

Deputation to the Melville City Council
at the Agenda Briefing Forum
Tuesday, 3rd March, 2020

Subject: Request for the rejection of the proposed development of six (6) residential units at lot 235 (5) Grimsay Road, Ardross, 6153.

To: The Mayor, Councillors, Council Staff.

My name is John Obszanski, 46 Drew Road, Ardross.

Thank you for the opportunity allowing me to present my deputation regarding the community's opposition to the proposed development at 5 Grimsay Road in Ardross. My family and I live at 46 Drew Road, Ardross, at the back of the proposed development.

I would also like to commend the developers on their revised design. We appreciate and acknowledge their efforts towards partially addressing the communities concerns about parking, visual privacy and inadequate screening.

Lyn Savill, at 7A Grimsay Road next door to the proposed development, also has some specific concerns relating to perspective views from the South East and potential problems with cars along the proposed new driveway.

The revised design, good as it is, still doesn't address the major hurdle of excessive plot ratio.

Excessive Plot Ratio – Part 1

I refer to the plot ratio of the development with reference to Clause 2.5 of the State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments.

The current plot ratio for low-rise R40 developments is 0.6 (as per Table 2.1- Primary controls table – Appendix A attached).

The calculated plot ratio for the proposed development is 0.69.

The proponents should not be granted the exemption/concession for the following reasons:

1. 0.69 is an 11.5% increase over the allowable 0.6.
2. 0.69 is closer to 0.7 plot ratio allowed for R50 developments.
3. Our understanding of plot ratios within the policy planning document is that 0.6 is the MAXIMUM plot ratio for a zoning of R40. The policy guidelines do not allow for a “sliding scale” where a development could be anywhere between 0.6 and 0.69, before in falls into the R50 0.7 ratio.

The fact that the current building envelope exceeds the current maximum plot ratio of 0.6 should be sufficient grounds alone to reject the development.

The Proposed Development

The SPP7.3 Volume 2 document talks about the building envelope. The building envelope establishes the maximum a three-dimensional volume – the ‘container’ within which development may occur.

We believe that the developer is well and truly “pushing that envelope”. Pushing the envelope by an additional 11.5%!

The development proposal should not have gotten as far as this. It should have been rejected at the DAU level on that fact alone.

SPP7.3 Volume 2 goes on:

“The building envelope represents the limits of development in terms of height and setbacks but does not represent the maximum development potential of a site which is further constrained by building massing controls ...”

One of those building massing controls is plot ratio.

Rebuttal of DAU’s Comments on Plot Ratio

We reject the DAU’s argument contained in the Reports and Recommendations of the DAU meeting held on Tuesday, 4th February 2020 stating that the plot ratio of 0.69 in lieu of 0.6 is considered appropriate as “The proposal is considered to be of a bulk and scale ... consistent with ... R40.”

No it’s not. The bulk and mass is 11.5% bigger than allowed under R40. It’s closer to the bulk and mass allowed under an R50 zoning.

“the building height ... is less than the permissible height ... and this limits the overall scale.”

But the building is still 11.5% bigger than allowed under the guidelines.

The roof line is articulated to break up the appearance of the bulk and mass.

But it covers a building that is 11.5% bigger.

Just an issue with the following statement in the report –

“The resultant impact on the adjoining properties is considered to be acceptable.”

This is an opinion, a subjective comment. Acceptable to whom? It may be acceptable to the planning people who don't have to look at it when it's built, but, it's not acceptable to those who have to look at it every time they go outside or see it through their windows.

We reject the DAU's reasoning that “the development is contained within the expected building envelope ... whilst ... integrating sufficient building elements and service areas ... not included within the plot ratio calculation.”

The building envelope is already 11.5% over the plot ratio because the developer has tried to squeeze in six flats and then added in all the other necessary requirements (open space, stairs, lift, lobby, parking, bin area etc.), thereby increasing the overall bulk and scale of the development.

Excessive Plot Ratio – Part 2

Referring back to the DAU report.

“The plot ratio sought results in an additional 65.52 square metres of floor area ...”

The site area is 728 sqm.

728×0.6 plot ratio = 436.8 sqm.

728×0.69 plot ratio = 502.32 sqm – the total internal area of the six apartments.

502.32 – 436.8 = 65.52square metres. That's a 15% increase over the allowable 436.8 sqm.

“considered to be a modest floor area addition which does not have a material impact on the bulk and scale of the building;”

“Modest” is not defined in the report. I don't know what your definition of “modest” is, but adding 15 % to anything has got to increase its size.

Interestingly, the size of one of the smaller flats is 79sqm – close to the 65.52 sqm. Take one apartment out of the development and it would be well within the guidelines.

Rebuttal of DAU's Comments on Diversity, Density and Affordability

We contest and question the DAU's reasoning about the development bringing about diversity, density and affordability.

The area is dominated by single houses and grouped dwellings – not apartments. We've got enough diversity and density already.

What do the planning department know about affordability? Do they know the price of the apartments already? The price will be set by the developer. Then the market will decide whether these flats are affordable or not.

Again, countering the DAU's report, the development is not supported by all the guidelines allowing this type of development within an R40 zone.

It doesn't provide the desired build for an area dominated by single houses and grouped dwellings. I make reference to the three group dwellings being built at 6 Grimsay Road.

The development WILL compromise visual and residential amenity.

Community mood on overdevelopment

In October, last year, the winds of change began to blow. The former Mayor was replaced, councillors were replaced. In their wake came people who were elected on a platform addressing growing community

concern. Councillors more willing to listen to and take action on behalf of ratepayers concerns. One of those concerns relate to overdevelopment.

This is your chance.

We ask that you do what we, the community, are asking you to do.

As our elected representatives, please do what you said you would do when we voted for you.

Sensible developments within the guidelines.

Community sentiment is so strong against high rise and overdevelopment that a hundred people signed the petition. We could have got more if we had time. Six letters from directly affected residents expressing their concerns and objections.

The next full council meeting is the time to show your colours.

Test Case

This proposed development is the first large scale development of its kind on a R40 zoned block within the entire City of Melville since the guidelines were changed in May 2019.

If this is allowed to go through by council, it will open up the floodgates to developers proposing similar developments on any R40 zoned block within the city.

If the green light is given, there will probably be people after me, at council meetings, going through the same angst my family and others are going through now.

Possible Scenarios

When the property went up for sale, the For Sale sign read:

... potential for up to six multiple dwellings (subject to SAT) ...

There's your answer.

If Council reject the proposal, I believe the developer will take his proposal to the State Administrative Tribunal (SAT).

If SAT approves the development, you would have done what we asked you to do.

IF SAT disallows the development, not only would you have done your job, but your decision would have been validated.

Deputation Request

Based on our argument that the development exceeds the plot ratio guideline for an R40 zoning (as per State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, Clause 2.5) by an unacceptable margin, we request the proposed development of lot 235 (5) Grimsay Road, Ardross, be rejected by the full council at its next general meeting.

Thank you.

John Obszanski

APPENDIX A.

Table 2.1 Primary controls table

Streetscape contexts and character <i>refer A2</i>	Applies to R-Code areas, default settings apply unless alternative provisions defined in local planning instruments						Applicable where designated by local government in local planning scheme, activity centre plan, structure plan, local development plan, local planning policy				
	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9	Refer to local planning scheme, local dev plan and/or precinct controls as applicable
Boundary wall height (storeys) ^{1,2} <i>refer 2.4</i>	1 ³		1 ³	2 ³			2	3		4	
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m ⁴	2m	2m		2m		2m or Nil ⁵	2m or Nil ⁵	2m or Nil ⁵		
Minimum side setbacks ⁶ <i>refer 2.4</i>	2m	3m	3m		3m			Nil			
Minimum rear setback <i>refer 2.4</i>		3m	3m		6m		6m	Nil	Nil		
Average side setback where building length exceeds 16m <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA		
Plot ratio ⁷ <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0	
Notes	<p>¹ Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions</p> <p>² Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code</p> <p>³ Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.</p> <p>⁴ Minimum secondary street setback 1.5m</p> <p>⁵ Nil setback applicable if commercial use at ground floor</p> <p>⁶ Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.</p> <p>⁷ Refer to Definitions for calculation of plot ratio</p>										