



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 17 December 2025

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URGENT BUSINESS	23

The Mayor opened the meeting at 6.36 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Nat Abboud, Mayor	6.36 pm	8.05 pm
Cr Dr Jay Iwasaki, Deputy Mayor	6.36 pm	8.05 pm
Cr Sue Bolton	6.36 pm	8.05 pm
Cr Helen Davidson	6.36 pm	8.05 pm
Cr Liz Irvin	6.36 pm	8.05 pm
Cr Chris Miles	6.36 pm	8.05 pm
Cr Helen Politis	6.36 pm	8.05 pm
Cr Ella Svensson	6.36 pm	8.05 pm
Cr Katherine Theodosios	6.36 pm	7.27 pm
Cr Oscar Yildiz JP	6.36 pm	8.05 pm

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator – Aileen Chin
 Senior Urban Planner Commercial Property – Ned Dumaresq
 Manager Governance and Strategy – Yvonne Callanan
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Nil.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Iwasaki moved, Cr Theodosios seconded -

The minutes of the Planning and Related Matters Meeting held on 26 November 2025 be confirmed.

Carried

COUNCIL REPORTS

5.1 7 MANTELL STREET, COBURG NORTH - PLANNING APPLICATION MPS/2025/291



Property:	7 Mantell Street, Coburg North
Proposal:	Use of the land for a place of worship, buildings and works and a reduction in car parking requirements
Zoning and Overlay/s:	<ul style="list-style-type: none"> Industrial 1 Zone Development Contributions Plan Overlay
Strategic setting:	The site is located within a Core Industry and Employment Area
Objections:	<ul style="list-style-type: none"> Twenty-five (25) objections have been received Key objector issues include: <ul style="list-style-type: none"> Insufficient car parking Traffic Impact on surrounding businesses
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date held: 11 November 2025 Attendees: 6 objectors, the applicant, 2 Council officers, and Cr Helen Politis The following agreements were reached at the PID meeting: <ul style="list-style-type: none"> Reduce the maximum patron capacity from 60 to 45 Reduce the hours of operation between the months of April and August from 5am to 11pm, to 6am to 9pm Provision of a Green Travel Plan Provision of a Venue and Patron Management Plan
Key reasons for support	<ul style="list-style-type: none"> Use of existing building with some minor works Limited patron numbers other than Friday during business hours, which limits the impact on nearby business Minimal off-site amenity impacts can be managed by conditions The place of worship will serve the local community and contribute to the mix of uses in this industrial area. Good access to public transport
Recommendation:	A Notice of Decision to Grant a Planning Permit be issued for the proposal.

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/291 be issued for the land at 7 Mantell Street, Coburg North.

The Permit would allow:

Use of the land for a place of worship, buildings and works and a reduction in the car parking requirements.

Planning Scheme Clause	Matters for which permit is required
33.01-1	Use land for a section 2 use (place of worship)
33.01-4	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces

The following conditions would apply to this permit:

Amended Plans

1. Before the use or development commences, whichever occurs first, 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 Artefact Architects, dated 23 July 2025, drawing numbers TP101 rev B, TP102 rev A and TP200 rev C (plans advertised 1 September 2025) but modified to show:
 - a) A Roof Plan.
 - b) Dimensions of each bicycle parking device 500mm wide, the horizontal bike spaces 1800mm long and the vertical bicycle spaces 1200mm long, with every space accessed from a 1500mm wide access aisle as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
 - c) Wheel stops for each parking space in a colour contrasting with their surroundings.
 - d) The existing crossovers, footpath, nature strip, and kerb shown on the ground floor plan.
 - e) The following recommendations in the Acoustic Report required by Condition 6 of this permit:
 - i. Any proposed loudspeaker to be shown as located centrally along the southern wall of the main worship/multipurpose hall.
 - ii. The location of mechanical service equipment, including any acoustic screening.
 - f) Any changes arising from:
 - i. The Venue and Patron Management Plan required by Condition 10 of this permit.
 - ii. The Waste Management Plan required by Condition 12 of this permit.
 - iii. The Green Travel Plan required by Condition 14 of this permit.

Compliance with Endorsed Plans

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

Hours of Operation

3. The use allowed by this permit must operate only between the following hours:
 - a) Between the months of April and August:
 - i. Monday to Sunday 6:00 am to 9:00 pm
 - b) Between the months of September and March:
 - i. Monday to Sunday 5:00 am to 11:00 pm

Maximum Number of Patrons

4. The maximum number of patrons permitted on the premises must not exceed the following numbers:
 - a) Between the months of April and August:
 - i. Monday to Thursday (6:00 am to 6:00 pm): 20
 - ii. Monday to Thursday (6:00 pm to 9:00 pm): 45
 - iii. Friday (6:00 am to 12:00 pm): 20
 - iv. Friday (12:00 pm to 3:00 pm): 45
 - v. Friday (3:00 pm to 6:00 pm): 20
 - vi. Friday (6:00 pm to 9:00 pm): 45
 - vii. Saturday and Sunday (6:00 am to 8:00 am): 20
 - viii. Saturday and Sunday (8:00 am to 9:00 pm): 45
 - b) Between the months of September and March:
 - i. Monday to Thursday (5:00 am to 6:00 pm): 20
 - ii. Monday to Thursday (6:00 pm to 11:00 pm): 45
 - iii. Friday (5:00 am to 12:00 pm): 20
 - iv. Friday (12:00 pm to 3:00 pm): 45
 - v. Friday (3:00 pm to 6:00 pm): 20
 - vi. Friday (6:00 pm to 11:00 pm): 45
 - vii. Saturday and Sunday (5:00 am to 8:00 am): 20
 - viii. Saturday and Sunday (8:00 am to 11:00 pm): 45

Noise

5. Prior to the endorsement of plans, a revised acoustic report must be submitted and approved to the satisfaction of the Responsible Authority. The revised acoustic report must be generally in accordance with the acoustic report prepared by O'Callaghan Consulting Engineers, dated 1 August 2025, and must include, but not be limited to the following:
 - a) Any changes required to align with the plans for endorsement.
 - b) Details of mechanical plant and calculated sound power levels.
 - c) The location of mechanical service equipment, including any acoustic screening, in the recommended locations, if applicable.

- d) Recommendations of acoustic attenuation measures to ensure that the uses comply with the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021).

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit. Once approved, the Acoustic Report must not be altered unless with the prior written consent of the Responsible Authority.

6. Prior to the commencement of the use and at all times during the operation of the use, the provisions, recommendations, and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
7. The site must not have any externally amplified noise including announcements or music, to the satisfaction of the Responsible Authority.

On-going compliance with noise limits

8. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection authority, March 2021), or any other superseding regulation.
9. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an additional Acoustic Report to the satisfaction of the Responsible Authority which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

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

Patron Management

10. Prior to the endorsement of plans, a Venue and Patron Management Plan must be submitted to the Responsible Authority. The plan must set out the operations of the approved use and demonstrate how the amenity and safety of the surrounding area will be protected at all times. The Plan must include (but not necessarily be limited to):
 - a) Staff training for patron management;
 - b) Details of complaint management processes;
 - c) A contact number for complaints to be displayed on the site;
 - d) Measures for patron dispersal and behaviour;
 - e) Management of outdoor areas;
 - f) Lighting outside the premises;
 - g) Any recommendations of the endorsed Acoustic Report;
 - h) The discouragement of the use of on-street car parking spaces in front of residential dwellings, by patrons; and

- i) The management of outdoor activities.

Once submitted to and approved by the Responsible Authority, the Venue and Patron Management Plan will be endorsed to form part of the permit.

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

Waste Management

- 12. Prior to the endorsement of plans, a waste management plan must be submitted to the satisfaction of the Responsible Authority. The plan must show:
 - a) Alignment with the architectural plans submitted for endorsement;
 - b) Include calculations of the four main waste streams (recycled glass, general recycling; organics and garbage), size and number of bins;
 - c) Provide best practice food disposal by providing no incinerators or bio-digesters;
 - d) 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);
 - f) Show the bins in the plan, to scale, colour coded to each waste stream;
 - g) Provide a collection frequency of no more than twice per week;
 - h) Include discussion of the other waste streams;
 - i) Provide for collection within the site;
 - j) Identify that waste will be collected by a private contractor collection service; and
 - k) The waste must be collected within the times recommended in the Acoustic Report prepared by O'Callaghan Consulting Engineers, dated 1 August 2025.

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

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

Green Travel Plan

- 14. Prior to the endorsement of plans, a Green Travel Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible. The Green Travel Plan must detail how the development will actively promote the use of walking, cycling and public transport.

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 Green Travel Plan may occur without the written consent of the Responsible Authority.

Car Parking

- 15. The area set aside for the parking of vehicles and access lanes shown on the endorsed plan must, to the satisfaction of the Responsible Authority:
 - a) Be maintained.
 - b) Have the boundaries of all vehicle parking spaces clearly marked on the ground to accord with the endorsed plan.

- c) Not be used for any other purpose other than the parking of vehicles.
- d) Be numbered to facilitate management of the car park.

External Lighting

16. Before the occupation of the development, lighting no higher than 1.2 metres above ground level is to be installed and maintained on the land to automatically illuminate pedestrian access from the building to the car parking spaces on-site between dusk and dawn with no direct light emitted onto adjoining property to the satisfaction of the Responsible Authority.

Permit Expiry

17. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within three (3) years from the date of issue of this permit;
 - b) the development is not completed within five (5) years from the date of issue of this permit;
 - c) the use is not commenced within five (5) years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months 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 <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

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

Note 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.

7.05 pm Cr Miles left the meeting.

7.06 pm Cr Miles returned to the meeting.

Resolution

Cr Abboud moved, Cr Politis seconded -

That a Refusal to Grant Planning Permit No. MPS/2025/291 be issued for the use of the land for a place of worship, buildings and works and a reduction in car parking requirements at 7 Mantell Street, Coburg North on the following grounds:

1. The proposal fails to provide the required car parking as required by Clause 52.06 (Car parking) of the Merri-bek Planning Scheme, reducing the availability of the existing on-street parking along Mantell Street.
2. The proposal is contrary to the purpose of the Industrial 1 Zone of the Merri-bek Planning Scheme, in particular:
 - a) The proposed use is inconsistent with uses encouraged within the Zone, and is not associated with manufacturing industry, or the storage and distribution of goods.
 - b) The proposed use will affect the amenity of local communities.
3. The traffic generated from the proposal on surrounding roads, including that associated with the lack of available car parking, will be detrimental to the amenity of the local community and will affect the distribution of goods to and from nearby industrial uses, which is contrary to Clause 33.01-2 (Industrial 1 Zone).

Cr Irvin called for a division.

For

Cr Davidson
Cr Yildiz
Cr Miles
Cr Politis
Cr Abboud
Cr Theodosis

Total For (6)

Against

Cr Bolton
Cr Svensson
Cr Iwasaki
Cr Irvin

Total Against (4)

Carried

7.27 pm Cr Theodosis left the meeting after the vote on Report 5.1 and did not return.

5.2 73 NICHOLSON STREET, BRUNSWICK EAST- PLANNING APPLICATION MPS/2025/85



Property:	73 Nicholson Street, Brunswick East.
Proposal:	Use the land for Industry (bakery), buildings and works associated with rooftop services and utilities.
Zoning and Overlay/s:	<ul style="list-style-type: none"> Commercial 1 Zone (C1Z) Environmental Audit Overlay (EAO) Design and Development Overlay – Schedule 23 (DDO23) Parking Overlay – Schedule 1 (PO1) Development Contributions Plan Overlay (DCPO)

Objections:	<p>Twenty-two (22)</p> <p>Key issues:</p> <ul style="list-style-type: none"> Noise emission particularly from the rooftop services. Emissions including fumes, smoke and unpleasant smells. Late night hours of operation. Improper and unhygienic waste management including vermin, smells and use of bins during late night hours. Inability to control the production quantity to an 80 tonne maximum.
Planning Information and Discussion (PID) Meeting:	<ul style="list-style-type: none"> Date held: 25th November 2025 Attendees: Four (4) objectors, the applicant, mechanical engineers, and two (2) Council officers The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. Following this meeting the applicant agreed for conditions to be included on any permit issued, requiring the relocation of rooftop services and utilities to the south-east side of the building, closer to Nicholson Street frontage, submission of an updated acoustic report and an odour assessment report and provision of a bin enclosure with a roof.
Key reasons for support	<ul style="list-style-type: none"> Proposal makes use of an existing purpose built warehouse. Amenity impacts acceptable with conditions that require reports to manage odour, waste management and noise impacts. Conditions will require limiting the capacity of food production to reduce amenity impacts.
Recommendation:	Notice of Decision to Grant a Planning Permit subject to conditions contained within the officer recommendation

Officer Recommendation

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/85 be issued for the land at 73 Nicholson Street, Brunswick East.

The Permit would allow:

Use the land for Industry (bakery), buildings and works associated with rooftop services and utilities

Planning Scheme Clause	Matters for which permit is required
Clause 34.01-1 (C1Z)	Use of the land for the purpose of Industry (bakery)
Clause 34.01-4 (C1Z)	Construct a building or construct or carry out works
Clause 43.02-2 (DDO23)	Construct a building or construct or carry out works

The following conditions would apply to this permit:

Amended plans

1. Within 60 days of the date of approval of this planning permit, 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 PNEUARCH, dated 10/2025 Project Number RN-250110 Revision C Sheets TP01 – TP08, but modified to show:
 - a) A roof plan showing the rooftop services and utilities located to the south-east side of the building closer to the Nicholson Street frontage;
 - b) Any changes required by the updated Acoustic Report required by Condition 7 including any recommendations reflected and annotated on the site plans;
 - c) Any changes required by the amended Waste Management Plan at Condition 10 including a roof over the bin store;
 - d) Any changes as required by the odour assessment report as required by Condition 14;

Compliance with endorsed plans

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

Operational conditions

3. The use as approved by this permit must not exceed eighty (80) tonnes of food production per year. The operator must keep a Food Production Record to demonstrate compliance with an eighty (80) tonne maximum food production. This must be provided to the Responsible Authority within 5 days of a written request. The Food Production Record must:
 - a) Include monthly records of the total food production quantity (as measured in tonnes) alongside empirical evidence such as delivery receipts, order documents, or similar to validate this amount;
 - b) be date and time stamped to show the time of record; and
 - c) be retained for a minimum of 24 months on an ongoing basis.
4. The primary activity carried out in the industry (bakery) as approved by this permit, must be for baking and cooking associated with food production.
5. The use as approved by this permit must operate only between the hours of:
 - a) Monday to Sunday– 9.00am until 4.00am the following day.
6. The industry (bakery) approved by this permit, must have no more than two (2) employees on the site between 10pm and 4am.

Noise

7. Within 60 days of the date of approval of this planning permit, an amended Acoustic report generally in accordance with the Acoustic Report prepared by Waveform Acoustics dated 15/09/2025 must be submitted to and approved to the satisfaction of the Responsible Authority. The report must include:
 - a) An assessment of likely noise impacts resulting from the proposed activity (baking) including the rooftop services and utilities re-located to the south-east side of building, and the waste disposal operations using the rear bin storage area during night time trading hours;

- b) Any recommendations for measures required to achieve an EPA compliant noise emission during the night time trading hours.

Once approved, the report will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority. Within 60 days from the approval of the endorsed Acoustic Report, the recommendations and requirements as specified within section 5.0 of the endorsed Acoustic Report must be installed and completed, to the satisfaction of the Responsible Authority.

- 8. Within 60 days after the completion and installation of the recommendations and requirements as specified within section 5.0 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 that has occurred to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) under the Environment Protection Act 2017 (Vic) and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021, as amended from time to time) or any other superseding regulation.
 - c) Confirmation that the acoustic testing has been carried out during the operation of the use at night time.
 - d) 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.

- 9. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

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

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

Waste management and loading

10. Within 60 days of the date of approval of this planning permit, an amended waste management plan generally in accordance with the waste management plan prepared by Red Square Traffic dated 06/10/2025 must be submitted to the satisfaction of the Responsible Authority. The plan must be amended to include:
 - a) Correctly identify the business operations and staffed times as 9am and 4am (daily);
 - b) Align with the architectural plans submitted for endorsement;
 - c) A manually ventilated waste room with a roof to store the bins;
 - d) A 1 metre wide path in the waste room between row of bins for person of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);
 - e) A clear commitment that waste bins must only be collected between 9am and 3pm Monday to Saturday, or 9am to 3pm Sunday and Public Holidays;
 - f) A commitment that no glass will be emptied into an external bin between the hours of 10pm to 9am on any day;
 - g) Provide for collection within the site, with swept paths demonstrating the waste vehicle can exit onto Nicholson Street in a forward direction via a maximum three-point turn.

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

11. The loading and unloading of delivery vehicles and the delivery of goods to and from the site must only be conducted within the property's front setback or a specified loading area on Nicholson Street between 9am and 3pm Monday to Saturday, or 9am and 3pm Sundays and Public Holidays.
12. Unless with the prior written consent of the Responsible Authority, waste bins must not be collected from the kerbside.

Odour report

13. Within 60 days of the date of approval of this permit, an odour assessment report from a suitably qualified expert (environmental consultant or similar) must be provided to the satisfaction of the Responsible Authority. The report must be generally in accordance with section 7 of the EPA's *Guidance for assessing odour Publication 1883 (June 2022)* detail the following matters to the satisfaction of the Responsible Authority:
 - a) Identify an appropriate odour emissions standard; and
 - b) Mitigation measures to ensure that the intensity of odour from baking and cooking at the premises complies with that standard.

The permit holder must undertake any works required to implement and maintain the mitigation measures identified in the report (including by obtaining any required approvals) to the satisfaction of the Responsible Authority.

Preliminary Site Investigation

14. Within 60 days of the date of issue of the planning permit, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Preliminary Site Investigation is to be conducted by a suitably qualified environmental consultant. The owner must comply with the findings of the Preliminary Site Investigation to the satisfaction of the Responsible Authority. The Preliminary Site Investigation must:

- a) Specify the name and qualifications of the person who has conducted the Report;
 - b) State that the assessment has been undertaken in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination Measure) Amended Measure 2013, or any superseding document;
 - c) Not contain a disclaimer limiting the use of the report by the Responsible Authority;
 - d) Undertake an assessment of the site history and potential for contamination, to determine the suitability of the proposed use of the land;
 - e) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
 - f) Make an unequivocal statement that either;
 - i. The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health having regard to the use approved by this permit and that no further assessment is required, or;
 - ii. The condition of the land is such that a preliminary risk screen assessment or an environmental audit statement should be conducted in accordance with condition 16 of this permit, taking into consideration the use approved by this permit.
15. Should it be deemed necessary in accordance with condition 15 of this permit, and within 90 days of the submission or other time agreed to in writing by the Responsible Authority of a Preliminary Site Inspection to Council, the owner(s) must provide:
- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
 - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied.
16. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, 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 within 60 days from the date the environmental audit statement is issued for the land. 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).

17. Where an environmental audit is required and prior any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
18. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 15, 16 and 17 are satisfied.
19. Where an Environmental Audit is required, within 90 days from the date the environmental audit statement is issued for the land, written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the Environmental Audit Statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
20. Where a preliminary risk screen assessment has satisfied Condition 16 (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.

Permit Expiry

21. 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; or
 - b) the development is not completed within five (5) years from the date of issue of this permit; or

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

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

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

Note 1: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations and any other subordinate legislation. Further information can be sought from the Building and Plumbing Commission, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.Merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

Note 2: Further approvals are required from Council's City Infrastructure Department who can be contacted on 9240 1143 for any works beyond the boundaries of the property. Planting and other vegetative works proposed on road reserves can be discussed with Council's Open Space Unit on 8311 4300.

Note 3: 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.

7.28 pm Cr Yildiz left the meeting.

7.33 pm Cr Yildiz returned to the meeting.

Resolution

Cr Yildiz moved, Cr Politis seconded -

That a Notice of Decision to Grant a Planning Permit No. MPS/2025/85 be issued for the land at 73 Nicholson Street, Brunswick East.

The Permit would allow:

Use the land for Industry (bakery), buildings and works associated with rooftop services and utilities

Planning Scheme Clause	Matters for which permit is required
Clause 34.01-1 (C1Z)	Use of the land for the purpose of Industry (bakery)
Clause 34.01-4 (C1Z)	Construct a building or construct or carry out works
Clause 43.02-2 (DDO23)	Construct a building or construct or carry out works

The following conditions would apply to this permit:

Amended plans

- 1. Within 60 days of the date of approval of this planning permit, 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 PNEUARCH, dated 10/2025 Project Number RN-250110 Revision C Sheets TP01 – TP08, but modified to show:**
 - a) A roof plan showing the rooftop services and utilities located to the south-east side of the building closer to the Nicholson Street frontage;**
 - b) Any changes required by the updated Acoustic Report required by Condition 7 including any recommendations reflected and annotated on the site plans;**

- c) Any changes required by the amended Waste Management Plan at Condition 10 including a roof over the bin store;
- d) Any changes as required by the odour assessment report as required by Condition 14;

Compliance with endorsed plans

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

Operational conditions

- 3. The use as approved by this permit must not exceed eighty (80) tonnes of food production per year. The operator must keep a Food Production Record to demonstrate compliance with an eighty (80) tonne maximum food production. This must be provided to the Responsible Authority within 5 days of a written request. The Food Production Record must:
 - a) Include monthly records of the total food production quantity (as measured in tonnes) alongside empirical evidence such as delivery receipts, order documents, or similar to validate this amount;
 - b) be date and time stamped to show the time of record; and
 - c) be retained for a minimum of 24 months on an ongoing basis.
- 4. The primary activity carried out in the industry (bakery) as approved by this permit, must be for baking and cooking associated with food production.
- 5. The use as approved by this permit must operate only between the hours of:
 - a) Monday to Sunday– 9.00am until 4.00am the following day.
- 6. The industry (bakery) approved by this permit, must have no more than two (2) employees on the site between 10pm and 4am.

Noise

- 7. Within 60 days of the date of approval of this planning permit, an amended Acoustic report generally in accordance with the Acoustic Report prepared by Waveform Acoustics dated 15/09/2025 must be submitted to and approved to the satisfaction of the Responsible Authority. The report must include:
 - a) An assessment of likely noise impacts resulting from the proposed activity (baking) including the rooftop services and utilities re-located to the south-east side of building, and the waste disposal operations using the rear bin storage area during night time trading hours;
 - b) Any recommendations for measures required to achieve an EPA compliant noise emission during the night time trading hours.

Once approved, the report will be endorsed to form part of the planning permit. The provisions, recommendations and requirements of the Acoustic Report must be implemented and complied with, to the satisfaction of the Responsible Authority. Within 60 days from the approval of the endorsed Acoustic Report, the recommendations and requirements as specified within section 5.0 of the endorsed Acoustic Report must be installed and completed, to the satisfaction of the Responsible Authority.

8. Within 60 days after the completion and installation of the recommendations and requirements as specified within section 5.0 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 that has occurred to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) under the Environment Protection Act 2017 (Vic) and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021, as amended from time to time) or any other superseding regulation.
 - c) Confirmation that the acoustic testing has been carried out during the operation of the use at night time.
 - d) 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.

9. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021), or any other superseding regulation.

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

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

Waste management and loading

10. Within 60 days of the date of approval of this planning permit, an amended waste management plan generally in accordance with the waste management plan prepared by Red Square Traffic dated 06/10/2025 must be submitted to the satisfaction of the Responsible Authority. The plan must be amended to include:
- a) Correctly identify the business operations and staffed times as 9am and 4am (daily);

- b) Align with the architectural plans submitted for endorsement;
- c) A manually ventilated waste room with a roof to store the bins;
- d) A 1 metre wide path in the waste room between row of bins for person of all abilities to access every bin without moving bins (i.e. no bin placed behind another bin);
- e) A clear commitment that waste bins must only be collected between 9am and 3pm Monday to Saturday, or 9am to 3pm Sunday and Public Holidays;
- f) A commitment that no glass will be emptied into an external bin between the hours of 10pm to 9am on any day;
- g) Provide for collection within the site, with swept paths demonstrating the waste vehicle can exit onto Nicholson Street in a forward direction via a maximum three-point turn.

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

- 11. The loading and unloading of delivery vehicles and the delivery of goods to and from the site must only be conducted within the property's front setback or a specified loading area on Nicholson Street between 9am and 3pm Monday to Saturday, or 9am and 3pm Sundays and Public Holidays.
- 12. Unless with the prior written consent of the Responsible Authority, waste bins must not be collected from the kerbside.

Odour report

- 13. Within 60 days of the date of approval of this permit, an odour assessment report from a suitably qualified expert (environmental consultant or similar) must be provided to the satisfaction of the Responsible Authority. The report must be generally in accordance with section 7 of the EPA's Guidance for assessing odour Publication 1883 (June 2022) detail the following matters to the satisfaction of the Responsible Authority:
 - a) Identify an appropriate odour emissions standard; and
 - b) Mitigation measures to ensure that the intensity of odour from baking and cooking at the premises complies with that standard.

The permit holder must undertake any works required to implement and maintain the mitigation measures identified in the report (including by obtaining any required approvals) to the satisfaction of the Responsible Authority.

Preliminary Site Investigation

- 14. Within 60 days of the date of issue of the planning permit, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Preliminary Site Investigation is to be conducted by a suitably qualified environmental consultant. The owner must comply with the findings of the Preliminary Site Investigation to the satisfaction of the Responsible Authority. The Preliminary Site Investigation must:
 - a) Specify the name and qualifications of the person who has conducted the Report;

- b) State that the assessment has been undertaken in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination Measure) Amended Measure 2013, or any superseding document;
 - c) Not contain a disclaimer limiting the use of the report by the Responsible Authority;
 - d) Undertake an assessment of the site history and potential for contamination, to determine the suitability of the proposed use of the land;
 - e) Provide comment on the potential for offsite contamination to have migrated to the subject land from neighbouring land. Soil sampling and analysis of the subject site may be required where access to definitive information regarding neighbouring land is not obtainable or is inconclusive;
 - f) Make an unequivocal statement that either;
 - i. The site is not likely to be contaminated to a level which would pose a significant risk to the environment or human health having regard to the use approved by this permit and that no further assessment is required, or;
 - ii. The condition of the land is such that a preliminary risk screen assessment or an environmental audit statement should be conducted in accordance with condition 16 of this permit, taking into consideration the use approved by this permit.
15. Should it be deemed necessary in accordance with condition 15 of this permit, and within 90 days of the submission or other time agreed to in writing by the Responsible Authority of a Preliminary Site Inspection to Council, the owner(s) must provide:
- a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 stating that an environmental audit is not required for the use or, if this permit authorises the construction or carrying out of buildings or works, is not required for the use for which the buildings or works are constructed or carried out; or,
 - b) An environmental audit statement under Part 8.3 of the Environment Protection Act stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out; or
 - c) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 stating that the land is suitable for the use or, if this permit authorises the construction or carrying out of buildings or works, is suitable for the use for which the buildings or works are constructed or carried out, if the recommendations made in the statement are complied.
16. Where an environmental audit statement is issued for the land, and any recommendation of that environmental audit statement requires any maintenance and/or monitoring of an ongoing nature, 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 within 60 days from the date the environmental audit statement is issued for the land. 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).

17. Where an environmental audit is required and prior any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.
18. No works to construct the development hereby approved shall be carried out on the land and no building contract to construct the development hereby approved may be entered into, other than in accordance with a building contract that stipulates that works must not be commenced until such time as Conditions 15, 16 and 17 are satisfied.
19. Where an Environmental Audit is required, within 90 days from the date the environmental audit statement is issued for the land, written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the Environmental Audit Statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
20. Where a preliminary risk screen assessment has satisfied Condition 16 (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.

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- Note 3:** 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.

Amendment

Cr Bolton moved, Cr Miles seconded -

That an additional condition be included to restrict hours of operation to midnight.

Lost

The Substantive Motion was **Put** to the vote and **Carried**.

Cr Yildiz called for a division on the Substantive Motion.

For

Cr Davidson
Cr Yildiz
Cr Miles
Cr Svensson
Cr Iwasaki
Cr Politis
Cr Abboud
Cr Irvin

Total For (8)

Against

Cr Bolton

Total Against (1)

Carried

URGENT BUSINESS

Nil.

The Council meeting closed at 8.05 pm.

Confirmed

Cr Nat Abboud
MAYOR