



Merri-bek
City Council

PROPOSED
Minutes of the Planning and Related Matters Meeting

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 22 April 2026

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The Mayor opened the meeting at 6.31 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	6.31 pm	6.50 pm
Cr Helen Davidson, Deputy Mayor	6.31 pm	6.50 pm
Cr Sue Bolton	6.31 pm	6.50 pm
Cr Liz Irvin	6.31 pm	6.50 pm
Cr Dr Jay Iwasaki	6.31 pm	6.50 pm
Cr Chris Miles	6.31 pm	6.50 pm
Cr Helen Politis	6.31 pm	6.50 pm
Cr Adam Pulford	6.36 pm	6.50 pm
Cr Ella Svensson	6.31 pm	6.50 pm
Cr Katerine Theodosis	Apology	
Cr Oscar Yildiz JP	6.31 pm	6.50 pm

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Acting Unit Manager Urban Planning – Esha Rahman
 Planning Coordinator – Aileen Chin
 Principal Urban Planner – Rob Wallis
 Manager Governance and Strategy – Yvonne Callanan
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Theodosis was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Davidson moved, Cr Miles seconded -

The minutes of the Planning and Related Matters Meeting held on 25 March 2026 be confirmed.

Carried

6.36 pm Cr Pulford entered the meeting.

COUNCIL REPORTS

5.1 MIN/2025/7 - PA2504091 - 50-52 BREESE STREET AND 655-661 SYDNEY ROAD BRUNSWICK



Property:	50-52 Breese Street and 655-661 Sydney Road BRUNSWICK
Proposal:	Use and development of the site for 43 townhouse dwellings in a two to three storey townhouse configuration, including 5 dwellings designated as affordable housing.
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone (C1Z) Design and Development Overlay – Schedule 18 (DDO18) Heritage Overlay – Schedule 149 (HO149) Special Building Overlay – Schedule 1 (SBO1) Environmental Audit Overlay (EAO) Parking Overlay – Schedule 1 (PO1) 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; border: 1px solid black;">Minimal change</div> <div style="background-color: #cccccc; padding: 5px; border: 1px solid black;">Incremental change</div> <div style="background-color: #00AEEF; color: white; padding: 5px; border: 1px solid black;">Significant change</div> </div>
Objections:	Notification of the application has been given by the Minister for Planning and any objections to the application are submitted to the Department of Transport and Planning (DTP). At the time of finalising this report the Minister has received five (5) objections to the application.
ESD:	<ul style="list-style-type: none"> Average NatHERS rating of 7.2 stars 56 per cent BESS Score 2kW solar panels per dwelling
Affordable Housing:	<ul style="list-style-type: none"> Five one-bedroom dwellings provided at an 18 per cent discount to market rate
Key reasons for refusal:	<ul style="list-style-type: none"> An under development of the site which is nominated for buildings up to 12 storeys under the State Governments Activity Centre program. The new homes are poorly designed and would not provide good living conditions for residents. The affordable housing offer is inadequate in design, integration, certainty and discount.
Recommendation:	Council’s submission to the Minister for Planning be to not support for the development.

Officer Recommendation

PART A:

That Council's submission to the Department of Transport and Planning (DTP) be to not support the use and development of the site for 43 townhouse dwellings at 50-52 Breese Street and 655-661 Sydney Road, Brunswick, on the following grounds:

1. The proposal fails to align with Clause 02.03 (strategic visions), Clause 11.02-2S (structure planning) and Clause 16.01-1L (Homes in Merri-bek) of the Merri-bek Planning Scheme by failing to:
 - a) Accommodate substantial residential and mixed-use growth in the Brunswick Activity Centre, identified as a Major Activity Centre within Merri-bek.
 - b) Facilitate substantial growth and change in accordance with the Housing Framework contained within the Merri-bek Planning Scheme.
 - c) Support the economic viability and growth of activity centres.
2. The under development of this site will reduce housing capacity which adversely impacts the State Governments housing targets which is contrary to Clause 11.02-1S (Development capacity), Clause 16.01-1S (Housing supply) and Clause 16.01-1R (Housing supply - Metropolitan Melbourne) of the Merri-bek Planning Scheme. In particular:
 - a) The proposal does not contribute in an appropriately meaningful way to increasing the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
 - b) The proposal fails to provide higher density housing development on a large land parcel within an Activity Centre that is well located in relation to jobs, services and public transport.
 - c) The proposal at three storeys is significantly lower in scale than the discretionary height guidance provided within the Design and Development Overlay Schedule 18 and the State Governments Activity Centre program which nominates a minimum height of 13 metre.
3. The wholly residential proposal fails to provide employment generating uses, which is contrary to the purpose of the Commercial 1 Zone, the objectives of Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business), which seek to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
4. The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 18) of the Merri-bek Planning Scheme and will not adequately respond to the preferred future character of the area, including that:
 - a) The proposal fails to achieve preferred building heights that deliver on a new mid-rise built form character.
 - b) The proposal fails to achieve the preferred building edge conditions that contemplate a commercial frontage for Florence Street.
 - c) The proposal fails to deliver on improvements to pedestrian amenity on Florence Street, which is nominated as a key pedestrian street.
5. The proposal does not satisfy the following objectives and standards of Clause 55 of the Merri-bek Planning Scheme:

- a) The provision of private open space areas is contrary to Clause 55.03-5 (Private Open Space) and fails to meet the recreation and service needs of residents.
 - b) The provision of living rooms and bedrooms is contrary to Clause 55.03-7 (Functional Layout), which fails to meet the functional needs of residents, through inadequate sizing and poor design.
6. The proposal fails to provide an appropriate affordable housing offering that is adequately integrated into the proposal and provides an equitable housing offering within the development, which is contrary to Clause 16.01-2S (Housing affordability), Clause 16.01-2L (Housing affordability Merri-bek) and Clause 53.23 (Significant Residential Development with Affordable Housing) of the Merri-bek Planning Scheme. In particular:
- a) The proposed affordable housing fails to demonstrate good housing and urban design.
 - b) The proposal fails to offer choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - c) The proposal fails to provide opportunities for non-residential use and development in association with residential development.
 - d) The proposal fails to demonstrate that the affordable housing is owned and managed by a registered housing association.

PART B:

If the Department of Transport and Planning are inclined to grant approval at 50-52 Breese Street and 655-661 Sydney Road, Brunswick, the following *without prejudice* conditions should form part of the permit:

The Permit would allow:

Use and development of the site for 43 townhouse dwellings in a two to three storey townhouse configuration, including 5 dwellings designated as affordable housing

Planning Scheme Clause	Matters for which permit is required
34.01-1	Use of the land for accommodation
34.01-4	Construct a building or construct or carry out works
43.01-1	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
44.05-2	Construct a building or construct or carry out works
52.06	Reduce the number of car parking spaces

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 in consultation with Merri-bek City Council. 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 advertised plans prepared by Molonglo Architects, project no. 1850.23, Revision C, dated 21 January 2026, but modified to show:
 - a) Private open space areas that comply with standard B3-5 in Clause 55.03-5 of the Merri-bek Planning Scheme. This may include:

- i. Replacement of each north facing room on Level 2 for Units 11 to 43 (except Units 16, 27 and 38) with a balcony space.
 - ii. Replacement of each west facing room on Level 2 for Units 1 to 4 and 7 to 10 with a balcony space.
 - iii. Relocating living areas to the first or second floors.
 - iv. Creating roof top terraces.
- a) The location of at least 20 additional on-site resident bike parking spaces.
 - b) Dimensions of bicycle parking devices shown to be 500mm wide, the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - c) Label bike racks as “Cora E3DT-GP” consistent with the submitted traffic report.
 - d) Dimension the garage within the development at least 6 metres long by 3.5 metres wide internally, in accordance with Clause 52.06-9 of the Planning Scheme.
 - e) Dimension the garage door of the development at least 3 metres wide in accordance with Figure 5.4 of the Australian Standard AS2890.1.
 - f) A cross section of the proposed vehicle crossing in Florence Street, stating the levels of the road, channel invert, vehicle crossing, accessway and garage floor, showing that the design level of the garage floor will allow each vehicle crossing to be constructed with a slope of 1 in 40 over a lateral distance of one metre for pedestrians on the public footpath and allow the B85 template in Figure C1 of the Australian Standard for Off-Street Parking (AS2890.1) to access the property without ‘grounding’.
 - g) The location of any substation required by the power company for this development. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.
 - h) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6b) of this permit.
 - i) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Waste Management Plan in accordance with Condition 10 of this permit.
 - iii. Public Works Plan in accordance with Condition 12 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 62.02-1 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 under Condition 1, an amended landscape plan must be submitted to the Responsible Authority, in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the plan prepared by Tim Pilgrim Gardens, dated 9 April 2025, amended to show:
 - a) Any changes required to align with the plans for endorsement.

- b) Strategies for retaining vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
- 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 the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with any endorsed Sustainability Design Assessment or Sustainability Management Plan.
- f) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including: (use for large scale developments)
 - 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.

- 4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Merri-bek City Council.
- 5. All landscaping 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 Merri-bek City Council.

Environmentally Sustainable Design (ESD)

- 6. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority, in consultation with Merri-bek City Council. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by WRAP Engineering Pty Ltd, project no. 25101, revision 2 dated 16 April 2025, modified to include the following changes:
 - a) Amended NatHERS modelling that:
 - i. Models all dwellings or explains how all dwellings are thermally represented (e.g. a plan showing all dwellings are modelled or thermally represented). The ratings must include a preview certificate / preview of the Whole of Home assessment (not just a table summary).
 - ii. Ensures all dwellings meet a minimum average rating of 7.5 stars
 - iii. Ensures all dwellings meets the maximum cooling load requirements of Clause 55.05-7.

- b) Show the following ESD initiatives on the development plans:
 - i. An ESD table on the plans for items that cannot be drawn within the SMP and BESS report, such as water efficiency of taps.
 - ii. The minimum 2kW solar PV system (as per the SMP)
 - iii. Electric vehicle charging, as per the BESS report within the SMP.
 - iv. External shading for exposed north, east and west facing habitable room glazing. Details of the shading, including if the shading is fixed (north-facing), adjustable (east and west) and the dimensions of the shading, is required.
 - v. Plans to clarify how all habitable room areas will have direct access to an operable habitable room window (clarified on floor plans and elevations and to be consistent with all plans, including the dwelling typology and development plans).
- c) An amended stormwater management response, including:
 - i. Rainwater tank catchments explained, including indicative location of downpipes confirming that no charged stormwater pipes for rainwater harvesting tanks will be located underneath building footings.
 - ii. Adequate space for on-site detention tanks to be considered.
 - iii. A stormwater management catchment plan, which includes all pervious and impervious areas, consistent with the floor plans and landscape plans.
- d) An amended BESS report that:
 - i. Includes details of the amended NatHERS modelling
 - ii. Includes details of the amended stormwater management response.

Where alternative ESD initiatives are proposed to those specified in the conditions above, Merri-bek City Council 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 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 report to the satisfaction of the Merri-bek City Council. No alterations to these plans may occur without the written consent of the Responsible Authority.
- 8. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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, in consultation with Merri-bek City Council, and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.
- 9. All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of Merri-bek City Council to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Waste Management

10. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The WMP be generally in accordance with the report prepared by OneMileGrid and dated 2 April 2025, modified to:
 - a) Align with the architectural plans submitted for endorsement;
 - b) Include calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;
 - c) Provide best practice food disposal by providing no incinerators or bio-digesters;
 - d) Provide equal access to all 4 separate waste streams;
 - e) Show the bins stored out of sight and any enclosed room manually ventilated;
 - f) 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);
 - g) Show the bins in the plan, to scale, colour coded to each waste stream;
 - h) Show a dimensioned area for Hard Waste;
 - i) Provide a collection frequency of no more than twice per week;
 - j) Include discussion of the other waste streams;
 - k) Confirm the maximum size of the waste vehicle; and
 - l) Provide swept paths showing the waste vehicle able to exit and enter the development in a forward direction.

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.

11. The Waste Management 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.

Public Works Plan

12. Prior to the endorsement of plans, a Public Works Plan for the road reserve on Florence Street, Breese Street and William Street directly in front of the site must be submitted to the satisfaction of Merri-bek City Council. The Plan must be generally in accordance with the 'Site Plan – Public Works', drawing no. A106, revision A, description 'DTP RFI' dated 21 January 2026, and the *Merri-bek City Council Technical Notes October 2022*, or any updated version and include:
 - a) The public realm upgrades within the Breese Street Public Realm Masterplan '*Breese Street Streetscape Improvements Option Two – Central Shared Zone*' for the Breese Street footpath, kerb and channel adjacent to the subject site.
 - b) The provision of new street tree planting and landscaping along Florence Street and William Street adjacent to the site, where feasible, including through variations to on-street parking arrangements, to the satisfaction of the Merri-bek City Council. 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.

- c) Increase width of the footpath on the south side of William Street adjacent to the site, to a minimum of 1.2 metres from the back of kerb within the road reserve, where feasible. The carriageway width of William Street must achieve a minimum width of 3.5 metres.
- d) The location of a new 'One-Way' sign, to be installed directly opposite the garage door to confirm the one-way traffic direction within Florence Street.
- e) The location of 'No Stopping' and 'One Way' Street signs installed around the subject site.
- f) A detailed feature survey of the footpaths and roads.
- g) 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).
- 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) 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.
- k) Provision of public lighting, including in association with the proposed undergrounding of powerlines indicated on the plan.
- l) Any other works to the public land adjacent to the development.

When submitted and approved to the satisfaction of the Merri-bek City Council, 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 Merri-bek City Council.

- 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 Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Merri-bek City Council.
- 14. 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

- 15. 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.
16. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, Merri-bek City Council may require the Owner(s) to enter into an Agreement with Merri-bek City Council 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 Merri-bek City Council, must be met by the Owner(s).
17. 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.
18. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 15, 16 and 17 are satisfied.
19. 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.
20. Where a preliminary risk screen assessment has satisfied Condition 15 (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.

Affordable Housing

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

- a) At least 10 per cent (rounded up) of all dwellings to be sold to a registered housing provider as affordable dwellings at a discount of 30 per cent of the market price.
- b) The market price for the affordable dwellings is to be set by an independent valuation by a suitably qualified valuer.
- c) All affordable dwellings must contain at least two bedrooms and be tenure blind, meaning there are no visible or physical differences that indicate ownership and tenure status.

Residential reticulated gas service connection

- 22. 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.

Engineering Matters

- 23. Prior to any works outside the title boundary, engineering construction plans to implement the public works plan, showing cross-sections, longitudinal sections and levels, must be submitted to the Merri-bek City Council (Council's Engineering Services Unit) for approval and the works implemented in accordance with the approved Engineering plans and under the supervision of the Merri-bek City Council.
- 24. 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).
- 25. The ramp from the footpath to the higher garage floor must be contained entirely within the garage to ensure that the footpath level remains as constructed by Responsible Road Authority.
- 26. The garage door must not be single-panel tilt door that will open outwards onto the public footpath.
- 27. At all times the single car space within the mobility hub is to be reserved for carshare operation at no charge to the carshare operator to use them and:
 - a) The space must be available to all members of the carshare scheme 24 hours, 7 days per week, with safe, well-lit pedestrian access;
 - b) Prior to occupancy of the development, the space must be contracted to an operator (a car-share provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council;
 - c) The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability;
 - d) The carshare must be in place and operating within 4 weeks of issue of the Occupation Certificate; and
 - e) The carshare operator must report utilisation of the space to Merri-bek Council every twelve months.
- 28. The garage / car park 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.
- 29. 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 Merri-bek City Council.

30. 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 Merri-bek City Council.
31. The public footpath is to be reinstated with the standard crossfall slope of 1 in 40 for concrete footpaths and 1 in 33 for asphalt footpaths from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps.
32. All external lighting must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of Merri-bek City Council.
33. Before the occupation of the development, shields are to be placed on each street light that exists within 5 metres of a dwelling window, at the cost of the development, to lower the glare to lighting no higher than permitted by the Australian Standard for Obtrusive Effects of Outdoor Lighting – Roads and Public Places (AS4282) to the satisfaction of Merri-bek City Council.
34. 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 must be underground to the satisfaction of Merri-bek City Council.

Stormwater

35. 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 Merri-bek City Council.
36. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of Merri-bek City Council.

General Amenity

37. 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.
38. 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 Merri-bek City Council. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of Merri-bek City Council. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of Merri-bek City Council.

Permit Expiry

39. 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.

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

Note 1: It is 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. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111.

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1111 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 9240 1111.

Note 3: Council's Engineering Services Unit charges plan checking fees on laneway and drainage construction plans.

Note 4: The permit holder is advised to contact Council's Property Unit on 9240 2208 for allocation of street numbers associated with the development.

Note 5: 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 6: 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 the Homes for Homes website and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Note 7: 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 8: Environmental Audit Notes

- 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*.
- 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.
- 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 9: As per Council's General Local Law 2018, it is noted:

- 10.1 A *person* must not commence to carry out *building works* (other than *minor building works*) unless he or she gives at least 48 hours written notice to the *Council* of his or her intention to do so.
- 10.2 A notice under clause 10.1 must be in the form *prescribed* by the *Council* and if requested, include a **Construction Management Plan** which must be approved by the *Council* prior to commencement of *building works*.

Resolution

Cr Iwasaki moved, Cr Irvin seconded -

PART A:

That Council's submission to the Department of Transport and Planning (DTP) be to not support the use and development of the site for 43 townhouse dwellings at 50-52 Breese Street and 655-661 Sydney Road, Brunswick, on the following grounds:

- 1. The proposal fails to align with Clause 02.03 (strategic visions), Clause 11.02-2S (structure planning) and Clause 16.01-1L (Homes in Merri-bek) of the Merri-bek Planning Scheme by failing to:**
 - a) Accommodate substantial residential and mixed-use growth in the Brunswick Activity Centre, identified as a Major Activity Centre within Merri-bek.**
 - b) Facilitate substantial growth and change in accordance with the Housing Framework contained within the Merri-bek Planning Scheme.**
 - c) Support the economic viability and growth of activity centres.**
- 2. The under development of this site will reduce housing capacity which adversely impacts the State Governments housing targets which is contrary to Clause 11.02-1S (Development capacity), Clause 16.01-1S (Housing supply) and Clause 16.01-1R (Housing supply - Metropolitan Melbourne) of the Merri-bek Planning Scheme. In particular:**
 - a) The proposal does not contribute in an appropriately meaningful way to increasing the proportion of housing in urban areas with good access to opportunities and services (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.**
 - b) The proposal fails to provide higher density housing development on a large land parcel within an Activity Centre that is well located in relation to jobs, services and public transport.**
 - c) The proposal at three storeys is significantly lower in scale than the discretionary height guidance provided within the Design and Development Overlay Schedule 18 and the State Governments Activity Centre program which nominates a minimum height of 13 metre.**
- 3. The wholly residential proposal fails to provide employment generating uses, which is contrary to the purpose of the Commercial 1 Zone, the objectives of Clause 17.01-1S (Diversified Economy) and Clause 17.02-1S (Business), which seek to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.**
- 4. The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 18) of the Merri-bek Planning Scheme and will not adequately respond to the preferred future character of the area, including that:**
 - a) The proposal fails to achieve preferred building heights that deliver on a new mid-rise built form character.**
 - b) The proposal fails to achieve the preferred building edge conditions that contemplate a commercial frontage for Florence Street.**
 - c) The proposal fails to deliver on improvements to pedestrian amenity on Florence Street, which is nominated as a key pedestrian street.**

5. The proposal does not satisfy the following objectives and standards of Clause 55 of the Merri-bek Planning Scheme:
 - a) The provision of private open space areas is contrary to Clause 55.03-5 (Private Open Space) and fails to meet the recreation and service needs of residents.
 - b) The provision of living rooms and bedrooms is contrary to Clause 55.03-7 (Functional Layout), which fails to meet the functional needs of residents, through inadequate sizing and poor design.
6. The proposal fails to provide an appropriate affordable housing offering that is adequately integrated into the proposal and provides an equitable housing offering within the development, which is contrary to Clause 16.01-2S (Housing affordability), Clause 16.01-2L (Housing affordability Merri-bek) and Clause 53.23 (Significant Residential Development with Affordable Housing) of the Merri-bek Planning Scheme. In particular:
 - a) The proposed affordable housing fails to demonstrate good housing and urban design.
 - b) The proposal fails to offer choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
 - c) The proposal fails to provide opportunities for non-residential use and development in association with residential development.
 - d) The proposal fails to demonstrate that the affordable housing is owned and managed by a registered housing association.

PART B:

If the Department of Transport and Planning are inclined to grant approval at 50-52 Breese Street and 655-661 Sydney Road, Brunswick, the following without prejudice conditions should form part of the permit:

The Permit would allow:

Use and development of the site for 43 townhouse dwellings in a two to three storey townhouse configuration, including 5 dwellings designated as affordable housing

Planning Scheme Clause	Matters for which permit is required
34.01-1	Use of the land for accommodation
34.01-4	Construct a building or construct or carry out works
43.01-1	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
44.05-2	Construct a building or construct or carry out works
52.06	Reduce the number of car parking spaces

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 in consultation with Merri-bek City Council. 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 advertised plans prepared by Molonglo Architects, project no. 1850.23, Revision C, dated 21 January 2026, but modified to show:

- a) **Private open space areas that comply with standard B3-5 in Clause 55.03-5 of the Merri-bek Planning Scheme. This may include:**
 - i. **Replacement of each north facing room on Level 2 for Units 11 to 43 (except Units 16, 27 and 38) with a balcony space.**
 - ii. **Replacement of each west facing room on Level 2 for Units 1 to 4 and 7 to 10 with a balcony space.**
 - iii. **Relocating living areas to the first or second floors.**
 - iv. **Creating roof top terraces.**
- a) **The location of at least 20 additional on-site resident bike parking spaces.**
- b) **Dimensions of bicycle parking devices shown to be 500mm wide, the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).**
- c) **Label bike racks as “Cora E3DT-GP” consistent with the submitted traffic report.**
- d) **Dimension the garage within the development at least 6 metres long by 3.5 metres wide internally, in accordance with Clause 52.06-9 of the Planning Scheme.**
- e) **Dimension the garage door of the development at least 3 metres wide in accordance with Figure 5.4 of the Australian Standard AS2890.1.**
- f) **A cross section of the proposed vehicle crossing in Florence Street, stating the levels of the road, channel invert, vehicle crossing, accessway and garage floor, showing that the design level of the garage floor will allow each vehicle crossing to be constructed with a slope of 1 in 40 over a lateral distance of one metre for pedestrians on the public footpath and allow the B85 template in Figure C1 of the Australian Standard for Off-Street Parking (AS2890.1) to access the property without ‘grounding’.**
- g) **The location of any substation required by the power company for this development. Any substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm.**
- h) **The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 6b) of this permit.**
- i) **Any changes to the plans arising from the:**
 - i. **Landscape Plan in accordance with Condition 3 of this permit.**
 - ii. **Waste Management Plan in accordance with Condition 10 of this permit.**
 - iii. **Public Works Plan in accordance with Condition 12 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 62.02-1 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 under Condition 1, an amended landscape plan must be submitted to the Responsible Authority, in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the plan prepared by Tim Pilgrim Gardens, dated 9 April 2025, amended to show:**
 - a) **Any changes required to align with the plans for endorsement.**
 - b) **Strategies for retaining vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.**
 - 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 the location and type of all paved and sealed areas. Extensive hard surfaces are not supported. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with any endorsed Sustainability Design Assessment or Sustainability Management Plan.**
 - f) **Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including: (use for large scale developments)**
 - 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.

4. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of the Merri-bek City Council.**
5. **All landscaping 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 Merri-bek City Council.**

Environmentally Sustainable Design (ESD)

6. **Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority, in consultation with Merri-bek City Council. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP prepared by WRAP Engineering Pty Ltd, project no. 25101, revision 2 dated 16 April 2025, modified to include the following changes:**

- a) **Amended NatHERS modelling that:**
 - i. **Models all dwellings or explains how all dwellings are thermally represented (e.g. a plan showing all dwellings are modelled or thermally represented). The ratings must include a preview certificate / preview of the Whole of Home assessment (not just a table summary).**
 - ii. **Ensures all dwellings meet a minimum average rating of 7.5 stars**
 - iii. **Ensures all dwellings meets the maximum cooling load requirements of Clause 55.05-7.**
- b) **Show the following ESD initiatives on the development plans:**
 - i. **An ESD table on the plans for items that cannot be drawn within the SMP and BESS report, such as water efficiency of taps.**
 - ii. **The minimum 2kW solar PV system (as per the SMP)**
 - iii. **Electric vehicle charging, as per the BESS report within the SMP.**
 - iv. **External shading for exposed north, east and west facing habitable room glazing. Details of the shading, including if the shading is fixed (north-facing), adjustable (east and west) and the dimensions of the shading, is required.**
 - v. **Plans to clarify how all habitable room areas will have direct access to an operable habitable room window (clarified on floor plans and elevations and to be consistent with all plans, including the dwelling typology and development plans).**
- c) **An amended stormwater management response, including:**
 - i. **Rainwater tank catchments explained, including indicative location of downpipes confirming that no charged stormwater pipes for rainwater harvesting tanks will be located underneath building footings.**
 - ii. **Adequate space for on-site detention tanks to be considered.**
 - iii. **A stormwater management catchment plan, which includes all pervious and impervious areas, consistent with the floor plans and landscape plans.**
- d) **An amended BESS report that:**
 - i. **Includes details of the amended NatHERS modelling**
 - ii. **Includes details of the amended stormwater management response.**

Where alternative ESD initiatives are proposed to those specified in the conditions above, Merri-bek City Council 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 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 report to the satisfaction of the Merri-bek City Council. No alterations to these plans may occur without the written consent of the Responsible Authority.**

8. **Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, of any dwelling approved under this permit, 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, in consultation with Merri-bek City Council, and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.**
9. **All stormwater treatment devices (e.g., raingardens, rainwater tanks etc.) must be maintained to the satisfaction of Merri-bek City Council to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.**

Waste Management

10. **Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The WMP be generally in accordance with the report prepared by OneMileGrid and dated 2 April 2025, modified to:**
 - a) **Align with the architectural plans submitted for endorsement;**
 - b) **Include calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;**
 - c) **Provide best practice food disposal by providing no incinerators or bio-digesters;**
 - d) **Provide equal access to all 4 separate waste streams;**
 - e) **Show the bins stored out of sight and any enclosed room manually ventilated;**
 - f) **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);**
 - g) **Show the bins in the plan, to scale, colour coded to each waste stream;**
 - h) **Show a dimensioned area for Hard Waste;**
 - i) **Provide a collection frequency of no more than twice per week;**
 - j) **Include discussion of the other waste streams;**
 - k) **Confirm the maximum size of the waste vehicle; and**
 - l) **Provide swept paths showing the waste vehicle able to exit and enter the development in a forward direction.**

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.

11. **The Waste Management 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.**

Public Works Plan

12. Prior to the endorsement of plans, a Public Works Plan for the road reserve on Florence Street, Breese Street and William Street directly in front of the site must be submitted to the satisfaction of Merri-bek City Council. The Plan must be generally in accordance with the 'Site Plan – Public Works', drawing no. A106, revision A, description 'DTP RFI' dated 21 January 2026, and the Merri-bek City Council Technical Notes October 2022, or any updated version and include:

- a) The public realm upgrades within the Breese Street Public Realm Masterplan 'Breese Street Streetscape Improvements Option Two – Central Shared Zone' for the Breese Street footpath, kerb and channel adjacent to the subject site.**
- b) The provision of new street tree planting and landscaping along Florence Street and William Street adjacent to the site, where feasible, including through variations to on-street parking arrangements, to the satisfaction of the Merri-bek City Council. 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.**
- c) Increase width of the footpath on the south side of William Street adjacent to the site, to a minimum of 1.2 metres from the back of kerb within the road reserve, where feasible. The carriageway width of William Street must achieve a minimum width of 3.5 metres.**
- d) The location of a new 'One-Way' sign, to be installed directly opposite the garage door to confirm the one-way traffic direction within Florence Street.**
- e) The location of 'No Stopping' and 'One Way' Street signs installed around the subject site.**
- f) A detailed feature survey of the footpaths and roads.**
- g) 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).**
- 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) 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.**
- k) Provision of public lighting, including in association with the proposed undergrounding of powerlines indicated on the plan.**
- l) Any other works to the public land adjacent to the development.**

When submitted and approved to the satisfaction of the Merri-bek City Council, 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 Merri-bek City Council.

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 Merri-bek

City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Merri-bek City Council.

14. 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

15. 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.

16. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, Merri-bek City Council may require the Owner(s) to enter into an Agreement with Merri-bek City Council 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 Merri-bek City Council, must be met by the Owner(s).

17. 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.
18. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as

Conditions 15, 16 and 17 are satisfied.

19. 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.
20. Where a preliminary risk screen assessment has satisfied Condition 15 (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.

Affordable Housing

21. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the Responsible Authority and Merri-bek City Council, that provides for a contribution towards affordable housing (affordable dwellings) by way of:
 - a) At least 10 per cent (rounded up) of all dwellings to be sold to a registered housing provider as affordable dwellings at a discount of 30 per cent of the market price.
 - b) The market price for the affordable dwellings is to be set by an independent valuation by a suitably qualified valuer.
 - c) All affordable dwellings must contain at least two bedrooms and be tenure blind, meaning there are no visible or physical differences that indicate ownership and tenure status.

Residential reticulated gas service connection

22. 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.

Engineering Matters

23. Prior to any works outside the title boundary, engineering construction plans to implement the public works plan, showing cross-sections, longitudinal sections and levels, must be submitted to the Merri-bek City Council (Council's Engineering Services Unit) for approval and the works implemented in accordance with the approved Engineering plans and under the supervision of the Merri-bek City Council.

24. 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).
25. The ramp from the footpath to the higher garage floor must be contained entirely within the garage to ensure that the footpath level remains as constructed by Responsible Road Authority.
26. The garage door must not be single-panel tilt door that will open outwards onto the public footpath.
27. At all times the single car space within the mobility hub is to be reserved for carshare operation at no charge to the carshare operator to use them and:
 - a) The space must be available to all members of the carshare scheme 24 hours, 7 days per week, with safe, well-lit pedestrian access;
 - b) Prior to occupancy of the development, the space must be contracted to an operator (a car-share provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council;
 - c) The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability;
 - d) The carshare must be in place and operating within 4 weeks of issue of the Occupation Certificate; and
 - e) The carshare operator must report utilisation of the space to Merri-bek Council every twelve months.
28. The garage / car park 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.
29. 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 Merri-bek City Council.
30. 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 Merri-bek City Council.
31. The public footpath is to be reinstated with the standard crossfall slope of 1 in 40 for concrete footpaths and 1 in 33 for asphalt footpaths from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps.
32. All external lighting must be no higher than 1.2 metres above ground level with automatic or sensor-controlled lighting installed and maintained on the land to illuminate pedestrian access between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of Merri-bek City Council.

33. Before the occupation of the development, shields are to be placed on each street light that exists within 5 metres of a dwelling window, at the cost of the development, to lower the glare to lighting no higher than permitted by the Australian Standard for Obtrusive Effects of Outdoor Lighting – Roads and Public Places (AS4282) to the satisfaction of Merri-bek City Council.
34. 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 must be underground to the satisfaction of Merri-bek City Council.

Stormwater

35. 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 Merri-bek City Council.
36. Stormwater from the land must not be directed to the surface of the right-of-way to the satisfaction of Merri-bek City Council.

General Amenity

37. 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.
38. 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 Merri-bek City Council. All visual screening and measures to prevent overlooking must be maintained to the satisfaction of Merri-bek City Council. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of Merri-bek City Council.

Permit Expiry

39. 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.

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

Note 1: It is 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. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111.

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1111 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 9240 1111.

Note 3: Council's Engineering Services Unit charges plan checking fees on laneway and drainage construction plans.

Note 4: The permit holder is advised to contact Council's Property Unit on 9240 2208 for allocation of street numbers associated with the development.

Note 5: 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 6: 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 the Homes for Homes website and register your commitment to donate 0.1 per cent of the sale price of your dwelling(s).

Note 7: 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 8: Environmental Audit Notes

- **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.**
- **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.**
- **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 9: As per Council's General Local Law 2018, it is noted:

10.1 A person must not commence to carry out building works (other than minor building `works) unless he or she gives at least 48 hours written notice to the Council of his or her intention to do so.

10.2 A notice under clause 10.1 must be in the form prescribed by the Council and if requested, include a Construction Management Plan which must be approved by the Council prior to commencement of building works.

6.49 pm Cr Miles left the meeting.

6.50 pm Cr Miles returned to the meeting.

Cr Iwasaki called for a division.

For

Cr Davidson

Cr Bolton

Cr Yildiz

Cr Pulford

Cr Miles

Cr Svensson

Cr Iwasaki

Cr Politis

Cr Abboud

Cr Irvin

Total For (10)

Against

Total Against (0)

Carried unanimously

URGENT BUSINESS

Nil.

The Council meeting closed at 6.50 pm.

Confirmed

Cr Nat Abboud
MAYOR