

1.4 2-4 ATHERTON ROAD, OAKLEIGH DEVELOPMENT OF A TEN (10) STOREY BUILDING AND USE OF THE LAND FOR RESIDENTIAL APARTMENTS (TPA/49921)

EXECUTIVE SUMMARY:

This application proposes the use and development of the land for a ten (10) storey mixed use building comprising retail premises on the ground floor and residential apartments above. The application also seeks alteration of access to a road in a Road Zone, Category 1.

The application was subject to public notification. Twenty-one objections to the proposal have been received.

Key issues to be considered relate to building scale, preferred height and setback within the Oakleigh Major Activity Centre Structure Plan, the adequacy of car parking provision, vehicle access and internal and external amenity impacts.

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 \$12 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.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	2-4 Atherton Road, Oakleigh
EXISTING LAND USE:	Two storey commercial building
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Twenty-one (21)
ZONING:	Commercial 1 Zone
OVERLAY:	Design and Development Overlay (DDO11)

<p>RELEVANT CLAUSES:</p> <p><u>State Planning Policy Framework</u></p> <p>Clause 11.01-1R&S – Settlement</p> <p>Clause 11.02-1S – Supply of Urban Land</p> <p>Clause 11.03-1R&S – Activity Centres</p> <p>Clause 15.01-1R&S – Urban Design</p> <p>Clause 15.01-4S – Healthy Neighbourhoods</p> <p>Clause 15.01-5S – Neighbourhood Character</p> <p>Clause 15.02-1S – Energy & Resource Efficiency</p> <p>Clause 16.01-1R&S – Integrated Housing</p> <p>Clause 16.01-2S – Location of Residential Development</p> <p>Clause 16.01-2R – Housing Opportunity Areas</p> <p>Clause 16.01-3R&S – Housing Diversity</p> <p>Clause 16.01-4S – Housing Affordability</p> <p>Clause 17.01-1R&S – Diversified Economy</p> <p>Clause 17.02-1S – Business</p> <p>Clause 18.01-1S – Land Use and Transport Planning</p> <p>Clause 18.02-1R&S – Sustainable Personal Transport</p> <p>Clause 18.02-2R – Principal Public Transport Network</p> <p>Clause 18.02-4S – Car Parking</p> <p>Clause 19.01-2R&S – Renewable Energy</p> <p>Clause 19.03-3S – Integrated Water Management</p>	<p><u>Local Planning Policy Framework</u></p> <p>Clause 21 – Municipal Strategic Statement</p> <p>Clause 21.04 - Residential Development</p> <p>Clause 21.05 – Economic Development</p> <p>Clause 21.06 – Major Activity and Neighbourhood Centres</p> <p>Clause 21.08 – Transport and Traffic</p> <p>Clause 21.13 – Sustainability and Environment</p> <p>Clause 21.15 – Oakleigh Major Activity Centre Structure Plan</p> <p>Clause 22.03 – Industry and business development and character policy</p> <p>Clause 22.04 – Stormwater Management Policy</p> <p>Clause 22.13 – Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p> <p>Clause 52.34 – Bicycle Facilities</p> <p>Clause 58 – Apartment Developments</p>
<p>STATUTORY PROCESSING DATE:</p>	<p>23 July 2019</p>
<p>DEVELOPMENT COST:</p>	<p>12 Million</p>

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/49921)** for the development of a ten (10) storey building and use of the land for residential apartments at 2-4 Atherton Road, Oakleigh subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council after public notification dated 23 May 2019 (Revision 1), but modified to show:
 - a) A schedule of construction materials, external finishes and colours.
 - b) Details of the pedestrian canopy across the Atherton Road frontage, to the satisfaction of the Responsible Authority.
 - c) The vehicle crossover in Jones Street reduced to 3.5 metres in width, and associated changes to the vehicle waiting bay.
 - d) Provision of decorative architectural screening or a door enclosing the vehicular waiting bay to Jones Street.
 - e) Modification to the vehicle exit to the ROW and/or the bike store room to ensure that the vehicle egress will not encroach into the property boundary of 3-9 Chester Street. This must be supported with swept path diagrams.
 - f) Plans and specifications for the mechanical parking system. The mechanical car parking system modules are required to cater for the following:
 - i. Independent operation for each parking space.
 - ii. A minimum ground level overhead clearance of 1.8 metres.
 - iii. A clear/usable platform width of at least 230cm.
 - iv. Minimum pit length of 520cm.
 - v. Loading weight per platform of at least 2000kg.
 - g) Driveways to provide at least 2.1m headroom beneath overhead obstructions.
 - h) Changes required to satisfy requirements in the acoustic report and wind assessment required under Conditions 8 and 9 of this permit.

All to the satisfaction of the Responsible Authority.

No Alteration or Changes

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Concurrent with the endorsement of any plans, a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The report must include, but is not limited to, the following:
 - a) Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Monash Planning Scheme.
 - b) Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c) Document the means by which the appropriate target or performance is to be achieved.
 - d) Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
 - e) Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.

All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.

4. Prior to the occupation of any of the dwellings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that (in relation to those relevant completed dwellings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

Construction Management Plan

5. Before the development starts, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- a) measures to control emissions of noise and dust and water runoff from the site;
 - b) prevention of silt or other pollutants from entering Council's underground drainage system or road network;
 - c) the location where building materials are to be kept during construction;
 - d) site security to prevent people from entering the construction site;
 - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - f) on-site parking of vehicles associated with construction of the development;
 - g) wash down areas for trucks and vehicles associated with construction activities;
 - h) a program for cleaning and maintaining surrounding road surfaces;
 - i) 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 that does not exceed the EPA guidelines).

Waste Management Plan

6. Prior to the commencement of works on the site, a Waste Management Plan must be submitted to and approved by the Responsible Authority for the collection and disposal of garbage and recyclables by a private contractor for all uses on the site. The Waste Management Plan shall provide for:
- a) The time and method of collection of garbage and recyclables from uses;
 - b) Designation of methods of collection by the private contractor;
 - c) Appropriate areas for bin storage on site and areas for bin placement on collection days;
 - d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;

- e) The timing collection of all waste so as not to cause disruption to traffic and amenity of the area.
- f) Bins not to obstruct car parking or traffic movement.

Once approved the Waste Management Plan will be endorsed to form part of the permit.

- 7. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public (except on collection day/s) and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Acoustic Report

- 8. Prior to the endorsement of plans pursuant to condition 1 of the permit, a Preliminary Acoustic Noise and Amenity Assessment must be undertaken by suitably qualified persons to establish what (if any) particular noise attenuation or additional amenity treatments are required to protect the amenity of dwellings. All recommendations or required modifications to the development must be shown on the plans for endorsement and then implemented to the satisfaction of responsible authority.

Wind Assessment

- 9. Prior to endorsement of plans pursuant to Condition 1 of the permit, a Wind Modelling Assessment must be undertaken by a suitably qualified person to assess the wind impact of the development at street level. Any recommendations or required modifications to the development must be implemented to the satisfaction of responsible authority.

Car Stackers and Vehicle Crossovers

- 10. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.
- 11. 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 (EN 14010:2003, MOD)*.
- 12. The existing redundant crossing in Atherton Road is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.

13. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Drainage

14. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
15. The nominated point of stormwater connection for the site is to the south-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 laneway to be constructed to Council Standards. (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).
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
16. The southern right of way is to be fully reconstructed to Council's standards for the entire frontage of the development.
17. The Jones Street footpath is to be fully reconstructed to Council's standards for the entire frontage of the development.

Completion of Buildings and Works

18. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
19. 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.

Permit Expiry

20. This permit will expire in accordance with Section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:
- (a) The development has not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (4) 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 within six months of the permit expiry date, where the development allowed by the permit has not

yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires

Permit Notes**Building Approval**

- A. Building Permit approval must be obtained prior to the commencement of the above approved works
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.

Drainage

- C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- D. Approval from Monash City Council must be obtained for connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.
- E. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.
- F. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.

Variation to Planning Permit

- G. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

BACKGROUND:**The Site and Surrounds**

The Subject Site is located on the south-western corner of Atherton Road and Jones Street / Warrigal Road in Oakleigh. The land is rectangular in shape with a frontage of 18.29 metres (to Atherton Road) and a depth of 29.21 metres, yielding a total site area of 585.01 square metres. A splay is located within the south-west corner of the site which assists with vehicles entering and exiting the laneway to the rear of the site.

The land is currently developed with a two storey commercial building on the western section of the land utilised for retail and offices. A weather canopy is provided to the building on the Atherton Road frontage and part of the Jones Street frontage. The eastern section of the land is used for informal car parking, accessed via Atherton Road or the laneway/ Right of Way (ROW) to the rear of the site.

The subject site is located on the western end of the Oakleigh Major Activity Centre, approximately 140 metres north of the Oakleigh Railway Station.

The use and development of land immediately adjacent to the subject site is described as follows:

North: North of the site is Atherton Road which is defined as a collector road. Atherton Road has two way vehicle access with car parking on both sides. On the opposite side of the road is the Oakleigh Police Station and Monash City Council buildings.

East: East of the site is 6 Atherton Road which contains a two storey commercial building.

South: South of the site is a right of way (ROW) which is approximately 3 metres in width. The ROW continues east, allowing access to and from Atherton Road and Chester Street. On the opposite side of the ROW is 3-9 Chester Street which contains a four storey commercial building. To the east of 3-9 Chester Street is 11 Chester Street where Council has issued a planning permit (TPA/46471) to construct a 9 storey building. The permit was issued in July 2017 and the development has not commenced.

West: West of the site is Jones Street and Warrigal Road which is within a Category 1 Road Zone. Jones Street is a one way street providing access to Warrigal Road via Atherton Road. It contains on street parking. Warrigal Road rises to over the Pakenham/ Cranbourne railway line further south of the site.

On the opposite side of Warrigal Road are a number of single and double storey commercial buildings. A five storey building comprising retail premises on ground level and apartment dwellings above has been constructed on 59-63 Warrigal

Road. Another five storey building is under construction at 37-41 Warrigal Road which comprises of offices and apartment dwellings.

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

HISTORY:

Amended plans were lodged to Council after public notification to address the preliminary concerns raised by Council officer. The key changes of the amended plans are:

- The proposed building reduced from a fourteen storey building to a ten storey building;
- The overall building height reduced from 44.3 metres to 31.9 metres;
- The number of apartments reduced from 55 to 40;
- The number of car parking spaces remained at 62.

As a result of the reduction in apartment numbers, the car parking provision will be in excess of the statutory requirement.

This report is prepared based on the reduced building size and the amended plans dated 23 May 2019.

PROPOSAL:

An application has been received by Council for the construction of a ten (10) storey building above a basement car park. The building is designed to include a ground floor retail premises and 40 residential apartments above. Access to the apartments is via a street level entrance on Atherton Road.

A total of 62 car spaces are proposed within a fully automated car stacker system with access on the ground floor from Jones Street with vehicles exiting from the ROW.

A gymnasium is located on the first floor which will operate ancillary to the apartment dwellings. No access to the gym will be provided for non-residents of the building.

No permit is required for the use of the building for retail premises.

Key details of the proposal can be summarised as:

- Ten storey building having an overall building height of 31.9 metres.
- Ground level to level 3 built to all boundaries.
- Level 4 to level 9 built to the eastern boundary, and setback 2 metres from the east, north and western boundaries.
- Ground level retail area of 129.75 square metres.

- Level 1 to level 9 contains 40 residential apartments comprising five (5) one bedroom apartments; 32 two bedroom apartments and three (3) three bedroom apartments.
- 62 car parking spaces provided in a car stacker system accessed via a new vehicle crossover in Jones Street and exit via the ROW.
- The existing vehicle crossover on Atherton Road will be removed.
- 20 bicycle parking spaces is provided on the ground level in the southwest corner.
- Storage areas are provided within each apartment.
- Entry to the apartments is from Atherton Road via a lobby that it leads to the lifts and stairs at ground level, along with bin storage and service areas.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The land is zoned Commercial 1 under the provisions of the Monash Planning Scheme.

Pursuant to Clause 34.01-1 a Permit is required for the use of the land for accommodation (including a dwelling) where the frontage at ground level exceeds 2 metres. As the entrance to the apartments is via a frontage that is greater than 2 metres, a Planning Permit is required for the use of the land for accommodation.

Pursuant to Clause 34.01-1 a Permit is not required for the use of the land for retail premises (shop).

Pursuant to Clause 34.01-4, a Permit is required to construct a building or carry out works within the Commercial 1 Zone.

Overlays

The land is subject to a Design and Development Overlay (Schedule 11). Pursuant to the requirements of Clause 43.02-2 a Permit is required to construct a building or carry out works. Buildings and works must be constructed in accordance with the requirements of the schedule to the Overlay.

Particular Provisions

Pursuant to Clause 52.29 (Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road), a Permit is required to create or alter access to a road in a Road Zone, Category 1. The proposal seeks to vary access to Jones Street which is in a Road Zone Category 1 and therefore a Planning Permit is required.

Despite this, it is noted that Jones Street is under the care and management of the Monash City Council.

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

CONSULTATION:

Further Information

Further information was requested of the Permit Applicant on 31 December 2018. In addition, officers also raised the following preliminary concerns with the development:

- The proposed building height of 14 storeys fails to respect the preferred 8 storey height stipulated under Precinct 3A of the Design and Development Overlay Schedule 11 (DDO11). It is unacceptable and further justifications are required for the proposed height.
- It appears that the proposal may not meet all the objectives of Clause 58 of the Monash Planning Scheme.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The permit applicant responded to this letter on 15 February 2019 by providing the requested information but the proposal remained unchanged, and requested Council to proceed to public notification. Following public notification the applicant was further advised that the proposed development was in excess of the preferred height guidance and would not be supported. Amended plans were subsequently lodged to Council after public notification to address the preliminary concerns that were raised in the letter dated 31 December 2018.

The Applicant advised that they had amended the plans to address all of the officer's concerns. The key changes being the proposal reduced from fourteen storey to ten storey and the overall building height reduced from 44.3 metres to 31.9 metres; the number of apartments reduced from 55 to 40 and the number of car parking spaces remaining at 62. As a result of the reduction in apartment numbers, the car parking provision will be in excess of the statutory requirement.

This report is prepared based on the amended plan dated 23 May 2019.

As the amended plans reduced the building height and apartment numbers, Council did not re-advertise the application. However, objections received for the original application are still considered as part of the assessment of this application.

Public Notice

The original application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending letters to the surrounding property owners/occupiers, and by erecting three (3) large signs on site (one to Jones Street, Atherton Street and the right of way frontages).

Twenty-one (21) Objections received for the applications included the following concerns:

- A 14 storey building is out of character;
- Impact on car parking and traffic in the surrounding area and cause safety hazard;
- Noise impact during construction;
- Overshadowing and daylight impacts to surrounding areas of private open space and windows;
- Set precedent for other developments;
- Devaluation of other properties;
- Overlooking impacts;
- Overpopulation;
- Overshadowing and blocking the view of the nearby residential properties;
- Waste collection;

Attachment 4 details the location of objector properties.

Public information session

Council officers facilitated a public information session during the public notification period on Thursday 21 March 2019 at the Oakleigh Seminar and Training Centre. Council officers and representatives of the developer were in attendance to answer questions about the proposal. The session was attended by approximately four (4) community members.

External Referrals**VicRoads (Ref: 28064/19)**

The application was referred to VicRoads who advised that both Jones Street and Atherton Road are under the care and management of the Monash City Council. Despite this, VicRoads has assessed the application and noted that the anticipated traffic volume generated by the development is not expected to have an impact on the operation of Warrigal Road. VicRoads has no objection to the proposal and did not require any conditions on the planning permit if one was to be issued.

Internal Referrals**Traffic Engineering**

The application was referred to Council's Traffic Engineers. In summary, the comments included:

- Location of Jones Street vehicle crossing is too close to the intersection with the ROW.
- Potential waiting time for the car park may cause queueing into street.
- The waiting bay would not be able to accommodate two cars at one time as cars need to drive onto the sunken pallet (car stacker) on a fixed alignment. The vehicle on the waiting bay would not be able to enter the car stacker if there is another car on the waiting bay as it will not be able to enter the car stacker in that particular alignment/ angle.
- Vehicles exiting into laneway rely on neighbouring private property to manoeuvre vehicles.
- External access to the ground floor bike store is not preferred due to security reason. Providing an internal access to the bike store would also allow easier access.
- Waste collection in laneway may cause traffic issue during collection.

Officer comments

In regards to the location of Jones Street vehicle crossing this can be addressed via permit conditions if a permit issues.

Council's Traffic Engineer believes that the two vehicle waiting bay would not be able to accommodate two vehicles at one time due to the fixed alignment required by the mechanical car parking system (car stackers). In this instance, the vehicular waiting bay could be reduced in width to accommodate one car at a time and the vehicle crossing could be reduced to a single crossover accordingly.

As a result of the rearrangement of the vehicle waiting bay, there is opportunity to provide an internal access to the bike store near the vehicle waiting bay to address the concern from Council's Traffic Engineer.

The reduction in width of the vehicle crossing would allow it to be located further away from the ROW intersection and reduce the impact to the streetscape of Jones Street. In order to further reduce impact from the vehicle crossover/ waiting bay on the streetscape, a decorative screening should be provided in front of the waiting bay. These can be achieved via permit conditions should a permit be issued.

The concern about the potential waiting time for the car park has been eased as the number of apartments has been significantly reduced since the application was originally referred to Traffic Engineering. Concerns about vehicles exiting into the ROW encroaching into the private property at 3-9 Chester Street can be addressed via permit conditions, requiring the redesign the vehicle exit area so vehicle egress is wholly within the ROW.

A Waste Management Plan will be required for details of waste collection and to avoid collection in the ROW during busy times.

Other standard traffic conditions will also be included on the planning permit should one be issued.

Drainage

The application was referred to Council's drainage team who recommended standard conditions to be placed on any planning permit issued.

Waste Management

A Waste Management Plan was submitted with the application. Council's Waste Services advises that more details regarding grease trap connection for washroom, flushing nozzles in waste chutes and a swept path diagram are required. If Council were of a mind to support the application, permit conditions will require resubmission of the Waste Management Plan for approval.

DISCUSSION:

State Planning Policy Framework (PPF)

Increased residential density is sought by state policies in appropriate locations near transport hubs and activity centres such as Oakleigh. Oakleigh is identified as a Major Activity Centre (MAC).

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to:

“Support the development and growth of Metropolitan Activity Centres by ensuring they:

- *Are able to accommodate significant growth for a broad range of land uses.*
- *Are supported with appropriate infrastructure.*
- *Are hubs for public transport services.*
- *Offer good connectivity for a regional catchment.*
- *Provide high levels of amenity”*

Clause 11.02-1S (Supply of Urban Land) seeks:

“to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

The subject site is an appropriate location for higher density development. The land is located within a Major Activity Centre and is well serviced by public transport, amenities and services.

Further to this, Clause 15.01-2S specifies the urban design principal for residential developments. The objective seeks to:

“Achieve building design outcomes that contribute positively to the local context and enhance the public realm”.

The applicable strategies are:

- Site analysis as the starting point of the design process.
- Consideration of height, scale and massing of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise detrimental impact on neighbouring properties, the public realm and natural environment.
- Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.
- Buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Development is designed to protect and enhance valued landmarks, views and vistas.
- Development provides safe access and egress for pedestrians, cyclists and vehicles.

A detailed site analysis has been provided with the application as the starting point, to identify the opportunities and limitations of the subject site. Considerations of the development's height, scale and massing and how it responds to the strategic direction and impacts on the neighbouring properties and public realm have been applied throughout the assessment the application, which will be further discussed in this report.

Clause 16 of the Monash Planning Scheme seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

The subject site is appropriate for mixed use with commercial and apartment dwellings given its location within the Oakleigh Major Activity Centre and the opportunity to provide a higher density development within the centre.

Local Planning Policy Framework (LPPF)

Relevant objectives and strategies of Clause 21.04-3 in Residential Development seek:

“To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.”

“Ensure that new residential development provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.”

“Direct high rise residential developments towards the Glen Waverley Principal and Oakleigh Major Activity Centres. These centres are well serviced by public transport, commercial, recreational, community and educational uses.”

“Promote and facilitate housing projects that will result in a mix of housing types including mixed use developments in appropriate locations, such as “shop top” dwellings within the retail and commercial centres of activity centres, as well as over car-parks and other appropriate areas.”

Clause 21.06 (Major Activity and Neighbourhood Centres) also identifies Oakleigh as being an important location for residential development. Specifically, it also identifies that the Glen Waverley and Oakleigh Major Activity Centres are the preferred locations for high rise residential development.

The subject land is located within the Oakleigh Major Activity Centre and is a preferred location for higher density development. The provision of apartment development within the Oakleigh Major Activity Centre is considered desirable in that it provides for housing diversity and increased density at a location that is well serviced by public transport, amenities and services.

The presence of a retail premises at the ground floor fronting Jones Street and Atherton Road will provide for an activated frontage to the land in keeping with the commercial use and character of the precinct.

Oakleigh Major Activity Structure Plan & Design and Development Overlay (DDO11)

Clause 21.15 details the Oakleigh Major Activity Centre Structure Plan. Relevant key planning principals that underpin the Oakleigh Major Activity Centre Structure Plan (OMACSP) include:

- *To enhance the structure and function of the Oakleigh Major Activity Centre by supporting its continuing development as a vibrant and prosperous activity centre.*
- *To develop the Oakleigh Major Activity Centre as a mixed use activity centre incorporating retail, commercial, cultural, civic, and residential uses.*
- *To promote the Oakleigh Major Activity Centre as a focal point for the community, fostering its social and cultural development.*
- *Maintain the activity centre with an appropriate retail mix in the context of competition from larger centres and new forms of retailing.*
- *Focus on the improvement of vehicle access, circulation, parking, and loading/unloading activity; and pedestrian and bicycle movement and safety.*
- *Enable increased diversity and density of dwellings in the activity centre.*
- *Facilitate commercial and housing development within the activity centre in a manner which supports the preferred future character for the centre; and avoids conflicts with surrounding land uses.*

- *Ensure new development, adjacent to existing residential development located within the interface of the activity centre respects and integrates with the scale, siting and character of the prevailing built form.*

OMACSP identifies the land as being in the Commercial Periphery Precinct. The Design and Development Overlay, Schedule 11 sets out the applicable design requirements of the OMACSP. The subject land is located within Sub-Precinct 3A which is earmarked for the greatest level of change within the Activity Centre.

The objectives of the precinct are as follows:

- *To encourage the development of an appropriate mix of commercial and higher density residential uses in the Precinct, including the redevelopment of existing railway commuter car parks and the area above the railway line.*
- *To encourage high quality, contemporary architecture that promotes the Oakleigh MAC.*
- *To encourage urban design improvements that enhance the existing built form and the public realm.*
- *To encourage an enhanced pedestrian environment within the Precinct that integrates with the surrounding Precincts, particularly Precinct 1 and the Oakleigh Railway Station and Bus Interchange area.*
- *To preserve the southward view from the Warrigal Road overpass to the Sacred Heart Church.*

The proposal has been designed to meet the objectives of Sub Precinct 3A. The relevant design response are:

- The proposal incorporates a mix of commercial and higher density residential use. The commercial component on the ground floor is consistent with the purpose of the Major Activity Centre.
- The architectural styling of the building is of high quality and the contemporary design helps to promote the 'entrance' of the Oakleigh Major Activity Centre.
- The proposed building has good connectivity between the building and the street frontages, which will activate the street frontages and improve the public realm.
- An acoustic report will be prepared to include noise attenuation measures to minimise amenity impacts of the commercial uses on the residential uses. This will be further discussed under the Clause 58 assessment later in this report.
- The proposal meets the minimum floor to ceiling heights for both the commercial and residential storeys.
- Mechanical plant for car parking will be screened and will not be visible from either Atherton Road, Jones Street or the ROW.
- The proposal will not detrimentally impact on the southward view from the Warrigal Road overpass to the Sacred Heart Church.

The following preferred building heights and setbacks apply to this area of Precinct 3A as specified by the DDO11.

REQUIREMENT	RESPONSE
Preferred maximum overall height of 28 metres (8 storeys)	Variation required Maximum overall building height of 31.9 metres (10 storeys). The proposed development exceeds the preferred height guidance by 3.9 metres. This is considered a minimal given the location of the subject land. This will be further discussed in this report.
Zero street setback up to a façade height of 12 metres.	Variation required The proposed façade height is 13.3 metres (4 storeys). The proposed development exceeds the preferred façade height by 1.3 metres. The impacts of this additional 1.3 metres in height to the façade will also be minimal and will be further discussed in this report.
5 metre street setback above 12 metres.	Variation required Setback of 2 metres to Atherton Road, Jones Street and ROW. The proposal with a reduced street setback is acceptable given the location and context of the subject site which will be further discussed in report.

Building Height

Buildings should not exceed the preferred building height specified in the built form precinct provision of the DDO11 schedule unless particular site conditions warrant an alternative design response that demonstrates a respect for, and significantly contributes to the preferred character of the Oakleigh Major Activity Centre. This proposal is considered an acceptable design response to the varied requirements in the DDO11 given the location of the subject site as a gateway to the Oakleigh Major Activity Centre.

The subject site is located on a prominent corner at the base of the arterial road overpass at a key entrance into the Oakleigh Major Activity Centre from Warrigal Road. It benefits from its corner location, providing two street frontages as well as access from a rear 3 metres wide ROW. It is located within Precinct 3A in DDO11 where it supports the highest level of change. This corner site can accommodate some limited additional height in order to appropriately 'define' the corner and 'mark' the entrance into the Activity Centre. The proposed ten (10) storey building although exceeds the preferred maximum overall height recommended in DDO11, it would help to 'signal' this Atherton Road corner along the Warrigal Road corridor.

In addition, DDO11 Precinct 3A allows developments up to 8 storeys including commercial or residential developments. DDO11 requires a minimum floor to

ceiling height of 3.8 metres for commercial storey and 3 metres for residential storey. The subject site is located in a commercial precinct where commercial buildings tend to have higher building heights given the greater floor to ceiling heights. Although this building is two storeys higher than the preferred height in DDO11, the actual height increase is only 3.9 metres. This increase is considered modest in the context of this location.

The overall height is considered acceptable in that it will not be disproportionately greater than the preferred height guidance and result in a high quality architectural outcome. The subject land is located at the gateway to the Oakleigh Major Activity Centre and opposite the Warrigal Road overpass where slightly greater scale is considered acceptable.

The proposed façade wall height of 13.3 metres (4 storeys) is acceptable where most of the other buildings on Atherton Road have sheer façade walls of 3-4 storeys, and the south adjoining 4 storey commercial building does not contain any podium components. In addition, the façade wall exceeding 1.2 metres in height will not be noticeable in the commercial context as commercial building generally have higher floor to ceiling heights and higher wall heights.

Building Setbacks

The proposed building is setback 2 metres to all boundaries, except the eastern boundary where it is built to the boundary. This proposal seeks to vary the street setback requirements in DDO11 from 5 metres to 2 metres. This variation is allowable under the provision as DDO11 makes provisions for setbacks from rear and side boundaries to be set in regard to the nature of abutting uses. It is considered that the proposal is an acceptable response to the site context:

- Eastern interface - the adjoining property contains a two storey commercial building built to the property boundary. The proposal with a sheer wall along that boundary would have no adverse impacts to any person.
- Northern interface - Atherton Road is a key local street. It has two way vehicle access with on street parking on both sides of the road. The subject site is more than 20 metres away from the properties on the opposite side of Atherton Road, where there is the Oakleigh Police Station and Monash Council buildings. The development's orientation to Atherton Road provides an opportunity for increased scale in its aspect to Atherton Road.
- Western interface - the site is located next to the Warrigal Road overpass, where it is not considered a sensitive interface. The properties on the opposite side of Warrigal Road are more than 50 metres away from the subject site. The 2 metres setback above the podium is sufficient to distinguish between the podium and upper levels from this interface, having minimal adverse impact on the streetscape or the properties across Warrigal Road.
- Southern interface - the ROW at the southern side of the subject site provides for appropriate setback from the south adjoining interface where it contains a four storey commercial building. The southern adjoining

building is setback approximately 3.5 metres from its title boundary, in addition to the 3 metres wide ROW, the proposed building will be setback 6.5 metres on the ground level, and 8.5 metres on level 4 and above to the southern adjoining building. This setback is considered sufficient to avoid unreasonable amenity impacts to the southern adjoining property. In the event that the southern adjoining property is developed, this setback will also allow the opportunity for equitable development.

Overall, the proposed setbacks are considered appropriate given the location of the subject site as the gateway to the Oakleigh Major Activity Centre. There are no sensitive interfaces on the abutting properties and the reduced street setbacks have a negligible impact on the streetscape of Atherton Road and Jones Street.

The scale and architectural styling of the proposed development is considered to be consistent with the relevant objectives of the OMACSP. The building has been articulated with facades punctuated by contrasting vertical and horizontal elements. The design adopts an attractive palette of materials and finishes to minimise the perception of visual bulk. Details of the finishing materials and colours would be included as a permit condition.

In general, the architectural form of the proposal is considered satisfactory in that it provides for an acceptable built form outcome through a high quality and contemporary design that is generally consistent with the applicable policy.

Commercial 1 Zone Decision Guidelines

Clause 34.01-8 of the Monash Planning Scheme requires that Council must give consideration to a range of decision guidelines, when determining an application for development and use within the zone. Overall the proposed mixed use development is consistent with the zoning of the land, in particular:

- Commercial use will be retained on the ground level.
- The development will increase the density and add to the diversity of housing types in the area which is sought by policy.
- The site is physically separated from any existing residential properties and will not cause any unreasonable amenity impacts.
- Services and infrastructure are available to the site.
- The streetscape of Atherton Road will be improved by the architecturally designed building that incorporates façade details.
- Bin storage has been incorporated within the building.
- Given this location in the Oakleigh Major Activity Centre, there would be no unacceptable overshadowing. The property is oriented north-south with shadows cast to the east and south at various time during the day. Any further development of the abutting properties will be impacted even though the ROW to the south of the site would receive most of the shadow cast to the south. The outcome will be acceptable given the subject site is located within the Major Activity Centre and the nature of the abutting

properties. The scale of the proposed building and extent of shadow cast is generally consistent with the outcome envisaged by DDO11.

- There would be no overlooking issues due to its unique nature of having two street frontages and a ROW.
- Solar access is suitably provided having regard to the northerly orientation, and benefit of two street frontages.
- The movement of pedestrians, cyclists and vehicles has been suitably considered. The separation of vehicle location to enter and exit the car park will increase efficiency of vehicle movement.
- Car parking for both residential and commercial will be provided on-site and in accordance with the requirements of Clause 52.06 of the Monash Planning Scheme.
- The design generally satisfies the objectives, standards and decision guidelines of Clause 58 Apartment Developments. A detailed assessment against the requirements of Clause 58 will be provided in the next section of this report.

Assessment under Clause 58 - Apartment Developments

An assessment against the provisions of Clause 58 - Apartment Developments of the Monash Planning Scheme has been undertaken.

Clause 58.02- Urban Context

Clause 58.02-1 seeks to ensure that the design responds to the existing urban context or contributes to the preferred future development of the area and responds to the features of the site and the surrounding area.

The proposed development is considered to be an acceptable design response to the site context as:

- The overall height of the building of 31.9 metres is generally consistent with the height and scale outcome envisaged by DDO11 as discussed earlier in this report.
- The proposal has been designed with regard to the existing buildings on the adjoining properties. The proposal will not cause any unreasonable amenity impacts to the adjoining properties or the streetscape.
- The commercial component on the ground floor will activate the street frontages in Atherton Road and Jones Street. The pedestrian canopy would be provided over the Atherton Road frontage on the ground level. It will be required to be in accordance with the other pedestrian canopies in Atherton Road and details of the canopy will be requested as a permit condition. The proposal satisfies the objectives of Clause 58.02-5 to integrate with the street and improve public realm.
- The proposal has been designed to mark the entrance of the Oakleigh Major Activity Centre with a contemporary architectural styling.

- The site is physically separated from the adjoining residential properties and there will not be any unreasonable adverse impacts to those properties.

Clause 58.03 - Site Layout

Clause 58.03-1 requires that developments should be designed to achieve energy efficiency. The proposal has maximised north facing windows to the apartments and the horizontal architectural features will serve as solar protection to the windows, while the full size window/ sliding door provided to each bedroom and living room maximises solar access within the apartments.

The proposal does not provide a communal open space of 100 square metres as required under Clause 58.03-2. It is considered acceptable given the subject site is located opposite Warrawee Park which has a variety of active and passive spaces.

Clause 58.03-4 requires the layout of the development to be designed to provide for the safety and security of residents and property. The retail premises and the residential apartments have separate entrances on the ground level, accessed from Atherton Road. They are not obscured or isolated from the street, and will provide a good sense of address and safety to the future residents. A side access to the retail/ apartments is provided in Jones Street where it provides convenient access from the car park. The side entry is easily identified. It is not obscured or isolated from Jones Street and will provide safe and secure pedestrian access to the building.

Clause 58.03-6 Access Objective and 58.03-7 Parking Location Objectives require proposals to ensure the number and design of vehicle crossovers respects the urban context, and to ensure car parking location is designed to allow convenient parking and minimise impacts of vehicular noise.

Clause 58.04-3 Noise Impacts Objectives requires noise sources, such as mechanical plant to be located away from bedrooms. The proposal has been designed to allow vehicle access via Jones Street and the ROW at the rear of the property, where there are less traffic volume compared to Atherton Road and will not hold up the traffic on Atherton Road. The new vehicle access from Jones Street does not exceed 33% of the street frontage and will not result in any loss of on street parking. The separation of access for vehicles entering and exiting the proposed car park will increase efficiency of vehicle movements.

The area directly above the mechanical car park is designed to be the living room of apartments. The bedrooms are located further north from the living room to protect future residents from vehicular and mechanical noise from the mechanical car park.

Clause 58.04 - Amenity Impacts

The building setback objective under Clause 58.04-1 aims to ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. Clause 58.04-2

Internal Views Objective requires windows and balconies to be designed to limit views into the private open space and habitable room windows of dwellings within the development. The proposal has been designed to meet this objectives, in particular:

- The proposed building setbacks are acceptable as discussed previously in this report.
- Balconies do not extend beyond the property boundaries.
- Windows and balconies are located to avoid internal overlooking.
- There will not be any unreasonable overlooking or overshadowing impacts to adjoining properties.
- Windows of the apartments have been located to avoid the need to use extensive screening. This will improve internal amenities for future occupants.
- The subject site is located in close proximity to the railway Cranbourne/Pakenham line and the Warrigal Road overpass. An acoustic assessment would be required as a permit condition.
- No unreasonable overshadowing of surrounding properties and the public realm will result from the proposed development.

Clause 58.05 - On Site Amenity Impacts and Facilities

The purpose of the amenity objectives under Clauses 58.05 is to ensure a high level of amenity for the occupants of the apartments. The proposal meets these objectives as:

- At least 50 per cent of dwellings have been designed to achieve the accessibility standards.
- The entry for the residential apartment is not obscured from the street façade and will be clearly identified on Atherton Road with an appropriate design of pedestrian canopy.
- Each apartment has been provided with a balcony of 9 or 10 square metres with a width of 2 metres which exceeds the relevant requirement of minimum 8 square metres with a minimum dimension of 2 metres.
- The majority of the apartments are provided with north/ west orientation with the exception of one apartment on each level, which is south facing. These apartments will receive good solar access with adequate daylight. The south facing apartments are one or two bedroom apartments which occupy less than 18% of total apartments. These have adequate access to daylight.
- Each apartment dwelling has been provided with sufficient storage within the apartments.

Clause 58.06 - Design Details

Clause 58.06 is to ensure communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. Clause 58.06-2 and 58.06-3 are to ensure site facilities can be installed and accessed and proposals have been designed to consider waste management. The proposal is satisfactory as:

- The common property areas are clearly delineated and practical.
- The common property areas are functional and are easily managed.

- The gym is limited to use by apartment occupants.
- The proposal has incorporated bin storage within the building and site services are located on the ground level that can easily be accessed. A waste management plan would be required by permit conditions to detail the time and method of waste collection.
- Mail boxes are located near the Atherton Road frontage which is easily identified and integrated with the entrance of the building.

Clause 58.07- Internal Amenity

Clause 58.07 is to ensure dwellings have functional layout and there will be adequate daylight into habitable rooms.

- Each bedroom and living area meets the minimum area and dimensions in Standard D24. The layouts of the apartments are generally adequate in size and functional.
- None of the habitable room windows exceed a room depth allowed in Standard D25 and all windows are located on an external wall of the building, which will allow adequate daylight into habitable rooms.
- The windows have been designed to provide an acceptable level of ventilation with windows provided on different orientations.

Overall, the proposal is considered to provide good on site amenity for future residents and shop tenants.

Car Parking, traffic and access

The subject site is located within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps. The car parking requirements under Clause 52.06 (Column B) are as follows:

Use	Number of dwellings / retail floor area	Clause 52.06 requirement	Car spaces required	Car spaces provided
One and Two bedroom dwelling	37 Apartments	1 space/one or two bedroom	37 car spaces	37 car spaces
Three bedroom dwelling	3 Apartments	2 spaces/ three bedroom	6 car spaces	6 car spaces
Visitor Parking	N/A	0 spaces	0 car spaces	0 car spaces

Retail	129.75sqm	3.5 spaces to each 100sqm of leasable floor area	4 car spaces	4 car space
Unallocated			N/A	15 car spaces
Total			47 car spaces	62 car spaces
Surplus				15 car spaces

The development proposes a total of 62 car parking spaces within a fully automated stacker system. The provision of 62 spaces exceeds the Planning Scheme requirements by 15 spaces. The car stacker will be an underground system of 4 parking levels to accommodate 62 car parking spaces. Council's Traffic Engineer is satisfied with the proposal subject to the minor changes discussed earlier in the referral section of this report.

The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

Bicycle Parking

Bicycle parking is required to be provided in accordance with the requirement specified by Clause 52.34-3 of the Monash Planning Scheme. The table below details the number of bicycle parking spaces required:

Use	Number	Clause 52.34-3 Requirement	Bike parking requirement generated	Bike parking requirement provided
Dwelling	40	1 to each 5 dwellings for resident; 1 to each 10 dwellings for visitors	12	20
Retail	129.75sqm	1 to each 300sqm of leasable floor area for employee and 1 to each 500sqm of leasable floor area for visitors	0	0
Total			12	20
Surplus				8

The bicycle parking facilities of 20 spaces exceeds the Planning Scheme requirements. They are located on the ground level at the rear of the building near the side entrance and vehicle waiting bay. This is considered convenient for users.

However, an access point should also be provided from within the building to allow easy access for the occupants.

Construction impacts

A Construction Management Plan including details of staging of the construction works and construction vehicle access traffic management plan would be required as a condition of the planning permit. Construction Management Plan requirements would seek to minimise amenity impacts of the proposed development on the surrounding area. The extent of excavation and any required stabilisation measures would be considered by the appointed Building Surveyor.

Waste Storage and Disposal

An amended Waste Management Plan would be required as a condition of the planning permit. The plan would require a private contractor to collect waste and the collection time to be outside of peak hours to avoid waste collection on the ROW blocking traffic during busy hours. There are no concerns with waste collection via the ROW.

Objections not previously addressed

Noise impacts during construction

Construction hours are governed by Local Law No. 3 – Community Amenity. A condition restricting construction hours will be imposed on the planning permit, and a Construction Management Plan would also be required if a permit was to be issued.

Set precedent for other developments

Each application is assessed on its merit against the relevant planning controls in the Monash Planning Scheme and its location.

Devaluation of other properties

This is not a valid planning consideration.

Overshadowing and blocking the view of the nearby residential properties

The proposal will not result in unreasonable overshadowing to the residential apartments across Warrigal Road as they are located more than 50 metres away from the subject site. The planning system does not provide a right to a view over neighbouring properties.

CONCLUSION:

The proposal is considered consistent with the planning policy objectives and achieves acceptable outcomes for the Oakleigh Major Activity Centre. The site is suitable for a mixed use development with an increased residential density and housing diversity. The building is a quality design and will contribute positively to the Atherton Road and Warrigal Road streetscape and will not detrimentally

impact on the southward view from the Warrigal Road overpass to the Sacred Heart Church.

The location of the subject site warrants a proposal that slightly exceeds the preferred height with reduced street setbacks in the DDO11, to mark the entrance of the Oakleigh Major Activity Centre. The proposal will achieve a consistent height and scale outcome envisaged by the DDO11.

Adequate on site car parking is provided and traffic generation and impacts to the area are considered negligible in this regard. The proposal has also been designed to comply with the objectives of Clause 58, to provide good internal amenity to the apartments and minimise offsite amenity impacts.

It is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.