

**1.4 45-49 MCNAUGHTON ROAD, CLAYTON  
AMENDMENT TO PERMIT ISSUED FOR THE DEVELOPEMENT OF THE LAND FOR  
WAREHOUSES AND ANCILLARY OFFICE, DISPLAY OF INTERNALLY ILLUMINATED  
BUSINESS IDENTIFICATION SIGNAGE AND A REDUCTION OF THE STANDARD CAR  
PARKING REQUIREMENTS  
(TPA/51462/A)**

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**EXECUTIVE SUMMARY:**

This application proposes an amendment to Permit TPA/51462 and the endorsed plans. The permit allows the development of warehouses with associated office space and a reduction in the standard car parking requirements prescribed in Clause 52.06 of the Planning Scheme. The decision on the application was made by Council at its meeting of 28 July, 2020.

The requested amendment proposes changes to the endorsed plans and permit conditions to accommodate the specific requirements of a secured tenant to operate as the major headquarters for warehousing with associated distribution centre from the site. The proposal will also allow for an ancillary component to the warehouse which allows for customers to attend an 'experience centre'. The proposed amendment also seeks to incorporate and internally illuminated business identification signage that was not part of the original application.

The application was not subject to public notification.

Key issues to be considered relate to provision of car parking, traffic, built form and ancillary uses within an Industrial Zone.

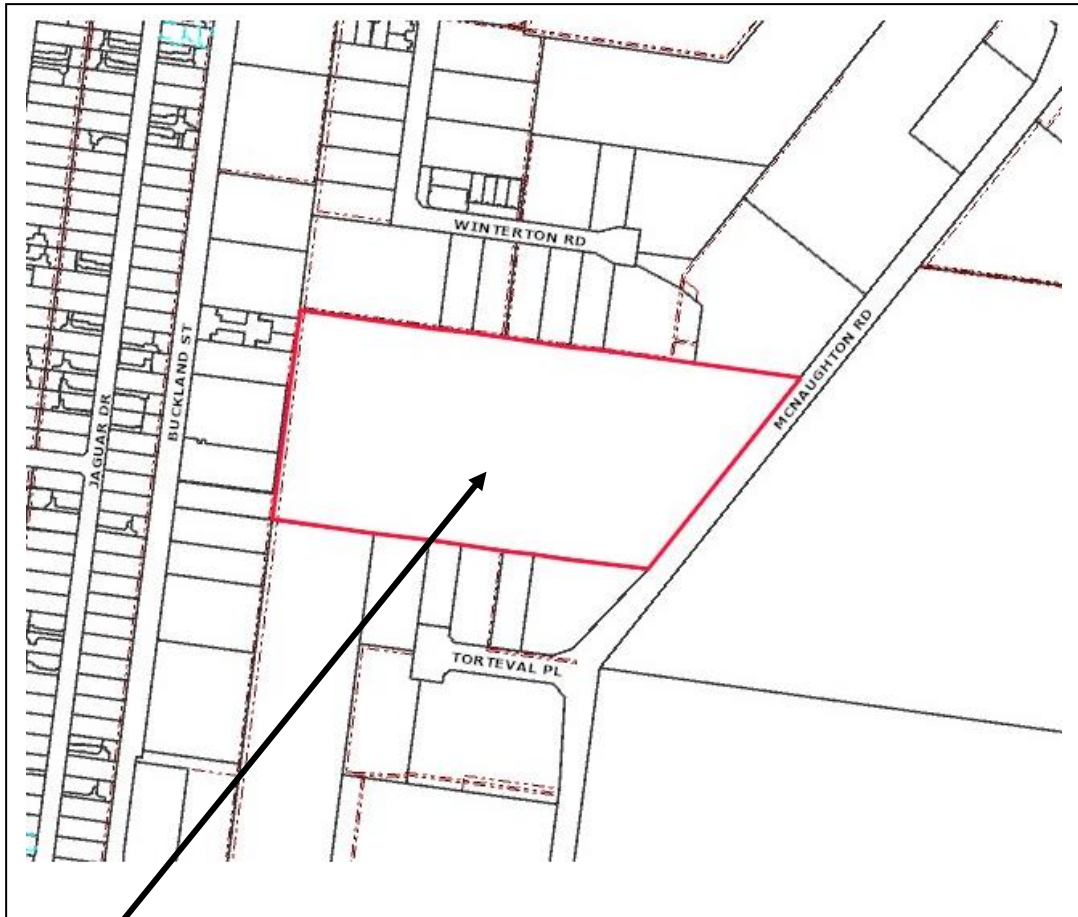
This report assesses the proposal against the provisions of the Monash Planning Scheme, including the relevant state and local planning policy frameworks.

**The reason for presenting this report to Council is the proposed development cost of the original development was \$30.35 Million, and the proposed amendment is an additional \$3 million. The proposal is an amendment to an approved development determined by Council.**

**The proposal is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council issue an amended Planning Permit subject to conditions.**

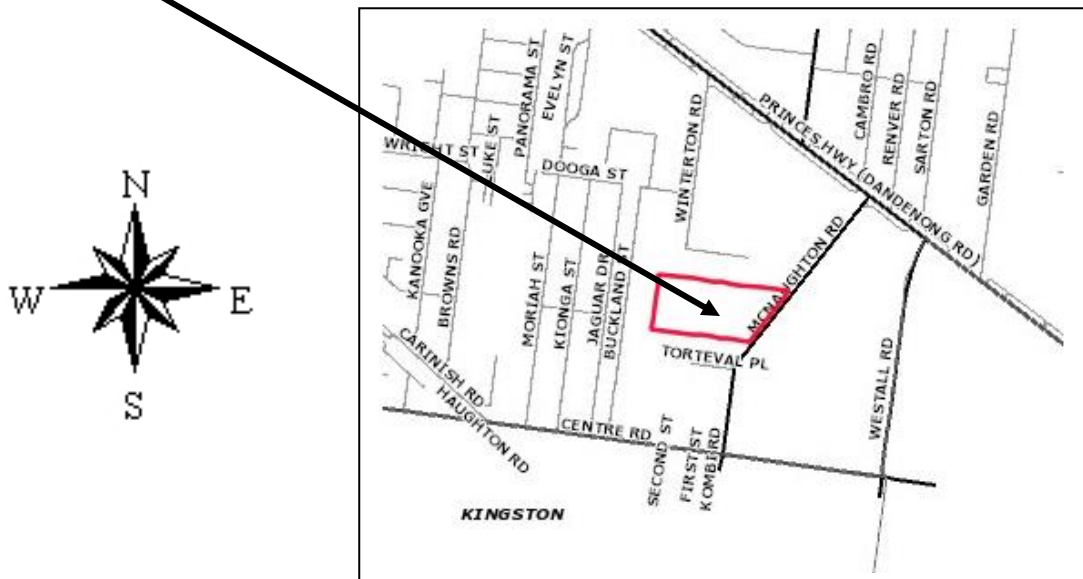
<b>RESPONSIBLE DIRECTOR:</b>	<b>Peter Panagakos</b>
<b>RESPONSIBLE MANAGER:</b>	<b>Natasha Swan</b>
<b>RESPONSIBLE PLANNER:</b>	<b>Anne Maree Roberts</b>
<b>WARD:</b>	<b>Oakleigh</b>
<b>PROPERTY ADDRESS:</b>	<b>45-49 McNaughton Road, Clayton</b>
<b>EXISTING LAND USE:</b>	<b>Vacant - works commenced on site</b>
<b>PRE-APPLICATION MEETING:</b>	<b>Yes</b>
<b>NUMBER OF OBJECTIONS:</b>	<b>Nil. The application was not advertised.</b>
<b>ZONING:</b>	<b>Industrial 1 Zone</b>
<b>OVERLAY:</b>	<b>Design and Development Overlay, Schedule 1</b>
<b>RELEVANT CLAUSES:</b> <u><b>Planning Policy Framework</b></u> Clause 11.01-1S – Settlement Cause 11.01-01R01MM – Settlement Clause 11.02-1S – Supply of Urban Land Clause 17.01-1S&R – Diversified Economy Clause 17.03-1S – Industrial Land Supply Clause 17.03-2S – Sustainable Industry Clause 18.02-4S – Car Parking	<u><b>Local Planning Policy Framework</b></u> Clause 21.01 – Introduction Clause 21.05 – Economic Development Clause 21.07 – Business Parks and Industry Clause 21.08 – Transport and Traffic Clause 21.13 – Sustainability and Environment Clause 22.03 – Industry and Business Development and Character Policy Clause 22.04 – Stormwater Management Policy Clause 22.05 – Tree Conservation Policy Clause 22.08- Outdoor Advertising Policy Clause 22.13 – Environmentally Sustainable Development Policy  <u><b>Particular &amp; General Provisions</b></u> Clause 52.06 – Car Parking Clause 52.05 - Signs Clause 65.01 – Approval of an Application or Plan
<b>STATUTORY PROCESSING DATE:</b>	<b>16 October 2021</b>
<b>DEVELOPMENT COST:</b>	<b>\$33.35 Million</b>

### LOCALITY PLAN



**SUBJECT SITE**

### NEIGHBOURHOOD PLAN



**RECOMMENDATION:**

A. That Council resolves to **Grant an Amended Planning Permit (TPA/51462/A)** for buildings and works associated with a warehouse and ancillary office space, display of internally illuminated business identification signage and a reduction of the standard car parking requirements, at 45-49 McNaughton Road, Clayton subject to the following conditions(changes underlined or ~~deleted~~):

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by ~~Nicholas & Alexander Architects~~ DTA Architects, Revision ~~€ N~~ dated ~~7 May 2020~~ 11 August 2021 but modified to show:
  - a) The building (including any raised parking areas and front fencing) to be generally set back a minimum of 13.7 metres from McNaughton Road to the satisfaction of the Responsible Authority.
  - b) A total of ~~411~~ 539 car spaces to be provided on the land. In the event that the proposed floor space is reduced, the development will provide for the required car spaces under the planning scheme minus any applicable parking credits that exist for the land.
  - c) The relocation of the proposed substation to allow for the retention of Trees No. 1, 3 and 5 as identified within the Arborist Report prepared by Arbkey, dated 19 May 2020, whilst ensuring trees No. 10, 18 and 20 continue to be retained.
  - d) Existing trees to be retained to be numbered in accordance with the Arborist Report prepared by Arbkey dated 19 May 2020.
  - e) Dimensions of car spaces and accessways to meet the requirements of Clause 52.06.
  - f) All car spaces to be numbered on plans.
  - g) Clarification of all directional signage and line markings within the accessways within the south-east and north east corners of the site.
  - h) Concave mirrors or other traffic management measures to assist with potential conflict of vehicles travelling from the accessway adjacent to the northern boundary of the site and from the first floor car parking area adjacent to Warehouse 1.
  - i) Details of any car park control equipment in accordance with Condition 17.

- j) Landscaping features (i.e. Islands) within the parking area located over the easement adjacent to the western boundary of the site every 5 bays to mitigate heavy vehicle loads.
- k) The location of existing crossovers to be removed and reinstated with kerb and channel to be clearly identified on the site plan.
- l) Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to compliment the development.
- m) A Landscape Plan in accordance with Condition 3 of this Permit.
- n) A Waste Management Plan in accordance with Condition 4 of this Permit.
- o) A Sustainable Management Plan in accordance with Condition 5 of this Permit.
- p) A Tree Management Plan in accordance with Condition 6 of this Permit.

**Layout not to be Altered**

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

**Landscape Plan**

3. Concurrent with the endorsement of any plans 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. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Urbis Pty Ltd, Revision C dated 19 May 2020, except that the plan must show:
  - a) Retained trees to be numbered in accordance with the Arborist Report prepared by Arbkey, dated 19 May 2020;
  - b) Details and dimensions of required TPZ during construction for trees to be retained
  - c) Further details of the proposed first floor planting;
  - d) All changes in accordance with Condition 1 of this Permit.

Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

**Waste Management Plan**

4. Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must provide details of a regular private collection service for the subject land and be prepared in accordance with the Multi-Unit and Commercial Developments Waste Management Plan Guide for Applicants. The plan must include the following:
- a) The method of collection of all waste from the land;
  - b) Waste volume calculation and total waste generated per waste stream;
  - c) Frequency of Waste collection and permitted collection times;
  - d) Plans showing the location of bin storage areas, required bin storage equipment and features, number of bins and location of temporary bin storage at collection point(s);
  - e) Provision of bin cleaning equipment, washing facilities and sewer disposal within the waste storage area; and
  - f) Type / Size of private waste vehicles.

**Amended Sustainable Management Plan (SMP) Required**

5. Concurrent with the endorsement of any plans required by Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by D2 dated April 2020 but modified to include or show changes as required by Condition 1 of this Permit.

The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

**Tree Management Plan**

6. Concurrent with the endorsement of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Tree Nos. 1, 3, 5, 10, 18 and 20 (as identified in the Arborist Report submitted with the application, prepared by Arbkey dated 29 May 2020).

The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
  - i. Tree protection zones and structural root zones of all trees to be retained,
  - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
  - iii. The type of footings within any tree protection zones;
  - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
  - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.

The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

#### **Construction Management Plan**

7. Prior to the commencement of any site works (including excavation), a Construction Management Plan 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 Construction Management Plan will form part of the permit and must be

implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust and water and sediment laden runoff;
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) 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;
- h) Public Safety and site security;
- i) 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;
- j) A Traffic Management Plan showing truck routes to and from the site;
- k) 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;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) Hours of construction to be in accordance with EPA requirements.

#### **Use of the land**

8. This Permit does not include permission for the use of the land. The land must be used for a purpose other than that listed within Section 1 of Clause 33.01-1 unless authorised by the Responsible Authority.



9. The floor area of the warehouse tenancies must not be increased without the written permission of the Responsible Authority (including the provision of mezzanine floor spaces).

10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

11. The experience centre must only be used as an ancillary use associated with the approved warehouse use, to the satisfaction of the Responsible Authority.

10.12. Without the written consent of the Responsible Authority, no more than 80 customers are permitted within the experience centre at any one time.

#### **Landscaping and Tree Protection**

11.13. Before occupation of any of the buildings, 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.

12.14. Works associated with the removal of the existing street tree No. 28 (Willow Bottlebrush) must not be undertaken without the further consent of the Responsible Authority.

13.15. All existing vegetation shown on the endorsed plans to be retained must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.

14.16. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.

15.17. 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 construction period of the development hereby permitted without the prior written consent of the Responsible Authority.

#### **Car Parking and Accessways**

16.18. Details of any car park control equipment must be submitted to and approved in writing by the Responsible Authority. These details must

include a car park control device which can be accessed by visitors to the development including clear instructions on how to operate any security system.

17-19. All loading and unloading of vehicles must be carried out within the boundaries of the land/ 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.

18-20. Before the development of each building permitted is completed, areas set aside for parked vehicles and access lanes for each building 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.

19-21. 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.

### **Stormwater**

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

### **Signage**

23. The location, layout, dimensions, structures and features of the approved signs shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

24. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

25. All signs must be located wholly within the boundary of the land.

20-26. 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.

#### **Time for Starting and Completion**

21-27. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- a) The development is 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.

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

22-28. The approved signs of this Permit will expire 15 years from the date of issue of this permit.

#### **NOTES:**

- A. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- B. Council's Horticulture Department must be contacted regarding the removal of the street trees proposed. The trees will be removed by Council at a cost to the Permit holder.
- C. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.

- D. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- E. All new vehicle crossings and access roads 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.
- F. 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. A refundable security deposit of \$1000 is to be paid prior to the drainage works commencing.
- G. The redundant crossings are to be removed and reinstated with kerb and channel to the satisfaction of Council. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
- H. The minimum Finished Floor Level is to be at least 63.8 metres Australian Height Datum (AHD).
- I. No buildings are permitted within 6.8 metres of the northern and western boundaries of the property to allow for overland flow to pass through.
- J. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
- K. 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.
- L. 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 rear easement to be constructed to Council standards. (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

**BACKGROUND:****History**

Planning Permit TPA/51394 was issued for the removal of native vegetation and construction of buildings and works on 17 April 2020. This permit allowed for the clearance and preparation of the site in anticipation of consideration of the current planning permit application to develop the land. Native vegetation was present within the south-west corner of the site which required a Permit for removal. This included remnant scattered grass patches. There were no offset requirements as a result of this vegetation removal given its minimal nature. This Permit has been acted upon and completed.

Planning Permit TPA/51462 for the construction of a warehouse development including a reduction in the standard car parking requirement was considered and supported by Council at its meeting on 28 July, 2020. . Works on the site have commenced.

The development was for eight warehouse tenancies arranged within 4 buildings across the site with a total floor area of 32,666sqm for the warehouse spaces with each tenancy provided with ancillary office space. Development Plans were endorsed in accordance with Condition 1 of the Permit on 22 December 2020. At this time a minor amendment was also approved to combine three warehouses (Warehouses 1, 2 and 3) into one tenancy. This also resulted in minor changes to the layout and location of car parking spaces across the site with an additional 6 car spaces being provided bringing the total number of on site spaces to 417.

A further secondary consent amendment was approved in May 2021 to increase the on-site parking from the 417 to 459 spaces. The additional car parking spaces were allocated to Warehouse 1.

The main details of the approved development are as follows:

- Six warehouse tenancies arranged within 4 buildings across the site with a total floor area of 32,005sqm for the warehouse spaces. The buildings are two storeys in height (with additional mezzanine spaces) with a maximum height of 16.25m.
- Six separate ancillary office spaces with a total of 5,748sqm. Each office space is accessed via the ground floor and is provided with internal access to the first floor.
- Three vehicle crossovers across the site, with the central access point being for large vehicles and deliveries to the site. The remaining two crossovers are to provide access for standard vehicles (staff and visitors).
- A total of 459 car parking spaces on the site including eight accessible car spaces.
- The buildings are to be finished with a mixture of materials including metal wall cladding and aluminium slat screens for the warehouses, and metal

decorative screens, timber look panels and precast concrete for the car parking and office components.

Planning Permit TPA/52141 was issued on 25 May 2021 to use Warehouse 1 for industry (beauty and toiletries production) and a reduction in car parking. There is no change to the layout or use associated with the use of Warehouse 1 with the current request. However, the configuration and allocation of parking on site is to be amended as part of the sought changes.

### **The Site and Surrounds**

The site is located on the Western side of McNaughton Road, approximately 95 metres north of Torteval Place and 360m south of Dandenong Road, in Clayton. The Site has the following features:

- The land forms a trapezoid shape due to the angle of McNaughton Road. The site has a frontage of 205.41 metres with a maximum depth of 419.91 metres, yielding a total site area of 6.478ha.
- The site has a significant fall to the west of the site, within the rear portion of the site.

Surrounding properties are all located within the Industrial Zone, and are used for warehousing or industrial purposes. The closest residentially zoned land is located on the western side of Buckland Street, approximately 100 metres from the rear boundary of the site.

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

### **PROPOSAL:**

The application proposes an amendment to conditions of the planning permit and endorsed plans to allow for an increase in the floor area of Warehouse 2 and to combine Warehouses 3-6 into one facility. The application is to accommodate the specific requirements of the toy and baby clothing company “Toys R Us” to operate as the major headquarters for their warehousing and distribution centre. The changes are also to provide for ancillary uses of office space and an experience centre including a café and associated sales.

Warehouse 2 occupies the north-west corner to the rear of the site and is to provide a floor area of 3,470m<sup>2</sup> comprising an additional 163m<sup>2</sup> warehouse space to provide an area of 2,970m<sup>2</sup> and 500m<sup>2</sup> as ancillary office area. The new combined Warehouse 3, occupying all the building area along the southern boundary, provides for warehouse to the rear of the site and is to accommodate the experience centre and café located with direct pedestrian access from the front of the site. Warehouse 3 would have a total floor area of 15,930m<sup>2</sup> comprising of 10,223m<sup>2</sup> warehouse space, 1,045m<sup>2</sup> office area and 4,662m<sup>2</sup> for the experience centre including the cafe.

In a statement of intent the applicant has outlined the “experience centre” as a new concept to incorporate three components providing for experience, adventure and play. The experience centre provides for large displays allowing for people to try and experience the toys, prams, car seats and other bulky goods before purchasing. The displays will continually change, depending on goods to be sold. The experience centre will not present as a retail shop and will not include traditional display shelves. The customer is only able to purchase an item through the sales counter, which is collected from the warehouse portion of the land. The experience centre will also include a robotics experience warehouse which allows customers to see the functioning of robotics use within the warehouse component through a glass panel. The experience centre will occupy 70% of the 4,662M2 ground floor area dedicated to ancillary space with the sales area occupying 30%.

The application is requesting amendment to the approved development and landscaping plans endorsed under Condition 1 and 3 and the wording of Condition 1b that presently requires:

*“A total of **411** car spaces to be provided on the land. In the event that the proposed floor space is reduced, the development will provide for the required car spaces under the planning scheme minus any applicable parking credits that exist for the land.”*

To

*“A total of **539** car spaces to be provided on the land. In the event that the proposed floor space is reduced, the development will provide for the required car spaces under the planning scheme minus any applicable parking credits that exist for the land.”*

Details of the proposal are as follows:

- Undertake buildings and works to provide:
  - Warehouse 2 with a floor area of 3,470m<sup>2</sup> comprising an additional 163m<sup>2</sup> warehouse space to 2,970m<sup>2</sup> and 500m<sup>2</sup> as ancillary office area.
  - Warehouse 3 comprising of the combined buildings (warehouses 3-6) would have a total floor area of 15,930m<sup>2</sup> comprising of 10,223m<sup>2</sup> warehouse space, 1,045m<sup>2</sup> office area and 4,662m<sup>2</sup> for the experience centre including the office space and cafe.
  - Additions and alterations to create the combined Warehouse 3 involving removal of individual loading bays and pedestrian entrances along the northern elevation. The front setback would be increased and the (eastern elevation) front façade would be provided a predominantly glazed frontage with new entrances to the experience centre. The existing break in the buildings between

Warehouses 4 and 5 providing for car parking spaces would be removed.

- Substantial alterations to the site layout and reconfiguration of the car parking allocation on site involving:
  - Removal of access areas for loading bays located adjacent to the entry to the previous individual warehouses.
  - Removal of a row of parking spaces between previous warehouses 4 and 5.
  - Complete reallocation and additional parking spaces provided in the frontage along McNaughton Road and along the northern elevation. This involves a new multi-level carpark which would provide 163 spaces at ground level and an additional 54 spaces at level 1. Access to the upper level carpark is from a ramp setback 13.7m from the front boundary located midway across the frontage of Warehouse 3. All vehicles accessing the carpark would enter from the southern vehicle crossing on McNaughton Road.
  - A new multi-level car park would be constructed to the northern end of the frontage to serve Warehouse 1. At ground floor 70 car spaces would be provided and 30 at upper level. Access to the upper level is from a ramp setback 13.7m from the frontage and all vehicles would access the carpark from the crossing at the northern end of the frontage.
  - The central vehicle crossovers would remain as the access point for large vehicles and deliveries to the site
- Overall there is to be an increase in on site parking from 459 spaces to 539. Of these spaces 276 car spaces would be allocated to the combined warehouses 2 and 3.
- It is expected the maximum number of patrons in the experience centre will reach 80 customers at any one time.
- The expected maximum number of employees in the experience centre at any time is five (5). An additional two (2) staff members are expected to be working in the café.
- An amendment to the approved landscaping plan is sought to reflect the changes to the carparking layout and building changes.
- Two internally illuminated business identification signs to be located on the McNaughton Road (eastern façade) of Warehouse 3.

Attachment 1 details plans forming part of the application.

### **PERMIT TRIGGERS:**

#### **Zoning**

The site is located within the Industrial 1 Zone. Pursuant to Clause 33.01-4 of the Monash Planning Scheme a planning permit is required to construct a building or construct or carry out works.



It is noted that a Permit is not required for the use of the land for a warehouse subject to a number of conditions relating to threshold distances to sensitive uses.

The office, experience centre and associated café are considered to be ancillary components to the warehouse use, and therefore no Permit is required for these uses. It is considered that the experience centre can be deemed as an ancillary use, given the warehousing on the land will continue to be the primary and dominant use of the land.

### **Overlays**

The land is covered by a Design and Development Overlay, Schedule 1. Pursuant to Clause 43.02-2, a Permit is required to construct a building or carry out works.

The Schedule to the Overlay prescribes discretionary controls with respect to the setback of buildings, car parking areas and front fencing.

### **Particular Provisions**

Pursuant to Clause 52.06, a Planning Permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Pursuant to Clause 52.05, a Planning Permit is required for a permit is required to display a business identification sign that exceeds 8m<sup>2</sup> and to display an internally illuminated sign that exceeds 1.5m<sup>2</sup> under Clause 52.05-12. Signage within the Industrial 1 Zone is included in Category 2 – office and industrial areas with low limitation.

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

### **CONSULTATION:**

The Applicant has been advised that this application was coming to September Council meeting, and a letter was sent to the Applicant with the details of the Council meeting.

The Applicant has been verbally advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

### **Public Notice**

The application is seeking modification to the approved development and was not advertised. It is considered that the proposal will not cause material detriment to any surrounding property given the location of the site within the industrial zone and its lack of any interfaces with residential properties.

## **Referrals**

### **External Referral**

No external referrals required.

### **Internal Referral**

#### **Traffic Engineer**

The Traffic Engineers have advised of no concerns with the proposed development under the condition that the maximum patron number at the Warehouse 3 Experience Centre is no more than 80 at any time.

#### **Drainage Engineer**

No concerns subject to standard conditions including submission of a drainage plan for approval.

#### **Waste Services**

Council's Waste Services advised that the submitted Waste Management Plan has met Council's requirements.

## **DISCUSSION:**

An application for amendment to a planning permit (including plans) is subject to the provisions of Section 72 of the Planning and Environment Act.

Sections 47 to 62 of the Act (with any necessary changes) apply to an application as if the application were an application for a permit.

### **Planning Policy Framework (PPF)**

The planning policy framework (Clause 17.03-1S and Clause 17.01-1R) encourages the maintenance of land for industry in appropriate locations, protecting these areas from non-industrial land uses that will prejudice the availability of land for these uses.

The site is located within the Monash National Employment and Innovation Cluster, within the Clayton South Industrial Precinct which seeks to continue to support employment uses and industry in order to foster innovation, growth and diversification of employment. The site is located with good access to the Monash Freeway and several main arterial roads.

Sustainable industry is encouraged by the policy framework which seeks to ensure buffers are provided between industrial uses and sensitive areas. Warehouse is a use that does not require a Planning Permit provided the activity meets safety buffer distances to the nearby residential land. The proposed use as warehouse for the storage and distribution of toys and baby products for wholesale would satisfy the as of right provisions.

Clause 18.02-4S seeks to ensure an adequate supply of car parking is appropriately designed and located. Land is to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential demand for car parking.

The proposed amendment to the approved development remains consistent with the policy and character guidelines requirements in a preferred location.

**Local Planning Policy Framework (LPPF)**

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

Industry, business and activity centres in Monash need to continue to positively attract and retain local business to provide employment opportunities and investment. This may be achieved by proactively supporting the industry and business communities, retaining and enhancing the competitive advantages of Monash, and by creating viable, attractive and convenient industry, business and activity centres.

Monash is experiencing a loss of traditional industrial uses which are being replaced with commercial office-type premises. This is eroding the industrial employment base within the municipality and is likely to have socio-economic implications within the community such as diminished access to blue-collar employment and inflated overheads for existing businesses in these areas.

It has already been determined that the approved warehouse development is appropriate for the zone as it will enable the continued use of the land for industry / warehouse purposes. It is considered that the proposed changes to the development provides for customised ancillary uses to the warehouse component of the land.

The requested changes satisfy the industry and business character guidelines identified in Clause 21.07 that recognises that Monash has a long history of creating industrial development in a garden industrial environment as the changes to the approved building design and layout of the car parking will provide for a dedicated landscaped frontage. This will ensure that the development will continue to maintain and enhance the established Garden City Character and economic image of Monash.

Clause 22.03-1 (Industry and Business Development and Character Policy) identifies the site as being within the 'Industrial 4' character area. This policy works in conjunction with Clause 21.07-2, seeking to maintain landscaped front setbacks, noting specifically that poorly sited and designed business or industrial developments have the ability to progressively erode the basic fabric of the Garden City Character. The amended development will continue to provide a

landscaped frontage consistent with the requirements of the policy and the previous permit conditions.

### **Industrial 1 Zone**

The purpose of the Industrial 1 Zone is:

*“To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.”*

A 'warehouse' is defined within the scheme as:

*“Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased.”*

It is also noted that the use of land for retail sales or as a shop is prohibited within the zone.

The applicant has demonstrated that the proposed changes to the development to provide for the visitor centre will satisfy the requirements of the zone as the primary use of the land will remain as warehouse. The proposed ancillary uses remain secondary to the use as warehouse and distribution. Supporting this is:

- The use of Warehouse 3 will provide for 65% of the floor area of that building. If combined with the use of Warehouse 2, the overall area of land occupied for warehouse use is 68%. The combined office areas provide 8% and the experience centre will occupy 24%. It is within this area that the site will provide for sales.
- The experience centre will not present as a retail shop and will not provide traditional display shelves. The customer is only able to purchase an item through the sales counter, which is collected from the warehouse portion of the land.
- The use is directly related and interconnected to that of the warehouse function of the building; and
- The sales and income generated by the experience centre is expected to be substantially less than that of the distribution centre / warehouse.

It is considered the use is consistent with state and local planning policy and the objectives of the Industrial 1 Zone as the predominant and primary use of the land is for warehouse. The ancillary uses will not prejudice the purpose of the zone or affect the availability of land in an identified industrial area for future industrial use.

### **Design and Development Overlay**

The Design and Development Overlay, Schedule 1 provides a number of design objectives and policies with respect to building setbacks, fencing and landscape treatment. Under the Schedule any building, car parking or front fencing should be set back a minimum of 13.7 metres from McNaughton Road.

The design objectives seek:

- *To ensure that development, including front setbacks, is in keeping with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.*
- *To ensure that the building scale and form in terms of height and bulk complements and does not visually overwhelm surrounding buildings.*
- *To ensure that streetscape engineering details of new developments integrate with the existing streetscape.*
- *To ensure that fences or planting along property boundaries do not adversely affect urban character or adjacent open space.*
- *To ensure that the landscape treatment within the front setback contributes to the positive aspects of the applicable industry or business Character Type identified in Clause 22.03.*
- *To retain existing on-site vegetation if possible.*
- *To ensure that car parking, vehicle access and service areas do not visually impinge on front setbacks or affect streetscape elements such as trees and nature strips.*
- *To minimise visual clutter.*

When determining to support the original proposal, the overall the development satisfied the objectives of the overlay by providing a height consistent with surrounding buildings and allowing for a functional warehouse outcome. The buildings are set back from both side boundaries which respects the rhythm within the streetscape. Whilst car parking is located to the front of the building, the parking areas were integrated within the design of the building. The main area of concern related to the proposed front setback that was originally in the order of 5m to 16m due to the angled nature of the frontage as this did not satisfy the schedule and was insufficient for tree planting.

Conditions were placed on the permit to provide a front setback to generally reflect the 13.7 metre front setback, including the 1.8m high front fence and to also require the relocation of the substation to retain existing trees. Minor encroachments such as architectural features were permitted to encroach into this setback due to the angle of the front title boundary of the land. The endorsed landscaping plan provides for a well planted frontage with existing and proposed canopy tree planting supplemented with a blend of plants and shrubs.

The proposed alterations are consistent with the approved architecture which is contemporary in design and considered to be of high quality, as evidenced through the use of materials. The building design provides both vertical and horizontal

elements which balances the façade and provides visual interest. The amendments propose increasing the front setback to allow for a complete reconfiguration and additional parking spaces in the front setback including the construction of a vehicle ramp at the front of both Warehouse 1 and 3 leading to upper parking areas.

The ramps will provide a minimum 13.7m front setback and have been designed as an architectural feature of each building to be finished in precast concrete and are to be provided with planters which allows for cascading planting down the structure.

The height of the feature band on the building is approximately 1.8m - 2.0m to screen the vehicles. The ramp to Warehouse 1 has been sited to the northern end of the frontage and will have minimal appearance with a width of approximately 6.5m leading to the unroofed carpark. The ramp to Warehouse 3 will have a width of approximately 20m leading to the upper parking area located to the northern side of the building to reduce visibility. As Building 3 has a length across the frontage of over 65m the ramp will have minimal visual impact in this context.

The amended landscaping plan provides for additional planting along the front setback and is proposing further 17 canopy trees to be planted in addition to the 6 existing trees required to be retained under the permit. There is to be no change to the approved location of the sub-station under Condition 1c of the permit and there will be no required changes to the approved Tree Management Plan. The 1.8m high front fence will remain as approved with a setback 13.7m as required under the DDO. The revised design and landscaping plan provides an appropriate response and will satisfy requirements of the landscaping conditions on the permit.

Overall the proposed alterations are consistent with the approved plans in providing a high quality architectural finish with a landscaping response that will provide additional tree planting along the frontage. The amended development and landscaping plans satisfy the requirements and design objectives of the Schedule to the DDO.

#### **Car Parking, traffic and access**

Under Clause 52.06 a “warehouse” generates a carparking requirement of 2 spaces to each premises plus 1.5 car spaces to each 100sqm of net floor area. Condition 1b of the permit requires the provision of a minimum of 411 car spaces. This figure also accounted existing parking credits of 162 spaces that applied to the site’s previous industrial use and ensured that the development provide parking in accordance with the Planning Scheme.

The application is requesting amendment to the wording of Condition 1b to require a minimum of 539 car spaces to reflect the reallocation of parking across

the site and increase in overall floor area. There is no change to the number of

Use	Floor Area	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Warehouse 1	12,441sqm of warehouse and ancillary office plus <u>5,237sqm of Industry</u> =17678sqm	2 spaces to each premises plus 1.5 car spaces to each 100sqm of net floor area for warehouse & and 2.9 spaces to each net floor of industrial	342-credit of 105 =237 spaces	238 spaces
Warehouse 2	3,470sqm	2 spaces to each premises plus 1.5 car spaces to each 100sqm of net floor area	57- credit of 19= 38	38
Warehouse 3	15,930sqm	2 spaces to each premises plus 1.5 car spaces to each 100sqm of net floor area	240-credit of 38=202	239
<b>Total</b>			477	539

spaces allocated to the approved use of Warehouse 1.

The application is proposing a total of 539 spaces on site which is 62 in excess of the requirements of Clause 52.06.

Council's Traffic Engineers have advised of no concerns with the revised parking allocation and layout on the basis that the development is providing parking in excess of the required statutory parking requirement. However, it has been recommended to require that the maximum number of patrons to not exceed 80 at any time. This would also manage the number of visitors to the experience centre to ensure this remains an ancillary use on the site and can be addressed as a condition on permit.

### **Signage**

The application proposes two internally illuminated signs to be affixed to the front elevation of Warehouse 3. Both signs will be fitted above the façade glazing to a decorative precast concrete panel and will be approximately 8.5m above ground level.

- Sign 1 with an area of 40m<sup>2</sup> will be fitted to the southern end of the building and will display the message "Toys R Us" in the corporate colours of red, orange, green and blue. The sign is to have a white background with a height of 3.2m and width of 12.5m.
- Sign 2 with an area of 20m<sup>2</sup> will be fitted to the northern end of the building and will display the message "Babies R Us" in the corporate colour of purple. The sign is to have a white background with a height of 2.0m and width of 10m.

Signage within the Industrial 1 Zone is included in Category 2 – office and industrial areas with low limitation under Clause 52.05 -1 (Signs). The purpose is:

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

As there are no specific requirements for signage under the DDO, Schedule 1, the requirements of Clause 22.08 – Outdoor Advertising Policy apply.

The relevant objectives of this 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 characteristics of the locality and supports the garden city objectives of the municipality.*
- *To identify signage types appropriate to different land use and development circumstances.*

The specific objective for Business and Industrial areas is:

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

The proposed signage has been designed in corporate colours and logo to identify the new corporate headquarters for the business. It is considered this response satisfies the objectives of the signage policy and is appropriate after considering:

- The signage approach will provide a consistent design theme to identify the new business.
- The size and proportion of the signs are appropriate with respect to the height and scale of the building with a height of 13.7m and width of 65 metres.
- The position and scale of the proposed signage is considered appropriate for the size of the site, its location and its intended purpose.
- The proposed signage is not expected to have an adverse impact on adjacent properties or the surrounding area.
- The proposed signage is not excessive and will not create visual clutter or disorder.
- The sign is not expected to obscure views or vistas from the public realm.

### **CONCLUSION:**

The proposed amendments to the development are consistent with the applicable requirements and objectives of the Monash Planning Scheme including relevant state and local policies with respect to the use and overall scale of the development. The proposal results in significant investment in the site and



reinforcing the importance of the Monash Technology Precinct as an employment generator within the metropolitan context.

The design response is of good architectural quality consistent with Monash Technology Precinct Urban Design Guidelines and Industry and Business Development and Character Policy. The proposal satisfies the objectives of the Industrial 1 Zone as the predominant and primary use of the land is for industrial use and in an identified industrial area.

**LIST OF ATTACHMENTS:**

Attachment 1 – Proposed Development Plans.

Attachment 2 – Aerial Photograph (January 2021).

Attachment 3 – Zoning and Overlays Map.