

**1.1 45-49 PORTMAN STREET, OAKLEIGH
PARTIAL DEMOLITION AND ALTERATION TO THE EXISTING HERITAGE BUILDING,
AND CONSTRUCTION OF A MULTI-STOREY BUILDING FOR USE AS SERVICED
APARTMENTS AND SHOPS
(TPA/51068)**

EXECUTIVE SUMMARY:

This application proposes the development of a five (5) storey building to provide for fifty five (55) serviced apartments and shops. The proposed development includes partial demolition and alteration of the existing heritage building, and proposes retention of the existing heritage building fronting Portman Street. A total of twenty eight (28) car parking spaces will be provided on ground level at the rear of the building, and seven (7) bicycle parking spaces.

The application was subject to public notification. Three (3) objections to the proposal have been received.

Key issues to be considered relate to appropriateness of the proposed serviced apartment use, building scale, compliance with the preferred height guidance of the Oakleigh Major Activity Centre Structure Plan, impacts to the existing heritage building, overshadowing, adequacy of car and bicycle parking provision, vehicle access and future function of the laneway located to the rear of the site.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$6.8 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	45-49 Portman Street, Oakleigh
EXISTING LAND USE:	Office
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Three (3)

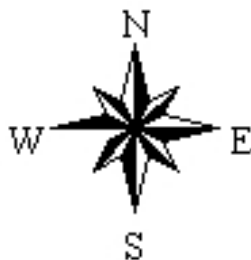
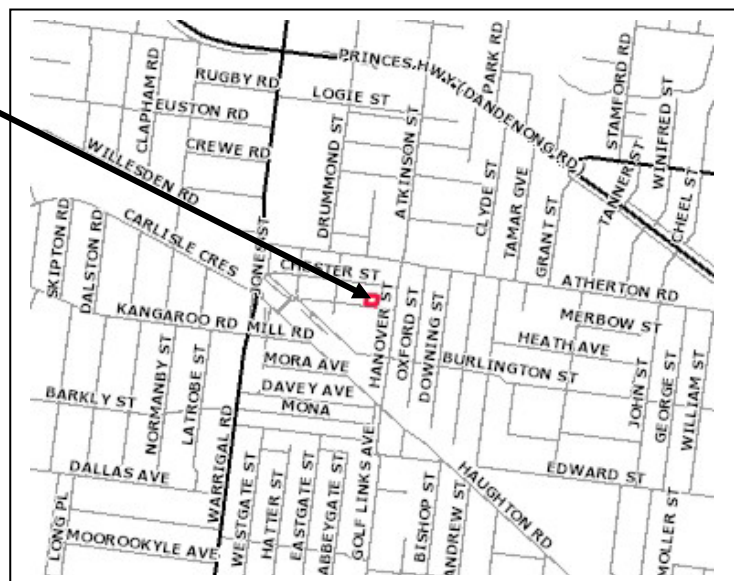
ZONING:	Commercial 1 Zone
OVERLAY:	Heritage Overlay Schedule 67 Design and Development Overlay Schedule 11
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11 Settlement Clause 15 Built Environment and Heritage Clause 16 Housing Clause 17 Economic Development Clause 18 Transport	<u>Local Planning Policy Framework</u> Clause 21.05 Economic Development Clause 21.06 Major Activity and Neighbourhood Centres Clause 21.08 Transport and Traffic Clause 21.12 Heritage Clause 21.15 Oakleigh Major Activity Centre Structure Plan Clause 22.03 Industry and Business Development and Character Policy Clause 22.07 Heritage Policy Clause 22.13 Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06 Car Parking Clause 52.34 Bicycle Facilities <u>General Provisions</u> Clause 65 Decision Guidelines
STATUTORY PROCESSING DATE:	23 May 2020
DEVELOPMENT COST:	\$6.8 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



45-49 Portman Street, Oakleigh - Partial Demolition And Alteration To The Existing Heritage Building And Construction Of A Multi-Storey Building For Use As Serviced Apartments And A Shop

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51068)** for the partial demolition and alteration to the existing Heritage building, construction of a multi-storey building, use of the land for serviced apartments and reduction of the bicycle requirement under Clause 52.34 of the Monash Planning Scheme, at 45-49 Portman Street, Oakleigh subject to the following conditions:

Amended Plans Required

1. Before the development starts, amended plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted to Council prepared by C&K Architecture (Revision O) dated 2 October 2019 but modified to show:
 - a) The development setback a minimum of 1.5 metres from the northern property boundary and indication of a 1.5 metre wide accessway easement to be created along the northern property boundary.
 - b) Revised car parking layout as a result of condition 1(a) to allow deletion of car parking spaces 8, 9, 10 and provision of an adequate accessway width to satisfy the design standards in Clause 52.06-9 of the Monash Planning Scheme.
 - c) Provision of a deep sloped roof to the southern side of the top level facing Portman Street.
 - d) Deletion of the south facing balconies and the service terrace. Services relocated and appropriately screened from public view.
 - e) Shade devices amended to terra cotta colours.
 - f) Façade materials to the eastern and western side walls amended to minimise long term paint maintenance.
 - g) Provision of a minimum of 12 bicycle parking spaces on site. The bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
 - h) Plans and specifications for the car stacker systems.
 - i) A warning light system or convex mirror to improve visibility at the site access in accordance with the Traffic Report prepared by Onemilegrid dated 20 March 2020.

- j) The stairs adjacent to the chemical store replaced with a ramp in accordance with the Traffic Report prepared by Onemilegrid dated 20 March 2020.
- k) A Waste Management Plan prepared in accordance with Condition 8.
- l) A Sustainable Management Plan prepared in accordance with Condition 9.

All to the satisfaction of the Responsible Authority.

2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
5. The conference room within the development must not exceed 30 patrons/seats at any single time and be operated ancillary to the primary use as serviced apartments, unless with the prior written consent of the Responsible Authority.
6. As part of the ongoing consultant team, C&K Architecture or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 - (c) Ensure an appropriate repair, reconstruction, paint removal and painting scheme is developed for the existing heritage building. This scheme is to carry out repairs to the awning, timber and render, tiles and other materials and authorised by a qualified heritage architect.

Management Plans

Operational Management Plan

7. Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the serviced apartments prepared to the satisfaction of the Responsible Authority must be

submitted and approved by the Responsible Authority. The plan should detail but not be limited to:

- a) Serviced apartment premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
- b) The presence of a manager on site at such times to operate the reception area.
- c) The contact details of the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person.
- d) Services provided.
- e) Operating hours.
- f) After hours contact details for management of the facility.
- g) Car parking allocated to serviced apartments. No less than 1 car space must be allocated to each serviced apartment approved by this permit.
- h) Management of the car park associated with the serviced apartments including access arrangements.
- i) Maintenance of buildings and grounds, including all landscaped areas.

When approved, the Operational Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

8. Concurrent with the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Onemilegrid, dated 13 February 2020 but revised to the satisfaction of the Responsible Authority:
 - a) To state the purpose of the Waste Management Plan as per the Monash Guidelines.
 - b) To provide for food organics collection.
 - c) To provide waste room cleaning equipment and ventilation details on the plans.

Sustainable Management Plan

9. Concurrent with the endorsement of plans pursuant to Condition 1, a Sustainable Management Plan (SMP) must be submitted to and approved

by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the plan prepared by Sustainable Development Consultants dated September 2019 but amended to reflect changes to the development required under Condition 1.

Construction Management Plan

10. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - a) Hours for construction activity in accordance with any other condition of this permit;
 - b) Measures to control noise, dust and water and sediment laden runoff;
 - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - f) Cleaning and maintaining surrounding road surfaces;
 - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
 - h) Public Safety and site security;
 - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
 - j) A Traffic Management Plan showing truck routes to and from the site;

- k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - No works are permitted on Sundays or Public Holidays.

Note: Hours for demolition and construction condition to be used in conjunction with this condition. Check EPA website for standard construction hours.

11. The provisions, recommendations and requirements of the endorsed Management Plans related to in Conditions 7-10 inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

General Conditions

Car Parking Conditions

12. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

13. In accordance with the Planning Scheme, at least 25% of the mechanical car parking spaces to accommodate a vehicle clearance height of at least 1.8 metres
14. Car stacker modules are required to cater for the following:
 - a) Independent operation for each parking space.
 - b) A minimum entry level headroom clearance of 1.8 metres.
 - c) A vehicle at least 175cm height on other levels.
 - d) A clear/usable platform width of at least 2.3 metres.
 - e) Accommodates vehicle length of at least 5.0 metres
 - f) Loading weight per platform of at least 2000kg.

Plans and specifications for the mechanical parking systems are required to the satisfaction of the Responsible Authority.

15. The mechanical parking systems to meet Australian Standard AS 5124:2017 *Safety of machinery—Equipment for power driven parking of motor vehicles - Safety and EMC requirements for design, manufacturing, erection and commissioning stages (EN 14010:2003, MOD)*.
16. The mechanical parking systems to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with its purpose, to the satisfaction of the Responsible Authority.
17. Any works within the road reserve must ensure the footpath and kerb and channel are reinstated to Council standards.

Drainage Conditions

18. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

Other

19. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
20. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Section 173 Agreement

21. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
- a) Vehicle access to the land via the existing Council car park is at the discretion of the City of Monash.
 - b) Vehicle access entitlement to the land may be modified at the discretion of the City of Monash.
 - c) The costs of the City of Monash in relation to the drafting, reviewing, executing and registering the agreement must be borne by the owner.
 - d) Apartment premises within the development are restricted to short-stay serviced apartments defined as “Residential Hotel” by the Monash Planning Scheme.
 - e) Permanent occupation of apartment premises as a primary residence is prohibited.
 - f) Serviced apartment premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
 - g) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.
 - h) The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.

A memorandum of the Section 173 Agreement is to be entered into on Title. The cost of the preparation and execution of the Agreement and entry of the memorandum on Title is to be paid by the owner.

Time for Starting and Completion

22. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- (a) The development is not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (4) years from the date of issue.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. Building Permit approval must be obtained prior to the commencement of the above approved works
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. One copy of the plans for the drainage and civil works must be submitted to and approved by the Monash City Council Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.
- D. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225mm Council drain in the road reserve via a 900mm x 600mm junction pit to be constructed to Council Standards.

Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- E. Engineering permits must be obtained for Council drains and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$5,000 is to be paid prior to the drainage works commencing.
- F. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

BACKGROUND:**The Site and Surrounds**

The subject land is located on the northern side of Portman Street in Oakleigh, approximately 55 metres west of its intersection with Hanover Street. The land comprises a rectangular shaped parcel with a total site area of 983 square metres. The site has a primary street frontage to Portman Street of 35 metres with a lot depth of 27 metres.

The northern boundary (rear) of the site abuts common property associated with 24-28 Chester Street for the majority of the length of this boundary. The north-eastern corner of the site however is afforded access via a right of way road reserve, which adjoins the existing Council car park.

The land currently contains an existing single storey brick building, which comprises an inter-war Spanish Mission style facade which addresses Portman Street. It is currently used as an office. The rear portion of the site comprises a newer, two storey red brick building with undercroft parking containing 16 car parking spaces. This portion of the building is currently comprises 6 dwellings.

The land is subject to a site specific Heritage Overlay (HO67) being the former 'Plaza' picture theatre. The Monash Heritage Study (1998) describes the building as:

"A former picture theatre in the Spanish Mission Style having parapeted pavilions, stepped with half round terminations, niches and stylised beam ends surmounting grouped round arched windows. There is a prominent campanile with oculus windows and pyramidal roof, the terra cotta tiles to the campanile and mock roof being Cordovan pattern. The main entrances have ornamented flat arches in the manner characteristic of the Style. Inside, the main theatre is occupied by squash courts (not inspected). The rear theatre is externally of utilitarian design in face brickwork."

The picture theatre was converted into squash courts in the early 1960's. Planning Permit No. 25194 was issued on 17 December 1998 allowing conversion of the existing building into 2 shops and 6 dwellings and associated basement car parking. Vehicle access to the site is via the rear laneway and Hanover Street western car park. Pedestrian access to the dwellings is from Portman Street.

The property is located mid-block within the commercial 'core' of the Oakleigh Major Activity Centre. Adjacent properties and those directly opposite the site comprise narrow frontage single storey brick shop premises.

The site is located within immediate close proximity to the Oakleigh Railway Station (250 metres) and is considered to be well serviced by public transport.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

Previous planning applications

Planning Application TPA/25194

Planning Permit TPA/25194 was issued for the development of two shops and six dwellings on 17 December 1998. The approved development includes two shops with a total floor area of 325 square metres on ground level fronting Portman Street; 16 car parking spaces at the rear of the shops with access from the rear; six dwellings each with two bedrooms at the rear of the shops on level 1 above the car park.

The development has been completed.

Planning Application TPA/46599

Planning application TPA/46599 to construct a seven (7) storey residential apartment building was refused at Council's meeting of 28 March 2017.

The main grounds of refusal were:

- that the proposed development was excessive in building height, scale and massing having regard to the surrounding context;
- the proposed vehicle access arrangement and car parking design did not meet the requirements of Clause 52.06 of the Monash Planning Scheme and Schedule 2 of the Parking Overlay;
- that the proposed development would result in a poor level of internal amenity for residents and had an adverse impact on the amenity of adjoining properties.

The proposal overall was considered an over-development.

The development was subsequently refused by VCAT on 6 July 2017. A summary of the VCAT decision *Boneng (Portman) Pty Ltd V Monash CC [2017] VCAT 797* is as follows:

- The site is a large site that stands in contrast to the smaller and narrower sites that contribute to the fine-grained pattern in the Oakleigh Village precinct. Another site condition is the heritage building and the site-specific Heritage Overlay. It is arguable that these characteristics, in combination, reflect particular site conditions that warrant an alternative design response.
- The Oakleigh Village precinct is characterised by a fine-grained pattern of development, historic building form, a two-storey street wall and a low-rise scale. The preferred character will comprise a consistent 10 metre high street wall reflecting the existing streetscape scale, forms which reference the fine-grained pattern. Taller elements are recessed behind the street wall to maintain a pedestrian scale and amenity of the component streets. The lower-rise scale is not envisaged to alter substantially, as a preferred maximum height of four storeys is specified.

- The proposal is a clear departure from the above visions and will not contribute to the preferred character. The overall seven-storey height will be highly visible within the precinct.
- In the context of the lower-rise forms of the Oakleigh Village, both existing and as envisaged in Design and Development Overlay 11 (DDO11), it will appear as an excessively prominent and discordant element. It rises too far above the preferred height. It will stand in contrast with the desired urban structure through the consistent application of the DDO11 provisions.
- This is not to say that a building greater than four storeys cannot be contemplated for the site. Council conceded that a building of five storeys may be acceptable. This is consistent with other approvals in the activity centre where the preferred height has been exceeded by one storey, having regard to the particular site characteristics and context.
- It is arguable that the site has particular site conditions which warrant an alternative design response to the preferred height, it remains that any design would need to demonstrate a respect for and significantly contribute to the preferred character.
- A lower building would allow retention of the valued heritage fabric and being sited on the land in a manner which provides sufficient space from the retained portions of the building; avoiding underdevelopment; and accommodating higher density dwellings.
- Other matters such as equitable development opportunities for adjoining land; internal amenity of the dwellings or the car parking and vehicle access arrangements have not been considered in the hearing as a different design response is required.

This application is a new application following the decision of VCAT, proposed by the same developer.

PROPOSAL:

The application is for the construction of a five (5) storey mixed use development, comprising a shop addressing Portman Street and fifty five (55) serviced apartments.

The existing heritage building is to be retained as part of the development, with new windows to be installed. The more recent additions to the rear of the site are proposed to be demolished.

Key details of the proposal can be summarised as:

- 55 serviced apartments within the five storey building including:

	Studio Apartment (no bedroom)	1 Bedroom Apartment	Total
Level 1	9	5	14
Level 2	11	4	15
Level 3	11	4	15
Level 4 (Top level)	8	3	11
Total	39	16	55

- Typical apartment sizes are:
 - Studio: 21-31 square metres
 - 1 Bedroom: 33-53 square metres
- One (1) retail tenancy with a total floor space of 111m² at ground level fronting Portman Street.
- Pedestrian entry to the building via Portman Street or via an air lock entry from the rear car park on ground level.
- The ground level also comprises of:
 - A reception
 - A staff office
 - A conference room/ business centre with facilities for presentations ancillary to the serviced apartment
 - A gym room
 - Two lifts and a staircase accessing the upper level serviced apartments
 - A staff changing room
 - Toilets
 - Site services and waste room
- A total of twenty-eight (28) car spaces towards the rear of the building including one designated drop off space. The drop off space will also be used for bin collection.
- Seven (7) staff bicycle spaces on ground level accessed from Portman Street and the rear car park.
- Access to rear car parking area via the rear (northern) laneway through the Council car park in Hanover Street.
- Proposed building material and finishes include glazing elements, a variety of grey rendered finishes and timber-look aluminium cladding.
- A new canopy over the footpath in Portman Street.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:**Zoning**

The land is zoned Commercial 1 under the provisions of the Monash Planning Scheme.

Pursuant to the requirements of Clause 34.01-1 a permit is required for accommodation (including serviced apartments) where the frontage at ground floor level exceeds 2 metres.

No permit is required for use of shop or retail premises within the zone.

Pursuant to the requirements of Clause 34.01-4 a permit is required to construct a building within the zone.

Overlays**Design and Development Overlay, Schedule 11**

Pursuant to the requirements of Clause 43.02-2 a permit is required to construct a building.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirements in a schedule to this overlay.

Heritage Overlay, Schedule 67

Pursuant to the requirements of Clause 43.01 a permit is required for the partial demolition and the construction of buildings and works.

Particular & General Provisions**Clause 52.06-3 (Car Parking)**

The proposal is located within the Principal Public Transport Network (PPTN). Clause 52.06-5 does not specify the car parking requirement for serviced apartments car parking provision must be the satisfaction of the Responsible Authority.

A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 of the Monash Planning Scheme for the retail premises. The proposal requires a reduction of two car parking spaces.

Clause 52.34 (Bicycle Facilities)

Pursuant to the requirements of Clause 52.34-2, a permit is required to reduce the bicycle parking requirement of Clause 52.34-5. The proposal requires a reduction of five bicycle parking spaces.

Attachment 3 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Further information was requested of the Permit Applicant on 18 December 2019. In this letter, officers also raised the following preliminary concerns:

- The height and scale of the development exceeds the preferred height of the DDO11.
- The extent of overshadowing on the public realm exceeds that envisaged by DDO11.
- A number of the hotel rooms do not have windows to the bedrooms and will result in poor internal amenity.
- The proposed car parking provision appears to be insufficient.
- There are concerns with vehicle access to the site via the existing Council car park which will require further discussion regarding ongoing access entitlement.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 23 March 2020 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address some of the concerns raised, but that they do not agree with the concerns in regards to building height and internal amenity of the serviced apartments.

The Applicant was verbally advised on 17 April 2020 that this application was coming to the May Council meeting. The widening the laneway at the rear of the land has been discussed with the applicant and they have agreed for the relevant changes required to be imposed as permit conditions.

A letter was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners and occupiers, and three (3) signs displayed on the frontage, rear laneway and the existing car parking entrance of the site.

Three (3) objections to the proposal were received.

The key concerns raised within the objections are summarised as:

- Vehicle access via the privately owned rear laneway and car parking provision
- The 'serviced terrace' on the top level should be screened.

- The proposal will increase car parking demand and traffic within the Oakleigh Activity Centre.

Attachment 4 details the location of objector properties.

Referrals

External Referral

Heritage Consultant

The application was referred to an external heritage consultant who advised that the internal significance of the existing heritage building is low to nil since the cinema function ceased. The likelihood to rediscover the historic interior from the 1929-1930 period is also low to nil. The effect of the proposed demolition of the rear portion of the building results in virtually no impact in terms of aesthetics and fabric as it has very limited visual impact on the manner which the building presents to the public realm.

In order to ensure the new building is respectful of the existing heritage building, it is suggested to provide a deep pitched roof on the south side of the top level to 'hide' the top level presentation to Portman Street, and change the colour of the shading devices to terra cotta colours to better integrate with the existing building. The south facing balconies would be deleted to provide sufficient height for the pitched roof.

These would be achieved via permit conditions.

Internal Referrals

Drainage Engineer

Council's Drainage Engineer did not raise any concerns with the proposed development, but requires standard conditions including a stormwater drainage plan to be submitted to Council's Engineering unit for approval.

Traffic Engineer

Council's Traffic Engineer recommends the widening of the laneway at the rear of the land to improve traffic movement as a result of the intensification of built form within the precinct and increased traffic movements within the laneway as the activity centre further develops. To improve the function of the rear laneway it is considered appropriate to provide for an additional 1.5m laneway width from within the subject land. As future development occurs, including on the northern side of the laneway, a similar setback would be required so as to provide for a widened laneway and two way access.

As a result of the encroachment of 1.5 metres of the laneway into the property, the proposed ground level car park will be affected in the following ways:

- Car parking spaces 8/9/10 will be removed.
- The accessway width of car parking spaces 1-7 will be reduced from 6.4 metres to 5.1 metres.

- The accessway for the drop off space will be reduced from 4.8 metres to 3.5 metres.

The overall car parking provision with the loss of 3 car parking spaces is still considered acceptable. This will be further discussed in the assessment section of this report. The car parking layout will be required to be redesigned to provide adequate accessway width to the other car parking spaces. The permit applicant has confirmed that this could be achieved without significantly affecting the building envelope and has requested this to be addressed via permit conditions if one was to issue.

The upper levels of the building are proposed to be setback 3 metres from the rear boundary and will not be affected by widening of laneway.

In addition, Council's Traffic Engineer does not support the reduction of the on-site bicycle parking provision. This will also be further discussed in the assessment section of this report.

Property

Council's Property Department advised that as the Council car park does not contain any encumbrances, an Access or Right of Way use should be formalised through an appropriate occupancy agreement. A requirement for a S173 agreement to ensure that the requirement is linked to the land and that future purchasers of the land are immediately aware of the circumstances of the use is recommended.

This will form a permit condition if one is to issue.

DISCUSSION:

Consistency with State and Local Planning Policies

A key element of the State Planning Policy Framework is the encouragement of growth in and around Activity Centres. Specifically:

- Clause 11.03-1S & 1R seeks to provide for a diversity of housing types, and to 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.
- Clause 11.01-1R-1MM identifies the development of the Suburban Rail Loop through Melbourne's middle suburbs to facilitate substantial growth and address the needs to Melbourne's rapidly growing population.
- Clause 15.01-1R, 15.01-1S and 15.01-5S requires development to respond to its context in terms of neighbourhood character, cultural identity and sense of place, to support the growth and development of Melbourne's cultural precincts and to create a distinctive and liveable city with quality design and amenity.

- Clause 15.01-4R seeks 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 15.03-1S encourages appropriate development that respects places with identified heritage values, and seeks to retain elements that contribute to the importance of the heritage place.
- Clause 16.01-2S seeks to locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-2R seeks to identify areas for housing growth which are located within Major Activity Centres, areas near existing railway stations and areas designated for residential growth.
- Clause 16.01-3S & R seeks to provide for a range of housing types and create mixed- use neighbourhood to meet diverse needs and varying densities that offer more choice in housing.
- Clause 17.02-1S encourages development that meets the community's needs and locate commercial facilities in existing or planned activity centres.
- Clause 17.04-1S encourages the development well-designed facilities including accommodation and retail opportunities, to ensure that tourism facilities have access to suitable transport and encourage investment that meets demand and supports growth in tourism.
- Clause 18.02-2S & 2R promotes increased development close to high-quality public transport routes. Maximise the use of existing infrastructure and increase the diversity of development along the Principal Public Transport Network particularly at interchanges and activity centres.
- Clause 18.02-4S requires land to be set aside for car parking which enable easy and efficient use and achieve a high standard of urban design, protect the amenity of the locality including the amenity of pedestrians and other road users.

Plan Melbourne 2017-2050, a reference document to the Monash Planning Scheme also encourages these initiatives with the following policies:

- Plan for new development and investment opportunities on the existing and planned transport network.
- Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Support new housing in activity centres and other places that offer good access to jobs, services and public transport.
- Support the growth and development of Melbourne's cultural precincts and creative industries.
- Promote urban design excellence in every aspect of the built environment.
- Recognise the value of heritage when managing growth and change.
- Stimulate economic growth through heritage conservation.

- Create mixed-use neighbourhoods, and improve neighbourhoods to enable walking and cycling.
- Facilitate housing that offers choice and meets changing household needs.

The subject site is located within the Oakleigh Major Activity Centre with good access to public transport. The proposed serviced apartments will make a positive contribution to providing a different type of accommodation within the Municipality that offer good access to jobs, services and transport, supports business and the growth in tourism.

Oakleigh Major Activity Structure Plan

The site is subject to the provisions of Clause 21.15, the Oakleigh Major Activity Centre Structure Plan. The key planning principles that underpin the Oakleigh Major Activity Centre Structure Plan (OMACSP) as they apply to the site include:

“To enhance the structure and function of the Oakleigh Major Activity Centre by supporting its continuing development as a vibrant and prosperous activity centre.”

“To develop the Oakleigh Major Activity Centre as a mixed use activity centre incorporating retail, commercial, cultural, civic, and residential uses. Focus on the improvement of vehicle access, circulation, parking, and loading/unloading activity, and pedestrian and bicycle movement and safety.”

“Enable increased diversity and density of dwellings in the activity centre.”

“Facilitate commercial and housing development within the activity centre in a manner which supports the preferred future character for the centre; and avoids conflicts with surrounding land uses.”

“Ensure new development, adjacent to existing residential development located within the interface of the activity centre respects and integrates with the scale, siting and character of the prevailing built form.”

The site is identified within Precinct 1 – Oakleigh Village, which retains a traditional local character comprising low rise buildings, narrow frontage and traditional shop fronts with awnings. The site is identified under OMACSP for mixed use development with retail/ commercial at the lower levels and residential uses on the upper floors, supporting the proposed development of retail premises on ground level and serviced apartments on the upper floors.

The land is identified as a strategic development site within the OMACSP. The proposed serviced apartment use is complimentary to core retail and hospitality land use sought by the OMACSP. The proposed development provides for additional short term accommodation options not currently available within the activity centre and is considered to be generally consistent objectives sought by

the OMACSP including mixed land use, commercial development, increased employment opportunities and housing diversity within the Activity Centre.

Environmentally Sustainable Development Policy

Clause 22.13 (Environmentally Sustainable Development Policy) provides a framework for early consideration of environmental sustainability at the building design stage. For a development of 10 or more dwellings, a Sustainability Management plan is required to be prepared and submitted. A Sustainability Management Plan has not been submitted with the current application and its recommendations implemented should a permit issue.

Serviced Apartment Use

The nature of the use is considered appropriate given the subject site is located within the core of the Oakleigh Major Activity Centre with excellent access to public transport and is close to existing services. It is consistent with the objectives of the OMACSP to encourage an appropriate mix of residential and commercial uses to develop within the precinct.

Serviced apartments are a form of short term accommodation which differs from apartments, dwellings, traditional hotels or motels. As such the layout and design of the proposed apartments is different from private dwellings and internal amenity requirements for future occupants are assessed differently. The majority of apartments include direct solar access to either bedroom or living room windows, whilst the 'studio' apartments do not contain proper living areas.

The proposal provides for a reasonable level of internal amenity acceptable for short term and non-permanent residential accommodation, but inadequate for permanent residential occupation. Future use and subdivision of the premises as independent dwellings will not be supported given the layout of the proposal, due to the poor internal amenity outcomes for persons residing within the proposed development for extended periods. If a permit was issued, permit conditions will require a Section 173 Agreement with the land owner to ensure the building will only be used for 'serviced apartments' and prevent the apartments being converted to independent dwellings.

General amenity conditions including requirements for a management plan associated with the serviced apartments are to be included on any permit issued. Management of the premises will be restricted to and controlled by a single operator to ensure operation of the serviced apartments will be in accordance with the proposed management plan.

Design and Development Overlay 11 (DDO11) – Oakleigh Major Activity Centre

The Design and Development Overlay 11 has the following precinct objectives:

- To retain and enhance the pattern of urban development in the core centre that is characterised by small lot frontages, two storey federation and inter-

war buildings, steeply pitched roofs and architecturally detailed upper storeys.

- To encourage, where possible, the retention of the existing facades.
- To further improve and encourage active street frontages to create interest and vitality at the pedestrian level.
- To encourage an appropriate mix of residential and commercial uses to develop within the Precinct, in addition to the existing retail development.
- To encourage an enhanced pedestrian environment within the Precinct. To support the continued improvement of the public realm.

The following building heights and setbacks are specified by the DDO11:

REQUIREMENT	RESPONSE
Preferred maximum overall height of 14 metres (4 storeys).	Variation required Maximum overall building height of 17.24 metres (5 storeys). The proposed development exceeds the preferred height guidance by 2.24 metres. This is considered a minimal variance given the location of the subject land. This will be further discussed in this report.
Zero street setback up to a façade height of 10 metres.	Compliance achieved The existing single storey building is to be retained is less than 10 metres in height.
Upper levels setback 2 metres for every 1m of building height above the facade	Variation required Setbacks to the front boundary at all levels comply with this requirement except the fourth level (top level). The fourth level is setback 11.3 metres which is 700mm less than the required setback (12 metres). This reduced setback is acceptable and will be further discussed in this report.
Setbacks from rear and side boundaries should have regard to the nature of abutting uses	Side and rear boundaries have regard to the adjoining sites. The proposed 3 metre setback to the rear laneway is considered adequate.

Heritage, Building Scale, Height and Setbacks

Buildings should not exceed the preferred building height specified in the built form precinct provision of the DDO11 schedule unless particular site conditions warrant an alternative design response that demonstrates a respect for, and significantly contributes to the preferred character of the Oakleigh Major Activity Centre.

This proposal is considered an acceptable design response to warrant variation to the requirements of the DDO11, given the large land size of the subject site. The existing heritage building on site is another specific site context that warrant an

alternative design response which was also supported in the VCAT decision *Boneng (Portman) Pty Ltd V Monash CC [2017] VCAT 797*:

“It is arguable that the site has particular site conditions which warrant an alternative design response to the preferred height, it remains that any design would need to demonstrate a respect for and significantly contribute to the preferred character.”

The proposed additional overall height, of one storey (2.24 metres) above the preferred height requirement, still achieves an acceptable built form outcome consistent with the objectives sought in the OMACSP.

The upper levels are generally setback greater than the requirements in Precinct 1 of DDO11 except the top level which falls 700mm short of the specified setback. Details are shown in this table:

	Required setbacks under DDO11	Provided setbacks	Comment
Ground level	0m	0m	Retain existing building in the front
Level 1	0m	8m	Compliance achieved
Level 2	0m	8m	Compliance achieved
Level 3	6m	8m	Compliance achieved
Level 4 (top level)	12m	11.3m	Shortfall of 700mm

The proposal retains the existing single storey heritage building at the front of the site. In response the setbacks of levels 1 and 2 are substantially larger than the requirement in DDO11 and the setback of level 3 also exceeds the requirement by 2 metres. These setbacks will ensure the building will not be visually overwhelming when viewed from Portman Street, and not distract from the heritage significance of the retained portion of the building, which is the highest priority for this particular site.

The minor encroachment of level 4 into the prescribed setback by 700mm still achieves a good level of articulation and results in acceptable built form. This level is setback more than 3 metres from the levels below, and over 11 metres from the street frontage. As such, the additional one storey will not distract from the preferred built form envisaged within the Oakleigh Village precinct.

VCAT decision *Boneng (Portman) Pty Ltd V Monash CC [2017] VCAT 797* discussed an additional level above the preferred height of DDO11 may considered acceptable subject to an appropriate design response:

“This is not to say that a building greater than four storeys cannot be contemplated for the site. Council conceded that a building of five storeys may be acceptable. This is consistent with other approvals in the activity centre where the preferred height has been exceeded by one storey, having regard to the particular site characteristics and context.”

A key difference of the subject site to others in the Oakleigh Village precinct is the existing heritage building. The proposal to demolish the rear portion of the building is acceptable and supported by Council's Heritage Consultant who advises that it results in virtually no impact in terms of aesthetics and fabric as it is hard to see the existing brick structure from the street and it also contains no obvious external architectural features of note.

A key consideration in assessing the proposed building is its impact on the significance of the retained portion of the heritage building. The new building will be sited behind the existing building. It is taller than the existing building and will be rectilinear in form. The lower levels will have a visually lightweight finish with aluminium cladding and opaque glazing, articulated in a grid of vertical and horizontal elements. The top level is setback further from the existing building, and will have a painted finish. The proposed colour scheme is appropriate and the contemporary built form will result in an appropriate contrast against the heritage building that will be easily read as the new element on the site.

Whilst the new building will be visible from Portman Street, the generous setback to the front boundary ensures that the existing heritage building will remain a dominant feature in Portman Street, and in proximate views where the aesthetic interest of the façade is able to read in any detail. Council's Heritage Consultant recommended removing the top level south facing balconies and incorporate the recessed top level into a low pitched skillion roof form. These will 'hide' the top level of the new building and it will present as a four storey building form envisaged in DDO11. This will also reduce the visual dominance of the new building as the 'backdrop' of the existing heritage building, and better integrate with the existing building. The south facing balconies are not expected to receive adequate sunlight and will have minimal contribution to the amenity of the serviced apartments. Introduction of the skillion roof will not have any structural impacts to the development. These changes could be achieved via permit conditions if one is to issue.

The proposed building responds appropriately to Clause 22.07 (Heritage Policy) which says "*buildings and works be compatible with the characteristics of the heritage place*", and "*the bulk and setback of any new buildings and works be responsive to existing heritage assets*". The proposed new building is considered an appropriate response after the changes recommended by Council's Heritage Consultant.

General Assessment

Design Detail

The proposal demonstrates a satisfactory architectural outcome through the generous use of glazing, coloured cladding and feature timber look aluminium screening elements. Façade treatments provide for an appropriate degree of visual interest, articulating in a grid of vertical and horizontal elements. Services are located within the service terrace on level 4 however this service terrace

together with the south facing balconies will be deleted as recommended by Council's Heritage Consultant. Services of the building will need to be relocated and screening from being visible from the street. This could be achieved via permit conditions if a permit was issued.

The design response demonstrates a satisfactory level of architectural quality, however it pays limited attention to the eastern and western facades, which comprise coloured cladding that will require regular maintenance for painting with limited access. Both facades will be highly exposed to the wider public realm particularly when viewed from Portman and Hanover Streets until development of the adjacent sites. These facades should be treated to avoid ageing with minimal maintenance which could be achieved via permit conditions if one was to issue specifying a different finish.

The proposed shop on the ground level will activate the street frontage and maintain pedestrian interest and vitality. Pedestrian access is maintained at the front and rear property boundaries. The width and presentation of the shop fronts is in keeping with the streetscape. Pedestrian entry to the serviced apartments from Portman Street is easily identifiable as it is not obscured or isolated from the street. A new canopy is proposed over the footpath. Canopies over footpaths form part of the streetscape of Portman Street and are important to provide shelter for patrons and to encourage walkable activity centres in all weather conditions.

The proposed 56 square metres conference room on the ground level is exclusive to the residents of the serviced apartments. The proposed space is considered ancillary to the serviced apartment use. A patron limit of 30 persons is proposed by permit conditions given the size of the space and to ensure there are no unintended parking pressures from the ancillary use.

Amenity Impacts

No residential properties immediately adjoin the subject land thus there are no overlooking concerns from the proposed development. Windows facing Portman Street and the rear laneway would not unreasonably prejudice future developments.

The proposal does not overshadow any adjacent secluded private open space or unreasonably reduce solar access to any sensitive uses. Shadows cast to Portman Street are considered reasonable within the context of the activity centre as new shadow will mainly fall onto the adjoining commercial properties. No additional shadow will fall onto the opposite footpath in Portman Street

On Site Amenity and Accessibility

Room sizes and dimensions are sufficient, providing reasonable internal amenity for short term and temporary accommodation. All bedrooms or living rooms have sufficient access to daylight via external windows. Studio apartments contain

combined living and bedroom with a small kitchen whilst 1 bedroom apartments generally contain an open-plan living, dining and kitchen.

North facing windows have been maximised. Only three apartments on the top level proposed balconies of 9 to 18 square metres, facing south to Portman Street. These balconies will receive minimal daylight due to their orientation, and will be deleted as a result of the deep pitched roof recommended by Council's Heritage Consultant. Deletion of these balconies will not significantly impact on the internal amenity of the respective serviced apartments given their short stay focus.

As previously discussed, the layout and design of the proposed apartments are different and internal amenity requirements for future occupants are different to those for permanent residential apartments or dwellings. The proposal provides for a reasonable level of internal amenity for short term accommodation.

The proposal has reasonable access to people with limited mobility considering each apartment is single level, lift access is provided to all floors and the location and widths of lobby and other circulation areas. Reception is oriented to the Portman Street frontage, it is easily accessible via the Portman Street entry or from the rear car park. Shared facilities including an accessible toilet is provided on ground level.

Car Parking, Traffic and Access

Serviced Apartments

There are no specific car parking rates requirement for the proposed serviced apartments in Clause 52.06 of the Monash Planning Scheme. The provision of car parking must be to the satisfaction of the Responsible Authority.

The proposal provides a total of 28 car parking spaces at the rear of the existing building, including one drop off space, one at-grade car parking space and 26 independent car stacker spaces. 26 car parking spaces are proposed for the 55 serviced apartments, at the rate of 0.47 spaces per room and 1 car parking space for the retail premises. The drop off space is excluded from the car parking calculation as it is not for car parking purpose. Vehicle access is retained from the existing access adjacent the north-east corner of the site via the Council car park.

Conditions on the permit require the development to provide an additional 1.5 metre setback to the rear to provide for an increased laneway width. The widened laneway will facilitate improved traffic movement within the surrounding laneway network which will experience increased traffic movements as a consequence of the development and additional vehicle use of the laneway as properties within the surrounding precinct are further developed. It would be expected that other properties within the precinct would also accommodate laneway widening as they are developed over time.

As a consequence of the widened laneway car parking spaces 8, 9 and 10 will need to be deleted from the car stacker system. Accordingly there will be a total of

23 car parking spaces for the 55 serviced apartments, at a rate of 0.42 spaces per room.

The applicant's traffic study relies on a car parking survey undertaken of another serviced apartment of the same prospective operator of this proposal at 1384 Dandenong Road in Oakleigh. The survey shows an average overnight demand for 0.54 parking spaces per occupied room including staff demands, and occupancy ranged from 28% to 82% over the course of the week when the survey was undertaken. The assessment concluded that a rate of 0.4 spaces per occupied room, at 95% occupancy leads to an anticipated demand for 22 car parking spaces for the proposal with 55 rooms.

The subject land is located within an established activity centre well serviced by public transport with time restricted public car parking areas. Car parking associated within the service apartment will be located within a secure car park managed by the operator. The proposed car parking provision is considered sufficient to provide for the use.

Retail Premises

With respect to the ground floor retail tenancy, the subject site is located within the Principle Public Transport Network (PPTN), and the required car parking provision is as follows:

Use	Clause 52.06-5 Requirement	Floor Area (m ²)	Car parking requirement generated	Car parking provision proposed
Shop (retail premises)	3.5 spaces /100m ²	111m ²	3.8 car spaces (round down to 3 spaces)	1 space
Shortfall				2 car spaces

The development does not provide for the requisite number of car parking spaces having regard to the requirements of Clause 52.06 of the Monash Planning Scheme and seeks a dispensation for a reduction of 2 car parking spaces for the retail premises.

The applicant's traffic study anticipated that most of the customers are already visiting other services within the Oakleigh Activity Centre, as a result, parking demands are expected to be attributed to staff. It concluded that the proposed 1 car space is expected to meet the demands for the proposed small size tenancy.

Existing car parking provision & Council Traffic Engineer comments

The subject site currently contains a total of 16 car parking spaces within the undercroft car park at the rear of the site. 9 car spaces are allocated to the residential dwellings and 7 spaces were for the previous shop/ existing office.

The previous shop/ existing office with floor area of 325 square metres generate a requirement of 11 and 9 car parking spaces based on the current requirements in Clause 52.06 of the Monash Planning Scheme, and shortfall of maximum 4 car parking spaces. Council's Traffic Engineer has considered this existing car parking provision in their assessment.

Council's Traffic Engineer advises that the car parking rate of 0.42 spaces per room is considered appropriate based on the location of the subject site. Vehicle parking provided by the serviced apartment staff on guests' arrival/ departure will ensure efficient use of the car parking system.

The allocation of 1 space for the retail staff is also appropriate for the size of the proposed retail premises. However staff of this development would be limited to access to the traders parking permit in Oakleigh for additional car parking demand due to the reduction of on site car parking provision.

The proposed designated drop-off space at the rear of the building is required for the service provider's valet parking. This space is also used for loading activities including waste collection and it is important to ensure this space meets design standards in Clause 52.06-9 of the Monash Planning Scheme to accommodate loading vehicles and small bin collection trucks. The result of widening the laneway will reduce the accessway width of the drop-off space and car parking spaces 1 to 7. These car spaces will need to be rearranged to achieve the required accessway width in accordance with Clause 52.06-9 to provide for the ease and safety of vehicle manoeuvre within the site.

The permit applicant has confirmed that this could be achieved via permit conditions as redesigning the car park will not significantly affect building envelope.

Council's Traffic Engineer also advised that the proposed car stackers will be required to cater for a wide variety of guest vehicles, additional details of the proposed car stacker system is required to ensure the right model/s is provided to accommodate most vehicles. This will be requested via permit condition if one is to issue.

The predicted traffic generation is low and is expected to have a negligible impact on the local traffic network.

Proposed vehicle access from the rear will not affect the streetscape of Portman Street, or affect existing on street parking. Pedestrian access to the rear car park is maintained at the front and rear property boundaries. This is considered positive as it contributes to the pedestrian activation of the car park and in doing so enhances safety and activity centre walkability.

Access through Council Owned Car Park

Vehicle access to the site is currently provided via a laneway to the rear of site through the Council owned car park in Hanover Street. The proposal proposes to keep the existing vehicle access arrangement.

The use of the car park for vehicle access should be formalised with Council as the land owner of the car park to allow continuity of vehicle access. This will form a permit condition should one be issued.

Waste Management

A Waste Management Plan was submitted with the application. Bins would be stored in the ground floor towards the rear of the site. Private waste collection is proposed on-site from the rear car park. Collection would occur twice a week. The report states that the private waste contractor would be responsible for regular bin cleaning or bin swapping if required. It is not clear where bin cleaning would occur and will require more information.

All waste collection arrangements would need to gain approval from Council's Waste Management department and could form a condition of permit, should one issue.

Bicycle Parking

Clause 52.34 (Bicycle Facilities) any new uses to provide the required bicycle parking facilities on the land. Relevant bicycle facilities are as follows:

Use	Clause 52.34 -5 Requirement	Number of Lodging Rooms/ Floor Area (m ²)	Bicycle parking requirement generated	Bicycle parking provision proposed
Residential Building	1 to each 10 lodging rooms for residents	55	6	7
	1 to each 10 lodging rooms for visitors		6	0
Shop (retail premises)	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm	111m ²	0	0
Total Required			12 spaces	
Total Provided				7 spaces
Shortfall				5 spaces

The proposal seeks to reduce the required bicycle parking requirement by 5 spaces. The applicant's traffic study suggested that the serviced apartment use is unlikely to generate guests who travels by bicycle. The proposal provides 7 bicycle spaces for staff which is considered to be sufficient to accommodate the estimated demand.

Council's Traffic Engineer is reluctant to accept a waiver of bicycle parking as the provision of bicycle parking offers an alternative means of transportation for staff and guests. The proposal does not provide adequate bicycle parking facilities may disadvantage those guests who chose to use sustainable transport alternatives. Cyclists or cycling groups are also able to carry what they may need for a short stay on a bike and it cannot be assumed that they would not be attracted to this type of accommodation.

On street bicycle hoops are not considered to provide a secure option for guest bike parking. The development is in close proximity to the Djerring Rail Trail which extends from Caulfield and connects to the Eastlink Trail in Noble Park. Consequently, it is recommended that the statutory parking requirement of 12 bicycle spaces be provided on site, and this can be achieved via permit conditions.

CONCLUSION:

The proposal is considered consistent with the planning policy objectives and achieves acceptable outcomes for the Oakleigh Major Activity Centre. The site is suitable for the proposed mixed use development of shops and serviced apartments. The overall development will contribute positively to the Oakleigh Major Activity Centre in regards to providing a different type of accommodation within the Oakleigh Village Precinct.

The large size of the subject site with retention of the heritage building warrants a proposal that slightly exceeds the preferred height in the DDO11. The proposed building will achieve good level visual interest and achieve a consistent height and scale outcome envisaged by the DDO11, while retaining the existing heritage building.

Adequate on site car parking is provided and traffic generation and impacts to the area are considered negligible in this regard. Vehicular access and egress to the site could be dealt with by permit conditions, and the proposal has also been designed to minimise offsite amenity impacts.

It is recommended that a Notice of Decision to grant a permit be issued subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.