

PLANNING PERMIT

Permit No.:	PA2403001
Planning scheme:	Merri-bek
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	2-12 Wilkinson Street, Brunswick (Formally described as: • Lots 1 and 2 of TP340120E • Lot 1 of TP220794S • Lot 1 of TP375995P • Lot 1 of TP241270L))

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
34.01-1	Use of land for dwellings (ground floor frontage exceeds 2 metres)
34.01-4	Construct a building and construct and carry out works
43.01-1	Construct a building and construct and carry out works
43.02-2	Construct a building and construct and carry out works
52.06-3	Reduce the number of car parking spaces required for dwellings

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Environmental Audit – Preliminary Risk Assessment (Part 1)

Date issued: 20 November 2024 **Signature for the responsible authority:**



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3. Before the development starts (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the responsible authority in accordance with section 205 of the Environment Protection Act 2017 and respond to the matters contained in Part 8.3, Division 2 of the Environment Protection Act 2017 to the satisfaction of the responsible authority.

Environmental Audit (Part 2)

4. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the Environment Protection Act 2017 responding to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 to the satisfaction of the responsible authority. The EAS must either:
- a) State the site is suitable for the use and development allowed by this permit; or
 - b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

Environmental Audit Statement (Part 3)

5. All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.

Environmental Audit Statement – Section 173 Agreement (Part 4)

6. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the responsible authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Approved and endorsed plans – changes required

7. Before the development starts, excluding demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by MGS Architects, Revision B, dated 28 August 2024, but modified to show:
- a) All roof plant to be acoustically screened.
 - b) The door to Shop 'T2' relocated in accordance with the endorsed Wind Report.
 - c) The initiatives outlined within the endorsed Acoustic Report annotated on all plans and elevations, where possible and practical.

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- d) The initiatives outlined within the endorsed Sustainability Management Plan annotated on all plans and elevations, wherever possible and practical.
- e) Any changes to ensure consistency with the endorsed Waste Management Plan.

Layout not altered

- 8. The use and development as shown on the endorsed plans must not be altered (unless the Merri-bek Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Landscape plan – changes required

- 9. Concurrent with the endorsement of plans, an amended landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Landscape Plan, prepared by Schored, Revision 03, dated 19 June 2024, but modified to show:
 - a) A survey (including botanical names) of all existing vegetation to be removed.
 - b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

Landscaping completion

- 10. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of Merri-bek City Council.

Landscaping maintenance

- 11. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Merri-bek City Council.

Environmentally Sustainable Design

- 12. Concurrent with the endorsement of plans, the Sustainability Management Plan (SMP) prepared by Ark Resources, Revision E, dated 29 July 2024, must be approved and endorsed by the responsible authority.

Implementation of SMP initiatives

- 13. Within six months of the occupation of the development, a report from the author of the endorsed SMP must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed SMP, to the satisfaction of the responsible authority.

Waste Management Plan

- 14. Concurrent with endorsement of plans, an amended Waste Management Plan (WMP) must be approved and endorsed by the responsible authority in consultation with Merri-bek City Council. The WMP must be generally in accordance with the Waste Management Plan prepared by onemilegrid, dated 29 February 2024, but modified to show:

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- a) Waste collection to be undertaken by a private contractor.
- 15. All garbage and other waste material must be stored in an area within the land and set aside for such purpose to the satisfaction of Merri-bek City Council.
- 16. No garbage bin or surplus material generated by the site may be deposited or stored outside the site and bins must be returned to the garbage store areas as soon as practicable after garbage collection to the satisfaction of Merri-bek City Council.

Stormwater Management Plan

- 17. Concurrent with the endorsement of plans, a stormwater management plan must be approved and endorsed by the responsible authority in consultation with Merri-bek City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
 - a) include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
 - b) set out how the stormwater management system will be managed on an ongoing basis, as appropriate.
 - c) demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.
 - d) confirm that the water quality performance will satisfy Best Practice Environmental Management Guidelines for Stormwater (CSIRO, 1999).

Acoustic Report

- 18. Concurrent with the endorsement of plans, the Acoustic Report prepared by Marshall Day Acoustics, dated 27 August 2024, must be approved and endorsed by the responsible authority.

Wind Mitigation

- 19. Concurrent with the endorsement of plans, the Environmental Wind Assessment, prepared by MEL Consultants, dated 20 September 2024 must be approved and endorsed by the responsible authority.

Section 173 Agreement – Social and Affordable Housing

- 20. Before the development starts, excluding demolition, bulk excavation and site preparation works, an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* must be registered on the copy of title. The agreement must be to the satisfaction of Merri-bek City Council and provide the following:
 - a) The agreement must be between Merri-bek City Council and Merri-bek Affordable Housing Ltd.
 - b) At least 85% of the dwellings must be used for affordable housing or social housing at all times, and of this 85%, at least 50% must be used as social housing.
 - c) Any other matter, to the satisfaction of Merri-bek City Council.



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For the purposes of the agreement 'affordable housing' is to have the same meaning as the definition under the *Planning and Environment Act 1987*.

The owner of the land must pay all of Merri-bek City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Run-off

21. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Merri-bek City Council drains or watercourses.

Drainage

22. Before the development is occupied, a stormwater drainage system incorporating water sensitive urban design must be constructed and provisions made to connect this system to Merri-bek City Council's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Merri-bek City Council.
23. The land must be drained to the satisfaction of Merri-bek City Council.

Retention of Architects

24. Except with the consent of the responsible authority, MGS Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of responsible authority.

Residential Reticulated Gas Service Connection

25. 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.

Expiry

26. This permit will expire if one of the following circumstances applies:
- c) The development is not started within two years of the issued date of this permit.
 - d) The development is not completed within four years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date issued: 20 November 2024 Signature for the responsible authority:

