

55-61 ATHERTON, ROAD OAKLEIGH 3166

Construction of a mixed-use development.

TOWN PLANNING REPORT

**ADVERTISED
PLAN**

June 2026



This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

TABLE OF CONTENTS

1	Overview	3
2	Executive Summary	4
3	Planning Scheme	8
4	Assessment	32
5	Conclusion	44
 Appendix 1 – Description of the Subject Site and Surrounds		 45

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**

**ADVERTISED
PLAN**

1 OVERVIEW

This report has been prepared on behalf of DC Atherton Pty Ltd, the Permit Applicant, in support of a proposal to construct a mixed-use apartment building on land located at 55-61 Atherton Road, in Oakleigh. The purpose of this report is to provide:

- A written neighbourhood and site description and design response;
- An assessment of the proposal against relevant State and Local planning policies, and controls contained within the Monash Planning Scheme; and
- An assessment of the proposal against the standards and objectives contained within Clause 58 of the Monash Planning Scheme (refer Appendix 2).

This report should be read in conjunction with:

- Architectural Drawings and Urban Context Study (prepared by Peddle Thorp Architects, dated June 2026).
- Land Feature Survey (prepared by Taylors, dated 9 February 2025).
- Traffic Impact Assessment (prepared by Traffix Group, dated June 2026).
- Green Travel Plan (prepared by Traffix Group, dated June 2026).
- Waste Management Plan (prepared by Traffix Group, dated September 2025).
- Acoustic Report (prepared by Acoustic Logo, dated June 2026).
- Wind Impact Assessment (prepared by Vipac Engineers, dated June 2026).
- Sustainability Management Plan (prepared by Waterman Group, dated 9 October 2025).
- Landscape Plan (prepared by John Patrick Landscape Architects, dated 7 October 2025).
- Arboricultural Report (prepared by John Patrick Landscape Architects, dated March 2024).



Figure 1 – Proposed visual perspective of the development (TP702 of the plans).

2 EXECUTIVE SUMMARY

The proposal is for the construction of a high-quality architecturally designed mixed-use building, within the heart of the Oakleigh¹ Major Activity Centre.

This proposal will achieve a substantial community benefit, through the delivery of:

- One hundred and twenty-two (122) high-amenity homes², with diverse layouts varying from one to three bedrooms.
- The provision of affordable housing.
- A large 541sqm retail space at ground level, comprising three retail tenancies, activating both Atherton Road and Atkinson Street. The retail spaces can accommodate any number of uses.
- Appropriate and well-designed internal communal open space, balcony and service spaces.

The proposal contributes to housing affordability and diversity within the municipality and the Oakleigh Major Activity Centre, providing housing choice for a broad range of the population in a central and accessible location. Furthermore, the proposal achieves a very high level of compliance with Clause 58 (Apartment Development) of the Monash Planning Scheme.

Overall, this proposal is considered to be entirely appropriate when considered against the applicable planning framework, controls and policies of the Monash Planning Scheme. The application is supported by a substantial number of professional reports and assessments, which confirm that the proposal is both appropriate for this location, and compliant with the key planning scheme considerations applicable.

Summary Discussion

As a starting point, the subject land is very well suited strategically to accommodate the proposal. The site is located within the Oakleigh Major Activity Centre (MAC), where the overarching strategic guidance is to³:

- *increase residential accommodation that provides housing diversity and choice, including affordable housing, within the centre.*
- *provide for a mix of land uses that support the strategic role of the activity centre.*
- *maintain a strong retail focus for the centre.*

Furthermore, the Built Form Overlay⁴ (BFO11 – Oakleigh Train and Tram Zone Activity Centre) control applicable seeks, amongst other objectives, to *achieve a scale of growth consistent with the development framework and to discourage underdevelopment*. The recent strategic aspirations of the planning scheme are supportive of a high-rise, mixed-use development in this important location.

This location is important, more so than other sites within the Oakleigh MAC, due to its designation as a location for strategic redevelopment site pursuant to the Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012)⁵, and furthermore as a higher-order (Area 3 – 40m preferred height) within the newly implemented Built Form Overlay. This is a proposal that ticks all the right boxes having regard to the applicable Planning Policy Framework.

The appropriate redevelopment of the site will also assist in addressing state government housing targets, which seek to provide 69,500 new homes within the Monash LGA by 2051⁶ - almost double the existing

¹ The subject land is within the Oakleigh Major Activity Centre pursuant to Clause 02.04 (Strategic Framework Plans) of the Monash Planning Scheme.

² Apartments.

³ Objectives pursuant to Clause 11.03-1L-06 (Oakleigh Major Activity Centre).

⁴ Implemented March 2026 pursuant to Amendment GC270.

⁵ Background document pursuant to Clause 72.08, and policy document pursuant to Clause 11.03-1L-06 of the Monash Planning Scheme.

⁶ Victorias Housing Statement, The Decade Ahead 2024-2034. New net dwellings to 2051.

supply. There is a substantial, state-identified, need to provide for new housing in Monash – particularly in well-served areas. The built form overlay control (BFO11) has been implemented within the Oakleigh MAC to deliver *higher density development that provides for higher amenity living and working environments close to infrastructure and public transport*⁷.

The land is entirely appropriate physically for the proposed use and development of the land. The site is within a Major Activity Centre location, within convenient walking distance of commerce, public transport and community infrastructure. The development provides new and diverse homes for people in a highly desirable location. New residents will benefit greatly from the central location, and residents and visitors to the area will benefit from the well-designed retail spaces.

Further, the large site area (of 1551sqm), lack of sensitive interfaces⁸, condition of the land with no trees, and corner location are all physical attributes that are conducive to a substantial increase in density, such as proposed. This land should not be occupied by a single storey retail tenancy (as it currently is), or developed insufficiently.

Our client has appointed Peddle Thorp Architects, a reputable and award-winning architectural practice, to design the building. Peddle Thorp have skilfully balanced competing objectives to produce a truly outstanding design, that will improve the appearance of the Major Activity Centre whilst delivering a high-quality amenity outcome for future residents. The outcome is one which is well resolved and sophisticated, resulting in a development that will be respectful of the character of the Oakleigh MAC, whilst seeking to “do better”, paving the way for other developments to follow.

The enclosed landscape, traffic, waste management, wind, affordable housing, acoustic, arborist and ESD assessments (professional reports) have been carefully prepared to ensure the development is one which appropriately integrates with the site and its surrounds, without providing unacceptable impacts to the area. The proposal has been formulated, designed and assessed in consultation with experts across a variety of fields of expertise.

The design of the development has regard to the emerging character of built form that will continue to evolve within the Oakleigh Major Activity Centre. The design of the building 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 are elements that contribute to this outstanding proposal. This building, once constructed, will be an exemplar for new development within the area.

The internal amenity outcome for new residents is of the highest quality. The project architects have incorporated well designed balconies, communal open space and storage amenities, service and access areas, and parking facilities within the building to accommodate for a variety of needs. A careful review of the proposed layout leads to the conclusion that these apartments will deliver an outstanding level of internal amenity, as affirmed by the compliance achieved with Clause 58 (Apartment Developments) of the Monash Planning Scheme (refer Appendix B).

Lastly, we note that the community benefit test invoked by the planning scheme is not only met through the provision of well-designed apartments (including affordable housing), but further through the large retail tenancies⁹ on the ground floor level. The tenancies and residential entry activate both street frontages; and ensure that a balance of uses and outcomes are supported as is envisioned within the Commercial 1 Zone control and planning policy¹⁰.

Simply put, this is an outstanding architecturally designed building, that must be regarded as such. The proposal contributes to housing affordability and diversity within the municipality, whilst delivering on the function of the Oakleigh MAC (Oakleigh village precinct) to facilitate the *redevelopment of large sites to include higher density residential dwellings*¹¹.

⁷ Sourced from the Explanatory Report accompanying Amendment GC270, page 31.

⁸ There is no adjoining land subject to a sensitive land use zoning. All surrounding land is within the Oakleigh MAC.

⁹ Retail 1 is 204sqm, Retail 2 is 171sqm, and Retail 3 is 166sqm.

¹⁰ Refer Clause 11.03-1L-01 and 11.03-1L-06.

¹¹ Refer Clause 11.03-1L-06 – Precinct 1 strategy.

Key features of the proposal include:

- 15-storey building, with four (4) basement levels.
- The proposal delivers one hundred and twenty-two (122) diverse, high-amenity apartment dwellings, with varying layouts as follows:
 - Fifteen (15) 1-bedroom dwellings.
 - Eighty-one (81) 2-bedroom dwellings.
 - Twenty-six (26) 3-bedroom dwellings.
- A four-level basement, catering for:
 - One hundred and sixty three (163) car parking spaces, with 5 spaces set aside for retail use within the upper basement (Basement 1).
 - Storage cages and services (electric / comms, lifts, stair etc).
- An architecturally designed podium comprising the ground, first and second floors (three stories). The design proposes active entries and glazing, varied finishes, inset balconies, and window fenestration, to activate the public realm.
- A ground level comprising:
 - Three retail tenancies. The tenancies are accessible from either Atherton Road or Atkinson Street, and internally within the building. The tenancies will utilize access to amenities (WC / bike storage etc) within the building.
 - Residential and retail bicycle storage facilities.
 - Residential lobby.
 - A basement ramp entry from Atkinson Street.
 - Service facilities such as waste areas, loading bay, mail room, and plant equipment.
- A large and functional communal open space area at the first-floor level. The communal area is a substantial 310sqm in size. Communal cinema, dining / gathering, and meeting facilities are provided.
- A 360-degree building form, addressing every interface. The building is the most substantially setback from northern (rear), and western (side) interfaces – maximising the opportunities provided by the corner location.
- A centralised apartment building layout (siting), with appropriately sized, external-facing balconies and habitable windows.
- Apartments afforded with a high level of internal amenity, as demonstrated through the availability of external-facing windows and balconies, solar and daylight access, and appropriately proportioned internal spaces (refer to the enclosed Clause 58 assessment for further details).

The permit triggers are:

- Clause 34.01-1 (Commercial 1 Zone): A permit is required for the use of the land for accommodation (Dwelling). The frontage at ground level exceeds 2m.
- Clause 34.01-4 (Commercial 1 Zone): A permit is required to construct a building or carry out works.
- Clause 43.06-6 (Built Form Overlay Overlay – Schedule 11): A permit is required to construct a building or carry out works.

In summary, we consider that this proposal is entirely appropriate, and worthy of the granting of a planning permit.

A detailed consideration of the relevant components of the Monash Planning Scheme is provided below.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

**ADVERTISED
PLAN**



Figure 2 – Podium street view (TP704 of the planning drawings).

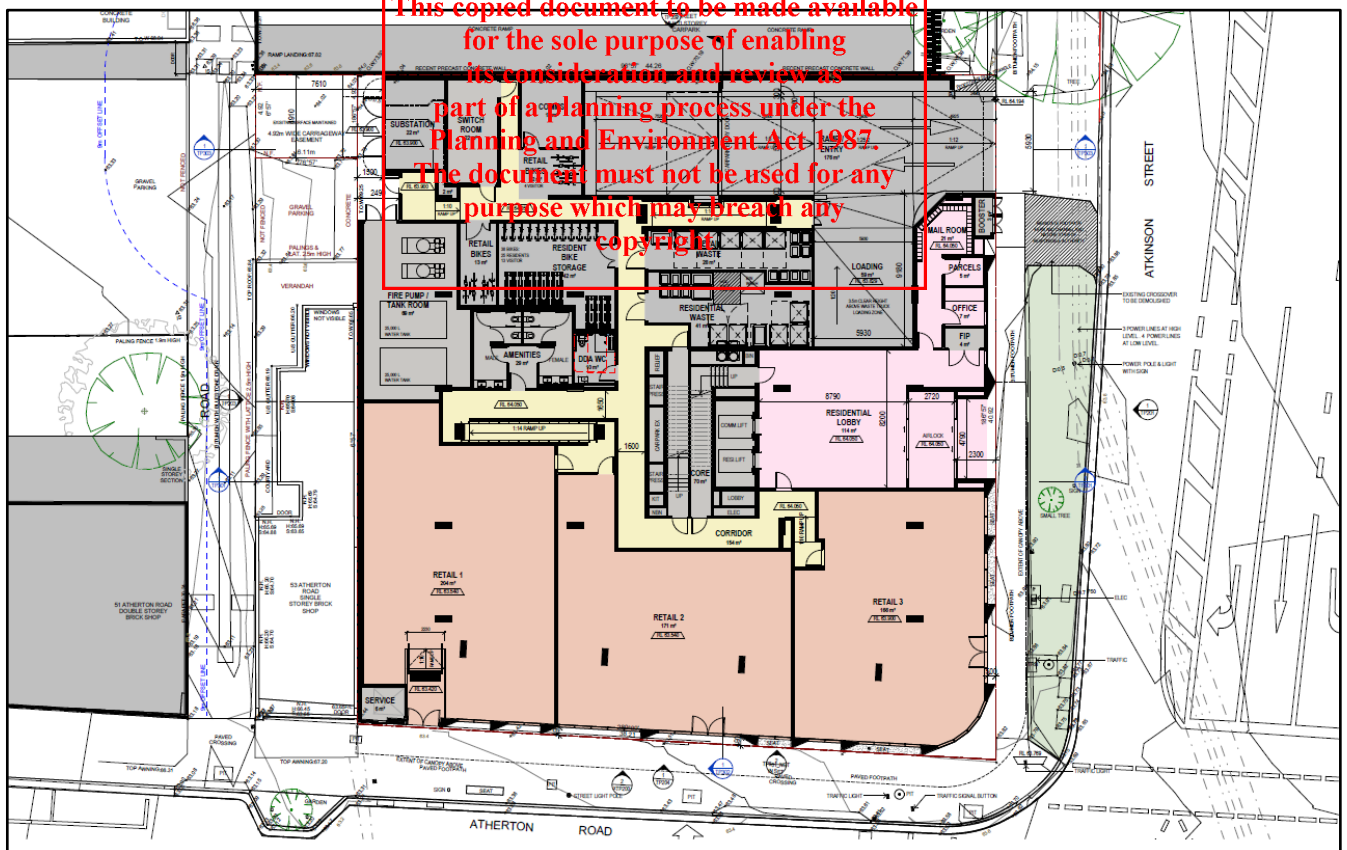


Figure 3 – Proposed Site Plan/Ground Floor Plan (TP100 of the planning drawings).

**ADVERTISED
PLAN**

3 PLANNING SCHEME

3.1 MUNICIPAL PLANNING STRATEGY (MPS)

Relevant components of the Councils' Municipal Planning Strategy (MPS) are outlined below.

Clause 02.01 (Context) outlines that *The City of Monash is one of Melbourne's most populous municipalities, with over 190,000 residents as of 2021. It is located approximately 20 kilometres southeast of the Central Business District.*

Monash is an established, residential and business region in Melbourne. It has suburban characteristics with mature canopy treed environments throughout the municipality, identified heritage areas and an urban garden character enjoyed by the community.

The major land use in Monash is residential land, however, there are significant areas of commercial, industrial and open space land uses. This includes Glen Waverley, Oakleigh and Clayton Major Activity Centres, the Monash Technology Precinct.

Commercial land comprises 2% of the Municipality¹².

Clause 02.03-1 (Settlement) outlines (as relevant):

Activity Centres

Monash contains an established network of activity centres

Activity centres provide attractive environments and a focus for community activities and social life within Monash. They play a diverse role in terms of accommodating future housing, retail, commercial and civic services. Development that is out of centre can have adverse impacts.

Major activity and neighbourhood centres will have an increasing role in providing well located housing into the future. This will ensure a range of housing types is available to satisfy the housing needs of the Monash population now and into the future.

Major activity centre	Oakleigh	Focus for:
		■ higher order goods ■ specialty retailing ■ entertainment ■ mixed commercial uses ■ offices ■ apartments ■ hotels ■ community facilities ■ public transport

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

¹² Per the Municipal profile graph.

**ADVERTISED
PLAN**

Strategic directions

- Support use and development of activity centres in a way that maintains the hierarchy of centres and promotes the development and expansion of retail and related facilities consistent with to the centre's role.
- Enhance the structure and function of activity centres by encouraging a variety of mixed use development, enhancing streetscapes and access including public transport, walking and cycling, improving car parking and creating attractive environments for the benefit of the local community.

Clause 02.03-4 (Built environment and heritage) outlines (as relevant):

Garden city and neighbourhood character

- Monash is known for its garden city character, leafy, low-rise suburbs with well vegetated gardens and wide streets with street trees. Development in the employment and commercial areas has also contributed to the garden city character through generous landscaped setbacks including tall canopy trees.
- Council has undertaken significant work to identify Monash's preferred neighbourhood character throughout the municipality in order to ensure development does not erode neighbourhood character.

Environmentally Sustainable Development

- Monash City Council is committed to creating a more sustainable place to live, work and play. Critical to achieving this commitment is for development to meet appropriate environmental design standards.
- Council seeks to:
- Encourage development to incorporate environmentally sustainable design principles to achieve improved energy efficiency during both building and operation, and minimise production of waste

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

Clause 02.03-5 (Housing) outlines that.

- To accommodate predicted population growth, and to satisfy diverse housing needs it is necessary to facilitate different types of housing development. In line with the polycentric approach, it is important to direct more intensive, diverse higher density development to activity centres and surrounding land within the Housing Choice and Transport Zone area that provide access to a wide range of goods, services, facilities, transport and jobs. This approach allows for the retention of neighbourhood character and the enhancement of garden city character in the balance of the municipality which is very important to the community. This also ensures that there remain a diversity of housing types and neighbourhood locations
- The Residential Development Framework provides greater certainty for the community and the development industry regarding the location and type of future residential development. The Framework comprises eight categories, classified according to their development potential, as follows:

Areas with future development potential:

- Category 1: Major and neighbourhood activity centres
- Category 2: Accessible areas
- Category 3: Monash National Employment and Innovation Cluster
- Category 4: Boulevards
- Areas suitable for incremental change:
- Category 8: Garden city suburbs

Areas with limited development potential:

- Category 5: Heritage precincts
 - Category 6: Dandenong Creek escarpment
 - Category 7: Creek environs
- As the suburban housing stock ages and the size and profile of the community changes, different forms of housing will be needed to address contemporary requirements, expectations and environmental standards. This will include providing for the housing needs of older people, students, people with special needs and the provision of affordable housing.

Council seeks to:

- Apply a polycentric approach to housing growth and direct residential development to locations based on their development potential as identified in the Residential Development Framework.
- Encourage residential development to provide a high level of internal and external amenity.
- Encourage the provision of a variety of housing types and sizes that will accommodate a diversity of future housing needs.
- Assist in the provision of social and affordable housing.
- Direct intensive built form to activity centres and surrounding land within the Housing Choice and Transport Zone.
- Encourage the provision of student accommodation in proximity to tertiary education facilities and activity centres with good access to public transport, that minimises potential conflicts with neighbouring uses.

Clause 02.03-6 (Economic development) provides that:

- This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright**
- Monash is the largest employment destination in Melbourne's south-east. The Monash National Employment and Innovation Cluster is the largest concentration of employment outside the Melbourne Central Business District. It includes the Monash Technology Precinct, which encourages research and development based industries as well as a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses.
 - Industrial areas are a significant regional and metropolitan generator of economic activity and employment, of both the advanced technology and manufacturing sectors.
 - The municipality contains substantial areas of land for industry and related activities in Oakleigh, Huntingdale and Clayton, as well as other smaller areas in Burwood, Mulgrave and Glen Waverley. There are areas where manufacturing has given way to office uses reflecting the change in the municipality.

Council seeks to facilitate a greater diversity in economic investment in the municipality by:

- Supporting land use and development that fosters business growth.
- Facilitating innovation and growth in the knowledge economy, particularly in science, technology and emerging industries.
- Maintaining the amount of land set aside for industry, as these areas are proposed to retain their focus for supporting large scale industrial activities.
- Enhancing the physical environment of industrial and commercial areas by facilitating amenity improvements, walking and cycling infrastructure, public transport access and traffic and car parking networks.

Clause 02.03-7 (Transport) outlines that:

- Monash is serviced by the Cranbourne/Pakenham and Glen Waverley rail lines. There are eight train stations in the municipality for local, student and commuter passengers and these stations form the basis for the majority of activity centres and urban consolidation opportunities.

ADVERTISED PLAN

Bowden Town Planning

Council seeks to:

- Facilitate development that provides connectivity to a wider range of destinations and major transport linkages in metropolitan Melbourne, particularly in the south east.

Pursuant to Clause 02.04-1 (Strategic framework plan) the subject site is located within the Oakleigh Major Activity Centre (extracted in part below).

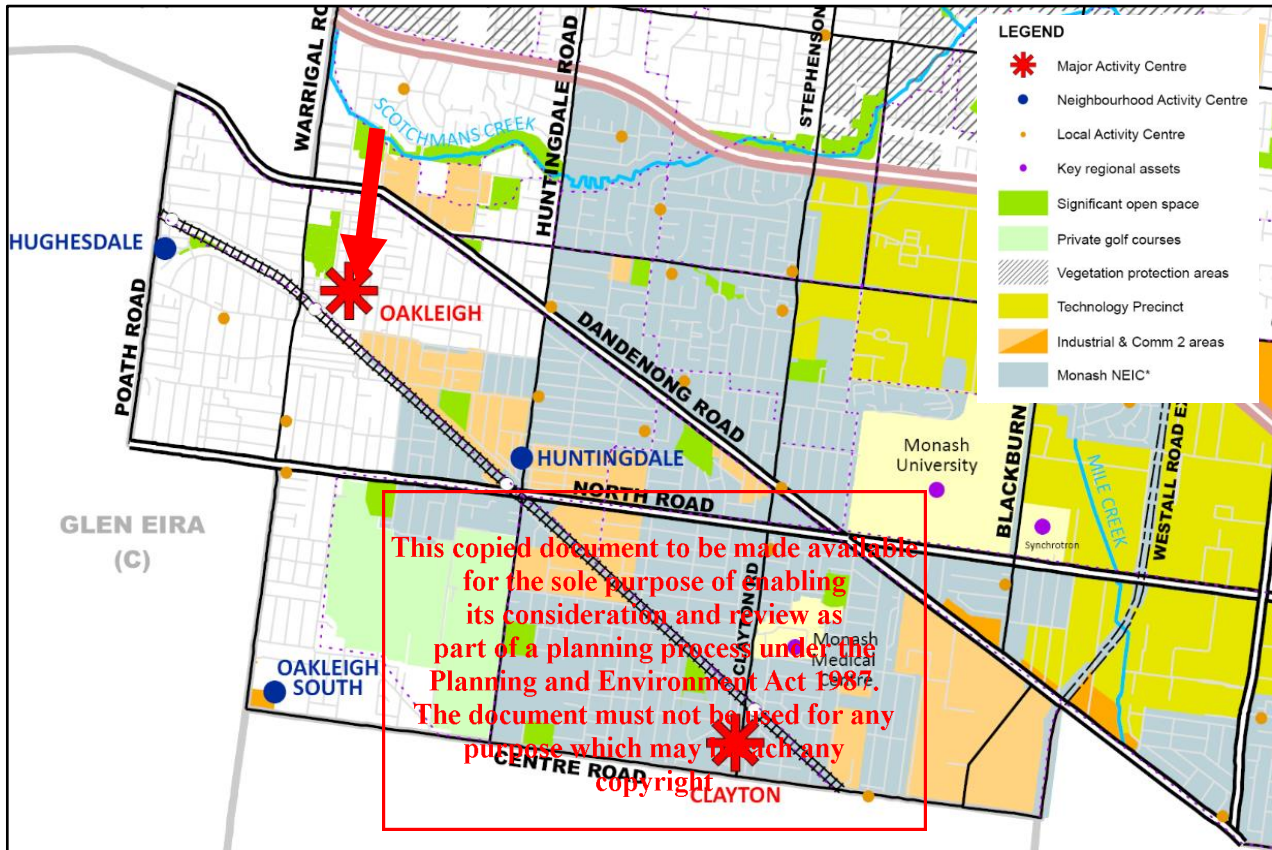


Figure 5 – Strategic Framework Plan (Clause 02.04-1) – subject site shown



Figure 6 – Residential Development Plan (Clause 02.04-3) – subject site indicated

3.2 PLANNING POLICY FRAMEWORK

The Planning Policy Framework (PPF) contains general guiding principles in relation to policies and appropriate practices in Victoria. The PPF contains a number of state and local planning policies which are relevant to the consideration of the application.

The key elements of the PPF relevant to this proposal include:

- Clause 11 Settlement
- Clause 15 Built environment and heritage
- Clause 16 Housing
- Clause 17 Economic Development
- Clause 18 Transport

**ADVERTISED
PLAN**

The relevant policies as they relate to this proposal are summarised as follows:

- Clause 11 (Settlement) states that *“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure”* and that *“Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.”*
- Clause 11.01-1S (Settlement) provides the following strategies for growth and development in Victoria (inter alia):
 - Provide for growth in population and development of facilities and services across a regional or sub-regional network.
 - Plan for development opportunities along existing and planned transport infrastructure.
 - Encourage a form and density of settlements that supports healthy, active and sustainable transport.
 - Limit urban sprawl and direct growth into existing settlements.
 - Promote and capitalise on opportunities for urban renewal and infill redevelopment.
 - Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Clause 11.01-1R (Settlement – Metropolitan Melbourne) seeks to:
 - Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.
 - Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
- Clause 11.02-1S (Supply of land) seeks *“To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.”* A strategy included under this objective seeks to *“Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.”*
- Clause 11.03-1S (Activity Centres) seeks to *‘encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community’* through the following strategies (as relevant):

This copied document to be made available for the sole purpose of enabling its consideration and prior to the planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which infringes copyright.

- Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.
 - Encourage a diversity of housing types at higher densities in and around activity centres.
 - Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
 - Improve access by walking, cycling and public transport to services and facilities.
 - 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.
- Clause 11.03-1R (Activity centres - Metropolitan Melbourne) includes strategies to:
 - Support the development and growth of Metropolitan Activity Centres by ensuring they:
 - Are able to accommodate significant growth for a broad range of land uses.
 - Are supported with appropriate infrastructure.
 - Are hubs for public transport services.
 - Offer good connectivity for a regional catchment.
 - Provide high levels of amenity.
 - Clause 11.03-1L-01 (Activity centres - Monash) applies to all activity centres identified in the Strategic Framework Plan and the Activity Centres Hierarchy Plan in Clause 02.04. The following is relevant:
 - Objectives
 - To provide the range of civic, retail, recreational, residential, entertainment, health, educational, restaurant and other service requirements of the community.
 - To promote more sustainable transport usage within activity centres.
 - To encourage public transport, walking and cycling, and by concentrating activities that generate high numbers of trips in highly accessible locations.
 - To promote and enhance the unique characteristics of each activity centre to ensure a strong sense of identity and character, including appropriate signage.
 - To encourage the provision of appropriate buffers and interface between commercial, residential and industrial land uses to minimise adverse impacts.

Strategies

Design development to:

- Provide casual surveillance of open areas.
- Design buildings to address the future amenity of the occupants, visitors and those using public streets by maximising accessibility, passive surveillance and internal amenity.
- Maintain the vibrancy of the street by encouraging “active frontages” with retail, leisure and cultural facilities.
- Encourage hospitality and entertainment precincts in the major activity centres to meet demand and maximise employment opportunities in these industries.
- Incorporate uses with active commercial frontages on the ground floor of a multistorey development where the location of the development is in a core retail or business area of the activity centre.
- Ensure new residential development achieves architectural and urban design outcomes that positively contribute to neighbourhood character.
- Promote residential development above ground floor development and car parks.
- Limit adverse amenity impacts on adjoining residential development and character.

Pursuant to the corresponding map (Activity Centres in Monash) the site is located within the Oakleigh Major Activity Centre (MAC).

- Clause 11.03-1L-06 (Oakleigh Major Activity Centre) applies to land within the Oakleigh Major Activity Centre boundary as shown in the Oakleigh Major Activity Centre. The following applies (as relevant, **following the gazettal of Amendment GC270**):

Objectives

- *To promote the Activity Centre as a focus for convenience, multi-cultural dining, shopping and community services serving both the local and wider catchments.*
- *To increase residential accommodation that provides housing diversity and choice, including affordable housing, within the centre.*
- *To provide for a mix of land uses, including health, fitness, medical services and a wide range of arts, cultural, leisure, social and entertainment facilities, that support the strategic role of the activity centre.*
- *To maintain a strong retail focus for the centre.*

All precincts strategies

- *Encourage the development of integrated shopping, offices, housing, recreation and community services, that provide a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.*
- *Encourage increased employment opportunities within the activity centre.*
- *Encourage the expansion and enhancement of education facilities located on the periphery of the Activity Centre.*
- *Facilitate use and development within the Oakleigh Major Activity Centre that:*
 - *Promotes the Centre as a focal point for the community, fostering its social and cultural development.*
 - *Increases diversity and density of dwellings.*
- *Consolidate Precinct 1 and 2 as the retail core of the Oakleigh Major Activity Centre.*
- *Support the location of major retail developments that may serve a wider catchment area in the retail core of the Oakleigh Major Activity Centre.*
- *Encourage commercial, residential and mixed use development within and adjacent to the retail core.*
- *Provide adequate new car parking spaces for any new use or development replacing the existing public car park spaces so that the total number of public car parking spaces within the Oakleigh Major Activity Centre is not reduced.*
- *Encourage the configuration and consolidation of land where necessary to create viable development sites and optimal development of the centre.*
- *Avoid the fragmentation of land through subdivision that would undermine the development objectives for the Centre*

Precinct 1 – Oakleigh village strategies

- *Facilitate use and development within the Oakleigh Major Activity Centre that supports the existing strong sense of identity and the traditional/cultural character of Precinct 1 – Oakleigh Village.*
- *Encourage redevelopment of large sites to include higher density residential dwellings.*
- *Encourage the establishment of larger retail premises abutting Hanover Street to strengthen the competitiveness of the Activity Centre and to better meet the needs of residents.*
- *Encourage new development of high quality-built form and public realm design that enhances the valued urban character of the Oakleigh Village*

The Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012) is a policy document pursuant to Clause 11.03-1L-06¹³ of the Monash Planning Scheme. A consideration of this document is provided below.

¹³ The Oakleigh MAC Structure Plan is also a background document pursuant to Clause 72.08 of the Monash Planning Scheme.

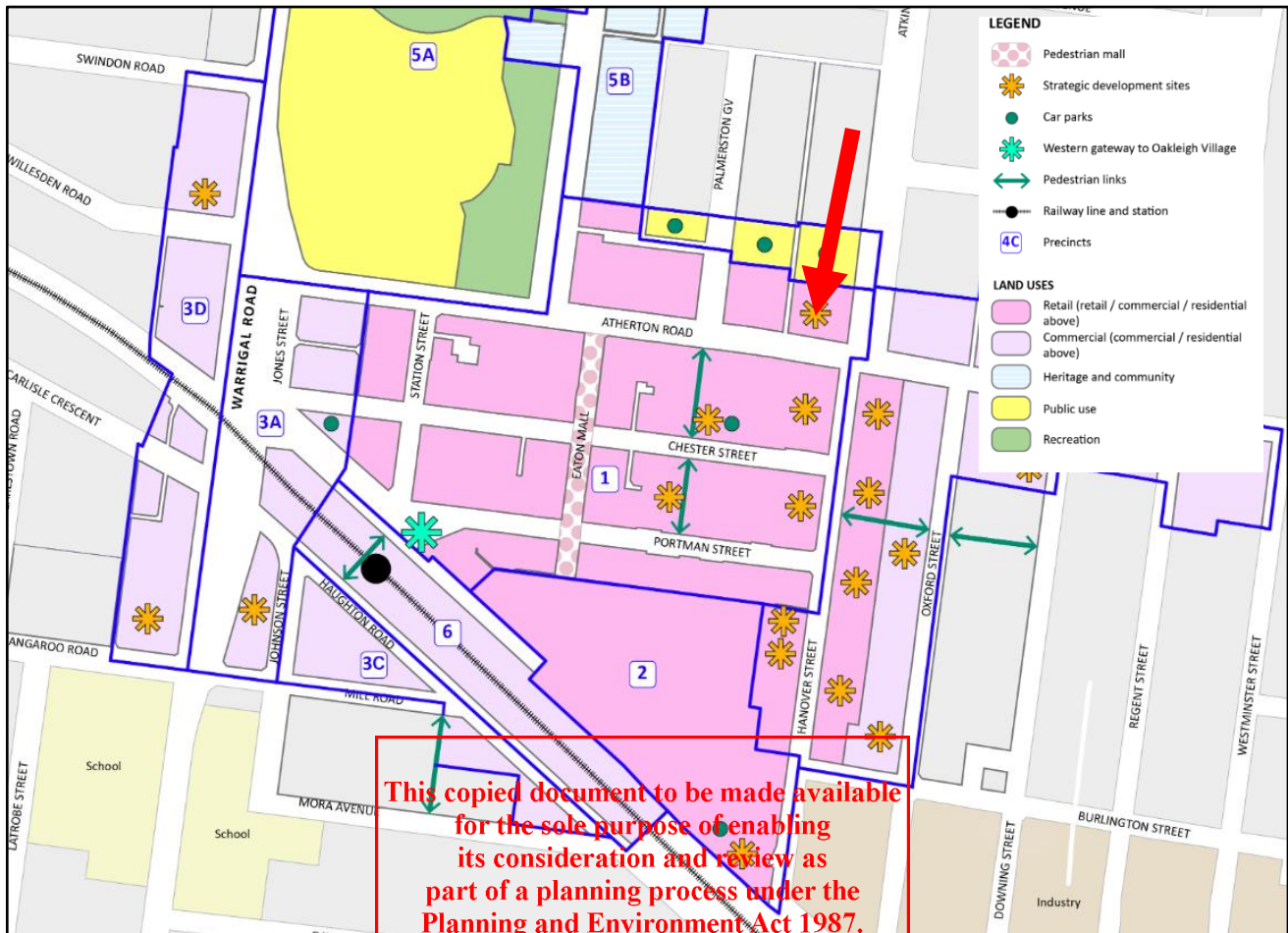


Figure 7 – Oakleigh Major Activity Centre framework plan (Clause 11.03-1L-06) – subject site shown

- The Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012) provides strategic background in relation to Clause 11.1L-06. We make reference to relevant components of that document below:

Objective

- The activity centre boundary reflects the need to accommodate the projected growth and change for a 10-15 year period as well as protecting the places of heritage importance within the area.

Community Objectives

- Integrate a balanced mix of complementary residential, commercial and community uses promoting improvements to community and commercial vigour, service markets, catchments and local employment.
- Encourage innovative design which respects the identified traditional Oakleigh Town Centre character.
- Encourage a diverse community by introducing a range of housing opportunities to the activity centre.

Community profile

- By the year to 2025, it is forecast that lone person households and couple families without dependents will account for 49% of all households in Oakleigh.

Land Tenure

- There are a number of larger sites, located within the Activity Centre, that have potential to provide significant development opportunities.

- The subject site is nominated as a “strategic development site” pursuant to the Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012), as can be seen from Figure 7 above. Relevant policy relating to strategic development sites includes:
 - Actions (page 19)
 - *Encourage and promote the appropriate redevelopment of the Strategic Development sites within the Oakleigh MAC.*
 - *Redevelopment of the identified Strategic Development Sites has the potential to provide up to 3500 new residential dwellings located within the Oakleigh MAC.*
- Clause 11.03-2S (Growth Areas) seeks “To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.” Strategies for Growth Areas include (inter alia):
 - *Concentrate urban expansion into growth areas that are served by high-capacity public transport.*
 - *Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.*
 - *Provide a diversity of housing type and distribution.*
 - *Retain unique characteristics of established areas impacted by growth.*
- Clause 15 (Built Environment and Heritage) states that, amongst other things, “Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.” A further aspiration is for planning to support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright
- Clause 15 broadly seeks to ensure land use and development is responsive to the landscape and character, built form and cultural context and protects sites with heritage, architectural, aesthetic, scientific and cultural value, that it supports the establishment and maintenance of communities; that it promotes environmentally sustainable design; and that it promotes excellence in the built environment and creation of places that:
 - *“Are enjoyable, engaging and comfortable to be in.*
 - *Accommodate people of all abilities, ages and cultures.*
 - *Contribute positively to local character and sense of place.*
 - *Reflect the particular characteristics and cultural identity of the community.*
 - *Enhance the function, amenity and safety of the public realm.”*
- Clause 15.01-1S (Urban design) seeks “To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.” Strategies include:
 - *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
 - *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
 - *Ensure the interface between the private and public realm protects and enhances personal safety.*
 - *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*

- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*
- Clause 15.01-1R (Urban design – Metropolitan Melbourne) includes an objective “*To create a distinctive and liveable city with quality design and amenity.*”
- Clause 15.01-2S (Building design) includes an objective “*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*” Strategies include (as relevant to the proposal):
 - *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
 - *Ensure development responds and contributes to the strategic and cultural context of its location.*
 - *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
 - *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
 - *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
 - *Ensure the form, scale and appearance of development enhances the function and amenity of the public realm.*
 - *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - *Encourage development to retain existing vegetation.*
 - *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

A Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan is required for ten or more dwellings.

- Clause 15.01-4S (Healthy neighbourhoods) seeks “*To achieve neighbourhoods that foster healthy and active living and community wellbeing.*”
- Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne) includes a strategy to “*Create a city of 20-minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip from their home.*”
- Clause 15.01-5S (Neighbourhood character) includes an objective “*To recognise, support and protect neighbourhood character, cultural identity, and sense of place*” through strategies which seek to “*Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character*”, and “*Ensure development responds to its context and reinforces a*

sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.”
- Clause 16 (Housing) states that:
 - “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.
 - Planning for housing should include the provision of land for affordable housing”
- Clause 16.01-1S (Housing Supply) includes an objective “To facilitate well-located, integrated and diverse housing that meets community needs” by:
 - Ensuring that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
 - Increasing the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
 - Encouraging higher density housing development on sites that are well located in relation to jobs, services and public transport.
 - Identify opportunities for increased residential densities to help consolidate urban areas.
 - Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
 - Encourage the development of well-designed housing that provides a high level of internal and external amenity.
 - Support opportunities for a range of income groups to choose housing in well-served locations.
- Clause 16.01-1R (Housing supply – Metropolitan Melbourne) includes the following strategies:
 - Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
 - Facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
 - Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.
 - Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
 - Create mixed-use neighbourhoods at varying densities that offer more choice in housing.
- Clause 16.01-1L (Housing supply - Monash) provides an objective to **direct residential growth to neighbourhood and activity centres**, the Monash National Employment Cluster and the boulevards (Springvale Road and Princes Highway). Strategies include (as relevant, emphasis added):

Strategies

- Promote a variety of dwelling sizes and types to promote greater affordability of housing and choice in medium and large urban developments.

- Encourage the provision of single storey and purpose built housing to cater for Monash's ageing population.
 - Direct more intensive, higher scale development to major and neighbourhood activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities.
 - Support substantial residential growth within the housing growth areas of the Monash National Employment and Innovation Cluster to provide housing closer to where people work and study.
 - Allow residential growth along those parts of the boulevards (Springvale Road and Princes Highway) that can support higher scale development in terms of neighbourhood character and accessibility.
 - Increase the provision of social housing and housing that meets special needs including housing for older people, close to activity centres, public transport and retail and community facilities.
- The Monash Housing Strategy, (Planisphere, 2014) is a policy document pursuant to Clause 16.01-1L. Relevantly, the policy document provides:

Executive summary

- Monash's current Municipal Strategic Statement seeks to concentrate high rise development in the Glen Waverley and the Oakleigh Activity Centres. Medium rise development is supported in the Brandon Park, Clayton and Mount Waverley Activity Centres.

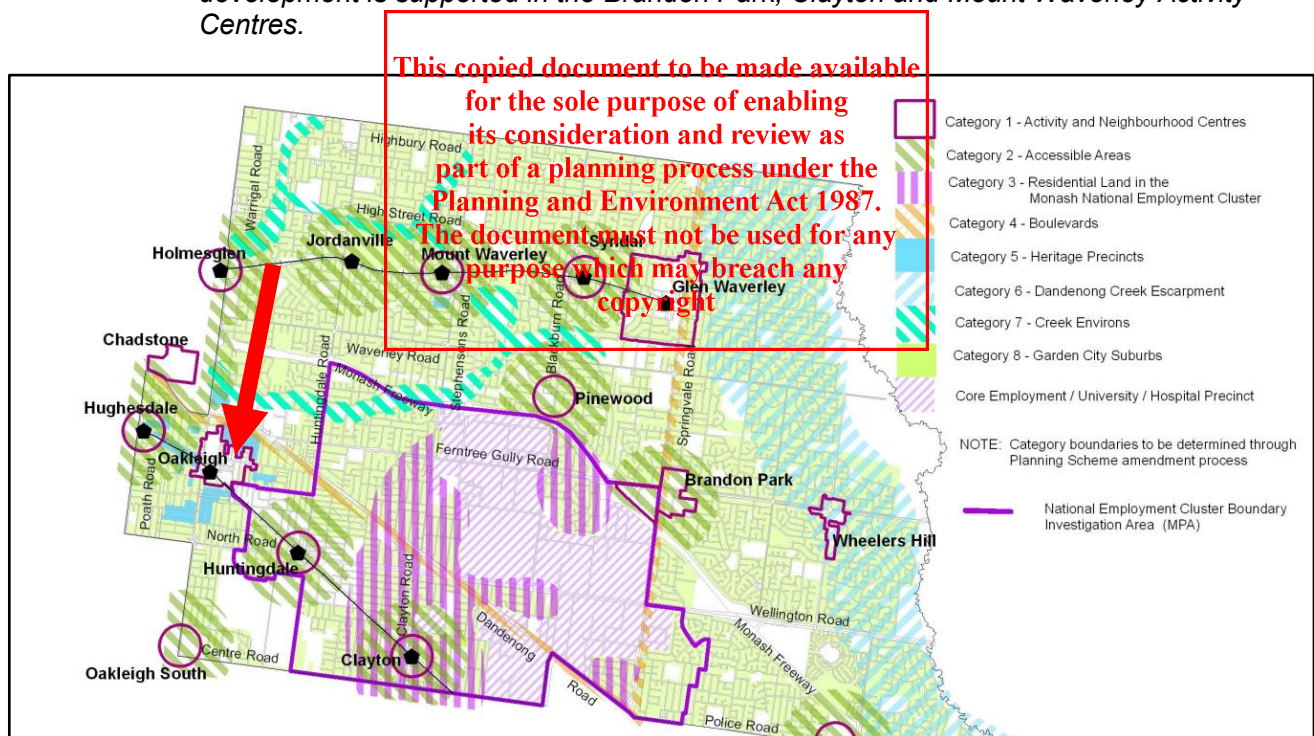


Figure 8 – Monash Housing Strategy, (Planisphere, 2014) – subject site shown within Category 1 area

Areas with future redevelopment potential
Category 1: Activity and Neighbourhood centres

Objective

- Housing change and diversification appropriate to the site context.

Future character

**ADVERTISED
PLAN**

- *Development within these areas will support housing growth and diversification; be of high quality, contemporary design; support pedestrian comfort, accessibility and safety; and incorporate environmentally sustainable and water sensitive design features.*
- *Detailed design standards may be found within Structure Plans or location-specific development controls*
- Residential outcomes*
 - *Mixed use and apartment development at a density appropriate to the context of the Activity Centre.*
 - *Higher density mixed use and apartment developments where identified by Structure Plans or location-specific development controls.*
 - *On larger sites, in suitable locations, increased density may be appropriate, subject to careful design.*
- Clause 16.01-2S (Housing affordability) seeks “To deliver more affordable housing closer to jobs, transport and services.” Strategies include (as relevant):
 - *Improve housing affordability by:*
 - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
 - *Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.*
 - *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
 - *Increase the supply of well-located affordable housing by:*
 - *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*
 - *Ensuring the redevelopment and renewal of public housing stock better meets community needs.*
- Clause 17 (Economic Development) outlines that *planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*
- Clause 17.01-1L (Diversified economy) includes the following objectives:
 - *To facilitate the revitalisation of employment areas and ensure that new development is of a high standard that adds to the attractiveness of business and industrial areas and enhances the garden city character.*
 - *To facilitate innovation and growth in the knowledge economy, particularly in science, technology and emerging industries.*
- Clause 17.02-1S (Business) seeks “To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.” A relevant strategy seeks to ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

**ADVERTISED
PLAN**

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

3.3 PLANNING CONTROLS

3.3.1 Commercial 1 Zone (C1Z)

The subject site is located within the Commercial 1 Zone (C1Z) pursuant to Clause 34.01 of the Monash Planning Scheme.

The purposes of the Commercial 1 Zone are:

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

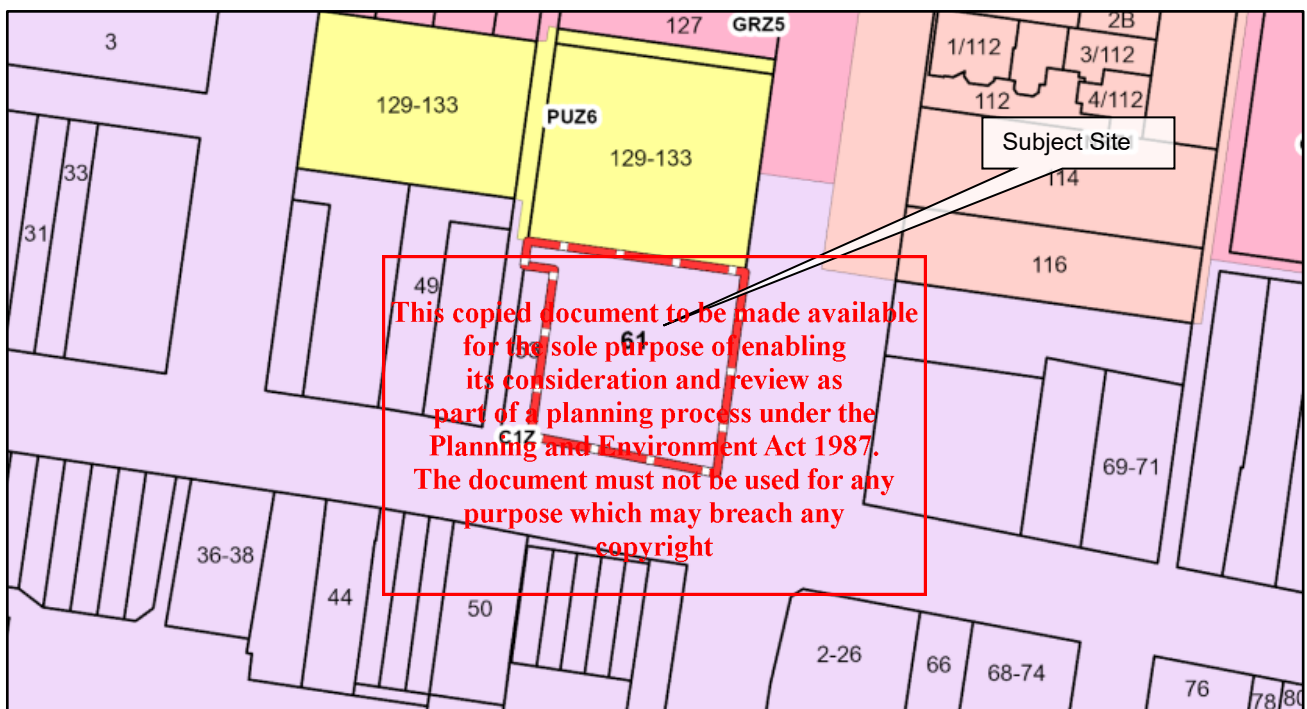


Figure 9 – C1Z Map

Pursuant to Clause 34.01-1, **a permit is required** to use land for the purpose of a dwelling (accommodation). The permit trigger is activated given the frontage at ground floor level exceeds 2 metres. The proposed use of land for a retail premises is as of right (Section 1 – no permit required).

Pursuant to Clause 34.01-4, **a permit is required** to construct a building or construct or carry out works. An apartment development must meet the requirements of Clause 58 of the Monash Planning Scheme.

Pursuant to Clause 34.01-2, a use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements are provided in relation to use and development pursuant to Clause 34.01-6.

Pursuant to Clause 34.01-7 (Exemption from notice and review), An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Pursuant to Clause 34.01-8, Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

Buildings and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appearance, illumination of buildings or their immediate spaces and the landscaping of adjoining land.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

3.3.2 Built Form Overlay – Schedule 11

The subject land is subject to the Built Form Overlay – Schedule 11 (Oakleigh Train and Tram Zone Activity Centre) under Clause 43.06 of the Monash Planning Scheme.

The control was implemented in March of 2026, pursuant to Planning Scheme amendment GC270. The control replaced the previous Design and Development Overlay (DDO11 – Oakleigh Major Activity Centre) control which has applied to the Oakleigh MAC since 2013.

The development objectives of the Built Form Overlay – Schedule 11 are:

- To promote development which achieves a high level of amenity and enhances the public realm with high quality design.

Bowden Town Planning

- To achieve a scale of growth consistent with the development framework and to discourage underdevelopment.
- To promote sustainable development that achieves best practice sustainable design, contributes positively to sustainable transport patterns and provides increased green cover and tree canopy coverage to reduce urban heat.
- To increase permeability and connectivity for pedestrians and cyclists throughout the activity centre.
- To support residential and commercial growth in the Oakleigh activity centre whilst protecting daylight access to Eaton Mall.

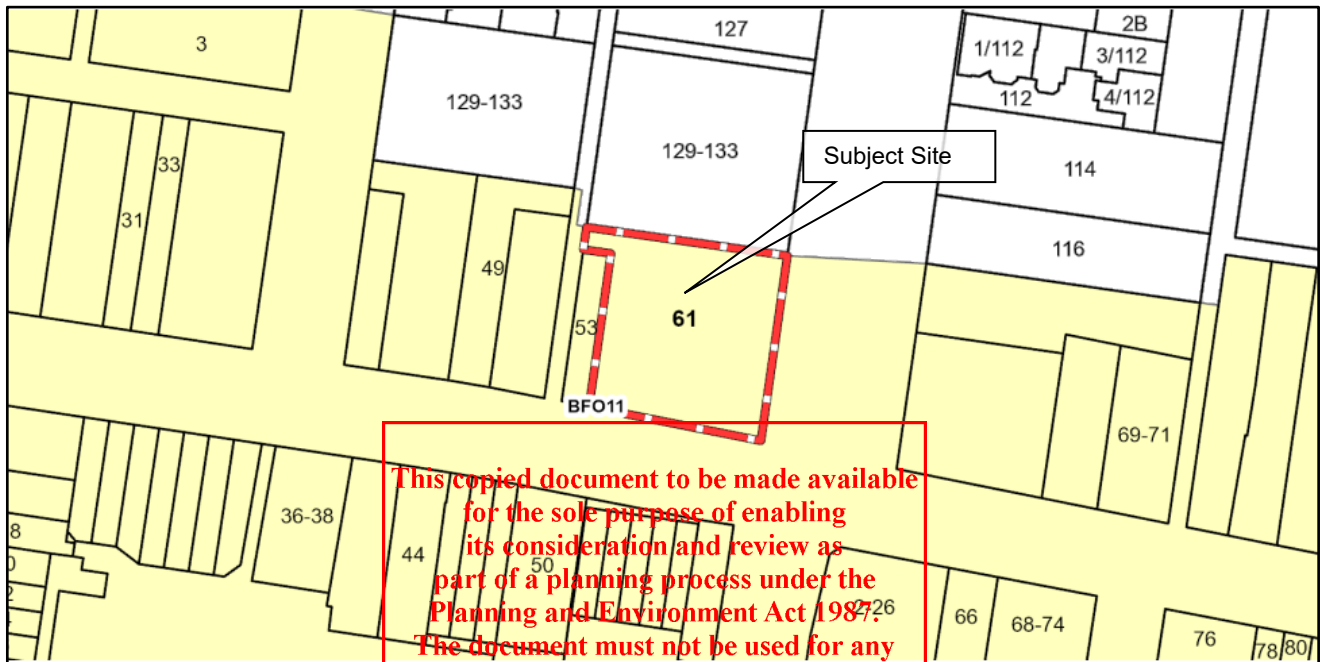


Figure 10 – BFO11 Map

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

Pursuant to Clause 43.06-6, a permit is required to construct a building or construct or carry out works.

Development framework requirements, built form outcomes and standards, application requirements and decision guidelines are provided pursuant to the BFO11. These are outlined, as relevant, below.

Development framework

Building typology as shown on Map 1	Future character
Non-Heritage Main Street Core	This typology will form the main street of the activity centre, with an urban form defined by its active street frontages and consistent streetscape presentation. Being in the heart of the centre, commercial activity will generally be provided at ground level, where a pedestrian environment is prioritized. Taller built form will be setback behind street walls, with streetscapes remaining open and sunny.

**ADVERTISED
PLAN**

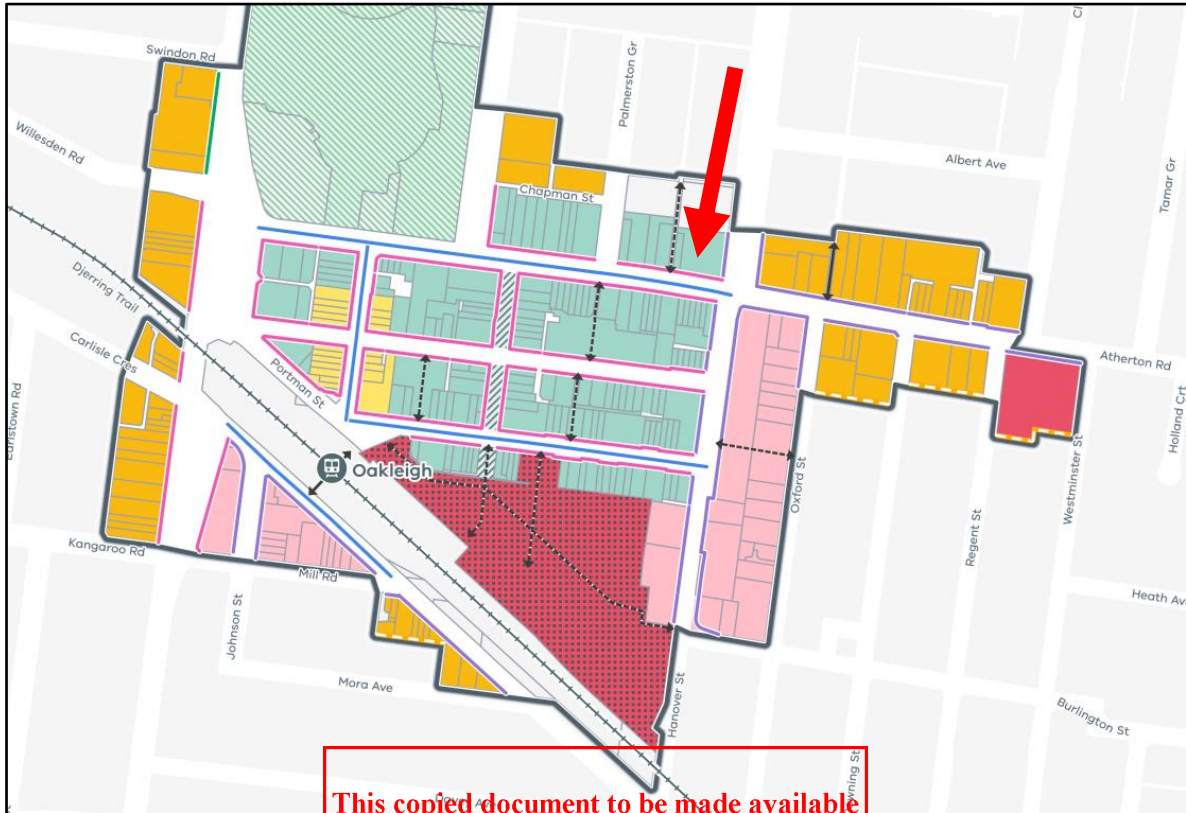


Figure 11 – BFO11 Map 1 – subject site indicated with In-Non-Heritage Main Street Core.

Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme, including any inconsistent standard set out in Clauses 54 to 58 (except where specified in this schedule). This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

Clause 6.2-1: Building Heights

The subject site is located within **Area 3** pursuant to Table 1: Building height below. The discretionary maximum building height within Area 3 is 40m.

Table 2: Building height

Area as shown on Map 2	Minimum building height	Maximum building height	Discretionary or Mandatory	Deemed to comply
Area 1	None specified	21m	Discretionary	Yes
Area 2	13m	27m	Discretionary	Yes
Area 3	21m	40m	Discretionary	Yes
Area 4	21m	53m	Discretionary	Yes, except at land shown as Large Opportunity Sites on Map 1

**ADVERTISED
PLAN**

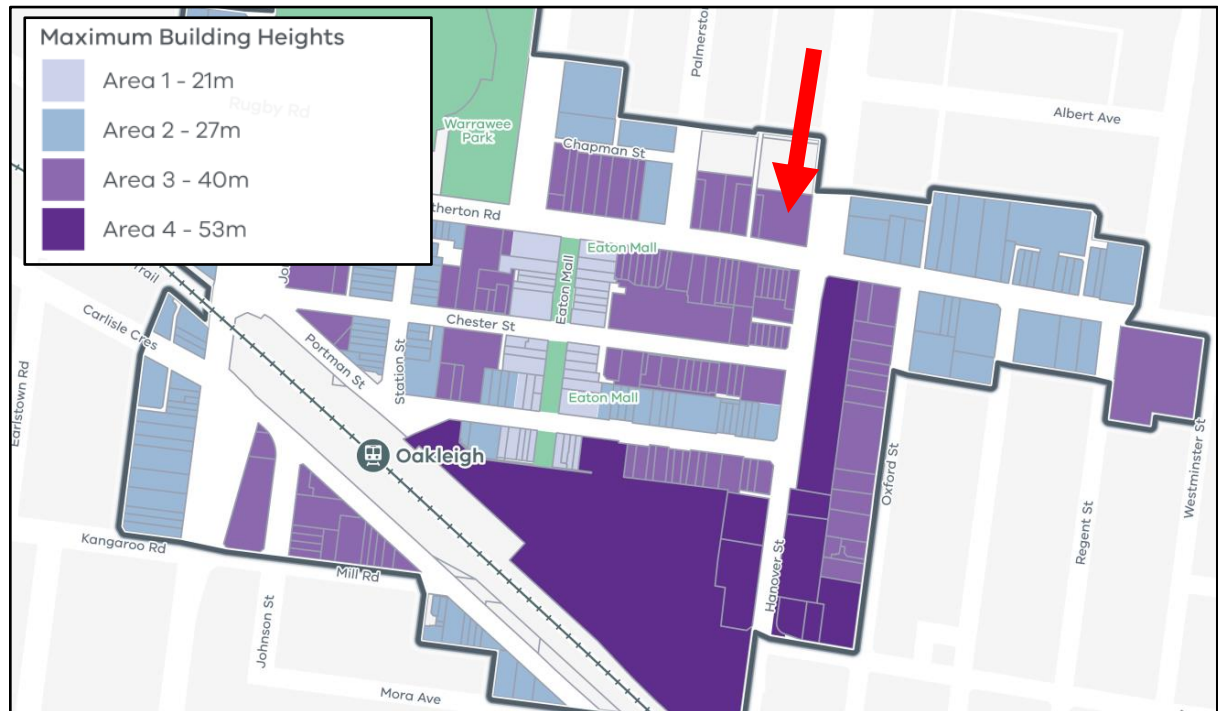


Figure 12 – BFO11 Map 2 – subject site indicated within Area 3

Clause 6.2-2: Overshadowing of open space or public realm

The following standards replace Standard BF04 at Clause 43.06-7 4.

Buildings are to maintain existing sun access to the overshadowing areas identified at Table 3 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 3: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Discretionary or Mandatory	Deemed to comply
Existing and proposed streets			
Key pedestrian streets as shown on Map 1	No additional overshadowing to the opposite footpath measured at least 5m from the property boundary between 10am and 2pm on 22 September.	Discretionary	Yes

**ADVERTISED
PLAN**

Clause 6.2-3: Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Requirements applying to all land

For all land, new development should:

- Avoid a tiered built form and incorporate no more than one setback above the street wall or front wall.
- For areas shown as requiring a landscaped setback in Table 4, provide landscaping between the front wall and the front property boundary.
- For areas where no setback is shown at Map 3, provide street walls within 0.3m of the street boundary.

The subject site is not within either a setback 1 or setback 2 area pursuant to Map 3.

The subject is within a Street wall 2 area pursuant to Map 4 to Schedule 11 to Clause 43.06. The following discretionary requirements apply:

Table 5: Street wall and front wall heights, setbacks above street walls or front walls

Street wall shown on Map 4	Maximum street wall or front wall height	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to comply
Street wall 2	11m	Any part of the building above the proposed street wall or front wall; 5m	Discretionary	Yes

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

Clause 6.2-4: Side and rear setbacks and building separation within a site

Requirements applying to all land

Development should avoid a tiered built form and incorporate no more than two setbacks to each side and rear boundary above the podium.

Development should be set back from side or rear boundaries in accordance with Table 6, except where one or more of the following applies:

- Where a wall on boundary is proposed, a building should meet the wall on boundary requirements in Table 8 and 9 below.
- A wall on boundary should not be provided:
 - For rear boundaries, on a site 1,500 square metres or greater in area.
 - Where a site adjoins a sensitive interface shown on Map 1.

Where a wall constructed on or within 200mm of a side boundary is proposed, the side setbacks at Table 6 apply above the proposed wall on boundary.

The subject site does not include an abuttal to a 'sensitive interface' pursuant to Table 1. The following discretionary requirements apply:

Table 6: Side and rear setbacks and building separation within a site

Part of building	Minimum setback to boundary line	Minimum building separation within a site	Discretionary or Mandatory	Deemed to comply
Above a height of 40m	10m	20m	Discretionary	Yes, except at land shown as Large Opportunity Sites on Map 1.

Table 8: Wall on rear boundary

Site size	Maximum height of wall on rear boundary	Discretionary or Mandatory	Deemed to comply
Less than 1,500sqm	11m	Discretionary	Yes

Table 9: Wall on side boundary

Site width	Maximum height of wall on side boundary	Discretionary or Mandatory	Deemed to comply
Greater than 30m	11m	Discretionary	Yes, except at land shown as Large Opportunity Sites on Map 1

Clause 6.2-5: Building layout and adaptability

Apartment development should have a maximum floor plate size of 900sqm per tower, above the maximum street wall or front wall height.

Table 10: Floor to floor height

Floor type	Minimum floor to floor height (metres)	Discretionary or Mandatory	Deemed to comply
Commercial Ground	4.5m	Discretionary	Yes
Commercial Upper	4m	Discretionary	Yes
Residential (all)	3.2m	Discretionary	Yes

Clause 6.2-6: Active frontages

Apartment development should have a maximum floor plate size of 900sqm per tower, above the maximum street wall or front wall height.

The subject site includes both a Primary Active Frontage (Atherton Road), and Secondary active frontage (Atkinson Street).

**ADVERTISED
PLAN**

Clause 6.2-9: Landscaping and fencing

The standards do not apply to apartment developments to which Clause 58 applies.

Clause 6.2-10: Car parking design

Vehicle access should be provided from laneways and secondary frontages.

Application requirements are outlined pursuant to Clause 8 of the BFO11.

Pursuant to Clause 9.0 of the BFO1, no notice and review requirements are listed. Therefore, the requirements of the parent provision at Clause 43.06-10 (Exemption from notice and review) applies as follows:

An application under any provision of this planning scheme to construct a building or to construct or carry out works, or to subdivide land, is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act unless a schedule to this overlay specifies otherwise.

The following decision guidelines are applicable to the proposed development pursuant to Clause 10.0 of Schedule 11 to the Built Form Overlay (as relevant):

Variations to discretionary standards

Development – building scale

- Whether the site area, including as a result of land consolidation, enables the management of amenity impacts from building heights exceeding the maximum building height specified in this schedule.
- Whether the building height responds to the site and its context.
- Whether street wall and front wall heights and setbacks above street wall and front walls are appropriate considering:
 - The existing streetscape and site context
 - The required floor to floor heights for commercial floor types

Development – Detail design

- Whether the development provides high quality human scaled environments at ground level that provide visual interest.
- Whether the development provides appropriate landscaping, considering its context and the site's ability to provide meaningful landscaping

Decision guidelines applying to all applications

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- Whether development achieves housing and employment at the scale sought by the development outcomes of this schedule.
- Whether the development provides for activation via the use of lobbies and other commercial entries, commercial activities, seating embedded in the façade, and other features which facilitate engagement, use and movement at ground level.

Development – Building scale

- Whether the site area is too small to achieve the preferred scale of development identified in the development framework.

Development – Detail design

- *The extent of building articulation, visual interest and variety over the length of the street frontage.*

Development – Sustainability

- *The proposed sustainability rating of the building and extent the proposed initiatives address climate change impacts and contribute to mitigation through sustainable design and operational practices.*
- *Whether sustainable water, waste and energy management is proposed.*
- *The extent to which the proposed landscape and design response contributes to a greener environment and reduces urban heat.*

Public benefits

- *Whether the proposal results in, or substantially facilitates, the delivery of appropriately secured public benefits including:*
 - *Affordable housing.*
 - *Provision of pedestrian connections or public open space in excess of any minimum requirement in this Scheme.*

3.4 PARTICULAR AND GENERAL PROVISIONS

3.4.1 ~~Clause 52.02 Easements, Restrictions and Reserves~~

The existing carriageway easement on title (TP742162V) within the north-west corner of the subject land is retained.

3.4.2 ~~Clause 52.06 Car Parking~~

These provisions apply to:

- A new use.
- An increase in floor area, or increase in the number of patrons, seats, practitioners, residents or staff of an existing use.

Prior to a new use commencing or a new building being occupied, the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority. Clause 52.06-5 provides the number of car parking spaces required for the dwelling (apartment) and restricted retail uses.

The proposal is for 122 dwellings, with 541sqm of retail space. The subject site is located within a “Category 3”¹⁴ area pursuant to Clause 52.06, where the car parking rates are:

- Minimum 0, maximum 2 car parking spaces per dwelling; and
- Minimum 0, maximum 2 spaces to each 100 sqm of leasable floor area.

On this basis, and having regard to the highly detailed report prepared by Traffix Group¹⁵, 0 car parking spaces are required in total for the residential and retail uses proposed (minimum). A maximum of 202 spaces can be provided.

The Traffix Report¹⁶ provides “*There is no requirement to provide residential visitor parking for this proposal. The application proposes the provision of 163 car spaces which is within the requirements of the Planning Scheme. A permit is therefore not required under Clause 52.06.*”

¹⁴ Following planning scheme amendment VC277.

¹⁵ Report dated June 2026.

¹⁶ At page 11.

The proposal complies with the purposes and decision guidelines of Clause 52.06, in addition to the design standards pursuant to Clause 52.06-9. In assessing the merits of the variation to car parking requirements proposed we defer to the expert traffic engineers, Traffix Group, who have prepared a highly detailed car parking demand assessment and report to accompany the application. The design of the basement car parking has been formulated in collaboration with the expert engineers.

Please refer to the Traffic impact assessment prepared by Traffix Group (September 2025), which provides that¹⁷:

- *the proposed development has a statutory car parking requirement of between 0 and 202 car spaces under Clause 52.06-5 of the Planning Scheme and the provision of 163 car space is in accordance with these requirements,*
- *the level of traffic generated as a result of this proposal is acceptable and, once distributed to the multiple access routes, will not have a detrimental impact on the surrounding road network,*
- *there are no traffic engineering reasons why a planning permit for the proposed mixed use development at 55-61 Atherton Road, Oakleigh, should be refused, subject to appropriate conditions.*

3.4.3 Clause 52.34 Bicycle Facilities

The proposal provides for 46 total bicycle parking spaces, allocated for the residential / retail uses and for visitors.

The Traffix report¹⁸ provides that bicycle parking is provided in accordance the requirements set out at Clause 52.34 of the Planning Scheme.

3.4.4 Clause 53.18 Stormwater Management in Urban Development

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

The proposal is accompanied by an ESD assessment¹⁹, which considers that best practice ESD principles are complied with.

3.4.5 Clause 53.23 Significant Residential Development with Affordable Housing

The purposes of this clause include:

- *To facilitate residential development that contributes to the provision of affordable housing to meet existing and future needs.*
- *To facilitate the redevelopment and renewal of public housing stock to meet existing and future needs.*
- *To facilitate residential development carried out by the State of Victoria or jointly or in partnership with the private sector, including via innovative funding, investment and partnership approaches.*
- *To facilitate residential development with high quality urban design, architecture and landscape architecture.*
- *To provide opportunities for non-residential use and development in association with residential development.*

¹⁷ Conclusion, page 37.

¹⁸ At page 37.

¹⁹ Refer to the detailed Sustainability report prepared by Waterman, dated 9 October 2025.

This proposal is made under Category 1 pursuant to Clause 53.23-1. A key consideration in the net community benefit derived from this proposal is that it includes Affordable Housing.

3.4.6 Clause 58 Apartment Developments

An assessment against the objectives and standards of Clause 58 have been undertaken and is included as **Appendix 2** to this report. The assessment demonstrates a high level of compliance with the objectives and standards of Clause 58.

3.4.7 Clause 65 Decision Guidelines

Clause 65 states *“Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.”*

3.4.8 Clause 71.02 Integrated decision making

Clause 71.02-3 says *“Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.”*

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.”

**ADVERTISED
PLAN**

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**

4 HOW THE PROPOSAL RESPONDS

4.1 OVERVIEW

The proposed redevelopment of the subject site for the purpose of a fifteen-storey, mixed use building is strongly supported by the land use zoning, overlay controls and relevant planning policies in place.

The proposal will make a substantial positive contribution to urban consolidation objectives, noting that this well-proportioned landholding is located within a **Major Activity Centre**²⁰ ("MAC") defined by the Monash Planning Scheme.

Not only is this large (1551sqm) site within a prominent corner and MAC location, it is expressly identified as a location for **strategic redevelopment** pursuant to the Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012)²¹. The elevated level of importance of this site to the MAC is discussed within Section 4.2 below.

A primary purpose of the Commercial 1 Zone applicable to the subject land is to *residential uses at densities complementary to the role and scale of the commercial centre*. This supplements corresponding purposes to create a vibrant commercial core supporting a mixture of uses.

The applicable built form overlay (BFO11) seeks to *promote development which achieves a high level of amenity and enhances the public realm with high quality design, and to achieve a scale of growth consistent with the development framework and to discourage underdevelopment*.

This remarkable proposal delivers on these key tenets, providing for one hundred and twenty-two (122) high-amenity apartments, in addition to a 341sqm total retail space (across three tenancies) at the ground floor level. The proposed development addresses the municipal and strategic need to capitalise on activity centre sites, to provide residential and commercial functions that "co-exist" harmoniously. The net community benefit achieved by this proposal is derived from the balance of outcomes achieved.

In short, it is a place where people want to live, and where planning policy wants them to live. On this basis, there can be no doubt that the proposed apartment and retail development can be supported at a policy level.

We say that it is indisputable that this site is a suitable candidate for the high-quality building proposed, given:

- its large size and corner position is comfortably able to accommodate new high-rise development (1552 square metres size of land);
- the site is currently severely under-utilized, being occupied by a single storey building and car park;
- the site includes no existing protected trees, and likewise no planning controls exist that would constrain or limit development (such as a heritage overlay or neighbourhood character overlay) ;
- its lack of sensitive residential interfaces, noting that the nearest residentially zoned land is located 30m to the northeast;
- as referenced above, the site is not only within a Major Activity Centre, but has been specifically identified through relevant documents as a location of strategic importance;
- The Oakleigh MAC includes a mixed and evolving built form character, inclusive of a broad range of uses and developments; and
- The site is within close proximity to commercial uses, public open space, education facilities and public transport.

²⁰ Pursuant to Clause 02.04-1 of the Monash Planning Scheme.

²¹ Background document pursuant to Clause 72.08, and policy document pursuant to Clause 11.03-1L-06 of the Monash Planning Scheme.

The proposed development will add to housing choice (including affordable housing) in Oakleigh and the Monash Local Government Area, and will provide a high level of internal amenity for its future occupants without compromising the expectations and future equitable development opportunities of commercially zoned neighbours.

Careful consideration has been given to Council's PPF and accompanying policies, including the standards and objectives of Clause 58, Clause 11.01-1L-01 (Activity Centres - Monash), and Clause 11.03-1L--06 (Oakleigh Major Activity Centre) of the *Monash Planning Scheme*. Regard has been provided to the existing and future preferred built form character, and substantial change that is sought for this location.

Peddle Thorp Architects have carefully conceived a well-mannered and site responsive design outcome that will enhance the residential environs surrounding the site, making a very positive contribution to the activity centre. This architecturally designed proposal will act as a landmark development for the Oakleigh MAC, leading the way for other sites to follow.

The appropriateness of the proposed development is demonstrated through an assessment of the application with respect to the following key considerations:

- Compliance with relevant planning policies and land use controls.
- Car parking and traffic.
- Use of land.
- Internal amenity for future residents.

These matters are addressed in turn below.

4.2 LAND USE CONTROL RESPONSE

Zone

The proposal achieves compliance with the purposes of the Commercial 1 Zone (C1Z), providing for a mixed-use proposal that is complementary to the role and function of the centre.

In this sense, it is most relevant that the proposal has been formulated to not only provide for 122 high-quality dwellings, but furthermore to deliver 541sqm of useable commercial (retail) space at the ground floor level. The large ground floor retail tenancies could be used any number of ways, and to support any number of as of right uses.

In our assessment, the development achieves a high level of compliance with decision guidelines of the C1Z as follows:

- The proposal performs well when considered against the Municipal Planning Strategy and the Planning Policy Framework. A discussion regarding policy matters is provided below.
- The land includes no direct interfaces with residential zones, noting that the roads to the east and south of the land act as buffers. Furthermore, the Council-owned car park to the north (Atkinson car park) acts as a transitional element with respect to GRZ5 land 50m north.
- The proposed residential and retail use (as of right) are entirely appropriate, and will comfortably co-exist with nearby uses. There are no known adverse uses located adjacent to the site that would temper or constrain development opportunities.
- The land is suitably located in a location where services are readily available. Furthermore, the ESD and Traffic assessments enclosed support the proposal from a drainage and traffic engineering perspective.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

- The proposal has been designed with regard to the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport. Pedestrians will access the retail and residential uses separately from clearly defined entries fronting the public realm (streetscape), and bicycle / vehicle infrastructure is provided for within the ground and basement levels.
- The provision of car parking within the proposal is entirely appropriate, having regard to the Activity Centre location and proximity to alternative transport modes (such as bus routes and train stations within walking distance). This is not a location where the suggested number of parking spaces pursuant to Clause 52.06-5 should, or must, be provided. Please refer to the enclosed Traffic Impact Assessment report prepared by Traffix Group for a robust discussion of car parking matters.
- The proposal addresses the public realm. The architecturally designed podium and ground level appropriately activate the street via the use of glazing, defined entries, material variation and architectural fenestration.
- A waste management report²² accompanies the proposal, and provides methods for the management of residential and commercial (retail) waste.
- The proposal is also accompanied by a Landscape Concept Plan prepared by John Patrick Pty Ltd, which demonstrates appropriate new planting for the first floor communal open space area (and elsewhere). The opportunity to implement this landscape plan is a desirable outcome.
- The subject site does not directly adjoin any site within a residential zone, and on that basis the consideration of overshadowing of open space / solar panels and overlooking is not applicable. Notwithstanding, it is considered that any perceived impacts are acceptable in acknowledgment of the major activity centre location.
- The proposal responds remarkably well to Clause 58 (Apartment developments) of the Monash Planning Scheme, and particularly in relation to the solar access and internal amenity considerations. Please refer to Appendix 2 for details.

This document is a copy of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

Built Form Overlay – Schedule 11 (BFO11)

The BFO11 (Oakleigh Tram and Train Zone Activity Centre) is applicable to the Oakleigh MAC. Implemented in March 2026, this control provides the overarching built form and land use guidance for the site.

The Built Form Overlay has been introduced as part of 'Stage 1' of the Train and Tram Zone Activity Centres Program. The following is extracted from the explanatory report²³ underpinning the control *'The proposed changes to the abovementioned planning schemes seek to facilitate development that is consistent with the Planning Policy Framework (PPF) and the objectives outlined within the recently released Plan for Victoria (PfV), as well as the Victorian Government's Victoria's Housing Statement: The decade ahead 2024-2034. A key action from the Housing Statement was to 'increase housing choice in activity centres', with an initial 10 centres identified for planning.'*

This control ought to be given elevated weight given it is informed by current and topical strategic planning work, undertaken at a state level. We say it should be assigned greater weight in the assessment of the application given that the Oakleigh Major Activity Centre Structure Plan (28 June 2011), for example, is nearly 15 years old. The document was assigned a shelf life of 10-15 years²⁴ and, as of 2026, we are now at the end of this timeframe.

²² Prepared by Traffix Group, dated September 2025.

²³ Refer to explanatory report: GC270, page 1.

²⁴ As is explicitly outlined within the document.

**ADVERTISED
PLAN**

On an interim basis, there is scope to consider policy aspects of the scheme informed by older reference documents (for example Clause 11.03-1L-06 – Oakleigh Major Activity Centre). The Built Form Overlay is however, in our view, the substantive control that applies from a built form perspective.

It is noted that reference documents have historically assigned a special value to this site through its nomination as a strategic redevelopment site. The Oakleigh Major Activity Centre Structure Plan (28 June 2011) identifies that redevelopment of the identified *Strategic Development Sites has the potential to provide up to 3500 new residential dwellings located within the Oakleigh MAC*.

Our observation is that the 2011 targets have likely not been delivered upon; noting the limited examples of mid-rise or higher density buildings in the MAC despite the clear strategic directions seeking such outcomes. This is where, irrefutably, this proposal provides an opportunity for the centre to “pull its weight”, particularly in light of the elevated controls introduced by the Built Form Overlay (BFO11).

Recent state government housing targets seek to provide 69,500 new homes within the Monash LGA by 2051²⁵. These targets could not be met through only conventional density dwellings in residential areas – Major Activity Centres must contribute to addressing the huge shortfall in homes.

We contend that the proposal performs well when viewed against the outcomes sought by the control. A consideration of the respective aspects of the BFO11 is provided below:

BFO11 design objectives and development framework

- Firstly, a principal objective is to *achieve a scale of growth consistent with the development framework and to discourage underdevelopment*. The proposed development directly addresses this, seeking to maximise the substantial potential of this strategic redevelopment site.
- The proposal will maintain, and indeed improve the prevailing streetscape rhythm and building scale of the Oakleigh Village. Notably, the proposal delivers an articulated three-storey podium to the public realm (Atherton Road and Atkinson Street frontages). The architecturally designed podium will sit comfortably with the established street wall rhythm, noting that the surrounding context is primarily 1-2 storey.
- The development overall will make a positive contribution to the public realm, and is of a very high architectural standard. The inviting architectural entrances from both streets are a positive aspect of this quality design response. The proposal is both open and inviting in keeping with the commercial aspirations of the MAC core.
- The proposal is successful in encouraging a range of housing types and forms. A variety of one, two and three bedroom dwellings are proposed – with differing internal and open space layouts. A variety of occupant needs (including affordable housing) have been considered and catered for by the design response.
- Environmentally sustainable design is a key, and successful, feature of this proposal. Please refer to the enclosed ESD report for details.
- The retail tenancies proposed are designed and integrated within the building to co-exist with the residential components of the building. The two uses will operate harmoniously, sharing some amenities (such as bike and emergency services). Waste, car parking and WC facilities are separate and distinct between uses.
- The retail use ensures that the economic viability and function of the MAC is addressed and preserved. This proposal strikes an appropriate balance between economic and residential objectives.

²⁵ Victorias Housing Statement, The Decade Ahead 2024-2034. New net dwellings to 2051.

- The design of the dwellings has been formulated with internal amenity in mind. Please refer to the enclosed Clause 58 assessment for a detailed consideration of amenity and dwelling layout matters.
- The development framework requirements are addressed in the proposed design response. The public realm presentation, commercial activity / activation of the ground level, and setback of the upper podium behind the street wall are desired outcomes.

BFO11 outcomes and standards

- As has been outlined above, the proposal is successful in providing appropriate linkages between transport nodes and key destinations. A key aspect of this is that the site is specifically nominated as a strategic redevelopment site.
- The building exceeds the preferred height of 40m that is nominated in Map 2 of the BFO11. Further to the outlined above, we submit that the design excellence, internal amenity, and substantial community benefit (including affordable housing provision) achieved by this proposal ought to be considered as preferable to the discretionary maximum heights sought by the BFO11.
- Further, the physical attributes of the site, and sensitivities of this outstanding design response support the exceedance proposed. The proposal responds to the corresponding decision guidelines relating to the management of amenity impacts, existing and proposed development, and street presentation.
- The setbacks proposed have been derived to respond to the physical and strategic context. In particular, the setback of the tower to podium below varies from 3 – 4.8m (or greater) to the northern and western interfaces with other sites, in lieu of the 5m that the control seeks (discretionary). In this consideration it is noted that the recessed, spatial design provides larger setbacks at the upper podium levels, and that overshadowing is compliant with the parameters of the BFO11.
- The setback of the floors above from the podium below delivers visual relief and articulation from all vantage points (refer to the enclosed 3D renders).
- The overall form, massing and siting of the development has had regard to the preferred street wall (human scale) aspects of the BFO11. The three-level podium proposed marginally exceeds the street wall heights (up to 11m discretionary) preferred by the control, seeking a maximum of 12.88m.
- The proposed podium design delivers an active frontage to the public realm through glazing, window and balcony placement, articulation, and varied materials and finishes. The urban design outcome achieved is a vastly superior one when viewed against the existing condition of the land.
- The design and layout of the building has been formulated to accommodate for the needs of people of all abilities. DDA parking is provided within the basement level, and lift / DDA WC amenities are provided in conjunction with retail and residential communal area uses.
- Whilst the design seeks variation with regard to the discretionary walls on boundary standard within the BFO11, we note this is limited to a confined section of the building. Walls on boundary are a very common characteristic of development in the area, which is commercial in character.
- The materials and finishes chosen are of a high standard and quality. The durability of the building, in addition to safety, have been accommodated for in the design.

BFO11 decision guidelines

- The design response produced by Peddle Thorp is of a remarkable architectural quality, and highly innovative. The building will provide for a landmark, or cornerstone development within the Activity Centre.
- The highly detailed and articulated podium and tower elements of the building demonstrate a sophisticated and evolved spatial design. The distinct elements of the building will read as separate, whilst being connected through design references.
- The development squarely achieves the contribution to “urban design” and streetscape presentation sought by the DFO11. The ground floor retail spaces activating both street frontages, and concealed car parking services (within the basement) ensure that the design is highly resolved at the human scale / from the public realm.
- The building scale, detail design, and internal amenity provided by the proposal is not only acceptable, but exemplary. Sustainability and public realm consideration are also well resolved.

Heritage Overlay (adjacent areas)

While the subject site is not subject to the Heritage Overlay (Clause 43.01), the design response acknowledges the presence of nearby heritage buildings and precincts through a tiered built form, use of high-quality materials, and podium articulation that maintains a clear and respectful relationship with the established character. The building includes a three-storey podium which respects the scale of both Atherton and Atkinson Streets.

In this way, the development will complement rather than compete with nearby heritage assets, striking a balance between heritage conservation and the delivery of new housing and commerce in Oakleigh.

4.3 PLANNING POLICY RESPONSE

State Planning Policy

The proposal demonstrates a high level of compliance with the planning policies contained within the Planning Policy Framework, and is appropriate in this context for the following reasons:

- State policies seek to encourage the provision of land for, amongst other uses, residential and commercial land use.
- Policy objectives include a desire to support urban consolidation with the aim of increasing population as well as housing choice and diversity, particularly in areas that are well connected to public transport. The sites' location with the PPTN and within walking distance of train and bus routes finds policy support in this way.
- The site is appropriately located to accommodate high-rise development given its location within a stated-identified Major Activity Centre (MAC). These are the locations where diverse housing outcomes and higher density development are explicitly sought (Clause 11.03-1S).
- The subject site is located within an MAC located that is continuing to evolve. Opportunities for urban renewal and infill redevelopment are priorities for planning in such locations (Clause 11.01-1S), and diverse development will replace remnant low-scale buildings over time.
- The proposal will contribute to the diversity of housing choice in the Oakleigh MAC, and provide a high level of design and amenity for future occupants pursuant to Clauses 11 (Settlement) and

15 (Built environment and heritage). The proposed development will make a positive contribution to the area in accordance with the objectives set out in Clause 15.

- Equally the provision of the proposed retail tenancies at the ground floor level support broad objectives to support a diverse and robust economy (Clause 17.01-1S). The large and suitably designed retail tenancies capitalise on the commercial strengths of the Oakleigh MAC (Village precinct).
- The architectural design response for the site is of high quality in terms of design, detailing and use of materials.

On the basis of the above, it is submitted that the proposal provides an appropriate development and density outcome that is consistent with the anticipated outcomes for a corner landholding of this size, within a Major Activity Centre gateway location.

Local Planning Policy

Overall, having regard to the thrust of local policy, the Monash Planning Scheme is considered to confirm that this mixed-use proposal is exactly what ought to occur on the subject site.

This proposal achieves a very positive outcome. It will deliver more new, well designed, compact housing within a Major Activity Centre location. Furthermore, the large retail tenancies have the capability of supporting any number of uses or purposes²⁶. Apartment and mixed-use developments are desired in this location, as confirmed by the Monash Planning Scheme.

Clause 02.03-1 provides the key Municipal Planning Strategy guidance relating to Activity Centres. Here it is said that *Major activity and neighbourhood centres will have an increasing role in providing well located housing into the future. This will ensure a range of housing types is available to satisfy the housing needs of the Monash population now and into the future.* The proposal delivers on this strategic need, noting that the Oakleigh MAC is undoubtedly a higher-order centre, being more capable of supporting high-rise development in contrast to lower order (hierarchical) centres. Furthermore, Major activity centres are specifically nominated as "Category 1" by the Monash Residential framework per Clause 02.03-5.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

As posited by Clause 02.03-5 *it is important to direct more intensive, diverse higher density development to activity centres (with) access to a wide range of goods, services, facilities, transport and jobs. This approach allows for the retention of neighbourhood character and the enhancement of garden city character in the balance of the municipality which is very important to the community.* Identified strategic redevelopment sites, such as the subject site, ought to be appropriately capitalized upon in order to ensure the character of residential hinterland is not eroded.

Monash is a municipality that cares about neighbourhood character, and rightfully so – therefore the locations and areas that are earmarked for a very substantial level of change ought to be appropriately developed. The proposed mixed-use development realises the strategic aspirations for MAC's pursuant to the Monash Municipal Planning Strategy.

The Planning Policy Framework (PPF) local policies of most relevance to this proposal are 11.03-1L-01 (Activity centres - Monash), Clause 11.03-1L-01 (Oakleigh Major Activity Centre), Clause 16.01-1L (Housing supply - Monash), and Clause 17.01-1L (Diversified economy).

Pursuant to Clause 11.03-1L-01 (Activity centres - Monash), a key objective is to promote and enhance the unique characteristics of each activity centre. This proposal and design response has been formulated having regard to the emerging and existing character of the Oakleigh MAC – Village Precinct. In particular the presentation of the building at ground floor / podium to Atherton Road inclusive of glazing, awnings,

²⁶ Discretionary uses pursuant to the Commercial 1 Zone.

street canopy, defined entrances and material variation has evolved to respond to the varied street wall character along Atherton Road.

Clause 11.03-1L-06 (Oakleigh Major Activity Centre) provides the overarching policy consideration specific to the Oakleigh MAC. The policy has been informed by the Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012) – noting that this 13-year-old document is to be the subject of strategic review of the coming year. An analysis of this reference document is provided within Section 4.2 above.

The development achieves a high level of compliance with Clause 11.03-1L-06, noting that

Objectives

- The mixed-use function of the building proposed realizes the objective to *promote the Activity Centre as a focus for convenience, multi-cultural dining, shopping and community services serving both the local and wider catchments*. The carefully designed retail space at ground level furthers objectives to ensure that a retail focus in the centre is maintained.
- The proposal provides a diverse range of residential outcomes, noting that one, two and three-bedroom dwellings are proposed with varied layouts. A component of affordable housing is committed to by our client in keeping with the enclosed supporting documentation.

Strategies

- As is outlined above, the integrated retail tenancy fits in seamlessly with the residential use of the upper levels. There can be no doubt that the two uses will co-exist and indeed complement one another.
- Increased employment opportunities are promoted by the large retail spaces at ground level. The retail spaces are conveniently accessed by pedestrians through active frontages, and provided with easily accessible parking within the basement level (DDA space).
- Policy explicitly seeks to *create viable development sites and optimal development of the centre*. It is hard to image a more optimal development for this large strategic redevelopment site. Furthermore, a relevant strategy is to *Encourage redevelopment of large sites to include higher density residential dwellings*.

The Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012)

- A relevant objective of the Oakleigh Major Activity Centre Structure Plan is *to reflect the need to accommodate the projected growth and change for a 10-15 year period*.
- A balance of residential and commercial uses is broadly sought for the Oakleigh MAC. As explained above, the retail space and diverse apartment living typologies proposed deliver on this aspiration.
- The document provides that *There are a number of larger sites, located within the Activity Centre, that have potential to provide significant development opportunities... The sites appear to be currently underutilised*. The subject land is a key example of this, being occupied by a single-storey unremarkable commercial building. The opportunity to remove this nondescript building, and develop the land with an architecturally designed mixed-use building delivering a substantial community benefit ought to be welcomed.
- Medium to high rise development is explicitly nominated as a preferred outcome (strategic response) within the document.

**ADVERTISED
PLAN**

In respect to Clause 15 (Built Environment and Heritage) we echo the submission that this design is of an extraordinarily high quality, being expertly designed by an award-winning architectural practice in Peddle Thorp Architects. The design response is highly sophisticated and well-resolved, and responds and contributes to the strategic and cultural context of the MAC location.

The proposal is supported by Urban design (Clause 15.01-2S) and ESD (Clause 15.01-2L-02) assessments prepared by experts in those fields. We endorse the findings of the relevant experts in respect to these pertinent matters.

Clause 16 of the Monash Planning Scheme broadly supports the establishment of high-density housing in locations that are well located (Clause 16.01-1S). It is hard to imagine a better location than this for the use and development proposed.

The proposal achieves a high level of accordance with the objectives and strategies contained within Clause 16.01-1L (Housing supply – Monash). Specifically:

- The proposal directs growth to an activity centre where residential activity and development is sought by policy.
- The proposal furthers policy objectives to ensure that affordable and diverse housing is provided to cater for a range of household types and occupants.
- Policy explicitly provides that intensive, higher scale development is to be direct to major activity centres that are well serviced by public transport, commercial, recreational, community and educational facilities. A contextual discussion of the desirable location that this site is within is provided within Appendix 1 below.
- The proposal accords with the objective and guidelines for Category 1 locations pursuant to the Monash Housing Strategy, (Planisphere 2014). More particularly, *Development within these areas will support housing growth and diversification; be of high quality*

This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright

4.4 TRAFFIC, CAR PARKING AND WASTE

It is submitted that the proposed development responds appropriately to the above matters, given:

- The car parking provision proposed is compliant, as explained in the Traffix report that accompanies this application.
- The site has excellent access to sustainable transport modes and is well located regarding retail and essential services.
- The site is extremely well located to promote active transport modes to services and daily errands without the need for a car.
- This site is located within the Oakleigh Major Activity Centre, which provides access to a wide range of everyday services such as supermarkets, banks, restaurants, specialty shops and medical centres.
- The site also has excellent public transport accessibility with eight (8) bus services and Oakleigh Station a short walk from the site, all approximately within 360 metres of the site. The closest bus stop is only 50 metres south from the site and services four (4) routes (Routes 624, 693, 704 and 742). Refer to figure 14 (below) showing the availability of transport services in the area.

**ADVERTISED
PLAN**

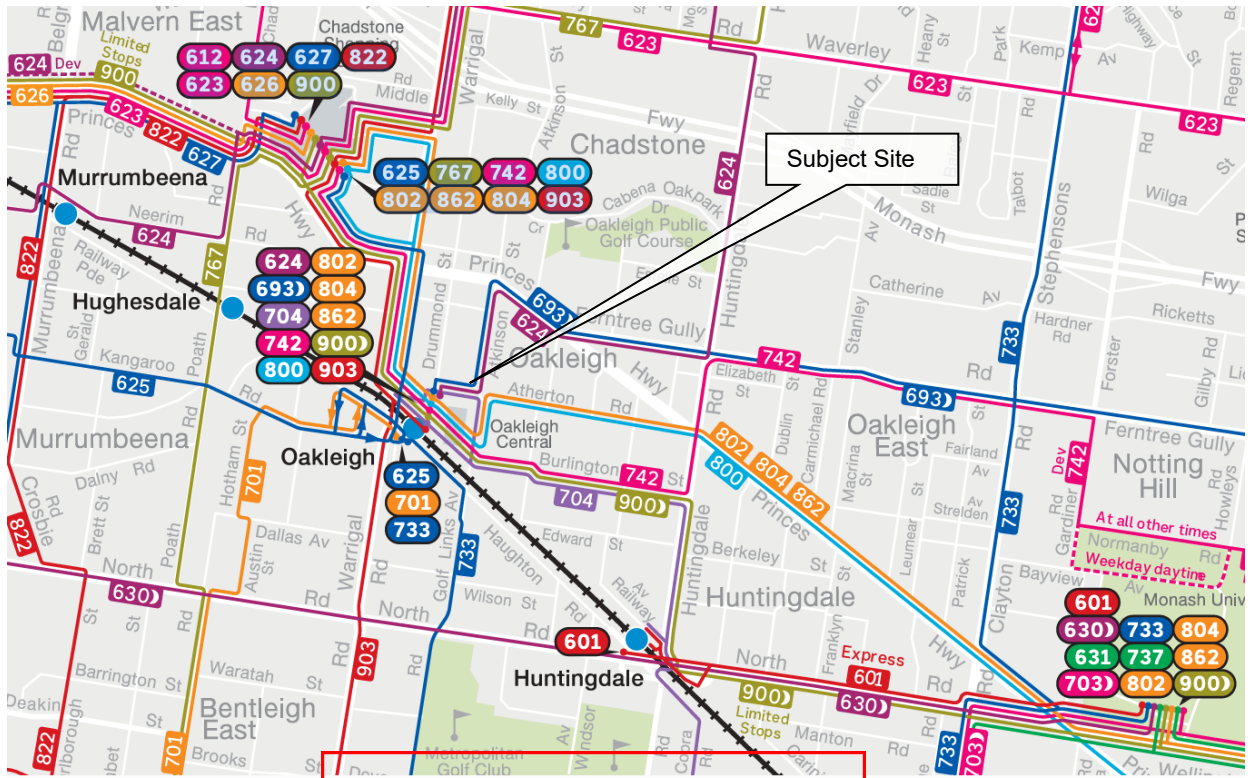


Figure 14 – Extract from the Department of Transport and Planning's Local Area Transport Map

- The car parking is within the basement levels, and therefore will not be a prominent visual component from the public realm.
- The proposal complies with the design standards pursuant to Clause 52.06-9. It is accordingly submitted that the purpose of Clause 52.06, to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use is met.
- We refer to the highly detailed traffic engineering assessment of Traffix Group in respect to car parking and traffic matters.

Further to the above, the proposal nominates dedicated bin spaces on the plans. Bin collection will be in keeping with the Waste Management Plan prepared by Traffix Group.

4.5 USE OF THE LAND

Retail space

The use of the ground floor retail tenancies do not require a permit for use pursuant to the zone (Clause 34.01-1). On this basis the use is considered to be entirely appropriate given it is "as of right".

Residential

The proposed residential use of the site requires a permit pursuant to Clause 34.01-1 given that the size of the ground floor entry (lobby) exceeds the 2m threshold specified by the zone. The residential aspect is therefore a Section 2 use.

In respect to this permit trigger we say:

**ADVERTISED
PLAN**

- The use of the land for a residential purposes should not be controversial in any sense. The location is one where a mixture of uses are expected to co-exist, affirmed by both the controls and policy applicable.
- There are no adverse amenity uses immediately adjacent to the site that may temper development expectations, or otherwise require a further assessment.
- The residential entry proposed (activating the use permit trigger) is in no way inappropriate, particularly having regard to the wide site frontage to Atkinson Street. The 2m as of right use condition for accommodation is a one-size-fits-all permit trigger. The 41m frontage to Atkinson Street can easily support the 5m residential frontage proposed; furthermore, the glazed entrance assists in activating the street, and providing a defined sense of address.
- Overall, the proposed residential use and frontage is considered to be appropriate having regard to the MAC and Commercial 1 Zone location.

4.6 INTERNAL AMENITY

Future occupants of the site will be provided with a high level of internal amenity noting the following features of the development:

- All apartments within the development feature functional layouts, with either balconies provided and access to communal open space at the first floor level;
- Generously proportioned bedrooms and living spaces, and access to natural light in all habitable rooms make the dwellings comfortable homes for future residents;
- Each dwelling is provided with at least one secure car park within the basement levels, in addition to storage;
- Each dwelling is provided with safe and convenient access internally. Public and private areas are delineated within the design;
- Pedestrian access to the entrance to the apartment building is via clearly demarcated entries;
- Communal amenities, cinema, meeting spaces, storage, and a large (310sqm) communal outdoor space area is provided at the first floor level to the benefit of residential occupants;
- The high levels of amenity and useability of the communal open space area and balconies within the proposal have been formulated to provide a high level of amenity; and
- The design is highly compliant with Clause 58 (Apartment Developments) of the Monash Planning Scheme, as per the enclosed assessment (Appendix 2).

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

It is considered that the development will provide an entirely appropriate outcome with respect to the internal amenity of the future occupants.

4.7 OTHER MATTERS

Public Realm Upgrades

Atherton Road underwent an extensive upgrade by Monash City Council in 2019. The streetscape upgrades included road resurfacing, widened granite-paved footpaths, improved street lighting (including smart poles with remote control), enhanced tree protection with wider garden beds and new drought tolerant trees. Stormwater drainage was also upgraded in line with water-sensitive urban design principles.

**ADVERTISED
PLAN**

As part of the road reconstruction works, Council assessed the health of the trees on the road and whether there were any invasive roots. Council identified 13 trees on Atherton Road between Warrigal Road and Atkinson Street that required removal due to their invasive roots. Importantly, the Council removed the two trees adjacent the sites southern boundary given their root structure. The trees were replaced with the advanced Norway Maple trees in dedicated kerb outstands. One new tree was planted outside the adjacent property (53 Atherton Street, shown on TP100) while two were planted on the opposite side of the street (approximately outside 50 Atherton Street).

The proposed development responds positively to these streetscape upgrades by providing a large retail spaces with glazing to the southern and eastern (street) boundaries. There is significant activation to both Atherton and Atkinson Streets with both the commercial and residential uses. The upgraded footpath provides an attractive space for outdoor seating should the commercial space be utilised for a food and beverage premise in the future.

The proposed development would reduce conflict points between pedestrians, cyclists and vehicles via the removal of the crossover to Atherton Street with vehicle movements consolidated to Atkinson Street. This would be a positive contribution to Atherton Street with its commercial hub functions and significant pedestrian activity.

**This copied document to be made available
for the sole purpose of enabling
its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.
The document must not be used for any
purpose which may breach any
copyright**

**ADVERTISED
PLAN**

5 CONCLUSION

The proposed development represents an excellent response to the site and surrounding area. It provides for a mixed-use apartment building of remarkable architectural quality, and will result in a positive addition to the area.

The proposal provides an appropriate response to the outcomes sought by the Monash Planning Scheme for the following reasons:

- It provides for increased density in an area where mixed-use and apartment development is promoted by the controls and planning policy applicable. Indeed, this is a location where the planning scheme and relevant strategic documents²⁷ seeks to promote mid to high-rise development.
- It advances key objectives and strategies contained in the Planning Policy Framework of the Monash Planning Scheme in terms of settlement, significant change in activity centres, internal amenity, commercial growth and urban design.
- The site is located within the Oakleigh Major Activity Centre²⁸. Its size, corner position, and relative lack of encumbrances result in a site that is physically capable, and indeed ideally suited for the proposed development. This site should not be occupied by a single storey commercial tenancy (as it currently is).
- Peddle Thorp Architects, a reputable and award-winning architectural practice, have skilfully produced an outstanding design that will improve the appearance of the Major Activity Centre. The architectural outcome is one which is well resolved and sophisticated – and addresses all interfaces and the public realm successfully.
- The proposal provides a high level of amenity for future occupants of the development, incorporating spacious well-proportioned living spaces consistent with the enclosed Clause 58 assessment. Furthermore, the retail spaces delivered at the ground floor level will further the function of the Activity Centre, which acts as a hub of services to the community. The design is highly compliant with Clause 58.
- The proposal is supported by a multitude of professional assessments, which consider the proposal to be acceptable having regard to traffic, waste, landscape, Arboricultural and sustainability considerations.
- This design should be considered an exemplar of what is possible within the Oakleigh MAC, and further the equitable development of the Major Activity Centre. This landmark proposal and building will lead the way for other sites to follow.
- Provides for much needed new housing in a desirable location to live, *balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations*. The delivery of affordable housing in this location provides a significant public benefit.

Accordingly, the proposed development is entirely appropriate and worthy of support.

Bowden Town Planning

²⁷ The Oakleigh Major Activity Centre Structure Plan (City of Monash, 2012).

²⁸ Pursuant to Clause 02.04.

**ADVERTISED
PLAN**

APPENDIX 1 – SITE AND SURROUNDS

The subject site is located on the northern side of Atherton Road, and western side of Atkinson Street respectively (refer Figure 1 – Locality Plan). The site is located within the Oakleigh Major Activity Centre (“MAC”).

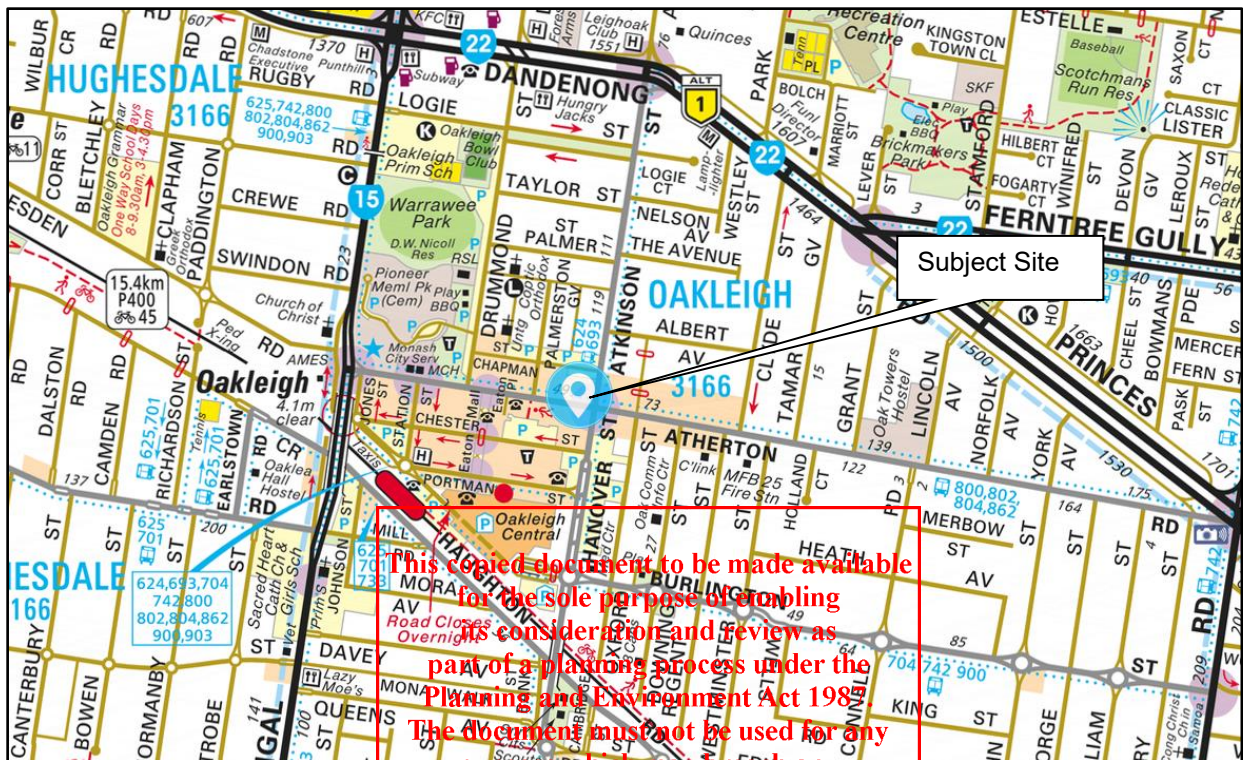


Figure 1 – Locality Plan (Melways maps online, 2025).

The subject land includes the residential addresses 55-61 and 61 Atherton Road in Oakleigh. The land is otherwise known as Lots 1 and 2 on Title Plan 742162V.

The subject land includes the following physical features:

- Rectangular shape, with a splay (carriageway) in the north-western corner.
- Frontage to Atherton Road of 38.21m, and 40.92m to Atkinson Street.
- Rear (northern) boundary width of 44.26m.
- 4.92m-wide carriageway easement within the north-western corner.
- Total site area of 1551sqm.
- The site is generally flat, with a minor fall from north to south.
- No canopy trees are located within the site. A small landscaping strip is located in the south-east corner.
- The existing building and car park on the site occupies most of the land (site coverage).

The subject site is currently occupied by a single-storey commercial building, with a flat roof. The building occupies the western half of the land, and includes extensive walls on boundary (zero lot lines) to the northern and western interfaces. To the east of the commercial building is a car park, comprising 19 spaces.

Vehicular access is provided from both roads (Atherton Road and Atkinson Street), and pedestrian access is provided via either interface. Windows / glazing are a prominent aspect of the existing building as observed from the street, and a disabled access ramp is evident at the buildings entry.

The carriageway easement land to the north-west is comprised of open grassed area, with a tree of poor condition evident (refer Figure 14 below). The existing use of the land is for multiple commercial / retail tenancies.



Figure 2 – Aerial Photograph 1 (Landchecker, February 2025)

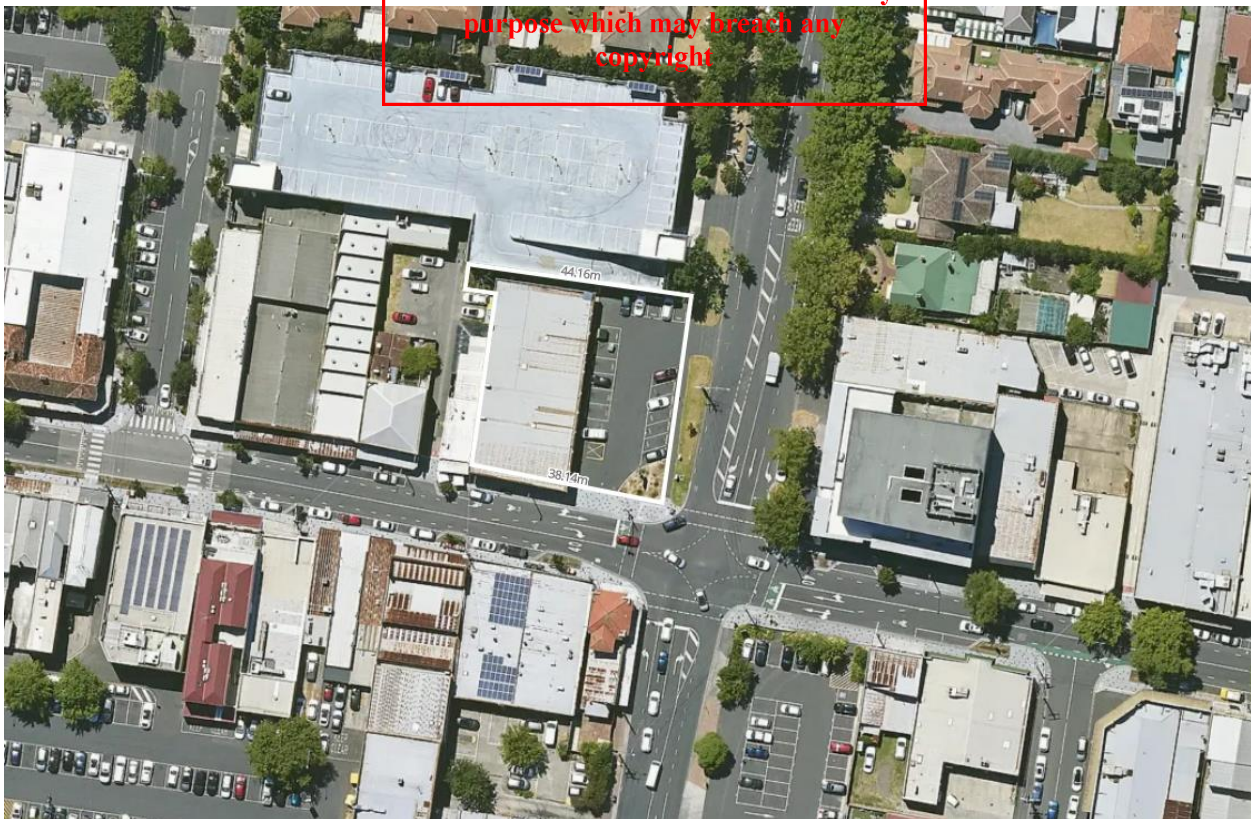


Figure 3 – Aerial Photograph 2 (Landchecker, February 2025)

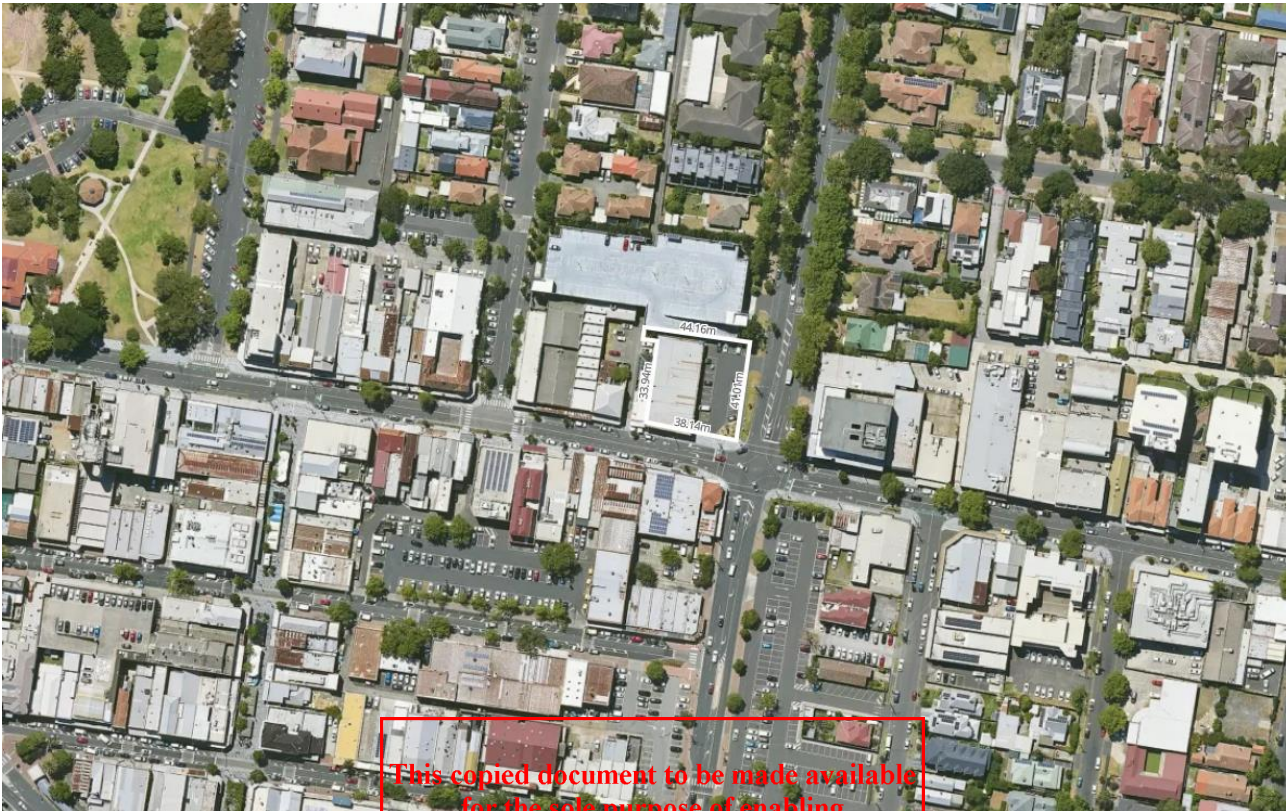


Figure 4 – Aerial Photograph 3 (Landchecker, May 2024)

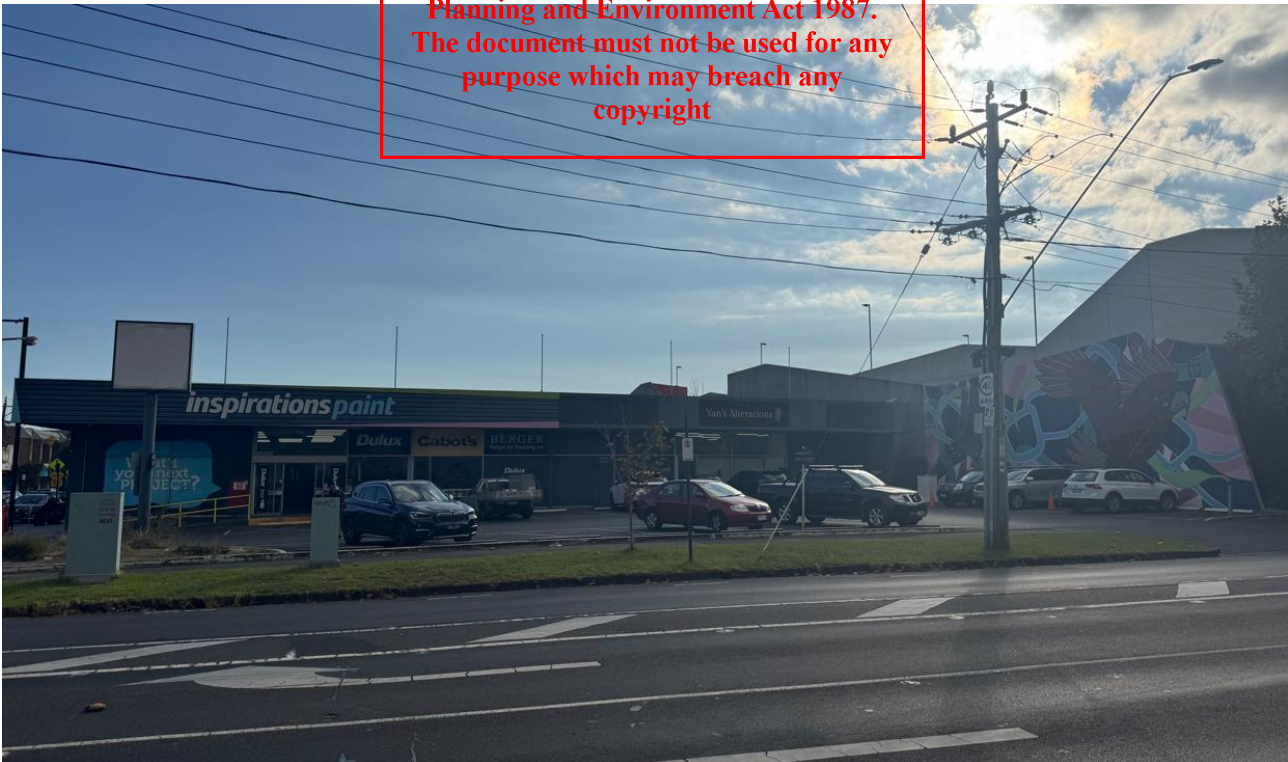


Figure 5 – Subject site view from eastern side of Atkinson Street (photo taken May 2025)

**ADVERTISED
PLAN**



Figure 6 – Subject site viewed from the southern side of Atherton Road (photo taken May 2025)



Figure 7 – Subject site view from southern side of Atherton Road (photo taken May 2025)

**ADVERTISED
PLAN**



Figure 8 – Subject site – view north (photo taken May 2025)

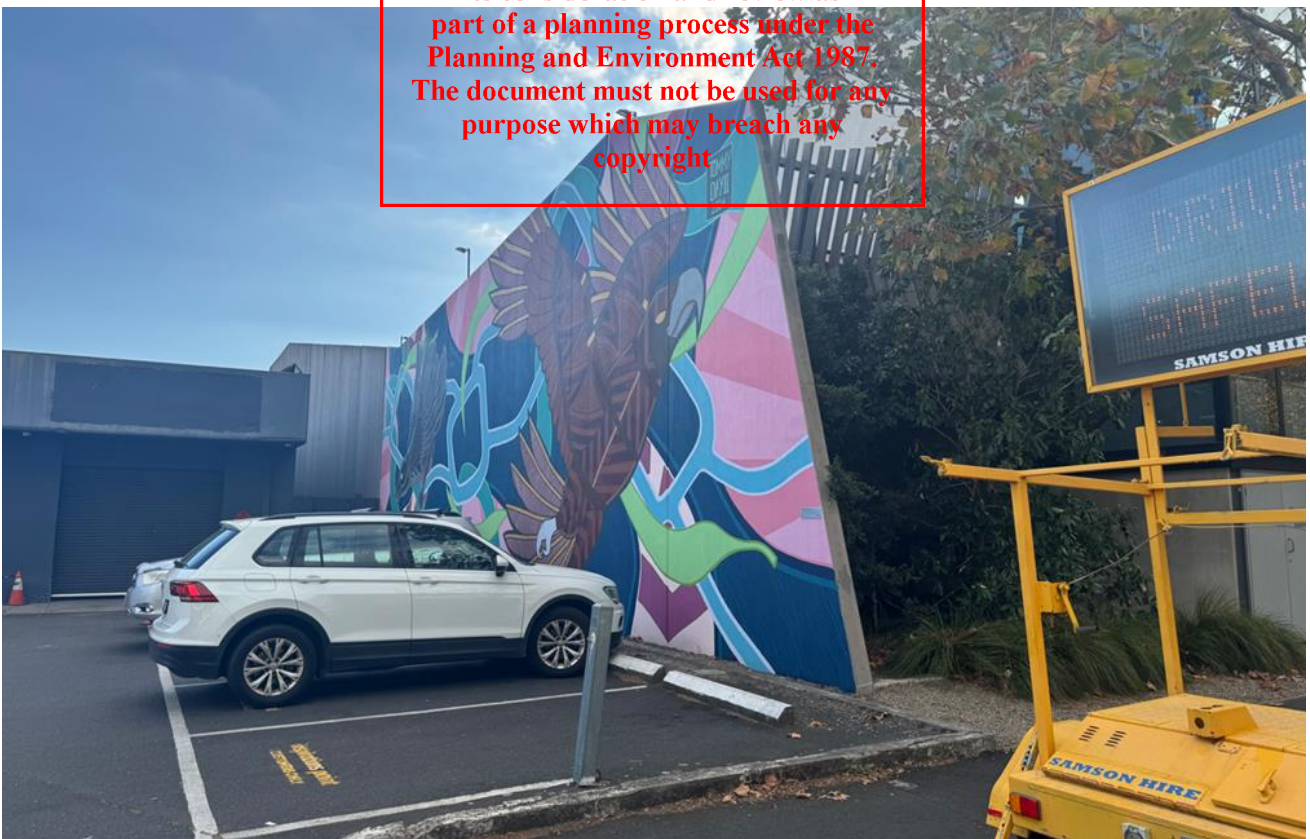


Figure 9 – Subject site (photo taken May 2025)

**ADVERTISED
PLAN**



Figure 10 – Subject site – view south (photo taken May 2025)



Figure 11 – Subject site (photo taken May 2025)

**ADVERTISED
PLAN**



Figure 12 – Subject site – view from western side laneway (photo taken May 2025)

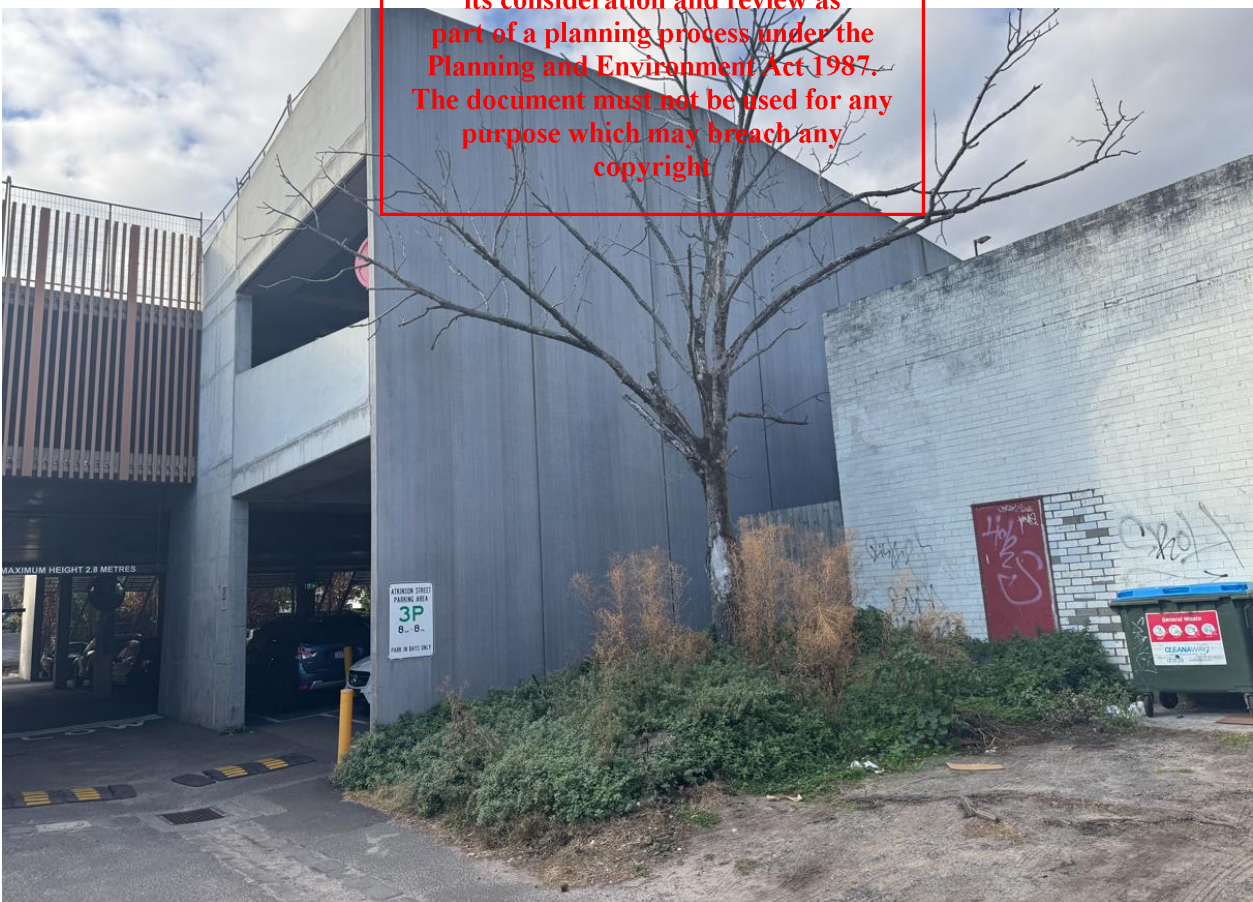


Figure 13 – Subject site – view from western side laneway (photo taken May 2025)

Interfaces

- To the north of the land is 129-133 Atkinson Street, Oakleigh. The land is comprised of a three-level car park, known as the Atkinson Street Community Car Park. The land is owned/managed by Council, and subject to a Council land planning control (Public Use Zone – Schedule 6). Attributes of the land include a very high site coverage, double width crossover to Atkinson Street, and architectural façade to the east. An extensive double store wall on boundary is evident along the shared boundary with the subject site.
 - Further north of the Atkinson Street car park is residential located on the periphery of the Oakleigh MAC. The land is subject to a GRZ5 control (which allows up to 4-storey development).
- To the south of the subject site is Atherton Road, an important thoroughfare within the Oakleigh MAC linking Dandenong Road to Warrigal Road. Car parking and bicycle lanes are evident within the street. Development on the southern side of Atherton Road is distinctly commercial in character, varying from 1-2 storeys. High site coverages, signage, canopies over the sidewalk, and glazing (windows) are common elements here.
- To the east of the subject site is Atkinson Street. Most notably, on the eastern side of Atkinson Street opposite the subject site is 63-65 Atherton Road, currently occupied by a six-storey mixed use building (Figure 16 below). The building includes a three-level podium / street wall. Access to a basement level is provided via a double crossover from Atkinson Street.
- To the west of the subject land is a laneway, interfacing with several other properties and the Atkinson Street car park (refer Figure 17 / 18 below). 55 Atherton Road is to the southwest, and is comprised of a single-storey building used as a restaurant. The site contains an identical control context to the subject site. Site attributes include a high site coverage, rear car parking space, and entry from Atherton Rd.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright



Figure 14 – Northern interface of the subject site – 129-133 Atkinson Street (Atkinson St carpark)



Figure 15 – Southern interface of the subject site – Southern side of Atherton Road (photo taken May 2025)



Figure 16 – Eastern interface of the subject site – 63-65 Atherton Road (apartment development with commercial component) (photo taken May 2025)

**ADVERTISED
PLAN**



Figure 17 – Western interface of the subject site – laneway interface (photo taken May 2025)



Figure 18 – Southwestern interface of the subject site – Laneway interface (photo taken May 2025)

**ADVERTISED
PLAN**

Surrounds

As is outlined within the proceeding sections of this report, subject site is located within the Oakleigh Major Activity (MAC²⁹).

The subject site is located at an interface with Council-owned and zoned land to the north (Atkinson St carpark). All remaining interfaces are with sites with an identical zoning and strategic context, as is explained in detail below.

The subject land is located within Precinct 1 – Oakleigh Village of the MAC, which is the “inner core” of the Activity Centre, within which much of the commercial activity is currently based. As is outlined within the proceeding sections of this assessment, development outcomes are varied within the MAC – with examples of older-style single or double storey buildings and street wall along Atherton Road (and elsewhere), being gradually replaced by more contemporary buildings of a higher scale.

Development typically consists of single and double storey immediately adjacent to the site, however examples of higher density, mid-rise development are observable from the subject land (refer Figure 19 and 20 below). These examples will undoubtedly increase as the strategic vision for the Oakleigh MAC begins to be addressed through new development.

We observe that there is an emerging character of contemporary development that is formed by the examples of 63-65 Atherton Road to the immediate east, the Atkinson St car park to the immediate north, and 19-21 Hanover Street to the south. A substantial level of change is envisioned for the Oakleigh MAC by the planning scheme, therefore such examples will become the norm, rather than outliers.

A discrete, lower-scale character is evident in the residential hinterland to the north, where General Residential and Neighbourhood Residential Zone controls are evident. Notwithstanding, it is observed that the Atkinson St car park acts as a “buffer site” from the subject land and residential land, and moreover that the GRZ (GRZ5 – Oakleigh Activity Centre) land to the north of the car park anticipates new development up to 14m / 4 storeys. The subject land is setback by more than 40m from this land.

Overall, we observe that the land within the Oakleigh MAC and surrounds present a wide range of uses and building typologies, with what is undisputedly an evolving character emerging. The emerging character of built form within the centre is of a high-quality; it stands to reason that this³⁰ identified strategic redevelopment site should, indeed must, be appropriately utilized to contribute to the major activity centre.

The subject site is strategically very well located, given its proximity to:

- Bus stops along both Atherton Road and Atkinson Street within 100m.
- Oakleigh Train Station 350m southwest (Cranbourne / Pakenham train lines).
- A variety of retail, commercial, food, health and community services within walking distance. The amount of services available within the Oakleigh MAC will mean that residences will not have to travel elsewhere to accommodate need.
- Local open spaces, including Warrawee Park Oval, Jack Edwards Reserve, and Oakleigh Recreation Centre.
- Oakleigh Primary School and Kindergarten, Oakleigh Grammar, Sacred Heart Primary School, and Armsleigh Park Primary School.

Please refer to the below photo study for additional details.

²⁹ Pursuant to Clause 02.04 of the Monash Planning Scheme.

³⁰ Subject site.

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright



Figure 19 – View of 63-65 Atherton Road – mixed-use apartment development (photo taken May 2025)

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

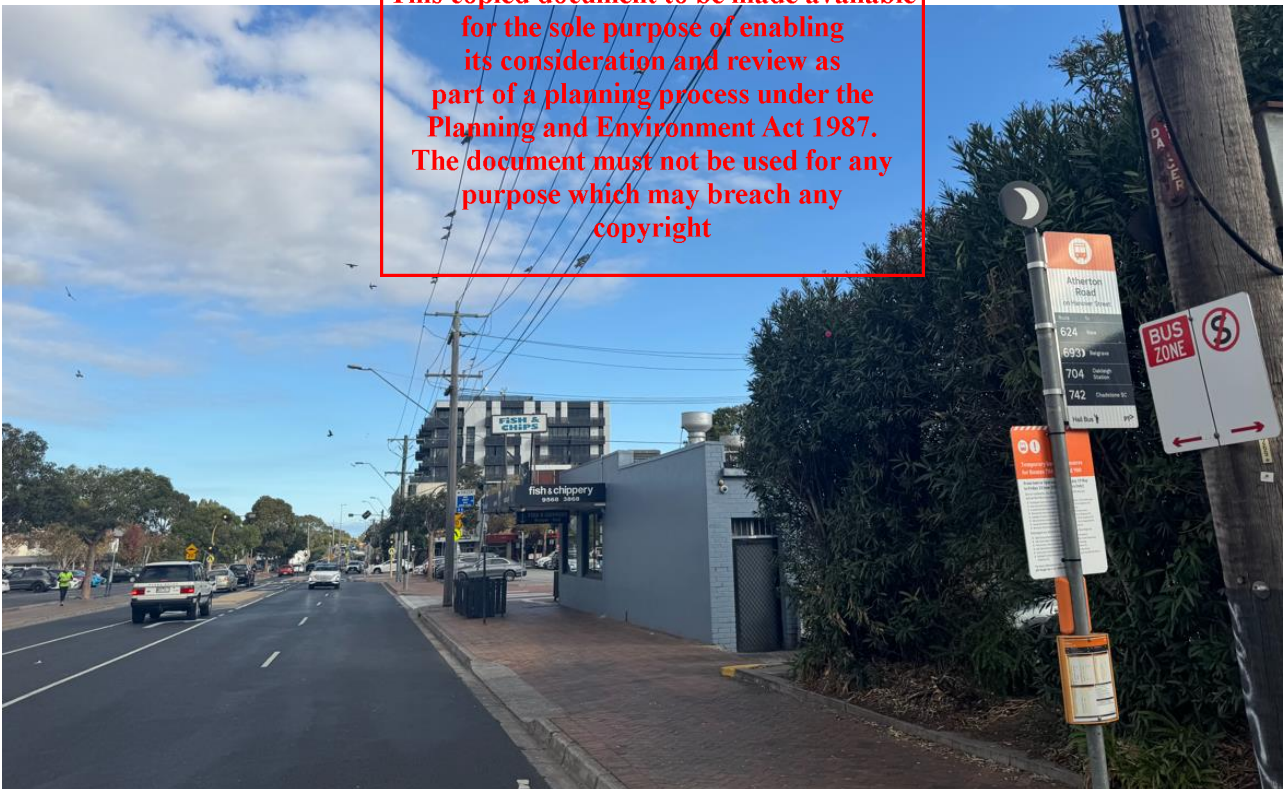


Figure 20 – View south along Atkinson Street – landmark development of 19-21 Hanover Street sighted in background (photo taken May 2025)

ADVERTISED PLAN



Figure 21 – 19-21 Hanover Street – street view (google maps, January 2019)

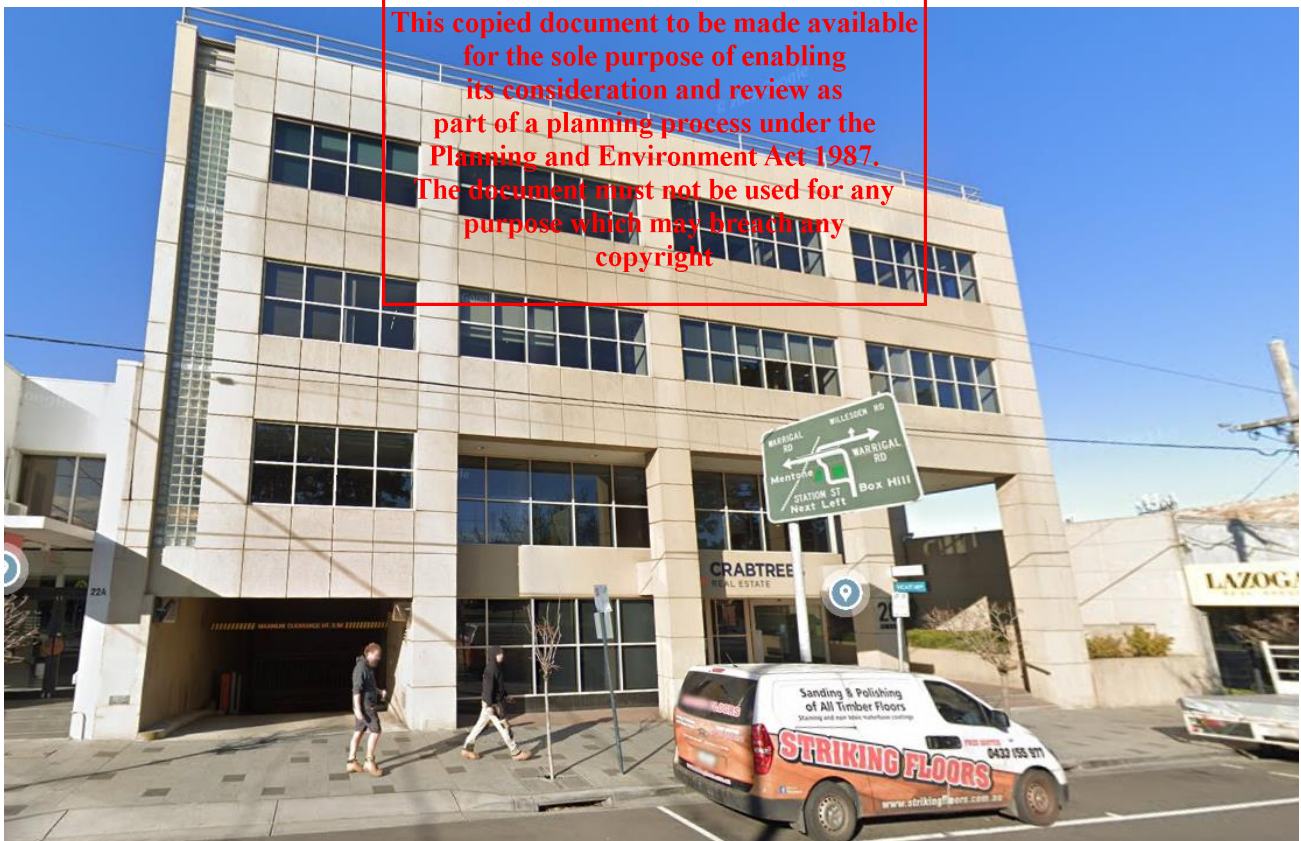


Figure 22 – View of 20-22 Atherton Road – four-storey street wall (google maps, September 2022)

**ADVERTISED
PLAN**



Figure 23 – View of 3-9 Chester Street – four-storey street wall (google maps, December 2021)



Figure 24 – View east along Atherton Road (photo taken May 2025)

**ADVERTISED
PLAN**

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

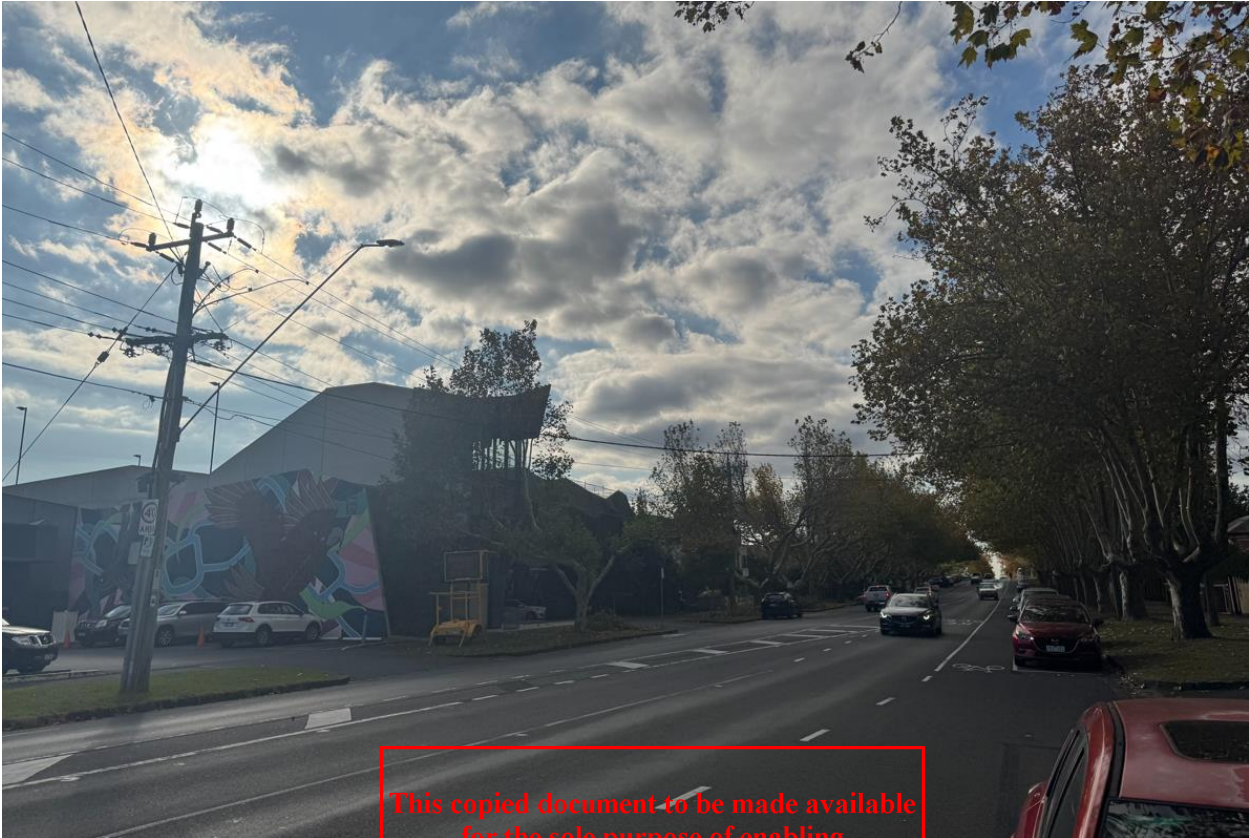


Figure 25 – View north along Atkinson Street (photo taken May 2025)

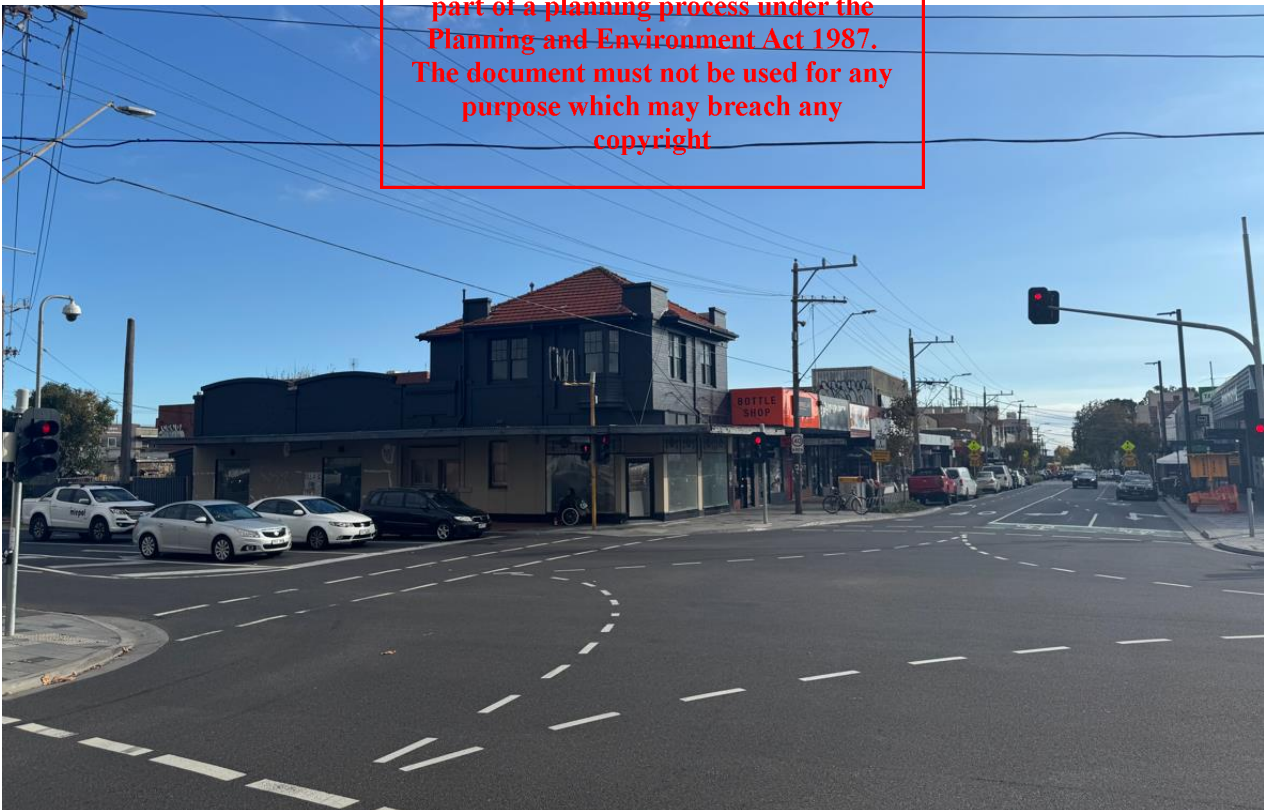


Figure 26 – View of corner Atherton Road and Atkinson Street (photo taken May 2025)

**ADVERTISED
PLAN**