

5.1 12 THE HIGHWAY MOUNT WAVERLEY – USE AND DEVELOPMENT FOR OFFICES AND REDUCTION IN CAR PARKING REQUIREMENT

(TPA/35918:CD: SYL)

Ward: Mount Waverley

Responsible Director: Don Cameron

Reason for Council Consideration: Cost of Development

Cost of Development: \$5 million

Statutory Processing Date: 22 August 2008

Pre Application Discussion: Yes

RECOMMENDATION

*Council having caused notice of planning application No. 35918 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse the application** for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 12 The Highway Mount Waverley, for the use and development for offices and reduction in car parking requirement on the following grounds:*

- 1. The proposal is inconsistent with the State Planning Policy Framework, particularly the Design and Built Form Policy at Clause 19.03*
- 2. The proposal does not provide sufficient on-site car parking.*
- 3. The proposal is inconsistent with the built form and character of the area.*
- 4. The proposal will have a detrimental impact on the amenity of the area.*

and directs that the Applicant and each objector be given a notice of the Council's decision to refuse the permit.

BACKGROUND

The subject land is located on the northern side of The Highway, Valley Road and Gallery Place intersection in Mount Waverley.

A Locality Map is shown as Attachment 1.

The irregular shaped site has a frontage of 14.24 metres to The Highway, with a total site area of 192 square metres.

A single storey retail building with on-site car parking for 4 vehicles exists on the land. Access to the car parking is via Gallery Place.

The site forms part of the Mount Waverley Shopping Centre. Properties to the north and south-west are developed for shops and offices. The majority of buildings are either single-storey or double-storey scale.

To the south, abutting the site, is a small open space reserve containing a public bench and landscaping. Residentially zoned land is located to the east across Gallery Place.

This application was to be considered by Council at the meeting of 22 April 2008, but at the request of the applicant it was deferred to enable the design deficiencies to be addressed.

The applicant has now submitted marginally amended plans for Council's consideration. The amendments comprise deletion of the rooftop balcony, enclosing the car parking spaces at the rear together with the addition of hydraulic car lifts (or 'stackers'), stepping in the upper level 500mm on three sides and a reduction in the overall building height.

PROPOSAL

It is proposed to develop the site with a 3 storey office building. The ground level will contain 98.57 square metres of net office floor area. Level 1 will contain 147.77 square metres, and the top level, 132.04 square metres. The total net floor area of the building will be 378.38 square metres. Car parking for 6 vehicles will be provided at the rear in the form of 3 hydraulic car lifts.

The building will be constructed to abut the boundaries at ground and first floor levels, with the top level stepped in 500mm on the south, east and west boundaries. The building will have a maximum height of 10.1 metres.

Plans and Elevations of the proposal are shown as Attachment 2.

POLICY IMPLICATIONS

The land is zoned Business 1 under the Monash Planning Scheme. There are no overlays.

A planning permit is required to use the land for offices at ground floor level and carry out buildings and works pursuant to the Business 1 Zone controls at Clauses 34.01-1 and 34.01-4 of the Scheme.

A waiver of the standard car parking requires a permit under Clause 52.06.

The following provisions of the Scheme are also relevant:

State Planning Policy Framework

- Clause 12 – Metropolitan Development

- Clause 11.03 – Principles of Land Use and Development Planning Policy
- Clause 14 – Settlement Policy
- Clauses 15.12 – Energy Efficiency Policies
- Clause 17.02 – Business Policy
- Clause 18.03 – Bicycle Transport Policy
- Clause 19.03 – Design and Built Form Policy

Local Planning Policy Framework

- Clause 21.03 – Strategic Framework Plan
- Clause 21.05 – Economic Development Policy
- Clause 21.06 – Retail Policy
- Clause 21.08 – Transport and Traffic Policy

CONSULTATION

Notification

The original application was advertised pursuant to Section 52 of the Planning and Environment Act by mail to the owners and occupiers of the 9 abutting and opposite properties (13 addressees), and 3 notices displayed on the land.

One objection was received from the operators of The Highway Gallery. The objection is that the lack of car parking for the proposal will impact on the operations of the Gallery. It was requested that temporary car parking permits be available to the Gallery for deliveries, setup and official opening days.

The amended plan is not sufficiently different from the original to warrant further notification.

Referral

There are no statutory referral authorities.

The application was referred to Council's Drainage and Traffic Engineers. Their comments are as follows:

Drainage Engineers

- Stormwater is to be detained on site to pre-development levels.

Traffic Engineers

- The Mount Waverley Shopping Centre currently has car parking supply issues.
- There is concern about car parking overflowing into the adjoining residential area.
- The traffic report justifying the proposal includes spaces in the residential area and contains some distortions in respect of car parking availability.

- New developments should provide the required car parking.

ASSESSMENT

Car Parking

The following table details the car parking requirement for the proposal:

Use	MPS and Council Policy Ratio	Spaces Required	Spaces Provided
Office 378.38m ²	3.5 spaces per 100m ² Net Floor Area	13	3 (6 if stackers considered acceptable)
			Credit for Separate rate 3
TOTAL		13	6

Where an existing building is demolished and re-built, no credit is given for car parking provided for the previous use, although car parking spaces provided under a separate rate scheme are counted. Under the Mount Waverley separate rate scheme 3.18 spaces have been provided in respect of the existing premises.

If Council were to consider the use of stackers as a viable parking solution the waiver would be 4 spaces. However, stackers have inherent problems and as such a waiver of 7 spaces is required.

The development will rely on off site car parking for more than half of its required parking. This is considered inconsistent with orderly planning. A new development should not place such a significant burden on the shopping centre, which could be to the detriment of other users of the centre.

The site's proximity to residential land would also be likely to result in some overflow parking occurring in the adjacent residential streets. In fact, the car parking study submitted to justify the waiver includes spaces within the residential streets.

Retail Policy

One of the key objectives of the Retail Policy is to promote and facilitate the hierarchy of activity centres as the most efficient and equitable framework to provide the range of civic, retail, recreational, entertainment, health, educational, restaurant and other service requirements of the community.

The Mount Waverley Shopping Centre is characterised as a Neighbourhood Activity Centre where a variety of service based facilities to meet local needs are sought.

Office uses are encouraged where contiguous retail frontage is not compromised. In this instance the site is at the end of a row of shops, which will ensure that the retail frontage is not impacted on by the provision of offices at ground floor level. The large expanse of glazing would also be consistent with the appearance of a retail shop providing a degree of transparency and interest at street level.

The policy requires that car parking is provided to meet the needs of the Centre. As discussed the waiver of 7 parking spaces is an issue of concern.

Design and Built Form

The three-storey scale of the development is inconsistent with the 2-storey scale of the adjoining buildings. Whilst there are other 3 storey buildings within the Mount Waverley Shopping Centre, they are located within the core of the Shopping Centre, not exposed on three sides on the edge of the Centre, which should make a transition to the adjoining residential area.

Clause 19 requires, amongst other things that new development should aspire to the high standards in architecture and urban design. The building is essentially a flat box, built from boundary to boundary on all sides with only token 500mm setbacks at the top level. Some articulation is provided by the expressed lift well on the front elevation.

Office Use

A planning permit is required to use the land for an office on the ground floor because the frontage exceeds 2 metres wide. As discussed in the retail policy, the use is considered appropriate as it will not fragment contiguous retail frontage, and will have a high degree of transparency.

OBJECTION RESPONSE

The issue of car parking has been discussed. Temporary car parking permits are a matter for the Local Laws department, but new developments should not require car parking into nearby residential areas.

CONCLUSION

The proposal would be an over-development of the site, which will unreasonably impact on the character and amenity of surrounding land. It should be refused by Council.