Planning and Urban Context Report

Tract

Planning Permit Application

Wurundjeri Woi Wurrung
427 Albert Street, Brunswick

Prepared for Clifton & Gilpin Pty Ltd

Tract
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20 December 2024

Acknowledgement of Country

We pay our respects to the Traditional Custodians of Country throughout Australia, their Elders and ancestors, recognising their rich heritage and enduring connection to Country and acknowledging the ongoing sovereignty of all Aboriginal and Torres Strait Islander Nations.

We recognise the profound connection to land, waters, sky and community of the First Nations peoples, with continuing cultures that are among the oldest in human history. We recognise that they are skilled land shapers and place makers, with a deep and rich knowledge of this land which they have cared for, protected and balanced for millennia.

Our Country, 2022
88 x 119 cm Acrylic on canvas
Original artwork by
Alfred Carter
Gunaikurnai

Overview

Background

Applicant / Owner	Clifton & Gilpin Pty Ltd
Address	427 Albert Street, Brunswick
Lot Description	1\LP56807

Relevant Planning Provisions

Municipal Planning Strategy	Clause 02.01 – Context Clause 02.02 – Vision Clause 02.03 – Strategic directions Clause 02.04 – Strategic Framework Plan
Planning Policy Framework	Clause 11 – Settlement Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure
Zone	Clause 32.04 – Mixed Use Zone, Schedule 1 (MUZ1)
Overlays	Clause 43.02 – Design and Development Overlay, Schedule 26 (DDO26) Clause 45.03 – Environmental Audit Overlay (EAO) Clause 45.06 – Development Contributions Plans Overlay, Schedule 1 (DCPO1)
Particular Provisions	Clause 52.06 – Car Parking Clause 52.34 – Bicycle Parking Clause 53.18 – Stormwater Management in Urban Development Clause 53.23 – Significant Residential Development with Affordable Housing Clause 58 – Apartment Developments
Strategic Documents and Other Planning Considerations	Plan Melbourne 2017-2050 Merri-bek Industrial Land Strategy 2015-2030 (MILS) Victoria's Housing Statement and Housing Targets for Merri-bek Zero Carbon Merri-Bek

Permit Application Details

Description of Proposal	Construction of a multi-storey development comprising dwellings, Office and Shop (permit not required for Shop use) with a reduction to the statutory car parking requirement.

Permit Requirement	· Clause 32.04-2: to use the land for Office with leasable floor area greater than 250 square metres (Mixed Use Zone). · Clause 32.04-6: to construct two or more dwellings on a lot (Mixed Use Zone). · Clause 32.04-10: to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (Mixed Use Zone). · Clause 43.02: to construct a building or construct or carry out works (Design and Development Overlay). · Clause 52.06: to reduce the statutory car parking requirement (Car Parking).

Quality Assurance

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Wurundjeri Woi Wurrung
427 Albert Street, Brunswick

Project Number

323-0177-00

Revisions

No.	Date	Description	Prepared By	Reviewed By	Project Principal
00	31/07/2024	Planning	CF	LC	LC
01	04/10/2024	DFP Preliminary Submission	CF	LC	LC
02	20/12/2024	DTP Formal Submission	CF	LC	LC

Contents

1 Introduction

This report has been prepared by Tract Consultants Pty Ltd upon the instructions of Clifton & Gilpin Pty Ltd.

The purpose of the report is to support a planning permit application to construct a multi-storey mixed-use development at 427 Albert Street, Brunswick, in the City of Merri-bek.

1.1 Overview

The proposal is for a high-performing, exemplary eight storey building (plus rooftop) providing a total of 61 dwellings (including one, two and three bedroom apartments) and 551sqm of net leasable commercial area.

The dynamic, refined, and context-responsive building hosts a mix of curated homes replete with outstanding access to light, air, and outlook. This is further underpinned by the building's generous provision of ventilated lobby and circulation areas, conveniently located bicycle parking, end of trip facilities and repair station, car parking with EV charging capabilities and a well programmed and landscaped communal outdoor roof deck with native planting.

In addition to internal amenity, the proposal is generous to the public realm through its considered articulation of form, use of colour and materials that respond to the urban context and parkland surrounds, activated and tactile ground plane and delivery of a landscaped setback to improve the shared future public path along the Site's western boundary.

Extract from UCR prepared by AMA: 3D Image – Gilpin Park View 2

The project delivers substantial benefit to the broader community and future occupants by completing the theme of crafted renewal along this part of Albert Street and in liberating the Site by opening up fresh and safe visual and physical links between Clifton and Gilpin Parks, correcting the legacy left by its erstwhile use for commercial purposes.

It releases a housing opportunity at a time when a high standard of accessible and sustainable housing at various entry levels is as important as any time in recent memory.

The proposal aligns with Merri-bek's zero carbon objectives, and with local policy and provisions providing a strategic direction for housing at higher densities in this location. Importantly, it will contribute to achieving the housing targets set for the municipality recently by the State Government – 72,000 new homes by 2051.

1.2 Project Vision

The project known as 'ParkLife 2' is a collaboration between HIP V. HYPE (HV.H), acting as the development manager for Clifton & Gilpin Pty Ltd in relation to this project, and Austin Maynard Architects (AMA) and seeks to deliver a high performance, sustainable apartment scheme within the Albert Street Urban Renewal Precinct.

HV.H is an award-winning ethical, socially conscious and environmentally focused property developer and strategic sustainability consultant, and AMA is an award-winning practice that creates resilient, highly sustainable, beautiful, robust and long-lasting architecture; architecture designed to meet the challenges of the climate crisis.

The project at 427 Albert Street seeks to combine attributes of HV.H's multi award winning project 'Ferrars & York' in South Melbourne and AMA's multi award winning project 'ParkLife' in Brunswick to deliver a new sustainable living exemplar for Melbourne.

1.3 Project Team

The broader project team includes:

- Austin Maynard Architects – Architecture.
- Gardens of the Sun – Landscape.
- HIP V. HYPE (Better Buildings Team) – Environmentally Sustainable Design and Resource Recovery.
- Tract – Planning.
- Access Studio – Accessibility.
- Traffix Group – Traffic.
- Vipac – Acoustic and Wind.

1.4 Planning Permit triggers

The proposal triggers a planning permit under the following provisions of the *Merri-bek Planning Scheme:*

- Clause 32.04-2: to use the land for *Office* with leasable floor area greater than 250 square metres (Mixed Use Zone).
- Clause 32.04-6: to construct two or more dwellings on a lot (Mixed Use Zone).
- Clause 32.04-10: to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (Mixed Use Zone).
- Clause 43.02: to construct a building or construct or carry out works (Design and Development Overlay).
- Clause 52.06: to reduce the statutory car parking requirement (Car Parking).

1.5 Report Structure

This report details the Site and its surrounding context (Chapter 2), describes the proposal in full (Chapter 3), identifies relevant planning policy and provisions (Chapter 4) and assesses the proposal against these (Chapter 5). Finally, conclusions and commendations are made (Chapter 6).

2 Site & Surrounds

The Site is located at 427 Albert Street, Brunswick in the 'Albert Street Urban Renewal Precinct' in the City of Merri-bek.

The Site is formally identified on Certificate of Title as Lot 1 on Plan of Subdivision 056807.

2.1 Site Analysis and Existing Conditions

The Site has a frontage to Albert Street (south) of approximately 60 metres, curved northern interface to Clifton Park of approximately 83 metres, western interface to 429 Albert Street of approximately 40.2 metres and eastern interface to 423 Albert Street of approximately 26.2 metres, generating a total site area of approximately 1,188sqm. The Site is relatively flat with an average slope rising 1.11% from east to west.

The Site is currently occupied by a single storey commercial warehouse building largely built to site boundaries with the exception of the north-east and north-west corners. There is no existing vegetation on-site.

The Site has three existing crossovers to Albert Street.

Refer to the Aerial Plan below.

Aerial Plan (source: OneMap)

2.2 Site Context

The Site is located within the Albert Street Urban Renewal Precinct in the City of Merri-bek, defined in the Design and Development Overlay Schedule 26, where it is a part of an evolving urban context with a range of large developments emerging.

While the precinct has an industrial history, it was rezoned to Mixed Use Zone following Amendment C161 to the Merri-bek (then known as Moreland) Planning Scheme to allow for development in accordance with the Merri-bek Industrial Land Use Strategy 2015-2030 (MILS), which identifies the Site as a 'Transition-Residential Area'.

The precinct also lies within the Brunswick Central Parklands comprising Gilpin Park, Clifton Park, Brunswick Park, Reaburn Reserve and AG Gillion Oval.

The Site's immediate interfaces include the following public open spaces and properties also contained within the Albert Street Urban Renewal Precinct:

- Clifton Park directly to the north of the Site, a recreational park with amenities including a football oval / cricket pitch, synthetic surface, a skate park, pavilion and a basketball half court all connecting to pedestrian and shared paths.
- 395-411 Albert Street to the north-east; accommodating a 9-11 storey mixed-use development under construction (close to completion) permitted by Planning Permit MPS/2020/737/C. Immediately east of the Site is 423 Albert Street, accommodating a single storey warehouse building and subject to the MUZ and DDO26 controls is also a future redevelopment site.
- Immediately to the south of the Site is the Albert Street (an approximately 16 metre wide local road reserve), with no nature strip or street planting along the north side of the street. On the south side of the street is Gilpin Park which is a popular dog walking and social park comprising a playground in the northeast, shelter, tennis tables, picnic and barbecue facilities.
- To the west is 429 Albert Street, a currently vacant site undergoing early works for an approved mixed use development (8-9 storeys) permitted by Planning Permit MPS/2020/674/A.

Refer to Site Photos below.

Subject Site: looking south from Clifton Park.

Subject Site: looking north from Gilpin Park.

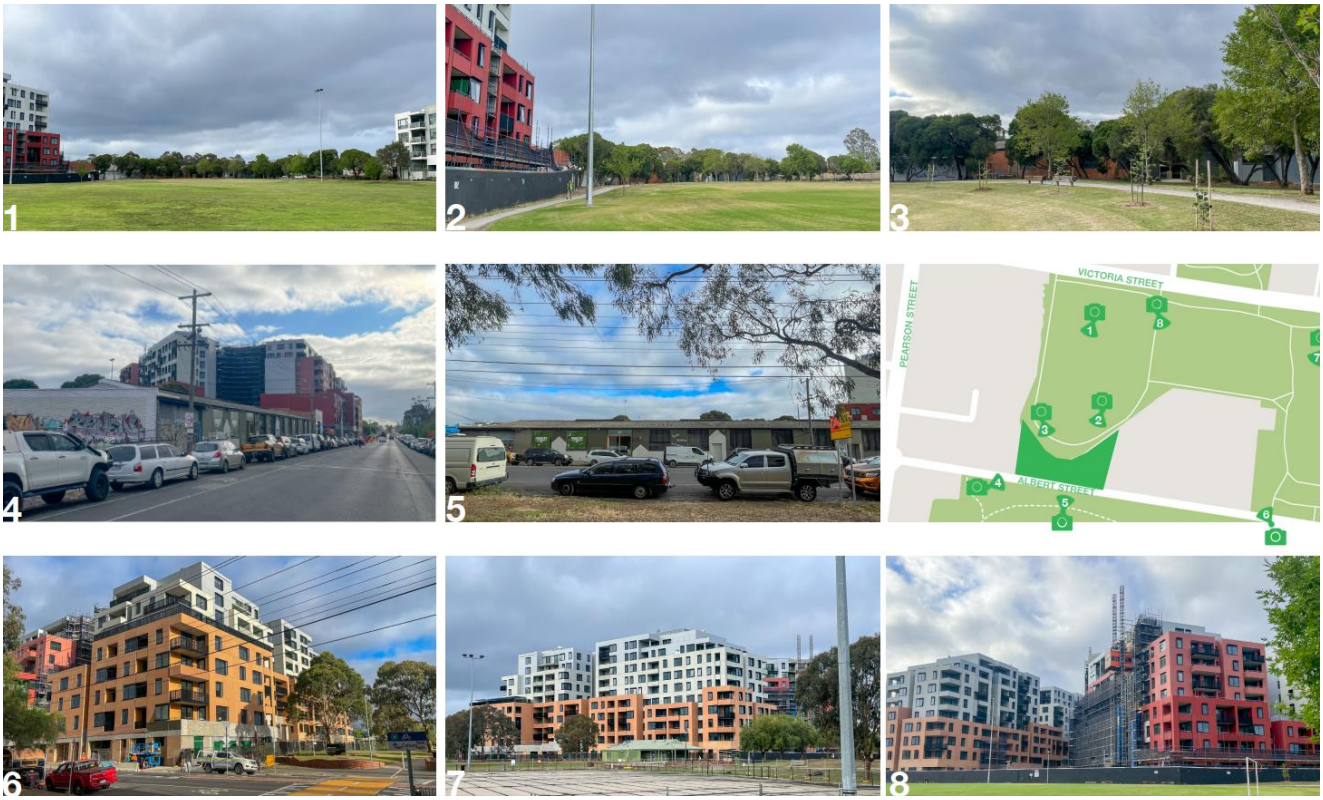
429 Albert Street: looking west from Clifton Park.

423 Albert Street: looking north from Albert Street / Gilpin Park.

417-413 Albert Street: looking north from Albert Street / Gilpin Park.

395-411 Albert Street: looking north from Albert Street / Gilpin Park.

395-411 Albert Street and Subject Site: looking south east from Clifton Park granitic path.



Extract from Urban Context and Design Report (AMA): Site Photos.

Gilpin Park: looking south toward playground and granitic path.

In addition to the immediate parkland surrounds, the Site benefits from its proximity to a variety of services and amenities within the Brunswick Activity Centre along and around Sydney Road to the east (one of three higher order major activity centres in Merri-bek) and public transport options, including Brunswick Station.

Refer to the Context Plan below.

Context Plan (source: OneMap).

As shown above, there are several public transport options surrounding the Site, including:

- Route 58 Tram (31 Dawson St / Grantham St) located approximately 935 metres (15 min walk) to the south.
- No. 508 Bus (Brunswick Railway Station / Victoria Street) located approximately 230 metres (5 min walk) to the north.
- No. 506 Bus (Pearson St / Smith St) located approximately 640 metres (10 min walk) to the south-west.
- Upfield Train Line (Brunswick Station) located approximately 900 metres (11 min walk) to the east.

The Site is also well connected to cycling routes including the Upfield Path and shared paths throughout the Brunswick Central Parklands.

3 Proposal

This section should be read in conjunction with the Plans and Urban Context and Design Response Report prepared by Austin Maynard Architects.

3.1 Overview

The proposal designed by Austin Maynard Architects (AMA) represents an innovative approach to navigating site constraints. It seeks to deliver a high quality medium density housing outcome that achieves exceptional amenity for residents, commercial tenants and the community alike.

Within an 8 storey building plus rooftop, commercial space at ground level complements the residential component of the building, which provides 61 dwellings of varying size and type across Levels 1 to 7.

As the development manager (HIP V. HYPE) proposes to relocate within one of the ground level Office tenancies, there is a strong desire to achieve a building that performs as well in operation as it does in design and construction.

The design includes a varied and sophisticated material palette, included brick to provide tactility to the ground plane.

The landscape and public realm plan (designed by Gardens of the Sun) proposes new street trees to Albert Street, with new pedestrian connections to be improved by tiered garden beds, layered planting and a large native tree in the Site's north-west corner.

Extract from UCR prepared by AMA: 3D Image Western Public Path.

3.2 Key Elements

Key elements of the proposal include:

- 455sqm of Office net leasable area.
- 95sqm of Shop net leasable area.
- 61 dwellings comprising:
  - 16 one bedroom apartments.
  - 37 two bedroom apartments (including a mix of one bath and two bath).
  - Eight (8) three bedroom apartments.
- Communal amenity including:
  - Generous lobby spaces and mail rooms.
  - Rooftop communal open space of 165sqm, including facilities for food production and preparation, and opportunities for passive relaxation and play.
- 147 bicycle spaces, comprising:
  - 106 residential spaces.
  - 21 residential visitor spaces.
  - 20 commercial spaces and End of Trip facilities.
- 40 car parking spaces for residents.

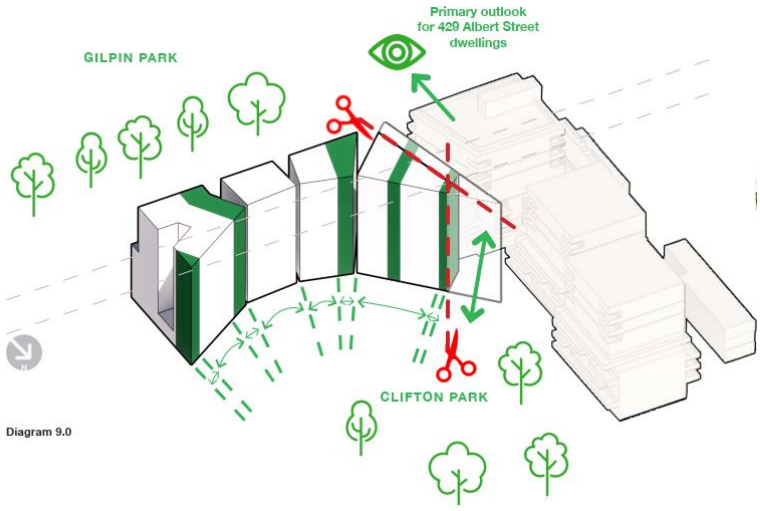
3.3 Design Response

The design by Austin Maynard Architects seeks to celebrate the unique configuration of the Site and its location surrounded by parkland through form, aspect and materiality.

Principles of cross ventilation, natural daylight, outlook (park views), passive surveillance and visual interaction are naturally facilitated by the depth of the Site and curved boundary to Clifton Park.

Physical and visual breaks in the built form are introduced through articulated setbacks, recesses and glazing to stairwells and landings. These elements provide further opportunities for outlook from circulation spaces within the Site while retaining outlook for future dwellings within the neighbouring development at 429 Albert Street.

Along the Site's east boundary, a 29sqm light court is introduced to provide for daylight access and equitable development. A 3 metre setback along the Site's west boundary similarly achieves these objectives while connecting to and improving the amenity of the new north-west shared path.



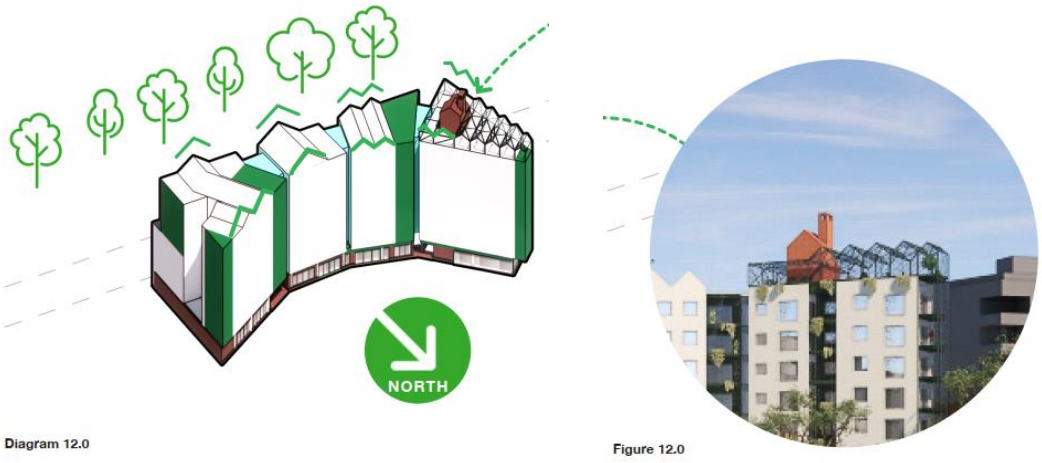
Extract from UCR prepared by AMA: Diagram 9.0.

A sophisticated approach to achieving visual recessiveness has been applied by AMA including variation in colour and materials, considered and refined massing including articulating the form with vertical breaks and a visually appealing ground plain.

Brick detailing, columns and window mullions add tactility to ground level to each interface and assist in anchoring the building to the ground plane.

To Albert Street (south), a four storey street wall is achieved through a 3 metre setback above Level 3, aligning with the massing of approved developments at 429 and 395-411 Albert Street to create a consistency to the streetscape.

At roof level, the building is articulated through pitched roof forms, landscaping and a brick form and chimney referencing the humble brick electrical substation. This form acts as a place marker for the building while concealing services that might otherwise clutter the rooftop.



Extract from UCR prepared by AMA: Diagram 12.0 and Figure 13.

The proposed colouration (eucalyptus green, white, red brick) echoes the River Red Gum (native to Merri-bek) and along with the full suite of high quality materials, will allow the building to blend comfortably within its surrounds.

Extract from UCR prepared by AMA: 3D Image Albert Street Frontage

3.4 Communal Amenity and Apartment Layouts

The proposal provides considered and well-designed communal spaces for residents throughout the building, including:

- Generous lobby spaces to each building core at Ground Level, including mail room and parcel drop and seating areas.
- Work bench, bike repair station and shared laundry with heat pump driers at Basement Level.
- Communal outdoor deck (165sqm) at rooftop level with food production and preparation facilities, and space for play, passive relaxation and social interaction. The space will offer panoramic views including east toward the Dandenong Ranges.
- Generous circulation areas at each level including bicycle parking with outlook to the north (Clifton Park) and south (Gilpin Park).

The communal amenity complements the high amenity provided to internal apartments through their clever configuration and splitting of living and sleeping zones.

Floorplates have been designed to provide exceptional levels of daylight to every apartment and outlook to surrounding parkland. Several apartments are dual aspect.

3.5 Landscape and Public Realm

The proposal makes a positive contribution to the public realm through a considered landscape and public realm response that complements the building design to each key interface: Albert Street to the south, the new north-south pedestrian link to the west, and Clifton Park and the curved public path to the north.

The Landscape Plan prepared by Gardens of the Sun proposes the following:

<u>To ground level:</u>

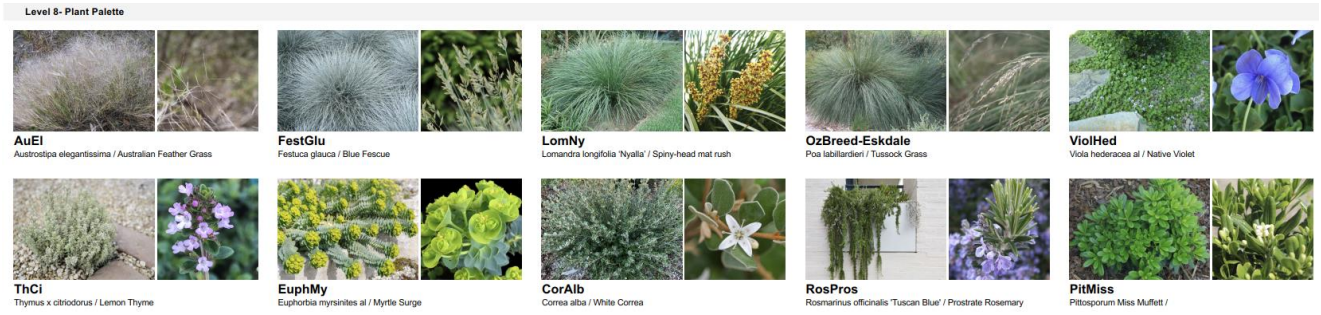
- 3 metre wide landscaped setback to the west, offering a biodiverse link between Gilpin Park to the south and Clifton Park to the north and simultaneously improving the amenity of the paved section of the shared communal path.
- A large native tree (lemon scented gum) in the north-west setback.
- Ground cover and shrubs in a planter within the Albert Street setback (western lobby entryway).
- Dwarf snow gum within the raised planter in the eastern void.
- 4 x Dwarf snow gum as new street trees to Albert Street.

<u>To Level 4 (podium):</u>

- Three roof gardens adjacent to apartment balconies (access for maintenance only) including 3 x Dwarf snow gum trees, shrubs, ground covers, grasses and creeping saltbush and she-oak.

<u>To Rooftop:</u>

- Shrubs, perennials, ground covers, grasses and native / edible plants in accordance with the below plant palette, to the communal outdoor deck and private roof deck.



Extract from Landscape Concept prepared by GOTS: Level 8 Plant Palette.

3.6 Environmentally Sustainable Design

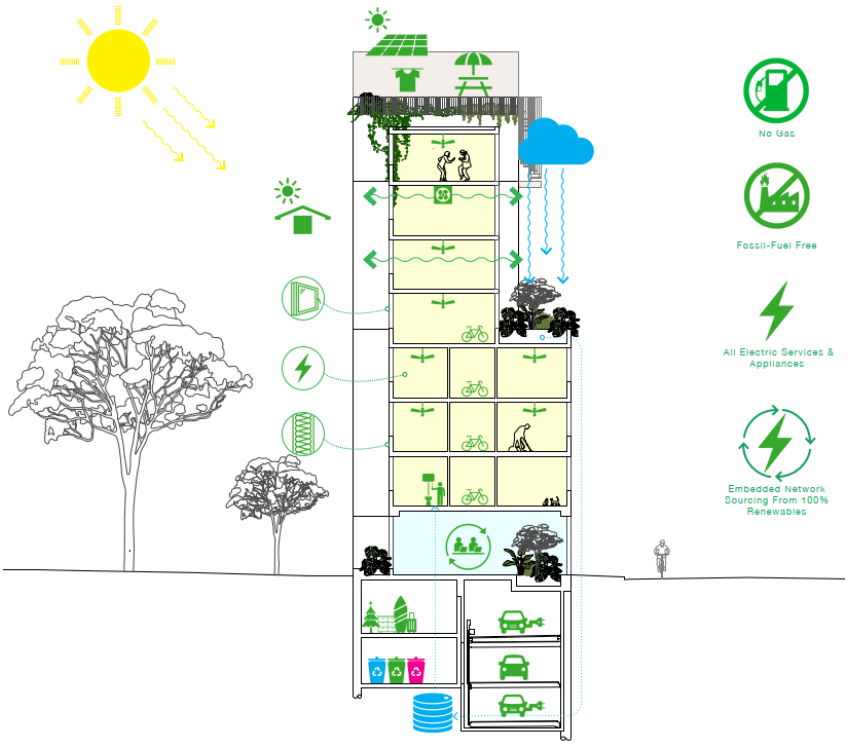
HIP V. HYPE Sustainability's approach to sustainability embeds several features into the project in design, construction and operation to benefit people, place, and planet.

More than the sum of its parts, the following key initiatives have been incorporated into the project, as outlined in HV.H's Sustainability Management Plan:

- *Passive design to target a minimum average* NatHERS rating of at least 8.5-Stars*, minimising the need for active energy systems.*
- *No fossil fuels including natural gas.* 100% all-electric building *supplied with renewable energy through an embedded network.*
- *Maintain comfortable internal temperatures passively, using little or no energy, providing comfortable living spaces year round and protecting inhabitants from extreme weather events.*
- *Create healthy homes, including reduction in the use of harmful VOCs in glues, sealants and paints, and protection from dust and other external airborne pollutants.*
- *Cost effective design that provides a sustainable outcome, avoiding over engineering and providing for simple maintenance over time.*
- *Minimise consumption of natural resources, including water and raw materials.*
- *Minimise environmental impacts through operation, including energy consumption, waste creation and discharge of pollutants.*

The result is a high-performance building that exceeds the industry benchmark for 'Excellence' by achieving a BESS score of 85% (with 50% representing 'best practice' and 80% representing ESD Excellence) and a STORM rating of 110% (exceeding the minimum 100% rating).

The proposal is innovative on a number of fronts, including the installation of an on-site weather station, the HV.H Better Buildings Team conducting post-occupancy research and installation of Mechanical Heat Recovery Ventilation (MHRC) in each apartment.



Extract from Urban Context and Design Response Report (AMA): Sustainability Diagram.

3.7 Reduce, Reuse, Recycle Strategy

The proposal is accompanied by a 'Reduce, Reuse, Recycle Strategy' (RRR Strategy) prepared by HIP V. HYPE. The Strategy is guided in part by Merri-bek's Zero Carbon Framework – 'Zero Carbon Merri-bek by 2040' and the Sustainability Victoria "Better Practice Guide: Waste management and recycling in multi-unit developments" and single use plastic ban.

It reframes how waste and recycling is considered by encouraging the avoidance of 'waste' in the first place, and considering it as a material to be reused or recycled in the second instance.

Residents will have bins for the following streams designed into kitchen joinery:

- General waste.
- Co-mingled recyclables.
- Food Organics.
- Soft Plastics.

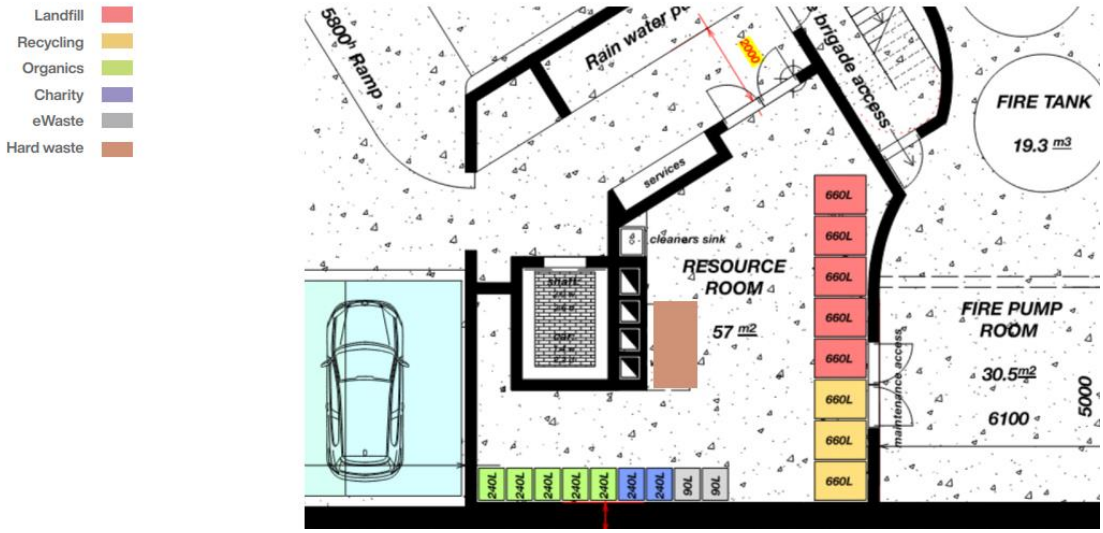
In addition, residents can access the following streams in the Resource & Recycling Room.

- Batteries
- Charity donations
- E-Waste.
- Hard rubbish.

Commercial tenants will have bins for the following streams, along with access to the Resource & Recycling Room:

- General waste.
- Co-mingled recyclables.
- Food Organics.
- Office paper and cardboard.

All materials (commercial and residential) will be stored for private collection in the Resource & Recycling Room at Basement Level 1, per the below plan, in accordance with estimated generation rates set out in the RRR Strategy (prepared by HV.H).



Extract from RRR Strategy (HV.H): Resource & Recycling Room at 427 Albert. Plans by Austin Maynard Architects.

3.8 Transport, Parking and Loading

The proposal has been designed to facilitate active and sustainable modes of transport including walking, cycling and public transport, ahead of the private motor vehicle. This is supported by a Green Travel Plan prepared by Traffix Group.

The building includes a substantial provision of bicycle parking (147 spaces in total), including 106 residential spaces, 21 residential visitor spaces and 20 employee spaces (including two spaces for cargo bicycles). End of trip facilities are provided as well as a work bench and bike repair station.

40 car parking spaces are proposed for the residential use within two stacker systems, with an additional electric charging bay outside of the stacker providing for EV charging capabilities.

Loading is proposed to occur along the Albert Street frontage.

Materials and resource ('waste') collection is proposed via a private contractor on-site, as outlined above, and within the RRR Strategy. A mini rear loader is proposed with swept paths included in the Transport Engineering Assessment.

Please refer to the Transport Engineering Assessment prepared by Traffix Group for more information.

4 Planning Provisions

4.1 Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the vision for the municipality and the key strategic directions under a range of themes (including settlement, housing, built environment and heritage, economic development and transport) to guide planning within the municipality.

Relevant clauses are summarised below.

Clause 02.01 Context provides an overview of the municipality's key characteristics including the following:

- *Merri-bek is home to a diverse population – with a wide range of cultures, household types, tenures, incomes, skills and occupations. Merri-bek is a community in transition, with strong population growth accompanied by structural changes in the economy and urban fabric. A growing population has resulted in increased pressure on housing, infrastructure and community facilities and services.*
- *Adapting and building resilience to climate change and reducing and responding to the urban heat island effect are key concerns for Council given their threat to liveability and sustainable neighbourhoods. Shifting towards zero net carbon emissions is part of creating a prosperous and resilient future for Merri-bek.*

Clause 02.02 Vision outlines the vision for Merri-bek City Council as follows:

Merri-bek City Council's vision is to plan for and manage population growth and associated development by creating sustainable neighbourhoods of well-designed environmentally sustainable development.

Clause 02.03 Strategic directions establishes a range of overarching strategic directions for the development of Merri-bek, set out below, as relevant to the Site and proposal.

Growth

- *Directing most of Merri-bek's growth to areas with access to shops, services and public transport, including:*
  - *Intensification of development in activity centres.*
  - *Infill development in other residential areas.*

Environmental and Landscape Values

- *Creating and protecting a diverse, connected and resilient environment of trees and other vegetation that will enhance urban ecology and greening in both the public and private realm.*
- *Protecting and enhancing habitat corridors in parks and along waterways.*
- *Encouraging development to be sensitive to all open space, river and creek interfaces.*

Built environment and heritage

Merri-bek encourages development that is designed to:

- *respond to and contribute to its context and any relevant heritage significance.*
- *integrate with landscape design to improve aesthetic quality and amenity for occupants and the public domain.*

Additionally, Council seeks to improve the built environment by:

- *Improving the quality of design of housing development.*

Environmentally sustainable design

Merri-bek is committed to becoming an environmentally sustainable and liveable city, outlining the following ongoing benefits of Incorporating sustainability principles in the design of buildings:

- *Reducing living costs associated with housing, such as energy costs.*
- *Improved amenity and liveability.*
- *Reduced greenhouse gas emissions.*

- *Greater resilience to the impacts of climate change.*

To achieve the above, Council supports:

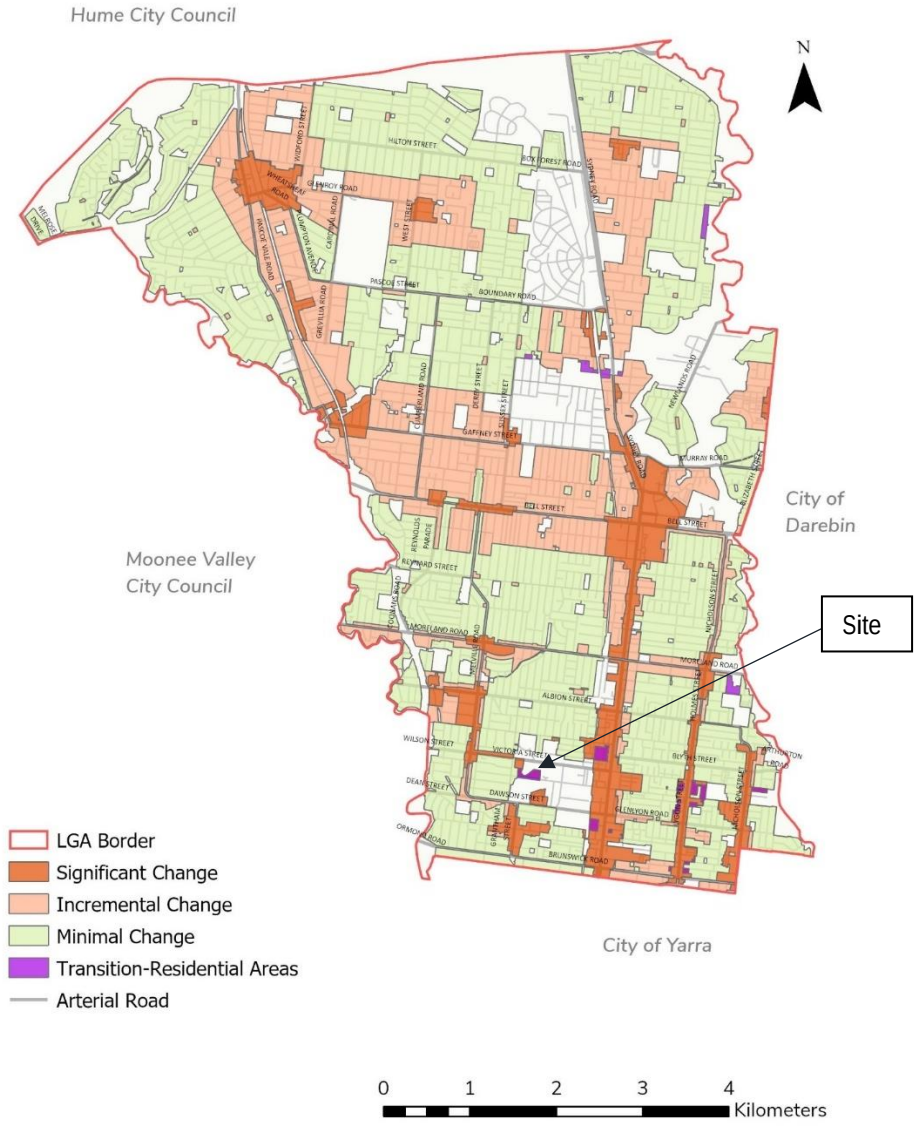
- *Encouraging development to incorporate environmentally sustainable design at the time of planning approval in the following areas: energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.*

Housing

It is outlined that the city is experiencing a shift toward smaller households with housing density increasing. To accommodate population growth and diversity, Council seeks to encourage and facilitate:

- *Housing growth and change in accordance with the Housing Framework shown on the Strategic Framework Plan: Housing.*
- *Residential development in industrial areas identified as Transition Residential Areas in the Strategic Framework Plan: Housing.*
- *A diversity of housing that meets the needs of different sectors of the community.*
- *Housing that is designed to meet the changing needs of occupants over their lifetimes.*
- *Housing that is affordable in relation to purchase price, rental price and ongoing living costs (utilities, transport) associated with the design and location of housing.*

Clause 02.04 Strategic Framework Plan identifies the Site within a Transition Residential Area, where residential development is encouraged to contribute to Merri-bek's housing supply.



4.2 Planning Policy

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered and given effect to. The PPF clauses of most relevance to the Site and proposal are detailed below.

Settlement

Clause 11 (Settlement) seeks to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Built Environment and Heritage

Clause 15 (Built Environment and Heritage) seeks to ensure all new land uses and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Clause 15.01-1S (Urban Design) aims to create safe and functional urban environments which are good quality and which display a sense of place and cultural identity.

Clause 15.01-1R (Urban Design – Metropolitan Melbourne) seeks 'to create a distinctive and liveable city with quality design and amenity'.

Clause 15.01-1L (Urban Design in Merri-bek) includes relevant strategies such as:

- Ensure site design, building frontages, design articulation and internal layout achieve a good interface with and surveillance of the public realm, including maximising opportunities for active frontages.
- Design development to contribute to a fine grain urban structure reflecting an appropriate balance of open space to built-form.
- Design development to contribute to a fine grain architectural expression with detailed street frontages.
- Ensure large sites provide a network of public streets, footpaths and lanes connecting through the site into the surrounding street and pedestrian network.
- Encourage development to contribute to the upgrade of existing streets adjoining the site and undergrounding of powerlines and other utilities.
- Design development adjacent to public open space to provide a clear separation between public and private land.
- Design and site development to not unreasonably overshadow public open space.
- Design development to provide a sense of safety by maximising interaction, passive surveillance and incidental lighting of open spaces.
- Ensure landscape design improves aesthetic quality and amenity for occupants and the public realm by:
  - Integrating development with the surrounding environment.
  - Providing for summer shading of buildings and private open spaces and allows for access to winter sun.
  - Contributing to reduction of the urban heat island effect.
  - Incorporating integrated water management and water sensitive urban design.

Clause 15.01-2S (Building Design) aims to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Clause 15.01-2L (Building Design in Merri-bek) includes numerous strategies, including:

- Encourage good-quality contemporary architecture.
- Ensure service infrastructure and waste storage facilities:
  - Are well concealed and / or screened from the street or; integrated into building design.
  - Enable the provision of green infrastructure.
- Ensure development maximises the retention of existing vegetation and large trees and provides sufficient space and conditions for planting of new canopy and screening trees.

Clause 15.01-2L (Apartment Developments in Merri-bek) applies to all applications for an apartment development of five or more storeys. The objectives of the policy are to design buildings to:

- Allow adequate daylight to living rooms and bedrooms.
- Provide opportunities for open space and landscaping areas.
- Reduce overlooking into habitable rooms and private open space areas through location and design.
- Provide a reasonable outlook from living areas.
- Enable the reasonable future development opportunities of adjoining sites.
- Manage the amenity impacts to adjoining sites.
- Achieve a greater level of privacy and higher levels of daylight compared to bedrooms.

There are numerous requirements within the policy in relation to building separation, daylight provision and the like. Of relevance are the following setback and lightwell requirements, which apply from the first level of residential use.

Table 1 Building setbacks to the side or rear boundary

Building height	Living room or Main balcony outlook to boundary	Bedroom outlook to boundary
Up to 4 storeys or 12 metres	6 metres	3 metres
5-8 storeys or up to 25 metres	9 metres	4.5 metres
9 or more storeys or over 25 metres	12 metres	6 metres

Table 2 Building setbacks to a lane

Building height	Living room or Main balcony outlook	Bedroom outlook
2 storeys or 9 metres	0 metres (from boundary)	0 metres (from boundary)
3-8 storeys or up to 25 metres	6 metres (from lane centre line)	3 metres (from lane centre line)
9 or more storeys or over 25 metres	9 metres (from lane centre line)	6 metres (from lane centre line)

Table 4 Light well dimensions

	Minimum width	Minimum area
Up to 4 storeys or 12 metres	2 metres	9 sqm
5-8 storeys or up to 25 metres	4.5 metres	29 sqm
9 or more storeys or over 25 metres	6 metres	51 sqm

The policy also seeks to consider, where relevant, the reasonable future development opportunities for adjoining sites (if the above requirements are not achieved). Likewise, if an existing residential development does not meet the distances specified in the tables (relevant to setbacks but not light wells), there is a requirement to achieve a comparable adequate setback (from a minimum of one metre and maximum of three metres).

Clause 15.01-2L-04 (Energy efficiency in Merri-bek) seeks to ensure development maximises passive energy efficiency and creates quality living and working environments.

Clause 15.01-2L-05 (Environmentally sustainable development) seeks to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Clause 15.01-4S (Healthy Neighbourhoods) aims 'to achieve neighbourhoods that foster healthy and active living and community wellbeing'.

Clause 15.01-4R (Healthy Neighbourhoods) aims to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or public transport trip.

Clause 15.01-5S (Neighbourhood character) aims to recognise and protect cultural identity, neighbourhood character and sense of place.

Housing

Clause 16 (Housing) states that planning should provide for housing diversity and ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Clause 16.01-1S (Housing supply) seeks 'to facilitate well-located, integrated and diverse housing that meets community needs.'

Clause 16.01-1R (Housing supply – Metropolitan Melbourne) seeks amongst other things to 'provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas'.

Clause 16.01-1L (Homes in Merri-bek) includes a range of strategies, including rezoning of land identified as 'Transition Residential' Areas on the Strategic Framework Plan: Housing at Clause 02.04.

Clause 16.01-1L (Housing for people with limited mobility) includes a strategy that seeks to:

- *Encourage the provision of housing that can be lived in by people with limited mobility (or easily adapted to be lived in) by incorporating the following design features:*
  - *An accessible path from the street and car park areas to a level entry.*
  - *A clear path of travel from the accessible entry to a living area and toilet.*
  - *A bedroom, living area, kitchen, private open space, bathroom and toilet for people with limited mobility on entry level.*

Clause 16.01-2S (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

Economic Development

Clause 17 (Economic Development) seeks to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.

Clause 17.01-1S (Diversified economy) seeks to strengthen and diversify the economy by improving access to jobs closer to where people live.

Transport

Clause 18 (Transport) seeks to ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitate economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

Clause 18.01-3S (Sustainable and safe transport) aims to facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Clause 18.02-1L (Sustainable and safe transport – Metropolitan Melbourne) outlines the following strategy to achieve the above objective: to improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Infrastructure

Clause 19 (Infrastructure) aims for strategic planning to facilitate efficient use of existing infrastructure and human services.

4.3 Zoning

Clause 32.04 – Mixed Use Zone

The Site is located in the Mixed Use Zone, Schedule 1 (MUZ1) – *Merri-bek Mixed Use Areas.*

The purpose of the MUZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

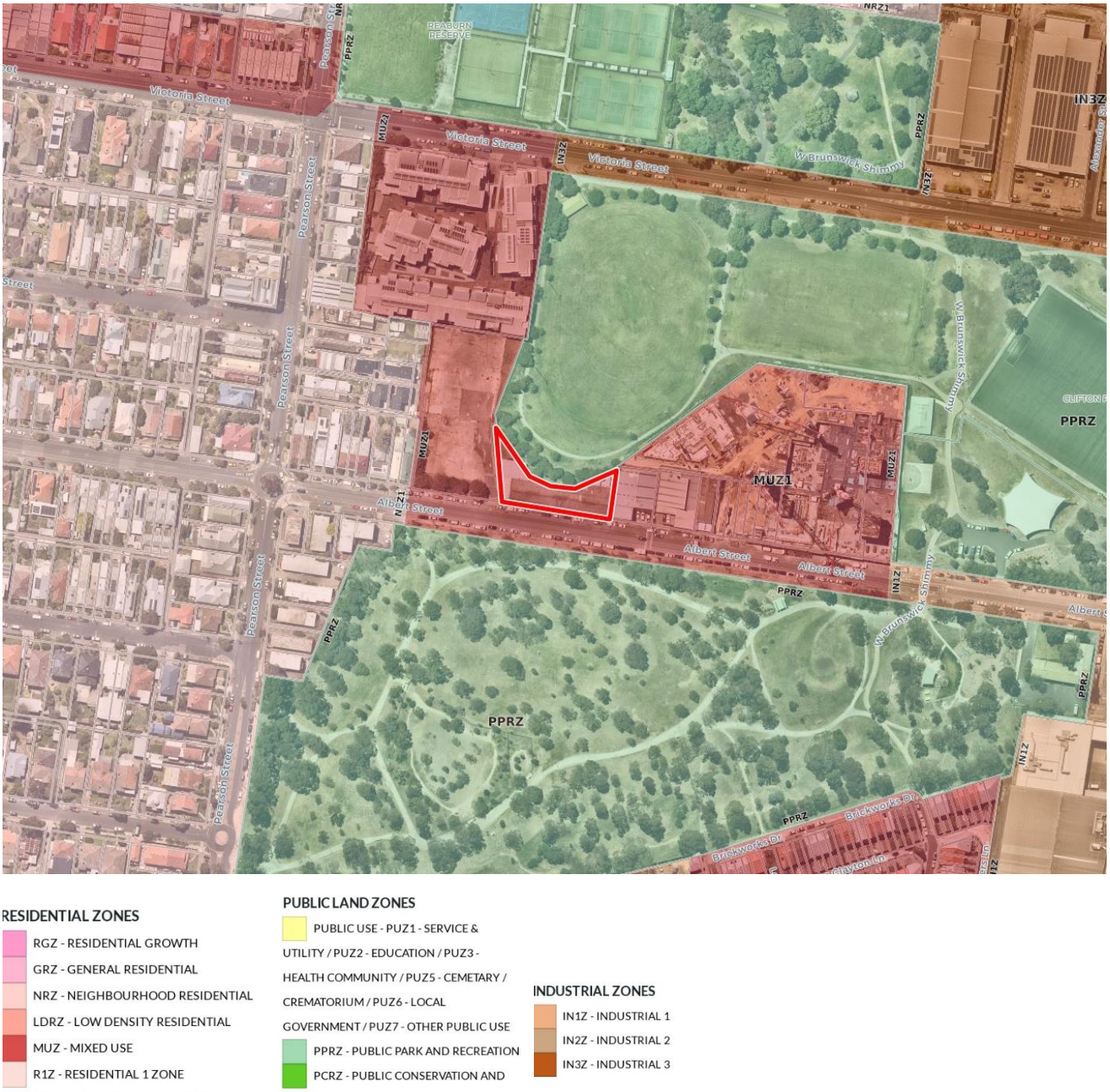
Schedule 1 to the MUZ specifies the following objective:

- *To ensure the design and siting of new buildings maximise landscaping throughout the site, including the retention of existing canopy trees (where practicable) and the planting of new canopy trees and vegetation.*

Pursuant to Clause 32.04-2, a permit is required to use the land for *Office* with leasable floor area greater than 250 square metres.

Pursuant to Clause 32.04-6, a permit is required to construct two or more dwellings on a lot.

Pursuant to Clause 32.04-10, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2 (Mixed Use Zone).



Zone Plan

4.4 Overlays

The Site is subject to the following overlays:

- Design and Development Overlay, Schedule 26 (DDO26).
- Environmental Audit Overlay (EAO).
- Development Contributions Plans Overlay (DCPO1).

Refer to the below Overlay Plan – DDO26 and Overlay Plan – EAO and DCPO1.

Overlay Plan – DDO26

Overlay Plan – EAO and DCPO1

4.4.1 Design and Development Overlay, Schedule 26 (DDO26)

The Design and Development Overlay applies specific design requirements relating to the design and built form of new development.

Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works.

The Design and Development Overlay, Schedule 26 (DDO26) applies to land at 395-429 Albert Street, Brunswick – the 'Albert Street Urban Renewal Precinct'.

DDO26 sets out the following design objectives:

- To support quality medium density residential development that is mid-rise built form in character, with a pedestrian scale to the precinct edges and a western interface that is scaled down and provides a separation to respond to the lower scale and heritage significance of existing dwellings.
- To provide a quality public realm interface by including a visual and public pedestrian connection between Albert Street and Clifton Park, a high level of passive surveillance to external public spaces and internal communal areas, and quality landscape design to integrate into the parkland context.
- To ensure building massing, separation and orientation optimises park views for new dwellings.
- To ensure reasonable future development potential for the precinct, and encourage site consolidation to improve overall design and development outcomes.
- To prioritise pedestrian and cycle movements over vehicle movements within and around the precinct.

Subclause 2.0 of the DDO26 sets out various built form requirements relating to built form, Albert Street interfaces, Clifton Park interfaces, Western Residential interface (only applicable to development on the western boundary of the precinct), Circulation, Access and Parking, Landscaping and Reasonable future development potential.

A thorough assessment of the proposal against DDO26 design objectives and built form requirements is provided at Section 5.3 of this report.

Pursuant to subclause 5.0 Application requirements for buildings and works, 'an application for development must include, where appropriate, having regard to the particular stage of development, the following information to the satisfaction of the responsible authority:'

The following upgrade works/actions to be confirmed by a section 173 Agreement or other suitable guarantee, including the timing for these items. The cost of these upgrade works/actions are to be paid for by the developer and considered in addition to any developer contribution made under Schedule 1 to Clause 45.06 and the Schedule to Clause 53.01 of the Merri-bek Planning Scheme:

- *When and how any upgrades to both sides of Albert Street, including the undergrounding or bundling of powerlines and street tree planting, will be achieved.*
- *When and how any upgrades to Clifton Park will be achieved, including:*
  - *the need for any additional infrastructure to manage conflicts resulting from the 'active use' of the sports grounds in Clifton Park (e.g. protective nets behind goal posts).*
  - *the construction of the public path along the interface with Clifton Park, including tree planting.*
  - *the creation of a 'paper road' to delineate private land from public land and provide legal pedestrian access, where needed, to new dwellings fronting the park.*
- *Development must provide for the upgrade of the Albert Street footpath and street tree planting immediately adjacent to the precinct (design details to be resolved at the planning permit application stage).*
- *The path fronting Clifton Park should be provided on public land in accordance with Figures 1, 2 and 3.*

We note that the above requirement (for a S173 agreement) can be dealt as required with via permit condition as per planning permits for other sites within the ASURP.

The application is supported by an Urban Design Report prepared by AMA, Traffic Engineering Report prepared by Traffix Group, Landscape Design Report prepared by Gardens of the Sun and Acoustic Engineering Report prepared by Vipac, in response to the remainer of the application requirements of DDO26.

4.4.2 Environmental Audit Overlay (EAO)

The Site is subject to the EAO, which seeks:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

Preliminary site investigations conclude that a Certificate of Environmental Audit will be required.

4.4.3 Development Contributions Plans Overlay (DCPO1)

The Site is subject to the Development Contributions Plan Overlay, which primarily seeks to identify areas that require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

DCPO1 identifies the Site in Charge Area 2 – Brunswick.

4.5 Particular Provisions

The following particular provisions are relevant to the application:

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 53.18 – Stormwater Management in Urban Development
- Clause 58 – Apartment Developments

4.5.1 Clause 52.06 – Car Parking

The purpose of Clause 52.06 is as follows:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Pursuant to Clause 52.06, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

As the Site is located in the Principal Public Transport Network Area (PPTN), Column B rates apply.

Use	Size / No.	Statutory Parking Rate (Column B)	Parking Requirement[1]	Parking Provision	Shortfall / Surplus
One-bed dwelling	16	1 space per one/two-bedroom dwelling	16	40	-29
Two-bed dwelling	37		37		
Three-bed dwelling	8	2 spaces per three or more bedroom dwelling	16		
Residential visitors	61	None required	N/A	0	0
Shop	95m²	3.5 car spaces per 100m² LFA	3	0	-3
Office	455m²	3 car spaces per 100m² NFA	13	0	-13
TOTAL			**85**	**40**	**-45**

Notes:

1. Clause 52.06-5 specifies that where a car parking calculation results in a requirement that is not a whole number, then number of spaces should be rounded down to the nearest whole number.

Extract from Traffic Engineering Assessment prepared by Traffix Group: Table 5: Statutory Car Parking Assessment – Clause 52.06-5.

The proposal is seeking to reduce the required number of car parking spaces by 45 spaces. This is discussed further at Section 5.7 of the Planning Report.

4.5.2 Clause 52.34 – Bicycle Facilities

The purpose of Clause 52.34 is as follows:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

The statutory bicycle parking requirement generated by the proposed dwellings, shop and office land uses is set out in the Traffic Engineering Assessment prepared by Traffix Group. The proposal generates a requirement for 12 resident spaces and 6 visitor spaces for the dwelling use.

Please refer to the extract from the Traffic Engineering Assessment (prepared by Traffix Group) below.

Use	Size/No.	Statutory Bicycle Parking Requirement		No. Bicycle spaces required
		Residents or Employees	Visitors or Customers	
Dwelling	61	1 space to each 5 dwellings	1 space to each 10 dwellings	12 resident 6 visitor
Shop	95m^2	1 space to each 600m^2 LFA if the LFA exceeds 1000m^2	1 space to each 500m^2 LFA if the LFA exceeds 1000m^2	None
Office	455m^2	1 to each 300m^2 of NFA if the NFA exceeds 1000m^2	1 to each 1000m^2 of NFA if the NFA exceeds 1000m^2	None
TOTAL				**12 resident 6 visitor**

Extract from Traffic Engineering Assessment prepared by Traffix Group: Table 7: Statutory Bicycle Parking Assessment – Clause 52.34.

The proposal significantly exceeds the required number of bicycle parking spaces. This is discussed further at Section 5.7 of the Planning Report.

4.5.3 Clause 53.18 – Stormwater Management in Urban Development

The purpose of Clause 53.18 is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed tom mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Pursuant to Clause 53.18-3, an application to construct a building or construct or carry out works:

- *Must meet all of the objectives of Clause 53.18-5 and 53.18-6*
- *Should meet all of the standards of Clause 53.18-5 and 52.18-6.*

Stormwater management is addressed in the Sustainability Management Plan prepared by HIP V. HYPE.

4.5.4 Clause 53.23 – Significant Residential Development with Affordable Housing

Clause 53.23 applies to an application that includes the use or development of land for accommodation that meets the requirements of a category in Table 1. The purpose of this clause is:

- *To facilitate residential development that includes affordable housing to meet existing and future needs.*
- *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
- *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*
- *To facilitate residential development with high quality urban design, architecture and landscape architecture.*
- *To provide opportunities for non-residential use and development in association with residential development.*

Pursuant to Category 3 of Table 1, an application is eligible for consideration under the clause where the responsible authority has advised in writing that the use or development of land for accommodation is of significance having regard to:

- The purpose of clause 53.23.
- The percentage of the total number of dwellings in the development that are proposed to be affordable housing and whether an alternative mechanism will be used for the delivery of affordable housing.
- The estimated cost of development.
- The location of the development and whether it has convenient access to jobs, services, infrastructure and community facilities.
- Whether the design, liveability and sustainability of the development is exemplary.
- Whether the development will be owned and operated by a community housing provider.

The application must have written advice from the Chief Executive Officer, Invest Victoria confirming the likely financial feasibility of the proposal.

Pursuant to Clause 53.23-2, the responsible authority may waive or vary any of the following:

- A minimum garden area requirement.
- Any building height or setback requirement.
- A condition opposite a use in Section 2 in a zone or a schedule to a zone.

Pursuant to Clause 53.23-5, an application under any provision of this planning scheme is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act.

Pursuant to Clause 72.01-1, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and endorsement of, approval of or being satisfied with matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a use or development to which Clause 53.23 applies.

4.5.5 Clause 58 – Apartment Developments

The purpose of Clause 58 includes the following:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage apartment development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage apartment development that is responsive to the site and the surrounding area.*

An assessment of the proposal against Clause 58 is provided at Appendix B.

4.6 Strategic and Other Planning Considerations

4.6.1 Plan Melbourne 2017-2050

Plan Melbourne 2017-2050 is the Victorian Government's metropolitan planning strategy that will guide the city's growth to 2050. Plan Melbourne provides background statements which frame and provide insight into the challenges for Melbourne's future growth. It is structured around 9 principles which underpin a long-term vision, 7 outcomes, 32 directions and 90 policies.

Key relevant outcomes include the following:

- *Melbourne provides housing choice in locations close to jobs and services.*
- *Melbourne is a distinctive and liveable city with quality design and amenity.*
- *Melbourne is a sustainable and resilient city.*

4.6.2 Merri-bek Industrial Land Strategy 2015-2030 (MILS)

The MILS locates the Site within a 'Transition Residential Area', which provided the strategic framework for its rezoning to mixed use zone.

Transition Residential Areas, as detailed in the MILS "are encouraged to transition to full residential redevelopment and will contribute to Moreland's [Merri-bek's] housing supply. The scale and density of housing in these areas will be guided by the proximity of the area to an Activity Centre, the size of an area and its ability to manage off site impacts and integrate at its boundaries with the scale of the surrounding neighbourhood."

4.6.3 Victoria's Housing Statement and Housing Targets for Merri-bek

Victoria's Housing Statement was released on 20 September 2023. It sets out a series of reforms that aim to deliver greater housing availability and affordability through facilitating the delivery of 80,000 homes per year and a 're-focus' of residential growth to achieve a greater proportion of dwellings in established urban areas.

Further to the Housing Statement, the State Government announced Statewide draft housing targets including an additional 72,000 homes for Merri-bek by 2051 (to complement the 81,000 current homes in 2023).

4.6.4 Zero Carbon Merri-bek

Merri-bek City Council has adopted a 'Zero Carbon' Framework focused around community action, energy switch, zero waste and smart travel. Goals for 2025 include:

- *Our community is acting to reduce their carbon emissions and is engaged in collective action.*
- *Merri-bek is recognised for our leadership in collaborative campaigning for a safe climate.*
- *Double the amount of solar photovoltaic capacity across Merri-bek from 22MW to 44MW.*
- *Reduce the daily average residential electricity usage in Merri-bek from 4.8kWh per person to 4kWh.*
- *Increase the number of Merri-bek households composting or worm farming.*
- *Increase the number of 'share economy' groups and initiatives.*
- *A significant decrease in the proportion of Merri-bek residents driving to work.*
- *A higher than average (Melbourne metropolitan) ownership of electric vehicles.*

5 Planning Assessment

Overview

This chapter provides an assessment of the proposal against the relevant policy and provisions of the *Merri-bek Planning Scheme*. The assessment raises the following key questions.

- Is the proposal consistent with the intent of the Mixed Use Zone and relevant planning policy with the Merri-bek Planning Scheme?
- Is the proposal consistent with the design objectives and built form requirements for the Site within the Albert Street Urban Renewal Precinct (DDO26)?
- Is the proposal consistent with the built form outcomes sought by Clause 15.01-2L (Apartment Developments in Merri-bek)?
- Does the proposal create any unreasonable offsite amenity impacts?
- Does the proposal provide for a high level of internal amenity?
- How does the proposal align with Merri-bek zero carbon and environmentally sustainable development objectives?
- Does the proposal provide an appropriate transport and parking response?
- Are the proposed resource recovery, management of material streams and collection arrangements appropriate?

A detailed response to each of these matters is provided below.

5.1 Is the proposal consistent with the intent of the Mixed Use Zone and relevant planning policy with the Merri-bek Planning Scheme?

The proposal is consistent with various policy provisions outlined in the *Merri-bek Planning Scheme*, including the Municipal Planning Strategy (MPS), Planning Policy Framework (PPF) and Plan Melbourne 2017-2050, while having regard to both the land use zoning and overlay provisions affecting the Site, and relevant particular provisions.

More particularly, it is noted that:

- The proposal responds to the growth, housing and density outcomes sought by the zone (Mixed Use Zone), MPS (Clause 02.03), and Plan Melbourne 2017-2050, in providing for 61 dwellings on the Site; housing at a higher density in a location close to jobs, services and amenities (Clause 16.01-1S, 16.01-2S).
- The commercial leasable area proposed at ground level – Shop (95 sqm) and Office (455sqm) – also aligns with the intent of the mixed use zone, and economic related provisions of the MPS and PPF (Clause 02.03, 17.02-1S and 17.02-2S).
- The building design by Austin Maynard Architects celebrates the unique shape of the Site and surrounding parkland through form, aspect and materiality. The development is sited and oriented to maximise outlook and daylight access for the future dwellings. Within the eight storey building, openings and breaks allow for connections between the parklands to the north and south, while colouration –white, green and red brick– allow for the building to sit comfortably within its surrounds. The design presents a fine grain architectural expression through fenestration and materiality, including variation in size of apartment windows, solar awnings that add depth and articulation to the façade, the rhythm of glazed panels and brick detailing at ground level, and the specification of lightweight metal railing and stainless steel netting to apartment balconies. The proposed building height, sitting not more than 8 storeys, limits overshadowing to public open space to the south of the Site. In this sense, the proposal is consistent with the built form, building design and urban design related policy in the MPS and PPF (Clauses 02.03, 15.01-1S, 15.01-1R, 15.01-1L, 15.01-2S, 15.01-2L, 15.01-5S).
- The proposal contributes to the emerging pedestrian link along its west boundary through a landscaped setback, an active frontage, and provision of an additional connection through the Site's north-west corner to the 'public path' on Council land, consistent with Clause 15.01.-1L.

- The proposal has been designed to achieve a holistic sustainability response for the Site, as demonstrated within the Sustainable Management Plan and RRR Strategy prepared by HIP V. HYPE. Achieving a BESS Score of 85%, the proposal exceeds what is sought for developments in terms of sustainability at Clauses 15.01-2L-04 and 15.01-2L-06. Refer to Section 5.7 of the report for more information.
- The proposal fosters healthy and active living through a substantial provision of bicycle parking and facilities and a lower car parking provision than required having regard to the Site's location, walkability and access to public transport (while seeking a reduction to the statutory car parking requirement accordingly). This is consistent with policy relating to healthy neighbourhoods, sustainable transport and 20-minute neighbourhoods (clauses 15.01-4R, 18.02-1L). Refer to Section 5.7 for more information.

On the basis of the above, the proposal aligns precisely with the planning outcomes and objectives sought by the *Merri-bek Planning Scheme*.

5.2 Is the proposal consistent with the design objectives and built form requirements for the Site within the Albert Street Urban Renewal Precinct (DDO26)?

The proposal demonstrates a strong alignment with the design objectives of DDO26. Please refer to the Urban Context and Design Response Report prepared by AMA and the table below, which provides a response to each objective.

Design Objective	Response
To support quality medium density residential development that is mid-rise built form in character, with a pedestrian scale to the precinct edges and a western interface that is scaled down and provides a separation to respond to the lower scale and heritage significance of existing dwellings.	The proposed development at eight storeys is mid-rise in built form character and represents a high quality design that is context responsive, sustainable and beautiful. As evident in the suite of award-winning past projects designed and delivered by Austin Maynard Architects and HIP V. HYPE respectively, the project team is committed to delivering high quality residential development. The proposed design is the result of a rigorous design process and innovative approach to navigating site constraints. At the precinct edges (i.e. to Clifton Park and Albert Street), the building provides a pedestrian scale through depth and relief to the commercial frontage, human scale detailing, built in seating, landscaping and tactile materials (brick). **The proposal aligns with this design objective.**
To provide a quality public realm interface by including a visual and public pedestrian connection between Albert Street and Clifton Park, a high level of passive surveillance to external public spaces and internal communal areas, and quality landscape design to integrate into the parkland context.	As detailed by AMA in the Urban Context and Design Report (Appendix A), "the proposed design gives careful consideration to the immediate relationship at each interface in its scale, articulation and detail, while the pitched roof forms to the upper sections of the building reference the domestic context to the west of the precinct." The proposed landscape setback and pedestrian access points provided along the Site's western interface provide a visual and public pedestrian connection between Albert Street and Clifton Park. Additionally, the open frontages allow for visual connection through the commercial tenancies and lobby areas.

	Above ground, habitable spaces and circulation areas provide for passive surveillance to external spaces. The built form is accompanied by a landscape proposal (designed by Gardens of the Sun) that will integrate the building with its parkland surroundings through a native plant palette and upgrade and renew the Albert Street streetscape. **The proposal aligns with this design objective.**
To ensure building massing, separation and orientation optimises park views for new dwellings.	The proposed development benefits from the Site's configuration and location within the precinct, with building massing and apartment layouts allowing for extensive park views to the north and south. The chamfered edge to the building's massing in the north-west corner maximises park views for the approved dwellings at 429 Albert Street. **The proposal aligns with this design objective.**
To ensure reasonable future development potential for the precinct, and encourage site consolidation to improve overall design and development outcomes.	As outlined by AMA in the Urban Context and Design Report (Appendix A), "while there is no opportunity for consolidation of 427 Albert Street with either neighbouring parcel, the design does contemplate an approach to equitable development of 423 Albert Street that markedly improves the future development potential of the site". The proposed built form on boundary and light court in excess of 29sqm to the Site's eastern interface will allow 423 Albert Street to develop with appropriate access to daylight. To the west at 429 Albert Street, a future development has already been approved and is under construction (early works). The proposed design does not compromise the future development of this site. **The proposal aligns with this design objective.**
To prioritise pedestrian and cycle movements over vehicle movements within and around the precinct.	The proposal prioritises pedestrian and cycle movements through a substantial provision of bicycle parking on-site, contribution to the pedestrian and shared paths surrounding the site, a reduction to the proposed car parking requirement and consolidation of vehicle access to the Site's south-east corner. **The proposal aligns with this design objective.**

The proposal complies with all mandatory built form requirements as relevant to the Site.

Where an alternative response (variation) is proposed to a discretionary requirement, the proposal delivers an improved, context-responsive outcome to a design that would otherwise demonstrate strict compliance.

Please refer to Appendix A where a detailed assessment against each relevant built form requirement is provided.

For the reasons outlined above and in Appendix A, the proposal is consistent with the design objectives and built form requirements for the Site within the Albert Street Urban Renewal Precinct (DDO26).

5.3 Is the proposal consistent with the built form outcomes sought by Clause 15.01-2L (Apartment Developments in Merri-bek)?

Clause 15.01-2L applies to applications for apartment development of five or more storeys and seeks primarily to ensure apartment buildings are designed to provide daylight, privacy and outlook to living rooms and bedrooms, enable the reasonable development opportunities of adjoining sites and prioritise opportunities for ground level landscaping and open space.

Preferred building separation distances are specified based on the type of interface and height of buildings in question.

The proposal is consistent with the building design and separation strategies as follows:

- The proposed massing arrangement responds to the site shape and orientation, allowing for exceptional daylight access into living rooms and bedrooms, with several apartment typologies facing north and otherwise are designed to maximise their aperture particularly if they have a southern aspect. Several apartments are dual aspect and all locate living areas close to the building line by virtue of their wide frontages.
- The development provides opportunities for landscaping between the proposed built form and adjacent approved building at 429 Albert Street, through landscaped setback along the west and north-west at ground level. The introduction of a void to the east allows for further landscaping between buildings.
- The proposed configuration of apartment layouts sites and orients living spaces and balconies to minimise any direct views between buildings (between 427 and 429 Albert Street) and to maximise outlook over the parkland to the north and south.
- The proposal is cognisant of maintaining equitable development opportunities for the land to the east of the Site, which is addressed in further detail below (and in the DDO26 response to 'reasonable future development potential' built form requirement).
- The Site does not have any immediate existing residential abuttals that would be subject to amenity impacts. For dwellings within the approved development plans at 429 Albert Street (MPS/2020/674/A), primary outlook is provided to the north and south, with bedroom windows and secondary living room windows providing additional daylight from the interface to the north-east. Due to the location of the north-south pedestrian link at ground, these dwelling have access and oblique views to the north. For the first three residential levels of both developments (427 and 429 Albert Street), a 6m separation is provided (3m setback to each development from their shared side boundary). Above the podium, a greater level of privacy is achieved through a 9 metre separation.

Building setbacks to a side or rear boundary and to a lane

The proposal is classified within the '5-8 storey or up to 25 metres' building height category of Clause 15.01-2L, noting the residential use commences at the first level. The Site has a side boundary to the east to 423 Albert Street and current side boundary to the west to 429 Albert Street. However, it is submitted that this interface could be treated as a 'lane' given the requirement for a new primary public path to be provided here.

West boundary

The proposal is set back 3 metres from the western side boundary (or new lane centre line), which aligns with the preferred setback for bedroom outlook outlined in Table 2 (Building setbacks to a lane). If the boundary is treated as a side boundary, the proposed setback aligns with the preferred setback for bedroom outlook up to 4 storeys or 12 metres, and would seek to vary the preferred 4.5m setback by 1.5m for the upper three levels. As the future development scenario for 429 Albert Street is known, this setback is considered to provide a sufficient separation to maintain daylight access and outlook to the dwellings with minimal potential for amenity impacts.

East boundary

The proposal is built to the boundary along its east boundary (with the exception of a 29sqm light well, and opening to balconies at the northern end of this interface), as building separation is not required to provide outlook to living rooms (outlook provided to north and south) and this response does not affect the reasonable future development opportunity for the adjoining site (423 Albert Street).

The proposed light well is of sufficient size to service the habitable rooms facing the light court (29 sqm), which aligns with minimum area requirements of Table 4.

Having regard to the above assessment, the proposal consistent with the built form outcomes sought by Clause 15.01-2L (Apartment Developments in Merri-bek).

5.4 Does the proposal create any unreasonable offsite amenity impacts?

Potential amenity impacts associated with any development of this nature would typically relate to visual bulk and overshadowing. These are addressed in turn below.

Visual bulk

Visual bulk is a somewhat amorphous concept. It can relate to a combination of factors including building height, boundary setbacks, the presence of walls on boundaries, site coverage, materiality, roof form, the presence of blank or unarticulated walls, and even to some extent the provision (or lack) of landscaping.

Given the Site's location within the Albert Street Urban Renewal Precinct, which is already seeing a new scale of development emerge, it is submitted that amenity expectations in relation to the scale of built form on the Site need to be tempered by the anticipated future character and new backdrop of built form to surrounding parkland.

Notwithstanding, the potential for any 'bulk' impacts would principally arise with respect to Clifton Park to the north and Albert Street / Gilpin Park to the south, noting that nearby, existing lower scale residential land (to the west of the precinct) is separated from the Site by 429 Albert Street.

To Albert Street, the proposed built form has been set back in accordance with the relevant setback provision set out in the DDO26 to set back upper levels above a four storey podium. While balconies and a spiral stairwell are proposed as minor encroachments into the setback, these lightweight elements work to articulate the building and add visual interest instead of contributing to any apparent 'bulk'.

Where built form is proposed without the preferred setback above four storeys to Clifton Park, this approach has been adopted having regard to the Site's unique concave northern boundary and site depth, which allows for the built form to be naturally set back from a substantial portion of the park, and to avoid creating a thermally inefficient envelope. This proposed built form typology has been tried and tested in Austin Maynard Architects' 'ParkLife' development where it interfaces to Bulleke-bek Park in Brunswick, also for a height of eight storeys (refer to image below).

Instead of adopting a typical podium / setback typology to create recessive upper levels, noting that upper levels will always be able to be seen from various vantage points within the park, a more sophisticated approach of extruding the same architectural language vertically up the building is applied. Visual recessiveness is achieved through vertical building breaks (creating four separate forms), glazing to circulation areas at each level, a light and high quality cladding material (white metal standing seam in colorbond surfmist) varied with the green weatherboard gladding and brick at ground level, creating a visually appealing ground plane. The recessed balconies clad with a lightwell stainless steel netting assist in providing depth to the façade.

Extracts from UCR prepared by AMA: Diagram 14 and Figure 15 (ParkLife).

Overshadowing

The potential for the development to cause unreasonable offsite amenity impact by way of overshadowing is limited due to the Site location relative to surrounding parkland, with Clifton Park sited to the north.

Overshadowing impact to Gilpin Park is limited by the proposed building height which does not seek to exceed the preferred height limit set by DDO26 (8 storeys / 28 metres) with the exception of the pitched roof architectural features in some locations.

While a small amount of additional overshadowing will occur to Gilpin Park generally in the morning (demonstrated by the shadow impact study prepared by AMA), overshadowing is generally avoided in the afternoon with the exception of shadow to the sidewalk. Importantly, the curved granitic sand pathway along the northern end of Gilpin Park is protected from shadow.

For the reasons outlined above, the proposal does not create any unreasonable offsite amenity impacts.

5.5 Does the proposal provide for a high level of internal amenity?

The apartments have been designed to prioritise outlook, natural daylight and cross ventilation, offering a high level of internal amenity to future occupants. Indoor environment quality (IEQ) is also important, with Mechanical Heat Recovery Ventilation proposed as an innovative measure to reduce energy costs and create a comfortable internal environment. Post-occupancy monitoring will provide an avenue to test this in the long term and educate residents about heating and cooling their apartments.

The apartment layouts have been designed by AMA not to provide access to bedrooms directly off of living rooms, but to create split zones for sleeping / living.

Given the anomalous shape of the Site and subsequently the dwellings, some variations to the rigid dimensions applied by the Better Apartment Design Standards are sought (for example, Standard D20 - private open space and D26 - functional layout). Where variations are sought to the minimum dimensions or areas, a greater overall area of bedroom or living area is provided, while exceptional daylight, outlook and communal circulation areas create for a generous amount of internal amenity.

Further, the private open space of apartments is complemented by a well programmed and landscaped communal rooftop area with opportunity for passive relaxation and play, and food production and preparation.

For these reasons, the proposal provides a high level of internal amenity for future residents.

5.6 How does the proposal align with Merri-bek zero carbon and environmentally sustainable development objectives?

The integrated approach to sustainability led by HIP V. HYPE's better buildings team creates a proposal that comfortably aligns with the objectives within Merri-bek Zero Carbon Framework and planning scheme objectives relating to environmentally sustainable development.

Importantly, the building will have no fossil fuels and will be 100% all electric with renewable energy provided through an embedded network.

The proposal meets and exceeds requirements in each BESS category, achieving a BESS score of 85% which well exceeds the benchmark for ESD 'Excellence'.

Having further regard to both the passive design principles (including orientation, extent of solid to glazed facades, thermally efficient envelopes) and suite of innovative measures incorporated into the design (including mechanical heat recovery ventilation and post occupancy research), the proposal not only aligns with Merri-bek's sustainability objectives, but will be an exemplar for sustainable living more broadly.

5.7 Does the proposal provide an appropriate transport and parking response?

The proposal provides for a transport response that prioritises active and sustainable travel (walking, cycling, public transport) with EV charging capability provided for cars with the basement parking area.

40 car parking spaces are provided for residents in a stacker arrangement, which is considered appropriately designed and functional having regard to the basement layout and swept paths prepared by Traffix Group.

The proposal seeks a reduction to the statutory car parking requirement by 45 spaces, which is appropriate having regard to the grounds provided in the Traffic Engineering Assessment prepared by Traffix Group. These include consideration of Merri-Bek Council's local policies and state planning policy within the PPF, the empirical assessment of car parking demands, the availability of extensive alternative transport modes, the Site's location within an urban renewal precinct and close to the Brunswick Activity Centre, and the substantial provision of bicycle parking (well in excess of the requirements of Clause 52.34).

Bicycle parking is conveniently located at each level of the building for residents and residents' visitors and within a bicycle parking storage room at basement level for employees, adjacent to end of trip facilities.

For these reasons, the proposal provides for an appropriate transport and parking response.

5.8 Are the proposed resource recovery, management of material streams and collection arrangements appropriate?

The proposed RRR Strategy prepared by HIP V. HYPE sets out a comprehensive plan for avoiding waste, and reusing, recovering and recycling resources through separate material streams embedded in the building design (kitchen joinery, etc). The proposed storage in the Resource Room at Basement Level and private collection arrangement is considered efficient and convenient for building users.

The materials are appropriately streamed having regard to the expected generation rates set out in the RRR strategy.

For these reasons, the proposed resource recovery, management of material streams and collection arrangements appropriate.

Please refer to the RRR Strategy prepared by HV.H and swept paths prepared by Traffix Group for further information.

6 Conclusion

This report describes the planning proposal to construct a mixed use apartment building comprising 61 dwellings and 551sqm of leasable commercial floor area at 427 Albert Street, Brunswick, along with a commitment to provide a financial contribution equal to 3% of the development cost for the delivery of affordable housing.

It has been advised in writing by the Minister for Planning that the proposed development is of significance having regard to the matters outlined under Category 3 of Clause 53.23-1 of the *Merri-bek Planning Scheme.*

Designed by Austin Maynard Architects, the dynamic, refined, and context-responsive building hosts a mix of curated and cleverly configured homes that provide outstanding access to light, air, and outlook.

The development has a strong focus on end-user and community, and demonstrates a deep consideration of how the architecture will fit within the immediate public realm and broader urban and social context.

As outlined in the assessment at Chapter 5, the design demonstrates precisely what is sought by the Merri-bek Planning Scheme in regard to housing and sustainability objectives as well as strategies encouraging a high quality of building design and urban design.

The proposal aligns with the preferred building height outlined in the Design and Development Overlay, Schedule 26, and represents a rigorous analysis and design process by Austin Maynard Architects in collaboration with the project team.

Owing to the Site's misshapen lot, in response to the broader site context and to achieve a thermally efficient envelope, the proposed frontage to Clifton Park presents as a series of built form elements separated by setbacks to parts of the frontage to create breaks. Instead of adopting a conventional wedding cake style response, the sophisticated design responds holistically to the design objectives and built form requirements of the DDO26, in particular to mandatory requirements.

The proposal succeeds in providing a visual recessiveness to upper levels through a variety of measures including articulation of the form, setbacks and breaks within the frontage and varied colours and materials. The brick detailing applied to ground level further solidifies the building base as compared to the upper levels of the building.

The project will deliver substantial benefit to the broader community and future building occupants by completing the theme of crafted renewal along Albert Street, rectifying the industrial legacy of the recent rezoning, releasing much needed sustainable housing with low ongoing operational costs, and contributing to the delivery of affordable housing more broadly.

The high performance of the building will be an exemplar for Merri-bek having regard to its zero carbon objectives and importantly will contribute to delivering on the housing targets set for the municipality in the immediate term.

On the basis of the above, the proposal represents a highly considered development that merits the issuing of a planning permit to facilitate its delivery.

Appendices

Appendix A	DDO26 Assessment (Built Form Requirements)
Appendix B	Clause 58 Assessment

Appendix A DDO26 Assessment (Built Form Requirements)

This assessment should be read in conjunction with the 'Design Response' and 'Appendix A - DO26 Written Response' within the Urban Context and Design Response Report prepared by AMA.

Built Form Requirement	Response
Built form	
Development fronting Clifton Park should not exceed four (4) storeys. Development within the precinct should not exceed eight (8) storeys.	These are discretionary requirements. Built form at the Clifton Park interface exceeds 4 storeys in parts, which is considered an appropriate response having regard to site context (including its shape, depth and orientation, with Clifton Park located on the north side of the development) and the proposed building articulation that reduces the potential for visual bulk. **The proposed variation to the requirement is appropriate.** The proposed development does not exceed 8 storeys / 28 metres with the exception of pitched roof architectural features in some locations. **The proposal complies with the requirement.**
Taller buildings above four (4) storeys in height should be set back from the four storey podium at the Albert Street and Clifton Park interfaces and from existing dwellings adjacent to the precinct, and be designed to be visually recessive when viewed from Clifton Park, Albert Street and the rear of properties fronting Albert and Pearson Streets. Balconies should not encroach into upper level setbacks.	This is a discretionary requirement. The building is set back above the 4 storey podium to Albert Street to align with the adjacent approval and to limit shadow impact to Gilpin Park. A more sophisticated approach to a 'podium / setback' arrangement is proposed to Clifton Park, where visual recessiveness of any built form is achieved as a hallmark of the Site's unique frontage. By virtue of the unique frontage, any built form at the centre of the site is inherently recessed from any built form to respective corners of the Site, as highlighted in Urban Design Report at page 14. Further, the open expanse of Clifton Park and ability for views of any built form to be taken from a variety of angles necessitates a sophisticated architectural response.

	Merely setting back above level 4 will not result in built form being any less visible. The design response outlined in the Urban Context Report at pages 12–27 steps out the series of design steps taken to provide for a high quality contemporary architectural form sensitive to context which successfully responds to all mandatory and discretionary requirements of DDO26. **The proposed variation to the Clifton Park setback requirement is appropriate.** Balconies are largely recessed (contained within the façade line) with the exception of minor encroachments (depth ranging from 900-1500mm) to each of the upper level forms fronting Albert Street. The upper levels are otherwise set back in line with the requirement. These balcony elements are designed to be lightweight (specified white powdercoated metal rail) and work to articulate and add visual interest to the façade. They offer a dual purpose in providing for a greater portion of covered area to balcony SPOS below at Level 4. **For these reasons, the proposed encroachments are minor, allow the podium to remain the dominant built form element and result in an improved design outcome. The variation is appropriate.**
Development must be designed and oriented to optimise daylight access to new dwellings and solar access to communal and public spaces across the precinct.	This is a mandatory requirement. The development floorplates have been designed with wide apartment frontages that allow for excellent daylight access to new dwellings and dual aspect in many cases. The development is set back from the north-west corner to maximise solar access to the new communal path along the Site's west boundary. The proposed building height (within the preferred maximum set by DDO26) maximises solar access to public space on the south side of the Site to the extent expect by the control. **The proposal complies with the requirement.**
Building siting, separation and orientation should optimise park views for new dwellings and public paths as indicated in the Framework Plan at Map 1.	This is a discretionary requirement. The building siting and orientation optimises park views for new dwellings within the building while protecting future park views for the approval on the neighbouring site (429 Albert St). Upper level built form breaks allow for oblique views from the proposed apartments in addition to north / south views.

	Largely glazed, open frontage at ground level allow for park views to and from the new paths along the west and northern site boundaries. **The proposal complies with the requirement.**
Development should avoid creating a continuous wall of built form along the Clifton Park and Albert Street frontages by providing physical breaks between buildings.	This is a discretionary requirement. The proposed development avoids creating a continuous wall of built form through numerous appreciable breaks that create four upper level forms when viewed from both Albert Street / Gilpin Park and Clifton Park. A larger break between buildings (between 427 and 429 Albert Street) is provided to ground along the Site's western boundary. **The proposal complies with the requirement.**
Visual connections between Albert Street and Clifton Park should be provided, primarily through a new network of public streets and / or pedestrian paths through the site and through breaks between buildings.	This is a discretionary requirement. Visual connection is achieved through the new pedestrian path along the western boundary, a largely glazed frontage providing views through the Site at ground level and further views through circulation spaces in the breaks between built form. **The proposal complies with the requirement.**
Development should provide for a mix of dwelling sizes including 1, 2 and 3 bedroom dwellings.	This is a discretionary requirement. The development provides a mix of one, two and three bedroom dwellings. **The proposal complies with the requirement.**
Built form that exceeds 8 storeys must meet the following criteria, to the satisfaction of the Responsible Authority: · How the development meets the design objectives of this schedule. · How the development is of exemplary design quality (i.e. substantially superior to an acceptable design), particularly with regard to the external presentation of development and ground level street and park interfaces. · How the visual impacts of the development on existing dwellings and parkland are mitigated through the design response.	N / A – the built form proposed is 8 storeys (plus rooftop / architectural features and services).
Albert Street Interfaces	
Development must create active frontages and dwelling entries at ground floor and primary outlooks	This is a mandatory requirement.

at all levels to provide for passive surveillance and activation of Albert Street.	Several entries to the building are proposed along Albert Street including to the commercial tenancies and residential lobbies, with landscaping, seating and visual transparency working to achieve an active frontage. Passive surveillance is provided at upper levels from habitable windows, balconies and glazing to circulation spaces (where bicycle parking is proposed). **The proposal complies with the requirement.**
A minimum 3 metre landscaped setback to Albert Street should be provided. A lesser setback may be provided if commercial or other non-residential uses are proposed at ground floor. Balconies should not encroach into the setback.	This is a discretionary requirement. Commercial uses are proposed at ground floor, allowing for a lesser setback to 3m. Notwithstanding, the proposal does provide for a ground level setback ranging from 600mm to 3m. **The proposal complies with the requirement.**
Development must provide for the upgrade of the Albert Street footpath and street tree planting immediately adjacent to the precinct (design details to be resolved at the planning permit application stage).	This is a mandatory requirement. The proposal is accompanied by a Public Realm Plan prepared by Gardens of the Sun detailing street tree planting and other upgrades in accordance with Merri-bek standards and in a similar manner to the neighbouring approval. **The proposal complies with the requirement.**
Access and loading areas for any retail or commercial uses should be from the side or rear of buildings fronting Albert Street.	This is a discretionary requirement. As the commercial uses proposed are Shop and Office (as opposed to Food and drink premises), loading is expected to be limited. Loading is proposed from Albert Street when required, noting the constraints of providing access for loading from the side or rear of the site (due to park and public path interfaces). **The variation is appropriate.**
Clifton Park Interfaces	
Buildings and private open space should be clearly separated from the boundary of Clifton Park by a public path, as per Map 1, to provide a clear delineation between the public and private realm.	This is a discretionary requirement. This public path is provided for the in Plans (AMA) and Landscape and Public Realm Plan (GOTS), separating the private realm from the public realm. Variation in surface treatment (proposed brick pavement) also assists in providing a clear delineation between privately owned, publicly accessible space and public land. **The proposal complies with the requirement.**
A 3 metre landscaped setback to Clifton Park should be provided, as shown in Figures 2 and 3.	This is a discretionary requirement. Commercial uses are proposed to Clifton Park at ground level, allowing the discretionary setback requirement to

The setback may be reduced if commercial or other non-residential uses are proposed at ground floor. Balconies should not encroach into the setback.	be reduced. The built form is generally proposed to the boundary (zero setback) with the exception of setbacks to lobby entries and the landscaped setback in the north-west corner. **The proposal complies with the requirement.**
Development must create active frontages and should create dwelling entries at ground floor and primary outlooks at all levels to provide for passive surveillance and activation of Clifton Park.	This is a mandatory requirement. The Office and Shop tenancies at ground level provide for active frontages through glazing and permeability (operable frontages and entries). Primary outlooks are provided to all levels from apartments and communal circulation areas, allowing for passive surveillance of the park. Bicycle parking within the circulation areas allows for additional activation. **The proposal complies with the requirement.**
Western Residential Interface	
(requirements not detailed here)	n/a
Circulation, Access and Parking	
Development must provide for the public paths shown in Map 1.	This is a mandatory requirement. The public paths are provided as shown in Map 1. Refer to Plans (AMA) and Landscape Plan (GOTS). **The proposal complies with the requirement.**
The Primary Public Path shown in Map 1 must be provided and should generally be shared across the properties at 427 and 429 Albert Street. It should be a minimum 3 metre wide public path which is open to the sky.	This is a part mandatory, part discretionary requirement. Through the existing approval at 429 Albert Street, the entire 3 metre wide public path is provided. This has created an expectation that a mirror 3 metre setback will be provided to 427 Albert Street, effectively creating a 6 metre wide public path. Noting the discretionary requirement is for the path to be 3 metres wide, and 'generally shared across the properties', it is proposed to complement the existing approved paved path with a combination of landscaping and paving to improve the amenity of the connection. The entire 6 metre wide connection will be open to the sky. **The proposal complies with the requirement.**
Development which fronts the Primary Public Path should be setback and designed to create active frontages to this link.	This is a discretionary requirement. The development is set back 3m from the primary paved section of the path (along the west boundary) an active

	frontage created through the commercial use and façade design (extent of glazing) and landscaping. **The proposal complies with the requirement.**
Development should facilitate the creation of internal roads that will provide access to multiple stages of development to minimise the number of individual accessways and crossovers to Albert Street.	This is a discretionary requirement. As detailed in AMA's written response, "Given the siting of this parcel there is no need to facilitate the creation of internal roads for access and servicing." **The proposal complies with the requirement.**
Land parcels should be consolidated or designed to incorporate shared vehicle access to minimise the number of vehicle crossovers to Albert Street.	This is a discretionary requirement. It is not possible in this instance to consolidate the land parcel with adjoining parcels. However, noting the width of the Site frontage and provision of one proposed crossover on the eastern side of the Site, vehicle crossovers are minimised to Albert Street. **The proposal complies with the requirement.**
Any internal roads, laneways and pedestrian paths intended to be vested in Council must be designed and constructed in accordance with Merri-bek City Council standards (including dimensions) and where appropriate make provision for two-way vehicular traffic, vehicles associated with waste management, safe pedestrian access for all, bicycles and tree planting.	This is a mandatory requirement. The pedestrian paths will be designed and constructed in accordance with Merri-bek City Council standards as required. **The proposal complies with the requirement.**
Any above-basement car parking areas must be screened from view of the street and park and should be sleeved by dwellings or other uses.	This is a mandatory requirement. No above basement car parking is proposed. **The proposal complies with the requirement.**
All development must have legal access to a road.	This is a mandatory requirement. The development has legal access to Albert Street. **The proposal complies with the requirement.**
The existing laneway connecting to Pearson Street at the west of the precinct should be considered for pedestrian access into the precinct. No vehicle access should be provided from this laneway into the precinct.	n/a
Landscaping	
Landscape design should contribute significantly to the future character of the precinct and integrate the precinct into the surrounding parklands context.	This is a discretionary requirement. The proposed Landscape Concept by Gardens of the Sun (GOTS) adopts a native material palette with

	landscaping proposed throughout the development at ground level, podium level and rooftop level, to integrate the development into the surrounding parklands context. Residents will be able to contribute through their own landscaping to private balconies which will further integrate the development into its parklands context. Street trees (dwarf snow gums) proposed to Albert Street will rejuvenate the street, significantly contributing to the future character of the precinct. **The proposal complies with the requirement.**
The landscape design should, where appropriate: · Soften the visual impact of buildings on Clifton Park and the public path; · Maintain any existing significant trees; · Contribute to reduction of the urban heat island effect; · Provide for summer shading and access to winter sun; · Incorporate green roofs and walls; · Provide for deep soil planting where possible. If deep soil planting is not possible due to contamination, adequate above ground allowance must be made to accommodate significant vegetation and landscaping; and · Incorporate water sensitive urban design principles.	This is a discretionary requirement. It is noted that: - Landscaping to private balconies within the building recesses will soften the visual impact of buildings on Clifton Park and the public path. - No significant trees exist on-site. The Arborist Report has assessed the bracelet honey myrtle trees immediately to the north of the Site as being past or close to their useful life expectancy, and the DDO26 required public path necessitates their removal. - A large native tree is proposed to the north-west corner of the Site and along with proposed landscaping to ground, podium and rooftop level, will contribute to reducing the UHI effect. - As above, the tree will provide for dappled shade in summer. Access to winter sun will be maintained to north facing dwellings in summer due to site orientation. - Landscaping is proposed to the podium and rooftop and green wall is proposed at the building entrance. - Both deep soil and above ground planting is proposed. - WSUD principles are incorporated. Refer to the SMP (prepared by HV.H) and Irrigation Plan within the Landscape Concept prepared by GOTS for more information.
The landscape design should include any associated street and park landscaping in Albert Street and Clifton Park to be delivered by the development, including trees in the park as shown in Figures 2 and 3, and street trees along Albert Street immediately adjacent to the precinct.	This is a discretionary requirement. The proposal includes street trees to Albert Street and accounts for existing trees within Clifton Park as shown in the Public Realm Ground Plan prepared by GOTS. **The proposal complies with the requirement.**
Reasonable Future Development Potential	

New development must be designed to have regard to the reasonable development potential of adjacent sites in the precinct, including consideration of shared accessways and opportunity for public easements, as well as adequate building separation distances.	This is a mandatory requirement. The proposal has been designed with due regard to the approved development at 429 Albert Street (to the west) and reasonable development potential of 423 Albert Street (to the east). building on boundary where appropriate with a generous lightwell (east) that achieves the same. <u>429 Albert Street</u> The proposal has replicated the 3 metre setback at ground level, complementing the new shared path with a high quality landscape response and additional pedestrian connections (through the Site's north-west corner). The proposed built form has been chamfered to its north-west corner to maintain appropriate outlook and daylight access for future dwellings facing north. The proposed 3m setback from the side boundary (or centreline of the new communal link) allow for adequate separation distances as set out in Section 5.3 of this report: 6m between lower levels up to four storeys in height, and 9m between upper levels, having regard to the existing approval. <u>423 Albert Street</u> The proposal is built to the boundary along its east boundary (with the exception of a 29sqm light wellwhich will allow for the reasonable future development of the adjoining property. This is further detailed at Section 5.3 of this report. **The proposal complies with the requirement.**

Appendix B Clause 58 Assessment

Clause 58
Better Apartment Design Standards

Tract

1.1 Purpose

- To implement the Municipal Planning Strategy and Planning Policy Framework.
- To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
- To encourage apartment development that is responsive to the site and the surrounding area

1.2 Requirements

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.

1.3 Definition

An Apartment is defined in Clause 73.01 as:

- A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.

Clause 58.02 – Neighbourhood Character and Infrastructure

Clause 58.02-1 – Urban Context Objectives

Objectives	To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. To ensure that development responds to the features of the site and the surrounding area.
	Achieved
Standard D1	The design response must be appropriate to the urban context and the site. The proposed design must respect the existing or preferred urban context and respond to the features of the site.
	Complies with the standard

Clause 58.02-1 – Urban Context Objectives Assessment

The proposal represents a clever and considered design response to the Site, its immediate parkland surrounds and location both within the Albert Street Urban Renewal Precinct and proximate to the Brunswick Activity Centre.

The proposal responds to the built form and density outcomes sought by the zone (Mixed Use Zone) and the Design and Development Overlay, Schedule 26, in providing for housing at higher densities (61 dwellings) within a building that aligns with the preferred maximum height limit.

The design by Austin Maynard Architects celebrates the unique shape of the Site and surrounding parkland through form, aspect and materiality. Within the eight storey building, openings and breaks allow for connections between the green spaces to the north and south, while colouration – white, green and red brick– allow for the building to sit comfortably within its surrounds.

The proposal contributes to the emerging pedestrian link along its west boundary through a landscaped setback, an active frontage, and provision of an additional connection through the Site's north-west corner to the 'public path' on Council land.

For the reasons outlined above, the proposal responds to the features of the Site and is entirely appropriate having regard to the preferred urban context.

Please refer to the Planning Report (Section 5.1) prepared by Tract and Urban Context and Design Report prepared by AMA for more information.

Clause 58.02-2 – Residential Policy Objectives

Objectives	To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support higher density residential development where development can take advantage of public and community infrastructure and services.
	Achieved
Standard D2	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
	Complies with the standard

Clause 58.02-2 – Residential Policy Objectives Assessment

The Planning Report prepared by Tract provides a written statement describing how the development is consistent with relevant policy for housing in the MPS and PPF. Please refer to Section 5.1 of the Planning Report.

In summary, the proposal provides for a higher density residential development (61 dwellings across seven levels) on a Site in a *Transition Residential Area,* where residential development is to be facilitated in line with the Strategic Framework Plan: Housing. It is also a location where residents will be able to take advantage of public transport, community infrastructure, services, amenities and employment opportunities.

The proposed housing aligns with affordability objectives in relation to ongoing living costs, having regard to the high performance of the building (energy and water efficiency, etc.) and its location (walkability, access to public transport and cycling infrastructure).

Clause 58.02-3 – Dwelling Diversity Objectives

Objectives	To encourage a range of dwelling sizes and types in developments of ten or more dwellings.
	Achieved
Standard D3	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.
	Complies with the standard

Clause 58.02-3 – Dwelling Diversity Objectives Assessment

The proposal provides for a total of 61 dwellings including the following mix:

- 16 one bedroom apartments.
- 37 two bedroom apartments (including some with one bath, some with two bath).
- Eight (8) three bedroom apartments.

A diversity of dwelling sizes and types is achieved.

Clause 58.02-4 – Infrastructure Objectives

Objectives	To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
	Achieved
Standard D4	Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.
	Complies with the standard

Clause 58.02-4 – Infrastructure Objectives Assessment

The development will be connected to existing services and infrastructure. The development will be gas free and 100% electric supplied with renewable energy by an embedded network. It will also will generate some of its own energy through the provision of solar photovoltaic panels on-site.

Clause 58.02-5 – Integration with the Street Objectives

Objectives	To integrate the layout of development with the street. To support development that activates street frontage.
	Achieved
Standard D5	Development should be oriented to front existing and proposed streets. Along street frontage, development should: · Incorporate pedestrian entries, windows, balconies or other active spaces. · Limit blank walls. · Limit high front fencing, unless consistent with the existing urban context. · Provide low and visually permeable front fences, where proposed. · Conceal car parking and internal waste collection areas from the street. Development next to existing public open space should be designed to complement the open space and facilitate passive surveillance.
	Complies with the standard

Clause 58.02-5 – Integration with the Street Objectives Assessment

The development is well integrated with Albert Street, providing several entry points and a largely glazed frontage, broken up by brick columns and window mullions for articulation and tactility. The 'Resource & Recycling Room' (internal waste collection area) is located at basement level, concealed from the street, as is the car parking area, with access to car parking limited to one crossover at the east end of the Site, away from the new north-south shared path.

The development is similarly designed with active frontages to the west and north at ground level, with several entry points, a high level of glazing and a considered landscape and public realm response including seating. No front fencing is proposed.

Above ground, passive surveillance is achieved to each existing public open space (Clifton Park to the north and Gilpin Park to the south) through the location of balconies and glazing to communal circulation areas where landings are providing and bicycling parking – which offers additional opportunity for passive surveillance.

For the above reasons, the proposal complies with Standard D5.

Clause 58.03 – Site Layout

Clause 58.03-1 – Energy Efficiency Objectives

Objectives	To achieve and protect energy efficient dwellings and buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. To ensure dwellings achieve adequate thermal efficiency.
	Achieved
Standard D6	Buildings should be: · Oriented to make appropriate use of solar energy. · Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is optimised. A dwelling located in a climate zone identified in Table D1 should not exceed the specified maximum NatHERS annual cooling load specified in the following table

NatHERS Climate Zone	NatHERS Maximum Cooling Load (MJ / M^2 per annum)
Climate Zone 21 Melbourne	30
Climate Zone 22 East Sale	22
Climate Zone 27 Mildura	69
Climate Zone 60 Tullamarine	22
Climate Zone 62 Moorabbin	21
Climate Zone 63 Warrnambool	21
Climate Zone 64 Cape Otway	19
Climate Zone 66 Ballarat	23

Table B4 Cooling Load
Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy

Complies with the standard

Clause 58.03-1 – Energy Efficiency Objectives Assessment

The SMP prepared by Hip V. Hype confirms that no apartments exceed a cooling load cap of 30 MJ/m2 per annum. As such, the proposal is compliant with the standard.

More broadly, the building has been designed to achieve a high energy performance through passive design. Owing to the site shape and orientation more than half of the 61 dwellings have been designed with living spaces and private open space facing north, making appropriate use of solar energy.

Clause 58.03-2 – Communal Open Space Objective

Objectives	To provide communal open space that meets the recreation and amenity needs of residents. To ensure that communal open space is accessible, practical, attractive, easily maintained. To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.
	Achieved
Standard D7	A development of 10 or more dwellings should provide a minimum area of communal outdoor open space of 30 square metres. If a development contains 13 or more dwellings, the development should also provide an additional minimum area of communal open space of 2.5 square metres per dwelling or 220 square metres, whichever is the lesser. This additional area may be indoors or outdoors and may consist of multiple separate areas of communal open space. Each area of communal open space should be: · Accessible to all residents. · A useable size, shape and dimension. · Capable of efficient management · Located to: o Provide passive surveillance opportunities, where appropriate. o Provide outlook for as many dwellings as practicable. o Avoid overlooking into habitable rooms and private open space of new dwellings. o Minimise noise impacts to new and existing dwellings. Any area of communal outdoor open space should be landscaped and include canopy cover and trees.
	Complies with the standard

Clause 58.03-2 – Communal Open Space Objective Assessment

The proposal provides a communal outdoor deck at rooftop level (165sqm), with spaces for play, passive relaxation, socialising and food production and preparation. Gardens of the Sun has prepared a Landscape Plan for the rooftop level including hardy native plants capable of efficient management. At rooftop level, the space will provide outlook for residents and passive surveillance opportunities of surrounding parkland.
In terms of sqm area, the standard requirement for 61 dwellings is to provide 152.5sqm. The 165sqm area exceeds this, meeting the standard.

Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective

Objectives	To allow solar access into communal outdoor open space.
	Achieved
Standard D8	The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
	Complies with the standard

Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective Assessment

As the communal open space is located at rooftop level, a substantial amount of solar access is received throughout the day. The shadow diagrams prepared by AMA demonstrate compliance with the standard. Refer to solar access study (Drawing No A 112 A) for more information.

Clause 58.03-4 – Safety Objective

Objectives	To ensure the layout of development provides for the safety and security of residents and property.
	Achieved
Standard D9	Entrances to dwellings should not be obscured or isolated from the street and internal accessways. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.
	Complies with the standard

Clause 58.03-4 – Safety Objective Assessment

The proposal complies with the standard as follows:

- All building entrances and dwelling entrances are clearly identified and not obscured or isolated.
- Landscaping and planting contributes to high amenity public and communal areas and does not obstruct visibility.
- All internal car parking and circulation areas are appropriately lit and visible and avoid hidden entrapment spaces.
- All private areas are protected from use as public thoroughfares.

Clause 58.03-5 – Landscaping Objectives

Objectives	To provide landscaping that supports the existing or preferred urban context of the area and reduces the visual impact of buildings on the streetscape. To preserve existing canopy cover and support the provision of new canopy cover. To ensure landscaping is climate responsive, supports biodiversity, wellbeing and amenity and reduces urban heat.
	Achieved
Standard D10	Development should retain existing trees and canopy cover Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. Development should: · Provide the canopy cover and deep soil areas specified in Table D2. Existing trees can be used to meet the canopy cover requirements of Table D2. · Provide canopy cover through canopy trees that are: o Located in an area of deep soil specified in Table D3. Where deep soil cannot be provided trees should be provided in planters specified in Table D3. o Consistent with the canopy diameter and height at maturity specified in Table D4. o Located in communal outdoor open space or common areas or street frontages. · Comprise smaller trees, shrubs and ground cover, including flowering native species. · Include landscaping, such as climbing plants or smaller plants in planters, in the street frontage and in outdoor areas, including communal outdoor open space. · Shade outdoor areas exposed to summer sun through landscaping or shade structures and use paving and surface materials that lower surface temperatures and reduce heat absorption. · Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water. · Protect any predominant landscape features of the area. · Take into account the soil type and drainage patterns of the site. · Provide a safe, attractive and functional environment for residents. · Specify landscape themes, vegetation (location and species), irrigation systems, paving and lighting.

Site Area	Canopy cover	Deep soil
1000 square meters or less	5% of site area Include at least 1 Type A tree	5% of site area or 12 square metres whichever is the greater
1001 – 1500 square meters	50 square metres plus 20% of site area above1,000 square metres Include at least 1 Type B tree	7.5% of site area
1501 – 2500 square meters	150 square metres plus 20% of site area above1,500 square metres Include at least 2 Type B trees or 1 Type C tree	10% of site area
2500 square	350 square metres plus 20% of site area above 2,500 square metres	15% of site area

meters or more	Include at least 2 Type B trees or 1 Type C tree

Table D2 Canopy cover and deep soil requirements

Tree Type	Tree in deep soil Area in deep soil	Tree in planter Volume of planter soil	Depth of planter soil
A	12 square meters (min. plan dimension 2.5 metres)	12 cubic meters (min. plan dimension of 2.5 metres)	0.8 metre
B	49 square meters (min. plan dimension 4.5 metres)	28 cubic meters (min. plan dimension of 4.5 metres)	1 metre
C	121 square meters (min. plan dimension 6.5 metres)	64 cubic meters (min. plan dimension of 6.5 metres)	1.5 metre

Table D3 Soil requirements for trees

Note: Where multiple trees share the same section of soil the total required amount of soil can be reduced by 5% for every additional tree, up to a maximum reduction of 25%

Tree Type	Minimum canopy diameter at maturity	Minimum height at maturity
A	4 metres	6 metres
B	8 metres	8 metres
C	12 metres	12 metres

Table D4 Tree types

Complies with the objective

Clause 58.03-5 – Landscaping Objectives Assessment

The proposal provides 133.5sqm of deep soil along the Site western boundary for a minimum depth of 3 metres, with a larger area in the north west corner to accommodate a native Type B canopy tree and small area in the void along the eastern boundary. This exceeds the minimum deep soil requirement for the site area (7.5% of site area = 89sqm deep soil). The proposal includes additional trees (dwarf snow gum) in the eastern void area, at podium level and within the street frontage. The on-site canopy cover (50.2sqm) is just shy of meeting the minimum canopy cover requirements (87.6sqm). This is considered an appropriate response having regard to the site context and expectations around built form, the accompanying high quality landscape response which includes robust, hardy planting at rooftop level capable of efficient management, and the surrounding parkland canopy cover and additional canopy cover to Albert Street (offsite).

Clause 58.03-6 – Access Objective

Objectives	To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles. To ensure the vehicle crossovers are designed and located to minimise visual impact.
	Achieved
Standard D11	Vehicle crossovers should be minimised. Car parking entries should be consolidated, minimised in size, integrated with the façade and where practicable located at the side or rear of the building. Pedestrian and cyclist access should be clearly delineated from vehicle access. The location of crossovers should maximise pedestrian safety and the retention of on-street car parking spaces and street trees. Developments must provide for access for service, emergency and delivery vehicles.
	Complies with the standard

Clause 58.03-6 – Access Objective Assessment

The proposal complies with the standard as follows:

- Vehicle crossovers are minimised with one crossover proposed at the eastern end of the Site frontage.
- Pedestrian and cyclist access is via ground level building entries that are separate to the vehicle access.
- The proposed crossover is in place of an existing crossover which maximises retention of on street car parking spaces and allows for the planting of new street trees.
- The development allows for access for service, emergency and delivery vehicles along the Site frontage to Albert Street.

Clause 58.03-7 – Parking Location Objectives

Objectives	To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.
	Achieved
Standard D12	Car parking facilities should: · Be reasonably close and convenient to dwellings. · Be secure. · Be well ventilated if enclosed. Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
	Complies with the standard

Clause 58.03-7 – Parking Location Objectives Assessment

The proposal complies with the standard as follows:

- The proposed car parking facilities within the basement are both close and convenient to dwellings (accessed via lift), secure, and well ventilated.
- The habitable room window windowsill of the first level apartment on the east side of the building is at least 1.4m above the accessway.

Clause 58.03-8 – Integrated Water and Stormwater Management Objectives

Objectives	To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.
	Achieved
Standard D13	Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use. Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority. The stormwater management system should be: · Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater – Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee 1999) as amended. · Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.
	Complies with the standard

Clause 58.03-8 – Integrated Water and Stormwater Management Objectives Assessment

A detailed response to the requirements of the standard and objective is provided in the SMP prepared by HIP V. HYPE. In summary, the proposal achieves a STORM rating of 110% demonstrating treatment measures are of a sufficiently high standard.

The proposal complies with the standard.

Clause 58.04 – Amenity Impacts

Clause 58.04-1 – Building Setback Objectives

Objectives	To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. To allow adequate daylight into new dwellings. To limit views into habitable room windows and private open space of new and existing dwellings. To provide a reasonable outlook from new dwellings. To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.
	Achieved
Standard D14	The built form of the development must respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to: · Ensure adequate daylight into new habitable room windows. · Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views. · Provide an outlook from dwellings that creates a reasonable visual connection to the external environment. · Ensure the dwellings are designed to meet the objectives of Clause 58.
	Complies with the standard

Clause 58.04-1 – Building Setback Objectives Assessment

The proposed built form massing and setback arrangement at each interface responds to the features of the Site and preferred urban context and overall contributes to the preferred future development of the area as an urban renewal precinct with increased housing density. More specifically we note the following:

- The streetwall height and upper level setback arrangement to Albert Street aligns with the adjacent approvals and limits shadows to Gilpin Park. Varied setbacks to upper levels allow for breaks in the frontage and for lightweight balconies to add visual interest to the façade.
- The proposal provides for sheer built form elements to Clifton Park, with setbacks for parts of the frontage to break up the building generally into four smaller forms. This arrangement responds to the broader site context, parkland interface and curved boundary as a key feature of the site.

A detailed assessment of the proposed building setback arrangements against policy within Clause 15.01-2L is provided in Section 5 of the Planning Report.

In summary, the proposed massing arrangement:

- Provides a high level of daylight access to new habitable rooms throughout the development.
- Provides appropriate separation between proposed habitable room windows and future (not yet existing) habitable room windows of the approved development at 429 Albert Street by replicating the 3m setback for the first four storeys of the building (achieving a 6m separation) and greater separation of 9m for upper levels. Windows have been offset where possible to avoid direct views.
- Provides opportunities for outlook and visual connection to the parklands, Albert Street and sky from each dwelling.
- Provides for full compliance with the objectives of Clause 58.

Clause 58.04-2 – Internal Views Objective

Objectives	To limit views into the private open space and habitable room windows of dwellings within a development.
	Achieved
Standard D15	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.
	Complies with the objective

Clause 58.04-2 – Internal Views Objective Assessment

Secluded private open space is provided to each dwelling in the form of a private balcony or balcony and private roof deck. The balconies are recessed and contained within the building envelope for most apartments, reducing the potential for internal views to occur. For dwellings with larger balconies on the Level 4 podium, which exceed the minimum POS standard requirements, internal views from apartments above are limited by providing for a secluded area of the balcony that is recessed or covered by protruding balconies above.

The design of the development limits internal views in accordance with the objective.

Clause 58.04-3 – Noise Impacts

Objectives	To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources.
	Achieved
Standard D16	Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings. The layout of new dwellings and buildings should minimise noise transmission within the site. Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings. New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources. Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels: · Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am. · Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm. Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements. Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. Note: The noise influence area should be measured from the closest part of the building to the noise source.

Noise Source	Noise Influence Area
Zone Interface	
Industry	300 metres from the Industrial 1, 2 and 3 zone boundary
Roads	
Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume	300 metres from the nearest trafficable lane
Railways	
Railway servicing passengers in Victoria	80 metres from the centre of the nearest track
Railway servicing freight outside Metropolitan Melbourne	80 metres from the centre of the nearest track
Railway servicing freight in Metropolitan Melbourne	135 metres from the centre of the nearest track

Table D3 Noise Influence Area

	Complies with the standard

Clause 58.04-3 – Noise Impacts Assessment

The proposal is accompanied by an Acoustic Report prepared by Vipac detailing internal and external noise sources for the development.

The report confirms at Section 9.6 that the Site is not within a noise influence area (as Annual Average Daily Traffic Volume on Albert Street adjacent to the site is less than 40,000 vehicles).

Internal noise sources have otherwise been located away from bedrooms and the development will be designed to comply with relevant NCC requirements for acoustic attenuation, as detailed in the Acoustic Report.

Clause 58.04-4 – Wind Impacts Objective	
Objectives	To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.
	Achieved
Standard D17	Development of five or more storeys, excluding a basement should: · not cause unsafe wind conditions specified in Table D6 in public land, publicly accessible areas on private land, private open space and communal open space; and · achieve comfortable wind conditions specified in Table D6 in public land and publicly accessible areas on private land within a distance of half the greatest length of the building, or half the total height of the building measured outwards on the horizontal plane from the ground floor building façade, whichever is greater. Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas, where trees and landscaping may be used to supplement fixed wind mitigation elements. Wind mitigation elements, such as awnings and screens should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: · 3 metres per second for sitting areas, · 4 metres per second for standing areas, · 5 metres per second for walking areas

Table D6 Wind Conditions

Complies with the standard

Clause 58.04-4 – Wind Impacts Objective Assessment

A detailed Wind Report has been prepared by Vipac to accompany this application. The report concludes that wind conditions will align with recommended comfort criteria and the safety criterion as follows:

- *Wind conditions in the ground level footpath areas and access ways would be expected to be within the walking comfort criterion;*
- *Wind conditions at the main entrances would be expected to be within the standing comfort criterion;*
- *Wind conditions at the Level 8 communal terrace is expected to be within the standing comfort criteria;*
- *Wind conditions at the private terraces would be expected to be within the walking comfort criterion;*
- *Wind conditions would be expected to fulfil the safety criterion [for all areas].*

On this basis the proposal complies with the standard.

Clause 58.05 – On Site Amenity and Facilities

Clause 58.05-1 – Accessibility Objective

Objectives	To ensure the design of dwellings meets the needs of people with limited mobility.
	Achieved
Standard D18	At least 50 per cent of dwellings should have: · A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom. · A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area. · A main bedroom with access to an adaptable bathroom. · At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D7.

	Design option A	Design Option B
Door Opening	A clear 850mm wide door opening	A clear 820mm wide door opening located opposite the shower
Door Design	Either: · A slide door, or · A door that opens outwards, or · A door that opens inwards that is clear of the circulation area and has readily removable hinges	Either: · A slide door, or · A door that opens outwards, or · A door that opens inwards and has readily removable hinges
Circulation Area	A clear circulation area that is: · A minimum area of 1.2 meters by 1.2 meters · Located in front of the shower and the toilet · Clear of the toilet, basin and the door swing The circulation area for the toilet and shower can overlap	A clear circulation area that is: · A minimum width of 1 meter · The full length of the bathroom and a minimum length of 2.7 meters · Clear of the toilet and basin The circulation area can include a shower area
Path to Circulation Area	A clear path with a minimum width of 900mm from the door opening to the circulation area	Not applicable
Shower	A hobless (step-free) shower	A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening
Toilet	A toilet located in the corner of the room	A toilet located closest to the door opening and clear of the circulation area

Table D7 Bathroom Design

Complies with the standard

Clause 58.05-1 – Accessibility Objective Assessment

The proposal is accompanied by an Accessibility Report prepared by Access Studio which concludes that 40 out of the 61 apartments or 65.6% that meet the Silver Level of the Liveable Housing Design Guidelines.
Accessible apartments either meet Design Option A or B for bathrooms, as shown in the BADS Compliance Diagrams prepared by AMA. 1.2m clear paths are provided to a main bedroom, adaptable bathroom and living area. For these reasons, the proposal complies with Standard D18.

Clause 58.05-2 – Building Entry and Circulation Objectives

Objectives	To provide each dwelling and building with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation.
	Achieved
Standard D19	Entries to dwellings and buildings should: · Be visible and easily identifiable. · Provide shelter, a sense of personal address and a transitional space around the entry. The layout and design of buildings should: · Clearly distinguish entrances to residential and non-residential areas. · Provide windows to building entrances and lift areas. · Provide visible, safe and attractive stairs from the entry level to encourage use by residents. · Provide common areas and corridors that: o Include at least one source of natural light and natural ventilation. o Avoid obstruction from building services. o Maintain clear sight lines.
	Complies with the standard

Clause 58.05-2 – Dwelling Entry Objectives Assessment

Entries to residential lobbies are visible and easily identifiable from Albert Street and Clifton Park through glazed double doors, with setbacks and seating providing a sense of shelter, address and a transitional space around the entry. The layout of design of the building demonstrates a high level of compliance with this standard through substantial glazing providing clear lines of sight to building entrances, lift areas, stairs and common areas. The common circulation areas are generous in size and will be awash with natural light and ventilation (in stark contrast to corridors in apartment buildings that are narrow and dark). The proposal demonstrates a strong level of compliance with this standard.

Clause 58.05-3 – Private Open Space Objective

Objectives	To provide adequate private open space for the reasonable recreation and service needs of residents.
	Achieved
Standard D20	A dwelling should have private open space consisting of at least one of the following: · An area at ground level of at least 25 square metres, with a minimum dimension of 3 metres and convenient access from a living room. · A balcony with at least the area and dimensions specified in Table D8 and convenient access from a living room. · An area on a podium or other similar base of at least 15 square metres, with a minimum dimension of 3 metres and convenient access from a living room. · An area on a roof of 10 square metres, with a minimum dimension of 2 metres and convenient access from a living room. If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres. If the finished floor level of a dwelling is 40 metres or more above ground level, the requirements of Table D8 do not apply if at least the area specified in Table D9 is provided as living area or bedroom area in addition to the minimum area specified in Table D11 or Table D12 in Standard D25.

Orientation of dwelling	Dwelling Type	Minimum Area	Minimum Dimension
North (between north 20 degrees west to north 30 degrees east)	All	8 square metres	1.7 metres
South (between south 30 degrees west to south 20 degrees east)	All	8 square metres	1.2 metres
Any other orientation	Studio or 1 bedroom dwelling	8 square metres	1.8 metres
	2 bedroom dwelling	8 square metres	2 metres
	3 or more bedroom dwelling	12 square metres	2.4 metres

Table D8 Balcony Size

Dwelling Type	Additional area
Studio or 1 bedroom dwelling	8 square metres
2 bedroom dwelling	8 square metres
3 or more bedroom dwelling	12 square metres

Table D9 Additional living area or bedroom area

Complies with objective

Clause 58.05-3 – Private Open Space Objective Assessment

The proposal provides private open space to each dwelling in the form of a balcony or private roof deck. In some instances, apartments have access to two balconies – a primary and second balcony or one north and one south facing balcony. Given the anomalous shape of the Site and subsequently the dwellings, which have been cleverly configured and arranged within the building to provide a high level of internal amenity, a variation is sought for some apartments which do not meet the rigid minimum dimension requirements of this standard. 60 percent of the dwellings achieve the requirement as set by the standard. For the remainder of the apartments, where they are just shy of meeting the minimum area requirement, they exceed the minimum dimension requirement, with the exception of Type 9 which has a triangular shaped balcony (with width dimension varying between 1.029m to 3.58m). Apt Type 15 significantly exceeds the minimum area requirement (providing a total area of 18.1sqm across two balconies), while similarly seeking a variation to the minimum width dimension.

These variations are considered entirely appropriate, noting the amenity provided more wholistically across the development in internal apartment area, function and access to daylight, access to the communal open space and access to a substantial amount of public open space in the close proximity to the Site. The proposal complies with the objective.

Clause 58.05-4 – Storage Objective

Objectives	To provide adequate storage facilities for each dwelling.
	Achieved
Standard D21	Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D10.

Dwelling Type	Total Minimum Storage Volume	Minimum Storage Volume within the Dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

Table D10 Storage

Complies with the standard

Clause 58.05-4 – Storage Objective Assessment

All apartments meet the minimum storage requirements through internal storage and external storage cages at Basement 1. Refer to the BADS Compliance Plans, Basement 1 Plan and Summary Table prepared by AMA for more information. The proposal complies with the standard.

Clause 58.06 – Detailed Design

Clause 58.06-1 – Common Property Objectives

Objectives	To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.
	Achieved
Standard D22	Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.
	Complies with the standard

Clause 58.06-1 – Common Property Objectives Assessment

The proposal complies with the standard as follows:

- All public, private and communal areas are clearly delineated and identified, while maintaining appropriate transitional spaces between these areas through the design of the building.
- All areas of common property are capable of efficient management, including landscaping to podium and rooftop areas.

Clause 58.06-2 – Site Services Objectives

Objectives	To ensure that site services are accessible and can be installed and maintained. To ensure that site services and facilities are visually integrated into the building design or landscape.
	Achieved
Standard D23	Development should provide adequate space (including easements where required) for site services to be installed and maintained efficiently and economically. Meters and utility services should be designed as an integrated component of the building or landscape. Mailboxes and other site facilities should be adequate in size, durable, water-protected, located for convenient access and integrated into the overall design of the development.
	Complies with the standard

Clause 58.06-2 – Site Services Objectives Assessment

The proposal complies with the standard as follows:

- Site services have been appropriately integrated within the façade and internal areas of the building, providing for convenient access while minimising their impact on the public realm and streetscape.
- Mailboxes and parcel rooms are integrated at primary entrance points for each of the two building cores for ease of access by AusPost, couriers and residents.

Clause 58.06-3 – Waste and Recycling Objectives

Objectives	To ensure dwellings are designed to encourage waste recycling. To ensure that waste and recycling facilities are accessible, adequate and attractive. To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.
	Achieved
Standard D24	Developments should include dedicated areas for: · Waste and recycling enclosures which are: o Adequate in size, durable, waterproof and blend in with the development. o Adequately ventilated. o Located and designed for convenient access by residents and made easily accessible to people with limited mobility. · Adequate facilities for bin washing. These areas should be adequately ventilated. · Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate. · Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing. · Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing. · Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate. Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and: · Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019). · Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.
	Complies with the standard

Clause 58.06-3 – Waste and Recycling Objectives Assessment

The proposal is accompanied by a 'Reduce, Reuse, Recycle Strategy' prepared by HIP V. HYPE. The Strategy is guided in part by Merri-bek's Zero Carbon Framework – 'Zero Carbon Merri-bek by 2040' and the Sustainability Victoria "Better Practice Guide: Waste management and recycling in multi-unit developments" and single use plastic ban. It reframes how we consider waste and recycling by avoiding 'waste' in the first place, and considering it as a material to be reused or recycled in the second instance.

Residents and commercial tenants will have separated material streams built into kitchen joinery for temporary storage.

Material streams will be transferred to larger bins in the 'Resource Room' at Basement Level 1, conveniently accessed via the lifts by residents and tenants. The Resource Room has been designed to be accessible by people with limited mobility, is well ventilated and capable of cleaning to protect public health and amenity.

Collection will be via a private contractor.

Please refer to the RRR Strategy prepared by HV.H for more information.

Clause 58.06-4 – External Walls and Materials Objectives

Objectives	To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area. To ensure external walls endure and retain their attractiveness.
	Achieved
Standard D25	External walls should be finished with materials that: · Do not easily deteriorate or stain. · Weather well over time. · Are resilient to the wear and tear from their intended use. External wall design should facilitate safe and convenient access for maintenance
	Complies with the standard

Clause 58.06-4 – External Walls and Materials Objectives Assessment

The proposed materials for external walls have been carefully selected as part of the response to context (colour palette responding to native River Red Gum), to provide a tactility to ground level (brick), and for their durability and ability to weather well over time (metal, brick, glass and Australian hardwood).

Clause 58.07 – Internal Amenity

Clause 58.07-1 – Functional Layout Objective

Objectives	To ensure dwellings provide functional areas that meet the needs of residents.
	Achieved
Standard D26	Bedrooms should: · Meet the minimum internal room dimensions specified in Table D11. · Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Dwelling Type	Minimum Width	Minimum Depth
Main bedroom	3 metres	3.4 metres
All other bedrooms	3 metres	3 metres

Table D11 Bedroom Dimensions

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D12.

Dwelling Type	Minimum Width	Minimum Area
Studio and 1 bedroom dwelling	3.3 metres	10 square metres
2 or more bedroom dwelling	3.6 metres	12 square metres

Table D12 Living Area Dimensions

Complies with objective

Clause 58.07-1 – Functional Layout Objective Assessment

Dwellings have been designed to meet the functional needs of residents, including separate living and sleeping zones, and with layouts that allow for increased daylight access and outlook. Owing to the anomalous shape of the Site, the dwellings often include angled walls which render it more difficult for layouts to achieve strict compliance with the orthogonal shapes and dimensions set by the functional layout standard. Where bedrooms do not meet the typical area or dimensions required by the standard, an additional smaller area is provided. Where functional living areas are provided that overlap with the 1.2m accessibility path, additional area is provided outside of these rigid dimensions. Having regard to the apartment designs more holistically, the proposal provides functional areas that will meet the needs of residents. The objective is met for all apartments.

Clause 58.07-2 – Room Depth Objective

Objectives	To allow adequate daylight into single aspect habitable rooms.
	Achieved
Standard D27	Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height. The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met: · The room combines the living area, dining area and kitchen. · The kitchen is located furthest from the window. · The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen. The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.
	Complies with the standard

Clause 58.07-2 – Room Depth Objective Assessment

All apartments comply with the room depth standard having regard to floor to ceiling heights, location of windows and depth of apartments.

Clause 58.07-3 – Windows Objective

Objectives	To allow adequate daylight into new habitable room windows.
	Achieved
Standard D28	Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be: · A minimum width of 1.2 metres. · A maximum depth of 1.5 times the width, measured from the external surface of the window.
	Complies with the standard

Clause 58.07-3 – Windows Objective Assessment

All habitable rooms have a window in an external wall of the building. As such, the proposal complies with the standard.

The proposal is also supported by a preliminary daylight assessment prepared by HIP V. HYPE, demonstrating adequate daylight into new habitable room windows.

Clause 58.07-4 – Natural Ventilation Objectives

Objectives	To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings.
	Achieved
Standard D29	The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate. At least 40 per cent of dwellings should provide effective cross ventilation that has: · A maximum breeze path through the dwelling of 18 metres. · A minimum breeze path through the dwelling of 5 metres. · Ventilation openings with approximately the same area. The breeze path is measured between the ventilation openings on different orientations of the dwelling.
	Complies with the standard

Clause 58.07-4 – Natural Ventilation Objectives Assessment

57% of apartments are provided with breeze paths in accordance with Standard D29. Please refer to the BADS Compliance Table and Diagrams prepared by AMA for more information. The communal circulation areas are also capable of being naturally ventilated and residents will be able to effectively manage their own ventilation through operable windows. The response to natural ventilation will be complemented by Mechanical Heat Recovery Ventilation (MHRV). As detailed in the SMP prepared by HIP V. HYPE, this is a best practice approach to ventilation that allows for a continuous supply of 100% outside air day and night, providing excellent levels of internal air quality.