2.03-1)
  - Environmental and Landscape Values (Clause 2.03-2)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Built Environment and Heritage (Clause 2.03-4)
  - Housing (Clause 2.03-5)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
  - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
  - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
- Built Environment (Clause 15.01), including:
  - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
  - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
  - Building Design (Clause 15.01-2S and 15.01-2L)
  - Apartment developments in Merri-bek (Clause 15.01-2L)
  - Building Design in Neighbourhood and Local Centres (Clause 15.01-2L)
  - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)

- Energy efficiency in Merri-bek (Clause 15.01-2L-04)
- Heritage (Clause 15.03), including:
  - Heritage conservation (Clause 15.03-1S)
  - Heritage in Merri-bek (Clause 15.03-1L)
- Residential Development (Clause 16.01), including:
  - Housing Supply (Clause 16.01-1S and 16.01-1R)
  - Homes in Merri-bek (Clause 16.01-1L)
  - Housing for People with Limited Mobility (Clause 16.01-1L)
  - Housing Affordability (Clause 16.01-2S and 16.01-2L)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
  - Core Industry and Employment Areas (Clause 17.01-1L-01)
  - Employment Areas (Clause 17.01-1L-02)
  - Business (Clause 17.02-1S)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)
  - Cycling (Clause 18.02-2S and 18.02-2L)
  - Public Transport (Clause 18.02-3S and 18.02-3L)
  - Car parking (Clause 18.02-4S and 18.02-4L)

### **Planning Scheme Amendments**

#### *Car parking changes:*

Amendment VC277 commenced on 18 December 2025 and amended Clause 52.06 (Car Parking) by reducing or removing minimum car parking requirements and introducing maximum rates for certain uses in specified locations. As the site is within Parking Overlay Schedule 1, the applicable car parking rates are not affected by this amendment.

#### *Activity Centre changes:*

The Victorian State Government is preparing new planning rules for 60 activity centres across Melbourne to help meet housing targets under its Housing Statement. Two of these activity centres are in Merri-bek being Brunswick and Coburg focused along Sydney Road.

In the draft material released for consultation, this site was identified as having a preferred building height of 8 storeys.

At the October 2025 Council meeting a formal submission was endorsed to the State Government on the draft Activity Centre Program. Community consultation took place in September and October 2025. The final planning controls for activity centres are expected to be added to the Merri-bek Planning Scheme within the next few months.

## Human Rights Consideration

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

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

An assessment of whether there is any potential for unreasonable overlooking has been undertaken in Section 4 of this report. The proposed redevelopment of private land does not present any physical barrier preventing freedom of movement. The right of the landowner to develop and use their land has been considered in accordance with the Merri-bek Planning Scheme.

## 4. Issues

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

### Does the proposal have strategic policy support?

The site is located within the Brunswick Activity Centre. This is an area where planning policy seeks to accommodate substantial growth and create a new character of increased density and scale of built form.

The proposal to construct higher density housing and commercial floor area across the ground floor frontage has strong strategic policy support.

### Does the built form respond to the preferred character of the area?

#### ***Building Height and Upper Level Street Setbacks***

The site is within the Design and Development Overlay (DDO18 - Brunswick Activity Centre – Sydney Road and Upfield Corridor) which sets a preferred building height, street wall height and upper-level setbacks for new development. The buildings compliance with the controls is summarised in the table below.

<b>DDO18 - Brunswick Activity Centre – Sydney Road and Upfield Corridor</b>		
<b>Component</b>	<b>DDO requirement</b>	<b>Proposal</b>
Street wall height (discretionary)	11 - 14 metres	18.6 metres
Upper level front setback (discretionary)	5 metres	5 metres
Building height (discretionary)	25 metres	27.6 metres

The street wall height exceeds the requirement by 4.6 metres. The proposal has been designed to align with the neighbouring building at 288 Albert Street which has an existing street wall height of 18.67 metres. It is an appropriate urban design response to propose a street wall that is consistent with the existing structure next door – particularly as this is the only existing street wall in this section of Albert Street. This is consistent with DDO18 because it helps create a more uniform streetscape and aligns with the established building heights found in this part of Albert Street.

The proposal also exceeds the maximum building height control by 2.6 metres. The key considerations are whether this appropriately responds to the preferred character of the area or would lead to unreasonable impacts on public spaces. The 9 storey part of the building that exceeds the height control is in the rear portion of the site not readily visible from Albert Street. In addition, the neighbouring building at 288 Albert Street ranges from 6-14 storeys high. The slight increase in height will not be harmful to the preferred character of the area. Albert Street is a key pedestrian street but will not be impacted by the increase in height due to its location north of the site where no overshadowing is possible. Council's Urban Design Unit is supportive of the building heights. The street wall and building height proposed are therefore supported.

**Does the proposal provide adequate building setbacks and are there any offsite amenity impacts?**

Council's apartment developments policy sets out building setback guidelines which seek to secure adequate daylight and outlook for future occupants, ensure reasonable future development opportunities of adjoining sites and manage the amenity impacts to adjoining sites. To the rear of the site at 343 Sydney Road, there are 14 apartments on levels 1-7 with bedroom windows and dual aspect balconies that face north. 7 of these apartments are located directly opposite the proposed building and the other 7 are offset from the site. These neighbouring apartments are all setback from the boundary by 3 metres. The proposal provides rear setbacks of between 4 and 7.1 metres, resulting in building separation distances of 7 to 10.1 metres to the apartments at 343 Sydney Road. This meets the policy intent for daylight and outlook for apartments.

Potential overlooking impacts between buildings are acceptably managed through frosted glazing to rear-facing habitable room windows and circulation areas on Levels 2–5 and by a condition of this recommendation requiring screening at Level 1.

Objector concerns regarding overshadowing are noted. There is no planning scheme standard for overshadowing impacts to existing apartment windows, balconies or communal areas in Activity Centre locations. However, using the September equinox as a guide it is noted that:

- Some overshadowing will occur to Levels 1–4 of the adjoining southern building, particularly to apartments already limited by the development to the west.
- The western building has a communal outdoor area at level 5 which will be partly overshadowed at 9am, 10am and 11am by the proposed walkway. In a Major Activity Centre location, full access to sunlight cannot be guaranteed. Importantly, the proposal does not result in the complete loss of sunlight to the western neighbouring building and provides a reasonable and balanced amenity outcome in this location. The western building also has a north facing communal open space area on level 9.

There are some non-compliances with respect to separation distances of apartments within the development. This is most notable are at Level's 4 and 5 where the separation between balconies and living rooms falls short of the standard by 7-8 metres. The separation between balconies is accepted as they are offset to not directly face each other. The separation between the living rooms and balconies is accepted as it relates to only 4 out of the 42 apartments which is a relatively low proportion.

Four apartments (205, 305, 405 and 505) do not comply with Council's apartment developments policy in relation to side and rear setbacks. These apartments include balconies that do not meet the required setback to the laneway and living room windows that do not meet the required setbacks to the rear boundary, as summarised below.

<b>Apartment developments in Merri-bek policy (Clause 15.01-2L)</b>		
<b>Building setbacks to a lane</b>		
<b>Level</b>	<b>Requirement</b>	<b>Proposed</b>
Level 2, 3, 4 and 5, Apartments 205, 305, 405 and 505	6 metres (balcony edge to centre of laneway)	1.82 metres
<b>Building setbacks to the side or rear boundary</b>		
<b>Level</b>	<b>Requirement</b>	<b>Proposed</b>
Level 2 and 3, Apartments 205 and 305	6 metres (living room to boundary)	1.9 metres
Level 4 and 5, Apartments 405 and 505	9 metres (living room to boundary)	1.9 metres

The reduced setbacks do not provide adequate daylight and outlook for future occupants and would unreasonably constrain future development opportunities on adjoining sites. If the southern site is redeveloped, a solid wall could be built very close (1.9 metres) to the main living areas of these apartments (listed in table above). Similarly, future development to the east could result in a solid wall approximately 3.6 metres from the balconies. It is not reasonable to expect future development to compensate for these reduced setbacks, particularly given the likelihood that future development is more concentrated at the rear of these neighbouring sites due to their heritage significance at the Sydney Road frontage.

To address this issue, the applicant submitted discussion plans to Council for review. These plans convert Apartments 105, 205, 305, 405 and 505 into one-bedroom apartments creating additional space to enable a 4.35 metre setback from the centre of the laneway. The revised layout also enables a new south facing window to the kitchen/living area, which is expected to remain largely unaffected by any future development on the site to the south.

The change also improves development opportunities for the southern site, as the apartments would no longer extend fully along the southern interface. This provides greater flexibility for future development outcomes.

Subject to the above changes, these apartments are acceptable. Apartment 105 was not previously a concern but was amended in the discussion plans due to its location at the bottom of these apartments which will create a more consistent building form and appearance.

These discussion plans form **Attachment 4**.

#### **Does the proposal provide appropriate onsite amenity and facilities?**

Natural ventilation, balcony sizes, room dimensions, storage, windows and room depths demonstrate high levels of compliance with the apartment standards (Clause 58). Apartments 106, 206, 306, 406 and 506 are one bedroom dwellings that should have a living area with a minimum dimension of 3.3 metres. These have a minimum dimension of 3.0 metres which falls just short. These apartments are all north facing and have larger balconies and bedrooms than the standard requires ensuring that the apartments are usable, functional and provide good amenity.

#### **Is the proposed demolition and replacement building acceptable in the heritage overlay?**

Council's Heritage Advisor supports the full demolition of the site as existing structures do not contribute to the significance of the heritage precinct. They are also supportive of the new building noting that it is similar in appearance to the neighbouring building and would not obscure views to any significant heritage buildings.

## Building design, materials, finishes and landscaping

The materials and finishes schedule details textured materials including brick, pre-cast concrete and metal cladding. These were supported by Council's Urban Design Unit and will contribute positively to the Brunswick Activity Centre.

The proposal includes three outdoor landscaped communal areas, two at Level 1 and the other on the rooftop. These are generous spaces and located to enable access to both sunlight and shade at different times of year. Council's Urban Design Unit has recommendations for the Level 1 central courtyard to improve its layout to make it more inviting and useable for residents. A condition in the recommendation seeks improvements to this area while allowing flexibility in how this is achieved.

## Has adequate car and bicycle parking been provided?

The table below outlines the car parking requirements of the Planning Scheme:

Use	Total spaces required	Total spaces provided	Reduction sought
42 apartments: <ul style="list-style-type: none"><li>• 5 x 1-bedroom dwellings.</li><li>• 29 x 2-bedroom dwellings.</li><li>• 8 x 3-bedroom dwellings.</li></ul>	<ul style="list-style-type: none"><li>• 1 space to each 1 or 2 bedroom dwelling: 34 spaces</li><li>• 2 spaces to each 3 or more bedroom dwelling: 16 spaces</li><li>• Total spaces required: 50</li></ul>	33	17
Retail: 137sqm	4	1	3
<b>Total</b>	<b>54</b>	<b>34</b>	<b>20</b>

Council's car parking policy (Clause 18.02-4L) supports reduced car parking rates in developments:

- Within and close to activity centres.
- With excellent access based on frequency and location to a range of public transport options.
- With increased provision of bicycle parking above the rates specified in Clause 52.34.

The site is located within the Brunswick Activity Centre and is well served by public transport, including Brunswick Railway Station (250 m), Route 19 tram services (70 m), three bus routes within 400 m (Routes 506, 508 and 509), and nearby car-share vehicles.

The development provides 46 resident, 9 visitor and 3 staff bicycle spaces, exceeding the 13 spaces required by Clause 52.34. The quality and accessibility of these facilities, together with strong public transport access, support the proposed reduction in car parking. Council's Development Engineers are satisfied that the reduced provision is appropriate.

The apartments and retail/office use will not be eligible for parking permits in the event that on-street parking restrictions are imposed by Council. This is included as a note on the planning permit in 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 and the availability of on-street car spaces. It is expected that the level of parking provided will cater for car ownership levels of the occupiers.

**Are adequate loading/unloading facilities provided?**

Decision guidelines at Clause 65.01 require the consideration of the adequacy of loading and unloading facilities. The ground floor and basement areas have adequate car parking to service loading requirements directly accessible from Albert Street and the laneway. The waste management plan confirms that a waste vehicle can access the ground floor car park to collect waste.

**Are the waste management arrangements acceptable?**

There is no separation between residential and commercial bins. Separation of these bins prevents future management issues related to waste generation volumes and types. This required by recommended conditions. All other waste management arrangements are acceptable.

**What impact does the proposal have on pedestrian safety, vehicle access, car congestion and traffic in the local area?**

Objections raised various concerns around vehicle access to the site, pedestrian safety and traffic generally. Council's Development Engineers have assessed the proposal and consider that the development will result in 110 additional vehicle movements per day that will travel along Albert Street, which is a Local Access Street. The additional vehicles are not expected to cause unacceptable congestion at the nearby intersections.

The internal basement entry complies with planning scheme requirements for width, gradients and manoeuvrability ensuring vehicles can enter and exit the site in a forward direction. A traffic signal system is required on the basement ramp due to limited sightlines, and the vehicle crossover must also be modified to align with Council standards for location and width. These are included as recommended conditions. No other safety concerns or issues with the submitted traffic report have been raised by Council's Development Engineers.

**Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?**

ESD features of the development are considered to be adequate and include minimum average NatHERS rating of 7.9 stars, 10KW Solar PV System, Electric Vehicle (EV) distribution boards for future EV charging and 12kL rainwater reuse tank.

**Is the proposal accessible to people with limited mobility?**

Council's Housing diversity in Merri-bek policy encourages the provision of housing that can be lived in by people with limited mobility (or easily adapted to be lived in). 54 per cent of apartments meet the accessibility standard of Clause 58.05-1 which exceeds the minimum 50 per cent requirement.

**Is the land potentially contaminated?**

The site has the potential to be contaminated due to its current use as a car mechanic, which is identified as a high-risk use. Conditions are therefore included requiring an environmental audit to be undertaken. This will confirm the site is suitable for the proposed development and, if required, that appropriate remediation is carried out to ensure the land is safe for future residents.

### **Will the development lead to unacceptable wind conditions?**

A wind impact assessment prepared by MEL Consultants was submitted with the application and assesses the likely wind conditions having regard to the proposed building and surrounding buildings. The assessment applies the wind safety and comfort criteria in Clause 58.04-4 (Standard D17) of the Merri-bek Planning Scheme and concludes that pedestrian safety criteria would not be exceeded and that surrounding streets, the laneway and private and communal open spaces would achieve the relevant comfort criteria for their intended use. While the assessment is a desktop analysis rather than a wind tunnel study, this approach is commonly used at the planning stage and is considered acceptable for the purposes of assessing the proposal.

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

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

- Overshadowing
- Loss of sunlight, light and air
- Building height
- Building bulk and mass
- Setbacks
- Building separation
- Heritage
- Internal layout
- External walkway impacts
- Car parking
- Traffic congestion, vehicle access and pedestrian/cyclist safety
- Inadequate traffic assessment
- Urban design response
- Wind impacts

Other issues raised by objectors are addressed below.

### **Noise associated with dwellings**

Concerns have been raised regarding the potential noise generated from the apartments after occupancy. The consideration of this planning application is confined only to the construction of the apartments. The residential use of the apartments does not require a planning permit. Residential noise associated with an apartment is considered normal and reasonable in an urban setting. Any future issues of noise disturbance, if they arise, should be pursued as a civil matter.

### **Overdevelopment**

The planning assessment in Section 4 of this report has confirmed that the building height, setbacks and the provision of car parking are acceptable (subject to conditions) when considered against the requirements of the Merri-bek Planning Scheme and therefore the proposal is not considered to be an overdevelopment of the site.

### **Loss of views**

While the Victorian Civil and Administrative Tribunal has recognised that views can be a relevant consideration, it has also held that there is no right to a view and that the weight to be given to the impact of loss of views is reduced where no planning control applies encouraging retention or sharing of views. There is no specific policy or provision regarding views within the Merri-bek Planning Scheme. It is considered that the extent of loss of view in this case does not warrant a variation to, or refusal of the proposal.

### **Laneway Impacts/Safety**

The proposal will not cause unacceptable enclosure or loss of daylight. Reduced daylight and enclosure are common in activity centre laneways, which function as secondary service spaces, and these impacts are not unusual or unreasonable in this location.

The proposal is not considered to unreasonably reduce safety conditions in the laneway or conflict with planning policy relating to amenity or crime prevention.

### **Passive Surveillance**

The development provides passive surveillance to Albert Street as sought by planning policy. As the adjacent laneway provides a service function, it is not compulsory for the development to provide passive surveillance to this area. Notably however, the development will introduce five apartments with balconies and windows facing the laneway. This will improve passive surveillance beyond that currently provided by the industrial building.

### **Demand on local services and public transport**

Concern was raised with the increased demand that the development would place on services and public transport. Planning policy encourages increased density in activity centres due to the convenient access to these facilities. Given the scale of development, it will not place an unreasonable demand on nearby services and transport.

### **Property values**

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

### **Construction issues**

Traffic, noise, dust, construction times and other impacts associated with the construction of a development are not considered as part of a planning application.

A Construction Management Plan is required to be approved under the General Local Law by Council before construction starts. A Construction Management Plan outlines how the impact of the construction will be minimised.

### **Apartment and commercial demand**

Whether or not there is market demand for apartments or commercial floor space is not a relevant planning consideration.

## **Vulnerable population**

The concerns regarding impacts on certain resident groups are noted. Amenity impacts, including privacy and daylight, are assessed against the relevant provisions of the Merri-bek Planning Scheme. These are applied consistently to all residential occupants regardless of tenure or resident type. This approach ensures a fair and assessment of potential amenity impacts across all developments. The proposal has been assessed against these standards and found to be acceptable.

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

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

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

There are no financial or resource implications.

## **8. Conclusion**

The proposal represents an appropriate form of development for a site within the Brunswick Activity Centre where increased height, density and a mix of uses are strongly supported by State and Local Planning Policy. Overall, the development provides quality apartments, incorporates acceptable environmentally sustainable design measures and makes efficient use of a highly accessible location close to public transport, services and jobs.

While the proposal raises amenity concerns for some neighbours, these impacts are considered acceptable in the context of an activity centre and have been appropriately managed through building setbacks. Conditions in the recommendation increase the setback to the lane for four apartments to ensure that future development opportunities of the adjoining sites are not compromised.

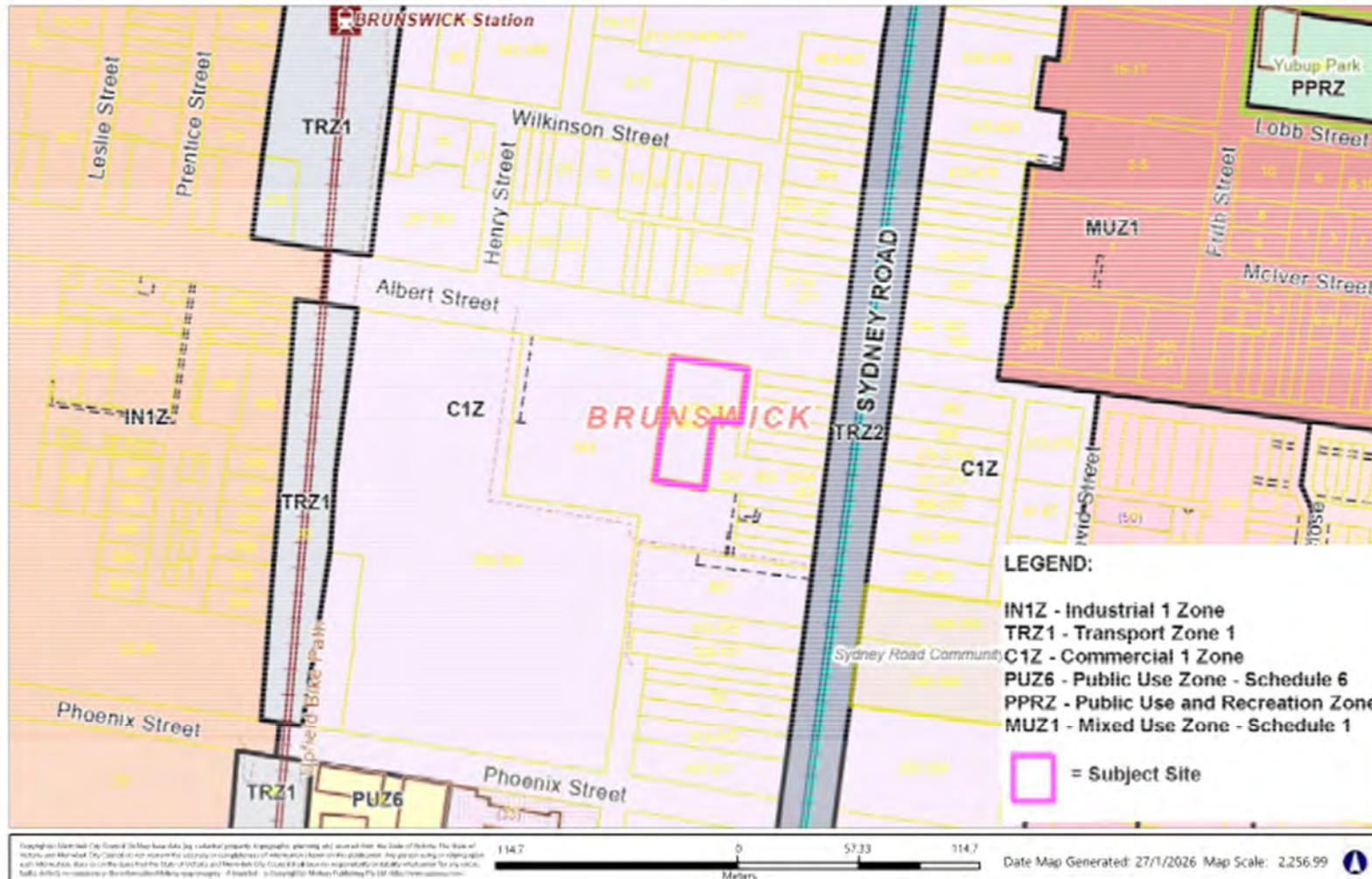
Subject to the recommended conditions, including further refinements to landscaping and waste management, the proposal achieves an acceptable outcome between development objectives and amenity impacts. The application is therefore supported and a Notice of Decision to Grant a Planning Permit is recommended.

## **Attachment/s**

- |          |                          |           |
|----------|--------------------------|-----------|
| <b>1</b> | Zoning and Location Plan | D26/34038 |
| <b>2</b> | Objector Map             | D26/34040 |
| <b>3</b> | Architectural Plans      | D26/34214 |
| <b>4</b> | Discussion Plans         | D26/64726 |

# Zoning and Location Plan

278-282 Albert Street, Brunswick



# Objector Map

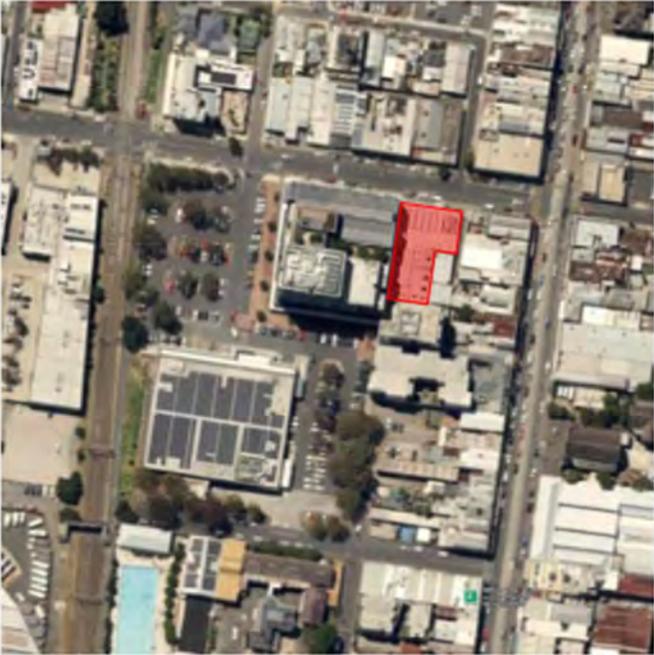
278-282 Albert Street, Brunswick

**Notes:**

- Six objectors located outside of mapped area
- One objector did not provide a residential address

-  = Subject Site
-  = Objectors





**JAMES HOOKS**

**Town Planning**

Draw Title: **Cover Page**

Draw No: **TP01**

Project No: 2339

Revision: 01

Date: 19/10/2025

Project: **Proposed Apartment Development**

Address: **278-282 Albert Street Stumeria VIC 3008**

Client: **Cooba Pty**

**Notes**

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**Drawings**

- 1/01 Site Plan
- 1/02 3D Aerial View
- 1/03 3D Street View
- 1/04 3D Street View
- 1/05 3D Street View
- 1/06 3D Street View
- 1/07 3D Street View
- 1/08 3D Street View
- 1/09 3D Street View
- 1/10 3D Street View
- 1/11 3D Street View
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- 1/13 3D Street View
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- 1/98 3D Street View
- 1/99 3D Street View
- 1/100 3D Street View

**278-282 Albert Street**  
**Town Planning Application Stage**  
**Proposed Apartment Development**  
**October 2025**





subject site and immediate adjacent dwellings  
276-282 Albert Street, Brisbane



1. Albert Street and Sydney Road intersection



3. Brisbane Town Centre



1. Albert Street



2. Public Carpark, 280 Albert Street



5. 5 storey apt, 276-282 Albert Street



8. Retail, Sydney Road



11. Brisbane Train Station



4. Apartment building with retail spaces at ground level, 284-286 Albert Street



10. 10-12 Albert Street



12. Apartment building with retail spaces at ground level, 341 Sydney Road

**WVS**

**Town Planning**

Doc Title: **Site Analysis**

Doc No: **TP02**

Project No: 2024

Revision: 02

Date: 15/10/2024

Project: **Proposed Apartment Development**

Address: **276-282 Albert Street Brisbane QLD 4000**

Client: **Condo 188**

**Notes:**

1. This document is a preliminary site analysis for the proposed apartment development at 276-282 Albert Street, Brisbane. It provides an overview of the site's context, including surrounding buildings, streets, and public infrastructure. The analysis is based on aerial photography and ground-level photographs.

2. The site is located in a well-served urban area with easy access to public transport, including the Brisbane Train Station and several bus routes. The surrounding area is a mix of residential and commercial buildings, with a high density of population and activity.

3. The proposed development is a modern multi-story apartment building with a ground-floor commercial space. The design aims to provide high-quality residential and commercial spaces that are integrated with the surrounding urban context.

4. The site analysis identifies key features and opportunities for the development, including the potential for ground-floor retail and public carparking. The analysis also highlights the importance of maintaining the site's connection to the surrounding urban fabric.

5. This document is intended for use as a reference for the development's design and planning. It is not a final design or planning document and should be used in conjunction with other relevant documents and regulations.

WVS

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100 St. George Street, Brisbane, QLD 4000  
Phone: +61 7 3221 1111  
Email: info@wvs.com.au  
www.wvs.com.au

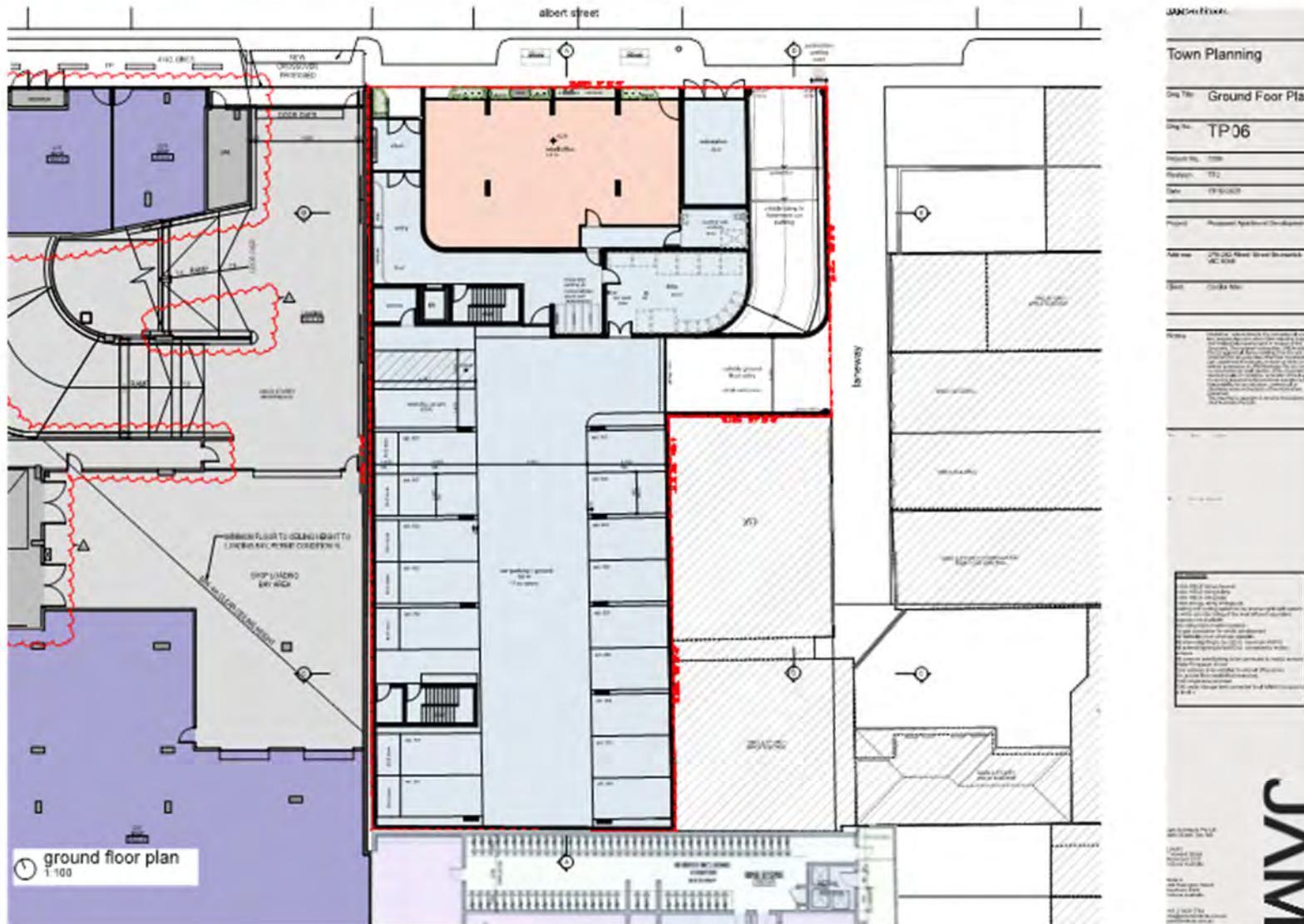
The image displays seven architectural floor plans for a building, arranged in two rows. The top row contains the basement, ground, and level 1-3 plans. The bottom row contains level 4 & 5, level 6 & 7, and level 8 plans. Each plan is annotated with red dashed lines and callouts. To the right of the plans is a metadata table and the JMW logo.

<b>Town Planning</b>	
Doc Title:	Design Response
Doc No.:	TP03
Project No.:	1004
Revision:	01
Date:	09/01/2024
Project:	Residential Apartment Development
Address:	170-172 West Street Dunedin DUNEDIN
Block:	170-172
Sheet:	TP03
Notes:	<p>1. These drawings are the property of JMW Architects Ltd. and are not to be used, copied, or reproduced in any form without the written consent of JMW Architects Ltd.</p> <p>2. These drawings are prepared for the specific project and site mentioned above and are not to be used for any other project or site without the written consent of JMW Architects Ltd.</p> <p>3. The client is responsible for ensuring that these drawings comply with all applicable laws, regulations, and standards.</p> <p>4. JMW Architects Ltd. is not responsible for any errors or omissions in these drawings.</p>

**JMW**



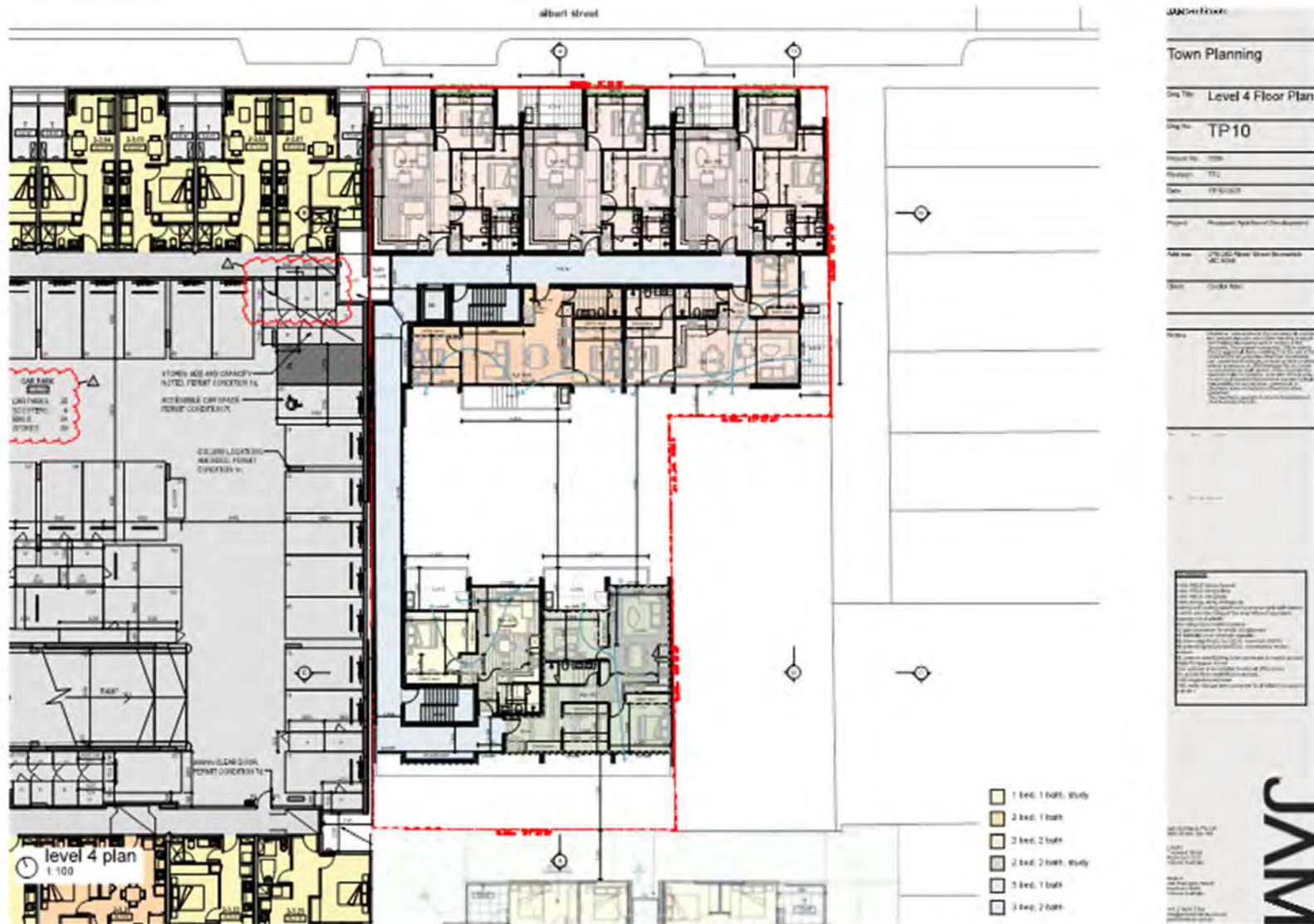




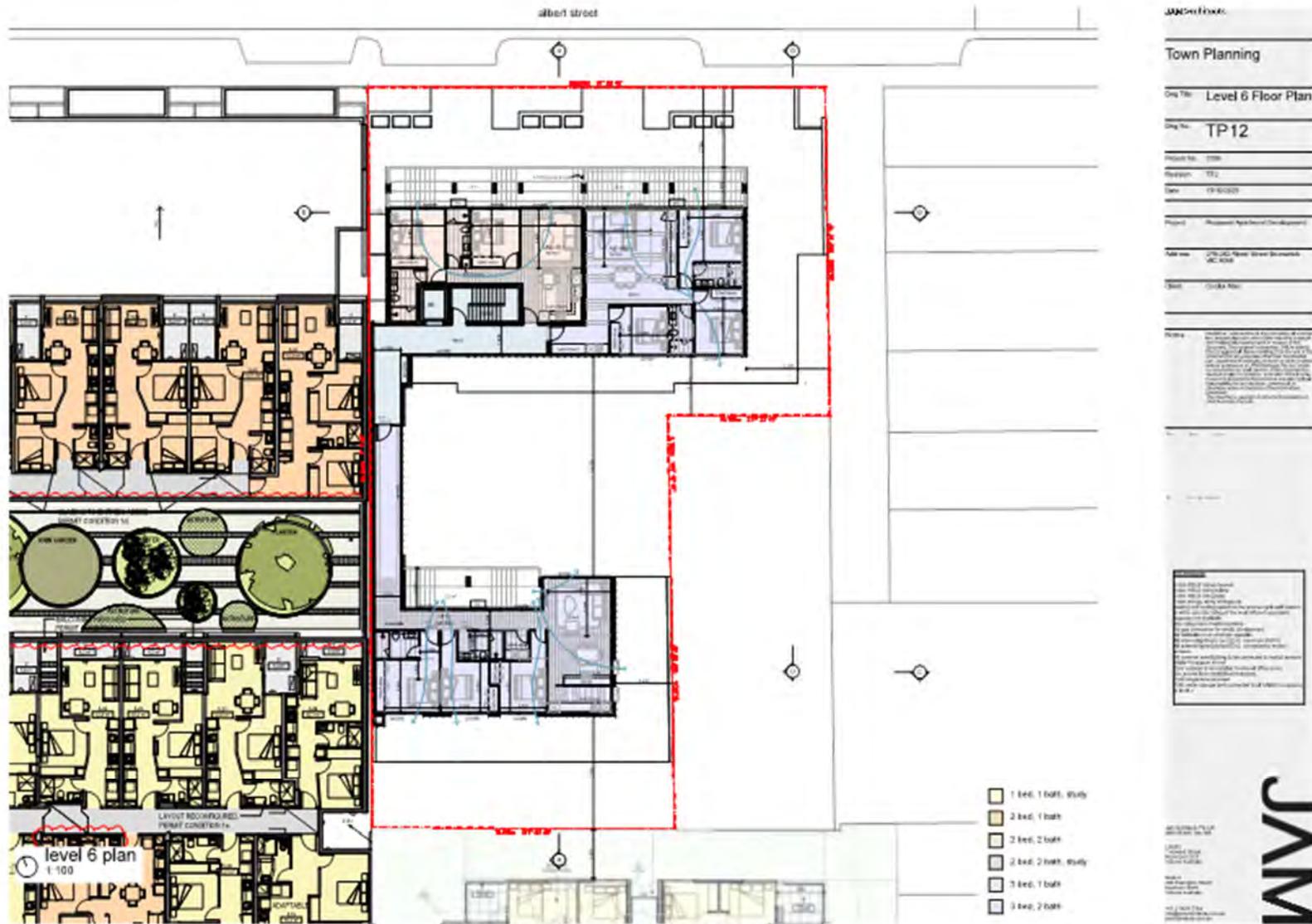


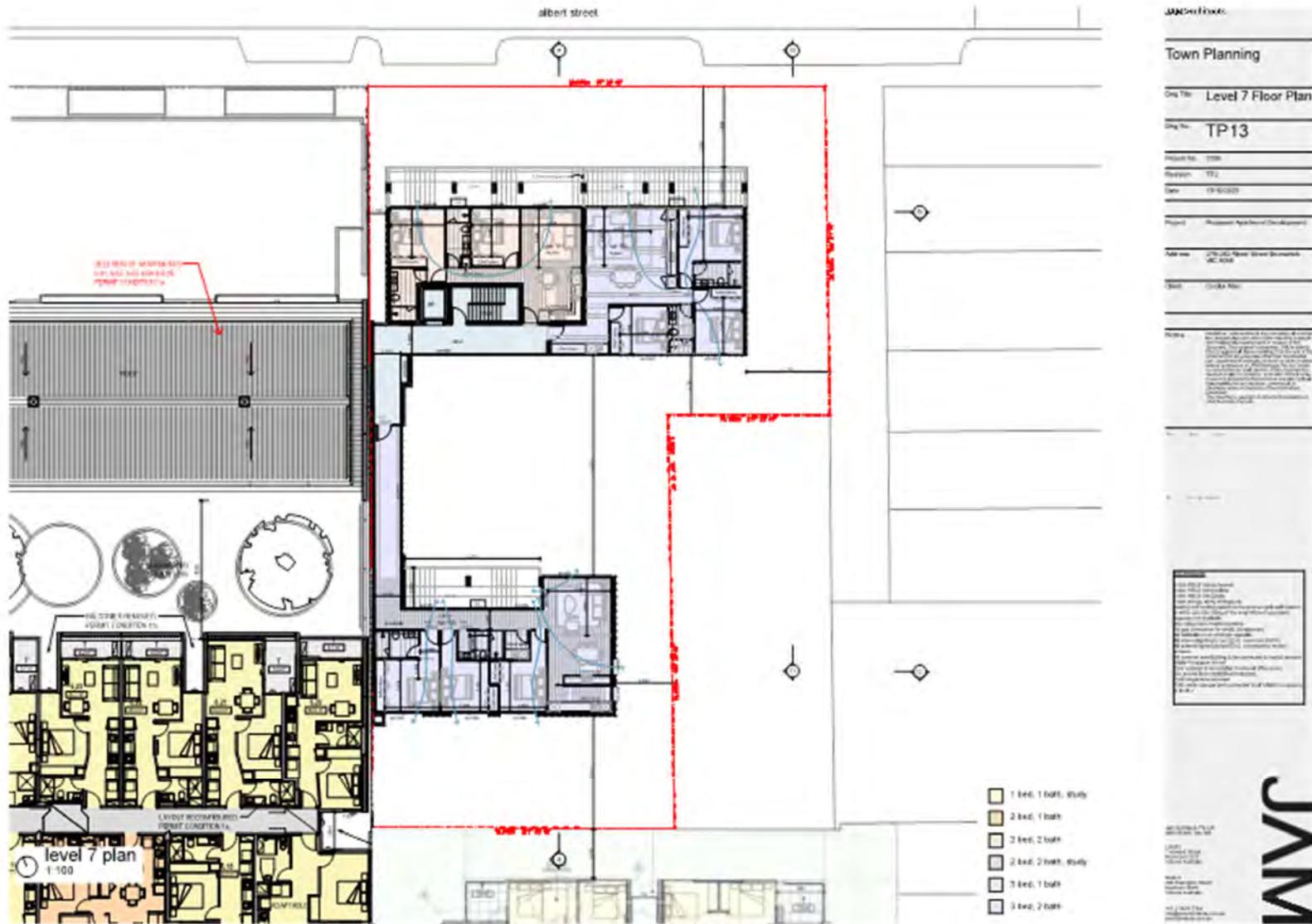


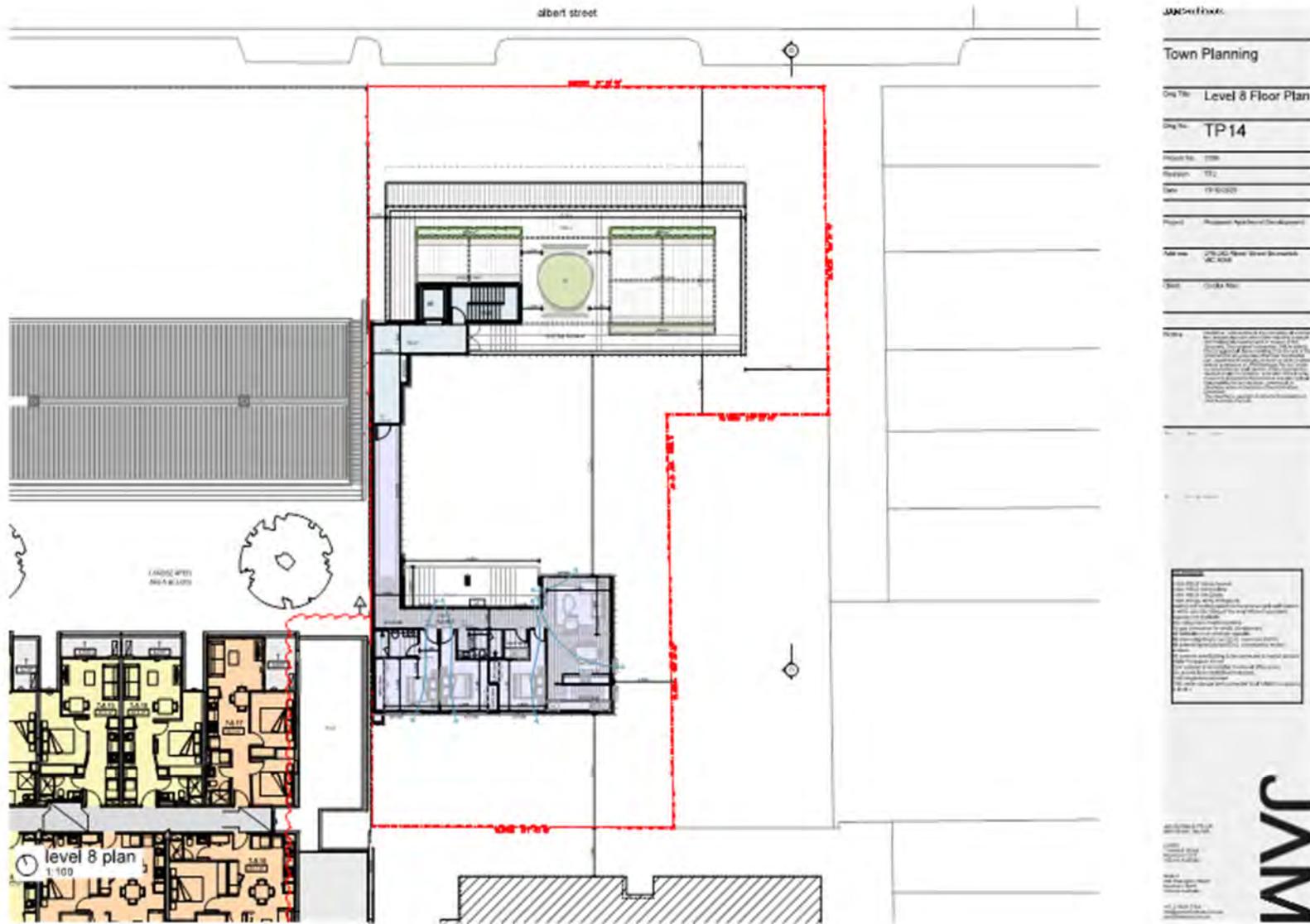














**north elevation**  
1/100

**materials**

- mat - combined cladding in water tank color - water tank
- mat2 - light grey metal cladding
- mat3 - light color ed. concrete panels with vertical texture
- mat4 - olive cement cladding with dark grey panel inserts
- mat5 - light grey metal cladding
- mat6 - dark grey metal cladding
- mat7 - clear glazing
- mat8 - bronze tinted glazing
- mat9 - aluminum tubular railing system with stainless steel handrails and glass infill

**JWS**

**Project Information:**  
 Project Name: Town Planning  
 Drawing Title: Elevation  
 Drawing No.: TP16  
 Project No.: 2259  
 Revision: 02  
 Date: 15/10/2025  
 Project: Pleasant Apartment Development  
 Address: 175-182 Albert Street St Marks QLD 4008  
 Client: Coorix Pty Ltd  
 Author: [Name]  
 Date: [Date]



**south elevation**  
1:100

**materials**

- ms-1 - combined cladding to match sun tower
- ms-2 - light grey brick pattern concrete
- ms-3 - light white and cream concrete with vertical fluted
- ms-4 - olive cement cladding with dark grey paint finish
- ms-5 - light grey metal cladding
- ms-6 - dark grey metal cladding
- sp - clear glazing
- fg - frameless glazing
- ms-7 - aluminium substrate metal column replacement 1.5m x 1.5m 20% transparent (interlocking system)

**JWS**

**Project Information:**  
 Project: Precinct Apartment Development  
 Address: 170-172 Albert Street Brisbane QLD 4000  
 Client: Cribba Pty  
 Date: 15/10/2025

**internal south elevation**  
1:100

**internal north elevation**  
1:100

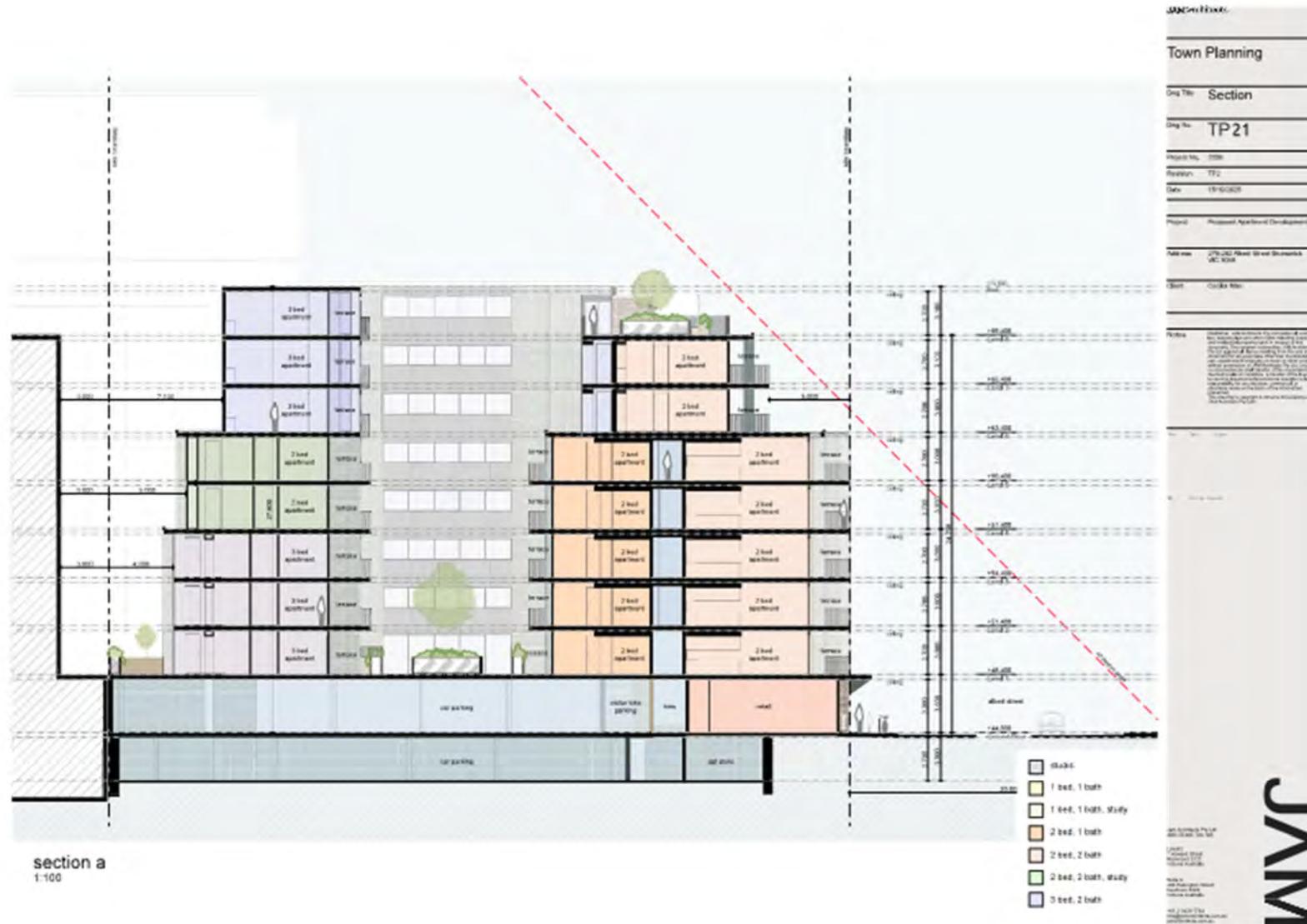
**material palette:**

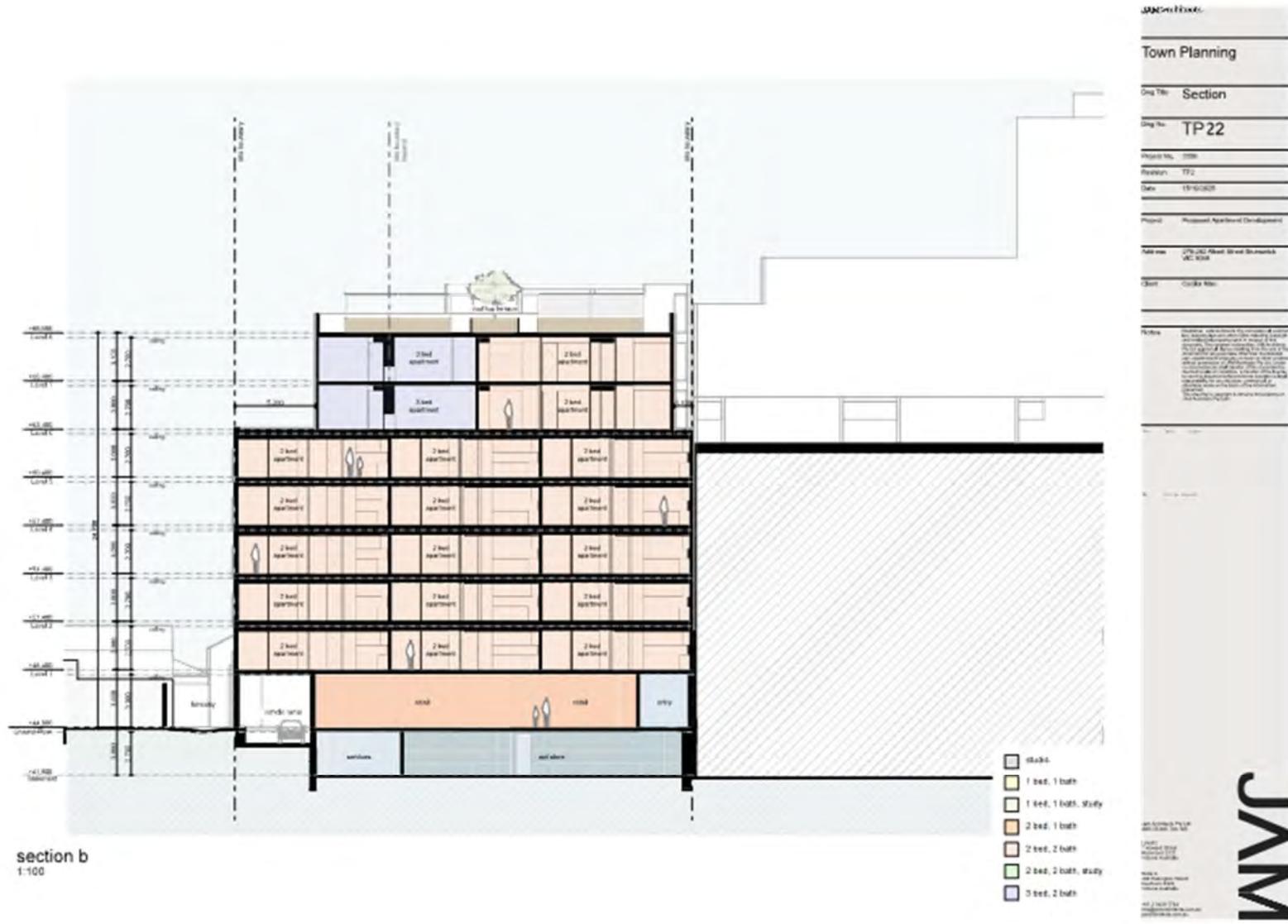
- ms - combined cladding in metal sun shelter
- ms1 - combined cladding in metal sun shelter
- ms2 - light grey brick pattern concrete
- ms3 - light solid red concrete concrete with vertical fabric
- ms4 - olive cement cladding with dark grey paint finish
- ms5 - light grey metal cladding
- ms6 - dark grey metal cladding
- gp - glass glazing
- fg - frameless glazing
- fsk.1 - aluminium substrate metal - colour reduction 1.5mm max. 20% transparent (interlocking system)

<b>JWC Architects</b>	
Town Planning	
Doc Title:	Elevation
Doc No:	TP19
Project No:	2206
Client:	TCL
Date:	29-10-2025
Project:	Resident Apartment Development
Address:	170-172 West Street Dunedin D.C. 9108
Site:	Circle 100
<p><b>Notes:</b></p> <p>1. All elevations are shown in perspective view.</p> <p>2. All elevations are shown in perspective view.</p> <p>3. All elevations are shown in perspective view.</p> <p>4. All elevations are shown in perspective view.</p> <p>5. All elevations are shown in perspective view.</p> <p>6. All elevations are shown in perspective view.</p> <p>7. All elevations are shown in perspective view.</p> <p>8. All elevations are shown in perspective view.</p> <p>9. All elevations are shown in perspective view.</p> <p>10. All elevations are shown in perspective view.</p>	

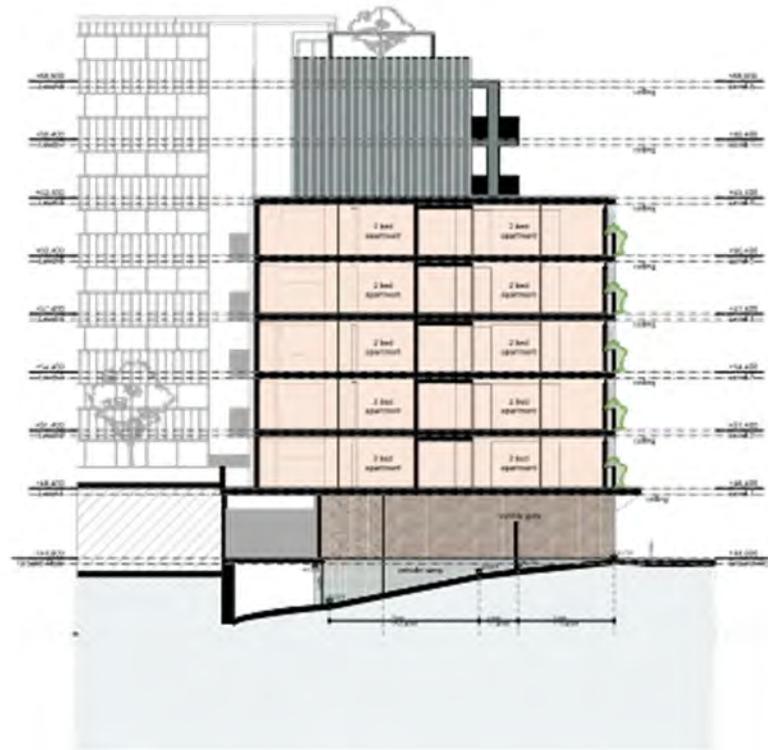
**JWC**











section d  
1:100

**JAMES HOBBS**

**Town Planning**

Doc Title: Section

Doc No: TP24

Project No: 2206

Revision: 02

Date: 03-10-2025

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Project: Proposed Apartment Development

---

Address: 176-182 West Street Dunmore  
Dun. C. 2206

---

Client: Council Staff

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Notes:

1. This drawing is a technical drawing and should be read in conjunction with the relevant specification and contract documents.

2. All dimensions are in millimetres unless otherwise stated.

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**JHM**

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www.jameshobbs.co.nz





perspective images

**WVS**

Town Planning

Doc Title: Perspective Images

Doc No: TP26

Project No.: 7339

Project Name: TP2

Date: 19/10/2025

Project: Proposed Apartment Development

Address: 175-181 Albert Street St Marks VIC 3008

Client: Corbis Pty

Notes: [Small text block containing project details and notes]

WVS

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1000 Spring Street  
Melbourne VIC 3000  
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Fax: +61 (0)3 9412 1235  
www.wvs.com.au



perspective images

**WVS**

Town Planning

Draw Title: Perspective Images

Draw No: TP27

Project No.: 7339

Project Name: TP27

Date: 13/10/2018

Project: Proposed Apartment Development

Address: 175-181 Albert Street St Marks VIC 3008

Client: Corbin Mills

Notes: [Small text block containing project notes]

WVS

WVS Architecture & Planning  
100 St Albans Street, St Albans, VIC 3011

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100 St Albans Street  
St Albans, VIC 3011  
Australia

WVS  
100 St Albans Street  
St Albans, VIC 3011  
Australia



perspective images



**WVS**

Town Planning

Draw Title: Perspective Images

Draw No: TP28

Project No.: 7339

Project Name: TP2

Date: 13/10/2025

Project: Proposed Apartment Development

Address: 175-181 Albert Street St Marks VIC 3008

Client: Corbin Mills

Notes: [Small text block containing project notes]

Scale: 1:100

Drawn by: [Name]

Checked by: [Name]

WVS

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Email: info@wvs.com.au  
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perspective images

**JWS Architects**

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**Town Planning**

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Doc Title: **Perspective Images**

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Doc No: **TP29**

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Project No.: 2239

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Project Name: **TP2**

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Date: **19/10/2025**

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Project: **Proposed Apartment Development**

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Address: **175-181 Albert Street St Marks VIC 3008**

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Client: **Condo 181**

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Notes: These images are intended to provide a visual representation of the proposed development. They are not to be used for any other purpose without the written consent of JWS Architects. The images are subject to change without notice. The final design and construction of the development may vary from the images shown here.

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Scale: 1:100

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Site: [Site Plan Reference]

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Prepared by: [Name]

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Checked by: [Name]

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Drawn by: [Name]

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Scale: 1:100

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Site: [Site Plan Reference]

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Prepared by: [Name]

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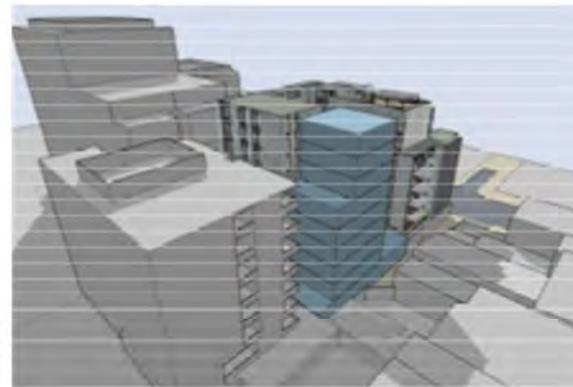
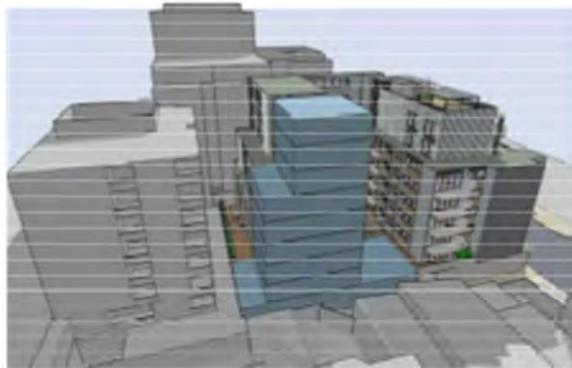
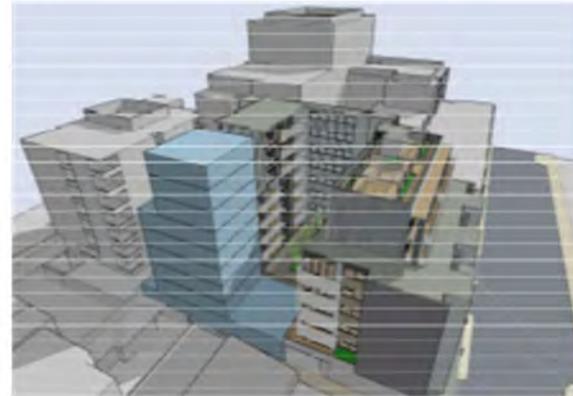
Checked by: [Name]

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Drawn by: [Name]

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**JWS**



Indicative massing diagrams (blue)  
355-357 Sydney road

**JAMES HODGINS**

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**Town Planning**

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Dist Title: 355-357 Sydney Rd Massing

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Dist No: TP 30

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Project No: 7239

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Region: T2

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Date: 15/10/2018

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Project: Proposed Apartment Development

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Address: 375-425 Albert Street St Marks VIC 3008

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Client: Corbin Mills

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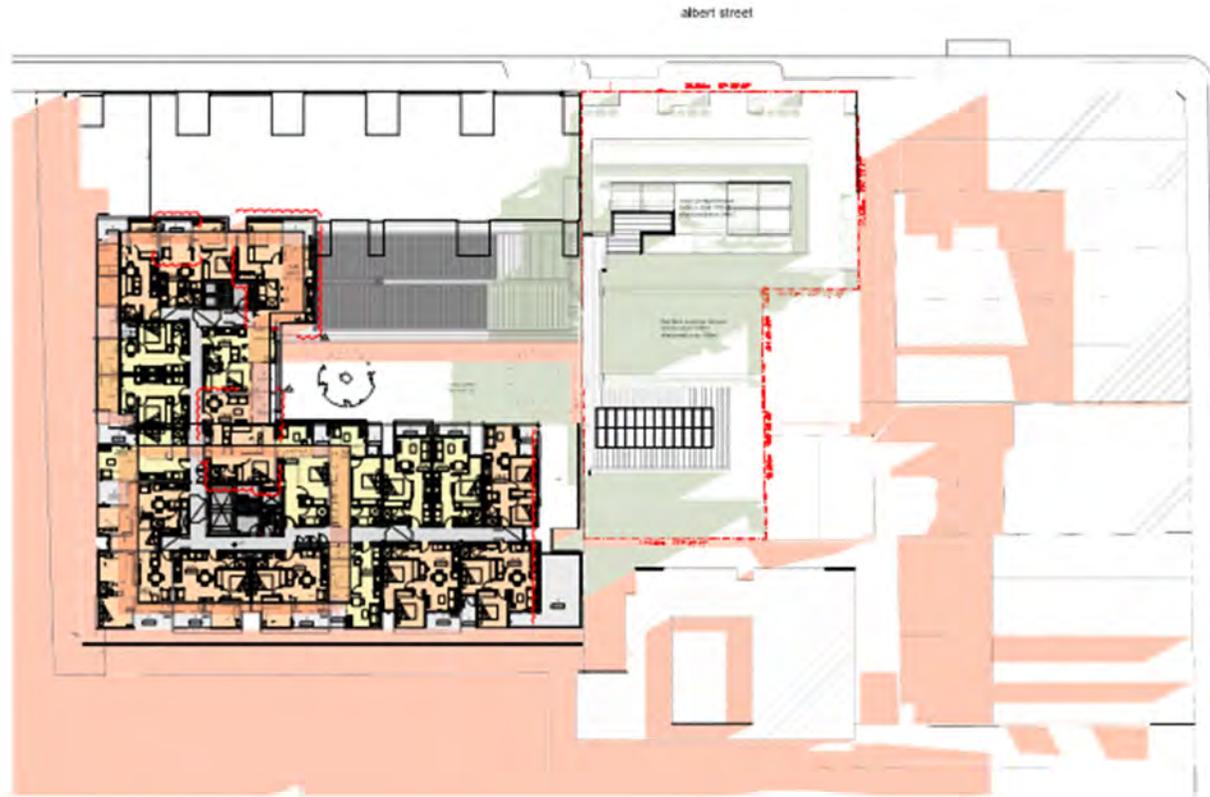
**Notes**

Indicative massing diagram for proposed development. The diagram shows the building footprint and height relative to the surrounding context. The blue shaded area represents the proposed massing. The diagram is for informational purposes only and does not constitute a final design or construction document. All dimensions and details are subject to change without notice.

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**JAMES HODGINS**

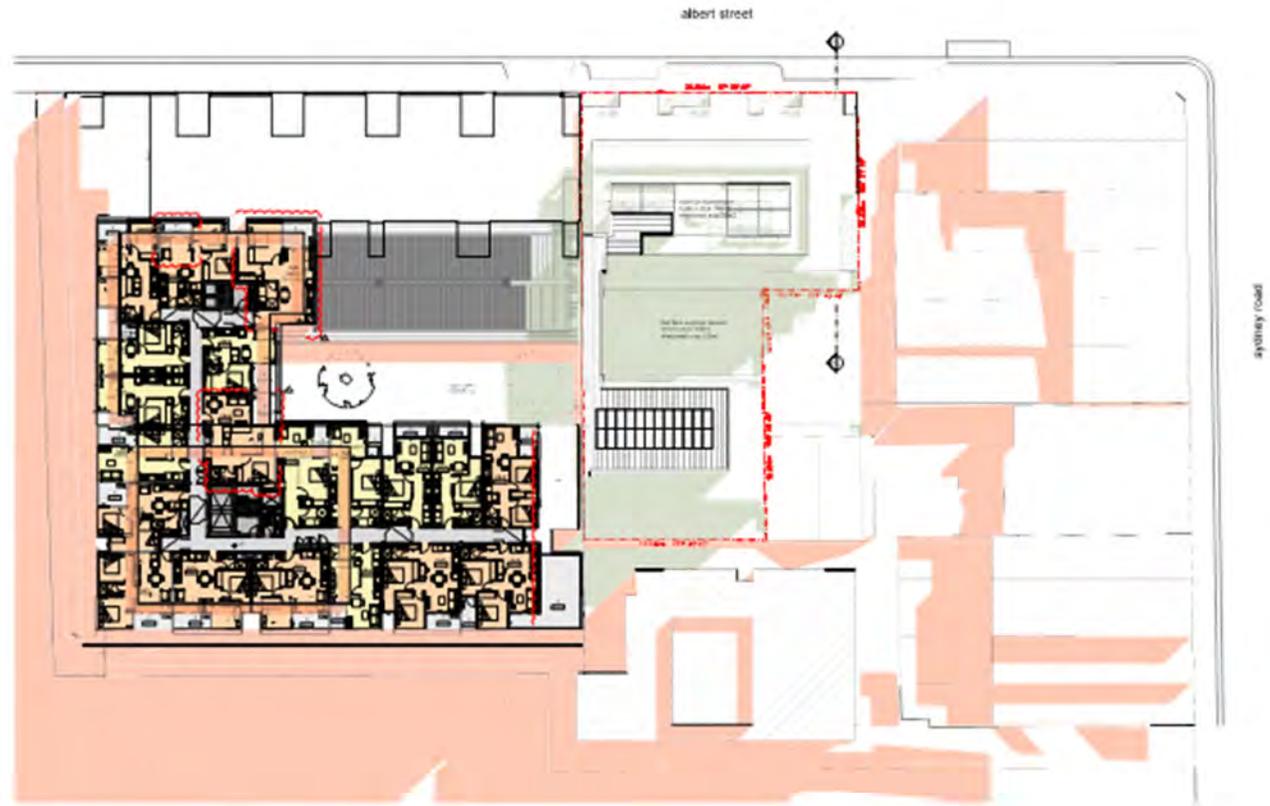
100/100 Street  
Melbourne VIC 3000  
Phone: 03 9594 1000  
Email: info@jameshodgins.com.au  
www.jameshodgins.com.au



9am shadow diagram  
 scale 1:200  
 www.jam.com.au  
 ■ existing shadows  
 ■ proposed shadows

<b>JAM</b>	
Town Planning	
Doc Title:	Shadow Diagrams
Doc No:	TP31
Project No:	2024
Revision:	01
Date:	19/03/2024
Project:	Proposed Apartment Development
Address:	175/176 Albert Street St Marks VIC 3008
Client:	Condo 180
<p>Notes:</p> <p>1. This diagram shows the shadows cast by the proposed development at 9am on the 21st of March 2024. The shadows are cast onto the surrounding site and are shown in orange. The existing shadows are shown in grey.</p> <p>2. The diagram is based on a site plan of the proposed development and is not intended to be used as a basis for any other purpose.</p> <p>3. The diagram is subject to the accuracy of the site plan and the proposed development.</p> <p>4. The diagram is not a guarantee of any kind and is not intended to be used as a basis for any other purpose.</p>	

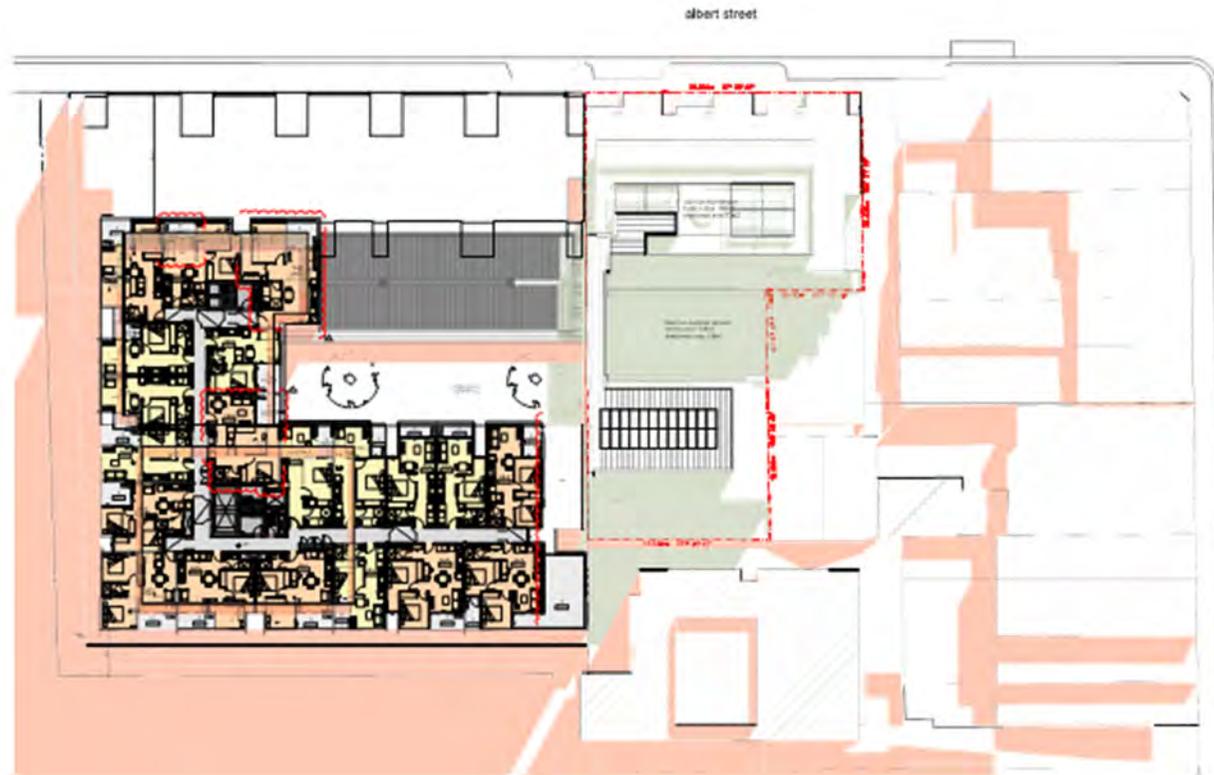
175/176 Albert Street  
 St Marks VIC 3008  
 www.jam.com.au  
**JAM**



10am shadow diagram  
scale 1:200  
www.jmw.com.au  
- existing shadows  
- proposed shadows

<b>JMW</b>	
Town Planning	
Doc Title	Shadow Diagrams
Doc No	TP 32
Project No	2024
Revision	01
Date	23/03/2024
Project	Proposed Apartment Development
Address	17/18/19 Albert Street St Marks VIC 3008
Client	Circle K
Notes	<p>1. This diagram is a representation of the shadows cast by the proposed development at 10am on the 21st of March 2024. It is not intended to be used as a basis for any other purpose.</p> <p>2. The diagram is based on the information provided in the planning application and is subject to change if the information provided is incorrect or incomplete.</p> <p>3. The diagram is not a guarantee of the accuracy of the information provided and is not intended to be used as a basis for any other purpose.</p>

17/18/19 Albert Street St Marks VIC 3008  
**JMW**

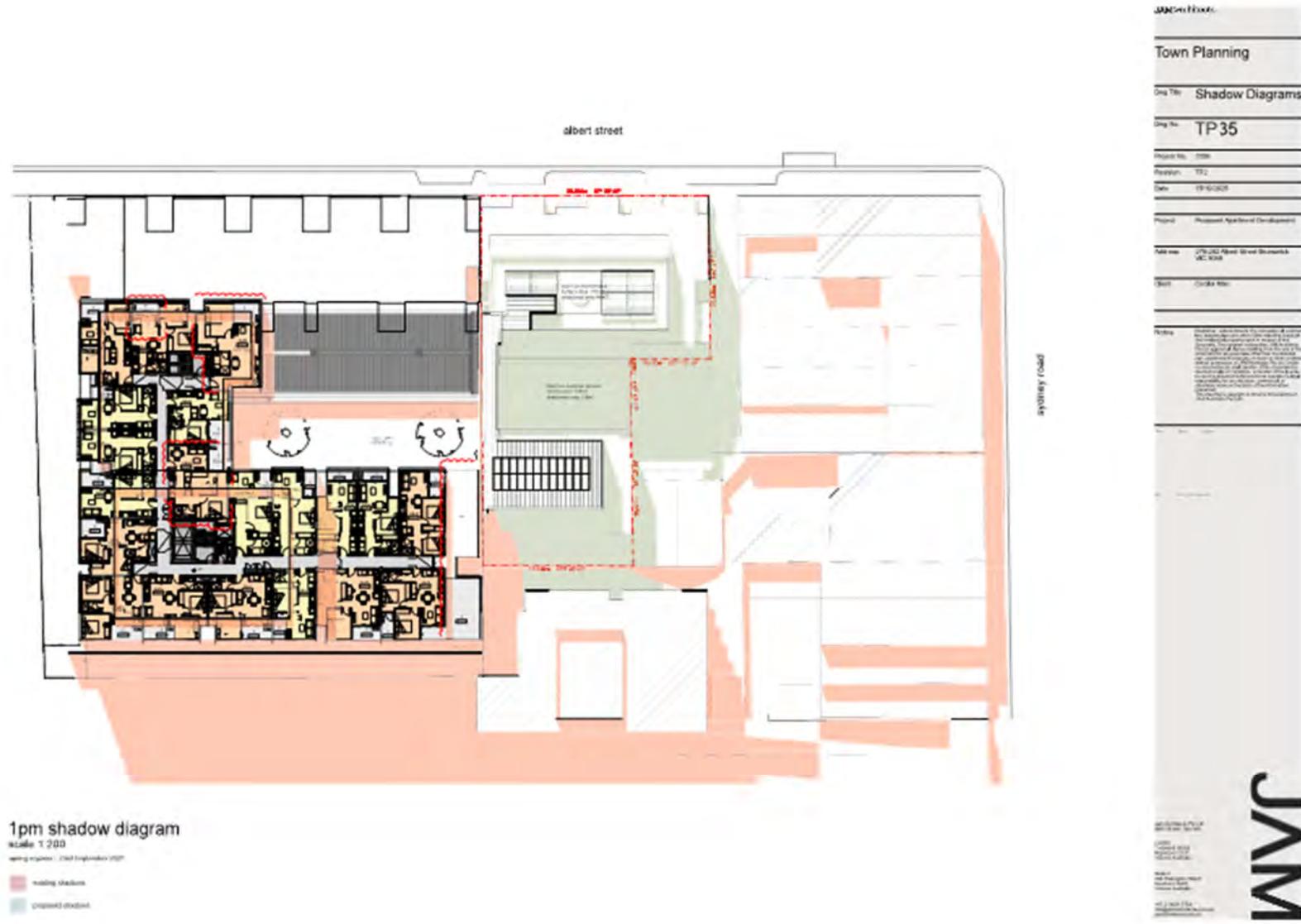


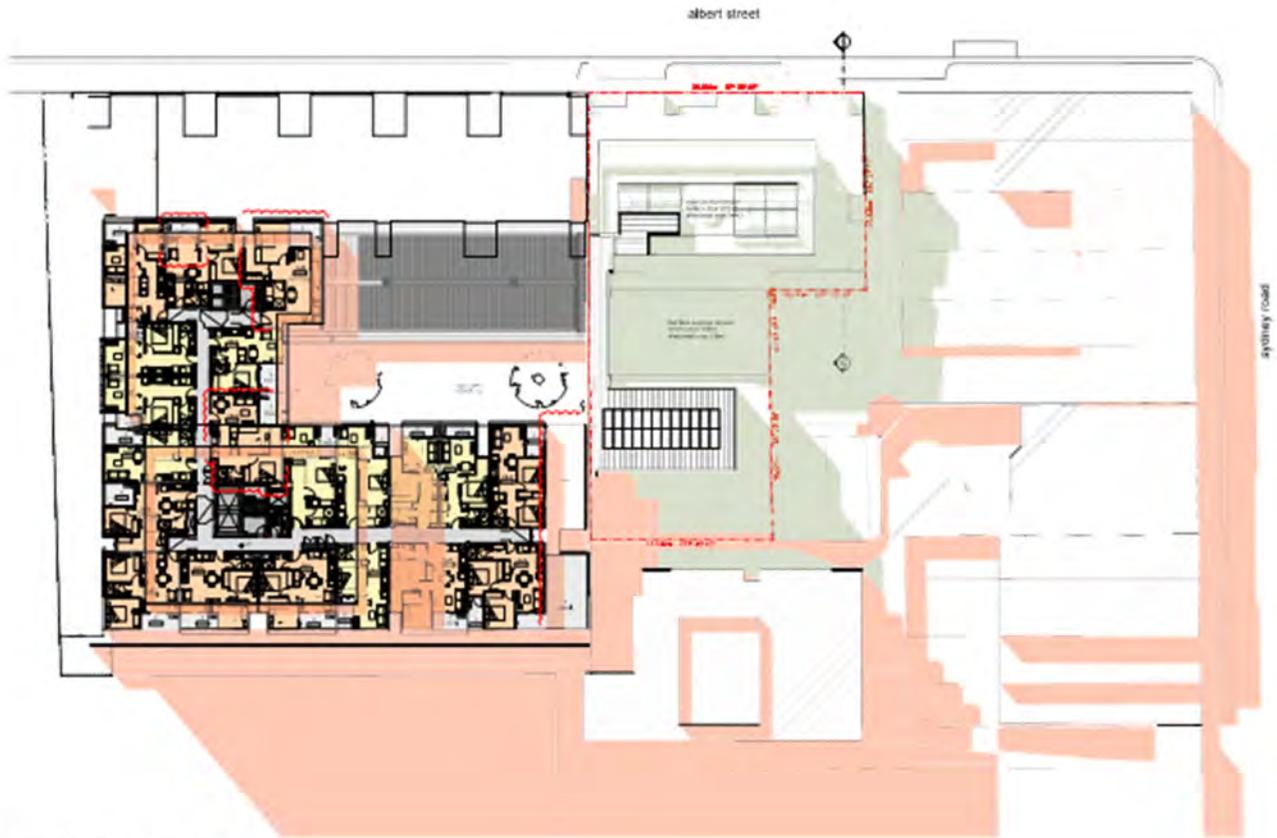
11am shadow diagram  
 scale 1:200  
 www.jam.com.au  
 ■ existing shadows  
 ■ proposed shadows

<b>JAM</b>	
Town Planning	
Doc Title:	Shadow Diagrams
Doc No:	TP33
Project No:	2024
Revision:	01
Date:	23/03/2024
Project:	Residential Apartment Development
Address:	17/18/19 Albert Street St Marks VIC 3008
Client:	Clarke Hill
<p>Notes:</p> <p>1. This diagram shows the shadows cast by the proposed development at 11am on the 23rd of March 2024. The shadows are shown in orange.</p> <p>2. The diagram is based on the proposed development as shown in the attached plans.</p> <p>3. The diagram is for information only and does not constitute a guarantee of accuracy.</p> <p>4. The diagram is subject to the accuracy of the data provided to JAM.</p> <p>5. The diagram is not to be used for any other purpose without the written consent of JAM.</p>	

17/18/19 Albert Street  
 St Marks VIC 3008  
 www.jam.com.au  
**JAM**







2pm shadow diagram  
scale 1:200  
www.jam.com.au  
existing shadows  
proposed shadows

JAM on Floor

Town Planning

Doc Title: Shadow Diagrams

Doc No: TP 36

Project No: 2024

Revision: 01

Date: 09-03-2024

Project: Proposed Apartment Development

Address: 175/181 Albert Street St Marks VIC 3008

Client: JAM

Author: JAM

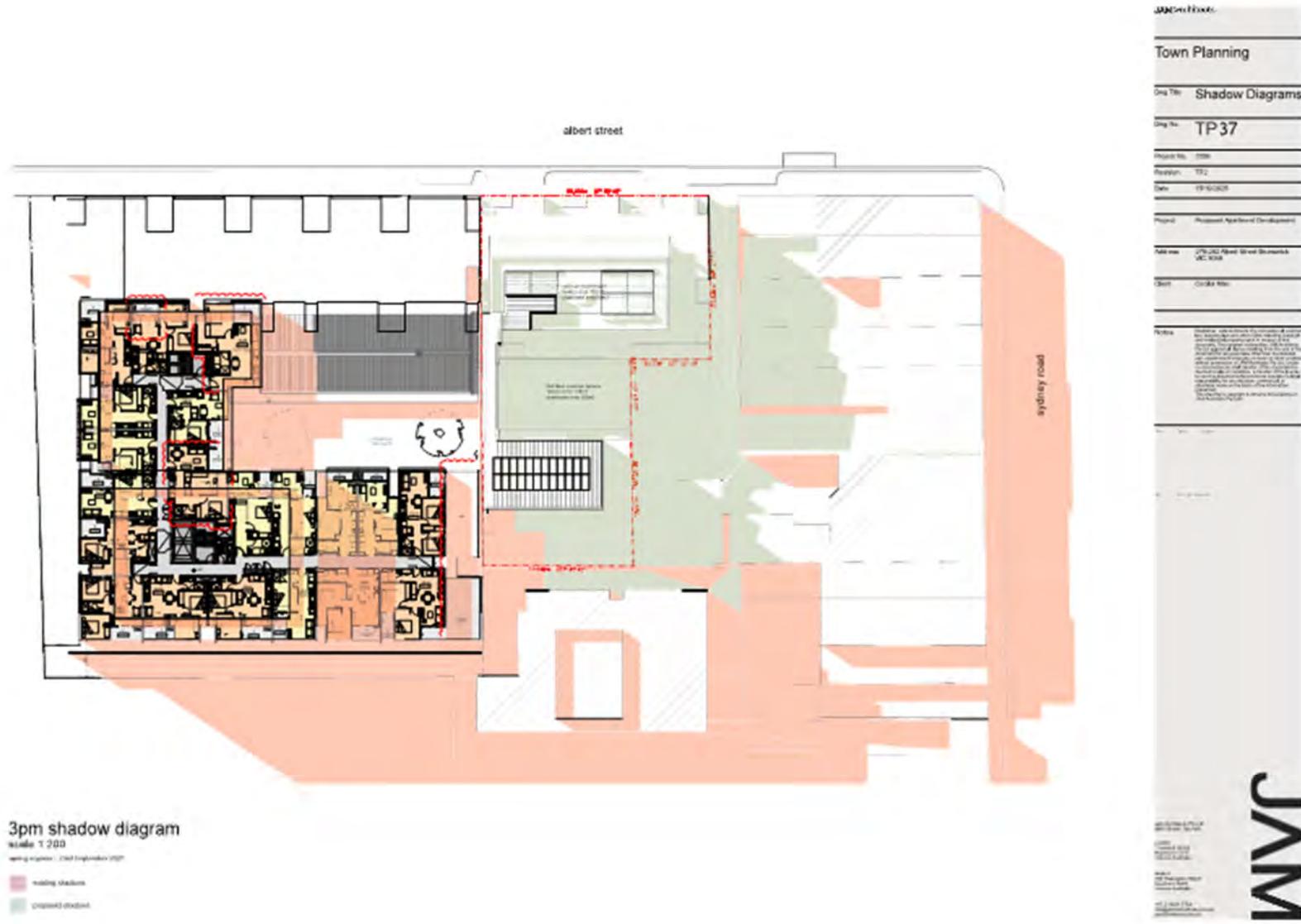
Check: JAM

Drawn: JAM

Scale: 1:200

Sheet: 1 of 1

JAM



DEVELOPMENT SCHEDULE				JAMRCHITECTS®														
278-282 Albert Street, Brunswick																		
Project No: 2020																		
Date: 04-13-2022																		
Revision: 0001																		
Level	Columns	Concrete/Concrete Area (sqm)	Rebar Area (sqm)	Concrete Area (sqm)	Rebar (kg)										Rebar/col	Cross Section Area	Concrete Volume (m³)	Estimated Storage (m³)
					100# + 120# + 140#	160# + 180#	200# + 220#	250# + 280#	300# + 320#	350# + 380#	400# + 420#	450# + 480#	500# + 520#	550# + 580#				
Basement	17	405																
Ground Floor	17	748	127															
Level 1		288		100														
Apr 101				4.7										Yes	Rx	12	0	
Apr 102				4.7										Yes	Rx	12	0	
Apr 103				4.7										Yes	Rx	12	0	
Apr 104				29										No	Yes	19.5	0	
Apr 105				26										No	Yes	12	0	
Apr 106				18										Yes	Yes	12	0	
Apr 107				20										No	Yes	10.5	0	
Level 2		288		100														
Apr 201				4.7										Yes	Rx	12	0	
Apr 202				4.7										Yes	Rx	12	0	
Apr 203				4.7										Yes	Rx	12	0	
Apr 204				4.4										No	Yes	19.5	0	
Apr 205				4.8										No	Yes	12	0	
Apr 206				10.0										Yes	Yes	17	0	
Apr 207				13.1										No	Yes	10.5	0	
Level 3		288		100														
Apr 301				4.7										Yes	Rx	12	0	
Apr 302				4.7										Yes	Rx	12	0	
Apr 303				4.7										Yes	Rx	12	0	
Apr 304				4.1										No	Yes	19.5	0	
Apr 305				4.8										No	Yes	12	0	
Apr 306				10.0										Yes	Yes	17	0	
Apr 307				13.1										No	Yes	10.5	0	
Level 4		144		50														
Apr 401				4.7										Yes	Rx	12	0	
Apr 402				4.7										Yes	Rx	12	0	
Apr 403				4.7										Yes	Rx	12	0	
Apr 404				4.3										No	Yes	19.5	0	
Apr 405				4.4										No	Yes	12	0	
Apr 406				10.0										Yes	Yes	17	0	
Apr 407				13.1										No	Yes	10.5	0	
Level 5		144		50														
Apr 501				4.7										Yes	Rx	12	0	
Apr 502				4.7										Yes	Rx	12	0	
Apr 503				4.7										Yes	Rx	12	0	
Apr 504				4.4										No	Yes	19.5	0	
Apr 505				4.8										No	Yes	12	0	
Apr 506				10.0										Yes	Yes	17	0	
Apr 507				13.1										No	Yes	10.5	0	
Level 6		48		15														
Apr 601				26										No	Yes	11	0	
Apr 602				26										No	Yes	14	0	
Apr 603				23										Yes	Yes	17	0	
Level 7		48		15														
Apr 701				26										No	Yes	11	0	
Apr 702				26										No	Yes	14	0	
Apr 703				23										Yes	Yes	17	0	
Level 8		36		10														
Apr 801				10										No	Yes	11	0	
Apr 802				10										No	Yes	14	0	
Apr 803				21										Yes	Yes	17	0	
Level 9		36		10														
Apr 901				10										No	Yes	11	0	
Apr 902				10										No	Yes	14	0	
Apr 903				21										Yes	Yes	17	0	
Totals	14	2013	127	400.1	1008	0	0	22	1	0	0	0	0	41	100%	104	270	

JAMRCHITECTS®

Town Planning

Doc No: Development Summary

Proj No: TP 38

Project: (Project Name)

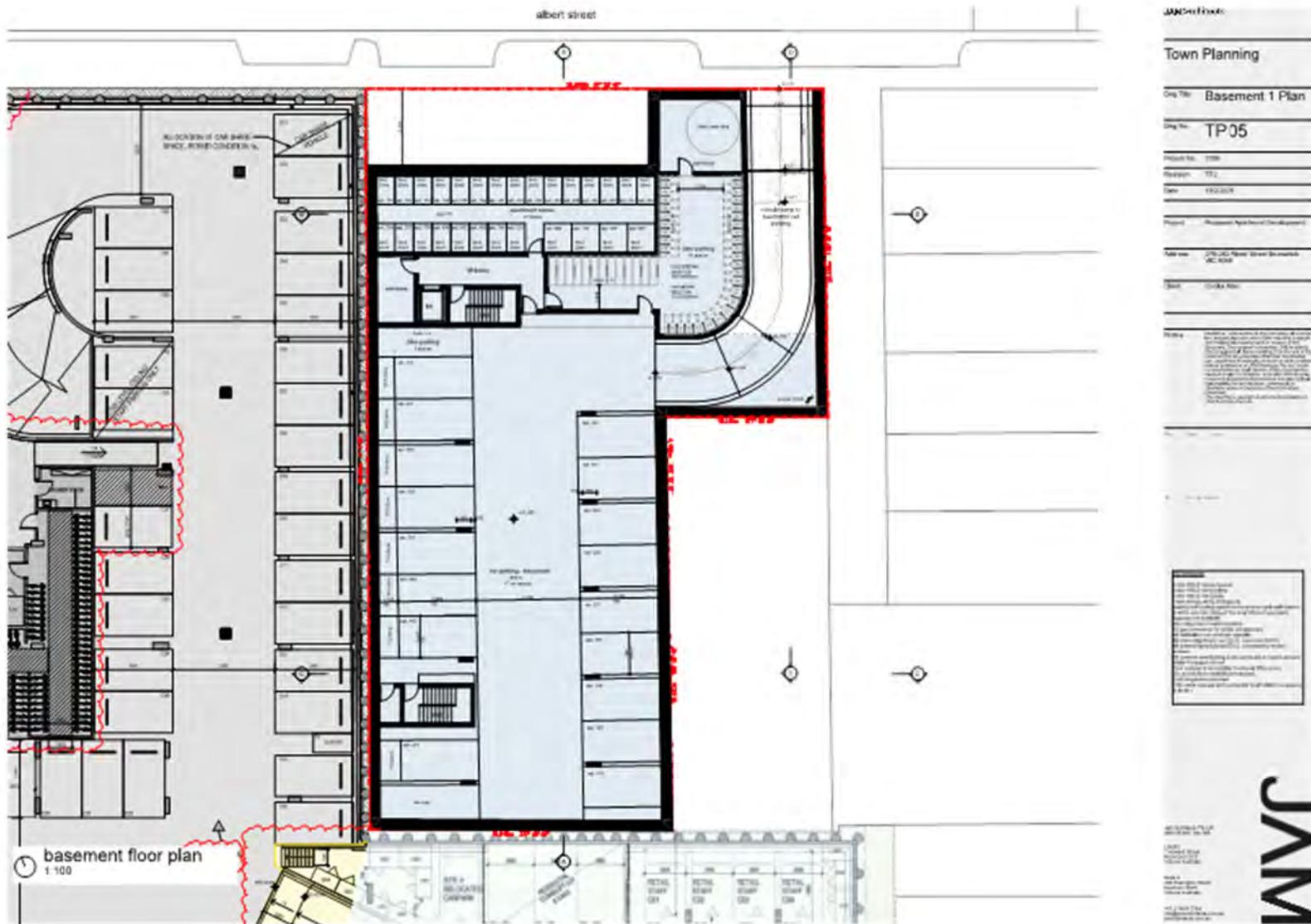
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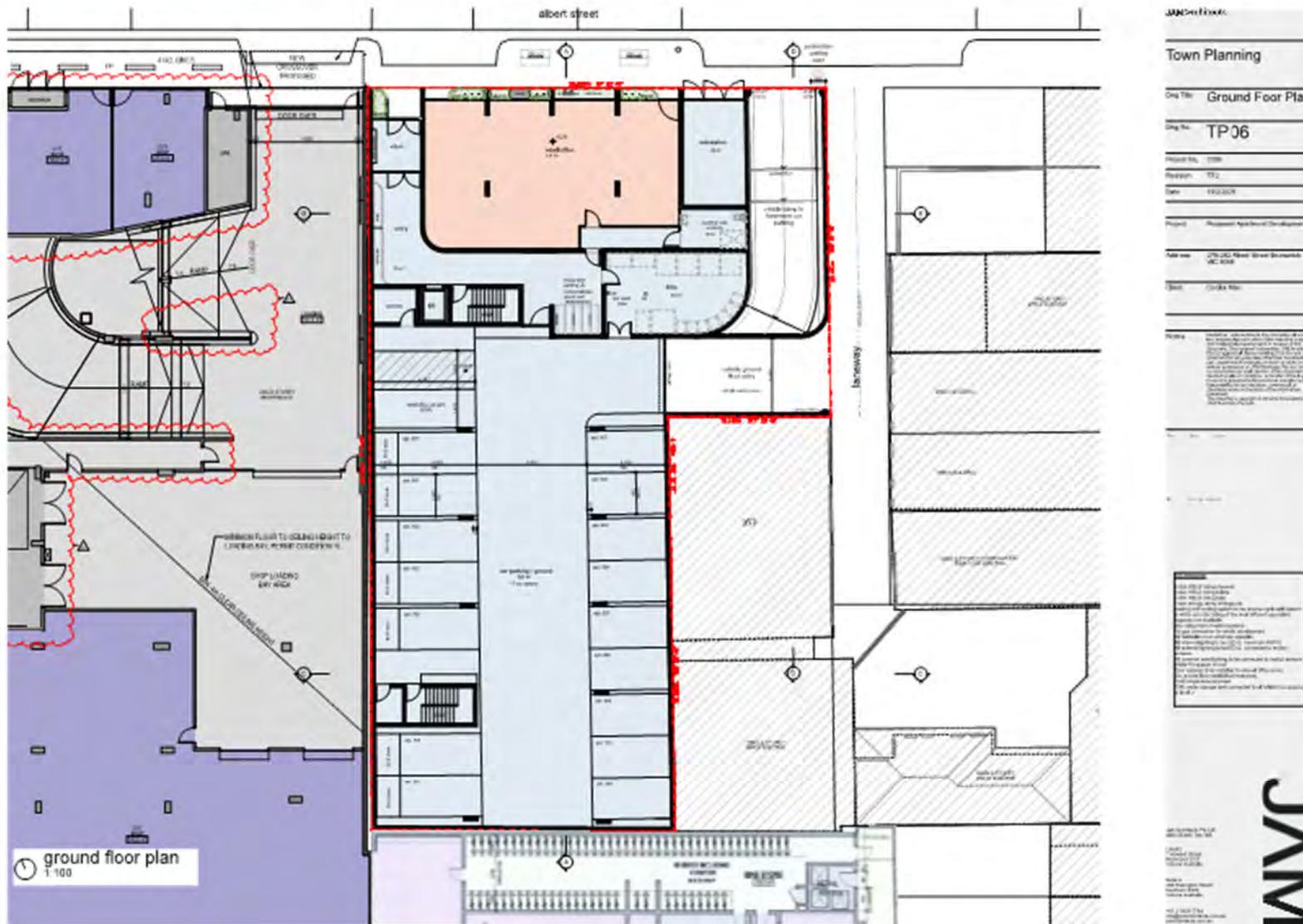
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Scale: (Scale)

Notes:

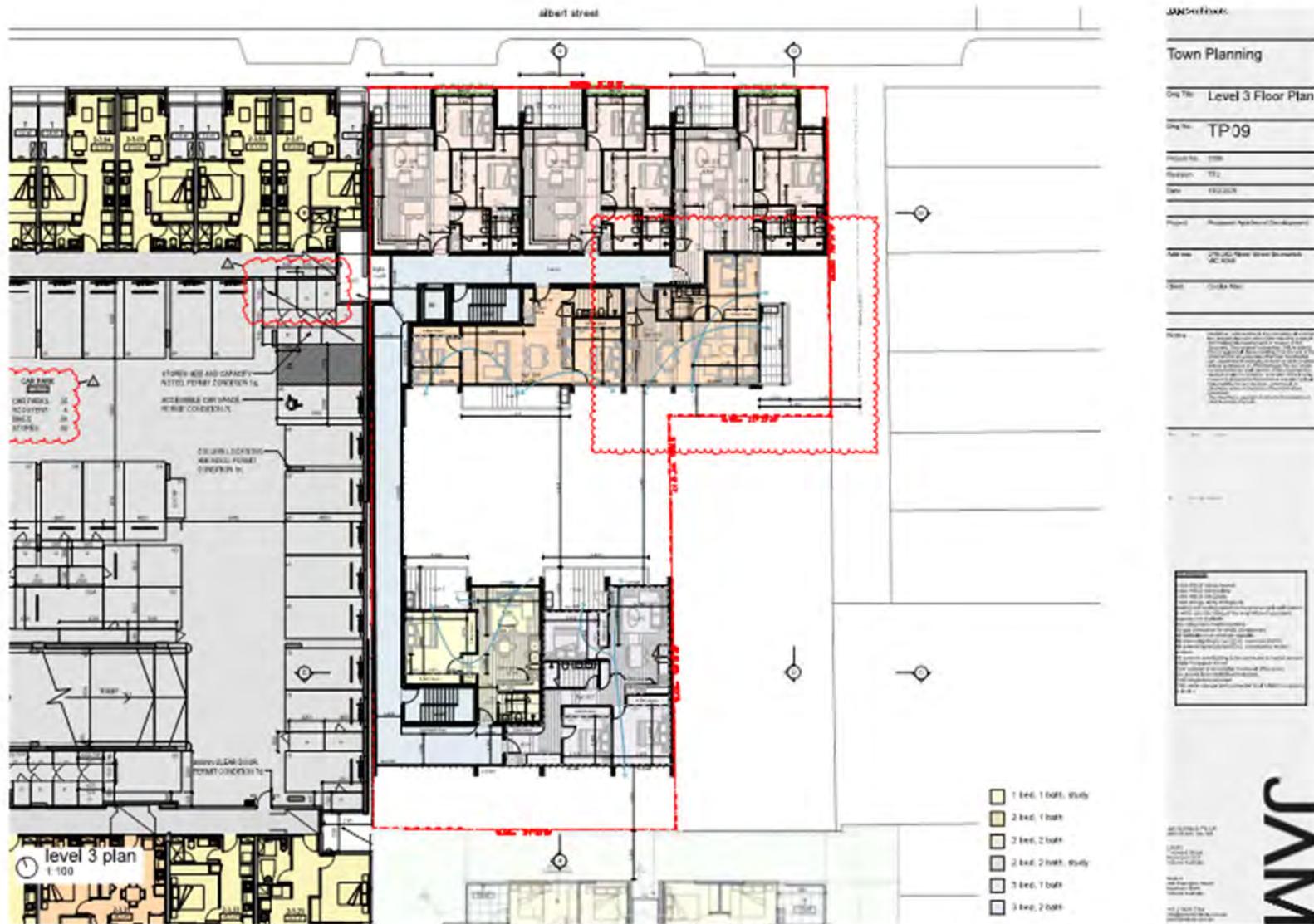
JAMRCHITECTS®

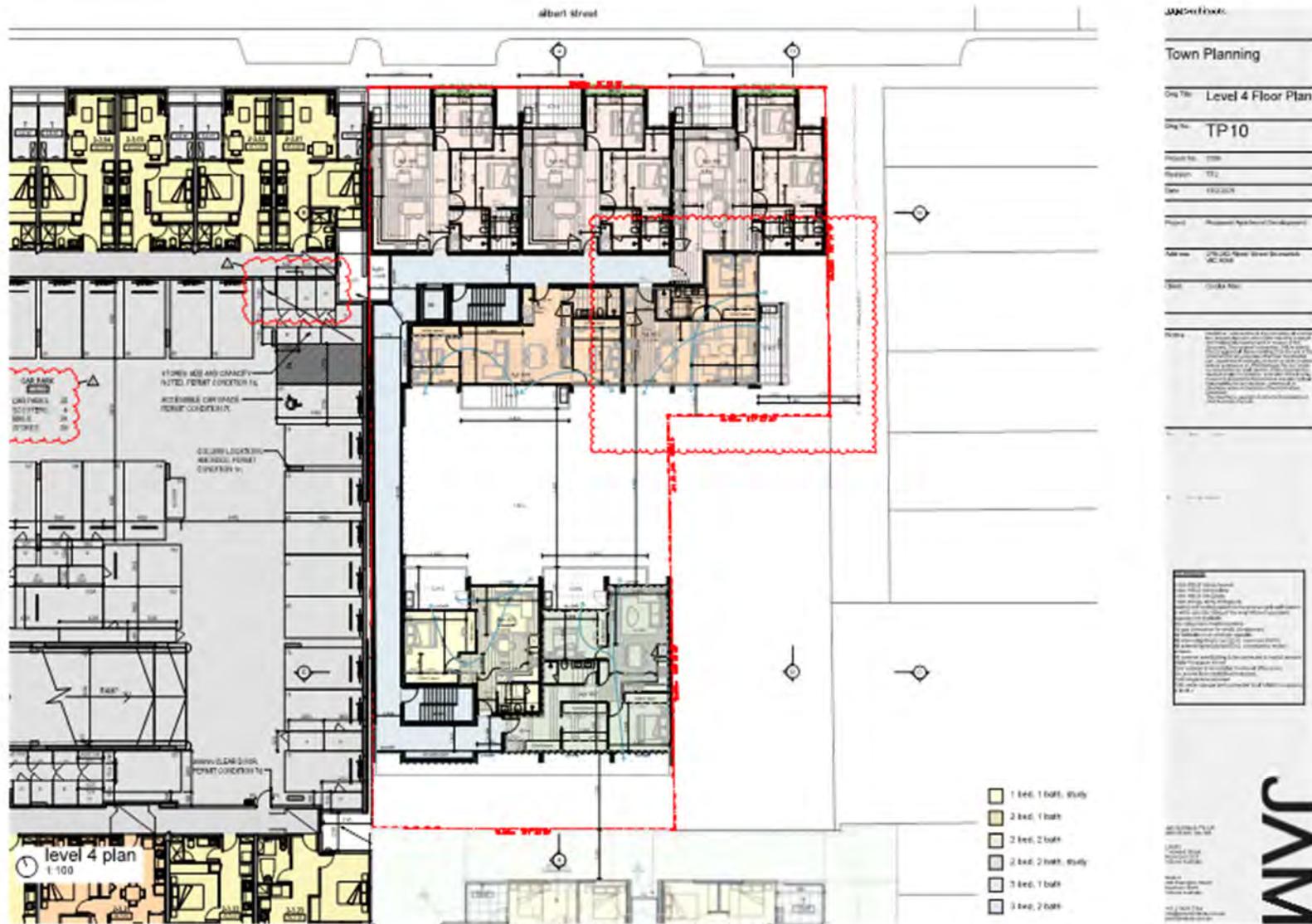


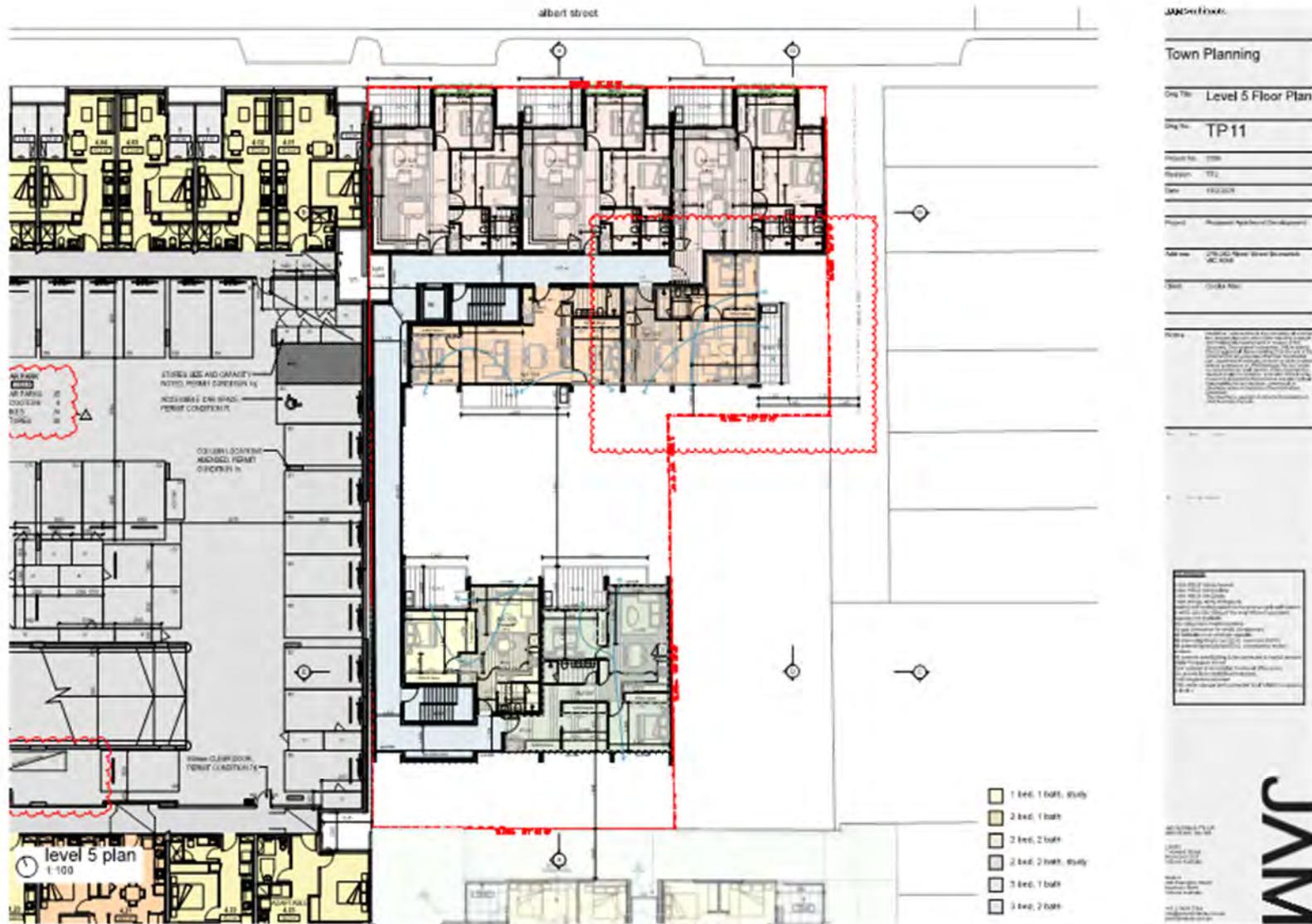




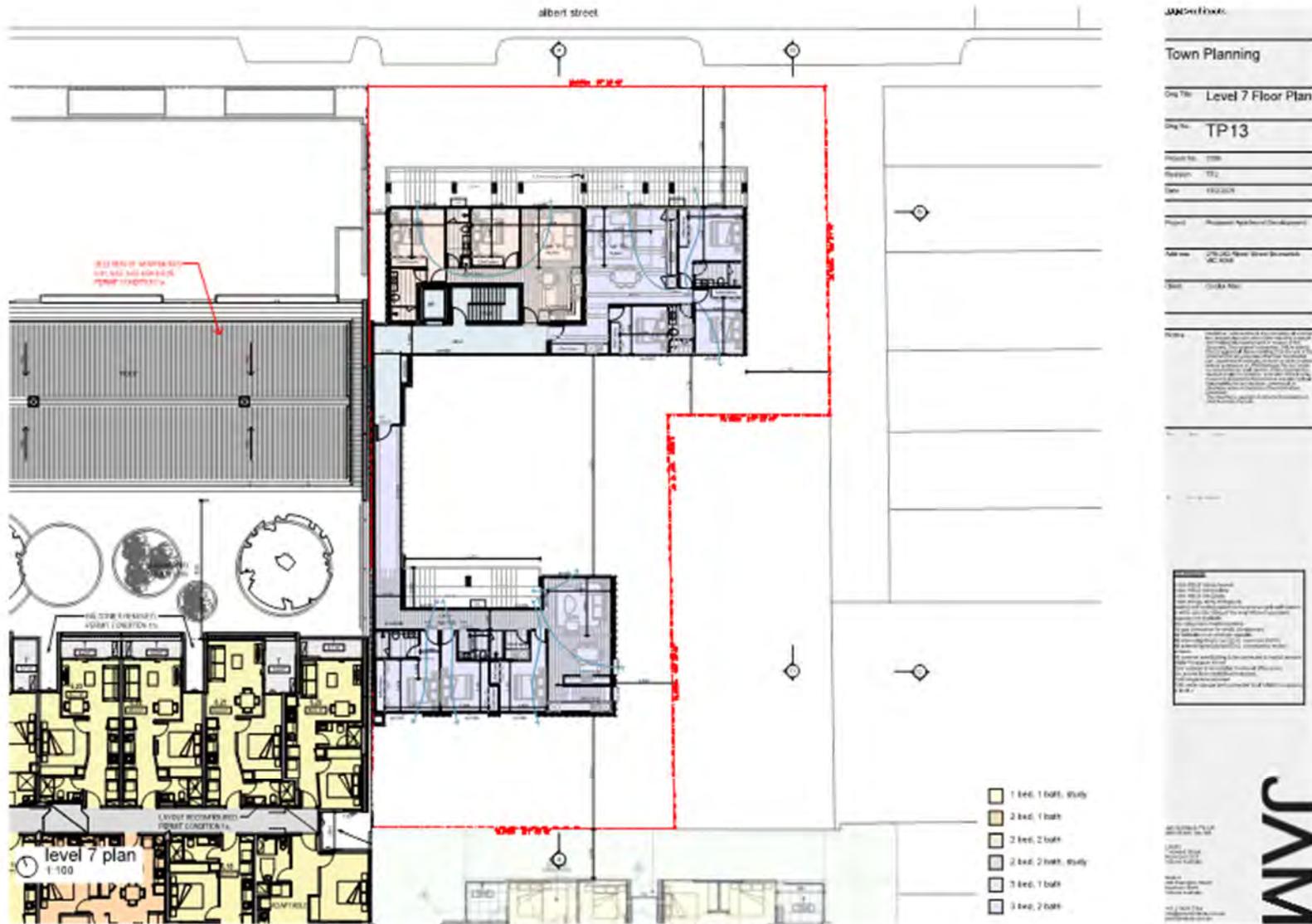


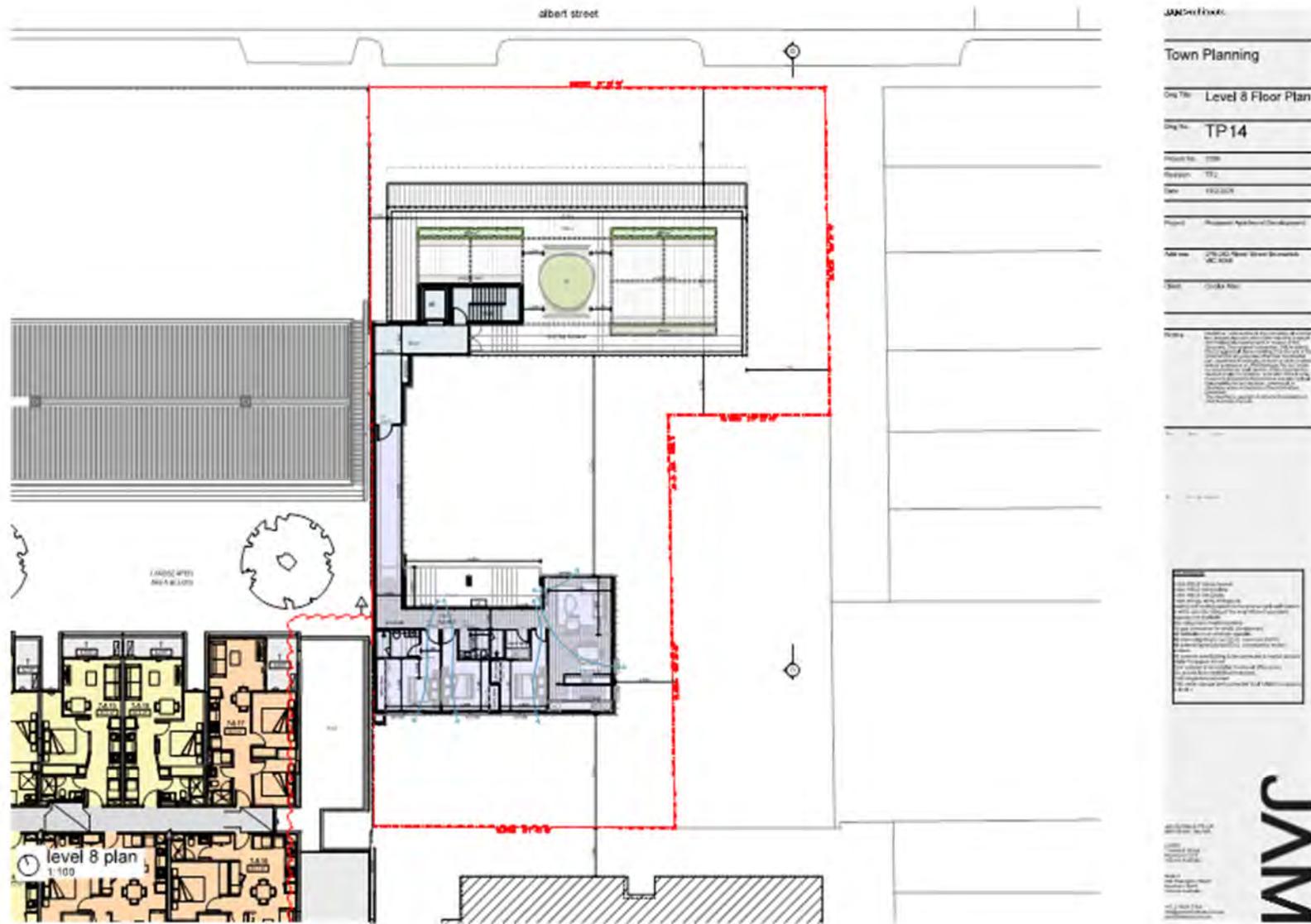


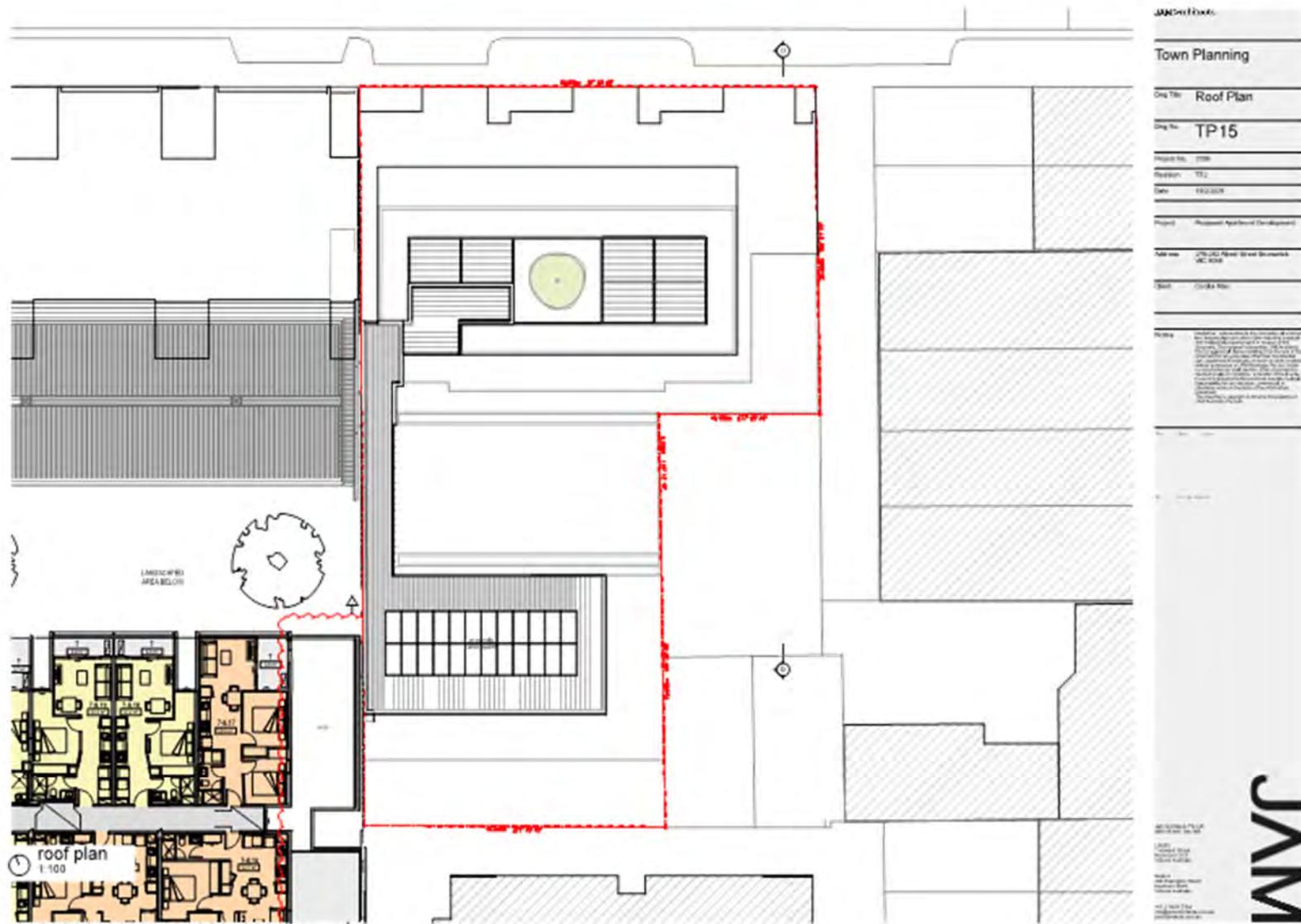






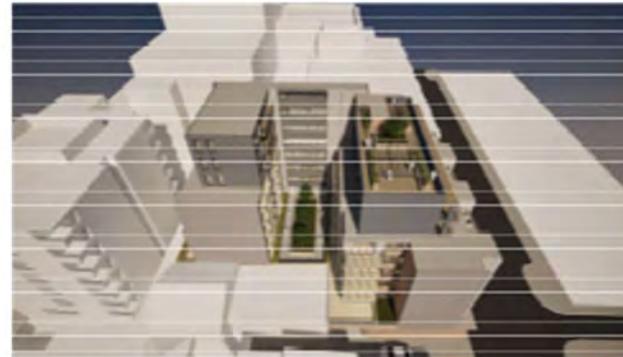








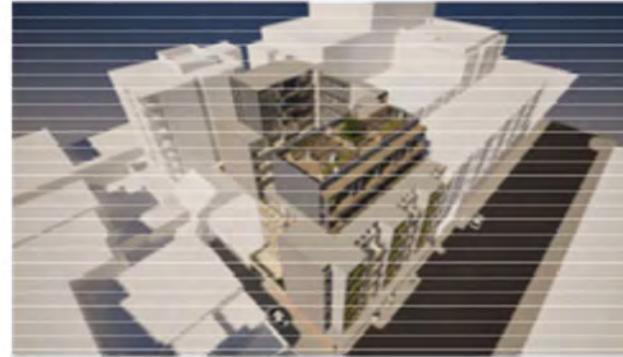
view of increased setbacks to laneway apartments



view of increased setbacks to laneway apartments



view of increased setbacks to laneway apartments



view of increased setbacks to laneway apartments

**JMW**

Town Planning

Draw Title: **Perspective Views of Changes**

Draw No: **TP 39**

Project No: 2239

Revision: 02

Date: 03/2024

Project: Proposed Apartment Development

Address: 175-182 Albert Street Stumeria VIC 3008

Client: Corbin Hill

Notes:

1. This drawing is a perspective view of the proposed development. It is not a site plan or a floor plan. It is intended to provide a visual representation of the proposed development and its impact on the surrounding environment.

2. The proposed development is a multi-story apartment building with a courtyard. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

3. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

4. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

5. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

6. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

7. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

8. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

9. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

10. The setbacks have been increased to provide more space around the building and to improve the overall appearance of the development.

**JMW**

## 5.5 74 DEVON ROAD, PASCOE VALE - PLANNING PERMIT APPLICATION - MPS/2025/528

Director Place and Environment, Pene Winslade

City Development

### Executive Summary



<b>Property:</b>	74 Devon Road, PASCOE VALE
<b>Proposal:</b>	Use of land for a childcare centre, construction of buildings and works, construct and display business identification signage and to remove canopy trees in the General Residential Zone
<b>Zoning and Overlay/s:</b>	<ul style="list-style-type: none"> <li>General Residential Zone – Schedule 1 (GRZ1)</li> <li>Development Contributions Plan Overlay (DCPO)</li> </ul>
<b>Strategic setting:</b>	<div style="display: flex; justify-content: space-around; background-color: #f0f0f0; padding: 5px;"> <span>Minimal change</span> <span style="background-color: #00AEEF; color: white; padding: 2px 5px;">Incremental change</span> <span>Significant change</span> </div>
<b>Objections:</b>	<ul style="list-style-type: none"> <li>10 Objections</li> <li>Key issues:               <ul style="list-style-type: none"> <li>Traffic</li> <li>Location in a residential area</li> <li>Amenity impacts including noise</li> </ul> </li> </ul>
<b>Planning Information and Discussion (PID) Meeting:</b>	<ul style="list-style-type: none"> <li>Date held: 5 February 2026</li> <li>Attendees: 1 objector, the applicant, 2 Council officers, and Cr Katherine Theodosis</li> <li>The following agreements were reached after the PID meeting:               <ul style="list-style-type: none"> <li>Update arborist report to reflect adjacent vegetation.</li> <li>Install a sign to restrict right turns out of the site onto Devon Road.</li> <li>Provide a traffic management plan to ensure safe vehicle access to the site.</li> </ul> </li> </ul>
<b>ESD:</b>	<ul style="list-style-type: none"> <li>Blue Factor report with 100 per cent score, demonstrating best practice has been achieved.</li> <li>15kW solar panel system.</li> <li>15,000-litre rainwater tank for toilet flushing.</li> </ul>
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>The childcare centre will help meet local needs, close to homes and in an area with good road and public transport access.</li> <li>More car parking provided than required by planning scheme.</li> <li>Conditions for vehicles to safely enter/exit onto Devon Rd.</li> <li>Impacts on neighbours are managed through the use of acoustic fencing and the daytime operating hours.</li> <li>Building, siting, size and materials suit the street.</li> </ul>

<b>Recommendation:</b>	A Notice of Decision to Grant a Planning Permit be issued for the proposal.
------------------------	---

## Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/528 be issued for the land at 74 Devon Road, PASCOE VALE.

### The Permit would allow:

Use of land for a childcare centre, construction of buildings and works, construct and display business identification signage and remove canopy trees.

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-2	Use land for a section 2 use (childcare centre)
Clause 32.09-10	Construct a building or construct or carry out works for a use in Section 2
Clause 52.05	Construction and display of signs (business identification)
Clause 52.37	Removal of canopy trees

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

#### Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans by Point Architects dated 18 September 2025 and advertised on 10 November 2025 but modified to show:
  - a) A sign at the vehicle exit of the site showing no right turn out of the site.
  - b) Each bicycle parking space a minimum 0.8 metre width and 3 metres length, with each space accessed from a 1.5 metres width access aisle
  - c) A Landscape Plan in accordance with Condition 5 of this permit.
  - d) A Sustainable Management Plan in accordance with Condition 8 of this permit.
  - e) A Public Works Plan in accordance with Condition 12 of this permit.
  - f) A Traffic Management Plan in accordance with Condition 15 of this permit.

#### Compliance with Endorsed Plans

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

#### Use

3. The use allowed by this permit must operate only between Monday to Friday 7:00 a.m. to 6:00 p.m.
4. At any time no more than 100 children may be present on the land.

#### Landscaping

5. Concurrent with the submission of plans for endorsement under Condition 1, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Memla Pty Ltd dated 20 June 2025 and advertised on 10 November 2025 but amended to show:

- a) A root barrier must be installed around the entire garden bed that contains the Himalayan weeping bamboo to prevent the roots from spreading;
- b) The location of the raingarden, consistent with the approved Sustainability Management Plan;
- c) A detailed section of the raingarden, consistent with the approved Blue Factor report (including the raingarden details input into Blue Factor);
- d) Planting species and density as per Merri-bek City Council or Melbourne Water raingarden planting guidelines;
- e) The gross pollutant trap located on the private land prior to connection to the Council Legal Point of Discharge stormwater system; and
- f) Any changes required by conditions of this permit.

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

- 6. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
- 7. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

#### **Sustainable Management Plan**

- 8. Concurrent with the submission of plans for endorsement under Condition 1, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by Melbourne Sustainability Consultants dated 13 October 2025 but modified to include the following changes:
  - a) The stormwater management response amended to include:
    - i. A full copy of the published Blue Factor report including the inputs and results.
    - ii. The inclusion of a gross pollutant trap located on the private land prior to connection to the Council Legal Point of Discharge stormwater system. This must be shown within the SMP, stormwater catchment plans and plans required by Condition 1 of this permit.
    - iii. A filter mesh or another treatment located at the raingarden downpipe inlet (to help reduce sediment and solids entering the raingarden from its trafficable catchment).
    - iv. An amended maintenance plan to include the raingarden treatment and gross pollutant trap.
    - v. An amended raingarden section detail consistent with the approved Blue Factor report, including the extended detention depth and submerged zone depth.

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

When submitted and approved to the satisfaction of the Responsible Authority, the amended SDA 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.

9. Prior to the issue of a Statement of Compliance or Certificate(s) of Occupancy whichever occurs first, all works must be undertaken in accordance with the endorsed Sustainability Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority

#### **Waste Management Plan**

10. The Waste Management Plan by Studio Way Pty Ltd and dated 17 October 2025 will be endorsed and form part of this permit.

No alterations to the Waste Management Plan may occur without the written consent of the Responsible Authority.

11. 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.

#### **Public Works Plan**

12. Concurrent with the submission of plans for endorsement under Condition 1, a Public Works Plan and associated construction drawing specifications detailing the works to the Road Reserve along the length of the site frontage to Devon Road must be submitted to the satisfaction of the Responsible Authority. The Plan must be in accordance with the Merri-bek City Council Technical Notes October 2022, or any updated version, and include:

- a) A feature survey of the footpaths and roads.
- b) Any proposed pedestrian paths, ramps and retaining walls.
- c) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
- d) Any vehicle crossing that is no longer used must be removed, and the kerb, channel and footpath must be restored. Any necessary drainage works.
- e) The bus stop relocation works.
- f) Any other works to the public land adjacent to the development.

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

13. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

#### **Tree Protection Management Plan**

14. The Tree Protection Specifications within the Arboricultural Impact Assessment prepared by Stephen Williams and dated 11 December 2025 will be endorsed and form part of this permit. The recommendations of the endorsed Arboricultural Impact Assessment report must be implemented to the satisfaction of the Responsible Authority.

## **Traffic Management Plan**

15. Concurrent with the submission of plans for endorsement under Condition 1, a Traffic Management Plan must be submitted to the satisfaction of the Responsible Authority. The Plan must be in accordance with the plans by Point Architects dated 18 September 2025 and advertised on 10 November 2025, and include:
  - a) the means by which the on-site car parking and bicycle parking spaces will be allocated and managed;
  - b) the location of all areas on-and/or off-site to be used for staff and patron parking;
  - c) the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site;
  - d) measures to discourage right turns out of the site;
  - e) the location of 'no right turn' signage;
  - f) measures to discourage patron car parking on the street;
  - g) measures to preclude staff parking in designated patron car parking areas; and
  - h) staffing and other measures to ensure the orderly departure and arrival of carers picking up and dropping off children especially during peak hours.
16. The Traffic 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.

## **Noise**

17. The Acoustic Report prepared by Enfield Acoustics dated 14 October 2025 will be endorsed and form part of this permit. The provisions, recommendations and requirements of the Acoustic Report must remain implemented and complied with unless with the further written approval of the Responsible Authority.
18. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.
19. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.
20. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

## **Boundary Walls**

21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

## **Site services**

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

23. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).
24. Lighting on each terrace and outdoor play area must be designed to not emit light direct onto adjoining property to the satisfaction of the Responsible Authority.
25. Before the occupation of the development, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
26. Any proposed pedestrian ramps providing access to the development must ensure that the public footpath and road reserve level remains as constructed by the Responsible Road Authority.

### **Vehicle Crossings and car parking**

27. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance whichever comes first, a vehicle crossing must be constructed in every location shown on the endorsed plans to a standard satisfactory to the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
28. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
29. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
  - a) Be completed prior to issue of an Occupancy Permit or issue of a Statement of Compliance, whichever occurs first.
  - b) Be maintained.
  - c) Be properly formed to such levels that it can be used according to the endorsed plan.
  - d) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
  - e) Not be used for any other purpose other than the parking of vehicles.
  - f) Be numbered to facilitate management of the car park.

### **Transport for Victoria – Bus Stop**

30. Before the commencement of the access works on Devon Road, the bus stop and any associated infrastructure must be relocated to the west of the existing bus stop on Devon Road at no cost to and to the satisfaction of the Head, Transport for Victoria and compliant with the Disability Discrimination Act 1992 and the Disability Standards for Accessible Public Transport 2002.

### **Advertising Signs**

31. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.
32. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
33. The signage approved by this permit must not be animated or contain any flashing or intermittent lights.

34. No part of the signage approved by this permit must be internally or externally illuminated.
35. Should the use cease any unnecessary signage approved by this permit including supports, fixing and wiring, on the land must be removed and the building surface made good to the satisfaction of the Responsible Authority.

### **Permit Expiry**

36. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within three (3) years from the date of issue of this permit;
  - b) the signage is not erected and displayed within three (3) years from the date of issue of this permit;
  - c) the development is not completed within five (5) years from the date of issue of this permit;
  - d) the use is not commenced within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or;

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

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

**Note 1:** It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Building and Plumbing Commission, Phone 1300 067 088 or [www.bpc.vic.gov.au/](http://www.bpc.vic.gov.au/). Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

**Note 2:** Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information [here](#).

**Note 3:** The planting of street trees will only occur between April and September each year. Developers must ensure that all their tree-related civil work components are completed prior to 30 March and provide Council with at least 8 months' notice to ensure Council can secure high quality tree stock for their development. To facilitate this, the developer is to request an invoice for the tree planting works 8 months prior to the scheduled completion date of the public realm works associated with the development.

**Note 4:** Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

## **1. Background**

### **Subject site**

The site is located on the north side of Devon Road in Pascoe Vale. The site has a frontage to Devon Road of 22.86 metres and a maximum depth of 54.67 metres. The site has an overall area of approximately 1,151 square metres.

The land is on a slope that increases from Devon Road towards the rear. A large mature tree is located in the front setback.

The site currently contains a single-storey brick house with a tiled hipped roof. There is a single width vehicle crossover on Devon Road which is shared with its neighbour at 72 Devon Road.

There are no restrictive covenants or easements indicated on the Certificate of Title.

### **Surrounds**

The site is within a mostly established residential area with a mix of housing including single and double storey homes and newer multi-unit developments up to three storeys. Typical building materials include the use of brick, render and cladding.

There are some non-residential uses nearby including:

- Snell Grove, Oak Park Activity Neighbourhood Centre - abuts the north boundary of the site;
- Jessie Morris Community Hall– 60 metres south-east of the site;
- McDonald's Pascoe Vale convenience restaurant – 90 metres west of the site;
- Industrially zoned land –150 metres west of the site; and
- St Francis de Sales Primary School – 300 metres west of the site.

The area is well serviced by public transport including a bus stop in front of the site and Oak Park train station 450 metres from the site. The level crossing on Devon Road is located approximately 60 metres east of the site.

A location plan forms **Attachment 1**.

### **The proposal**

The proposal for the childcare centre is summarised as follows:

- A maximum of 100 children and 22 staff members.
- Operating hours of 7am to 6pm, Monday to Fridays.
- Proposed double crossover on Devon Road.
- A new three (3) storey building including:
  - Ground floor - 22 car parking spaces, and 4 bicycle parking spaces.
  - First floor - Reception, office, kitchen, laundry, 4 children's rooms and 2 outdoor play areas.
  - Second floor - Staff rooms, 2 children's rooms and an outdoor play area.
- Ramped pedestrian access and accessible features, including a lift and accessible bathrooms.
- Two business identification signs facing Devon Road that will not be illuminated.
- Front setback retains the large existing tree.

- Removal of 2 canopy trees at the back of the site.

The development plans form **Attachment 2**.

### Planning Permit and Site History

Planning Permit MPS/2023/97 was issued on 4 December 2023 for the construction of six dwellings. No plans have been endorsed and the permit has not been acted upon.

The layout of the previous proposal for residential development has some similarities to this childcare centre application. It had vehicle access along the eastern boundary, pedestrian access along the western boundary, the facade presenting as three storeys and the dwellings running continuously south to east. Planning Permit application MPS/2023/97 was advertised and received no objections.

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

Control	Permit Requirement
General Residential Zone – Schedule 1	Childcare centre is a Section 2 use in the zone, meaning that a permit is required for the use. A permit is required to construct a building or construct or carry out works.
Clause 52.05 Signs	A permit is required to display business identification signage.
Clause 52.37 Canopy trees	A permit is required to remove canopy trees in the General Residential Zone.

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

- Clause 45.06: Development Contributions Plan Overlay. The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.
- Clause 52.06: Car Parking. A minimum of 11 car parking spaces is required for a childcare centre.

## 2. Internal/External Consultation

### Public notification

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

- Sending notices to the owners and occupiers of adjoining and nearby land.
- Placing a sign on the Devon Road frontage of the site

Council has received 10 objections to date. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Traffic and cars queuing from the nearby level crossing.
- Not enough car parking.
- Location in a residential area.
- Too many childcare centres in the area.
- Noise from children.
- Impact of construction on neighbouring trees
- Omission of trees in arborist report.
- Construction impact on neighbouring retaining wall.

A Planning Information and Discussion meeting was held on 5 February 2026 and attended by Cr Katherine Theodosis, Council Planning Officers, the applicant and one objector household. The meeting provided an opportunity to explain the application, for the objector to elaborate on their concerns, and for the applicant to respond.

Following the discussions at the Planning and Information Discussion meeting, it was resolved by the applicant to:

- Update arborist report to reflect adjacent vegetation.
- Install a sign to discourage right turns out of the site onto Devon Road.
- Provide a traffic management plan to ensure safe vehicle access to the site.

#### Internal/external referrals

The proposal was referred to the following external agencies and internal branches:

External Agency	Objection/No objection
Transport for Victoria	No objection subject to conditions included in the recommendation to move the bus stop.

Internal Branch/Business Unit	Comments
Urban Design Unit	Supports the proposal. Recommended changes to increase ceiling heights, add windows to a corridor and reduce the extent of use of concrete render on external walls. These changes were made and are shown on the advertised plans. Further recommendations to widen the pedestrian ramp and for transparent screening were not included and have not been required because the ramp is wide enough for prams and wheelchairs, and solid fencing is needed to meet the acoustic recommendations.
Transport - Development Engineering	Supports the proposal. Council engineers reviewed the applicant's traffic report. The modelling shows the extra vehicle movements from the childcare centre can be managed on Devon Road. The advice noted that traffic queues that sometimes occur when the level-crossing boom gates are down will not be made worse by the development. This is because cars entering or leaving the site will use the existing traffic gaps and will not block the road. A change to show the slope of the vehicle ramp has been included, and other requirements are included as recommended permit conditions.
Sustainable Built Environment - ESD Team	Supports the proposal. Changes requested are covered in the permit conditions, addressed by the applicant or discussed in section 4 of this report.
Planning Arborist	Supports the proposal including retention of the large tree in the front setback and removal of canopy trees in the rear setback Changes requested are included in the permit conditions or discussed in section 4 of this report.

### 3. Policy Implications

#### Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
  - Settlement (Clause 2.03-1)
  - Environmental Risks and Amenity (Clause 2.03-3)
  - Built Environment and Heritage (Clause 2.03-4)
  - Economic Development (Clause 2.03-6)
  - Transport (Clause 2.03-7)
  - Infrastructure (Clause 2.03-8)
- Settlement (Clause 11.01-1S)
- Environmental Risks and Amenity (Clause 13):
  - Noise Abatement (Clause 13.05-1S and 13.05-1L)
  - Discretionary Uses in Residential Zones (Clause 13.07-1L)
- Built Environment (Clause 15.01), including:
  - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
  - Vehicle Access Design in Merri-bek (Clause 15.01-1L)
  - Building Design (Clause 15.01-2S and 15.01-2L)
  - Healthy Neighbourhoods (Clause 15.01-4S and 15.01-4R)
  - Neighbourhood Character (Clause 15.01-5S)
  - Minimal and Incremental Change Areas (Clause 15.01-5L)
  - Environmentally Sustainable Development (Clause 15.01-2L-05)
  - Energy efficiency in Merri-bek (Clause 15.01-2L-04)
- Economic Development (Clause 17), including:
  - Diversified economy (Clause 17.01-1S and 17.01-1R)
- Transport (Clause 18), including:
  - Walking (Clause 18.02-1S and 18.02-1L)
  - Cycling (Clause 18.02-2S and 18.02-2L)
  - Public Transport (Clause 18.02-3S and 18.02-3L)
  - Car parking (Clause 18.02-4S and 18.02-4L)
- Infrastructure (Clause 19.02), including:
  - Education facilities (Clause 19.02-2S)

#### Planning Scheme Amendments

##### Amendment VC277

Amendment VC277 approved on 18 December 2025, changed the car parking requirements based on proximity to public transport.

The amendment lowered the car parking requirement for this proposal from 22 spaces to 11 spaces. The applicant has chosen to keep the original 22 spaces, which means the development provides 11 more spaces than required.

## Amendment VC289

Amendment VC289 came into operation on 15 September 2025. The amendment introduces a new planning permit requirement to remove, destroy or lop some canopy trees in residential zones.

This application requires approval for the removal of 2 canopy trees which are located at the rear of the site.

### **Human Rights Consideration**

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

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 20: Property rights

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

## **4. Issues**

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

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

The proposal has been assessed against the purpose of the Zone, along with the relevant objectives of the State and Local planning policy framework and has strategic policy support.

The General Residential Zone allows for educational centres that serve local community needs in suitable locations. The Discretionary uses in Residential Zones Policy (Clause 13.07-1L) also supports childcare centres in residential areas when they are compatible with the surrounding neighbourhood.

A childcare centre in this location meets the discretionary uses local planning policy and is supported at this location for the following reasons:

- The local scale of the childcare centre, with the number of children (100) and staff (22).
- The childcare centre will serve the community, being close to housing and in a well serviced area.
- The site is located along Devon Road, which is a collector road linking neighbourhood streets to major routes. The discretionary uses policy supports locating non-residential uses on collector roads instead of local streets.
- The discretionary uses policy requires the childcare centre to have minimal impact on nearby homes. This includes avoiding significant traffic, noise, light and other disturbances. The proposal meets this requirement as:
  - it will only operate during the day
  - it is located on a collector road that can handle the extra traffic
  - it provides more car parking than required, located indoors and screened from view

- it includes an indoor drop-off and pick-up area on the site
- it includes acoustic fencing around the outdoor play areas to reduce noise.
- Landscaping in the front, rear and one side setback will help screen the development from nearby homes and the street

The policy also encourages buildings to match the size and design of nearby homes. The proposed three-storey building has a modern design that is similar in height and materials to nearby townhouses.

The site is also adjacent to a Neighbourhood Activity Centre and an area where more housing is encouraged. Because the area is growing, there is a greater need for community services such as childcare centres.

The following other non-residential uses are also located in this residential neighbourhood

- Jessie Morris Community Hall– 60 metres south-east of the site;
- McDonald's Pascoe Vale convenience restaurant – 90 metres west of the site;
- Industrially zoned land –150 metres west of the site; and
- St Francis de Sales Primary School – 300 metres west of the site.

### **Does the building design make a positive addition to the street?**

The building design fits the scale and character of the neighbourhood and aligns with the design outcomes at Clause 15.01-1L as outlined below:

#### Building height

- The building is three storeys and a height of 9.6 metres. This is similar to nearby townhouses and is below the 11 metre height limit.
- The design responds to the sloping land by providing ground-floor parking that is cut into the site, similar to basement parking.
- Due to the slope, the building will present as two storeys to the side and rear of the site.

#### Vehicle access

- The existing vehicle crossover is used to access an internal car park, reducing the visual impact of cars to the street.
- Due to the widening of the crossover, the bus stop in front of the site will need to be relocated. This is supported by the Department for Transport and Planning and included as a condition in the recommendation.

#### Materials and form

- The materials of white render, white bricks and timber-look cladding along with the flat roof form reflect local building materials and roof forms.
- The building has a modern design and commercial appearance, which will help to separate the use from houses nearby.
- The front of the building uses varied materials and glazing to create an attractive street presence.
- Large windows, a street-facing reception, staff terrace and clear pedestrian entry improve safety and activation along the street.
- Council's Urban Design officer generally supports the overall design and layout. The use of cladding is considered acceptable because it is common in childcare centre buildings and is also seen on newer townhouses nearby.

### Landscaping and outdoor areas

- The proposal has been designed around the retention of a large and high value tree (*Corymbia citrodora*) in the front setback, which is a positive outcome for the street.
- Large outdoor play areas are provided.
- Removal of canopy trees in the rear setback is supported as these trees have low value.
- Landscaping is provided at the north and east boundaries which buffers the development from residential properties.
- On the western side, landscaping is limited because of hard surface paving. In this case, when balancing the high level of compliance with other policy requirement this is accepted to a single boundary with four separate houses that are well setback from the boundary to provide good building separation, as an alternative to landscape buffers.

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

#### Operating impacts

The childcare centre will mainly operate during the day. This is suitable for a residential area and reduces impacts from noise, lighting and traffic during sensitive evening and night periods.

An Acoustic Report was submitted as part of the application. The report found that nearby homes currently experience moderate traffic noise and recommends the installation of acoustic fencing. This has been included in the proposal. Noise impacts are regulated under the Environment Protection Authority and the Environment Protection Act 2017. Permit conditions have been included in the recommendation to this effect.

#### Built form impacts

The requirements of Clause 55 (Townhouse and Low Rise Code) are not mandatory for this proposal, but it is used as a guide in informing amenity impacts of the design. The proposal meets most of the residential standards, including site coverage, permeability, height, access, overlooking and boundary walls.

If the standards were to be applied, then side setbacks, tree canopy and overshadowing would require small variations but would still meet the objectives of the residential standards for the following reasons:

- A side setback encroachment of less than 1 metre on the western elevation at the front is acceptable because it is minor in scale and would have little impact even if the standard were fully met. The encroaching portion also faces the side of the neighbouring lot, which is not considered a sensitive interface and the neighbour raised no concerns.

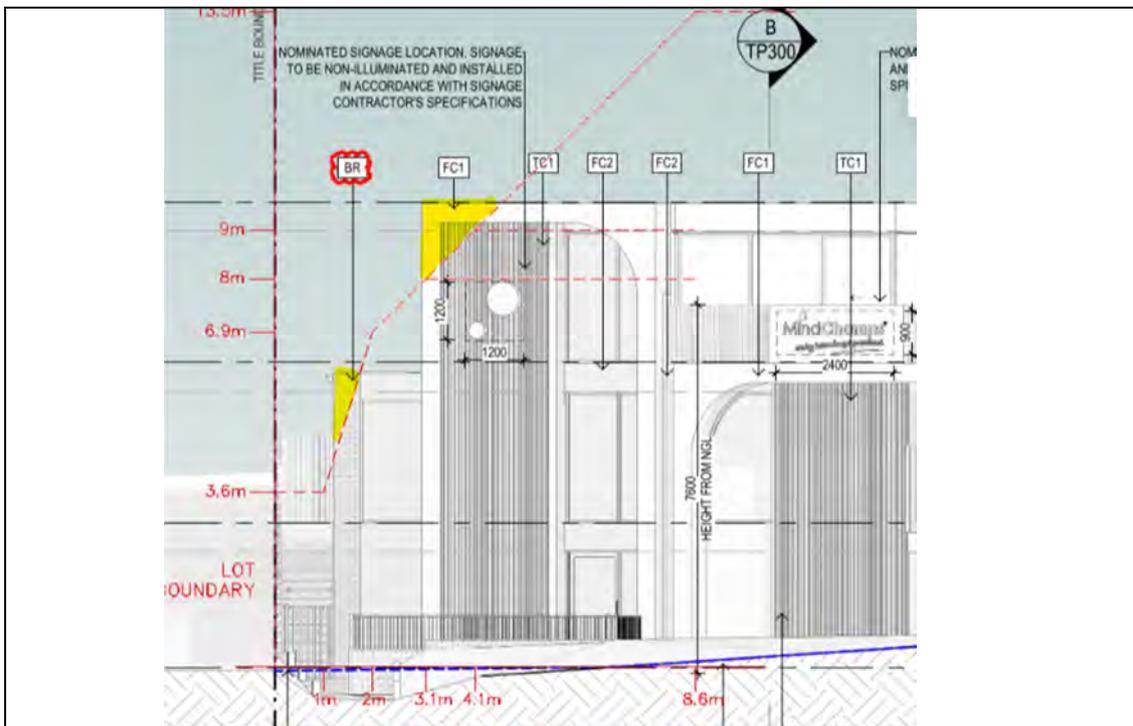


Diagram showing the front elevation with the side setback standard in red and non-compliant area in yellow

- Overshadowing of the rear yards at 142 Waterloo Road and 142A Waterloo Road occurs at 9 am, as the proposal introduces some additional shadow to these areas. From 10 am onwards the shadow conditions revert to the existing situation, so there is no loss of solar access at any other times besides 9am, which is an acceptable outcome.
- The site does not achieve the 20 per cent canopy cover requirement; however, this shortfall is acceptable because a large, high-value tree at the front of the property has been retained, providing significant existing canopy and landscape contribution. The ability to plant additional canopy trees is also constrained by the regulatory need to provide generous open outdoor play areas for the childcare centre, which limits the available space for further tree planting.

**Has adequate car and bike parking been provided?**

A minimum of 11 car parking spaces are required for the proposal (Clause 52.06).

The development provides 22 on-site spaces within the ground floor car park. The proposed development satisfies the Merri-bek Planning Scheme with respect to the provision of car parking.

While the proposal does not need to provide bike parking, it has included 4 spaces within the car park. The recommendation requires the bike spaces to be big enough for bikes carrying children.

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

Council's Development Engineers have assessed the proposal, traffic impacts and the applicants Traffic Report. The proposal will result in approximately 289 extra vehicle movements per day travelling on Devon Road which is a collector road. These additional vehicles are within the capacity of the road and are not expected to cause traffic problems.

The applicant's Traffic Engineer has undertaken traffic modelling to analyse the traffic impacts of vehicle movements turning in and out of the development from Devon Road. The modelling shows around 80 peak hour vehicle trips will be created (40 trips in and 40 trips out). The results of the modelling show the proposed development will have minimal impacts on traffic on Devon Road.

Traffic and queuing from the nearby level crossing was the main concern of objectors. While outcomes from the level crossing are not included in the traffic modelling, the applicant's Traffic Engineer has advised that when boom gates are in place, this will stop traffic allowing drivers to use 'courtesy' gaps in the queue to enter Devon Road – effectively improving access to/from the site. Queuing from closed boom gates will not be worsened by the proposal because:

- Cars turning right into the site will wait in any existing queue on Devon Road and will move forward along with the flow of traffic.
- Drivers leaving the site will be limited to turn left only. This helps reduce delays and prevents congestion at the site entrance.
- Any queuing caused by vehicles exiting the site will be contained within the car park on site. This means that vehicles waiting to leave will not block Devon Road or nearby intersections.

In terms of other options, the benefits of a left-in / left-out access to the site has been examined. Both the applicant's and Council's Development Engineers advise this will be neither effective nor appropriate because it would result in pushing traffic onto local streets unnecessarily when Devon Road is already designed to accommodate larger amounts of traffic. This would be inefficient and would not provide any clear benefit.

Given that the development will not increase queue lengths at the level crossing and that traffic will continue to operate effectively, allowing both left and right access to Devon Road is appropriate.

Limiting the exiting cars to left turns only will improve traffic flow and cut down delays at the entrance. This can be achieved with "No Right Turn" signs, which has been included as a condition on the recommendation.

#### **Are adequate loading/unloading facilities provided?**

Clause 65.01 requires consideration of the adequacy of loading and unloading facilities. A Waste Management Plan was submitted with the application which demonstrates appropriate waste storage and private waste collection from within the site.

#### **Does the proposal incorporate adequate Environmental Sustainable Design (ESD) features?**

The applicant included a Sustainable Management Plan report, BESS report and Blue Factor report with their application. Minor changes are required to demonstrate best practice environmentally sustainable design has been achieved. The changes have been included in the conditions of the recommendation.

The ESD design features include the following:

- A 15kW solar panel system will be installed.
- Approximately 401 square metres of roof area will drain into a 15,000-litre rainwater tank for toilet flushing.
- A 50 square metre planter-box rain garden will treat runoff from part of the first-floor play area.

#### **Is the signage appropriate?**

The proposed signage is appropriate for a childcare centre and to the proposed location in accordance with policy (Clause 15.01-1L and Clause 52.05) for the following reasons:

- The two signs clearly identify the childcare centre to the public.
- The size of the signs is suitable for the building and local area.
- The signs are non-illuminated, so they will not cause light impacts to the surrounding area.

## 5. Response to Objector Concerns

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

- Traffic and cars queuing from the nearby level crossing.
- Parking.
- Location in a residential area
- Noise from children.

Other issues raised by objectors are addressed below.

### Construction impact on neighbouring retaining wall.

Protection of adjoining properties during construction is not a matter that can be addressed through the planning permit process. Developers have obligations under the Building Act 1993 to protect adjoining properties from potential damage. It will be the responsibility of the relevant Building Surveyor to require protection work as appropriate, at the time a building permit application is made.

### Impact of construction on neighbouring trees and omission of trees in arborist report.

Concerns were raised about inaccuracies in the applicant's arborist report where three (3) trees were not shown in 142 Waterloo Road. The Yucca plants referred to are not trees and are considered shrubs, and as such were not initially assessed in the report. Regardless, the applicant has updated the report to include the vegetation. These amendments do not impact the proposal.

### Too many childcare centres in the area

Concerns were raised that there are too many childcare centres within the locality. The combined impact of childcare centres is not a planning consideration. It is noted that there are no other childcare centres immediately near the site with the nearest approximately 650 metres away on Watt Avenue. As discussed in section 4 of this report, there is strategic support for a childcare centre at this site.

## 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 site is well suited for the proposed childcare centre. The centre will help meet the local need for early education centres close to homes and in an area with good road and public transport access.

The childcare centre meets Council's local policy for non-residential uses in residential areas. The design and operation limits impacts on nearby homes and the building fits the character of the area.

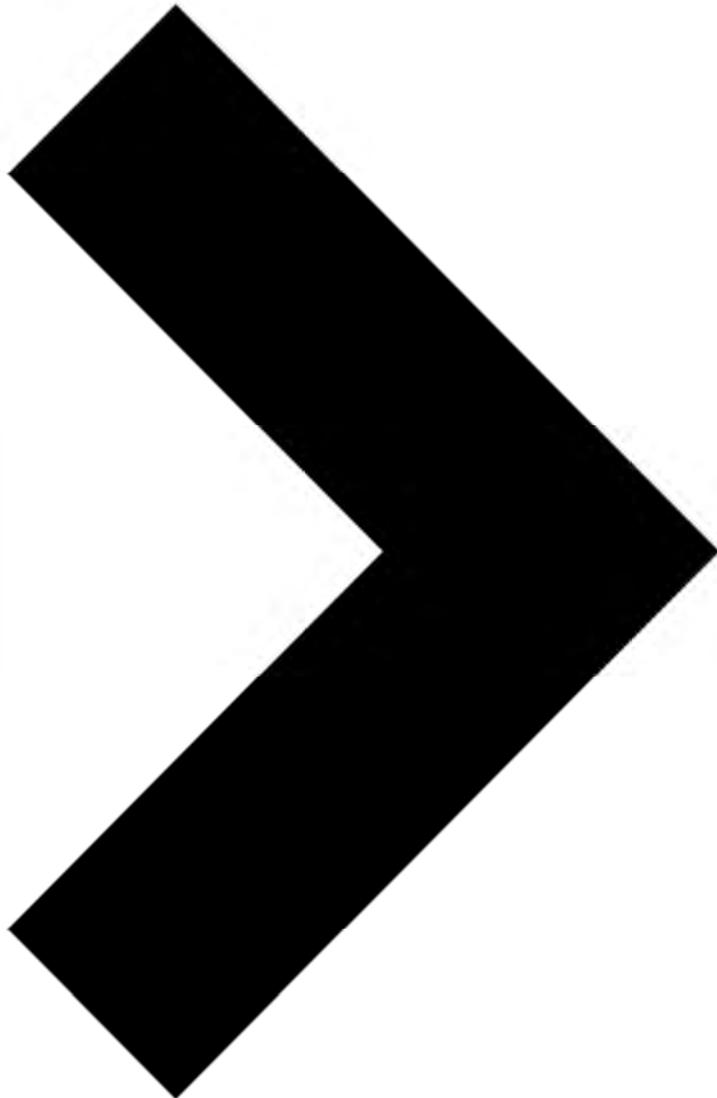
Traffic concerns have been addressed by conditions in the recommendation, with the provision of car parking within the site and safe vehicle access. Traffic modelling shows Devon Road can manage the extra vehicles. Amenity concerns have been resolved through the use of acoustic fencing, the daytime operating hours and a building design that while clearly commercial in appearance, is an acceptable fit in the street in terms of the building height, setback and use of materials.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is recommended that Notice of Decision to Grant a Planning Permit No MPS/2025/528 be issued subject to the conditions included in the recommendation of this report.

### **Attachment/s**

- |          |                          |            |
|----------|--------------------------|------------|
| <b>1</b> | Zoning and location plan | D26/101750 |
| <b>2</b> | Plans                    | D26/77622  |
| <b>3</b> | Objector Map             | D26/77623  |





**74 Devon Rd, Pascoe Vale VIC 3044 - ELC**

SHEET NO.	SHEET NAME
0000	COVER SHEET
TP001	SITE ANALYSIS
TP002	PROPOSED SITE PLAN
TP100	PROPOSED BASEMENT / UNDERCROFT FLOOR PLAN
TP101	PROPOSED GROUND FLOOR PLAN
TP102	PROPOSED LEVEL 1 FLOOR PLAN
TP103	PROPOSED ROOF PLAN
TP104	PROPOSED INSUL PLAN
TP200	PROPOSED ELEVATIONS SHEET 1
TP201	PROPOSED ELEVATIONS SHEET 2
TP202	PROPOSED FENCE ELEVATIONS SHEET 1
TP203	PROPOSED FENCE ELEVATIONS SHEET 2
TP204	PROPOSED SIGNAGE DETAILS
TP300	PROPOSED SECTIONS
TP400	PROPOSED SHADOW PLANS SHEET 1
TP401	PROPOSED SHADOW PLANS SHEET 2
TP402	PROPOSED SHADOW PLANS SHEET 3
TP500	RENDER SHEET 1

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 ABN 62 629 000 000. WWW.POINTARCHITECTS.COM.AU

PROJECT	DATE	REV
EARLY LEARNING CENTRE	13/04	
74 DEVON RD		
<b>TOWN PLANNING</b>		1/02

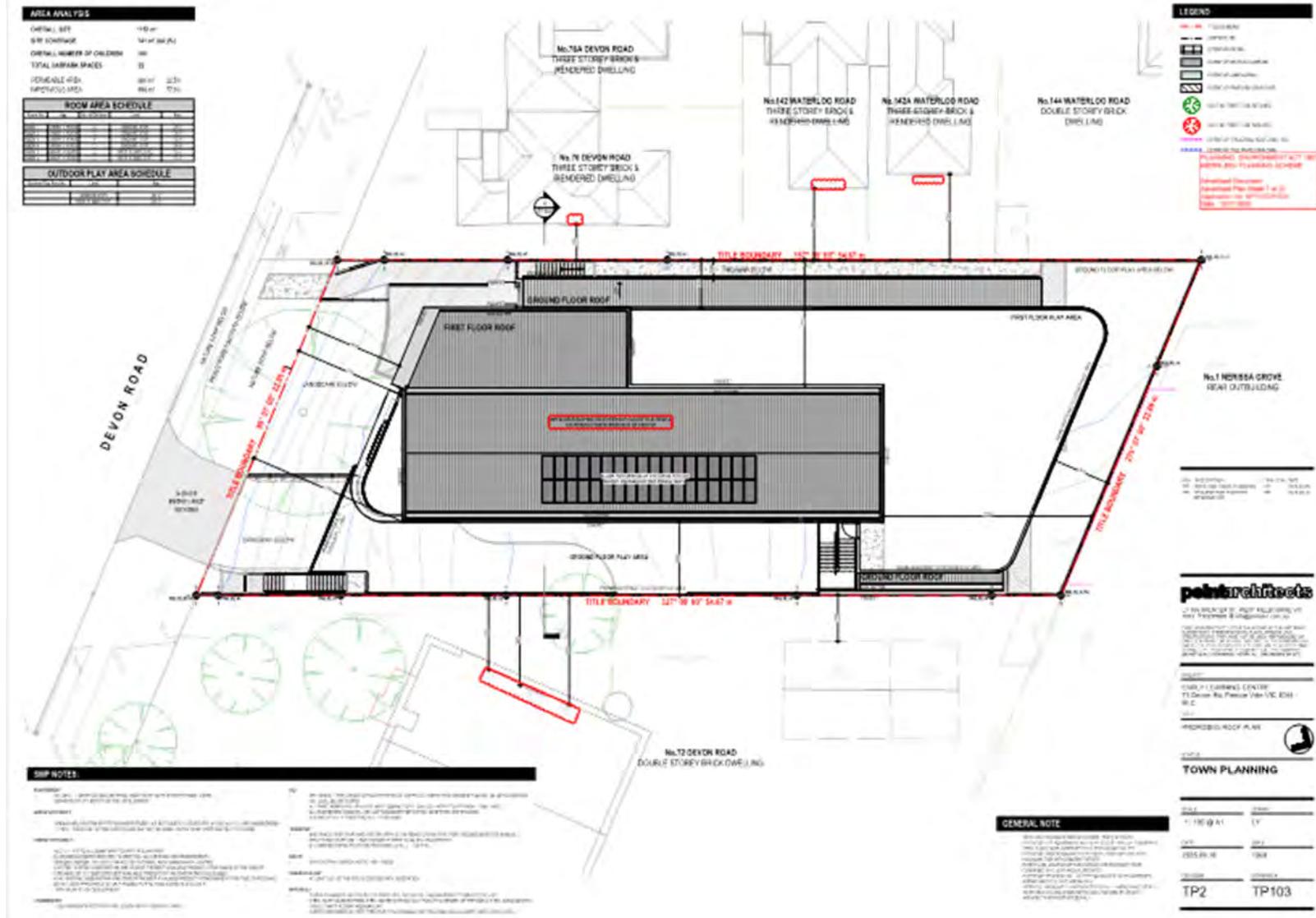


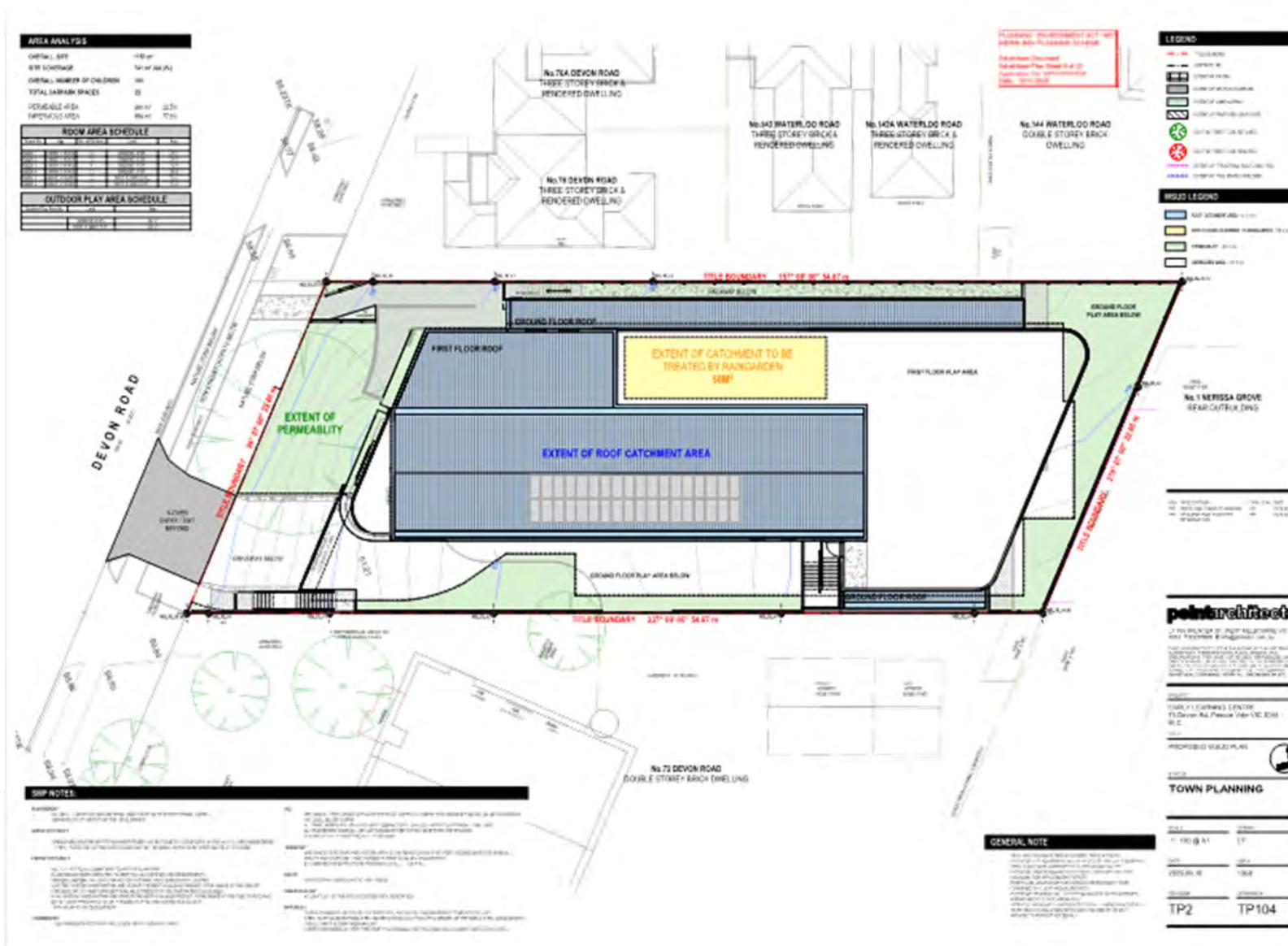


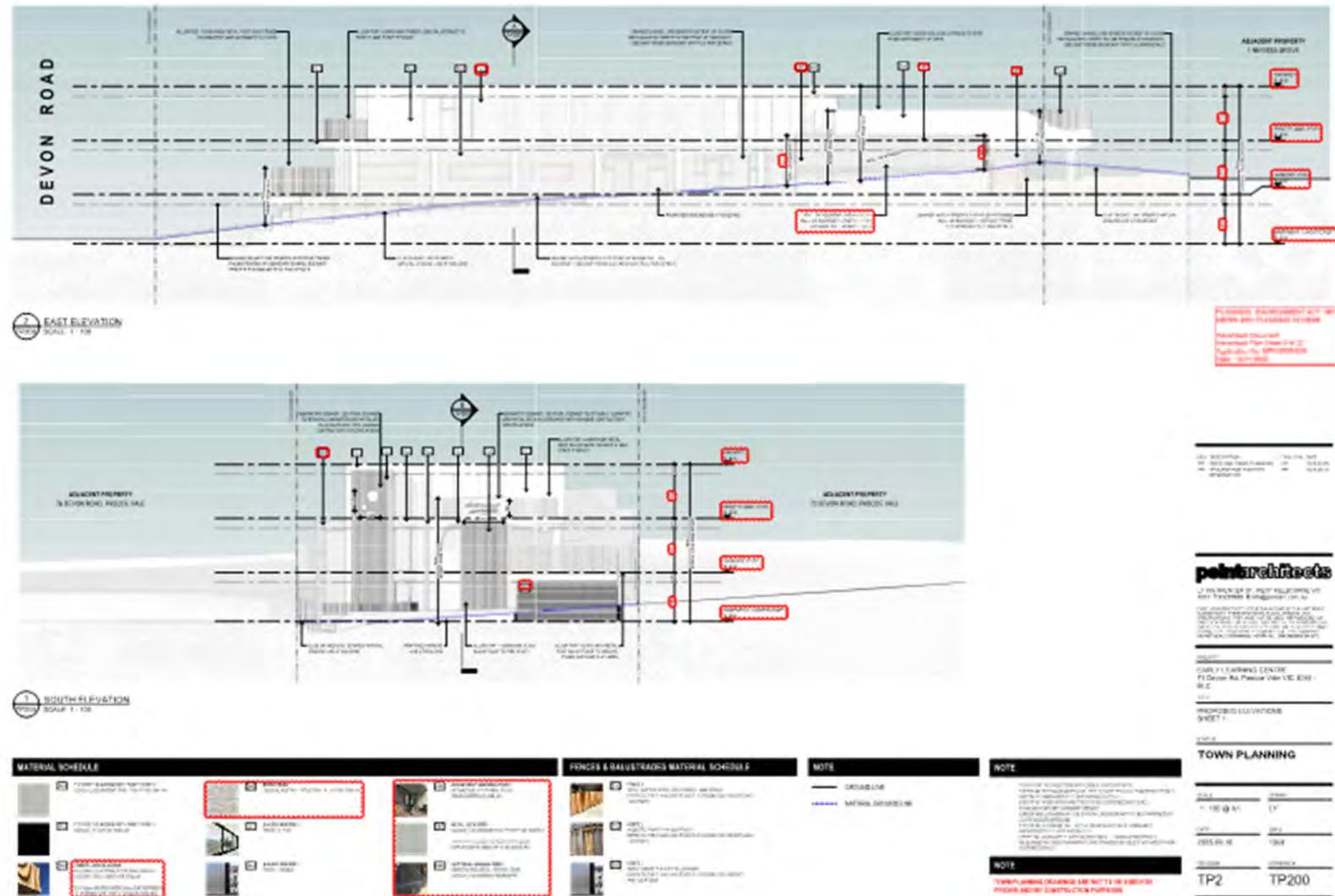




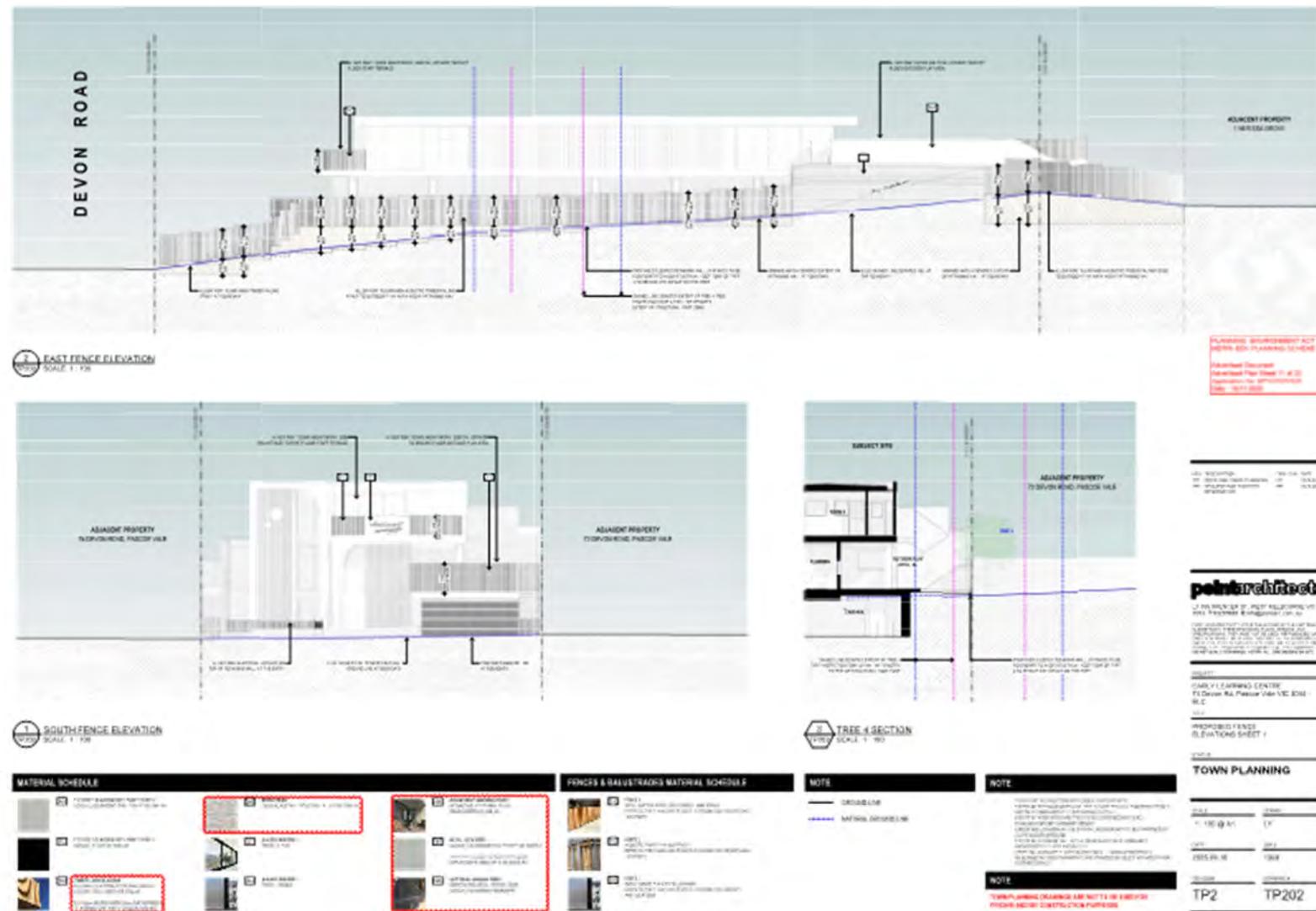




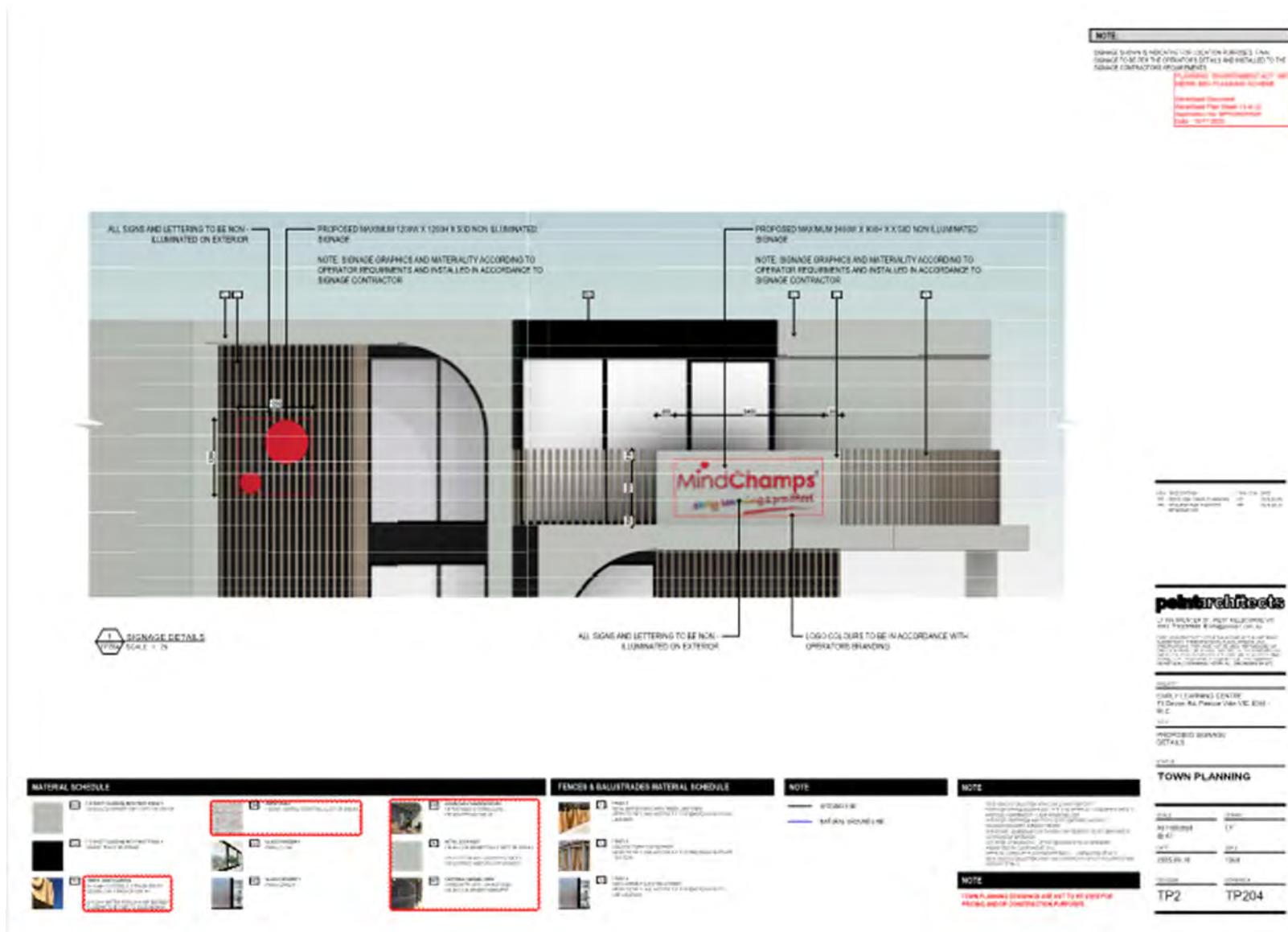




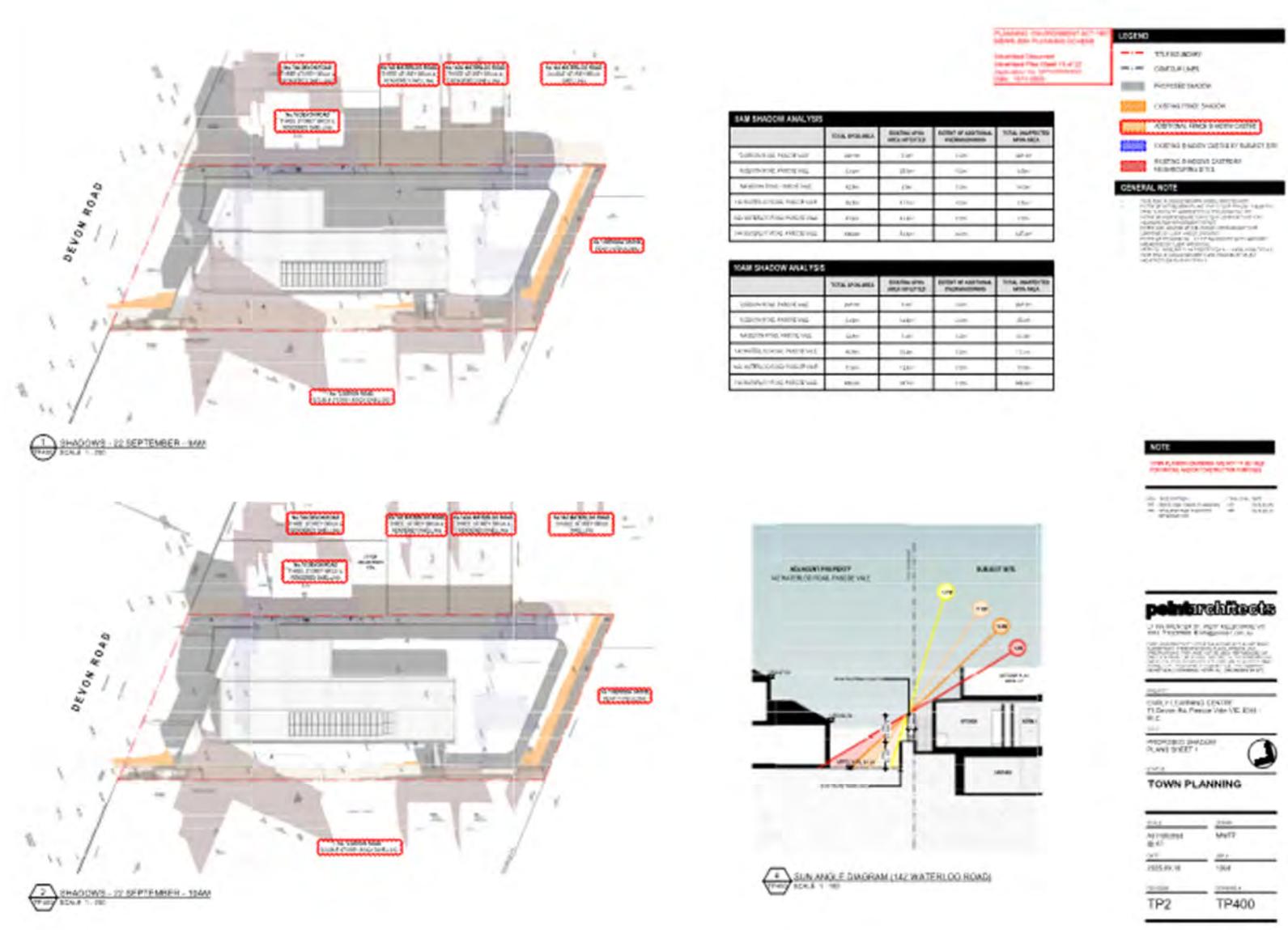


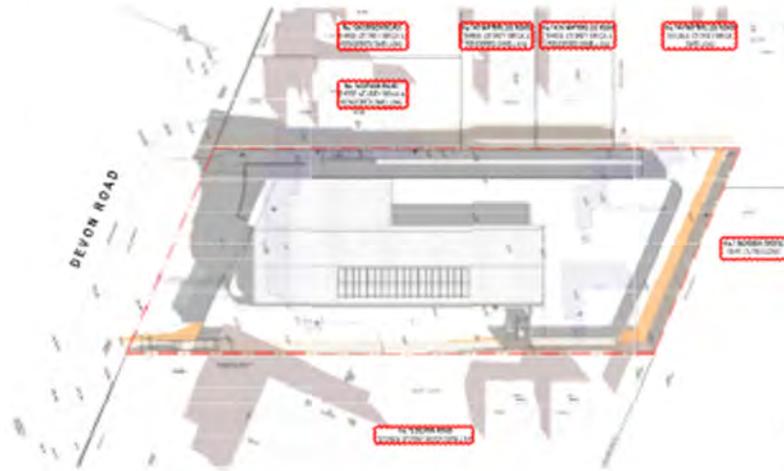




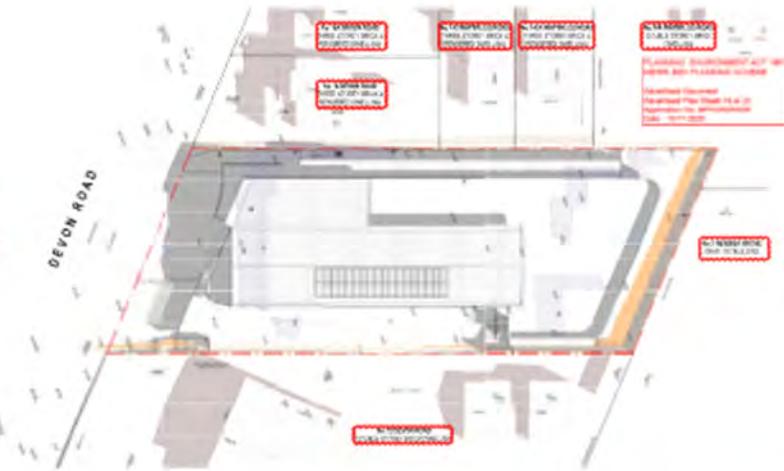








SHADOWS - 22 SEPTEMBER - 11AM  
SCALE 1:200



SHADOWS - 22 SEPTEMBER - 12PM  
SCALE 1:200



SHADOWS - 22 SEPTEMBER - 1PM  
SCALE 1:200

**11AM SHADOW ANALYSIS**

	TOTAL SHL AREA	EXPOSED SHL AREA AFFECTED	PERCENT OF EXPOSED SHL AREA AFFECTED	TOTAL UNAFFECTED SHL AREA
100% OF THE BUILDING	287.00	0.00	0.00	287.00
75% OF THE BUILDING	287.00	0.00	0.00	287.00
50% OF THE BUILDING	287.00	0.00	0.00	287.00
25% OF THE BUILDING	287.00	0.00	0.00	287.00
NO SHADOWS FROM 100% OF THE BUILDING	287.00	0.00	0.00	287.00

**12PM SHADOW ANALYSIS**

	TOTAL SHL AREA	EXPOSED SHL AREA AFFECTED	PERCENT OF EXPOSED SHL AREA AFFECTED	TOTAL UNAFFECTED SHL AREA
100% OF THE BUILDING	287.00	0.00	0.00	287.00
75% OF THE BUILDING	287.00	0.00	0.00	287.00
50% OF THE BUILDING	287.00	0.00	0.00	287.00
25% OF THE BUILDING	287.00	0.00	0.00	287.00
NO SHADOWS FROM 100% OF THE BUILDING	287.00	0.00	0.00	287.00

**1PM SHADOW ANALYSIS**

	TOTAL SHL AREA	EXPOSED SHL AREA AFFECTED	PERCENT OF EXPOSED SHL AREA AFFECTED	TOTAL UNAFFECTED SHL AREA
100% OF THE BUILDING	287.00	0.00	0.00	287.00
75% OF THE BUILDING	287.00	0.00	0.00	287.00
50% OF THE BUILDING	287.00	0.00	0.00	287.00
25% OF THE BUILDING	287.00	0.00	0.00	287.00
NO SHADOWS FROM 100% OF THE BUILDING	287.00	0.00	0.00	287.00

**NOTE**

SHL ANALYSIS CONDUCTED USING SUNLIT 3D SOFTWARE

DATE: 22/09/2021  
 BY: [Name]  
 FOR: [Name]

**pointarchitects**

2 FLORENCE ST, SUITE 101, MELBOURNE VIC 3000  
 TEL: (03) 9412 1234  
 WWW.POINTARCHITECTS.COM.AU

OUR COMMITMENT TO YOU AS A CLIENT IS TO DELIVER THE BEST DESIGN AND ARCHITECTURAL SOLUTIONS FOR YOUR PROJECTS. WE ARE PASSIONATE ABOUT CREATING SPACES THAT INSPIRE AND ENHANCE YOUR BUSINESS AND COMMUNITY.

ARCHITECT  
 CHARLY CARROLL (CPTA)  
 11 Devon Rd, Pineside (Vic) VIC 3088  
 VIC

PROPOSED SHADING  
 (LAND SHEET 2)

**TOWN PLANNING**

DATE: 22/09/2021  
 BY: [Name]  
 FOR: [Name]

TP2 TP401



PLANNING REQUIREMENT ACT 1977  
 APPROVED PLANNING SCHEME  
 Advertisement Document  
 Advertisement Plan Sheet 18 of 22  
 Application No. 2024/0000000  
 Date: 18/03/2024



STREETSCAPE - PERSPECTIVE FROM DEVON ROAD WEST

**ARTIST CONCEPTUAL RENDERING**

ARTIST CONCEPTUAL RENDERING - FOR INFORMATION ONLY. NOT TO BE USED FOR ANY PURPOSES OTHER THAN AS A VISUAL AID TO SUPPORT THE APPLICATION.

**NOTES**

THIS PLAN IS APPROVED AS OF 18.03.2024  
 FOR INFORMATION ONLY. NOT TO BE USED FOR ANY PURPOSES OTHER THAN AS A VISUAL AID TO SUPPORT THE APPLICATION.

NO. OF SHEETS	NO. OF PAGES
NO. OF SHEETS USED	NO. OF PAGES USED
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**point architects**

1200 BUNNINGS RD, MELBOURNE VIC 3000  
 TEL: 03 9594 1200  
 WWW.POINTARCHITECTS.COM.AU

PROJECT:  
 CHARLIE F. JARVIS CENTER  
 73 Devon Rd, Pineside Vale VIC 3018  
 VIC

PROPOSED SHEET 1

**TOWN PLANNING**

DATE	2024/03/18
BY: TP2 @ A1	LY
DATE	2024/03/18
BY: TP2	TP500

Approved by Council  
 15/03/2024  
 Approved by Council  
 15/03/2024  
 Approved by Council  
 15/03/2024

# EARLY LEARNING CENTRE

74 DEVON STREET, PASCOE VALE  
OCTOBER 2025

**Drawing List**

Sheet No.	Sheet Name	Size	Rev. No.	Rev. Date	Project No.	Project Name
1/01	Landscaping Concept Plans (Overall)	A0/A1	0	0	1000	74 Devon Street, Pascoe Vale
1/02	Landscaping Concept Plans (Level 1)	A0/A1	0	0	1000	74 Devon Street, Pascoe Vale
1/03	Planting Plan (No. 8, South)	A0/A1	0	0	1000	74 Devon Street, Pascoe Vale







Langston Center Plan Level 1

GENERAL NOTES

1. All works shall be in accordance with the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

2. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

3. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

4. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

5. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

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8. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

9. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

10. The site is located within the Council's Planning Scheme and the relevant provisions of the Resource Management Act 1991 and the Resource Management Regulations 2002.

LEGEND

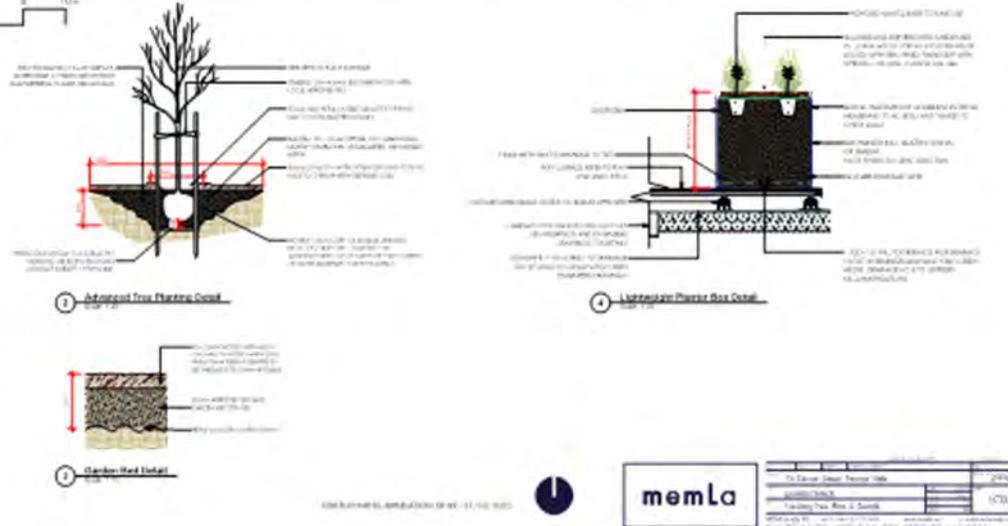


Project Name	Langston Center
Project No.	SP/2020/0018
Project Stage	Final Design
Project Status	Approved
Project Date	10/11/2020



**EXISTING TREE SCHEDULE (SEE ATC ARBORICULTURE REPORT)**

Tree No.	Tree Name	Species Name	Height	Canopy	DBH	Notes/Comments
1	...	...	...	...	...	...
2	...	...	...	...	...	...
3	...	...	...	...	...	...
4	...	...	...	...	...	...
5	...	...	...	...	...	...
6	...	...	...	...	...	...
7	...	...	...	...	...	...
8	...	...	...	...	...	...
9	...	...	...	...	...	...
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12	...	...	...	...	...	...
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19	...	...	...	...	...	...
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23	...	...	...	...	...	...
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27	...	...	...	...	...	...
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45	...	...	...	...	...	...
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47	...	...	...	...	...	...
48	...	...	...	...	...	...
49	...	...	...	...	...	...
50	...	...	...	...	...	...



**memla**

MEMORANDUM FOR THE MEMBERS OF THE MEMPHIS LANDSCAPE ARCHITECTURE SOCIETY

MEMPHIS LANDSCAPE ARCHITECTURE SOCIETY

MEMPHIS LANDSCAPE ARCHITECTURE SOCIETY

MEMPHIS LANDSCAPE ARCHITECTURE SOCIETY

# 74 Devon Road, Pascoe Vale

Objector Map

-  Subject site
-  Objector
- 5 objections not within the map

