

16 January 2018

Our reference: 2018.013

Mr Markus Tschech
Senior Planner
City of Melbourne
GPO Box 1603
Melbourne 3001

Dear Mr Tschech,

Re: Objection to Application for Planning Permit TP-2017-883 | 93-103 Park Street, South Yarra

Hansen Partnership Pty Ltd (Hansen) acts on behalf of several property owners adjacent to or within the vicinity of the subject site at 93-103 Park Street, South Yarra. The properties and owners within the client group who are represented by Hansen include:

1. Melbourne South Yarra Residents Group Inc, C/- Michael Butcher, President
2. Tim and Lynne Sherwood: 83 Park Street
3. David and Susie King: 49 Park Street
4. Fay Bock: 55 Hope Street
5. Maurice Eisenbruch: 24 and 72 Park Street
6. Donald and Eileen McLaren: 5/12 Walsh Street
7. Adrian and Jennifer Kinderis: 98-100 Park Street
8. Judy Svars: 36 Park Street
9. Basil Siganakis: 115-117 Park Street
10. Peter and Liz Cooper: 5.3/193 Domain Road

On behalf of our client group, we object to the proposed demolition of the buildings on the site and the development of a four storey apartment building with roof top terraces at 93-103 Park Street, South Yarra.

The proposal, regarding both the demolition of buildings on the site, as well as the scale, siting and design of the proposed four storey building, has had little regard to the valued heritage character of Park Street, ignores the contribution of the St Arnaud building to the existing character of the streetscape, and does not adequately respond to local policies for heritage areas and urban design outside the Capital City Zone.

Whilst the proposal seeks to contribute to the diversity of housing and housing growth in a location with good access to services and transport, consistent with one of the purposes of the General Residential Zone (GRZ), it fundamentally fails to respect the neighbourhood character of the area and thus fails to satisfy all relevant purposes of the GRZ. It is an unacceptable design response for an area strategically directed towards stability in housing growth and the protection of existing valued character.

The key reasons for our objection may be summarised (but not limited to) as follows:

- Demolition of a heritage place;
- The height of the replacement building;
- The design response to the existing streetscape character;
- Compliance with the minimum Garden Area Requirement under Clause 32.08-4; and
- The presentation of the rear (west) elevation.

Each of these matters are discussed under the following headings.

1. Demolition of a heritage place

We note the subject site is within the South Yarra Heritage Precinct (HO6) and a planning permit is required for the demolition of the buildings under Clause 43.01 (Heritage Overlay) of the Planning Scheme.

The relevant objectives of the Heritage Overlay (HO) are as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*

The application must also be assessed against the heritage policies, particularly those at Clause 15.03 and Clause 22.05 of the Planning Scheme.

We note the subject site comprises 'C' graded buildings. Clause 22.05 includes specific policies relating to C graded heritage buildings, and does not support the demolition of the 'front part of C' graded buildings.

The starting point of these policies and the HO is to conserve heritage places, the elements that contribute to the heritage values of the place (in this case the South Yarra Precinct) and to ensure that new development does not detrimentally impact the significance of a heritage place.

In our opinion, the proposal is fundamentally flawed because it is based on the proposition that the existing buildings may be structurally unsound if a detailed investigation was to be undertaken and it is cost prohibitive to undertake such an investigation. Accordingly, the starting point of this application is the complete demolition of all buildings on the land. This proposition is not supported by policies for the conservation of heritage places nor the considerations for an application for demolition of a graded building in Clause 22.05 which does not include consideration of the structural integrity of the building.

The permit applicant includes a heritage report by Mr B Raworth, which "*assesses heritage impacts of the proposed redevelopment under the scenario of a replacement building on an empty site*" (Section 54 response by Urbis dated 29 November 2017). The basis of the heritage report is fundamentally flawed because the subject site is NOT an empty site. It contains a graded building for which local policy clearly specifies that an application for complete demolition will not normally be permitted. This is not addressed in the heritage report.

The proposed demolition is wholly reliant on preliminary opinions of Bayside Building Services, RVM Consulting and Hutchinson Builders. Collectively, these reports:

- Concede that an extensive investigation of the buildings has not been undertaken;
- Concede the assessment is of a preliminary nature only;
- Concede no plans to include some of the existing building in any new development have been prepared;

- Identifies the required tests necessary to determine the structural integrity and building code requirements of retaining some or all the existing building, but has not undertaken the tests;
- Identifies the two storey structure at 101-103 Park Street as having poor structural integrity but makes no reference to the structural integrity of the three storey St Arnaud building at 93-99 Park St; and
- The cost of refurbishment or rebuild of part of the existing structure rather than complete replacement or refurbishment is not contemplated.

Accordingly, we object to the demolition of all buildings on the subject site because:

- The complete demolition of a C graded building is not supported in Clause 22.05;
- It is clear that the potential to conserve at least the front of the building, particularly the 3 storey St Arnaud structure, as required by policy has not been contemplated in any way thus the proposed demolition is contrary to the objectives of the HO, Clauses 22.05 and 15.03 of the Planning Scheme;
- The existing building, particularly the three storey St Arnaud building has a strong visual presence in the Park Street streetscape and thus makes a significant contribution to the historic character and evolution of building styles in the precinct;
- No reasonable attempt has been made to investigate the retention in part or all the buildings on the site, particularly the St Arnaud building; and
- Based on the above, the demolition of the buildings has not been justified.

2. Height of the replacement building

Whilst we object to the demolition of the existing buildings on the site, we note the application seeks approval of a four storey replacement building. Thus, consideration has been given to the proposed replacement building.

The General Residential Zone specifies a mandatory building height of 11 metres or three storeys for new residential development, unless it replaces an existing building which exceeds 11 metres or three storeys, and the replacement building does not exceed the previous building's height and number of storeys.

Whilst it is acknowledged that the proposal, measured to the parapet at the eastern facade, does not exceed the previous overall building height, it does propose an additional storey. Further, at the rear of the site, the inclusion of a roof top terrace lends to the mandatory building height being exceeded to provide for the balustrade necessary to protect users of the terrace.

The existing buildings on the site are read and experienced in the streetscape as a two storey and a three storey built form. This is consistent with the prevailing built form scale in the streetscape of two to three storeys. The fourth storey, as defined by the permit applicant is a minor internalised element of the structure, the intention of which appears to have been to accommodate services and/or storage. There is no evidence in the application that this 'storey' has been used for any habitable purposes. It is not readily read or understood as a fourth storey from the public realm.

The recent introduction of mandatory height requirements in the General and Neighbourhood Residential Zones was intended to ensure the protection of neighbourhood character and to direct more substantial housing growth to strategically identified locations. This is reflected in the subject site and its environs which are in these zones, being strategically identified as a 'stable residential area' where small scale infill development may be supported provided it is consistent with existing valued character.

It is submitted that the proposed development seeks to exploit a loophole in the mandatory requirements by proposing a four storey built form across the whole of the site's frontage, which we say is contrary to the intent of the mandatory provisions and thus the purpose of the GRZ with regards to existing neighbourhood character. The proposed building should not exceed three storeys, consistent with the maximum scale of the existing building as it is understood from the public realm.

Furthermore, the lift access to the roof terraces, and the siting of building services above the stair cases contributes to excessive height above the mandatory height controls. In addition, we note the plans do not nominate the height of the wall required to provide privacy between the two roof top terraces which will exceed the mandatory height limit.

On this basis, we object to the proposed height of the replacement building because it does not satisfy the intent of the mandatory controls and it will result in a built form outcome which is not consistent with the valued character of the Park Street streetscape.

3. Design response to existing streetscape character

We object to the proposed replacement building because it is discordant with the existing character of the Park Street streetscape, its heritage values and thus Clauses 15, 21.16-1, 22.05 and 22.17 of the Melbourne Planning Scheme for the following key reasons:

- When analysing the streetscape of Park Street, clear characteristics present include consistent building scale, setback, rhythm and voids created by balconies. Even the modern infill development at 91 Park Street adopts this consistent streetscape rhythm and a sense of 'void' space beyond the main building facade. In contrast, the proposed building has had little regard to this context and does not contribute to this streetscape rhythm. It interrupts the existing built form rhythm and introduces projections within the streetscape, which is completely discordant in this setting;
- Whilst the proposal responds to the setback of 91 Park Street to its south, it does not successfully transition to the existing building at 105 Park Street, to its north, resulting in a 4 storey wall on boundary and higher built form projecting forward of this building. In this context a more sympathetic response is required;
- Whilst the architectural merit of the proposal is acknowledged, it is not appropriate in this location. The site is an infill site in a stable residential area where the design must respond to the existing character. Nor is the site a corner site, a location which could potentially accommodate a more robust and different bold design response. The embellishment of the proposed building with gold coloured pipes is not respectful of the valued heritage character of the Park Street streetscape where contemporary infill development has an elegant simplicity in its design, reflective of the heritage built form characteristics evident in the street and subtle in its visual presence, to ensure contributory heritage buildings are the visually prominent elements in the streetscape. The design response in this case draws too much attention to itself and thus is discordant with the prevailing character of the streetscape. It is noted that the permit applicant's own heritage expert concedes that the materiality of the building is not consistent with heritage policy for new development in heritage precincts;
- Because of lift access to the roof top terraces, the lift overruns contribute additional significant bulk to the building especially when viewed from within the public realm of Park Street and when travelling north/south along this road corridor. Lift overrun projections are not a part of the existing streetscape and accordingly, the height and bulk of these elements of the building are completely inappropriate and unnecessary;
- In addition, the height and bulk created by lift access to the roof top terraces is exacerbated by the covered stair cases with services above, as well as the exacerbated height of flues, all of which can be adequately provided on the roof top in more subtle, appropriate forms. Roof top terraces of the sizes proposed (for private use), are not necessary given the provision of ample private open space in the form of balconies;
- The front fence at 1.7 metres is not consistent with the existing streetscape, where a sense of openness with low or no fencing is evident (particularly along the west side of Park Street and the subject site itself). The justification for this high fence is because there is private open space within the front setback area. However, given these ground level apartments are dual facing and have private open space located to the rear of the proposal as well, it is submitted that a front fence of this height is not warranted. Whilst there are some examples of front fences within this road corridor, they are generally approximately 1.5 metres high and highly transparent (noting the more recent front fence adjoining the site to the south at 91 Park Street as an example in the immediate vicinity of the subject site). The level of transparency proposed for this development is unclear and the overall height proposed is not consistent (nor necessary) in this streetscape setting;

- The proposed fencing, together with the sunken ground level and the overwhelming provision of noise sensitive bedrooms along the Park Street frontage are at odds with urban design principles and design standards regarding passive surveillance and interaction with the street;
- The proposal fails to provide a clear sense of address. There is an architectural gesture indicating the entrance, however, given the overwhelming dominance of the façade, this entrance is not clear within the streetscape. Furthermore, it is noted, that this entrance does not provide equitable access to the building. Given there are two lift cores in the building, the design response to provide steps down into the entry lobby seems to be at odds with the building's accessibility; and
- The inclusion of 'projections' randomly across the Park Street façade are not reflective of existing character where such projections (e.g. bay windows) are simple and subtle forms compared to the proposed development. The proposed projections which extend up to 2.5 metres from the front façade of the building create significant additional floor area for the applicable apartments, at proportions that are out of character with the prevailing streetscape character.

4. Compliance with the minimum Garden Area Requirement under Clause 32.08-4

An indicator to the overdevelopment of the site is the non-compliance with the mandatory requirement for the provision of Garden Area in the General Residential Zone.

The definition of Garden Area provided at Clause 72 of the Planning Scheme states that Garden Area is "an uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre."

The building façade, window and balcony projections which create 'covered areas' have been included in the calculation for Garden Area, as demonstrated in Figure 1 (extracted from the architectural drawings). The covered areas included in the green shaded areas of Garden Area in the calculation are highlighted by the red outline.

The definition of what constitutes Garden Area in the Planning Scheme is clearly centred on the space being outdoors and uncovered. On this basis, the calculation of the Garden Area provided in the proposed development is not accurate. The minimum requirement of 35% of the area of the site is not satisfied when all covered areas are included in the calculation. Accordingly, the mandatory requirement of 35% of the area of the site being set aside as Garden Area is not met.

On this basis, we submit that the application cannot be further considered until this mandatory requirement is satisfied.

5. The presentation of the rear (west) elevation

In regard to the rear elevation, it is submitted that the proposal presents a poor design outcome and does not demonstrate compliance with the requirement of Standard B17 at Clause 55.04-1, noting:

- The western elevation is not sufficiently resolved. It exhibits an overly horizontal form that presents significant visual bulk to the west. This elevation would benefit from some vertical architectural detailing as well as other architectural treatments to reduce its visual bulk; and

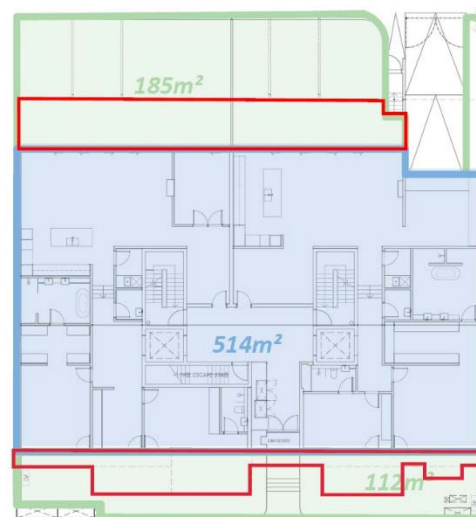


Figure 1: Red outline depicting covered areas included in the garden area calculation

- It is widely accepted, including at VCAT, that when there is a rear laneway abutting a site, the Standard B17 profile should be taken from the centre line of the laneway to ensure equitable sharing of the laneway separation. However, this proposal has taken the profile from the boundary with the laneway opposite the site boundary, and still demonstrates non-compliance with this Standard. An equitable response in terms of the B17 profile (i.e. taken from the centre line of the lane) would necessitate increases to the setback of the upper levels of the building which in turn, would assist to reduce the visual mass of the rear elevation. This non-compliance is a further indicator of an overdevelopment of the site.

We would welcome the opportunity to further discuss the details of this objection, and other matters as part of the decision making process. If you have any questions, please contact the undersigned on 0418 530 210 or srigo@hansenpartnership.com.au.

Yours faithfully,

Hansen Partnership Pty Ltd

A handwritten signature in black ink, appearing to read 'S. Rigo', written in a cursive style.

Sandra Rigo | **Director**