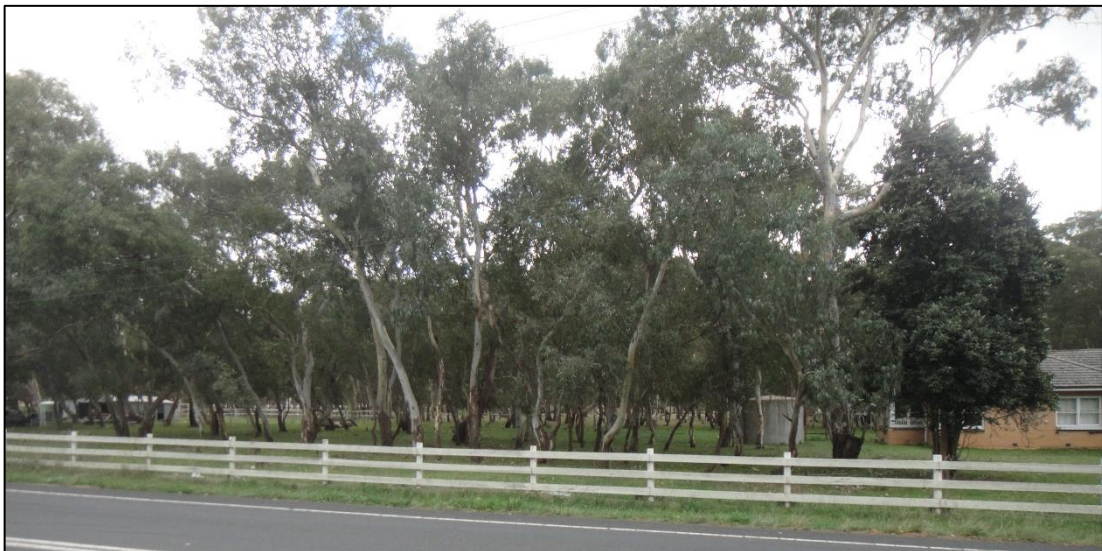




CRAIGIEBURN WEST PRECINCT STRUCTURE PLAN

PASK GROUP – VARIOUS PROPERTIES



STATEMENT OF EVIDENCE BY ANDREW CLARKE ON PLANNING ISSUES

Prepared for the Pask Group

APRIL 2020

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1 INTRODUCTION: PRACTICE NOTE – EXPERT EVIDENCE

Name and Address of Expert

Andrew Clarke
Director
Matrix Planning Australia
2nd Floor, 50 Budd Street
Collingwood Vic 3066.

Qualifications of Expert

Bachelor of Town and Regional Planning (Hons), University of Melbourne, 1982
Member, Planning Institute of Australia
Refer Curriculum Vitae at Attachment 1.

Any Private or Business Relationship between the Expert Witness and the Party for Whom the Report is Prepared

None.

Instructions

Written instructions from Best Hooper Solicitors on behalf of the Pask Group and dated 7 April as follows:

“Our client seeks to engage you to review and advise. In the event that you are able to support the submissions made by our client concerning planning related matters, our client seeks to engage you to prepare expert planning evidence at the hearing listed by the Advisory Committee.”

Facts, Matters and Assumptions

Facts, matters and assumptions on which opinions expressed in the report are based are set out in the report.

Documents and Materials Taken Into Account

The documents and any literature or other materials taken into account in preparing the report are identified in the report.

Examinations, Tests and Investigations

All examinations, tests and investigations have been undertaken by me.

Summary of Opinion

A summary of opinion is included in the Conclusion.

Provisional Opinion

There are no provisional opinions.

Relevant Questions Outside of Expertise

There are three matters of relevance outside of my expertise. They relate to the disciplines of traffic and drainage engineering and fire prevention.

Whether the report is incomplete or inaccurate in any respect

As far as I am aware the report is not incomplete or inaccurate in any respect.

Declaration

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

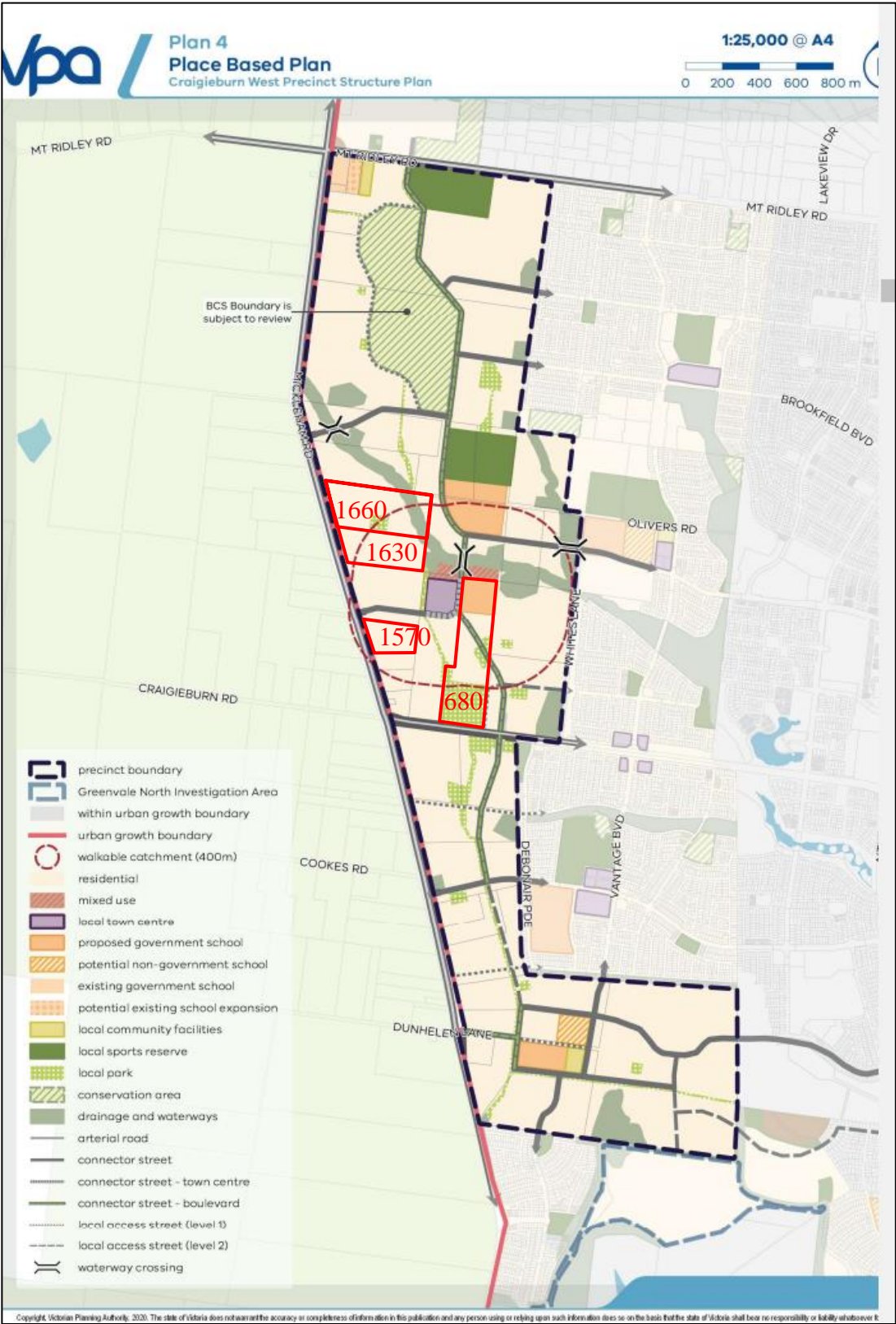
2 SUBJECT SITES

The Pask Group has an interest in four sites in the Craigieburn West Precinct Structure Plan (PSP) area. These are:

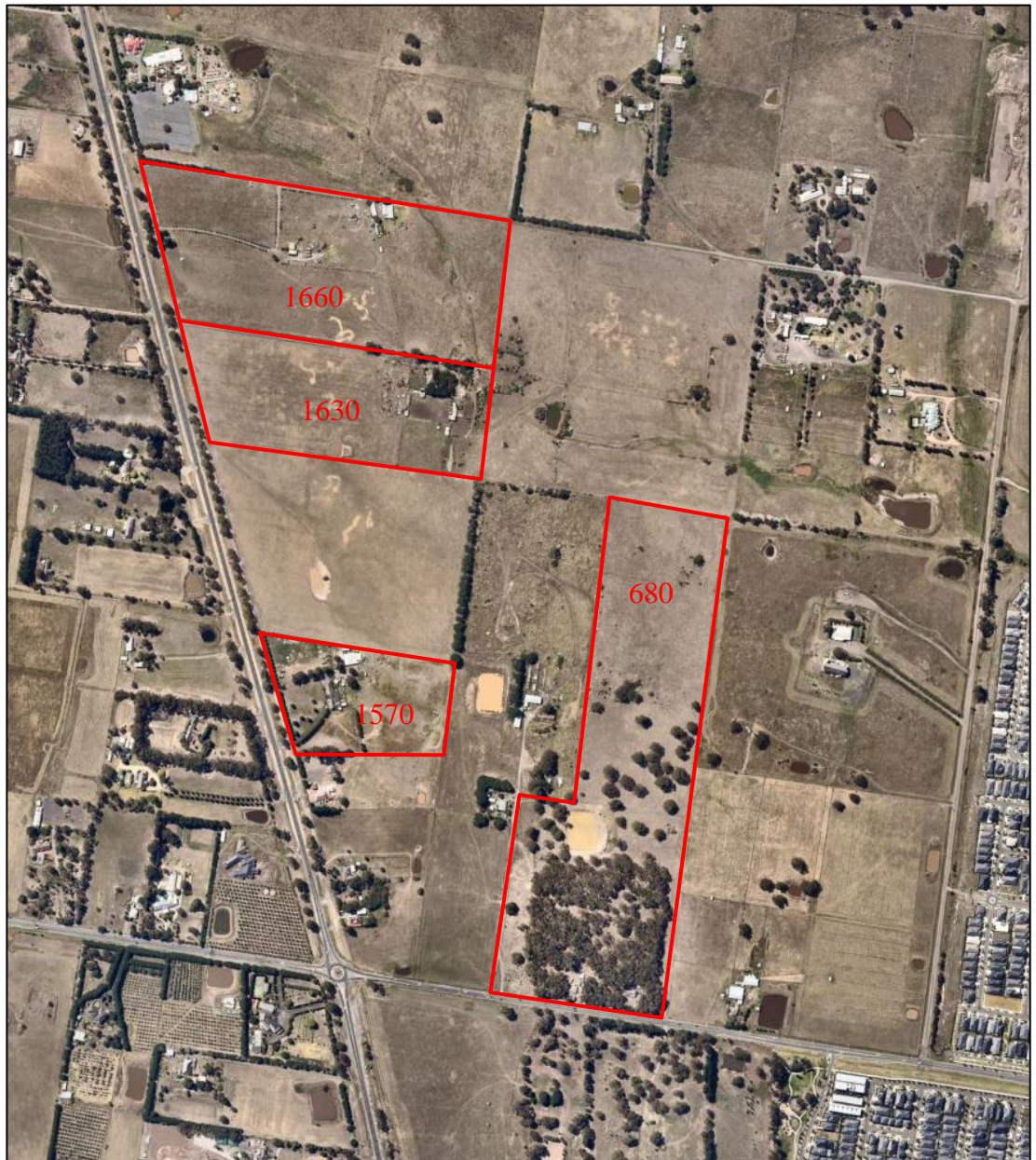
- 680 Craigieburn Road Mickleham (identified as Parcel 24 in the PSP);
- 1570 Mickleham Road Mickleham (Parcel 18);
- 1630 Mickleham Road Mickleham (Parcel 13); and
- 1660 Mickleham Road Mickleham (Parcel 12).

These are depicted in Map 1 (which also includes the PSP Place Based Plan) and the following photographs.

A particular feature of the locality is that Mickleham Road forms the metropolitan Urban Growth Boundary (UGB).



Map 1: Pask Group Property Interests



Aerial Photo



680 Craigieburn Road



1570 Mickleham Road



1630 Mickleham Road



1660 Mickleham Road

3 THE PSP

The PSP is a predominantly residential PSP with a local town centre.

The various Pask interests are included in the Place Based Plan as follows:

680 Craigieburn Road

- Northern Section: Government primary school
- Middle Section: Residential within a walkable catchment bisected by a diagonal connector street (boulevard) with a local park
- Southern section: local park

570 Mickleham Road

Residential within a walkable catchment

630 Mickleham Road

Residential, predominantly within a walkable catchment.

660 Mickleham Road

Residential, partly within a walkable catchment; local park along the southern boundary; bisected by Aitken Creek waterway.

The PSP identifies:

- minimum average densities of 18.5 dwellings/net developable ha outside the walkable catchment and 26.5 dwellings/net developable ha within the walkable catchment;
- the local town centre will comprise a full-line supermarket and specialty shops (totalling 6,000 sqm) and non-retail local services of 1,000 sqm.

4 PLANNING CONSIDERATIONS

I am asked to review the PSP and the Pask submission made to the exhibited PSP prepared by Tract Consultants. In reviewing the PSP I have not identified any additional issues beyond those identified by Tract that specifically affect the Pask land interests.

To assist the Advisory Committee my review generally follows the format and order of issues raised by Tract.

4.1 680 CRAIGIEBURN ROAD (PARCEL 24)

4.1.1 Open Space

The Tract Submission

“Proposed open space occupies 6.56h (40%) of the site and appears to be required to preserve vegetation that has been identified for removal in the Biodiversity Conservation Strategy for Melbourne's Growth Areas (BCS) and a further 3.5HA (21%) of the site is committed to the provision of a government primary school. This leaves 6.36HA (39%) of the site available for development within which the encumbrances of a major boulevard connector, on a diagonal, dissects the site and additional land required for defensible space.”

VPA Response

“VPA notes the landowner's concerns regarding reduced NDA. No change required.”

My Response

I agree with the Tract submission. The area of open space is 6.56 ha (PSP page 49). Under Clause 56.05-2, the standard area for local open space is generally 1 ha. Whilst I acknowledge that the area designated for local open space contains significant vegetation, I agree with Tract that this area was not identified for vegetation retention in the report prepared by Department of Environment and Primary Industries (June 2013): Biodiversity Conservation Strategy for Melbourne's Growth Corridors.(BCS).

One of the stated purposes of the BCS is to:

"Identify the land within the growth corridors that is required to be protected due to the sub-regional species strategies and the prescriptions for matters of national environmental significance." (page 2).

The BCS states:

"The conservation areas comprise all the land that will require protection for conservation within the growth corridors. Land that is not a conservation area and is suitable for urban development may be cleared of native vegetation in accordance with an approval by the Commonwealth Environment Minister under the endorsed program and subject to Victorian legal and planning processes (e.g. Flora and Fauna Guarantee Act 1988, Planning & Environment Act 1987).

Urban development will be excluded from conservation areas and each conservation area will be protected and managed for conservation in perpetuity.

...

The boundaries of each conservation area shown in sections 5.4 to 5.7 are final and will not be subject to future modification during the precinct structure planning stage or under any other development approval, except where minor potential changes are specifically identified." (page 47, my emphasis).

Whilst I consider the general location of this area of local open space is appropriate, the area is unnecessarily large for a local park.

Appended to the Tract submission is a concept plan depicting an area of 2 ha as a local park adjacent to Craigieburn Road. Whilst still exceeding the standard 1 ha area, I am generally supportive of that response.

Note that this is not a BCS area under the PSP, but rather it is local open space. I further note that the VPA's amended version of the PSP (Plan 10) contains a notation that it should be identified as a BCS Conservation Area, which it is not. That is, the amended PSP Plan 10 is incorrect in identifying this open space as a BCS area.

4.1.2 Primary School Location

The Tract Submission

“The siting of the primary school is in a location that provides significant access constraints and potential conflict with traffic movement around the proposed town centre, mixed use areas and bridge crossing. The primary school is not co-located with any active open space which while not essential, is desirable.

Specifically:

The school adjoins a neighbourhood activity centre/town centre at the conjunction of two connector roads this creates the potential for conflict between pedestrian movement, particularly children and traffic congestion at pick up and drop off times. This is further compounded by proximity to a bridge creek crossing.

While not essential, it is typically desirable to locate primary schools adjoining open space assets, particularly active open space, to enable a shared use and dispersal area for students head drop off and pick-up time.

Significantly the siting of the primary school at its current location, creates on the property to the north, a very narrow development area between the school boundary and the Creek. Designated Mixed use in the PSP, the distance between the boundary of the Creek and the school boundary is only 60 metres at its maximum point and when factoring in 22 metre fire setbacks to the Creek reserve and the need to provide a road interface with the school a development area with a depth of only 20 metres is created. This is effectively an undevelopable piece of land. Access to the site is also difficult given the limited access opportunity to the connect at a bridge crossing.

When assessed against the wider distribution of schools, including the R2 PSP to the east, the central part of the PSP's together has a close grouping of schools while the northern part of the PSP is less well serviced.

Opportunities exist to relocate the school to a location more central to the northern catchment which will minimise the impacts of the constraints identified above and provide a school at a location central to its catchment.

Tract recommend:

“The primary school should be relocated away from the high conflict, constrained location identified in the PSP, to a location further north within the PSP.

If the school is not relocated to the north of the creek which we submit should occur, consideration should be given to shift the school slightly north into the Mixed-Use area so that the creek interface sets the northern boundary of the school. This places the school on the path network to be provided along the creek. In addition, it designates a functional use to what is currently mixed use but as indicated above, is effectively undevelopable. The plan below shows the possible location of the school to the north."

VPA Response

"The VPA have worked extensively with DET regarding the school location, and DET supports the location of the Primary School.

The VPA does not support relocating the Primary Schools north of the creek as suggested. However, the VPA are working with DET to determine whether it is feasible to move the school north, adjacent to the Aitken Creek.

Further investigation."

My Response

I am unable to comment on traffic matters raised.

I am comfortable with the general location of the primary school depicted in the exhibited PSP and note that in the adjoining R2 PSP to the east the two primary schools are centrally located between Mt Ridley and Craigieburn Roads and to the north of Aitken Creek. I agree with Tract it is desirable but not essential to locate a school next to active open space.

I agree with the alternative suggestion made by Tract to shift the school to the north. The Mixed Use Zone between a primary school and a creek is an awkward juxtaposition of land uses. Whilst the Mixed Use Zone to its west adjoining the town centre is appropriate I cannot understand the logic of locating a Mixed Use Zone strip between a primary school and a creek reserve.

I consider the location of a primary school with the creek reserve a better outcome as it provides both a potential recreation and nature studies benefit to the primary school.

I therefore agree with the Tract submission that the primary school be relocated northwards to adjoin the Aitken Creek reserve (whether or not separated by a local road).

4.1.3 Local Parks LP09 and LP08/LP06

The Tract Submission

"Local park 09 is a patch of remnant redgum vegetation identified within the BCS and relevant property NVIM report as vegetation to be removed and offset.

The purpose of the BCS was to address and confirm indigenous vegetation to be retained or removed within Melbourne's Growth Areas, informing PSP preparation.

The Craigieburn West PSP now seeks to have this vegetation retained and identified as public open space, at a size over and above that required by PSP guidelines for local park size and function. The primary purpose, it would appear, is to preserve the aesthetics and visual appearance of the trees as a contributing factor to the future urban area.

Local park 08, similarly is located within proximity to LP 09, constituting an over provision of open space for the catchment. The primary purpose for this park is the retention of remaining trees identified in the BCS for removal and offset. The park reserves are being created primarily to preserve indigenous vegetation, not to provide an evenly and equitable distribution of parks. The primary focus being the retention of trees which have already identified in the BCS for removal.

If the preservation is for aesthetic reasons this can be addressed through retention of a reduced number of trees in a more equitably spaced hierarchy of parks providing a better, even distribution of parks across the PSP.

Response

Modify the size of park LP 09 to a typical local park size (approximately 1-2 Ha, refer to plan 1) collocated with the green link to provide a park network that can still incorporate existing trees. More equitably distribute local open space throughout the PSP by increasing several local park sizes and provide additional open space where gaps in distribution exist."

VPA Response

"The VPA does not support a reduction of open space. The land is credited open space and forms part of the overall network. Local park provision is at approximately 5.5% of NDA which is marginally over the typical provision but within an acceptable range.

No change required."

My Response

I agree with the Tract submission for the reasons set out in the submission.

LP09 should be reduced and LP06/LP08 should be deleted.

In terms of the VPA response, maintenance of a 5.5% local open space provision can be achieved through redistribution of local open space more evenly and equitably throughout the PSP area.

4.1.4 Connector Road Alignment

The Tract Submission

“The connector road dissecting the site has several significant implications:

The diagonal alignment across the site at 680 Craigieburn Road, creates a significant constraint to the ability to efficiently develop the site which otherwise has land uses at right angle grids e.g., school, and open space boundaries and is not justified on traffic engineering grounds.

The diagonal road does not provide for direct access to the property immediately to the east (property 25).

The diagonal road creates traffic movement and local street design constraints around the school site and at intersecting points between the connector roads.

The landowner of property 25 is seeking access to a connector road and put forward an alternative location that provides a safe and functional road network while enabling their site to be accessible to a connector.

Response

Realign the diagonal Road to a north/south orientation to be provided within the boundary of the property to the east (property 25) as outlined in plan 1.”

VPA Response

“Further investigation required.

The property to the east has existing access via Whites Lane, which is proposed to be maintained (and upgraded) as per the cross section in the Appendix to the PSP.

The connector road alignment has been agreed between Council & VPA. However, potential realignment is being discussed further.

Further Investigation.”

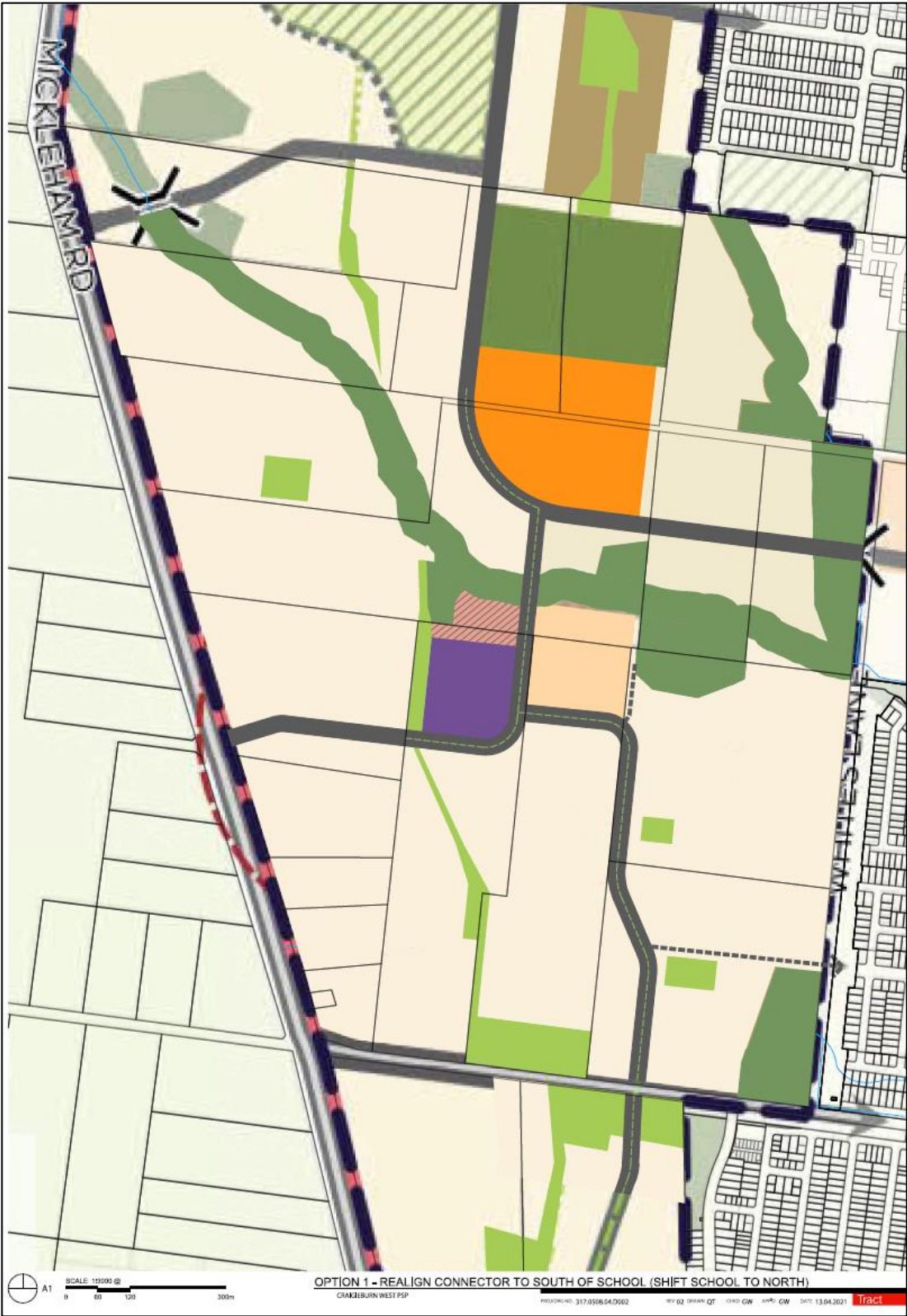
My Response

I am unable to comment on traffic matters raised.

The diagonal connector road will lead to inefficient subdivision design by creating lots that are not aligned on the north-south east-west axes to maximise solar access and /or by creating awkwardly shaped and sized lots. It is preferable that the connector road follow a more north-south alignment.

Plan 1 (over page) indicates how the PSP could be amended to give effect to the above changes, namely:

- A reduction in the area of the Craigieburn Road local park (L09);
- Slight northward relocation of the primary school;



Plan 1: Reconfigured PSP

- Removal of Park L08/L06; and
- A more conventional orientation of the connector road.

I consider that the Advisory Committee should recommend these changes.

4.1.5 Residential Densities

The Tract Submission

“The PSP prescribes a residential density of 26.5 lots per hectare within a 400-metre radius around the local town centre. This has a significant impact on all three Pask properties, significantly on the already heavily encumbered 680 Craigieburn Rd.

In researching all available background information informing the preparation of the PSP there appears to be no justification for the 26.5 per hectare figure. Without the basis for the figure being detailed, it appears to be an arbitrary figure. While the principles behind density around service centres and public transport hubs such as train stations is understood, the local town centre, in the absence of a major train station or significant employment generator, would appear not to be enough of a catalyst to support higher density populations. Based on the marketing research and experience of the Pask group in this corridor, it is unlikely that such densities are going to meet market expectations or be supported.

This requirement in addition to other impediments placed on the Pask sites presents as an unacceptable restriction on the ability to develop the site.

Response

Remove density requirements around such a small activity centre as a catalyst for density as it will not generate demand for higher density housing. Retain the overall PSP target of 18 lots per Ha average. Any density targets should be able to be flexibly applied to enable response to market demands and to achieve good planning outcomes depending upon the specific site context.”

VPA Response

“Further investigation required.

Plan Melbourne requires a minimum average density of 20dw/ha for greenfield areas. A reduction of the density in the walkable catchments will require an increase in density outside the walkable catchments to maintain the average density across the PSP.

Walkable catchments are a standard VPA planning tool to provide increased densities around Local town centres and other areas of amenity.

The VPA does not support the removal of the walkable catchment, however the VPA may consider a refinement of the walkable catchments, in the context of the submissions raised.

Further Investigation.”

My Response

I make two observations:

1. The proposed activity centre is confined to a supermarket and associated specialty shops and a small amount of commercial floorspace. It is not a significant attractor that would warrant a densely developed walkable catchment surrounding it.
2. This locality is at the very edge of the metropolitan area, with Mickleham Road forming the UGB. Lower residential densities would be expected.

The strategic justification for 26.5 dwellings/ha is not provided in the PSP other than a means to achieve the policy outcome of 20 dwellings/ha. However, the 26.5 dwellings/ha figure has not been quantifiably justified. In my experience the density levels so close to the UGB should be market driven.

The VPA response refers to Plan Melbourne requiring a minimum average density of 20 dwellings/ha in greenfield areas. This is also referenced at Clause 11.03-2S. I note that in both instances this is qualified by the terms “over time” and “overall increase in residential densities” (at page 51 of Plan Melbourne), the latter of which I interpret to mean across all growth areas, and recognises that some areas are more suited to higher densities than others because of such a factors as the size of an activity centre, public transport availability and other locational factors.

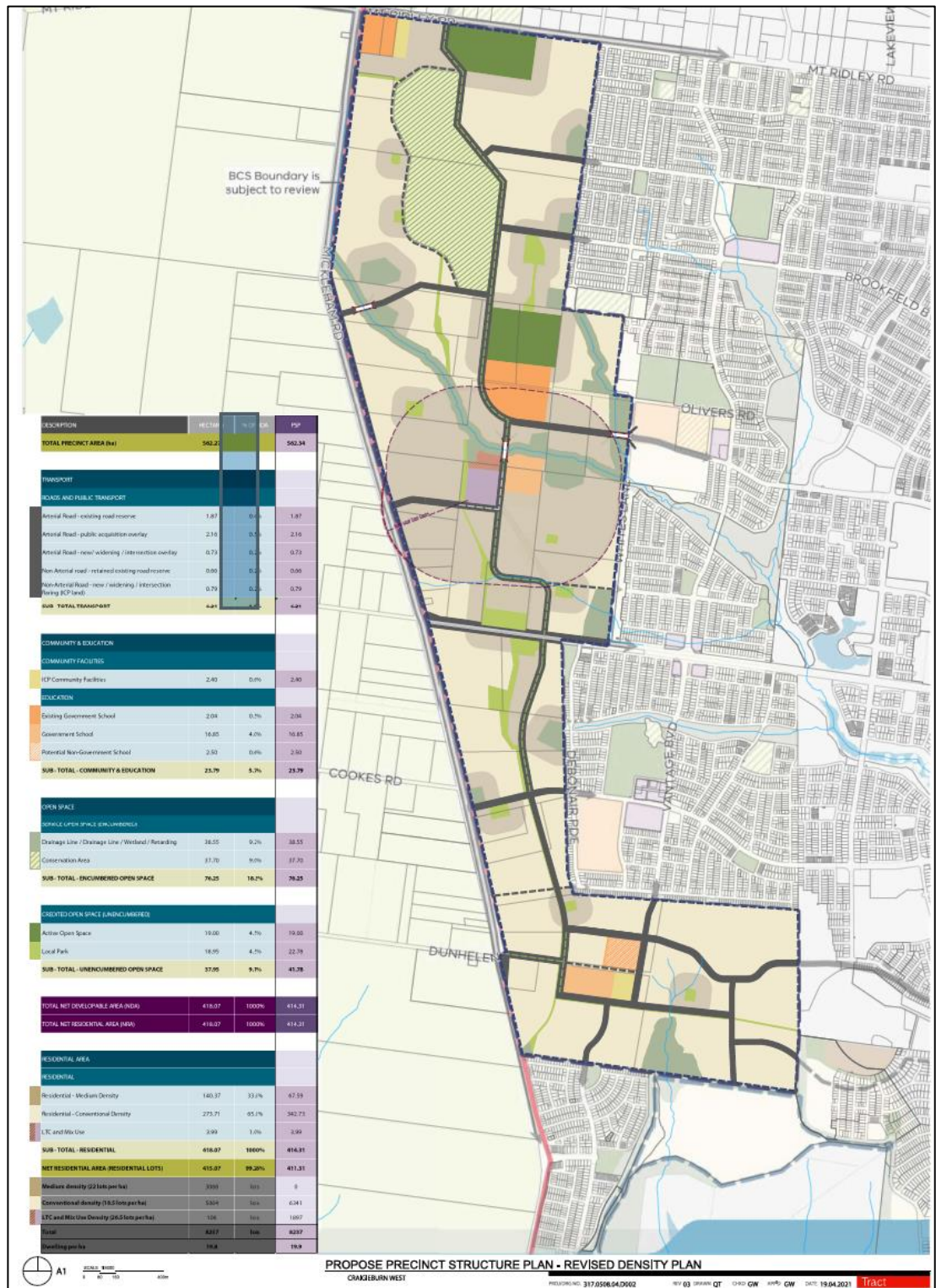
The Tract submission relies in part on marketing research undertaken by the Pask Group. Whilst I am not privy to that research, the limited size of the town centre and the PSP’s outer metropolitan location would suggest to me that a less rigid and more flexible approach to densities should be adopted in this instance. This could be achieved, for example, by qualifying Table 2 with words, such as “Preferably...” or “Subject to market conditions....”.

Tract have prepared a plan (Plan 2 over page) which identifies a greater spread or distribution of medium density housing not only within the walkable catchment around the town centre but around other amenity features such as local parks so that the density obligation is distributed more equitably.

The 20 dwellings/ha target is not confined to any specific part of the PSP or the PSP as a whole but across all of metropolitan Melbourne’s growth areas. The alternative plan (Plan 2) which depicts 22 dwellings/ha within the walkable catchment and around the local open spaces achieves this outcome.

4.1.6 Bushfire Safety

I am unable to comment on bushfire safety.



Plan 2: Alternative Density Plan (note the connector road location differs from Plan 1)

4.1.7 Master Planning for the Linear Reserve (R24)

The Tract Submission

“R24 requires that the first development proponent to lodge a permit application for subdivision of land which contains a section of the park must undertake a master plan for that section.

While only a minor issue, this should include additional clarifications as any plan should be:

The specific section to be designed needs to be further clarified as the park section identification number.

A preliminary plan only should be required, as details such as cross overs and interfaces may not be known for adjoining sites.

Response

Adjust wording to better describe the specific sections required to be master planned.”

VPA Response

“Further discussion/investigation regarding final wording of R24 is required.

Agree in principle, the intent of the requirement was to require a masterplan for each specific section of the linear park outlined by the PSP (i.e. GL-04, GL-09 etc). VPA to review the Requirement and update accordingly.

Updated to clarify wording and intent of R24.

Further investigation.”

My Response

I agree with the Tract submission that the master plan should only apply to each identified section and it appears that the VPA agrees. However the redrafted PSP does not reflect this.

4.2 1630 AND 1660 MICKLEHAM ROAD (PARCELS 12 AND 13)

4.2.1 Open Space

The Tract Submission

“The local park LP 05 identified central to this site serves a catchment that extends in the North and East bounded by the creek corridor to the West, Mickleham Rd to the South and the 400- metre setback from local park LP09. The park is not located central to this catchment. To provide a better level of accessibility at a central location the park should be located further south. An opportunity exists to locate this park on the creek corridor or linear reserve as an open space node to encumbered land. Specifically:

The current park location is 800 metres from the redgum park LP 09 but only 400 metres from active open space SR 02.

By relocating the park approximately 200 metres to the South/south west it will be almost equidistant between LP 09 to the South and the Creek reserve to the North. Spatially this is a central location to the residential community that is bounded by Craigieburn Rd to the South, the Boulevard connector Rd town centre to the east, the Creek alignment to the North and Mickleham Rd to the West.

Response

By shifting the park to the northern boundary of property 17(immediately south of property 13 site boundary) collocated with the creek reservation the relocated park will be more central to the community that is bounded by the creek and Mickleham and Craigieburn Roads.

VPA Response

“Disagree - Catchment mapping indicates this is located central to the intended catchment.

Locating the open space further south will minimise the availability of open space in the properties to the north (in properties 8, 12 & 13). Locating LP-05 adjacent to the creek corridor will further reduce the available open space west of the creek and linear reserve.

No change required.”

My Response

I generally agree with the VPA that this local park is located central to its intended catchment.

4.2.2 Access

This is a traffic matter.

4.2.3 Drainage

I am unable to comment on drainage scheme requirements.

5 CONCLUSIONS

My evidence responds to various specific matters raised by Tract on behalf of the Pask Group regarding the Craigieburn West PSP.

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



Andrew Clarke B.TRP (Hons.), MPIA
19 April 2011

ATTACHMENT 1: ANDREW CLARKE CURRICULUM VITAE

CURRICULUM VITAE

ANDREW CLARKE

OCCUPATION: Consultant Town Planner

DATE OF BIRTH: 9th July 1960

NATIONALITY: Australian

ACADEMIC QUALIFICATIONS:

Bachelor of Town and Regional Planning (Hons.), University of Melbourne, 1982

PROFESSIONAL AFFILIATIONS:

Corporate Member, Planning Institute of Australia

Member, Victorian Planning and Environmental Law Association

SUMMARY OF CAREER HISTORY:

- Director, Matrix Planning Australia Pty Ltd, 2001-present
- Planning Manager, Fisher Stewart Pty Ltd, 1995-2001
- Senior Planner, SJB Planning Pty Ltd, 1993-1995
- Senior Planner, Fisher Stewart Pty Ltd, 1992-1993
- Town Planner/Senior Planner/Associate, Wilson Sayer Pty Ltd/Wilson Sayer Core Pty Ltd, 1982-1991

OVERVIEW OF EXPERIENCE AND EXPERTISE

Since 1982, Andrew Clarke has been employed as a consultant town planner, providing advice to private individuals and firms, as well as Commonwealth, State and local government.

The particular expertise of Andrew Clarke has been in the area of planning and development approvals associated with a range of residential, commercial, industrial, recreational and institutional development projects.

Andrew regularly appears as an expert witness in planning panels, tribunals and courts. Between 1988 and 2015, Andrew was regularly appointed by the Minister for Planning to sit on and chair planning panels and enquiries including advisory committees, environment effects statements and planning scheme amendments.

Andrew is a former secretary (1990-91 and 1992-93) and chair (1993-94) of the Australian Association of Planning Consultants (Victoria Division).

Andrew established Matrix Planning Australia Pty Ltd in June 2001 as a town planning consultancy.

Representative projects undertaken by Andrew under the Matrix Planning Australia Pty Ltd banner include:

- Melbourne Cricket Ground Northern Stand Redevelopment for MCG5 Sports Architects on behalf of the Melbourne Cricket Club and Melbourne Cricket Ground Trust (2001)
 - Central Creek Grasslands Residential Subdivision and Conservation Project for the Urban and Regional Land Corporation (2001)
 - Pharmacy College, Redevelopment, Royal Parade Parkville for the City of Melbourne (2001)
 - Watt Road Mornington, Residential Rezoning and 100 Lot Subdivision for private client (2001-2002)
 - CSIRO Division of Petroleum Resources, Syndal, Subdivision Development, for CSIRO (2002)
 - Hutchison Telecommunications Mobile Phone Towers Visual Impact Assessment, Hoppers Crossing (2001)
 - Marlows Ltd, Marlows automotive outlets, Sunshine and Preston (2001-2002)
 - Melbourne Sports and Aquatic Centre, Stage 2 Redevelopment for 2006 Melbourne Commonwealth Games (2002)
 - The Esplanade Hotel, St Kilda Redevelopment for the City of Port Phillip (2002)
 - Deakin University Melbourne Campus, Burwood, development control advice for Deakin University (2002)
 - BassGas Project Environmental Effects Statement Panel Inquiry Chair for Victorian Department of Infrastructure (2002)
 - Cheltenham Green: Land Subdivision, Apartment and Townhouse Complex, Cheltenham for VicUrban (2003) (2008 Winner Urban Development Institute of Australia (Vic) Award for Excellence in the category of Urban Renewal Projects)
 - West Field Coal Mine Hazelwood Project, for International Power – Hazelwood (2004-2005)
 - Various School Building and Site Extensions for Brighton Grammar School (2004)
 - Parkside Gardens Residential Subdivision, Shepparton, for VicUrban (2004)
 - South Melbourne Supermarket and Mixed Use Commercial Development, for private client (2005)
 - Mortlake Gas Fired Power Station, for Origin Energy (2005-2006)
 - School Expansion Planning Scheme Amendment and Stage 1 Buildings Permit, for Donvale Christian College (2005-2006) and Plenty Valley Christian College (2008-2009)
 - Princes Highway, Traralgon Bypass, for Department of Primary Industries (2007)
 - Shaw River Gas Fired Power Station and Gas Pipeline, for Santos Ltd (2009-2010)
 - Planning Controls Assessment, Nelson Place, Williamstown for Nelson Place Village Pty Ltd (2011)
 - Numerous Licensed Premises Amenity Impact Assessments (ongoing)
 - Numerous residential unit and land subdivision proposals for various private clients (ongoing)
 - Numerous highest and best use advices and opinions in relation to land acquisition and compensation cases
-

