



Merri-bek
City Council

PROPOSED
Minutes of the Planning and Related Matters Meeting

Held in Bunjil (Council Chamber), Merri-bek Civic Centre,
90 Bell Street, Coburg
on Wednesday 23 July 2025

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The Mayor opened the meeting at 6.31 pm and stated the Council meeting is being held on the traditional country of the Wurundjeri Woi Wurrung people and acknowledged them as Traditional Owners. The Mayor paid respects to their Elders, past, present and emerging, and the Elders from other communities who may be here today.

Present	Time In	Time Out
Cr Helen Davidson, Mayor	6.31 pm	7.35 pm
Cr Helen Politis, Deputy Mayor	6.31 pm	7.35 pm
Cr Nat Abboud	6.31 pm	7.35 pm
Cr Sue Bolton	6.31 pm	7.35 pm
Cr Liz Irvin	6.31 pm	7.35 pm
Cr Dr Jay Iwasaki	6.31 pm	7.35 pm
Cr Chris Miles	6.31 pm	7.35 pm
Cr Adam Pulford	6.31 pm	7.35 pm
Cr Ella Svensson	6.31 pm	7.35 pm
Cr Katerine Theodosis	6.31 pm	7.35 pm

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator - Esha Rahman
 Senior Urban Planner - Commercial Priority - Edward Dumaresq
 Manager Governance and Strategy – Yvonne Callanan
 Acting Unit Manager Governance – Sophie Barison
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Nil.

DISCLOSURES OF CONFLICTS OF INTEREST

Cr Iwasaki disclosed a material conflict of interest in report 5.1 *27 Breese Street, Brunswick* – *Application MPS/2024/648* as he lives adjacent to the property and associates with some of the objector parties.

MINUTE CONFIRMATION

Resolution

Cr Iwasaki moved, Cr Politis seconded -

That the minutes of the Planning and Related Matters Meeting held on 28 May 2025 be confirmed.

Carried

6.36 pm *Cr Iwasaki left the meeting due to his previously disclosed conflict of interest in report 5.1 27 Breese Street, Brunswick – Application MPS/2024/648.*

COUNCIL REPORTS

5.1 27 BREESE STREET, BRUNSWICK - APPLICATION MPS/2024/648

Executive Summary



Property:	27 Breese Street, BRUNSWICK
Proposal:	<p>Buildings and works, reduction of the car parking requirement associated with a restaurant and the erection and display of internally illuminated business identification signage.</p> <p>The proposal description has been updated to remove the sale and consumption of liquor, which from 1 July 2025 no longer requires a planning permit.</p>
Zoning and Overlay/s:	<ul style="list-style-type: none">• Commercial 1 Zone (C1Z)• Development Contributions Plan Overlay (DCPO)• Design and Development Overlay – Schedule 18 (DDO18)• Environmental Audit Overlay (EAO)• Parking Overlay – Schedule 1 (PO1)
Objections:	<ul style="list-style-type: none">• Fifteen (15) objections• Key issues are summarised as follows:<ul style="list-style-type: none">- Car parking reduction and traffic congestion- Noise pollution- Patron behaviour and safety- Late night trading hours- Street interface and lighting- Parklet (rear dining area constructed across the Council laneway)- Conflict with the adjoining parkland
Planning Information and Discussion (PID) Meeting:	<p>A Planning Information and Discussion (PID) meeting was held on 3 June 2025 in an online format. Attendee's included Council Officers, three objectors, and Councillor's Iwasaki and Irvin. The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. Prior to the PID meeting, the applicant agreed (in writing) to earlier closing time, removal of the parklet and food truck. This was circulated to all objectors prior to the meeting. While the applicant was agreeable to the above changes being imposed as conditions, should a permit be issued, no agreement was reached between the objectors.</p>

Key reasons for approval:	<ul style="list-style-type: none"> Proposed car parking reduction supported provided adequate bicycle parking is provided. Proposal will not result in unreasonable traffic impacts. Illuminated signs are of a reasonable size. Condition recommendation that the signs be illuminated during business hours only. Condition requiring removal of food truck to minimise amenity impacts.
Recommendation:	<p>Part A: That a Notice of Decision to Grant a Planning Permit be issued.</p> <p>Part B: That Council offer no objection to the granting of a future liquor licence by Liquor Control Victoria subject to conditions.</p>

Officer Recommendation

Part A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/648 be issued for the land at 27 Breese Street, Brunswick.

The Permit would allow:

Buildings and works, reduction of the car parking requirement associated with a restaurant, and the erection and display of internally illuminated business identification signage

Planning Scheme Clause	Matter for which the permit has been granted
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.05-11	Construct and display an internally illuminated business identification sign
52.06-3	Reduce the number of car parking spaces required

The following conditions would apply to the permit:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with advertised plans prepared by 296 Design, advertised on 28 March 2025, but modified to show:
 - a) Deletion of the food truck and all associated elements.
 - b) Deletion of the rear Parklet.
 - c) Any changes as required by the amended Venue and Patron Management Plan in Condition 3.
 - d) The provision of at least fourteen (14) bicycle parking spaces located within the property's frontage of which five (5) must remain as employee spaces provided within the bicycle enclosure.

- e) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
- f) Each bicycle parking space to be dimensioned as 500mm wide, 1800mm long for horizontal spaces and 1200mm long for vertical spaces, with every space accessed from a 1500mm wide access aisle.

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.

Venue and Patron Management Plan

- 3. Prior to the endorsement of plans, an amended Venue and Patron Management Plan must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Venue and Patron Management Plan prepared by Alistair Kennedy dated July 2025, but further modified to show:
 - a) Amended hours of operation between:
 - i. Internal trading (inside the building) – Friday and Saturday 7am until 1am (the next day), and Sunday to Thursday 7am until 11pm.
 - ii. Front onsite outdoor trading – Friday and Saturday until 11pm, and Sunday to Thursday 7am until 9pm.
 - b) Deletion of reference to any other uses other than a food and drink premises.
 - c) Removal of the food truck and all associated elements, and the rear parklet from the plans shown in the Venue and Patron Management Plan.
- 4. The operational arrangement provided within the Venue and Patron Management Plan must be implemented and complied with at any time liquor is being sold or consumed, to the satisfaction of the Responsible Authority.

Noise and Acoustics

- 5. The Acoustic Report prepared by Renzo Tonin and Associates dated 10/02/2025 will be endorsed and form part of this permit. The provisions, recommendations and requirements of the Acoustic Report must remain implemented and complied with unless with the further written approval of the Responsible Authority.

Signage

- 6. The signs must not be animated or contain any flashing or intermittent lights.
- 7. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
- 8. Any externally illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.
- 9. The signs must only be illuminated during the hours of operation of the business.
- 10. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Development Engineering Conditions

11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
12. Lighting must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.

Signage Expiry

13. This permit regarding the signage hereby approved will expire fifteen (15) years from the date of this permit, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.
14. On expiry of the permit the signage and structures built specifically to support and illuminate the signage must be removed.

Preliminary Site Investigation

15. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. 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) 1999, 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 proposed use 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 proposed use.
16. In accordance with condition 15 of this permit and 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.
17. 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.
 18. 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.
 19. 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 16, 17, and 18 are satisfied.
 20. Where an Environmental Audit is required and prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the Environmental Audit Statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
 21. 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.

Expiry

22. 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;

- d) within six months after the permit expires to extend the commencement date.
- e) 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 Victorian Building Authority, 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: 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 5: Proposals for kerbside seating or a parklet are subject to a separate permit for footpath trading from Council's Amenity and Compliance Branch.

Note 6: Environmental Audit Notes

- i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.
- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

Part B

In the event that an application for a restaurant and cafe liquor licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the liquor licence, subject to the inclusion of the following conditions:

Amenity

1. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

Restaurant and Cafe Conditions

2. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit –
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

3. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

4. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Outdoor trading, including the outdoor terrace and ground floor courtyard:

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

5. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.
6. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

Amended Officer Recommendation

(Changes in bold)

Part A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/648 be issued for the land at 27 Breese Street, Brunswick.

The Permit would allow:

Buildings and works, reduction of the car parking requirement associated with **a food and drink premises**, and the erection and display of internally illuminated business identification signage

Planning Scheme Clause	Matter for which the permit has been granted
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.05-11	Construct and display an internally illuminated business identification sign
52.06-3	Reduce the number of car parking spaces required

The following conditions would apply to the permit:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with advertised plans prepared by 296 Design, advertised on 28 March 2025, but modified to show:
 - a) Deletion of the food truck **and associated re-arrangement, without an increase in the number of patrons and the seating capacity.**
 - b) Deletion of the rear Parklet.
 - c) Any changes as required by the amended Venue and Patron Management Plan in Condition 3.
 - d) The provision of at least fourteen (14) bicycle parking spaces located within the property's frontage of which five (5) must remain as employee spaces provided within the bicycle enclosure.
 - e) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - f) Each bicycle parking space to be dimensioned as 500mm wide, 1800mm long for horizontal spaces and 1200mm long for vertical spaces, with every space accessed from a 1500mm wide access aisle.

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.

Venue and Patron Management Plan

3. Prior to the endorsement of plans, an amended Venue and Patron Management Plan must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Venue and Patron Management Plan prepared by Alistair Kennedy dated July 2025, but further modified to show:
 - a) Amended hours of operation between:
 - i. Internal trading (inside the building – Friday and Saturday 7am until 1am (the next day), and Sunday to Thursday 7am until 11pm.
 - ii. Front onsite outdoor trading – Friday and Saturday until 11pm, and Sunday to Thursday 7am until 9pm.
 - b) Deletion of reference to any other uses other than a food and drink premises.
 - c) Removal of the food truck and all associated elements, and the rear parklet from the plans shown in the Venue and Patron Management Plan.
 - d) **To outline the following:**
 - i. **the predominant activity carried out at all times being the preparation and serving of meals for consumption on the premises; and**
 - ii. **table and chairs must be placed in a position on the premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time.**
4. The operational arrangement provided within the Venue and Patron Management Plan must be implemented and complied with at any time liquor is being sold or consumed, to the satisfaction of the Responsible Authority.

Noise and Acoustics

5. The Acoustic Report prepared by Renzo Tonin and Associates dated 10/02/2025 will be endorsed and form part of this permit. The provisions, recommendations and requirements of the Acoustic Report must remain implemented and complied with unless with the further written approval of the Responsible Authority.

Signage

6. The signs must not be animated or contain any flashing or intermittent lights.
7. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
8. Any externally illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.
9. The signs must only be illuminated during the hours of operation of the business.
10. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Development Engineering Conditions

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

12. Lighting must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.

Signage Expiry

13. This permit regarding the signage hereby approved will expire fifteen (15) years from the date of this permit, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.
14. On expiry of the permit the signage and structures built specifically to support and illuminate the signage must be removed.

Preliminary Site Investigation

15. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. 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) 1999, 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 proposed use 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 proposed use.
16. In accordance with condition 15 of this permit and 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.
17. 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.
 18. 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.
 19. 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 16, 17, and 18 are satisfied.
 20. Where an Environmental Audit is required and prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the Environmental Audit Statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
 21. 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.

Expiry

22. 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;

- d) within six months after the permit expires to extend the commencement date.
- e) 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 Victorian Building Authority, 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: 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 5: Proposals for kerbside seating or a parklet are subject to a separate permit for footpath trading from Council's Amenity and Compliance Branch.

Note 6: Environmental Audit Notes

- i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.
- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

Part B

In the event that an application for a Restaurant and Cafe Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the liquor licence, subject to the inclusion of the following conditions:

Amenity

1. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

Restaurant and Cafe Conditions

2. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit:
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

3. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

4. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Outdoor trading, including the outdoor terrace and ground floor courtyard:

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

5. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.
6. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

Part C

In the event that an application for a General Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the General Liquor Licence, subject to the inclusion of the following conditions:

Off-premise liquor sale

1. **The sale of packaged liquor must only occur between 9am and 11pm between Monday and Saturday, and 10am and 11pm on Sunday.**

Amenity

2. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

General Licence Conditions

3. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit:
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

4. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

5. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Outdoor trading, including the outdoor terrace and ground floor courtyard:

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

6. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.
7. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

7.01 pm Cr Miles left the meeting.

7.02 pm Cr Miles returned to the meeting.

Motion

Cr Irvin moved, Cr Pulford seconded -

(Changes in **bold**)

Part A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/648 be issued for the land at 27 Breese Street, Brunswick.

The Permit would allow:

Buildings and works, reduction of the car parking requirement associated with a food and drink premises, and the erection and display of internally illuminated business identification signage

Planning Scheme Clause	Matter for which the permit has been granted
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.05-11	Construct and display an internally illuminated business identification sign
52.06-3	Reduce the number of car parking spaces required

The following conditions would apply to the permit:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with advertised plans prepared by 296 Design, advertised on 28 March 2025, but modified to show:
 - a) Deletion of the food truck and associated re-arrangement without an increase in the number of patrons and the seating capacity.
 - b) A dedicated smoking area, which must comply with setbacks and/or barrier requirements of the Tobacco Act 1987. The smoking area should be minimised in size to ensure that the predominant activity in the front setback remains as outdoor dining.**
 - c) Deletion of the rear Parklet.
 - d) Any changes as required by the amended Venue and Patron Management Plan in Condition 3.
 - e) The provision of at least fourteen (14) bicycle parking spaces located within the property's frontage of which five (5) must remain as employee spaces provided within the bicycle enclosure.
 - f) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - g) Each bicycle parking space to be dimensioned as 500mm wide, 1800mm long for horizontal spaces and 1200mm long for vertical spaces, with every space accessed from a 1500mm wide access aisle.

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.

Venue and Patron Management Plan

3. Prior to the endorsement of plans, an amended Venue and Patron Management Plan must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Venue and Patron Management Plan prepared by Alistair Kennedy dated July 2025, but further modified to show:
 - a) Amended hours of operation between:
 - iii. Internal trading **& external designated smoking area**– Friday and Saturday 7am until 1am (the next day), and Sunday to Thursday 7am until 11pm.
 - iv. Front onsite outdoor trading (**excluding the designated smoking area**)– Friday and Saturday until 11pm, and Sunday to Thursday 7am until 9pm.
 - b) Deletion of reference to any other uses other than a food and drink premises.
 - c) Removal of the food truck and all associated elements, and the rear parklet from the plans shown in the Venue and Patron Management Plan.
 - d) To outline the following:
 - i. the predominant activity carried out at all times being the preparation and serving of meals for consumption on the premises; and
 - ii. table and chairs must be placed in a position on the premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time.
 - e) **The external roller door on the rear (western) façade of the building must be closed no later than 8pm Sunday to Thursday and 10pm on Friday and Saturday.**
 - f) **Management practices for smokers which:**
 - i. **Is in accordance with the Tobacco Act 1987;**
 - ii. **Discourages patrons smoking on street or in the nearby park land;**
 - iii. **Include limitations on the number of smokers; and**
 - iv. **Resolves how the smoker area operates, including the exclusion of the consumption of alcohol in the designated smoking area.**
4. The operational arrangement provided within the Venue and Patron Management Plan must be implemented and complied with at any time liquor is being sold or consumed, to the satisfaction of the Responsible Authority.

Noise and Acoustics

5. The Acoustic Report prepared by Renzo Tonin and Associates dated 10/02/2025 will be endorsed and form part of this permit. The provisions, recommendations and requirements of the Acoustic Report must remain implemented and complied with unless with the further written approval of the Responsible Authority.

Signage

6. The signs must not be animated or contain any flashing or intermittent lights.

7. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
8. Any externally illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.
9. The signs must only be illuminated during the hours of operation of the business.
10. The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Development Engineering Conditions

11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).
12. Lighting must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.

Signage Expiry

13. This permit regarding the signage hereby approved will expire fifteen (15) years from the date of this permit, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.
14. On expiry of the permit the signage and structures built specifically to support and illuminate the signage must be removed.

Preliminary Site Investigation

15. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. 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) 1999, 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 proposed use 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 proposed use.
- 16. In accordance with condition 15 of this permit and 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.
- 17. 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.
- 18. 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.
- 19. 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 16, 17, and 18 are satisfied.
- 20. Where an Environmental Audit is required and prior to commencement of the use, the issue of an Occupancy Permit under the Building Act 1993 or the issue of a Statement of Compliance under the Subdivision Act 1988 (whichever occurs first), written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the Environment Protection Act 2017, including confirming that any requirements in the Environmental Audit Statement recommendations regarding

verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.

21. 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.

Expiry

22. 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;

- d) within six months after the permit expires to extend the commencement date.
- e) 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 Victorian Building Authority, 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: 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 5: Proposals for kerbside seating or a parklet are subject to a separate permit for footpath trading from Council's Amenity and Compliance Branch.

Note 6: Environmental Audit Notes

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

- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.

Part B

In the event that an application for a Restaurant and Cafe Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the liquor licence, subject to the inclusion of the following conditions:

Amenity

1. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

Restaurant and Cafe Conditions

2. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit –
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

3. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

4. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading & Designated Outdoor Smoking Area:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Front onsite outdoor trading area (excluding the Designated Smoking Area):

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

5. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.

6. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

Part C

In the event that an application for a General Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the General Liquor Licence, subject to the inclusion of the following conditions:

Off-premise liquor sale

1. The sale of packaged liquor must only occur between 9am and 11pm between Monday and Saturday, and 10am and 11pm on Sunday.

Amenity

2. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

General Licence Conditions

3. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit –
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

4. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

5. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading & Designated Outdoor Smoking Area:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Front onsite outdoor trading area (excluding the Designated Smoking Area):

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

6. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.

7. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

7.14 pm Cr Theodosis left the meeting during debate.

7.15 pm Cr Theodosis returned to the meeting during debate.

Amendment

Cr Abboud moved –

That condition 3e) of Part A be amended as follows:

The external roller door on the rear (western) façade of the building must be closed at all times no later than 8pm Sunday to Thursday and 10pm on Friday and Saturday.

Meeting Adjournment

The Mayor adjourned the meeting for 7 minutes at 7.19 pm to allow Councillors and officers to consider the planning permit implications of amending condition 3e of Part A.

Meeting Resumption

Resolution

Cr Abboud moved, Cr Bolton seconded -

That the Council meeting resume.

Carried

The meeting resumed at 7.28 pm with all Councillors present.

Debate resumed on the Motion.

Cr Abboud's Amendment was acceptable to the mover and seconder and became part of the substantive motion.

Resolution

Cr Irvin moved, Cr Pulford seconded -

Part A:

That a Notice of Decision to Grant a Planning Permit No. MPS/2024/648 be issued for the land at 27 Breese Street, Brunswick.

The Permit would allow:

Buildings and works, reduction of the car parking requirement associated with a food and drink premises, and the erection and display of internally illuminated business identification signage

Planning Scheme Clause	Matter for which the permit has been granted
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.05-11	Construct and display an internally illuminated business identification sign
52.06-3	Reduce the number of car parking spaces required

The following conditions would apply to the permit:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with advertised plans prepared by 296 Design, advertised on 28 March 2025, but modified to show:
 - a) Deletion of the food truck and associated re-arrangement without an increase in the number of patrons and the seating capacity.
 - b) A dedicated smoking area, which must comply with setbacks and/or barrier requirements of the *Tobacco Act 1987*. The smoking area should be minimised in size to ensure that the predominant activity in the front setback remains as outdoor dining.
 - c) Deletion of the rear Parklet.
 - d) Any changes as required by the amended Venue and Patron Management Plan in Condition 3.
 - e) The provision of at least fourteen (14) bicycle parking spaces located within the property's frontage of which five (5) must remain as employee spaces provided within the bicycle enclosure.
 - f) At least 20 per cent of the bicycle parking devices designed to provide ground level horizontal (ie 1800mm long) bike parking devices in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
 - g) Each bicycle parking space to be dimensioned as 500mm wide, 1800mm long for horizontal spaces and 1200mm long for vertical spaces, with every space accessed from a 1500mm wide access aisle.

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.

Venue and Patron Management Plan

3. Prior to the endorsement of plans, an amended Venue and Patron Management Plan must be submitted to and endorsed to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the Venue and Patron Management Plan prepared by Alistair Kennedy dated July 2025, but further modified to show:
 - a) Amended hours of operation between:
 - i. Internal trading & external designated smoking area– Friday and Saturday 7am until 1am (the next day), and Sunday to Thursday 7am until 11pm.
 - ii. Front onsite outdoor trading (excluding the designated smoking area)– Friday and Saturday until 11pm, and Sunday to Thursday 7am until 9pm.
 - b) Deletion of reference to any other uses other than a food and drink premises.

- c) **Removal of the food truck and all associated elements, and the rear parklet from the plans shown in the Venue and Patron Management Plan.**
- d) **To outline the following:**
 - i. **the predominant activity carried out at all times being the preparation and serving of meals for consumption on the premises; and**
 - ii. **table and chairs must be placed in a position on the premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time.**
- e) **The external roller door on the rear (western) façade of the building must be closed at all times.**
- f) **Management practices for smokers which:**
 - i. **Is in accordance with the Tobacco Act 1987;**
 - ii. **Discourages patrons smoking on street or in the nearby park land;**
 - iii. **Include limitations on the number of smokers; and**
 - iv. **Resolves how the smoker area operates, including the exclusion of the consumption of alcohol in the designated smoking area.**
- 4. **The operational arrangement provided within the Venue and Patron Management Plan must be implemented and complied with at any time liquor is being sold or consumed, to the satisfaction of the Responsible Authority.**

Noise and Acoustics

- 5. **The Acoustic Report prepared by Renzo Tonin and Associates dated 10/02/2025 will be endorsed and form part of this permit. The provisions, recommendations and requirements of the Acoustic Report must remain implemented and complied with unless with the further written approval of the Responsible Authority.**

Signage

- 6. **The signs must not be animated or contain any flashing or intermittent lights.**
- 7. **Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.**
- 8. **Any externally illuminated sign must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse amenity impact on any adjoining property.**
- 9. **The signs must only be illuminated during the hours of operation of the business.**
- 10. **The location, dimensions, shape and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.**

Development Engineering Conditions

- 11. **Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, any existing vehicle crossing not to be used in this use or development must be removed and the kerb and channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority (Merri-bek City Council, City Infrastructure Department).**
- 12. **Lighting must be designed to not emit light directly onto adjoining property to the satisfaction of the Responsible Authority.**

Signage Expiry

- 13. This permit regarding the signage hereby approved will expire fifteen (15) years from the date of this permit, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.**
- 14. On expiry of the permit the signage and structures built specifically to support and illuminate the signage must be removed.**

Preliminary Site Investigation

- 15. Before the construction or carrying out of buildings and works, or where no buildings and works are proposed, prior to the commencement of the permitted use, a Preliminary Site Investigation must be submitted to and be to the satisfaction of the Responsible Authority. The Responsible Authority may require the applicant to pay the cost of an independent review of the Preliminary Site Investigation by a suitably qualified environmental professional. The Preliminary Site Investigation is to be conducted by a competent professional practitioner with relevant experience in the field. 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) 1999, 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 proposed use 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 proposed use.**
- 16. In accordance with condition 15 of this permit and 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.
17. 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.
 18. 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.
 19. 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 16, 17, and 18 are satisfied.
 20. Where an Environmental Audit is required and prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the Environmental Audit Statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the Environmental Audit Statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the Responsible Authority.
 21. 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.

Expiry

22. 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;

- d) within six months after the permit expires to extend the commencement date.**
- e) 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 Victorian Building Authority, 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: 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 5: Proposals for kerbside seating or a parklet are subject to a separate permit for footpath trading from Council's Amenity and Compliance Branch.

Note 6: Environmental Audit Notes

- i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in section 210 of the *Environment Protection Act 2017*.**
- ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.**
- iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to section 32 of the *Sale of Land Act***

1962, a copy of the Environmental Statement including a copy of any cover letter.

Part B

In the event that an application for a Restaurant and Cafe Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the liquor licence, subject to the inclusion of the following conditions:

Amenity

1. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

Restaurant and Cafe Conditions

2. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit –
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

3. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

4. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading & Designated Outdoor Smoking Area:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Front onsite outdoor trading area (excluding the Designated Smoking Area):

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

5. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.
6. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

Part C

In the event that an application for a General Liquor Licence is referred to Council by Liquor Control Victoria, in accordance with Section 40 of the *Liquor Control Reform Act 1998*, Council resolves that it does not object to the issue of the General Liquor Licence, subject to the inclusion of the following conditions:

Off-premise liquor sale

1. The sale of packaged liquor must only occur between 9am and 11pm between Monday and Saturday, and 10am and 11pm on Sunday.

Amenity

2. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

General Licence Conditions

3. This licence is subject to the following conditions:
 - a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
 - b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - c) the licensee must not permit –
 - i. the live performance of any musical works; or
 - ii. the playing of any recorded musical works - on the premises at higher than background music level at any time outside ordinary trading hours.

Maximum Capacities

4. No more than two hundred and fifty-five (255) patrons are permitted within the property at any time liquor is being sold or consumed.

Trading Hours

5. The use of the land for the sale and consumption of liquor must only occur between the hours of:

Indoor trading & Designated Outdoor Smoking Area:

- a) Monday to Thursday, and Sunday – 7am to 11pm (the same day).
- b) Friday and Saturday – 7am to 1am (the following day).

Front onsite outdoor trading area (excluding the Designated Smoking Area):

- c) Monday to Thursday, and Sunday – 7am to 9pm (the same day).
- d) Friday and Saturday – 7am to 11pm (the same day).

Special Conditions

6. The operational arrangement provided within the Venue and Patron Management Plan, as prepared by Alistair Kennedy dated July 2025 (or any later iteration) must be implemented and complied with at any time liquor is being sold or consumed.

7. The provisions, recommendations and requirements of the Acoustic Report, prepared by Renzo Tonin and Associates dated 10/02/2025, must be implemented and complied with at any time liquor is being sold or consumed.

Carried

URGENT BUSINESS

Nil.

The Council meeting closed at 7.35 pm.

Confirmed

Cr Helen Davidson
MAYOR