

5.5 31 OXFORD STREET OAKLEIGH – USE AND DEVELOPMENT OF A FIVE STOREY BUILDING CONTAINING OFFICES AT GROUND LEVEL (INCLUDING TWO HOME OFFICES) AND FIFTY DWELLINGS AND A REDUCTION IN THE CAR PARKING REQUIREMENT OF THE MONASH PLANNING SCHEME

(TPA/36005:MD:HM:)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Cost - \$9 Million

Statutory Processing Date : 12 May 2008

Preliminary Discussions: Yes

RECOMMENDATION

*Council having caused notice of planning application No. 36005 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse** the application for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 31 Oxford Street, Oakleigh, for the use and development of a five storey building containing offices at ground level (including two home offices) and fifty dwellings and a reduction in the car parking requirements of the Monash Planning Scheme on the following grounds:*

- 1. The proposed development is out of character with the surrounding area, in particular with regard to excessive mass, bulk, scale and lack of adequate landscaping.*
- 2. The proposal is an overdevelopment of the site.*
- 3. The proposal does not provide sufficient on-site car parking.*
- 4. The proposal will have an adverse impact on the amenity of nearby properties, in particular with regard to inappropriate visual impact and over-spill car parking onto the surrounding street network.*
- 5. The proposed development does not provide for an acceptable level of amenity for future residents in respect to the provision of communal and private open space.*

and directs that the Applicant and each objector be given a notice of the Council's decision to refuse the permit.

BACKGROUND

The subject site known as 31 Oxford Street, Oakleigh, it is irregular in shape and located on the north-west corner of Burlington Street and Oxford Street, Oakleigh. The site has frontage to both Burlington Street and Oxford Street of

51.7 metres and 27.13 metres respectively. Overall site area is approximately 1,418 square metres. See Attachment 1 for Locality Plan.

The land is largely vacant with only a single storey building and outbuildings located towards the northern part of the site.

The site is located at the edge of the Oakleigh Major Activity Centre.

Surrounding development to the north and east of the site, along Oxford Street, comprises primarily single storey dwellings with some double storey dwellings interspersed.

Development on the south side of Burlington Street is industrial in nature while the immediate interface to the west comprises a public car park and single storey commercial building. Further west is the Oakleigh Shopping Centre.

PREVIOUS APPLICATION

In November 2003, Council refused an application for a four storey building with basement car park for the use of 36 apartments and 4 offices on land known as 5, 7 and 9 Burlington Street and 31 Oxford Street, which differs slightly from this application as it included an additional lot. At the direction of the Victorian Civil and Administrative Tribunal (VCAT) Planning Permit No 30930 was issued on 5 November 2004. It is noted that the permit is still active.

PROPOSAL

The current application is for the construction of a five storey building comprising 50 dwellings and 4 offices with associated car parking. The plans submitted with the application show the following (Attachment 2):

Basement

- A total of 40 car parking spaces (2 in tandem) are provided within the basement to serve residents. It is intended that the tandem spaces be allocated for the home offices.
- Access is from Burlington Street via a 6.1 metre wide ramp abutting the western boundary.
- A total of 10 bicycle spaces are provided for residents.
- Storage cages are also provided for residents.
- Stairs and a lift provide internal access through to each level of the building.

Ground Floor

- Four offices comprising a total of 291 square metres in area with frontage to Burlington Street and Oxford Street.

- 2 home offices, which are adjoined to Units 1 and 2 located at first floor level. Each office has a floor area of 47 square metres and 37 square metres respectively.
- A total of 22 car parking spaces to serve the offices, residents and visitors which are accessed from Oxford Street via a double width crossover and accessway near the northern boundary. It is intended that 10 spaces would be available for the offices during the day and become available for visitors after hours.
- A total of 4 bicycle spaces to serve office staff.
- Amenities and waste room are located at this level.

First Floor

- A total of 15 dwellings comprising 9 one bedroom, 2 one bedroom (described as studio with the home office located at ground level) and 4 two bedroom dwellings.

Second Floor

- A total of 15 dwellings comprising 11 one bedroom, and 4 two bedroom dwellings.

Third Floor

- A total of 11 dwellings comprising 6 one bedroom and 5 two bedroom dwellings.

Fourth Floor

- A total of 9 dwellings comprising 6 one bedroom and 3 two bedroom dwellings.

The proposal provides for a zero lot line setback along Burlington Street with a glazed commercial frontage at street level. The building wraps around the corner into Oxford Street and a landscape setback is provided to part of the Oxford Street frontage ranging between 4 and 6.39 metres. The maximum height of the building is 17.66 metres at the southern elevation.

The building is contemporary in design and proposes a mix of materials including painted precast concrete panels, aluminium strip cladding and glass balustrades.

POLICY IMPLICATIONS

The policies relevant within the Monash Planning Scheme for the current application include the following:

State Planning Policy Framework

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres and encouraging a substantial proportion of new housing in or close to activity centres and other redevelopment sites that offer good access to services and transport.

Clause 14.01: Planning for Urban Settlement

Clause 15.12: Energy Efficiency

Clause 16.02: Medium Density Housing

'To encourage the development of well-designed medium density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure*
- *Improves energy efficiency of housing.'*

Clause 16.05: Affordable Housing

Clause 18.02: Car parking and Public Transport Access to Development

Clause 19.03: Design and Built Form

Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

A key component of the strategic vision of Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the Garden City Character of Monash.

Clause 21.03-3: Garden City Character

This clause particularly requires that the Garden City Character is to form a central component of land development especially when considering aspects such as setbacks of buildings from roads, public spaces and other buildings, the mass and scale of building envelopes, well designed building facades, canopy tree landscaping and location of car parking and accessways.

Clause 21.04: Residential

New development should be carefully designed and sited to complement the current character and satisfy the intent of the desired future character statement for each character type as identified in the 'Monash Urban Character Study'.

Clause 21.05: Economic Development

Clause 21.06: Retail

Clause 22.04: Stormwater Management Policy

Zoning

The subject site is located within a Business 1 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for the proposal.

A planning permit is required to carry out buildings and works pursuant to the Business 1 Zone controls at Clause 34.01-4 of the Scheme.

A waiver of the standard car parking, and loading bay provisions requires a permit under Clause 52.06.

The subject site is not affected by any overlays.

Council's 'Guidelines for Multi Storey Residential and Mixed Use Development of Three Storeys and Above in the City of Monash' and the Department of Sustainability and the Environment's 'Guidelines for Higher Residential Development' should also be considered. See Attachment 3.

Amendment C60 to introduce the Oakleigh Parking Precinct Plan is currently with the Minister for gazettal.

CONSULTATION

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site and within the immediate area. Two large notices were also displayed on the land.

A public information meeting was held during the notification period and approximately eleven residents attended the meeting.

Four objections have been received to the proposal. A summary of the objections is as follows:

- The proposal fails to respond to the residential character of the street and is out of scale with other buildings in the immediate area.
- The proposal is an overdevelopment of the site in terms of its footprint, visual bulk and reduced front setback.
- The proposal will exacerbate existing traffic congestion in the area and the entry/exit to the basement level car parks present a serious safety hazard.
- The proposal does not provide for adequate on site car parking.
- The proposal does not provide for adequate waste storage areas and collection will be hazardous.
- The location of the at grade car park, directly adjacent to the dwelling to the north of the site, will lead to an increase in noise and pollution.

- Loss of privacy due to overlooking.
- Reduction in property values.

There are no statutory referral authorities.

The application was referred to Council's Drainage and Traffic Engineering Sections for comment. Conditions are required to be placed on any permit issued.

ASSESSMENT

The use of the site for a mixed use development is consistent with 'Melbourne 2030' and State and Local Policies and the provisions of the Municipal Strategic Statement under the Monash Planning Scheme. However there are concerns with the specific design detail of the development that cannot be supported, which are detailed in Attachment 3 of the report and expanded below.

Neighbourhood Character and Built Form

The applicant argues that Amendment C57 to the Monash Planning Scheme, which is currently with the Minister for Planning for approval, recognises the capacity of the Oakleigh Centre to support "high density residential development" and indicates that the Oakleigh Major Activity Centre should be limited in height to a maximum of four (4) and five (5) storeys on suitable sites adjacent to the periphery of the activity centre. However, there is a qualifier in the document following this statement, which states that there is exception to this situation where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.

It is noted that C57 was referred to the Minister for Planning for gazettal in January 2007, however, at this stage gazettal has yet to occur.

The Urban Design Framework (UDF), is a reference document to the Monash Planning Scheme and proposes an urban form which generally reinforces the traditional configuration and 'village feel' of the Oakleigh Activity Centre which provides an appropriate mechanism for assessment of the current application as indicated in C57. The document indicates that the traditional two storey scale of the core retail blocks is to be protected with higher scale redevelopment (up to 8 storeys) focussed along the western edge of the centre near Warrigal Road and 4 and 5 storeys along the eastern side of the northern portion of Hanover Street.

The report indicates that the land located on the western side of Oxford Street should provide a transition to the residential dwellings on the eastern side of the street. The UDF suggests development of 2 to 3 storeys at the northern end of Oxford Street, with the retention of existing dwellings at the southern end. The five storey scale of the proposal is therefore considered excessive and inappropriate.

Unfortunately VCAT did not accord any significant weight to the UDF in its previous decision on the application for the proposed 4 storey building on the subject site due to the following:

- *“It precedes Melbourne 2030.”*
- *“It does not form part of the planning scheme and it has not been subject to independent scrutiny.”*
- *“Its application to the review site is unclear and ambiguous.”*

The Tribunal did state however:

“Notwithstanding the status of the Urban Design Framework the transitional form of development advanced by that document for this part of the centre represents a reasonable urban design outcome for a site on the periphery of an activity centre.”

This is recognition by the Tribunal that the site is located on the periphery of the activity centre and any new built form requires a transition to surrounding development.

The current proposal provides for a maximum height of the building of 17.66 metres while the previous application provided a maximum height in the order of 12-13 metres.

Further the transition proposed by the current application to the existing residential dwellings located to the north of the site is a three storey section of building approximately 10.5 metres in height displaying very little articulation. The previous application provided a far gentler transition stepping back from two to three to four storeys away from the residential interface.

In addition, the proposed use of the feature design element incorporated into part of the fourth and fifth storeys draws the eye to this large element, consequently accentuating the prominence and height of the building. It is considered that the 4 storey building envelope previously approved by the Tribunal should not be exceeded.

The applicant has further identified that the location of the site opposite an Industrial 1 zone is also justification for an increase in height. It is noted that Schedule 1 to the Design and Development Overlay affecting the industrial land states that buildings and works must not exceed a height of 7 metre above ground level. This control is particularly relevant for consideration for industrial sites abutting areas where people are to reside in order to protect the amenity of future residents. This consideration is relevant to the current application and it is highly unlikely in the future that Council would support increased height on the industrial land located to the south of Burlington Street in order to respect the interface between the industrial and commercial/residential areas

Overall the current proposal provides for a substantially larger development than previously approved in terms of scale, mass and bulk and it is considered

the building would be imposing and out of character within the streetscape and the surrounding area.

Setbacks

In respect to setbacks the current application provides for a landscape setback to Oxford Street of between 4.4 metres and 6.4 metres for approximately half of the length of the frontage with the building then extending to the front boundary and wrapping around into Burlington Street where the offices are located at ground level. This is an improvement on the previous proposal and provides a transition and clearly defines the transition to the commercial use on the site.

The proposed building is setback between 4.5 metres and 6 metres from the northern boundary which is greater than provided for in the previous application, however car parking within the at grade car park extends within 600mm and 1 metre of the northern boundary. The Tribunal specifically commented on this interface for the previous application and indicated the following:

“With respect to the northern boundary, we make similar observations with respect to the landscape treatment which we think ought to be more substantial incorporating canopy trees, again being species which will ultimately grow to a height of 10 metres.”

It is considered that the current proposal does not adequately meet this requirement.

Balconies and Overlooking

As the site is located within a Business 1 Zone the provisions of Rescode (Clause 55) do not apply, however, it is considered that open spaces requirements as detailed in Rescode should be met to protect the amenity of future residents. It is noted that a number of the proposed balconies within the development have an areas less than 8 square metres, some as little as 4 square metres in area, which is considered undesirable and would impact detrimentally on the liveability standards of future residents.

Objectors have raised overlooking concerns particularly from the balconies facing north. The plans show rendered balustrades with louvred screening to 1.7 metres to restrict any overlooking to the residential area to the north, which satisfies the overlooking requirements under the Rescode provisions. However, the extensive use of screening indicates an overdevelopment of the site. Further, the amenity of future residents will be compromised given they will be sitting on small balconies barely larger than 4 square metres in area, screened to a height of 1.7 metres.

Traffic and Car Parking

Car parking for the development is required to be provided as follows:

| Use | Monash Planning Scheme Requirement | Spaces Required | Council Policy Ratio | Spaces Required | Spaces Provided |
|----------------------------|--|-----------------|--|-----------------|-----------------------------|
| One Bedroom Dwellings (35) | 2 spaces to each dwelling | 70 | 1space to each dwelling | 35 | 35 |
| Two Bedroom Dwellings (15) | 2 spaces to each dwelling | 30 | 1.5 spaces to each dwelling | 23 | 15 |
| Offices 332 sqm | 3.5 spaces to each 100 sqm of floor area | 12 | 3.5 spaces to each 100 sqm of floor area | 12 | 10 |
| Home Office | No specified ratio | - | No specified ratio | - | - |
| <u>Total</u> | | 112 | | 70 | 62 (2 in tandem) |

On the basis of the Monash Planning Scheme, the proposal would be deficient by 52 car parking spaces and under the Council Car Parking Policy deficient by 10 spaces. This figure would be increased if a provision for Home Office was required.

Although the parking precinct plan is not currently in place, it is a seriously contemplated Planning Scheme amendment. It is considered that waiving of car parking spaces would be inappropriate due to the current car parking issues in the Activity Centre and the negative impact it will have on the adjacent property users.

There are some layout concerns within the basement car parks and these are summarised as follows:

- Vehicles may have difficulty exiting tandem spaces 43/55 and space 56.
- There is concern over turning manoeuvres of spaces 41 and 40 conflicting.
- The overhead storage cages restrict reversing movements of larger vehicles from spaces 40, 41 and 45.
- There are no disabled spaces car parking spaces provided within the development

The Traffic Report submitted with the application indicates that the traffic generation from the proposal is expected to be 100 trips per day onto Oxford Street and 285 trips per day overall for the development. Council's traffic

engineers indicate that this is expected to have a negligible impact on the local traffic network.

Waste Collection

The plans submitted with the application show an area indicated for storage of large waste bins with no vehicle collection point associated with it. This is considered inappropriate. Waste collection may be problematic along Oxford Street due to trader parking located along this side of the street.

CONCLUSION

In its current form the proposed development is considered inappropriate and an overdevelopment of the site which will unreasonably impact on the character and amenity of the surrounding area. Accordingly, it is recommended that the development be refused.