

**1.1 2-4 PALMER STREET, OAKLEIGH  
DEMOLITION OF DWELLINGS IN A HERITAGE OVERLAY AND TO USE THE LAND  
FOR AN AT GRADE CAR PARK (TEMPORARY) ASSOCIATED WITH ADJACENT PLACE  
OF WORSHIP  
(Application TPA/48058)**

**DEVELOP AND USE THE LAND FOR A PLACE OF ASSEMBLY (FUNCTION VENUE  
AND SUNDAY SCHOOL CLASSROOMS), AND REDUCTION OF THE CAR PARKING  
REQUIREMENTS  
(Application TPA/48214)**

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**EXECUTIVE SUMMARY:**

This report considers two separate applications for 2-4 Palmer Street in Oakleigh.

Application TPA/48058 proposes the demolition of two dwellings in a heritage overlay and buildings and works to use the land for an at grade car park for 3 years.

Application TPA/48214 proposes development and use of the land for a place of assembly (function venue and Sunday school classrooms), ancillary facilities and reduction of the car parking requirements under Clause 52.06 of the Monash Planning Scheme. Both applications are associated with the adjacent Place of Worship, Coptic Orthodox Church at 136-140 Drummond Street in Oakleigh.

The applications were subject to public notification. A total of twenty-six (26) objections to both applications have been received.

Key issues to be considered relate to the demolition of contributory heritage buildings, non-residential uses of land (at grade car park and Place of Assembly) and design and built form of the proposed building.

This report assesses the proposal against the provisions of the Monash Planning Scheme, the Planning Policy Framework and Local Planning Policy Framework and issues raised by objectors.

**This report is being presented to Council at the request of Councillor Zographos.**

**The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the applications be refused.**

<b>RESPONSIBLE DIRECTOR:</b>	Peter Panagakos
<b>RESPONSIBLE MANAGER:</b>	Natasha Swan
<b>RESPONSIBLE PLANNER:</b>	Eliza Connop
<b>WARD:</b>	Oakleigh
<b>PROPERTY ADDRESS:</b>	2-4 Palmer Street, Oakleigh
<b>EXISTING LAND USE:</b>	Two residential dwellings
<b>PRE-APPLICATION MEETING:</b>	No
<b>NUMBER OF OBJECTIONS:</b>	26 objections for both applications
<b>ZONING:</b>	Neighbourhood Residential Zone 1
<b>OVERLAY:</b>	Heritage Overlay 92 Design and Development Overlay 11
<b>RELEVANT CLAUSES:</b> <u>State Planning Policy Framework</u> Clause 10 (Planning Policy Framework) Clause 11.01-1S (Settlement) Clause 11.01-1R1 (Metropolitan Melbourne) Clause 15 (Built Environment and Heritage) Clause 15.01-5S (Neighbourhood Character) Clause 15.02 (Sustainable Development) Clause 15.03 (Heritage) Clause 17 (Economic Development)	<u>Local Planning Policy Framework</u> Clause 20 (Local Planning Policy Framework) Clause 21 (Municipal Strategic Statement) Clause 21.04 (Residential Development) Clause 21.08 (Transport and Traffic) Clause 21.11 (Physical Infrastructure) Clause 21.12 (Heritage) Clause 21.13 (Sustainability and Environment) Clause 21.15 (Oakleigh Major Activity Centre Structure Plan) Clause 22.04 (Stormwater Management Policy) Clause 22.07 (Heritage Policy) Clause 22.09 (Non-Residential Use and Development in Residential Areas) Clause 22.13 (Environmentally Sustainable Development Policy)  <u>Particular Provisions</u> Clause 52.06 (Car Parking) Clause 52.34 (Bicycle facilities)  <u>General Provisions</u> Clause 65.01 (Decision Guidelines)
<b>STATUTORY PROCESSING DATE:</b>	TPA/48058 – 25 April 2018 TPA/48214 – 19 May 2018
<b>DEVELOPMENT COST:</b>	TPA/48058 – \$80,000 TPA/48214 – \$3,000,000



**RECOMMENDATION TPA/48058:**

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/48058)** for the demolition of dwellings in a Heritage Overlay and carry out buildings and works to use the land for an at grade car park associated with adjacent place of worship (Coptic Orthodox Church) at 2-4 Palmer Street, Oakleigh subject to the following grounds:

1. The proposal is inconsistent with the relevant policies and objectives of the Monash Planning Scheme, including the Planning Policy Framework and Local Planning Policy Framework in particular Clause 15 Built Environment and Heritage, Clause 21.12 Heritage, Clause 22.07 Heritage Policy, Clause 43.01 Heritage Overlay and Clause 43.02 Design and Development Overlay.
2. The proposed demolition, development and use as a car park is not appropriate for the locality in regards to its adverse impact on the streetscape, adjoining properties and general neighbourhood character.
3. The demolition of contributory heritage buildings is not justified.

**RECOMMENDATION TPA/48214:**

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/48214)** to develop and use the land for a place of assembly (function venue and Sunday school classrooms), ancillary facilities associated with adjacent place of worship (Coptic Orthodox Church) and reduction of the car parking requirements under clause 52.06 of the Monash Planning Scheme at 2-4 Palmer Street, Oakleigh subject to the following grounds:

1. The proposal is inconsistent with the relevant policies and objectives of the Monash Planning Scheme, including the Planning Policy Framework and Local Planning Policy Framework in particular Clause 15 Built Environment and Heritage, Clause 21.12 Heritage, Clause 22.07 Heritage Policy, Clause 43.01 Heritage Overlay and Clause 43.02 Design and Development Overlay.
2. The scale and design of the building is out of character with existing heritage buildings and streetscape.
3. The intensity of the use is inappropriate and will cause adverse impact with the surrounding residential area.

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**BACKGROUND:****History**

There are a number of planning applications relating to both sites, 2 and 4 Palmer Street in Oakleigh.

- TPA/22548 and TPA/22549 were refused on 20 March 1996 for the development and use for a Place of Assembly at 2 and 4 Palmer Street. The activities included Sunday school classes, Girl Guide meetings, school holiday activities and youth club gatherings. The applications were refused on the basis that the proposed Place of Assembly would have a detrimental impact on the amenity of the neighbourhood, and impact adversely on the parking and traffic conditions of the surrounding residential areas.
- TPA/22879 was refused on 21 August 1996 at 2 Palmer Street to relocate sheds and works and use of the two buildings and outbuildings and land as ancillary purposes to the church at 136 Drummond Street. The application was refused as it would detrimentally affect the amenity of the surrounding residential area and impact the existing parking and traffic conditions in Palmer Street and other areas immediately adjacent to the site, and the non-residential use is contrary to orderly and proper planning of the area. The applicant appealed Council's decision (Appeal No. 1996/30526). Administrative Appeals Tribunal (AAT) upheld Council's decision and directed no permit be issued.
- TPA/47048 was for the demolition of dwellings in a Heritage Overlay and use of vacant land for temporary parking for use by church patrons which lapsed on 21 April 2017, at 2 and 4 Palmer Street.

**The Site and Surrounds**

The subject site comprises the allotments at No. 2 and 4 Palmer Street which are located on the southern side of Palmer Street in the residential area of Oakleigh. The lots form a rectangular shape with a collective frontage of 30.48 metres, and a maximum depth of 39.62 metres, yielding an overall site area of approximately 1,205 square metres. The site falls across from the south east corner to the north west corner by approximately 1.4 metres. Covenant restrictions apply to each lot (Covenant 1081122) which requires proprietor to obtain consent from The Australian City and Suburban Investment and Banking Company Limited (Society), or its successors and that no old building shall be removed to or erected on the site, and no old materials are used.

The site contains two heritage dwellings which are single storey and constructed of weatherboard with tiled hipped/gable roofs. There is vehicle access to the site from Palmer Street. A 2 metre high metal front fence spans the length of the Palmer Street frontage. The dwellings have matching front setbacks at approximately 7.6 metres which is generally consistent with those of the dwellings to the east. A concrete hard stand area is informally used for car parking associated

with the Church which is located at the rear of the dwellings and accessed from the adjoining laneway to the south.

Both sites are currently used by the Church. The dwelling at No. 2 Palmer Street has been used by the Church to accommodate out of state visitors and provide short term accommodation as required by the Church community. No. 4 Palmer Street is unoccupied and has been vacant for some time. The rear portion of the site has been used in association with the Church and contains various outbuildings and sheds, and an informal car park.

Both dwellings are identified as “contributory” buildings under the Statement of Significance in the Monash Heritage Study (1999). The Statement of Significance for the neighbourhood states that:

*“The identified Residential Areas north of the Oakleigh railway station and the Station Street commercial centre are important for their capacity to demonstrate the stages in the evolution of Oakleigh which include the impact of the late Victorian Land Boom, the Post Federation recovery and the consolidation that took place during the Inter war period (Criterion A). The residential areas include a range of life styles and standards of accommodation throughout the settlement period, progressing from workers’ cottages on the low lying land near the railway and gasworks to middle class dwellings on the wider streets and higher ground north of Atherton Road (Criterion G).”*

The sites are located within the ‘A’ Character Area in the Monash Urban Character Study and within the residential area of the Neighbourhood Residential Zone, Schedule 1 (NRZ1), covered by the Heritage Overlay, Schedule 92 (HO92) and Design and Development Overlay, Schedule 11 (DDO11) and the ‘Oakleigh Major Activity Centre Structure Plan’ as identified by Clause 21.15 of the Monash Planning Scheme.

The land to the north, south and east is zoned Neighbourhood Residential Zone, Schedule 1 and the Heritage Overlay, Schedule 92 applies. The adjoining Coptic Orthodox Church at No. 136-140 Drummond Street is zoned General Residential Zone, Schedule 2 and is affected by Heritage Overlay, Schedule 25 (individually significant church building designed by noted architect Robert Haddon). Surrounding properties are predominantly single storey with some double storey development scattered throughout. Limited multi-dwelling developments exist within the area. The neighbourhood is characterised by its low scale, detached buildings, hipped/gable roofs, weatherboard interwar bungalows, brick interwar dwellings and earlier Federation weatherboard and brick dwellings, in a garden setting.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

**PROPOSAL:**

Application TPA/48058 is for the demolition of both dwellings in a Heritage Overlay and to construct and use the land for an at grade temporary car park associated with adjacent Place of Worship (Coptic Orthodox Church).

Key details of the proposal can be summarised as:

- The demolition of two heritage dwellings (contributory buildings);
- Rear outbuildings are proposed to be retained;
- Carry out works and use the land for an at grade car park for a period of three (3) years in association with the adjacent Place of Worship (Coptic Orthodox Church);
- Provision of 23 car spaces;
- Access proposed from both Palmer Street and the rear laneway.

Application TPA/48214 is to develop and use the land for a place of assembly (function venue and Sunday school classrooms), ancillary facilities associated with adjacent Place of Worship (Coptic Orthodox Church) and reduction of the car parking requirements under Clause 52.06 of the Monash Planning Scheme.

Key details of the proposal can be summarised as:

- The development of a double storey building with a roof top garden above a basement;
- The use for a function venue, Sunday school classrooms and ancillary facilities including kitchen, office, toilets, storage rooms and caretakers apartments which is associated with adjacent Place of Worship (Coptic Orthodox Church);
- Maximum of 250 patrons;
- Hours of operation:
  - Monday to Thursday 10:00am to 4:00pm;
  - Friday 10:00am to 10:00pm; and
  - Saturday and Sunday 8:00am to 8:00pm.
- 29 basement car parking spaces accessed from Palmer Street;
- Reduction of 46 car parking spaces under Clause 52.06 of the Monash Planning Scheme.

Documentation forming part of the application submission includes:

- Heritage Impact Statements/Letters, Trethowan Architecture Pty Ltd, 28 March 2017, 2 February 2018, 16 February 2018 and 15 June 2018;
- Pest Inspection Reports, Chris Wilcox from Victorian Termite Specialists and Pest Control, 2 May 2016 and 17 November 2017;

- Structural Reports, Greer Consulting Engineers Pty Ltd., 28 August 2016 and 17 November 2017;
- Traffic Impact Assessment Report, SALT 3, 20 February 2018;
- Arborist Report, DB Horticulture Pty Ltd., 4 December 2017;
- Town Planning Reports, SongBowden Planning Pty Ltd., August and September 2017.

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### Zoning

The subject site is located within the Neighbourhood Residential Zone, Schedule 1 (NRZ1) under the provisions of the Monash Planning Scheme.

Pursuant to the zone (Clause 32.09) a permit is required for use of land for a car park and the Place of Assembly within the Neighbourhood Residential Zone and the associated buildings and works.

#### Overlays

The land is subject to the Heritage Overlay, Schedule 92 (HO92) and Design and Development Overlay, Schedule 11 (DDO11) under the provisions of the Monash Planning Scheme.

Pursuant to the Heritage Overlay (Clause 43.01) a permit is required for demolition of the dwellings and to construct a building and carry out works. Pursuant to the requirements of the DDO11 (Clause 43.02) a permit is required to construct a building and carry out works.

#### Car Parking

Pursuant to the requirements of Clause 52.06 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

#### Bicycle Parking

Pursuant to the requirements of Clause 52.34 a permit is required to reduce or waive any requirement of Clause 52.34-3 and Clause 52.34-4.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

### **CONSULTATION:**

Further information was requested for both applications.

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Further information was requested of the Permit Applicant on 2 October 2017. In this letter, officers also raised the following preliminary concerns:

- *The dwellings are listed as contributory heritage buildings therefore the demolition of these buildings may impact on the heritage significance of the area.*
- *The proposal does not meet the objectives of Clause 43.01 to conserve and enhance heritage places.*
- *The documentation provided with the application is not sufficient to justify the demolition of the heritage dwellings.*

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 2 February 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised:

*“We consider that adequate justification for the proposal has been provided in the architectural plans and town planning report prepared by our office, and submitted with the application material.”*

Application TPA/48214

Further information was requested of the Permit Applicant on 3 November 2017. In this letter, officers also raised the following preliminary concerns:

- *The proposal does not meet the objectives of Clause 43.01 to conserve and enhance heritage places.*
- *The built form is considered excessive and is uncharacteristic of the area.*
- *The proposal does not meet the car parking requirements of the Monash Planning Scheme.*
- *The proposed setbacks are considered insufficient and will result in visual bulk impacts to the area.*
- *The development does not provide sufficient areas for landscaping to the site.*

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

The Permit Applicant responded to this letter on 26 February 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised:

*“We reiterate the new building is a comfortable fit for the neighbourhood noting that the new building:*

- *Is of a height and scale that is complementary to the anticipated form of development in the surrounding area within the NRZ and is an appropriate transition to the existing Church.*
- *Is setback a minimum of 2m from the sites eastern side boundary and would comply with ResCode Standard B17 (Side and Rear setbacks).*
- *Is designed to limit overlooking to the dwellings at No.6 Palmer Street.*
- *Is designed to not significantly overshadow the neighbours at No.6 Palmer Street and comply with ResCode Standard B21 (Overshadowing).*

*Car parking and heritage matters have been addressed in the attached expert reports and trust they suitably addresses Council's concerns."*

There were various email and telephone conversations throughout the process of both applications. Meetings were also held on 30 May 2018 and 26 June 2018 which Councillors attended. In both instances the uses, heritage and design issues were raised and the applicant was advised that both applications were unlikely to be supported and may be referred to a Council meeting for determination.

#### **Public Notice**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and four (4) signs displayed on the site.

A total of twenty-six (26) objections have been received for both applications (i.e. each objection expresses concerns with both applications). The issues raised within the objections can be summarised as:

- Traffic and vehicle access
- Adequacy of parking
- Heritage concerns – demolition and proposed development
- Increased patrons
- Noise
- Built form and design
- Lack of landscaping
- Overshadowing
- Insufficient first floor setbacks

Attachment 4 details the location of objector properties.

#### **Public information session**

An information session was held by Council on 26 March 2018 at Oakleigh Seminar and Training Centre which was attended by Council officers, the applicant, architect and Church representatives. A large number of residents attended the information session that were interested in the proposals and expressed their concerns.

## **Referrals**

The applications were internally referred to the following departments:

### **Application TPA/48058**

- Traffic – Amended plans required relating to car parking design, accessibility including entry/exit and aisle widths, retention of the automatic gate and a corner splay.

### **Application TPA/48214**

- Traffic – Adequacy of parking requires further consideration, particularly Friday and Saturday evening with additional surveys.
  - Amended plans required relating to:
    - Crossing design;
    - Car parking design including headroom beneath overhead obstructions, car park columns, ramp grades and lengths;
    - A 1 metre blind aisle extension for car spaces 23 and 24;
    - Accessible parking spaces designed in accordance with the Australian Standard (AS/NZS 2890.6);
    - Bicycle spaces to be provided;
    - Corner splay.

A Construction Management Plan is also required.

- Drainage – No objection subject to standard conditions.
- Horticultural – Two street trees *Pyrus calleryana* were assessed with a height of 6-7 metres, both in reasonable condition along the 2 Palmer Street nature strip and another *Pyrus calleryana* with a height of 7 metres also in reasonable condition along the nature strip of 4 Palmer Street. All street trees require no excavation to occur within 2.2 metres measured from trunk face at ground level. The middle street tree located closest to the proposed crossover does not meet this requirement.

### **Council's Heritage Advice**

Both applications were externally referred to Heritage Consultant, Lovell Chen for a heritage report on the proposals. The response is discussed later in this report, however in summary they are not supportive of the proposals.

## **DISCUSSION:**

### **Consistency with State and Local Planning Policies**

The proposed use of a Place of Assembly is supported by the relevant State and Local Policies. It will provide an extended range of facilities in association with the existing Coptic Orthodox Church for use by the wider community as encouraged in the relevant objectives. The Oakleigh Major Activity Structure Plan (Clause 21.15) seeks to encourage mixed use development incorporating cultural, civic and residential uses. The proposed use is deemed satisfactory when assessed

against the relevant clauses as it promotes social and cultural development within the Oakleigh Activity Centre.

However, the proposed demolition of the contributory heritage buildings, construction of a car park and the built form and scale of the multi-function building are not supported by the relevant heritage policies (Clause 15.03, 21.12 and 22.07) of the Monash Planning Scheme. In particular, the key objectives of the policies are to conserve heritage buildings, ensure replacement buildings are sympathetic to the heritage place and surrounds, and allow for sensitive redevelopment. The applications should allow for the retention of the heritage buildings or incorporate the facade of the buildings into the design of the proposal.

It is more so, the size, scale and design of the proposed multi-function building that is at odds when assessed against the existing Heritage Overlay of the area, rather than the proposed use.

### **Demolition of contributory buildings**

The properties are located within the Heritage Overlay, Schedule 92 (HO92) and are included in the Precinct 5 – Civic, Warrawee Park and Heritage under Clause 21.15 Oakleigh Major Activity Centre Structure Plan. As such the properties are subject to Clause 43.01 Heritage Overlay and to Clause 22.07 Heritage Policy of the Monash Planning Scheme.

Under the Monash Heritage Study (1999) both buildings proposed to be demolished are identified as contributory. "Contributory" when applied to a building or natural feature means that it adds to the cultural heritage of an identified area and/or the municipality as a whole.

The Permit Applicant provided four expert reports and heritage advice as supporting evidence for the demolition of the dwellings. These included Structural Evidence, Pest Inspection Evidence and Heritage.

### **Structural Evidence**

Structural Reports were prepared by Greer Consulting Engineers Pty Ltd (28 August 2016 and 17 November 2017) for each site which are summarised below. The reports covered the structural condition and integrity of the buildings with photographic evidence.

### **2 Palmer Street**

It was discovered that the structural condition of the building was very poor and beyond repair which would require substantial rebuilding to bring it to a safe and compliant structural state. The rectification works include replacement of footings, timber bearers and joists, wall bottom plates and weatherboard cladding. Further replacement of wall framing would be required when the extent of termite damage is determined. It was concluded that these works are not practicable without demolishing the building.

#### 4 Palmer Street

It was discovered that the building had extensive structural damage which has made the house unsafe to occupy. In some rooms the floors are soft and completely collapsed. The joists and bearers are badly damaged with inadequate structural strength remaining to safely support the structure. There was also visible damage to wall bottom plates and wall studs, and dry rot and mould damage was discovered. It was concluded that the building is too badly damaged to enable an effective repair and it should be demolished.

#### Pest Inspection Evidence

Pest Inspection Reports were prepared by Chris Wilcox from Victorian Termite Specialists and Pest Control (2 May 2016 and 17 November 2017) for each property which are summarised below. The purpose of the inspections and reports was to provide advice on the condition of the properties with regard to timber pests.

#### 2 Palmer Street

The inspection discovered that active subterranean termites, borers and wood decay fungi (rot) were found. Visible evidence of termite workings and/or damages were to rear and middle of house and ensuite shower flooring and timbers, areas around slab area in kitchen, right hand side bottom plates and timbers. The extensive termite damage to ensuite flooring and timbers, and damage from wood decay fungi to main beams in sub floor and bottom plates present major safety hazards which must be attended to and rectified.

#### 4 Palmer Street

The inspection discovered that active subterranean termites, borers and wood decay fungi (rot) were found. Visible evidence of termite workings and/or damages were to rear areas of the house in bottom plates and wall timbers. The termite activity or damage would be to walls collapsing, and activity or damage from wood decay fungi was to bottom plates and main beams which present major safety hazards that must be attended to and rectified.

It was reported that there was no visual evidence of a previous termite treatment completed at the properties. Overall, the degree risk of subterranean termite infestation to both properties were considered extremely high and a treatment management program was recommended. Additionally, a full inspection and written report in accordance with *AS 4349.3 or AS 3660.2-2000* is to be conducted every two months at 2 Palmer Street and every three months at 4 Palmer Street.

From the evidence provided, it appears that the heritage buildings are in a declining condition as a result of abandonment, lack of repair and/or maintenance. It is noted that the building at 4 Palmer Street was reported on, two years ago, but it appears no efforts have been made to treat the termite issues.

### Applicant's Heritage Evidence

The Applicant's heritage advice by Trethowan Architecture Pty Ltd (28 March 2017 and 2 February 2018) supports the demolition of the two dwellings "*based principally on a holistic overview of the future functioning of the individually significant church and the importance of allowing the church to continue its operation.*"

They state both dwellings are in a poor state of repair, and significant reconstruction would be required if they were to be retained. However, they acknowledge that "*As contributory elements, their removal will have an adverse impact on the significance of the overall Heritage Overlay area.*" They advise this impact will be low given their low visual profile behind the high fences.

### Council's Heritage Advice

Council engaged Lovell Chen to assess and review the heritage significance of the dwellings and the applications. They advised that the poor condition of a heritage building is not normally sufficient grounds for its demolition and the reports do not sufficiently explain, justify or demonstrate in any detail why the buildings cannot be repaired.

While the front fence is acknowledged to restrict views, this does not result in the buildings behind the fence being of any less heritage value.

With regard to the proposed uses and development:

- Insufficient justification has been provided in relation to their demolition.
- The replacement car park is not in keeping with the character or significance of the streetscape and precinct. Three years is not a short period.
- The replacement building is not acceptable for this site or area of the heritage precinct. A new building which expresses its ecclesiastical character, hall function and church-related use is preferred. By contrast, the proposal applies elements of domestic design in a building of considerable scale and massing which will dominate the adjacent residences and the significant church building.

Therefore, the demolition is not supported. This has a significant consequence on the consideration of the use and development proposed.

### Proposed Temporary Car Park

The proposed use of the properties as a temporary car park is associated with the adjacent Place of Worship, Coptic Orthodox Church, and therefore can be considered. The car park is to have a compacted rock/gravel surface set behind the existing 2m high solid front fence with a 2m wide landscape area proposed behind. Access from Palmer Street will use the existing crossover and access is proposed to the rear laneway. The temporary period is proposed at 3 years.

Both Heritage Advisers agree that the car park use is not appropriate long term.

The applicant's adviser considers the temporary car park is acceptable because of the "special circumstances" provided by the property's high boundary front fence and gateway which will conceal the cars from view. However they strongly recommend that any approval require mature trees and shrubs to enhance the garden character of Palmer Street.

It is interesting to note that both advisers acknowledge that the fence is inappropriate in a heritage area. Council's aerial records indicate the fence was erected sometime between 1992 and 1999 prior to the application of heritage controls.

Council's adviser considers that the removal of visible buildings to be replaced by no buildings would have a detrimental and adverse impact on the heritage precinct, even on a temporary basis.

Council's Traffic Engineers also identify that the car park design raises concern for users of the car park and pedestrians. Both access points at the front and rear of the property need to be reconsidered as well as the internal movement through the car park. The required modifications are likely to result in a reduction in the number of spaces.

In principle, the provision of car parking to a use that currently has little to no off street car parking would be considered an advantage. However, in this case it is considered that the adverse impact on the heritage precinct far outweighs any perceived benefit.

### **Place of Assembly**

The site is currently used by the adjacent Church at 136-140 Drummond Street. The existing building at No. 2 Palmer Street is used to accommodate out of state visitors and provide short term accommodation as required by the Church community. The existing building at No. 4 Palmer Street is unoccupied and has been vacant for some time.

The proposal is to demolish the existing heritage buildings and construct a double storey building with basement car park on the site. The building will be setback 6 metres from Palmer Street and will have an overall maximum height of 9 metres. The building at ground floor will accommodate offices, classrooms, toilet facilities and kitchen. The ground floor will also accommodate two self-contained apartments that would be used to accommodate guests of the Church. At first floor the building will accommodate a large multi-purpose function space, staff and meeting rooms, additional toilets and a kitchen. Twenty nine (29) car parks are provided in the basement including 2 disabled bays.

The activities within the new building include children's religious classes and small group activities such as readings, prayers, crafts and management meetings in the meeting and class rooms and the large multi-purpose room on the first floor will be used for church related seminars. The new building will be used as an ancillary use to the adjacent existing Church.

The current Church has been operating at the adjacent property for many years and no permits exist which control or restrict the number of people that can attend the Church services at any one time. The current Church patron numbers is unclear however it is not expected to increase as a result of this application. Essentially, the development provides additional facilities for the existing parishioners. The permit applicant has advised that they do not envisage or intend to increase parishioner numbers.

The applicant through the Traffic Report has indicated that a maximum number of 250 people could occupy the multi-purpose building at any one time (maximum 200 patrons, function centre and maximum of 50 patrons, Sunday School classrooms). The multi-purpose building is expected to be predominantly used by people that attend the Church. Other than the Sunday School classes which currently operate from the Church site, it is expected that any uses associated with the proposed multi-function building will only operate when the Church is not being used. If a permit were to be issued, conditions to ensure a capped number of patrons at any one time in the building and only independent or separate use of the multi-function hall can take place.

Clause 22.09 requires provision of car parking for non-residential use and development to generally comply with Clause 52.06. The proposal seeks a reduction of forty-six (46) car parking spaces. This, coupled with car parking and basement design changes required by Council's Traffic Engineers, the amount of car parking spaces will be further reduced. It is believed that the provision of insufficient car parking will increase the reliance upon on-street parking. In addition, the adequacy of the proposed parking requires further consideration, particularly Friday and Saturday evenings with further surveys recommended to be undertaken to determine the full extent of public parking availability. Overall, the impacts of car parking would detrimentally affect the local area.

The design and built form of the proposed building will be further discussed below.

#### **Design and built form of proposed building**

Heritage Policy and the Design and Development Overlay – Schedule 11 (DDO11) (Precinct 5 – Civic, Warrawee Park and Heritage (Precinct 5B) have clear policy and objective statements that any new building should be sympathetic to and compatible with heritage significance of the precinct and adjacent heritage significant church building. This is to be achieved through street setbacks which

respect existing setbacks and minimal change to building height and built form through scale, material and detail.

It is noted that advice regarding the design approach differs between the Heritage Advisors. The Applicant has applied a domestic approach. Council's advice is that the application of domestic design and detail found in significantly more modestly scaled individual houses is not appropriate for a much larger institutional building.

While a new building dedicated to church activities that presents as a hall is not opposed, it is the form, massing, detail, roof form, height, address to the street and other elements that are considered to have a negative impact on its immediate context and neighbouring residential buildings.

Council's Heritage Adviser has provided guidance to address these issues, which includes, but is not limited to:

- To help maintain the prominence of the historic church, a lowering of the height through a lower pitch to the roof and a less dominant roof form overall.
- Ramp down to the basement parking area should be relocated to the rear where there is ROW access.

Having regard also to the non-residential uses policy, the design of the building and basement does not have regard to the existing setback and prevailing setbacks along the south of Palmer Street, built form of the low scale residential area and the potential landscaping of the properties. The basement is proposed to be setback 2.3 metres to Palmer Street with the building setback a minimum 5.26 metres. The existing setbacks on the south side of Palmer Street are approximately 7 metres and the church building is 6.1 metres. There are minimal setbacks provided to side and rear boundaries especially at first floor coupled with little to no articulation or recession and a large roof form.

Overall, it is considered that the development will have adverse impacts on the adjoining properties and streetscape as a result of the visual and amenity impacts. The extent of the basement is considered excessive which will not allow for future canopy tree planting and landscaping to be in keeping with the character of the streetscape or to soften the appearance of the development. Fundamentally, it does not adequately respond to the important character features of the area.

Officers believe that it is possible to make improvements to the property for the intended purpose whilst preserving the important Heritage character. This could include retention of the front part of the existing dwellings with a sympathetic addition behind. The permit applicant has so far been unwilling to consider alternative designs that may balance the issues.

### **Bicycle/Car Parking**

The car parking requirements under Clause 52.06 of the Monash Planning Scheme will be discussed for each application.

#### **Application TPA/48058**

The proposed car park contains a total of twenty-three (23) car spaces including one disabled car space with entry and exits at Palmer Street and the rear laneway. The plan provided shows twenty-four (24) car spaces notated however car space twenty-two (22) is not shown.

Council's Traffic Engineers have concerns with the following:

- *The width of the proposed entry/exit points for two-way traffic. It is recommended that further consideration be given to the access into and through the car park to reduce conflict and improve safety.*
- *The proposed retention of the automatic gate at the Palmer Street access with the proposed increase in vehicular traffic at this point. Pedestrian sight lines along the footpath are required to be provided. It is suggested that this may be achieved by shifting parts of the fence and gate further south.*
- *The reliance on wheel stops within the car park, which can be a tripping hazard for pedestrians. Generally line marking would be considered to be sufficient in most areas for a temporary car park. It is suggested that particularly on the east boundary that the provision of a 0.6m landscaping strip would be more appropriate than wheel stops and assist in protecting any boundary walls/fencing.*
- *The aisle width between Space 7 and 8 increased to 6.4m in width.*
- *The one-way aisle north of Space 23 is too narrow and is required to be increased to 3.5m in width.*
- *The accessible parking space to be lengthened to 5.4m.*

Amended plans would be required relating to car parking design, accessibility including entry/exit and aisle widths, retention of the automatic gate and a corner splay if the proposal were to be supported. It is likely that the number of spaces would reduce as a result of necessary design improvements.

#### **Application TPA/48214**

Car parking is required to be provided under Clause 52.06 of the Monash Planning Scheme as shown in the following table, based on the maximum number of 250 patrons:

Use	Clause 52.06 Requirement	Car spaces required	Car spaces provided	Shortfall
Place of assembly (Multi-function building)	0.3 space/patron 250 patrons	75	29	46

There will be a credit of car parking due to the association with the existing Church use. To date the applicant has not confirmed the current parishioner numbers associated with the existing Church to determine this.

#### Applicant's Traffic Report

The Applicant submitted a Traffic Impact Assessment Report (SALT 3, 20 February 2018) which stated that a reduction of the car parking requirement is appropriate as parking surveys showed adequate availability of on-street car parking, site has good access to sustainable transport options and the proposal would provide on-site parking for existing Church services and activities, resulting in a net improvement to on-street parking availability.

A waiver of bicycle parking requirement of four (4) car spaces was considered appropriate as there is unlikely to be a demand based on the discussions with the Church. It was concluded that *"the proposed car park design and vehicle access arrangement meet Planning Scheme requirements and additional traffic generated would be absorbed by the surrounding network"*, and *"there are no parking or traffic reasons to prevent a Planning Permit being granted."*

#### Council's Traffic comments

Based on the Place of Assembly use rate a total of one (1) employee and three (3) patron bicycle parking spaces are required (Clause 52.34). However, based on the discussions with the Church it is not envisaged that anyone would ride to attend any services or functions. Therefore, it was considered that the provision of one (1) employee space and two (2) patron spaces (one bicycle rail) should be provided to encourage sustainable transport options.

The adequacy of the proposed parking requires further consideration, particularly Friday and Saturday evenings. Therefore, Council's Traffic Engineers recommended further surveys to be undertaken during those evenings to determine the full extent of public parking availability.

Additionally, amended plans are required relating to:

- Crossing design;

- Car parking design standards in accordance with Clause 52.06-9 including headroom beneath overhead obstructions, car park columns, ramp grades and lengths;
- A 1 metre blind aisle extension for car spaces 23 and 24 to leave in a forward direction;
- Accessible parking spaces designed in accordance with the Australian Standard (AS/NZS 2890.6), spaces including adjacent shared space to be lengthened to 5.4 metres;
- One employee and 2 customer bicycle spaces to be provided;
- Corner splay.

A Construction Management Plan would also be required.

Given that further consideration on the adequacy of the proposed parking is required through additional surveys and the amount of changes required above, it is difficult to determine whether the parking is adequate. As a result of the changes, it is likely that the number of car spaces may be impacted and Council would not be satisfied that impacts from car parking would detrimentally affect the local area.

### **Objections not previously been addressed**

#### Noise

The noise from the proposed development would be regulated and governed by the Environment Protection Authority Victoria. However, Council shares this concern of amenity impacts to the residential properties nearby due to the intensity of the proposed use.

#### Overshadowing

There will be adequate daylight to the secluded private open spaces of the adjoining properties and the proposal will not cause unreasonable overshadowing.

### **CONCLUSION:**

The proposal is inconsistent with the relevant policies and objectives of the Monash Planning Scheme, including the Planning Policy Framework and Local Planning Policy Framework in particular Clause 15 Built Environment and Heritage, Clause 21.12 Heritage, Clause 22.07 Heritage Policy, Clause 43.01 Heritage Overlay and Clause 43.02 Design and Development Overlay.

The proposals are not sympathetic to the heritage character of the area in terms of the demolition of contributory buildings, non-residential uses of land (at grade car park and Place of Assembly) and design and built form of the proposed building. The proposals would result in significant impact to the streetscape and adjoining properties and should not be supported.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.