

Metropol Ref. 1273

10 September 2024

## ADVERTISED COPY

Statutory Planning Department  
Monash City Council

### By Online Submission

To whom it may concern,

**Planning Permit TPA/51344 – 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**

#### 1.0 Introduction

We act on behalf of Sankat Mochan Samiti Incorporation, a community cultural organisation which owns 4 Margaret Street, Oakleigh South (the subject site) and intends to commence use of the approved Place of assembly (known as the Sankat Michan Indian Community Centre) in the coming weeks.

The development allowed by the abovementioned planning permit is almost complete with the occupancy permit expected to be issued in the coming weeks. We write to submit an application to amend Planning Permit TPA/51344 pursuant to Section 72 of the *Planning and Environment Act 1987*.

Sankat Mochan Samiti is a not-for-profit community organization that has been in operation for ten years and serves an important role for the Indian and wider community in Melbourne. We note that our clients have successfully operated a similar centre at 1289 North Road, Huntingdale for the last ten years (albeit on a significantly smaller scale than approved for the subject site).

The centre is a multi-purpose facility which will host a number of different activities of significant community benefit including:

- Yoga and meditation practice
- Counselling
- Food preparation and service to visitors and those in need
- Seniors group meetings
- Youth cultural activities, including dance training
- Spiritual activities
- Support for victims of domestic violence

Planning permit TPA/51344 was granted by Monash City Council on 3 May 2021 by order of the Victorian Civil and Administrative Tribunal (VCAT). We understand that Council supported the issue of the permit with VCAT affirming Council's decision. The key concerns raised by the objector who applied for the application for review were limited to the car parking reduction sought by the application.

The current patron limits placed on the permit restrict the operation of the centre, especially on Tuesday evenings (this being a holy day in the Indian calendar during which spiritual activities are held and free food is served) and on ten festival

days per year. This application seeks to amend the permit to allow greater number of patrons to attend the centre on these days and at other times.

A comprehensive Traffic Impact Assessment has been prepared by Movendo traffic engineers in support of this application and finds that the proposed increase to the patron limits will not have unreasonable impacts on the operation of the local street network or the availability of on-street car parking in the local streets within the industrial precinct in which the site is located (as opposed to the local residential streets which have not been factored into the assessment of car parking availability).

The patron numbers sought are well within the numbers that Movendo has advised are supportable based on the comprehensive car parking demand and supply analysis that they have completed in the local streets within the industrial precinct in which the site is located.

We note that the Movendo analysis has benefitted greatly from being able to survey the car parking demand already generated by the Sankat Mochan Samiti Kendra at its existing nearby facility at 1289 North Road, Huntingdale. The surveys of the existing centre remove a great deal of the uncertainty that would otherwise exist regarding the car parking and traffic demand generated by the use given it has not yet commenced at the subject site.

The application demonstrates a high degree of consistency with the Monash Planning Scheme as set out in this report and hence we submit that an amended permit should be granted as requested.

## 2.0 Changes Requested to Permit Conditions

The proposed amendments to the permit are limited to the patron cap applied by condition 3 of the permit. No changes are sought to the current endorsed plans.

Condition 3 of the planning permit currently reads as follows:

3. *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 patrons.
  - 10.30am – 4.30pm – Saturday and Sunday – 20 patrons.
  - 6.30pm- 8.30pm – Monday to Friday – 50 patrons.
  - 4.30pm- 8pm- Saturday and Sunday – 50 patrons

The existing patron limits place unnecessary constraints on the operation of the Place of assembly, particularly on Tuesday evenings (with Tuesdays being a holy day in the Indian calendar during which spiritual activities are held and free food is served) which attract significantly more patronage than other days and times (with the exception of ten festival days per year).

The days on which the ten annual feast / festival days fall varies from year to year (similar to Easter in the Christian calendar) and sometimes fall on weekends. Where the festival days fall on weekdays, efforts are made to celebrate on the weekend instead, to be inclusive of those who have weekday commitments.

It is proposed to amend condition 3 of the planning permit to allow a maximum of up to 400 patrons at any one time on Tuesday evenings and up to 200 patrons at any one time on the other weekday evenings, and up to 400 patrons at any one time on the ten annual feast / festival days (the dates of which would be communicated to Council at the start of each year).

We request that the wording of condition 3 of the planning permit be amended and an additional condition inserted as follows (changes identified in red text):

3. *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 - 400 patrons~~

**3A. The dates of up to 10 festival days per year are to be communicated in advance to Monash City Council each year. On these festival days, the use may operate only between the following hours with the stated maximum patron numbers at any one time:**

• ~~10am - 8pm - 400 patrons~~

*Festival days are to be observed on weekends wherever possible.*

## 3.0 Municipal Planning Strategy and Planning Policy Framework

Clause 11 of the Planning Policy Framework states that planning is to respond to the needs of existing communities through the provision of land for community facilities. Planning is to recognise the need for, and as far as practicable contribute towards health and wellbeing.

Clause 19.02-3S has as its objective to develop a strong cultural environment and to increase access to cultural facilities. Clause 19.02-4S, titled Social and cultural infrastructure, contains the objective to provide fairer distribution of and access to social and cultural infrastructure. Social and cultural infrastructure is encouraged in activity centres and in accessible locations.

Clause 71.02-1 sets out the purpose of the Planning Policy Framework and seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are '*fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.*'

The benefits of the centre for the community are significant and contribute towards community health and wellbeing as supported by Clause 11 of the Monash Planning Scheme. A wide range of activities will be undertaken at the facility including yoga and meditation, counselling, the service of food to visitors and people in need, seniors meetings, youth cultural activities, spiritual activities and support for victims of domestic violence.

The impacts of the additional patronage in terms of local traffic and additional demand for on-street car parking and any amenity or economic impacts on nearby businesses are far outweighed by the community benefits that will accrue from the increased support able to be provided to the community from an increase in patron numbers. The concept of 'net community benefit' has long been a central principle that has guided land use planning decision making in Victoria. The community benefits of the cultural facility are significant and multi-layered as evidenced by the wide range of activities and support services that will be offered from the subject site.

The subject site enjoys good access to public and active transport options (further details are provided below). The location is highly suitable for a community facility and could accommodate significantly more patronage (and therefore result in greater community benefits) than allowed for by the current planning permit restrictions relating to patronage.

## 4.0 Clause 52.06 – Car Parking

The amended proposal requires an additional car parking reduction pursuant to Clause 52.06 of the Monash Planning Scheme.

The purpose of Clause 52.06 includes:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*

The site is not located in the Principal Public Transport Network Area (although the PPTNA extends very close to the subject site to land approximately 30 metres to the north) and so the Column A rates for car parking requirements apply. Table 1 below compares the required parking at the various proposed patron limits to the parking provided on site.

**Table 1: Car parking rates specified in Clause 52.06**

| Day / Time   | Proposal    | Planning Scheme Rate  | Total car spaces required | Total car spaces provided / shortfall |
|--|-------------|-----------------------|---------------------------|---------------------------------------|
| Monday to Friday: 10:30am – 6:30pm<br>Saturday and Sunday: 10:30pm – 8pm | 100 Patrons | 0.3 spaces per patron | 30 spaces                 | 6 spaces<br>(24 space shortfall)      |
| Monday and Wednesday to Friday: 6:30pm – 8:30pm                          | 200 Patrons | 0.3 spaces per patron | 60 spaces                 | 6 spaces<br>(54 space shortfall)      |
| Tuesday: 6:30pm-8:30pm<br>Festival days: 10am-8pm                        | 400 Patrons | 0.3 spaces per patron | 120 spaces                | 6 spaces<br>(114 space shortfall)     |

A shortfall of 9 car parking spaces at times where a 50 patron limit applied was supported by Monash City Council (and upheld by VCAT) in granting the existing planning permit.

The previous use of the site (for a warehouse) operated with a car parking reduction of eleven spaces below the statutory car parking requirement. Council officers concluded that the shortfall was easily absorbed by the surrounding on-street parking, especially in the evening where parking demand in the industrial area is substantially reduced.

This conclusion was supported by the Tribunal which, based on observations and empirical assessments of parking demand in the around the subject site, concluded that *"lower parking demands, with greater vacancies, later into the day, evenings and at weekends are evident. Vacancies at these times are substantial and close to the subject land."*

The shortfall of 114 spaces on Tuesday evenings and festival days, 54 spaces on other weekday evenings and 24 spaces during the day is supported by the comprehensive analysis undertaken in the Traffic Impact Assessment prepared by Movendo.

Car parking supply and demand analysis undertaken by Movendo demonstrates that the proposed increased patron numbers will not result in unreasonable parking and traffic impacts having regard to the availability of on-street car parking in the surrounding area and the capacity of the local road network.

Our client currently operates from an existing premises at 1289 North Road Huntingdale, where services have been provided for ten years. The patronage of the existing premises features multi-generational families who make efficient use of vehicles (with high numbers of occupants per vehicle).

Parking demand at this (very similar) site has been comprehensively documented by Movendo.

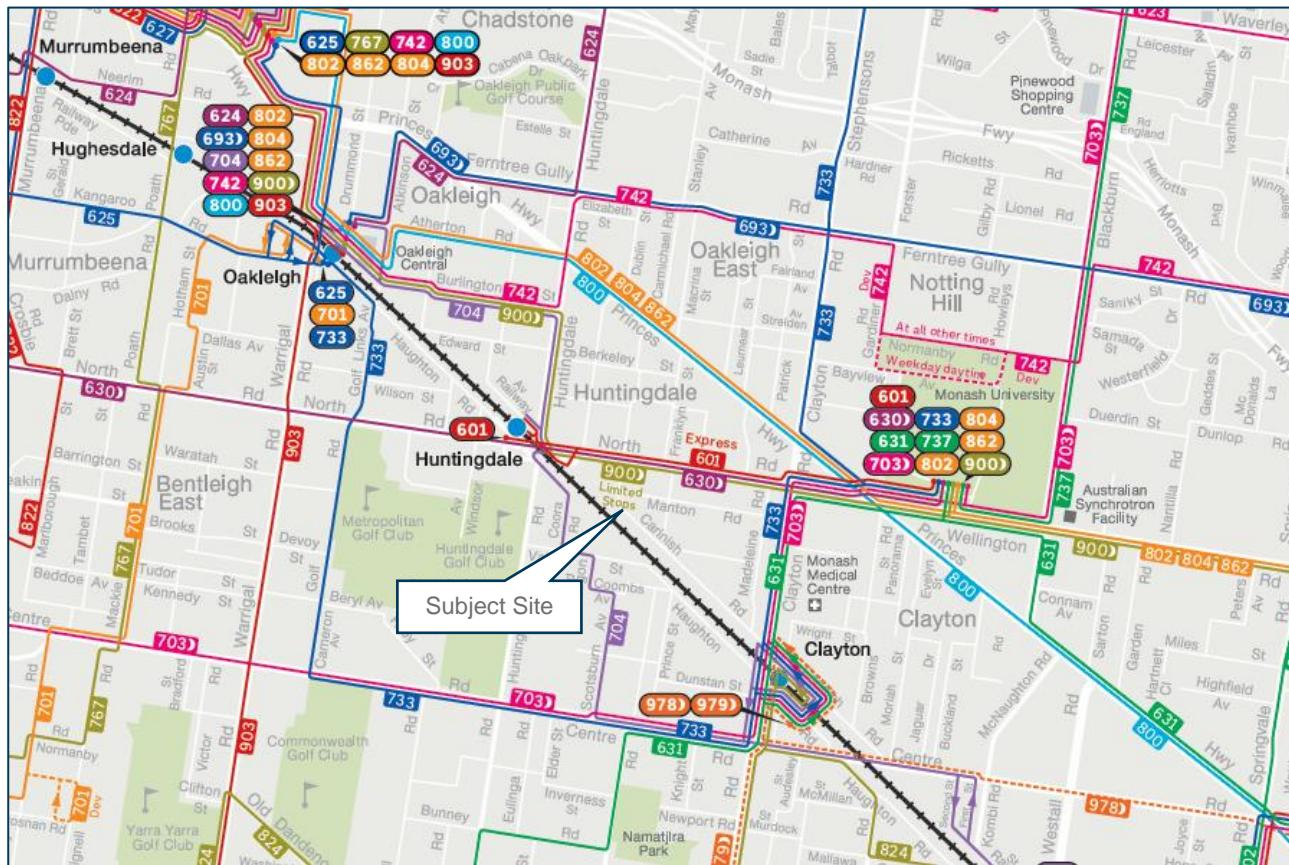
The site is in close proximity to the Dandenong railway line, with Huntingdale Railway Station being approximately 950 metres to the east of the site. The service at Huntingdale Railway Station is of a high frequency, with trains arriving in both directions every 10 minutes during the operating hours of the centre (and even more frequent during peak hours). The site is connected to Huntingdale Railway Station (and beyond) by the Djerring Shared Use Path – a high amenity walking / cycling trail with good separation from vehicular traffic.

Approximately 450 metres to the north of the subject site on North Road is a bus stop served by the route 630 and 900 bus routes. These are two high quality bus services, with headways of between 10 and 20 minutes on weekdays. Both services continue well into the evening, well after the 8pm closing time of the cultural centre.

# Metropol

Figure 1 below demonstrates the extent of the public transport services in proximity to the site, providing easy access to surrounding residential areas and major activity centres in Oakleigh and Clayton.

Figure 1: Public Transport Services – Monash



# Metropol

In addition to the Traffic Impact Assessment prepared by Movendo please also find enclosed a recently searched copy of the Certificate of Title, and associated Title Plan.

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,



Michael Dunn

Director

**Enc:** Traffic Impact Assessment prepared by Movendo  
Recently searched Certificate of Title and associated Title Plan

**Cc:** File