



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 17 December 2025

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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Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह काँसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

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

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

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

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

The minutes of the Planning and Related Matters Meeting held on 26 November 2025 be confirmed.

5. COUNCIL REPORTS

- | | | |
|-----|--|----|
| 5.1 | 7 MANTELL STREET, COBURG NORTH - PLANNING APPLICATION
MPS/2025/291 | 4 |
| 5.2 | 73 NICHOLSON STREET, BRUNSWICK EAST- PLANNING
APPLICATION MPS/2025/85 | 26 |

6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 7 MANTELL STREET, COBURG NORTH - PLANNING APPLICATION MPS/2025/291

Director Place and Environment, Pene Winslade
City Development

Executive Summary



Property:	7 Mantell Street, Coburg North
Proposal:	Use of the land for a place of worship, buildings and works and a reduction in car parking requirements
Zoning and Overlay/s:	<ul style="list-style-type: none">Industrial 1 ZoneDevelopment Contributions Plan Overlay
Strategic setting:	The site is located within a Core Industry and Employment Area
Objections:	<ul style="list-style-type: none">Twenty-five (25) objections have been receivedKey objector issues include:<ul style="list-style-type: none">Insufficient car parkingTrafficImpact on surrounding businesses
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none">Date held: 11 November 2025Attendees: 6 objectors, the applicant, 2 Council officers, and Cr Helen PolitisThe following agreements were reached at the PID meeting:<ul style="list-style-type: none">Reduce the maximum patron capacity from 60 to 45Reduce the hours of operation between the months of April and August from 5am to 11pm, to 6am to 9pmProvision of a Green Travel PlanProvision of a Venue and Patron Management Plan
Key reasons for support	<ul style="list-style-type: none">Use of existing building with some minor worksLimited patron numbers other than Friday during business hours, which limits the impact on nearby businessMinimal off-site amenity impacts can be managed by conditionsThe place of worship will serve the local community and contribute to the mix of uses in this industrial area.Good access to public transport
Recommendation:	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/2025/291 be issued for the land at 7 Mantell Street, Coburg North.

The Permit would allow:

Use of the land for a place of worship, buildings and works and a reduction in the car parking requirements.

Planning Scheme Clause	Matters for which permit is required
33.01-1	Use land for a section 2 use (place of worship)
33.01-4	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces

The following conditions would apply to this permit:

Amended Plans

1. Before the use or development commences, whichever occurs first, 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 Artefact Architects, dated 23 July 2025, drawing numbers TP101 rev B, TP102 rev A and TP200 rev C (plans advertised 1 September 2025) but modified to show:
 - a) A Roof Plan.
 - b) Dimensions of each bicycle parking device 500mm wide, the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - c) Wheel stops for each parking space in a colour contrasting with their surroundings.
 - d) The existing crossovers, footpath, nature strip, and kerb shown on the ground floor plan.
 - e) The following recommendations in the Acoustic Report required by Condition 6 of this permit:
 - i. Any proposed loudspeaker to be shown as located centrally along the southern wall of the main worship/multipurpose hall.
 - ii. The location of mechanical service equipment, including any acoustic screening.
 - f) Any changes arising from:
 - i. The Venue and Patron Management Plan required by Condition 10 of this permit.
 - ii. The Waste Management Plan required by Condition 12 of this permit.
 - iii. The Green Travel Plan required by Condition 14 of this permit.

Compliance with Endorsed Plans

2. The use and development of land as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, Clause 62.02-1 and Clause 62.02-2 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.

Hours of Operation

3. The use allowed by this permit must operate only between the following hours:
 - a) Between the months of April and August:
 - i. Monday to Sunday 6:00 am to 9:00 pm
 - b) Between the months of September and March:
 - i. Monday to Sunday 5:00 am to 11:00 pm

Maximum Number of Patrons

4. The maximum number of patrons permitted on the premises must not exceed the following numbers:
 - a) Between the months of April and August:
 - i. Monday to Thursday (6:00 am to 6:00 pm): 20
 - ii. Monday to Thursday (6:00 pm to 9:00 pm): 45
 - iii. Friday (6:00 am to 12:00 pm): 20
 - iv. Friday (12:00 pm to 3:00 pm): 45
 - v. Friday (3:00 pm to 6:00 pm): 20
 - vi. Friday (6:00 pm to 9:00 pm): 45
 - vii. Saturday and Sunday (6:00 am to 8:00 am): 20
 - viii. Saturday and Sunday (8:00 am to 9:00 pm): 45
 - b) Between the months of September and March:
 - i. Monday to Thursday (5:00 am to 6:00 pm): 20
 - ii. Monday to Thursday (6:00 pm to 11:00 pm): 45
 - iii. Friday (5:00 am to 12:00 pm): 20
 - iv. Friday (12:00 pm to 3:00 pm): 45
 - v. Friday (3:00 pm to 6:00 pm): 20
 - vi. Friday (6:00 pm to 11:00 pm): 45
 - vii. Saturday and Sunday (5:00 am to 8:00 am): 20
 - viii. Saturday and Sunday (8:00 am to 11:00 pm): 45

Noise

5. Prior to the endorsement of plans, a revised acoustic report must be submitted and approved to the satisfaction of the Responsible Authority. The revised acoustic report must be generally in accordance with the acoustic report prepared by O'Callaghan Consulting Engineers, dated 1 August 2025, and must include, but not be limited to the following:
 - a) Any changes required to align with the plans for endorsement.
 - b) Details of mechanical plant and calculated sound power levels.
 - c) The location of mechanical service equipment, including any acoustic screening, in the recommended locations, if applicable.
 - d) Recommendations of acoustic attenuation measures to ensure that the uses 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).

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

6. Prior to the commencement of the use and at all times during the operation of the use, the provisions, recommendations, and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. The site must not have any externally amplified noise including announcements or music, to the satisfaction of the Responsible Authority.

On-going compliance with noise limits

8. 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.
9. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an additional 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 additional 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 additional Acoustic Report to the satisfaction of the Responsible Authority.

Patron Management

10. Prior to the endorsement of plans, a Venue and Patron Management Plan must be submitted to the Responsible Authority. The plan must set out the operations of the approved use and demonstrate how the amenity and safety of the surrounding area will be protected at all times. The Plan must include (but not necessarily be limited to):
 - a) Staff training for patron management;
 - b) Details of complaint management processes;
 - c) A contact number for complaints to be displayed on the site.
 - d) Measures for patron dispersal and behaviour;
 - e) Management of outdoor areas;
 - f) Lighting outside the premises;
 - g) Any recommendations of the endorsed Acoustic Report;
 - h) The discouragement of the use of on-street car parking spaces in front of residential dwellings, by patrons and
 - i) The management of outdoor activities.

Once submitted to and approved by the Responsible Authority, the Venue and Patron Management Plan will be endorsed to form part of the permit.

11. The Venue and Patron Management Plan endorsed under this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority.

Waste Management

12. Prior to the endorsement of plans, a waste management plan must be submitted to the satisfaction of the Responsible Authority. The plan must show:
 - a) Alignment with the architectural plans submitted for endorsement;
 - b) Include calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;
 - c) Provide best practice food disposal by providing no incinerators or bio-digesters;
 - d) Show the bins stored out of sight and any enclosed room manually ventilated;
 - e) 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 (i.e., no bin placed behind another bin);
 - f) Show the bins in the plan, to scale, colour coded to each waste stream;
 - g) Provide a collection frequency of no more than twice per week;
 - h) Include discussion of the other waste streams;
 - i) Provide for collection within the site;
 - j) Identify that waste will be collected by a private contractor collection service; and
 - k) The waste must be collected within the times recommended in the Acoustic Report prepared by O'Callaghan Consulting Engineers, dated 1 August 2025.

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.

Green Travel Plan

14. Prior to the endorsement of plans, a Green Travel Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible. The Green Travel Plan must detail how the development will actively promote the use of walking, cycling and public transport.

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 Green Travel Plan may occur without the written consent of the Responsible Authority.

Car Parking

15. 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 maintained.
 - b) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.
 - c) Not be used for any other purpose other than the parking of vehicles.
 - d) Be numbered to facilitate management of the car park.

External Lighting

16. 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.

Permit Expiry

17. 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 afterwards.

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

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

Note 2: 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 3: 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 4: Unless no permit is required under the Merri-bek Planning Scheme, no sign must be constructed or displayed on the land without a further planning permit.

1. Background

Subject Site

The site is located at 7 Mantell Street, Coburg North. The site contains a single storey brick building that is currently used as a retail premises (orthopaedic footwear). The site has a total area of approximately 480 square metres with a 12.75 metre frontage to Mantell Street.

There are no restrictive covenants indicated on the Certificate of Title. There is a 1.8 metre wide easement along the northern (rear) boundary.

Surrounds

The site and surrounding area are within the Industrial 1 Zone and within a Core Industry and Employment Area. The surrounding area is characterised by a mix of commercial/industrial buildings and dwellings with existing use rights. Land to the immediate west of the site at 5 Mantell Street, Coburg North is used as a dwelling. Properties to the east of the site are used for commercial/industrial purposes. The southern side of Mantell Street includes two dwellings and commercial/industrial buildings.

The area is well serviced by public transport including a train line, tram, bus and bicycle routes. There are unrestricted car parking spaces along the length of the northern side of Mantell Street, with no standing on the southern side of Mantell Street.

A location plan forms **Attachment 1**.

The proposal

The proposal is summarised as follows:

- Use of the land for a place of worship, including other associated activities such as language and religious classes.
- Hours of Operation: Monday to Sunday - 5am to 11pm
- Patron capacity proposed to vary from 20 patrons to a maximum of 60 at different days/times of the week:
 - Monday to Thursday (5:00am to 6:00pm) – Maximum of 20 patrons
 - Monday to Thursday (6:00pm to 11:00pm) – Maximum of 45 patrons
 - Friday (5:00am to 12:00pm)- Maximum of 20 patrons
 - Friday (12:00pm to 3:00pm) – Maximum of 45 patrons
 - Friday (3:00pm to 6:00pm) – Maximum of 20 patrons
 - Friday (6:00pm to 11:00pm) – Maximum of 60 patrons
 - Saturday and Sunday (5:00am to 8:00am) – Maximum of 20 patrons
 - Saturday and Sunday (8:00am to 11:00pm) – Maximum of 60 patrons
- A reduction in the standard car parking requirements from 18 spaces to 3 spaces (15 space reduction)
- Buildings and works including the construction of a shed at the rear of the building, a roof over the entry courtyard on the eastern side of the building and a new disability access ramp under the new roofed area.
- Provision of 10 bicycle parking spaces at the front of the building. The development plans form **Attachment 3**.

Statutory Controls – why is a planning permit required?

Control	Permit Requirement
Industrial 1 Zone	A permit is required to use the land for a place of worship A permit is required to construct a building or construct or carry out works.
Particular Provisions	A permit is required to reduce the car parking requirement from 18 spaces to 3 spaces.

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.

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 along all of Mantell Street and on the southern side of Charles Street.
- Placing a sign on the Mantell Street frontage of the site.

Council has received 25 objections to date. A map identifying the location of objectors forms **Attachment 2**.

The key issues raised in objections are:

- Insufficient car parking
- Traffic impacts
- Impact on businesses
- Unacceptable hours of operation
- Noise impacts
- Proximity to existing places of worship that service the area
- Unacceptable patron numbers
- Appropriateness of use
- Pedestrian safety
- Inaccuracy on plans
- Use of photos in the report which do not show 'actual conditions'
- Too close to dwellings
- Future expansion of use
- Impact on current lease agreement
- Inaccuracies of car parking survey

A Planning Information and Discussion meeting was held on 11 November 2025 and attended by Cr Politis, two Council Planning Officers, the applicant, the applicants traffic engineer and 6 objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

The following agreements were reached at the PID meeting, which are included as conditions in this recommendation:

- Reduce the maximum patron capacity from 60 to 45.
- Reduce the hours of operation between the months of April and August from 5am to 11pm, to 6am to 9pm.
- A Green Travel Plan.
- A Venue and Patron Management Plan.

Internal referrals

The proposal was referred to the following internal branch:

Internal Branch/Business Unit	Comments
Transport - Development Engineering	Supports the proposal. Changes are addressed by conditions of the recommendation and/or 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)
 - Built Environment and Heritage (Clause 2.03-4)
 - Economic Development (Clause 2.03-6)
 - Transport (Clause 2.03-7)
- Environmental Risks and Amenity (Clause 13):
 - 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)
 - Building Design (Clause 15.01-2S and 15.01-2L)
- Economic Development (Clause 17), including:
 - Core Industry and Employment Areas (Clause 17.01-1L-01)
 - Industry (Clause 17.03)
- 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:
 - Cultural Facilities (Clause 19.02-3S and 19.02-3R)

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 14: Freedom of thought, conscience, religion and belief
- Section 15: Freedom of expression
- Section 16: Peaceful assembly and freedom of association
- Section 19: Cultural rights
- Section 20: Property rights

This application does not limit human rights. The impact of the proposal on the users of the premises, visitors and other associated systems has been considered.

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 Industrial 1 Zone. The purpose of the Industrial 1 Zone is to *'provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.'*

The site is also located within a Core Industry and Employment Area, which seeks to *'support the continued operation of existing industry and encourage new industry and complementary employment uses to locate within Core Industry and Employment Areas.'* Policy at Clause 17.01-1L-01 contains the following relevant strategies:

- *'Support the transition to a broader range of employment generating uses in Core Industry and Employment Areas, including a mix of industry and office-based uses and other compatible employment uses, as permitted within the relevant zone.'*
- *Support the mixed-use nature of the precinct and surrounding areas while giving priority to industry and employment uses.'*

While the use of the land for a place of worship is not expressly encouraged in this location, subject to conditions, it is not considered that the use will adversely impact the operation of surrounding industry and commercial uses. Except for Fridays between 12:00pm and 3:00pm, where a maximum of 45 patrons is proposed, there will be a maximum of 20 patrons on the premises during typical business hours. As discussed later in this report, this is not expected to unreasonably impact nearby businesses. The place of worship will therefore not adversely impact the operation of existing industry but will contribute to the mix of uses within the precinct.

The use of the land for a place of worship improves access to religious facilities in a location that is well serviced by public transport. This is supported by policy at Clause 19.02-3S (Cultural Facilities).

Subject to conditions, the use is appropriate in this location.

Does the proposal result in any unreasonable off-site impacts?

The site is in an Industrial 1 Zone with residential dwellings to the west and south of the site also in the Industrial 1 Zone. The dwellings can continue to be used as houses as they existed before the area was zoned industrial. However, dwellings are not generally allowed in the Industrial 1 Zone.

Clause 17.01-1L-01 seeks to ‘encourage non-conforming uses, particularly residential uses, to convert to industrial or business uses.’

In *Thriveport Pty Ltd v Maribyrnong CC* [2015] VCAT 181, the Tribunal found that:

33. *‘Based on the above analysis it is apparent that: (...)*

- b. The existing dwellings are non-conforming uses that cannot expect an amenity outcome as if they were located within a residential zone; and should be expected to be phased out over time;*
- c. Planning decisions should not sterilise the proper development opportunities provided by the review site, in favour of the benefit of non-conforming uses; and,*
- d. An outcome that represents a fair and orderly development of land, while providing a reduced level of amenity for the surrounding dwellings, would represent an appropriate balance.’*

This VCAT decision, explains the planning policy, that people living in an industrial area cannot expect the same level of comfort and liveability (or residential amenity) as those in a residential area. Because of this, concerns of disturbance related to the operations of the use and hours of operation that could be expected in an industrial area, and which may impact existing residents within the industrial area, should not be given the same weight in assessing this proposal as they might, if the proposal was situated in a purely residential location.

Apart from car parking and traffic, which will be discussed later in this report, the key off-site amenity impacts associated with the proposed use would be the hours of operation, patron capacity and noise impacts, which will be discussed in turn below.

Hours of Operation/Patron Capacity

At the Planning and Information Discussion meeting, the applicant proposed to reduce the operating hours to:

- 5:00am to 11:00pm Monday to Sunday between the months of September and March
 - 6:00am to 9:00pm Monday to Sunday between the months of April and August
- It was further proposed to reduce the maximum patron capacity from 60 patrons to 45 patrons on-site at any time.

Both outcomes will be included as conditions of permit within the recommendation.

The variations in patron capacity and hours of operation that will occur at different times of the week and year are shown below (**bolding is used to highlight reduced patron capacity**):

Between the months of April and August (Hours Reduced via condition)			
Day	Time	Max patrons proposed	Max patrons conditioned
Monday to Thursday	6:00 am to 6:00 pm	20	20
Monday to Thursday	6:00 pm to 9:00 pm	45	45
Friday	6:00 am to 12:00 pm	20	20
Friday	12:00 pm to 3:00 pm	45	45

Between the months of April and August (Hours Reduced via condition)			
Friday	3:00 pm to 6:00 pm	20	20
Friday	6:00 pm to 9:00 pm	60	45
Saturday & Sunday	6:00 am to 8:00 am	20	20
Saturday & Sunday	8:00 am to 9:00 pm	60	45

Between the months of September and March			
Day	Time	Max patrons proposed	Max patrons conditioned
Monday to Thursday	5:00 am to 6:00 pm	20	20
Monday to Thursday	6:00 pm to 11:00 pm	45	45
Friday	5:00 am to 12:00 pm	20	20
Friday	12:00 pm to 3:00 pm	45	45
Friday	3:00 pm to 6:00 pm	20	20
Friday	6:00 pm to 11:00 pm	60	45
Saturday & Sunday	5:00 am to 8:00 am	20	20
Saturday & Sunday	8:00 am to 11:00 pm	60	45

As indicated by the table above, peak times will occur on Friday evenings and on the weekend, when industrial uses typically do not operate. This will provide more activity in the area.

During typical business hours, the maximum patron capacity is 20 patrons, apart from Fridays between 12:00pm and 3:00pm where 45 patrons are proposed. The maximum patron capacity has been limited during business hours to reduce the impact on nearby businesses.

As discussed later in this report, Council's Development Engineers are satisfied that there is adequate car parking available during typical business hours to accommodate the patron numbers at these times of day.

A condition has been included within the recommendation requiring a Venue and Patron Management Plan to be submitted to manage patrons leaving the venue and impacts on the amenity and safety of the surrounding area.

Noise

The amenity expectations for residential properties within an Industrial Zone should consider the nature of the surrounding uses and cannot be expected to have the same levels of amenity as residents living in residential areas.

An Acoustic Report was submitted as part of the application. The report identified key noise sources that could have an adverse amenity impact on the nearby residential properties. The main recommendations of the Acoustic Report are to locate any loudspeaker along the southern wall internally within the main worship hall, limit the hours where vehicle gates must not be used and windows and doors must be closed, mechanical service equipment installed in recommended locations and limit the hours of the waste collection service. Compliance is also required with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated noise protocol, which is included as a condition. A permit condition will also require that no external music or amplification is to occur. Subject to these conditions, it is considered the nearby residential properties would be satisfactorily protected from unreasonable levels of noise from the site.

Has adequate car parking been provided?

A total of 18 car parking spaces is the required for the proposed place of worship. The proposal provides 3 on-site spaces. There is a 15 car parking space shortfall compared to the standard requirement in the Merri-bek Planning Scheme.

The reduction in the maximum number of patron numbers to 45 will reduce the shortfall to 13 car parking spaces.

Council's local car parking policy supports reduced car parking 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 the bicycle facilities provision.

While the site is not located within an Activity Centre, the site has good access to public transport including Batman Station (325 metres to the south-east), a north-south tram connection on Sydney Road (480 metres to the east) and bus connections (280 metres to the south). The site provides 10 bicycle parking spaces and is close to dedicated bicycle routes including Gaffney Street (east-west) and the Upfield Bike Path (north-south). A condition requiring a Green Travel Plan to be provided for approval forms part of the recommendation, which will assist in encouraging people to use public transport when travelling to and from the site.

The current use of the land generates a car parking demand that is greater than the three existing car spaces on site. The existing use would also rely on on-street parking for additional car parking. However, the proposed use would rely on additional on-street parking spaces when compared to the existing land use due to the number of patrons proposed.

Council's Development Engineers are satisfied that the statutory car parking requirements can be reduced for this application. A parking survey was undertaken by the applicant, which demonstrates adequate car parking is available along the streets immediately surrounding the site and bound by Charles Street to the north and Gaffney Street to the south.

Vehicles, whether related to this or other uses 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 depend on the parking restrictions that apply and the availability of on-street car spaces.

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

Council's Development Engineers have assessed that the proposed use will result in an estimate of 37 additional vehicle movements per day on Mantell Street. Reducing the maximum patron numbers to 45, will further reduce this and will result in an estimated 32 additional vehicle movements per day on Mantell Street. This remains within the street's design capacity and is not expected to cause traffic problems.

Council's Development Engineers have also reviewed the car parking layout and have raised no safety concerns about vehicles entering and exiting the site. The proposed car parking layout formalises the existing car parking arrangement with no changes to the existing crossover proposed.

Do the buildings and works positively contribute to the local context?

Most of the changes to the building are internal, except for the roof over the entry courtyard, a disability access ramp and a shed at the rear of the building. Given the works proposed are minor and are on the eastern side of the building, next to the wall of the existing industrial building on this boundary, the proposed works will not cause any unreasonable impacts on the adjoining properties or the existing streetscape.

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

Given that the gross floor area of the building is not to be increased by more than 100 square metres, a Sustainable Design Assessment was not required to be submitted as part of the application.

5. Response to Objector Concerns

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

- Insufficient car parking
- Traffic impacts
- Unacceptable hours of operation
- Noise impacts
- Unacceptable patron numbers
- Appropriateness of use
- Pedestrian safety
- Too close to dwellings

Other issues raised by objectors are addressed below.

Impact on Businesses

Objectors have raised concerns that the car parking reduction will impact surrounding businesses by relying on the on-street parking spaces for the use. As previously discussed, Council's Development Engineers are supportive of the proposed car parking reduction. It is considered that limiting the patron capacity to 20 patrons for the majority of normal business hours will not unreasonably impact surrounding businesses who also utilise the on-street parking spaces.

Proximity to existing places of worship that service the area

The availability of places of worship nearby is not a relevant planning consideration in the Merri-bek Planning Scheme. Council's assessment is limited to the proposal's compliance with applicable planning controls, land use zoning, and relevant decision-making guidelines.

Inaccuracy on plans

Sufficient information to enable an informed view of the application has been provided as part of the application. Council officers conducted a site inspection of the site and surrounding area as part of their assessment of the application. While some uses in the surrounding area may not be up to date on the site plan, notably the distillery at 11 Mantell Street and that there is a house at 1 Mantell Street, Council's assessment has been based on these sites being used for commercial purposes and as a dwelling.

Use of photos in the report which do not show 'actual conditions'

Objections have raised concern that the planning report provided as part of this application included photos of the site and surrounding area on Good Friday, which does not accurately reflect the car parking availability on the street. The photos in the planning report are not relied upon in the assessment of this application. The Traffic Report provided includes car parking survey data taken in February 2025. Council's Development Engineers have reviewed the report and are satisfied with its findings.

Future expansion of use

Any proposed change to the use, including hours of operation and patron numbers would require an amendment to the permit, if it is issued. Any changes proposed in the future will be assessed against at the time of the amendment.

Impact on lease agreement

It is understood that a tenant on the subject site has a lease agreement for another three years. This is outside the scope of consideration for this planning application and is a commercial matter.

Inaccuracies of car parking survey

Council's Development Engineers have reviewed the Traffic Report submitted as part of the application and are satisfied with the level of accuracy of the parking survey.

Enforcement of parking restrictions

Objectors have raised concerns that on-street parking issues are not being adequately enforced. This is outside of the scope of consideration for this application and is something that could be managed separately by Council.

Patron Numbers

Objectors have raised concerns that the actual number of patrons attending the site will exceed the maximum patron capacity proposed as part of this application. If a permit were to be issued, the use must operate in accordance with the conditions of the permit. Any breaches of permit conditions, including maximum patron numbers, could result in enforcement action against the owner and/or operator.

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

Subject to a range of conditions, including reducing the maximum patron capacity and hours of operation, it is considered that the proposed use of the land for a place of worship can be a suitable use in this industrial precinct without impacting the operation of other nearby industry and commercial buildings, or generating any unreasonable impacts on the houses that exist in this industrial area.

The site is well served by a range of public transport options, and the on-street parking in the area, together with the car parking spaces provided on site are considered satisfactory to support the use.

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/2025/291 be issued subject to the conditions included in the recommendation of this report.

Attachment/s

1	Zoning and Location Map	D25/607641
2	Objector Location Map	D25/607654
3	Advertised Plans	D25/607662



Objector Location Map

7 Mantell Street, Coburg North VIC 3058

- Subject Site
- Objector Location
Note: 5 Objectors located outside map boundaries



PLANNING ENVIRONMENT ACT 1997 MERRIO-BEEK PLANNING SCHEME	<div>ANSA ASSET MANAGEMENT PTY LTD</div>													
<div> <div>Authorised Document</div> <div>Planning Form Sheet 1 of 5</div> <div>Application No: N/10/2025/294</div> <div>Date: 1/03/2025</div> </div>														
<div> <div>SEARCH FOR PLAN</div> <div>TP AMENDMENT</div> </div>														
<div> <div>AMENDMENT SCHEDULE</div> <table border="1"> <thead> <tr> <th>REF</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>15 MAY 2025</td> <td>"TP AMENDMENT"</td> </tr> <tr> <td>B</td> <td>22 JULY 2025</td> <td>"TP AMENDMENT"</td> </tr> <tr> <td>C</td> <td>22 JULY 2025</td> <td>"TP AMENDMENT"</td> </tr> </tbody> </table> </div>			REF	DATE	DESCRIPTION	A	15 MAY 2025	"TP AMENDMENT"	B	22 JULY 2025	"TP AMENDMENT"	C	22 JULY 2025	"TP AMENDMENT"
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TP AMENDMENT

REV	DATE	DESCRIPTION
A	05 MAY 2005	TOP AMENDMENTS
B	29 JULY 2005	TOP AMENDMENTS
C	29 JULY 2005	TOP AMENDMENTS

NOTES & LEGIONS

[illegible]

DEMOLITION GENERAL NOTES

[illegible]

DEMOLITION GENERAL NOTES

[illegible]

DRAWING SCHEDULE

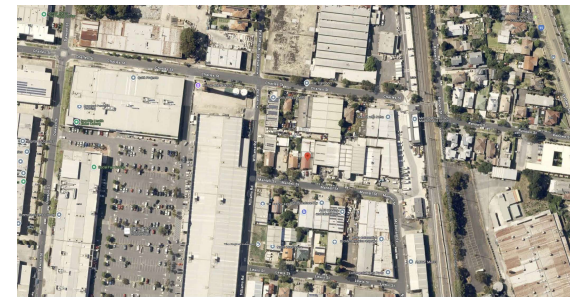
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TP000	COVER SHEET AD	C
TP100	PLAN - SITE CONTEXT - EXISTING	B
TP101	PLAN - SITE - PROPOSED	B
TP102	PLAN - GF - EXISTING/DEMOLITION & PROPOSED	A
TP200	BUILDING ELEVATIONS - EXISTING/DEMOLITION & PROPOSED	C

ROOM SCHEDULE

NUMBER	ROOM NAME	AREA
R,1	MEETING / CONSULTATION ROOM	14 sq ft
R,2	WORKSHOP / MULTIFUNCTIONAL ROOM 2	19 sq ft
R,3	KITCHEN	14 sq ft
R,4	ENTRY HALL	14 sq ft
R,5	F - WC / ABULTION	15 sq ft
R,6	F - DDA WC	6 sq ft
R,7	M - DDA WC	6 sq ft
R,8	M - WC / ABULTION	15 sq ft
R,9	STORE 1	5 sq ft
R,10	STORE 2	32 sq ft
R,11	COVERED OUTDOOR FAMILY ARRIVAL COURTYARD	34 sq ft
R,12	COVERED OUTDOOR COURTYARD	20 sq ft
R,13	WORKSHOP / MULTIFUNCTIONAL ROOM 1	114 sq ft

SITE AERIAL IMAGE

NOT TO SCALE



DATE/TIME: _____

TP000	C	
SCALE 1:100000	DRAWN SC	BY SC
DATE OF ISSUE 29 JUL 2008	ISSUED TO A/1	CONTRACT NO. A/10001

COVER SHEET A0

PROJECT NAME

MANTELL STREET PLACE
OF WORSHIP & ASSEMBLY

PROJECT ADDRESS

THEFT/STOLEN OF CARS NORTH 11 2008

PROJECT

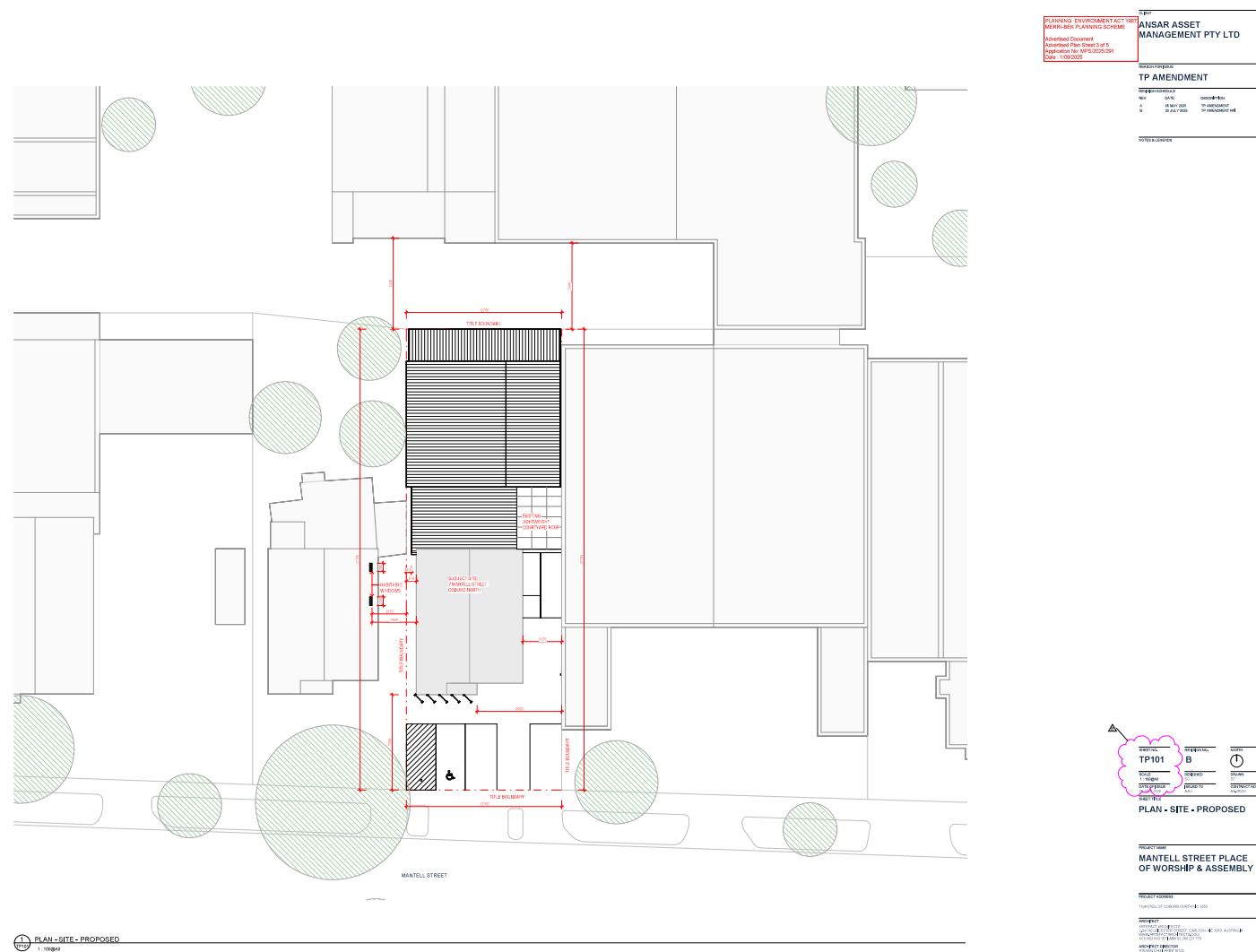
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2241 GULFVIEW STREET, CARLTON, VIC 3061, AUSTRALIA
WWW.INTERFACTBROS.COM

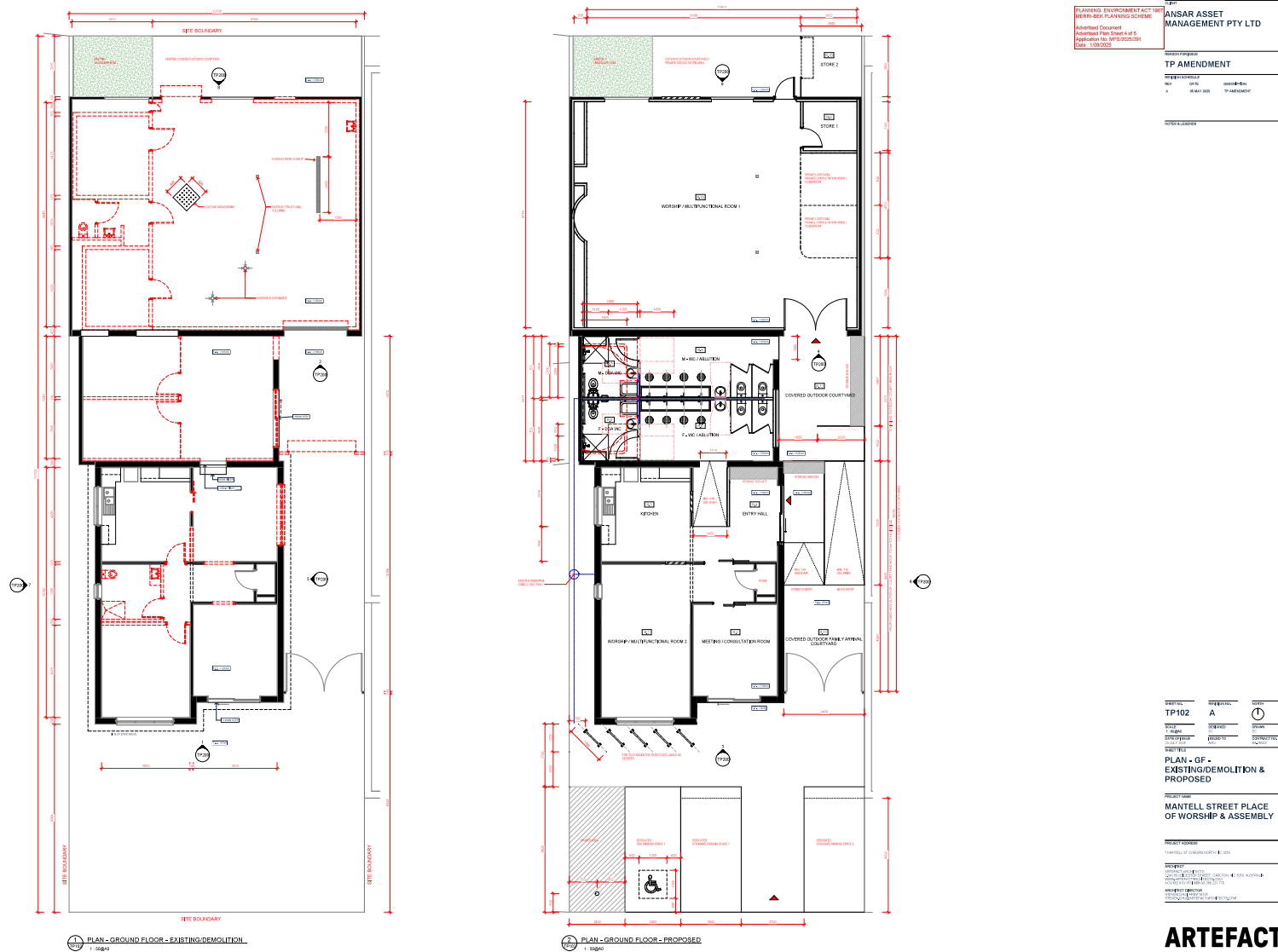
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ARTEFACT









5.2 73 NICHOLSON STREET, BRUNSWICK EAST- PLANNING APPLICATION MPS/2025/85

Director Place and Environment, Pene Winslade

City Development

Executive Summary



Property:	73 Nicholson Street, Brunswick East.
Proposal:	Use the land for Industry (bakery), buildings and works associated with rooftop services and utilities.
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone (C1Z) Environmental Audit Overlay (EAO) Design and Development Overlay – Schedule 23 (DDO23) Parking Overlay – Schedule 1 (PO1) Development Contributions Plan Overlay (DCPO)
Objections:	<p>Twenty-two (22)</p> <p>Key issues:</p> <ul style="list-style-type: none"> Noise emission particularly from the rooftop services. Emissions including fumes, smoke and unpleasant smells. Late night hours of operation. Improper and unhygienic waste management including vermin, smells and use of bins during late night hours. Inability to control the production quantity to an 80 tonne maximum.
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date held: 25th November 2025 Attendees: Four (4) objectors, the applicant, mechanical engineers, and two (2) Council officers 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 for conditions to be included on any permit issued, requiring the relocation of rooftop services and utilities to the south-east side of the building, closer to Nicholson Street frontage, submission of an updated acoustic report and an odour assessment report and provision of a bin enclosure with a roof.
Key reasons for support	<ul style="list-style-type: none"> Proposal makes use of an existing purpose built warehouse. Amenity impacts acceptable with conditions that require reports to manage odour, waste management and noise impacts. Conditions will require limiting the capacity of food production to reduce amenity impacts.
Recommendation:	Notice of Decision to Grant a Planning Permit subject to conditions contained within the officer recommendation

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/85 be issued for the land at 73 Nicholson Street, Brunswick East.

The Permit would allow:

Use the land for Industry (bakery), buildings and works associated with rooftop services and utilities

Planning Scheme Clause	Matters for which permit is required
Clause 34.01-1 (C1Z)	Use of the land for the purpose of Industry (bakery)
Clause 34.01-4 (C1Z)	Construct a building or construct or carry out works
Clause 43.02-2 (DDO23)	Construct a building or construct or carry out works

The following conditions would apply to this permit:

Amended plans

1. Within 60 days of the date of approval of this planning permit, 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 PNEUARCH, dated 10/2025 Project Number RN-250110 Revision C Sheets TP01 – TP08, but modified to show:
 - a) A roof plan showing the rooftop services and utilities located to the south-east side of the building closer to the Nicholson Street frontage;
 - b) Any changes required by the updated Acoustic Report required by Condition 7 including any recommendations reflected and annotated on the site plans;
 - c) Any changes required by the amended Waste Management Plan at Condition 10 including a roof over the bin store;
 - d) Any changes as required by the odour assessment report as required by Condition 14;

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.

Operational conditions

3. The use as approved by this permit must not exceed eighty (80) tonnes of food production per year. The operator must keep a Food Production Record to demonstrate compliance with an eighty (80) tonne maximum food production. This must be provided to the Responsible Authority within 5 days of a written request. The Food Production Record must:
 - a) Include monthly records of the total food production quantity (as measured in tonnes) alongside empirical evidence such as delivery receipts, order documents, or similar to validate this amount;
 - b) be date and time stamped to show the time of record; and
 - c) be retained for a minimum of 24 months on an ongoing basis.
4. The primary activity carried out in the industry (bakery) as approved by this permit, must be for baking and cooking associated with food production.

5. The use as approved by this permit must operate only between the hours of:
 - a) Monday to Sunday– 9.00am until 4.00am the following day.
6. The industry (bakery) approved by this permit, must have no more than two (2) employees on the site between 10pm and 4am.

Noise

7. Within 60 days of the date of approval of this planning permit, an amended Acoustic report generally in accordance with the Acoustic Report prepared by Waveform Acoustics dated 15/09/2025 must be submitted to and approved to the satisfaction of the Responsible Authority. The report must include:
 - a) An assessment of likely noise impacts resulting from the proposed activity (baking) including the rooftop services and utilities re-located to the south-east side of building, and the waste disposal operations using the rear bin storage area during night time trading hours;
 - b) Any recommendations for measures required to achieve an EPA compliant noise emission during the night time trading hours.

Once approved, the report will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority. Within 60 days from the approval of the endorsed Acoustic Report, the recommendations and requirements as specified within section 5.0 of the endorsed Acoustic Report must be installed and completed, to the satisfaction of the Responsible Authority.

8. Within 60 days after the completion and installation of the recommendations and requirements as specified within section 5.0 of the endorsed Acoustic Report, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:
 - a) Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.
 - b) 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 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021, as amended from time to time) or any other superseding regulation.
 - c) Confirmation that the acoustic testing has been carried out during the operation of the use at night time.
 - d) 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.

9. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit a further 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.

Waste management and loading

10. Within 60 days of the date of approval of this planning permit, an amended waste management plan generally in accordance with the waste management plan prepared by Red Square Traffic dated 06/10/2025 must be submitted to the satisfaction of the Responsible Authority. The plan must be amended to include:

- a) Correctly identify the business operations and staffed times as 9am and 4am (daily);
- b) Align with the architectural plans submitted for endorsement;
- c) A manually ventilated waste room with a roof to store the bins;
- d) A 1 metre wide path in the waste room between row of bins for person of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);
- e) A clear commitment that waste bins must only be collected between 9am and 3pm Monday to Saturday, or 9am to 3pm Sunday and Public Holidays;
- f) A commitment that no glass will be emptied into an external bin between the hours of 10pm to 9am on any day;
- g) Provide for collection within the site, with swept paths demonstrating the waste vehicle can exit onto Nicholson Street in a forward direction via a maximum three-point turn.

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

11. The loading and unloading of delivery vehicles and the delivery of goods to and from the site must only be conducted within the property's front setback or a specified loading area on Nicholson Street between 9am and 3pm Monday to Saturday, or 9am and 3pm Sundays and Public Holidays.
12. Unless with the prior written consent of the Responsible Authority, waste bins must not be collected from the kerbside.

Odour report

13. Within 60 days of the date of approval of this permit, 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)* 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 baking and cooking at the premises complies with that standard.

The permit holder must undertake any works required to implement and maintain the mitigation measures identified in the report (including by obtaining any required approvals) to the satisfaction of the Responsible Authority.

Preliminary Site Investigation

14. Within 60 days of the date of issue of the planning permit, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Preliminary Site Investigation is to be conducted by a suitably qualified environmental consultant. The owner must comply with the findings of the Preliminary Site Investigation to the satisfaction of the Responsible Authority. The Preliminary Site Investigation must:
- a) Specify the name and qualifications of the person who has conducted the Report;
 - b) State that the assessment has been undertaken in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination Measure) Amended Measure 2013, or any superseding document;
 - c) Not contain a disclaimer limiting the use of the report by the Responsible Authority;
 - d) Undertake an assessment of the site history and potential for contamination, to determine the suitability of the proposed use of the land;
 - e) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
 - f) Make an unequivocal statement that either;
 - i. The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health having regard to the use approved by this permit and that no further assessment is required, or;
 - ii. The condition of the land is such that a preliminary risk screen assessment or an environmental audit statement should be conducted in accordance with condition 16 of this permit, taking into consideration the use approved by this permit.
15. Should it be deemed necessary in accordance with condition 15 of this permit, and within 90 days of the submission or other time agreed to in writing by the Responsible Authority of a Preliminary Site Inspection to Council, 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.
16. 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 within 60 days from the date the environmental audit statement is issued for the land. 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).
17. Where an environmental audit is required and prior 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.
18. 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 15, 16 and 17 are satisfied.
19. Where an Environmental Audit is required, within 90 days from the date the environmental audit statement is issued for the land, 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.
20. Where a preliminary risk screen assessment has satisfied Condition 16 (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.

Permit Expiry

21. 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; or

- b) the development is not completed within five (5) years from the date of issue of this permit; or

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 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

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

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

1. Background

Subject site

The site is located on the west side of Nicholson Street in Brunswick East. With a 12.19 metre frontage to Nicholson Street and a total site area of 484sqm, the site contains a double storey warehouse building which is currently used as a commercial bakery. Historic street view imagery indicates the land had previously been used as a cleaning supplies distribution centre. The building is setback approximately 7 metres from Nicholson Street and is setback approximately 5.3 metres from the western (rear) property boundary.

The site has vehicle access to the rear via a carriageway easement which is partly over the adjoining property at 71 Nicholson Street.

Surrounds

The developments surrounding the site have high site coverage and are multi-storey buildings, containing mostly commercial and residential land uses.

A number of residential apartments are located immediately to the west (rear) of the site. Land to the immediate north is occupied by a take away food premises (identified as Baketico) and to the immediate south is used as an office/studio space. Properties to the east of the site across Nicholson Street are within the Residential Growth Zone and have been developed for low-scale residential dwellings. The area is well serviced by public transport including a, tram, bus and bicycle infrastructure.

A location plan forms **Attachment 1**.

Site history

- Planning Permit MPS/2024/378 was issued on 18 February 2025 allowing buildings and works to construct a verandah at the rear of the existing building. These works have not commenced, and the permit remains valid. This approval does not conflict with any component of this planning application.

The proposal

Following complaints and an investigation by Council's Planning Enforcement officers, retrospective planning approval is sought to use the land for industry being a commercial bakery which produces food for other venues and restaurants within Collingwood and Richmond. Further details are summarised as follows:

- A maximum production of 80 tonnes of food per year.
- Primary production relates to baked goods such as bread and pastries which makes up 80 per cent of the business activity. Other activities include cooking of food and related ingredients such as sauces, meats and fillings which are placed within baked goods.
- Proposed food production operating hours are between 9am and 4am seven days a week.
- Maximum of 2 employees in the premises at any one time.
- Deliveries proposed between 7am-3pm seven days a week and will be undertaken in small delivery truck from the site.
- A takeaway food premises is proposed within the front section of the building which offers food and drink service to general public (in connection with the bakery). This is proposed to operate between 10am and 3pm daily.
- A dedicated waste area proposed behind the building.

- Waste collection will be undertaken privately once a week and will occur between 8.00am and 10.00am.
- Buildings and works to construct rooftop services and utilities associated with the kitchen. These generally include flues associated with the oven canopy exhaust, oven heat discharge, air supply, cooking exhaust fan and roof ventilation. These have been installed on the rear (western) section of the roof.

The development plans form **Attachment 2**.

Statutory Controls – why is a planning permit required?

Commercial 1 Zone (C1Z)	<p>Clause 34.01-1 (C1Z):</p> <ul style="list-style-type: none"> • A permit is required to use the land for industry (bakery) provided production does not exceed 200 tonnes per year. If production exceeds this limit, the use is prohibited. The submitted documentation states that the bakery will produce a maximum of 80 tonnes per year therefore, a permit is required, and is not prohibited. • A permit is not required to use the land for a takeaway food premises as relating to the front customer facing bakery. • A permit is required to construct a building or construct or carry out works associated with rooftop services and utilities.
Design and Development Overlay – Schedule 23 (DDO23)	A permit is required to construct a building or construct or carry out works associated with rooftop services and utilities.

Other relevant provisions:

- Clause 45.03: Environment Audit Overlay. The recommendation includes conditions related to potentially contaminated land.
- Clause 45.09: Parking Overlay. Identifies the land use within Column B for the purpose of car parking requirements.
- Clause 52.06-3: Car Parking. A permit is not required to reduce the number of car parking spaces.
- Development Contributions Plan Overlay (DCPO): The Development Contributions Plan has expired and is therefore not relevant to applications determined on or after 1 July 2023.

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 nearby land.
- Placing a sign on the Nicholson Street frontage of the site for 14 days.

The application has received a total of twenty-two (22) objections. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are summarised as follows:

- Noise emission caused by the rooftop mechanical plant equipment.

- Emissions including fumes, smoke and unpleasant smells.
- Late night hours of operation.
- Improper and unhygienic waste management including vermin, smells and use of bins during late night hours.
- Operation of the use prior to planning approval.
- Inability to control the production quantity to an 80 tonne maximum.

Planning and discussion meeting

A Planning Information and Discussion meeting was held on 25 November 2025. Two Council Planning Officers, the applicant and mechanical engineer, and four objectors. 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 for conditions to be imposed, should a permit be issued, requiring the relocation of rooftop services and utilities to the south-east side of the building closer to Nicholson Street frontage, submission of an updated acoustic report and an odour assessment report and provision of a bin enclosure with a roof.

Internal/external referrals

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

External Agency	Objection/No objection
Environmental Protection Authority (EPA)	<p>Acknowledging the application does not require a formal referral to the EPA under the Planning Scheme requirements, notification was provided to EPA under s52 of the <i>Planning and Environment Act 1987</i>. The EPA did not object to the proposal and recommended the following:</p> <ul style="list-style-type: none"> • Post commencement acoustic testing as suggested by the consulting acoustic report. • Engagement between Council and the permit applicant to achieve a noise compliant outcome. <p>With regards to odour, EPA recommended Council review the proposal against EPA odour guidelines.</p>

Internal Branch/Business Unit	Comments
Engineering Services Unit	No objection subject to conditions included in the recommendation.

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 Risks and Amenity (Clause 2.03-3)
 - Built Environment and Heritage (Clause 2.03-4)
 - Economic Development (Clause 2.03-6)

- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
 - Contaminated and Potentially Contaminated Land (Clause 13.04-1S)
 - Noise Abatement (Clause 13.05-1S and 13.05-1L)
- Built Environment (Clause 15.01), including:
 - Urban Design (Clause 15.01-1S, 15.01-1R and 15.01-1L)
 - Building Design (Clause 15.01-2S and 15.01-2L)
- Economic Development (Clause 17), including:
 - Diversified economy (Clause 17.01-1S and 17.01-1R)
 - Business (Clause 17.02-1S)

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 impact of the proposal on the users of the premises, visitors and other associated systems have been considered.

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 proposed use have strategic policy support and is it appropriate in the zone?

The purpose of the Commercial 1 Zone is to create:

“vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.”

Some factors that weigh in favour of supporting the proposal are:

- The proposal utilises an existing purpose-built building which was previously used for commercial and industrial activity (warehouse and distribution centre).
- The provision of a takeaway food premises at the front, which is the type of land use encouraged along shopping strips.
- Modest employment which aligns with the policies at Clause 17 (Economic Development) which seek to enhance and promote economic development within the Commercial 1 Zone.

On balance the commercial bakery is acceptable, subject to the impacts on the surrounding land uses being managed, particularly the apartment building behind the site which is discussed below.

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

The Commercial 1 Zone contains a requirement that a use must not unreasonably impact the amenity of the neighbourhood including through traffic impacts, noise, odour and fumes. The western adjoining apartment building is not within a residential zone, however the decision guidelines provide guidance for avoiding conflict between the uses. This is assessed below.

Hours of operation

As part of the Planning information and Discussion meeting, it was generally acknowledged by the objections, that concerns regarding the business's operating hours are mostly linked to the potential noise and odour impacts associated with the use of the building. This not only included the use of rooftop services and utilities but the use of the waste storage area, particularly waste disposal and the closing and opening of bins during nighttime hours.

The acoustic report does not assess noise emissions generated by the business's activities beyond the rooftop services. As a result, the recommendation includes conditions requiring an updated acoustic report to evaluate the noise impacts associated with the business's operations, to provide any necessary noise reduction recommendations.

With conditions regulating the noise from the proposed use, the late night activity will not unreasonably impact the residents of the apartment building to the west and therefore the hours of industrial bakery can be supported.

Noise

A key concern raised by the objectors was noise, particularly from the rooftop services. An acoustic report, prepared by an acoustic consultant, has been submitted with the application which has conducted noise testing during both a day and night period and confirmed that the noise levels from plant and equipment exceed the EPA regulations. The report provides a list of recommendations to achieve compliance with the EPA regulations which includes constructing a new rooftop enclosure around the rooftop mechanical equipment, upgrading the building internally and externally to reduce noise. The conclusions of the acoustic report, confirm the objectors concerns that the noise impacts are unreasonable.

Following the Planning Information and Discussion Meeting the applicant has agreed to conditions being included on any permit, requiring the relocation of the rooftop services and utilities to the south-east side of the building, closer to the Nicholson Street frontage. This should assist with reducing the noise to the residents in the apartment buildings to the west and north. This has been imposed as a condition of the officer recommendation.

The recommendation also requires that within 60 days of the issue of the permit, updated plans be provided showing the works required by the acoustic report, and that the recommendations of the acoustic report be implemented and complied with at all times. Additionally, conditions require a post-commencement acoustic report to be submitted to validate that all of the recommendations and requirements of the current report have been implemented and these have been effective in reducing the noise emission. Where it has not been effective, the condition requires additional acoustic measures be applied to ensure compliance.

The site is located in a commercial zone which also applies to the residential apartment at 77 Nicholson Street. This apartment building has incorporated noise mitigation measures, at the advice of an acoustic engineer to mitigate future conflict with surrounding commercial uses. Notwithstanding this, the new use results in a change in circumstances since the apartments approval in 2017. Having regard to the commercial zoning of the site, the conditions to require compliance with the submitted acoustic report, will result in the commercial bakery being in compliance with the relevant noise protocols. The nearby residents will experience a reduction in noise impacts once the permit conditions are complied with.

Odour

Notice of the application has been given to the EPA who have recommended Council review the EPA's *Guidance for Assessing Odour Publication 1883 (June 2022)* (the publication). Council have reviewed the publication which places specific emphasis on the surrounding area and whether the odour forms part of smells from other industries within the area (making it less impactful). In this scenario, the commercial bakery is likely the only odour source within the area, particularly during night hours, and therefore, the publication suggests a review of odour sources, and the sensitivity of the surrounds.

With no technical odour assessment, and the site's location next to a residential apartment building and a key concern of objectors being to odour, the recommendation to this report includes conditions for an odour assessment report to measure and manage the odour from the use which the applicant has also agreed to undertake. This is recommended to be completed in accordance with section 7 of the publication which provides guidance on assessing odour emissions. As this application has been made retrospectively, this report will be required within 60 days of the date of issue of the permit to ensure the odour emissions are appropriately resolved.

Waste management

The site plans show a dedicated space adjacent to the rear wall of the building which can accommodate 10 commercial waste bins. This location was specifically chosen in response to objector concerns relating to the storage of waste bins next to the shared boundary fence.

A Waste Management Plan has been submitted with the application which reviews the total waste quantity from the business and demonstrates best practice waste disposal and storage. Council's Development Engineer has reviewed the proposed waste management plan and provided conditional support which recommends a waste storage room and swept path details of the rubbish truck which have been included as part of the officer's recommendation. With these requirements including bins emptied weekly, the waste odours should be appropriately managed. Additionally, the permit applicant has offered that no glass or recyclables will be emptied into the external waste bins after 10pm to reduce the potential noise emission. This has been included as part of the recommendation.

The recommendation requires this report be endorsed as part of the planning permit. The report includes a clerical error in its reference to the operation hours suggesting operation until 4pm. 4am is the correct closure time noting that the waste assessment has been of the current operations, as it acknowledges day and night shifts. Conditions of the officer recommendation requires this error be corrected.

Delivery of goods

The existing building contains a front loading bay with a large roller door and generous front setback (approximately 7 metres) which can accommodate a small truck for loading/unloading arrangement. Objectors have raised concerns with loading/unloading being undertaken from the rear of the site. Conditions of the recommendation require that loading be undertaken from the front of the site or a specified loading area on Nicholson Street between 7am and 3pm.

Is the proposed car and bicycle parking provision acceptable?

The Planning Scheme sets a car parking requirement of 1 car space per 100sqm of net floor area for industry. The net floor area is 427 sqm, creating a 4 car space requirement under the car parking provision for a new industry land use within the building. There is a planning permit exemption for car parking reductions when:

- The land is zoned Commercial 1; and
- The gross floor of the building is not increased; and
- The reduction does not exceed 10 car parking spaces.

As the above exemptions apply, no planning permit is needed to reduce the car parking requirement.

The use has 427sqm of net floor area. Bicycle parking is not required for an industry with a total net floor area less than 1000sqm.

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

Council's Development Engineer has reviewed the proposed impact to traffic congestion and suggested the use is expected to generate a total of 14 vehicle movements per day, which is 3 movements greater than the previous warehouse (which had 11 movements per day). The three additional movements will not cause unacceptable congestion at nearby intersections.

Are the proposed building works?

The mechanical plant equipment on the roof cannot be seen from a street.

The rooftop mechanical equipment is visible from the common walkway and windows of the apartment building to the west. They are considered acceptable as they match, industrial character of the building and do not result in any overshadowing. The appearance of these services is likely to be improved once an enclosure is constructed, as required by the acoustic report.

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

Clause 15.01-2L (Environmentally Sustainable Development) requires the submission of a Sustainable Design Assessment (SDA) for a development proposing an increase in gross floor area between 100 and 1000 square metres. As the proposed development makes use of an existing building and does not seek an increase to the gross floor area of the building, an SDA report is not required as part of this application.

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

A warehouse building currently occupies the land. Historical Google Street View imagery indicates that as early as 2007, the premises operated as a cleaning supplies distribution centre. The Victorian Government's potential contaminated land map (Vic Unearthed) does not identify the site's history. The practice note for potentially contaminated land (July 2021) recommends a preliminary site investigation should be undertaken to inform whether an Environmental Audit is required. The recommendation includes conditions for a further investigation to be undertaken.

5. Response to Objector Concerns

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

- Noise emission caused by the rooftop mechanical plant equipment.
- Emissions including fumes, smoke and unpleasant smells.

- Late night hours of operation.
- Improper and unhygienic waste management including vermin, smells and use of bins during late night hours.

Other issues raised by objectors are addressed below:

Operation of the use prior to planning approval

The industrial bakery use has commenced and building and works for the rooftop mechanical plant equipment have been undertaken without planning approval. The approval of a planning permit should not be given simply because the use had already commenced and works completed. Council is required to assess the application against the relevant planning policies and make a decision.

Inability to control the production quantity to an 80 tonne maximum

The permit applicant has estimated a total production of 80 tonnes of food produce per year which is well below the 200 tonne which prohibits the use in this area. The size of the building, scale of the internal kitchen fit out, and waste arrangement are in line with an 80 tonne production. As part of the officer recommendation a condition has been imposed to require a total production of no greater than 80 tonne per year. The wording of the condition of permit will enable Council's Planning Enforcement Unit to review records to confirm this is the case in the future, in response to any complaints received by Council.

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 approval of the commercial bakery is considered acceptable when balancing the objections received against with the Merri-bek Planning Scheme requirements and objectives, including those seeking:

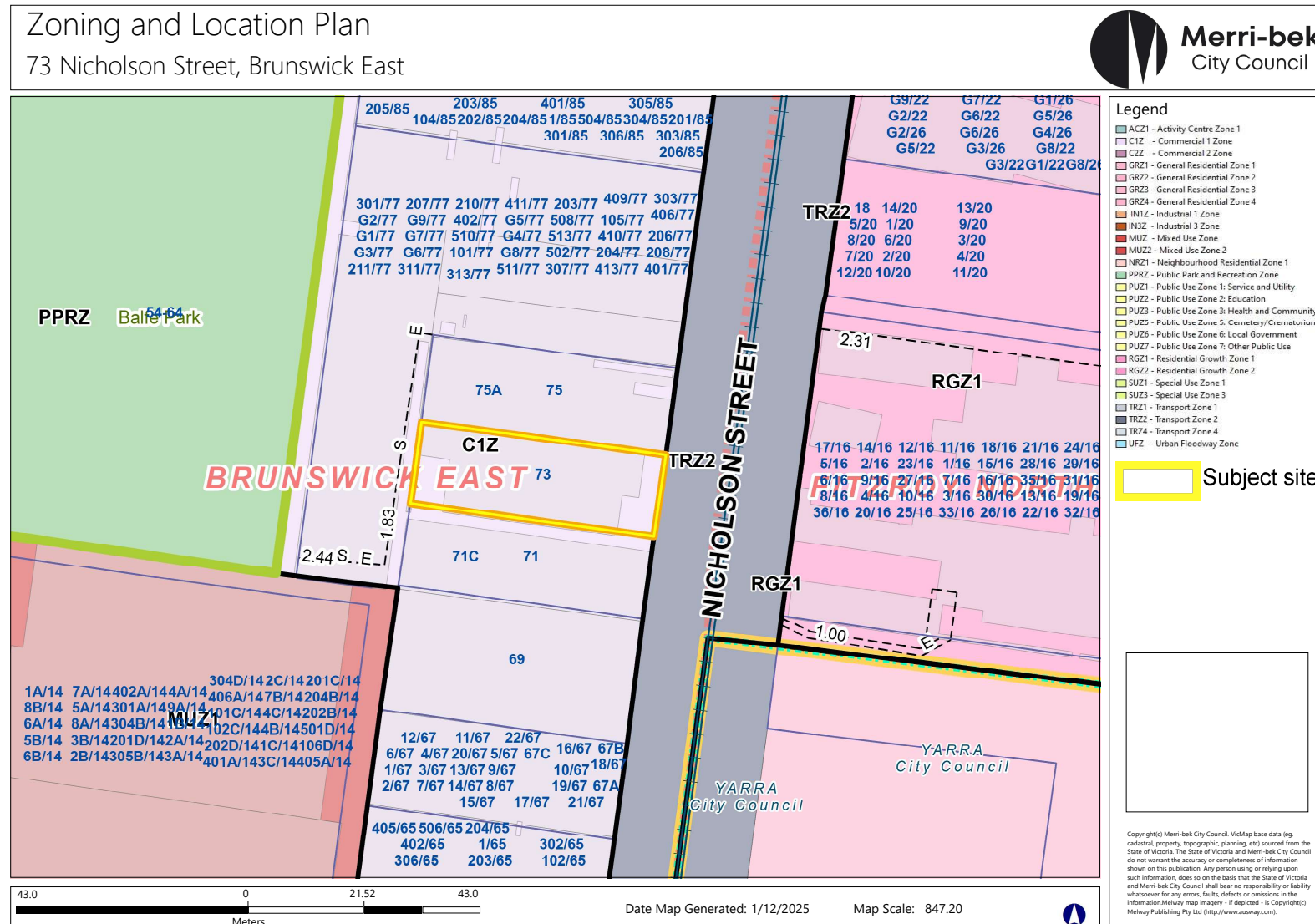
- To support economic development within the Commercial 1 Zone.
- To manage conflict between existing and proposed land uses within a commercial area.

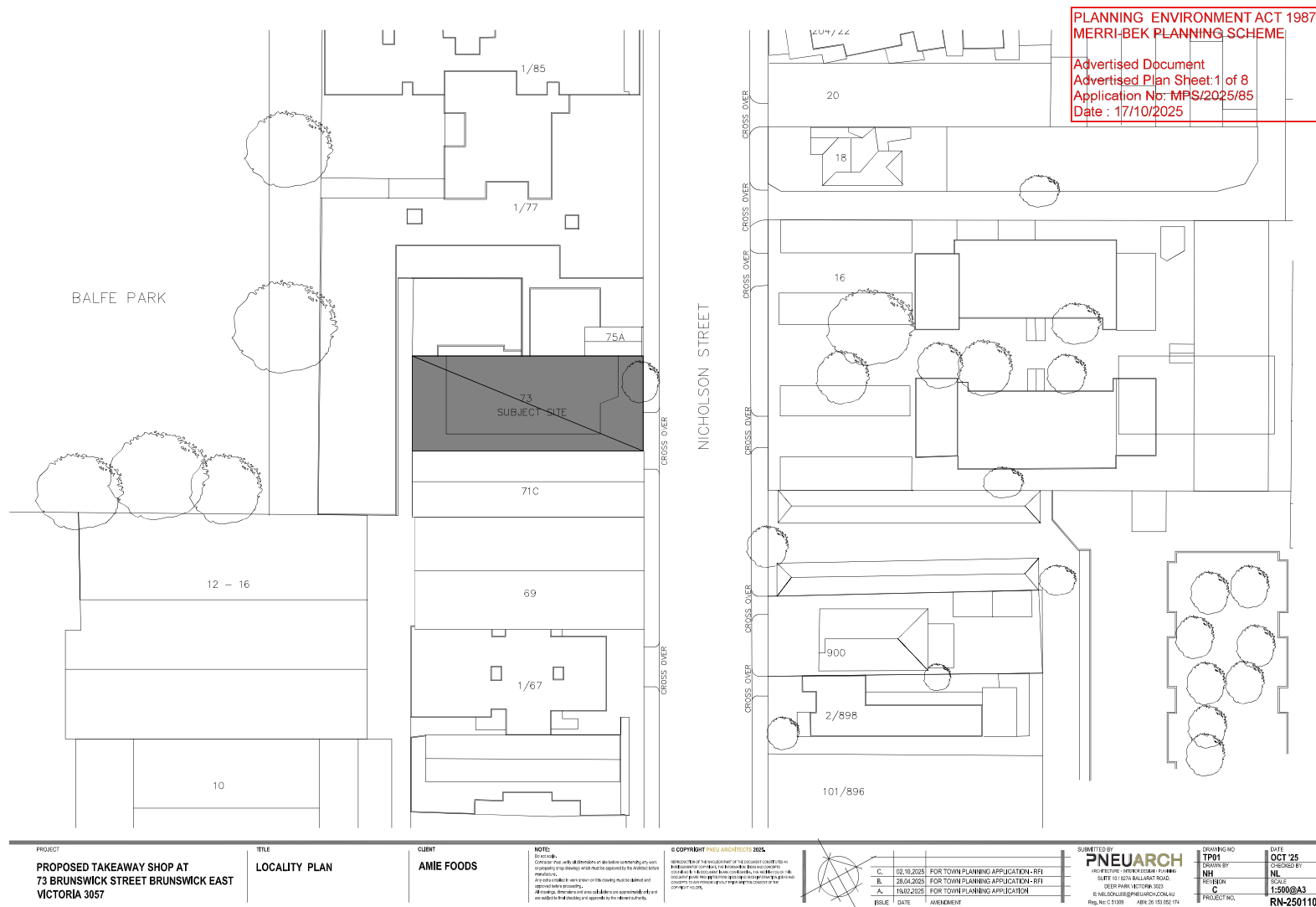
Subject to conditions to manage amenity impacts associated with the hours of operation, noise and odour, waste management and limiting the amount of food production and the loading/unloading requirements, the use of the site as a commercial bakery can be supported.

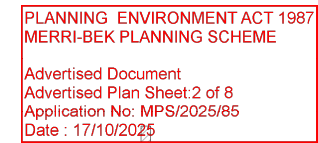
On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is considered that Notice of Decision to Grant a Planning Permit MPS/2025/85 should be issued, subject to the conditions included in the recommendation of this report.

Attachment/s

1	Zoning and Location Plan	D25/629089
2	Development Plans	D25/629093
3	Objector Map	D25/629224

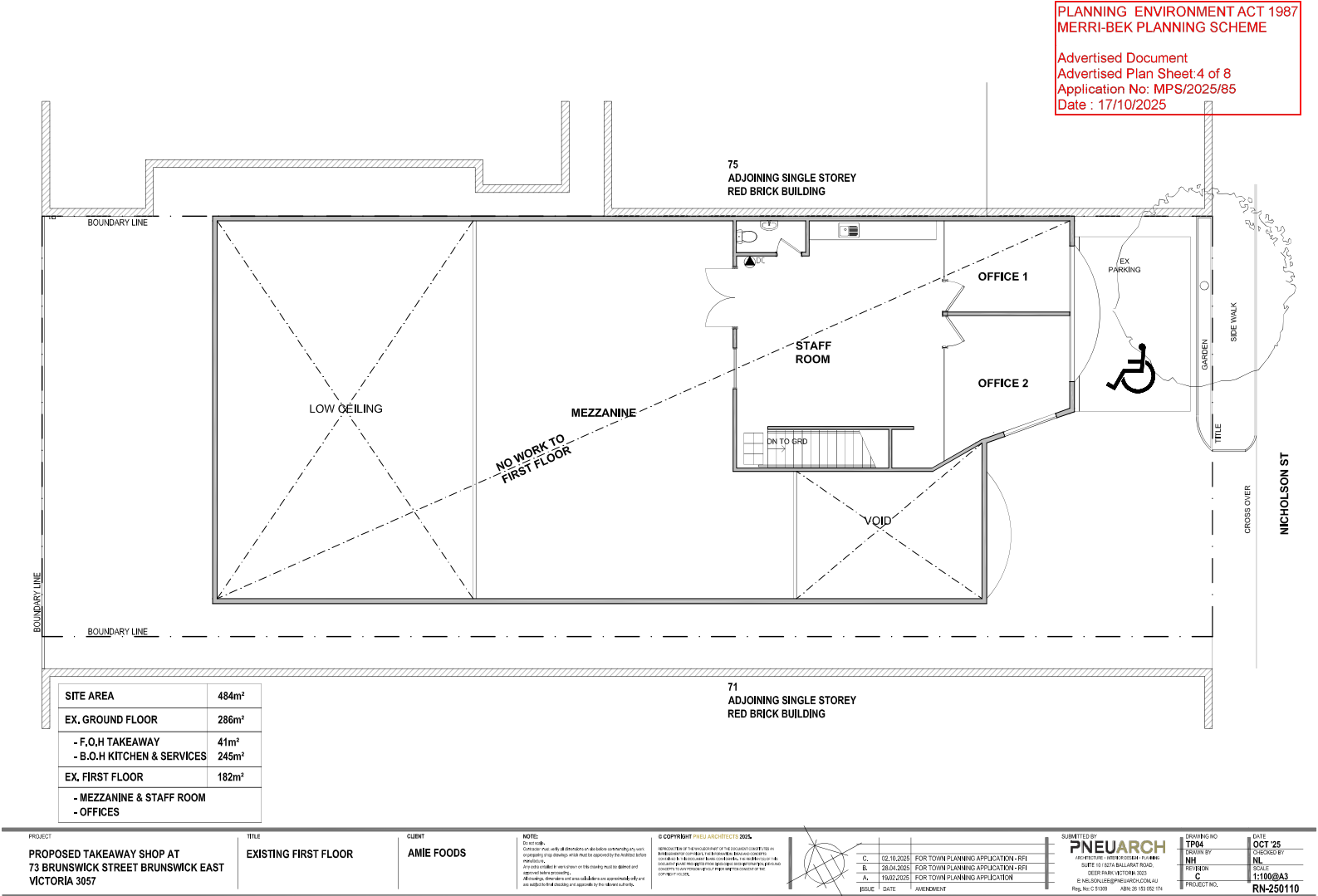




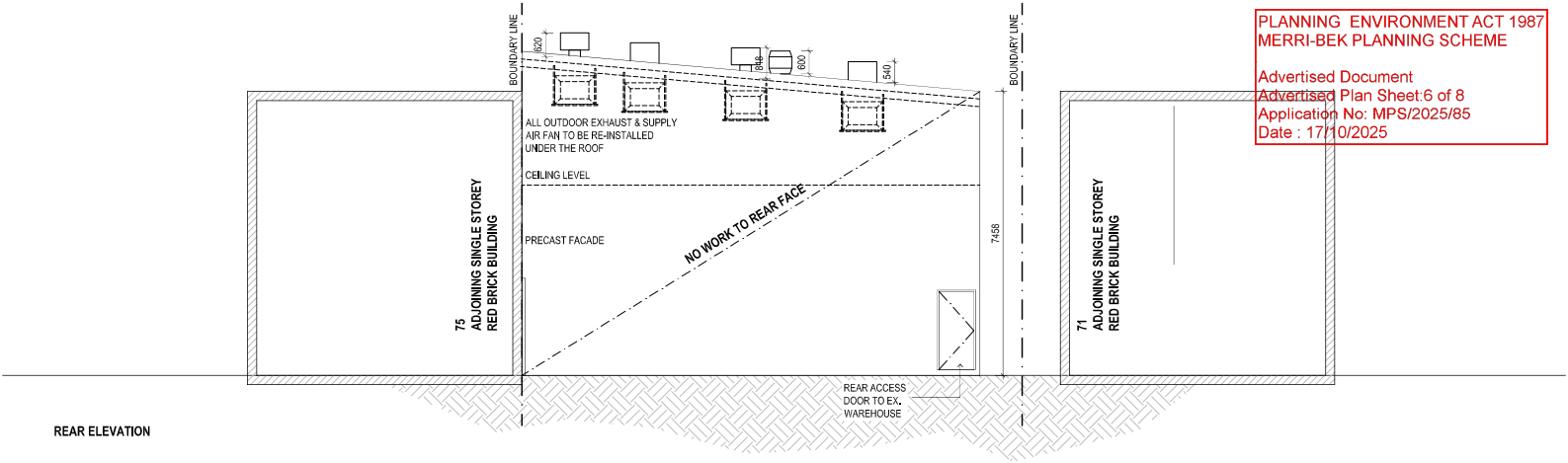


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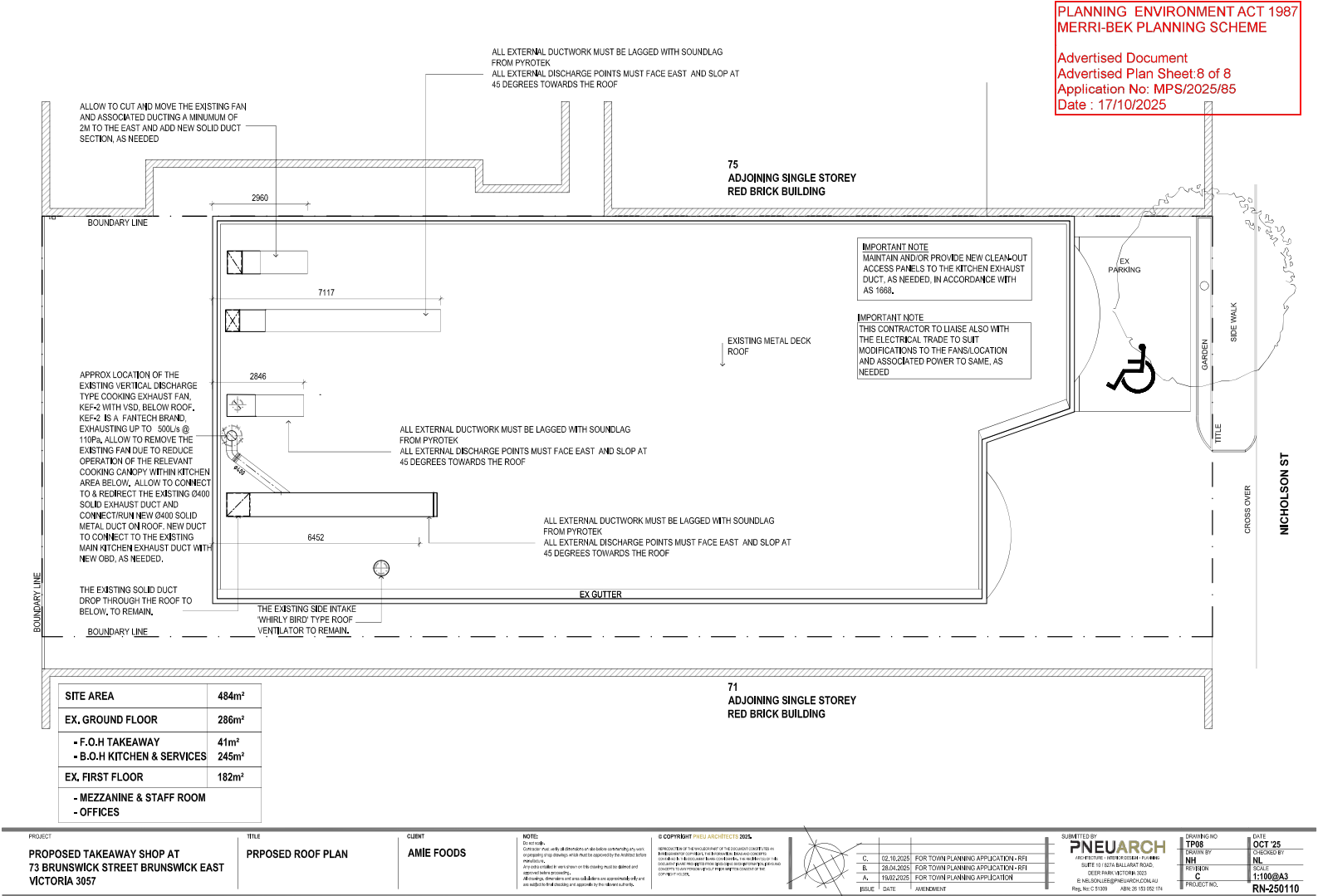




PROJECT	TITLE	CLIENT	NOTES	© COPYRIGHT PNEU ARCHITECTS 2025.			SUBMITTED BY		DRAWING NO	DATE
PROPOSED TAKEAWAY SHOP AT 73 BRUNSWICK STREET BRUNSWICK EAST VICTORIA 3057	PROPOSED ELEVATION (REAR)	AMIE FOODS	Do not scale.	<p>© COPYRIGHT OF THE PROPRIETOR OF THE DOCUMENT CONTAINED ON THIS DOCUMENT IS RESERVED. THIS DOCUMENT CONTAINS THE PROPRIETARY INFORMATION OF PNEU ARCHITECTS AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE OR RETRIEVAL SYSTEM, WITHOUT PRIOR WRITTEN PERMISSION FROM PNEU ARCHITECTS.</p>				TP06	DRAWING NO	OCT 25
			Consultants shall verify all dimensions on site before commencing any work.							
			Any work undertaken in accordance with this drawing must be detailed and approved before proceeding.							
			All drawings, specifications and calculations are approximate only and are subject to third party review and approval by the relevant authority.							
				C	02.10.2025	FOR TOWN PLANNING APPLICATION-RPI				
				B	28.04.2025	FOR TOWN PLANNING APPLICATION-RPI				
				A	19.02.2025	FOR TOWN PLANNING APPLICATION				
				ISSUE	DATE	AMENDMENT				

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Objector map

73 Nicholson Street, Brunswick East



Subject site



Objector



Merri-bek
City Council

