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3 June 2026

Department of Transport and Planning
Level 16, 1 Spring St
Melbourne, Victoria 3000

Dear Sir/Madam,

55-61 ATHERTON ROAD, OAKLEIGH 3166

RESPONSE TO ELIGIBILITY LETTER (DFP) AND COUNCIL REFERRAL (MONASH CITY COUNCIL)

Our office continues to act for DC Atherton Pty Ltd in respect to the above application for planning permit.

On behalf of our client, we hereby enclose a response to the matters outlined within the Eligibility Letter prepared by DTP (dated 22 April 2026) and Council Referral comments (dated 24 December 2025).

Our client has carefully reviewed these documents, and provides the following in response:

- Current copy of title and plan of subdivision.
- Metropolitan Planning Levy certificate.
- Town Planning Drawings (prepared by Peddle Thorp Architects).
- Urban Context Report (prepared by Peddle Thorp Architects).
- Sustainability Management Plan (prepared by Waterman Group).
- Traffic Engineering Assessment (prepared by Traffix Group).
- Landscape Plan (prepared by John Patrick Landscape Architects).
- Land Feature Survey (prepared by Taylors).
- Waste Management Plan (prepared by Traffix Group).
- Arboricultural Report (prepared by John Patrick Landscape Architects).
- Town Planning report (prepared by Bowden Town Planning).
- Clause 58 Assessment (prepared by Bowden Town Planning).
- Quantity Survey report (prepared by Northcroft).

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Please note that a copy of the design response, development plans, cover letter, land feature survey, landscape plan, Sustainability report and MPL is provided within the initial submission package. The project team is currently finalising the remaining updated reports – these will be submitted imminently. We would be pleased to provide further information regarding the timing of this.

DFP ELIGIBILITY LETTER

Item Requested	Response
a. Cover letter which includes background information, history of site, engagement with stakeholders;	Please refer to the enclosed cover letter prepared by our office. This includes all of these elements.
b. Provide a comprehensive response to all council comments including detailing any changes to plans;	Please refer to the below table outline, and response to Councils initial comments on the design.
c. Metropolitan Planning Levy;	Refer MPL enclosed.
d. A Quantity Surveyor (QS) Report prepared by a suitably qualified person, dated no earlier than 60 days prior to the applications submission, identifying the cost of development associated with the	Please refer to the enclosed Quantity Survey Report, prepared by Northcroft.

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proposed application. This should include materials and labour costs, but should not include contingencies, consultant fees, planning application fees, etc;	
e. Application requirements under Section 8.0 the BFO which includes Design response, Sustainable design assessment, Landscape plan shadow diagrams and Wind impact report;	Please refer to the enclosed: ○ Design response plans prepared by Peddle Thorp Architects; ○ Sustainability Management Plan prepared by Waterman Group; ○ Shadow Diagrams prepared by Peddle Thorp Architects; and ○ Wind Impact Report (to be issued imminently).
f. A recent copy of the Certificate of Title, including any encumbrances, covenants, and agreements (within 3 months);	See enclosed copy of title and plan of subdivision purchased 3 June 2026.
Plan updates (items h-k) h. 1:50 scale or greater elevations / sections of all key public realm and building interfaces, demonstrating how design excellence will be achieved. This should include details of residential lobbies, car parking entries, service and egress areas. i. Full set of most up to date plans, elevations, sections, comprehensive development summary. The architectural plans to be amended to include: ▪ i. The dimensions of open space areas. ▪ ii. Ensure all plans and elevations include dimensions of the development from all frontages to boundary ▪ iii. Dimensions of all car spaces, accessways, crossovers and traffic entries, driveways, pillars, setbacks between spaces, lobby spaces, etc ▪ iv. Number each car space j. Multiple 3D renders throughout the site and also from key vantage points near to the site as well as from key locations from long distances; k. Shadow diagrams at each hour between 9am and 3pm including exact sqm of any impact.	Please refer to the updated design response and town planning drawings prepared by <i>Peddle Thorp Architects</i>. The plans have been carefully updated to address the following items. For example: ○ Dimensions of open space areas now shown on floor plans (refer TP101); ○ All plans and elevations include dimensions of the development from all frontages to boundary (refer TP101); ○ Dimensions of all car spaces, accessways, crossovers and traffic entries, driveways, pillars, setbacks between spaces now shown (refer TP090 – TP100); and ○ Each car space numbered (refer TP090 – TP093).
Remaining consultant reports (items l – u) L. Affordable housing report; M. Revised town planning report; N. Green Travel plan;	Consistent with the above several of these documents have been prepared, and are enclosed as part of the submission. The remaining documents are in progress / to be submitted imminently.

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O. Acoustic report;

P. Details on how the proposal integrates with public realm, any public realm improvements, landscaping, draft public realm plan, DDA accessibility, CPTED etc;

Q. Updated technical reports / documents including Landscape/arborist, traffic impact assessment, Waste, wind, ESD, Clause 58, glint, stormwater, etc;

R. Indicative public realm improvement plan showing any enhancements to footpaths and surrounds and any commitment as to who delivers including costings etc;

S. A comprehensive development schedule that includes (but is not limited to): dwelling numbers and bedroom allocation, car parking allocation, storage allocation, garden area and private and secluded open space allocation;

T. Lighting details in particular to the publicly assessable spaces; and

U. 3D digital model.

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COUNCIL REFERRAL

We respond to the matters raised by Council in turn, below:

Built form, height and scale

- The proposal seeks an exceedance in relation to the preferred building heights indicated by the applicable Built Form Overlay (Schedule 11 – Oakleigh Train and Tram Zone Activity Centre), seeking a 51.43m maximum building height in a location where a 40m maximum height¹ is sought. A detailed discussion of this is provided within the enclosed town planning report prepared by our office.
- The Councils' referral, dated December 2025, was formulated on the basis of the draft Activity Centres Program and Design and Development Overlay that applied at the time. These documents have since been superseded by the implementation of the Built Form Overlay (BFO11). We would be pleased to review any further comment that the Council may wish to make in light of the new control.
- We maintain that the design response is of the highest quality, with an active street frontage and podium at the ground level, first and second floor levels, material variation, window fenestration, glazing, muted finishes and upper-level recession contributing to this attractive building.
- An affordable housing report accompanies the application. We welcome further discussion in relation to the public benefit offer.

Public domain

- This carefully crafted design response has given a high degree of consideration to its activation of, and visibility towards the public realm. The use of distinct building forms, appropriately proportioned glazing, framing elements, and durable material ensure an attractive and functional building to street interfaces.
- Finer design elements (weather protection, shopfront treatments) could be addressed via permit condition, if required.

¹ The site is within "Area 3" pursuant to the BFO11.

Waste, landscaping, first nations mural

- Further information can be provided in relation to these items, as required. An amended waste report is underway.

Required further information

- A wind assessment is underway and will be provided imminently.

CONCLUSION

We look forward to your favorable consideration of our client's application. If you require any further information, please do not hesitate to contact our office.

Yours faithfully,

Bowden
Town Planning

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