

**ratio:**

Report Prepared for:  
Boneng Portman Pty Ltd

November 2019

**ADVERTISED COPY**

Town Planning Report  
45-49 Portman Street, Oakleigh

**Planning:report**

**r:**

**ratio:consultants**  
8 Gwynne Street  
Cremorne VIC 3121  
ABN 93 983 380 225

**Prepared for:**  
Bonenoq Portman Pty Ltd  
Our reference 15362R001

**ratio:consultants** pty ltd

This work is copyright. Apart from any use as permitted under Copyright Act 1968, no part may be reproduced without written permission of **ratio:consultants** pty ltd.

Disclaimer: neither **ratio:consultants** pty ltd nor any member or employee of **ratio:consultants** pty ltd takes responsibility in anyway whatsoever to any person or organisation (other than that for which this report is being prepared) in respect of the information set out in this report, including any errors or omissions therein. **ratio:consultants** pty ltd is not liable for errors in plans, specifications, documentation or other advice not prepared or designed by **ratio:consultants** pty ltd.



# Table of contents:

Chapter / Section	Page No.
<b>1 Introduction:.....</b>	<b>4</b>
1.1 Instructions.....	4
1.2 Investigations and Research.....	4
<b>2 Planning History:.....</b>	<b>5</b>
2.1 Planning History.....	5
<b>3 Existing Conditions: .....</b>	<b>7</b>
3.1 Subject Site.....	7
3.2 Surrounding Land Uses .....	9
<b>4 The proposal:.....</b>	<b>15</b>
4.1 Introduction.....	15
4.2 Proposed Uses .....	15
4.3 Proposed Buildings & Works .....	15
<b>5 Relevant Planning Controls:.....</b>	<b>17</b>
5.1 Zone Controls.....	17
5.2 Overlay Controls.....	17
5.3 Planning Policy Framework (PPF).....	18
5.4 Local Planning Policy Framework (LPPF).....	19
5.5 General and Particular Provisions.....	22
<b>6 Planning Considerations:.....</b>	<b>24</b>
6.1 Introductions/Overview.....	24
6.2 Is there strategic support for the proposal?.....	24
6.3 Is the proposed Built Form Response Appropriate to its commercial heritage context? .....	27
6.4 Is the proposal appropriate having regard to Traffic and Parking Considerations?.....	33
<b>7 Conclusion:.....</b>	<b>34</b>

## 1.1 Instructions

Ratio Consultants Pty Ltd has been engaged by Boneng Portman Pty Ltd, the permit applicant, to prepare a planning application for the construction of a multi-level, mixed-use development ('Punthill' serviced apartments and retail premises) at No. 45-49 Portman Street, Oakleigh.

## 1.2 Investigations and Research

In the course of preparing this report, we have carried out the relevant planning investigations, including an inspection of the subject site and surrounding land.

We have also assessed the proposal according to the relevant planning controls and policies set out in the Monash Planning Scheme.

In addition, we have reviewed the following documentation in support of the application:

- Architectural plans and supporting material prepared by C&K Architecture;
- Heritage Impact Assessment prepared by Bryce Raworth Pty Ltd;
- Traffic Impacts Report prepared by One Mile Grid;
- Waste Management Plan prepared by One Mile Grid; and
- Water Sensitive Urban Design Report prepared by SD Consultants Pty Ltd.

## 2.1 Planning History

We understand that an application was lodged to Council for the construction of a 7-storey mixed use building accommodating shops and apartments on 20 September 2016.

A failure to determine appeal was lodged with the Tribunal, with the Hearing held on 15<sup>th</sup> and 16<sup>th</sup> May 2017. The Tribunal affirmed Councils decision to refuse the application under Boneng (Portman) Pty Ltd v Monash CC [2017], with the primary reason being excessive building height.

With respect to the decision made<sup>1</sup>, Member Sibonis noted the following in terms of the height proposed:

- *“This is not to say that a building greater than four storeys cannot be contemplated for the site. As noted earlier, the 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. Given 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.”*

As a result of the above decision, this application proposes the construction of a 5-storey mixed-use building comprising retail and accommodation (serviced apartments), whilst retaining the existing heritage graded building at ground floor level.

For the reasons outlined in this report, we consider that this “repeat” application responds to the concerns raised in the previous planning application by both Council and the Tribunal and presents as a site responsive design that contributes positively to the Oakleigh Major Activity Centre.

### Figure 2.1:

Render of previous application (7-storeys).



<sup>1</sup> *Boneng (Portman) Pty Ltd v Monash CC* [2017] VCAT 797

**Figure 2.2:**

Render of proposal (5-storeys).



# 3 Existing Conditions:

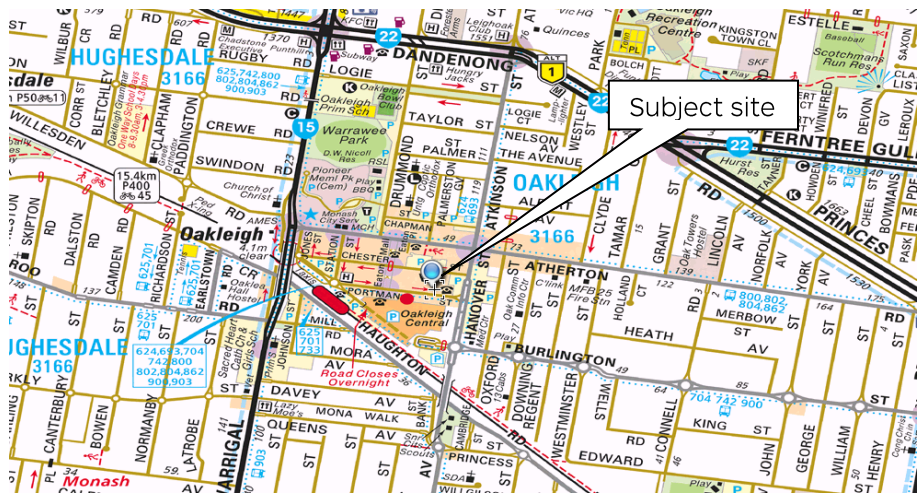
## 3.1 Subject Site

The subject site is located on the northern side of Portman Street, approximately 340 metres to the east of Warrigal Road, Oakleigh.

The site is regular in shape, having a frontage of 34.94 metres to Portman Street, a maximum depth of 27.97 metres, and overall site area of approximately 984.12sq.m.

The site is more formally known as Lot 1 on Title Plan 896612.

**Figure 3.1: Location Map**



Source: Australian Street Directory [www.street-directory.com.au](http://www.street-directory.com.au)

The key features of the subject site are summarised as follows:

- A vacant brick and rendered commercial building currently occupies the site. The building presents as single-storey to Portman Street (with front parapet, part weather canopy over footpath and tower element), with the two-storey component located to the rear abutting an unnamed laneway;
- The existing commercial building has been constructed to the front and rear title boundaries, and abuts a portion of the side title boundaries;
- The topography of the site is generally flat throughout, with a slight fall from the north to the south of approximately 0.63metres;
- Limited vegetation exists on site (limited to a number of small trees located within the side setbacks);
- 2 x mature street trees on footpath are located adjacent to the sites Portman Street frontage;
- Vehicle access to the site is provided via the rear laneway; and
- The site is not affected by any easements or restrictions.



Figure 3.2: Cadastral Plan



Source: Land Channel [www.land.vic.gov.au](http://www.land.vic.gov.au)

Photo 3-1: Image of subject site





### 3.2 Surrounding Land Uses

Contextually, the site is located within the heart of the 'Oakleigh Major Activity Centre'. All surrounding land is located within the **Commercial 1 Zone**. More specifically:

- **North:** To the sites immediate north is a 3.0 metre wide unnamed laneway. The laneway provides rear access to a number of properties fronting both Portman Street and Chester Street.
- Further north are a number of attached commercial tenancies ranging in height from 1-2 storeys in scale fronting Chester Street.

**Photo 2-2: Rear laneway to the north of the subject site (subject site to the left)**



- **South:** To the sites immediate south is Portman Street, a one-way street which offers restricted parallel parking on either side. Bus route No. 624 runs along Portman Street.
- On the southern side of Portman Street is a strip of attached commercial tenancies ranging in height from 1-2 storeys in scale.

**Photo 2-3: Commercial tenancies to the south of the subject site**



- **West:** To the sites immediate west located at No. 43 Portman Street is a single storey commercial building, currently tenanted by a

jeweller. The building is setback off its rear boundary in order to provide on-site car parking accessed via the unnamed laneway.

- Further west are a number of attached single-storey commercial tenancies that front Portman Street.

**Photo 2-4: Buildings to the west of the subject site**



- **East:** To the sites immediate east located at No. 51 Portman Street is a vacant single storey commercial building. The building is built to abut the Portman Street frontage and is setback from its rear boundary to provide on-site car parking.
- Further east are a number of attached single-storey commercial tenancies fronting Portman Street, generally setback from the rear title boundary.

**Photo 2-5: Buildings to the east of the subject site**



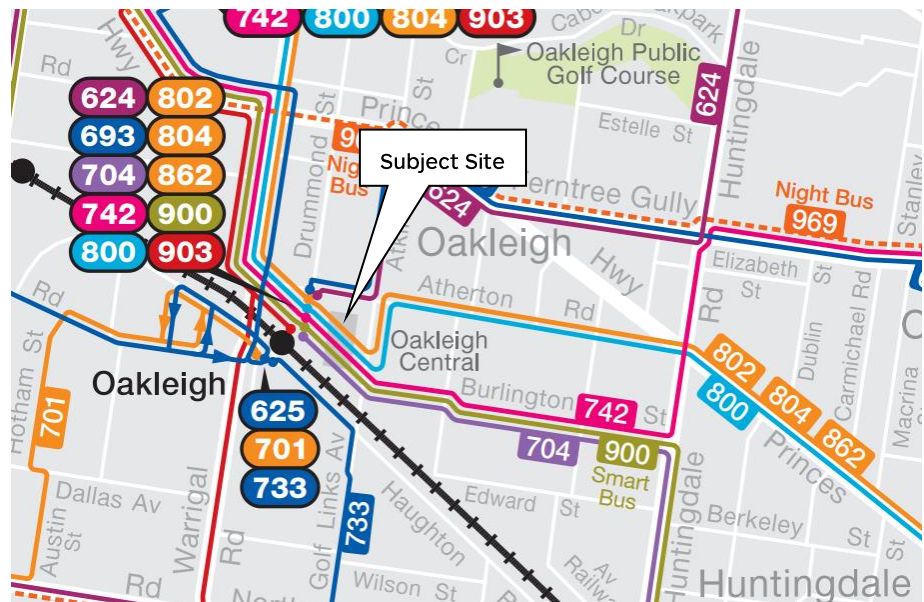
As noted previously, the subject site is located within the Oakleigh Major Activity Centre, and therefore has immediate access to a range of commercial, community, transport and recreational services, including:

- Monash Medical Precinct, approximately 3.2km and Monash University approximately 3.5km to the south-east respectively. Proposed serviced apartments are provided to respond to the

growing demand associated with these institutional uses proximate to the site.

- Golden Groceries Supermarket, located approximately 30 metres to the sites south, and Woolworth Oakleigh, located approximately 50 metres to the sites south;
- Chadstone Shopping Centre located approximately 1.5km to the north;
- Warrawee Park Oval, located approximately 200 metres to the sites north-west, and Burlington Street Reserve, located approximately 230 metres to the sites south-east;
- Bus Routes No. 704, 742, 800, 802, 804 and 862, located approximately 70 metres to the sites south-east;
- Oakleigh Train Station, located approximately 220 metres to the sites west;
- Sacred Heart Primary School and Sacred Heart Girls College, located approximately 340 metres to the sites south-west; and
- Oakleigh Family Medical Centre located approximately 150 metres to the north-east.

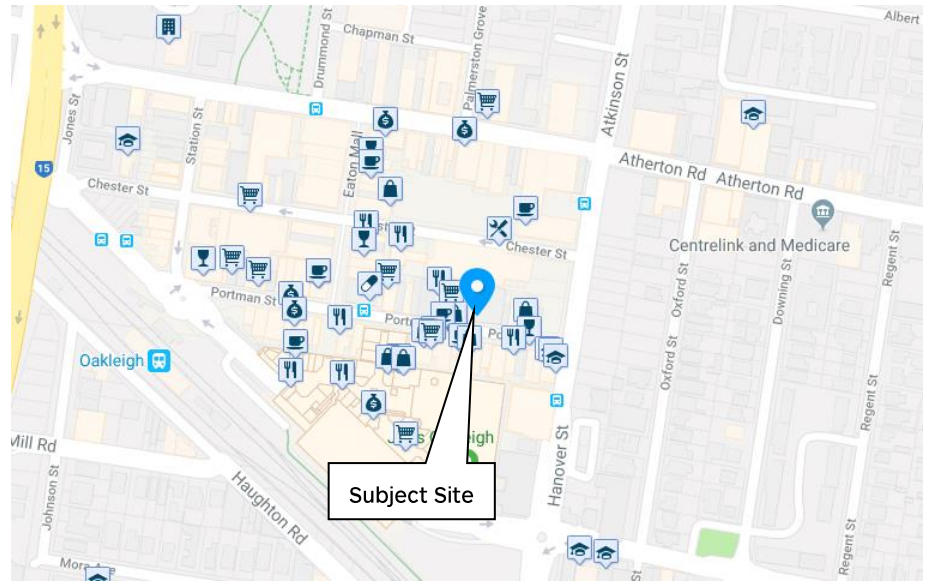
**Figure 3.3: PTV Services within the surrounding area.**



Source: [www.metlinkmelbourne.com.au](http://www.metlinkmelbourne.com.au)



**Figure 3.4: Walkscore map, noting the site achieves a Walkscore of 94 – ‘Walkers Paradise.’**



Source: [www.walkscore.com](http://www.walkscore.com)

Using the online tool ‘Walkscore’, the subject site has a ‘Walk Score’ of 94 – ‘Walkers Paradise’, which suggests that ‘daily errands do not require a car’. In addition, the site is classified as being located within an area of “excellent transit” where transport is convenient for most trips.

**Figure 5: 20 minute walk catchment area surrounding the subject site**

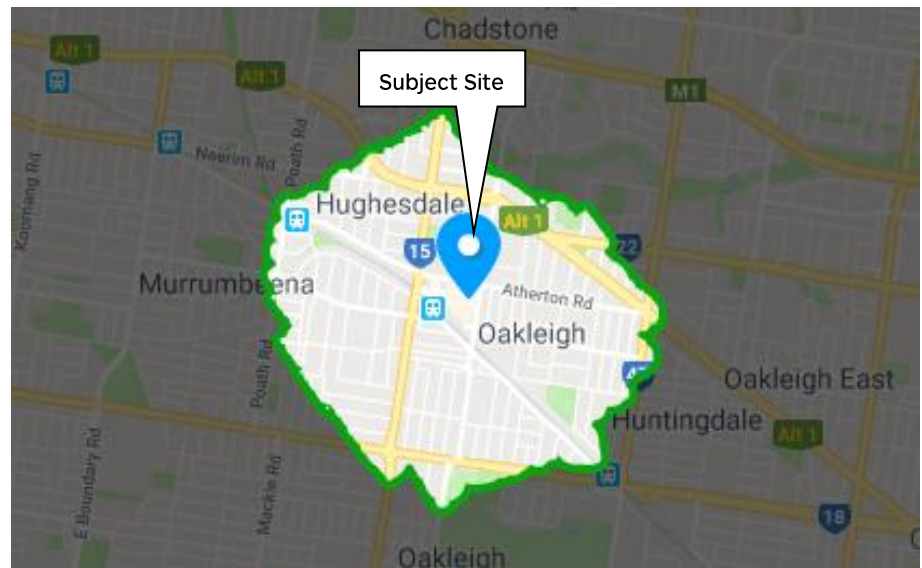
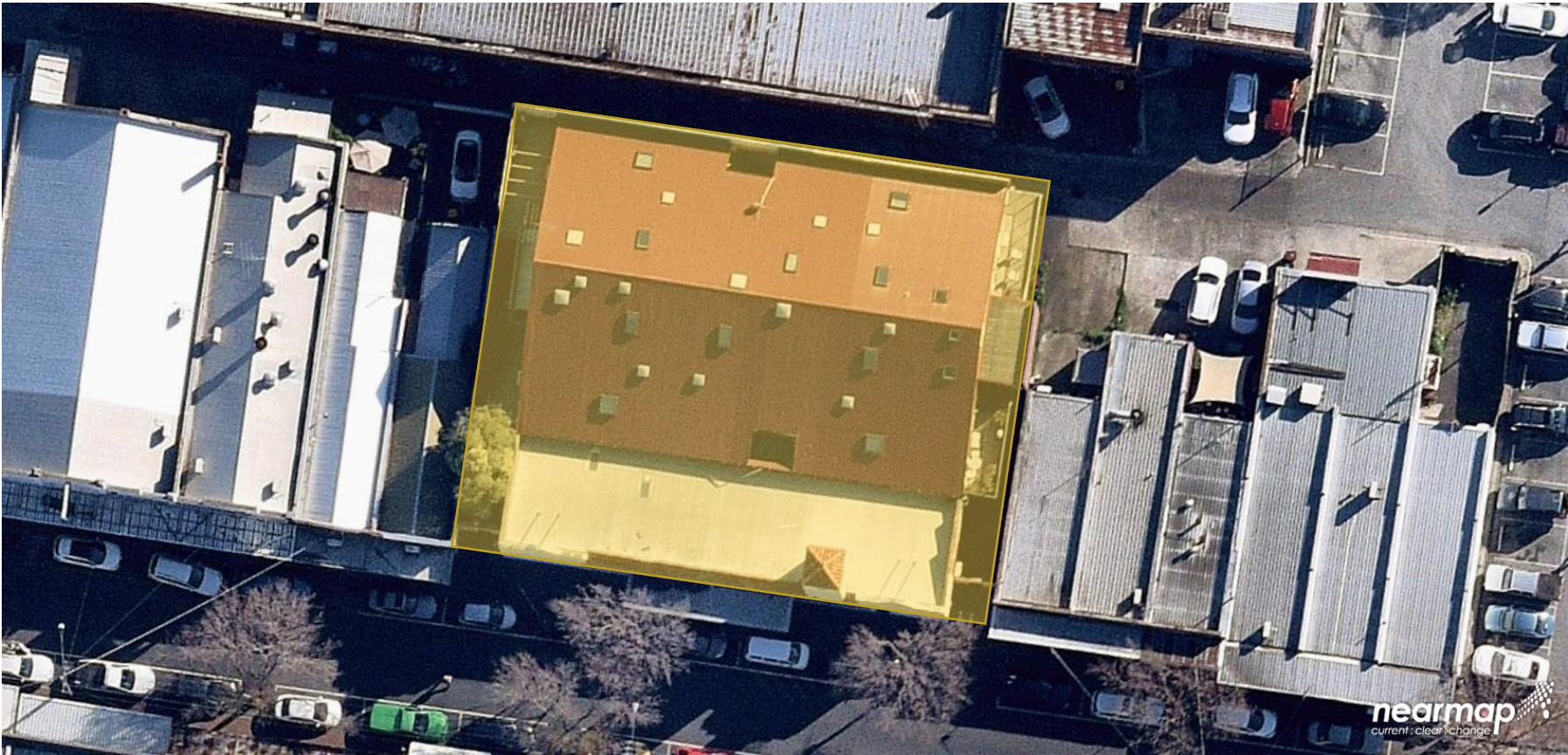


Photo 3-2: Aerial Photograph of the subject site and surround area



Source: [www.nearmap.com/photomaps/](http://www.nearmap.com/photomaps/) - 31 August 2019



Photo 3-3: Aerial Photograph of the subject site and surround area



Source: [www.nearmap.com/photomaps/](http://www.nearmap.com/photomaps/) - 31 August 2019

## 4.1 Introduction

It is proposed to demolish the rear double-storey component of the existing commercial building and construct a new five-storey mixed-use building containing “accommodation” (serviced apartments) and “retail premises”.

## 4.2 Proposed Uses

We note that the proposed retail premises is to be provided on a speculative basis with no end user at this point.

As noted previously the proposed serviced apartments are to be managed by “Punthill” (Apartments and Hotel). As described on Punthill’s website, an overview of the provider is as follows:

- *Punthill Apartment Hotels offer stylish and spacious Brisbane and Melbourne accommodation apartments in 14 unrivalled locations, conveniently-located in prime areas throughout Melbourne and Brisbane.*
- *Whether travelling for business or leisure you’ll feel right at home in our great range of accommodation including Studio, One, Two and Three Bedroom Apartments.*
- *Our apartments in Melbourne and Brisbane are fully self-contained with cooking facilities and spacious living areas that make extended stays even more comfortable and economical.*

## 4.3 Proposed Buildings & Works

The proposal can be summarised as follows:

- Ground Level – A car parking area containing 28 x car parking spaces (includes drop-off space and stacker systems), a waste room, storage, gym, chemical store, services, 2 x lift and stairs to the levels above. A 93sq.m retail space is located at ground level accessed via Portman Street, which includes a 18sq.m “back of house” area, as well as male and female amenities and a staff change room.  
In relation to the serviced apartments, an entrance lobby, reception, managers office and conference room are located at ground level and accessed via Portman Street.
- First Floor Level – 14 x serviced apartments ranging between 21sq.m and 40sq.m, each containing 1 x bedroom with BIR, kitchen/dining/living and bathroom. 2 x back of house rooms, lift and stairs to the levels above and below are also provided at this level.
- Second Floor Level – 15 x serviced apartments ranging between 21sq.m and 39sq.m, each containing 1 x bedroom with BIR, kitchen/dining/living and bathroom. 2 x back of house rooms, lift and stairs to the levels above and below are also provided at this level.
- Third Floor Level – 15 x serviced apartments ranging between 21sq.m and 39sq.m, each containing 1 x bedroom with BIR, kitchen/dining/living and bathroom. 2 x back of house rooms, lift and stairs to the levels above and below are also provided at this level.
- Fourth Floor Level – 11 x serviced apartments ranging between 21sq.m and 53sq.m, each containing 1 x bedroom with BIR, kitchen/dining/living and bathroom, and 3 x provided with a balcony ranging between 14sq.m and 33sq.m. 1 x back of house room, lift and stairs to the levels above and below are also provided at this level.
- The building is provided with separate pedestrian entries for the serviced apartments and the retail use from Portman Street. Entries



for all uses contained within the development are well marked and provide the building with a clear and proud sense of address as viewed from the street.

- The development will comprise a maximum building height of 17.24 metres from natural ground level, with lift overrun rising slightly above this height. The tower element of the proposed development is setback a minimum of 8.07 metres behind the retained heritage building fronting Portman Street.
- The new building will be of a modern contemporary design with a flat roof form, comprising a range of building materials including timber cladding, render and glazing.
- A total of 28 x car parking spaces are provided within the car parking area at ground floor level. 27 x spaces are allocated to the serviced apartments and 1 spaces to the retail use. The car parking area is accessed via the rear laneway and includes on-site pick-up/drop-off parking bay.
- All site services are provided for on-site, including security access to service apartments.

Please refer to the application plans prepared by C&K Architecture for full details of proposed development.

**Figure 4.1**

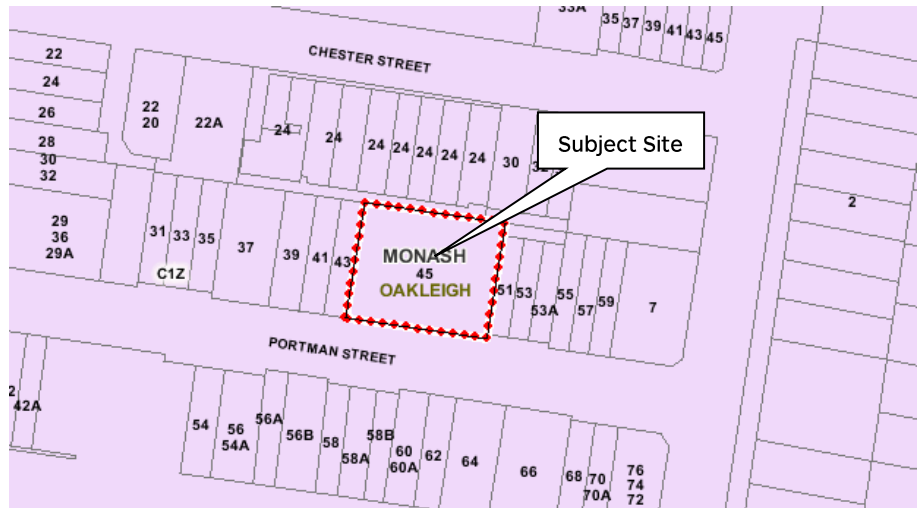
3D of proposed building



## 5.1 Zone Controls

The subject site is located within a **Commercial 1 Zone** pursuant to **Clause 34.01** of the Monash Planning Scheme.

**Figure 5.1: Zoning Map**



Source: Land Channel; [www.land.vic.gov.au](http://www.land.vic.gov.au)

The ‘purposes’ of the **Commercial 1 Zone** are:

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

Pursuant to the Table to **Clause 34.01-1**, the proposed uses requiring a permit are as follows:

- “Accommodation (serviced apartments)” – Section 2 – Permit required land use as the condition that ‘any frontage at ground floor level does not exceed 2.0 metres’ is not met.
- “Retail premises” – Section 1 – Permit not required land use.

Pursuant to **Clause 34.01-4**, a planning permit is required to ‘construct a building or construct or carry out works’.

Advertising signage is not proposed as part of this application.

## 5.2 Overlay Controls

The subject site is affected by a site specific **Heritage Overlay – Schedule 67** pursuant to **Clause 43.01** of the Monash Planning Scheme.

The ‘purposes’ of the Heritage Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Pursuant to **Clause 43.01-1** a permit is required to “demolish or remove a building”, and to “construct a building or construct or carry out works”.

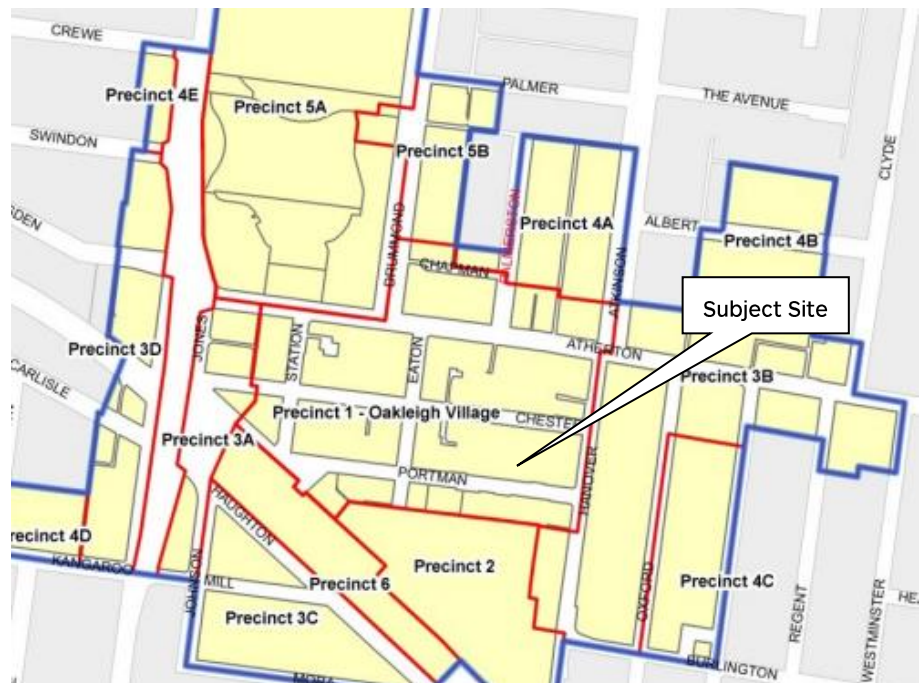
The subject site is also affected by the **Design and Development Overlay – Schedule 11** pursuant to **Clause 43.02** of the Monash Planning Scheme, which relates to the ‘Oakleigh Major Activity Centre’.

**Schedule 11** to the **DDO** identifies the site as being located within ‘Precinct 1 – Oakleigh Village’ which includes a number of objectives, requirements and guidelines. ‘Precinct 1’ recommends a preferred building height of 4-storeys.

An assessment against the requirements of the **DDO11** is provided at **Section 5.3**.

**Figure 5.2:**

Design and Development Overlay – Schedule 11 Precinct Map.



Pursuant to **Clause 43.02-2** a permit is required to “construct a building or construct or carry out works”.

### 5.3 Planning Policy Framework (PPF)

There are various PPF provisions that are relevant to this proposal. These include:

- Clause 11 – Settlement
- Clause 11.02-1S – Supply of Urban Land
- Clause 11.03-1S – Activity Centres
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban design – Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character

- Clause 15.02-1S – Energy and Resource Efficiency
- Clause 15.03-1S – Heritage Conservation
- Clause 16.01-1S – Integrated Housing
- Clause 16.01-2S – Location of Residential Development
- Clause 16.01-2R – Housing Opportunity Areas
- Clause 16.01-3S – Housing Diversity
- Clause 17.01-1S – Diversified Economy
- Clause 17.02-1S – Business
- Clause 18.02-1S – Sustainable Personal Transport
- Clause 18.02-4S – Car Parking

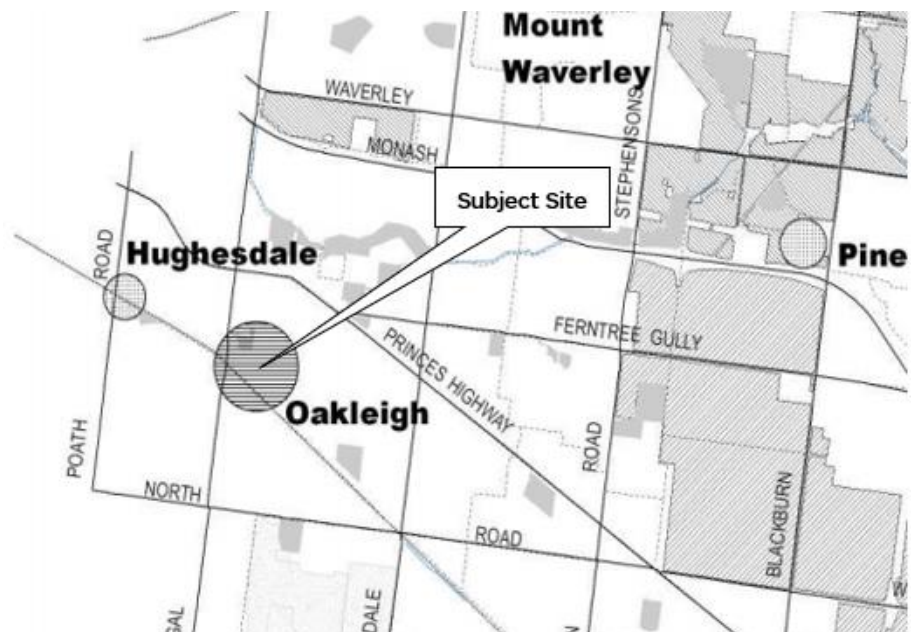
## 5.4 Local Planning Policy Framework (LPPF)

### Municipal Strategic Statement (MSS)

Monash's MSS acknowledges that the municipality is one of Melbourne's most populous municipalities, with an expected increase by over 26,000 by 2031. This population increase is further expected to drive demand for at least an additional 10,000 new dwellings by 2031. Monash's population is ageing, with almost 22% above the age of 60. The predicted population trend is primarily caused by smaller sized households (estimated to drop from 2.66 in 2001 to 2.5 by 2021), ageing of the population, continued changes in lifestyle, changes to structure of family households and a static birth rate.

- **Clause 21.01** (Municipal Profile) also includes Council's Strategic Framework Plan which identifies the subject site as falling within the Oakleigh Major Activity Centre. It further identifies Principal and Major Activity Centres as important locations for the development of different types of housing. It also identifies a recent trend of an increase in multi-dwelling developments, as people are seeking homes which require less maintenance. Activity centres are noted as being able to accommodate change.

**Figure 4.2: Strategic Framework Plan**



- **Clause 21.04** (Residential Development) outlines Council's goal for residential development as being balanced in providing a variety of

housing styles while being sympathetic to the existing neighbourhood character. Oakleigh Activity Centre is identified as a location where higher density housing is encouraged.

- **Clause 21.05** (Economic Development) seeks to encourage appropriate mixed-use development while ensuring that the amenity of neighbourhoods is not affected.
- **Clause 21.06** (Major Activity and Neighbourhood Centres) notes that activity centres are important locations for residential development and that Glen Waverley and Oakleigh activity centres are the preferred locations for high rise development. Strategies in relation to the Oakleigh activity centre include:
  - *Encourage medium to high rise development (4-8 storeys) within the Oakleigh Major Activity Centre that results in integrated housing, workplaces, shopping, recreation and community services and provides a mix and level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.*
  - *High rise development should be located adjacent to the Oakleigh railway station.*
  - *Enhance the Oakleigh Major Activity Centre by encouraging retail uses with an emphasis on a food theme and multi-cultural focus for the community and the development of shop-top housing and offices located above ground level in appropriate locations.*

In addition, Table 1 to the Clause includes the following “Strategic Directions” for the Oakleigh Major Activity Centre:

- *Encourage redevelopment and concentration of activity as well as maintain the existing historical/cultural resources of the Centre.*
- *Encourage medium to high rise development within the Centre. (4-8 Storeys).*
- *Encourage a wide range of arts, cultural and entertainment facilities.*
- *Encourage restaurant uses.*
- *Encourage office uses where contiguous retail frontage is not compromised.*
- *Ensure pedestrian and cycling linkages are enhanced.*
- *Encourage greater public transport linkages and service.*
- *Ensure parking is provided to meet the needs of the Centre.*
- **Clause 21.08** (Transport and Traffic) promotes increased residential densities and development opportunities in close proximity to major activity centres with good access to high quality public transport.
- **Clause 21.11** (Physical Infrastructure) seeks to ensure new development provides appropriate infrastructure and promote development which maximises the use of existing infrastructure.
- **Clause 21.12** (Heritage) seeks to conserve heritage buildings and allow for their sensitive redevelopment.
- **Clause 21.13** (Sustainability and Environment) seeks to ensure that new development be energy efficient in design and constructed with due regard to sustainability principles.
- **Clause 21.15** (Oakleigh Major Activity Centre Structure Plan) sets out the following ‘Vision’ for Precinct 1:

*To achieve high quality built form and public realm design that conserves and enhances the valued urban character of the Oakleigh Village and to encourage an appropriate mix of residential and commercial development to support the economic and social sustainability of the Activity Centre.*

The following strategies apply to Precinct 1:

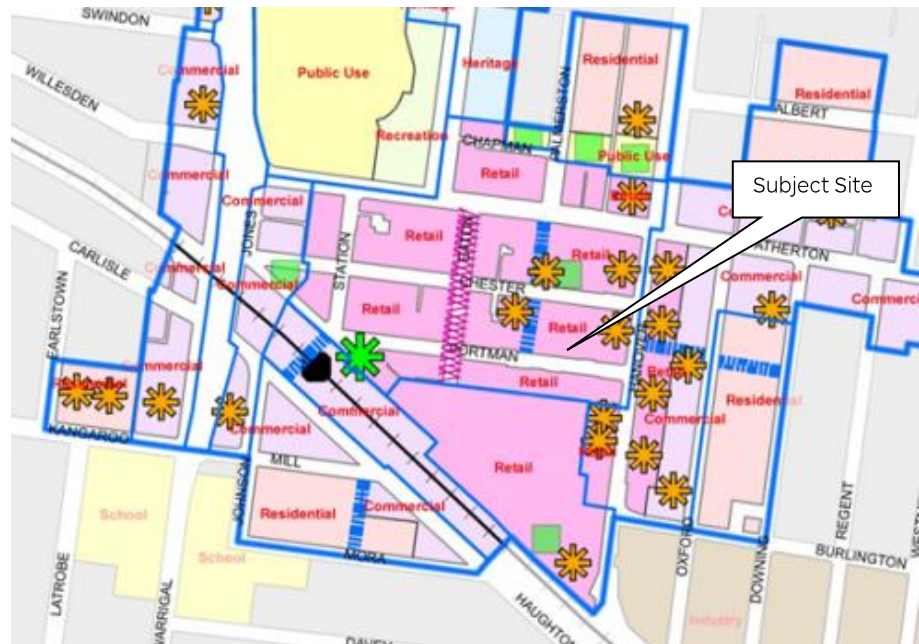


- Encourage an appropriate mix of residential and commercial uses to develop within the precinct, in addition to the existing retail development.
- Support the retention and enhancement of the pattern of development in the core centre that is characterised by small lot frontages, two storey federation and inter-war buildings, steeply pitched roofs and architecturally detailed upper storeys.
- Encourage, where possible, the retention of existing facades.
- Encourage the use, renovation and development of shop top dwellings.
- Improve and encourage active street frontages to create interest and vitality at the pedestrian level.
- Encourage redevelopment of large sites to include higher density residential dwellings.
- Encourage the establishment of larger retail premises abutting Hanover Street to strengthen the competitiveness of the Activity Centre and to better meet the needs of residents.
- Promote the incorporation of art and creative advertising in the Oakleigh Village.
- Encourage an enhanced pedestrian environment within the Precinct.
- Support the continued improvement of the public realm.

The Oakleigh Major Activity Centre Structure Plan, 28 August 2012 is listed as a reference document. The Structure Plan also forms the basis of DDO11 and is also a reference document to the DDO Schedule.

**Figure 5.3:**

Oakleigh Major Activity Centre Framework Plan.



- **Clause 22.03** (Industry and Business Development and Character Policy) applies to all land in a Commercial 1 Zone and includes a number of contributory elements relating to the Oakleigh Major Activity Centre.

The Desired future character statement for the Oakleigh Major Activity Centre is:

*New development within this Character Type will respect the scale and form of development of the relevant Activity Centre, while providing for appropriate change.*

*High rise development within the Oakleigh Major Activity Centre (8 storeys) should be located adjacent to the Oakleigh railway station, except where an adopted Structure Plan, or some other mechanism, has identified an appropriate height limit.*

*In determining appropriate design parameters, reference should be made to all relevant studies, reports and any structure plan adopted for the Activity Centres.*

*Relevant studies, reports and structure plans are listed as reference documents to this clause.*

An assessment against the relevant provisions of this policy is provided at [Section 5.3](#) of this report.

- **Clause 22.04** (Stormwater Management Policy) applies to all land and seeks to ensure that new development considers stormwater management as part of the design.

We defer to the Water Sensitive Urban Design report prepared by Sustainable Development Consultants for further information.

- **Clause 22.07** (Heritage Policy) seeks to ensure that any additions, alterations and replacement buildings are sympathetic to the heritage place and its surrounds. The clause includes the following objectives (where relevant):

- *To recognise, conserve and enhance places and streetscapes in Monash identified as having architectural, cultural or heritage significance as described in the Monash Heritage Study (1999).*
- *To conserve those buildings and places designated as being contributory to the cultural heritage significance of Monash.*
- *To ensure that any additions, alterations and replacement buildings are sympathetic to the heritage place and its surrounds.*
- *To conserve and enhance places of cultural heritage significance in a way which contributes to the economic and cultural growth of Monash.*

We defer to the Heritage Impact Assessment prepared by Bryce Raworth Pty Ltd for further information.

- **Clause 22.13** (Environmentally Sustainable Development Policy) encourages innovative technology, design and processes in all development, which positively influences the sustainability of buildings. Table 1 of the Clause requires that a development application include a Sustainability Management Plan.

As noted above, we defer to the Water Sensitive Urban Design report prepared by Sustainable Development Consultants with respect to ESD/WSUD matters.

As the application relates to a mixed-use development comprising “retail premises” and commercial “serviced apartment” (i.e. short stay accommodation as managed by Punthill) development, the provisions of this policy have limited relevance noting:

- The commercial aspect of the development includes a total floor area of <500sq.m.
- The commercial accommodation aspect of the development is confined to “serviced apartments” offering short-stay accommodation at the site only.

## 5.5 General and Particular Provisions

Relevant provisions include:



### **Clause 52.06 – Car Parking**

The car parking table under **Clause 52.06-5** prescribes the number of car parking spaces required having regard to the activities on the land.

The proposal is for a five-storey mixed-use building comprising “accommodation” (serviced apartments) and “retail”.

The prescribed number of car parking spaces for the retail use (shop) is as follows:

- 3.5 spaces to each 100sq.m of leasable floor area.

We note that the pursuant to **Clause 52.06**, the car parking rate for “serviced apartments” is to be provided to the satisfaction of the Responsible Authority.

A total 1 x retail space is provided within the car parking area and 27 x spaces available for the serviced apartment staff and guests.

Please refer to ‘Traffic Impact Report’ prepared by One Mile Grid with respect to car parking allocation and justification.

### **Clause 53.18 – Stormwater Management in Urban Development**

This Clause applies to an application to construct a building, noting none of the exemptions apply for this application. We defer to the Water Sensitive Urban Design Report prepared by Sustainable Development Consultants for further information in this regard.

### **Clause 52.27 – Licensed Premises**

This application does not include an application for liquor associated with the serviced apartment use of the land or ancillary conference space.

### **Clause 65 – Decision Guidelines**

‘Decision Guidelines’ states that, before deciding on an application, considerations should be given to a series of matters including the purpose of the zone, overlay or other provision, the orderly planning of the area and the effect on the amenity of the area

## 6.1 Introductions/Overview

**Clause 71.02-3** of the PPF promotes the “balancing” of sometimes conflicting policies in favour of net community benefit and sustainable development.

In this case, we say the “balancing act” needs to assess matters such as the value of providing a mixed-use development (retail premises and serviced apartments) in this location, against other matters such as heritage, amenity and traffic.

In particular, we say the proposal prompts the following questions:

- Is there general strategic support for the proposal?
- Is the proposed built form appropriate to its commercial heritage context?
- Is the proposal appropriate having regard to traffic and parking considerations?

## 6.2 Is there strategic support for the proposal?

### Planning Policy Framework (PPF)

**Amendment VC148** was gazetted on 31 July 2018. The Amendment makes changes across all Victorian Planning Schemes as part of the *Smart Planning* reforms.

The PPF seeks to anticipate and respond to the needs of existing and future communities, through the provision of zoned and serviced land for a range of uses, including housing, employment, recreation and open space, commercial and community facilities, and infrastructure. Ensuring that a sufficient supply of land is available for residential purposes in order to meet forecast demand remains at the forefront of the policy agenda. Specifically:

- **Clause 11.02-1S** seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- **Clause 16.01-1S** seeks to promote a housing market that meets the needs of the community.
- **Clause 16.01-3S** seeks to provide for a range of housing types that meet the diverse needs of the community and responds to changing household needs and neighbourhood character.
- **Clause 16.01-2R** seeks to identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

By providing 55 x serviced apartments and a new retail space on a site that is within the Oakleigh Major Activity Centre and is well located in terms of access to public transport, the proposal will assist in achieving the above policy objectives.

This position was further agreed in *Boneng (Portman) Pty Ltd v Monash CC* [2017] where the VCAT member notes at paragraph 6:

- *“The land forms part of the Oakleigh Major Activity Centre. There is no dispute between the parties that the proposed redevelopment of the review site in the form of a multi-level, mixed-use building is consistent with State policies which seek to direct growth (including housing) to strategic areas that are well located in respect of services and facilities”.*

## Local Planning and Policy Framework (LPPF)

In our view, the proposal also enjoys the strategic support of the MSS of the Monash Planning Scheme. The subject site is located within the Oakleigh Major Activity Centre which provides a number of services and facilities; is within walking distance of the Oakleigh Train Station and other forms of public transport; and is generous in dimensions (984.12sq.m in area).

Through the provision of additional accommodation (service apartments) within the area and a new retail space, the proposal will assist in meeting the various objectives of **Clause 21.05-3** (Economic Activity), including:

- Creating an environment that is attractive which generates activity and commercial growth;
- Facilitating the revitalisation of a key area and ensuring the development is of a high standard which adds to the attractiveness of the Oakleigh Major Activity Centre;
- Responding to an identified “need” within this location by providing 55 x service apartments, to be managed by ‘Punthill’, and which offer short stay accommodation within proximity of the Monash Medical Precinct and Monash University complex; and
- Providing a mixed-use development which ensures that there are no unreasonable amenity impacts upon the neighbourhood.

Pursuant to **Clause 21.06** (Major Activity and Neighbourhood Centres), the subject site is located within the Oakleigh Major Activity Centre.

The centre seeks to encourage medium to high rise development (4-8 storeys) which results in integrated housing and workplaces and provides a level of activity that attracts people, creates a safe environment, stimulates interaction and provides a lively community focus.

The provision of a revitalised retail space that will activate Portman Street and 55 x serviced apartments will assist in creating a vibrant community, as well as having a strong economic contribution to the wider area.

**Clause 21.15** (Oakleigh Major Activity Centre Structure Plan) identifies the subject site as being located within ‘Precinct 1 – Oakleigh Village’, which seeks to “*achieve high quality-built form and public realm design that conserves and enhances the valued urban character of the Oakleigh Village and to encourage an appropriate mix of residential and commercial development to support the economic and social sustainability of the Activity Centre*”.

It is considered that the proposal meets the above vision, given the mixed-use development seeks to retain the existing heritage building which contributes positively to the public realm, and provides a high-quality building above.

The development further meets the following strategies related to ‘Precinct 1 – Oakleigh Village’ (discussed at Section 5.3 below):

- *Encourage an appropriate mix of residential and commercial uses to develop within the precinct, in addition to the existing retail development.*
- *Support the retention and enhancement of the pattern of 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.*
- *Encourage, where possible, the retention of existing facades.*
- *Improve and encourage active street frontages to create interest and vitality at the pedestrian level.*

- *Encourage redevelopment of large sites to include higher density residential dwellings.*
- *Support the continued improvement of the public realm.*

Having regard to the above, it is respectfully submitted that the proposal enjoys strong support under the provisions of the LPPF.

### **Zone Provisions**

The principal planning control affecting the review site is the **Commercial 1 Zone**. Two of the fundamental “purposes” of this zone are:

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

The proposal, for the construction of five-storey mixed-use building that includes retail and serviced apartments, at a density that is compatible with other mixed-use buildings recently constructed within the Oakleigh Major Activity Centre is considered entirely consistent with the ‘purposes’ of the zone.

The proposal will assist in facilitating the consolidation of an existing urban area/major activity centre and will make better use of existing infrastructure.

### **Design and Development Overlay – Schedule 11**

The subject site is affected by the **DDO11** which specifically relates to the ‘Oakleigh Major Activity Centre’ and includes a number of objectives and design parameters. It is considered that the proposal clearly complies with the policy objectives and overall design directive of the **DDO11**.

An assessment is provided against the **DDO11** at [Section 5.3](#) of this report.

### **Contextual Issues**

The specific context of the site is such that it represents an excellent opportunity for the establishment of a mixed-use development of the nature proposed. Specifically, we note:

- It is located within a **Commercial 1 Zone**, within the Oakleigh Major Activity Centre;
- It is well serviced by public transport, and within walking distance to Oakleigh Train Station;
- This site is large with a total area of 984.12sq.m;
- The site includes rear access from a laneway;
- The site has been vacant for a number of years and is an underutilised commercial space which currently fails to make a positive contribution to the Portman Streetscape or activation of same;
- The site is devoid of any vegetation; and
- All services are available on-site.

The above site opportunities are identified at paragraph 45 of the previous VCAT decision *Boneng (Portman) Pty Ltd v Monash CC* [2017] where the member concludes:

- *“The large size of the site, its flat topography, regular proportions, commercial zoning, activity centre location and absence of any sensitive abuttals all bring the opportunity for a higher density development”.*

## Conclusion

In conclusion, the site is located on commercially zoned land and within the boundaries of the Oakleigh Major Activity Centre.

The site is proximate to a wide range of services and facilities, and in a location where State and Local policy offers a high level of support for the achievement of urban consolidation and commercial development.

Significantly, the **Commercial 1 Zone** seeks to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses, and to provide for accommodation uses at densities complementary to the role and scale of the commercial centre.

It follows that we believe there is strong strategic support for an appropriately designed mixed-use development on this site that seeks to respond to an identified “need” within this location, and that this should weigh in favour of the proposal and inform other relevant considerations.

## 6.3 Is the proposed Built Form Response Appropriate to its commercial heritage context?

### Introduction

There are various policies in the planning scheme that seek to ensure new development is compatible with the existing and preferred future character of an area.

We consider that there is clear policy support for a more intensive development on this site, given its location within the **Commercial 1 Zone** and the Oakleigh Major Activity Centre where medium to high rise developments of 4-8 stories is encouraged.

### Existing Character

**Clause 22.03** ‘Industry and Business Development and Character Policy’ identifies the site as being located within the ‘Business Character Type 1 (BUS1)’ character area, and includes the following current character elements for ‘retail areas’:

- *Compact, dense building arrangement with strong corner definition (major buildings).*
- *Red brick, two-storey buildings with detailed roof lines and upper storeys.*
- *Consistent landscape and streetscape treatment.*
- *Poles and overhead services.*

It is considered that the proposal satisfies the various objectives of **Clause 22.03-2** as follows:

- The design approach taken ensures that the development successfully integrates with the Oakleigh Major Activity Centre and also will enhance the streetscape character of the area. Through the retention of the existing heritage building at streetscape level this ensures that it remains as the primary element of the site.
- The proposal is generally in line with the overall scale and intensity as envisaged by the Design and Development Overlay – Schedule 11, with the fifth level being further recessed from the streetscape in order to minimise views. The site is also located away from any residential properties. This ensures that the development will create a high amenity built form environment and attractive setting.

- The development is of a high quality that will require minimal maintenance and will enhance the image of the Oakleigh Major Activity Centre when viewed from the road.
- The proposed development is not considered to result in any air environment, land, waterway or groundwater resources,
- The additional height proposed on-site will assist in the promotion of high rise residential development within the Oakleigh Major Activity Centre.

Further, and with respect to site context and existing character, reference is made to commentary provided by the Tribunal in *Boneng (Portman) Pty Ltd v Monash CC* [2017] where the member states at paragraph 51:

- *“The site has characteristics which set it apart from other sites in Portman Street and its context. It is a large site whose size means it stands in contrast to the many smaller, narrower sites that contribute to the fine-grained pattern which characterises the Oakleigh Village precinct”.*

### Heritage

In a general sense, the proposal appropriately responds to requirements of the **Heritage Overlay** (HO67) and **Clause 22.07** ‘Heritage Policy’ of the Monash Planning Scheme through the retention of the heritage graded building as it fronts to Portman Street.

We defer to the Heritage Impact Assessment prepared by Bryce Raworth Pty Ltd for all matters pertaining to heritage (i.e. proposed demolition and the appropriateness of new buildings on heritage grounds).

### Design Response

In a broad sense, we provide the following analysis of the appropriateness of the proposed mixed-use development on character related grounds:

- The design approach has been to clearly separate the existing heritage building and the proposed new building, ensuring that the heritage building continues to read as the primary element of the subject site as viewed from Portman Street;
- The development is designed by C&K Architecture and presents a building of high architectural quality. Further, the development seeks to deliver commercial serviced apartments that will assist in the provision of a diversity of accommodation choice to the area;

**Figure 6.1:**

Render view of development as taken from Portman Street.





- The development is constructed hard edge to both side boundaries and will provide an active frontage at ground level to Portman Street. The 8.07 metre front setback of the tower element behind the retained heritage façade is appropriately located away from the street frontage, which will allow the abutting sites to follow suite in terms of equitable development opportunities. This is consistent with the prevailing commercial context of the area, and will significantly improve the site's activation of the street, noting the existing building has been vacant for a number of years;
- The proposed building has a maximum overall height of 17.24 metres/5-storeys, which is considered to be reflective of the emerging character of the area and generally in-line with the envisaged heights of the **DDO11**. As noted above, levels one to three are setback 8.07 metres from Portman Street, with level four further recessed at 11.3 metres ensuring that the upper levels read as recessive;

**Figure 6.2:**

Section showing building profile and setbacks of tower element behind retained heritage façade.



We note the previously proposed scheme for the site which was ultimately refused by VCAT, but generally deemed acceptable on heritage related grounds proposed a front building setback of 7.6 metres behind the retained heritage façade. This application seeks an increase to that previously considered for the site.

- The development's lift core is located central to the building which ensures that it does not contribute to any visual bulk impacts as viewed from the public realm;
- The retention of the heritage building at ground floor level will ensure that the existing street wall height is maintained and remains uninterrupted. A 3.0 metre setback from the rear boundary for all upper levels is considered appropriate in context of the rear laneway interface to the sites north, and allows for the north facing serviced apartments to receive high levels of daylight in the future when the properties to the north are developed;
- The development is a ground floor pedestrian entrance for the retail use and serviced apartments, being clearly identifiable at street level. This ensures that a clear and proud sense of address to Portman Street is achieved within the development;
- The development will be construed of high quality and durable materials including render, timber cladding and glazing. As outlined previously, the existing heritage building is to be retained and therefore will continue to contribute to and reflect the materials evident within the streetscape;



- The development incorporates ground level parking located at the rear of the site and accessed via the rear laneway. This will ensure that any car parking features will not be visible from Portman Street;
- The development will not impact upon the existing street trees abutting the site along the adjacent Portman Street footpath;
- The ground level layout of the proposed building is such that commercial back-of-house, refuse and services are contained within the rear of the development. This will ensure such structures have no visibility from the public realm. Further, the development proposes an active ground level frontage to Portman Street, which is designed to activate the street and facilitate an excellent urban design outcome as the development presents to same;
- The development proposes a flat roof form to the addition which is reflective of the more recently constructed commercial buildings within the surrounds. The retention of the ground floor building ensures that the heritage roof form continues to be viewed from the street;
- By providing upper level serviced apartments with both a north and a south outlook, passive surveillance opportunities of Portman Street and the abutting rear laneway will occur; and
- All site services are to be provided for onsite.

**Assessment against the Design and Development Overlay – Schedule 11**

The main design directive for the subject site is the **Design and Development Overlay – Schedule 11** and to a lesser extent the Industry and Business Development and Character Policy at **Clause 22.03** (per the assessment above).

**DDO11** includes a number of general design objectives that relate to the ‘Oakleigh Major Activity Centre’ precinct as a whole. We consider that these objectives are met as follows:

- The development for a five-storey mixed use building is not considered to be an underdevelopment of the site.
- The retention of the existing heritage building at ground level and recessive upper floors will ensure that the prevailing streetscape rhythm and building scale of the activity centre will be maintained.
- As outlined above, the retention of the heritage building assists in the conservation and enhancement of the valued urban character and heritage places within the activity centre.
- The proposal includes the provision of 55 x serviced apartments to the upper floors of the development which will assist in the provision of short term accommodation within the activity centre designed to respond to an identified need stimulated by the site’s proximity to Monash Medical Precinct and Monash University.
- The includes a revitalised retail space at ground level and serviced apartments (‘Punthill’) which will help protect the economic viability of the centre without resulting in unreasonable amenity impacts on adjoining commercial land. We further note that the existing building has been vacant for a number of years and therefore is underutilised.
- The proposed serviced apartments will receive appropriate levels of amenity for the type of temporary accommodation proposed.
- The proposal is not considered to result in any unreasonable solar impacts to any key pedestrian streets, noting that the proposed height is generally in line with that envisaged by the **DDO11**, and the shadow diagrams on TP-16 to TP-18 confirm that all new shadows will fall on Portman Street rather than the southern footpath.

- The proposed active frontage will assist in the contribution to safe and active streets.

The **DDO11** also includes a number of “design objectives” and “built form requirements” for the ‘Precinct 1’ area. We consider that the proposed development appropriately satisfies these objectives (where relevant) as follows:

- The proposal seeks to retain the existing ground floor heritage façade as it presents to Portman Street, ensuring that this will continue to present as the primary building form.

**Photo 6-1:**

Photo of existing street wall



- The current commercial building on-site has been vacant for a number of years and is therefore an underutilised retail space. The proposal seeks to provide a new retail space and ground level component of the commercial serviced apartment operation (i.e. lobby, reception, conference room etc) that provides an active frontage and will help create visual interest and vitality at pedestrian level.
- The proposal is for a mixed-use development comprising of retail at ground floor, and the provision of 55 x serviced apartments at the upper levels (with ground level lobby, reception and conference room).
- As outlined above, the existing building is currently vacant and therefore the new retail and serviced apartment uses will provide an active frontage and an enhanced pedestrian environment within the precinct.
- The proposal as a whole is considered to result in an improvement to that of the existing building on-site and will further improve the overall activity centre through providing increased economic activity and services within the area.

With respect to the precinct requirements identified at Section 4.0 of the **DDO11**, the following building design requirements are sought:

- *Zero street setback up to a façade height of 10 metres (traditional two storey) height.*
- *Upper levels setback from the facade, 2 metres for every 1 metre of building height above the façade limit until the building height for the site is reached.*

- *Street facades up to 10 metres at the street alignment and a building height up to 14 metres (4 storeys).*

It is considered that the proposal satisfies the above requirements as follows:

- Through the retention of the existing ground floor heritage building, this retains the street wall as it presents to Portman Street and ensures it remains the dominant element of the site as viewed from the pedestrian level. The existing building presents as a 1 ½ to 2 storey street wall height built to the street edge (i.e. considering front parapet height), which also includes a tower that has a maximum overall height of approximately 11.4 metres.
- Levels 1 to 3 of the development are setback 8.07 metres from the street wall below and Level 4 has been setback 11.31 metres, ensuring that the upper levels will be viewed as a recessive element and will not dominate the retained heritage façade. The proposed addition to the building has an overall height of approximately 12.0 metres above the varied street wall height, which therefore results in a non-compliance with the envelope from the second floor upwards. Whilst this results in a non-compliance, it is considered that the retention of the ground floor heritage façade allows for the addition to encroach into this requirement given the heritage façade will remain the prominent and primary element of the building. Further, the selected building materials incorporate a high level of glazing and timber, and therefore will assist in minimising any dominance associated with the addition.
- The overall height of the building is 5-storeys which exceeds the discretionary 4-storey preferred height requirement envisaged by **DDO11**. In this instance, we consider that the combination of the retention of the heritage façade at ground level; the selected materials and finishes proposed; the support of the engaged heritage advisor; the large 984.12sq.m site; the fifth-storey being setback a total of 11.31 metres from the street; and the high level of architectural quality that will be achieved allow for the additional storey beyond the discretionary height contemplated under the DDO control.

Indeed, in *Boneng (Portman) Pty Ltd v Monash CC* [2017] VCAT 797 both Council and Member Sibonis acknowledged that a greater height could be accommodated on the site as follows:

- o *“This is not to say that a building greater than four storeys cannot be contemplated for the site. As noted earlier, the 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. Given 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.”*

As outlined previously, the proposal demonstrates both a respect for and contribution to the preferred character elements of the Oakleigh Major Activity Centre and a minor departure from the discretionary height recommended under DDO11. This departure was in fact contemplated and considered by both Council and VCAT under the previously considered 7-storey development application for the site.

This proposed 5-storey scheme hereby before Council presents an appropriate development outcome for this commercial site within the

core of the Oakleigh AC and an appropriate response considering the principles relating to “repeat applications”

### **Equitable sharing**

The development is designed to front all apartments in a north or south direction (i.e. towards Portman Street or the rear laneway). With respect to the sites immediate east and west interfaces, each is located within the **C1Z** and includes a single storey commercial buildings on under-utilized sites that will likely be developed at some stage in the future.

The proposed development is designed to be constructed hard edge to each side interfaces at all levels (i.e. blank walls on boundary absent of any windows or openings), which will allow for the adjoining commercial properties to be built similarly in the future.

The design response adopted will ensure an equitable sharing of development potential between sites is achieved, with any future development on the adjoining properties able to be constructed hard edge against the new building.

Further, and in respect to the northern interface (i.e. 3.0m wide rear laneway with commercial land beyond), north facing service apartment units are setback a minimum 4.5 metres from the centre point of the rear laneway to ensure equitable sharing of development potential in the event commercial land to the north is developed.

### **Conclusion**

It is our submission that the proposal adequately responds to all relevant local policies and will make a positive contribution to the Oakleigh Major Activity Centre through the provision of a revitalised retail space and 55 x serviced apartments to be held and managed by ‘Punthill’ service provider.

Further, the proposal has given appropriate regard to the development opportunity of the adjoining lots, ensuring that a reasonable sharing of development potential is achieved between commercial sites.

## **6.4 Is the proposal appropriate having regard to Traffic and Parking Considerations?**

We defer to the 'Traffic Impact Report' and 'Waste Management Report' prepared by One Mile Grid, with respect to all matters relating to parking, traffic and waste.

With respect to the operation of the car parking area, on arrival, guests of the serviced apartment who drive to the site will enter and park within the at-grade space, operating as a pick-up/drop-off space. They will proceed directly to reception with their bags, and enter their accommodation. Staff will then park the guests' car within the stacker spaces, in a valet arrangement. On departure, the serviced apartment staff will retrieve the guests' car, and park it within the pick-up/drop-off space ready for the guests to depart. One parking space will be allocated for exclusive use by the retail tenancy (staff), with the balance of parking (27 spaces) made available for serviced apartment staff and guests.

As relevant to the serviced apartment component of the development, in the event a permit issues, an 'Operational Management Plan' can form a requirement of permit. The 'plan', to be prepared by the likely service provider (i.e. 'Punthill') may include details relating to building operation, staffing, pick-up/drop-off operation, security etc.

## 7 Conclusion:

The subject site represents an appropriate candidate for an appropriately designed mixed-use building. The development will further the urban consolidation objectives set out in both the State and Local sections of the Monash Planning Scheme.

The proposal seeks to respond to an identified “need” for short stay accommodation (serviced apartments) at this accessible location designed to cater to the growing needs of the Monash Medical Precinct and Monash University. The site’s location within Commercial 1 Zone and boundaries of the Oakleigh Major Activity Centre significantly supports the commercial uses proposed (serviced apartments and retail premises).

The proposed development presents a site responsive design that has regard to the site’s specific commercial interfaces; makes a positive contribution to the commercial character of the area; does not impact upon the heritage significance of the existing building; and appropriately responds to the criticism of the previous planning permit application and VCAT appeal relating to the site

In our view, the design will significantly enhance the commercial character of the site and broader area and will not unreasonably impact on amenity of nearby commercial land. Further, the development provides an appropriate level of on-site car parking to service the needs of the various uses contained within the mixed-use building and will not unreasonable impact on the surrounding area with respect to traffic and road safety.

For all the reasons contained in this report it is respectfully requested that Council support this application.

**Ratio Consultants Pty Ltd**