Expert Witness Statement
Urban Design Evidence

Bayside City Council
Amendment C126
Small Activity Centres Strategy

Victoria Cook

21 November 2018
Prepared by:

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1.0 Statement of Evidence

This report has been prepared on behalf of Bayside City Council (Council). This report was prepared at the request of Maddocks who are acting on behalf of Council.

This report provides urban design advice relating to Council’s Planning Scheme Amendment C126, which seeks to update planning controls within the Scheme to give effect to the Small Activity Centres Strategy (SACS).

The urban design advice contained in this report relates to the previous work completed in December 2017 by Echelon Planning and Catalyst Development Services (CDS) on the Bayside Small Activities Centres – Urban Design and Built Form Review as well as the re-exhibited C126 Amendment and the brief prepared by Maddocks on behalf of Council.

I note that both Echelon Planning and CDS have been asked to provide expert witness statements and to appear at the upcoming planning panel on behalf of Council. Ms Sarah Ancell will be providing the expert witness statement on behalf of Echelon Planning. As both Echelon Planning and CDS participated in the Bayside Small Activities Centres – Urban Design and Built Form Review, I will comment on the urban design matters herein and for planning matters, I refer to Ms Sarah Ancell’s expert witness statement.

1.1 Qualifications and Expertise

My name is Victoria Cook and I am an Urban Designer who has been working in the development industry for over 11 years as both an Urban Designer and as a Development Manager.

I have both public and private sector experience in Urban Design after working at Lend Lease, the GAA/MPA and Villawood Properties.

I have been involved in the design and delivery of many communities throughout Queensland and Victoria including over 10 master planned communities, 25 town centres and the forward planning and design of communities in the growth areas of Melbourne.

Specific projects I have been involved in from an urban design perspective include:

- Springfield Lakes – Lend Lease (QLD);
- Varsity Lakes – Lend Lease (QLD);
- Woodlands – Lend Lease (QLD);
- Yarrabilba – Lend Lease (QLD);
- Caroline Springs – Lend Lease (VIC);
- Harpley – Lend Lease (VIC);
- The design of a range of town centres in the growth areas of Melbourne – Growth Areas Authority/Metropolitan Planning Authority (VIC);
- Aspire – Villawood (VIC);
- Aquarevo – Villawood (VIC);
• Mount Atkinson – CDS (VIC);
• Hazelwyne – CDS (VIC);
• Bayside Small Activities Centres Strategy – Echelon Planning and CDS (VIC); and
• Pentridge Masterplan Review – Echelon Planning and CDS (VIC).

My expertise is in the following areas:

• Visioning and strategy development of a variety of projects across Melbourne;
• Managing and the delivery of trading residential communities;
• Design and construction management;
• Design in sloping environments (particularly in QLD);
• Local Town Centre policy and design;
• Urban design – specifically residential development and town centres; and
• Place making and public space design.

I have a Bachelor of Built Environment (Honours) and a Masters of Urban and Regional Planning (Honours) from the Queensland University of Technology. Both degrees focused on Urban Design studies.

I am the recipient of the 2007 UDIA Dr Paula Whitman’s Future Leader Award and the 2015 UDIA Outlook and ID_Land Young Professional Awards.

I am a member of the Urban Land Institute (ULI) and currently hold a position on the UDIA Innovation, Sustainability and Technology Committee.

1.2 Instructions to Define Scope of Works

As requested by Maddocks in a memo received 8 November 2018, I have been engaged by Maddocks on behalf of Council to act as an expert witness at a Planning Panel Hearing for Amendment C126 on Thursday 29 November and to prepare an Expert Witness Statement, which addresses the following from an urban design perspective:

1. Explain the background and purpose of the Bayside Small Activities Centres – Urban Design and Built Form Review in the context of the Small Activities Centres Strategy 2014 and provide detail regarding:
   • The methodology used;
   • Key findings;
   • Overall recommendations; and
   • The basis upon which the recommendations were made.

2. Demonstrate an understanding of the Amendment C126 documentation and how the findings of the Small Activity Centres Strategy, 2014 and the Bayside Small Activities Centres – Urban Design and Built Form Review has informed the policy and planning control changes.
3. Evaluate the exhibited Amendment and provide an opinion on whether the recommendations of the SACS and the Bayside Small Activities Centres – Urban Design and Built Form Review are reflected in the Amendment, as relevant to my field of expertise.

4. Detail the planning/urban design merit of the proposed planning controls and policy changes.

5. Review the submissions that raise issues in my field of expertise and provide an opinion in relation to those submissions, as relevant to my field of expertise.

6. Consider the adjustments made by Council to the post-exhibition documentation as relevant to my field of expertise.


1.3 Documents Reviewed

As part of the preparation for this report I have reviewed the following information/documents provided by Maddocks as part of the brief:

- Maddocks brief dated 8 November 2018;
- Bayside Small Activities Centres – Urban Design and Built Form Review (December 2017) by Echelon Planning and CDS;
- Bayside Planning Scheme Amendment C126 Explanatory Report - June 2018;
- Exhibited Design Development Overlays (DDOs) 13, 14, 15, 16, 17 and 19 - June 2018;
- Council summary of submissions table from C126 Amendment - July 2018;
- Post exhibited DDOs 13, 14, 15, 16, 17 and 19 (track changes) - November 2018; and
- Planning Practice Note 60 – Heights and setback controls for activity centres (September 2018) DELWP.

1.4 Other Material Referenced

In addition to the above information, several other documents and information sources were reviewed in the preparation of this Witness Evidence Statement including:

- Bayside Small Activity Centres Strategy – June 2014 and the Bayside Small Neighbourhood Activity Centres – Urban Design Assessment and Guidelines (2012);
- Site visit notes and photographs from August 2017 site visits;
- Site visit notes and photographs from November 2018 site visits;
- Email correspondence and meeting notes between Echelon Planning and Council between June 2018 and December 2017; and
• Email correspondence with Maddocks to confirm scope of works November 2018.

1.5 Summary

The following is a summary of my opinions in relation to the principal matters that I have addressed in this statement:

• I believe, from an urban design perspective, that council has adopted the majority of the recommendations from the Bayside Small Activities Centres – Urban Design and Built Form Review including the majority of the recommendations relating to height, setbacks and notations to be included on the Concept Plans for the SNACs.

• I have reviewed the urban design merit of C126 and believe that the urban design principles recommended from the Bayside Small Activities Centres – Urban Design and Built Form Review have been incorporated.

• I generally support the changes made to setbacks and heights within C126 from an urban design perspective. I note Ms Sarah Ancell’s Witness Statement provides more commentary on the planning perspective of the heights and setbacks within the C126 amendment.

• I generally support the changes made to the post exhibition version of Amendment C126, with the following exceptions (note the below comments relate to the Concept Plans contained within the post exhibition of the Design and Development Overlays (DDOs)):
  o DDO13 – Concept Plans (General Comment)
    ▪ Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
  o DDO14 – Concept Plans (General Comment)
    ▪ Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
    ▪ Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’.
  o DDO14 – Bluff Road and Spring Street, Sandringham Concept Plan
    ▪ Remove ‘provide passive surveillance’ label from southern boundary of centre.
  o DDO15 – Concept Plans (General Comment)
    ▪ Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’.
    ▪ Amend label on Concept Plans from ‘4 storey street wall’ to ‘up to 4 storey street wall’.
  o New Street and Bay Street Brighton Concept Plan
    ▪ Amend the Concept plan to remove 307 New Street from the Concept Plan.
    ▪ Amend the Concept Plan to include 311 and 313 New Street.
• **DD016 – Urban Form Concept Plan**
  - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
  - Amend Concept Plan to show properties permitted to include a third storey (western side of Hawthorn Road).
  - Amend 778 Hawthorn Road, to show where the fourth storey height element may be considered for this property.

• **DDO17 - Concept Plans (General Comment)**
  - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’.

• **DDO19 – Concept Plan**
  - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
  - Amend height labels and categories to the following:
    - A – 5 storey height limit
    - B – 4 storey height limit
    - C – 3 storey height limit
    - D – 2 storey height limit
  - Amend the Concept Plan to reflect the following height categories and locations.
This report is an urban design opinion of the C126 Amendment and related exhibition submissions and changes to the Amendment documentation post exhibition.

This report covers:

The topics raised by Maddocks in their brief and specifically looked at the following items relating to centres defined as Small Neighbourhood Activity Centres (SNACs) within the exhibited Amendment C126 from an urban design perspective:

- Heights;
- Setbacks;
- Street wall heights;
- Built Form outcomes;
- Significant physical features (such as views);
- Active frontages;
- Neighbourhood character; and
- Design controls from an urban design perspective only within the re-exhibited Design Development Overlays (DDO).

This report does not take into consideration:

- Detailed analysis of overlooking and overshadowing, solar access or any additional environmental considerations;
- Zoning;
• Potential architectural responses on specific development sites;
• The potential future growth of centres;
• Any properties which are not located within the defined SNAC;
• Traffic and parking; and
• Gaming venues.

I have reviewed the C126 Amendment information, from an urban design perspective, and will appear at the panel hearing alongside Ms. Sarah Ancell from Echelon Planning. It is recommended that this Expert Witness Statement be read in conjunction with the Expert Witness Statement prepared by Ms. Sarah Ancell.

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

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21 November 2018
2.0 Urban Design Advice for Amendment C126 - SNACs

2.1 Background and purpose of SACS – Urban Design and Built Form Review

Echelon Planning and CDS were engaged by Council in July 2017 to undertake an urban design review of their Small Activity Centres (SAC) Strategy.

The centres were originally identified in the Bayside Small Activities Strategy (July 2014) and were subject to the proposed Planning Scheme Amendment C126 which sought to implement the strategy via a range of measures including re-zonings and the application of Design and Development Overlays (DDOs).

SACS were defined in the Bayside Small Activities Strategy (July 2014) as centres that are not Principal, Major or Large Neighbourhood Activity Centres. They are either zoned Commercial 1 or have a cluster of 3 or more retail outlets or shop premises regardless of their zoning.

The 33 centres which were considered SACs and were included within this review were (refer Figure 1):

19 Small Neighbourhood Activity Centres (centres 1 to 19):

1. Hawthorn Road Shopping Centre, Brighton East
2. East Brighton Shopping Centre, Brighton East
3. South Road Plaza, Hampton
4. Dendy Village, Brighton East
5. Bluff Road and Highett Road Centre, Hampton East
6. Buff Road and Bay Road, Sandringham/Highett
7. Bay Road and Avoca Street, Highett
8. Bay Road and Jack Road, Cheltenham
9. Bluff Road and Love Street, Black Rock
10. Seaview Shopping Centre, Beaumaris
11. Balcombe Road and Charman Road, Beaumaris
12. Balcombe Park, Beaumaris
13. Bluff Road and Edward Street, Brighton East
14. Thomas and Egan Street, Brighton East
15. Brighton Beach (Were Street) Centre, Brighton
16. Ludstone Street, Hampton
17. Keith Street and Widdop Crescent, Hampton East
18. Highett and Spring Road, Highett
19. Keys Street Shopping Centre, Beaumaris

4 Small Commercial Activity Centres (Highway Oriented) (centres 20-22 and 33)

20. Nepean Highway and North Road, Brighton East
21. Nepean Highway and Milroy Street, Brighton East
22. Nepean Highway and Union Street, Brighton East
33. Nepean Highway and Centre Road, Brighton East

10 Small Commercial Activity Centres (Mixed Use) (centres 23 to 32)

23. South Road and Esplanade Avenue and around Milano’s, Brighton
24. Beach Road and Georgiana Street, Sandringham
25. New Street and Bay Street, Brighton
26. Esplanade and Grosvenor Street, Middle Brighton
27. Hampton Street and Durrant Street, Brighton
28. Bluff Road and Spring Street, Sandringham
29. Bluff Road and Arranmore Avenue, Black Rock
30. Weatherall Road Shopping Centre, Cheltenham
31. Weatherall Road and Morey Road, Cheltenham
32. New Street and Martin Street, Brighton

Purpose

Council issued a Request for Quotation to both Echelon Planning and CDS for Minor Services being the Bayside Small Activity Centres Strategy – Urban Design Review.

The overall aim of the project was to undertake an urban design review of the existing SNAC’s as well an additional eight centres as identified by Council. As part of the review Echelon Planning and CDS were asked to provide advice as to the merit of the concepts, urban design principles and the most suitable planning controls to implement the aims for each centre.

The review was to have regard to each unique context and role of the centre, the extent of the residential development envisaged and the submissions received on the centre from the first exhibition of Amendment C126.

Specifically, the brief asked Echelon Planning and CDS to consider the existing characteristics, surrounding context, capacity for development and any further issues raised in submissions.

The scope of works was further refined as Echelon and CDS progressed through the project, which is further outlined below.

The outcome of this work was the Bayside Small Activities Centres – Urban Design and Built Form Review (December 2017).
Figure 1. SNAC locality map
Methodology

The method used to complete the *Bayside Small Activities Centres – Urban Design and Built Form Review* by Echelon and CDS is summarised below, with a particular focus on the urban design process undertaken.

1. Inception meeting with Council to review the proposed methodology and scope of works.

2. Further communication with Council regarding the extent of review for the 33 centres:
   a. A brief review of all 33 centres to identify key issues from a submission perspective. Some centres had few to no submissions made post exhibition in April 2017 whilst other centres had multiple submissions;
   b. Identification of those centres where multiple submissions were received and therefore more detailed site visits were required;
   c. Identification of those centres where concept plans may need amending;
   d. Identification from Council of centres where concept plans previously didn’t exist and would need to be produced as part of the scope of works.
   e. Recommendations on planning control frameworks, particularly with regards to design controls within the Overlays.

3. Review of background documents and C126 amendment documents to obtain the history and context of the amendment.

4. A more detailed review of the Bayside Small Neighbourhood Activity Centre Urban Design Assessments and Guidelines which contain more detailed urban design guidelines and concept plans for the SNACS (Refer figure 2).
5. A review of the Council summary of submissions which were received from the exhibition of Amendment C126 and the identification of those centres where issues were raised from an urban design perspective.

6. Identification of centres where multiple submissions were received, and a more detailed urban design analysis, in the form of a site visit, would be required (refer figure 3).
Figure 3. Bayside SNAC Urban Design Response Summary

7. Site Visits to selected centres as identified in step 6 above and an analysis of the following themes undertaken.

   a. Heights
      i. Existing heights within the centre;
      ii. Heights of existing buildings adjoining the centre;
      iii. Potential for height increases (size of lots, age of buildings, ownership patterns, inclusion of a rear laneway);
      iv. Visual impact of height increases and new development; and
      v. Building height vs amenity (particularly on arterial roads).
b. **Setbacks**
   i. Existing setbacks within the centre;
   ii. Setbacks of existing buildings (including residential) adjoining the centre;
   iii. Centre wall heights;
   iv. Potential for sites to support further development; and
   v. Impact of setbacks for new development on existing sites.

c. **Built Form outcomes**
   i. Existing built form character of the centre; and
   ii. Existing scale and density of the centre.

d. **Significant physical features**
   i. Views to, from and within the centre;
   ii. Proximity to public transport stops;
   iii. Amenity (streetscape, proximity to open space and/or local parks);
   and
   iv. Elevation.

e. **Active frontages**
   i. Existing uses within the centre and their relationship to the street;
   ii. Pedestrian relationship with ground floor uses;
   iii. Provision of on street car parking; and
   iv. Opportunities for future active frontages as part of development.

f. **Neighbourhood character**
   i. Existing SNAC character;
   ii. Existing surrounding residential character;
   iii. Impact of further development on neighbourhood character of the centre;
   iv. Walkability and connectivity of the centre;
   v. Lateral vs vertical growth; and
   vi. Opportunities for public realm improvement (where identified).

Refer Figure 4 for an example of the site analysis documentation.
8. Meeting with Council to present and discuss preliminary findings of centre review. In this meeting, Echelon and CDS:
   a. Presented the preliminary findings of the background report review;
   b. Outlined the findings of the desktop review and site visits;
   c. Confirmed which centres needed further work from an urban design perspective:
      i. Detailed review of heights and setback controls
      ii. Those centres which Council had requested concept plans be prepared or amended
      iii. At this meeting, confirmation was sought that the next steps were to prepare concept plans for specific centres only and boundaries for these concept plans were presented and confirmed. And would not:
         1. Make assumptions around the potential future development of the centre; and
         2. Assume amalgamation and consolidation of multiple sites for development opportunities in the future

9. Preparation of concept plans and guidelines for centres as identified with Council in step 8 above. Refer figure 5 below.
10. Preparation of recommendations on changes to the preliminary planning provisions proposed by Amendment C126. This was predominantly prepared by Echelon Planning with urban design input and recommendations by CDS.

11. Completion of final report, following comments from Council, in December 2017.

**Key Findings and Recommendations**

Several recommendations were made to Council as a result of the completion of the work outlined above. These recommendations are summarised below from an urban design perspective:

1. Amend wording to the exhibited Design Development Overlays (from an urban design perspective):

   - **DDO13**
     - Amend the side and rear setbacks to reflect ResCode requirements; and
     - Allow ground floor setbacks to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).

   - **DDO14**
     - Allow two to three storey heights;
     - Amend the side and rear setbacks to reflect ResCode requirements;
• DDO15
  o Allow four storey development with the option for higher height if urban design measures are met such as high design quality, site consolidation, protecting the amenity of residential properties etc
  o Amend the side and rear setbacks to reflect ResCode requirements;
  o Add a design detail to encourage site consolidation and the use of basement parking.
  o Add a design detail to encourage the retention of large floorplates on sites currently used for bulky goods if these sites are redeveloped.

• DDO16
  o Allow 2 to 3 storey heights within the centre. Specifically, third storeys should be permitted on 758-768 Hawthorn Road to allow third storey roof space conversion similar to what has already occurred within this block of shops.
  o Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).

• DDO17
  o Allow 2 to 3 storey heights with the option for higher height if urban design measures are met such as high design quality, site consolidation, protecting the amenity of residential properties etc
  o Amend the side and rear setbacks to reflect ResCode requirements;
  o Add a design detail to encourage site consolidation and the use of basement parking.
2. Changes to the application of exhibited DDOs to particular centres. Refer figure 6 below.

<table>
<thead>
<tr>
<th>Centre</th>
<th>CI26 Proposed DDO</th>
<th>Recommended DDO</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Brighton Shopping Centre, Brighton East</td>
<td>DDO16 (2 storeys)</td>
<td>Continue to apply DDO16, but amend it to allow for 3 storey development at 758.768 Hawthorn Road.</td>
</tr>
<tr>
<td>Bluff &amp; Highett Roads, Hampton East</td>
<td>DDO14 (3 storeys)</td>
<td>Continue to apply DDO14 (3 storeys) except for the Coles site where DDO15 (4 storeys) should apply.</td>
</tr>
<tr>
<td>Seaview Shopping Centre, Beaumaris</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>Thomas &amp; Egan Street, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>Keys Street Shopping Centre, Beaumaris</td>
<td>DDO17 (2 storeys)</td>
<td>Apply a modified DDO17 to allow 3 rather than 2 storeys in this centre.</td>
</tr>
<tr>
<td>New Street &amp; Bay Street, Brighton</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys)</td>
</tr>
<tr>
<td>Bluff Road &amp; Spring Street, Sandringham</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>Weatherall Road Shopping Centre, Cheltenham</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO14 (3 storeys)</td>
</tr>
<tr>
<td>Nepean Highway &amp; Union Street, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys)</td>
</tr>
<tr>
<td>Nepean Highway &amp; Centre Road, Brighton East</td>
<td>DDO13 (2 storeys)</td>
<td>Apply DDO15 (4 storeys)</td>
</tr>
</tbody>
</table>

*Figure 6. Recommended changes to DDO applications to centres.*

3. 4 new concept plans were proposed for the following centres:
   - New Street and Bay Street, Brighton
• Bluff Road and Spring Street, Sandringham

• Weatherall Road Shopping Centre, Cheltenham
• New Street and Martin Street, Brighton.
2.2 Understanding of Amendment C126 documentation

It is understood that the exhibited C126 Amendment has been created to provide strategic guidance to the role and function of smaller activity centres within the Bayside municipality.

Specific items for consideration from an urban design perspective are as follows:

- Include a number of concept plans within the DDO for specific centres; and
- Include a number of design details in each DDO which should be considered including:
  - Providing active frontages at ground level;
  - Building massing and detail at key street frontages and key street view lines;
  - Retain and reinforce the pattern and rhythm of narrow building frontages within the streetscape and maintain human scale proportions;
  - Acknowledge the parapets and roof forms of existing buildings on adjacent lots;
  - Maximise views and connections to nearby public open space;
  - Locate vehicle access to avoid or minimise disruption of pedestrian movement along a street by locating vehicle access to a property from a laneway or secondary street frontage;
  - Car parking should be located within a basement level at the rear of the building, or otherwise screened from view;
  - Create continuous laneway connections where land abuts a no-through access laneway;
  - Ensure new developments are sympathetic in their design to the existing character of the centre and the surrounding residential community;
  - Architectural detailing and building form should provide for a balance of horizontal and vertical elements;
  - Utilise laneways as a physical break from future developments to adjoining residential areas; and
  - Address the details outlined within the included concept plans.

A further analysis of these changes from an urban design perspective can be seen in Section 2.3 below.
2.3 Evaluation of the exhibited Amendment C126 and Urban Design commentary

The following section provides an evaluation of the recently exhibited Amendment C126 and provides commentary from an urban design perspective on the proposed changes.

Specifically, the section below focuses on the following urban design content within the DDOs:

1. Concept Plans
   - Have the recommended changes from the Bayside Small Activities Centres – Urban Design and Built Form Review by Echelon and CDS have been adopted?
   - What additional changes have been made to the exhibited Concept Plans (if any)?

2. Heights, setbacks and design detail wording
   - While the Concept Plans refer to items such as ‘2 storey wall’, the Concept Plans do not discuss overall heights for centres. As such, I reviewed the wording of the DDOs, from an urban design perspective, to understand the applicable heights for each centre.
   - Design detail wording within the DDO’s, from an urban design perspective, as per the recommended changes from the Bayside Small Activities Centres – Urban Design and Built Form Review by Echelon and CDS.

2.3.1 Concept Plans

As part of the Bayside Small Activities Centres – Urban Design and Built Form Review by Echelon and CDS, 4 new concept plans were proposed for the following centres:

- New Street and Bay Street, Brighton
- Bluff Road and Spring Street, Sandringham
- Weatherall Road Shopping Centre, Cheltenham
- New Street and Martin Street, Brighton

The below table summarises the outcomes of the Concept Plans as exhibited within the DDOs:
<table>
<thead>
<tr>
<th>SNAC</th>
<th>DDO</th>
<th>Comments on exhibited Concept Plan</th>
</tr>
</thead>
</table>
| New Street and Bay Street, Brighton | DDO15 | • The boundary of the centre has been amended to exclude 3 properties on the eastern boundary of the centre along Bay Street.  
• ‘2-3 storey street wall’ has been amended to 3 storey street wall. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 2 to 3 storey walls are appropriate in this centre  
• ‘3-4 storey street wall’ has been amended to ‘4 storey street wall’. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 3 to 4 storey walls are appropriate in this centre.  
• The extent of transitional setbacks has been reduced and replaced with a 3-storey street wall requirement. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 3 to 4 storey walls are appropriate in this centre. |
Amend wording of ‘3 storey wall’ to ‘up to 3 storey wall’, and ‘4 storey wall’ to ‘up to 4 storey wall’.

Bluff Road and Spring Street, Sandringham

- ‘2-3 storey street wall’ has been amended to 3 storey street wall. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 2 to 3 storey walls are appropriate in this centre.

- The concept plan includes a label ‘passive surveillance’ label on southern boundary of centre plan. This appears to share a boundary with a residential dwelling. I recommend removing the passive surveillance label in this location.
Amend wording of ‘3 storey wall’ to ‘up to 3 storey wall’.

Remove ‘provide passive surveillance’ label in this location.

Weatherall Road Shopping Centre, Cheltenham

• ‘2-3 storey street wall’ has been amended to 3 storey street wall. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 2 to 3 storey walls are appropriate in this centre.

• Removal of transitional setbacks to rear of laneway. I agree with this amendment as I feel this is satisfactory due to revised wording of rear setbacks.

• Addition of passive surveillance requirement to laneway. I agree with this amendment.
Amend wording of ‘3 storey wall’ to ‘up to 3 storey wall’.

New Street and Martin Street, Brighton

- ‘2-3 storey street wall’ has been amended to 3 storey street wall. I recommend amending the wording to read ‘up to 3 storey street wall’ to reflect the urban design intent which is that 2 to 3 storey walls are appropriate in this centre
- Removal of transitional setbacks to rear of laneway. I agree with this amendment as I feel this is satisfactory due to revised wording of rear setbacks.
- Addition of passive surveillance requirement to laneway. I agree with this amendment.
Amend wording of ‘3 storey wall’ to ‘up to 3 storey wall’.
### 2.3.2 Heights, setbacks and design detail wording within the DDO’s (from an urban design perspective)

<table>
<thead>
<tr>
<th>Re-exhibited DDO wording</th>
<th>Recommended by Echelon/CDS?</th>
<th>Adopted</th>
<th>Comments (Urban Design perspective)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DDO 13</strong> Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree.</td>
</tr>
<tr>
<td>This does not apply to land at 184 Bluff Road, Black Rock where the street setback should be consistent with the adjoining property to the north.</td>
<td>No</td>
<td>N/A</td>
<td>After visiting the site, I agree with this comment to ensure future development fits in the context of the existing residential character. Refer figure 6.</td>
</tr>
<tr>
<td>Land within the Keith Street and Widdop Crescent Centre should be built to the rear boundary and should be designed to provide surveillance over the public realm, including Widdop Crescent Reserve.</td>
<td>No</td>
<td>N/A</td>
<td>I agree</td>
</tr>
</tbody>
</table>

*Figure 6. 184 Bluff Road, Black Rock.*
<table>
<thead>
<tr>
<th>Re-exhibited DDO wording</th>
<th>Recommended by Echelon/CDS?</th>
<th>Adopted</th>
<th>Comments (Urban Design perspective)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DDO 14</strong> Amend the height provisions to provide for a discretionary height of two storeys and a mandatory height of three storeys where the additional height can be justified in regard to high design quality, site consolidation, protecting the amenity of residential properties etc.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree with the maximum height of 3 storeys from an urban design perspective.</td>
</tr>
<tr>
<td>Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).</td>
<td>Yes</td>
<td>No</td>
<td>I note this did not exist in the exhibited version of DDO14 but now exists in the post exhibition (tracked change) version.</td>
</tr>
<tr>
<td>Add a design detail to encourage site consolidation and the use of basement parking.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree.</td>
</tr>
<tr>
<td><strong>DDO 15</strong> Amend the height provisions to provide for a discretionary height of 4 storeys, and for additional height to only be considered in regard to high design quality, site consolidation, protecting the amenity of residential properties etc.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree with the maximum height being 4 storeys where the additional height being considered with regards to urban design criteria as listed.</td>
</tr>
<tr>
<td>Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree</td>
</tr>
<tr>
<td>Add a design detail to encourage site consolidation and the use of basement parking.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree.</td>
</tr>
<tr>
<td>Re-exhibited DDO wording</td>
<td>Recommended by Echelon/CDS?</td>
<td>Adopted</td>
<td>Comments (Urban Design perspective)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Add a design detail to encourage the retention of large floorplates on sites currently used for bulky goods if these sites are redeveloped.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree</td>
</tr>
<tr>
<td>Within New and Bay St centre, 2 storey building height should present along Barkly St to provide an appropriate residential interface.</td>
<td>No</td>
<td>N/A</td>
<td>The Concept Plan prepared by CDS recommended a 2-3 storey street wall. The Concept Plan shows a 3-storey street wall. Refer comments in section 2.3.1 above</td>
</tr>
<tr>
<td>Land within Nepean Hwy and Milroy St Centre (357-361 Nepean Hwy and 2A Cambridge Street) should not exceed 11m (3 storeys) unless consolidated to form a site area of over 600 sqm</td>
<td>No</td>
<td>N/A</td>
<td>After visiting the site, I agree with this comment to ensure future development fits in the context of the existing residential character. Refer figure 7.</td>
</tr>
</tbody>
</table>

*Figure 7. 357-361 Nepean Hwy and 2A Cambridge Street*
<table>
<thead>
<tr>
<th>Re-exhibited DDO wording</th>
<th>Recommended by Echelon/CDS?</th>
<th>Adopted</th>
<th>Comments (Urban Design perspective)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO16 Amend the height provisions to provide for a discretionary height of two storeys, and a mandatory height of three storeys where the additional height can only be located on 758-768 Hawthorn Road to allow third storey roof space conversion similar to what has already occurred within this block of shops.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree with the maximum height being 3 storeys for 758 – 768 as per the existing situation on site. Refer Figure 8.</td>
</tr>
<tr>
<td>DDO17 Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property).</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree.</td>
</tr>
<tr>
<td>DDO17 Amend the height provisions to provide for a discretionary height of two storeys and a mandatory height of three storeys where the additional height can be justified in regards to high design quality, site consolidation, protecting the amenity of residential properties etc.</td>
<td>Yes</td>
<td>Yes</td>
<td>I agree with the maximum height being 3 storeys where the additional height being considered with regards to urban design criteria as listed.</td>
</tr>
</tbody>
</table>
### Re-exhibited DDO wording

| Amend the side and rear setback provisions from residential properties to reflect ResCode, with a variation to allow the measurements to be taken from the far side of an intervening laneway (i.e. from the boundary between the laneway and the residential property). | Yes | Yes | I agree. |

| Add a design detail to encourage site consolidation and the use of basement parking. | Yes | Yes | I agree. |

| For land within the Beach Road and Georgiana Street Centre, where land shared a direct abutal to land within NRZ buildings should be set back:  
- 3m at ground level  
- 5m at first floor  
- 10m at second floor | No | N/A | After a further site visit, I agree with the addition of these setback requirements will further protect the surrounding NRZ particularly due to the lack of a rear laneway. Refer figure 9. |

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*Figure 9. Rear of Beach Road and Georgiana Street Centre.*
2.4 Submissions to C126 Amendment Exhibition

The first exhibition of Amendment C126 in 2017 resulted in 92 submissions.

Following the re exhibition of Amendment C126 in July 2018, 80 submissions were received regarding the amendment.

The following tables summarise the submissions received in July 2018 for Amendment C126 and provides comments relating to urban design themes only. Images relating to the submissions, which were taken at the site inspections, can be found in Appendix A.
<table>
<thead>
<tr>
<th>Submitter Number</th>
<th>Summary of Submission</th>
<th>Centre Number</th>
<th>Centre Name</th>
<th>Urban Design Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>94.</td>
<td>A four-storey building on the Coles site will substantially change the western skyline and will allow oversight into backyard.</td>
<td>5.</td>
<td>Bluff Road and Highett Road Centre, Hampton.</td>
<td>After a further site visit and a review of the Concept Plan, I believe there are adequate controls regarding setbacks and overlooking. In addition, the site is at least 35m in depth which provides an opportunity for a building to be designed to be sympathetic to its surrounds.</td>
</tr>
<tr>
<td>96.</td>
<td>Third level must have a minimum setback from the street.</td>
<td>19.</td>
<td>Keys Street Shopping Village Centre, Beaumaris.</td>
<td>After a further site visit and a review of the Concept Plan, I agree that the third storey should be setback from the street. The existing built form within the centre is predominantly 2 storeys with a zero setback and therefore to retain the character of Keys Street, the third storey should be set back from the primary frontage.</td>
</tr>
<tr>
<td>99.</td>
<td>Subject site is not suitable to be transitioned to the Commercial 1 Zone given the existing built form on the site and that the site is an existing strata titled lot.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>101.</td>
<td>Opposes uniform DDO14 for the centre with 2-storey discretionary and 3 storey mandatory requirements.</td>
<td>30.</td>
<td>Weatherall Road Shopping Centre, Cheltenham.</td>
<td>This centre is considered a Small Commercial Activity Centre – Mixed Use. After a site visit and a further review of The Concept Plan, I do not support the increase to 3 storeys as: • It is out of character with the rest of the street; • Abuts existing residential development of a neighbourhood character; • Is a smaller centre in nature; and • Predominantly 2 storeys in nature and this should be retained. The built form wall should be 2 storeys with a third storey setback.</td>
</tr>
<tr>
<td>Submitter Number</td>
<td>Summary of Submission</td>
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<td>Centre Name</td>
<td>Urban Design Response</td>
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</tr>
<tr>
<td>105.</td>
<td>Performance based controls should be applied for site specific approaches. The provision for the laneway to be included as part of the ground floor setback should be included.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>Following the initial site visit, I had a similar view but understand the need for traffic movement and circulation. Council should consider this intersection for future place making projects and further explore landscape and public realm opportunities in this location.</td>
</tr>
<tr>
<td>107.</td>
<td>Prefer no changes to the zoning. If zoning proceeds, should ensure that 68 New Street is prohibited from any commercial uses. Submitter does not want the situation where residential units can be used for commercial purposes.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>109.</td>
<td>Existing buildings within this area are 3 storeys high and therefore do not support the discretionary 4 storey height limit.</td>
<td>33.</td>
<td>Nepean Highway and Centre Road, Brighton East.</td>
<td>Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above.</td>
</tr>
</tbody>
</table>
| 112.             | Greater heights are justified based on site context. The centre has capacity for heights greater than 3 storeys. Does not agree with ‘one size fits all’ approach. This centre is considered a Small Commercial Activity Centre – Mixed Use. | 32.           | New Street and Martin Street, Brighton. | After a site visit and a further review of the Concept Plan, I do not support the increase to 3 storeys and higher as:  
  - It is out of character with the rest of the street;  
  - Abuts existing residential development of a neighbourhood character;  
  - Is a smaller centre in nature; and |
<table>
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</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td><strong>Precedently 2 storeys in nature and this should be retained.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>There is certainly scope for one of the sites within the centre to deliver a 3-storey building but given the size of the centre and the surrounding residential context, the current controls should remain.</td>
</tr>
</tbody>
</table>
| 113.             | • Considers 3.5m at ground floor and 5.5m at first floor should be mandatory controls.  
                    • Two storeys identified as 9 metres not 10 metres.  
                    • Concern with some wording with regards to public realm and amenity. | 2. | East Brighton Shopping Centre, Brighton East. | After a further site visit, I note the following:  
                    • Setbacks as per the applied DDO are appropriate for the centre;  
                    • Agree if further controls are desired to protect the heritage property, then this should be considered; and  
                    • Ensure design intent is reflected in the words of the DDO. |
| 114.             | • Request additional wording is inserted for all references to 758-768 Hawthorn Road to clarify this only refers to western side of Hawthorn Road – 3 storeys.  
                    • Ask that 2-storey height remains at 9 storeys.  
                    • Support the protection of the heritage building. | 2. | East Brighton Shopping Centre, Brighton East. | After a further site visit, I note the following:  
                    • Agree that further specification to properties on western side of Hawthorn Road for 3 storeys should be made.  
                    • Setbacks as per the applied DDO are appropriate for the centre.  
                    • Agree if further controls are desired to protect the heritage property, then this should be considered; and  
                    • Ensure design intent is reflected in the words of the DDO. |
| 115.             | • Mandatory provisions have the potential to restrict innovation. Heights should be discretionary.  
                    • Preferred setbacks associated with a secondary street frontage should be clarified and provision should be zero setback. | 4. | Dendy Village, Brighton. | After a site visit and a review of the Concept Plan, I do not support the increase in height for the following reasons:  
                    • The centre is predominantly 2 storeys in nature;  
                    • One 3 storey development exists on the corner of Hampton Street and Marriage Road;  
                    • The nature and scale of the existing built form and character should be maintained; |
### Summary of Submission

- Where a side or rear boundary is separated from a property in a R1Z by a laneway, the laneway width can form part of the setback distance.

### Urban Design Response

- Most of the properties within the centre are considered fine grain with narrow frontages and deeper depths. This makes it hard to develop buildings of a larger scale without consolidation; and
- There is potentially a development site at the corner of Hampton and Pine Roads. Due to the scale of the centre and predominant single to 2 storey development, 3 storeys on this corner to 'book end' the street is considered appropriate.

The provision for the laneway to be included as part of the ground floor setback should be included.

<table>
<thead>
<tr>
<th>Submitter Number</th>
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<th>Centre Name</th>
<th>Urban Design Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>118.</td>
<td>Subject site is not suitable to be transitioned to the Commercial 1 Zone given the existing built form on the site and that the site is an existing strata titled lot. Concern with using residential premises for commercial use.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>119.</td>
<td>Subject site is not suitable to be transitioned to the Commercial 1 Zone given the existing built form on the site.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>120.</td>
<td>Any buildings over 2 storeys will overshadow their property.</td>
<td>33.</td>
<td>Nepean Highway and Centre Road, Brighton East.</td>
<td>Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above.</td>
</tr>
<tr>
<td>Submitter Number</td>
<td>Summary of Submission</td>
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</tr>
<tr>
<td>121.</td>
<td>Does not support a maximum 3 storey height limit.</td>
<td>5.</td>
<td>Bluff Road and Highett Road Centre, Hampton.</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
</tbody>
</table>
| 123.             | • No justification for reducing the height on the site.  
• Existing residential development and approved buildings exceed proposed heights. | 23.          | South Road and Esplanade Avenue and around Milano’s, Brighton. | Following a site visit and a review of the Concept Plan, I note the following:  
• Existing 4 and 5 storey developments at corner of the Esplanade and Canterbury Place;  
• Existing Milano’s building facing Esplanade Avenue;  
• Recent 2-3 storey development with proposed 4 storey buildings in front along the Esplanade Avenue;  
• Development sites located to the west of the Brighton Beach rail station; and  
• Development opportunity to the east of Brighton Beach rail station.  
Therefore, I recommend reviewing the DDO to apply heights to reflect the current situation of site. I note that Council has circulated DDO19 post exhibition to address the above concerns. Further discussion relating to this DDO, from an urban design perspective can be found below. |
| 126.             | • Request additional wording is inserted for all references to 758-768 Hawthorn Road to clarify this only refers to western side of Hawthorn Road – 3 storeys.  
• Supports mandatory 3 storey height to the above-mentioned properties.  
• Ask that 2-storey height remains at 9 storeys.  
• Support the protection of the heritage building. | 2.           | East Brighton Shopping Centre, Brighton East. | After a further site visit, the following is noted:  
• Agree that further specification to properties on western side of Hawthorn Road for 3 storeys should be made;  
• Setbacks as per the applied DDO are appropriate for the centre;  
• Agree if further controls are desired to protect the heritage property, then this should be considered; and  
• Ensure design intent is reflected in the words of the DDO. |
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</thead>
</table>
| 127.             | • Considers mandatory 2-storey height limit is not appropriate and performance based measures are preferred over mandatory provisions.  
  • Opposes front facades and main entrances should be designed to address the primary street frontage. | 15 | Brighton Beach (Were Street) | Following a site visit, I note the following:  
  • Small scale centre with mainly single storey development;  
  • 2 storey development exists on corners of the site;  
  • Fine grain built form wall with narrow frontages; and  
  • Leafy residential neighbourhood character feel.  

Therefore, I support the current controls.  

Activating frontages as per the definition in the DDO13 refer to:  
Provide active street frontages at ground level through  
  • Orientating the front façade of the building and the main entrance to face the primary street frontage  
  • Apply clear glazing to windows and entrances, particularly along the primary street frontage  
  • Providing passive surveillance from upper floors to the public realm.  

This is achievable even if an ‘active’ use (such as a shop or café) is not located on the ground floor.  

Given active frontages already exist within this centre, I support the current controls. |
| 129.             | • Concerns with discretionary 4 storey height limit.  
  • Opposes rezoning of 307 and 311 to C1Z. | 25 | New Street and Bay Street, Brighton. | Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, the height controls should remain.  

I recommend amending the Concept Plan to reflect removal of these properties. |
| 131.             | Concern with 4 storey discretionary height. | 33 | Nepean Highway and Centre Road, Brighton East. | Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained.  
Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. |

<p>| 42 |</p>
<table>
<thead>
<tr>
<th>Submitter Number</th>
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<th>Centre Number</th>
<th>Centre Name</th>
<th>Urban Design Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>132.</td>
<td>Opposes height change allowing to three storeys.</td>
<td>2.</td>
<td>East Brighton Shopping Centre, Brighton East.</td>
<td>The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above. Following a site visit, I note the following: • Existing 3 storey buildings exist in the centre. • However, the centre is predominantly 2 storeys in nature and this character should be maintained. • The controls in the DDO are specific around where 3 storeys should occur. Therefore, I recommend the controls to remain as is.</td>
</tr>
<tr>
<td>134.</td>
<td>Believe 4 storey discretionary height limit is too high.</td>
<td>33.</td>
<td>Nepean Highway and Centre Road, Brighton East.</td>
<td>Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above.</td>
</tr>
<tr>
<td>136.</td>
<td>Concerns with 307-309 and 311-313 New Street in C1Z due to these being relatively new residential developments.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>137.</td>
<td>Objects to mandatory 2 storey height restriction. Objector would like to develop 3 storeys in the future.</td>
<td>29.</td>
<td>Bluff Road and Arranmore Avenue, Black Rock.</td>
<td>Following a site visit, the following I note the following: • Small scale centre with mainly 2 storey development; • One 3 storey development on corner of Bluff Road and Arranmore Avenue which is a larger consolidated site; and • Given fine grain nature of development and these being a maximum of 2 storeys, recommend leaving controls as is.</td>
</tr>
<tr>
<td>Submitter Number</td>
<td>Summary of Submission</td>
<td>Centre Number</td>
<td>Centre Name</td>
<td>Urban Design Response</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>However, if a third storey could be demonstrated to not have impact on the streetscape, adjacent neighbours or neighbourhood character, this could be considered by council. Would recommend the third storey being set back from the primary street frontage to maintain a 2-storey street wall.</strong></td>
</tr>
</tbody>
</table>
| 139.             | • Concerns with discretionary 4 storey height limit.  
• Opposes rezoning of 307 and 311 to C1Z. | 25.           | New Street and Bay Street, Brighton. | Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, the height controls should remain.  
I recommend amending the Concept Plan to reflect removal of these properties. |
| 141.             | • Believe 4 storey discretionary height limit is too high.  
• Buildings which share a boundary with Hornby Street should be limited to 3 storeys. | 33.           | Nepean Highway and Centre Road, Brighton East. | Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development.  
The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above.  
The setbacks and controls within the DDO should protect surrounding residents from overshadowing. |
<p>| 143.             | Concern with 3 storey walls in this centre. | 8.            | Bay Road and Jack Road, Cheltenham. | After a site visit to the centre, agree that this centre should be a two-storey wall with the third storey set back from the primary street frontage. |
| 144.             | Concern with 4 storey building height. | 33.           | Nepean Highway and Centre Road, Brighton East. | Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. |</p>
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</tr>
</thead>
<tbody>
<tr>
<td>145.</td>
<td>Concern with residential units being included within C1Z.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above. I recommend amending the Concept Plan to reflect removal of these properties.</td>
</tr>
<tr>
<td>146.</td>
<td>Concern with 4 storey building height.</td>
<td>33.</td>
<td>Nepean Highway and Centre Road, Brighton East.</td>
<td>Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above.</td>
</tr>
</tbody>
</table>
| 147.             | • Concern with discretionary 4 storey height.  
• Concern with residential units being included within C1Z.  
• Concern regarding using the laneway as part of ground floor setbacks. | 25.           | New Street and Bay Street, Brighton. | Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, the height controls should remain. It is reasonable to allow laneway widths as part of ground floor setbacks as per other centres within the Council area. I recommend amending the Concept Plan to reflect removal of these properties. |
<p>| 150.             | Concerned with multi storey dwellings on the site will lead to overshadowing and loss of privacy. | 33.           | Nepean Highway and Centre Road, Brighton East. | Following a site visit and a review of the Concept Plan, the development opportunity of the Good Guys site at the corner of Nepean Hwy and Centre Road should be maintained. Due to the size of the lot (52m deep), the frontage to the Highway and inclusion of a laneway to the eastern boundary, the site can support higher development. |</p>
<table>
<thead>
<tr>
<th>Submitter Number</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td>The existing lot configuration to the north of the Good Guys site is fine grain with existing 3 storey developments. This should not be altered but the development opportunity at the corner of Nepean Hwy and Centre Road (Kasbah Imports) should be maintained similar to the Good Guys site as mentioned above. Any application should respond to the overshadowing and overlooking requirements.</td>
</tr>
<tr>
<td>151.</td>
<td>Concerned the declassification of the centre will reduce commercial opportunities.</td>
<td>31.</td>
<td>Weatherall Road and Morey Road, Cheltenham.</td>
<td>Following a subsequent site visit, I believe due to its lack of development opportunity and small scale, a height restriction should be placed on the centre of maximum 2 storeys.</td>
</tr>
</tbody>
</table>
| 153.             | • Objects to having property rezoned to C1Z.  
• Objects to mandatory 2-storey height restriction as property is currently 2 storeys and adjacent to a 3-storey development.  
• Requests DDO14. | 29.          | Bluff Road and Arranmore Avenue, Black Rock. | Following a site visit, I note the following:  
• Small scale centre with mainly 2 storey development;  
• One 3 storey development on corner of Bluff Road and Arranmore Avenue which is a larger consolidated site; and  
• Given fine grain nature of development and these being a maximum of 2 storeys, recommend leaving controls as is.  

However, if a third storey could be demonstrated to not have impact on the streetscape, adjacent neighbours or neighbourhood character, this could be considered by council. Would recommend the third storey being set back from the primary street frontage to maintain a 2-storey street wall. |
<p>| 157.             | Concerned with DDO14 and the requirement for a 3-storey wall. Existing 3-storey developments have a 2-storey street wall and the third level recessed. | 8.            | Bay Road and Jack Road, Cheltenham. | After a site visit to the centre, agree that this centre should be a two-storey wall with the third storey set back from the primary street frontage. |
| 160.             | 307 to 309 New Street Brighton are residential dwellings and should be excluded from the C1Z change. | 25.          | New Street and Bay Street, Brighton. | I recommend amending the Concept Plan to reflect removal of these properties. |</p>
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<td>161.</td>
<td>307 to 309, 311 New Street Brighton are residential dwellings and should be excluded from the C1Z change.</td>
<td>25.</td>
<td>New Street and Bay Street, Brighton.</td>
<td>I recommend amending the Concept Plan to reflect removal of these properties.</td>
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</table>
| 162.             | • Request additional wording is inserted for all references to 758-768 Hawthorn Road to clarify this only refers to western side of Hawthorn Road – 3 storeys.  
• Supports mandatory 3 storey height to the above-mentioned properties.  
• Supports 2 storeys for the rest of the centre but requests.  
• Ask that 2-storey height remains at 9 storeys.  
• Support the protection of the heritage building. | 2.             | East Brighton Shopping Centre, Brighton East.                | After a further site visit, I note the following:  
• Agree that further specification to properties on western side of Hawthorn Road for 3 storeys should be included.  
• Setbacks as per the applied DDO are appropriate for the centre  
• Agree if further controls are desired to protect the heritage property, then this should be considered.  
• Ensure design intent is reflected in the words of the DDO. |
| 163.             | 307 to 309, 311 New Street Brighton are residential dwellings and should be excluded from the C1Z change. | 25.           | New Street and Bay Street, Brighton.                        | I recommend amending the Concept Plan to reflect removal of these properties.                              |
| 165.             | • 307 to 309, 311 New Street Brighton are residential dwellings and should be excluded from the C1Z change.  
• Does not support the 4-storey mandatory height requirement. | 25.           | New Street and Bay Street, Brighton.                        | I recommend amending the Concept Plan to reflect removal of these properties.                              |

Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, the height controls should remain.
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• Ask that 2-storey height remains at 9 storeys.  
• Support the protection of the heritage building. | 2. | East Brighton Shopping Centre, Brighton East. | After a further site visit, I note the following:  
• Agree that further specification to properties on western side of Hawthorn Road for 3 storeys should be included;  
• Setbacks as per the applied DDO are appropriate for the centre;  
• Agree if further controls are desired to protect the heritage property, then this should be considered; and  
• Ensure design intent is reflected in the words of the DDO. |
| 167.             | • Pleased to hear design overlay which permitted development of 4 storeys and include the intersection.  
• Include sites along 4 corners of New Street and Bay Street intersection to allow 4 storey developments as a gateway into the precinct and will encourage a livelier and safer intersection. | 25. | New Street and Bay Street, Brighton. | Following original and subsequent site visits, I agree with the principal but there are challenges with the existing built form (strata title residential developments) and the ability for these to be consolidated in the future and developed to a height of 4 storeys.  
I recommend amending the Concept Plan to reflect removal of these properties.  
Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, height controls should remain. Setbacks nominated in the DDO require consideration to surrounding buildings and overshadowing and overlooking should be considered as part of the application. |
| 168.             | Objects to:  
• 307 to 309, 311 New Street Brighton are residential dwellings and should be excluded from the C1Z change. | 25. | New Street and Bay Street, Brighton. | I recommend amending the Concept Plan to reflect removal of these properties.  
Following a further site visit, there are buildings within the centre which exist at 4 storeys and development opportunities on larger sites. Therefore, height controls should remain. Setbacks nominated in the DDO require consideration to surrounding buildings and overshadowing and overlooking should be considered as part of the application. |
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</table>
| 169.             | Deleting DDO2 with 2 level/9 mandatory height.  
|                  | Applying DDO15 with a discretionary 4 level height limit and new setback requirements  
|                  | Concerned with overshadowing.  
|                  | 307 to 309, 311 New Street Brighton are residential dwellings and should be excluded from the C1Z change.  
|                  | I recommend amending the Concept Plan to reflect removal of these properties. |
| 170.             | North-eastern corner of the site should be rezoned C1Z as used for a car park for the adjacent reception centre (81-89 Bay Street).  
|                  | I recommend amending the Concept Plan to reflect removal of these properties. |
| 171.             | The centre is not a retail centre and little prospect for it to be a viable centre due to its size.  
|                  | Inability to ‘activate’ the frontage along Beach Road.  
|                  | 24. Beach Road and Georgiana Street, Sandringham.  
|                  | The centre is nominated as a Small Commercial Activity Centres – Mixed Use rather than a retail centre.  
|                  | Following a subsequent site visit, I note the following:  
|                  | - The site provides many opportunities for revitalisation and development due to the existing uses, sizes of blocks, Highway frontage and ability for redevelopment;  
|                  | - The site is suitably situated facing the Sandringham Beach Park Reserve and potential views; and  
|                  | - Close proximity to existing bus stops.  
|                  | In addition, in looking at other centres along Beach Road, there are locations where on street parking in front of Small Commercial Activity Centres has been allowed. This could |
Activating frontages as per the definition in the DDO17 refer to:
Provide active street frontages at ground level through:
  - Orientating the front façade of the building and the main entrance to face the primary street frontage;
  - Apply clear glazing to windows and entrances, particularly along the primary street frontage; and
  - Providing passive surveillance from upper floors to the public realm.
This is achievable even if an ‘active’ use (such as a shop or café) is not located on the ground floor.
2.6 Post Exhibition Documentation

In November 2018, Council circulated track changed versions (post exhibition versions) of DDO 13, 14, 15, 16, 17 and a new control DDO19.

Below is a summary of the changes from an urban design perspective and commentary on the proposed changes.

I note the Concept Plans in the DDOs include a note in the legend regarding ‘x storey street wall’.

When reading the Concept Plans, in isolation of the DDO wording, I interpret this to mean that in this location, this is height required for new buildings.

For example, the Bluff and Spring Street Centre has a note on the Concept Plan showing ‘3 storey street wall.’ I interpreted this as requiring 3 storeys in this location.

![Figure 10: Bluff Road and Spring Street Centre – three storey street wall note.](image)
When reviewing the height controls within the DDO, the intent is to have either a two or three storey building in this location, and therefore either a two or three storey wall.

Another example is the Thomas Street and Egan Street Centre. I note that in this situation, a three-storey building which has a two storey wall and the third storey recessed, is the intended outcome. The Concept Plan shows a ‘two storey street wall.’

In order to resolve this discrepancy, I propose that the words ‘up to...’ are added in the legend of the Concept Plans before the ‘x storey street wall’ note in the legend.

DDO13 – Concept Plans (General Comment)

- Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’.

DDO14 – Concept Plans (General Comment)

- Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
- Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’.

DDO14 – Bluff Road and Spring Street, Sandringham Concept Plan
- Remove ‘provide passive surveillance’ label from southern boundary of centre.

**DD015 – Concept Plans** (General Comment)

- Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’.
- Amend label on Concept Plans from ‘4 storey street wall’ to ‘up to 4 storey street wall’.

**New Street and Bay Street Brighton Concept Plan**

- Amend the Concept plan to remove 307 New Street from the Concept Plan.
- Amend the Concept Plan to include 311 and 313 New Street.

**DD016 – Urban Form Concept Plan**

- Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’.
- Amend Concept Plan to show properties permitted to include a third storey (western side of Hawthorn Road).
- Amend 778 Hawthorn Road, to show where the fourth storey height element may be considered for this property.
DDO17 - Concept Plans (General Comment)

- Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’

DDO19

This is a new DDO for the South Road and Esplanade Avenue Small Commercial Activity Centre – Mixed Use.

The DDO includes the following table to show height controls:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>16m (5 storeys)</td>
</tr>
<tr>
<td>B</td>
<td>11m (3 storeys)</td>
</tr>
<tr>
<td>C</td>
<td>9m (2 storeys)</td>
</tr>
</tbody>
</table>

The following is included as the setback requirements for the centre:

- Achieve a 2-storey street wall with zero setbacks to primary street frontage.
- Side and rear setbacks to residential zoned land should be in accordance with Standard B17 at Clause 55.04-1 except where a street wall height for a secondary street is specified in Map 1.
- New buildings adjacent to the heritage building at 2-6 Esplanade must incorporate setbacks which are sympathetic to the significance and character of the building.

Following a site visit and further review of the track changes version of DDO19, I support the inclusion of this DDO.

However, I believe the area nominated as ‘A’ 16m (5 storeys) includes sites where:

- An existing 2 storey office building exists;
- An existing 5 storey building exists;
- Recently developed 2-3 storey apartments have been built; and
- Permit approved 4 storey development has recently been approved and about to commence construction.

Given the reality of the existing, recently constructed and permit approved buildings in the area, I recommend amending the Concept Plan to the following:

- A – 5 storey height limit
- B – 4 storey height limit
- C – 3 storey height limit
- D – 2 storey height limit
3.0 Conclusion

The following is a summary of my opinions in relation to the principal matters that I have addressed in this statement:

• I believe, from an urban design perspective, that council has adopted the majority of the recommendations from the *Bayside Small Activities Centres – Urban Design and Built Form Review* including the majority of the recommendations relating to height, setbacks and notations to be included on the Concept Plans for the SNACs.

• I have reviewed the urban design merit of C126 and believe that the urban design principles recommended from the *Bayside Small Activities Centres – Urban Design and Built Form Review* have been incorporated.

• I generally support the changes made to setbacks and heights within C126 from an urban design perspective. I note Ms Sarah Ancell’s Witness Statement provides more commentary on the planning perspective of the heights and setbacks within the C126 amendment.

• I generally support the changes made to the post exhibition version of Amendment C126, with the following exceptions (note the below comments relate to the Concept Plans contained within the post exhibition of the Design and Development Overlays (DDOs)):
  - **DD013 – Concept Plans** (General Comment)
    - Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’
  - **DD014 – Concept Plans** (General Comment)
    - Amend label on Concept Plans from ‘2 storey street wall’ to ‘up to 2 storey street wall’
    - Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’
  - **DD014 – Bluff Road and Spring Street, Sandringham Concept Plan**
    - Remove ‘provide passive surveillance’ label from southern boundary of centre
  - **DD015 – Concept Plans** (General Comment)
    - Amend label on Concept Plans from ‘3 storey street wall’ to ‘up to 3 storey street wall’
    - Amend label on Concept Plans from ‘4 storey street wall’ to ‘up to 4 storey street wall’
  - **New Street and Bay Street Brighton Concept Plan**
    - Amend the Concept plan to remove 307 New Street from the Concept Plan
    - Amend the Concept Plan to include 311 and 313 New Street
  - **DD016 – Urban Form Concept Plan**
    - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’
- Amend Concept Plan to show properties permitted to include a third storey (western side of Hawthorn Road)
- Amend 778 Hawthorn Road, to show where the fourth storey height element may be considered for this property.

- **DDO17 - Concept Plans** (General Comment)
  - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’

- **DDO19 – Concept Plan**
  - Amend the label on the Concept Plan from ‘2 storey street wall’ to ‘up to 2 storey street wall’
  - Amend height labels and categories to the following:
    - A – 5 storey height limit
    - B – 4 storey height limit
    - C – 3 storey height limit
    - D – 2 storey height limit
  - Amend the Concept Plan to reflect the following height categories and locations
4.0 Appendix A – Site Photos