

**1.5 34-54 CLAYTON ROAD CLAYTON
BUILDINGS AND WORKS ASSOCIATED WITH A STAGED DEVELOPMENT
INCLUDING EIGHT MIXED USE BUILDINGS (RANGING FROM 3 STOREYS TO 11
STOREYS IN HEIGHT)
(TPA/51900)**

EXECUTIVE SUMMARY:

The application proposes the staged development of eight buildings across the site and use of the land for purpose of offices, food and drink premises, showrooms, residential hotel, child care centre and gymnasium. A Permit is also required for the removal of native vegetation, a reduction in the standard car parking requirements and alteration of access to land in a Transport Zone, 2.

This application will effectively provide a master plan for the site, with future detailed plans to be lodged to provide further detailed design details of each building prior to the commencement of each stage.

The application was subject to public notification and no objections were received (noting 1 letter of support). Following a further round of consultation with residents from a wider area due to changes to the application, four (4) objections to the proposal were received.

Key issues to be considered relate to the proposed uses, height and scale, car parking provision, traffic generation and access.

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

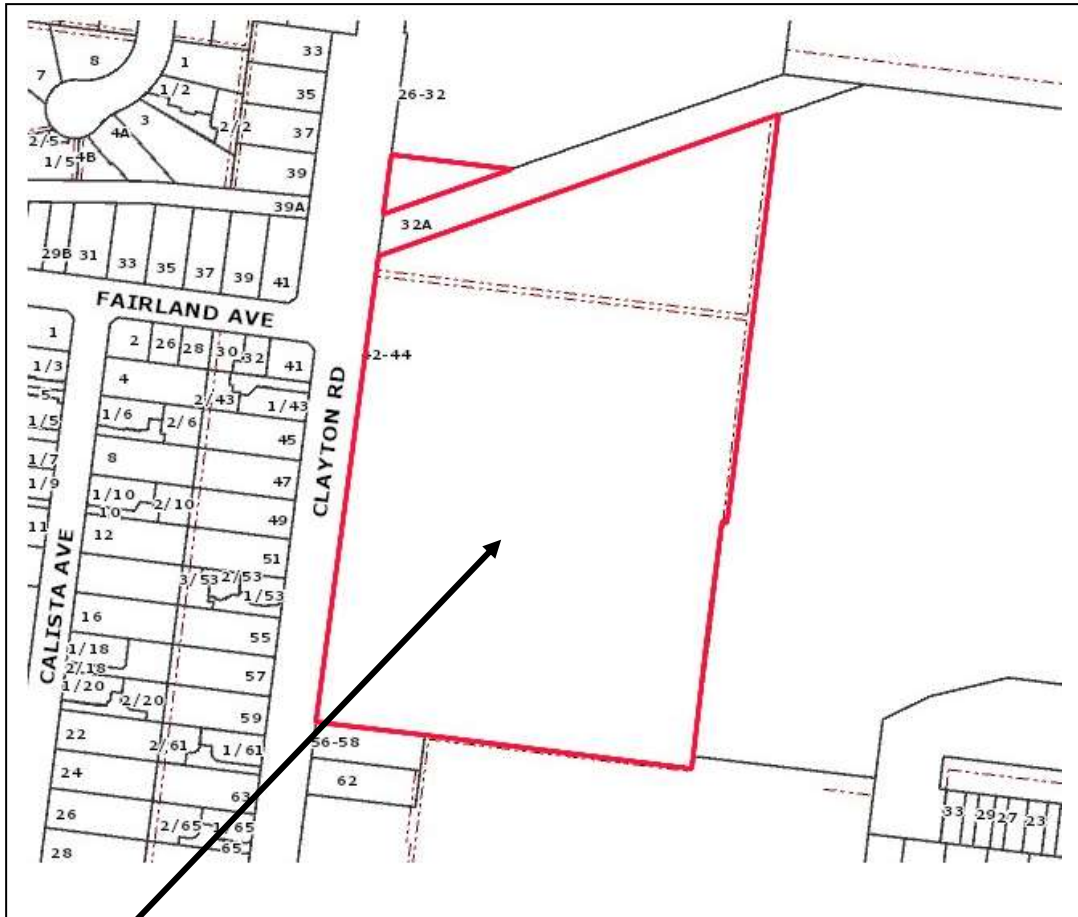
The reason for presenting this report to Council is the proposed development cost of \$260 Million.

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:	Catherine Sherwin
RESPONSIBLE PLANNER:	Anne Maree Roberts
WARD:	Oakleigh
PROPERTY ADDRESS:	34-54 Clayton Road, Clayton
EXISTING LAND USE:	Offices and warehouses
PRE-APPLICATION MEETING:	Yes

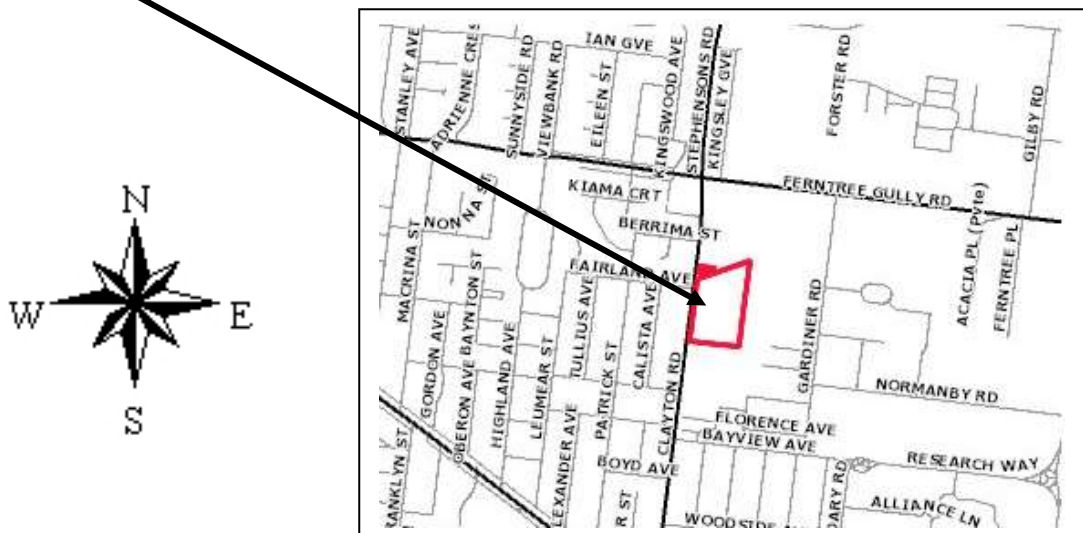
NUMBER OF OBJECTIONS:	Four (4)
ZONING:	Special Use Zone, Schedule 6
OVERLAY:	Design and Development Overlay, Schedule 1
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.02-1S- Supply of Urban Land Clause 13.04-1S- Contamination and Potentially Contaminated Land. Clause 15.01-1S&R- Urban Design Clause 15.01-002S- Building Design Clause 15.01-4S & R- Healthy Neighbourhoods Clause 15.02-1S- Energy and Resource Efficiency Clause 17.01-1S&R- Diversified Economy Clause 17.02-1S- Business Clause 18.01-1S- Land Use and Transport Integration Clause 18.02-1S & R- Sustainable Personal Transport	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement) Clause 21.05- Economic Development Clause 21.07– Business Parks and Industry Clause 21.08 - Transport and Traffic Clause 21.10 – Open Space Clause 21.13- Sustainability and Environment Clause 22.02- Monash Technology Precinct Policy Clause 22.03- Industry and business development and character policy Clause 22.04- Stormwater Management Policy Clause 22.13- Environmentally Sustainable Development Policy <u>Particular Provisions</u> Clause 52.06- Car Parking Clause 52.17-1 -Native Vegetation Clause 52.29 – Land Adjacent to the Principal Road Network Clause 52.34- Bicycle Facilities Clause 53.18- Stormwater Management in Urban Development Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	15 May 2022
DEVELOPMENT COST:	\$260 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/51900) for buildings and works associated with the staged development of the land including eight buildings across the site (ranging from 3 to 11 storeys in height) for use as office, residential hotel, retail premises (including food and drink premises), showroom, gymnasium and childcare centre, an associated reduction in the statutory carparking requirements, removal of native vegetation, and alteration of access to land in a Transport Zone 2, at 34-54 Clayton Road, Clayton to be generally in accordance with the plans prepared by Rothe Lowman Architects (Revision B dated 10 March 2022) subject to the following conditions:

Amended Plans Required

1. Before the development commences, an amended staging plan must be submitted to and approved by the Responsible Authority. The Plan must be generally in accordance with the staging plan prepared by Rothe Lowman Architects dated 22 March 2022, but modified to show:
 - a) Access and traffic works to Clayton Road to be included within Stage 1 of the development;
 - b) A detailed schedule of all works to be included in each stage;
 - c) Staging plans showing the areas of each basement level to be completed in each stage, including the number of car parking spaces to be completed; and
 - d) Clear staging plans showing which areas of internal accessways are to be completed in each stage.
2. Before the development of each Stage starts, amended plans of that Stage 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 for **Stage 1** must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Realignment of the existing title boundary along Clayton Road to include the footpath location, provision of deceleration lanes and associated pedestrian crossings within the jurisdiction of Council/ Department of Transport.
- b) All changes to the traffic signals and site access arrangements as required by the Department of Transport in their letter dated 29.07.2021.
- c) Details of the footpath and naturestrip works, bus shelter works, access arrangements at the northern and southern access points (which should include physical aboveground devices within the site

to emphasise any turning movement restriction), and the Fairland Avenue left-in-left-out traffic treatment.

- d) Relocation of the existing bus shelter (located south of Fairland Avenue within the property boundary) or provide and install a new bus shelter to serve the relocated southbound bus stop, to Council's satisfaction at the developers cost and at no cost to Council.
- e) A minimum of 291 car spaces to be provided in the Stage.
- f) The relocation of the accessible car spaces within the Basements to improve ease of access and use.
- g) Details of the treatment at the internal cross intersection, generally in accordance with Figure 4 of the November 2021 traffic advice from Traffix Group dated 22.11.2021.
- h) Full detailed plans and elevations of Building C and H including internal layouts and a full materials schedule including colour swatches.
- i) A corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep (within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.
- j) Details of bicycle spaces including End of Trip facilities to be in accordance with Clause 52.34
- k) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture.
- l) An Automatic Number Plate Recognition (ANPR) system to be installed at each basement car park access and to be in operation prior to the commencement of the uses.
- m) The location of existing Council street trees proposed to be removed on the proposed site plan.
- n) The existing easement Number E2 shown as running east – west to be relocated to run along the rear boundary.
- o) The width and location of the proposed new easement along the eastern boundary.
- p) A Landscaping Plan in accordance with Condition 6 of this Permit.
- q) A Tree Management Plan in accordance with Condition 8 of this permit.
- r) A Waste Management Plan in accordance with Condition 10 of this permit.

- s) A Sustainable Management Plan in accordance with Condition 14 of this permit.
- t) A Wind Impact Assessment in accordance with Condition 19 of this permit

The plans for **Stage 2** must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Full detailed plans and elevations of Building D and E including internal layouts and materials schedule including colour swatches.
- b) A minimum of 1,468 car spaces to be provided on site after completion of Stage 2.
- c) Details of bicycle spaces including End of Trip facilities to be in accordance with Clause 52.34
- d) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture
- e) A Landscaping Plan in accordance with Condition 6 of this Permit.
- f) A Waste Management Plan in accordance with Condition 10 of this permit.
- g) A Sustainable Management Plan in accordance with Condition 14 of this permit.

The plans for **Stage 3** must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) Full detailed plans and elevations of Building F and G including internal layouts and materials of construction.
- b) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture
- c) A minimum of 2092 car spaces to be provided on site after completion of Stage 3.
- d) Provision for a black plastic coated chain wire mesh fence with a minimum height of 1.8 metres adjoining the Carlson Avenue Reserve.
- e) Details of the pedestrian link and gate to the Carlson Avenue Reserve is to be shown and to be located clear of any sporting fields. The gate is to inward opening and a maximum width of 1 metre.
- f) Details of bicycle facilities and End of Trip facilities in accordance with Clause 52.34.
- g) A Landscaping Plan in accordance with Condition 6 of this Permit.

- h) A Waste Management Plan in accordance with Condition 10 of this permit.
- i) A Sustainable Management Plan in accordance with Condition 14 of this permit.

The plans for **Stage 4** must be generally in accordance with the submitted plans known as Revision B, dated 10 March 2022 but modified to show:

- a) The removal and relocation of the four at grade parking spaces provided in the setback area of the southern boundary and this area to be provided with landscaping.
- b) A minimum of 2,450 car spaces provided on the site.
- c) Full detailed plans and elevations of Building A and B including internal layouts and materials of construction.
- d) Details of bicycle facilities and End of Trip facilities in accordance with Clause 52.34.
- e) Details of the construction techniques to protect and minimise the risk of the trees to be retained with the development.
- f) The integration of all proposed service structures into the site, using materials which help blend these structures into the building's overall architecture.
- g) A Landscaping Plan in accordance with Condition 6 of this Permit.
- h) A Waste Management Plan in accordance with Condition 10 of this permit.
- i) A Sustainable Management Plan in accordance with Condition 14 of this permit.
- j) An Acoustic Report detailing construction techniques for the hotel in accordance with Condition 11 of this permit.

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

3. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Sensitive Use

4. Before the development starts (other than for necessary demolition and investigation works forming part of the environmental site assessment process), a Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Preliminary Risk Screen Assessment Statement must be prepared by a suitably qualified environmental professional in accordance with the *Potentially*

Contaminated Land General Practice Note (Department of Environment, Land, Water and Planning, July 2021). The report must include recommendations as to whether the condition of the land requires an Environmental Audit to be conducted taking into account the proposed uses. The permit holder must comply with the findings of the Preliminary Risk Screen Assessment Statement to the satisfaction of the Responsible Authority, including if required the preparation of an Environmental Audit.

5. If, in accordance with Condition 4, an Environmental Audit is required, then before the development starts (other than for necessary excavation, demolition and investigation works) an Environmental Audit must be undertaken pursuant to section 208 of the *Environment Protection Act 2017* and an Environmental Audit Statement prepared and provided to the Responsible Authority.

Where an Environmental Audit Statement is issued for the land in accordance with Condition 4:

- a) The buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority;
- b) Before the development starts (other than for necessary excavation, demolition and excavation works), a letter prepared by an Environmental Auditor appointed under Division 1 of Part 8.3 of the *Environment Protection Act 2017* must be submitted to the Responsible Authority to verify the directions and conditions contained in the Environmental Audit Statement are satisfied; and
- c) Where any condition of the Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council under section 173 of the *Planning and Environment Act 1987*. Where a section 173 Agreement is required, the Agreement must be executed before the development starts (other than for necessary excavation, demolition and excavation works). All expenses involved in the drafting, negotiating, reviewing, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner.

Landscape Plan

6. Concurrent with the endorsement of any plans pursuant to Condition 2 for each stage, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible

Authority. The plan must be generally in accordance with the plan prepared by Site Image and dated 30.11.2020 but modified to show:-

- a) The changes required by condition 2 of this permit.
- b) Full details of proposed terraced seating areas and feature pavilions.
- c) Details of the outdoor gymnasium at the rear of Building A.
- d) The pedestrian link and gate to the Carlson Avenue Reserve to be located clear of any sporting fields and is to include the width and proposed construction materials. The gate is to inward opening and a maximum width of 1 metre.
- e) Full details of all soft and hard landscaping including soil depth for planting above the basement areas.
- f) Schedule of all proposed trees, shrubs, creepers and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material. The choice of trees species shall include avoiding particularly tall trees being planted in the new easement along the rear boundary.
- g) Provision of appropriate species suited to low water use and low ongoing maintenance.
- h) Detail of growing medium, irrigation and drainage of planter boxes and planting within confined spaces.
- i) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

When approved the plan will be endorsed and will then form part of the permit.

7. Before the occupation of the buildings for each Stage allowed by this permit, landscaping works as shown on the endorsed plans for that particular Stage must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

Tree Management Plan

8. Concurrent with the submission of amended plans required by Condition 2 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 47 and 51 (as identified in the Arborist Report submitted with the application, prepared by prepared by Treemap Arboriculture dated May 2020.

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
 - i. Tree protection zones and structural root zones of all trees to be retained,
 - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
 - iii. The type of footings within any tree protection zones;
 - iv. A notation stating all services will either be located outside of the tree protection zones or any services proposed to be located within the tree protection zone will be, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
 - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

9. Concurrent with the endorsement of any plans of any Stage, the owner shall prepare a Waste Management Plan for that stage that provides for the collection and disposal of garbage and recyclables from all buildings within that Stage carried out on the site by an appropriate private contractor. The Waste Management Plan shall provide for:
 - a) The method of collection of garbage and recycling including provision for food organics and green waste;

- b) Designation of methods of collection by private services;
- c) Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- e) Litter management.

A copy of this plan must be submitted to and approved by the Responsible Authority. Once approved the Waste Management Plan will be endorsed and form part of the permit.

Acoustic report

10. Before the plans of Stage 4 are endorsed, an Acoustic Report for the hotel must be submitted to and approved by the Responsible Authority. The Acoustic Report must:

- a) reflect the plans to be submitted under condition 2 of this permit;
- b) recommend all measures necessary to protect all hotel occupants and nearby occupants from noise generated from the mechanical plant equipment and ventilation mechanisms installed or constructed as part of the development (including the lift, residential air conditioner units and commercial plant and equipment);
- c) recommend all measures necessary to protect all hotel occupants within the development from noise associated with Clayton Road and which achieves a noise level of greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- d) detail any required changes to, or describe the further details required to be made to the plans to be submitted under condition 1 of this permit to limit the noise impacts in accordance with relevant guidelines or acoustic requirements.

When approved, the Acoustic Report will be endorsed and will form part of this permit.

11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with on an ongoing basis to the satisfaction of the Responsible Authority.

12. On the completion of any works required by the endorsed acoustic report and before the hotel use commences development, an updated acoustic report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority demonstrating that the required level of noise attenuation has been achieved. The report must:

- a. confirm compliance with relevant conditions of the permit; and

- b. provide measurement data taken from inside the rooms of the hotel demonstrating compliance with relevant guidelines or acoustic requirements of this permit.

The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

Sustainable Management Plan

13. Concurrent with the endorsement of any plans of any Stage, a Sustainable Management Plan (SMP) for that particular Stage 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 report must include, but is not limited to, the following:
 - a. Demonstration of how 'best practice' sustainability measures have been addressed, having regard to the relevant aspects of Clause 21.13 of the Planning Scheme.
 - b. Identify relevant statutory obligations, strategic or other documented sustainability targets or performance standards.
 - c. Document the means by which the appropriate target or performance is to be achieved.
 - d. Identify responsibilities and a schedule for implementation, and ongoing management, maintenance and monitoring.
 - e. Demonstrate that the design elements, technologies and operational practices that comprise the SMP can be maintained over time.
 - f. Any relevant requirements of the Condition 1 sub-clauses hereof.
14. All works must be undertaken in accordance with the endorsed Sustainability Management Plan to the satisfaction of the Responsible Authority. No alterations to the endorsed Sustainable Management Plan may occur without written consent of the Responsible Authority and (to the extent material and necessary) any relevant flow-on changes to the design response must be also incorporated into the endorsed architectural plans.
15. Prior to the occupation of any of the buildings approved under this permit, a report from the author of the endorsed Sustainable Management Plan (or similarly qualified person or company) must be submitted to the Responsible Authority. The report must confirm that (in relation to those relevant completed buildings ready for occupation) all measures specified in the Sustainable Management Plan have been implemented in

accordance with the approved plan to the satisfaction of the Responsible Authority.

Car Park Management Plan

16. Before the use of each Stage commences, a Car Park Management Plan must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan for that particular Stage will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- a) Include provision of an automatic Number Plate Recognition (ANPR) system to be installed at each basement car park access and to be in operation prior to the commencement of the use.
 - b) The number and location of car parking spaces allocated to each tenancy;
 - c) Any tandem parking spaces allocated to a single tenancy;
 - d) The number and location of car spaces for shared use, including time of shared use;
 - e) The methods proposed for the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - f) The Car Parking Management Plan must detail any barrier mechanisms and/or paid parking arrangements within public parking areas;
 - g) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - h) The number and allocation of storage spaces;
 - i) Policing arrangements and formal agreements;
 - j) A schedule of all proposed signage necessary to ensure the safe and smooth operation of the parking including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system;
 - k) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by this Permit; and,
 - l) Details regarding the management of loading and unloading of goods and materials.
 - m) The plan is to regularly reviewed and updated to manage on going parking demands and changes of tenants when required.
17. The provisions, recommendations and requirements of the endorsed Car Park Management Plans must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Impact Assessment

18. Concurrent with the endorsement of plans for Stage 1, a Wind Impact Assessment for the entire development prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority to ensure no unreasonable wind effects occur around and between buildings on and adjacent to the site. The assessment must include a Wind Tunnel Modelling Study to identify and quantify wind impacts. The modelling should be conducted in accordance with the Australasian Wind Engineering Society's (AWES) 'Wind Engineering Studies of Buildings Quality Assurance Manual'.
19. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public lighting plan

20. Prior to the commencement of any Stage of the development, a public lighting plan for that particular Stage must be submitted to and approved by the Responsible Authority. When approved, the public lighting plan will be endorsed and will form part of this permit. The public lighting plan must:
 - a. confirm that all primary pedestrian access to the Land and within the development will be lit by public lighting installations at least to lighting level P4 as specified in the Australian Standard AS 1125.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements;
 - b. confirm that any new poles and luminaries required for the development will be sourced from the relevant power authority's standard energy efficient luminaires list and comply with that power authority's technical requirements;
 - c. include a commitment that the permit holder will ensure (by contacting relevant power authority) that the existing or proposed power supply conforms to "No Go Zone" requirements from the relevant power authority; and
 - d. confirm the supply/installation of any additional/upgraded lighting, electrical hardware and poles will be funded by the permit holder.
21. The provisions, recommendations and requirements of the endorsed public lighting plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

22. Before the use of Stage 1 commences, a Green Travel Plan must be submitted to and approved by the Responsible Authority. When

approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- a) The Green Travel Plan must provide for inclusion of a flexi car scheme associated with the development and other “green travel” initiatives to be made available to visitors and staff associated with the development. Where practical the Green Travel Plan should include synergies with the retail and offices uses also undertaken on the land.
- b) A description of the location in the context of alternative modes of transport;
- c) Details of cycling end of trip facilities provided;
- d) Education and awareness initiatives and incentives for staff and visitors to encourage more sustainable modes of travel to/from the site;
- e) Management practices identifying sustainable transport alternatives;
- f) Consider the provision of electric vehicle charging facilities;
- g) Lobby areas of building to include real time information for relevant public transport services;
- h) Details of bicycle spaces for staff;
- i) Employee public transport packs (i.e. myki cards for new workers); and
- j) An obligation to update the plan not less than every 5 years;
- k) Details of when and how this travel plan will be available for new staff; and
- l) Any other matters to sustainable travel.

23. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Management Plan

24. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:

- a) Appropriate measures to control noise, dust and water and sediment laden runoff;

- b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
- d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
- e) A program for the cleaning and maintaining surrounding road surfaces;
- f) 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;
- g) Measures to provide for public safety and site security;
- h) 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;
- i) A Traffic Management Plan showing truck routes to and from the site;
- j) A 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;
- k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- l) The provision of contact details of key construction site staff; and
- m) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

Storage of Goods

25. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

26. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Number of Children

27. No more than 115 children in care may be present within the childcare facility without the further written consent of the Responsible Authority.

Noise

28. Noise levels generated from the uses on site must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy and should meet accepted sleep disturbance criteria EPA Publication 1254.2 and any other relevant guideline or Australian Standard.

Ongoing Architect Involvement

29. As part of the ongoing consultant team, RotheLowman 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 the 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.

Car parking

30. Prior to occupation of the buildings of any Stage of the approved development, areas set aside for parked vehicles and access lanes associated with the relevant stage 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.

31. The layout of the development shall generally follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme.
32. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
33. Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Loading and Unloading

34. All loading and unloading of vehicles must be carried out within the boundaries of the land and designated loading bays and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Bicycle Parking

35. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Drainage and Stormwater

36. The site must be drained to the satisfaction of the Responsible Authority.
37. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.

Plant / Equipment or features on roof

38. 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.

Service Location

39. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the architectural intent of the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

Landscaping Maintenance

40. All landscaping works shown on the endorsed landscape plans must be maintained and any dead, diseased or damaged plants replaced as soon as practicable, all to the satisfaction of the Responsible Authority.
41. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
42. No building material, demolition material, excavation or earthworks spoil shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.
43. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Removal of Street Trees

44. The existing street trees will be removed and replaced by Council at the cost of the developer prior to the commencement of the development.

Department of Transport Conditions (PPR:33979/20):

45. Unless otherwise agreed in writing by the Head, Transport for Victoria, prior to the commencement of the development, Functional Layout Plans and function stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Clayton Road signalised intersection to the development, to include:
 - i. a southbound bus jump lane.
 - ii. the northern access to the development to be left-out only.
 - iii. a traffic island to enforce left-in-left-out access at the southern access to the development.
 - iv. a left turn deceleration lane for the southern access to the development.
 - v. relocation of the south bound bus stop to the deceleration lane of the southern access to the development.
 - vi. Fairland Avenue access to Clayton Road to be restricted to left-in-left-out only.

- b) Functional Layout Plan and function stage Road Safety Audit of Clayton Road/Ferntree Gully Road intersection to include:
 - i. a new stand-alone left turn lane from Clayton Road (southern leg) to Ferntree Gully Road with the existing shared lane converted to a through lane only.
 - ii. extension of the right turn lane from Ferntree Gully Road (western leg) to Clayton Road.
 - c) Functional Layout Plan and function stage Road Safety Audit of Princes Highway/Clayton Road intersection to include:
 - i. additional right turn lane from Princes Highway (eastern leg) to Clayton Road.
46. Prior to the submission of the Functional Layout Plans for the Princes Highway/Clayton Road intersection, a SIDRA analysis of the Princes Highway/Clayton Road intersection must be conducted to determine the length of the right turn lanes from the eastern leg of Princes Highway to Clayton Road, to the satisfaction of and at no cost to the Head, Transport for Victoria.
47. Prior to the commencement of any roadworks, the applicant must submit the detailed engineering design plans and traffic signal plan along with detailed design stage Road Safety Audit to the Head, Transport for Victoria for review and obtain written approval. The detailed design plans and traffic signal plan must be prepared generally in accordance with the approved functional layout plan and functional stage Road Safety Audit.
48. Prior to the occupation of the development, access to Fairland Avenue must be restricted to a left-in-left-out only by a traffic island to the satisfaction of the Responsible Authority.
49. Prior to the occupation of the development, all the required roadworks as per the above conditions must be constructed in accordance with the approved detailed design plan to the satisfaction and at no cost to the Head, Transport for Victoria.
50. Prior to the occupation of the development, the north bound bus stop and shelter and associated infrastructure must be relocated and constructed in accordance with PTV Standard Drawing No. STD_S0062, STD_S0063 and STD_S0064 – for pole, pole sleeve, TGSIs, concreting and grade requirements, all to the satisfaction of and at no cost to the Head, Transport for Victoria.
51. The demolition and construction of the development must not disrupt bus operations on Clayton Road without the prior written consent of the Head, Transport for Victoria.

52. Any request for written consent to disrupt bus operations on Clayton Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Melbourne Water Conditions Ref MWA-1207630

53. Prior to the commencement of works, a separate build over/land access application shall be made directly to Melbourne Water's Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water's drain/land.
54. Prior to the commencement of works, a separate application direct to Melbourne Water's Asset Services Team must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

Satisfactory Continuation of Uses and Completion of Development

55. Once the development and uses have commenced they must be completed and/or continued to the satisfaction of the Responsible Authority.

Expiry of permit

56. 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 has not started before 4 years from the date of issue.
 - b) The development is not completed before 6 years from the date of issue.
 - c) The use is not started before 6 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 use or 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 for the works must be obtained prior to the commencement of the approved works.
- B. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

- C. Council's Horticultural Department must be contacted regarding the removal of the street trees proposed.
- D. Before the development of each Stage starts, a site layout plan for that Stage drawn to scale and dimensioned must be approved by the Responsible Authority. The plans must show a drainage scheme providing for the collection of stormwater within the Stage and for the conveying of the stormwater to the nominated point of discharge.
- E. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.
- F. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.
- G. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- H. Prior to the issue of a building permit, the owner must obtain the consents of all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.
- I. A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).
- J. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, street trees, kerb and channel to the satisfaction of the Responsible Authority.
- K. The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.

Department of Transport Notes:

- A. The proposed development requires the modification of a crossover. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.
- B. The permit holder should obtain Council's opinion about the bus shelter type would most likely need to be as Monash City Council requirements.

BACKGROUND:**History**

Council's aerial photographs and records show that the land has been used for industrial and commercial use from the 1960's with four large commercial buildings constructed along the Clayton Road frontage and large expanses of vacant land used for car parking. Additional buildings were constructed in the 1970's. More recent planning permits have been issued for the construction of new buildings and modifications to existing buildings on the site including:

- TPA/23795 – 15.07.1997 -Construction of two new buildings
- TPA/26175 – 01.09.1999 -Modifications to layout including internal layout
- TPA/27220 – 07.07.2000 -Modifications to layout including internal layout
- TPA/43490 – 14.07.2015 Construction of new warehouse.

The Site and Surrounds

The site is located on the eastern side of Clayton Road approximately 270 metres south of Ferntree Gully Road and 820 metres north of Dandenong Road. The consolidated site is formally described on title as CP159395 and is irregular in shape with an overall area of approximately 37,580 square meters.

There is a small triangular shaped portion of land segregated from the remainder of the site due to a Melbourne Water easement. This section of the site is located in the north-west corner with a frontage of 25 metres to Clayton Road and is an area of 645.4 square metres. This land and the carriageway easement is utilised for car parking used by Melbourne Water (associated with 1 Gardiner Road).

The substantive part of the site has a frontage to Clayton Road of approximately 195 metres with a length along the eastern (rear) boundary of 275 metres and length of 157 metres along the southern boundary, including a partial abuttal to Carlson Reserve. The land has a fall from south to north of approximately 4 metres across the front of the site and 2.8 meters across the rear.

The site has five separate existing vehicle access points to Clayton Road.

A 2.44 metre wide easement runs east to west through the middle of the site. There is a second 2.44 m wide easement that runs north to south along part of the

eastern (rear) boundary. A separate application will be required to relocate the central easement to the rear boundary.

The site is developed with various two to three storey offices and warehouses with large areas of sealed land used for car parking. The buildings do not have a consistent height, appearance or setback from Clayton Road. Along various sections of the frontage are parking spaces with minimal landscaping in the front setback. There is a high cyclone wire fence across the length of the frontage

A total of 67 trees are scattered across the property, of which 5 have been assessed as suitable for retention. The most significant tree is a *Eucalyptus mannifera* (Brittle Gum) located in the rear south east corner of the site.

Within the frontage of the site is a bus stop to Clayton Road comprising of a shelter, bench seat and associated hard standing area.

Surrounding development is mixed in use and scale. Residential development is located to the west comprising of a mixture of the original single storey dwellings amongst more recent double storey, medium density developments. Land to the south is residentially zoned to allow for some increased densities, particularly closer to Monash University.

Commercial and industrial uses are located to the north and further east, and as has been seen throughout the Monash NEIC (National Employment and Innovation Cluster) older building stock is being replaced with newer buildings and uses of higher yield and intensity.

The adjoining properties are developed as follows:

North – There are two properties along the northern boundary:

32A Clayton Road adjoins the majority of the length of the northern boundary and is a narrow strip of land managed by Melbourne Water and is used for carparking. The easement effectively divides the subject site into two parcels with the small triangular section to the north and the main, larger portion of the site to the south.

26-32 Clayton Road occupies a length of approximately 56 metres north of the small triangular section of land and is occupied by a two storey office and warehouse development with car parking and limited landscaping in the front setback.

East – 1 Gardiner Road to the rear of the site is owned and occupied by Melbourne Water and supports two significant above ground water tanks. The tanks are approximately 7,000 square metres in area with a height of 10 metres. The land has an area of approximately 60,000 square metres and other than the water tanks, is undeveloped. Along the common boundary is a row of established canopy trees.

South – There are two properties adjacent to the southern boundary:

The properties at 56-58 and 62 Clayton Road are in the same ownership as the subject site. Council records show that the land was previously used for storage of goods and carparking associated with the subject site. The property supports a single storey dwelling with the remainder vacant land. The site is located within the General Residential Zone, Schedule 6. At the meeting of 30 November 2021 Council issued Planning Permit TPA/51802 for the development of a three storey apartment building with a basement car park. Development plans are yet to be endorsed and works have not commenced.

Carlson Reserve also abuts the site which supports a large public open space, inclusive of sporting grounds, tennis courts, associated change room facilities and car parking. There are several sporting fields adjoining the boundary of the site. Council has recently provided funding for upgrades to Carlson Reserve with plans that will eventually see a relocation of the existing cricket nets, a shift of the soccer pitches to allow for two fields running north-south among other things. The playground at the reserve has recently been upgrade and has been opened for use.

West - Across Clayton Road and the wider area is residential comprising of the original single storey detached dwellings with more recent double storey multi dwelling developments.

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

PROPOSAL:

The application is for the staged construction of eight mixed use buildings ranging in height from 3 storeys to 11 storeys. The buildings seek to accommodate office, residential hotel, food and drink premises, showrooms, restricted recreation facility (gymnasium), childcare centre and removal of native vegetation. The development is proposed to be completed over 4 stages.

A total of 2,450 car parking spaces are to be provided on the site including 2,275 car spaces within a three level basement car park. The balance of 130 car parking spaces are proposed to be provided at grade. The application is seeking waiver of 29 car spaces.

The plans provided are essentially a master plan and concept designs with total floor areas, setbacks, height and car parking detailed. Detailed elevations and internal layouts have not been prepared at this stage and would be subject to further approval in the event that this overall master plan proposal receives a permit and in response to the needs of proposed occupants

The application proposes significant traffic works including a new signalised intersection to be created on Clayton Road to provide primary vehicle access to the site. This also involves a bus 'jump' lane through the intersection. Additional

secondary access points would be created north and south of the site on Clayton Road with internal access roads to accommodate two way traffic through the site. Pedestrian walkways are located at ground level throughout the site providing connectivity to the buildings.

It is proposed to remove the majority of the existing trees and vegetation on the site, including some native vegetation comprising of one small patch of native vegetation of approximately 8 square metres and two individual native herbs.

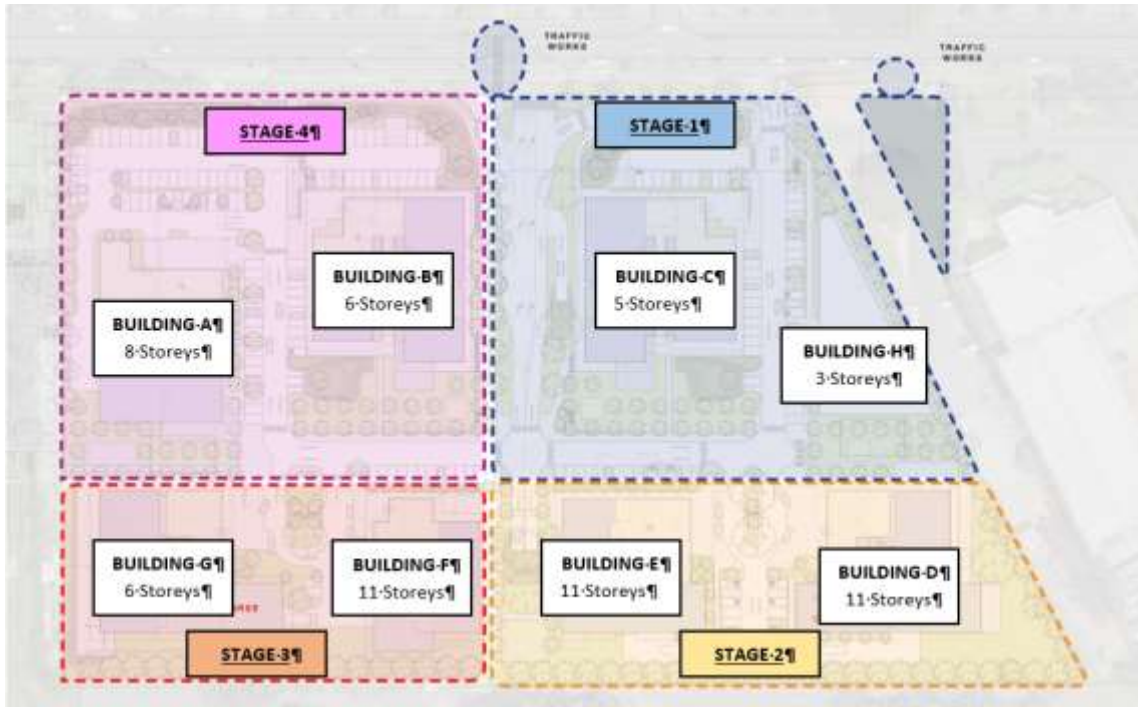
There are no works proposed to the triangular piece of land. This will remain as car parking which is currently used by Melbourne Water.

In summary, the development is summarised as follows:

PROPOSED USE	FLOOR AREA
Office	65,249 square metres
Restricted Retail -Showroom	1,783.5 square metres
Retail - Café/Food and drink premises	1,558 square metres
Hotel (153 suites)	10,406 square metres
Child Care Centre (115 places)	860 square metres
Gymnasium	348 square metres

CARPARKING	NUMBER OF SPACES
Basement 3	200
Basement 2	1085
Basement 1	1035
At Grade	130
TOTAL PROVIDED	2450

The diagram below outlines the proposed staging of the development.



The table below summarises the buildings and works proposed under each Stage.

STAGE NUMBER OF DEVELOPMENT	BUILDING & WORKS	USE
Stage 1	Traffic works Building C Building H	Roads and access, basements Office, Food & drink, showroom Food & Drink, Child Care Centre
Stage 2	Building D Building E	Office, Food & drink, showroom Office & Showroom
Stage 3	Building F Building G	Office, Food & Drink Office, Food & Drink, Gym
Stage 4	Building A Building B	Hotel Office, Food & drink, showroom

More specifically:

Stage 1 - Buildings C and H and traffic works

Traffic Works

- Removal of the existing footpath and naturestrip including the removal of six Council street trees along Clayton Road.
- Realignment of the title boundary along Clayton Road to accommodate new transport infrastructure to provide new intersection, footpath, naturestrip and bus shelter.
- Creation of a new signalised intersection from the site with Clayton Road as the primary vehicle access to the site.

- The traffic measures include the provision of formal left-turn deceleration and right-turn deceleration lanes. Exit lanes will include a double right-turn out arrangements with a separate lane for left-turn movements.
- A bus 'jump' lane through the intersection is provided for the southbound lanes of Clayton Road.
- Additional secondary access points would be created to the north and south of the primary accessway towards the northern and southern boundaries of the site.
- The proposed crossovers would include for left-in and left-out only movements for the southern opening and left-out only for the northern access.
- Construction of internal roads and basement car parking.
- Relocation of the existing bus stop and shelter.

Building C

- A 5 storey building located at the front of the site, within the north west corner of the site and set back 27 metres from Clayton Road.
- A retail area of 187 square meters for ground food and drink premises and 622 square metres for showroom.
- Four floors of office space with combined net floor area of 6,257 square metres.
- A row of at grade parking with loading facilities along the western interface setback 20 metres from the Clayton Road frontage and accessed from the new northern crossover and entrance to the site.
- The new central vehicle access will run between this building and Building B of Stage 4 This access widens to four lanes to allow left turn exit out into Clayton Road, two right exit lanes and an entrance lane into the site.
- To the rear of the building is a generous landscaped area and provision for outdoor dining and terraced seating.

Building H

- A 3 storey building which is located 3 metres from the northern boundary and approximately 30 metres from Clayton Road.
- The building is to the north of Building C by approximately 20 metres with at grade parking spaces and pedestrian walkways between the two buildings.
- Ground floor provides for food and drink premises of 423 square metres, child care centre of 256 square metres and terrace area 257 square metres.
- First and second floors to provide for a child care centre with an overall floor area of 604 square metres and terrace area 604 square metres.
- A Child care centre is proposed to cater for 115 children.

Stage 2 - Buildings D and E

Building D

- The building is located in the north east corner of the site and is setback 16.4 metres to the rear of Building H in Stage 1.
- Generous landscaping areas including a feature pavilion separate to the building from the rear of Building H.
- The building has a minimum ground floor setback of 13.8 metres from the rear boundary. The setback from the rear boundary is reduced to 6.065 metre from level 1 through to level 10.
- At ground floor there is an area of 207 square metres as showroom and a retail area with a floor area of 258 square metres to provide a food and drink premises plus additional outdoor areas.
- All other floors provide for office space with a combined floor area of 18,348 square metres.

Building E

- The building is setback a minimum of 29.3 metres to the rear of Building C in Stage 1 and is located 19.7 metres to the south of Building D.
- There is an internal two way vehicle link roadway and a row of at grade parking with loading facilities in between the two buildings in Stage 2.
- The building has a minimum ground floor setback of 14.25 metres from the rear boundary. From level 1 through to level 10 the setback from the rear boundary is reduced to a minimum of 6.58m and ranges to 13.7 metres for all levels.
- At ground floor there is a showroom with a floor area of 332.3 square metres.
- All other floors provide for office space with a combined floor area of 14,252 square metres.

Stage 3 –Building F and G

Building F

- Building F is located a minimum of 18 metres to the south of Building E in Stage 2 with the two buildings separated with a substantial area of landscaping featuring a community garden.
- The building has a minimum ground floor setback of 8 metres from the rear boundary.
- From level 1 through to level 9 the setback from the rear boundary is reduced to a minimum of 5.4 metres and ranges to 11.8 metres for all levels.
- At level 10 the setback from the rear boundary increases to approximately 12 metres.
- At ground floor there is a retail area for a food and drink premises with a floor area of 204 square metres.
- All other floors provide for office space with a combined floor area of 10,194 square metres.

Building G

- Building G is located in the south eastern corner of the site with an interface to the Carlson Avenue Reserve along the southern boundary.
- The building has a minimum ground floor setback of 9.37 metres from the southern boundary and a minimum of 7.7 metres from the rear (eastern) boundary.
- At first, second and third floor the setback from the Reserve is reduced to 7.1 metres.
- At fourth floor the setback is increased to 9.25 metres and increases to 21 metres at the and fifth and six floors.
- The ground floor provides for a gymnasium with a floor area of 348 square metres and food and drink premise with a floor area of 280 square metres.
- All other floors provide for office with a combined floor area of 7,045 square metres.
- The building is separated from Building F a distance ranging from 19.2 metres to 27.9 metres to accommodate substantial landscaping, access to at grade car spaces, loading facilities and a vehicle turn around area along the southern side of the Building F.

Stage 4 – Building A and B

Building A

- Building A is located in in the front south west corner of the site and is to provide for a hotel with 153 rooms, restaurants and conference facilities.
- The building is setback 38.6 metres from Clayton Road with at grade parking setback 20 metres from the property frontage with access via the new southern vehicle entrance.
- There is provision for a drop off zone and circular driveway in the front of the hotel.
- The building has varying setbacks from the southern boundary that adjoins both the residentially zoned property at No 56 Clayton Road (in the same ownership as the subject site) and the car park of the Carlson Avenue Reserve. The setback at ground and first floor is 10.2 metres and for the upper floors varies from 8.44 metres to 24.9 metres.
- The building is setback from Building G a distance of 16.1 metres with a landscaped area providing for an outdoor eating area and outdoor gymnasium between the buildings.

Building B

- Building B is setback 27.5 metres from Clayton Road and located 22.27 metres north of Building A (the hotel) and 28.3 metres south of Building C in Stage 1.
- The new central vehicle access will run between Buildings B and C (Stage 1) and widens to four lanes to allow left turn exit out into Clayton Road, two right exit lanes and an entrance lane into the site.
- There is a row of at grade parking setback along the western interface of the building and setback 20 metres from the frontage.

- The building provides for 187 square metres of food and drink premises and 622sqm of showrooms at the ground floor.
- Includes 5 floors of office with a combined floor area of 9152 square metres.
- To the rear of the building is an outdoor eating area and substantial open space and landscaped area featuring terraced seating.

Attachment 1 – Proposed Development Plans.

PERMIT TRIGGERS:

Zoning

The subject site is zoned Special Use, Schedule 6 under the provisions of the Monash Planning Scheme.

Pursuant to Clause 37.01-4 a permit is required to construct a building or construct or carry out work within the zone.

A Permit is not required for use of the land for an office within the Special Use Zone, Schedule 6. A permit is required for the use of the land for a Residential Hotel, Retail Premises (including Food and Drink Premises), showrooms, Childcare Centre and a Restricted Recreation Facility.

Overlays

The subject site is affected by Design and Development Overlay – Schedule 1 – Industrial and Commercial Design and Development Area (DDO1). Pursuant to Clause 43.02-2 a permit is required to construct buildings and works.

The Schedule to the Overlay prescribes discretionary controls with respect to the setback of buildings, car parking areas and front fencing.

Particular Provisions

Clause 52.06 (Car Parking) - The application seeks a reduction of 29 spaces to the standard car parking space requirement of Clause 52.06.

Clause 52.34 (Bicycle Facilities) - a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. Indicative bicycle parking areas have been nominated but details of the facilities have not been provided at the master plan stage. Therefore a Planning Permit is not sought under this provision.

Clause 52.17-1 (Removal of Native Vegetation) - a permit is required to remove, destroy or lop native vegetation including dead native vegetation.

Clause 52.29 (Alteration of access to Transport Zone 2) – a permit is required for alterations of vehicle access to Clayton Road.

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

CONSULTATION:

Public Notice

The original application was advertised in April 2021 in accordance with Section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners/occupiers and displaying three signs on the Clayton Road frontage.

This application sought approval for the construction of buildings up to 13 storeys in height and seeking a car parking reduction in the requirements of the Planning Scheme of 271 car spaces.

No objections were received to the proposal and one letter of support was received.

Two online Information Sessions were held in April 2021 during the public notification period and were attended by 3 residents.

Additional Consultation

In December 2021 a further letter was sent to a wider area of residential properties as a result of the permit conditions required by the Department of Transport as a referral authority. In particular, one of the conditions requires no right turn movement from Fairland Avenue into Clayton Road. Due to the implications of the significant changes on the local street network, the letter was sent to a wider range of property owners and residents from those originally notified.

As a result of the mail out, four (4) written objections were received and in summary raised the following issues:

- Timing of notification leading up to the Christmas period.
- Concern regarding restrictions to vehicle movements from Fairland Avenue.
- Height of the proposed development (no greater than 3 storeys).
- Negative impact on property values.
- Traffic generation (from proposed development and changes to Fairland Avenue).

A letter of support was received from the owner of a local business in favour of allowing a pedestrian access through the Reserve providing access to the proposed uses including the hotel and child care centre for residents in the neighbouring area.

Section 57A Amended Plans

The applicant has been in ongoing discussion with Council Officers following notice regarding the excessive height, unsatisfactory car parking response and the

potential visual and overshadowing impacts to the Carlson Avenue Reserve along the southern boundary.

The application was formally amended on 16 March 2022 to reduce the height of the three tallest buildings from 13 to 11 storeys and increase the car parking on site by providing a third basement level for an additional 200 onsite car spaces. The plan also increases the setback of Level 4 by 2.1 metres of Building G. This combined with the reduced height of Building F will reduce the overshadowing to the adjacent Reserve.

The amended plans were not advertised as the changes were considered to be an improvement on the original plans and will not result in any additional material detriment from the original plans advertised.

The Applicant has been formally advised that this application is coming to the April Council meeting and a letter has been sent advising of the details of the meeting. The Applicant has been advised that the application is recommended for approval subject to conditions, and an outline of the conditions on the proposal has been explained.

Attachment 4 details the location of objector properties.

Referrals

External Referral

Department of Transport (Ref PPR 33979/20)

The application was required to be referred to the Department of Transport pursuant to Clause 52.29 for alteration to the vehicle access to a Transport Zone 2 (Clayton Road) and pursuant to Clause 66.02-11 due to the proposed office leasable floor area exceeding 10,000 square metres. The Department advised of no objection subject to the inclusion conditions. In particular the following:

“Given the location of the primary signalised access to the development on Clayton Road, right in and out movements at Fairland Avenue have potential safety issue and will also affect the operation of the signals. Therefore, DoT requires that access to Fairland Avenue must be restricted to left-in left-out only. Council may need to notify the wider community who may be affected by the road becoming left in left out only.

The development will result in a certain level of impact to the nearby road network, particularly Princes Highway/Clayton Road intersection and FTG Road/ Clayton Road intersection. The Head, Transport for Victoria considers that mitigation works are required to address these impacts.”

The Department provided further advice on the 23 February 2022 in response to the amended plans received to provide a further 200 car spaces on site and advised:

1. *“Clayton Road has the capacity to absorb the extra traffic resulting from the additional 200 parking spaces without impacting the network.*
2. *The impact on the signalised intersection on Clayton Road will be minimal. Moreover, the signalised intersection on Clayton Road has been designed to accommodate a bus jump lane for southbound lanes, left-in/left-out configuration for southern access including central island and deceleration lane, southbound bus stop relocated to turn lane of southern entry, and northern access reduced to left-out only, as recommended by DoT. Therefore, the intersection has no room to accommodate additional mitigation measures even any are required.”*

Melbourne Water (Ref 1207630)

Melbourne Water was notified of the application as an adjoining owner to the land during the public notification process. The Authority has advised of no objection subject to the following conditions:

1. *Prior to the commencement of works, a separate build over/land access application shall be made directly to Melbourne Water’s Asset Services Team for assessment and approval of any proposed works over or near Melbourne Water’s drain/land.*
2. *Prior to the commencement of works, a separate application direct to Melbourne Water’s Asset Services Team must be made for any new or modified storm water connection to Melbourne Water’s drains or watercourses.*

Department of Environment, Land and Water Planning (Ref SP476758 E)

The application was referred to DELWP for the removal of native vegetation in accordance with Clause 52.17-1 of the Planning Scheme. The Department confirmed that referral is not required due to a ‘Detailed Assessment Pathway’ not being required.

Suburban Rail Loop Authority

Although not a referral authority under the Monash Planning Scheme, the application was referred to the SRLA due to the site’s location. The Authority has advised that the site is not of interest in respect of protecting proposed underground infrastructure.

Internal Referral

Traffic Engineer

Council’s Traffic Engineers raised concern regarding the initial reduction of 271 car spaces.

The plans were amended to reduce floor area and provide additional parking in the form of a third basement level. The revised shortfall of 29 spaces was considered satisfactory after consideration of the following:

- The ‘shared’ parking spaces are expected to be in highest demand during normal business hours. This includes office visitors, some staff and all visitors

to showrooms staff and visitors to food & drink premises), gym staff and childcare staff. Overall, the long-term staff parking demand at ground level is around 35 spaces, allowing 95 spaces for shared customer use.

- The majority of childcare drop-off and pick-up demand is expected to occur outside normal business hours and parking within the ground level shared spaces is likely to be available. Most parents are expected to be working at the site where they would have access to long-term parking within the basement car park.
- The majority of gym visitor demand is also expected to occur outside normal business hours and primarily be drawn from employees working at the site.

With an estimated 95 spaces available for visitor use across the site and the peak is unlikely to reach 100% the overall site parking provision is satisfactory.

It is recommended that a Car Parking Management Plan which is regularly updated should be required as part of the permit conditions, to assist with managing changes in tenants and parking demands over time.

Council's Engineers have also recommended conditions requiring amended plans which are discussed later in this report. The conditions are to include detailed layout plans showing all the traffic required by DoT, works on the naturestrip and footpath realignment.

Drainage Engineer

The application proposes a major upgrade to the drainage system on the site that also includes the relocation of the existing easement through the middle of the property. The Drainage Engineers have advised that the concept plans including providing a new easement along the rear boundary are satisfactory and detailed plans would be required showing full construction details.

Waste Services

A Waste Management Plan presenting an overall strategy for the site was submitted and was referred to Council's Waste Services. The plan nominates the use of private collection with the occupiers of each building to nominate a provider. In the event that a permit is issued for the master plan, detailed Waste Management Plans would be required to be submitted for each stage of approval to satisfy Council's requirements.

Recreation and Open Space

Council's Recreation Services raised concerns with the overshadowing from the development and impacts to the Carlson Reserve (particularly during winter). Specific concerns related to potential shadow impacts to the future location of soccer pitches which would be in close proximity to Building G. Concern was also raised that the plans originally proposed open terraced areas and direct access to the reserve. It has been recommended that a mesh fence (minimum of 1.8 metres high) needs to be provided for safety. It was also recommended that the pathway

from the site to the reserve should be relocated further westwards to provide a link to a future circuit pathway and minimise safety risk for employees / patrons from balls. The mesh fence and pathway will be conditioned and the overshadowing is detailed further below.

Horticultural Services

The application will require the removal of six existing street trees along the Clayton Road frontage to allow for the new intersection works and realignment of the footpath. Council's Horticultural Services has advised that there are restrictions of new street tree planting on arterial roads by the Department of Transport and replacement planting may not be appropriate. Amenity values will apply for removal.

Strategic Planning

Council's Strategic Planning Department raised concern with the originally submitted plans as follows:

- Building height at 13 storeys too high
- Future use and number of commercial retail areas.
- Overshadowing and impact to the Reserve due to the setback of 7.1 metres for all upper levels.
- Building footprint of the basement car park and the ability to provide effective landscaping.

The revised plans being considered have addressed these concerns by reducing the height of the three tallest buildings and increasing the upper level setbacks of Building G to reduce overshadowing and the visual impact to the Reserve. The plans also replace areas originally proposed as "restricted retail" with showrooms which is considered to be more in keeping with the policy relating to the High Technology Precinct. The basement was also revised and further details provided to accommodate deep soil planting. This is discussed later in the report.

DISCUSSION:

Planning Policy Framework (PPF)

"Plan Melbourne: Metropolitan Planning Strategy 2017 -2050" is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

- *"Strengthen the competitiveness of Melbourne's employment land.*
- *Plan for jobs closer to where people live.*
- *Facilitate the development of national employment clusters."*

Plan Melbourne Refresh also identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (MNEIC). The MNEIC is Melbourne's largest established cluster, representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses.

The Monash Technology Precinct forms part of the Monash National Employment and Innovation Cluster (NEIC) providing for a mix of education and research organisations, corporate headquarters and industry.

Relevant policy aims to ensure that there is sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1s). The framework also aims to protect and strengthen existing and planned employment areas and plan for new employment areas to allow growth in a range of employment sectors. It is also encouraged to improve access to jobs closer to where people live. The location of the proposed development within the Monash Technology Precinct and the Monash Employment Cluster is considered strategically appropriate. Clause 17.02-1S (Business) also seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial use.

The proposed development and uses are consistent with the abovementioned policy and objectives. The proposed use and development will complement and serve existing businesses within the surrounding and wider vicinity. The proposal will provide complementary services to the surrounding employment precinct and continued investment in the area.

Urban design strategies set out at Clause 15.01-1S and 15.01 -R seek that developments respond to site context and improve the quality of living and working environments. Development should support public realm amenity and safe access to walking and cycling environments and public transport. The design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, needs to be of a high standard and provide landscaping that supports the amenity, attractiveness and safety of the public realm.

The submitted proposal is an attractive and distinctive design response appropriate on a large and underused site. Clayton Road is identified as an arterial road where more intensive built form outcomes are sought including buildings of scale within deep landscaping setbacks. The proposed development is consistent within these outcomes.

Clause 13.04-1S (Contaminated and potentially contaminated land) requires planning to follow best practice for environmental risk management to ensure that contaminated and potentially contaminated land is used and developed safely.

Due to the proposed redevelopment to provide for open space and a sensitive use (child care centre) and the previous industrial use on part of the site, an environmental assessment is required to be provided. The report by Compass Environmental has identified the site as high risk for presence of contamination. Therefore it will be necessary to undertake a "Preliminary Risk Screen Assessment" as a condition on permit. This process requires an EPA (Environmental Protection Authority) appointed Environmental Auditor to review the available information as part of a PRSA, and then further determine whether a full environmental audit is

required. The EPA Auditor will assess the relevant environmental matters specific to the site then determine any outcomes or requirements. This will be a permit requirement.

Special Use Zone, Schedule 6

The site is located within the Special Use Zone, Schedule 6. The purpose of the zone is:

- *To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses.*
- *To facilitate the provision of short term accommodation and complementary business services.*

The proposal for a predominantly office development with a mix of complementary ancillary uses will provide services to the workers on the site and the surrounding area and is consistent with the purpose of the zone.

Local Planning Policy Framework

The Municipal Strategic Statement (MSS) outlines the key strategic planning, land use and development objectives for the City of Monash. The MSS recognises the leafy suburbs and treed streetscape being garden city characteristics of the municipality. The MSS highlights the significance of the Monash Technology Precinct and locational advantages of the municipality within metropolitan Melbourne.

With regard to economic development (Clause 21.05) the proposal seeks to encourage business to thrive and expand in Monash. A major strategic direction identified includes developing employment opportunities to maintain Monash as a predominant business location in Melbourne's eastern region.

Clause 21.07-1 identifies that areas of Monash including those within the Monash Technology Precinct, encouraging high-tech industries and Business Parks. The main aim of this precinct is to:

'encourage research and development based activity, nurture technology specific industries, foster linkages between firms and research institutions, and so make use of the major elements of research infrastructure in the area surrounding Monash University'.

Clause 21.10 (Open Space) identifies that Monash has extensive areas of open space including 244 hectares of passive open space. Key Strategies include protecting existing open space areas from inappropriate development on adjoining and nearby land.

Clause 22.02 (Monash Technology Precinct Policy) applies to land in Schedule 6 to the Special Use Zone, located in the Monash Technology Precinct. This policy identifies that business and related research facilities play a major role in the economic and commercial profile for the City. The Monash NEIC has developed an international reputation as a "high tech" centre for industry. It is important

that research and development based activity is encouraged, technology specific industries are nurtured, linkages between firms and research institutions are fostered and a viable industrial base is maintained. Clause 22.02-3 provides policy requirements regarding particular uses to ensure that the Monash Technology Precinct is promoted as a primary focus for technology and research and development enterprises. It is important that land use extends and reinforces the linkages between the Precinct and Monash University, the Monash Medical Centre, the Synchrotron and other tertiary and research institutes.

Clause 22.03 identifies the site within “Industry Character Type 3”. The desired future character statement states that areas should continue to develop as modern industrial and technology parks within an attractive landscape setting containing a large number of large, mature, native trees.

Clause 22.05 – (Tree Conservation Policy) applies to all land in Monash with key objectives in maintaining and enhancing the Garden City Character of Monash and ensuring new development allows for retention of existing vegetation or provides for new canopy trees with spreading crowns.

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 a non-residential building with a gross floor area of more than 1,000 square metres, a Sustainability Management Plan is required to be prepared and submitted. A Sustainability Management Plan for the overall master plan was prepared by WRAP Consulting Engineering Pty Ltd indicating that the proposal achieves best practice. Detailed individual SMP’s would need to be submitted for the individual buildings at the time of approval. This can be addressed as permit conditions.

The site is an appropriate location for higher density development to support the continued growth and diversification of the Technology Precinct and Monash NEIC. The proposed development is consistent with these objectives as it allows for a mixture of uses to compliment the offices by providing cafés, restaurants, hotel, gymnasium and a childcare centre. The development provides for high quality offices on a main road location providing for additional employment opportunities within the NEIC. The staged development provides for a master plan to deliver high quality built form outcomes, complimentary amenities and services within the precinct and additional office floor space to cater for growing business demand and employment opportunities.

Proposed Use of land

The proposed mixed use office and commercial precinct is consistent with the purpose of Clause 22.02 that applies to land in Schedule 6 to the Special Use Zone for land located in the Monash Technology Precinct.

In regard to larger office development it is policy that:

“Office development with a net floor area greater than 1,800 square metres has at least 15% of the net floor area used for a research and development centre where the office is one of the following:

- *Part of the same corporate entity which occupies industrial or warehouse floor area in the Monash Technology Precinct;*
- *Used principally for the purpose of offering services or support to the technology related or intensive uses in the Monash Technology Precinct; or*
- *Part of a production oriented enterprise.*

This does not apply where state, national or international organisational headquarters are located”.

The application is for a master plan to develop and establish a new commercial precinct and the potential occupiers and end users of the particular office buildings are unknown at this stage.

With respect to Residential Hotels, it is policy that:

- *Locate centrally in relation to the two major catchments of the Precinct either side of Blackburn Road;*
- *Have a strong street presence;*
- *Are accessible to those travelling by foot or other sustainable transport options from locations within the precinct;*
- *Have the opportunity to incorporate or co-locate with other retail and business service uses to form coherent and contained local destinations that are a focal point in the precinct;*
- *Include provision for serving food or drink in a pleasant open space.*
- *Are designed and built to minimise noise intrusion from surrounding employment or industrial uses.*

In this case the subject land is located on the periphery of the precinct, rather than in one of the central catchment areas in the policy. However, the hotel has been designed to present with a strong street presence with a frontage and address to Clayton Road and as a focal building within the site. The other criteria has been satisfied as the hotel provides for food and drink premises and conference facilities. The hotel is connected to the other buildings on the site with pedestrian walkways, landscaping and access to an outdoor gym facility. Given the location on Clayton Road, further acoustic assessment would be appropriate as conditions of any permit issued.

The original plans submitted proposed the use of “restricted retail premises” (bulky goods, peripheral sales) and although a discretionary use in the zone, the use is not supported by the policy. The applicant has clarified that the retail uses are to provide for food and drink premises and amended the other commercial uses to provide for showroom. This is considered appropriate as a ‘showroom’ does not permit retail sales on the land and is consistent with the policy.

The two remaining uses requiring consideration are the child care centre and gymnasium that are not specifically covered in Clause 22.02. The uses are considered satisfactory as both form a minor component of overall activity on the land and will provide additional services to the employees and visitors to the centre. Such complementary services form an integrated response and are consistent with the policy requirements of providing a high level of amenity to attract business and workers and promote wellbeing. The childcare centre to provide for 115 children has been located with areas for pick up and drop off at the front of the site.

Design and Development Overlay

The Design and Development Overlay, Schedule 1 provides a number of design objectives and policies with respect to building setbacks, fencing and landscape treatment. The schedule identifies that a landscaped setback of 20 metres should be provided along the frontage of the site.

The design response provides for a minimum building setback of 27.2 metres from Clayton Road, which exceeds this requirement. It is noted that accessways are provided within the 20 metre setback provision, however the proposed landscaped front setback will allow for significant tree plantings to soften the built form.

Although the development provides for extensive basement areas, the setbacks from the boundaries will provide for deep root planting and the establishment of canopy trees.

The proposal is a significant improvement on the existing site conditions that does not provide consistency on building setbacks and landscaping and is dominated by hard surfacing, high fencing and carparking within the frontage.

The proposal satisfies the other controls of the DDO as there is no fencing in the front setback ensuring the development will present as an open landscaped frontage.

Building Scale and Design

The site is located on the periphery of the NEIC where development of this scale has not yet occurred. The scale of the proposed development also needs to be assessed in the context of the residential areas west of the site across Clayton Road and the adjoining residential site to the south at 56-58 and 62 Clayton Road where development is unable to be greater than 3 storeys in height given the zoning of the land. The site also has an interface to the Carlson Avenue Reserve along the southern boundary.

The amended design response has addressed the concerns raised with the height and scale of the original plans proposing three of the buildings with a height of 13 storeys (approximately 56 metres) and now reduced to 11 storeys (approximately 48 metres). The original height of 13 storeys was considered out of context given the site is not within the Clayton Activity Centre and is on the edge of the

Technology Precinct. The site does not have the benefit of the level of public transport services afforded to properties within the PPTN (Principal Public Transport Network) to justify the original height proposed and would not be in keeping with other developments in the immediate location.

Overall the revised built form response is satisfactory after considering

- The highest buildings (Buildings D, E and F) will be setback in excess of 100 metres from the frontage and are located centrally and to the rear of the site adjoining the property occupied by Melbourne Water. The interface along the rear boundary is not considered “sensitive” as the buildings will adjoin the existing above ground water tanks. There is also well established vegetation along the rear boundary of the Melbourne Water site that will assist in screening.
- The overall height of the proposal is consistent with approved and existing developments within other areas of the Monash Technology Precinct, such as:
 - Within Nexus Business Park buildings ranging in height up to 11 storeys. TPA/48496 at 12 Nexus Court was approved with a height of 15 storeys and was amended by the applicant to reduce the height to 11 storeys.
 - TPA/51770 was granted a permit by Council on 15 December 2020 for the development of a 12 storey hotel at 253-269 Wellington Road.
- The height and presentation of the buildings along Clayton Road (varying from 3 to 8) storey is consistent with the height expected along major arterial roads and within the commercial zones such as the Peter’s site at 254- 294 Wellington Road
- The length of the frontage to Clayton Road together with the front setbacks and variation in building form, allows for transition in mass and the buildings to sit comfortably on the site without impacting the streetscape
- The visibility of the three taller buildings will be obscured by the location of the four front buildings (Buildings A, B, C and H). These buildings are spaced along the frontage and have been provided with variation in front setbacks ranging from 27.2 metres to 38.62 metres. The buildings have been designed to present as individual buildings with different, heights, facades/entrances and provide for diverse functions.
- The front setbacks and different building height and form of the front buildings provide a comfortable transition to the height and scale of the existing residential properties and potential developments within the residential zones.
- Setbacks to buildings should allow well landscaped front setbacks and car parking directed to the side or rear of buildings with minimal visibility from the street. Due to the large land area and depth across the site the buildings have been separated internally to allow for significant planting and landscaping opportunities and open space areas within the site. These areas reduce the visibility of hard standing areas but will also provide for walking

and cycling paths throughout the site and promotes connectivity between the buildings.

- The staged development provides for a master plan to deliver high quality built form outcomes on a large site. The proposed architectural design of each building would be subject to further approval to ensure the buildings are provided with high quality materials and provide visual interest. This presents as an opportunity to manage a new precinct with a cohesive and consistent design approach in a staged and orderly manner.

External Amenity Impacts

The most sensitive interface for the design to respond to is to the south with the adjoining property at No 56 -58 and 62 Clayton Road zoned residential and the Carlson Reserve.

In terms of impacts to the property at No 56 -58 and 62 Clayton Road, the proposed height and setbacks of Building A (the hotel) have been designed to limit any potential impacts to the approved residential development and current single storey dwelling. Noting that 56-58 Clayton Road is vacant and 62 Clayton Road contains a single storey dwelling. This site has a planning permit issued for a three storey apartment building with the secluded open space to several apartments with north facing windows opposite the proposed development. The design response is satisfactory after considering:

- The maximum height of the development is centrally located to the rear of the site with the height along the southern boundary to be 8 storeys for Building A at the front of the site and 6 storey for Building G.
- The height of the Building A was raised as a concern by Council's Strategic Planning Department. However, it is considered the design of Building A provides a suitable transition in height when viewed from the front of the site and the adjoining residential property due to the variation in the front setbacks. The building has been set back from the street a minimum of 38.62 metres which effectively means that only a small portion of the building will be located adjacent to the rear of the proposed residential building at 56-62 Clayton Road. From the third storey, this building is further set back in this location adjacent to this site. Given this, the building will not unreasonably impact north facing windows associated with this adjoining development.
- The area immediately opposite the apartment building is to be provided with landscaping and an at grade car parking area.
- The building has been designed in a reversed "L" shape at the upper floors with the side boundary varying from 10 metres up to level 2 and extends to 25 metres to reduce visual impact and overlooking.
- Due to the front and rear setbacks there will be minimal overshadowing impacts to the apartment site.
- There is provision for four at grade parking spaces within the side setback facing the site. It is considered these spaces should be relocated and the area provided as landscaping to reduce any potential noise related issues

between users of the car spaces and future residents. This would also improve the opportunities for landscaping along the southern boundary.

With respect to the interface to Carlson Reserve, Council's Recreation and Open Space Services have raised several issues with the original design and its potential impact on the Reserve. Concern was raised that the design of the Building G will compromise the ability to implement longer term planning for the public space. The area immediately to the south of the site currently provides cricket nets and has been identified as a potential location for new soccer pitches that may be affected overshadowing in winter.

The applicant has been in ongoing discussion regarding this issue and has revised the setback of Building G and reduced the height of Building F to reduce the overshadowing and resulting in minimal overshadowing impact.

Winter shadow diagrams are not required to be submitted under the Planning Scheme. Furthermore, there is no specific policy or controls to assess the impact of winter overshadowing to public open space areas. Therefore, the shadow diagrams submitted are for September as required by the Planning Scheme. The September diagrams show the revised setback of Building G will limit the overshadowing to the area between the rear of the new soccer pitches and the boundary fence. The playing surfaces will not be affected between the hours of 9.00am and 3.00 pm in September. This is a satisfactory response.

The other issues raised concerning the requirement for boundary fencing and the revised location for the connecting pathway from the site to the Reserve can be dealt with as permit conditions.

Landscaping and Tree Retention

The Biodiversity Impact and Offset Requirements assessment submitted under Clause 52.17 concludes that the site is almost entirely composed of exotic grasses and ornamental garden species. The assessment is based on the extent of area in hectares and condition and found:

- There was one small patch of native vegetation and two individual native herbs.
- Due to minimal scale of the extent of removal within the study area, there is no offset requirement to compensate the removal and the application is not required to be referred to the Department of Environment Land Water Planning.
- The vegetation observed on site consisted of one area of approximately 8 square metres it is not practical or feasible to avoid impacting these plants. It is expected that they will be removed during construction.

On this basis the removal of the native vegetation can be supported.

The submitted Arborist Report assessed 67 trees on the site and concludes that *"the site contained a generally disappointing collection of shrubs and small trees,*

with nearly a third recorded trees being environmental weeds.” The report nominates the retention of five trees, however, four of these trees have been assessed as “low” retention value due to the small height and youth. The plans proposed the removal 65 trees. The two trees to be retained are both along the rear boundary to the rear of Building G including the one identified as most significant; *Eucalyptus mannifera* (Brittle Gum) assessed as a moderate retention value. It is considered the extent of tree removal has been justified. Conditions will be required to ensure the trees are protected during construction and appropriate replacement planting provided on the landscape plan.

The design response provides for substantial landscaping throughout the site including landscaping breaks between buildings, landscaping and tree planting adjacent to car parking and roadways within the site. The overall landscaping works will enhance the visual appearance of the new business park and provide recreation opportunities for tenants and visitors. The facilities and seating provide pleasant outdoor areas and an attractive place to work in line with expectations of high-end office and business parks.

Car Parking, traffic and access

Parking allocation

The amended proposal provides for a total of 2,450 car spaces on site of which 2,275 spaces are within the basement and 130 car spaces at grade. The car parking within the basement areas would typically be allocated and available for staff only with car parking spaces provided at ground level available for shared use of any casual visitors to the site (shared arrangement).

The carparking required under the rates of Clause 52.06 are shown in the below table.

It is notable that Council has adopted the following rates for mixed use developments of predominately office, within the Technology precinct:

- 0.5 car spaces to each hotel room
- 0.15 spaces for each child in care
- 3.0 spaces per 100 square meters for gymnasium
- 2.0 spaces per 100 square metres for food and drink

Use	Number of Car Parking Spaces by Planning Scheme	Proposed scale	Number of Car Parking Spaces Required by Council	Number of spaces provided
Office Building	3.5 spaces / 100m ²	65,330 m ²	2,286 car spaces	2,286 spaces
Showroom	3.0 spaces / 100m ²	1,783.5m ²	54 car spaces	54 spaces
Food & Drink Premises	4.0 spaces / 100m ²	1,558 m ²	31 car spaces (2.0 spaces/100m ²)	16 spaces

Child Care Centre	0.22 car spaces /child	115 children	17 car spaces (0.15 spaces/100m2)	13 spaces
Gymnasium	No rate specified in Scheme-to satisfaction of Council	348m ²	10 spaces (3.0 spaces/100m2)	4
Hotel	No rate specified in Scheme -to satisfaction of Council	153 suites	77 spaces (0.5 spaces per room)	77
TOTAL:			2479 car spaces	2,450 spaces

The above table demonstrates that there is a shortfall in the number of car parking spaces required by Council of 29 spaces. This shortfall is considered satisfactory based on the shared allocation of carparking for the child care, gymnasium and food and drink uses. The majority of childcare drop-off and pick-up demand is expected to occur outside of normal business hours, primarily by employees of the business park. The majority of the gym demand, is also expected to be outside of business hours with users primarily drawn from employees working at the site. Similarly, the food and drink premise is not expected to attract a high demand of visitors from outside the business park during normal business hours.

The application proposes the allocation of dedicated and shared parking spaces are as follows:

Use Combined Area	Allocation in Basement (Private)	Allocation Ground Level (Shared)	Resulting Rate
Office -65,329.8m2	2,229 spaces	57 spaces	3.5 spaces/100m2
Showroom - 1,783.5m2	14 spaces	40 spaces	3.0 spaces/100m2
Hotel - 153 suites	77	0 spaces	0.5 spaces/100m2
Food/Drink - 1,558m2	0	16 spaces	1 spaces/100m2
Childcare - 115 places	0 spaces	13 spaces	0.11 spaces/place
Gym - 348 m2	0 spaces	4 spaces	1 space/100m2
TOTAL	2,320 spaces	130 spaces	TOTAL 2450

Council's Traffic Engineers have reviewed the revised Traffic Report and allocation of dedicated and shared parking spaces across the site and are satisfied with this parking arrangement and provision.

The Engineers have recommended that a Car Parking Management Plan which is regularly updated should be required as part of the permit conditions, to assist

with managing changes in tenants and parking demands over time. A condition has also been recommended to ensure that the parking requirements provided for each stage of the project are met, or to the satisfaction of Council.

It is also noted that a number of the accessible spaces in Basement 1 are not ideally located for ease of use. These should be reviewed as part of each building stage and has been addressed as a permit condition.

Vehicle Access

Overall, the Engineers are satisfied with the vehicle access subject to conditions requiring detailed plans, particularly relating to the new infrastructure along the Clayton Road frontage. This includes the new bus shelter, and details of footpath and nature strip works. The applicant has advised that this detail will be provided on the functional layout plans that will need to be submitted to satisfy the conditions required by DoT in addition to Council.

Concerns have been raised by Council's traffic engineers that the access arrangements at the northern (left out only) and southern access points (left in/left out), should include physical aboveground devices within the site to emphasise any turning movement restriction. The development plans provide a physical device at the southern access, however the northern access should be redesigned as illegal turns into the site do not appear to have been sufficiently discouraged. This change would be a condition of any Permit issued.

Traffic engineers have recommended an Automatic Number Plate Recognition (ANPR) system to be installed at each basement car park access and to be in operation prior to the commencement of the use to avoid any queuing into the basement during peak hours.

Additional details of the intersection treatment at the internal cross intersection, generally in accordance with Figure 4 of the November 2021 traffic advice, or to the satisfaction of the Responsible Authority will also need to be provided.

Traffic Generation

Following circulation of the Fairland Avenue left-in/left-out proposal to local residents, a number of concerns were raised. These included increased traffic volumes, traffic congestion, and increased traffic on Strelde Avenue, Calista Avenue and Patrick Street because of the restriction on turns at Fairland Avenue. The expected traffic impact and congestion has been addressed within the traffic report as these predominantly affect Clayton Road, with the Department of Transport satisfied with the mitigating measures to be put in place, which include new traffic signals at the main access road into the site.

The traffic counts undertaken have concluded that any additional movements as a result of the restrictions on Fairland Ave are very low and would have a negligible impact on the surrounding network. Traffic surveys of the intersection between

Fairland Avenue/Clayton Road were undertaken on Thursday 28th November, 2019 between 7:00am-10:00am and 3:30pm-6:30pm and found:

With respect to the right-turn movements, the surveys identified:

- Low number of right-out movements with between 4-5 movements recorded, and
- Low number of right-in movements during AM Peak with 5 movements recorded and higher number during the PM peak with 35 movements recorded.

The changes will result in the redistribution of traffic on the nearby roads with minimal impacts with the Consultants concluding *“specifically, the impacts at any one location will be low and can be readily accommodated by the road network as required.”*

The expected traffic impact and congestion has been addressed within the traffic report as these predominantly affect Clayton Road, with the Department of Transport satisfied with the mitigating measures to be put in place, which include new traffic signals at the main access road into the site. The traffic analysis has been based on surveys of existing office developments concluding that the overall provision of 2,450 car spaces will result in the following generation rates and no further analysis is required by DoT:

- AM Peak Hour – 1,125 vehicle per hour arrivals and 113 vehicle per hour departures
- PM Peak Hour – 113 vehicle per hour arrivals and 1,125 vehicle per hour departures

Adoption of the traffic generation and distribution method detailed above would result in traffic impacts from the proposed development as detailed in the following figures.

- 65% of entering traffic arriving from the north would utilise the primary signalised vehicle access noting that this access will provide the most direct access to the basement car parking areas.
- 65% of departing traffic heading towards the south would utilise the traffic signals.

Given the site’s location within the MNEIC it is expected there would be an increase in employment and development densities in the wider area irrespective of the proposed development.

Bicycle Parking

The statutory bicycle parking requirements are detailed under Clause 52.34 of the Planning Scheme. Whilst bike paths, parking areas and End of Trip facilities are identified, the detailed layout of these areas has not been detailed at the masterplan stage. This would need to be provided the detailed development plans. It is expected that the future layouts would accommodate the statutory

requirements and will be required as conditions on permit. Should they not be met, an amendment would be required for this permit trigger.

Waste Collection

The Waste Management Plan submitted at Master Plan stage in providing for private collection as an overall strategy has been assessed as satisfactory. Detailed individual plans for each building would be required to demonstrate compliance with Council's requirements. This would be addressed as conditions on permit.

Construction Management

Due to the scale of works involved an individual Construction Management Plan would be required to be submitted for each Stage of Development. Each plan would need to provide full details to protect local amenity and would be addressed as permit conditions.

CONCLUSION:

The land is located within the MNEIC and is in an appropriate location for higher density development to support the continued growth and diversification of the NEIC and Monash Technology Precinct. The proposed development is consistent with policy objectives as it allows for a mixture of uses to improve the amenity of the area and complement the offices by providing cafés, restaurants, hotel, gymnasium and a childcare centre.

The staged development provides for a master plan to deliver high quality built form outcomes, complementary amenities and services within the precinct and additional office floor space to cater for growing business demand and employment opportunities.

The proposed architectural design of each building would be subject to further approval to ensure the buildings are provided with high quality materials and provide visual interest. This presents as an opportunity to manage a new precinct with a cohesive and consistent design approach in a staged and orderly manner.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.