

**1.2 1354-1358 DANDENONG ROAD, HUGHESDALE
USE AND DEVELOPMENT OF THE LAND FOR A SHOP (INCLUDING SUPERMARKET)
(TPA/52884)**

EXECUTIVE SUMMARY:

This application proposes the redevelopment of commercial property for shops (including a supermarket), the display of internally illuminated business identification and pole signage, a reduction of car parking and alteration of access to a road in a Transport Zone 2.

The application was subject to public notification. Three (3) objections were received.

Key issues to be considered relate to the proposed uses, car parking, traffic access and amenity.

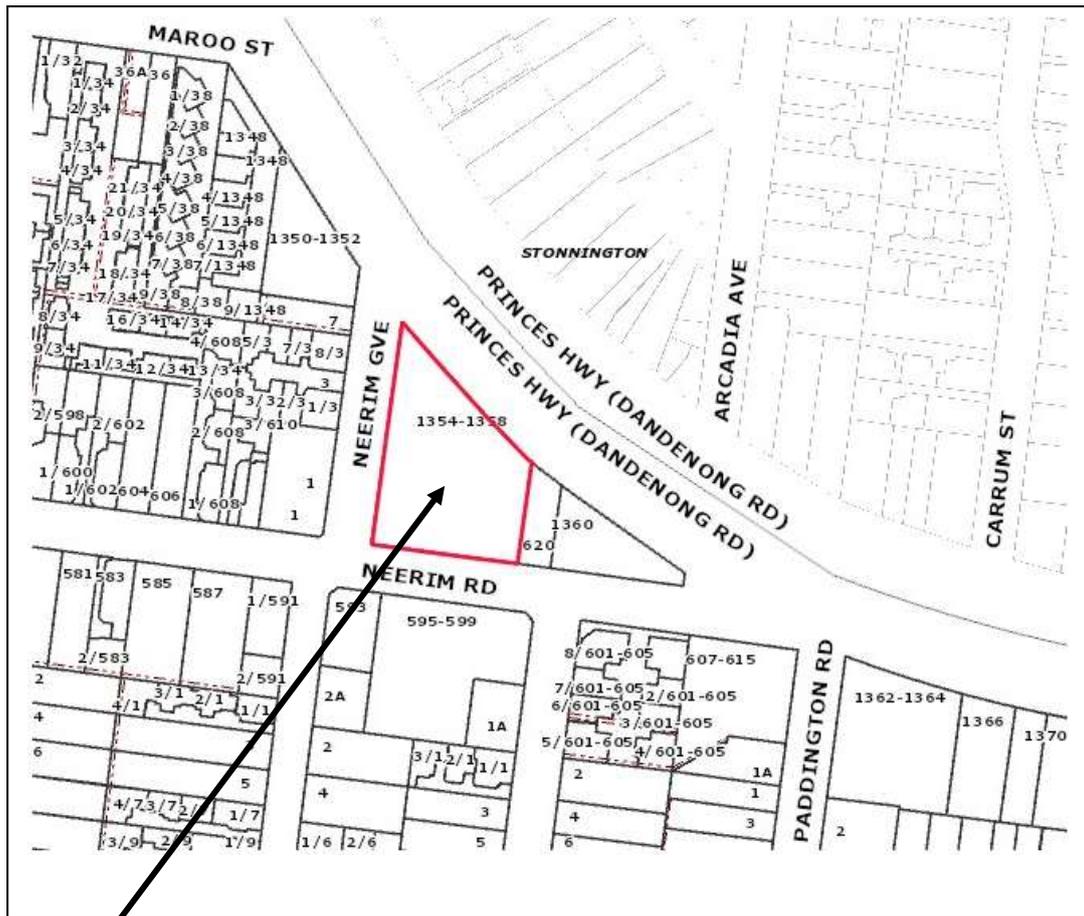
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework, Clause 52.05 Signs, 52.06 Car parking and Clause 52.29 Land Adjacent to the Principal Road Network, and issues raised by objectors.

The application has been called in for consideration at the Council meeting by Councillor Theo Zographos.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Sally Moser
WARD:	Oakleigh
PROPERTY ADDRESS:	1354-1358 Dandenong Road, Hughesdale
EXISTING LAND USE:	Former car sales
PRE-APPLICATION MEETING:	No
NUMBER OF OBJECTIONS:	Three (3)
ZONING:	Mixed Use Zone
OVERLAY:	Environmental Audit Overlay
RELEVANT CLAUSES: <u>Planning Policy Framework</u> Clause 11.01-1R- Settlement – Metropolitan Melbourne	<u>Local Planning Policy Framework</u> Clause 21- Municipal Strategic Statement)

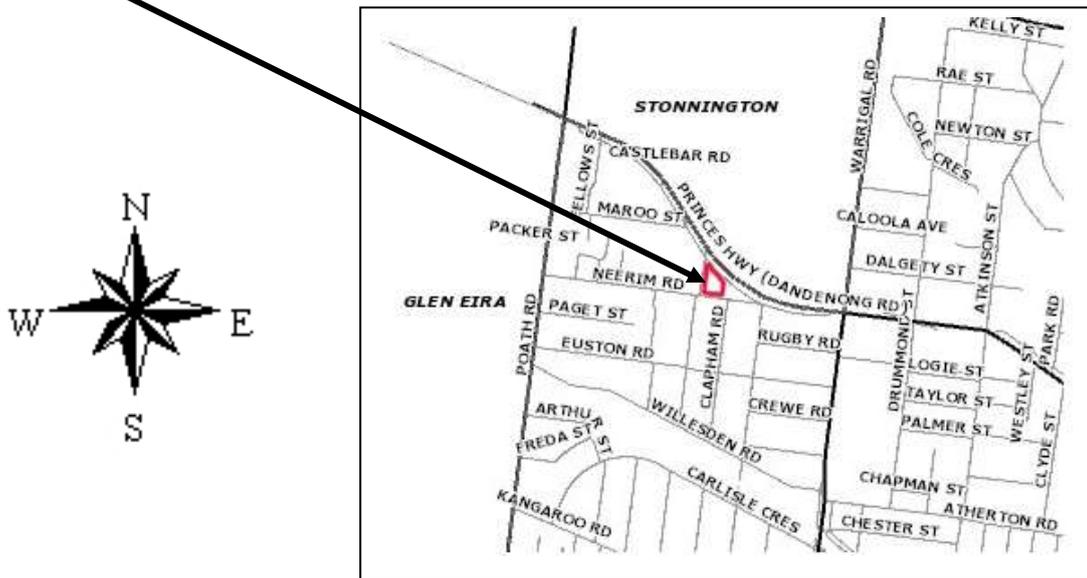
<p>Clause 13.07-1S- Land Use Compatibility</p> <p>Clause 15.01-1S&R- Urban Design</p> <p>Clause 17.01-1S- Diversified Economy</p> <p>Clause 17.02-1S- Business</p> <p>Clause 18.01-1S- Land Use and Transport Planning</p> <p>Clause 18.02-3R– Principal Public Transport Network</p> <p>Clause 18.02-4S- Roads</p> <p>Clause 19.03-3S- Integrated Water Management</p>	<p>21.06 Major Activity and Neighbourhood Centres</p> <p>Clause 21.08- Transport and Traffic</p> <p>Clause 22.04- Stormwater Management Policy</p> <p>Clause 22.08 Outdoor Advertising Policy</p> <p>Clause 22.09 Non-Residential Use and Development in Residential Areas</p> <p>Clause 22.08 Outdoor Advertising</p> <p>Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.05 Signs</p> <p>Clause 52.06- Car Parking</p> <p>Clause 52.34- Bicycle Facilities</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 52.29 Land Adjacent to the Principal Road Network</p> <p>Clause 65 – Decision Guidelines</p>
STATUTORY PROCESSING DATE:	24 April 2022
DEVELOPMENT COST:	\$150,000

LOCALITY PLAN



SUBJECT SITE

NEIGHBOURHOOD PLAN



1354-1358 Dandenong Road, Hughesdale - Use And Development of the land for a Shop (Supermarket and shops).

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/52884)** for the use and development of the land for a shop (supermarket and shops), the display of internally illuminated and non-illuminated business identification and pole signage, a reduction of car parking and alteration of access to a road in a Transport Zone 2, at 1354-1358 Dandenong Road, Hughesdale, subject to the following conditions:

Amended Plans Required

1. Before the use and development commences, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Parallel Workshop Pty Ltd, incorporating Revision A-C changes, dated 24 February 2022, but modified to show:
 - a) On TP101, removal of the '*Planterbox & Pot Plant on Slab Landscape*' notation at the northern corner of the site to allow for deep root planting.
 - b) On TP201, reduction of the advertising content so that is it no greater than 30% of the overall sign area and orientated towards Dandenong Road. The remainder of the structure can be painted in a shade or muted tone, to the satisfaction of the Responsible Authority.
 - c) The placement of lifestyle imagery along the south elevation as it presents to Neerim Road limited to the building only and removed from all glazed areas to permit visibly into the premises from the street.
 - d) The provision of in-ground planting including one (1) canopy tree and lower plantings at the north-west corner of the site, and extended along the Dandenong Road frontage, towards the closest car parking bay.
 - e) The provision of in-ground planting including two (2) canopy trees as well as lower plantings within the 4.1 metre frontage of the existing building towards Dandenong Road, whilst retaining a pedestrian accessway in this location.
 - f) The provision of creepers to cover the mesh fence on the west side of the site south of SGN-01. The creepers are to be of a type that will cascade down and soften the appearance of the west facing retaining wall in that location. Greening of the existing retaining wall and a more subtle presentation of this structure is sought.

- g) The provision of a medium height canopy trees and lower plantings in the area north of the emergency egress door, and along the western property boundary between the supermarket the existing signboard to be retained.
- h) Improved landscaping (shrubs, creepers, grasses or the like) to the existing garden beds located forward of the car park and loading bay area, along the Neerim Grove frontage.
- i) Directional signs and line marking to ensure the entry only arrangement to the Dandenong Road is clear.
- j) The redundant crossover on Neerim Road to be removed and replaced with kerb and channel.
- k) The two existing street trees located either side of the new crossover to Neerim Grove identified with the notation '*Prior to commencement of the development including works, the two existing Prunus street trees are to be removed by Council for replacement at the full cost of the developer*'.
- l) A Landscape Plan in accordance with Condition 3.

All to the satisfaction of the Responsible Authority

Layout not to be Altered

2. The layout of the use and development shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscaping Plan

3. Concurrent with the endorsement of any plans requested pursuant to Condition 1, 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. The plans is to show:
 - a) A planting schedule of all proposed trees, shrubs and ground covers which will include the size of all plants (at planting and at maturity, pot size, botanical names and quantities. Semi mature plants are to be used in the design.
 - b) Details on how the landscaping areas will be maintained including irrigation.
 - c) Details on any specific site preparation works required to undertake the landscaping.
 - d) Details on tree protection fencing proposed for street trees abutting the site on the east side of Neerim Grove. The trees must be protected by temporary rectangular wire fencing as per Australian

Standards, erected prior to commencement of works until completion pursuant to AS 4970.

- e) Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

Waste Management Plan

4. The provisions, recommendations and requirements of the endorsed *Waste Management Plan* prepared by *Low Impact Development Consulting* dated 16 February 2022, are to be implemented and complied with to the satisfaction of the Responsible Authority.

Street Tree Removal & Replacement

5. The two existing street Prunus trees impacted by the proposed crossover to Neerim Grove will be removed by Council and replaced at the full cost of the developer prior to commencement of the development including works.

Signage

6. The location, layout, dimensions, structures and features of the approved sign(s) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
7. Prior to the erection of the approved signs, all existing signs on the subject land must be removed to the satisfaction of the Responsible Authority.
8. The intensity of lighting associated with the illumination of the advertising sign(s) must be limited so as not to cause glare or be a distraction to motorists in adjoining streets or cause a loss of amenity in the surrounding area to the satisfaction of the Responsible Authority.
9. Signs advertising goods and services must, to the satisfaction of the Responsible Authority, only be for goods and services available on the land for which this permit is granted.
10. Bunting, streamers, flags, wind-vanes or the like must not be displayed without the written consent of the Responsible Authority.
11. No lifestyle images are to be displayed other than in accordance with plans endorsed under this permit.

Hours of Operation

12. The use allowed by this permit, including deliveries, may operate only during the following hours, except with the prior written consent of the Responsible Authority:

- Monday to Sunday (including public holidays) 7:00am to 10:00pm.

Delivery Hours

13. All deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

- Monday to Saturday: 7:00am to 6:00pm
- Public Holidays: 9:00am to 6:00pm
- Sunday: No deliveries permitted

to the satisfaction of the Responsible Authority.

External lighting

14. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.

Storage of Goods

15. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

Traffic and Car Parking

16. Before the use starts or any building is occupied, 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.

17. Parking areas and access lanes must be kept available for these purposes at all times.
18. No less than 63 car spaces (24 indoor and 39 outdoor) must be provided on the land including spaces clearly marked for the disabled to the satisfaction of the Responsible Authority.
19. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
20. The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purpose.
21. Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.
22. All loading and unloading of vehicles must be carried out within the designated loading bay and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
23. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
24. All staff parking is to be accommodated within the site at all times.
25. Signs and line marking are to be installed within the outdoor car park to ensure there is no confusion about the entry only arrangement to the satisfaction of the Responsible Authority.
26. To avoid cars parking in the open areas adjacent to the central parking spaces (ground floor open car park) hatching line markings are to be painted on the surface in accordance with Australian Standards.
27. The accessible parking spaces should be designed in accordance with the Australian Standard for Off-Street Parking for people with disabilities, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500mm.

28. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
29. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

Waste Collection

30. Waste collection only to be carried out within hours prescribed by EPA guidelines.
31. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public, unless as otherwise approved under the Waste Management Plan, and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Drainage

32. The site must be drained to the satisfaction of the Responsible Authority.
33. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
34. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge to the satisfaction of the Responsible Authority. Approval of any detention system is required by the City of Monash prior to works commencing, or any alternate system.

Amenity of the Area

35. 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; and
 - d) presence of vermin.

All to the satisfaction of the Responsible Authority.

Location of Equipment

36. Motors for equipment and air-conditioning/heating units to be located to limit noise nuisance created to neighbours or insulated/sound proofed in accordance with any applicable EPA legislation.

Services Location

37. Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

Department of Transport (REF: PPR 37368/21)

38. Prior to the occupation of the development, the disused/redundant vehicle crossing on the Dandenong Road service lane must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

Satisfactory Continuation and Completion

39. Once the use and development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

40. 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 has not started before 2 years from the date of issue.
- The development is not completed before 4 years from the date of issue.
- The use is not started before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- within six (6) months afterwards if the use or the development has not commenced; or
- within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

41. The approved signs of this Permit will expire 15 years from the date of issue of this permit.

NOTES

Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department.

All costs associated with the removal and replacement of a tree or trees are to be borne by the resident or landowner who has requested the removal. Please contact Council's Horticultural Department to establish the tree valuation and removal timing.

One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department 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.

The private on-site drainage system must prevent stormwater discharge from the/each driveway over the footpath and into the road reserve and be to the satisfaction of the Responsible Authority. The internal drainage system may include either:

- **a trench grate (minimum internal width of 150 mm) located within the property boundary and not the back of footpath; and/or**
- **shaping the internal driveway so that stormwater is collected in grated pits within the property; and or**
- **another Council approved equivalent.**
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The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the naturestrip via the existing property connection. *(A new pit is to be constructed to Council standards if a pit does not exist, is in poor condition or is not a Council standard pit)*. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

- A. A detailed plan of the access arrangements to the site must be submitted to the Responsible Authority for approval. A Road Opening Permit, with associated refundable security bond, will be required from Council's Engineering Department prior to the roadworks commencing.

- B. Department of Transport - The proposed development requires works within the arterial road reserve. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

BACKGROUND:

History

A number of planning permits have previously been considered and issued for the site associated with the existing use of the land for car sales including:

- TPA/22928 Buildings and works including advertising signage.
- TPA/28669 Signage, new canopy fascias, yard screens and equipment.
- TPA 38499 Extension to existing motor vehicle showroom and internally illuminated business identification signage including pole sign.
- TPA/41011 New free standing illuminated pylon sign to replace existing. Application withdrawn.

The Site and Surrounds

The subject site is located at the south-east corner of the intersection of Dandenong Road and Neerim Grove, Hughesdale extending through to Neerim Grove. A Mitsubishi/Kia car dealership previously operated at the premises until it ceased between April and September 2020.

The land has an area of 4,149 square metres and is bounded by Dandenong Road to the north (79 metres), Neerim Grove to the west (94 metres) and Neerim Road to the south (44.27 metres). A service lane to Dandenong Road abuts to the north-east. Buildings on the land cover a substantial proportion of the site with an external car park (former display area) towards the corner. Existing buildings include the former indoor showroom areas, offices and mezzanine with car workshop/services section and storage areas on the south side of the site.

There are five vehicle crossovers associated with the site. Two to the Dandenong Road service lane, two to Neerim Grove and one to Neerim Road.

The site slopes downwards to the rear with a fall from the north-west to south-west corner of 2.39 metres. The northern car parking area increases in elevation south along Neerim Grove with buildings utilising the slope and with the provision of a lower ground level. There are retaining walls to Neerim Grove and nature strip tree plantings along both sides of the street.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

Surrounding land uses comprise:

- West – Multi unit residential development comprising 8 units at Nos 3-7 Neerim Grove, with 4 apartments to the north at No. 7. An Early Learning Centre exists at the north-west corner of Dandenong Road/Neerim Grove intersection. The Kando Martial Arts centre is on the north-west corner of the intersection of Neerim Grove with Neerim Road.
- South – Detached dwellings and former car sales yard car park.
- East – Commercial premises extending from Dandenong Road through to Neerim Road.
- North – Opposite across Dandenong Road is a mix of townhouses and apartments.

Activity centres nearby include the Hughesdale Neighbourhood activity centre south along Poath Road and Chadstone Shopping Centre north-west along Dandenong Road.

On-street car parking is available with:

- 2P spaces 8:00am and 6:00pm Monday to Friday west side of the Dandenong Road service road.
- 1/2P spaces 8:00am and 6:00pm Monday to Friday east side of Neerim Grove outside the site.
- Unrestricted spaces west side Neerim Grove and north side of Neerim Road proximate to the site.
- 1P spaces 8:00am and 6:00pm Monday to Friday south side of Neerim Road opposite the site.

PROPOSAL:

It is proposed to use and develop the land for the purposes of a shop (including supermarket) the display of internally illuminated business identification and pole signage, a reduction of car parking and alteration of access to a road in a Transport Zone 2.

The proposal seeks to utilise the existing building footprint and outdoor car display area on the north side.

Buildings and works

The proposal comprises internal and external changes to the existing buildings on site, including:

- The creation of new commercial floorspace with a supermarket (1,096 sqm) and shops (451 sqm) spread across two levels.
- The provision of new pedestrian access doors, windows and other changes to the Dandenong Road, Neerim Grove and Neerim Road presentations.
- A gross building floor area of 3,050 square metres.

- The creation of an in only vehicle access to the site from the Dandenong Road service lane with a new main vehicle entry/exit to Neerim Grove necessitating the removal of two street trees.
- Removal of 1 redundant crossover to the Dandenong Road Service Lane and 1 crossover on Neerim Road.
- The creation of an internal loading area, bin storage and lower ground level car park within the existing building utilising existing access points along Neerim Grove.
- Modifications to the existing at-grade car park on the north side of the existing buildings to provide 39 car spaces including accessible spaces and trolley bay locations.
- Removal of two street trees on Neerim Grove.

The majority of works associated with the application are internal. Site coverage remains at 66.15%.

Use

It is proposed to use the land for the purposes of a shop (including supermarket):

- The shop premises would provide for the sale of fresh and frozen food with a butcher, seafood and produce sections at lower ground level and a supermarket at ground level.
- Separate retail tenancies are proposed to both Neerim Grove and the Dandenong Road Service Lane. Escalators linking the upper and lower levels.
- The hours of operation sought are 7 days a week 7:00am to 11:00pm.

Car parking

The proposal is provided with 63 car spaces in total including:

- 39 outdoor spaces on the north side of the building with access off a new crossover to Neerim Grove.
- 20 spaces at lower ground level.
- 4 spaces on-site outside the lower ground level entry and loading bay access points.
- Eight (8) bicycle spaces with 4 staff spaces at lower ground level and 4 customer spaces at ground level.

Signage

The proposal utilises and modifies existing advertising locations on-site with additional advertisement areas proposed to Neerim Road. The signage sought to be displayed is summarised in the table below.

Sign	Location	Type	Total Area
SGN-01 (1 sign) EXISTING SIGN GRAPHIC TO BE REPLACED	Neerim Grove south of the entry	Business identification sign	27.7 sqm
SGN-02 EXISTING SIGN GRAPHIC TO BE REPLACED	Existing pole sign north-west along the Dandenong Road alignment.	Internally illuminated Business Identification Pole sign.	Approximately 11.8 sqm
SGN-03 EXISTING – TO BE REMOVED	Dandenong Road frontage	N/A	N/A
SGN-04 NEW	North-west of the entry to the Dandenong Road Service Lane	Business sign	1sqm
SGN-05 (3 signs) NEW	Ground level north and north-west facing facades – within the site. Backlit.	Business identification sign – The Foodie Supply (fascia)	39 sqm
SGN-06 EXISTING SIGN GRAPHIC TO BE REPLACED	North west elevation front lit on window – within the site.	Business identification sign	2.9 sqm
SGN-07 NEW	West elevation upper level display to Neerim Grove. Backlit.	Business identification sign	10.2 sqm
SGN-08 NEW	South elevation to Neerim Road (east end) to glazed areas.	Business identification signs	87.1 sqm
SGN-09 NEW	South elevation to Neerim Road applied to rear wall of premises.	Business identification signs comprising images of food sold in the premises.	132.4 sqm
SGN-10 NEW	Applied throughout to glazed panels.	Business identification signs also serving a safety function comprising decals of food items sold.	5.8 sqm
SGN-11 NEW	Film applied to North-west elevation glass doors.	Business identification sign	0.5sqm

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:**Zoning**

The land is zoned Mixed Use Zone in the Monash Planning Scheme. A planning permit is required for:

- A Shop (including Supermarket) as it is a Section 2 use within Clause 32.04-2 of the zone.
- Buildings and works associated with a Section 2 use, pursuant to Clause 32.04-9 of the zone.

Overlay

The land is affected by an Environmental Audit Overlay. The requirements of the overlay do not apply as the proposed uses are not identified as sensitive activities.

Particular Provisions

- Clause 52.05 Signs. Clause 52.05-13 of the Monash Planning Scheme identifies the site as being within a Category 3 – High Amenity Areas. A planning permit is required for business identification signs, internally illuminated signage and pole signs.
- Clause 52.06 of the Planning Scheme outlines provisions for car parking. Clause 52.06-3 requires a planning permit to reduce the number of car parking spaces required under Clause 52.06-5.
- Clause 52.29 Land Adjacent to the Principal Road Network. Clause 52.29-2 requires a planning permit to create or alter access to a road in a Transport Zone 2. Alteration to access includes a change or intensification of a use.
- Clause 52.34 Bicycle Parking requires on-site bicycle facilities to be provided.

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

CONSULTATION:

Following the receipt of Council's further information request, the applicant amended plans prior to notice to address the preliminary concerns raised. The plans were updated to:

- Remove reference to the sale of liquor.
- Reduce signage proposed to the glazed windows on the north, north-west and north elevations.
- Remove the proposed front fence.
- Include a raised planter box at the north-western corner of the site with the applicant noting the previous use of the land did not provide landscaping.

Concerns were also raised with respect to street trees proximate to the entry. The permit applicant explored options to retain the trees involving the utilisation of

the Dandenong Road service lane for access. The Department of Transport advised that they would not support the service lane location preferring retention of the Neerim Grove access.

At the request of Council, the applicant undertook further work to investigate repositioning of the proposed Neerim Grove crossover in order to retain at least one of the street trees. Locating the crossover further north would place the entry/exit too close to the corner and is not supported for safety reasons. Locating the crossover further south presents an issue in terms of the driveway entry gradient due to the existing elevation of the site including car park. The location of the crossover shown on the application plans is the optimal location.

The application was amended on 25 February 2022 following public notice, pursuant to Section 57A of the Planning and Environment Act 1987. The changes to the plans were minor and comprised:

- Waste management requirements including the provision of an internal accessible lift which can be accessed between all levels.
- Internal reconfiguration of the lower ground floor (TP100) abutting the south eastern boundary to replace a previously proposed retail space and store/utility area to an open plan style retail space, utility room (including waste bin storage) and amenity rooms.
- The provision of two bin store rooms added to the lower ground floor (TP100) within the loading area, in line with the submitted Waste Management Plan.
- A toilet added to the ground floor supermarket (TP101).
- An additional notation clarifying that the existing sign (SGN03) within the external ground floor carpark abutting the north boundary, is to be removed.

Re-advertising of the amended Section 57A amendment was not required due to the minor nature of the changes.

The Applicant has been advised that this application is scheduled for the March Council meeting. In addition, a letter has been sent formally advising them of the details of the Council meeting. The Applicant has been advised that the application is recommended for approval, and an outline of the recommended conditions has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of 112 letters sent to abutting and nearby property owners/occupiers, including properties in the City of Stonnington and the erection of signs on site.

Three (3) objections were received. The main areas of concern relate to the presentation of the site, the lack of residential land use of the land, car parking and traffic issues and amenity impacts.

Attachment 4 details the location of objector properties.

Referrals

External Referrals

Department of Transport

The application was referred to the Head of Transport Victoria (Department of Transport) pursuant to Clause 66.03 of the Monash Planning Scheme advising they had no objection subject to standard conditions.

Internal Referral

Traffic Engineer

No concerns subject to standard conditions. It was noted:

- *The number of parking complaints Council has been receiving from residents of the surrounding streets suggest there are existing parking issues in the area. Council reserves the right to implement short-term parking restrictions along the neighbour streets.*
- *If a change of use is proposed to the development site in the future, the statutory car parking requirement need to be reassessed and approval from Council's Engineering Department is required.*

Drainage Engineer

No concerns subject to conditions.

Waste Services

Council's Waste Services section has advised that the submitted Waste Management Plan is suitable for approval.

Arboricultural Services

In relation to the two street trees required to be removed on the east side of Neerim Grove, Council's Arborist was satisfied that alternatives to the new crossover location were investigated but could not be accommodated due to the requirements of the Department of Transport. Removal of the two Neerim Grove Street trees will be conditioned with removal and replacement by Council, at the full cost of the permit applicant.

DISCUSSION:

State Planning Policy Framework (PPF)

There is general support in both the State, Regional and Local Planning Policy Frameworks for the proposal. Clause 11.01-1S supports convenient access to jobs

and services. Clause 11.01-1R strategies include the creation of mixed-use neighbourhoods with housing choice, jobs and opportunities for local business.

Clause 15 requires development to respond to its context in terms of character and landscape. Detrimental impacts on amenity are to be minimised along with the promotion of good urban design along abutting transport corridors.

Clause 17.02-1S Business encourages development that meets the community's needs for retail, entertainment, office and other commercial services. Strategies include locating commercial facilities in existing or planned activity centres. New convenience shopping facilities are to be provided within or adjacent to existing commercial centres. Small scale shopping opportunities are to be provided to meet the needs of local residents in convenient locations.

Clause 18.02 refers to the adequate supply of off-street car parking designed to protect the role and function of nearby roads and allow the efficient movement and delivery of goods.

The proposal is for re-use of an existing commercial buildings, located within the sphere of influence of Hughesdale, Chadstone, Dandenong Road and the Principal Public Transport Network (PPTN).

Local Planning Policy Framework (LPPF)

The local planning policy framework seeks to support employment within Melbourne's South East Region.

Clause 21 Municipal Strategic Statement Introduction emphasizes the importance of Garden City character identifying it as a core value of the municipality.

Clause 21.05 Economic development supports businesses to attract and retain local business to provide employment opportunities and investment. Objectives include revitalising key areas and ensuring new development is of a high standard adding to the attractiveness of business enhancing the Garden City Character. Furthermore appropriate mixed use development is encouraged while ensuring that the amenity of neighbourhoods is not adversely affected.

Clause 21.06 Major Activity and Neighbourhood Centres identifies Hughesdale as a smaller neighbourhood centre. The site is not located within the activity centre however the location is recognised in other parts of the Monash Planning Scheme as being within an Accessible Area with Dandenong Road acknowledged as one the municipality's major boulevards. Strategies include encouraging active street frontages.

Under Objectives of Clause 22.09 (Non-residential Use and Development in Residential Areas) in the policy as relevant, is:

To ensure that development is appropriate having regard to the residential environment of the surrounds and that the amenity of the neighbourhood is not adversely affected by a business conducted in a residential area.

Locational criteria includes:

- Locate discretionary non-residential uses in residential areas adjacent to existing activity centres and on high order and busier streets and roads particularly on corner sites.
- Avoid a concentration of non-residential uses in any particular area where the cumulative impact on residential amenity is unacceptable.
- Provide appropriate buffers and interface between commercial, residential and industrial land uses.

The proposal meets the locational criteria and is for the use of an existing commercial premises with major frontage to the Dandenong Road – a transport corridor with Chadstone Shopping Centre and other commercial activities nearby.

Mixed Use Zone

The purpose of the Mixed Use zone is:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

The proposed use of the site for shops comprising a supermarket and a limited number of retail premises is considered acceptable. The Mixed Use Zone in this particular location includes both residential and commercial activities. The proposed supermarket and shops provide an appropriate reuse of an existing unoccupied commercial premises.

The proposal is considered consistent with state, regional and local planning policies and the objectives of the Mixed Use Zone, given existing infrastructure and improvements on the land, as well as the location of the site along Dandenong Road.

External Amenity Impacts

The site is an existing commercial presentation to Dandenong and Neerim Roads, and with its frontage to Dandenong Road enjoys a constant flow of traffic at most times.

The amenity of the residential area to the west is different to that of a residential hinterland. The area, including residential properties west of Neerim Grove, are also zoned for a mix of uses that may or may not include commercial activities.

The proposed hours of operation advised are 7:00am to 11:00pm, 7 days a week. It is considered that a reduction in these hours until 10:00pm would achieve an acceptable balance between this commercial interface and the residential properties within a mixed use zone and nearby General Residential Zone.

Loading and unloading will occur internally within existing building structures via the existing Neerim Grove access points at the southern end of the street. The main pedestrian entrance to the supermarket is orientated to Dandenong Road, away from the residential land uses.

It is considered that opportunities exist to improve the presentation of the site within the public realm through the provision of landscaping (see discussion below).

Signage

Signage within the Mixed Use Zone is controlled via Category 3 – High amenity areas medium limitation control, under Clause 52.05-13 of the Planning Scheme.

The purpose of the control is:

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Clause 22.08 Outdoor Advertising Policy details Council's expectations for advertising within the municipality.

The objectives of the policy are:

- *To facilitate advertising signs that provide appropriate and effective identification of businesses and other land uses.*
- *To ensure that outdoor advertising is sited and designed in a manner that is complementary to the built form and landscape characteristic of the locality and supports the garden city objective of the municipality.*
- *To identify signage types appropriate to different land use and development circumstances.*
- *To ensure that the amenity of residential areas is not adversely affected by the provision of outdoor signage for non-residential uses, particularly along non-arterial roads.*

The specific objective for 'Other Business and Industrial Areas' are:

To promote the orderly display of signs having regard to the need for identification of business premises and respect for environmental context.

The following additional guidelines apply to the signage types:

For Business identification signs - Consider the need for identification and integration with the environmental context.

For Pole Signs - Considered for retail centres including to promote centre identity. Signs should be sited within the building setback and located at the principal entry points to the site or building.

With respect to the proposed business signage on the site the following is offered:

- A significant amount signage associated with the previously operating commercial premises already exists on-site already and it is being modified to suit the proposed business.
- The pole sign to be retained is existing and is only changing with respect to its advertised content and proposed internal illumination.
- The existing signboard (SGN-01) to Neerim Grove is considered excessive in the overall presentation of signage to the residential street. The signage content for the previous commercial premise occupied a much smaller component of the overall sign and it is therefore proposed that the signage component be reduced in area by way of permit condition, limiting the display of signage content to no more than 30% of the overall area of the sign. The remainder of the structure can be painted in a single shade/muted colour to complement the existing buildings on site.
- The placement of lifestyle imagery along the south elevation, as it presents to Neerim Road, is considered excessive in the context of the mixed use surrounds and could be improved by limiting the lifestyle imagery to the building only with the lifestyle imagery removed from the glazed areas. The glazed areas are to remain clear and permit visibility into the premises, from the street.

The proposed signage has been designed to reflect the proposed use including corporate colours and business logo. Subject to the above modifications, it is considered that the response satisfies the objectives of the signage policy and control framework as:

- The signage outcome will make a positive contribution to the presentation of the property to the various road interfaces.
- The signs predominantly reflect existing signage on site.
- The proposed signage is considered appropriate for the size of the site, its location, context and intended purpose. Other commercial premises within the zone and locality have similar high levels of signage.
- The signage is not expected to have an adverse impact on adjacent properties or the surrounding area.

- The signs will not create visual clutter or disorder.
- The signs will not obscure views or vistas from the public realm.

Car Parking, traffic and access

In accordance with Clause 52.06 of the Monash Planning Scheme, car parking for the proposal is required as follows:

Use	Leasable floor Area	Clause 52.06 Requirement (Column B)	Car spaces required	Car spaces provided
Supermarket	1,096 sqm leasable floor area	5 spaces per 100 sqm of leasable floor area	54	
Shop	451 sqm leasable floor area	3.5 spaces per 100 sqm leasable floor area	15	
Total			69	63

The statutory car parking requirement for the proposed use is 69 spaces. With 63 spaces proposed, planning approval is required for a reduction in the statutory requirement of 6 spaces.

A Transport Impact Assessment prepared by TREAD Consulting Pty Ltd was provided by the Applicant. The report included a car parking demand assessment and made the following conclusions:

- The estimated peak parking rate generated is 55 spaces comprising 11 long-stay (staff) spaces and 44 short-stay (customer) spaces. This demand will comfortably be accommodated by the proposed on-site provision.
- Two accessible car parking spaces will be provided satisfying the National Construction Code requirements.
- The proposed car park and vehicle access layout has been designed in accordance with the Monash Planning Scheme, and where appropriate, the relevant Australian Standards.
- Loading and waste collection will occur within an on-site loading area accessed via Neerim Grove. The loading area has been designed to accommodate vehicles of up to and including 12.5m long vehicles.
- Waste collection will be undertaken by a private contractor and will be controlled by a Waste Management Plan.
- The proposed development is estimated to generate 162 vehicle movements during the Friday PM peak hour, 196 vehicle movements during the Saturday MID peak hour and 1,686 vehicle movements per day.
- Traffic can be accommodated on the surrounding road network without materially impacting its performance and safety.

Council's Traffic Engineers have not identified any significant concerns with the proposal and are satisfied in terms of the layout and numeric provision subject to conditions requiring staff parking being accommodated within the site at all times, signs and line marking within the outdoor car park and the design of accessible spaces being in accordance with AS/NZS 2890.6. The waiver of 6 spaces has been deemed satisfactory.

Bicycle Parking

Use	Leasable floor Area	Clause 52.34 -3 Requirement Employees	Clause 52.34-3 Requirement for Visitor/Shoppers	Bicycle spaces required	Bicycles spaces provided
Retail premises (Supermarket)	1,096 sqm leasable floor area	1 to each 300 sqm of leasable floor area	1 to each 500 sqm of leasable floor area	4 spaces	8 spaces
Shop	451 sqm leasable floor area	1 to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sq m	1 to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	0 spaces	0 spaces

Eight bicycle parking spaces are provided and the dimensions satisfy the relevant Australian Standard. There is no requirement for showers and change room facilities for staff use. The proposal however includes three showers with change room facilities.

Waste Management

A Waste Management Plan was submitted and no concerns raised by Council's Waste Engineer. Waste will be removed by a contractor from the internal bin storage areas. Bin collection will be in accordance with Council and EPA Noise Control Guidelines Publication 1254 which states that collection times occurring more than once a week are to be restricted to the hours 7:00am – 8:00pm Monday to Saturday, and 9:00am – 8:00 am Sunday and public holidays. Waste is stored and collected from within the premises, no outside odours should be generated.

Landscaping

The subject site currently presents to both Dandenong Road and Neerim Grove without any additional landscaping. It is important that with the change to another use, an opportunity presents to provide for additional landscaping. It is recommended that the following provision be sought via permit condition:

- In-ground planting including one (1) canopy tree and lower plantings (to the Neerim Grove alignment) at the north-west corner of the site, and extended along the Dandenong Road frontage, towards the closest car parking bay.
- In-ground planting including two (2) canopy trees as well as lower plantings within the 4.1 metre frontage of the existing building towards Dandenong Road, whilst retaining a pedestrian accessway in this location.

- The provision of creepers to cover the mesh fence on the west side of the site south of SGN-01. The creepers are to be of a type that will cascade down and soften the appearance of the west facing retaining wall in that location. Greening of the existing retaining wall and a more subtle presentation of this structure is sought.
- The provision of a medium height canopy trees and lower plantings in the area north of the emergency egress door, and along the western property boundary between the supermarket the existing signboard to be retained.
- Improved landscaping (shrubs, creepers, grasses or the like) to the existing garden beds located forward of the car park and loading bay area, along the Neerim Grove frontage.

The street trees will be removed and replaced by Council, at the cost of the permit applicant.

Environmentally Sustainable Development

This policy has not been applied as the buildings already exist on-site.

Objections not previously addressed

- *Poor presentation*

The proposal will revitalise a currently underutilised site that is vacant with an upgraded appearance to existing buildings, updated signage and landscaping.

- *The proposal is a lost opportunity, does not meet Plan Melbourne and the Land Use Framework Plans in that no residential uses are proposed.*

The mixed use zoning does not mean each property within the zone must be used for a mixed use purpose. There is no reason residential development of the land could not occur at a future point in time. The Monash Housing Strategy identifies many commercial sites within the municipality for mixed uses including residential. Council can only assess the application presented, which is for the re-use of an existing commercial premises. It is noted that a car sales and service operation could commence at the site without a need for planning approval at this point in time. It is considered that the proposed supermarket and shops provide an appropriate reuse of an existing unoccupied commercial premises.

- *Car parking issues arising from other uses*

Council's Traffic Engineers are satisfied that the adequate provision of on-site car parking has been provided. It is noted that car parking restrictions already apply in the locality.

- *The traffic flows undertaken are underestimated due to COVID*

Traffic flows and car parking were documented by the applicant and then assessed by Councils Traffic Engineer and have been accepted. The traffic studies were undertaken on Friday 7 May 2021 and Saturday 8 May 2021 which were not within periods of Melbourne's lockdowns (Note lockdown concluded on 17th February 2021 and re-commenced on 28th May). No objection has been raised by the Department of Transport.

- *Other similar uses in the area*

It is correct there are supermarkets in other commercial locations within the broader area. This does not affect Council's consideration of this application. Limited commercial spaces exists within established areas and the proposal is considered to be an appropriate reuse of an existing building on the land.

CONCLUSION:

The proposal for the redevelopment of the existing commercial premises along Dandenong Road in Hughesdale accords with State, Regional and Local Planning policies and the Mixed Use Zone provisions as outlined in the Monash Planning Scheme. Subject to a limit on the hours of operation, modified advertising signage to Neerim Grove and Neerim Road, and the provision of landscaping, the proposal is considered an acceptable outcome for the site and approval is recommended.

LIST OF ATTACHMENTS:

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.

Attachment 4 – Objector Properties Location Map.