5.2 24 MCDONALDS LANE, MULGRAVE – CONSTRUCTION OF TWO, TWO STOREY OFFICE/WAREHOUSE BUILDINGS IN TWO STAGES, TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING

(TPA/37620:ML:RB)
Ward : Oakleigh
Responsible Director: Paul Kearsley
Reason for Council Consideration: Cost of Development $4.5 million
Statutory Processing Date : 5 December 2009
Pre-Application Discussion: Yes

**RECOMMENDATION**

That Council having considered Section 52 of the Planning and Environment Act 1987 and being satisfied that the grant of a permit would not cause material detriment to any person has not required that notice be given for Planning Application No. 37620.

The Council having considered planning application No. 37620 and all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 24 McDonalds Lane, Mulgrave, for the purpose of the construction of two, two storey office/warehouse buildings in two stages, together with associated car parking and landscaping generally in accordance with the plans submitted with the application dated 5 October 2009 and subject to the following conditions, including the specified standard conditions set out in the Council’s “Town Planning Standard Conditions” adopted by the Council 16 September 2003.

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

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

a) Location of shower and change room facilities in accordance with Clause 52.34;

b) Relocation of the proposed loading bay areas for both tenancies, in order to improve turning movements’, to the satisfaction of the Responsible Authority;

c) Location and design of any electricity supply meter box/kiosk/substation, which may be required. This facility must not be located within the front landscape setback of any road;

d) Details to minimise the visual prominence of the proposed booster cabinet;
e) Location of gas and water metres. These facilities should be designed to minimise their visual prominence if located within the front setback area;

f) Elevation details of the proposed sign located within the front landscape setback;

g) The precise location of any tree canopy, power pole, Council pit, Telstra pit or other services and features within the road reserve as the new crossing is to provide a minimum 1.0 metre clearance from the turning point of the vehicle crossing at the kerb to these features.

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

3. The access ramp for people with disabilities should be designed in accordance with the Australian Standard for Design for Access and Mobility, AS 1428.

4. Floor area in excess of 1800 square metres must only be used for offices as specified in Clause 22.02-3 dot point No 5 of the Monash Planning Scheme.

5. The provision of car parking for office use on the site must be provided at a rate no less than of 3.5 car parking spaces to each 100 square metres of net floor area.

6. Bicycle facilities for the development, hereby permitted, must be provided in accordance with Clause 52.34 of the Monash Planning Scheme.

7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when the construction and works are completed to enable the site to be inspected.

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

9. No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

10. 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.

11. The amenity of the area must not be detrimentally affected by the use or development, through the:
   a) transport of materials, goods or commodities to or from the land;
   b) appearance of any building, works or materials;
c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

d) presence of vermin;

12. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

13. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:

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

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

14. Before occupation, landscaping works as shown of the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

15. Before the development permitted is completed, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

(a) constructed to the satisfaction of the Responsible Authority;

(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

(d) drained, maintained and not used for any other purpose to the
satisfaction of the Responsible Authority;

(e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

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

16. The driveway and parking area should be designed in accordance with the Australian Standard for Off Street Parking, AS/NZS 2890.1-2004

17. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system must include either:

a) a trench grate (175mm minimum internal width) located within the property; and/or

b) shaping the driveway so that water is collected in a grated pit on the property; and/or

c) another Council approved equivalent.

18. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is to the south-west corner of the property where it must be collected and free drained via a pipe to the Council pit in the nature strip to Council Standards.

Note: If the nominated point of discharge cannot be located then notify Council’s Engineering Division immediately.

19. Any new drainage work within the road reserve requires the approval of the Council’s Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit.

20. The existing redundant crossing is to be removed and reinstated with kerb and channel to the satisfaction of Council.

NOTES:
1. Building approval must be obtained prior to the commencement of the above approved works.
2. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

3. Engineering permits must be obtained for new or altered vehicle crossings and for new connections to Council drains and pits and these works are to be inspected by Council (9518 3690).

4. The plan indicates that a telecommunications pit is affected by the proposed crossing. The approval of the relevant service authority is required before Council approval for the proposed crossing can be given.

5. All new crossings are to provide a minimum 1.0 metre from the turning point of the vehicle crossing at the kerb to the edge of any tree canopy, power pole, Council pit, Telstra pit or other services.

6. Parking on street should not be considered as a right and Council reserves the right to install parking restrictions in the future if required.

**Expiry of permit:**

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- The development and use are not started within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.

**BACKGROUND**

The subject site is currently vacant land located on the eastern side of McDonalds Lane, approximately 140 metres north of Dunlop Road and south of the Monash Freeway in Mulgrave. The site is generally regular in shape, with a frontage to McDonalds Lane of 64.1 metres and an overall site area of 6998m².

Surrounding land is developed with a mix of office and warehouse development, with Nexus Court immediately east of the site.

The site is not encumbered by any easements, nor any significant vegetation. There are also no restrictions on Title that prohibit the proposed development.

**PROPOSAL**

It is proposed to develop the subject site in two stages. Stage 1 will involve the construction of a 2,232m², two-storey office and warehouse building along the
northern segment of the site. The building will be setback 25 metres from the McDonalds Lane frontage, with its main entrance located along the southern elevation of the building.

Stage 2 will involve the construction of a second two-storey office and warehouse building, having an area of 1,435m² and setback 24.4 metres from the site frontage. Its principle entrance is located on the eastern elevation of this building.

A 7.6 metre front landscape setback is provided to the development. Vehicle access is via a new double crossing located central to the site and 101 car parking spaces are distributed throughout the site.

The building will be constructed in precast concrete panels with aluminium framed tinted glazing to the office areas.

An adequately detailed landscape plan has also been submitted with the application.

**POLICY IMPLICATIONS**

State and local policies and the provisions of the Municipal Strategic Statement within the Monash Planning Scheme support the appropriate development of high technology, research and office type development within the Monash Precinct Technology area.

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

**State Planning Policy Framework**

Clause 11.03: Principles of Land Use and Development Planning

Clause 12: Metropolitan Development

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

Clause 17.02: Business

Clause 17.03: Industry

Clause 18.02: Car Parking and Public Transport Access to Development

Clause 18.03: Bicycle Transport

Clause 19: Design and Built Form

**Local Planning Policy Framework**

Clause 21: Municipal Strategic Statement
Clause 21.05-2: Economic Development
The strategic vision is to develop sustainable employment opportunities and maintain Monash as the predominant business location in Melbourne’s eastern region by supporting a proactive, progressive business community and creating attractive, convenient and vibrant business centres.

Clause 22.02: Monash Technology Precinct Policy
An objective of the policy is to assist the sustainable and complementary development and operation of industrial, office and high technology land uses, that provide a variety of employment centres of high amenity, quality and enduring local image.

Clause 22.03: Industry and Business Development and Character Policy
This policy promotes the enhancement of the Garden City Character of Industrial and business areas. The subject site is located within Industry Character Area Type 3 which derives its character from post WWII and contemporary industrial, commercial and retail development in self contained subdivisions with a grid pattern on undulating topography. The desired future character statement states that areas should continue to develop as a modern industrial and technology park within an attractive landscape setting containing a large number of large, mature, native trees. The main road frontages should be well landscaped and contain high profile businesses that should prevent a positive public image of the municipality to road users.

Zoning
The subject site is located within a Business 3 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for the offices as the maximum combined leasable floor area for offices exceeds the threshold of 1,800 square metres as detailed in the Schedule to the Zone. A planning permit is also required for all buildings and works within the zone. The land is covered by the Design and Development Overlay-Schedule No.1. Decision guidelines and setback requirements are included in the overlay. A 7.6 metre frontage setback is required along McDonalds Lane.

Car Parking
Under Clause 52.06-6 of the Monash Planning Scheme and under Council’s Car Parking Policy, a ratio of 3.5 car parking spaces are required to each 100 square metres of net floor area for offices and 1.5 car parking spaces to each 100 square metres of net floor area for warehouse. Using this ratio car parking is required as follows:
<table>
<thead>
<tr>
<th>Use</th>
<th>Floor Area (Sqm)</th>
<th>Car Parking Required</th>
<th>Car Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Stage 1</td>
<td>1,444m²</td>
<td>51</td>
<td>57</td>
</tr>
<tr>
<td>Warehouse Stage 1</td>
<td>788m²</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Office Stage 2</td>
<td>432m²</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>Warehouse Stage 2</td>
<td>1,003m²</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>TOTAL</td>
<td>3,667m²</td>
<td>93</td>
<td>101</td>
</tr>
</tbody>
</table>

The above table demonstrates that there is a surplus of 8 car parking spaces on site. Accordingly, the provision of on-site car parking is considered satisfactory.

It is also noted that an additional 16 car parking spaces can be accommodated within the warehouse component of Stage 1.

**CONSULTATION**

Due to the nature of the proposal, the Business zoning of the land and the surrounds, notification of the application was not required. It is considered that the proposal will not cause any material detriment to the amenity of the surrounding area.

The application was referred to Council’s Drainage and Traffic sections for comment. Concern has been raised with regards to the proposed loading bay areas. This will be discussed in the assessment section of this report. However, there is no objection to the proposal subject to conditions being placed on any permit issued.

**ASSESSMENT**

The proposal complies with state and local policies and the provisions of the Municipal Strategic Statement and supports the strategic directions as contained within Melbourne 2030.

The proposed development is considered appropriate for the site. The provision of a 7.6 metre front landscape setback and the proposed landscape treatment of the site is considered satisfactory and will enhance the image of the proposed development. On-site car parking complies with Planning Scheme requirements and is considered satisfactory.

The provision of bicycle parking facilities has been shown on the plans, however the building associated with Stage 1 requires a shower and change room facility. Details of the proposed sign within the front setback, utility installations including gas, water and electricity are required and the proposed fire booster cabinet is be treated in a manner to minimise its visual prominence. These items can be addressed via planning permit condition.

As previously mentioned, concern has been raised from Council’s Traffic Engineers with regards to the proposed turning movements into the loading bay.
areas, for both buildings. Building 2 movements are particularly difficult and it has been suggested that the location of the loading bay areas be reconsidered. This can also be dealt with by way of permit condition.

CONCLUSION

The proposed development is consistent with the relevant State and Local planning policy. The buildings will provide for a visually appropriate development consistent with the standard of recent developments within the general area. Adequate on site car parking is provided and the areas set aside for landscaping will enable a quality landscape treatment to be provided to McDonalds Lane. Accordingly it is recommended that a planning permit be issued subject to appropriate conditions.