

**1.3 296-308 AND 310-324 FERNTREE GULLY ROAD, NOTTING HILL
AMENDMENT OF AN EXISTING PLANNING PERMIT TO ALLOW FOR
CONSTRUCTION OF A SIX (6) STOREY OFFICE BUILDING ABOVE A BASEMENT CAR
PARK
(TPA/35875/J)**

EXECUTIVE SUMMARY:

Planning Permit TPA/35875 was issued on 12 March 2008, which authorised the staged development and use of the land for the purpose of offices, food and drink premises, access to a Road Zone and roadworks. The Permit acted as a Masterplan for the site.

Amendments to the Permit have been lodged to provide details of each building module of this 'Master Plan'.

This application proposes the demolition of a double storey building within the north-eastern corner of the site and its replacement with a six (6) storey office building above a basement car park. Blade walls within the front setback and structures to the rear of the building are also proposed in association with a common open space area.

The initial Permit did not seek any changes to this existing building that was built in approximately 1982. The application does not seek to vary any conditions of the current Planning Permit. The Planning Permit is still current, and allows for construction of works until 12 March 2020. An amendment is required to amend the endorsed plans associated with the Planning Permit.

The proposal meets the car parking requirement as specified within Condition 5 of the Permit, and required bicycle facilities as specified in the Monash Planning Scheme.

The application was exempt from notice.

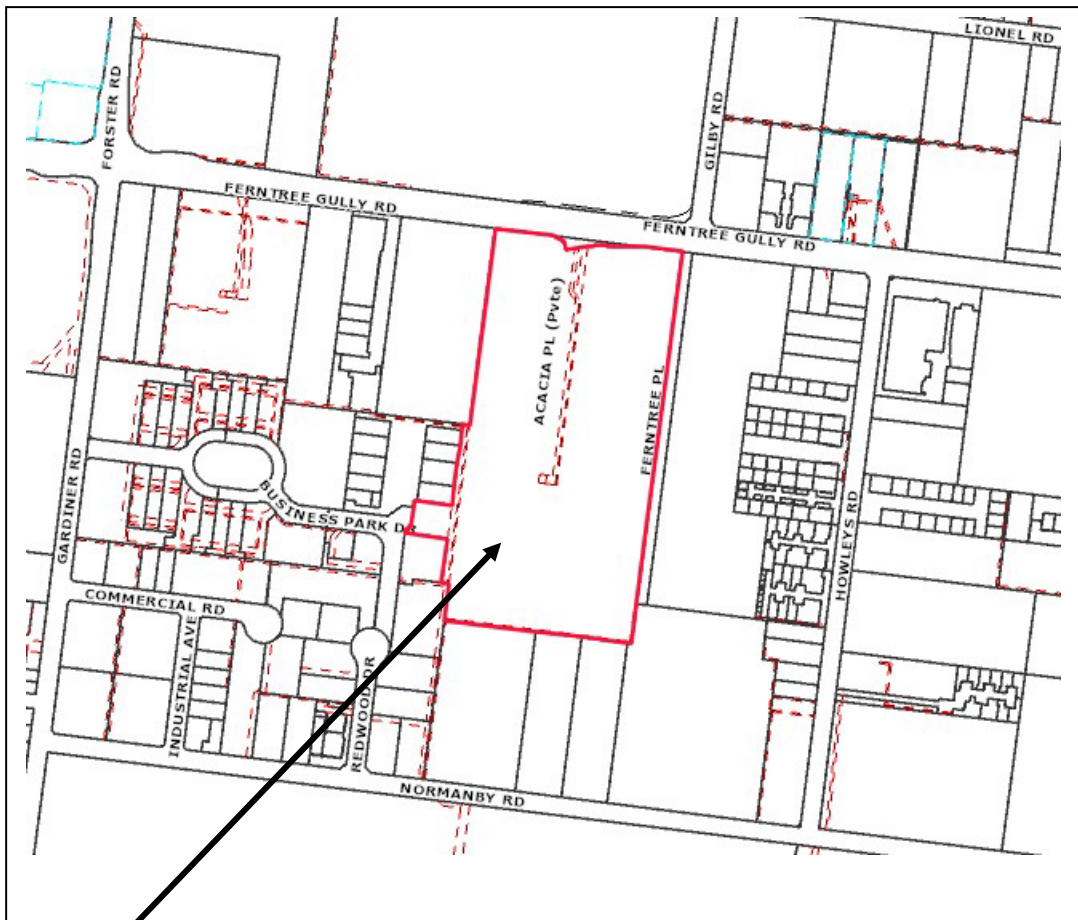
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework.

The reason for presenting this report to Council is the amendment to the endorsed plans of the existing Planning Permit for a 6 storey office building and associated works has a development cost of \$39.0 Million.

The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issue an amended Planning Permit subject to existing conditions of the Planning Permit.

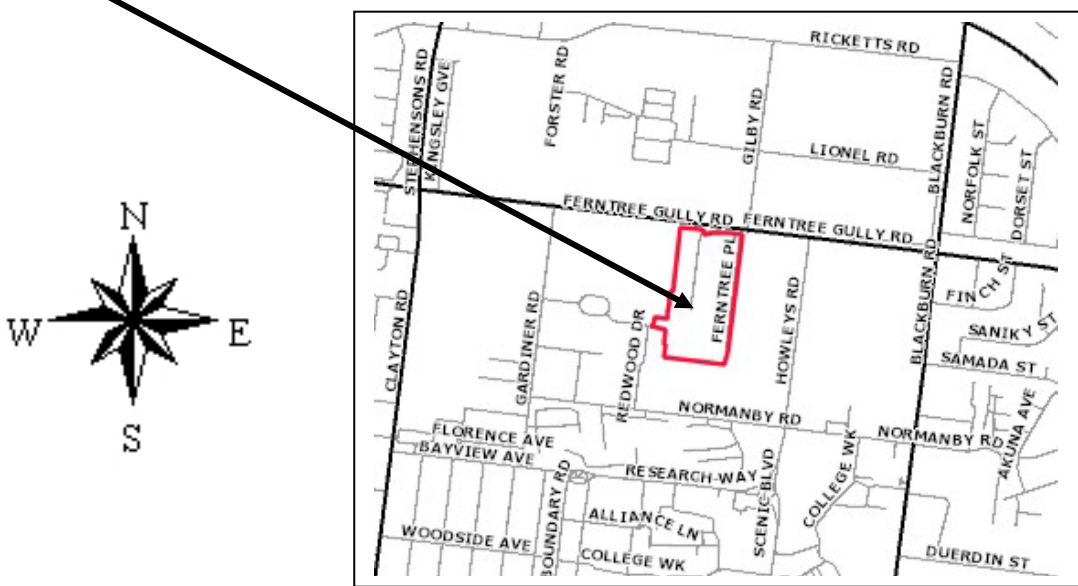
RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Alexandra Wade
WARD:	Oakleigh Ward
PROPERTY ADDRESS:	296-308 & 310-324 Ferntree Gully Road, Notting Hill
EXISTING LAND USE:	Business Park including office, warehouse and industry, residential hotel, office, food and drinks premises and childcare centre
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	N/A
ZONING:	Special Use Zone, Schedule 6
OVERLAY:	Design and Development Overlay, Schedule 1
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.02-1S – Supply of Urban Land Clause 15.01-1S & R– Urban Design Clause 15.01-2S – Building Design Clause 15.01-4S & R– Healthy Neighbourhoods Clause 15.02-1S – Energy and resource efficiency Clause 17.01-1S & R– Diversified Economy Clause 17.02-1S – Business Clause 18 - Transport	<u>Local Planning Policy Framework</u> Clause 21.01 – Introduction Clause 21.05 – Economic Development Clause 21.07 – Business Parks and Industry Clause 21.08 – Transport and Traffic Clause 21.13 – Sustainability and Environment Clause 22.02 – Monash Technology Precinct Policy Clause 22.03 – Industry and Business Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.13 – Environmentally Sustainable Development Policy
STATUTORY PROCESSING DATE:	15 December 2019
DEVELOPMENT COST:	\$39.0 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to **Issue an Amended Planning Permit (TPA/35875/J)** for the staged development of office, warehouse and industry premises, development and use of food and drink premises, development and use of a residential hotel (serviced apartments), access to a Road Zone (Category 1) and road works, at 296-308 and 310-324 Ferntree Gully Road, Notting Hill subject to the following conditions:

1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application (TPA/35875/H), but modified to show :
 - a) Any required acoustic attenuation measures as a consequence of the required Acoustic Assessment.
 - b) Bicycle parking provision to be increased to 20 spaces (10 hotel resident and 10 visitor).
 - c) Undercroft car space 12 widened to 2.6m with a corresponding reduction in the width of the turning bay.
 - d) Indicative detail of signage (subject to separate permit application) providing for prominent identification of the premises/business.
2. Prior to the commencement of any buildings or works for Buildings B, C, D, E and N, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. Full details of the buildings including details of materials and colours of each building and location of bicycle and waste facilities must be submitted for approval. The gross floor area for Buildings B and C must be no greater than 9,867sqm and 6,703sqm, respectively. The gross floor area for Building D must be no greater than 7,723sqm. The gross floor area for Building E must be no greater than 2,192sqm for warehouse, 3,047sqm for office, 1,386sqm for research and development and 310sqm for amenities and the atrium. The gross floor area for Building N must be no greater than 5,239sqm. When approved the plans will be endorsed and will then form part of the permit.
3. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Floor area in excess of 1800 square metres must only be used for offices as specified in Clause 22.02-3 dot point No. 12 of the Monash Planning

Scheme, unless the use is otherwise specified by the endorsed plans forming part of this permit.

5. The provision of car parking on the site must be provided at a rate not less than:
 - 3.5 car parking spaces to each 100 square metres of net floor area for office use.
 - 0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).

Car parking must be provided prior to the commencement of the use and within the designated spaces to the satisfaction of the Responsible Authority as shown on the endorsed plans under this permit and/or within the designated car parking spaces approved under other Planning Permits for this land.

6. Bicycle facilities for each building, hereby permitted, must be provided in accordance with the provisions detailed in Clause 52.34 of the Monash Planning Scheme.
7. The maximum number of seats permitted within the café is 100 unless the Responsible Authority gives consent in writing.
8. Once the development of each building has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works for each building are completed to enable the site to be inspected.
9. No goods must be stored or left exposed outside any building so as to be visible from any public road or thoroughfare.
10. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
11. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
12. The amenity of the area must not be detrimentally affected by the use or development, through the :
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;

- c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) presence of vermin.
13. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of any building unless otherwise agreed to in writing by the Responsible Authority.
14. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
- the location of all existing trees and other vegetation to be retained on site
 - provision of canopy trees with spreading crowns located throughout the site
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
 - the location and details of all fencing
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
 - details of all proposed hard surface materials including pathways
- When approved the plan will be endorsed and will then form part of the permit. The landscaping may be staged as per staging of buildings.
15. Before occupation of any of the buildings, landscaping works as shown of the endorsed plans for each stage must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
16. Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building as shown on the endorsed plans must be :
- (a) constructed to the satisfaction of the Responsible Authority;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

- (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

17. The driveway and parking area should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004, apart from the dimensions of car parking spaces and associated accessways, which must be in accordance with Clause 52.06-3 of the Monash Planning Scheme.
18. Access ramps for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.
19. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties.
20. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is to the south of the property where it must be collected and free drained via a pipe to the Council pits along the southern boundary easement to be constructed to Council Standards.

Note: If the nominated point of discharge cannot be located then notify Council's Engineering Division immediately.

21. Any new drainage work within a Council easement drain requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works for stages 1, 2 & 3 must be submitted to and approved by the Engineering Division prior to the commencement of works.
22. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
23. Prior to occupation of any new premises hereby permitted, an amended Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority.

The amended Parking Management Plan must be generally in accordance with the approved Parking Management Plan, but modified to detail:

- Provision of car parking at a minimum rate of 3.5 spaces per 100sqm of office floor area across the development;
- 0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).
- Provision and adequacy of car parking to service other uses undertaken on the land;
- Equitable allocation and management of car parking of car parking throughout the development
- The integrated management of car parking and access during the course of the construction of the development of the new office building fronting Ferntree Gully Road.

The Parking Management Plan may be amended with the written consent of the Responsible Authority. When approved the Parking Management Plan will be endorsed to form part of this permit.

24. Prior to the commencement of the use of any building hereby permitted, the owner shall prepare a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site. The Waste Management Plan shall provide for:

- a. The method of collection of garbage and recyclables for uses;
- b. Designation of methods of collection including the need to provide for private services or utilisation of council services;
- c. Appropriate areas of bin storage on site and areas for bin storage on collection days;
- d. Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- e. Litter management.

A copy of this plan must be submitted to Council.

25. Prior to commencement of any buildings and works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) measures to control noise, dust and water runoff;
- b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- c) the location of where building materials are to be kept during construction;
- d) site security;
- e) maintenance of safe movements of vehicles to and from the site during the construction phase;

- f) on-site parking of vehicles associated with construction activities;
- g) wash down areas for trucks and vehicles associated with construction activities;
- h) cleaning and maintaining surrounding road surfaces.

26. Prior to endorsement of plans pursuant to condition 1 of the permit (TPA/35875/H) an Acoustic Assessment must be submitted to and approved by the responsible authority.

The Acoustic Assessment must be undertaken by a suitably qualified person to:

- a) Assess the noise impact of permissible surrounding land use on the approved residential hotel.
- b) Specify any required noise attenuation measures to be incorporated into the design of the residential hotel. The residential hotel building must be designed to limit noise levels in bedrooms to a maximum of 45dB LAeq,8h for the night period from 10:00pm to 6:00am the following day in accordance with relevant Australian Standards for acoustic control.

Any recommendations or required modifications to the development must be specified on the endorsed plans and implemented to the satisfaction of Responsible Authority prior to occupation of the premises.

When approved the Acoustic Assessment will be endorsed to form part of this permit.

27. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:

- a) Residential hotel (serviced apartments) premises within the development are restricted to short-stay serviced apartments defined as “Residential Hotel” by the Monash Planning Scheme.
- b) Permanent occupation of apartment premises as a primary residence is prohibited.
- c) Residential hotel (serviced apartments) premises are to managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
- d) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.
- e) Subdivision of the residential hotel units is prohibited.

- f) The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.

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

28. Prior to the commencement of the use for serviced apartments an Operational Management Plan concerning the residential hotel (serviced apartments) prepared to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:
- a) The presence of a manager on site at such times to operate the reception area.
 - b) Services provided.
 - c) Operating hours.
 - d) Management of the car park associated with the residential hotel (serviced apartments).

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

29. Function and conference facilities within the development must not exceed 54 patrons/seats at any single time and be operated ancillary to the primary use as serviced apartments, unless with the prior written consent of the Responsible Authority. Adequate car parking must be provided for function and conference facilities within close proximity to the premises (within Ferntree Business Park) to the satisfaction of Responsible Authority.

VicRoads Conditions (0332808 & 01281/11 – 13 December 2011)

30. Prior to the use of any building constructed with the authority of this permit, the following road works shall be constructed to Vic Road's satisfaction:
- a) Extension of the existing u-turn lane (west approach) of the signalized intersection of Ferntree Gully Road and Gilby Road. The length of the extension is to be approved by VicRoads in consideration of SIDRA analysis to be undertaken by the applicant.
 - b) Extension of the right/u-turn lane (east approach) at the median opening in Ferntree Gully Road, approximately 150 metres from the western property boundary. The length of the extension is to be approved by VicRoads in consideration of SIDRA analysis to be undertaken by the applicant.

31. Prior to the commencement of the use of more than 10,000 square metres of floor area constructed with the authority of this permit, the following road works shall be constructed to VicRoads satisfaction: -
 - a) A channelization treatment at the central access point on Ferntree Gully Road, generally in accordance with GTA consultants Drawing 12M1543000-02, or other mitigation treatments to the satisfaction of VicRoads.
32. Prior to the commencement of any roadworks, in, on, under or over the Ferntree Gully Road reservation the applicant must have first applied for and received written consent from VicRoads for those works in accordance with Section 63 of the Road Management Act 2004.
33. Where the roadworks associated with the access arrangement to Ferntree Gully Road (including footpath and nature strip) lie within the property, the applicant must arrange for the plan of subdivision to show the land abutting the road, which is affected by the roadworks, labelled "ROAD" which vests in the Roads Corporation upon certification of the plan of subdivision. Prior to the commencement of the use of more than 10,000 sq metres of floor area constructed with the authority of this permit, a Statement of Compliance must be issued for the subdivision.
34. The applicant must pay the full cost of all roadworks, drainage, service relocations, public lighting and modifications, and any other costs associated with the development.

VicRoads Condition (02466/12-4 – 25 November 2019)

35. Unless otherwise agreed in writing by VicRoads, prior to any further developments along Ferntree Place within the Business Park, an access strategy for the site must be prepared to the satisfaction of and at no cost to VicRoads. The access strategy must outline the anticipated level of traffic to be generated by future developments along Ferntree Place and identify modifications to the Ferntree Place interface with Ferntree Gully Road (if any) in order to maintain the operational efficiency and safety of the access.

Department of Transport Condition (DOPT2008/0013)

36. The relocation of the bus stop and shelter must be to the satisfaction of the Director of Public Transport, fully compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 and completed prior to the decommissioning of the existing stop.
37. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:

- The development is not started before *12 March 2013*.
- The development is not completed before *12 March 2024*.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of the permit expiry date, where the development allowed by the permit has not yet started; or within 12 months of the permit expiry date, where the development has lawfully started before the permit expires.

NOTES:

- A. Building approval must be obtained prior to the commencement of the above approved works.
- B. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- C. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).
- D. Prior to the commencement of the development permitted a statement of liability indemnity, (Use of Easement Approval), related to the road and car parks over the western, eastern and southern boundary easements on the site shall be provided to the satisfaction of the City of Monash.
Approval to be given subject to:
- Council and Yarra Valley Water approval being given
 - The Registration of a Section 173 Agreement on Title between the owners and Council, protecting Council's future drainage maintenance rights.
 - The use of easement agreement being signed by Council.
 - A construction joint being made along the easement line.
- E. Tree planting should be kept clear of the drainage easement.
- F. Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.
- G. VicRoads approval and inspections are required for roadworks along Ferntree Gully Road and a copy of the approved plans and details of inspections are to be submitted for Council records.
- H. Buildings and structures are not to be constructed within the easement containing the existing 300mm & 225mm stormwater drains (as shown on Council drawing no 20223) within 296-308 Ferntree Gully Road property if the pipes are to be used. These drains will become private drains as part

of the private internal stormwater system for the development. However if the stormwater pipes are not to be utilised and proven to Council's satisfaction that no other property connects into this drainage system then they can be made redundant.

VicRoads Note

I. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:

- Channelization treatment at the central access.
- Extension of the U-turn lane (west approach) of the signalized intersection of Ferntree Gully Road and Gilby Road.

Extension of the right/U-turn land (east approach) at the median opening along Ferntree Gully Road west of the site.

BACKGROUND:

History

Planning Permit TPA/35875 was issued on 12 March 2008 which authorised the staged development and use of the land for the purpose of offices, food and drink premises, access to a Road Zone and roadworks.

This Permit is contained within Attachment 1.

The Permit is essentially a masterplan Permit for development within the site, with multiple buildings.

The Permit has been amended a number of times, with the most recent amendment approved in 5 April 2018. The Permit now allows for the staged development of office, warehouse and industry premises, development and use of a residential hotel (serviced apartments), access to a Road Zone (Category 1) and road works.

The Permit is structured so that there is a single staged plan indicating the overall development of the subject site, with packages of drawings thereafter endorsed under the Permit for the development of each particular part of the site.

All approved buildings on the site associated with this Planning Permit have completed construction with the exception of Building N and Building CP2 located adjacent to the western boundary of the site which is yet to commence.

Separate applications have also been made on the site for display of Business Identification Signage and liquor licensing on the land. It is also noted that the childcare centre located on the site (identified as 12 Ferntree Place) was issued a separate Planning Permit (TPA/46957) for the use of the land and associated

buildings and works and business identification signage.

The Site and Surrounds

The subject site is located on the southern side of Ferntree Gully Road, approximately 600 metres west of Blackburn Road. The site is large in size, being approximately 8.3 hectares in size. The site overall has a frontage to Ferntree Gully Road of 200 metres and a depth of approximately 425 metres. It is bounded by Ferntree Place to the east and includes Acacia Place.

The site currently supports a Business Park which includes a range of buildings with various uses across the site. Existing buildings range in scale from 1 to 5 storeys in height.

The site is located within the Monash Business Park, which forms part of the Monash National Employment and Innovation Cluster (NEIC) as identified in Plan Melbourne.

The site has three access points from Ferntree Gully Road including the north-east corner of the site which allows entry and exit to the site, and one located within the north-west corner of the site which provides for a split entry and exit point and one located adjacent to the western boundary of the site. These access points provide access to internal roads known as Acacia Place and Ferntree Place. Ferntree Gully Road is identified as a Category 1 Road Zone.

The building proposed to be demolished and replaced as part of this amendment is currently used for a data centre and is two storeys in height with a net leasable floor area of approximately 3,374sqm. The building has 15 at grade car spaces to the front of the building, and communal open space to its west and south. The building is set back approximately 35 metres from Ferntree Gully Road.

The site is located within the Monash Technology Precinct and is surrounded by office and warehouse uses.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 3).

PROPOSAL:

The proposal seeks to demolish the existing data centre located within the north-east corner of the site (Identified as Building M on the endorsed Master Plan). The proposal also requires the removal of 15 existing car spaces located on the northern side of the building and associated accessway.

The proposed development is for a six storey office building above two levels of basement car parking. Details of the proposed building are as follows:

- **Net Leasable Office Floor Area** – 9,619sqm
- **Maximum Building Height** – 24.75 metres (27.6 metres measured to the lift overrun)
- **Front Setback** – 20.36 metres
- **Number of Car Spaces Proposed** – 97 spaces (including one accessible space)
- **Number of Bicycle Spaces Proposed** – 64 spaces (including 50 spaces for staff and 14 spaces for visitors)

Two levels of basement parking are proposed with access off Ferntree Place adjacent to the rear of the building. Loading facilities are also provided off Ferntree Place, located central to the eastern side of the building.

Services including the substation are located on the eastern side of the building at the ground floor, facing Ferntree Place.

Two existing *Corymbia citriodora* trees are proposed to be removed from the front setback of the site (identified as Trees 9 and 12). Some smaller trees (identified as 25-29 and two from group 30) are also proposed to be removed which are located to the south and west of the existing building.

Works surrounding the building include a new communal space for the Business Park with a shelter, barbeque and picnic tables, basketball court, table tennis table and outdoor seating.

Within the front setback of the site, a number of blade walls with a height of 500mm are proposed which sit perpendicular to the street and form part of the landscaping treatment, mixed with gravel and grassed spaces. A number of trees are proposed surrounding the building.

Whilst the applicant has not requested any changes to the preamble of the Permit or any associated conditions, some modifications are necessitated.

Attachment 2 details plans forming part of the application.

PERMIT TRIGGERS:

The application has been made under Section 72 of the Planning and Environment Act 1987 which allows an applicant to amend a Planning Permit, and the plans endorsed under this permit.

Planning approval is required for the:

- Construction of buildings and works within a Special Use Zone, Schedule 6 (SUZ6) (Clause 37.01-4).

- Construction of buildings and works within a Design and Development Overlay, Schedule 1 (DDO1) (Clause 43.02-2).

The application seeks permission for buildings and works and to amend the plans endorsed under this Planning Permit.

Attachment 4 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION:

Public Notice

The application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act pursuant to Clause 37.01-4 and Clause 43.02-2.

Referrals

External

The application was referred to VicRoads as a Determining Referral Authority given the intensity of development on the site has increased with additional traffic flow into the site from Ferntree Gully Road expected. VicRoads did not object to the proposal subject to the existing conditions on the Permit being retained and the additional condition being implemented:

“Unless otherwise agreed in writing by VicRoads, prior to any further developments along Ferntree Place within the Business Park, an access strategy for the site must be prepared to the satisfaction of and at no cost to VicRoads. The access strategy must outline the anticipated level of traffic to be generated by future developments along Ferntree Place and identify modifications to the Ferntree Place interface with Ferntree Gully Road (if any) in order to maintain the operational efficiency and safety of the access”.

Internal

The application was referred to Council’s Traffic and Drainage Engineers who did not raise any concerns with the proposal subject to the conditions currently included on the original Planning Permit, regarding car parking and bicycle parking, being retained.

DISCUSSION:

Use of the land for an office

The Planning Policy Framework aims to ensure that there is sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1s). The framework also aims to protect and strengthen existing and planned employment areas and plan

for new employment areas to allow growth in a range of employment sectors (1.7.01-1S). It is also encouraged to improve access to jobs closer to where people live. The location of the proposed office building within the Special Use Zone and the Monash Employment Cluster is considered strategically appropriate.

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

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

The proposed office development is considered to be consistent with the objectives and decision guidelines of this zone.

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

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

Clause 22.02 applies to land in Schedule 6 to the Special Use Zone, located in the Monash Technology Precinct. This policy identifies that business and related research facilities play a major role in the economic and commercial profile for the City. Monash has developed an international reputation as a “high tech” centre for industry. It is important that research and development based activity is encouraged, technology specific industries are nurtured, linkages between firms and research institutions are fostered and a viable industrial base is maintained.

The Monash Technology Precinct is promoted as a primary focus for technology and research and development enterprises which can extend and reinforce the linkages between the Precinct and Monash University, the Monash Medical Centre, the Synchrotron and other tertiary and research institutes. At Clause 22.02-3, dot point 12, it is policy that:

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

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

- *Part of a production oriented enterprise.*

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

Condition 4 of the Planning Permit supports this policy and also allows for other uses as specified by the endorsed plans forming part of this permit.

The business park currently allows for a mixture of uses including warehouse and industry uses, food and drinks premises, residential hotel and a childcare centre. The proposed office building is a complimentary component of the existing business park, and while the end user is unknown it will support the existing state, national and international organisations already established on the site.

It has been noted that Condition 4 of the permit contains a clerical error in that it refers to dot point No. 11 of the Monash Planning Scheme instead of dot point No. 12. This can be rectified as part of the consideration of this application.

Building Scale and Design

Clause 22.02 includes a number of objectives relating to development outcomes on the site as follows:

- *“To achieve high quality design outcomes for the development of sites.*
- *To encourage high quality built form and streetscape throughout the Precinct so as to ensure a quality environment for activities pursued in the Precinct. This is regarded as a critical component in attracting new business investment to the Precinct.*
- *To promote a high level of amenity in streetscape and built form that reinforces the Precinct’s significance on a local, regional, national and international scale.”*

The proposal has been appropriately orientated within the existing development and provides for improved landscaping outcomes within the internal street network. The building has been well articulated with glazed facades punctuated by striking vertical elements and facade detailing. The design adopts an attractive palette of materials to minimise the perception of visual bulk.

The design layout also includes improved landscaping and communal outdoor space for staff.

The site is identified within the Monash Urban Character Study Map as being located within the Industrial 3 Character Area.

Elements which are identified that contributes to the current character includes:

- *Flat to gently undulating topography.*

- *Large scale 2-4 storey buildings.*
- *Variable setbacks, generally 7-20+ metres representing two eras of development.*
- *Visually dominant chainmesh fencing around some industries.*
- *Two metre wide nature strips.*
- *Native planting of variable density.*
- *Large scale car parking.*
- *Concrete footpaths.*
- *Overhead services.*

The policy seeks to deliver a future character which continues to encourage the area to develop as a modern industrial and technology park within an attractive landscape setting. Setbacks to buildings should allow well landscaped front setbacks and car parking directed to the side or rear of buildings with minimal visibility from the street.

The height of the proposal is consistent with approved developments and existing developments within the surrounding area. Council has consistently encouraged and approved development of the scale proposed within the Monash Technology Precinct. The subject land is located within the centre of the Monash Technology Precinct where investment in employment opportunities, office, industry and high technology land use is encouraged by policy objectives. The proposed height of the building will suitably compliment existing development within the surrounding area.

The proposal maintains a front setback of 20.36 metres, allowing much of the existing canopy trees to be retained. A proposed landscaping plan has been submitted with the application which provides for a contemporary landscaping design which includes architectural elements within the front setback of the site including lawn and gravelled areas with low metal blade walls.

The proposed architectural design is contemporary in design and considered to be of high quality, as evidenced through the use of materials. The building design provides both vertical and horizontal elements which balances the façade and provides visual interest.

The Design and Development Overlay, Schedule 1 provides a number of design objectives and policies with respect to building setbacks, fencing and landscape treatment. Any building or car parking is required to be set back a minimum of 20 metres from Ferntree Gully Road. The building is proposed to be set back 20.36 metres from Ferntree Gully Road and therefore satisfies this requirement.

The existing car parking to the front of the building is proposed to be removed. A new double level basement is proposed which will be accessed via Ferntree Place to the rear of the building. The existing loading space for the building is proposed to be relocated, however will be maintained on the eastern side of the building,

accessed via Ferntree Place and will not be readily visible from Ferntree Gully Road.

The Design and Development Overlay also specifies that any front fencing should be no higher than 2 metres. The proposed blade walls could be regarded as fencing. It is detailed on the landscape plan with a maximum of 0.5m in height constructed of a painted steel cladding which is incorporated into the landscape response. This satisfies the requirement.

Landscaping and Tree Retention

The proposal maintains a front setback of 20.36 metres, allowing much of the existing canopy trees to be retained. A total of 15 trees are proposed within the front setback of the building. Two trees (Trees 9 and 12) are proposed to be removed to facilitate the new building. These trees are both identified as *Corymbia citriodora* (Lemon Scented Gum). Tree 9 is in a fair-good condition with some branch shed wounds present and Tree 12 is in fair-good health but has recently suffered major upper crown storm damage. The proposed landscape plan shows that a high quality landscape response has been provided to the site's interface to Ferntree Gully Road. Therefore the proposed vegetation removal is considered appropriate.

Smaller trees are proposed to be removed to the side (west) and rear (south) of the building to allow for useable communal open space areas which includes facilities such as seating areas, barbeque area and a basketball court. Proposed landscaping is provided throughout these areas and will provide an overall improvement for this space which can be utilised by the entire Business Park.

Car Parking, Traffic and Access

Condition 5 if the Planning Permit states that:

“The provision of car parking on the site must be provided at a rate not less than:

- *3.5 car parking spaces to each 100 square metres of net floor area for office use.*
- *0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).”*

The overall site currently provides for a total of 2,374 car spaces within the site. The proposal will result in the removal of 15 existing car spaces from the site (within the front setback of Ferntree Gully Road). The proposal seeks a total net leasable area of 56,840sqm. A total of 97 car parking spaces are proposed within the basement of the proposed building which will result in a total of 2,456 spaces (net increase of 82 car parking spaces).

The below table outlines the number of car spaces required for the site as a whole, as per Condition 5 of the Planning Permit, including Building 'N' which has not yet been constructed.

Existing and Proposed Use	Net Floor Area	Car Parking Rate as per Condition of Permit	Number of spaces required	Number of spaces provided	Surplus number of car spaces
Office Uses including proposed building	56,840sqm	3.5 spaces to each 100sqm of net floor area.	1,989 spaces	2,456 spaces (including removal of 15 car spaces and addition of 97 basement parking spaces)	467 spaces
Quest Serviced Apartments – Building D	6,420sqm (100 rooms)	0.8 spaces per accommodation room.	80 spaces	106 car spaces	26 spaces

Based on the total net leasable floor area within the Business Park, the car parking rate provided across the site is 4.32 spaces per 100sqm which exceeds the requirements of Condition 5 of the Planning Permit.

Bicycle Parking and Facilities

Clause 52.34.3 specifies that bicycle parking should be provided as follows:

	Net Floor Area	Clause 52.34-3 Rate	Bicycle spaces required	Bicycle spaces provided
Office Building	9,619sqm	Employees - 1 space to each 300sqm of net floor area if the net floor area exceeds 1000sqm. Visitors – 1 space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm.	32 employee spaces 10 visitor spaces (total of 42 spaces)	50 employee spaces 14 visitor spaces (total of 64 spaces)

Clause 52.34 also requires that if 5 or more employee bicycle spaces are required, 1 shower should be provided for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. Based on this rate, the development triggers a requirement of 4 shower / change room facilities. Seven showers in separate male and female spaces are provided on the ground floor adjacent to the bike storage area, which satisfies this requirement.

Other Matters**Permit expiry**

It is noted that Condition 34 (proposed Condition 35) of the current permit has limitations in that it requires development to be completed by March 2020. With the support of this proposal, it is recommended that Condition 35 of the Permit be amended to extend this timeframe by four years, in line with the permit expiration dates often applied to major developments.

Construction Management Plan

Given the location of the proposed buildings and works and proximity of the works to an existing vehicle access point, it is proposed to amend Condition 23. Details will be required regarding the integrated management of car parking and access during the course of the construction of the development hereby permitted.

CONCLUSION:

The proposed development is consistent with the applicable requirements and objectives of the Monash Planning Scheme including relevant state and local policies. The proposal results in significant investment in the site and reinforcing the importance of the Monash Technology Precinct as an employment generator within the metropolitan context.

The design response is of high architectural quality consistent with Monash Technology Precinct Urban Design Guidelines and Industry and Business Development and Character Policy. The proposed development appropriately compliments the surrounding built form and is a welcome addition which replaces an existing carpark setting with an improved landscaped one. It is recommended that the proposed amendment to the Planning Permit be approved subject to the conditions on the Planning Permit.

LIST OF ATTACHMENTS:

Attachment 1 – Planning Permit 35875/I

Attachment 2 – Proposed Development Plans.

Attachment 3 – Aerial Photograph (January 2019).

Attachment 4 – Zoning and Overlays Map.