

9.4 PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN

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File No: PLP034/19

- Attachments:**
1. Clause 55 Assessment
 2. Planning Policy Framework
 3. Proposed plans - 21 Station Street Wallan

Property No.:	109577
Title Details:	Lot 1 on Plan of Subdivision 344785P Volume 10371 Folio 461
Applicant:	Whiteman Property & Associates
Zoning:	Township Zone
Overlays:	Land Subject to Inundation Overlay
Objections Received:	Four
Cultural Heritage Management Plan Required:	No, the subject site is not located within an area of Aboriginal cultural heritage sensitivity
Officer Declaration of Conflict of Interest:	No officers involved in the preparation of this report have any direct or indirect interest in this matter

SITE MAP



PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

SUMMARY

The application is seeking approval for the use and development of the land for a mixed use development comprising of apartments, childcare centre, retail premises (including shops, supermarket, bottle shop, café and tavern), sale and consumption of liquor, removal of native vegetation, reduction in car parking requirements and creation of carriageway easement.

The application was advertised via letters to adjoining landowners and occupiers and those within the surrounding area along Station Street. A sign was also displayed on the site fronting Station Street. A total of four objections have been received at the time of writing this report.

The primary matters are the appropriateness of the proposed land uses within the context of the site and surrounds, drainage and access considerations, the proposed car parking reduction and hours of operation and service of liquor.

This report recommends that a Notice of Decision to Grant a Planning Permit be issued for the proposed use and development of the land, as it is considered that the proposal is consistent with the strategic significance of the site in relation to its proximity to the Wallan Station and residential growth within Wallan East. The proposal will result in a positive planning outcome, subject to conditions regarding restricting the hours of operation, delivery and service and sale of liquor to ensure that the amenity of the existing residential neighbourhood is not detrimentally affected.

SITE AND SURROUNDS

Subject Site Description

The subject site is a rectangular allotment located on the western side of Station Street. The site currently contains the Rattler's Hotel, which consists of a building located on the western boundary of the site. Two outbuildings are also currently existing on the site. A mix of native and planted exotic trees are scattered around the existing Hotel. The remainder of the site is vacant, with the topography of the site being relatively flat.

Surrounding Area

The subject site is located immediately west of the Wallan Station, with the site fronting an entranceway to the station car park. Residential properties are located to the south and north of the subject site, with the residential neighbourhood extending the length of Station Street. Land to the west of the subject site is within an established industrial estate, consisting primarily of bulky goods/restricted retail warehousing development although there is evidence of office and depot uses within the industrial estate.

The subject site is located 20m to the west of the Wallan Station, 280m to the north of the Wallara Waters and Newbridge residential estates, 2.5km from Wallan Secondary College and 3.5km from Wellington Square Shopping Centre.

PLANNING HISTORY

Planning History

A previous planning permit (P306106/10) was issued on the land for the use of the land to sell and consume liquor (increase to the number of patrons) which was issued on 11 June 2010.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Title/Restrictions/Agreements

The copy of title submitted with the application indicates that the site is not affected by any restrictive covenants or agreements, although the site is affected by a sewerage easement (identified as E-2 of the plan of subdivision) which travels through the centre of the site.

PROPOSAL

The application is seeking approval for the use and development of the land for a mixed-use development comprising of apartments, childcare centre, retail premises (including shops, supermarket, bottle shop, cafés and tavern), sale and consumption of liquor, removal of native vegetation, reduction in car parking requirements and creation of carriageway easement.

A common property accessway is proposed to run east-west through the centre of the site to provide access to Station Street and the proposed local road that will run north-south at the rear of the site. No signage is proposed as part of the application.



(Site Plan)

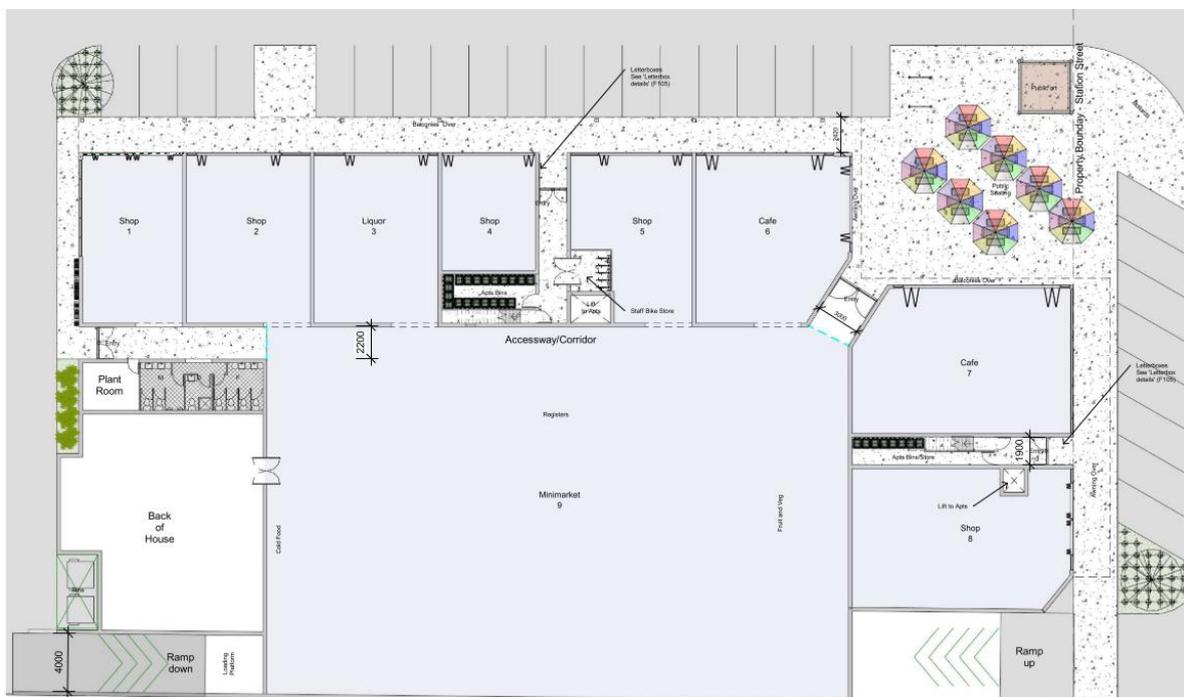
Supermarket, Shops, Bottle Shop and Cafes (Mixed Use Building)

The mixed use portion of the development is proposed to be located within the ground floor of the three storey building proposed along the southern boundary of the site. A summary of the building is:

- Supermarket (minimarket) to cover a floor area of approximately 1200sqm including the back of house area.
- A bottle shop associated with the minimarket is also proposed and will be located adjacent to the main supermarket area, with a floor area of approximately 100sqm.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

- Eight shop tenancies and two café tenancies are also proposed which will be located around the minimarket.
- An outdoor dining area is proposed between the two café tenancies on the corner of Station Street and the proposed common property accessway.
- The building is to contain a mix of external materials, including a green wall (set on a frame above the pedestrian footpath along Station Street), vertical timber panels, blonde composite cladding and glazing.
- The maximum building height is to measure 10.3m although the skylight for the second floor hallway will protrude above this slightly.
- A metal framed tower (labelled poppet in the submitted plans) is proposed to be located on the corner of the outdoor dining area at ground level. This tower is proposed to measure approximately 13.5 metres.



(Ground floor of the mixed-use building)

Apartments

The first and second floors of the mixed used building will comprise of 32 apartments (16 apartments to each floor). The apartments will consist of 1 one-bedroom apartment, 23 two-bedroom apartments and 8 three-bedroom apartments, each with a balcony area measuring at least 8sqm. The units will contain open living/dining/kitchen areas with some containing one bathroom and others (most two and three-bedroom units) containing two bathrooms.

The apartments will be provided two central hallways which will contain access from both stairwells and lifts on each floor. Parking is proposed to be provided on the first floor, accessed via a ramp from Station Street. 40 car parking spaces are proposed (32 at floor level with 8 double car stackers). A landscaping strip is proposed between the car parking area and the open space of the first floor apartments.

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(Eastern and western elevations of the mixed-use building showing the tower and external materials).

Tavern

The tavern is a two-storey structure including an ancillary micro-brewery.

The ground level consist of a bar, dining, beer garden (include a fireplace and the relocated Bill’s Horse trough), back of house, storage area and amenities. The upper level consist of a bar, kitchen, dining, lounge and balcony.

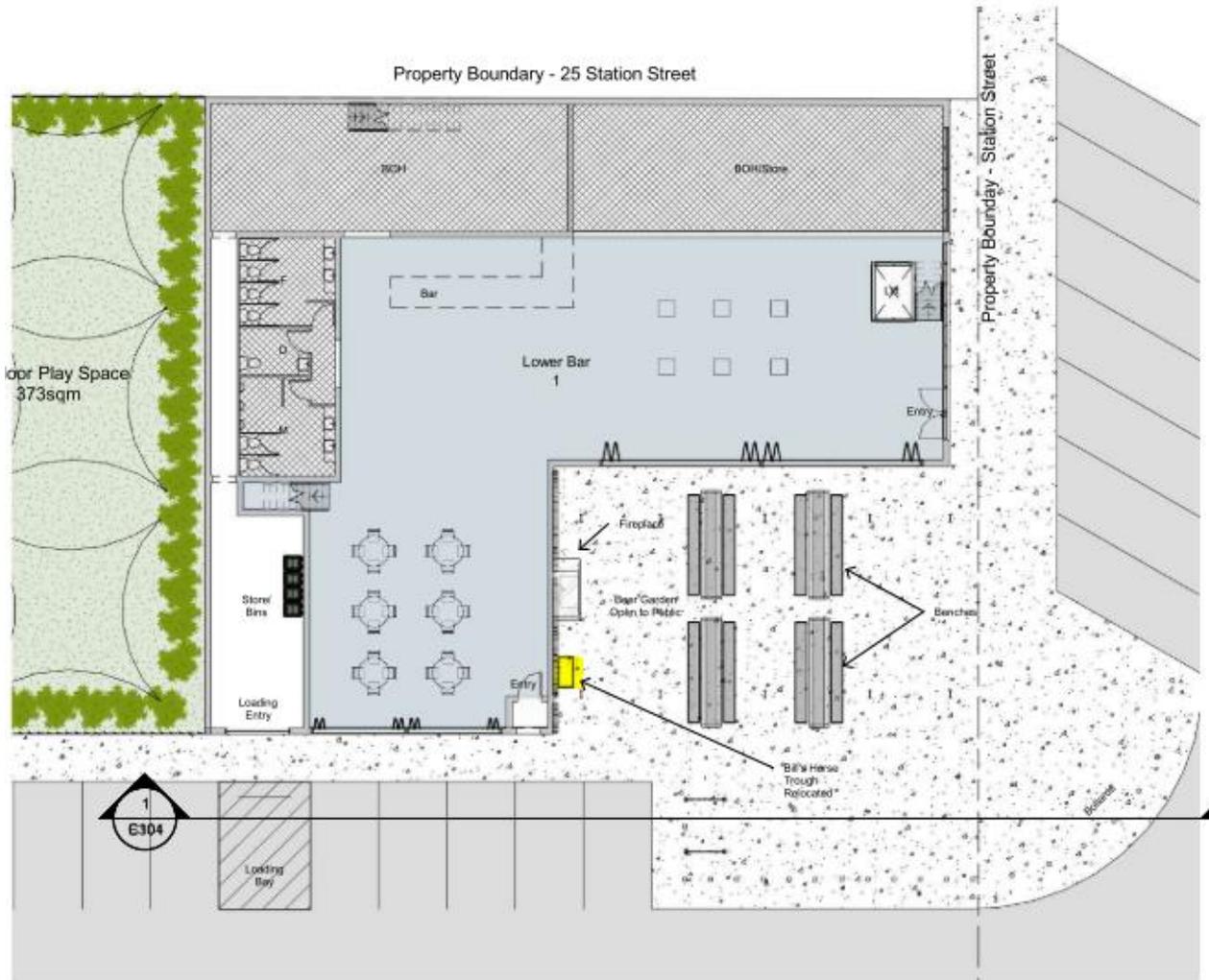
The tavern is proposed to measure 9.8m in maximum height and contain a mix of building styles. The eastern half of the tavern fronting Station Street will contain a contemporary style utilising vertical timber slat over acratex render and grid like glazing. The western half of the tavern will consist of a traditional gable red brick structure with a corrugated iron roof.

The tavern is proposed to have a maximum capacity of 100 patrons.



(Eastern or front elevation of the proposed tavern).

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(Ground floor plan of the proposed tavern with the Bill's Horse Trough shown highlighted in yellow).

Childcare Centre

The proposed child centre is to be located to the west of the tavern building and will also be two-stories. The childcare centre is proposed to contain a total floor area of 626sqm with capacity for 125 children.

It will contain three toddler rooms, a kinder room and an indoor play area at ground level and an infant room, storage, cot room, lunch room, office and meeting room on the first floor. It is to be serviced with 331sqm of outdoor play space on the western side of the centre building and 373sqm of outdoor play space on the eastern side of the centre building. A timber fence is proposed around the exterior of the play area.

The external character of the childcare centre is to be contemporary with materials consisting of cement sheet cladding (both textured and smooth) and vertical timber slats. The maximum building height of the childcare centre is to be 6.95 metres.

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1 Childcare South
1 : 200

(Southern elevation of the proposed childcare centre viewed from the proposed internal common property accessway)



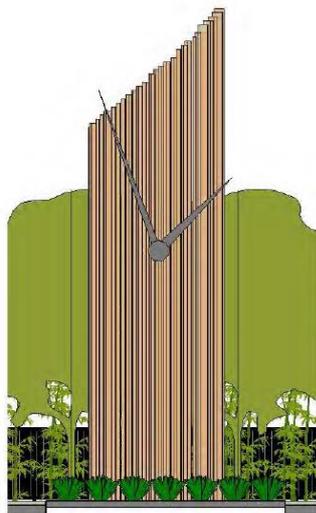
1 Childcare Ground Floor
1 : 200

2 Childcare First Floor
1 : 200

(Childcare ground and first floor plan)

Clock Tower

A clock tower is proposed within the eastern landscaping strip between car parking spaces 68 of the parking area 12. The clock tower is proposed to measure approximately 12 metres in height and be constructed of vertical timber beams.



(Detail of Clock Tower)

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Car parking, bicycle parking and proposed access

Access & Car Parking

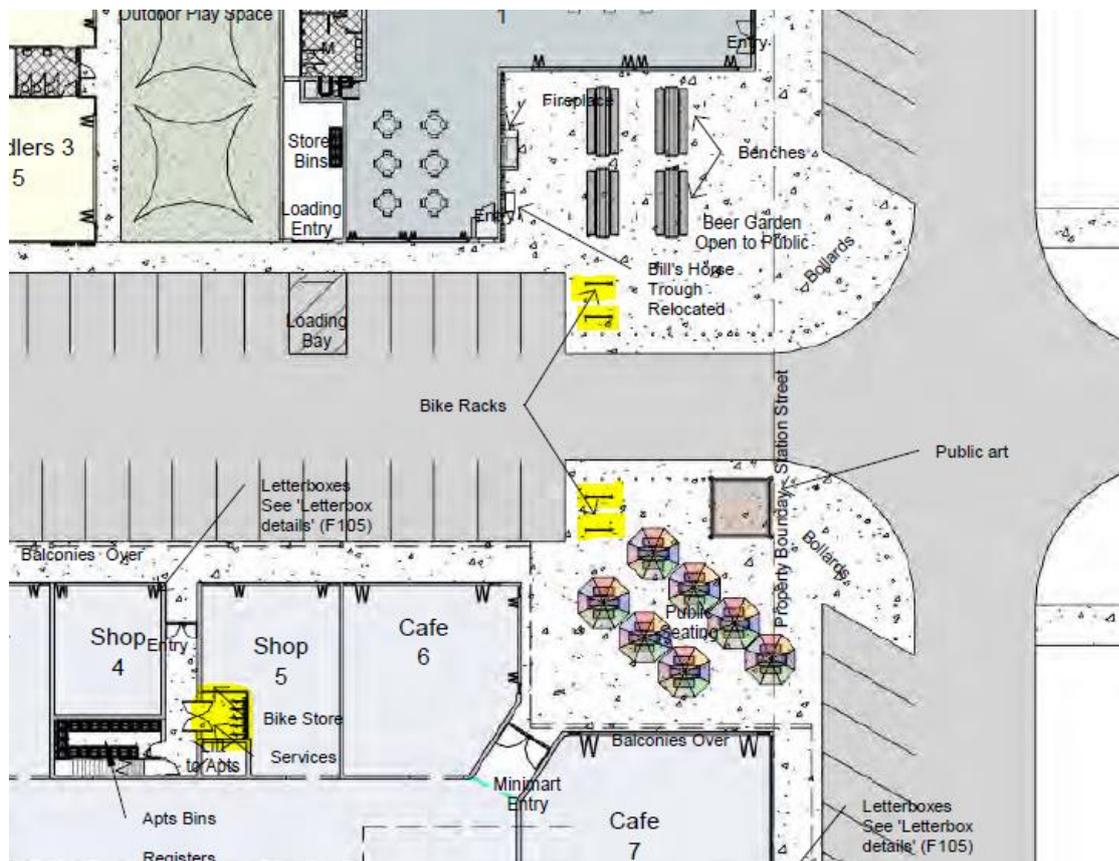
Primary access to the site is proposed via a T-intersection from Station Street. The vehicle carriageways within the subject site are a minimum of 6.4m.

109 car parking spaces are proposed within the subject site at ground level. An additional 15 car parking spaces are proposed on the western side of Station Street (on-street car parking) and 40 spaces are proposed within the podium designated for the apartments. Therefore, a total of 164 car parking spaces are proposed. A summary and discussion of the car parking is detailed further in the report.

Bay 43 on the car parking plans is identified as a loading bay for the tavern, with car parking not permitted between 9am and 3pm.

All car parking spaces measure a minimum of 2.6m by 4.9m.

A total of 13 bicycle parking spaces at ground level of the mixed-use building and 8 bicycle parking space within the pedestrian area adjacent to the proposed tavern and tenancy 6.



(Bicycle parking locations highlighted in yellow)

Carriageway Easement

A carriageway easement is proposed to facilitate Council access to this distributor road to ensure maintenance can be undertaken. This easement will ensure public access is legally maintained to through the common property access area from Station Street.

The easement will serve to facilitate a future road. This is due to when Station Street is closed to Wallan Whittlesea Road.

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Sale and consumption of liquor

The application is seeking consent for a liquor licence to sell packaged liquor within the bottle shop tenancy and liquor licences for the sale and consumption of liquor within the ground and first floor of the proposed tavern.

Bottle Shop Tenancy

The bottle shop liquor licence is seeking to have similar operating hours as the proposed minimarket (not included within the proposal).

Tavern

The hours of service for the tavern are as follows:

- Monday – Saturday between 7:00am – 1:00am (the following morning)
- Sunday between 10:00am – 11:00pm.

Maximum patrons for the tavern licence sought is 100 patrons.

Native vegetation removal

The application is also seeking approval for the removal of 0.031 hectares of native vegetation (including one small tree). The tree identified for removal is located within the existing parking area adjacent to the eastern property boundary (see below). The remaining exotic vegetation is proposed to be cleared to facilitate the development.



(Aerial image showing vegetation proposed to be removed highlighted in pink).

PLANNING SCHEME PROVISIONS

Zoning

Township Zone

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

The subject site is located within the Township Zone pursuant to Clause 32.05 of the Mitchell Planning Scheme.

Pursuant to Clause 32.05-2 a planning permit is required for the use of the land for more than one dwelling on a lot, retail premises (including supermarket, bottle shop, food and drink premises and shop), childcare centre and tavern.

Pursuant to Clause 32.05-10, a planning permit is required to construct a building or carry out works associated with the above land uses.

Pursuant to Clause 32.05-7, an application for more than two dwellings on a lot must meet the requirements of Clause 55 of the Scheme.

Overlays

Land Subject to Inundation Overlay

The site is affected by the Land Subject to Inundation Overlay pursuant to Clause 44.04 of the Scheme.

Pursuant to Clause 44.04-2, a planning permit is required for construct a building or carry out works.

Particular Provisions

Clause 52.06 – Car parking

Clause 52.06-2 of the Scheme requires a new use or increase of an existing use to provide the number of car parking spaces pursuant to Clause 52.06-5.

Pursuant to Clause 52.06-5, the following car parking rates are required for each proposed land use:

Proposed land use:	Car parking space requirements
Childcare centre	0.22 spaces to each child $125 \times 0.22 = \mathbf{27.5}$ car parking spaces
Dwelling	1 space to each one or two-bedroom dwelling and 2 spaces to each three-or-more-bedroom dwelling 1 visitor car parking space to each five dwellings $(24 \times 1) + (8 \times 2) = \mathbf{40}$ car parking spaces $(32/5) \times 1 = \mathbf{6.4}$ car parking spaces
Food and drink premises (café)	4 spaces to each 100sqm of leasable floor area $(250\text{sqm}/100) \times 4 = \mathbf{10}$ car parking spaces
Shop	4 spaces to each 100sqm of leasable floor area $(545\text{sqm}/100) \times 4 = \mathbf{21.8}$ car parking spaces
Supermarket	5 spaces to each 100sqm of leasable floor area

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Proposed land use:	Car parking space requirements
	(1,200sqm/100) x 5 = 60 car parking spaces
Tavern	0.4 spaces to each patron permitted 100 x 0.4 = 40 car parking spaces
Total:	27 + 40 + 6 + 10 + 21 + 60 + 40 = 204 car parking spaces

Please note that the parking rate is rounded down to the nearest whole number.

As the application is only seeking to provide 165 car parking space, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06 of the Scheme pursuant to Clause 52.06-3.

Clause 52.17 – Native vegetation

Clause 52.17 seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Pursuant to Clause 52.17-1, a planning permit is required to remove, destroy or lop native vegetation.

Clause 52.27 – Licensed premises

Clause 52.27 seeks to ensure that licensed premises are situated in appropriate locations and that the impact of the licensed premises on the amenity of the surrounding area is considered.

Pursuant to Clause 52.27, a planning permit is required if a licence is required under the *Liquor Control Reform Act 1998*.

Clause 52.34 – Bicycle facilities

Clause 54.34 seeks to encourage cycling as a mode of transport and provide secure, accessible and convenient bicycle parking spaces and associated facilities.

Pursuant to Clause 52.34-5, the following bicycle parking rates are required for each proposed land use:

Proposed land use:	Bicycle parking space requirements
Childcare centre	N/A as not a listed land use
Dwelling	N/A as the proposed apartment section is less than four storeys
Food and drink premises (café)	Nested under retail premises 1 to each 300sqm of leasable floor area 1 to each 500sqm of leasable floor area for visitors/shoppers

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Proposed land use:	Bicycle parking space requirements
	0 bicycle parking spaces are required as the floor area is only 250sqm
Shop	1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm for employees/residents 1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm for visitors/shoppers 0 bicycle parking spaces are required as the floor area is only 545sqm
Supermarket	Nested under shop 1 to each 600sqm of leasable floor area if the leasable floor area exceeds 1000sqm for employees/residents 1 to each 500sqm of leasable floor area if the leasable floor area exceeds 1000sqm for visitors/shoppers $(1,200\text{sqm}/600) \times 1 = \mathbf{2 \text{ bicycle parking spaces for employees/residents}}$ $(1,200\text{sqm}/500) \times 1 = \mathbf{2.4 \text{ bicycle parking spaces for visitors/shoppers}}$
Tavern	Nested under retail premises 1 to each 300sqm of leasable floor area for employees/residents 1 to each 500sqm of leasable floor area for visitors/shoppers $(692\text{sqm}/300) \times 1 = \mathbf{2.3 \text{ bicycle parking spaces for employees/residents}}$ $(692\text{sqm}/500) \times 1 = \mathbf{1.3 \text{ bicycle parking spaces for visitors/shoppers}}$
Total:	$2 + 2 + 2 + 1 =$ 7 bicycle parking spaces

Please note that the parking rate is rounded down to the nearest whole number.

As the application is seeking to provide 13 bicycle parking spaces at ground level, there is no planning permit required under this provision.

A condition regarding the provision of bicycle signage to direct cyclists to facilities is recommended to be included as part of any issued permit.

Clause 55 – Two or more dwellings on a lot and residential buildings

Clause 55 of the Scheme seeks to achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

An assessment against the relevant requirements of Clause 55 is included as an attachment to this report. The proposal is seeking to vary a number of Rescode standards and objectives, including the maximum building height, front setback, permeability, energy efficiency & walls on boundaries.

Planning and Local Planning Policy Framework (PPF & LPPF)

A number of policies of the PPF and LPPF are relevant to this application and are attached to this report.

PUBLIC NOTIFICATION (ADVERTISING)

Formal notification of the application was given by means of letters to adjoining and surrounding properties and a sign displayed on the site fronting Station Street. A total of four objections have been received and are addressed in the section Objectors' Concerns later in this report.

REFERRALS

External

The application was referred to Melbourne Water who provided conditional consent to the application subject to drainage requirements.

The application was also referred to Transport for Victoria who provided conditional consent to the application subject to conditions regarding amended plans to ensure the proposed parking along and access to Station Street does not impact on bus turning circles from the Wallan Station car park.

Internal

The application was referred to Council's Engineering, Urban Design, Strategic Planning, Heritage Officer and Environmental Department. Relevant conditions provided from mentioned internal departments are included in the report.

DISCUSSION

Mixed-use re-development & surrounding character

Proposed Land Use

The proposal is seeking to develop the site for a mix of commercial, residential and community uses. Given the scale and strategic location of the subject site immediately adjacent to the Wallan Station, the site is optimal for introducing mixed land uses to the streetscape and is consistent with the policy objective of Clause 17.01-1S (Diversified economy) for strengthening and diversifying the economy and Clause 17.02-1S (Business) for encouraging development that meets the needs of the community for retail and other commercial services.

The proposal is seeking to increase interaction with the streetscape at a pedestrian level by providing outdoor dining areas at the entrance of the site along with a variety of retail and café tenancies on the ground floor of the apartment building to increase variety and draw people to the site. This is a positive outcome for a pedestrian friendly space that encourages smaller retailers to locate close to public transport.

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The proposed apartments are oriented on the site in such a way that passive surveillance will be available at all times in relation to the outdoor dining areas and throughout the car parking areas, including the Wallan Stations car park area.

The introduction of a supermarket and other retail and food and drink premises to the Station Street precinct is a positive outcome for encouraging renewed commercial interest close to the Wallan Station. The proposal will service both the existing and future neighbourhood within and surrounding Station Street, and those utilising public transport from Wallan Station. The childcare centre is appropriate for providing community services to both the future residents of the apartments and those commuting from Wallan Station. The land uses proposed are appropriate to the context of the site and surrounds and result in net community benefit.

Design & Built Form

The overall design and built form is a contemporary design. The variety of building materials provides for visual interest. Articulation to the facades of the structures, including the green walls will assist in breaking up the bulk of the structures. Further the green wall provides a modern alternative to add to traditional streetscaping.

The tavern is to consist of a mix of traditional and modern, with the back of the tavern to consist of a red-brick gabled building. This break up of styles ensures that the development is not overbearingly modern. By taking elements of the historic gabled structures within the township (Wallan station and the old free library), this provides a sense of familiarity and cohesiveness with the heritage within the township without risk of inappropriate replication. This is considered to be an appropriate response to the strategies of Clause 15.01-1S (Urban design) for developments to respond to the character of its context.

In relation to the overall scale of the development, the proposal provides a variety of building heights and forms to avoid inappropriate bulk within the streetscape. The development will be the first of its kind within the streetscape, it is anticipated that the proposal will set a standard for future redevelopment to encourage intensification of mixed use developments close to the Wallan Station.

Use restrictions

In order to reduce any adverse amenity impacts to the existing residential neighbourhood, the following hours of operation will be imposed.

Hours of operation (Tavern)

The use of the tavern must only operate between the hours of:

- 7am to 11pm Monday to Thursday
- 7am to 1am (the following morning) Friday to Saturday
- 10am to 11pm Sunday

These hours are consistent with the nature of the site and allows flexibility of the tavern to provide breakfast (with sale of alcohol commencing later) and lunch services while protecting surrounding residential amenity.

PLANNING PERMIT APPLICATION PLP034/19 AT 21 STATION STREET WALLAN (CONT.)

Service of liquor (Tavern)

The application sought the following hours for the service of alcohol associated with the proposed tavern, with a maximum patron number of 100:

- Monday – Saturday between 7:00am – 1:00am (the following morning)
- Sunday between 10:00am – 11:00pm.

It is not considered appropriate to allow the service of liquor prior to 12pm, particularly as reducing alcohol consumption is identified as a key community issue within the *Municipal Public Health and Wellbeing Plan 2018-2021* (pg. 26) to facilitate safe and resilient communities. Therefore, the following hours for the service of alcohol are recommended and will be included as a conditions on the planning permit:

- Monday – Thursday and Sunday between 12 noon – 11pm; and
- Friday – Saturday between 12 noon – 1am (the following morning).

As these hours are also consistent with the recommended closing hours of the tavern, it will ensure that excessive consumption of alcohol associated with the tavern does not occur. Further given the proposal is near residential land uses, the hours are considered to be appropriate to protect the surrounding residential amenity

Packaged Liquor

The sale of packaged liquor for consumption away from the subject site must only occur between the hours of:

- 9am and 10pm Monday to Sunday.

The sale of alcohol associated with the proposed bottle shop is restricted. It is recommended that the hours of sale for liquor to be consumed away from the subject site (i.e. package liquor) are between 9am and 10pm Monday to Sunday to reduce the risk of increased alcohol consumption at times that would result in both detrimental amenity impacts within the area and conflict with the objectives of the *Municipal Public Health and Wellbeing Plan 2018-2021*. It is considered that the proposed hours allowable for the sale of packaged liquor should also provided flexibility with any future tenants associated with the supermarket.

Childcare centre

The use of the childcare centre must only operate between the hours of:

- 6:30am and 7:00pm Monday to Friday

The proposed operating hours were also not provided as part of the application. Therefore, it is considered appropriate to impose similar hours of operation to other childcare centres within Wallan. The hours of 6:30am and 7:00pm Monday to Friday will allow for sufficient pick-up and drop off time in relation to the peak train service times, whilst limiting amenity impacts on surrounding residential properties into the evening.

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Hours of delivery & waste collection

The delivery & waste collection hours must occur between the hours of:

- 6am and 6pm Monday to Friday
- 8am to 4pm Saturday to Sunday

It is appropriate to restrict the hours of delivery and waste collection to the subject site to ensure that the amenity of the surrounding area is not detrimentally affected by truck noises in the early morning and evening.

Drainage considerations

The subject site is located within the Land Subject to Inundation Overlay, with the relevant policies of the Mitchell Planning Scheme seeking to ensure that floodplains are managed appropriately to ensure that the flow of stormwater does not detrimentally impact on the site and surrounds. Therefore, consideration must be made as to whether the proposal will increase the discharge of stormwater to a point beyond the capacity of the surrounding stormwater infrastructure.

The application was referred to Melbourne Water as the determining authority for development within the Land Subject to Inundation Overlay, who did not object to the issue of a permit subject to conditions relating to stormwater management and generation. Further, both Melbourne Water and Council's Engineering Services Unit have requested the submission of a drainage strategy to determine the required measures to appropriately manage stormwater at a more detailed level.

As both referrals were positive in relation to drainage on the subject site, it is considered that stormwater can be appropriately managed to prevent detrimental impacts to the surrounding area.

Car parking and access

Clause 18.02-4S of the Scheme seeks to ensure an adequate supply of car parking that is appropriately designed and located. The proposal is seeking to reduce the car parking requirement of 204 car parking spaces under Clause 52.06 of the Scheme to 109 car parking spaces. The application is seeking to provide 164 car parking spaces, of which 40 will be designated solely for the use of the apartments. Therefore, a total of 125 car parking spaces will be available for public use.

Council's Engineering Services Unit have included a condition requirement for the upgrade of Station Street for the length of the subject site, which will formalise the proposed on-street car parking on the western side of Station Street. As the on-street parking on the eastern side of Station Street is paved but does not contain kerb and channel, it is considered appropriate to include the upgrading of that side of the road in the condition requirement, to the satisfaction of the Responsible Authority.

The application was accompanied by a Traffic Impact assessment which provided an anticipated rate of car parking requirements for both weekdays and weekends (see below image). These rates indicate that a maximum of 116 car parking spaces would