

**1.2. 2-4 KINGSWAY, GLEN WAVERLEY  
CONSTRUCT A SIX (6) STOREY BUILDING AND A REDUCTION IN CAR PARKING  
(TPA/51150)**

**EXECUTIVE SUMMARY:**

This application proposes to construct a six (6) storey mixed use building including retail at the ground floor and office above, with basement car parking.

The application was subject to public notification. Three (3) objections have been received to the application.

Key issues to be considered relate to the scale and bulk of the building, provision of car parking, and traffic generation to and from the site.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and issues raised by objectors

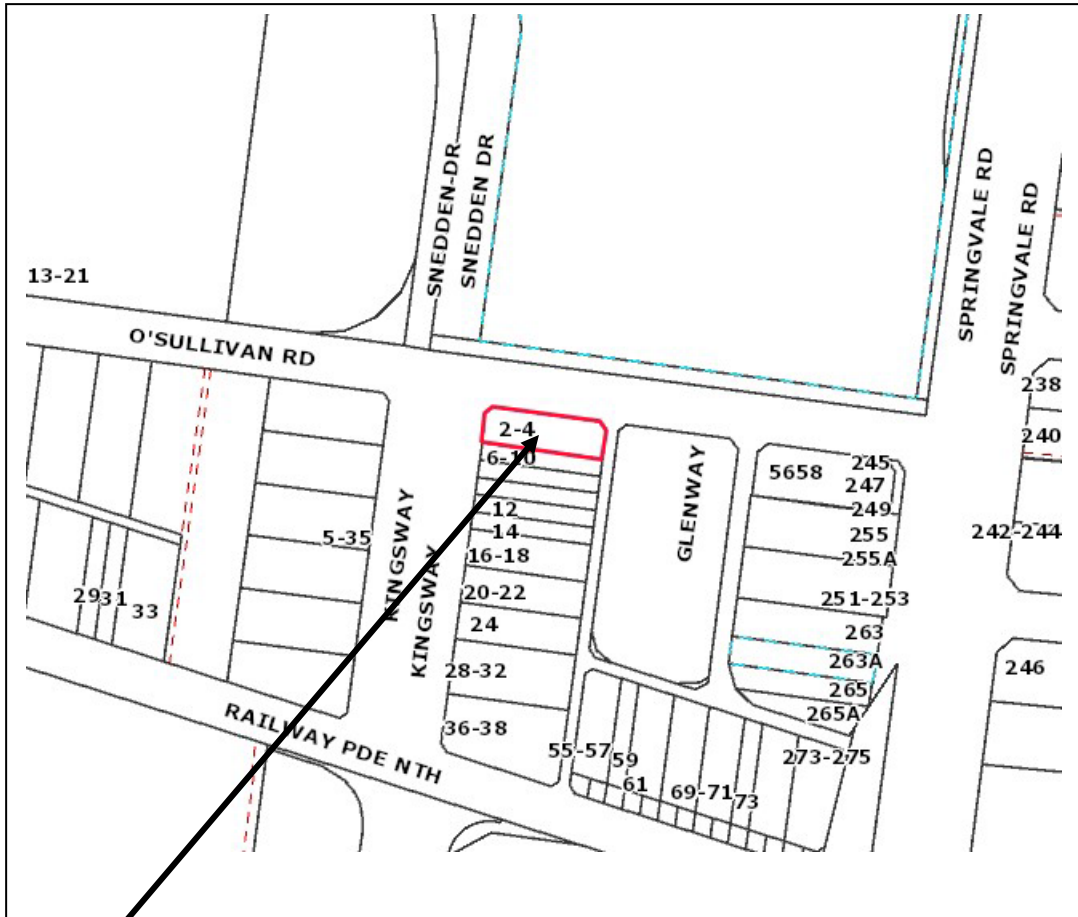
**The reason for presenting this report to Council is the proposed development cost of \$10.3 Million.**

**The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Alexandra Wade</b>
<b>WARD:</b>	<b>Glen Waverley</b>
<b>PROPERTY ADDRESS:</b>	<b>2-4 Kingsway, Glen Waverley</b>
<b>EXISTING LAND USE:</b>	<b>Office / Bank</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Three (3)</b>
<b>ZONING:</b>	<b>Commercial 1 Zone</b>
<b>OVERLAY:</b>	<b>Design and Development Overlay, Schedule 12</b>
<b>RELEVANT CLAUSES:</b>	
<b><u>State Planning Policy Framework</u> Clause 11.01-1S – Settlement</b>	<b><u>Local Planning Policy Framework</u> Clause 21.01 – Introduction</b>

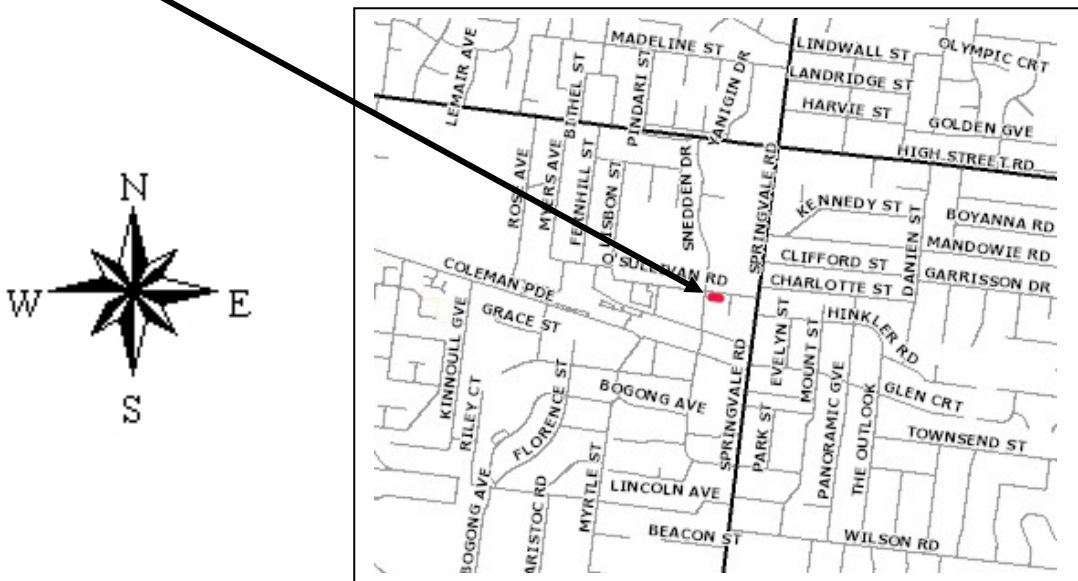
<p><b>Clause 11.01-01R-1MM - Settlement</b></p> <p><b>Clause 11.02-1S – Supply of Urban Land</b></p> <p><b>Clause 11.03-1S&amp;R – Activity Centres</b></p> <p><b>Clause 15.01-1S&amp;R – Urban Design</b></p> <p><b>Clause 15.01-4S&amp;R – Healthy Neighbourhoods</b></p> <p><b>Clause 15.01-5S – Neighbourhood Character</b></p> <p><b>Clause 15.02-1S – Energy and Resource Efficiency</b></p> <p><b>Clause 17.01-1S&amp;R – Diversified Economy</b></p> <p><b>Clause 17.02-1S – Business</b></p> <p><b>Clause 18.02-1S&amp;R – Sustainable Personal Transport</b></p> <p><b>Clause 18.02-4S – Car Parking</b></p>	<p><b>Clause 21.05 – Economic Development</b></p> <p><b>Clause 21.06 – Major Activity and Neighbourhood Centres</b></p> <p><b>Clause 21.08 – Transport and Traffic</b></p> <p><b>Clause 21.13 – Sustainability and Environment</b></p> <p><b>Clause 22.13 – Environmentally Sustainable Development Policy</b></p> <p><b>Clause 22.14 – Glen Waverley Major Activity Centre Structure Plan</b></p> <p><u><b>Particular Provisions</b></u></p> <p><b>Clause 52.06 – Car Parking</b></p> <p><b>Clause 52.34 – Bicycle Facilities</b></p> <p><b>Clause 53.18 – Stormwater Management in Urban Development</b></p> <p><b>Clause 65 – Decision Guidelines</b></p>
<b>STATUTORY PROCESSING DATE:</b>	<b>18 April 2020</b>
<b>DEVELOPMENT COST:</b>	<b>\$10,300,000</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51150)** for the construct a building and carry out works associated with a six (6) storey building and a reduction in the standard car parking requirement, at 2-4 Kingsway, Glen Waverley subject to the following conditions:

**Amended Plans Required**

1. Before the development commences, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by Rothelowman Architects, Rev A dated 10 February 2019 but modified to show:
  - a) The building to be set back from Kingsway a minimum of 5 metres at Levels 3 to 5. Balconies and architectural features may protrude into this space.
  - b) As a consequence of Condition 1a), the architectural expression of the building fronting O'Sullivan Road must be adjusted to respond to this additional setback.
  - c) The access to the stacker entry and exit to include an apex to ensure stormwater does not enter the underground basement system.
  - d) The proposed bike store and bin storage switched to enable the bin store area to be accessible internally to the building. The finish to the external wall of the new bike store area is to be finished with a semi-transparent material which still allows for planting to grow up the wall from the landscaping bed.
  - e) A detailed plan of the access arrangements to the rear laneway off O'Sullivan Road.
  - f) The brand and name of the mechanical stacker system notated, including confirmation that at least 25 per cent of the mechanical parking spaces can accommodate a vehicle height of at least 1.8 metres;
  - g) An updated detailed survey plan provided for the site, adjoining public space areas (including the rear laneway, O'Sullivan Road and associated footpaths, and Kingsway and footpath) and the raised pedestrian walkway associated with Galleria along the laneway.
  - h) The ground floor level of the building must match the existing footpath level or be raised to satisfy cross-fall and drainage requirements.
  - i) Removal of the two proposed visitor bicycle spaces.

- j) A dynamic, scaleless wall pattern to the southern elevation.
- k) Any changes to plans as a result of the amended Waste Management Plan prepared in accordance with Condition 6.
- l) An amended Landscaping plan in accordance with Condition 23.

**Layout not to be Altered**

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Management Plans**Green Travel Plan

- 4. Prior to the commencement of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this Permit. The Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to occupants and visitors. The Green Travel Plan should include, but not be limited to the following:
  - (a) A description of the location in the context of alternative modes of transport;
  - (b) Details of end of trip facilities provided;
  - (c) Education and awareness initiatives and incentives for occupants and visitors to encourage more sustainable modes of travel to/from the site;
  - (d) Management practices identifying sustainable transport alternatives;
  - (e) Consider the provision of electric vehicle charging facilities;
  - (f) Lobby areas of building to include real time information of train, tram and bus services;
  - (g) Details of bicycle spaces for staff;
  - (h) Employee packs (ie myki cards for new workers); and
  - (i) An obligation to update the plan not less than every 5 years;
  - (j) Details of when and how this travel plan will be available for new staff;
  - (k) Any other relevant matters.

Public Realm Works Plan

5. Prior to the commencement of the development, a plan detailing the urban design streetscape treatment of the public realm must be submitted to and approved by the Responsible Authority. The plan must show the proposed urban design treatment of public areas within the subject land site and surrounding public realm area to ensure the integration of the site with these areas and consistency in the urban design treatment. The plan must be developed in consultation and to the satisfaction of City of Monash Planning, Urban Design and Engineering Divisions. The plans must show: -
- a) Detail of all proposed hard surface materials/paving. The O'Sullivan Road frontage must be provided with a dimension stone pavement design in accordance with Councils performance specification for segmental pavers.
  - b) The inclusion of water sensitive urban design features.
  - c) Street furniture, including public signage, bins, seats, bicycle facilities, gates, fences and the like.
  - d) Proposed vegetation including provision of street trees.
  - e) A schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names.
  - f) Disabled access features.
  - g) The extent of any cut, fill, embankments or retaining walls.
  - h) Streetscape pedestrian areas to maintain a maximum cross-fall of 1 in 40 and minimum of 1 in 100.
  - i) Any other feature deemed appropriate, to the satisfaction of the Responsible Authority.

When approved the plan and the submission will be endorsed and form part of the permit.

Waste Management Plan

6. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Leigh Design dated 18 December 2019, but showing to the satisfaction of the Responsible Authority:
- a) The waste generation table calculation to be modified to include the specific use of the retail premises' at the ground floor (ie café) and reflect this in the waste generation calculation;

- b) A plan showing the details of waste storage within the development including location of wash down facilities;
- c) Provision of food waste methods for any café or food and drinks premises located at the ground floor;
- d) Access to the bin store via internal spaces detailed; and
- e) Specific location of waste collection to occur ensuring minimal disruption to vehicles utilising the laneway.

#### Construction Management Plan

7. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Measures to control noise, dust and water and sediment laden runoff;
  - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
  - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
  - f) Cleaning and maintaining surrounding road surfaces;
  - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
  - h) Public Safety and site security;
  - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
  - j) A Traffic Management Plan showing truck routes to and from the site;

- k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
  - l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - m) Contact details of key construction site staff;
  - n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
  - o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
    - Monday to Friday (inclusive) – 7.00am to 6.00pm;
    - Saturday – 9.00am to 1.00pm;
    - Saturday 1:00pm to 5:00pm (only activities associated with the erection of buildings in accordance with EPA regulations);
    - No works are permitted on Sundays or Public Holidays.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan, Green Travel Plan, Construction Management Plan, Public Realm Works Plan and Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Amenity of Area**

9. The amenity of the area must not be detrimentally affected by the use or development, through the:
- a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin;
  - e) others as appropriate
- to the satisfaction of the Responsible Authority.
10. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
11. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.



**Car Parking and Accessways**

12. Before the use starts or the building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed to the satisfaction of the Responsible Authority;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
  - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
13. Parking areas and access lanes must be kept available for these purposes at all times.
14. Car parking within the development must be allocated as follows:
  - a) Provision of no less than 1 car space per retail premises.
  - b) Provision of no less than 28 car spaces associated with the office use.
15. The mechanical parking system to meet Australian Standard AS 5124:2017 Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages).
16. All access points to the mechanical parking system require the provision of a gate/door which is to be fully automated and linked to the operating system to ensure that there is no inadvertent access when the system is in motion.
17. Before the use starts or any building is occupied, car stackers must be installed in accordance with the endorsed plans.
18. The car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

**Ongoing Architect Involvement**

19. As part of the ongoing consultant team, Rothelowman or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
  - a) Oversee design and construction of the development; and

- b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

**Plant / Equipment / services or features**

20. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
21. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

**Landscaping**

22. Concurrent with the endorsement of any plans pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Site Image Landscape Architects, dated 7 February 2020 except that the plan must reflect any changes as required by Condition 1 of this Permit.
23. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
24. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.
25. An automatic watering system linked to the rainwater tank on the land must be installed and maintained to the common garden areas (including the green wall planters and rooftop planters) to the satisfaction of the Responsible Authority.

**Drainage**

26. All stormwater collected on site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

27. The private on site drainage system must prevent stormwater discharge from the driveway over the footpath into the road reserve.

#### **Public Realm Works**

28. Public realm works as required as a result of this development are required to be completed within 12 months of the completion of the development, or as agreed in writing, to the satisfaction of the Responsible Authority.

#### **Time for Starting and Completion**

29. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The development is not started before 3 years from the date of issue.
- b) The development is not completed before 5 years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

#### **NOTES:**

- A. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- B. The owner must accept all costs in associated with the public Realm works (with the exception of lighting) as required by this Permit to the southern side of O'Sullivan Road adjacent to the Subject Site are required to be undertaken in conjunction with the development at the cost of the developer. Works are required to be completed to the satisfaction of the Responsible Authority following the completion of the development.
- C. The nominated point of stormwater connection for the site is to the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip to be constructed to Council standard. A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit.

- D. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. These plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the Permit.
  
- E. Engineering permits must be obtained for Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$10,000 is to be paid prior to the drainage works commencing.

**BACKGROUND:****The Site and Surrounds**

The site is located on the south-eastern corner of O'Sullivan Road and Kingsway. The site has a frontage of 9.45 metres to Kingsway and frontage of 33.83 metres to O'Sullivan Road, yielding a total site area of 473.14 square metres.

The site is relatively flat with a minimal slope across the land.

An existing two storey brick commercial building is located on the land, which was previously occupied by a bank. Unmarked car parking is located along the rear of the site which is accessed via the laneway to the rear of the site.

The site is located within the commercial precinct of the Glen Waverley Major Activity Centre.

The surrounding area is described as follows:

**North**

The site abuts O'Sullivan Road to the north which is currently undergoing public works in association with surrounding development. Works include limiting and revising the roadway width entering Sneddon Drive / Kingsway to have a single width left hand turn only and the planting of trees, seating and lighting to improve the public realm. Works adjacent to the site have not yet commenced given this pending application.

'The Glen' Shopping Centre is located on the northern side of O'Sullivan Road which is currently completing construction for a mixed use development including retail and residential.

A semi-transparent roofed, open outdoor courtyard is located within the south-west corner of The Glen site with three residential towers proposed within the southern end of the building. The roof structure of the courtyard area sits at approximately the same height as the podium structure of the building. The

building opposite the site (identified as Tower B), has a podium height of three (3) storeys (13.67 metres) with a tower of 11 storeys creating a maximum building height of approximately 48 metres.

### **East**

East of the site is an unnamed laneway. The laneway is 3.64 metres in width. The laneway can be accessed via Springvale Road. This part of the laneway cannot be accessed via Railway Parade, as bollards are located within the T intersection of this laneway preventing access (to the rear of 28-32 Kingsway). The laneway currently serves a two directional purpose, with access available via O'Sullivan Road. However with the completion of further public realm works on O'Sullivan Road, this laneway to the east of the site will become a single directional laneway entering from Springvale Road and exiting into O'Sullivan Road.

Further east of the site at 52-54 O'Sullivan Road is a mixed use development including retail at the ground floor and apartments above which has recently completed construction and is known as 'Galleria'. The building is 15 storeys in height above three levels of basement car parking. Vehicle access to the site is located via the laneway on the eastern side of the site.

The main entry to the 'Galleria' building is via O'Sullivan Road. Eight retail premises front the laneway which abuts the subject site. A covered space is located in front of these entries which is raised slightly above the level of the laneway and is proposed to be divided from the laneway with seating and planters. The building has a strong 3-3.5 storey podium feature with a maximum height of 9.15 metres.

### **South**

No. 6-10 Kingsway is located to the south of the site which supports a two storey commercial building. The building has two office tenancies. The building is constructed to the boundary with the subject site, and is constructed of brick and has a glazed façade feature on the upper level. The building has strong vertical lines.

### **West**

Kingsway road reserve is located to the west of the site. A signalled pedestrian crossing is located directly adjacent to the site.

On the opposite side of Kingsway is O'Sullivan Road car park, a large car park associated with commercial properties in this precinct (primarily Dan Murphy's located on the corner of Kingsway and Railway Parade North).

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

**PROPOSAL:**

It is proposed to demolish the existing building on the subject land and redevelop the land for a six (6) storey mixed use building. Two ground floor retail premises' are proposed at the ground floor with offices above. More specifically, the application proposes:

- Two ground floor shop / retail tenancies with a total area of 182.8sqm accessed via O'Sullivan Road and Kingsway.
- Access to the offices is via a lobby area fronting O'Sullivan Road.
- Car parking located in the basement accommodating a total of 30 car spaces within an automated car stacker system. Car parking is to be accessed via the laneway the rear of the site. Separate inbound and outbound car lifts are proposed with two waiting bays adjacent to the inbound car lift.
- Seven (7) bicycle spaces are located at the ground floor for staff, and two visitor bicycle spaces located within the O'Sullivan Road frontage of the site.
- The building is proposed with 5 storeys constructed to the Kingsway and O'Sullivan Road frontages with the 6<sup>th</sup> storey set back from Kingsway 4.11 metres and from O'Sullivan Road 2.14 metres.
- At the ground and first floors, the building is set back 2.13 metres from the rear laneway, with the second and third floor constructed to the rear boundary. The levels above are again recessed from the rear boundary.
- A rooftop terrace of 93.2 sq.m. is proposed for future employees.
- The building is proposed to be constructed with a mixture of metal finishes, stone and spandrel (tinted glass).
- The two corners of the building facing O'Sullivan Road are proposed to include planters which are replicated up the building forming a green wall.
- A covered canopy is proposed along the Kingsway and O'Sullivan Road frontages of the site with a height of 3.16 metres above the footpath.
- The building is proposed to be 21.4m in height (measured to the rooftop terrace), with a maximum overall height of 24.8 metres (measured to the lift and stair overrun).
- A bin storage area is proposed to the rear of the site with access to the laneway. Waste collection is to be undertaken via a private contractor via the laneway to the rear of the site.

Attachment 1 details plans forming part of the application.

**PERMIT TRIGGERS:****Commercial 1 Zone**

Pursuant to Clause 34.01-1, a Permit is not required for the use of the land for an office, shop or café / food and drinks premises.

Pursuant to Clause 34.01-4, a Permit is required to construct a building or construct or carry out works.

#### **Design and Development Overlay**

Pursuant to Clause 43.02-2, a Permit is required to construct a building or construct or carry out works.

Schedule 12 of the Design and Development Overlay provides discretionary controls with respect to height, setbacks, and other design details.

#### **Particular Provisions**

Pursuant to Clause 52.06 (Car Parking), a Permit may be issued to waive or reduce the requirements set out in Clause 52.06-6. As the proposal does not meet the requirement set out in this clause, a Planning Permit is required.

Pursuant to Clause 52.34 (Bicycle Facilities), a Permit may be issued to waive or reduce the requirements set out in this clause with respect to bicycle parking numbers and facilities. As the proposal meets this requirement, a Planning Permit is not required.

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

#### **CONSULTATION:**

Further information was requested of the Permit Applicant on 15 January 2020. In this letter, officers also raised the following preliminary concerns (in summary):

- The car parking reduction sought, recommending further justification;
- Variation to the Design and Development Overlay with respect to setbacks;
- Clarification of the finish of the bronze metal finish;
- Corrective manoeuvres required into the laneway to prop in the waiting bays;
- Setbacks of the rear of the building impacting truck movements within the laneway;
- Lack of activation to the rear laneway and north-east corner of the site;
- Recommendation of a green wall feature within the north-west corner of the site; and
- The proposed height of the canopy does not meet the recommended height within the Design and Development Overlay and will be at odds with existing canopy heights in the streetscape.

The Permit Applicant responded to this letter on 18 February 2020 by providing the requested information. In relation to the preliminary concerns, the Applicant revised the plans as follows:

- Further justification was provided for the proposed car parking reduction;
- Further details of the proposed materials were provided;
- Setbacks of the rear of the building at the first floor were varied;
- A green wall feature was added to the north-eastern corner of the site; and
- The height of the proposed canopy structure was varied.

The Applicant was verbally advised on 5 May 2020 that this application was coming to the May Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

#### **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 signs displayed on each frontage of the site.

Three (3) objections have been received for the application which raised the following concerns:

- Car parking reduction sought will add to difficulty of short term parking available in the centre;
- Car parking arrangement difficult and not accommodating for larger vehicles causing more demand on public parking in the area;
- Lack of car parking for visitors and disabled;
- Public realm works required adjoining the site on O’Sullivan Road; and
- Financial loss to existing surrounding shops given limited demand.

Attachment 4 details the location of objector properties.

#### **Referrals**

**Engineering** – no concerns subject to conditions, including the requirement of an apex to the accessway to ensure that there will be no flooding into the site from the rear laneway.

**Transport Planning** – No concerns subject to conditions including the deletion of the proposed visitor bicycle spaces and further details of the mechanical parking system.

**Waste** - no concerns subject to conditions requiring further detail surrounding waste generation and collection.



**City Design-** No objection subject to appropriate public works being undertaken to O’Sullivan Road in accordance with the precinct plan.

**DISCUSSION:**

**Assessment against the Planning Policy Framework**

The subject site is located within the centre of the Glen Waverley Major Activity Centre. Clause 11.03-1 seeks to support the development and growth of activity centres by ensuring they are able to accommodate significant growth for a broad range of land uses.

Clause 17.02-1S seeks to encourage development that meets the community’s needs for retail, entertainment, office and commercial services. A strategy to achieve this is by locating commercial facilities in existing activity centres. Clause 17.01-1S also seeks to strengthen existing and planned employment areas and improve access to jobs closer to where people live.

Various policies including Clause 18.01-1S seeks to integrate the sustainable transport system with land uses and maximising the presence of existing infrastructure by increasing the diversity and density of development along the Principal Public Transport Network (Clause 18.02-2R). Whilst Clause 18.02-4S seeks to ensure an adequate supply of car parking that is appropriately designed and located, it also takes note that car parking demand is subject to access to public transport, demand for off-street car parking and road capacity.

With respect to built form, the Planning Policy Framework seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S) whilst also creating urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

**Assessment against the Local Planning Policy Framework**

The municipal strategic statement identifies that the business community is an important generator of income and employment for the local economy. Monash is characterised by employment in activity centres and also has a large proportion of economic activity generated by small business. In response to the predicted population growth, it is important to direct more intensive, higher scale development to activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities closer to where people live.

Clause 21.06 identifies that Glen Waverley has experienced major renewal and redevelopment in the past few years that has revitalised the centre. It is anticipated that the centre will continue to grow and change in the following years, particularly with the anticipated future suburban rail link which will include a connector station proximate to the subject site. The Planning Scheme encourages Glen Waverley continue to develop as a major entertainment and retail centre for the eastern metropolitan region. Office and retail uses specifically

are encouraged by this policy. It also seeks to establish Kingsway as a vibrant and engaging civic spine through its various uses and the integration of buildings which contribute positively to street life.

Clause 22.14 (Glen Waverley Major Activity Centre Structure Plan) applies to all land within the Glen Waverley Major Activity Centre (GWAC). This policy identifies the site as being within Area 1 - Central Mixed Use (hospitality / entertainment / retail at ground floor with housing / offices / hotel / community uses above) and in Precinct 1, being the Kingsway Precinct. The proposed use for retail at the ground floor and offices above is consistent with this policy. The Structure Plan (updated June 2016) is a reference document to the Planning Scheme.

Clause 22.14 (Environmental Sustainable Development Policy) requires a Sustainable Management Plan to be prepared with an application of this scale. A report was provided with the application, prepared by Co-Perform. The report recommends energy efficiency methods such as the provision of a rainwater tank, thermal glazing, and a 5kw solar panel system which have been reflected in the plans proposed.

### **Assessment against the Glen Waverley Activity Centre Structure Plan and Design and Development Overlay, Schedule 12**

#### **Building Height**

The Overlay identifies the site as being within 'Built Form Area A', which provides for a preferred building height of 4-6 storeys (15-22 metres). The proposal is a total of 6 storeys plus a rooftop terrace area with a maximum height of 21.4 metres (24.8 metres measured to the lift overrun).

#### **Building Setbacks**

The Design and Development Overlay identifies preferred building setbacks including zero street setbacks up to a height of 3 storeys, with a 5 metre setback required for additional storeys. These requirements originated from the Structure Plan which seeks a setback of the upper levels of the building to minimise wind effects on the street, encourage good solar access to Kingsway footpaths and to support a human-scaled place. The development outcome for the site also seeks to provide an active and engaging frontages to Kingsway and O'Sullivan Road. Activities to the front of any buildings at ground level should generate pedestrian interest and interaction and the facades should incorporate windows and door openings with clear glazing. The prominence of this corner within the Glen Waverley Activity Centre adds to the importance of achieving a superior built design to both its Kingsway and O'Sullivan Road interfaces.

It is acknowledged that the proposal will not result in unreasonable wind effects or unreasonable solar access to the public realm. However, the proposal as it fronts Kingsway does not support a human scaled place. The design aspirations of this section of properties facing Kingsway (between O'Sullivan Road and Railway Parade North) will have a three storey podium height with a 5 metre setback to the levels above which provides a human scale building presenting to Kingsway

with recessed levels above. This strategic direction is evident in the immediate emerging built form character of the abutting new developments to the north and east, which both comprise a clear low-rise street wall component with rising form set back and clearly distinguishable via architectural expression. Consistency in this approach will provide a cohesive presentation to Kingsway following further redevelopments.

Whilst the schedule suggests that setbacks should be provided above a three storey podium fronting O'Sullivan Road, this would result in a very narrow and unbalanced upper level. This discord is considered contrary to the objectives of the structure plan for high quality design outcomes and is created due to the long side of the site being orientated to O'Sullivan Road. Typically, the desired outcome has been achieved on properties that have their main frontage to O'Sullivan Road. It is considered that given the size of this site, and the separation of its northern interface from any adjoining properties (with O'Sullivan Road or the laneway to the east), a more site specific approach can be taken in this instance. It is also noted that the site is located opposite significantly higher built forms to the north and east and therefore a tempered approach is required to this site which forms the transition between the two areas within the Structure Plan.

#### **Activated Laneways**

Rear setbacks of buildings are recommended at 1.5 metres to create a laneway connecting Railway Parade North and O'Sullivan Road. The proposal provides a 2.13 metre setback at the ground and first floors, with a zero setback at the second to fourth floors with the fifth floor again set back 2.13m. The ground and first floor exceed the recommended 1.5m setback to ensure the required turning movements for vehicles entering the site, and is also reflective of the angular title boundary located within the north-east corner of the site to provide a cohesive response.

The intention of the setback requirement is for the laneway to be widened to allow for more efficient use, and an 8 metre wide pedestrian laneway connecting Railway Parade North and O'Sullivan Road. The objective also seeks to design for active uses and generate pedestrian interest and interaction with a permeable façade including window and door openings with clear glazing.

On the other hand, the policy also states that developments should be designed to ensure car parking areas and loading bays are concealed from the street within basements or behind buildings. Car parking, turning areas or other hard stand areas should not be located in front setbacks. It also suggests that vehicle crossovers should be minimised and located to prevent traffic disruption and preserve nature strips and street trees.

It is noted that the development 'Galleria' on the opposite side of the laneway (54 O'Sullivan Road) has a building setback of 3.53 metres to the laneway, with a raised pedestrian footpath including planting and seating. Therefore a pedestrian walkway is provided for the length of this laneway on the eastern side until the point at which the vehicle access turns towards Springvale Road.

The width of the subject site and the requirement to provide vehicle access to the site via the laneway provides for limited opportunity for an activated interface to this laneway and any glazed shopfront would be tokenistic and unpractical. Given the two street frontages of the site, the location of services are limited and it is considered to be a better design outcome to have services located towards the rear (east) of the site, rather than incorporating services into the primary frontages to Kingsway and O'Sullivan Road.

However, it is considered that there is an opportunity to provide a further perceived activation of the laneway by switching the bike store and bin store areas. This will allow for the bin store to have more direct internal access to the retail premises' as recommended by Council's Waste Department, and also provide an opportunity to review the materials used within the north-east corner of the site to provide some transparency in material to the bike store.

It is also noted that there is a level of natural surveillance to this laneway from the protrusion of the second to fourth floors of the building into the rear setback which allows for windows facing north and a terrace with views to the south of the laneway.

#### **Wind and Weather Protection**

As the site is not greater than 6 storeys, wind tunnel testing is not required for this application.

The schedule suggests that weather protection from wind and rain, in the form of canopies, awnings and verandahs, is encouraged especially in streets with commercial frontages. Canopies should be continuous and setback from street kerbs by at least 0.75 metres to avoid vehicle damage and service poles. Canopies should be at an appropriate height above the footpath to avoid damage and provide effective weather protection. This will mean canopies should be constructed at a height between 3 and 4.5 metres above the footpath and, where possible, at a consistent level with the canopies on adjoining sites. The underside of canopies should be light-coloured.

The proposed canopy is located 3.0m-3.16m above the footpath, and set back 3.4 metres from the Kingsway street interface and 3.88 metres from the O'Sullivan Road interface. The canopy is proposed to be constructed with the same brown metal finish as the remainder of the building and clear roofing, presenting as a lightweight pergola type feature with a clear finish between. The height of the pergola will be consistent with existing canopy structures located on Kingsway.

#### **Landscaping**

The schedule to the Overlay suggests that development should contribute to the 'buildings in landscape' character of the surrounding residential areas through large tree planting in the front, side and rear setbacks, particularly where sites adjoining residential areas. It is considered that this is more relevant for sites

which are on the outskirts of the activity centre and not within the key commercial area of the Activity Centre.

Nevertheless, the proposed design has incorporated a strong landscaping response with the provision of a tree and climbing plants within the north-west and north-east corners of the site, taking advantage of the angled title boundaries of the site. Planting is also proposed on the rooftop terrace area and balconies. The proposed planting will complement the public realm.

### **Solar Access**

The schedule identifies that buildings should be designed to ensure that solar access is maintained to:

- *Within 5 metres of the eastern property boundary of Kingsway, between Railway Parade North and O’Sullivan Road, between 12pm and 3pm on 21 September.*
- *Within 5 metres of the western property boundary of Kingsway, between Railway Parade North and O’Sullivan Road, between 9am and 12pm on 21 September.*

Shadow diagrams prepared with the application show that the proposed development complies with these requirements.

### **Building Form and Design**

The schedule provides the following design objectives, as relevant:

- *Buildings should reflect the existing fine grain pattern of narrow shop fronts within the traditional shopping strips by incorporating separate ground floor tenancies and vertically modulated forms.*
- *At ground level buildings should provide active frontages to streetscapes. An active frontage is a frontage that generates pedestrian interest and interaction with a permeable façade incorporating windows and door openings with clear glazing.*
- *Buildings incorporating podium forms should provide opportunities for activation of upper podium levels to support passive surveillance of the public realm.*
- *Developments should comply with the environmental targets set out in any relevant Sustainable Design Assessment or Sustainability Management Plan and comply with any relevant Green Travel Plan as appropriate.*
- *Buildings should utilise materials that do not generate glare, and can withstand the effects of weathering and wear to minimise maintenance and assist in achieving the ‘high quality’ development objectives of the Structure Plan.*

In response to these objectives, it is noted:

- The proposed building reflects the fine grain pattern of the narrow shop fronts appropriately with the use of bold vertical frames on the O’Sullivan Road frontage. The building is the width of a single site as viewed from

Kingsway which also assists with this presentation that may not be achieved with a consolidated block development.

- The two retail premises' provide an activated frontage to both Kingsway and O'Sullivan Road with bi-fold doors to allow for a seamless barrier to the footpath.
- Upper podium levels have terraces and windows which provide for activation and passive surveillance of the public realm.
- A Sustainability Management Plan has been prepared with the application in accordance with Council's Sustainable Design Policies.
- A Green Travel Plan will be required to be prepared as a proposed condition of the Permit.
- The building is proposed to be primarily constructed of glass and bronze metal cladding. The cladding includes a timber look grain finish which will soften the appearance of the building whilst allowing for minimal maintenance and upkeep. The glazing proposed is clear glass and not of a reflective material.
- The services cupboards are proposed to be finished with a dark spandrel (non transparent) glass which will integrate with the building and give the impression of surveillance from the building within.
- The building will be of a high quality finish as designed. To ensure the quality of the building and finishes is not eradicated through the building process, a proposed condition will require the continued involvement with the architect on the project until completion of construction.

#### **Equitable Development Potential**

The site has only one abutting adjoining property. The development seeks to construct the building to the southern boundary of the site at all levels providing a blank interface for the adjoining property to develop in the future. This is considered to be an appropriate response. However, as the wall will be substantially taller than the adjoining property, a proposed condition will require this wall to be treated to provide some visual interest.

#### **Car Parking, Traffic and Access**

The site currently has a building with a floor area of approximately 320sqm and was previously used as a bank, which is a subset of an office use within the Planning Scheme. Therefore, it would have generated a statutory car parking requirement of 9 car parking spaces. There is currently space for 8 vehicles to the car park at the rear of the site. Consequently, the site has a credit of 1 car parking space. Further to this, it is noted that existing car parking was for employees only, and hence all customer car parking occurred off site.

The application as presented seeks a reduction of 23 spaces on the site. It is noted that the floor area for the office use as assessed by the Applicant included calculation of the 'outdoor office spaces' fronting Kingsway within the applicant's Traffic Report. However as permanent desks are not likely to be set up in this space it is not considered that this floor area should be included within the

calculation to assess car parking generation for the site. This has resulted in a reduction of the calculated overall floor space of 76.1sqm.

The requisite car parking spaces required under Clause 52.06 are as shown in the following table:

Use	size	Clause 52.06 Requirement	Car spaces required	Car Spaces Provided	Reduction Sought
Office	1586.7sqm	3 spaces per 100-sqm	47 spaces	28 spaces	19 spaces
Retail (shop or food and drinks premises)	182.9sqm	3 spaces per 100sqm	6 spaces	2 spaces	4 spaces
Total			<b>53 spaces</b>	<b>30 spaces</b>	<b>23 spaces</b>

A proposed condition seeks to increase the setback of the building from Kingsway above the three storey podium and will result in a loss of office floor area of approximately 71sqm therefore reducing the car parking obligation. The additional setbacks will reduce the car parking reduction sought from 23 spaces to 21 spaces. This change is outlined in the table below:

Use	size	Clause 52.06 Requirement	Car spaces required	Car Spaces Provided	Reduction Sought
Office	1515.7sqm (reduction of 71sqm)	3 spaces per 100-sqm	45 spaces	28 spaces	17 spaces
Retail (shop or food and drinks premises)	182.9sqm	3 spaces per 100sqm	6 spaces	2 spaces	4 spaces
Total			<b>51 spaces</b>	<b>30 spaces</b>	<b>21 spaces</b>

It is expected that there is sufficient parking within the Glen Waverley Activity Centre to accommodate retail customer parking, and consequently it is suggested that a total of 1 staff space per retail premises be provided on the site (total of 2 spaces). This would in turn allow for the provision of 28 car spaces for the office use. It is also noted that mechanical parking is not conducive to visitor parking.

Council's adopted Monash Integrated Transport Strategy seeks to encourage sustainable mobility and reduce reliance on private vehicle use, particularly in areas which have good access to public transport. It also notes that traffic impact assessments across Melbourne are starting to recognise that due to the range of travel choices and options in the area, the previously employed formula and assumptions linking to car parking rates and traffic generation through daily car usage are rapidly changing. It also notes that journey to work data identifies growth in public transport use in Monash.

The Glen Waverley Structure Plan also identifies key strategies to improve public transport in the area including improving the train and bus interchanges and greater accessibility to decrease the demand for vehicles.

The Glen Waverley Activity Centre has excellent public transport access, with higher frequencies during office peak hours, and the limited availability of long-term off-site car parking encourages consideration of sustainable transport modes for staff. The site is approximately 140 metres from the Glen Waverley Train Station. Glen Waverley is also at the centre of the proposed new Suburban Rail Link which has received significant investment by the State Government with the anticipation of the construction of a new station proximate to the existing station.

The onsite office parking provision was estimated by the applicant at a rate of 1.68 spaces per 100sqm, whilst our calculation in combination with the proposed conditions results in an increase of the rate to 1.84 spaces per 100sqm. The traffic report provided with the application provides examples of similar office developments in middle suburbs (Box Hill and Footscray) which have provided less than this rate of car parking (between 1.2 spaces and 1.55 spaces per 100sqm) in these accessible areas. Box Hill is a comparative example to Glen Waverley, being a similar sized Activity Centre which also has access to the bus and rail network.

A proposed Condition of the Permit will require a Green Travel Plan to be prepared prior to the commencement of the use which includes details of green travel options for staff. This will include a real time public transport update kiosk will also be required to be provided at the ground floor of the building.

It is noted that trader parking permits will not be granted in association with this site.

It is considered that the reduction in car parking in this instance will assist with reducing the potential impact of additional traffic flow to and from the site and encouraging more sustainable modes of transport. The site being located in Glen Waverley also captures the idea that people will be able to live and work in close proximity therefore reducing the demand on car parking within this office development.

Car parking is proposed to be accessed from the rear laneway abutting the site, with the provision of one inbound and one outbound automatic car lift which takes the vehicles into the basement car stacker system. Two waiting bays are also proposed adjacent to the inbound garage.

The application suggests that the proposed use will generate a rate of 0.5 movements per space per hour which indicates that the on-site car park is likely to generate up to 15 vehicle movements during both the AM and PM peak hours. Therefore the proposed traffic generation is expected to have a negligible impact on the surrounding road network.



The critical peak hour for queuing which has the greatest potential impact on the rear laneway will be the morning peak hour. The proposed system (Klaus Mastervario R3) has a capacity to accommodate approximately 30 movements in any peak hour. The report assumes the development will generate 15 vehicle movements/hour, and as a result calculates the 95th percentile queue as 3.3 vehicles. With one vehicle within the system, the external queue will be 2.3 vehicles which is considered acceptable.

One objection received raises concerns regarding tradesman parking within the surrounding street network. A proposed condition will require a Construction Management Plan to be provided, which includes a traffic management plan and detail of truck movements and construction vehicles.

A second objection raises that a levy should be paid given the reduction in car parking sought. It is noted that this requirement (as it related to the Parking Overlay) has been removed from the Planning Scheme and cannot be required.

### **Bicycle Parking**

The proposal provides for a total of 7 employee bicycle parking spaces and 2 visitor parking spaces, located on the north-east and north-west corners of the site.

The requisite bicycle spaces required under Clause 52.34 are as follows:

Use	Size	Clause 52.34 Requirement	Bicycle spaces required	Bicycle spaces provided
Office	1,662.8sqm	1 per 300sqm (staff) 1 per 1,000sqm (visitors)	6 spaces (staff) 2 spaces (visitor)	6 spaces (staff) 2 spaces (visitor)
Retail	182.9sqm	1 per 300sqm (staff) 1 per 500sqm (visitor)	1 space (staff) 0 spaces (visitor)	1 space (staff)
Total			<b>7 spaces (staff)</b> <b>2 spaces (visitor)</b>	<b>7 spaces (staff)</b> <b>2 spaces (visitors)</b>

Therefore the proposal provides bicycle parking in accordance with the scheme. However, the visitor spaces are poorly located within the corners of the site, potentially impacting proposed landscaping and becoming a hazard for pedestrians on the footpath.

As part of The Glen redevelopment, streetscape works are required to O'Sullivan Road including the provision of 10 bicycle rails (20 bicycle spaces) on the footpath for visitors. It is considered that the use of these bicycle rails will be appropriate for the 2 spaces generated for visitors to the office. Therefore the proposed two visitor bicycle spaces can be deleted from the proposal and a reduction of this requirement granted.

The staff bicycle spaces are proposed internal to the building with access from the rear of the site or the lobby. However, a proposed condition will require these spaces to be switched with the bin store area to allow direct access to the bin store area from the retail premises. This will in turn allow direct access for cyclists from the rear laneway, and will allow for a more creative presentation of the building to the north-east corner of the site with greater activation in this location.

In addition to the requirement for bicycle parking, Clause 52.34-3 of the Monash Planning Scheme requires 1 shower for the first 5 employee bicycle parking spaces and 1 shower for each subsequent 10 employee bicycle spaces (if 5 or more employee bicycle parking spaces are required). The proposal therefore generates a requirement for one change room / shower. A shower and change room are proposed on each of the office floors which exceeds this requirement.

### **Loading and Waste Collection**

The proposed uses are expected to generate moderate demand for loading facilities. There is no requirement to provide a loading bay on the site. It is anticipated that when required, vehicles would use the 30 minute restricted parking spaces on Kingsway, or if deliveries occur during times before the office uses commence, loading may occur within the waiting bays to the rear of the site.

A Waste Management Plan has been prepared by Leigh Design which suggests that a private contractor will collect waste from the laneway to the rear of the site from the bin store to the truck. A total of 4 garbage bins and 4 recycling bins are proposed within the waste storage area with each requiring 2 collections per week.

Concern was raised from Council's Waste Department that the bin storage area is not readily accessible for the retail premises, requiring someone to exit the building to access this storage area. A proposed condition of the Permit will require the bin store and bike store to be switched, to allow internal access to the bin store. The bin store will maintain direct access to the laneway through the access door between the two garages for collection.

A proposed condition will require a diagram showing the location of collection, ensuring it causes minimal disruption to the function of the rear laneway, with further details of the waste store area including ventilation and details of any wash down facilities. A revised Waste Management Plan will also be required to provide further detail with respect to organic waste disposal as it is expected that at least one of the ground floor premises will be a food and drinks premises.

### **Landscaping**

The site is located in the Commercial 1 Zone, and therefore it is not expected that a high level of landscaping be provided on the site. However, landscaping can assist with softening a building form.

The proposed building has been designed with triangular ‘cut outs’ within the north-east and north-west corners of the site which allows for planting at the ground floor. In addition creepers will grow up wire screens provided with planters at the upper levels in the same location which will result in a green wall appearance. An irrigation system is proposed which will allow for the maintenance of these plants.

It is also noted that public realm works are proposed to O’Sullivan Road including the widening of the footpath which will result in the planting of an additional row of street trees and bench seating. A Public Realm works plan is required to be prepared by the applicant.

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

- Car parking arrangement difficult and not accommodating for larger vehicles – The planning scheme requires that at least 25 per cent of mechanical car parking spaces accommodate vehicle height of at least 1.8 metres. A proposed condition will require this detail to be provided.
- Lack of car parking for disabled – The car parking arrangement on the site allows for disabled access with access to occur to and from the garages into the ground floor of the building which contains lift access to each level of the building.
- Financial loss to surrounding shops – this is not a relevant planning consideration
- Contribution to be made by owner for the upgrade of the public realm to the southern side of O’Sullivan Road – A contribution will be required to be made for the public works, similar to the works which were required to be undertaken in association with The Glen and Galleria redevelopments. A proposed condition requires a plan to be prepared showing these works to the satisfaction of the Responsible Authority.

#### **CONCLUSION:**

The proposed development is in keeping with the aspirations of the Glen Waverley Activity Centre and will provide for a high quality building with activation to both Kingsway and O’Sullivan Road which will add more vibrancy to this space and improve the connection from the Glen to Kingsway.

The proposal will address both O’Sullivan Road and Kingsway appropriately subject to adjustments of setbacks of the upper levels to Kingsway which will provide for a pedestrian scale to this building at this interface which is sought by the Glen Waverley Structure Plan.

The proposal provides the right balance between the provision of car parking whilst will not result in excessive additional traffic movements to the centre, and encourages the use of readily available public transport in this location.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.