



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 23 September 2026

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URGENT BUSINESS	58

The Mayor opened the meeting at 6.39 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	6.39 pm	9.08 pm
Cr Helen Davidson, Deputy Mayor	6.39 pm	9.08 pm
Cr Sue Bolton	6.39 pm	9.08 pm
Cr Liz Irvin	6.39 pm	7.50 pm
Cr Dr Jay Iwasaki	6.39 pm	9.08 pm
Cr Chris Miles	6.39 pm	9.08 pm
Cr Helen Politis	6.39 pm	7.17 pm
Cr Adam Pulford	6.39 pm	9.08 pm
Cr Ella Svensson	6.39 pm	9.08 pm
Cr Katerine Theodosis	Apology	
Cr Oscar Yildiz JP	6.39 pm	9.08 pm

OFFICERS

Chief Executive Officer – Kate McCaughey
 Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Acting Unit Manager Urban Planning – Vita Galante
 Planning Coordinator – Esha Rahman
 Senior Urban Planner – Vicky Lu
 Senior Urban Planner Commercial Priority - Ned Dumaresq
 Unit Manager Governance and Risk – Sophie Barison
 Governance and Council Business Officer – Tracey Classon

APOLOGIES/LEAVE OF ABSENCE

Cr Theodosis was an apology.

Standing Orders Suspension

Resolution

Cr Davidson moved, Cr Iwasaki seconded -

That standing orders be suspended to commemorate the passing of Dr Tim Read, Greens MP for Brunswick.

Carried

6.41 pm Standing Orders were suspended.

Standing Orders Resumption

Resolution

Cr Iwasaki moved, Cr Davidson seconded -
That Standing Orders be resumed.

Carried

7.01 pm Standing Orders resumed.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Davidson moved, Cr Politis seconded -

The minutes of the Planning and Related Matters Meeting held on 26 August 2026 be confirmed.

Carried

*7.17 pm Cr Politis left the meeting and did not return.
7.32 pm Cr Miles left the meeting.
7.32 pm Cr Yildiz left the meeting
7.32 pm Cr Yildiz returned to the meeting.
7.34 pm Cr Miles returned to the meeting.
7.39 pm Cr Irvin left the meeting.
7.43 pm Cr Irvin returned to the meeting.
7.50 pm Cr Irvin left the meeting and did not return.*

Meeting Adjournment

Resolution

Cr Davidson moved, Cr Svensson seconded -

That Council resolves the meeting be adjourned to enable preparation of an alternative motion.

Carried

The Council meeting was adjourned at 7.50 pm.

Meeting Resumption

Resolution

Cr Pulford moved, Cr Svensson seconded -
That the meeting reconvenes.

Carried

The Council meeting was resumed at 8.16 pm.

8.17 pm Cr Bolton returned to the meeting.

COUNCIL REPORTS

5.1 74 LYGON STREET, BRUNSWICK EAST - APPLICATION MPS/2012/138/D



Property:	74-76 Lygon Street, Brunswick East
Proposal:	Retrospective application to amend an existing planning permit for new buildings and works, alternative bin storage arrangements and partial demolition to construct kitchen exhaust ducts and a retractable awning, and to construct and display an illuminated sign.
Zoning and Overlays:	• Commercial 1 Zone (C1Z) • Heritage Overlay – Schedule 439 (HO439) – Non-contributory building • Parking Overlay – Schedule 1 (PO1) • Special Building Overlay – Schedule 2 (SBO2) • Design and Development Overlay – Schedule 19 (DDO19) • Development Contributions Plan Overlay – Schedule 1 (DCPO1)
Strategic setting:	Brunswick Activity Centre
Objections:	• 49 objections • Key issues: - Smoke, odour, pollution and appearance of flues. - Waste management. - Effects of litter and rubbish on surrounds. - Patron management, car parking and congestion impacts. - Queuing on public land.
Planning Information and Discussion (PID) Meeting:	• Held on: 27 August 2026. • Attendees: 13 objectors and 2 Council officers. • Prior to the meeting the applicant circulated a sketch plan showing a new flue arrangement and electrostatic precipitator (ESP) system to address smoke concerns. The meeting provided a further opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.
Key reasons for support:	• The takeaway food use does not need a planning permit in the Commercial 1 Zone. • Impacts relating to smoke, odour, pollution and appearance of flues can be managed by conditions. • Waste can be managed by conditions. • Planning policies and controls encourage retail uses and employment within the Brunswick Activity Centre and Commercial 1 Zones.
Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant an amended Planning Permit No. MPS/2012/138/D be issued for the land at 74-76 Lygon Street, Brunswick East.

The Amended Permit would allow:

A waiver of the car parking requirement, the sale and consumption of liquor, building and works, and the display of internally illuminated signage and business identification signage.

Permit for which amendment was sought:

A waiver of the car parking requirement, the sale and consumption of liquor, building and works to construct a canopy, and the display of internally illuminated signage and business identification signage.

Planning Scheme Clause	Matters for which permit is required
Clause 34.01-4 (C1Z)	To construct a building or construct or carry out works
Clause 43.01-1 (HO439)	Partial demolition, to construct a building or construct or carry out works, and to construct or display a sign
Clause 43.02-2 (DDO19)	Construct a building or construct or carry out works
Clause 52.05-2 (Signs)	Construct or display an internally illuminated sign
Clause 52.06-3 (Car parking)	To reduce the car parking requirement

The following conditions would apply to this Amended Permit (**amendments bolded**):

Amended plans

1. **Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, 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 Mavi Design, Revision 1, dated 12/06/2026, sheets WD-01 – WD-04 but modified to show:**
 - a) **All changes shown on plans prepared by Mavi Design, Revision 2, dated 05/08/2026, sheets WD-01 – WD-04 which include:**
 - i. **The as built condition of the most recently installed stainless steel kitchen exhaust flues.**
 - ii. **Removal of an existing air-conditioning unit and glass windows on St Phillip Street and replacement with new metal grills.**
 - b) **An annotation on the elevation drawing confirming the flues are to be painted to match the colours of the existing bricks.**
 - c) **Deletion of the tables, chairs and associated footpath structures.**
 - d) **Any changes required to align with the following:**
 - i. **The Acoustic Report required by Condition 5.**
 - ii. **The Waste Management Plan required by Condition 8.**
 - iii. **The Air Quality and Odour Assessment Report required by Condition 10.**

- e) **The ground floor layout of 76 Lygon Street, Brunswick, generally consistent with sheet 2 of plans endorsed on 16/05/2012 without the openings in the common wall.**
- f) **The exhaust flues, canopy and 'Charrd' advertisement sign dimensioned at least 2.7 metres above the footpath.**
- g) **The internal layout amended to clearly show an internal garbage storage area.**

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.

Hours of operation

- 3. The uses allowed by this permit must operate only between the following hours:
 - a) Sunday to Thursday 7.00 a.m. to 12.00 a.m.
 - b) Friday to Saturday 7.00 a.m. to 1.00 a.m.

Patron capacity

- 4. No more than 102 seats shall be made available to patrons at any one time.

Noise

- 5. **Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, an Acoustic report prepared by an acoustic engineer or similarly qualified individual must be submitted to and approved to the satisfaction of the Responsible Authority. The report must include:**
 - a) **An assessment against the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021) of likely noise impacts resulting from the kitchen exhausts, air make-up vents and other components of the kitchen utilities; and**
 - b) **Any recommendations for measures required to achieve compliance against the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021).**

Once approved, the report will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority.

- 6. **Within 30 days from the approval of the endorsed Acoustic Report, the recommendations and requirements of the Acoustic Report must be installed and completed, to the satisfaction of the Responsible Authority.**
- 7. 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, May 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit a further Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Waste management

8. **Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, a Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must:**
- a) **Align with the architectural plans submitted for endorsement;**
 - b) **Include a dimensioned plan, to scale, showing an on-site waste bin room or area large enough to provide a 1 metre wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);**
 - c) **Not include any off-site location for bin storage;**
 - d) **Include weekly waste generation volume and capacity calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;**
 - e) **Include discussion on the reference source of the waste generation rates;**
 - f) **Provide best practice food disposal by providing no incinerators or bio-digesters;**
 - g) **Provide a collection frequency of no more than three times per week;**
 - h) **Include discussion of the other waste streams; and**
 - i) **State the waste collection times, which must align with Condition 10 of this permit.**

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

Within 30 days from the approval of the endorsed Waste Management Plan, the recommendations and requirements of the Waste Management Plan must be implemented, to the satisfaction of the Responsible Authority.

9. **At all times, except when bins are left for collection, waste bins must be stored on-site, and in accordance with the Waste Management Plan, and bins must be returned to the on-site waste bin storage area as soon as possible following collection, to the satisfaction of the Responsible Authority.**

Odour report

10. **Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, a commissioning assessment report for air quality and odour must be submitted to the Responsible Authority. The report must:**
- a) **Be prepared to the satisfaction of the Responsible Authority;**
 - b) **Be prepared by a suitably qualified and experienced environmental consultant or similar in odour and smoke;**

- c) Be in accordance with the EPA Publication 1883: Guidance for assessing odour and EPA Publication 1961: Guidance for assessing and minimising air pollution (and conducting the correct level of assessment);
- d) Account for all odour and smoke sources;
- e) Verify whether the pollution controls (including the electrostatic precipitator, flues, exhausts) have been installed and are operating correctly and whether it is minimising smoke and odour emissions as required by the publications listed in part (c) above;
- f) Inform whether there is a residual risk of odour and smoke from the premises following (b) to (e) of the above;
- g) Including recommendations for modifications of the buildings and any works (e.g. additional controls and measures such as an ozone generator and carbon filters) to further ensure emissions from the premises are minimised, if the assessment reveals that the installed controls (the electrostatic precipitator, flues, exhausts) are not effective.

When submitted and approved to the satisfaction of the Responsible Authority, the air quality and odour assessment report will be endorsed to form part of this permit. No alterations to the report may occur without the written consent of the Responsible Authority.

- 11. Within 30 days from the approval of the air quality and odour assessment report the permit holder must undertake any works required to implement and maintain the mitigation measures identified in the report (including by obtaining any required approvals) to the satisfaction of the Responsible Authority.

Flue maintenance schedule

- 12. Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, or as otherwise agreed in writing by the Responsible Authority, a Flue Maintenance Schedule must be prepared and implemented to the satisfaction of the Responsible Authority. The operator must keep an ongoing Maintenance Record to demonstrate compliance with this schedule. This must be provided to the Responsible Authority within five (5) business days of a written request. The Flue Maintenance Record must:
 - a) Include records every six (6) months confirming the inspection, cleaning, and removal of grease, oil, and atmospheric deposits from all kitchen flues, exhaust hoods, and associated extraction systems, alongside empirical evidence such as service invoices, photos, contractor receipts, or maintenance logs to validate completion;
 - b) Be date and time stamped to show the exact time of service or inspection; and
 - c) Be retained for a minimum of 24 months on an ongoing basis to ensure the visual appearance, structural integrity, and clean operation of the flue system are maintained.

Signage

- 13. The signage approved by this permit must not be animated or contain any flashing or intermittent lights.
- 14. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.

15. Any illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.
16. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed by AS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting or any updated version that is released. Upon request, the applicant must provide to the Responsible Authority records of the signs luminance levels to show compliance with this standard.
17. The signage approved by this permit must only be illuminated during the hours of operation of the business.

Permit Expiry

18. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit;
 - b) the development is not completed within four (4) years from the date of issue of this permit;
 - c) the use is not commenced within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

19. The development approved by the amendment to this permit will expire if one of the following circumstances applies:
 - a) the amended development is not commenced within three (3) years from the amendment date of issue of this permit (MPS/2012/138/D); or
 - b) the amended development is not completed within five (5) years from the amendment date of issue of this permit (MPS/2012/138/D).

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

- i. within six months after the permit expires to extend the commencement date.
- ii. 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: This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval in writing from the Responsible Authority.

- Note 3:** Unless no permit is required under the Merri-bek Planning Scheme, no further sign(s) must be constructed or displayed on the land without a further planning permit.
- Note 4:** Further approvals are required from Council for any works beyond the boundaries of the property (including kerbside tables and chairs, guard rails, wind barriers, permanent screens, etc.). For more information in relation to footpath trading permits, please contact Council on 9240 1111. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.
- Note 5:** **This permit does not override the provisions of the Building Regulations 2018 in respect of the siting of projections beyond the street alignment. It is the responsibility of the relevant building surveyor who has accepted the appointment for the purpose of issuing the building permit to determine and obtain any necessary consent and report(s) of Council for a building if the building projects beyond the street alignment and/or above or below certain public facilities.**
- Note 6:** **The *Environment Protection Act 2017* introduced the general environmental duty (GED) and it applies to all Victorians. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.**
- This involves a continuous, preventative approach and should be undertaken with the understanding that where an operation presents low-level risks, or already has appropriate risk mitigation measures in place, further mitigation measures may still be necessary at a future point.**
- For further information on what the laws mean for Victorian businesses and community go to: <https://www.epa.vic.gov.au/general-environmental-duty>.**

Resolution

Cr Pulford moved, Cr Miles seconded -

That a Notice of Decision to Grant an amended Planning Permit No. MPS/2012/138/D be issued for the land at 74-76 Lygon Street, Brunswick East.

The Amended Permit would allow:

A waiver of the car parking requirement, the sale and consumption of liquor, building and works, and the display of internally illuminated signage and business identification signage.

Permit for which amendment was sought:

A waiver of the car parking requirement, the sale and consumption of liquor, building and works to construct a canopy, and the display of internally illuminated signage and business identification signage.

Planning Scheme Clause	Matters for which permit is required
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Clause 43.02-2 (DDO19)	Construct a building or construct or carry out works
Clause 52.05-2 (Signs)	Construct or display an internally illuminated sign
Clause 52.06-3 (Car parking)	To reduce the car parking requirement

The following conditions would apply to this Amended Permit (amendments bolded):

Amended plans

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 - a) All changes shown on plans prepared by Mavi Design, Revision 2, dated 05/08/2026, sheets WD-01 – WD-04 which include:
 - i. The as built condition of the most recently installed stainless steel kitchen exhaust flues.
 - ii. Removal of an existing air-conditioning unit and glass windows on St Phillip Street and replacement with new metal grills.
 - b) An annotation on the elevation drawing confirming the flues are to be painted to match the colours of the existing bricks.
 - c) Deletion of the tables, chairs and associated footpath structures.
 - d) Any changes required to align with the following:
 - i. The Acoustic Report required by Condition 5.
 - ii. The Waste Management Plan required by Condition 8.
 - iii. The Air Quality and Odour Assessment Report required by Condition 10.
 - e) The ground floor layout of 76 Lygon Street, Brunswick, generally consistent with sheet 2 of plans endorsed on 16/05/2012 without the openings in the common wall.
 - f) The exhaust flues, canopy and 'Charrd' advertisement sign dimensioned at least 2.7 metres above the footpath.
 - g) The internal layout amended to clearly show an internal garbage storage area.

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.

Hours of operation

3. The uses allowed by this permit must operate only between the following hours:
 - a) Sunday to Thursday 7.00 a.m. to 12.00 a.m.
 - b) Friday to Saturday 7.00 a.m. to 1.00 a.m.

Patron capacity

4. No more than 102 seats shall be made available to patrons at any one time.

Noise

5. Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, an Acoustic report prepared by an acoustic engineer or similarly qualified individual must be submitted to and approved to the satisfaction of the Responsible Authority. The report must include:
 - a) An assessment against the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021) of likely noise impacts resulting from the kitchen exhausts, air make-up vents and other components of the kitchen utilities; and
 - b) Any recommendations for measures required to achieve compliance against the Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021).

Once approved, the report will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority.

6. Within 30 days from the approval of the endorsed Acoustic Report, the recommendations and requirements of the Acoustic Report must be installed and completed, to the satisfaction of the Responsible Authority.
7. 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, May 2021), or any other superseding regulation.

Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit a further Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

The recommendations of the Acoustic Report must be implemented no later than three (3) months after the date that the Responsible Authority advises in writing that it is satisfied with the report, or as otherwise agreed in writing by the Responsible Authority. The endorsed plans must also be amended within three (3) months, or as otherwise agreed in writing by the Responsible Authority, to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

Waste management

8. Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, a Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must:
 - a) Align with the architectural plans submitted for endorsement;
 - b) Include a dimensioned plan, to scale, showing an on-site waste bin room or area large enough to provide a 1 metre wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);

- c) Not include any off-site location for bin storage;
- d) Include weekly waste generation volume and capacity calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;
- e) Include discussion on the reference source of the waste generation rates;
- f) Provide best practice food disposal by providing no incinerators or bio-digesters;
- g) Provide a collection frequency of no more than three times per week;
- h) Include discussion of the other waste streams; and
- i) State the waste collection times, which must align with Condition 10 of this permit.

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

Within 30 days from the approval of the endorsed Waste Management Plan, the recommendations and requirements of the Waste Management Plan must be implemented, to the satisfaction of the Responsible Authority.

9. At all times, except when bins are left for collection, waste bins must be stored on-site, and in accordance with the Waste Management Plan, and bins must be returned to the on-site waste bin storage area as soon as possible following collection, to the satisfaction of the Responsible Authority.

Odour report

10. Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, a commissioning assessment report for air quality and odour must be submitted to the Responsible Authority. The report must:
 - a) Be prepared to the satisfaction of the Responsible Authority;
 - b) Be prepared by a suitably qualified and experienced environmental consultant or similar in odour and smoke;
 - c) Be in accordance with the EPA Publication 1883: Guidance for assessing odour and EPA Publication 1961: Guidance for assessing and minimising air pollution (and conducting the correct level of assessment);
 - d) Account for all odour and smoke sources;
 - e) Verify whether the pollution controls (including the electrostatic precipitator, flues, exhausts) have been installed and are operating correctly and whether it is minimising smoke and odour emissions as required by the publications listed in part (c) above;
 - f) Inform whether there is a residual risk of odour and smoke from the premises following (b) to (e) of the above;
 - g) Including recommendations for modifications of the buildings and any works (e.g. additional controls and measures such as an ozone generator and carbon filters) to further ensure emissions from the premises are minimised, if the assessment reveals that the installed controls (the electrostatic precipitator, flues, exhausts) are not effective.

When submitted and approved to the satisfaction of the Responsible Authority, the air quality and odour assessment report will be endorsed to form part of this permit. No alterations to the report may occur without the written consent of the Responsible Authority.

- 11. Within 30 days from the approval of the air quality and odour assessment report the permit holder must undertake any works required to implement and maintain the mitigation measures identified in the report (including by obtaining any required approvals) to the satisfaction of the Responsible Authority.**

Flue maintenance schedule

- 12. Within 60 days from when the amended planning permit (MPS/2012/138/D) is issued, or as otherwise agreed in writing by the Responsible Authority, a Flue Maintenance Schedule must be prepared and implemented to the satisfaction of the Responsible Authority. The operator must keep an ongoing Maintenance Record to demonstrate compliance with this schedule. This must be provided to the Responsible Authority within five (5) business days of a written request. The Flue Maintenance Record must:**
 - a) Include records every six (6) months confirming the inspection, cleaning, and removal of grease, oil, and atmospheric deposits from all kitchen flues, exhaust hoods, and associated extraction systems, alongside empirical evidence such as service invoices, photos, contractor receipts, or maintenance logs to validate completion;**
 - b) Be date and time stamped to show the exact time of service or inspection; and**
 - c) Be retained for a minimum of 24 months on an ongoing basis to ensure the visual appearance, structural integrity, and clean operation of the flue system are maintained.**

Signage

- 13. The signage approved by this permit must not be animated or contain any flashing or intermittent lights.**
- 14. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.**
- 15. Any illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.**
- 16. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed by AS 4282:2023 Control of the Obtrusive Effects of Outdoor Lighting or any updated version that is released. Upon request, the applicant must provide to the Responsible Authority records of the signs luminance levels to show compliance with this standard.**
- 17. The signage approved by this permit must only be illuminated during the hours of operation of the business.**

Permit Expiry

- 18. This permit will expire if one of the following circumstances applies:**
 - a) the development is not commenced within two (2) years from the date of issue of this permit;**
 - b) the development is not completed within four (4) years from the date of issue of this permit;**

- c) the use is not commenced within four (4) years from the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

19. The development approved by the amendment to this permit will expire if one of the following circumstances applies:

- a) the amended development is not commenced within three (3) years from the amendment date of issue of this permit (MPS/2012/138/D); or
- b) the amended development is not completed within five (5) years from the amendment date of issue of this permit (MPS/2012/138/D).

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

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

20. Prior to the endorsement of plans, a Venue and Patron Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must set out the operations of the business and how venue and patron behaviour will be managed. The Plan must include (but not necessarily be limited to):

- a) Actions taken to limit disturbances to the area as a result of patron noise and behaviour.
- b) Details, including the specific locations and wording, of signage on the site that:
 - i. Reminds patrons to behave in a quiet and orderly manner and be respectful of the neighbouring residential amenity.
 - ii. Asks patrons not to leave cars idling when parked in the street.
 - iii. Directs patrons to the location of closest toilet facilities.
- c) Details of queue management, including to ensure adequate footpath space for pedestrians.
- d) Any intended communication with patrons regarding management of expectations, to avoid conflict with surrounding land use.
- e) Confirmation that toilet facilities on the site will be available for patrons at all times.
- f) Details of a complaint handling process, including a person who can be contacted during the operation of the business.

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.

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

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

- Note 1:** It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Building and Plumbing Commission, Phone 1300 067 088 or www.bpc.vic.gov.au/. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.
- Note 2:** This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval in writing from the Responsible Authority.
- Note 3:** Unless no permit is required under the Merri-bek Planning Scheme, no further sign(s) must be constructed or displayed on the land without a further planning permit.
- Note 4:** Further approvals are required from Council for any works beyond the boundaries of the property (including kerbside tables and chairs, guard rails, wind barriers, permanent screens, etc.). For more information in relation to footpath trading permits, please contact Council on 9240 1111. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.
- Note 5:** This permit does not override the provisions of the Building Regulations 2018 in respect of the siting of projections beyond the street alignment. It is the responsibility of the relevant building surveyor who has accepted the appointment for the purpose of issuing the building permit to determine and obtain any necessary consent and report(s) of Council for a building if the building projects beyond the street alignment and/or above or below certain public facilities.
- Note 6:** The Environment Protection Act 2017 introduced the general environmental duty (GED) and it applies to all Victorians. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.
- This involves a continuous, preventative approach and should be undertaken with the understanding that where an operation presents low-level risks, or already has appropriate risk mitigation measures in place, further mitigation measures may still be necessary at a future point.
- For further information on what the laws mean for Victorian businesses and community go to: <https://www.epa.vic.gov.au/general-environmental-duty>.

Carried

Cr Bolton voted against

8.41 pm *Cr Pulford left the meeting.*

8.48 pm *Cr Pulford returned to the meeting.*

5.2 2-4 DALE AVENUE, PASCOE VALE VIC 3044 - PLANNING PERMIT APPLICATION MPS/2026/72



Property:	2-4 Dale Avenue, Pascoe Vale
Proposal:	Construction of six double-storey dwellings
Zoning and Overlay/s:	- General Residential Zone – Schedule 1 - Development Contribution Plan Overlay - Special Building Overlay – Schedule 2
Strategic setting:	Minimal change Incremental change Significant change
Objections:	- Eleven Objections - Key issues: - Car parking and traffic - Neighbourhood character - Overdevelopment of the site
Planning Information and Discussion (PID) Meeting:	- Date held: Tuesday 1 September 2026 - Attendees: 6 objectors, the applicant, 2 Council officers - No changes were agreed to, however the meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report.
ESD:	With conditions the proposal is compliant with the ESD requirements, noting: - Shading devices on all north facing windows. - Conditions require a minimum 100 per cent Blue Factor score (stormwater management) 2500L rainwater tanks provided for all dwellings. - Installation of solar panels for all dwellings, which goes beyond current Planning Scheme requirements.
Key reasons for support	- The proposal meets all neighbourhood character and external amenity standards of the Planning Scheme - The proposal consolidates two sites to ensure reasonable liveability and internal amenity is provided and minimises impacts on its neighbours. - The proposal exceeds the minimum car parking requirements.
Recommendation:	That 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/2026/72 be issued for the land at 2-4 Dale Avenue, Pascoe Vale.

The Permit would allow:

Construction of six double storey dwellings in a Special Building Overlay

Planning Scheme Clause	Matters for which permit is required
------------------------	--------------------------------------

Clause 32.08-7	Construct two or more dwellings on a lot
Clause 44.05-2	Construct a building or construct or carry out works

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 prepared by Wardle Design, Sheets TP01-TP12, Revision C, dated 20 July 2026, but modified to show:
 - a) The first floor above the garage of Dwellings 3 to 6 (excluding the stair) to be setback at least 8.1 metres from the southern boundary of the ground floor secluded private open space in accordance with Standard B3-6 Solar access to open space.
 - b) The first floor north facing habitable room windows of Dwelling 3 to 6 (excluding bedrooms) as fixed shut obscure glazing, through a clear notation.
 - c) The sill height of the first floor east facing master bedroom and bedroom 3 windows of Dwelling 6 increased to at least 1.7 metres from finished floor level.
 - d) Replace 'Applied Render' on first floor walls above the garages of Dwelling 3 to 6 with vertical cladding.
 - e) Replace 'Applied Render' on all remaining first floor walls with composite look concrete board, such as Cemintel Territory Quarry, Barestone or similar.
 - f) Mullions on first floor master bedroom windows of Dwelling 1 and 2 to match the window pane proportions on the ground floor.
 - g) The lighting to all external accessways and paths in accordance with Standard B3-3 Street integration.
 - h) Compliance with Standard B5-6 Clause 55.05-6 (noise impacts objective) by:
 - i. Including all mechanical plant, including any air conditioning units for the first floors.
 - ii. Ensuring all mechanical plant is not immediately adjacent to bedrooms of new or existing dwellings unless a solid barrier is in place.
 - iii. Providing a solid barrier screen to all hot water and air conditioning units.
 - iv. Providing the material details for the screening to the hot water and air conditioning units. The material must be a solid and illustrated with a product diagram, dimensions and any relevant details.
 - i) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
 - j) Tree protection zone(s) in accordance with Condition 6 of this permit, to street trees on Dale Avenue.
 - k) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
 - l) A Waste Management Plan submitted for endorsement in accordance with Condition 10 of this permit.
 - m) Any changes to the plans required by Melbourne Water in accordance with Conditions 23 to 36.

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, except where no permit is required under the Merri-bek Planning Scheme, provided the minimum garden area requirement under the Scheme continues to be met and the alteration is not contrary to any specific condition of this permit.

Landscaping

3. 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 Adaptive Landscape Design, Sheets LP01-LP02, Revision C, dated 21 July 2026 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 and protected.
 - c) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - d) Details of the location and type of all paved and sealed areas.
Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Water Sensitive Urban Design strategy.

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 Responsible Authority.
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 Responsible Authority.

Tree Protection

6. Prior to development commencing (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 AS4970-2025 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:
 - a) All Council trees located within 3 metres of the site boundary or a vehicle crossing;
 - b) the trees marked on the endorsed plans as being retained and protected

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 Standard Height (DSH) as defined by the Australian Standard AS 4970.2025). 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 AS4970-2025.

v. Access to TPF

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.

Tree Removal

7. 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 any of the three existing street trees removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

8. Prior to the endorsement of plans, an amended sustainable design response must be submitted to the satisfaction of the Responsible Authority. The sustainable design response must be generally in accordance with the sustainable design response prepared by Wardle Design, dated 20 July 2026, but modified to include the following changes:
- a) The roof plan annotated to install minimum 6 kilowatt solar panels to each dwelling.
 - b) Plans modified to show compliance with Standard B5-1 Clause 55.05-1 (permeability and stormwater objective) by:
 - i. On the ground floor plan, correcting the plan key/legend so that the rainwater tank section is titled '2500 litre rainwater tank', and the corresponding image also says '2500LT RWT'
 - ii. Providing a Blue Factor report and stormwater management response that maintains a minimum score of 100 per cent but is modified so that:
 - (1) The Blue Factor report is complete, finalised and published (not 'draft').

- (2) The number of toilets each dwelling has is correct.
- (3) If 'dwelling rainwater tanks are connected to washing machines' is selected, then at every mention of a rainwater tank on the ground floor plan, annotate: 'The rainwater collected from the roof will service all toilets and be connected to the washing machines. Ensure gutter guards, first flush diverters and filters to the water tanks are installed.'
- iii. Providing an amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the Blue Factor report, clearly showing:
 - (1) Roof details including location of parapet walls, box gutters, roof fall direction, downpipes (either charged, gravity or internal) to demonstrate how stormwater catchments drain to the rainwater tanks without charged pipes running under building slabs.
 - (2) Reference to Envis pits deleted from the plan legend.
- c) Plans modified to show compliance with Standard B5-4 Clause 55.05-4 (solar protection to new north-facing windows objective) by:
 - i. On the north elevation plans, dimensioning the heights of all windows, and annotating 'FSD' to the dwelling 1 and 2 north-facing kitchen doors.
 - ii. Amending the fixed shading drawn for dwellings 3 – 6 on floor and elevation plans. The elevation plans show markings which look like louvred shading devices. These are not shown on the ground floor plan. All plans must match.
 - iii. If louvred fixed horizontal shading devices are proposed: Provide a dimensioned section diagram of the louvred slatted fixed shade devices. The section diagram must show the widths and thicknesses of the louvres and the distance between them to establish how shading will be provided by the devices.

Where an alternative response is 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) sustainability design response outcomes in association with the development.

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

Waste Management

- 10. Prior to the endorsement of plans, a Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must:
 - 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) Show the bins stored out of sight and any enclosed room manually ventilated;

- d) Include a dimensioned plan, to scale that complies with Standard B5-5 (Clause 55.05-5) showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);
- e) Show the bins in the plan, to scale, colour coded to each waste stream;
- f) Show a dimensioned area for Hard Waste;
- g) Provide a collection frequency of no more than twice per week;
- h) Include discussion of the other waste streams; and
- i) Identify private contractor collection service.

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

- 11. The 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

- 12. Any new dwelling 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.

Car Parking and Vehicle Access

- 13. 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).
- 14. 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).
- 15. 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 must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.
- 16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.

Undergrounding cables

- 17. 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 (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.

Stormwater

18. 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).

General Amenity

19. 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.
20. 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.
21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.
22. 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.

Melbourne Water Conditions

23. Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - a) Any new fence and gate within the flood extent must be of an open style of construction (minimum 50 per cent open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/overland flows.
24. Dwelling 1 must be constructed with finished floor levels set no lower than 66.44 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.14 metres to AHD.
25. The garage of Dwelling 1 must be constructed with finished floor levels set no lower than 66.14 metres to AHD, which is at the applicable flood level.
26. Dwelling 2 must be constructed with finished floor levels set no lower than 66.45 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.15 metres to AHD.
27. The garage of Dwelling 2 must be constructed with finished floor levels set no lower than 66.15 metres to AHD, which is at the applicable flood level.
28. Dwelling 3 must be constructed with finished floor levels set no lower than 66.30 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.00 metres to AHD.
29. The garage of Dwelling 3 must be constructed with finished floor levels set no lower than 66.13 metres to AHD, which is at the applicable flood level.
30. Dwelling 4 must be constructed with finished floor levels set no lower than 66.28 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 65.98 metres to AHD.

31. The garage of Dwelling 4 must be constructed with finished floor levels set no lower than 66.00 metres to AHD, which is at the applicable flood level.
32. Dwellings 5 and 6 must be constructed with finished floor levels set no lower than 66.25 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 65.95 metres to AHD.
33. The garages of Dwelling 5 and 6 must be constructed with finished floor levels set no lower than 65.95 metres to AHD, which is at the applicable flood level.
34. The building setbacks shown to site boundaries must not be further reduced without the review and written approval of Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
35. Imported fill within the flood extent must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
36. The open space areas within the property must be maintained at natural surface levels.

Permit Expiry

37. 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: 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: <https://www.merri-bek.vic.gov.au/residential-parking-permits>

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: 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 4: 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.

Resolution

Cr Miles moved, Cr Davidson seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2026/72 be issued for the land at 2-4 Dale Avenue, Pascoe Vale.

The Permit would allow:

Construction of six double storey dwellings in a Special Building Overlay

Planning Scheme Clause	Matters for which permit is required
Clause 32.08-7	Construct two or more dwellings on a lot
Clause 44.05-2	Construct a building or construct or carry out works

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 prepared by Wardle Design, Sheets TP01-TP12, Revision C, dated 20 July 2026, but modified to show:
 - a) The first floor above the garage of Dwellings 3 to 6 (excluding the stair) to be setback at least 8.1 metres from the southern boundary of the ground floor secluded private open space in accordance with Standard B3-6 Solar access to open space.
 - b) The first floor north facing habitable room windows of Dwelling 3 to 6 (excluding bedrooms) as fixed shut obscure glazing, through a clear notation.
 - c) The sill height of the first floor east facing master bedroom and bedroom 3 windows of Dwelling 6 increased to at least 1.7 metres from finished floor level.
 - d) Replace 'Applied Render' on first floor walls above the garages of Dwelling 3 to 6 with vertical cladding.
 - e) Replace 'Applied Render' on all remaining first floor walls with composite look concrete board, such as Cemintel Territory Quarry, Barestone or similar.
 - f) Mullions on first floor master bedroom windows of Dwelling 1 and 2 to match the window pane proportions on the ground floor.
 - g) The lighting to all external accessways and paths in accordance with Standard B3-3 Street integration.
 - h) Compliance with Standard B5-6 Clause 55.05-6 (noise impacts objective) by:
 - i. Including all mechanical plant, including any air conditioning units for the first floors.
 - ii. Ensuring all mechanical plant is not immediately adjacent to bedrooms of new or existing dwellings unless a solid barrier is in place.
 - iii. Providing a solid barrier screen to all hot water and air conditioning units.

- iv. Providing the material details for the screening to the hot water and air conditioning units. The material must be a solid and illustrated with a product diagram, dimensions and any relevant details.
- i) Any changes to the plans arising from the Landscape Plan in accordance with Condition 3 of this permit.
- j) Tree protection zone(s) in accordance with Condition 6 of this permit, to street trees on Dale Avenue.
- k) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
- l) A Waste Management Plan submitted for endorsement in accordance with Condition 10 of this permit.
- m) Any changes to the plans required by Melbourne Water in accordance with Conditions 23 to 36.

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, except where no permit is required under the Merri-bek Planning Scheme, provided the minimum garden area requirement under the Scheme continues to be met and the alteration is not contrary to any specific condition of this permit.

Landscaping

- 3. 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 Adaptive Landscape Design, Sheets LP01-LP02, Revision C, dated 21 July 2026 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 and protected.
 - c) Strategies for the retainment of vegetation (i.e. barriers and signage during the construction process) consistent with any conditions of this permit.
 - d) Details of the location and type of all paved and sealed areas. Porous/permeable paving, rain gardens and other water sensitive urban design features must be in accordance with the Water Sensitive Urban Design strategy.

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 Responsible Authority.
- 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 Responsible Authority.

Tree Protection

6. Prior to development commencing (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 AS4970-2025 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority:
- a) All Council trees located within 3 metres of the site boundary or a vehicle crossing;
 - b) the trees marked on the endorsed plans as being retained and protected

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 Standard Height (DSH) as defined by the Australian Standard AS 4970.2025). 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 AS4970-2025.

v. **Access to TPF**

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.

Tree Removal

7. 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 any of the three existing street trees

removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Environmentally Sustainable Design (ESD)

- 8. Prior to the endorsement of plans, an amended sustainable design response must be submitted to the satisfaction of the Responsible Authority. The sustainable design response must be generally in accordance with the sustainable design response prepared by Wardle Design, dated 20 July 2026, but modified to include the following changes:**
 - a) The roof plan annotated to install minimum 6 kilowatt solar panels to each dwelling.**
 - b) Plans modified to show compliance with Standard B5-1 Clause 55.05-1 (permeability and stormwater objective) by:**
 - i. On the ground floor plan, correcting the plan key/legend so that the rainwater tank section is titled '2500 litre rainwater tank', and the corresponding image also says '2500LT RWT'**
 - ii. Providing a Blue Factor report and stormwater management response that maintains a minimum score of 100 per cent but is modified so that:**
 - (1) The Blue Factor report is complete, finalised and published (not 'draft').**
 - (2) The number of toilets each dwelling has is correct.**
 - (3) If 'dwelling rainwater tanks are connected to washing machines' is selected, then at every mention of a rainwater tank on the ground floor plan, annotate: 'The rainwater collected from the roof will service all toilets and be connected to the washing machines. Ensure gutter guards, first flush diverters and filters to the water tanks are installed.'**
 - iii. Providing an amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the Blue Factor report, clearly showing:**
 - (1) Roof details including location of parapet walls, box gutters, roof fall direction, downpipes (either charged, gravity or internal) to demonstrate how stormwater catchments drain to the rainwater tanks without charged pipes running under building slabs.**
 - (2) Reference to Envis pits deleted from the plan legend.**
 - c) Plans modified to show compliance with Standard B5-4 Clause 55.05-4 (solar protection to new north-facing windows objective) by:**
 - i. On the north elevation plans, dimensioning the heights of all windows, and annotating 'FSD' to the dwelling 1 and 2 north-facing kitchen doors.**
 - ii. Amending the fixed shading drawn for dwellings 3 – 6 on floor and elevation plans. The elevation plans show markings which look like louvred shading devices. These are not shown on the ground floor plan. All plans must match.**

- iii. If louvered fixed horizontal shading devices are proposed: Provide a dimensioned section diagram of the louvred slatted fixed shade devices. The section diagram must show the widths and thicknesses of the louvres and the distance between them to establish how shading will be provided by the devices.

Where an alternative response is 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) sustainability design response outcomes in association with the development.

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

Waste Management

10. Prior to the endorsement of plans, a Waste Management Plan must be submitted to the satisfaction of the Responsible Authority. The plan must:
 - 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) Show the bins stored out of sight and any enclosed room manually ventilated;
 - d) Include a dimensioned plan, to scale that complies with Standard B5-5 (Clause 55.05-5) showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);
 - e) Show the bins in the plan, to scale, colour coded to each waste stream;
 - f) Show a dimensioned area for Hard Waste;
 - g) Provide a collection frequency of no more than twice per week;
 - h) Include discussion of the other waste streams; and
 - i) Identify private contractor collection service.

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

11. The 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

- 12. Any new dwelling 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.**

Car Parking and Vehicle Access

- 13. 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).**
- 14. 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).**
- 15. 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 must be relocated or modified at the expense of the permit holder to the satisfaction of the Responsible Authority and the relevant service authority.**
- 16. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the garage roller doors must be automatic and remote controlled.**

Undergrounding cables

- 17. 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 (including all existing and new buildings) must be underground to the satisfaction of the Responsible Authority.**

Stormwater

- 18. 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).**

General Amenity

- 19. 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.**
- 20. 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.**
- 21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, bollard lighting standing no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access to the dwelling(s) between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.**

22. 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.

Melbourne Water Conditions

23. Prior to the endorsement of plans under this permit, amended plans to the satisfaction of Melbourne Water and Council must be submitted to and approved by Melbourne Water and Council. The plans must be generally in accordance with the plans submitted with the application but modified to include:
- a) Any new fence and gate within the flood extent must be of an open style of construction (minimum 50 per cent open) or timber paling unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/ overland flows.
24. Dwelling 1 must be constructed with finished floor levels set no lower than 66.44 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.14 metres to AHD.
25. The garage of Dwelling 1 must be constructed with finished floor levels set no lower than 66.14 metres to AHD, which is at the applicable flood level.
26. Dwelling 2 must be constructed with finished floor levels set no lower than 66.45 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.15 metres to AHD.
27. The garage of Dwelling 2 must be constructed with finished floor levels set no lower than 66.15 metres to AHD, which is at the applicable flood level.
28. Dwelling 3 must be constructed with finished floor levels set no lower than 66.30 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 66.00 metres to AHD.
29. The garage of Dwelling 3 must be constructed with finished floor levels set no lower than 66.13 metres to AHD, which is at the applicable flood level.
30. Dwelling 4 must be constructed with finished floor levels set no lower than 66.28 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 65.98 metres to AHD.
31. The garage of Dwelling 4 must be constructed with finished floor levels set no lower than 66.00 metres to AHD, which is at the applicable flood level.
32. Dwellings 5 and 6 must be constructed with finished floor levels set no lower than 66.25 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 65.95 metres to AHD.
33. The garages of Dwelling 5 and 6 must be constructed with finished floor levels set no lower than 65.95 metres to AHD, which is at the applicable flood level.
34. The building setbacks shown to site boundaries must not be further reduced without the review and written approval of Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
35. Imported fill within the flood extent must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.

36. The open space areas within the property must be maintained at natural surface levels.

Permit Expiry

37. 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: 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: <https://www.merri-bek.vic.gov.au/residential-parking-permits>

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: 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 4: 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.

Carried

5.3 45 PENTRIDGE BOULEVARD, COBURG- MINISTERIAL REFERRAL OF PLANNING APPLICATION- MIN/2026/3



Property:	45 Pentridge Boulevard, Coburg
Proposal:	Construction of a 16 storey building containing retail and commercial uses on ground floor and dwellings above, and reduction of car parking requirements

Zoning and Overlay/s:	- Activity Centre Zone, Schedule 1, Precinct 10 – Pentridge Village (ACZ1) - Environmental Audit Overlay (EAO) - Parking Overlay – Schedule 1 (PO1) - Special Building Overlay – Schedule 2 (SBO2) - Development Contributions Plan Overlay (DCPO1)
Strategic setting:	Minimal change Incremental change Significant change
Public consultation:	Public notice was not undertaken by the Minister as the application is exempt from public notification and there is no VCAT review rights in the Activity Centre Zone.
ESD:	- Minimum average NatHERS rating of 7.5 stars. 43kWp solar photovoltaic systems 67 per cent BESS Score
Accessibility:	Adaptable apartments comprise 54 per cent of the proposal.
Key reasons for support:	- Height remains consistent with the 16 storey height sought previously supported by Council. - Architecture is of high quality, providing a “marker” building as sought under the ACZ1 - Continued commitment to provision of affordable housing. Conditions require that this be provided in the development, or any alternative contribution be made to the Merri-bek Social and Affordable Housing Strategy Reserve of at least 3 per cent of the total development costs. - Site is well located with access to multiple public transport options and services and provides ample bicycle parking to support the additional car parking reduction.
Recommendation:	Council’s submission to the Minister for Planning be one of support for the development with conditions.

Officer Recommendation

That Council advises the Minister for Planning its support of a planning permit being issued for the construction of a 16-storey mixed-use building, comprising retail and commercial uses at ground floor and dwellings above, and a reduction in car parking requirements at 45 Pentridge Boulevard, Coburg, subject to the conditions set out below:

The Permit would allow:

Construction of a 16 storey mixed-use building, with retail and commercial uses on the ground floor and dwellings above and reduction of car parking requirements.

Planning Scheme Clause	Matters for which permit is required
37.08-5	Construct a building or construct or carry out works
44.05-2	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces required

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 plans prepared by LIFE Architecture and Urban Design, revision TP05 dated 03 June 2026 but modified to show:
 - a) The awning design on the southern elevation modified to provide a solid form integrated with the facade design language.
 - b) Fire booster/service cupboards at the street interface reduced to the minimum extent allowable and finished with materials integrated into the hardscape design.
 - c) Street facing public seating opportunities integrated into the forecourt hardscape design.
 - d) Dimension each bicycle parking device 500 mm wide, the horizontal bike spaces 1800 mm long and the vertical bicycle spaces 1200 mm long, with every space accessed from a 1500 mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - e) Annotate the model of the two-tier bicycle racks.
 - f) Lift internal dimensions and swept path/maneuvering diagrams demonstrating that the lifts can accommodate two cyclists with bicycles while maintaining safe and convenient access for other lift users.
 - g) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Facade Strategy in accordance with Condition 8 of this permit.
 - iii. Public Works Plan in accordance with Condition 9 of this permit.
 - iv. Lighting Plan in accordance with Condition 12 of this permit.
 - v. Environmentally Sustainable Design requirements in accordance with Condition 14 of this permit.
 - vi. Wind Assessment in accordance with Condition 18 of this permit.
 - vii. Accessibility Report in accordance with Condition 19 of this permit.
 - viii. Acoustic Report in accordance with Condition 21 of this permit.
 - ix. Waste Management Plan in accordance with Condition 24 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 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 Ground Landscape Studio, revision 04 dated 26/05/2026 but amended to show:
 - a) Bluestone paving to publicly accessible areas.
 - b) Any changes to be consistent with the Development Plans in accordance with Condition 1 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.

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 Merri-bek City Council.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Merri-bek City Council 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.

Tree Protection

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all Council trees located within 3 metres of the site boundary or a vehicle crossing must have a Tree Protection Zone (TPZ) in accordance with AS4970 Protection of Trees on Development Sites to the satisfaction of the Merri-bek City Council.

The TPZ must meet the following requirements:

a) **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.

b) **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.

c) **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.

d) **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.

e) **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.

Tree Removal

7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Merri-bek City 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 Merri-bek City Council.

Facade Strategy

8. Concurrent with the endorsement of plans, 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, be drawn to scale, and must include the following details:
 - a) A concise description by the 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 by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
 - d) 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.
 - e) Information about how the facade will be accessed, maintained, and cleaned.
 - f) Confirmation external glazing and cladding reflects no more than 20 per cent visible light at 90 degrees to the surface of the material, except with the written consent of the responsible authority.

Public Works Plan

9. Prior to the endorsement of plans, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plan must detail works in front of the approved building along Pentridge Boulevard and Urquhart Street and include:
 - a) A detailed level and feature survey of the footpaths and roads.
 - b) The provision of new street tree planting and landscaping along Pentridge Boulevard and Urquhart Street adjacent to the site, where feasible, 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) The provision of additional street trees and lower-level planting to the nature strip on the northern side of Urquhart Street
 - d) The provision of additional lower-level planting to the nature strip along the Pentridge Boulevard frontage of the site

- e) The paving to the south and west of the apartment building extended to include the footpath along Pentridge Boulevard and Urquhart Street to create a continuous, larger forecourt area as part of footpath rectification work, using Merri-bek City Council Technical Notes A110.06 Bluestone Footpath or other high-quality materials as approved by Merri-bek City Council. The use of steel inlay or expansion joints can be used to delineate the site boundary.
- f) 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.
- g) All construction details in accordance with the Merri-bek City Council Technical Notes.
- h) The public footpath to be reinstated with the standard crossfall slope of 1 in 40 from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps.
- i) Annotate each pedestrian entrance and garage doors to state that “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”.
- j) Any changes to be consistent with the Landscape Plan in accordance with Condition 3 of this permit.
- k) 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.

- 10. The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Merri-bek City Council at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with prior written consent of the Merri-bek City Council.
- 11. 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.

Lighting

- 12. Prior to commencement of works, a lighting plan showing all external lighting associated with that stage must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail:
 - a) Bollard lighting no higher than 1.2 metres above ground level for all ground level communal open spaces and pedestrian accessways. The bollard lighting must automatically illuminate communal open spaces and pedestrian accessways between dusk and dawn.
 - b) Any other proposed external lighting.
- 13. All external lighting must be installed and operate as specified in the endorsed lighting plan to the satisfaction of the Merri-bek City Council prior to the occupation of the development, unless otherwise agreed with prior written consent of the Responsible Authority. All external lighting must be maintained to the satisfaction of the Merri-bek City Council.

Environmentally Sustainable Design (ESD)

14. Prior to the endorsement of plans, 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 Sustainable Development Consultants, v2 dated March 2026, but modified to include the following changes:
- a) An amended daylight modelling report that includes:
 - i. A clear comparison between the previous and current daylight modelling results, including an explanation for any significant changes in daylight performance where there has been no corresponding change to the architectural layout.
 - ii. Specific clarification of the reported improvement to Apartment 317 Bedroom 1 and Apartment 417 Bedroom 1, noting that these rooms were previously identified as poorly performing and appear to have significantly improved without a corresponding layout change.
 - b) Internal layout changes including but not limited to increasing window sizes, modifying glazing arrangements to Bedroom 1 of Apartments 317 and Apartment 417 should the amended daylight modelling confirm that these rooms continue to perform below the best practice targets.
 - c) Commit to achieving an average NatHERS rating of at least 7.5 Stars for all dwellings.

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.

15. 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 Merri-bek City Council.
16. 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 in consultation with Merri-bek City Council. 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.
17. All stormwater treatment devices (e.g. raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Merri-bek City Council to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Wind Assessment Report

18. Prior to the endorsement of plans, an amended Wind Assessment Report must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Wind Assessment Report, prepared by MEL Consultants, dated June 2025, but must be modified to:

- a) Assess and identify any changes to wind conditions arising from the changes required under Condition 1, and provide any additional mitigation measures required to achieve compliance with the relevant wind comfort and criteria.
- b) Confirm the design of the awning/canopy to south elevation is an appropriate wind mitigation measure.

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Merri-bek City Council.

Accessibility

- 19. Prior to the endorsement of plans, an amended Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Jensen Hughes, revision ADR 1.1 dated 18 August 2025 but modified to align with the plans for endorsement.

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 Merri-bek City Council prior to the occupation of the development.

- 20. 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.

Acoustic Attenuation

- 21. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics, revision 3 dated 30 July 2025 but modified to align with the plans for endorsement.

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

- 22. 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.
- 23. 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 Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Waste Management

- 24. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Merri-bek City Council. The plan must be generally in accordance with the report prepared by Traffix Group, revision A dated June 2026 but modified to align with the plans for endorsement.

When submitted and approved to the satisfaction of the Merri-bek City Council, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Merri-bek City Council

25. 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.

Environmental Audit

26. Before the construction or carrying out of buildings and works, 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.
27. 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 and 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 the Responsible Authority, and Merri-bek City Council, must be met by the Owner(s).

28. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Merri-bek City Council Responsible Authority must be submitted to and approved by the Merri-bek City Council 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.

29. 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 Merri-bek City Council.
30. Where a preliminary risk screen assessment has satisfied Condition 26 (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 Merri-bek City Council.

Section 173 Agreement – Affordable Housing

31. 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 Merri-bek City Council and the Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:
 - a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered, and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the Responsible Authority.
 - b) An alternative contribution to the Merri-bek Social and Affordable Housing Strategy Reserve of at least 3 per cent of the total development cost towards the provision of affordable housing must be provided to the satisfaction of the Responsible Authority. The details of when and how the alternative contribution is to be made, and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the Responsible Authority.

The landowner must pay the Responsible Authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

The landowner 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.

Section 173 Agreement – Privately owned public spaces/links

32. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Responsible Authority, in a form to the satisfaction of Merri-bek City Council and the Responsible Authority. The agreement must provide the following:
 - a) The pedestrian link between Pentridge Boulevard and Sacramento Way will remain privately owned and controlled;

- b) Require the owner of the land to maintain unobstructed public access to the pedestrian link 24 hours a day, 7 days a week, except where temporary closure is required for maintenance, repairs, emergency works, or public safety reasons;
- c) Installation of appropriate lighting to ensure that the pedestrian link provides convenient and safe public access;
- d) Provide that the owner of the land is solely responsible for the maintenance and management of the pedestrian link at the owner's cost and to the satisfaction of Responsible Authority; and
- e) Provide that the design, materiality, lighting, including the ongoing operation and maintenance of the pedestrian link be to the satisfaction of Merri-bek City Council.

The landowner must pay the Merri-bek City Council and the Responsible Authority reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

The landowner 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.

3D model

- 33. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Merri-bek City Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Merri-bek City Council. 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 at [Virtual Merri-bek](#). 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 Merri-bek City Council.

Engineering Matters

- 34. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by Merri-bek City Council under Council's General Local Law. Guidance on how to prepare a Construction Management Plan can be found on Council's website.
- 35. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
- 36. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
- 37. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
- 38. At all times the area marked as a loading zone on the endorsed plan must not be used for any other purpose.

39. 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 (including all existing and new buildings) must be underground to the satisfaction of the Merri-bek City Council.
40. 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).
41. 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 . 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

42. 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 Merri-bek City Council (Note: Please contact Merri-bek City Council, City Infrastructure Department).

Car Parking

43. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Merri-bek City Council:
 - 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, including for retail tenancies and car share (locate in common property).

General

44. At all times the ground floor windows which adjoin the pedestrian walkway on the north edge of the site that connects to the existing townhouses, must remain unobscured to continue to provide passive surveillance, to the satisfaction of the Merri-bek City Council.
45. 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 Merri-bek City Council.
46. 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.
47. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Merri-bek City Council.

48. The 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 relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Easements

49. Prior to the commencement of development, the owner must obtain the consent of all relevant authorities to remove or vary all easements within the footprint of the approved buildings to the satisfaction of the Responsible Authority.

Privacy screens to be installed and maintained

50. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all privacy screens and privacy measures shown on the endorsed plans must be installed to the satisfaction of the Merri-bek City Council. All privacy screens and privacy measures to prevent overlooking must be maintained to the satisfaction of the Merri-bek City Council. Any privacy screen or privacy measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Merri-bek City Council.

Retention of Architect

51. LIFE Architecture and Urban Design or an equivalent Architect must be retained to complete and provide architectural oversight during construction of the detailed design as shown on the endorsed plans, to the satisfaction of the Responsible Authority.

Permit Expiry

52. 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;

- i. within six months after the permit expires to extend the commencement date.
- ii. 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: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

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: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

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.

Resolution

Cr Iwasaki moved, Cr Pulford seconded -

That Council advises the Minister for Planning its support of a planning permit being issued for the construction of a 16-storey mixed-use building, comprising retail and commercial uses at ground floor and dwellings above, and a reduction in car parking requirements at 45 Pentridge Boulevard, Coburg, subject to the conditions set out below:

The Permit would allow:

Construction of a 16 storey mixed-use building, with retail and commercial uses on the ground floor and dwellings above and reduction of car parking requirements.

Planning Scheme Clause	Matters for which permit is required
37.08-5	Construct a building or construct or carry out works
44.05-2	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces required

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 plans prepared by LIFE Architecture and Urban Design, revision TP05 dated 03 June 2026 but modified to show:**
 - a) The awning design on the southern elevation modified to provide a solid form integrated with the facade design language.**
 - b) Fire booster/service cupboards at the street interface reduced to the minimum extent allowable and finished with materials integrated into the hardscape design.**
 - c) Street facing public seating opportunities integrated into the forecourt hardscape design.**
 - d) Dimension each bicycle parking device 500 mm wide, the horizontal bike spaces 1800 mm long and the vertical bicycle spaces 1200 mm long, with every space accessed from a 1500 mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).**
 - e) Annotate the model of the two-tier bicycle racks.**
 - f) Lift internal dimensions and swept path/maneuvering diagrams demonstrating that the lifts can accommodate two cyclists with bicycles while maintaining safe and convenient access for other lift users.**
 - g) Any changes to the plans arising from the:**
 - i. Landscape Plan in accordance with Condition 3 of this permit.**
 - ii. Facade Strategy in accordance with Condition 8 of this permit.**
 - iii. Public Works Plan in accordance with Condition 9 of this permit.**
 - iv. Lighting Plan in accordance with Condition 12 of this permit.**
 - v. Environmentally Sustainable Design requirements in accordance with Condition 14 of this permit.**

- vi. **Wind Assessment** in accordance with Condition 18 of this permit.
- vii. **Accessibility Report** in accordance with Condition 19 of this permit.
- viii. **Acoustic Report** in accordance with Condition 21 of this permit.
- ix. **Waste Management Plan** in accordance with Condition 24 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 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 Ground Landscape Studio, revision 04 dated 26/05/2026 but amended to show:
 - a) **Bluestone paving** to publicly accessible areas.
 - b) **Any changes** to be consistent with the Development Plans in accordance with Condition 1 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.

- 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 Merri-bek City Council.
- 5. All landscaping and irrigation systems must be maintained to the satisfaction of the Merri-bek City Council 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.

Tree Protection

- 6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), all Council trees located within 3 metres of the site boundary or a vehicle crossing must have a Tree Protection Zone (TPZ) in accordance with AS4970 Protection of Trees on Development Sites to the satisfaction of the Merri-bek City Council.

The TPZ must meet the following requirements:

- a) **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.

b) 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.

c) 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.

d) 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.

e) 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.

Tree Removal

7. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, the owner must pay Merri-bek City 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 Merri-bek City Council.

Facade Strategy

8. Concurrent with the endorsement of plans, 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, be drawn to scale, and must include the following details:
- a) A concise description by the 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 by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
 - d) 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.

- e) Information about how the facade will be accessed, maintained, and cleaned.
- f) Confirmation external glazing and cladding reflects no more than 20 per cent visible light at 90 degrees to the surface of the material, except with the written consent of the responsible authority.

Public Works Plan

9. Prior to the endorsement of plans, a Public Works Plan and associated construction drawing specifications detailing the works to the land must be submitted and approved to the satisfaction of the Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plan must detail works in front of the approved building along Pentridge Boulevard and Urquhart Street and include:
 - a) A detailed level and feature survey of the footpaths and roads.
 - b) The provision of new street tree planting and landscaping along Pentridge Boulevard and Urquhart Street adjacent to the site, where feasible, 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) The provision of additional street trees and lower-level planting to the nature strip on the northern side of Urquhart Street
 - d) The provision of additional lower-level planting to the nature strip along the Pentridge Boulevard frontage of the site
 - e) The paving to the south and west of the apartment building extended to include the footpath along Pentridge Boulevard and Urquhart Street to create a continuous, larger forecourt area as part of footpath rectification work, using Merri-bek City Council Technical Notes A110.06 Bluestone Footpath or other high-quality materials as approved by Merri-bek City Council. The use of steel inlay or expansion joints can be used to delineate the site boundary.
 - f) 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.
 - g) All construction details in accordance with the Merri-bek City Council Technical Notes.
 - h) The public footpath to be reinstated with the standard crossfall slope of 1 in 40 from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps.
 - i) Annotate each pedestrian entrance and garage doors to state that ““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””.
 - j) Any changes to be consistent with the Landscape Plan in accordance with Condition 3 of this permit.
 - k) 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.

10. The approved Public Works Plan will form part of the endorsed plans under the permit and must be implemented to the satisfaction of the Merri-bek City Council at the expense of the owner of the land, prior to the occupation of the development unless otherwise agreed with prior written consent of the Merri-bek City Council.
11. 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.

Lighting

12. Prior to commencement of works, a lighting plan showing all external lighting associated with that stage must be submitted and approved to the satisfaction of the Responsible Authority. The plan must detail:
 - a) Bollard lighting no higher than 1.2 metres above ground level for all ground level communal open spaces and pedestrian accessways. The bollard lighting must automatically illuminate communal open spaces and pedestrian accessways between dusk and dawn.
 - b) Any other proposed external lighting.
13. All external lighting must be installed and operate as specified in the endorsed lighting plan to the satisfaction of the Merri-bek City Council prior to the occupation of the development, unless otherwise agreed with prior written consent of the Responsible Authority. All external lighting must be maintained to the satisfaction of the Merri-bek City Council.

Environmentally Sustainable Design (ESD)

14. Prior to the endorsement of plans, 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 Sustainable Development Consultants, v2 dated March 2026, but modified to include the following changes:
 - a) An amended daylight modelling report that includes:
 - i. A clear comparison between the previous and current daylight modelling results, including an explanation for any significant changes in daylight performance where there has been no corresponding change to the architectural layout.
 - ii. Specific clarification of the reported improvement to Apartment 317 Bedroom 1 and Apartment 417 Bedroom 1, noting that these rooms were previously identified as poorly performing and appear to have significantly improved without a corresponding layout change.
 - b) Internal layout changes including but not limited to increasing window sizes, modifying glazing arrangements to Bedroom 1 of Apartments 317 and Apartment 417 should the amended daylight modelling confirm that these rooms continue to perform below the best practice targets.
 - c) Commit to achieving an average NatHERS rating of at least 7.5 Stars for all dwellings.

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.

15. 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 Merri-bek City Council. No alterations to these plans may occur without the written consent of the Merri-bek City Council.
16. 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 in consultation with Merri-bek City Council. 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.
17. All stormwater treatment devices (e.g. raingardens, rainwater tanks etc.) must be maintained to the satisfaction of the Merri-bek City Council to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Wind Assessment Report

18. Prior to the endorsement of plans, an amended Wind Assessment Report must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the Wind Assessment Report, prepared by MEL Consultants, dated June 2025, but must be modified to:
 - a) Assess and identify any changes to wind conditions arising from the changes required under Condition 1, and provide any additional mitigation measures required to achieve compliance with the relevant wind comfort and criteria.
 - b) Confirm the design of the awning/canopy to south elevation is an appropriate wind mitigation measure.

The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Merri-bek City Council.

Accessibility

19. Prior to the endorsement of plans, an amended Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the report prepared by Jensen Hughes, revision ADR 1.1 dated 18 August 2025 but modified to align with the plans for endorsement.

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 Merri-bek City Council prior to the occupation of the development.

20. 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.

Acoustic Attenuation

21. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted to the satisfaction of the Responsible Authority. The Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics, revision 3 dated 30 July 2025 but modified to align with the plans for endorsement.

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

22. 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.
23. 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 Acoustic 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 Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Waste Management

24. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Merri-bek City Council. The plan must be generally in accordance with the report prepared by Traffix Group, revision A dated June 2026 but modified to align with the plans for endorsement.

When submitted and approved to the satisfaction of the Merri-bek City Council, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the Merri-bek City Council

25. 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.

Environmental Audit

26. Before the construction or carrying out of buildings and works, 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.**
- 27. 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 and 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 the Responsible Authority, and Merri-bek City Council, must be met by the Owner(s).**
- 28. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Merri-bek City Council Responsible Authority must be submitted to and approved by the Merri-bek City Council 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.**
- 29. 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 Merri-bek City Council.**
- 30. Where a preliminary risk screen assessment has satisfied Condition 26 (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 Merri-bek City Council.**

Section 173 Agreement – Affordable Housing

- 31. 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 Merri-bek City Council and the Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:**
- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered, and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the Responsible Authority.**
 - b) An alternative contribution to the Merri-bek Social and Affordable Housing Strategy Reserve of at least 3 per cent of the total development cost towards the provision of affordable housing must be provided to the satisfaction of the Responsible Authority. The details of when and how the alternative contribution is to be made, and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the Responsible Authority.**

The landowner must pay the Responsible Authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

The landowner 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.

Section 173 Agreement – Privately owned public spaces/links

- 32. Prior to the issue of Certificate of Occupancy or Statement of Compliance, whichever comes first, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Responsible Authority, in a form to the satisfaction of Merri-bek City Council and the Responsible Authority. The agreement must provide the following:**
- a) The pedestrian link between Pentridge Boulevard and Sacramento Way will remain privately owned and controlled;**
 - b) Require the owner of the land to maintain unobstructed public access to the pedestrian link 24 hours a day, 7 days a week, except where temporary closure is required for maintenance, repairs, emergency works, or public safety reasons;**
 - c) Installation of appropriate lighting to ensure that the pedestrian link provides convenient and safe public access;**
 - d) Provide that the owner of the land is solely responsible for the maintenance and management of the pedestrian link at the owner's cost and to the satisfaction of Responsible Authority; and**
 - e) Provide that the design, materiality, lighting, including the ongoing operation and maintenance of the pedestrian link be to the satisfaction of Merri-bek City Council.**

The landowner must pay the Merri-bek City Council and the Responsible Authority reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

The landowner 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.

3D model

33. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Merri-bek City Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Merri-bek City Council. 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 at [Virtual Merri-bek](#). 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 Merri-bek City Council.

Engineering Matters

34. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by Merri-bek City Council under Council's General Local Law. Guidance on how to prepare a Construction Management Plan can be found on Council's website.
35. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
36. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
37. 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 Merri-bek City Council (Merri-bek City Council, City Infrastructure Department).
38. At all times the area marked as a loading zone on the endorsed plan must not be used for any other purpose.
39. 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 (including all existing and new buildings) must be underground to the satisfaction of the Merri-bek City Council.
40. 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).

41. 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 . 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

42. 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 Merri-bek City Council (Note: Please contact Merri-bek City Council, City Infrastructure Department).

Car Parking

43. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Merri-bek City Council:
- 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, including for retail tenancies and car share (locate in common property).

General

44. At all times the ground floor windows which adjoin the pedestrian walkway on the north edge of the site that connects to the existing townhouses, must remain unobscured to continue to provide passive surveillance, to the satisfaction of the Merri-bek City Council.
45. 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 Merri-bek City Council.
46. 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.
47. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Merri-bek City Council.
48. The 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 relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

Easements

49. Prior to the commencement of development, the owner must obtain the consent of all relevant authorities to remove or vary all easements within the footprint of the approved buildings to the satisfaction of the Responsible Authority.

Privacy screens to be installed and maintained

50. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all privacy screens and privacy measures shown on the endorsed plans must be installed to the satisfaction of the Merri-bek City Council. All privacy screens and privacy measures to prevent overlooking must be maintained to the satisfaction of the Merri-bek City Council. Any privacy screen or privacy measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Merri-bek City Council.

Retention of Architect

51. LIFE Architecture and Urban Design or an equivalent Architect must be retained to complete and provide architectural oversight during construction of the detailed design as shown on the endorsed plans, to the satisfaction of the Responsible Authority.

Permit Expiry

52. 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;

- i. within six months after the permit expires to extend the commencement date.
- ii. 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: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would not be eligible for any Council parking permits to allow for on street parking.

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: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

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.

Carried

URGENT BUSINESS REPORTS

Nil.

The Council meeting closed at 9.08 pm.

Confirmed

Cr Nat Abboud
MAYOR