

**1.1 35-41 DALGETY STREET, OAKLEIGH
CONSTRUCTION OF A EIGHT STOREY BUILDING AND THREE STOREY
TOWNHOUSES WITH BASEMENT CAR PARKING, USE OF THE LAND FOR
DWELLINGS
(TPA/48982)**

EXECUTIVE SUMMARY:

This application proposes the construction of an eight storey apartment building and three storey townhouses with a combined basement car park.

The application was subject to public notification. Twenty-three (23) objections to the proposal have been received.

Key issues to be considered relate to building scale, adequacy of car parking and compliance with policy objectives.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, Clause 58 (ResCode Apartment Requirements), Design and Development Overlay 10 and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$28.6 million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application should be refused.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	James Heitmann
WARD:	Oakleigh
PROPERTY ADDRESS:	35-41 Dalgety Street, Oakleigh
EXISTING LAND USE:	Warehouse
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Twenty-three (23)
ZONING:	Commercial 1
OVERLAY:	Design and Development Overlay 10 Environmental Audit Overlay

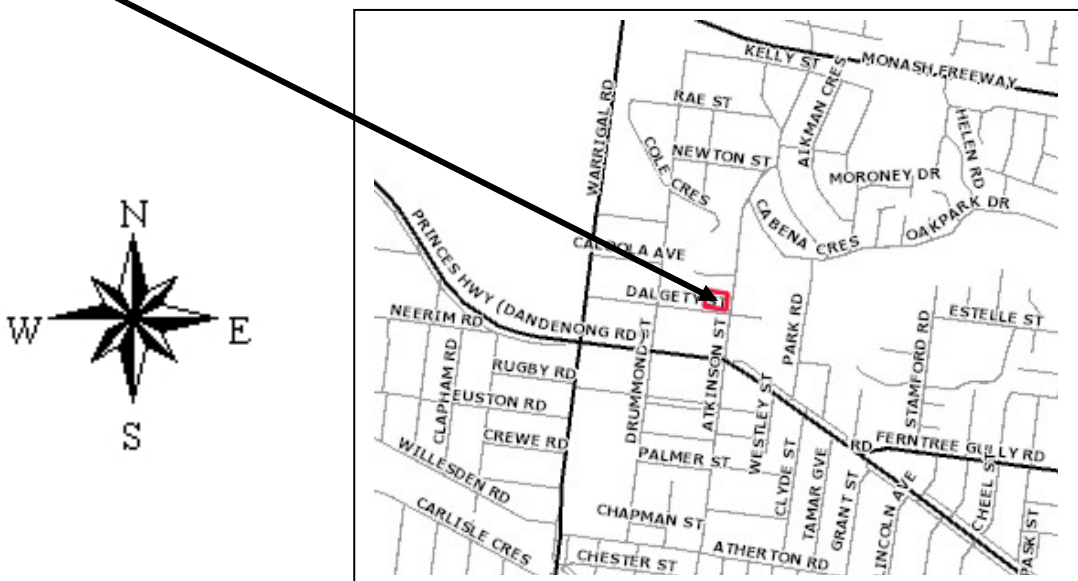
<p>RELEVANT CLAUSES:</p> <p><u>State Planning Policy Framework</u></p> <p>Clause 00.01 (Purpose)</p> <p>Clause 11 (Settlement)</p> <p>Clause 11.01-1R1 (Metropolitan Melbourne)</p> <p>Clause 14.02-1S (Catchment Planning and Management)</p> <p>Clause 15.01 (Built Environment)</p> <p>Clause 15.02 (Sustainable Development)</p> <p>Clause 16 (Housing)</p> <p>Clause 16.01 (Residential Development)</p> <p>Clause 17 (Economic Development)</p>	<p><u>Local Planning Policy Framework</u></p> <p>Clause 21 – Municipal Strategic Statement</p> <p>Clause 21.04 – Residential Development</p> <p>Clause 21.05 – Economic Development</p> <p>Clause 22 – Local Planning Policies</p> <p>Clause 22.03 – Industry and Business Development and Character Policy</p> <p>Clause 22.13 – Environmental Sustainable Development</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06 – Car Parking</p> <p>Clause 52.34 – Bicycle facilities</p> <p>Clause 58 – Apartment Development</p> <p><u>General Provisions</u></p> <p>Clause 65 – Decision Guidelines</p>
<p>STATUTORY PROCESSING DATE:</p>	<p>15 August 2018</p>
<p>DEVELOPMENT COST:</p>	<p>\$28.6 million</p>

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/48982)** for the construction of a multi-storey building with basement car parking, use of the land for dwellings at 35-41 Dalgety Street, Oakleigh subject to the following grounds:

1. The proposed development is excessive in building height, scale and massing having regard to the surrounding context and applicable state and local policy.
2. The development does not provide for sufficient street setback.
3. The proposal is inconsistent with the objectives and requirements of Design and Development Overlay – Schedule 10.
4. The development does not provide for adequate deep soil planting and landscaping areas.
5. The development does not provide for an appropriate commercial interface at street level consistent with the purpose of the Commercial 1 Zone.

BACKGROUND:**The Site and Surrounds**

The subject land is located on the north-western corner of the intersection of Dalgety Street and Atkinson Street in Oakleigh. The land is regular in shape having a frontage (southern boundary) of 69.73 metres to Dalgety Street, frontage (eastern boundary) of 50.48 metres to Atkinson Street and an overall area of 3,520 square metres.

The land is generally flat having a slight fall of 1.19 metres from south to north. A 1.83 metre drainage and sewerage easement encumbers part of the northern boundary. The land is currently developed with double storey warehouse and office premises previously occupied by Quinces Buses. Vehicle access to the site is currently via two crossovers along Atkinson Street and a single crossover to Dalgety Street. An at-grade car park area occupies part of the western edge of the site and includes some medium sized trees adjacent to the western boundary.

The site is within 700 metres of the Oakleigh major activity centre (to the south) and one kilometre to Chadstone shopping centre (to the west).

Land use and development on the surrounding properties is diverse in nature, scale and built form. The surrounding interfaces can be described as:

North

Public open space recreation precinct including Caloola Reserve and Scotchmans Creek Linear Park. Caloola Reserve is currently being developed with eight new tennis courts which will be located to the immediate north of the subject land. The new tennis courts will have a setback of 5 metres from the northern boundary.

East

Atkinson Street spans the eastern boundary. Opposite the subject land across Atkinson Street is occupied by a large electricity substation and utility services premises. The *Australian Air League Williamsfield* occupy premises within public open space located to the north-east.

South

Dalgety Street spans the southern boundary and includes a central row of on-street car parking including integrated landscaping elements. Land on the opposite side of the road includes car parking associated with the Leighoak Hotel and double storey warehouse-office premises.

West

Double storey warehouse-office premises with at grade parking areas occupying the Dalgety Street frontage.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL:

The application proposes the construction of buildings ranging in height from three to eight storeys with two levels of basement car parking. The proposed development incorporates a row of three storey townhouses adjacent to the northern boundary and an eight storey apartment building occupying the southern and Dalgety Street frontage of the land.

Key details of the proposal can be summarised as:

- A total of 96 dwellings comprising of:
 - 8 x one bedroom apartments
 - 54 x two bedroom apartments
 - 34 x three bedroom apartments/dwellings (in a mix of single and double storey apartments and triple storey townhouses).
- Vehicle access to the site via a crossover on Dalgety Street
- 131 on-site car spaces (124 resident car spaces and 7 visitor car spaces) within two levels of basement car parking
- 40 bicycle spaces, including 10 visitor spaces located at the ground floor
- Primary pedestrian access via an entry lobby located on Dalgety Street. Secondary secure entrances to the development from Atkinson Street and Caloola Reserve

- Areas for services, bins and storage are provided within the basement levels and at ground level
- A ground floor communal space comprising an area of approximately 539 square metres
- An overall maximum building height of 23 metres (eight storeys)
- Proposed materials and finishes include: metal cladding of various colours, off white render, stone cladding and powdercoat aluminum.

All existing building on the land will be demolished. Redundant vehicle crossings along Atkinson Street are to be removed.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The land is zoned Commercial 1 under the provisions of the Monash Planning Scheme.

Pursuant to the requirements of Clause 34.01-1 a permit is required for accommodation (including a dwelling) where the frontage at ground level exceeds 2 metres within the Commercial 1 Zone

Pursuant to the requirements of Clause 34.01-4 a permit is required to construct a building within the Commercial 1 Zone.

Design and Development Overlay (Schedule 10)

The land is subject to Design and Development Overlay - Schedule 10 (DDO10). Pursuant to the requirements of Clause 43.02-2 a permit is required to construct a building.

The following building height and street setback guidance is applicable to the site under DDO10:

*“Preferred Maximum Building Height: 14.0m (4 residential storeys)
Buildings and car park minimum street setback: 3.0m”*

Environmental Audit Overlay

The land is subject to the Environmental Audit Overlay. Pursuant to the requirements of Clause 45.03-1, an environmental audit would be required prior to a more sensitive use such a housing commences.

Amendment VC148 - Clause 52.06-3: Car Parking

At the time the permit application was lodged and when public notification was undertaken, the proposed development triggered a permit requirement for a reduction in the visitor car parking requirement.

As a consequence of Planning Scheme Amendment VC148 a permit requirement to reduce the visitor car parking requirement is no longer applicable to this application.

Assessment of the applicable car parking requirements will be provided within the discussion section of this report.

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

CONSULTATION:

Further Information & Preliminary Concerns

Further information was requested of the Permit Applicant on 10 May 2018.

Council officers raised the following preliminary design concerns:

- The height and scale of the proposed development is excessive having regard to the surrounding context. The proposed development does not accord and substantially exceeds the preferred height guidance specified by Design and Development Overlay - Schedule 10 (DDO10). Non-compliance with the preferred height guidance should be supported by strong strategic justification and relevant urban design/context advice having regard to the objectives of DDO10, relevant regard to the State and Local Planning Policy Framework. The proposal should be designed with a reduction in height including to achieving appropriate built form in terms of bulk and height relative to the scale of the street and surrounding buildings.
- Insufficient setback to the street. The development should be modified to provide for a 3.0m landscaping setback to Dalgety Street and Atkinson Street. The street setback should provide for a landscaped edge to the development including canopy tree planting and be devoid of encroachments including the proposed basement, fencing and secluded private open space areas
- Insufficient onsite visitor car parking provision. Given the locality and context, new development should be designed to accommodate onsite visitor car parking. The use of tandem car parking arrangements is generally discouraged by Council.
- An initial assessment of the proposal against Clause 58 has identified potential non-compliance with standards relating to aspect and amenity of ground level apartments orientated to the south and east, secluded private open space, internal views/extent of internal screening, noise impact, natural ventilation, integration with street, and deep soil planting area.
- The application has been referred to Transport for Victoria along with Council's Traffic and Drainage Engineering Divisions for comment. Additional feedback may be provided upon receipt of referral responses.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 15 June 2018 by providing the requested information. In relation to the preliminary concerns, the Applicant advised:

That the Applicant is not prepared to make any changes to the proposal.

The Applicant was verbally advised on 3 September 2018 that this application was coming to the September 2018 Council meeting. A letter was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for refusal.

Public Notice

Notice of the application was given pursuant to the requirements of Section 52 of the *Planning and Environment Act 1987*. Notices were posted to the owners and occupants of properties adjoining the subject land and within the surrounding area. Four (4) signs were displayed on the site during the notification period.

Twenty-three (23) objections to the proposal were received.

Key issues raised within objections can be summarised as:

- Adequacy of car parking.
- Setback to street.
- Open space provision.
- Traffic and vehicle access.
- Insufficient landscaping.

It is noteworthy that the majority of objections (20) were from persons associated with the Monash City Football Club and East Oakleigh Tennis Club who occupy the Caloola Reserve to the north. The concerns raised within these pro forma submissions related to adequacy of car parking within the area and potential increased demand for public parking within the area as a consequence of the proposed development. These sporting clubs will increase use of the precinct following the redevelopment of Caloola Reserve.

Attachment 4 details the location of objector properties within the surrounding vicinity.

Referrals

Monash City Council Engineering

The application has been referred to Council's Traffic and Drainage Engineers for comment. Relevant comments form part of the assessment of the application.

Public Transport Victoria

The application was referred to Public Transport Victoria pursuant to the requirements of Clause 52.36. Public Transport Victoria have no objection to the proposal. No conditions or requirements were specified.

DISCUSSION:**Consistency with State and Local Planning Policies**

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

“Understand and plan for expected housing needs.”

“Reduce the cost of living by increasing housing supply near services and public transport.”

“Facilitate the supply of affordable housing.”

Initiatives seek to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Structure planning policy at Clause 11.02-2S seeks:

To facilitate the orderly development of urban areas.

Relevant strategies:

“Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Take into account the strategic and physical context of the location.*
- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*
- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*
- *Facilitate the logical and efficient provision of infrastructure.*
- *Facilitate the use of existing infrastructure and services.”*

The proposed development is at odds with these strategies and objectives. Strategic planning and structure planning work has been undertaken within the precinct under Planning Scheme Amendment C102 (approved 5 May 2011). The amendment sought to facilitate the establishment of apartment development

within former industrial areas adjacent to Dandenong Road whilst also continuing to foster commercial land use and employment opportunities. The amendment rezoned land within the precinct from Industrial 1 to Commercial 1 and applied the DDO10 to the surrounding area. The design response is substantially in excess of the preferred height requirements, does not provide for the required building setbacks and does not provide for any commercial element to the development consistent with the purpose of the zone and applicable built form controls.

Relevant housing objectives and strategies of activity centres policy found at Clause 11.03-1S seek:

“To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- *Comprises a range of centres that differ in size and function.*
- *Is a focus for business, shopping, working, leisure and community facilities.*
- *Provides different types of housing, including forms of higher density housing.*
- *Is connected by transport.*
- *Maximises choices in services, employment and social interaction.*

Encourage a diversity of housing types at higher densities in and around activity centres.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.”

Whilst not an identified activity centre by local policy, the land is a defined commercial precinct (DDO10 – Dandenong Road Oakleigh Commercial Precinct – West) within close proximity of the Oakleigh Major Activity Centre. Development within the precinct should provide for a mix of complimentary and compatible land use along with associated service provision and employment opportunities. The purely residential nature of the proposed development is considered a poor response to these objectives and a lost opportunity on land of this size where a true mixed use development including commercial development and residential development above.

Building design policy at Clause 15.01-2S seeks:

“To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Ensure development responds and contributes to the strategic and cultural context of its location.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.”

The built form outcomes proposed by the development are substantially in excess of strategic planning work undertaken for the precinct which envisages development up to four storeys in height with a landscaping edge to the street.

Housing policy at Clause 16 seeks:

“Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.”

Increased residential density and dwelling diversity is sought by State and Local policies. The proposed development is considered consistent with the planning policy framework in respect of increased density and housing diversity objectives. The proposed development is considered to be inconsistent with policy requirements relating to built form, site context and mixed use development.

Monash Housing Strategy 2014

The Monash Housing Strategy has been developed to review Council’s current housing strategies based on an assessment of key State and Local Strategies and research from all tiers of Government and other research bodies.

The housing strategy identifies that a key issue for Monash will continue to be the management of household growth and change while at the same time preserving valued neighbourhood character and enhancing sustainability.

The Monash Housing Strategy amongst other items has identified the lack of greenfield land supply within the municipality. While the proposal would result in a modest addition to the housing supply, the combined bulk and mass of the

proposed development is excessive and would result in an unacceptable built form impact.

The submitted proposal is at odds with the objectives of the adopted housing strategy. The subject land and surrounding area has not been identified for development of the scale proposed where the preferred maximum building height is up to 4 storeys. The design response has little regard for the surrounding context in terms of overall building scale where the maximum height of development in the immediate area is currently of a lesser scale and development on the immediate surrounding properties is currently up to 2 storeys. Whilst the wider context includes development up to 7 storeys, these taller buildings are located within a 6 storey preferred maximum building height precinct and orientated to Dandenong Road where greater building scale is anticipated.

Clause 58 being the ResCode provisions to apartment development are applicable to this application.

Local Planning Policy

Council's goal for residential development is to provide for a balanced variety of housing styles whilst remaining sympathetic to existing neighbourhood character. There is an increasing demand for a variety of different housing styles to cater for changing household sizes and structures. State Government policy encourages higher housing densities near transport hubs and activity centres.

Relevant objectives and strategies of Clause 21.04-3 seek to:

“Provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.”

“Ensure that new residential development provides a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective traffic management and parking.”

“Direct high rise residential developments towards the Glen Waverley Principal and Oakleigh Major Activity Centres. These centres are well serviced by public transport, commercial, recreational, community and educational uses.”

The subject land is not located within the Glen Waverley or Oakleigh Major Activity Centre where development of this scale and intensity might be appropriate having regard to applicable structure plans in place. The proposal doubles the applicable height guidance of 4 storeys as envisaged by Design and Development Overlay 10. The 8 storey scale of the proposal is excessive given the locality, context and built form policy applicable to the land.

Design and Development Overlay 10

The land is subject to Design and Development Overlay 10 (DDO10). Relevant design objectives seek:

“To encourage development to reinforce the Dandenong Road corridor.

To encourage development to contribute to the diversity of the urban character of the area by encouraging high quality and visually stimulating new development.

To ensure that the building scale and form in terms of height and bulk complements and does not visually overwhelm surrounding buildings.

To encourage a transition between larger scale developments and abutting residential dwellings.

To encourage development to integrate with laneways and enhance the public realm of laneways.

To ensure high quality landscape treatments contributes positively to the street edges and to the setting of buildings.

To ensure that car parking, vehicle access and service areas do not visually impinge on front setbacks or affect streetscape elements such as trees and nature strips.”

Objectives of DDO10 seek to encourage high quality development and more intensive built form outcomes. The commercial zoning of the land and diverse built form of development within the surrounding area present an opportunity to achieve well designed apartment development, increased housing density and dwelling diversity objectives.

The design response fails to provide any commercial element to the development consistent with the commercial zoning of the land.

Whilst the proposal provides for increased density, housing diversity and has reasonable architectural merit, the overall scale of the proposal substantially exceeds the policy framework applicable to the precinct. The lack of a commercial element to the development is considered a poor outcome given the commercial zoning of the land. The change in use of the land to purely residential development misses an opportunity for mixed use developments supporting housing diversity and complimentary business opportunities and further strengthening the current commercial business within the precinct.

The subject land has a preferred maximum building height of 14.0 metres (4 residential storeys) to Dalgety Street and Atkinson Street. Whilst the design response provides for an appropriate three storey interface adjacent to the northern boundary, the overall eight storey scale of the development is considered inappropriate given the locality and strategic planning work which has been undertaken.

At the time strategic planning work for the precinct was undertaken, built form outcomes envisaged building heights of up to six storeys along the northern side of Dandenong Road and four storeys within the Dalgety Street commercial

precinct. Development should be designed to complement and not visually overwhelm surrounding buildings, roads or spaces in terms of building scale, height and bulk. Development should conform to the scale of the surrounding context and provide for high quality design suitable for the locality. The eight storey scale of the proposal is excessive given the context where a much lesser building scale is envisaged along the street edge and height graduation with established public open space and residential areas is required.

Whilst the subject land is large in overall area (3,520 square metres), the proposal fails to justify such a substantial variation in excess of the preferred height guidance. The proposed eight storey scale of the development will result in a visually prominent built form outcome at odds with built form policy applicable to the land along with the established and emerging built form of the surrounding context. Greater attention needs to be paid to integrating the subject land with surrounding development including providing for suitable height graduation with adjoining commercial properties and the height transition with the adjacent reserve. Whilst the substantial size of the land may provide some opportunity for increased height and greater development opportunity, the additional height should be more modest and significantly recessed.

Five and six storey buildings have been approved by VCAT opposite the subject land. The site might be capable of accommodating some additional scale with a four storey streetscape interface, and a recessive fifth storey element providing for improved height integration with the surrounding context. Higher scale should be toward Dalgety Street and scale down to the more sensitive interface to Caloola Reserve. This would need to be assessed on an actual design to determine if it provides an acceptable design outcome having regard to applicable policy.

The submitted proposal does not provide the required 3.0 metre landscaping setback to the street as envisaged by DDO10. Whilst a building setback of 3.0m is provided along the Dalgety Street setback, the encroachment of private courtyard spaces into these areas compromises the ability to achieve meaningful landscaping provision and an open landscaped presentation to the street. The development does not provide for any building and landscaping setback along Atkinson Street where a 3.0m setback is envisaged. The provision of a 3.0m setback along both street frontages would allow for canopy tree provision to soften the visual massing of the development along the street edge. Provision of substantial landscaping elements along the eastern edge of the development would also assist in better integrating the development with the public open space precinct to the north. To achieve this would have a significant impact on the basement envelope requiring a redesign of car park areas.

The proposed building demonstrates reasonable architectural merit achieved through appropriate facade articulation and the use of a high quality attractive range of contemporary materials and finishes. The façade treatment provides for appropriate degree of visual interest through use of varied materials and finishes,

along with vertical and horizontal articulation. Rooftop plant and service utilities have been integrated into the building design and are concealed by a screening. Whilst the building provides for reasonable façade articulation, the extent of articulation and upper level recession is inadequate to justify development of the scale proposed.

The design response poorly integrates with the scale of existing development on surrounding properties and future scale of development envisaged by DD010. Development of the scale proposed will result in a visually dominant landmark building having a substantial impact on the visual amenity of both the immediate and wider area, emphasised by its corner location and exposure.

Internal Amenity

The layout of proposed apartments generally provides for a reasonable level of internal amenity. The development provides for minimum room size dimensions in accordance with the requirements of Clause 58.07-1. Apartment size ranges from 51.9m²-63.8m² for one bedroom dwellings, 68m²-77.9m² for two bedroom dwellings and 92m²-134.8m² for three bedroom dwellings. All dwellings are provided with a balcony or courtyard space ranging in size from 9.5m²-59.5m².

The siting of the development generally results in no need for excessive screening to prevent overlooking adjoining properties. Apartments surrounding the central courtyard are dependent on screening to prevent internal overlooking. The design response should be better considered and modified to minimise the extent of internal overlooking surrounding the central courtyard.

The development generally complies with accessibility design requirements of Clause 58.05-1 including 54 apartments provided providing for widened door openings, internal corridors and adaptable bathrooms.

Dwelling Diversity

The design response proposes dwelling as follows:

	1 bedroom Apartments	2 bedroom Apartments	3 bedroom Apartments	3 bedroom Townhouses
TOTAL	8	54	25	9
Percentage (%) proportion of the development	8.3 %	56.3 %	26 %	9.4 %

The submitted proposal provides for generous dwelling diversity including a substantial proportion of three bedroom dwellings which is often unusual in apartment development and considered desirable having regard for housing diversity policy objectives which seek a variety of dwelling types and sizes.

Communal Open Space

The development provides for a ground level communal open space courtyard of 539.4m² with a desirable northern aspect orientated to Caloola Reserve.

Landscaping

The landscape plan submitted with the application proposes minimal on site canopy tree provision. Whilst planter boxes have been provided along the ground level street edge, the landscaping scheme does not incorporate any substantial planting elements including canopy tree provision. As a consequence of the basement occupying a large proportion of the site, the deep soil planting area required by Clause 58.03-5 has not been provided. Clause 58.03-5 requires deep soil planting area of 528m² with a minimum dimension of 6 metres providing for 5 large trees or 10 medium sized trees integrated into the development. The development could have been better designed to provide for integrated tree provision consistent with Garden City policy objectives.

Minimal additional landscaping elements have been provided within the communal open space areas, green walls and balconies with "overflowing planter box" balustrade features.

Car Parking, traffic and access

Car parking should be provided in accordance with the requirement specified by Clause 52.06-5 of the Monash Planning Scheme. The table below details the number of car parking spaces required:

Use	Clause 52.06-5 Requirement	Floor Area (m ²) / No. of dwellings	Car parking requirement generated	Car parking provision proposed
Dwellings (1 & 2 bedrooms)	1 space per dwelling	62	62 car spaces	62 car spaces
Dwellings (3 bedrooms)	2 space per dwelling	34	68 car spaces	62 car spaces
Residential Visitor	Nil	N/A	Nil	7 car spaces
TOTAL REQUIRED			130 car spaces	
TOTAL PROVIDED				131 car spaces

The development provides for the requisite car parking spaces having regard to the requirements of Clause 52.06.

It is noteworthy that the application was submitted prior to the gazettal of Amendment VC148. The subject land is located within an identified Principal Public Transport Network Area (PPTN) where alternate (reduced) car parking rates are applicable. For residential development within the PPTN there is no applicable requirement for visitor car parking. As such the application no longer necessitates a requirement to reduce the car parking requirement.

The submitted proposal provides for car parking in excess of the now applicable car parking rate of 1 car space for each one and two bedroom dwelling and 2 car spaces for each three bedroom dwelling. In the event that a permit were to be granted, additional allocation of car spaces to three bedroom dwellings as per the requirements of Clause 52.06-5 should be provided. Tandem car parking spaces within the development should be allocated to 3 bedroom dwellings.

Council's Traffic Engineers have advised of no concerns with the overall car parking provision. Some minor modification to the car park layout have been requested from engineering, but this will not impact on the overall number of car spaces provided which exceeds the Planning Scheme requirement.

Bicycle Parking

Bicycle parking is provided in accordance with the requirement specified by Clause 52.34-3 of the Monash Planning Scheme. The table below details the number of bicycle parking spaces required:

USE	Clause 52.06-5 Requirement	Floor Area (m2) / No. of dwellings	Bike parking requirement generated
Dwellings	Residents: 1 to each 5 dwellings Visitor: 1 to each 10 dwellings	96 dwellings	20 bike spaces 10 bike spaces
TOTAL REQUIRED			30 bike spaces
TOTAL PROVIDED			40 bike spaces

A total of 40 bicycle parking spaces are proposed with spaces for residents and visitors within ground level and basement bicycle parking areas. This exceeds the planning scheme requirement.

Contamination

Clause 13.03-1 requires consideration of existing potential contamination. Planning decisions must ensure that contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

The land is subject to an Environmental Audit Overlay. Any development approval would require conditions including a requirement for an Environmental Audit to be undertaken prior to commencement of works.

Waste Management

A waste management plan has been provided. Given the scale of the development and the number of bins required it is impractical to provide on street Council waste collection. A requirement should be placed on any permit issued to require private collection of waste within the property. Adequate space is provided within the basement and service areas for waste storage and collection.

Commercial Interface & Streetscape Activation

The purpose of the Commercial 1 Zone seeks to facilitate vibrant mixed use commercial land use providing for retail, services, office space, business and

entertainment uses, along with associated employment opportunities. Residential development is to be complementary to business orientated use being the primary purpose of the zone.

Given the commercial zoning of the land it is considered a desirable outcome to incorporate an activated commercial element to the development at ground level. Larger home-office dwellings, ground level retail tenancy, medical centre, office space or indoor recreational facility could be provided consistent with the commercial zoning of the land for improved activation of the development at street level.

The inclusion of a commercial element to the development will assist in further reducing the loss of commercial floor space within the precinct as has been evident by more recent apartment development within the precinct. Given the ambitious scale of the proposed development, the inclusion of a commercial element to the development at ground level is considered warranted.

CONCLUSION:

The design response displays inadequate regard for the surrounding context and built form policy guidance applicable to the land. Substantial land size and commercial zoning is not sufficient justification for a development of the scale proposed. Whilst the proposal demonstrates reasonable architectural merit and dwelling diversity, the overall scale of the proposal at double the preferred height, substantially exceeds the preferred height guidance applicable to the land and surrounding area. The proposal is excessive in scale and constitutes an overdevelopment of the subject land. Any future development of the land should be reduced in scale to result in a built form outcome more consistent with the applicable objectives and height guidance of DD010 and provide for a commercial element consistent with the zoning of the land.

It is recommended that the application be refused.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (December 2016).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.