

0.0 Planning Application PLA19/0038 at Westfield Doncaster 619 Doncaster Road, Doncaster, to amend Planning Permit PLN18/0772 to make alterations to the awning and finishes of Level 2 and reconfiguration of the Level 4 car parking area

File Number:	IN19/361
Responsible Director:	Director City Planning and Community
Applicant:	Contour Consultants Australia Pty Ltd
Planning Controls:	Activity Centre Zone, Schedule 1; Development Plan Overlay, Schedule 4; Development Contributions Plan Overlay, Schedule 1; Parking Overlay, Schedule 1
Ward:	Koonung
Attachments:	1 Decision Plans 2 Legislative Requirements

EXECUTIVE SUMMARY

Purpose

1. This report provides Council with an assessment of the application to amend Planning Permit PLN18/0772, submitted for land at Westfield Doncaster, 619 Doncaster Road, Doncaster. The report recommends approval of the proposal, subject to amendments that will be addressed by way of permit conditions. The application is being reported to Council as it is an amendment to a Major Application.

Proposal

2. The proposed amendment mainly involves the creation of two new food kiosks within the Level 4 dining precinct and the reconfiguration of the adjacent car park. The proposal complies with the car parking requirements of the Manningham Planning Scheme providing surplus car parking on the site. However, as a result of the proposed car park reconfiguration a further reduction of one car parking space is required.
3. Minor external alterations to the building are also proposed, including the reduction of the awning facing the intersection of Doncaster and Williamsons Roads.

Advertising

4. Amendment C104 to the Manningham Planning Scheme was gazetted on 23 May 2019, which approved the Westfield Doncaster Development Plan and introduced the Development Plan Overlay, Schedule 4 on the site.
5. Pursuant to the Development Plan Overlay, an application under any provision of this planning scheme is exempt from the notice requirements of the *Planning and Environment Act 1987* if a development plan has been prepared to the satisfaction of the Responsible Authority.

Key issues in considering the application

6. The key issues for Council in considering the proposal relate to:

- Design and built form;
- Car parking;
- Landscaping plan.

Assessment

7. The amendment results in minor external changes to the building that will not make a discernible difference to the streetscape. The overall car parking provision also continues to comply with the required rate under the Parking Overlay, Schedule 1.

Conclusion

8. It is recommended that the application be supported, subject to conditions.

1. RECOMMENDATION

That Council:

- A. Issue an Amended Planning Permit PLN18/0772 in relation to Planning Application PLA19/0038 at Westfield Doncaster 619 Doncaster Road, Doncaster for buildings and works for alterations and additions to the existing shopping centre, subject to the following conditions (amendments/changes to the permit underlined) –

1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Scentre Group, Project No. D3121, Revision E dated 31 May 2019), but modified to show the following:
 - 1.1 Dimensions of the Level 2 upgraded pathways adjacent to the lift, including delineation of the landscape area along the existing screening;
 - 1.2 Details of the materials and finish of the Level 2 upgraded pathways adjacent to the lift, in accordance with the Doncaster Hill Strategy;
 - 1.3 Dimensions and materials of the lift and lift well;
 - 1.4 Dimensions and maximum height of the Level 2 awning;
 - 1.5 Dimensions and maximum height of the Level 4 additions; and
 - 1.6 A notation to indicate that the pedestrian spaces adjacent to the vehicle access-ways (shown in a grey hatch) are provided with appropriate measures to provide separation between pedestrians and vehicle traffic, to the satisfaction of the Responsible Authority.

Endorsed Plans

2. The development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. Not less than two months before the development starts, a Construction Management Plan (CMP) must be submitted via email and approved by the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

- 3.1 Element A1: Public Safety, Amenity and Site Security;
- 3.2 Element A2: Operating Hours, Noise and Vibration Controls;
- 3.3 Element A3: Air Quality and Dust Management;
- 3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);
- 3.5 Element A5: Waste Minimisation and Litter Prevention; and
- 3.6 Element A6: Traffic and Parking Management to ensure that the traffic conditions and amenity of the area will not be adversely affected, including (but not limited to) the parking of trade persons' vehicles.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

Management Plan Compliance

4. The Management Plan approved under Condition 3 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Stormwater

5. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

Drainage

6. Landscaped and paved areas associated with this approved development must be graded and drained so as to prevent ponding to

the satisfaction of the Responsible Authority.

Landscape Plan

7. **Before the commencement of landscaping works, an amended landscaping plan must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the approved site layout plan and the concept landscape plan decision plan prepared by Scentre Group, Project No. D3121, Revision A dated 14 November 2018, but modified to show:**
 - 7.1 **Species, locations, quantities, approximate height and spread of proposed planting, including adjacent to the Level 2 lift entrance;**
 - 7.2 **Details of soil preparation and mulch depth for garden beds;**
 - 7.3 **Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;**
 - 7.4 **A detailed materials and finishes schedule of all hardstand areas, including Doncaster Hill boulevard treatment at Level 2; and**
 - 7.5 **All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting.**

Landscape Bond

8. **Before the release of the approved plan for the development, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**

Completion and Maintenance

9. **Buildings, paved areas, drainage, fencing/walls, car parking areas, line-marking, painted directional signage, lighting and landscaped areas associated with the approved development must be maintained to the satisfaction of the Responsible Authority.**
10. **Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.**
11. **The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.**

Car parking

12. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:
 - 12.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the commencement of the development hereby permitted;
 - 12.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and
 - 12.3 Be drained and sealed with an all-weather seal coat where appropriate.
13. The pick-up, drop-off and general car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.
14. All pedestrian spaces within the Level 4 car park must be provided with appropriate measures to ensure separation between pedestrians and vehicle traffic to the satisfaction of the Responsible Authority.

Development Contribution

15. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

Permit Expiry

16. This permit will expire if one of the following circumstances applies:
 - 16.1 The development is not started within two (2) years of the date of this permit; and
 - 16.2 The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the Planning & Environment Act 1987.

2. BACKGROUND

- 2.1 Planning Permit PLN18/0772 was issued on 28 February 2019, for buildings and works for alterations and additions to the existing shopping centre. This permit allowed for the upgrade of the Level 4 dining precinct and external changes to Level 2 subject to conditions.
- 2.2 This application to amend Planning Permit PLN18/0772 was submitted to Council on 7 May 2019.

- 2.3 Amendment C104 to the Manningham Planning Scheme was gazetted on 23 May 2019. This amendment replaced the Incorporated Plan Overlay, Schedule 1 on the site with the Development Plan Overlay, Schedule 4 through the approval of the Westfield Doncaster Development Plan.
- 2.4 As part of Amendment C104, revised car parking rates have also been introduced to the Parking Overlay, Schedule 1 that applies to the site. In particular, it now includes a rate of 4.17 spaces to each 100 square metre of leasable floor area based on a whole-of-centre shop assessment for Precinct 4A (Westfield Doncaster).
- 2.5 An amendment to the application was submitted on 3 June 2019. The amended plans replaced the short term delivery/pick up spaces with standard spaces and the provision of 7 new additional car parking spaces. In addition, the amendment requested changes to the wording of condition 7 of the permit to allow for a landscaping plan to be submitted before the commencement of landscaping works instead of before the start of the development.
- 2.6 Under the Development Plan Overlay, an application under any provision of this planning scheme is exempt from the notice requirements of the *Planning and Environment Act 1987* if a development plan has been prepared to the satisfaction of the Responsible Authority.
- 2.7 The statutory time for considering a planning application is 60 days, which will fall on 2 August 2019.
- 2.8 The land is subject to the following Covenants as listed on title for Lot 1 on Plan of Subdivision 626413J: C604297, C616676, D044405, D190291, D221208, D522117, D606377 and D647724.
- 2.9 The Covenants state:
- “...that they will not erect or cause to be erected on the said land any dwelling or dwellings unless such dwellings are enclosed by walls of brick or brick veneer...”
- 2.10 As the proposal does not relate to a dwelling, the Covenants will not be breached.
- 2.11 The land is not affected by a Section 173 Agreement.

3. THE SITE AND SURROUNDS

- 3.1 Westfield Doncaster shopping centre is located on the north-east corner of Doncaster Road and Williamsons Road. It is a major regional shopping centre with more than 120,000 square metres of retail floor area, including a range of shops, department stores, supermarkets, food and drink premises and cinemas with associated car parking (currently 5,338 spaces) and a bus interchange located on the Williamsons Road frontage.
- 3.2 The shopping centre underwent a major expansion in 2008 and continues to evolve via minor internal alterations. Most recently, a five level car park has been constructed on the eastern (rear) side of the shopping centre, extending between Grosvenor Street to the north and Goodson Street to the south. The approval of the development plan under Amendment C104 to the Manningham Planning Scheme will result in a further expansion in floor area for the centre.

- 3.3 Vehicle access to the centre is via two signalised intersections on both Doncaster Road and Williamsons Road, and via a single entry only access point from Goodson Street on the eastern side of the site.

4. THE PROPOSAL

- 4.1 The proposal is outlined on the plans and concept landscape plans prepared by Scentre Group, Project No. D3121, Revision E, dated 31 May 2019. Refer to Attachment 1.
- 4.2 The following documents were provided in support of the application:
- Planning assessment, prepared by Contour Consultants dated 18 April 2019;
 - Traffic and car parking demand assessment, prepared by GTA Consultants dated 5 June 2019.
- 4.3 It is proposed to amend the ground level (Level 2) awning and associated finishes and the Level 4 dining precinct within the south-western corner of the site that faces the intersection of Doncaster Road and Williamsons Road.
- 4.4 The key amendments to the proposal include:
- Reduction in the length of the external awning at the ground floor level (Level 2) from 24.5 metres to 7.1 metres, so it is generally limited to sheltering the lift entry;
 - The retention of the existing concrete rather than providing a new floor finish to the area adjacent to the lift at ground floor level (Level 2);
 - The creation of two new food kiosks within the Level 4 dining precinct with associated outdoor seating areas;
 - The replacement of the “kids play” area with a sculpture garden within the Level 4 dining precinct;
 - The reconfiguration of the car park area adjacent to the Level 4 dining precinct, resulting in a further loss of one car parking space.
- 4.5 It should be noted that inaccurate information was provided by the applicant in support of the original application. This inaccuracy overstated the floor area of the centre resulting in an increase in the number of spaces being required. The amended application has corrected this anomaly and accurately reflects the centre’s floor area.
- 4.6 It is also proposed to amend Condition 7 of the Planning Permit. This condition currently requires the following:

Before the development starts, an amended landscaping plan must be submitted to the Responsible Authority for approval...

It is proposed to amend this condition to require the amended landscaping plan to be submitted before the commencement of landscaping works. This will enable construction works to commence whilst the landscaping details are finalised.

5. LEGISLATIVE REQUIREMENTS

- 5.1 Refer to Attachment 2.
- 5.2 A permit is required under the following Clauses of the Manningham Planning Scheme:
- Clause 37.08-2 (Activity Centre Zone, Schedule 1), to construct a building and carry out works.

6. REFERRALS

- 6.1 There are no applicable external authorities or relevant internal units that required referral.
- 6.2 Council's Infrastructure Services Unit has not raised any concerns with the proposed amendment. The number of car parking spaces is adequate for the additional restaurant areas and the layout of the car park is satisfactory.

7. CONSULTATION / NOTIFICATION

- 7.1 Under the Development Plan Overlay, an application under any provision of this planning scheme is exempt from the notice requirements of the *Planning and Environment Act 1987* if a development plan has been prepared to the satisfaction of the Responsible Authority.

8. ASSESSMENT

- 8.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular provisions and general provisions of the Scheme.
- 8.2 The assessment is made under the following headings:
- Design and built form;
 - Car parking;
 - Landscaping plan

Design and built form

- 8.3 The proposed reduction in the size of the awning will not result in a discernible change to the appearance of the building and will continue to serve the purpose of providing identification and shelter to the lift entry.
- 8.4 The proposed retention of the existing concrete rather than providing a new floor finish at ground level will not result in any additional impacts as it merely involves the retention of the existing conditions.
- 8.5 A comparison of the original approved proposal and the proposed changes to the ground level (Level 2) is provided as follows:

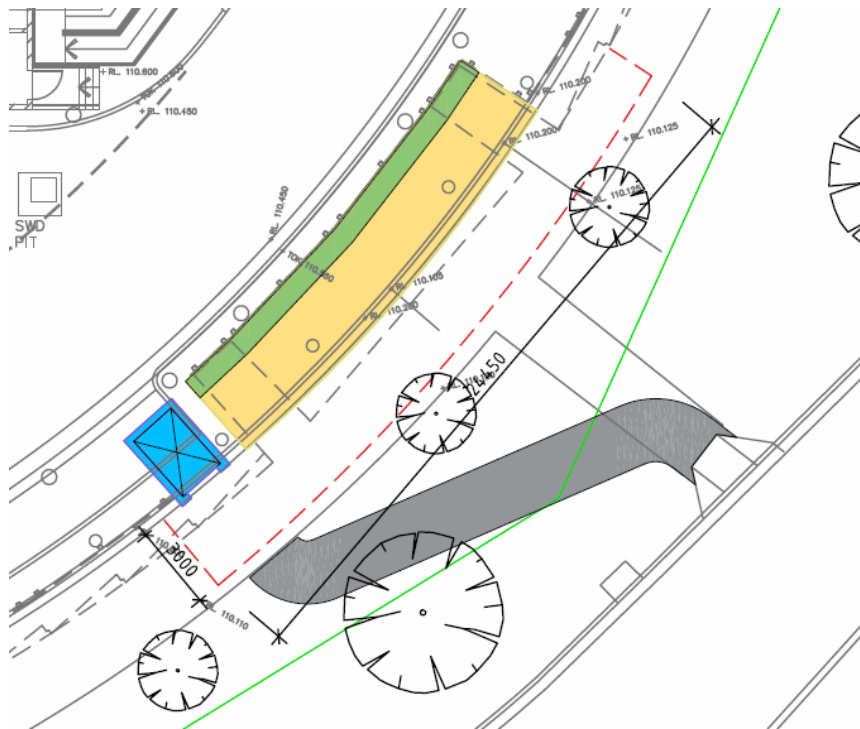


Figure 1 above: The original approved proposal showing the awning length of 24.5 metres and a new floor finish adjacent to the lift and indicated in yellow.

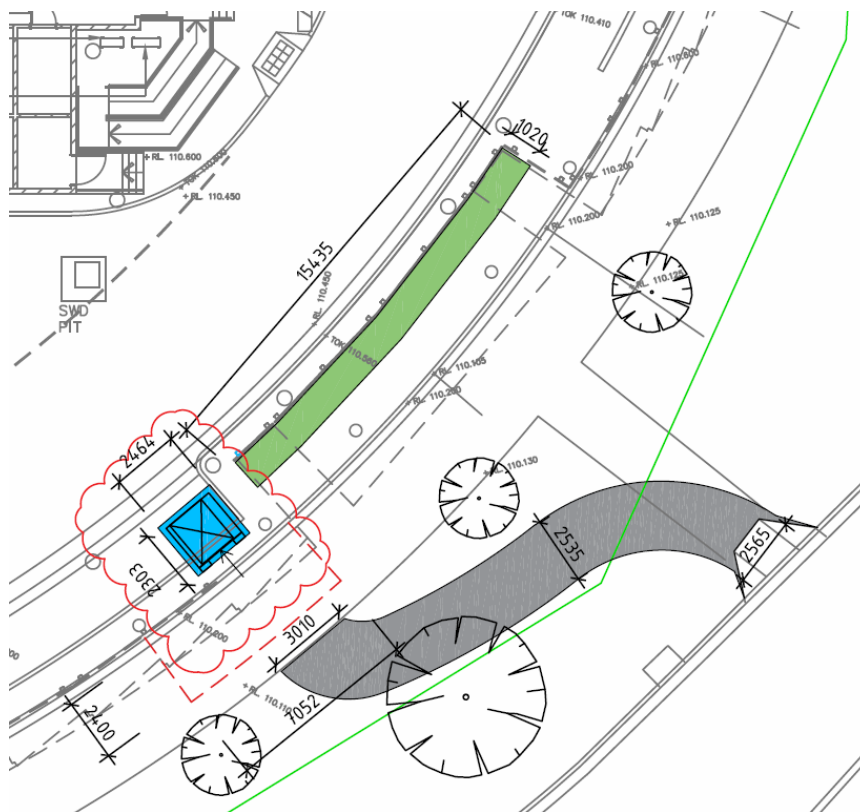


Figure 2 above: The proposed amendment showing a reduced awning length of 7.1 metres and the retention of the existing finish on the ground level.

- 8.6 There are also minor alterations to the northern and eastern interfaces of the Level 4, mainly associated with the addition of the two kiosks and slight changes to the size and shape of outdoor seating areas. These changes are minor in nature and will not cause additional detriment to any persons.
- 8.7 A comparison of the original approved proposal and the proposed amendment to Level 4 is provided as follows:

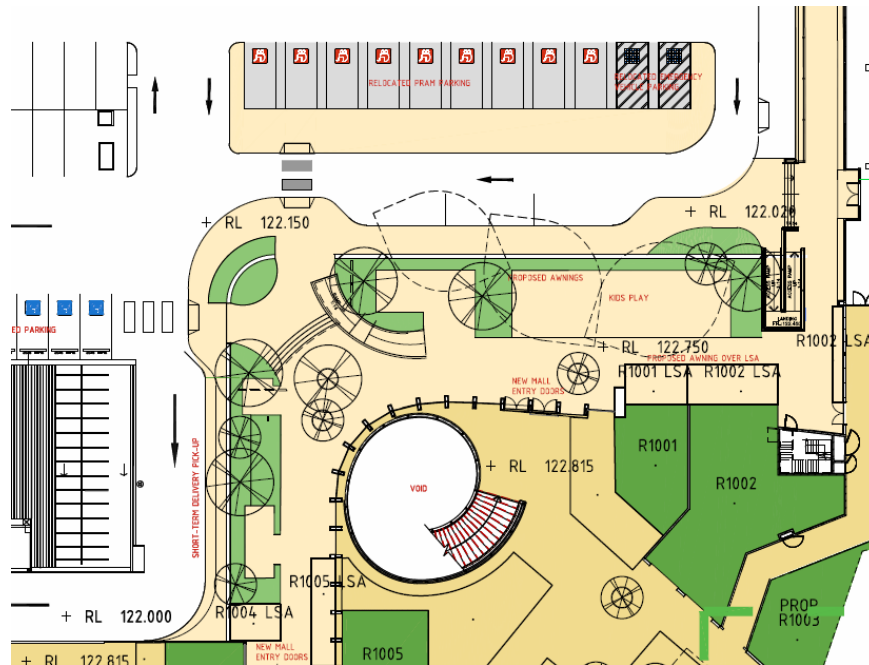


Figure 3 above: The original approved proposal.

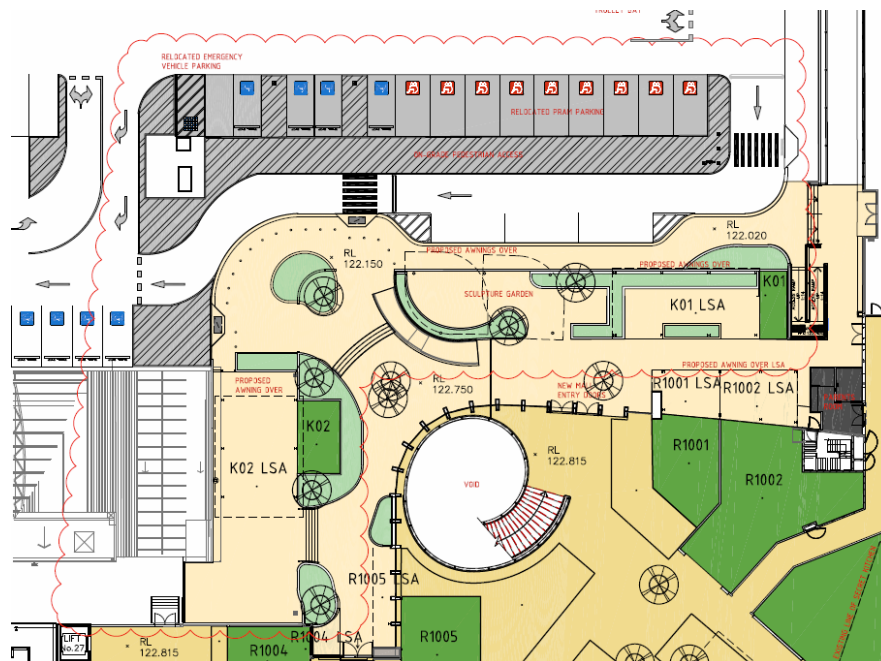


Figure 4 above: The proposed amendment showing two additional kiosks and changes to outdoor seating areas.

Car parking

- 8.8 The proposal complies with the car parking requirements of the Manningham Planning Scheme by providing surplus car parking to what is required. This is detailed in the table below:

	Existing conditions	Approval under Planning Permit PLN18/0772	Proposal under this amendment
Retail leasable floor area	123,549m ²	124,088m ²	123,770m ²
Car parking spaces provided	5,338 spaces	5,316 spaces	5,315 spaces
Car parking spaces required	5,151 spaces	5,174 spaces	5,161 spaces
Car parking rate provided	<u>4.32</u> spaces per 100m ²	<u>4.28</u> spaces per 100m ²	<u>4.29</u> spaces per 100m ²
Surplus of car parking spaces to the requirement	187 spaces	142 spaces	154 spaces

- 8.9 Since the approval of the original application, Amendment C104 to the Manningham Planning Scheme introduced a car parking rate of 4.17 spaces per 100 square metres of leasable floor area for Westfield Doncaster into the Parking Overlay, Schedule 1.
- 8.10 The intention of this amendment is to provide a single car parking rate for the entire retail component of the shopping centre, in order to allow for a holistic assessment of the mixture of retail premises and overall car parking demand of the centre.
- 8.11 The overall car parking rate of 4.29 spaces per 100m² of leasable floor area exceeds the requirement in the Parking Overlay of 4.17 spaces per 100m² of leasable floor area, with an overall surplus of 154 spaces for the entire shopping centre provided.
- 8.12 A sound rationalisation is also provided in the submitted car parking demand assessment, which contends that the peak demand for the restaurants will be in the evening, when the centre and the surrounding road network is off peak. Therefore, the number of spaces available in the centre can reasonably cater for the car parking demand associated with the upgraded facilities and expanded dining area.
- 8.13 The revised configuration of the Level 4 car park will result in the provision of five additional disability parks being provided closer to the centre's entrance on this

level whilst still maintaining nine parent parks. One emergency park in the location where the changes are proposed is proposed to be removed. This is not seen as a matter of concern, with sufficient space existing for emergency vehicles to park, should an emergency arise. As additional pedestrian areas directly adjacent to vehicle access-ways are being proposed, a permit condition will require a notation to ensure these areas are provided with appropriate safety measures to separate pedestrian and vehicular traffic.

Landscaping plan

8.14 The proposed amendment to Condition 7 of the Planning Permit is considered acceptable, as it will allow for a more detailed landscaping plan to be developed during construction given the scale of the proposed works.

9. CONCLUSION

9.1 It is recommended that the amended application be supported, subject to conditions.

10. DECLARATION OF CONFLICT OF INTEREST

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