



PLANNING &
PROPERTY | **PARTNERS**

TOWN PLANNING REPORT

Section 87A Application to Amend Planning Permit MPS/2021/1029
53-57 Albert Street, Brunswick East

October 2025

Prepared for Neometro Pty Ltd

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1. Introduction

1.1. Overview

This Town Planning Report accompanies an application to amend Planning Permit MPS/2021/1029 ('the Planning Permit') pursuant to Section 87A of the *Planning and Environment Act 1987* ('the Act').

The Planning Permit relates to 53-57 Albert Street, Brunswick East ('the Site') and allows development of a five storey apartment building with reduction in carparking requirements. The Planning Permit was issued at the direction of the Victorian Civil and Administrative Tribunal ('the Tribunal') in *55 Albert Street Pty Ltd v Merri-bek CC* [2023] VCAT 23.

The amended proposal retains a residential proposition for the Site with a scale of development that is consistent with the existing approval. Revised apartment layouts and street wall arrangements are proposed which respect earlier findings of the Tribunal and address the Site's location within the Brunswick Activity Centre.

This Town Planning Report details the amendments that are proposed and includes an assessment against relevant provisions of the Merri-bek Planning Scheme ('the Planning Scheme'). The Town Planning Report should be read in association with the following accompanying material:

- Plans prepared by *Jackson Clements Burrows Architects* (15 September 2025).
- Urban Context Report prepared by *Jackson Clements Burrows Architects* (September 2025).
- Sustainable Management Plan prepared by *GIW Environmental Solutions* (23 September 2025).
- Landscape plans prepared by *Acre* (16 September 2025).
- Transport Impact Assessment prepared by *Ratio* (16 September 2025).
- Waste Management Plan prepared by *Ratio* (23 September 2025).

1.2. Planning History

Planning Permit Application MPS/2021/1029 was the subject of an appeal pursuant to Section 79 of the Act. A merits hearing was conducted on 8 and 9 December 2022 which considered substituted architectural plans prepared by *Jackson Clements Burrows Architects* dated 21 October 2022 ('the Decision Plans') which showed the construction of a six storey apartment building.

The Tribunal directed that a planning permit issue in the matter of *55 Albert Street Pty Ltd v Merri-bek CC* [2023] VCAT 23 subject to various conditions including those which required deletion of a storey, the street wall along Albert Street reduced to three storeys and additional setbacks to levels above.

The planning permit was issued on 19 January 2023, and plans have not been endorsed.

Condition 37 of the Planning Permit requires works to commence by 19 January 2026 (being three years from the date of issue).

1.3. Planning Controls and Permit Requirements

The Site is within the Mixed Use Zone pursuant to provisions of the Planning Scheme and covered by the following overlays:

- Design and Development Overlay – Schedule 19, which relates to the '*Brunswick Activity Centre Lygon Street Local Area*.'

- Development Contributions Overlay – Schedule 1, which is a municipal wide control.
- Parking Overlay – Schedule 1, which relates to *‘Mixed Use, Residential Growth Commercial and Activity Centre Zones.’*
- Environmental Audit Overlay.

The following primary consents are allowed by the Planning Permit:

- Construct two or more dwellings on a lot pursuant to Clause 32.04-6 of the Mixed Use Zone.
- Construct a building or construct or carry out works pursuant to Clause 43.02-2 of the Design and Development Overlay.
- Reduce the number of required car parking spaces pursuant to Clause 52.06-3 of the Particular Provisions.

There have been no changes to the Site’s planning controls since the Planning Permit was issued, and no new primary consents are sought by the amended proposal.

2. Site Analysis

2.1. The Site

The Site is located on the north side of Albert Street, within the Brunswick Activity Centre. The land abuts Sedgman Street on its west boundary and Cross Street to the east.

The Site is irregular in shape with the following street frontages:

- Albert Street: 43.1 metres
- Sedgman Street: 39.8 metres
- Cross Street: 43.5 metres

The overall Site area is 1,779 square metres.

The Site is improved with a single storey brick commercial warehouse constructed to each site boundary. A crossover from Sedgman and Cross Street service the Site.

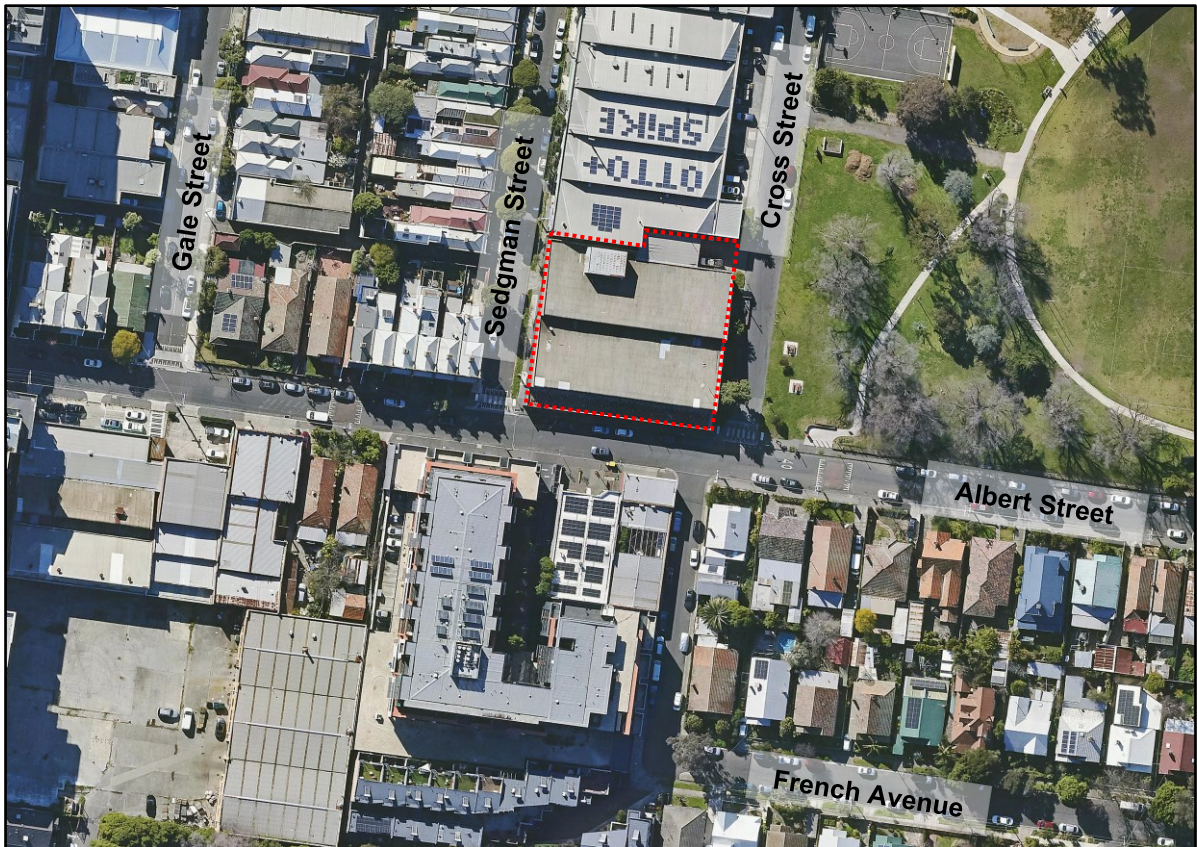


Figure 1: Aerial view of the Site and surrounds

Source: landchecker.com.au

2.2. Surrounding Context

The Site's surrounding context remains substantially unchanged since the Planning Permit was issued and includes the following:

- Located within the 'Lygon Street Corridor' of the wider Brunswick Activity Centre. The broader activity centre includes the Sydney Road/Upfield Corridor to the west and the Nicholson Street Corridor to the east.

- Flemming Park is located east of the Site on the opposite side of Cross Street which comprises a large public open space area with passive and active outdoor areas.
- Heritage Overlay – Schedule 1 relates to the ‘Albert Street Precinct, Brunswick’ and applies to single and double storey Victorian terrace dwellings along Albert Street and Sedgman Street west of the Site.
- Land south of the Site on the opposite side of Albert Street is improved with a six storey apartment building with a three storey street wall.
- The south side of Albert Street includes light industrial uses and development west of the Site, with single storey interwar and post war Californian bungalow dwellings to the east.
- The Site abuts 1 Cross Street to the north which is improved with a similar single storey industrial building constructed to the common boundary.

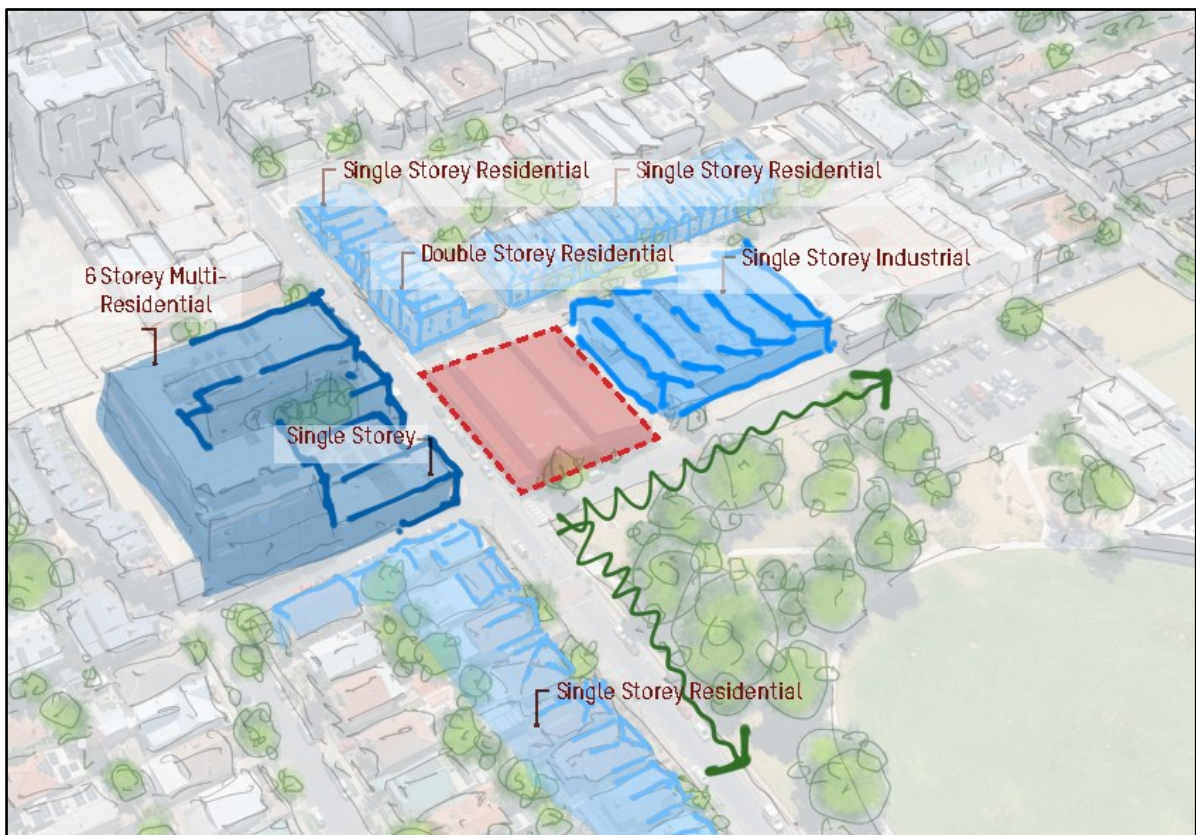


Figure 2: Urban Context

Source: Jackson Clements Burrows Architects, Urban Context Report

3. Proposed Amendments

Amendments proposed to the Planning Permit pursuant to Section 87A maintain a midrise apartment building typology for the Site with a reconsideration of layout and design detailing as below.

3.1. Site Layout and Floorplans

The site layout will position vehicular access at the northeast corner of the Site from Sedgman Street, with apartments facing each abutting street that sleeve the onsite carpark. Apartments on the east side of the building will have individual pedestrian entrances from Cross Street, with a communal lobby from Albert Street serving the remaining apartments.

Car parking will be centralised within the Site and spread across three above ground levels with internal ramping. These areas will also feature motorbike parking and services, including waste storage.

Apartments will be arranged in U-shaped floorplates around a central void that is open to the sky. The void will include a podium level common area above the carpark at Level 2 which will be overlooked by bedrooms. The common living areas of all apartments will be orientated towards abutting streets.

A floorplan summary is provided below:

	Car	Bike	1 Bed	2 Bed	3 Bed	2 bed split level	3 bed split level	Common
Ground	13	59	4			2	3	
Level 1	19							
Level 2	21		2	3				85m ²
Level 3			6	6	2			
Level 4			6	6	2			
Level 5				1	6			
Roof								184m ²
Total	53	59	18	16	10	2	3	269m²

The development includes 49 apartments with communal areas at Level 2 and the rooftop provided for the benefit of residents.

A three level podium will wrap each street interface with open balconies at levels above and building setbacks from the street as follows:

- Level 4: 3.0 metres – 3.2 metres.
- Level 5: 5.4 metres – 8.3 metres.

The building will present a blank wall to the north boundary for its height with the exception of the centralised void to enable equitable development opportunities for the abutting property.

3.2. Elevations

Elevations draw upon the fine grain rhythm of nearby terrace dwellings and will incorporate repeating horizontal and vertical elements. The former is expressed through structure via the party walls and columns, with window and balcony placements introducing horizontal forms into the building.

The building's materials palette is further influenced by surrounding industrial and residential forms, featuring robust materials of natural concrete and terracotta brick tiles.

Landscaping as detailed on the plan prepared by *Acre* will feature at the Ground Level street interfaces together with private balconies and communal areas at upper levels.



Figure 3: Perspective of east elevation

Source: Jackson Clements Burrows Architects

3.3. Carparking Requirements

The development has a statutory carparking requirement of 62 carparking spaces pursuant to the Parking Overlay – Schedule 1 and Clause 52.06 of the Planning Scheme. The development includes the provision of 53 carparking spaces with the allocation of carparking meaning that the application seeks a reduction of one space for 11 of the one bedroom apartments pursuant to Clause 52.06-3 of the Particular Provisions. This being less than reduction of up to 35 spaces that was previously supported by the Tribunal and Council.

4. Planning Scheme Provisions

4.1. Municipal Planning Strategy

The Municipal Planning Strategy details the overarching strategic policy directions for the municipality and supports the Planning Policy Framework.

The following policies are of relevance to the application:

- **Clause 2.03 Strategic Directions**
 - 2.03-1 Settlement
 - 2.03-4 Built Environment and Heritage
 - 2.03-5 Housing
 - 2.03-7 Transport
- **Clause 2.04 Strategic Framework Plans**
 - Activity Centre Framework Plan
 - Housing Framework Plan

These policies identify that the Site forms part of the Brunswick Major Activity Centre which comprises one of three major activity centres within the municipality that is intended to:

Provide a broad mix of retail uses, commercial and cultural activity, employment options, administrative and civic centre functions, government investment and regional facilities.

Accommodate substantial residential/mixed-use growth and change to create a new character of increased density and scale of built form.

The activity centre also has an important role in providing a diversity of housing types and sizes to accommodate population increases being experienced within the municipality. This is reflected in its designation as a 'significant' housing change area under the housing framework plan.

4.2. Planning Policy Framework

The Planning Policy Framework provides general principles for land use and development in Victoria. Planning authorities must take account of and give effect to the general principles and the specific policies contained in the Planning Policy Framework. The following are relevant to the proposal:

- **Clause 11 Settlement**
 - 11.01-1S Settlement
 - 11.01-1R Settlement – Metropolitan Melbourne
 - 11.03-1S Activity centres and precincts
 - 11.03-1R Activity centres and precincts – Metropolitan Melbourne
- **Clause 13 Environmental Risks and Amenity**
 - 13.04-1S Contaminated and potentially contaminated land
- **Clause 15 Built Environment and Heritage**
 - 15.01-1S Urban design
 - 15.01-1R Urban design - Metropolitan Melbourne
 - 15.01-1L Urban design in Merri-bek
 - 15.01-1L Vehicle access design in Merri-bek
 - 15.01-2S Building design
 - 15.01-2L Building design in Merri-bek
 - 15.01-2L Apartment developments in Merri-bek
 - 15.01-2L-04 Energy efficiency in Merri-bek

- 15.01-2L-05 Environmentally sustainable development
 - 15.01-4S Healthy neighbourhoods
 - 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne
- **Clause 16 Housing**
 - 16.01-1S Housing supply
 - 16.01-1R Housing supply - Metropolitan Melbourne
 - 16.01-1L Homes in Merri-bek
 - 16.01-2S Housing affordability
 - 16.01-2L Housing affordability Merri-bek
- **Clause 18 Transport**
 - 18.01-1S Land use and transport integration
 - 18.01-3S Sustainable and safe transport
 - 18.01-3R Sustainable and safe transport - Metropolitan Melbourne
 - 18.02-4L Car parking in Merri-bek

State and regional provisions of the Planning Policy Framework seek to constrain the outward expansion of Metropolitan Melbourne by fostering a more consolidated, sustainable and healthy City. This includes support for new housing close to services, jobs and public transport to accommodate the increasing population.

This new development is required to address its context and contribute to cultural identity and a sense of place whilst minimising greenhouse gas emissions and encouraging sustainable transport practices.

Relevant local provisions within the Planning Policy Framework provide further, more detailed guidance on matters including the preferred location of housing intensification and commercial development, the design of apartment buildings, vehicular access arrangements and car parking provisions within new development.

4.3. Zone

The Mixed Use Zone – Schedule 1 applies to the Site with the purpose of providing range of uses that complement the mixed-use function of a locality, including housing at higher densities. A planning permit is required to construct two or more dwellings on a lot pursuant to Clause 32.04-6 of the zone.

Dwelling is a Section 1 (planning permit not required) use within the zone.

4.4. Overlays

Overlay controls applying to the Site pursuant to the Planning Scheme are as follows:

- **The Design and Development Overlay – Schedule 19:** Relates to the '*Brunswick Activity Centre Lygon Street Local Area*' and seeks to create a new midrise built form character with suitable street wall heights and consideration for shadowing and residential amenity. A planning permit is required to construct a building or construct or carry out works pursuant to Clause 42.02-2 of the Design and Development Overlay.
- **Development Contributions Plan Overlay – Schedule 1:** The overlay identifies areas where a development contributions plan is required to levy contributions for the provision of works, services and facilities. Schedule 1 is a municipal wide control and requirements of the overlay are addressed by Condition 23 of the Planning Permit that will be retained.
- **Parking Overlay – Schedule 1:** The overlay is intended to identify areas where local car parking rates apply. Schedule 1 relates to '*Mixed Use, Residential Growth, Commercial and Activity Centre Zones.*' The schedule applies the Column B rates from Table 1 of Clause

52.06-5 to residential uses (amongst others). Requirements of the schedule are addressed at Section 5.6 below and within the accompanying Transport Impact Assessment prepared by *Ratio*.

- **Environmental Audit Overlay:** Applies to areas where contamination is required to be addressed prior to the commencement of a sensitive use. These matters are addressed by Conditions 16 – 21 of the Planning Permit that will be retained.

4.5. Particular and General Provisions

Particular provisions are specific prerequisites or planning provisions for a range of particular uses and developments. They apply in addition to the requirements of a zone or overlay.

General provisions are operational requirements which are consistent across the state.

The following particular and general provisions are of relevance to the current proposal:

- **Clause 52.06 Car Parking** Details car parking rates for various uses and includes design requirements related to the layout of these areas. Planning approval is required to reduce the required carparking provisions pursuant to Clause 52.06-3. Matters relating to carparking provision and design are considered at Section 5.6 below and within the accompanying Transport Impact Assessment prepared by *Ratio*.
- **Clause 53.18 Stormwater Management in Urban Development:** Seeks to manage stormwater in urban development, including retention and reuse. These matters are addressed within the accompanying Sustainable Management Plan prepared by *GIW Environmental Solutions*.
- **Clause 52.34 Bicycle Facilities:** Details bicycle parking rates for various uses and includes design requirements related to the layout of these areas. Planning approval may be granted pursuant to Clause 52.34-2 to vary, reduce or waive these requirements. Matters relating to bicycle parking provision and design are considered at Section 5.6 below and within the accompanying Transport Impact Assessment prepared by *Ratio*.
- **Clause 58 Apartment Developments:** Includes objectives and standards relating to the design and layout of apartment buildings. These address matters including site planning, residential amenity, apartment layouts and detailed design. Objectives and standards of the clause are considered at Section 5.5 below and at Appendix A.
- **Clause 65 Decision Guidelines:** Includes Decision Guidelines that the Responsible Authority must consider when making a decision and is addressed throughout this Town Planning Report.

5. Planning Assessment

5.1. Key Considerations

Development of the Site for higher density residential development is evidently consistent with strategic policies of the Planning Scheme as was noted by the Tribunal:

32. *The BSP [Brunswick Structure Plan, April 2018] is a background document under the schedule to Clause 72.08 and referred to in the decision guidelines in DDO19. The site is within Precinct 2B - Lygon Street Central of the Brunswick Activity Centre. The BSP says this area has significant capacity to provide new housing through good quality redevelopment of industrial sites.*

[...]

46. *Generally, I find there was no real disagreement concerning the proposal's response to the strategic policy directions for the site and find that:*

- *The provision of dwellings in the form of an apartment building is supported and encouraged in this area.*
- *The provision of an apartment development will appropriately fit with the changing character of the area.*
- *The proposed development is in an area with an emerging built form character that encourages medium density development that is close to a diversity of community and commercial services and public transport options.*

47. *The key dispute was in relation to building height and visual massing.*

The amended proposal retains a midrise apartment building as was supported by the Tribunal. Accordingly, the following matters are relevant to an assessment of the proposed amendments:

- The appropriateness of the building height and street wall design.
- The suitability of street interfaces and the shared boundary response.
- The response to local building and apartment design policies for Merri-bek.
- The response to apartment standards of Clause 58 of the Planning Scheme.
- The provision and design of car and bicycle parking.
- Development servicing considerations including environmentally sustainable design and waste management.

A consideration of these matters is provided below.

5.2. Building Height and Street Wall

The Planning Permit allows development of the Site for a five storey building (Condition 1.a) with three storey street wall to Albert Street (condition 1b) with setbacks of 3.0 metres at Level 4 and 5.0 metres at Level 5 (Condition c). These setbacks resulted from the following commentary of the Tribunal:

71 *I agree with Mr Campbell and prefer his evidence in this regard. Under DDO19, the development opposite the site at 92-96 Albert Street is identified with a preferred maximum building height of 17 metres. This land has been developed with a three storey street wall. I consider the proposal would benefit by more closely aligning with what has occurred on 92-96 Albert Street for consistency along Albert Street and for a more considered response*

to the residential built form in the area. I note that there are no other four storey street walls located in off-corridor situations in this area of Albert Street. I also consider the proposed four storey street wall height to Albert Street would contribute to a canyon effect given the street width and existing built form which was a concern of both Council and the objectors.

- 72 *Commensurate with a reduction in the street wall height to Albert Street, I consider deletion of a storey from the proposal together with an increase in setback of what would become the fourth storey by 3 metres and the fifth storey by 5 metres should ensure that the visual impacts of the street wall and overall height and upper levels are appropriately reduced.*

[...]

The above was informed by the Design and Development Overlay – Schedule 19, that applies a preferred maximum building height of 14 metres for the Site. The overlay does not specify a street wall height or upper levels setbacks.

The amended proposal respects this commentary with a five storey building that presents a three storey street wall to Albert Street with open balconies and setbacks of 3.0 metres - 5.0 metres to the building above. Mezzanine parking is internalised within the floorplates so it is not visible to the public realm.

In relation to the Sedgman Street and Cross Street interfaces, the Tribunal provided the following further commentary which informed conditions of the Planning Permit:

- 76 *I consider the three storey street wall and upper level setbacks in Sedgman Street an appropriate and acceptable response. This will also be supported by the deletion of a storey and maintenance of the setbacks for the upper two storeys to this interface.*
- 77 *Similarly, I find the four storey street wall facing Cross Street, in conjunction with deletion of a storey and retention of the upper-level setback of what would become the fifth storey to around 10.4 metres will result in an improved and acceptable outcome. I consider the open space of Fleming Park offers a greater capacity to absorb the visual mass and scale of development with a higher street wall design facing the open space and maximising the offer for good surveillance and an attractive outlook for future occupants of the apartments.*

The amended three storey street wall that wraps each street interface responds to these findings and lowers the four storey street wall that was supported along Cross Street, opposite Fleming Park. The amended street wall has been adopted with a modified upper level setback of 8.4 metres in lieu of 10.4 metres to provide a suitably proportioned building that steps back from the street interface. Along Sedgman Street, building portions have also been reconsidered with the amended proposal increasing the setback from 3.0 metres to 5.4 metres at the top level.

These features of the amended proposal ensure that it respects the midrise scale of development encouraged for the Lygon Street Local Area of the Brunswick Activity Centre. The grounded three storey podium and recessed levels above will provide a suitably scaled development within the public realm as was previously supported by the Tribunal.

5.3. Street Interfaces and Shared Boundaries

The amended proposal maintains features of the public realm interface that were previously supported by the Tribunal as follows:

78 More generally, I accept the proposal presents an acceptable design response regarding street interfaces through:

- *Provision of windows and openings to all façades facing streets.*
- *Provision of entry points to ground floor apartments fronting Cross Street, Albert Street and Sedgman Street.*
- *Provision of raised floor levels at ground floor level above the footpath level for privacy whilst maintaining passive surveillance of the streetscape.*
- *Integrating and concealing services into the design such as the car park ventilation to Albert Street and service cupboards to Cross Street.*

Consistent with the existing approval, the amended proposal includes discretely located vehicular access and engaging street elevations with habitable room windows and balconies that overlook the public realm. Repeating vertical and horizontal expressions within the street elevations moderate the building form and respect portions of nearby residential development, including Victorian terraces within the Heritage Overlay.

Elevated floor levels at Ground Level delineate the public and private realms with services sensitively integrated within the overall design. The amended proposal will also maintain similar levels of shadowing to the public realm that was supported by the Tribunal (refer Paragraphs 84-85 of *55 Albert Street Pty Ltd v Merri-bek CC*).

The Site shares a boundary with only one property north of the Site at 1 Cross Street that is also within the Mixed Use Zone with similar development potential. The development responds appropriately to this interface with a blank boundary wall for the height of the building with the exception of the central void that preserves equitable development opportunities for this abutting land.

5.4. Local Design and Apartment Buildings in Merri-bek

The following local design policies at Clause 15 (Built Environment and Heritage) of the Planning Scheme provide specific guidance for development in Merri-bek which are relevant to the amended proposal:

- **Clause 15.01-1L – Urban design in Merri-bek**
- **Clause 15.01-1L – Vehicle access design in Merri-bek**
 - These policies seek to ensure built form is designed with appropriate articulation, good levels of surveillance and respect for the fine grain urban structure of Merri-bek. Shadowing of the public realm and public open space should not unreasonably impact these areas, whilst the number and prominence of vehicle crossovers should be minimised.
- **Clause 15.01-2L – Building design in Merri-bek**
- **Clause 15.01-2L – Apartment developments in Merri-bek**
 - Both policies encourage contemporary architecture with screening of services and carparking areas. Policies relating to apartment buildings within Merri-bek detail preferred setbacks and building separation distances to ensure adequate daylight access, the management of overlooking, provision of reasonable residential and management of offsite amenity.

Matters of building height, street wall design and the public realm interfaces outlined above contribute to the realisation of a high quality, contemporary architectural form that the policies seek to achieve.

This includes a design detailing that achieves the ‘*fine grain architectural expression with detailed street frontages*’ together with ‘*interaction, passive surveillance and incidental lighting of open spaces.*’

The orientation of apartments to overlook abutting streets with no screening to common areas will ensure excellent levels of internal amenity as intended by objectives of Clause 15.01-2L (Apartment developments in Merri-bek). A reliance upon light courts for daylight access is also avoided with the generously proportioned internal void servicing only bedrooms.

The boundary setback policies of Clause 15.01-2L are relevant to the west facing bedroom windows of Apartments 2.01, 3.01 and 4.01 with the building separation distances applying to bedroom windows that face the internal void. Both policies apply incrementally increasing boundary setbacks and building separation as a means of enhancing daylight access to lower level apartments within buildings. The proposed amendments are assessed against the boundary setbacks and building separation distances of this policy below:

Clause 15.01-2L Policy		Assessment
Table 1 – Building setbacks to the side or rear boundary ¹		
Up to 4 storeys or 12 metres	Bed outlook: 3 metres	2.4 metres
5-8 storeys or up to 25 metres	Bed outlook: 4.5 metres	
Table 3 – Building separation from another building within a site ²		
Up to 4 storeys or 12 metres	Bed to bed outlook: 6 metres	4.7 metres – 8.1 metres
5-8 storeys or up to 25 metres	Bed to bed outlook: 9 metres	

The partial variation to the boundary setback and building separation policies of this clause are considered at

Figure 4 below, which demonstrates that floorplates within the development mean a maximum three storey building height results above any single apartment within the development (i.e. those at Level 2). Consequently, the policy intent is achieved with good levels of daylight to all bedrooms.

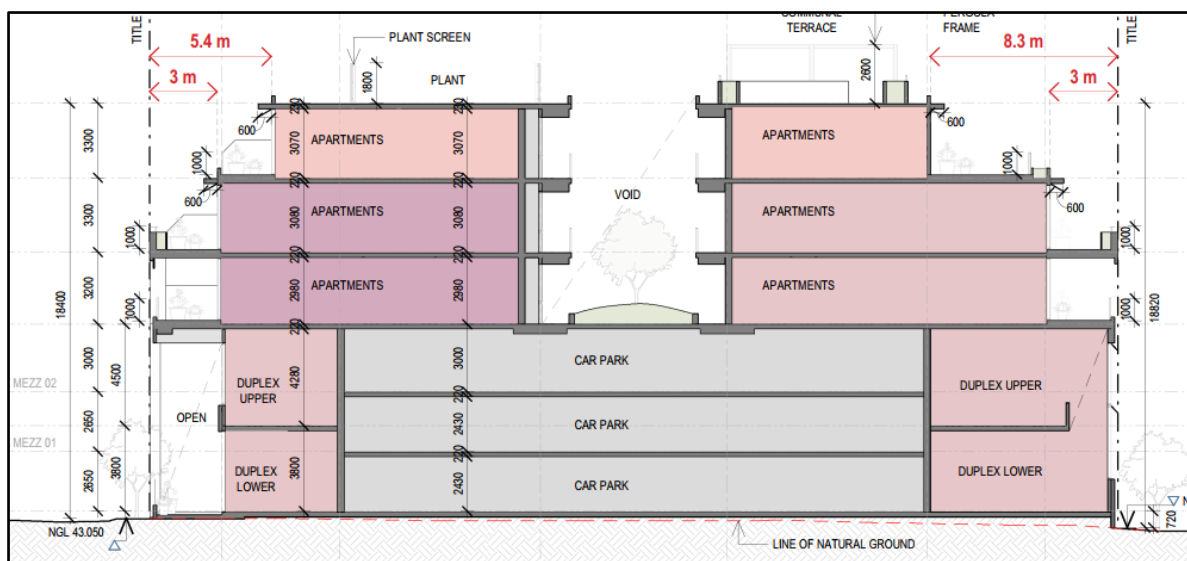


Figure 4: Section

Source: Jackson Clements Burrows Architects (TP3-102)

¹ Measured from glazing line or the external edge of the balcony to property boundary

² Measured from glazing line or the external edge of the balcony, between buildings

5.5. Apartment Developments

An assessment of the proposed amendments against the standards and objectives of Clause 58 (Apartment Developments) of the Planning Scheme is provided at **Appendix A** to this Town Planning Report. The assessment identifies that the design of the building and apartment layouts suitably address the Site context and residential amenity considerations through the following:

- Offering a contextual response to the Site's strategic and physical setting within the Brunswick Activity Centre where midrise, higher density residential development is encouraged.
- Offering apartments with a diversity of floorplans which vary from studio apartments to split level apartments with three bedrooms.
- Arranging apartments to actively engage with street interfaces including the provision of clearly defined pedestrian and vehicular linkages. Common corridors will have direct solar access except for those at Level 1.
- Orientating apartments to overlook the street, which avoids the need for screening to enhance outlook and daylight access. Reliance upon light courts for daylight access is also avoided with bedrooms facing the large void that is centralised within the Site.
- Each dwelling is provided with generously proportioned secluded private open space in the form of balconies that are accessible direct from common living areas and complemented by communal recreation areas which receive excellent solar access.
- All habitable rooms within the development benefit from direct solar access, ensuring there is no reliance upon borrowed light. The depth of rooms and their orientation have been considered to maximise daylight access.
- Breeze paths measured from openings on different orientations of the building are provided for 71 percent of apartments which will provide effective cross-ventilation.
- Appropriately sized lounge areas, separate from kitchen and dining facilities, are provided for each apartment. Bedrooms are of a size and dimension which achieve a high level of usability while the layout of floorplans ensures high levels of accessibility for 53 percent of apartments.
- Storage is provided for each apartment with a combination of internal and external areas commensurate with their respective sizes.
- Easily accessible services (e.g. waste room and mailboxes) are provided, while car and bicycle parking are conveniently located relative to the building entrance and common areas.

The assessment further notes that the variation to the private open space (Standard D20) and room depth (Standard D27) requirements for a small number of apartments will not unreasonably compromise the amenity enjoyed by residents.

5.6. Access, Car and Bicycle Parking

Requirements related to the provision, design and layout of vehicular accessways and carparking are addressed by Clause 52.06 (Car Parking) of the Planning Scheme. The Clause identifies that before a new use commences *'the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.'*

In accordance with these requirements, the proposed development generates the following statutory car parking requirements, which apply the Column B rates at Table 1 of Clause 52.06-5 in accordance with the Parking Overlay – Schedule 1:

Land Use	Applied Rate	Parking Measure	Required Parking	Provided Parking
Dwelling	<i>1 space to each one or two bedroom dwelling</i>	1 x bed: 18 dwellings	18 spaces	53 spaces
		2 x bed: 18 dwellings	18 spaces	
	<i>2 spaces to each three or more bedroom dwelling</i>	13 dwellings	26 spaces	
Total			62 spaces	

The table above demonstrates that the proposal seeks a reduction in the statutory carparking requirements pursuant to Clause 52.06-3. The reduction is associated with 11 of the one bedroom apartments which will not be allocated a car parking space.

The parking reduction of 11 spaces proposed by the amended proposal is less than the reduction of up to 35 spaces that was previously supported by the Tribunal and Council.

The bicycle parking requirements of Clause 52.34 of the Planning Scheme are detailed below:

Use	Applied Rate		Parking Measure	Required Parking	Provided Parking
	<i>Employee/Resident</i>	<i>Visitors</i>			
Dwelling	<i>In developments of four or more storeys, 1 to each 5 dwellings</i>	<i>In developments of four or more storeys, 1 to each 10 dwellings</i>	49 dwellings	49 + 10 spaces	59 spaces

The provision of bicycle parking within the development comprises 49 resident spaces and 10 visitor spaces, well in excess of the statutory requirements.

Further considerations related to the provision and design of car and bicycle parking are provided within the Transport Impact Assessment prepared by *Ratio*.

5.7. Development Servicing

Environmentally Sustainable Design

Policies at Clause 15.01-2L-05 (Environmentally Sustainable Development) and Clause 53.18 (Stormwater Management in Urban Development) of the Planning Scheme seek to ensure that new development achieves best practice in environmentally sustainable and stormwater management by incorporating the necessary response into the design phase of the project.

The Sustainability Management Plan prepared by *GIW Environmental Solutions* provides a detailed response to the objectives and application requirements of this clause with an assessment that considers the following:

- The Built Environment Sustainability Scorecard (BESS) which addresses the energy and water efficiency, thermal comfort and overall environmental sustainability performance of new buildings.
- STORM Assessment which addresses best practice stormwater quality considerations within new buildings.

The assessment demonstrates that an overall BESS score of 73 percent results, which represents design 'excellence.' A STORM assessment of 104 percent results, with the resulting requirements of both assessments detailed on the submitted architectural plans.

Waste Management

The Waste Management Plan prepared by *Ratio* identifies that the designated waste storage areas at Ground Level of the development which will provide general-purpose waste, comingled recycling and food organics waste bins. This area is of a sufficient size to accommodate the required waste receptacles necessary to service the development.

Waste will be collected by a private contractor from within the Site, with the appointed contractor responsible for transferring bins from the designated storage to the collection vehicle and returning them once complete.

6. Conclusion

As outlined in this submission, the amendments which are proposed to Planning Permit PS/2021/1029 pursuant to Section 87A of the Act follow a considered review and response to findings of the Tribunal in *55 Albert Street Pty Ltd v Merri-bek CC*. The changes retain a midrise apartment building as was supported by the Tribunal, with the overall building height and street wall design addressing earlier commentary and conditions of the Planning Permit. The design and layout of apartments ensure high levels of residential amenity result, with well resolved parking arrangement and development servicing.

Appendix A

Clause 58 Assessment

Clause 58 Objective	Response
<p>Clause 58.01-1:</p> <p>Urban Context Report and Design Response</p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> ▪ An urban context report. ▪ A design response. 	<p>Complies</p> <p>A detailed Urban Context Report prepared by <i>Jackson Clements Burrows Architects</i> accompanies the amendment. The Town Planning Report provides further detail of the Site and surrounding context.</p>
<p>Clause 58.02-1 – Urban Context Objectives</p> <p>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p> <p>Standard D1</p>	<p>Complies</p> <p>The proposal is contextually appropriate to the site and responds to both the existing and emerging character of the Brunswick Activity Centre as detailed within the accompanying Town Planning Report.</p>
<p>Clause 58.02-2 – Residential Policy Objectives</p> <p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support higher density residential development where development can take advantage of public and community infrastructure and services.</p> <p>Standard D2</p>	<p>Complies</p> <p>The accompanying Town Planning Report and earlier commentary of the Tribunal identify that the design and siting of the proposal is appropriate to the Site's strategic planning context.</p> <p>The development will enhance housing diversity in an area close to jobs, services and public transportation associated with the activity centre context.</p>
<p>Clause 58.02-3 – Dwelling Diversity Objective</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings</p> <p>Standard D3</p>	<p>Complies</p> <p>The application proposes apartments with a diversity of floorplans and bedroom numbers as follows:</p> <ul style="list-style-type: none"> ▪ 1 bedroom: 18 apartments ▪ 2 bedroom: 18 apartments ▪ 3 bedroom: 13 apartments
<p>Clause 58.02-4 – Infrastructure Objectives</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p> <p>Standard D4</p>	<p>Complies</p> <p>The proposed development will be connected to all services required for the residential uses of the land.</p> <p>The proposal will not result in unsustainable demands upon existing and planned infrastructure.</p>
<p>Clause 58.02-5 – Integration with the Street Objective</p> <p>To integrate the layout of development with the street.</p> <p>To support development that activates street frontage.</p> <p>Standard D5</p>	<p>Complies</p> <p>The proposed development actively engages with its three street interfaces across each level of the building with balconies and habitable room windows overlooking the street and Fleming Park.</p> <p>Carparking is concealed from view to the street.</p>

Clause 58 Objective	Response
<p>Clause 58.03-1 – Energy Efficiency Objectives</p> <p>To achieve and protect energy efficient dwellings and buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p> <p>To ensure dwellings achieve adequate thermal efficiency.</p> <p>Standard D6</p>	<p>Complies</p> <p>The proposed development is appropriately designed to ensure energy efficiency objectives are satisfied as detailed within the accompanying Sustainability Management Plan prepared by <i>GIW Environmental Solutions</i>.</p>
<p>Clause 58.03-2 – Communal Open Space Objective</p> <p>To provide communal open space that meets the recreation and amenity needs of residents.</p> <p>To ensure that communal open space is accessible, practical, attractive, easily maintained.</p> <p>To ensure that communal open space is integrated with the layout of the development and enhances resident amenity.</p> <p>Standard D7</p>	<p>Complies</p> <p>The development contains 49 dwellings and provides a communal rooftop area of 184 square metres.</p> <p>This exceeds the $(30 + [2.5 \times 14])$ 152.5 square metres of communal open space required by the standard.</p>
<p>Clause 58.03-3 – Solar Access to Communal Outdoor Open Space Objective</p> <p>To allow solar access into communal outdoor open space.</p> <p>Standard D8</p>	<p>Complies</p> <p>The rooftop communal open space area will receive uninhibited solar access.</p>
<p>Clause 58.03-4 – Safety Objective</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p> <p>Standard D9</p>	<p>Complies</p> <p>Pedestrian and vehicle accessways are easily identifiable from the public realm and have been separated to ensure the safety of pedestrians.</p> <p>Pedestrian and vehicle access to the site will be via secured entrances, protecting the site from inappropriate use.</p> <p>Both the pedestrian and vehicle entrances will be adequately lit at night to ensure an appropriate level of safety, while providing a sense of place and identity to both frontages.</p>
<p>Clause 58.03-5 – Landscaping Objectives</p> <p>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p>	<p>Complies with objective</p> <p>The site forms part of the Brunswick Activity Centre where midrise development constructed to site boundaries is encouraged. The landscape plan prepared by <i>Acre</i> details landscaping opportunities commensurate with the strategic and physical setting with planters at each level that introduce a 'green' element to the building and soften the form. This includes canopy trees within consolidated communal areas at Level 2 and on the roof. The result is</p>

Clause 58 Objective	Response
Private spaces within developments should be protected from inappropriate use as public thoroughfares.	integrated landscape that <i>'supports the existing or preferred urban context of the area.'</i>
Standard D10	
Clause 58.03-6 – Access Objective	Complies
To ensure that vehicle crossovers are designed and located to provide safe access for pedestrians, cyclists and other vehicles.	Vehicular access via Sedgman Street is appropriate to the site context and is considered within the accompanying Transport Impact Assessment prepared by <i>Ratio</i> which accompanies the application.
To ensure the vehicle crossovers are designed and located to minimise visual impact.	
Standard D11	
Clause 58.03-7 – Parking Location Objectives	Complies
To provide convenient parking for resident and visitor vehicles.	Easily accessible parking is provided across multiple levels of the building with convenient access to apartments via lift and stairs.
To protect residents from vehicular noise within developments.	The car park will be secure and appropriately ventilated.
Standard D12	No habitable rooms face the carparking or accessway.
Clause 58.03-8 – Integrated Water and Stormwater Management Objectives	Complies
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.	Matters related to stormwater management are detailed within the accompanying Sustainability Management Plan prepared by <i>GIW Environmental Solutions</i> .
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	
Standard D13	
Clause 58.04-1 – Building Setback Objectives	Complies
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.	Building setbacks reflect the Site's location within the Brunswick Activity Centre where buildings constructed to site boundaries is encouraged.
To allow adequate daylight into new dwellings.	The layout of dwellings within the development will preserve solar access and ventilation whilst maintaining equitable development opportunities for the abutting Site to the north by orientating dwellings to the streets and away from the common boundary.
To limit views into habitable room windows and private open space of new and existing dwellings.	Extensive glazing is proposed at all residential levels to ensure each dwelling maximises daylight into habitable room windows.
To provide a reasonable outlook from new dwellings and existing small second dwellings.	No direct views into the habitable room windows or the private open space of any new or existing dwellings are proposed.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.	
Standard D14	

Clause 58 Objective	Response
<p>Clause 58.04-2 – Internal Views Objective</p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p> <p>Standard D15</p>	<p>Complies</p> <p>The orientation of balconies and habitable room windows within the development limits internal overlooking opportunities.</p>
<p>Clause 58.04-3 – Noise Impacts Objective</p> <p>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</p> <p>To protect residents from external and internal noise sources</p> <p>Standard D16</p>	<p>Complies</p> <p>The Site is not impacted by noise sources detailed within Table D5 of the standard.</p> <p>Habitable rooms within the proposed development are located away from potential noise sources such as lifts and mechanical plant where possible.</p>
<p>Clause 58.04-4 – Wind impacts objective</p> <p>To ensure the built form, design and layout of development does not generate unacceptable wind impacts within the site or on surrounding land.</p> <p>Standard D17</p>	<p>Complies</p> <p>The amendments retain the same scale and similar envelope to the approved development, ensuring that appropriate wind conditions result around the Site.</p>
<p>Clause 58.05-1 – Accessibility Objective</p> <p>To ensure the design of dwellings meets the needs of people with limited mobility.</p> <p>Standard D18</p>	<p>Complies</p> <p>Twenty six (53 percent) of apartments have pathways, door openings and bathroom dimensions which satisfy the accessibility requirements of the standard as detailed at Section 5 (Pages 37-49) of the Urban Context Report prepared by <i>Jackson Clements Burrows Architects</i>.</p>
<p>58.05-2 – Building Entry and Circulation Objectives</p> <p>To provide each dwelling and building with its own sense of identity.</p> <p>To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</p> <p>To ensure internal communal areas provide adequate access to daylight and natural ventilation.</p> <p>Standard D19</p>	<p>Complies</p> <p>The ground level entrances to dwellings facing Cross Street are easily identifiable with a communal lobby from Albert Street servicing the remaining dwellings. The lobby features clear sight lines to the lift and stair access from the public realm.</p>
<p>Clause 58.05-3 – Private Open Space Objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard D20</p>	<p>Complies with objective</p> <p>The majority of balconies within the development satisfy the standard with areas as follows:</p> <ul style="list-style-type: none"> ▪ South facing balconies have minimum widths of 2.0 metres and areas of 15 square metres. ▪ East and west facing balconies have minimum dimensions of: <ul style="list-style-type: none"> - 1 bed: widths of 2.6 metres and areas of 11 square metres.

Clause 58 Objective	Response
	<p>- 2 bed: widths of 2.0 metres and areas of 12 square metres.</p> <p>- 3 bed: widths of 2.6 metres and areas of 20 square metres.</p> <p>The exception to the above is the Type 3C and Type 3D Apartments which have three bedrooms with balcony widths of 2.1 metres and areas of 19 square metres and 23 square metres respectively.</p> <p>These widths are marginally less than the 2.4 metre requirement of the standard however, the overall areas are substantially larger than the 12 square metres required.</p> <p>Each balcony will receive good solar access and residents will benefit from communal open space in excess of requirements of Clause 58.03-2 (Communal Open Space Objective). Fleming Park opposite the Site also represents an easily accessible area of public open space for use by residents of the building.</p>
<p>Clause 58.05-4 – Storage Objective</p> <p>To provide adequate storage facilities for each dwelling</p> <p>Standard D21</p>	<p>Complies</p> <p>Apartments have minimum internal storage as follows:</p> <ul style="list-style-type: none"> ▪ Studio: 5.0 cubic metres ▪ 1 bed: 6.1 cubic metres ▪ 2 bed: 9.6 cubic metres ▪ 3 bed: 17.6 cubic metres <p>The dedicated external storage for each apartment will further ensure that the overall area requirements are satisfied.</p>
<p>Clause 58.06-1 – Common Property Objectives</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p> <p>Standard D22</p>	<p>Complies</p> <p>Public and private spaces are clearly delineated, and the common areas can be effectively managed by an owners corporation arrangement.</p>
<p>Clause 58.06-2 – Site Services Objectives</p> <p>To ensure that site services are accessible and can be installed and maintained.</p> <p>To ensure that site services and facilities are visually integrated into the building design or landscape.</p> <p>Standard D23</p>	<p>Complies</p> <p>Sufficient space is provided for services to be installed and maintained.</p> <p>Mailboxes will be conveniently located alongside the pedestrian entrance from abutting streets where they are easily accessible by residents and Australia Post.</p>
<p>Clause 58.06-3 – Waste and Recycling Objectives</p> <p>To ensure dwellings are designed to encourage waste recycling.</p>	<p>Complies</p> <p>Appropriate waste storage and collection arrangements are proposed as detailed in the Waste Management Plan prepared by <i>Ratio</i>.</p>

Clause 58 Objective	Response
<p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p> <p>Standard D24</p>	
<p>Clause 58.06-4 – External walls and materials objective</p> <p>To ensure external walls use materials appropriate to the existing urban context or preferred future development of the area.</p> <p>To ensure external walls endure and retain their attractiveness.</p> <p>Standard D25</p>	<p>Complies</p> <p>The robust external materials proposed that address the Site's activity centre context and which will weather appropriately over time.</p>
<p>Clause 58.07-1- Functional Layout Objective</p> <p>To ensure dwellings provide functional areas that meet the needs of residents.</p> <p>Standard D26</p>	<p>Complies</p> <p>All bedrooms and common areas have dimensions and overall areas in accordance with the standard as detailed at Section 5 (Pages 37-49) of the Urban Context Report prepared by <i>Jackson Clements Burrows Architects</i>.</p>
<p>Clause 58.07-2 – Room Depth Objective</p> <p>To allow adequate daylight into single aspect habitable rooms.</p> <p>Standard D27</p>	<p>Complies with Objective</p> <p>The majority of apartments within the development comfortably meet the room depth requirements of the standard with common areas that have kitchens positioned furthest from external windows and depths not exceeding 9.0 metres.</p> <p>The exception to the above is the Type 3B and Type 3D apartments at Levels 2-4 of the building, which have depths of 9.7 metres - 10.9 metres. These five apartments represent a small number in the overall development (10 percent) and achieve good levels of amenity with floor-to-ceiling heights of 2.9 metres, dual aspect floorplans, generously portioned common areas and large external windows. The uninhibited outlook from these apartments with no screening to the common area or balconies will further enhance daylight access.</p>
<p>Clause 58.07-3 Windows Objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard D28</p>	<p>Complies</p> <p>All habitable rooms have a window in an external wall of the building and no bedrooms are reliant upon daylight access from a smaller secondary area.</p>

Clause 58 Objective	Response
Clause 58.07-4 – Natural Ventilation Objectives To encourage natural ventilation of dwellings. To allow occupants to effectively manage natural ventilation of dwellings. Standard D29	Complies Thirty five apartments (71 percent) within the development satisfy the cross ventilation requirements of the standard as detailed at Section 5 (Pages 37-49) of the Urban Context Report prepared by <i>Jackson Clements Burrows Architects</i> .