5.2 67 ATHERTON ROAD OAKLEIGH VIC 3166 – DEVELOPMENT AND USE OF A 5 STOREY BUILDING COMPRISING SHOP AND OFFICE AT GROUND FLOOR LEVEL, OFFICES ON LEVELS 1 TO 4 (INCLUSIVE) PLUS A ROOF TOP TERRACE AREA AND A BASEMENT LEVEL COMPRISING 21 CAR PARKING SPACES IN STACKERS

(TPA/39681:NS:HM)

Ward : Oakleigh
Responsible Director: Paul Kearsley
Reason for Council Consideration: Cost of development
Cost of Development : $4.85 Million
Statutory Processing Date : 13 November 2011
Pre-Application Meeting: No

RECOMMENDATION

The Council having caused notice of planning application No. TPA/39681 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 grant a planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 67 Atherton Road Oakleigh for the purpose of the development and use of a 5 storey building comprising shop and office at ground floor level, offices on levels 1 to 4 (inclusive) plus a rooftop terrace area and a basement level comprising 21 car parking spaces in stackers subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003:

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. When approved the plans will be endorsed.

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

a) The ramp grade designed in accordance with Section 2.5.3 / 2.6 of the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1 to provide for the following:
   - Maximum grade of 1 in 4.
   - Provision of a 2.0m grade transition of 1 in 8 between the 1 in 16 and 1 in 4 grades.
   - Provision of a 2.0m grade transition of 1 in 6.7 between the 1 in 4 grade and the basement 01 floor.
   - Grade changes to be designed and checked in accordance with Appendix C to ensure that vehicles will not scrape or bottom out.

b) The layout of the development designed in accordance with the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1 with regard to the following issues:
   - To permit access for both cars and light vans, the height
between the floor and an overhead obstruction shall be a minimum of 2200mm.

c) A total of 7 stacker system spaces are required to cater for larger and heavier vehicles e.g. four wheel drives/SUV’s.

d) Clear sight lines shall be provided at the property line to ensure adequate visibility between vehicles leaving the driveway and pedestrians on the frontage road. This requires the provision of a corner splay or area extending at least 2.0 metres long x 2.5 metres deep (within the property) x less than 1.2 metres height on the east side of the vehicle crossing.

e) Location and design of any proposed electricity supply meter boxes/kiosks/substation. This facility must not be located within the front landscape setback areas;

f) Location of gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback area;

g) Location of any fire hydrants, booster assemblies or sprinkler control valves which may be required and details of screening to minimise their visual prominence.

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

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

4. The amenity of the area must not be detrimentally affected by the use or development, through the:
   (a) transport of materials, goods or commodities to or from the land;
   (b) appearance of any building, works or materials;
   (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   (d) presence of vermin.

5. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

6. Before the use or development begins, the owner of the land must enter into an agreement under section 173 of the Act in which the owner agrees to pay $6,797.56 (plus GST) indexed by CPI (all groups) from 1 July 2011 to the responsible authority for:
   • each car parking space or part thereof specified under this Scheme; or
• where a rate is not specified, as determined by the responsible authority
• and which cannot be provided on the land (net of car parking credits).

The agreement may provide for the payment of the contribution in instalments plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.

The agreement must provide that the contribution is to be indexed according to the CPI (all groups) from 1 July 2011 until it is paid. The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, de-registering the agreement.

A cash contribution for 20 car spaces is required.

As at the date this permit issued, the total amount payable for the development and use hereby permitted is $149,546.40 (calculated at $7,447.32 per space GST inclusive).

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

8. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

9. 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;
   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.

10. Adequate provision shall be made for the storage and private collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
11. 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.

12. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works.

When approved the plan will be endorsed and will then form part of the permit.

13. 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.)

14. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
15. 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.

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

16. The driveway and parking area (apart from parking space dimensions) designed in accordance with the Australian Standard for Off - Street Car Parking, AS/NZS 2890.1.

17. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

18. The loading and unloading of goods from vehicles must only be carried out on the land.

19. 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 south-west corner of the property where the entire site’s stormwater must be collected and free drained via a pipe to the 450mm Council drain in the road reserve via a saddle adaptor or a 900mm x 600mm junction pit to be constructed to Council Standards.

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

20. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.

NOTES:

1. Building approval must be obtained prior to the commencement of the above approved works.

2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
3. A permit for installation or modification of any vehicular crossing is required from Council’s Engineering Department.

4. Any new drainage work within the road reserve requires the approval of the City of Monash’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.

5. Engineering permits must be obtained for new connections to Council’s drains and these works are to be inspected by Council (telephone 9518 3690).

6. The existing property connection can only be used if the existing connection is exposed and inspected by Council Officers and found to be satisfactory otherwise a new saddle adaptor or a new 900mm x 600mm junction pit is to be constructed (as per Council Standard Drawing D1) over Council’s 450mm drain in the road reserve in Atherton Road. A 900mm x 900mm junction pit is to be constructed if depth of pit is greater than 1.5 metres. Note that the excavation for the stormwater pit must be inspected prior to the concrete pour.

7. All access doors to the stacker system are to be fully automated and linked to the car stacker operating system to ensure that there is no inadvertent access during the operation of the system.

8. The mechanical stackers must be routinely serviced and maintained to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land.

9. 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.

10. Standard passenger car stacker modules are required to cater for the following:
    - Independent operation for each parking space.
    - A car/van up to 170cm height on all levels.
    - A useable platform width of at least 230cm (single bay) and 460cm (double bay), except where the module is located against a wall or at the end of a row where it is required to be at least 250cm (single bay) or 500cm (double bay) in width to assist with turning manoeuvres.
    - Minimum pit length of 540cm.
• Loading weight per platform of at least 2000kg.

11. **SUV/Four wheel drive stacker modules are required to cater for the following:**
   • Independent operation for each parking space.
   • A car/van/SUV up to 180cm height.
   • A useable platform width of at least 250cm, except where the module is located against a wall or at the end of a row where it is required to be at least 270cm in width to assist with turning manoeuvres.
   • Minimum pit length of 540cm.
   • Loading weight per platform of at least 2500kg.

**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**

The subject land is located on the north side of Atherton Road in Oakleigh, approximately 33 metres east of Atkinson Street. It is currently occupied by a two storey brick office building.

The site is rectangular in shape with an area of approximately 444 square metres. Frontage to Atherton Road is 12.3 metres with a depth of 36.2 metres. The site has a north south orientation.

The surrounding area consists of a diverse mix of commercial and residential activities. These include offices, shops, public car park and residential developments. Development in the immediate vicinity is generally single and double storey in height.

**PROPOSAL**

The application proposes the development and use of a five storey building comprising shop and office at ground floor, offices on levels 1 to 4 (inclusive) plus a roof top terrace area and a basement level comprising 21 car parking spaces in stackers.

The plans submitted with the application provide for the following (Attachment 2):
• Zero setbacks to Atherton Road, the east and west property boundaries and a minimum 1 metre setback to the northern (rear) property boundary at ground, first and second floor levels;
• The third, fourth and roof top terrace levels are setback a minimum of 5 metres from the Atherton Road (front) title boundary;
• The basement level is accessed via a ramp from Atherton Road, along the western property boundary. The basement will comprise of 21 car parking spaces (in the form of 7 triple car stackers) and have general store, service and bin areas.
• All levels area provided with lift and stair access;
• The ground level shop has an area of 42 square metres;
• The total office floor area is 1,421 square metres;
• Office space spread over all levels varying in size between 107 square metres to 361 square metres per level. Each level will be provided with amenities including toilets.
• An outdoor terrace is provided to the south of the third floor;
• The roof top terrace of 186 square metres in area and will be partially covered.

The architectural styling of the proposal is contemporary modern. Materials and finishes include clear and light green tinted glazing, natural and painted concrete, metal cladding, timber and perforated aluminium screens.

**POLICY IMPLICATIONS**

**State Planning Policy Framework**

The following clauses of the State Planning Policy Framework are relevant to this proposal:-

• Clause 11.01 – Activity Centres
• Clause 11.02 – Urban Growth
• Clause 11.04 – Metropolitan Melbourne
• Clause 15.01 – Urban Environment

**Local Planning Policy Framework**

The provisions of the Local Planning Policy Framework that are relevant to the proposal are:

• Clause 21.03 – Strategic Framework Plan
• Clause 21.05 – Economic Development
• Clause 21.06 – Activity Centres
• Clause 21.08 – Transport and Traffic
• Clause 22.03 – Industry and Business Development and Character Policy
• Clause 22.04 – Stormwater Management Policy

The proposal is supportive of the Local Planning Policy Framework. Of particular relevance is its support of:
• Clause 21.05-3 as it helps create an environment which is attractive to investors and fosters business growth. In addition, to increase the number and range of viable local employment opportunities.

• Clause 21.06-3 as it enhances and promotes the Oakleigh Activity Centre as a key focus for convenience, multi-cultural and culinary shopping and community services.

• Clause 21.08-3 as it ensures traffic generated by a non-residential use is appropriate to the street and locality and does not adversely affect existing traffic pattern.

The proposed design of the building supports the provisions of Clause 22.03- Industry and Business Development and Character Policy and the existing and desired future character of the Business 1 Character Area.

**Buildings Setbacks** – The proposed setbacks are considered to be in context with the surrounding environment.

**Building Height** – The development does not visually overwhelm surrounding buildings in terms of scale height and bulk. The proposal satisfies the built form requirements of the Oakleigh Major Activity Centre - Structure Plan – adopted by Council on 28 June 2011.

**Zones**
The site is located in a Business 1 Zone pursuant to the Monash Planning Scheme. The purpose of the zone is to:

• Implement the State Planning Policy Framework and the Local Planning Framework, including the municipal Strategic Statement and local planning policies.

• To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The site is also affected by the Oakleigh Major Activity Centre Parking Precinct Plan.

A planning permit is required for buildings and works, pursuant to Clause 34.01-4 of the Scheme. The proposed Office use does not require the issue of a planning permit.

**Particular Provisions**
Clause 52.06 – Car parking.

**General Provisions**
Clause 65 – Decision Guidelines.

**CONSULTATION**

**Notification**
The application was advertised in accordance with the provisions of Clause 52 of the Act. One objection was received and subsequently withdrawn.

**Referral**
Council’s Drainage Department have advised that underground drainage is available for the site and have no objections subject to appropriate conditions being included in any permit that is to issue.

Council’s Traffic department have advised that they have no objections subject to appropriate conditions being included in any permit that is to issue.

**ASSESSMENT**

The proposal is considered satisfactory in that it complies with the requirements of the Monash Planning Scheme including relevant state and local policies.

**Use**

The proposed use for office and small shop component is considered appropriate given the location and the growing demand for additional contemporary office space within the vicinity. The provision of additional office space within the area will likely contribute to the economic development of Oakleigh and provide for increased employment opportunities.

**Built Form**

The architectural form of the proposal is considered satisfactory and in accordance with Council’s vision for the area. Further, the proposal is deemed to complement and enhance the character of the surrounding area through a high quality and contemporary design. The building complies with the setback and height requirements of the Oakleigh Structure Plan and the design adopts an attractive palette of materials to minimise the perception of visual bulk.

**Car Parking**

A two storey office building with a net floor area of 489 square metres with 5 onsite car parking spaces currently exists on the subject site. Under the circumstances, it is deemed appropriate to give credit for the existing use on the subject land. The car parking requirement for the proposed uses as specified by Clause 52.06-6 of the Monash Planning Scheme are detailed below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Clause 52.06-5 Requirement</th>
<th>Floor Area (square metres)</th>
<th>Car parking requirement generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office (additional to existing office use)</td>
<td>3.5 spaces / 100m²</td>
<td>1,003m²</td>
<td>35 car spaces</td>
</tr>
<tr>
<td>Shop</td>
<td>3.5 spaces / 100m²</td>
<td>42 m²</td>
<td>1 car space</td>
</tr>
</tbody>
</table>

The proposed additional office space and shop generates a total car parking requirement of 36 spaces, in addition to the 5 onsite spaces for the existing office use. This equates to a total requirement of 41 spaces.

A total of 21 spaces are proposed, therefore shortfall of 20 spaces would exist in the event that a permit is to issue.
All proposed 21 spaces within the basement are to be provided within 7 triple car stackers.

Subject to the provisions of the Schedule to Clause 52.06-6 of the Monash Planning Scheme (Oakleigh Major Activity Centre Parking Precinct Plan) a permit cannot be granted to reduce the car parking requirement for a shop or an office within this precinct. A cash in lieu contribution must be made for any car parking spaces that are required and cannot be provided on site.

The applicable cash in lieu car parking contribution is this instance is $149,546.40 (calculated at $7,477.32 per space including GST). This requirement would be reflected by an appropriate permit condition.

Bicycle parking for 5 bicycles is provided in the basement which is in excess of the requirements of Clause 52.34 of the Monash Planning Scheme.

**CONCLUSION**

The proposed development is an appropriate design response that suitably complements the land use and built form of the surrounding area and accords with Oakleigh Structure Plan and the relevant requirements of the Monash Planning Scheme including state and local planning policies. Accordingly it is recommended that a planning permit be issued subject to appropriate conditions.