

570 Neerim Road, Hughesdale

Planning Report

*Construction of five townhouse dwellings in the General Residential Zone – Schedule 2
and a reduction of one visitors space to the car parking requirement*

Prepared by Tract Consultants
for CHT Architects

0317-0112 PR01 24 February 2017

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Executive Summary

Background

Client	CHT Architecture
Address	570 Neerim Road, Hughesdale ('Site')
Lot Description	Lot 1 on PS403236Y

Relevant Planning Controls

State Planning Policy Framework	<p>Clause 9 – Plan Melbourne Clause 10 – Operation of the State Planning Policy Framework Clause 11 – Settlement Clause 15 – Built Environment Clause 16 – Housing Clause 17 – Economic Development Clause 18 – Transport Clause 19 – Infrastructure</p>
Local Planning Policy Framework	<p>Clause 21.01 – Municipal Strategic Statement Clause 21.02 – Key Influence Clause 21.03 – Vision Clause 21.04 – Residential Development Clause 21.05 – Economic Development Clause 21.08 – Transport and Traffic Clause 21.09 – Key Regional Assets Clause 21.13 – Sustainability and Environment Clause 22.01 – Local Policy – Residential Development Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.05 – Tree Conservation Policy</p>
Zone	Clause 32.08 – General Residential Zone (Schedule 2)
Overlays	Clause 45.03 – Environmental Audit Overlay
Particular Provisions	<p>Clause 52.06 – Car Parking Clause 52.34 – Bicycle Facilities Clause 55 – Two or More Dwellings on a Lot and Residential Buildings</p>
Other Strategic Documents	<i>Plan Melbourne & Monash Housing Strategy</i>

Permit Application Details

Description of proposal	Construction of five townhouse dwellings on one lot in the General Residential Zone – Schedule 2.
Permit requirement	<p>Pursuant to the <i>Monash Planning Scheme</i>, the proposal triggers the following planning permit requirement:</p> <ul style="list-style-type: none"> ■ Clause 32.08-4 ('Construction and extension of two or more dwellings on a lot...') in the General Residential Zone.
Recommendation	<p>Having reviewed the <i>Monash Planning Scheme</i>, and having assessed the proposal against its relevant provisions, it is the conclusion of this report that the proposal is generally consistent with all relevant State and local planning policy.</p> <p>On this basis, it follows as the recommendation of this report that Council issues a planning permit for the construction of five townhouse dwellings at 570 Neerim Road, Hughesdale.</p>

Quality Assurance - Report Record

Project Name	570 Neerim Road, Hughesdale
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Revision (see below)	-
Prepared By	Jonathan McNair & Ben Daly
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1 INTRODUCTION

1.1 Overview

This planning report has been prepared by Tract Consultants Pty Ltd for CHT Architects in support of a planning permit application for the construction of five townhouse dwellings at 570 Neerim Road, Hughesdale ('Site').

Specifically, the proposal triggers the following planning permit requirement:

- **Clause 32.08-4** ('Construction and extension of two or more dwelling on a lot...') to construct two or more dwellings on a lot.
- **Clause 52.05-5** A reduction in the number of car parking spaces provided as specified by the car parking requirement.

The Site is well-suited to infill residential development. Key elements of the Site are summarised as follows:

- Proximity to Hughesdale Train Station (circa 400m).
- Proximity to the Hughesdale Activity Centre (circa 200m).
- An established surrounding character of infill unit development.
- Two street frontages and no direct interface to sensitive uses (including residential).
- Adjacent to a major redevelopment (568 Neerim Road – 25 x 3 storey townhouses approved).

Key elements of the proposal include:

- High quality, exemplar architectural design which delivers a flexible 3-4 bedroom product.
- Compliance with all ResCode objectives.

Having considered the Proposal in the context of the *Monash Planning Scheme*, *The Monash Housing Strategy*, and *Plan Melbourne*, this report concludes that the proposal is generally consistent with all relevant State and local planning policy. In particular, the proposal would deliver the following outcomes:

- A contemporary and architecturally merited design which responds to its surrounding neighbourhood character, broadens housing diversity, and contributes positively to housing affordability in Monash.
- A modest but nonetheless critical contribution to dwelling supply required within the Eastern Subregion as specified within *Plan Melbourne*.
- A highly liveable and generous standard of internal amenity with little unreasonable off-site amenity impacts on surrounding current or future residential development.

It follows as the recommendation and request of this report that Council issues a planning permit for the proposed development.

2 SITE AND CONTEXT

2.1 The Site

Title Particulars

The Site is known formally on the Certificate of Title as Lot 1 on Plan of Subdivision 403236Y.

Refer to **Appendix 1 – Certificate of Title** for further title information.

The Site

For the purposes of this planning report the area of Lot 1 which is subject to this planning permit application is herein referred to as 'the Site'.

The Site is located in the south-eastern corner of Lot 1. Refer *Figure 1 – Site within Lot 1*.

Location

The Site is located approximately 13.96km south-east of Melbourne's Central Business District (CBD), within the City of Monash.

Neerim Road

Neerim Road has been designed with a designated on street parking zone which is defined through unbroken line-marking.

Site Particulars

The Site is approximately 600sqm in area and in its current configuration has a north-south orientation towards Neerim Road.

The Site has two street frontages. One to Neerim Road on its southern boundary (approximately 15.41 metres) and one to Federation Walk on its eastern boundary (approximately 39.82 metres).

The Site is generally rectangular and has a maximum depth of 39.82 metres from Neerim Road along this eastern boundary.

Land Use and Development

The Site is currently used and developed as a car park which services an adjacent Telstra telecommunications exchange (situated immediately to the north and west of the Site).

The car park is constructed from asphalt and takes up approximately 430sqm of the Site's total area of 600sqm resulting in a non-permeable area of approximately 72%.

The Site was deemed surplus to Telstra's needs.

Access & Perimeter Fencing

The Site is accessible from an approximately 4.5 metre wide crossover to Neerim Road (south).

An approximately 2 metre high chain link fence including barbed wire secures the Site around its southern and western boundaries. To the east is a timber fence which also includes barbed wire.

Vegetation & Open Space

The Site comprises several garden beds containing grass and a variety of other vegetation.

This vegetation is situated along the eastern, southern and western boundaries with two grassed areas flanking the drive way.

Site interfaces

- **North:** The northern interface directly abuts an entrance to the telecommunications exchange red brick building. The Site is setback approximately 1.5m from the building. This building is single storey and reads as two storey equivalent.
- **South:** Neerim Road, a Council-owned road reserve that is approximately 20 metres wide. This local road contains parallel parking, nature strips, established trees and footpaths. This interface forms the current primary frontage to the Site.
- **East:** Federation Walk, a Council-owned local road reserve that is approximately 6 metres wide. This single carriageway road provides one-way access from the existing residential infill subdivision to Neerim Road. A narrow linear garden bed sits between the single carriageway and a standard wooden paling fence belonging to the dwelling to the east. This dwelling also includes a brick boundary wall to an out building.
- **West:** The western interface is a chain link fence separating the Site from the balance of land of the Site. A small concrete drive way is situated between the fence and the eastern wall of the telecommunications exchange building.



Aerial Plan

570 Neerim Road,
Hughesdale

PROJECT.DWGNO 0317-0112_D001

REV 00 DRAWN EQ CHKD LC APPROV LC

DATE 24.02.2017

Tract

Figure 1 – Site within Lot 1.

2.2 Site Surrounds

Local Area

Education

The local area provides a variety of early learning, primary, secondary and tertiary education facilities. 250 metres east of the Site is the Buckets Early Learning Centre and a variety of public and independent schools located within the area including (non-exhaustive, approximate):

- Murrumbeena Primary School (600 metres)
- Oakleigh Grammar School (600 metres)
- Sacred Heart Catholic Girls School (1.3km)
- Hughesdale Primary School (1.5km)

Additionally, the Site is within relatively close proximity to Monash University's Clayton and Caulfield campuses, as well as Holmesglen Institute of TAFE.

Retail and commercial services

The Site is identified to be within close proximity to four locally significant retail and commercial precincts including:

- Poath Road Village, Hughesdale (200 metres)
- Chadstone Shopping Centre, Malvern East (610 metres)
- Murrumbeena Road Village, Murrumbeena (1km)
- Oakleigh Major Activity Centre (1.25km)

Recreation

The Site is identified to be within close proximity to a variety of passive and active recreational reserves and facilities including (non-exhaustive, approximate):

- Boyd Park and Springthorpe Gardens (330 metres)
- Galbally Reserve (530 metres)
- Murrumbeena Park (770 metres)
- Warrawee Park Oval (1km)
- Treyvaud Memorial Park (1km)
- Oakleigh Recreation Centre (1.5km)

Health

Victoria's largest public health service, the Monash Medical Centre (which includes the Monash Children's Hospital), is 5km south-east of the Site at Clayton.

Numerous general practice and specialist clinics are located throughout Hughesdale and surrounding suburbs.

Transport

The Princes Highway and Monash Freeway (M1) are both situated to the north of the Site and provide access to Melbourne and Victoria's road network. The Site is situated between Poath Road and Warrigal Road which both provide north-south connectivity.

The Site has a variety of sustainable transport options within close proximity including on and off-road bike paths and pedestrian paths linking the area to nearby trip generators. In addition, the Site is well serviced by public transport including (non-exhaustive):

- SmartBus Route 903 from Princes Highway (Mordialiac to Altona via Oakleigh and Box Hill)
- Local Bus Route 767 from Poath Road (Southland to Box Hill via Chadstone and Deakin University)
- Cranbourne-Pakenham Railway Line from Hughesdale Railway Station

Of particular importance to this local area is the reconstruction of Hughesdale Station as part of the works associated with the removal of the Poath Road level crossing. This project is being undertaken by the Level Crossing Removal Authority (LXRA) and is due for completion in late 2018.

Neighbourhood Character

Neerim Road

The immediate block along Neerim Road comprises of a mix of single and double-storey detached dwellings from a variety of 20th century eras and styles. The street is lined with mature deciduous non-native trees, and most dwellings have low fences and walls to the street.

Further east along Neerim Road toward Princes Highway is generally comprised of single and double storey multi-unit developments and despite this increase in density the neighbourhood character tends to remain consistent in form and visual bulk to the area immediately surrounding the the Site.

Federation Walk

The Federation Walk estate is situated directly east of the Site, and comprises of a dense mix of single and double-storey houses and villas orientated towards a one-way circuit street. The dwellings within this precinct are generally built wall-to-wall with minimal setbacks providing an appearance of higher density than the surrounding area. The dwellings are of an infill character and were built on land excised from the broader Telstra property circa 1997. The dwellings display elements typical of the 'New Urbanism' movement of the late 1980s and the 1990s, including dwelling proximity, lack of front fencing, high passive surveillance, and narrow carriageways.

Unit Infill Development

Walking to and around the Site from Hughesdale Train Station, it is clear that this part of Hughesdale is characterised by a high number of infill units (refer photographic survey below). Immediately south of the Site is a large two unit development which reads as if it were a single dwelling. Throughout the neighbourhood there are many examples of long driveways servicing upwards of 4-6 dwellings. Further to the discussion above, the development of Federation Walk in the late 1990s can be viewed as a 'next stage' of this infill character.

Emerging Character

With the recent approval of circa 25 townhouses adjacent the Site at 568 Neerim Road and 34 Poath Road, in addition to more intensive apartment buildings along Poath Road one or two blocks to the south of the Site, there is a clear emerging character of contemporary, modern infill development in this part of Hughesdale.

3 THE PROPOSAL

3.1 Use

It is proposed to use the Site for the purpose of five townhouse dwellings consisting of 3-4 bedrooms each.

3.2 Development

Demolition

There is no built form on the Site aside from perimeter fencing and a layer of asphalt which would be demolished to make way for the proposed development. The Site's existing vegetation would also be removed.

Development Overview

It is proposed to construct five townhouse dwellings at on the Site. The townhouses achieve an efficient three storey layout (plus one basement level) with an overall height of 8.7 metres above natural ground level. The buildings' proposed orientation will be east-west to Federation Walk.

Layout

- Basement Level
 - Excavated courtyard area.
 - One bedroom (west orientation) with ensuite, walk-in wardrobe area, and open study.
 - Cinema room.
 - Deep storage cupboard.
- Ground Level
 - Double car garage.
 - Second living area or additional bedroom (west orientation).
- Level 1
 - Primary living area.
 - Kitchen and dining (open plan).
- Level 2
 - One bedroom (west orientation) with ensuite and walk-in wardrobe area.
 - One bedroom (east orientation).
 - One bathroom.

3.3 Parking & Access

Vehicle Access & Parking

Vehicle access to each dwelling is proposed from Federation Walk (east) via approximately 6.5m crossovers.

Each dwelling is provided with an internal double garage accessed from Federation Walk.

Pedestrian Access

Pedestrian access is proposed via Neerim Road from a shared path to the west of the townhouses.

4 PLANNING POLICY FRAMEWORK

This chapter details relevant sections of the *Monash Planning Scheme* and other key strategic planning strategies as they relate to the proposal.

4.1 State Planning Policy Framework

Clause 9 (Plan Melbourne)

This clause specifies that “where relevant, planning and responsible authorities must consider and apply the strategy *Plan Melbourne: Metropolitan Planning Strategy*.”

Clause 11.02 (Urban Growth)

The objective of this policy is “To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”

This clause encourages opportunities for consolidation, redevelopment, and intensification of existing urban areas.

Clause 11.04 (Metropolitan Melbourne)

As its vision, this clause states that “Melbourne will be a global city of opportunity and choice.” It plans to create a city structure that will drive productivity and creates more jobs.

Clause 11.04-2 (Housing choice and affordability)

The objective of this clause is “To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.”

Clause 11.04-4 (Liveable communities and neighbourhoods)

The objective of this clause is “To create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities.”

Clause 15 (Built Environment and Heritage)

This clause states that land use and development should be responsive to its site and context and should protect identified values. The clause recognises that quality built environments support social, cultural, economic and environmental wellbeing.

Clause 15 states that planning should achieve high quality urban design and architecture which:

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances liveability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.*

Clause 15.01-1 (Urban Design)

The objective of this clause is “To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.”

Clause 15.01-2 (Urban Design Principles)

The objective of this clause is "To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties."

Clause 15.01-3 (Neighbourhood and Subdivision Design)

The objective of this clause is "To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods."

Clause 15.01-4 (Design for Safety)

The objective of this clause is "To improve community safety and encourage neighbourhood design that makes people feel safe."

Clause 15.01-5 (Cultural identity and neighbourhood character)

The objective of this clause is "To recognise and protect cultural identity, neighbourhood character and sense of place."

Clause 15.02-1 (Energy and resource efficiency)

The objective of this clause is "To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions."

Clause 16 (Housing)

This clause states that planning should provide for housing diversity, access to services, and should provide land for affordable housing.

Clause 16.01-1 (Integrated Housing)

The objective of this clause is "To promote a housing market that meets community needs."

Clause 16.01-2 (Location of residential development)

The objective of this clause is "To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport."

Clause 16.01-4 (Housing Diversity)

The objective of this clause is "To provide for a range of housing types to meet increasingly diverse needs."

Clause 16.01-5 (Housing Affordability)

The objective of this clause is "To deliver more affordable housing closer to jobs, transport and services."

Clause 17 (Economic Development)

This clause states that planning should provide for a strong and innovative economy that contributes to the economic wellbeing of communities, supporting and fostering economic growth and development and allowing each district to build on its strengths and achieve its economic potential.

Clause 21.02-6 (The importance of neighbourhood character and heritage)

This clause recognises as a 'key issue' that Monash is 'essentially fully developed' and identifies the need to balance "the competing interests of the need for housing diversity and maintenance of existing neighbourhood character". This clause seeks to ensure that "development outcomes are of a high quality design standard and are sympathetic to the preferred neighbourhood character and streetscape."

The clause recognises the ongoing challenge that is protecting and enhancing economic and social environments while maintaining Monash as a place "that people want to conduct business as well as live".

Clause 21.03 (A Vision for Monash)

This clause sets the following vision for the municipality:

- *"Our City will promote a sustainable, quality environment where the community is actively encouraged to participate in community and civic life to enrich the cultural, social, environmental and economic viability of our City"*

In respect of 'Urban Development' the following goal is put forward:

- *“Plan for attractive and environmentally sound use of land that allows for diversity while remaining sympathetic to existing neighbourhood character.”*

Clause 21.03-5 (Monash’s Garden City Character)

This clause reiterates that “The Garden City Character is a core value held by Council and is an important consideration in all land use and development decisions.” This character is especially relevant when considering the following:

- *Setbacks of buildings and car parks from roads, public spaces and other buildings;*
- *Mass and scale of building envelopes;*
- *Well-designed building facades;*
- *Quality of building materials;*
- *Location of car parking and accessways;*
- *Canopy tree and other vegetation used in landscaping;*
- *Location of services;*
- *Street planting;*
- *Front fencing; and*
- *Promotional material and signage.*

Clause 21.04 (Residential Development)

This clause introduces the neighbourhood character of the municipality. At Map 3 of the clause, the Site sits within ‘Residential Character Type A’ which has the following description:

- *“Type A Character derived from Pre-First World War and Inter-War development on flat topography and a grid subdivision pattern.”*

In respect of new residential development the clause states that it should be carefully designed and sited to complement the current character.

The following objectives are set out at clause 21.04-3:

- *To encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.*
- *To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.*
- *To recognise and provide for housing needs of an ageing population.*
- *To ensure the accommodation needs of students are met.*
- *To encourage high standards of architectural design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.*
- *To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporate landscape design and use of construction materials that minimise environmental impacts.*
- *To ensure that heritage dwellings and precincts are identified and conserved.*
- *To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.*
- *To ensure that development is appropriate having regard to the residential environment of the area, in particular neighbourhood character and amenity.*
- *To ensure appropriate infrastructure is provided to meet changing community needs that also complies with the principles of environmentally sustainable development.*

Clause 21.08 (Transport and Traffic)

The objective of this clause relevant to the proposal are:

- *To ensure that adequate vehicle parking is provided for all new uses and developments and that the cost is shared on an equitable basis.*

Clause 21.13 (Sustainability and Environment)

This clause seeks to “ensure that planning, development and associated infrastructure complies with the principles of economic prosperity, social advancement and environmental protection.”

Clause 22.01 (Residential Development and Character Policy)

This clause recognises the municipality's 'Garden City Character' as a "core value held by the community and Council". Clause 22.01 intends to provide certainty and to ensure that new development is successfully integrated into existing residential environments.

The clause includes the following objectives relevant to the proposal:

- *To build upon the important contribution that landscaping makes to the Garden City Character of Monash*
- *To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the desired future character statement for applicable residential Character Type.*
- *To encourage the provision of a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable*
- *To encourage building practices and housing preferences that are energy efficient and sustainable*
- *To encourage medium rise residential development to locate within the Clayton, Brandon Park and Mt Waverley Major Activity Centres*

Under clause 22.01-4 (Decision Guidelines) it is policy that before deciding on an application, the responsible authority will consider as appropriate:

- *Whether the proposed development will have any adverse impact on the environment*
- *Whether the proposed development will be adversely affected by any adjacent industrial, commercial or trade activity*
- *The following statements of current character, contributory elements and desired future character for each residential Character Type as identified on the attached map and as detailed in the Monash Urban Character Study*
- *The human rights of any person affected by the application or the proposed development.*

Residential Character Type A has the following 'Desired future character statement':

- *The neighbourhood character of this area will evolve to retain evidence of its origins in the middle of the last century and of other eras of development by protecting buildings and precincts*
- *New dwellings will address the street and complement the scale and form of adjacent buildings. The built form will be unified by a general consistency in building setback.*
- *Sympathetically designed buildings are encouraged. Front fences will be low and complement the architecture in design, colour and materials.*
- *Gardens will be placed with both native and exotic plants to create a visually permeable buffer between the house and street. The soft quality of the street that is derived partially from the nature strips and tree planting within them will be maintained by ensuring that there is only one single cross over per lot frontage.*

The *Monash Urban Character Study* (1997) identifies five residential character types within the City of Monash. The Site is situated within Area A – Hughesdale Oakleigh. This Guide identifies the following characteristics, some of which can generally be considered applicable in 2017, noting that this study appears to brush over the clear unit infill of the 1970s as well as more recent infill development (post the 1997 study):

- *Flat topography.*
- *Grid subdivision pattern.*
- *Pre-Second World War houses in comparatively high numbers.*
- *Well planted front gardens.*
- *Consistent setback.*
- *Street trees varied in species, quality and frequency.*
- *Wide nature strips.*
- *Low fences or walls.*
- *6 metre street.*
- *Overhead services.*

Clause 22.04 (Stormwater Management Policy)

This clause aims to manage stormwater flows within the municipality effectively. Under this policy, development proposals should demonstrate “that there will be no detrimental effect on overall stormwater quality within the municipality”.

Clause 22.05 (Tree Conservation Policy)

This clause recognises the importance of canopy trees to the ‘garden city’ character of the municipality and seeks the retention of large, canopy trees where practical. It is also policy that semi mature, canopy trees be planted in the front setbacks any new development in order to reinforce Monash’s preferred garden city character.

4.2 Zone

Clause 32.08 (General Residential Zone) – Schedule 2 (GRZ2)

The Site is located within the General Residential Zone – Schedule 2 (GRZ2) (Refer **Figure 2 – Zone Plan**).

The purpose of the GRZ is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*
- *To encourage development that respects the neighbourhood character of the area*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations”.*

Use

Under clause 32.08-1, ‘Dwelling’ is a ‘Section 1 – Permit not required’ use.

Development

Under clause 32.08-4 (Construction and extension of two or more dwellings on a lot...), a permit is required to construct two or more dwellings on a lot.

Maximum Building Height

Under clause 32.08-7 (Maximum building height requirement for a dwelling or residential building), “the maximum height of a building used for the purpose of a dwelling or residential building must not exceed the building height scheduled to this zone. If no building height is specified, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies”.

The GRZ2 does not specify a height requirement; therefore the provisions of Clause 55 apply.

Variation to ResCode Standards

Under clause 32.08-5 (Requirements of Clause 54 and Clause 55), a schedule to the GRZ may vary Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

Under Schedule 2 to the GRZ, the following standards are varied:

- Standard B6 (Minimum street setback)
 - Front setback – 7.6 metres
- Standard B28 (Private open space)
 - A dwelling or residential building should have private open space consisting of:
 - An area of 75 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum width of 5 metres and convenient access from a living room; or
 - A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room; or
 - A roof top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.
- Standard B32 (Front fence height)
 - A front fence within 3 metres of a street should not exceed 1.2 metres.

Decision Guidelines

Clause 32.08-10 (Decision guidelines) sets out a number of decision guidelines which the responsible authority must consider as appropriate. The following decision guidelines are considered relevant to the proposal:

General

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies*
- *The purpose of this zone*
- *Any other decision guidelines specified in a schedule to this zone.*

Dwellings and residential buildings

- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55*
- *For a development of five or more storeys, excluding a basement, the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004)*

No further design guidelines are specified in the GRZ2.

4.3 Overlays

Clause 45.03 (Environmental Audit Overlay)

The Site is affected by the Environmental Audit Overlay (EAO) – refer **Figure 3 – Overlay Plan**.

Purpose

The purpose of the EAO is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

Requirement

Before a sensitive use (including residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
- *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

4.4 Particular Provisions

Clause 52.06 – (Car Parking)

The purpose of the clause is:

- *To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality*
- *To support sustainable transport alternative to the motor car*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy efficient use.*

Car parking requirement

Pursuant of clause 52.06-5 (number of car parking spaces required), the following car parking rates apply to the proposal:

- **Dwelling** – 1 to each one or two bedroom dwelling, plus 2 to each three or more bedroom dwelling, plus 1 visitor parking space to each 5 dwellings.

Clause 52.34 (Bicycle Facilities)

The purpose of the clause is:

- *To encourage cycling as a mode of transport*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities*

Bicycle parking requirement

Pursuant of clause 52.34-3 (bicycle spaces), the following bicycle parking rates apply to the proposal:

- **Dwelling** – In developments of four or more storeys, 1 resident space to each 5 dwellings plus 1 visitor space to each 10 dwellings.

Clause 55 (Two or more dwellings on a lot and residential buildings)

The purpose to this clause is:

- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

The provisions of clause 55 apply to the construction of two or more dwelling on a lot in the General Residential Zone.

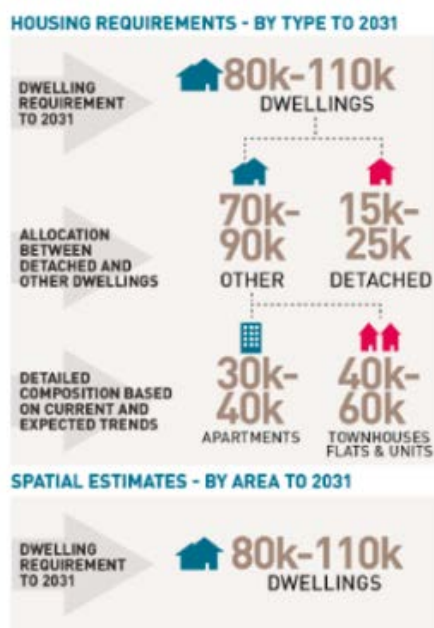
4.5 Strategic Documents

Plan Melbourne

Plan Melbourne is the Victorian Government's metropolitan planning strategy that will guide the city's growth to 2050. The strategy is structured around five sub regional plans with the Site situated within the Eastern Subregion.

Of particular relevance to the Site, the strategy:

- States that the Eastern Subregion is expected to grow by 150,000 to 200,000 by 2031.
- States that the Eastern Subregion has a housing requirement of 80,000 to 110,000 dwellings by 2031, including between 40,000 and 60,000 townhouses, flats, and units.
- Enables 20 minute neighbourhoods so that people can access a range of local services within 20 minutes of home.
- Encourages "greater housing density near jobs and transport" that "will help achieve a greater level of choice for medium- and low-income households in terms of locating nearer to employment opportunities". This is to deliver affordable living by providing the appropriate supply and range of housing near to services and public transport.
- Directs that the majority of new dwellings are to be accommodated in established areas, located near existing and planned transport networks.



Plan Melbourne Housing Requirement Excerpt (Page 181)

Monash Housing Strategy

The *Monash Housing Strategy 2014* ('the Strategy') formulates a range of objectives, strategies and actions aimed at addressing Monash's key housing issues.

The Strategy states that "strong population growth and falling household sizes have increased the need to support more infill development within established areas of Australia's major cities, with Melbourne being under the greatest pressure at a national scale."

The Strategy states that Monash needs to address the following key issues within the foreseeable future:

- *Accommodating moderate population growth through infill development.*
- *Facilitating a more diverse range of housing to meet changing needs, particularly in relation to housing for older residents, students and recent migrants.*
- *Managing an expected increase in demand for higher density development, including apartments.*
- *Addressing housing affordability issues.*
- *Promoting more environmentally sustainable urban form and building design.*
- *Encouraging design excellence in new development, extension and renovations.*
- *Protecting valued urban character, heritage and amenity, and the natural environment.*
- *Recognising the opportunities that larger sites may provide for more intensive development outcomes that, due to their scale, can be sensitive to the desired future character of the location.*

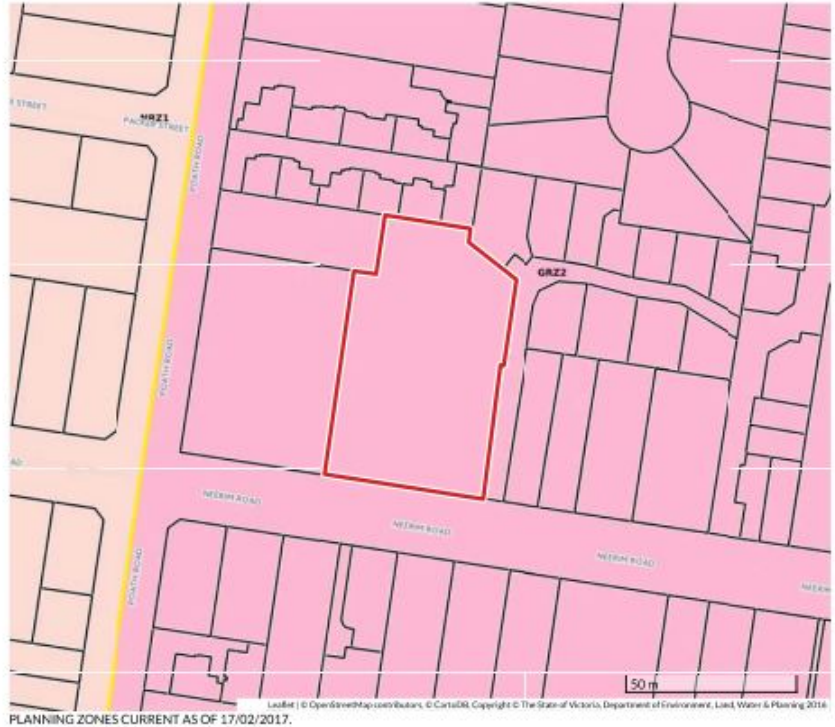
Relevant objectives of the Strategy include:

- *To provide accommodation for a diverse and growing population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.*
- *To encourage the provision of a variety of housing styles and sizes that will accommodate the future housing needs and preferences of the Monash community.*
- *To recognise and provide for housing needs of an ageing population.*
- *To ensure that development is appropriate having regard to the residential environment of the area, in particular neighbourhood character and amenity.*
- *To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.*
- *To encourage efficient use of existing physical and social infrastructure.*

- *To encourage high standards of architectural design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.*
- *To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporate landscape design and use of construction materials that minimise environmental impacts.*
- *To ensure appropriate infrastructure is provided to meet changing community needs that also complies with the principles of environmentally sustainable development.*
- *To ensure that housing in Monash is accessible and safe.*
- *To ensure appropriate and affordable housing is available to suit the social and economic needs of the community.*

PLANNING ZONES

GRZ2 - GENERAL RESIDENTIAL ZONE - SCHEDULE 2



POWERED BY ONEMAP

LEGEND

RESIDENTIAL ZONES

- RGZ - RESIDENTIAL GROWTH
- R2Z - RESIDENTIAL 2
- GRZ - GENERAL RESIDENTIAL / R1Z - RESIDENTIAL 1
- NRZ - NEIGHBOURHOOD RESIDENTIAL
- R3Z - RESIDENTIAL 3
- LDRZ - LOW DENSITY RESIDENTIAL
- MUZ - MIXED USE
- TZ - TOWNSHIP

COMMERCIAL / BUSINESS ZONES

- C1Z - COMMERCIAL 1 / BUSINESS 1
- B2Z - BUSINESS 2
- C2Z - COMMERCIAL 2
- B3Z - BUSINESS 3
- B4Z - BUSINESS 4
- B5Z - BUSINESS 5

SPECIAL DEVELOPMENT ZONES

- ACZ - ACTIVITY CENTRE
- CCZ - CAPITAL CITY
- DZ - DOCKLANDS
- CDZ - COMPREHENSIVE DEVELOPMENT
- PDZ - PRIORITY DEVELOPMENT
- UGZ - URBAN GROWTH

INDUSTRIAL ZONES

- IN1Z - INDUSTRIAL 1
- IN2Z - INDUSTRIAL 2
- IN3Z - INDUSTRIAL 3

RURAL ZONES

- RLZ - RURAL LIVING
- RAZ - RURAL ACTIVITY
- FZ - FARMING / RUZ - RURAL
- GWAZ - GREEN WEDGE A
- GWZ - GREEN WEDGE
- ERZ - ENVIRONMENTAL RURAL
- RCZ - RURAL CONSERVATION

OTHER ZONES

- SUZ - SPECIAL USE
- CA - COMMONWEALTH LAND
- PZ - PORT
- RDZ1 - ROAD - CATEGORY 1
- RDZ2 - ROAD - CATEGORY 2
- UFZ - URBAN FLOODWAY
- PPRZ - PUBLIC PARK AND RECREATION
- PCRZ - PUBLIC CONSERVATION AND RESOURCE
- PUZ4 - PUBLIC USE - TRANSPORT
- PUBLIC USE - PUZ1 - SERVICE & UTILITY / PUZ2 - EDUCATION / PUZ3 - HEALTH COMMUNITY / PUZ5 - CEMETARY / CREMATORIUM / PUZ6 - LOCAL GOVERNMENT / PUZ7 - OTHER PUBLIC USE
- MUNICIPALITY BOUNDARIES
- URBAN GROWTH BOUNDARY

Figure 2 – Zone Plan

OTHER OVERLAYS

EAO - ENVIRONMENTAL AUDIT
OVERLAY



POWERED BY ONEMAP

LEGEND

-  Airport Environs Overlay (AEO)
-  City Link Project Overlay (CLPO)
-  Development Contributions Plan Overlay (DCPO)
-  Environmental Audit Overlay (EAO)
-  Melbourne Airport Environs (MAEO)
-  Public Acquisition (PAO)
-  Parking (PO)
-  Restructure Overlay (RO)
-  Road Closure Overlay (RXO)

Figure 3 – Overlay Plan

5 PLANNING ASSESSMENT

5.1 State Planning Policy Framework (SPPF)

The following provides an assessment of the Proposal against the SPPF

Plan Melbourne (Clause 9)

Through its location near the Oakleigh Activity Centre, the Monash National Employment Cluster, and the Cranbourne-Pakenham Rail Corridor, the Site is within close proximity to a number of precincts of local, metropolitan and national importance. Additionally, this type of proposal has an important role to play in contributing to the Eastern Subregion's dwelling requirement to 2031.

Refer **Section 5.4** below for further discussion of the proposal's accordancy with *Plan Melbourne*.

Settlement (Clause 11)

The proposal seeks to develop and intensify the use and development of a site which is well-suited to urban renewal through infill development. Through its proximity to public transport options, public open space, the Hughesdale Neighbourhood Activity Centre (as per LPPF designation) the Oakleigh Activity Centre, the proposal will provide residents with access to employment options, health services, and opportunities to live healthy and active life styles.

Built Environment and Heritage (Clause 15)

Integrating well with its surrounding streetscape through appropriate front and side setbacks, the proposal has been architecturally designed to utilise high quality finishes, contemporary tones, sustainable materials, and strong articulation. The proposed layout is functional, legible, and intuitive with a good degree of internal amenity.

The visual bulk of the building will also be reduced through its orientation toward Federation Walk, with setbacks consistent with the form 1990s infill development.

Housing (Clause 16)

By proposing five in immediate proximity to the Hughesdale Neighbourhood Activity Centre and close to the Oakleigh Activity Centre adjacent to the Cranbourne-Pakenham Rail Corridor, the proposal would contribute to housing diversity and provide a meaningful contribution to the dwelling supply of the area. The proposal would therefore contribute to meeting the community's need for housing including by diversifying the housing product of Monash with flexible 3-4 bedroom townhouse dwellings.

Transport (Clause 18)

Given the Site is positioned on numerous bus routes which connect it to a variety of transport nodes and trip generators, its proximity to Hughesdale Train Station and the Princess Highway, the proposal presents a clear integration of land-use and transport. This is further enhanced by the works associated with the modernisation of the Cranbourne-Pakenham Rail Corridor through the removal of all level crossings between Caulfield and Dandenong.

Summary

The Proposal is consistent with all relevant objectives of the State Planning Policy Framework.

5.2 Local Planning Policy Framework

The following provides an assessment against the Monash LPPF:

Municipal Profile, Influences, and Vision (Clauses 21.01, 21.02, 21.03)

The proposed development of five townhouses supports and enhances the Vision for Monash. The proposal will provide a built environment outcome that has been architecturally designed to utilise

sustainable materials, high quality finishes, strong articulation, and contemporary tones whilst remaining sympathetic and consistent with the existing neighbourhood of Neerim Road and Federation Walk. .

Residential Development (Clause 21.04)

Pursuant to this clause, the proposed development is appropriately designed to complement the current neighbourhood character that describes Area A.

Further, the proposal will achieve the following components of the relevant objectives of this clause:

- Provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community.
- Provision of accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences.
- Provision of housing suitable for an ageing population.
- Provision of high standard of architectural design and landscaping.

Transport and Traffic (Clause 21.08)

The location of the Site will utilise and increase the efficiency of the municipality's existing bus and train network and associated infrastructure. The project will encourage active transport through proximity to the Oakleigh Activity Centre and local employment opportunities as well as the Hughesdale Train Station and Neighbourhood Activity Centre. The proposal will provide the statutory car parking requirement (refer to assessment below).

Sustainability and Environment (Clause 21.13)

The proposal achieves an east-west orientation which will maximise morning and afternoon solar penetration to the proposed townhouses. All bedrooms and main living areas have good solar exposure, ensuring the proposal benefits from natural daylight. Good thermal massing will be achieved through the proposed internal boundary 'party' walls. Likewise, the proposal does not compromise solar exposure to existing and future dwellings.

Residential Development and Character Policy (Clause 22.01)

Within this clause, the Site is located within 'Residential Character Type A' and the proposal is consistent with the Desired Future Character Statement for this area.

Specifically, the proposal achieves a setback which is halfway between that of the dwelling to the east and the commercial building to the west, thereby 'smoothing' the street setback to achieve consistency along this part of Neerim Road. Likewise, to Federation Walk the proposal has no setback, consistent with the boundary walls along this street.

The proposal does not seek to replicate surrounding product, but draws from the massing of the Site's existing commercial buildings.

The proposed townhouses represent the evolution of this area from exclusively detached housing, to infill unit development, to a meeting-point between these two typologies, being contemporary terraced townhouses consistent with nearby approved developments.

The proposed development is consistent with and supports the Garden City character of the City of Monash. In particular, a generous setback is proposed from Neerim Road to accommodate canopy planting which would continue west the leafy feeling of the portion of Neerim Road to the east of the Site.

Stormwater Management Policy (Clause 22.04)

Pursuant to the clause the development will have no detrimental effect on the overall stormwater quality within the municipality.

LPPF Summary

In summary, the Proposal is consistent with all relevant objectives of Monash's Local Planning Policy Framework, and in particular with Council's neighbourhood character objectives and garden city pursuits.

5.3 Assessment against relevant Planning Controls

Zone

General Residential Zone – Schedule 2 (Clause 32.08)

Use

Pursuant of clause 32.08-1 (Table of uses) 'Dwelling' is a 'Section 1 – Permit not required' use.

Development

Under clause 32.08-6 (Buildings and works associated with a Section 2 use), a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-1.

Response to Purpose

The proposal achieves the purpose of the GRZ by:

- Respecting the neighbourhood character of the area (refer Section 5.2 above).
- Providing a moderate number of new dwellings (five), consistent with the density of surrounding infill developments (and future developments/approvals).
- Providing housing in a location offering good access to services and public transport.
- According with State and Local planning policy (refer Sections 5.1 and 5.2 above).

Requirement

Under clause 32.08-4 a development for two or more dwellings on a lot must meet the requirements of Clause 55.

Decision Guidelines

Clause 32.08-10 (Decision guidelines) sets out the following decision guidelines (italicised with our responses indented)

- *General*
 - *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - As evidenced at Sections 5.1 and 5.2 above, the proposal is consistent with relevant State and Local Planning Policy
 - *The purpose of this zone.*
 - The proposal is consistent with the purpose of the GRZ as addressed above.
 - *Any other decision guidelines specified in a schedule to this zone.*
 - No further decision guidelines are specified in the GRZ2.
- *Dwellings and residential buildings*
 - *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.*
 - The proposed development meets the objectives of Clause 55.

Summary

The proposal is consistent with the purpose the GRZ and has satisfied the relevant decision guidelines of the zone. A planning permit should therefore be granted under the GRZ for the proposed use and development.

Overlay

Clause 45.03 – Environmental Audit Overlay (EAO)

The EAO does not trigger a permit requirement.

A condition on a planning permit could ensure fulfilment of this requirement prior to commencement of the development.

Particular Provisions**Car Parking** (Clause 52.06)Car Parking Requirement

Clause 52.06 requires that each dwelling of three or more bedrooms provides 2 resident car parking spaces.

Clause 52.06 also requires that one visitor car parking space be provided for each five new dwellings.

On this basis, the proposal has a car parking requirement of 11 spaces, being 10 resident spaces (two per dwelling) and one total visitor car parking space.

Car Parking Provisions

The proposal provides two resident car parking spaces per dwelling within internal double car garages.

The proposal also provides 1-2 visitor car parking spaces by restoring to kerb and channel of the Site's existing crossover from Neerim Road.

The proposed reduction in the car parking requirement is justified given the new opportunity for on street visitor parking which is resulting from rationalisation/removal of the existing crossover. Up to two on-street parking spaces can be provided.

Bicycle Facilities (Clause 52.34)

The proposal has a statutory bicycle requirement of 1 resident bicycle space.

Given all dwellings will have internal double garages as well as large internal storage areas, it is submitted that all dwellings will have adequate spaces to park bicycles

The provisions of clause 52.34 are therefore met.

Two or more dwellings on a lot and residential buildings (Clause 55)

The proposed development meets the objective of Clause 55.

5.4 Consideration of Strategic Documents**Plan Melbourne**

Through its location within proximity to the Oakleigh Activity Centre and the Principal Public Transport Network (Hughesdale Train Station), the Site and the proposal have an important role to play in contributing to the Eastern Subregion's dwelling requirement to 2031 as specified within Plan Melbourne.

Specifically, the proposal achieves the following aspects of *Plan Melbourne*:

- Providing residential development within a '20 minute neighbourhood'.
- Contributing a modest but nonetheless critical five dwelling units to the Eastern Subregion's expected 40,000-60,000 'townhouses, flats, and units' requirement.
- Diversifying housing choice by providing a flexible 3-4 bedroom townhouse product to the market, suitable for larger families.
- Making efficient use of urban land.
- Locating residential development in an established area which is located near existing and planned transport networks, namely Hughesdale Train Station and a number of immediately proximate bus routes.

Monash Housing Strategy

The *Monash Housing Strategy 2014* recognises the need for providing more infill development in established areas and outlines a number of housing objectives for the municipality.

In particular, the proposal will achieve these objectives by:

- Contributing to achieving a variety of housing styles in Monash.
 - Providing a more affordable dwelling offer in Monash (as compared to conventional detached housing).
 - Better utilising existing physical and social infrastructure in the locality and in particular Hughesdale Train Station, a number of bus routes, key road infrastructure, and nearby public open space.
 - Achieving a high standard of architecture.
 - Proposing a design which increases safety through increase activation and passive surveillance over the public realm.
 - Sustainably orientating all dwellings (east-west) to achieve high internal amenity for all dwellings.
-
- Providing a more affordable dwelling offer in Monash (as compared to conventional detached housing).
 - Better utilising existing physical and social infrastructure in the locality and in particular Clayton Train Station, a number of bus routes, key road infrastructure, and nearby public open space.
 - Achieving a high standard of architecture including well-recessed upper levels and use of timber cladding.
 - A design which increases safety through increase activation and passive surveillance over the public realm.
 - Sustainably orientating all dwellings to achieve high internal amenity for all dwellings.
 - Including other best practice ESD features which will lower the running cost of the building over time and therefore contribute to affordable lifestyles.

6 CONCLUSION

This planning report has been prepared by Tract Consultants Pty Ltd for CHT Architects in support of a planning permit application for the construction of five townhouse dwellings at 570 Neerim Road, Hughesdale.

Specifically, the proposal triggers the following planning permit requirement:

- **Clause 32.08-4** ('Construction and extension of two or more dwelling on a lot...') to construct two or more (five) dwellings on a lot.
- **Clause 52.05-5** A reduction in the number of car parking spaces provided as specified by the car parking requirement.

The Site is well-suited to infill residential development. Key elements of the Site are summarised as follows:

- Proximity to Hughesdale Train Station (circa 400m).
- Proximity to the Hughesdale Activity Centre (circa 200m).
- An established surrounding character of infill unit development.
- Two street frontages and no direct interface to sensitive uses (including residential).
- Adjacent to a major redevelopment (568 Neerim Road).

This report has described the Site, its context, and the proposal before assessing these components against identified relevant planning policy and provisions.

In summary, the proposal would deliver the following:

- A contemporary and architecturally merited design which responds to its surrounding neighbourhood character, broadens housing diversity, and increases housing affordability in Monash.
- A modest but nonetheless critical contribution to dwelling supply required within the Eastern Subregion as specified within Plan Melbourne.
- A highly liveable and generous standard of internal amenity with little or no off-site amenity impacts on surrounding current or future residential development.

Having considered the Proposal in the context of the *Monash Planning Scheme*, *The Monash Housing Strategy*, and *Plan Melbourne*, it is the conclusion of this report that the proposal is generally consistent with all relevant State and local planning policy.

It follows as the recommendation and request of this report that Council issues a planning permit for the proposed construction of five townhouse dwellings at 570 Neerim Road, Hughesdale.

APPENDIX 1 – CERTIFICATE OF TITLE



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 10323 FOLIO 063

Security no : 124064673978C
Produced 22/02/2017 11:08 am

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 403236Y.
PARENT TITLE Volume 08844 Folio 831
Created by instrument PS403236Y 03/04/1997

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TELSTRA CORPORATION LTD of LEVEL 5 333 QUEEN STREET MELBOURNE 3000
PS403236Y 03/04/1997

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
U682453P 17/03/1997

DIAGRAM LOCATION

SEE PS403236Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 570 NEERIM ROAD HUGHESDALE VIC 3166

DOCUMENT END

Delivered by LANDATA®. Land Victoria timestamp 22/02/2017 11:11 Page 1 of 5



Application by
MONASH CITY COUNCIL
for the making of a recording
of an agreement
Section 181(1) Planning and Environment Act 1987

Lodged by:
Name: SEPTIMUS JONES & LEE
Phone: 9654 2677
Address: 257 Collins Street
Melbourne
Ref: DBJ
Customer Code: 1880H

1 x 197-...

The authority or council having made an agreement requires a recording to be made in the Register for the land.

Land: Certificate of Title Volume 8844 Folio 831
Authority or Council: Monash City Council of 293 Springvale Road, Glen Waverley
Section and Act under which agreement made: Section 173 of the Planning and Environment Act 1987

*Now = V 10323 F063/4.
17/4/97.*

A copy of the agreement is attached to this application.

Date: 7/3/97

J McAlpine
Signature of Officer of Responsible Authority

J. McALPINE STRATEGIC PLANNER
Name of Officer of Responsible Authority (print)

JLEFREY McALPINE
293 Springvale Road, Glen Waverley, 3150
A natural person who is a current
practitioner within the meaning of the
Legal Practice Act 1996
Office Held

h
17 APR 1997

ASKT

U682453P

THIS AGREEMENT is made this 24 day of February 1997 ~~1996~~

BETWEEN: **MONASH CITY COUNCIL** of 293 Springvale Road, Glen Waverley in the State of Victoria ("the Council") of the first part and **AUSTRALAND HOLDINGS PTY LTD** of 15 Business Park Drive, Notting Hill, Victoria ("Purchaser" of Proposed Lot 2) of the second part, and **TELSTRA CORPORATION** of 333 Queen St. Melbourne ("Owner" of Proposed Lot 1 and 2) of the third part

WHEREAS

- A. The owners are the Registered Proprietors (or entitled to be so) and the Owner of the land comprised in Certificate of Title Volume 8844 Folio ("the land"). 831
- B. "The land" is shown in attached Schedule 1 (and includes Proposed Lot 1 and 2).
- C. The Council is the Planning Authority and the Responsible Authority for the purpose of administering the Monash Planning Scheme ("the Planning Scheme") which affects the land and the Subdivision Act 1988 (as amended).
- D. The Purchaser is presently negotiating with the Owner to purchase the land formerly occupied by the Oakleigh Line Depot, but which is now surplus to the Owner's requirements (Proposed Lot 2). The Owner will continue to occupy the Oakleigh Telephone Exchange (Proposed Lot 1).
- E. The Purchaser proposes to develop the Proposed Lot 2 for integrated residential housing and subdivision.
- F. The Council proposes to defer the Open Space requirement under Section 18 of the Subdivision Act, for a 2 Lot Plan of Subdivision creating the two lots shown in the attached Schedule 1 to a time when each of the individual lots respectively is further subdivided.
- G. In consideration of the Council proposing to defer the Subdivision Open Space requirement, the Purchaser proposes to make a cash payment of an amount equal to 7.5% of the site value of Proposed Lot 2 as the Purchaser's total contribution to Open Space for the integrated housing development and subdivision of Proposed Lot 2.
- H. The parties enter this Agreement to achieve or advance the objectives of planning in Victoria and the objectives of the Monash Planning Scheme.

V6824531

NOW THIS AGREEMENT GIVES WITNESS TO:

1. Without limiting the operation or effect which this Agreement otherwise has, the parties here acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 ("the Act") and the Council shall pursuant to Section 181 of the Act apply to the Registrar of Titles to register a Memorandum of this Agreement on the land.
2. This Agreement shall come into force immediately upon its signing by all three parties.
3. Where this Agreement makes reference to a legislative enactment or a provision in that enactment that reference shall be construed as a reference to that enactment or provision as amended, re-enacted or remade (with or without modification) from time to time or a corresponding future enactment or provision.
4. The parties shall do all things necessary (including signing any further Agreement, acknowledgment or document) to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the land in accordance with Section 181 of the Act.
5. **The owner warrants and covenants that:** they are both the Registered Proprietors (or entitled to be so) and the beneficial owners of the land.
6. The Owners shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land or any part thereof without first disclosing to their successor the existence and nature of this Agreement.
7. Each party shall pay their own costs and expenses (as between the Solicitor and own client) of and incidental to this Agreement.
8. In this Agreement where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.
9. Wherever the word "Council" appears here it shall include its successors (including its successors as Responsible Authority for the planning controls in force in respect of the land) in which case any reference to the holder of an office with the Council shall be deemed to be a reference to such office of the successor Responsible Authority as that Responsible Authority may designate.
10. **The Council warrants and covenants that:-**
 - 10.1 it agrees to defer the Open space requirement under Section 18 of the Subdivision Act for a two Lot Plan of Subdivision creating the two lots shown in the attached Schedule 1 to a time when each of the individual lots respectively is further subdivided.
 - 10.2 it agrees to accept that the cash payment equal to 7.5% of site value of Proposed Lot 2 will totally satisfy the Purchaser's Open Space requirement for the integrated housing development and further subdivision of the Proposed Lot 2.
11. **The Purchaser warrants and covenants that:-**
 - 11.1 they agree to make a cash payment of an amount equal to 7.5% of the site value of the Proposed Lot 2 as their total contribution to Open Space for the integrated housing development and further subdivision of the Proposed Lot 2.

U682453P

- 11.2 they agree to pay this amount prior to the issue of any Statement of Compliance associated with the integrated housing development and further subdivision of the Proposed Lot 2.
- 12. The Purchaser shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Proposed Lot 2 or any part thereof without first disclosing to their Successor the existence and nature of this Agreement.
- 13. The owner warrants and covenants that they agree that a 5% cash contribution pursuant to S.18 of the Subdivision Act 1988 shall be paid on any resubdivision of the Proposed Lot 1.
- 14. No Plan of Subdivision of the land or any part of it or instrument of Transfer of Land shall be lodged at the Land Titles Office for registration or approval prior to this Section 173 Agreement and the Section 181 Memorandum having been lodged by or on behalf of the Council and entered on the Certificate of Title to the land.

THE PARTIES HERE WITNESS and set their hands and seals the day and year first written here.

24th February 1997

THE COMMON SEAL of MONASH CITY COUNCIL was affixed here in the presence of:



[Handwritten signature]

Chief Executive Officer

[Handwritten signature]

SIGNED by the said AUSTRALAND HOLDINGS PTY LTD

EXECUTED BY AUSTRALAND HOLDING PTY LTD BY BEING SIGNED BY ITS ATTORNEY PETER DENNIS BURKE UNDER POWER OF ATTORNEY DATED 27 AUGUST 1996

[Handwritten signature]

SIGNED by the said TELSTRA CORPORATION EXECUTED by the TELSTRA CORPORATION LIMITED A.C.N. 051 775 556 by being SIGNED, SEALED and DELIVERED by its Attorney DOUGLAS NEIL SIMONDS, REGIONAL PROPERTY MANAGER under Power of Attorney dated 8 October 1992 who certifies that he has no notice of revocation THEREOF and in the presence of:-

[Handwritten signature]

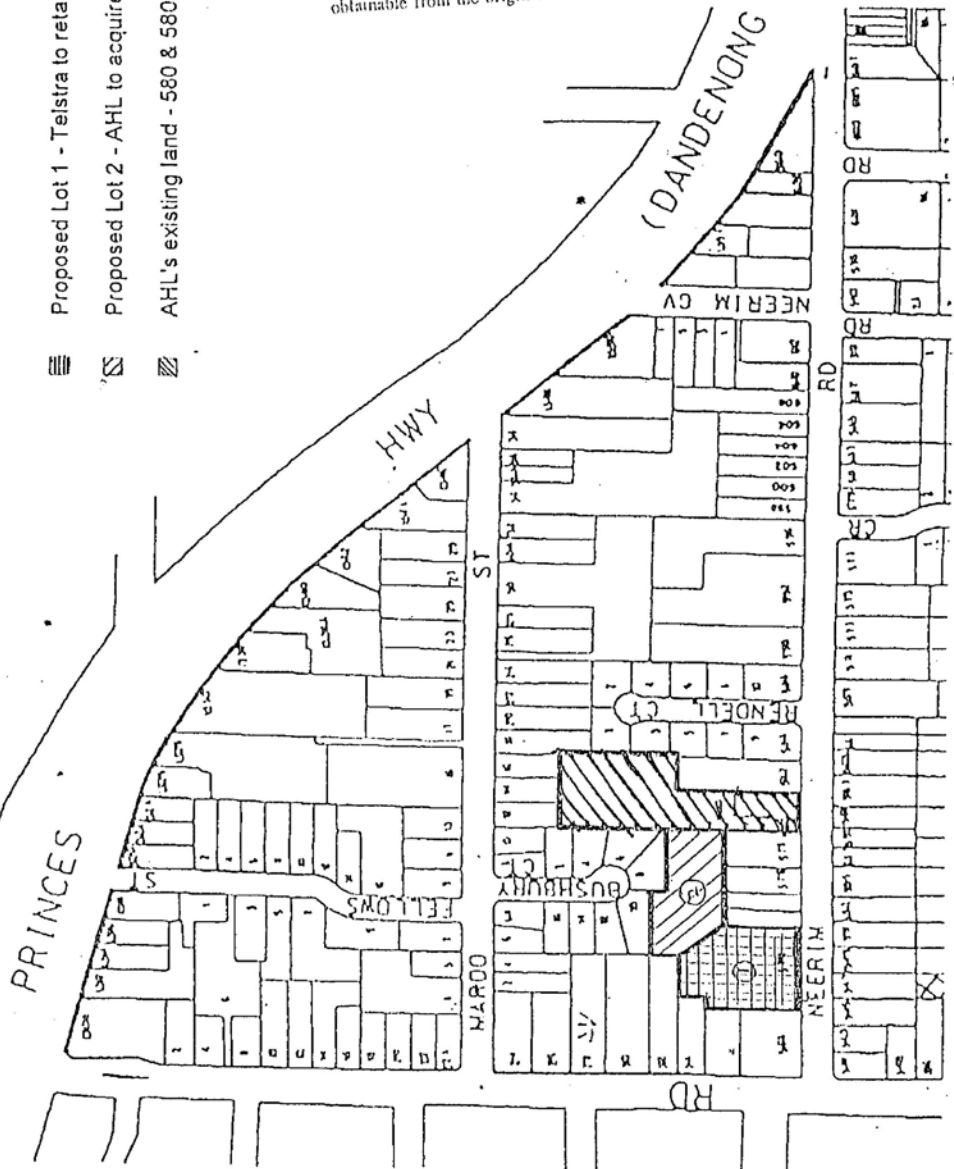
[Handwritten signature]

SCHEDULE 1

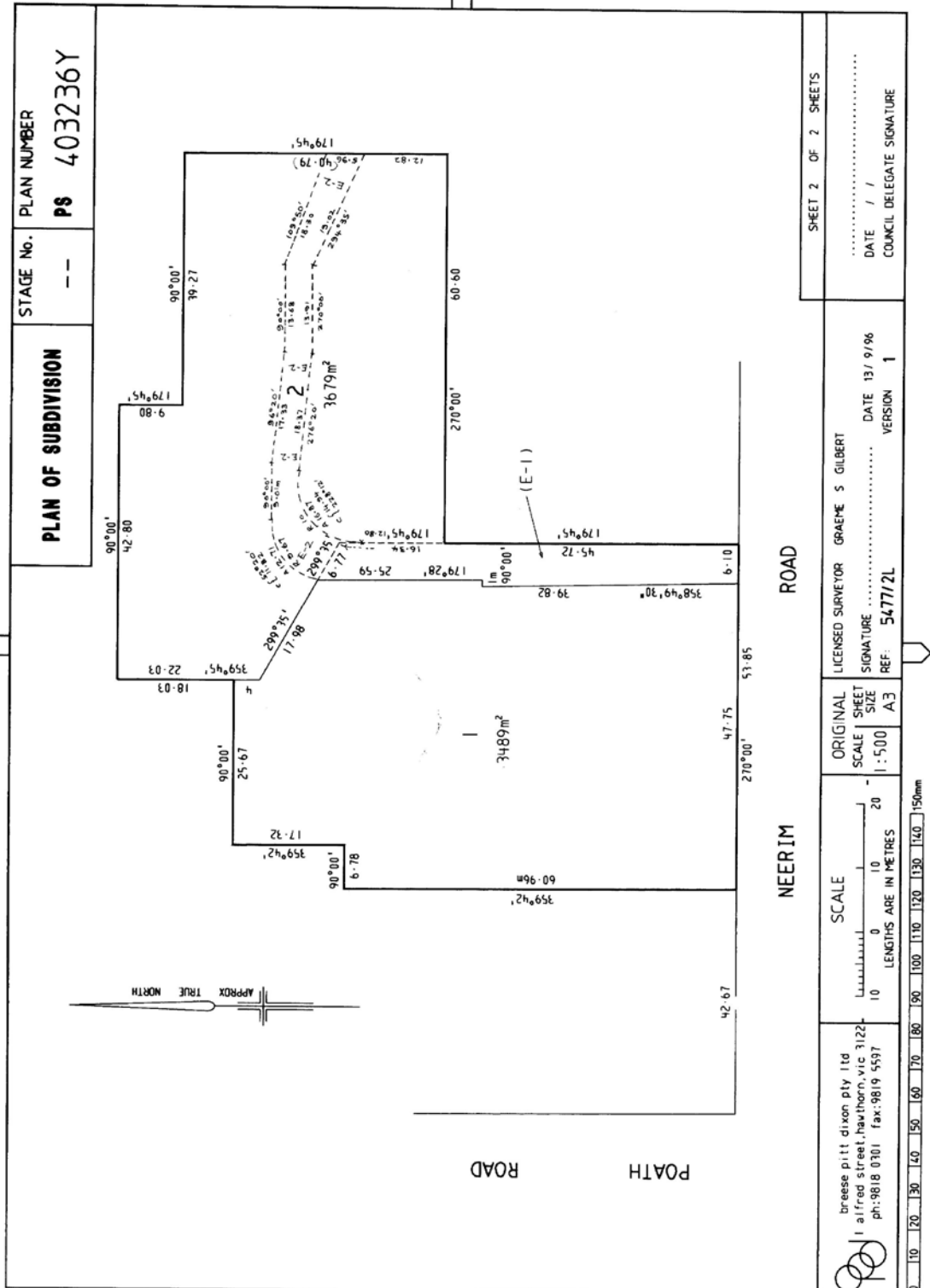
U682453P

VLTO
"This reproduction is the best obtainable from the original."

- Proposed Lot 1 - Telstra to retain
- Proposed Lot 2 - AHL to acquire
- AHL's existing land - 580 & 580a Neerim Road



PLAN OF SUBDIVISION		STAGE No. ---	LTO USE ONLY EDITION 2	PLAN NUMBER PS 403236Y
LOCATION OF LAND PARISH: PRAHRAN EAST OF ELSTERNWICK TOWNSHIP: ---- SECTION: ---- CROWN ALLOTMENT: ---- CROWN PORTION: 94 (PART) LTO BASE RECORD: CHART 226 PRAHRAN (3416) TITLE REFERENCES: VOL.8844 FOL.831 LAST PLAN REFERENCE: POSTAL ADDRESS: NEERIM ROAD, (AT TIME OF SUBDIVISION) OAKLEIGH, 3166 AMG CO-ORDINATES: E 330 900 (OF APPROX. CENTRE OF PLAN) N 5 804 340 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: MONASH CITY COUNCIL REF: 5191 1. THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988. 2. THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 / / 3. THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE SUBDIVISION ACT 1988. OPEN SPACE (i) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE SUBDIVISION ACT 1988 HAS NOT BEEN MADE. (ii) THE REQUIREMENT HAS BEEN SATISFIED. (iii) THE REQUIREMENT IS TO BE SATISFIED IN STAGE. COUNCIL DELEGATE COUNCIL SEAL DATE 6 / 2 / 97 RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. COUNCIL DELEGATE COUNCIL SEAL DATE / /		
VESTING OF ROADS OR RESERVES				
IDENTIFIER		COUNCIL/BODY/PERSON		
NIL		NIL		
NOTATIONS				
DEPTH LIMITATION DOES NOT APPLY		STAGING THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT No.		
NOTES: TANGENT POINTS ARE SHOWN THUS :		THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s). IN PROCLAIMED SURVEY AREA No.		
SURVEY THIS PLAN IS BASED ON SURVEY				
EASEMENT INFORMATION				
LEGEND: A - APPURTENANT		E - ENCUMBERING EASEMENT		R - ENCUMBERING EASEMENT (ROAD)
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED OR IN FAVOUR OF
(E-1) E-2, E-1	CARRIAGEWAY CARRIAGEWAY	SEE PLAN SEE DIAG.	THIS PLAN U749134M	LOT 1 ON THIS PLAN LOTS 1 TO 19 (INC) AND THE COMMON PROPERTY ON P.S. 327361T
AN APPURTENANT DRAINAGE AND CARRIAGEWAY EASEMENT HAS BEEN CREATED IN FAVOUR OF LOT 2 HEREIN VIDE U749133 ⁹ DATED 1-5-1997				NOTATIONS ESTATE STAGE AREA NO. OF LOTS 2 MEL: 69 05 LTO USE ONLY STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED <input checked="" type="checkbox"/> DATE 27/3/97 LTO USE ONLY PLAN REGISTERED TIME DATE 3/4/97 ASSISTANT REGISTRAR OF TITLES SHEET 1 OF 2 SHEETS
 breese pitt dixon pty ltd 1 alfred street, hawthorn, vic 3122 ph: 9818 0301 fax: 9819 5597		LICENSED SURVEYOR GRAEME S GILBERT SIGNATURE DATE 13/9/96 REF: 5477/2L VERSION 1		DATE / / COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3
CHECKED G COX	DATE 13-9-96			



PLAN OF SUBDIVISION

STAGE No. --
 PLAN NUMBER
PS 403236Y

NEERIM ROAD

SHEET 2 OF 2 SHEETS
 DATE / /
 COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR GRAEME S GILBERT
 SIGNATURE DATE 13 / 9 / 96
 REF: 547712L VERSION 1

ORIGINAL SCALE SHEET SIZE
 1:500 A3

SCALE
 0 10 20
 LENGTHS ARE IN METRES

breeze pitt dixon pty ltd
 1 alfred street, hawthorn, vic 3122
 ph: 9818 0701 fax: 9819 5597

		DATE AND TIME ENTERED		DEALING REFERENCE	MODIFICATION	LAND	SIGNATURE OF ASSISTANT REGISTRAR OF TITLES	NEW EDITION NUMBER	PLAN NUMBER
ELEMENT INFORMATION TABLE				U749133Q	APPURTENANT EASEMENT			2	P.S. 403236 Y
Lot 2				U749134M	CREATION OF EASEMENT			2	