

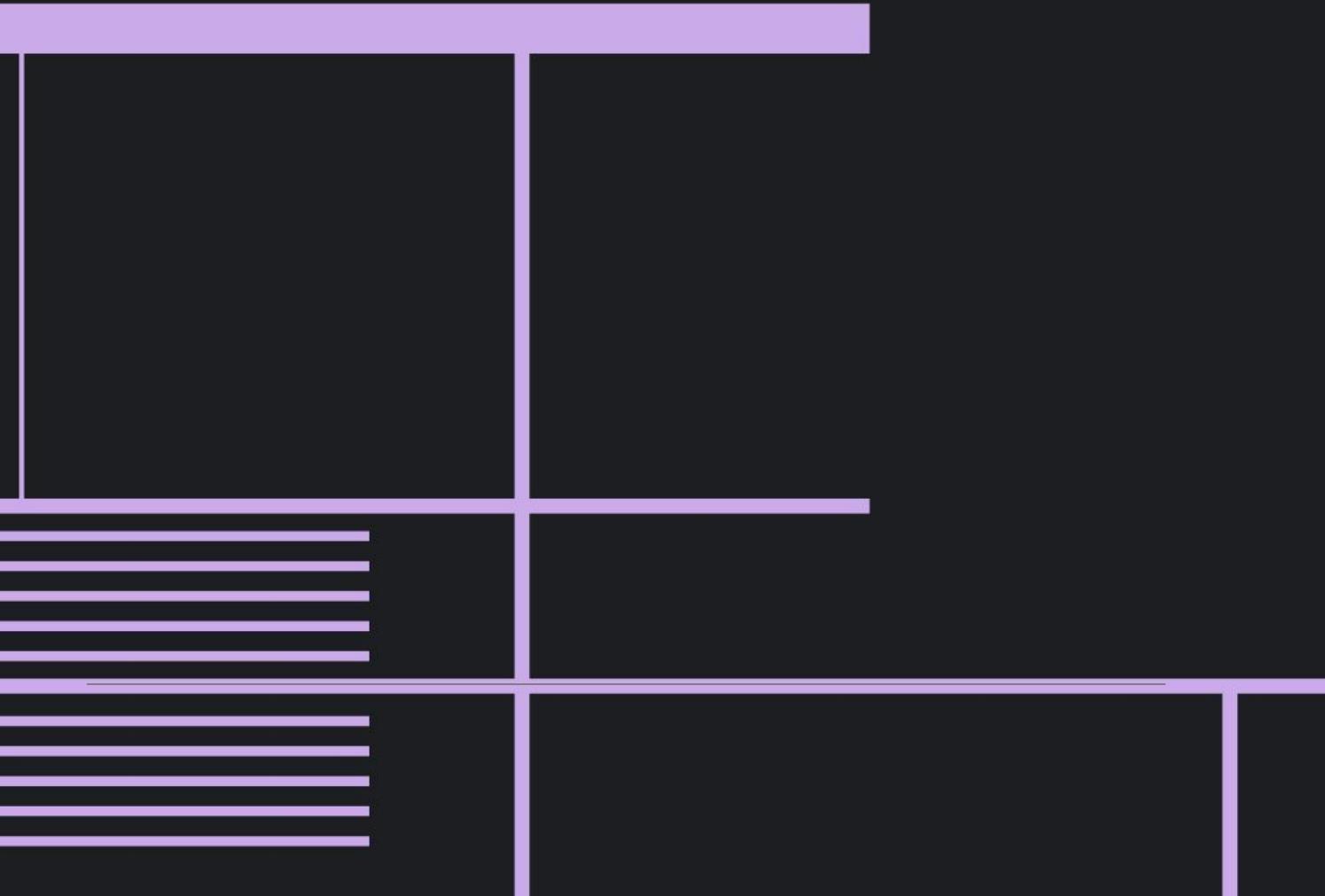


**ADVERTISED COPY**

# Town Planning Report

G01/168 Clayton Road, Clayton, VIC 3168

Proposed Exhaust Flues (Kitchen and Dining Area)



SUMMARY OF DEVELOPMENT	
PROPERTY DETAILS	G01/168 Clayton Road, Clayton, VIC 3168
LOCAL GOVERNMENT AREA	Monash City Council
CLIENT	Cheol Ook Lee
PROJECT DESCRIPTION	Proposed Exhaust Flues (Kitchen and Dining Area)
DATE	June 24, 2025
PROJECT NUMBER	PL_Lee

## OVERVIEW

---

This Town Planning Report forms part of a planning permit application submitted to Monash City Council for the approval of two exhaust flues at G01/168 Clayton Road, Clayton VIC 3168 (the subject site), to support the operation of an existing restaurant located within a mixed-use building. The application seeks approval for one flue already installed adjacent to the kitchen, and a second flue proposed to be installed within the dining area to improve internal ventilation. Both flues include external ductwork located within the building's lightwell and discharge vertically above the roofline to ensure safe and compliant ventilation.

As the site is situated directly beneath residential apartments, a planning permit is required to ensure the works meet the requirements of the Monash Planning Scheme and to address potential amenity impacts on nearby occupants. The subject site is located within the Commercial 1 Zone (C1Z) and is not affected by any planning overlays.

In particular, this report provides the following:

- a) Compliance with the Commercial 1 Zone: An assessment of how the proposed exhaust flue aligns with the purpose and decision guidelines of the zone.
- b) Amenity Considerations: An evaluation of potential impacts on nearby residential properties, including noise, odour, and visual appearance.
- c) Design and Siting: A review of the flue's location, materials, and integration with the existing building to ensure a minimal impact on the streetscape and adjoining uses.
- d) Environmental Considerations: A brief assessment of the system's functionality, emissions control, and alignment with environmental performance objectives.
- e) Operational Requirements: A description of how the flue supports lawful commercial operations within the tenancy while maintaining compliance with planning policy.

A planning permit is required for the installation of two exhaust flues at G01/168 Clayton Road, Clayton, including one already installed to service the kitchen and another proposed for the dining area. Both systems involve external ductwork located within the building's lightwell and are intended to safely disperse emissions above roof level. This report demonstrates that the proposal complies with the applicable planning controls and should be supported as an appropriate and low-impact addition to the existing restaurant tenancy.

## LOCALITY ANALYSIS

### 1. Locality Context

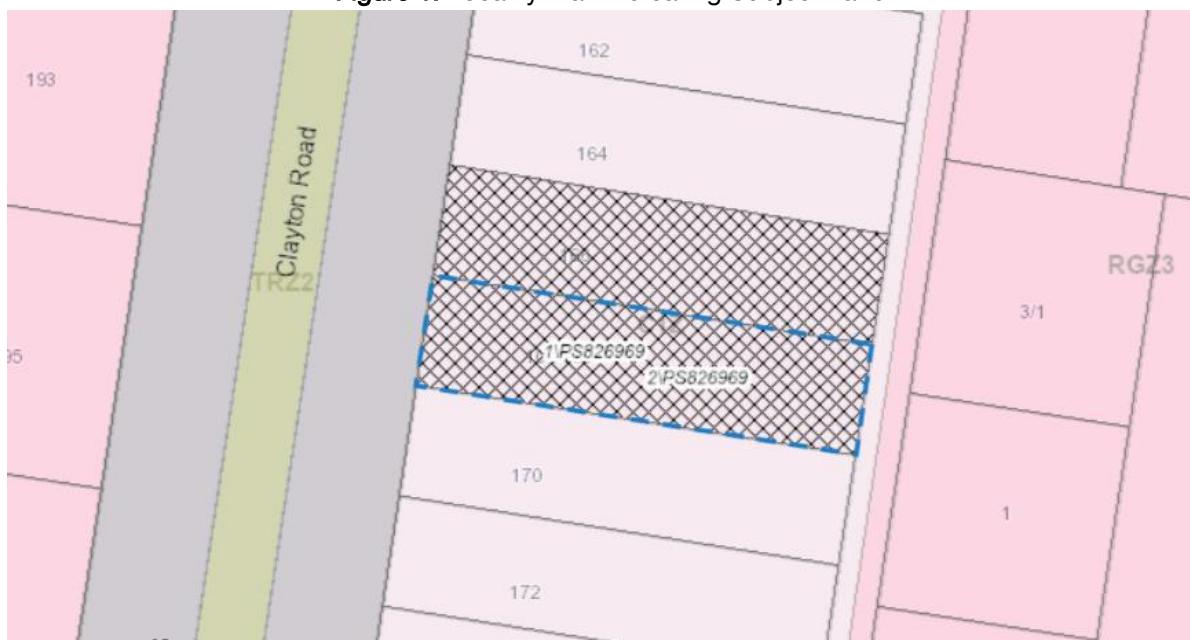
Monash City Council is a significant metropolitan municipality in Melbourne's south-east, characterised by its diverse suburban centres, commercial precincts, and strong multicultural identity. Clayton is one of Monash's key activity centres, defined by a mix of retail, hospitality, medical, and service-based uses, as well as proximity to Monash University and public transport infrastructure. The subject site, located at G01/168 Clayton Road, Clayton VIC 3168, sits within the Commercial 1 Zone (C1Z) and forms part of a mixed-use development comprising ground-level commercial tenancies with residential apartments above. The premises operate as an established restaurant, and this application seeks planning approval for two exhaust flues—one existing and one proposed—to support ventilation requirements and ensure regulatory compliance.

The surrounding area includes a mix of small-scale shops, eateries, and service businesses, supported by medium-density residential development. Key features of the locality include:

- Proximity to Clayton Railway Station and local bus services
- Walkable access to retail, dining, and convenience services along Clayton Road
- A pedestrian-friendly environment with active shopfronts and regular foot traffic
- A mix of newer developments and older commercial buildings with varied architectural character

These features support the suitability of the site for continued restaurant use. The proposed exhaust flue will be sensitively located and appropriately designed to minimise visual and amenity impacts on the surrounding residential and commercial uses. The development responds to the evolving mixed-use context of Clayton and is consistent with the Commercial 1 Zone objectives. This planning application seeks to facilitate compliant and responsible commercial operations while supporting the ongoing viability and amenity of the site within the Clayton activity centre.

**Figure 1:** Locality Plan indicating Subject Land



## 2. Site Description:

The subject site is located at G01/168 Clayton Road, Clayton VIC 3168, occupying a ground floor tenancy within a contemporary mixed-use development comprising commercial uses at street level and residential apartments above. The property is situated within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme and is not affected by any overlays. The tenancy fronts Clayton Road, a key commercial corridor within the Clayton activity centre that experiences consistent pedestrian and vehicle traffic.

The site is generally rectangular in shape and accommodates a street-facing restaurant with rear service access. This planning application relates to the approval of two exhaust flues that support the restaurant's ventilation requirements. One flue, located adjacent to the kitchen, has already been installed and is included in this application for retrospective approval. The second flue, associated with the dining area, is proposed to be installed to enhance air extraction and ensure compliance with relevant standards. Both flues are designed to be fixed to the building's exterior within the internal lightwell and will extend vertically above the roofline to safely disperse emissions away from nearby residential dwellings.

The land is flat and fully developed, with no landscaping or vegetation. The installation of the exhaust flue does not involve significant structural changes to the building, and the proposed works will not impact existing services such as electricity, gas, or water. The building is already equipped with the required utility infrastructure to support restaurant operations. The site benefits from strong connectivity, including proximity to Clayton Railway Station and multiple bus routes. It forms part of a vibrant commercial precinct comprising restaurants, shops, and other service businesses, with a built form characterised by active ground-level frontages and a mix of architectural styles.

Access to the tenancy is via the footpath along Clayton Road, with no changes proposed to pedestrian or vehicle access as part of this application. The exhaust flue has been designed to be functionally effective while maintaining a low visual impact, and will be positioned to minimise disturbance to adjoining residents and the public realm.

**Figure 2:** VicPlan Image of the Subject Site identifying built form



### 3. Surrounding Land Uses

The subject site is located at G01/168 Clayton Road, Clayton VIC 3168, within the heart of the Clayton activity centre. The site is situated in a well-established commercial precinct that accommodates a wide range of land uses, including restaurants, retail outlets, service businesses, and medical clinics. The property is located within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme and is not subject to any overlays.

Surrounding properties along Clayton Road comprise predominantly ground-floor commercial tenancies with upper-level apartments, reflecting the mixed-use character of the precinct. The broader locality supports an active commercial environment, with a strong pedestrian presence and high visitation due to nearby transport links and local amenities. The area's land use mix reinforces its role as a vibrant and diverse neighbourhood centre.

#### Key Nearby Locations

- Clayton Railway Station – Located approximately 200 metres to the south, providing direct access to the Cranbourne and Pakenham train lines.
- Monash Medical Centre – A major regional hospital situated nearby, contributing to local activity and demand for food and service businesses.
- Monash University Clayton Campus – Located a short drive or bus ride away, contributing to population density and demand for local amenities.
- Various dining, retail and professional service businesses – including takeaway shops, grocery stores, cafes, and pharmacies.

#### Accessibility & Transport

The site is highly accessible via both private and public transport. Clayton Road forms part of the local arterial network and is serviced by several bus routes. The proximity to Clayton Railway Station ensures convenient access for both customers and staff.

- Road Network – Clayton Road connects directly to Centre Road, North Road, and Princes Highway, facilitating vehicle access to the wider region.
- Public Transport – Clayton Station and nearby bus routes offer excellent connectivity to key destinations including Monash University and Melbourne's CBD.
- Active Transport – The area includes well-maintained footpaths and bicycle facilities, encouraging pedestrian and cyclist activity.

Given its location within a well-utilised activity centre, the site is well-suited to an established restaurant use. The proposed installation of a new dining area exhaust flue, along with the retrospective approval of the existing kitchen exhaust, responds to the functional needs of the restaurant and supports compliance with amenity standards for the residential apartments above.

#### Summary

The subject site, located at G01/168 Clayton Road, Clayton VIC 3168, forms part of a mixed-use building within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme. The tenancy currently operates as a restaurant within a busy commercial strip that includes retail outlets, food premises, convenience services, and residential apartments above.

This application seeks planning approval for two exhaust flues that support the ongoing operation of the restaurant. One flue, servicing the kitchen area, has already been installed and is included in this application for retrospective approval. A second flue is proposed to be installed in the dining area to improve ventilation and ensure compliance with relevant performance and amenity standards. Both

flues are located within the internal lightwell and are designed to discharge vertically above roof level, away from habitable room windows.

The subject site, located at G01/168 Clayton Road, Clayton VIC 3168, forms part of a mixed-use building within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme. The tenancy currently operates as a restaurant within a busy commercial strip that includes retail outlets, food premises, convenience services, and residential apartments above.

Overall, the application demonstrates compliance with the objectives of the Monash Planning Scheme and should be supported as a low-impact and appropriate addition to an established commercial tenancy.

## DEVELOPMENT PROPOSAL

---

This Town Planning Report supports a planning permit application for works at G01/168 Clayton Road, Clayton VIC 3168. The proposal seeks approval for two exhaust flues to support the continued operation of an existing restaurant within a ground-floor commercial tenancy forming part of a mixed-use development. The application includes one existing flue (retrospective) and one proposed flue (dining area), both located within the building's lightwell.

The site is located directly beneath residential apartments, and the application addresses potential amenity impacts arising from cooking emissions associated with charcoal grilling, particularly in the dining area. The restaurant operates as a Korean BBQ establishment, where grilling occurs at the table. While the kitchen has already been fitted with a dedicated exhaust system, this was installed without a planning permit and is now included in the application for retrospective approval. A second flue is proposed to be installed to serve the dining area, which requires additional ventilation to comply with environmental health standards and ensure proper emission dispersal.

The amendment proposes the following works:

1. **Kitchen Exhaust Flue (Retrospective Approval):**  
An exhaust flue has been installed to service the commercial kitchen. It is located within the building's internal lightwell and extends vertically to above the roofline to ensure proper emission dispersal. This application seeks to regularise this flue, which was installed without prior planning approval.
2. **Dining Area Exhaust Flue (Proposed Installation):**  
A second metal flue is proposed to be constructed within the same internal lightwell, extending from the ground floor dining area to above the roof level. The flue will pass adjacent to a first-floor apartment window and will incorporate appropriate acoustic and odour mitigation measures. It will be constructed in accordance with AS 1668 and relevant EPA guidelines to ensure safe and effective ventilation for charcoal grilling. An updated acoustic report considers Bedroom 1 of the adjacent apartment and confirms the installation will not exceed EPA noise thresholds when operated with acoustic shielding and low-noise fans.
  - **Acoustic Impact Statement:** An acoustic assessment confirms the proposed flue will comply with EPA Publication 1826.4 noise limits. The kitchen exhaust system will use rigid 1.2 mm galvanised steel ducting, vibration isolation mounts, and spring-mounted fans designed to achieve 95% isolation efficiency. The system is supported by SMACNA-compliant fixings and sized to reduce air noise, ensuring minimal noise impact to the adjacent first-floor bedroom.
  - **Odour Impact Statement:** The exhaust system incorporates effective odour mitigation measures to protect nearby residential apartments. In accordance with AS 1668.2, the kitchen exhaust discharges vertically at high velocity, extending 2 metres above

the roofline and 6 metres from window openings to ensure proper dispersion. The ductwork is constructed from 1.2 mm thick galvanised steel and fully sealed per AS 4254 to prevent leaks. The proposed dining area flue will also include carbon filtration and vertical discharge, significantly reducing the risk of odour accumulation at sensitive receptors. Together, these measures support compliance and help maintain residential amenity.

**3. No Change of Use:**

The premises are currently used as a Korean BBQ restaurant and are approved as a Class 6 Building. The planning application does not involve a change of use and relates only to the works required to ensure the premises are ventilated in compliance with relevant standards.

**4. No Other Structural Changes:**

No other external works or modifications to the building façade, footprint, or internal layout are proposed. The flues will be located within the internal lightwell and will not alter access points or the visual presentation of the building from the street.

**Operational Details:**

- Business Type: Korean BBQ Restaurant (no liquor licence proposed).
- Hours of Operation: 11:00 AM to 12:00 AM, 6 days per week (closed Tuesdays).
- Staff: Up to 5 staff members at peak times (weekends).
- Occupancy: Maximum of 40 persons, including staff and patrons.
- Parking: One dedicated car space for staff at the rear of the building; all customer parking is accommodated via surrounding on-street parking options.

The proposed and existing flues are essential to manage emissions generated from in-table grilling and kitchen operations. Both have been or will be designed to integrate discreetly within the built form while maintaining residential amenity. The works are not expected to result in any unreasonable impacts to adjoining residents or the public realm. This report assesses the proposal against the relevant provisions of the Monash Planning Scheme and demonstrates that the flues represent a necessary and appropriate addition to the tenancy. The application supports the continued lawful use of the site while addressing health, safety, and amenity considerations.

## PLANNING ASSESSMENT

---

### 1. Overview

This planning permit application seeks approval for two exhaust flues at G01/168 Clayton Road, Clayton VIC 3168, to support the operation of an existing Korean BBQ restaurant within a mixed-use building. The application includes one flue that has already been installed to service the kitchen, and a second flue proposed to ventilate the dining area where in-table charcoal grilling occurs. Both flues are to be located within the building's internal lightwell and extend vertically above roof height to ensure appropriate dispersal of emissions.

The flues are positioned in proximity to residential apartments on the first floor, and have been designed with measures to manage amenity impacts such as noise, odour, and visual bulk. The premises are approved as a Class 6 Building, and the proposal does not involve any change of use or alteration to the building's footprint or zoning.

**RELEVANT PLANNING INSTRUMENTS**

1. Planning and Environment Act 1987 (Victoria)
2. Victoria Planning Provisions (VPPs)
3. Monash Planning Scheme

And the following Local Provisions:

**RELEVANT LOCAL PLANNING INSTRUMENTS**

1. Commercial 1 Zone (C1Z)
2. Monash City Council Development Guidelines & Policies

**2. Land Zoning**

The subject site at G01/168 Clayton Road, Clayton, is located within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme. The Commercial 1 Zone is designed to support a wide range of commercial, retail, and other uses that contribute to a vibrant and accessible urban environment. The objectives of the Commercial 1 Zone (C1Z) include:

- To encourage the development of a vibrant, active, and accessible area for commercial, retail, and community uses.
- To promote high-quality urban design that integrates well with the surrounding area.
- To allow for a variety of business and retail activities that cater to local and regional needs.
- To ensure that development respects the amenity of adjoining residential uses.

**Permit Requirements**

A planning permit is required for the installation of the kitchen exhaust flue (retrospective approval) and the proposed dining area exhaust flue, as both involve external works to the building. These works require assessment under Clause 34.01-4 of the Monash Planning Scheme due to their proximity to residential apartments and potential amenity impacts.

The flues are designed to operate in compliance with environmental health and safety requirements, including AS 1668 and relevant EPA guidelines. Both are located within the building's lightwell to limit visual and noise intrusion and are intended to discharge emissions well above roof level to avoid impacting nearby dwellings.

The works do not involve any structural changes to the building or modifications to access, parking, or services. The proposal aligns with the objectives of the Commercial 1 Zone by supporting the ongoing lawful operation of a food and drink premises, while respecting the amenity of surrounding residential occupants and contributing to the vibrancy of the Clayton Activity Centre.

**Figure 3. Monash Planning Scheme Image of the Subject Site**



## Development Requirements

The proposal for planning approval for two exhaust flues at G01/168 Clayton Road, Clayton VIC 3168—one existing flue servicing the kitchen and one proposed flue for the dining area—must demonstrate the following:

- Compatibility with the urban and commercial character of the area, ensuring minimal impact on the surrounding residential apartments.
- Compliance with parking requirements, ensuring minimal disruption to local traffic and adequate provision for staff parking.
- Adherence to operational hours (11:00 am to 12:00 am, six days a week), with acoustic mitigation measures incorporated into the flue design to ensure compliance with environmental noise standards, including EPA Publication 1826.4. A dedicated acoustic report confirms that the flues meet or exceed applicable requirements, and no additional noise management plan is deemed necessary.
- Appropriate waste management practices for dining area exhaust and other operational waste to ensure efficient management.
- Access to essential infrastructure, including water supply, electricity, and telecommunications services.
- Compliance with the requirements of the Commercial 1 Zone (C1Z) and other relevant planning controls.

## Application Requirements

This planning permit application for the existing kitchen exhaust flue and the proposed dining area exhaust flue must be supported by documentation demonstrating compliance with the relevant provisions of the Monash Planning Scheme. The application includes the following key documents:

- A detailed site plan identifying the location and dimensions of both the existing kitchen flue and the proposed dining area flue, including setbacks from the building façade, adjacent apartment windows, and the building roofline.
- An updated elevation plan showing both flues to scale, with clear annotations to distinguish between the existing and proposed installations.

- An acoustic assessment addressing the potential impacts of the kitchen flue, particularly its proximity to the first-floor Bedroom 1 window, and confirming compliance with EPA Publication 1826.4.
- A written odour impact statement detailing how both flues manage emissions in accordance with AS 1668.2 and EPA guidelines.
- A Waste Management Plan (WMP), confirming that existing waste handling, storage, and disposal arrangements remain sufficient and are not affected by the flue installation.

## General Considerations

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose and objectives of the Commercial 1 Zone (C1Z) and its compatibility with residential areas.
- The extent to which the proposal respects the residential amenity and contributes to the vibrancy of the local commercial area.
- The availability and capacity of infrastructure, including public transport access, parking, and waste management.

## Development and Design Considerations

- The design and siting of both exhaust flues, including their visibility, integration with the building, and impact on adjacent habitable room windows.
- The proposal's cumulative amenity impacts, including odour, noise, and emissions management, particularly given the mixed-use context.
- The continued suitability of the site for restaurant operations, with both flues essential to ensuring environmental and operational compliance.

## Overlays

The subject site at G01/168 Clayton Road, Clayton is not affected by any overlays under the Monash Planning Scheme.

## Local Planning Provisions

The Monash Planning Scheme encourages development that is compatible with the urban environment, responds to the area's character, and addresses potential impacts such as noise, traffic, and amenity. Strategic directions relevant to this application include:

- Supporting commercial uses that complement residential areas without causing undue disruption.
- Ensuring that developments do not cause adverse impacts on neighbouring properties and their amenity.
- Providing adequate infrastructure, access, and services to support the development, particularly related to parking, waste management, and utilities.

## Victoria Planning Provisions (VPPs)

Key clauses relevant to this proposal include:

- Clause 34.01 – Commercial 1 Zone (C1Z): Encourages a mix of commercial uses while ensuring compatibility with surrounding residential and commercial areas.
- Clause 19.03 – Integrated Infrastructure and Servicing: Ensures that developments are adequately serviced by essential infrastructure, including waste management and utilities.

## Particular Provisions

- Clause 65 – Decision Guidelines: Requires the responsible authority to consider the suitability of the land for the proposed dining area exhaust flue, the impact on surrounding amenity, and access to services.
- Clause 66 – Parking: Requires consideration of parking adequacy for the proposed use, ensuring no adverse impact on the surrounding area.

## General Provisions

- Clause 65.01 – Approval of an Application or Plan
- Clause 65.02 – Approval of an Application to Develop Land

Key considerations under these clauses include:

- Whether the proposal aligns with both local and state planning policies.
- The suitability of the site for the proposed external dining area exhaust system, including impacts on the surrounding area and infrastructure capacity.
- The extent to which the development supports the vibrancy of the local commercial area while ensuring minimal adverse impacts on residential amenity.

## SUITABILITY OF THE SITE

---

The site at G01/168 Clayton Road, Clayton VIC 3168, is well-suited to accommodate the installation of two exhaust flues to support the continued operation of an existing Korean BBQ restaurant.

Located within the Commercial 1 Zone (C1Z), the site forms part of a mixed-use development within a vibrant commercial precinct, characterised by a mix of food outlets, retail services, and residential apartments. The proposal supports the objectives of the zone by facilitating an active commercial use while maintaining residential amenity.

The restaurant uses charcoal grilling at the table, which generates smoke and requires dedicated ventilation in both the kitchen and dining areas. One flue, serving the kitchen, has already been installed without prior approval and is now included in this application for retrospective planning consent. The second flue, proposed to service the dining area, is necessary to meet regulatory standards for indoor air quality and occupant safety. Both flues are designed to comply with AS 1668 and EPA guidelines to mitigate odour and noise impacts. The exhaust systems are located within the building's internal lightwell and extend vertically above roof height to ensure proper emission dispersal. While the flues pass adjacent to a first-floor apartment window, their placement within the lightwell—combined with acoustic insulation, vibration control, and odour filtering—ensures that the impact on residential occupants is minimised. The flues are discreetly sited to avoid visual clutter and preserve the appearance of the building.

The Commercial 1 Zone encourages mixed-use outcomes that contribute to the social and economic vibrancy of the area. The installation of compliant ventilation infrastructure allows the restaurant to continue trading lawfully while addressing environmental and amenity standards. The proposal is consistent with Council's strategic intent to support commercial activity in well-located centres like Clayton. The site is easily accessible via public transport, including Clayton Railway Station and local bus routes, and is surrounded by compatible land uses. No structural alterations to the building are proposed aside from the flue installation, and the works will not interfere with access, parking, or services.

In conclusion, the site's zoning, context, and existing use make it an appropriate location for the proposed exhaust flues. The proposal has been carefully designed to minimise impacts on residential amenity while ensuring compliance with relevant health, safety, and planning requirements under the Monash Planning Scheme. The application supports the ongoing success of the restaurant and the broader vitality of the Clayton Activity Centre.

## CONCLUSION

---

This Town Planning Report has assessed the planning permit application for two exhaust flues at G01/168 Clayton Road, Clayton VIC 3168, in support of an existing Korean BBQ restaurant located within a mixed-use development. The site is situated in the Commercial 1 Zone (C1Z) under the Monash Planning Scheme and has been evaluated against the relevant planning provisions and decision guidelines.

The client seeks approval for one existing kitchen exhaust flue (retrospective approval) and a second proposed exhaust flue for the dining area. Both are essential to ensure safe, compliant ventilation for the restaurant, which features in-table charcoal grilling. Given the location of residential apartments above the tenancy, particular attention has been given to minimising amenity impacts related to noise, odour, and visual bulk.

The exhaust systems have been designed and located within the building's internal lightwell, where they are largely concealed from public view and configured to discharge vertically above roof level. Both flues have been developed in accordance with AS 1668 and EPA guidelines, incorporating acoustic insulation and odour control features to mitigate impacts on neighbouring residents, particularly adjacent habitable room windows.

No significant external alterations to the building are proposed beyond the installation of the flues. The design respects the building's existing character and maintains consistency with the streetscape and surrounding built form. The works will not result in any change of use, nor do they impact access, parking, or essential services.

The proposal aligns with the intent of the Commercial 1 Zone by supporting an active commercial tenancy in an established activity centre, while safeguarding residential amenity. The development enhances the functionality and compliance of the restaurant without causing unreasonable effects on the surrounding environment.

Given the proposal's compliance with the Monash Planning Scheme and its minimal impact on adjoining properties and public realm, this report supports the planning permit application and confirms the suitability of the kitchen and dining area exhaust flues for the site.

Clause 34.01 – COMMERCIAL 1 ZONE		
Section	Description	Compliance/Justification
34.01 30/07/2018 VC148	<p>Purpose</p> <p>To implement the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.</p> <p>To provide for residential uses at densities complementary to the role and scale of the commercial centre.</p> <p>Operation</p> <p>A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:</p> <ul style="list-style-type: none"> <li>specify the maximum leasable floor area for office</li> <li>specify the maximum leasable floor area for shop (other than restricted retail premises).</li> </ul>	<p>The proposed kitchen and dining area exhaust flues at G01/168 Clayton Road, Clayton comply with the objectives of the Commercial 1 Zone by supporting the continued operation of an existing Korean BBQ restaurant in a mixed-use activity centre. The works facilitate a compliant food premises without altering the existing use or building form.</p> <p>The exhaust systems are necessary to safely manage emissions from kitchen operations and charcoal grilling, while maintaining residential amenity. Both flues are located within the internal lightwell and discharge vertically above roof level. Design measures—such as sealed ductwork, acoustic insulation, and vibration isolation—ensure compliance with AS 1668 and EPA standards, minimising impacts on nearby apartments.</p> <p>Overall, the proposal supports commercial vitality while respecting residential uses above and integrates unobtrusively with the existing building, consistent with the purpose of the zone.</p>
34.01-2 14/07/2013 VC100	<p>Use of land</p> <p>A use must not detrimentally affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>Transport of materials, goods or commodities to or from the land.</li> <li>Appearance of any building, works or materials.</li> <li>Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>	<p>The proposed kitchen and dining area exhaust flues at G01/168 Clayton Road, Clayton comply with Clause 34.01-2 by ensuring the use does not detrimentally affect the amenity of the surrounding neighbourhood.</p> <p>Both systems are designed with sealed ductwork, acoustic insulation, and high-velocity vertical discharge to minimise odour, noise, and vibration. The kitchen flue includes vibration isolation mounts achieving 95% noise reduction efficiency, while both flues comply with AS 1668 and EPA standards.</p>

		<p>Positioned within the internal lightwell, the installations have no visual impact on the streetscape and avoid emissions near windows.</p> <p>The works ensure a safe and compliant restaurant operation while maintaining residential amenity consistent with planning requirements.</p>
34.01-4 30/11/2023 VC217	<p><b>Buildings and works</b></p> <p>A permit is required to construct a building or construct or carry out works.</p> <p>This does not apply to:</p> <ul style="list-style-type: none"> <li>• The installation of an automatic teller machine.</li> <li>• An alteration to an existing building façade provided: <ul style="list-style-type: none"> <li>◦ The alteration does not include the installation of an external roller shutter.</li> <li>◦ At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.</li> </ul> </li> <li>• An awning that projects over a road if it is authorised by the relevant public land manager.</li> </ul> <p>An apartment development must meet the requirements of Clause 58.</p> <p><b>Transitional provisions</b></p> <p>Clause 58 does not apply to:</p> <ul style="list-style-type: none"> <li>• An application for a planning permit lodged before the approval date of Amendment VC136.</li> <li>• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.</li> </ul> <p><b>Maintenance</b></p> <p>All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.</p>	<p>The proposal involves the construction of two external exhaust flues—one existing (kitchen) and one proposed (dining area)—within a roof-level lightwell at G01/168 Clayton Road, Clayton VIC 3168. Both flues extend above the roofline to facilitate safe and compliant ventilation for a Korean BBQ restaurant operating within the premises. The works do not fall under the exemptions outlined in Clause 34.01-4, and as such, a planning permit is required.</p> <p><b>Compliance with Building and Works Objectives</b></p> <p>Although a permit is required, the proposal is modest in scale and has been carefully designed to meet performance standards and to minimise off-site impacts:</p> <ul style="list-style-type: none"> <li>• <b>Discreet Location</b> Both flues are located within the building's internal lightwell, away from the street frontage. They are not visible from the public realm and do not alter the building's façade or impact the active commercial frontage. The works maintain the presentation and commercial character of the premises and do not interfere with pedestrian or vehicle access.</li> <li>• <b>No Visual Clutter</b> As the works are not on the street-facing</li> </ul>

		<p>façade and will not result in the installation of any external roller shutters or signage, the proposal aligns with the intention to preserve an active, transparent and visually engaging ground-floor interface.</p> <ul style="list-style-type: none"><li><b>Mechanical Performance and Amenity Safeguards</b> The flues have been designed and constructed in accordance with AS 1668.1, AS 1668.2, and AS 4254, with engineering controls that mitigate impacts to adjacent apartments:<ul style="list-style-type: none"><li>The kitchen exhaust ducting is heavy-gauge galvanised steel, sealed in accordance with AS 4254 Clause 2.2.2.</li><li>Vibration isolation mountings and spring mounts with 95% efficiency are used to minimise structural noise transfer to the first-floor apartments.</li><li>Acoustic insulation and appropriately sized ductwork reduce air noise from the system.</li><li>The dining area flue discharges vertically at high velocity, at least 2 metres above the roofline and 6 metres from habitable windows, minimising odour dispersion.</li><li>The system meets EPA Publication 1826.4 noise thresholds and will be positioned to avoid undue impacts to nearby residents.</li></ul></li><li><b>Maintenance</b> The restaurant operator will be responsible for the ongoing maintenance of both flues.</li></ul>
--	--	--

		<p>This includes regular servicing to ensure performance, minimise odour, and prevent deterioration. The installation will be maintained in good order and appearance to the satisfaction of the responsible authority.</p> <p>The exhaust flues are essential to support the lawful and ongoing use of the premises and have been carefully designed to be low-impact, compliant, and operationally necessary. The proposal meets the intent of Clause 34.01-4 by delivering functional, well-integrated building services without adverse impacts on visual or residential amenity. Approval is warranted.</p>
34.01-5 30/03/2025 VC267	<p>Neighbourhood and site description and design response</p> <p>An application for any of the following must be accompanied by a site description and a design response as described in Clause 54.01, 55.01 or 57.01, as appropriate:</p> <ul style="list-style-type: none"> <li>• Construction or extension of one dwelling on a lot of less than 300 square metres.</li> <li>• Construction of a dwelling if there is at least one dwelling existing on the lot.</li> <li>• Construction of two or more dwellings on a lot.</li> <li>• Extension of a dwelling if there are two or more dwellings on the lot.</li> <li>• Construction or extension of a dwelling on common property.</li> <li>• Construction or extension of a residential building.</li> </ul> <p>Clause 34.01-5 does not apply to an apartment development.</p> <p>Satisfactory neighbourhood and site description before notice and decision</p> <p>If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</p>	<p>The proposal for the kitchen and dining area exhaust flues at G01/168 Clayton Road, Clayton VIC 3168 does not trigger the requirements of Clause 34.01-5, as it does not involve the construction or extension of dwellings, residential buildings, or works on common property. The application solely relates to the installation of two mechanical flues to support the operation of an existing restaurant within a Commercial 1 Zone. Therefore, a neighbourhood and site description or design response in accordance with Clauses 54.01, 55.01 or 57.01 is not applicable.</p>

	<p>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 and is satisfactory.</p> <p>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</p>	
<p>34.01-6 13/01/2025 VC237</p>	<p><b>Application requirements</b></p> <p><b>Buildings and works</b></p> <p>An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:</p> <ul style="list-style-type: none"> <li>• A plan drawn to scale which shows: <ul style="list-style-type: none"> <li>○ The boundaries and dimensions of the site.</li> <li>○ Adjoining roads.</li> <li>○ The location, height and purpose of buildings and works on adjoining land.</li> <li>○ Relevant ground levels.</li> <li>○ The layout of existing and proposed buildings and works.</li> <li>○ All driveway, car parking and loading areas.</li> <li>○ Proposed landscape areas.</li> <li>○ All external storage and waste treatment areas.</li> <li>○ Areas not required for immediate use.</li> </ul> </li> <li>• Elevation drawings to scale showing the colour and materials of all buildings and works.</li> <li>• Construction details of all drainage works, driveways, vehicle parking and loading areas.</li> <li>• A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.</li> </ul> <p>An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.</p>	<p>The planning permit application for the exhaust flue systems at G01/168 Clayton Road, Clayton VIC 3168 meets the application requirements of Clause 34.01-6 of the Monash Planning Scheme. The application seeks formal approval for one existing kitchen flue and a second proposed dining area flue, both of which support the ongoing lawful operation of a Korean BBQ restaurant located within a mixed-use building.</p> <p>The following documentation has been submitted in accordance with Clause 34.01-6:</p> <ul style="list-style-type: none"> <li>• <b>Site Plan:</b> A scaled plan identifies the site boundaries, adjoining roads, and the location of both the existing and proposed exhaust flues. It also details building setbacks, rooflines, and the position of the flues relative to nearby apartments and lightwell access.</li> <li>• <b>Elevations and Materials:</b> Elevation drawings depict the height, form, and materials of both flues. The design ensures visual integration with the existing structure and confirms that the installations are confined within the internal lightwell, reducing public visibility.</li> <li>• <b>Construction Details:</b> Mechanical and construction specifications are provided for both flues. These include compliance with AS1668.1, AS1668.2, and AS4254,</li> </ul>

		<p>confirming appropriate ducting materials, vibration isolation mounting, and high-velocity vertical discharge 2 metres above roof level. The systems are designed to mitigate odour and noise impacts in accordance with acoustic and environmental standards.</p> <ul style="list-style-type: none"> <li>• <b>Landscaping:</b> No landscaping is affected by the proposed works. The flues are confined to built form areas and do not encroach on external open space or vegetation.</li> </ul> <p>In meeting these requirements, the application demonstrates compliance with the Monash Planning Scheme and supports the responsible approval of both flue systems as functional and low-impact infrastructure for a food premises in the Commercial 1 Zone.</p>
34.01-7 30/07/2018 VC148	<p>Exemption from notice and review</p> <p>An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</p>	<p>The proposed kitchen and dining area exhaust flues at G01/168 Clayton Road, Clayton VIC 3168 may not qualify for exemption under Clause 34.01-7, as the subject site forms part of a mixed-use development with residential dwellings located directly above the ground-floor commercial tenancy. Given that the works occur within 30 metres of land used for residential purposes (albeit vertically integrated), the exemption from notice and review under Section 52(1) of the Act may not apply. Accordingly, public notice may still be required at the discretion of the Responsible Authority. Nonetheless, the proposal is modest in nature, appropriately designed to minimise amenity impacts, and is expected to be acceptable following consultation.</p>

<p>34.01-8 30/03/2025 VC267</p>	<p>Decision guidelines</p> <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <p><b>Building and works</b></p> <ul style="list-style-type: none"> <li>• The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.</li> <li>• The provision of car parking.</li> <li>• The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.</li> <li>• The storage of rubbish and materials for recycling.</li> <li>• Defining the responsibility for the maintenance of buildings, landscaping and paved areas.</li> <li>• Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</li> <li>• The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</li> <li>• The availability of and connection to services.</li> <li>• The design of buildings to provide for solar access.</li> <li>• The objectives, standards and decision guidelines of Clause 54, Clause 55 and Clause 57. This does not apply to an apartment development.</li> <li>• For an apartment development, the objectives, standards and decision guidelines of Clause 58.</li> </ul>	<p>The proposed installation of two external exhaust flues at G01/168 Clayton Road, Clayton complies with the relevant decision guidelines under Clause 34.01-8 as follows:</p> <ul style="list-style-type: none"> <li>• <b>Streetscape and Built Form:</b> Both flues are located within the internal lightwell and are not visible from the public realm. They do not affect the building's façade, active frontages, or pedestrian experience. The installation maintains the architectural integrity of the mixed-use development and has no adverse impact on the streetscape.</li> <li>• <b>Waste Management:</b> The proposed works do not alter or obstruct existing waste management arrangements. A Waste Management Plan (WMP) will be provided to confirm the adequacy of waste handling during and after installation, ensuring continued compliance with Council's amenity and operational standards.</li> <li>• <b>Maintenance Responsibility:</b> The restaurant operator will retain full responsibility for the maintenance of both flues, including routine cleaning and servicing to prevent degradation or impacts on neighbouring uses.</li> </ul>
---	---	--

		<ul style="list-style-type: none"> <li>• <b>Amenity – Noise and Odour:</b> The systems have been designed with mitigation measures to comply with EPA Publication 1826.4. The flues include high-velocity vertical discharge, acoustic insulation, and odour filtration (e.g., carbon filters), reducing any impact on the first-floor and second-floor residential occupants.</li> <li>• <b>Overlooking and Overshadowing:</b> The flues do not create overlooking opportunities or cause overshadowing due to their vertical form and internal siting. No nearby solar panels are affected.</li> <li>• <b>Access to Services:</b> No upgrades to essential infrastructure are required. The exhaust systems integrate with the site's existing services.</li> </ul> <p>The proposal is compliant with the objectives and guidelines of Clause 34.01-8 and supports an appropriate balance between commercial use and residential amenity within a vibrant activity centre. It should therefore be approved.</p>
--	--	---

Clause 52.06 – CAR PARKING		
Section	Description	Compliance/Justification
52.06-1 24/02/2025 VC257	Scope	The proposal to install two exhaust flues (one existing near the kitchen and one new in the dining area) at G01/168 Clayton Road, Clayton VIC 3168 does not

	<p>Clause 52.06 applies to:</p> <ul style="list-style-type: none"> <li>• a new use; or</li> <li>• an increase in the floor area or site area of an existing use; or</li> <li>• an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.</li> </ul> <p>Clause 52.06 does not apply to:</p> <ul style="list-style-type: none"> <li>• the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone; or</li> <li>• the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Housing Choice and Transport Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot; or</li> <li>• the construction and use of a small second dwelling.</li> </ul>	<p>trigger Clause 52.06, as it does not involve a new use, an increase in floor area, or an intensification of the use as measured in Column C of Table 1 in Clause 52.06-5.</p> <p>There is no change to the restaurant's internal layout, seating capacity, or hours of operation. The exhaust flues are solely functional infrastructure to manage air quality and health compliance. The existing parking arrangement remains unchanged and continues to meet the needs of the tenancy.</p> <p>Accordingly, the proposal complies with Clause 52.06 and does not require any additional car parking provision.</p>
--	--	--

Clause 19.03 - DEVELOPMENT INFRASTRUCTURE		
Section	Description	Compliance/Justification
19.03-5S 13/01/2025 VC237	<p>Waste and resource recovery</p> <p>Objective</p> <p>To reduce waste and maximise resource recovery to reduce reliance on landfills and minimise environmental, amenity and public health impacts.</p> <p>Strategies</p> <p>Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste streams and maximise opportunities for resource recovery.</p>	<p>The proposal complies with Clause 19.03-5S, as the installation of two exhaust flues at G01/168 Clayton Road, Clayton VIC 3168 will not alter or negatively impact existing waste and resource recovery practices. The works do not introduce any new waste streams or increase operational waste output.</p> <p>A Waste Management Plan (WMP) will be provided to confirm that current waste</p>

	<p>Ensure the long-term viability of waste and resource recovery infrastructure is secured through the use of defined buffer areas that protect against encroachment from incompatible land uses.</p> <p>Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.</p> <p>Enable waste and resource recovery facilities to be located in proximity to other related facilities and to materials' end-market destinations, to reduce the impacts of waste transportation and improve the economic viability of resource recovery.</p> <p>Site, design, manage and rehabilitate waste disposal facilities to prevent or minimise contamination of groundwater and surface waters, litter, odour, dust and noise.</p> <p>Integrate waste and resource recovery infrastructure planning with land use and transport planning.</p> <p>Encourage technologies that increase recovery and treatment of resources to produce high value, marketable end products.</p> <p>Encourage development that facilitates sustainable waste and resource recovery, including facilities for Victoria's container deposit scheme.</p>	<p>storage and collection arrangements remain appropriate for the restaurant's operations. The flue installation is minor, contained within the building's lightwell, and will not encroach on waste storage areas or affect public amenity.</p> <p>The proposal supports the objective of minimising environmental and health impacts from development and is consistent with the strategy to ensure sustainable waste infrastructure is maintained alongside compatible land uses.</p>
--	--	--