

Metropol Ref. 1273

16 December 2024

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Celia Davey
Principal Planner
Monash City Council

By email: mail@monash.vic.gov.au

Dear Celia,

Planning Permit Application TPA/51344/A – Buildings and works to the existing building, use the land as a Place of assembly and reduce the parking requirement pursuant to Clause 52.06 of the Monash Planning Scheme – 4 Margaret Street, Oakleigh South

We write in response to Council's request for further information dated 8 October 2024.

1.0 Proposed amendment of the description of the proposal

We understand that Council seeks to amend the description of the proposal as follows (differences in red):

*Buildings and works to the existing building, use the land as a place of **assembly worship** and reduce the parking requirement pursuant to Clause 52.06 of the Monash Planning Scheme*

We maintain that the best land use description for the use is a Place of assembly. The community centre will host a number of different activities, of which spiritual activities is just one.

It would be inaccurate to characterise the proposal as a Place of worship as this is not the sole, nor primary use proposed for the site.

The application seeks to amend an existing permit which already allows for a Place of assembly. The amendments do not relate to the use of the land (being limited to patron numbers and car parking matters).

The proposal does not represent a transformation of that which is already approved.

We respectfully submit that there is no basis for Council to seek to amend the description of the already approved use.

2.0 Further Information Requested

The following responses are provided to address each of the items of further information requested:

1. *Full details of additional activities proposed to be carried out from what was originally sought and approved under the current permit, including Tuesday's holy day and annual feast/festival days. Details of the likely effects of the new activities on adjoining properties should be provided, such as noise levels.*

Council's delegate report regarding the original planning application (dated 1 June 2020) indicates that the proposed activities at the Place of assembly were understood to include:

- Weekday counselling for family members
- Yoga, meditation and spiritual discourse weekdays and during the day and evening on weekends
- Volunteer training sessions during weekday evenings
- Administration on weekdays
- Celebration and recognition of achievements on weekends.

The proposal (as detailed in our application to amend the permit, dated 10 September 2024) is not substantially different to what has already been considered and approved by Council.

We acknowledge that the preparation of food, Tuesday evening spiritual activities and annual festival days are proposed activities beyond those already considered (although not inconsistent with the approved Place of assembly use).

The subject site sits within a primarily industrial area, with no sensitive interfaces. The surrounding businesses are of a light industrial character and include showrooms and warehouses.

We note that the proposed times of regular intense use on the subject site (Tuesday evenings) are outside the typical operating hours of nearby businesses.

While festival days may sometimes be celebrated on weekdays (noting that these will often be rescheduled to weekends to allow for inclusion of those working or studying during the week), any noise resulting from festival celebrations would not be above that which would be expected for an industrial precinct.

The amenity impacts from noise are therefore likely to be very limited.

Traffic and car parking availability impacts are not unreasonable and are analysed and discussed in considerable detail within the Traffic Impact Assessment prepared by Movendo.

We offer the following overview of our client's organisation, to assist Council in understanding the nature of activities which will occur within the Place of assembly.

Sankat Mochan Samiti Inc. is a not-for-profit organization operated by a volunteer committee made up of distinguished, qualified individuals from the local community, both working and retired, who bring a wealth of diverse experience

The primary focus of Sankat Mochan Samiti is community service, dedicated to promoting Indian cultural values. There is a focus on providing youth and child services. While worship is an important aspect of the cultural activities, the core mission centres on serving the community and providing cultural education.

Sankat Mochan Samiti's objective are to:

- Promote and nurture all aspects of Indian culture and heritage
- Encourage youth participation in activities centred on "Universal Love and Compassion," fostering a positive mindset
- Instil good values in children through cultural programs that help them to become responsible citizens
- Offer a platform for seniors within the community to engage constructively in community programs and utilise their experience and knowledge. Emergency senior support services are also provided.
- Provide spiritual, moral, and physical assistance to individuals, families, and the wider community
- Support victims of domestic violence and other community members in need
- Create a welcoming environment for new migrants and overseas students, supporting them to live and integrate into Australia's multicultural society
- Collaborate with other community groups and organizations to achieve the greater goal of a peaceful and harmonious society.

To fulfill its objectives, Sankat Mochan Samiti regularly organizes the following activities:

- Cultural events to raise awareness of cultural beliefs and values
- Celebrations of festivals and special events
- A community kitchen providing free meals and groceries to those in need
- Donations of groceries and other essential items to various welfare organizations, including Red Cross, Food Bank and others.

K2 Planning are preparing a comprehensive Community Impact Assessment of the proposal, which is expected to be completed in January / February 2025. The Community Impact Assessment will be forwarded to Council in due course. Enclosed with this response is a Preliminary Assessment (also prepared by K2 Planning) indicating that the proposal will result in a Positive Net Community Impact.

The proposed amendment will self-evidently result in much greater net community benefits by enabling Sankat Mochan Samiti to further support the community in the numerous activities outlined above. We therefore submit that the positive community benefits associated with the proposal should be considered in Council's assessment of the application and lead to Council support notwithstanding any perceived negative impacts associated with the greater intensity of use that is now sought.

2. *The submitted Traffic Report amended to delete references to 1289A North Road Huntingdale (except where used as an existing example of parking demand), and correction of the formatting error at the bottom of page 5*

Please find enclosed an updated Traffic & Parking Assessment prepared by Movendo which applies solely to the subject site. We note that the report still refers in some detail to the North Road, Huntingdale site given this forms the evidentiary basis for the forecast car parking demand associated with the use of the subject site.

3. *A report from a Registered Building Surveyor confirming the maximum capacity of the building, and adequacy of egress and sanitary facilities for the proposed numbers.*

Please find enclosed a report prepared by Opes Building Solutions, the Registered Building Surveyor for works being undertaken at the site. This report finds that the maximum number of occupants that can be accommodated in the building at any one time is 375.

In light of this report we hereby request that the patron numbers sought be amended as follows:

Other than festival days, the use may operate only between the following hours with the stated maximum patron numbers at any one time:

- 10.30am – 6.30pm – Monday to Friday – ~~20~~ 100 patrons.
- 10.30am – ~~4.30~~ 8pm – Saturday and Sunday – ~~20~~ 100 patrons.
- 6.30pm- 8.30pm – Monday *and* Wednesday to Friday – ~~50~~ 200 patrons.
- ~~4.30pm – 8pm – Saturday and Sunday – 50 patrons~~
- 6:30pm – 8:30pm Tuesday – 375 patrons

The dates of up to 10 festival days per year are to be communicated in advance to Monash City Council at the start of each calendar each year. On these festival days, the use may operate only between the hours of 10am and 8.30pm with the following maximum patron numbers at any one time:

- *On festival days celebrated on a Saturday or Sunday – 375 patrons*
- *On festival days celebrated Monday – Friday – between 10.30am – 6.30pm – 100 patrons & 6.30pm – 8:30pm – 375 patrons*

Festival days are to be observed on weekends wherever possible.

4. *A Waste Management Plan in accordance with Council's 'Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants'.*

Please find enclosed a Waste Management Plan prepared by Leigh Design. The Waste Management Plan has been prepared in accordance with the document outlined above and demonstrates that adequate consideration has been given to the management of waste generated on-site.

A Site / Ground Floor Plan has been prepared (Drawing TP-01) and is included in the Waste Management Plan which shows the location of a bin storage area in the Margaret Street frontage of the site which occupies one of the existing car parking spaces. It is envisaged that this bin store would be open to the sky but would be screened with 1.8 metre high solid metal screening to conceal the bins from the frontage of the site.

3.0 Response to internal referral comments

The following responses are provided to address each of the items of concern raised by Council's Transport Planning Engineers (received by email dated 17 October 2024).

- *The Traffic and Parking Assessment appears to have inflated the parking inventory for surrounding streets. The following is requested to assist in our understanding of the proposal Effectively all on-street parking in the surrounding area would be occupied on a festival day that falls on a weekday. This would negatively impact residential and business parking amenity and future development opportunity in the area:*
 - *The Parking Assessment be reanalysed to reflect the correct parking inventory.*
 - *The parking occupancy surveys must include details by individual street segments for further assessment of parking conditions, such as outside residential properties along Colin Road.*

Please refer to the updated Traffic & Parking Assessment prepared by Movendo. The car parking surveys now include details of individual street segments.

The original car parking inventory numbers were based on realistic observations of parking behaviour occurring within the study area. Movendo observed widespread informal and illegal parking occurring, examples of this behaviour include:

- parking partially or fully across driveways
- parking partially or fully on footpaths
- parking within statutory no stopping zones (including in proximity to intersections and traffic management devices).

A number of photos demonstrating the prevalence of this parking behaviour are included in the appendix to this correspondence.

The resulting parking inventory was therefore somewhat higher compared to solely geometric calculation with an assumption of full compliance with parking regulations.

As such, we submit that there is some ambiguity occurring within the interpretation of parking regulations in this location.

The updated Traffic and Parking Assessment has sought to conservatively reduce the parking inventory, to reflect a balance between the observed parking inventory and what a strict interpretation of the road rules would imply.

- *Further details on how patron numbers will be managed within the proposed capacity limits.*

Our client is willing to employ traffic controllers at times of peak demand (being Tuesday evenings and festival days) who will be responsible for ensuring that patrons of the Place of assembly do not park illegally or in any way that would inhibit access to nearby businesses.

Our client has also pre-emptively met with a number of nearby business operators to discuss points of concern with regards to vehicle access and parking. A mobile phone number has been provided to these businesses that they can contact if they have any concerns regarding vehicles being parked incorrectly.

Our client wishes to be a good neighbour and to ensure that the activities of the Place of assembly do not impact upon the function of nearby businesses nor the wider industrial estate.

A shuttle bus (utilising a mini-bus) is also proposed on festival days to ferry attendees from the nearest railway station to the site and further encourage public transport use.

We suggest that a car parking management plan could be required by way of a permit condition to formalise the above arrangements.

- *Consolidate and amend the occupancy caps and times to be more easily applied across the week and be inclusive of festival days. This would remove the ambiguity around when festival days occur.*

We submit that the currently proposed occupancy caps accurately reflect the expected demand for the place of assembly.

To amend the proposed caps to be inclusive of festival days would exaggerate demand well above that which would be expected at the vast majority of times throughout the year.

Festival days are unavoidably ambiguous, as they do not fall on the same day year-to-year (similar to Easter). The proposed permit condition would ensure that Council is informed of the dates of festival days well in advance.

- *A maximum of 400 patrons would equate to a parking requirement for 120 spaces. Notwithstanding that the parking inventory appears to be inflated, there is a minimum 127 parking spaces available on a weekday (at 12pm Thursday 29 August 2024).*
- *Effectively all on-street parking in the surrounding area would be occupied on a festival day that falls on a weekday. This would negatively impact residential and business parking amenity and future development opportunity in the area.*

As detailed in our application, patrons of the community centre are encouraged to make use of modes of transport other than private cars. The subject site is very well located in terms of access to public and active transport.

Our client currently operates a (very similar) community centre at 1289 Huntingdale Road, Huntingdale. The patrons of this facility make efficient use of vehicles (where these are used for transport) with multi-generational families resulting in high vehicle occupancy rates.

For these reasons, we submit that it is highly unlikely that the facility will result in demand for car parking equivalent to the statutory requirement in Clause 52.06.

The nature of the proposal means that car parking demand will be highly variable. Periods of peak demand (festival days) will only occur on 10 days each year. These days are celebrated on weekends whenever possible and so will rarely align with periods of minimum on-street parking availability (business hours on weekdays).

As part of this RFI response our application has been amended (as outlined above) to ensure that if a festival day is celebrated on a week day that the maximum number of patrons would not exceed 100 between 10:30am and 6:30pm, this being the same patron limit sought for Monday to Friday on other days. We trust that this reduction in patrons addresses Council's concern regarding week day business hour patron numbers on festival days.

4.0 Conclusion

Please find the following documents in support of our response to Council's request:

- Preliminary Community Impact Assessment prepared by K2 Planning
- Updated Traffic Impact Assessment prepared by Movendo
- Building surveyors report prepared by Opes Building Solutions
- Waste Management Plan prepared by Leigh Design

We trust that the enclosed information satisfies Council's request for further information and look forward to receiving advertising instructions shortly. However, should any shortcomings be identified with this response we request that this correspondence be considered as a request for a further extension of time to respond to the further information requested for a period of six weeks.

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Should you have any queries regarding this matter please do not hesitate to contact us on 9882 3900 or via email: info@metropolplanning.com.au.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Michael Dunn.

Michael Dunn
Director

Enc: Refer to above list

Cc: File

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Appendix: Photographic of parking behaviour (photos provided by Movendo)

Photo 1: Looking northwest from 29 Carinish Road with cars parked on nature strip. The ruts in the grass demonstrate that this parking behaviour has been occurring consistently for some time



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Photo 2: Looking north from 17 Milgate Street with vehicle parked across a crossover



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Photo 3: Looking south from the intersection of Manton Road and Milgate Street with vehicle parked partially on footpath and in close proximity to the intersection



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Photo 4: Looking west from the intersection of Edinburgh Street and Colin Road, with vehicles parked in close proximity to the intersection

