

**1.5 12 NEXUS COURT, MULGRAVE  
AMENDMENT OF AN EXISTING PLANNING PERMIT TO ALLOW FOR THE  
CONSTRUCTION OF AN ELEVEN STOREY BUILDING (ABOVE THREE LEVELS OF  
BASEMENT) CONTAINING OFFICES AND CAR PARKING  
(TPA/48496/A)**

**EXECUTIVE SUMMARY:**

This application proposes variation of planning permit TPA/48496 which allowed the construction of a 15 storey building comprising of a hotel, offices, multi-deck car park, gymnasium and commercial car wash on the land.

The application seeks to vary this Planning Permit to allow for the construction of a reduced 11 storey building comprising of offices and car parking for the surrounding uses within Nexus Court. In varying the uses of the building, conditions 1a)-f), 4, 5, 7 and 22 are proposed to be deleted and Conditions 21, 24 and 29 varied. The preamble to the Planning Permit is also sought to be varied.

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

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

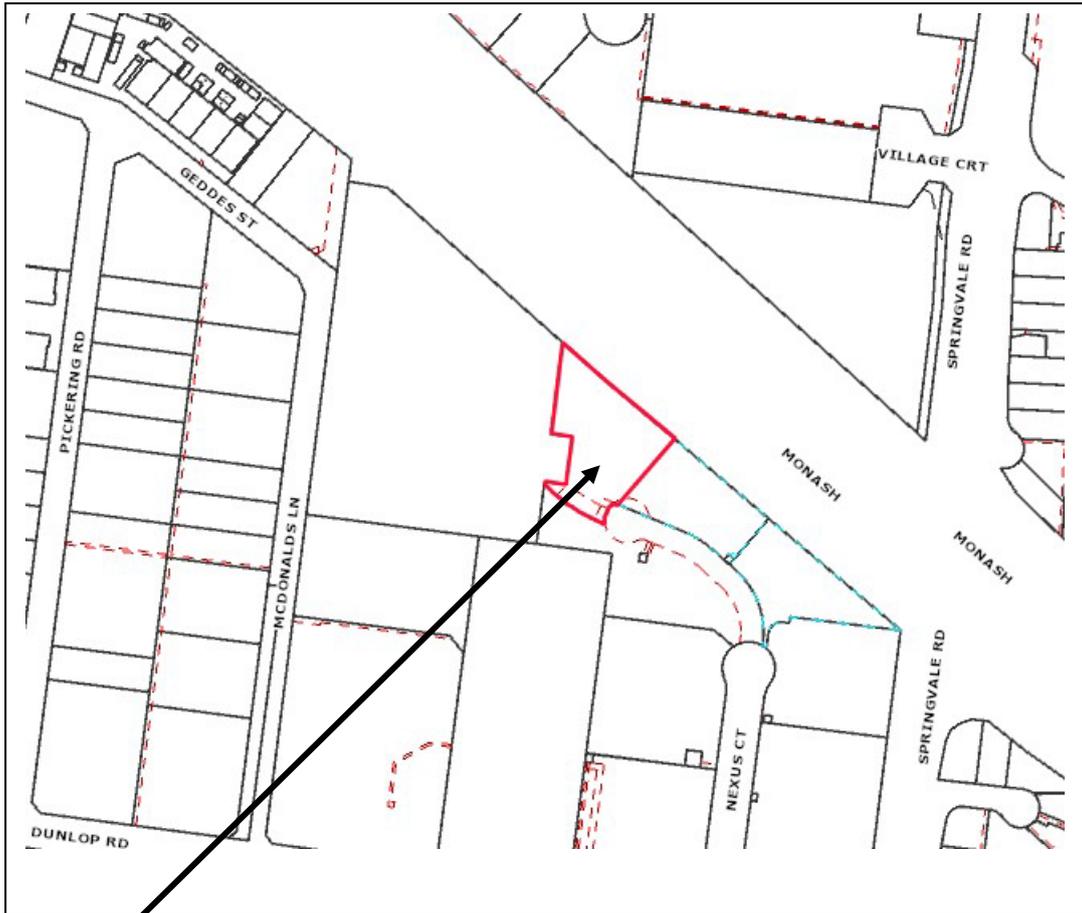
**The reason for presenting this report to Council is the proposed development cost in excess of \$20 Million.**

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

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Alexandra Wade</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>12 Nexus Court, Mulgrave</b>
<b>EXISTING LAND USE:</b>	<b>At grade Carpark</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>Special Use Zone, Schedule 6</b>

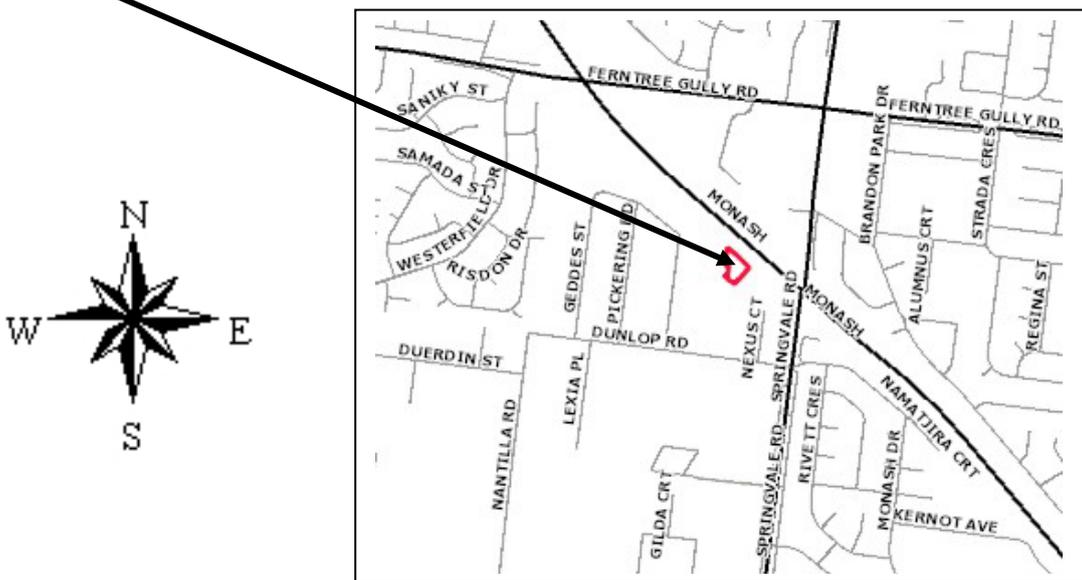
<b>OVERLAY:</b>	<b>Design and Development Overlay, Schedule 1</b>
<b>RELEVANT CLAUSES:</b> <u><b>State Planning Policy Framework</b></u> Clause 11.01-1R – Settlement Clause 11.02-1S – Supply of Urban Land Clause 13.07-1S – Land Use Compatibility Clause 15.01-1S & R – Urban Design Clause 15.01-2S – Building Design Clause 15.01-5S – Neighbourhood Character Clause 15.02-1S – Energy and Resource Efficiency Clause 17.01-1S & R – Diversified Economy Clause 17.01-2S – Innovation and Research Clause 17.02-1S – Business Clause 18.01-1S – Land Use and Transport Planning Clause 18.01-1S – Transport System Clause 18.02-1S & R – Sustainable Personal Transport Clause 18.02-4S – Car Parking	<u><b>Local Planning Policy Framework</b></u> Clause 21.01 – Introduction Clause 21.05 – Economic Development Clause 21.07-1 – Business Parks and Industry Clause 21.08 – Transport and Traffic Clause 21.13 – Sustainability and Environment Clause 22.02 – Monash Technology Precinct Policy Clause 22.03 – Industry and Business Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.13 – Environmentally Sustainable Development Policy  <u><b>Particular &amp; General Provisions</b></u> Clause 52.06 – Car Parking Clause 53.18 – Stormwater Management in Urban Development Clause 65.01 – Approval of an Application or Plan
<b>STATUTORY PROCESSING DATE:</b>	<b>3 January 2020</b>
<b>DEVELOPMENT COST:</b>	<b>\$26 million</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



12 Nexus Court, Mulgrave - Amendment Of An Existing Planning Permit To Allow For The Construction Of An Eleven Storey Building (Above Three Levels Of Basement) Containing Offices And Car Parking

**RECOMMENDATION:**

That Council resolves to **Grant a Planning Permit (TPA/48496/A)** for the construction of a multi level building and use of land for a car park at 12 Nexus Court, Mulgrave subject to the following conditions:

1. Before the development starts, amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the Permit. The plans must be generally in accordance with the plans prepared by Salta Properties (Revision 3) dated 30 October 2019, but modified to show:
  - a) Provision of two-way access along the accessway from Ground Level to Basement Level 1.
  - b) The entrance door to the multi-deck car park to be widened to accommodate two-way access.
  - c) The development access road (adjacent to the ground floor office tenancy) to allow for two-way access.
  - d) The accessible spaces to be relocated as close to the lift core as possible and are to be designed in accordance with AS/NZS 2890.6.
2. The development as shown on the endorsed plans must not be altered without the 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.
4. Deleted.
5. Deleted.
6. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin.
7. Deleted.
8. The unused portion of the property must be kept drained, tidy and mown at all times to the satisfaction of the Responsible Authority.
9. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

10. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
11. Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
12. 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.
13. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
  - a) the location of all existing trees and other vegetation to be retained on site
  - b) provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development
  - c) planting to soften the appearance of hard surface areas such as driveways and other paved areas
  - d) a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material
  - e) the location and details of all fencing
  - f) the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site
  - g) details of all proposed hard surface materials including pathways, patio or decked areas

When approved the plan will be endorsed and will then form part of the permit.
14. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
15. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the south corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the pit in the nature strip of Nexus Court to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

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

16. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing.
17. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
  - a) trench grates (150mm minimum internal width) located within the property; and/or
  - b) shaping the driveway so that water is collected in a grated pit on the property; and/or
  - c) another Council approved equivalent.
18. Driveways are to be designed and constructed using appropriate engineering standards.
19. Any works within the road reserve must ensure the footpath and naturestrip are reinstated to Council standards.
20. Before the use and development permitted starts, 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.
21. No less than 3 car spaces per 100m<sup>2</sup> of net leasable office floor area must be provided on the land for the office component of the development and

use. Any future subdivision of the land must provide for appropriate allocation of car parking on Title in accordance with this requirement.

22. Deleted.
23. The loading and unloading of goods from vehicles must only be carried out on the land.
24. Prior to occupation of any new premises hereby permitted, a Parking Management Plan detailing the management and allocation of car parking on the site must be submitted to and approved by the Responsible Authority.

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

- Provision of car parking at a minimum rate of 3 spaces per 100sqm of office floor area across the development;
- Provision and adequacy of car parking to service other uses undertaken on the land;
- Equitable allocation and management of car parking throughout the development.

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

25. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-8 of the Monash Planning Scheme as detailed below:
  - a) Accessway to provide at least 2.1m headroom beneath overhead obstructions.
  - b) Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
  - c) Ramp grades (except within 5 metres of the frontage) to be designed as follows:
    - i. Maximum grade of 1 in 4.
    - ii. Provision of minimum 2.0 metre grade transitions between different section of ramp or floor for changes in grade in excess of 12.5% (summit grade change) or 15% (sag grade change).
  - d) Minimum requirements for parking space dimensions to be in accordance with Table 2.
  - e) Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.

26. The accessible parking spaces should generally be designed in accordance with the *Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6*.
27. The development must be provided with a corner splay or area at least 50% clear of visual obstruction (or with a height of less than 1.2m) extending at least 2.0 metre long x 2.5 metres deep ( within the property) on both sides of each vehicle crossing to provide a clear view of pedestrian on the footpath of the frontage road.
28. Prior to commencement of any buildings and works on the site, a Construction Management Plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
  - a) measures to control noise, dust and water runoff;
  - b) prevention of silt or other pollutants from entering into the Council’s underground drainage system or road network;
  - c) the location of where building materials are to be kept during construction;
  - d) site security;
  - e) maintenance of safe movements of vehicles to and from the site during the construction phase;
  - f) on-site parking of vehicles associated with construction of the development;
  - g) wash down areas for trucks and vehicles associated with construction activities;
  - h) cleaning and maintaining surrounding road surfaces;
  - i) a requirement that 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. This does not include excavation or the use of heavy machinery.)
29. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
  - The development and use are not started before 2 years from the date of issue of TPA/48496/A.

- The development is not completed before 4 years from the date of issue of TPA/48496/A.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend:

- The commencement date referred to if a request is made in writing before the Permit expires or within 6 months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired

**NOTES:**

- A. Building approval 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. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- D. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).
- E. Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.
- F. In the event that Nexus Court is to become a Council asset, all required drainage and road infrastructure must be designed and constructed to the satisfaction of the Responsible Authority. Prior to works commencing plans detailing the design of infrastructure must be submitted to the Responsible Authority for approval.
- G. The lot/unit numbers on the “Endorsed Plan” are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council’s Valuation Team on 9518 3615 or 9518 3210.

**BACKGROUND:**

**History**

Planning Permit TPA/48496 was issued on 27 April 2018 for the construction of a 15 storey building comprising a residential hotel, car park, car wash and indoor

recreation facility (gymnasium) and variation to the requirements of Clause 52.13 (car wash). A copy of this Planning Permit is provided within Attachment 4.

The subject site is located on the north-western side of Nexus Court in Mulgrave approximately 230 metres north of its intersection with Dunlop Road. The land forms part of Nexus Corporate Park developed by Salta Properties. Salta Properties have acquired the adjoining parcel of land located to the north-west (2-20 McDonalds Lane) with a view to extending the Nexus Corporate Park through to McDonalds Lane.

Numerous permits have been issued allowing the development, mixed use and car parking within the Nexus Court precinct.

Recent Permit History:

- Planning Permit No. TPA/31706 was issued on 1 September 2004 allowing the development of a double storey office building with associated car parking at 37 Dunlop Road.
- Planning Permit No. TPA/31553 was issued on 11 October 2004 allowing a 6 lot staged subdivision of the land.
- Planning Permit No. TPA/35159 was issued on 18 July 2007 allowing the development and use of a three storey office building, licensed cafe and associated car parking at 1 Nexus Court.
- Planning Permit No. TPA/38721 was issued on 10 November 2010 allowing the development and use of a four storey office building including basement car parking at 2 Nexus Court.
- Planning Permit No. TPA/38994 was issued on 23 February 2011 allowing the development and use of a four storey office building including basement car parking at 4 Nexus Court.
- Planning Permit No. TPA/39901 was issued on 14 December 2011 allowing the development and use of a four storey office building including basement car parking at 6 Nexus Court.
- Planning Permit No. TPA/41284 was issued on 29 May 2013 allowing the development and use of a ten storey building comprising car parking, offices, industry and restaurant including a reduction in the applicable restaurant car parking requirement at 3 Nexus Court.
- Planning Permit No. TPA/41308 was issued on 29 May 2013 allowing for the use and development of a four storey building comprising offices, food and drink premises (cafe) and associated car parking at 8 Nexus Court.
- Planning Permit No. TPA/44080 was issued on 29 July 2015 allowing the development of a four storey mixed use building including child care centre, convenience shop and restricted recreation facility and provision of some car parking spaces in another building on site at 5 Nexus Court.
- Planning Permit No. TPA/45502 was issued on 29 June 2016 allowing the development six storey office building over basement car parking at 10 Nexus Court, Mulgrave. The development is currently under construction.

**The Site and Surrounds**

The subject land is located at the north-western end of Nexus Court in Mulgrave adjacent to the Monash Freeway. The land is an irregular shaped parcel having an overall area of approximately 7,800 square metres, including a frontage to Nexus Court of 80 metres.

The subject land is located within the Monash National Employment and Innovation Cluster. The Monash Freeway is located to the immediate north, office premises forming part of Nexus Corporate Park to the south and east, commercial office and warehouse development to the west.

The building adjoining the subject site to the south-east (10A Nexus Court) has recently completed construction which includes a 6 storey office building. A car park located at grade separates the building from the subject site.

The Nexus Court precinct has been developed over the past 14 years and predominantly comprises of office premises along with ancillary amenities including restaurants and cafes. A gymnasium and childcare centre has been approved as part of development immediately opposite the subject land.

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

**PROPOSAL:**

The proposal seeks to amend the approved development on the site and associated Permit conditions to be as follows:

- Maximum 11 storeys in height with an overall building height of 42.9 metres (measured to the top of the parapet).
- A total of 508 car parking spaces across 7 above ground levels of building and 3 basement levels.
- The proposed car parking will service offices within the proposed building as well as providing car parking within the Nexus Court Business Park.
- A total of 7,343 square metres of office floor space is proposed.
- Vehicle access to the site is via an internal slip road that extends north from Nexus Court more broadly.
- A total of 54 bicycle spaces are proposed within the ground floor of the building in addition to 8 visitor spaces external to the building, adjacent to the lobby.
- A loading bay is proposed at the ground floor of the building, located adjacent to the bin store.
- The building is proposed to be finished with a mixture of materials including metal cladding, horizontal louvre panels, concrete and dark grey transparent glass.

It is noted that the plans indicate the likely future boundary alignment of the subject site. This is not part of the application and a separate application may be submitted in the future for this realignment.

The proposal seeks the following variation of conditions of the Permit:

- Deletion of conditions 1a)-1f), 4, 5, 7 and 22; and
- Variation of conditions 22, 24 and 29.

A comparison of the approved and proposed development is provided in the table below:

	<b>Approved</b>	<b>Proposed</b>
<b>Storeys</b>	Fifteen	Eleven
<b>Height</b>	47.94 metres	42.9 metres
<b>Uses and floor area</b>	Office – 1,821sqm Residential Hotel – 139 rooms Car wash – 3 wash bays Gymnasium – 350sqm	Office – 7,343sqm
<b>No. of car parking spaces</b>	387 spaces	508 spaces
<b>No. of bicycle spaces</b>	37 spaces	54 spaces
<b>Materials</b>	Metal cladding, glass, treated render, glazing	Powdercoated metal, concrete, glazing
<b>Building Setback to Nexus Court</b>	7.5 metres	10.9 metres – 12.3 metres
<b>Building Setback to Monash Freeway</b>	2.91 metres	3.0 metres

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

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

Planning approval is required for the:

- Use of the land for a car park within the Special Use Zone, Schedule 6 (Clause 37.01-1).
- Construction of buildings and works within a Special Use Zone, Schedule 6 (SUZ6) (Clause 37.01-4).
- Construction of buildings and works within a Design and Development Overlay, Schedule 1 (DDO1) (Clause 43.02-2).

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

**CONSULTATION:**

The Applicant has been formally advised that this application is coming to the January Council meeting, and a letter has been sent advising them of the details of the Council meeting. The Applicant has been verbally advised that this application is recommended for approval by officers subject to conditions.

**Public Notice**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of mail sent to the surrounding property owners/occupiers, and a sign displayed on the Nexus Street frontage of the site.

No objections were received for the application.

**Referrals**

The application was referred to VicRoads. VicRoads has no objection to the proposal and does not require any conditions to be implemented on the Permit.

The application was also referred to Council's Traffic Department who are satisfied with the proposal subject to conditions relating to access arrangements within the site and relocation of the accessible spaces closer to the lift core.

**DISCUSSION:****Use of land for a Car Park & Office**

The Planning Policy Framework aims to ensure that there is sufficient supply of land available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1s). The framework also aims to protect and strengthen existing and planned employment areas and plan for new employment areas to allow growth in a range of employment sectors (1.7.01-1S). It is also encouraged to improve access to jobs closer to where people live. The location of the proposed office building within the Special Use Zone and the Monash Employment Cluster (Nexus Business Park) is considered strategically appropriate.

The proposed use of the car park will allow for provision of additional parking to support the proposed office uses and the remainder of the business park. It is the applicants desire to provide more car parking from a marketability perspective, rather than shortcomings of the planning scheme.

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

- *“To encourage the integrated development of offices and manufacturing industries and associated commercial and industrial uses; and*

- *To facilitate the provision of short term accommodation and complementary business services.”*

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

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

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

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

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

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

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

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

The business park collectively allows for a mixture of uses including offices, café, restaurant, industry and a childcare centre. The proposed office building and car park is a complimentary component of the existing business park, and while the

end user is unknown it will support the existing state, national and international organisations already established on the site.

It is anticipated that the previously proposed residential hotel will be relocated to a more suitable location nearby which has direct visibility and access from a main road. Planning permission for this has not yet been submitted to Council.

### **Building Scale and Design**

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

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

The proposal has been appropriately orientated within the existing business park with a direct interface to Nexus Drive. The building has been designed using high quality materials with striking horizontal elements and facade detailing.

The site is identified within the Monash Urban Character Study Map (within Clause 22.03) as being located within the Industrial 3 Character Area.

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

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

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

The height of the proposal is consistent with approved developments and existing developments within the surrounding area. Council has consistently encouraged and approved development of the scale proposed within the Monash Technology Precinct. It is also noted that the proposal is lower than that previously approved on the subject site. The proposed height of the building will suitably complement existing development within the surrounding area.

The proposal has a reduced building footprint (including increased setbacks from Nexus Court) from the approved development, therefore allowing a greater area for landscaping at the ground floor of the site. It is noted previously a rooftop courtyard was proposed at the podium level of the building which has been deleted from the current design. A proposed landscaping plan has been submitted with the application which provides for a contemporary landscaping design which allows for low maintenance landscaping across the site which maintains visibility for vehicles travelling to and from the site. However, it is noted that minimal canopy trees are proposed across the site. It is considered that additional canopy tree planting is required throughout the site for endorsement of the landscaping plan in accordance with Condition 13 of the Permit.

The building has been designed with 3.6 metre floor to ceiling heights within the car parking levels above ground, allowing flexibility for the potential re-purposing of these levels in the future (ie adaptation to additional office space).

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

The Design and Development Overlay, Schedule 1 provides a number of design objectives and policies with respect to building setbacks, fencing and landscape treatment. Any building or car parking is required to be set back a minimum of 20 metres from Springvale Road. The building is proposed to be set back well in excess of 20 metres given the site's location.

Setbacks to the rear of the site abutting the Monash Freeway have been maintained at 3 metres which allows for a shared pathway to the rear of the building. Importantly, the proposed building has been designed to have a visual connection with the freeway, with windows and architectural features continuing to the rear of the building.

The building continues to be located on the south-eastern boundary of the site, with windows proposed on or within 200mm of the boundary. This building is separated by an at grade car park to the adjoining building at 10 Nexus Court. This is a recently developed building with a height of 24.2 metres. It is therefore not considered that this building will be redeveloped in the near future and will not be

impacted by development potential as a result of this proposed building. This interface provides a good resolution as would be inappropriate to provide a blank solid wall along this interface. Given the relocation of the core area of the building central to the site, this interface has been improved with the design, eradicating the need for a solid lift shaft interface.

### **Landscaping and Tree Retention**

Whilst the development has lost the landscaped podium level which was located between the two towers of the building, landscaping area surrounding the building has increased due to the smaller building footprint and increased setbacks proposed.

One canopy tree on the site is proposed to be retained, with two proposed to be removed due to the location of the accessway.

As noted above, the proposed Landscaping Plan has minimal canopy tree planning proposed across the site. It is considered that additional canopy tree planting is required throughout the site.

### **Car Parking, traffic and access**

Vehicle access to the site is provided via Nexus Court. Whilst the plans suggest that the title is to be realigned in this space, this is not part of this application and may be applied for in the future. Vehicle access will be to and from the basement via an internal accessway with a separate entrance to the multi-deck above ground car park. The accessway will also maintain an internal sliproad into the adjoining property to the west (2-20 McDonalds Lane) which is likely to be part of a future redevelopment (also owned by Salta).

The proposal results in the demolition of existing car parking on the site which is located at grade and accessed via Nexus Court. The car parking is utilised by adjoining buildings within the business park.

Condition 21 and 24 of the current Planning Permit states that no less than 3.5 car spaces per 100 square metres of net leasable office floor area must be provided on the land for the office component of the development and use.

It is noted that since the Planning Permit was issued, the requirements of Clause 52.06 have varied with respect to car parking numbers. As the site is located within the Principle Public Transport Network (PPTN) the car parking requirement for an office is 3 car spaces to each 100sqm of net floor area.

Nevertheless, the proposal provides for substantial on site car parking in excess of the anticipated car parking demand generated by the proposed land use (288 spaces in surplus). The primary purpose for the development of the multi-deck car park is to provide additional car parking to existing and future tenancies

within Nexus Corporate Park. The provision of additional car parking in excess of the planning scheme requirement to service large office precincts is not uncommon.

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Car Parking Requirement (Clause 52.06)	Office Floor Area	Car spaces required	Car spaces provided
Office	3 spaces to each 100sqm of net floor area	7,343sqm	220 car spaces	508 car spaces

A car parking management plan will be required to detail management and allocation of car parking spaces within the multi-deck car park in accordance with Condition 24 (which is proposed to be varied to reflect the proposed uses).

The application was referred to Council's Traffic Engineers who raised the following concerns regarding access arrangements within the site:

- Accessway from ground level to Basement Level 1 fails to provide two-way access;
- The entrance door to the multi-deck car park fails to provide two-way access;
- The development access road fails to provide two-way access (due to location of structural pole). Allowance for this may be achieved by relocating the structural element, or realigning the accessway closer to the boundary (or a mixture of the two).

Proposed conditions will address these concerns which can be achieved with minor modifications.

Council's Traffic Engineers also requested that the accessible spaces be designed to be located closer to the lift lobby, and designed in accordance with *AS/NZS 2890.6*.

The application was referred to VicRoads for comment. No objection or request for conditions was requested within the VicRoads response.

### **Modification to Conditions of Planning Permit**

A number of conditions are proposed to be deleted or varied given the change of uses proposed on the site.

Conditions which are required to be deleted from the Planning Permit include:

- Condition 4 which relates to an Acoustic Assessment for the previously proposed residential hotel

- Condition 5 which relates to a Section 173 Agreement regarding the proposed residential hotel use
- Condition 7 which refers to the EPA Act 1970 regarding the previously proposed car wash
- Condition 22 which relates to car parking associated with the previously proposed gymnasium.

Conditions which are required to be varied include:

- Condition 1 which refers to changes to plans required which are no longer relevant to this application which are to be deleted. New Condition 1 requirements are proposed requiring amended plans to address referral comments from Council's Traffic Engineers.
- Amendment to Condition 21 which refers to car parking requirements associated with the proposed office use. It is sought to amend this condition from requiring 3.5 spaces to each 100 sqm to 3 spaces to each 100sqm in accordance with the revised car parking requirements of Clause 52.06.
- Condition 24 which refers to a Car Parking Management Plan for the site. Dot point 1 refers to parking provision for the office at 3.5 spaces per 100sqm of office floor area. Given the changes to Clause 52.06 this is to be revised to be 3 spaces per 100sqm. Dot point 2 of this condition is required to be deleted which refers to car parking provision for the residential hotel.
- Condition 29 (expiry) is required to be revised to reflect the changes of the Planning and Environment Act 1987 and to allow additional time to commence and complete the development.

### **CONCLUSION:**

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

The proposed development and land use will continue to facilitate increased employment opportunities within the Monash Technology Precinct and National Employment and Innovation Cluster.

The design response is of a high architectural quality consistent with Monash Technology Precinct Urban Design Guidelines and Industry and Business Development and Character Policy. The proposed development appropriately compliments the surrounding built form within the surrounding area. It is recommended that the proposed development be approved subject to conditions.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2019).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Copy of Planning Permit.