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 28 October 2026

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URGENT BUSINESS 57

The Mayor opened the meeting at 7.00 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	7.00 pm	8.10 pm
Cr Helen Davidson, Deputy Mayor	7.00 pm	8.10 pm
Cr Sue Bolton	7.01 pm	8.10 pm
Cr Liz Irvin	7.00 pm	8.10 pm
Cr Dr Jay Iwasaki	7.00 pm	8.10 pm
Cr Chris Miles	7.00 pm	8.10 pm
Cr Helen Politis	7.00 pm	8.10 pm
Cr Adam Pulford	7.00 pm	8.10 pm
Cr Ella Svensson	7.00 pm	8.10 pm
Cr Katerine Theodosis	Apology	
Cr Oscar Yildiz JP	7.00 pm	8.10 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
Principal Urban Planner – Alex Osborne
Senior Urban Planner Commercial Property – Ned Dumaresq
Acting Manager Governance and Strategy – Sophie Barison
Governance and FOI Advisor – Saskia Hunter

APOLOGIES/LEAVE OF ABSENCE

Cr Theodosis was an apology.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Davidson moved, Cr Miles seconded -

The minutes of the Planning and Related Matters Meeting held on 23 September 2026 be confirmed.

Carried

7.19 pm Cr Miles left the meeting.
7.20 pm Cr Miles returned to the meeting.

COUNCIL REPORTS

5.1 21-23 PIERA STREET, BRUNSWICK EAST - PLANNING APPLICATION - MPS/2026/540



Property:	21-23 Piera Street, Brunswick East
Proposal:	Use of land for restricted recreation facility (wellness centre) and to construct and display business identification and illuminated signage
Zoning and Overlay/s:	• Mixed Use Zone (MUZ) • Environmental Audit Overlay (EAO) • Parking Overlay – Schedule 1 (PO1) • Development Contributions Plan Overlay – Schedule 1 (PO1)
Strategic setting:	Significant Change Area
Objections:	• Thirteen (13) objections received who raised the following key issues: - Off-site car parking impacts - Noise impacts from rooftop equipment, early morning and evening operating hours, and the number of patrons attending the centre. Accuracy of the acoustic report - Compatibility with residential land use - Illuminated signage
Planning Information and Discussion (PID) Meeting:	• Date held: 29 September 2026 • Attendees: 10 objectors, the applicant and business owners, and Council officers. • Before the meeting the permit applicant agreed to the following changes: - Reduce the maximum patrons from 60 to 40. - Change the illuminated sign to a non-illuminated sign. - Provided an additional acoustic statement. - Following the meeting the applicant agreed to the following: - Reduce the maximum patrons to 20 between 6am and 7am Monday to Friday. - Pilates, and yoga classes to start at 6.30am. - Reduce the weekend operating times to a 7am to 9pm Saturday and 7am to 8pm Sunday. - Provide a Green Travel Plan to encourage sustainable transport use.
Key reasons for support:	• The re-use of a purpose built industrial/commercial building • Business operation conditions that ensure the use is respectful of the surrounding residential area • Site is located 60 metres from the Brunswick Activity Centre

Recommendation:	Notice of Decision to Grant a Planning Permit be issued for the proposal

Officer Recommendation

PART A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2026/540 be issued for the land at 21-23 Piera Street, Brunswick East.

The Permit would allow:

Use of land for restricted recreation facility (wellness centre) and to construct and display business identification signage.

Planning Scheme Clause	Matters for which permit is required
Clause 32.04-2 (MUZ)	To use the land for a restricted recreation facility
Clause 52.05-2 (Signs)	To construct and display business identification signage

The following conditions would apply to this permit:

1. Before the use commences or the sign is constructed, 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 Made For, project no. W26070, Sheets T000, T001, T010, T100, T110, T200, T230, but modified to show:
    a) Signage as non-illuminated;
    b) The first parking space modified to be an accessible parking space with the required shared area and bollard;
    c) Provision of disabled access into and internally within the building to meet the expectations of the Disability and Discrimination Act 1992;
    d) Three (3) undercover employee bicycle parking spaces in a location inaccessible to the public;
    e) Four (4) horizontal customer bicycle parking spaces in a location within the site and easily accessible to the public;
    f) 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;
    g) Any changes as required by the Venue and Patron Management Plan by Condition 9, including the location of any pedestrian signage to manage patron behaviour;
    h) Any changes as required by the Acoustic Report by Condition 10;
    i) Any changes as required by the Waste Management Plan by Condition 15; and
    j) Any changes as required by the Green Travel Plan by Condition 16.

Compliance with endorsed plans

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

3. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Operational conditions

4. The use allowed by this permit must operate only between the following hours:
   a) 6am until 10pm Monday to Friday;
   b) 7am until 9pm Saturday; and
   c) 7am until 8pm Sunday.
5. Despite condition 4, pilates, yoga and breathwork classes must only operate from 6.30am onward between Monday and Friday.
6. At any time the use allowed by the permit must operate with the following maximum patrons:
   a) Twenty (20) patrons between 6am and 7am – Monday to Friday; and
   b) Forty (40) patrons at any other time allowed by condition 4.
7. At all times, all windows and doors must be kept closed except for access and exit.
8. The rear internal fire exit door, and front (southern) roller door must remain closed at all times and must not be used by patrons of the facility except for the purpose of emergency egress and ingress.

Venue and Patron Management Plan

9. Concurrent with the submission of plans under Condition 1, an updated Venue and Patron Management Plan prepared by Sameplace Australia dated June 2026, must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must provide details on the business's operation, including but not limited to the following:
   a) Updated to reflect any conditions of this permit.
   b) Provide a named contact, including a method of contact, for the duty manager of the facility.
   c) Actions taken to limit disturbances to the area as a result of patron noise and behaviour.
   d) Details, including the number, specific locations and wording, of signs to be displayed at the site's pedestrian entrance, exit and car parking area reminding patrons to enter and leave the premises quietly, behave in an orderly manner and respect the amenity of neighbouring residential properties.
   e) Any intended communication with patrons regarding management of expectations, to avoid conflict with surrounding land use.

   The use must be undertaken in accordance with the endorsed Venue and Patron Management Plan unless otherwise approved in writing by the Responsible Authority.

Noise management

10. The Acoustic Report prepared by Renzo Tonin and Associates dated 17 July 2026 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. Prior to the commencement of the use, the recommendations relating to the mechanical noise as specified within appendix B of the endorsed Acoustic Report must be implemented. The use must be undertaken in accordance with the endorsed Acoustic Report unless otherwise approved in writing by the Responsible Authority.

11. Within 60 days after the completion and installation of the recommendations and requirements as specified within Appendix A of the endorsed Acoustic Report, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:

    a) Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.

    b) Further testing, including background noise measurements taken immediately adjacent to the site or in a location otherwise to the satisfaction of the Responsible Authority, to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation.

    c) Confirmation that the acoustic testing has been carried out during the operation of the use at night time.

    d) If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report.

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

12. No music other than of a type and volume appropriate to background music may be emitted from speakers inside the building. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

13. 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, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

14. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an acoustic report to the satisfaction of the Responsible Authority which demonstrates compliance with the endorsed Acoustic Report, or which outlines any measures considered necessary to achieve further compliance. The recommendations of the acoustic report must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the submission of plans under Condition 1, 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, 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;

i) Outline 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.

Green Travel Plan

16. Concurrent with the submission of plans under Condition 1, a Green Travel Plan (GTP) must be prepared, submitted to and approved by the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified transport professional and must include, as a minimum:

    a) Details of the proposed use and an estimate of the number of staff and patrons expected to access the site;

    b) Information identifying the sustainable transport options available to staff and patrons, including walking, cycling and public transport;

    c) Measures to encourage staff and patrons to use sustainable transport modes and reduce reliance on private motor vehicles, including the provision of information regarding public transport routes, cycling routes and journey planning;

    d) Details of how sustainable transport information will be made available to staff and patrons, including appropriate signage or information provided through the business website, booking system or other relevant communication channels; and

    e) a process for reviewing and updating the GTP to ensure that the initiatives and transport information remain current and effective.

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

17. The Green Travel 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.

External lighting

18. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.

Signage

19. The signs hereby approved must be maintained in good condition to the satisfaction of the Responsible Authority.

20. No part of the signage approved by this permit must be internally or externally illuminated.

Expiry

21. The use or signage approved by this permit will expire if one of the following circumstances applies:

    a) The use is not commenced within three (3) years from the date of issue of this permit.

    b) The signage is not erected and displayed within three (3) years from the date of issue of this permit.

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

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

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

Note 2: This permit does not constitute any authority to conduct a business requiring *Public Health and Wellbeing Act* registration without prior approval in writing from the Responsible Authority.

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

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

PART B

The car parking provision for the restricted recreation facility is to the satisfaction of the Responsible Authority in accordance with Clause 52.06-6 (Car parking) of the Merri-bek Planning Scheme.

Motion

Cr Davidson moved, Cr Miles seconded -

PART A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2026/540 be issued for the land at 21-23 Piera Street, Brunswick East.

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Operational conditions

4. The use allowed by this permit must operate only between the following hours:

    a) 6am until 10pm Monday to Friday;

    b) 7am until 9pm Saturday; and

    c) 7am until 8pm Sunday.

5. Despite condition 4, pilates, yoga and breathwork classes must only operate from 6.30am onward between Monday and Friday.

6. At any time the use allowed by the permit must operate with the following maximum patrons:

    a) Twenty (20) patrons between 6am and 7am – Monday to Friday; and

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    a) The use is not commenced within three (3) years from the date of issue of this permit.

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

PART B

The car parking provision for the restricted recreation facility is to the satisfaction of the Responsible Authority in accordance with Clause 52.06-6 (Car parking) of the Merri-bek Planning Scheme.

Amendment

Cr Bolton moved, Cr Pulford seconded –

That Condition 4 b) and c) be changed as follows:

Operational conditions

4. The use allowed by this permit must operate only between the following hours:
   a) 6am until 10pm Monday to Friday;
   b) **8am** until 9pm Saturday; and
   c) **8am** until 8pm Sunday.

Lost on the casting vote of the Mayor

Resolution

Cr Davidson moved, Cr Miles seconded -

PART A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2026/540 be issued for the land at 21-23 Piera Street, Brunswick East.

The Permit would allow:

Use of land for restricted recreation facility (wellness centre) and to construct and display business identification signage.

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    a) **Signage as non-illuminated;**
    b) **The first parking space modified to be an accessible parking space with the required shared area and bollard;**
    c) **Provision of disabled access into and internally within the building to meet the expectations of the Disability and Discrimination Act 1992;**
    d) **Three (3) undercover employee bicycle parking spaces in a location inaccessible to the public;**
    e) **Four (4) horizontal customer bicycle parking spaces in a location within the site and easily accessible to the public;**
    f) **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;**
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    h) **Any changes as required by the Acoustic Report by Condition 10;**
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Compliance with endorsed plans

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3. **The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.**

Operational conditions

4. **The use allowed by this permit must operate only between the following hours:**
    a) **6am until 10pm Monday to Friday;**
    b) **7am until 9pm Saturday; and**
    c) **7am until 8pm Sunday.**
5. **Despite condition 4, pilates, yoga and breathwork classes must only operate from 6.30am onward between Monday and Friday.**
6. **At any time the use allowed by the permit must operate with the following maximum patrons:**
    a) **Twenty (20) patrons between 6am and 7am – Monday to Friday; and**

b) Forty (40) patrons at any other time allowed by condition 4.

7. At all times, all windows and doors must be kept closed except for access and exit.

8. The rear internal fire exit door, and front (southern) roller door must remain closed at all times and must not be used by patrons of the facility except for the purpose of emergency egress and ingress.

Venue and Patron Management Plan

9. Concurrent with the submission of plans under Condition 1, an updated Venue and Patron Management Plan prepared by Sameplace Australia dated June 2026, must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must provide details on the business's operation, including but not limited to the following:

a) Updated to reflect any conditions of this permit.

b) Provide a named contact, including a method of contact, for the duty manager of the facility.

c) Actions taken to limit disturbances to the area as a result of patron noise and behaviour.

d) Details, including the number, specific locations and wording, of signs to be displayed at the site's pedestrian entrance, exit and car parking area reminding patrons to enter and leave the premises quietly, behave in an orderly manner and respect the amenity of neighbouring residential properties.

e) Any intended communication with patrons regarding management of expectations, to avoid conflict with surrounding land use.

The use must be undertaken in accordance with the endorsed Venue and Patron Management Plan unless otherwise approved in writing by the Responsible Authority.

Noise management

10. The Acoustic Report prepared by Renzo Tonin and Associates dated 17 July 2026 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. Prior to the commencement of the use, the recommendations relating to the mechanical noise as specified within appendix B of the endorsed Acoustic Report must be implemented. The use must be undertaken in accordance with the endorsed Acoustic Report unless otherwise approved in writing by the Responsible Authority.

11. Within 60 days after the completion and installation of the recommendations and requirements as specified within Appendix A of the endorsed Acoustic Report, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority. The report must detail the following matters to the satisfaction of the Responsible Authority:

a) Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.

b) Further testing, including background noise measurements taken immediately adjacent to the site or in a location otherwise to the satisfaction of the Responsible Authority, to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation.

c) Confirmation that the acoustic testing has been carried out during the operation of the use at night time.

d) If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report.

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

12. No music other than of a type and volume appropriate to background music may be emitted from speakers inside the building. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.

13. 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, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

14. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an acoustic report to the satisfaction of the Responsible Authority which demonstrates compliance with the endorsed Acoustic Report, or which outlines any measures considered necessary to achieve further compliance. The recommendations of the acoustic report must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

15. Concurrent with the submission of plans under Condition 1, 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, 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;

i) Outline 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.

Green Travel Plan

16. Concurrent with the submission of plans under Condition 1, a Green Travel Plan (GTP) must be prepared, submitted to and approved by the Responsible Authority. The Green Travel Plan must be prepared by a suitably qualified transport professional and must include, as a minimum:

a) Details of the proposed use and an estimate of the number of staff and patrons expected to access the site;

b) Information identifying the sustainable transport options available to staff and patrons, including walking, cycling and public transport;

c) Measures to encourage staff and patrons to use sustainable transport modes and reduce reliance on private motor vehicles, including the provision of information regarding public transport routes, cycling routes and journey planning;

d) Details of how sustainable transport information will be made available to staff and patrons, including appropriate signage or information provided through the business website, booking system or other relevant communication channels; and

e) a process for reviewing and updating the GTP to ensure that the initiatives and transport information remain current and effective.

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

17. The Green Travel 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.

External lighting

18. All lighting of external areas must be designed not to emit direct light onto adjoining property to the satisfaction of the Responsible Authority.

Signage

19. The signs hereby approved must be maintained in good condition to the satisfaction of the Responsible Authority.

20. No part of the signage approved by this permit must be internally or externally illuminated.

Expiry

21. The use or signage approved by this permit will expire if one of the following circumstances applies:

a) The use is not commenced within three (3) years from the date of issue of this permit.

b) The signage is not erected and displayed within three (3) years from the date of issue of this permit.

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

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

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

Note 2: This permit does not constitute any authority to conduct a business requiring Public Health and Wellbeing Act registration without prior approval in writing from the Responsible Authority.

Note 3: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

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

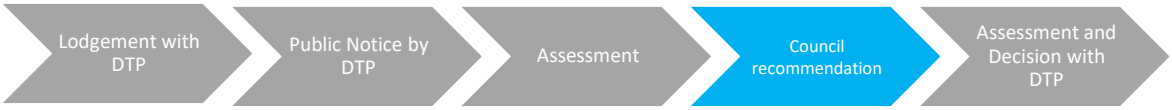
PART B

The car parking provision for the restricted recreation facility is to the satisfaction of the Responsible Authority in accordance with Clause 52.06-6 (Car parking) of the Merri-bek Planning Scheme.

Carried unanimously

7.49 pm Cr Miles left the meeting.
7.49 am Cr Iwasaki left the meeting.
7.49 pm Cr Pulford left the meeting.
7.49 pm Cr Svensson left the meeting.
7.51 pm Cr Miles returned to the meeting.
7.51 pm Cr Pulford returned to the meeting.
7.51 pm Cr Svensson returned to the meeting.
7.51 pm Cr Iwasaki returned to the meeting.

5.2 429 ALBERT STREET BRUNSWICK - MINISTERIAL REFERRAL OF PLANNING APPLICATION - MIN/2026/9



Property:	429 Albert Street, Brunswick
Proposal:	Construction of an 11 storey apartment building in the Special Building Overlay and Design and Development Overlay, and a reduction in the statutory car parking requirement.
Zoning and Overlay/s:	• Mixed Use Zone – Schedule 1 • Development Contributions Plan Overlay • Special Building Overlay – Schedule 2 • Environmental Audit Overlay • Design and Development Overlay – DDO26
Strategic setting:	Minimal housing growth / Incremental housing growth / **Transition to residential - Faciltate residential development** / Significant housing growth
Objections:	Notification of the application has been given by the Minister for Planning and any objections to the application are submitted to the Department of Transport and Planning (DTP). At the time of finalising this report the Minister has received 37 objections to the application.
ESD:	• 25 kilowatt peak of solar panels • Average NatHERS rating of 7.5 stars for energy efficiency and thermal performance resulting in a reduction in heating and cooling loads • Best Practice Score in Built Environment Sustainability Scorecard (58 per cent)
Accessibility:	• Adaptable apartments total 67 per cent of the development (149 of 223)
Key concerns with the proposal:	• Excessive building height, scale and visual dominance, particularly when viewed from Clifton Park. • Inadequate transition to Albert Street and the lower-scale residential and heritage context to the west. • Insufficient landscaping and excessive overshadowing resulting in unacceptable impacts on Clifton Park.
Recommendation:	Council's submission to the Minister for Planning be that a Notice of Refusal to Grant a Planning Permit should be issued for the development.

Officer Recommendation

PART A:

That Council's submission to the Minister for Planning be that a Notice of Refusal to Grant a Planning Permit should be issued for the construction of a multi-storey apartment building in the Special Building Overlay and Design and Development Overlay, and a reduction in the statutory car parking requirement at 429 Albert Street, Brunswick, on the following grounds:

1. The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 26) of the Merri-bek Planning Scheme and will not adequately respond to the preferred future character for the area, including that:

    a) The proposed 11-storey height results in an excessive scale and visual prominence to Clifton Park that is inconsistent with the built form outcomes sought for the precinct. The proposed development fails to demonstrate the exemplary design quality required by DDO26 to justify this additional height.

    b) The limited upper-level setbacks combined with the continuous building mass and lack of recessive upper levels result in an overly dominant built form when viewed from Clifton Park, failing to mitigate the visual impact of the development on the parkland setting.

    c) The proposed development fails to provide an appropriate landscaped interface to Clifton Park. The limited building setbacks, insufficient unobstructed deep soil and reliance on raised and containerised planting restrict opportunities for substantial vegetation and long-term canopy growth, resulting in an inadequate landscape buffer to soften the visual impact of the development and provide an appropriate transition to the parkland setting.

    d) The proposed development fails to provide an appropriate transition in building height and scale to the established residential and heritage context to the west. The height, massing and limited upper-level setbacks along the western interface result in an overly dominant built form that does not appropriately respond to the character, built form and height of the adjoining western properties.

    e) The proposed development fails to provide an appropriate built form response to Albert Street. The scale and proportion of the upper levels relative to the four-storey street wall results in a dominant upper built form that does not achieve an appropriate relationship with the street or adequately respond to the preferred character of Albert Street.

    f) The proposed development fails to adequately optimise solar access to Clifton Park. The height, scale and built form of the development result in substantial additional afternoon shadowing of the park, including areas used for active recreation, which unreasonably impacts the use and amenity of this important public open space.

2. The proposal fails to provide quality public realm upgrades at the key interfaces with Clifton Park and Albert Street that are proportionate to the impact from the development as required by the Design and Development Overlay (Schedule 26) of the Merri-bek Planning Scheme. The application does not provide sufficient detail or commitment to demonstrate the scope, design and delivery of the required public realm upgrades, including:

    a) Underground powerlines and remove existing power poles along Albert Street;

    b) Provide appropriate street tree planting, including in-road tree pits where feasible;

    c) Upgrade the Albert Street footpath, kerb and channel to provide a high-quality, accessible public realm;

    d) Provide a raised pedestrian crossing on Albert Street connecting the development's north-south pedestrian link with Gilpin Park;

    e) Provide appropriate landscaping, lighting and pedestrian paths within Clifton Park, including connections to adjoining properties;

    f) Provide appropriate landscaping and public realm improvements within Clifton Park, including new turf and seating;

g) Improve the width, landscaping, activation and passive surveillance of the north-south pedestrian link between Albert Street and Clifton Park;

h) Integrate the north-south pedestrian link with the adjoining public link at 427 Albert Street; and

i) Improve the design, activation and open character of the pedestrian link between the western laneway and Clifton Park.

PART B:

That Council advises the Minister for Planning that is a permit is issued at 429 Albert Street, Brunswick, the following *without prejudice* conditions should form part of the permit:

The Permit would allow:

Construction of a multi-storey apartment building in the Special Building Overlay and Design and Development Overlay, and a reduction in the statutory car parking requirement.

Planning Scheme Clause	Matter for which a permit is required
Clause 32.04-7	Construct two or more dwellings on a lot
Clause 43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay (DDO26)
Clause 44.05-2	Construct a building or construct or carry out works in the Special Building Overlay – Schedule 2
Clause 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 by Jackson Clements Burrows AR-0000, AR-0101, AR-0102, AR-0103, AR-1101, AR-1102, AR-1103, AR-1104, AR-1105, AR-1106, AR-2101, AR-2102, AR-3100, AR-3101, AR-3102, AR-4001, AR-4101, AR-4201, AR-4202, AR-4301, AR-4401, AR-4501, AR-4601, AR-4602, AR-4603, AR-4701, AR-4801, AR-4802, AR-4803, AR-4804, AR-4805, AR-4808, AR-4809, AR-4810, AR-6110, AR-9101, AR-9102, AR-9103, AR-9104, AR-9105, AR-9106, Project # 25-011 dated 12 June 2026 but modified to show:

   a) A minimum setback of 3 metres for the north-eastern podium and all ground floor dwellings from the eastern boundary (Clifton Park) and replaced with landscaping.

   b) The deletion of apartments 2.04.09 and 2.05.09, including all associated balconies and building elements, so that development fronting Clifton Park does not exceed four storeys.

   c) A minimum 9-metre separation must be provided between the two buildings provided at every level to create a distinct visual break in the built form when viewed from Clifton Park.

   d) Deletion of at least three storeys resulting in an 8-storey building.

   e) The building at ground, first, second and third floor levels must be set back at least 3 metres from the Albert Street property boundary. Balconies and other building projections must not encroach into this setback. The setback at ground floor must be provided as an unobstructed landscaped area.

f) Level 4 and every level above must be set back at least 6 metres from the Albert Street property boundary.

g) Realignment of the ramp connecting the ‘neighbourhood park’ to the laneway so that it is directly aligned with the laneway, providing a clear view line to the park and reinforcing the appearance of link as publicly accessible, through the use of materials, lighting and design.

h) Screening of the following north facing balconies and habitable windows to mitigate downward views to the south facing windows and balconies at 460 Victoria Street:

   i. Level 1 Unit 2.01.09 - balcony
   ii. Level 1 Unit 2.01.10 - balcony
   iii. Level 1 Unit 2.01.06 - balcony
   iv. Level 2 Unit 2.02.08 - balcony
   v. Level 2 Unit 2.02.09 - balcony
   vi. Level 2 Unit 2.02.05 - balcony
   vii. Level 3 Unit 2.02.08 - balcony
   viii. Level 3 Unit 2.02.09 - balcony
   ix. Level 3 Unit 2.02.05 - balcony
   x. Level 3 Unit 2.02.06 - balcony
   xi. Level 3 Unit 2.02.07 - balcony
   xii. Level 4 Unit 2.04.08 - balcony
   xiii. Level 4 Unit 2.04.09 - balcony
   xiv. Level 4 Unit 2.04.05 - balcony
   xv. Level 4 Unit 2.04.06 - balcony
   xvi. Level 4 Unit 2.04.07 - balcony

i) The following improvements to the public link from Albert Street to Clifton Park:

   i. The trafficable area increased to a minimum width of 3 metres for the entirety.
   ii. Improved activation/passive surveillance on the western side of the public link along the initial entrance at Albert Street.
   iii. Relocation of services including the fire booster and air exhaust.
   iv. Increased landscaping at the entrance area.
   v. Details of how the link integrates with the public link area at 427 Albert Street.

j) Confirmation of how north facing POS areas of ground floor dwellings 2.00.06-2.00.10 are treated to ensure the privacy of occupants.

k) Deletion of the ‘Proposed Temporary Loading Zone’ directly outside the subject site.

l) Within the southern building, widen the corridor outside the lifts to allow space for circulation, for standing room, and access to any apartment doorways.

m) Provide an indoor communal area for residents on ground floor of at least 100sqm that has a mixed function and could be used for a meeting room, shared indoor event room for hosting gatherings or co-working area. The communal area could be provided within either building but must be accessible to all residents within the development.

n) A schedule with a breakdown of minimum internal and external storage spaces for each apartment type measured in cubic metres that is in accordance with Standard D20 (Storage). This must include allocation of basement storage.

o) Relocation or redesign of the ground floor bike storage room. The amended room must be easily accessible for cyclists avoiding multiple doors, user conflict areas and areas of entrapment.

p) Bike parking spaces relocated outside of storage cages to a location that is accessible and convenient.

q) 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).

r) 20 per cent of the bicycle parking devices designed to provide ground-level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).

s) The lifts large enough to comfortably accommodate two cyclists with bikes plus other passengers to avoid congestion.

t) One in every six bicycle spaces as horizontal with an electrical charging point.

u) The columns in the car park placed outside the 'clearance required' areas of each car parking space in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.

v) The proposed vehicle crossing with 1 metre straight splays on both sides commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.

w) Any ventilation exhausts servicing the basement car parking to be located away from the eastern boundary so that this is not visible from Clifton Park.

x) Any level difference between the development and the public footpath and laneway made up using ramps or steps within the site, and a note that the levels of the footpath and laneway must not be altered.

y) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 9 of this permit.

z) 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. Accessibility Report in accordance with Condition 13 of this permit.

   iv. Waste Management Plan in accordance with Condition 15 of this permit.

   v. Wind Impact Assessment in accordance with Condition 28 of this permit.

Compliance with Endorsed Plans

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

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the plan prepared by LAT Studios dated June 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) The depth of all planter boxes containing trees amended to minimum depth of 1 metre.

    e) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:

        i. Soil volume sufficient for the proposed vegetation

        ii. Soil mix

        iii. Drainage design

        iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.

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

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 Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Merri-bek City Council.

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 Protection of Trees on Development Sites to the satisfaction of the Merri-bek City Council:

    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 Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

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

ii. Signage

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

iii. Irrigation

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

iv. Provision of Services

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

v. Access to TPZ

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

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.

Environmentally Sustainable Design (ESD)

9. 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 NDY dated 12 June 2026 but modified to include the following changes:

   a) Provide a sample of the proposed Building Users Guide for review.

   b) Provide additional evidence to support claim of Integrated Water Management Credit 4.1 ‘Building Systems Water Use’.

   c) Provide an amended Daylight Modelling Assessment that includes a clear mark-up of each horizontal angle claimed in the BESS Daylight Calculator

   d) Show the following ESD initiatives on the development plans:

      i. An ESD table listing the proposed initiatives within the BESS assessment.

      ii. Size (in kW) and location of solar PV system on the roof plans.

      iii. Clearly annotate proposed natural ventilation breeze paths. Provide a summary table of compliant/non-compliant dwellings

      iv. Fixed, external, horizontal shading to all north-facing windows and glazed doors to dwellings where not located directly under an eave or overhang. Where sun shading devices are used a dimensioned section diagram or photograph must be provided. Shading must not extend within 1 metre of a property boundary. Draw and label all shading on the plans and elevations. Use the 45 per cent shading formula where the depth of the shading device is 45 per cent of the height of the window, from the base of the window to the underside of the shading device.

      v. External operable shading devices to all west/east facing windows to all dwellings and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations.

      vi. A minimum of one fully operational EV dual charger and EV cabling for at least 4 more carparks for future installation

      vii. Annotation of the specifications of the roof and hardscape materials, with Solar Reflectance Index (SRI) values of at least 60.

   e) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the MUSIC report, clearly showing:

      i. All impervious surfaces (dimensioned in square metres) and their treatment/non treatment to align with the entries in the amended MUSIC Report, to ensure all areas are included.

      ii. Where all stormwater will drain to, with downpipes marked 'DP' for gravity fed downpipes and ‘CDP’ for charged downpipes.

iii. All water tanks and WSUD features, including dimensions, sections, plant types, etc. Exclude the use of proprietary products, buffer strips, swales, in-ground raingardens, or charged pipes that run under building slabs.

iv. If permeable paving is used, provide a sectional detail of any permeable paving.

v. If raingardens are used, the size of the raingarden is to be equal to 2-4 per cent of the roof catchment area (i.e., 1 square metre raingarden treats 25-50 square metres of roof catchment).

vi. Removal of proprietary devices for stormwater treatment, while maintaining stormwater treatment objectives.

f) Amend MUSIC Report (and any other corresponding documentation) to:

Remove proprietary devices as stormwater treatment options, while maintaining stormwater treatment objectives.

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.

10. 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.

11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority in consultation with Merri-bek City Council and must confirm (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

12. 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.

Accessibility

13. Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must:

a) Align with the plans for endorsement

b) Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors).

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

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

Waste Management

15. 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 One Mile Grid and dated 11 June 2026 but modified to:

    a) Align with the plans for endorsement

    b) Provide equal access to all 4 separate waste streams by providing no garbage or recycling chutes;

    c) Provide residents with bins no larger than 660 litres because the lids on 1100 litre bins are too heavy for less able residents;

    d) Show the bins stored out of sight and any enclosed room manually ventilated;

    e) Include a dimensioned plan, to scale, showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin).

    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.

16. 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.

Residential reticulated gas service connection

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

Public Works Plan

18. Prior to the endorsement of plans, a Public Works Plan and associated construction drawing specifications detailing the works to the land at Albert Street and Clifton Park must be submitted to the satisfaction of the Merri-bek City Council. The Plan must be in accordance with the *Merri-bek City Council Technical Notes October 2022*, or any updated version and include:

    a) Undergrounding of the electrical powerlines along the northern side of Albert Street adjacent to the site's Albert Street boundary, including evidence that the depth of the underground powerlines is sufficient to allow street tree planting.

    b) The upgrade of the footpath adjacent to the site, noting that Merri-bek City Council seeks to have public footpaths reinstated to the previous levels with a maximum cross fall slope of 1 in 33 (3 per cent).

c) The footpath material using either A110.06 Blue stone Footpath (PDF 441Kb) or A110.02 Asphalt Footpath (PDF 688Kb). Both materials are acceptable material palettes for Brunswick, with a higher-quality footpath (blue stone) highly recommended.

d) Any Council or service authority or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.

e) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.

f) Any necessary drainage works directly related to the permitted development.

g) Construction of a raised non-signalised pedestrian and cyclist wombat crossing at Albert Street at the site's frontage to align with the Primary Public Path and construction of a granitic path from the south side of Albert Street pedestrian crossing to connect to the existing granitic network within Gilpin Park. The wombat crossing must be designed as a priority raised crossing to provide priority for both pedestrians and cyclists. The design is to be submitted to and approved by Merri-bek City Council and will be subject to flood modelling, engineering design and heritage review, including any bluestone requirements.

h) The garden beds beside the wombat crossing should include low level planting of 0.5m or less to ensure good visibility.

i) Signage installed in the Albert Street road reserve to make vehicles aware of cyclists and pedestrians adjacent to the site's Albert Street frontage.

j) The provision of new street tree planting and landscaping along Albert 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.

k) The relocation or replacement of existing street signs such as parking or traffic signage adjacent to the site's Albert Street frontage.

l) Changes to the road reserve, footpath and on-street car parking adjacent to the site's Albert Street frontage to accommodate street tree planting in Albert Street adjacent to the site's Albert Street frontage in appropriate locations.

m) Construction of the Primary Public Path a width of 3 metres and concrete construction along the length of the site's eastern boundary to the subject site's northern boundary and to connect into the granitic and bluestone edged path opposite the eastern boundary of 460 Victoria Street.

n) Provision of new bollard lighting in Clifton Park along the Primary Public Path adjacent to the site's eastern boundary with Clifton Park. The lighting is to be connected to the Council's broader Clifton Park lighting network and suitably baffled so as not to cause adverse amenity impacts on the proposed apartments.

o) Provision of new trees to replace any trees removed to accommodate the new Primary Public Path adjacent to the site's eastern boundary with Clifton Park (for clarity on a 1:1 basis) with species selection to Merri-bek City Council's satisfaction. Any required tree pits are to be constructed by the developer in accordance with the relevant Technical Notes with temporary capping if required. New planting in Clifton Park will be undertaken by Merri-bek City Council at the expense of the developer.

p) Any disturbed areas and exposed soil areas to be hydro-seeded with grass seed.

q) Provision and installation of three (3) public bench seats along the new Primary Public Path. The seats to be typical Council street furniture.

r) Construction of an open spoon drain, and associated landscape treatment located on the Council RoW land at Title Plan 689388L (Vol. 2991 Fol. 173) for its full length to facilitate overland water flows from the laneway.

s) All construction details refer to the Merri-bek City Council Technical Notes October 2022 (or any updated version).

t) A detailed level and feature survey of footpaths and roads.

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

19. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Merri-bek City Council.

20. 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.

Construction Management

21. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by, Merri-bek City Council's City Infrastructure Department under Council's General Local Law. Guidance on how to prepare a Construction Management Plan can be found on Council's website.

Environmental Audit

22. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:

a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,

b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or.

c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with

23. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.

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

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

25. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 22, 23 and 24 are satisfied.

26. 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.

27. Where a preliminary risk screen assessment has satisfied Condition 22 (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.

Environmental Wind Assessment

28. Prior to the endorsement of plans, an amended Environmental Wind Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 10 June 2026, and must:

    a) Reflect the development hereby approved and the changes required by Condition 1 of this permit; and

    b) Set out the results of the scaled wind tunnel study or CFD simulations required by the Wind Impact Statement, including any recommendations to changes in built form that arise from this study.

When submitted and approved to the satisfaction of the Responsible Authority, the Wind Impact Statement will be endorsed to form part of this permit. No alterations to the Environmental Wind Assessment may occur without the written consent of the Responsible Authority.

29. The Environmental Wind Assessment 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.

Section 173 Agreement

30. Prior to the commencement of the development hereby permitted, an agreement under Section 173 of the Planning and Environment Act 1987 between the Owners of the land, Merri-bek City Council and the Responsible Authority must be prepared in a form satisfactory to the Responsible Authority, providing for:

Public Access

a) Unrestricted public pedestrian and bicycle access for the north-south Primary Public Path adjacent to the eastern boundary as shown on the endorsed plan must be maintained by the land owners as an unrestricted pedestrian access, 24 hours a day, 364 days a year, in order to ensure the continued pedestrian connection from Albert Street to Clifton Park.

b) Unrestricted public pedestrian access for the east-west accessway as shown on the endorsed plan must be maintained by the land owners as an unrestricted pedestrian access, 24 hours a day, 364 days a year, in order to ensure the continued pedestrian connection from the laneway to the Primary' Public Path. The east-west accessway to provide ungated and unfenced pedestrian access at the western boundary.

c) Installation of appropriate lighting to ensure that the pedestrian links 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.

Affordable Housing

f) 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; or

g) An alternative cash 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, in consultation with Merri-bek City Council .

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

i. do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and

ii. pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

3D model

31. 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. 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

32. 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).

33. 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).

34. 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).

35. 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.

36. 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) to the satisfaction of the Merri-bek City Council.

37. 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 Merri-bek City Council. 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

38. 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).

39. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Merri-bek City Council.

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

Car Parking

41. 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.

General

42. Unless with the prior written consent of the Merri-bek City Council, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.

43. 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.

Privacy screens to be installed and maintained

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

Retention of Architect

45. Jackson Clement Burrows 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

46. 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 generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information.

Note 2: Environmental Audit Notes

i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the *Environment Protection Act 2017*.

ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.

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

Note 3: The planting of street trees will only occur between April and September each year. Developers must ensure that all their tree-related civil work components are completed prior to 30 March and provide Council with at least 8 months' notice to ensure Council can secure high quality tree stock for their development. To facilitate this, the developer is to request an invoice for the tree planting works 8 months prior to the scheduled completion date of the public realm works associated with the development.

Resolution

Cr Iwasaki moved, Cr Pulford seconded -

PART A:

That Council's submission to the Minister for Planning be that a Notice of Refusal to Grant a Planning Permit should be issued for the construction of a multi-storey apartment building in the Special Building Overlay and Design and Development Overlay, and a reduction in the statutory car parking requirement at 429 Albert Street, Brunswick, on the following grounds:

1. The proposal fails to comply with the design objectives, built form requirements and decision guidelines of the Design and Development Overlay (Schedule 26) of the Merri-bek Planning Scheme and will not adequately respond to the preferred future character for the area, including that:

a) The proposed 11-storey height results in an excessive scale and visual prominence to Clifton Park that is inconsistent with the built form outcomes sought for the precinct. The proposed development fails to demonstrate the exemplary design quality required by DDO26 to justify this additional height.

b) The limited upper-level setbacks combined with the continuous building mass and lack of recessive upper levels result in an overly dominant built form when viewed from Clifton Park, failing to mitigate the visual impact of the development on the parkland setting.

c) **The proposed development fails to provide an appropriate landscaped interface to Clifton Park. The limited building setbacks, insufficient unobstructed deep soil and reliance on raised and containerised planting restrict opportunities for substantial vegetation and long-term canopy growth, resulting in an inadequate landscape buffer to soften the visual impact of the development and provide an appropriate transition to the parkland setting.**

d) **The proposed development fails to provide an appropriate transition in building height and scale to the established residential and heritage context to the west. The height, massing and limited upper-level setbacks along the western interface result in an overly dominant built form that does not appropriately respond to the character, built form and height of the adjoining western properties.**

e) **The proposed development fails to provide an appropriate built form response to Albert Street. The scale and proportion of the upper levels relative to the four-storey street wall results in a dominant upper built form that does not achieve an appropriate relationship with the street or adequately respond to the preferred character of Albert Street.**

f) **The proposed development fails to adequately optimise solar access to Clifton Park. The height, scale and built form of the development result in substantial additional afternoon shadowing of the park, including areas used for active recreation, which unreasonably impacts the use and amenity of this important public open space.**

2. **The proposal fails to provide quality public realm upgrades at the key interfaces with Clifton Park and Albert Street that are proportionate to the impact from the development as required by the Design and Development Overlay (Schedule 26) of the Merri-bek Planning Scheme. The application does not provide sufficient detail or commitment to demonstrate the scope, design and delivery of the required public realm upgrades, including:**

   a) **Underground powerlines and remove existing power poles along Albert Street;**

   b) **Provide appropriate street tree planting, including in-road tree pits where feasible;**

   c) **Upgrade the Albert Street footpath, kerb and channel to provide a high-quality, accessible public realm;**

   d) **Provide a raised pedestrian crossing on Albert Street connecting the development's north-south pedestrian link with Gilpin Park;**

   e) **Provide appropriate landscaping, lighting and pedestrian paths within Clifton Park, including connections to adjoining properties;**

   f) **Provide appropriate landscaping and public realm improvements within Clifton Park, including new turf and seating;**

   g) **Improve the width, landscaping, activation and passive surveillance of the north-south pedestrian link between Albert Street and Clifton Park;**

   h) **Integrate the north-south pedestrian link with the adjoining public link at 427 Albert Street; and**

   i) **Improve the design, activation and open character of the pedestrian link between the western laneway and Clifton Park.**

PART B:

That Council advises the Minister for Planning that is a permit is issued at 429 Albert Street, Brunswick, the following without prejudice conditions should form part of the permit:

The Permit would allow:

Construction of a multi-storey apartment building in the Special Building Overlay and Design and Development Overlay, and a reduction in the statutory car parking requirement.

Planning Scheme Clause	Matter for which a permit is required
Clause 32.04-7	Construct two or more dwellings on a lot
Clause 43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay (DDO26)
Clause 44.05-2	Construct a building or construct or carry out works in the Special Building Overlay – Schedule 2
Clause 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 by Jackson Clements Burrows AR-0000, AR-0101, AR-0102, AR-0103, AR-1101, AR-1102, AR-1103, AR-1104, AR-1105, AR-1106, AR-2101, AR-2102, AR-3100, AR-3101, AR-3102, AR-4001, AR-4101, AR-4201, AR-4202, AR-4301, AR-4401, AR-4501, AR-4601, AR-4602, AR-4603, AR-4701, AR-4801, AR-4802, AR-4803, AR-4804, AR-4805, AR-4808, AR-4809, AR-4810, AR-6110, AR-9101, AR-9102, AR-9103, AR-9104, AR-9105, AR-9106, Project # 25-011 dated 12 June 2026 but modified to show:**

    a) **A minimum setback of 3 metres for the north-eastern podium and all ground floor dwellings from the eastern boundary (Clifton Park) and replaced with landscaping.**

    b) **The deletion of apartments 2.04.09 and 2.05.09, including all associated balconies and building elements, so that development fronting Clifton Park does not exceed four storeys.**

    c) **A minimum 9-metre separation must be provided between the two buildings provided at every level to create a distinct visual break in the built form when viewed from Clifton Park.**

    d) **Deletion of at least three storeys resulting in an 8-storey building.**

    e) **The building at ground, first, second and third floor levels must be set back at least 3 metres from the Albert Street property boundary. Balconies and other building projections must not encroach into this setback. The setback at ground floor must be provided as an unobstructed landscaped area.**

    f) **Level 4 and every level above must be set back at least 6 metres from the Albert Street property boundary.**

    g) **Realignment of the ramp connecting the 'neighbourhood park' to the laneway so that it is directly aligned with the laneway, providing a clear view line to the park and reinforcing the appearance of link as publicly accessible, through the use of materials, lighting and design.**

h) Screening of the following north facing balconies and habitable windows to mitigate downward views to the south facing windows and balconies at 460 Victoria Street:

- **i. Level 1 Unit 2.01.09 - balcony**
- **ii. Level 1 Unit 2.01.10 - balcony**
- **iii. Level 1 Unit 2.01.06 - balcony**
- **iv. Level 2 Unit 2.02.08 - balcony**
- **v. Level 2 Unit 2.02.09 - balcony**
- **vi. Level 2 Unit 2.02.05 - balcony**
- **vii. Level 3 Unit 2.02.08 - balcony**
- **viii. Level 3 Unit 2.02.09 - balcony**
- **ix. Level 3 Unit 2.02.05 - balcony**
- **x. Level 3 Unit 2.02.06 - balcony**
- **xi. Level 3 Unit 2.02.07 - balcony**
- **xii. Level 4 Unit 2.04.08 - balcony**
- **xiii. Level 4 Unit 2.04.09 - balcony**
- **xiv. Level 4 Unit 2.04.05 - balcony**
- **xv. Level 4 Unit 2.04.06 - balcony**
- **xvi. Level 4 Unit 2.04.07 - balcony**

i) The following improvements to the public link from Albert Street to Clifton Park:

- **i. The trafficable area increased to a minimum width of 3 metres for the entirety.**
- **ii. Improved activation/passive surveillance on the western side of the public link along the initial entrance at Albert Street.**
- **iii. Relocation of services including the fire booster and air exhaust.**
- **iv. Increased landscaping at the entrance area.**
- **v. Details of how the link integrates with the public link area at 427 Albert Street.**

j) Confirmation of how north facing POS areas of ground floor dwellings 2.00.06-2.00.10 are treated to ensure the privacy of occupants.

k) Deletion of the 'Proposed Temporary Loading Zone' directly outside the subject site.

l) Within the southern building, widen the corridor outside the lifts to allow space for circulation, for standing room, and access to any apartment doorways.

m) Provide an indoor communal area for residents on ground floor of at least 100sqm that has a mixed function and could be used for a meeting room, shared indoor event room for hosting gatherings or co-working area. The communal area could be provided within either building but must be accessible to all residents within the development.

n) A schedule with a breakdown of minimum internal and external storage spaces for each apartment type measured in cubic metres that is in accordance with Standard D20 (Storage). This must include allocation of basement storage.

o) Relocation or redesign of the ground floor bike storage room. The amended room must be easily accessible for cyclists avoiding multiple doors, user conflict areas and areas of entrapment.

p) Bike parking spaces relocated outside of storage cages to a location that is accessible and convenient.

q) 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).

r) 20 per cent of the bicycle parking devices designed to provide ground-level horizontal (i.e. 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).

s) The lifts large enough to comfortably accommodate two cyclists with bikes plus other passengers to avoid congestion.

t) One in every six bicycle spaces as horizontal with an electrical charging point.

u) The columns in the car park placed outside the 'clearance required' areas of each car parking space in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.

v) The proposed vehicle crossing with 1 metre straight splays on both sides commencing where the footpath meets the nature strip and finishing at the kerb in accordance with Council's Standard Vehicle Crossing design.

w) Any ventilation exhausts servicing the basement car parking to be located away from the eastern boundary so that this is not visible from Clifton Park.

x) Any level difference between the development and the public footpath and laneway made up using ramps or steps within the site, and a note that the levels of the footpath and laneway must not be altered.

y) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 9 of this permit.

z) 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. Accessibility Report in accordance with Condition 13 of this permit.**
- **iv. Waste Management Plan in accordance with Condition 15 of this permit.**
- **v. Wind Impact Assessment in accordance with Condition 28 of this permit.**

Compliance with Endorsed Plans

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

Landscaping

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the plan prepared by LAT Studios dated June 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) The depth of all planter boxes containing trees amended to minimum depth of 1 metre.**
- **e) Details of all planter boxes, above basement planting areas, green walls, rooftop gardens and similar, including:**
  - **i. Soil volume sufficient for the proposed vegetation**
  - **ii. Soil mix**
  - **iii. Drainage design**
  - **iv. Details of an automatic irrigation system, including maintenance program and responsibility for maintenance.**

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

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 Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Merri-bek City Council.

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 Protection of Trees on Development Sites to the satisfaction of the Merri-bek City Council:

- **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 Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009). The TPF may be aligned with roadways, footpaths and boundary fences where they intersect the TPZ.

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

ii. Signage

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

iii. Irrigation

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

iv. Provision of Services

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

v. Access to TPZ

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

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.

Environmentally Sustainable Design (ESD)

9. 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 NDY dated 12 June 2026 but modified to include the following changes:

a) Provide a sample of the proposed Building Users Guide for review.

b) Provide additional evidence to support claim of Integrated Water Management Credit 4.1 'Building Systems Water Use'.

c) Provide an amended Daylight Modelling Assessment that includes a clear mark-up of each horizontal angle claimed in the BESS Daylight Calculator

d) Show the following ESD initiatives on the development plans:

i. An ESD table listing the proposed initiatives within the BESS assessment.

ii. Size (in kW) and location of solar PV system on the roof plans.

iii. Clearly annotate proposed natural ventilation breeze paths. Provide a summary table of compliant/non-compliant dwellings

iv. Fixed, external, horizontal shading to all north-facing windows and glazed doors to dwellings where not located directly under an eave or overhang. Where sun shading devices are used a dimensioned section diagram or photograph must be provided. Shading must not extend within 1 metre of a property boundary. Draw and label all shading on the plans and elevations. Use the 45 per cent shading formula where the depth of the shading device is 45 per cent of the height of the window, from the base of the window to the underside of the shading device.

v. External operable shading devices to all west/east facing windows to all dwellings and labelled with ASD (Adjustable Shading Device) on the floor plan and elevations.

vi. **A minimum of one fully operational EV dual charger and EV cabling for at least 4 more carparks for future installation**

vii. **Annotation of the specifications of the roof and hardscape materials, with Solar Reflectance Index (SRI) values of at least 60.**

e) **An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the MUSIC report, clearly showing:**

i. **All impervious surfaces (dimensioned in square metres) and their treatment/non treatment to align with the entries in the amended MUSIC Report, to ensure all areas are included.**

ii. **Where all stormwater will drain to, with downpipes marked 'DP' for gravity fed downpipes and 'CDP' for charged downpipes.**

iii. **All water tanks and WSUD features, including dimensions, sections, plant types, etc. Exclude the use of proprietary products, buffer strips, swales, in-ground raingardens, or charged pipes that run under building slabs.**

iv. **If permeable paving is used, provide a sectional detail of any permeable paving.**

v. **If raingardens are used, the size of the raingarden is to be equal to 2-4 per cent of the roof catchment area (i.e., 1 square metre raingarden treats 25-50 square metres of roof catchment).**

vi. **Removal of proprietary devices for stormwater treatment, while maintaining stormwater treatment objectives.**

f) **Amend MUSIC Report (and any other corresponding documentation) to:**

Remove proprietary devices as stormwater treatment options, while maintaining stormwater treatment objectives.

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.

10. **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.**

11. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority in consultation with Merri-bek City Council and must confirm (with documented evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.**

12. **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.**

Accessibility

13. **Prior to the endorsement of plans, an Accessibility Report prepared by a suitably qualified person must be submitted to the satisfaction of the Responsible Authority. The report must:**

    a) **Align with the plans for endorsement**

    b) **Detail how the development will incorporate design features in accordance with Standard D17 (Accessibility) of Clause 58 of the Merri-bek Planning Scheme, including the detailed design of the adaptable bathrooms (e.g. confirmation of hobless showers and removable hinges to doors).**

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

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

Waste Management

15. **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 One Mile Grid and dated 11 June 2026 but modified to:**

    a) **Align with the plans for endorsement**

    b) **Provide equal access to all 4 separate waste streams by providing no garbage or recycling chutes;**

    c) **Provide residents with bins no larger than 660 litres because the lids on 1100 litre bins are too heavy for less able residents;**

    d) **Show the bins stored out of sight and any enclosed room manually ventilated;**

    e) **Include a dimensioned plan, to scale, showing the waste bin room or area large enough to provide a 1-metre-wide path for persons of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin).**

    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.

16. **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.**

Residential reticulated gas service connection

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

Public Works Plan

18. **Prior to the endorsement of plans, a Public Works Plan and associated construction drawing specifications detailing the works to the land at Albert Street and Clifton Park must be submitted to the satisfaction of the Merri-bek City Council. The Plan must be in accordance with the Merri-bek City Council Technical Notes October 2022, or any updated version and include:**

    a) **Undergrounding of the electrical powerlines along the northern side of Albert Street adjacent to the site's Albert Street boundary, including evidence that the depth of the underground powerlines is sufficient to allow street tree planting.**

    b) **The upgrade of the footpath adjacent to the site, noting that Merri-bek City Council seeks to have public footpaths reinstated to the previous levels with a maximum cross fall slope of 1 in 33 (3 per cent).**

    c) **The footpath material using either A110.06 Blue stone Footpath (PDF 441Kb) or A110.02 Asphalt Footpath (PDF 688Kb). Both materials are acceptable material palettes for Brunswick, with a higher-quality footpath (blue stone) highly recommended.**

    d) **Any Council or service authority or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.**

    e) **For any vehicle crossing not being used, the kerb, channel and footpath reinstated.**

    f) **Any necessary drainage works directly related to the permitted development.**

    g) **Construction of a raised non-signalised pedestrian and cyclist wombat crossing at Albert Street at the site's frontage to align with the Primary Public Path and construction of a granitic path from the south side of Albert Street pedestrian crossing to connect to the existing granitic network within Gilpin Park. The wombat crossing must be designed as a priority raised crossing to provide priority for both pedestrians and cyclists. The design is to be submitted to and approved by Merri-bek City Council and will be subject to flood modelling, engineering design and heritage review, including any bluestone requirements.**

    h) **The garden beds beside the wombat crossing should include low level planting of 0.5m or less to ensure good visibility.**

    i) **Signage installed in the Albert Street road reserve to make vehicles aware of cyclists and pedestrians adjacent to the site's Albert Street frontage.**

    j) **The provision of new street tree planting and landscaping along Albert 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.**

    k) **The relocation or replacement of existing street signs such as parking or traffic signage adjacent to the site's Albert Street frontage.**

l) Changes to the road reserve, footpath and on-street car parking adjacent to the site's Albert Street frontage to accommodate street tree planting in Albert Street adjacent to the site's Albert Street frontage in appropriate locations.

m) Construction of the Primary Public Path a width of 3 metres and concrete construction along the length of the site's eastern boundary to the subject site's northern boundary and to connect into the granitic and bluestone edged path opposite the eastern boundary of 460 Victoria Street.

n) Provision of new bollard lighting in Clifton Park along the Primary Public Path adjacent to the site's eastern boundary with Clifton Park. The lighting is to be connected to the Council's broader Clifton Park lighting network and suitably baffled so as not to cause adverse amenity impacts on the proposed apartments.

o) Provision of new trees to replace any trees removed to accommodate the new Primary Public Path adjacent to the site's eastern boundary with Clifton Park (for clarity on a 1:1 basis) with species selection to Merri-bek City Council's satisfaction. Any required tree pits are to be constructed by the developer in accordance with the relevant Technical Notes with temporary capping if required. New planting in Clifton Park will be undertaken by Merri-bek City Council at the expense of the developer.

p) Any disturbed areas and exposed soil areas to be hydro-seeded with grass seed.

q) Provision and installation of three (3) public bench seats along the new Primary Public Path. The seats to be typical Council street furniture.

r) Construction of an open spoon drain, and associated landscape treatment located on the Council RoW land at Title Plan 689388L (Vol. 2991 Fol. 173) for its full length to facilitate overland water flows from the laneway.

s) All construction details refer to the Merri-bek City Council Technical Notes October 2022 (or any updated version).

t) A detailed level and feature survey of footpaths and roads.

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

19. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Merri-bek City Council.

20. 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.

Construction Management

21. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by, Merri-bek City Council's City Infrastructure Department under Council's General Local Law. Guidance on how to prepare a Construction Management Plan can be found on Council's website.

Environmental Audit

22. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use or the issue of a statement of compliance under the Subdivision Act 1988 (whichever is earlier), the owner(s) must provide:

a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,

b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or.

c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied with

23. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, the Responsible Authority may require the Owner(s) to enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 that provides for the undertaking of the ongoing maintenance and/or monitoring as required by the environmental audit statement.

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

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

25. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 22, 23 and 24 are satisfied.

26. 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.

27. Where a preliminary risk screen assessment has satisfied Condition 22 (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.

Environmental Wind Assessment

28. Prior to the endorsement of plans, an amended Environmental Wind Assessment must be submitted to the satisfaction of the Responsible Authority. The report must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 10 June 2026, and must:

a) Reflect the development hereby approved and the changes required by Condition 1 of this permit; and

b) Set out the results of the scaled wind tunnel study or CFD simulations required by the Wind Impact Statement, including any recommendations to changes in built form that arise from this study.

When submitted and approved to the satisfaction of the Responsible Authority, the Wind Impact Statement will be endorsed to form part of this permit. No alterations to the Environmental Wind Assessment may occur without the written consent of the Responsible Authority.

29. The Environmental Wind Assessment 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.

Section 173 Agreement

30. Prior to the commencement of the development hereby permitted, an agreement under Section 173 of the Planning and Environment Act 1987 between the Owners of the land, Merri-bek City Council and the Responsible Authority must be prepared in a form satisfactory to the Responsible Authority, providing for:

Public Access

a) Unrestricted public pedestrian and bicycle access for the north-south Primary Public Path adjacent to the eastern boundary as shown on the endorsed plan must be maintained by the land owners as an unrestricted pedestrian access, 24 hours a day, 364 days a year, in order to ensure the continued pedestrian connection from Albert Street to Clifton Park.

b) Unrestricted public pedestrian access for the east-west accessway as shown on the endorsed plan must be maintained by the land owners as an unrestricted pedestrian access, 24 hours a day, 364 days a year, in order to ensure the continued pedestrian connection from the laneway to the Primary' Public Path. The east-west accessway to provide ungated and unfenced pedestrian access at the western boundary.

c) Installation of appropriate lighting to ensure that the pedestrian links 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.

Affordable Housing

f) 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; or

g) An alternative cash 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, in consultation with Merri-bek City Council .

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

i. do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and

ii. pay to the Responsible Authority its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

3D model

31. 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. 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

32. 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).

33. 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).

34. 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).

35. 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.

36. 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) to the satisfaction of the Merri-bek City Council.

37. 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 Merri-bek City Council. 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

38. 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).

39. The surface of all balconies are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Merri-bek City Council.

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

Car Parking

41. 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.

General

42. Unless with the prior written consent of the Merri-bek City Council, any plumbing pipe, ducting and plant equipment must be concealed from external views. This does not include external guttering or associated rainwater down pipes.

43. 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.

Privacy screens to be installed and maintained

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

Retention of Architect

45. Jackson Clement Burrows 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

46. 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 generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information.

Note 2: Environmental Audit Notes

i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.

ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.

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

Note 3: **The planting of street trees will only occur between April and September each year. Developers must ensure that all their tree-related civil work components are completed prior to 30 March and provide Council with at least 8 months' notice to ensure Council can secure high quality tree stock for their development. To facilitate this, the developer is to request an invoice for the tree planting works 8 months prior to the scheduled completion date of the public realm works associated with the development.**

Carried unanimously

URGENT BUSINESS

Nil.

The Council meeting closed at 8.10 pm.

Confirmed

Cr Nat Abboud
MAYOR