

Suburban Rail Loop East Precincts Standing Advisory
Committee

Volume 7: Clayton Precinct

Advisory Committee Report

Planning and Environment Act 1987

20 February 2026

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Advisory Committee Report

Suburban Rail Loop East Precincts Standing Advisory Committee

Volume 7: Clayton Precinct

20 February 2026

Contents

1	Introduction	9
1.1	Scope.....	9
1.2	Reading this report.....	9
2	Summary	10
3	Approach.....	22
3.1	Original submissions.....	22
3.2	Main hearings	22
3.3	Report.....	22
3.4	Expert evidence	22
4	The Proposal	24
4.1	The precinct.....	24
4.2	Unique characteristics of the precinct.....	25
4.3	The draft Structure Plan.....	27
4.4	The draft Implementation Plan.....	27
4.5	The draft Parking Plan	27
4.6	The draft Amendment.....	28
4.7	Versions of the planning scheme ordinance	30
5	Building height, distribution and transition	31
5.1	Referred Matter	31
5.2	Key issues.....	31
5.3	Background	31
5.4	General suitability and distribution of building heights.....	36
5.5	Madeleine Road and Station Development Area	37
5.6	Browns Road	38
5.7	Kanooka Grove.....	41
5.8	Audsley Street.....	42
5.9	North Road	43
5.10	Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road	44
5.11	2 Rockbeare Court.....	46
5.12	465-469 Clayton Road	47
5.13	409 Clayton Road and 1389-1391 Centre Road	49
5.14	Transition to residential and other areas	51
6	Floor area ratio	61
6.1	Referred Matter	61
6.2	Key issues.....	61
6.3	Background	61
6.4	Discussion.....	65
6.5	Findings and conclusions	66
7	Setbacks.....	67
7.1	Referred Matter	67
7.2	Key issues.....	67
7.3	Background	67

7.4	Urban structure and built form objectives.....	72
7.5	Amenity impacts on adjoining sites	74
7.6	Provision of landscaping, including planting of canopy trees	76
8	Pedestrian access and links.....	78
8.1	Referred Matter	78
8.2	Key issues.....	78
8.3	Background	78
8.4	Evidence and submissions.....	79
8.5	Discussion.....	82
8.6	Findings, conclusion and recommendations.....	83
9	Public open space	84
9.1	Referred Matter	84
9.2	Key issues.....	84
9.3	Background	84
9.4	Evidence and submissions.....	86
9.5	Discussion.....	87
9.6	Findings, conclusions and recommendations.....	87
10	Land use mix & capacity.....	89
10.1	Referred Matter	89
10.2	Key issues.....	89
10.3	Background	89
11	Demand for apartments	93
11.1	Referred Matter	93
11.2	Key issues.....	93
11.3	Background	93
11.4	Evidence and submissions.....	93
11.5	Discussion.....	94
11.6	Findings, conclusion and recommendations.....	95
12	Car parking availability and rates.....	96
12.1	Referred Matter	96
12.2	Key issues.....	96
12.3	Background	96
12.4	Car parking rates.....	98
12.5	Car parking provision.....	101
13	Community infrastructure	104
13.1	Referred Matter	104
13.2	Key issues.....	104
13.3	Background	104
13.4	Precinct specific considerations.....	105
14	Draft Implementation Plan.....	109
14.1	Referred Matter	109
14.2	Key issues.....	109
14.3	Background	109
14.4	Common issues conclusion.....	110
14.5	Precinct specific considerations.....	110

15	Strategic sites.....	112
15.1	Referred Matter	112
15.2	Key issues.....	112
15.3	Background	112
15.4	Evidence and submissions.....	113
15.5	Discussion.....	114
15.6	Findings and recommendations	115
16	Public Acquisition Overlay.....	116
16.1	Referred Matter	116
16.2	Key issues.....	116
16.3	Background	116
16.4	31 Dunstan Street, Clayton	118
16.5	Finding and conclusion.....	120
17	Road and street network.....	121
17.1	Referred Matter	121
17.2	Key issues.....	121
17.3	Background	121
17.4	The proposed road and street network.....	122
18	Aviation.....	127
18.1	Referred Matter	127
18.2	Key issues.....	127
18.3	Background	127
18.4	Flight paths.....	129
Appendix A Parties to the Hearing and parties who provided submissions		132
Appendix B Document list.....		134
Appendix C Agreed outcomes.....		147

List of Tables

	Page
Table 1 Findings, conclusions and recommendations – Clayton Referred Matters.....	10
Table 2 Expert evidence	23
Table 3 Summary of BFO schedules regarding preferred maximum building height.....	34
Table 4 Summary of BFO minimum setback provisions	68
Table 5 Mr De Young and Mr Walsh agreed changes to Parking Overlay schedules	98

List of Figures

	Page
Figure 1 Clayton local context plan.....	24
Figure 2 Regional context plan.....	26
Figure 3 Preferred maximum building heights.....	32
Figure 4 Madeleine Road East and Station Development area preferred building heights plan from the draft.....	37
Figure 5 Preferred building heights plan.....	39
Figure 6 Draft Structure Plan.....	40
Figure 7 Day 3 document BFO 5.....	42
Figure 8 Preferred building heights for North Road.....	43
Figure 9 Location of residential areas.....	45
Figure 10 Extract from Day 3 BFO3 showing 2 Rockbeare Court.....	46
Figure 11 Preferred building heights for Area A.....	47
Figure 12 Extract from BFO6.....	48
Figure 13 Preferred building heights for 409 Clayton Road and 1389-1391 Centre Road.....	49
Figure 14 Land bound by Burton Ave, Cooke Street and Centre Road preferred building heights.....	52
Figure 15 Map showing location of Remembrance Gardens.....	54
Figure 16 Lillian Street in Day 3 Monash BFO3.....	56
Figure 17 Day 3 Monash BFO2.....	58
Figure 18 Day 3 Kingston BFO6.....	59
Figure 19 Maps showing Floor Area Ratio controls in Clayton precinct (except for the SDA).....	62
Figure 20 Voluntary benefit uplift framework as applied to the Clayton precinct.....	63
Figure 21 Pedestrian links proposed to be removed.....	80
Figure 22 Investigation areas for proposed new open space – Clayton precinct.....	85
Figure 23 Land Use Plan.....	89
Figure 24 Land use mix in Monash.....	90
Figure 25 Land use mix in Kingston.....	90
Figure 26 Community infrastructure opportunity areas– Clayton Precinct.....	104
Figure 27 Key Critical Link: 31 Dunstan Street.....	116
Figure 28 PAO2 over 31 Dunstan Street.....	117
Figure 29 - BFO schedule agreed to by VIDA/VHBA.....	128
Figure 30 - Special Control Overlay extent.....	130
Figure 31 - Map showing SCO17 control for VHH in Clayton Precinct.....	130

Glossary and abbreviations for Clayton precinct

CLA [number]	Clayton Precinct hearing document number
Councils	Monash City Council and Kingston City Council
draft Amendment	Draft Amendment GC247 to the Monash and Kingston Planning Schemes
draft Implementation Plan	Draft Clayton Implementation Plan
draft Structure Plan	Draft Clayton Structure Plan
Kingston Council	Kingston City Council
Monash Council	Monash City Council
Monash Health	Monash Medical Centre Clayton
NEIC	National Employment and Innovation Cluster
Parking plan	Draft Clayton Precinct Parking Plan
Peluso site	1380-1388 and 1400 Centre Road and 8 Audsley Street
precinct	Clayton precinct
VHH	Victorian Heart Hospital
VHBA	Victorian Health Building Authority
VIDA	Victoria's Infrastructure Delivery Authority

Overview

Summary	
Referral	
Precinct	Clayton, see Figure 1
Draft Amendment	GC247
Municipalities	Monash and Kingston
Committee process	
Report	Volume 7: Clayton Precinct
Date	20 February 2026
Referred Matters	Clayton precinct specific issues, see Table 1
Committee members	Gabby McMillan (Chair), Meredith Gibbs (Deputy Chair), Rob Adams, John Hartigan
Supported by	Sarah Vojinovic and Georgia Brodrick
Directions Hearing	22 July 2025 at Stamford Hotel, Melbourne and online and 12 August 2025 at Conference Centre, 1 Spring Street, Melbourne and online
Main Hearing	27 October to 14 November 2025 at Novotel Melbourne, Glen Waverley and online
Parties to the Hearing	See Appendix A
Site inspections	Unaccompanied, 13 October 2025
Citation	Suburban Rail Loop East Precincts Volume 7 [2026] PPV

1 Introduction

This report is one volume of 9 volumes that have been prepared by the Committee which has been appointed to give advice in accordance with its Terms of Reference dated 1 July 2025. This report responds to the Referred Matters for the Clayton Precinct.

1.1 Scope

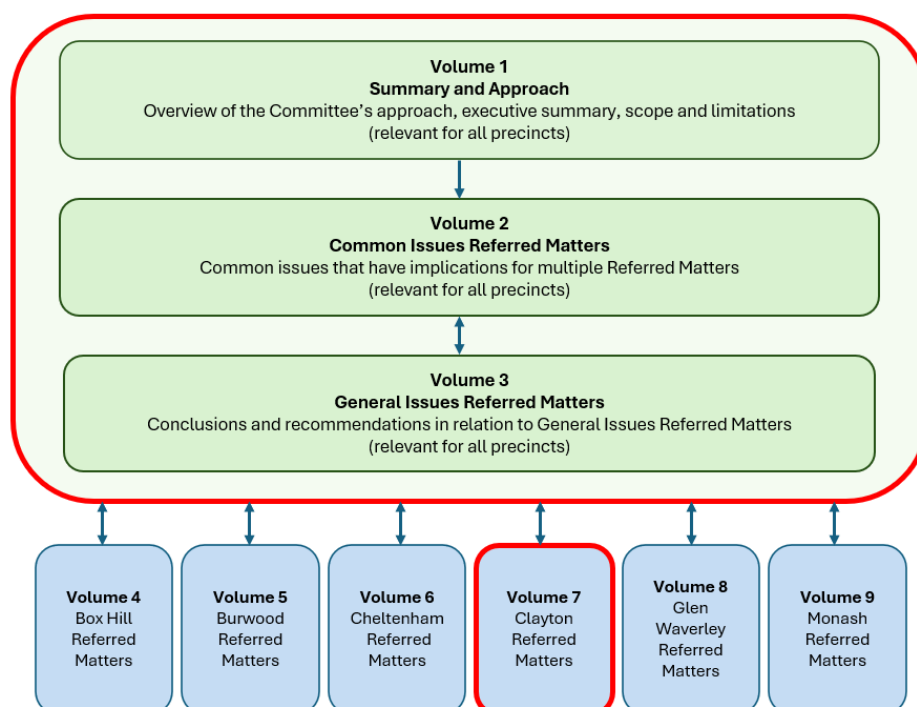
The Committee's advice and recommendations are confined to the Referred Matters. The Committee has not undertaken a general review of the draft Structure Plan, draft Implementation Plan and draft Amendment.

The Committee's Summary and Approach Report (Volume 1) sets out matters that were not within the Committee's scope and that have therefore not been considered by the Committee.

1.2 Reading this report

This report should be read together with all of the Committee's reports, particularly Volumes 1, 2 and 3 which outline the Committee's approach, response to Common Issues Referred Matters and response to General Issues Referred Matters. The Committee has not repeated content, unless it is necessary to provide context for its recommendations and findings for this precinct.

References in this report to the draft Structure Plan and draft Implementation Plan are to the Clayton Structure Plan and Clayton Implementation Plan. References to the draft Amendment are to draft Amendment GC247 to the Monash Planning Scheme and Kingston Planning Scheme. References to Referred Matters are to the Referred Matters for the Clayton precinct unless stated otherwise.



2 Summary

Table 1 sets out the Referred Matters for the Clayton Precinct, and a summary of the Committee's key findings, conclusions and recommendations in relation to each Referred Matter. This includes reference to the findings and recommendations from the Common Issues Report (Volume 2) and the General Issues Report (Volume 3) where relevant (indicated with an asterisk*).

The Committee's analysis of the Referred Matters is contained in the issue specific chapters that follow.

In relation to the ordinance, the Committee has based its recommendations on the Day 3 version of the controls. In relation to the draft Structure Plan and draft Implementation Plan, the Committee has based its recommendations on the Day 2 versions.

Table 1 Findings, conclusions and recommendations – Clayton Referred Matters

Building height, distribution & transition*	
Referred Matter	The suitability and distribution of the proposed building heights specified in the draft Structure Plan and draft Amendment, and transition to surrounding residential areas, including with respect to: - Madeleine Road - Browns Road - Kanooka Grove - Audsley Street - North Road - Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road - 2 Rockbeare Court - 465 – 469 Clayton Road - 409 Clayton Road and 1389-1391 Centre Road.
Findings	General: The proposed maximum building heights in the Structure Plan Area are appropriate and are strategically justified based on the work in the UDR and the draft Structure Plan. The proposed heights are supported by appropriate policy and objectives in the PRZ and BFO schedules.

The proposed heights generally provide an appropriate transition to surrounding residential areas.

465 – 469 Clayton Road:

The proposed building heights at 465 – 469 Clayton Road are not appropriate and should be reduced.

409 Clayton Road:

The proposed building height is not appropriate and should be increased.

1389-1391 Centre Road:

The proposed maximum building height for 1389-1391 Centre Road is appropriate.

Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road:

The proposed building heights in the Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road as shown in the Day 3 documents are appropriate.

Other sites:

The proposed preferred maximum building heights for the following sites are appropriate:

- Madeleine Road
- Browns Road
- Kanooka Grove
- Audsley Street
- North Road
- 2 Rockbeare Court

Transition to residential and other areas:

- The preferred maximum building height of 25 metres for the land bound by Burton Avenue, Cooke Street and Centre Road properties in Monash BFO3 in the Day 3 documents are appropriate.
- The proposed maximum building heights (and overshadowing impacts) around the Remembrance Gardens are not appropriate.
- The proposed maximum building heights (and overshadowing impacts) on Lillian Street are not appropriate.
- The proposed building heights at 359-365 Clayton Road and 2 Cooke Street in the Day 3 documents are appropriate.

Conclusion	The proposed maximum building heights as specified in the draft Structure Plan and draft Amendment and transition to residential areas are generally appropriate, subject to the modifications recommended in this report.
Recommendations	Refer to recommendation GI R27 in the General Issues Report (Volume 3). Draft Amendment CLA R01: Amend Kingston Built Form Overlay Schedule 6 to make the preferred maximum building height for 465 - 469 Clayton Road 14 metres instead of 21 metres. CLA R02: Amend the draft Clayton Structure Plan and Monash Built Form Overlay Schedule 2 to make the preferred maximum building height for 409 Clayton Road from 27 metres to 39 metres. CLA R03: Amend the draft Clayton Structure Plan and Monash Built Form Overlay Schedule 1 to apply the shadow controls recommended by the Committee in the General Issues Report (Volume 3) (recommendation GI R27) to Remembrance Gardens and the adjacent Clayton Hall. CLA R04: Amend the draft Clayton Structure Plan and Monash Built Form Overlay Schedule 3 to apply the overshadowing controls recommended in the General Issues Report (Volume 3) (recommendation GI R27) to Lillian Street.

Floor Area Ratio*

Referred Matter	Whether the mandatory Floor Area Ratio (FAR) controls proposed in the draft Amendment are appropriate both generally within the Clayton Structure Plan Area and at specific sites, including: - 2 Cooke Street - 6 – 18 Cooke Street - 20 - 22 Cooke Street - 16 Dunstan Street - 261 Clayton Road - 205 -211 Clayton Road - 409 Clayton Road - 1400 & 1380 – 1388 Centre Road - 8 Audsley Street
------------------------	--

Conclusion	The FAR controls proposed in the draft Amendment are not appropriate and should not be applied. Refer to the Common Issues Report (Volume 2, Chapter 4)
Recommendation	Refer to recommendations CI R01 and CI R02 in the Common Issues Report (Volume 2).
Setbacks	
Referred Matter	Whether the building setbacks specified in the draft Structure Plan and draft Amendment are appropriate, having regard to: - The urban structure and built form objectives for the Clayton Structure Plan Area - Amenity impacts on adjoining sites - The provision of landscaping, including planting of canopy trees.
Findings	General: Generally, the setbacks are appropriate, noting some of the recommendations in the General Issues Report (Volume 3) which are likely to have consequential impacts in areas with a more sensitive interface. It is not necessary to limit building height to incentivise lot consolidation, as there are many factors that work to incentivise consolidation (not just building height). This is particularly the case where the heights are discretionary. Urban structure and built form objectives: The building setbacks are generally appropriate. Amenity impacts on adjoining sites: The proposed setbacks around the Mepple Drive Playground are not appropriate. The setbacks in the Audsley Street area are not appropriate. The provision of landscaping, including planting of canopy trees: The setbacks are unlikely to be appropriate with respect to landscaping and canopy tree provisions. Any setbacks will need to be revisited to respond to increased tree canopy targets and operational changes recommended in the General Issues Report (Volume 3) (GI R35, GI R36).
Conclusion	The setbacks are generally appropriate having regard to the urban structure and built form objectives, subject to the modification recommended in this report.
Recommendations	Refer to recommendations GI R18, 19, 24, 25, 26, 27, 37, 38 (relating to deemed to comply, privacy, overshadowing, overlooking and third party review rights) in the General Issues Report (Volume 3).

Refer to recommendation GI R35 and 36 (relating to canopy tree cover) in the General Issues Report (Volume 3).

CLA R05: The overshadowing standards recommended in the General Issues Report (Volume 3) (recommendation GI R27(b)) should be applied to the Meppel Drive Playground and setbacks should be revised to reflect that standard.

CLA R06: Amend Kingston Built Form Overlay Schedule 5 and the Precinct Zone Schedule 5 to clarify which interface constitutes a side of rear setback

Pedestrian access & links*

Referred Matter

Whether the planning for active transport in the Clayton Structure Plan Area is appropriate, including the following locations:

- 233 Clayton Road
- 205 – 211 Clayton Road

Findings

Pedestrian links:

Across all precincts, a review of pedestrian links is necessary to clearly identify which links are required. Required links should be identified within the draft Structure Plan and draft Amendments to secure their delivery. Delivery mechanisms need to be confirmed, and funding mechanisms should be confirmed as soon as possible (within 12 months). Refer to the Chapter 9.9 of the General Issues Report (Volume 3).

233 Clayton Road:

The pedestrian link at 233 Clayton Road could be retained, subject to further work.

205 – 211 Clayton Road:

The pedestrian link between Clayton Road and Grovedale Court should be deleted, as reflected in the Day 3 documents.

Conclusions

The planning for active transport in relation to pedestrian access and links is not appropriate.

Recommendations

Refer to recommendation GI R32 in the General Issues Report (Volume 3).

CLA R07: Include the following Clayton specific matters within the scope of the further work recommended in the General Issues Report (Volume 3, Chapter 9) (recommendation GI R32):

a) removing:

- the pedestrian link between the Remembrance Gardens and the St Peters Church site

b) retaining:

- the pedestrian link between Clayton Road and Grovedale Court subject to further work
- the pedestrian link at 233 Clayton Road subject to further work

Public Open Space*

Referred Matter	Whether the planning for open space in the Clayton Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees to the Structure Plan Area.
Findings	There is a relatively low level of existing open space in the Clayton SPA. Clayton is expected to have the second highest percentage growth of the SRL East precincts. The needs of the workers at, and visitors to, the Monash Medical Centre need to be considered. Whether the needs of visitors to the Clayton Community Centre and the Aquatic Centre need to be considered further.
Conclusions	The planning for open space in the precinct is not appropriate having regard to the needs of future residents, visitors and employees to the Structure Plan Area. Further work is required. Refer to Chapter 5 in the Common Issues Report (Volume 2).
Recommendations	Refer to recommendation CI R06 in the Common Issues Report (Volume 2). CLA R08: Include the following in the scope of any further review of public open space in the Clayton precinct recommended in the General Issues Report (Volume 3) (recommendation CI R06): a) the relatively low level of existing open space in the Clayton Structure Plan Area. b) open space needs for a Precinct expected to have the second highest growth rate of all Suburban Rail Loop East precincts c) the needs of the workers at, and visitors to, the Monash Medical Centre. d) whether visitors to the Clayton Community Centre and the Aquatic Centre create any additional need for open space that should be accounted for.

Land use mix and capacity

Referred Matter	Whether the Land Use Plan in the draft Structure Plan and relevant planning provisions provide for an appropriate land use mix across the Clayton Structure Plan Area.
Findings	The land use mix across the precinct is broadly appropriate, subject to the following changes to the Day 3 documents.

	The Mixed Use Zone along North Road should be changed to Residential Growth Zone, in line with the draft Structure Plan. The BFO schedules should not 'switch off' the layout and adaptability outcomes at Clause 43.06-7.7 of the parent provision. Ensuring buildings are adaptable will create more flexibility for evolving land uses in an area of transformation.
Conclusions	The land use mix across the precinct is broadly appropriate, subject to the modifications recommended in this report.
Recommendations	CLA R09: Amend the Use and Development Framework Plan in the Monash Precinct Zone Schedule 1 to change the applied zone along North Road (west of Clayton Road) from Area 2 (Mixed Use) to Area 1 (Residential Growth). COM R01: Amend all Built Form Overlay schedules so that they do not 'switch off' the layout and adaptability outcomes at Clause 43.06-7.7 of the parent provision.
Demand for apartments*	
Referred Matter	Whether the anticipated future demand for apartments within the Clayton Structure Plan Area is reflected in the proposed distribution of housing growth levels in the draft Structure Plan and draft Amendments.
Findings	There is capacity within the proposed built form controls to meet the demand for apartments in the Clayton Precinct. There is a demonstrated need for three-bedroom apartments in the precinct, and this must be considered when setting housing diversity targets for this Clayton Precinct. To facilitate the delivery of diverse housing types the Committee has recommended a precinct wide diversity target and an application requirement for a Housing Diversity Report in the General Issues Report (Volume 3).
Conclusions	The future demand for apartments can be accommodated in the proposed distribution of housing growth.
Recommendations	Refer to recommendations GI R04, GI R05, GI R06 in the General Issues Report (Volume 3). CLA R10: Consider, when setting housing diversity targets for the Clayton Precinct, as recommended in the General Issues Report (Volume 3) (recommendation GI R04), the demonstrated need for three-bedroom apartments in the Clayton Precinct.

Car parking availability & rates*

Referred Matter

Whether the car parking rates as set out in the Precinct Parking Plan for Clayton are appropriate, including to encourage a shift towards more sustainable transport modes

Whether sufficient car parking availability (including on-street and public car parking availability) will be provided having regard to potential additional car parking demand.

Findings

The car parking rates in the Parking Overlay schedules are appropriate but should be reviewed as part of each five-yearly review to ensure they are set at an appropriate rate to encourage a shift towards more sustainable transport modes as noted in the General Issues Report (Volume 3, Chapter 8).

Adequate on-street and off-street public parking in the precinct will be provided to meet demand.

The actions included in the draft Structure Plan and draft Implementation Plan are appropriate to address any adverse car parking impacts.

The Committee found in the General Issues Report (Volume 3, Chapter 8) that given the street network in the precincts is already established, the street masterplan phase is the appropriate time to resolve and balance the competing demands of environmental and transport needs placed on each street.

A note should be added to the Clayton Road cross-section in the draft Structure Plan to clarify that it is intended that on-street parking will be retained along Clayton Road unless there is a design constraint that prevents this approach.

Conclusions

The proposed car parking rates as set out in the Precinct Parking Plan for Clayton are generally appropriate subject to the modifications recommended in the General Issues Report (Volume 3).

Adequate on-street public parking in the precinct will be provided to meet demand, subject to the recommended modification to the draft Structure Plan.

Recommendations

Refer to recommendation GI R15 in the General Issues Report (Volume 3).

CLA R11: Update Figure 25: Section A (illustration of potential section of Clayton Road south of the rail line) in the draft Structure Plan to clarify that on-street parking will be retained along Clayton Road south of the rail line, subject to detailed design

Community infrastructure*

Referred Matter

Whether the planning for community infrastructure in the Clayton Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees

Findings

Planning for community infrastructure in the Clayton Structure Plan Area is not appropriate and does not sufficiently cater for the needs of future residents, visitors or employees.

There is a demonstrated need for additional community infrastructure in the precinct, and this needs to be considered in the further assessment recommended by the Committee in the Common Issues Report (Volume 2).

The further work recommended by the Committee in recommendation CI R11 should be undertaken considering the following Clayton-specific matters:

- the evidence presented by Kingston and Monash demonstrates that existing community infrastructure is generally at capacity and significant further provision will be required to meet the growing needs of the Clayton Precinct population
- Clayton is expected to have the second highest percentage growth of the SRL East precincts
- worker (including shift worker) needs must be assessed and catered for, particularly at the Monash Medical Centre
- there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for (other than usually occurs for some facilities, for example, major aquatic centres)
- regarding community hubs and in particular library services, it is not appropriate for the needs of the Monash precinct to be met in Clayton

Conclusions

The planning for community infrastructure in the Structure Plan Area is not appropriate and does not have sufficient regard to the needs of future residents, visitors or employees. Further work is required. Refer to Chapter 6 in the Common Issues Report (Volume 2).

Recommendations

Refer to recommendations CI R11 to CI R14 in the Common Issues Report (Volume 2).

CLA R12: Any further review of community infrastructure in the Clayton Precinct as recommended in the Common Issues Report (Volume 2) (recommendation CI R11) should consider:

- a) the evidence presented in the Clayton Hearing that demonstrates existing community infrastructure is generally at capacity and a significant further provision will be required to meet the growing needs of the Clayton Precinct population**
 - b) Clayton is expected to have the second highest percentage growth of the Suburban Rail Loop East precincts**
 - c) worker (including shift worker) needs must be assessed and catered for, particularly at the Monash Medical Centre**
-

- d) there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for (other than usually occurs for some facilities, for example, major aquatic centres)**
- e) regarding community hubs and in particular library services, it is not appropriate for the needs of the Monash precinct to be met in Clayton.**

Draft Implementation Plan*

Referred Matter	Whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Clayton and the timing and pathways for their implementation are appropriate for the purposes of the draft Structure Plan
Finding	The approach to implementing the actions and projects contained in the draft Implementation Plan for Clayton and the timing and pathways for their implementation are not appropriate for the purposes of the draft Structure Plan.
Conclusion	The approach to implementing the actions and projects in the draft Implementation Plan and the timing and pathways for their implementation is not appropriate.
Recommendation	Refer to recommendations CI R16 to CI R20 in the Common Issues Report (Volume 2).

Strategic sites*

Referred Matter	Whether the identification and treatment of strategic sites in the Clayton Structure Plan Area are appropriate.
Findings	The identification and treatment of strategic sites in the Clayton Structure Plan Area is not appropriate, as discussed in the General Issues report (Volume 3, Chapter 9.3). The further work recommended by the Committee in the General issue report (GI R20) should be undertaken considering the following Clayton-specific matters: - The PMP Printing site should not be identified as a strategic site. - The City Timber site should be identified as a strategic site, subject to requiring a simplified master plan requirement that deals with the most pertinent issues, including site interfaces, lot consolidation and access.
Conclusion	The identification and treatment of strategic sites in the Clayton Structure Plan Area is not appropriate.
Recommendations	Refer to recommendations GI R20 to GI R23 in the General Issues Report (Volume 3). CLA R13: Include in the scope of any further review of strategic sites as recommended (GI R20) in the General Issues Report (Volume 3) in the Clayton Precinct, by:

- a) removing the PMP Printing site as a strategic site
- b) including the City Timber site as a strategic site, subject to a simplified master planning process that deals with the most pertinent issues, including site interfaces, lot consolidation and access.

Public Acquisition Overlay – Application to a specific site in the Clayton Structure Plan Area

Referred Matter	Whether the Public Acquisition Overlay (PAO) should be applied to 31 Dunstan Street, Clayton.
Finding	The preferred location for the link is 31 Dunstan Street, Clayton and it is appropriate to apply the PAO to facilitate its acquisition.
Conclusion	The Public Acquisition Overlay (PAO) should be applied to 31 Dunstan Street, Clayton

Road & street network*

Referred Matter	Whether the road/street network shown in the draft Structure Plan and draft Amendment is appropriate.
Findings	The proposed road and street network as set out in the draft Structure Plan, draft Implementation Plan and the draft Amendment is essentially sound and would build on the existing comprehensive road and street network to enable and facilitate development of the precinct. While the network is not perfect, it is appropriate at this stage of the planning process. It is inevitable that additional traffic modelling will be undertaken alongside the detailed design work for road and intersection upgrades.
Conclusion	Based on the findings in the General Issues Report (Volume 3, Chapter 8) the proposed road and street network in the draft Structure Plan and the draft Amendment is generally appropriate.

Aviation

Referred Matter	Whether requirements for the Monash Medical Centre and Victorian Heart Hospital helicopter flight paths have been considered.
Findings	Clear advice must be obtained from the Department of Health to confirm if the preferred maximum building heights in the relevant BFO schedules (in the Clayton and Monash precincts) suitably protect helicopter flight paths around the Victorian Heart Hospital. The helicopter flight paths to Monash Medical Centre have been appropriately considered. The helicopter flight paths to the Victorian Heart Hospital have not been appropriately considered.

Conclusions

The helicopter flight paths to Monash Medical Centre have been appropriately considered.

The helicopter flight paths to the Victorian Heart Hospital have not been appropriately considered.

Recommendations

CLA R14: Refer the relevant Built Form Overlay schedules in the Clayton and Monash precincts to the Department of Health to confirm if the specified preferred maximum building heights suitably protect helicopter flight paths around the Victorian Heart Hospital.

CLA R15: Amend the Built Form Overlay schedules in the Clayton and Monash precincts to revise the preferred maximum building heights if the Department of Health confirms they are needed to protect the helicopter flight paths.

3 Approach

The Committee has conducted its process in accordance with the procedural requirements of the Terms of Reference, particularly Clauses 18 to 24.

Broader comments about the Committee's approach are contained in volumes 1, 2 and 3.

3.1 Original submissions

The Committee was not referred submissions received by the Proponent through the public consultation process (original submissions). Several parties indicated they wanted to be heard in relation to the matters raised in their original submissions. The Committee confirmed through its directions that:

- parties who wanted their original submissions considered would need to provide copies to the Committee
- the Committee would consider those submissions to the extent that they raised Referred Matters.

The original submissions considered by the Committee for the Clayton precinct were tabled documents (see Appendix B).

3.2 Main hearings

While the Committee was not expected to carry out a public hearing (Clause 20 of the Terms of Reference), it determined that public hearings would be necessary for the Committee to consider the matters referred.

The Clayton Precinct Hearing took place from 27 October to 14 November 2025.

3.3 Report

The Committee has reported on Referred Matters in accordance with its Terms of Reference, particularly Clause 39.

Clause 39(b) requires the Committee to provide a summary of any outcomes reached through parties resolving issues after the matter was referred to the Committee. The Committee directed parties to address resolved matters in their submissions. These are discussed in Appendix C.

3.4 Expert evidence

The Committee had regard to the evidence noted in Table 2 as well as the evidence presented at the General Issues Hearing. The General Issues evidence is listed separately in the Common Issues Report (Volume 2).

Table 2 Expert evidence

Expert	Firm	Party
Planning		
William Bromhead	Ratio	Proponent
David Barnes	Hansen	Monash Council
John Glossop	Glossop Town Planning	Kingston Council
Urban Design		
Mark Sheppard	Urbis	Proponent
Andrew Partos	Hansen	Monash Council
Gerhana Waty	Hansen	Kingston Council
Traffic and transport		
Tim De Young	Eukai	Proponent
Jason Walsh	Traffix Group	Monash Council
Community infrastructure		
Jo Noesgaard	SGS Economics and Planning	Kingston Council
Chris De Silva	Mesh	Proponent
Kate Kerkin	K2 Planning	Monash Council
Sport and recreation		
Kate Maddock	Otium	Monash Council
Dan Ferguson	Parks and Leisure Australia	Kingston Council
Open Space		
Joanna Thompson	Thompson Berrill Landscape Design	Monash Council and Kingston Council

(i) Joint Expert Meeting

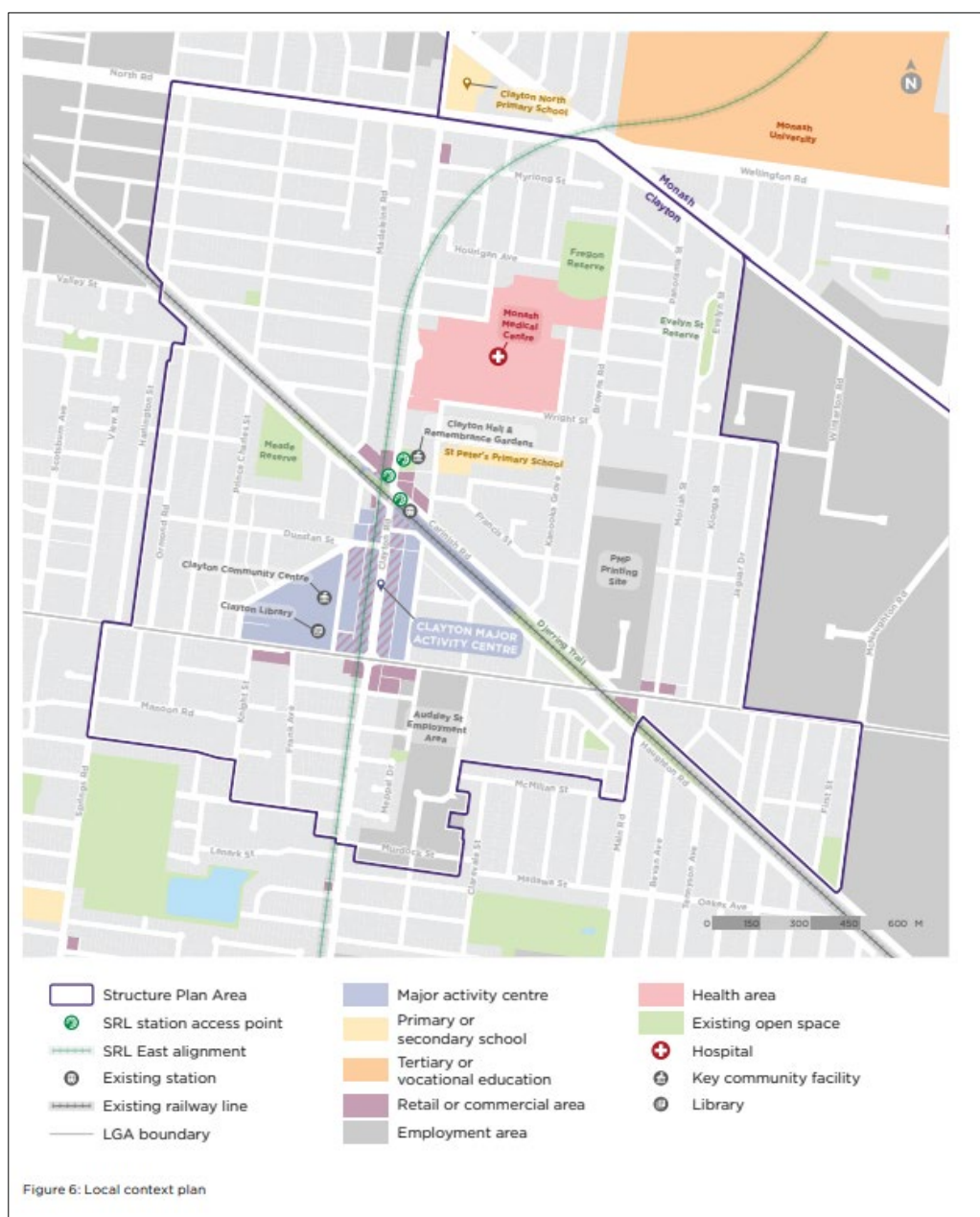
As directed by the Committee, a traffic and transport joint experts meeting was held before the Hearing and a Joint Expert Statement was tabled identifying the areas of agreement and disagreement.

4 The Proposal

4.1 The precinct

The Clayton precinct is an established area within the City of Monash and City of Kingston. The Bunurong people of the Kulin Nation occupied Country where the precinct is located for more than 65,000 years before contact with Europeans. The precinct includes the land shown in Figure 1.

Figure 1 Clayton local context plan



Source: draft Clayton Structure Plan

4.2 Unique characteristics of the precinct

The precinct plays a key role in metropolitan Melbourne, forming part of an established core of leading education, health, research and commercial activities.

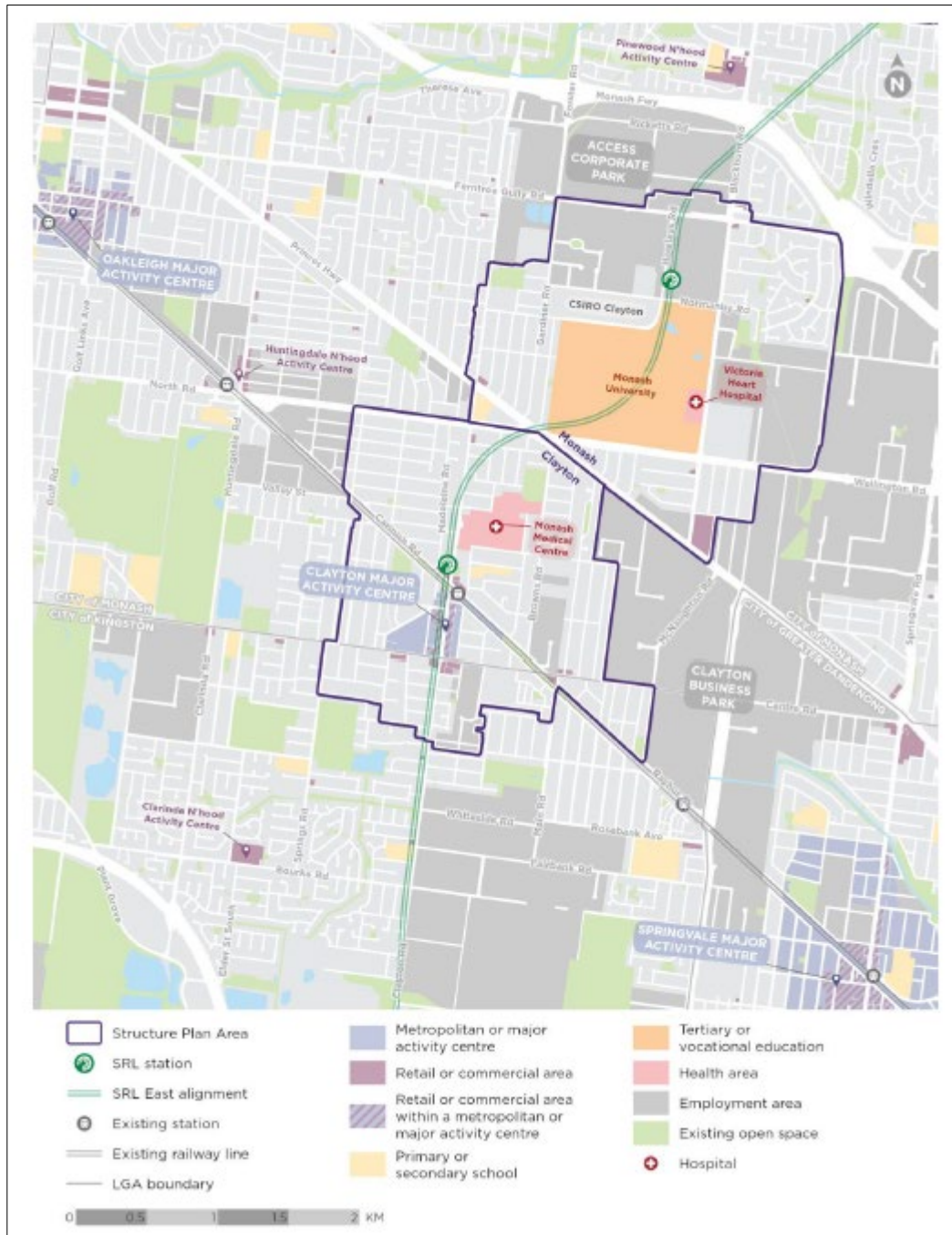
Clayton is already an accessible destination. The existing Clayton station is on the Cranbourne / Pakenham Line (connecting to the Central Business District, Dandenong Station and the NEIC and on the regional Gippsland Line (V/Line).

Clayton is one of Melbourne's most cosmopolitan and culturally diverse communities, with a significantly higher proportion of overseas-born residents than the Greater Melbourne average: 71 per cent compared to 37 per cent. The population is also younger compared to the rest of the city, reflecting a large tertiary student population.

Clayton's economy is strongly influenced by the presence of Monash Medical Centre and adjacent health facilities. Almost 71 per cent of the Structure Plan Area's 12,700 workers are employed in the health care and social assistance sector.

The Clayton precinct sits immediately adjacent and to the south of the Monash precinct, sharing a common precinct boundary along parts of North Road and Princes Highway, as shown in Figure 2. There is a clear connection between the northern part of the Clayton precinct and the south of the Monash precinct. The two proposed SRL East stations in the Monash and Clayton precincts are relatively close together as compared to the other SRL East stations.

Figure 2 Regional context plan



Source: SRL East Background Report Clayton (Document CLA 006a)

To date, the Clayton precinct has not experienced the same level of intensification as some of the other SRL East precincts. The existing Major Activity Centre is centred around the existing Clayton Station and community centre, with a high street retail strip at its heart. The balance of the precinct is largely residential with relatively few employment areas (the most notable being the Monash Medical Centre referred to above) and industrial land as compared to other precincts.

With an 89 per cent population growth forecast, Clayton will see the second largest growth of the SRL East precincts (after Box Hill).¹ The proposed growth represents a transformative change in terms of intensification and changes to built form and typology as compared to existing conditions, although the proposed changes largely follow, and build on, the existing built form conditions.

4.3 The draft Structure Plan

The draft Structure Plan outlines a vision for the transformational change anticipated in the Clayton precinct:

Clayton will be a welcoming, eclectic and cosmopolitan district with a vibrant high street at its heart – infused with the character of great international food, independent traders and local creativity. With thoughtful planning and development, Clayton's growing centre will build on the area's existing character and community spirit. Its rich mix of activity will make it an interesting and attractive place to live, work and visit.

Creating sustainable neighbourhoods with more homes that provide greater choice for people of different ages and cultures means Clayton will remain an inclusive and vibrant place to live.

A program of urban enhancement will support Clayton as a welcoming, comfortable place with a strong identity. It will be a greener, cooler place with new homes to support its students, health care workers, young professionals and families.

Clayton will evolve as a major employment and community services centre. Its world-leading health hub will deliver exceptional specialist services and patient care. The precinct area brings together research institutions, major hospitals and commercial enterprises, making it a place of entrepreneurial energy.

Clayton will be a great place for walking or cycling – and as a public transport super hub, there will be less reliance on vehicles to get around. Better connectivity will bring communities, cultures, businesses and services together in Clayton, strengthening its lively culture and creating more opportunities for everyone.

The draft Structure Plan is proposed to be included as a background document at Clause 72.08 of the Planning Scheme.

4.4 The draft Implementation Plan

The purpose of the draft Implementation Plan is to set out how the infrastructure listed in the draft Structure Plan will be delivered. It lists the actions to projects comprising community facilities, open space, transport and sustainability as well as SRL East rail works. Each action is assigned a timing, lead agency, partner organisations and pathway for delivery. It does not list any proposed funding mechanisms.

The draft Implementation Plan is proposed to be included as a background document at Clause 72.08 of the Planning Scheme.

4.5 The draft Parking Plan

The purpose of the draft Parking Plan is to set parking objectives for the Clayton Precinct. It provides a series of tools to achieve these objectives ranging from applying the Parking Overlay plus a series of statutory and non-statutory tools.

¹ Draft Structure Plan population growth forecasts: Box Hill 15,800; Burwood 5,800, Clayton 12,700, Monash 7,900, Cheltenham 11,400 and Glen Waverley 4,600. De Silva EWS Doc CLA 032.

The draft Parking Plan is proposed to be included as a background document for proposed Parking Overlay Schedule 4 and Parking Overlay Schedule 5 as well as Clause 72.08 of the Planning Scheme.

4.6 The draft Amendment

The draft Amendment affects the Monash and Kingston Planning Schemes. The draft Explanatory Report accompanying the exhibited Amendment included the following list of changes.

Monash Planning Scheme

- inserts the following background documents into the Schedule to Clause 72.08:
 - SRL East Structure Plan – Clayton (SRLA, 2025)
 - SRL East Implementation Plan – Clayton (SRLA, 2025)
 - Precinct Parking Plan – Clayton (AJM, 2025)
- Inserts:
 - Clause 02.04-4 Clayton Suburban Rail Loop East Precinct Plan
 - Clause 11.03-6L-01 SRL East Structure Plan Areas
 - Clause 11.03.6L-02 Clayton SRL East Structure Plan Area
 - Clause 37.10 Precinct Zone and Schedule 1 (PRZ1) and Schedule 2 (PRZ2)
 - Clause 43.06 Built Form Overlay and Schedule 1 (BFO1), Schedule 2 (BFO2), Schedule 3 (BFO3) and Schedule 4 (BFO4)
 - Clause 45.09 Parking Overlay and Schedule 1 (PO1) and Schedule 2 (PO2)
- Amends:
 - Clause 02.01 Context
 - Clause 02.03-1 Settlement
 - Clause 02.03-4 Built environment and heritage
 - Clause 02.03-5 Housing
 - Clause 02.03-6 Economic development
 - Clause 02.03-7 Transport
 - Clause 02.03-8 Infrastructure
 - Clause 02.04-1 Strategic framework plan
 - Clause 02.04-3 Residential development plan
 - Clause 11.03-1L-01 Activity centres – Monash
 - Clause 15.01-2L-01 Industry and business built form character
 - Clause 15.01-5L Monash preferred neighbourhood character
 - Clause 16.01-1L-01 Housing supply – Monash
 - Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1)
 - Schedule 5 to Clause 43.04 Development Plan Overlay (DPO5)
 - Schedule to Clause 45.01 Public Acquisition Overlay (PAO)
 - Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?
 - Schedule to Clause 72.08 Background documents
 - Schedule to Clause 74.01 Application of Zones, Overlays and Provisions
- Applies:
 - Clause 45.01 Public Acquisition Overlay to the property at 31 Dunstan Street, Clayton

- Rezones:
 - Land within the Clayton Structure Plan Area from Commercial 1 Zone (C1Z), General Residential Zone Schedule 2 (GRZ2), General Residential Zone, Schedule 3 (GRZ3), General Residential Zone Schedule 6 (GRZ6), Industrial 1 Zone (IN1Z), Residential Growth Zone Schedule 3 (RGZ3) to Precinct Zone Schedule 1 (PRZ1)
 - Land within the Station Development Area (SDA) located immediately north of the railway line, between Clayton Road and Madeleine Road, from Commercial 1
 - Zone (C1Z), General Residential Zone Schedule 6 (GRZ6) and Residential Growth Zone Schedule 3 (RGZ3) to Precinct Zone Schedule 2 (PRZ2)
- Deletes:
 - Schedule 1 to Clause 43.02 Design and Development Overlay (DDO1) from land within the Clayton Structure Plan Area
 - Schedule 5 to Clause 43.04 Development Plan Overlay (DPO5) from land within the Clayton Structure Plan Area.

Kingston Planning Scheme

- Inserts the following background documents into the Schedule to Clause 72.08:
 - SRL East Structure Plan – Clayton (SRLA 2025)
 - SRL East Implementation Plan – Clayton (SRLA 2025)
 - Precinct Parking Plan – Clayton (AJM 2025)
- Inserts:
 - Clause 11.03-6L-01 SRL East Structure Plan Areas
 - Clause 11.03-6L-03 Clayton SRL East Structure Plan Area
 - Clause 37.10 Precinct Zone and Schedule 5 to Clause 37.10 Precinct Zone (PRZ5)
 - Clause 43.06 Built Form Overlay and Schedule 5 (BFO5), Schedule 6 (BFO6) and Schedule 7 (BFO7)
 - Schedule 4 to Clause 45.09 Parking Overlay (PO4)
- Amends:
 - Clause 02.01 Context
 - Clause 02.03-1 Settlement
 - Clause 02.03-5 Built environment and heritage
 - Clause 02.03-6 Housing
 - Clause 02.03-7 Economic development
 - Clause 02.03-9 Infrastructure
 - Clause 02.04 Strategic framework plans
 - Clause 11.03-1L-01 Activity centres – Kingston
 - Clause 15.01-1L-04 Landscape design – Kingston
 - Clause 15.01-5L-01 Neighbourhood character – Kingston
 - Clause 17.03-1L Industrial land supply in Kingston
 - Clause 18.02-4L Car parking – Kingston
 - Schedule 25 (DDO25) and Schedule 26 (DDO26) to Clause 43.02 Design and Development Overlay
 - Schedule to Clause 72.03 What Does This Planning Scheme Consist Of?
 - Schedule to Clause 72.08 Background documents

- Schedule to Clause 74.01 Application of Zones, Overlays and Provisions
- Applies:
 - Clause 45.03 Environmental Audit Overlay (EAO) to 1418A Centre Road, Clayton South
- Rezones:
 - Land within the Structure Plan Area from Commercial 1 Zone (C1Z), Commercial 2 Zone (C2Z), General Residential Zone Schedule 5 (GRZ5), Industrial 1 Zone (IN1Z), Mixed Use Zone (MUZ), Residential Growth Zone Schedule 1 (RGZ1) and Residential Growth Zone Schedule 3 (GRZ3) to Precinct Zone Schedule 5 (PRZ5)
- Deletes:
 - Schedule 24 to Clause 43.02 Design and Development Overlay from the Kingston Planning Scheme
 - Schedule 25 and 26 to Clause 43.02 Design and Development Overlay (DDO25 and DDO26) from land within the Clayton Structure Plan Area

It is noted that the Day 3 documents alter some of the changes proposed in the Explanatory Report.

4.7 Versions of the planning scheme ordinance

The Committee has based its recommendations for Clayton precinct on the:

- Day 3 version of draft Amendment ordinance.
- Day 2 versions of the draft Clayton Structure Plan and draft Clayton Implementation Plan.

A full list of the ordinance considered by the Committee for the Clayton precinct is contained in the document list in Appendix B of this report.

5 Building height, distribution and transition

5.1 Referred Matter

The Referred Matter is:

The suitability and distribution of the proposed building heights specified in the draft Structure Plan and draft Amendment, and transition to surrounding residential areas, including with respect to:

- Madeleine Road
- Browns Road
- Kanooka Grove
- Audsley Street
- North Road
- Dorking Street
- Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road
- 2 Rockbeare Court Road
- 465 – 469 Clayton Road
- 409 Clayton Road and 1389-1391 Centre Road

5.2 Key issues

The key issues are whether:

- the proposed building heights are suitable and appropriately distributed across the precinct in general terms
- the proposed building heights are suitable in relation to specific sites (including those specified in the Referred Matters)
- the proposed building heights provide an appropriate transition to residential areas.

5.3 Background

(i) Draft Structure Plan

The exhibited draft Structure Plan sets out the preferred maximum building heights in Figure 14 of the plan (Figure 3).

These heights include:

- 12 metres (3 storeys) in peripheral residential areas
- 15 metres (4 storeys) in some of the residential areas
- 27 metres (7-15 storeys) closer to the SDA.
- 33 – 49 metres (8-9 storeys) on many main roads.
- 69 metres (17-20 storeys) in the SDA.

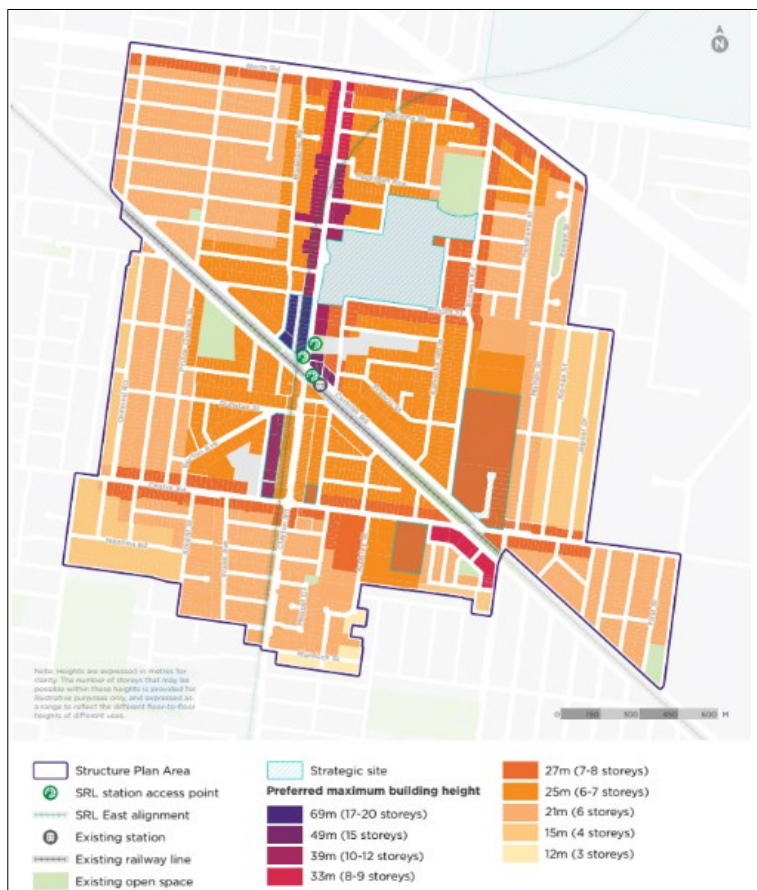
Objective 12 is to ensure the scale of built form is responsive to its context:

New built form at a scale and intensity to support the forecast resident population and commercial floor space growth will be needed in the Structure Plan Area. It must also respond to its location and context, including the proximity to public transport, jobs and services.

Strategies aim to:

- Promote the greatest level of built form intensity, activity and development scale to Clayton Central neighbourhood to leverage accessibility to public transport, jobs and services
- Facilitate continuous mid-rise buildings that support a mix of uses along Centre Road, Princes Highway, North Road and Clayton Road to strongly frame these wide roads and provide adaptable building typologies
- Encourage a range of mid-rise apartment buildings in a garden setting to promote diversity in residential areas
- Facilitate mid-rise urban neighbourhoods adjacent to the urban core or nearby transport nodes.
- Encourage an adaptable range of building types and sizes to support an intensified mix of employment land uses within the Audsley Street Employment Area.
- Encourage lot consolidation to facilitate more efficient and sustainable design and increase the supply of larger sites for residential development.
- Ensure development provides an appropriate interface with adjoining properties, based on the level of change anticipated.

Figure 3 Preferred maximum building heights



Source Draft Clayton Structure Plan Figure 14

(ii) Draft Implementation Plan

The draft Implementation Plan has an action to amend the planning scheme to achieve preferred scale and built form outcomes, including preferred maximum building heights to be completed in the short term, and lead by the SRLA.

(iii) Draft Amendments

The draft Clayton Structure Plan straddles two Councils, Monash and Kingston.

Policy

The draft Amendment proposes Clause 11.03-6L-03 Clayton SRL East Structure Plan Area. It includes 'Built environment strategies':

- Direct the greatest level of built form scale to the Clayton Central Neighbourhood.
- Encourage continuous mid-rise buildings along Centre Road, Princes Highway, North Road and Clayton Road to frame the corridors.
- Encourage low to mid-rise apartment buildings in a landscaped setting to promote housing diversity in medium residential built form scale areas in the Inner East Neighbourhood, Clayton South Neighbourhood and Dunstan Neighbourhood.
- On large strategic sites encourage the provision of new public open space as part of any redevelopment.
- Improve the pedestrian permeability through large shopping centres and strategic sites.

Zoning

The PRZ applies to most of the precinct, with PRZ5 applying in Kingston and PRZ1 applying to most of the land in Monash. Monash PRZ2 is proposed to apply to the Station Development Area (SDA).

Monash PRZ1 and Kingston PRZ5 relate to the Structure Plan Area in each of the municipalities, excluding the SDA. These schedules have a use and development objective:

To promote the use and development of land that is consistent with the Use and Development Framework Plan (Map 1) at a scale and intensity to accommodate substantial growth.

Monash PRZ2 relates to the SDA and includes the objective:

To deliver transformational change and activation to support the strategic role of the Station Development Area as a transit-oriented urban renewal precinct.

To create an identifiable centre that supports the civic role of the SRL station, provides for an intensified built form and the creation of new high amenity public realm.

Map 1 in Monash PRZ2 provides for a maximum building height of 69 metres across the SDA, excluding the station buildings (which are subject to a separate Incorporated Document as discussed in Volume 1).

Overlays

BFO schedules apply to most of the land in the precinct, except for the SDA.

Objectives relevant to the preferred maximum building heights for each BFO schedule are summarised in the table below.

Table 3 Summary of BFO schedules regarding preferred maximum building height

BFO	Relevant objectives	Preferred maximum height
BFO1 (Monash) Central flanks	To support high-rise built form in a predominantly podium-tower form that contributes to an architecturally interesting skyline.	Area A: 39 metres Area B: 49 metres Area C: 33 metres
BFO2 (Monash) Main streets (Clayton Road)	To support mid-rise development that references the fine grain character of the area and provides activated commercial uses along Clayton Road with a low-scale street wall and recessive upper levels.	25 metres
BFO3 (Monash) Key movement corridors and urban neighbourhoods	To support high housing growth in the form of mid-rise development, with incrementally taller built form fronting North Road, Centre Road, Browns Road and Princes Highway key movement corridors. To create a high-quality public realm with street wall heights that respond to street widths, provide a human scale, recessive upper levels, landscaped street setbacks and solar access to identified public open spaces.	Area A and C: 27 metres Area B: 25 metres Area C: 21 metres
BFO4 (Monash) Residential neighbourhoods	To support medium housing growth in the form of mid-rise development in a garden landscape character. To create a high-quality public realm with human scale through building heights, recessed upper levels, and solar access to identified public open spaces. To encourage lot consolidation to achieve increased building height and good design outcomes, including through landscaped side setbacks.	Land with a frontage width of less than 24 metres: 11 metres Land with a frontage width of 24 metres or greater: Area A: 21 metres Area B: 14 metres
BFO5 (Kingston) Key movement corridors and urban neighbourhoods	To support high housing growth in the form of mid-rise development in this key movement corridor and along Centre Road.	Area A and Area C: 27 metres Area B: 25 metres

	To create a high-quality public realm with street wall heights that respond to street widths, provide a human scale, recessive upper levels and landscaped street setbacks.	
BFO6 (Kingston) Residential neighbourhoods	To support medium housing growth in the form of mid-rise development in a garden landscape character. To create a high-quality public realm with human scale through building heights, recessed upper levels and solar access to identified public open spaces. To encourage lot consolidation to achieve increased building height and good design outcomes, including through landscaped side setbacks.	Land with a frontage width of less than 24 metres: 11 metres Land with a frontage width of 24 metres or greater: Area A: 21 metres Area B: 14 metres Area C: 33 metres
BFO7 (Kingston) Employment neighbourhood	To support mid-rise development, which supports the ongoing local service function of the employment neighbourhood. To ensure development enhances the pedestrian experience through ground level activation, landscaped street setbacks, building facades that frame the public realm and locating car parking, loading and servicing areas away from the street frontage. To ensure that development responds to interfaces with residential areas and areas outside the Structure Plan Area, by transitioning with lower building heights and increased setbacks.	Area A: 21 metres Area B: 12 metres

(iv) General Issues conclusions

The Committee has made conclusions and recommendations in the General Issues Report (Volume 3) that will influence built form outcomes. These include the Referred Matters relating to:

- deemed to comply provisions (Volume 3, Chapter 9.2)
- achieving a reasonable level of privacy (Volume 3, Chapter 9.4)

- managing the impact of overshadowing on private open spaces (Volume 3, Chapter 9.5)
- managing the impact of overshadowing on the public realm, including public open spaces and key streets (Volume 3, Chapter 9.6)
- supporting high quality design (Volume 3, Chapter 9.7).

The relevant conclusions and recommendations are not repeated here, unless they relate to a particular site. As the Committee has identified in the Summary and Approach (Volume 1) report, there will be consequential changes which relate to the built form controls in each precinct.

5.4 General suitability and distribution of building heights

(i) Evidence and submissions

Parties and experts generally agreed that the overall approach to the distribution of preferred maximum building heights across the Structure Plan Area was appropriate and based on a sound methodology. Building heights in the draft Amendment generally corresponded with the preferred maximum building heights in the UDR.

Councils and some experts had concerns regarding the proposed heights in specific locations, and these locations are discussed in the following sections of this chapter.

(ii) Discussion

The Committee accepts that, generally, the proposed maximum building heights in the Structure Plan Area are appropriate and are strategically justified based on the work in the UDR and the draft Structure Plan. The proposed heights are supported by appropriate policy and objectives in the PRZ and BFO schedules.

The appropriateness of the proposed maximum building heights for specific locations is discussed in the following sections of this report.

(iii) Findings and conclusion

The Committee finds:

- The proposed maximum building heights in the Structure Plan Area are appropriate and are strategically justified based on the work in the UDR and the draft Structure Plan.
- The proposed heights are supported by appropriate policy and objectives in the PRZ and BFO schedules.
- The proposed heights generally provide an appropriate transition to surrounding residential areas.

Based on the above findings, the Committee concludes:

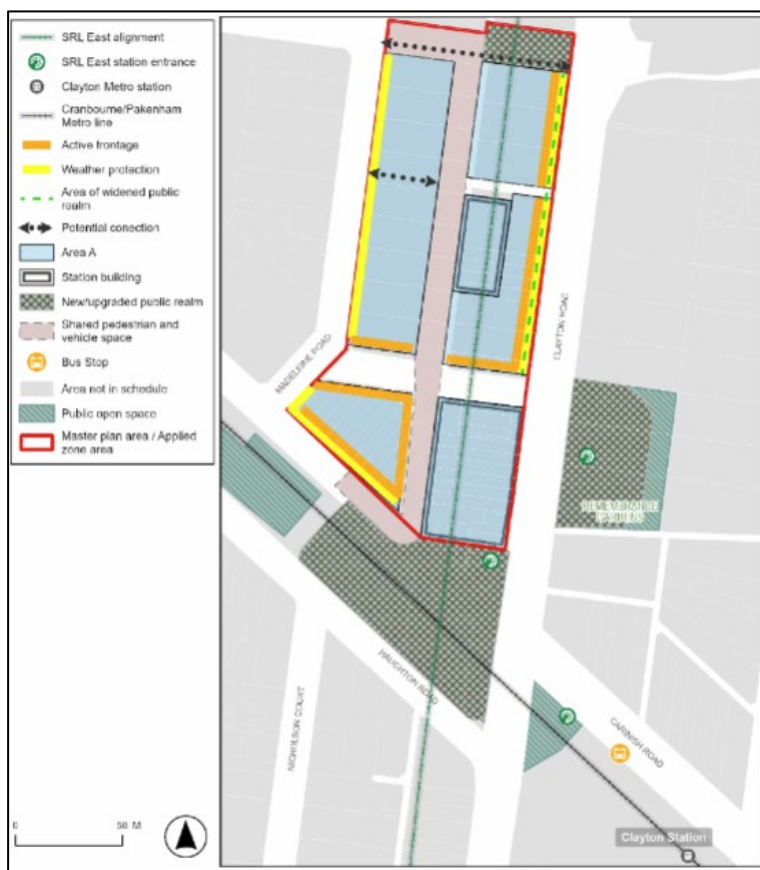
- The proposed maximum building heights as specified in the draft Structure Plan and draft Amendment and transition to residential areas are generally appropriate, subject to the modifications recommended in this report.

5.5 Madeleine Road and Station Development Area

(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights for Madeleine Road and the SDA in Figure 4.

Figure 4 Madeleine Road East and Station Development area preferred building heights plan from the draft



Source: Day 3 document PRZ2 Map 1 to Schedule 2 to Clause 37.10: Use and Development Framework Plan

(ii) Draft Amendment

Madeleine Road East and the SDA are within Monash PRZ2 (Use and Development Framework Plan). The Day 3 documents the site has a proposed maximum building height of 41 metres with heights increasing up to 69 metres for a single development along each of Clayton Road and Madeleine Road 'where development would emphasise the urban structure'.

Immediately to the west, the land in Madeleine Road is within Monash BFO3 and has a maximum building height of 25 metres.

(iii) Evidence and submissions

Given the width of Madeleine Road, at 14.5 metres, both Mr Partos and Mr Sheppard raised concerns about the height on the SDA and its impact on buildings along the street. Mr Partos initially sought a reduction from 69 metres to 50 metres across the whole of the

SDA. Mr Sheppard gave evidence that the overall height should be reduced to 41 metres with a provision for landmark forms to rise to 69 metres.

Mr Barnes initially suggested that the land to the west of Madeleine Road be increased in height from 6-7 storeys to 10 storeys to assist in the transition from the 69 metres nominated for the SDA. Mr Barnes accepted Mr Sheppard's subsequent suggestion to reduce the height for the SDA to 41 metres.

Having heard the evidence of Mr Sheppard, Mr Partos and Mr Barnes there was general agreement on the proposed reduction in height for the SDA from 69 metres to 41 metres with two landmark buildings rising to 69 metres.

Monash Council and the Proponent supported this position.

(iv) Discussion

The Committee is in general agreement with the position reached between by the parties on the SDA and Madeleine Road. The Committee agrees that the heights within the Madeleine Road and SDA should be reduced to 41 metres with a height of 69 metres at the two Landmark sites. These heights are reflected in the Day 3 documents.

(v) Finding

The Committee finds:

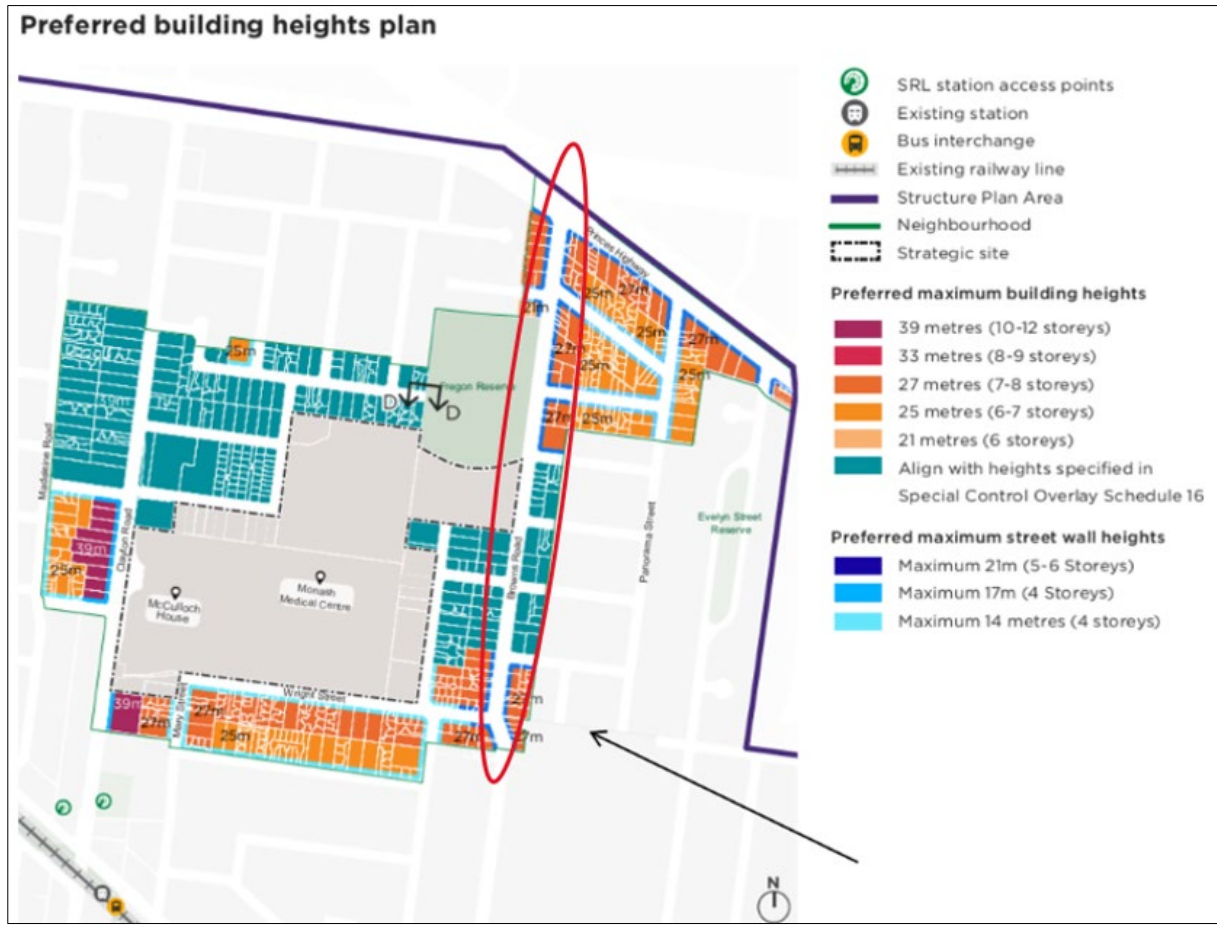
- The proposed building heights in Monash PRZ2 Madeleine Road and the SDA in the Day 3 documents are appropriate.

5.6 Browns Road

(i) Draft Structure Plan

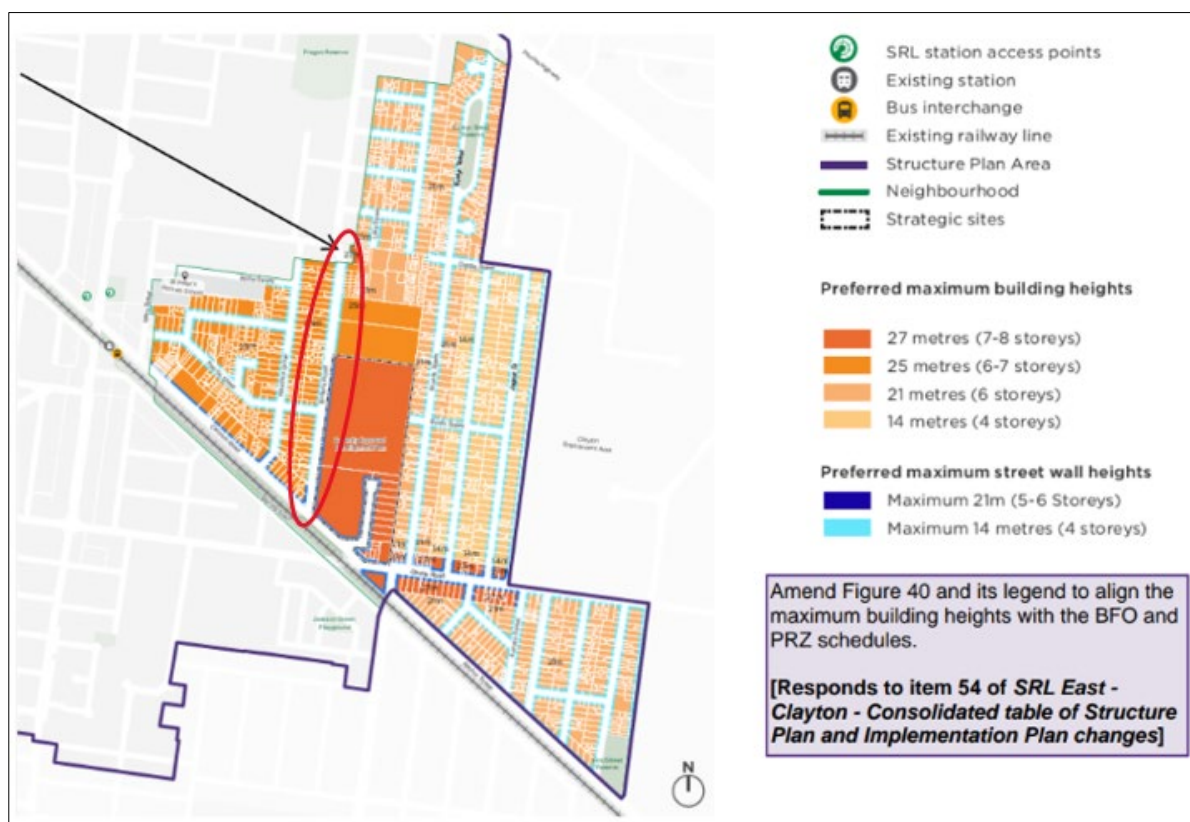
The draft Structure Plan shows the preferred building heights for Browns Road in Figures 29 and 40 of the draft Structure Plan (Figure 5 and Figure 6).

Figure 5 Preferred building heights plan



Source: Draft Structure Plan (emphasis added by Committee)

Figure 6 Draft Structure Plan



Source: Draft Structure Plan (emphasis added by Committee)

(ii) Draft Amendment

Browns Road is within Monash BFO3 and falls within Area A in the north with a 27-metre maximum height limit and Area B in the south with a 25-metre maximum height limit.

(iii) Evidence and submissions

The Committee was informed by the Proponent that a submission to the exhibited Amendment sought an increase to the exhibited building height controls for this section of Browns Road. The author of the original submission did not request to be heard by the Committee and did not refer its submission to the Committee.

In his evidence, Mr Sheppard explained that the submitter was seeking the ability to develop a 4-storey building on a single lot, given the limited ability for future lot consolidation in this part of Browns Road.

Mr Sheppard gave evidence that he did not believe the limited number of original dwellings in this particular area to warrant compromising amenity through greater height. He recommended that 21-29 Browns Road should be reduced in height to a maximum of 21 metres (included in Area D).

The Proponent agreed with Mr Sheppard's evidence and this is reflected in the Day 3 documents.

Monash Council did not make specific submissions in relation to Browns Road.

(iv) Discussion

It is not clear why practical constraints such as the ability to consolidate lots has not influenced the preferred building heights in the BFO schedules.

However, in this instance, the Committee agrees there is limited prospect of a 4-storey building being constructed on a single lot and it accepts the evidence of Mr Sheppard that a 21-metre building height is acceptable. This is reflected in the Day 3 documents.

(v) Finding

The Committee finds:

- The proposed building heights in Browns Road in Monash BFO3 in the Day 3 documents are appropriate.

5.7 Kanooka Grove

(i) Draft Amendment

The eastern side of Kanooka Grove has a preferred maximum height of 15 metres (4 storeys) in the Day 3 documents.

(ii) Evidence and submissions

In his evidence, Mr Sheppard provides a summary of the original submission which raised a concern about the amenity impact of an 8-storey building on Kanooka Grove due to the amenity impacts on dwellings to the south.

Mr Sheppard gave evidence that the exhibited MON BFO3 contains a maximum building height of 27 metres along the east side of Kanooka Grove which allows buildings up to 8 storeys.

The Committee was made aware during the Hearing that the Proponent and the Monash Medical Centre had reached agreement on reducing the maximum building height to 15 metres for most of these properties because of the helicopter flight path into the Monash Medical Centre (refer to Appendix C). This was reflected in the Day 1 documents and Day 3 documents.

(iii) Discussion

The Committee acknowledges that the Proponent and the Monash Medical Centre had reached agreement on reduced maximum building height to 15 metres because of the flight paths. It is paramount the Monash Medical Centre's helicopter emergency flights can operate without disrupting their paths. The Committee considers the reduced height specified in the Day 3 documents will achieve that outcome.

(iv) Finding

The Committee finds:

- The maximum building heights of 15 metres (4 storeys) in Kanooka Grove shown in Monash BFO3 in the Day 3 documents is appropriate.

5.8 Audsley Street

(i) Draft Amendment

The Audsley Street area is identified in Kingston BFO5 (Figure 7). Parts of Audsley is in BFO5 Area A which has a preferred maximum height limit of 27 metres. Other parts are in Area B which has a preferred maximum height of 25 metres.

Figure 7 Day 3 document BFO 5



Source: Map 1 BFO5

(ii) Evidence and submissions

City Timber owns the properties at 8 Audsley and 1400, 1380-1388 Centre Road. The Proponent have reached an agreement with City Timber on the development of the land (refer to Appendix C).

No evidence or submissions raised any concern in relation to the building heights in this area.

(iii) Discussion

The Committee supports the maximum building height of 27 metres across the whole of the City Timber site. While the Committee has made some broader recommendations in relation to the designation of strategic sites and pedestrian links (other elements of the agreed outcome explained in Appendix C) this does not affect its conclusion in relation to height.

(iv) Finding

The Committee finds:

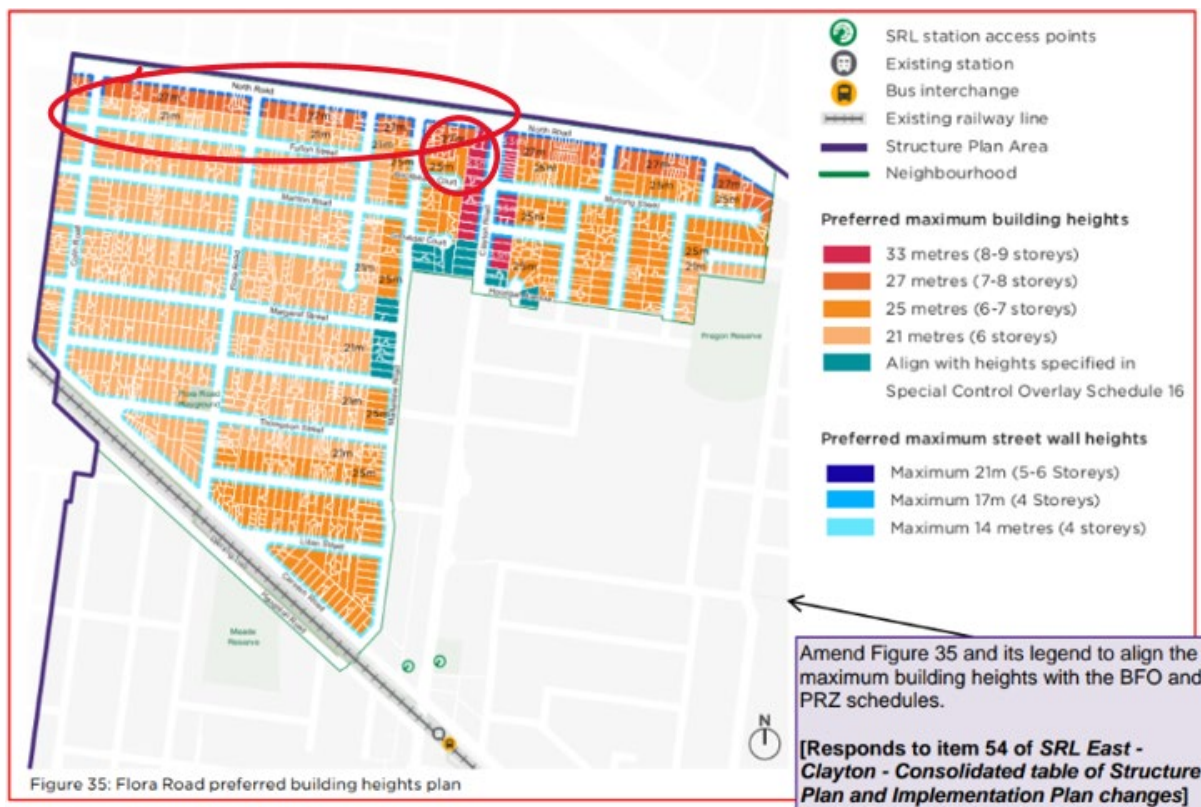
- The proposed maximum building heights in Audsley Street in Kingston BFO5 in the Day 3 documents are appropriate.

5.9 North Road

(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights for North Road in figure 35 of the draft Structure Plan (Figure 8).

Figure 8 Preferred building heights for North Road



Source: Figure 35 draft Structure Plan (emphasis added by Committee)

(ii) Draft Amendment

North Road is in the Monash BFO3- Key Movement Corridor with a preferred maximum height of 27 metres (7-8 storeys).

(iii) Evidence and submissions

The Committee was informed by the Proponent that a submission to the exhibited Amendment sought changes to the maximum building heights on properties along North Road. The author of the original submission did not request to be heard by the Committee and did not refer its submission to the Committee.

Mr Sheppard gave the following evidence in relation to heights on North Road²:

The North Road properties are within the Key Movement Corridor (Monash BFO3), where the proposed maximum building height is 27m (7-8 storeys), and the proposed maximum height of the residential area to its south (in Monash BFO4 Residential Neighbourhoods) is 21m (6 storeys) for sites with a frontage width of 24m or greater. I accept that both scales of

² Document CLA 031 Expert Report of Mark Sheppard (urban design), [42]

development represent a stark change from the existing character. However, as outlined in Design Direction 5 in the Urban Design Report, substantial change to the existing character is envisaged in response to the SRL project, rather than its protection. I consider the relatively modest change in height between the two areas to represent an acceptable transition.

Mr Partos did not recommend any built form controls in relation to this submission.

Mr Barnes agreed with the heights on North Road. Monash Council agreed with Mr Barnes and did not seek any changes to the maximum building height on North Road.

(iv) Discussion

The Committee acknowledges the submission is concerned about the height of development on North Road properties and its impact on the 1-2 storey residential buildings to the south. It accepts Mr Sheppard's evidence that the proposed maximum building height of 27 metres is only for sites with a frontage of 24 metres or greater. This would increase the development area to accommodate other built form responses including setbacks. The North Road has a road reservation width of about 60 metres provides the urban environment to sustain heights of up to 27 metres.

(v) Finding

The Committee finds:

- The proposed building heights on North Road in Monash BFO3 in the Day 3 documents are appropriate.

5.10 Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road

(i) Draft Amendment

This area is in Monash BFO4 Area A – Residential Neighbourhood with a preferred maximum building height of 21 metres (Figure 9).

Figure 9 Location of residential areas



Source: Monash BFO4 Area A - Residential Neighbourhood (emphasis added by Committee)

(ii) Evidence and submissions

Mr Sheppard provided the following evidence in response to submission about building heights in these low-rise residential areas:

Various submissions raise concerns about the proposed maximum building height in low-rise residential areas. These heights are intended to facilitate intensification to realise the vision for the precinct. However, in Residential Neighbourhoods they are complemented by significant side and rear setbacks and canopy tree requirements, which will mitigate their impact on the character and amenity of these residential areas. This is explained in section 6.7 of the Urban Design Report.

The Proponent noted that no experts recommend wholesale reduction to building heights in this area. It submitted that the heights are appropriate for an area of transformative change.

Mr Barnes supported the building heights proposed in Fulton Street, Manton Road, Edinburgh Street, Alice Street and Ormond Road, on the basis that these areas “*will fundamentally change... as a logical and reasonable consequence of the SRL East project*”.

Monash Council agreed with the evidence of Mr Barnes and did not seek any changes to building heights in these streets. It reiterated its concern regarding the deemed to comply nature of the controls proposed throughout the Residential Neighbourhoods, given the lack of testing undertaken.

(iii) Discussion

The Committee notes that these properties fall into Monash BF04 and that there are provisions for site with a frontage of less than 24 metres to have a height of 11 metres, and sites with a frontage greater than 24 metres in Area A to have heights up to 21 metres.

Given the Committee's conclusions in the General Issues Report (Volume 3) in relation to different amenity protections and the operation of deemed to comply provisions, the Committee accepts the proposed maximum building heights in this residential precinct given the policy direction for transformative change.

(iv) Finding

The Committee finds:

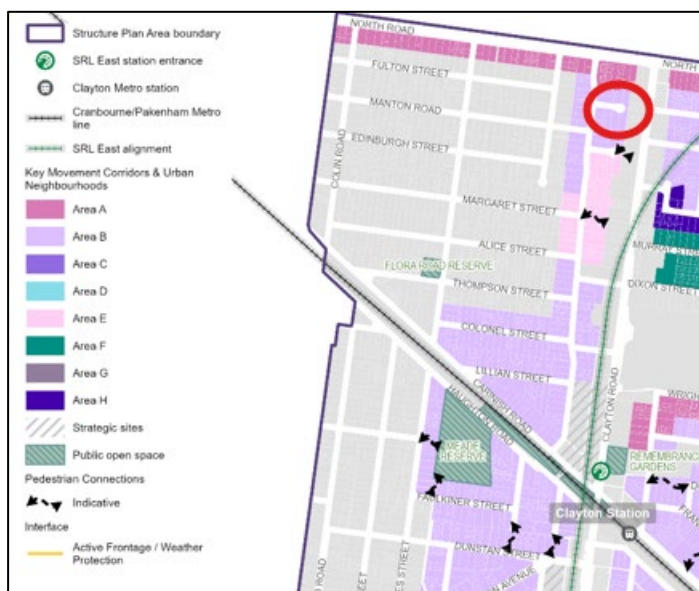
- The proposed building heights in the Residential areas, including Fulton Street, Manton Road, Edinburgh Street, Margaret Street, Alice Street and Ormond Road as shown in Monash BFO4 in the Day 3 documents are appropriate

5.11 2 Rockbeare Court

(i) Draft Amendment

2 Rockbeare lies between Madeleine Road and Clayton Road, just to the south of North Road. It is in BFO3 with a preferred height of 25 metres (Figure 10).

Figure 10 Extract from Day 3 BFO3 showing 2 Rockbeare Court



Source: Day 3 documents (emphasis added by Committee)

(ii) Evidence and submissions

The Proponent advised that a submission to the exhibited Amendment requested that 2 Rockbeare Court and 1452-1454 North Road, 1456 North Road and 1458 North Road, Clayton, be included in Area 2 of Monash PRZ1 rather than Area 3. The author of the original submission did not request to be heard by the Committee and did not refer its submission to the Committee.

Mr Sheppard did not support this change, and saw these properties as clearly part of a different urban form than the Clayton Road corridor.

Mr Barnes supported the maximum building height at 2 Rockbeare Court. Monash Council agreed that no change was required to the building heights in this location.

(iii) Discussion

The Committee agrees that Rockbeare Court is distinct from the Clayton Road corridor because it is of a residential character compared to the Clayton Road corridor which is a key movement corridor. The proposed maximum building height of 25 metres better aligns with the future urban form on properties south of North Road.

The Committee agrees with the evidence of Mr Sheppard and Mr Barnes and does not support any changes to building height in this location.

(iv) Finding

The Committee finds:

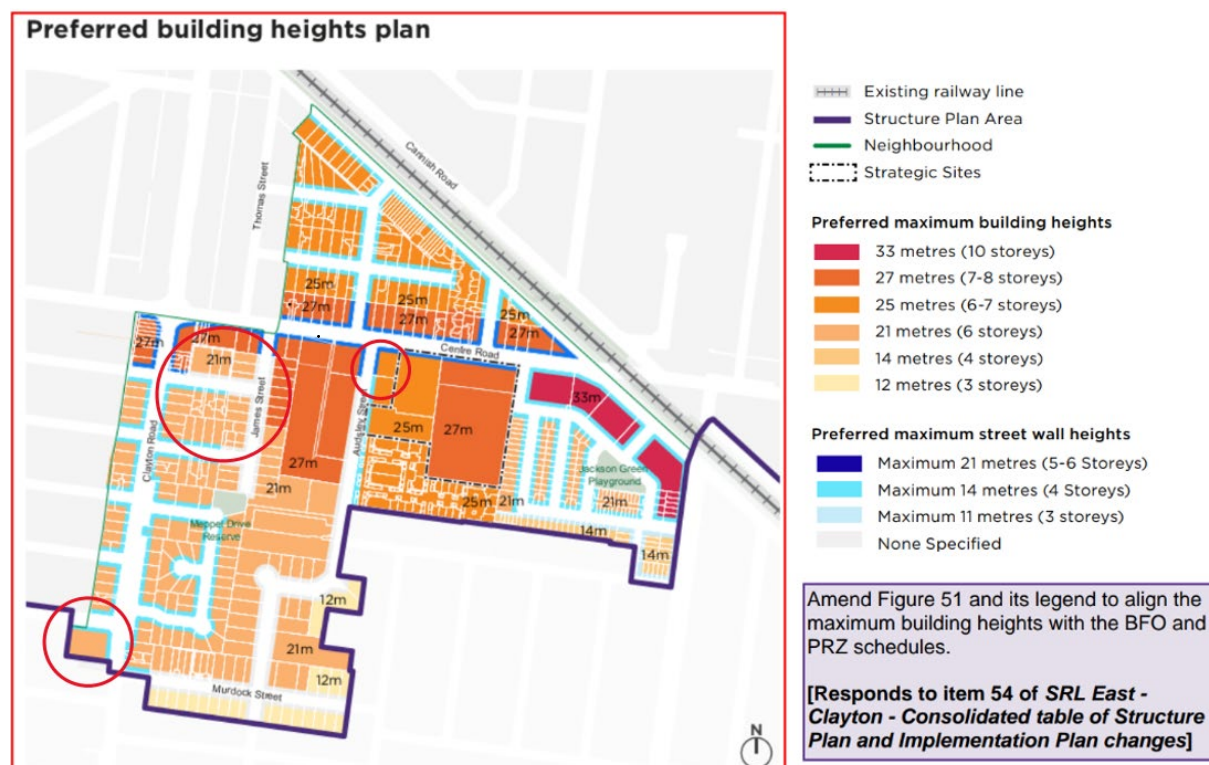
- The proposed building heights in Rockbeare Court in Monash PRZ1 in the Day 3 documents are appropriate.

5.12 465-469 Clayton Road

(i) Draft Structure Plan

The draft Structure Plan shows the preferred maximum building heights for Clayton Road in Figure 11.

Figure 11 Preferred building heights for Area A

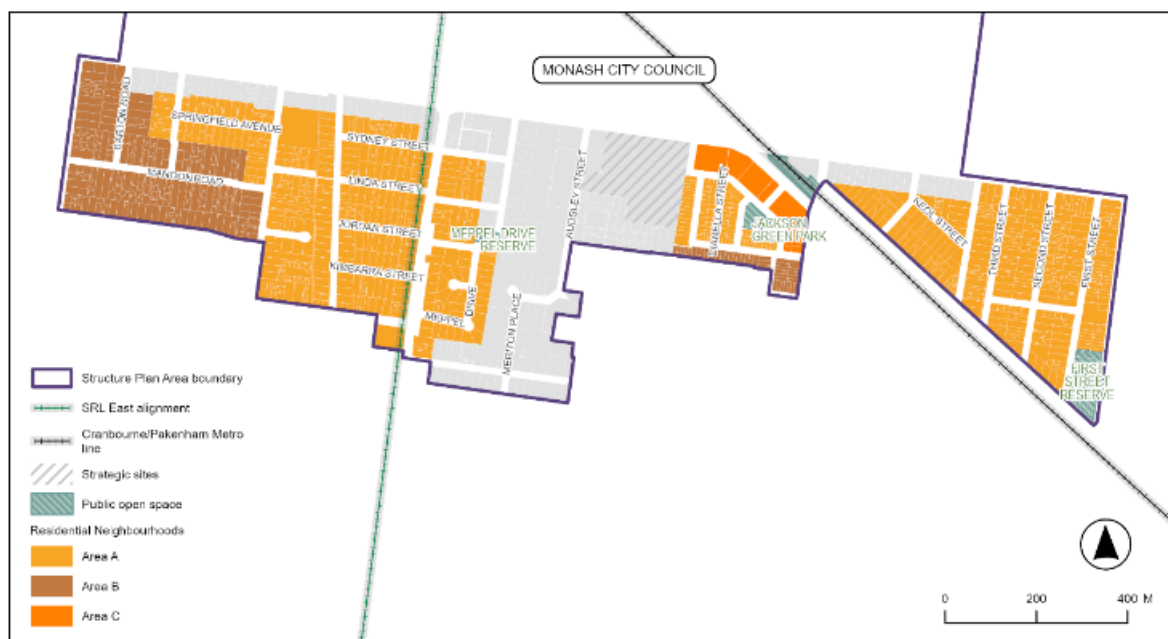


Source: Figure 51 Draft Structure Plan (emphasis added by Committee)

(ii) Draft Amendment

The Day 3 documents show the subject sites in Kingston BFO6 Area A with a preferred height of 21 metres (Figure 12).

Figure 12 Extract from BFO6



Source: BFO6

(iii) Evidence and submissions

Ms. Waty considers that the height on these sites should be reduced from 21 metre to 14 metres due to their sensitive interface with the residential properties outside the draft Structure Plan Area.

Mr Sheppard agrees and recommends that it be included in Kingston BFO6 Area B with a maximum height limit of 14 metres.

Kingston Council agreed with the evidence and submitted that a 14-metre height was most appropriate.

The Proponent disagreed with the evidence and submitted that the 21-metre height is appropriate given the size of the site, 3,500 square metres and its frontage to Clayton Road and that the interface issues can be addressed by specification in the controls.

(iv) Discussion

The intended heights in the draft Structure Plans are 21 metres. The Proponent is of the view that 21 metres is appropriate, whereas Ms Waty and Mr Sheppard gave evidence that a 14-metre height was preferred.

The Committee agrees with the views of the experts, there is no clear justification to apply the 21 metre heights in this location given the adjacent residential properties outside the Structure Plan Area.

(v) Findings, conclusion and recommendation

The Committee finds:

- The maximum building heights shown in Kingston BFO6 for 465 -469 Clayton Road are strategically justified.
- There is no clear justification to apply the 21 metre heights in this location given the adjacent residential properties outside the Structure Plan Area.
- The 14 metre height recommended by experts is supported.

Based on the above findings, the Committee concludes:

- The maximum building heights in Kingston BFO6 for 465 -469 Clayton Road are not appropriate.

The Committee recommends:

- 2. CLA R01: Kingston Built Form Overlay Schedule 6 should be amended to make 465 -469 Clayton Road a building height of 14 metres instead of 21 metres.**

5.13 409 Clayton Road and 1389-1391 Centre Road

(i) Draft Structure Plan

The draft Structure Plan shows a preferred maximum building height of 27 metres for 409 Clayton Road and 39 metres for 1389-1391 Centre Road as shown in Figure 13.

Figure 13 Preferred building heights for 409 Clayton Road and 1389-1391 Centre Road



Source: Figure 21 draft Structure Plan (emphasis added by Committee)

(ii) Draft Amendment

The exhibited draft Amendment shows 409 Clayton Road in BFO2 Area A with a preferred maximum building height of 25 metres. The site is immediately adjacent to 1389-1391 Centre Road which is in Monash BFO1 Area A with a preferred height of 39 metres. The Day 3 documents do not alter the preferred building heights.

(iii) Evidence and submissions

Mr Partos raised concerns in relation to designated building heights attributed to the above two sites and made the following observations:

- 409 Clayton Road is located at the northwest intersection of Clayton Road and Centre Road intersection. Identified as a landmark site in the Urban Design Report, it marks the southern entrance to the Clayton retail precinct from Centre Road, identified in the draft Structure Plan as Neighbourhood A: Clayton Central, and consequently is visually important to visitors arriving from the east or west. However, the site is considered part of BFO2, located in Area A, which is focussed on the retail precinct fronting Clayton Road. By contrast the site at 1389-1391 Centre Road, immediately to its west is affected by BFO1 in Area A.
- The Centre Road site is considered a high growth area site, incorporating development on the car park and existing supermarket. However, the site at the corner of Clayton Road is considered a medium growth site, although it comprises a similar land parcel size.
- He was aware that Monash Council had previously approved a development at 409 Clayton Road. The approval (2023) was for a 56-metre tall building over a 12-metre podium. This is considerably taller than the height identified in BFO2 and suggests that the corner site is better suited for significant change in future growth as identified for the Centre Road site to its west.

Ms Waty was of a similar view and considered the landmark status of 409 Clayton Road should be identified in the draft Amendment. She supported the building height increasing to 39 metres provided that acceptable overshadowing of the public realm could be achieved.

Mr Barnes also believed that the height on 409 Clayton Road should be increased to 39 metres. He considered the existing planning permit should not be used as a template for the BFO schedule controls.

Mr Sheppard in his reply evidence responded to these recommendations was of the view:

- The Potential Landmark Building locations identified in Figure 5.2 of the UDR (page 59) are suitable for taller buildings, consistent with Built Form Strategy BF15.
- Such landmark buildings may exceed the maximum building height by 20 per cent (or up to a height of 69 metres in the case of the two landmarks in the SDA), provided they achieve design excellence.

The Proponent did not propose to change the height controls for 409 Clayton Road, however it included transitional provisions to enable development under the existing planning permit.

Monash Council agreed with the evidence of Mr Barnes and Ms Waty. It recommended the height for 409 Clayton Road be increase to 39 metres, more closing the strategic intentions for the site.

(iv) Discussion

Given the strategic location of these sites, the Committee supports their identification as landmark sites. The built form controls should reflect this. It is not logical to identify a landmark site on a corner with a lower preferred height than a site immediately to the west in a less prominent location.

The Committee agrees with Mr Barnes and Monash Council that the height at 409 Clayton Road should be increased to 39 metres.

The Committee also agrees with Mr Barnes that the existing planning permit should not be used as a template for the BFO schedule controls.

The Committee received limited submissions or evidence in relation to the proposed height for 1389-1391 Centre Road (39 metres) and has no basis on which to find it is not suitable.

(v) Findings, conclusion and recommendation

The Committee finds:

- 409 Clayton Road should be identified as a landmark site.
- The site should have a preferred maximum building height of 39 metres, reflecting the landmark status.
- It is not appropriate to use the existing planning permit as a template for the proposed maximum building height in the BFO schedule.
- There proposed height for 1389-1391 Centre Road (39 metres) is appropriate.

Based on the above findings, the Committee concludes:

- The proposed maximum building height at 409 Clayton Road is not appropriate.
- The proposed maximum building height for 1389-1391 Centre Road is appropriate.

The Committee recommends:

- 3. CLA R02: Amend the draft Clayton Structure Plan and Monash Built Form Overlay Schedule 2 to increase the preferred maximum height for 409 Clayton Road from 27 metres to 39 metres.**

5.14 Transition to residential and other areas

The transition to residential areas for several sites was the subject of evidence and submissions. The Committee has summarised these here, however the Committee notes the consideration of heights is closely related to the Setbacks Referred Matter (discussed in Chapter 7).

- Land bound by Burton Ave, Cooke Street and Centre Road.
- Remembrance Gardens
- Lillian Street – (Green Street)
- 359-365 Clayton Road and 2 Cooke Street

- 1376-1388 Centre Road
- Jackson Green

5.14.1 Land bound by Burton Ave, Cooke Street and Centre Road

(i) Draft Structure Plan

The draft Structure Plan shows the preferred building height of 25 metres for the land bound by Burton Ave, Cooke Street and Centre Road properties in figure 21.

(ii) Draft Amendment

The draft Amendment categorises the land bound by Burton Ave, Cooke Street and north of Centre Road properties as Area B with a preferred building heights of 25 metres in Monash BFO3 (see Figure 14).

Figure 14 Land bound by Burton Ave, Cooke Street and Centre Road preferred building heights



Source: Monash BFO3 Map 1 to Schedule 3 to Clause 43.06 (emphasis added by Committee)

(iii) Evidence and submissions

Mr. Barnes gave evidence that the maximum building height in this area should increase from 7-8 storeys up to 10 storeys.

Mr Sheppard did not support this increase, citing concern about the amenity impact on the surrounding streets. Specifically, he noted that lots in the surrounding area are generally 15 metres wide and 45 metres deep, and that the amenity on these properties would be compromised by a 10 storey building.

The Proponent did not support the change in the maximum building height.

(iv) Discussion

The area bound by Burton Ave, Cooke Street and Centre Road properties includes the Clayton Community Centre along Cooke Street, Clayton Community Church along Burton Avenue and an open lot car park. Good solar access will be essential given the location of the community centre and the Church, and the potential to convert the open lot carpark into an important public space.

Enabling building heights beyond 25 metres (about 7 to 8 storeys) would result in unacceptable amenity impacts on properties in surrounding streets, particularly on smaller lots.

The Committee supports the proposed maximum building heights in this location which reflect a better balance between increased development and amenity.

(v) Finding

The Committee finds:

- The preferred maximum building height of 25 metres for the land bound by Burton Ave, Cooke Street and Centre Road properties in Monash BFO3 in the Day 3 documents are appropriate.

5.14.2 Remembrance Gardens

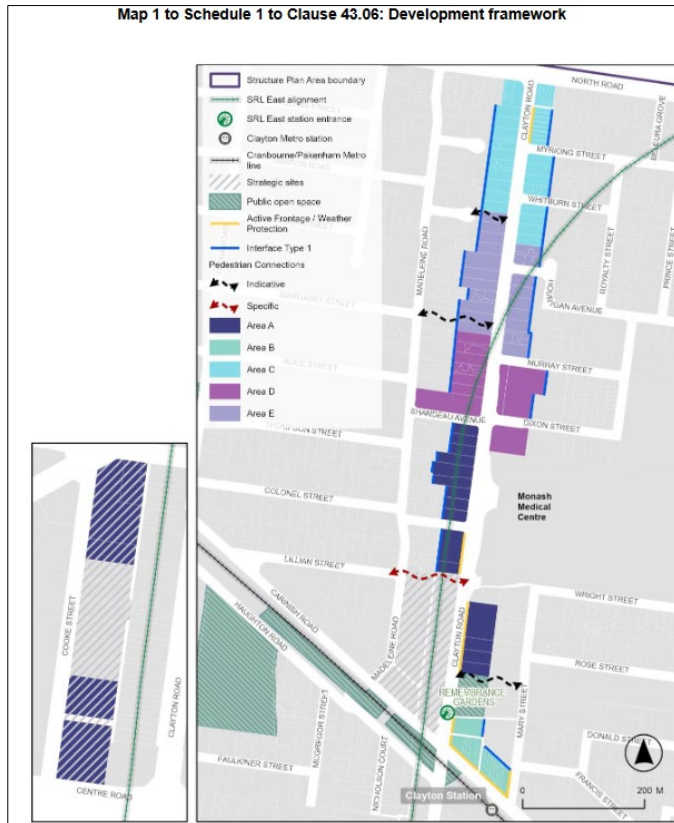
(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights adjacent to Remembrance Gardens in Figure 21 of the draft Structure Plan.

(ii) Draft Amendment

The Remembrance Gardens and adjacent Clayton Hall are subject to Public Use Zone (Monash PUZ6). Adjacent land to the north, east and south is affected by proposed PRZ1, and to the west side of Clayton Road, by proposed PRZ2. The site to the north is in BFO1 Area A with a preferred height of 39 metres (Figure 15).

Figure 15 Map showing location of Remembrance Gardens



Source: BFO1 in the Day 3 documents

(iii) General Issues conclusion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 9.6) that the proposed measures in the draft structure plans and draft Amendment are not appropriate to minimise overshadowing and maintain solar access to the public realm.

(iv) Evidence and submissions

Mr Sheppard gave evidence that BO4 in BFO1 should be amended to require that buildings no cast shadows on more than 50 per cent of Remembrance Gardens between 10:30am and 1:30pm on 21 June.

Mr Partos gave evidence that Remembrance Gardens and the adjacent Clayton Hall should be protected from overshadowing between 11:00am and 2:00pm on 21 June. He recommended:

Remembrance Gardens and adjacent Clayton Hall be protected from any shadow cast between 11am and 2pm on 21st June, other than by an 11m high wall located on the abutting sites to the north, located 6m north of the common boundary and that this protection is mandatory.

Ms Thompson gave evidence that good solar access was important all year round and she favoured the use of the winter solstice as an appropriate control.

The Proponent adopted Mr Sheppard's evidence and included the following decision guidelines in the Day 3 documents:

Development should not unreasonably reduce sunlight on nominated public open spaces in Standard BF04. Whether the extent of shadowing cast onto the nominated public open spaces in Standard BF04 will have an adverse impact on the quality, amenity, nature and use of the space. Where the shadows increase beyond that cast by the applicable building envelope, consider the following:

- The siting and width of upper levels, including whether shadowing is the result of departing from the maximum podium height (specified in Standard BF05), minimum side and rear setbacks and building separation (specified in Standard BF06) requirements specified in this schedule.
- The extent to which sunlight will be available at the time specified in Standard BF04 including shadows cast by adjacent buildings.
- The degree to which additional shadowing can be minimised and the duration of overshadowing relative to the overall duration of sunlight within the time specified in Standard BF04.

Monash Council did not support the approach presented by the Proponent. It submitted that it was a key public space that needed to be protected. It added:

The approach proposed by Mr Sheppard is fundamentally inequitable. Council repeats its concerns regarding the 'allowable shadow' concept, as described in both of its General Issues and Monash Precinct submissions.¹¹³ It does not repeat them here, save to say that this is yet another worked example which demonstrates that such an approach simply does not work.

(v) Discussion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 10.6) that the shadowing controls for public open space are not appropriate and recommended a different approach (GI R27).

Remembrance Gardens is a key public open space and the Committee agrees with Monash Council that it is inequitable to apply built form controls on one site to the north, but no equivalent control on other sites such as the SDA.

The overshadowing controls recommended in the General Issues Report (Volume 3) (GI R27) should be adopted for Remembrance Gardens, specifically:

- The street wall should form the basis for allowable shadow
- Allowable shadow should be based on the winter solstice
- Be mandatory

While this will moderate the built form outcomes in and around the gardens, this is appropriate given the role of this space and the fact that there is demonstrated sufficient floor space capacity within the precinct.

(vi) Findings, conclusions and recommendations

The Committee finds:

- Remembrance Gardens is a key public open space.
- It is inequitable to apply built form controls on one site to the north, but no equivalent control on other sites such as the SDA.
- The overshadowing controls recommended in the General Issues Report (Volume 3) should be adopted for Remembrance Gardens

Based on the above findings and conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The proposed maximum building heights (and overshadowing impacts) around the Remembrance Gardens are not appropriate.

The Panel recommends:

- 4. Refer to recommendation GI R27 in the General Issues Report (Volume 3).**
- 5. CLA R03: Amend the draft Clayton Structure Plan and Monash Built Form Overlay Schedule 1 to apply the shadow controls recommended by the Committee in the General Issues Report (Volume 3) (Recommendation GI R27) to Remembrance Gardens and the adjacent Clayton Hall.**

5.14.3 Lillian Street (Green Street)

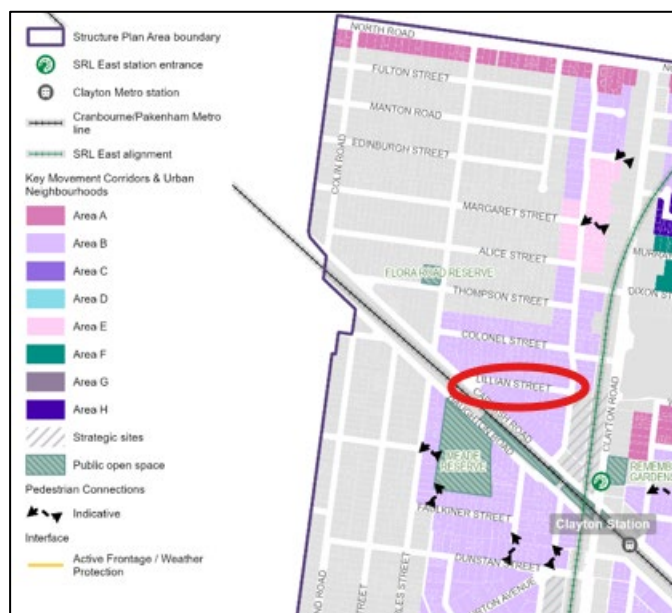
(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights for Lillian Street.

(ii) Draft Planning Amendment

The draft Amendment identifies Lillian Street in Monash BFO3 Area B with a 25-metre preferred maximum height, 3-metre front setback to a height of 21 metres with an additional 4-metre setback above 21 metres (Figure 16).

Figure 16 Lillian Street in Day 3 Monash BFO3



Source: Day 3 documents Monash BFO3 (emphasis added by the Committee)

(iii) General Issues conclusion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 9.6) that the proposed measures in the draft Structure Plan and draft Amendment are not appropriate to minimise overshadowing and maintain solar access to the public realm.

(iv) Evidence and submissions

Mr Partos sought solar access to the south side of Lillian Street between 11:00am and 2:00pm on 21 June.

Monash Council sought discretionary protection to all but the northern footpaths of green streets at the equinox, with decision guidelines supporting an hour of solar access at the winter solstice.

Mr Howe's view was that solar access at the winter solstice was not necessary.

Mr Sheppard's view was that the current built form controls would ensure that the southern side of east-west green streets would receive solar access at the equinox and that no changes to the controls are warranted.

(v) Discussion

The Committee was sympathetic to the views of Mr Partos and Ms Thompson and notes the conclusions in relation to overshadowing of the public realm.

The Committee is not satisfied that the provisions of the BFO schedules that seek to manage the impacts of overshadowing on public open spaces and the public realm are appropriate, including in Lillian Street. The Committee agrees with this finding.

(vi) Findings, conclusion and recommendation

The Committee finds:

- that the protections recommended in the General issue report (GI R27) should be applied to Lillian Street to provide sunlight to the southern footpath of east-west streets between 11:00am -2:00pm at the equinox and to east and/or west of north-south streets between 11:00am-2:00pm at the equinox.

Based on the above finding and the conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The proposed maximum building heights (and overshadowing impacts) on Lillian Street are not appropriate.

The Panel recommends:

6. Refer to recommendation GI R27 in the General Issues Report (Volume 3).

7. CLA R04: Amend the draft Structure Plan and Monash Built Form Overlay Schedule 3 to apply the overshadowing controls recommended in the General Issues Report (Volume 3) (Recommendation GI R27) to Lillian Street.

5.14.4 359-365 Clayton Road and 2 Cooke Street

(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights for 359-365 Clayton Road and 2 Cooke Street.

These parcels of land are located centrally in the Clayton Structure Plan Area and lie along the western side of Clayton Road, south of Dunstan Street and east of Centre Road.

A Coles supermarket and large car park currently occupy the sites siting behind existing single and double storey shops to Clayton Road.

(ii) Draft Amendment

The draft Amendment places 359-365 Clayton Road in Monash BFO2 Area A with a preferred maximum building height of 25 metres. 2 Cooke Street is designated a Strategic Area (Figure 17).

Figure 17 Day 3 Monash BFO2



Source: Day 3 documents Monash BFO2

(iii) Evidence and submissions

Mr Partos gave evidence that that building heights in this location should be altered (increased to 33 metres along Clayton Road), setbacks and mandatory solar protection to Clayton Road and the east-west boundary.

Ms Waty raises concern that the "Cooke Street car park" is identified for greater height than the Clayton Road/Centre Road corner sites and that *"This allocation appears misaligned with urban design principles and lacks a clear rationale"*.

Mr Sheppard did not support Mr Partos for an increase in height of the Clayton Road properties from 25 metres to 33 metres given the limited floor space that would be added and the stepped form that would result. He also indicates that the upper level setback

allows for adequate sunlight to the Clayton Road footpaths. He accepted Mr Partos's recommendation for a rear setback for properties abutting Centre Road to 6 metres above ground level.

The Proponent accepted the recommendation for an increased setback at the rear, but not the proposed changes in height.

(iv) Discussion

The Committee shares the view that the level of development proposed on these sites is appropriate for their designation as Central Flank and that no additional height or modification other than the rear setback for properties abutting Centre road is required.

The Committee accepts the change to the rear setback and this is reflected in the Day 3 documents.

(v) Finding

The Committee finds:

- The proposed building heights at 359-365 Clayton Road and 2 Cooke Street in the Day 3 documents are appropriate.

5.14.5 Jackson Green

(i) Draft Structure Plan

The draft Structure Plan shows the preferred maximum building heights for Jackson Green.

(ii) Draft Amendment

The draft Amendment includes Jackson Green in Kingston BFO6 with a preferred maximum building height of 33 metres (Figure 18).

Figure 18 Day 3 Kingston BFO6



Source: Day 3 documents Kingston BFO6 (emphasis added by Committee)

(iii) Evidence and submissions

Ms Waty considered the recently completed development at Jackson Green is unlikely to change in the immediate future and recommended amending the maximum building heights in Kingston BFO6 for the Jackson Green development from 33 metres to 27 metres to reflect the heights of the existing buildings.

Mr Sheppard did not consider the future growth of properties in Jackson Green Precinct should be constrained by the building height of existing development, except for 16-18 Lomandra Drive and 456 Haughton Road. While the likelihood of future redevelopment of this land during the time horizon of the draft Structure Plan is limited, it is appropriate that the built form specifications match those that apply elsewhere within the precinct.

The Proponent supported the evidence of Mr Sheppard, as reflected in the Day 3 documents.

(iv) Discussion

It was evident on the site visit that Jackson Green has been recent redeveloped and is strata title ownership. While the Committee agrees that this makes it less likely that the site will be developed in the medium or long term, the existing conditions should not drive the preferred maximum building heights in a location.

The preferred maximum building heights should reflect the future vision and objectives for the precinct, not existing conditions. Even if the prospect of redevelopment is slim, this does not alter the preferred built form outcomes for the precinct.

(v) Findings

The Committee finds:

- The existing built form conditions should not dictate the preferred maximum building heights.
- The preferred maximum building heights should reflect the future vision and objectives for the precinct.
- The proposed maximum building height of 33 metres proposed for Jackson Green is appropriate.

6 Floor area ratio

6.1 Referred Matter

The Referred Matter is:

Whether the mandatory Floor Area Ratio (FAR) controls proposed in the draft Amendment are appropriate, both generally within the Clayton Structure Plan Area and at specific sites, including:

- 2 Cooke Street
- 6 – 18 Cooke Street
- 20 – 22 Cooke Street
- 16 Dunstan Street
- 261 Clayton Road
- 205 – 211 Clayton Road
- 409 Clayton Road
- 1400 & 1380 – 1388 Centre Road
- 8 Audsley Street

6.2 Key issues

The key issues are whether:

- the spatial areas where the FARs have been applied in the Clayton precinct is appropriate
- the nominated public benefits permitted in each of the FAR areas are appropriate
- the nominated FAR in the SDA is appropriate
- the FARs applied to the specific referred sites are appropriate.

6.3 Background

(i) Draft Structure Plan

The draft Structure Plan does not reference FARs.

(ii) Implementation Plan

The draft Implementation Plan does not reference FARs.

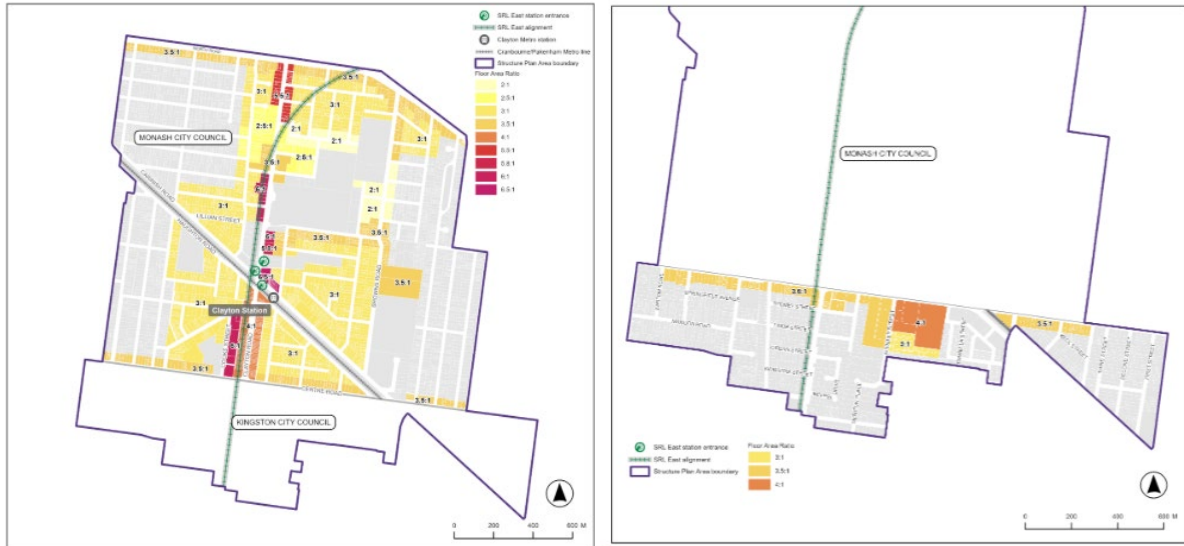
(iii) Draft Amendment

Clause 5.0 of PRZ1 and PRZ3 in Monash and PRZ5 in Kingston provides that a permit must not be granted or amended to construct a building or construct or carry out works with a FAR that exceeds the mandatory maximum identified in the relevant map (Map 2 in each scheme) unless a public benefit is provided, as set out and calculated in accordance with the VPBUF, as amended from time to time.

Figure 19 shows the relevant maps and applicable FARs in Monash and Kingston (except for the SDA). The FAR for the SDA is shown in Table 1 of Clause 3.0 of the Monash PRZ2.

Applicable FARs range from 2:1 to 6.5:1 in Monash, except for the SDA which is 8.5:1, and 3:1 to 4:1 in Kingston.

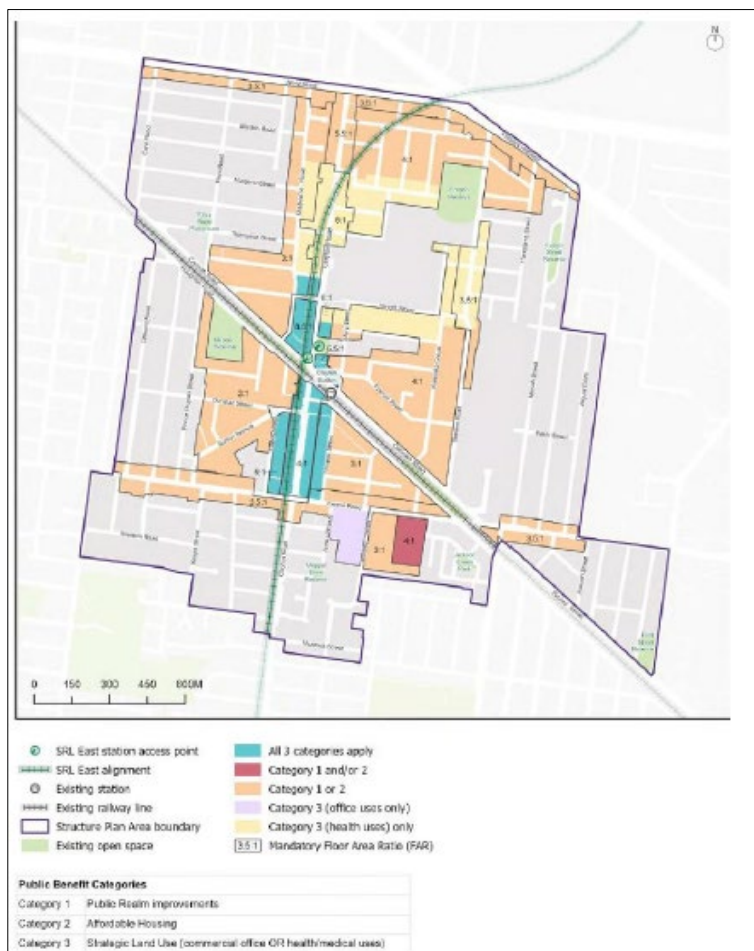
Figure 19 Maps showing Floor Area Ratio controls in Clayton precinct (except for the SDA)



Source: Map 2 to Schedule 1 to Clause 37.10: Public benefit uplift framework (Monash), Day 3 version; Map 2 to Schedule 5 to Clause 37.10: Public benefit uplift framework (Kingston), Day 3 version

The VPBUF specifies the type of public benefits that can be delivered in various locations in Clayton Structure Plan Area where the VPBUF applies as shown in Figure 20.

Figure 20 Voluntary benefit uplift framework as applied to the Clayton precinct



Source: Voluntary Public Benefit Uplift Framework (Document GI 006a)

(iv) Common issues conclusion

The Committee concluded in the Common Issues Report (Volume 2, Chapter 4) that the VPBUF is not appropriate and the FARs should not be included in the draft Amendments, until the further work recommended is completed (CI R01 and CI R02).

(v) Evidence and submissions

The planning and urban design experts did not give specific evidence on the nominated FARs in Clayton and whether they were set at the right level to deliver the intended public benefits. The experts said that the setting of the FAR levels are outside their expertise.

The planning and urban design experts generally supported the application of the FAR controls in the spatial areas identified in the draft Amendment and the nominated public benefits for each FAR area.

Mr Bromhead, planning expert for the Proponent, said:

I am satisfied with the VPBUF being applied to parts of the Structure Plan Area that align with the Central Flanks, Main Streets, Key Movement Corridors and Urban Neighbourhood

typologies, where the public benefits, such as affordable housing, commercial/health priority and public realm improvements, can be delivered in highly accessible locations.³

Mr Barnes, planning expert for Monash Council, assessed the spatial distribution of the FAR areas in the Clayton (Monash) area and considered that they appropriately reflected the general distribution of built height in the draft Structure Plan. He supported the designated public benefits for each FAR area. Mr Glossop, planning expert for Kingston Council, did not raise any issues regarding the FAR controls as applied in Kingston.

Mr Bromhead assessed the FARs for each sites listed in the Referred Matter and considered them to be appropriate for all but one site (noted below) without the need for any change.

Mr Bromhead also assessed 1380-1388 and 1400 Centre Road and 8 Audsley Street (Peluso site) and reviewed submitter concerns about the impact of the FAR on allowable building heights for the site. He considered it appropriate:

- to apply the FAR controls to this strategic site
- that public benefits be delivered if a developer wished to exceed the FAR.

Mr Bromhead recommended the FAR that applies to 1400 Centre Road be extended to 1380-1388 Centre Road and 8 Audsley Street. Ms Waty, urban design expert for Kingston Council, and Mr Sheppard, urban design expert for the Proponent, agreed. This change was accepted by the Proponent and is reflected in the Day 3 documents.

In response to a submission concerned about how the FAR controls would impact an amendment to the existing permit for 409 Clayton Road, Mr Bromhead was comfortable that the transitional provisions introduced in the Day 1 PRZ and BFO schedule controls was an appropriate response to managing the implications of triggering the uplift provisions through the amendment of an existing approval. This change is reflected in Day 3 documents.

Mr Partos, urban design expert for Monash Council, recommended a slightly lower FAR for 2 Cooke Street to encourage *"built form that exhibits some architectural merit"*.⁴ This matter was not pressed by Monash Council and accepted by the Proponent.

In summary, the Proponent submitted:

Subject to the minor increase to the FAR at 1380-1388 Centre Road 8 Audsley Street to 4:1, and other consequential changes that arise as a consequence of modifications to the specified height designations, SRLA submits that the mandatory Floor Area Ratio (FAR) controls proposed in the draft Amendment are appropriate, both generally within the Clayton Structure Plan Area and at the identified specific sites.⁵

Consistent with its position in the General Issues Hearing, Monash Council submitted the Committee cannot find that the FAR controls are appropriate because it has no evidence as to how the FARs have been set: *"in the words of Mr Barnes, it appears to be a 'dark science'"*.⁶ Monash Council did not seek any recommendations in relation to the specific sites in its municipality.

³ Document CLA 030, [93]

⁴ Document CLA 045, [75]

⁵ Document CLA 095, [136]

⁶ Document CLA 099, [401]

Kingston Council supported the change to the FARs for 1380-1388 Centre Road and 8 Audsley Street to the same as for 1400 Centre Road to ensure consistency across the entire site.

6.4 Discussion

The Committee has concluded that the Uplift Scheme is not appropriate, further work is required and until the further work is complete any reference to the FARs in the draft Amendment should be deleted (CI R01, CI R02). However, the Committee has discussed the spatial distribution of the FARs in the Clayton precinct in the event that its primary recommendation is not accepted.

The spatial distribution of the FARs in the Clayton precinct is generally appropriate. They generally reflect the intended built form outcomes (height) with the higher FARs being applied where taller buildings are encouraged and which are closest to the station, high street and community services, areas with the highest proposed densities, and where the anticipated public benefits are most appropriately located. The relative levels of the differing nominated FARs appropriately reflect the various building typologies across the precinct as set out in the draft Structure Plan except for the SDA (discussed below). The type of public benefits allowed in each FAR area appear to reflect where the differing types of public benefits would be appropriately located.

The FAR for the SDA is proposed to be 8.5:1 whereas the UDR recommended that a maximum height of 41 metres and a FAR of 6:1 be applied generally across the Central Core with two landmark building locations having a maximum height of 69 metres and a FAR of 8.5:1.⁷ The UDR does not mention the SDA as a place type. The SDA is applied to the entire area identified as Central Core in the Clayton UDR. However, while the differential heights of 41 metres and 69 metres specified in the UDR has been retained, a FAR of 8.5:1 has been applied across the whole of the SDA. No strategic justification was provided for this approach and is at odds with the expert evidence.

Mr Sheppard recommended that if heights in the SDA were reduced back to 41 metres, and which the Proponent agreed to 'subject to drafting'⁸, then the FARs may need to be adjusted.⁹ When questioned, all experts agreed that if a maximum building height was altered, there should be a corresponding change to the FAR.

The Committee questions whether this is a mistake. If it is not, it is not supported. It would be inequitable for development with a maximum height generally of 41 metres to have a FAR commensurate with a 69-metre height because it would mean developers of SDA land would be less likely to use the VPBUF (as compared to if the FAR was commensurate with the height, that is a 6:1 FAR, or in Central Core areas in other precincts¹⁰) and, therefore, will be less likely to deliver public benefits in areas where, arguably, they are most needed. There is no strategic reason why development in the SDA should be preferenced in this way. Further, the Proponent owns the SDA land and presumably will benefit from the higher land values due to the higher relative FAR if it

⁷ Document CLA 006j, pp51, 59 & 66

⁸ Document CLA 111, p74

⁹ Document CLA 031, p16

¹⁰ In Monash, Box Hill and Glen Waverley precincts

were to sell the land, or if the land is developed by the Proponent, would therefore be required to deliver fewer public benefits relative to other developers across the precinct and other precincts. The Committee considers it entirely inappropriate that the Proponent has benefitted itself in this way when, arguably, it should be the one to take on a greater burden of delivering public benefits.

Instead, consistent with the Clayton UDR, the Committee considers that a FAR of 6:1 should be applied in the SDA, except for nominated landmark sites where a FAR of 8.5:1 is appropriate.

6.5 Findings and conclusions

The Committee finds that:

- The FAR controls proposed in the Clayton precinct have not been justified and are not appropriate.
- The FARs should not be applied, until the further work recommended in the Common Issues Report (Volume 2) have been completed (CI R01, CI R02).

Based on the above findings, and the conclusions in the Common Issues Report (Volume 2) the Committee concludes:

- The FARs have not been justified and are not appropriate.

7 Setbacks

7.1 Referred Matter

The Referred Matter is:

Whether the building setbacks specified in the draft Structure Plan and draft Amendment are appropriate, having regard to:

- The urban structure and built form objectives for the Clayton Structure Plan Area
- Amenity impacts on adjoining sites
- The provision of landscaping, including planting of canopy trees

7.2 Key issues

The key issue is whether the proposed building setbacks:

- are appropriate to support the urban structure and built form outcomes for the draft Structure Plan
- are appropriate to manage amenity to adjoining sites
- provide for the canopy tree planting outcomes sought by the draft Structure Plan.

7.3 Background

(i) Urban Design Report

The UDR provides the rationale for setbacks which deal with issues such as tower separation, footpath widening, sunlight to the public realm, street scale, residential frontages, building orientation, rear amenity plane, transition, on site landscaping, landmark buildings and public open space interface.

(ii) Draft Structure Plan

The draft Clayton Structure Plan supports setbacks from boundaries to:

- ensure buildings balance street definition and openness and contribute to their surroundings through street wall heights and upper-level setbacks by avoiding unreasonable amenity impacts to the public realm, providing activation to the street and reinforcing the human scale at street level
- respond to the scale and amenity of the differing neighbourhoods.

The approach to setbacks under objective 15 is for:

- front setbacks to frame the public realm, help to activate the street or maintain a sense of openness and sky views, accommodate canopy trees and allow solar access to the public realm
- side and rear setbacks to maintain a sense of openness and sky views, allow solar access to the public realm and private open spaces, provide room for canopy trees and maintain equitable development opportunities for neighbouring properties.

- upper level or tower setbacks are designed to distinguish built form at upper levels from the street wall or podium and maintain a sense of openness and maintain development opportunities for neighbouring lots.

(iii) Draft Implementation Plan

Objective 14 in the implementation Plan seeks to ensure new development contributes positively to the public realm. It states:

14.1 Amend the planning scheme to ensure that new development provides, as per neighbourhood design guidelines in Section 6 of the draft Structure Plan:

- Appropriate setbacks and site coverage to achieve preferred character and landscape outcomes.

(iv) Draft Amendment

The BFO1 has different minimum front, side and rear setbacks and tower separations to suit the built form density and scale envisaged for the neighbourhoods and to address public and private amenity, open space and impact on adjoining properties. The key minimum setback provisions are identified in Table 4.

Table 4 Summary of BFO minimum setback provisions

BFO	Front setbacks	Side setback	Rear setback	Building separation
BFO1 (Monash)	Minimum additional front setback above the maximum street wall: - 3 metres plus: - 0.8 metres per metre of height above 23 metres on the north side of east-west streets or - 0.6 metres per metre of height above 33 metres elsewhere Minimum front setback: Area A and B, land fronting Clayton Road south of the Monash Medical Centre: - 3 metres to a height of 17 metres. - an additional 3 metres above a height of 17 metres to a height of 33 metres. - an additional 0.6 metres front setback	Minimum side setbacks below the maximum street wall height: - 0 metres or - 4.5 metres for a habitable room window measured from a lot boundary or the centreline of a laneway. Minimum side setbacks above the maximum street wall height: - 4.5 metres or 10 per cent of the total building height, whichever is greater.	Minimum rear setbacks measured from a lot boundary of the centreline of a laneway: - 6 metres except in locations nominated as interface type 1 on the Development Framework that should provide additional 0.6 metres per metre of height above 17 metres.	Minimum building separation within a site above the maximum street wall height: - 9 metres or 10 per cent of the total combined building height, whichever is the greater.

BFO	Front setbacks	Side setback	Rear setback	Building separation
	per metre of height above 33 metres.			
BFO2 (Monash)	Minimum front setback: - Area B, land fronting Clayton Road: - 3 metres to a height of 12 metres. - An additional 3 metre front setback above 12 metres in height up to a height of 21 metres. - An additional 1 metre front setback per metre of height above 21 metres.	Minimum side setback: - 0 metres or - 4.5 metres for a habitable room window measured from a lot boundary	Minimum rear setbacks measured from a lot boundary or centreline of a laneway: - 0 metres for the ground floor - 4.5 metres above the ground floor level	
BFO3 (Monash)	Minimum front setback: - Area A: 3 metres front setback to a height of 27 metres with an additional 4 metres above a height of 27 metres. - Area B: 4 metres to a height of 14 metres with an additional setback of 2 metres and to achieve a 45 degree plane (or less) when measured from the opposite street boundary above a height of 14 metres. - Area D on land fronting Centre Road: 3 metres. - Area D on land abutting Fregon Reserve: 3 metres to a height of 14 metres with an additional setback of 2 metres and to achieve a 45 degree plane (or less) when measured from the opposite street	Minimum side setback: - 0 metres or - 4.5 metres for a habitable room window measured from a lot boundary, except lots abutting public open space as shown on the Development Framework Minimum side setback for lots abutting public open space as shown on the Development Framework: - 3 metres	Minimum rear setbacks measured from a lot boundary or the centreline of a laneway: - Area A, Area B and Area D: 6 metres plus 0.7 metres per metre of height above 11 metres except lots abutting public open space. - Area A, B and D where lots abutting public open space: 6 metres plus 0.7 metres per metre of height above 14 metres. - Area C: 0 metres for the ground floor, 6 metres above the ground floor, plus 0.7 metres per metre of height above 11 metres. - Adopt the same additional rear setback for at	Minimum building separation within a site: 9 metres

BFO	Front setbacks	Side setback	Rear setback	Building separation
	boundary above a height of 14 metres. - Adopt the same additional front setback for at least 75 per cent of the height of the upper levels to avoid stepped built form outcomes.		least 75 per cent of the height of the upper levels to avoid stepped built form outcomes.	
BFO4 (Monash)	Minimum front setback: - Area A for land with a frontage less than 24 m: 4 metre front setback to a height of 11 metre with an additional 0.5 metres per metre of height above 11 metres. - Area A for land with a frontage greater than 24 metres: 4 metre front setback to a height of 14 metres with an additional 0.5 metres per metre of height above 14 metres. - Area B: 4 metre front setback to a height of 11 metres with an additional 0.5 metres per metre of height above 11 metres.	Minimum side setback for land with a frontage width of less than 24 metres that does not abut public open space: - 0 metres up to a height of 6.9 metres for the front half of the site. - 2 metres above a height of 6.9 metres, for the front half of the site. - 2 metres plus 1 metre per metre of height above 6.9 metres for the rear half of the site. Minimum side setback for land with a frontage width of less than 24 metres that abuts public open space: - 2 metres Minimum side setback for land with a frontage width of 24 metres or greater: - 4.5 metres plus 0.8 metre per metre of height above 14 metres	Minimum rear setback: - 6 metres plus 0.7 metres per metre of height above 11 metres, except lots abutting public open space. - 6 metres plus 0.7 metres per metre of height above 14 metres for lots abutting public open space.	Minimum building separation within a site: 9 metres

BFO	Front setbacks	Side setback	Rear setback	Building separation
BFO5 (Kingston)	Minimum front setback: - Area A: 3 metres to a height of 21 metres, with an additional 4 metres setback above a height of 21 metres. - Area B fronting Centre Road: 3 metres front setback to a height of 21 metres, with an additional setback of 2 metres and to achieve a 45 degree plane (or less) when measured from the opposite street boundary above a height of 21 metres. - Area B fronting Audsley Street: 3 metres front setback to a height of 14 metres with an additional setback of 2 metres and to achieve a 45 degree plane (or less) when measured from the opposite street boundary above a height of 14 metres. Minimum front setback above the maximum street wall height: - Area C: 4 metres	Minimum side setback: - 0 metres or - 4.5 metres for a habitable room window measured from a lot boundary	Minimum rear setbacks measured from a lot boundary or the centreline of a laneway: - Area A and B: 6 metres plus 0.7 metres per metre of height above 11 metres. - Area C: 0 metres for the ground floor, plus 0.7 metres per metre of height above 11 metres	Minimum building separation within a site: 9 metres
BFO6 (Kingston)	Minimum front setback: Area A and Area C: - for land with a frontage less than 24 metres: 4 metre front setback to a height of 11 metres with an additional 0.5 metres per metre of height above 11 metres. - for land with a frontage greater than 24 metres: 4 metre front setback to a	Minimum side setback for land with a frontage of less than 24 metres that does not abut public open space: - 0m to 6.9 metres - 2 metres above a height of 6.9 metres for the front half of the site - 2 metres plus 1 metre per metre	Minimum rear setback: - 6 metres plus 0.7 metres per metre of height above 11 metres, except lots abutting public open space. - 6 metres plus 0.7 metres per metre of height above 14 metres for lots	Minimum building separation within a site: 9 metres

BFO	Front setbacks	Side setback	Rear setback	Building separation
	height of 14 metres with an additional 0.5 metres per metre of height above 14 metres. Area B: - 4 metre front setback to a height of 11 metres with an additional 0.5 metres per metre of height above 11 metres.	of height above 6.9 metres for the rear half of the site. For land with a frontage width of less than 24 metres that abuts public open space: - 2 metres For land with a frontage width of 24 metres or greater: - 4.5 metres plus 0.8 metres per metre of height above 14 metres	abutting public open space	
BFO7 (Kingston)	Minimum front setback: Area A and B: 4 metres	Minimum side and rear setbacks measured from a lot boundary or the centreline of a laneway: - Interface Type 1 on the Development framework: 1 metre for every metre of building height above ground floor - All other boundaries: 0m	Same as side setbacks	

Source: Exhibited BFO controls

7.4 Urban structure and built form objectives

(i) Evidence and submissions

General

The Proponent relied on the evidence of Mr Sheppard in respect of the appropriateness of the building setbacks across the Structure Plan Area, as provided in the proposed controls of the draft Amendment.

Ms Waty recommended some changes to the setback controls, including the introduction of mandatory overshadowing standards for Meppel Drive Reserve in Kingston BFO7 and more detail in relation to the side and rear setbacks (for example the nomination of 'sensitive interfaces' in the draft Structure Plans). Kingston Council supported the evidence of Ms Waty.

The Proponent accepted the majority of Ms Waty's recommendations, but it did not accept any change to the sensitive interfaces. The Proponent also accepted that there may be some benefit in specifying side and rear setbacks on larger and irregular shaped lots in the Audsley Street precinct.

Mr Bromhead and Mr Barnes broadly accepted the setbacks. Mr Barnes reiterated his evidence from the General Issues Hearing that further guidance is required where discretion is required. Mr Glossop gave evidence that a greater degree of nuance would likely be required where there are deemed to comply setback requirements in the residential neighbourhoods.

Mr Partos did not recommend wholesale changes to the setback controls but he did recommend change to setback on Clayton Road, 2 Cooke Street, 409 Clayton Street and 1389-1391 Centre Road and Madeliene Road.

Monash Council reiterated its general concerns in relation to the built form controls including setbacks, within the context of interface conditions and tree planting opportunities.

239 Clayton Road

Mr Patos raised concerns in relation to the setbacks at 239 Clayton Road, which is a site used for a single storey building in BFO1 Area A with a preferred maximum building height of 39 metres.

Mr Partos recommended the preferred maximum building height in BFO1 Area A be reduced on sites fronting Clayton Road to a preferred maximum building height of 28 metres. The draft Amendment includes preferred side setbacks in BFO1 Area A as 0 or 4.5 metres for habitable room windows measured from a lot boundary or centre of a laneway

In his general issues evidence statement, Mr Sheppard made comments:

- *The proposed controls do not preclude a single lot from being developed. While narrower lots in the Central Flanks would not be able to achieve the maximum height or FAR, I consider that it is appropriate to incentivise lot amalgamation through the potential for greater yield. Further, I do not consider an aspiration for relatively consistent building heights within any Central Flanks area to be realistic given the variety of site and program attributes. Therefore, I do not recommend preferencing that over provision for growth. Instead, the street wall provisions will provide a cohesive streetscape.*

(ii) Discussion

The Committee accepts that generally the setbacks are appropriate, noting some of the recommendations in the General Issues Report (Volume 3) which are likely to have consequential impacts in areas with a more sensitive interface.

There are many factors that influence the development potential for a single site, and in turn the incentive for lot consolidation. The Committee considers the combination of setbacks, landscaping and height controls is likely to limit development opportunity on smaller lots (e.g. with a frontage less than 25 metre). The Committee does not think it is

appropriate to tweak heights (including at 239 Clayton Road) without a more robust assessment of heights to incentivise lot consolidation.

(iii) Findings and conclusion

The Committee finds:

- Generally, the setbacks are appropriate, noting some of the recommendations in the General Issues Report (Volume 3) which are likely to have consequential impacts in areas with a more sensitive interface.
- It is not necessary to limit building height to incentivise lot consolidation, as there are many factors that work to incentivise consolidation (not just building height). This is particularly the case where the heights are discretionary.

Based on the finding above, the Committee concludes:

- The setbacks are generally appropriate having regard to the urban structure and built form objectives, subject to the modification recommended in this report.

7.5 Amenity impacts on adjoining sites

The Committee has already made several recommendations GI R18, 19, 24, 25, 26, 27, 37, 38 (relating to deemed to comply, privacy, overshadowing, overlooking and third party review rights) in the General Issues Report (Volume 3) which have implications on amenity in the Clayton precinct. These recommendations not repeated here.

In this report the Committee responds to submissions and evidence on specific amenity considerations in the Clayton precinct.

7.5.1 Meppel Drive Playground

(i) Draft Amendment

The draft Amendment includes preferred rear setbacks for the properties to the north of Kingston BFO7 Area A – Type 1 as 1 metre for every metre of height above 2 metres.

(ii) Evidence and submissions

Ms Waty recommended an overshadowing control for Mepple Drive Playground and setback controls adjacent to the playground to avoid a ‘wedding cake’ building profile.

Mr Sheppard accepted this position but proposed:

Rather than prescribing a different profile, I recommend introducing a Decision Guideline requiring consideration of whether development abutting Mepple Drive Playground avoids a stepped form.

(iii) Discussion

The Committee is more concerned about the overshadowing of Mepple Street Playground given the minimal setbacks from the properties on the north.

The General Issues Committee reached the conclusion that the proposed measures in the draft Amendments are not appropriate to minimise overshadowing and maintain solar access to the public realm.

The Committee has recommended that the PRZ and BFO schedules be amended so that sunlight to parks be provided for a minimum of 3 consecutive hours between 10:00am and 3:00pm at the 21 June.

The Committee does not think as specific control needs to be included to address the 'wedding cake' issue, there are numerous policies (including at Clause 15) which deal with built form and other controls in the precincts that deal with design quality. These are considered sufficient to address the concern raised by Ms Waty.

(iv) Findings, conclusion and recommendations

The Committee finds:

- Mepple Drive Playground is more vulnerable to the impact of shadowing given the minimal setbacks from the properties on the north.
- The overshadowing standards recommended in the General Issues Report (Volume 3) should be applied to the playground.

Based on the above findings and conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The proposed setbacks around Mepple Drive Playground are not appropriate.

The Committee recommends:

8. Refer to recommendation GI R27(b) in the General Issues Report (Volume 3).

9. CLA R05: The overshadowing standards recommended in the General Issues Report (Volume 3) (recommendation GI R27 (b)) should be applied to the Meppel Drive Playground and setbacks should be revised to reflect that standard.

7.5.2 Audsley Street

(i) Draft Structure Plan

The draft Structure Plan shows the preferred building heights for Audsley Street on Figure 54.

(ii) Draft Amendment

The draft Amendment includes setbacks in Kingston BFO5 and sets preferred side setbacks as 0 metres and rear setbacks as 6 metres plus 0.7 metres per metre of height above 11 metres.

(iii) Evidence and submissions

Ms Waty raised concerns regarding the BFO5 side and rear setbacks. She stated in her evidence:

The draft Structure Plan and its supporting documents do not provide sufficient clarity in defining side and rear setbacks. In the absence of clear definitions of what constitutes the side and rear of a site, particularly for irregular or larger lots (where consolidation is

encouraged), there is a risk of inconsistent or uncoordinated development outcomes that may undermine the intended draft Structure Plan outcomes.

Mr Sheppard agreed and stated:

At paragraph 18 in her Clayton Evidence, Ms Waty raises a concern about the lack of clarity about which setback is a side and which is a rear in relation to corner properties. I agree and recommend that this is clarified in all PRZ and BFO schedules.

At paragraph 21 she elaborates on this issue in relation to the southern boundary of 14-26 Audsley Street which abuts the rear of a row of properties in the Residential Neighbourhood. The Urban Design Report this interface as 'Sensitive' and recommends a lower maximum building height of 21m. However, I agree with Ms Waty that the rear setback should be applied at this interface. This needs to be clarified in the BFO5 schedule.

(iv) Discussion

The Committee agrees that greater clarity is required in relation to site and rear setbacks to avoid confusion and delays resulting from interpretation issues in the future. This is particularly a concern on larger irregular sites, such as in the Audsley Street employment precinct.

The controls in Kingston BFO5 and PRZ5 should be updated to nominate the site and rear setbacks, to ensure the controls can be interpreted.

(v) Findings, conclusion and recommendations

The Committee finds:

- Side and rear setbacks need to be more clearly articulated in the BFO and PRZ schedules, particularly for larger or irregular shaped lots near Audsley Street.
- This will ensure the application of relevant policies and outcomes can be more easily understood.

Based on the above findings, the Committee concludes:

- The setbacks in the Audsley Street area are not appropriate.

The Committee Recommends:

10. CLA R06: Amend Kingston Built Form Overlay Schedule 5 and the Precinct Zone Schedule 5 to clarify which interface constitutes a side of rear setback.

7.6 Provision of landscaping, including planting of canopy trees

(i) General issues conclusion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 9.11) that the provision for landscaping, including planting of canopy trees is not appropriate. The Committee has recommended a 30 per cent tree canopy target in the precincts and changes to the BFO schedules GI R35, GI R36.

(ii) Evidence and submissions

This main submissions on this issue are addressed in the General Issues Report in Volume 3, Chapter 9.11 and are not repeated here.

(iii) Discussion

The setbacks are one of several factors that influences the ability to provide landscape and the planting of canopy trees. The Committee has already concluded in Volume 2 that:

- The measures to support tree canopy cover need to be strengthened to achieve the intended objectives
- A 30 per cent tree canopy target should be included in Clause 11.03-6L-01.
- The deep soil percentages in the Key Movement Corridor and Urban Neighbourhood place types should be increased to 20 per cent and increased to 35 per cent in the Residential Neighbourhoods, for consolidated sites
- The BFO schedules should be updated to include objectives to retain and protect existing mature canopy trees.

The Committee expects that the recommended changes in relation to tree canopy will have consequences on setbacks. Any setbacks in the BFO schedules will need to be revisited if the Committee's primary recommendations in relation to tree canopy are adopted. Ideally the setbacks should be revisited to ensure they provide realistic expectations with respect to the landscaping and tree canopy requirements.

(iv) Findings and conclusion

The Committee finds:

- The setbacks are unlikely to be appropriate with respect to landscaping and canopy tree provisions.
- Any setbacks will need to be revisited to respond to increased tree canopy targets and operational changes recommended in the General Issues Report (Volume 3) (GI R35, GI R36).

Based on the above findings and the conclusions in the General Issues Report (Volume 3), the Committee concludes:

- Setbacks are unlikely to be appropriate with respect to landscaping and canopy tree provisions

8 Pedestrian access and links

8.1 Referred Matter

The Referred Matter is:

Whether the planning for active transport in the Clayton Structure Plan Area is appropriate, including the following locations:

- 233 Clayton Road
- 205 – 211 Clayton Road.

8.2 Key issues

The key issues are whether the planning for pedestrian links is appropriate in general terms and in relation to specific locations.

8.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes objective 17: Create a legible and safe active transport network. Strategies to achieve this objective include:

- Establish a priority walking and cycling network to fill gaps between neighbourhoods, open spaces and key destinations.
- Improve permeability through the provision of more frequent, high quality and safe crossing points over major roads and key corridors.
- Improve active transport permeability through the delivery of key links as part of new developments.
- Embed universal design into the planning, design and delivery of all streetscape walking improvements.

Specific actions are set out under each strategy.

(ii) Draft Implementation Plan

The draft Implementation Plan sets out actions to amend the planning scheme with respect to the delivery of critical walking and cycling links and to expand the active transport network to support mode shift to occur. The draft Implementation Plan prioritises projects and actions to be delivered in the short, medium or longer term.

(iii) Draft Amendment

Pedestrian links are identified in the Clayton SRL East Structure Plan Area map in the policy at Clause 11.03-6L-03 for Monash and Kingston.

The links are also identified in the Development Framework (Map 1) in several of the BFO schedules in Monash and Clayton.

Before the Clayton Hearing started, the Proponent reviewed the proposed pedestrian links (outlined in TN-CLA01). The Day 3 documents reflect this review in the BFO schedules which removed:

- eight pedestrian links from the Residential Neighbourhood BFO4 in Monash

- two pedestrian links from the Residential Neighbourhood BFO6 in Kingston.

The changes to the BFO mean that that map in the policy at Clause 11.03-6L-03 is slightly inconsistent with the BFO maps.

(iv) General Issues conclusions

The Committee concluded in the General Issues Report (Volume 3, Chapter 8) that it is not possible to say whether the mode shift facilitated by the draft Structure Plans, draft Implementation Plans and draft Amendments will be 'suitable and achievable'. Targets and a review strategy have been recommended (GI R14, GI R15).

The Committee concluded in the General Issues Report (Volume 3, Chapter 9.9) that the BFO schedules are not appropriate in respect of the identification and delivery of pedestrian connections and links. The Committee supported the application of the PAO for 'Critical Key Links' in the Clayton and Monash Precincts.

8.4 Evidence and submissions

(i) Active transport

There was agreement between traffic experts that the planning for active transport is appropriate. The main area of disagreement was in relation to which pedestrian links should be included in the controls, how they should be prioritised and whether the 'likely realisation' of a link should inform the controls.

The Proponent relied on the review of pedestrian links in TN-CLA01 which identified removal of several links (as compared with the exhibited version). This review was informed by both technical considerations and practical deliverability. The links were reviewed based on criteria (common methodology adopted by the Proponent across all precincts) that considered:

- technical reports and strategic direction (for example, whether the link is identified as critical in the relevant UDR or Transport Technical Report)
- current context and planning conditions (for example, whether there is a connection in the vicinity or the link is located on strata title).

Mr De Young, traffic and transport expert for the Proponent, confirmed that he had not been consulted as part of that review.

Mr Sheppard, urban design expert for the Proponent, gave evidence that pedestrian links should not necessarily be removed from the plans, even if there was a delivery challenge. However, he identified three links that should be removed (shown in red circle in Figure 21), including:

- Rockbeare Court – Clayton Road
- Whitburn Street – Browns Court
- Lindsay Street – Donald Street.

The Proponent supported the removal of these links from the relevant BFO schedule and the map in Clause 11.03, however it submitted that the links should be shown in the draft Structure Plan. The Day 3 documents delete the pedestrian link near Rockbeare Court.

Figure 21 Pedestrian links proposed to be removed



Source: Proponent's closing submission (para 186)

Mr De Young supported the intent of the indicative pedestrian links. He deferred to other experts on the appropriate delivery mechanism and thus whether they should be included the planning controls.

The Proponent submitted that it had already identified the critical links and had utilised the PAO in circumstances where the link was not already situated on public land or subject to master planning requirements. It submitted that different delivery mechanisms could be used to deliver other links, and that the Uplift Scheme was a legitimate way of securing the links.

Mr Walsh, traffic and transport expert for Monash Council, recommended up to 20 links should be removed (including the 10 already identified by the Proponent in TN-CLA01) on the basis that they are unlikely to be realised. He stated that the pedestrian links should not be included in the draft Structure Plans for BFO schedules until funding and delivery is confirmed.

Mr Barnes gave planning evidence for Monash Council which supported the intention of improving pedestrian and cycling links. He stated linkages should be prioritised within the Structure Plan Area and then the PAO and mandatory requirements should be used to delivery higher priority links.

Monash Council submitted that the pedestrian link network in the draft Amendment and draft Structure Plan will not facilitate a realistic and deliverable pathway to greater active transport use. It added:

The work undertaken to identify and provide the pedestrian links has been inadequate, and appears based on a formulaic application of block permeability without reference to likely demand or existing conditions

The draft Amendment should identify which links are critical and which are not critical, but nevertheless desirable to have

The draft Amendment should apply a mechanism to ensure that the critical links are provided

The planning for the active transport network, including the provision of the upgraded street network, has also been inadequate. In particular, the question of whether the projects are feasible, and the costing and funding of those projects, has not been undertaken.¹¹

Monash Council submitted:

- If pedestrian links are removed from the Amendment, then they should not be shown in the draft Structure Plan or policy because there is no point including an aspiration if it is not achievable.
- The plan for pedestrian links reads more like a desktop urban design study and a series of aspirational targets, and not a proper, site-specific analysis of what is achievable.

Monash Council broadly agreed with Mr Walsh's recommendations to remove the links, with some exceptions. It submitted some of the links not supported by Mr Walsh could increase permeability either close to the Core or accessing public open space, if they were delivered through the proposed discretionary mechanisms.

The Masonry Societe made submissions in relation to land at 205-211 Clayton Road, Clayton (four lots, with a combined area of 0.298 hectares). The submitter was not clear on the location of the pedestrian link, raising concerns about the certainty of the controls.

(ii) Specific locations

233 Clayton Road

The Proponent submitted that the 233 Clayton Road link should be retained. It explained the UDR identified 180 metres as a preferred maximum block length, and that this connection (and another connection to Grovedale Court) were required to achieve this.

Mr Walsh disagreed and gave evidence that this link should be removed because:

- it is not a material desire line and does not align with the crossing facilities on Clayton Road
- it would be impractical to deliver because the two properties would need to develop simultaneously to achieve the link.

205-211 Clayton Road

There are two pedestrian links between Clayton Road, linking to Rockbeare Court and Grovedale Court.

Mr Walsh gave evidence that the Rockbeare Court link should be removed on the basis that it could not be practicably delivered. Mr Sheppard agreed.

The Day 3 document remove this link.

Other links

Mr Walsh recommended removing the pedestrian link:

- through Remembrance Gardens and the St Peters Church site because there is an existing path 60 metres to the south

¹¹ Monash Council submission para 411

- between Wright Street and Rose Street on the basis it provides limited benefit as it does not continue further south or north
- between Francis Street and Carinish Road because there is limited benefit from the link that is not already provided by Mary Street and Kanooka Grove
- between Dunstan Street and McGregor Street because it is only 100 metres west of the link to be provided between Dunstan Street and Nicholson Court that has the PAO applied.

The Proponent disagreed with Mr Walsh's evidence, preferring the evidence of Mr Sheppard (that is, these links should be retained to enhance permeability). These pedestrian links were retained as shown on the Day 3 documents Development Framework (Map 1 to Schedule 3 to Clause 43.06 of the Monash Planning Scheme) except for the link through the Remembrance Gardens and St Peters Church site.

8.5 Discussion

The Committee has concluded that the planning for pedestrian links is not appropriate and recommended further work (GI R32, GI R33, GI R34). If pedestrian links are needed to deliver the vision for the Clayton precinct (for example, walkable and liveable communities), further work is necessary to identify, prioritise and apply an appropriate mechanism to deliver them. However, the Committee has discussed specific links in the Clayton precinct should its primary recommendation not be accepted, and provides some comments around particular issues in Clayton.

General

The Committee agrees with the concerns raised by Monash Council about the approach to planning for pedestrian links. It also agrees with Mr Walsh and Mr Barnes that links should not be shown unless there is a realistic prospect of delivering them. However, this does not mean simply deleting the links is the solution (which was effectively the approach taken by the Proponent in TN-CLA01 and Mr Walsh in his evidence). Rather, the necessary work should be completed to identify, prioritise and apply an appropriate mechanism to deliver the links as discussed in the General Issues Report (Volume 3, Chapter 9.9).

The policy maps and the BFO schedule controls (and ideally the draft Structure Plan) should align so there is no confusion at the permit application stage. The 'wiggly lines' in the BFO schedules are not certain enough, as demonstrated by the submissions of the Masonry Societe.

Comment on specific pedestrian links

While there are several links that appear logical (for example, 31 Dunstan Street as discussed in Chapter 16), there may be other key critical links identified following a more comprehensive review of infrastructure requirements. Notwithstanding the need for further work, the Committee provides the following comment on the specific links discussed in the Hearing and included in the Referred Matter:

- The link between Clayton Road and Grovedale Court could be retained, subject to further review recommended by the Committee in the General Issues Report (Volume 3).

- The link at 233 Clayton Road could be retained, subject to further work.
- The link between the Remembrance Gardens and the St Peters Church site could be deleted because there is another link 60 metres to the south.
- All other links recommended for deletion by Mr Walsh should be further assessed, as already recommended.

8.6 Findings, conclusion and recommendations

The Committee finds:

- The planning for active transport in relation to pedestrian access and links is not appropriate.
- A review of pedestrian links is necessary to clearly identify which links are required, specify these within planning controls to secure their delivery and confirm the mechanisms for delivery.
- When completing the further work recommended by the Committee, consider the following specific matters:
 - Removing:
 - the pedestrian link between the Remembrance Gardens and the St Peters Church site
 - Retaining:
 - the pedestrian link between Clayton Road and Grovedale Court subject to further work
 - the pedestrian link at 233 Clayton Road subject to further work.

Based on the above findings and other conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The planning for active transport in relation to pedestrian access and links is not appropriate.

The Committee recommends:

11. Refer to general issues recommendation GI R32.

12. CLA R07: Include the following Clayton specific matters within the scope of the further work recommended in the General Issues Report (Volume 3, Chapter 9) (GI R32):

a) Removing:

- **the pedestrian link between the Remembrance Gardens and the St Peters Church site**

b) Retaining:

- **the pedestrian link between Clayton Road and Grovedale Court subject to further work**
- **the pedestrian link at 233 Clayton Road subject to further work.**

9 Public open space

9.1 Referred Matter

The Referred Matter is:

Whether the planning for open space in the Clayton Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees to the Structure Plan Area.

9.2 Key issues

The key issues are whether:

- the planning for open space in the Clayton Structure Plan Area is appropriate
- there are any Clayton-specific issues that need to be considered when further open space planning work is undertaken.

9.3 Background

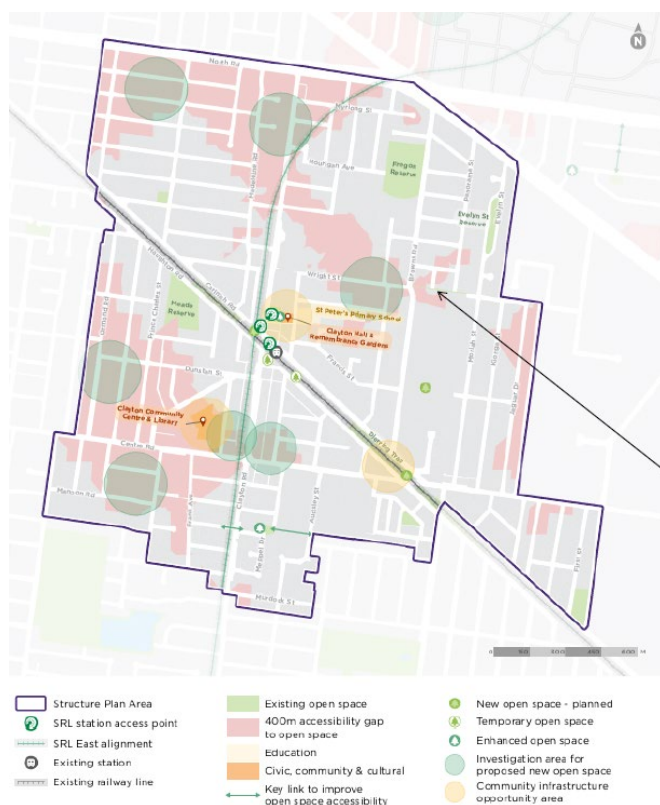
(i) Draft Structure Plan

The draft Structure Plan seeks to create a connected and accessible open space network for those who live and work in Clayton through easily accessed high-quality open spaces especially in higher density locations.

Actions include to plan for enhancements and upgrades to existing open spaces and encourage new key links to improve walkable access to open space.

Seven investigation areas for proposed new open space in Clayton are shown as green circles on Figure 12 of the draft Clayton Structure Plan, reproduced as Figure 22 below.

Figure 22 Investigation areas for proposed new open space – Clayton precinct



Source: draft Clayton Structure Plan (Day 2 version), Figure 12: Enriching community plan – Open space and community infrastructure

(ii) Draft Implementation Plan

The draft Implementation Plan contains the relevant objective and actions for the delivery of open space:

- Create a connected and accessible open space network for those who live and work in Clayton
- Identify the mechanisms by which new public open spaces are to be delivered in the investigation areas for proposed open spaces
- Deliver new open spaces that meet the guiding principles for site selection and in locations that improve walkable access to open space.

Projects corresponding to each investigation area for proposed open spaces are also included.

(iii) Draft Amendment

Plans in the relevant PRZ and BFO schedules show existing public open space and some 'new/upgraded public realm'. They do not show any new public open space in the areas identified in the draft Structure Plan as investigation areas for proposed open space; nor do they show the investigation areas as shown in the draft Structure Plan.

(iv) Common Issues conclusion

The Committee has concluded in the Common Issues Report (Volume 2, Chapter 5) that the planning for open space is not appropriate having regard to the needs of future residents, visitors and employees to the Structure Plan Area and further work is required.

9.4 Evidence and submissions

Ms Thompson gave open space expert evidence for both Kingston Council and Monash Council in the Clayton Hearing. This evidence:

- was consistent with her evidence in the General Issues Hearing regarding the methodology for assessing and providing for open space
- applied Ms Thompson's preferred methodology to the Clayton precinct
- noted that the existing provision of open space in the Clayton Structure Plan Area (2.8 per cent) is low when compared to the average of 14 per cent of the total area of the City of Monash municipality, and 7.1 per cent of the Clayton South suburb in the Kingston municipality
- considered that the specific needs of the workers at, and visitors to, the Monash Medical Centre must be catered for
- in response to Committee questioning, said that the Princes Highway created a significant barrier for people in Clayton using any open space in the Monash precinct
- made specific recommendations for the provision of open space in the Clayton precinct in terms of size, location and type of open space which exceed the amount of open space identified in the draft Structure Plan and the Open Space Technical Report
- considered that the extent of open space she had recommended for Clayton could add significant value to the precinct as an attractive place to live
- included recommendations for provision of open space outside the Structure Plan Area
- did not consider structured sport and recreation needs.

Ms Thompson concluded that given the substantial increase in the number of people (both residents and workers) using open space in the precinct and they will be living and working in high density developments with little or no private open space, the planning for open space in the draft Clayton Structure Plan does not adequately cater for the forecast needs of future residents, visitors and employees.

The Proponent did not call any open space evidence.

Consistent with its submissions in the General Issues Hearing, the Proponent disputed Ms Thompson's methodology and recommendations. It maintained its position that no further identification and specification of open space was required at this stage in the planning process and the proposed secondary review process to identify relevant mechanisms for the provision of new public open space is sufficient.

The Councils made submissions consistent with their submissions in the General Issues Hearing (in the case of Monash, consistent with the Councils and University Group submissions).

With specific reference to planning for open space in the Clayton precinct, the Councils made submissions in the Clayton Hearing along similar lines. They submitted the precinct-specific assessment of Ms Thompson:

- has advanced the planning process for open space that should have been completed by the Proponent as part of this process
- is of high quality and *“overcomes the various methodological deficiencies in the work done so far”*¹²
- reflects the intended medium- and high-density future environment of Clayton

Monash Council submitted, in the alternative (that is, if the ‘secondary work’ is to be done *after* the planning scheme amendment):

- a) the Draft Clayton Implementation Plan should be updated to include the various additional open spaces identified by Ms Thompson, both on the relevant maps and lists of actions; and
- b) as recommended by Ms Thompson in the General Issues Hearing, mapping within the draft Amendment should be updated to designate the location of that open space, at a minimum to an increased level of specificity.¹³

9.5 Discussion

The Committee has concluded that the planning for open space is not appropriate and recommended further work (CI R06). However, the Committee has discussed some specific issues that apply in the Clayton precinct.

The Committee accepts Ms Thompson’s expert opinion (uncontested by any other open space expert evidence) that the planning for open space in the Clayton Structure Plan Area is insufficient.

The following aspects of the Clayton precinct should be considered when the further open space planning work is undertaken:

- the relatively low level of existing open space in the Clayton Structure Plan Area
- the fact that Clayton is expected to have the second highest percentage growth of the SRL East precincts
- the needs of the workers at, and visitors to, the Monash Medical Centre
- whether the needs of visitors to the Clayton Community Centre and the Aquatic Centre create any additional need for open space that needs to be accounted for.

9.6 Findings, conclusions and recommendations

The Committee finds:

- There is a relatively low level of existing open space in the Clayton Structure Plan Area
- Clayton is expected to have the second highest percentage growth of the SRL East precincts.
- The needs of the workers at, and visitors to, the Monash Medical Centre need to be considered.

¹² Kingston Council submission (Document CLA 097), [42].

¹³ Kingston Council submission (Document CLA 099), [153].

- Whether the needs of visitors to the Clayton Community Centre and the Aquatic Centre need to be considered further.

Based on the above findings and conclusions in the Common Issues Report (Volume 2), the Committee concludes:

- The planning for open space in the Clayton Structure Plan Area is not appropriate having regard to the needs of future residents, visitors and employees to the Structure Plan Area. Further work is required. Refer to Chapter 5 in the Common Issues Report (Volume 2).

The Committee recommends:

13. Refer to General Issues Recommendation CI R06.

14. CLA R08: Include the following in the scope of any further review of public open space in the Clayton precinct recommended in the General Issues Report (Volume 3) (recommendation CI R06):

- a) the relatively low level of existing open space in the Clayton Structure Plan Area.**
- b) open space needs for a Precinct expected to have the second highest growth rate of all Suburban Rail Loop East precincts**
- c) the needs of the workers at, and visitors to, the Monash Medical Centre.**
- d) whether visitors to the Clayton Community Centre and the Aquatic Centre create any additional need for open space that should be accounted for.**

10 Land use mix & capacity

10.1 Referred Matter

The Referred Matter is:

Whether the Land Use Plan in the draft Structure Plan and relevant planning provisions provide for an appropriate land use mix across the Clayton Structure Plan Area.

10.2 Key issues

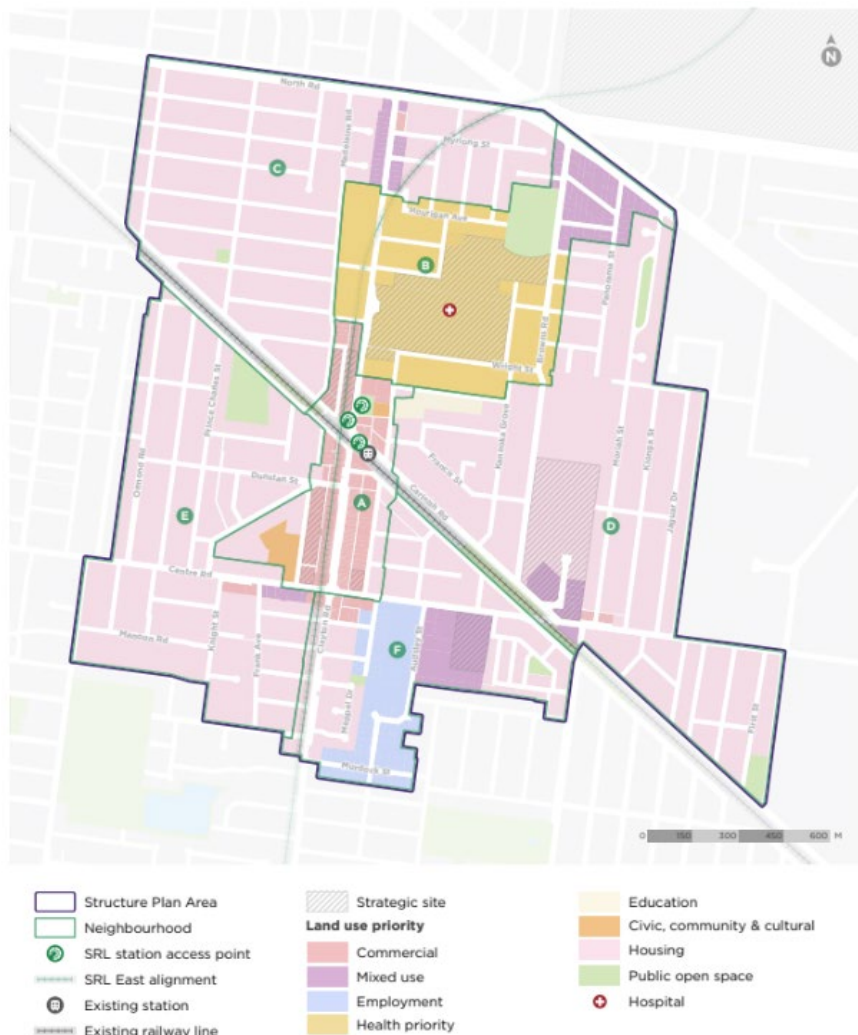
The key issue is whether there is an appropriate land use mix across the precinct.

10.3 Background

(i) Draft Structure Plan

The draft Structure Plan shows the intended land use mix in the precinct (Figure 23).

Figure 23 Land Use Plan



Source: Draft Clayton Precinct Structure Plan Figure 10

Mr Bromhead, planning expert for the Proponent, gave evidence that the land use distribution would support a diverse mix of commercial, health and residential uses required to accommodate future residents and workers. He supported the MUZ along North Road and in the north eastern corner of the precinct (even though it appears to depart from the draft Structure Plan). He added that the MUZ is within a suite of residential zones, and that commercial uses establishing in these locations will be of a smaller scale so would not result in significant out-of-centre development.

Relying on the planning evidence of Mr Barnes, Monash Council submitted that the land use mix was broadly acceptable. It sought the following adjustments:

- The MUZ along North Road and in the north eastern corner of the precinct (behind Monash Health) should be changed to RGZ.
- The CIZ should be applied to the land north of Myriong Street on Clayton Road, instead of the land north of Whitburn Street. This is reflected in the Day 3 documents.

Regarding the MUZ, Mr Barnes stated:

- the land designated for application of the MUZ is too extensive and should be pared back and rationalised
- if the zoning disperses activity too widely, it impacts on the ability to have a concentrated focal point, which is the node and activity centre to which people gravitate
- he made similar recommendations in the Monash Precinct in respect of land bounded by Wellington Road, Blackburn Road and Princes Highway, with the 'real opportunity' to focus mixed use zoning on the south side of Wellington Road, directly south of Monash University
- there is a "*subtle... but meaningful*" difference in the choice of zone which will affect land use outcomes
- the MUZ in the north east corner of the precinct is not the most appropriate zone on the basis of its "*very poor car access*" and its location at "*the back door of the hospital*" with health uses better suited in areas around Clayton Road.

In response to comments from Mr Barnes regarding access, the traffic engineers had no concern about the access arrangement into the north eastern part of the precinct if the land was zoned for mixed use purposes.

Mr Glossop gave evidence that the Committee should 'reconsider' switching off the building layout and adaptability outcomes (Clause 43.06-7.7 of the BFO).

Kingston Council submitted that the BFO outcomes relating to building layout and adaptability should not be 'switched off'.

The Proponent did not offer any explanation as to why those outcomes from the parent BFO provisions are not applicable in the Clayton precinct.

10.3.3 Discussion

Mixed Use Zone – North Road

The Committee agrees with Mr Barnes that the land along North Road should be zoned RGZ rather than MUZ. There is a difference in the purpose of the MUZ when compared to

the RGZ, and it is considered that applying the MUZ could draw commercial and mixed uses away from the core area. The RGZ would be more consistent with the vision for the Clayton precinct and the land use mix identified in the draft Structure Plan.

Mixed Use Zone - North eastern part of the precinct

The Committee notes the concerns raised by Mr Barnes and Monash Council in relation to the MUZ in the north eastern part of the precinct. However, it understands the main concern raised by Mr Barnes relates to accessibility.

While the Committee agrees that access is not ideal, this area could still serve a MUZ function. The traffic experts did not have concern from a transport engineering perspective.

Building layout and adaptability

There is no reason to switch off the requirement to consider adaptable building design for future development applications. Buildings should be designed to provide flexibility to different land uses as the precinct transforms over time. Having more adaptable buildings will also improve sustainability outcomes, reducing the likelihood that buildings will need to be demolished and rebuilt for evolving land uses.

10.3.4 Findings, conclusion and recommendations

The Committee finds:

- The land use mix across the precinct is broadly appropriate, subject to the following changes to the Day 3 documents.
- The Mixed Use Zone along North Road should be changed to Residential Growth Zone, in line with the draft Structure Plan.
- The BFO schedules should not 'switch off' the layout and adaptability outcomes at Clause 43.06-7.7 of the parent provision. Ensuring buildings are adaptable will create more flexibility for evolving land uses in an area of transformation.

Based on the above findings, the Committee concludes:

- The land use mix across the precinct is broadly appropriate, subject to the modifications recommended in this report.

The Committee recommends:

- 15. CLA R09: Amend the Use and Development Framework Plan in the Monash Precinct Zone Schedule 1 to change the applied zone along North Road (west of Clayton Road) from Area 2 (Mixed Use) to Area 1 (Residential Growth).**
- 16. COM R01: Amend all Built Form Overlay schedules so that they do not 'switch off' the layout and adaptability outcomes at Clause 43.06-7.7 of the parent provision.**

11 Demand for apartments

11.1 Referred Matter

The Referred Matter is:

Whether the anticipated future demand for apartments within the Clayton Structure Plan Area is reflected in the proposed distribution of housing growth levels in the draft Structure Plan and draft Amendment.

11.2 Key issues

The key issue is whether the future demand for apartments can be accommodated in the proposed distribution of housing growth (that is, the built form controls).

11.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes general reference to apartments, including at:

- Objective 2 – support for mid-rise apartments on consolidated lots in medium housing growth areas
- Objective 3 – states that larger apartments will cater to families.

(ii) Draft Implementation Plan

The draft Implementation Plan does not reference apartment demand.

(iii) Draft Amendment

The policy at Clause 11.03-6L-02 includes the following built form strategy:

Encourage low to mid-rise apartment buildings in a landscaped setting to promote housing diversity in medium residential built form scale areas in the Inner East Neighbourhood, Clayton South Neighbourhood and Dunstan Neighbourhood.

(iv) General Issues finding

The Committee concluded in the General Issues Report (Volume 3, Chapter 4) that the draft Structure Plans and draft Amendments need to go further to facilitate the delivery of diverse housing types and recommended a precinct wide diversity target and an application requirement for a Housing Diversity Report (recommendations GI R04, GI R05, GI R06).

11.4 Evidence and submissions

The Proponent relied on a technical note prepared by Mr Quick that was appended to Mr Bromhead's evidence statement. Mr Quick stated:

- there is no need to adjust the distribution of housing growth areas to accommodate projected apartment floorspace demand
- the urban form leaves capacity for approximately 2.25 million square metres of additional floorspace

- this capacity is more than sufficient to accommodate the entire new floorspace requirement of 939,400 square metres if it was required to be delivered within the significant or high housing growth urban form areas.

Mr Bromhead gave planning evidence for the Proponent that there is strong policy support in the Monash and Kingston Planning Schemes for higher density housing in activity centres. He said:

- the higher density form will improve housing diversity within the precinct, providing dwelling choice with regards to size and format
- housing variety allows people to access different housing forms to that meets their needs, depending on their life circumstance.

Monash Council did not raise any precinct-specific issues in relation to the demand for apartments.

Mr Barnes, planning expert for Monash Council, gave evidence that the spatial arrangement of built form scale throughout the Clayton Structure Plan Area will function to provide the opportunity for a variety of built form typologies to accommodate future housing, including apartments.

Monash Council submitted that the issue of apartment demand is related to the issue of housing diversity. It made extensive submissions in the General Issues Hearing regarding the failure of the draft Amendments (in all precincts) to properly engage with housing diversity targets, notwithstanding the clear need for different typologies of housing as identified in the Housing Needs Assessments.

Monash Council proposed that the following text be included in Clause 11.03-6L-01:

Consider as relevant:

Providing 20% of dwellings as three bedroom dwellings for development of more than 50 dwellings.

The proposed wording reflects the specific need to encourage apartments of three or more bedrooms within the precinct, as generally contemplated in the Housing Needs Assessment for Clayton. The inclusion of a target also accords with the recommendations of Mr Barnes in his General Issues evidence statement.

Kingston Council did not make any specific submissions in relation to the demand for apartments.

11.5 Discussion

This Referred Matter closely relates to the issue of housing diversity, which has been considered by the Committee in the General Issues Hearing.

The Committee has concluded (Volume 3, Chapter 4) that the draft Amendments needs to do more to facilitate the delivery of diverse housing types and has recommended precinct wide targets in the local policy and a new application requirement in the PRZ schedule for a Housing Diversity Report (recommendations GI R04, GI R05, GI R06). These recommendations are relevant to this Referred Matter in Clayton, as apartments (particularly larger ones) are one type of housing that may be required as part of the broader mix of housing types.

Controls which allow for higher density housing are likely to result in a higher chance of apartments being delivered within the precinct. There is clearly capacity within the proposed built form controls to meet the demand for apartments in the Clayton precinct.

The Housing Needs Assessment identifies a need for three-bedroom apartments in the Clayton precinct, and the Committee agrees that more directive policy should be included in the policy at Clause 11.03-6L-01, in line with the Committee's recommendations in the General Issues Report (Volume 3).

11.6 Findings, conclusion and recommendations

The Committee finds:

- There is capacity within the proposed built form controls to meet the demand for apartments in the Clayton Precinct.
- There is a demonstrated need for three-bedroom apartments in the precinct, and this must be considered when setting housing diversity targets for this Clayton Precinct.
- To facilitate the delivery of diverse housing types the Committee has recommended a precinct wide diversity target and an application requirement for a Housing Diversity Report the General Issues Report (Volume 3).

Based on the above findings and the conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The future demand for apartments can be accommodated in the proposed distribution of housing growth.

The Committee recommends:

17. Refer to recommendations GI R04, GI R05, GI R06 in the General Issues Report (Volume 3).

18. CLA R10: Consider, when setting housing diversity targets for the Clayton Precinct, as recommended in the General Issues Report (Volume 3) (recommendation GI R04), the demonstrated need for three-bedroom apartments in the Clayton Precinct.

12 Car parking availability and rates

12.1 Referred Matter

The Referred Matter is:

Whether the car parking rates as set out in the Precinct Parking Plan for Clayton are appropriate, including to encourage a shift towards more sustainable transport modes.

Whether sufficient car parking availability (including on-street and public car parking availability) will be provided having regard to potential additional car parking demand.

12.2 Key issues

The key issues are whether:

- the car parking rates encourage a shift towards more sustainable transport modes
- the proposed provision of car parking availability is adequate.

12.3 Background

(i) Draft Structure Plan

The draft Structure Plan includes objective 19: Encourage a shift to more sustainable transport. It includes strategies to:

- Limit the supply of car parking spaces in new developments to encourage more people to reduce their private vehicle use in favour of public transport and active transport modes.
- Increase the rate and standard of bicycle parking and end-of-trip facilities within new developments.
- Encourage alternative and adaptable uses for car parking facilities in existing and new developments when no longer required for parking.
- Encourage the integration of micro- mobility share schemes, consolidated car parking, car share and parcel delivery within new developments.
- Encourage the consolidation of existing car parking facilities to reduce their visual impact, particularly in pedestrian- focused areas.
- Support consolidated car parking provision along Euneva Avenue, Bogong Avenue, in The Glen Shopping Centre and other strategic site developments to make efficient use of parking for multi- purpose trips.
- Improve on-street parking management to optimise streets for walking and cycling.

(ii) Draft Precinct Parking Plan

The draft Precinct Parking Plan (Parking Plan) sets out existing parking conditions in the precinct, identifies a series of parking challenges in the precinct, provides parking management strategies and makes recommendations to support the draft Structure Plan objectives.

The Parking Plan includes recommendations to adopt Parking Overlay schedules to set minimum and maximum parking rates for the precinct core and perimeter areas. The plan also recommends a series of non-statutory controls such as strategies, plans and guidelines.

Parking rates were determined based on an inventory of existing on-street and off-street parking and an empirical parking demand analysis within the precinct.

The draft Parking Plan also considers bicycle parking requirements and on-street parking management strategies to ensure the ongoing efficient and equitable use of these spaces.

(iii) Draft Implementation Plan

The draft Implementation Plan sets out actions to amend the planning scheme with respect to the delivery of critical walking and cycling links and parking controls and to expand the active transport network to support mode shift to occur.

The Implementation Plan prioritises projects and actions to be delivered in the short, medium or longer term. Actions relevant to parking controls under objective 19 include:

- 19.1 Prepare a Precinct Parking Plan to develop an integrated, strategic approach to parking across the Structure Plan Area.
- 19.2 Amend the planning scheme to:
 - Specify appropriate maximum and minimum car parking rates for new use and development within the Structure Plan Area
 - Require a Green Travel Plan for residential and non-residential development of a certain scale
 - Require the preparation of a car parking re-use plan, which explores adaptability and alternative uses of parking spaces, for suitably scaled developments.
- 19.3 Develop an on-street parking management policy that supports the draft Structure Plan

(iv) Draft Amendment

The draft Amendment proposes new Parking Overlay schedules, including:

- Monash Parking Overlay – Schedule 1 Area A (PO1) and Schedule 2 Area B (PO2)
- Kingston Parking Overlay – Schedule 4 Area B (PO4)

The rates in the PO schedules were informed by the draft Parking Plan. Area A includes maximum car parking rates and Area B includes a mix of minimum, maximum and minimum-maximum rates.

The PO schedules are not proposed to apply to land zoned Public Use Zone, Public Park and Recreation Zone or Comprehensive Development Zone.

(v) General issues conclusion

The Committee concluded in the General Issues Report (Volume 3, Chapter 8.7) that the proposed rates in the Parking Overlay schedules are satisfactory, but that the schedules must be reviewed within 5 years (as part of a broader monitoring and review strategy in relation to mode shift [GI R15]), to ensure the rates are appropriately calibrated to encourage a shift towards more sustainable transport modes.

12.4 Car parking rates

(i) Evidence and submissions

Evidence

The traffic experts agreed that:

- The management and provision of car parking is a critically important travel demand management lever to encourage mode shift
- The proposed approach is appropriate including:
 - the use of the Parking Overlays
 - the adoption of two separate PO areas for the Clayton Precinct
 - the adoption of maximum only rates in Area A and a mixture of minimum, maximum and minimum-maximum rates in Area B, and
 - the adoption of discretionary controls
- the Parking Overlays can be implemented immediately given they contain car parking rates and other planning controls that have been substantiated for the existing conditions in the Clayton Precinct
- the Parking Overlays should be reviewed at least every five years
- parking rates could potentially be reduced in the future
- on-street car parking should be managed in parallel with the introduction of the parking overlays
- sufficient car parking availability will be provided having regard to potential additional car parking demand.

Minor changes to the parking rates in the Parking Overlays were agreed by Mr De Young and Mr Walsh and are summarised in Table 5.

Table 5 Mr De Young and Mr Walsh agreed changes to Parking Overlay schedules

Parking Overlay	Proposed change to exhibited rates
Monash Parking Overlay – Schedule 1 Area A (PO1)	Increase the maximum 1-bedroom rate from 0.6 to 0.7 car spaces per dwelling
Monash Parking Overlay – Schedule 2 Area B (PO2) and Kingston Parking Overlay – Schedule 4 Area B (PO4)	Decrease the minimum: 1 bed-room rate from 0.5 to 0 spaces per dwelling 2 bed-room rate from 0.7 to 0.5 spaces per dwelling 3+ bed-room rate from 1.5 to 1.0 spaces per dwelling
Introduce a minimum office rate of 2 spaces per 100 sqm NFA	

Source: Joint expert statement CLA 057.

Mr De Young said:

- the minor increase to the parking rate in Area A was to align more closely with the Monash LGA ABS data as there was a very small sample size for three bed-room apartments within the Glen Waverley Structure Plan Area

- In Area B:
 - the amended parking rates represented reductions of approximately 30 per cent below existing ABS average rates
 - the draft Parking Plan proposed to provide a minimum 'floor' below current practice
 - maximum rates match existing Clause 52.06 rates
 - decreases to the minimum rates would be appropriate to further encourage mode shift towards sustainable transport modes
 - a small reduction in the minimum office car parking rate from 3.0 to 2.5 car spaces per 100 square metres of net floor area is appropriate noting the precinct's high level of public transport and it is common for office developments to provide less than 3.0 spaces per 100 square metres of floor area.

Mr De Young said he supported the implementation of the Clayton Planning Overlay schedules in 2026 because:

- the Parking Overlay schedules will assist in encouraging mode shift to sustainable transport modes which is a key objective of the proposed Amendment
- the proposed parking rates have been substantiated against local conditions and are not reliant on the completion of the SRL East Rail project.

He considered that the Parking Overlay schedules should be reviewed at least every five years and expected that as active and public transport accessibility improves, the potential changes to the parking controls will likely include in these reviews:

- lowering the maximum rates in Area A and/or Area B
- lowering the minimum rates in Area B including to zero for a broad range of dwelling types and land uses
- changing the Planning Overlay objectives, decision guidelines or requirements to encourage or require car parking to be provided in an unbundled, consolidated and/or decoupled arrangement.

Mr De Young added that this change will and ought to occur gradually in preference to the potential alternative approach of setting more aggressive rates and controls now before the evolution of land use and transport conditions in Calyton. He did not consider it necessary or appropriate to adopt more 'aggressive' rates or controls that seek to suppress car parking demand particularly in the short term over the next five years given that more aggressive controls would not be aligned with the current local conditions.

Mr De Young proposed some minor wording changes to enhance clarity of the application requirements which was also supported by Mr Walsh.

Mr Walsh supported the revised car parking rates, the minor wording changes proposed by Mr De Young and the proposed five yearly review process. However, in Mr Walsh's opinion, in isolation, the rates were not aggressive and will not drive significant change in mode shift.

Proponent

The Proponent advised that it accepted the traffic experts' findings and recommendations regarding parking management and Parking Overlay schedules. It noted the responses of Mr De Young and Mr Walsh to questions from the Committee that the proposed approach to parking rates is aimed at encouraging a reduction of car parking provision over time as opposed to a forced suppression of vehicle use. It submitted that the proposed five-yearly review of rates will ensure if lower rates are required to drive mode shift over time, that can be readily facilitated. The Proponent considered the rates set too low from the outset may inadvertently stifle the very development that is encouraged in the precinct, adding that it was a matter of timing and degree.

Monash Council

Monash Council supported applying the Parking Overlay schedules now with a view to facilitating mode shift towards active transport. It supported the changes to the parking rates for Areas A and B as proposed by Mr De Young and supported by Mr Walsh.

Monash Council also supported the view of Mr Walsh that in the Clayton context, the proposed rates are appropriate given that the SRL station will not open until at least 2035 in combination with the commitment to review rates at least every five years. It added that it was satisfied that the Parking Overlay schedules will encourage mode shift in so far as they are able to do so but Monash Council's concerns remain what that shift might ultimately be given the uncertainty of the provision of pedestrian links and road upgrades.

Kingston Council

Kingston Council submitted the decrease in parking rates in the Parking Overlay schedule for Area B proposed by Mr De Young and Mr Walsh should be resisted. It submitted that the proposed decreases can be accommodated in the future through the ongoing five yearly review of the Parking Overlay schedules.

(ii) Discussion

The Committee is satisfied on balance that the proposed Parking Overlay schedules and the approach to car park management are acceptable at this time. The Parking Overlay schedules are generally consistent with the intent of the draft Structure Plan and should assist in setting a framework for mode shift away from car-based travel to active and public transport. The minor changes to the parking rates agreed by Mr de Young and Mr Walsh are appropriate and the Parking Overlay schedules should be amended accordingly.

The Committee agrees with Mr Walsh that the parking rates are not aggressive but accepts that a review at least every five years will provide a suitable opportunity to review the parking rates should further suppression of car parking be required to encourage the desired mode shift. The proposed rates are appropriate for their introduction in 2026 through the Parking Overlay schedule as first step. As outlined in the General Issues Report (Volume 3, Chapter 8) the Committee considers it vital that the Planning Overlay schedules are reviewed as proposed at least every five years to ensure

that the parking rates remain appropriate and are assisting in meeting the key objective of promoting mode shift.

As noted in the General Issues Report (Volume 3, Chapter 8), the Proponent advised that no changes to the Parking Overlay schedules would be required noting that the Amendment VC277 and the SRL East precinct planning car parking rates are different but the objectives are similar. It compared the Parking Overlay schedules against the VC277 car parking rates and found that the Parking Overlay schedule rates were generally lower for residential uses and higher for non-residential uses including for the Clayton precinct. The Committee is satisfied that the parking rates were developed based on precinct-specific assessments, subject to peer review and critique and found to be satisfactory.

(iii) Finding

The Committee finds:

- The car parking rates in the Parking Overlay schedules are appropriate but should be reviewed as part of each five-yearly review to ensure they are set at an appropriate rate to encourage a shift towards more sustainable transport modes as noted in the General Issues Report (Volume 3 Chapter 8).

12.5 Car parking provision

(i) Evidence and submissions

Evidence

In Mr De Young's opinion, sufficient car parking (on-street and public car parking) will likely be available in the precinct in the future, but this public parking will need to be subject to altered management as the Clayton precinct develops. He said any adverse car parking impacts can be mitigated by enhancements to on-street parking management which is an action included in the draft Structure Plan and draft Implementation Plan.

Mr Walsh noted a potential issue with the cross section for Clayton Road to the south of the rail line shown in the draft Structure Plan (Figure 25) as it could be inferred that the intent was for all car parking along Clayton Road between Centre Road and Dunstan Street to be removed.

Mr De Young agreed that the Clayton Road cross section should be confirmed in the draft Structure Plan to avoid potential confusion over the future design outcome.

Proponent

The Proponent repeated submissions made at the General Issues Hearing that the cross sections in the Urban Design Reports and the draft Structure Plans are indicative only, it is not necessary to prepare additional cross sections or to determine the ultimate configuration of certain roads at this time.

The Proponent confirmed that it is not proposed to remove on-street parking along Clayton Road at this time. It stated that as the cross sections are indicative only, it does

not consider any amendment to the documentation is required to clarify further this matter.

It suggested that should the Committee consider that further clarification is required on the retention of parking on Clayton Road, a note could be added to the Clayton Road cross section that 'parallel parking will be provided between kerb outstands.'

Monash Council

Monash Council shared Mr Walsh's concern on the cross-section for Clayton Road included in the draft Structure Plan. It added that there are about 80 angled and parallel parking spaces on Clayton Road south of the rail line and noted the oral evidence of Mr Walsh that those spaces are well utilised, convenient for shoppers and are likely to be important to the traders in this area.

Monash Council submitted that it *"intends to facilitate the retention of these spaces for the reasons given by Mr Walsh, and considers that the draft Structure Plan should be amended accordingly."*

(ii) Discussion

The Committee accepts the assessment provided by Mr De Young that there will be sufficient on-street and off-street parking to meet future demand although that parking will need to be managed as the precinct develops. There is a draft Parking Plan as a background technical report (CLA 6 i) to the exhibited Amendment and actions in the draft Structure Plan and draft Implementation Plan (objective 19) to prepare a Parking Plan (which the Committee interprets to mean to finalise the draft plan). There is also an action to develop an on-street parking management policy that supports the Structure Plan Area's significant changes over time.

The Committee notes the advice of the Proponent that there are no plans to remove on street parking along Clayton Road. It accepts that the cross-sections shown in the draft Structure Plan are indicative only and the detailed layout design of Clayton Road will be determined later as the precinct is developed.

While the Committee agrees with the Proponent that the Clayton Road cross section does not need to be amended at this stage in the planning process, it holds some concern that the 'indicative' cross-section is open to interpretation with respect to on-street parking along Clayton Road. Indeed, both experts said as such and suggested that the more clarity should be provided on intention to retain on-street parking along Clayton Road.

The Committee considers that adding a note to the relevant cross section, as suggested by the Proponent, to confirm that appropriate on-street will be included in the future design of Clayton Road would resolve this issue at this stage in the planning process.

(iii) Findings, conclusion and recommendations

The Committee finds:

- Adequate on-street and off-street public parking in the precinct will be provided to meet demand.

- The actions included in the draft Structure Plan and draft Implementation Plan are appropriate to address any adverse car parking impacts.
- The Committee found in the General Issues Report (Volume 3 Chapter 8) that given the street network in the precincts is already established, the street masterplan phase is the appropriate time to resolve and balance the competing demands of environmental and transport needs placed on each street.
- A note should be added to the Clayton Road cross-section in the draft Structure Plan to clarify that it is intended that on-street parking will be retained along Clayton Road unless there is a design constraint that prevents this approach.

Based on the findings above and the conclusions in the General Issues Report (Volume 3), the Committee concludes:

- Adequate on-street parking in the precinct will be provided to meet demand, subject to the modification to the draft Structure Plan recommended below.

The Committee recommends:

Draft Structure Plan

- 19. CLA R11: Update Figure 25: Section A (illustration of potential section of Clayton Road south of the rail line) in the draft Structure Plan to clarify that on-street parking will be retained along Clayton Road south of the rail line, subject to detailed design.**

13 Community infrastructure

13.1 Referred Matter

The Referred Matter is:

Whether the planning for community infrastructure in the Clayton Structure Plan Area is appropriate, having regard to the needs of future residents, visitors and employees

13.2 Key issues

The key issues are whether:

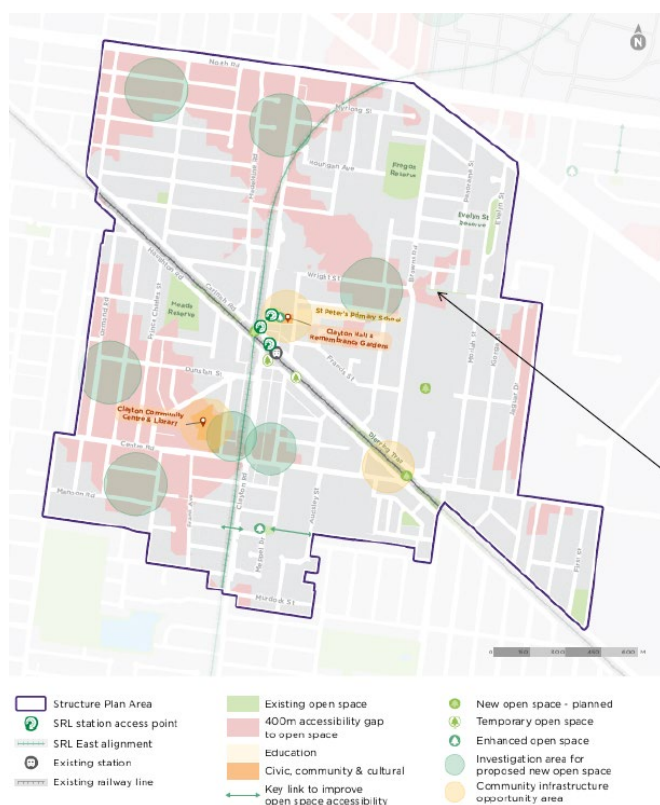
- the planning for community infrastructure in the Clayton Structure Plan Area is appropriate
- there are any Clayton-specific issues that need to be considered when further community infrastructure planning work is undertaken.

13.3 Background

(i) Draft Structure Plan

The draft Clayton Structure Plan identifies three opportunity areas for proposed new community infrastructure in Clayton are shown as yellow circles (Figure 26).

Figure 26 Community infrastructure opportunity areas– Clayton Precinct



Source: draft Clayton Structure Plan (Day 2 version), Figure 12: Enriching community plan – Open space and community infrastructure

(ii) Draft Implementation Plan

The draft Implementation Plan includes an objective to 'provide an enhanced and accessible network of community infrastructure that meets the needs of the future community'. The plan then lists various projects, similar to the approach in most precincts.

(iii) Community Infrastructure Needs Assessment

The Clayton Community Infrastructure Needs Assessment (CINA) generally follows the same format as other precincts. Of note, the Clayton CINA recommends:

... one new library of approximately 3813 square metres to service the Clayton and Monash 1.6-kilometre local catchments, located in the north-central part of the Clayton Structure Plan Area within 400 metres of the SRL station, and co-located with other community facilities such as maternal and child health services.¹⁴

... upgrade the Clayton Community Centre to 4192 square metres with the southern portion of the Monash 1.6-kilometre local catchment included ...¹⁵

(iv) Common issues finding

The Committee concluded in the Common Issues Report (Volume 2, Chapter 6) that planning for community infrastructure in the Structure Plan Area is not appropriate and does not sufficiently cater for the needs of future residents, visitors or employees and recommended a further CINA (CI R11, CI R12, CI R13, CI R14))

13.4 Precinct specific considerations

(i) Evidence and submissions

Generally, all community infrastructure and sport and recreation experts relied on their evidence in the General Issues Hearing.

Except for Mr De Silva, who gave evidence for the Proponent, the experts provided Clayton-specific assessments of the need for sport and recreational facilities and community infrastructure, together with recommendations for provision, as relevant to their expertise. Noting the discussion in Volume 2, Chapter 6 regarding the differing methodologies used, the Clayton-specific assessments generally identified a higher need, and made recommendations for a higher provision of infrastructure, than the Clayton CINA.

Overall, the experts identified key challenges in Clayton as including:

- existing high participation or use levels in Clayton
- many facilities in the Clayton Precinct being already at capacity and unable to service future needs
- a need to redevelop existing facilities or add facilities to respond to the needs of the growth in population in Clayton
- Ms Maddock said that worker needs (including shift workers) must be catered for, particularly at the Monash Medical Centre (Ms Maddock. Noting that, Mr

¹⁴ Document CLA 006c, p56.

¹⁵ Document CLA 006c, p56.

Ferguson gave evidence that the Monash health precinct did not have a bearing on the need for sport and recreational facilities (as a subset of community infrastructure)

- Ms Maddock, Ms Noesgaard and Ms Kerkin all agreed there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for
- Mr Ferguson said he had used a general concept of visitors for daily activities, and to this extent he had included visitor needs.

Mr De Silva gave evidence that because the Monash and Clayton precincts are adjacent it is appropriate to look at the two precincts together and it was *"a practical response"* for the Clayton community hub to service the southern part of the Monash precinct. Ms Noesgaard thought it was likely that some residents from Monash would use services in Clayton. Ms Maddock's evidence was the proximity of the two draft Amendments is exactly why a network approach is required.

Dr Kerkin disagreed with Mr De Silva and the Clayton CINA approach of meeting all community facility needs from the Monash Structure Plan Area in Clayton. Her view was that the needs of Clayton should be separate from those of Monash. She said:

- her evidence in the Monash Hearing was that a new library in the northern part of the Monash Structure Plan Area is required to service the 50,000 new workers there
- the Clayton Precinct population (residents and workers) is sufficient to warrant the provision of a flagship library within the Clayton Structure Plan Area, either through expansion of the existing Clayton Community Centre or relocation of the library to Clayton Hall.

Generally relying on their submissions on the General Issues Hearing, Kingston Council and Monash Council submitted that their experts' Clayton-specific recommendations for provision of community infrastructure should be adopted by the Proponent as part of this Amendment.

(ii) Discussion

The Committee has concluded in the Common Issues Report (Volume 2, Chapter 6) that further work is required to confirm the appropriate provision of community infrastructure (including recreational and sporting facilities).

When that further work is undertaken the following Clayton-specific matters should be considered:

- the evidence presented by Kingston Council and Monash Council demonstrates that existing community infrastructure is generally at capacity and significant further provision will be required to meet the growing needs of the Clayton Precinct population
- it is anticipated that the Clayton Precinct will experience the second highest percentage growth of the SRL East precincts
- worker (including shift worker) needs must be catered for, particularly at the Monash Medical Centre

- there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for (other than usually occurs for some facilities, for example, major aquatic centres)
- regarding community hubs and in particular library services, it is not appropriate for the needs of the Monash precinct to be met in Clayton and the evidence of Dr Kerkin on this point should be adopted.

(iii) Findings, conclusion and recommendations

The Committee finds:

- Planning for community infrastructure in the Clayton Structure Plan Area is not appropriate and does not sufficiently cater for the needs of future residents, visitors or employees.
- There is a demonstrated need for additional community infrastructure in the precinct, and this needs to be considered in the further assessment recommended by the Committee in the Common Issues Report (Volume 2).
- The further work recommended by the Committee in recommendation CI R11 should be undertaken considering the following Clayton-specific matters:
 - the evidence presented by Kingston and Monash demonstrates that existing community infrastructure is generally at capacity and significant further provision will be required to meet the growing needs of the Clayton Precinct population
 - Clayton is expected to have the second highest percentage growth of the SRL East precincts
 - worker (including shift worker) needs must be assessed and catered for, particularly at the Monash Medical Centre
 - there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for (other than usually occurs for some facilities, for example, major aquatic centres)
 - regarding community hubs and in particular library services, it is not appropriate for the needs of the Monash precinct to be met in Clayton.

Based on the above findings, and the conclusions in the Common Issues Report (Volume 2) the Committee concludes:

- The planning for community infrastructure in the Clayton Structure Plan Area is insufficient having regard to the needs of future residents, visitors and employees to the Structure Plan Area.

The Committee recommends:

20. Refer to Common Issues recommendations CI R11, CI R12, CI R13, CI R14.

21. CLA R12: Any further review of community infrastructure in the Clayton Precinct as recommended in the Common Issues Report (Volume 2) (recommendation CI R11) should consider:

- a) the evidence presented in the Clayton Hearing that demonstrate existing community infrastructure is generally at capacity and a significant further provision will be required to meet the growing needs of the Clayton Precinct population**

- b) Clayton is expected to have the second highest percentage growth of the Suburban Rail Loop East precincts**
- c) worker (including shift worker) needs must be assessed and catered for, particularly at the Monash Medical Centre**
- d) there is no major visitor attractor in Clayton that would require the needs of visitors to be assessed or provided for (other than usually occurs for some facilities, for example, major aquatic centres)**
- e) regarding community hubs and in particular library services, it is not appropriate for the needs of the Monash precinct to be met in Clayton.**

14 Draft Implementation Plan

14.1 Referred Matter

The Referred Matter is:

Whether the approach to implementing the actions and projects contained in the draft Implementation Plan for Clayton and the timing and pathways for their implementation are appropriate for the purposes of the draft Structure Plan.

14.2 Key issues

The key issue is whether approach to implementing actions and projects is appropriate for the purposes of the draft Structure Plan.

14.3 Background

(i) Draft Structure Plan

Section 7 of the draft Structure Plan explains that the actions in the plan will be coordinated across government, calling up the actions in the draft Implementation Plan.

Section 7 states that monitoring and review of the draft Structure Plan will be required to ensure the objectives, strategies and actions reflect changing conditions and remain fit for purpose over time. The opening of the new station at Clayton will be a significant point in time to review the progress of implementing the plan.

(ii) Draft Implementation Plan

The draft Implementation Plan sets out all actions contained within the draft Structure Plan and outlines the pathways, timing and responsibilities for delivering the actions. The draft Implementation Plan identifies key projects in each neighbourhood and outlines the timing, pathway and lead person/s responsible for each project.

Some of the actions are statutory actions (that is, require a planning scheme amendment) and others are non-statutory actions delivered through a range of mechanisms and partnerships.

There is no overarching monitoring and review requirement in the draft Implementation Plan. Instead, the plan takes a piecemeal approach and states that:

The lead agency for each action and key project will monitor and evaluate their timing, considering strategic resource plans and development within and beyond the Structure Plan Area.

(iii) Draft Amendment

The draft Implementation Plan is proposed to be included in the Schedule to Clause 72.08 (Background documents).

14.4 Common issues conclusion

The Committee concluded in the Common Issues Report (Volume 2, Chapter 8) that the approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate.

14.5 Precinct specific considerations

(i) Evidence and submissions

The Proponent did not make any precinct specific submissions in relation to the draft Implementation Plan.

It reiterated during the Clayton Hearing that the approach in the draft Implementation Plan is appropriate. It did not support any of Monash Council's recommended changes to the plan, nor the proposed changes to policy and Clause 74.02.

Monash Council submitted that many aspects of the draft Implementation Plan relate to the planning for community infrastructure, passive open space, active open space and transport infrastructure. Its primary submission at the General Issues Hearing was that the work to identify that infrastructure, and appropriately fund it, should be done before approving the draft Amendment. However, if the draft Amendment is approved without this work, then Monash Council recommended additional actions in the draft Implementation Plan to ensure its interests are taken into account. Monash Council submitted that this approach will not alleviate what it considers will be significant uncertainty for both Monash Council and the community but would be better than what is currently proposed.

In addition, Monash Council submitted the following changes to the planning scheme should be made:

- explicitly reference provision of the infrastructure set out in the draft Clayton Implementation Plan as an 'infrastructure strategy' in Clause 11.03-6L-01
- identify that the Proponent must prepare and implement a development contributions strategy and regime for the precincts in the Schedule to Clause 74.02
- amend the PRZ and BFO Schedules to add infrastructure delivery as an objective, with a supporting decision guideline
- include a requirement to prepare a Precinct Infrastructure Plan in the PRZ schedules for master planned areas.

Kingston Council submitted that further traffic modelling must be undertaken at five specified intersections before the draft Amendment is approved, so that specific projects can be included in the draft Implementation Plan. It submitted that alternatively, the draft Implementation Plan should require that further traffic modelling be undertaken in the short term.

Other submitters raised concerns about how the actions in the draft Implementation Plan will be implemented, particularly with respect to community infrastructure.

(ii) Discussion

The Committee concluded in the Common Issues Report (Volume 2, Chapter 5) that the approach to implementing the actions and projects contained in the draft Implementation. Accordingly, it is not appropriate to recommend specific changes to the draft Implementation Plan for Clayton.

While the Committee acknowledges the concerns raised about the Proponent's commitment to future actions in the Clayton Precinct, the draft Implementation Plan is essentially little more than a statement of intent. Further work is required to inform a more meaningful Implementation Plan that is grounded in a proper reflection of statutory roles, responsibilities and funding arrangements and dovetails with existing planning and delivery arrangements already in place (for example, future school planning).

(iii) Finding and conclusion

The Committee finds:

- The approach to implementing the actions and projects contained in the draft Implementation Plan for Clayton and the timing and pathways for their implementation are not appropriate for the purposes of the draft Structure Plan.

Based on the above finding, and the conclusions in the Common Issues Report (Volume 2) the Committee concludes:

- The approach to implementing the actions and projects in the draft Implementation Plans and the timing and pathways for their implementation is not appropriate.

15 Strategic sites

15.1 Referred Matter

The Referred Matter is:

Whether the identification and treatment of strategic sites in the Clayton Structure Plan Area are appropriate.

15.2 Key issues

The key issues are whether the identification and treatment of strategic sites in the precinct are appropriate.

15.3 Background

(i) Draft Structure Plan

The draft Structure Plan identifies the following strategic sites in the precinct:

- SRL SDA
- Cooke Street car park
- 1400 Centre Road
- PMP Printing Site
- Centre Road car park
- Monash Medical Centre.

The draft Structure Plan has limited detail on how the strategic sites were identified or which ones would require master planning. It states:

Strategic sites have been identified throughout the Structure Plan Area based on the opportunities they present to accommodate significant growth or their strong potential to help deliver policy objectives or public benefit outcomes.

To capture these opportunities, strategic sites may be subject to detailed master planning in the future. The master planning process allows for better management of site-specific and offsite impacts, while providing flexibility to test potential design options and fully consider matters that may only be known closer to the time of the site's development.

(ii) Draft Implementation Plan

Objective 4.1 of the draft Implementation Plan makes states the planning schemes should be amended to encourage the provision of affordable housing on strategic sites.

(iii) Draft Amendment

Although the Monash Medical Centre and the PMP Printing site were identified as 'Strategic Sites' in the draft Structure Plan, neither were proposed to be rezoned to PRZ (or included in the BFO) in the exhibited version of the draft Amendment. The Day 3 documents still show the PMP Printing site as a strategic site, even though it is not in the PRZ.

A master plan is required for the SDA in Monash PRZ2. Monash PRZ1 includes a Use and Development Framework Plan at Clause 3.0 which identifies the Centre Road car park

and the Cooke Street car park (and other strategic sites which are not in the schedule). There are no master plan requirements.

The Day 3 Kingston PRZ5 includes a Use and Development Framework Plan at Clause 3.0 which identifies 1380 – 1388 and 1400 Centre Road and 8 Audsley Street (the City Timber site) as a strategic site. (which is subject to an agreement as discussed in Appendix C). There are no master plan requirements in the PRZ Schedule or BFO6.

The PRZ schedules in Kingston and Monash in the Day 3 documents include the following decision guideline:

The suitability of strategic sites identified on the Use and Development Framework Plan (Map 1) to accommodate substantial redevelopment and intensification, including making significant contributions to the delivery of nominated public benefits.

(iv) General Issues conclusion

The Committee concluded in the General Issues Report (Volume 3, Chapter 9.3) that the approach to the identification of strategic sites is not appropriate. The Committee has recommended further work (GI R20, GI R21, GI R22, GI R23).

15.4 Evidence and submissions

The Proponent submitted the SRL Approach Report explained the criteria for identifying strategic sites as:

- complexity of issues to resolve including land use, built form and/or movement that require a bespoke planning control or process to achieve desired outcomes
- opportunity for strategic public benefit (including significant contribution towards housing or employment growth) and/or support Victorian Government policy outcomes, that would be lost if the site was not clearly identified as a strategic site
- capacity and scale – the ability for significant investment or benefit to be unlocked within the lifespan of the draft Structure Plan (that is, by 2041).

In response to submissions, the Proponent agreed that given its public use zoning, Monash Medical Centre should not be a strategic site. The designation was removed in the Day 3 documents.

Mr Bromhead, planning expert for the Proponent, gave evidence that identification as a strategic site was permission to 'go for it' in terms of intensity and density. He agreed that neither Monash Medical Centre nor the PMP Printing site should be strategic sites.

Monash Council maintained concerns raised in the General Issues Hearing about the uncertain role of strategic sites, and how the expectations for identified strategic sites differ from the broader 'transformational' objectives for the precinct.

Monash Council submitted it is not appropriate for Monash Medical Centre or the PMP Printing site to be a strategic site for the purposes of the Monash PRZ3, policy at Clause 11.03-6L-01, or the draft Structure Plan.

In line with his evidence at the General Issues Hearing, Mr Barnes gave planning evidence for Monash Council that the criteria for, and consequences of, a site being identified as a strategic site is confusing.

Monash Council recommended the draft Amendment be revised in respect of strategic sites and master planned site as follows:

- more clearly describe 'strategic site' and 'master planned site' to clarify they are two separate categories
- expand Clause 11.03-6L-01 to capture expectations for strategic sites and master planned sites
- apply the VPBUF to all strategic sites
- include the role of strategic sites in the use and development objectives of the PRZ and BFO schedules.

Ms Waty, urban design expert for Kingston Council, considered the City Timber site should be subject to a 'framework' plan process. She said a framework plan would have a different function to a master plan.

Mr Glossop, planning expert for Kingston Council, said the City Timber site could be put into a separate schedule with master plan requirements that would be simplified to a level commensurate with a typical Development Plan Overlay.

Kingston Council submitted that the City Timber site should be subject to an overall framework plan (or simplified master plan).

15.5 Discussion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 9.3) that the identification of strategic sites is not appropriate and that further work is required (GI R20, GI R21, GI R22, GI R23).

As outlined in the General Issues Report (Volume 3), the Committee supports the intent of strategic sites being elevated as sites or areas that will play a key role in delivering the housing, employment and public realm objectives of the draft Structure Plans. However there needs to be a clearer understanding about the role of strategic sites in delivering public benefits and affordable housing, and that role needs to be more clearly reflected in the planning controls for strategic sites.

In this report, the Committee has considered some precinct specific issues for strategic sites.

Monash Medical Centre and the PMP Printing site

It is not appropriate to identify the Monash Medical Centre and the PMP Printing site as strategic sites. These sites have well established functions and roles. Given there is no clear criteria or consequence of being identified as strategic site, such an identification would not add anything and may add confusion.

The Day 3 documents address the Monash Medical Centre, but not the PMP Printing site (which is still identified as a strategic site). This is not appropriate. The PMP Printing site is not in the PRZ and should not be identified as a strategic site in the PRZ schedules.

City Timber site

This site was subject to an agreed outcome between the Proponent and Peluso and Family Nominees Pty Ltd and SUD Holdings Pty Ltd. The submitters did not appear at the Hearing, on the basis of this agreement.

The Committee made it clear at the Hearing that its final conclusions and recommendations may not align with the agreement outcome, and the consequences of withdrawing the submission was that the submitter would not be involved in that process. The agreement is discussed in more detail at Appendix C.

In the General Issues Report (Volume 3), the Committee has recommended a broader review of the strategic site designation, including when a master plan should be prepared. Even without such a review, the Committee agrees with Kingston Council that the City Timber site would benefit from a master plan process given potential access issues and interfaces. BFO6 should be updated to reflect this.

In the General Issues Report (Volume 3), the Committee has also recommended a review of pedestrian links, and this may affect the controls (and master planning parameters) for the City Timber site (and result in a variation to the agreed outcome).

15.6 Findings and recommendations

The Committee finds:

- The identification and treatment of strategic sites in the Clayton Structure Plan Area is not appropriate.
- The further work recommended by the Committee in the General issue report (GI R20) should be undertaken considering the following Clayton-specific matters:
 - The PMP Printing site should not be identified as a strategic site.
 - The City Timber site should be identified as a strategic site, subject to requiring a simplified master plan requirement that deals with the most pertinent issues, including site interfaces, lot consolidation and access.

Based on the above findings and the conclusions in the General Issues Report (Volume 3), the Committee concludes:

- The identification and treatment of strategic sites in the Clayton Structure Plan Area is not appropriate.

The Committee recommends:

22. Refer to General Issues recommendations GI R20, GI R21, GI R22, GI R23.

23. CLA R13: Include in the scope of any further review of strategic sites as recommended (GI R20) in the General issues Report (Volume 3) in the Clayton Precinct:

- a) removing the PMP Printing site as a strategic site**
- b) including the City Timber site as a strategic site, subject to a simplified master planning process that deals with the most pertinent issues, including site interfaces, lot consolidation and access.**

16 Public Acquisition Overlay

16.1 Referred Matter

The Referred Matter is:

Whether the Public Acquisition Overlay (PAO) should be applied to 31 Dunstan Street, Clayton

16.2 Key issues

The key issues are whether:

- the link between Nicholson Court and Dunstan Street is a 'Key Critical Link'
- whether the link between Nicholson Court and Dunstan Street should pass through 31 Dunstan Street or be located elsewhere
- the PAO should not be applied to 31 Dunstan Street due to the impact it would have on the owner and/or lessee of that property.

16.3 Background

(i) Draft Structure Plan

The draft Structure Plan identifies 31 Dunstan Street as a Key Critical Link connecting Nicholson Court and Dunstan Street as part of a strategic cycling corridor, as shown on Figure 27.

Figure 27 Key Critical Link: 31 Dunstan Street



Source: Extract from draft Clayton Structure Plan (Day 2 version), Figure 17

(ii) Draft Implementation Plan

The draft Implementation Plan provides for the following relevant objectives (Day 2 version):

17.1 Amend the planning scheme to:

- Require the delivery of Critical Key Links to provide for a network of connected, permeable walking and cycling corridors across the Structure Plan Area as shown in Figure 17 of the draft Structure Plan
- Encourage the delivery of Important Key Links and Local Key Links through the future development of private landholdings, generally in accordance with locations shown in Figure 17 of the draft Structure Plan.

17.2 Progressively plan for and expand and reinforce an active transport network of high-quality strategic and local walking and cycling routes across the Structure Plan Area as shown in Figure 17 of the draft Structure Plan.

Objective 17.1 is 'short term' and objective 17.2 is 'short-long term'.

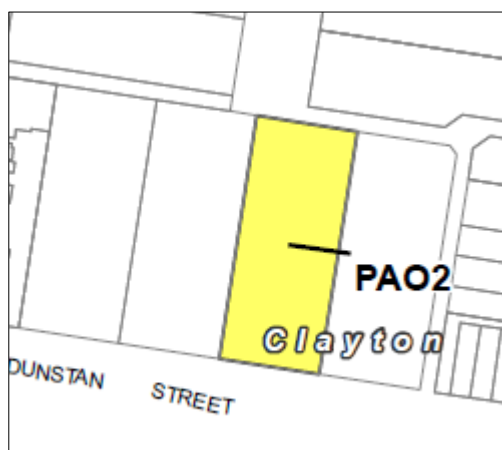
These objectives are reflected in action A.1 which provides for new transport infrastructure:

New pedestrian and cycling infrastructure connecting Nicholson Court to Dunstan Street.

(iii) Draft Amendment

The draft Amendment proposes to apply the Public Acquisition Overlay Schedule 2 (PAO2) to 31 Dunstan Street with the Proponent as the acquiring authority for the purposes of a road and a corresponding map identifying the site as subject to PAO (Figure 28).

Figure 28 PAO2 over 31 Dunstan Street



Source: Planning Scheme Map No.20PAOXX

(iv) Common issues finding

The Committee supports applying the PAO to land identified as 'Critical Key Links' in the Clayton and Monash Precincts (Volume 3, Chapter 9.9).

16.4 31 Dunstan Street, Clayton

(i) Evidence and submissions

The planning experts in the Clayton Hearing supported applying the PAO to 31 Dunstan Street, Clayton (site) because the site is identified as a Key Critical Link in the draft Structure Plan.

Both traffic and transport experts, Mr De Young for the Proponent and Mr Walsh for Monash Council, supported a pedestrian and cycling link between Nicolson Court and Dunstan Street as a Key Critical Link and applying the PAO to secure the link. Mr De Young said the link will deliver import active transport infrastructure and it is reasonable to apply the PAO. Mr Walsh was comfortable with the link being retained and the Proponent as the acquiring authority under the PAO because the link would facilitate direct access to the new station.

The Proponent submitted it is appropriate to apply the PAO to the site because:

- critical links have been identified in the draft SRL East Structure Plans as essential for achieving the visions, based on the transport and urban design technical reports
- the Proponent will deliver critical links without applying the PAO where the link is:
 - in SDAs, and their delivery is subject to SRL East Rail and Infrastructure works
 - on land that is already publicly owned
 - subject to an existing planning pathway
- in all other cases, such as 31 Dunstan Street, critical links will be delivered using the PAO.

The owner of the site (F Karalis Nominees Pty Ltd) submitted that applying the PAO to the site was inappropriate because:

- it would disrupt the operation of the existing medical and dental practice located on the site and cause significant financial and emotional cost to the owners, operators, employees and clients of the practice
- it would force the relocation of the practice from a central and well-placed location in the Structure Plan Area where community services are encouraged, particularly in a transformational growth context with growing demand
- there are better alternative locations for the link:
 - the existing laneway network to the east (behind the shops facing Clayton Road) and north (to the rear) of the site (which would result in no land being acquired) (Option A)
 - acquiring the land to the immediate east at 33 Dunstan Street (Option B)
 - acquiring the land to the immediate west at 29 Dunstan Street which is located at the termination of Burnet Street (Option C).

The Proponent responded:

- if the PAO is applied to the site, the owners and lessee will be properly compensated for the acquisition and disturbance associated with the compulsory acquisition under the *Land Acquisition and Compensation Act 1986*.

- the proposed acquisition is expected to commence in 2030, five years before the expected opening of the SRL Clayton station in 2025, allowing sufficient time for the relocation of the business
- the alternative routes for the critical link proposed by the owner are not appropriate.

More specifically, the Proponent submitted:

- Option A does not provide a safe or direct cycling link through central Clayton because it:
 - would require cyclists to share a narrow three-metre service laneway used by cars to access existing and newly developed land off the laneway
 - contains a 90-degree turn
 - does not provide active or passive surveillance from neighbouring properties
 - would require cyclists to take various turns to traverse from Nicholson Court to Burton Avenue.
- Option B would have similar issues to Option A and would need to utilise 15 metres of the existing laneway of Option A.
- Option C would have a similar linking utility as 31 Dunstan Street, however it is not preferred because:
 - The crossing point at Dunstan Street would be in close proximity to the intersection with Cooke Street. This is considered a less safe outcome than a crossing at 31 Dunstan Street, as it creates a potential conflict point with limited visibility between right turning vehicles from Cooke Street to Dunstan Street and pedestrians/cyclists crossing the through the new link and crossing.
 - The active travel link could not be as easily aligned with the terminating end of the Nicholson Court cul-de-sac.¹⁶

Monash Council supported applying the PAO to facilitate the construction of a strategic cycling corridor and dedicated pedestrian pathway through Nicholson Court to Dunstan Street. It did not express a view as to the link's precise location provided it was visible to users and of a width ensuring a safe pathway.

(ii) Discussion

The Committee supports applying the PAO to 31 Dunstan Street, Clayton.

There was no dispute between the experts that a link between Nicholson Court and Dunstan Street is a Key Critical Link required for the proposed strategic cycling corridor and applying the PAO to secure the link is appropriate.

The Committee understands the concerns of the owner regarding the impact of the compulsory acquisition. However, matters of compensation for the impact of a compulsory acquisition on the landowner and any relevant business operator are managed through the provisions of the *Land Acquisition and Compensation Act 1986*. The Committee accepts that the relocation of a much-needed community service will be the result of the compulsory acquisition of the site but considers that there are likely to be a range of suitable alternative locations that are similarly well-placed within the precinct.

¹⁶ Document CLA 095, [359]

The Committee has considered the alternative locations for the link suggested by the owner and for the reasons advanced by the Proponent, it considers they would achieve inferior outcomes compared to 31 Dunstan Street. Particularly:

- Options A and B would present significant safety concerns for users (motorists, cyclists and pedestrians) of the laneway
- Option C would also present safety concerns due to the location of the crossing point at Dunstan Street being so close to the intersection with Cooke Street.

16.5 Finding and conclusion

The Committee finds:

- The preferred location for the link is 31 Dunstan Street, Clayton and it is appropriate to apply the PAO to facilitate its acquisition.

Based on the above findings, the Committee concludes:

- It is appropriate to apply the Public Acquisition Overlay to 31 Dunstan Street, Clayton.

17 Road and street network

17.1 Referred Matter

The Referred Matter is:

Whether the road/street network shown in the draft Structure Plan and draft Amendment is appropriate.

17.2 Key issues

The key issue is whether the proposed road and street network in the draft Structure Plan and draft Amendment is appropriate.

17.3 Background

(i) Draft Structure Plan

In Chapter 5.6 Better connections, the draft Structure Plan includes objectives and actions relevant to the road and street work, specifically:

- Objective 18: Minimise the impacts of private vehicles and freight on local streets

The draft Structure Plan states that the future transport network in the Structure Plan Area to establish and reinforce the strategic and local traffic and freight network, discourage through traffic and improve safe and plan for the Westall Road extension to support Clayton's development.

(ii) Draft Implementation Plan

The draft Implementation Plan sets out pathways to deliver the draft Structure Plan objectives and actions to enhance the road and street network. The draft Implementation Plan prioritises projects and actions to be delivered in the short, medium or longer term and identifies lead responsibility for delivery.

(iii) Draft Amendment

The Amendment proposes to insert the following background documents into the Clause 72.08 Schedule of the Kingston and Monash Planning Schemes:

- SRL East Structure Plan – Clayton (SLRA 2025)
- SRL East Implementation Plan – Clayton (SLRA 2025)
- Precinct Parking Plan – Clayton (AJM 2025)

It inserts PO1 and PO2 to the Monash Planning Scheme and amends Clause 02.03-7 Transport.

It inserts PO4 to the Kingston Planning Scheme and amends Clause 18.02-4L Car parking. The Amendment is consistent with Clause 18.02 Movement networks of the Victorian Planning Policy Framework.

(iv) Technical Note TN-CLA01

This technical note (CLA 27) provides further information on the review of the pedestrian connections shown in the Development Framework Plans of the BFO schedules. It sets out recommended changes to the Day 1 documentation in response to recommendations made by experts relating to key links and pedestrian connections and proposed the removal of eight pedestrian links from the draft Residential BFO4 of the Monash Planning Scheme and two pedestrian links from the Residential BFO6 of the Kingston Planning Scheme.

(v) General issues conclusion

The Committee has concluded in the General Issues Report (Volume 3, Chapter 8.6) that given the street network in the precincts is already established, the street masterplan phase is the appropriate time to resolve and balance the competing demands of environmental and transport needs placed on each street. No general recommendations were made.

17.4 The proposed road and street network

(i) Evidence and submissions

Mr De Young, traffic and transport expert for the Proponent, considered the road network shown in the draft Structure Plan and draft Amendment to be appropriate because:

- the existing network in the Structure Plan Area is well established with a mix of arterial roads, collector roads and local streets providing appropriate connections to broader destinations and supporting an established bus network
- there are areas with excellent cycling infrastructure and a mix of sharrow, on and off-road treatments along several roads
- they address existing gaps and enhance accessibility for sustainable transport modes including:
 - enhanced and new crossings of major arterial road intersections
 - improvements to the cycling network using off-road, on-road and mixed traffic (sharrow) treatments
 - improvements to the public transport network including new local strategic bus corridors and planning for improved bus priority through key corridors
- projects include alterations to the road and street network adjacent to the SRL Clayton station and along Clayton Road.

Mr De Young considered the transport modelling completed covers most of the key signalised intersections in the Structure Plan Area. Therefore, it is not necessary for more transport modelling to be completed before approval of the draft Amendment to confirm the appropriateness of the road and street network.

Mr Walsh, traffic and transport expert for Monash Council, gave evidence that the draft Structure Plan supports increased density and mode shift to active transport by nominating several active transport initiatives and upgrades. He stated, however, that in his view the Proponent should have provided greater detail on the expectations of each

street type and investigated what upgrades are reasonably achievable on the roads it has nominated.

Mr Walsh undertook a detailed transport assessment of the draft Structure Plan and draft Amendment. He stated that he was generally comfortable with the draft Implementation Plan subject to:

- adopting a funding mechanism to ensure transport projects are constructed in a meaningful timeframe to achieve modal shift
- the Proponent being responsible for delivering pedestrian and cycling infrastructure on Nicholson Court and Burton Avenue
- the Proponent providing direction on the street type designs and what level of improvements are contemplated
- the Proponent/DTP being the lead for providing wayfinding signage.

He recommended an extensive list of updates to the road and street network as shown in the precinct Framework Plan which included wider footpaths on the strategic walking corridors, separated cycling facilities on the strategic cycling corridors and the removal of pedestrian links in accordance with SRLA Technical Note TH-CLA01 and other pedestrian links which he had identified as unnecessary or unlikely to be delivered.

Mr Walsh noted that while there has been some additional transport modelling done, there has been no specific modelling done for the broader Structure Plan Area and it is not known whether road/intersection improvements will be necessary to accommodate the increased traffic arising from the expected intensification of the precinct. In his view, modelling should be done, for example for existing intersections on Centre and North Roads, to inform what transport projects may be necessary for development of the precinct.

The Proponent noted, unlike in other precincts, no matter on street cross-sections or spatial plans has been referred to the Committee with respect to the Clayton Structure Plan Area. It submitted most of Mr Walsh's relate to funding. The Proponent reiterated its submissions made to the General Issues Hearing that:

- the scope of referred matters does not include the detailed delivery or funding of community infrastructure
- the Committee's interpretation of the scope of the inquiry, specifically that the absence of funding mechanisms for community infrastructure is a matter related to planning and delivery.

The Proponent did not seek to reopen these matters at the Clayton Hearing but did make the additional point that Mr Walsh's evidence, in raising a concern that a funding mechanism has not yet been resolved, did not identify any difficulty with the approach adopted by the Proponent *"that would not be cured with the development of a funding mechanism in the fullness of time"*¹⁷. The Proponent stated that the funding of community infrastructure will be addressed separately to the introduction of the draft Amendment as part of a broader reform process and is beyond the remit of it alone.

In relation to Mr Walsh's evidence that additional work should have been done to test the feasibility of enhancements to the strategic walking and cycling paths as well as streets

¹⁷ Document CLA 095, [370]

designated as a green street, avenue, boulevard or activity street, the Proponent submitted:

- Mr De Young disagreed that this additional work was critical to inform the draft Structure Plan but had recommended changes to the first strategy under objective 17 of the draft Structure Plan to outline what the cycling network improvements should entail
- Mr De Young and Mr Walsh agreed in the Joint Expert Statement that this strategy could be modified further to state that wider footpaths should be provided in strategic walking corridors.

The Proponent accepted these changes to the objective 17 strategy, subject to appropriate drafting, and considered that this resolved Mr Walsh's concerns in relation to the desirability of separated paths.

On the question of the need for additional traffic modelling, the Proponent noted that in cross-examination, Mr Walsh agreed that his concern was in relation to funding. It submitted that Mr De Young's evidence was that additional modelling was not required at this time and, as recorded in the General Issues transport Joint Expert Statement¹⁸, Mr Walsh agreed that it was acceptable, though less preferable, for additional modelling to be done following approval of the draft Amendment.

The Proponent submitted that no additional modelling is required at this stage of the process.

Monash Council submitted the road and street network in the precinct is broadly adequate, subject to resolving some critical issues to ensure ongoing functionality. These include:

- resolving active transport matters including those in relation to pedestrian access and links
- completing traffic modelling for Centre Road and North Road before finalising the draft Implementation Plan
- amending the draft Implementation Plan to confirm the Proponent's responsibility for various projects.

Monash Council submitted:

- additional traffic modelling should be completed now, and not left for Monash Council later on
- as agreed by Mr De Young in cross-examination, it is not correct to say that the existing actions in the draft Implementation Plan will deliver the further modelling recommended by Mr Walsh
- Mr De Young accepted the network might not perform adequately, that modelling will need to be done at some point, and that the modelling "*could be done now*".

Kingston Council sought a recommendation that further traffic modelling be done for several intersections identified by its traffic engineers before the draft Amendment is approved so that potential projects can be included in the draft Implementation Plan and a future funding mechanism can be equitably distributed across the Structure Plan

¹⁸ Document GI 087 (page 5)

Area. If such a recommendation is not made by the Committee, the need for further modelling should be included in the draft Structure Plan and the Implementation Plan.

(ii) Discussion

The Committee was persuaded by the evidence of Mr De Young that the proposed road and street network as set out in the draft Structure Plan, draft Implementation Plan and the draft Amendment is essentially sound and would build on the existing comprehensive road and street network to enable and facilitate development of the precinct. That is not say, however, that the proposed network is perfect; rather, it is appropriate at this stage of the planning process.

Mr Walsh provided a comprehensive assessment of the draft Structure Plan and Implementation Plan and identified what he considered to be shortcomings with respect to the road and street network in some detail. Some of his recommended changes relate to the objectives in the draft Strategic Plan and draft Implementation Plan and have been accepted by SRLA. These include changes to the first strategy in objective 17 of the draft Structure Plan with respect to the cycling network improvements and footpath widths on the strategic walking corridors.

Others go to more specific aspects of the proposed network. The Committee is not in position to decide whether the specific changes recommended by Mr Walsh should be made now. The level of detail set out by Mr Walsh is not necessary as part of this process. However, the detailed assessment done by Mr Walsh should be examined by the Proponent and the Councils when detailed design work is undertaken to implement the Strategic Plan. The deletion of pedestrian links as recommended by Mr Walsh is discussed in Chapter 8.

The Committee notes the point made by the Proponent that the concerns of Mr Walsh go to the current lack of a funding mechanism for the delivery of projects which raises the question of how and when projects will be delivered rather than the merit of specific projects.

Monash Council and Kingston Council did not question the fundamental soundness of the proposed road and street network. The issues raised were more to do with the resolution of some aspects of the active transport network, clarification on responsibility for the delivery of some projects and the need for further transport modelling work before the draft Structure Plan, draft Implementation Plan and the draft Amendment are adopted.

The issue of whether further modelling is needed now is covered at some length in the General Issues Report (Volume 3, Chapter 8.8) and is not revisited here. It is inevitable that additional traffic modelling will be undertaken alongside the detailed design work for road and intersection upgrades.

(iii) Findings and conclusion

The Committee finds:

- The proposed road and street network as set out in the draft Structure Plan, draft Implementation Plan and the draft Amendment is essentially sound and

would build on the existing comprehensive road and street network to enable and facilitate development of the precinct.

- While the network is not perfect, it is appropriate at this stage of the planning process.
- It is inevitable that additional traffic modelling will be undertaken alongside the detailed design work for road and intersection upgrades.

On the basis of those findings, and the conclusions in the General Issues Report (Volume 3) the Committee concludes:

- The proposed road and street network in the draft Structure Plan and the draft Amendment is generally appropriate.

18 Aviation

18.1 Referred Matter

The Referred Matter is:

Whether requirements for the Monash Medical Centre and Victorian Heart Hospital helicopter flight paths have been considered

18.2 Key issues

The key issue is whether the flights paths for the Monash Medical Centre and Victorian Heart Hospital (VHH) have been considered.

Notably, the VHH is located outside of the Clayton Precinct and it is not clear if the agreed outcome (Appendix C) affects any heights in the Monash Precinct.

18.3 Background

(i) Draft Structure Plan

The draft Structure Plan does not reference flight paths.

(ii) Draft Implementation Plan

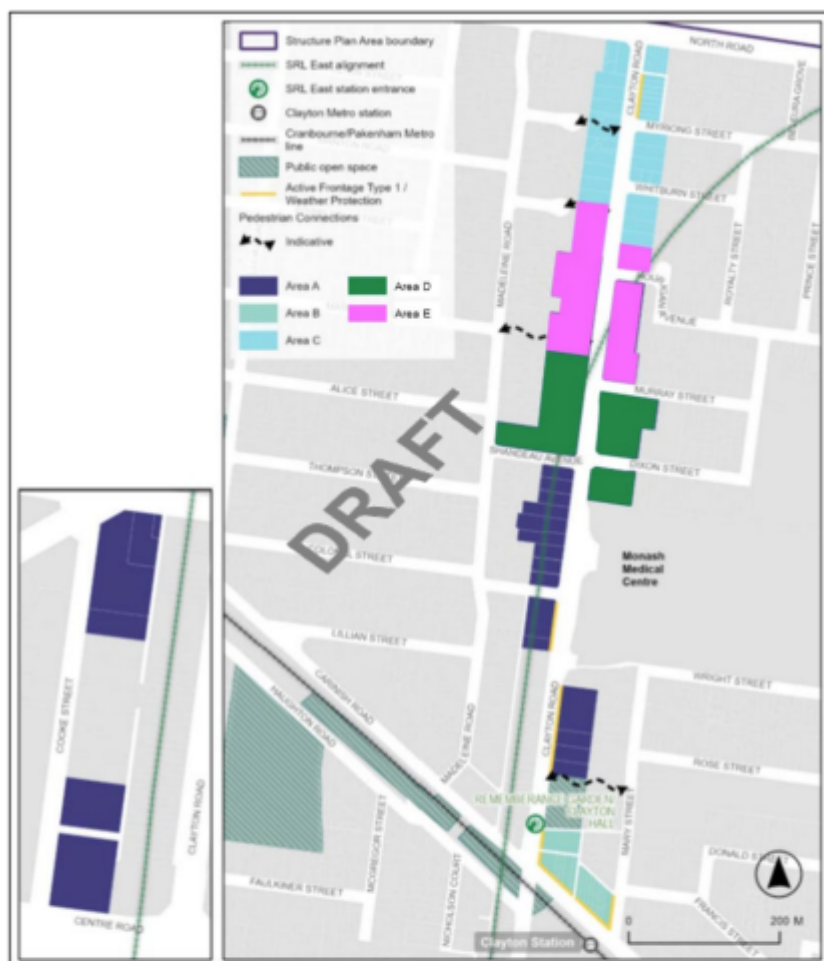
The draft Structure Plan does not reference flight paths.

(iii) Draft Amendment

The draft Amendment does not deal specifically with flight paths.

The exhibited controls included preferred maximum heights to the north and north west (25 metres) of Monash Medical Centre and along Clayton Road (39 metres) which exceeded the obstacle limitation surface. The preferred heights in the Day 3 BFO1 and BFO3 were adjusted to reflect an agreement with VIDA/VHBA on behalf of the Department of Health to address flight path requirements.

Figure 29 - BFO schedule agreed to by VIDA/VHBA



Area A	39 metres
Area B	49 metres
Area C	33 metres
Area D	22 metres, or 92.6 metres AHD (whichever is lower)
Area E	17 metres, or 92.6 metres AHD (whichever is lower)

Source: Document CLA 054b

(iv) Other controls

Flight paths for Monash Medical Centre are currently protected by the Special Controls Overlay Schedule 16 (SCO16) and its associated Incorporated document *Monash Medical Centre Emergency Helicopter Flight Path Protection* (October 2024).

SCO17 requires a permit application for a building that exceeds 128.2 metres in the inner zone and 138.2 metres in the outer zone to be referred to the Department of Health.

18.4 Flight paths

(i) Evidence and submissions

The Proponent submitted the Day 1 controls appropriately address the issue of flight paths because:

- they meet the requirements of VIDA/VHBA
- preferred maximum building heights have been reduced consistent with the allowable height in SCO16
- the SCO17 referral of applications to the Department of Health will ensure the department is satisfied any permit application accords with the relevant height control.

Mr Sheppard, urban design expert for the Proponent, recommended some consequential changes to the FARs and building heights along Clayton Road following the reduction in heights for the flight path.

VHBA supported the heights shown in the Day 1 documents:

... VHBA accepts the discretionary building heights proposed and is confident that these remain clear of the Obstacle Limitation Surface of the Hospital Emergency Medical Services helicopter flightpaths supporting the Monash Medical Centre.

VHBA reached an agreement with the Proponent on that basis (refer Appendix C).

Monash Council noted that the Referred Matter for the Clayton Precinct concerns both Monash Medical Centre and the Victorian Heart Hospital (VHH). VHH is located at Monash University in the Monash Precinct, but there is no equivalent Referred Matter in the Monash Precinct.

Monash Council submitted that flight paths to the VHH were protected by SCO17 and associated Incorporated document *Victorian Heart Hospital Emergency Helicopter Flight Path Protection* (October 2024) (VHH Incorporated Document). Although a small section of SCO17 traverses into the Clayton Precinct, it primarily affects Monash University and parts of the Wellington Road, Health Innovation, Employment Growth and Notting Hill Neighbourhoods in the Monash Precinct.

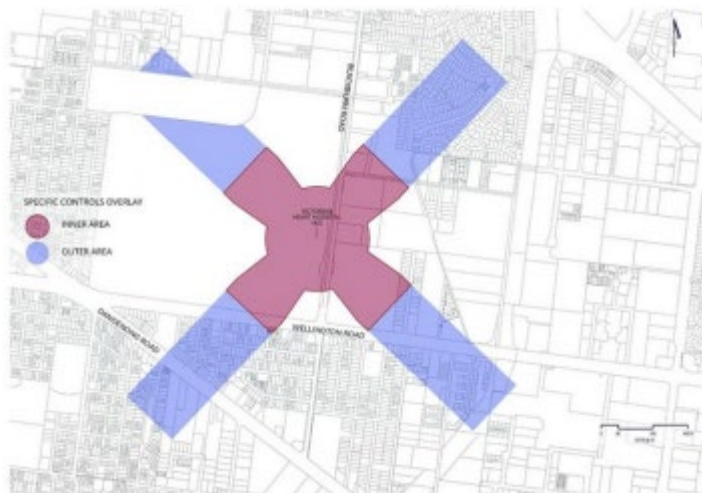
Figure 30 shows the overlap between SCO16 and SCO17 and Figure 31 shows the extent of SCO17 in the Clayton Precinct.

Figure 30 - Special Control Overlay extent



Source: Monash Council submissions (CLA 099)

Figure 31 - Map showing SCO17 control for VHH in Clayton Precinct



Source: Monash Council submission (CLA 099)

Monash Council submitted:

- the agreement between VIBA/VHBA and the Proponent (CLA 054) does not shed any light on:
 - how requirements for VHH have been considered in either the Monash Precinct or Clayton Precinct
 - whether the response in the draft Amendment is satisfactory
- VHH is a nationally significant health asset that should be protected.

Mr Barnes, planning expert for the Proponent, stated if the Department of Health was satisfied with the aviation related issues, so was he.

(ii) Discussion

The built form controls in the BFO schedules should be consistent with the flight path requirements (that is, the obstacle limitation surface). While there are SCO controls already in place to protect flight paths to Monash Health and VHH, it is not good planning to create an inconsistency in the planning scheme or false expectations in the precincts.

The Committee agrees with Monash Council that the protection of flight paths to VHH has not been clearly considered. This is a recently constructed and nationally significant asset. The agreement reached between the VIBA/VHBA and the Proponent (CLA 054) does not explain how the flight path for the VHH has been considered. The views of the Department Health on VHH should be obtained because this could have implications for buildings in both the Monash and Clayton precincts.

(iii) Findings, conclusions and recommendations

The Committee finds:

- Clear advice must be obtained from the Department of Health to confirm if the preferred maximum building heights in the relevant BFO schedules (in Clayton and Monash precincts) suitably protect helicopter flight paths around the Victorian Heart Hospital.
- The helicopter flight paths to Monash Medical Centre have been appropriately considered.
- The helicopter flight paths to the Victorian Heart Hospital have not been appropriately considered.

Based on the above findings, the Committee concludes:

- The helicopter flight paths to Monash Medical Centre have been appropriately considered.
- The helicopter flight paths to the Victorian Heart Hospital have not been appropriately considered.

The Committee recommends:

24. CLA R14: Refer the relevant Built Form Overlay schedules in the Clayton and Monash precincts to the Department of Health to confirm if the specified preferred maximum building heights suitably protect helicopter flight paths around the Victorian Heart Hospital.

25. CLA R15: Amend the Built Form Overlay schedules in the Clayton and Monash precincts to revise the preferred maximum building heights if the Department of Health confirms they are needed to protect the helicopter flight paths.

Appendix A Parties to the Hearing and parties who provided submissions

Submitter	Represented by
Suburban Rail Loop Authority (Proponent)	Barnaby Chessell SC, Jane Sharpe and Carly Robertson of Counsel, instructed by Clayton Utz and White and Case, who called expert evidence on: - community infrastructure from Chris De Silva of Mesh - planning from William Bromhead of Ratio - traffic from Tim De Young of Eukai - urban design from Mark Sheppard of Urbis
Monash City Council	Paul Chiappi SC and Stephanie Mann of Counsel, instructed by Maddocks Lawyers, who called expert evidence on: - community infrastructure from Kate Kerkin of K2 Planning - open space from Joanna Thompson of Thompson Berrill Landscape Design - sports and recreation from Kate Maddock of Otium - planning from David Barnes of Hansen - traffic from Jason Walsh of Traffix Group - urban design from Andrew Partos of Hansen
Kingston City Council	Daniel Robinson of Counsel, instructed by Corrs Chambers Westgarth, who called expert evidence on: - community infrastructure from Jo Noesgaard of SGS Economics - open space from Joanna Thompson of Thompson Berrill Landscape Design - sports and recreation from Dan Ferguson of The Community Collaborative - planning from John Glossop of Glossop Town Planning - urban design from Gerhana Waty of Hansen
Andre Barouh	
D & G Brothers Management Group	Bridget Champion of A Different City
DGA Australia Holdings Pty Ltd	Robert Williams of Human Habitats
F Karalis Nominees Pty Ltd	Vicki Kotsirilos
Gerry Liu	
John Crock	

Lili Liu	
Masonry Societe	Raynor Li
Monash Medical Centre	Mark Thompson of VIDA Health
Pellicano Group	Mark Naughton of Planning Property Partners Pty Ltd
Peluso and Family Nominees Pty Ltd and SUD Holdings Pty Ltd (City Holdings)	

Appendix B Document list

No.	Date	Description	Provided by
Referred documents			
CLA 1	1 Jun 2025	Terms of Reference	Minister for Planning
CLA 2	7 Jul 2025	Referral letter, with attached: Specific matters for referral	Minister for Planning
General Issues – Material sourced by the Committee			
GI 3	7 Jul 2025	Background and technical reports: a) Aboriginal Cultural Heritage Technical Report b) Aviation and Airspace Technical Report c) Contaminated Land Memorandum and Technical Report d) Engagement Report e) Flooding Technical Report f) Flooding Technical Report – Appendices g) Historical Heritage Report h) Integrated Water Management Strategy i) Land Use Scenario and Capacity Assessment j) Noise and Vibration Technical Report k) Odour and Dust Technical Report l) Open Space Technical Report: Sections 1-7 m) Open Space Technical Report: Sections 8-10 n) Open Space Technical Report: Section 11 and Appendices A-G o) Open Space Technical Report: Appendix H p) Open Space Technical Report: Appendices I and J q) Utilities Servicing Technical Report and Appendix A r) Utilities Servicing Technical Report: Appendix B part 1 s) Utilities Servicing Technical Report: Appendix B part 2 t) Utilities Servicing Technical Report: Appendices C and D u) Wind Technical Report v) Urban Design Framework – August 2021	<u>Engage Victoria</u>

No.	Date	Description	Provided by
GI 4	7 Jul 2025	Architectural testing: a) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 1 Memorandum b) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 2 c) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix A d) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix B e) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix C f) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix D g) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix E h) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix F i) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix G j) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix H k) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix I l) Floor Area Ratio and Public Benefit Uplift - Architectural Testing Report: Part 3 Appendix J	Engage Victoria
GI 5	7 Jul 2025	Report: Planning Scheme Amendment approach	Engage Victoria
GI 6	7 Jul 2025	Public benefit uplift: a) Voluntary Public Benefit Uplift: Framework b) Voluntary Public Benefit Uplift: Technical Report	Engage Victoria
General Issues – Tabled Documents			
GI 7	7 Jul 2025	Directions Hearing notification letter	Planning Panels Victoria (PPV)

No.	Date	Description	Provided by
GI 10	21 Jul 2025	Directions Hearing agenda and request for Pre-briefing	PPV
GI 20	24 Jul 2025	Directions for Pre-briefing, Declarations and confirmation of Members and Hearing dates	PPV
GI 35	7 Aug 2025	Anticipated dates for Precinct Hearings	PPV
GI 40	8 Aug 2025	List of published material	Suburban Rail Loop Authority (SRLA)
GI 61	14 Aug 2025	a) Pre-Briefing presentation – Part 1 b) Pre-Briefing presentation – Part 2	SRLA
GI 83	20 Aug 2025	Further Directions and procedural issues post Cheltenham Precinct Directions Hearing	PPV
GI 152	17 Sep 2025	Urban Design Supplementary information prepared by Mark Sheppard	SRLA
GI 154	17 Sep 2025	Letter to Committee regarding further material requests from SRLA, with attachments: a) SRL Solar Access Testing – Summary table b) SRL Solar Access Additional Testing c) Letter to SRLA - Request for material 19 August 2025 d) Response to Maddocks RFI - 22 August 2025 e) Email to SRLA – Document request – 12 September 2025	Monash City Council and Monash University
GI 170	27 Nov 2025	Direction to SRLA to provide Day 2 ordinance	PPV
GI 171	12 Dec 2025	Amended Direction to SRLA to provide final preferred ordinance	PPV
GI 172	19 Dec 2025	Letter to Parties regarding new car parking provisions	PPV
GI 173	5 Jan 2026	Letter to Parties regarding State waterways policy and Significant Landscape Overlays	PPV
GI 174	7 Jan 2026	Email to Parties regarding Amendment VC303 updated Clause 43.06 Built Form Overlay	PPV
<i>The Day 3 documents and party responses to Amendment VC277 and Amendment VC278 are listed in General Issues document list. Please refer to Volume 1 for the full list of Day 3 documents and associated correspondence</i>			
Clayton - Material sourced by the Committee			
CLA 3	7 Jul 2025	Clayton: Your guide to the draft Structure Plan and draft Amendment	Engage Victoria
CLA 4	7 Jul 2025	Clayton Draft Structure Plan	Engage Victoria

No.	Date	Description	Provided by
CLA 5	7 Jul 2025	Clayton Draft Implementation Plan	Engage Victoria
CLA 6	7 Jul 2025	Clayton Draft Structure Plan background documents: a) Background Report b) Climate Response Plan c) Community Infrastructure Needs Assessment d) Ecology and Arboriculture Technical Report e) Economic Profile Technical Report f) Housing Needs Assessment g) Retail Assessment h) Transport Technical Report i) Transport Technical Report – Appendix A: Precinct Parking Plan j) Urban Design Report k) Urban Design Report – Appendices l) Urban Design Report - Attachment A: Urban Design Supporting Research m) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 1 n) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 2 o) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 3 p) Urban Design Report - Attachment B: Gehl Public Space and Life Study Part 4 q) Urban Design Report - Attachment C: Assessment of Solar Access to the Public Realm	Engage Victoria
CLA 7	7 Jul 2025	Clayton Explanatory Report and Instruction Sheet: a) Explanatory Report b) Instruction Sheet	Engage Victoria
CLA 8	7 Jul 2025	Kingston GC247 Policy: a) 02.01 Context b) 02.03 Strategic Directions c) 02.04 Strategic Framework Plans – Part 1 d) 02.04 Strategic Framework Plans – Part 2 e) 11.03 Planning for Places f) 15.01 Built Environment g) 17.03 Industry	Engage Victoria

No.	Date	Description	Provided by
		h) 18.02 Movement Networks Zones: i) 37.10 Precinct Zone j) Schedule 5 to Clause 37.10 Structure plan area Overlays: k) Schedule 24 to Clause 43.02 Design and Development Overlay l) Schedule 25 to Clause 43.02 Design and Development Overlay m) Schedule 26 to Clause 43.02 Design and Development Overlay n) 43.06 Built Form Overlay o) Schedule 5 to Clause 43.06 Key Movement Corridors and Urban Neighbourhood p) Schedule 6 to Clause 43.06 Residential Neighbourhoods q) Schedule 7 to Clause 43.06 Employment Neighbourhoods r) Schedule 4 to Clause 45.09 Parking Overlay Operational provisions: s) Schedule to Clause 72.03 t) Schedule to Clause 72.08 u) Schedule to Clause 74.01 Maps: v) Precinct Zone - 007znmaps02_03 w) Precinct Zone - 008znmap03 x) Built Form Overlay - 005bfomaps02_03 y) Built Form Overlay - 006bfomap03 z) Parking Overlay - 003pomaps02_03 aa) Parking Overlay - 004pomap03 bb) Environmental Audit Overlay - 001eaomap03 cc) Removed Overlays (DDO) - 002d-ddomap03	
CLA 9	7 Jul 2025	Monash GC247 Policy: a) 02.01 Context b) 02.03 Strategic Directions c) 02.04 Strategic Framework Plans d) 11.03 Planning for Places e) 15.01 Built Environment	<u>Engage Victoria</u>

No.	Date	Description	Provided by
		f) 16.01 Residential Development Zones: g) 37.10 Precinct Zone h) Schedule 1 to Clause 37.10 Structure Plan Area i) Schedule 2 to Clause 37.10 Station Development Area Overlays: j) Schedule 1 to Clause 43.02 Design and Development Overlay k) Schedule 5 to Clause 43.04 Development Plan Overlay l) 43.06 Built Form Overlay m) Schedule 1 to Clause 43.06 Central Flanks n) Schedule 1 to Clause 43.06 Main Streets o) Schedule 3 to Clause 43.06 Key Movement Corridors and Urban Neighbourhood p) Schedule 4 to Clause 43.06 Residential Neighbourhoods q) Schedule to Clause 45.01 Public Acquisition Overlay r) 45.09 Parking Overlay s) Schedule 1 to Clause 45.09 Parking Overlay t) Schedule 2 to Clause 45.09 Parking Overlay Operational provisions: u) Schedule to Clause 72.03 v) Schedule to Clause 72.08 w) Schedule to Clause 74.01 Maps: x) Precinct Zone - 006znMaps14_19_20 y) Built Form Overlay - 005bfoMaps14_19_20 z) Parking Overlay - 004poMaps14_19_20 aa) Public Acquisition Overlay - 003paoMap20 bb) Removed Overlays (DDO) - 001d-ddoMap20 cc) Removed Overlays (DPO) - 002d-dpoMap20	
Clayton - Tabled documents			
CLA 10	7 Jul 2025	Hearing submission	Individual submitter
CLA 11	15 Jul 2025	Pellicano Group submission to SRLA	Engage Victoria

No.	Date	Description	Provided by
CLA 12	22 Jul 2025	Individual submission to SRLA	Engage Victoria
CLA 13	23 Jul 2025	Monash City Council submission to SRLA	Engage Victoria
CLA 14	8 Aug 2025	Background submission – Clayton Precinct	SRLA
CLA 15	15 Aug 2025	Cheltenham Precinct Directions Hearing notification	PPV
CLA 16	19 Aug 2025	Clayton Precinct indicative hearing schedule	PPV
CLA 17	9 Sep 2025	Committee Directions, distribution list and timetable	PPV
CLA 18	29 Sep 2025	Covering email regarding site inspection map and itinerary, with attachment: a) Site inspection map and itinerary CONFIDENTIAL	SRLA
CLA 19	1 Oct 2025	Covering email regarding updated site inspection map and itinerary, with attachment: a) Updated Site inspection map and itinerary CONFIDENTIAL	SRLA
CLA 20	2 Oct 2025	Hearing submission	Individual submitter
CLA 21	6 Oct 2025	Covering letter regarding Day 1 materials, with attachment: a) Attachment A: Index of documents filed	SRLA
CLA 22	6 Oct 2025	Clayton Day 1 version – Draft Amendment GC247: Kingston Planning Scheme: a) Policy 11.03 – Planning for Places b) Schedule 5 to Clause 37.10 Structure plan area c) Schedule 5 to Clause 43.06 Key Movement Corridors & Urban Neighbourhoods d) Schedule 6 to Clause 43.06 Residential Neighbourhoods e) Schedule 7 to Clause 43.06 Employment Neighbourhoods f) Schedule 4 to Clause 45.09 Parking Overlay	SRLA
CLA 23	6 Oct 2025	Clayton Day 1 version – Draft Amendment GC247: Monash Planning Scheme: a) Policy 11.03 – Planning for Places b) Schedule 1 to Clause 37.10 Structure plan area	SRLA

No.	Date	Description	Provided by
		c) Schedule 2 to Clause 37.10 Station development area d) Schedule 1 to Clause 43.06 Central Flanks e) Schedule 2 to Clause 43.06 Main Streets (Clayton Road) f) Schedule 3 to Clause 43.06 Key Movement Corridors & Urban Neighbourhoods g) Schedule 4 to Clause 43.06 Residential Neighbourhoods h) Schedule 1 to Clause 45.09 Parking Overlay i) Schedule 2 to Clause 45.09 Parking Overlay	
CLA 24	6 Oct 2025	Clayton Day 1 version – Maps: a) Monash GC247– Precinct Zone map – mock up b) Monash GC247– Built Form Overlay map – mock up	SRLA
CLA 25	6 Oct 2025	Clayton Day 1 version – Structure Plan and Implementation Plan: a) Draft Structure Plan Part 1 b) Draft Structure Plan Part 2 c) Draft Structure Plan Part 3 d) Draft Structure Plan Part 4 e) Draft Structure Plan Part 5 f) Draft Implementation Plan	SRLA
CLA 26	6 Oct 2025	Clayton Day 1 version - Consolidated tables: a) Consolidated table of PSA changes b) Consolidated table of Structure Plan / Implementation Plan changes	SRLA
CLA 27	9 Oct 2025	Technical Note TN-CLA01 (Clayton Pedestrian Connections)	SRLA
CLA 28	9 Oct 2025	Timetable (version 2) and Distribution list (version 2)	PPV
CLA 29	13 Oct 2025	Expert report of Tim De Young (traffic)	SRLA
CLA 30	14 Oct 2025	Expert report of Will Bromhead (planning)	SRLA
CLA 31	14 Oct 2025	Expert report of Mark Sheppard (urban design)	SRLA
CLA 32	14 Oct 2025	Expert report of Chris De Silva (community infrastructure)	SRLA
CLA 33	14 Oct 2025	Urban Design Supplementary Information prepared by Mark Sheppard	SRLA

No.	Date	Description	Provided by
CLA 34	14 Oct 2025	Urban Design Supplementary Information prepared by Mark Sheppard (Public Realm Shadow Analysis - North-South Streets)	SRLA
CLA 35	20 Oct 2025	Expert report of Kate Maddock (sport and active recreation)	Monash City Council (Monash CC)
CLA 36	20 Oct 2025	Expert report of Kate Kerkin (community infrastructure)	Monash CC
CLA 37	20 Oct 2025	Expert report of Jason Walsh (traffic)	Monash CC
CLA 38	20 Oct 2025	Expert report of Joanna Thompson (open space)	Monash CC
CLA 39	21 Oct 2025	Expert report of Dan Ferguson (sports and recreation)	Kingston City Council (Kingston CC)
CLA 40	21 Oct 2025	Expert report of Gerhana Wayt (urban design)	Kingston CC
CLA 41	21 Oct 2025	Expert report of Joanna Thompson (open space)	Kingston CC
CLA 42	21 Oct 2025	Expert report of John Glossop (planning)	Kingston CC
CLA 43	21 Oct 2025	Expert report of David Barnes (planning)	Monash CC
CLA 44	21 Oct 2025	Expert report of Jo Noesgaard (community infrastructure)	Kingston CC
CLA 45	21 Oct 2025	Expert report of Andrew Partos (urban design)	Monash CC
CLA 46	21 Oct 2025	Stakeholder Discussion Sheet with Peluso and Family Nominees Pty Ltd and SUD Holdings Pty Ltd (City Timber)	SRLA
CLA 47	22 Oct 2025	Email to Committee requesting abandonment of expert joint meeting in community infrastructure, open space and sports and recreation (Direction 15a)	SRLA
CLA 48	22 Oct 2025	Email to Committee confirming list of experts in community infrastructure, open space and sports and recreation	SRLA
CLA 49	22 Oct 2025	Email to Committee agreeing to proposal to abandon expert joint meeting in community infrastructure, open space and sports and recreation (Direction 15a)	Kingston CC
CLA 50	22 Oct 2025	Email to parties confirming abandonment of expert joint meeting in community infrastructure, open space and sports and recreation (Direction 15a)	PPV
CLA 51	22 Oct 2025	Letter to PPV - Summary & status of Pellicano Group submissions (dated 16 October 2025)	Pellicano Group

No.	Date	Description	Provided by
CLA 52	23 Oct 2025	Submission	DGA Australia Holdings Pty Ltd
CLA 53	24 Oct 2025	Presentation of Kate Maddock (sport and active recreation)	Monash CC
CLA 54	24 Oct 2025	Email to Committee – Matter resolved with SRLA, with attachments: a) Letter to SRLA (dated 5 Sep 2025) b) Attachment 1 – Updates to Built Form Overlay Schedule	Monash Medical Centre (Department of Health)
CLA 55	24 Oct 2025	Reply evidence of David Barnes (planning)	Monash CC
CLA 56	24 Oct 2025	Reply evidence of Will Bromhead (planning)	SRLA
CLA 57	24 Oct 2025	Traffic expert meeting minutes	SRLA
CLA 58	27 Oct 2025	Introductory submissions in relation to community infrastructure	SRLA
CLA 59	27 Oct 2025	Position Paper CLA1: Community infrastructure	SRLA
CLA 60	27 Oct 2025	Reply evidence of Andrew Partos (urban design)	Monash CC
CLA 61	27 Oct 2025	Presentation of Joanna Thompson (open space)	Kingston CC
CLA 62	27 Oct 2025	Introductory submissions in relation to planning	SRLA
CLA 63	28 Oct 2025	Presentation of John Glossop (planning)	Kingston CC
CLA 64	28 Oct 2025	Consolidated table of Planning Scheme Amendment changes	SRLA
CLA 65	28 Oct 2025	Consolidated table of Structure Plan and Implementation Plan changes	SRLA
CLA 66	28 Oct 2025	Response to recommendations raised in the expert evidence filed on 13 October 2025	SRLA
CLA 67	28 Oct 2025	Draft Greener Places Design Guide	SRLA
CLA 68	28 Oct 2025	Presentation of David Barnes (planning)	Monash CC
CLA 69	28 Oct 2025	Reply evidence of Chris De Silva (community infrastructure)	SRLA
CLA 70	28 Oct 2025	Timetable (version 3)	PPV
CLA 71	29 Oct 2025	Reply evidence of Mark Sheppard (urban design)	SRLA
CLA 72	29 Oct 2025	Response to Position Paper CLA1: Community infrastructure	Kingston CC

No.	Date	Description	Provided by
CLA 73	30 Oct 2025	Introductory submissions in relation to traffic and transport	SRLA
CLA 74	30 Oct 2025	Presentation of Tim De Young (traffic)	SRLA
CLA 75	31 Oct 2025	Letter from Committee – Evidence from Mr Glossop	PPV
CLA 76	31 Oct 2025	Email from Committee - City Timber outcome with SRLA	PPV
CLA 77	31 Oct 2025	Email from Committee - Monash Medical Centre outcome with SRLA	PPV
CLA 78	3 Nov 2025	Presentation of Mark Sheppard (Urban Design)	SRLA
CLA 79	3 Nov 2025	Introductory submissions in relation to urban design	SRLA
CLA 80	3 Nov 2025	Hearing submission, with attachments: a) Visual representation of BFO4 Amenity Impacts b) Validation matrix	Individual submitter
CLA 81	3 Nov 2025	Hearing presentation, with attachments: a) SRL Business report CONFIDENTIAL b) SRL adjacent properties advantages	F Karalis Nominees Pty Ltd
CLA 82	5 Nov 2025	Presentation of Andrew Partos (urban design)	Monash CC
CLA 83	5 Nov 2025	Hearing submission	D&G Brothers Management Group Pty Ltd
CLA 84	5 Nov 2025	Masonry Societe submission to SRLA	<u>Engage Victoria</u>
CLA 85	5 Nov 2025	Email to Committee – response to outcome with SRLA	Monash Medical Centre
CLA 86	5 Nov 2025	Timetable (version 4)	PPV
CLA 87	6 Nov 2025	Email to Committee – response to outcome with SRLA	City Timber
CLA 88	6 Nov 2025	Individual submission to SRLA	<u>Engage Victoria</u>
CLA 89	7 Nov 2025	Presentation of Gerhana Waty (urban design)	Kingston CC
CLA 90	10 Nov 2025	Presentation of Chris De Silva (community infrastructure)	SRLA
CLA 91	11 Nov 2025	Presentation of Kate Kerkin (community infrastructure)	Monash CC
CLA 92	11 Nov 2025	Memorandum from Simon Howe: Response to plant growth matters raised in expert evidence	SRLA

No.	Date	Description	Provided by
CLA 93	11 Nov 2025	Response to Mark Sheppard recommendation for Masonry Societe site	Masonry Societe
CLA 94	11 Nov 2025	Email to Masonry Societe – Scope of material accepted by Committee, with attachment: a) Email from PPV to Masonry Societe responding to request to submit further material (dated 10 November 2025)	PPV
CLA 95	12 Nov 2025	Part B Submission	SRLA
CLA 96	12 Nov 2025	Expert witness recommendations addressed by other experts	SRLA
CLA 97	12 Nov 2025	Hearing submission	Kingston CC
CLA 98	12 Nov 2025	Updated document CLA66 (with changes and additions shown in track changes)	SRLA
CLA 99	12 Nov 2025	Hearing submission, with attachments: a) Appendices to submission b) Fishermans Bend Community Infrastructure Plan 2017 c) Day 1 PRZ and BFO maps	Monash CC
CLA 100	13 Nov 2025	Marked-up version of page 20 of Chris De Silva's presentation with Jo Noesgaard's catchment shown in black outline	Kingston CC
CLA 101	13 Nov 2025	Clause 56.05 of the Victorian Planning Provisions	Kingston CC
CLA 102	18 Nov 2025	Closing submission	Monash CC
CLA 103	18 Nov 2025	Memorandum of Andrew Partos in response to Simon Howe	Monash CC
CLA 104	18 Nov 2025	Marked-up version of the Clayton Precinct Implementation Plan	Monash CC
CLA 105	21 Nov 2025	Email to Committee requesting extension of time to file Day 2 documents	SRLA
CLA 106	21 Nov 2025	Committee response to SRLA regarding extension of time request to file Day 2 documents	PPV
CLA 107	21 Nov 2025	Closing submission, with attachment: a) Attachment A - Written Reply and Response to Recommendations: Clayton Precinct	SRLA
CLA 108	21 Nov 2025	Day 2 version – Draft Implementation Plan	SRLA
CLA 109	21 Nov 2025	Day 2 version – Draft Structure Plan	SRLA
CLA 110	21 Nov 2025	Consolidated table of changes to Draft Implementation Plan and Draft Structure Plan	SRLA

No.	Date	Description	Provided by
CLA 111	21 Nov 2025	Consolidated table of Planning Scheme Amendment changes	SRLA
CLA 112	21 Nov 2025	Day 2 version - Draft Amendment Kingston GC247: a) Kingston - Parking Overlay Area B b) Kingston 11.03 c) Kingston BFO5 d) Kingston BFO6 e) Kingston BFO7 f) Kingston Built Form Overlay Map mock up g) Kingston PRZ5	SRLA
CLA 113	21 Nov 2025	Day 2 version - Draft Amendment Monash GC247: a) Monash - Parking Overlay Area B b) Monash 11.03 c) Monash BFO1 d) Monash BFO2 e) Monash BFO3 f) Monash BFO4 g) Monash Built Form Overlay Map mock up h) Monash PO Schedule 1 (Area A) i) Monash Precinct Zone map - mock up j) Monash PRZ1 k) Monash PRZ2	SRLA
CLA 114	26 Nov 2025	Drafting comments on SRLA Day 2 Documents	Individual submitter
CLA 115	28 Nov 2025	Drafting comments on SRLA Day 2 Documents: a) 11.03 Planning for Places b) Schedule 1 to Clause 43.06 Built Form Overlay c) Schedule 2 to Clause 43.06 Built Form Overlay d) Schedule 3 to Clause 43.06 Built Form Overlay e) Schedule 4 to Clause 43.06 Built Form Overlay f) Schedule 1 to Clause 37.10 Precinct Zone g) Schedule 2 to Clause 37.10 Precinct Zone	Monash CC

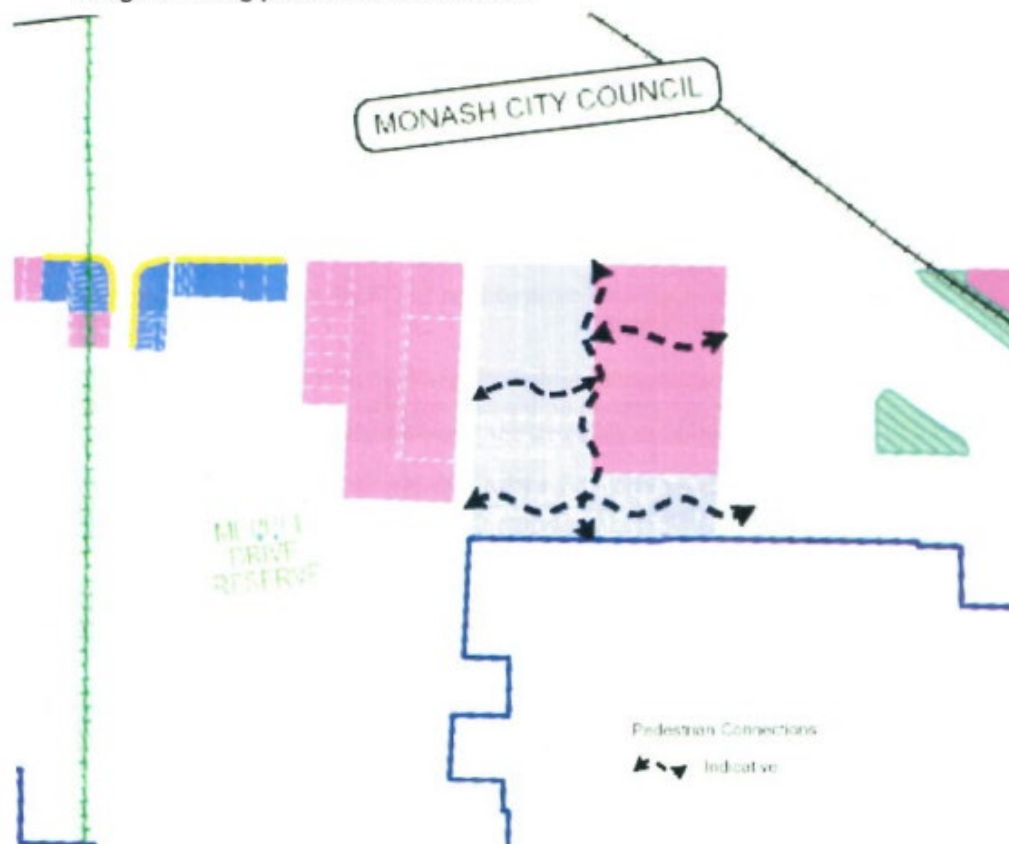
Appendix C Agreed outcomes

Summary of resolved matters

Referred Matter	Issues resolved	Ref
Building height, distribution and transition	City Timber site (1380-1388 & 1400 Centre Road and 8 Audsley Street, Clayton South) (City Timber site) It was agreed between the Proponent and Peluso and Family Nominees Pty Ltd and SUD Holdings Pty Ltd that:	CLA 046 CLA 087
Floor Area Ratios	- the City Timber site would be a strategic site (Map 1 PRZ5) - a FAR of 4:1 would apply to the whole site (Map 2 PRZ2)	
Setbacks	- pedestrian connections would be depicted (that is, as indicated in Attachment A CLA 046) see below.	
Pedestrian links and access	- Clause 11 of BFO5 would include a section 173 agreement or the design and delivery of the pedestrian connections to the satisfaction of the SRLA and the Responsible Authority - the pedestrian connections will not be an eligible public benefit under the VPBUF	
Strategic sites	- Audsley Street will have both Area A and B frontages (Table 1 at Clause 6.2 of BFO5). The parties confirmed that there were no other outstanding matters between them. At the Hearing, the Peluso and Family Nominees Pty Ltd and SUD Holdings Pty Ltd indicated that they would withdraw on the basis of the agreement.	

Attachment A

Image showing pedestrian connections



Aviation	VHBA (acting on behalf of the Department of Health / Monash Medical Centre) reached an agreement in relation to reduced maximum building heights in the BFO as shown in Attachment 1 in CLA 054b , see below. The agreement stated <i>"the VHBA accepts the discretionary building heights proposed and is confident that these remain clear of Obstacle Limitation Surface of the Hospital"</i>	CLA 054, 054a and 054b CLA 077
----------	---	---------------------------------------

Emergency Medical Services helicopter flight paths supporting the Monash Medical Centre".

Attachment 1 – Updates to Built Form Overlay Schedule

