



Merri-bek
City Council

Minutes of the Planning and Related Matters Meeting

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 25 March 2026

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The Mayor opened the meeting at 6.34 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

| Present | Time In | Time Out |
|-----------------------|----------------|-----------------|
| Cr Nat Abboud, Mayor | 6.34 pm | 10.10 pm |
| Cr Sue Bolton | 6.34 pm | 10.10 pm |
| Cr Helen Davidson | 6.34 pm | 10.10 pm |
| Cr Liz Irvin | 6.34 pm | 10.10 pm |
| Cr Chris Miles | 6.40 pm | 10.10 pm |
| Cr Helen Politis | Apology | |
| Cr Adam Pulford | 6.34 pm | 10.10 pm |
| Cr Ella Svensson | 6.34 pm | 10.10 pm |
| Cr Katerine Theodosis | 6.34 pm | 10.10 pm |
| Cr Oscar Yildiz JP | 6.34 pm | 10.10 pm |

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Manager Governance and Strategy – Yvonne Callanan
 Unit Manager Governance and Risk – Sophie Barison
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator - Ryan Hay
 Planning Coordinator - Esha Rahman
 Planning Coordinator - Aileen Chin
 Principal Urban Planner – Alex Osborne
 Commercial Priority Senior Urban Planner – Ned Dumaresq

APOLOGIES/LEAVE OF ABSENCE

Cr Helen Politis was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Liz Irvin declared a general conflict of interest in Report 5.4 278-282 Albert Street, Brunswick - Planning Permit Application - MPS/2025/369 as a family member owns a property adjacent to the subject site.

Council officers, Pene Winslade, Director Place and Environment, and Mark Hughes, Unit Manager Urban Planning declared a general conflict of interest in Report 5.2 90 Bell Street and 29-31 Urquhart Street, Coburg - Planning Permit Application - MPS/2024/414 as they are both representing Council as landowner and service provider on the project, and therefore have not participated in, or be involved in any aspect of the statutory planning decision process

MINUTE CONFIRMATION

Resolution

Cr Theodosis moved, Cr Irvin seconded -

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

Carried

ALTER THE ORDER OF BUSINESS

With the agreement of Council, the order of business was altered to consider Report 5.3 932 Sydney Road, Coburg North - Planning Application - MPS/2025/599 as the last item to enable Council to hear from as many objectors as possible.

COUNCIL REPORTS

Cr Miles entered the meeting at 6.40pm.

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

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.

Officer Recommendation

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

Resolution

Cr Irvin moved, Cr Svensson seconded -

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

Carried unanimously

Having declared a conflict of interest in Report 5.2, Council officers, Pene Winslade, Director Place and Environment, and Mark Hughes, Unit Manager Urban Planning left the meeting at 6.42 pm.

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



| | | |
|-------------------------------|--|---|
| Property: | 90 Bell Street and 29-31 Urquhart Street, Coburg | |
| Proposal: | 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. | |
| Zoning and Overlay/s: | 90 Bell Street, Coburg | 29-31 Urquhart Street, Coburg |
| | <ul style="list-style-type: none"> Activity Centre Zone – Precinct 5 (Civic and Community) Parking Overlay Schedule 1 Specific Controls Overlay – SCO3 | <ul style="list-style-type: none"> Activity Centre Zone – Precinct 10 (Pentridge Village) Parking Overlay Schedule 1 Environmental Audit Overlay |
| Strategic setting: | Minimal change | Incremental change |
| | | Significant change |
| Objections: | 5 objections, raising key issues of: <ul style="list-style-type: none"> Car parking and traffic impacts Heritage Building height and bulk Staging Solar access and overshadowing | |
| Objector consultation: | Discussions held with all objectors to understand their concerns. Officer explained the application in detail and responded to concerns. | |
| ESD: | <ul style="list-style-type: none"> Commitment for Green Star certification | |
| Accessibility: | <ul style="list-style-type: none"> At least 73 per cent of apartments are accessible 16 Specialist Disability Accommodation (SDA) units proposed | |

| | |
|--------------------------------|---|
| Key reasons for support | <ul style="list-style-type: none"> • Delivery of health services, social and community infrastructure, and diverse housing which provides significant benefits to the community. <ul style="list-style-type: none"> • Provision of affordable housing outcome • Provision of new publicly accessible space and streetscape upgrades |
| Recommendation: | 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 75m² 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 1cm 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.

Motion

Cr Bolton moved -

That point 30 (b) be amended from *'minimum of 30 years'* to *'in perpetuity' from the date of occupation.*

Lapsed for want of a seconder

Resolution

Cr Miles moved, Cr Pulford seconded -

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.

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 Section 23 of the Subdivision Act 1988 |
| 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 75m² 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 1cm 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.

Carried unanimously

7.04 pm Council officers, Pene Winslade, Director Place and Environment, and Mark Hughes, Unit Manager Urban Planning, returned to the meeting.

The order of business was altered to consider Report 5.3 932 Sydney Road, Coburg North - Planning Application - MPS/2025/599 as the last item to enable Council to hear from as many objectors as possible.

Having declared a conflict of interest in Report 5.4, Cr Irvin left the meeting at 7.06 pm.

7.15 pm Cr Yildiz left the meeting.

7.16 pm Cr Yildiz returned to the meeting.

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



| | | | |
|---|---|--------------------|--------------------|
| Property: | 278-282 Albert Street, Brunswick | | |
| Proposal: | 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 | | |
| Zoning and Overlay/s: | <ul style="list-style-type: none"> • Commercial 1 Zone • Heritage Overlay HO149 • Design and Development Overlay DDO18 • Parking Overlay PO1 | | |
| Strategic setting: | Minimal change | Incremental change | Significant change |
| Objections: | <ul style="list-style-type: none"> • 34 objections • Key issues: <ul style="list-style-type: none"> - Daylight access - Overshadowing - Building height | | |
| Planning Information and Discussion (PID) Meeting: | <ul style="list-style-type: none"> • Date held: 3 February 2026 • Attendees: 12 objectors, the applicant and architect, 2 Council officers, and Cr Liz Irvin. • 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. | | |
| Environmentally Sustainable Design: | <ul style="list-style-type: none"> • Minimum average NatHERS rating of 7.9 stars. • 55 per cent BESS score • 10KW Solar PV System • Electric Vehicle (EV) distribution boards for future EV charging | | |
| Accessibility: | <ul style="list-style-type: none"> • Adaptable apartments in 54 per cent of the proposal | | |
| Key reasons for support | <ul style="list-style-type: none"> • High compliance with apartment standards • Positive ESD response | | |
| Recommendation: | 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/. 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.

Motion

Cr Pulford moved, Cr Svensson seconded –

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 |
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| 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:

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 - b) All the accessible apartments to annotate bathroom design type in accordance with Clause 58.05-1 (Accessibility).
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 - 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.
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 - 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/. 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.

LOST

Meeting Adjournment

Resolution

Cr Bolton moved, Cr Davidson seconded -

That the meeting be adjourned for 10 minutes to consider an alternative motion

Carried

The meeting adjourned at 7.44pm

Meeting Resumption

The meeting resumed at 7.54 pm.

Resolution

Cr Pulford moved, Cr Miles seconded -

That the meeting be further adjourned for 20 minutes.

Carried

The meeting adjourned at 7.54pm

Meeting Resumption

The meeting resumed at 8.19 pm.

Resolution

Cr Bolton moved, Cr Davidson seconded -

That a Refusal to Grant Planning Permit No. MPs/2025/369 be issued for the 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 at 278-282 Albert Street, Brunswick on the following grounds:

1. The proposal fails to ensure the setback of a building from a boundary appropriately responds to the existing urban context as the buildings are not set back from side and rear boundaries, and other buildings within the site to ensure the dwellings are designed to meet the objectives of Clause 58. In particular:
 - a) The proposal would provide inadequate building separation to the lower-level dwellings to the south impacting dwelling amenity.
 - b) The proposed walkway is inadequately setback from the level 5 communal terrace of the western neighbouring apartment building resulting in unacceptable visual bulk.
2. The proposed development fails to ensure the reasonable future development opportunities of the eastern neighbouring properties contrary to Clause 15.01-2L (Apartment Developments in Merri-bek)
3. The ground floor southern “communal terrace” and secluded private open space of Dwelling 107 would result in direct views to the southern neighbouring apartment bedrooms contrary to Clause 58.04 (Apartment Developments).

Carried

8.27 pm Cr Irvin returned to the meeting.

8.28 pm Cr Miles left the meeting.

8.30 pm Cr Miles returned to the meeting.

5.5 74 DEVON ROAD PASCOE VALE - PLANNING PERMIT APPLICATION - MPS/2025/528



| | |
|------------------------------|--|
| Property: | 74 Devon Road, PASCOE VALE |
| Proposal: | 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 |
| Zoning and Overlay/s: | <ul style="list-style-type: none"> • General Residential Zone – Schedule 1 (GRZ1) • Development Contributions Plan Overlay (DCPO) |
| Strategic setting: | <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="background-color: #cccccc; padding: 5px;">Minimal change</div> <div style="background-color: #0070C0; color: white; padding: 5px;">Incremental change</div> <div style="background-color: #cccccc; padding: 5px;">Significant change</div> </div> |
| Objections: | <ul style="list-style-type: none"> • 10 Objections • Key issues: <ul style="list-style-type: none"> • Traffic • Location in a residential area • Amenity impacts including noise |

| | |
|---|--|
| Planning Information and Discussion (PID) Meeting: | <ul style="list-style-type: none"> • Date held: 5 February 2026 • Attendees: 1 objector, the applicant, 2 Council officers, and Cr Katherine Theodosios • The following agreements were reached after the PID meeting: <ul style="list-style-type: none"> • Update arborist report to reflect adjacent vegetation. • Install a sign to restrict right turns out of the site onto Devon Road. • Provide a traffic management plan to ensure safe vehicle access to the site. |
| ESD: | <ul style="list-style-type: none"> • Blue Factor report with 100 per cent score, demonstrating best practice has been achieved. • 15kW solar panel system. • 15,000-litre rainwater tank for toilet flushing. |
| Key reasons for support | <ul style="list-style-type: none"> • The childcare centre will help meet local needs, close to homes and in an area with good road and public transport access. • More car parking provided than required by planning scheme. • Conditions for vehicles to safely enter/exit onto Devon Rd. • Impacts on neighbours are managed through the use of acoustic fencing and the daytime operating hours. • Building, siting, size and materials suit the street. |
| 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/2025/528 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/. 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.

Resolution

Cr Theodosis moved, Cr Irvin seconded -

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.**
- g) **The location of any rooftop or other mechanical plant equipment (including air-conditioners) with any necessary acoustic screening.**

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/. 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.

Carried unanimously

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



| | |
|---|--|
| Property: | 932 Sydney Road, COBURG NORTH |
| Proposal: | 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. |
| Zoning and Overlay/s: | <ul style="list-style-type: none"> • Industrial 3 Zone (IN3Z) • Public Acquisition Overlay – Schedule 1 (PAO1) • Development Contributions Plan Overlay (DCPO) |
| Objections: | <p>Ninety-three (93) to date</p> <p>Key issues:</p> <ul style="list-style-type: none"> • Traffic congestion and impact on local road network. • Inadequate car parking. • Impact on shared user path and bicycle movements on Keady Street. • Waste Management. • Impacts from multiple convenience restaurants and health implications. • Amenity impacts; hours of operation, odour, anti-social behaviour, light and noise. • Domination of signage. • Tree removal. • Land should alternatively be used for housing or rezoned. |
| Planning Information and Discussion (PID) Meeting: | <ul style="list-style-type: none"> • Date held: 03/03/2026 • Attendees: 28 objectors, Mayor Abboud, Councillor Bolton, Council planning officers and permit applicant. • 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. |
| Key reasons for support | <ul style="list-style-type: none"> • 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. • Permit conditions on opening hours, waste, litter, noise, and odour, will ensure the impacts on neighbours are acceptable. • 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. |

| | |
|------------------------|---|
| Recommendation: | <ul style="list-style-type: none"> A Notice of Decision to Grant a Planning Permit be subject to conditions contained within the officer recommendation. |
|------------------------|---|

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 27/11/2025 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:

- a) 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;
- b) Set the applicable noise limits using the Environment Protection Regulations 2021 and the EPA Noise Protocol (Publication 1826.5, or any superseding publication);
- c) 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
- d) 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:

- 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 1826.5, 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.
- c) Confirmation that the acoustic testing has been carried out during the operation of the use at night-time.
- d) 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.
- e) 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.

8.46 pm Cr Yildiz left the meeting.

8.47 pm Cr Yildiz returned to the meeting.

8.59 pm Cr Miles left the meeting.

8.59 pm Cr Miles returned to the meeting.

9.26 pm Cr Pulford left the meeting.

Procedural Motion

Cr Yildiz moved –

That the Motion be put.

Lost

9.33 pm Cr Pulford returned to the meeting.

9.40 pm Cr Yildiz left the meeting.

9.42 pm Cr Yildiz returned to the meeting.

Time Extension

Resolution

Cr Bolton moved, Cr Pulford seconded -

That the Council meeting be extended by 30 minutes.

Carried

The meeting was extended at 9.45pm

Time Extension

Resolution

Cr Svensson moved, Cr Theodosios seconded -

That the Council meeting be extended by 30 minutes.

Carried

The meeting was extended at 10.02pm

Resolution

Cr Bolton moved, Cr Irvin seconded -

That a Refusal to Grant Planning Permit No. MPS/2025/599 be issued for the 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 at 932 Sydney Road, Coburg North on the following grounds:

1. The proposal will adversely affect the safety and amenity of the neighbourhood through the vehicle access design, and the effect of traffic to be generated on roads which is contrary to:

a) Clause 18.01-1S (Land use and transport planning) which requires that:

- i. land uses and developments will demonstrate a minimal adverse impact on existing transport networks and the amenity of surrounding areas; and
 - ii. land use and transport integration will protect existing walking and cycling access to public transport.
 - b) Clause 02.03-7 (MSS Strategic Directions) which encourages a safe transport system and well-designed streets which encourage physical activity for the local community.
 - c) Clause 15.01-1L (Vehicle access design in Merri-bek) which encourages vehicle access to contribute to an improved urban environment for pedestrians and cyclists.
 - d) Clause 15.01-1S (Urban design) which requires development to support safe access to walking and cycling environments and public transport; and to minimise detrimental impacts on amenity and on the safety and efficiency of roads.
 - e) Clause 33.03-2 (Use of land) of the Industrial 3 Zone which directs consideration of the effect of traffic to be generated on roads.
 - f) The decision guidelines of Clause 65.01.
2. The proposed hours of operation relating to the use of the land for convenience restaurants and store will unreasonably impact the amenity of the surrounding residential land use which is contrary to:
- a) Clause 13.05-1S (Noise management) which requires the management of noise effects on sensitive land uses.
 - b) Clause 13.07-1S (Land use compatibility) which seeks to avoid or otherwise minimise adverse off-site impacts from commercial uses through operational measures.
 - c) Clause 33.03 (purpose) of the Industrial 3 Zone which seeks to ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.
 - d) Clause 33.03-2 (Use of land and decision guidelines) of the Industrial 3 Zone which requires that a use must not adversely affect the amenity of the neighbourhood including through the emission of noise, artificial light, and odour and for the responsible authority to consider the affect the use may have on existing residential areas.
 - e) The decision guidelines of Clause 65.01 given the effects on the amenity of the area.
3. The height of the pylon and pole signs are excessive and fails to respect the character of the street, which is contrary to:
- a) Clause 15.01-1L (Signs), which seeks to encourage a maximum height of 6 metres for pole signs.
 - b) Clause 52.05-8 (Signs), which requires signage to be appropriately proportioned, scaled and designed to respect and integrate with the surrounding streetscape, setting and landscape.

Carried unanimously

URGENT BUSINESS

Nil.

The Council meeting closed at 10.10 pm.

Confirmed

Cr Nat Abboud
MAYOR