

PROPOSED APARTMENT BUILDING 132-134 CHURCH STREET HAWTHORN

EXPERT URBAN DESIGN EVIDENCE

VCAT reference no.: P1069/2014
Evidence by: Nathan Alexander
Date of report: September 17 2014
Property address: 132 and 134 Church Street Hawthorn
Inspected: 5th and 13th September 2014
Prepared for: City of Boroondara
Instructed by: Mr Andrew Kerr, Planning Appeals Coordinator,
City of Boroondara
Matter: Notice of refusal (PP13/01358)
Heard by: Victorian Civil and Administrative Tribunal
Hearing date: 6th October 2014

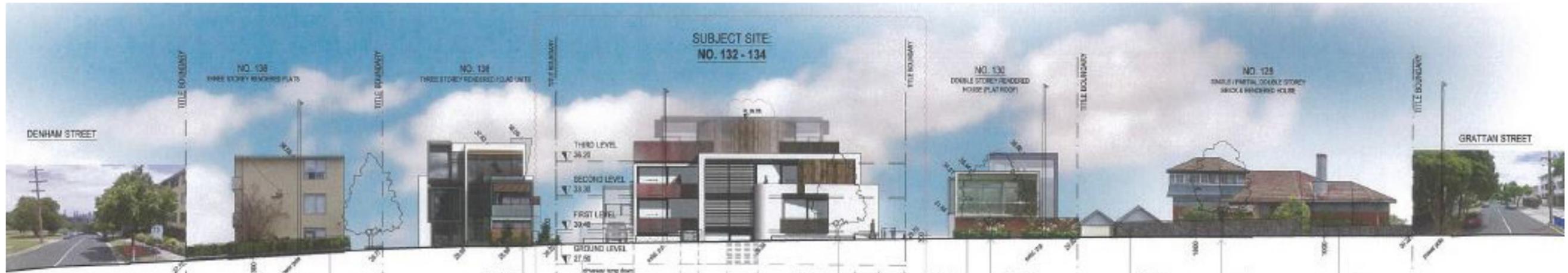


Figure 1: Proposed streetscape

EXECUTIVE SUMMARY

[1] My name is Nathan Alexander. I am the director of Alexander Urbanism, a company consulting in strategic planning, master planning and urban design. I am an urban designer with qualifications in landscape architecture, urban design and management. In September 2014 the City of Boroondara engaged me to provide an independent urban design assessment of the appropriateness of the proposal to the character of the area and to present my evidence to VCAT.

[2] I firstly found that for development on this site to comply with the Planning Provisions that, in my opinion, are the most relevant to assessing the appropriateness of the proposal to the character of the area:

1. Development should be responsive to the site, respect the existing neighbourhood character and respect the landscape character of the neighbourhood.
2. Front setbacks should respect the existing neighbourhood character, make efficient use of the site, be consistent with adjoining development and sufficient for the planting of canopy trees.
3. One must consider:
 - the visual impact of the building

when viewed from the street and from adjoining properties.

- the effect of the slope of the site on the height of the building.
- the relationship between the proposed building height and the height of existing adjacent buildings.

[3] I examined the existing neighbourhood character carefully. I considered several blocks of Church Street, the street block of the subject site, and especially the buildings along both sides of Church Street between Grattan and Denham Streets. I gave less weight to the developments on the east side of Church Street due their eclectic character. I found that the properties that should be given the most weight in setting the frame within which to establish a relevant character for the subject site were only three: no.s 130, 136 and 138 Church Street. This was due to the strong pattern they established of flat roofed two to three storey buildings with a consistent front setback and east-facing front facades. Using these, I determined a range of values for the expression of a variety of key elements that make up the existing character of the area, as well as typical values.

[4] I then described and analysed the proposed development in detail regarding neighbourhood character. I also examined the building's ground floor level compared to the level of the surrounding ground, the site coverage, and the opportunity to grow substantial trees.

[5] Based on my findings, the proposed development is clearly out of character with the existing area, including in scale and mass. As Boroondara has not specified a preferred character, the planning provisions require that the development 'respect the existing character'. The development is beyond the range of normal expression of neighbourhood character in the area in building height, building width, front facade direction, side and rear setbacks, site coverage and lack of opportunities to grow substantial trees. It is therefore reasonable to conclude that the proposal does not respect the existing character.

[6] As the proposed development includes a building higher and longer than any in the relevant neighbouring area, and as it fails to provide adequate opportunities for the required substantial canopy vegetation, it can rightly be considered an overdevelopment of the site when

compared with the amount of development desired by Boroondara as expressed in the planning scheme. The proposed development also fails to provide opportunities for a landscape transition to neighbouring properties.

[7] This design pushes the building envelope too hard - too high, too deep and too close to the boundaries - to be respectful of the neighbourhood character. Accordingly, it fails to accord with the planning scheme and should be refused on urban design grounds.

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1. PRELIMINARIES

1.1 Introduction

- [1] My name is Nathan Alexander. I am the director of Alexander Urbanism, a company consulting in strategic planning, master planning and urban design. I am an urban designer with qualifications in landscape architecture, urban design and management. My twenty-eight years' professional experience includes twenty-six years that have been either solely focused on urban design or where urban design has been a substantial part of my work. Further details of my qualifications and experience are found in the appendix.
- [2] In September 2014 the City of Boroondara engaged me to provide an independent urban design assessment of the appropriateness of the proposal to the character of the area and to present my evidence to VCAT. This document is my written assessment.
- [3] The subject site is on the west side of Church Street Hawthorn, being two allotments with the street addresses of 132 and 134 Church Street. In this document I will refer to these allotments as 132 Church Street or as the subject site.
- [4] The subject site is irregularly shaped, with an area of approximately 1570 m². The frontage to Church Street is 33.8 m. The site is approximately 29 m wide at the widest point north-south, and 61 m at the widest point east-west. The land falls approximately 3.85 m from the high point in the north-east corner to the low point in the south-west corner.
- [5] The existing development on the site is a building on each of the two allotments, being two one-storey houses.
- [6] Boroondara originally received a proposal from Ratio Consultants Pty Ltd for the development of the site on the 3rd December last year. The building design is by Steve Domoney Architecture Pty Ltd. The City of Boroondara numbered this Application PP13/01358. At the time of the original application the subject site was in a Residential 1 zone.
- [7] On the 30th April 2014 Boroondara issued a Notice of Refusal to the applicant, listing ten dot points.
- [8] On the 19th June Amendment C190 came into force, amending the site's zoning to GRZ3, Eclectic Inner Urban and Eclectic Suburban Precincts.
- [9] Boroondara received amended plans on the 25th August 2014. After a mediation conducted on the 29th August, Boroondara received amended plans from Best Hooper on the 9th September 2014. On the 11th September 2014 Boroondara advised VCAT of modified grounds for opposing the development. These may be summarised as:
1. Out of character with the area and detrimental to this character
 2. An overdevelopment of the site, with no meaningful opportunities for landscaping
 3. Inadequate internal amenity
 4. Insufficient car parking spaces
 5. Unsafe vehicle access.
- [10]
- [11] I will address the first and second of these reasons. In full, the texts of these reasons for refusal are:
1. *The proposed development does not respond positively to the existing neighbourhood character, particularly the four-storey building scale*

[12] *and mass and its inappropriate siting with respect to front, side and rear boundary setbacks due to its overall bulk and massing.*

2. *The proposal is considered to be an overdevelopment of the site with respect to its extent of built form across the width and down the depth of the site, lack of sufficient landscaping opportunities throughout the site and unsatisfactory internal amenity. The basement and ground floor building footprints provide limited space for landscaping to occur.*

[13] *The proposed design and layout provides insufficient landscaping opportunities for the planting of canopy trees to soften the impact of the development and provide a landscape transition to neighbouring properties. The proposal fails to comply with Standard B13 (landscaping).*

[14] *The issue I will address is this: Is this development sufficiently respectful of the neighbourhood character?*

It is my opinion that the proposed development is out of character with the area, including through the lack of opportunities for the growth of canopy trees, due to the scale, mass and siting of the building.

[16]

1.3 Methodology used

I have investigated the character of the area and the appropriate response to it on the subject site using the following methodology:

1. Determine the relevant clauses of the planning scheme under which this application should be considered.
2. Determine the existing character of the area.
- [17] 3. Assess the proposal to decide if it respects the existing neighbourhood character or not.

If the proposal is outside the range of

[18] relevant neighbouring development, then it will be logical to regard the proposal as out of character.

A development that is within the range of relevant neighbouring development in most significant elements, but outside them in one or two, may be said to be out of character but still respectful of it. For example, a building that is higher than the range, but in all other significant elements within the ranges considered, may still be respectful of the existing neighbourhood character.

[19]

1.4 The consumers

Before I begin my analysis, I think it worth mentioning the ultimate beneficiaries of this consideration of neighbourhood character:

- The immediate neighbours who will see this development and hear some of the activities that will occur on the site.
- The people residing and working in the area who will live with this development contributing to the look and feel of their neighbourhood.
- The general public who pass by on Church Street, including pedestrians, motorists and tram passengers.

2. PLANNING PROVISIONS

2.1 Relevant provisions

[20] Clause 15 of the Victorian Planning Provisions, Built Environment and Heritage, includes two statements relevant to this application. 15.01-1 Urban design includes the Strategy: *'Require development to respond to its context in terms of urban character, cultural heritage, ...'* 15.01-5 Cultural identity and neighbourhood character includes the Strategy: *'Ensure development responds and contributes to existing sense of place and cultural identity.'*

[21] In Clause 21.05, Heritage, Landscapes and Urban Character, the Overview (21.05-1) identifies that Boroondara has a distinctive Garden City form. It sets out Boroondara's commitment to *'conserve and enhance the high quality urban environment, including our neighbourhood character, livability and amenity.'* It notes *'an abundance of trees' and a 'much valued leafy ambience'*. It also notes that *'poorly designed development and subdivision threatens the very character and amenity of the City which attracts new development in the first place'* and that *'new development has the potential to be intrusive and out of character with our residential areas'*.

[22] 21.05-03 includes the strategies *'conserve and enhance distinctive landscapes within the City'* and *'maintain and promote the City's treed and leafy environment'*.

[23] 22.07, Neighbourhood Character Policy, has the objective *'to encourage design solutions which enhance and respond positively and creatively to the existing neighbourhood character of residential areas in the City.'* 22.07-03 Policy requires, among other things, that

- The relevant Neighbourhood Character Statement be considered.

- A landscape plan be submitted and reflect the garden character of the area.
- Development complements the existing building styles in building and roofing materials, massing, roof forms and detailing.
- The scale of new buildings or additions complements the prevailing building scale of the area.

[24] The Neighbourhood Character Statement mentioned in 22.07 is from the Residential Urban Character Study (1996). This locates the subject site within Area 65, an area that is roughly west of Church Street and east of the Creswick Street, from Barkers Road in the north to Denham Street in the south. It finds this area to include the following characteristics:

- Lot frontage of 10-17 m - quite important
- Setbacks of 5-9 m - quite important
- Front gardens of exotic species - quite important
- Building style of every period, with a predominance of pre-1900s brick or masonry buildings with terracotta roofs - quite important
- Building scale of detached average to large houses, one to three storeys - quite important
- Vegetation of a moderate density of canopy trees - quite important.
- Low front fences made from varied materials - quite important.

[25] I note that although Area 65 is a reasonable size for setting planning policy, the area relevant to establishing the character of the neighbourhood around the subject site is much smaller. I will address this later. Also, as noted by Member Rundell in *Loper v Boroondara* (P2016/2013, paragraph 34), the 1996 work *"has very*

limited utility as a policy document as it predates Melbourne 2030 and the SPPF and hence provides little guidance regarding the appropriate balance to be struck between accommodating additional dwellings and respecting neighbourhood character. It also fails to provide guidance in relation to key design matters such as height, setbacks, massing and materiality.”

[26] The 1996 work was recently reviewed and new Neighbourhood Character Precinct Statements proposed as part of Amendment C190. The Minister for Planning did not adopt the Precinct Statements when the new zones were introduced into the planning scheme on the 19th June 2014, although the Precinct Statements are referenced in the zone schedules. Member Taranto, in *Ngang v Boroondara* (P2126/2013, heard 24th July 2014, paragraph 18), noted that despite the Precinct Statements being a reference document, ‘the earlier study must prevail’. I suggest the Precinct Statement for the area covering the subject site be considered to understand Boroondara’s policy intent, but otherwise not be given any weight.

[27] The subject site is proposed to be in Precinct 24. The key characteristics of Precinct 24 remain largely the same as the 1996 Area 65. The Precinct Statement includes a Preferred Character Statement. Relevant parts are:

To facilitate development of a diverse range of housing that integrates with the scale and form of buildings in the precinct and enhances the landscape setting of dwellings. ... This will be achieved by:

- Ensuring buildings are consistently setback from the front boundary to retain and enhance the existing streetscape rhythm;
- Ensuring new developments and additions respect the predominant scale and form of buildings in the

streetscape;

- Maximising soft landscaping and minimising areas of hard surfaces; and
- Encouraging low or open style of front fences.

[28] Clause 32.01 of the Victorian Planning Provisions, Residential Zone 1, was in force at the time of the original application. It includes as one of the dot points under Purpose: *To encourage residential development that respects neighbourhood character*. At 32.01-4, it specifies that to construct two or more dwellings on a lot, a development must meet the requirements of Clause 55.

[29] 32.01 was replaced on the 19th June 2014 with 32.08, General Residential Zone, and the subject site’s zoning changed from RZ1 to GRZ3. Of the five dot points under Purpose two are relevant:

- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood policy guidelines.*

The schedule relating to GRZ3 (Schedule 3 of Clause 32.08) does not specify minimum street setbacks, site coverage, landscaping, side and rear setbacks or front fence height. It does specify a maximum building height on sloping ground of 11.5 m. However, the transitional provisions in Schedule 3 make clear that existing applications are exempt from this requirement, but Clause 55 still applies.

[30] In this case, both 32.01 and 32.08 encourage respect for neighbourhood character and meeting the requirements of Clause 55.

[31] Clause 55 of the Victorian Planning Provisions, Two or more dwellings on a lot and residential buildings, includes two relevant objectives:

- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

[32] Clause 55.03 of the Victorian Planning Provisions, Site Layout and Building Massing, includes 55.03-1, Street setback objective, and 55.03-2, Building height objective. The Street setback objective is:

- *To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

[33] I note that the decision guidelines for 55.03-1 include:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.

[34] The Building height objective (Clause 55.03-02) is: *To ensure that the height of buildings respects existing or preferred neighbourhood character.*

Clause 55.03-8 includes landscaping objectives. The two relevant objectives are: *To encourage development that respects the landscape character of the neighbourhood.*
To provide appropriate landscaping.
Standard B13 states: ‘Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.’

2.2 Preferred character

[35] Boroondara’s proposed Neighbourhood Character Precinct Statements, based on the 1996 and 2012 work, have not yet been incorporated into the Planning Scheme. Boroondara is currently considering how its Precinct Character Statements might be incorporated. I do not suggest these statements should be given any weight in this appeal.

2.3 Regulations in summary

[36] In my opinion, the planning provisions that are the most relevant to assessing the character of the area may be summarised as follows:

1. Development should be responsive to the site, respect the existing neighbourhood character and respect the landscape character of the neighbourhood.
2. Front setbacks should respect the existing neighbourhood character, make efficient use of the site, be consistent with adjoining development and sufficient for the planting of canopy trees.
3. One must consider:
 - the visual impact of the building when viewed from the street and from adjoining properties.
 - the effect of the slope of the site on the height of the building.
 - the relationship between the proposed building height and the height of existing adjacent buildings.

[37] I note that an appropriate balance must be struck between the various strategic objectives in state and local planning policy, and that respecting neighbourhood character is but one of these. This is made explicit in relation to front setbacks, where ‘respect the existing neighbourhood character’ must be balanced with *make efficient use of the site*’.



Figure 4: Aerial photo, predating the redevelopment of no. 136 Church Street, showing the primary and secondary area considered relevant.

3.2 Development patterns in the primary area

- [47] The west side of Church Street between Grattan and Denham Streets contains six buildings. Table 1, at right, gives their salient characteristics.
- [48] These six buildings can be divided into three 1920's bungalows with pitched roofs and three 1960s or later two and three storey flat roofed buildings. With the exception of no. 128, they are all set back from the street 5-9 metres, and face east, not the street.
- [49] Within these six buildings, no. 128 has already been determined to be an anomaly. No.s 132 and 134 would not

be present if replaced by the proposed development. Although these two buildings help contribute to the area's existing neighbourhood character, they do not contribute strongly to the streetscape. The pattern that stands out to me is that formed by the three post-1960 buildings: flat-roofed buildings of two to three storeys, set back from the street more than 5 m, facing the street obliquely, with allotments of approximately 17 m frontage and 15 m width. It is these three buildings that I regard as setting the streetscape character to be 'respected' by any proposed development.



Figure 5: No. 128 Church Street - an anomaly in form and orientation

Table 1. Characteristics of development on the west side of Church Street

Street no.	Architectural style and form	Use	Storeys, excluding basement if present	Visible roof form	Approx. allotment front-age to Church Street in metres	Approx. building frontage width in metres	Approx. setback of facade from Church Street in metres
128	1920s (?) bungalow with 1930s (?) second-storey lookout room	House	1*	Pitched	29	20	4.0
130	2008 contemporary	House	2**	Flat	17	6***	5.9
132	1920s bungalow		1	Pitched	17	11	8.5
134	1920s bungalow, partially reskinned in the 1970s (?)	House	1	Pitched	17	10	6.6
136	2010s contemporary, multiple materials	Apart's	3	Flat	17	10	5.9
138	1960's brick 'six-pack' style	Apart's	3	Flat	17	9	7.4

* Anomalous second-storey lookout room.

** This building does have a third storey habitable room, but it is not prominent and appears from the street to be a plant room.

*** The ground floor is built to the north boundary and is approximately 11 m wide in total, but is not prominent.



Figure 6: Looking north-north-east along Church Street



Figure 7: Looking south-south-west along Church Street

- [50] The front yards of the properties on the west side of Church are devoid of medium to large trees, although they have the opportunity to grow them. The largest trees in these yards are the several crepe myrtles (?) in the front yard of no. 130.
- [51] The west footpath of this block of Church Street has several small to medium sized trees planted under the electricity cables.
- [52] The west side of Church Street between Grattan and Denham has a row of five buildings set back from the street with facades facing east. This produces an view of staggered buildings, where the front part of the south side of each building is nearly as visually important to the view of someone travelling north up the hill along Church Street as the front of the building. This potential is used exceptionally well by the design of no. 136 Church Street.
- [53] By contrast, the view for people travelling south down the hill is of the imposing facade of no. 153 on the left, and of the facades on the right not quite facing the street.
- [54] In Melbourne this row of five staggered buildings is exceptional, and a pattern that could be valued.

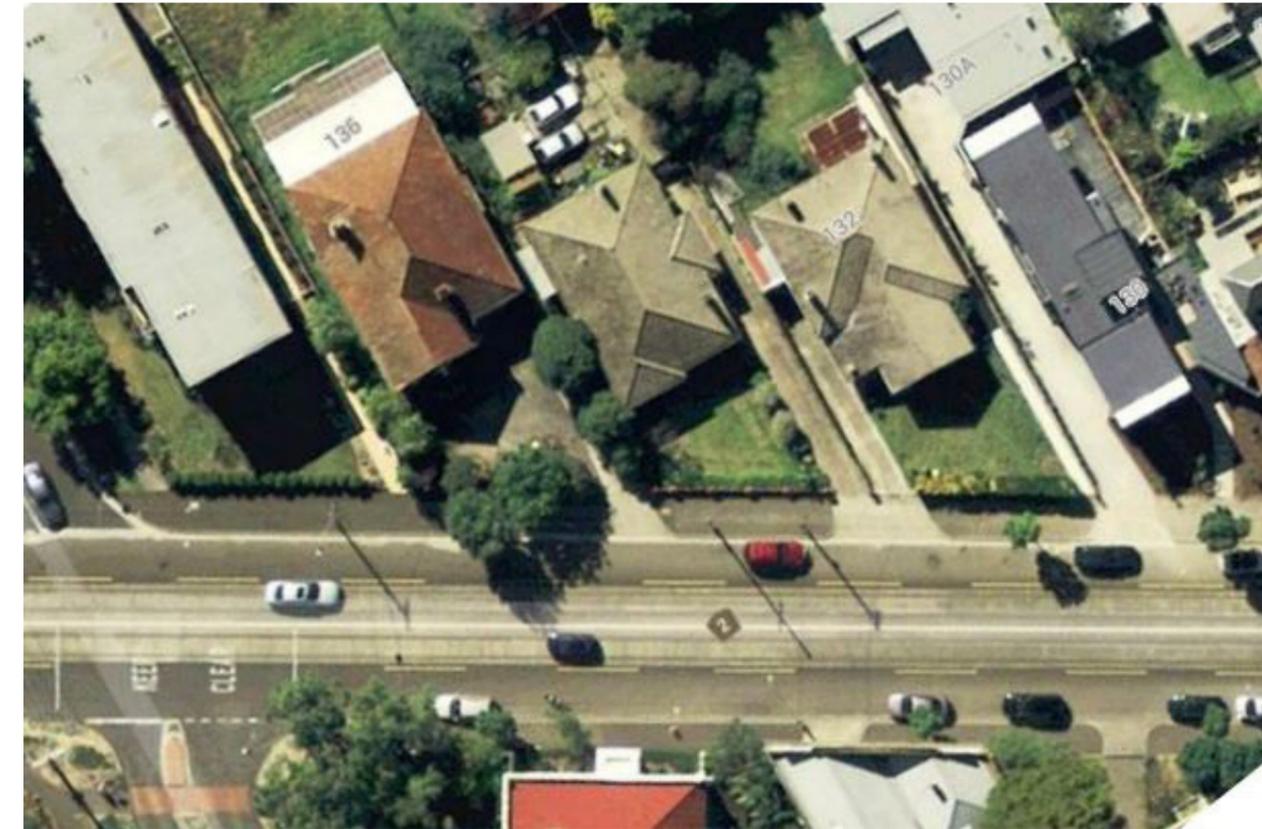


Figure 8: The subject site is in the middle of a row of buildings with their front facades not aligned to the street - this is unusual in Melbourne. (The new building at no. 136 Church Street, not shown, continues this pattern.)

- [55] The buildings abutting the subject site, no.s 130 and 136 Church Street, both display projecting hollow rectangles in their street facade. This is a distinctive detail that could be repeated.
- [56] Other minor elements relevant to the neighbourhood character of private lots in this area are the low or absent front fences, and an lack of consistency in external building materials and colours.
- [57] Development on the east side of Church Street in the defined area of no.s 149 to 155 is comprised of four allotments. No. 149 is a single storey 1960s house set behind a high fence and a front garden. No. 151 is a non-descript two storey apartment building, also set behind a high wall and a front garden. No.s 153 and 155 are built at or very close to the street, and draw the eye.
- [58] Two of these four allotments have medium to large trees that have a notable effect on the experience of the street. These trees are a large cypress and jacaranda in no. 151 and the large willow in no. 155, right on the corner of Church and Denham Streets.
- [59] The development on the east side of Church Street between Hill and Denham Streets is very inconsistent in height, setback, style, colour and roof pitch. I would describe it as eclectic.
- [60] Church Street in this block and for a block either end of this block could be

3.3 Development patterns in the secondary area

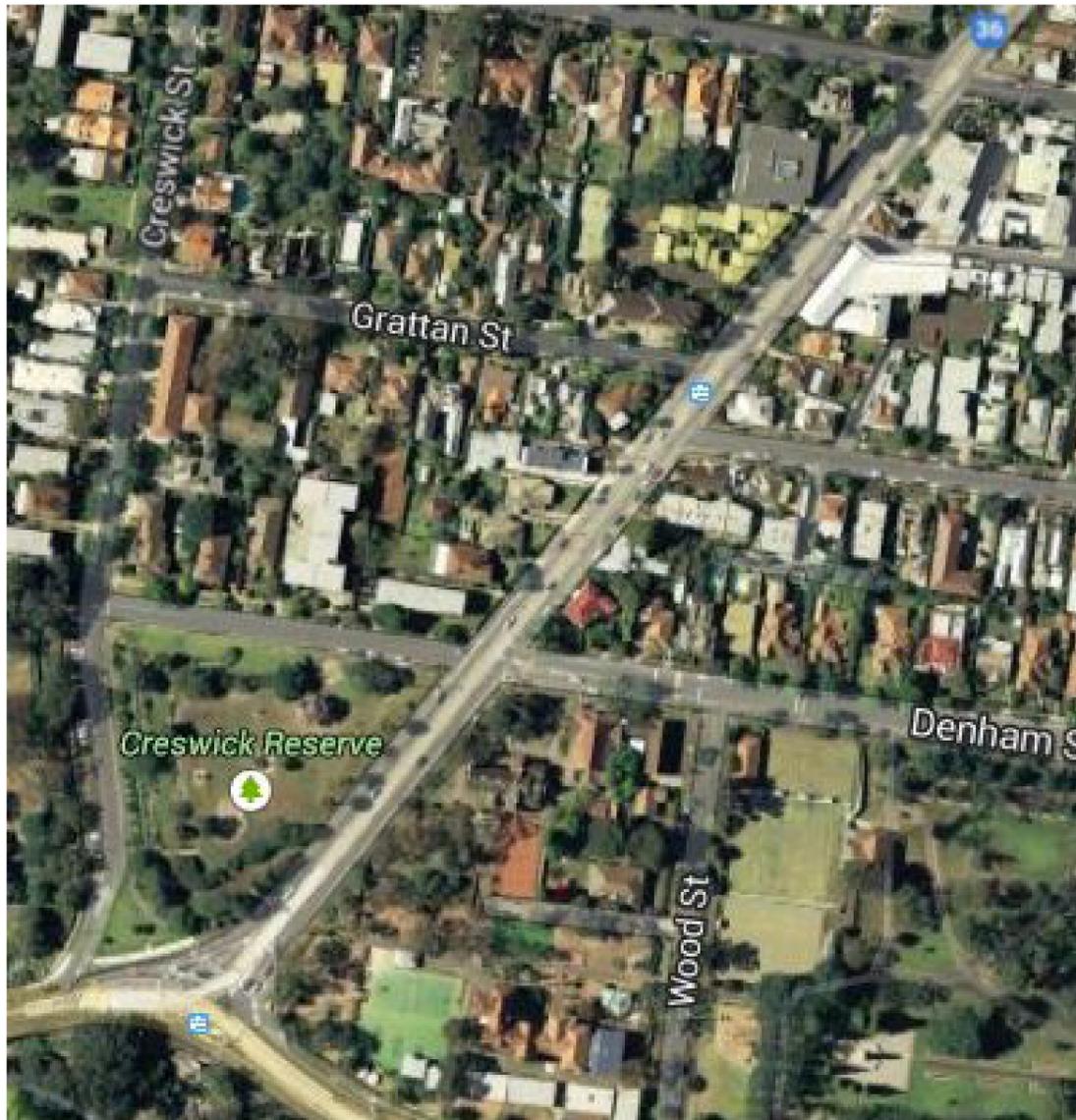


Figure 9: The row of five facades not facing the street is atypical along Church Street

described as eclectic. However the block north, between Grattan and Mason Streets, has many more buildings with facades parallel to the street, most built on the street line. The block south, between Denham and Burwood Road, has institutional buildings set back from and elevated from the street on the east side, and a park on the west side. In other words, the pattern of staggered buildings facing a cardinal direction that is found around the subject site is either not repeated or not as consistent in the next street blocks along Church Street or across the street.

[61] No. 5 Denham Street is an apartment building on a lot approximately 1560 m² in area, and so very nearly the same size as the subject site. This has two and three levels of apartments above ground-level undercroft parking. The building is set back from the street approximately 7 m behind a densely planted garden. The building footprint is approximately 480 m², giving a site coverage of approximately 30%.

[62] Member Rundell recently decided on a case at 8-10 Grattan Street, Hawthorn,



Figure 10: Aerial photo, predating the redevelopment of no. 136 Church Street, showing the entire street block of the subject site

abutting the subject site. (P2744/2013, May 2014) I concur with his views about the neighbourhood, quoted below:

[63] 40. Firstly whilst the neighbourhood includes numerous two and three storey buildings that extend deep into their sites, their height and massing is somewhat recessive due to generous setbacks to boundaries that enables canopy landscaping. Few multi storey developments have been constructed close to their boundaries, particularly in the middle and rear of the land. This is particularly evident in the multi dwelling development to the west (6 Grattan Street) where multi storey buildings are offset by a generous open space. The large apartment building to the south (5 Denham Street) also has substantial setbacks that contribute to a perceived spaciousness.

[64] 41. Secondly the sense of space around the larger buildings is complemented by the spaciousness to the sides and rear of the single dwellings in the neighbourhood. ... The extent of built form and hard paving proposed in this development would be uncharacteristic in this area. The visual bulk of adjoining and nearby two storey dwellings is tempered by the space at their sides and by notable setbacks to the rear boundaries. There is space around buildings, although I note the spaciousness is not filled with a green leafy backdrop of canopy trees in backyards.

4.2 Building dimensions and setback

- [73] The building is approximately 49m deep at its longest, 25 m wide at its widest, and 15.405 m high.
- [74] The building is approximately 20 m wide at the front, 15 m at the rear. (Because of the oblique angle of the street to the building, the street frontage of the building is approximately 22 m.) The north side walls are approximately 35 m on the east end, 17 m on the west.

walls are approximately 20 m long on the east, 23 m on the west.

- [75] The building follows the slope, becoming lower to the east. I understand the building is not higher than 11.5 m above natural ground level at any point. The building rises to RL39.705 m at the top of the roof on the east end of the top floor, being 10.005 m above the highest corner of the site, (the north-east corner) and

13.855 m above the lowest point of the site, the south-west corner.

- [76] The basement is built to the Church Street boundary at two points. It is set back from the north boundary 2.0 m or more, from the west 2.9 m or more, and from the south 1.55 m on the east end and 2.0 m on the west end. The basement is below existing ground level at the north-east corner approximately 1.5 m, while in the south-west corner it is elevated approximately 1.0 m.

- [77] At ground level the building is set back from Church Street approximately 6.0 m on the north side with a wall parallel to the street. The entrance lobby wall faces east, and is approximately 5.9 m from Church Street at its nearest point. The terrace of Res.1 also faces east and is approximately 7.0 m from Church Street at its nearest point.
- [78] The north wall of the ground floor is between 2000 and 2100 mm from the north boundary. The west walls are 2850 and 2900 mm from the western boundaries. The south walls are 2000 mm from the southern boundary on the west end, and 6500 mm where the building is set back to accommodate the driveway ramp.

4.3 Building exterior

- [79] The exterior of the building is a complex asymmetrical composition. I will describe it with much simplification as composed of a series of interlocking cubes, surmounted by a wood-paneled top floor. Words are a poor medium to use to describe this composition - it is better studied carefully in the drawings. Facade materials include smooth render, paneling of copper, zinc and timber, opaque glazing, and metal (?) screens. No one material appears predominant.
- [80] The entry is not obvious on the elevations, being two metres below the footpath level, although would be easy enough to find for anyone walking along the footpath.
- [81] The largely plain smooth-rendered facade that is closest to and parallel to the street would rise more than four metres above ground level and be quite prominent compared to the other elements of the building exterior.

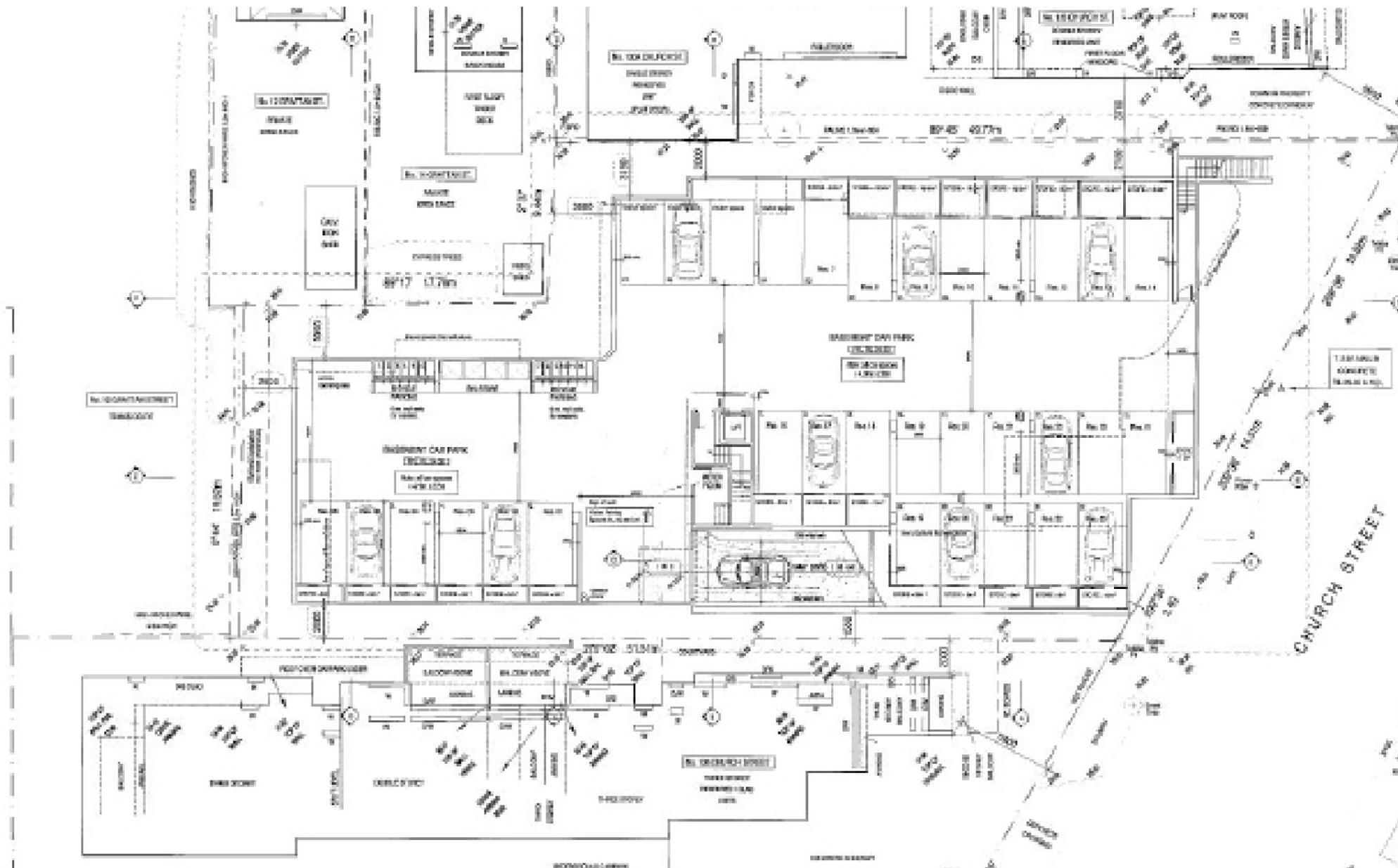


Figure 13: Plan of the basement level of the proposed development

4.4 Landscaping

- [82] A landscape plan by James Dawson Landscape Design was included in the original application. This needs to be modified to accord with the changed design, such as the widened driveway at the front of the lot.
- [83] The landscape plan shows a group of five Dwarf Lemon Scented Gums in the northern front garden, with the mature height and spread shown as 15-20 m and 6-10 m respectively. I note that on the Fleming's Nursery website, accessed 2014-09-16, it gives the mature height and spread as 7 m and 5 m respectively. The Prestige Plants website shows it as 6 m and 5 m respectively.
- [84] The landscape plan also shows two Dwarf Snow Gums between the front path and the drive, with a mature height and spread of 5-10 m and 3.5-6 m respectively.
- [85] The landscape plan shows 21 Lilly Pillies in the ground around the north-west corners of the building. I have no doubt they would grow there at least moderately well. However if they did they would block much of the light available to Res. 04 and 05.
- [86] The latest architectural plans show a front wall on the street boundary of very low rendered blockwork. Side and rear boundary walls are also rendered blockwork. They run on both the north and south boundaries at a height of approximately RL 30.0 to a little west of the lift, then step down the slope, generally maintaining a 2000 mm height above the proposed ground level. This leads the wall to be up to 2860 mm above natural ground level in places.

- [87] The extent of the basement will limit the soil depth available for plant growth in the front garden. This would be especially limiting in the southernmost green space, between the platform lift and the driveway, where the basement would be underneath almost all of it. The basement would be under only a small proportion of the northern front garden space, and so growing one large tree would be possible there, perhaps even a small group.
- [88] The driveway is hard against the southern boundary for approximately 6 m from the street, precluding the opportunity for any planting in the front yard for the width of the drive and abutting walls, approximately 6.5 m.
- [89] With the exception of Res.01, the other seven ground floor apartments have what appears to be private outdoor space in the form of both terraces and ground. However gates shown in the dividing fences between these spaces suggest these spaces are in some way communal.
- [90] The private open spaces of Res. 02, 06, 07 and 08 include strips of ground that are less than 2100 mm wide. Res. 03, 04 and 05 have access to strips of ground less than 2100 mm wide, but also some west-facing strips 2900 mm wide or so.

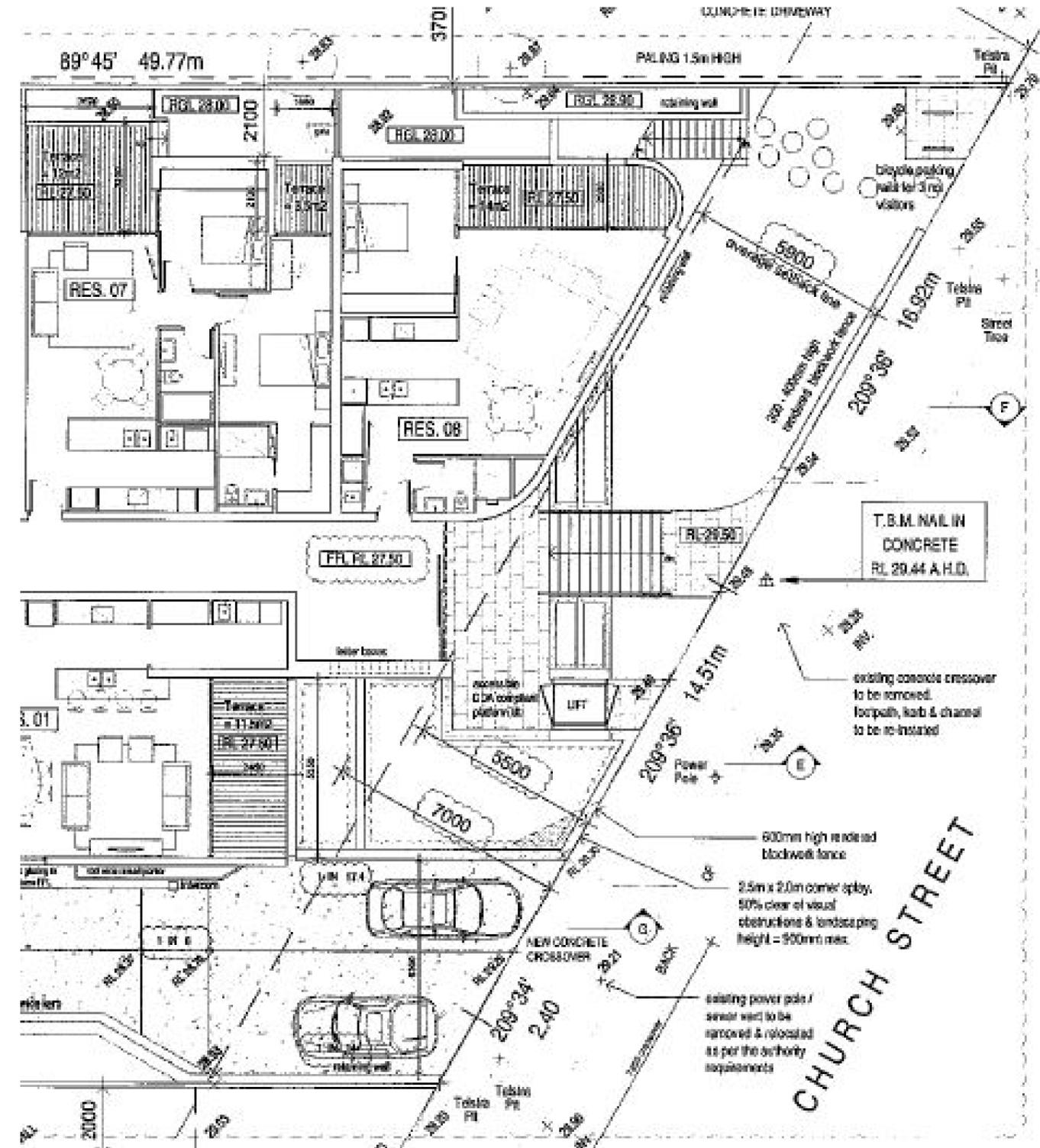


Figure 14: Eastern part of the ground floor plan, showing the front yard

5. ASSESSMENT OF THE PROPOSED DEVELOPMENT

5.1 Boroondara's urban design assessment

- [91] Boroondara's urban designer reviewed the original proposal and made written comments on it, which were included in pages 8 and 9 of the Statutory Planning Delegate Report, dated the 30th April 2014. I understand that in the light of the full comments the designer modified the proposal. These changes included:
- a reduction in building height
 - changes to the materials
 - changes to setbacks
- [92] I reproduce below comments from the urban designer that are still pertinent to the latest proposal.
- [93] *"The proposal fails to respond sensitively to its neighbours and, by virtue of its large footprint and site coverage, will have a considerable offsite impact that cannot be overlooked.*
- [94] *"Despite the relatively large size of the site and its main road location, the proposal is over the preferred building scale and volume envisaged for this context.*
- [95] *"The proposed building footprint is fairly massive, especially at the lower three levels. The building volume and mass will be overly conspicuous and perceptible in the views from all adjoining properties, as well as views along Church Street.*
- [96] *"At a minimum and for a site of this size, the building form should be broken into two volumes/masses.*
- [97] *"A glance at the streetscape analysis submitted clearly illustrates the enormity of the proposed building volume and bulk when seen in relation to adjoining neighbours. A closer view of the east elevation demonstrates how the proposal will be viewed in relation to its neighbours. In fact, it almost dwarfs the three storey apartment building south. The relatively shallow front setbacks, the continuous building form over three consecutive levels (limited stepping in the form) and fairly broad façade are all factors that have contributed to the visual bulk and dominance of the building. Note that with the massive footprint of the basement level, there are limited opportunities for meaningful landscaping to establish and grow around the building, which in many instances can help soften the mass bulk by simply obscuring parts of the building form.*
- [98] *"Overall, the quality of the finishes palette appears to be good, ..."*

5.2 My assessment of the proposal

- [99] Paraphrasing Clauses 22.07 and 55, the proposed development should:
- respect, enhance and respond positively and creatively to the existing neighbourhood character
 - complements the styles of existing buildings in the neighbourhood
 - complements the height and scale of existing buildings in the neighbourhood
 - ensure the setback of the building from the street respects the existing neighbourhood character
 - provide appropriate landscaping to reflect the garden character of the neighbourhood.
- [100] I have assessed the proposed development against a primary area of the west side of Church Street between Grattan and Denham Streets, and a secondary area to the east and west.
- [101] As explained above, in my opinion the proposed development should respond primarily to the patterns established by three buildings - no. 130, 136 and 138 Church Street. Given the contemporary style two and three storey residential buildings adjacent to the subject site, a superficial analysis suggests the subject site should be suitable for a two to three storey contemporary style residential building.
- [102] I have summarised the range and norms of the relevant key elements of neighbourhood character related to this streetscape as Table 2 below, with data from the proposal so a comparison can be easily made.
- [103] The data shows that the proposal is within the normal range of values for two of the five elements examined - setback and roof pitch. It is outside the normal range of values for the other three elements: height, building frontage width, and front facade direction. As this development is outside the ranges in the majority of elements it follows that on first impressions it is out of character with the neighbourhood.
- [104] Architectural styles in the area are eclectic, but the buildings either side of the subject site are both in a sophisticated contemporary style. The proposed development is also a sophisticated contemporary style, and so on the whole fits in well. I personally like the interplay of elements and the use of colours and materials.
- [105] Does the proposed building's height and scale complement the height and scale of existing buildings in the neighbourhood? The height is not unprecedented - no. 5 Denham Street has three storeys over



Figure 15: Streetscape view of the proposed development and the adjacent buildings

Table 1: Range and typical form of neighbourhood character elements related to streetscape, compared with the proposal

Element	Range	Typical	The proposal
Setback on Church Street	5.9-8.5 m	5.9 m	6.0 m and more
Building height on Church St	2-3 storeys	3 storeys	4 storeys
Building frontage	6-11 m	10 m	22 m
Front facade direction	Easterly	Easterly	Easterly and parallel to the street
Roof pitch on Church Street	Flat	Flat	Flat

ground level parking on the downhill side. However it is unprecedented for this block of Church Street, being several metres higher than the adjacent buildings.

look large compared to other buildings visible in the vicinity. This would be the case especially when viewed from the upper levels of the adjoining buildings, where the recessed upper levels of the subject site would be visible. The side and rear walls are visually broken up with different planes and materials, so although visually bulky, they would not be monolithically bulky.

a substantial tree trunk, but it would be an uncomfortable relationship. It is also unlikely that trees would be planted in these locations, because when young, the lower branches are likely to block passage, and when older the trees would reduce light to any planting underneath and the people living in the floors above are unlikely to like trees restricting their views and light.

[106] In this instance being a storey higher than any other building clearly makes the proposed building out of character in this regard, but not necessarily disrespectful of the neighbourhood character. I have carefully considered the plans and elevations of the amended proposal, and the perspectives of the original proposal, and consider the fourth floor would be noticeable without being visually dominant, except perhaps when travelling south along Church Street. By itself I do not consider the fourth floor as shown to be disrespectful of the neighbourhood character.

[109] The proposed development does respect the existing street setback in distance, but not in the pattern of facades facing east rather than aligning with the street.

[110] Does the proposed development provide appropriate landscaping to reflect the garden character of the area?

[111] The proposed development allows the opportunity for sufficient soil mass, surface aeration, light and space in the north front yard to grow a substantial canopy tree. However such opportunities do not seem likely on the south side of the front yard, nor in the very constrained side and rear yards.

[112] The east-west garden strips, 2100 mm wide or less, provide enough space between the external wall of the building and the boundary fence to squeeze past

[113] I have identified thirteen locations in corners where planting of trees would be more suitable, but I regard these locations as unlikely to host canopy trees. This is especially so on the southern side, where light will be at a premium.

[114] My experience as an urban designer and landscape architect is that in the conflict between screening a building with vegetation and allowing in light and views to those living in the building, the people usually win over the vegetation. This may be from deliberate removal or from neglect. I certainly cannot see the residents of Res. 04 and 05 maintaining all of the dense rows of Lilly Pillies on their north and west walls. Although they would be excellent heat shields in summer, they would block much of the potential daylight to the apartment interiors.

[115] The level of the ground floor of the front part of the building has been set at RL 27.50. This is problematic. Being two metres below street level means steps are required and one has to travel down from the street. This makes a less-than-optimum entrance experience, especially if one then has to climb up to the higher levels of the building. The adjoining developments at no.s 130 and 136 Church Street have to deal with the same issue of slope, and both ground floor levels are set only a few hundred millimetres below street level. This allows a gentle slope from street to entry without steps. The floor levels of three apartments at ground level in the proposed development are below the adjoining ground level. The best surmise I can make for the decision to set the floor level so far below street level is to squeeze in a fourth storey.

[116] The side and rear boundary walls are generally a reasonable height, given the natural and proposed ground levels and the desire to screen views and provide some security.

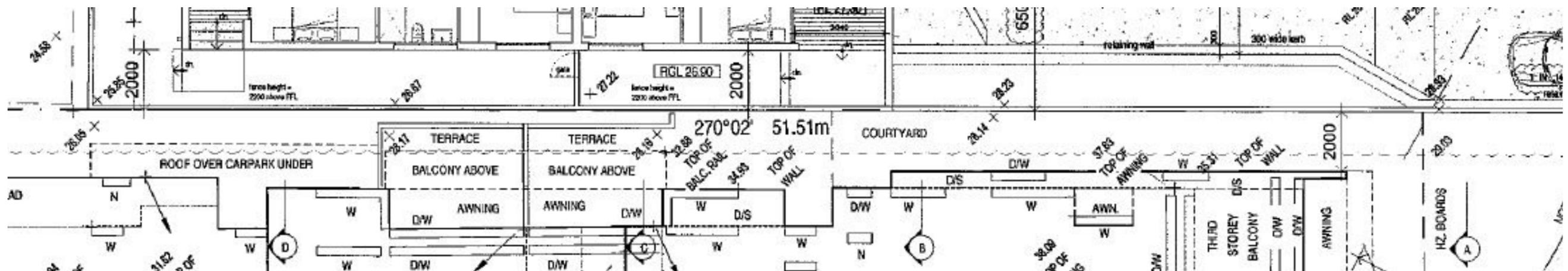


Figure 15: Detail of the ground floor plan showing the southern setback of the building

5.3 Conclusions

[117] Between two contemporary residential buildings of two and three storeys, on a main road and a tram line, the subject site is well placed for multi-unit development. The issue is: Is this development sufficiently respectful of the neighbourhood character?

[118] The three relevant reasons given in the Notice of Refusal for rejecting permission to develop the proposal were:

[119] 1. *The proposed development does not respond positively to the existing neighbourhood character, particularly the four-storey building scale and mass and its inappropriate siting with respect to front, side and rear boundary setbacks due to its overall bulk and massing.*

[120] 2. *The proposal is considered to be an overdevelopment of the site with respect to its extent of built form across the width and down the depth of the site, lack of sufficient landscaping opportunities throughout the site and unsatisfactory internal amenity. The basement and ground floor building footprints provide limited space for landscaping to occur.*

[121] 4. *The proposed design and layout provides insufficient landscaping opportunities for the planting of canopy trees to soften the impact of the development and provide a landscape transition to neighbouring properties. The proposal fails to comply with Standard B13 (landscaping).*

[122] Based on my findings, the proposed development is clearly out of character with the existing area, including in scale and mass. As Boroondara has not specified a preferred character, the planning

provisions require that the development 'respect the existing character'. The development is beyond the range of normal expression of the neighbourhood's character in the elements of:

1. building height
2. building width
3. front facade direction
4. side and rear setbacks
5. site coverage and
6. lack of opportunities to grow substantial trees.

[123] If the proposed building was outside the range in one or perhaps two elements, but otherwise conformed to the significant elements of neighbourhood character, one might conclude that it was respectful of the character. Being outside the range in so many significant elements, it is reasonable to conclude that the proposal does not respect the existing character. In other words, it is not any one of the six significant ways in which the proposal is out of character with its neighbours which makes the proposal disrespectful to the the neighbourhood character, but the sum of them.

[124] As the proposed development includes a building higher and longer than any in the relevant neighbouring area, and as it fails to provide adequate opportunities for the required substantial canopy vegetation, it can rightly be considered an overdevelopment of the site when compared with the amount of development in a proposal that would comply. It also fails to provide the opportunities for a landscape transition to neighbouring properties.

[125] Member Rundell, in his judgment on the proposed development at 8-10 Grattan Street Hawthorn (P2744/2013), wrote something that applies just as well here:



Figure 16: Eastern elevation of the proposed building

[126] *This is a large site with generous dimensions. In a neighbourhood where space around buildings and generous landscaping along property boundaries is characteristic, I think this design response pushes hard to the boundaries.*

[127] *This design pushes the building envelope too hard - too high, too deep and too close to the boundaries - to be respectful of the neighbourhood character. Accordingly, it fails to accord with the planning scheme and should be refused on urban design grounds.*

Appendix: Summary of experience and personal details**1. Name and address**

Nathan Alexander
Director
Alexander Urbanism
52 Hortense Street
Glen Iris
Victoria, 3146.

2. Qualifications

- Bachelor of Science (Landscape Architecture), RMIT
- Master of Arts (Urban Design), Oxford Brookes University
- Graduate Diploma in Management, AGSM, Sydney

3. Experience

My twenty-eight years' professional experience includes twenty-six years that have been either solely focused on urban design or where urban design has been a substantial part of my work. This includes:

- Manager, Planning and Urban Design, GHD Adelaide. (2009)
- Founding Director, Abu Dhabi Urban Planning Council (the Abu Dhabi state government planning department). (2007-2008)
- Manager, Planning and Design, KBR Adelaide. (2005-2007)
- Director, Urban Programs, Planning SA (the South Australian state planning agency), responsible for urban design, urban regeneration, metropolitan open space and metropolitan infrastructure planning. (2002-2005)
- Principal urban designer, Tract Consultants Pty Ltd, Melbourne. (2000-2001)
- Urban Designer and Senior Urban Designer with the City of Melbourne Urban Design Branch. (1985-1994)

4. Areas of expertise

1. Analysis of urban area character and quality
2. Analysis of public space character and quality
3. Analysis of the use of public space
4. Design of energy efficient urban form
5. Design of transit-oriented urban development
6. Preparation of urban structure plans
7. Preparation of urban design frameworks for town centres
8. Master planning of estates, locales and entire cities
9. Master planning of institutional campuses
10. Preparation of design briefs for public open space
11. Preparation of concept designs for streets, plazas and parks
12. Preparation of action plans for the improvement of urban areas
13. Preparation of technical standards for public open space elements
14. Preparation of urban design regulations and guidelines
15. Preparation of controls on building form, scale, materials and colours
16. Preparation of local and state government urban design policy
17. Review of development proposals to assess their impact on the public realm
18. Project management of urban design projects
19. Management of public space design processes
20. Management of urban planners and urban designers
21. Management of multi-disciplinary teams to achieve design outcomes
22. Management of design contracts
23. Management of grants programs for the improvement of public open space
24. Negotiating for public realm benefits

5. Expertise to prepare this report

I have significant experience in assessing the quality of the public realm, including reviewing proposed development for its likely effect on the visual quality of the public realm. Relevant work includes:

- Providing an expert opinion to the City of Stonnington on whether a proposed apartment building in Toorak was in-character with the neighbourhood.
- Assessing the visual impact of a proposed four storey apartment building in Rosebud for the proponent.
- Providing an expert opinion to the City of Bayside on the visual impact of proposed two storey penthouses above a major apartment development on Bay Road, Sandringham.
- Design review of many development applications while working at the City of Melbourne between 1986 and 1995, and then consulting to the City of Melbourne in 2013. The 2013 reviews included assessment of several apartment towers, such as at 54 Clarke Street Southbank and 464 Collins Street Melbourne. Another assessment was for a redevelopment of the Rialto Tower forecourt in Collins Street to include offices and shops.
- Design review of major developments while a director of Planning SA and the Abu Dhabi Urban Planning Council, both state government departments of spatial planning.
- Design review of buildings at Logis industrial estate, Dandenong South.
- Preparation of the world's first urban design framework for a metropolitan area (Adelaide), including an identification of all perceptually significant elements.
- Direction of the 1994 study to assess the quality and use of the public realm of central Melbourne, utilising Professor Jan Gehl's methodology.

6. Relationship with the party for whom this report is prepared

This report is prepared on behalf of the City of Boroondara. Previously and currently I have had no private or business relationship with this client beyond the engagement for this work.

7. Instructions that defined the scope of this report

I have received written instructions from the client that I was engaged to provide an expert urban design opinion, and informing me of the deadline for this witness statement. No other instructions were provided.

8. Facts, matters and assumptions relied on.

Inspection of the site and the surrounding area.

9. Reference documents

In preparing this report, I have relied on the following documents & experiences:

1. Letter from Best Hooper to City of Boroondara, dated 22 August 2014, including amended plans of the proposed development.
2. The City of Boroondara Statutory Planning Delegate Report for Application no. PP13/1358, 37 pp, dated 30 April 2014.
3. The City of Boroondara Assessment Table Multi Dwellings Clause 55, RDP & 52.06 for Application no. PP13/1358, 18 pp, undated.
4. The Boroondara Planning Scheme, accessed online 11/9/2014.
5. Google Maps and Google Streetview
6. Other documents as referenced in the report.

10. Other contributors

I have prepared this report myself. In making this report I have not relied on any tests or experiments carried out by other people.

11. Summary of opinion

Please refer to the Executive Summary at the front of this report.

12. Provisional opinions, questions outside my area of expertise, incomplete or inaccurate aspects

This report contains no provisional opinions. This report does not address any questions outside my area of expertise. This report is complete and accurate in all respects.

13. Signed declaration

I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal.

Signed:

A handwritten signature in black ink that reads "N Alexander". The signature is written in a cursive, flowing style.

Nathan Alexander