

5.11 16-34 WINTERTON ROAD CLAYTON – CONSTRUCTION OF FOUR WAREHOUSES EXCEEDING 7.0 METRES IN HEIGHT INCLUDING A REDUCTION OF THE SETBACK REQUIREMENT TO CAR SPACES FROM WINTERTON ROAD, WITH ASSOCIATED OFFICES, CAR PARKING & LANDSCAPING

(TPA/36789:DL:RMK)

Ward : Oakleigh

Responsible Director: Paul Kearsley

Reason for Council Consideration: Cost of development \$2,550,000

Statutory Processing Date : 16 January 2009

RECOMMENDATION

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No. 36789.

*The Council having considered planning application No. 36789 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **grant a planning permit** under the provisions of the Monash Planning Scheme in respect of the land known and described as 16-34 Winterton Road, Clayton for the purpose of developing the land by constructing four warehouses exceeding 7.0 metres in height including a reduction of the setback requirement to car spaces from Winterton Road, with associated offices, carparking and landscaping subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003*

- 1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.*

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) Car space 10 adjacent to warehouse 1 and car space 4 adjacent to warehouse 2 setback at least 1 metre from those buildings; while maintaining a minimum 7.6 metre landscape setback to those car spaces.*
- b) Each of the vehicle crossings widened to at least 9 metres with splays of 45 degrees to Winterton Road.*
- c) The electricity pole in proximity of the crossing to warehouse 3 relocated at least 2 metres from the edge of the nearest vehicle crossing.*

- d) *The driveway and vehicle crossing to warehouse 1 relocated to be no closer than 2 metres from the trunk of the Paperbark Street tree.*
 - e) *The planting of two replacement street trees at least 3 metres away from a vehicle crossing to the satisfaction of the Responsible Authority.*
2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*
- a) *constructed to the satisfaction of the Responsible Authority;*
 - b) *properly formed to such levels that they can be used in accordance with the plans;*
 - c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.

4. *In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.*
5. *Vehicles under the control of the operator of the use or the operator's staff must not be parked on Winterton Road or nearby roads.*
6. *The loading and unloading of goods from vehicles must only be carried out on the land.*
7. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the west of the property where it must be collected and free drained via a pipe to the 750mm Council drain in the naturestrip via a 900mm x 900mm junction pit to be constructed to Council standards.

If the point of discharge cannot be located then notify Council's

Engineering Division immediately.

8. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:*
 - a) *a trench grate (175mm minimum internal width) located within the property; and/or*
 - b) *shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *another Council approved equivalent*
9. *Use of Easement approval is required for the construction of the car parking spaces. Approval will only be given subject to:*
 - *Council and South East Water approval being obtained.*
 - *The registration of a Section 173 Agreement on title between the owners and Council, protecting Council's future drainage maintenance rights.*
10. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
11. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
12. *Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.*
13. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
14. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
15. *A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
 - *the location of all existing trees and other vegetation to be*

retained on site

- *provision of canopy trees with spreading crowns located throughout the site.*
- *planting to soften the appearance of hard surface areas such as driveways and other paved areas*
- *a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
- *the location and details of all fencing*
- *the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
- *details of all proposed hard surface materials including pathways, patio or decked areas*

When approved the plan will be endorsed and will then form part of the permit.

16. *Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
17. *Prior to occupation of the buildings allowed by this permit, the applicant shall pay to Council \$760 to cover the removal, replacement and establishment of two street trees.*

Notes:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
3. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.*

4. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council drains and these works are to be inspected by Council (telephone 9518-3690)*
5. *The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council.*
6. *The existing Paperbark street tree must not be removed or damaged.*
7. *Tree planting should be kept clear of the drainage easement.*

BACKGROUND

The subject land comprises three lots with a total area of 10,390 square metres and is situated on the east side of Winterton Road approximately 250 metres south of Dandenong Road.

The land is occupied by two buildings and concrete areas used in part for carparking.

PROPOSAL

It is proposed to construct four buildings on the land with associated car parking and landscaping. Although the buildings are identified as “warehouses”, there is no identified end user of the buildings. The buildings have a combined floor area of 6249 square metres and 96 car spaces are provided.

The height of buildings are proposed to be between 8.4 to 9.4 metres and be constructed from pre-cast concrete panels. The buildings also feature black tinted glazing along the frontage combined with charcoal painted concrete feature panels.

POLICY IMPLICATIONS

State Planning Policy Framework

Clause 17.03 – Industry

Clause 19.03 – Design and built form

Local Planning Policy Framework

Clause 21.07 – Industry

Clause 22.03 – Industry and business development and character policy

Zones

Clause 33.01 – Industrial 1 Zone – Planning permit not required to use land for a warehouse in this instance.

Overlays

Clause 43.02 – Design and development overlay – Planning permit required to construct a building exceeding 7.0 metres in height, and to construct a building or car spaces within 10.6 metres of Winterton Road.

Particular provisions

Clause 52.06 – Car parking. Car space requirement of 1.5 car spaces per 100 square metres of floor area for “warehouse.”

Clause 52.07 – Loading and unloading of vehicles.

General provisions

Clause 65 – Decision guidelines.

CONSULTATION

The proposal was not the subject of a pre-application meeting.

The proposal was not advertised because it is not considered that the development will cause material detriment to any person. This is based on the similar scale of buildings surrounding the land and the similarity of surrounding uses.

ASSESSMENT

The matters requiring assessment are the height of the buildings, the setback of the buildings and car spaces from Winterton Road and car space provision and layout.

The height of the buildings

The proposed buildings would be 8.4 metres high with the top of the roof reaching 9.4 metres. Schedule 1 of the Design and Development Overlay specifies that, without a planning permit, buildings must not exceed a height of 7.0 metres. When considering an application to exceed this height Council must have regard to the applicable industry character type (IND4A). In this respect, the architecture should be appropriate in form and scale to the functional requirements of the industry and be consistent with surrounding buildings.

The proposed buildings are considered to be of a satisfactory scale having regard to their surroundings. They would back onto a recently constructed group of warehouses with frontage to Dandenong Road and would therefore have limited visual impact. There is scope to reduce any visual impact to Winterton Road by introducing canopy planting.

Setback of buildings and car spaces from Winterton Road

Schedule 1 of the Design and Development Overlay specifies that, without a planning permit, buildings and car spaces are to be setback 10.6 metres from Winterton Road. All the proposed buildings satisfy this requirement, but the car

spaces would only be setback 7.6 metres. When considering an application to reduce the setback, Council must have regard to the applicable industry character type and whether the landscape treatment in the front setback would contribute to Garden City Character. In this respect, the following desired future character statement is relevant:

“As industrial sites are redeveloped site layouts should allow for an extensive landscaped setback on each lot frontage. This should be planted with large native trees that should eventually provide a dense tree canopy that should extend throughout the entire area and unify the diverse range of building styles”

It is of primary importance that the buildings themselves satisfy the front setback requirement. Although the car spaces would only be setback 7.6 metres, it is considered that dense planting in the front setback and alongside these spaces would reduce any visual impact that might otherwise be caused.

It should also be noted that the landscape setback of most of the other buildings and carspaces in the vicinity is less than 7.6 metres, and in some cases car spaces are situated adjacent to the front title boundary. On this basis, the proposed landscape setback is considered satisfactory.

Car space provision and layout

Total floor area and car space provision is represented as follows:

Building	Floor Area – Square metres	Car spaces required	Car spaces provided
1	Warehouse – 1916m ²		
	Office – 301m ² (13.5%)		
	Sub total – 2217m ²	33 spaces	34 spaces
2	Warehouse – 1452m ²		
	Office – 324m ² (18.2%)		
	Sub total – 1776m ²	27 spaces	28 spaces
3	Warehouse – 822m ²		
	Office – 306m ² (27%)		
	Sub total – 1128m ²	17 spaces	17 spaces
4	Warehouse – 822m ²		
	Office – 306m ² (27%)		
	Sub total – 1128m ²	17 spaces	17 spaces
Total	6249m ²	94 spaces	96 spaces

As each of the respective office areas amount to less than 30% of the total floor area, it is appropriate for the “warehouse” rate of 1.5 car spaces per 100 square metres of floor area be applied. On this basis, the proposal complies.

Council’s Traffic Engineer advises that in order to cater for large delivery vehicles, the width of each crossover should be increased from 6.4 to 9 metres, with the edges splayed at 45 degrees to Winterton Road. To do so would mean

relocating a power pole. It would also mean that two small street trees will have to be removed. Council's Horticulture Department consents to the removal of these trees provided they are replaced at the applicant's expense. A condition to this effect could be added to any permit issued. The driveway and crossover to warehouse 1 would also have to be relocated so as to be at least 2 metres away from the trunk of an existing Paperbark street tree. This could also be made a condition of the permit.

CONCLUSION

The height and scale of the proposed buildings would be satisfactory having regard to development in the immediate area.

The landscape setback to car spaces from Winterton Road, while less than preferred, is nevertheless considered satisfactory having regard to the potential for dense planting and the landscape setbacks of neighbouring properties.

Car space provision is in accordance with the requirements of the Monash Planning Scheme and access and egress arrangements could be made satisfactory by amendment.

The application is considered satisfactory and should be supported.