EXECUTIVE SUMMARY:

It is proposed to construct a four level apartment building comprising 18 dwellings (17 two bedroom and 1 single bedroom) and a ground level car park for 22 vehicles.

The report will address the strategic context of the land, bulk and mass, traffic and car parking.

The land is in the area defined by the Oakleigh Major Activity Centre Structure Plan 2011 upon which Amendment C93 is based. Amendment C93 proposes to introduce a Design and Development Overlay incorporating built form provisions across the Oakleigh Major Activity Centre.

Public notice of the application was given by erecting a notice on site and by sending individual notices. No objections have been received.

The reason for presenting this report to Council is the estimated development cost.

It is recommended that a Planning Permit be issued subject to conditions.
| Policy) Clause 34.01 (Business 1 Zone)  
| Clause 52.06 (Car parking)  
| Clause 52.29 (Land adjacent to a Road Zone, Category 1, or a public acquisition overlay for a Category 1 Road)  
| Clause 52.35 (Urban Context Report and Design Response for residential development of four or more stories)  
| Clause 55 (Two or more dwellings on a lot and residential buildings)  
| Clause 65 (Decision Guidelines)  

<table>
<thead>
<tr>
<th>STATUTORY PROCESSING DATE:</th>
<th>27 November 2012</th>
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<tbody>
<tr>
<td>DEVELOPMENT COST:</td>
<td>$3,600,000</td>
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</table>
RECOMMENDATION:

Council resolves to **Grant a Planning Permit** under the Monash Planning Scheme to develop and use the land described as 95 Warrigal Road Hughesdale, TPA/40859, for a four storey residential building comprising 18 dwellings and alteration of access to a road zone, category 1 subject to the following conditions;

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. 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 with the application, but modified to show:

   a) A corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres) extending at least 2.0 metres long x 2.5 metres deep (within the property) from the northern edge of the exit lane of the vehicle crossing;
   b) The sill height of the south facing bedroom windows on each level raised to at least 1.7 metres above finished floor level;
   c) A clear blind aisle width of 1.0 metre for the full width of the western end of the car park aisle;
   d) Car space 1 widened to 3.2 metres;
   e) The columns in the car park relocated 250mm back from the access way end of each car space;
   f) A minimum 2.1 metre clearance above car spaces for the storage units;
   g) The existing redundant crossing replaced with kerb and channel and the footpath and nature strip reinstated;
   h) Ventilation of the waste bin storage area together with a bin washing facility and demonstrable capacity to store all the required bins.

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

3. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the north-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe
to the Council pit in the right of way to Council Standards. *(A new pit is to be constructed if a pit does not exist or is not a standard Council pit).*

If the point of discharge cannot be located then notify Council’s Engineering Division immediately.

4. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:
   a) A trench grate (150mm minimum internal width) located within the property; and/or
   b) shaping the driveway so that water is collected in a grated pit on the property; and/or
   c) another Council approved equivalent.

5. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.

6. Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed to the satisfaction of the Responsible Authority;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
   (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
   (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

7. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

8. Prior to the commencement of works on the site, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:
   a) The method of collection of garbage and recyclables for uses;
b) Designation of methods of collection including the need to provide for private services or utilisation of council services;

c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;

e) Litter management.

A copy of this plan must be submitted to Council.

9. 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 noise, dust and water runoff;

b) prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;

c) the location of where building materials are to be kept during construction;

d) site security;

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) 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. This does not include excavation or the use of heavy machinery.)

10. 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.
11. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

12. All common boundary fences are to be a minimum of 1.8 metres above the finished ground level to the satisfaction of the Responsible Authority. The fence heights must be measured above the highest point on the subject or adjoining site, within 3 metres of the fence line.

NOTES-

1. Any new drainage work within the right of way requires the approval of the Council’s Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division 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. A refundable security deposit of $500 is to be paid prior to the drainage works commencing.

2. Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.

3. A Licensed Surveyor or Civil Engineer (who is a registered Building Practitioner) must certify that the storm water detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the endorsed plans. The certifier’s registration number must be included on the certificate.

4. Engineering permits must be obtained for new vehicle crossings and for new connections to Council pits and these works are to be inspected by Council (telephone 9518-3690).

5. The redundant crossing is to be removed and reinstated with kerb and channel and the footpath and nature strip are to be reinstated to the satisfaction of Council.

6. Detention system requirements for the property are as follows:
   - Minimum storage = 5.69 cubic metres
   - Maximum discharge rate = 6.29 litres per second
   - Minimum orifice diameter if using orifice pit = 90mm, otherwise install a Phillips multi cell or similar to control outflow.

Expiry of permit:
In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
- The development and use are not started before 2 years from the date of issue.
- The development is not completed before 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 three months afterwards.

**BACKGROUND:**

**History**
According to Council records no planning permits have been issued to develop the land.

**The Site and Surrounds**
The land is on the west side of Warrigal Road approximately 20 metres north of Kangaroo Road, Oakleigh. It has a frontage to Warrigal Road of 15.2 metres and is 46.6 metres deep. The land is flat and has an area of approximately 708 square metres. It is occupied by a single storey building used for office purposes.

Adjoining to the south is a two level bridal wear shop and to the north a single level building occupied by an insurance broker. To the west, separated from the land by a right of way, a four level apartment building comprising 36 dwellings and basement car park is under construction.

The land is not subject to any covenants.

**PROPOSAL:**

It is proposed to construct a four level building on the land comprising:
- A ground level car park with 22 car spaces accessible from Warrigal Road, 6 bicycle spaces and 19 storage units;
- Three levels of apartments above the ground level car park comprising 18 dwellings – 17 two bed and 1 three bed dwellings;
- A balcony to each dwelling at least 8.5 square metres in size.

The ground level of the building would be situated on the front boundary except for two (2) one metre deep landscape areas. Levels 1-3 would feature an angular east facing façade setback between zero and three metres from the front boundary. The balconies would be on the north façade and, in the case of the corner dwellings, would wrap around the east and west elevations.

A combination of light grey render and timber cladding would be used with three steel framed plywood screen devices on the south façade

**CONSULTATION:**

**Public Notice**
The application was advertised in accordance with section 52 of the Planning and Environment Act 1987 by sending notices to the owner and/or occupier of nine adjoining and surrounding properties and by displaying a public notice on the front of the land. No objections were received.

**Referrals**
The application was referred to VicRoads under Clause 52.29 of the Monash Planning Scheme. They do not object to a planning permit being issued and do not wish to impose conditions.

**DISCUSSION:**

**Consistency with State and Local Planning Policies**
The Glen Waverley Principal and Oakleigh Major Activity Centres are the preferred locations for medium to high rise development. It is envisaged that this kind of development will result in a mix of housing, workplaces, shopping, recreation and community services that will attract people, create a safe environment, stimulate interaction and provide a lively community focus.

**The Oakleigh Major Activity Centre Structure Plan**
The land is in the area defined by the Oakleigh Major Activity Centre Structure Plan 2011 upon which Amendment C93 is based. Amendment C93 proposes to introduce a Design and Development Overlay incorporating built form provisions across the Oakleigh Major Activity Centre.

At its Ordinary Meeting of 28 August 2012 Council resolved to adopt a modified version of Amendment C93 and request the Minister for Planning to approve and gazette the amendment. The amendment is yet to be gazetted but it must be regarded as a seriously entertained planning document.

The application should be considered in the context of the Oakleigh Major Activity Centre Structure Plan 2011. The land is in Sub-Precinct 3D where medium rise commercial and/or residential premises are sought and retail “shop” uses are considered inappropriate. The following building heights and setbacks are envisaged:

**Building height**
- Street facades of 12 metres at the street alignment and a building height up to 14.0 metres (4 storeys).

**Building setbacks**
- Zero street setback up to façade height of 12 metres.
- Upper levels setback from the façade, 2 metres for every 1 metre of building height above the façade limit until the building height for the site is reached.
- 3 metre minimum setback from west boundary abutting residential use.
- Upper levels should be appropriately recessed and stepped back from abutting residential uses providing a transition in built scale.
The proposal would be situated on the west boundary with only minimal façade articulation. Therefore it would not technically satisfy the third and fourth dot point requirements.

The intent of the third dot point is to ensure that a proposal does not adversely affect residential land adjoining the west boundary of the sub-precinct. It is not directly applicable in this instance because the subject land is separated from the four storey apartments under construction to the west by a 3.0 metre wide right of way. On this basis the intent of those requirements is considered satisfied.

**Urban Design Principles**

Clause 15.01-2 of the Monash Planning Scheme contains design principles against which development not subject to Rescode may be assessed. The objective is to 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. Design principles include managing the interface between buildings, ensuring appropriate use of light and shade and creating a development that is energy efficient.

With a street façade height of 12 metres the proposal is not dissimilar in height to the buildings to the immediate south which vary between 8.0 and 9.0 metres in height. However, in recognition of the visibility of the building, three steel framed decorative screening devices are proposed. The screens would be situated at regular intervals and extend the full length of the south façade. It is considered that this combined with the timber and charcoal finishes will better help the proposal blend in with its surroundings.

The development would be most visible from the north and east. To add visual interest an angular façade treatment is proposed with the balconies of each dwelling situated at an angle to the north and east boundaries rather than parallel. It is considered that this adds interest to the design by avoiding the regular parallel forms normally associated with apartment buildings.

Entry to each dwelling would be from a common access way on the south side of each level of the building. One bedroom in each dwelling would face this access way and raised window sill heights would be used to improve the internal amenity of those rooms.

Above the ground level car park a minimum 3.0 metre building setback would be maintained from the north boundary into which the balcony areas of each dwelling would marginally intrude. Within this setback a 1.3 metre wide garden bed would be incorporated, the intent of which is to offer some visual relief to the building façade. The balcony area of each dwelling would be at least 8.0 square metres in size.

Clause 15.01-2 envisages a development with a balance of sunlight and shade which is not compromised by undesirable overshadowing or exposure to the sun. Although it
is not applicable in this instance Rescode can also be used as a guide. Shadow diagrams indicate that the proposal will cast a 9 metre wide shadow to the south. However it unreasonable to expect the same level of residential amenity in a business zone as a residential zone. If a development similar to that currently proposed were submitted for the land adjoining to the north then Council would have to consider if occupants of the current development are not substantially affected by overshadowing. However by setting back the proposed dwellings 3 metres from the north boundary and situating the balconies and living areas at an angle will allow those areas to get the maximum available light.

The building would incorporate environmentally sustainable features such as solar panels on the roof, a 2,000 litre rainwater tank and provision for recycling.

**Traffic and car parking.**

Car parking is required under Clause 52.06 as follows:

<table>
<thead>
<tr>
<th>Dwelling type.</th>
<th>Planning Scheme requirement</th>
<th>Spaces required</th>
<th>Spaces provided</th>
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<tbody>
<tr>
<td>1 x 3 bedrooms</td>
<td>Two spaces per dwelling.</td>
<td>2 spaces</td>
<td>2 spaces</td>
</tr>
<tr>
<td>17 x 2 bedrooms</td>
<td>One space per dwelling.</td>
<td>17 spaces</td>
<td>17 spaces</td>
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<tr>
<td></td>
<td>One car space for visitors to every 5 dwellings for a development of 5 or more dwellings.</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Total</td>
<td></td>
<td>22 spaces</td>
<td>22 spaces</td>
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A total of 22 car spaces are proposed which is satisfactory.

Access to and from the car spaces is satisfactory subject to some minor plan amendments concerning storage, sight lines and reversal of vehicles which could be addressed by permit condition.

**CONCLUSION:**

The Oakleigh Major Activity Centre Structure Plan envisages higher density development in Precinct 3 exhibiting high quality contemporary architecture that will enhance the existing built form.

The proposal features architectural elements such as an angled facade that will improve its streetscape appearance and enhance infiltration of light into the dwellings. In this respect it would satisfy the amenity requirements of Clause 15.01-2 of the Monash Planning Scheme.
The proposal would also satisfy the height and setback requirements of Sub-Precinct 3D of the Oakleigh Major Activity Centre Structure Plan 2011.

Car space provision would be satisfactory as would access and egress subject to relatively minor plan amendments.

On the basis of the above it is considered that Council should support the proposal.