
**1.3 270 CLAYTON ROAD, CLAYTON
USE OF LAND AS A RESIDENTIAL HOTEL (SERVICED APARTMENTS) AND
CONSTRUCTION OF A MULTI-STOREY MIXED USE BUILDING AND REDUCTION OF
THE CAR PARKING REQUIREMENT
(TPA/51795)**

EXECUTIVE SUMMARY:

This application proposes a ten storey mixed use development comprising retail tenancy, office floor space and 104 serviced apartments supported by 120 car parking spaces in four levels of basement.

At its meeting of 23 February 2021, Council resolved to defer consideration of the application for up to 2 months to allow for the applicant to consider further changes to the application to address officers concerns. The officer recommendation to that meeting was to refuse the proposal.

More recently, amended plans have been submitted to Council providing for a reduced overall building and street wall height, modified building setback and massing, revised internal layout and additional car parking provision for the serviced apartments.

The original application was subject to public notification. Three (3) objections have been received.

The amended plans were not subject to further public notification as the amended proposal reduced in building height and bulk with increased setbacks.

The key issues to be considered relate to building height and setback, the use of serviced apartments, internal amenity of the serviced apartments, amenity impacts to adjoining residential properties, adequacy of car parking numbers and vehicle access.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state and local planning policy framework, the adopted Clayton Activity Centre Precinct Plan and issues raised by objectors.

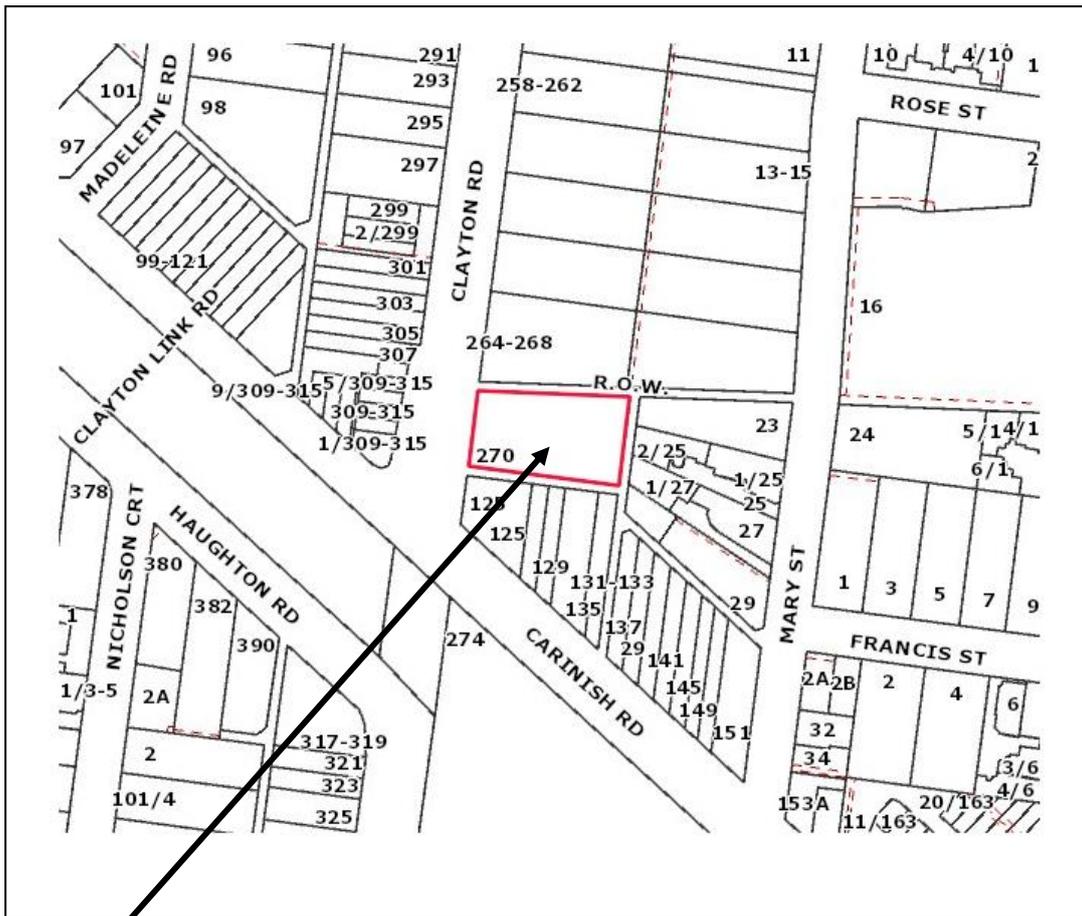
The reason for presenting this report to Council is the proposed development cost of \$34.5 Million.

The proposal is considered consistent with the relevant provisions of the Monash Planning Scheme and policy aspirations envisaged by the Clayton Activity Centre Precinct Plan which has been adopted by Council. It is

recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

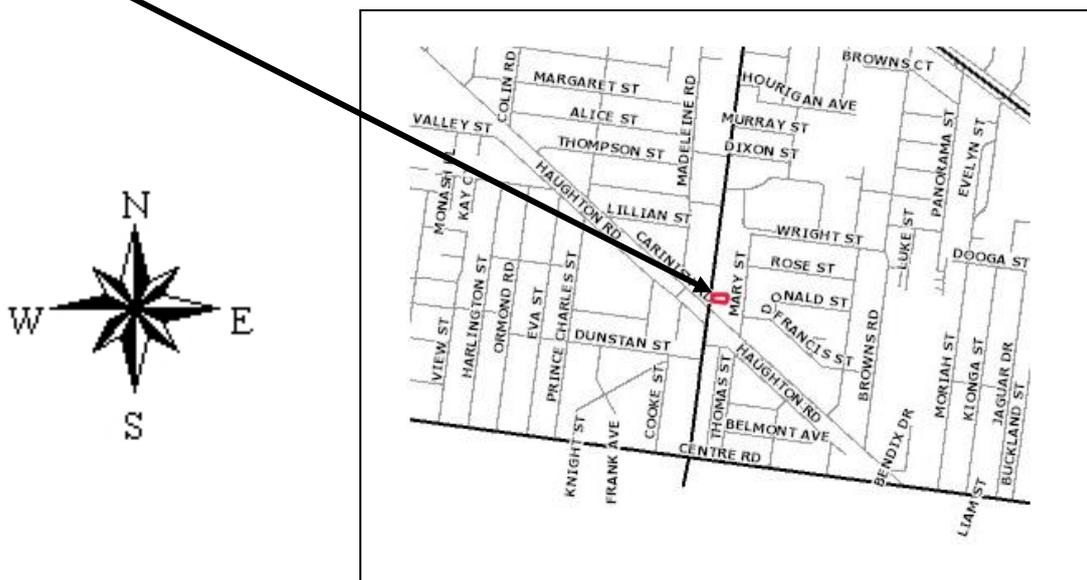
RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Natasha Swan
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	270 Clayton Road, Clayton
EXISTING LAND USE:	Office (Medical Centre)
PRE-APPLICATION MEETING:	Yes
NUMBER OF OBJECTIONS:	Three (3)
ZONING:	Commercial 1 Zone
OVERLAY:	Special Building Overlay
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1S & 11.01-1R- Settlement Clause 11.02-1S – Supply of Urban Land Clause 11.03-1S & R – Activity Centres Clause 15.01-1S & R – Urban Design Clause 15.01-4S & R – Healthy Neighbourhoods Clause 15.02-1S – Energy and Resource Efficiency Clause 16.01-1S & R – Housing Supply Clause 16.01-2S – Housing affordability Clause 18.02-1S & R – Sustainable Personal Transport Clause 18.02-2R – Principal Public Transport Network Clause 18.02-4S – Car Parking Clause 19.03-3S – Integrated Water Management	<u>Local Planning Policy Framework</u> Clause 21.01- Introduction Clause 21.05 – Economic Development Clause 21.06 – Major Activity and Neighbourhood Centres Clause 21.08 – Transport and Traffic Clause 21.11 – Physical Infrastructure Clause 21.13 – Sustainability and Environment. Clause 22.03 – Industry and Business Development Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.13 – Environmentally Sustainable Development Policy <u>General & Particular Provisions</u> Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development Clause 52.34 – Bicycle facilities Clause 65 – Decision Guidelines
STATUTORY PROCESSING DATE:	25 May 2021
DEVELOPMENT COST:	\$34.5 Million

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



270 Clayton Road, Clayton - Use Of Land As A Residential Hotel (Serviced Apartments) And Construction Of A Multi-Storey Mixed Use Building And Reduction Of The Car Parking Requirement

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/51795)** for the use of land as a residential hotel (serviced apartment) and buildings and works associated with a multi-storey mixed use building and reduction of the car parking requirement at 270 Clayton Road, Clayton subject to the following conditions:

Amended Plans Required

1. Before the development and use starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by BG Architecture (Issue I) dated 26 March 2021 but modified to show:
 - a) Revision of the two uppermost storeys to reduce the sheer scale of the proposal and its perceived height from the east adjoining residential context. This could be achieved by deletion of the uppermost storey, or increased upper level setbacks to the eastern boundary, and/or materially treating the uppermost two storeys to distinctly different from the anodised mesh materiality of the proposal, or a combination of all.
 - b) The brick platform material MA01 on the west elevation replaced with clear glazing GL01 to reduce the perceptions of an elevated Ground Floor.
 - c) Provision of a vehicle passing area at the basement entrance at least 6.1 metres wide and 7 metres long.
 - d) Details of the accessible parking spaces in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space to have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area to be a minimum of 2500mm.
 - e) The basement 1 'FPR' door near the north-western corner amended to avoid opening directly into the accessway to avoid safety hazards.
 - f) The 8 visitor bike spaces located on the naturestrip of Clayton Road relocated.
 - g) An amended landscape plan prepare in accordance with Condition 4.

- h) An amended Waste Management Plan prepared in accordance with Condition 5.
- i) An amended Sustainable Management Plan prepared in accordance with Condition 6.

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

- 2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping Plan

- 4. Concurrent with the endorsement of any plans requested pursuant to Condition 1, 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Tract dated 12 November 2020 except that the plan must be modified to show:
 - (a) The amended proposal in accordance with the amended development plan (Issue I) dated 26 March 2021;
 - (b) Changes required under condition 1 of this permit;
 - (c) The detail of the proposed paving;
 - (d) The location of external lighting (if any); and
 - (e) The location of retaining walls and site services.

Management Plans

Waste Management Plan

- 5. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Ratio Consultants (Version FEP02F01) dated 11 November 2020 but revised to show the amended proposal in accordance with the amended development plan (Issue I) dated 26 March 2021 and changes required under condition 1 of this permit.

Sustainable Management Plan

6. Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by WRAP Engineering Pty Ltd (Revision 05) dated 11 November 2020, except that the plan must be modified to show the amended proposal in accordance with the amended development plan (Issue I) dated 26 March 2021 and changes required under condition 1 of this permit.

Construction Management Plan

7. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
 - a) Hours for construction activity in accordance with any other condition of this permit;
 - b) Appropriate measures to control noise, dust and water and sediment laden runoff;
 - c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
 - f) A program for the cleaning and maintaining surrounding road surfaces;
 - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
 - h) Measures to provide for public Safety and site security;
 - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-

- constructors/tradespersons upon completion of such areas, without delay;
- j) A Traffic Management Plan showing truck routes to and from the site;
 - k) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - l) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
 - m) The provision of contact details of key construction site staff; and
 - n) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Green Travel Plan

8. Before the development is occupied, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority following consultation with Public Transport Victoria. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants (Version F02) dated 11 November 2020, except that the plan must be modified to show the amended proposal in accordance with the amended development plan (Issue I) dated 26 March 2021 changes required under condition 1 of this permit.
9. The Green Travel Plan must not be amended without the written consent of the Responsible Authority, following consultation with Public Transport Victoria.

Once approved, the Green Travel Plan must form part of the permit and any ongoing Management Plan for the land to ensure the Green Travel Plan

continues to be implemented by residents or owners to the satisfaction of the Responsible Authority.

Operational Management Plan

10. Prior to the commencement of the use for serviced apartments, an Operational Management Plan for the use of the site must be submitted and approved by the Responsible Authority. The plan should detail but not be limited to:
- a) Serviced apartment premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
 - b) The presence of a manager on site at such times to operate the reception area.
 - c) The contact details of the management of the premises displayed in a manner and location that it is visible to any person entering the site. This information is to be updated as required immediately following any change to the nominated responsible contact person.
 - d) Services provided.
 - e) Operating hours.
 - f) After hours contact details for management of the facility.
 - g) Car parking allocated to serviced apartments. No less than 0.5 car space must be allocated to each serviced apartment approved by this permit.
 - h) Management of the car park associated with the serviced apartments including access arrangements.
 - i) Maintenance of buildings and grounds, including all landscaped areas.

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.

General Conditions

11. As part of the ongoing consultant team, BG Architecture or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Ensure an appropriate repair, reconstruction, paint removal and painting scheme is developed for the existing heritage building. This scheme is to carry out repairs to the awning, timber and render, tiles and other materials and authorised by a qualified heritage architect

Car Parking Conditions

12. Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes 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.

13. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.
14. The proposed vehicle crossing is to be constructed in accordance with the City of Monash standards.
15. Any works within the road reserve must ensure the footpath and kerb and channel are reinstated to Council standards.

Drainage Conditions

16. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

Other

17. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

18. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Section 173 Agreement

19. Prior to the endorsement of plans referred to in Condition 1 the owner of the land 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) Apartment 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) Serviced apartment 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) Clearly note and acknowledge that should the land cease to be used for serviced apartment (residential hotel), a new planning permit may be required for an alternative use; and
 - f) An operational management plan prepared and implemented to the satisfaction of the Responsible Authority according with Condition 10 of this permit.

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

Melbourne Water Conditions (Ref: MWA-1181994)

20. The building and the entrance points at the lobby must be constructed with finished floor levels set no lower than 61 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level at location of development of 60.70m to AHD.
21. The entry/exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 61.63m to AHD, which is a minimum of 300mm above the applicable flood level at location of development of 61.33m to AHD.

22. All doors, windows, vents and openings to the basement car park must be set no set no lower than 61.63m to AHD, which is a minimum of 300mm above the applicable flood level at location of development of 61.33m to AHD.
23. All the electrical components within the substation must be set above the applicable flood level of 61m to AHD.
24. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwelling, garage and driveway ramp.
25. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of overland flows.
26. Prior to commencement of works a Buildover application and agreement must be entered into for any development/works within 5m of the outside edges of the Melbourne Water drain. A Buildover application can be submitted online for Melbourne Water's terms and conditions: <https://www.melbournewater.com.au/planning-and-building/apply-tobuild-ordevelop/apply-build-near-asset-or-easement>.
27. Prior to the commencement of works a separate application direct to Melbourne Water, must be made and approved of any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
 - End of Melbourne Water Conditions

Time for Starting and Completion

28. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - (a) The development is not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (4) years from the date of issue.In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:
 - (i) within six (6) months afterwards if the development has not commenced; or

- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. This is **not** a Building Permit. Building Permit approval for the works must be obtained prior to the commencement of the above approved works.
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. One copy of the plans for the drainage and civil works must be submitted to and approved by 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. The payment of a 5,000 refundable security deposit is required prior to the drainage works commencing.
- D. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 100mm pipe to the Council pit in the right of way to be constructed to Council Standards.
Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.
- E. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.
- F. A licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
- G. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.

- H. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- I. Occupiers of the approved development will not be entitled to car parking permits for on street car parking.

BACKGROUND:**The Site and Surrounds**

The subject site is located at the northern edge of the Clayton Activity Centre Precinct on the east side of Clayton Road, just north of the corner of Carinish Road in Clayton. It is located directly to the south of the Clayton Hall and the Clayton Railway Station is located approximately 60 metres to the south of the site.

Whilst commercially zoned and part of the greater Activity Centre, the railway reserve creates a visual barrier to the main shopping precinct further to the south. Residentially zoned land adjoins the site to the east.

The site itself is irregular in shape with a frontage (western boundary) to Clayton Road of approximately 25.4 metres, with the remaining three frontages being to laneways which includes a northern boundary of 50.2 metres, an eastern boundary of 29.9 metres and a southern boundary of 50.1 metres, yielding an overall site area of 1,384 square metres.

The land is currently developed with a two storey office building. It is being used as a medical centre by Monash Health - Ophthalmology Department. The building is constructed approximately 7.5 metres from the front and rear boundaries. The existing front setback contains basic landscaping and a pedestrian ramp leading to the building from the footpath. There are approximately 9 at-grade car parking spaces and vehicle access to the basement car park within the rear setback. There are three informal car spaces at the rear accessed off the rear laneway.

The site is within the Monash National Employment and Innovation Cluster (MNEIC) and the Monash Medical Centre is located approximately 200 metres to the north of the site.

More specifically, details of adjoining properties are as follows:

North: Abutting the site is a 3.06 metres wide laneway running east-west between Clayton Road and Mary Street. Beyond the laneway is the Clayton Hall, forecourt and remembrance gardens. The land is zoned Public Use Schedule 6 (PUZ6).

East: Abutting the site is a 3 metres wide laneway running north-south between the Clayton Hall and Carinish Road. Beyond the laneway are residential properties - 23, 25, 27 and 29 Mary Street. Each of these properties contains one or two single storey dwellings within the Residential Growth Schedule 3 (RG3).

South: Abutting the site is a 3.26 metres wide laneway running east-west. Beyond the laneway is the rear of the row of commercial buildings fronting Carinish Road, with some at-grade car parking spaces at the rear of those buildings. Further south is the Clayton railway station.

West: To the west is Clayton Road which is a major arterial road and zoned Road Zone Category 1. The western side of Clayton Road contains a group of one to two storey commercial buildings.

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

PROPOSAL:

Amendment of Proposal (post public notice)

Amended plans were formally lodged with Council on 26 March 2021 after the public notification to address the concerns raised by Council officers as detailed in the report to the Council meeting on 23 February 2021. This report is prepared based on the amended plans (Issue I) dated 26 March 2021.

The key changes of the amended plans are as follows:

	Original Advertised Proposal	Amended Proposal considered by this report for determination (Plan Issue I)
Maximum building height	11 storey- 41.24 metres	10 storey with roof structure- 35.7 metres
Street wall height	4 storey- 18 metres	3 storey- 13.8 metres
'Tower' setback to Clayton Road boundary	2.6-6.8 metres	5 metres
'Tower' setback to the eastern laneway	2.96-2.99 metres (4.5 metres to the centre of the laneway)	3.5 metres (5 metres to the centre of the laneway)
Car parking provision	Total: 120 car spaces Retail tenancy: 4 spaces (1.38 spaces per 100m ²) Office: 68 spaces (1.85 spaces per 100m ²)	Total: 119 car spaces Retail tenancy: 4 spaces (1.25 spaces per 100m ²) Office: 62 spaces (1.85 spaces per 100m ²)

	Serviced apartment: 47 spaces (0.41 spaces per apartment)	Serviced apartment: 52 spaces (0.5 spaces per apartment)
	Car share: 1 space	Car share: 1 space
External architectural screening features	Protrude approximately 800mm over the footpath	Entirely within property boundaries

Proposed Use	Floor Area (m2)/ number of apartments on advertised proposal	Floor Area (m2)/ number of apartments on amended proposal
Ground level: Retail tenancies	288m ²	320m ²
Levels 1 to 4: Office tenancies	3,672m ²	3,318m ²
Communal terrace on level 3	241m ²	513m ²
Levels 5-9: Serviced apartments	114 serviced apartments	104 serviced apartments
Roof level	Health club: 89m ² Conference Centre: 127m ²	Health club and conference centre deleted. Only screened services and solar panels provided on rooftop
Façade materials	Podium- glazing and perforated metal panelling Tower- face brickwork and precast concrete	Podium- face brickworks, timber slats and metal works/ screens Tower- concrete, metal screens and glass panels

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

A planning permit is required for the current proposal in accordance with the following planning scheme provisions.

Zoning

The land is zoned Commercial 1 under the provisions of the Monash Planning Scheme.

Pursuant to the requirements of Clause 34.01 a permit is required for the following:

- Clause 34.01-1: Use of accommodation (including serviced apartments) where the frontage at ground level exceeds 2 metres.
- Clause 34.01-4: Construct a building.

No permit is required for use of retail premises and offices within the zone.

Special Building Overlay

The land is subject to the Special Building Overlay. Pursuant to Clause 44.05-2 a permit is required to construct a building.

An application must be referred to the relevant floodplain management authority.

Particular & General Provisions**Clause 52.06- Car Parking**

Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

This proposal seeks to reduce the number of on site car parking provision by a total of 43 spaces including 12 spaces for the retail premises and 31 spaces for the office tenancies.

Clause 52.06-5 does not specify the car parking requirement for serviced apartments, as such car parking provision must be the satisfaction of the Responsible Authority.

Clause 52.34 – Bicycle Facilities

Pursuant to Clause 52.34-2 (Bicycle Facilities), a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5.

As the required bicycle parking has been provided on the site, a Planning Permit is therefore not sought under this provision.

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

CONSULTATION:

The application was originally listed for consideration at the February Council meeting. Council resolved to defer consideration of the application for up to 2 months so that the applicant may consider revisions to their application to address the issues with the proposal as stated in the Council report presented to that meeting. As a result, the Applicant has lodged a formal amendment to Council on 26 March 2021 and this report and recommendation are prepared based on the amended proposal.

The Applicant was verbally advised that this application was coming to the April Council meeting, in addition to a letter has been sent to the Applicant formally informing them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for a Notice of Decision to Grant a Planning Permit.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by sending notices to the surrounding property owners and occupiers, and four large signs displayed at the four frontages of the site.

Objections received for the applications included the following:

- The development will set a precedent for other high density developments
- Vehicle access and impacts on traffic volume and on street parking around Mary Street
- The development will set a precedent for other high density developments

Amended Plans after public notification (S57A amendment)

As previously mentioned, amended plans were formally lodged with Council on 26 March 2021, following Council's deferral of consideration of the application. The amendments proposed are overall an improvement to the original application and are not expected to cause any further impacts to the adjoining properties. Re-advertising of the amended proposal was not considered necessary as there is no increase in material detriment resulting from the amended plans. The original objections to the application still stand and are considered in this report.

Suburban Railway Loop Authority (SRLA)

The SRLA was also notified as the subject land is located close to the Clayton Railway Station where it may be affected by the Suburban Railway Loop.

SRLA did not object to the proposed development however requested the applicant to provide additional detail in relation to the development's footings and piles, and basement wall retention system to assist the assessment of ground movement and ground loading; and details of the construction periods to assist the SRLA to assess works and site areas.

Officers have passed the advice to the permit Applicant.

Public information session

In addition to the statutory notice, an online public information session was held on 9 December 2020.

Approximately eight (8) community members participated in the online public information session. Oakleigh Ward Councillors were also in attendance.

Attachment 4 details the location of objector properties.

Referrals

External Referrals

Department of Transport (Ref: PPR 33686/20-A)

Pursuant to the provisions of Clause 66.02-11 the application was referred to the Department of Transport (DOT) as the proposed residential building (including serviced apartment) comprises more than 60 lodging rooms.

The Department of Transport advised that they do not object to the proposed development, and did not require any conditions to be included on the permit.

Melbourne Water (Ref: WMA-1181994)

The application was referred to Melbourne Water pursuant to Clause 44.05-6 of the Monash Planning Scheme. They initially objected to the application, but withdrew their objection on 12 March 2021.

Based on their latest referral response, Melbourne Water does not object to the proposal subject to the finished floor levels of the building being a minimum of 300mm above the applicable floor level and other standard requirements.

The amended proposal satisfies all the requirements of Melbourne Water.

Internal Referrals

Traffic Engineering

Concerns were raised in relation to the basement 1 'FPR' door near the north-western corner opens directly into the accessway which is a safety concern. In addition the proposed 8 visitor bike spaces located on the naturestrip of Clayton Road have potential interfere to traffic and pedestrians and are not supported in this location.

In addition, a passing area should be provided at the entrance at least 6.1 metres wide and 7 metres long as the accessway serves ten or more car parking spaces and is more than 50 metres long. Details of the accessible parking spaces should also be provided in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6.

These issues could be addressed via permit conditions if one was to issue.

Drainage Engineering

No concerns subject to standard conditions including an on-site detention system for storm events to be retained on site for the basement carpark. The design of the drainage and civil works is to be approved by Council's Engineering Department prior to drainage works commencing.

Waste Services

The proposed plans were amended during the application process to respond to the requirements from Council's Waste Services, and are considered satisfactory.

Urban Design Advice

Independent urban design comments were obtained by Council from an urban design consultant for the amended proposal.

A summary of their advice of the amended proposal is as follows:

- The amended proposal seeks approval for a three storey street wall whose height varies between 13.24 to 13.75 metres which is marginally taller than the recommended street wall height (12-13 metres). However as the height has resulted from the commercial use of the podium and incorporation of the podium-top balustrading, its general quantum responds to the intent of the previous urban design concerns and is supported.
- Whilst the Applicant's intention to reduce the proposed building height is commendable and supported, the amended proposal arguably remains one storey too tall, particularly when viewed from the east of the subject site, particularly when combined with the absence of any meaningful upper level setback to the eastern adjoining residential properties. It is recommended that the maximum building height be circa 33 metres or alternatively, if the building height were to be maintained, further design revisions are required at the uppermost levels of the proposal to reduce the sheer scale and its perceived height when viewed from the east adjoining residential context. This will be further discussed in this report.
- The revised architectural expression of the proposal is appropriately responses to the previous design concerns of the original proposal. The amended proposal is of high quality and it is supported subject to further design works to reduce the perception of bulk when viewed from the east.
- The proposal sufficiently allows for any future widening of Clayton Road's eastern footpath.
- The brick platform (MA01 in the materials & finishes schedule) along the Clayton Road interface could be replaced with clear glazing (GL01 in the materials & finishes schedule) to reduce the perceptions of an elevated Ground Floor as viewed from Clayton Road, and reduce the perceptions of disconnection between the public and private realms.
- The proposed canopy over Clayton Road's footpath provides for a sufficient clearance height (3.5 metres) and depth to provide for meaningful public realm weather protection to this interface.

Overall, the advice stated that the amended proposal makes genuine progress toward responding to the identified urban design issues, with the majority of the urban design issues raised on the original proposal now satisfactorily addressed.

DISCUSSION:**Consistency with State and Local Planning Policies****State Planning Policy Framework (PPF)**

Plan Melbourne Refresh is the Metropolitan Strategy included as a reference document within the Planning Scheme. The key directions that are of particular relevance to the proposal are:

- *Understand and plan for expected housing needs.*
- *Reduce the cost of living by increasing housing supply near services and public transport.*
- *Facilitate the supply of affordable housing.*

Initiatives are to locate a substantial proportion of new housing in or close to locations that offer good access to services and transport and employment areas.

Plan Melbourne Refresh also identifies places of state significance and places of local significance. Within the City of Monash, the main place of state significance is the Monash National Employment and Innovation Cluster (MNEIC). National employment and innovation clusters are designated geographic areas with concentrations of economic activity that currently make major contributions to the national economy and Melbourne's position as a global city and will be supported into the future. The MNEIC is Melbourne's largest established cluster, representing the largest concentration of employment outside the central city with a critical mass of leading education, health, research and commercial facilities, and existing industrial businesses.

The subject site is located within the MNEIC as identified in Plan Melbourne Refresh, where the scale of new residential development will generally comprise larger footprint residential development of a high quality design and finish.

Clause 11.02-1S (Supply of Urban Land) seeks to *ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) reiterates the objectives of Plan Melbourne and seeks to support the development and growth of Metropolitan Activity Centres by ensuring they:

- *Are able to accommodate significant growth for a broad range of land uses.*
- *Are supported with appropriate infrastructure.*
- *Are hubs for public transport services.*
- *Offer good connectivity for a regional catchment.*
- *Provide high levels of amenity."*

The subject site is located at the northern edge of the Clayton Activity Centre Precinct, and 60 metres from the Clayton Railway Station and it is well serviced by

public transport, amenities and services. It is an appropriate location for higher density development to provide increased diversity of housing and supports the continued growth and diversification of the activity centre.

Clause 15.01-4R seeks to create a city of 20 minute neighbourhoods that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

Clause 16 of the Monash Planning Scheme seeks to increase the proportion of new housing in designated locations within established urban areas, on sites that are well located in relation to jobs, services and public transport. It also seeks to create mixed use neighbourhoods at varying densities that offer more choice in housing type.

Housing policy at Clause 16.01- 1R seeks to manage supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are (as relevant):

- *Areas for residential growth.*
- *Areas designated as National Employment and Innovation Clusters.*
- *Metropolitan activity centres and major activity centres.*
- *Areas near existing and proposed railway stations that can support transit-oriented development.*

It also seeks to *'identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne'* and *'create mix-use neighbourhoods at varying densities that offer more choice in housing'*.

As mentioned previously, the subject site is within an identified location that seeks to provide increased employment opportunities and housing diversity and density to support the MNEIC. The proposed development comprising retail, offices and serviced apartment generally meets the objectives of this policy.

The Planning Policy Framework, including Clause 16.01-2S (Housing Affordability) seeks to increase choice in housing type and deliver more affordable housing closer to jobs, transport and services.

Clause 17.02-1S encourages development that meets the community's needs and locate commercial facilities in existing or planned activity centres, and Clause 17.04-1S encourages the development well-designed facilities including accommodation and retail opportunities, to ensure that tourism facilities have access to suitable transport and encourage investment that meets demand and supports growth in tourism.

Clause 18.02-2S & 2R promotes increased development close to high-quality public transport routes; maximise the use of existing infrastructure and increase the diversity of development along the Principal Public Transport Network particularly at interchanges and activity centres.

Clause 18.02-4S requires land to be set aside for car parking which enable easy and efficient use and achieve a high standard of urban design, protect the amenity of the locality including the amenity of pedestrians and other road users.

Plan Melbourne 2017-2050, a reference document to the Monash Planning Scheme also encourages these initiatives with the following policies:

- Plan for new development and investment opportunities on the existing and planned transport network.
- Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- Support new housing in activity centres and other places that offer good access to jobs, services and public transport.
- Support the growth and development of Melbourne’s cultural precincts and creative industries.
- Promote urban design excellence in every aspect of the built environment.
- Recognise the value of heritage when managing growth and change.
- Stimulate economic growth through heritage conservation.
- Create mixed-use neighbourhoods, and improve neighbourhoods to enable walking and cycling.
- Facilitate housing that offers choice and meets changing household needs.

The subject site is located within the Clayton Activity Centre Precinct with good access to public transport. The proposed serviced apartments will make a positive contribution to the centre.

Local Planning Policy Framework (LPPF)

Local Planning Policy expands on the State Planning Vision for the local area. The Strategic Framework Plan at Clause 21.06 identifies the site as being located at the edge of the Clayton Activity Centre, just outside of its northern boundary. Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Clayton as a Major Activity Centre with its primary focus being;

- Higher order goods
- Specialty retailing
- Entertainment
- Mixed commercial uses
- Offices
- Apartments

- Hotels
- Community facilities
- Public transport

Table 1 (Hierarchy of Activity Centres in Monash) at 21.06-3 also identifies the Strategic Directions for Major Activity Centres encouraging redevelopment and concentration of activity, providing a range of entertainment, arts and restaurant uses, as well as encouraging office uses where contiguous retail frontage is not compromised.

The MSS also includes local policy vision in relation to Traffic and Transport (Clause 21.08), Physical infrastructure (Clause 21.11), and Sustainability and Environment (Clause 21.13) which are all have broad relevance to this proposal.

Clause 22.03 – Industry and Business Development Character Policy is also relevant in the assessment of the proposal. This policy applies to all land within the commercial zones and industrial zones and provides design guidelines to ensure that new development integrates with its context.

In accordance with the map at Clause 22.03, the subject site is located in Business Character Type 2. The desired future character statement indicates that new development should respect the scale and form of development of the relevant Activity Centre, while providing for appropriate change.

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

Clause 22.13 (Environmentally Sustainable Development Policy) applies to all residential and non-residential developments that require a planning permit. This policy was introduced into the scheme on the 29 September 2016 and is relevant to this application. In accordance with clause 22.13-4, a Sustainability management Plan (SMP) is submitted with the application.

Clayton Activity Centre Precinct Plan

At its meeting on 28 January 2020, Council adopted the Clayton Activity Centre Precinct Plan, dated January 2020. The plan is yet to proceed to a Planning Scheme Amendment.

The subject site is located on the eastern end of the activity centre, in an area identified for 'retail/ commercial and mixed use'. It is in *Precinct 1- Central Retail*, and is identified as a 'key redevelopment site' which is suggested to accommodate a greater density of development. This site is earmarked for development with a preferred building height of 10 storey or 32-35 metres, while the adjoining properties (not being identified as 'key redevelopment sites') are earmarked with preferred building heights of 6 and 8 storeys.

The proposed ten storey development with maximum building height of 35.7 metres slightly exceeds the preferred maximum building height of 35 metres in the Precinct Plan. However the additional height of 700mm is considered minor and is not expected to cause any additional amenity impacts. Further, the proposed built form will meet the outcome anticipated in the Clayton Activity Centre Precinct Plan.

Figure 1 - Extract of Clayton Activity Centre Built Form Plan



The adopted Precinct Plan includes details of preferred built form outcomes including setbacks. The plan seeks the following development outcomes:

- *Provides for additional hospitality, retail and commercial uses within the lower levels of development*
- *Reinforces key activity nodes and entries into the Activity Centre with higher scale and exemplar built form*
- *Promotes visual interest and variation in the Activity Centre skyline*
- *Orinates a sense of enclosure and continuity in built form*
- *Establishes a pedestrian scale environment at street level*
- *Avoids unarticulated facades that give a bulky appearance*
- *Does not overwhelm existing residential properties and is articulated to minimise visual bulk when viewed from residential properties*
- *Provides an overall scale that is compatible with adjoining low-scale residential areas*
- *Maintain solar access to Clayton Road, Cooke street, Dunstan Street and the future Cooke Street Plaza*
- *Provides shade and shelter to footpaths in key retail areas*

- *Development should avoid ‘wedding cake’ built form outcomes*

The Clayton Activity Centre Precinct Plan envisages buildings within this precinct will have street walls (zero front and side setbacks) up to three storeys, with the upper levels to be setback a minimum of 5 metres from the front boundary.

The proposed development meets the relevant requirement with a three storey street wall (12.1- 13.8 metres in height). The ground level is setback 5 metres from the kerb side of the footpath on Clayton Road to allow for a footpath extension to 5 metres as envisaged in the Clayton Activity Centre Precinct Plan; and the ground level setback will provide an opportunity for landscaping in front of the building and ‘establish a pedestrian scale environment at street level’.

Building Height and Built Form

Building setbacks and interfaces

Apart from the street wall and overall building height, the upper form setbacks (above the podium levels) are critical in taller buildings so as to give visual primacy to the podium levels and reduce the ‘bulk’ of the upper form (tower) of the building.

Clayton Road (western) setback

Details of the proposed front setbacks are shown in the table below:

Levels	Proposed setbacks to front boundary	Recommended setbacks to the front boundary in the Clayton Activity Centre Precinct Plan
<i>Ground</i>	<i>1.9 metres</i>	<i>Zero setback</i>
<i>Level 1</i>	<i>0 metre, or 3.6-4.4 metres</i>	<i>Zero setback</i>
<i>Level 2</i>	<i>0 metre</i>	<i>Zero setback</i>
<i>Level 3</i>	<i>5.15-5.435 metres</i>	<i>5 metres</i>
<i>Level 4</i>	<i>5 metres</i>	<i>5 metres</i>
<i>Levels 5</i>	<i>5 metres</i>	<i>5 metres</i>
<i>Level 6-9</i>	<i>5 metres</i>	<i>5 metres</i>

Ground level to level 2 are part of the proposed street wall

The proposed ‘tower’ is setback 5 metres from the Clayton Road boundary which is in accordance with the recommendations of the Clayton Activity Centre Precinct Plan. The proposed setback is also considered adequate and is sufficient to avoid a sheer wall facing the street, and provide good level of articulation to the tower component.

The urban design advice commented that the amended tower setback is supported.

Northern setback

In terms of the zero tower setback to the northern boundary where it faces the Clayton Hall forecourt and Remembrance Gardens, it is considered acceptable as

‘it will provide greater spatial definition to the broad, robust width and ‘open character’ of the reserve, and it clearly won’t result in any additional overshadowing year-round. It is also considered an appropriate response to the adjoining context.

Southern setback

Likewise, the proposal provides a 4.5 metres setback to the centre point of the southern laneway is an acceptable response to allow equitable development should the south adjoining commercial property wish to develop in the future.

Eastern setback

Immediately east of the subject site opposite the laneway are predominately single storey residential dwellings. This residentially zoned interface is comparatively more sensitive in its current form, even though those properties are zoned Residential Growth Zone and are in an area where development up to eight storeys is envisaged in the Clayton Activity Centre Precinct Plan.

Proposed setbacks to the eastern boundary are shown in the table below:

Levels	Proposed setbacks to rear boundary
<i>Ground</i>	<i>0 metre</i>
<i>Level 1</i>	<i>0 metre</i>
<i>Level 2</i>	<i>0 metre</i>
Level 3	3.9- 10.7metre
Level 4	3.3- 11.5metres
Levels 5	3.5 metres
Level 6-9	3.5 metres

The proposed ‘tower’ is setback 3.5-11.5 metres from the eastern boundary which is a minimum of 5 metres from the centre point of the eastern laneway. This exceeds what the Clayton Activity Centre Precinct Plan anticipated which was a 4.5 metres setback to the centre of the laneway. However, the design response to the eastern residential interface is still poor and as discussed in the Urban Design advice, the amended plans do not go far enough to responding to the previous concerns being the perception of height and scale when viewed from the eastern adjoining residential context.

Whilst the amended proposal reduced its street wall and overall building height along with slightly increased eastern setbacks, further design revisions are required at the uppermost levels of the proposal to reduce the sheer scale of the proposal to the eastern elevation. This may include deletion of the uppermost storey, increase upper level setbacks, architectural revisions to the uppermost levels or a combination of all.

It is acknowledged that there will still be shadow impact to the east adjoining residential properties to the east, however it is inevitable as the shadow are caused by the proposed 3 storey podium. This will be further discussed below.

Architectural excellence

The adopted Clayton Activity Centre Precinct Plan identifies the objective to *create a contemporary and exciting identity for the Clayton Activity Centre through high quality design and architectural excellence*. It contains the following strategies:

- *Excellence in building design so that development responds to the characteristics of the site and its context;*
- *Maximise building height on larger sites where interface issues can be minimised;*
- *Strengthen the sense of place in the Clayton Activity Centre by providing buildings of exemplary architectural quality on prominent sites and in locations adjacent to existing and proposed public space;*
- *Ensure buildings do not overshadow key public spaces such as key commercial areas, street, parks and plazas;*
- *Ensure buildings do not overwhelm the footpaths of retail areas with taller element recessed from the street;*
- *Ensure buildings integrate with and contribute positively to streetscapes and public spaces;*
- *Strengthen the presence of buildings along the entire length of Clayton Road to promote increased interaction between the street, future retail, health and office uses;*
- *Ensure a transition in building height between commercial and residential areas;*
- *Ensure that all development supports a sustainable activity centre thought high ESD standards.*

The Urban Design advice states that the amended architecture is an improved response to the previous design concerns raised.

This amended design is sleek and elegant. It has a subtle design rationale which *includes the likely animation of façades through the operable screening, retention of the negative level (level 3), a contrasting material scheme to emphasise the podium/ tower composition of the proposal, and retention of a significant tower rebate within the north-east of the proposal*. The amended proposal is high quality and is supported subject to further design works to reduce the perception of bulk when viewed from the east which has been previously discussed.

Overall, the proposal provides a good level of architectural features and varied materials and finishes with the intention to provide high quality architecture. There is a mix of vertical and horizontal elements along with architectural screening features. The use of metal screens will add interest to the building facade at all interfaces, and they will be located entirely within the property boundaries.

Overshadowing

The property is orientated east-west with shadows cast to the east adjoining residential properties at various times during the day. Shadow cast to the east adjoining properties results from the proposed podium which is three storey high, consistent with the Clayton Activity Centre Precinct Plan.

The adjoining residential properties are zoned Residential Growth, and the Clayton Activity Centre Precinct Plan identifies these properties have a preferred maximum height of up to 8 storeys. Given the scale of developments expected within the Clayton Activity Centre Precinct Plan, the outcome is considered acceptable. The scale of the proposed buildings and extent to shadow cast is generally consistent with the outcomes envisaged by Clayton Activity Centre Precinct Plan.

Overlooking

The design response requires screening to windows facing east on podium levels to address overlooking of the east adjoining residential properties. Section C of the proposal shows a 1.7 metres high screens to the east facing windows with maximum 25% opening to prevent overlooking which satisfies this objectives.

Serviced Apartment Use & Internal Amenity

As identified earlier in the report, a planning permit is required to use the land for serviced apartments. The subject site being located within the core of the Clayton Major Activity Centre with excellent access to public transport and is close to existing services, represents an appropriate location where serviced apartments should be located.

Serviced apartments are a form of short term accommodation which differs from apartments, dwellings, traditional hotels or motels. As such the layout and design of the proposed apartments differs and internal amenity requirements for future occupants are assessed differently. The majority of apartments include direct solar access to either bedroom or living room windows, whilst the 'studio' apartments do not contain separate living areas.

It is expected that the apartments are designed to provide a reasonable level of internal amenity. All of the serviced apartments are minimum 3 metres in width which satisfies the indicative dimensions in Standard D24 *Functional Layout Objective of Clause 58 Apartment Developments*, which does not technically apply to serviced apartments but could be used for reference to achieve an acceptable level of internal amenity.

Car Parking, traffic and access

The subject site is located within the Principal Public Transport Network. There are no specific car parking rates for serviced apartments in Clause 52.06 of the Monash

Planning Scheme. The provision of car parking must be to the satisfaction of the Responsible Authority.

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

Proposed Car Parking Provision

Proposed Use	Clause 52.06 requirement	Floor area	Car spaces required	Proposed car parking allocation	Car parking reduction sought
Retail tenancy	3.5 spaces per 100m ² of leasable floor area	320m ²	11 spaces	4 spaces allocated (1.25 spaces per 100m ²)	7 space
Offices	3 spaces per 100m ²	3,318m ²	99 spaces	62 spaces (1.85spaces per 100m ²)	37 spaces
Serviced apartments	-	104 apartments	Non-specified	52 spaces (0.5 spaces per apartment)	-
Car share	-	-	-	1 space	-
Total				119 spaces	44 spaces

A total of 119 car parking spaces are provided within the basement car park. The above table indicates that the proposal seeks to reduce the required car parking provision by 44 spaces, and to provide car parking for the serviced apartments at a rate of 0.5 space per apartment. Most of the proposed car parking reduction comes from the office use (37 spaces) with the proposed car parking rate of 1.85 spaces per 100 square metres.

Council's Traffic Engineer advised that *the direction of Council's adopted Monash Integrated Transport Strategy 2017 is to encourage sustainable mobility and reduce reliance on private vehicle use. The Clayton Activity Centre has excellent public transport access, with higher frequencies during office peak hours, and the limited availability of long-term off-site car parking encourages consideration of sustainable transport modes for staff. The development site is located in very close proximity to the rail and bus interchange.* The traffic report submitted by the applicant references a recent Council decision to approve a six-storey mixed use development on land at 2-4 Kingsway in Glen Waverley with an office parking rate of 1.84 spaces per 100sqm. Council's Traffic Engineer consider that it is reasonable to reduce the onsite office parking provision to a similar rate to that of 2-4 Kingsway.

The 104 serviced apartments are proposed to be allocated 52 spaces, which equates to a rate of 0.5 spaces/apartment. It is considered that other similar

developments in Monash within an Activity Centre generally provide a similar car parking rate.

In addition, Council's Traffic Engineer advises that:

- *The traffic report provided by the applicant indicated that the parking occupancy survey shows that a supply of 113 unrestricted parking spaces in the area were noted. The report noted that unrestricted car parking was observed to have occupancy levels that varied from 73% to 96% in business hours (8:00am to 5:00pm). Of the supply of 113 unrestricted parking spaces, there were a minimum of 5 spaces available for parking during this period. This demonstrates a high demand for long-term parking spaces in the area.*
- *It is expected that there is sufficient parking within the Clayton Activity Centre to accommodate retail customer parking, and consequently the traffic report's recommendation of 2 staff spaces per retail premises (total 4 spaces) and one for the serviced apartment retail tenancy is considered to be reasonable.*
- *A loading dock is proposed on the ground level on the southern side of the development. Service and delivery vehicles are expected to prop for short periods during the off-peak. This is considered to be an acceptable arrangement.*
- *The adjacent laneway to the north is known to be an area of pedestrian & vehicle activity, and consequently it is recommended that the pedestrian sight line requirement apply to the basement access ramp.*
- *Loading is proposed via the southern laneway and turning movements are satisfactory.*

Overall, the proposed car parking rates for the retail premises and office component are acceptable given the location of the subject site. The proposed rate for the serviced apartments is also similar to other approved developments in locations that have similar context.

Bicycle facilities

Under clause 52.34 of the Monash Planning Scheme a total of 41 spaces is required, including 25 employee/staff spaces and 16 visitor spaces. A total of 73 bicycle parking spaces are proposed, with six share bikes, including 2 e-bikes for staff and guests of the serviced apartments and a further 10 visitor spaces on the site. However Council's Traffic Engineer indicates that the proposed 8 visitor spaces within the naturestrip will not be supported and recommended them to be relocated within the property boundaries of the subject land.

The provision of share bikes to encourage active transport is to be commended.

Objections not previously addressedThe development will set a precedent for other high density developments

The application will not set a precedent as each application will be assessed on its merit.

CONCLUSION:

The concept of developing the site for a mixed use commercial development is supported. The proposed retail and office uses are 'as of right' within a Commercial 1 Zone, and the proposed serviced apartment use is considered appropriate to this location and is supported.

The modified design response has addressed previously raised concerns and results in an acceptable built form and amenity outcome in accordance with the Clayton Activity Centre Precinct Plan. The modified proposal achieves the objectives of the Activity Centre Precinct Plan to provide for high quality design, increased density and housing diversity aspirations. The on-site car parking provision is adequate having regard to the site's proximity to public transport.

It is recommended that the proposal be supported subject to conditions.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (February 2020).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.