

**1.2 253-269 WELLINGTON ROAD, MULGRAVE
USE AND DEVELOPMENT FOR A RESIDENTIAL HOTEL INCLUDING THE SALE AND
CONSUMPTION OF LIQUOR AND DISPLAY OF SIGNAGE
(TPA/51770)**

EXECUTIVE SUMMARY:

This application proposes a twelve (12) storey building used for the purpose of a residential hotel with ancillary services, including a business lounge, events space, café and gymnasium.

The application was subject to public notification. No objections to the proposal have been received.

Key issues to be considered relate to the potential impact of the development on the heritage building on the site, scale and height of the development, car parking and traffic impact, potential amenity impacts from the sale and consumption of liquor, and visual impacts of the proposed signage.

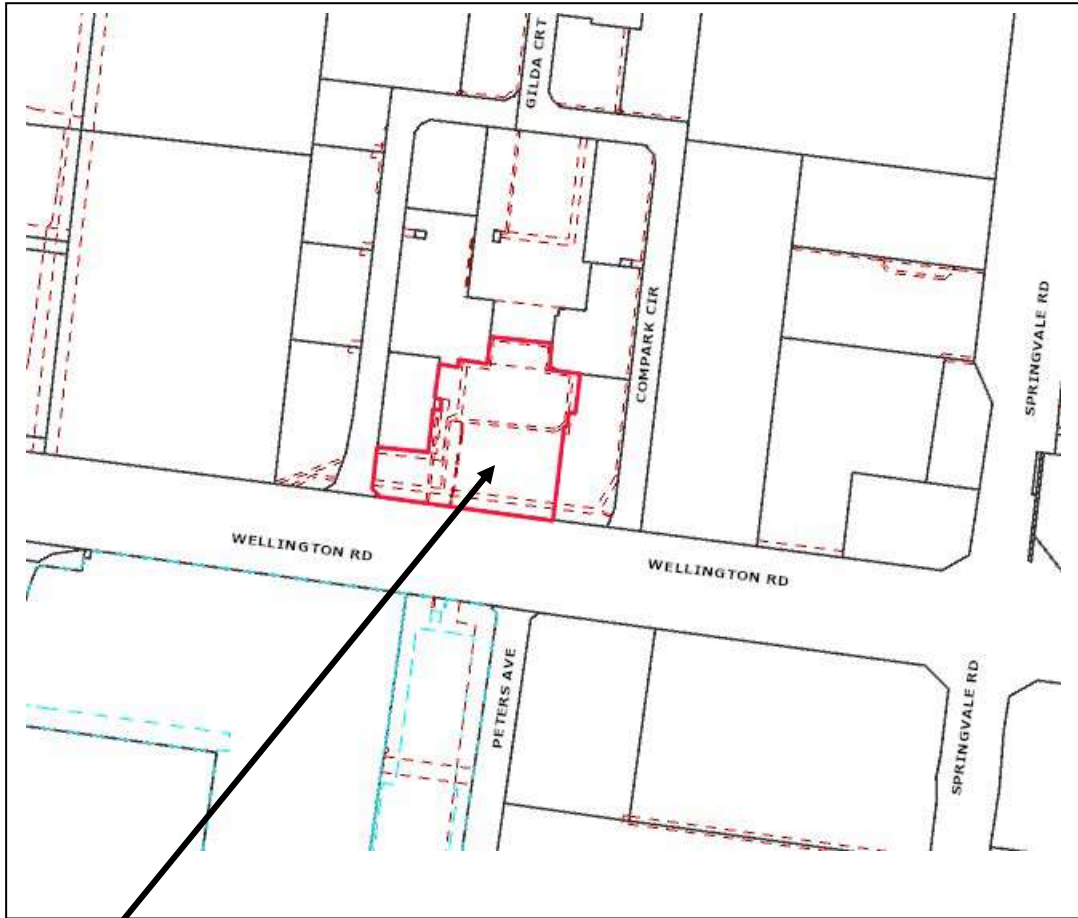
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, zoning and overlay provisions.

The reason for presenting this report to Council is the proposed development cost of \$45 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

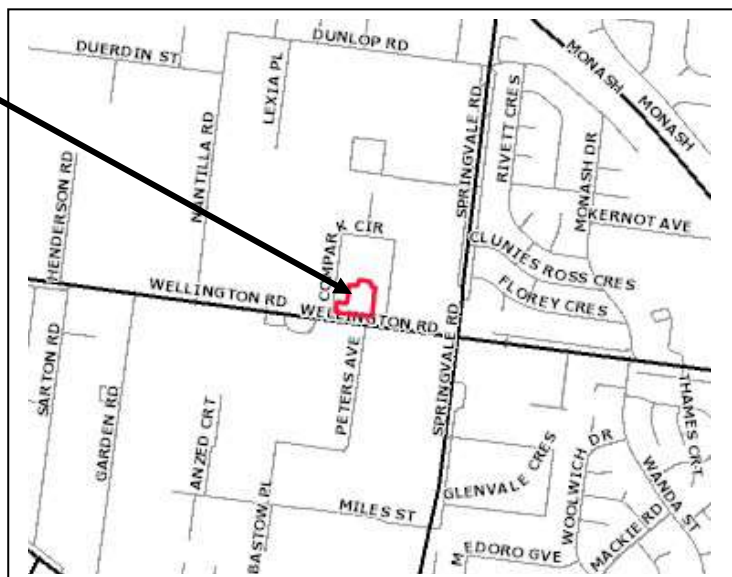
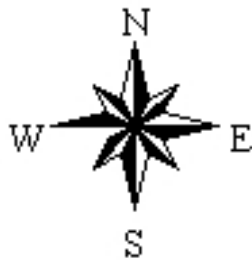
| | |
|--|--|
| RESPONSIBLE DIRECTOR: | Peter Panagakos |
| RESPONSIBLE MANAGER: | Natasha Swan |
| RESPONSIBLE PLANNER: | Alexandra Wade |
| WARD: | Oakleigh |
| PROPERTY ADDRESS: | 253-269 Wellington Road, Mulgrave |
| EXISTING LAND USE: | Car park associated with existing offices |
| PRE-APPLICATION MEETING: | Yes |
| NUMBER OF OBJECTIONS: | Nil (0) |
| ZONING: | Special Use Zone, Schedule 6 |
| OVERLAY: | Heritage Overlay, Schedule 85 Design and Development Overlay, Schedule 1 |
| RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1S & R – Settlement Clause 11.02-1S – Supply of Urban Land Clause 15.01-1s & R – Urban Design Clause 15.01-4S & R – Healthy Neighbourhoods Clause 15.02-1S – Energy and Resource Efficiency Clause 15.03-1S – Heritage Conservation Clause 17.01-1S & R – Diversified Economy Clause 17.02-1S – Business Clause 17.04-1S – Facilitating Tourism Clause 18.02-4S – Car Parking | <u>Local Planning Policy Framework</u> Clause 21.01- Introduction Clause 21.05 – Economic Development Clause 21.07 – Business Parks and Industry Clause 21.12 – Heritage 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 22.05 – Tree Conservation Policy Clause 22.07 – Heritage Policy Clause 22.08 – Outdoor Advertising Policy Clause 22.13 – Environmentally Sustainable Development Policy <u>General & Particular Provisions</u> Clause 52.05 – Signs Clause 52.06 – Car Parking Clause 52.27 – Licensed Premises Clause 52.34 – Bicycle Facilities Clause 65.01 – Approval of an Application or Plan |
| STATUTORY PROCESSING DATE: | 25 November 2020 |
| DEVELOPMENT COST: | \$45,000,000 |

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Refuse to Grant a Planning Permit (TPA/51770)** for the use and development of the land for a residential hotel in a Heritage Overlay and Design and Development Overlay, use of the land to sell and consume liquor, display of internally illuminated business identification high wall and panel signage and alteration of access to a Road Zone Category 1 at 253-269 Wellington Road, Mulgrave subject to the following grounds:

1. The scale, height, massing and siting of the proposed building fails to satisfy the objectives of Clause 21.12 (Heritage) and 22.07 (Heritage) as it will dominate the heritage place and its surrounds, in particular obscuring the views of the freestanding pavilion from Wellington Road.
2. The proposal fails to satisfy the design objectives of the Design and Development Overlay, Schedule 1 and Clause 22.03 of the Monash Planning Scheme with respect to the location of services, fencing and car parking within the front setback of the site.
3. The proposal fails to satisfy the objectives of Clause 22.07 as the proposed works are not sympathetic to the heritage place and its surrounds and fails to conserve, restore and enhance the heritage place.
4. The proposal fails to provide for sufficient bicycle facilities in accordance with Clause 52.34 of the Monash Planning Scheme.
5. The area for liquor to be sold and consumed within the ground floor front setback of the site is not an appropriate location and will impact on the amenity of the surrounding area.
6. The provision of car parking spaces allocated to the Hotel Use is not satisfactory and is contrary to the provisions of Clause 52.06.

BACKGROUND:**History**

A number of previous planning permits have been issued for the site (including the full site before subdivision), including the introduction of a large at grade parking area in front of the building.

The Andrew Ward Study from 1998 recommended including the site within the Heritage Overlay. It appears that permanent controls were introduced into the Scheme in November 2000.

The following Permits have been issued following the introduction of the Heritage Overlay.

| Application No. | Decision Made | Application Description |
|------------------------|----------------------------|--|
| TPA/28892 | Permit issued 20/2/2002 | Four business identification signs |
| TPA/29456 | Refusal issued 7/8/2002 | Buildings and works comprising construction of security bards over doors and windows |
| TPA/35117 | Permit issued 21/6/2007 | The erection of a blade sign |
| TPA/38556 | Permit issued 6/10/2010 | Buildings and works to increase the number of car parking spaces from 114 to 131 including minor modifications to the existing internal roadways, pavement, kerbing and landscaping. |

The Site and Surrounds

The site is located on the northern side of Wellington Road, approximately 260 metres west of Springvale Road in Mulgrave.

The site is unusual in shape, has a frontage to Wellington Road of 109.76 metres, and yields a total site area of 9,356sqm. The site is identified as Lot 3 on Plan of subdivision 445102K. The site forms part of a Business Park which has been subdivided into seven other parcels of land. Compark Circuit forms a boarder around this park, with separate vehicle access points for each parcel of land.

The site is located within the National Employment and Innovation Cluster (NEIC), which is referred to in our planning scheme as the Monash Technology and Innovation Cluster.

The site contains a two-storey building raised above a basement level. Continuous dark tinted glazed walls are set behind an expressed Core-Ten steel-frame painted in white and grey. The vertical steel beams rest on visually expressed pin joints.

It is understood this building was designed by architects, Eggleston MacDonald and Secomb c.1967. Known as The BHP Melbourne Research Laboratories, the building demonstrates the Municipality's role as a prestigious location for industry during the post war period and has architectural distinction as a sophisticated example of Miesian influenced design, undertaken by a leading architectural firm and comparing with the work of Yuncken Freeman Brothers and Griffiths and others.

The building has been used for a number of uses over the years, with the most recent being a commercial office.

External stairs on the south and north form a key feature of exterior. The front of the site features three sets of stairs; two leading up to the ground floor of the pavilion, and the third is located at the end of a series of ramps leading down to

the basement of the building. A single set of external stairs to the rear provide access to the sunken courtyard.

To the rear (north) the original sunken courtyard provides a key focal point and links the 1969 and 1992 buildings at the centre of the site. The courtyard provides direct access to the basement area of the building, and a set of external stairs lead to the ground floor of the 1969 building. Minimal vegetation is set within an area dominated by hard paving, rendered concrete retaining walls and sloping garden beds. The location of the former sculpture and decorative pool can still be seen at the centre of the courtyard.

An onsite carpark is located to the south of the subject site and provides access to the front of the building on the southern elevation facing Wellington Road.

A total of sixteen (16) trees are located on the site including five (5) trees located within the front setback of the site. A total of nine (9) street trees also abut the subject site on Wellington Road.

Figure 1 – Aerial Photograph of Subject Site - 1972



Figure 2 – Aerial Photograph of Subject Site - 1992



Figure 3 – BHP Building, as viewed from Wellington Road



Figure 4 – Rear of BHP Building, Sunken Courtyard



Features of the adjoining land is as follows:

North:

North of the site are three parcels of land including 6-8, 18-20 and 30-32 Compark Circuit.

No. 6-8 Compark Circuit supports a two storey office building, located towards the front of the site. The building contains a basement car park which has resulted in the ground floor of the building sitting above natural ground level, with the building presenting as 3 storeys to the rear. The building is set back approximately 8 metres from Compark Circuit. The building was constructed in approximately 2004.

At a similar scale, No. 18-20 Compark Circuit also contains a two storey office building, which presents at a three storey scale. This building was constructed in approximately 1990, at the same time as the construction of the courtyard in front of the building. This building is also covered by the Heritage Overlay (HO85).

The building at No. 30-32 Compark Circuit supports a similar building to No. 6-8 with a 2-3 storey contemporary building, and was built at a similar time.

South:

Wellington Road is located south of the site which is identified as a Category 1 Road Zone. On the opposite side of the road is 276-294 Wellington Road which is a large site, which has a current planning permit for a staged office development

(a total of 8 buildings on the site plus the existing heritage building up to 9 storeys in height) with the retention of the Heritage Building on the site.

The site is affected by Heritage Overlay Schedule 86 which applies to the Petersville Factory Administration Building and has recently been included on the Victorian Heritage Register due to its state significance. The building is historically significant for its association with the growth of manufacturing in the 1950s and 60s and the spread of manufacturing to the suburbs. Its prominent siting alongside a major road, landscape setting and distinctive design features denote the growth and prestige of large manufacturers during the era and echoes the building on the land subject of this application.

East:

East of the site No. 271-273 Wellington Road supports a two storey office building above a basement car park. The building was constructed in approximately 2006. The pedestrian and vehicle access to the building is via Compark Circuit. The building is set back approximately 20 metres from Wellington Road.

West:

No. 2-4 Compark Circuit is located west of the site, which supports a 2 storey office building constructed in approximately 2003. The building is set back approximately 8 metres from Compark Circuit, and over 30 metres from Wellington Road. Vehicle access to the site is via Compark Circuit, with car parking provided at grade to the rear of the building.

Title & Covenant Details

The site is affected by Covenant PS445102K. The Covenant states that *'the registered proprietor or proprietors for the time being of lots 3 & 4 on this plan shall not make alterations to the sunken garden forming part of lots 3 & 4 (identified as easements E-9, E-10, E-11 and E-12 on this plan) without the prior consent of the Responsible Authority'*. A pavilion structure is proposed within the sunken courtyard area. It is noted that if a Permit is issued for the proposal, the works will not breach the covenant as the Permit would constitute consent from the Responsible Authority.

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

PROPOSAL:

The proposal seeks the development of part of the land for a residential hotel.

Use

- A total of 163 Hotel rooms are proposed.
- The ground floor of the building will provide for a dining area, café, kitchen and office administration.

- Office space, business lounge hub, events space and staff amenities are provided in association with outdoor terraces spaces on the third floor of the building.
- Waste collection will be undertaken by private collection via the on-site loading area.

Buildings and works

- The proposed building is 12 storeys in height, with an overall height of 43.26 metres.
- A total of 76 existing car spaces are required to be removed from the site. The existing office building is proposed to remain on the site.
- A total of 195 car parking spaces are proposed including 55 spaces external to the building at the ground floor, and a total of 140 spaces internal to the building at the first and second floors.
- Vehicle access to the site is proposed via the existing site connection to Compark Circuit.
- A total of 8 bicycle spaces are proposed within the second floor carpark.
- The building is set back a minimum of 20.9 metres to Wellington Road.
- Works are proposed between the proposed building and the existing office building to provide for access between both buildings and landscaping.
- Materials include metal cladding, textured concrete, timber look cladding and a painted finish.
- Services are located within the front setback of the site, set back behind a landscaped screen located 9.12 metres from Wellington Road.
- A total of nine (9) trees are proposed to be removed from the site.
- A new pavilion structure is proposed within the existing courtyard on the northern side of the existing building, with a maximum height of 3.6 metres. The existing fountain structure is proposed to be retained.

Liquor Licence

- An on-premises general liquor licence is proposed for the café, dining, business and event spaces, and outdoor areas including the front landscaping area, northern courtyard and balcony spaces. The liquor licence is also proposed to extend to guest suites to allow for liquor to be provided within bar fridges.
- The proposed hours for liquor to be sold and consumed includes:
 - Café/ Lounge – 9am – 1am the following morning
 - Dining – 9am-1am the following morning
 - Level 3 events areas and business centre – 9am-1am the following morning
 - Hotel Suites – 24 hours
 - External areas (front landscaped area and northern courtyard) – 10am-11pm

Signage

- A total of four (4) signs are proposed on the building, including:

- An internally illuminated business identification high wall sign measuring 7.7m x 1.2m located on the western façade of the building;
- An internally illuminated business identification high wall sign on the eastern façade of the building measuring 6.16m x 1.01m;
- An internally illuminated business identification panel sign on the first floor, western façade of the building measuring 12.3m x 1.96m;
- An internally illuminated business identification panel sign located at the ground floor facing south measuring 12.3m x 1.96m.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Special Use Zone, Schedule 6

Pursuant to Clause 37.01-1, a Planning Permit is required for the use of the land for a residential hotel.

Pursuant to Clause 37.01-4, a Permit is required to construct a building or construct or carry out works.

Heritage Overlay

Pursuant to Clause 43.01-1, a Permit is required to construct a building or construct or carry out works, and to display signage.

Design and Development Overlay

Pursuant to Clause 43.02-2, a Permit is required to construct a building or construct or carry out works.

Particular Provisions

Pursuant to Clause 52.27 (Licensed Premises), a Permit is required to use the land to sell and consume liquor.

Pursuant to Clause 52.05-12 (Signs) a Permit is required to display internally illuminated business identification and panel signage.

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

CONSULTATION:

Further information was requested of the Permit Applicant on 14 August 2020. In this letter, officers also raised the following preliminary concerns:

- *The proposed building is located in front of an individually listed heritage building and will diminish any existing visibility of the building from Wellington Road. The application will be referred to a Heritage advisor for comment.*

- *The application has been referred to Council’s traffic engineers to assist with assessment of the proposed reduction of car parking sought. The arrangement of unallocated spaces will be further considered following the receipt of the additional information requested.*
- *The amenity of rooms for future guests will be assessed once the additional information is provided.*
- *There are several encroachments into the front landscaping setback of the site including car parking, accesways and services. Local Policy (Clause 22.02 & 22.03) and the Design and Development Overlay Schedule 1 recommends that these aspects be set back 20 metres from the frontage of the site to allow for sufficient landscaping, with car parking and service areas to be located to the side or rear of the building. It is also recommended that the vehicle access to the building be located further west, reducing the need for a long accessway along the frontage of the building.*
- *The height / scale of the development will be further assessed once the additional information sought has been provided.*

The Permit Applicant responded to this letter on 18 September 2020 by providing the requested information. In relation to the preliminary concerns, the Applicant provided additional information regarding the heritage context of the proposal, car parking arrangement, additional floor layout details of apartments, and further justification regarding the height and scale.

The Applicant was advised that this application was coming to the December Council meeting, in addition to a letter that was sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been advised that this application is recommended for refusal.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and signs displayed on the Wellington Road frontage of the site.

No objections were received for the application.

Referrals

Department of Transport (ref: PPR33676/20)

The application was referred to the Department of Transport pursuant to Clause 66.02 of the Monash Planning Scheme, as the application seeks to construct a building or construct or carry out works for a residential building comprising 60 or more lodging rooms.

The Department of Transport has no objection to the proposal subject to the following conditions:

1. *The demolition and construction of the development must not disrupt bus operations on Wellington Road without the prior written consent of the Head, Transport for Victoria.*
2. *Any request for written consent to disrupt bus operations on Wellington Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.*

Heritage

The heritage significance of the subject site derives both from its architectural merit as a sophisticated example of corporate Miesian design, and its association with the post-war industrialisation of the City of Monash. The ability to view the 1969 laboratory building from Wellington Road is critical to appreciating this significance. Despite the encroachment of infill development on Compark Circuit and the carpark in the front setback, the initial intention of the architects in designing a building with a strong horizontal emphasis is still apparent.

The proposed twelve-storey hotel will adversely affect the setting of the 1969 BHP Research Laboratory Building and the ability to appreciate it as a freestanding Miesian pavilion. In particular, the bulk, height, massing, and siting of the proposal will greatly restrict public views of the subject site from Wellington Road and will dominate the heritage place and its surrounds. The scale and form of the proposal therefore fails to acknowledge the degree to which the setting contributes to the significance of the 1969 building and the wider Heritage Overlay.

Aside from the proposed changes to the colour of the external steel frame, further information is also required on the degree to which the intended works may require changes or interventions to the fabric of the 1969 building. Rather than introducing another painted surface, the proposal's attempt to restore the heritage place closer to its original appearance would be better served by restoring the Core-Ten external frame to its natural weathered state, one of the key contributory elements of the 1969 laboratory building.

Traffic Engineering

The applicant's traffic report indicates that the Roads and Maritime Services (RMS) Guide nominates a rate in the order of 0.20-0.25 for accommodation in metropolitan and regional areas, including budget hotel rooms. This is considered very low for an accommodation development within Monash with rates varying from 0.5 spaces/room to 0.8 spaces/room, in line with the proximity to an activity centre and walking distance to rail-based transport. It is suggested that a rate of 0.6-0.8 spaces/room is in line with similar developments previously approved in Monash.

The traffic report notes that with a total of 195 spaces and 99 allocated to the office component, around 96 spaces are available for the hotel, which equates to 0.59 spaces/hotel suite. The report suggests a minimum of 65 spaces be allocated to the hotel which would equate to a rate of 0.4 spaces/suite, which is considered

to be too low. There is concern that office occupancy of hotel spaces could compromise parking availability for hotel guests. This may also encourage the under-provision of parking for hotel developments in the future. It is recommended that 96 spaces be allocated to the hotel development.

The number of accessible spaces appears to be lower than required for a residential hotel. In addition, there is concern that there appears to be no undercover accessible (disabled) spaces for the hotel for the convenience of guests and it is recommended that some accessible spaces should be provided within the undercover car park and as close as possible to lifts. It is not clear from the plans if there is kerbing that may impact on the continuous accessible path of travel from the external accessible spaces into the hotel building.

Tandem parking sets (4 spaces) are to be allocated to staff and signed accordingly, or addressed within the Parking Management Plan.

The Parking Management Plan does not indicate signage or linemarking for the external spaces intended to be allocated to either the office or hotel. How these are to be allocated and defined should be identified.

The location of bicycle parking spaces on Level 2 of the car park, which requires cyclists to traverse up numerous steep ramps is not considered convenient nor practical. The Parking Management Plan indicates that “Given the location of the bicycle parking, accessibility is proposed via the available lift cores within the building. Induction for staff to the location and accessibility be carried out by the various tenants.” It is not considered that cyclists will accept the requirement to wheel their bikes to the hotel’s internal lifts to access bicycle parking. This is not considered convenient or designed for ease of use.

Drainage Engineering

No concerns subject to standard conditions. Drainage and civil works must be submitted to the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

Waste Management

Allowance needs to be provided for organics / food waste recycling, given the high levels of food waste anticipated for the proposed use.

Further details within the Waste Management Plan are required for the provision and management of internal bins. Plan must also include scaled drawing of bin storage and details of access and manoeuvrability of bins. These items could be included as a condition of a Permit, if issued. There is sufficient space within the waste storage area and the ground floor footprint to increase the number of bins if required.

DISCUSSION:**Planning Policy Framework**

The Planning Policy Framework seeks to strengthen and diversify the economy by facilitating growth in a range of employment sectors including tourism and knowledge industries (Clause 17.01-1S). Clause 17.01-1R also encourages the facilitation of development in the National Employment and Innovation Clusters by ensuring they attract businesses and workers with a high level of internal amenity, are supported by good public transport and services and maximises investment opportunities.

On balance, Clause 15.03-1S seeks to ensure the conservation of places of heritage significance. In doing this, it is encouraged to ensure an appropriate setting and context for heritage places is maintained or enhanced. Development should also respect places with identified heritage values.

Hotel Use

The Local Planning Policy seeks to encourage investment in Monash which continues to grow with business park developments, and growth in activity centres. Industry, business and activity centres in Monash continue to positively attract businesses to provide employment opportunities and investment. This goes hand in hand with the provision of accommodation. Clause 21.05 identifies the site as being located within the Monash Technology Precinct.

The Monash Technology Precinct is designated for less intensive industrial uses such as information technology, biotechnology and other research and development type industries. These industries are often located in Business Parks and are supported by their close proximity to internationally recognised research facilities.

Clause 22.02-3 identifies that residential hotels should:

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

The proposal complies with this locational criteria, in that the site is located within the precinct between Blackburn and Springvale roads, will include complementary services and is accessible by bus.

The site is located within the Special Use Zone, Schedule 6 which seeks:

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

The proposed use is consistent with the local and state planning policy as it complements the technology precinct by providing accommodation and facilities for employers travelling to the area.

Heritage Impacts

The Statement of Significance for the site is as follows:

The BHP Melbourne Research Laboratories at 245 Wellington Road, Mulgrave demonstrate the Municipality's role as a prestigious location for industry during the post war period (Criterion A) and have architectural distinction (Criterion E) as a sophisticated example of Miesian influenced design, undertaken by a leading architectural firm and comparing with the work of Yuncken Freeman Brothers and Griffiths and others.

The Schedule to the Heritage Overlay identifies that the heritage place refers to two buildings and open areas, being the building on the subject site, plus the existing building at No. 18-20 Compark Circuit. There are no heritage tree controls or internal work controls.

The Heritage Advice received specifies that overall, the subject site currently maintains a relatively high degree of external integrity. Most of the changes to the fabric of the 1969 building and the courtyard in the past are superficial and therefore easily reversed. Structural interventions are largely absent or not readily apparent based on the material reviewed so far.

Changes to the external steel structure have had a dramatic impact on the 1969 building's appearance. The maturation of the Core-Ten to a warm brown was originally intended to help the building "blend in with the semi-rural surroundings of the site". However, all exterior steel surfaces have now been painted grey or white, and the semi-rural surroundings replaced by an industrial setting. In contrast to the steel structure the continuous glazing appears virtually untouched.

Other noted changes to the original building are more functional in nature. Two additional external staircases and associated openings have been inserted into the front elevation. Although they match the style of the original front entrance (eastern end of front elevation), these additions have had a noticeable impact on the building's appearance.

A memorandum of advice prepared by Peter Andrew Barrett (July 2020) accompanying the application pointed to evidence on the west elevation of a linking walkway that provided access to another building located to the northwest of the subject site, possibly the former machine workshop. The removal of this walkway has seemingly had minimal impact on the 1969 building.

The original landscaping scheme provided a restrained setting for the 1969 building. Historical images show minimal landscaping at the front of the subject site with an open grassed area featuring a passenger drop-off zone, access road, and sparse tree plantings on the setback from Wellington Road. This zone has now been replaced with a carpark, accessed from Compark Circuit that features a number of mature trees. The insertion of the carpark has resulted in the loss of the original sense of “arrival” at the front steps to the 1969 building, but is otherwise a continuation of the original restrained landscaping scheme.

Alterations to Existing Building

Alterations to the 1969 building appear to be minimal and are limited to the remodelling of stairs and ramps at the south of the subject site. The original front stairs, on the east of the south facade of the 1969 building, will be cleaned to restore them to their original condition.

The steel framing will also be painted a bronze colour as a reference to the original Core-Ten appearance.

The remodelling of the stair arrangements at the front appear to involve the removal of non-original elements; ideally these elements would be removed entirely, however the changes as proposed will not detract from the site’s significance.

Council’s Heritage Consultant notes that while the proposal to return the external steel structure closer to its original appearance is welcome, the bronze paint is yet another step away from the materiality that was such an important contributory element of the subject site. Consideration should be given to the removal of the existing paint to restore the rusted appearance of the weathered Core-Ten steel. This would accord more closely with the heritage conservation strategies of Clause 15.03S, particularly to “encourage the conservation and restoration of contributory elements of a heritage place”. It would also support the policy dealing with materials and finishes in Clause 22.07-3 that “existing materials and finishes other than paint finishes be retained and exposed to view, if practicable”. If the proposed scheme is approved careful restoration of this fabric will greatly enhance the significance of the subject site.

With respect to the new pavilion, this is identified as a further modern intervention into the subject site and, in combination with the new hotel, represents an additional impact on the heritage significance of the heritage place. Further consideration should also be given to specific design details that would strengthen the appropriateness of the design, for example using Core-Ten steel

for the supporting columns rather than painting the surface bronze. The value of the pavilion in helping to 'activate' the rear courtyard needs to be carefully weighed against the impact of this addition to the setting of the 1969 building, the landscaping scheme (including the hard landscaping features of the courtyard) and the heritage overlay area more widely.

Proposed Hotel

Clause 22.07 sets out the key strategic direction of the City of Monash to protect, enhance and manage significant heritage assets within a Heritage Overlay. The objectives of this approach are set out in Clause 22.07-2 and include a need to conserve those buildings and places designated as being contributory to the cultural heritage significance of Monash and ensure that any additions, alterations and replacement buildings are sympathetic to the heritage place and its surrounds.

In relation to new buildings and additions within a Heritage Overlay, Clause 22.07-3 also states that building envelopes be similar in scale to those of contributory buildings in the vicinity of the project.

Furthermore, Clause 21.12 highlights several key issues relating to heritage places in Monash including that development adjacent to heritage precincts and properties has the potential to adversely impact these places.

The current proposal fails to satisfy many of these objectives, due mainly to the bulk, height, massing and siting of the proposal. While it is acknowledged that the infill development along Compark Circuit and the car park facing Wellington Road have already had some impact on the setting of the subject site, the scale of the proposed twelve-storey hotel and its siting will adversely affect the 1969 building and the ability to appreciate it as a freestanding 'Miesian' pavilion. It is further noted that the existing bitumen carpark could be easily removed and the sense of minimal landscape setting returned for the front entry of the building.

The land has undergone progressive development from its original state, with additional buildings being built to the sides and rear, and subsequently being subdivided from the site. The land has already accommodated significant uplift consistent with our desire for the NEIC and accordingly we can protect and conserve the outlook to this building whilst not conflicting with the objective for intensification of development within the cluster.

Council's Heritage Consultant also notes that the proposal fails to acknowledge the importance of setting and context to the significance of the 1969 building; the scale and form of the hotel will entirely dominate the heritage place and its surrounds.

While the setback at ground level meets the requirements of Clause 22.07-3 in relation to the distance of new buildings from the facade line, the overall massing of the hotel will almost entirely block public views of the 1969 building. The siting

of the hotel on an orientation parallel to the south elevation and the proposed height will also virtually block all public views of the subject site from Wellington Road, the only remaining aspect of the 1969 building currently unencumbered by infill development.

Although some attempt has been made to further offset the massing of the L-shaped tower from the facade line, the proposed design still fails to respond to the existing heritage assets and does not sufficiently accommodate views of the 1969 building.

The bulk of the proposed scheme, in the form of the hotel tower, references the current white and grey appearance of the subject site and fails to fully consider the importance of the Core-Ten steel that defined the original appearance of the 1969 building.

Character, Building Height and Scale

The site is identified as being located within Industry Character Type 3 within Clause 22.03 (Industry and Business Development Character Policy). The character statement identifies a strong presence of large rectangular 2-4 storey buildings that have simple architectural form generally in keeping with their large scale industrial and commercial uses. The Character Type represents two eras of development and two different planning philosophies - the most recent of these is represented by the large well landscaped setbacks with parking and servicing at the rear of properties, whilst earlier buildings, typically factories are often utilitarian with little aesthetic merit and dominated by loading and servicing yards in the front façade.

The desired future character statement seeks to continue to develop as a modern industrial and technology park within an attractive landscape setting containing a large number of large, mature, native trees. The main road frontages should be well landscaped and contain high profile businesses that should present a positive public image of the municipality to road users.

The statement also notes that:

- *Parking and service areas should be at the side or rear of buildings with minimum visibility from the street.*
- *Architecture should be appropriate in form and scale to the functional requirements of the business or industry. Buildings that are energy efficient and conform to sustainable principles should be encouraged. Setbacks should be generous and ensure that there is sufficient room for an extensive landscaped strip between the building and the road. Parking and service areas should be at the side or rear of buildings with minimum visibility from the street.*
- *Well designed and attractive signs should be coordinated throughout the area and contribute to a common design theme and identity for each neighbourhood.*

- *A canopy of large native trees dispersed throughout all neighbourhoods, especially in front setbacks, will soften the extensive areas of paving and unify the diverse range of building types.*

The site is also affected by the Design and Development Overlay, Schedule 1 which further encourages this landscaped setting with generous front setbacks. This Overlay depicts that buildings and fences should be set back a minimum of 20 metres from Wellington Road. This policy also encourages services, rubbish bins and enclosures to be located away from the street frontage. This seeks to ensure that *'The development...is in keeping with and contributes to the Garden City Character as set out in the Municipal Strategic Statement'* and *"To ensure that the landscape treatment within the front setback contributes to the positive aspects of the applicable industry or business Character Type identified in Clause 22.03"*.

The setback of the building meets this requirement, being set back a minimum of 20.9 metres from Wellington Road. However, hard features such as accessways, car parking, services and a vehicle turn around area is proposed within this setback.

The location of the proposed car parking within the front setback of the street, encroaching into the 20 metre setback is not supported as it fails to comply with the objectives of the Design and Development Overlay and the desired future character statement outlined in Clause 22.03, which seeks for the front setback to be utilised for landscaping, with car parking located to the side or rear of the building.

Further to this, a 5.3 metre high green wall with signage is proposed in front of the substation and vehicle turn around area (setback 9.1 metres from Wellington Road). A lower wall with a height of 2.9 is proposed adjacent to the remaining services. The location and design of the green wall encroaches into the front setback of the site and will have a dominating presence, and therefore should also be set back further, with services also limited within the front setback of the site.

It is evident that a number of trees have been removed from the front setback of the site within the last 12 months, and whilst these trees do not require a Permit to be removed, it is evident that this proposal has already resulted in the loss of vegetation.

The 20 metre landscaping setback for properties along Wellington Road has been maintained for the most part, with encroachments typically limited to services only. This forms a key characteristic of the area which has been achieved with the implementation of the Design and Development Overlay. The encroachment into this setback suggests that a development of this scale is not suitable on this parcel of land.

The Design and Development Overlay and Character Policies for this site do not provide for a prescriptive height for a development. The desired future character

statement in Clause 22.03 identifies that *“Architecture should be appropriate in form and scale to the functional requirements of the business or industry”*.

Whilst the proposed 12 storey scale of the building is excessive in contrast to existing buildings within the immediate area, it is noted that there are a number of approved developments and developments under construction which will reach 10 storeys in height and therefore will not be out of character with this changing streetscape. The site also has no residential abuttals, and therefore its height is not constrained by amenity considerations such as overshadowing and building bulk. However, as noted previously in this report, the scale of the building will significantly detract from the existing heritage building on the site and therefore is not supported.

The podium structure assists in grounding the architecture, reducing the perception of height, and there is an inter-relationship between the podium height and the overall height.

Whilst a vehicle ramp is located on the frontage of the building, curving around to the east with car parking at levels 1 and 2, the building has been designed to satisfactorily reduce the visible appearance of these car parking structures. This is achieved with the use of the green wall screen, and cladding to the building.

The materiality of the building presents as a high quality design with the use of metal cladding, timber look cladding, textured and flat concrete and tinted glazing.

Landscaping

Clause 22.05 (Tree Conservation Policy) applies to all land, and seeks to promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash. Clause 22.03 also notes that the desired future character statement for the area is the provision of a canopy of large native trees dispersed throughout all neighbourhoods, especially in front setbacks to soften the extensive areas of paving and unify the diverse range of building types. It is noted that a Permit is not required pursuant to Clause 52.17 for the removal of native vegetation, given the vegetation is planted or grown as a result of direct seeding.

The setbacks proposed allow for the retention of five (5) canopy trees within the front setback of the site and an additional two (2) trees towards the rear of the site. An Arborist Report has been submitted with the application which recommends various construction methods within the Tree Protection Zones of these trees for the construction of the car parking and accessways.

A total of three canopy trees are proposed for removal (Trees 9, 13 and 15). Trees 13 and 15 have low retention values. An additional six (6) smaller trees are proposed for removal, located central to the site.

Tree 9 is a Mugga Ironbark Tree which measures a height of approximately 17 metres and has a medium retention value. The Arborist Report provided with the application recommends that the tree should be retained where possible. This would require the relocation of the services proposed.

Seven (7) new canopy trees are proposed within the frontage of the site. Two green walls are proposed within the development, which will require further details of maintenance provisions should a Permit be issued.

Internal Amenity

A variety of rooms are proposed within the development including 109 studios, 49 dual suites and 5 king suites. Suites are a minimum area of 27.3sqm and each room is provided with space for a double bed or larger, bathroom and closet space. Each room is provided with an external window.

An Acoustic Report was prepared with the application. The report recommends an acoustic barrier ceiling to be installed above the events space, to minimise noise transition to the suites above. It is also recommended that upgraded laminate glazing be provided to hotel suite windows with a line of sight to Wellington Road.

Analysis of the applicable SEPP N-1 criteria and results of on-site noise monitoring indicate that the introduction of the Hotel to the area as a noise sensitive receiver will not encumber the operation of surrounding existing commercial and industrial uses.

An ESD Report has been prepared for the development using the Green Star Tool, in accordance with Clause 22.13 and 22.04 of the Monash Planning Scheme. A minimum of 45 Green Star Points are targeted to provide a sustainable design. A total of 47 is provided for the proposed development.

Liquor Licence

An on-premises liquor licence is proposed for the café, dining, external areas (including front landscape area, balcony areas and northern outdoor courtyard area), business centre and events space and hotel suites.

It is noted that the red line showing the location of liquor to be sold and consumed is unclear on the plans, due to the multiple uses. If a Permit were to be issued, clearer diagrams are required.

The proposed hours for liquor to be sold and consumed includes:

- Café/ Lounge – 9am – 1am the following morning
- Dining – 9am-1am the following morning
- Level 3 events areas and business centre – 9am-1am the following morning
- Hotel Suites – 24 hours

- External areas (front landscaped area and northern courtyard) – 10am-11pm

Clause 22.11 (Licensed Premises Policy) does not apply to this application as the site is not located within the Glen Waverley or Oakleigh Activity Centres.

A Permit for a liquor licence is required pursuant to Clause 52.27 (Licensed Premises) of the Planning Scheme. Consideration must be given to the amenity of the surrounding area with respect to the liquor licence, hours of operation and number of patrons, and the cumulative impact of any existing licensed premises.

A Cumulative Impact Assessment was prepared by the applicant which identified only four premises within 500 metres of the site which have liquor licences, which are generally small cafes and offices.

The licence is considered appropriate as it will complement the hotel and business services proposed, and will not result in a cumulative impact.

It is considered however, that the use of the landscaped area to the front of the site is not appropriate, as it will allow for guests to spill out onto the streetscape and accessways as there is no clearly defined area.

If a Permit were to be issued, maximum patron numbers permitted would also be required to be specified within each of these areas. No detail has been provided with the application indicating maximum patron numbers within communal / business areas.

Advertising Signage

A total of four (4) signs are proposed on the building, including:

- An internally illuminated high wall business identification sign measuring 7.7m x 1.2m located on the western façade of the building;
- An internally illuminated high wall business identification sign on the eastern façade of the building measuring 6.16m x 1.01m;
- An internally illuminated business identification panel sign on the first floor, western façade of the building measuring 12.3m x 1.96m;
- An internally illuminated business identification panel sign located at the ground floor facing south measuring 12.3m x 1.96m.

Clause 22.08 (Outdoor Advertising Policy) applies to all applications for outdoor advertising. Objectives for signage within the Monash Technology Precinct include *'To foster the Garden City image of the city by promoting clear, modern corporate identification and maintain spatial relationships'*.

The following performance criteria is specific for the signage proposed:

| Type of Sign | Performance Criteria |
|------------------------------|--|
| Business Identification Sign | Consider need for identification and integration with environmental context. |
| Internally Illuminated Sign | Acceptable in areas of high activity or for business identification purposes provided there is no detrimental effect on nearby properties. May include a logo. |
| High Wall Sign | <p>Large scale, high level signs may be appropriate to identify the major or anchor tenants of large retail centres. The sign should generally be located close to the relevant business. Only one such sign should be displayed on each building elevation.</p> <p>A sign should not protrude above the wall to which it is fixed and should generally be integrated with the architectural form of the building.</p> <p>Major tenant signs should be less visually dominant than signage identifying the centre.</p> |
| Panel Sign | <p>May be appropriate to identify the major or anchor tenants of large retail centres. The location of the sign should generally be close to the relevant business. Only one such sign should be displayed on each building elevation.</p> <p>A sign should not protrude above the wall to which it is fixed and should generally be integrated with the architectural form of the building.</p> <p>Major tenant signs should be less visually dominant than signage identifying the centre</p> |

The proposed signage is considered acceptable given the scale and location of the building. The proposed signage will not result in unreasonable clutter, and is integrated into the building design. The number of signs on the building is not considered excessive.

The proposed signage will not result in any unreasonable amenity impacts on surrounding properties nor will it impact the safety and movement of vehicles.

Car Parking, traffic and access

The development provides for a total of 195 car spaces on the site, at the ground level, first and second floors of the building.

The requisite car parking spaces required under Clause 52.06 and the allocation of parking is shown in the following table:

| Use | Size / Quantity | Statutory Parking Rates | Car spaces required | Car spaces provided |
|-----------------------|-----------------|-------------------------|--|---------------------|
| Hotel (Accommodation) | 163 suites | Not specified | To the satisfaction of the Responsible Authority | Minimum 65 spaces |
| Office (Existing) | 3,305sqm NFA | 3.0 spaces per 100sqm | 99 spaces | 99 spaces |

| | | | | |
|--------------|--|--|-----------|--|
| | | | | 29 car spaces plus 2 disabled spaces unallocated |
| Total | | | 99 spaces | 195 spaces |

Whilst the total number of car spaces, being 195 spaces satisfies the demand for car parking on the site pursuant to Clause 52.06, the number of spaces proposed to be allocated for the hotel is limited to 65 spaces, which is a rate of 0.39 spaces per suite, which is well below expected demand.

Given a total of 195 spaces are provided on the land, up to 69 spaces on the site could be allocated to the hotel, allowing for a rate of 0.58 spaces per suite.

There is concern from Council's traffic engineers that if 29 car spaces on the site were left unallocated, the spaces would be utilised by the office, resulting in insufficient parking for the hotel. Therefore if a Permit were to be issued, it is recommended that all spaces on the site be allocated to the office or hotel uses. In doing this, the tandem car spaces should be allocated to staff, and addressed in the Parking Management Plan.

If office car parking spaces were to be utilised by the hotel occupants outside of office hours, the management of this needs to be detailed within the Parking Management Plan. This would be particularly relevant if the proposed function areas associated with the hotel were to cater for functions in the evenings.

The predicted generation of 23 additional movements per peak hour is low and is expected to have a negligible impact on the local traffic network. Data also suggests that the majority of staff will arrive in the office in the AM peak hour and depart the office in the PM peak hour. The application was referred to the Department of Transport given the size of the development, who did not object to the proposal.

Bicycle Spaces

The requisite bicycle parking spaces required under Clause 52.34 and the allocation of bicycle spaces are shown in the following table:

| Use | Size / Quantity | Statutory Parking Rates | Bicycle spaces required | Bicycle spaces provided |
|----------------|---------------------------------|--|--------------------------------|--------------------------------|
| Motel staff | 163 hotel suites | 1 space per 40 rooms | 4 spaces | 4 spaces |
| Motel Visitors | 163 hotel suites | Nil | 0 spaces | 4 spaces |
| Office | 214sqm of additional floor area | No bicycle spaces required for office floor area | 0 spaces | 0 spaces |

| | | | | |
|--------------|--|----------------------|-----------------|-----------------|
| | | less than 1000sqm | | |
| Total | | | 4 spaces | 8 spaces |

The proposal provides for eight bicycle spaces located on the second floor of the building for hotel staff and visitors. The location of the spaces require cyclists to traverse up numerous steep ramps or wheel the bikes into the lift which is not convenient or practical. It is recommended that bicycle spaces be provided at the ground floor of the building.

Whilst there is no statutory requirement to provide bicycle parking for the existing office building, given the land is being developed with landscaped courtyard spaces, it is recommended that additional bicycle spaces be provided for the office use, external to the building.

Given less than 5 bicycle spaces are required on the site, there is no requirement for employee showers or change rooms. Notwithstanding this, the traffic report provided suggests that showers and change room facilities are provided for staff. However this is not evident on the development plans provided. Further clarification is required.

Waste Management

Waste collection is proposed to be collected within the loading area located at the ground floor of the building by a private contractor.

Council’s Waste Management Department has reviewed the plan and have indicated that the plan and waste storage area needs to be revised to allow for organics / food waste recycling. It appears that the waste storage area could be increased in size if required to respond to changing needs for waste collection.

Further detail is also required with respect to the manoeuvrability of bins for access, given their arrangement in the bin store area.

CONCLUSION:

Whilst the building itself is of a high architectural quality and will provide for an acceptable level of amenity for guests, the proposed building will have a significant impact on the heritage importance of the existing building on the site.

The scale and location of the building significantly restricts views of the heritage building behind and compromises its setting. This portion of the site, which currently is used for ground level open car parking does not impede on views of the heritage building. The alterations to the building are likely to also impact the integrity of the heritage building.

Further to this, works will encroach into the 20 metre landscaping buffer designated for the site, which will impact the overall character of the streetscape.

Whilst consideration must be made to the planning policy framework in its entirety, which encourages such uses and developments within the Monash Technology Precinct, this does not outweigh the impact that this development will have on the significance of the heritage place.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2020).

Attachment 3 – Zoning and Overlays Map.