

**1.3 178A WARRIGAL ROAD, OAKLEIGH
BUILDINGS AND WORKS TO AN EXISTING SHOP AND CONSTRUCTION OF A NEW
DWELLING
(TPA/52573)**

EXECUTIVE SUMMARY:

This application proposes buildings and works to repair the existing shop at the front of the site and construct a dwelling at the rear, with the provision of two car spaces accessed from a rear laneway.

The application was subject to public notification. Twenty-four (24) objections to the proposal have been received.

Key issues to be considered relate to the potential impact of the development on the amenity of neighbouring properties and the appropriateness of the development within the commercial area.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework and zoning provisions.

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

The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Nick Sakolevas
WARD:	Oakleigh
PROPERTY ADDRESS:	178A Warrigal Road, Oakleigh
EXISTING LAND USE:	Retail Premises
PRE-APPLICATION MEETING:	N/A
NUMBER OF OBJECTIONS:	Twenty-Four (24)
ZONING:	Commercial 1 Zone
OVERLAY:	Nil
RELEVANT CLAUSES: <u>State Planning Policy Framework</u> Clause 11.01-1S & R – Settlement Clause 11.02-1S – Supply of Urban Land	<u>Local Planning Policy Framework</u> Clause 21.01- Introduction Clause 21.04 – Residential Development

<p>Clause 15.01-1S & R – Urban Design</p> <p>Clause 15.01-4S & R – Healthy Neighbourhoods</p> <p>Clause 15.01-5S- Neighbourhood Character</p> <p>Clause 15.02-1S – Energy and Resource Efficiency</p> <p>Clause 16.01-1R - Integrated Housing – Metropolitan Melbourne</p> <p>Clause 16.01-3S -Housing Diversity</p> <p>Clause 16.01-1R -Housing Diversity – Metropolitan Melbourne</p> <p>Clause 16.01-4S -Housing Affordability Neighbourhoods</p> <p>Clause 17.01-1S & R – Diversified Economy</p> <p>Clause 17.02-1S – Business</p> <p>Clause 18.02-4S – Car Parking</p> <p>Clause 18.02-3R – Principal Public Transport Network</p>	<p>Clause 21.05 – Economic Development</p> <p>Clause 21.06 – Activity Centres</p> <p>Clause 21.11 – Physical Infrastructure</p> <p>Clause 21.13 – Sustainability and Environment</p> <p>Clause 22.01 – Residential Development and Character Policy</p> <p>Clause 22.03 – Industry and Business Development and Character Policy</p> <p>Clause 22.04 – Stormwater Management Policy</p> <p>Clause 22.05 – Tree Conservation Policy</p> <p>Clause 22.13 – Environmentally Sustainable Development Policy</p> <p><u>General & Particular Provisions</u></p> <p>Clause 52.06 – Car Parking</p> <p>Clause 53.18- Stormwater Management in Urban Development</p> <p>Clause 54.0 – One dwelling on a lot</p> <p>Clause 65.01 – Approval of an Application or Plan</p>
STATUTORY PROCESSING DATE:	5 March 2022
DEVELOPMENT COST:	\$170,000

RECOMMENDATION:

That Council resolves to issue a **Notice of Decision to Grant a Planning Permit (TPA/52573)** for buildings and works to the existing shop and the construction of a dwelling at 178A Warrigal Road, Oakleigh, subject to the conditions:

Amended Plans

1. Before the development starts, 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 (Sheets TP1-TP11), Revision D dated October 2022, prepared by Modarc) but modified to show:
 - a. A minimum rear boundary building setback of 5.5 metres;
 - b. The east facing living room window to be a highlight window, and the east elevations amended accordingly;
 - c. The location and design of postal provision for both the shop and new dwelling along the Warrigal Road building façade, including details of the dwelling identification along this frontage.
 - d. The location and design of any proposed electricity supply meter boxes.
 - e. The location and details of tree protection measures as outlined within the Tree Management Plan in accordance with Condition 6 of this permit, with all nominated trees clearly identified and numbered on both site and landscape plans, and a summary of the requirements of the Tree Management Plan to be annotated on the development and landscape plans.
 - f. Any amendments to the required footing details, as required by the Tree Management Plan required by Condition 6.
 - g. Reference to the signage on the western elevation removed from the plans.
 - h. A Landscape Plan in accordance with condition 3 of this Permit.

All to the satisfaction of the Responsible Authority.

Layout not to be Altered

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

Landscape 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 plan must show any planting proposed and details of proposed surface finishes including pathways, accessways, car parking and terrace.

Tree Protection

4. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.'
5. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Responsible Authority.
6. Prior to the endorsement of the plans referred to in Condition 1 of this permit or the commencement of any works (including demolition or levelling of the site), a Tree Management Plan prepared by a qualified arborist to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When the Tree Management Plan is endorsed it will then form part of the permit. The report must:
 - a. Set out recommendations and actions required to minimise damage as a result of buildings and works (including any demolition, vegetation clearance, earthworks or works arising from the provision of underground services) to the health of trees to be retained on adjoining properties, to the satisfaction of the Responsible Authority.
 - b. The type of footings required within tree protection zones.

The recommendations contained in the endorsed report must be implemented to the satisfaction of the Responsible Authority.

Landscaping Prior to Occupation

7. 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.

Drainage

8. The site must be drained to the satisfaction of the Responsible Authority.

Waste Management

9. 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.

Vehicle Crossovers

10. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.
11. Car spaces shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

Urban Design

12. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

Construction Management

13. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
- a. Appropriate measures to control noise, dust and water and sediment laden runoff;
 - b. Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - c. Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - d. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
 - e. A program for the cleaning and maintaining surrounding road surfaces;

- f. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- g. Measures to provide for public safety and site security;
- h. A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- i. A Traffic Management Plan showing truck routes to and from the site;
- j. A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- k. Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- l. The provision of contact details of key construction site staff; and
- m. Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:
 - i. Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - ii. Saturday – 9.00am to 1.00pm;
 - iii. Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - iv. No works are permitted on Sundays or Public Holidays.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Satisfactory Continuation and Completion

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

Permit Expiry

15. This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987*, if one of the following circumstances applies:
 - a. The development has not started before 2 years from the date of issue.

- b. The development is not completed 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

- a. within six (6) months afterwards if the development has not commenced; or
b. 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.

Permit Notes

- A. Building permit approval must be obtained prior to the commencement of the approved works.
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.
- D. A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works for approval. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.
- E. Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash prior to works commencing; or any alternate system.
- F. 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.
- G. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the

permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.

H. No Signs

Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

I. Variation to Planning Permit

Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.

J. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.

BACKGROUND:

History

No previous planning applications have been made in relation to the subject site

The Site and Surrounds

The site is located on the eastern side of Warrigal Road, approximately 100 metres north of the intersection with North Road, in a commercial area centred around this intersection. It is bounded to the east by a 6 metre wide laneway which services the commercial premises fronting Warrigal Road.

The land is rectangular in shape, with a frontage to Warrigal Road of 5.49 metres, a depth of 29.64 metres, and a total site area of 162.21 square metres.

The site is currently occupied by a single storey, brick commercial (shop) building with a floor area of 65.44 square metres. It is built to the front and side boundaries of the site and has a setback of 17.72 metres from the rear boundary. The roof of the building is currently in disrepair. The rear portion of the site is vacant and is open to the laneway at the rear of the site.

The commercial centre, within which the site is located, consists predominantly of a mixture of shops and offices. On the eastern side of Warrigal Road the buildings are a mixture of single and double storey in height, while on the opposite side of Warrigal Road, the newer premises are double storey.



Figure 1 – Aerial Photograph of Subject Site
(January 2021)

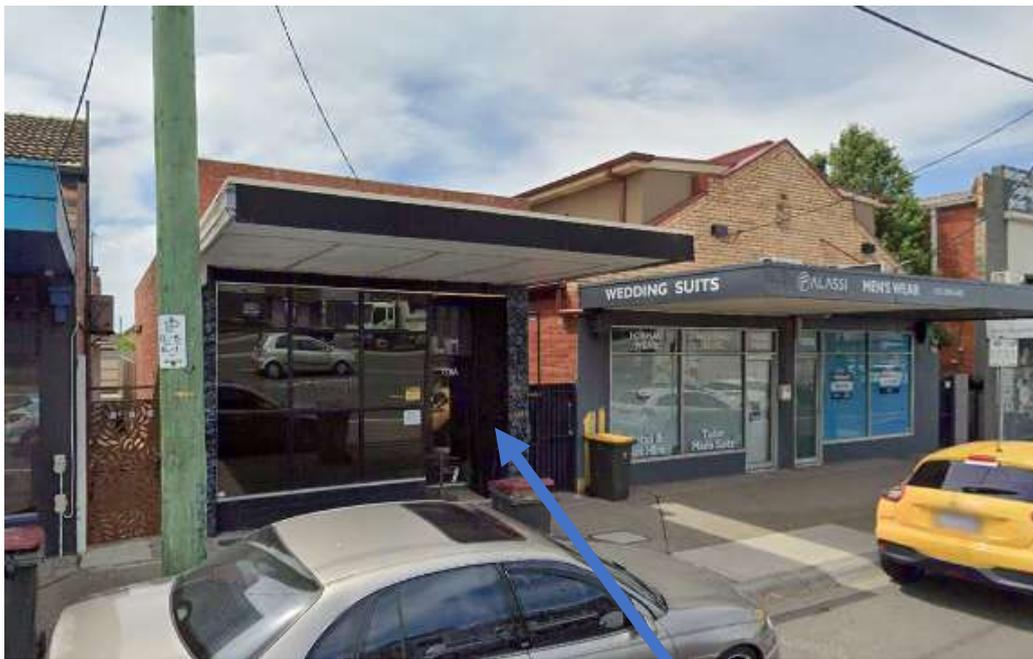


Figure 2 –Subject Site



Figure 3 –Subject Site

Details of the surrounding properties are as follows:

North

A row of predominantly single storey brick commercial buildings extends to the north of the site along the eastern side of Warrigal Road, with a petrol station located at the northern end of the small activity centre.

The adjacent site at 178 Warrigal Road is occupied by a single storey shop with an attached single storey, two bedroom, dwelling at the rear. This building is set back 950 millimetres from the north side boundary of the subject site.

South

The land use to the south of the site along the eastern side of Warrigal Road towards the North Road intersection is also commercial, although these premises are predominantly double storey in height.

The adjacent site at 2/180 Warrigal Road has a brick commercial premises facing Warrigal Road with a dwelling at the rear. The building has a double storey component at the front of the site with a balcony oriented towards the subject site. The front portion of the premises is setback 1.045 metres from the south side boundary of the subject site and the rear part of the dwelling has a setback of 1.69 metres from this boundary. There are four trees located within this setback.

East

A laneway separates the commercial area along Warrigal Road from the residential properties to the east of the site. Directly behind the subject site there

is a laneway connection from Gus Street to Westgate Street, with residential properties on either side of the intersection.

The dwellings to the east of the front Westgate Street with their private open spaces, garages, and sheds abutting Gus Street.

The land at 59 Westgate Street, to the north east of the site, is occupied by a single storey brick dwelling.

The land at 59A Westgate Street, to the south east of the site, is also occupied by a single storey brick dwelling fronting Westgate Street. It has private open space at the rear and a carport and garage located along the rear boundary. A roller door opens onto the splay of the Gus Street and laneway connection to Westgate Street.

West

The commercial premises on the western side of Warrigal Road, opposite the site, are comprised of more recently developed double storey concrete buildings that are mostly used as offices.

Title & Covenant Details

The site known as Lot 19 on Plan of Subdivision 010198, Volume 06327 Folio 224, is affected by Covenant 1750124. The Covenant relates to not allowing the excavation or removal of clay, gravel or sand from the land. It is noted that if a permit is issued for the proposal, the works will not breach the covenant.

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

PROPOSAL:

The proposal seeks buildings and works to the existing shop and the development of a single storey dwelling with a roof top terrace beyond the shop front. Parking for two cars is proposed at the rear of the site, with access from the rear laneway.

The main features of the proposal are summarised as follows:

Buildings and Works to the Existing Shop:

- Replacement and repair of the existing roof and guttering that are currently in disrepair.
- Replacement of internal partition walls which separates the existing shop from the existing breezeway which currently runs the length of the shop from its Warrigal Road frontage to the rear of the existing building.
- Provision of a new glazed entryway.
- The shop floor area is 65.07 square metres and remains unchanged.

Construction of a Single Storey Dwelling with Rooftop Terrace

- A proposed dwelling to be located at the rear of the shop with a rooftop terrace above.
- The dwelling comprises one bedroom, a living and dining area and kitchen at ground level, with a stairwell and screened terrace above.
- The dwelling has a floor area of 48.18 square metres.
- The existing passageway running between the breezeway of the existing shop and the southern side of the new dwelling will be unroofed.
- The rooftop terrace has an area of 16.52 square metres, with dimensions of 3.1 metres in width x 5.33 metres in depth. Obscure glazing to a height of 1.7 metres is proposed around the terrace.
- The dwelling setbacks are 1.0 metre from the south side boundary, 5.2 metres from the rear boundary and 1.0 metre from the north side boundary, apart from the stairwell that is built on the north side boundary for a length of 5.6 metres.
- The ground floor has a height of 3.05 metres and the maximum height, including the stairwell and first floor rooftop terrace is 6.4 metres.
- Wall finishes include horizontal cladding and rendered finishes, with a flat metal deck roof.
- An existing shed will be removed to accommodate the dwelling.

Car parking

- Car parking for two (2) cars is proposed at the rear of the site with vehicle access from the rear laneway.
- One space is to be allocated to the existing shop and the other to the proposed dwelling.

Attachment 1 details plans forming part of the application.

PERMIT TRIGGERS:

Zoning

The land is zoned Commercial 1 Zone. Pursuant to Clause 34.01-4 of this zone, a planning permit is required to construct a building or carry out works.

Accommodation is a Section 1 (permit not required) use in the zone on the condition that any frontage at ground level must not exceed 2 metres. A Retail premises (other than Shop) does not require a permit for the use. A Shop (other than Adult sex product shop) does not require a permit for the use if the leasable floor area does not exceed any amount specified in the zone.

Given the ground floor access to the dwelling does not exceed 2 metres the only permit trigger in this instance is the proposed buildings and works.

Overlays

There are no overlays that affect this property.

Particular ProvisionsClause 52.06 (Car Parking)

Pursuant to Clause 52.06, prior to a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or a permit is required to reduce the number of car parking spaces required under Clause 52.06-5. The statutory car parking rate is met and therefore a permit is not required for a reduction in car parking.

Clause 54 (One dwelling on a lot)

Whilst an assessment against Clause 54 is not required for a single dwelling in a Commercial Zone, it has been used in this instance as a guide based on the reference to it in the Decision Guidelines for buildings and works in the Commercial 1 Zone.

Attachment 2 details the zoning applicable to the subject site and surrounding land.

CONSULTATION:

Further information was requested of the Permit Applicant on 29 April 2021. In this letter, officers also raised the following preliminary concerns:

- *The lack of provision of car parking for two vehicles on-site. It is noted that there is an opportunity for two vehicles to be parked on the property and it is recommended that they provided and dimensioned should amending plans be prepared.*
- *The overlooking sectional diagrams suggest there is potential for overlooking to the abutting residential uses including residentially zoned land across the laneway to the rear. If the private open space is within 9 metres of the rear balcony, measures to address overlooking should be considered. Similarly, any views from the west facing kitchen windows to the upper level balcony and habitable room windows at No. 2/180 Warrigal Road will to be addressed.*
- *The south facing Bedroom 1 window of the proposed dwelling and the lack of light penetration to that room is a significant issue.*

The Permit Applicant responded to this letter in May 2021 and again in June 2021 by providing the requested information and submitting amended plans.

These plans, which form part of the first notification process, show a double storey dwelling with two bedrooms on the ground floor and living spaces on the upper floor extending to an east facing balcony. Sheer double storey walls are shown along both the north and south side boundaries of the site.

Amended plans were again submitted on 12 November 2021 in response to objections received to the first notification process. These plans now show a single

storey dwelling with rooftop terrace and it is these plans that are the subject of this report and decision.

The Applicant was advised that the application is scheduled for the March Council meeting, and is recommended for approval subject to conditions.

Public Notification

The initial application was advertised in accordance with section 52 of the *Planning and Environment Act 1987* by way of letters sent to the surrounding property owners/occupiers, and signs displayed on the site.

Twenty-two (22) objections were received for the initial application. Of these, sixteen (16) were in a standardised format. Issues raised in these objections include:

- Compliance with zoning
- Overshadowing
- Overlooking
- Loss of daylight
- Building setbacks
- Impact on existing trees
- Car parking and access
- Visual bulk
- Structural impacts on adjoining buildings

Following the receipt of the amended plans under section 57A of the *Planning and Environment Act 1987*, the application was advertised again by way of letters sent to the surrounding property owners/occupiers, and signs displayed on the site.

Five (5) specific objections were received for the amended application, including one objection advising representation of the local community members who had previously objected in the standardised format. The objections relate to the above issues. Additional information was provided in relation to car parking in the area and an Arborist Report was provided regarding the trees at 2/180 Warrigal Road.

Attachment 3 details the location of the objectors' properties.

Referrals

External Referral

There were no external referrals required.

Internal Referrals

Drainage Engineering

No concerns subject to standard conditions. Drainage and civil works must be submitted to 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.

Traffic Engineering

No concerns subject to standard conditions.

DISCUSSION:

Consistency with State, Regional and Local Planning Policies

Planning Policy Framework

The relevant State and Regional Planning Policy (Clause 11, 15, 16 and 18 of the Monash Planning Scheme) all promote diversity of housing that meets community needs. They include the encouragement of higher densities of housing around activity centres, in employment corridors and areas that offer good access to services and transport.

Local policies of the Monash Planning Scheme (Clause 21 and 22) expand on the broader planning policy objectives providing local context to the strategic vision, and Council's Municipal Strategic Statement at Clause 21 recognises that there is an increasing demand for a variety of different housing styles to cater for changing household sizes and structures.

Clause 22.03 (Industry and Business Development Policy) is also relevant to this application. It seeks to ensure that new development is well integrated into existing business and industrial areas through high quality built form, together with a scale and character that enhances the streetscape and local amenity.

Having regard to these policies in the broader strategic sense, the proposal to develop this currently underutilised site for mixed use, including residential land use, is supported, on the basis that a suitable built form outcome can be achieved. It is considered that this has been satisfactorily achieved with the current design, reduced in scale to a primarily single storey building with rooftop terrace resulting in a bulk and scale that respects the form and function of the lower order activity centre within which it is located and the neighbourhood character of the residential land use to the east.

A more detailed assessment of the layout and design of the proposal is provided below.

Commercial 1 Zone

The purpose of the Commercial 1 Zone at Clause 34.01 of the Scheme includes:

- *To provide for residential land use at densities complementary to the role and scale of the commercial centre.*

Overall, the proposed renovation of the existing retail premises with a modest dwelling addition at the rear is consistent with the zoning of the land where mixed use is encouraged.

At present the site is underutilised with over half the site currently unused. The development of this site is consistent with the role and scale of this commercial centre and is consistent with the other mixed use in Warrigal Road, including the properties immediately to the north and south of the site that have a residential component.

Clause 34.01-8 of the Monash Planning Scheme requires that Council must give consideration to the following relevant decision guidelines, when determining an application for buildings and works within the zone.

- *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
- *The provision of car parking.*
- *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
- *The storage of rubbish and materials for recycling.*
- *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
- *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in residential zones.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in residential zones.*
- *The availability of and connection to services.*
- *The design of buildings to provide for solar access.*
- *The objectives, standards and decision guidelines of Clause 54.*

These matters, where relevant, are discussed in detail below, including consideration of the objectives and standards and decision guidelines of Clause 54.

Neighbourhood Character

Council's Neighbourhood Character Policy (Clause 22.01) seeks to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct and achieves architectural and urban design outcomes that positively contribute to neighbourhood character. The adjacent residential area to the east of the site beyond the laneway falls within the Residential Character type of Garden City Suburbs Southern Area.

The proposed development is considered to be of a scale that is consistent with the existing and desired future character of Garden City Suburbs Southern Area. The proposed dwelling is set back over 10 metres from the nearest residential properties in Westgate Street, with the laneway (Gus Street) creating a suitable

buffer. This generous setback combined with the low scale of the development now proposed ensures that there would be no adverse amenity impacts by way of overlooking, overshadowing or visual impact.

The proposed development is also consistent with the character of the existing low scale commercial centre where, particularly on the east side of Warrigal Road, the buildings are currently predominantly single storey with double storey interspersed. The rejuvenation of this section of the activity centre is encouraged and the proposed upgrade of the existing retail premises with modest one-bedroom dwelling addition is consistent with the preferred built form outcome for this lower order activity centre, where double storey built forms are likely to be introduced over time as the centre is rejuvenated.

Site Layout and Building Massing

It is considered that the proposed siting of the development respects the existing streetscape, neighbouring development and the orientation of the site.

There is concern that whilst pedestrian access to the proposed dwelling is shown on the plans via the Warrigal Road frontage, there is inadequate identification of this dwelling for visitors and postal provision. This can be dealt with by permit condition.

The development is primarily single storey in height with the small double storey component of the proposed dwelling limited to the stairwell at a maximum height of 6.4 metres. This, and the rooftop terrace screening, will not be highly visible in the streetscape being set back over 20 metres from the frontage of the site, and where it is visible it will not be out of context given the occasional existing double storey built form south of the site.

The double storey height wall on the north side boundary is limited to a length of approximately 5.6 metres and is considered acceptable in the commercial context.

The 1.0 metre setbacks from the northern and southern boundaries, excluding the staircase, allows opportunities for light courts and landscaping within the development itself, and minimises the amenity impacts on adjacent properties as discussed in detail below. These side boundary setbacks also provide opportunities for equitable future development on the adjacent sites.

The materiality of the proposed addition presents as a suitable design in response to the existing red brick structure on the site, with the use of horizontal cladding, textured finishes and metal deck roofing providing a good level of articulation when viewed from the surrounding area.

It is noted that the ground floor east elevation needs to be amended to show the proposed highlight window for the living room. This can be dealt with by permit conditions.

Amenity Impacts

Having regard to the level of amenity for both the occupants of the proposed dwelling and surrounding properties, it is considered that the proposal represents an acceptable outcome for this commercial site, the broader area, future residents and surrounding residents.

More specifically, in relation to the external amenity impacts of the proposal it is considered that the objectives and standards of Clause 54 of the Monash Planning Scheme, whilst strictly not required to be met in the Commercial 1 Zone, have been satisfactorily met and have been suitably addressed, as follows:

Overlooking

At ground level overlooking has been addressed by careful window placement and the use of highlight windows along the southern elevation. The northern elevation has full length windows to maximise natural light into the dwelling, however, the boundary fence height at 2 metres ensures that overlooking complies with Clause 54 standard. The rooftop terrace will have obscure glazing to a height of 1.7 metres to address overlooking.

Overshadowing

The shadow diagrams demonstrate that the reduction of the double storey component of the proposed dwelling has resulted in no additional overshadowing beyond what is currently experienced for the property to the south of the site at 2/180 Warrigal Road.

The proposed screening to the rooftop terrace consists of obscure glazing and accordingly will not contribute to adverse overshadowing. The obscure glazing will prevent overlooking but will allow light to pass.

Daylight access to existing windows

Proposed side boundary setbacks of 1.0 metre from the northern and southern boundaries of the site, along with corresponding setbacks on the adjacent sites of 1.18 metres to the north and 1.69 metres to the south, are considered to be sufficient to allow acceptable light courts for existing dwelling habitable room windows in this commercial setting.

Walls on boundaries

The wall on the north side boundary for the stairwell exceeds 3.6m but is considered acceptable in the commercial setting on a such a narrow site. It is limited in length to 5.6 metres, opposite three non-habitable room windows and only partially opposite one habitable window at 178 Warrigal Road. These windows are set back 1.18 metres from the site.

Energy Efficiency

It is considered that the proposed building setbacks from north and south side boundaries, and corresponding building heights, will allow sufficient solar access to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced in this commercial setting.

Vegetation

There are four trees on the adjacent property to the south of the site at 2/180 Warrigal Road that are situated within the 1.69 metre building setback. These trees are not covered by a Vegetation Protection Overlay. Nevertheless, a Tree Management Plan will be required as a condition (Condition 6) to ensure that during construction appropriate tree protection measures, including tree sensitive footings where required, will ensure impact on these trees are minimised.

There is currently no vegetation on the site and the proposal provides an opportunity to introduce limited, appropriate landscaping for this commercial setting. A landscape plan is therefore required for the proposed development and has been conditioned.

Car Parking, Traffic and Access

The following table sets out the number of car parking spaces required by Clause 52.06-5 and the proposed car parking.

Clause 52.06-5 rate for:	Rate required:	Car spaces required:	Car spaces proposed:
1 bedroom dwelling	1	1	1
Shop	1	1	1

As the above table shows sufficient parking has been provided on the site for the proposed dwelling under the provisions of Clause 52.06 of the Scheme.

As there is no proposed increase in the floor area of the 'shop' and therefore no increase in car parking provision is required. On street parking has traditionally been utilised for customer parking needs within this part of the commercial centre. The area at the rear is grassed with no formal parking area provided. However, aerial photos show occasional use of this area for a car. As such, it is considered that one space is provided at the rear of the site for staff.

The location of the two (2) car spaces at the rear of the site is considered appropriate. The proposed car spaces can be readily accessed via the rear laneway. Pedestrian access from the carparking to the residence and the shop is also suitably provided within the development.

In response to concerns raised by objectors about the reliance on the rear laneway for access by a variety of commercial and residential vehicles it is considered that

the length of the proposed car spaces should be increased to 5.5 metres to ensure there is no protrusion into the laneway. This can be dealt with by permit condition.

Council's traffic Engineers have offered no objection to the proposal and the site currently enjoys the benefit of the rear laneway for vehicle access.

Other changes required on plan

The western elevation shows two signage zones. Signage is not part of this application and therefore should be deleted from the plans. A notation that unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit will be included on any approval issued.

Objections not previously addressed

Demolition, Asbestos, Construction – These concerns are addressed through the Building Act 1993 and Worksafe rather than the planning scheme. If a Planning Permit is issued, a Building Permit will also be required which will assess structural impacts to adjoining properties and provides for building protection. Furthermore, the removal of asbestos must be carried out by qualified and licenced asbestos removalists. Worksafe are the governing authority to enforce the Occupational Health and Safety Act 2004 which provides obligations to those who remove asbestos and whom undertake demolition work.

CONCLUSION:

The proposed development is modest and is considered appropriate given the locality and relevant objectives of state, regional and local policies relating to housing, increased residential density and mixed uses in commercial areas. The design response has been developed having appropriate regard to objectives of the Commercial 1 Zone and in response to objector concerns following the initial public notice period.

Overall, the proposal is considered appropriate in both its concept and design. It is consistent with the role and scale of this commercial centre and is consistent with the other mixed use in Warrigal Road, including the properties immediately to the north and south of the site that have a residential component.

The proposed dwelling will be setback adequately to property boundaries to allow for equitable development, and will not cause unreasonable amenity impacts to adjoining properties.

The car parking provision for the proposal satisfies the statutory car parking requirement.

Accordingly, it is recommended that a Notice of Decision to Grant a Planning Permit subject to conditions be approved.

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.