



Amendment C134 to the Moreland Planning Scheme

Expert Urban Design Evidence in relation
to the Sydney Road and Upfield Corridor

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Instructed by
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On behalf of
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1.0 Introduction

- [1] I am a Principal of town planning and urban design consultants David Lock Associates (Australia) Pty Ltd. I hold qualifications in architecture and urban design. I have over twenty years' professional experience and have practised exclusively in the field of urban design since 1993. Further details of my qualifications and experience are outlined in Appendix A.
- [2] From September 2013 to October 2014, David Lock Associates (DLA) undertook a Built Form Review of the Brunswick Major Activity Centre for the City of Moreland. I led that work. The components of this study that relate to the Sydney Road and Upfield Corridor were ultimately incorporated in a Strategic Framework Plan (SFP) for that area, also prepared by DLA. In addition to recommendations in relation to built form, the SFP included analysis and recommendations in relation to land use, public open space and pedestrian links.
- [3] Moreland City Council subsequently translated the recommendations of the SFP into a new schedule to the Design and Development Overlay (DDO18), which forms part of proposed Amendment C134 to the Moreland Planning Scheme.
- [4] In January 2015, I was engaged by the City of Moreland to provide urban design evidence in relation to proposed DDO18, to inform an independent review of the amendment.
- [5] I have organised my assessment under the following headings:
- Section 2—A summary of **my involvement** and that of David Lock Associates in planning and development **in the Sydney Road and Upfield corridor**.
 - Section 3—A summary of the strategic and physical **context** of the Sydney Road and Upfield Corridor.
 - Section 4—An explanation of the **overarching approach** adopted by the Strategic Framework Plan (SFP).
 - Section 5—An explanation of the urban design principles underpinning the SFP recommendations for **built form fronting Sydney Road** and an assessment of their translation into proposed DDO18.
 - Section 6—An explanation of the urban design principles underpinning the SFP recommendations for **built form fronting 'off-corridor' streets** and an assessment of their translation into proposed DDO18.
 - Section 7—An explanation of the urban design principles underpinning the SFP recommendations for **built form at residential interfaces** and an assessment of their translation into proposed DDO18.
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- Section 8—An explanation of the urban design principles underpinning the SFP recommendations for **detailed design at public realm interfaces** and an assessment of their translation into proposed DDO18.
- Section 9—An explanation of the urban design principles underpinning the SFP recommendations for **new public open spaces and pedestrian links** and an assessment of their translation into proposed DDO18.
- Section 10—**Conclusion** and a summary of my recommendations.

^[6] Many of the issues raised in submissions to this Amendment relate to non-urban design matters (such as third party review rights, transitional provisions, zoning, the study area boundary, affordable housing, open space, retaining creative industries, utility services, transport capacity, community consultation and the detailed drafting of the proposed provisions). Most of the urban design issues raised relate to the way in which the SFP's recommendations have been translated into DDO18, such as the use of mandatory versus discretionary controls. I have addressed these issues in the appropriate parts of sections 4-9, along with the remaining urban design issues raised in submissions.

2.0 My involvement in Sydney Road and Upfield Corridor

^[7] Prior to my engagement to provide this evidence, my involvement in planning and development in the Sydney Road and Upfield Corridor has included:

- I provided urban design evidence to inform VCAT's review of planning applications for:
 - *175-179 Sydney Road, Brunswick*
 - *201-207 Albert Street, Brunswick*
 - *10 Hope St, Brunswick*
 - *29-31 Frith St, Brunswick*
- I provided urban design advice to the planning applicant in relation to a development proposal for 808-816 Sydney Road, Brunswick. I was not retained beyond my initial advice.
- I led the Brunswick Activity Centre Built Form Review for Council in 2013-2014.
- I led the preparation of the Sydney Road and Upfield Corridor Strategic Framework Plan (SFP) for Council in 2014.

^[8] DLA also undertook a review of the structure of the Brunswick Structure Plan and prepared summary documents for Council in 2008. I was not involved in this work.

3.0 Context

[9] This section provides a summary of the **strategic and physical context** of the Sydney Road and Upfield Corridor.

3.1 Strategic Context

[10] The DDO area:

- is approximately 5km north of central Melbourne
- has a high level of public transport accessibility with 3 stations on the Upfield line within the study area and tram route 19, all leading to central Melbourne
- Is parallel to the Lygon Street and Nicholson Street activity corridors



Strategic Context

3.2 Planning Policy Context

^[11] The planning policy context is outlined in section 2.2 of the Strategic Framework Plan (SFP). In summary:

- Policy promotes the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres, particularly those with good public transport accessibility.
- Policy seeks the provision of a diverse range of housing.
- Policy promotes safe and functional urban environments with a sense of place, cultural identity, positive character and high quality public realm.
- Policy seeks the conservation of places of heritage significance.
- Policy seeks to minimise detrimental impact on neighbouring properties.
- The Sydney Road and Upfield Corridor forms part of the Brunswick Activity Centre, which is one of the three larger activity centres in Moreland where the most significant change is expected. In particular, a key policy objective (in Clause 22.01) is:

To facilitate substantial change and create a new character of increased density and scale of built form, as defined in the relevant Structure Plan and/or Place Framework.

- Selected industrial areas within the Sydney Road and Upfield Corridor are identified for transition to “Multi Use – Employment Precincts” or “Multi Use – Residential Precincts”.

^[12] Plan Melbourne identifies Brunswick as an activity centre. It also identifies the Brunswick to Batman Station Corridor as a potential urban renewal opportunity/ investigation area. Jewel Station is individually identified as an urban renewal opportunity that includes significant parcels of government held land. The strategic direction for these precincts is:

To take advantage of underutilised land close to jobs, services and public transport infrastructure, to provide new housing, jobs and services. Renewal projects in defined precincts and sites will play an important role in accommodating future housing and employment growth and marking better use of existing infrastructure.

^[13] Plan Melbourne advocates transit-oriented development as a key way to achieve employment and population growth, as well as achieve a broad range of economic, social and environmental benefits from co-locating employment, population and public transport.

[14] The Brunswick to Batman Station Corridor is identified as a priority urban renewal site where structure planning for underutilised industrial land and precincts near railway stations is to commence in the short-term.



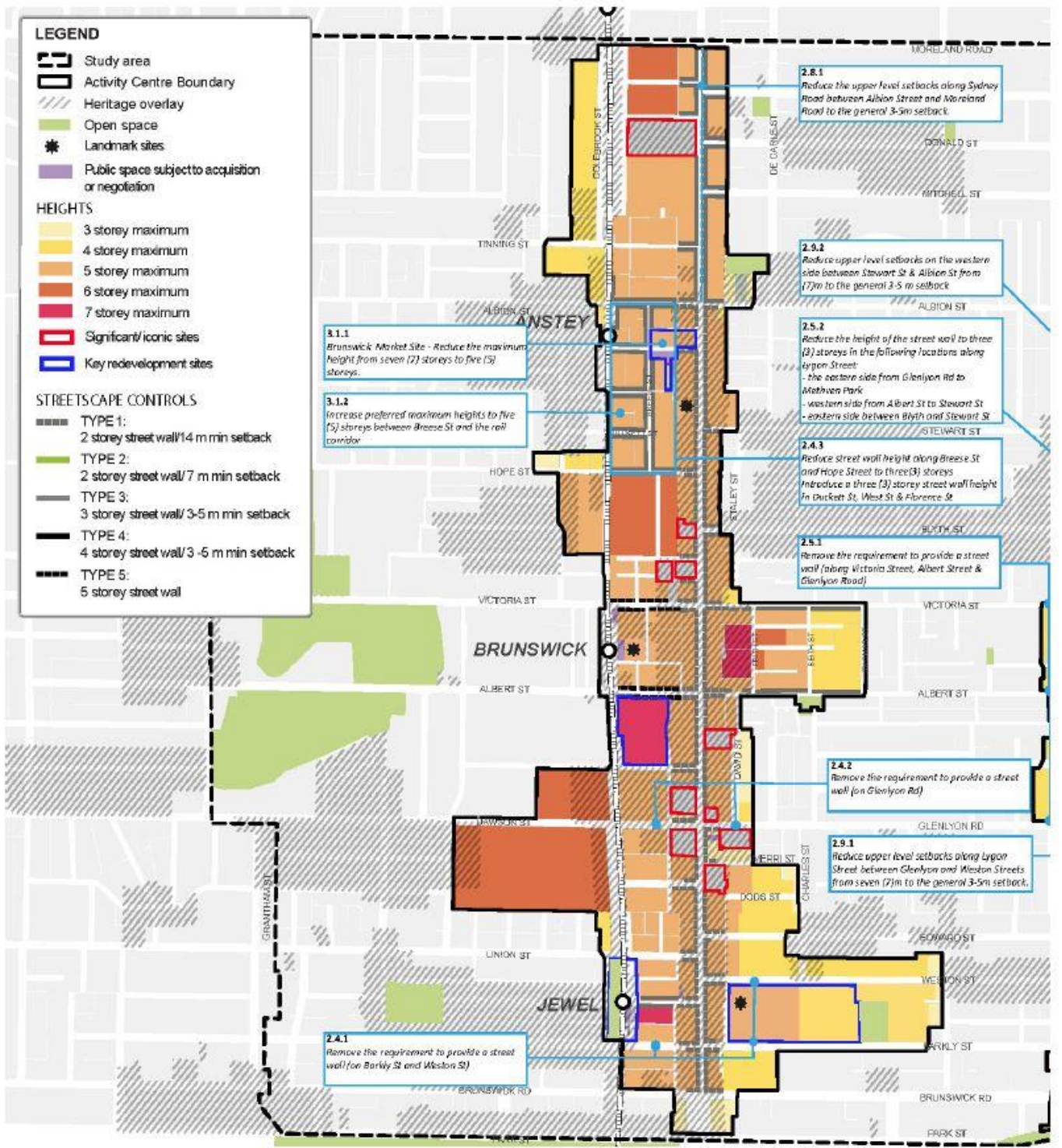
Extract of Northern Sub-Region (source: Plan Melbourne)



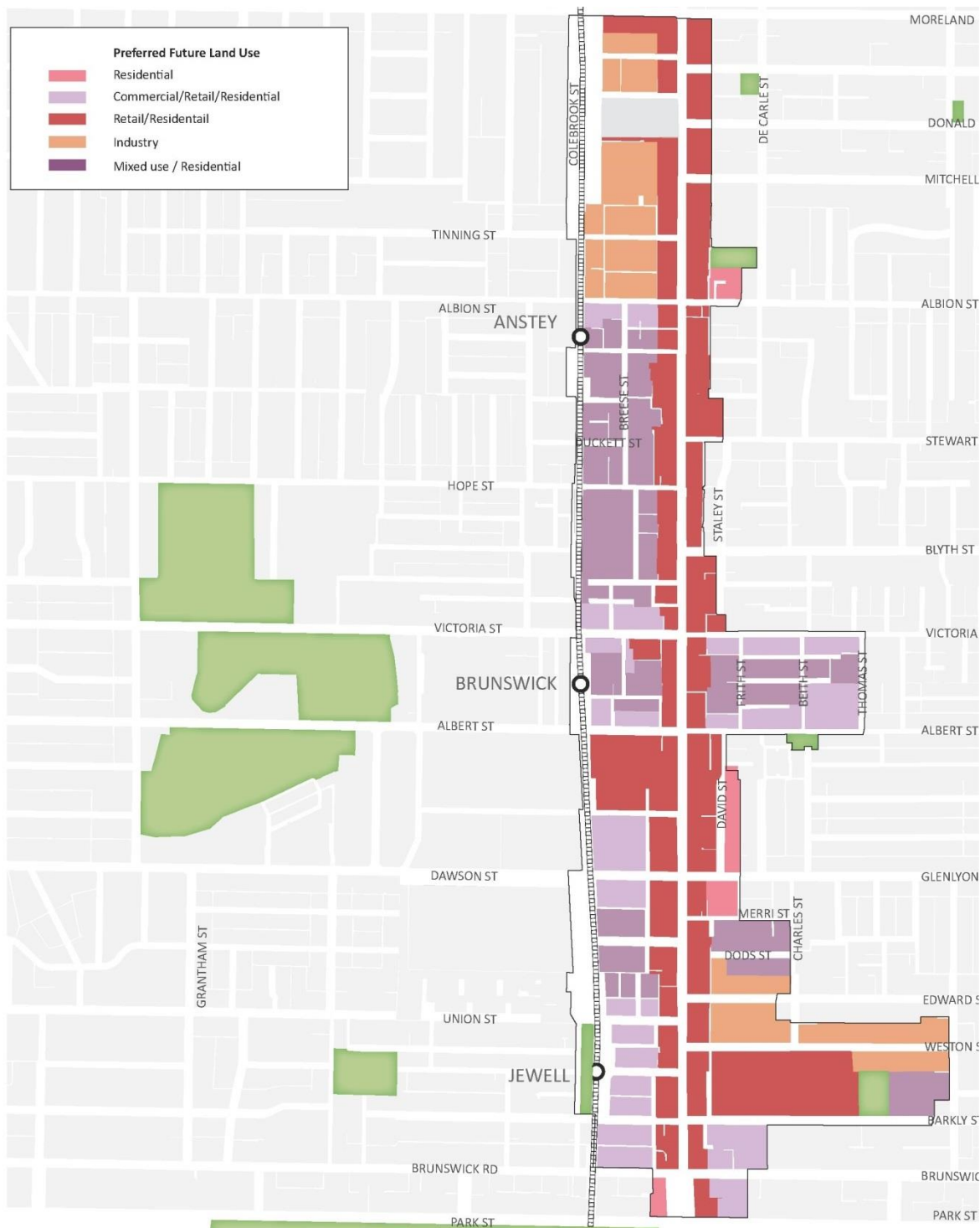
Sydney Road/Upfield Corridor Framework Plan Area

3.3 Adopted strategies

- [15] Council has undertaken considerable planning in the Sydney Road and Upfield Corridor in recent years. Key documents include the Brunswick Structure Plan (2010) and Addendum (2012), and the Moreland Industrial Land Use Strategy (MILUS) (2004), both of which have been adopted by Council.
- [16] The Brunswick Structure Plan and Addendum sought to facilitate urban consolidation in close proximity to amenities and public transport. It recommended the following building heights in the Sydney Road and Upfield Corridor:
- Up to 5 storeys (18m) on Sydney Road
 - Up to 7 storeys on large strategic sites between Sydney Road and the Upfield Line
 - 3-4 storeys in transitional areas at the edges of the activity centre and areas with heritage sensitivities
- [17] The Moreland Industrial Land Use Study classified Moreland's industrial areas based on their suitability for different uses. The preferred uses are illustrated below.



BSP Addendum Proposed Heights for Sydney Road and Upfield Corridor

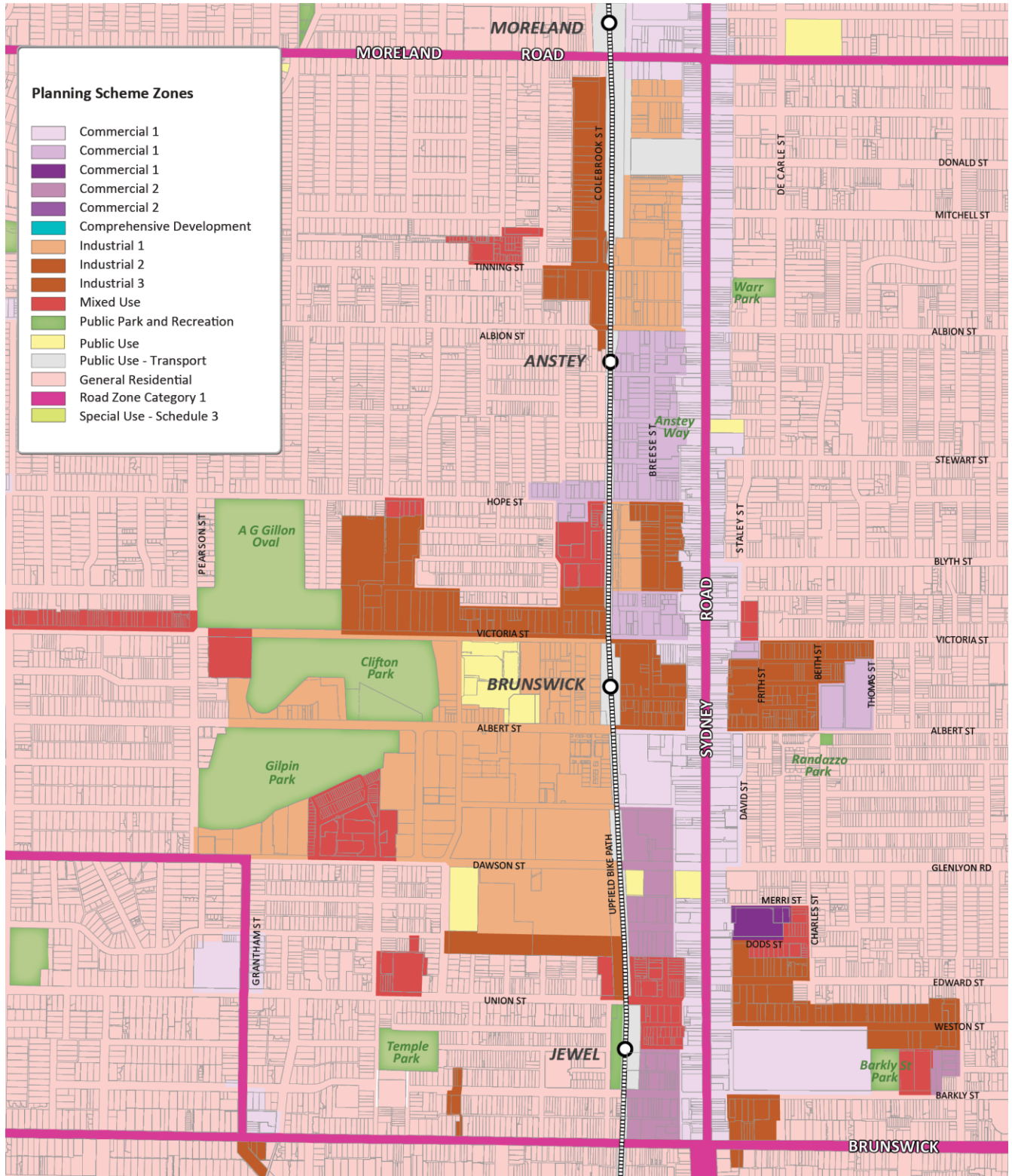


Preferred Land Use Framework based on MILUS and Brunswick Structure Plan

3.4 Physical conditions

^[18] Sections 2.3 and 2.4 of the SFP outline the existing conditions of the DDO area with respect to land use, heritage, built form character, subdivision pattern, interfaces, movement and public realm amenity. In summary:

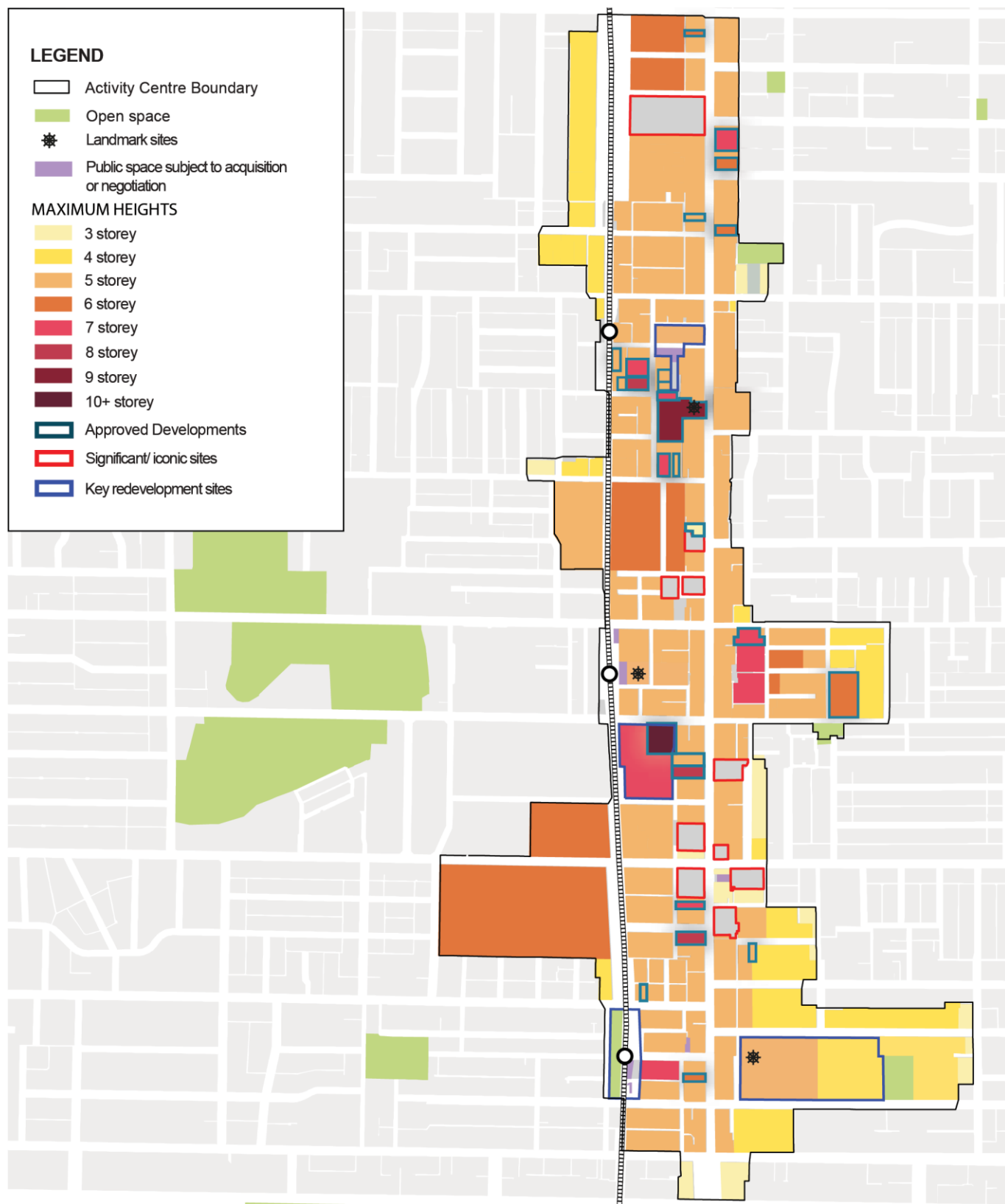
- The study area contains a wide range of uses, with shops concentrated on Sydney Road and manufacturing, service industry, office space and residential uses off Sydney Road.
- There is extensive heritage fabric in the study area, including a 19th and early 20th Century heritage precinct along Sydney Road between Albion Street and Brunswick Road (HO149), and numerous individually identified properties.
- Sydney Road has a relatively consistent streetscape character created by fine-grain 1-2 storey Victorian and Edwardian commercial buildings.
- The built form character in Sydney Road is beginning to transition to a new character defined by apartment buildings of 5-9 storeys (sometimes exceeding the heights preferred by the Structure Plan) set behind retained low-rise heritage buildings or new podiums that match the scale of the traditional street-edge buildings.
- Sydney Road is punctuated by notable civic buildings and churches which act as landmarks and contribute to the valued character of the corridor.
- The lots along Sydney Road are typically narrow, and generally range in depth from 25m to 76m, or 32-46m when the shallowest and deepest quarters are excluded.
- The western boundary of the DDO area is defined by the Upfield Rail Line. The eastern boundary abuts residentially-zoned land—sometimes separated by a rear lane, sometimes side on and sometimes end on.
- Sydney Road and the Upfield Shared Path along the rail line are the major north-south pedestrian connections in the study area. Important east-west pedestrian connections include Wilson Avenue, Wilkinson Street and Florence Street, which provide links to stations, and Dawson Street, Albert Street, Victoria Street and Albion Street, which provide links across the rail line. Most have a poor quality pedestrian environment.
- There is a lack of public open space in the study area, particularly between the Upfield Line and Sydney Road.
- The pedestrian amenity and public realm quality around the stations is poor.



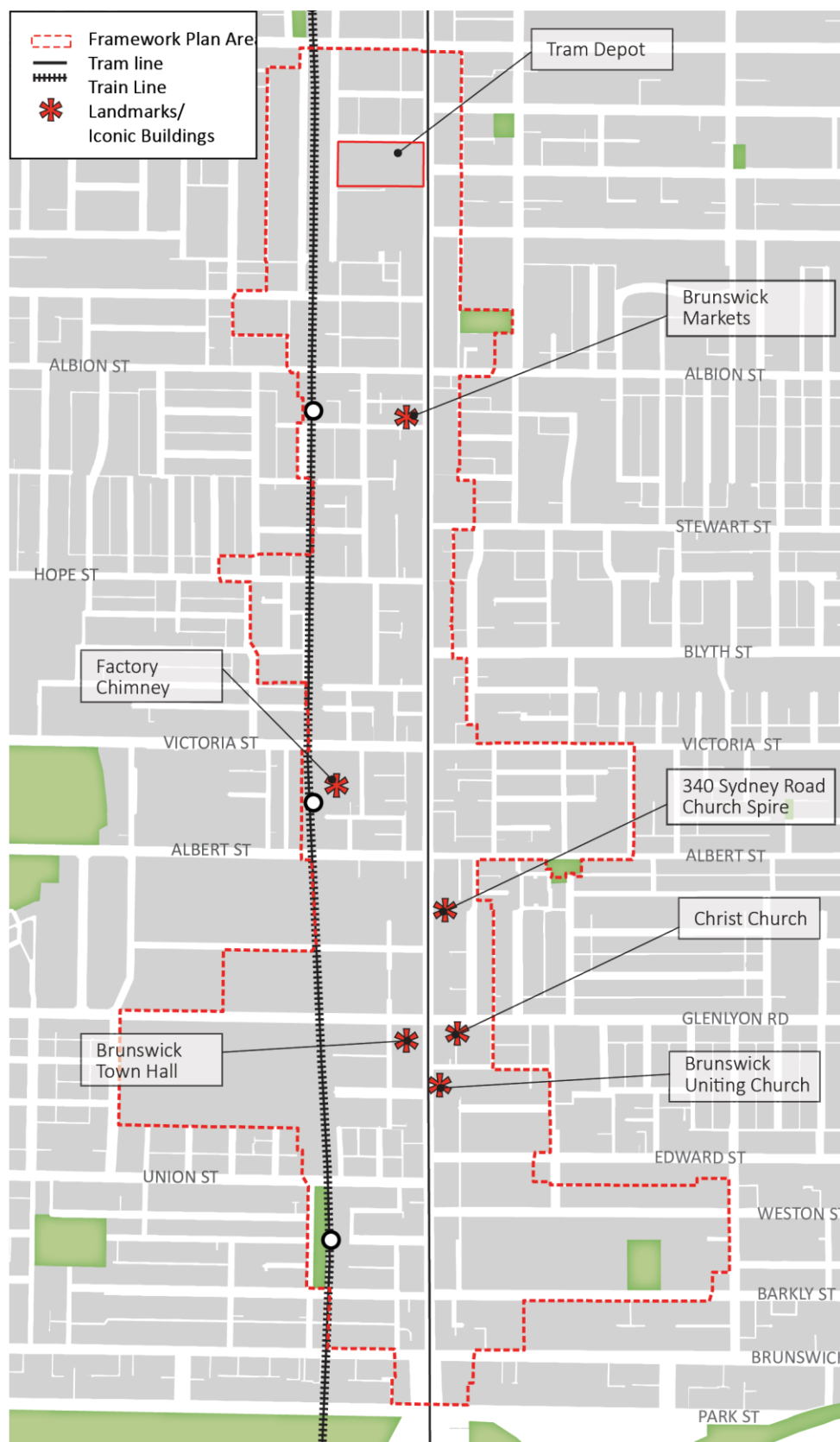
Existing Land Use Zones



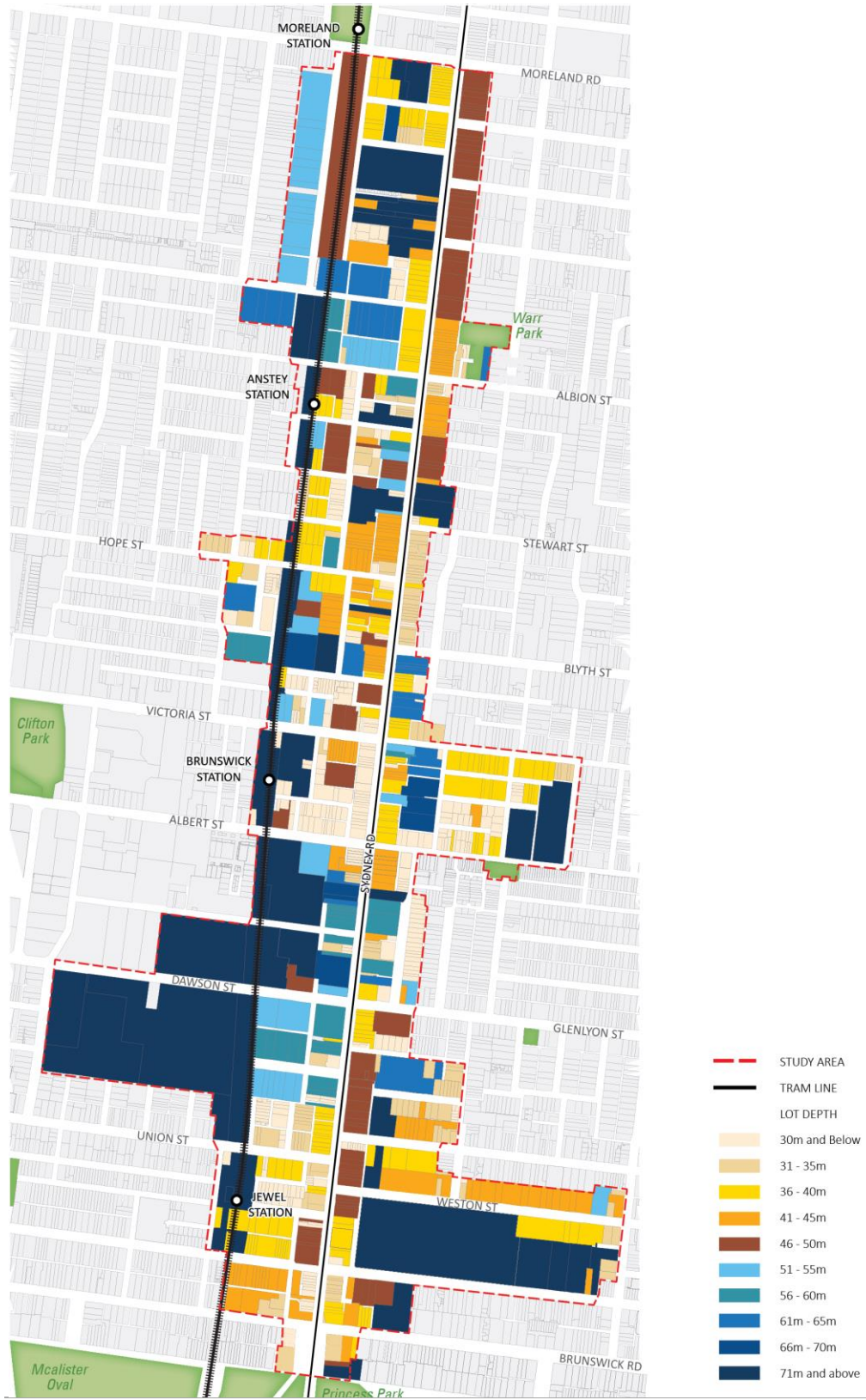
Existing Street Wall Heights



Recently approved or built developments along the Corridor in comparison with building heights defined by the BSP
(Addendum, 2012)



Existing Landmark and Civic Buildings



Lot Depth Analysis

4.0 Overarching Approach

^[19] This section summarises the approach to design and development controls developed through the SFP process.

4.1 Process

^[20] DLA's brief from Council for the Brunswick Activity Centre Built Form Review was to identify the objectives and urban design principles underlying the Brunswick Structure Plan (and Addendum), critically review them, and refine the proposed design and development controls to have a clear strategic basis in these objectives and principles. In order to do this, we:

- Reviewed the Brunswick Structure Plan (2010) and Addendum (2013)
- Reviewed other studies relating to the activity centre
- Reviewed the broader policy framework
- Undertook further analysis of the existing conditions within the study area
- Reviewed recent and approved development
- Reviewed other activity centre built form policy
- Reviewed relevant VCAT decisions and panel reports
- Conducted workshops with Council staff to define the key objectives, and design principles that respond to them
- Tested the principles by applying them to typical sites, and refined them accordingly

^[21] We also sought heritage advice, specifically in relation to appropriate upper level form in the part of Sydney Road affected by the HO.

4.2 Urban design objectives

^[22] After review of the Brunswick Structure Plan and further analysis, the following objectives were identified as those that should inform the building form and design controls:

- *To establish a new public realm character that balances spatial definition and openness*
- *To complement valued built form character and heritage values or, where appropriate, establish a cohesive new character*
- *To create an inviting and vibrant public realm*
- *To maintain solar access to streets and public open space*
- *To maintain reasonable amenity for residential properties alongside the activity centre*

- *To reinforce the fine grain character of Sydney Road*

[23] The thinking behind these objectives is expanded upon in sections 5-9 below.

[24] Objectives and requirements that are common to all areas of more intense development in Moreland (or even beyond), in contrast with those that are specific to the Brunswick Activity Centre, were considered best incorporated in a planning provision with broader application, such as the Moreland Apartment Design Code. Examples include those to do with equitable interfaces with adjoining properties, internal amenity, ESD and universal accessibility. (Some of these objectives are particularly challenging to meet given the narrow lots found in much of the study area (unless they are consolidated). However, this issue is common to most of Moreland's (and, indeed, Melbourne's) original strip centres.)

[25] In the main, the objectives underpinning the SFP have been faithfully translated into the proposed DDO. (Although there are additional objectives, many of these are simply more detailed goals that are embodied in the SFP or stem from other studies.) Exceptions to this include:

- The reference to specific heights in the first objective. This relates to the DDO's inclusion of mandatory height limits. As noted below, I do not support mandatory overall height limits in this location. Therefore, I consider that this objective should be reworded to:
 - *To encourage a new mid-rise built form character that balances strong spatial definition with a sense of openness.*
- The third objective is only relevant to properties fronting Sydney Road, which has significant heritage and character values, and should be amended accordingly.
- Objectives have been included relating to ESD and universal access. I consider that these may be better placed in an instrument that applies to all of Moreland's activity centres, such as the Moreland Apartment Design Code.
- The word "expectations" has been included in the two Amenity objectives. I consider that this is misleading, because it is reasonable *amenity* that is to be maintained, not reasonable *expectations*. Therefore, I recommend that this word be deleted from each of these objectives.

4.3 Angled built form envelopes versus flat height limits

- [26] It is usual for studies such as this to identify preferred maximum building heights, in order to provide clear direction about the preferred future character of the area and certainty to landowners and the community alike. Such maximum heights ought to represent the optimum balance between the various competing aspirations relating to an area with obvious merit for urban consolidation but also valued built form qualities, important public realm amenity ambitions and sensitive interfaces.
- [27] Following analysis of the study area, I formed the view that it is not possible to determine a maximum height for any property independent of the setbacks of its upper form. In essence, the maximum height that would achieve the optimum policy balance rises with increased setbacks from the street and any sensitive interfaces. As is often the case, larger sites can accommodate greater height without unreasonable impact on their surroundings. This is explained further in sections 5.3 and 6.2 below. In an area with such an important role to play in accommodating metropolitan growth, I consider that the opportunity to accommodate increased floorspace through bigger setbacks, particularly on larger sites, should not be foregone simply through a desire for the simplicity of flat height limits.
- [28] Therefore, the SFP does not recommend maximum building heights as an independent control. Instead, it proposes controls that limit height by reference to setbacks—angled rather than horizontal planes. The familiarity of the planning and development industry with this style of control in ResCode (e.g. Standard B17) suggests that it ought not to present any administrative difficulty.
- [29] An angled envelope control provides flexibility for applicants to determine the optimum outcome for their particular site and program, whilst still achieving the desired planning outcomes. Another way to put this is that the controls proposed by the SFP follow more directly from the planning outcome sought than simple maximum building heights, which rely on assumptions about setbacks. This means that the controls are neither unnecessarily prescriptive, nor too ‘loose’. The extent of control is directly related to the outcomes sought, so that development is neither needlessly limited nor insufficiently controlled.
- [30] Angled envelopes can also respond to the change in development potential when land is amalgamated. The appropriate height for a relatively small property may be well below the appropriate height for the larger site that results when it is amalgamated with neighbouring

properties. A flat height limit cannot adjust to the new circumstances, whereas an angled envelope, that rises as it moves away from the edges of the site towards the middle, can.

[31] I consider that after a short period of familiarisation, the controls proposed by the SFP would provide as much certainty about the outcomes that matter, as flat height controls.

[32] The proposed DDO adopts the principle of the angled built form envelope. However, it also proposes mandatory height limits. I do not support the proposed mandatory height limits, because I do not believe they are necessary to ensure the desired outcomes are achieved, and I consider that they will unnecessarily limit development potential, significantly lessening the area's contribution to accommodating metropolitan growth.

4.4 Compact controls

[33] One of the benefits of the 'angled envelope' approach is that it avoids the need to identify the optimum height for each property and specify it in a planning control. A number of recent Amendments have sought to specify the optimum outcome for each of a large number of relatively small precincts, resulting in lengthy, cumbersome controls which still fail to consider the individual circumstances of each property. The approach proposed by the SFP provides certainty at the same time as maximising the flexibility of the building form, in a much more compact control. In essence, it defines a tailored, optimum envelope for each property without having to specify them individually.

4.5 Mid-rise character

[34] One of the judgements made during the preparation of the SFP relates to the future character sought in the study area—particularly the 'off-corridor' locations (all streets other than Sydney Road). There is no 'black and white' science to determine the perfect balance between accommodating growth, on one hand, and protecting character values and ensuring good public realm amenity, on the other. (There is no 'black and white' science in relation to protecting heritage values or residential amenity either, but there are formulae that have been developed in similar locations that can reasonably be applied here.) A lower intensity of development than that proposed by the SFP could still provide a reasonable level of growth, and a higher intensity of development might still result in streets of adequate amenity.

[35] The character recommended by the SFP seeks to strike a balance between the competing aspirations. It is based on the "1:1 principle"—that is, buildings remain below a 45° angle from the opposite street boundary.

This accommodates a reasonable degree of growth—more than provided for by the Brunswick Structure Plan—but also maintains a reasonable degree of openness in the public realm. The resulting building heights fall within a range often referred to as “mid-rise”. This also establishes a clear contrast with the high-rise scale of central Melbourne, on one hand, and the low-rise scale of the residential hinterland on the other, reinforcing the legibility of the broader urban structure.

4.6 ‘As of right’ built form outcomes

[36] A further aspect of the approach taken within the SFP to built form controls is the notion of an ‘as-of-right’ envelope for each property, which defines an automatically acceptable building scale and massing. The idea is that if the overall form of a proposed building falls within this *envelope*, then it would be exempt from third party notice and review requirements. Like ‘code assess’ provisions, this offers a quicker approval route for more straightforward applications that do not seek to go beyond the ‘default’ parameters.

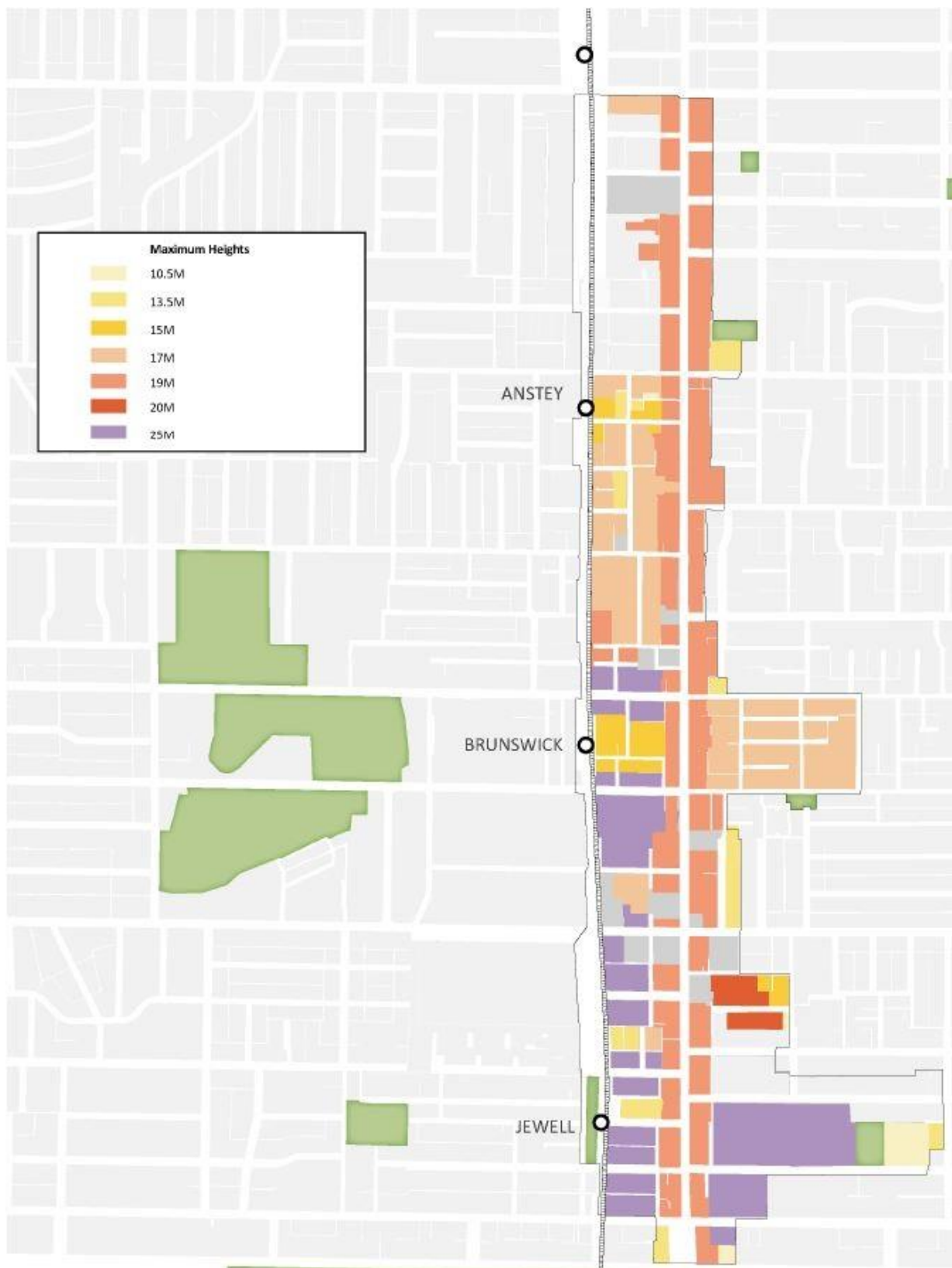
[37] However, the SFP does not seek to preclude the option for applicants to seek approval for buildings outside the ‘default’ envelope. Such applications could still be approved and would be assessed against the proposed objectives and requirements.

[38] The version of the DDO that was originally exhibited contained the following provision:

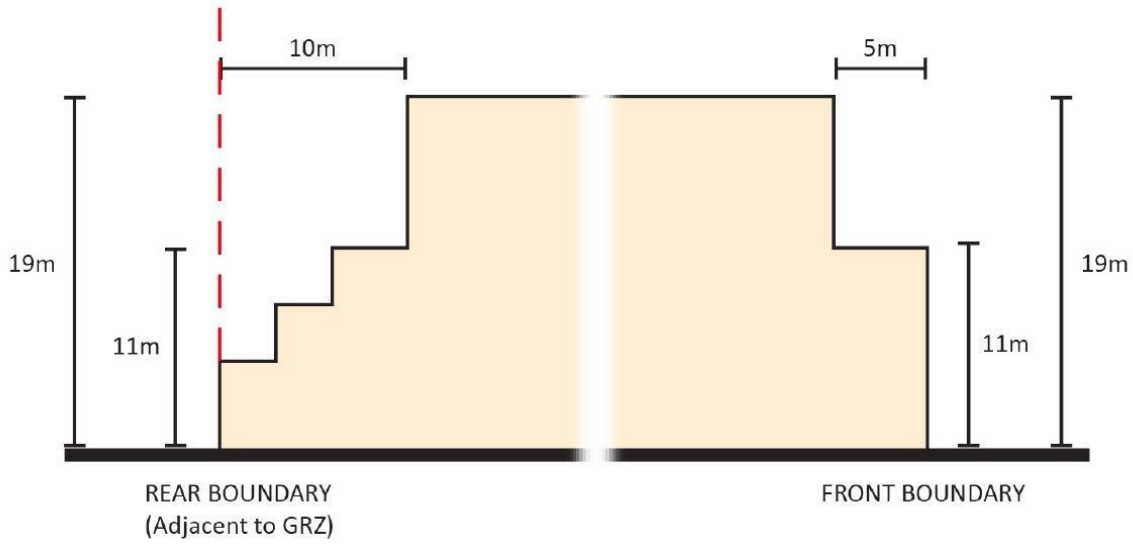
An application that does not propose to exceed the maximum preferred heights in metres, vary the street wall heights or reduce the setbacks above the street wall specified in the relevant precinct map and section diagrams in Table 1 of this schedule is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

[39] However, this concept has been deleted from the latest version of the DDO.

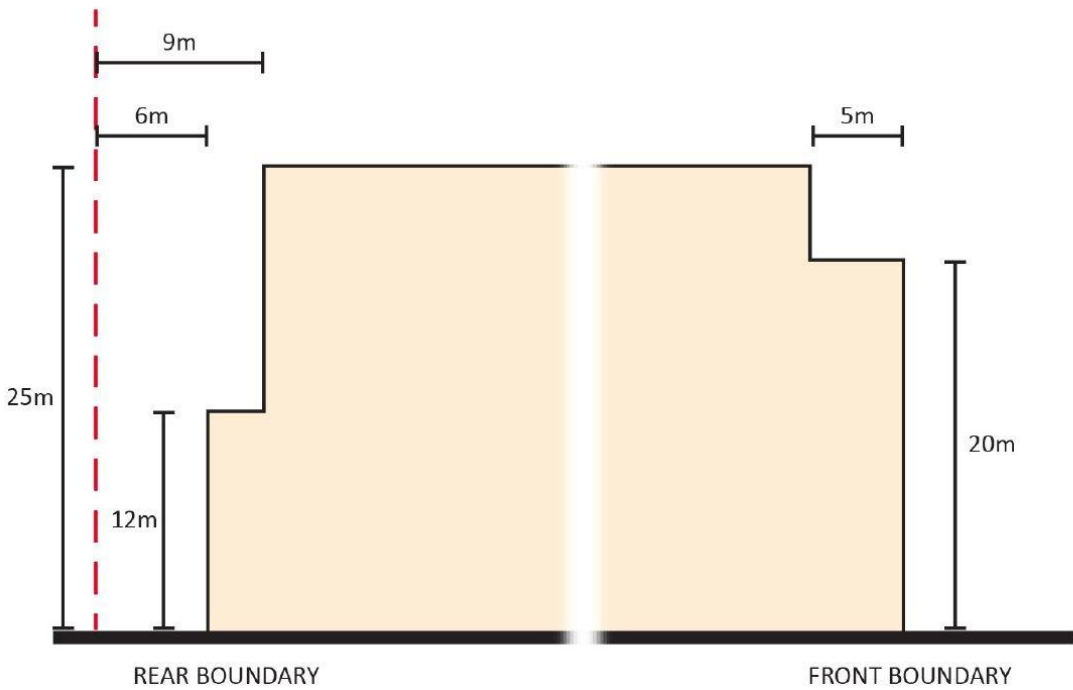
[40] The ‘default’ envelope proposed by the SFP is defined by the maximum street wall height, the rear setback requirement, the building separation requirements proposed by the Moreland Apartment Design Code (MADC) (which have not been reviewed as part of the SFP work) and the maximum height achievable within the upper level requirements when a 5m setback is adopted above the street wall. This is illustrated below. It is these heights that have been converted into mandatory maximum heights in the DDO.



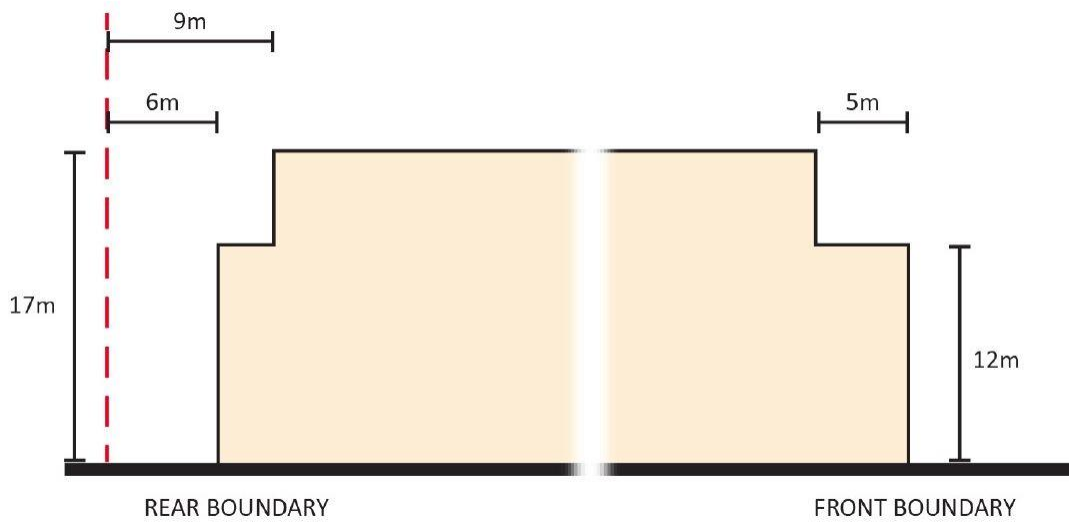
Maximum "Default" Building Heights



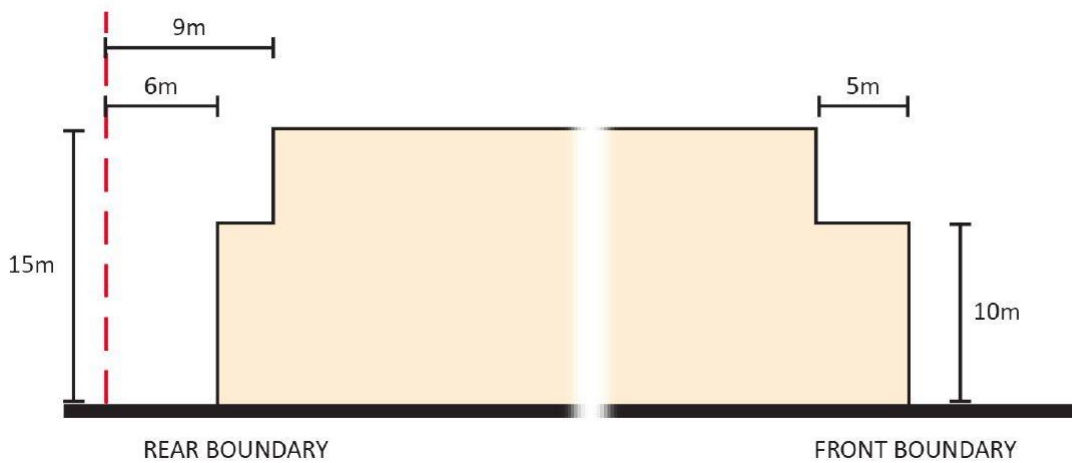
Default Building Envelope along Sydney Road adjacent to General Residential Zone



Default Building Envelope on a typical 20m wide off-corridor street (with building separation distances as defined in MADC)



Default Building Envelope on a typical 12m wide street (building separation distances as defined in MADC)



Default Building Envelope on a typical 10m wide street (building separation distances as defined in MADC)

5.0 Built form fronting Sydney Road

5.1 Introduction

^[41] The key urban design principles proposed by the SFP in relation to built form on properties fronting Sydney Road are:

- Maintain and reinforce the existing street wall character
- Limit the visual presence of built form above the street wall
- Maintain solar access to Sydney Road

5.2 Maintain and reinforce the existing street wall character

5.2.1 SFP rationale (see also SFP section 3.2)

^[42] New, more intense development in the Sydney Road and Upfield Corridor will inevitably change its character. However, I consider that the existing built fabric along Sydney Road has heritage and character qualities that are sufficiently valuable to warrant their respect. Notably, the heritage overlay extends along the whole of Sydney Road within the study area except for the land north of Albion Street, and there are a number of site-specific HOs.



Examples of the valued streetscape character of Sydney Road

^[43] A commonly accepted method for achieving additional intensity while retaining much of the visual value of the existing streetscape is to retain the front portion of existing buildings (or replace them with similarly-scaled forms where appropriate) and provide additional height set back behind these leading elements. For example, this approach has been adopted by planning controls that apply to activity centres which

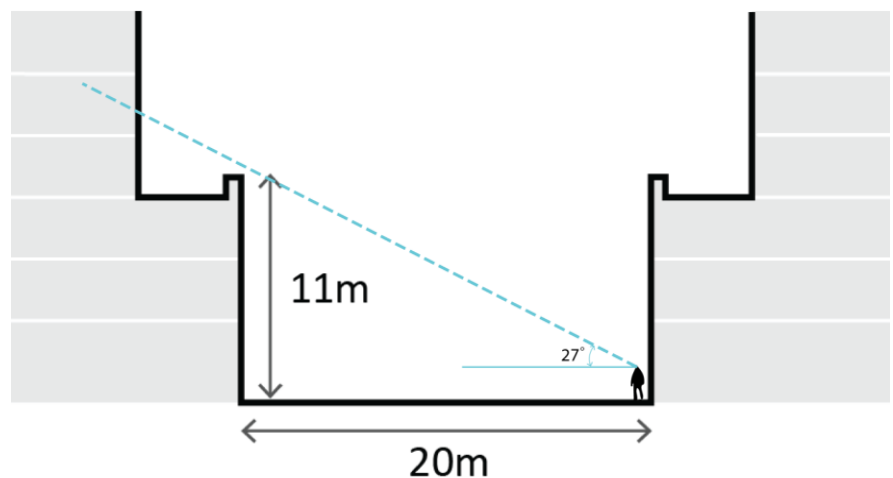
originated in a similar era in High Street Darebin, South Melbourne and Prahran/ South Yarra. Recent development in Sydney Road has already adopted this format, as has development elsewhere such as in Bridge Road and Swan Street, Richmond.

- [44] I recommended this approach in Sydney Road in the SFP, and remain a supporter of it. Although the higher, set-back form may be clearly visible from within Sydney Road, if set back sufficiently and given a distinct architectural expression, it will read as a new 'layer' of development, distinct from the original layer retained at the front. This expresses the evolution of the centre.
- [45] North of Albion Street, most buildings do not have identified heritage value. However, they retain a similar low-rise scale. North of the study area, along Sydney Road, Council has adopted a proposed ACZ schedule as part of Amendment C123 that would limit development to 3 storeys within 7m of the street and 18m beyond that. Two developments have also been approved and built in Sydney Road between Moreland Road and Albion Street, at 756-760 and 794-800 Sydney Road, that adopt a 3-storey street wall and a further 3 upper levels set back at least 5m.
- [46] Therefore, the SFP proposes to adopt the same approach for the whole of Sydney Road, to ensure a cohesive character along the length of the corridor.
- [47] In addition to accommodating substantial growth and respecting the heritage streetscape character, the low-rise street wall and set-back upper form format outlined above will ensure a more 'managed' transition from the existing low-rise character to the future mid-rise character. Given the 'fragmented' nature of the subdivision pattern along Sydney Road, its redevelopment is likely to occur very incrementally, over a long period of time. Maintaining the existing street wall scale will provide a sense of continuity while the new character emerges.
- [48] Where an existing building is to be entirely demolished and replaced with a new building, I consider that it should be required to reinforce the existing streetscape character, given its heritage and character value. This can be achieved by ensuring that the new building:
- Has a height within the range of existing heights—not too high, and not too low.
 - Is set on and spans the full width of the street boundary (i.e. is continuous with adjoining building fronts). (This requirement is discussed further in section 8.2 below, because it applies to the majority of the study area.)
-

- Has a 'rhythm' of vertical articulation that reflects the prevailing subdivision pattern. This is particularly important when adjoining properties are consolidated to make a larger development site, which could result in an atypically wide frontage module. (This requirement is discussed further in section 8.4 below.)
- Has an 'active frontage' and awning. (These requirements are discussed further in sections 8.3 and 8.5 below, because they apply to the majority of the study area.)

[49] The majority of the existing buildings in Sydney Road are about 9-10m high at the street edge, with occasional examples reaching 11-12m. (See section 2.4 of the SFP.) The SFP recommends a maximum street wall height of 11m. This is close to the upper end of the heights of existing buildings on the street edge in Sydney Road. It is also sufficient to comfortably allow for a 3-storey form, including a higher ceiling at ground floor to allow for commercial uses, and/or a parapet at the top which reflects the existing built form character and may be able to act as a balustrade for a terrace on top of this portion of a building.

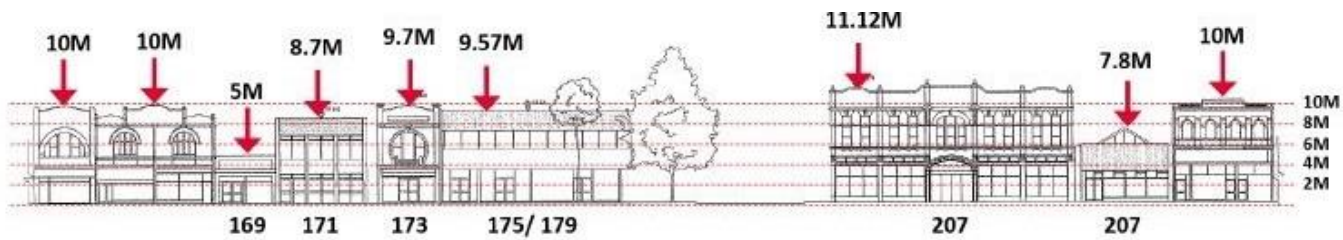
[50] A secondary benefit of maintaining this building scale at the street edge is that it is about the height that can be seen clearly by someone standing on the opposite side of the street without tilting their head. Therefore, it enables them to appreciate a complete component of the building form, rather than just the lower part of an element that disappears above their normal field of view.



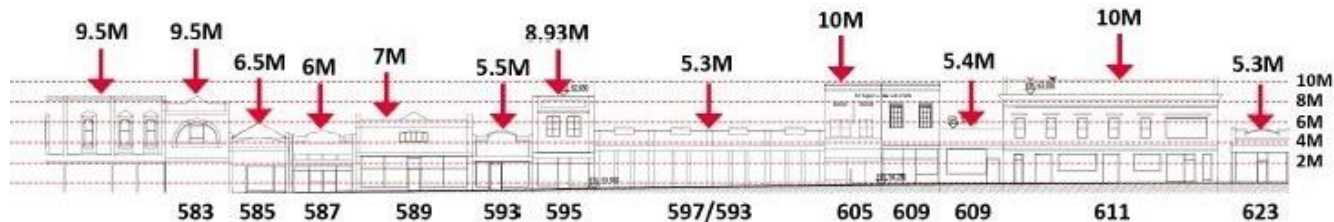
Cross section through Sydney Road showing normal human field of view and 11m high street wall



Existing Street Wall Heights



SYDNEY ROAD



SYDNEY ROAD



Sydney Road street wall height analysis

[51] On corner sites, where the street wall height requirements of each street are different, there is a need for this to be resolved architecturally. In general, the street wall height in Sydney Road should be carried around the corner into the side street for at least the depth of the upper level setback. Beyond that, discretion should be provided for an elegant solution to be found on a case-by-case basis.

[52] The siting and scale of upper forms is discussed in section 5.3 below.

5.2.2 DDO18

[53] The proposed DDO contains a mandatory street wall height limit of 11m in Sydney Road. The height of this requirement is consistent with the recommendation of the SFP.

[54] The DDO does not make it clear whether parapets are required to comply with the maximum street wall height, or whether they can project above it. (The Building Height provisions indicate that architectural features can be excluded from the measurement of building height in certain circumstances.) I consider that parapets form part of the street wall that ought not to exceed 11m, because the analysis of existing street wall heights includes parapets. This should be made clear in the DDO.

[55] The DDO does not provide clear direction about how to manage differing street wall heights on corner sites, although Map 2 implies that the maximum street wall heights in Sydney Road should carry around into side streets for the full length of the lot. I recommend that a provision be added to the DDO stating that *“On secondary street frontages of properties fronting Sydney Road, the street wall height requirements on the Sydney Road frontage also apply to the secondary street frontage for the depth of the upper level setback.”* Beyond that, I consider that it is a matter for architectural resolution on a case-by-case basis.

[56] The proposed DDO does not contain a minimum street wall height for Sydney Road in clause 3, although minimum street wall heights are implied by Map 2. Street wall heights that are significantly lower than the prevailing street edge building heights in Sydney Road (e.g. low single-storey forms) would detract from the preferred character. Therefore, I recommend that the Sydney Road street wall requirement at clause 3 be amended to include a discretionary minimum height of 8m, consistent with the SFP and Map 2 in the proposed DDO.

[57] The SFP did not recommend that the maximum street wall height requirement be mandatory. However, I consider that it is appropriate for it to be a mandatory requirement except where there is a need for a minimum floor level requirement to comply with an SBO (as already

provided for the by DDO), with additional discretion limited to circumstances where it can be demonstrated that a different street wall height will be more consistent with the prevailing streetscape character.

[58] Practice Notes 59 (The Role of Mandatory Provisions in Planning Schemes) and 60 (Height and Setback Controls for Activity Centres) provide guidance on the use of mandatory controls in activity centres. As identified in both practice notes, the application of mandatory height and setback controls is not the preferred method for controlling built form outcomes, and the implementation of such controls will only be considered in exceptional circumstances. Discretionary controls, combined with clear design objectives, is the preferred approach, as this provides flexibility to accommodate contextual variations and innovative design.

[59] Practice Note 59 offers the following five criteria for assessing whether the benefits of mandatory controls outweigh any loss of opportunity and flexibility that flow from performance-based controls:

- *Is the mandatory provision strategically supported?*
- *Is the mandatory provision appropriate to the majority of proposals?*
- *Does the mandatory provision provide for the preferred outcome?*
- *Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?*
- *Will the mandatory provision reduce administrative costs?*

[60] I consider that there is clear strategic support for a mandatory maximum street wall height in Sydney Road given its heritage values and the analysis which identifies a high level of consistency with 11m towards the upper end of the range of existing building heights. The proposed maximum height would be appropriate to the vast majority of proposals, at least, and provide for the preferred outcome.

[61] The majority of proposals not in accordance with the maximum height would be clearly unacceptable, given the heritage values, the degree of consistency and the fact that 11m is already right at the upper end of the range of building heights. It is difficult to conceive of circumstances in which a higher street wall height could be acceptable in the context of such a strong character element.

[62] A mandatory street wall height limit would reduce administrative costs, not only in assessing the street wall height of applications but also, given that it is the basis for the scale of the upper form, in enabling a simplified upper form envelope (see section 5.3 below).

- [63] Were the street wall height not to be mandatory, applicants would undoubtedly seek at least 1m of greater height in order to squeeze a fourth storey in and, given that the street wall height is the primary determinant of the maximum overall height (see section 5.3 below) enable greater overall height. This would also put pressure on the aspiration for a higher ground floor ceiling height. Whilst greater height is not an inherently poor outcome if it can be achieved while meeting all the objectives, it is difficult to imagine how this might be possible in Sydney Road. Therefore, I consider that the theoretical gain in flexibility is not sufficiently valuable to warrant the additional administrative cost in assessing applications that would flow from 'opening the door' to greater street wall heights.
- [64] I acknowledge, however, that because the DDO also includes numerous discretionary provisions, it would not remove the administrative cost of making qualitative planning assessments altogether.
- [65] Practice Note 60 lists examples of exceptional circumstances that might warrant mandatory height and setback controls, including:
- *Sensitive coastal environments where exceeding an identified height limit will unreasonably detract from the significance of the coastal environment.*
 - *Significant landscape precincts such as natural waterways, regional parks and areas where dense tree canopies are the significant dominant feature.*
 - *Heritage places where other controls are demonstrated to be inadequate to protect unique heritage values.*
 - *Sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance and major waterways.*
 - *Helicopter and aeroplane flight paths and other aeronautical needs.*
- [66] I consider that the heritage values in Sydney Road represent an exceptional circumstance that warrants a mandatory control, although I defer to heritage experts in relation to the question of whether other controls are inadequate to protect these values.
- [67] I note that the principle of limiting building height near the street to 2-3 storeys has featured for some time in this corridor, and been adopted by a number of recent planning applications and developments.
- [68] I also note that, despite not supporting mandatory overall building heights, the Panel that considered Port Phillip Amendment C52 (South
-

Melbourne Central) did support mandatory maximum street wall heights on the basis of “*a very strong theme to emerge from the strategic work that there be a hard edge to the street*” (see page 40 of the panel report). This was subsequently introduced via DDO8 (including in streets without heritage values).

- [69] Submission 19 suggests that building heights should be measured in storeys, rather than metres. Given that the aim of the street wall height provisions is to match an existing building scale, and particularly in circumstances where it may be possible to incorporate 3 levels within the height of a traditional 2-storey building, I consider that it is appropriate to specify the height in metres.
- [70] Submission 19 also expresses a desire for diversity in street wall heights. I agree. However, I consider that there will inevitably be diversity in the street wall heights along Sydney Road, without a need to mandate it in some way. There is variation now, it is extremely unlikely that all buildings will be replaced given the heritage values in the street and narrow lots which make redevelopment difficult. And, even if they are, it is highly unlikely that they will be replaced with new buildings with matching street wall heights, particularly given the slope along the street.

5.3 Limit the visual presence of built form above the street wall

5.3.1 SFP rationale (see also SFP section 3.3)

- [71] I understand that the combined heritage value of Sydney Road is significant enough to warrant control over the prominence of additional development behind the street wall. From an urban design perspective, the built form character of the streetscape is a significant contributor to the appeal of the activity corridor.
- [72] As noted above, I do not consider that additional built form above the street wall needs to be fully screened by the street wall in order to maintain and reinforce the existing streetscape character. Provided that upper forms ‘read’ as clearly distinct elements from the street wall, and do not visually overwhelm it, I consider that the street wall will remain the primary influence on the character experienced from within the street.
- [73] This begs two fundamental questions:
- *How far does the upper form need to be set back in order to ‘read’ as a distinct element?*
 - *How high can the upper form be before it becomes too dominant?*

- [74] The Brunswick Structure Plan proposed that, in Sydney Road as far north as Albion Street, upper forms be set back 14m in order to protect its heritage and character values. However, our analysis demonstrated that this would be likely to preclude the development of approximately 50% of the properties in Sydney Road due to their relatively shallow depths. (Half the properties are less than 40m deep, so if 14m is taken off the front and 9-10m from the back to ensure adequate separation from the next building or residential property, the remaining 16-17m is the bare minimum needed for a viable floorplate depth.)
- [75] I formed the view that, in order to be consistent with policy for this corridor, the planning controls should enable the development of at least 75% of the lots in Sydney Road. The 25th percentile lot depth is 32m. In order to ensure that a 32m deep lot can be developed above street wall height, the setback to its front wall can be no more than about 6m.
- [76] At the same time, the Brunswick Activity Centre Built Form Review included analysis of a number of buildings with low-rise street walls and set-back upper forms to determine the critical success characteristics in terms of ensuring the upper form is distinct from the street wall and does not overwhelm the streetscape.
- [77] The following images illustrate our findings:



'Otto' 175-179 Sydney Road, Brunswick—distinctive and recessive upper form achieved through setbacks and architectural expression



'Elvera' 330-340 Lygon Street, Brunswick—modest additional setback combined with uniform architectural expression fails to create distinctive or recessive upper form



288 High St, Northcote—distinctive expression not sufficient to overcome lack of setback in creating distinctive and recessive upper form

- [78] One of our conclusions was that a 5m setback is about the minimum necessary to ensure that upper forms will read as a clearly distinct element, assuming they are also distinguished in terms of their architectural expression. I note that it is supported by Mr David Helms, who is providing expert heritage evidence in this matter.
- [79] However, there are a myriad of ways in which the upper form of a building can be designed to contribute to its distinctness (and visual recessiveness) within the streetscape. For example, differently shaped footprints and different architectural expression can provide a clear distinction, and building forms that step back or curve away at the edges along with a

lightweight external 'skin' can enhance recessiveness. A curved footprint that is mainly set further back than 5m but which is nearer the street at its leading edge may still achieve the desired level of distinction and recessiveness. Therefore, the SFP does not seek a mandatory 5m setback, but contemplates the possibility that there may be alternative techniques that contribute to an acceptable design response.

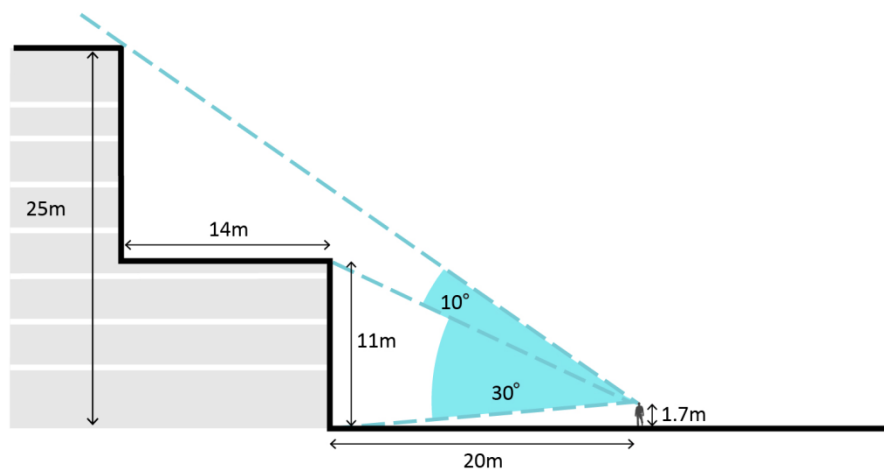
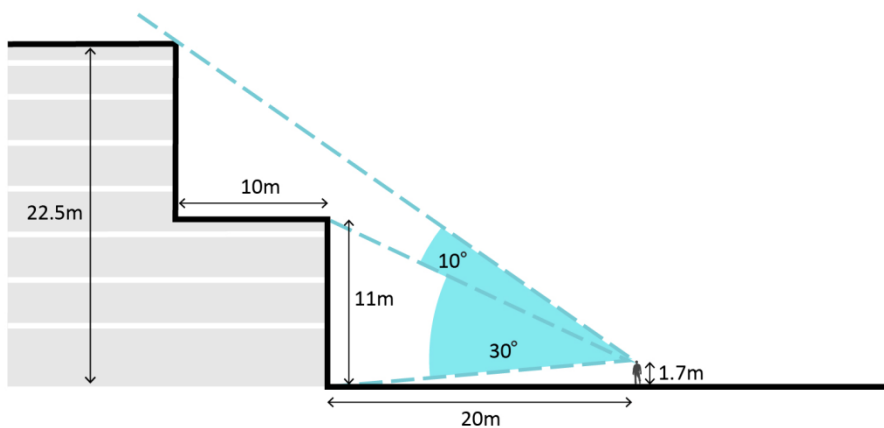
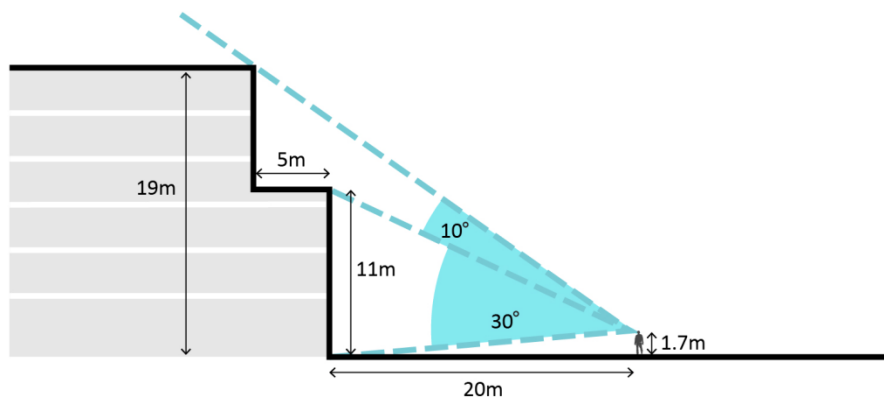


The upper form of the 'Dimmeys' development has a curved footprint, which reduces its visual presence

[80] Therefore, the SFP recommends a discretionary 5m front setback above the street wall on Sydney Road. I consider that the front setback requirement should apply to balconies as well as walls. This is because:

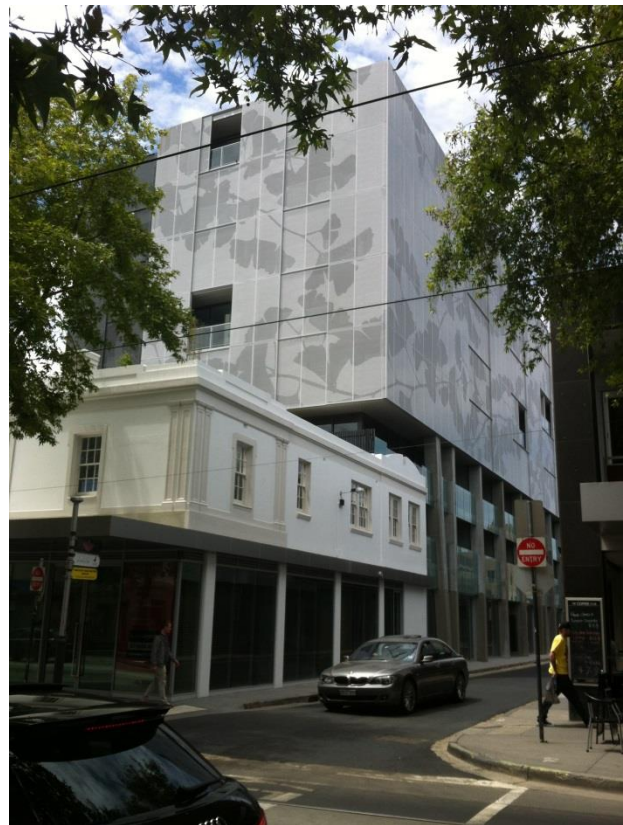
- to exclude them encourages projecting rather than inset or partially inset balconies, which offer lesser amenity due to exposure; and
- there is a fine line between balconies that are sufficiently 'lightweight' not to add to the visual presence of the building, and those whose mass does add presence—requiring balconies to comply with the setback requirement avoids an argument about this.

- [81] Given the lot depth analysis summarised above, a 5m setback provides the additional depth necessary to incorporate inset or partially inset balconies.
- [82] The analysis of buildings with a low-rise street wall and set-back upper form also sought to answer to the second question—*How high can the upper form be before it becomes too dominant?*. Panel reports and VCAT decisions dealing with this issue were also reviewed. This analysis concluded that the prominence of an upper form is not determined simply by its height, but is also influenced by its setback from the podium. It is the proportion of the view of the whole building that is occupied by the upper form, or its visual relationship with the street wall, that determines whether it is too dominant.
- [83] Ultimately, we concluded that, in order to avoid an upper form being too prominent in a sensitive streetscape, it must:
- not occupy a proportion of the vertical viewcone that is more than 1/3 of that occupied by the street wall; and
 - have a distinct and visually recessive architectural expression.
- [84] In practice, this results in a maximum overall height of 19m at a 5m setback, 22.5m at a 10m setback or 25m at a 14m setback, as shown below (or any of an infinite number of other height and setback relationships that maintain the same viewcone).



Proposed maximum heights at different setbacks on Sydney Road

- [85] The principle of limiting the dominance of upper form in sensitive streetscapes has been established by numerous Panel reports, VCAT decisions and planning controls (for example, see VCAT decision in P1800/2013—203-207 Bridge Road, Richmond).
- [86] Ultimately, the height of buildings in Sydney Road will be limited by this proposed control. For example, on a 32m deep lot that abuts a residential property at the rear (such as between Stewart and Blyth Streets), it will limit height to 19m at a 5m setback, and there would probably be insufficient depth to go higher with a bigger setback. But on a 48m deep lot such as those north of Warr Park, an overall height of around 30m might be possible.
- [87] Because the angle of the envelope that the upper form must stay beneath is lower than 45°, the proposed upper level built form envelope will also achieve the sense of openness sought in ‘off-corridor’ streets (see section 6.2 below).
- [88] A question that needs to be considered is whether the upper form envelope should be lowered if a street wall lower than 11m high is proposed, because it ought to occupy no more than 1/4 of the overall vertical viewcone of the building. While this is unlikely with an entirely new building, because the applicant is likely to maximise the street wall height in order to maximise the overall height, it might occur if the front of the existing building is to be retained for heritage reasons, and is notably below 11m in height.
- [89] It would be unfortunate if the proposed upper form control discouraged the retention of heritage fabric because to do so would limit the potential scale of development above. Further, for the most part, the upper form will be seen over the street walls of other buildings, because it will mainly be seen in oblique views. Therefore, I consider that the angle of the upper built form envelope derived from an 11m high street wall should be adopted irrespective of the height of the street wall in any given application.
- [90] ‘Rue de Chapel’ at 256-260 Chapel Street in Prahran is an example of a building whose upper form achieves the desired degree of recessiveness when considered from a range of views moving along Chapel Street, despite only having a relatively low street wall in front of it. This building would comply with the overall envelope proposed by the SFP if it had an 11m high street wall.



'Rue de Chapel' 256-260 Chapel Street, Prahran

- [91] Another potential unintended outcome of the proposed angled built form envelope is so-called 'wedding cake' building forms, which are typically derided for their uncohesive appearance. Therefore, the SFP proposes an additional control to avoid this that requires 75% of the upper form to have a common setback. The 25% allows for a recessed 'top' or 'waist' to a building.
- [92] The SFP also proposes a design requirement that "*Development should be designed to respect the form and design of adjacent civic buildings and heritage places*". Civic buildings and heritage places are identified in Figure 27 of the SFP.

5.3.2 DDO18

- [93] The DDO faithfully translates the recommendations of the SFP in relation to the angled plane controlling building form above the street wall. However, it is not absolutely clear where the viewlines are to be measured from on the opposite side of the street. (On what part of the footpath?)

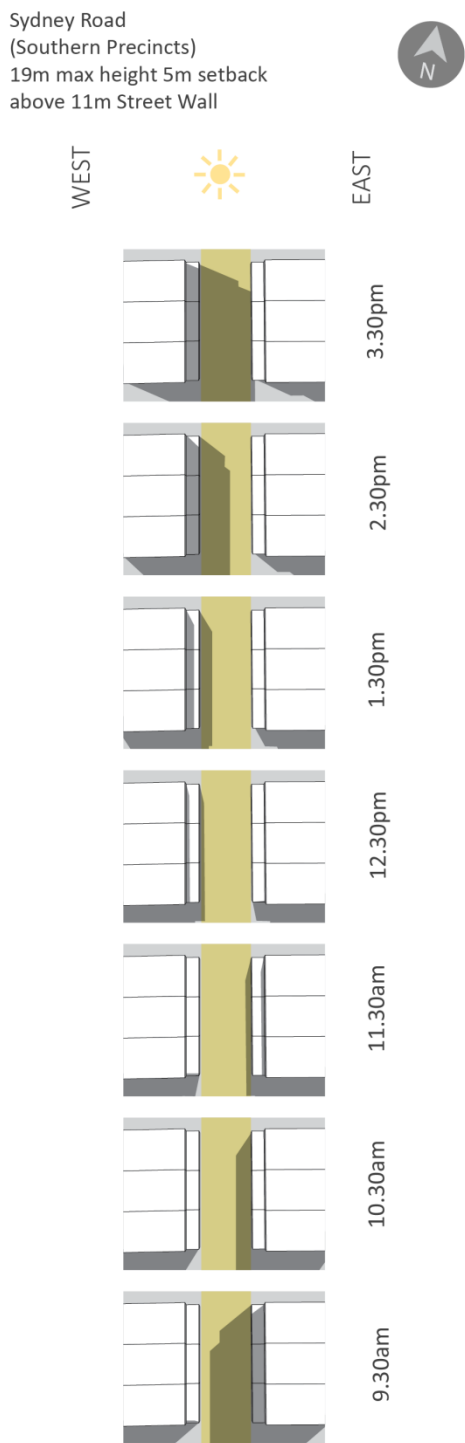
Further, given my opinion that the angle of the built form envelope should be fixed, rather than varying with the height of the street wall, it may be simpler to replace the sightline diagram with a more straightforward building envelope, with a dimensioned angled line leading from the top of the 19m high building form at a 5m setback.

- [94] The DDO also proposes that the 5m and 75% common setback requirements be mandatory. I do not support a mandatory 5m setback, for the reasons outlined above. Nor do I support the 75% control being mandatory, because it is ultimately only a guide to good design, and skilled architects may find an alternative solution that is successful despite varying from it.
- [95] The DDO does not contain a requirement in relation to development adjacent to civic buildings and heritage places. I consider that a requirement such as that recommended by the SFP should be added to ensure that development is appropriately respectful of these key civic and heritage buildings.

5.4 Maintain solar access to Sydney Road

5.4.1 SFP rationale (see also SFP section 3.5)

- [96] The pedestrian amenity of Sydney Road is critical to the success of the activity centre. One element of pedestrian amenity is access to sunlight.
- [97] Currently, given the relatively low-rise buildings in Sydney Road, one footpath or the other is in sunlight across most of the day at the equinox. However, the aspiration to achieve solar access must be balanced with that to accommodate growth. Therefore, the SFP proposes to focus a requirement for solar access on the middle of the day, between 10am and 2pm, because that is considered to be the most important period for outdoor activity. The equinox has been chosen as the appropriate time of year as achieving solar access at the winter solstice (or a date closer to it) would significantly limit development potential.
- [98] The SFP tested the implications of a requirement that development avoid overshadowing the opposite footpath between 10am and 2pm at the equinox, and found that it is comfortably achieved by development that complies with the street wall and upper level setback requirements.



- [99] This is generally consistent with solar access controls elsewhere in Melbourne. For example, Clause 22.02 in the Melbourne Planning Scheme contains policy seeking to maintain solar access to all streets in the retail core between 11am and 2pm at the equinox.
- [100] The SFP proposes that the overshadowing requirement be discretionary, in order to allow it to be balanced against other outcomes in the context of an individual planning application.

5.4.2 DDO18

- [101] The DDO faithfully translates the solar access requirement proposed by the SFP in relation to Sydney Road (under the heading of Public Realm), except that its language is slightly unclear, with the use of the word “ensure” rather than the more conventional “should”. I recommend that this be modified.

6.0 Built form fronting off-corridor streets

6.1 Introduction

^[102] All streets other than Sydney Road are referred to as ‘off-corridor’ streets. The key urban design principles proposed by the SFP in relation to built form in off-corridor streets are:

- Balance spatial definition and openness
- Maintain and reinforce valued street wall character
- Maintain solar access to key pedestrian streets
- Maintain solar access to public open spaces [check where they are]

6.2 Balance spatial definition and openness

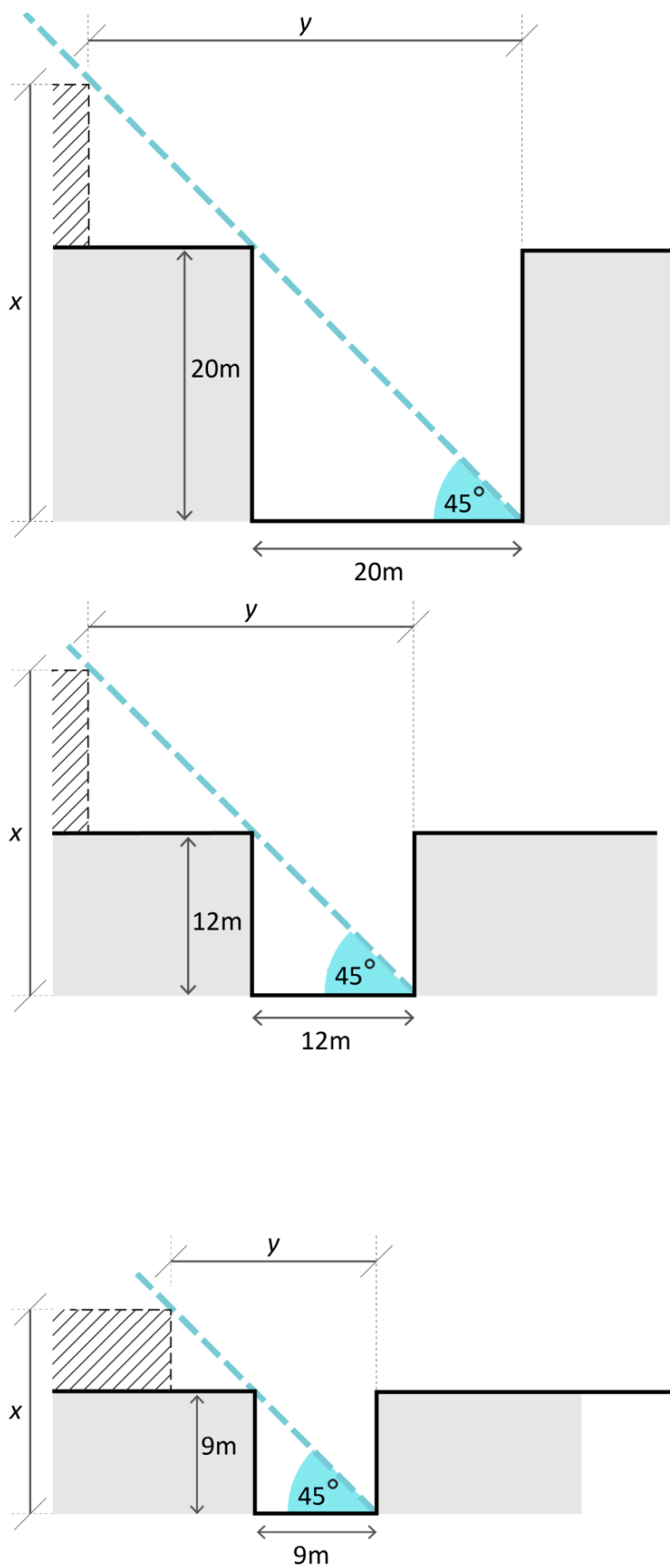
6.2.1 SFP rationale (see also SFP section 3.1)

^[103] In the main, the existing built form character in off-corridor locations is not sufficiently consistent, unique or valued to warrant protection through planning controls. Therefore, given the attributes of the corridor for urban consolidation, it is appropriate for a new, more intense built form character to be developed. The SFP seeks to define a new built form character for off-corridor locations based on a desired public realm character.

^[104] Memorable urban places are well defined by buildings. Buildings that are too low, or set back too far, do not provide the spatial definition required to create memorable places.

^[105] Buildings that are very tall relative to the size of the space they define create a strong sense of enclosure. This may be appropriate in the central business district of a city and associated inner urban precincts. However, I consider that district centres such as this ought to have a different, less intense character, reflecting their role in the broader urban structure.

^[106] Therefore, the SFP proposes a public realm character based on the principle of building heights being set relative to street width. More specifically, it proposes that the height of each part of a building not exceed its distance from the opposite street boundary. At the street frontage, this means that building heights should match the width of the street. But it also allows additional height with a matching setback from the street boundary.



Maximum building heights in streets with different widths

[107] This concept achieves the following benefits:

- It encourages buildings that will provide strong definition of the public realm.
- It maintains a reasonable sense of openness or sky view.
- It accommodates a significant amount of growth.
- It reinforces the broader urban structure by creating a character that contrasts with central Melbourne on one hand, and the residential hinterland on the other.
- It contributes to a diverse environment through differing street wall heights in response to different street widths.

[108] Submission number 19 rightly identifies that the 1:1 principle is undermined by the lower street wall heights proposed in the main streets passing through the activity centre, including Sydney Road, Victoria Street and Albert Street. If the 1:1 principle was applied to these streets, rather than seeking to reinforce the existing lower-rise street wall character, the overall built form pattern would align with the movement hierarchy, reinforcing legibility.

[109] However, I consider that the heritage and character values of these streets outweigh the benefits of such an outcome. Nevertheless, I consider that the 1:1 principle provides a sound basis for built form controls in off-corridor locations, in order to provide an appealing public realm and reflect the position of the Brunswick Activity Centre in the broader metropolitan structure.

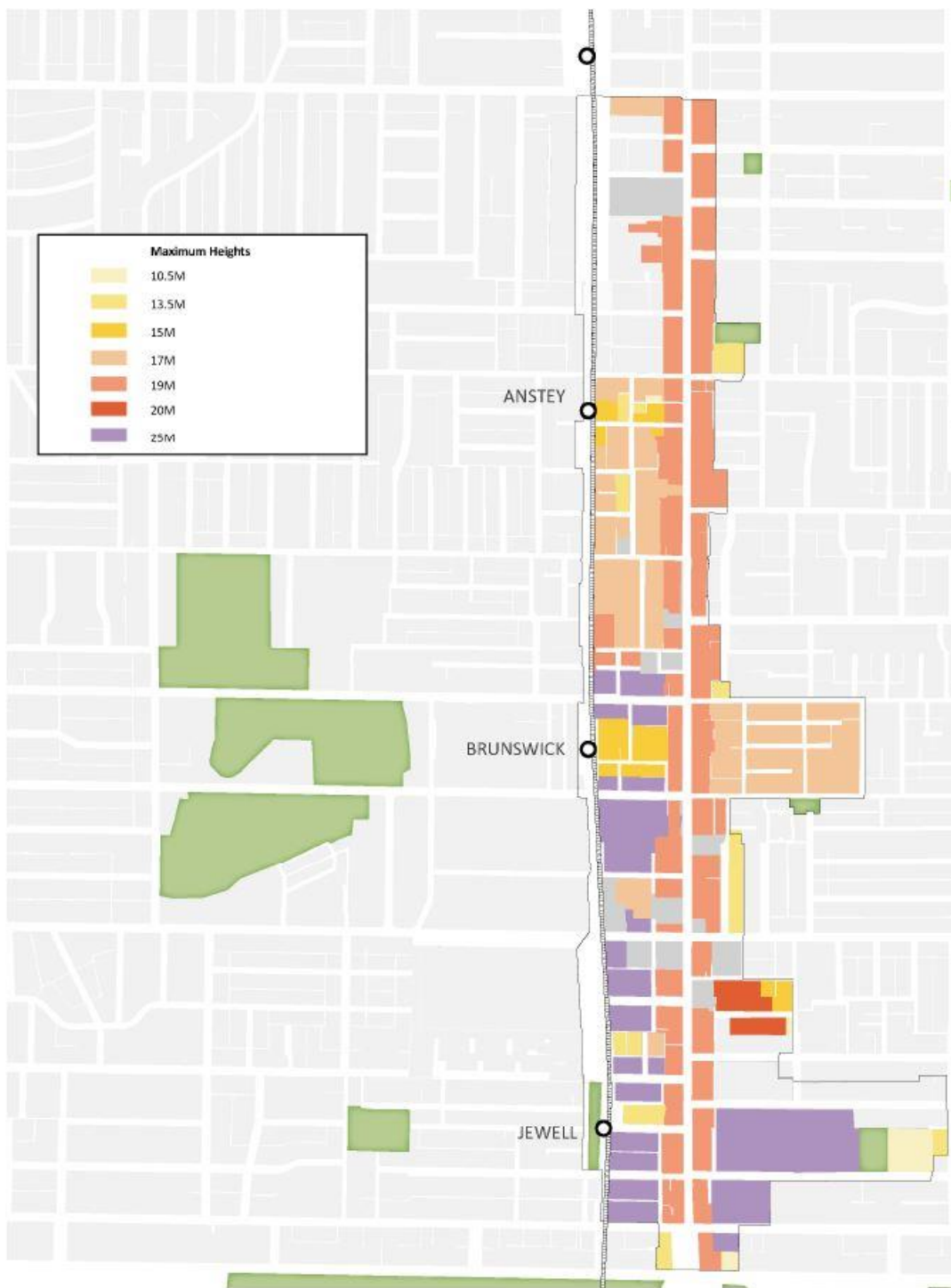
[110] The submission also suggests that the broad application of this principle ignores the inherent qualities of different street types. With the exception of heritage and 'character' streets, I consider that adopting street types with a broader profile (lower building heights relative to street width) would unnecessarily limit development potential in this location. And more enclosed street types (taller buildings relative to street width) would result in a public realm character more appropriate in the CBD or inner-city renewal precincts. However, as noted below, I consider that the maximum street wall heights in off-corridor locations should be discretionary, allowing flexibility for varied outcomes on a site-by-site basis.

[111] Provision of a wider range of street types adds to the richness of the urban experience. However, given the recommendation to limit street wall height in heritage and 'character' streets to a dimension less than the street width (and the variation in the height of these street walls), I consider that the resulting pattern of street types will be sufficiently rich.



Buildings in Burnley Street, Richmond, whose height is equal to the road reserve width.

- [112] Given that the equinox sun angle in the middle of the day is steeper than 45°, application of the 1:1 principle will ensure solar access to the southern footpath of east-west streets. It will also ensure solar access in the middle of the day at the equinox in north-south streets.
- [113] A potential unintended outcome of the proposed angled built form envelope is so-called ‘wedding cake’ building forms, which are typically derided for their uncohesive appearance. Therefore, as in Sydney Road, the SFP proposes an additional control to avoid this that requires 75% of the upper form to have a common setback. The 25% allows for a recessed ‘top’ or ‘waist’ to a building.
- [114] The SFP also proposes a design requirement that *“Development should be designed to respect the form and design of adjacent civic buildings and heritage places”*. Civic buildings and heritage places are identified in Figure 27 of the SFP.
- [115] Application of the 1:1 principle in off-corridor streets and the principle governing upper level form in Sydney Road results in the following relatively cohesive pattern of ‘default’ overall building heights (see section 4.6):



'Default' maximum heights

^[116] The greatest 'default' maximum heights of 25m (around 8 storeys) are in off-corridor locations in the southern half of the corridor, where the streets are generally wider, away from the sensitive heritage streetscape of Sydney Road. Sydney Road has a 'default' maximum height of 19m (6 storeys) along its length. And the remaining narrower off-corridor streets have 'default' maximum heights in the order of 15-17m (5 storeys).

6.2.2 DDO18

^[117] The DDO translates the 1:1 principle through mandatory maximum street wall heights and a requirement that *"Any part of a building (including balconies) above the street wall height must ... Not exceed the horizontal distance from the opposite street boundary"*.

Street wall height

^[118] The heights of the street wall requirements are consistent with the 1:1 principle, except for 'character' streets, discussed below, and the omission of David Street and Staley Street in the list on page 3 and Map 2. This should be rectified. Both streets should have 20m maximum street wall heights.

^[119] The proposed DDO does not contain minimum street wall heights for off-corridor streets in clause 3, nor are they implied in 'non-character' streets by Map 2. This is consistent with the SFP. However, given the importance of spatial definition to successful urban places, I recommend including a (discretionary) minimum street wall height requirement of half the street width where I have not otherwise recommended a minimum street wall requirement.

^[120] The SFP did not recommend that the off-corridor maximum street wall height requirements be mandatory. I consider that they should be made discretionary, to allow for flexibility in the detailed design of building forms. (For example, a stepped parapet height along a long frontage that has an average which equals the width of the street may well be acceptable. Further, a few hundred millimetres of additional height may be justifiable in order to achieve a higher ground floor ceiling height.) This would address the legitimate issue raised in Submission 19 about providing for street wall diversity.

^[121] Submission 19 suggests that building heights should be measured in storeys, rather than metres. Similarly to my response above in relation to Sydney Road, given that the aim of the street wall height provisions is to match the street width, I consider that it is appropriate to specify the height in metres.

Upper levels

- [122] The DDO applies the 5m upper level setback requirement to all streets. This is consistent with the summary of proposed requirements at section 5.3 of the SFP. However, the inclusion of this requirement in the summary for off-corridor streets was inadvertent. As is clear in section 3.3 of the SFP, the SFP only seeks a 5m setback on Sydney Road, because it relates to streetscapes with high heritage and character values. Similarly, the requirement for a distinct and visually recessive architectural expression to the upper levels only relates to Sydney Road. Therefore, I recommend that the first two and last sub-dot points under Off-Corridor be deleted.
- [123] Otherwise, the DDO's requirement relating to upper levels in off-corridor streets is essentially a faithful translation of the SFP. However, it needs minor modification to clearly refer to the height of such form.
- [124] I support the requirement for at least 75% of the upper form to adopt a common setback, provided it is discretionary, for the reasons outlined in section above.
- [125] In the area between Victoria Street and Albert Street east of Sydney Road, some of the streets are only 10m wide (e.g. Frith Street, Beith Street and McIvor Street), which should lead to a 'default' maximum height of 15m. In contrast, Lobb Street, which runs through the middle of this area, has a street width of 12m, leading to a 'default' maximum height of 17m. However, the Building Heights plan in the DDO shows a maximum height of 17m for all properties in this area. This is because many of the properties abutting Frith and Beith Streets also abut Lobb Street, Victoria or Albert Street, and it was considered that it was unnecessarily pedantic to have a lower maximum height in a selection of properties (particularly given that land may be amalgamated). In any event, the 1:1 requirement will ensure that any additional height with respect to street width is appropriately set back.
- [126] On reflection, the same process of simplification may also be appropriate in the area around the intersection of Breese and Florence Streets.

6.3 Maintain and reinforce valued street wall character

6.3.1 SFP rationale (see also SFP section 3.2)

^[127] There is a small number of off-corridor streets with heritage and character qualities that are sufficiently valuable to warrant their respect.

^[128] As in Sydney Road, where an existing building in one of these streets is to be demolished and replaced with a new building, I consider that it should be required to reinforce the existing streetscape character, given its heritage and character value. This can be achieved by ensuring that the new building has a height within the range of existing heights—not too high, but not too low either

^[129] The following table identifies the off-corridor streets considered to have heritage or character value warranting protection, and their typical street wall heights:

STREET	TYPICAL STREET WALL HEIGHT
North end of Railway Pl	2 storeys
Manallack St	1-2 storeys
Union St	2 storeys
Barkly St, west of Sydney Rd	1-2 storeys
Charles St, south of Merri St	1 storey, 1 storey detached houses opposite
Thomas St	2 storey, 1 storey Victorian cottages opposite
Victoria St	2 storey
Dawson St	2-3 storeys
Albert St, east of Sydney Rd	1-3 storey
Albert St, west of Sydney Rd	1-3 storey



Railway Place



Manallack Street



Union Street



Victoria Street



Dawson Street



Albert Street (east of Sydney Road)



Albert Street (west of Sydney Road)

- [130] A consequence of the lower street wall heights in Victoria and Albert Streets is that they will have a more open feel. This will enhance their amenity as key pedestrian streets.
- [131] Additional development above the street wall needs to be setback from it in order to maintain its clarity. However, given the lesser character value of these pockets compared with Sydney Road, I consider that a 3m setback would be sufficient to achieve the necessary distinction.



Proposed Street Wall Heights

6.3.2 DDO18

Street wall height

^[132] The proposed DDO contains the following mandatory street wall height limits in the off-corridor ‘character’ streets:

STREET	MANDATORY MAXIMUM STREET WALL HEIGHT
North end of Railway Pl	8m
Manallack St	8m
Union St	8m
Wilson Av	8m
Barkly St, west of Sydney Rd	8m
Charles St, south of Merri St	8m
Thomas St	8m
Victoria St	11m
Dawson St	11m
Albert St, east of Sydney Rd	11m
Albert St, west of Sydney Rd	14m

^[133] The heights of these requirements are consistent with the recommendations of the SFP. However, on reflection, Wilson Avenue does not display a strong enough character to warrant a street wall height lower than the street width. Therefore, I recommend that its maximum street wall height be amended from 8m to 18m.

^[134] Otherwise, the proposed maximum street wall heights are at the upper end of the heights of existing buildings. They are also sufficient to comfortably allow for a 2-storey form in the case of Barkly Street, Union Street, Manallack Street, Railway Place, Charles Street and Thomas Street; 3 storeys in the case of Dawson Street, Victoria Street and Albert Street east of Sydney Road; and 4 storeys in the case of Albert Street west of Sydney Road.

^[135] The proposed DDO does not contain minimum street wall heights in clause 3, although minimum street wall heights are implied by Map 2. Street wall heights that are significantly lower than the prevailing street edge building heights would detract from the character. Therefore, I recommend that the street wall requirement at clause 3 be amended to include minimum heights 3m below the maximum heights, consistent with the SFP and Map 2 in the proposed DDO.

^[136] The SFP did not recommend that these requirements be mandatory. Given the lesser consistency and heritage value of the off-corridor

‘character streets’, I do not consider that mandatory controls are warranted. Therefore, I recommend that the maximum and minimum street wall height requirements in off-corridor streets be made discretionary.

^[137] Although I have recommended deleting the 5m upper level setback requirement in off-corridor streets, I consider that a 3m (discretionary) upper level requirement is appropriate in these ‘character pockets’, in order to distinguish the street wall and upper form.

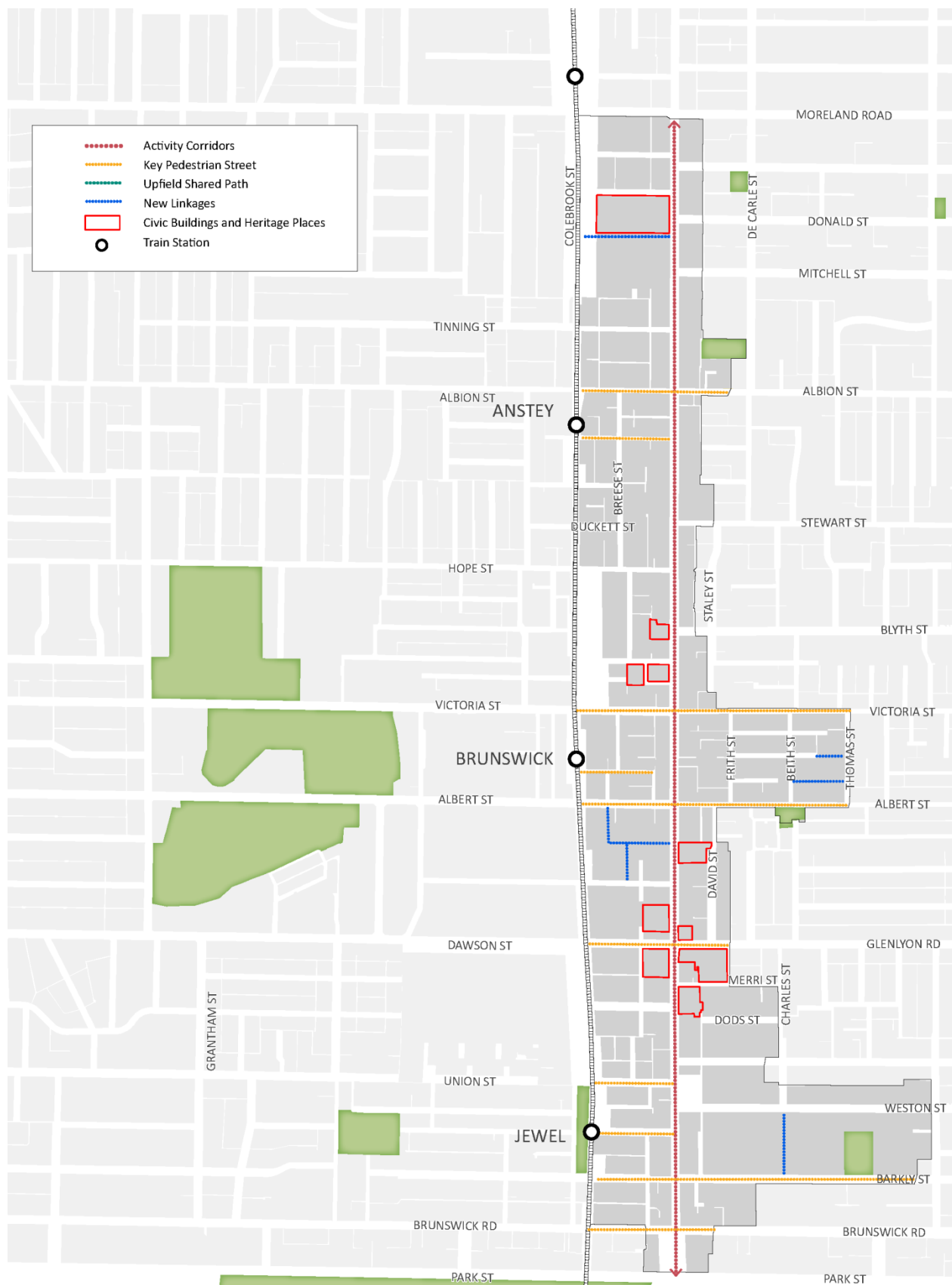
6.4 Maintain solar access to key pedestrian streets

6.4.1 SFP rationale (see also SFP section 3.5)

^[138] The following streets have been identified by the SFP as Key Pedestrian Streets because they provide access to a station or across the rail line:

- Florence Street provides access to Anstey Station
- Wilkinson Street provides access to Brunswick Station
- Wilson Avenue provides access to Jewell Station
- Albion Street, Victoria Street, Albert Street, Dawson Street, Union Street, Barkly Street and Brunswick Road provide access across the rail line

^[139] On reflection, I think Hope Street should also be designated a Key Pedestrian Street, given its connectivity across the rail line.

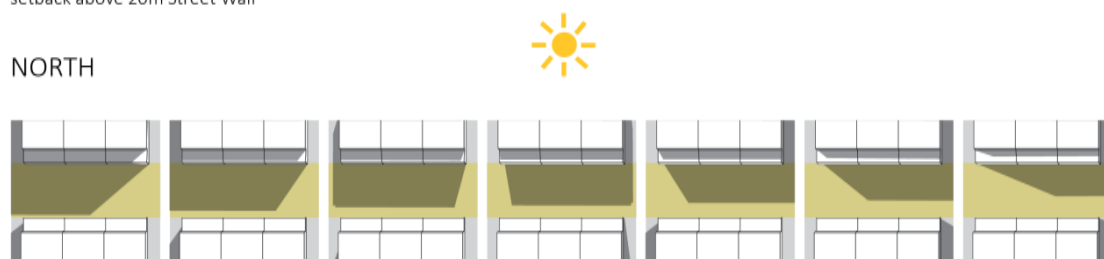


Sydney Road and Upfield Corridor Movement Network showing Key Pedestrian Streets in orange

[140] Therefore, the SFP seeks to protect their solar access to encourage walking. As outlined in section 5.4, the period between 10am and 2pm at the equinox has been selected as an appropriate time to protect solar access to the southern footpath of these east-west streets, to balance the desire for solar access with that for urban consolidation.

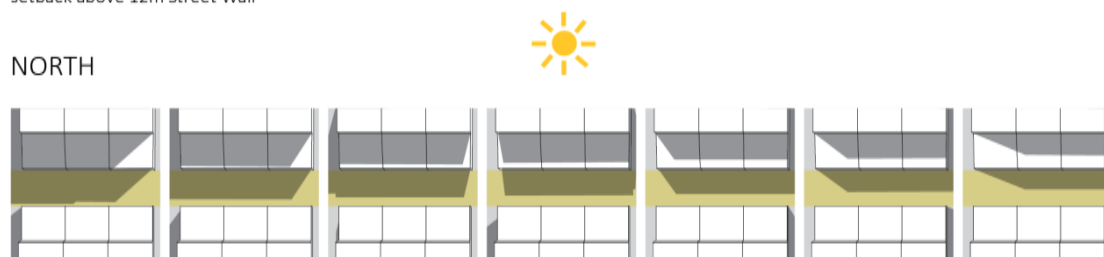
[141] The shadow diagrams below demonstrate that otherwise 'compliant' development will not be further constrained by this requirement.

Street Wall Height = Street
Width 25m max height 5m
setback above 20m Street Wall



SOUTH

Street Wall Height = Street
Width 25m max height 13m
setback above 12m Street Wall



SOUTH

Shadow Analysis – 'Compliant' Development in Key east-west Pedestrian Streets: 20m wide street at the top (Victoria Street, Albert Street, Dawson Street, Brunswick Road, Albert Street west, Barkly Street and Union Street) and 12m wide street at the bottom (Albion Street and Albert Street east)

[142] The SFP proposes that the overshadowing requirement be discretionary, in order to allow it to be balanced against other outcomes in each specific set of circumstances.

6.4.2 DDO18

^[143] The DDO faithfully translates the solar access requirement proposed by the SFP in relation to Sydney Road (under the heading of Public Realm), except that, as noted in section 5.4.2 above, its language is slightly unclear, with the use of the word “ensure” rather than the more conventional “should”. I recommend that this be modified.

^[144] I consider that Hope Street should be shown as a Key Pedestrian Street on Maps 4 and 5.

6.5 Maintain solar access to public open spaces

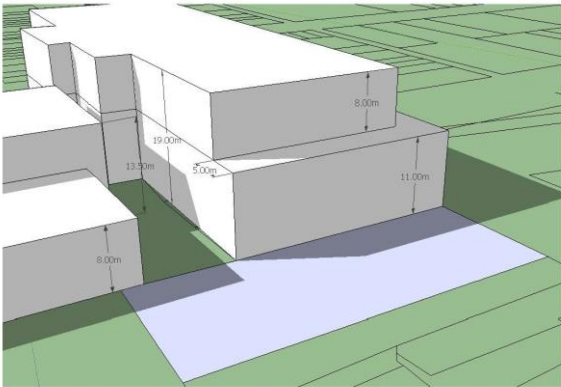
6.5.1 SFP rationale (see also SFP section 3.5)

^[145] The amenity of the activity centre for pedestrians is critical to its success. One element of amenity is access to sunlight.

^[146] Currently, given the relatively low-rise buildings in the activity centre, the existing public open spaces receive generous sunlight across most of the day at the equinox. However, the aspiration to achieve solar access must be balanced with that to accommodate growth. Therefore, the SFP proposes to focus a requirement for solar access on the middle of the day, between 10am and 2pm, because that is considered to be the most important period for outdoor activity. The equinox has been chosen as the appropriate time of year as achieving solar access at the winter solstice (or a date closer to it) would significantly limit development potential.

^[147] The solar access requirement for public open spaces seeks to maintain sunlight to 50% of the space for the key hours at the equinox. This recognises that some shadowing is inevitable in an urban area. It also recognises the need to provide a choice of places in the sun and the shade.

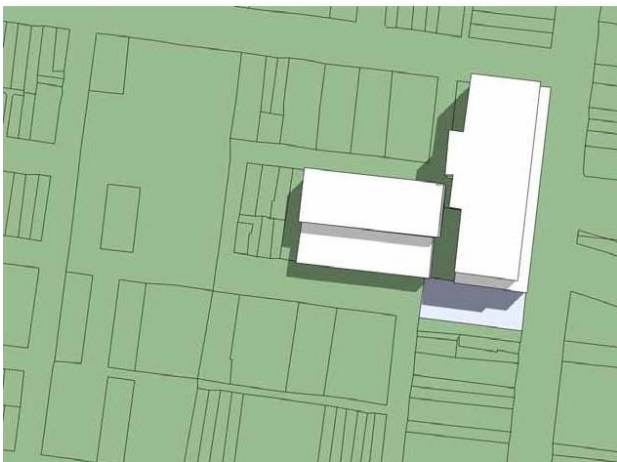
^[148] As part of the development of the SFP, the implications of a requirement that development avoid overshadowing more than 50% of the existing and proposed public open spaces between 10am and 2pm at the equinox was tested, and found to be comfortably achieved by development that complies with the street wall and upper level setback requirements.



9am on 22 September



11am on 22 September



10am on 22 September



12pm on 22 September

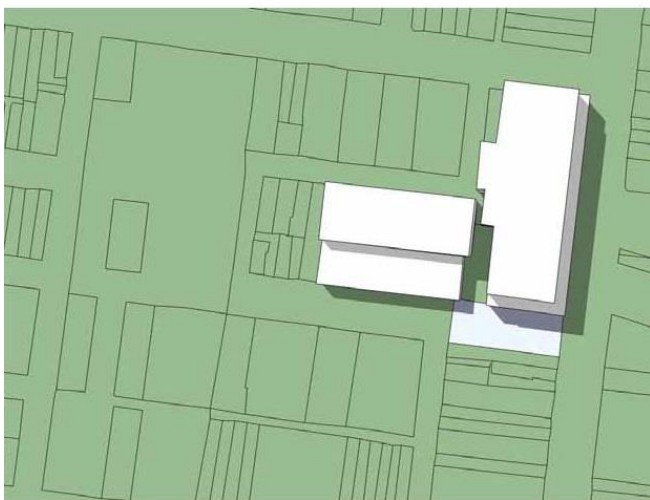
Shadow analysis in relation to proposed new urban space at Wilson Avenue



1pm on 22 September

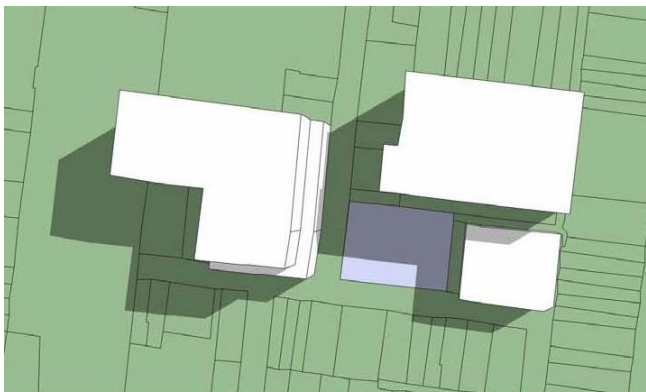
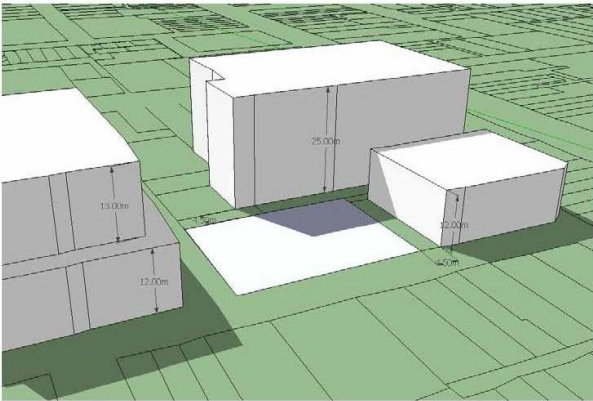


3pm on 22 September

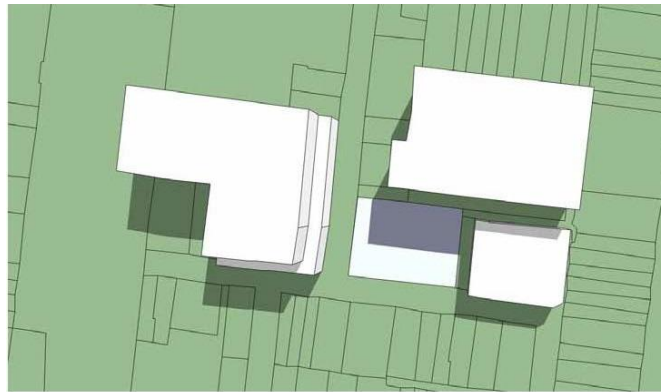


2pm on 22 September

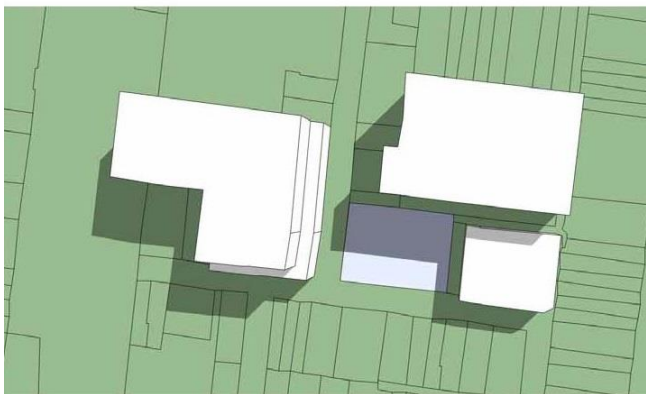
Shadow analysis in relation to proposed new urban space at Wilson Avenue



9am on 22 September



11am on 22 September

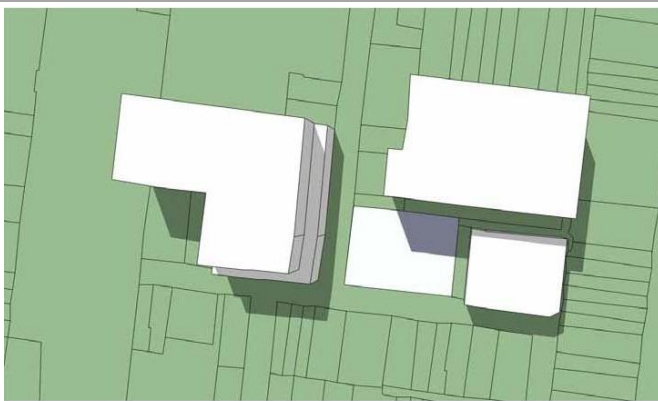


10am on 22 September



12pm on 22 September

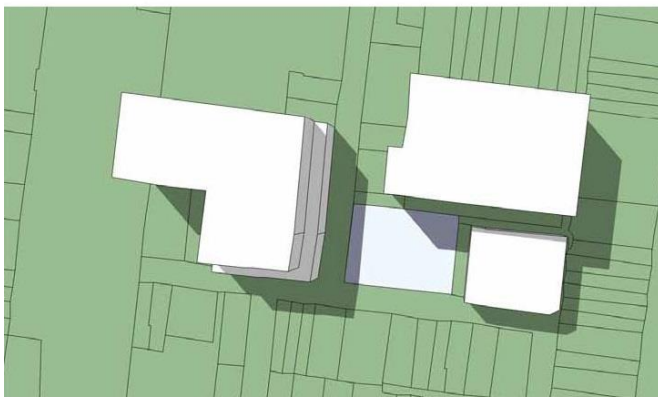
Shadow analysis in relation to public plaza at Wilkinson Street



1pm on 22 September

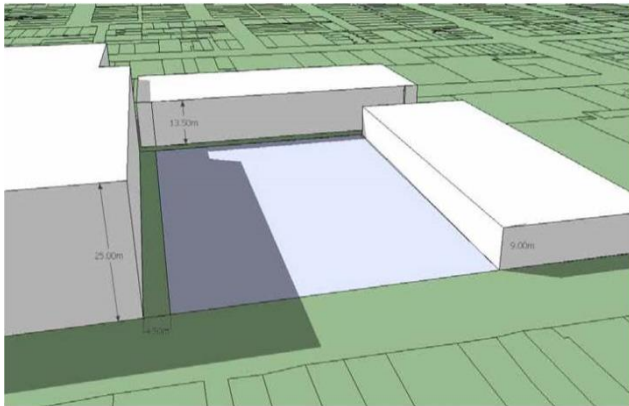


3pm on 22 September



2pm on 22 September

Shadow analysis in relation to public plaza at Wilkinson Street



9am on 22 September



11am on 22 September



10am on 22 September



12pm on 22 September

aa

Shadow analysis of public open space at Barkly Street



1pm on 22 September

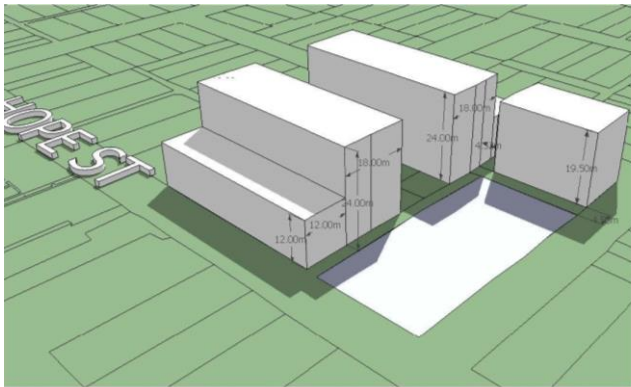


3pm on 22 September



2pm on 22 September

Shadow analysis of public open space at Barkly Street



9am on 22 September



11am on 22 September



10am on 22 September



12pm on 22 September

Shadow analysis of new green open space on Breese Street car park



1pm on 22 September



3pm on 22 September



2pm on 22 September

Shadow analysis of new green open space on Breese Street car park

^[149] The SFP proposes that the overshadowing requirement be discretionary, in order to allow it to be balanced against other outcomes in each specific set of circumstances.

6.5.2 DDO18

^[150] The DDO faithfully translates the solar access requirement proposed by the SFP in relation to public open spaces (under the heading of Public Realm), except that its language is slightly unclear, with the use of the word “ensure” rather than the more conventional “should”. I recommend that this be modified.

7.0 Built form at residential interfaces

7.1 Introduction

^[151] The key urban design principle proposed by the SFP in relation to built form at residential interfaces is:

- Maintain reasonable amenity for neighbouring residential properties

7.2 Maintain reasonable amenity for neighbouring residential properties

7.2.1 SFP rationale (see also SFP section 3.6)

^[152] The study area adjoins residentially-zoned properties along its eastern edge. In some cases the residentially-zoned properties are separated from the study area by a street, while in others it is only separated by a rear lane, or has a direct abuttal. Where residentially-zoned properties are not separated by a street, some are oriented with their side towards the study area boundary and others have their rear facing the centre. Those with their side towards the centre are less sensitive to amenity impacts, because their primary orientation is typically towards the front and the rear, rather than towards the centre.

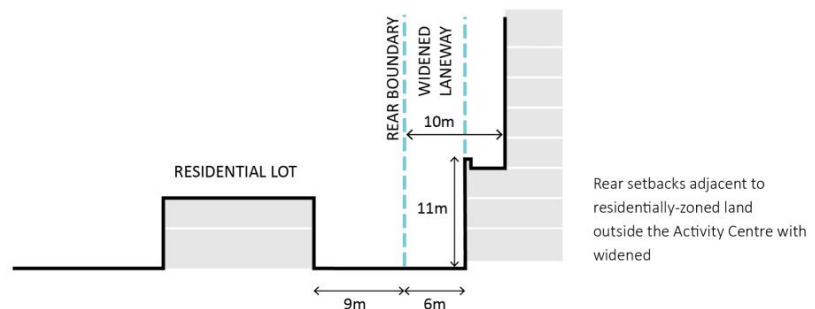
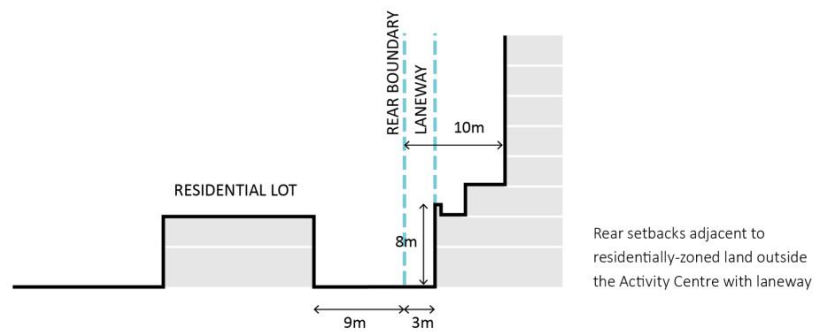
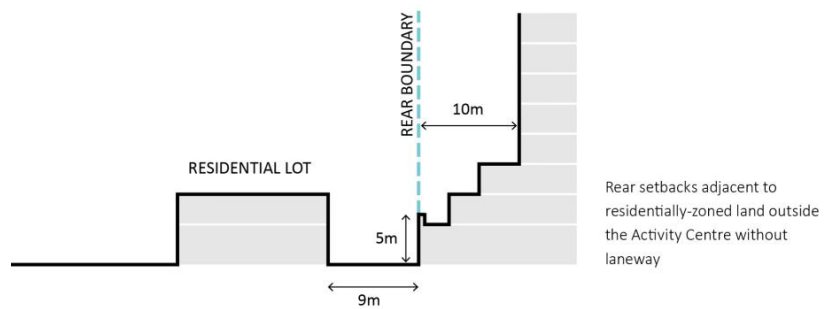
^[153] Given the proposal to provide for increased building heights within the activity centre, there is the potential for adverse amenity impacts on these properties, in the form of visual bulk, overshadowing and overlooking. Whilst the occupiers of residential properties adjacent to commercially-zoned land or that within an activity centre ought not to have the same expectations in relation to amenity as residents surrounded by residentially-zoned land, it is equally the case that development on activity centre land at a residential interface must be tempered to avoid unreasonable impacts on the amenity of its neighbours.

^[154] The key question is *What is reasonable?*

^[155] The ResCode provisions are designed to manage interfaces between residentially-zoned properties, and buildings up to 4 storeys high. Logically, development in an activity centre should be less constrained than that.

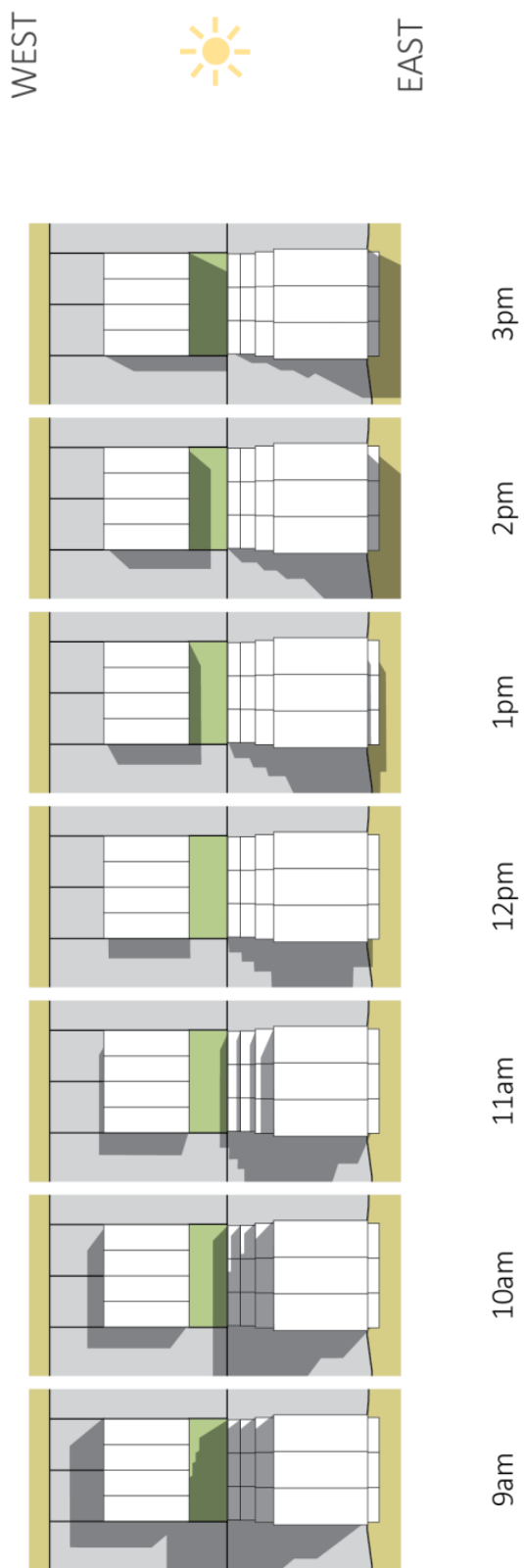
^[156] It is relatively common to find a single-storey commercial or industrial building on such a boundary (e.g. at the rear of the properties on the north side of Weston Street). These buildings are typically around 5m high. Where residential land is separated from the study area by a rear lane, 2-storey commercial buildings are commonly found on the boundary of the lane (e.g. north of Mitchell Street). The SFP proposes a control to manage built form at residential interfaces based on the reasonable expectations that flow from these conditions.

[157] The proposed control allows development to reach a height of 5m on a common boundary with residential land (equal to the height of a single-storey commercial/ industrial building). Above this, it requires development to be set back a distance equivalent to its additional height. Where a site is separated from residential land by a rear lane, typically 3m wide, the building envelope is measured from the residential boundary, because its purpose is to protect the amenity of the residential property, not the lane. This means that development can reach a height of 8m adjacent to a 3m wide lane (equal to a 2-storey commercial/ industrial building), or 11m if the lane is widened to 6m.



Rear setbacks adjacent to residentially-zoned land outside the SFP area

- [158] When compared with ResCode Standard B17, the proposed control requires similar setbacks above a height of 7m (2m plus 1m for every additional metre of height in this case, compared with 2.1m plus 1m for every additional metre of height in the Standard B17). However, up to a height of 7m, it is less constraining, recognising the greater imperative for urban consolidation in activity centres compared with the residential hinterland, and higher floor-to-floor dimensions of commercial buildings.
- [159] Further, the required setback doesn't continue to increase with height indefinitely. To do so would significantly compromise development potential given the typically relatively shallow lots in the study area and upper level setback requirements at the street frontage. Following lot depth analysis undertaken as part of the SFP, it was concluded that the residential interface setback requirement should not extend more than 10m from the residential property, to ensure a developable footprint at upper levels.
- [160] The rear setback or backyard depth of adjoining residential properties with their rear facing the study area was also analysed as part of the SFP. This analysis concluded that the average is around 9m. Therefore, although the proposed control allows development to continue rising without further setback at a distance of 10m from the rear fence of the residential properties, this is around 19m from the rear of the adjoining dwellings. I consider that this will provide sufficient amelioration of the visual bulk impacts of potential development in such a location.
- [161] Adjacent dwellings with a side-on relationship with the study area boundary do not benefit from being separated by their rear garden. However, this is offset by the fact that their primary orientation is towards the street or their rear garden, rather than towards the centre.
- [162] Where the adjoining land is rezoned in the future to GRZ or RGZ, and unaffected by the heritage overlay, it is likely that it will itself be redeveloped in time, in a form that takes into account the amenity impacts of adjoining activity centre development.
- [163] Overshadowing analysis undertaken as part of the SFP indicates that development in accordance with the proposed control would maintain at least 3 hours of sunlight to at least half of the backyards of adjoining residential properties with their rear towards the study area between 9am and 3pm at the equinox, as shown below. I consider this to be an acceptable outcome at such an interface. I also consider that this level of overshadowing would be acceptable on a 'side-on' lot adjoining the activity centre.



Shadow testing of design requirements for rear setback from end-on residential lots at the equinox

^[164] The proposed control also minimises the need for privacy screens, by limiting windows and balconies within 9m of adjacent residential properties to those at the lowest 3-4 levels.

7.2.2 DDO18

^[165] The residential interface control proposed by the SFP has been faithfully translated into DDO18, with the exception that it has been made mandatory. I do not support this provision being mandatory because, like ResCode Standard B17, it is appropriate for there to be flexibility to take into account the specific circumstances of each interface. Where there is a less sensitive interface, for example where the adjacent residential property does not have any windows or open space facing the site, or has been developed for medium density housing which carries different amenity expectations, it is appropriate that there is discretion for development to be allowed to respond accordingly.

8.0 Detailed design at public realm interfaces

8.1 Introduction

^[166] The key urban design principles proposed by the SFP in relation to detailed design at public realm interfaces are:

- Maintain a continuous, well-defined street edge
- Ensure active frontages
- Maintain a fine-grain streetscape rhythm
- Provide weather protection
- Encourage adaptable buildings

8.2 Maintain a continuous, well-defined street edge

8.2.1 SFP rationale (see also SFP section 3.2)

^[167] It is a characteristic of the commercially-zoned land within the study area that buildings are set on and span the full width of the street boundary. This creates a 'hard-edged', urban character. It also creates a more memorable, well-defined public realm, and avoids potential places of concealment, which can compromise safety.

^[168] Therefore, the SFP proposes that new development maintain this character. Generally speaking, it is not appropriate for development to be set back from the street boundary in the commercially-zoned land, even to widen the footpath or create a colonnade, because this would be out of character. The only exception would be where there is a coordinated effort to widen the footpath along a whole block.

^[169] The front setbacks in the mixed use zoned land within the centre are less consistent, and some buildings do not span the width of the lot. The SFP encourages buildings to be setback in accordance with the emerging character or 3m, whichever is the lesser. However, on closer analysis, there are only a small number of buildings with setbacks in the mixed use zone, and no consistent setback character. Therefore, I consider that a (discretionary) zero setback requirement is appropriate to create a well-defined public realm.

^[170] Along the Upfield Path, the SFP recommends that development be set back 1m at ground floor level. This is to provide a more inviting path. (It is currently very narrow in places.) This requirement does not apply at upper levels.

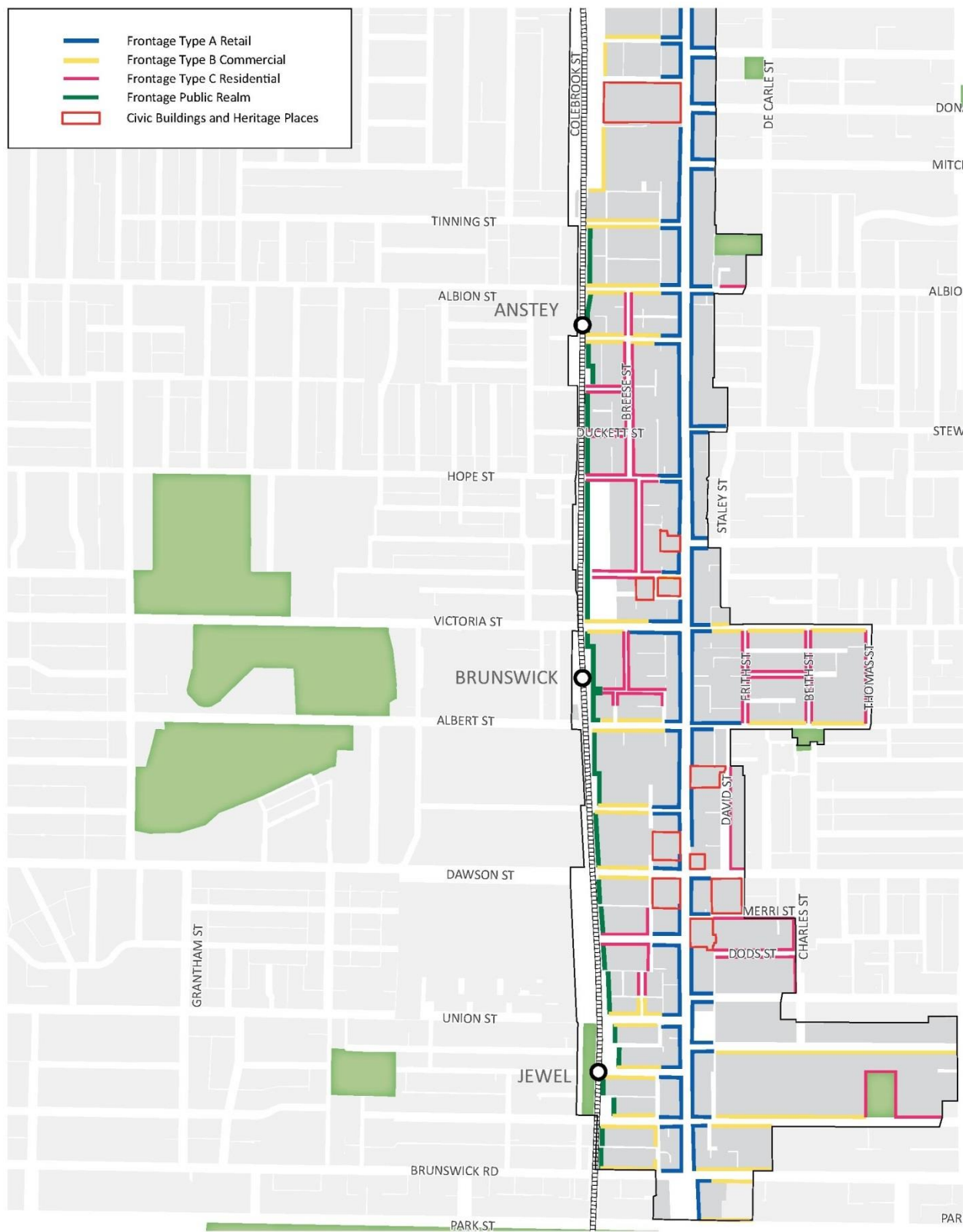
8.2.2 DDO18

- [171] The DDO contains a zero setback requirement for all development in the commercial and mixed use zones. It is proposed to be a discretionary control, which is appropriate because it allows consideration of coordinated footpath widening in commercially-zoned areas and localised prevailing setbacks in mixed use areas.
- [172] The DDO also contains a 1m setback requirement for the ground floor of development on the Upfield Shared Path. Its language is slightly unclear, with the use of the word “ensure” rather than the more conventional “should”. I recommend that this be modified.
- [173] I also recommend that it be moved to the Public Realm section, so that it sits alongside the requirement about new public links.

8.3 Ensure active frontages

8.3.1 SFP rationale (see also SFP section 3.4)

- [174] Active building frontages are characteristic of the commercially-zoned land in the study area. Whilst frontages in the industrially-zoned land are typically less active, I consider that the creation of more active frontages through the renewal of these properties is an appropriate objective for an activity centre, to contribute to a more vibrant and inviting public realm.
- [175] Therefore, the SFP seeks the provision of active building frontages throughout the study area. However, it distinguishes between the different types of active frontage that are appropriate in different land use precincts.
- [176] The SFP notes that residential accommodation at ground floor can achieve both an active frontage and a degree of privacy by raising the ground floor 0.5-1m above the footpath, or incorporating a landscaped setback.
- [177] The SFP also encourages the location of vehicle access, car parking and service cabinets away from the primary frontage of buildings, to avoid them reducing the ability to present an active frontage and disrupting the public realm.



Proposed active frontage types

8.3.2 DDO18

^[178] The SFP's recommendations in relation to active frontages, vehicle access, parking and services cabinets are faithfully translated into the DDO, in the main. However:

- The first requirement under Building Layout and Detailed Design should be modified to require active frontages to public open spaces too.
- I consider that the requirement for retail frontages to incorporate a display window and/or entrance measuring at least 80% of the width of the street frontage of each individual premise needs modification. It is important that ground floor facades incorporate expressed vertical pillars, to provide three-dimensional 'relief' and visual interest when viewed obliquely. 100% glazed facades would not provide the optimum balance between activation and an interesting façade. Therefore, I recommend that this requirement be modified to "*... measuring 65-80% of ...*".
- I recommend that the requirement discouraging blank walls facing the Upfield Shared Path be brought forward to sit under the other active frontage requirements, given that it is the fourth of the active edge types in Map 3.

8.4 Maintain a fine-grain streetscape rhythm

8.4.1 SFP rationale (see also SFP section 3.7)

^[179] Given the narrow width of most lots fronting Sydney Road, the individual building facades present a 'fine grain rhythm' in the streetscape. This is a significant influence on the character of the street. It also provides a high level of visual interest for pedestrians.

^[180] Therefore, the SFP seeks to ensure that new development in Sydney Road maintains this pattern.



Contemporary building facades that have incorporated vertical articulation to reflect the prevailing streetscape rhythm

8.4.2 DDO18

^[181] The proposed DDO contains a (discretionary) requirement that building facades on Sydney Road have vertical articulation reflecting the prevailing fine-grain pattern of subdivision and buildings. This is a virtually direct translation of the recommendation of the SFP. I support it.

8.5 Provide weather protection

8.5.1 SFP rationale (see also SFP section 3.4)

^[182] As noted above, pedestrian amenity is critical to the success of the activity centre. One aspect of pedestrian amenity is protection from sun and rain.

^[183] Awnings are also characteristic in Sydney Road.

^[184] Therefore, the SFP seeks the incorporation of awnings in new development in commercial zones.

8.5.2 DDO18

^[185] The DDO varies the SFP's recommendation to seek awnings in Sydney Road and the Key Pedestrian Streets. I support this modification because it links the requirement more directly with the streets that are expected to carry the greatest pedestrian volumes.

^[186] The DDO seeks awnings to extend across the full width of the building frontage. This is appropriate in order to provide continuous cover along the footpath.

8.6 Encourage adaptable buildings

8.6.1 SFP rationale (see also SFP section 3.4)

^[187] The SFP identifies the need for ground floor premises to be adaptable, given the frequency with which they change occupier in comparison with other accommodation. In response, it proposes that ground floor accommodation should have a ceiling height that provides for a range of appropriate uses. (The text on page 46 of the SFP refers to a floor-to-floor dimension of approximately 3 metres. This should refer to a ceiling height.)

8.6.2 DDO18

^[188] The SFP's proposal in relation to ground floor ceiling heights has been faithfully translated into the DDO.

9.0 Public open space and connectivity

9.1 Introduction

^[189] The key urban design principles proposed by the SFP in relation to public open space and connectivity are:

- Introduce new public open spaces
- Introduce new public links

9.2 Introduce new public open spaces

9.2.1 SFP rationale (see also SFP section 3.8)

^[190] There is relatively little public open space within the study area. And those that exist will come under increasing pressure with the development of higher density buildings in the area. Therefore, the Brunswick Structure Plan identified a number of potential new public open spaces. These have been further refined by Council.

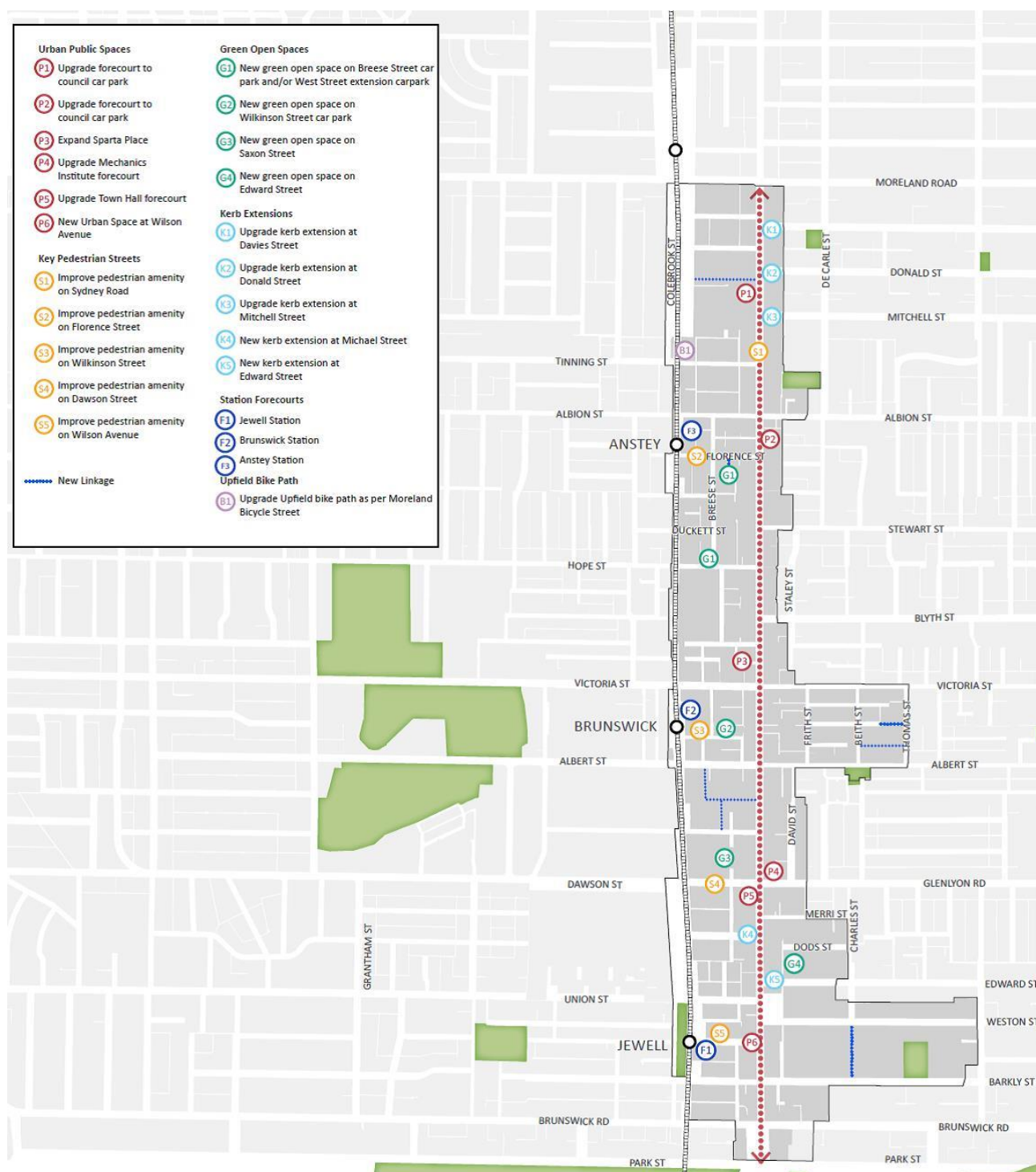
^[191] The SFP identifies a number of potential new public open spaces, most of which are on public land. These are identified overleaf.

9.2.2 DDO18

^[192] The DDO incorporates a plan identifying the proposed new public open spaces at Map 4. However, it does not incorporate any requirements to create these spaces, because the majority are on public land and the remainder will need to be negotiated as part of planning approvals.

^[193] The DDO does include a requirement under Public Realm for development adjacent to the three stations to enhance the visibility of and access to the Station Buildings. I consider that the words “*maintains or*” should be added before “*enhances*”, to take account of the fact that some development may not be able to improve on the visibility or access to the station.

^[194] The DDO does contain a requirement that development not overshadow more than 50% of these proposed public spaces between 10am and 2pm at the equinox. I consider that this is an appropriate requirement, as noted in section 6.5, provided the language of the requirement is modified to make it clearly discretionary.



Proposed open space network

9.3 Introduce new public links

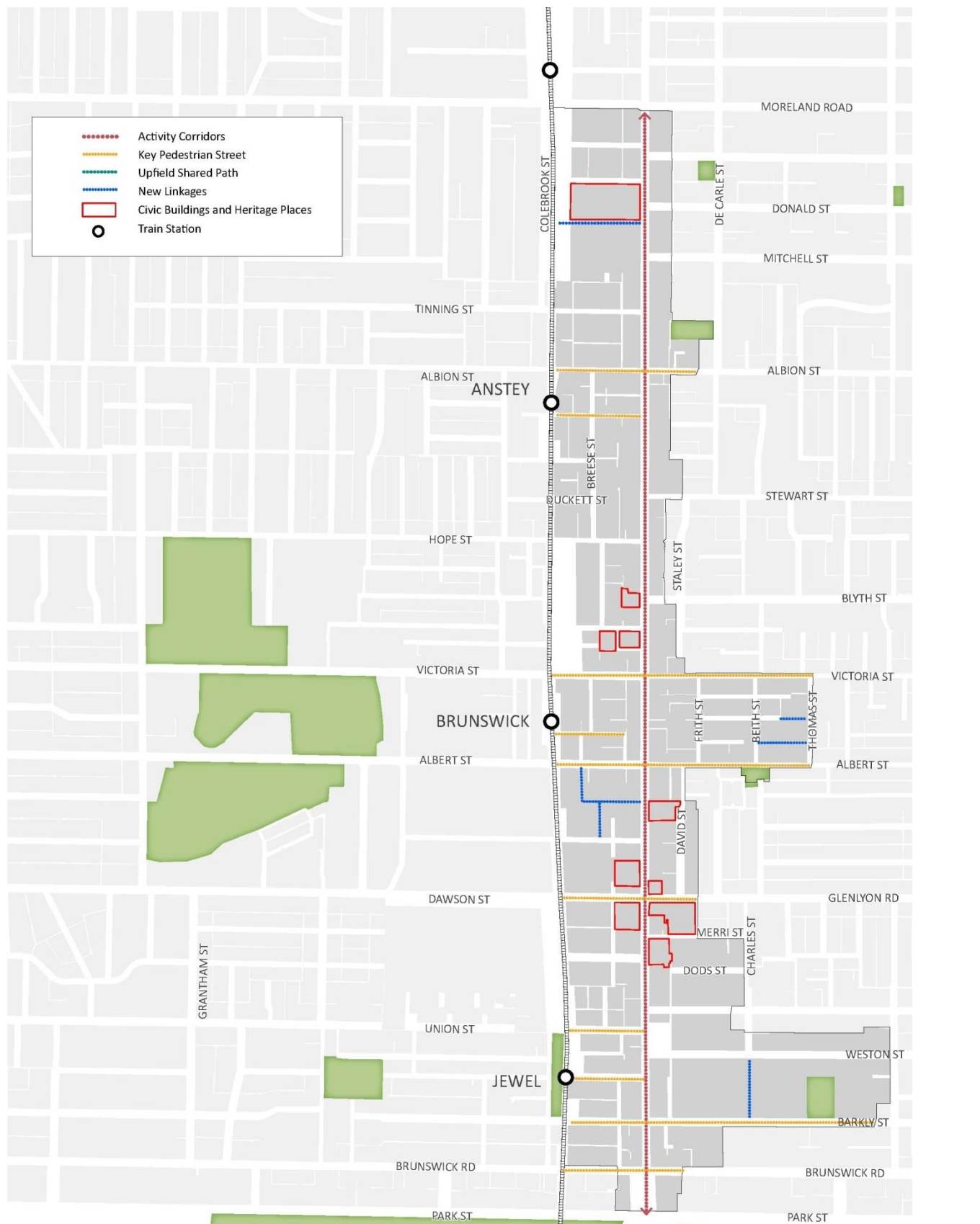
9.3.1 SFP rationale (see also SFP section 3.8)

^[195] The SFP identifies a number of new public links sought to improve the permeability of the activity centre. These links are either on public land or seek to take advantage of large potential redevelopment sites.

^[196] I support the principle of improving permeability in the locations identified. However, I consider that their precise alignments should be resolved as part of development plans or proposals for the relevant properties.

9.3.2 DDO18

^[197] The DDO contains a requirement that development incorporate the proposed new public links, which are shown in Map 4. However, it does not make it clear that the alignments shown in the map are indicative, and that the final alignments are to be resolved as part of development plans or proposals for those properties. I recommend that this be clarified.



Proposed Movement Network

10.0 Conclusion

^[198] Proposed DDO18 is based on the Sydney Road and Upfield Corridor Strategic Framework Plan (SFP). The approach adopted by the SFP sought to:

- Clearly identify the objectives and principles that should underpin design and development controls in the study area;
- Optimise development potential within the study area while achieving the desired planning and design outcomes;
- Maximise design flexibility while still providing certainty about the key planning and design outcomes; and
- Expedite the planning approval process for more straightforward planning applications.

^[199] Proposed DDO18 is a largely faithful translation of this approach and the recommendations of the SFP, with the notable exception of the introduction of height limits and the mandatory nature of some of its controls. Therefore, I support it from an urban design perspective, provided the following modifications are made to bring it more into line with the recommendations of the SFP:

- Amend the 1st objective to *“To encourage a new mid-rise built form character that balances strong spatial definition with a sense of openness.”*
- Modify the 3rd objective to make it clear that it only relates to Sydney Road.
- Consider deleting the objectives and provisions relating to ESD and universal access in favour of a planning instrument with a broader application.
- Delete the word *“expectations”* from the two Amenity objectives.
- Replace the mandatory height limits with an exemption from third party notice and review requirements for planning applications that comply with the building heights in Map 1 and relevant street wall height, upper level setback and rear setback requirements.
- Simplify the building heights in Map 1 in the area around the intersection of Breese and Florence Streets.
- Amend the mandatory maximum street wall requirement in Sydney Road to make it clear that parapets are included, and to provide discretion where a different street wall height will be more consistent with the prevailing character.
- Add the following provision under Street Wall: *“On secondary street frontages of properties fronting Sydney Road, the street wall height requirements on the Sydney Road frontage also apply to the secondary street frontage for the depth of the upper level setback.”*

- Amend the maximum street wall height in Wilson Street to 18m.
- Add David and Staley Streets to the list of streets with a 20m maximum street wall height on page 3 and designate them as “street wall height = street width” on Map 2.
- Make all off-corridor street wall height requirements discretionary.
- Include discretionary minimum street wall height requirements in Sydney Road and the other ‘character’ streets, 3m below the maximum street wall heights, and in all other streets equivalent to half the street width.
- Make the 5m upper level setback and 75% common upper level setback requirements in Sydney Road discretionary.
- Consider clarifying the position of the viewpoint for the Sydney Road upper level setback requirement or, alternatively, replacing it with a dimensioned angle from the top of the 19m high building form at a 5m setback.
- Make the 75% common upper level setback requirement in off-corridor streets discretionary.
- Introduce a discretionary 3m upper level setback requirement in off-corridor ‘character’ streets.
- Delete the requirements in relation to the setback and architectural expression of upper levels in off-corridor streets.
- Add a requirement under Upper Levels that “*Development should be designed to respect the form and design of adjacent civic buildings and heritage places*”, or similar.
- Modify the overshadowing requirements to make it clear that they are discretionary.
- Make the Rear Setbacks requirement discretionary.
- Add the words “*maintains or*” before “*enhances*” in the first Public Realm requirement.
- Modify the active retail frontage requirement to “... *measuring 65-80% of ...*”.
- Move the requirement discouraging blank walls facing the Upfield Shared Path forward to sit under the other active frontage requirements.
- Modify the 1m setback requirement at ground floor alongside the Upfield Shared Path to make it clear that it is discretionary, and move it to the Public Realm section.
- Modify the requirement for public links to make it clear that the alignments shown in Map 4 are indicative only, and are to be resolved as part of a development plan or proposal for the relevant property.
- Show Hope Street as a Key Pedestrian Street on Maps 4 and 5.

^[200] I also think that street names should be added to Map 1, and consideration should be given to placing Map 5 on a cadastral base and dividing it into several parts, to aid in understanding exactly where each designation applies.

Appendix A: Summary of Evidence & Personal Details

Name and Address

Mark Peter Sheppard
Principal
David Lock Associates (Australia) Pty Ltd
2/166 Albert Road
SOUTH MELBOURNE VIC 3205

Qualifications

- Recognised Urban Design Practitioner (Urban Design Group, UK), 2014
 - Corporate Member of the Planning Institute of Australia, 2008
 - MA Urban Design, Oxford Brookes University, UK, 1992
 - Diploma Urban Design, Oxford Brookes University, UK, 1992
 - Bachelor of Architecture, University of Auckland, NZ, 1990
-

Professional experience

- Director, David Lock Associates (Australia), 1997 to present
 - Urban Designer - Associate, David Lock Associates, UK, 1993 – 1997
 - Architectural Assistant, Sipson Gray Associates, London, UK, 1990 – 1993
 - Architectural Assistant, Kirkcaldy Associates, Auckland, NZ, 1988 – 1990
-

Area of Expertise

I have over twenty years' experience in private practice with various architecture and urban design consultancies in New Zealand, England and Australia, and have practised exclusively in the field of urban design since 1993.

Expertise to prepare this report

I have been involved in the design and assessment of numerous activity centre and urban infill projects and planning scheme amendments in Victoria. These have included:

- Structure Plans for Montague, Preston Central (2007 National PIA Urban Planning Award), Highpoint, Forrest Hill, Wheelers Hill and three urban villages in Moreland;
 - Urban Design Frameworks for Darebin High Street (2004 National PIA Urban Design Award), Highpoint, Central Dandenong, South Melbourne, Carlisle Street Balaclava, St Albans and Footscray;
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- Built form controls for Port Melbourne and Ormond Road, Elwood; and
- Numerous independent urban design assessments of planning scheme amendments to inform Planning Panels.

Other significant contributors

I was assisted in the preparation of this report by Amruta Purohit of David Lock Associates.

Instructions which define the scope of this report

I have been requested to give expert evidence in relation to the urban design aspects of proposed DDO18.

I am engaged by the City of Moreland.

I have received written instructions from Moreland City Council and verbal instructions from Maddocks.

Facts, matters and assumptions relied upon

- Inspection of the subject land and surrounding area;
- Review of planning controls and policies affecting the area;
- Analysis undertaken as part of the Brunswick Activity Centre Built Form Review and Sydney Road and Upfield Corridor Strategic Framework Plan; and
- Advice prepared by Mr David Helms, undated but received in February 2015.

Documents taken into account

- Moreland Planning Scheme Amendment C134 documentation;
- The Moreland Planning Scheme and Reference documents;
- Various background studies including the Brunswick Structure Plan and Moreland Industrial Land Use Study;
- Application plans for various development proposals in the study area; and
- Various correspondences relating to the proposed Amendment.

Summary of opinions

Refer to the conclusion of this statement (section 10).

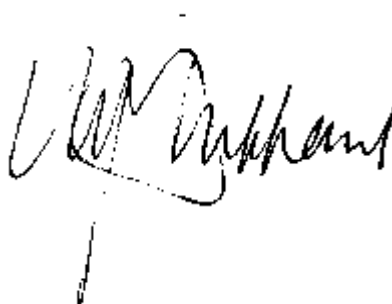
Provisional Opinions

There are no provisional opinions in this report.

*Questions outside my
area of expertise, incomplete
or inaccurate aspects of the report*

This report is complete and accurate to the best of my knowledge.

I have made all the inquiries that I believe are desirable and appropriate and confirm that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal.

A handwritten signature in black ink, appearing to read 'Mark Sheppard', with a vertical line extending downwards from the bottom of the signature.

Mark Sheppard



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