# 7.1.4 TPA/56226- 6-8 KERRIE ROAD, GLEN WAVERLEY - CONSTRUCTION OF A TWO-STOREY EXTENSION TO THE EXISTING BUILDING AND REDUCTION OF THE CAR PARKING REQUIREMENT AND BICYCLE FACILITIES FOR A RESTAURANT WITH MAXIMUM 90 PATRONS

Responsible Manager:	Kaitlyn Zeeck, Manager City Planning
Responsible Director:	Peter Panagakos, Director City Development

# **EXECUTIVE SUMMARY**

This application proposes a two-storey extension above an existing single storey commercial building to allow for a maximum of 90 patrons, together with required amendments of the liquor licence area as a result. There are no existing or proposed car parking spaces on site.

The application was subject to public notification and eighteen (18) objections, including a petition containing 571 signatures to the proposal has been received.

Key issues to be considered relate to building height and scale, design detail, building setbacks, facade composition, external amenity impacts and the provision of car parking.

This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant planning policy framework, zoning and overlay provisions, car parking and concerns raised by objectors.

The reason for presenting this report to Council is because Councillor Luo has called the application in to be determined at a meeting of Council.

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 PLANNER:	Jeanny Lui			
WARD:	Gallaghers			
PROPERTY ADDRESS:	6-8 Kerrie Road Glen Waverley			
NUMBER OF OBJECTIONS:	Eighteen (18) iincluding a petition containing 571 signatures			
ZONING:	Commercial 1 Zone			
OVERLAY:	N/A			
EXISTING LAND USE:	Restaurant			
RELEVANT POLICY:	Planning Policy Framework			
	Clause 11.01-1R - Settlement – Metropolitan Melbourne			
	Clause 11.02-1S - Supply of Urban Land			
	Clause 13.05-1S – Noise Management			
	Clause 13.07-1S- Land Use Compatibility			
	Clause 15.01-1S&R - Urban Design			
	Clause 15.01-2S - Building Design			

	Clause 15.01-2L-01 – Industry and Business Built Form
	Character
	Clause 15.01-2L-02- Environmentally Sustainable Development
	Clause 15.01-4S&R - Healthy Neighbourhoods
	Clause 17.01-1S & 1R – Diversified Economy
	Clause 17.01-1L – Diversified Economy
	Clause 17.02-15 – Business
	Clause 17.02-25 – Out-of-Centre Development
	Clause 18.01-3S & 3R – Sustainable and Safe Transport
	Particular Provisions
	Clause 52.06 - Car Parking
	Clause 52.27- Licensed premises
	Clause 52.31- Bicycle Facilities
	Clause 53.18 - Stormwater Management in Urban
	Development
	Clause 65 - Decision Guidelines
STATUTORY (60 DAY)	29 November 2024
PROCESSING DATE:	
DEVELOPMENT COST:	\$1.8 Million

LOCALITY PLAN





### RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit TPA/56226 for the construction of a two-storey extension to an existing building, amendment of the liquor licence area and reduction of the car parking requirement and bicycle facilities for a restaurant use with a maximum of 90 patrons at 6-8 Kerrie Road Glen Waverley subject to the following conditions:

# **Amended Plans**

- 1. Before the development starts, 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 prepared by DND Studio, dated September 2024 but modified to show:
  - a) The facade treatment of the side walls (north and south) of the first and second floors modified to provide for improved decorative treatment to provide for visual interest;
  - b) The 3D images of the rear of the building to reflect the use of material MET-01 as identified in the materials schedule;
  - c) The bin storage area incorporated within the building, or modified screening provided to reduce its visual impact to the laneway;
  - d) Internal reconfiguration to provide internal stair access between the ground and first floors;
  - e) Location of any proposed plant equipment and associated screening;
  - f) The red-line plan amended to include all areas where liquor is stored or served, including internal corridors and back of house (if applicable);
  - g) Bicycle spaces or staircase reorientated to avoid obstruction of any required access;
  - h) Restriction of public access to the ramp down to the bin area at ground level.
  - i) Roof terrace on the second floor of the building to be noted to be used for staff only;
  - j) Changes required to accord with the Waste Management Plan in accordance with Condition 10.

All to the satisfaction of the Responsible Authority.

### Layout not to be Altered

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

### **Consumption of Alcohol**

3. Alcohol must only be consumed within the areas delineated on the plans by a red line. Signs to this effect must be displayed to the satisfaction of the Responsible Authority prior to the commencement of use. Compliance with documents approved under this Permit

4. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

# Hours of Operation

- 5. Except without the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur during the following hours:
  - Monday to Sunday: 12pm to 3pm
  - Monday to Sunday: 5pm to 10pm

With the exception of the Public holiday restrictions from the Victorian Liquor Licensing Authority.

# **Maximum Number of Patrons/ Staff**

- 6. No more than the following number of patrons are permitted on the land at any one time except without the written consent of the Responsible Authority:
  - Monday to Sunday: 12pm to 3pm (maximum 60 patrons)
  - Monday to Sunday: 5pm to 10pm (maximum 90 patrons)
- 7. No more than 8 staff are permitted on the land at any one time without the prior written consent of the Responsible Authority.

### Waste Management Plan

- 8. Before the plans required by Condition 1 are endorsed, a Waste Management Plan [WMP] must be submitted and approved by the Responsible Authority. The plan must be substantially in accordance with the Waste Management Plan prepared by Traffix Group and dated July 2024 but revised to reflect the updated bins location in accordance with the changes under Condition 1, and show the following changes:
  - a) Include the purpose of the WMP as per the City of Monash *Multi-Unit and Commercial Development Waste Management Plan Guide*;
  - b) Addition of the TPA number of this application;
  - c) Separation of dining/ floor area and other spaces (office space, toilets etc) in waste generation calculation;
  - d) The relevant waste generation rate referenced when calculating waste generation;
  - e) A food waste generation estimate provided, and description of how food waste will be managed;
  - f) Description of the proposed bin capacity and type for food waste recycling;

- g) Include a future separated glass recycling service;
- h) Revision for organics recycling as a standard service and reflected in the updated waste generation calculations;
- i) Collection time restrictions described as per City of Monash Local Law No.3 and EPA Guidelines including:
  - i) Collections occurring once a week restricted to the hours 6am to 6pm, q
- j) A set of principle applied to ensure adequate management of waste, including food waste;
- k) Bin storage areas supported with scaled plans and marked up to indicate:
  - i) Amenity (screening, odour, and noise);
  - ii) Cleaning/ washing;
  - iii) Drainage to sewer;
  - iv) Accessibility;
  - v) Bin manoeuvrability;
  - vi) All waste streams.
- I) References to cleaning/ washing facilities and drainage to sewer described in terms of 'must' instead of 'should' as they are mandatory requirements;
- m) The option to engage private bin washing services to support the onsite management of bins (but must not be the only option so issues with bins and spills can be resolved in a timely manner and not subject to third party scheduling);
- n) Indication of site accessibility supported with scaled plans;
- For street collection- reference City of Monash Local Law No.3 including restrictions requiring bins to be brought in from the street following collection on the same day of collection and placed out no more than 24 hours prior to collection;
- p) Show location of each bin at collection point; and
- q) Additional explanation about hard waste and e-waste requirements adequately catered for and planned, supported by scaled plans.

Waste collection must be undertaken in accordance with the approved WMP to the satisfaction of the Responsible Authority.

# Amenity of Area

- 9. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - transport of materials, goods or commodities to or from the land;
  - appearance of any building, works or materials;

- emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- overspill of car parking onto the street network;
- direct access to patrons via the rear laneway;
- presence of vermin

To the satisfaction of the Responsible Authority.

- **10.** Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 11. As part of the ongoing consultant team, DND Studio or an architectural firm which has comparable skills and expertise to the satisfaction of the Responsible Authority, must be engaged to:
  - a) oversee design and construction of the development; and
  - b) ensure the design quality and appearance of the development is consistent with the proposal as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### Sustainable Design Assessment

12. Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment Green Rate dated 16 September 2024 but modified to reflect the updated plan under Condition 1.

Upon approval the Sustainable Design Assessment will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the Sustainable Design Assessment to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

- 13. Prior to the commencement of any sitework (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP 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;
- 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;
- I) 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:
  - Monday to Friday (inclusive) 7.00am to 6.00pm;
  - Saturday 9.00am to 1.00pm;
  - Saturday 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)

No works are permitted on Sundays or Public Holidays except with the prior written consent of the Responsible Authority.

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.

#### **General Conditions**

- 14. The walls on the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
- 15. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
- 16. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 17. All waste receptacles must be stored on the property except during waste collection to the satisfaction of the Responsible Authority.

# Drainage

18. The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.

# Time for Starting and Completion

- 19. 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 two (2) years from the date of issue.
  - b) The development is not completed before four (4) years from the date of issue.
  - c) The liquor licence has not commenced before four (4) years from the date of issue.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

### NOTES

- A. The permit shall have no force or effect until such time as an on-premises licence is issued by Liquor Licensing Victoria.
- B. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- C. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

D. 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.

### **COUNCIL PLAN STRATEGIC OBJECTIVES**

#### **Sustainable City**

Ensure an economically, socially, and environmentally sustainable municipality.

#### **Enhanced Places**

Improving open spaces, bushland and street trees, including prioritising biodiversity and community engagement.

Improve public spaces and local employment by revitalising our employment hubs, activity centres and neighbourhood shops.

Pursue a planning framework that meets Monash needs.

### BACKGROUND

### <u>History</u>

The Kerrie Road small group of commercial properties was first constructed in the 1970's, with a total of 12 premises provided and with angle parking along the street frontage. A rear lane access was also constructed at this time.

Two previous planning permits have been issued for the site. Planning Permit TPA/49259 was issued in October 2018 for a reduction of the car parking requirement for a restaurant with a maximum of 60 patrons and TPA/51064 was issued in March 2020 for the sale and consumption of liquor. Both permits have commenced and remain valid.

### Site and Surrounds

The subject site is located on the eastern side of Kerrie Road in a small commercial shopping strip, located 25 metres south of High Street Road in Glen Waverley. The site is a consolidated double lot, currently developed and operating as a single storey restaurant.

The site is rectangular in shape with frontage to Kerrie Road of 11.28 metres and a total area of 378 square metres. There is a slight slope of approximately 1 metre from the front to the rear of the land. The property abuts a laneway to the rear and has no on-site car parking provision.

The site is affected by three restrictive covenants, details of which follows:

B701394-Lot 4- will not be used for any other business than that of a milk bar, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 will not be used for the purpose of conducting the business of a milk bar.

- B831397- Lot 10- will not be used for another other business than a pharmaceutical chemist, lots 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 will not be used for the purpose of conducting the business of a pharmaceutical chemist.
- C395908- Lots 8 and 9- will not be used for any other business than that of a retail self service or bulk grocery and commonwealth post office agency, lots 5, 6, 7, 11, 14, 15 will not be used for the purpose of conducting the business of a retail and bulk grocery including self service grocery.
- C943326- Lot 11- will not be used for any other business than that of a ladies and gentleman's hairdresser, lots 5, 6, 7, 14, 15 will not be used for the purpose of conducting the business of a ladies and gentleman's hairdresser.

The subject land is identified as Lot No 6 and 7 on the Plan of Subdivision. The proposal will not be in breach of the covenants affecting the land.

The surrounding land use is described commercial and residential. The land use immediately adjoining the subject site comprises:

- <u>North:</u> 4 Kerrie Road is zoned Commercial 1 and developed with a single storey shop for the purpose of a news agent.
- South: 10-12 Kerrie Road is zoned Commercial 1 and developed with a supermarket (IGA).
- <u>East:</u> A Right-of-way/laneway is located to the rear of the site, providing access to the commercial premises fronting Kerrie Road. On the eastern side of the laneway is 203 Gallaghers Road which is zoned Neighbourhood Residential Schedule 4 and is developed with a service station. Immediately south of the service station and to the rear of the southern-most commercial premises is land owned by Council and used an at-grade public car park.
- <u>West:</u> Immediately in front of the site is angled, indented parking on Kerrie Road which includes 1 hour (1P) and half an hour (1/2P) parking restrictions. Parallel parking is also available on the opposite side of Kerrie Road, with a 2 hour parking restriction. Directly opposite the site is No. 880 High Street Road which is zoned Neighbourhood Residential Schedule 4, and contains a single storey medical centre. Immediately south of the medical centre on Kerrie Road is a Council reserve known as 'Kerrie Road Reserve'.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 1).

# PROPOSAL

The proposal is for the construction of a two-storey extension to the existing single storey building and expansion of the existing restaurant to allow for a maximum of 90 patrons. The proposal also seeks to amend the liquor license area to accord with the proposed new floor area of the restaurant and reduce the car parking requirement for the site to zero.

Key details of the proposal are summarised as follows:

Existing Proposed
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Maximum Overall Height	Approximately 4.1m	12.76 metres
Number of Storeys	Single storey	Three Stories
Total floor area	675 sqm	1,369 sqm (increased by 694 sqm)
Maximum Number of patrons (restaurant)	60	12pm-3pm: 60 (unchanged) 5pm-10pm: 90 (increased by 30 patrons) Maximum of 8 staff at any one time.
Operation days and hours (maximum number of patrons)	Monday to Friday: 12:00pm – 10:00pm Saturday and Sunday: 12:00pm – 11:00pm	Monday to Sunday 12pm to 3pm; and 5pm to 10pm
Car Parking	Zero	Zero
Front setback	Zero	Ground floor: Zero (unchanged) First floor: Zero Second floor: 10m
Rear setback	Approx. 2.8m	Ground floor: Approx. 2.8m (unchanged) to wall with stairs and screen wall on rear boundary First floor: 2.8m to wall with stairs and screen wall on rear boundary Second floor: 2.8m
Materials and Finishes	Rendered and face brick.	A contemporary building facade is proposed, characterised by a mixture of composite cladding, render finish, metal cladding and face brick. The building provides a metal cladding framing element with mix of metal louvres and metal slat balustrades.

- Minor internal alterations are proposed to the existing ground floor.
- The proposed first floor will provide six private dining rooms, toilets, storage area, and an outdoor 'breakout' area (balcony) to the rear of the building.
- Construction of an external staircase to the rear of the site to provide access to the first floor.
- The proposed second (top) floor will not be accessible to patrons and will provide storage area, staff area, office space, staff bathroom and toilets and a roof terrace to the Kerrie Road frontage.
- Internal configuration of the existing restaurant.
- Amendment of red-line area for the sale and consumption of liquor to include the first floor private dining area.



3D Perspective of proposed development as viewed from Kerrie Road

Attachment 2 details plans forming part of the application.

# **PERMIT TRIGGERS**

# Zoning

The site is located within the Commercial 1 Zone (C1Z) under the Monash Planning Scheme. The purpose of this zone includes:

• To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

Pursuant to Clause 34.01-1 of the Monash Planning Scheme, a planning permit is not required to use the land for restaurant.

'Restaurant' is included in 'Retail Premises' in Clause 73.03- Land Use Terms which is a Section 1 Use in Clause 34.01-1.

Pursuant to Clause 34.01-4 of the Monash Planning Scheme a planning permit is required to construct a building or construct or carry out works.

# **Overlay**

The subject site is not affected by any Overlays.

# Particular and General Provisions

# Clause 52.06: Car Parking

Before the floor area of an existing use is increased or an existing use itself is increased, the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Pursuant to Clause 52.06-3 (Car Parking), a permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5.

It is noted that the site is not located within the Principal Public Transport Network (PPTN). The proposal increases the floor area of the building, as well as the number of patrons. No additional car parking spaces on the land are provided and the proposal seeks to reduce the 12 additional car parking spaces required pursuant to Clause 52.06-5.

In accordance with Clause 52.06-7 of the Monash Planning Scheme, a Car Parking Demand Assessment has been provided.

Car parking will be discussed in the assessment section below.

# Clause 52.05: Signs

The proposed plans detail the display of four (4) business identification signs. These are summarized as:

Sign Number	Proposed Sign	Sign Dimensions	Sign Area
01	Metal sign with Chinese	1.885 x 0.64	1.2sqm
	character		
02	Metal sign with Chinese	0.63 x 1.92	1.2sqm
	character		
03	Metal business logo	0.8 x 0.8	0.64sqm
04	Metal business logo	0.5 x 0.5	0.25sqm
Total			3.29sqm

All proposed signs are non-illuminated.

As the total area of all business identification signs does not exceed 8 square metres, a planning permit is not triggered under Clause 52.05-11 *Signs*.

# Clause 52.27- Licensed Premises

Pursuant to Clause 52.27 *Licensed* Premises, a planning permit is required to use land to sell or consume liquor for a restaurant use. A Planning Permit is also required to extend the number of patrons allowed under an existing licence or to increase the area that liquor is allowed to be consumed or supplied under a licence to be increased.

Clause 52.34: Bicycle Facilities

Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

The proposal requires the provision of 13 bicycle spaces for employees and 7 bicycle spaces for visitors. 1 shower facility and change room is also required for employees.

A total of 2 bicycle parking spaces are proposed at the site rear, with 1 staff shower provided on the second floor.

The proposal seeks to reduce the bicycle parking requirement pursuant to Clause 52.34-2.

# Closed Landfill Buffer

The site is not within the identified buffer of a post closure landfill.

# **Cultural Heritage Management**

The subject land is not within a Sensitive Cultural Heritage Area and a Cultural Heritage Management Plan is not required.

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

# CONSULTATION

Further information was requested of the Permit Applicant on 29 July 2024. In this letter, officers also raised the following preliminary concerns:

- The architectural screen extending from the top of the ground floor to the second floor facing Kerrie Road exacerbates the visual bulk and mass of the building. It deteriorates the articulation created by the second floor setback, and expands 'wall height' on the Kerrie Road boundary.
- Any architectural features/ screens on the building façade must not be constructed outside of the property boundary of the subject site.
- The proposal to increase the number of patrons by 60 requires a reduction of additional 24 car parking spaces from the existing use would be problematic.

Officers advised the Applicant in writing that should these concerns not be addressed, this application was unlikely to be supported and that the application would be refused.

The Permit Applicant responded to this letter on 30 September 2024 (prior to notification of the application) by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address the concerns raised by Council officers which includes:

- Architectural screening reduced in height and recessed to wholly contained within the site boundaries.
- The maximum number of patrons reduced to 90 and only applies to dinner period (5-10pm), which would result in request for a reduction of 12 car parking spaces. During the day trade, patron numbers would remain unchanged.

The Applicant has been advised that this application is coming to the January Council meeting, and a letter was sent to the Applicant with the details of the Council meeting. The Applicant has also been 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 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 two signs displayed on the site (one to the Kerrie Road frontage and one to the rear laneway).

In response to notification of the proposal, 18 objections including a petition with 571 signatures were received.

The main grounds of objection can be summarised as:

- Proposed scale of the business is inappropriate for the site. A three storey building is out of character.
- Insufficient car parking provision and existing car parking issues. The proposal will further increase car parking demand and have negative impact to the area.
- Increase in external amenity issues including noise, traffic, smoking, vaping, gambling and increase in rubbish on street will negatively impact the nearby properties.
- Air conditioning and venting units on the roof will cause noise issues to adjoining properties.
- Potential structural impacts to surrounding buildings and safety hazard during construction.

Attachment 4 details the location of objector properties.

# **Referrals**

# **External Referral**

No referrals were required pursuant to Clause 66 of the Monash Planning Scheme.

# **Internal Referral**

# Transport Engineer

Council's Transport Engineer has reviewed the proposal and has advised that:

• The plans indicate the ramp down to the bin area at the rear of the building as 1:3 or 19 percent grade. This may be too steep for practical use and it is recommended that the

external access at the rear of the building be closed off to prevent the ramp from public use.

- The proposed increase in 30 patrons has a parking requirement of 12 additional spaces. Council officers have undertaken independent parking occupancy surveys of the Kerrie Road Shopping Centre off- street car park. Parking surveys were undertaken on Friday 26 July and Saturday 27 July 2024 at hourly intervals between 8am and 9pm. Survey data collected indicates that there was a minimum of 25 and 16 spaces available in the Kerrie Road Shopping Centre car park on a Friday and Saturday evening at 7pm. On street car parking located to the front of the premises provided for a minimum of 7 and 3 spaces available on a Friday and Saturday evening at 7pm, excluding ½P spaces .
- The proposal to reduce the 12 car parking spaces in the evening associated with the increase number of patrons is supportable. Parking will still be available for residents and businesses in the immediate area and allow for future development opportunities.
- The proposed access directly from the laneway will also encourage customers to park in the public car park behind the site, thus reducing demand along Kerrie Road.

# Waste Services

The proposed Waste Management Plan (WMP) was reviewed by Council's Waste Officers who advised that several amendments are required including an updated purpose of the WMP in accordance with the Monash Guidelines, amended details to separate dining floor areas and other spaces (office/ toilets etc) and corrected waste volume calculation based on the updated floor area for the different spaces. Additional changes are also required to include organic recycling and details of collection time restrictions as per City of Monash Local Laws No.3 and EPA Guidelines, details of bin storage areas, bin transfer obligations and bin collection process. An amended Waste Management Plan will be required as a permit condition, should a permit be issued.

# **RELEVANT PLANNING POLICY**

### **Purpose and Vision**

The purpose and vision of the Monash Planning Scheme includes the strategic directions for the City of Monash. The Planning Policy relevant to the current proposal includes the consideration of:

- sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1S);
- building design outcomes that contribute positively to the local context and enhance the public realm (Clause 15.01-2S);
- achieving building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development (Clause 15.01-2S);

### Planning Policy Framework (PPF)

The subject site is located within a small commercial shopping strip, adjacent to High Street Road, approximately 800-metre east of the Glen Waverley Major Activity Centre, with good access to services and public transport.

The concept of expanding the existing commercial premise and use will increase employment opportunities (Clause 17.01-1R) and will provide for small scale shopping opportunities that meets the needs of local residents in convenient locations (Clause 17.02-1S).

Clause 15.01 (Built Environment) requires that development appropriately responds to its surrounding landscape and character and provides for a high quality design response and limits adverse off-site impacts.

# Commercial 1 Zone

Clause 34.01-8 of the Monash Planning Scheme requires that Council must give consideration to a range of decision guidelines, when determining an application for development and use within the zone.

For the proposed buildings and works, the following must be considered:

- 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.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

# Licensed Premises

The following decision guidelines at Clause 52.27 of the Monash Planning Scheme are applicable when considering an application for a liquor licence:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.

• The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

# ASSESSMENT

# **Built Form**

The subject site is located within an existing commercial strip surrounded by varying types of nonresidential uses (petrol station, medical centre, public car park and reserve).

Adjoining properties are predominantly single and double storey buildings, zoned Commercial 1 and Neighbourhood Residential Zone.

Whilst the Commerical 1 Zone has no height limitations, the Neighbourhood Residential Zone has a 2-storey height limit. The proposed 3-storey building within the Commercial 1 zone will provide a modest differentiation to the commercial area from the residential area, but is not excessively higher than the permissible height in the adjoining residential zone.

Building up to a property boundary is a common practice within a Commercial 1 Zone due to the narrow width of the site and lack of sensitive interfaces at the lower levels. The length of the building is also such that if adjoining properties were to propose residential uses on the upper levels, habitable room windows could be designed to face the front and rear of the site and not rely on side boundaries to provide daylight.

The proposal has been designed to be viewed as a two-storey building from the street with a recessed upper level. This has been achieved with the use of increased setbacks to the second floor and architectural detaining / finishes on the façade. A canopy is also maintained at the first floor, which has a consistent height and form with the adjoining commercial buildings.

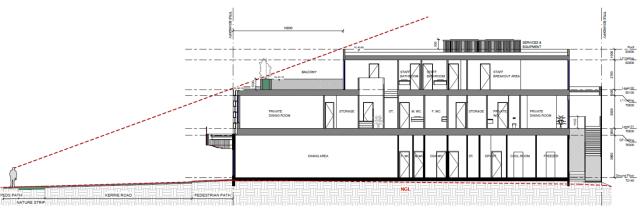
Given this will be the tallest building in this shopping strip until other adjoining properties are developed, the side walls of the building will be highly visible to the street. It is recommended that the façade treatment of the side walls of the first and second floors be modified to provide for additional visual interest through a form of decorative façade treatment. This may include patterned imprint and/or some other form of decorative design incorporated into the façade.



3D Perspective of Proposed Development from Kerrie Road



3D Perspective of Proposed Development from Kerrie Road



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Sightline from Kerrie Road frontage

The existing rear laneway environment is not considered to be currently pristine, and the proposal will be an improvement of the existing condition of the laneway. The proposed mesh screen to the

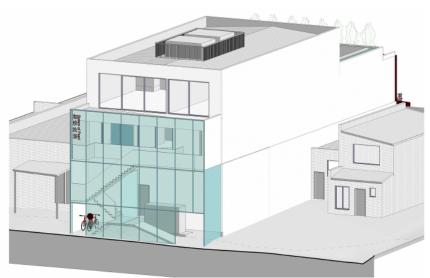
façade of the building will create a visual buffer and increase visual interest when viewed from the rear laneway. The second floor being setback from the rear boundary also assists in reducing the visual dominance of the three-storey built form.

It is considered that bin storage should be better incorporated within the building or screened from the laneway which could be addressed via permit condition.



REAR PERSPECTIVE

3D Perspective of Proposed Development from Rear Laneway



3D Perspective of Proposed Development from Rear Laneway

There would be no unacceptable resultant overshadowing or overlooking to the adjoining properties.

# Car Parking

Clause 52.06 (Car Parking) specifies the car parking requirement of 'Restaurant' based on the number of patrons permitted on site.

The proposal generates the following additional car parking spaces having regard to this provision of the Monash Planning Scheme:

	Increase number of patrons	Clause 52.06 Requirement (outside PPTN)	Car Spaces Required	Additional Car Spaces Provided
Restaurant	30	0.4 to each patron permitted	12	0
Shortfall		·	12 spaces	

The above table shows that the increased number of 30 patrons requires provision of 12 additional car spaces. With no ability to provide parking on site, the proposal seeks to reduce the car parking requirement to zero.

A Traffic report prepared by the Traffix Group (dated 18 September 2024) was provided by the applicant. The report provides an assessment of the potential car parking impacts of the proposal.

The report discusses that the peak demands of the proposal are expected during evenings, as the existing number of patrons will be maintained during lunch period. During the evening periods, the car parking surveys conducted show that there were 35 to 51 vacant spaces within the survey area, and the expected overflow of 12 spaces associated with the proposal can be accommodate within the nearby streets.

Council's Transport Engineer has reviewed the Traffic report prepared by the Traffic Group and conducted their own parking surveys on a Friday and Saturday evening in response to the significant number of objections received.

Council's observations and surveys confirm the availability of public parking to support the waiver of 12 spaces in the evening. Survey data collected for Council on Friday 26 July and Saturday 27 July 2024 showed the additional vehicles can be accommodated within the nearby streets and off-street car park without significant impact to available parking opportunity for existing residents and businesses. This matches the traffic and parking impact assessment supplied in the application. Higher parking demand is evident for the 29 spaces directly in front and opposite the shopping strip on Kerrie Road, particularly around lunch time. Parking in this localised area is more readily available in the evening, especially in the ½ hour time-limited spaces (11 in total) which are not suitable for restaurant patrons or staff. Council has in-ground parking sensors installed at this location which generally show at least five ½ hour time-limited spaces are available after 6pm to support nearby businesses.

In addition, Council's Planning Investigation Officers visited the site on two separate occasions, at 12:45pm and 7pm on 22 November and 12 December 2024, to observe existing patronage and the availability of car parking spaces. The result of both visits showed that patron numbers on site did not exceed 60 and that parking was available both on the street and in the public off-street car park to the rear, during both peak lunch and dinner trade.

Having considered the traffic report provided by the Traffix Group and advice from Council's Transport Engineer, and having regard to the relevant planning policy contained within the

Monash Planning Scheme, the proposal to reduce 12 car parking spaces during evening hours (5pm to 10pm) is considered satisfactory.

It is considered that the traffic generated by the proposal can be accommodated by the surrounding street network.

The provision and location of two bicycle parking spaces on the site is also acceptable for this proposal. However, the current location of bicycle parking appears to be restricting access from the staircase provided to the bike area. This can be dealt with by permit condition.

# **Licensed Premises**

The existing liquor license to the premises allows a maximum of 60 patrons and the following hours:

a. Monday to Friday: 12:00pm -10:00pm

b. Saturday and Sunday: 12:00pm - 11:00pm

With the exception of Good Friday and Anzac Day which are to be determined by the Liquor License Authority.

The proposal is to amend the existing liquor licence to extend the 'red line' area to the proposed first level private dining area and increase the maximum number of patrons on site to 90 in the evenings, as well as an amendment (minor reduction) of operating hours.

The subject site is located in the middle of the commercial strip, close to High Street Road which is a main road and surrounded by a mixture of non-residential uses. There are no residential uses directly abutting the site. The use of the land as a restaurant is as-of-right within the Commercial 1 Zone. Having regard to Clause 52.27, should the application receive support the proposed amendments to the liquor licence (restaurant) are considered satisfactory.

A condition will be required with respect to the roof terrace on level 2, so that this space be clearly marked for staff use only. This level is designated for staff break out area and a storage area only, and it follows that the terrance should also be noted as such.

There are no other premises within this commercial strip that has a liquor licence, therefore there will be no cumulative impact on the amenity of the surrounding area as a result.

Whilst the permit applicant notes that the premises is closed on a Tuesday, it is considered reasonable that the conditions of the Permit to allow for Tuesday trade as there will be no additional impact from trading on this day should the owners wish to do this in the future.

The proposal is consistent with the decision guidelines of Clause 52.27 *Licensed Premises* and is unlikely to cause additional unreasonable adverse impacts on the amenity of the surrounding area.

### Waste Management

Waste storage is proposed to be located to the rear of the site which is directly accessed from both the building and the laneway to the rear. Waste collection will occur via a private contractor.

The private contractor will prop temporarily within the right of way whilst the bins are emptied. Waste collection will be undertaken outside of the peak hours to minimise disruption.

# **Environmentally Sustainable Development**

Clause 15.01-2L-02 of the Monash Planning Scheme provides a policy framework for the early consideration of environmental sustainability at the building design stage.

It is policy that applications for the types of development listed in this Clause be accompanied by information which demonstrates how relevant ESD policy objectives will be achieved. Therefore an application must be accompanied by either a Sustainable Design Assessment or a Sustainability Management Plan as specified.

For this application, a Sustainable Design Assessment (SDA) is required and has been provided with the application, prepared by Green Rate Sustainable Building Consultant. The report suggests the use of a 6000L water tank to supply water to toilets and reduce potable water consumption. A proposed water tank is located on the ground floor at the rear of the building.

The BESS assessment shows that the proposal achieves best practice in environmentally sustainable development in accordance with Clause 15.01-2L-02 *Environmentally Sustainable Development Policy*.

# **Objections not Previously Addressed**

The majority of the objectors' concerns have been addressed in the assessment section above. However, the following additional comments are provided:

Increase in external amenity issues including noise, smoking, vaping, gambling and increase in rubbish on street will negatively impact the nearby properties

The use of the land for a restaurant is an as-of-right use in the Commercial 1 Zone (no Permit required), and increasing the maximum number of patrons by 30 will not significantly increase external amenity issues raised. Concerns regarding human behavior such as smoking, gambling or tipping of rubbish on the street are regulated under different Council laws and by the Victorian Police.

<u>Air conditioning and venting units on the roof will cause noise issues to adjoining properties</u> Air conditioning and venting units are services normal to a building and are exempt from Planning Permit under Clause 62.02-2 of the Monash Planning Scheme. Having said this, permit conditions will require these details to be included on the plans for clarity. It is noted that immediately adjoining properties are commercial and not residential.

<u>Potential structural impact to surrounding buildings and safety hazard during construction</u> This is not a relevant planning consideration. Any required protection works will be assessed during Building Permit stage by the appointed Building Surveyor.

# **FINANCIAL IMPLICATIONS**

There are no financial implications to this report.

# **POLICY IMPLICATIONS**

There are no policy implications to this report.

### **CONSULTATION**

Public notification of the application was carried out in accordance with the requirements of the *Planning and Environment Act 1987*. Details of this notice period are provided under Public Notice.

# SOCIAL IMPLICATIONS

There are no social implications to this report.

# HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

# **GENDER IMPACT ASSESSMENT**

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

### **CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

### CONCLUSION

The extension of the existing building resulting in a three-storey building for commercial use meets the purpose and intent of the Commercial 1 Zone and the relevant State, Regional and Local planning policies.

The proposal is a modest increase in built form and building height within the commercial strip of Kerrie Road, where change can be expected. The contemporary architecture of the building achieves a good quality architectural outcome and avoids lengthy blank facades.

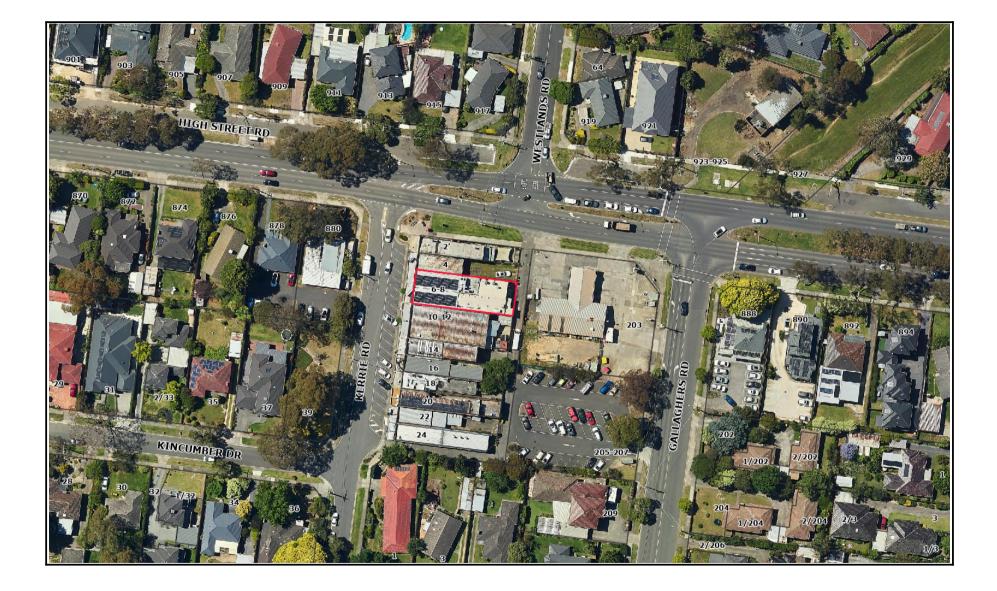
The proposed setbacks of the top level will avoid unreasonable visual bulk and mass when viewed from the street and adjoining properties.

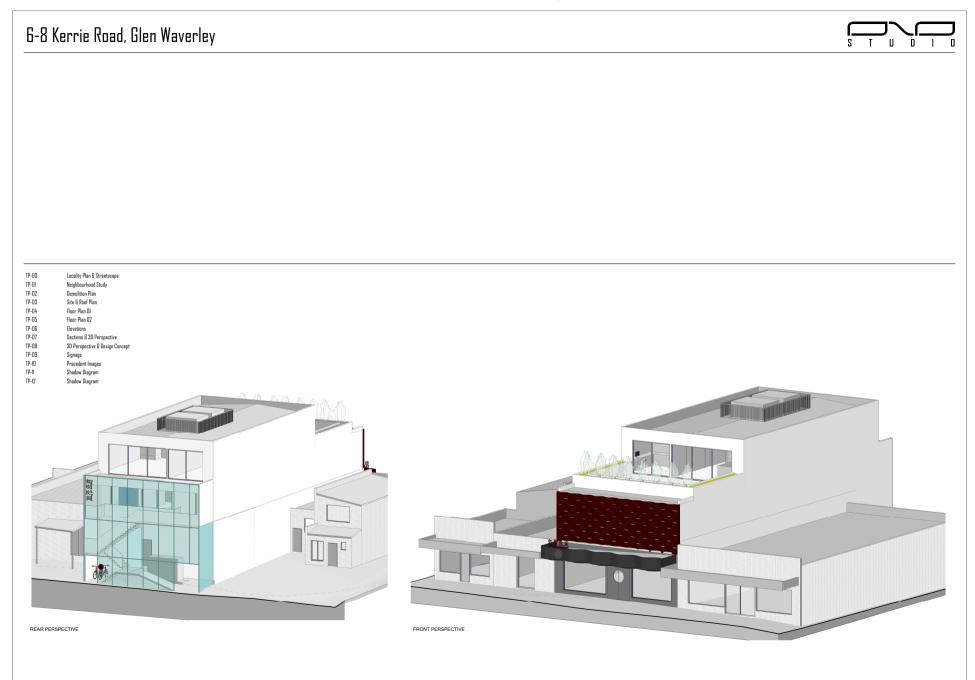
It is considered that there is sufficient car parking available in the street and the public car park to the rear of the site to accommodate the additional car parking demand which would be generated in the evenings.

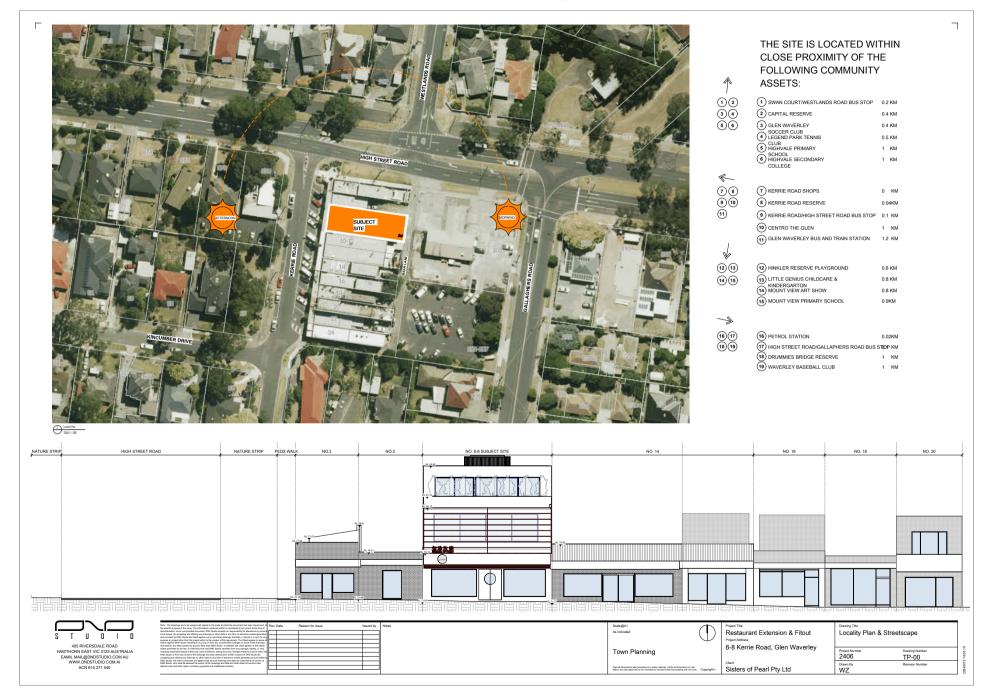
Overall, the proposal is considered appropriate in both its concept and design details. It is recommended that a Notice of Decision to Grant a Planning Permit be issued subject to conditions.

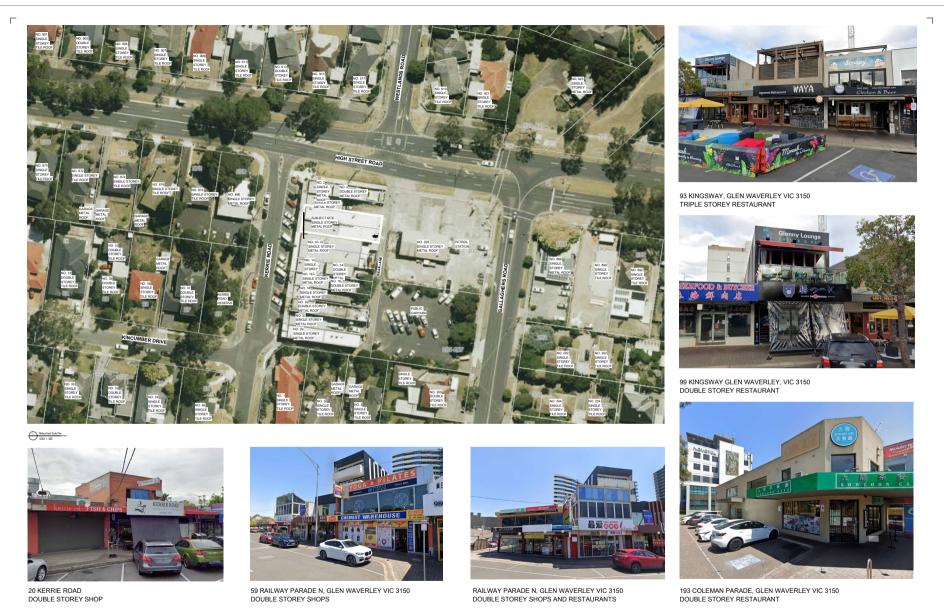
# **ATTACHMENT LIST**

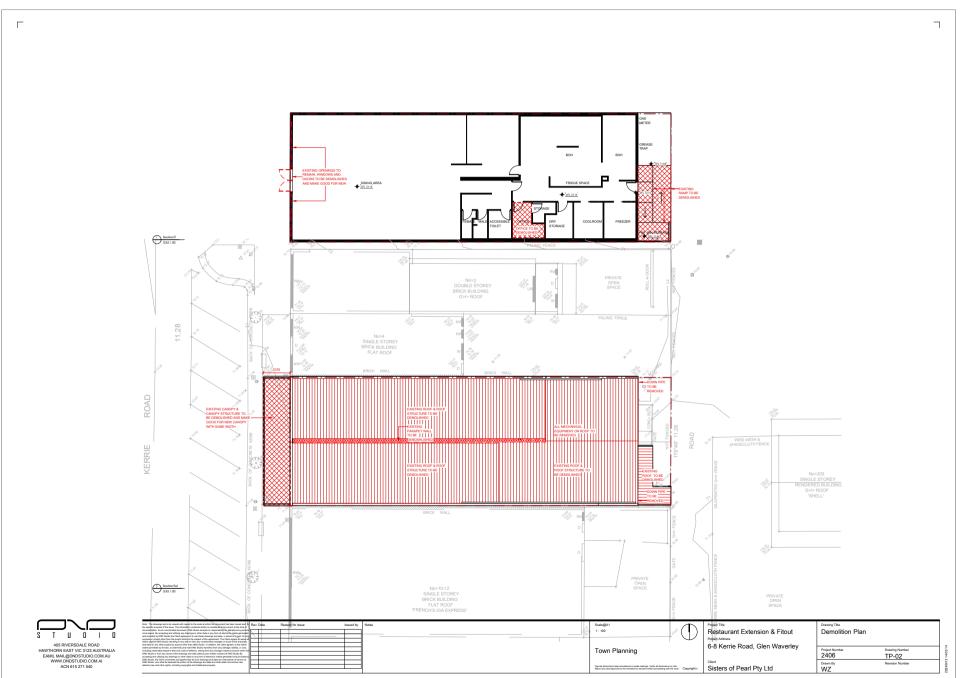
- 1. Aerial Photograph 6-8 Kerrie Rd [7.1.4.1 1 page]
- 2. Proposed Development Plans 6-8 Kerrie Rd [7.1.4.2 14 pages]
- 3. Zoning and Overlays Map 6-8 Kerrie Rd [7.1.4.3 1 page]
- 4. Objector Map 6-8 Kerrie Rd [7.1.4.4 1 page]

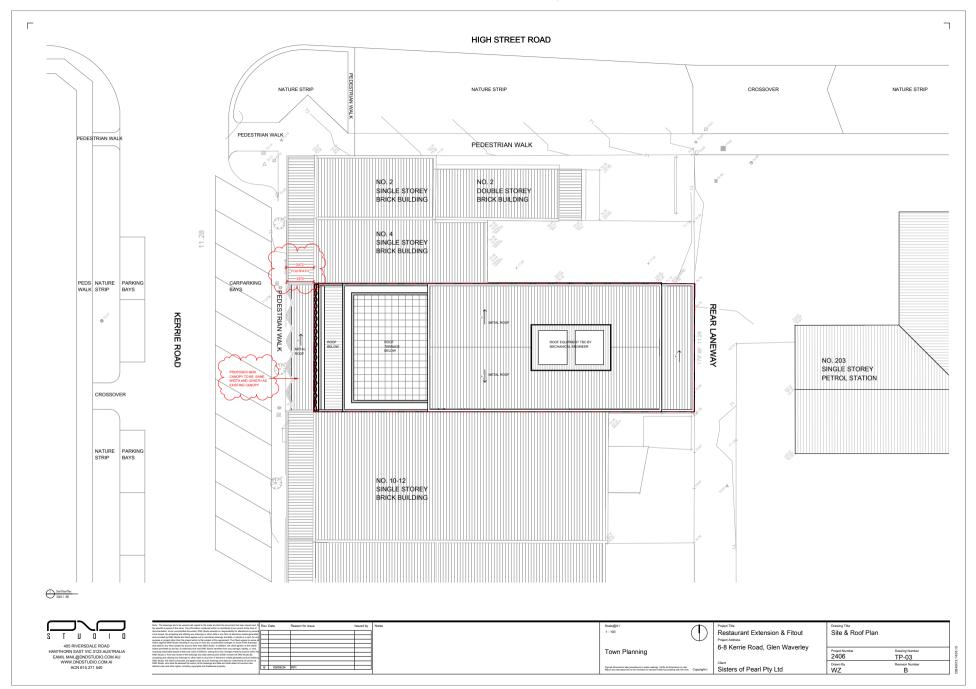


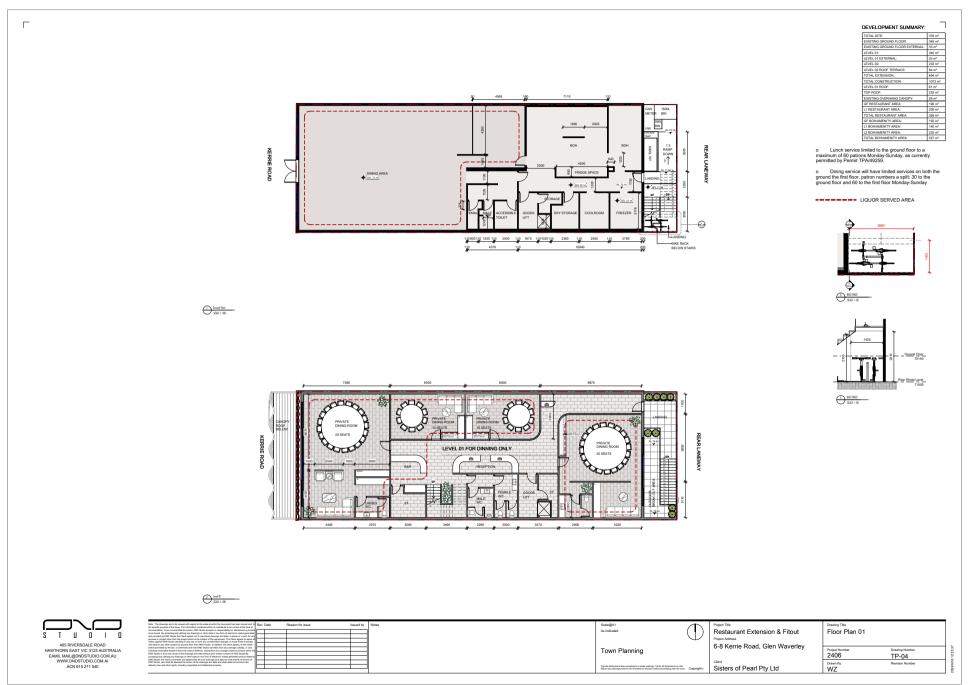




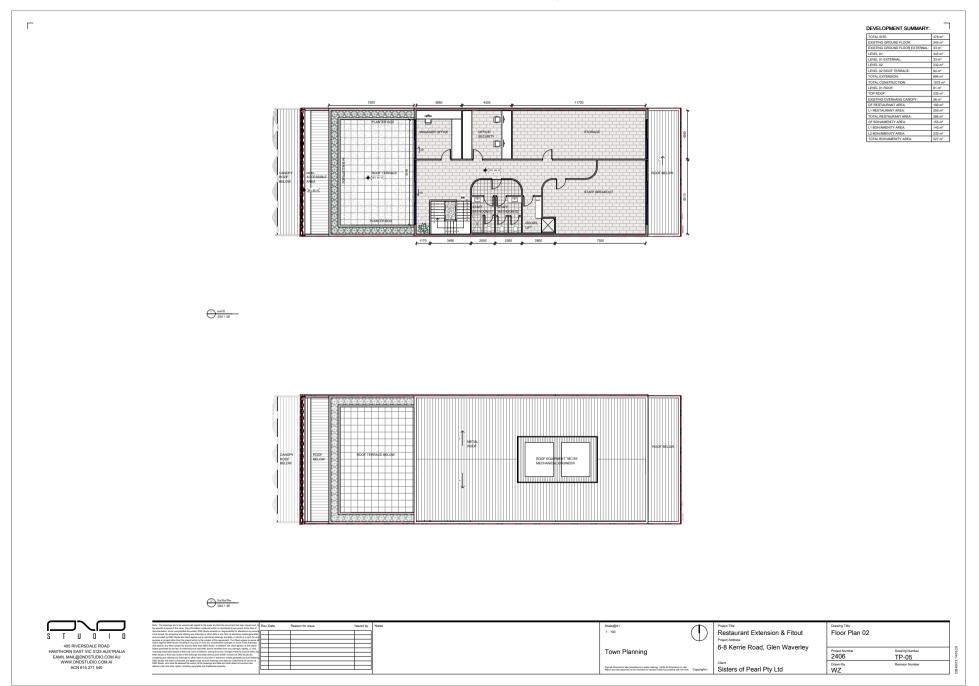


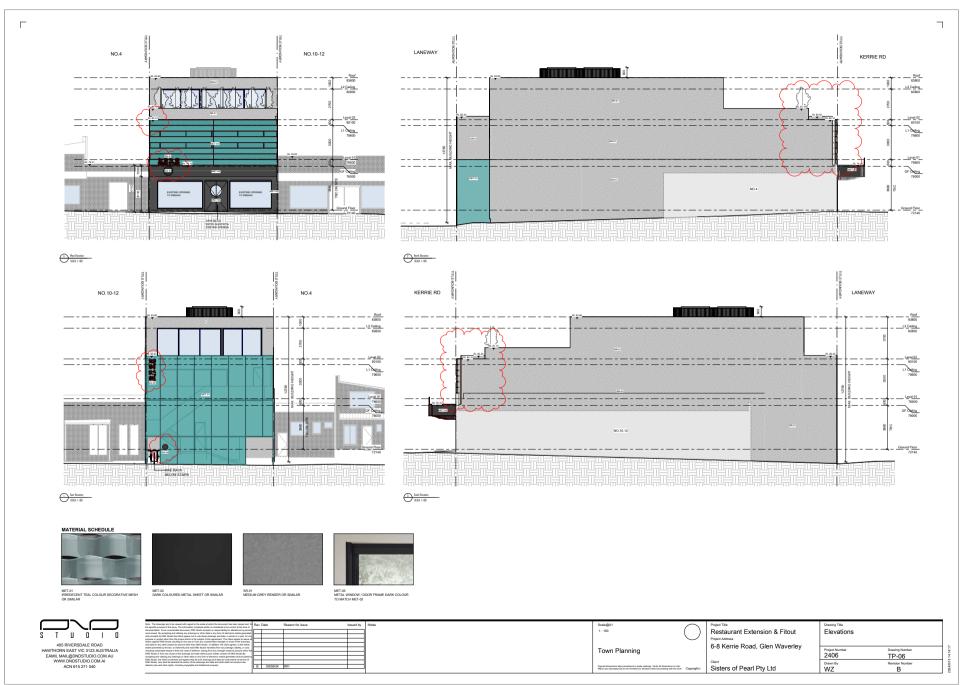


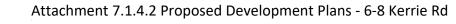


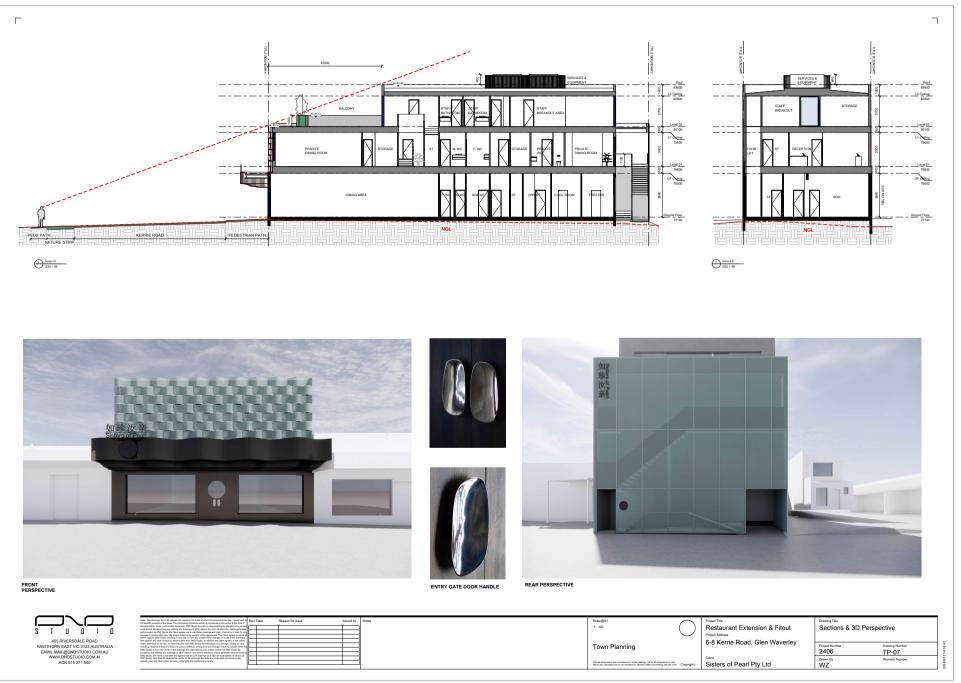


# Attachment 7.1.4.2 Proposed Development Plans - 6-8 Kerrie Rd











CANOPY FORM CONCEPT



THE CANOPY DESIGN DRAWS INSPIRATION FROM THE TIMELESS ELEGANCE OF SEASHELLS, MIMICS ITS INTRICATE LAYERS FOR VISUAL DEPTH AND STRENGTH.

COLOUR CONCEPT





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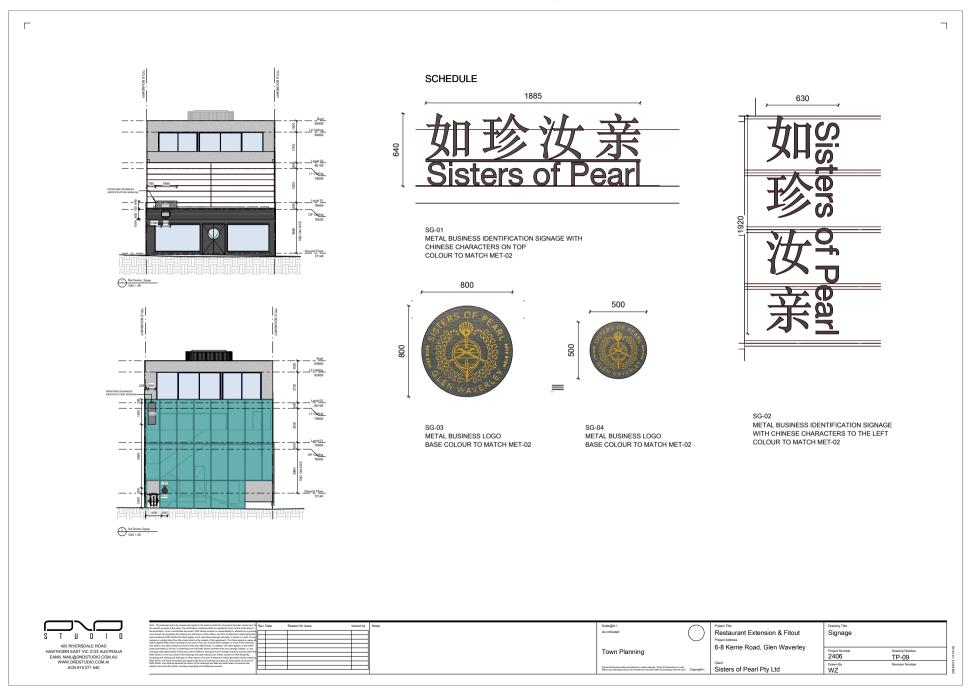
WAVY GRAIN OF THE FACADE INSPIRES BY THE DYNAMIC AND FLOWING NATURAL STRUCTURE OF SEASHELLS. ITS FLUID MOVEMENT CREATES RHYTHM AND HARMONY.



THE COLOUR COMBINATION IS DERIVED FROM THE IRIDESCENT HUES FOUND INSIDE SEASHELLS, FEATURING A BLEND OF TEAL, BLUE, AND GREEN TONES. THESE COLOURS EVOKE A SENSE OF CALM AND TRANQUILITY, REMINISCENT OF THE OCEAN.

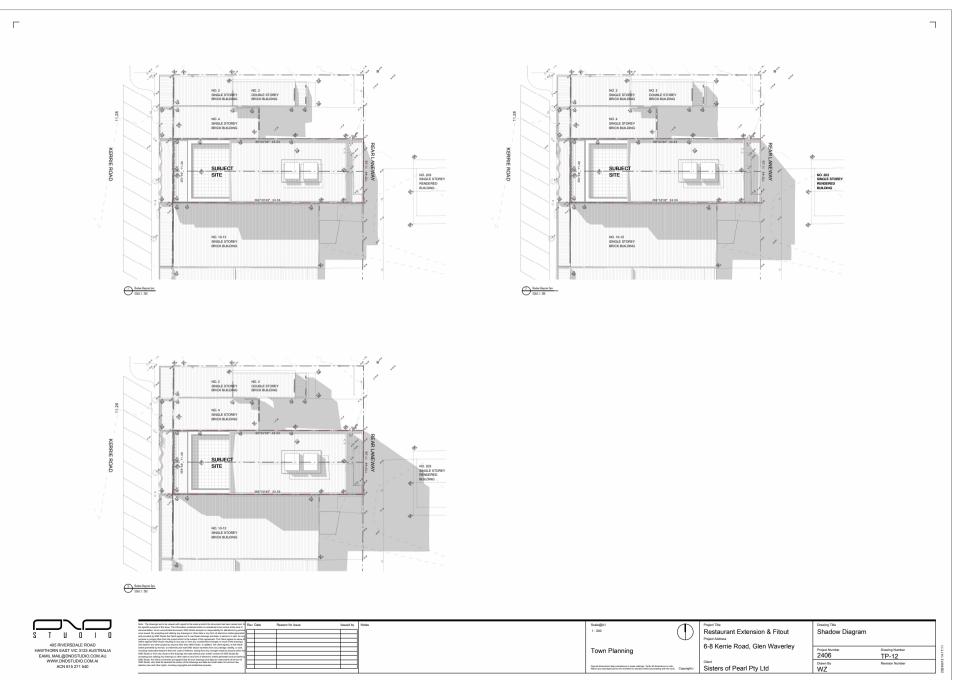
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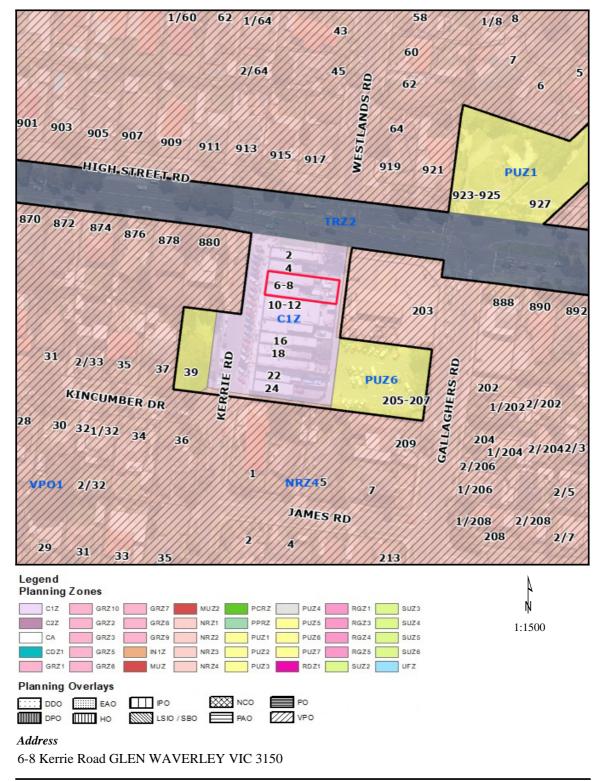








Planning Overlays and Zones



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