



Bayside Amendment C157

New Street Estate, Brighton

Expert Urban Design Evidence

Mark Sheppard

October 2017

Instructed by

Norton Rose Fulbright Australia

On behalf of

Department of Health and Human Services



**DAVID LOCK
ASSOCIATES**
TOWN PLANNING & URBAN DESIGN

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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-five 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] I have experience in master planning the renewal of social housing estates, including:
- providing urban design input into the preparation of Design Frameworks and planning provisions for the Ascot Vale and North Melbourne housing estates (for DHHS),
 - leading the preparation of master plans for the renewal of the Redfern and Waterloo Housing Estates in Sydney (for the NSW Land and Housing Corporation and UrbanGrowth NSW),
 - preparation of a conceptual master plan for the renewal of a social housing estate in Port Phillip (for a private client), and
 - urban design assessments of the proposed renewal of other housing estates in Melbourne (for Yarra and Banyule City Councils).
- [3] In October 2017, I was instructed by Norton Rose Fulbright Australia on behalf of the Department of Health and Human Services to provide an independent urban design assessment of Bayside Amendment C157, to inform its review by the Social Housing Renewal Standing Advisory Committee.
- [4] Proposed Schedule 3 to the Development Plan Overlay contains the most relevant provisions within the Amendment from an urban design perspective. (The proposed schedule to the Mixed Use Zone does not include any variations to ResCode requirements.) Therefore, my assessment of the proposed new planning provisions focuses on this control.
- [5] The Design Framework provides the strategic basis for the Amendment. Therefore, I have also assessed its merit from an urban design perspective.
- [6] I have considered the submissions to the exhibited Amendment with urban design implications to inform my assessment.

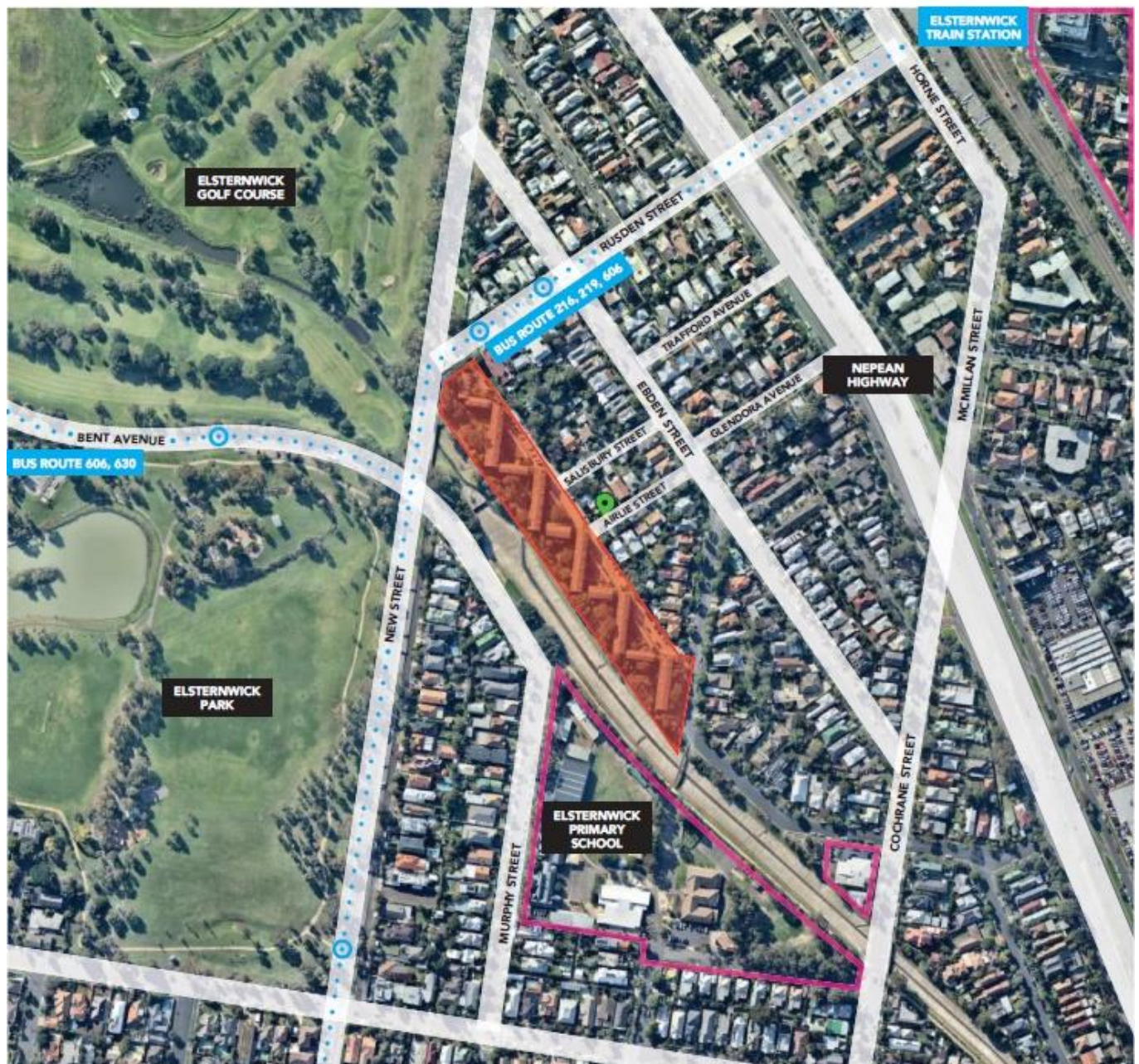
^[7] I have organised the body of this statement under the following headings:

- Section 2.0 – Context
- Section 3.0 – Best practice social housing renewal
- Section 4.0 – Design Framework
- Section 5.0 – Proposed DPO3
- Section 6.0 – Submissions
- Section 7.0 – Conclusion and Recommendations

2.0 Context

2.1 Strategic Context

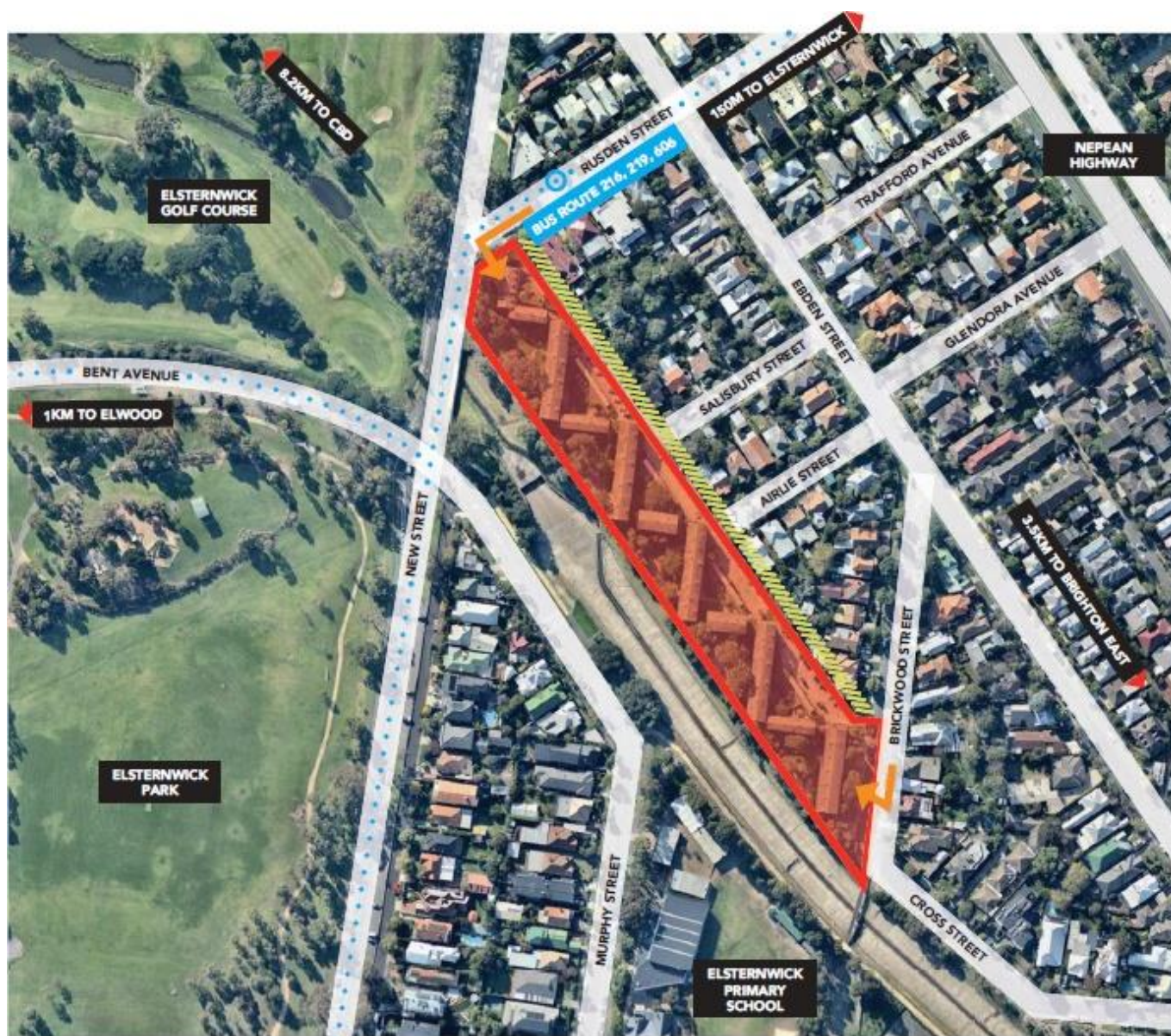
- [8] The New Street Public Housing Estate (the Subject Land) is located within a residential neighbourhood in Brighton. It is generally bounded by New Street and Rusden Street (to the northwest), Elster Creek (southwest), Brickwood Street (east) and the side and rear boundaries of residential lots (northeast).
- [9] The Subject Land is close to a range of services and amenities including:
- Elsternwick Golf Course and Elsternwick Park, across New Street;
 - Elsternwick Primary School, across Elster Creek; and
 - North Brighton Kindergarten.
- [10] Elsternwick Major Activity Centre (MAC) is approximately 600 metres to the northeast.
- [11] The Subject Land benefits from a range of public transport options including:
- Elsternwick Railway Station, approximately 600 metres northeast;
 - Tram services along Glen Huntly Road approximately 400 metres north;
 - Bus services along New and Rusden Streets, immediately northwest; and
 - Bus services along Bent Avenue, approximately 230 metres southwest.



Strategic Context (Subject Land shown in red)

2.2 Local Physical Context

- [12] The Subject Land currently contains a series of 3-4 storey 'walk-up' blocks of flats arranged in a zig-zag pattern. At-grade car parking and service areas are located along the northeast boundary of the site, alongside the rear of adjoining residential properties.
- [13] Communal open spaces are provided in the triangular gaps between the buildings, with the largest spaces on the southwest side between the buildings and the creek. There are a number of mature trees within these open spaces, which reach similar or greater heights than the buildings, mitigating their visual impact.
- [14] The Subject Land is currently accessible via entry points off Salisbury Street, Airlie Street and Brickwood Street, along with a pedestrian entry from Rusden Street. This makes it possible to walk through the Estate in a direct route from one end to the other. However, the 'back of house' nature of this space, and its lack of building frontages makes this an uninviting journey.
- [15] There is no public access along the creek edge of the Estate. However, there is public access along the other side of the creek via the Elster Canal Path. There is a pedestrian bridge over the creek at the end of Brickwood Street, just southeast of the Estate.
- [16] The Estate's immediate interfaces can be summarised as follows:
- To the northwest, across New Street, is the Elsternwick Golf Course (zoned PPRZ).
 - To the northeast and across Brickwood Street to the east are properties zoned GRZ1, occupied by 1-2 storey houses.
 - To southwest is Elster Creek, which is largely channelised and lies within an unattractive concreted reserve approximately 40m wide.
 - Beyond the creek to the west is Murphy Street, which is lined by houses on its far side (zoned NRZ3).
 - Beyond the creek to the south is the Elsternwick Primary School (zoned PUZ2).



Local Context (Subject Land shown in red)



3-4 storey walk-up blocks of flats on the Subject Land arranged in a zig-zag pattern (Google Maps)



'Back of house' areas along the northeast boundary adjacent to the side and rear boundaries of conventional residential lots



Residential interface along the northeast boundary



Communal open spaces to the northeast (left-hand image) and southwest (right-hand image)



View towards Subject Land from Airlie Street (L) and pedestrian access from Rusden Street (R)



Elsternwick Golf Course across New Street (L) and Brickwood Street frontage (R)

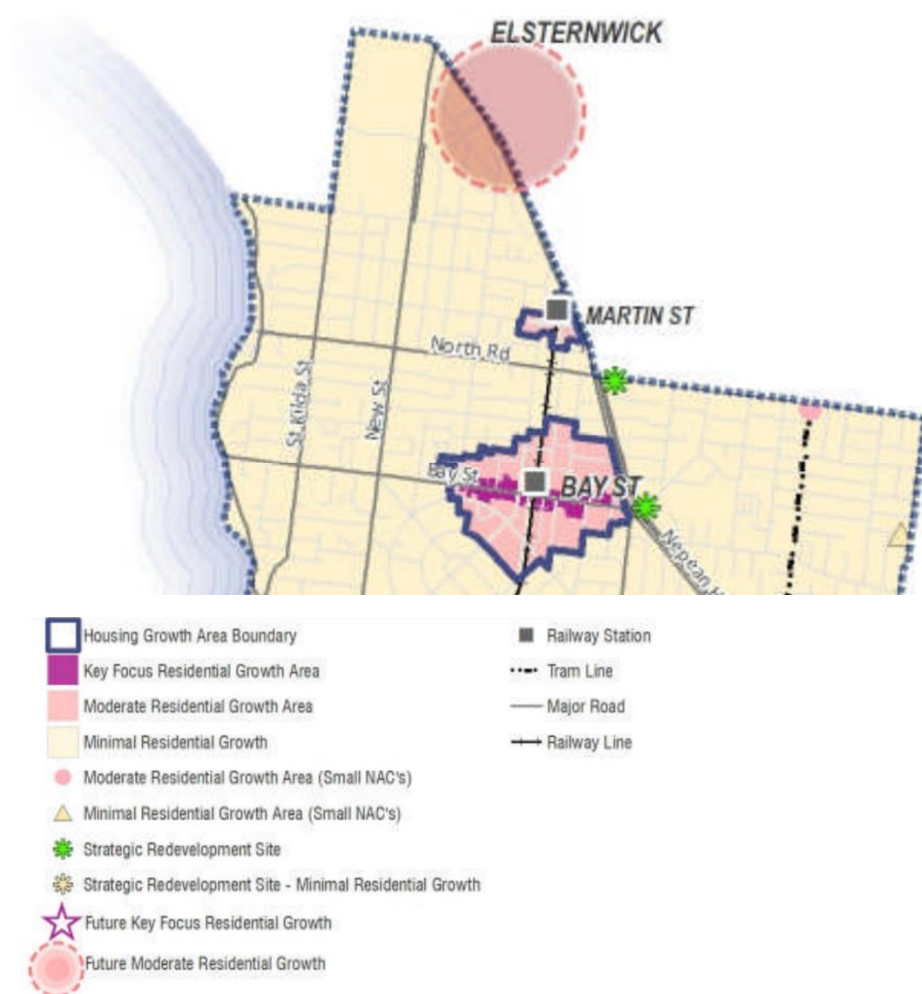


Elster Creek (L) and view of Subject Land from Murphy Street (R)

2.3 Planning Context

- ^[17] The Subject Land is zoned GRZ1, which encourages residential development that respects the neighbourhood character of the area while also encouraging a diversity of housing types and housing growth, particularly in areas offering good access to services and transport such as this.
- ^[18] The site is affected by several overlays which have the potential to influence the design outcome. These include:
- The Special Building Overlay (SBO), which seeks to ensure that development does not cause flood damage and will not cause a significant rise in flood level or flow velocity.
 - The Design and Development Overlay – Schedule 2 (DDO2), which seeks to preserve a character of low-rise dwellings in garden settings (which generally reflects the broader area, but not the Subject Land). I understand that DDO2 is proposed to be removed by this Amendment.

- [19] The strategic policy context for this Amendment is set by Plan Melbourne 2017-2050, the current Metropolitan Planning Strategy for Melbourne, and supported by the State and Local Planning Policy within the Bayside Planning Scheme. The Urban Design Guidelines for Victoria (2017) are also relevant from an urban design perspective.
- [20] Plan Melbourne aims to support the increased provision of social and affordable housing (Direction 2.3). It encourages this to be achieved by utilising *'government land to deliver additional social housing'* (Policy 2.3.1) and creating *'ways to capture and share value uplift from rezonings'* (Policy 2.3.4).
- [21] Clause 11.06-2 seeks to facilitate increased housing in established areas, direct new housing to areas with appropriate infrastructure, deliver more housing closer to jobs and public transport, facilitate development that increases the supply of affordable and social housing in suburbs across Melbourne, and facilitate the delivery of social housing by identifying surplus government land suitable for housing.
- [22] Clause 16.01-1 encourages new housing in or close to activity centres and in urban renewal precincts that offer good access to jobs, services and transport. It also encourages the planning system to support the appropriate quantity, quality and type of social housing.
- [23] Clause 21.02-3 identifies as key issues *"the provision of housing to meet changing needs of the community"* and *"the need to protect the quality and character of the urban environment"* with an emphasis towards the role that vegetation plays within the municipality. The 'Residential Strategic Framework Plan' in clause 21.02 (Map 2) places the Subject Land within a 'future moderate residential growth' area.
- [24] Clause 21.03 identifies that there is a need to *'enhance the range of accommodation options for older people and the availability of affordable housing.'* It encourages a diversity of housing to meet the needs of the community over time and life cycles. Clause 21.03 contains a strategy directing medium density housing to *'residential opportunity areas, particularly those with good access to public transport routes as identified in the Residential Strategic Framework Plan'*. As noted above, the Subject Land falls within such an area.
- [25] Clause 21.06-1.1 encourages future development within residential areas to positively respond to the preferred neighbourhood character and prevailing scale and density of housing. It encourages this to be achieved through site responsive design that is respectful of its surroundings and maintains the quality of and local character of the built and natural environment.



Extract of Residential Strategic Framework Plan from Clause 21.02

- [26] Clause 22.06-1 contains the neighbourhood character policy. It places the subject site within 'Precinct A2'. Most of the objectives for this character precinct seek to retain or maintain characteristics associated with conventional residential suburbs, such as small garden settings and the rhythm of detached dwellings. I do not consider these objectives relevant to the site given its existing condition. However, the policy also contains objectives that seek to '*ensure new dwellings and extensions do not dominate the streetscape*' and '*maintain the openness of the streetscape*' which are relevant to this Amendment.
- [27] Clause 55 contains objectives and standards which seek to ensure development respects the surrounding character, avoids unreasonable impacts on the amenity of its neighbours and provides adequate on-site amenity.

2.4 Summary

^[28] In summary, the key contextual factors that should influence the planning for the renewal of the New Street Estate from an urban design perspective include:

- The Subject Land's location relatively close to services and amenities, including a range of public transport options, which attracts policy support for denser development;
- Policy support for the development of social and affordable housing on government land;
- The blockage created by the current development of the Subject Land with respect to access to Elster Creek;
- The Subject Land's sensitive residential interface with low-scale detached dwellings to the northeast, whose amenity should be reasonably protected;
- The Subject Land's interface with the Elster Creek;
- Policy seeking respect for existing built form and landscape character, including buildings that maintain the openness of streetscapes;
- The 3-4 storey scale of current development on the Subject Land;
- The existing communal open space and mature vegetation within the Subject Land; and
- The potential for flooding along the southwest edge of the Subject Land.

3.0 Best Practice Social Housing Renewal

- [29] This section provides a summary of best practice urban design principles for the renewal of social housing estates, drawn from my experience. They have informed my assessment of the proposed Amendment.
- [30] The principles outlined in this section are in addition to general urban design principles for urban renewal areas to do with responsiveness to the context, placemaking, permeability, legibility, mixed-use, public realm quality, amenity and so on (such as those outlined in Clause 15.01-2, the Urban Design Guidelines for Victoria (2017) and the Urban Design Charter for Victoria). They are also additional to social planning principles associated with social housing renewal such as social : private housing mix.
- [31] The best practice urban design principles for social housing estate renewal fall into three categories: normalise, enhance and integrate.

3.1 Normalise

- [32] Historically, public housing has been concentrated in estates which stand out from 'conventional' urban fabric by virtue of their design. In many cases, public housing estates have been used as 'guinea pigs' for innovative architectural ideas which, in most cases, have been failures. In general, this exacerbates the stigma associated with such estates, and deters non-residents from visiting or passing through them, further reinforcing their social isolation. Further, some of the unconventional design ideas have resulted in uninviting and unsafe environments. For example:
- The circulation network within many public housing estates is impermeable and illegible. This deters through-movement, which reduces passive surveillance and, consequently, personal security, as well as social integration.
 - The open spaces within public housing estates are often ill-defined, poorly surveilled, sometimes in secluded locations that are disconnected from main movement routes, and poorly looked after, discouraging their use and lessening their safety.
 - The base of public housing buildings often lack activation, passive surveillance and a sense of address, reducing the appeal and safety of the surroundings.
 - The external design of public housing towers often has a bulky form, repetitive façade treatments and poor quality materials, resulting in unattractive buildings which contribute to the stigma of the estate.
- [33] In order to tackle these problems, new buildings, streets and open spaces must be indistinguishable from 'conventional' urban streets, public open

spaces and buildings. They must be 'sector blind'. This leads to the following principles:

- **Normal streets**—create a permeable and legible network of conventional local streets, clearly defined by building frontages and containing footpaths, street trees and kerbside car parking.
- **Normal parks**—create local open spaces that lie along local streets, are clearly defined and addressed by building frontages and well landscaped and furnished.
- **Normal buildings**—design buildings to address the public realm (particularly at ground level) and to look the same irrespective of whether they contain social, affordable or private housing.

3.2 Enhance

^[34] The amenity of public housing estates is often poor. In many cases the housing itself is in poor condition, not suited to contemporary household formations and does not meet modern standards of amenity. In addition, the quality of public open space, community facilities and streetscapes is often poor.

^[35] This not only reduces the amenity of the estate for residents, but also exacerbates its stigma.

^[36] This leads to the following principles:

- **Better quality housing**—build new, fit-for-purpose homes
- **Better quality parks**—upgrade or create new, high quality public open spaces
- **Better quality streets**—upgrade existing streetscapes and ensure new streets have high quality design
- **Better quality facilities**—upgrade or create new shops and community facilities

3.3 Integrate

^[37] Public housing estates are often barriers to through movement, either because of a lack of routes through the estate, or because those routes are indirect, illegible, uninviting or unsafe.

^[38] The renewal of a social housing estate can enable the creation of direct through routes to better integrate it with the surrounding urban fabric. This will encourage through movement, bringing passive surveillance and social integration.

^[39] This leads to the following principle:

- **Through routes**—create thoroughfares through the estate that provide direct routes to key destinations

[40] Public housing estates often contain shops, open spaces and other communal facilities ‘buried’ within the estate, where they are only used by residents from the estate. This reinforces their separation from the surrounding community.

[41] The renewal of a social housing estate can enable the creation of new community facilities located where they may be used by people from outside the estate, to contribute to integration. This leads to the following principle:

- **Shared facilities**—locate shops, parks and community facilities at the edge of the estate

[42] In order to deconcentrate social housing, it needs to be physically mixed with private housing. How finely social and private housing are mixed is a question of policy and market economics. However, the layout of a renewal area can facilitate mixing by enabling a wide range of different mixing scenarios.

[43] ‘Perimeter blocks’, which comprise buildings aligned along street edges around the edge of the block, provide for public and private housing to be mixed in a number of different ways. For example, they enable multiple entries to the same building, abutting buildings in the same block whose entries face different streets, and private and social housing buildings facing each other across a street.

[44] Perimeter blocks also ensure a well-defined and passively-surveilled public realm, and create privacy for private and communal open space in the middle of the block.

[45] This leads to the following principle:

- **Perimeter blocks**—arrange buildings along street edges around the edge of each block

3.4 Summary

^[46] In summary, best practice urban design in relation to the renewal of social housing estates can be distilled to the following design principles:

- **Normal streets**—create a permeable and legible network of conventional local streets, clearly defined by building frontages and containing footpaths, street trees and kerbside car parking.
- **Normal parks**—create local open spaces that lie along local streets, are clearly defined and addressed by building frontages and well landscaped and furnished.
- **Normal buildings**—design buildings to address the public realm (particularly at ground level) and to look the same irrespective of whether they contain social, affordable or private housing.
- **Better quality housing**—build new, fit-for-purpose homes.
- **Better quality parks**—upgrade or create new, high quality public open spaces
- **Better quality streets**—upgrade existing streetscapes and ensure new streets have high quality design
- **Better quality facilities**—upgrade or create new shops and community facilities.
- **Through routes**—create thoroughfares through the estate that provide direct routes to key destinations.
- **Shared facilities**—locate shops, parks and community facilities at the edge of the estate.
- **Perimeter blocks**—arrange buildings along street edges around the edge of each block.

^[47] I note that these principles are consistent with the Design Principles contained within the Design Framework.

4.0 Design Framework

[48] This section outlines my assessment of the Design Framework under following headings:

- Circulation
- Land uses
- Open space
- Built form

4.1 Circulation

[49] The existing car parking area along the northeastern edge of the Estate provides a pedestrian route from Rusden Street to Brickwood Street. However, it is not a particularly inviting route, due to poorly defined edges and a lack of frontages to provide passive surveillance. This reinforces the perception that the Estate is not a 'normal' residential development.

[50] There is currently no path along the northeastern side of Elster Creek adjacent to the Estate, or connections to it through the Estate from the residential neighbourhood to the northeast. This results in a large, essentially impermeable block, spanning between the Elster Canal Path and Ebdon Street. Therefore, the redevelopment of the Estate presents an opportunity to improve the permeability of the area.

[51] The Design Framework proposes pedestrian links which extend Salisbury and Airlie Streets to Elster Creek. However, it does not propose a route along the Creek interface or connections across it. Given the minimal connectivity value of the proposed links extending Salisbury and Airlie Streets, they would not significantly enhance the integration of the Estate with the surrounding area.

[52] The Framework proposes a new pedestrian and cycle route through the Estate linking Rusden Street and Brickwood Street. This route would be clearly defined by building frontages and would provide good pedestrian access from within the Estate to the bus stop on Rusden Street. However, it passes over parking podia, requiring four changes of level along the journey. This negates clear lines of sight and means that it is likely to be seen as access to communal open spaces rather than a public route. The changes of level also raise questions about its appeal for cyclists and continues the unfortunate habit of treating social housing estates differently from conventional residential developments.



Design Framework - Proposed Internal Connections (Design Framework – Baumgart Clark Architects)

- [53] I understand that the reason that the Design Framework does not propose a path alongside the creek is due to the challenge of accommodating it within the Subject Land, given its narrow width. However, I consider that a public thoroughfare should be provided along the edge of the creek reserve, if possible. It would not significantly enhance the permeability of the broader area, given the presence of the Elster Canal Path on the other side of the creek and the pedestrian bridge at Brickwood street. However,

it would help to integrate the Estate with the surrounding area because it would increase the number of people passing alongside it and give the proposed pedestrian links through the Estate from Salisbury and Airlie Streets more purpose. It would also improve access to the proposed new public open space centrally located along this interface, and provide a more convenient route to the Rusden Street bus stop for residents of the Estate.

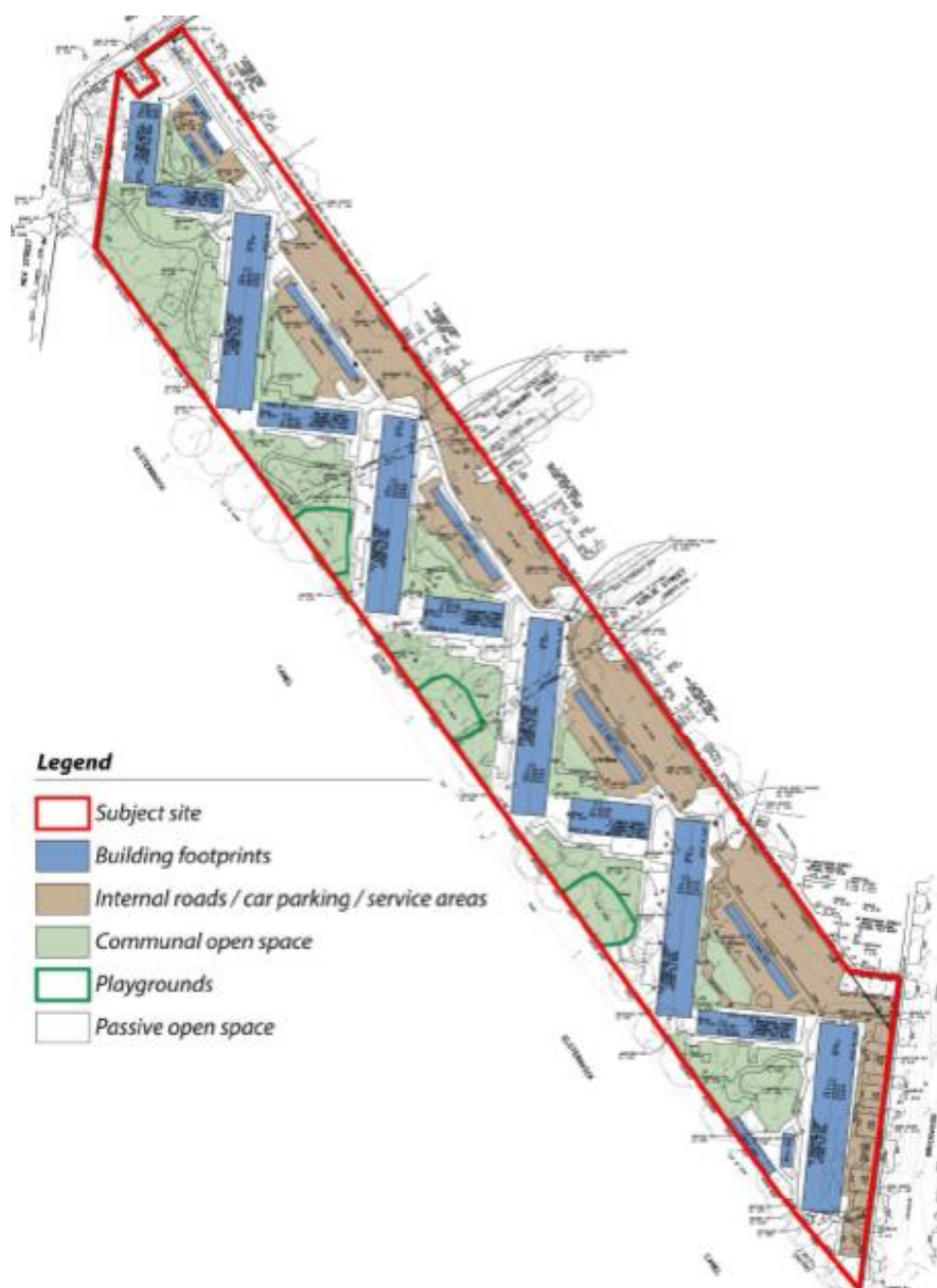
- [54] The creekside thoroughfare should be fronted by development to ensure that it is an inviting and safe pedestrian and cycle path. It need not be a vehicular route. There appears to be sufficient level land for the path at the northeastern edge of the creek reserve for most of its length. However, it may need to be partly or wholly within the Subject Land in places due to the proximity of the embankment to the boundary.
- [55] Provided an inviting path is created along the creek interface, it is not necessary to have the proposed public connection through the middle of the Estate from Rusden to Brickwood Streets. This would allow the latter to be retained purely for private access to communal open spaces, avoiding concerns about its changes of level.
- [56] In summary, I consider that the proposed movement network should incorporate a public thoroughfare along the interface with the creek reserve because it will enhance integration and access to the proposed new public open space. This renders the currently proposed internal link between Rusden and Brickwood Streets unnecessary from a public permeability perspective.

4.2 Land Use

- [57] The housing estate is currently mono-functional, being limited to residential use.
- [58] The Design Framework only appears to propose residential uses within the Estate.
- [59] I consider that the lack of mixed use opportunity is acceptable given the residential context of the Estate, the lack of direct main road frontages where commercial uses are likely to be viable and the need to maximise the value of this land for housing. However, I consider that small local shops (if viable) and community facilities would improve the development by providing amenity for local residents and helping to integrate the development with the surrounding community.

4.3 Open Space

[60] The Estate currently contains a series of triangular pockets of informal open space, with a total area of 3,740m² (see plan below). These spaces are generally well vegetated and some contain playgrounds.



Existing open space (source: Message Consultants Australia)

- [61] Elsternwick Park, just west of the Estate, provides a wide range of district-level informal and formal recreation opportunities. As a result, the Bayside Open Space Strategy and clause 22.01 do not identify this area as having an open space deficiency.
- [62] The Design Framework proposes the creation of one 2,230m² pocket park centrally within the Subject Land alongside the creek reserve, accessed via new pedestrian links extending Salisbury and Airlie Streets. This location maximises accessibility for future residents of the Estate, and enables the retention of a number of trees of high and medium retention value. The creation of a single consolidated open space will enable it to accommodate a wide range of activities and uses, in accordance with the Urban Design Guidelines for Victoria (Guideline 3.4.1b).
- [63] The pocket park is well framed by buildings and edged by building frontages, providing good spatial definition and passive surveillance. It will also contribute to placemaking by creating a memorable place within the Estate—particularly given its outlook over the creek—which would be enhanced if a public path is created along the creek edge.
- [64] The park has an odd-shaped finger extending south from its eastern corner. The purpose of this finger of open space is not clear.
- [65] The area of the proposed new open space is approximately 1,510m² (or 40%) less than the area of communal open space which currently exists on the Estate. There is no directly-applicable standard for the provision of open space in urban renewal areas such as this. However, I note that the proposed park is 16% of the total site area (14,130m²), which far exceeds the standards for public open space in a subdivision (5%) and growth areas (10%). It is also over 7m² per dwelling, which far exceeds the communal open space requirement of clause 58.03-2 of 2.5m² per dwelling or 250m², whichever is the lesser. Given this, and the Estate's proximity to Elsternwick Park, I consider that its size is more than sufficient.
- [66] In summary, I support the proposed new open space because it will:
- provide sufficient local open space; and
 - contribute to placemaking and tree retention.
- [67] I also note that there is proposed to be informal communal open space on top of the parking podia between the buildings.
- [68] I support the way in which the proposed new open spaces are well defined by surrounding buildings, and generally well surveilled by them, contributing to the 'normalisation' of the Estate.



Design Framework – Proposed open space (Baumgart Clark Architects)

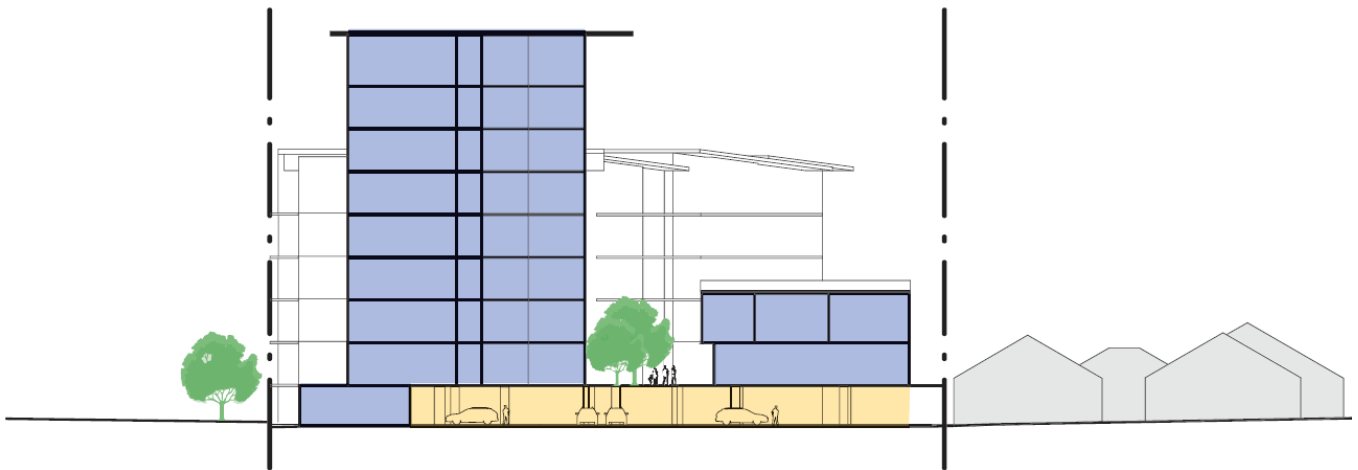
4.4 Built Form

- [69] The existing built form character within the Subject Land comprises 3-4 storey 'walk-up' blocks of flats.
- [70] The surrounding built form character is defined by single and double-storey detached houses in garden settings (except for the school and kindergarten). To the northeast of the Estate, this is likely to increasingly incorporate larger dwellings and modest forms of medium-density housing.
- [71] The key site and context factors that should influence future built form include:
- Policy support for denser forms of housing;
 - The large size of the Subject Land;
 - Most of the Subject Land's lack of direct sensitive interfaces;
 - The need to moderate the visual impact of built form on the low-rise, residential neighbourhood to the northeast;
 - The need to moderate the visual impact of built form in views from residential properties fronting Murphy Street;
 - The desirability of retaining high and moderate retention value trees where possible; and
 - The need to define a network of 'normal' thoroughfares and public open space within and alongside the Estate.
- [72] The proposed new open space and pedestrian links extending Salisbury and Airlie Streets define two 'blocks', forming development parcels.
- [73] I understand that the DHHS instructed the architects to avoid any basement car parking. This has necessitated the incorporation of above-ground parking podia. Each of the development parcels is designed to accommodate a parking podium, topped by low to mid-rise buildings.
- [74] It is unclear to what extent these parking podia are proposed to be 'sleeved' by outward-facing dwellings to ensure active and attractive edges to the public realm and contribute to the Estate's 'normalisation'. (There appears to be a difference between the extent of parking shown in the Parking plan on page 20 and the sections on page 23.)



Design Framework – Indicative Built Form Response (source: Design Framework – Baumgart Clark Architects)

- [75] It is strongly preferable for development of the Estate to avoid any exposure of car parking to the public realm, for reasons of activation, attractiveness and 'normalisation'. Even if a public thoroughfare along the creek interface is not ultimately proposed as part of a development of this land, it may be introduced within the creek reserve in the future. No matter how attractive landscape screening is, it cannot create activation or passive surveillance. It is possible that future development of the Estate will incorporate basement parking, which will help to avoid the need for any exposed podium car parking.
- [76] Lower, 3-storey buildings are proposed along the northeastern edge of each development parcel, or block. This responds sensitively to the adjoining residential properties (which are currently developed to 1-2 storeys, and which may in future reach a maximum height of 3 storeys). It will also ensure reasonable solar access to the other buildings in each block.
- [77] A 3-storey building is also proposed at the Brickwood Street frontage. Given that the existing building in this location is 4 storeys high, I consider that it would be acceptable for it to be replaced with a 4-storey building, provided the fourth level is set back from those below.
- [78] The remaining buildings, on New Street and along the creek interface, are proposed to range between 6 and 9 storeys high. I consider 6 storeys to be an appropriate height given the relatively non-sensitive location of these buildings. However, I consider it unlikely that an 8 or 9 storey building would be an appropriate scale in this location. In my view, the Subject Land is not sufficiently close to an activity centre or train station to warrant such a visible departure from the existing character. Further, the proposed 9-storey building casts a significant shadow over the proposed open space for most of the afternoon at the September equinox.
- [79] The proposed buildings are set back from New Street and Brickwood Street to enable the retention of high and medium retention value trees. A number of other trees are proposed to be removed in order to facilitate the development. However, these mostly have low or no retention value. A number of locations are proposed for new trees.
- [80] The trees along the creek edge are proposed to be removed, except for those within the proposed new park. This is unfortunate given that they play a significant role in mitigating the visual impact of buildings in views from the southwest side of the creek.



Section A

Design Framework – Indicative Built Form Response (source: Design Framework – Baumgart Clark Architects)

- [81] The Subject Land is relatively narrow, presenting a challenge in retaining trees along the creekside edge. Therefore, I recommend that the opportunity be explored to plant replacement trees within the creek reserve alongside the Subject Land. I consider that the planting of large trees along this interface is essential to mitigate the visual impact of 6-storey buildings.
- [82] In summary, I support the proposed 3-storey buildings along the northeastern edge of the site. However, I recommend that the following changes to the proposed built form be incorporated within the Amendment:
- The Brickwood Street building be increased to 4 storeys, with a recessed fourth level;
 - The 8 and 9-storey buildings be reduced to 6 storeys;
 - The potential be explored for large trees to be planted within the creek reserve alongside the Subject Land; and
 - All public realm edges of podium parking be 'sleeved' with outward-facing dwellings.

4.5 Summary

- [83] In summary, I consider that the Design Framework represents a useful exploration to inform the Amendment and contains a generally appropriate design response. However, it also demonstrates some design challenges that need to be addressed by the Amendment.
- [84] The proposed pedestrian links extending Salisbury and Airlie Streets would contribute to a permeable, legible movement network, and define development parcels enabling built form to frame and largely address the public realm. However, the internal link between Rusden Street and Brickwood Street is of limited utility, and should be replaced by a new pedestrian and cycle path along the creek interface.
- [85] The proposed pocket park will provide for local recreation and contribute to a positive sense of place for the Estate.
- [86] The lower-rise buildings proposed along the northeastern edge of the Subject Land respond appropriately to the neighbouring residential properties. The taller buildings elsewhere generally respond appropriately to policy support for higher density.
- [87] However, I consider that the Brickwood Street building could be 4 storeys high, and elsewhere, buildings should not exceed 6 storeys. All public edges of parking podia should be sleeved by outward-facing dwellings.
- [88] I recommend that these issues be addressed by the Amendment.

5.0 Proposed DPO3

[89] This section outlines my assessment of proposed DPO3, including whether it is an effective translation of the good aspects of the Design Framework and addresses its problematic aspects.

[90] I support the proposed Objectives at clause 3.0 of the DPO, which capture the principles of best practice social housing renewal.

5.1 Overall Layout

[91] The schedule contains a Development Concept Plan, which it relies on to illustrate:

- the extent of the land affected by the schedule;
- the preferred internal connections;
- the potential location for a new open space;
- the location of areas with different maximum building heights; and
- locations for specific interface treatments.

[92] The internal connections illustrated by the Development Concept Plan are generally consistent with the two proposed by the Design Framework that I support. However, I consider that the northern connection should be adjusted to connect more directly with Salisbury Street.

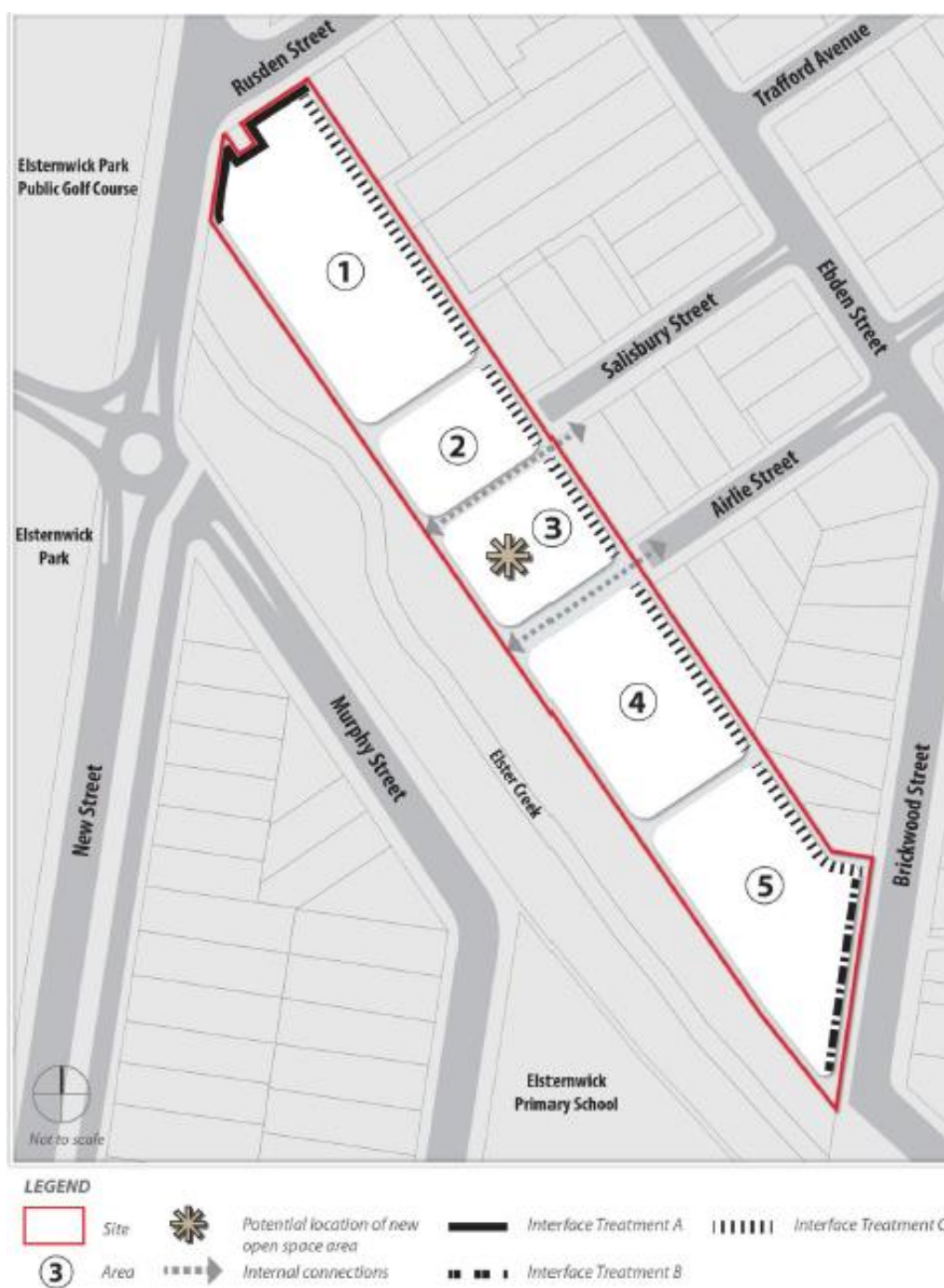
[93] The Development Concept Plan does not show a connection along the creek frontage. However, the schedule encourages a development plan to show or make provision for the connections referred to above to *'connect with a new publicly accessible pedestrian path provided along Elster Creek between New and Brickwood Streets'*.

[94] As noted in section 4.1, I consider that a public path along the creek frontage is critical to the success of the future development of the Estate. I consider that a development plan should not only provide for connections to such a path, but make provision for the path itself, even if it is partly or wholly within the creek reserve.

[95] I support the lack of an internal connection within the Subject Land linking Rusden and Brickwood Streets, as shown on the Design Framework, as I do not consider that it would be of much public utility. This would not prevent it from being incorporated in a development plan, should it be required or desired, but provides the flexibility for it to be omitted if appropriate.

[96] The schedule requires a development plan to show or make provision for *'A legible vehicle circulation system within the site'*. The Design

Framework indicates that vehicle access may not require circulation within the site. Therefore, I recommend that this requirement be deleted.



5.2 Land Use

- [97] The DPO schedule does not seek to influence land uses, in general. However, it does seek *“small scale retail, commercial or community uses to meet the needs of the local community ... at ground floor level; Fronting New, Rusden and Brickwood Streets, the new publicly accessible open space corridor or other appropriate locations; and (where they) Adequately manage potential amenity impacts on nearby residential properties”*.
- [98] While I do not consider non-residential uses to be critical to the successful redevelopment of the Estate, I support their encouragement where appropriate.

5.3 Open Space

- [99] The Development Concept Plan shows a potential location for a new open space required by clause 3.0. This is consistent with the location shown in the Design Framework, where it will be central to the Estate, enable tree retention, be well connected from the residential hinterland to the northeast, and benefit from a prospect over the creek reserve.
- [100] I consider the requirement for one pocket park to be sufficient, given the proximity of the Estate to Elsternwick Park and the relatively modest size of the Estate. However, I recommend that a minimum size of 1,500m² be incorporated within the DPO schedule to reflect the Design Framework. This represents 5% of the site plus 2.5m² per dwelling.
- [101] The proposed schedule seeks *‘reasonable levels of sunlight to internal open space areas on 21 June’*. While I consider that the winter solstice is a reasonable time of year to consider for more significant open spaces, such as Elsternwick Park, I consider it to be unreasonably onerous for local pocket parks. I recommend that solar access be measured at the September equinox instead.
- [102] The shadow diagrams contained within the Design Framework indicate that the proposed public open space would be significantly overshadowed from around 2pm. However, if the building to its northwest is reduced in height to 6 levels, as I have recommended, I consider that it will receive a good level of sunlight.

5.4 Built Form

^[103] The schedule requires built form in a development plan to be '*in accordance with the Development Concept Plan*'. However, later it states that '*The building footprints ... shown on the Development Concept Plan are indicative only ...*'. Given the 'broad-brush' nature of the Development Concept Plan, and the potential for a range of different, acceptable built form arrangements on a relatively large site such as this, I consider that the built form in a development plan should only be required to be '*generally in accordance with the Development Concept Plan*'.

^[104] The schedule contains a series of preferred built form outcomes, which I assess below.

Overall Building Height

^[105] The schedule defines five areas within the Subject Land and contains a maximum height for each of them ranging between 3 and 9 storeys. The overall maximum building heights are generally consistent with the Design Framework.

^[106] However, as outlined in section 4.4 above, I consider it unlikely that buildings above 6 storeys would be acceptable within the Subject Land. Therefore, I recommend that the areas on the Development Concept Plan be reconfigured into:

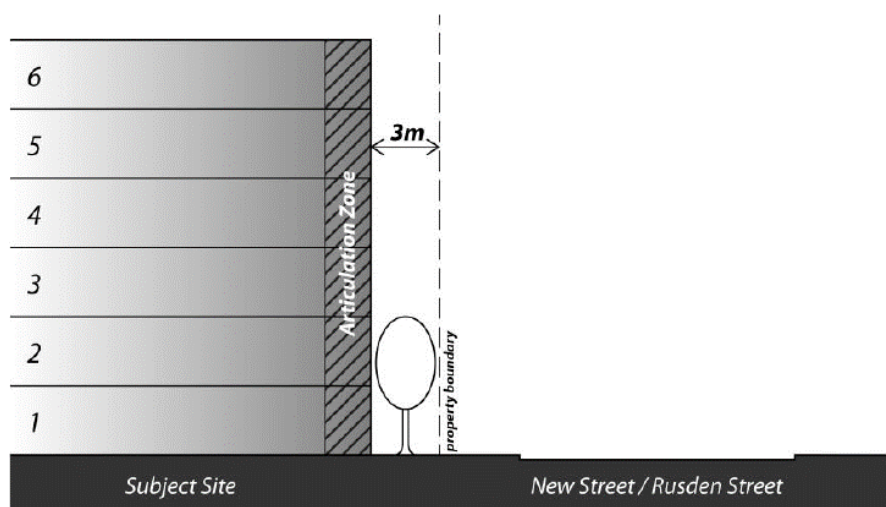
- a 3-storey area alongside the northeast boundary,
- a 4-storey area at Brickwood street, and
- a 6-storey area on the balance of the Subject Land.

^[107] The 3-storey area along the northeastern boundary should be approximately 18m wide, so that it is consistent with Interface Treatment C. The 4-storey area on Brickwood Street should be approximately 20m wide, so that it is consistent with Interface Treatment B.

^[108] The schedule requires a development plan to provide for '*New canopy trees along the new open space corridor and internal connections and within new open space areas*'. It is unclear what is meant by '*the new open space corridor*'. In any event, I recommend that this be amended to include new trees within the Elster Creek reserve alongside the Subject Land.

New Street and Rusden Street

- [109] Interface Treatment A illustrates a 6-storey built form presentation to New and Rusden Streets set back 3m to an articulation zone.

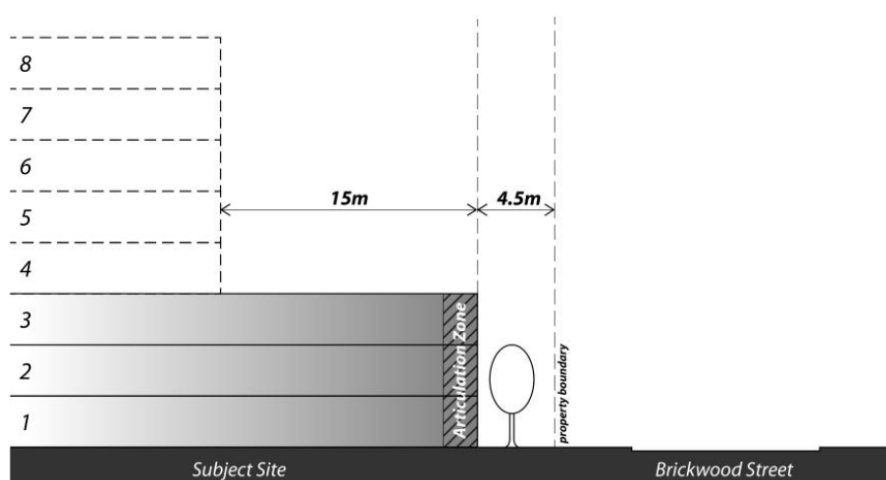


Proposed DPO3 Interface Treatment A

- [110] This is consistent with the Design Framework. Given the non-sensitive nature of this interface, on a busy road (RDZ2), opposite a large park and beyond the end of the cohesive Rusden Street residential streetscape, I consider that a 'street wall' height of 6 storeys (set behind trees) is acceptable.
- [111] The schedule also requires a development plan to protect existing trees assessed '*as having moderate or high retention value, unless it is demonstrated that their retention significantly affects the feasibility of development of the relevant precinct*'. The Design Framework illustrates that the high and medium retention value trees along this interface can be retained.
- [112] The survey plan indicates that the existing building at this interface is set back approximately 4-4.5m. The existing tree canopies spread across much of this setback. Therefore, I recommend that the setback in Interface Treatment A be increased to 4m.
- [113] I support the schedule's requirement for a development plan to include additional street trees along the New and Rusden Street frontages.

Brickwood Street

- [114] Interface Treatment B illustrates a 3 storey built form presentation to Brickwood Street, set back 4.5m to an articulation zone, with additional levels set back a further 15m. This matches the Design Framework.



Proposed DPO3 Interface Treatment B

- [115] However, as outlined in section 4.4, I consider that a 4-storey building would be acceptable at this interface given the scale of the existing building, provided the top level is set back an additional 2m. Therefore, I recommend that the Interface Treatment section be amended accordingly. Further, if my recommendation to separate this part of the Subject Land into a separate 'area' is adopted, there is no need to indicate the setback to additional height above 4 storeys.
- [116] The schedule also requires a development plan to protect existing trees assessed '*as having moderate or high retention value, unless it is demonstrated that their retention significantly affects the feasibility of development of the relevant precinct*'. The Design Framework illustrates that the medium retention value trees along this interface can be retained.
- [117] The survey plan indicates that the existing building at this interface is set back approximately 7-8m. The existing tree canopies spread across this setback. Therefore, I recommend that the setback in Interface Treatment B be increased to 7m.
- [118] I support the schedule's requirement for a development plan to include additional street trees along the Brickwood Street frontage.

Northeastern boundary

- [119] Interface Treatment C requires a *'3m boundary setback up to 3 storeys and an additional 15m setback above 3 storeys, increased as required to protect existing trees to be retained or accommodate replacement canopy trees and to comply with Clause 32.04-9'*. This matches the Design Framework.
- [120] As outlined in section 4.4, I support the proposed 3-storey scale at this interface. I also consider the proposed setback requirements to be appropriate given the sensitive nature of this interface.
- [121] However, if my recommendation to separate this part of the Subject Land into a separate 'area' is adopted, there is no need to include a required setback to additional height above 3 storeys.

5.5 Detailed Design

- [122] The proposed DPO schedule contains a range of provisions that seek to ensure good quality building facades, including:
- entries, clear glazing and weather protection at the frontages of non-residential uses;
 - individual residential entries and the avoidance of large expanses of blank wall and service areas elsewhere;
 - well modulated and articulated facades;
 - cohesive architectural design; and
 - high quality, durable and low maintenance materials.
- [123] I support the inclusion of these provisions to ensure that new buildings contribute to an inviting, engaging and safe public realm.
- [124] The proposed DPO also requires car parking to be within basements or suitably concealed within buildings or behind active frontages. This addresses my concern about the potential for exposed car park podia in the Design Framework.

6.0 Submissions

^[125] This section summarises the key urban design issues raised within submissions to the Amendment, and my responses.

6.1 Height, Bulk and Mass

^[126] Submissions raise concerns about the height, bulk and mass caused by the proposal leading to an over development of the land.

^[127] I outline my assessment of the proposed height, bulk and mass that could result from the proposed DPO in section 5.4. In summary, I support the maximum height of 3 storeys along the northeastern edge of the Subject Land, where it directly abuts residential properties, as an appropriate response to the adjoining GRZ land. However, I consider the proposed 8 and 9-storey areas to be too high given the context of the subject land. Their reduction to 6 storeys combined with the planting of trees within the creek reserve will result in an appropriate visual bulk outcome in views from the west and south.

6.2 Amenity Impacts

^[128] A number of submissions raise concerns about the overall height of the development and its potential to impact their amenity in terms of overlooking and overshadowing on their development.

^[129] The Subject Land is to the southwest of the immediately adjoining residential properties, and sufficiently separated from those to the southwest on Murphy Street and to the east opposite Brickwood Street to avoid unreasonable overshadowing and overlooking.

^[130] The proposed DPO schedule requires a development plan to comply with clause 32.04-9 within the MUZ, which in turn requires development to meet the requirements of clause 55.04 (the Amenity Impact provisions within ResCode) except for 55.04-4 North-facing windows. This includes the ResCode overlooking provisions.

^[131] I consider that these factors, combined with the maximum height of 3 storeys along the most sensitive residential interface, will avoid unreasonable impacts on the amenity of nearby residential properties.

6.3 Open Space and Vegetation

^[132] Some submissions raise concerns about the quantity and quality of the open space within the development. They raise concerns about the quality of vegetation and extent of removal of vegetation within these open spaces, and its potential to negatively impact the safety and health of future residents.

^[133] I discuss the provision of open space in section 5.3. In summary, I consider the requirement for one pocket park to be sufficient, provided it has a minimum size of 1,500m², given the proximity of the Estate to Elsternwick Park and the relatively modest size of the Estate.

^[134] The proposed DPO schedule requires existing trees of high or moderate retention value to be retained unless this would significantly affect the feasibility of the development. I consider that this strikes an appropriate balance between the value of tree retention to the character and amenity of the area, and policy which supports the efficient development of the Subject Land. The schedule also requires the planting of new trees. It is appropriate that the particular species of new trees to be planted—and, therefore, their effect on residents' safety and health—be considered when a development plan is prepared and submitted for approval.

6.4 Neighbourhood character and heritage

^[135] Some submissions raise a concern that the proposal does not respect the low-scale 1-2 storey dwellings and heritage values of the surrounding area.

^[136] The Subject Land only shares a residential streetscape in two places: Rusden Street and Brickwood Street. Although the proposed DPO allows for a 6-storey building in Rusden Street, this is beyond the end of the existing low-rise streetscape, at its corner with the busy New Street. Therefore, I consider that this is acceptable.

^[137] The proposed DPO seeks to limit building height to 3 storeys fronting Brickwood Street. However, I consider that development which matches the existing height of 4 storeys, set behind the large existing trees, would be acceptable. This would maintain the existing role of the Subject Land in the character of Brickwood Street.

^[138] I consider that the 3-storey height limit along the part of the Subject Land that directly abuts residential properties, combined with the requirement to comply with ResCode's Amenity Impact provisions, provides appropriate protection of their 'backyard character'.

^[139] The nearest land to the Subject Land affected by the heritage overlay is on the far side of the Elsternwick Primary School, some 100m away. I do not consider that development of the Subject Land in accordance with the proposed DPO would unreasonably impact on the heritage values of that precinct.

6.5 Commercial Uses

- ^[140] A small number of submissions raise concerns with the proposed rezoning to MUZ because they are not supportive of commercial uses. They consider that it is not in keeping with the character of the neighbourhood and believe that it will adversely impact the residential areas.
- ^[141] The MUZ is a residential zone, albeit one that allows some non-residential uses. The proposed DPO supports the incorporation of small scale retail, commercial or community uses to meet the needs of the local community provided they are appropriately located and designed. I support this, to provide amenity for residents and as a way of integrating the development with the broader community.

6.6 Safety and Security

- ^[142] A number of submissions raise concerns about the potential for future antisocial behaviour and crime caused by improper design and layout of the development.
- ^[143] Any development of the Subject Land will need to comply with the existing planning provisions, which include requirements and guidelines to ensure the creation of a safe public realm (for example, clause 15.01 and the Urban Design Guidelines for Victoria).

7.0 Conclusion and Recommendations

^[144] In summary, I strongly support the proposed Amendment to facilitate the renewal of the New Street Estate. It will enable the upgrading of and an increase in social housing, and enhance the integration, quality and ‘normalisation’ of the Estate.

^[145] I consider that the scope of the proposed DPO Schedule is appropriate, and I support most of its provisions from an urban design perspective. However, I recommend the following refinements:

1. Amend the Development Concept Plan to show the northern internal connection aligned more directly with Salisbury Street.
2. Amend the Development Concept Plan to show a public path along the Elster Creek interface.
3. Delete the development plan requirement for ‘*a legible vehicle circulation system within the site*’.
4. Include a minimum area for the proposed new open space within the Subject Land of 1,500m².
5. Amend the requirement for reasonable levels of sunlight to internal open space areas from 21 June to the September equinox.
6. Amend the schedule to require the built form in a development plan to be ‘***generally in accordance with the Development Concept Plan***’.
7. Reconfigure the areas within the Development Concept Plan and the associated maximum height table to create:
 - a 3-storey area alongside the northeast boundary, approximately 18m wide;
 - a 4-storey area at Brickwood street, approximately 20m wide; and
 - a 6-storey area on the balance of the Subject Land.
8. Amend the development plan requirement for new canopy trees to include the Elster Creek reserve alongside the Subject Land.
9. Increase the street setback in Interface Treatment A to 4m.
10. Increase the street setback in Interface Treatment B to 7m and amend the section to show a fourth level set back a further 2m from those below.
11. If my recommendation 7 is adopted, remove the ‘additional height’ from the Interface Treatment B section and Interface Treatment C requirement.

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-five 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. I am the author of '*Essentials of Urban Design*' (CSIRO, 2015).

Expertise to prepare this report

In addition to my work on social housing estates outlined in the Introduction, I have been involved in the design and assessment of numerous activity centre and urban infill projects 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;
- Built form controls for the Brunswick Major Activity Centre, Port Melbourne and Ormond Road, Elwood; and
- Numerous independent urban design assessments of planning scheme amendments to inform Panel hearings.

Other significant contributors

I was assisted in the preparation of this report by Vincent Pham (Planner) of David Lock Associates.

Instructions which define the scope of this report

I am engaged by the Department of Health and Human Services.

I have received written instructions from Norton Rose Fulbright Australia, including various documents relating to the proposal.

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

Facts, matters and assumptions relied upon

- Inspection of the subject land and surrounding area; and
- Review of planning controls and policies affecting the area.

Documents taken into account

- Bayside Planning Scheme Amendment C157 documentation;
- Revised version of proposed DPO3 dated 31 October 2017;
- The Bayside Planning Scheme and reference documents;
- Design Framework, Public Housing Renewal Project, New Street Estate prepared by Baumgart Clark Architects dated July 2017;
- 3D Impressions prepared by Orbit Visualisations, dated 01/09/17;
- Survey plans prepared by Land Management Surveys;
- Existing and proposed open space calculations provided by Message Consultants;
- Submissions to Planning Scheme Amendment C157;
- Homes for Victorians (Victoria State Government 2017); and
- Various correspondences relating to the proposed development.

Summary of opinions

Refer to the conclusion of this statement (Section 7).

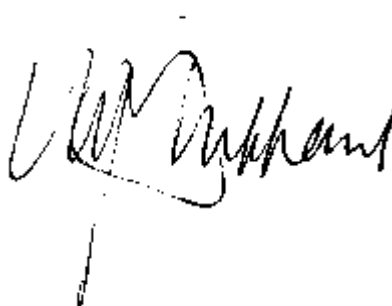
Provisional Opinions

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 Panel.

A handwritten signature in black ink, appearing to read 'Mark Sheppard', with a vertical line drawn below it.

Mark Sheppard



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