

5.3 675-685 WARRIGAL ROAD, CHADSTONE – DEVELOPMENT OF A BUILDING FOR THE PURPOSE OF RESTRICTED RETAIL, ALTERATION TO THE ACCESS TO WARRIGAL ROAD AND ADVERTISING SIGNAGE

(TPA/35844:MM:RO)

Ward : Mount Waverley

Responsible Director: Don Cameron

Reason for Council Consideration: Cost - \$20 Million

Statutory Processing Date : 6 April 2008

RECOMMENDATION

*The Council having caused notice of planning application No. 35844 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 675-685 Warrigal Road, Chadstone, for development of a building to be used for the purpose of a restricted retail premises, alteration to an access point to a Road 1 Category Road and to erect and display advertising signage 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 and use 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) Modified vehicle access arrangements to the site in accordance with the revised plan of scheme 2A, as agreed to by VicRoads.*
- b) The Collins Street egress point splayed in order restrict egress to left out only, and eliminate any illicit right turn into this access point.*
- c) Deletion of all advertising signs from the Collins Street façade;*
- d) The north-east vehicle egress onto Collins Street with details of boom gates or other alternative device to restrict access.*
- e) Alteration to the eastern façade to improve the visual presentation of the building;*
- f) Retention of the group of four mature Lemon Scented Gums near the Warrigal Road frontage located towards the south of the site and all trees proposed to be retained on site to be clearly notated on the layout plan;*

- g) *Any new crossing in Collins Street is to have a minimum of 1 metre clearance from any services in the nature strip;*
 - h) *Location of gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback area;*
 - i) *Elevation details of the Quad Suction /Booster Assembly Cabinet and measures to minimise its visual prominence;*
 - j) *Provision of Bicycle facilities in accordance with Clause 52.34 of the Monash Planning Scheme;*
 - k) *A schedule of building colours and materials. The reflectivity of the building must be not greater than 15%.*
2. *The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
3. *The north-east access on to Collins Street must be restricted to exit only, during the hours of 4pm-6pm Monday to Friday only and details of an appropriately controlled system must be submitted to Council for approval.*
4. *No electrical or gas utility installations may be located within the front landscape setback of any road.*
5. *The amenity of the area must not be detrimentally affected by the use or development, through the :*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin;*
6. *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
- a) *measures to control noise, dust and water runoff;*
 - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *the location of where building materials are to be kept during construction;*
 - d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site*

- during the construction phase;
- f) on-site parking of vehicles associated with construction of the development;
 - g) wash down areas for trucks and vehicles associated with construction activities;
 - h) cleaning and maintaining surrounding road surfaces;
 - i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6pm;
 - Saturday – 9.00am to 1pm;
 - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)
7. The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7:00am to 6pm;
 - Saturday – 9am to 1pm;
 - Saturday – 1pm to 5pm (only activities associated with the erection of buildings);
- unless otherwise approved in writing by the Responsible Authority.
8. All trees located adjacent to any works area must be marked, and a temporary chain mesh and star picket tree protection fence is to be erected prior to the commencement of buildings and works (including demolition) to define a Tree Protection Zone in accordance with the details of the Arborist Report by Gailbrath & Associates dated 10 December 2007. The fence is to be a 1.8 metre high chain and mesh protective fence sited in line with the canopy drip line and in line with the building envelope where any part of the building comes beneath a tree canopy. The fences are to remain in place until the construction is complete. No vehicular or pedestrian access, or soil excavation is to occur within this area other than that shown on the endorsed plans. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones. The ground surface within the Tree Protection Zone is to be covered by a protective 75mm layer of mulch and extra watering applied. The location of such Tree Protection Zones must be verified by an authorised officer of the City of Monash to the satisfaction of the City of Monash.
9. In accordance with Arborist advice by Gailbrath & Associates dated 27 May 2008, in order to ensure the retention of tree 21, the arborist in consultation with the builder are to determine the depth and route of the proposed drive along the first 6m from Warrigal Road. The arborist is to neatly sever any roots which have been removed to achieve the necessary construction specifications, before the excavator rips out such roots. As soon as possible after the severance, irrigation of the trees, according to the consulting arborists directions must occur. The trees will have to be

regularly irrigated throughout the late spring, summer and early autumn of construction.

- 10. Any pruning that is required to be done to the canopy of any trees affected by the development is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373 1996, Australian Standards.*
- 11. All excavations potentially affecting trees to be retained must be supervised by an Arborist who must ensure that the works are done in a manner that minimises any damage to those trees.*
- 12. Written confirmation by the supervising Arborist that the works have been carried out in a satisfactory manner must be provided to the Responsible Authority within one month of project completion.*
- 13. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
 - 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 including the major open space areas of the development*
 - 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.

- 14. Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 15. Before the use permitted is commenced, 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.*
 - f) *Parking areas and access lanes must be kept available for these purposes at all times.*
16. *A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.*
17. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
18. *The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of the City of Monash.*
19. *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 each driveway onto the footpath. Such 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.*
20. *Stormwater discharge is to be detained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from Council prior to works commencing.*
21. *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 conveying of the stormwater to the nominated point of discharge. Direct the entire sites stormwater drainage to the north-east corner of the property where it must be collected and free drained via a pipe to the Council pit in Collins Street to be constructed to Council Standards. Note: If the point of discharge cannot be located then notify Council's Engineering Division immediately.*
22. *The driveway and parking area should be designed in accordance with the*

Australian Standard for Off-Street Parking, AS/NZS 2890.1-2004 apart from the dimensions of car parking spaces and associated accessways which must be in accordance with the provisions of Clause 52.06-3 of the Monash Planning Scheme.

- 23. 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.*
- 24. 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.*
- 25. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
- 26. 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.*
- 27. The loading and unloading of goods from vehicles must only be carried out on the land. The use hereby permitted must at all times be conducted in a manner that ensures that the residential amenity of nearby residential properties is not detrimentally affected.*
- 28. The collection of rubbish from the premises on the site must only be conducted between the hours of 7.00am and 6pm Mondays to Fridays (inclusive).*
- 29. No form of public address system may be installed so as to be audible from outside the building/site.*
- 30. 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.*
- 31. 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.*
- 32. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*
- 33. The location and design of signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

34. *Signs must not contain any flashing light.*
35. *All signs must be located wholly within the boundary of the land.*
36. *All signs must be constructed and maintained to the satisfaction of the Responsible Authority.*
37. *Signs must not be illuminated by external lights without the written consent of the Responsible Authority.*
38. *Signs must not distract drivers due to colouring, be mistaken for a traffic signal, be able to be mistaken as an instruction to drivers or constitute a road safety hazard in any way.*

Insert the 10 conditions as required by VicRoads (Date of letter 12 May 2008)

NOTES:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *A drainage contribution will not be accepted in lieu of a detention system.*
3. *Stormwater detention requirements may be obtained from the Council prior to the design of any stormwater detention system.*
4. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the Council pits and these works are to be inspected by Council (telephone 9518 3690).*
5. *In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:*
 - *The development and use are not started within two years of the date of this permit.*
 - *The development is not completed within four years of the date of this permit.**In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.*

and directs that the Applicant, each objector and VicRoads be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the eastern side of Warrigal Road, approximately 115 metres north of Waverley Road. The land is also bound by Collins Street to the east and is generally rectangular in shape with a frontage to Warrigal Road

of 84.75 metres, depth of 179.22 metres and overall site area of approximately 15,188 square metres. See Attachment 1 for locality plan.

The land is presently developed with two separate buildings. The front building is setback 20 metres from Warrigal Road and the rear building is setback 8 metres from Collins Street. Two existing crossovers provide access and egress to the site via Warrigal Road. Access to the site is also available to the site via two existing crossovers from Collins Street.

There is substantial fall across the site of approximately 4 metres in both a north south and west east direction. A number of trees are scattered throughout the site.

Surrounding development comprises the following:

- North: Mathew Flinders Hotel/Motel complex.
- South: Harvey Norman, Office Works and other retail outlets.
- East: Single storey conventional residential development located on the eastern side of Collins Street.
- West: Single storey residential development located on the western side of Warrigal Road.

PROPOSAL

It is proposed to construct a double storey building with two levels of basement car parking for use as restricted retail. The plans submitted with the application show the following (Attachment 2):

- Setback of the building is 21 metres from Warrigal Road and between 10.22 metres and 12.28 metres from Collins Street.
- The building comprises a total net floor area of 18,850 square metres with 12 tenancies over 2 levels ranging in area between 1,000 square metres and 3,090 square metres.
- A total of 472 car parking spaces are provided within two levels of basement car parking.
- Access to the upper basement car park is from Warrigal Road via a modified existing crossover located at the southern end of the site providing for left-in, left-out movements only. Access to the lower level car park is proposed from Collins Street via a modified existing crossover located at the north-east end of the site as well as via internal ramp from the upper basement car park.
- Loading is via a dedicated road and service bays along the site's southern boundary. Ingress movements for loading vehicles is from Warrigal Road with egress via a separate crossover located at Collins Street. (the south-east end of the site).
- Escalators, staircase and lift services are available through the building.

A number of signs are also proposed on the elevations of the building as follows:

- North Elevation - One lifestyle image panel (6m x 3m = 18sqm in area).
- South Elevation - Five lifestyle image zones (3m x 3m = 9sqm in area);
Two signage panel zones (7m x 4m = 28sqm in area).
- West Elevation - One signage panel (6m x 3.4m = 20.4sqm in area);
One signage panel (7m x 4m = 28sqm in area);
Two lifestyle image panels (only shown as indicative);
A business identification sign, "Chadstone Home Centre" proposed above the pedestrian entrance.
- East Elevation- Two indicative signage zones on the Collins Street elevation.

The proposed building is square in form with a flat roof and is to be constructed of precast concrete panels with a painted finish. The double storey building features full height aluminium framed windows and blade features on the Warrigal Road façade.

POLICY IMPLICATIONS

The policies relevant within the Monash Planning Scheme for the current application include the following:

State Planning Policy Framework

Clause 11.03: Principles of Land Use and Development Planning

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres by reinforcing the role of concentrating development in established areas of activity while promoting energy efficiency, accessibility to transport and good urban design.

Clause 17.02: Business

Clause 17.03: Industry

Clause 18.02: Car Parking and Public Transport Access to Development

Clause 18.03: Bicycle Transport

Clause 19.03: Design and Built Form

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

Clause 21.03-2: Economic Development

The strategic vision is to develop sustainable employment opportunities and maintain Monash as the predominant business location in Melbourne's eastern region by supporting a proactive, progressive business community and creating attractive, convenient and vibrant business centres.

Clause 22.03: Industry and Business Development and Character Policy

This policy promotes the enhancement of the Garden City Character of Industrial and business areas. The subject site is located within Industry Character Area Type 3 which is represented by large well landscaped setbacks with parking and servicing at the rear of the properties. The desired future character statement indicates that main road frontages should be well landscaped and contain high profile businesses that should present a positive public image of the municipality to road users.

Clause 22.04: Stormwater Management Policy

Clause 22.05: Tree Conservation Policy

Zoning

The subject site is located within a Light Industrial 1 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for the use of the land for Restricted Retail Premises provided the use is in one occupation with a leasable floor area in excess of 1000 square metres.

Pursuant to Clause 33.01-4 a planning permit is also required for buildings and works.

The land is covered by the Design and Development Overlay-Schedule No.1. Decision guidelines and setback requirements are included in the overlay. A 20 metre landscape setback is required along Warrigal Road and 7.6 metre landscape setback along Collins Street.

Warrigal Road is located within a Road Zone (Category 1) under the Planning Scheme. Under Clause 52.29 a planning permit is required to create or alter access to a Road Zone.

Particular Provisions

Clause 52.05: Advertising Signs

The signage requirements for the site fall within Category 2 – Office and Industrial, the purpose of which is to provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Planning approval is required for the proposed signage as the total advertisement area of all signs exceeds 8 square metres.

Clause 52.06: Car Parking

Clause 52.07: Loading and Unloading of Vehicles

Clause 52.34: Bicycle Facilities

CONSULTATION

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site and within the immediate area. Two large notices were also displayed on the land.

A public information meeting was held during the notification period and 4 residents attended the meeting.

Two objections have been received to the proposal. One of which has been consequently withdrawn. A summary of objections is as follows:

- The car park exit into Collins Street will increase the volume of traffic, which will compromise the safety of residents, which is already affected by the traffic from the Mathew Flinders Hotel.
- Increase in noise and pollution from increased traffic.
- Street parking for residents would be limited due to an increase in customer activity.
- Objection to any type of advertising signage along Collins Street as it would not be in keeping with the residential area.

The application was referred to VicRoads for comment. Concerns were raised with regards to the Warrigal Road access. After significant discussions between the applicants' traffic engineers and VicRoads, VicRoads have consented to a modified access proposal (referred to as Scheme 2A) and have provided a number of conditions to be incorporated into approval should a permit issue. (Refer to Attachment 3)

The application was also referred to Council's drainage and traffic engineering sections for comment. Council's traffic and drainage engineers require conditions to be placed on any permit issued.

ASSESSMENT

The use of the site for restricted retail premises supports state and local policies and the provisions of the Municipal Strategic Statement and complements the existing uses on the land to the south, which contains the Harvey Norman Centre and Officeworks.

The main areas of discussion required in the respect to the proposal are as follows.

Layout and Built Form

The setback of the proposed building from both Warrigal Road and Collins Street complies with the requirements of the Design and Development Overlay. It is noted that the setback from Collins Street is in excess of the 7.6 metres required under the overlay.

The architectural form of the building reflects its function as an internally based centre however the elevation from Warrigal Road provides for substantial areas of glazing, signage panels and an entry statement which breaks up the box like form.

The maximum height of the building is 18 metres with variations in the height due to the slope in the land. This is in keeping with other large buildings located within the Industrial 1 zone.

There are concerns however in respect to the elevational treatment proposed along the eastern façade facing the existing residential area. Details of the perforated metal screens need to be provided to ensure there is adequate screening and integration of the rear stairs. A more improved architectural treatment on the wall is considered necessary to improve the visual amenity of residents in Collins Street. For example it is considered that the use of expressed concrete joints, protruding architectural features, screening and graduated colour could help lessen the harshness of this stark and sheer façade.

Car Parking

Council has consistently required a car parking ratio for restricted retail premises of 2.5 spaces to each 100 square metres of net floor area. This ratio is based on survey results from similar establishments within the municipality. Using this ratio the current proposal requires the following number of car parking spaces.

Use	Floor Area sqm	Car Parking Ratio	Number of Car Parking Spaces Required
Restricted Retail	18,504	2.5spaces/100sqm	463

A total of 472 car parking spaces are proposed on the site including 5 disabled spaces, which adequately satisfies Council's requirement.

Traffic

As noted earlier in this report, the proposed vehicular access arrangements to Warrigal Road have been the subject of considerable discussion between the applicants' traffic engineers and VicRoads. VicRoads have now however consented to the proposal subject to a number of conditions and amendments made to the proposal in accordance with modified plans known as 'Scheme 2A'. (Attachment 3)

The revised 'Scheme 2A' access arrangements can be summarised as follows:

- Separate ingress and egress crossovers to Warrigal Road. The ingress crossover is located at the south-west corner of the site and enables both light (customers and staff) and commercial vehicle access via a left turn deceleration lane. Commercial vehicles traverse along the southern boundary of the site to exit onto Collins Street. The new egress crossover,

located at the north-west corner of the site, is designed for customers and staff.

- A singular egress crossover to Collins Street is located at the north-east corner of the site for light vehicle access (customer and staff) and controlled via a boom gate. The boom gate is to operate only between 4pm and 6pm, Monday to Friday and will be timer activated and supported by advisory signage within the car park.

The above-proposed arrangements are considered satisfactory given the existing use of the site, the existing access arrangements and the industrial zoning of the land. The restricted egress point onto Collins Street for customers and staff will assist in egress from the site at peak times only, and is not expected to result in any unacceptably increased detriment to Collins Street residents. However in order to further protect the amenity of the greater length of Collins Street, it is recommended that this egress point be splayed in order restrict egress to left out only, and eliminate any illicit right turn into this access point.

In addition, the submitted plans provide for a shortfall of 10 bicycle spaces and appears to not provide for showers or staff change rooms.

Signage

The proposed signage for the restricted retail premises to be located on the western, northern and southern elevations of the building is considered appropriate and satisfactory.

However as previously indicated, the signage proposed on the eastern elevation fronting Collins Street is considered to be inappropriate given the residential interface and should be deleted.

Tree Removal

The Arborist report submitted with the original application indicates that the copse of Eucalyptus citriodora located within the front landscape setback is attractive with a long safe useful life expectancy and is of a high level of significance to the streetscape.

The Arborist has further advised that the impact on these trees from the current proposal is likely to be that resulting from the excavation for the construction of the vehicular entry/exit from Warrigal Road. The south-western most tree of the four within the copse, would most likely be adversely affected by the proposal. An addendum to the Arborist report was recently provided to Council, detailing a number of steps to minimise the possible impact on this tree during construction. These comments are still relevant to the revised Scheme 2A.

In respect to the retention of the remainder of the existing trees located with the front setback of Collins Street, the Arborist indicates that the trees are predominantly wattles, represented by the Golden and Gossamer species. These trees appear to have been planted in the last 15-20 years however do not have long life expectancies and on average no more than another 10 years.

Accordingly it is considered that an improved regime of tree planting including larger canopy trees is required to soften the eastern façade of the building.

CONCLUSION

The use of the site for restricted retail premises is considered satisfactory and meets the requirements of the Monash Planning Scheme.

It is considered the proposal can be supported subject to appropriate conditions being placed on the permit.