

**1.4 10-12 EARLSTOWN ROAD, HUGHESDALE  
CONSTRUCTION OF TWELVE 3 STOREY TOWNHOUSES ABOVE A BASEMENT CARPARK  
(TPA/48282)**

**EXECUTIVE SUMMARY:**

This application proposes the construction of twelve (12) three storey dwellings above basement car parking.

The application was subject to public notification. Eleven (11) objections to the proposal have been received.

Key issues to be considered relate to neighbourhood character, building form, building setbacks, vehicle access and car parking, open space provision and amenity impacts.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Design and Development Overlay 11 provisions and Clause 55, along with consideration against adopted Amendment C125 to the Monash Planning Scheme and issues raised by objectors.

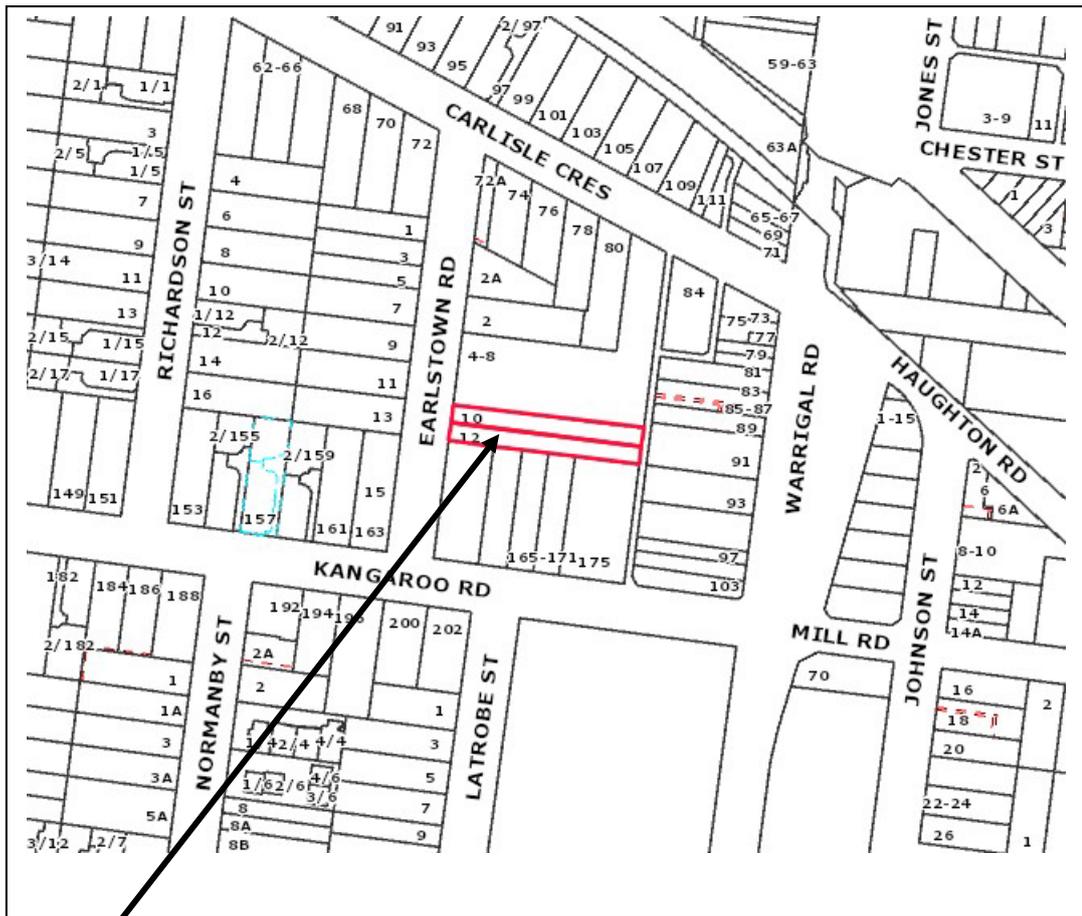
**The reason for presenting this report to Council is the proposed development cost of \$4.2 Million.**

**The proposed development is considered satisfactory 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.**

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|--|---|
| <b>RESPONSIBLE DIRECTOR:</b>   | <b>Peter Panagakos</b>  |
| <b>RESPONSIBLE MANAGER:</b>  | <b>Angela Hughes</b>  |
| <b>RESPONSIBLE PLANNER:</b>  | <b>Sue Monagle</b>  |
| <b>WARD:</b>   | <b>Oakleigh</b>   |
| <b>PROPERTY ADDRESS:</b>   | <b>10-12 Earlstown Road, Hughesdale</b>   |
| <b>PRE-APPLICATION MEETING:</b>  | <b>Yes</b>  |
| <b>NUMBER OF OBJECTIONS:</b>   | <b>Eleven (11)</b>  |
| <b>ZONING:</b>   | <b>General Residential Zone 2 (GRZ2)</b>  |
| <b>EXISTING LAND USE:</b>  | <b>Residential</b>  |
| <b>OVERLAY:</b>  | <b>Design and Development Overlay – Schedule 11 (DDO11)</b>   |
| <b>AMENDMENT C125 (adopted)</b>  | <b>General Residential Zone 5 (GRZ5)</b>  |
| <b>RELEVANT CLAUSES:</b><br><b><u>State Planning Policy Framework</u></b><br>Clause 11 (Settlement)<br>Clause 11.02 (Urban Growth)<br>Clause 11.04 (Metropolitan Melbourne)<br>Clause 14.02-1 (Catchment Planning and Management)<br>Clause 15 (Built Environment and Heritage)<br>Clause 16 (Housing) | <b><u>Local Planning Policy Framework</u></b><br>Clause 21 (Municipal Strategic Statement)<br>Clause 21.02 (Key Influence)<br>Clause 21.04 (Residential Development)<br>Clause 21.06 (Activity Centres)<br>Clause 21.08 (Transport and Traffic)<br>Clause 22.01 (Residential Development and Character Policy)<br>Clause 22.04 (Stormwater Management Policy) |

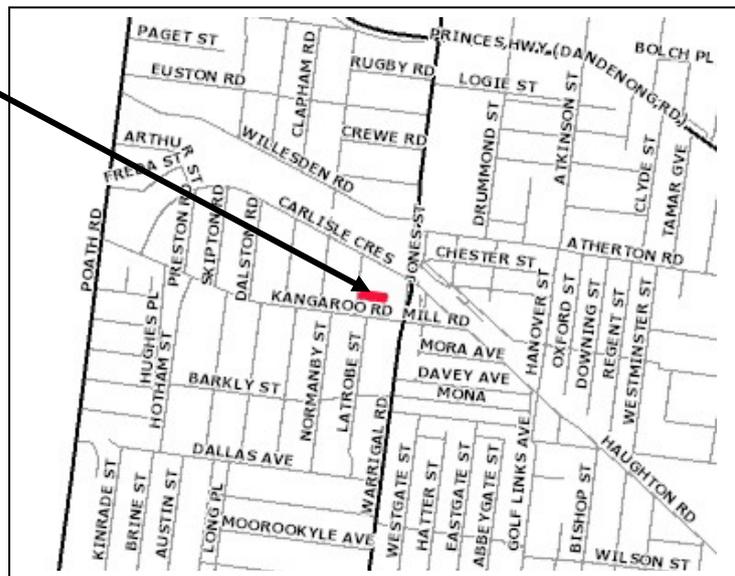
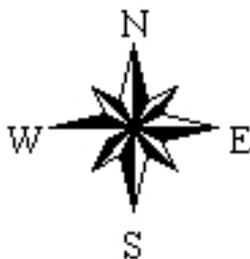
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| <p><b>Clause 16.01-2 (Location of Residential Development)</b><br/> <b>Clause 16.01-4 (Housing diversity)</b><br/> <b>Clause 17 (Economic Development)</b><br/> <b>Clause 18 (Transport)</b><br/> <b>Clause 19 (Infrastructure)</b></p> | <p><u><b>Particular Provisions</b></u><br/> <b>Clause 52.06 (Car Parking)</b><br/> <b>Clause 55 (Two or More Dwellings on a Lot)</b></p> <p><u><b>General Provisions</b></u><br/> <b>Clause 65 (Decision Guidelines)</b></p> |
| <p><b>STATUTORY PROCESSING DATE:</b></p>  | <p><b>17 January 2018</b></p>  |
| <p><b>DEVELOPMENT COST:</b></p>   | <p><b>\$4.2 Million</b></p>  |

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/48282)** for the construction of twelve (12), 3 storey dwellings above a basement carpark on land affected by a Design and Development Overlay – Schedule 11 (DD011), at 10-12 Earlstown Road, Hughesdale, subject to the following conditions:

1. Before the development 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) The second floor level of dwelling 1 setback an additional 500mm from the front boundary and reduced in height to the satisfaction of the responsible authority.
- b) Softening of the second floor built form (mansard style), especially across the front façade to present as a more typical apartment style façade to the satisfaction of the responsible authority.
- c) Detailed information about permeable areas of site, including plan indicating areas included as 'permeable surfaces' and details of permeable surfaces proposed.
- d) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.
- e) Provision of a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the driveway to basement ramp.
- f) A signal system along the basement ramp to manage traffic conflict on ramp. A vehicle waiting bay/line is to be clearly line marked at the basement level to ensure ramp access ways remain clear at all times to the satisfaction of the Responsible Authority.
- g) The proposed crossover to be 3.6 metres in width. A 3 metre tree protection zone must be maintained.
- h) Finished floor levels for all dwellings.
- i) Screening of second floor northern facing balconies of dwellings 3 – 10, and south facing upper floor windows and balconies of dwellings 9,10 and 11 (where applicable) in accordance with standard 22 of Clause 55.04-6 of the Monash Planning Scheme.

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

2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. Before the commencement of buildings and works, 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. The plan must show the proposed landscape treatment of the site including:-

- the location of all existing trees and other vegetation to be retained on site
- provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
- planting to soften the appearance of hard surface areas such as driveways and other paved areas
- a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
- the location and details of all fencing
- the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
- details of all proposed hard surface materials including pathways, patio or decked areas

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

4. 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.
5. 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 by private contractor. The Waste Management Plan shall provide for:
  - a) The method of collection of garbage and recyclables for uses;
  - b) Designation of methods of collection by 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 and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed to form part of the permit.

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.

6. Prior to the commencement of any works that are permitted by this permit all trees that are to be retained, or are located within or adjacent to any works area shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.
7. No vehicle shall park under the canopy line of the street tree.
8. 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.)

9. 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.
10. Before the development permitted is completed, 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.

11. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
12. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.
13. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
  - The development is 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 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.

NOTES-

1. Building approval must be obtained prior to the commencement of the above approved works.
2. 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.
3. A Drainage Contribution will not be accepted in lieu of a detention system.
4. Detention system requirements for the above property are as follows:
  - Minimum storage = 12.8 cubic metres
  - Minimum discharge rate = 7.36 litres per second
  - Minimum orifice diameter is using orifice pit = 65mm, otherwise install a Phillips multi-cell or similar to control outflow
5. 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. A refundable security deposit of \$1,000.00 is to be paid prior to the drainage works commencing.
6. Direct the entire site's stormwater drainage to the north west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip of the property to Council standards. Note:- if the point of discharge cannot be located then notify Council's Engineering Division immediately.
7. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council's drains/Council pits/kerb & channel and these works are to be inspected by Council (telephone 9518 3555).
8. One printed copy 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 drainage works will meet all drainage requirements of this permit.
9. An onsite detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
10. 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.

11. In the event of parking restrictions in this area, owner/occupiers of this development will not be granted parking permits.

### **BACKGROUND:**

#### **History**

There are no previous planning permits issued for the site.

In November 2016 Council refused an application for a six (6) storey residential apartment building above a basement carpark, ground floor shop tenancies and reduced car parking at 91 Warrigal Road, Hughesdale, directly to the east of the subject site. This decision was affirmed by VCAT in its order dated 27 July 2017.

#### **The Site and Surrounds**

The subject site is located on the eastern side of Earlstown Road in Hughesdale, approximately 80 metres north of the intersection with Kangaroo Road, and is bounded by a 3.0 metres wide laneway to the rear.

The land comprises two lots and is generally rectangular in shape with a combined frontage 15.24 metres, a depth of 79.85 metres and a total site area of approximately 1,214 square metres.

The site currently contains two single storey brick dwellings, with pitched tiled roofs. There are no vehicle crossings on Earlstown Road with vehicle access via the rear laneway.

The land has a generally flat topography and does not contain any significant vegetation, although there is a street tree located centrally in the naturestrip.

The surrounding land use comprises residential land use to the north and west, with mixed commercial and residential land use to the east and south.

Features of adjoining land are as follows:

- North:** Single storey brick building occupied by Oaklea Hall Aged Care facility at 4-8 Earlstown Road.
- South:** This site is owned by Sacred Heart Girls School. The existing buildings on the site were recently demolished and works are currently underway to construct a single storey fitness building, at grade car parking and outdoor activity courts. The fitness building is located centrally on site away from the common boundary to the subject site.
- East:** Single storey commercial building at 91 Warrigal Road, beyond the laneway.
- West:** Single and double storey brick and weatherboard dwellings and units along the west side of Earlstown Road.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 1).

**PROPOSAL:**

It is proposed to demolish the existing dwellings, outbuildings and vegetation on the combined lots and construct twelve (12) three storey dwellings, within three separate building forms over basement car parking.

The proposal is summarised as follows:

- **Basement:** The basement consists of a car park with twenty-one (21) car spaces for residents and two (2) visitor car spaces, along with storage, bicycle racks and a bin enclosure.
- **Vehicle Access:** The basement car park would be accessed via a new 3.52 metres wide crossing on Earlstown Road located at the northern end of the frontage.
- **Ground Floor:** The ground floor of Dwellings 1-10 would comprise kitchen and living areas, while two bedrooms and a bathroom would be located at ground level for Dwellings 11 and 12.
- **Private Open Space:** Ground level private open spaces is primarily located on the northern side of the dwellings, with Dwelling 11 having a southerly orientation.
- **Pedestrian Access:** Access to the dwellings is located at the southern end of the frontage with a pathway running along the southern boundary of the site leading to the ground floor entries of the twelve (12) town houses
- **Building Setbacks:** At ground level the building would have a minimum setback of 4.0 metres from the frontage. It would be set back 2.38 metres – 4.05 metres from the northern boundary, 1.96 metres from the southern boundary and 2.16 metres from the rear boundary.
- **First Floor:** The first floor of Dwellings 1–10 would include two bedrooms and a bathroom, with the kitchen and living areas of Dwellings 11 and 12 located at first floor level. All dwelling would have access to a balcony at this level.
- **Second Floor:** The second floor level applies only to Dwellings 1-9 and would comprise a master bedroom and ensuite for each dwelling.
- **Building Height:** The building(s) would have a flat roof form with a maximum building height of 10.16 metres.
- **Building Materials:** Construction materials would include masonry blockwork at ground level with rendered upper floors with feature timber screens and raked metal elements.

Attachment 2 details plans forming part of the application.

**MONASH PLANNING SCHEME/PERMIT TRIGGERS:****Zoning**

The subject site is located within a General Residential Zone (Schedule 2) (GRZ2) under the provisions of the Monash Planning Scheme.

No permit is required for use of a dwelling within the zone.

Pursuant to the requirements of Clause 32.08-6 a permit is required to construct two or more dwellings.

Under the requirements introduced on 30 March 2017 by Amendment VC110, a minimum garden area at ground level of 35% of the site area is required in accordance with Clause 32.08-4 of the scheme, and a maximum height limit of 11.0 metres and three (3) storeys applies under Clause 32.08-9.

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

### **Overlays**

The land also falls within a Design and Development Overlay – Schedule 11 (DPO11) and under Clause 43.02-2 a permit is required to construct a building and/or to construct or carry out works.

Schedule 11 applies to the Oakleigh Major Activity Centre (OMAC) and the associated OMAC Structure Plan.

The subject site is located within Precinct 4 (Residential Periphery) and within Sub-Precinct 4D, in the structure plan.

The broad objectives for this Precinct, are:

- *“To ensure that the Oakleigh Major Activity Centre is developed in accordance with preferred built form outcomes.*
- *To avoid underdevelopment of sites.*
- *To maintain the prevailing streetscape rhythm and building scale of the Oakleigh Village.*
- *To develop the centre in a way that conserves and enhances its valued urban character and heritage places.*
- *To encourage a range of housing types and forms.*
- *To encourage environmentally sustainable design in the Oakleigh Major Activity Centre.*
- *To protect the economic viability of businesses by designing and constructing commercial premises to prevent unreasonable off-site amenity impacts on adjoining and nearby residential uses.*
- *To ensure new housing provides a high level of on-site amenity for residents.*
- *To improve pedestrian and access between key destination points.*
- *To ensure public spaces including key pedestrian streets have good solar access and weather protection.”*
- *To ensure that new development contributes to safe and active streets.”*

In order to achieve these objectives, it is recommended that the following design guidelines be followed when proposing new development in Sub Precinct 4D:

- *“A 4.0 metre landscaped setback to Earlstown Road*
- *Upper levels setback from façade, 2 metres for every 1 metre of building height above the façade limit until the building height for the site is reached.*
- *Upper levels should be appropriately recessed and stepped back from abutting residential uses providing a transition in built scale*
- *A front façade of 7.0 metres and a building height up to 10.5 metres (3 storeys).”*

These objectives and design guidelines are considered in greater detail throughout the assessment section of this report.

Attachment 3 also details the overlay applicable to the subject site and surrounding land.

**Amendment C125**

Amendment C125 was adopted by Council on 28 February 2017. The amendment proposes to include the site within the General Residential Zone Schedule 5. The new zone applies to land in the Oakleigh and Wheelers Hill activity centres and allows development to occur in accordance with previously approved structure plans for these activity centres.

**CONSULTATION:****Consultation with Applicant:**

Further information was requested of the Permit Applicant on 16 November 2017. The applicant was asked to lodge a plan showing total garden area to be not less than 35% as required by Clause 32.08-4 (introduced as part of amendment VC110). The plan shows 40.9% of the site to be set aside for garden area.

No other issues were raised.

**Public Notice:**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of notices sent to the surrounding property owners/occupiers, and three signs displayed on the land (located on each lot frontage and another at the rear of the property abutting the laneway).

Council has received eleven (11) objections including a petition with twenty-three (23) signatories. The grounds of objection relate to the following main areas of concern:

- Neighbourhood character
- Overshadowing
- Traffic congestion
- Car parking provision
- Waste management
- Landscaping
- Noise
- Density of development
- Building height
- Building design detail

Attachment 4 details the location of objector's property.

**Internal Referrals:****Traffic Engineers**

The application was referred to Council's Traffic Engineers who generally support the proposal, but suggest minor changes be made to the access/egress to the site to improve the functionality of the development. The changes include that a signal system be installed on the ramp to the basement car park to manage any potential conflicts, and that the vehicle crossover accessing the site be increased to 3.6 metres.

### Drainage Engineers

The application was referred to Council's Drainage Engineers who have no concerns about the proposal provided conditions are placed on any permit issued.

### **DISCUSSION:**

#### **Consistency with State and Local Planning Policies**

State Planning Policy relevant to the current proposal promotes the following:

- Encouragement of housing types at higher densities in and around activity centres (Clause 11.01-2);
- Location of new housing in or close to activity centres, employment corridors and areas that offer good access to services and transport (Clause 16.01-2 and clause 11.04-2);
- Create a city of 20 minute neighbourhoods – to create healthy and active neighbourhoods (11.04-4);
- Provision of housing that recognises and protects neighbourhood character and achieves architectural and urban design outcomes that contribute positively to local urban character (Clause 15);
- Provision of a diversity of housing types that meets community needs (Clause 16.01-4).

Clause 21 and 22 Local Policies of the Monash Planning Scheme expand on the broader State Planning Policy objectives providing local context to the strategic vision.

Council's Municipal Strategic Statement at Clause 21 recognises that there is an increasing demand for a variety of different housing styles to cater for changing household sizes and structures. Clause 21.06 (Activity Centres) identifies Oakleigh as one of the municipalities Major Activity Centres. Clause 21.06-3 specifically encourages, among other things, medium to high rise development (4-8 storeys) within the Oakleigh Major Activity Centre.

In the broader strategic sense, the proposal to develop the site for a three (3) storey building comprising twelve (12) town houses over basement car parking on the periphery of the Oakleigh Major Activity Centre is supported providing a suitable built form outcome can be achieved.

Overall the building scale and massing is consistent with the desired outcome for the area and the proposal would make a positive contribution to the supply and diversity of housing in the municipality.

#### **Monash Housing Strategy**

The Monash Housing Strategy 2014 (adopted by Council in October 2014) identifies this neighbourhood as being located in the Category 1 - 'Activity and Neighbourhood Centres', the objective for which is for:

- *"Housing change and diversification appropriate to the site context."*

The desired future character of the area seeks the following:

- *"Development within these areas will support housing growth and diversification; be of high quality, contemporary design; support pedestrian comfort, accessibility and safety; and incorporate environmentally sustainable and water sensitive design features."*
- *Detailed design standards may be found within Structure Plans or location-specific development controls. (i.e. DDO11)"*

In general the proposal would contribute to the desired higher density residential development encouraged on the fringe of the Oakleigh Activity Centre.

### **Assessment of the Proposal**

An assessment of the proposal has been prepared against the zoning (GRZ2), the Design and Development Overlay (DDO11) and relevant particular provisions, including Clause 55 (Res Code) and Clause 52.06 (Car parking), contained in the Monash Planning Scheme.

The proposal meets the requirements introduced by Amendment VC110. The proposal meets the 35% garden area requirement with the provision of 40.9%. This requirement allows for areas that are normally associated with the use of a garden area, such as open entertaining areas, lawns, garden beds, decks, swimming pools and tennis courts. It does not specifically exclude a garden areas above a basement carpark, however it does exclude driveways, areas set aside for car parking, and any building or roof area and any area that has a dimension of less than 1 metre from the calculation.

At the request of Council Officers, the applicant prepared a plan showing compliance with the garden area requirement of clause 32.08-4.

The proposed height of the development, at 10.16 metres, meets the 11.0 metre height limit and the three (3) storey limitation is also achieved.

### **Design and Development Overlay/Oakleigh Major Activity Structure Plan**

The proposal is consistent with the board objectives for the site under DDO11 and the OMAC Structure Plan which seeks to avoid underdevelopment of sites and encourages a range of housing types and forms. In particular the following heights and setbacks of the proposed development are generally consistent with preferences for Precinct 4D:

- The height of the proposed development is a maximum of three (3) storeys and 10.16 metres (maximum of 10.5 metres allowed).
- There is a 4.0 metres wide front building setback to Earlstown Road.
- The front façade of the ground and first floors is less than 7.0 metres in height with the second level, although being a raked form, not sufficiently recessed to meet the preferred setback of the upper level. It is our understanding that the proposal was designed prior to the demolition of a very dominant three storey building which adjoined the site to the immediate south on the school site. This building has since been demolished. In light of this, and given that the adjoining lot to the south is used for non-residential uses, it is recommended that the second floor of the front dwelling be redesigned to reduce its height, and its mansard form redesigned to present as a more typical three level apartment style interface to Earlstown Road. It is also recommended that the second level be setback a further 500 mm to Earlstown Road. This will be required by a condition of permit and will be to the satisfaction of the Responsible Authority. This is considered a good response, noting that the overall height of the building remains below the preferred 10.5 metre height for this precinct. The condition of permit will also require a softening of the second level along the length of the building to Council's satisfaction

**Clause 55/ResCode****Neighbourhood Character**

The site is located on the periphery of the Oakleigh Major Activity Centre, between the mixed uses fronting Kangaroo Road to the south and Warrigal Road to the east, and the more traditional dwellings fronting Earlstown Road to the north and west. Accordingly development on the subject site should provide a transition between the larger-scale developments and the more traditional scale of development. This has generally been achieved in the proposed development through increased recession from the more sensitive interfaces, such as the aged care home to the north, and the separation of form of the upper levels.

The proposed scale of the development is also consistent with what has been envisaged for the future character of the area, providing higher density development but in a 'town house' style that is more in keeping with the traditional style of housing in Earlstown Road, than a typical apartment building.

The use of a variety of compatible building materials in muted shades along with the significant articulation of form will reduce the impact in the streetscape and result in an appropriate buffer between the commercial and apartment buildings, and the older more traditional building forms.

Whilst pitched roof forms are prominent to the north and west of the site, flat roof forms are clearly evident to the south and east and are entirely appropriate for development within the activity centre. The raked wall of the second level creates a roof like form providing a link to more traditional roof forms in the area.

The single vehicle crossing on Earlstown Road is consistent with the pattern and rhythm in the street, and car parking will not be prominent with the provision of a basement carpark.

Overall the degree of integration with the streetscape is considered acceptable. The front fencing, whilst high, is consistent with the scale of the development and appropriate for the provision of privacy. Landscaping within the front building setback will soften the appearance of the development in the streetscape.

**Built Form and Setbacks**

The proposed maximum building height of three (3) storeys, transitioning from 10.16 metres at the front to 6.04 metres at the rear, complies however, as previously discussed, some changes are required across the front façade and will be dealt with via a condition 1 requirement on the planning permit.

Whilst the proposed front building setback of 4.0 metres falls short of the required standard of 7.6 metres setback, it is consistent with the Design and Development Overlay - Schedule 11 and the proposed zoning of the land under Amendment C125 to the Monash Planning Scheme as discussed in further detail below. Essentially, the proposed front setback is consistent with the desired outcome for the site.

The 9.1 metre setback from the aged care facility to the north will provide a generous buffer that, with appropriate landscaping, will soften the appearance of the development when viewed from the north and create an appropriate transitional space. The separation of form into three modules, and the reduced height to two (2) storeys at the rear of the site will further reduce the bulk and mass of the development when viewed from surrounding properties.

Whilst the 1.5 metres setback along the southern boundary for Dwellings 1 to 8 marginally encroaches into minimum setback, it is considered acceptable having regard to the adjoining driveway, car park and basketball court.

#### Site Coverage and Permeability

Site coverage of 55.3% and permeability of 37.8% are indicative of a development that respects the neighbourhood character and allows for the suitable provision of landscaping throughout the site. A condition of permit will require further details of permeable surfaces capable of absorbing stormwater.

#### Private Open Space

Each dwelling is provided with 22-34 square metres of secluded private open space, along with balconies over 8.0 square metres in area. Whilst this fails to meet the 75.0 square metre requirement, it is considered acceptable in this unique location on the fringe of the commercial area of the Oakleigh Major Activity Centre.

The ground floor areas of secluded open space are highly usable, being suitably orientated primarily to the north with easy access from living areas. These areas can be appropriately landscaped, and provide a useful buffer to the aged care facility to the north. Housing diversity is encouraged at this location and the variation requested in this instance is considered reasonable.

#### Amenity

The proposed development has been designed with a two storey component at the rear which ensures that overshadowing to the adjoining properties to the south are not unreasonably affected.

Potential overlooking has been dealt with by the use of obscure glazing where required. The 9.0 metres plus metre setback from the northern boundary also provides protection from overlooking.

Overlooking within the development has been dealt with by the use of screens and inset balconies.

Overall, internal amenity is considered acceptable with adequate daylight provision, appropriate room sizes and dimensions, suitable dwelling access and identity, and the provision of adequate storage.

Design Detail

The proposed design acknowledges the character of the area that is mixed, and includes 1-4 storey buildings constructed of various materials, with pitched and flat roofs. The propose design incorporates a variety of building materials evident in the surrounding build form such as brickwork and metal cladding and provides a suitable transition between traditional residential building forms to the north and west, and more contemporary building forms to the south and west.

**Car Parking, Traffic and Access**

The car parking spaces required under Clause 52.06 of the Monash Planning Scheme would be provided as shown in the following table:

| Use                         | Number of Dwellings | Clause 52.06 Requirement             | Car spaces provided |
|-----------------------------|---------------------|--------------------------------------|---------------------|
| One to two bedroom dwelling | 2                   | 3<br>(1 spaces per dwelling)         | 3                   |
| Three plus bedroom dwelling | 9                   | 18<br>(2 spaces per dwelling)        | 18                  |
| Visitor Parking             | 12                  | 2<br>(1 space for every 5 dwellings) | 2                   |
| <b>Total</b>                |                     | <b>23</b>                            | <b>23</b>           |

Car parking provision meets the above requirements.

The car parking layout is workable and vehicle access is suitably achieved. Council's Traffic suggest minor changes to improve the access/egress to the basement.

**Assessment Under Amendment C125 to the Monash Planning Scheme**

Under proposed Amendment C125 to the Monash Planning Scheme the land would be zoned General Residential Zone - Schedule 5 (GRZ5). The proposal shows considerable compliance with the proposed zoning that specifically relates to residential land within the Oakleigh Major Structure Plan.

**RESPONSE TO OBJECTIONS NOT PREVIOUSLY ADDRESSED:**

- Traffic congestion - Earlestown Road is subject to through traffic, however the road reserve is relatively wide. Restricted kerb side carparking (3 hour limit) is available on both sides of the road. The current proposal will not impact negatively on the road capacity.
- Car parking provision – The proposal provides the requisite number of on site carparking spaces for residents and visitors as required by clause 52.06 of the Monash Planning Scheme.
- Waste management – can be dealt with by permit condition requiring Management Plan.
- Noise – It is expected that noise levels would be consistent with residential use.
- Density of development – The proposed development is considered appropriate in the context that this site falls within the Oakleigh Major Activity Centre, where increases in residential densities are encouraged.

**CONCLUSION:**

The proposed development is considered satisfactory having regard to the relevant requirements of the Monash Planning Scheme including the State Planning Policy Framework, Local Planning Policy Framework including the Municipal Strategic Statement and Residential Development and Character Policy.

The design response displays considerable regard for the surrounding context, both existing and in the future, having sufficient consideration of building height and scale, design detail, landscaping and future amenity outcomes for residents located on the fringe of the Oakleigh Major Activity Centre.

It is recommended that Council, having considered all the matters required under Section 60 of the Planning and Environment Act 1987, issue a Notice of Decision to Grant a Planning Permit.

**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.