



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 26 February 2025

TABLE OF CONTENTS

APOLOGIES/LEAVE OF ABSENCE	3
DISCLOSURES OF CONFLICTS OF INTEREST	3
MINUTE CONFIRMATION	3
COUNCIL REPORTS	
5.1 CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER	4
5.2 342-348 VICTORIA STREET, BRUNSWICK - MINISTERIAL APPLICATION - PPE/2024/461	5
URGENT BUSINESS	24

The Mayor opened the meeting at 6.32 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	6.32 pm	6.54 pm
Cr Helen Politis, Deputy Mayor	6.32 pm	6.54 pm
Cr Nat Abboud	6.32 pm	6.54 pm
Cr Sue Bolton	6.35 pm	6.54 pm
Cr Liz Irvin	6.32 pm	6.54 pm
Cr Jay Iwasaki	6.32 pm	6.54 pm
Cr Chris Miles	6.32 pm	6.54 pm
Cr Adam Pulford	6.32 pm	6.54 pm
Cr Ella Svensson	6.32 pm	6.54 pm
Cr Katherine Theodosis	6.32 pm	6.54 pm
Cr Oscar Yildiz JP	6.32 pm	6.54 pm

OFFICERS

Director Place and Environment – Pene Winslade
 Group Manager City Development – Phil Priest
 Unit Manager Urban Planning – Mark Hughes
 Planning Coordinator – Vita Galante
 Senior Urban Planner – Houston Watt
 Unit Manager Governance – Troy Delia
 Team Leader Governance – Naomi Ellis

APOLOGIES/LEAVE OF ABSENCE

Nil.

DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

MINUTE CONFIRMATION

Resolution

Cr Yildiz moved, Cr Irvin seconded -

The minutes of the Planning and Related Matters Meeting held on 29 January 2025 be confirmed.

Carried

COUNCIL REPORTS

5.1 CITY DEVELOPMENT ACTIVITY REPORT - DECEMBER QUARTER

Executive Summary

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

The 1,110 applications received in 2024 was a slight increase of 3.5 per cent on 2023, although notably lower when compared the 2021 calendar year when 1,383 applications were received. The caseload of planning applications awaiting determination continues to be at an ideal level to enable timely decision-making and great customer service.

The focus for the Urban Planning Unit is to influence better quality planning and building design outcomes in Merri-bek, while maintaining the timeliness of planning permit decisions. The December quarter saw the continuation of decision-making above the current State average of 68 per cent, with 76 per cent of decisions being made within the 60 statutory days at Merri-bek. Pleasingly, Vic Smart timeframes, for minor matters, also remain above the State average of 82 per cent, with 92 per cent of decisions made within 10 statutory days at Merri-bek.

Victorian Civil and Administrative Tribunal (VCAT) activity remains at a lower level when compared to the pre-pandemic case numbers. Council continues to have good success at VCAT. When decisions including consent orders are included, Council won or its concerns were addressed, with agreement reached by revised plans, in 94 per cent of cases in 2024 calendar year.

The Planning Enforcement Unit has had a productive final quarter of the 2024 calendar year. The overall performance of the reactive enforcement service continued to improve this year, with 86 per cent of cases received, being closed in the December quarter. The proactive enforcement program is on target for this second quarter in terms of the number of developments audited in 2024/2025. The team have also been successful in closing out a high proportion of cases (67 per cent) without the need to escalate to formal enforcement actions.

Officer Recommendation

That Council notes the City Development Activity Report – December Quarter 2024

Resolution

Cr Miles moved, Cr Irvin seconded -

That Council notes the City Development Activity Report – December Quarter 2024.

Carried

5.2 342-348 VICTORIA STREET, BRUNSWICK - MINISTERIAL APPLICATION - PPE/2024/461



Property:	342-348 Victoria Street, BRUNSWICK		
Proposal:	Development of the land for four multi storey mixed use buildings, partial demolition, buildings and works in a Heritage Overlay, a reduction in the statutory car parking requirement and the use of land for dwellings.		
Zoning and Overlays:	<ul style="list-style-type: none"> Commercial 1 Zone (C1Z) Design and Development Overlay Schedule 18 (DDO18) Parking Overlay 1 (PO1) Development Contributions Plan Overlay (DCPO) Heritage Overlay – Schedule 183 (HO183) Heritage Overlay – Schedule 239 (HO239) Environmental Audit Overlay (EAO) 		
Strategic setting:	Minimal change	Incremental change	Significant change
	MILS #62 – Employment Priority Area		
ESD:	<ul style="list-style-type: none"> Minimum average NatHERS rating of 7.5 stars. 70 per cent BESS score All electric development 51.6kWp of solar panels 		
Accessibility:	<ul style="list-style-type: none"> Adaptable apartments comprise 56 per cent of the proposal 		
Key reasons for support:	<ul style="list-style-type: none"> The proposal is largely consistent with a prior development approval. The proposal can be modified to resolve key concerns, through: <ul style="list-style-type: none"> Additional commercial floor space Alternative stormwater treatment that meets best practice. 		
Recommendation:	Council's submission to the Minister for Planning be to support the development, subject to permit conditions to address the above concerns.		

Officer Recommendation

That Council's submission to the Department of Transport and Planning (DTP) be that a planning permit should be issued for the land at 342-348 Victoria Street, Brunswick, subject to the following conditions:

The Permit would allow:

Development of the land for four multi storey mixed use buildings, partial demolition, buildings and works in a Heritage Overlay, a reduction in the statutory car parking requirement and the use of land for dwellings.

Planning Scheme Clause	Matter for which a permit is required
34.01-1	Use land for a section 2 use (dwellings)
34.01-4	Construct a building or construct or carry out works
43.01-1	To demolish or remove a building
43.01-1	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces required

The following conditions to form part of the recommendation:**Amended Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans prepared by Fieldwork referenced as Revision Q, all dated 21 November 2024, but modified to include:
 - a) Commercial floorspace of a minimum of 1,000 square metres on level one of Building 1;
 - b) The balcony edge of Apartments 1.2.11, 1.2.12, 1.2.13, 1.3.11, 1.3.12, 1.3.13, 1.4.09, 1.4.10 and 1.4.11 setback 1.61 metres from the west boundary, to increase balcony size;
 - c) The external material of the balcony of Apartments 1.2.11, 1.2.12, 1.2.13, 1.3.11, 1.3.12, 1.3.13, 1.4.09, 1.4.10 and 1.4.11 changed to red concrete finish, to distinguish the exterior from the levels above and create a stronger appearance of a podium;
 - d) Deletion of material CF09 along the east elevation of Building 3 at levels one to four and the balcony of level five, and replacement with an alternative material that distinguishes the exterior from the levels above;
 - e) Any modifications to align with the landscape plan required by Condition 3 of this permit;
 - f) Any modification to align with the Tree Protection Management Plan as required by Condition 6 of this permit;
 - g) Any modifications to align with the Environmentally Sustainable Design changes as required by Condition 7 of this permit;
 - h) Any modification to align with the Public Works Plan as required by Condition 11 of this permit;
 - i) Any modification to align with the Acoustic Report as required by Condition 15 of this permit; and
 - j) Any modification to align with the Waste Management Plan as required by Condition 18 of this permit.

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.

Landscaping

3. Prior to the endorsement of plans, a detailed landscape plan must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the landscape design proposal prepared by Mala dated August 2024 but modified to include:
 - a) Any changes required to align with the plans for endorsement.When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.
4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Merri-bek City Council.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Merri-bek City Council.

Tree Protection

6. Prior to the endorsement of plans, the Tree Protection Management Plan prepared by Tree Department dated 22 September 2024 must be endorsed to form part of this permit. The recommendations of the endorsed Tree Protection Management Plan must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.

Environmentally Sustainable Design (ESD)

7. Prior to the endorsement of plans, a Sustainable Management Plan must be submitted to and approved to the satisfaction by the Responsible Authority, in consultation with Merri-bek City Council. The Sustainable Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP drafted by HIP V. HYPE dated 24 October 2024, but modified to include the following changes:
 - a) Provide a revised Water Sensitive Urban Design strategy that:
 - i. Does not rely on proprietary stormwater treatment systems to meet best practice stormwater targets
 - b) Provide an updated Daylight Analysis that:
 - i. Meets Council's Best Practice Standards for internal reflectance values, as described in the Sustainable Design Assessment in the Planning Process Factsheets for Indoor Environment Quality
 - ii. Meets minimum daylight compliance for the Built Environment Sustainability Score Indoor Environment Quality Credit

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

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit.

8. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of Merri-bek City Council. No alterations to the SMP may occur without the prior written consent of the Responsible Authority.
9. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan.

Heritage Conservation Plan

10. Prior to the endorsement of plans, the Schedule of Conservation Works plans prepared by Lovell Chen dated 16 November 2023 must be endorsed to form part of this permit. The recommendations of the endorsed schedule must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority, in consultation with Merri-bek City Council. The conservation works detailed in the endorsed schedule of works for 13 and 15 Rosser Street, must be carried out concurrently or in advance of other works.

Public Works Plan

11. Prior to the endorsement of plans a Public Works Plan and associated construction drawing specifications must be submitted to the Merri-bek City Council. The Plan must be to the satisfaction of Merri-bek City Council, Transport for Victoria and VicTrack and must detail all public realm improvements within the following areas:
 - a) The Upfield Bike Path. The plan for this area must detail:
 - i. A pedestrian and cyclist connection between the Upfield Bike Path and the subject site.
 - b) Wilkinson Street. The plan for this area must detail:
 - i. The making good of the footpaths adjacent to the site.
 - ii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).
 - iii. Installation of bollards where Wilkinson Street meets the Upfield Bike Path to prevent vehicles from using VicTrack land to turn around.
 - c) Rosser Street. The plan for this area must detail:
 - i. The provision of at least seven street trees on the west side of Rosser Street, with location and species selected in consultation with Council's Open Space Unit.
 - ii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).
 - d) Victoria Street. The plan for this area must detail:
 - i. Relocation of the bus stop (including construction of a safe seating area within the development) in accordance with Transport for Victoria's requirements and compliant with Disability Standards for Accessible Public Transport 2002;
 - ii. The existing crossover removed and the kerb and channel, footpath reinstated to Council's standards using construction plans approved by Merri-bek City Council, City Infrastructure Department.

- iii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).

Once approved, the Public Works Plan will be endorsed to form part of the planning permit.

All construction details of the public works plan must be in accordance with the *Merri-bek City Council Technical Notes July 2019* (or any updated version) and show the location of all above ground public infrastructure and show all below ground public infrastructure as identified by the 'dial before you dig' service and confirmed through ground radar and test holes. The public works plan may be designed to minimise relocation or modification of such infrastructure.

Where, during the course of construction of the endorsed public works, additional underground public infrastructure not identified by the 'dial before you dig' service is found, the owner may redesign the Public Works Plan to the satisfaction of the Responsible Authority to avoid relocation or modification of such infrastructure. In the further event that a redesign is not possible without such relocation or modification, the Public Works Plan shall be modified to the satisfaction of the Responsible Authority to take into account the continued presence of such infrastructure.

12. Prior to the occupation of the development, all public works shown on the endorsed public works plan must be implemented to a standard satisfactory to Merri-bek City Council. All public realm works shown on the endorsed public works plan must be constructed under the supervision of Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of Merri-bek City Council. The owner may discharge its obligations under this condition by providing to Merri-bek City Council a bond on terms and conditions satisfactory to Merri-bek City Council.

Wind Impact Statement

13. Prior to the endorsement of plans, The Wind Impact Assessment (WIA) prepared by Vipac dated 24 October 2024 must be endorsed to form part of this permit. The recommendations of the endorsed WIA must be implemented to the satisfaction of the Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority.
14. The Wind Impact Assessment approved under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.

Acoustic Report

15. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Acoustic Logic dated 18 October 2024 but must be modified to:

- a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit.

16. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of Merri-bek City Council. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.

17. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to Merri-bek City Council. The report must be to the satisfaction of Merri-bek City Council and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Waste Management Plan

18. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Traffix Group Pty Ltd dated 22 November 2024 but must be modified to:

- a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit

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

Accessibility Report

20. Prior to the endorsement of plans, the Accessibility Report prepared by Bernie Clifford Before Compliance dated 2 August 2024 must be endorsed to form part of this permit. The recommendations of the endorsed report must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority.
21. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Access Plan have been implemented in accordance with the approved Report.

Section 173 Agreement – Public Access

22. Within six months of the issuing of the Planning Permit, or at another time as agreed to in writing by the Responsible Authority, an agreement under Section 173 of the *Planning and Environment Act 1987* must be entered into between the Owners of the land and Merri-bek City Council in a form satisfactory to Merri-bek City Council providing for:
 - a) Unrestricted public pedestrian and bicycle access within all areas of the site shown as publicly accessible on the endorsed public areas plan, for 24 hours a day (364 days a year), commencing at the time of commencement of the use.
 - b) The owners of the land to indemnify the Merri-bek City Council against any claims associated with the use of the publicly accessible areas and to accept liability and responsibility for the on-going maintenance of the publicly accessible areas in perpetuity.

Once the Section 173 Agreement has been prepared to the satisfaction of Merri-bek City Council, prior to the development commencing, or at another time as agreed to in writing by the Responsible Authority, the owner must:

- i. do all things necessary to enable Merri-bek City Council to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and

- ii. Pay Merri-bek City Council its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Section 173 Agreement – Daylight Access

23. Prior to the occupation of the development hereby permitted or the issue of separate titles on the land whichever comes first, an agreement under Section 173 of the Planning and Environment Act, 1987 must be entered into between the owner/s of lots that share a boundary with the land at 28 Wilkinson Street and VicTrack land (whether or not a building is constructed on the lot boundary) and Merri-bek City Council in a form satisfactory to Merri-bek City Council providing for:

- a) the owner/s acknowledge and agree there is no entitlement to daylight access and outlook over 28 Wilkinson Street, Brunswick and/or the VicTrack land and have no objection to any wall constructed on the common boundary;

Once the Section 173 Agreement has been prepared to the satisfaction of Merri-bek City Council prior to the occupation of the development, the owner must:

- i. do all things necessary to enable Merri-bek City Council to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- ii. pay to Merri-bek City Council its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Retention of Architects

24. The owner of the land must retain Fieldwork Architects or other registered architect to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority.

Engineering Matters

25. Prior to the issue of an Occupancy Permit 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 Merri-bek City Council (City Infrastructure Department).
26. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of Merri-bek City Council and the relevant service authority.
27. Prior to the occupation of the development the bicycle parking racks must be installed in a secure manner that accords with the specifications in Australian Standard for Bicycle Parking (AS2890.3), to the satisfaction of Merri-bek City Council.
28. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of Merri-bek City Council (Note: Please contact Merri-bek City Council, City Infrastructure Department).
29. Prior to the issue of an Occupancy Permit all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of Merri-bek City Council.

Car Parking Management Plan

30. Prior to the endorsement of plans, an amended Car Parking Management Plan (CPMP) must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Traffix Group Pty Ltd dated 22 November 2024 but must be modified to:
 - a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.
31. The Car Parking Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.

Car Share

32. At all times, the four car spaces within the car park are to be reserved for carshare operation at no charge to the carshare operator to use them and:
 - a) These spaces must be available to all members of the carshare scheme 24 hours, 7 days per week, with safe, well-lit pedestrian access;
 - b) Prior to occupancy of the development, these spaces must be contracted to an operator (a car-share provider that has been approved by Merri-bek City Council) with evidence of agreement submitted to Council;
 - c) The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability insurance;
 - d) The carshare must be in place and operating within 4 weeks of issue of the Occupation Certificate for the first stage of the development as determined by the Staging Plan; and
 - e) The carshare operator must report utilisation of the space(s) to Merri-bek Council every twelve months

Affordable Housing

33. Prior to the occupation of the development, a Management Plan requiring 60 per cent of the dwellings to be in the form of the Assemble Futures alternative housing model, or some other affordable housing that is to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council, must be submitted to, approved, and endorsed by the Responsible Authority. When endorsed, the plan will form part of the permit. The plan must:
 - a) Provide for regular reporting to the Merri-bek City Council for the relevant 60 per cent of dwellings at (for example) years 1, 3 and 5.
 - b) Detail the parameters of rental rate and purchase price (including any associated annual increases in either) during a 5-year lease and purchase arrangement, to be agreed between the prospective tenant/owner and the owner of the land at the point of sale, including:
 - i. Ensuring the annual cost of the rent, until the point of sale, does not exceed 30 per cent of the gross household income for moderate income households at time of occupation.
 - ii. Ensuring the cost of future mortgage repayments (principal and interest) does not exceed 35 per cent of the gross household income for moderate income households at the time of sale.
34. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with Merri-bek City Council and register the agreement on the title for the land in accordance with Section 181 of

the *Planning and Environment Act 1987*, to provide for the following:

- a) At least 60 per cent of the dwellings must comply with the meaning of 'affordable housing' and must be affordable to households with a 'moderate income range'. Moderate income is defined as being not greater than 120 per cent of the median income for the ABS geographic area in which the land is located.
- b) All dwellings on site must be delivered, managed, leased and sold in accordance with the approved 'Management Plan for Alternative Housing Model' required by Condition 33 of the permit; and
- c) This restriction, as it applies to each individual dwelling, will expire at the first sale of each individual dwelling.
- d) The agreement must otherwise be in a form to the satisfaction of the Responsible Authority. The owner of the land must pay all of Merri-bek City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

Environmental Audit

- 35. 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 Merri-bek City Council.

Residential reticulated gas service connection

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

3D Model

- 37. Prior to the endorsement of plans, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Merri-bek City Council. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.vic.gov.au/building-and-business/planning-and-building/planning/virtual-merri-bek/#autoAnchor1>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of Merri-bek City Council.

Cancellation of existing permit

- 38. Within six months of the issuing of the permit, an application must be lodged with the Victorian Civil and Administrative Tribunal to cancel Planning Permit MPS/2017/745/E associated with the subject site. Copies of all relevant application documents and decisions associated with the cancellation must be provided to the Merri-bek City Council within 7 days of receipt.

Permit Expiry

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

- a) the development is not commenced within four (4) years from the date of issue of this permit;
- b) the development is not completed within eight (8) years from the date of issue of this permit;
- c) the use is not commenced within eight (8) years from the date of issue of this permit.

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

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

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

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking.

Resolution

Cr Iwasaki moved, Cr Bolton seconded -

That Council's submission to the Department of Transport and Planning (DTP) be that a planning permit should be issued for the land at 342-348 Victoria Street, Brunswick, subject to the following conditions:

The Permit would allow:

Development of the land for four multi storey mixed use buildings, partial demolition, buildings and works in a Heritage Overlay, a reduction in the statutory car parking requirement and the use of land for dwellings.

Planning Scheme Clause	Matter for which a permit is required
34.01-1	Use land for a section 2 use (dwellings)
34.01-4	Construct a building or construct or carry out works
43.01-1	To demolish or remove a building
43.01-1	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works
52.06-3	Reduce the number of car parking spaces required

The following conditions to form part of the recommendation:

Amended Plans

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the application plans prepared by Fieldwork referenced as Revision Q, all dated 21 November 2024, but modified to include:**
 - a) **Commercial floorspace of a minimum of 1,000 square metres on level one of Building 1;**

- b) The balcony edge of Apartments 1.2.11, 1.2.12, 1.2.13, 1.3.11, 1.3.12, 1.3.13, 1.4.09, 1.4.10 and 1.4.11 setback 1.61 metres from the west boundary, to increase balcony size;
- c) The external material of the balcony of Apartments 1.2.11, 1.2.12, 1.2.13, 1.3.11, 1.3.12, 1.3.13, 1.4.09, 1.4.10 and 1.4.11 changed to red concrete finish, to distinguish the exterior from the levels above and create a stronger appearance of a podium;
- d) Deletion of material CF09 along the east elevation of Building 3 at levels one to four and the balcony of level five, and replacement with an alternative material that distinguishes the exterior from the levels above;
- e) Any modifications to align with the landscape plan required by Condition 3 of this permit;
- f) Any modification to align with the Tree Protection Management Plan as required by Condition 6 of this permit;
- g) Any modifications to align with the Environmentally Sustainable Design changes as required by Condition 7 of this permit;
- h) Any modification to align with the Public Works Plan as required by Condition 11 of this permit;
- i) Any modification to align with the Acoustic Report as required by Condition 15 of this permit; and
- j) Any modification to align with the Waste Management Plan as required by Condition 18 of this permit.

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.

Landscaping

3. Prior to the endorsement of plans, a detailed landscape plan must be submitted to and approved by the Responsible Authority, in consultation with Merri-bek City Council. The landscape plan must be generally in accordance with the landscape design proposal prepared by Mala dated August 2024 but modified to include:
 - a) Any changes required to align with the plans for endorsement.

When submitted and approved to the satisfaction of the Responsible Authority, the landscape plan will be endorsed to form part of this permit. No alterations to the plan may occur without the written consent of the Responsible Authority.
4. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all landscaping works, including installation of automatic irrigation, must be completed in accordance with the endorsed landscape plan to the satisfaction of the Merri-bek City Council.
5. All landscaping and irrigation systems must be maintained to the satisfaction of the Responsible Authority in accordance with the endorsed landscape plans. Any dead, diseased or damaged plants must be replaced with a suitable species to the satisfaction of the Merri-bek City Council.

Tree Protection

- 6. Prior to the endorsement of plans, the Tree Protection Management Plan prepared by Tree Department dated 22 September 2024 must be endorsed to form part of this permit. The recommendations of the endorsed Tree Protection Management Plan must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority, in consultation with Merri-bek City Council.**

Environmentally Sustainable Design (ESD)

- 7. Prior to the endorsement of plans, a Sustainable Management Plan must be submitted to and approved to the satisfaction by the Responsible Authority, in consultation with Merri-bek City Council. The Sustainable Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP drafted by HIP V. HYPE dated 24 October 2024, but modified to include the following changes:**

- a) Provide a revised Water Sensitive Urban Design strategy that:**
 - i. Does not rely on proprietary stormwater treatment systems to meet best practice stormwater targets**
- b) Provide an updated Daylight Analysis that:**
 - i. Meets Council's Best Practice Standards for internal reflectance values, as described in the Sustainable Design Assessment in the Planning Process Factsheets for Indoor Environment Quality**
 - ii. Meets minimum daylight compliance for the Built Environment Sustainability Score Indoor Environment Quality Credit**

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

When submitted and approved to the satisfaction of the Responsible Authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit.

- 8. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of Merri-bek City Council. No alterations to the SMP may occur without the prior written consent of the Responsible Authority.**
- 9. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan.**

Heritage Conservation Plan

- 10. Prior to the endorsement of plans, the Schedule of Conservation Works plans prepared by Lovell Chen dated 16 November 2023 must be endorsed to form part of this permit. The recommendations of the endorsed schedule must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority, in consultation with Merri-bek City Council. The conservation works detailed in the endorsed schedule of works for 13 and 15 Rosser Street, must be carried out concurrently or in advance of other works.**

Public Works Plan

- 11. Prior to the endorsement of plans a Public Works Plan and associated construction drawing specifications must be submitted to the Merri-bek City Council. The Plan must be to the satisfaction of Merri-bek City Council, Transport for Victoria and VicTrack and must detail all public realm improvements within the following areas:**
- a) The Upfield Bike Path. The plan for this area must detail:**
 - i. A pedestrian and cyclist connection between the Upfield Bike Path and the subject site.**
 - b) Wilkinson Street. The plan for this area must detail:**
 - i. The making good of the footpaths adjacent to the site.**
 - ii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).**
 - iii. Installation of bollards where Wilkinson Street meets the Upfield Bike Path to prevent vehicles from using VicTrack land to turn around.**
 - c) Rosser Street. The plan for this area must detail:**
 - i. The provision of at least seven street trees on the west side of Rosser Street, with location and species selected in consultation with Council's Open Space Unit.**
 - ii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).**
 - d) Victoria Street. The plan for this area must detail:**
 - i. Relocation of the bus stop (including construction of a safe seating area within the development) in accordance with Transport for Victoria's requirements and compliant with Disability Standards for Accessible Public Transport 2002;**
 - ii. The existing crossover removed and the kerb and channel, footpath reinstated to Council's standards using construction plans approved by Merri-bek City Council, City Infrastructure Department.**
 - iii. Undergrounding or bundling of powerlines (subject to further consultation with Citipower).**

Once approved, the Public Works Plan will be endorsed to form part of the planning permit.

All construction details of the public works plan must be in accordance with the Merri-bek City Council Technical Notes July 2019 (or any updated version) and show the location of all above ground public infrastructure and show all below ground public infrastructure as identified by the 'dial before you dig' service and confirmed through ground radar and test holes. The public works plan may be designed to minimise relocation or modification of such infrastructure.

Where, during the course of construction of the endorsed public works, additional underground public infrastructure not identified by the 'dial before you dig' service is found, the owner may redesign the Public Works Plan to the satisfaction of the Responsible Authority to avoid relocation or modification of such infrastructure. In the further event that a redesign is not possible without such relocation or modification, the Public Works Plan shall be modified to the satisfaction of the Responsible Authority to take into account the continued presence of such infrastructure.

12. Prior to the occupation of the development, all public works shown on the endorsed public works plan must be implemented to a standard satisfactory to Merri-bek City Council. All public realm works shown on the endorsed public works plan must be constructed under the supervision of Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of Merri-bek City Council. The owner may discharge its obligations under this condition by providing to Merri-bek City Council a bond on terms and conditions satisfactory to Merri-bek City Council.

Wind Impact Statement

13. Prior to the endorsement of plans, The Wind Impact Assessment (WIA) prepared by Vipac dated 24 October 2024 must be endorsed to form part of this permit. The recommendations of the endorsed WIA must be implemented to the satisfaction of the Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority.
14. The Wind Impact Assessment approved under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.

Acoustic Report

15. Prior to the endorsement of plans, an amended Acoustic Report prepared by a qualified Acoustic Engineer must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Acoustic Logic dated 18 October 2024 but must be modified to:

- a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit.

16. The building must be constructed and maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of Merri-bek City Council. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.
17. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to Merri-bek City Council. The report must be to the satisfaction of Merri-bek City Council and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

Waste Management Plan

18. Prior to the endorsement of plans, an amended Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Traffix Group Pty Ltd dated 22 November 2024 but must be modified to:

- a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.

When submitted and approved to the satisfaction of the Responsible Authority, the Acoustic Report will be endorsed to form part of this permit

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

Accessibility Report

20. Prior to the endorsement of plans, the Accessibility Report prepared by Bernie Clifford Before Compliance dated 2 August 2024 must be endorsed to form part of this permit. The recommendations of the endorsed report must be implemented to the satisfaction of Merri-bek City Council. No changes can be made to the plan without the written consent of the Responsible Authority.
21. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Accessibility Report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Access Plan have been implemented in accordance with the approved Report.

Section 173 Agreement – Public Access

22. Within six months of the issuing of the Planning Permit, or at another time as agreed to in writing by the Responsible Authority, an agreement under Section 173 of the Planning and Environment Act 1987 must be entered into between the Owners of the land and Merri-bek City Council in a form satisfactory to Merri-bek City Council providing for:
- a) Unrestricted public pedestrian and bicycle access within all areas of the site shown as publicly accessible on the endorsed public areas plan, for 24 hours a day (364 days a year), commencing at the time of commencement of the use.
 - b) The owners of the land to indemnify the Merri-bek City Council against any claims associated with the use of the publicly accessible areas and to accept liability and responsibility for the on-going maintenance of the publicly accessible areas in perpetuity.

Once the Section 173 Agreement has been prepared to the satisfaction of Merri-bek City Council, prior to the development commencing, or at another time as agreed to in writing by the Responsible Authority, the owner must:

- i. do all things necessary to enable Merri-bek City Council to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- ii. Pay Merri-bek City Council its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Section 173 Agreement – Daylight Access

23. Prior to the occupation of the development hereby permitted or the issue of separate titles on the land whichever comes first, an agreement under Section 173 of the Planning and Environment Act, 1987 must be entered into between the owner/s of lots that share a boundary with the land at 28 Wilkinson Street and VicTrack land (whether or not a building is constructed on the lot boundary) and Merri-bek City Council in a form satisfactory to Merri-bek City Council providing for:
- a) the owner/s acknowledge and agree there is no entitlement to daylight access and outlook over 28 Wilkinson Street, Brunswick and/or the VicTrack land and have no objection to any wall constructed on the common boundary;

Once the Section 173 Agreement has been prepared to the satisfaction of Merri-bek City Council prior to the occupation of the development, the owner must:

- i. do all things necessary to enable Merri-bek City Council to register the agreement with the Registrar of Titles in accordance with section 181 of the Act; and
- ii. pay to Merri-bek City Council its costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Retention of Architects

24. The owner of the land must retain Fieldwork Architects or other registered architect to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and endorsed schedule of materials and finishes, during construction unless with the prior written approval of the Responsible Authority.

Engineering Matters

25. Prior to the issue of an Occupancy Permit 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 Merri-bek City Council (City Infrastructure Department).
26. Prior to the occupation of the development, any Council or service authority pole or pit within 1 metre of a proposed vehicle crossing, including the 1 metre splays on the crossing, must be relocated or modified at the expense of the permit holder to the satisfaction of Merri-bek City Council and the relevant service authority.
27. Prior to the occupation of the development the bicycle parking racks must be installed in a secure manner that accords with the specifications in Australian Standard for Bicycle Parking (AS2890.3), to the satisfaction of Merri-bek City Council.
28. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of Merri-bek City Council (Note: Please contact Merri-bek City Council, City Infrastructure Department).
29. Prior to the issue of an Occupancy Permit all telecommunications and power connections (where by means of a cable) and associated infrastructure to the land (including all existing and new buildings) must be underground to the satisfaction of Merri-bek City Council.

Car Parking Management Plan

30. Prior to the endorsement of plans, an amended Car Parking Management Plan (CPMP) must be submitted and approved to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council. The report must be generally in accordance with the report prepared by Traffix Group Pty Ltd dated 22 November 2024 but must be modified to:
 - a) Make any necessary modifications to the recommendations as a result of the amended plans referred to in Condition 1.
31. The Car Parking Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of Merri-bek City Council unless with the further written approval of the Responsible Authority.

Car Share

- 32. At all times, the four car spaces within the car park are to be reserved for carshare operation at no charge to the carshare operator to use them and:**
- a) These spaces must be available to all members of the carshare scheme 24 hours, 7 days per week, with safe, well-lit pedestrian access;**
 - b) Prior to occupancy of the development, these spaces must be contracted to an operator (a car-share provider that has been approved by Merri-bek City Council) with evidence of agreement submitted to Council;**
 - c) The agreement must ensure appropriate insurance and vehicle maintenance is in place including public liability insurance;**
 - d) The carshare must be in place and operating within 4 weeks of issue of the Occupation Certificate for the first stage of the development as determined by the Staging Plan; and**
 - e) The carshare operator must report utilisation of the space(s) to Merri-bek Council every twelve months**

Affordable Housing

- 33. Prior to the occupation of the development, a Management Plan requiring 60 per cent of the dwellings to be in the form of the Assemble Futures alternative housing model, or some other affordable housing that is to the satisfaction of the Responsible Authority, in consultation with Merri-bek City Council, must be submitted to, approved, and endorsed by the Responsible Authority. When endorsed, the plan will form part of the permit. The plan must:**
- a) Provide for regular reporting to the Merri-bek City Council for the relevant 60 per cent of dwellings at (for example) years 1, 3 and 5.**
 - b) Detail the parameters of rental rate and purchase price (including any associated annual increases in either) during a 5-year lease and purchase arrangement, to be agreed between the prospective tenant/owner and the owner of the land at the point of sale, including:**
 - i. Ensuring the annual cost of the rent, until the point of sale, does not exceed 30 per cent of the gross household income for moderate income households at time of occupation.**
 - ii. Ensuring the cost of future mortgage repayments (principal and interest) does not exceed 35 per cent of the gross household income for moderate income households at the time of sale.**
- 34. Prior to the issuing of a Statement of Compliance or Certificate of Occupancy for the development, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Merri-bek City Council and register the agreement on the title for the land in accordance with Section 181 of the Planning and Environment Act 1987, to provide for the following:**
- a) At least 60 per cent of the dwellings must comply with the meaning of 'affordable housing' and must be affordable to households with a 'moderate income range'. Moderate income is defined as being not greater than 120 per cent of the median income for the ABS geographic area in which the land is located.**
 - b) All dwellings on site must be delivered, managed, leased and sold in accordance with the approved 'Management Plan for Alternative Housing Model' required by Condition 33 of the permit; and**

- c) This restriction, as it applies to each individual dwelling, will expire at the first sale of each individual dwelling.
- d) The agreement must otherwise be in a form to the satisfaction of the Responsible Authority. The owner of the land must pay all of Merri-bek City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

Environmental Audit

- 35. 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 Merri-bek City Council.

Residential reticulated gas service connection

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

3D Model

- 37. Prior to the endorsement of plans, a 3D digital model of the approved development which is compatible for use on Council's Virtual Merri-bek tools and software for Council and community must be submitted to the satisfaction of the Merri-bek City Council. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.vic.gov.au/building-and-business/planning-and-building/planning/virtual-merri-bek/#autoAnchor1>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of Merri-bek City Council.

Cancellation of existing permit

- 38. Within six months of the issuing of the permit, an application must be lodged with the Victorian Civil and Administrative Tribunal to cancel Planning Permit MPS/2017/745/E associated with the subject site. Copies of all relevant application documents and decisions associated with the cancellation must be provided to the Merri-bek City Council within 7 days of receipt.

Permit Expiry

- 39. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within four (4) years from the date of issue of this permit;
 - b) the development is not completed within eight (8) years from the date of issue of this permit;
 - c) the use is not commenced within eight (8) years from the date of issue of this permit.

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

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

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

Note 1: Should Council impose car parking restrictions in this street, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking.

Carried Unanimously

URGENT BUSINESS REPORTS

Nil

The Council meeting closed at 6.54 pm.

Confirmed

Cr Helen Davidson
MAYOR