



Glen Eira Amendment C155

East Village

Expert Urban Design Evidence

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Instructed by

Planning and Property Partners

On behalf of

Various Landowners

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1.0 Introduction

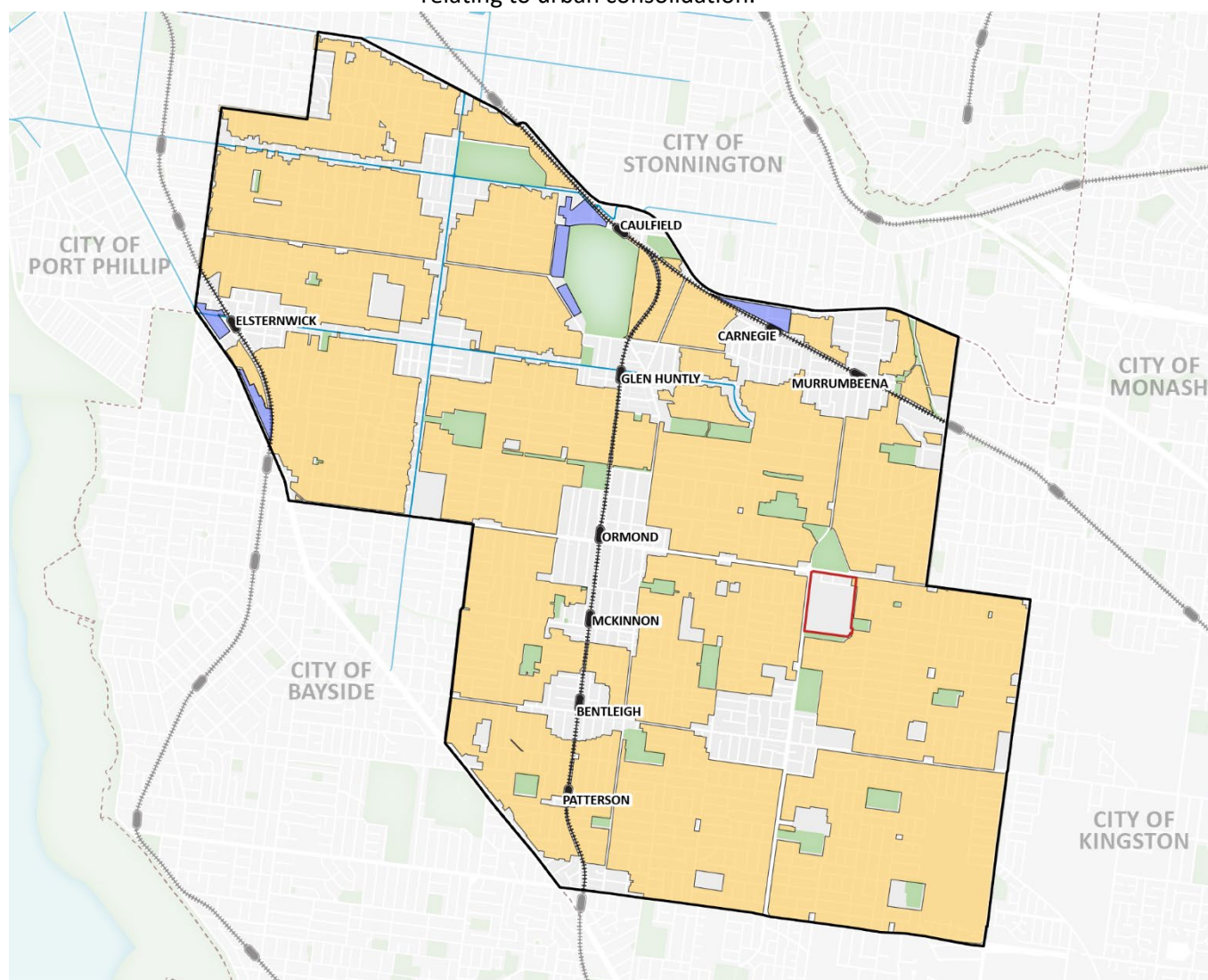
- [1] I am a Principal of town planning and urban design consultants David Lock Associates (Australia) Pty Ltd. I hold qualifications in architecture and urban design. I have thirty years' professional experience and have practised exclusively in the field of urban design since 1993. Further details of my qualifications and experience are outlined in Appendix A.
- [2] In October 2019, I was requested by Planning & Property Partners, on behalf of a number of landowners, to provide an urban design assessment of proposed Amendment C155 to the Glen Eira Planning Scheme. I had no prior involvement in the land or its potential development.
- [3] Most of the proposed urban design provisions are contained within the Comprehensive Development Zone – Schedule 2 (CDZ2) and Comprehensive Development Plan (CDP). Therefore, my evidence is primarily focused on the provisions of these documents.
- [4] In forming my opinion, I have considered three versions of CDZ2 and the CDP. In this statement of evidence, I refer to these as follows:
- the publicly exhibited Comprehensive Development Zone – Schedule 2 (CDZ2) and CDP – “**Exhibition Version.**”
 - Council’s preferred ‘Day 1’ version of CDZ2 and the CDP, which I understand represents Council’s position – “**Council Version**”; and
 - the Landowners’ version of the CDP and CDZ2 – “**Landowner Version**”.
- [5] I note that the East Village Structure Plan is contained at section 5 of the CDP. I do not consider that this document adds any valuable explanation to the CDP. Therefore, I consider that it should be removed, as proposed in the Landowner version of the CDP.
- [6] I have organised this statement of evidence as follows:
- Strategic Context
 - Urban Structure
 - Built Form Provisions
 - Overshadowing of Public Realm
 - Street Design and Landscaping
 - Conclusions and Recommendations.

RECOMMENDATION 1: REMOVE THE EAST VILLAGE STRUCTURE PLAN FROM THE CDP.

2.0 Strategic Context

- [7] *Plan Melbourne 2017-2050* seeks the creation of 20-minute neighbourhoods that support a variety of lifestyles, an increase and diversification of housing stock, an increase in the supply of affordable housing, design excellence, and improved access to jobs (refer to Directions 1.2, 2.2, 2.3, 2.5, 3.3, 4.3, 5.1 and 5.2).
- [8] This is reiterated within State and local planning policies. In particular, policies encourage increased development within established areas of Metropolitan Melbourne and along the Principal Public Transport Network area (PPTN), new housing within areas with access to appropriate infrastructure, and the creation of well-designed places that are safe, distinctive and memorable (refer to Clauses 11.01-1R, 15.01-4R, 16.01-2R, 18.02-2R, 21.03 and 21.04-1).
- [9] However, these policies need to be considered alongside other objectives that encourage new development to respond to the local context and neighbourhood character, and minimise detriment to the surrounding neighbourhood (refer to Clauses 11.01-1R, 15.01-2S, 21.03 and 21.04).
- [10] Various aspects of the Amendment Land make it well suited to respond to these broader themes, particularly those relating to urban consolidation, as summarised below:
- The Amendment Land is located within the established suburb of East Bentleigh with access to existing infrastructure including public transport, goods and services.
 - The Amendment Land is large, presenting a substantial opportunity to accommodate future employment and housing growth.
 - The readiness of the Amendment Land for redevelopment presents an opportunity for comprehensive and coordinated development that responds to policy aspirations.
 - The Amendment Land only has one direct residential interface, which gives it greater flexibility to accommodate significant growth while avoiding unreasonable impacts on residential amenity.
 - The absence of substantial vegetation within the Amendment Land presents an opportunity to define a new landscape character suited to the new development.
 - The presence of existing public parks at the southern and southeastern edges of the Amendment Land offer an opportunity to integrate them with each other and the new precinct.

[11] Looking across Glen Eira as a whole, this is one of only six large-scale urban renewal opportunities. Given that approximately 70% of the municipality is zoned NRZ, it is critical that development of these opportunities is optimised in order to deliver on State and local policy relating to urban consolidation.



LEGEND

- | | |
|---|--|
|  AMENDMENT AREA |  URBAN RENEWAL AREAS |
|  COUNCIL BOUNDARY |  EXTENT OF NEIGHBOURHOOD RESIDENTIAL ZONE |
|  STATION AND RAIL LINE |  PUBLIC OPEN SPACE |
|  TRAM LINE | |

[12] However, development within the Amendment Land also needs to respond to the following constraints:

- The eastern boundary abuts residential backyards, requiring new development at this interface to avoid unreasonable off-site amenity impacts.
- The southern boundary abuts Virginia Park, requiring new development at this interface to contribute to its activation and safety, while avoiding unreasonable overshadowing.
- The northern edge of the Amendment Land is affected by the Special Building Overlay and a large electrical substation in the west.
- The existing movement network within the Amendment Land is poorly integrated with the surrounding network.

[13] In summary, the Amendment Land presents a rare opportunity within Glen Eira for comprehensive urban renewal to deliver on State and local policy. Its public transport accessibility, size and limited constraints support substantial development. However, development should also respond appropriately to the Land's sensitive interfaces and contribute to the creation of an inviting public realm and good internal amenity within the development.

3.0 Urban Structure

[14] This chapter provides an assessment of the aspects of the Amendment that establish the future, overarching structure of the precinct.

3.1 How prescriptive should the planning framework be?

[15] The redevelopment of the Amendment Land is likely to take more than 10 years given its size, existing occupiers and relatively immature market from a higher order employment perspective. The mix of business types and nature of workspace in Melbourne are changing. Therefore, it is impossible to predict exactly what types of business and workspace will be sought by the market in the medium term.

[16] The same might be said to a lesser degree about retail space and housing.

[17] In this context, it is important that the planning framework for the Amendment Land is flexible enough to support the needs of these uses into the future.

[18] The CDP defines the following elements of the future urban structure:

- A street network, including existing and new streets
- Precincts, each of which have different land use and built form provisions
- New public open spaces, each of which have different solar access requirements

[19] The CDP also includes a Vision which contains commentary about uses.

[20] The Exhibition and Council versions of the CDZ schedule require an application for subdivision or buildings and works to include “A written statement that sets out how the (subdivision or development) **implements the (CDP)**” (my emphasis). The Council version of the CDZ schedule introduces a new requirement that “A permit for buildings and works **must be in accordance with the (CDP)**” (my emphasis).

[21] The Exhibition and Council versions of the CDP require “A planning permit application and permit (to) **implement the outcomes of the CDP**” (my emphasis). The CDP is also referred to in decision guidelines.

[22] These provisions imply that the CDP is a suite of mandatory requirements from which variation is impermissible. I do not consider that this provides the flexibility that is needed given the medium-long term nature of the redevelopment.

[23] The Landowner version of the CDZ amends the requirement relating to applications for subdivision or buildings and works to “A written statement

that sets out how the (subdivision or development) generally implements and is (generally) in accordance with the (CDP)" (my emphasis).

- [24] The Landowner version of the CDP amends the requirement for permit applications and permits to requiring "A planning permit application and permit (to) **be generally in accordance with the CDP**" (my emphasis). It also introduces the word "generally" in relation to the adherence or compliance required with the Vision, Objectives, Requirements and Guidelines. This is consistent with the approach taken by all versions of the CDZ in relation to land use and exemptions from notice and review in the same clause at clause 2.0, and subdivision at clause 3.0, which adopt the phrase "generally in accordance with" in relation to the CDP.
- [25] Given the need for flexibility in relation to redevelopment within the Amendment Land, I consider the changes proposed in the Landowner versions of the CDZ schedule and CDP to be appropriate.

RECOMMENDATION 2: ADOPT THE LANDOWNER-PROPOSED CHANGES TO THE CDZ SCHEDULE AND CDP IN RELATION TO THE EXTENT TO WHICH PERMIT APPLICATIONS AND PERMITS NEED TO MANDATORILY COMPLY WITH THE CDP.

3.2 Vision

- [26] The Amendment Land is currently primarily an industrial and business park. The current DPO schedule (DPO2) seeks to create an office park environment, with freestanding buildings in a landscaped setting (while providing opportunities for existing industrial development and activity).
- [27] The Amendment seeks to implement a new vision for the precinct, outlined in the CDP, which imagines a much broader range of uses, including residential, retail and community, in addition to employment. It also envisages a more urban character, with buildings defining urban streets and spaces (including new public spaces).
- [28] I consider that, in general, the CDP Vision is appropriate, because it will facilitate the creation of an environment that is more attractive to contemporary businesses whose employees seek a vibrant and diverse public realm with a wide range of shops, hospitality and services. It will also respond to State and local policy seeking additional and more diverse and affordable forms of housing. Further, the development of an activity centre and a new school will help to realise the ambition of 20-minute neighbourhoods by bringing shops, services and education closer to where people live.
- [29] The CDP Vision alludes to the location of uses within the precinct. This includes residential uses at the eastern and southern edges of the Land,

which I consider to be appropriate given their interfaces with existing residential neighbourhoods. It also includes the location of the proposed school, which I consider to be acceptable given that the Department of Education and Training has either proposed or accepted it.

[30] However, the Vision also specifies commercial buildings at the western and northern edges of the Land. The rationale for being this specific is not clear. I am not aware of an urban design or planning reason why there could not be retail and/or residential uses in these parts of the site, as part of mixed-use development. Therefore, I recommend refining the Vision to remove limits on the particular uses in these locations.

[31] The Vision statement in the Exhibition and Council versions of the CDP also refers to specific types of employment space, including *“innovative employment”*, *“small creative businesses and industries at the ground and lower floors”*, *“small scale production style tenancies”* and *“large scale commercial floor spaces that allow for the production of goods and services”*. Given the need for flexibility in relation to redevelopment within the Amendment Land—particularly in relation to employment uses and workspace types—I consider that the Vision should be less specific about these matters, while maintaining the intent of diversity of employment space. The changes proposed in the Landowner version of the CDP Vision go part-way to achieving this.

RECOMMENDATION 3: REFINE THE CDP VISION TO REMOVE LIMITS ON THE PARTICULAR USES AT THE WESTERN AND NORTHERN EDGES OF THE AMENDMENT LAND, AND BE LESS SPECIFIC ABOUT TYPES OF EMPLOYMENT USE AND SPACE.

3.3 Street network

[32] CDP Plan 1 – Future Urban Structure sets out the proposed future street network.

[33] The CDZ schedule removes the exemption from notice and review for a subdivision application *“that proposes to move a street, public open space or trail shown on any plan in the (CDP) from one lot to another in different ownership”*.

[34] Higher density urban precincts should have a grid of interconnected streets spaced approximately 70-100m apart to facilitate development and provide permeability, legibility and well distributed traffic. The street network shown in the proposed Future Urban Structure will generally deliver this outcome, except:

- The proposed north-south street just east of East Boundary Road terminates at the existing sub-station. I consider that this street

should be extended past the eastern edge of the substation to join with Murra Street/ Griffith Avenue.

- An additional north-south connection is needed through the Mixed Use Sub-precinct between North Drive and South Drive to improve the permeability of the development and, in particular, provide a more direct connection to the proposed school. However, I note that Design Guideline DG4 seeks a public, open-air pedestrian link in this general location, which is also illustrated in the Town Centre Concept Plan.

[35] The precise alignment of these streets should not be fixed by the planning framework, as the block sizes should be flexible enough to respond to the needs of the particular uses that are ultimately proposed. The changes proposed in the Landowner versions of the CDZ and CDP in relation to the extent to which permit applications and permits need to comply with the CDP will provide this flexibility. Alternatively, new streets and links could be removed from the Future Urban Structure plan, and replaced with a performance requirement for new streets and links.

[36] If new streets are retained in the Future Urban Structure plan, I consider that the proposed pedestrian link through the Mixed Use sub-precinct between North Drive and South Drive should be shown given its importance to the movement network.

[37] The Local Access Street (16.0m) runs along the eastern boundary of the Land. This is not a preferred location for a street given that it abuts the back fences of existing townhouses to the east, and it is not necessary from a permeability perspective. Therefore, if this street is not required for another reason (such as drainage) I consider that it should be deleted.

RECOMMENDATION 4: IN THE CDP FUTURE URBAN STRUCTURE PLAN, EXTEND THE PROPOSED NORTH-SOUTH STREET JUST EAST OF EAST BOUNDARY ROAD TO THE NORTH PAST THE EASTERN EDGE OF THE SUBSTATION TO JOIN WITH MURRA STREET/ GRIFFITH AVENUE, AND ADD THE PROPOSED PEDESTRIAN LINK THROUGH THE MIXED USE SUB-PRECINCT BETWEEN NORTH DRIVE AND SOUTH DRIVE; OR DELETE THE NEW STREETS IN THIS PLAN AND INTRODUCE A PERFORMANCE REQUIREMENT REGARDING NEW STREETS AND LINKS.

RECOMMENDATION 5: IN THE CDP FUTURE URBAN STRUCTURE PLAN, DELETE THE LOCAL ACCESS STREET (16.0M) UNLESS IT IS REQUIRED FOR A NON-TRANSPORT REASON.

3.4 Sub-precincts

[38] CDP Plan 1 – Future Urban Structure sets out seven sub-precincts. Each of these sub-precincts has different land use and built form provisions.

- [39] As noted above, I consider there to be a clear rationale behind the location of the residential sub-precincts, and accept that the Department of Education and Training has set the location of the school. However, it is not clear what the rationale is for precluding residential uses from the western and northern flanks of the Amendment Land, or why a permit should be required for retail uses in these locations or in the Mixed Use sub-precinct where it has a leasable floor area exceeding 150m². In other words, it is not clear what the purpose is of distinguishing the commercial, mixed use and retail precincts from each other (at least from a land use perspective).
- [40] By way of illustration, it is not clear why the activity centre should not be allowed to extend to one or both main roads, which would give it the kind of exposure traditionally of benefit to retail uses. Similarly, it is not clear why there could not be mixed-use buildings incorporating apartments on, say, East Boundary Road (opposite dwellings). In a credible alternative scenario, the activity centre could line both sides of North Drive and extend to East Boundary Road, the land to its north could form a coherent business precinct, and the land to its south could form a mixed-use precinct.
- [41] I appreciate that the sub-precincts follow the plan proposed by the draft East Village Urban Design Report (2017) prepared by MGS Architects. However, that report simply identifies one way in which the precinct could be developed, not the only way. The Aecom Peer Review confirms that the draft Urban Design Report does not contain a clear rationale that would warrant the planning framework 'locking in' this spatial arrangement of uses as the only one that should be allowed.
- [42] Given that the CDP can only be amended through a planning scheme amendment, I consider that it should be more flexible in relation to uses, to enable alternative spatial arrangements to be considered. It is difficult to imagine what harm might be done by different configurations, such as those listed above, that would warrant their preclusion at this early stage in the planning process.
- [43] One reason for the restrictions proposed in relation to uses in the commercial precincts may be the desire to ensure a minimum amount of employment use. The rationale for this is clear. However, if this is the case, I consider that the proposed approach is a somewhat 'blunt instrument' for achieving this end. If a desire for a minimum amount of employment space is the primary rationale for the residential use restrictions in the Commercial sub-precincts, I recommend exploring an alternative mechanism that does not fix the employment space to a particular location.

- [44] The proposed retail restrictions may be designed to ensure the creation of a coherent activity centre. This could be addressed by retaining an indicative location for the Retail Sub-precinct in the Future Urban Structure plan, along with restrictions on the development of retail space elsewhere within the Amendment Land in the CDZ schedule, but adding a provision clearly indicating that the location and form of the centre may be changed in response to an alternative master plan for the precinct.
- [45] Therefore, I recommend refining the CDZ schedule and CDP to provide greater flexibility in relation to the location of purely employment and activity centre sub-precincts.

RECOMMENDATION 6: REFINE THE CDZ SCHEDULE AND CDP TO PROVIDE GREATER FLEXIBILITY IN RELATION TO THE LOCATION OF PURELY EMPLOYMENT AND ACTIVITY CENTRE SUB-PRECINCTS.

3.5 Open space

- [46] CDP Plan 1 – Future Urban Structure defines the location and shape of proposed future open spaces within the Amendment Land.
- [47] The extension of Marlborough Street Reserve to Cobar Street is logical, as is the general location of the proposed park on East Boundary Road to incorporate retained trees. However, the location and shape of the proposed Central Park and Town Square relate to one possible configuration of development within the Mixed Use and Retail sub-precincts. As noted above, I consider that the planning framework should allow for alternative configurations.
- [48] One way in which this could be achieved would be for the Central Park and Town Square to be removed from the Future Urban Structure plan, and replaced with a requirement for a park of at least 1 ha located centrally within the precinct, and a town square of at least 1500m² located within the activity centre. Alternatively, a provision could be introduced clearly indicating that the location and form of these two spaces may be changed in response to an alternative master plan for the precinct.

RECOMMENDATION 7: REFINE THE CDP TO PROVIDE GREATER FLEXIBILITY IN RELATION TO THE LOCATION AND FORM OF CENTRAL PARK AND THE TOWN SQUARE.

4.0 Built Form

4.1 Introduction

- [49] The CDP contains built form provisions for each sub-precinct in Table 1. The Council version of the CDP proposes to remove the word “*generally*” from Requirement R3, whereas the Landowner version proposes to replace the word “*must*” with “*should*”. I do not consider that there is a sufficiently robust or precise rationale to justify the mandatory inference of the Council version, and recommend adopting the Landowner version.
- [50] However, I assume that it was not intended that Table 1 only apply to residential development, as per the Exhibition version, but rather that this was an error. I consider that it is appropriate for the CDP to contain broad built form provisions for all types of development.
- [51] This chapter summarises my assessment of the built form provisions with a focus on the heights and setbacks in Table 1. In general, I consider that the other Requirements and Guidelines are appropriate, except where noted below.

RECOMMENDATION 8: ADOPT THE LANDOWNER VERSION OF THE CDP REQUIREMENT/ GUIDELINE AT THE BEGINNING OF SECTION 2.2, EXCEPT THAT THE WORD “RESIDENTIAL” SHOULD BE DELETED.

4.2 Commercial sub-precincts

- [52] The Commercial sub-precincts face North Road and East Boundary Road. North Road is approximately 30m wide and its opposite side is occupied by parkland including active sporting facilities. East Boundary Road is approximately 40m wide and its opposite side is largely occupied by low-rise detached houses in land zoned NRZ.
- [53] Table 1 specifies a maximum height of 4 storeys in the Commercial sub-precincts. This is consistent with the current DPO schedule. It also specifies a maximum height of 6 storeys for “*a gateway site*”, but such a site is not identified or defined except in the Retail sub-precinct.
- [54] I consider that 4 storeys (approximately 16m) is inappropriately low in the Commercial West sub-precinct given the width of East Boundary Road and the rare opportunity afforded by the Amendment Land to accommodate growth. I consider that building heights of 5 storeys, which would only represent approximately half the width of that road, would be acceptable.
- [55] I consider that 4 storeys is also inappropriately low in the Commercial North sub-precincts given the width of North Road and the lack of sensitivity of the parkland opposite (to its north). I consider that building heights of 7 storeys, which would still only represent approximately two-

thirds of the width of that road, would be acceptable. (Notably, this is still lower than the 8-10 storeys currently provided for in the centre of the Amendment Land.)

[56] Provided that applications and permits are only required to be generally in accordance with the CDP, I consider that this allows sufficient discretion for slightly taller buildings to be approved at 'gateway' locations without the need for this to be separately specified.

[57] If my recommendation regarding the proposed restrictions on residential uses is adopted, I further recommend that the proposed maximum building heights be translated to metres to account for the differences in storey heights of commercial and residential buildings. I note that this approach is already adopted in the Council version of the CDP. However, I consider that the height in metres should replace the height in storeys, not be in addition to them.

[58] Table 1 also contains guidelines generally seeking a zero street setback in these sub-precincts. I consider that it is appropriate for buildings to be built close to the street in these sub-precincts, to define and activate the public realm. However, I consider the provision seeking 50% of the frontage along East Boundary Road to be indented 3m to be unnecessarily prescriptive. I consider that design guideline G9 is sufficient to achieve the aim of well-articulated frontages.

RECOMMENDATION 9: INCREASE THE MAXIMUM BUILDING HEIGHTS IN THE CDP TO 5 STOREYS IN THE COMMERCIAL WEST SUB-PRECINCT AND 7 STOREYS IN THE COMMERCIAL NORTH SUB-PRECINCTS. IF MY RECOMMENDATION 6 IS ADOPTED, TRANSLATE THE MAXIMUM BUILDING HEIGHTS TO METRES AND DELETE THE MAXIMUM HEIGHTS IN STOREYS.

RECOMMENDATION 10: DELETE THE CDP GUIDELINE SEEKING 3M INDENTS ALONG EAST BOUNDARY ROAD.

4.3 Mixed Use and Retail Centre

[59] Table 1 specifies a maximum height of 8 storeys in the Mixed Use and Retail sub-precincts, transitioning down towards the two residential sub-precincts. This is lower than the current DPO schedule, which provides for buildings up to 10 storeys in the centre of the precinct. However, I consider that 8 storeys is an appropriate maximum height for a suburban activity centre of this nature (provided applications are only required to be generally in accordance with this guideline, giving flexibility for some variation, as proposed by the Landowner version of the CDZ schedule and CDP).

[60] The table also seeks a 5m street setback above a 3-storey podium. I consider that this is an appropriate podium scale for the local streets.

However, I consider that the wider connector streets (including North Drive) can accommodate 4-storey podia, whose height would still be well below the width of the street. This would better define and activate the wider streets, and lessen the visual presence of the upper form. Notably, unlike infill development in a traditional 'high street' activity centre, there is no existing lower-rise valued character (or heritage values) for new development to respond to. Therefore, I recommend that the guideline be amended to provide for this.

- [61] The table also seeks a separation of 12m between 'tower' forms. I consider this to be an appropriate separation between buildings of this scale.
- [62] Requirement R4 seeks at least 4m ground floor setbacks from the town square sub-precinct to provide for footpath trading and presumably dining. I assume this simply seeks setbacks from the town square itself, rather than from a 'sub-precinct'. In any event, this is a very unusual proposal. It is much more conventional for the built form in an activity centre to define the boundary between private and public land, and 'public' activities such as footpath trading and presumably dining to occur on public streets or spaces. What is proposed is akin to a traditional colonnade. However, this is only one way in which the interface between activity centre buildings and adjoining public realm can be designed. Further, a successful colonnade relies on a number of specific design measures that are not specified in the CDP.
- [63] I do not consider it appropriate to prescribe a colonnade solution. Instead, I consider that this Requirement should be replaced with a Guideline that encourages consideration of a colonnade instead of a more conventional building frontage.
- [64] The CDP includes a Town Centre Concept Plan. The caption to this plan describes it as a "*preferred outcome*", although it acknowledges that variations which are generally in accordance with the rest of the CDP may be appropriate. The Landowner version of the CDP amends this phrase to "*one possible outcome*". I consider that this better reflects the nature of the plan.

RECOMMENDATION 11: INCREASE THE MAXIMUM PODIUM HEIGHTS IN THE CDP TO 4 STOREYS FRONTING CONNECTOR STREETS IN THE MIXED USE AND RETAIL SUB-PRECINCTS.

RECOMMENDATION 12: REPLACE CDP REQUIREMENT R4 WITH A GUIDELINE ENCOURAGING CONSIDERATION OF A COLONNADE TREATMENT FRONTING THE TOWN SQUARE.

RECOMMENDATION 13: AMEND THE CAPTION TO THE TOWN CENTRE CONCEPT PLAN IN THE CDP IN ACCORDANCE WITH THE LANDOWNER VERSION.

4.4 Residential sub-precincts

- [65] Table 1 specifies a maximum height of 3 storeys in the Residential sub-precincts. The Landowner version of the CDP increases the height in the Residential South sub-precinct to 4 storeys.
- [66] The Residential East sub-precinct abuts land zoned NRZ1, which has a mandatory maximum height of 2 storeys. I consider that an increase in height of one storey is an appropriate response.
- [67] The Residential South sub-precinct abuts Virginia Park, which is approximately 55m wide, beyond which is land zoned NRZ1. I consider that the separation of the sub-precinct from the adjacent residential neighbourhood by the park would ensure that 4-storey development does not have any adverse impacts on the existing dwellings to the south. The slightly taller development would provide increased passive surveillance of the park, and enable more residents to benefit from overlooking it. The solar access provisions would ensure it does not result in unreasonable overshadowing. Therefore, I recommend that the increased height be adopted.
- [68] Table 1 also contains a 3m front setback provision for these sub-precincts. I consider that this is an appropriate setback for contemporary medium-density residential development which will contribute to street activation and privacy, while using land efficiently.
- [69] However, I agree with the proposal in the Landowner version of the CDP to delete reference in Guideline G14 to providing secluded private open space with the ground floor rear setback, because I consider that alternative forms of secluded private open space, such as balconies, are acceptable. Further, ResCode already contains standards relating to the provision of private open space, which need not be duplicated here.
- [70] The Exhibition and Council versions of the CDP contain 'Rear boundaries' provisions for setbacks from abutting residential land outside the precinct. This only applies to the Residential East sub-precinct. In any event, given that the CDZ schedule requires residential development under 5 storeys to meet the requirements of clause 55, it is unclear why different and more onerous setback provisions are required.

^[71] The Landowner version of the CDP deletes these setback provisions. I consider that this is appropriate given the lack of justification for the additional provisions.

RECOMMENDATION 14: ADOPT THE LANDOWNER VERSION OF THE MAXIMUM BUILDING HEIGHT FOR THE RESIDENTIAL SOUTH SUB-PRECINCT IN THE CDP.

RECOMMENDATION 15: DELETE THE SECOND SENTENCE OF CDP GUIDELINE G14, AS PER THE LANDOWNER VERSION.

RECOMMENDATION 16: DELETE THE RESIDENTIAL SUB-PRECINCT 'REAR BOUNDARIES' PROVISIONS IN CDP TABLE 1, AS PER THE LANDOWNER VERSION.

5.0 Overshadowing of the Public Realm

5.1 Introduction

- [72] Clause 4.0 of the proposed CDZ schedule contains requirements relating to ‘Overshadowing of Public Realm.’ These controls are generally repeated at section 2.2.5 of the CDP. It is not clear why this is the case. I recommend that they be deleted from the CDP to avoid repetition and risk of conflict between them.
- [73] It is appropriate for the planning framework to contain controls that seek to avoid unreasonable shadowing of the public realm, as solar access is an important part of the amenity that will attract businesses, residents and visitors. However, shadow controls constrain development. Given that one of the proposed purposes of this precinct is to encourage intensive development of the land, it is important that an appropriate balance is struck between these two objectives. A different balance may be appropriate in different parts of the public realm, depending on their role.
- [74] The Exhibition and Council versions of the CDZ schedule and CDP contain provisions using the words “must” and “should”. The former do not appear to be mandatory, so it is unclear what is intended by the distinction.

RECOMMENDATION 17: DELETE THE OVERSHADOWING PROVISIONS AT REQUIREMENT R8 OF THE CDP.

5.2 Central Park and Town Square

- [75] The Exhibition and Council versions of the CDZ schedule and CDP seek to avoid any overshadowing of Central Park and more than 20% of Town Square between 10am and 3pm at the September equinox, and any shadowing beyond that cast by a 15m high building to their north and west between 11am and 2pm at the winter solstice.
- [76] I consider that it is appropriate to protect solar access to Central Park and Town Square, as they will be the primary recreation spaces for the precinct. However, it is important to consider the potential impact of the proposed shadow controls, taking into account the fact that these spaces may not ultimately be precisely in the form and adjoined by buildings as shown on the Future Urban Structure plan.
- [77] Shadow Analysis undertaken by MGS Architects indicates that for development on the north side of Central Park to comply with the September equinox provision, it would need to be set back at least 8m beyond the proposed paper road at 3 storeys high, and a further 3.1m per floor beyond that. It also shows that the winter solstice provision would

require upper levels to be substantially set back. I consider that this would detract from the definition and activation of the park otherwise sought by the CDP. It may also detract from the feasibility of upper floors given their much-reduced floorplate depths.

- [78] Central Park is proposed to be at least 1 ha in area. I consider that it is not necessary for all of it to be in full sun at the September equinox. Indeed, a mix of sun and shade is desirable. The proposed Town Square shadow provisions allow up to 20% of that space to be shadowed between 10am and 3pm at the September equinox. I consider that this approach would be even more appropriate for Central Park, given its size.
- [79] MGS' analysis indicates that otherwise compliant built form would shadow less than 20% of Central Park at the September equinox and approximately 50% at the winter solstice. In other words, adoption of a '20% rule' at the September equinox would also ensure approximately half the park is in full sun at the winter solstice. I consider that this is an acceptable outcome for this 'worst case' day of the year.
- [80] The shadow analysis indicates that compliant built form would also comply with the proposed September equinox shadow provision for the Town Square, taking advantage of the '20% rule', and very nearly comply with the winter solstice provision.
- [81] Therefore, I recommend deleting the winter solstice provision and including the '20% rule' as part of the September equinox provision for Central Park. This recommendation is adopted in the Landowner version of the CDZ schedule and CDP.

RECOMMENDATION 18: ADOPT THE LANDOWNER VERSION OF THE CENTRAL PARK AND TOWN SQUARE OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

5.3 North and South Drive

- [82] The Exhibition and Council versions of the CDZ schedule and CDP seek to avoid any overshadowing beyond the southern kerbline of North Drive and South Drive between 10am and 3pm at the September equinox.
- [83] I consider that it is appropriate to protect solar access to the southern footpath of North Drive, as it is intended to be the 'mainstreet' of the activity centre. However, 11am to 2pm is the period typically adopted for an activity centre street, because it represents the times when people are most commonly dining outdoors. It is not clear why a broader period is proposed.

- [84] It is also not clear why solar access should be protected to the southern footpath of South Drive, which is not intended to be a primary space for recreation or dining.
- [85] The Shadow Analysis undertaken by MGS indicates that for development on the north side of North Drive to comply with the proposed provision, it would need to be set back beyond the setback otherwise required above 5 storeys. This may detract from the feasibility of upper floors given their much-reduced floorplate depths.
- [86] However, if the period is reduced to 11am to 2pm, and the provision refers to pedestrians rather than the kerb, it is likely that only the top floor need to be further set back. Therefore, I recommend that this provision be amended accordingly.

RECOMMENDATION 19: AMEND THE NORTH DRIVE AND SOUTH DRIVE OVERSHADOWING PROVISION IN THE CDZ SCHEDULE TO: “DEVELOPMENT SHOULD MAINTAIN SOLAR ACCESS TO PEDESTRIANS ON THE SOUTHERN FOOTPATH OF NORTH DRIVE AS IDENTIFIED IN THE EAST VILLAGE COMPREHENSIVE DEVELOPMENT PLAN, DECEMBER 2018 BETWEEN 11AM AND 2PM ON 22 SEPTEMBER”.

5.4 Virginia Park and Marlborough Street Reserve

- [87] The Exhibition and Council versions of the CDZ schedule and CDP seek to avoid any overshadowing of Virginia Park and Marlborough Street Reserve for at least 5 hours on the September equinox.
- [88] I consider that it is appropriate to protect solar access to these parks because they will provide valuable recreation for the local community. However, as development may lie directly north of them in places, it is important to understand what impact this could have on building form.
- [89] The Shadow Analysis undertaken by MGS indicates that for development at the southern end of the Commercial West sub-precinct to comply with the proposed provision, its lower two levels are likely to be set back approximately 6.6m, its third level would need to be set back approximately 10m and a fourth level more than 13m. Only slightly lesser setbacks would be required at the southern edge of the Residential East sub-precinct.
- [90] I consider that this would detract from the definition and activation of the parks otherwise sought by the CDP. Given the size of these parks, I do not consider that a modest degree of overshadowing would unreasonably detract from their amenity. Notably, the existing buildings at the southern edge of the precinct already overshadow Virginia Park at the September equinox.

- [91] The MGS analysis indicates that otherwise compliant buildings would only shadow less than 5% of the two parks. Therefore, adopting a '20% rule', or similar, would enable the preferred built form without unreasonable detriment to the amenity of the parks. Alternatively, shadow equivalent to that cast by a 2 or 3-storey wall at the edge of each park could be allowed, similarly to what is currently proposed around Central Park and Town Square at the winter solstice.
- [92] The Landowner version of the CDZ schedule adopts the same shadow provision for Virginia Park as it proposes for Central Park and Town Square—no more than 20% between 10am and 3pm at the September equinox. I consider that this is an appropriate outcome for the reasons given above.

RECOMMENDATION 20: ADOPT THE LANDOWNER VERSION OF THE VIRGINIA PARK AND MARLBOROUGH STREET RESERVE OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

5.5 General overshadowing provisions

- [93] The Exhibition and Council versions of the CDZ schedule and CDP seek to avoid shadowing of more than 25% of any open space identified in CDP Plan 2 between 11am and 2pm at the winter solstice.
- [94] The only spaces identified in CDP Plan 2 for which there are not other overshadowing provisions (discussed above) are Gateway Park and the Barrington Street Link. I understand that North Drive is now proposed to run along the northern edge of Gateway Park. I consider that this will provide sufficient protection of solar access to it. The Barrington Street Link is only a small space that will provide pedestrian access between Barrington Street and Marlborough Street Reserve. It is unlikely to be a significant recreation space given the proximity of much larger parks.
- [95] I consider that the September equinox shadow provisions for the other open spaces, discussed above, will provide sufficient winter solstice solar access protection.
- [96] Therefore, I do not consider that this provision is necessary.
- [97] The Exhibition and Council versions of the CDZ schedule and CDP also seek to avoid "*any unreasonable shadows over other public parks and gardens, pedestrian routes including streets and lanes and private owned but publically accessible spaces*". I consider that the key spaces for which overshadowing protection is appropriate are already addressed by other provisions, and further controls such as this one will unnecessarily

constrain development. In addition, the lack of definition of what level of shadowing is 'reasonable' will make this provision difficult to administer.

^[98] Therefore, I do not consider this provision to be appropriate.

RECOMMENDATION 21: DELETE THE FINAL TWO OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

6.0 Street Design and Landscaping

- [99] The CDP defines the cross-section of each street type, and contains further provisions about the detailed design of the public realm, including landscaping. I consider that it is appropriate for the CDP to contain such guidance, provided the flexibility afforded by the phrase 'generally in accordance with' is applied.
- [100] However, I query whether it is necessary to specify tree species in a document such as this (see Guideline G38). The Landowner version of the CDP introduces the phrase "such as" in Guideline G38. I agree with this change to provide appropriate level of flexibility.
- [101] I have been asked to consider alternative cross-sections prepared by the Landowners for Connector Road, Local Access Street and Local Access Street – Eastern Boundary.
- [102] The Landowner Connector Road cross-section integrates the nature strip and kerbside car parking, and separates the 2-way bike path into separate bike paths on each side of the street. One footpath is also wider. The overall cross-section is 4m narrower.
- [103] In principle, I consider that a narrower road cross-section is appropriate because it makes more efficient use of land and will create a more 'intimate' and less road-dominated urban environment. I consider that it is appropriate to integrate the nature strip and kerbside car parking in an urban context such as this, particularly as CDP Requirement R9 requires street trees at regular intervals.
- [104] The Landowner Local Access Street cross-section adopts narrower nature strips that are 2.1m wide. The resulting cross-section is 1.5m narrower, which approximately equates to the proposed podium height. Given the requirement for upper levels to be set back 5m from the street boundary, I consider that this would result in an acceptable relationship between the building height at the street edge and the width of the street.
- [105] The Landowner Local Access Street – East Boundary is proposed to replace the Local Access Street (16.0m), which runs along the eastern boundary of the Land. I have recommended that this street be deleted unless it is needed for a non-transport reason (see Recommendation 5).
- [106] The Landowner cross-section deletes the bike path. I do not consider that this is an appropriate location for a bike path, as it would have limited passive surveillance given the back fences to the east. Further, CDP Plan 3 shows the bike path in Cobar Street rather than this street.
- [107] The Landowner version also widens the western footpath, introduces a footpath on the eastern side and incorporates two nature strips large

enough to accommodate trees, rather than just one. If this road is retained, I consider that these changes are appropriate.

RECOMMENDATION 22: ADOPT THE LANDOWNER VERSION OF CDP GUIDELINE G38.

RECOMMENDATION 23: ADOPT THE LANDOWNER STREET CROSS-SECTIONS.

7.0 Conclusions and Recommendations

- ^[108] In conclusion, I consider the broad thrust of the Amendment to enable a higher-density, mixed-use redevelopment of the Land to be highly appropriate. This will capitalise on a rare opportunity within Glen Eira for comprehensive urban renewal to deliver on State and local policy.
- ^[109] I consider that the proposed planning framework will ensure appropriate responses to the Land's sensitive interfaces and contribute to the creation of an inviting public realm and good internal amenity within the development.
- ^[110] However, I recommend a number of refinements to the CDZ schedule and CDP, partly in order to ensure that the planning framework is flexible enough to enable development to respond to alternative master plans and changes in the nature of employment, housing and retail. These recommendations are listed below.

RECOMMENDATION 1: REMOVE THE EAST VILLAGE STRUCTURE PLAN FROM THE CDP.

RECOMMENDATION 2: ADOPT THE LANDOWNER-PROPOSED CHANGES TO THE CDZ SCHEDULE AND CDP IN RELATION TO THE EXTENT TO WHICH PERMIT APPLICATIONS AND PERMITS NEED TO COMPLY WITH THE CDP.

RECOMMENDATION 3: REFINE THE CDP VISION TO REMOVE LIMITS ON THE PARTICULAR USES AT THE WESTERN AND NORTHERN EDGES OF THE AMENDMENT LAND, AND BE LESS SPECIFIC ABOUT TYPES OF EMPLOYMENT USE AND SPACE.

RECOMMENDATION 4: IN THE CDP FUTURE URBAN STRUCTURE PLAN, EXTEND THE PROPOSED NORTH-SOUTH STREET JUST EAST OF EAST BOUNDARY ROAD TO THE NORTH PAST THE EASTERN EDGE OF THE SUBSTATION TO JOIN WITH MURRA STREET/ GRIFFITH AVENUE, AND ADD THE PROPOSED PEDESTRIAN LINK THROUGH THE MIXED USE SUB-PRECINCT BETWEEN NORTH DRIVE AND SOUTH DRIVE; OR DELETE THE NEW STREETS IN THIS PLAN AND INTRODUCE A PERFORMANCE REQUIREMENT REGARDING NEW STREETS AND LINKS.

RECOMMENDATION 5: IN THE CDP FUTURE URBAN STRUCTURE PLAN, DELETE THE LOCAL ACCESS STREET (16.0M) UNLESS IT IS REQUIRED FOR A NON-TRANSPORT REASON.

RECOMMENDATION 6: REFINE THE CDZ SCHEDULE AND CDP TO PROVIDE GREATER FLEXIBILITY IN RELATION TO THE LOCATION OF PURELY EMPLOYMENT AND ACTIVITY CENTRE SUB-PRECINCTS.

RECOMMENDATION 7: REFINE THE CDP TO PROVIDE GREATER FLEXIBILITY IN RELATION TO THE LOCATION AND FORM OF CENTRAL PARK AND THE TOWN SQUARE.

RECOMMENDATION 8: ADOPT THE LANDOWNER VERSION OF THE CDP REQUIREMENT/ GUIDELINE AT THE BEGINNING OF SECTION 2.2, EXCEPT THAT THE WORD "RESIDENTIAL" SHOULD BE DELETED.

RECOMMENDATION 9: INCREASE THE MAXIMUM BUILDING HEIGHTS IN THE CDP TO 5 STOREYS IN THE COMMERCIAL WEST SUB-PRECINCT AND 7 STOREYS IN THE COMMERCIAL NORTH SUB-PRECINCTS. IF MY RECOMMENDATION 6 IS ADOPTED, TRANSLATE THE MAXIMUM BUILDING HEIGHTS TO METRES AND DELETE THE MAXIMUM HEIGHTS IN STOREYS.

RECOMMENDATION 10: DELETE THE CDP GUIDELINE SEEKING 3M INDENTS ALONG EAST BOUNDARY ROAD.

RECOMMENDATION 11: INCREASE THE MAXIMUM PODIUM HEIGHTS IN THE CDP TO 4 STOREYS FRONTING CONNECTOR STREETS IN THE MIXED USE AND RETAIL SUB-PRECINCTS.

RECOMMENDATION 12: REPLACE CDP REQUIREMENT R4 WITH A GUIDELINE ENCOURAGING CONSIDERATION OF A COLONNADE TREATMENT FRONTING THE TOWN SQUARE.

RECOMMENDATION 13: AMEND THE CAPTION TO THE TOWN CENTRE CONCEPT PLAN IN THE CDP IN ACCORDANCE WITH THE LANDOWNER VERSION.

RECOMMENDATION 14: ADOPT THE LANDOWNER VERSION OF THE MAXIMUM BUILDING HEIGHT FOR THE RESIDENTIAL SOUTH SUB-PRECINCT IN THE CDP.

RECOMMENDATION 15: DELETE THE SECOND SENTENCE OF CDP GUIDELINE G14, AS PER THE LANDOWNER VERSION.

RECOMMENDATION 16: DELETE THE RESIDENTIAL SUB-PRECINCT 'REAR BOUNDARIES' PROVISIONS IN CDP TABLE 1, AS PER THE LANDOWNER VERSION.

RECOMMENDATION 17: DELETE THE OVERSHADOWING PROVISIONS AT REQUIREMENT R8 OF THE CDP.

RECOMMENDATION 18: ADOPT THE LANDOWNER VERSION OF THE CENTRAL PARK AND TOWN SQUARE OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

RECOMMENDATION 19: AMEND THE NORTH DRIVE AND SOUTH DRIVE OVERSHADOWING PROVISION IN THE CDZ SCHEDULE TO: "DEVELOPMENT SHOULD MAINTAIN SOLAR ACCESS TO PEDESTRIANS ON THE SOUTHERN FOOTPATH OF NORTH DRIVE AS IDENTIFIED IN THE EAST VILLAGE COMPREHENSIVE DEVELOPMENT PLAN, DECEMBER 2018 BETWEEN 11AM AND 2PM ON 22 SEPTEMBER".

RECOMMENDATION 20: ADOPT THE LANDOWNER VERSION OF THE VIRGINIA PARK AND MARLBOROUGH STREET RESERVE OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

RECOMMENDATION 21: DELETE THE FINAL TWO OVERSHADOWING PROVISIONS IN THE CDZ SCHEDULE.

RECOMMENDATION 22: ADOPT THE LANDOWNER VERSION OF CDP GUIDELINE G38.

RECOMMENDATION 23: ADOPT THE LANDOWNER STREET CROSS-SECTIONS.

Appendix A: Summary of Experience & 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 thirty 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 Publishing, 2015).

Expertise to prepare this report

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 Victoria Street and Bridge Road in Richmond, the Brunswick Major Activity Centre, Port Melbourne and Ormond Road, Elwood; and
- Numerous independent urban design assessments of development proposals and planning scheme amendments to inform Panel hearings.

Other Significant Contributors

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

Instructions which define the scope of this report

I am engaged by Fordtrans Pty Ltd, Griffith Avenue Pty Ltd and Make EBRB Pty Ltd.

I have received verbal and written instructions from Planning & Property Partners and various documents relating to the proposal.

Facts, matters and assumptions relied upon

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

Documents taken into account

- The Glen Eira Planning Scheme and reference documents;
- Publicly exhibited Amendment C155 material which includes various technical and background reports;
- Various versions of the Comprehensive Development Plan and Comprehensive Development Zone – Schedule 2 including:
 - *The publicly exhibited version of both documents, prepared by Glen Eira City Council, as part of Amendment C155;*

- *The Council preferred 'Day 1 Panel' of both documents, prepared by Glen Eira City Council, dated 23 October 2019;*
- *A track changed version of both documents, prepared by the landowners;*
- Various urban design reports prepared by MGS Architects Pty Ltd including:
 - *Conceptual Masterplan East Village Urban Design Report (draft), dated November 2017;*
 - *Shadow Analysis – 15108_East Village, dated 8 October 2019 (Project Number 19001);*
 - *Further Built Form Analysis dated 13 November 2019*
- East Village Structure Plan 2018-2031 dated October 2018, prepared by Glen Eira City Council;
- Analysis of Shadow Controls, Dwelling Capacity and Employment Capacity – East Village dated December 2018, prepared by Glen Eira City Council;
- Authorisation letter for Amendment C155 dated 30 October 2018, prepared by the Department of Environment Land Water and Planning (DELWP);
- Directions Hearing letter dated 1 November 2019, prepared by DELWP;
- Glen Eira City Council Special Council meeting agenda and minutes dated 23 October 2018;
- Glen Eira City Council meeting agenda and meetings, dated 23 October 2019; and
- Various correspondences relating to the planning scheme amendment.

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 does not address questions outside my area of expertise, and 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 Committee.

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

Appendix B: Urban Context



Aerial of the Amendment Area (shown in red) and surrounding (Source: Nearmaps with emphasis)

The following aspects of the Amendment Land and its physical context are most notable from an urban design perspective:

- The Land is approximately 24.58ha in area, currently occupied by a mix of warehouses ranging between 1-2 storeys in height, and generally devoid of landscaping.
- The Land is located on the south-east corner of North Road and East Boundary Road. Both of these roads are arterial roads (zoned Road Zone Category 1).

- The Land is within the Principal Public Transport Network area. It has access to a number of bus routes including 630 (along North Road), 627 (along East Boundary Road) and 830 (along Marlborough Street). It is situated approximately:
 - *2km east of Ormond station;*
 - *2.2km south of Murrumbeena Station;*
 - *3.5km west of Huntingdale Station;*
- The Land is proximate to existing public open spaces including:
 - *Duncan MacKinnon Reserve (with across from North Road);*
 - *Marlborough Street Reserve (immediately east) which is accessible via Marlborough Street;*
 - *Virginia Park (immediately south) which spans the full length of the block and is accessible via multiple streets;*
- The land surrounding the site is predominantly zoned Neighbourhood Residential – Schedule 1 (NRZ1), and comprises a mix of detached and attached 1-2 storey dwellings, with some industrial warehouses to the north (zoned Industrial 1 Zone).



View looking west along North Road



View looking east along North Road



View of Cobar Street



View of Carey Street



View of Murra Street



View of North Road, generally in front of the Amendment Land looking east



View of Duncan MacKinnon Reserve generally opposite the Amendment Land



View of the Amendment Land, generally, when standing on East Boundary Road



View of North Drive



View of dwellings generally opposite of the Amendment Land along East Boundary Road



View of when standing generally in the centre of Virginia Park looking west towards East Boundary Road



View of Barrington Street looking east towards Marlborough Street



View of Marlborough Street looking north towards North Road



View of dwellings at 27 Dromana Avenue that back onto the Amendment Land



View of Marlborough Reserve



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