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12-14 JOHNSON STREET & 1 MILL ROAD, OAKLEIGH

Section 72 Planning
Application

Prepared for
GOLDMAN JOHNSON PTY LTD
18 November 2022



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director

Associate Director

Consultant

Project Code P0035972

Report Number Rep_02

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1. EXECUTIVE SUMMARY

Urbis act on behalf of (Goldman Johnson Pty Ltd) in relation to the above site and Planning Permit No. TPA/51498. We have been engaged to prepare and submit this Section 72 Amendment Application, which seeks to amend the permit to include land at 1 Mill Road, Oakleigh as part of the development, revise the overall design language and amend the permit preamble to include residential use.

SITE AND PROPOSAL

The subject site is located on a prominent site within the Oakleigh Major Activity Centre (MAC), adjacent to the Oakleigh Railway Station. The area is zoned Commercial 1 Zone (C1Z) and is affected by the Design and Development Overlay – Schedule 11 (DDO11).

The site is currently occupied by single storey commercial buildings, a hall and car parking. It is proposed to construct a mixed use building with retail and office premises accessed from ground floor levels, dwellings located at above and basement car parking. A canopy over the footpath at the Johnson Street and Mill Road frontages to provide shelter and contribute to activation.

PERMIT HISTORY

Planning Permit TPA/51498 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 12 May 2021, granting approval for *“construction of mixed use development including office and retail and a reduction in the standard car parking requirement in accordance with the endorsed plans.”*

The approved development comprises a 6-storey building with ground-floor retail uses and upper-level office uses. The land subject to this permission is 12-14 Johnson Street, Oakleigh.

PLANNING PERMISSION SOUGHT

In accordance with the Monash Planning Scheme, a planning permit is required for:

- Use the site for dwelling in the Commercial 1 Zone if the ground floor frontage exceeds 2m (Clause 34.01-1)
- Construct a building or construct or carry out works in the Commercial 1 Zone (Clause 34.01-4)
- Construct or carry out works under the Design and Development Overlay, Schedule 11 (Clause 43.02-2)
- Reduce the number of car parking spaces required under Clause 52.06-5 (Clause 52.06-3)

Amendments to the planning permit are also required to facilitate the modified design including updating the address of the land to include the site at 1 Mill Road. Suggested amendments to conditions are provided but are expected to be discussed and finalised through the application process.

Use of the land for retail and office is ‘as of right’ (no permit required).

APPROPRIATENESS OF THE PROPOSAL

The proposal is considered to achieve a high level of compliance with Monash Planning Scheme’s policies and objectives and is considered a high-quality proposal appropriate for the Oakleigh MAC. In particular:

- The layout and design of the proposed building is site responsive, generally accords with and implements directions and objectives of DDO11.
- The proposed building is of architectural excellence that delivers an interesting contribution to the area that sets a new benchmark including through the use of high-quality materials.
- It will provide a high-quality of internal amenity for future residents with open, well planned dwellings with access to communal open space including an entrance court at ground level and terraces at roof level.
- It will make a significant and positive contribution to the vibrancy and vitality of the Oakleigh MAC.
- It manages its off-site impacts and provides an appropriate level of car and bike parking within basement levels and will not have an unreasonable impact on the surrounding roads or transport network.

SUPPORTING DOCUMENTATION

- Certificates of Title
- Urban context report and design response prepared by Bruce Henderson Architects
- Architectural Drawings prepared by Bruce Henderson Architects
- Waste Management Plan prepared by R B Waste Consulting Service
- Traffic Assessment prepared by Ratio
- Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited
- Sustainability Management Plan prepared by The Green Factory
- Daylighting Report prepared by Meinhardt



Figure 1: Proposed Development showing Houghton Road Entrance Forecourt

2. SUBJECT SITE AND SURROUNDS



12 - 14 JOHNSON ST & 1 MILL RD, OAKLEIGH SITE LOCATION

Figure 2: Aerial of the Subject Site

2.1. SUBJECT SITE

The subject site is located on the northeast side of the intersection of Johnson Street and Mill Road, Oakleigh. The site also has a narrow frontage to Haughton Road, on the northeast side of the site. It is located within a triangular shaped 'island' area bordered by streets. The site is an amalgamation of six lots that create an irregular shape, with a western boundary length of 24.38m, a frontage along Mill Road of 57.05m and a frontage to Haughton Road yielding a total site area of 1,638.8sqm.

Land at 12-14 Johnson Street is currently occupied by two beauty salons, an office and a shoe store which are housed within a single storey, brick building with a pitched roof, separated into four tenancies with floor-to-ceiling windows and business identification signage fronting Johnson Street. Car parking is located towards the eastern portion of the site on Lot CM on Plan of Subdivision 33263. This area is devoid of any permanent structures.

Land at 1 Mill Road is occupied by a single storey, brown brick building used as a R.A.O.B Hall. The building is set back deep into the site and includes a large area of car parking facing Mill Road. A brown brick fence and gate runs along the site's frontage. Vegetation on-site is very limited with some shrub vegetation located along the western boundary, and some small trees located in the car parking area to the east.

The site comprises the following property titles:

- Lots 1, 2, 3 and 4 on Plan of Subdivision 33263
- Lot CM on Plan of Subdivision 33263
- Plan of Consolidation 153110

Figure 3: No. 12-14 Johnson Street (the site)



Picture 1: No. 12-14 Johnson Street from Johnson St



Picture 2: No. 14 Johnson Street from Mill Road

Figure 4: No. 1 Mill Road (the site)



Picture 3: No. 1 Mill Road from Mill Road



Picture 4: No. 1 Mill Road from Haughton Road

2.2. INTERFACES

1.1.1. North

No. 8-10 Johnson Street is occupied by a double storey, health clinic in its western aspect abutting Johnson Street. The rear, eastern aspect of No. 8-10 Johnson Street comprises an at-grade car park with access from Haughton Road to the north-east. Beyond this are double storey commercial buildings. These buildings are within the same precinct of DDO11 as the subject site with preferred building heights of five storeys.

The east part of the site abuts Haughton Road, which is a local road with some areas of restricted parking on the southeast side. Its interface to the street is of a crossover and low-level landscaping. Further north, on the opposite side of Haughton Road is the Oakleigh Railway Station, which features a single storey building and associated platforms. This station is serviced by the Cranbourne and Pakenham lines.

Beyond the station, is Oakleigh Village, which includes a number of retail premises, restaurants and services.

Figure 5: No. 8-10 Johnson Street



Picture 5: No. 8-10 Johnson Street from Johnson Street



Picture 6: No. 8-10 Johnson Street from Haughton Road

Figure 6: Haughton Road and Oakleigh Station adjacent to the subject site



1.1.2. East

To the east is land at Nos. 12, 16, 18A and 22 Haughton Road and No. 5 Mill Road, a group of properties in a triangular formation with frontages to both Mill and Haughton Roads. They are occupied by double storey residential and commercial developments. Some of these have Haughton Road as their main frontage, whilst others face Mill Road. The buildings to the east of the subject site, are also within the same precinct of DDO11 as the subject site with preferred building heights of five storeys.

Beyond the railway line to the east is Oakleigh Central, which comprises a broad range of shops including Coles and Woolworths supermarkets. Surrounding Oakleigh Central is the main shopping area associated with the Oakleigh Major Activity Centre (OMAC) which includes numerous commercial premises including Oakleigh Market, Eaton Mall and many restaurants and speciality stores.

Figure 7: Nos. Nos. 12, 16, 18 and 22 Haughton Road



Figure 8: Nos. 12, 16, 18 and 22 Haughton Road and No. 5 Mill Road



1.1.3. South

To the south of the site, the area is characterised by low scale residences with large front and rear private open spaces which are zoned General Residential (Schedule 5 – Oakleigh and Wheelers Hill Activity Centres). These dwellings are also located with Precinct 3C of DDO11 which is classified as part of the ‘Commercial Periphery’ that are strategically earmarked for buildings generally between three and four storeys in height.

The single storey, brick dwelling directly opposite the subject site to the south at No. 16 Johnson Street has its frontage to Johnson Street with Mill Road being its side-age and car parking access to the rear private open space.

No. 70 Warrigal Road, to the south-west of the subject site, is currently vacant land with large canopy trees. Beyond this, the 'Sacred Heart Catholic Church' is located at No. 19-21 Johnson Street, but its main frontage is to Warrigal Road further to the west. Sacred Heart Primary School is located at the end of Johnson Street to the south.

Figure 9: No. 16 Johnson Street and No. 2 Mill Road adjacent to the site



1.1.4. West

Directly in front of the subject site, Johnson Street offers two parallel car parking spaces. More perpendicular car parking spaces are provided along this side of the street further north. Along the western side of the street is a large public car park (for public transport commuters only) located at No. 1-15 Johnson Street and a Bus Stop which services Routes 625 (Chadstone Shopping Centre), 701 (Bentleigh) and 733 (Box Hill).

Within Clause 21.15 (Oakleigh Major Activity Centre Structure Plan) of the Monash Planning Scheme, this site is identified as a 'Strategic Development Site'. This site is located with Precinct 3A of DDO11 which is classified as part of the 'Commercial Periphery' with a preferred building height of 8 storeys (28m).

Further to the west is Warrigal Road, an arterial road that runs in a north-south direction with a portion of it being raised over Haughton Road and effectively creating an overpass. The area to the west is zoned as Road Zone, Category 1, with a small section in the car parking area zoned General Residential. Along the western frontage of Warrigal Road, the area is zoned Commercial 1 with shops and a four-storey apartment development.

Figure 10: Car Parking adjacent the site on Johnson Street



1.2. SURROUNDING AREA

The subject site is located within the OMAC. The surrounding area will see substantial change in the near future with low scale commercial and residential buildings being replaced by higher density developments, ranging up to 18 storeys. This includes:

- No. 2-4 Atherton Road, Oakleigh (approved, 14 storey mixed-use development)
- No. 102-108 Drummond Street, Oakleigh (approved, eight storey residential building)
- No. 11 Chester Street, Oakleigh (approved, nine storey residential building)
- No. 35-41 Dalgety Street, Oakleigh (approved, six storey residential building)
- Nos. 89-93 Atherton Road, Oakleigh (approved, seven storey residential development)
- Nos. 63, 65 & 65A Atherton Road, Oakleigh (approved, six storey, mixed use building)
- Nos. 807-811 Warrigal Road, Oakleigh (approved, three residential buildings, between four and 18 storeys)

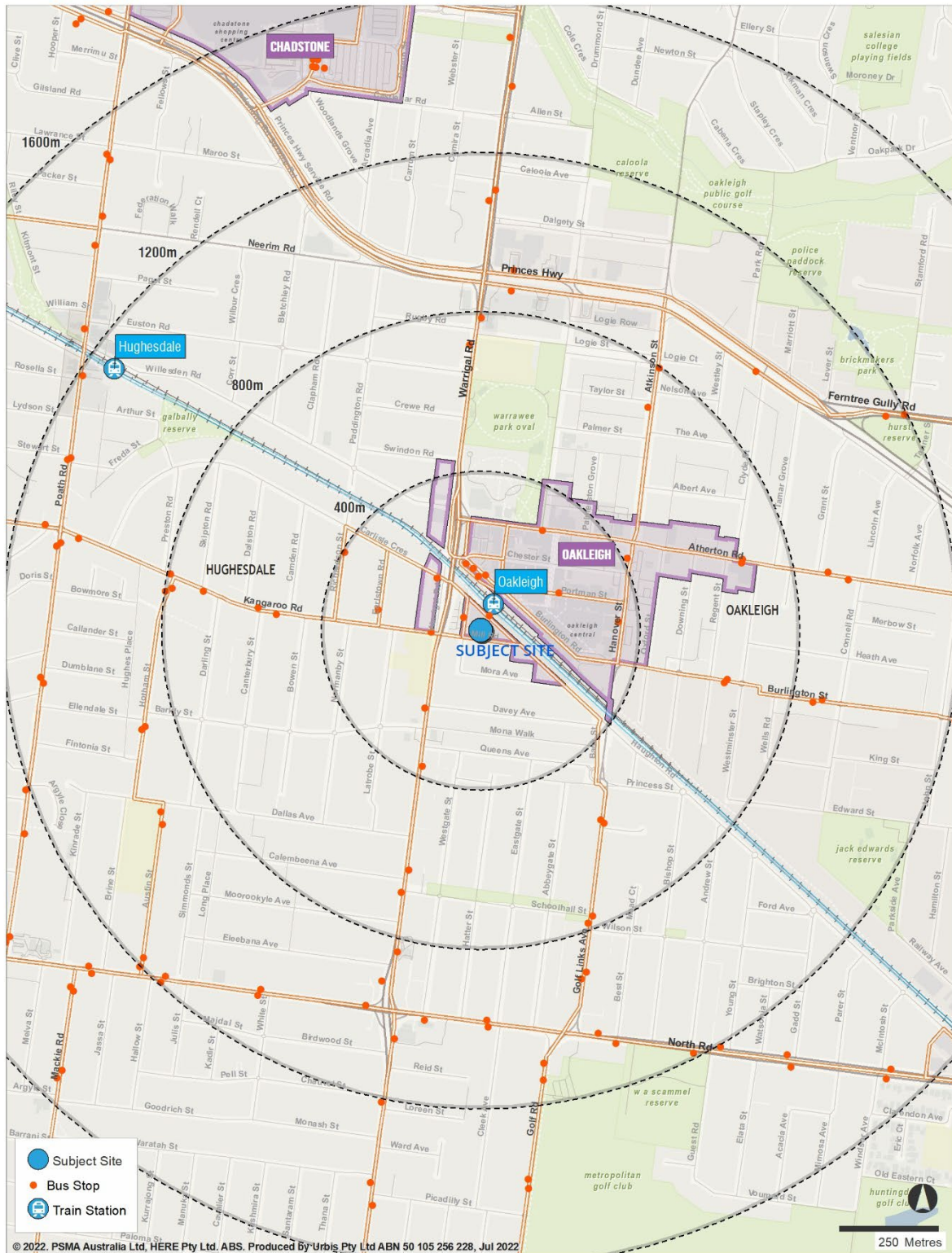
The Oakleigh Railway Station upgrade has recently been completed achieving an improved interface with Houghton Road, revised access arrangement, shelter, seating areas and landscaping.

The site is located approximately 120m south-west of Oakleigh Central and 140m south-west of Oakleigh Village which provide a local and regional role including retail, specialty food goods, entertainment and service functions.

Further, the following services and education facilities are within a 500m radius of the site:

- Oakleigh Library
- Oakleigh Police Station
- Sacred Heart Girls' College
- Sacred Heart Primary School
- Oakleigh Grammar
- The Metropolitan Golf Club

Figure 11: Activity Centres and Public Transport



12 - 14 JOHNSON ST & 1 MILL RD, OAKLEIGH

ACTIVITY CENTRES & PUBLIC TRANSPORT

3. BACKGROUND

Planning Permit TPA/51498, was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) on 12 May 2021 for 'construction of mixed use development including office and retail and a reduction in the standard car parking requirement in accordance with the endorsed plans'. The land subject to this permission is 12-14 Johnson Street, Oakleigh. The approved development is for a 6 storey building with retail at ground floor and offices above. Detailed development plans have not been endorsed for the originally approved permit.

The Tribunal (*Goldman Johnson Pty Ltd v Monash CC* [2021] VCAT 382) were satisfied that the proposal respected and contributed to the preferred character of the Oakleigh Main Activity Centre. The Member concluded 'the scale of development on this land, and surrounding land, is expected and encouraged to change. It will become more robust, with support for higher and more massed development with scale to the street' (33).

The approved overall building height was approximately 23.2m (6 storeys) at its tallest point and a three-storey street wall height of 12.8m (inclusive of a 1m high glass balustrade). Setbacks above the street wall range between 3.7m and 5m facing Johnson Street, and 3.7m along the Mill Road frontage with these increasing at the top floor cap, to 5m from both the western and southern boundaries.

The VCAT member acknowledged that the proposal was one storey higher than the preferred height limit, however, saw it as an appropriate response within its surrounding context.

They made the following key comments:

- 'Given the site's location within the activity centre, where eight storey forms are anticipated on the western side of Johnson Street, and four storeys are anticipated on the southern side of Mill Road, the proposed building would provide an acceptable transition to these precincts' (41).
- 'The design acknowledges and responds to the lower built form expectations of properties to the south while fulfilling the ambitions of DDO11' (46).
- 'Satisfied that Level 5 is appropriately recessed from the interface with the residentially zoned land opposite, being set back 8.1 metres from Mill Road, behind the 4 metre setback provided at Level 4. The additional height of the building also gives rise to no significant overshadowing impacts to the public realm' (47).
- 'With respect to the street wall height I am satisfied that that the proposed street wall provides a human scale and through its design and selection of materials reflects the preferred character of the area' (48).

The VCAT Member was supportive of a reduction of 65 spaces (58 commercial and 7 shop spaces) in the previous approval. They stated 'with respect to the proposed office use, I am satisfied that the proposal provides an acceptable amount of car parking in the context of sustainable transport policies and the site context. Reducing the supply of on-site car parking (below the statutory rate) for the proposed office use will encourage the use of alternative transport modes by staff' (65)

Figure 12: Originally approved development at 12-14 Johnson Street, Oakleigh



4. THE PROPOSAL

Figure 13: Proposed Development showing frontage to Mill Road



This application seeks approval to amend the endorsed plans under Planning Permit TPA/51498 under Section 72 of the *Planning and Environment Act 1987*. The proposed amendment seeks to modify the site layout to include an additional parcel to deliver an integrated and comprehensive development that will make an improved contribution to the area and broader Oakleigh MAC.

It is proposed to include an additional level for a 7-storey building instead of 6 (height of 23 metres instead of 23.2m). The lift core projects above the top floor at 2.7 metres higher at roof level than the original approval, however, the lift cores are designed to be subservient. Given the reduced floor to ceiling height of the residential floors when compared with an office use, the additional levels are not a significant change from the original approval. We note that the substantive component of the development only remains up to the Level 7 floor height which is 0.2 metres less than in the existing approval.

As indicated above, as part of this amendment, it is sought to change the preamble to include the residential use and delete any unnecessary references to permit not-required uses:

Construction of mixed use development including ~~office and retail~~ residential and a reduction in the standard car parking requirement in accordance with the endorsed plans.

4.1. SUMMARY OF KEY COMPONENTS

Table 1 Summary of key components

Design Component	Proposed	Approved
Site area	1,638sqm	891.8sqm

Design Component	Proposed	Approved	
Max. height	23m (AHD 78.65) plus plant	23.2m (AHD 78.85) plus plant	
Car parking	82 spaces	32 spaces	
Bicycle spaces	88 spaces (including 17 visitor/staff spaces)	30 spaces	
Proposed uses	Use	No./Area	
	Dwelling	70 apartments	0 apartments
	Retail	2 tenancies (219.3sqm)	2 tenancies (272 sqm)
	Commercial	4 tenancies (747.2sqm)	5 levels (2,957 sqm)

4.2. USE

The proposed amended development includes retail and commercial spaces fronting Johnson Street, Mill Road and Haughton Road that will deliver a high level of activation, visual interest and amenity.

Dwellings comprise the remainder of the floor space above ground floor level and accommodate:

- 13 x 1 bedroom dwellings.
- 54 x 2 bedroom dwellings.
- 3 x 3 bedroom dwellings.
- 144sqm of outdoor communal space
- 52.7sqm Haughton Road entrance fore court.

The ground plane building program is shown below.

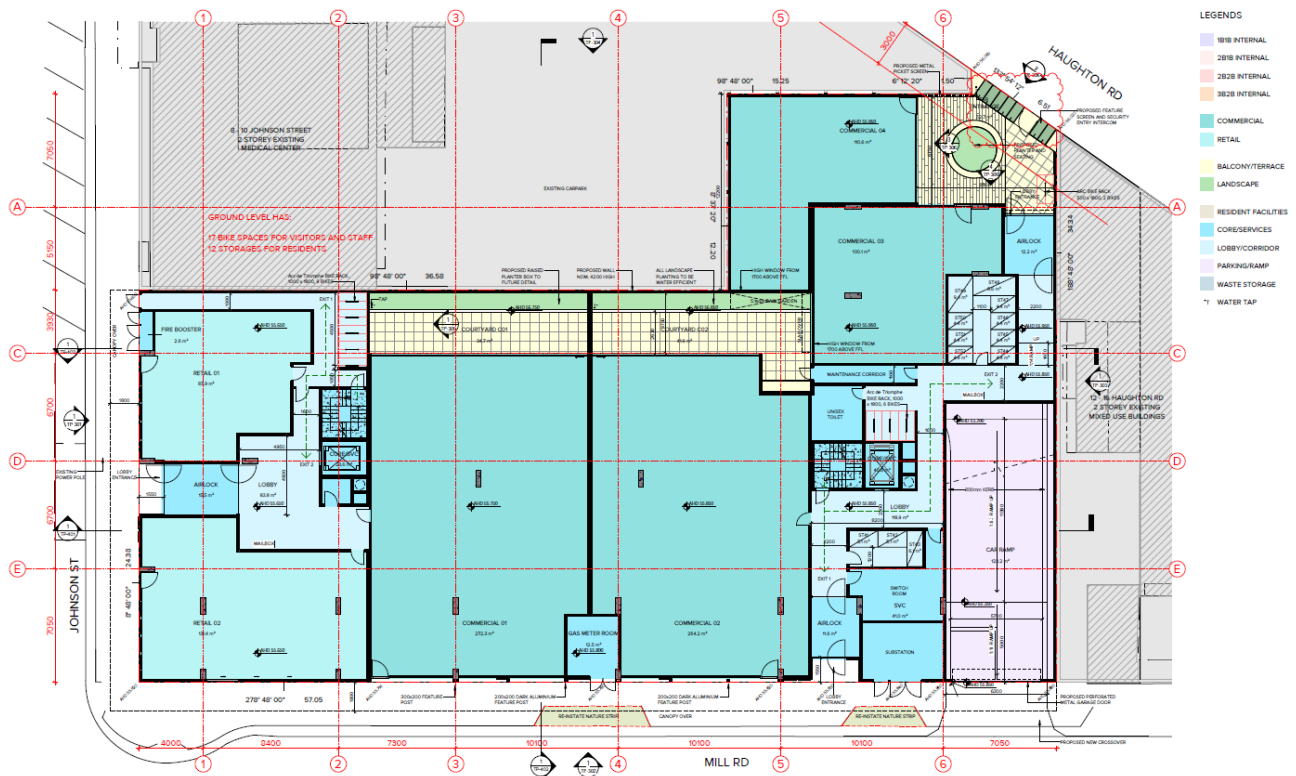


Figure 14: Program of uses at ground level

4.3. BUILT FORM

The proposed development comprises full demolition of the existing buildings on-site and construction of an eight-storey building. The proposed building features a high-quality contemporary design providing a building at human scale with a focus on street level activation. The proposal will positively contribute to the streetscape of Johnson Street, Mill Road and Haughton Road as well as the character and amenity of the wider area.

The key features of the building are summarised as follows:

- The proposed building features an 7-storey form plus lift core, resulting in a maximum height of 23m.
- The building is generally constructed to all boundaries save for recesses at the ground level on the northeast side and the northern setback for ground level courtyard to the rear of the commercial tenancies.
- The proposal has been designed to provide a stepped transition down to Johnson Street and Mill Road. Setbacks above the street wall range between 2.5m and 4.975m facing Johnson Street, and 4m to 8.1m along the Mill Road frontage. The top floor airlock and lift cores are setback to 11.2m from Johnson Street and approximately 11m from Mill Road.
- The building is setback from the north boundary towards the centre of the site, incorporating courtyards for the commercial premises at ground floor. The setback to the north boundary varies from 3.73m in depth at ground level while upper level setbacks increase up to 7.68m.
- The entrance on Haughton Road includes a 3 storey feature screen providing articulation and amenity for the building, as well as defining the forecourt space and providing security.
- The architectural expression is a thoughtful transition between horizontal and vertical elements while responding to each adjoining interface. The boundary walls are designed to present well with or without buildings on the adjoining land, this includes a balance of grid shapes and textured materials (including brick), providing definition between upper and lower levels (see Figure 16)

Figure 15: Proposed development showing frontage to Johnson Street



Figure 16: Proposed development from the intersection of Johnson Street and Haughton Road



Table 2: Approved and proposed podiums and setbacks.

	Podium Height / GL setback (approved)	Podium Height / GL setback (proposed)	Upper level setbacks (approved)	Upper level setbacks (proposed)
Johnson Street	3 storey podium 11.8m + 1m balustrade	3 storey podium 10.4m + 1200 planter	L3 to L5: 5m	L3 to L5: 2.5m L6: 4.15m L7: 11.2m
Mill Road	3 storey podium 11.8m + 1m balustrade	3 storeys 10.4m + 1200 planter	L3 to L4: 4m L6: 8.1m	L3 to L5: 3.45m L6: 8.1m L7: 10.48m
Haughton Road	N/A	3 storey screen 10.2m	N/A	L3 to L6: 3m L7: 5.3m
North Boundary (central)	Zero setback 4.5m x 4.5m light court	3.37m setback	Zero setback 4.5m x 4.5m light court	L1: between 3.37m and 3.93m L2 to L6: 5.33m L7: 6m

4.4. LANDSCAPING

Landscape greening will be provided on roofed areas and terraces of the proposed development as follows:

- Planters are proposed within the entrance fore court and the commercial courtyards.
- Planters are proposed on balconies throughout the building.

- Planters are proposed on the roof of the building, providing green spaces adjacent to the communal terrace.

4.5. VEHICLE ACCESS AND PARKING

On-site parking will be provided at basement levels, accommodating 82 car spaces including one accessible space. A total of 88 secure bicycle spaces are also proposed on site, furthering sustainable transport initiatives. Vehicle access to the site will be via a new double crossover from Mill Road.

For further detail in relation to car parking arrangements and access, please refer to the Traffic Assessment Report prepared by Ratio Consultants.

4.6. WASTE MANAGEMENT

Waste will be stored in dedicated bin rooms within the basement and will be collected by private contractor from within the building. Residential occupants shall sort their waste and dispose garbage and recyclables into their own bins, then transfer to waste store via E-Diverter chutes. Commercial/retail tenants will transfer their waste to the Basement Level 1 waste store.

Refer to the waste management plan prepared by R B Waste Consulting for further details.

4.7. ENVIRONMENTALLY SUSTAINABLE DESIGN

The proposed development has been designed with the potential to achieve a 62% Built Environment Sustainability Scorecard rating through the inclusion of a variety of features including 10,000 litres of water tanks for irrigation and toilet flushing, several arrays of roof mounted solar voltaic panels, communal clothes lines for passive drying and water efficient fixture and fittings.

Please refer to the Sustainability Management Plan prepared by The Green Factory and architectural plans prepared by Bruce Henderson Architects for further details.

5. PLANNING FRAMEWORK

The following section of this report contains an overview of the relevant planning policies and controls, noting a more detailed summary is contained at **Appendix A**.

5.1. ZONING

The site is located within the **Commercial 1 Zone**

The relevant purposes of the C1Z are:

- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Pursuant to Clause 34.01-1 (Table of uses) a permit is required to use land for accommodation if a ground level frontage exceeds 2m.

The proposed uses of 'office' and 'retail' are 'Section 1 – Permit Not Required' uses under Clause 34.01-1.

Pursuant to Clause 34.01-4 (Buildings and works) a permit is required to construct a building or construct or carry out works.

5.2. OVERLAYS

The site is affected by the following:

Design and Development Overlay – Schedule 11 (Oakleigh Major Activity Centre) (DDO11)

The subject site is located within Precinct 3C 'Commercial Periphery'.

Pursuant to Clause 43.02-2 a permit is required to Construct a building or carry out works.

5.3. STATE PLANNING POLICY FRAMEWORK

The following relevant State Planning Policies that have been considered when assessing this proposal.

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 17 – Diversified Economy
- Clause 18 - Transport
- Clause 19 – Infrastructure

5.4. LOCAL PLANNING POLICY FRAMEWORK

The following relevant Local Planning Policies that have been considered when assessing this proposal.

- Clause 21.01-1 Municipal Profile
- Clause 21.04 Residential Development
- Clause 21.05 Economic Development
- Clause 21.06 Major Activity and Neighbourhood Centres
- Clause 21.08 Transport and Traffic
- Clause 21.13 Sustainability and Environment
- Clause 21.15 Oakleigh Major Activity Centre Structure Plan

- Clause 22.03 Industry and Business Development and Character Policy
- Clause 22.04 Stormwater Management Policy
- Clause 22.13 Environmentally Sustainable Development

5.5. GENERAL AND PARTICULAR PROVISIONS

- Clause 52.06 – Car Parking
- Clause 52.34 – Bicycle Facilities
- Clause 53.18 – Storm Water Management in Urban Development
- Clause 65 - Decision guidelines
- Clause 66.02-11 - Integrated Public Transport Planning

5.6. OTHER CONSIDERATIONS

5.6.1. Strategic Documents

- Plan Melbourne
- Oakleigh Major Activity Centre Structure Plan, City of Monash, 28 August 2012

6. PLANNING ASSESSMENT

This application presents an exciting opportunity to enhance the site and contribute to the surrounding area through the delivery of a high-quality mixed-use development.

The following matters are key for the planning assessment of the proposed development:

- Strategic Support for the Proposal
- Appropriateness of Uses
- Built Form
- Amenity Considerations
- Traffic, Access and Car Parking
- Other Considerations

6.1. STRATEGIC POLICY SUPPORT

The proposed development enjoys strong strategic support at the State and local policy level. The site is within an area where higher density development and a mixture of uses are encouraged. The Oakleigh area will be undergoing significant change in the near future as the built form outcomes of the DDO are achieved, within the immediate area.

The metropolitan planning strategy, *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists. The proposal facilitates this by locating high density dwellings, retail and office tenancies within a MAC where a number of services, employment opportunities and facilities are able to be accessed within short walking distance. The original approval provided for a solely commercial building which provided additional employment opportunities, however the proposal now also includes dwellings. The site is within an area where intensive development and a mixture of uses are encouraged owing to the MAC classification and zoning. Plan Melbourne and the PPF envisage MACs as a focus for a mix of commercial and higher-density residential development in order to consolidate urban environments and support local economic growth in areas near established jobs, services, and public transport.

Clause 11.03-1S, specifically encourages a diversity and higher density of housing within and around activity centres such as Oakleigh. This is supported by clauses 16.01-1S and 16.01-1R that encourage new housing at higher densities in activity centres that are well serviced by public transport, jobs and amenities. These strategies are aimed at ensuring people live close to the things they need, including by public transport that will support the achievement of '20-minute neighbourhoods'.

The proposal will support economic opportunities in a highly accessible, service-rich area. State and local policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development in activity centres and more intense development on sites well connected to public transport. Clause 21.05-3 also seeks to increase the number and diversity of employment opportunities, specifically identifying service industries as an area where opportunities have been created by declines in traditional manufacturing businesses. The proposal complies with this policy and achieves these goals by providing a variety of commercial land uses on-site (retail and office). This complies with the vision for the surrounding area as set out in Clause 21.15.

Having regard to the above, the proposed re-development of the site for a larger-scale, mixed use building is considered to have strategic planning support as it will create employment opportunities in underutilised commercial areas in compliance with Clauses 21.05 and 21.06. Local policy aims to offer a range of retail needs and encourage office employment growth with taller forms encouraged near Oakleigh Railway Station. This development will assist Council in meeting this policy. It is noted that retail shop uses are discouraged in Sub Precinct 3C as per Clause 21.15, however this local policy is discordant with the zoning of the land where retail uses do not require a planning permit.

The site has excellent access to the public transport network with it being positioned adjacent to the Oakleigh Railway Station and various bus routes which ensures the development facilitates greater use of more sustainable forms of transport, in compliance with Clauses 18.01-1S, 18.02-1S, 18.02-2S and 21.08 of the Monash Planning Scheme.

DDO11 specifies a maximum building height of 17.5m (five storeys) for the subject site, however this is not a mandatory control. As set out by the VCAT member in the original decision *'there is discretion to grant a permit for a proposal that does not comply with these requirements if it results in an acceptable planning outcome having regard to the objectives of the DDO11 and the broader strategic and physical context of the land'* (34). The VCAT member concluded that *'while the proposed building does not strictly comply with the nominated height and setbacks expressed in DDO11, I am satisfied that the proposal responds to the precinct objectives and guidelines of the DDO11, which is ultimately the relevant test'* (37).

Given the site's location within the OMAC, size of the site (which has now increased since the original approval and has incorporated an additional street frontage) and well considered massing proportions. The proposal is generally in-line with the scale and massing of the approved development, save for centrally local lift corns and balcony balustrades. The proposed amendment remains responsive to the precinct objectives.

A summary of the applicable State and Local Planning Policies, Zone, Overlays and Particular Provisions are found at **Appendix A**.

6.2. USES

The proposed amendments modify the land use of the development to primarily comprise of dwellings above ground level retail and commercial tenancies.

Whilst the configuration of the development is proposed to be modified, a range of commercial tenancy sizes and locations remains consistent with the approved development and in line with the role and function of the Oakleigh MAC. The proposal remains consistent with Objective 5 of the MSS within Clause 21.05-2 and would complement the surrounding area, as well as strengthening its long term viability as a destination for the local and broader community. The mix of uses proposed is typical of a Commercial 1 Zone and reinforces the general mix of uses already established within the area. The uses proposed are appropriate and are outlined in Council's local policies Clauses 21.04, 21.05 and 21.06 as being desirable in this location.

The proposal incorporates a residential entry at ground level with dwellings above. The use of the site as a residential building is supported by both State and Local policy, as outlined previously, and promotes urban consolidation near a MAC that is well serviced by existing infrastructure and services.

The provision of dwellings is supported by the C1Z, which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. Ordinarily dwellings are an as-of-right use within the C1Z, except where they have a frontage at ground floor exceeding two metres, which is the case for the proposed development. Given the abutting commercial uses, the ground floor frontage remains highly activated.

The site is positioned within the OMAC at the most southern extent of the Commercial 1 Zone. The site is a transition area between the residentially zoned land to the south and commercial to the north, and east and its ground floor residential frontage is considered an acceptable outcome.

A more detailed discussion regarding the internal amenity of the proposed dwellings will be undertaken within the Clause 58 assessment, however strategically the provision of dwellings in the proposed location is accorded with a high level of policy support.

6.3. BUILT FORM

The proposed development is of high quality architecture which responds appropriately to the preferred character of the area as outlined within the Monash Planning Scheme.

Figure 17: Render of proposed Mill Road façade



6.3.1. Building Height, Podium and Setbacks

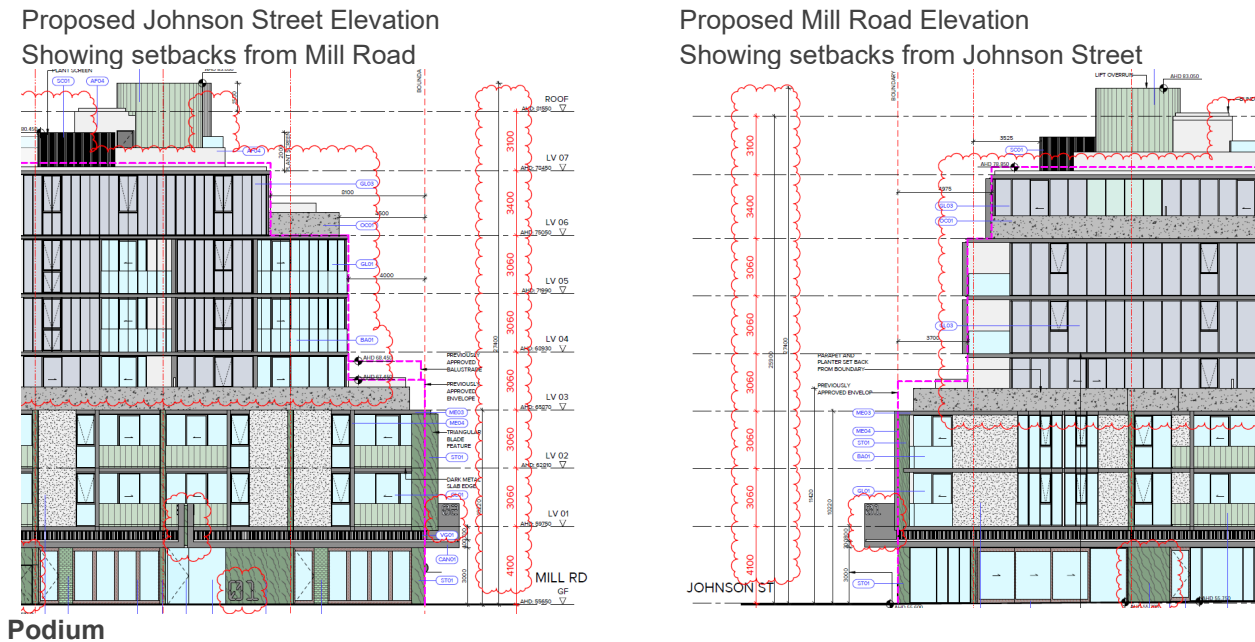
Building Height

It is acknowledged that the proposal exceeds the preferred maximum building heights (17.5m and five storeys) within DDO11 for Precinct 3C. The DDO11 outlines that the preferred building height can be exceeded in particular instances where the context warrants an alternative design response and that design response demonstrates a respect for, and significantly contributes to, the preferred character of the Oakleigh MAC.

The development has an overall building height of approximately 22.75m (7 storeys). This is generally in-line with the previous approved building height, save for centrally located services, plant and mechanical equipment, lift cores and open terrace structures.

As encouraged by the Monash Planning Scheme, the scale of development in this area is expected to change and the proposal positively responds to the preferred character. The proposal creates an appropriate transition to the higher built form which will emerge further to the west side of Johnson Street, with this specifically being acknowledged within the original Tribunal decision. The interface with Mill Road would be consistent with the original approval (albeit greater in breadth), where the VCAT Member found that the *'height and massing of the building are acceptable at the interface with the GRZ5 land to the south as the upper level façade is set back from Mill Road and there will be limited visibility of the upper floor when viewed from the footpath opposite the building'* (45). Of note, the sites to the south are nominated as having a future maximum height of four storeys which provides for transition to the subject site. Whilst the existing development at 2 Mill Road is three storeys in height, the provision of the podium with staggered setbacks continue to assist with this transition. The upper levels would follow a similar setback line while there is some additional form for the lifts cores and other services that are appropriately setback from the boundaries.

Figure 18: Johnson Street and Mill Road elevations (pink line showing original approval)



Podium

A similar building envelope is employed as part of this proposal (as shown on the elevations above), but expanded to the east to include 1 Mill Road and also slightly lower in height as depicted by the pink dashed line in the elevations. This includes a 3 storey (11.42 to 11.7m) high podium (including parapet and planter) along Johnson Street and Mill Road. The screen at the Haughton Road frontage is 10.2m high and is designed to continue the street podium of existing and potential future development on this frontage. The proposed podiums are compliant with the DDO11 preferred street façade height of 12m and also commensurate to the approved street wall height. Careful consideration has been afforded to ensuring the street interfaces are at a human scale, including a fine grain of detail in the materiality, the incorporation of shelter, wayfinding and glazing. Design matters are further discussed below.

Setbacks

The proposed amended development continues to seek a variation to DDO11 which outlines a preferred setback above the street wall of at least 5m. Above the podium, the proposal generally complies with the approved setbacks, albeit with sun fins on the Johnson Street façade partially projecting within the western setback. The proposed setbacks are approximately between 3.7m to 4.5m facing Johnson Street, and 4m to 8.1m along the Mill Road frontage. On the Mill Road frontage, the setbacks are consistent with the original approval. Any changes to the setbacks are inconsequential to the massing of the development, while articulation and distribution of materials across the facades is carefully considered to balance the appearance of the building.

An objective in DDO11 seeks to achieve a transition in height and building form where the commercial zone is adjacent to residential zones. However, in regards to the General Residential Zoned land on the south side of Mill Road, this land is also with Sub-Precinct 3C and is itself expected to be developed intensely and to give effect to activity centre policy. This provides a transition to the lower scale forms further to the south. The upper level setbacks will ensure that the building presents to the public realm on the opposite side of Mill Road as a six storey form with a three storey street wall. For these reasons the proposal achieves a suitable transition in height, having regard to its context with the Oakleigh MAC and the guidance provided within the Scheme for development in Sub-Precinct 3C. This is generally in-line with the original approval.

In regard to interfaces with adjoining property, the proposed built form will generally be on the boundary, anticipating boundary to boundary future development on neighbouring sites. The extremities of the boundary walls of the proposal include a mix of square grid and rectangular shapes of muted colours to provide articulation on these otherwise blank walls. This configuration is considered to ensure an equitable development opportunity on the adjoining sites to the north and east. The proposal will be built to the boundary at appropriate locations towards, where boundary to boundary development is expected while incorporating upper level setbacks towards No. 8-10 Johnson Street and No. 12-16 Haughton Road.

A setback is proposed to the north to allow for a courtyard to the commercial premises and provide a light court for future development at No. 8-10 Johnson Street. The proposed building setback to the north

boundary is 3.73m at Ground Floor Level and 6m at Level 7, gradually stepping back as the height increases.

Specifically, the following built form setbacks are provided to north-facing apartments on the northern boundary:

- The ground floor abuts the common northern boundary, with the rear boundaries of the two commercial tenancies fronting Mill Road set back at 3.73 metres to accommodate rear courtyards.
- The built form setback varies between approximately 6.33 - 7.33 metres at first floor level from the northern boundary (with balconies set back approximately 3.93 metres from the boundary).
- The built form setback varies between approximately 7.03 and 7.33 metres at second, third, fourth, fifth and sixth floor level from the northern boundary (with balconies set back approximately 5.33 metres from the boundary).

This setback structure was not included in the original approval and allows opportunities for more solar access to neighbouring sites.

6.3.2. Ground plane and interfaces

The proposed development incorporates a range of active interfaces at the ground level and incorporates a sophisticated set of materials and finishes that are high-quality, tactile, provide texture, depth and a human scale. The existing conditions along the street frontages to Mill and Haughton Roads is currently devoid of any street activation and consists of car parking interfaces.

With the inclusion of 1 Mill Road in the development, the proposal will provide a significant improvement to the public realm and visual interest at the pedestrian level, as sought by DDO11. The proposal includes six commercial and retail tenancies at ground floor level, improving the activation of Johnson Street, Mill Road and Haughton Road by incorporating glazing, canopies and entrances along the frontages. The proposal will transform each frontage into an active streetscape, from what is currently a mix of car parks, rear yards and side elevations. Clear wayfinding has been provided with entrances demarcated and labelled.

The proposed vehicle access and substation that face Mill Road, are appropriately located to allow for activation for the Mill Road and Johnson Street frontages. The previous approval incorporated a similar arrangement with the vehicle access and substation grouped at the Mill Road frontage, away from the main commercial frontages, which is towards the Johnson Street and Mill Road intersection in this proposal. The substation is designed to tie in with the façade presentation, including the use of marble cladding.

At Haughton Road, the site is constrained to a narrow frontage, given the unusual shape of the site. At this frontage a screen is proposed, featuring 'urban art' to contribute to the public realm, particularly when viewing from the Oakleigh Station foreground. The screen is shown on the Architectural Plans with a series of statues, which will add a new feature of interest, adding to the vibrancy of the area.

The development purposely utilises solid elements such as marble and brick at lower levels in combination with insets and canopies to establish a 'base'. These techniques again deliver a human scale and visual variation across the development with unifying elements that enhance legibility.

6.3.3. Architectural appearance and materials

The proposed development is a high-quality building designed to sit comfortably within the surrounding context. The buildings main frontages to Johnson Street and Mill Road features a mix of materials including splashes of red and green marble, green and red brick and 'pale eucalypt' standing seam metal offering a vibrant appearance to the lower levels of building. This is mixed with muted colours which balance the facades, such as 'woodland grey' standing seam metal, precast off-white concrete panels and aluminium 'monument' vertical blades. Off-form concrete planters at Levels 3 and 6 provides a vegetated cap that completes the horizontal rhythm with bands of landscaping. Increased glazing and muted colours at upper levels provides a muted appearance of the building above the podium.

As seen in the figure below, the Mill Road frontage includes articulation of the podium, breaking up the breadth of the elevation into 5 vertical components consisting of balconies featuring marble and metal columns. At the lower levels, materials such as brickwork are used to ensure a finer grain, human scaled design response is provided. Balconies at the lower levels (1-2) have standing seam metal balustrades which offer privacy for the occupants while on the upper levels (4-5), glass balustrades contribute to a simplified appearance. The lift cores are clad with standing seam metal, featuring a 'pale eucalypt' colour on

the west core and 'woodland grey' on the east core, which is consistent with colours used on the lower levels. Vertical blades are included on the upper levels of the Johnson Street and Mill Road (partially) frontages which offer shade and articulation to the upper levels whilst retaining the simplicity of the upper levels. This articulation and material palette ensure the lower levels are the more prominent elements, whilst the upper levels are recessive.

Figure 19: Render of proposed Mill Road frontage



Figure 20: Render of proposed Johnson Street frontage



As mentioned above, an 'urban art' screen presents to the Haughton Road frontage, which is in front of a forecourt, providing security to the site yet it is permeable and presents as an active frontage. The proposed screen is a creative yet considered response that would be the highest podium along this streetscape. It is suitably designed to be a standalone structure or adjoin to future neighbouring development. Behind the screen, the building has been designed with large openings and glazing. The proposal presents to Haughton Road with inset balconies, all featuring planters, while the remainder of the façade features recessed windows. The side boundary walls that are visible from Haughton Road feature grid patterns and textures which integrate with the feature screen and the broader development. Overall, it provides a visually interesting response that will revitalise this frontage.

In regard to interfaces with adjoining property, the proposed built form will generally be on the boundary, anticipating boundary to boundary future development on neighbouring sites. The extremities of the boundary walls of the proposal include a mix of square grid and rectangular shapes of muted colours to provide articulation on these otherwise blank walls.

The overall appearance and sophistication of the design and quality and durability of the materials finishes will ensure that the development is a positive contribution to the streetscape and Oakleigh MAC.

Figure 21: Render of the Houghton Road frontage



6.4. OFFSITE AMENITY IMPACTS

The proposed development will provide a high level of internal amenity to future occupants. It will also ensure that external amenity impacts to surrounding neighbours will be limited.

In terms of amenity impacts to the residential area to the south, due to the distance, the proposal would not result in overlooking or reduce daylight. This complies with the decision guidelines of the Commercial 1 Zone. It is also important to note that DDO11 designates these areas for redevelopment of between three and four storeys in height, and as such, whilst they are currently low scale, this is likely to change in the future.

Shading impacts of the development have been assessed and they show that at all times of the day, the southern footpath would receive sunlight throughout the day except for a minor portion of the path at 9am, with this decreasing further at 10am. None of the private open spaces to the south will be overshadowed during the spring equinox. To the east there would be overshadowing of the rear yards of the commercial zoned land.

The subject site is located within a commercial area along a busy road where there are higher noise levels anticipated. Any noise levels would be typical of a commercial building. Plant and equipment are located on top of the building however this is substantially setback from any dwellings. This complies with the requirements of DDO11.

The new amenities provided within the site will directly benefit adjacent uses by bringing increased vitality and foot traffic to the precinct. The proposed uses will largely operate within standard business hours, therefore the anticipated traffic, noise and potential disturbances to nearby uses will be limited.

6.5. BETTER APARTMENT DESIGN STANDARDS

The proposed development has been designed to achieve a high level of internal amenity for future occupants. The amended design has had specific regard to the Better Apartment Design Standards (BADS) and shows high levels of compliance with key requirements relating to room sizes, depths, access pathways, natural ventilation, storage, balcony size and depth and the location of windows. The BADS framework existent at the time of the original approval is used in this assessment. Further, in some instances, compliance is demonstrated with the updated BADS framework created by amendment VC174 and gazetted on 20 December 2021.

A detailed set of plans providing a comprehensive assessment against relevant internal amenity standards among others will be provided, demonstrating that the dwellings will have a high standard of internal amenity, with the following key elements highlighted:

- Practical dwelling layouts that all include a balcony or other external private open space.
- The buildings have been designed to maximise outlook for dwellings either to existing or new streets or the internal courtyards.
- A relatively small number of dwellings facing a side boundary but all are dual aspect.
- A range of internal and external communal areas that will provide a significant on-site amenity improvement compared to the plans referred to in the existing planning permit.

The BADS assessment schedules prepared by Bruce Henderson Architects also note that:

- 100% of dwellings would comply with open space, storage, bedroom, living room, room depth and window requirements.
- For accessibility requirements, compliance is achieved with at least 60% of dwellings meeting the standard.
- 41.4% percent of dwellings meet natural ventilation requirements.

Refer to the detailed BADS building layout plans and assessment prepared by Bruce Henderson Architects.

6.6. TRAFFIC, ACCESS AND CAR PARKING

6.6.1. Car Parking Provision

A total of 82 car parking spaces are proposed within the two basement car parking levels. Given the subject site's location within 400m of the Principal Public Transport Network (PPTN), reduced car parking rates apply.

All on-site carparking is proposed to be accessed via a double crossover to Mill Road. Other existing vehicle crossovers will be removed and reinstated as footpath, allowing for improved pedestrian amenity and additional on-street car parking to be provided. Swept paths which demonstrate the vehicle access arrangements along the access ramp and within the basement are included in the Traffic Assessment. Car parking spaces are designed to comply with Clause 52.06-9.

The proposed development has a statutory carparking requirement of 102 spaces. The provision of 82 spaces results in a shortfall of 19 spaces (14 for office, 5 for retail and 2 for the 1 bedroom dwellings), than what is required under Clause 52.06-5 of the Monash Planning Scheme. This is significantly less of a reduction than the previously approved development which was approved with a reduction of 65 car parking spaces. It was considered by the VCAT Member that:

'With respect to the proposed office use, I am satisfied that the proposal provides an acceptable amount of car parking in the context of sustainable transport policies and the site context. Reducing the supply of on-site car parking (below the statutory rate) for the proposed office use will encourage the use of alternative transport modes by staff' (65).

A car parking demand assessment has been prepared by Ratio Consultants which provides justification for the proposed reduction including:

- The proposed car parking rates is consistent with comparable developments in the PPTN.

- Alternative transportation options with the excellent access to public transport along with the provision of bicycle spaces in excess of the statutory requirements.
- Surrounding area is a well regulated and restricted mix of short term parking, making it difficult for an employee to park in the area without an on-site parking space.
- The 2016 census data of car ownership for one bedroom apartments in Oakleigh indicates that 40% do not own a car.

The proposed development is designed to minimise its impact on the environment and maximise its sustainability credentials by providing less car parking and encouraging more sustainable modes of transportation.

In addition to the above, numerous recent VCAT decisions have confirmed that office uses are most suited to modal shifts to reduce reliance on motor vehicles. The Planning Scheme encourages a forward-thinking approach towards decreasing reliance on car-based travel. There is also strong support for drastic changes to private motor vehicle reliance from VCAT. A Red Dot VCAT decision (*Ronge v Moreland CC* [2017] VCAT 550) further expanded on policy behind this approach. The Member clearly advocated for a reduction in the statutory car parking provision in inner-city sites such as this.

Whilst this decision pertains to a site in the inner city, the context is similar with the subject site being adjacent to a railway station and bus stop.

Throughout the decision there are numerous relevant statements in support of the reduction and also regarding the limited importance that should be placed on car parking demand assessments. Relevant statements within the summary of this decision are applicable to this application, as follows;

- State and local planning policies are already acknowledging the change that is required in the way in which people travel with Plan Melbourne 2017-2050 and State policies referring to 20-minute neighbourhoods and greater reliance on walking and cycling.
- Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.
- A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.
- However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.
- Policy tells us the future must be different.
- Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.
- One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.

The *Ronge v Moreland* decision also confirms that where there is access to alternative forms of transport (such as the subject site), we need to drastically change how we are currently moving around Melbourne. Providing less car parking spaces encourages people to cycle, walk or use public transport.

As set out in the Traffic Assessment, traffic generation from the proposed uses will be relatively minor in comparison to the current vehicle movements in the area. It is expected that the traffic from the proposed development can be absorbed by the local road network without significant impact to the efficient flow of traffic.

The tribunal found that the car parking arrangement in the original approval was appropriate for the following reasons:

- *'I agree with the decision (tendered) in Ronge v Moreland CC (Red Dot) that oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.'*
- *'The proposal provides an acceptable amount of car parking in the context of sustainable transport policies and the site context. Reducing the supply of on-site car parking (below the statutory rate) for the proposed office use will encourage the use of alternative transport modes by staff.'*
- *'The reduction sought is appropriate having regard to the excellent access to public transport available in this location, the extent of the provision of bicycle parking and end of trip facilities, and pedestrian and cycling connectivity to the land.'*

Please refer to submitted Traffic Assessment prepared by Ratio Consultants for further detail.

6.6.2. Bicycle Parking Provision

As described in the Traffic Assessment, the proposed development has a statutory requirement of 22 bicycle spaces, including 1 employee space, 14 residential spaces and 7 visitor spaces pursuant to Clause 52.34 of the Monash Planning Scheme.

The proposal includes a generous provision of 88 bicycle spaces comprising 71 residential spaces and 17 staff/visitor spaces which is in excess of the statutory requirement for bicycle parking. The proposal includes:

- 24 horizontal bicycle parking spaces within 12 'Arc de Triomphe' type bicycle racks, located on Basement Level 1 for use by residents.
- 40 vertical bicycle parking spaces within 20 'Cora E3VR Wall Mounted' type bicycle racks, located on Basement Level 1 for use by residents.
- 7 horizontal bicycle parking spaces within 4 'Arc de Triomphe' type bicycle racks, located on Basement Level 2 for use by residents.
- 17 horizontal bicycle parking spaces within 9 'Arc de Triomphe' type bicycle racks, located on the Ground Floor for use by staff and visitors.

The bicycle parking has been designed appropriately and in accordance with the relevant standards.

The facilities are designed to support bicycle use by employees, visitors, and customers by providing end of trip facilities which complement the good access to the available bicycle connections.

Additionally, visitor spaces are provided at horizontal-at-ground-level spaces, with convenient access to building entrances, lift shafts, etc.

Please refer to submitted Traffic Assessment prepared by Ratio Consultants for further detail.

7. OTHER CONSIDERATIONS

7.1. SUSTAINABLE MANAGEMENT

Redevelopment of the site located in an existing built up area and would make efficient use of existing infrastructure and services. The site is excellent access to numerous public transport modes which reduce relying on private vehicles.

Policy at clauses 15.01-2S, 21.13, 22.04 and 22.13 of the Monash Planning Scheme, encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. The Green Factory have prepared a Sustainable Management Plan that demonstrates that the proposed development achieves "Best Practice" in environmental design standard.

The development will incorporate the following key sustainable design initiatives:

- BESS Project Score of 62 Percent.
- A STORM Rating of 102%, achieved via a rainwater harvesting system with a capacity of 10,000L (Basement Level 1) is proposed for the site to offset potable water demand for irrigation and toilet flushing
- The incorporation of courtyards to the north of the building provides dual aspect ground floor commercial premises.
- Daylight modelling results show 100% of the apartments meet the Greenstar Daylight Autonomy Threshold, complying with Greenstar requirements. The Commercial areas achieve the 40% Greenstar Threshold requirement with 57.8% of commercial tenancy area. See Daylighting Report prepared by Meinhardt for further details.
- Double glazing.
- 22 panel solar photovoltaic system.

Accordingly, the proposal meets the applicable policies.

Please refer to the assessment by The Green Factory for further information.

7.2. WASTE MANAGEMENT

RB Waste Consulting Service has prepared a Waste Management Plan that outlines the strategy proposed for the subject site. In summary, the report proposes the following waste collection:

- A dedicated waste store is located within Basement Level 1.
- Users shall sort their waste and dispose garbage and recyclables into their own bins, then transfer them to the communal waste store via waste chutes.
- Residential waste shall be collected twice a week, commercial/retail waste will be collected once a week except for recycling which is twice a week. Waste will be collected from Basement Level 1 by a private contractor with a mini rear loading vehicle. The collection contractor shall transfer bins between the waste areas and the truck.

A swept path assessment has been prepared and is included as part of within the Traffic Assessment prepared by Ratio. This demonstrates that the nominated waste collection vehicle can access the loading area from Mill Road, conduct waste collection, turn-around and exit the site onto Mill Road in a forward direction. We note that this has largely addressed the previous WMP conditions of on the original approval.

Please refer to the Waste Management Plan by RB Waste Consulting Service for further information.

7.3. WIND

The proposed amended design's wind performance has been assessed in a Wind Impact Assessment. In addition to recommending a small number of design changes, which have been adopted in the submitted plans, the study also comes to the following general conclusions:

- *Wind conditions in the ground level footpath areas and access ways would be expected to be within the walking comfort criterion.*
- *With recommendations, all entrances would be expected to be within the standing comfort criterion.*
- *The private balconies would be expected to be within the recommended walking comfort criterion.*
- *With recommendations, the rooftop terrace/garden is expected to have wind conditions within the recommended standing comfort criterion.*

By addressing the small number of issues identified, the proposed development is considered to achieve appropriate wind conditions within and surrounding the development to ensure the safety and comfort of pedestrians, occupants and visitors. Further details of this are provided in the Wind Impact Assessment prepared by Vipac.

8. ADDRESS OF THE LAND AND PERMIT CONDITIONS

The permit preamble and conditions will require modification and updating to reflect the proposed development. However, given the nature of the changes proposed, we have not provided a detailed set of amended conditions but suggest that the following will be required to be considered.

8.1. ADDRESS OF THE LAND

The address of the land is required to be amended to include land on 1 Mill Road, Oakleigh.

8.2. PERMIT PREAMBLE

The preamble is proposed to be amended to include the residential use and delete any unnecessary references to permit not required uses as follows:

Construction of mixed use development including ~~office and retail~~ residential and a reduction in the standard car parking requirement in accordance with the endorsed plans.

8.3. PERMIT CONDITIONS

The current planning permit is structured around a mixed use commercial development. The proposed amendment includes detailed development plans for a mixed use development including residential and is supported by a range of reports relating to traffic, ESD and waste. Accordingly, some conditions will require modification to reflect the detail now provided. The table below provides a summary of relevant conditions and indicative changes that may be required.

Table 3: Indicative changes to permit conditions.

Condition	Requirements/issue	Suggested changes
1	Amended Plans	Modify to refer to application plans.
4	Waste Management Plan (WMP)	Modify - as per the final assessment of the amended and decision and to reflect any changes to the submitted WMP.
8	Sustainability Management Plan (SMP)	Modify - as per the final assessment of the amended and decision and to reflect any changes to the submitted SMP.

9. CONCLUSION

The proposed amendments to the development and planning permit have been carefully considered and present and improved architectural and urban design response to the site. It offers significant public realm improvements to create active street frontages to each street interface with new commercial and retail premises that will improve the economic viability and vibrancy of the Oakleigh MAC.

The plans prepared by Bruce Henderson Architects show that the massing and architectural expression of the buildings respond well to both the policy and physical context of the site, providing a building that activates each frontage. The building is designed with high-quality materials and finishes that provides a human scale, depth, texture and tactility.

The proposal capitalises on the site's excellent locational characteristics, including appropriate road access and access to public transport.

The proposal warrants favourable consideration based on the following:

- It optimises the potential of a relatively large landholding for mixed use development and employment generation.
- The proposal will provide housing and employment within an area with excellent access to existing facilities, amenities, services, and public transport.
- The new housing has been designed to ensure excellent amenity for future residents, achieving a high level of compliance with the BADS at Clause 58.
- A generous provision of open space will be provided throughout the development, including rooftop terraces and forecourt, with landscaping incorporated for the amenity of occupants while greening the edges to the building.
- The development incorporates ESD initiatives, achieving a 62% Built Environment Sustainability Scorecard, reducing on-going household costs for residents and ensuring sustainable built form for future generations.
- The development will encourage the use of sustainable modes of transport, such as walking, cycling and public transport, through the appropriately balanced provision of on-site car parking, coupled with a good provision of bicycle parking for residents and visitors.
- It does not adversely impact on existing traffic conditions and provides adequate level of car and bicycle parking.
- The development exhibits an innovative and high-quality architectural response, which has been sensitively designed to respect the streetscape and broader neighbourhood context.
- The 'urban art' screen is a unique solution to address a constrained part of the site that will add interest to the area.
- All services, including loading and waste, have been carefully considered in the design of the development to ensure appropriate areas are provided, concealed from the public realm.

Based on the merits of this application, it is considered that the proposed development represents a major opportunity to align with strategic objectives and to deliver a unique development with Precinct 3C of the Oakleigh MAC.

DISCLAIMER

This report is dated 23 November 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Goldman Johnson Pty Ltd (**Instructing Party**) for the purpose of Planning Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

PLANNING POLICY

PLAN MELBOURNE

Plan Melbourne locates Monash within the 'Eastern Region'. Plan Melbourne also acknowledges that, in the past decade, planning approaches have not adequately addressed area and population based needs. It recognises that in the future, service planning and resource allocation will need to take account of population distribution, growth projections and existing infrastructure and resources.

Plan Melbourne introduces the '20-minute neighbourhood' concept, which seeks to create healthy, safe and active local communities. It suggests healthy communities are those where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.

PLANNING POLICY FRAMEWORK

The Planning Policy Framework seeks to foster the objectives of planning in Victoria through appropriate planning policies and practices. These seek to encompass relevant environmental, social and economic factors.

The following policies are relevant to the planning application:

- **Clause 11 Settlement** recognises that planning is to 'anticipate and respond to the needs of existing and future communities through provision of zones and service land for housing, employment, recreation and open space, commercial and community facilities and infrastructure'. The policy also seeks to facilitate sustainable development that takes full advantage of existing settlement patterns.
- **Clause 11.02-1S Supply of Urban Land** seeks to ensure a sufficient supply of land is available for residential uses, and requires planning to consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- **Clause 11.02-2S Structure Planning** seeks to facilitate the orderly development of urban areas
- **Clause 11.03-1S Activity Centres** aims to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres. Relevantly, strategies include focusing activity centres as a place for business and working, to reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres and providing local employment.
- **Clause 11.03-1R Activity centres – Metropolitan Melbourne** aims to support development and growth in MACS by ensuring they can accommodate significant growth for a broad range of land uses.
- **Clause 15.01S Urban Design** aims to 'create urban environments that are safe, function and provide good quality environments with a sense of place and cultural identity'
- **Clause 15.01-2S Building Design** provides a range of urban design strategies which seek 'to achieve building design outcomes that contribute positively to the local context and enhance the public realm'. This clause also states that planning must consider as relevant:
 - Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).
- **Clause 15.01-4R Healthy neighbourhoods - Metropolitan Melbourne** includes the strategy to create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs (including employment) within a 20 minute walk, cycle or local public transport trip from their home.
- **Clause 15.01-5S Neighbourhood character** aims 'to recognise, support and protect neighbourhood character, cultural identity, and sense of place.' The policy ensures development responds to its context and reinforces a sense of place and the valued features.
- **Clause 17.01-1S Diversified Economy** aims to strengthen and diversify the economy to facilitate growth in a range of employment sectors.
- **Clause 17.02-1S Business** aims to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.

- **Clause 18.01-1S Transport** seeks to integrate land use and the transportation system in a more holistic manner. Recognised as a fundamental component of any successful metropolitan area, this clause identifies strategies aimed at creating a more sustainable and successful transport network. Relevantly, strategies include *'ensuring access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.'*
- **Clause 18.02-1S Sustainable Personal Transport** seeks to promote the use of sustainable personal transport through a range of strategies, one of which is to ensure the provision of bicycle end-of-trip facilities in commercial buildings.
- **Clause 18.02-2S Public Transport** aims to facilitate greater use of public transport and promote increased development close to high-quality public transport routes, such as the subject site.
- **Clause 19 Infrastructure** aims to provide for a range of social and physical infrastructure in an efficient, equitable, accessible and timely manner. The clause specifically encourages redevelopments to utilise existing infrastructure and human services.

LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) comprises the Municipal Strategic Statement and Local Planning Policies applicable to the City of Monash. The key sections of the MSS and LPPF are summarised below:

- **Clause 21.01-1 Municipal Profile** identifies that the Municipality has significant commercial land use areas such as the Oakleigh Major Activity Centre. Activity centres play a diverse role in terms of accommodating future housing, retail, commercial and civic services. More intensive, higher scale development is directed towards activity centres to accommodate population growth. Railway stations form the basis of activity centres and urban consolidation opportunities. Additionally, the municipality has extensive bus routes including Smart Bus routes. Regarding employment, Monash City Council has a higher proportion of people employed as professionals, managers, administrators and sales workers and a slightly lower proportion of people employed as trades workers, plant and machine operators and drivers and labourers in 2011. The business community is an important generator of income and employment for the local economy. The City of Monash is known for its garden city character, including its wide streets with street trees, which contribute to higher quality commercial environments.
- **Clause 21.05 Economic Development** recognises that the Oakleigh Activity Centre is undergoing continued growth, particularly in underutilised commercial areas, and contributes to job creation. Activity centres need to attract and retain local business by enhancing the competitive edge and attractiveness of activity centres. There is a notable preference for clustering of businesses and industry in accessible, attractive and well serviced locations.
- **Clause 21.06 Major Activity and Neighbourhood Centres** provide attractive environments for job growth and investment, convenient access to public transportation, and offer a wide range of retail needs. Oakleigh Major Activity Centre in particular is a key focus for integrated high-rise residential development, mixed commercial uses, offices, shopping, recreation and community services. High rise development should be located adjacent to the Oakleigh Railway Station. In particular, office uses should be encouraged where contiguous retail frontage is not compromised. Within this activity centre, greater public transport linkages and services are encouraged, as well as sufficient parking to meet the centre's needs.
- **Clause 21.08 Transport and Traffic** recognises the need to provide a more environmentally responsible transport system, including through the provision of an accessible integrated network of walking and cycling routes for safe and convenient travel.
- **Clause 21.13 Sustainability and Environment** aims to adopt environmentally sustainable practices to water quality and management, air quality and noise, waste management, energy use and transport among other issues. The related strategies include encouraging high rise developments in the Oakleigh Major Activity Centre that result in integrated housing, office, shopping, recreation and community services and provides a mixed level of activity.
- **Clause 21.15 Oakleigh Major Activity Centre Structure Plan** implements the Oakleigh Major Activity Centre Structure Plan and aims to develop a mixed use activity centre. The Oakleigh Major Activity Centre Framework Plan places the site in an area earmarked for commercial development, with

residential uses on the upper floors. Precinct 3 'Commercial Periphery' where the subject site is located, aims to "encourage an appropriate mix of higher density residential development and commercial uses in the precinct. High quality contemporary architecture will mark the passage to and past the Oakleigh Village." Retail shop uses are discouraged in Sub-Precinct 3C.

- **Clause 22.03 Industry and Business Development and Character Policy** applies to land in the Commercial 1 Zone. It aims to ensure new developments create or enhance a high-amenity built form environment and attractive landscape setting that supports the Garden City Character. The subject site is identified within Business Character Type 1 (BUS 1) (Oakleigh Activity Centre). The desired future character statement states "new development within this Character Type will respect the scale and form of development of the relevant Activity Centre, while providing for appropriate change."
- **Clause 22.04 Stormwater Management Policy** applies to new developments and aims to improve stormwater quality through the effective management of stormwater flow through water sensitive urban design. Levies apply to the Oakleigh catchment area if on-site retention systems are not provided and if the impervious area of the site is greater than 35% of the site area and this impervious area is to be increased.
- **Clause 22.13 Environmentally Sustainable Development Policy** applies to new developments and seeks to ensure they achieve best practice in environmentally sustainable development, from the design stage through to construction and operation, such as through energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology. An application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan.

Oakleigh Major Activity Centre Structure Plan, City of Monash, 28 August 2012

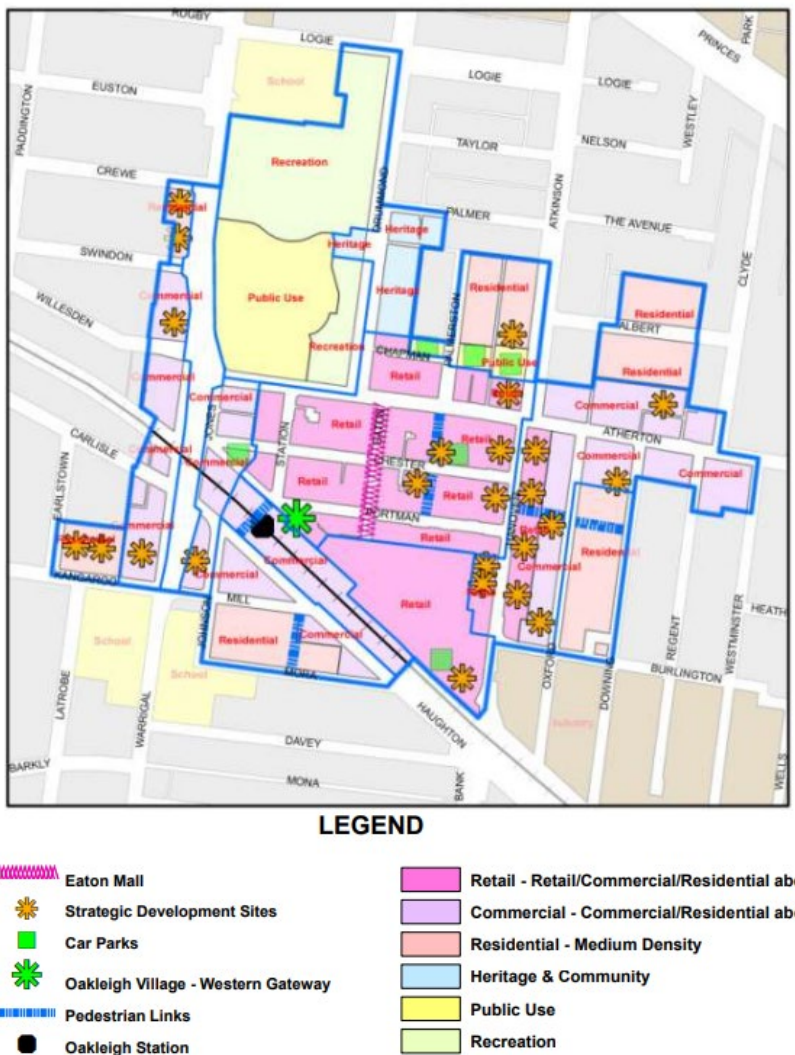
The Oakleigh Major Activity Centre (OMAC) is a key focus for convenience due to its mix of uses and close proximity to Oakleigh Railway Station. The policy document was informed by community consultation and the policy objectives of Melbourne 2013 and Melbourne @5 million, with a primary imperative to accommodate projected growth in the area. The vision states “The centre will provide a range of employment opportunities in enterprises that provide a diverse range of services” and the objective for enterprise, retail and business states “enterprise is able to establish and grow to meet demand in the activity centre.”

The land uses within the existing activity centre (Precinct 3) are described as “predominantly commercial with a mix of retail and office uses”. The preferred built form within this precinct includes new development that exhibits “architecture of contemporary excellence that is energy efficient and sustainable” and the “amalgamation of sites is encouraged”.

The property across to the west of the subject site at No. 1-15 Johnson Street is identified as a ‘Strategic Development Site’ (currently a public car park).

The built form guidelines of the structure plan have been implemented in Clause 21.06, Clause 21.15 and Schedule 11 (Oakleigh Major Activity Centre) of the Design and Development Overlay in the Monash Planning Scheme.

Figure 22: Oakleigh Major Activity Centre Framework Plan



Source: Monash Planning Scheme – Clause 21.15 Oakleigh Major Activity Centre Structure Plan

ZONE

Commercial 1 Zone

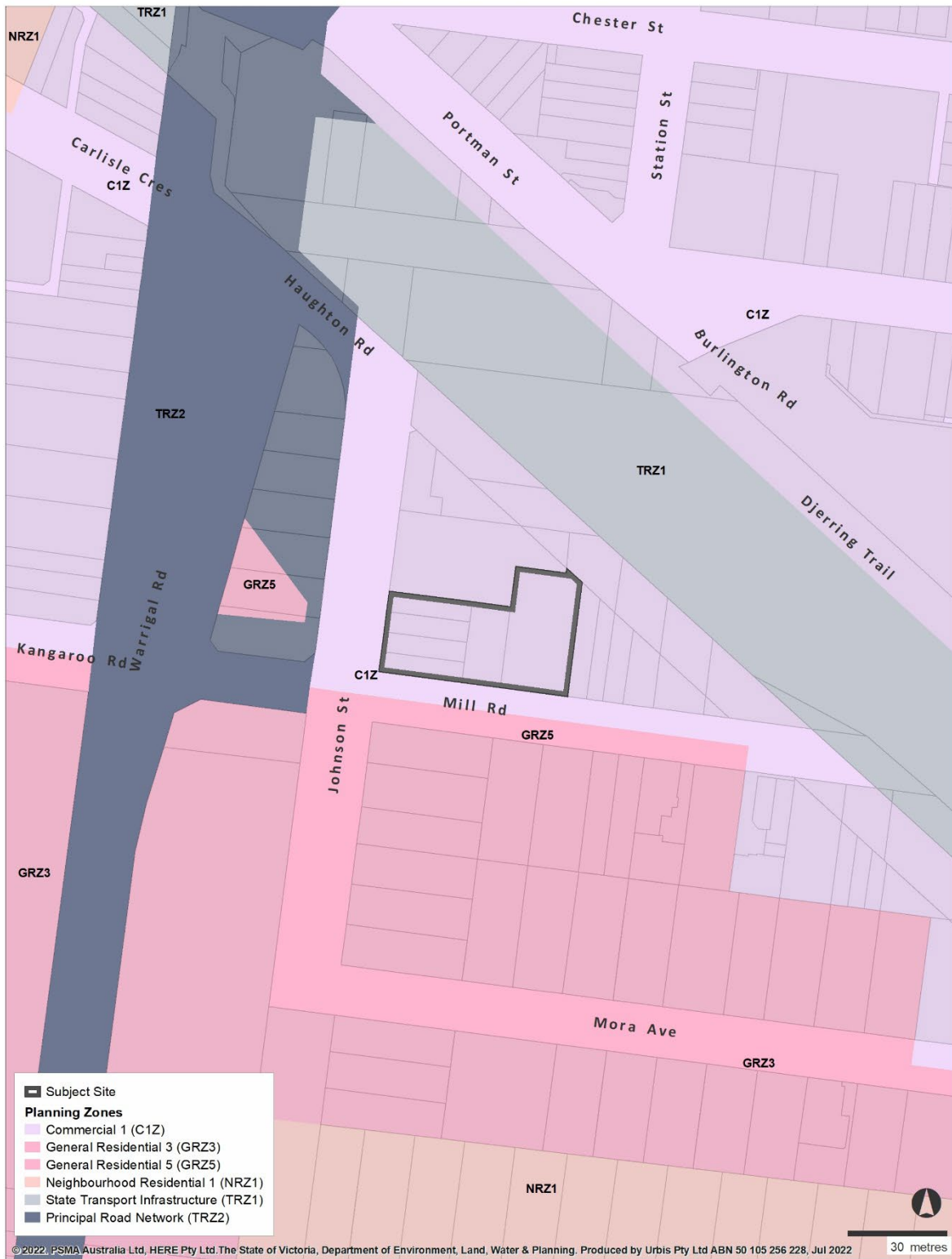
The subject site is located within the Commercial 1 Zone (C1Z). The purpose of the zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

In accordance with the Commercial 1 Zone:

- A permit is required to use the site for residential if the ground floor frontage exceeds 2m pursuant to Clause 34.01-1.
- A permit is required for buildings and works pursuant to Clause 34.01-4.
- Use of the land for office and retail (including shop) does not require a permit, pursuant to Clause 34.01.
- Pursuant to Clause 34.01-8, Clause 58 of the scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to an application for a planning permit lodged before that date, or an application for an amendment of a permit under section 72 of the Act if the original permit application was lodged before that date.

Map 1 - Zoning Map



12 - 14 JOHNSON ST & 1 MILL RD, OAKLEIGH PLANNING ZONES

OVERLAYS

Design and Development Overlay – Schedule 11 (Oakleigh Major Activity Centre) (DDO11)

The site is subject to Schedule 11 of the Design and Development Overlay.

Schedule 11 is for the “Oakleigh Major Activity Centre” (OMAC) and the subject site is located within Precinct 3C ‘Commercial Periphery’.

This schedule stipulates the preferred built form outcomes for the OMAC, including the following outcomes specifically relating to the subject site:

- *The preferred building height is 5 storeys / 17.5 metres (for land between Haughton Rd, Mill Rd & Johnson St). This height can be exceeded if the site conditions warrant an alternative design response and it can demonstrate respect for and significantly contribute to the preferred character of the OMAC.*
- *For the purposes of this schedule, the minimum height of a commercial storey (floor to floor) is 3.8 metres (excluding basement).*
- *A zero street setback up to a façade height of 12 metres is preferred.*
- *A 5-metre setback behind the facade above the 12-metre street façade height is preferred. The setback should have regard to sensitive uses, including residential uses.*
- *Mechanical plant and/or equipment must be screened from view from the front street frontages and abutting properties.*
- *High quality, contemporary architecture with enhanced pedestrian environments that incorporates environmentally sustainable design is encouraged.*
- *Developments should prevent unreasonable off-site amenity impacts on adjoining and nearby residential uses, including through noise attenuation measures.*
- *Material and finishes should reinforce vertical articulation, stepped built form and the distinction between podium and upper levels. Long continuous facades should be broken into smaller vertical sections.*

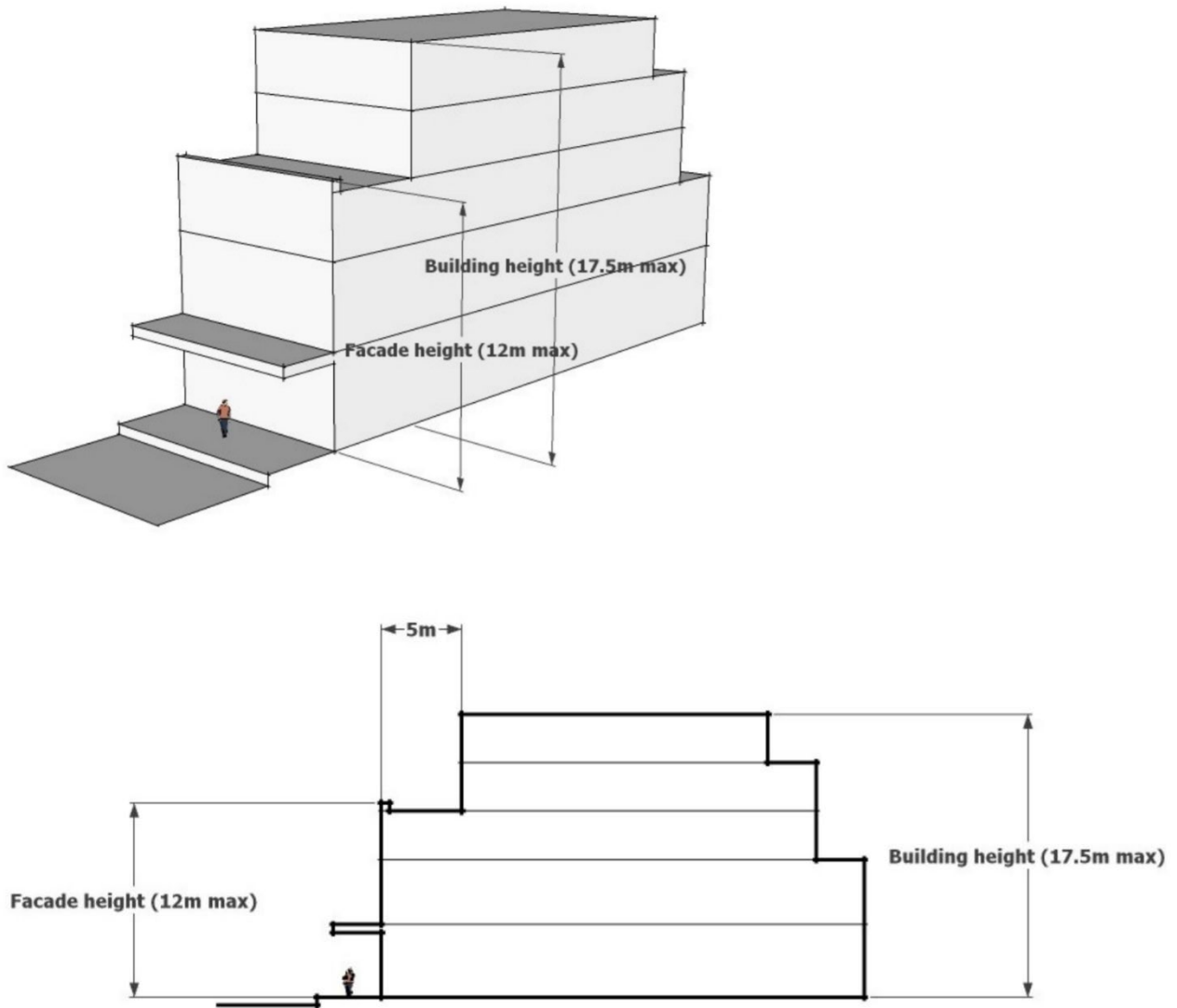
The schedule also includes a series of buildings and works requirements which are discussed in the assessment.

In accordance with the Design and Development Overlay:

- A permit is required to construct a building or construct or carry out works pursuant to Clause 43.02-2

Figure 23: Preferred building height and setbacks of Precinct 3C within DDO11

Source: Monash Planning Scheme – Schedule 11 to the Design and Development Overlay





12 - 14 JOHNSON ST & 1 MILL RD, OAKLEIGH

DESIGN AND DEVELOPMENT OVERLAY (DDO11)

GENERAL AND PARTICULAR PROVISIONS

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-1, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the Responsible Authority.

Given the location of the site in the Principal Public Transport Network Area, the Column B rates apply as follows:

- Residential: 1 car space for 1-2 bedroom dwelling. 2 car spaces for 3 or more bedroom dwelling.
- Office: 3 car spaces to each 100sqm of net floor area
- Retail: 3.5 car spaces to each 100sqm of net floor area

The proposed development has a statutory carparking requirement of 102 spaces. The provision of 82 spaces results in a shortfall of 20 spaces. Accordingly, a car parking reduction is required under Clause 52.06-5.

Clause 52.06-7 allows for a reduction in the statutory requirement, however, it must be accompanied by a Car Parking Demand Assessment. The full assessment is in the Traffic Assessment prepared by Ratio.

Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The following minimum bicycle spaces are required:

- Residential: 1 space per 5 dwellings.
- Residential: 1 visitor space per 10 dwellings.
- Office: 1 to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm for employees
- Office: 1 to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm for visitors
- Retail: 1 to each 300 sqm of net floor area
- Retail: 1 to each 500 sqm of net floor area

A total of 88 bicycle parking spaces are provided, with 9 staff spaces located in a secure bike store accessed from Johnson Street, 6 visitor spaces located within the lobby area accessed from the Mill Road frontage adjacent to the vehicle entrance and 2 visitor spaces located outside the lobby entrance accessed from the Haughton Road frontage.

This exceeds the number of spaces required under Clause 52.34-5 of the Monash Planning Scheme.

Clause 53.18 – Stormwater Management in Urban Development

This clause applies to an application under a provision of a zone to construct a building, or construct or carry out works. The purpose of the clause is:

- *To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

An application to construct a building or construct or carry out works must meet all the objectives and should meet all the standards of Clause 53.18-5 and Clause 53.18-6.

Clause 65 - Decision Guidelines

The responsible authority must consider the decision guidelines of Clause 65 when considering a planning permit application.

APPENDIX B

CLAUSE 58 ASSESSMENT

