



Merri-bek
City Council

Minutes of the Planning and Related Matters Meeting

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 27 August 2025

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URGENT BUSINESS	29

The Deputy Mayor opened the meeting at 6.30 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 Helen Davidson, Mayor	Apology	
Cr Helen Politis, Deputy Mayor	6.30 pm	
Cr Nat Abboud	6.30 pm	
Cr Sue Bolton	6.30 pm	
Cr Liz Irvin	6.38 pm	
Cr Dr Jay Iwasaki	6.30 pm	
Cr Chris Miles	6.30 pm	
Cr Adam Pulford	Leave of absence	
Cr Ella Svensson	6.30 pm	
Cr Katherine Theodosis	6.30 pm	
Cr Oscar Yildiz JP	6.30 pm	

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator – Alex Osborne
 Principal Urban Planner – Aileen Chin
 Manager Governance and Strategy – Yvonne Callanan
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Cr Pulford was on an approved leave of absence from 24 August 2025 to 20 September 2025 inclusive.

Mayor Cr Davidson was an apology to the meeting.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil

MINUTE CONFIRMATION

Resolution

Cr Miles moved, Cr Theodosis seconded -

That the minutes of the Planning and Related Matters Meeting held on 23 July 2025 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - JUNE QUARTER

Executive Summary

The City Development Urban Planning Unit has continued to produce positive results with the overall application caseload remaining at manageable levels. Having addressed the higher caseloads that resulted from pandemic years the Unit has maintained decision-making timeframes that continue to be better than the metropolitan average.

The 1,134 applications received in the past 12 months (2024/25 financial year) was a slight increase of 5 per cent compared to the previous 12 months, although notably lower pre-pandemic years. The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service.

The focus for the Urban Planning Unit is to influence high quality planning outcomes, while maintaining the timeliness of planning permit decisions. The June quarter saw the continuation of decision-making above the current State average of 66 per cent, with 74 per cent of decisions being made within the 60 statutory days at Merri-bek. Pleasingly, Vic Smart timeframes, for minor matters, also remain above the State average of 83 per cent, with 92 per cent of decisions made within 10 statutory days at Merri-bek.

Victorian Civil and Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 83 per cent of cases in the past 12 months (2024/25 financial year).

Of the 8 planning decisions made at the Planning and Related matters Council meeting in 2024/25 that were appealed to VCAT , 6 were either won, withdrawn or ultimately resolved via consent of all parties, often based on revised plans to address Council's concerns. This results in a success rate of 75 per cent.

The Planning Enforcement Unit has also had a productive quarter. The overall performance of the reactive enforcement service has continued to improve this year, with the 102 cases closed, exceeding the 99 cases received this quarter, helping to maintain the overall backlog of cases at now manageable levels. The proactive enforcement program met its target of 90 proactive audits being commenced in 2024/2025. The team were able to close 67 per cent of cases without the need to escalate to formal enforcement actions.

Officer Recommendation

That Council notes the City Development Activity Report – June Quarter 2025

Resolution

Cr Miles moved, Cr Iwasaki seconded -

That Council notes the City Development Activity Report – June Quarter 2025

Carried

6.38 pm *Cr Irvin entered the meeting.*

5.2 253-259 BRUNSWICK ROAD BRUNSWICK - PLANNING PERMIT APPLICATION - MPS/2024/528



Property:	253-259 Brunswick Road, Brunswick
Proposal:	Use of the land for student accommodation, buildings and works associated with the construction of a five (5) storey addition above the existing heritage building, and a reduction in car parking requirements
Zoning and Overlay/s:	- Commercial 1 Zone - Heritage Overlay – Schedule 41 - Design and Development Overlay – Schedule 18 - Parking Overlay – Schedule 1 - Environmental Audit Overlay - Development Contributions Plan Overlay
Strategic setting:	Minimal change Incremental change Significant change
Objections:	22 objections from 20 properties 1 petition with 38 signatories - Key issues: - Car parking and traffic - Building height and bulk - Loading and waste collection - Overshadowing, overlooking and noise - Location and demand for use - Heritage
Planning Information and Discussion (PID) Meeting:	- Held: 1 July 2025 - Attendees: 8 objectors, the applicant, 2 Council officers, and Councillors Iwasaki and Irvin - The applicant provided the following agreements after the PID meeting, to form conditions on permit: - Waste collection to be undertaken from Brunswick Road, subject to support from the relevant road authority. - Collection of waste outside of peak times. - Provision of an operational management plan restricting hours of use for the outdoor common areas.
ESD:	64 per cent BESS Score. 130 per cent STORM Rating. 30kw Solar PV system. 15,000 litre rainwater collection and reuse system.

Key reasons for support	• The design is responsive to the site and seeks to retain the existing heritage building within a bespoke and high quality architectural outcome that will be a notable contribution within the streetscape. • Good internal amenity for students, with external outlooks provided to all rooms and generous provision of both private and communal facilities. • Conditions are needed to reduce the shadow impact on the Brunswick Road footpath, which is a key pedestrian street.
Recommendation:	A) Notice of Decision to Grant a Planning Permit be issued for the proposal. B) The zero on site car parking spaces for student accommodation is to the satisfaction of the Responsible Authority.

Officer Recommendation

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/528 be issued for the land at 253-259 Brunswick Road, BRUNSWICK.

The Permit would allow:

Use of the land for student accommodation, buildings and works associated with the construction of a five (5) storey addition above the existing heritage place, and a reduction in car parking requirements.

Planning Scheme Clause	Matters for which permit is required
34.01-1	Use of land for accommodation in the Commercial 1 Zone
34.01-4	Construct a building or construct or carry out works in the Commercial 1 Zone
43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay – Schedule 18
52.06-2	Reduce (including reduce to zero) the number of car parking spaces required

The following conditions would apply to this permit:

Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Hayball Architecture (Project No. 2732) and advertised on 26 May 2025, but modified to show:
 - a) No overshadowing of the footpath on the opposite side of Brunswick Road between 10am and 2pm at the equinox through:
 - i. Reducing street wall height on Brunswick Road to a maximum of 20 metres, as measured from the footpath level adjacent to the centre of the Brunswick Road title boundary; and
 - ii. Upper level setbacks above the street wall height to achieve reduced overshadowing.

- b) Removal of the vehicle crossover and footpath reinstatement on Brunswick Road.
- c) An additional window provided on Levels 3, 4, 5 and 6 on the east elevation (Black Street).
- d) Provision of additional seating within communal areas on Levels 4, 5 and 6.
- e) A minimum of 121 resident bicycle parking spaces located out of the weather and in a location inaccessible to the public and visitors.
- f) Annotation on the ground floor plan outlining the following:
 - i. Double-tier bicycle racks provided as “JOSTA 2-tier High Capacity Racks” or similar.
 - ii. The public footpath will be reinstated with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary
 - iii. The floor for each pedestrian entrance to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb.
- g) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 19 of this permit.
- h) Any changes to the plans arising from the:
 - i. Landscape Plan in accordance with Condition 3 of this permit.
 - ii. Facade Strategy and Materials and Finishes Schedule in accordance with Condition 11 of this permit.
 - iii. Waste Management Plan in accordance with Condition 23 of this permit.
 - iv. Accessibility Report in accordance with Condition 26 of this permit.

Compliance with Endorsed Plans (Use and Development)

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

Landscape Plan

- 3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Enlocus Landscape Architects dated 24 February 2025 but amended to show:
 - a) Rooftop planting and vertical planting such as climbing plants or facade-integrated planters.
 - b) Planter soil areas of a minimum 750mm depth for all tree planting.
 - c) Any changes required by Condition 1 of the permit.

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

Landscaping works to be completed

- 4. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.

Landscaping maintenance

5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Maintenance of Stormwater Treatment Elements

6. All stormwater treatment devices (e.g. rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Requirements For Street Trees Removed

7. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Public Works Plan

8. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land directly in front of the site on Brunswick Road and Black Street must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
 - a) All construction details in accordance with the *Merri-bek City Council Technical Notes, July 2019* (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The public footpath is to be reinstated with the standard crossfall slope of 1 in 33 from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps, subject to support from the relevant road authority.
 - d) Floor to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb for each pedestrian entrance, subject to support from the relevant road authority.
 - e) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
 - f) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
 - g) Any necessary drainage works.
 - h) The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
 - i) Removal of street planting along Brunswick Road and replacement planting in appropriate locations in consultation with the Responsible Authority (Open Space Branch) and Transport for Victoria. Tree planting and on-going maintenance is to be undertaken by Merri-bek City Council. The developer will be issued with an invoice for the cost of tree planting.
 - j) Undergrounding of powerlines along Brunswick Road.
 - k) Any other works to the public land adjacent to the development.

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

Implementation of Public Works Plan

9. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Site Management Plan

10. Prior to the commencement of the use, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must include (but is not limited to):
 - a) Limitation on the maximum number of students occupying the building constructed for student accommodation to 130 persons at any one time;
 - b) Ensure that on site bicycle parking as allocated for student accommodation is exclusively and efficiently used by students residing in the subject premises and shall not be leased, sold or used for any other purposes;
 - c) Supervision of students within the development including measures to limit noisy and anti-social behaviour and address any issues arising;
 - d) Maintenance of the building and surrounds;
 - e) Security of the building and surrounds;
 - f) Limiting use of fire escape stairs for that purpose alone;
 - g) Management of communal spaces and facilities;
 - h) Management of any external communal areas to be set aside for smoking;
 - i) Limiting the use of the external communal open space areas to no later than 10pm on any day;
 - j) Signage to be displayed on the building to provide 24 hour telephone contact numbers for the public to raise complaints; and
 - k) The storage of garbage and recyclables and waste collection, including instructions on hard waste disposal.

The use must operate and be managed in accordance with the conditions and provisions of the approved Site Management Plan to the satisfaction of the Responsible Authority. The plan must be implemented to the satisfaction of the Responsible Authority.

Facade Strategy and Materials and Finishes Schedule

11. Prior to the endorsement of plans, a Facade Strategy and Materials and Finishes Schedule must be submitted to and approved by the Responsible Authority. The Facade Strategy must be generally in accordance with the decision plans referred to in Condition 1 and must include:
 - a) Detailed elevation plans generally at a scale of 1:50 (or as otherwise agreed by the Responsible Authority) illustrating:
 - i. Detailed elevation of the residential entry and other entries to the building as it relates to the public realm interfaces, including doors, openings, services and external finishes and treatments which maximise street activation. The appearance of any services on the facade must be

minimised and appropriately concealed and/or treated to integrate with the building architecture.

- ii. Details of the perforated metal screen including pattern and size of perforations, transparency and colour as it is applied across the building facade.
- b) Information about how the facade, including window openings, will be accessed, maintained and cleaned, including the maintenance of any planting (if proposed).
- c) A detailed schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, durable and fit for purpose.

When approved, the endorsed Facade Strategy will form part of the permit and must not be altered without the written consent of the Responsible Authority.

- 12. All materials, finishes and colours employed on external elevations of the development must be in accordance with the approved Facade Strategy, to the satisfaction of the Responsible Authority. The endorsed Facade Strategy must not be altered without the prior written consent of the Responsible Authority.

Removal of Redundant Vehicle Crossings

- 13. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

Ancillary Road Works

- 14. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, access to the site, any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

Underground Chamber – Access for routine structural inspections

- 15. The existing access within the building to the tramway wheel pit under Black Street and Brunswick Road must be maintained for regular structural inspections by the Department of Transport and Planning.

Bike Parking Security

- 16. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, 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).

Lighting

- 17. Lighting over the communal areas (courtyards/terraces) must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.

Underground cables

- 18. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all works, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

Sustainable Management Plan

19. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the Sustainability Management Plan prepared by Eco Results, received on 25/03/2025 and modified to include the following changes:
- a) Provide a preliminary NCC Part J facade calculator and/or JV3 assessment, demonstrating compliance to NCC Part J and the BESS Energy compliance criteria.
 - b) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
 - i. The level 3 terrace planter boxes as impervious catchment area.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

Implementation of Sustainability Design Assessment

20. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Monitoring of Sustainability Design Assessment

21. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Boundary walls

22. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

Waste Management Plan

23. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP be generally in accordance with the Waste Management Plan prepared by Ratio Consultants dated 3 March 2025 and modified to include the following changes:
- a) Resident waste bin room to have a minimum of 3 metres width and 5 metres length.
 - b) Waste collection to be undertaken from Brunswick Road, subject to support from the relevant road authority.
 - c) Clearly state the collection of waste is to be undertaken outside of peak times.

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

Compliance with Waste Management Plan

24. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Stormwater

25. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority.

Accessibility Report

26. 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. and must:
- a) Detail how the development will provide housing that can be lived in by people with limited mobility, in accordance with the design features contained in the Liveable Housing Design Guidelines (Liveable Housing Australia, 2017).

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

Monitoring of Accessibility Report

27. Prior to the occupation of any student unit approved under this permit, 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 plan.

Environmental Audit Condition

28. 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.

29. 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 or issue of a Certificate of Final Inspection, whichever comes 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).

30. 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.
31. 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 28, 29 and 30 are satisfied.
32. Prior to commencement of the use, the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
33. Where a preliminary risk screen assessment has satisfied Condition 28 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the- layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

3D Model

34. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.Merri-bek.vic.gov.au/planning-building/3D-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 Responsible Authority.

Retention of Architect

35. Hayball Architecture must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority.

Stormwater not collected by water tank

36. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

VicTrack

37. Before the commencement of the development, including bulk excavation, a Construction Management Plan must be submitted and approved by VicTrack. The Construction Management Plan must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of the tramway during construction and must set out relevant objectives and performance and monitoring requirements for:
 - a) A comprehensive scope of work including demolition
 - b) Access to the rail environment, including designation of any areas to be used under license during the construction process.
 - c) Approvals and permits required from the Head, TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the rail land.
 - d) Rail safety requirements applicable for construction.
 - e) Protection of all rail infrastructure to ensure tram infrastructure is not damaged during demolition or construction.
 - f) Minimising disruption to tram services and tramway commuter and maintenance access.
 - g) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.
 - h) Public safety, amenity and site security.
 - i) Operating hours, noise and vibration controls.
 - j) Air and dust management.
38. All demolition and construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to the Head, TFV, and VicTrack.
39. During the construction of the development, including demolition and bulk excavation all reasonable steps must be taken to avoid disruptions to tram operations and damage (including interference) to all tram infrastructure. Any damage to tram infrastructure or disruption to the tram operations, arising out of or in connection with the development must be reported and rectified to the satisfaction of the Head TfV, and VicTrack within fourteen (14) days of such damage or disruption occurring or such other time agreed by the Head, TfV, and VicTrack.
40. No entry to transport land is permitted without the written consent of VicTrack.
41. Before the commencement of the development, including demolition or bulk excavation, the Rail Operator must be contacted through the email address: permits@yarratrams.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the transport land. During and post

construction, all conditions and safety requirements of the Rail Operator must be complied with.

42. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
43. Any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, must not penetrate onto transport land or within easements benefitting VicTrack.
44. No excavation, filling or construction on the common boundary between the subject land and the transport land to be carried out except with the prior written approval of the VicTrack and the Head, TfV.
45. If the relocation of tram infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at no cost to VicTrack.

Head, Transport for Victoria

46. The permit holder must ensure that all track, tram and public transport infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
47. The level of the footpath must not be lowered or altered in any way without the written consent from Head, Transport for Victoria.
48. Proposed earthworks or alterations to ground levels must not reduce the flood immunity of the neighbouring substation.
49. Any excavation or installing ground anchors must not damage the underground HV incoming cables, outgoing DC feeder cables and earth grid.
50. Any roadworks during construction must not alter Yarra Trams existing access arrangements into the substation building. Existing access routes to VicTrack land must not be closed, diverted, or modified without prior agreement with the Head, Transport for Victoria, VicTrack and the relevant Rail Transport Operator.
51. Landscaping within the subject site, and near the substation building to be reviewed and approved by Head, Transport for Victoria.
52. Landscaping and planting in the 'courtyards' shall not facilitate entry, or illegal access, onto VicTrack land at any time, including at maturity stage of the proposed planted elements.
53. The design of windows, courtyard balconies and doors shall be such that they shall not facilitate entry, or illegal access, onto VicTrack land at any time, including the roof of the adjacent sub-station.
54. Prior to the commencement of buildings and works, the proponent shall conduct a 'cable-proving study' to be conducted jointly with the RTO (Yarra Trams) to verify the route of the traction power cables from the sub-station, along Black Street and into Brunswick Road. The study shall also identify the location of the cable housing tunnels, conduits and underground chambers at the end of Black Street, to determine the risks to these assets from the development construction, and to define agreed protective measures to be included in the approved construction management plan.
55. Prior to the commencement of buildings and works, an Electrical Impact Study to be undertaken to consider any electrical risks to the satisfaction of the Head, Transport for Victoria.

Expiry

56. This permit will expire if one of the following circumstances applies:

- a) the development is not commenced within two (2) years from the date of issue of this permit;
- b) the development is not completed within four (4) years from the date of issue of this permit;
- c) the use is not commenced within four (4) years from the date of issue of this permit.

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

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

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

Note 1: All new buildings **must** be designed with **500mm** wide bicycle spaces, as required by the Australian Standard AS2890.3. Narrower spacing will **not** be accepted. Clauses 2.2.5, 2.2.6 and 2.2.7 of the Standard requires 500mm wide spaces for vertical, horizontal and multi-tiered parking, respectively. Clause 3.3 only refers to dynamic parking devices, designed to be offset horizontally or vertically to create the 500mm spacing as each bicycle is being parked.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information:

<https://www.Merri-bek.vic.gov.au/living-in-Merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 3: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

Note 4: 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.

Note 5: 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 6: This site is included on the Victorian Heritage Register under the Heritage Act 1995. A separate permit from Heritage Victoria may be required. For further information please contact Heritage Victoria on Tel: 8644 8800.

Note 7: Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

Note 8: 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.

Note 9: 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.

Note 10: 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.

Head, Transport for Victoria

Note 11: Foreseen disruptions to tram operations and mitigation measures must be communicated to Head, Transport for Victoria 35 days prior by telephoning 1800 800007 or emailing customerservice@transport.vic.gov.au

Note 12: The proposed development requires works within the footpath. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works. Please go to the Working within the road reserve – Transport Victoria web site for further information:

<https://transport.vic.gov.au/business/road-and-traffic-management/road-permits-and-charges/working-within-the-road-reserve>

Recommendation B:

Pursuant to Clause 52.06-6 (car parking) of the Merri-bek Planning Scheme, the zero on site car parking spaces for student accommodation at 253-259 Brunswick Road, Brunswick is to the satisfaction of the Responsible Authority.

7.04 pm Cr Miles left the meeting.

7.05 pm Cr Miles returned to the meeting.

Meeting Adjournment

The Chair adjourned the meeting for 5 minutes at 7.09 pm to allow Councillors and officers to consider the overshadowing impacts.

Meeting Resumption

The meeting resumed at 7.22 pm.

Resolution

Cr Iwasaki moved, Cr Bolton seconded -

Recommendation A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/528 be issued for the land at 253-259 Brunswick Road, Brunswick.

The Permit would allow:

Use of the land for student accommodation, buildings and works associated with the construction of a five (5) storey addition above the existing heritage place, and a reduction in car parking requirements.

Planning Scheme Clause	Matters for which permit is required
34.01-1	Use of land for accommodation in the Commercial 1 Zone
34.01-4	Construct a building or construct or carry out works in the Commercial 1 Zone
43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay – Schedule 18
52.06-2	Reduce (including reduce to zero) the number of car parking spaces required

The following conditions would apply to this permit:

Amended Plans

- 1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans prepared by Hayball Architecture (Project No. 2732) and advertised on 26 May 2025, but modified to show:**
 - a) No overshadowing of the footpath on the opposite side of Brunswick Road between 10am and 2pm at the equinox through:**
 - i. Reducing street wall height on Brunswick Road to a maximum of 20 metres, as measured from the footpath level adjacent to the centre of the Brunswick Road title boundary; and**
 - ii. Upper level setbacks above the street wall height to achieve reduced overshadowing.**
 - b) Removal of the vehicle crossover and footpath reinstatement on Brunswick Road.**
 - c) An additional window provided on Levels 3, 4, 5 and 6 on the east elevation (Black Street).**
 - d) Provision of additional seating within communal areas on Levels 4, 5 and 6.**
 - e) A minimum of 121 resident bicycle parking spaces located out of the weather and in a location inaccessible to the public and visitors.**
 - f) Annotation on the ground floor plan outlining the following:**
 - i. Double-tier bicycle racks provided as “JOSTA 2-tier High Capacity Racks” or similar.**
 - ii. The public footpath will be reinstated with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary**
 - iii. The floor for each pedestrian entrance to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb.**
 - g) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 19 of this permit.**
 - h) Any changes to the plans arising from the:**
 - i. Landscape Plan in accordance with Condition 3 of this permit.**
 - ii. Facade Strategy and Materials and Finishes Schedule in accordance with Condition 11 of this permit.**
 - iii. Waste Management Plan in accordance with Condition 23 of this permit.**
 - iv. Accessibility Report in accordance with Condition 26 of this permit.**

Compliance with Endorsed Plans (Use and Development)

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

Landscape Plan

3. Prior to the endorsement of plans, an amended landscape plan must be submitted to the Responsible Authority. The landscape plan must be generally in accordance with the plan prepared by Enlocus Landscape Architects dated 24 February 2025 but amended to show:
 - a) Rooftop planting and vertical planting such as climbing plants or facade-integrated planters.
 - b) Planter soil areas of a minimum 750mm depth for all tree planting.
 - c) Any changes required by Condition 1 of the permit.

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

Landscaping works to be completed

4. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.

Landscaping maintenance

5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Responsible Authority.

Maintenance of Stormwater Treatment Elements

6. All stormwater treatment devices (e.g. rainwater tanks etc.) must be maintained to the satisfaction of the Responsible Authority to ensure water quality discharged from the site complies with the performance standard in the endorsed Sustainability Management Plan.

Requirements For Street Trees Removed

7. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, the owner must pay Council the amenity value, removal, replacement and establishment costs in accordance with the Merri-bek Urban Forest Strategy 2017 for each street tree removed or damaged through the building works, to the satisfaction of the Responsible Authority.

Public Works Plan

8. Prior to the commencement of the development, a Public Works Plan and associated construction drawing specifications detailing the works to the land directly in front of the site on Brunswick Road and Black Street must be submitted to the satisfaction of the Responsible Authority. The Plan must include:
 - a) All construction details in accordance with the Merri-bek City Council Technical Notes, July 2019 (or any updated version).
 - b) A detailed level and feature survey of the footpaths and roads.
 - c) The public footpath is to be reinstated with the standard crossfall slope of 1 in 33 from the top of the roadside kerb to the property boundary, with any level difference made up within the site using ramps or steps, subject to support from the relevant road authority.
 - d) Floor to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb for each pedestrian

entrance, subject to support from the relevant road authority.

- e) Any Council or service authority pole or pit within 1 metre of the proposed vehicle crossing, including the 1 metre splays on the crossings, relocated or modified.
- f) For any vehicle crossing not being used, the kerb, channel and footpath reinstated.
- g) Any necessary drainage works.
- h) The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
- i) Removal of street planting along Brunswick Road and replacement planting in appropriate locations in consultation with the Responsible Authority (Open Space Branch) and Transport for Victoria. Tree planting and on-going maintenance is to be undertaken by Merri-bek City Council. The developer will be issued with an invoice for the cost of tree planting.
- j) Undergrounding of powerlines along Brunswick Road.
- k) Any other works to the public land adjacent to the development.

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

Implementation of Public Works Plan

- 9. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all public works shown on the endorsed public works plan must be implemented to the satisfaction of the Responsible Authority at the expense of the owner of the land, unless otherwise agreed with prior written consent of the Responsible Authority.

Site Management Plan

- 10. Prior to the commencement of the use, a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must include (but is not limited to):
 - a) Limitation on the maximum number of students occupying the building constructed for student accommodation to 130 persons at any one time;
 - b) Ensure that on site bicycle parking as allocated for student accommodation is exclusively and efficiently used by students residing in the subject premises and shall not be leased, sold or used for any other purposes;
 - c) Supervision of students within the development including measures to limit noisy and anti-social behaviour and address any issues arising;
 - d) Maintenance of the building and surrounds;
 - e) Security of the building and surrounds;
 - f) Limiting use of fire escape stairs for that purpose alone;
 - g) Management of communal spaces and facilities;
 - h) Management of any external communal areas to be set aside for smoking;
 - i) Limiting the use of the external communal open space areas to no later

than 10pm on any day;

- j) Signage to be displayed on the building to provide 24 hour telephone contact numbers for the public to raise complaints; and
- k) The storage of garbage and recyclables and waste collection, including instructions on hard waste disposal.

The use must operate and be managed in accordance with the conditions and provisions of the approved Site Management Plan to the satisfaction of the Responsible Authority. The plan must be implemented to the satisfaction of the Responsible Authority.

Facade Strategy and Materials and Finishes Schedule

11. Prior to the endorsement of plans, a Facade Strategy and Materials and Finishes Schedule must be submitted to and approved by the Responsible Authority. The Facade Strategy must be generally in accordance with the decision plans referred to in Condition 1 and must include:
 - a) Detailed elevation plans generally at a scale of 1:50 (or as otherwise agreed by the Responsible Authority) illustrating:
 - i. Detailed elevation of the residential entry and other entries to the building as it relates to the public realm interfaces, including doors, openings, services and external finishes and treatments which maximise street activation. The appearance of any services on the facade must be minimised and appropriately concealed and/or treated to integrate with the building architecture.
 - ii. Details of the perforated metal screen including pattern and size of perforations, transparency and colour as it is applied across the building facade.
 - b) Information about how the facade, including window openings, will be accessed, maintained and cleaned, including the maintenance of any planting (if proposed).
 - c) A detailed schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, durable and fit for purpose.

When approved, the endorsed Facade Strategy will form part of the permit and must not be altered without the written consent of the Responsible Authority.

12. All materials, finishes and colours employed on external elevations of the development must be in accordance with the approved Facade Strategy, to the satisfaction of the Responsible Authority. The endorsed Facade Strategy must not be altered without the prior written consent of the Responsible Authority.

Removal of Redundant Vehicle Crossings

13. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).

Ancillary Road Works

14. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, access to the site, any vehicle crossover and any ancillary road and road drainage works must be constructed in accordance with any requirement of the Responsible Authority (Merri-bek City

Council, City Infrastructure Department).

Underground Chamber – Access for routine structural inspections

15. The existing access within the building to the tramway wheel pit under Black Street and Brunswick Road must be maintained for regular structural inspections by the Department of Transport and Planning.

Bike Parking Security

16. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, 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).

Lighting

17. Lighting over the communal areas (courtyards/terraces) must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.

Underground cables

18. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all works, all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the Responsible Authority.

Sustainable Management Plan

19. Prior to the endorsement of plans, an amended Sustainable Management Plan (SMP) and plans must be submitted to the satisfaction by the Responsible Authority. The SMP must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the Sustainability Management Plan prepared by Eco Results, received on 25/03/2025 and modified to include the following changes:
 - a) Provide a preliminary NCC Part J facade calculator and/or JV3 assessment, demonstrating compliance to NCC Part J and the BESS Energy compliance criteria.
 - b) An amended WSUD (Water Sensitive Urban Design) catchment plan that is consistent with the STORM report, clearly showing:
 - i. The level 3 terrace planter boxes as impervious catchment area.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.

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

Implementation of Sustainability Design Assessment

20. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all works must be undertaken in accordance with the endorsed Sustainable Management Plan report to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

Monitoring of Sustainability Design Assessment

21. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, a report from the author of the Sustainable Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm (and include evidence) that all measures specified in the SMP have been implemented in accordance with the approved plan.

Boundary walls

22. Prior to the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.

Waste Management Plan

23. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the Responsible Authority. The WMP be generally in accordance with the Waste Management Plan prepared by Ratio Consultants dated 3 March 2025 and modified to include the following changes:

- a) Resident waste bin room to have a minimum of 3 metres width and 5 metres length.
- b) Waste collection to be undertaken from Brunswick Road, subject to support from the relevant road authority.
- c) Clearly state the collection of waste is to be undertaken outside of peak times.

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

Compliance with Waste Management Plan

24. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

Stormwater

25. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority.

Accessibility Report

26. 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. and must:
- a) Detail how the development will provide housing that can be lived in by people with limited mobility, in accordance with the design features contained in the Liveable Housing Design Guidelines (Liveable Housing Australia, 2017).

When submitted and approved to the satisfaction of the Responsible Authority, the Accessibility Report will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority. The recommendations of the report must be

implemented to the satisfaction of the Responsible Authority prior to the occupation of the development.

Monitoring of Accessibility Report

27. Prior to the occupation of any student unit approved under this permit, 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 plan.

Environmental Audit Condition

28. 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.

29. 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 or issue of a Certificate of Final Inspection, whichever comes 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).

30. 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.

31. 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 28, 29 and 30 are satisfied.
32. Prior to commencement of the use, the issue of an Occupancy Permit or issue of a Certificate of Final Inspection, whichever comes first, written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
33. Where a preliminary risk screen assessment has satisfied Condition 28 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the- layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the Responsible Authority.

3D Model

34. Prior to the commencement of the development, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Responsible Authority. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.Merri-bek.vic.gov.au/planning-building/3D-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 Responsible Authority.

Retention of Architect

35. Hayball Architecture must provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority.

Stormwater not collected by water tank

36. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Responsible Authority (Note: Please contact Merri-bek City Council, City Infrastructure Department).

VicTrack

37. Before the commencement of the development, including bulk excavation, a Construction Management Plan must be submitted and approved by VicTrack. The Construction Management Plan must include details of (but not limited to) management proposals to minimise impacts to VicTrack assets and the operation of the tramway during construction and must set out relevant objectives and performance and monitoring requirements for:

- a) A comprehensive scope of work including demolition
 - b) Access to the rail environment, including designation of any areas to be used under license during the construction process.
 - c) Approvals and permits required from the Head, TfV, VicTrack and the accredited Rail Operator prior to works commencing and prior to accessing the rail land.
 - d) Rail safety requirements applicable for construction.
 - e) Protection of all rail infrastructure to ensure tram infrastructure is not damaged during demolition or construction.
 - f) Minimising disruption to tram services and tramway commuter and maintenance access.
 - g) Management of drainage, effluent, material stockpiles, fencing, hoardings to ensure VicTrack land is not used for, or impacted on by these activities outside of the licence area.
 - h) Public safety, amenity and site security.
 - i) Operating hours, noise and vibration controls.
 - j) Air and dust management.
38. All demolition and construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to the Head, TfV, and VicTrack.
 39. During the construction of the development, including demolition and bulk excavation all reasonable steps must be taken to avoid disruptions to tram operations and damage (including interference) to all tram infrastructure. Any damage to tram infrastructure or disruption to the tram operations, arising out of or in connection with the development must be reported and rectified to the satisfaction of the Head TfV, and VicTrack within fourteen (14) days of such damage or disruption occurring or such other time agreed by the Head, TfV, and VicTrack.
 40. No entry to transport land is permitted without the written consent of VicTrack.
 41. Before the commencement of the development, including demolition or bulk excavation, the Rail Operator must be contacted through the email address: permits@yarratrams.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the transport land. During and post construction, all conditions and safety requirements of the Rail Operator must be complied with.
 42. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
 43. Any temporary or permanent ground anchors, soil nails, reinforced earth straps or other ground stabilising devices, must not penetrate onto transport land or within easements benefitting VicTrack.
 44. No excavation, filling or construction on the common boundary between the subject land and the transport land to be carried out except with the prior written approval of the VicTrack and the Head, TfV.
 45. If the relocation of tram infrastructure (including without limitation 22kV AC lines and overhead wiring structures) is necessitated by the construction of the development, any works to relocate such infrastructure will be at no cost to VicTrack.

Head, Transport for Victoria

46. The permit holder must ensure that all track, tram and public transport

infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

47. The level of the footpath must not be lowered or altered in any way without the written consent from Head, Transport for Victoria.
48. Proposed earthworks or alterations to ground levels must not reduce the flood immunity of the neighbouring substation.
49. Any excavation or installing ground anchors must not damage the underground HV incoming cables, outgoing DC feeder cables and earth grid.
50. Any roadworks during construction must not alter Yarra Trams existing access arrangements into the substation building. Existing access routes to VicTrack land must not be closed, diverted, or modified without prior agreement with the Head, Transport for Victoria, VicTrack and the relevant Rail Transport Operator.
51. Landscaping within the subject site, and near the substation building to be reviewed and approved by Head, Transport for Victoria.
52. Landscaping and planting in the 'courtyards' shall not facilitate entry, or illegal access, onto VicTrack land at any time, including at maturity stage of the proposed planted elements.
53. The design of windows, courtyard balconies and doors shall be such that they shall not facilitate entry, or illegal access, onto VicTrack land at any time, including the roof of the adjacent sub-station.
54. Prior to the commencement of buildings and works, the proponent shall conduct a 'cable-proving study' to be conducted jointly with the RTO (Yarra Trams) to verify the route of the traction power cables from the sub-station, along Black Street and into Brunswick Road. The study shall also identify the location of the cable housing tunnels, conduits and underground chambers at the end of Black Street, to determine the risks to these assets from the development construction, and to define agreed protective measures to be included in the approved construction management plan.
55. Prior to the commencement of buildings and works, an Electrical Impact Study to be undertaken to consider any electrical risks to the satisfaction of the Head, Transport for Victoria.

Expiry

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

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

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

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

Note 1: All new buildings must be designed with 500mm wide bicycle spaces, as required by the Australian Standard AS2890.3. Narrower spacing will not be accepted. Clauses 2.2.5, 2.2.6 and 2.2.7 of the Standard requires 500mm wide spaces for vertical, horizontal and multi-tiered parking, respectively. Clause 3.3 only refers to dynamic parking devices, designed to be offset horizontally or vertically to create the 500mm spacing as each bicycle is being parked.

Note 2: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information:

<https://www.Merri-bek.vic.gov.au/living-in-Merri-bek/parking-and-roads/parking-permits-and-fines/residential-parking-permits/>

Note 3: This permit does not authorise the removal of damage to or pruning of any street tree. Further written consent must be obtained from Council's Open Space Unit. The Open Space Unit can be contacted on 8311 4300.

Note 4: 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.

Note 5: 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 6: This site is included on the Victorian Heritage Register under the Heritage Act 1995. A separate permit from Heritage Victoria may be required. For further information please contact Heritage Victoria on Tel: 8644 8800.

Note 7: Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved, in accordance with Merri-bek City Council's General Local Law.

Note 8: 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.

Note 9: 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.

Note 10: 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.

Head, Transport for Victoria

Note 11: Foreseen disruptions to tram operations and mitigation measures must be communicated to Head, Transport for Victoria 35 days prior by telephoning 1800 800007 or emailing customerservice@transport.vic.gov.au

Note 12: The proposed development requires works within the footpath. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works. Please go to the Working within the road reserve – Transport Victoria web site for further information:

<https://transport.vic.gov.au/business/road-and-traffic-management/road-permits-and-charges/working-within-the-road-reserve>

Recommendation B:

Pursuant to Clause 52.06-6 (car parking) of the Merri-bek Planning Scheme, the zero on site car parking spaces for student accommodation at 253-259 Brunswick Road, Brunswick is to the satisfaction of the Responsible Authority.

Carried

URGENT BUSINESS REPORTS

Nil

The Council meeting closed at 7.31 pm.

Confirmed

Cr Helen Davidson
MAYOR