

18 BRAHE PLACE, EAST MELBOURNE

URBAN DESIGN EXPERT EVIDENCE

on behalf of
Andrew Swanson

in the matter of
Application for Review P1053/2011

to be heard by
Victorian Civil and Administrative Tribunal

on
1-4 August 2011

Mark Sheppard

July 2011



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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 am an urban designer with qualifications in architecture and urban design, and twenty-one years' professional experience, including eighteen focused solely on urban design. Further details of my qualifications and experience are outlined in Appendix A.
- [2] In March 2011, I was engaged by Andrew Swanson to provide an independent urban design assessment of a development proposal for 18 Brahe Place, East Melbourne, for the purpose of informing its review at VCAT. This is my statement of evidence.
- [3] Following my initial assessment of the Application Plans, I recommended setting the proposed development back from the northern boundary, to enable some landscaping and to avoid reliance on adjoining airspace for adequate internal amenity. This was addressed in the Amended Plans, which now show a minimum 800mm setback.
- [4] The key urban design issues in this matter are the potential impacts of the proposed development on the amenity of neighbouring properties and their future development potential.
- [5] Therefore this statement is structured under the headings of **Off-site Amenity Impacts** and **Equitable Development**.
- [6] I defer to the evidence of Graeme Butler and Helen Lardner in relation to the impact of the proposal on the heritage character of the area.
- [7] The proposal does not raise any streetscape character issues as it is largely hidden from view from the public realms of Garden Avenue and George Street. No backyard character issues are raised as the adjoining properties do not have traditional secluded private open
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spaces within their rear setbacks.

- [8] I have summarised the key aspects of the physical and policy context of the site from an urban design perspective in Appendix B and C.



2.0 Off-site Amenity Impacts

2.1 Visual Bulk

[9] 18 Brahe Place, the site of the proposed building, adjoins residential development at 21-27 and 29 George Street, and 12 and 6 Garden Avenue.

[10] Given that the site is within an inner urban higher density area, it would not be reasonable for adjoining occupiers to expect to retain the open outlook they currently enjoy over the site.

[11] 21-27 George Street, trading as the Georgian Court B&B, has an open car park in its southern setback abutting the site. Two of the suites are oriented at least partly to the south while the majority are oriented to the east or west.

[12] The proposed development is 10m from the rear of the southernmost units. As demonstrated in the photomontage below, the northern facade is well articulated by varied materials, fenestration and balconies. It is screened by plantings and the top floor is set back a further 2m. As a result I do not consider that it will represent an unreasonable level of visual bulk when viewed from the B&B to the north.



Photomontage showing the articulation of the proposed development's northern facade

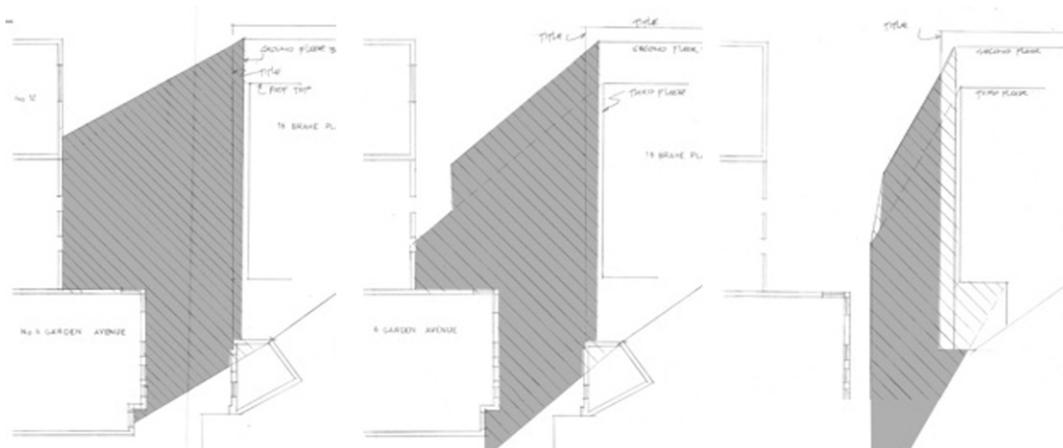
- [13] 29 George Street has a private open space in its south eastern corner between the side property boundaries of 21-27 George Street and 12 Garden Avenue. The proposed development is setback 3m from the private open space behind a 2.7m high brick wall and over 10m from the nearest habitable room window in the existing apartment building at 29 George Street. Views of the proposed development from within the private open space will be oblique ones of the northern and western facades which are well articulated by varied materials, fenestration and balconies plus screened by landscaping. As a result I do not consider that it will represent as an unreasonable level of visual bulk when viewed from the north west.
- [14] 12 Garden Avenue has a communal service area to its rear. The three rear apartments are oriented to the east. The proposed development is 9.3m from the rear of these easternmost units. The western facade is also well articulated by varied materials, fenestration, an entry stairwell feature and balconies. As a result I do not consider that it will represent as an unreasonable level of visual bulk when viewed from the west.
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[15] 6 Garden Avenue has a communal service area to its rear abutting the site. The proposed development is situated 4.7m from the rear apartments. The three rear apartments currently have views to the west and north. These apartments will retain their views to the west and north. Views to the east and south east from habitable rooms are currently screened by obscure glazing. In the event that the obscure glazing was removed, upper level apartments would gain views to the south east.

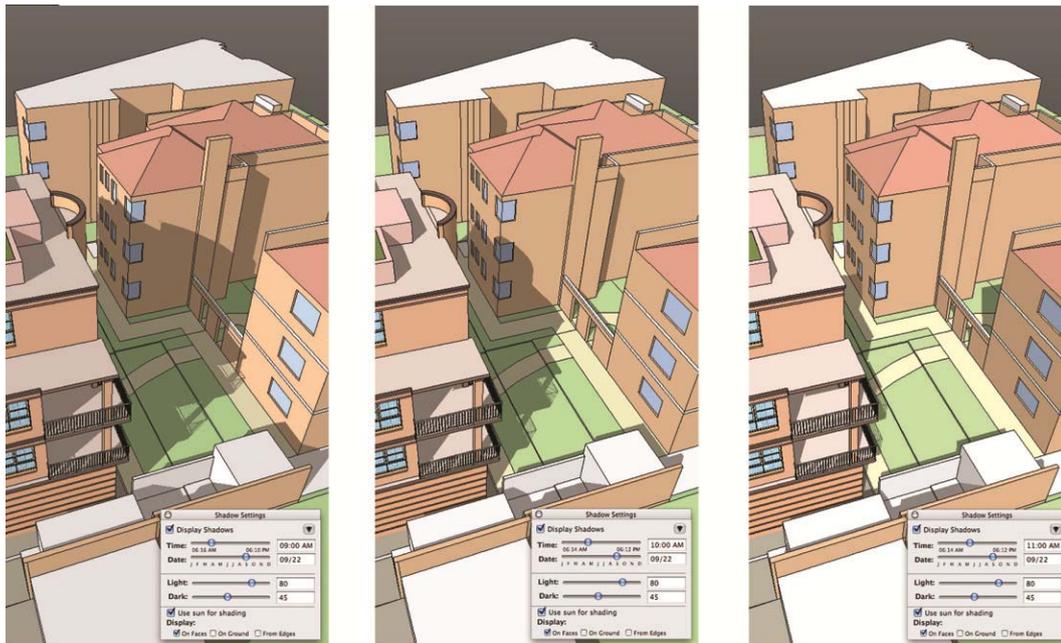
[16] Therefore, I do not consider that there will be an unreasonable level of visual bulk in views from 6 Garden Avenue.

2.2 Overshadowing

[17] The shadow diagrams prepared by the architect indicate that the proposed development will not overshadow the adjoining apartments to the south west after approximately 11 am at the equinox. This is further illustrated in the additional plans and 3d views below which I sought from the architect. I consider this to be an acceptable level of overshadowing in an inner urban location.



Plans showing overshadowing of 6 Garden Ave at 9, 10 and 11am at the equinox



3d views showing overshadowing of 6 Garden Ave at 9, 10 and 11am at the equinox

2.3 Overlooking

- [18] The proposed development incorporates windows and balconies within 9m of the private open space at the rear of 29 George Street and the habitable room windows at the rear of 6 Garden Avenue.
- [19] Overlooking of 29 George Street is proposed to be precluded by frosted glass screening to 1.7m on the balconies of apartments 1 and 4.
- [20] Existing obscure glass on the east-facing windows of 6 Garden Avenue currently preclude overlooking. However, should this obscure glazing be removed in the future, screening would be required to the west facing windows and balconies of Apartments 3, 6 and 8.

[21] **In summary, I consider that the proposed development will not cause any unreasonable off-site amenity impacts on neighbouring properties.**



3.0 Equitable Development

[22] All of the properties abutting the site are strata titled apart from the B&B at 21-27 George Street. It is unlikely that any of these strata titled properties will be redeveloped in the future. In addition, the heritage status of the surrounding buildings will further limit their potential for redevelopment.

[23] The only adjoining property with any real potential for redevelopment is the rear of 21-27 George Street.

[24] The proposed development is only set back 800mm from the common boundary with this property. However, I do not consider that this will unreasonably prejudice any future development of it due to:

- The much greater north-south dimension of 21-27 George Street compared with that of the subject site, and therefore its ability to contribute a greater share of any 'breathing space' required between the two developments;
- the likelihood that the future development form on the George Street site would be oriented to face the east or west, rather than towards the site, minimising the chance of a substantial southern setback or screening being needed to avoid overlooking; and
- the fact that the site is south of 21-27 George Street, avoiding any overshadowing impacts.

[25] Further, given the highly constrained nature of the subject site, I consider that it would be inappropriate to further limit its redevelopment potential on the basis of the chance that the adjoining heritage property might be redeveloped.



[26] **In summary, I consider that the proposed development will not unreasonably limit the redevelopment potential of surrounding properties.**



4.0 Conclusion

- [27] In conclusion, I consider that the proposed development should be supported from an urban design perspective.
- [28] The proposal will not unreasonably impact on the amenity of surrounding properties or unreasonably prejudice their future redevelopment potential.
- [29] Further, the proposed development will contribute positively to the goal of urban consolidation in a location with excellent public transport accessibility, close to the Bridge Road Major Activity Centre and relatively close to the Melbourne CBD.



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 AND EXPERIENCE

Qualifications:

- 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 twenty-one years' experience in private practice with various architecture and urban design consultancies in New Zealand, England and Australia, including eighteen years solely practising Urban Design.

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 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, Carlisle Street Balaclava, Central Dandenong, South Melbourne, St Albans and Footscray
- Guidelines for Buildings over Three Storeys in Moreland
- Numerous independent urban design assessments of development proposals to inform VCAT hearings

INSTRUCTIONS WHICH DEFINED THE SCOPE OF THIS REPORT

I am engaged by Andrew Swanson.

I have received verbal and written instructions from Kellock Town Planning, and various documents relating to the proposal.

I have been requested to give expert evidence in relation to the key urban design aspects of the development proposal.



FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

- Inspection of the review site and surrounding area
- Review of planning controls and policies affecting the area

DOCUMENTS TAKEN INTO ACCOUNT

- The Melbourne Planning Scheme and Reference Documents;
- Original Application Plans 1289-TP1-5 prepared by Mattingley Courtney Architects and dated August 2010;
- Amended Plans 1289-TP1-6 prepared by Mattingley Courtney Architects and dated June 2011;
- Photomontages prepared by Jan Matuszczak Pty Ltd, dated 7 July 2011;
- Landscape Plan prepared by Habitat, dated June 2011;
- Council officer report, dated 25 February 2011;
- Notice of Refusal to Grant a Permit dated 15 March 2011;
- Statements of Grounds; and
- Various correspondences relating to the application.

SUMMARY OF OPINIONS

Refer to the conclusion of this statement (section 4).

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

Appendix B: Urban Context



Location of subject site



Subject site viewed from Brahe Place

^[30] Notable aspects of the site and its context from an urban design perspective include:

- the site's location close to the central city;
- the sites location adjacent the Bridge Road Major Activity Centre;
- the proximity to trams along Wellington Parade and to Jolimont Station, 450m to the west;
- the Residential 1 zoning of the site;
- the East Melbourne and Jolimont Precinct Heritage Area and Overlay;

- the consistent built form character of Garden Avenue apartment buildings consisting of 3 storey brick buildings within a formal garden setting;



The consistent built form of Garden Avenue

- pedestrian access to the site via the walkway between Nos. 12 and 6 Garden Avenue;
- the vehicular access to the site from George Street via Brahe Place;
- the site's immediate surroundings, including:
 - The 3-storey apartment building at No. 12 Garden Avenue to the immediate west of the site,
 - The 3-storey apartment building at No. 6 Garden Avenue to the south west of the site,



No. 12 (left) and No. 6 (right) Garden Ave framing the site

- The railway cutting, mature Peppercorn trees and easement to the south-east,
- The 2 and 3 storey apartment buildings at Nos. 21-27 and 29 George Street to the north; and



Composite view of 21-27 (right) and 29 (left) George Street from the subject site

- The significant level difference along the northern boundary of the site.



Appendix C: Policy Framework

From an urban design perspective, the key planning controls, policies, and Incorporated and Reference Documents in the Melbourne Planning Scheme, and other relevant planning documents, are:

ZONES & OVERLAYS

Clause 32.01: Residential 1 Zone (R1Z)

The purpose of the zone is to provide for residential development at a range of densities and to encourage development that respects the neighbourhood character.

Clause 43.01: Heritage Overlay (HO2), East Melbourne and Jolimont Precinct

Seeks to conserve and enhance heritage places. A permit is required to construct a building and external paint controls apply in this precinct.

Clause 43.02: Design and Development Overlay Schedule 21 (DDO21), Area 20

Seeks to enhance the importance of Wellington Parade as a key approach to central Melbourne and minimise the visual impact and overshadowing effect of buildings on Yarra Park. The policy limits building height on the site to 24m in order to achieve this.

SPPF

Clause 11.02: Urban Growth

Seeks to ensure a sufficient supply of residential land through the consideration of urban consolidation potential in existing areas. Encourages neighbourhood character and landscape to be considered when planning for urban growth.



Clause 11.04: Metropolitan Melbourne

Directs development to increase levels of housing in established residential areas.

Clause 15.01: Urban Environment

Encourages development to respond appropriately to its context. Promotes good urban design to make the environment more liveable and attractive and contribute positively to local urban character while minimising detrimental impact on neighbouring properties.

Clause 16.01: Residential Development

Seeks to increase the supply of housing in existing urban areas by increasing housing yield in appropriate locations, including under-utilised urban land. Planning should provide for housing diversity, including affordable housing.

MSS

Clause 21.05: City Structure and Built Form; and

Requires that the height, scale, mass and bulk of new development preserve the existing character of areas, except where a new built form character has been explicitly identified. A new built form character has not been explicitly identified for this area of East Melbourne.

Clause 21.08-5: East Melbourne and Jolimont.

Expresses the vision for East Melbourne and Jolimont as maintaining the generally low scale, heritage residential areas whilst accommodating very limited residential growth. Development in residential areas should be sensitively designed so as to maintain the generally low scale nature of heritage streetscapes and buildings.



LOCAL PLANNING POLICIES

Clause 22.05: Heritage Places Outside the Capital City Zone; and

Seeks to ensure that new development makes a positive contribution to the built form and amenity of the area and is respectful to the architectural, social or historic character and appearance of the streetscape and the area. It provides guidance on building heights and setbacks, facade patterns and colour, materials and detailing.

Clause 22.17: Urban Design Outside the Capital City Zone.

Seeks to ensure that in areas where there is an established and valued built form character, new development respects this character and adds to the overall quality of the urban environment.

REFERENCE DOCUMENTS

Guidelines for Higher Density Residential Development (DSE 2004)

Provide 'better practice' design advice for higher density residential development that promotes high quality public and private amenity and good design.

Safer Design Guidelines for Victoria (DSE 2005)

Facilitate the planning and design of safer urban environments for all Victorian communities.

Urban Design Charter for Victoria (DPCD 2009)

Encourages best practice urban design throughout Victoria structured around 12 principles. It seeks to make cities and towns throughout Victoria more liveable through high quality urban design.



OTHER DOCUMENTS

Amendment C162

This amendment proposes to update the existing Melbourne MSS. It identifies the site as being in a 'Stable Area' where the height, mass and scale of new buildings: respond to their context including the prevailing neighbourhood and heritage character; do not undermine the significance of any identified Heritage Place or Precinct; and ensure that the amenity of adjoining properties is not adversely affected.