Section 72 Amendment and Condition Compliance Officer Report

Planning Permit PA2403363-4
342-348 Victoria Street, 368- 370 Victoria Street, 13 Rosser Street,15 Rosser Street, and; 32 Wilkinson Street, Brunswick VIC 3056



Section 72 Amendment Officer Assessment Report
Development Assessment

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VICTORIA State Government | Department of Transport and Planning

Executive Summary

Key Information	Details
Permit No:	PA2403363-4
Permit Allows:	Construction of multi-storey buildings.
Land Address:	342-348 Victoria Street, BRUNSWICK VIC 3056, 368- 370 Victoria Street, BRUNSWICK VIC 3056, 13 Rosser Street, BRUNSWICK VIC 3056, 15 Rosser Street, BRUNSWICK VIC 3056, and; 32 Wilkinson Street, BRUNSWICK VIC 3056.
Amendment Received:	30 June 2026
Statutory Days:	21 days
Applicant:	Tract Consultants
Planning Scheme:	Merri-bek
s72 Proposal Summary:	New land uses The applicant is seeking to amend the approved planning permit and conditions to include the following new ground floor land uses: • Medical Centre (Allied Health) at tenancies OG01b and OG04 Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services and counselling) to out-patients only. • Hours of operation- 7am–9pm seven days a week • Patron numbers - 15 • Staff numbers- 8 • Restricted Recreation facility (gym) at tenancy OG05 Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee. • Hours of operation – 24hrs, seven days a week • Patron numbers – 60 • Staff numbers - 2 • Indoor Recreation facility. Wellness centre at tenancy OG03 and personal training at tenancy T07 A building used for indoor leisure, recreation, or sport. The proposed wellness centre will comprise a range of health and wellness focused activities including ice baths, hot and cold plunge pools, thermal bathing facilities, saunas and associated rec spaces. A small ancillary food and beverage offering, including coffee, smoothies and light refreshments for patrons, may also be provided (for use by the patrons only). The wellness centre will operate as a publicly accessible facility and is not intended solely for use by residents of the development. • Hours of operation – 6am to 10pm, seven days a week • Patron numbers – 60 • Staff numbers - 5

	• Veterinary Centre at tenancies OG02A and OG02B Land used to: a) diagnose animal diseases or disorders; b) surgically or medically treat animals; or c) prevent animal diseases or disorders. It may include keeping the animals on the premises for treatment • Hours of operation – Monday – Friday 8am – 6pm • Patron numbers – 50 • Staff numbers - 9 Amendment to the plans The following amended plans and reports have also been submitted to reflect the land use changes • Condition 1 (Amended Plans) • Condition 16 (Waste management Plan) • Condition 36 (Car Parking Management Plan)
Development Value:	Unchanged as a result of this amendment
Why is the Minister responsible?	**S. 72 Application for amendment of a permit** *(1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
	Eligibility under Clause 53.23 Significant Residential Development with Affordable Housing The original application was submitted to the Minister for Planning in accordance with the schedule to Clause 72.01 of the Merri-Bek Planning Scheme. The Minister for Planning is the responsible authority for use and development to which Clause 53.23 applies. The original application was eligible under Category 1, Clause 53.23, specifically as a development with affordable housing and a development value of $90,544,000 development cost ($50 million threshold). The proposal continues to deliver on the approved affordable housing component which remains unchanged as a result of this Section 72 Amendment. Clause 52.23 does not limit land uses that can be approved under this clause in conjunction with the affordable housing development. The criteria for eligibility under Clause 53.23 continue to be met.

Planning Controls: **Zone:**	**Clause**	**Control**
	Clause 34.01- Commercial 1 Zone	Pursuant to Clause 34.01-1, a permit is required to use the land for 'Accommodation' as the frontage at ground floor level exceeds 2 metres. Pursuant to Clause 34.01-4, a permit is required to construct a building or carry out works. An apartment development must meet the requirements of Clause 58.
		New Planning Permit Triggers: **Pursuant to Clause 34.01-1, a permit is required to use the land for a medical centre** **Pursuant to Clause 34.01-1, a permit is required to use the land for an indoor recreation facility** **Pursuant to Clause 34.01-1, a permit is required to use the land for a restricted recreation facility** **Pursuant to Clause 34.01-1, a permit is required to use the land for a veterinary centre**

Overlays:	Heritage Overlay (HO183 and HO239)	Pursuant to Clause 43.01-1, a permit is required to demolish a building and to construct a building or construct or carry out works.
	Design and Development Overlay (DDO18)	Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.
Particular Provisions:	Clause 52.06	Pursuant to Clause 52.06 - Car Parking, a permit is required to reduce the car parking requirement.

Background Information:

A planning permit was issued on 20 March 2025 for the construction the development.

Concurrent with the issue of the planning permit, plans were endorsed on 20 March 2025.

Endorsement also included supporting plans and reports in relation to landscape, tree protection, arboriculture, sustainability management, conservation, wind impact, acoustic, waste, DDA, parking and construction permit conditions.

Construction on site has commenced.

Planning History:

Section 71 Amendment

Section 71 correction to the planning permit was issued on 1 April 2025. Details as follows:

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
1 April 2025	To give back the responsibility of enforcement of conditions to Merri-Bek City Council for the following items: • Condition 4 - landscaping • Condition 5 - tree protection • Condition 5b - Tree Protection Zone • Condition 9 - Heritage Conservation Plan • Condition 11 - Public Works Plan • Condition 14 and 15 - Acoustic measures • Condition 17 - Waste Management Plan • Condition 18 - Accessibility • Condition 20 - Section 173 Agreement - public access • Condition 21 - Section 173 Agreement - Daylight Access • Conditions 31, 32, 33, 34, 35 - Engineering Matters • Condition 37 and 38 - Affordable Housing	Department of Transport and Planning	Section 71 Amendments as a result of clerical errors excluding the words Merri-Bek City Council.

Secondary Consent Amendment

A secondary consent amendment to the endorsed plans was approved on 19 June 2025. The following plans were endorsed:

- Updated Level 01 – Level 10 Plans (TP2-103 - TP2-112 Revision R) dated 10 June 2025 prepared by DRC Architecture
- Updated Elevations (Revision R) dated 6 June 2025 prepared by Fieldwork Architects:
  - Proposed North & South Elevations (TP3-100)
  - Proposed North & South Sectional Elevations (TP3-102)
  - Proposed East & West Sectional Elevations (TP3-103)
  - Building 1 Proposed North & South Elevations (TP3-104).

The changes approved include:

- More efficient use of circulation space and excess of space for risers throughout the building reduces the overall building services needs.
- Increased internal storage to 86 apartments (30% of total yield), resulting in a net reduction of 42 basement cages.

	• Extended kitchen bench space to 43 apartments (15% of total yield). • Conversion of six studios to one-bedroom apartments • Addition of laundry cupboards to 18 one-bedroom apartments • Additional bathroom added to nine two-bedroom and 14 three-bedroom apartments • Consequential minor wall shifts to eight units to maintain BADS compliance. <u>Section 72 Amendment</u> A Section 72 Amendment was made to the permit on 22 April 2026. This amendment allowed for changes to the wording of Conditions 37 and 38 to revise the affordable housing contribution from Build to Rent to Own (BTRTO) model to Build to Rent (BTR) model. <u>Condition Compliance</u> Conditions 10(a) and (d) were discharged on 6 May 2026. Conditions 10 (b) and (c) were discharged on 9 June 2026. A Section 72 Amendment was made to the permit on 22 September 2026. This amendment amended Conditions 37 and 38 to add the words (or as otherwise agreed by the responsible authority) and deleted Condition 57.
Referral Authorities:	Head Transport for Victoria – Section 55 Determining Merri-Bek Council – Section 52(1)(b) – notice
Public Notice:	The application is **<u>not exempt</u>** from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the **Commercial 1 Zone.**
Delegates List:	Not applicable
Recommendation:	The amendments to the permit are recommended for approval.
Documents submitted for consideration:	A planning submission, prepared by Tract Consultants dated 30 September 2026 Architectural Plans (Drawings TP0-001 (Development Summary) and TP2-102 (Ground Floor Plan) prepared by Fieldwork, dated 29/09/2026, Rev W. Car Parking Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N). Waste Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N). Traffic Engineering Assessment of Change of Use Scheme, dated 30 September 2026 Acoustic Note, prepared by Acoustic Logic, dated 11 August 2026

Proposal

New land uses

1. The applicant is seeking to amend the approved planning permit and conditions to include the following new ground floor land uses:
    - Medical Centre (Allied Health) at tenancies OG01b and OG04

        Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out -patients only.

        - Hours of operation- 7am–9pm seven days a week
        - Patron numbers - 15
        - Staff numbers - 8
    - Restricted Recreation facility (gym) at tenancy OG05

        Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members' guests, or by the public on payment of a fee.

        - Hours of operation – 24hrs, seven days a week
        - Patron numbers – 60
        - Staff numbers - 2
    - Indoor Recreation facility. Wellness centre at tenancy OG03 and personal training at tenancy T07

        A building used for indoor leisure, recreation or sport.

        The proposed wellness centre will comprise a range of health and wellness focused activities including ice baths, hot and cold plunge pools, thermal bathing facilities, saunas and associated rec spaces. A small ancillary food and beverage offering, including coffee, smoothies and light refreshments for patrons, may also be provided (for use by the patrons only). The wellness centre will operate as a

        publicly accessible facility and is not intended solely for use by residents of the development.

        - Hours of operation – 6am to 10pm, seven days a week
        - Patron numbers – 60
        - Staff numbers - 5
    - Veterinary Centre at tenancies OG02A and OG02B

        Land used to:

        a) diagnose animal diseases or disorders;

        b) surgically or medically treat animals; or

        c) prevent animal diseases or disorders.

        It may include keeping the animals on the premises for treatment

        - Hours of operation – Monday – Friday 8am – 6pm
        - Patron numbers – 50
        - Staff numbers - 9
2. The following amended plans and reports have also been submitted to reflect the land use changes
    - Condition 1 (Amended Plans)
    - Condition 16 (Waste management Plan)
    - Condition 36 (Car Parking Management Plan)

Subject Site and Surrounds

Site Description

3. Construction has commenced on site.

Site Surrounds

4. Development surrounding the site has not changed since the planning permit was issued.

Referrals and Notice

Referrals

5. The application was referred to the following groups:

Provision / Clause	Organisation	Date Response Received
Section 55 Referral – Determining	Head Transport for Victoria	**27 October 2026** No objection and no conditions provided

Municipal Council Comments

6. The Merri-bek City Council was given notice of the application under Section 52(1)(b) of the Planning and Environment Act 1983.

7. Merri-bek City Council (officer level) provided the following comments:

Council does not object to the issuing an amendment permit.

I note that the proposed structure of the conditions, namely requiring the plans to be amended to incorporate the recommendations of the acoustic report, would have the effect of preventing commencement of the other approved uses until the gym and pt have undertaken the additional acoustic testing. There may be an alternative way to structure the conditions to avoid this outcome. However, the key point from Council's perspective is that the acoustic testing should be completed before the internal fit-out works for those uses commence. Other matters are:

- *The conditions regarding the use and hours are acceptable as proposed by the applicant.*

Whilst I'm sure you're more than aware of this, Council still has the ongoing responsibility for enforcement of the conditions and issues that may arise from the operations occurring from the site. Subsequently, some of the proposed conditions are sought to ensure Council has the permit mechanisms and levers available to manage any issues that may arise in the future.

1. The council provided the following conditions for permit. All of which have been incorporated into the planning permit.

1. *The ground floor updated to include the recommendations of the acoustic report as required pursuant to the Condition XX*

2. *Prior to the endorsement of plans, an acoustic report prepared by a suitable qualified acoustic engineer, generally in accordance with the advertised acoustic letter prepared by Acoustic Logic dated 11/08/2026, must be submitted to and endorsed by the Responsible Authority, in consultation with Merri-bek City Council, but updated to include assessments considering the noise associated with the gym (restricted recreation facility) and personal training gym (indoor recreation facility) studio operational requirements. The updated report must:*

   a. *Include site specific acoustic testing to demonstrate that the proposed fit-out and operational measures will achieve compliance with the applicable requirements of the EPA Noise Protocol at nearby noise-sensitive receivers, including dwellings within the development.*

   b. *Demonstrate that noise associated with the gym and personal training studio, including weight drops, exercise equipment, impact noise and other intermittent activities, will comply with the maximum impact-noise (Lmax) criteria specified in Table 2 of the Acoustic Logic letter.*

   c. *Specify all acoustic treatments and operational measures necessary to achieve compliance with conditions 2(a) and 2(b) including any requirements for floor and ceiling treatments, equipment isolation, music controls and restrictions on activities*

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

3. *Within 60 days after the completion and installation of the recommendations and requirements as specified within the required Acoustic Report pursuant to Condition XX, or as otherwise agreed in writing by the Responsible Authority, a Post Commencement Acoustic Report is to be submitted to the Responsible Authority, in consultation with Merri-bek City Council. The report must detail the following matters to the satisfaction of the Responsible Authority:*

    a. *Confirmation that all of the recommendations of the endorsed Acoustic Report have been implemented.*
    b. *Further testing, including background noise measurements taken immediately adjacent to the site or in a location otherwise to the satisfaction of the Responsible Authority, to ascertain whether the use complies with the maximum noise levels prescribed by the Environment Protection Regulations 2021 (Vic) and the incorporated Noise Protocol (Publication 1826, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021) or any other superseding regulation.*
    c. *Confirmation that the acoustic testing has been carried out during the operation of the use at night time.*
    d. *If non-compliance is measured, recommendations for additional acoustic measures to ensure compliance with the endorsed Acoustic Report.*

    Once submitted to and approved by the Responsible Authority, the report will be endorsed to form part of the permit. The provisions, recommendations and requirements of the endorsed Post Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Merri-bek City Council within 30 days of the endorsement of that report, or as otherwise agreed in writing by Merri-bek City Council. The report must not be altered without the prior written consent of the Responsible Authority

4. *No music other than of a type and volume appropriate to background music (unless otherwise agreed to by the Responsible Authority) may be emitted from speakers inside the building. Background music is defined as any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree. It is not background music if it is played at a level which requires patrons to shout, or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.*

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

6. *Should Merri-bek City Council deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Merri-bek City Council which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.*

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

Notice

8. The application is **not exempt** from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987* pursuant to the following provision in the **Commercial 1 Zone.**

9. The applicant was directed to give notice by way of sending notice to adjoining owners and occupiers.

10. No objections have been received.

Planning Policy

2. None of the applicable policies under the Planning Policy Framework or statutory planning controls within the scheme have changed since the decision on the application and given the nature of the amendments these policies do not need to be re-examined.

Statutory Planning Controls

11. The zoning and overlay controls remain the same since the decision for the application was made.

Commercial 1 Zone

12. The Site is within the Commercial 1 Zone (C1Z). The purpose of the C1Z is:
    - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    - *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
    - *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*
13. Pursuant to clause 34.01-1 a permit is required for the proposed land uses as they are all Section 2 uses. This includes the proposed medical centre, restricted recreation facility, indoor recreation and veterinary centre.

Overlays

14. The Site is covered by the following overlays:
    - *Heritage Overlay – Schedule 183 and Schedule 239 (HO183 and HO239)*
    - *Design and Development Overlay – Schedule 18 (DDO18)*
    - *Environmental Audit Overlay (EAO)*
    - *Development Contributions Plan Overlay – Schedule 1 (DCPO1)*
    - *Parking Overlay – Schedule 1 (PO1)*
15. This Section 72 Amendment does not result in any additional permit triggers under any of the above overlays.

Car Parking

3. Clause 52.06 seeks to ensure the provision of an appropriate number of car parking spaces, having regard to the proposed use of the land and the characteristics of the surrounding area.
16. Since the issue of the Permit, Clause 52.06 has been amended. Car parking requirements are no longer based on fixed rates for land use classes alone but are instead determined having regard to the location of the site within the Planning Scheme.
17. The Site falls partially within Category 4 and Category 3. As per Clause 52.06-5, if the land is shown in two or more categories on the CPR maps, the car parking requirements for the higher category applies to all of the land. As such the land is considered entirely within Category 4.



18. The new uses generate a statutory requirement as detailed below:

Land Use	Area	Statutory parking requirement (maximum)	Statutory parking requirement (mimimum)	Measure
Medical Centre	735 sqm	5	0	To each 100 sqm of leasable floor area
Veterinary centre	329 sqm	5	5	To each 100 sqm of leasable floor area
Restricted Recreation Facility and Indoor Recreation Facility	965 sqm	To the satisfaction of the Responsible Authority		

19. On the basis of the above, the maximum number of car parking spaces for a Medical Centre would be 36 and Veterinary centre would be 16, and the minimum number of car parking spaces required for both would be zero.

4. No additional onsite car parking spaces are proposed to be allocated to the new land uses. The applicant's Traffic Memo confirm the provision of parking continues to be allocated as:

- 82 car spaces for residents (0.29 car spaces per dwelling),
- 5 car spaces for commercial uses (at a rate of 0.14 car spaces per 100 square metres of commercial floor area, including of 1 DDA space), and
- 4 car share spaces.

5. The applicant's traffic engineers provide that:

We are of view that the car parking is justified on the following basis:

- *This site has excellent public transport with multiple fixed rail opportunities including a railway line running along the boundary and tram access to the east and west as well as supporting bus routes in the precinct.*
- *The location of the site being within the Brunswick Activity Centre offers a significant opportunity to be much less reliant on car parking as there is direct access to everyday services and amenities, including shopping, medical, banking, entertainment etc, all within 200 metres of the site.*
- *The level of commercial parking would be consistent with Merri-bek's approach (and also the State Government's approach) to implementing strategic policies that encourage active transport modes by reducing parking provisions and requirements for new developments in areas close to public transport and in and around activity centres.*
- *Generous provision of bike and end of trip facilities (allowing for approximately 10% of staff to ride and the majority of residents) will allow for a significant shift away from cars to support the reduced provisions which aligns with Government and State policy.*

20. Overall, the proposal provides 5 commercial spaces (which is less than the 52 maximum spaces) is appropriate and supported for the site's location within the Brunswick Activity Centre.

Bicycle Parking

21. Clause 52.34 aims to encourage cycling as a mode of transport by providing secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. Pursuant to Clause 52.34 1, the provisions of Clause 52.34 apply to any new us e and must be provided before the new use commences. This also applies to any increase of floor area associated with an existing use.

22. The new uses generate a statutory requirement as detailed below:

Land Use	Area	Measure
Medical Centre	735 sqm	1 space per 8 practitioners for employees 1 space per 4 practitioners for visit
Veterinary centre	329 sqm	To the satisfaction of the Responsible Authority
Restricted Recreation Facility and Indoor Recreation Facility	965 sqm	To the satisfaction of the Responsible Authority

6. With respect to end of trip facilities, Clause 52.34-5 requires that where five or more employee bicycle spaces are required, employee facilities are required in accordance with Clause 52.34 of the Planning Scheme.

23. The approved development includes 28 publicly accessible bicycle hoops, equivalent to 56 bicycle parking spaces.

24. The approved development also includes end of trip facilities (EOT) at ground level, consisting of a total of 4 shower/change rooms for shared use by staff. These are located adjacent to the bicycle parking areas at Buildings 2 and 3. A total of 72 lockers are also provided across the staff EOT areas. EOT areas are to be provided at ground level in accordance with Clause 52.34.

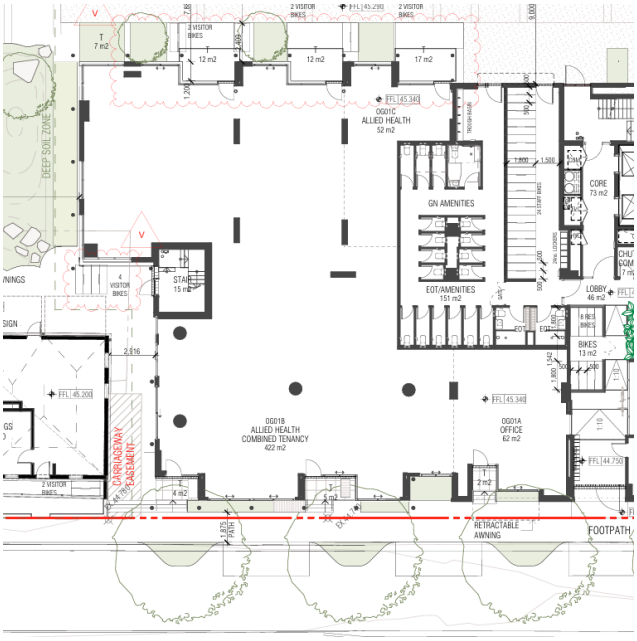
7. Accordingly, the proposal does not reduce the public bicycle parking provision and appropriately provides for end of trip facilities for staff of the commercial tenancies.

New land uses

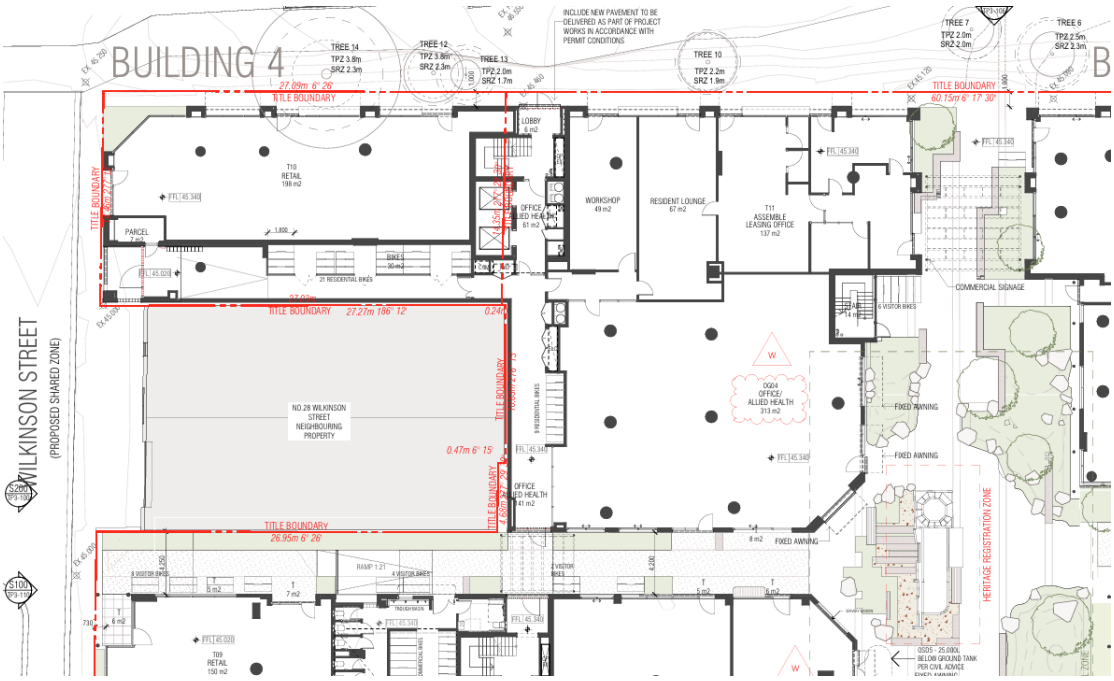
25. The proposed amendment seeks approval for three new Section 2 land uses within the approved ground floor commercial tenancies of the mixed-use development at 342-348 and 368-370 Victoria Street, 13 and 15 Rosser Street, and 32 Wilkinson Street, Brunswick.

Medical Centre (Allied Health)

26. The proposal includes a Medical Centre (Allied Health) at tenancy OG01B and OG04 within Building 2 on the ground floor of the approved building. The tenancy has a frontage to Rosser Street. The use is to comprise outpatient health services such as preventative care, diagnosis, treatment, pathology services and counselling. The facility is proposed to provide health services to the local community. The medical centre will accommodate up to 15 patrons and approximately 8 staff, operating between 7:00am and 9:00pm, seven days a week.



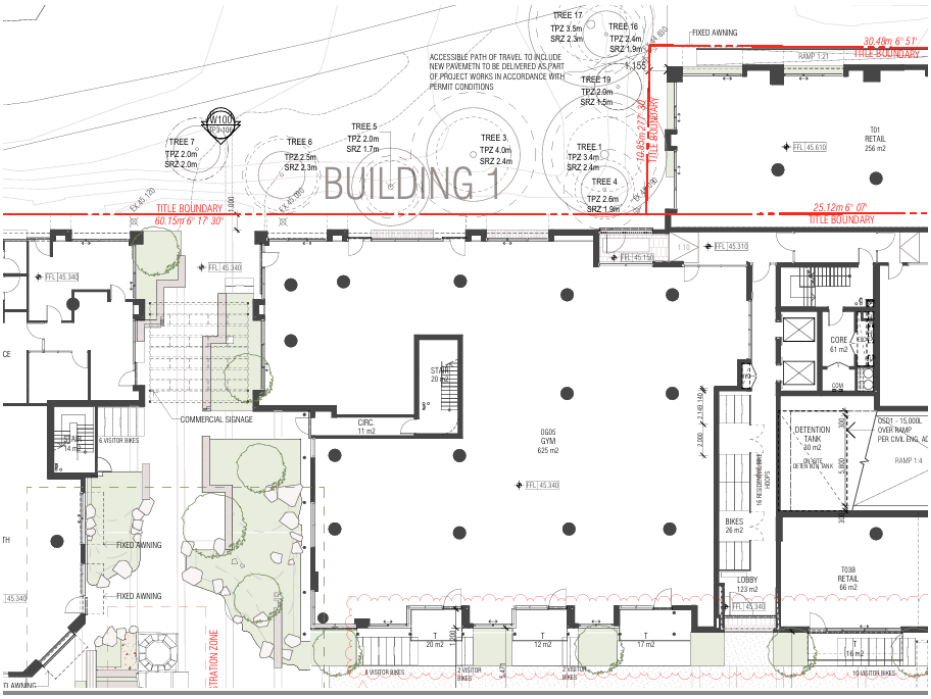
Zoomed in floor plan of the Medical Centre (Allied Health) floor plan Tenancy OG01B



Zoomed in floor plan of the Medical Centre (Allied Health) floor plan Tennacy OG04

Restricted Recreation Facility (Gym)

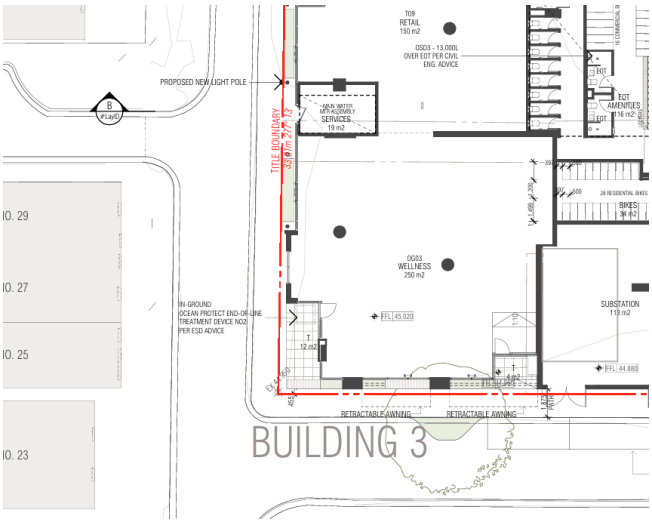
8. A Restricted Recreation Facility (gym) is proposed at tenancy OG05 within Building 1 on the ground floor tenancy of the approved building. The tenancy has a frontage to the open air internal walkways of the development. The facility will provide fitness and exercise activities and may be accessed by members and the public. The gym is proposed to operate 24 hours a day, seven days a week, with a maximum capacity of 60 patrons and approximately 2 staff during peak periods. The gym is not intended solely for residents and will be publicly accessible.



Zoomed in floor plan of the gym floor plan at tenancy OG05

Indoor Recreation Facility (Wellness Centre)

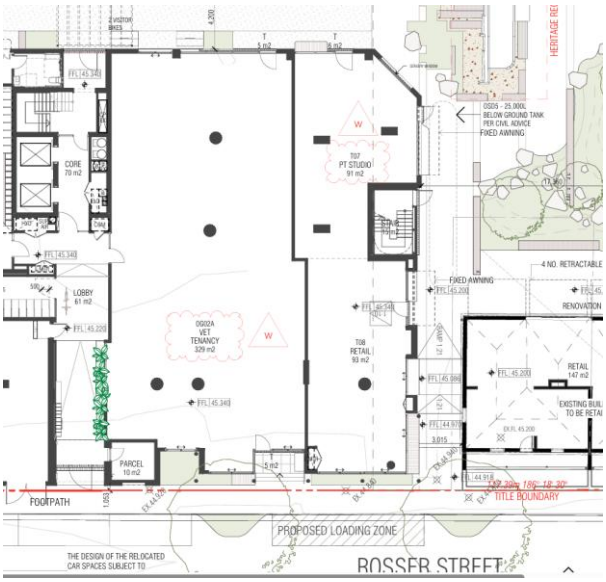
27. The proposal also includes a Wellness Centre, which is more appropriately described as an Indoor Recreation Facility. The facility is located at the ground floor tenancy OG03 in Building 3. The tenancy is on a corner and has frontages to Rosser Street and Wilkinson Street. The facility will provide wellness-focused activities including ice baths, hot and cold plunge pools, thermal bathing facilities, saunas and associated recovery spaces. A small ancillary food and beverage component, offering items such as coffee, smoothies and light refreshments for patrons, is also proposed. The wellness centre will be publicly accessible and not restricted to residents of the development. It will operate between 6:00am and 10:00pm daily, accommodating up to 60 patrons and approximately 5 staff at any one time.



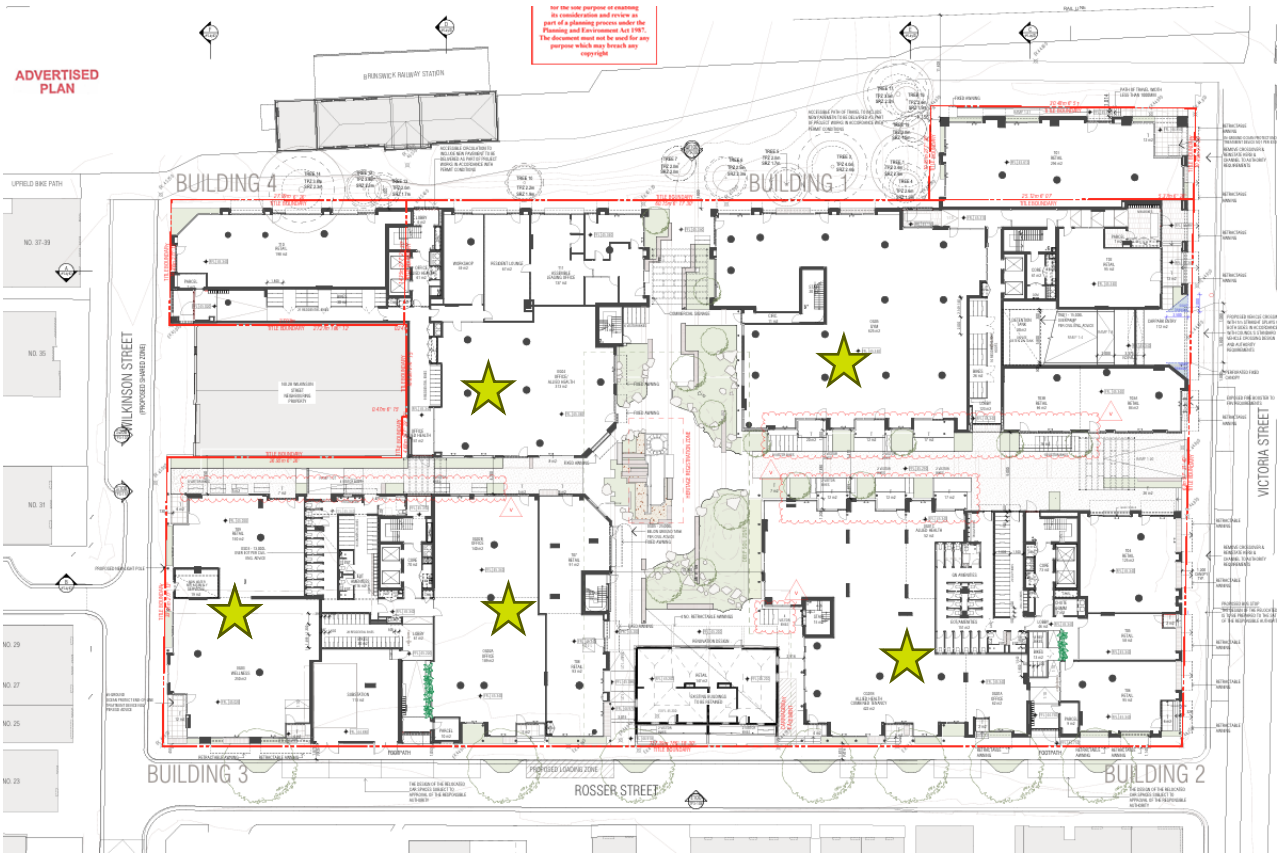
Zoomed in floor plan of the facility floor plan at tenancy OG03

Veterinarian Centre

28. The proposal also includes a Veterinarian Centre located at the ground floor tenancy OG02A and OG02B in Building 3. The tenancy has frontage to Rosser Street. The facility will provide vet care to domestic animals. The centre will be publicly accessible and not restricted to residents of the development. It will operate between 8:00am and 6:00pm daily, accommodating up to 50 patrons and approximately 9 staff at any one time.



Zoomed in floor plan of the facility floor plan at tenancy OG02A and OG02B



Stars indicating where the new land uses are proposed facility is proposed to be located at ground level

Assessment

29. The Commercial 1 Zone seeks to create vibrant mixed-use centres for retail, office, business, entertainment and community uses. The introduction of additional service-based and wellness-oriented uses, including a medical centre and indoor/restricted recreation facilities, is consistent with the intent of the zone. These uses will support a diverse and active ground floor tenancy mix and contribute to the ongoing activation of the site and surrounding area. The proposed land use changes are consistent with the purpose of the Commercial 1 Zone.

30. Pursuant to Clause 34.01-2, a use must not detrimentally affect the amenity of the neighbourhood, including through the:

    - *Transport of materials, goods or commodities to or from the land.*
    - *Appearance of any building, works or materials.*
    - *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

31. The proposed gym and wellness centre uses are considered appropriate within the approved mixed-use development and are not expected to result in adverse amenity impacts beyond those typically associated with Section 1 retail and commercial uses anticipated as part of the approved development.

32. An addendum to the endorsed Acoustic Report, prepared by Acoustic Logic, has been submitted in support of the application. The assessment considers the operation of the proposed gym and wellness centre and concludes that, subject to the implementation of recommended acoustic attenuation measures, the uses can operate without causing unreasonable noise or vibration impacts to surrounding sensitive uses, including the dwellings located above the commercial tenancies.

33. Recommended measures include restrictions on high-impact activities, installation of acoustic floor treatments, vibration isolation for speakers and equipment, appropriate ceiling treatments, management of amplified music levels, and operational controls to ensure compliance with relevant EPA noise requirements.

34. However, the report does not provide specific acoustic treatments to be used for the recreation facilities. Specifically, the report recommends that the gym operator undertake a site-specific acoustic assessment once the final fit-out and operational arrangements have been confirmed. Accordingly, the council's suggested conditions are included on the amended permit for this report to be completed and endorsed prior to the commencement of the indoor recreation facility and restricted recreation facility land uses. A further condition is included to ensure a Post Commencement Acoustic Report is prepared and endorsed within 60 days after the completion and installation of the recommendations and requirements as specified within the required Acoustic Report.

35. Subject to the implementation of the recommended acoustic measures and ongoing compliance with the endorsed acoustic recommendations, the proposed uses are not considered to give rise to unacceptable amenity impacts.

36. The proposed 24-hour Restricted Recreation Facility is considered an appropriate use within the Commercial 1 Zone, which encourages a diverse range of commercial and service-based activities in accessible urban locations. The use will support the activation of the site and provide a valuable service to residents, workers and visitors. The potential amenity impacts of the gym on the residential apartments above can be managed through the recommended acoustic condition, which requires the use to operate in accordance with an acoustic assessment prepared by a suitably qualified acoustic consultant. This will ensure noise attenuation measures are implemented to protect the amenity of future residents and avoid unreasonable off-site noise impacts.

37. Potential amenity impacts associated with the remaining proposed uses, including noise, light spill and hours of operation, are considered consistent with those reasonably expected within the zone and the approved mixed-use development. Deliveries associated with the uses are anticipated to occur during normal business hours and are expected to be limited in scale, utilising small vehicles typical of a retail and commercial environment.

38. Light spill and visual impacts are not expected to exceed those associated with other retail and commercial tenancies and are unlikely to result in adverse amenity effects on surrounding properties. The proposed uses are also not anticipated to generate unreasonable traffic volumes or other operational impacts.

39. The applicant proposes the following conditions for the planning permit. These conditions are relevant and appropriate to the new land uses and will be included on the permit:

Hours of Operation

1. *The use of tenancy OG03 for a indoor recreation facility must only operate between the following times:*
    a) *7 am and 10 pm Monday to Sunday.*
2. *The use of tenancy OG01B and OG04for a Medical centre must only operate between the following times:*
    a) *7 am and 9 pm Monday to Sunday.*
3. *The use of tenancy OG02A for a veterinary centre must only operate between the following times:*
    a) *8 am and 6 pm Monday to Friday*
4. *The use of tenancy T07 as an indoor recreation facility must only operate between the following times:*
    a) *6 am to 9 pm Minday to Friday, 7 am and 8 pm Saturday*

The responsible authority may consent in writing to vary these requirements.

Limit on number of persons

5. *At any time no more than 60 patrons and 4 staff may be present within tenancy OG05 while it is used for a Restricted recreation facility.*

6. *At any time no more than 60 patrons and 5 staff may be present within tenancy OG03 while it is used for a indoor recreation facility*
7. *At any time no more than 15 patrons and 8 staff may be present within tenancy OG01B and OG04 while they are used for a Medical centre.*
8. *At any time no more than 9 staff may be present within tenancy 0GO2A while it is used for a veterinary centre.*
9. *At any time no more than 8 patrons and 2 staff may be present within tenancy T07 while it is used for an indoor recreation facility*

The responsible authority may consent in writing to vary this requirement.

40. The site benefits from a highly accessible inner-urban location with convenient access to public transport services and active transport infrastructure. As such, it is expected that a significant proportion of employees and patrons will access the site by sustainable transport modes. Overall, the proposed uses are not considered to result in unreasonable off-site amenity impacts.

41. Clause 34.01-8 sets out the decision guidelines for the Commercial 1 Zone.

Decision Guidelines	Comment
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is consistent with the relevant objectives and strategies of the Municipal Planning Strategy and Planning Policy Framework. In particular, it supports the provision of a diverse range of commercial, community and service-based uses within an established activity centre, in accordance with Clauses 11.03-1S and 17.02-1S. The site is located within an established mixed-use area and the proposed uses are considered compatible with the surrounding residential and commercial interfaces, consistent with the objectives of Clause 15.01-1S. The approved building has been purpose-designed to accommodate commercial tenancies and is adequately serviced by existing infrastructure, with no changes required to drainage or other service provision, in accordance with Clause 19.01-1S. Subject to the implementation of the recommended acoustic measures, the proposed uses are not expected to result in unreasonable amenity impacts relating to noise, hours of operation or general commercial activity. The proposal is therefore consistent with the amenity objectives of Clause 13.05-1S and the expectations of the applicable zone. The site's highly accessible inner-urban location, with convenient access to public transport and active transport networks, supports sustainable transport outcomes and reduces reliance on private vehicle travel, consistent with the objectives of Clause 18.01-1S. Overall, the proposal achieves an appropriate and functional mixed-use outcome and is considered to appropriately respond to the relevant planning policy framework and decision guidelines.
The interface with adjoining zones, especially the relationship with residential areas.	The site is situated within an established mixed-use and commercial precinct. The proposed uses are typical of those anticipated within an activity centre setting and will operate within a purpose-built development that has been designed to appropriately manage potential amenity impacts. The surrounding area accommodates a mix of commercial and residential uses, with sensitive residential interfaces primarily located on the upper levels of the development. These interfaces have been considered through the approved building design and, where necessary, the incorporation of appropriate acoustic attenuation measures. Accordingly, the proposed uses are considered compatible with the existing and planned character of the area and are not expected to result in unreasonable amenity impacts.
The effect that existing uses may have on the proposed use.	The proposed uses will operate within an established mixed-use environment and are considered compatible with the surrounding commercial and

	residential land uses. The uses are typical of those anticipated within an activity centre setting and are not expected to result in land use conflicts. Furthermore, no adverse impacts from existing surrounding uses on the proposed tenancies are anticipated.
The drainage of the land.	The new uses do not involve any additional buildings, works or increases in impervious surface area beyond those already approved. As such, the development is not expected to alter the existing drainage arrangements or generate any additional stormwater impacts. Accordingly, no changes to the approved drainage regime are required.
The availability of and connection to services	The site is fully serviced, and the approved building has been designed to accommodate a range of commercial tenancies. The proposed uses will utilise existing infrastructure and service connections, with no additional servicing upgrades or infrastructure works required.
The effect of traffic to be generated on roads	The proposed uses are not expected to generate traffic volumes beyond those contemplated as part of the approved development. The site is situated in a highly accessible location with excellent access to public transport services and active transport infrastructure, supporting a reduced reliance on private vehicle travel. Accordingly, it is anticipated that a substantial proportion of employees and patrons will access the site via sustainable transport modes.
The interim use of those parts of the land not required for the proposed use.	Not applicable.

42. The proposed uses are considered appropriate within the approved mixed-use development and are consistent with the surrounding activity centre context. The uses are compatible with nearby commercial and residential land uses, will utilise existing infrastructure and services, and are not expected to result in unreasonable amenity, traffic or environmental impacts. Accordingly, the new uses are supported and approval is warranted.

43. Given the updated land uses, updated information endorsed under Condition 16 (Waste Management Plan) and Condition 36 (Car Parking Management Plan) is submitted with this amendment.

Condition 16 (Waste management Plan)
Prior to the endorsement of plans, the Waste Management Plan prepared by Traffix Group Pty Ltd dated June 2023 must be amended to reflect the amended plans referred to in Condition 1. When submitted and approved to the satisfaction of the Responsible Authority, the Waste Management Plan and associated notated plans will be endorsed to form part of this permit.
Assessment
The original Waste Management Plan was endorsed on 20 March 2025 to form part of the planning approval. Waste Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N) has been submitted to include the new land uses. As per the WMP, sufficient space is provided for onsite waste storage for each building within the basement facilities such, the requirements of Condition 16 have been met. Council has reviewed the amended WMP and confirmed no objection. Waste Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N) can be endorsed and supersede the previous document.

Condition 36 (Car Parking Management Plan)
Before the development is occupied, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Parking Management Plan will be endorsed and will form part of this permit. The Car Parking Management Plan must address, but not be limited to, the following: a) The allocation of car and bicycle parking between the uses, having regard to the demand generated by the uses. b) End of Trip Facilities that meet the requirements of Clause 52.34. c) Where possible visitor bike parking should be located at ground level, or otherwise conveniently accessible within other levels for visitors.

d) Confirmation that the design of the car parking is to comply with Clause 52.06 and/or AS2890.1 or as otherwise justified to the satisfaction of the responsible authority, e) Details for the management of the car park access including the design and location of any entry / exit barriers, leasing arrangements and security. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority

Assessment

The original Car Parking Management Plan was endorsed on 20 March 2025 to form part of the planning approval.
Car Parking Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N) has been updated to take account of the new proposed land uses.

The following parts of the condition relate to the provision of car parking for the proposed changes.

> *(a) The allocation of car and bicycle parking between the uses, having regard to the demand generated by the uses.*
> *(d) Confirmation that the design of the car parking is to comply with Clause 52.06 and/or AS2890.1 or as otherwise justified to the satisfaction of the responsible authority.*

The proposal includes 91 car spaces within a shared basement level. Car parking is to be allocated as follows:

- 82 spaces for residential use (at a rate of 0.29 car spaces per dwelling),
- 5 spaces for commercial uses (at a rate of 0.13 car spaces per 100 square metres of commercial floor area including 1 DDA space), and
- 4 spaces allocated to car share.

As per the updated CPMP submitted with this amendment application, the requirements of Condition 36 (a) have been met.

Condition 36 of the permit sets out the requirements of the CPMP. The following condition relates to the provision of car parking for the proposal.

> *a) The allocation of car and bicycle parking between the uses, having regard to the demand generated by the uses.*
> *b) End of Trip Facilities that meet the requirements of Clause 52.34.*
> *c) Where possible visitor bike parking should be located at ground level, or otherwise conveniently accessible within other levels for visitors.*

The application proposes the provision of 513 bicycle spaces, allocated as follows:

- 17 resident spaces (335 spaces within the basement and 82 spaces within the lobby areas within each of the individual buildings at ground floor),
- 56 visitor spaces (28 double sided horizontal hoops) within the public realm,
- 40 office/retail staff spaces across four dedicated End of Trip facilities located at ground floor in Building 2 and Building 3.

All residential/commercial visitor bicycle parking spaces are proposed to be located on the ground floor. Bicycle parking is to be supplied in excess of the statutory requirements to meet the demand from the reduced car parking supply. As per the updated CPMP submitted with this amendment application, requirements of Condition 36 (a) and (c) have been met.

The council has reviewed the amended CPMP and confirmed no objection.

Accordingly, the Car Parking Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N) can be endorsed and supersede the previous document.

Recommendation

44. The proposed amendment is supported as the provision of a mixture of land uses at ground floor is encouraged in both the Commercial 1 Zone and in the Brunswick Activity Centre. The application is supported by HtFV and the council.
45. It is recommended that the amended Planning Permit No. PA2403363-1 for the development at 342-348 Victoria Street, 368- 370 Victoria Street, 13 Rosser Street, 15 Rosser Street, and; 32 Wilkinson Street, Brunswick VIC, subject to conditions.
46. It is recommended that the following documents be endorsed and conditions discharged:

- Amended planning permit to include:
    - New land uses into the permit trigger table including medical centre, indoor recreation facility, restricted recreation facility and veterinary centre.
    - New conditions 1 to 14
    - Conditions renumbered 15 to 72
- Condition 16 (Waste management Plan) Waste management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N).
- Condition 36 (Car Parking Management Plan) Car Parking Management Plan, prepared by Traffix Group, dated 30 September 2026 (Rev N).

47. It is recommended that the applicant, Head Transport for Victoria and council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **X No Conflict**

[redacted]

Reviewed / Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ **No Conflict**

[redacted]