

PLANNING ASSESSMENT IN SUPPORT OF AMENDMENT TO
PLANNING PERMIT TPA/51498/A
12-14 JOHNSON STREET & 1 MILL ROAD, OAKLEIGH

19 JULY 2023

SITE CONTEXT

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.

On 12 May 2021, Planning Permit TPA/51498 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) following a Notice of Refusal being received from Council. VCAT granted 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 land subject to this permission is 12-14 Johnson Street, Oakleigh.

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.



Figure 1 Subject Site

2023 APPROVAL

Amended Planning Permit TPA/51498/A was issued on 8 June 2023 allowing for the following:

- Preamble amended to include “the use of the land for accommodation”
- Inclusion of 1 Mill Road in the address of the land
- Conditions 1, 4, 8, 9 & 20 amended
- New Conditions 26-34
- New Notes A-P

The approval facilitates a seven storey residential building with roof terrace.

CURRENT AMENDMENT

Amendments proposed to the plans include:

- additional apartments (606 and 607) added to Level 6
- increase in floor heights between Level 2 and Level 6, resulting in an increased podium height from 10.22m to 10.33m
- decrease in floor height of Level 7



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- airlock heights on the roof terrace decreased

There is no change to the overall height to the top of the lift overrun (maximum of 27.4m).

PERMIT TRIGGERS

The subject site is zoned Commercial 1 (C1Z) and is affected by Design and Development Overlay, Schedule 11 – Oakleigh Major Activity Centre (DDO11).

The permit triggers are as follows:

- 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)

The current amendment does not alter the permit triggers.

PLANNING FRAMEWORK

The following section of this report contains an overview of the relevant planning policies and controls:

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.

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.



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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

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

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



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OTHER CONSIDERATIONS

Strategic Documents

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

PLANNING ASSESSMENT

Overall, the proposed changes to the floor levels are minor being in the order of between 0.055m and 0.285m between Level 2 and level 6, with a decrease in height of 0.4m at Level 7.

The increase in the podium height is of 0.10m. The increase in the top of Level 6 is 0.275, from a previously approved AHD 75.05 to a proposed AHD 75.325. The overall height to the top of the airlock remains 27.4m.

These increases are minor and will be imperceptible from the surrounds, particularly considering the comparable building height of the proposal.

Shadowing impacts of the proposed amended development have been assessed and they show that there is a sliver of additional shadowing.

- At 9am, additional shadowing would fall within the fence shadows of No. 16 Johnson Street;
- At 10am and 11am, additional shadowing is on the grassed verge; and
- By 12noon, additional shadowing is on the kerb extension

As such, external amenity impacts to surrounding neighbours will be limited as a result of floor level increases.

The two additional apartments at Level 6 are abutting the northern and eastern boundaries and will result in an increase in on-boundary wall heights.

The provision of on-boundary walls along these interfaces is an equitable response to the adjoining sites given their irregular configuration. Any visual bulk impacts as seen from the surrounding area have been mitigated through the incorporation of well-articulated on-boundary walls utilising a mixture of a banding effect, glazing and balustrades. The additional walls have been incorporated seamlessly into the design.

With respect to internal amenity, the proposed development has been designed to achieve a high level of internal amenity for future occupants within practical internal layouts, functional spaces and well sites external areas. The additional and reconfigured apartments have outlooks either towards the street or to a wide internal setback area. Screens have been placed to allow outward views, whilst avoiding overlooking.

Clause 58.07 Assessment for Apartments 605, 606 and 607

58.07-1 Functional layout objective	Standard D26	<p>✓ Complies</p> <p>Apartments 605, 606 and 607 will comprise of master bedrooms that meet or exceed the minimum internal room dimensions specified in Table D7. Further these rooms will continue to provide a separate area in addition to the minimum internal room dimensions to accommodate a wardrobe.</p> <p>Apartments 605, 606 and 607 will comprise living areas that meet or exceed the minimum area required for living areas. It is considered that these areas</p>
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		continue to be highly usable, in most cases exceeding the minimum area requirements and ensure functionality and usability for future occupants.
58.07-2 Room depth objective	Standard D27	<p>✓ Complies</p> <p>Apartments 605, 606 and 607 will either have multiple aspects or in the instance of a single aspect room, do not exceed a room depth 2.5 times the ceiling height to ensure adequate daylight access into all habitable areas.</p>
58.07-3 Windows objective	Standard D28	<p>✓ Complies</p> <p>Apartments 605, 606 and 607 will comprise a window in an external wall of the building providing exceptional levels of daylight access to all habitable rooms.</p>
58.07-4 Natural ventilation objectives	Standard D29	<p>✓ Complies</p> <p>Apartments 605 and 606 will provide effective cross ventilation that features a minimum breeze path through the dwelling of more than 5 metres but a maximum of less than 18 metres, measured between the ventilation openings on different orientations of each dwelling, which meets the requirements of Standard D27.</p> <p>With the inclusion of these apartments, the overall level of compliance is 41.4 percent, above the minimum of 40 percent.</p>