

5.3 2-10 RICHARD STREET GLEN WAVERLEY – CONSTRUCTION OF A FOUR STOREY APARTMENT BUILDING COMPRISING 62 DWELLINGS WITH BASEMENT CAR PARK AND PARTIAL DISPENSATION FROM THE CAR PARKING REQUIREMENTS OF CLAUSE 52.06 OF THE MONASH PLANNING SCHEME

(TPA/36732:MD:SYL)

Ward : Glen Waverley

Responsible Director: Paul Kearsley

Reason for Council Consideration: Cost \$14 million

Statutory Processing Date: 10 February 2009

Preliminary Discussions: No

RECOMMENDATION

*Council having caused notice of planning application No. 36732 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 2-10 Richard Street, Glen Waverley, for the construction of a 4 storey apartment building comprising 62 dwellings with basement car park and partial dispensation from the car parking requirements of Clause 52.06 of the Monash Planning Scheme on the following grounds:*

- 1. The proposed development is out of character with the existing development in the area, in particular having regard to excessive mass, bulk, scale, and pays little respect to the context that it is proposed to be placed in.*
- 2. The proposed development as submitted is considered to constitute an overdevelopment of the site.*
- 3. The proposed development will have an adverse impact on the amenity of nearby properties, in particular with regard to inappropriate visual impact.*
- 4. The proposed development does not pay due regard to the Garden City policies within the Monash Planning Scheme and will result in the loss of mature trees on the site.*

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

BACKGROUND

The subject site is located on the north east corner of Frank and Richard Streets, Glen Waverley. The land comprises 5 residential allotments with total frontage of approximately 40 metres and 83 metres to Frank and Richards Streets respectively. Overall site area is approximately 3,583 square metres. See Attachment 1 for locality plan.

The five dwellings that previously occupied the site have been demolished and the land is now vacant.

Surrounding development comprises St Leonard's Catholic Primary School and Parish Complex to the north, conventional single storey residential development and dual occupancy developments to the south and west of the site and a recently completed four storey building comprising a mix of dwellings and serviced apartments to the east.

In broader neighbourhood terms, on the south of Frank Street, there is a local shopping strip that fronts Springvale Road. The Lane Toyota car yard is located further south between Springvale Road, Waverley Road and Richard Street.

PROPOSAL

The application is for the construction of a four storey apartment building with basement car park comprising 62 dwellings with a total of 11 one bedroom dwellings, 48 two bedroom dwellings and 3 three bedroom dwellings. The building transitions from 4 storeys down to 2 storeys fronting Richard Street.

The plans submitted with the application provide for the following (Attachment 2):

Ground Floor

- Ground level comprises 19 dwellings with 2 one bedroom apartments, 16 two bedroom apartments and one three bedroom apartment ranging in area between 51 square metres and 92 square metres.
- Each apartment is provided with private open space areas ranging in area between 22 square metres and 137 square meters.
- Main pedestrian entry to the building is via two pathways from Richard Street between the separated built form of the building fronting Richard Street. An additional pedestrian entry is via Frank Street. Letterboxes and 4 bicycle parking spaces are provided within the front setback of Richard Street.
- Seventeen (17) bicycle racks are located along the eastern side of the basement entry ramp.
- A bin compactus area, bin storage area and services area are located within the building along the Frank Street frontage with ramp access from Frank Street.

- Access to the basement car park is via a 6 metre wide crossover from Frank Street.
- Garden planter boxes are proposed between the separated built form.
- Fencing enclosing private open space areas encroach within the front landscape setback of both Richard Street and Frank Street.
- At ground level the building is setback as follows:
 - Minimum setback of 6 metres from Richard Street.
 - Minimum setback of 2.6 metres from Frank Street.
 - Minimum setback of 2.3 metres from the northern boundary.
 - Minimum setback of 4.7 metres from the eastern boundary.

First Floor

- The first floor comprises 20 dwellings with 6 one bedroom dwellings, 13 two bedroom dwellings and 1 three bedroom dwelling.
- Dwellings range in area between 52 square metres and 92 square metres.
- Each dwelling is provided with a balcony between 8 square metres and 21 square metres.
- At this level the building has the same setbacks as the ground level apart from a number of balconies overhanging the built form and the extension of the building in the south east corner over the ramp area.

Second Floor

- The second floor comprises 15 two bedroom dwellings.
- Dwellings range in area between 64 square metres and 92 square metres.
- Each dwelling is provided with a balcony as private open space between 8 square metres and 17 square metres.
- At this level the building is recessed from each boundary but with the greatest impact being from the western boundary. Setbacks are as follows:
 - Minimum setback of 11 metres from Richard Street.
 - Setback between 2 metres and 7.9 metres from Frank Street.
 - Setback between 1.5 metres and 2.2 metres from the northern boundary.
 - Setback between 4.7 metres and 7.1 metres from the eastern boundary.

Third Floor

- The third floor comprises 8 dwellings with 7 one bedroom dwellings and 1 three bedroom dwelling.
- Dwellings range in area between 53 square metres and 109 square metres.
- Each apartment is provided with a balcony between 14 square metres and 42 square metres.

- At this level the building is recessed from all boundaries and setbacks are as follows:
 - Minimum setback of 15 metres from Richard Street.
 - Minimum setback of 13 metres from Frank Street.
 - Setback between 10.6 metres and 12.5 metres from the northern boundary.
 - Setback between 5.8 metres and 7.1 metres from the eastern boundary.

Basement

- A total of 77 car parking spaces are provided for the development within the basement car park. Sixty five (65) spaces are to be allocated to the dwellings and 12 for visitors.
- One storage area per dwelling is provided within the basement.
- Two lifts are provided within the building with access from the basement to all levels of the building.
- A roller shutter door is located at the bottom of the ramp at the entrance to the basement car park.
- The basement is setback as follows:
 - 6 metres from the western boundary (Richard Street).
 - 2.6 metres from the southern boundary (Frank Street).
 - 2.3 metres from the northern boundary (School).
 - 2.2 metres from the eastern boundary.

The building displays a mix of styles with building forms fronting Richard Street more conventional and incorporating pitched roofs constructed of terracotta tiles while the remainder of the building is more contemporary in style. Materials to be used in construction comprise a mix of pre-cast concrete panels with rendered finishes, feature walls with timber posts and exposed steel framing and metal cladding for the upper floor. The maximum height of the building is 14.6 metres.

An arborist report and a traffic report was also submitted with the application the details of which will be discussed later in the assessment section of the report.

POLICY IMPLICATIONS

The policies relevant within the Monash Planning Scheme for the current application include the following:

State Planning Policy Framework

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres and encouraging a substantial proportion of new

housing in or close to activity centres and other redevelopment sites that offer good access to services and transport.

Clause 14.01: Planning for Urban Settlement

Clause 15.12: Energy Efficiency

Clause 16.02: Medium Density Housing

‘To encourage the development of well-designed medium density housing which:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure
- Improves energy efficiency of housing.

Clause 18.02: Car parking and Public Transport Access to Development

Clause 19.03: Design and Built Form

Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

A key component of the strategic vision of Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the Garden City Character of Monash.

Clause 21.03-3: Garden City Character

This clause particularly requires that the Garden City Character is to form a central component of land development especially when considering aspects such as setbacks of buildings from roads, public spaces and other buildings, the mass and scale of building envelopes, well designed building facades, canopy tree landscaping and location of car parking and accessways.

Clause 21.04: Residential

New development should be carefully designed and sited to complement the current character and satisfy the intent of the desired future character statement for each character type as identified in the ‘Monash Urban Character Study’.

Clause 22.01: Residential Development and Character Policy

The subject site is located within Residential Character Type ‘C’. The dominant architectural framework is the double-fronted consistently setback, single storey brick veneer 1950’s/1960’s dwellings with some weatherboards dispersed throughout the area.

The desired future character for the area is for the neighbourhood to develop within a pleasant leafy framework of well-planted front gardens and large canopy trees. Architecture, including new buildings and extensions, will, in the majority of cases, be secondary in visual significance to the landscape of the Character Type from the street. However, in neighbourhoods that currently have a large proportion of two storey houses, the architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetuated.

Clause 22.04: Stormwater Management Policy

Clause 22.05: Tree Conservation Policy

Zoning

The subject site is located within a Residential 1 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for the construction of more than two dwellings on the site. In addition a planning permit is required for a reduction in the car parking requirement as specified under Clause 52.06 of the Scheme.

The subject site is not affected by any overlays.

CONSULTATION

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site and within the immediate area. Two large notices were also displayed on the land.

In addition a public information session was held during the notification period and approximately twenty (20) residents attended the meeting.

Eight objections and one objection with a number signatories, have been received to the proposal. A summary of the objections is as follows:

- The proposal is an overdevelopment of the site.
- The four storey building is not in keeping with the surrounding area.
- Increase in traffic in Richard and Frank Streets, which already struggles with traffic from the school and Lane Toyota.
- Concern with construction vehicles, construction noise and dust during the building phase.
- Inadequate on site parking which will lead to overflow parking into Richard and Frank Streets.
- Increase in traffic hazards particularly exiting Richard and Frank Streets.
- Concerns with overlooking particularly into the school grounds and classrooms.

- Overshadowing of buildings along Richard Street.
- Increase in noise from the additional residents living in the development.
- The entry to the basement car park will lead to shining of car headlights into dwellings on the opposite side of Frank Street.
- Increase in dust and noise during the construction phase.
- Decrease in property values.

There are no statutory referral authorities.

The application was referred to Council's Drainage and Traffic Engineering Sections for comment. Drainage conditions are required to be placed on any permit issued however Council's traffic engineers have concerns regarding the parking provision on site. Details will be discussed in the assessment section of the report.

OBJECTION RESPONSE

It is considered that many of the issues raised by the objectors are valid, particularly those relating to the built form and its compatibility with the surrounding area. Many of the issues raised will be discussed below.

ASSESSMENT

The use of the site for higher density residential development is consistent with State and Local Policies and the provisions of the Municipal Strategic Statement of the Monash Planning Scheme, particularly as the site is located within a reasonable distance of the Glen Waverley Activity Centre, which is designated a Principal Activity Centre under 'Melbourne 2030'.

As the development is four storeys in height the proposal is not subject to a Rescode assessment (Clause 55). However consideration must be given to the design principles outlined in Clause 19.03-2 of the Scheme, which does cover some of the matters contained within Clause 55. In addition the document 'Guidelines for Higher Residential Development', which expands on the principles contained within Clause 19.03-2 should be considered. Accordingly, a discussion of these design principles follows below.

In addition, an assessment against Council's 'Guidelines for Multi Storey Development of Three Storeys and Above in the City of Monash' is contained within Attachment 3.

Context

In consideration of the previous adjacent proposal for the 4 storey building, which fronts Springvale Road, Council recognised the unique locational characteristics of the 10 allotments (including the 5 allotments now the subject of this

application) as being an island site with street frontages on three sides ie Springvale Road, Frank Street and Richard Street. It was acknowledged that some degree of higher density development was considered appropriate however recognition of the need to integrate within the existing urban fabric was also highlighted.

In the current application this need to respect the context of the site is even more important as the proposal will be located directly opposite existing conventional residential development.

The interface to the north is with a primary school containing low scale buildings, play areas and car parking and includes the parish church. The main entry to the church and school is from Springvale Road.

Opposite the site, on the south side of Frank Street, are modest dual occupancy developments. Further east within Frank Street is a small retail centre, which fronts Springvale Road. Within Richard Street, modest dual occupancy development is interspersed between existing single storey dwellings.

The proposal in its current form is considered to be out of context and excessive in mass, bulk and scale, and pays little respect to the surrounding neighbourhood character. The applicant has given some acknowledgement to the residential nature of the surrounding area by separating the building into three sections fronting Richard Street, transitioning from two storeys and adding pitched roofs to these components. However, the overall affect within the streetscape of Richard Street will be of three very large, flat, institutional style buildings attached to an even larger section of building behind to the east.

In addition, the Frank Street elevation presents as an even larger dominating form instead of providing an appropriate transition from the existing 4 storey building located to the east.

Because of the isolated nature of this residential area between Richard and Frank Streets, it is considered imperative that the building is transitioned appropriately. As presented, there is no relief from the visual impact of the building within the locality. Landscape and building setbacks are inadequate and should be a minimum of 7.6 metres along Richard Street and 3 metres along Frank Street to allow the building to sit comfortably within a landscape setting. Intrusions of fencing and private open space areas within the proposed minimal front setbacks further compromise the visual amenity of the development.

The three storey height of the building along the northern elevation presents as a flat plane and will be visually intrusive to the school community.

Overall the proposal has not adequately taken into account the context of the area and presents as an overdevelopment of the site.

The Public Realm

It is considered that the scale of the building as viewed from the public realm will be out of context with the surrounding area and does not provide for an adequate transition to the existing low scale residential development to the south and west of the site.

Safety

The design of the building allows for passive surveillance both internally and externally to the development.

Landmark, Views and Vistas

The subject site is not considered to be a landmark site and accordingly a four storey building would be inappropriate in this location.

Pedestrian Spaces

The location of high fencing within front landscape setbacks will not enhance pedestrian movement around the site.

Heritage

This principle does not apply to the current site as it does not fall within a Heritage Overlay.

Consolidation of Sites and Empty Sites

The proposal consolidates five allotments that are located in close proximity to the Glen Waverley Activity Centre supporting the principle and providing an opportunity to create a development which supports the policies of '*Melbourne 2030*'.

Light and Shade

Light and shade is provided through the use of a mix of materials and location of balconies.

Energy and Resource Efficiency

The development would be required to comply with the energy rating requirements under the building controls however no other specific details have been provided in regard to energy efficiency. An examination of the plans does not readily reveal where this principle has been incorporated into the design.

Architectural Quality

It is considered that the architectural quality of the building is compromised in its attempt to try and fit within the streetscape. The addition of pitched roofs on what is essentially a more contemporary 'box like' building appears incongruous and out of character within the streetscape and only further highlights the inappropriate architectural style proposed. The pitched roofs appear as an afterthought or tokenism to surrounding streetscape character.

In addition, the expansive use of concrete panel walls is in harsh contrast to the fabric of materials used in the existing residential buildings located within Richard and Frank Streets.

Landscape Architecture

There are three trees located on the subject site, only one of which is shown on the plans to be retained. There is concern however that the existing tree (magenta cherry) located within the front landscape setback of Richard Street, although marked as being retained, will also be adversely affected by the proposed construction on site.

The Arborist Report submitted with the application indicates that all three trees are worthy of retention. The trees are a *Eucalyptus nicholii* (narrow leaved black peppermint), *Syzygium paniculatum* (magenta cherry) and *Liquidambar styraciflua* (sweet gum) with heights of 9 metres, 10 metres and 11 metres respectively. The arborist indicates that each tree is healthy and of such a size that they contribute to the quality of the surrounding landscape as well as to the tree canopy of the surrounding area.

In particular, the arborist states that the magenta cherry is the most desirable of the subject trees in terms of its physical size and its aesthetic landscape value. The affect of the construction of the proposed basement on this tree is likely to lead to a considerable depletion in the tree's current health and into the future. The proposed basement is to be located 3 metres from the centre of the trunk and the basement excavation will encroach heavily upon the designated tree protection zone.

It is noted that the same developer applying for the current proposal constructed the existing building located to the east of the subject site. The VCAT approval of the building located to the east required retention of trees on the site. During the construction of the building however, there was a total disregard for the retention of trees and not one existing tree has been retained on that site. It is of concern that the same result will occur in the current application and not one original tree will be retained.

This approach is contrary to the orderly and proper planning of the area and the provisions of the Monash Planning Scheme. Clause 21.03 identifies nine key land use components within the Strategic Framework Plan but also expresses an overall vision for the Garden City Character of Monash.

In particular, the strategic vision for residential land use in Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the Garden City Character.

The Garden City vision aims to maintain and enhance the established treed environment throughout the municipality, continuing its significance in defining the character of Monash. Clause 21.03-3 reinforces that planning decisions should seek outcomes, which continue to contribute to, consolidate and enhance this character and image.

Overall the removal of the vegetation from the site is unsatisfactory and cannot be supported. Further, the reduced setback of the building along both frontages (as detailed above) and the intrusion of fencing within setback areas further erodes the landscape opportunities on the site.

Other Matters

Traffic and Car Parking

The traffic report submitted by the applicant's consultant concludes that the proposed supply of 77 car parking spaces is considered to be appropriate having consideration to the relevant decision guidelines of the Monash Planning Scheme. In addition, the report states that there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development.

Council's traffic engineers have examined the report and indicate that the proposed development is expected to generate an additional 437 vehicle movements per day. This will be combined with the traffic generated by the adjacent development, which will create a significant increase in traffic travelling on Frank Street. The Engineers state that the increase in traffic in both Frank and Richard Streets will be particularly noticeable to local residents and it is reasonable to expect existing residents will experience increased delays and congestion.

Under Council's Car Parking Policy 115 spaces are required for the proposed development.

However, it is accepted within the industry and supported by VCAT decisions, that Clause 55 (Rescode) is the more appropriate guide to use when determining car parking ratios for development greater than 4 storeys in height. Accordingly, the number of car parking spaces required for the development using the requirements of Clause 55 (Rescode) and Council's Car Parking Policy is detailed in the table below:

Type of Dwellings (No of Bedrooms)	No of Dwellings	No of Car Spaces Required using Clause 55.03-11 of the MPS	No of Car Parking Spaces Required under Council's Car Parking Policy
One Bedroom	11	11 (1 car space/dwelling)	11 (1 car space/dwelling) 2 (1 visitor space/5 dwellings)
Two Bedroom	48	48 (1 car space/dwelling)	96 (2 car spaces/dwelling)
Three Bedroom	3	6 (2 car spaces/dwelling)	6 (2 car spaces/dwelling)
	plus	12 (1 visitor space/5 dwellings)	
Total	62	77	115

A total of 77 car parking spaces are to be provided on site, which complies with the minimum Rescode requirements of the Monash Planning Scheme however is deficient by 37 spaces below Council's policy which is more closely related to the generation ratios in the municipality

It is noted that on street parking is extremely limited within Richard and Frank Streets and there are a number of parking restrictions within the area. There is concern that any increased demand for on street parking from visitors or residents of the development would have a detrimental impact on the parking demands for local traders, residents, visitors and shoppers. Residential parking permits would not be issued for this development.

Further, it should also be noted that disabled parking has not been designated in the basement car park.

Amenity

- Overlooking from balconies has not been addressed. The majority of overlooking is outside the Rescode provision of 9 metres. Notwithstanding it is considered that overlooking outside this distance at upper floors in some instances is of equal concern and could allow for greater broad sweeping overlooking particularly to the school to the north of the site.
- It is noted that the proposal complies with the overshadowing requirements of Rescode.
- No information has been submitted in respect to refuse collection however Council's waste management section indicates that the bin storage areas appear inadequate and collection from the proposed compactus could be problematic due to a vehicle not being able to access the compactus bin directly.

CONCLUSION

The proposal as submitted is considered to be an overdevelopment of the site and will sit incongruously within its context. Accordingly it is recommended that the development be refused.