

**1.5 12 NEXUS COURT, MULGRAVE  
(CURRENTLY FORMING PART OF 10 NEXUS COURT, MULGRAVE)  
CONSTRUCTION OF A MULTI LEVEL BUILDING FOR A RESIDENTIAL HOTEL, OFFICE, CAR PARK,  
CAR WASH AND INDOOR RECREATION FACILITY (GYMNASIUM)  
(TPA/48496)**

**EXECUTIVE SUMMARY:**

This application proposes the construction of a 15 storey building comprising of a hotel, offices, multi-deck car park, gymnasium and commercial car wash

The application was subject to public notification. One (1) objection to the proposal has been received.

Key issues to be considered relate to building scale, proposed land use, car parking and traffic impact.

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 of \$26 million.**

**The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.**

<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Angela Hughes</b>
<b>RESPONSIBLE PLANNER:</b>	<b>James Heitmann</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>12 Nexus Court, Mulgrave (currently forming part of 10 Nexus Court, Mulgrave)</b>
<b>EXISTING LAND USE:</b>	<b>Temporary car park and construction yard</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>One (1)</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> <b><u>State Planning Policy Framework</u></b> <b>Clause 10.01 (Purpose)</b> <b>Clause 10.02 (Goal)</b> <b>Clause 10.04 (Integrated Decision Making)</b> <b>Clause 11 (Settlement)</b> <b>Clause 11.04-3 (Metropolitan Melbourne – Employment Corridors)</b>	<b><u>Local Planning Policy Framework</u></b> <b>Clause 21 (Municipal Strategic Statement)</b> <b>Clause 21.05: Economic Development</b> <b>Clause 21.07: Business Parks and Industry</b> <b>Clause 22.02 (Monash Technology Precinct Policy)</b> <b>Clause 22.03 (Industry and Business Development and Character Policy)</b>

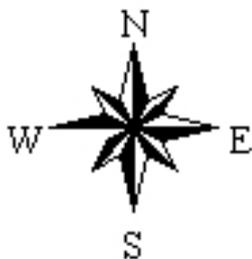
<p><b>Clause 14.02-1 (Catchment Planning and Management)</b>  <b>Clause 15 (Built Environment and Heritage)</b>  <b>Clause 17 (Economic Development)</b></p>	<p><b>Clause 22.04 (Stormwater Management Policy)</b></p> <p><u>Particular Provisions</u>  <b>Clause 52.06 (Car Parking)</b>  <b>Clause 52.07 (Loading Facilities)</b>  <b>Clause 52.13 (Car Wash)</b>  <b>Clause 52.34 (Bicycle Facilities)</b></p> <p><u>General Provisions</u>  <b>Clause 65 (Decision Guidelines)</b>  <b>Clause 66.02-11 (Integrated Transport)</b></p>
<p><b>STATUTORY PROCESSING DATE:</b></p>	<p><b>9 February 2018</b></p>
<p><b>DEVELOPMENT COST:</b></p>	<p><b>\$26 million</b></p>

# LOCALITY PLAN



**SUBJECT SITE**

# NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/48496)** for the construction of a multi level building, use of land for a residential hotel, car park, car wash and indoor recreation facility (gymnasium) and variation to the requirements of Clause 52.13 (car wash), at 12 Nexus Court, Mulgrave (currently forming part of 10 Nexus Court, Mulgrave) subject to the following conditions:

1. Before the development starts, three copies of 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 submitted with the application, but modified to show:
  - a) The laneway intersection with Nexus Court is to be redesigned to provide a 90 degree standard T-intersection.
  - b) Additional bicycle facilities in accordance with the requirements of Clause 52.34.
  - c) A full schedule of materials and finishes.
  - d) The location and design of any required fire services, electricity supply, gas and water meter boxes discreetly located and/or screened to compliment the development.
  - e) Provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) both sides of the vehicle crossing to provide a clear view of pedestrians on the footpath of the frontage road.
  - f) Any required acoustic attenuation measures as a consequence of the required Acoustic Assessment.
  - g) Car parking allocation in accordance with the required Car Parking Management Plan.
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. Prior to endorsement of plans pursuant to condition 1 of the permit an Acoustic Assessment must be submitted to and approved by the responsible authority.  
The Acoustic Assessment must be undertaken by a suitably qualified person to:
  - a) Assess the noise impact of permissible surrounding land use on the approved residential hotel.
  - b) Specify any required noise attenuation measures to be incorporated into the design of the residential hotel. The residential hotel building must be designed to limit noise levels in bedrooms to a maximum of 45dB LAeq,8h for the night period from 10:00pm to 6:00am the following day in accordance with relevant Australian Standards for acoustic control.

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

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

5. Prior to the commencement of the permitted development, the owner of the land to which this permit relates must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. In addition to the usual mechanical provisions, the agreement must provide for the following matters:
  - a) Residential hotel premises within the development are restricted to short-stay accommodation defined as "Residential Hotel" by the Monash Planning Scheme.
  - b) Permanent occupation of apartment premises as a primary residence is prohibited.
  - c) Residential hotel premises are to be managed and remain under the control of a single operator responsible for the operation and maintenance of the entire premises.
  - d) Car parking allocated to serviced apartments located within common property, managed and allocated by the serviced apartment operator to the satisfaction of the Responsible Authority.
  - e) Subdivision of the residential hotel units (into individual Titles) is prohibited.
  - f) The costs of the Responsible Authority in relation to the preparation, review and registration of the agreement are to be borne by the owner.

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

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. Waste from the commercial car wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the *Environment Protection Act 1970* and be installed to the satisfaction of the responsible authority.
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 3.5 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. Car parking provision for the gymnasium must be made publically accessible at all times during operational hours of the gymnasium.
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 3.5 spaces per 100sqm of office floor area across the development;
- 0.8 car spaces to each accommodation room for the residential hotel (serviced apartments).
- Provision and adequacy of car parking to service other uses undertaken on the land;
- Equitable allocation and management of car parking 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.
  - The development is not completed before 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 within three months afterwards.

**NOTES:**

1. Building approval must be obtained prior to the commencement of the above approved works.
2. 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.
3. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act with Council before occupation.
4. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
5. 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).
6. Stormwater detention requirements may be obtained from the Council prior to design of any stormwater detention system.
7. 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.
8. 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:**

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 carparking 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 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 proposed development consists of a multi-storey building that will be occupied by various uses. The height and form of the building varies in height from 7 to 15 stories.

Below is a summary of the key features of the proposal:

- Podium structure comprising an office lobby and car wash at ground level and eight levels of car parking within the building from ground floor to level 7 containing a total of 387 car parking spaces. Vehicle access is provided from Nexus Court via an internal access road along the western side of the building providing access to the ground floor car park and car wash and separate vehicle access to upper multi-deck car park access ramp.

- A residential hotel comprising 139 rooms from levels 8 to 14 located on the western side of the podium structure. Reception area/lobby and bar and lounge for the residential hotel on the ground floor of the building that presents to Nexus Court. A porte-cochere adjacent to the main building entry where hotel guests can be dropped off or picked up accessible from Nexus Court.
- Office on levels 8, 9 and 10 with a combined floor area of 1,821 square metres located on the eastern side of the podium structure.
- A car wash within the ground floor car park within the building providing for 3 wash bays and associated amenities/administration area.
- Indoor recreation facility (gymnasium) on level 8 (within the office component).
- Landscaped area at podium level (level 8) between the office and residential hotel.
- Landscaped rooftop above the office levels of the building.
- Common bin storage room on the ground floor of the building.
- Bicycle parking spaces adjacent to the office entrance and within back of house areas
- Vehicle access to the ground floor car park and car wash in the western region of the site with the entry and exit separated by an island.
- Vehicle access to the upper levels of the building via a separate crossover to the east of the ground floor car park entry/exit.
- Building setback of approximately 7.5 metres from Nexus Court.
- Setback of 2.91 metres from the north site boundary (to the Monash Freeway reserve).
- Podium height of approximately 25 metres.
- Maximum overall building height of 47.94 metres (15 storeys) from natural ground level to the top of the parapet and 50.5 metres to the top of the rooftop plant screen.

The podium and tower structures have utilised differentiated architectural styling to present as distinct built form elements. Materials and finishes of the development include significant elements of glass, metal cladding, treated render and decorative screening.

Signage associated with the development (as indicated on the submitted plans) is to be applied for under a separate planning permit application yet to be lodged with Council.

Attachment 1 details plans forming part of the application.

#### **PERMIT TRIGGERS:**

##### Zoning

The subject site is zoned Special Use – Schedule 6 under the provisions of the Monash Planning Scheme. Pursuant to Clause 37.01-4 a permit is required to construct a building within the zone.

Pursuant to the requirements of Clause 37.01-1 a permit is required to use land for a residential hotel, car park, car wash and indoor recreation facility (gymnasium) within the zone.

No permit is required for use of premises as an office within the Special Use Zone – Schedule 6.

##### Overlays

The subject site is affected by Design and Development Overlay – Schedule 1 (DDO1). Pursuant to Clause 42.03 a permit is required for buildings and works.

### Particular Provisions

Clause 52.06 (Car Parking) - a new use must not commence without providing car parking in accordance with the requirements of Clause 52.06. Car parking rates for a residential hotel and indoor recreation facility are not specified by Clause 52.06. Car parking for these uses must be provided to the satisfaction of the responsible authority.

Clause 52.13 (Car Wash) – land may only be used for a car wash if the requirements of this clause are met. A permit may be granted to vary these requirements. The application seeks to vary requirements of Clause 52.13 relating to crossovers and queuing lanes.

Clause 52.34 (Bicycle Facilities) - a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

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

### **CONSULTATION:**

The Applicant was verbally advised on 21 February 2018 that this application was coming to the 27 March 2018 Council meeting. In addition, a letter was 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 approval subject to conditions, and an outline of the proposed conditions and their ramifications on the proposal has been explained.

### **Public Notice**

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of sending notices to surrounding property owners/occupiers, and display of 3 signs within the Nexus Court precinct. The elements of the office use, buildings and works and bicycle parking are exempt from public notice.

One (1) objection to the proposal was received. Issues raised within the objection can be summarised as:

- Traffic congestion.
- Overdevelopment.

No property address details were provided by the objector. The objection makes reference to the objector being an employee of the business park.

### **Referrals**

#### **Public Transport Victoria Referral**

Pursuant to the provisions of Clause 66.02-11 the application was referred to Public Transport Victoria.

The proposal is considered satisfactory. Transport for Victoria have no objection to the grant of a permit.

### **VicRoads**

The application was referred to VicRoads for comment. The authority has no objection to the grant of a planning permit for the proposed development.

### Internal Referral

The application has been referred to Council's Traffic and Drainage Engineers for comment. Relevant comments have been form part of the assessment of the application.

Council's traffic engineers considered the proposal satisfactory and recommend that conditions be imposed on any planning permit that may issue. These conditions include minor modification to the access in Nexus Court, the car park layout and bicycle parking provision.

### DISCUSSION:

#### Plan Melbourne

Plan Melbourne is the Metropolitan Strategy that planning authorities must consider when assessing applications for planning permits. The key directions that are of particular relevance to the proposal are:

- *"Strengthen the competitiveness of Melbourne's employment land.*
- *Plan for jobs closer to where people live.*
- *Facilitate the development of national employment clusters."*

The Monash Technology Precinct forms part of the Monash National Employment and Innovation Cluster (NEIC) providing for a mix of education and research organisations, corporate headquarters and industry. The cluster supports 58,500 jobs and has the largest concentration of employment outside Melbourne's CBD.

#### Amendment C132

Amendment C132 (approved March 2017) amended the provisions of the Special Use Zone 6 to allow permits to be granted for the use of residential hotels which were previously prohibited within the zone.

The amendment included additional guidance with respect of the preferred location, use and development of residential hotels.

The amendment sought to facilitate the use and development of land within the Monash National Employment and Innovation Cluster, providing additional services, amenities and co-location of ancillary services for a large range of businesses in a complimentary manner. Outcomes envisaged a more attractive place to work and do business by facilitating pleasant and suitably served local places to visit and meet people in a business environment.

#### State Planning Policy Framework

Relevant key employment and investment objectives and strategies of Clause 11.04-1 seek:

*"To create a city structure that drives productivity, supports investment through certainty and creates more jobs."*

*"Strengthen the competitiveness of Melbourne's employment land.*

*Plan for jobs closer to where people live."*

Urban design objectives set out at Clause 15.01-1 include:

*"Promote good urban design to make the environment more liveable and attractive."*

*"Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability."*

*“Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.”*

Relevant Industrial objectives set out at Clause 17.02 seek:

*“To facilitate the sustainable development and operation of Industry and research and development activity.”*

*“To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.”*

The proposed development is consistent with the abovementioned policy and objectives. The proposed use and development will compliment and serve existing businesses within the surrounding vicinity. The proposal is a well designed building which will provide complimentary services to the surrounding employment precinct and continued investment on the subject land.

#### Local Planning Policy Framework

The Municipal Strategic Statement (MSS) outlines the key strategic planning, land use and development objectives for the City of Monash. The MSS recognises the leafy suburbs and treed streetscape being garden city characteristics of the municipality. The MSS highlights the significance of the Monash Technology Precinct and locational advantages of the municipality within metropolitan Melbourne.

Clause 21.02-2: Maintaining the Garden City Character

*“The Garden City Character is a legacy of the early planners of Monash and a very important defining feature of the municipality. It is characterised by a general feeling of “greenness” created by significant tree canopy cover contained within large, vegetated setbacks and areas of open space.”*

The proposed development provides for landscaping elements within public realm areas consistent with Council policy.

Clause 21.03-3: Monash 2012 – A Strategy for the Future

With regard to economic development the proposal seeks to encourage business to thrive and expand in Monash.

Clause 21.03-4: Strategic Framework Plan

The major strategic directions identified on the plan include:

*“Developing sustainable employment opportunities to maintain Monash as a predominant business location in Melbourne’s eastern region.”*

Clause 22.02: Monash Technology Precinct Policy

Relevant objectives:

- *“To assist the sustainable and complementary development and operation of industrial, office and high technology land uses that provide a variety of employment centres of high amenity, quality and enduring local image;*
- *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;*
- *To encourage development which is based upon Ecologically Sustainable Development (ESD) principles.*
- *To encourage a range of appropriate non technology-based commercial activities which enhance economic development and employment opportunities in the Precinct. Such activities include office development and modern industrial/warehouse developments, **suitably located residential hotels** but exclude retail premises (including shops, warehouse sales, etc) and restricted retail (bulky goods, peripheral sales etc) uses."*

Policy specific to residential hotels seeks to:

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

The subject land is located centrally within the NEIC within close proximity of numerous corporate headquarters, Monash University and Brandon Park Major Activity Centre. The land is located in close proximity to Springvale Road and the Monash Freeway with substantial passing traffic and reasonable exposure.

Signage proposed (by separate permit to be lodged following approval of the proposed development) will seek to provide for prominent business identification of the premises and use along the Springvale Road frontage, identification of the premises within the site and associated way finding/directional signage.

While the building is not located directly on the main road frontage, the proposed building will be clearly identifiable within the site having a prominent entrance and porte cochere along Nexus Court (main internal boulevard). Signage to the premises will provide for clear identification of the premises.

The Nexus Corporate park precinct provides for a variety of amenities including numerous restaurants and cafes, convenience shop, childcare centre and fitness centre. Brandon Park Shopping Centre and the Village Green Hotel is located approximately 600 metres walking distance from the subject land.

The proposed mixed use development will include a variety of complimentary services and amenities including hotel accommodation, restaurant and bar, gym facility and rooftop communal outdoor landscaped spaces.

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

The clause seeks to enhance the Garden City Character of industrial and business areas. The desired future character statement states that areas should continue to develop as modern industrial and technology parks within an attractive landscape setting containing a large number of large, mature, native trees.

The proposal is consistent with the relevant objectives and policies of the local planning policy framework. The continued investment in the site reinforces the City of Monash as a prominent and central locality for commerce and industry to be located.

### Built Form

The design response is considered appropriate. Whilst the scale of the proposal is greater than existing buildings on surrounding land, the overall massing of the development has been suitably broken up into three distinct building elements. The architectural form of the proposal compliments the character of the surrounding area through a high quality and contemporary design. The proposal has been designed to act as a landmark building within Nexus Corporate Park having a central addresses to Nexus Court along with visual prominence from the Monash Freeway and Springvale Road. The building has been well articulated with glazed facades punctuated by contrasting vertical elements. The design adopts an attractive palette of materials to minimise the perception of visual bulk.

The proposal is well articulated and detailed to add interest to the building form and is consistent with objectives of Monash Technology Precinct Urban Design Guidelines which encourages the construction of well-designed, high quality built forms that reinforce the significance of the Monash Technology Precinct on the local, regional and national scale.

The design of the buildings provides for a modern architectural response within the Nexus Court precinct. The 7 to 15 storey scale of the proposed development will appropriately compliment existing development within the area which includes existing four to six storey office buildings and the eleven storey multi-deck car park located opposite to the south. The façades present a high quality design with a scale and height that achieves increased density objectives for new development within the precinct adjacent to main roads.

The design response has been appropriately articulated utilising contrasting materials and finishes, inclusion of architectural features, angled building siting to the street and integrated landscaping. The proposed development demonstrates high quality design with a scale and height that is appropriate to the locality. While the development does include a large multi-level car park, the façade treatment applied to the podium levels of the building ensures a highly articulated and visually interesting presentation to all interfaces. The aluminium banding and dark finish to each floor slab wraps around each side of the car park creating a distinctive and consistent presentation along each façade.

The design response provides for an attractive public realm interface by creating an inviting and expansive main entry the development along with clearly identified hotel and office components. Consistent with surrounding development at the northern end of Nexus Court, the plaza area to the front of the building features areas of informal seating and is softened by landscaping. The porte-cochere allows for easy drop off and pick up of hotel guests and provides a sense of arrival to the accommodation.

The setbacks and siting of the development ensures that the rhythm of spacing between buildings along Nexus Court is maintained while also providing opportunities to establish landscaping in a theme consistent with other completed developments in the precinct.

The proposal reinforces the valued Garden City Character of the Municipality by providing a generous front setback of at least 7.43 metres to the lounge area associated with the residential hotel on the ground floor.

The submitted landscape plan provides for a variety of landscape treatments, including areas of hard paving, raised seating areas, a rain garden and canopy vegetation. Landscaping of the active roof areas on the building podium will also elevate the garden character above ground floor level. The proposed front boundary treatment reflects the emerging character of the Nexus Corporate Business Park by continuing the landscape theme along Nexus Court. Further landscaping above the podium of the building provides a second greening element that can be enjoyed by guests staying at the residential hotel, office tenants, and visibility from the Monash Freeway. The various paving treatments along the Nexus Court frontage provide for a hierarchy in spaces for vehicles and pedestrians while also enhancing the entry space through varied treatments.

#### Residential Hotel Use

The residential hotel will primarily cater to those travelling for business purposes, given the proximity of this new facility to the various technology, research and knowledge based industries with the NEIC and surrounding vicinity. The proposed development will provide for additional hotel accommodation within the region to support corporate clientele within the surrounding precinct

The hotel lobby has an internal connection to the office component of the development providing for complimentary and functional internal connectivity between the uses

The proposed hotel accommodation use is considered appropriate given the exposure to Springvale Road, Monash Freeway and central location with the NEIC. The subject site is located in an emerging business park within the Monash Technology Precinct, easily accessible from the Melbourne CBD via the Monash Freeway.

The building has a strong and distinctive appearance that will be recognisable when viewed from vehicles travelling along the Monash Freeway and Springvale Road. The subject land is also well serviced by "Smart-Bus" routes along Springvale Road.

Appropriate acoustic treatments to the hotel rooms mitigating any potential reverse amenity noise impact from surrounding industry will be achieved in accordance with the recommendations of a qualified acoustic engineer, as a condition of permit. The applicant has indicated that all habitable rooms will achieve the required standard for an acoustic rating. The upper level location of hotel rooms will result in accommodation rooms being substantially above surrounding noise sources.

The proposed hotel accommodation will be provided with expansive views of the surrounding area including an outlook to the Dandenong Ranges to the north-east and Port Phillip Bay to south-west.

Proposed conditions require the owner to enter into a Section 173 Agreement with Council to restrict future use of the premises to remain as a residential hotel.

General amenity conditions including noise controls are to be included on any permit issued.

#### Car Wash, and Gymnasium Use

The proposed uses of restricted recreation facility (gymnasium) and car wash are considered to be complimentary to the primary functions of the Special Use zone as a location for corporate offices, high technology industry and manufacturing.

It is anticipated they will draw customers from the immediately surrounding area within Nexus Court, similar to previously approved complimentary services such including a childcare centre, convenience shop, cafes and restaurants.

Proposed variation to car wash requirements are considered satisfactory. The variations relate to crossovers and queuing relating to the more traditional freestanding car wash. This car wash facility will be discreetly integrated into the development with minimal visible off site amenity impacts. Standard amenity protection conditions are to be incorporated into any permit issued.

The introduction of additional complementary uses and services will suitably cater to existing development within the precinct without having any adverse impact on the surrounding area or viability of the Monash Technology Precinct as a prime location for industry and commerce.

#### Car Parking

Car parking is provided in accordance with the requirement specified by Clause 52.06-6 of the Monash Planning Scheme. The table below details the number of car parking spaces required:

USE	FLOOR AREA / ROOMS	CLAUSE 52.06-5 REQUIREMENT	CAR PARKING REQUIREMENT CONSIDERED APPROPRIATE	CAR PARKING PROVIDED
Office	1,821m <sup>2</sup>	3.5 spaces/100m <sup>2</sup>	63 car spaces	63
Residential Hotel	139 accommodation rooms	Not specified – car parking to be provided to the satisfaction of the responsible authority	0.8 car spaces per room =111	No specified spaces
Gymnasium	350m <sup>2</sup>		4.5 spaces /100m <sup>2</sup> = 16	No specified spaces
Car Wash	3 wash bays + 6 pick up bays		3 wash bays + 9 pick up bays	3 wash bays + 6 pick up bays
<b>TOTAL REQUIRED</b>			202	
<b>TOTAL PROVIDED</b>				387

The development provides for substantial on site car parking in excess of the anticipated car parking demand generated by the proposed land use.

The Traffic and Transport Assessment (Impact Consultants, 8/12/17) submits the following with respect of anticipated car parking demand:

*“Hotel Use*

*Case studies undertaken by traffic engineering consultancies in Metropolitan Melbourne reveal that Hotels (short term accommodation) generate their peak parking demand at a rate of between 0.2 - 0.9 spaces per room, with an average occupancy of about 0.5 spaces per room.*

*Adopting the higher end of this range, the proposed hotel is projected to conservatively generate a demand for up to 126 spaces.*

*This peak demand is expected to occur of an evening when all residents are checked in and in their rooms. During the day time hours, a reduced demand is expected. For the purpose of this assessment a day time rate of 0.5 spaces per room is adopted, thus a projected peak day time demand for 70 spaces.*

*Gym*

*Reference is made to the Road Traffic Authority of New South Wales Guide to Traffic Generating Developments (V2.2). This guide recommends that for gyms located in Metropolitan sub-regional areas, that parking should be provided at between 4.5 - 7.5 spaces per 100 sq.m. The guide however notes that where a gym is located within a commercial or retail complex, appropriate allowance must be made for dual and complementary usage of the common off-street parking area.*

*The Gym is located within a commercial complex and will benefit from dual and complementary usage of car parking. Noting this expectation, it is expected that the gym will generate a demand for parking at the lower end of the recommended range, i.e. 4.5 spaces per 100 sq.m.*

*For the 350 sq.m gym a demand for 16 spaces is projected.*

*Car Wash*

*The car wash is expected to draw its clientele predominantly from within the Nexus Business Park. The car wash will have 3 wash bays. RMS Guide to Traffic Generating Developments (V2.2) recommends that for a single unit car wash that provision should be made for a finishing area that can accommodate at least 3 cars to park, clear of the wash bays.*

*The proposal contemplates 3 wash bays thus it is recommended that at least 9 spaces be provided clear of the wash bays. These spaces are to be used as the finishing area, and or pick up/drop area for customers.*

*Projected Peak Demand*

*A day time peak demand for 158 spaces is projected, with this demand reducing to 129 spaces of an evening.”*

Council’s Traffic Engineers have advised of no concerns with the overall car parking provision subject to minor amendment to the laneway access in Nexus Court to provide for a standard T-intersection. This is to provide for improved safety and avoid confusion with existing vehicle access onto Nexus Court. The Engineers have concluded the onsite parking with the development provides for satisfactory vehicle turning movements and all vehicles can exit in a forward direction as required.

In terms of car parking provision, Council's Traffic Engineers have considered the submission by the applicant, particularly with regard to the uses that do not have a specified rate in the Monash Planning Scheme. In consideration of the location of the site, the recommended rates are identified in the above table as 'Car Parking Requirement Considered Appropriate. Overall, the proposal is considered to provide 185 car spaces in excess of the demand.

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.

A car parking management plan will be required to detail management and allocation of car parking spaces within the multi-deck car park.

The application was referred to Vic Roads for comment. No objection or request for conditions was raised within the Vic Roads response.

#### Bicycle Parking

Bicycle parking is required to be provided in accordance with the requirement specified by Clause 52.34-3 of the Monash Planning Scheme. The table below details the number of bicycle parking spaces required:

Use	Floor Area m <sup>2</sup>	Clause 52.34-3 Requirement	Bike parking requirement generated
Office	1,821m <sup>2</sup>	1 to each 300m <sup>2</sup> of net floor area (employee) 1 to each 1000m <sup>2</sup> of net floor area (visitor)	6 bike spaces  2 bike spaces
Hotel	139	1 to each 10 lodging rooms (employee) 1 to each 10 lodging rooms (visitor)	14 bike spaces 14 bike spaces
Gymnasium	4 employees 350m <sup>2</sup>	1 to each 4 employees (employee) 1 to each 200m <sup>2</sup> m of net floor area (visitor)	1 bike spaces 2 bike spaces
Car wash	272m <sup>2</sup>	1 to each 800m <sup>2</sup> of net floor area (employee) Nil visitor provision (visitor)	0 bike spaces
<b>TOTAL REQUIRED</b>			<b>39 bike spaces</b>
<b>TOTAL PROVIDED</b>			<b>37 bike spaces</b>

The development will require modification to provide for additional bicycle car parking in accordance with the requirements of Clause 52.34. Amenities (showers and change rooms) have been provided. Visitor bicycle parking spaces have been provided adjacent to the office entrance.

#### 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 will provide additional short-term accommodation and complimentary amenities to business within the surrounding area. The proposed development and land use will facilitate increased employment opportunities within the Monash Technology Precinct and National Employment and Innovation Cluster. The proposed residential hotel is appropriate in this location, central to the Monash Technology Precinct western catchment. The design response is of high architectural quality consistent with Monash Technology Precinct Urban Design Guidelines and Industry and Business Development and Character Policy. The proposed development appropriately compliments the surrounding built form 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 (December 2016).
- Attachment 3 – Zoning and Overlays Map.
- Attachment 4 – Objector Properties Location Map.