

# A Different City

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## Urban Planning Report

Proposed Mixed Use Development  
No. 409 Clayton Road, Clayton

**Prepared for:**  
D & G Brothers Management Group Pty Ltd, August 2023

ADVERTISED COPY



**Prepared for:**

D & G Brothers Management Group Pty Ltd  
August 2023

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## Executive Summary

The permit applicant, **D & G Brothers Management Group Pty Ltd**, have prepared a comprehensive development proposal that will deliver a major net community benefit for the **Clayton Activity Centre** and the wider **City of Monash**.

The proposed major **Mixed Use Development** will fulfil an identified need to increase housing diversity and provide a mix of uses to support the growth and evolution of the Activity Centre.

The assessment contained within this report concludes the following, including:

- the proposal demonstrates a **high level of compliance with the State and Local Planning Policy Frameworks**, which seeks to increase residential density within existing Activity Centres, in particular the Clayton Activity Centre and Monash NEIC;
- the proposal will result in significant economic benefits to the State and the wider Monash area, including through construction (value ~\$78mil, plus previously estimated ~942 job-years on a state wide basis worth ~\$49.2mil) and ~340 jobs ongoing on occupation (equating to an annual value add of ~\$16.1mil to the State economy);
- The provision of **144 new dwellings** will deliver essential modern and affordable housing that will satisfy strong existing and future residential demand for apartment housing that is otherwise not provided in the local area and context of Monash;
- The proposal will facilitate the equivalent of **10% affordable housing** based on apartments up to level 10 specifically allocated for purchase by low to moderate income earners and **5% of social housing** dwellings above level 10 of the building to be transferred to a Registered Housing Agency;
- the provision of **new, modern office space** and **retail** amenity totalling ~2,346sqm of commercial space, providing new

opportunities for businesses to locate within the local Clayton Activity Centre.

- the subject land is a **redundant service station** and identified **strategic site for key renewal** within the Clayton Activity Centre. Targeted housing is critical on such as site but is more likely to continue to take place outside, than inside, the Activity Centre if reliance is placed on land that is significantly more constrained by existing subdivision, ownership, location and scale factors.
- the proposed development will create a new **landmark entrance at the southern end of the Activity Centre** and 'kick start' Clayton Activity Centre's supporting role to assist in delivering the State's vision for the Monash NEIC and **its own 10-minute community**.
- the proposed **overall building height and form responds** to the prominent location of the site at the southern entrance to the Clayton Activity Centre, having regard for the significant State policy, the emerging local policy aspirations under the CACPP.
- The proposal achieves high design qualities, a well-balanced composition and the performance expectations for overshadowing of the public realm in response to the directions of previous VCAT decision (VCAT Ref. P917/2021).
- The proposed podium has been **innovatively designed** and composed along each street frontage to align with the existing buildings in Clayton Road and significantly improve the public realm and pedestrian environs in this location of the Activity Centre;
- the proposal will provide substantial **on-site communal amenities and open space**, providing residents with safe and secure amenities to meet their essential day to day needs of residents and engender community engagement within the building;
- The proposal will contribute to the reduction of greenhouse gas emissions and exceed the energy performance expectations of

Council's ESD policy through the commitment of to 100% Green Power, **exceeding BESS standards** for daylight, achieving a **4 Star Green Star performance standard**, an average rating of **NatHERS 7** and meeting **Best Practice** standard for Urban Stormwater Quality;

- The development provides a **good level of internal amenity and accessibility** to specifically cater for future occupants.
- The proposal will not result in unacceptable off-site amenity impacts;
- The proposal will take advantage of the access to the **Clayton train station** and the **new suburban rail loop**; and
- The proposal provides **sufficient car parking** and **bicycle parking** to meet the needs of the proposed uses and will not result in any unreasonable impacts on the operation of the road network;

The proposal represents a good planning outcomes for the site, supported by State and Local policy aspirations, and **should be supported by Council**.



Figure 1 – Visualisation of the proposal from Clayton Road opposite , prepared by Cera Stribley



# This report has been prepared on behalf of **D & G Brothers Management Group P/L** in support of an application for a **Proposed Mixed Use Development** at **409 Clayton Road, Clayton.**

## 1. Introduction

The site is zoned Commercial 1 Zone (C1Z) and a planning permit is triggered under the following clauses of the Monash Planning Scheme:

- Clause 34.01-6 – Buildings and works in relation to permitted uses; and
- Clause 52.29-2 – Create or alter access to a Transport Zone – Primary Road Network.

This report addresses the planning merits of the proposal and undertakes an assessment against the relevant statutory controls, decision guidelines and policy considerations contained within the Monash Planning Scheme.

The project team includes:

<b>Tango Projects</b>	<b>Project Management</b>
<b>A Different City</b>	<b>Urban Planning</b>
<b>Cera Stribley</b>	<b>Project Architects</b>
<b>Human Habitats</b>	<b>Landscape Architecture</b>
<b>Ark Resources</b>	<b>Sustainability Engineers</b>
<b>One Mile Grid</b>	<b>Traffic &amp; Waste Engineers</b>
<b>AGS</b>	<b>Enviro. &amp; Contamination Engineers</b>
<b>UrbanXchange</b>	<b>Housing Affordability</b>
<b>Deep End Services</b>	<b>Economic Development</b>

The analysis contained within should be read in conjunction with the below supporting documentation, plans and specialist advice:

- Certificate of Title & Plan (Annexure 1);
- Architectural Package, including Site Analysis, Design Response, Layout Plans, Elevations, Development Schedule and External Finishes Schedule, prepared by Cera Stribley (Annexure 2);
- Letter of support from Housing First (Annexure 3)
- Transport Impact Assessment Report, prepared by One Mile Grid (Annexure 4);
- Waste Management Report, prepared by One Mile Grid (Annexure 5);

- Sustainability Management Plan, prepared by Ark Resources (Annexure 6);
- Green Travel Plan, prepared by One Mile Grid (Annexure 7)
- Remediation Advice, prepared by AGS (Annexure 8)
- Landscape Architecture Package, prepared by Human Habitats (Annexure 9);



# The site forms part of the southern gateway to the Clayton Activity Centre.

## 2. The Urban Context

### 2.1 The Neighbourhood & Surrounds

The subject land is located within the Clayton Major Activity Centre, which is a large commercial area located along Clayton Road, generally between the Clayton Railway Station to the north, the intersection with Centre Road to the south and extending to Cooke Street on the western side of the centre. Commercial and community services extend along Clayton Road, beyond the centre's core area to the north and south. These activities include the Monash Medical Centre and Monash Children's Hospital adjacent to the centre to the north.

The Clayton Activity Centre has extended west from Clayton Road, south of the Railway line and includes two major supermarkets and the Clayton Community Centre adjacent to Cooke Street. This area also contains a large public car park (at grade). The centre is more contained to the Clayton Road frontage on the eastern side, but commercial establishments have extended along Clayton Road and Centre Road to the east, south and west of the centre. The Activity Centre buildings along Clayton Road are mostly of the 1950 – 1980 period, single storey, brick buildings with narrow frontages (approx. 5 – 7 m). The more recent developments to the north, west and south are of mixed contemporary design, one and two storey, typically concrete and/or cement blocks and generally larger in floor area.

The conversion of post war residential properties has occurred to accommodate the centre's expansion. New buildings have been constructed on consolidated sites and also a significant number of new non-residential uses now occupy remnant converted dwellings, particularly along the main roads, e.g. Centre Road.

Surrounding the Activity Centre the residential development is primarily single storey brick and timber dwellings and the area has seen the redevelopment of many dwelling sites into one and two storey multi-unit residential accommodation. Similar low density residential development extends to the west, north west and south west/south of the centre. A service industrial area exists to the south east off Centre Road.

North of the centre and the railway line, low density residential development occupies the western side of Clayton Road, but the eastern side is dominated by the medical facilities and other services associated with the Monash Medical Centre. Monash University is located to the north east, adjacent to this area. The centre incorporates a significant number of community facilities and services. Beyond the centre, in the surrounding residential areas are a wide range of recreation spaces and facilities, religious centres, schools and related community based uses.

The grid based road pattern of the area provides good vehicle access and enables pedestrian circulation, but with limited convenience. A high level of public transport to and from the centre is available, notably train and bus services, which extend to Melbourne's CBD, regional Victoria and extensive areas of Melbourne's eastern and southern suburbs.

Refer Aerial photograph at Figure 1



There are a number of other public amenities, services and facilities that are located in proximity to the subject site, including:

**Site | Suburbs**



Figure 2 - Neighbourhood Context Plan, prepared by Cera Stribley

Amenities Description		Proximity (km's)
Open Space & Recreation	<ul style="list-style-type: none"> <li>Meade Reserve</li> <li>Namatjira Park</li> <li>Keeley Park</li> </ul>	<ul style="list-style-type: none"> <li>1.2</li> <li>1.5</li> <li>0.9</li> </ul>
Public Transport	<ul style="list-style-type: none"> <li>Clayton Railway Station</li> <li>Bus Routes 631, 703, 704, 733, 821, 824 Clayton Road</li> <li>Bus Routes 631, 703, 704, 733 Centre Road</li> </ul>	<ul style="list-style-type: none"> <li>0.4</li> <li>Adjacent, interchange 300m north</li> <li>Adjacent, stop 80m east</li> </ul>
Shopping & Retail	<ul style="list-style-type: none"> <li>Clayton Major Activity Centre</li> <li>Coles Supermarket</li> </ul>	<ul style="list-style-type: none"> <li>Within</li> <li>Adjacent west boundary</li> </ul>
Community Services & Facilities	<ul style="list-style-type: none"> <li>Clayton Community Centre (incl. Library, Aquatics)</li> <li>Approx. 6 Churches (various denominations)</li> <li>Clayton Family Day Care</li> </ul>	<ul style="list-style-type: none"> <li>0.15</li> <li>Within 0.6</li> <li>0.8</li> </ul>
Health Services	<ul style="list-style-type: none"> <li>Monash Medical Centre</li> <li>Monash Children's Hospital</li> <li>Monash Health Private Hospital</li> </ul>	<ul style="list-style-type: none"> <li>1.1</li> <li>1.3</li> <li>0.8</li> </ul>
Education	<ul style="list-style-type: none"> <li>St Peters Primary School</li> <li>Good Start Early Learning Clayton</li> <li>Clayton Sth Primary School</li> <li>Westall Secondary College &amp; Primary School</li> <li>Monash University</li> </ul>	<ul style="list-style-type: none"> <li>0.9</li> <li>0.8</li> <li>1.4</li> <li>2.1</li> <li>1.8</li> </ul>

Refer to Figure 2 - Neighbourhood Context Plan, prepared by Cera Stribley and contained within Annexure 2 as part of the Architectural Package.



**The Clayton Activity Centre has excellent access to all required public transport, amenities, employment & services.**

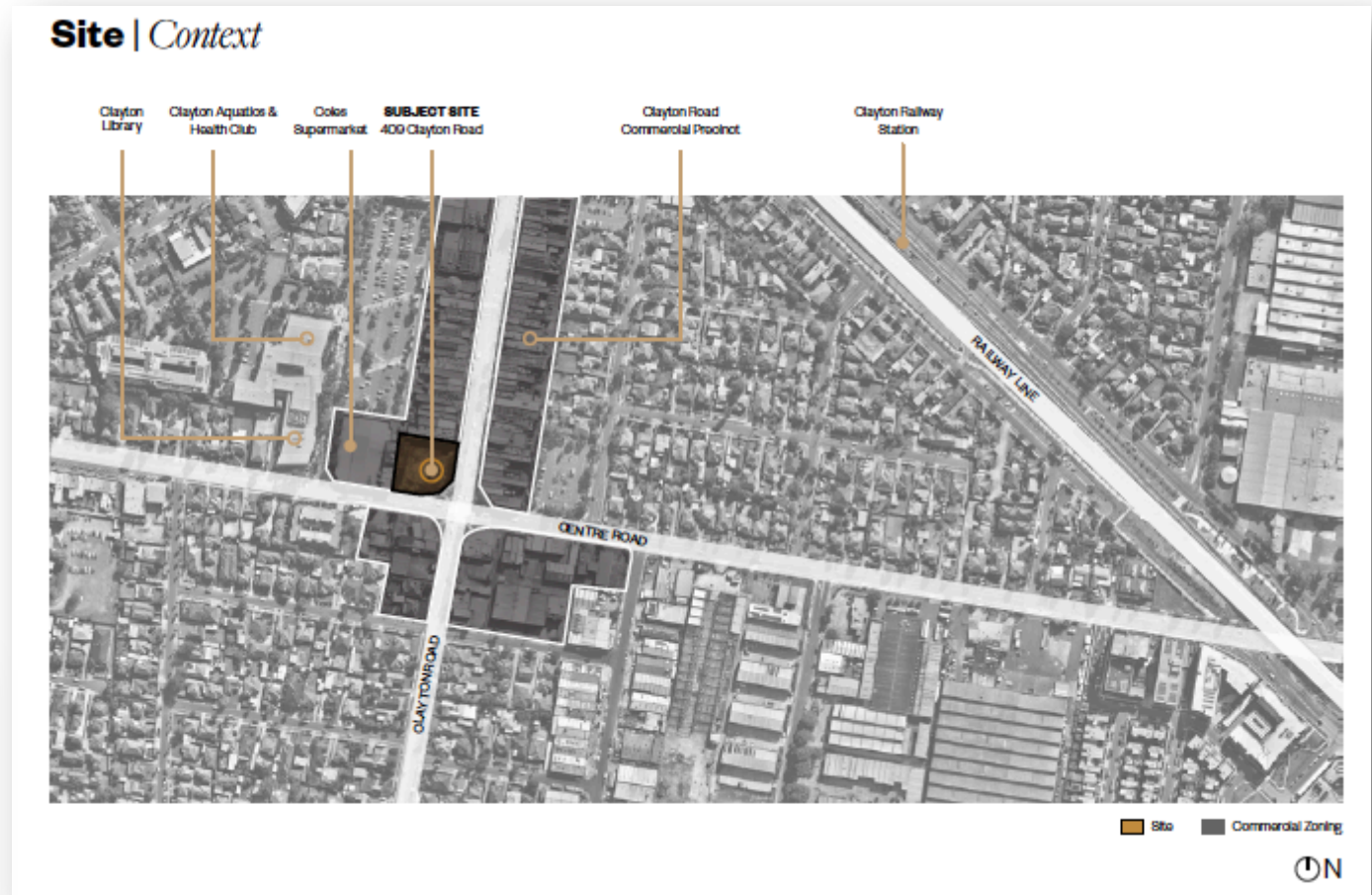


Figure 3 - Site Context Plan & Site Analysis, prepared by Cera Stribley






 Site Boundary

Figure 4: Subject site – 409 Clayton Road Clayton (source: One Map)

## 2.2 The Subject Site

The subject site is located at the southern end of the Clayton Activity Centre and occupies a prominent corner on a major intersection with frontage and access to two main roads – Clayton Road and Centre Road. It is one of the few larger sites in the Clayton Activity Centre, which is made more significant by its extensive main road frontage. The site recently contained a former petrol filling station, which incorporated a convenience store. A high level of site access was possible via the four vehicle crossovers provided for its operation. The existing buildings and petrol station infrastructure has recently been removed as part of the remediation works for the site.

The site is flat and abutted by commercial land uses on its northern and western boundary. On these boundaries the abutting sites contain high cement block/concrete walls which are approx.. 4.5 m high and 7.5 m high respectively.

The subject site can be described as follows:

Existing Conditions	Description
Title Reference	CP 165016Q, Part CA 10, Section 2, Parish of Mordialloc, County of Bourke
Land Area	2,100 sqm
Site Dimensions & Frontages	<ul style="list-style-type: none"> <li>• North boundary – 45.72 m plus 3.05 m lane</li> <li>• East boundary, Clayton Road – 30.48 m plus 15.24 m to Centre Road intersection</li> <li>• South boundary, Centre Road – 21.03 m plus 27.74 m to Clayton Road intersection</li> <li>• Cut off corners on South and East boundary – 20.32 m and 13.45 m</li> <li>• West boundary – 42.67 m plus 3.03 m lane</li> </ul>
Topography & Slope	<ul style="list-style-type: none"> <li>• The site is flat, drains towards the southern boundary</li> </ul>
Existing Land Use	<ul style="list-style-type: none"> <li>• The site is a former petrol filling station, incorporating a convenience store. The land uses have closed.</li> </ul>
Built Form	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>• The land has now been remediated following clear up of the site for the former use of the land for the purposes of a service station. Refer to Remediation Advice, prepared by AGS (Annexure 8)</li> </ul>



Figure 5: Site Photos



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**Building Setbacks**

- Prior to demolition the convenience store building abutted the northern boundary and was set back 10.95 m from the Clayton Road frontage and 37.23 m from the Centre Road frontage.
- The building was also 5.80 m from the western boundary and set back 2.73 m from the rear lane.

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**Vehicle Access & Car Parking**

- Four crossovers provide vehicle access/egress, two on Clayton Road (east boundary) and two on Centre Road (south boundary).
- 12 delineated car spaces located on the site associated with the service station use

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**Landscape Features**

- None

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**Infrastructure & Services**

- All services are available to the site

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**Other Notable Features**

- An 8 m high business sign exists in the north east corner of the site
  - A 7 m high business sign on the southern boundary exists and has been partially dismantled.
- 

Refer to Figure 5 - site photos for images of the surrounds of the subject site.



Figure 5: Site Photos

### 2.3 The Neighbourhood & Surrounds

Refer to Figure 5 for photographs of the site interfaces. The immediate interfaces of the site are described as follows:

	Address	Description
North	<ul style="list-style-type: none"> <li>403 - 407 Clayton Rd</li> <li>Extending north</li> </ul>	<ul style="list-style-type: none"> <li>Chemist Warehouse</li> <li>Various shops, offices, cafes, restaurants to the north</li> </ul>
South	<ul style="list-style-type: none"> <li>413 Clayton Rd</li> <li>372 Clayton Rd</li> </ul>	<ul style="list-style-type: none"> <li>Beaurepaires Tyres, Subway</li> <li>Aangan Indian Restaurant (E side Clayton Road)</li> <li>Various shops, offices to south</li> </ul>
East	<ul style="list-style-type: none"> <li>358 Clayton Rd</li> <li>Extending east</li> </ul>	<ul style="list-style-type: none"> <li>Saigon 1 Restaurant</li> <li>Money 3</li> <li>Clayton Firearms</li> <li>Claywood Real Estate</li> <li>Oleega Hair</li> <li>Various retail &amp; office</li> </ul>
West	<ul style="list-style-type: none"> <li>1387 Centre Rd</li> <li>West of Cooke Street</li> <li>Extending west</li> </ul>	<ul style="list-style-type: none"> <li>Coles (rear)</li> <li>Clayton Community Centre</li> <li>Various offices (professional services) and residences</li> </ul>





The area to the north of the site along Clayton Road contains single storey commercial and retail premises, typically with a frontage width of 5 – 7 m and set back approx. 3 m from the street frontage. A weather protection canopy extends over the setback area. Brick paving and various street furniture items are provided to the road kerb. These sites have customer access from Clayton Road and vehicle access from the rear via a lane that is accessed through the adjacent Cooke Street car park.

To the west of the site, the rear wall of the Coles Supermarket presents a blank 7m (approx.) high wall to the Centre Road frontage, which extends to Cooke Street. A high awning over a part of this frontage exists above the concrete footpath. The Supermarket access is located on its northern boundary via the Cooke Street car park.

To the east of the site, single storey retail, commercial and office premises have frontage to Clayton Road and the north side of Centre Road. Most premises are of a similar frontage width to those in Clayton Road (5 – 7m) and also have rear vehicle access.

Opposite the site on the south side of Centre Road, the commercial buildings are single storey, set back approximately 17 m from the road boundary. The setback area is used primarily for car parking and vehicle movement.

Two storey commercial premises exist diagonally opposite the site on the south east corner of the Clayton Road/Centre Road intersection. The Clayton Road/Centre Road intersection is traffic light controlled. A slip lane exists for east bound traffic turning left (north) into Clayton Road, adjacent to the site.

Similar slip lanes are provided for left turning traffic at each corner of the intersection. Pedestrian movement across each of these main roads is via the crossing 'islands' provided. The intersection layout primarily meets vehicle movement needs.



Figure 5: Site Photos





# The previous VCAT determination provides clear guidance for future applications.

## 3. Previous Permit Application & VCAT Proceedings

### 3.1 Permit Application No. TPA52295 & VCAT Ref. No. P917/2021

In November 2020, a planning permit application (Permit Application No. TPA52295) was lodged with the City of Monash for the use and development of the land for a multi storey (17 levels or max. height of 62.13m – RL 116.27) mixed use development. The application was refused by Council on grounds including that the proposal was a poor urban design outcome; failed to achieve architectural excellence; was 'inconsistent with the adopted Clayton Activity Centre Precinct Plan having regard to building height and scale, streetscape activation, and impacts to the public realm and adjoining properties'; lacked dwelling diversity; would provide poor internal amenity; and poor bicycle provision.

The permit applicant sought review of the decision via VCAT. Prior to the hearing amended the plans were submitted reducing the height of the building to 14 levels or max. height of 52.01m (RL 106.27). The amendments also included changes to the podium, dwelling layouts and provision of parking, services and on site amenities.

On 18 March 2022, interim orders were issued by the Tribunal. In their determination the Tribunal stated '**our assessment is that a 14-storey height is acceptable for this site, subject to modification to address the impacts on solar access to the public realm**' (para. 33). With regard to the location and the preferred heights of the CACPP east and west of the site, the Tribunal stated that '**a building of 10 or 12 storeys will not stand in sufficient distinction from neighbouring development to reflect the strategic nature of the site or realise the opportunity for taller built form to create a strong entrance into the Clayton Road shopping strip**' (para. 33). The Tribunal went on to state: '**A 14-storey height will achieve the vision of the CACPP with respect to the strategic nature of the site. While it will be a prominent building, it is an acceptable outcome in the site's strategic context**' (para. 34).

However, the Tribunal stated that '**the built form is not acceptable with respect to its impact on solar access to the public realm**' and provided the permit applicant the opportunity to prepare plans showing '**modifications to the building to ensure that, at 2.00pm on the equinox, the development will not cast shadows to within 4.0 metres of the property boundary of sites on the eastern side of Clayton Road**' (para. 62). Modifications to the podium and canopy were also requested to be made on the plans.

The permit applicant submitted amended plans which 'cut out' a section of north-east corner the building above level 6 to achieve the sought reduction in shadows cast on the street. A further hearing was conducted to consider the changes. The Tribunal ultimately found that amendments to the podium were acceptable, but the 'cut out' response to the tower form was not.

In their final determination (18 November 2023) the Tribunal stated: '**The amended plans show a building that is unbalanced. The removal of a substantial section of the building is an unsympathetic and abrupt response which has unacceptably compromised the form and architecture of the structure**' (para. 17). In their concluding comments the Tribunals found: '**The architecture of the building shown on the amended plans is no longer a positive attribute. It is poorly resolved. The substantial 'cut-out' of the north-east corner, rather than presenting as a considered element of the overall architectural language, appears as something which has been included for a specific purpose without consideration of its impact on (or integration with) the overall building**'. (para 19).

Further it stated that: '**While we accept that the modified massing has achieved the specified solar access to the opposite side of the street, the resultant built form and architecture is not acceptable**' (para 20). The Tribunal therefore re-affirmed the Council's decision and no permit was granted in the matter.



## 4. The Proposal

# A 10 minute Community:

# New jobs & more affordable housing.

# Leadership in architecture & environmental sustainable development.

### 4.1 Project Composition & Layout

The proposal seeks the use of the land for mixed use - retail, commercial and residential purposes, together with associated car parking. The proposal comprises in total:

- 2,346sqm of commercial floor space, comprised of 700 sqm retail floor area, 1,646sqm office floor area;
- 144 residential apartments (11,107sqm floor area), comprised of 49 x one bedroom apartments (34%), 87 x two bedroom apartments (60.4%), 8 x three bedroom apartments (5.6%);
- Private open space for each apartment with a total of 2183 sqm
- 153sqm of communal amenities area and 266qm (total) of communal terraces (open space), including pool;
- 147 car spaces, 121 bicycle spaces (95 on site and 26 on street) and 1 x shower / change facilities at ground level; and

The proposal as shown in detail in the submitted plans prepared by Cera Stribley and can be summarised as follows:

Level	Description
Basement	<ul style="list-style-type: none"> <li>• 48 car spaces</li> </ul>
Ground Floor	<ul style="list-style-type: none"> <li>• 700sqm of retail floor area</li> <li>• 17 car spaces</li> <li>• 58 bicycle spaces onsite (plus 26 bicycle spaces on street) &amp; 1 x Shower / Change facilities</li> </ul>
Level 1 (and Level 1 M- Mezzanine)	<ul style="list-style-type: none"> <li>• 823 sqm office floor area</li> <li>• 26car spaces (Level 1) &amp; 28Car spaces (Level 1 M- Mezzanine)</li> </ul>
Level 2	<ul style="list-style-type: none"> <li>• 823 sqm of office floor area</li> <li>• 28 car spaces</li> </ul>
Level 3 to 10	<ul style="list-style-type: none"> <li>• 4 x one bedroom apartments</li> <li>• 8 x two bedroom apartments</li> </ul>
Level 11	<ul style="list-style-type: none"> <li>• 4 x one bedroom apartments per level</li> <li>• 6 x two bedroom apartments per level</li> <li>• 1 x three bedroom apartment per level</li> </ul>
Level 12 to 14	<ul style="list-style-type: none"> <li>• 4 x one bedroom apartments per level</li> <li>• 6 x two bedroom apartments per level</li> <li>• 2 x three bedroom apartment per level</li> </ul>
Level 15	<ul style="list-style-type: none"> <li>• 1 x one bedroom apartments</li> <li>• 5 x two bedroom apartments</li> <li>• 1 x three bedroom apartment</li> </ul>
Level 16	<ul style="list-style-type: none"> <li>• 153 sqm of floor space for private communal amenities and 266sqm of communal terraces (open space)</li> </ul>



**4.2 Built Form, Height & Setbacks**

The composition of the proposed built form is shown in detail in the submitted plans prepared by Cera Stribley. Refer to Architectural Package, including Plans, Development Schedule and External Finishes Schedule, prepared by Cera Stribley, included within Annexure 2.



Figure 6: Visualisation of the proposal when viewed from Clayton Road opposite, prepared by Cera Stribley

Description		Min. Dimensions
Building Height	Podium (NGL to Top)	12.20m
	Tower (NGL to Top)	56m
Building Setbacks	Ground Level	
	• North	• 0m
	• South (Centre Road)	• 0m
	• East (Clayton Road)	• 0m to 2.56m +
	• West	• 0m
Level 1 & 1M (mezzanine) & 2	• North	• 0m
	• South (Centre Road)	• 0m to 2.0m
	• East (Clayton Road)	• 0m to 1.75m
	• West	• 0m
	Level 3	• North
• South (Centre Road)		• 3.5m
• East (Clayton Road)		• 8.05m
• West		• 4.5m
Level 4 to 10		• North
	• South (Centre Road)	• 3.5m
	• East (Clayton Road)	• 8.15m
	• West	• 4.50m
	Level 11	• North
• South (Centre Road)		• 4.9m
• East (Clayton Road)		• 8.15m
• West		• 4.5m
Level 12 to 14		• North
	• South (Centre Road)	• 11.70m
	• East (Clayton Road)	• 8.15m
	• West	• 4.5m

Description		Min. Dimensions
Level 15	• North	• 4.5m
	• South (Centre Road)	• 19.45m
	• East (Clayton Road)	• 8.15m
	• West	• 4.5m
Level 16	• North	• 15.25m
	• South (Centre Road)	• 19.45m
	• East (Clayton Road)	• 8.15m
	• West	• 6.20m
Materials & Finishes	• Precast Concrete (light grey)	
	• Textured Concrete (Rib pattern finish light grey & Terracotta smooth finish)	
	• Metal balustrade & accents (bronze or similar)	
	• Brick cladding (monash grey)	
	• Perforated Screens (bronze or similar)	
	• Cable Trellis system planter • Glazing - Clear	

Refer to Materials Schedule in Annexure 2 & below

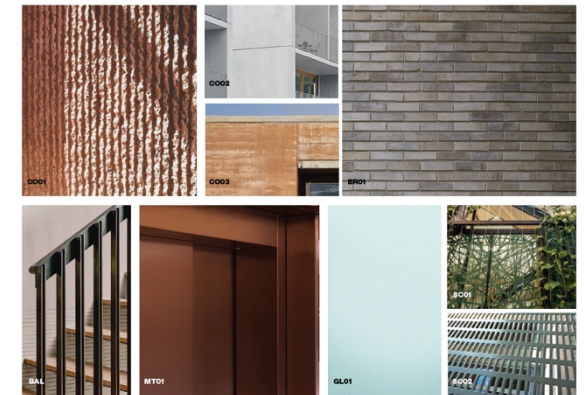


Figure 7: Proposed materials & finishes, prepared by Cera Stribley

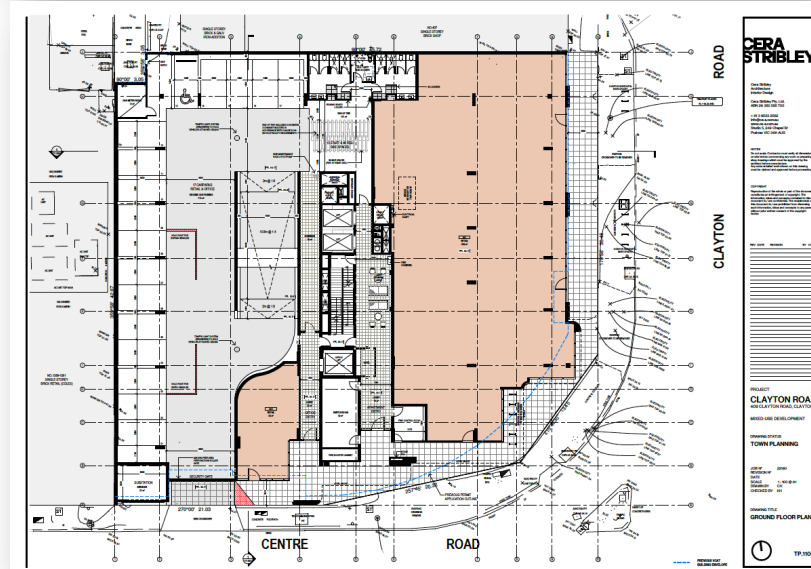
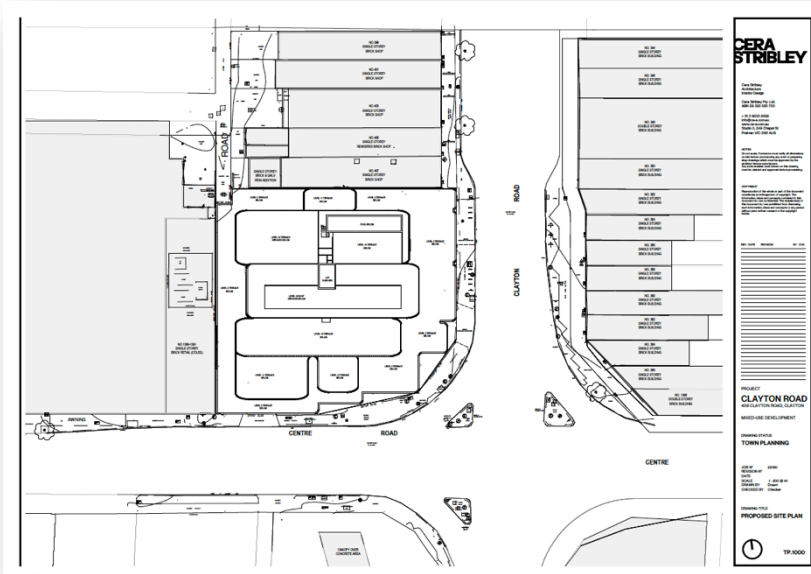


Figure 8 - Site Plan, prepared by Cera Stribley  
Figure 9 - Ground floor layout plan, prepared by Cera Stribley  
Figure 10 - Visualisation looking north west from Centre Road (east), prepared by Cera Stribley



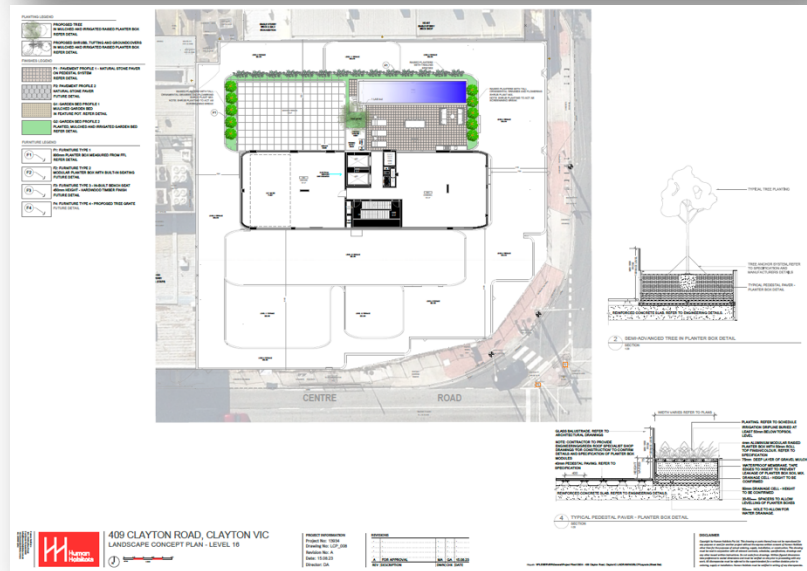
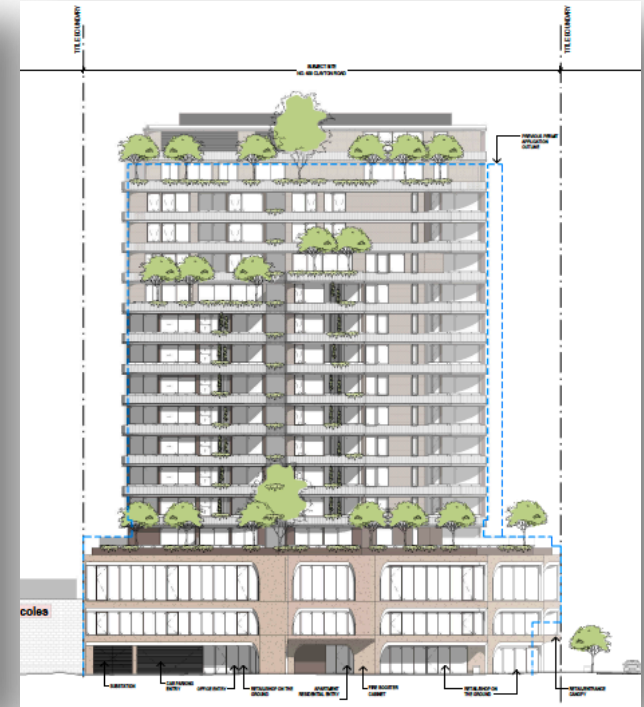
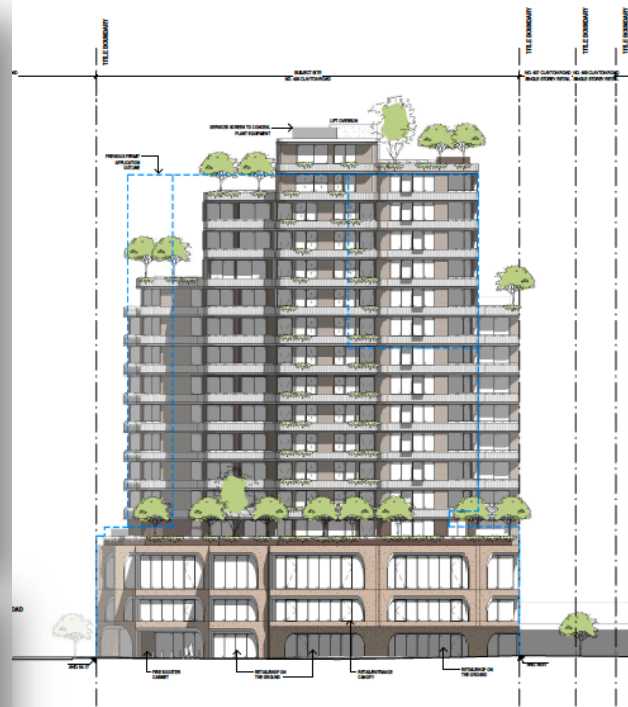
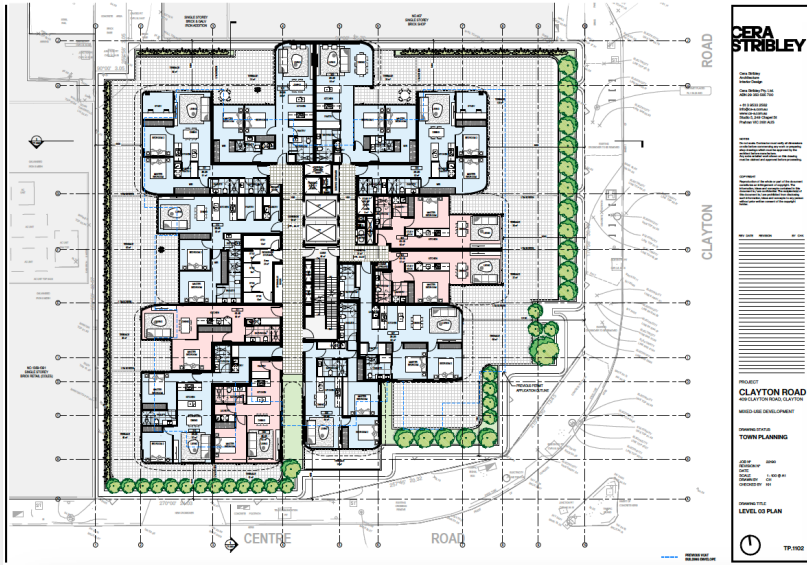


Figure 11 - Podium Level layout plan, prepared by Cera Stribley  
Figure 12 - Roof top layout plan, prepared by Human Habitats  
Figure 13 - East Elevation, prepared by Cera Stribley  
Figure 14 - South Elevation, prepared by Cera Stribley

489 CLAYTON ROAD, CLAYTON VIC  
LANDSCAPE CONCEPT PLAN - LEVEL 10

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# Total 10% affordable housing & 5% social housing.

## 4.4 Affordable Housing

**Affordable housing** is proposed to be included as part of the development. The permit applicant proposes to include the same provision of affordable and social housing as formed part of the previous application and VCAT considerations.

The proposal will facilitate the following:

- the equivalent of 10% affordable housing based on apartments up to level 10 specifically allocated for purchase by low to moderate income earners; and
- 5% of social housing dwellings above level 10 of the building to be transferred to a Registered Housing Agency

This will equate to the provision of 8 apartments up to level 10 of the proposal specifically allocated for purchase by low to moderate income earners in the 20-39 year age group. This will be secured by GIC Orders at the time of purchase and covenants for future purchasers.

Above level 10 the allocation of 5% social housing will equate to 3 x one bedroom apartments, which will be secured via a Section 173 Agreement.

The proposed offer was recommended by **UrbanXchange** as part of the previous application and VCAT proceedings following their detailed analysis of the socio-economic and demographic composition of the evolving community in Monash to determine how the proposal may best respond to affordable housing needs. The permit applicant relies on the previous report prepared by UrbanXchange, which also considers the adopted City of Monash draft Affordable Housing Strategy (2020).

The permit applicant has also engaged with a number of social housing provider, including Housing First, who have provided a letter of interest in securing the allocated apartments.

Refer to **Letter of Support** from **Housing First** included within Annexure 5.



# Access to Clayton Station and the new Suburban Rail Loop station to the north.

## 4.5 Traffic, Access And Parking

A **Traffic Impact Assessment Report** has been prepared by **One Mile Grid**. The key features of the transport management aspects for the proposal include:

- The site is located within a Principal Public Transport Network Area and has access to Clayton Station (Frankston Line) and the new Suburban Rail loop that that will commence construction next year;
- Vehicle access to the site will be via one existing crossover, with three other existing crossovers to be removed;
- The on-site car parking layouts and accesses have been designed generally in accordance with the requirements of the Planning Scheme;
- The proposed provision of 147 car parking spaces meets the statutory requirements for resident car parking;
- The proposed parking provision of 43 spaces for the retail and office generates a shortfall of up to 31 car parking spaces. However, based on the location within an Activity Centre, the proximity to sustainable transport options, and the crossover in parking demand in relation to the various land uses, the shortfall will meet the likely user needs;
- The proposed provision of bicycle parking meets the requirements of the Planning Scheme;
- All goods loading/unloading will be undertaken within the car parking areas;
- The anticipated traffic volumes generated by the development are not expected to have a notable impact on the operation of Centre Road or Clayton Road;
- the proposed development will satisfy the requirements of Clause 52.29 Land Adjacent to a Transport Zone -Primary Road Network

Refer to **Traffic Impact Assessment Report**, prepared by One Mile Grid, included within Annexure 6.

## 4.6 Waste Management

A **Waste Management Plan (WMP)** has been prepared by **One Mile Grid**. Waste collection for the total development will be undertaken by a private contractor under the management of the building's Owners Corporation.

Key features of the provision for waste and its management under the WMP are as follows:

- The development incorporates separate provision for the management of garbage, recyclable and organic materials.
- A dual chute system will deliver all garbage and recyclable material to bins in a dedicated basement waste room. The waste room will also provide storage for organic waste, which will be available for direct use by building occupants.
- Separate waste chute rooms provided at each level in the development will ensure the control of odours.
- The Owners Corporation will be responsible for bin rotation and contractors will collect and empty the bins as required. Bin cleaning will be the responsibility of the Owners Corporation.
- Bin sizes for occupants and bulk storage have been calculated based on Council standards and typical generation rates.
- The waste storage provision has been determined according to volume generated and frequency of collection for each waste type. Four collections per week are proposed for garbage and recyclables. Organics will be collected once weekly. The accessibility of the waste storage area for collection vehicles has been assessed and is considered satisfactory.

Refer to **Waste Management Plan**, prepared by One Mile Grid, included within Annexure 7.



# Achieves a target 4 Star Green Star pathway & NatHERS 7 stars apartment rating.

## 4.7 Environmentally Sustainable Development

A **Sustainability Management Plan (SMP)** has been prepared by **Ark Resources** which outlines the proposed initiatives and undertakes an assessment of the performance of the building against *Green Star Design & As Built* and *STORM* benchmarking tools.

Key conclusions from the ESD assessment of the proposal are:

- The proposed development incorporates several valuable sustainable design initiatives including: commitment to use 100% of green power; rooftop solar PVS; rainwater harvesting and re-use for toilet flushing; energy efficient glazing, appliances, fixtures and building services, electric vehicle charging stations and environmentally beneficial finishes.
- The combination of sustainable building management practices, design initiatives, fixtures, systems, appliances, materials and finishes will be integrated into the building in order to target a 4 star *Green Star* pathway performance standard on the *Design & As Built v1.3* rating tool.
- The proposed development achieves Australian Best Practice in terms of environmental design and the apartments attaining an average rating of NatHERS 7 stars.
- 98% of bedrooms and 83% of living rooms meet best practice daylight requirements of BESS.
- The proposed development is consistent with the City of Monash's Stormwater Management objectives and meets Best Practice standard for Urban Stormwater Quality.
- The performance outcomes of the proposed development are consistent with the State water management and local ESD policies (including CI 19.03-3S & CI 22.13).

Refer to **Sustainability Management Plan** prepared by Sustainable Development Consultants, included within Annexure 8.

In addition to the above a **Green Travel Plan (GTP)** has been prepared by **One Mile Grid** to support the sustainability aspirations of the project and assist the reduction of greenhouse gas emissions.

The GTP provides a suite of initiatives and services to encourage travel mode behaviour change and promote sustainable transport options such as walking, cycling, public transport and car-pooling for residents, visitors and workers within the development.

The GTP will be implemented and managed by the future Owners Corporation of the development. It will be monitored and updated every 5 years at the cost of the Owners Corporation.

A copy of the **Green Travel Plan**, prepared by One Mile Grid, is included within Annexure 9.



## 5. The Planning Policy Context



Figure 15: Zoning Plan

### 5.1 The Zone

Under the Monash Planning Scheme the subject land is located in a Commercial Zone 1 (CZ1) as is shown in Figure 15. The purposes of the Commercial 1 Zone are:

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

Under the CZ1 a planning permit is required for the buildings and works associated with the proposed uses.

Clayton Road and Centre Road are zoned Road Zone Category 1 (RDZ1). A permit is required to alter access to a road in RDZ1.

There are no Planning Scheme Overlays applicable to the subject land.

The CZ1 zone applies to the land abutting to the north and west of the subject land and the land on both sides of Clayton Road, extending north and beyond Clayton Station and the railway line.

To the west of Cooke Street and also including part of the Cooke Street public car park, the land is zoned General Residential (GRZ).

The Residential Growth Zone (RGZ) applies to the land east, beyond the commercial strip along Clayton Road.

The land on the south side of Centre Road is within the City of Kingston.

Under the Kingston Planning Scheme the land opposite the subject site is zoned Commercial Zone 1 (CZ1), as is the land on the south eastern corner of the Clayton Road / Centre Road intersection.

### 5.2 Overlays

Under the Monash Planning Scheme the subject land is located in a Specific Control Overlay, schedule 14 and 15 (SCO14 & SCO15) as is shown in Figure 14. The Special Control overlays relate to the location of the Suburban Rail Loop which is proposed to be located below the subject site.

The overlay identifies that the land may be developed in accordance with Suburban Rail Loop East Incorporated Document, August 2022 and Suburban Rail Loop East Infrastructure Protection Incorporated Document, August 2022s that apply to the site

Figure 16: Overlay Plan





### 5.3 State Planning Policy Framework

The following State policies are particularly relevant to this application:

- Clause 11 - Settlement;
- Clause 13 - Environmental Risks and Amenity;
- Clause 15 - Built Environment and Heritage;
- Clause 16 - Housing;
- Clause 17 - Economic Development;
- Clause 18 - Transport, and
- Clause 19 - Infrastructure.

Plan Melbourne 2017 identifies activity and neighbourhood centres as important locations that provide jobs, investment opportunity, and goods and services for residents and business.

State policy seeks to:

- support Activity Centre development and growth;
- build up Activity Centres as a focus for high quality development providing for business, leisure and community needs, and
- provide for diverse housing needs at higher densities.

Other aspects of State policy relevant to Activity Centres and mixed use development include:

- Provide new housing in existing urban areas and encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Create a more sustainable city through the development of new housing and mixed use development, in Activity Centres, employment clusters and near railway stations.
- Locate residential development and new housing in or close to Activity Centres and employment corridors and at other

strategic development sites that offer good access to services and transport.

- Create mixed-use neighbourhoods at varying densities that offer more choice in housing, create jobs and opportunities to deliver better access to services and facilities.
- The provision of housing should be efficient in terms of infrastructure provision while meeting the needs of a variety of household types and having access to a range of services. Housing choice should be enhanced, and well-designed medium density housing is encouraged.
- Ensure that the design and location of publicly accessible private spaces, including forecourts and walkways, is of a high standard, creates a safe environment for users.
- New development should minimise its impact on existing infrastructure, promote the provision of renewable energy, reduce waste and maximise resource recovery and sustainably manage water through an integrated water management approach.

State policy also seeks high quality design of new development that:

- responds to the strategic and cultural context of its location;
- improves the quality of living and working environments;
- supports improved public realm amenity;
- enables safe, easy and efficient use, and
- contributes to a sense of place and a more liveable city.

### 5.4 Local Planning Policy Framework

The key elements of Council's Municipal Strategic Statement (MSS) relevant to this proposal include:

- Clause 21.01 - Introduction
- Clause 21.04 - Residential Development
- Clause 21.05 - Economic Development
- Clause 21.06 - Major Activity and Neighbourhood Centres
- Clause 21.08 - Transport and Traffic
- Clause 21.13 - Sustainability and Environment

The Activity Centres in the City of Monash are a major location of small business economic activity. They also provide major opportunities for changing lifestyle and housing preferences. To support the anticipated population growth in the period 2016-2031, Monash will require 10,000 new dwellings. New housing is sought close to shops, restaurants, transport, commercial and community services. Directing more intensive, higher scale development to neighbourhood and Activity Centres that are well serviced by public transport, commercial and community facilities is important to accommodate the growth expected. Such an approach will also assist the retention of the garden city character of the less accessible traditional residential areas.

Major Activity Centres are likely to be the focus of change over the next 30 years. The refurbishment of Activity Centres will assist the maintenance of their competitiveness. Clayton is a Major Activity Centre (MAC) and the third largest in the municipality. It is within the Monash National Employment & Innovation Cluster, which supports over 75,000 jobs and is Melbourne's largest established employment and innovation cluster.

A key intent of the MSS in relation to Major Activity and Neighbourhood Centres (CI 21.06) is to create vibrant major Activity Centres with a broad mix of uses appropriate to the centre, with good access, including public transport services, and which provide a focal point for the community.



Maintaining the identified Activity Centre hierarchy, encouraging mixed use development, encouraging the provision of active frontages and ensuring retail or other business uses occupy the ground floor of multi storey developments are key strategies to achieve the commercial intents of the MSS.

In relation to the residential component of Activity Centre development new residential development should provide useable recreational space and communal areas, be well designed and ventilated, be energy efficient and contribute positively to neighbourhood character.

The Hierarchy of Activity Centres in Monash (CI 21.06, Table 1) shows the Clayton MAC primary focus includes mixed commercial uses, retailing, offices and apartments and encourages redevelopment, medium rise residential development, offices where contiguous retail frontage is not compromised and parking is provided to meet the needs of the centre.

The Monash Residential Development Framework (CI 21.04) has been derived from the Monash Housing Strategy 2014 and it classifies eight (8) categories of areas where future residential needs are proposed to be met according to their future development potential. The three highest classifications are: Activity Centres, accessible areas and the Monash National Employment Cluster.

Change and revitalisation of major Activity Centres is encouraged and design and construction to world class standards are sought. Retention of street vibrancy, mixed uses above street level and high quality residential development, based on sustainable design approaches are key outcomes associated with new Activity Centre developments.

To implement the MSS, the Monash Planning Scheme provides a number of policies relevant to this proposal, including:

#### Clause 22.01 - Residential Development and Character Policy

- This policy is applicable to residential land only, but it includes:
- *“Residential growth should be directed to activity and neighbourhood centres that are well serviced by public transport, commercial, recreational, community and educational facilities to make optimum use of services available.”*

#### Clause 22.03 – Industry and Business Development and Character Policy

- This policy applies Commercial 1 zoned and other land. The enhancement of streetscape character with development of appropriate scale, high amenity built form and attractive landscaping are key aspects.
- Building heights should be appropriate to the locality and not visually overwhelm surrounding buildings, roads or spaces. ‘Medium rise’ development is encouraged in the Clayton Major Activity Centre.
- Business Character Type 2 applies to the Clayton MAC and in relation to the future character sought under this policy, new development should respect the scale and form, while providing for appropriate change.

#### Clause 22.13 - Environmentally Sustainable Development Policy

- This policy aims to integrate environmental sustainability into land use planning, new developments and the redevelopment of existing infrastructure. Under this policy best practice is sought in environmentally sustainable development from the design stage through to construction and operation.
- A Sustainability Management Plan for the proposed residential development is required under this policy with key issues to be addressed including:
  - Energy efficiency and peak demand
  - Operating greenhouse gas emissions

- Stormwater management and its reuse
- Level of reliance on mechanical heating/cooling systems
- Waste management provision.

## 5.5 Particular Provisions

The following Particular Provisions and General Requirements & Performance Standards are relevant to the proposal and the subject site:

- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone
- Clause 52.34 Bicycle Facilities
- Clause 58 Apartment Development
- Clause 65 Decision Guidelines

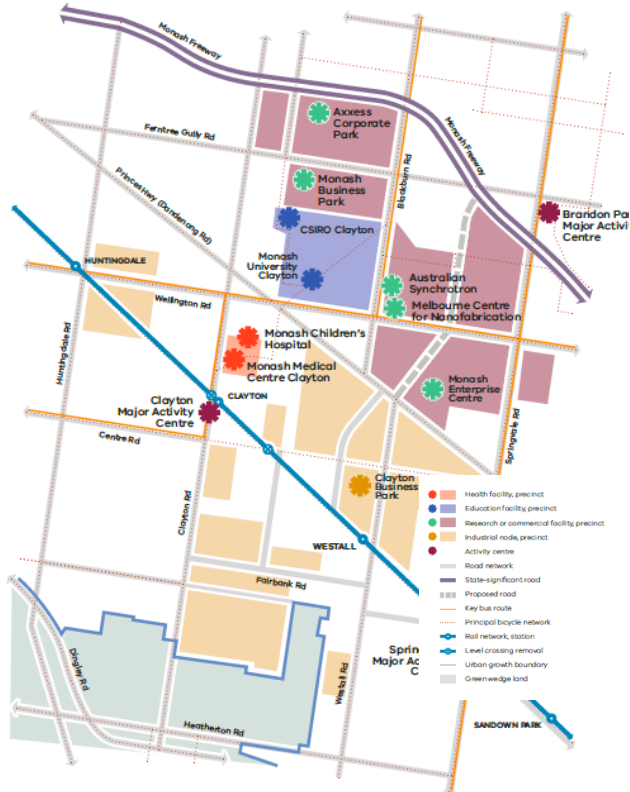


Figure 17: Plan Melbourne – Monash National Employment & Innovation Cluster (Map 5)

### 5.6 Other Strategic Planning References

#### Plan Melbourne

Plan Melbourne 2017 provides a long term planning framework for the whole of the Melbourne metropolitan area comprised of overarching principles, outcomes, directions and policies.

Relevant outcomes sought under Plan Melbourne include:

- Investment attraction and job creation (Outcome 1)
- Housing choice (Outcome 2)
- Distinctive, liveable quality design and amenity (Outcome 4)
- Vibrant and healthy neighbourhoods (Outcome 5)
- Sustainable development (Outcome 6)

Under Plan Melbourne, Clayton is a designated major Activity Centre and the nearby Monash Medical Centre and Monash University Precinct (Clayton) are health and education precincts of State significance and a focus for investment and job growth within the Monash NEIC. Refer Figure 17.

Direction 5.1 of Plan Melbourne provides the major policy platform to 'Create a city of 20-minute neighbourhoods'. Refer Figure 18. The 20-minute neighbourhood is all about living locally and having access to all their needs within a 20minute walk, cycle or local public transport trip from home. It must:

- be safe, accessible and well connected for pedestrians and cyclists to optimise active transport
- offer high-quality public realm and open space
- provide services and destinations that support local living
- facilitate access to quality public transport that connects people to jobs and higher-order services
- deliver housing/population at densities that make local services and transport viable
- facilitate thriving local economies.

Some of the key policies within Plan Melbourne related to this proposal include:

- Support the development of a network of Activity Centres linked by transport. Diversification of land use in Activity Centres is encouraged with greater flexibility needed in relation to the planning controls in these areas (Policy 1.2.1).
- Facilitate new housing in established areas ... close to existing services, jobs and public transport (Policy 2.1.2).
- Support new housing in Activity Centres (Policy 2.2.3).
- Increase the supply of social and affordable housing (Direction 2.3) and streamline decision making processes for social housing proposal's (policy 2.3.2)
- Promote urban design excellence in the built environment (Policy 4.3.1).
- Create mixed-use neighbourhoods at varying densities (Policy 5.1.1)
- Improve energy, water and waste performance of buildings through environmentally sustainable development and energy efficiency upgrades (Policy 6.1.1).

Figure 12  
The 20-minute neighbourhood



Source: Department of Environment, Land, Water and Planning

Figure 18: Plan Melbourne – 20 Minute City (Figure 12)



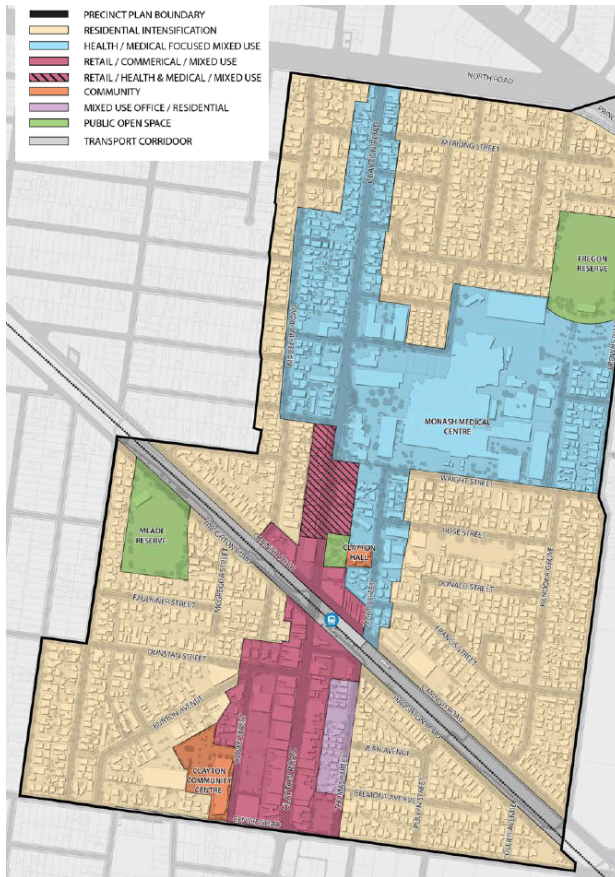


Figure 19 - Clayton Activity Centre - Draft Precinct Plan (Figure 8 – Land Use Plan)

**Clayton Activity Centre Precinct Plan (2019)**

Council has prepared the ‘Clayton Activity Centre Precinct Plan 2019’ (CACPP) to provide a framework for the future growth and development of the Activity Centre. The CACPP was adopted by Council in January 2020. A Background Report (September 2018) preceded the CACPP and provided information on existing conditions and challenges in the centre. A planning scheme amendment is proposed to implement this plan.

The CACPP area (refer Figure 19) is planned to contain a significant share of the City of Monash’s job and housing growth anticipated in the next 30 years, particularly associated with the MNEIC, which contains the largest concentration of jobs outside of the Melbourne CBD.

Improved linkages between the CAC and Monash University/Monash Medical Centre are important in the Plan’s vision, but new development areas and revitalisation opportunities are focussed on the southern side of the railway line, particularly on the western side of Clayton Road.

The Vision for the CAC includes:

- A thriving retail and commercial heart
- Clayton Road provides a spine for the centre’s users
- Integrated transportation services provide for convenient connection and movement
- Housing options will provide for a range of accommodation needs
- High quality architecture and urban design will be a feature of the new urban character of the centre.

The CACPP identifies 20 key renewal sites with 12 sites being located south of the Railway line. Of these sites 5 are privately owned, which are largely clustered on the western side of Clayton Road, including the subject land (refer Figure 20 – note: Site h).

Key land use strategies in the CACPP include:

- Supporting retail and hospitality through the enhancement of Clayton Road, streetscape improvement and the development of additional cafes and restaurants.
- Locating space for commercial and office uses in the upper levels of redevelopment sites (an additional 9,600 sqm of commercial and office space is anticipated to 2036).
- The commercial zoned area of the CAC provides good opportunities for mixed use apartment development in order to meet some of the 1,157 new dwellings anticipated to be needed in the CAC by 2036. This will also contribute to a more vibrant street life and retail/hospitality activity.
- A diverse range of housing types is sought in the CAC with the Plan supporting higher density development and residential uses above retail and office premises.

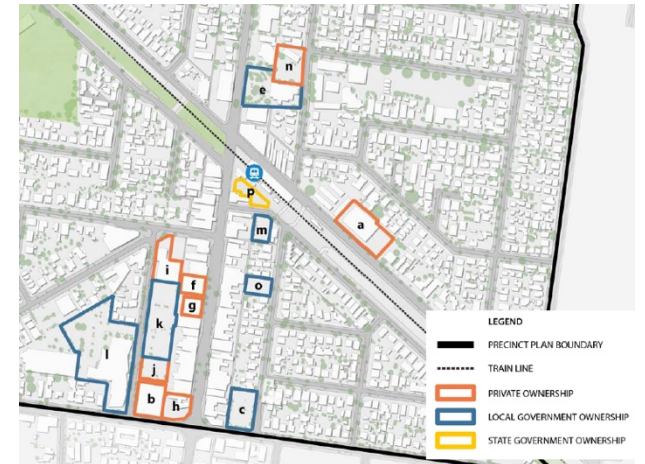


Figure 20- Clayton Activity Centre - Draft Precinct Plan (Figure 7 – Key Renewal Sites)

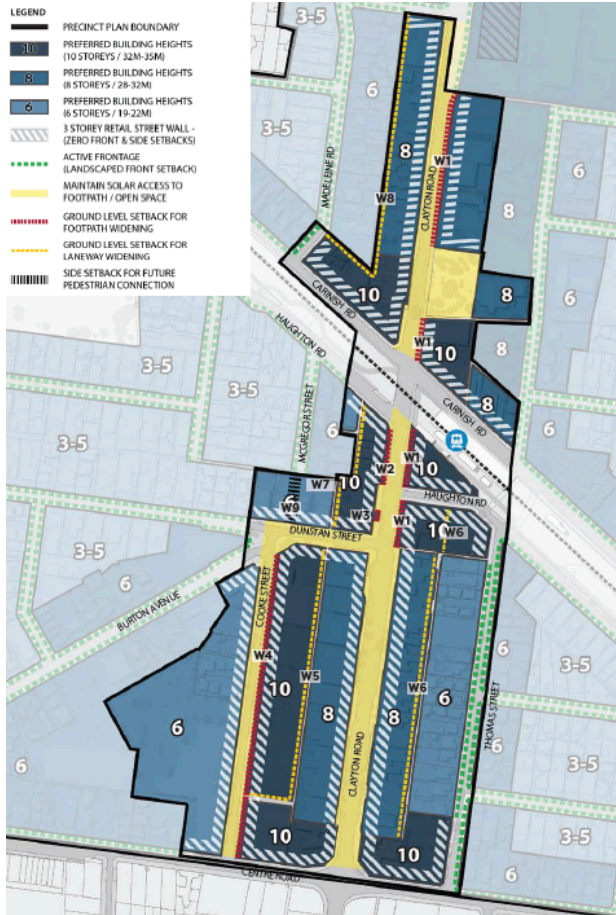


Figure 21 - Clayton Activity Centre - Draft Precinct Plan (Figure 25 - Precinct 1 - Built Form Plan)

The CACPP supports the creation of a new urban character for the CAC. Taller buildings on larger redevelopment sites and prominent locations will contribute to visual interest and a stronger entrance to the centre.

Maximising building heights on larger sites where interface issues can be minimised is a key strategy. Clayton’s sense of place and arrival are to be strengthened through quality architecture on prominent sites.

More detailed policy is provided for the defined precincts of the CAC. The subject land is in Precinct 1: Central Retail.

For each precinct the CACPP provides a land use and development vision and Key Projects for the enhancement of the precinct. Built Form and Development Requirements in relation to height, setbacks, verandas and solar access are specified in each precinct (Refer Figure 21).

Key Projects in Precinct 1 include the transformation of Clayton Road for better pedestrian use and improved linkages within and from the precinct.

The Built Form Plan for Precinct 1 provides for a Preferred Building Height of 10 storeys / 32-35 m, on the gateway sites on the northern side of the Clayton Road/Centre Road intersection, including the subject land.



# The proposal responds to Major Activity Centre planning strategies, including Plan Melbourne, & the design guidance of the previous VCAT decision for the site.

## 6. Planning Considerations

### Overview

The following sections of this report discuss the merits of the proposal and the key planning matters in consideration of this application for permit. Specifically, this report considers the following:

- Does the proposal comply with the purpose and provisions of the Zone & Overlays?
- Is the proposal supported by State and Local Planning Policy?
- Has the proposal been located and well designed to respond to the existing and future context?
- Has the proposal been designed to provide adequate internal amenity and liveability?
- Will the proposal result in unacceptable adverse off-site amenity impacts?
- Has the proposal adequately addressed transport needs?

The following sections of this report analyse and draw conclusions in response to the above.

### 6.1 DOES THE PROPOSAL COMPLY WITH THE PURPOSE OF THE RELEVANT ZONE & OVERLAYS?

#### 6.1.1 Compliance with the Commercial 1 Zone

Under the Commercial 1 Zone (C1Z) the residential, retail and commercial land uses proposed in this mixed use development do not require a planning permit.

The buildings and works proposed on the site are subject to the grant of a permit and CI 34.01-8 details the decision guidelines.

The proposed development is located on a prominent, large and influential site within the Clayton Activity Centre. Its redevelopment will provide a clear indicator of the quality, nature and future potential of the centre for the community, existing businesses and future investors.

The proposed development incorporates an mix of uses supported by the objectives of the zone and will enable a range of retail and office uses to be established in the lower four levels of the building. Importantly, retail uses are proposed on the ground and first floor, which will maintain and facilitate the expansion of street level pedestrian circulation in this part of the Activity Centre.

The upper levels provide a range of quality residential accommodation, all with substantial areas of private outdoor open space and additional areas of communal outdoor open space at roof top level. The density, layout and scale of the residential component of the building are justified on this significant site at the entrance to the Activity Centre.

The overall bulk and scale of the building has been addressed in response to the site context and the previous VCAT considerations with the design providing:

- A three (3) level podium presentation to the street, incorporating significant ground level setbacks and variable facade treatment and high quality finishes to each interface.
- Upper levels of variable height, setback, finish colours and materials, which will reduce building bulk.
- A high level of articulation on each building facade.

The land abutting and opposite the subject site is all within the C1Z and residential land in the locality of the site will not be adversely impacted by overshadowing or a loss of amenity from overlooking.

Details of the proposed building design are discussed in Section 5.3, but notable aspects in relation to the decision guidelines are:

- Pedestrian access and vehicle access to the building have been separated, which improves safety, street amenity and servicing.



- The lower levels of the building have been setback, particularly in Clayton Road, which provides weather protection overhead that wraps around the entire building frontage. This facilitates a larger area for pedestrian movement in the public realm, improved landscaping and street furniture opportunities.
- On-site car parking is provided for all land uses in accordance with the planning scheme, with dispensation sought in relation to the site's location and the accessibility of a range of public transport options.
- Several best practice environmental initiatives are included in the proposal including best practice for daylighting, smart internal waste management and recycling, best practice stormwater capture and reuse, as well as energy generation and commitments to use 100% green energy.
- The residential component optimises opportunities for solar access, natural ventilation and internal amenity.
- A range of dwelling sizes are proposed to meet the market and the future housing needs of the locality.

Refer to Section 6.2 of this report for further consideration of built form considerations.

### 6.1.2 Response to Plan Melbourne

Plan Melbourne provides the overarching strategic policy for metropolitan strategy for the next 30 years. The proposal directly responds to a number of key State policy platforms promoted by Plan Melbourne, including the following:

- will provide a diversity of housing choice including contributing to the provision of affordable housing and commitment to provide 10% of housing for low to moderate income earners (below level 10) and 5% to social housing

(above level 10) to support housing opportunities within the wider Clayton precinct;

- will support the Monash NEIC and Clayton Major Activity Centre through the provision of \$78mil construction value and provide new retail and commercial tenancies, providing significant new jobs (~942 job-years) during construction and ongoing once occupied;
- will support the State Governments initiatives and investment in rail infrastructure through the delivery of the Suburban Rail Loop;
- will 'clean up' a redundant (now vacant) service station site that is identified as a strategic redevelopment site in an existing Activity Centre capable of delivering substantial new housing;
- will deliver on the aspirations of creating a 20-minute city through the provision of a genuine mixed use building within a key location of an existing Activity Centre, providing access to all essential services, social infrastructure, public transport and employment opportunities within 10 minutes of home; and
- will aim to achieve and implement leading environmental sustainability initiatives and contribute to a reduction in greenhouse gas emissions as a result of the development in this location.

### 6.1.3 Response to State Planning Policy

The proposed development of the subject site for a mixed use building is consistent with the State Policy Framework for the following reasons:

- Cl. 11.03 Activity Centres  
The encouragement of mixed use development in Activity Centres is a major component of State Policy in relation to urban settlement development in Victoria. State Policy provides particular support for Activity Centres that are well connected by transport services and encourages the provision of a diversity of housing at higher

densities in such locations. The growth of Activity Centres is intended to enhance community access and convenience, provide jobs and access to a wide range of goods and services.

The proposed development is within a Major Activity Centre, located on main roads and near a major metro railway station with a high level of accessibility. The introduction of the Suburban Rail Loop with a Station located within 300m of the subject site provides further emphasis for the strategic investment and role of the Centre will make in achieving state planning policy. The proposal will support the State's investment in rail infrastructure.

The development will increase the diversity of commercial floor space available in the centre, expand the retail offer and provide a significant new supply of housing suited to those engaged with the major local employment and activity generators (health and education related).

The development will provide substantial new housing with immediate access to employment opportunities, major public transport and existing local services (including retail, community, education and health) within 10 minutes of their home.

In addition it will deliver new jobs, private community services and residential amenities for physical and social engagement within the proposed vertical mixed use community.

- Cl. 15.01 Urban Design / Building Design / Neighbourhoods  
State policy for urban design supports design related to context but which also provide a sense of place and identity. Quality design is sought that provides safety, liveability, enjoyment and also satisfies functional requirements.

Clayton Activity Centre is on the threshold of major change. As one of the 'first movers' in the revitalisation of the Centre the proposed



development provides a quality design approach that will set a standard for the future overall upgrade of the centre.

The contemporary design is distinctive and durable providing sense identity for this major entry point to this evolving suburban Activity Centre. The detail of the building design meets the functional, environmental and amenity requirements of occupants and customers.

▪ Cl. 15.02 Energy and Water Resource Efficiency

The proposal has been designed to maximise access to daylight for all dwellings (including 98% of bedrooms and 83% of living rooms meet best practice daylight requirements of BESS) and has incorporated a number of environmentally sustainable initiatives within the building per the Sustainability Management Plan.

▪ Cl. 16.00 Housing

The proposal will provide 144 dwellings within a prominent location in the Clayton Activity Centre, providing substantial new dwellings to meet the needs on incoming and existing population. The proposal aims to provide a diversity of housing opportunities, including for low income earners and key workers employed within the Monash medical precinct and wider NEIC.

▪ Cl. 17.02 Business

The proposal will provide three (3) levels of retail and commercial floors space, 2,346sqm in total. The provision of this floorspace at the lower levels of the building and will assist in potentially establishing commercial links with the Monash medical precinct and will support the ongoing viability of the Activity Centre and establish new employment opportunities.

The proposal will result in the following economic benefits to the State and the wider Monash NEIC area, including:

- Total estimated construction value \$78mil;

- previously estimated ~942 job-years (including ~337 direct job-years) on a state wide basis, at a total value to the State of ~\$49.2mil; and
- previously estimated ~340 jobs (including 244 Full Time Equivalent Jobs), equating to an annual value add of \$16.1mil to the State economy.  
(note: previously estimated figures taken from the economic analysis report prepared by Deep End Services, dated 26 November 2020)

▪ Cl. 18.02 Car Parking

The proposal will provide adequate car parking on site to meet the needs of future residents, tenants of the commercial space and customers attending the premises, including the provision of electric charge stations. Substantial visitor car parking is also available within the immediate vicinity of the subject site which will cater for patrons attending the Activity Centre for multiple purposes.

▪ Cl. 19.00 Infrastructure

The proposal will utilise existing physical and community infrastructure accessible to this prominent location within the Clayton Activity Centre. The subject land has excellent access to existing public transport (Clayton Railway Station -250m to the north, which will soon include access to the Suburban Rail Loop station), community services (Clayton Library and Community Centre - 50m west), retail and health services, as well as convenient access to open space within 400m of the site.

Overall it is considered that the proposal achieves a high level of compliance with the policies and objectives of the State Planning Policy Framework.

### 6.1.4 Response to Local Planning Policy

The proposed development of the subject site for a mixed use development is consistent with the State Policy Framework for the following reasons:

- Cl 22.03 Industry and Business Development & Character Policy  
The objectives of this policy include to ensure that 'new development successfully integrates into the existing business area's to enhance the streetscape character and amenity' and 'to ensure that the scale and character of future development creates or enhances a high-amenity built form environment and attractive landscape setting'.

This policy identifies the existing character of the Clayton Major Activity Centre (Business Character Type 2) being 'derived from the Post World War II boom retail development on main roads' and strip shopping. The character statement identifies the existing character and form as 'mainly single and double storey retail' which contribute to the current character.

The desired future character identified by this Clause states that new development should 'respect the scale and form' of development, 'while providing for appropriate change'. Change should be measured against the strategic directions of the MSS, 'except where an adopted Structure Plan, or some other mechanism, has identified an alternate direction'.

A number of policy documents are referenced within this Clause of the Planning Scheme, however the Clayton Activity Centre Precinct Plan, January 2020 (the CACPP) is the most recent policy document adopted by Council of relevance to the future character of the Centre.



The proposal has therefore been composed with the future character of the Clayton Activity Centre in mind and responds to the key considerations of the CACPP.

Whilst it is acknowledged that the proposal is taller than the existing single and double storey retail form of Clayton Road, it is considered that the composition of the podium integrates well with the existing adjoining shop fronts, setting back the facade of the building to align and provide a continuous building line that belies the title boundaries.

Further the design of the podium will allow future development transition as envisaged by the Precinct Plan to the immediate north. The podium is presents a 3 storey street interface which is consistent with the preferred '3 level street wall' sought by the adopted CACPP and the composition of the podium responds to the outcomes sought during the previous VCAT process.

It is considered that the proposal provides a positive response to the business character of the Activity Centre having regard for the strategic objectives of the adopted CACPP (and State Policy).

- CI 22.13 Environmentally Sustainable Development Policy  
The proposal meets the objectives and requirements of Council's Environmentally Sustainable Development Policy (CI 22.13) and a Sustainability Management Plan (SMP) has been prepared in accordance with the policy.

Based on the assessment in the SMP the proposed design:

- Reduces peak energy demands and greenhouse gas emissions;
- Suitably collects and recycles stormwater;
- Reduces the need for mechanical ventilation, cooling and heating;
- Facilitates a reduction in car dependency;
- Provides PV solar collection on the roof top;

- Provision of electric car charging stations within the car park;
- Incorporates sustainable building materials, and construction and operation practices;
- Achieves a target pathway of 4 star Green Star Design & As Built rating;
- Achieves 98% of bedrooms and 83% of living rooms meet best practice daylight requirements of BESS;
- Achieves an average apartment rating of NatHERS 7 stars;
- Achieves an overall energy performance of the building 10% better than the minimum permitted by NCC 2019;
- Meets the Best Practice standard for stormwater quality.

Refer copy of the SMP is provided in Annexure 8.

#### 6.1.5 Response to Clayton Activity Centre Precinct Plan

The proposal has had regard for the vision, aspirations and directions of the Clayton Activity Centre Precinct Plan (CACPP). Specifically the proposal supports and responds to the CACPP and its vision for the following reasons, including:

- will contribute new retail and commercial tenancies and improve the quality of commercial space available in the centre to create a 'thriving retail and commercial heart';
- will provide retail uses at ground level to contribute to a vibrant streetscape and focus on hospitality sought in Precinct 1: Central retail;
- will contribute to the employment of ~942 people during construction and ~340 jobs ongoing in the proposed retail/commercial premises (per previous estimates);
- will contribute to the upgrade of the streetscape, beautification of the public realm and the improvements to the Clayton Road 'spine', including widening the footpaths and providing additional private land for public realm purposes;

- will provide upper level commercial (office uses) and housing to 'help to activate the street across the day and night' and provide weather protection at ground level;
- provide housing choice not currently provided for in the area, including affordable housing, to meet the needs of an incoming population;
- will provide a contemporary, high quality architectural response for an identified strategic redevelopment site within the CACPP area, delivering a 'landmark' building at a 'gateway location' sought for Precinct 1;
- The proposal will result in limited overshadowing impacts on the western side of Clayton Road, with the majority of shadows cast over the Clayton Road and Centre Road intersection and the car parking areas of the uses on the southern side of Centre Road between 9am and 2pm (at the equinox). The proposal meets the performance standards at 2pm established by the previous VCAT decision;
- will provide a three (3) storey 'retail' street wall within the podium and provision of setbacks (over 5m) to the tower elements consistent with the development requirements and outcomes for Precinct 1;

It is acknowledged that the building is taller than the preferred building heights for the site within the CACPP. However, as established by the previous VCAT determination a proposal that exceeds the preferred heights (ie. building envelop height of 52.01m - RL 106.27) will provide an acceptable response to the future context and meet the overall objectives of the CACPP.

Further consideration of the design response to the site and the future urban context that the CACPP will deliver is considered in detail at Sections 6.2 of this report.



## 6.2 HAS THE PROPOSAL BEEN LOCATED AND DESIGNED TO RESPOND TO ITS CONTEXT?

### 6.2.1 Site Planning & Integration

The subject land is located at the north west corner of the major intersection of Clayton Road and Centre Road, both of which carry high volumes of vehicular traffic. The mix of uses and location of building form on each of the street corners currently addresses the convenience of the location for passing through traffic (acknowledged by the former use of the subject land as a service station) and peripheral retail and commercial role at the southern entrance to the Clayton Activity Centre.

Pedestrian amenity along Centre Road in the vicinity of the subject site is generally poor at present and is dominated by vehicular through traffic and the orientation of the adjoining supermarket, which presents a high blank wall along the Centre Road boundary. The blank supermarket wall (approximately 7.5m in height) returns the length of the western property boundary with the subject site.

To the immediate north a single storey commercial building runs the length of the boundary. A blank wall of over 5m in height presents the immediate existing interface.

Four (4) of existing crossovers are located along the property frontages of the subject site, providing vehicle access / egress for the former service station use. The extent of the existing service station pavement follows the title boundary and currently projects into the north alignment of the Clayton Road pedestrian pavement.

The proposal will remove three (3) of the existing crossovers reinstating the road and pedestrian pavement along the Clayton Road frontage and consolidating all vehicle access / egress to site to a single crossover located to the western corner of the Centre Road site frontage.

The siting of the proposed building responds to the site interfaces and existing context by locating the building to align with the existing title boundary along the Centre Road frontage of the site matching the 'zero metre setback' lot alignment of the existing supermarket.

Along the Clayton Road frontage of the site the proposal is setback 3m from the eastern property boundary at ground level to align with the existing pedestrian pavement and building line of the property immediately to the north. The extent of the building setbacks from the title boundary wrap the corner of the site to a minimum setback of 2.52m, providing depth to the pedestrian pavement and sense of arrival to the entrances of the apartments and offices (separately). The proposed building setback will 'give back' substantial private land from the subject site to public realm at street level.

The proposed retail tenancy (638sqm) at ground level fronting Clayton Road (which provides the ability to broken into smaller tenancies, including the possibility of a future café use) will create an active, transparent and commercial interface with the street. The tenancy will have direct pedestrian access to the Clayton Road public realm.

The primary residential entrance to the building will be located on Centre Road, separate to the commercial entrances, providing a distinct sense of arrival and address to the building. The commercial tenancies (second and third floors) will be accessed by their own entrance and lobby accessed also from Centre Road.

Refer Figure 22 for an extract of Ground floor plan which shows detail of building entrance.

At the upper levels of the podium have been designed to orient the proposed commercial tenancies to take advantage of views to the street (east and south), whilst acknowledging the likely future development interface to the immediate north and west. The building form projects beyond the line of the ground floor to the title boundary in segments, providing weather protection below in the public realm.

The car park (above ground) has been well concealed within the building with the commercial floor area wrapping around the entire property frontage, presenting an entirely active edge and public surveillance .

Above the podium, the proposed tower will setback the building line a minimum of 8.05m to the Clayton Road frontage and a minimum of 3.6m from the Centre road frontage. Substantial terraces are provided to service the apartments at this level (level 3), which allows opportunities from large planters and landscaping to be integrated into the roof of the podium.

The tower component of the building has been setback to the west and north of the building to respond likely future built form context. To the west the building is setback a minimum of 4.5m (at the closest point) ensure that adequate separation between buildings is provided and to address potential future visual amenity considerations, including access to daylight to the proposed apartments.

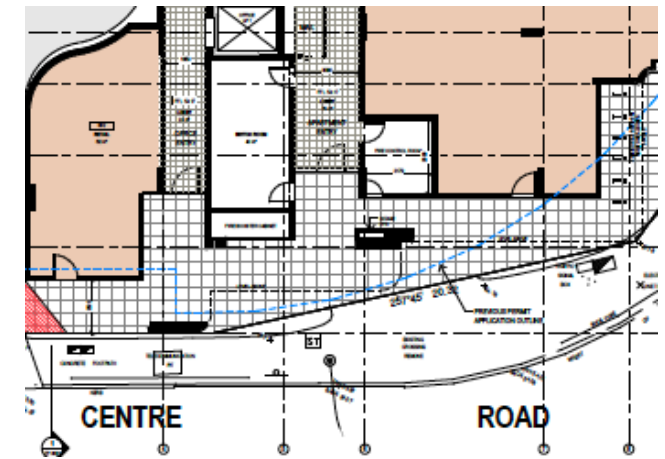


Figure 22: Residential & office entrances



To the north the building is generally setback 4.5m from the boundary, however a 10.5m section of the building is proposed to be located at a zero lot setback between levels 4 to 10. No windows are to be located in the northern interface of this section of the building in order to enable a future development to immediately abut the building and repeat a similar site interface.

Refer Figure 23 below with extract of podium level floor plan which shows the proposed northern interface of the subject site.

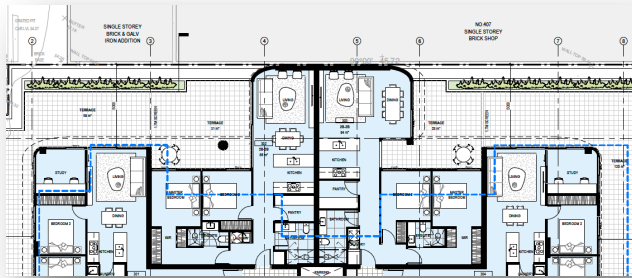


Figure 23 – Podium level north interface

Having regard for the existing small lot subdivision pattern of the land along the shopping strip to the north of the subject site, it is unlikely that this property (407 Clayton Road, which is 6.05 lot width) could be developed on its own above the height of the podium. Any proposal would need to rely on substantial site agglomeration to the north and be developed in conjunction with multiple properties in order to implement a similar 4.5m setback to meet the principles of ‘equitable development’ in this location. It is noted that major site agglomeration would need to be repeated along the strip in order to achieve any form and density of yield sought by the CACPP.

Therefore it is considered that equitable development in this circumstance should have regard to the complexity of the existing street subdivision pattern and economic considerations of major site

agglomeration in order to establish a building form, with setbacks, suitable to respond to the context.

We also note the site construction complexities (and additional costs) associated with the Suburban Rail Loop tunnels being located directly below the land in this location.

Refer Figure 24 below for an extract from the architectural package which shows the location of tunnels below the subject site and along the length of the western side of Clayton Road.

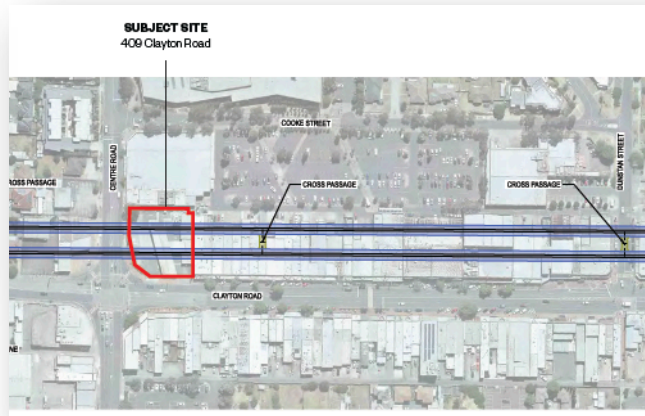


Figure 24 – Suburban Rail Loop tunnel alignment

In our view the provision of a small section of the building at a zero building line will improve the design and yield outcomes faced by the small lots to the north, without compromising future internal amenity or a sense of built form separation when viewed from Clayton Road. We note the depth of the setback of this section of the building from the Clayton Road frontage is over 20m.

When viewed from Clayton Road (within the existing built form context) from the north the provision of the ‘zero meter setback’ form will assist in

articulating the northern face of the proposed building and providing depth to the overall site composition and building architecture.

Refer Figure 25: Visualisation of north face, prepared by Cera Stribley below.



Figure 25 – Visualisation - view from Clayton Road to north building face

Further consideration of the overall building height, scale and mass as it relates to the integration with the existing and future context is further discussed at Section 6.2.2 of this Report.





It is considered that the layout and mix of apartments at each level of the building has been well designed to respond to the site interfaces, maximise access to daylight and to take advantage of views. Amenity considerations are addressed at Section 5.5 of this Report.

Overall it is considered that the composition and layout of the proposal provides a positive response and is well integrated with the existing and future site context.

**6.2.2 Built Form Composition, Scale and Mass**

An assessment of the subject sites' physical and strategic context is important in informing the overall proposed built form response in terms of composition, scale and mass.

Whilst it is acknowledged that the existing built form context is generally low scale at present, at a strategic level, the Clayton Activity Centre is to undergo substantial change and contribute to achieve major State and local policy outcomes. The CACPP provides local direction for preferred massing, scale and form of the Activity Centre. The proposal is the first strategic renewal site to be redeveloped in the Activity Centre in support of this emerging policy.

The CACPP identifies a preferred three (3) storey podium response and an overall height of 10 storeys (or circa 35m) on the subject site. Figure 10 of the CACPP shows heights of 6 storeys on the west side of Cooke Street rising to a preferred height of 10storeys on the eastern side that subsequently runs across Clayton Road and to Thomas street to the east. Shops fronting Clayton Road are identified as eight (8) storey 'preferred' height.

Clear direction was provided by VCAT through their consideration and orders for the previous permit application in balancing strategic policy aspirations and the existing physical context . In its orders on 18 March 2022, VCAT determined the following:

*'our assessment is that a **14-storey height is acceptable for this site**, subject to modification to address the impacts on solar access to the public realm. We have reached this conclusion having regard to the location on a prominent corner at the intersection of two main roads, at the entry to the municipality and to a major activity centre from the south, and to the vision for development embodied in the CACPP. Specifically, noting the preferred heights for surrounding land to the east and west along Centre Road, to the north-west along Cooke Street, a building of 10 or 12 storeys will not stand in sufficient distinction from neighbouring development to reflect the strategic nature of the site or realise the 'opportunity for taller built form to create a strong entrance into the Clayton Road shopping strip'.*  
(para. 33, VCAT Order, P917/2021, 18 March 2022)  
Our emphasis added.

The height of the previous proposal at 14 levels and max. height of 52.01m (RL 106.27) sets a benchmark for this application to respond. The proposal has an overall height of 56m from ground level to the roof top level will include a small projection for services and a communal space with area of 153sqm. The roof top services and common areas is therefore located 3.99m above the previous proposal considered by VCAT.

Internal residential floor to ceiling heights (3.1m floor to floor) of the proposal and a podium height of 12.2m (less 1m versus the previous application) has resulted in achieving 16 habitable levels within the building envelop of the previous VCAT proposal. An outline of the previous VCAT building envelop is identified on the plans, elevations and sections which demonstrates the minor variation to the overall height.

Refer visualisations plans, elevations and sections for comparison of the proposal against the former VCAT building envelop, prepared by Cera Stribley. Refer Figure 26 for east west section of the proposal.

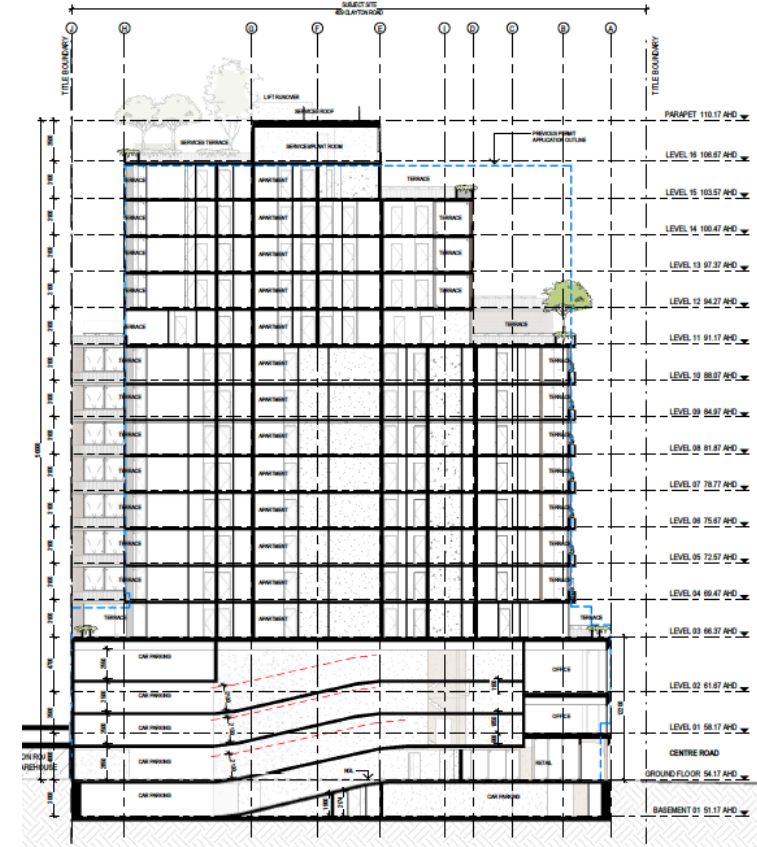


Figure 26 – East-west Section of the Building



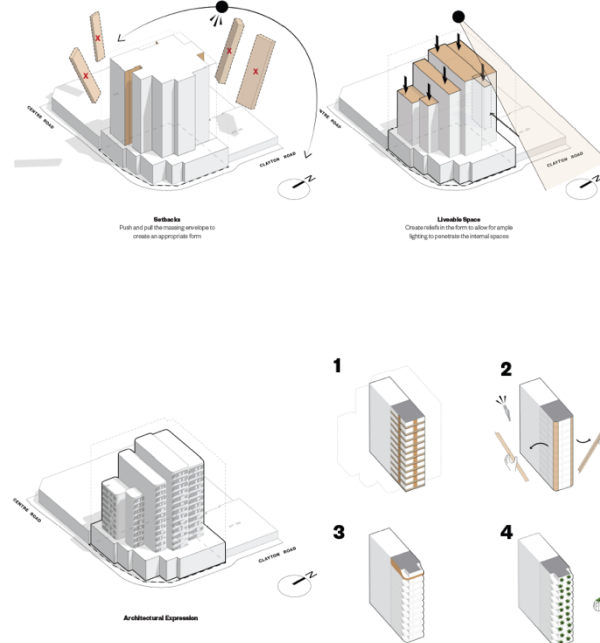
Figure 27 – Massing analysis & response

The plans also demonstrate that the breadth of the envelop has been significantly tightened, in particular above level 10. The height of the tower also step up from the south face from level 14 to the peak of the building at roof top level. The height / form is again eroded to the north stepping back from the boundary from level 10 to the roof top. This results in a highly articulated and cohesive built form composition response that wraps around the whole of the tower.

In its final determination the Tribunal stated that the amended proposal (with a 'cut out' to the building to address solar considerations) resulted in a building that was 'unbalanced', 'unsympathetic' and 'an abrupt response', which was a fundamental issue with the building massing and not acceptable for a building that has 'far-reaching visibility' at the entry to the Activity Centre. The Tribunal stated that the final iteration of the previous proposal no longer displayed 'a cohesiveness and uniformity as an architectural piece'.

In our view the proposal forming part of this application specifically responds to the criticisms of the Tribunal in this regard. The approach adopted by the architecture of the building successfully attempts to strip back the massing of the envelop (both podium and tower) to 'push and pull' the form vertically and horizontally.

The massing of the envelope is well resolved to create series of slender plains that are staggered 360 degrees around the building envelop resulting in a cohesive and highly layer building form. Refer Figure 27 for massing analysis / response below and right prepared by Cera Stribley



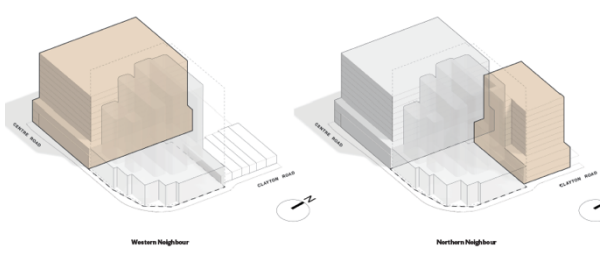
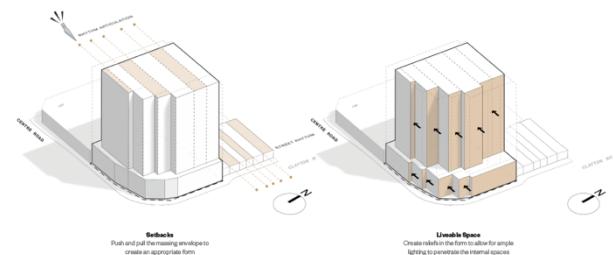
Above podium level, the tower is setback from the street boundary from a minimum of 8m (approx.) which is greater than required by the CACPP (minimum of 5m) up to 20m. The increased setbacks create a series of slender tower forms reducing the visual mass of the building and provide visual interest when viewed from various key locations within the public realm (Clayton Road and Centre Road).

Critically, however, the form also specifically addresses solar access considerations to the Clayton Road that the previous application failed to achieve in the context of a cohesive built form response. Refer to Section 6.4 of this report for discussion regarding overshadowing.

It is anticipated that the development of the Clayton Activity Centre will not occur with the height, form and yield, envisaged by the CACPP and will not be evenly distributed in a consistent or repetitive 8-10 storey design response. It is likely that scale and form development will necessarily vary greatly across the Precinct due to the constraints of the existing subdivision pattern and fragmented ownership of small lots fronting Clayton Road. Major site consolidation would be needed, while an economically viable yield required would likely necessitate a building form that varies the current assumptions of the CACPP.

Site consolidation and/or development above podium heights may also not be financially viable having regard for the location of the proposed Suburban Rail Loop tunnels to be located along the length of the western side of Clayton Road. Given the depth of the proposed tunnels the construction of basements and necessary structural support systems will add substantial cost to the development of the western side of Clayton Road. Such constraints may severely limit the ability to achieve yields and form that support ultimate strategic outcomes of the CACPP and State policy.

The subject land is the largest privately owned strategic renewal site in the CACPP capable of imminent development (noting the adjoining Coles land is larger, but occupied). The land is ideally positioned to achieve a high yield mixed use development that makes optimum





utilisation of strategic renewal site capable of delivering density outcomes to meet policy expectations.

Optimising the development yield of such an important site will necessitate the delivery of a higher building form than envisaged by the CACPP preferred building envelop. In turn this will relieve pressure on smaller landholdings that are more difficult to consolidate, less suitable or adaptable to develop, or may produce greater off-site amenity impacts if redeveloped. It is considered that this is an essential design and development response to assist in securing the future viability of the Activity Centre.

It is also considered that a 'site specific' strategic response to new built form will lead to a more dynamic mix of scale and urban form across the Activity Centre with more varied height and mass outcomes. This may result in a number of site specific exemplars or 'landmark' buildings being established and will assist in defining a high quality architectural character and aesthetic for the future Centre. Refer Figure 28 for visualisations of the proposal as view north and south along Clayton Road.

The subject site is ideally positioned to minimise off site amenity impacts and create a new landmark at the entrance at the southern end of the Activity Centre. As a 'first mover', the proposal will establish a form, scale and character that will 'stand out' as an exemplar for new development to aspire and 'kick-start' urban renewal.

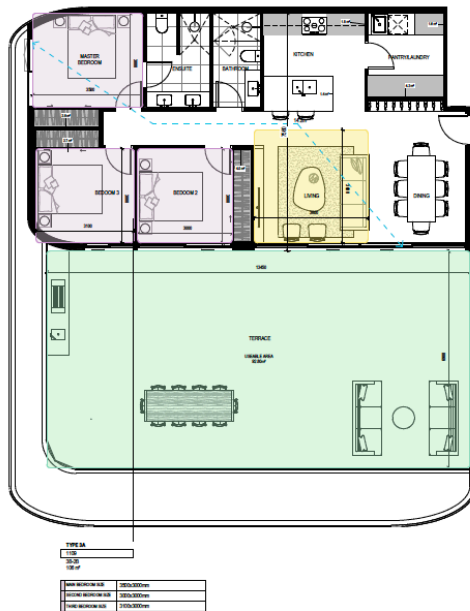
The proposal responds to the design guidance for Precinct 1 within the CACPP by providing a podium and tower composition. Whilst it is acknowledged that the proposal exceeds the preferred height of the CACPP, the context analysis and design response undertaken by Cera Stribley demonstrates that the proposed height and form will sit comfortably within the future context.

Overall, it is considered the proportions of the tower and the podium respond to the preferred building heights of the CACPP, having regard to

the findings of the previous VCAT proceedings in relation to height, scale, form and mass suitable to be located on this gateway site at the entrance to the Clayton Activity Centre.

Figure 28 – visualisations of the proposal as view north and south along Clayton Road





**6.3 Has the proposal been designed to provide adequate internal amenity and liveability?**

The proposal will provide a good level of amenity and for future occupants. The building has been well designed to provide future residents with a high level of internal amenity and accessibility.

Refer Figure 29 for extracts of example 1, 2 and 3 bed apartments.

All dwellings have been well designed to meet the internal layout and configuration requirements to achieve a high level of compliance with the requirements of Clause 58 of the planning scheme.

This is demonstrated through the following:

- Each unit is provided with an efficiently designed layout and access to a private open space area (balcony / terraces with a minimum area of 8sqm up to 93sqm) which meets the minimum Clause 58 requirement of 8 square metres for balconies.
- All units have direct access to terraces immediately from the living rooms.
- All units have a functional and flexible layout that could be adjusted to meet the needs of incoming residents.
- All units meet the minimum internal dimensions for bedroom widths and living rooms.
- Study areas are incorporated into most apartments to provide ability for residents to easily 'work from home' in the post Covid19 environment;
- Natural light and amenity is provided to all rooms of each unit. No bedrooms rely on borrowed light. As demonstrated within the SMP assessment on average all units comply with the minimum access to daylight standards and 98% of bedrooms and 83% of living rooms meet best practice daylight requirements of BESS.
- Cross-ventilation is provided to meet the Standard of Clause 58 to approximately 71% of dwellings, which achieve the cross-ventilation standard of Clause 58.

- The building smart and efficient internal layouts including compact kitchens and laundry facilities and storage areas. Each unit is provided with robes and external storage at basement level sufficient to meet the objectives of Clause 58.

An assessment of the proposal against the provisions of Clause 58 of the planning scheme is contained in Appendix 1.

In addition, the proposal provides substantial on-site communal amenities, over and above those anticipated by a typical apartment development.

The provision of an internal area of private communal amenities area (153sqm) and a large external terrace (188sqm) located at roof top level will provide opportunities for outdoor recreation, gardening and relaxation. The terrace has northern orientation and will receive excellent access to sunlight at all times of the day.

It is considered that the proposal will deliver much sought after overall liveability for apartment residents and assist with creating a highly engaged community with access to all the needs of a post-Covid19 development.

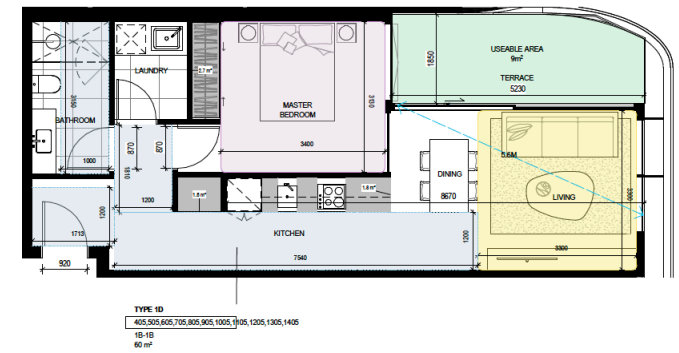


Figure 29 – example 1, 2 and 3 bed apartments



### 6.4 WILL THE PROPOSAL RESULT IN UNACCEPTABLE ADVERSE OFF-SITE AMENITY IMPACTS?

Overall, it is considered that the proposed development will not have any unreasonable impacts on the adjacent properties for the following reasons:

#### 6.4.1 Public Realm

The proposal will result in significant improvements to the public realm in the immediate vicinity of the subject site and will be a catalyst for change in this section of Clayton Road and Centre Road.

At present (as a service station) the street environment surrounding the site is dominated by vehicle movement and passing traffic. There is limited landscaping and the environment feels unsafe and highly exposed.

The transition and alignment of built form along the property boundary fronting Centre Road responds to the adjoining Coles building and the location of the main residential and commercial entrances which will create activity and passive surveillance. Further the removal of the existing crossovers and reduction to a single point of entry will improve pedestrian safety.

The construction of the building setback 3m from the eastern title boundary (to align with the adjoining chemist warehouse building) will 'give back' private land to the public realm and the Clayton Road pedestrian network. This will significantly increase the extent / width of the pedestrian area within frontage of the building and serve as a generous pedestrian entrance to the shopping centre.

A landscape concept has been prepared by Human Habitats demonstrates how the ground level retail tenancies and the public realm

in this location may integrate and deliver a public realm design outcome that aligns with Council's overall vision and aesthetic (including materials and vegetation types) under the CACPP.

#### 6.4.2 Overshadowing

The proposal will result in some overshadowing of the public realm due to the location of the site on the north-west corner of Clayton Road and Centre Road. However, the Tribunal in its order on 18 March 2022, set specific performance criteria for the development of the land to achieve and respond to the expectations of the CACPP.

The Tribunal stated recommendations that 'at 2.00pm on the equinox, the development will not cast shadows to within 4.0 metres of the property boundary of sites on the eastern side of Clayton Road'.

The form and composition of the of the building has been specifically designed to address the key findings of the Tribunal and the shadow diagrams demonstrate that the proposal will not cast shadows on the public realm opposite the site at that time. The shadow diagrams also provide comparison between the previous application and the CACPP

Refer Figure 30 for 1pm and 2pm shadow analysis.

Shadow diagrams prepared by Cera Stribley show that shadows cast by the building between the hours of 9am to 1pm will generally fall within the front service areas and car parking areas of the commercial premises on the southern side of Centre Road. Shadows cast at 1pm will also fall across the intersection of Clayton Road and Centre Road. They will not reach the pedestrian environs or commercial premises to the north-east and south-east corners of the intersection.

It is considered that the extent of overshadowing is acceptable as shadows cast by the development will not fall on any private open space associated with residential or public realm in accordance with the Tribunal's recommendations.

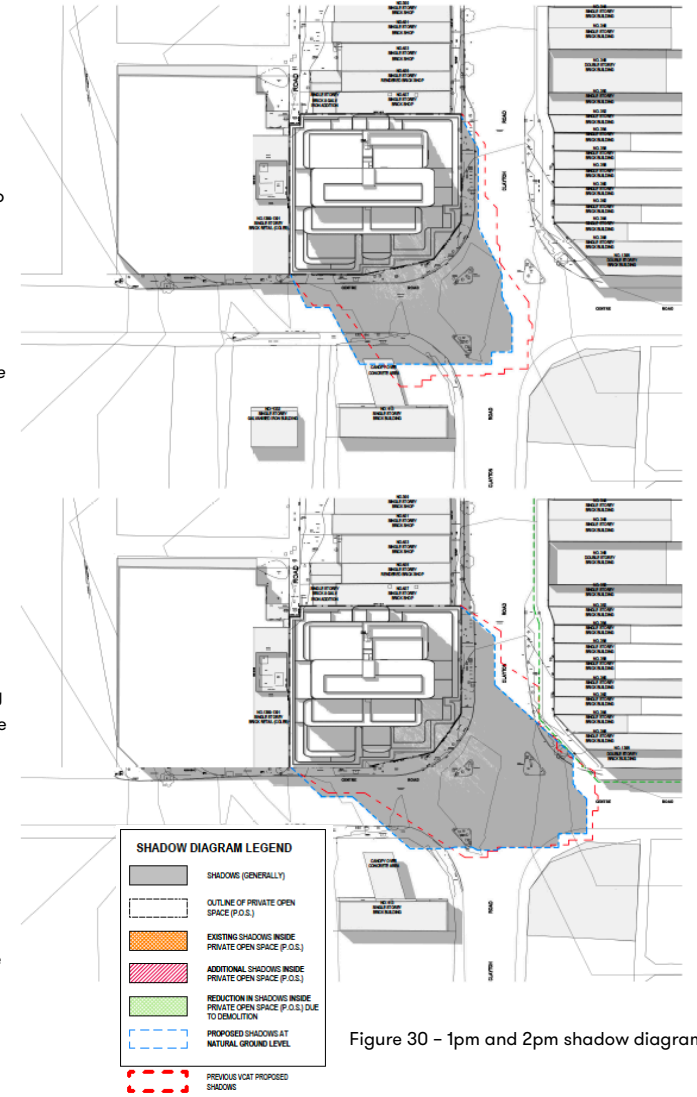


Figure 30 - 1pm and 2pm shadow diagrams



### 6.4.3 Overlooking and Privacy

The proposal will not result in any unreasonable overlooking or privacy concerns. Given the location of the land there will not be any direct overlooking of residential properties.

The building has also been well designed to plan for the potential of future overlooking conflicts with the properties to the north and west (should they be redeveloped in the future). The tower is setback generally a minimum of between 4.5m-5m from each of these boundaries. Where there is a zero lot setback to the north views are oriented east-west.

It is anticipated that similar setback would be provided on the adjoining properties in the event of their development and therefore would result in minimum separation requirements consistent with Clause 58 of the Planning Scheme.

## 6.5 DOES THE PROPOSAL ADEQUATELY ADDRESS TRAFFIC, ACCESS, AND CAR PARKING CONSIDERATIONS?

Traffic consultants One Mile Grid have undertaken a thorough assessment of the traffic generation, provision of car and bicycle parking for the proposed mixed use development. A summary of their key findings includes:

### 6.5.1 Access Arrangements

Vehicle access to the site will be limited to the existing western crossover in Centre Road. The three (3) existing crossovers will be removed with kerb, pedestrian pavement and outdoor public space (with landscaping) reinstated.

All vehicle movement to and from the site will be limited to left in and left out on Centre Road. These arrangements will significantly improve pedestrian safety and circulation adjacent to the site.

We also note that the proposed vehicle access arrangements were found to acceptable in relation to the previous application considered by the Tribunal.

### 6.5.2 Parking

The car parking areas, provision for goods loading/unloading, circulation and grades between the parking levels, the provision of disability accessible spaces and bicycle parking provision meet the design requirements of the Planning Scheme.

Car parking provision of 147 spaces for the residential development meets the objectives of the Planning Scheme. The commercial and retail parking provision of 43 spaces will meet the needs of likely users having regard to the Activity Centre location of the development and car parking requirements in centres of a comparable type, the high levels of public transport access available and walkability in the locality.

A dispensation of 31 car spaces is sought in relation to the proposed retail and commercial uses. The parking demand analysis identifies this dispensation is reasonable as adequate staff parking is provided and also recognises the multi-purpose nature of customer visits to major Activity Centres.

We also note that dispensation of a similar rate of car parking was found to acceptable in relation to the previous application considered by the Tribunal.

The car park will include facilities for the charging of electric vehicles. Bicycle parking provision of 95 spaces within the basement & ground level car park will meet the needs of employees, residents and residential visitors. In addition there are another 26 spaces provided along the

street frontage that are available for use by visitors. As such the provision of bicycle parking exceeds the planning scheme requirements.

The provision of bicycle parking is also supported by the required end of trip facilities (1 x showers and change facilities) within the ground level of the building, as required by the planning scheme..

### 6.5.3 Traffic Impact

The likely peak traffic demand of each of the land uses proposed (residential, retail, commercial) has been analysed and compared with the previous service station operation.

A peak hour increase of 35 (total) vehicle movements is concluded, although considered likely to be lower on weekends. The analysis concludes that this level of additional movement can be readily accommodated by the surrounding road network and impacts will be minimised by the proposed limited site access arrangements as detailed

The transport assessment concludes the proposal will not result in a detrimental impact on the road network through traffic associated with the proposed uses.

We also note that traffic generation and movement was found to be acceptable in relation to the previous application considered by the Tribunal.

Refer to One Mile Grid, Transport Impact Assessment, contained within Annexure 6.



# The proposal achieves a high level of compliance with the State and Local Planning Policy directions and should be supported.

## 7. Conclusion

This report has addressed the planning merits of a proposed development of the land for the purposes of a multi-level mixed use development. In conclusion:

- the proposal demonstrates a high level of compliance with the State and Local Planning Policy Frameworks, which seeks to increase residential density within existing Activity Centres, in particular the Clayton Activity Centre and Monash NIEC;
  - the proposal will result in significant economic benefits to the State and the wider Monash area;
  - the provision of 144 new dwellings will deliver essential modern and affordable housing that will satisfy strong existing and future residential demand for apartment housing that is otherwise not provided in the local area and context of Monash;
  - the proposal will facilitate the equivalent of 10% affordable housing based on apartments up to level 10 specifically allocated for purchase by low to moderate income earners in the 20-39 year age group and 5% of social housing dwellings above level 10 of the building;
  - the provision of new, modern office space and on-site retail amenity totalling ~2,346sqm of commercial space, providing new opportunities for businesses to locate within the local Clayton Activity Centre.
  - the subject land is a redundant service station and identified strategic site for key renewal within the Clayton Activity Centre. Targeted housing is critical on such as site but is more likely to continue to take place outside, than inside, the Activity Centre if reliance is placed on land that is significantly more constrained by existing subdivision, ownership, location and scale factors.
  - the proposed overall building height and composition of form is positive to respond to the prominent location of the site at the southern entrance to the Clayton Activity Centre, having regard for the significant State policy, the emerging local policy aspirations under the CACPP.
- The proposal achieves high design qualities and the performance expectations for overshadowing of the public realm in response to the directions of previous VCAT decision (VCAT Ref. P917/2021).
  - The proposed podium has been innovatively designed and composed along each street frontage to align with the existing buildings in Clayton Road and significantly improve the public realm and pedestrian environs in this location of the Activity Centre;
  - the proposal will provide substantial on-site communal amenities and open space, providing residents with safe and secure amenities to meet their essential day to day needs of residents and engender community engagement within the building;
  - The proposal will contribute to the reduction of greenhouse gas emissions and exceed the energy performance expectations of Council's ESD policy through the commitment of to 100% Green Power, exceeding BESS standards for daylight, achieving a 4 Star Green Star performance standard, an average rating of NatHERS 7 and meeting Best Practice standard for Urban Stormwater Quality;
  - The development provides a good level of internal amenity and accessibility to specifically cater for future occupants.
  - The proposal will not result in unacceptable off-site amenity impacts;
  - The proposal provides sufficient car parking and bicycle parking to meet the needs of the proposed uses and will not result in any unreasonable impacts on the operation of the road network;

On balance, the proposal presents a good planning outcome, overcomes the failings of the previous application for the site and should be supported by Council.

**A Different City Pty Ltd**

**Appendix 1– Clause 58 (Apartment Developments) Assessment**

<b>58.02 Urban Context</b>	
<b>58.02-1 Urban context</b>	<ul style="list-style-type: none"> <li>To ensure that:               <ul style="list-style-type: none"> <li>the design responds to the existing urban context or contributes to the preferred future development of the area</li> <li>development responds to the features of the site and the surrounding area.</li> </ul> </li> </ul>
<b>Standard D1</b>	<ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>
Assessment	Achieved – Refer to architectural plans package and urban planning report.
<b>58.02-2 Residential policy</b>	<ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul>
<b>Standard D2</b>	<ul style="list-style-type: none"> <li>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> </ul>
Assessment	Achieved – Refer to urban planning report for detailed discussion.
<b>58.02-3 Dwelling diversity</b>	<ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul>
<b>Standard D3</b>	<ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>
Assessment	Achieved – The development consists of 49 x one bedroom apartments, 87 x two bedroom apartments, 8 x three bedroom apartment, which provides a good range of housing products to meet the market and likely demands for accommodation in this location.
<b>58.02-4 Infrastructure</b>	<ul style="list-style-type: none"> <li>To ensure development:               <ul style="list-style-type: none"> <li>is provided with appropriate utility services and infrastructure</li> <li>does not unreasonably overload the capacity of utility services and infrastructure.</li> </ul> </li> </ul>
<b>Standard D4</b>	<ul style="list-style-type: none"> <li>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure</li> </ul>
Assessment	Achieved – The site is connected to services and any upgrade required will be undertaken as part of the project.





<b>58.02-5 Integration with the street</b>	<ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>
<b>Standard D5</b>	<ul style="list-style-type: none"> <li>Developments should: <ul style="list-style-type: none"> <li>provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> <li>be oriented to front existing and proposed streets.</li> </ul> </li> <li>High fencing in front of dwellings should be avoided if practicable.</li> <li>Development next to existing public open space should be laid out to complement the open space.</li> </ul>
Assessment	Achieved – Refer to urban planning report for detailed discussion. The proposed retail tenancies along Clayton Road provide transparent glass and direct access from the street.
<b>58.03 Site Layout</b>	
<b>58.03-1 Energy efficiency</b>	<ul style="list-style-type: none"> <li>To achieve and protect energy efficient dwellings and buildings</li> <li>To ensure: <ul style="list-style-type: none"> <li>the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul> </li> <li>dwellings achieve adequate thermal efficiency.</li> </ul>
<b>Standard D6</b>	<ul style="list-style-type: none"> <li>Buildings should be: <ul style="list-style-type: none"> <li>Oriented to make appropriate use of solar energy.</li> <li>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> </li> <li>Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the table.</li> </ul>
Assessment	Achieved - the maximum number of dwellings benefit from a northerly orientation, comfortable outdoor spaces and appropriate levels of daylight to all habitable rooms at all levels.
<b>58.03-2 Communal open space</b>	<ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul>
<b>Standard D7</b>	<ul style="list-style-type: none"> <li>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.</li> <li>Communal open space should: <ul style="list-style-type: none"> <li>Be located to: <ul style="list-style-type: none"> <li>Provide passive surveillance opportunities, where appropriate.</li> <li>Provide outlook for as many dwellings as practicable.</li> <li>Avoid overlooking into habitable rooms and private open space of new dwellings.</li> <li>Minimise noise impacts to new and existing dwellings.</li> </ul> </li> </ul> </li> <li>Be designed to protect any natural features on the site.</li> <li>Maximise landscaping opportunities.</li> <li>Be accessible, useable and capable of efficient management.</li> </ul>
Assessment	Achieved – A total of 341sqm of communal space is provided at roof top level, which includes 153sqm of internal space and 188sqm of outdoor space. Open spaces on the roof are located so that no overlooking of any residence will occur and provides opportunities for landscaping to be provided and includes the provision of a pool for recreation.



<b>58.03-3 Solar access to communal outdoor open space</b>	<ul style="list-style-type: none"><li>To allow solar access into communal outdoor open space.</li></ul>
<b>Standard D8</b>	<ul style="list-style-type: none"><li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li><li>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li></ul>
Assessment	Achieved –188sqm of communal open space located on the north side of the building with full access to northern sun.
<b>58.03-4 Safety</b>	<ul style="list-style-type: none"><li>To ensure the layout of development provides for the safety and security of residents and property.</li></ul>
<b>Standard D9</b>	<ul style="list-style-type: none"><li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li><li>Planting which creates unsafe spaces along streets and accessways should be avoided.</li><li>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li><li>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li></ul>
Assessment	Achieved – The main residential entrance to the building is located on Centre Road, which leads to a residents only residential lobby and lift areas, minimising potential conflicts with the general public. The entrance to the level 1 and 2 commercial office area is located on Centre Road separate to the residential entry and serviced via its own commercial lobby and lift. Retail tenancies are accessed via Clayton Road. All car parking areas provide clear and direct access to lifts and common areas.
<b>58.03-5 Landscaping</b>	<ul style="list-style-type: none"><li>To encourage development that respects the landscape character of the area.</li><li>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li><li>To provide appropriate landscaping.</li><li>To encourage the retention of mature vegetation on the site.</li><li>To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</li></ul>
<b>Standard D10</b>	<ul style="list-style-type: none"><li>The landscape layout and design should:<ul style="list-style-type: none"><li>Be responsive to the site context.</li><li>Protect any predominant landscape features of the area.</li><li>Take into account the soil type and drainage patterns of the site and integrate planting and water management.</li><li>Allow for intended vegetation growth and structural protection of buildings.</li><li>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</li><li>Provide a safe, attractive and functional environment for residents.</li></ul></li><li>Development should provide for the retention or planting of trees, where these are part of the urban context.</li><li>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</li><li>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</li><li>Development should provide the deep soil areas and canopy trees specified in Table D2.</li><li>If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:<ul style="list-style-type: none"><li>Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.</li></ul></li><li>Vegetated planters, green roofs or green facades.</li></ul>



Assessment	Achieved – The subject site is located in a highly exposed part of the Clayton Shopping Centre that is generally devoid of vegetation and limited landscaping in the street. The proposal will increase the land available to the public realm by setting the building back from the property boundary along Clayton Road to improve the landscape interface in this location. A landscape concept plans has been prepared by Human Habitats which aims to respond to the public realm expectations of the CACPP. In addition landscaping is provided along the facade of the building in the form of planter boxes and creepers to balconies which will soften the interface of the podium and tower when viewed from the street.
<b>58.03-6 Access</b>	<ul style="list-style-type: none"><li>To ensure the number and design of vehicle crossovers respects the urban context.</li></ul>
<b>Standard D11</b>	<ul style="list-style-type: none"><li>The width of accessways or car spaces should not exceed:<ul style="list-style-type: none"><li>33 per cent of the street frontage, or</li><li>if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li></ul></li><li>No more than one single-width crossover should be provided for each dwelling fronting a street.</li><li>The location of crossovers should maximise the retention of on-street car parking spaces.</li><li>The number of access points to a road in a Road Zone should be minimised.</li><li>Developments must provide for access for service, emergency and delivery vehicles.</li></ul>
Assessment	Achieved – Refer to traffic impact assessment and urban planning report. The proposal replaces four (4) existing crossovers along the site frontages (associated with the former service station use) and provides a single vehicular crossover at the south western corner of the site from Centre Road. This access has been designed to ensure all likely vehicles attending the site (including refuse collection) may enter and exit the site in a forwards direction.
<b>58.03-7 Parking location</b>	<ul style="list-style-type: none"><li>To provide convenient parking for resident and visitor vehicles.</li><li>To protect residents from vehicular noise within developments.</li></ul>
<b>Standard D12</b>	<ul style="list-style-type: none"><li>Car parking facilities should:<ul style="list-style-type: none"><li>Be reasonably close and convenient to dwellings.</li><li>Be secure.</li><li>Be well ventilated if enclosed.</li></ul></li><li>Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</li></ul>
Assessment	Achieved – Refer to traffic impact assessment and urban planning report. Total of 147 car spaces are provided at basement level and within the podium. All car parks have convenient access to the lifts.
<b>58.03-8 Integrated water and stormwater management</b>	<ul style="list-style-type: none"><li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li><li>To facilitate stormwater collection, utilisation and infiltration within the development.</li><li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li></ul>
<b>Standard D13</b>	<ul style="list-style-type: none"><li>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li><li>Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.</li><li>The stormwater management system should be:<ul style="list-style-type: none"><li>Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater – Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee 1999) as amended.</li></ul></li><li>Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li></ul>



Assessment	Achieved - Refer to the Sustainability Management Plan for a detailed assessment of storm water management, which exceeds the pollutant load reduction targets set out in the Best Practice Environmental Management Guidelines (BPEMG). Rainwater tank of 60,000L is proposed at the basement level which will service toilets within the building on levels 1 & 2, plus residential levels 3,4 & 5.
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### 58.04 Amenity Impacts

<b>58.04-1 Building setback</b>	<ul style="list-style-type: none"> <li>To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To allow adequate daylight into new dwellings.</li> <li>To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>To provide a reasonable outlook from new dwellings.</li> <li>To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul>
<b>Standard D14</b>	<ul style="list-style-type: none"> <li>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</li> <li>Buildings should be set back from side and rear boundaries, and other buildings within the site to: <ul style="list-style-type: none"> <li>Ensure adequate daylight into new habitable room windows.</li> <li>Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.</li> <li>Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> </ul> </li> <li>Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul>
Assessment	Achieved - Refer to urban planning report for detailed discussion. The building transitions along Centre Road, with setbacks of 2.52m to the retail tenancy and further to the commercial and residential entrances. Setbacks of 3m (min.) from the Clayton Road property boundary, providing significant contribution of private land to the public realm. The alignment of the buildings at ground level will match the existing alignment of buildings in Clayton Road. The upper levels of the building (tower) are setback between 4.50m up to 20m (approx..) consistent with the directions of the setbacks contained in the CACPP.
<b>58.04-2 Internal views</b>	<ul style="list-style-type: none"> <li>To limit views into the private open space and habitable room windows of dwellings within a development.</li> </ul>
<b>Standard D15</b>	<ul style="list-style-type: none"> <li>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</li> </ul>
Assessment	Achieved - Internal views to private open space and habitable rooms have been minimised throughout. The position of balconies and terraces has been designed to limit overlooking within the development and will result in no overlooking of adjoining properties.
<b>58.04-3 Noise impacts</b>	<ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external and internal noise sources.</li> </ul>
<b>Standard D16</b>	<ul style="list-style-type: none"> <li>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</li> <li>The layout of new dwellings and buildings should minimise noise transmission within the site.</li> <li>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</li> <li>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.</li> <li>Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels: <ul style="list-style-type: none"> <li>Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.</li> <li>Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.</li> </ul> </li> </ul>



- Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.
- Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Assessment

Achieved - Noise associated with the proposal will be limited to typical residential outcomes. All plant and equipment is screened or located internal to the building.

### 58.05 On Site Amenity and Facilities

#### 58.05-1 Accessibility

- To ensure the design of dwellings meets the needs of people with limited mobility.

#### Standard D17

- At least 50 per cent of dwellings should have:
  - A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
  - A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
  - A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Assessment

Achieved - detailed floor plans demonstrate compliance with this standard is achieved. Dwelling entrances and doorways to main bedrooms are 850mm in width. A clear path of a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an all units provide adaptable access to bathroom and the living areas.

#### 58.05-2 Building entry and circulation

- To provide each dwelling and building with its own sense of identity.
- To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.
- To ensure internal communal areas provide adequate access to daylight and natural ventilation.

#### Standard D18

- Entries to dwellings and buildings should:
  - Be visible and easily identifiable.
  - Provide shelter, a sense of personal address and a transitional space around the entry.
- The layout and design of buildings should:
  - Clearly distinguish entrances to residential and non-residential areas.
  - Provide windows to building entrances and lift areas.
  - Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
  - Provide common areas and corridors that:
    - Include at least one source of natural light and natural ventilation.
    - Avoid obstruction from building services.
- Maintain clear sight lines.

Assessment

Achieved - The main residential entrance to the building is located on Centre Road, which leads to a residents only residential lobby and lift areas, minimising potential conflicts with the general public. The entrance to the level 1 &amp; 2 commercial tenancies is located adjacent the residential entrance and is provided with its own commercial lobby and lift access. Access to the retail tenancies is direct from Clayton Road, via separate entrances.

#### 58.05-3 Private open space

- To provide adequate storage facilities for each dwelling.

#### Standard D19

- A dwelling should have private open space consisting of:
  - An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or



- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
  - A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
  - A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.
- If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Assessment

Achieved - Detailed floor plans at each level demonstrate compliance with this standard is achieved with each unit provided with a minimum balcony or terrace over 8sqm, with direct access from a living room.

**58.05-4 Storage**

- To provide adequate storage facilities for each dwelling.

**Standard D20**

- Each dwelling should have convenient access to usable and secure storage space.
- The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Assessment

Achieved - Detailed floor plans demonstrate compliance with this standard is achieved with internal storage volume of a minimum of 6 cubic metres and external storage volume of a minimum of 4.2 cubic metres. Each dwelling is provided with external allocated within the car park levels.

**58.06 Detailed Design****58.06-1 Common property**

- To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
- To avoid future management difficulties in areas of common ownership.

**Standard D21**

- Developments should clearly delineate public, communal and private areas.
- Common property, where provided, should be functional and capable of efficient management.

Assessment

Achieved - All common property and communal spaces both internally and externally have been designed with a clear function in mind and can be appropriately managed and maintained by the Owners Corporation.

**58.06-2 Site services**

- To ensure that site services can be installed and easily maintained.
- To ensure that site facilities are accessible, adequate and attractive.

**Standard D22**

- The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
- Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
- Mailboxes should be provided and located for convenient access as required by Australia Post.

Assessment

Achieved - Adequate spaces is provided within the residential lobby to provide for mail boxes, etc.

**58.06-3 Waste and recycling**

- To ensure dwellings are designed to encourage waste recycling.
- To ensure that waste and recycling facilities are accessible, adequate and attractive.
- To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard D23**

- Developments should include dedicated areas for:



- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.
- Adequate facilities for bin washing. These areas should be adequately ventilated.
- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.
- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
- Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
  - Be designed to meet the best practice waste and recycling management guidelines for residential development adopted by Sustainability Victoria.
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

Assessment

Achieved - Refer to Waste Management Plan for detailed initiatives and management of waste for the development. Bin storage is provided within the basement. It is understood that collection by a suitable waste contractor will occur in accordance with a waste management plan and the access to the basement has been well designed to accommodate refuse vehicles.

### 58.07 Internal Amenity

#### 58.07-1 Functional layout

- To ensure dwellings provide functional areas that meet the needs of residents.

#### Standard D24

- Bedrooms should:
  - Meet the minimum internal room dimensions specified in Table D7.
  - Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.
- Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Assessment

Achieved - The detailed floor plans at each level of the building demonstrate compliance with the minimum internal bedroom and living room standards are achieved.

#### 58.07-2 Room depth

- To allow adequate daylight into single aspect habitable rooms.

#### Standard D25

- Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.
- The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
  - The room combines the living area, dining area and kitchen.
  - The kitchen is located furthest from the window.
  - The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
- The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Assessment

Achieved - The detailed floor plans demonstrate compliance with this standard is achieved. Refer to SMP which demonstrates that adequate daylight is achieved to all apartments within the development to meet this standard. 98% of bedrooms and 83% of living rooms meet best practice daylight requirements of BESS.

#### 58.07-3 Windows

- To allow adequate daylight into new habitable room windows.



<b>Standard D26</b>	<ul style="list-style-type: none"><li>• Habitable rooms should have a window in an external wall of the building.</li><li>• A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</li><li>• The secondary area should be:<ul style="list-style-type: none"><li>○ A minimum width of 1.2 metres.</li></ul></li><li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li></ul>
Assessment	Achieved – All habitable rooms have a window external facing from the building. The detailed floor plans demonstrate compliance with this standard is achieved. Refer to SMP which demonstrates that adequate daylight is achieved to all apartments within the development to meet this standard.
<b>58.07-4 Natural ventilation</b>	<ul style="list-style-type: none"><li>• To encourage natural ventilation of dwellings.</li><li>• To allow occupants to effectively manage natural ventilation of dwellings.</li></ul>
<b>Standard D27</b>	<ul style="list-style-type: none"><li>• The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</li><li>• At least 40 per cent of dwellings should provide effective cross ventilation that has:<ul style="list-style-type: none"><li>○ A maximum breeze path through the dwelling of 18 metres.</li><li>○ A minimum breeze path through the dwelling of 5 metres.</li><li>○ Ventilation openings with approximately the same area.</li></ul></li><li>• The breeze path is measured between the ventilation openings on different orientations of the dwelling.</li></ul>
Assessment	Achieved – The detailed floor plans demonstrate that approximately 71% of dwellings achieve cross ventilation required by the standard.