

**YR-2025/110 - 2450-2452 Warburton Highway, Yarra Junction –
PLANNING REPORT**

APPLICATION DETAILS	
Site Address	2450-2452 Warburton Highway (Lot 7 Sec 2 PS004348 & Lot 2 PS436477), Yarra Junction
Application No.	YR-2025/110
Proposal	Alterations and additions to an existing commercial building, the display of signage and reduction in carparking provisions.
Existing Use	Supermarket and shops
Applicant	Planning and Property Partners
Zone	Clause 34.01 - C1Z - Commercial 1 Zone
Overlays	Clause 43.02 - DDO12 - Design and Development Overlay - Schedule 12
Permit trigger/s	Clause 34.01-4 Commercial 1 Zone C1Z - Construct a building or construct or carry out works. Clause 43.02-2 Design and Development Overlay DDO12 - Construct a building or construct or carry out works. Clause 52.05-2 Signs - To construct or put up for display a sign Clause 52.06-3 Car Parking - Reduce the number of car parking spaces required under Clause 52.06-5.
Objections	Fifty four (54)
Encumbrances on Title (Covenants/ Section 173 Agreements)	Nil
Reason for Council Decision	More than ten (10) objections
Ward	O'Shannassy

SUMMARY

The application seeks approval to undertake internal alterations to expand the supermarket by 1039 square metres, and to extend the building to the rear by 300 square metres, reduce car parking by 53 car spaces, provide four (4) click and collect (loading) car spaces for the supermarket and signage.

The application has been advertised and at the time of writing this report fifty-four (54) objections have been received. Objector concerns primarily relate to the lack of consultation with the community, loss of individual shop tenancy, loss of internal common space, insufficient car parking and insufficient accessible car parking.

An assessment of the application against the requirements of the Yarra Ranges Planning Scheme, including the relevant planning policies has found that the application meets the requirements in relation to commercial development. The development meets the Municipal Planning Strategy, Planning Policy Framework, Zone, Overlay and provisions of the Scheme. The proposal has demonstrated that there is sufficient car parking provided on site and on surrounding public roads to meet the statutory parking demand. Overall, the proposal positively responds to the opportunities and constraints of the site and contributes to Yarra Junctions urban character.

It is recommended that the application be approved, and a Notice of Decision to Grant a Permit, subject to conditions contained in Attachment 1, be issued.

RECOMMENDATION

That Council resolve to approve Planning Application YR-2025/110 for alterations and additions to an existing commercial building, the display of signage, reduction in carparking provisions at 2450-2452 Warburton Highway (Lot 7 Sec 2 PS004348 & Lot 2 PS436477), Yarra Junction, and issue a Notice of Decision to Grant a Permit subject to the conditions in Attachment 1 to the report.

DISCLOSURE OF CONFLICT OF INTEREST

No officers and/or delegates acting on behalf of the Council through the Instrument of Delegation and involved in the preparation and/or authorisation of this report have any general or material conflict of interest as defined within the *Local Government Act 2020*.

CULTURAL HERITAGE SIGNIFICANCE

The application has been checked against the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007 (Vic)* as to the need for a Cultural Heritage Management Plan (CHMP).

It has been assessed that a CHMP is not required.

EXTRACTIVE INDUSTRY

The subject site is not located within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

HUMAN RIGHTS CONSIDERATION

The application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Yarra Ranges Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

ENCUMBRANCES ON TITLE

There are no encumbrances on the Certificate of Title.

PLANNING POLICY

Zone	Clause 34.01 – Commercial 1 Zone C1Z
Overlays	Clause 43.02 - DDO12 - Design and Development Overlay - Schedule 12
Particular provisions	Clause 52.06 – Car Parking Clause 52.05 – Signs
General Provisions	Clause 65 – Decision guidelines
Municipal Planning Strategy	Clause 02.03-1 – Settlement Clause 02.03-5 – Built Environment and Heritage Clause 02.03-7 – Economic development
Planning Framework Policy	Clause 11.03-1S Activity centres Clause 11.03-1L-01 Activity centres Clause 15 Built Environment and Heritage Clause 15.01-1S – Urban Design Clause 15.01-1L – Urban design in activity centres Clause 15.01-2S – Building Design Clause 15.01-5S – Neighbourhood Character Clause 17 Economic Development Clause 17.01-1S – Diversified economy Clause 17.02-1S – Business
General Provisions	Clause 65 – Decision Guidelines

Operational Provisions	Clause 71.02-3 – Integrated decision making
Matters that may be considered	Yarra Junction Draft Place Plan adopted by Council 13 May 2025

Refer to attachment 2 Yarra Ranges Planning Scheme Provisions and attachment 3 Yarra Junction Draft Place Plan for further details.

HISTORY

Planning Applications	<u>1-11/2450 Warburton Highway</u> Permit P131 issued 13 July 1988 for a shopping complex. Records show that 22 car spaces have been provided on the north side of Yarra Street adjacent to the subject site by way of cash in lieu contributions. Permit PE/97/440 issued 18 April 1997 for signage. Permit YR-2015/464 Display of business signage issued 26 August 2015. <u>1-3/2452 Warburton Highway</u> No available planning history. No car parking required to be provided for the three shops. 16 car spaces in gravel rear yard are informal
------------------------------	---

SITE LOCATION AND DESCRIPTION

The subject site is 2450-2452 Warburton Highway (Lot 7 Sec 2 PS004348 & Lot 2 PS436477), Yarra Junction as shown on **Error! Reference source not found..** Historically the land was in two separate ownerships with a carriageway easement provided on title of 1-11/2450 Warburton Highway through its car park on its east boundary to access the car parking at the rear of 1-3/2452 Warburton Highway.



Figure 1 2450-2452 Warburton Highway (Lot 7 Sec 2 PS004348 & Lot 2 PS436477), Yarra Junction

Figure 2 below shows the existing layout of the site including all tenancies, common areas and car parking areas.

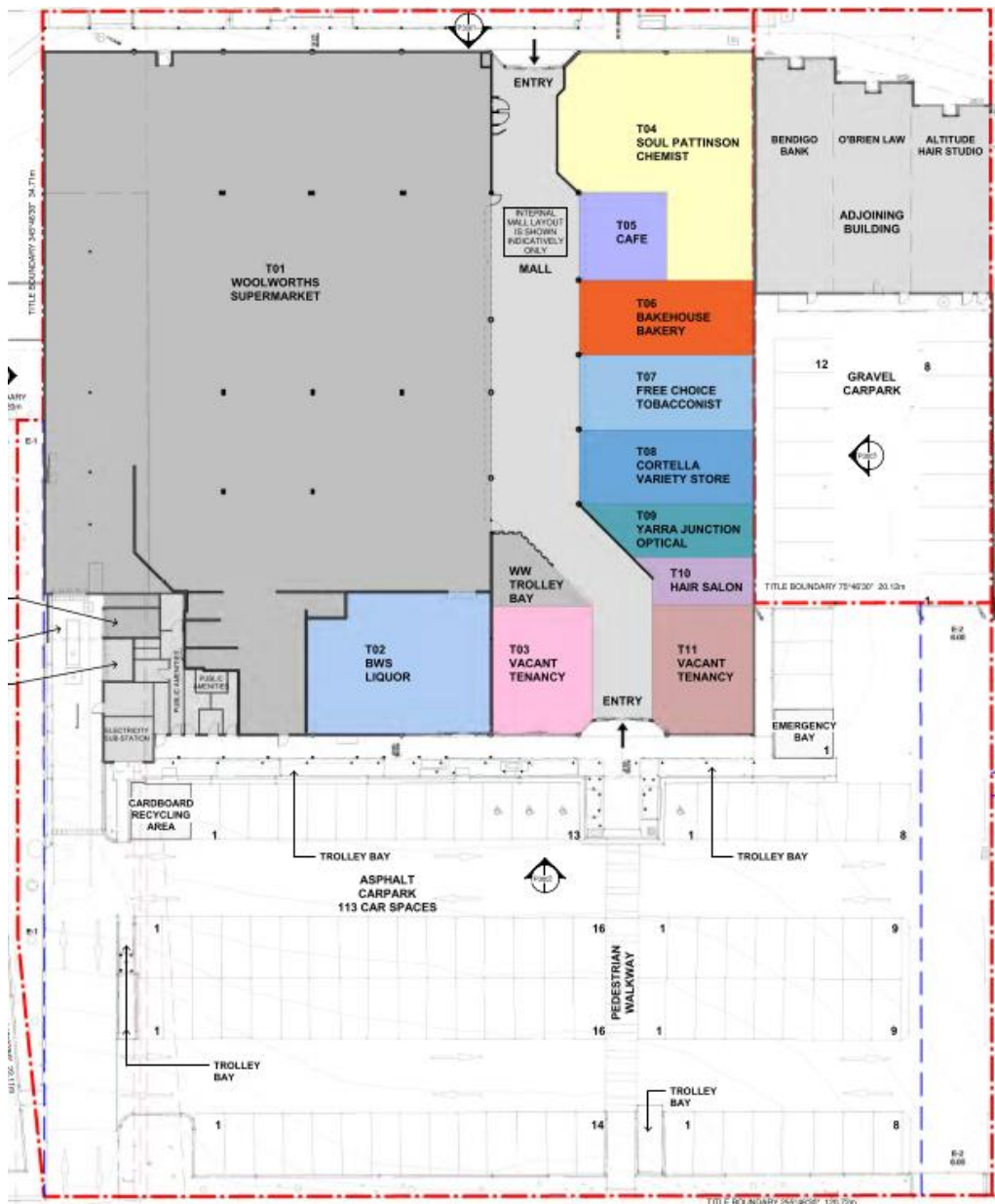


Figure 2 - Existing floor and parking layout at the subject site

1-11/2450 Warburton Highway comprises a single storey building with pedestrian access via a common mall from the Warburton Highway frontage and a rear car park. It has 11 separate tenancies with a gross floor area of approximately 6415 square metres including:

- 474.4 square metres of common mall and amenities
- 1888.9 square metres of supermarket (T01) accessed from the common mall
- 1042.4 square metres of shop floor / food and drink premises floor area including
 - T02 – 182 square metre shop (bottle shop) accessed from the rear car park
 - T03 – 92 square metre food and drink premises (48 seat restaurant) accessed from the rear car park (not vacant)

- T04 – 248 square metre shop (chemist) accessed from mall and Warburton Highway
- T05 – 55 square metre food and drink premises (café) accessed from mall
- T06 – 93 square metre square metre shop / food and drink premises (Bakery café) accessed from mall
- T07 – 94 square metre shop (tobacconist) accessed from mall
- T08 – 93 square metre shop (Variety Store) accessed from mall
- T09 – 56 square metre shop (Optical Glasses shop) accessed from mall
- T10 – 36 square metre shop (hair salon) accessed from mall
- T11 – 93 square metre shop (vacant) accessed from rear car park

1-11/2450 Warburton Highway currently provides 97 car spaces (including 4 accessible car spaces and not including one (1) emergency bay and two (2) bays used for cardboard recycling) in the rear car park. The car park has pedestrian and vehicle access from Yarra Street and directly from the adjoining land to the east at 2454 Warburton Highway.

1-3/2452 Warburton Highway comprises three separate tenancies accessed from Warburton Highway with a floor area of 348 square metres comprising:

- S01 – 103 square metre shop (hairdresser)
- S02 – 130 square metre office (bank); and
- S03 – 115 square metre office (solicitor).

1-3/2452 Warburton Highway provides informal parking in the rear gravel car park but there is no planning permit requiring any car parking to be provided on the land and the 16 car spaces shown on the plan are indicative only.

The land provides pedestrian access from Warburton Highway and includes a pedestrian access through the car park.

Existing elevations of 1-11/2450 Warburton Highway and 1-3/2452 Warburton Highway, including existing signage are shown in figure 3 below. Photos of the subject site are included in attachment 4.

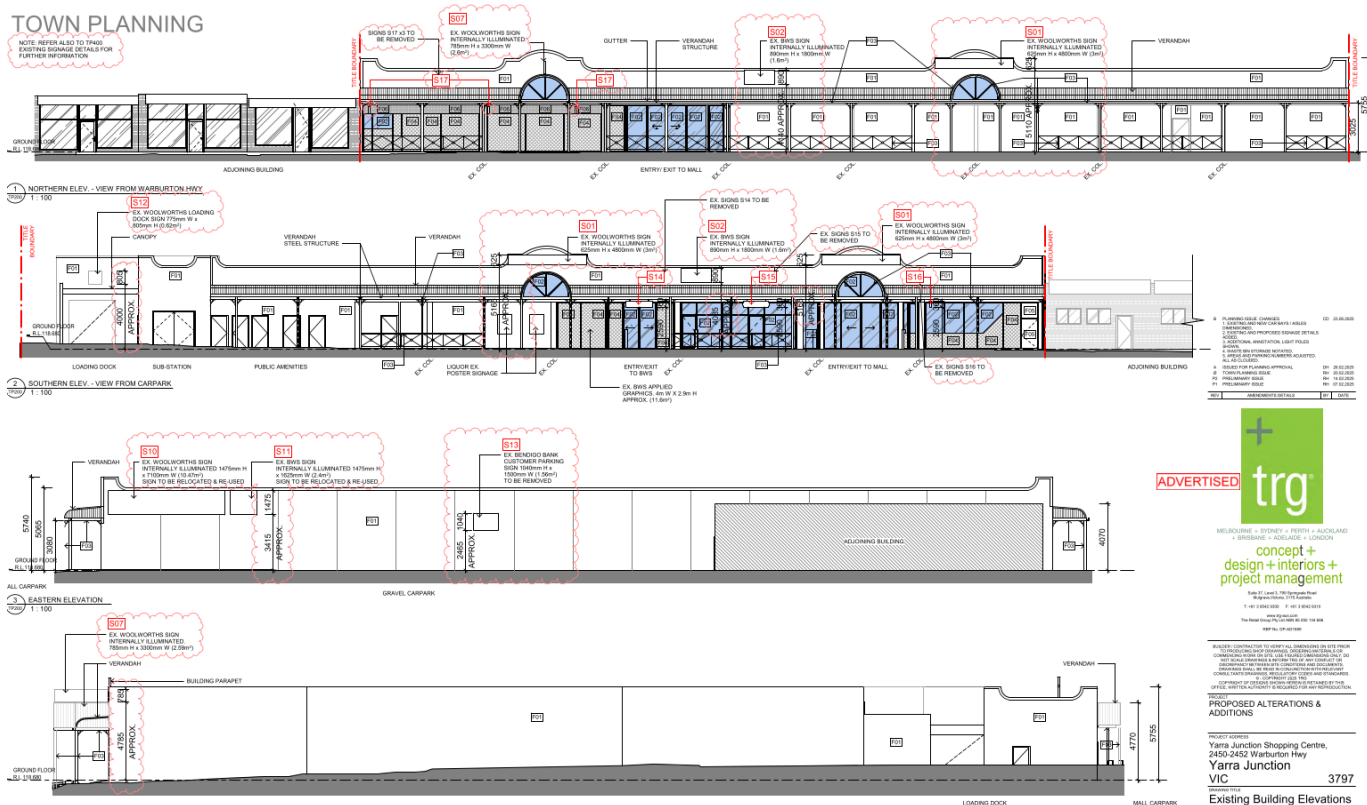


Figure 3 - Existing Elevations of subject site

SURROUNDING AREA

The surrounding area comprises of a mainly of commercial uses as reflected under the zoning map (Figure 4), The site also has Warburton Highway to the north of the site and abuts Council's Community Link building to the west. The site is located in the Yarra Junction; a larger neighbourhood activity centre identified under Clauses 02.03-1 - Settlement and 02.04-01- Yarra Ranges strategic framework plan.

- East**

2454 Warburton Highway comprising a newsagent shop located in the Commercial 1 Zone. Beyond this is 2456 Warburton Highway comprising seven commercial properties also in Commercial 1 Zone. The applicants traffic impact assessment identifies the parking to the rear of these properties as car park CP3 comprising 56 car spaces.

- West**

To the west is a public open space fronting Warburton Highway in a Public Use Zone (Service and Utility) and the Upper Yarra Family Centre, Community Link and Yarra Junction Library located in the Commercial 1 Zone and Public Use Zone 6 (Local Government).

- North**

Warburton Highway is to the north of the site and is a Transport Zone 2 Road and includes the public footpath being elevated above the roadway. On the north side of Warburton Highway is a public park and recreation zone land comprising of the Yarra Junction Recreation Reserve and includes the

Warburton Rail Trail, a football oval, and associated public facilities and buildings.

- South

To the south is Yarra Street, a commercially zoned road with on street car parking. Land on the south side of Yarra Street is zoned residential and has been developed to support townhouse and residential consolidation over recent years.

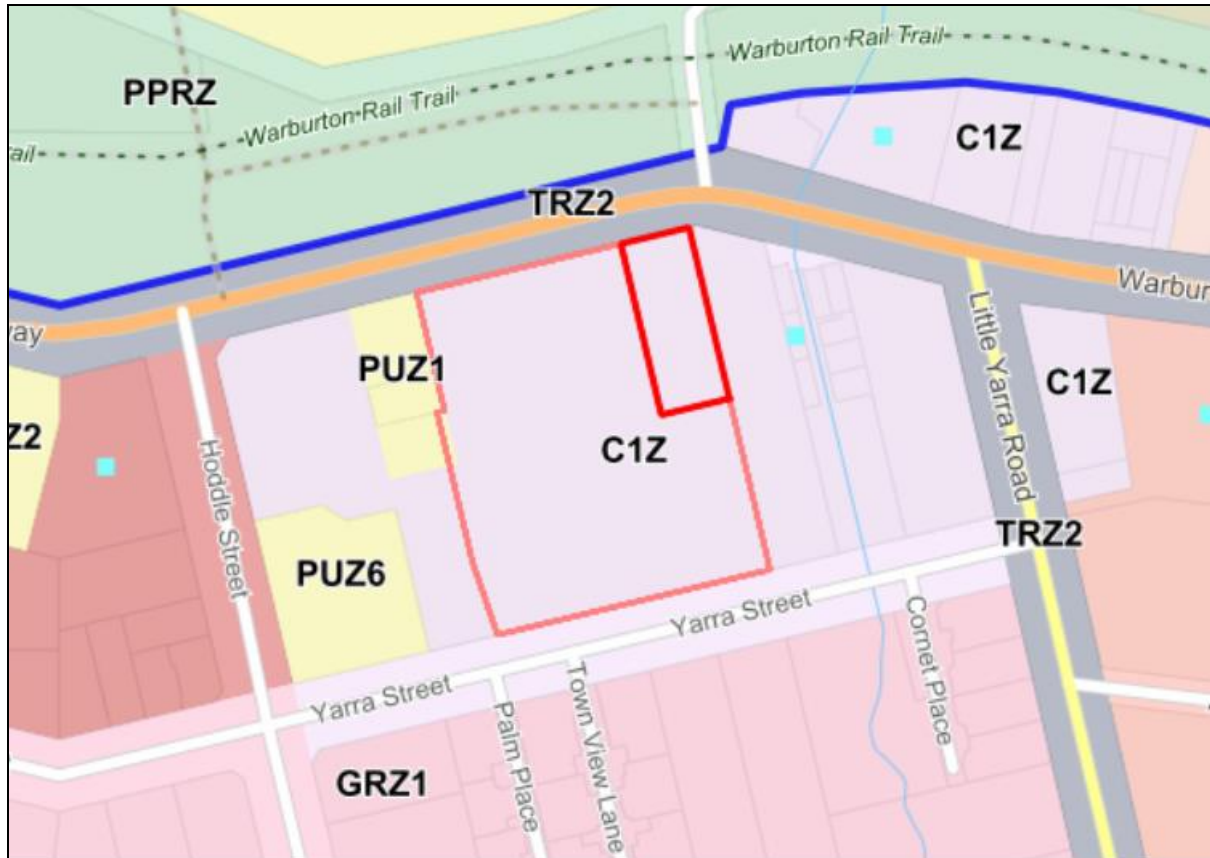


Figure 4 - Zone Map of the subject site and surrounding area

PROPOSAL

The proposal seeks permission for the construction of buildings and works to extend the building as shown in the proposed development plans found at Attachment 3. The proposal includes internal alterations to the building to increase the floor area of the supermarket, reducing shop floor area.

Alterations are proposed to the Warburton Highway north façade, relocating the pedestrian entrance to the east boundary, reducing the entrance width from ten (10) metres to four (4) metres and replacing the 20 metre shop premises T04 frontage with supermarket frontage and reducing the extent of glazed frontage by 7.3 metres to 15 metres.

The proposed building extension to the southeast measures 13.2 metres by 23.5 metres and has a floor area of 307 square metres. This additional floor area is located to the rear of 2452 Warburton Highway, straddling the internal lot boundary.

The setback will be in line with the existing building façade with detailing matching that of the existing façade and includes an extended weather protection awning over the pedestrian footpath adjacent to the new shop fronts.

A canopy is proposed over the direct to boot car spaces with a height of 4.4 metres, a length of 9.1 metres and a width of 16.15 metres.

The proposal seeks a car parking reduction of 53 car spaces and Attachment 5 provides a traffic assessment.

The planning report submitted with the application found in Attachment 6 provides an assessment of the proposal against relevant planning policy and controls.

The application included a waste management plan found at attachment 7 that details private waste collection from the site.

Refer to Table 1 for further details of the proposed development. Further, Figure 5 and 6 provide images of the proposed floor plans and elevations of the development.

Table 1 - Summary of proposed development:

Proposal Attributes	
Proposed additional floor area	307 square metres (being proposed shops T06 pharmacy and T07 optical)
Additional supermarket floor area (replacing the shops internal to the existing complex)	1039 square metres (51 car space required)
Reduction in shop floor area	336 square metres (13 car space credit)
Car parking demand	38 car spaces (51 additional supermarket spaces less 13 credits for reduction in shop floor area)
Car parking removed	15 car spaces
Proposed car parking	97 car spaces on site - including three (3) accessible car spaces, - specialty tenancy loading bay; and, - four (4) “direct to boot” car spaces
Bicycle spaces required	0
Bicycle spaces provided	4



Figure 5 - Proposed Floor Plan

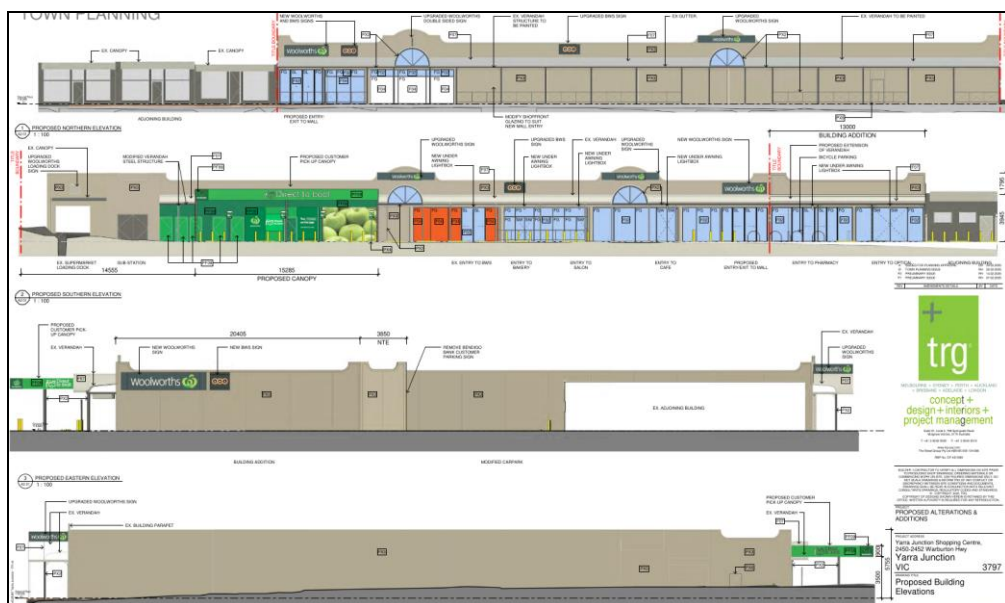


Figure 6 - Proposed Elevations

Signage

It is proposed to amend the signage for the supermarket premises to provide a total of 64.59 square metres of signage over 21 signs. Refer to figure 6 and attachment 5 for elevations of signage. Table 2 sets out the attributes of the different signage type being proposed.

Table 2 - Summary of signage:

Proposal Signage Attributes	
Retain six (6) LED illuminated signs (S01, S02 and S07)	Combined area 14.8 square metres.
Two (2) new LED illuminated signs (S10 and S11)	Combined area of 12.87square metres are being relocated from the existing to proposed east facing car park wall.
Ten (10) new vinyl signs (S05, S06)	Combined area of 28.1 square meters are proposed for the click and collect facing the south car park.
Two (2) LED illuminated signs (S08 and S09) for Click and Collect	Combined area of 7.21 square metres.
Six (6) signs (S03) indicated for specialty shops	As of right for a single retail premises under the commercial zone and are not considered as part of this application.

CONSULTATION

Internal Referrals

This application was referred to various business units or individuals within Council for advice on matters.

A summary of the relevant advice is outlined below:

Department	Response	Planner Comments
Urban Design	The Direct to Boot canopy will impact the existing façade most significantly. The colours, signage and canopy all need further consideration. Consider removing coloured paint on the external walls of the building which are painted.	Condition 1 in Attachment 1 to address the impact of the direct to boot

Department	Response	Planner Comments
	The internal thoroughfare between the car park and through to Warburton Highway should be maintained to allow for pedestrian movements for those not just visiting Woolworths.	canopy colours and signage. Internal access is generally maintained
Engineering (Traffic)	The proposed development requires 38 car parking spaces and removes 15 car spaces. Based on the car parking occupancy survey provided by the applicant, there is car parking capacity to accommodate these cars during the peak periods. Noting the historical contribution of 22 spaces along the north side of Yarra Street, Council's Traffic Officers are satisfied that any overflow carparking demand is both acceptable and can be readily accommodated. Recommends include • The applicant to construct, seal, drain and delineate car park to improve the car parking area. • car parking be maintained and not being obstructed or made inaccessible recommended. • Loading and unloading of vehicles on site recommended. • All vehicles to enter and exit the site in a forward direction recommended.	Conditions included as recommended and include the following conditions • Condition 17 requiring the sealing of the car park. • Condition 18 maintaining the parking area at all times. Condition 19 considering the loading requirements and • Condition 20 requiring all vehicles to exit the site in a forward direction.
Engineering (Drainage)	No objection subject to standard drainage conditions	Conditions included as recommended and include the following conditions • Condition 26 for a stormwater management plan

Department	Response	Planner Comments
		Condition 27 requiring designs, computations and detailed construction plans for a stormwater drainage system

Public Notification and Consultation

Notification of the application was undertaken by:

- ☒ - Placing of three (6) sign/s on the land
- ☒ - Mailing notices to owners and occupiers of adjoining and/or nearby properties

Public notification was undertaken across the following dates:

Public notification was undertaken 1 July 2025 to 18 July 2025 by direct mail to owners and occupiers within the immediate area of the subject site. Six (6) signs were also posted on site, two (2) fronting Warburton Highway, two (2) Fronting Yarra Street and two (2) facing towards the car park.

Submissions of objections

At the time of this report being prepared, fifty-four (54) objections have been received.

The grounds of objection can be summarised as follows:

- Loss of tenancies and employment opportunities and concerns of a supermarket monopoly
- Detrimental impact on local economy and the proposal is profit driven only
- Insufficient car parking, accessible car parking and loss of car parking associated with direct to boot sale
- Inadequate consultation regarding the development
- Construction Impacts, including site management building parking and site shed
- Loss of a community hub, public meeting place and rest area for shoppers in mall Contrary to Yarra Junction Place Plan
- Poor condition of the car park / public toilets / amenities
- Poor weather protection for access to new tenancies

- Errors in existing shop floor areas of traffic report (1806 / 1086 square metres)
- Safety issues with deliveries and waste collection vehicles reversing in car park
- Lack of active shop interface to the Warburton Highway / public open space.

A detailed assessment of the submissions can be found later in the report.

ASSESSMENT

Municipal Planning Strategy and Planning Policy

The proposal has been assessed against the proposal has been assessed against the Municipal Planning Strategy and Planning Policy Framework. The proposal is consistent with these policies as detailed below, refer to Attachment 2.

The township of Yarra Junction is identified as a large neighbourhood activity centre under Clause 02.03-1 'Settlement'. A large neighbourhood activity centre is the second highest tier of activity centre behind major activity centres (which includes the suburbs of Chirnside Park and Lilydale).

Having regard to the small size of the proposed development, the proposal meets Council's strategic directions as they relate to commercial development, business identification signage and the provision of car parking in a *Large Neighbourhood Activity Centres*.

The large neighbourhood activity centre classification which Yarra Junction has recognises the role that Yarra Junction plays in providing a variety of retail, community and civic services to the area and wider catchment area for the Upper Yarra. Council's adopted *Housing Strategy 2024* has forecast the total population growth within Yarra Ranges to reach approximately 180,197 people by 2041, with population growth is the need for supporting infrastructure, including commercial development and social infrastructure to also be developed to meet the needs of the growing population.

Clause 15.01 - *Built Environment* seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. The proposed buildings and works achieve this. Policy seeks to provide active frontages to main streets and other key public domain areas of activity centres to encourage pedestrian activity, and this is assessed below under buildings and works. The design is well integrated to the existing car park and respects the amenity of the adjoining residential area to the south. The design achieves accessibility and upgrades accessible car parking to current standards. The design of the building extension matches that of the existing building.

Clause 15.01-2L Environmentally Sustainable Development applies to commercial developments with a gross floor area over 500 square metres. The proposed building extension increases the sites gross floor area by 307 square metre and the policy does not apply. Sustainability will need to be addressed by the relevant building surveyor at the time of the building permit for the works being issued.

Clause 17.02-1S - *Business* sets out policy objectives which seek to locate commercial facilities in existing activities centres to ensure such facilities are

aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure, the proposal achieves this.

An assessment against the relevant provisions of the planning scheme has been undertaken, and it is considered that the application meets the purpose of the planning scheme, including the Commercial 1 Zone C1Z, The Design and Development Overlay DDO12 with the extension being consistent with the existing buildings design detail, colours, height and form whilst maintaining an appropriately active interface to the rear car park, the sites main entrance, and to the Warburton Highway frontage. This is assessed further under buildings and works below.

Yarra Junction Place Plan

The Yarra Junction Place Plan was adopted by Council Tuesday 13 May 2025. The document is not an incorporated document under the planning scheme, however, is setting the strategic vision for the township future. The plan seeks to increase the visitor economy, increase economic activity within the activity centre and increase local employment opportunities for people under the age of 30. Additional work is identified under the plan, including the development of a Township Design Framework, Yarra Centre Master Plan, and other work.

The plan relates to public works and infrastructure, fostering safety and connectivity. The place plan also seeks to revitalise the town centre and ensure economic prosperity.

In response to this the permit application increases commercial floor area, improves the services provided by the supermarket and acts towards revitalising the activity centre, improving the car park (as recommended by permit condition 16), improving the convenience and accessibility of local retail services and maintaining local employment opportunities.

BUILDINGS AND WORKS

Loss of common accessway / management of amenities

Objectors have noted that the internal accessway is a highly valued element of Yarra Junction's town centre, providing an informal community gathering space and have objected to its removal. This is an issue of "borrowed amenity" where the public is benefitting from the amenity provided on private land. This amenity benefit cannot be guaranteed and can only be enjoyed whilst it is provided. It is unreasonable to expect the amenity benefit to continue if the landowner wishes to change the use or development of their land.

The commercial 1 zone sets down retail premises as an as of right use. This includes shop, food and drink premises and supermarket. It is a fundamental planning principle that Council cannot specify how a use operates if there is no permit requirement for that use.

A permit is only required for buildings and works, signage and for the reduction of car parking. Having regard to the buildings and works proposed Clause 62.02-2 specifies that any requirement in the planning scheme relating to the construction of

a building or the construction or carrying out of works *does not apply* to the internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased. The works to alter the internal layout of the existing building and remove the common accessway do not require a planning permit.

The provision of areas able to be used by the public as part of their development is a decision to be made by the landowner / permit applicant having regards to their commercial needs. It is not a relevant matter for council to control, particularly where the only permit triggers are for buildings and works, signage and reduction of car parking.

North Elevation to Warburton Highway

The proposal makes alterations to the main entry point for the supermarket from Warburton Highway whilst generally maintaining the existing façade and pedestrian access to Warburton Highway as shown on figures 5 and 6 above.

The proposal seeks to reduce the active frontage to Warburton Highway by 20 metres, removing shop premises T04 (current pharmacy), providing solid film to the supermarket glazing and reducing the pedestrian entry to Warburton Highway from ten (10) metres width to four (4) metres width. Community concern has raised that this is not an ideal urban design outcome, with both *Clause 15.01-1L -Urban design in activity centres* and the *Design and Development Overlay DDO12* seeking to encourage pedestrian activity and to ensure that buildings provide an active interface with the main street and passive surveillance to all abutting streets and other public places using techniques such as clear glazed windows.

The current chemist premises provides solid film on its glass façade to Warburton Highway, and the proposal does not significantly reduce passive surveillance of the public realm.

Significantly, Yarra Junction is generally a car centric township, and the primary means of customer access to the site is from the car park to the south, with the majority of customers parking and accessing the site car park off Yarra Street and Little Yarra Road. The designs focus towards the south, increasing active frontages to the car park, reflects this.

There are no commercial properties on the north side of Warburton Highway opposite to the site or to the west of the site and the proposal will not interrupt the commercial activity of the streetscape. Further the retaining wall on the south side of Warburton Highway roadway and the landscape beds along the north of the site provide an impediment to pedestrian access into the site. In this context the proposed interface with Warburton Highway is not contrary to the planning controls and is supported.

South Elevation to Car Park

The design of the 307 square metres building extension to the southeast of the existing building for Tenancy T06 and T07 (current Bakehouse & Tobacconist) located adjacent to the sites car park is consistent with the form, scale and character

of the existing building and provides an active interface and passive surveillance of the car park to the south consistent with Clause 15.01.

Tenancy T06 and T07 include a pedestrian access with an awning above providing weather protection to shop entrances consistent with other shop tenancies fronting the sites car park.

The relocated entrance point to the supermarket walkway is generally appropriate but should be altered to improve the visibility of the entry point and remove blind spots where people can loiter. Specifically Shop T05 (current café) and T06 corners adjacent to the supermarket airlock should be angled at 45 degrees.

The proposed canopy for the direct to boot car spaces is an appropriate built form for a rear commercial car park. It is a simple weather protection structure with minimal presence in the public realm and having no impact on the visual amenity residential properties to the south or the character of the site and surrounds.

Amenity Impacts

The proposal is not likely to impact on the amenity of the surrounds subject to the - obligation of general amenity conditions in Attachment 1 including standard amenity condition 9, condition 10 requiring noise to comply with EPA requirements, condition 11 requiring silent alarms, condition 12 requiring no external sound amplification equipment and condition 13 requiring external lighting to be baffled to prevent any detrimental amenity impacts on surrounding land. Noting the issues raised by council's urban design officer's conditions regarding deleting signs S05 and for colours to match existing façade for the Direct to Boot sales area are recommended

Car Parking

Car parking reduction – Statutory demand

As demonstrated in table 1 below, Clause 52.06 of the Scheme sets out the statutory car parking rate for the proposed use and development as 38 car parking spaces.

The proposal itself seeks to increase the supermarket floor area and reduce shop floor area, and these uses have different car parking demands under the planning scheme. The proposed changes to floor areas of these uses has a net demand of 38 car spaces.

Use	Applicable parking rate	Proposed change in floor area	Parking demand
Supermarket	5 spaces per 100 square metres	1039 square metres	51 car spaces
Shop	4 spaces for 100 square metres	-343 square metres	-13 car spaces for credit of the loss of these spaces

Use	Applicable parking rate	Proposed change in floor area	Parking demand
Total			Net 38 car spaces

Table 3 car parking demand associated with the change in use and floor areas

Changes are proposed to the car park to reduce on site car parking provision from 112 to 97 car spaces, removing 15 car spaces to:

- provide additional retail floor area.
- ensure compliance with DDA requirements, reducing the number of accessible car spaces from four (4) to three (3) and providing the required clearances to the accessible spaces, an acceptable and necessary upgrade to these parking facilities.
- provide four (4) direct to boot car spaces which will reduce stay duration and provide a high turnover, efficient, resilient, modern and flexible shopping experience, and these are deemed to an appropriate car parking outcome.
- provide one (1) car space as a loading bay for the specialty shops which is deemed to be both necessary and appropriate.

In real terms the development will have an empirical demand of $(15 + 38) = 53$ car spaces due to:

- removal of 15 car spaces (112 car spaces reduced to 97 car spaces – the 112 car spaces are part of the applicant's empirical parking survey, and the loss of car spaces must be accounted for): and,
- the 38-car space parking demand from the increased supermarket floor area / decreased shop floor area as detailed in table 3 above.

Parking survey results and analysis of proposed car parking provision

A car parking demand assessment has been provided as part of the application documentation (Attachment 6). The report includes a parking survey of the site and surrounds undertaken on a Friday and Saturday from 10am to 6pm. Peak parking demand for the site and surrounds occurred at 11:30 am on both days.

Officers have only had regard to parking available on site and parking available on street in their assessment. All on street parking surveyed is in non – residential zones and appropriate to be considered as part of the proposed reduction. Table 4 outlines parking available on site and on street. Note, parking numbers within the brackets shown in Table 4 relates to that part of the on-street parking where cash in lieu parking has been contributed to, generally as shown in Figure 7, being parking spaces which were empty at the time of the parking survey.

Car parking (existing conditions)	Capacity	Friday Peak Available (11:30am)	Saturday Peak Available (11:30am)
On street (North side of Yarra Street adjacent site – note 22 car spaces cash in lieu contributions)	127 (28)	75 (6)	96 (17)
On site (existing)	112	53	54
Total on site and on street	239	128	152

Table 4 – Applicants Parking Surveys (pages 33 and 34 of attachment 6).

The parking surveys undertaken by the permit applicant show that at all times there are a minimum of 53 car spaces available on the subject site (meeting the empirical demand of 53 car spaces identified above), with a minimum of 128 of the 239 car spaces available both on site and in publicly available parking at all times as detailed in table 4. This available parking is more than sufficient to meet empirical demand.

The site has previously made cash in lieu contributions to the provision of 22 on street car space on the north side of Yarra Street, directly adjacent to the site. These are a relevant consideration under Clause 52.06, effectively increasing car parking provision by the site. These 22 car spaces are the (28) on street car spaces surveyed in table 4 above and, at peak times, indicate a minimum of (6) (Friday) / (17) (Saturday) additional car spaces that can equitably be attributed to the subject site. Refer to Figure 7 below which highlights in green the area of Yarra Street public parking that is existing and that the prior cash in lieu parking contribution contributed too.



Figure 7 – Public Parking on Yarra Street where cash in lieu funding contributed too.

In consideration of the decision guidelines of Clause 52.06-7 the car parking assessment demonstrates that the proposed car parking reduction will not impact on publicly available car parking, and it is concluded that the proposal will not have an adverse economic impact on the economic viability of the Yarra Junction activity centre with parking on site sufficient to meet anticipated demand.

The subject lands car park is existing, access to the car park is provided directly from commercially zoned roads and additional traffic associated with the increased supermarket floor area and direct to boot car spaces will not impact on the amenity of the surrounds consistent with the provisions Clause 52.06

Officers have undertaken a thorough review of the parking demand and availability on site and on street and are satisfied that there is more than sufficient car parking available to meet the anticipated parking demand in accordance with the provisions of Clause 52.06.

When considered as a whole, the development will provide car parking that will be shared amongst the various tenancies on site and on surrounding sites with differing periods of peak demand and would enable for efficient use of the car parking provision onsite and throughout the centre.

There is a high likelihood of multi-purpose trips within the activity centre which will be combined with trips to the subject land in connection with the proposed uses. Having regard to the six other tenancies provided on the land it is also likely that there will be a variation in each tenancies peak car parking peak demand over time and this variation will act to reduce the parking demand for the site as a whole, with car space sharing resulting in increased efficiencies of use.

The applicants traffic report observed that increasing the floor area of a supermarket does not increase parking demand proportionately and that larger supermarkets tend to have lower parking rates than smaller supermarkets. Council's traffic and planning officers consider that the increased supermarket floor area will not have a commensurate increase in parking demand.

The direct to boot sales will reduce duration of stay and provide a high turnover shopping experience, acting to reduce parking demand.

The supermarket acts as an anchor for the activity centre and the proposed increase in supermarket floor area further consolidate its anchor role, providing flow on benefits to other uses in the activity centre and a net community benefit.

Yarra Junction is more car dependant than activity centres in more urban areas. However, the proposal provides four (4) additional bike spaces, and the site has good bike access provided by way of the Warburton Rail Trail 60 metres north of the site. Public transport is available with bus route 683 from Chirnside to Warburton along Warburton Highway offering an hourly service with bus stops directly north and 100 metres west of the site. Pedestrian access to the activity centre for the local community is also provided.

Overall, the reduction in the statutory car parking requirements is alleviated through shared car parking spaces and existing availability in on street carparking.

Condition of car park

Community concerns have been raised regarding the condition of the car park. Clause 52.06-11 requires that before the floor area or site area of the existing use is increased car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces,

Condition 16 in Attachment 1 is requiring that the surface of the car park be assessed and resurfaced with a durable all-weather seal to the satisfaction of Council.

The proposal provides Council with the opportunity to regularise, modernise, upgrade and repair the car park including sealing, providing accessible car spaces to current standards, providing appropriate loading measures and providing a car boot sale opportunity.

Signage

Decision guidelines for signage are set out in both the Design and Development Overlay DDO12 and Clause 52.05 Signs. The proposed signage generally complies with these requirements with the only exception being the direct to boot canopy.

The direct to boot signage is proposing to use of bright and dark green, the direct to boot signage is viewed as dominating the architecture of the building and results in visual clutter contrary to the DDO12 and Clause 52.05.

The canopy colouring and signage on the direct to boot canopy (S06) is sufficient to clearly identify the service and direct customers. Condition 1 recommends that the four (4) sign S05 signs with a combined area of 18.61 square metres of as shown in

Figure 8 below face south towards the car park, be deleted and that the south façade, be amended from bright and dark green to match the colour of the main building being PX3.

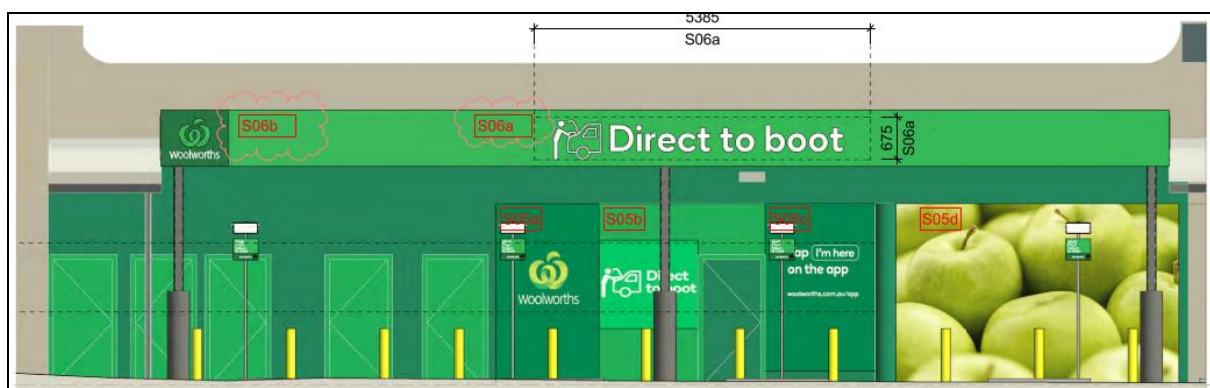


Figure 8 - Signs S05 (under canopy) and S06 (canopy)

Sign S06 is indicated on the east, west and south sides of the canopy. An east elevation of the sign is not provided and condition 1 is recommended requiring this to be provided.

There are six (6) signs (S03) indicated for specialty shops do not require a permit and these are recommended to be deleted by permit condition 1.

Consolidation of Land

The proposed Tenancy T06 straddles the common boundary between the two lots that comprise the application land. No building permit can be issued for a development which crosses two lots.

Further the proposed car park and uses are situated over two lots. To ensure that the approved car parking is not fragmented by the separate disposal of the lots and to allow the permit to be enforced the land is required be consolidated into a single lot by condition 7.

Response to Submitters concerns

The application has been advertised, and fifty-four (54) objections have been received.

A summary of key themes of objections and a response to respective concerns is outlined in the table below.

Ground of Objection	Assessment and considerations
Loss of tenancies and employment opportunities and concerns of a supermarket monopoly	Matters of tenancy are beyond the scope of consideration of a planning permit application. The tenancy issues raised can be resolved by the landowner through separate legislative processes which are beyond the scope of the <i>Planning and Environment Act 1987</i>. Provision of retail floor area / the number of available shop tenancies in Yarra Junction neighbourhood activity centre

Ground of Objection	Assessment and considerations
	remains high. Noting that the mix of uses proposed are all as of right and that internal alterations to a building are exempt from requiring a planning permit it is beyond Council's role as a planning authority to control the number of tenancies provided on the land. This is a commercial zone where commercial use and development is both anticipated and encouraged. The supermarket use does not require a planning permit and is an existing use already operating on the site servicing the local community. The existing development needs repairs, maintenance and general upgrading and the proposal seeks to revitalise the site. The proposed development, signage and car parking reduction have been assessed on their merits and found to meet the relevant planning provisions.
Detrimental impact on local economy and the proposal is profit driven only	The proposed larger supermarket with and five (5) individual retail tenancies of varying sizes (including existing liquor store, bakery, salon, café and pharmacy) maintains and consolidates the role of the Yarra Junction Large Neighbourhood Activity Centre consistent with Clause 11.03-1L-01 which seeks to support use and development that reinforces the role and function of the activity centre and support development that provides for a mix of convenience and grocery shopping services for the surrounding community.
Insufficient car parking, accessible car parking and loss of car parking associated with direct to boot sale	As discussed above, the application is seeking a waiver of the statutory parking rate but has demonstrated the development will generate a parking rate of 53 car spaces, which available on site as demonstrated by the surveys undertaken. The car parking provision on site has been reviewed by Council's traffic engineers and deemed to be satisfactory due to efficient use of shared onsite parking and existing availability of on street car parking. The direct boot sales car spaces are car parking that do not reduce on site car parking, increase the efficiency of these car spaces and reduce duration of stay providing a flexible and contemporary shopping opportunity. Whilst accessible car space numbers are being reduced, accessible car spaces are being improved to meet current standards, and this is an acceptable design outcome.
Inadequate consultation	The application has been advertised appropriately in

Ground of Objection	Assessment and considerations
regarding the development	accordance with the <i>Planning and Environment Act 1987</i>. The applicant has indicated that they do not wish to engage in further consultation regarding the proposal. Tenancy changes are outside the scope of the planning application and consultation regarding this is not appropriate. Under the circumstances additional consultation is not considered necessary to enable Council to consider the proposal before it.
Construction Impacts, including site management building parking and site shed	It is acknowledged that there will be disruptions during the construction process, and this is a reasonable and unavoidable part of any redevelopment application in the middle of an activity centre. These disruptions are not a reason for Council to refuse the application. A construction management plan is recommended by way of permit condition 22 to ameliorate impacts during the construction process. Such will focus on traffic management, site management, materials storage, deliveries, location of hoarding, site security, public safety measures and minimising impacts on car parking available on site as much as practicable. Hours of construction will comply with relevant EPA provisions.
Loss of a community hub, public meeting place and rest area for shoppers in mall	The commercial 1 zone sets down retail premises as an as of right use. This includes shop, food and drink premises and supermarket. It is a fundamental planning principle that Council cannot specify how a use operates if there is no permit requirement for that use. A permit is only required for buildings and works signage and reduction of car parking. Having regard to the buildings and works proposed clause 62.02-2 specifies that any requirement in the planning scheme relating to the construction of a building or the construction or carrying out of works does not apply to the internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased. The works to alter the internal layout of the existing building and remove the common accessway do not require a planning permit. The amenities are existing facilities provided at the discretion of the permit applicant. There is no permit condition requiring these amenities to be provided. The extent of building works proposed does not allow council to require the provision of public amenities on the land or otherwise manage these amenities for similar reasons that

Ground of Objection	Assessment and considerations
	council cannot require the provision of a community hub.
Contrary to Yarra Junction Place Plan	The proposal is broadly consistent with the Yarra Junction Draft Place Plan as the proposal increases commercial floor area, improves the services provided by the supermarket and helps revitalise the activity centre, improving the car park and amenities provided on the site (as recommended by permit condition 16), improving the convenience and accessibility of local retail services and maintaining local employment opportunities.
Poor condition of the car park	Conditions 16, 17 and 18 in Attachment 1 requires an assessment of the conditions of the car park and the surface to be upgraded as to an appropriate standard.
Poor weather protection for access to new tenancies	The existing verandah on the Warburton Highway frontage is maintained and continues to provide continuous weather protection to pedestrians as required by the DDO12 and Clause 15.01. The existing verandah on the south façade is similarly maintained and extended to the south façade of proposed tenancies T06 and T07, again providing continuous weather protection consistent with DDO12 and Clause 15.01.
Errors in existing shop floor areas of traffic report (1806 / 1086 square metres)	The applicant provided a corrected traffic report which was circulated to all objectors. Officers have considered the proposed increase in floor area based upon the submitted plans and have undertaken a rigorous car parking assessment.
Safety issues with deliveries and waste collection vehicles reversing in car park	Waste collection and deliveries are an existing condition, approved as part of the original development of the land. Council can only consider the proposed buildings and works and the extent of these do not alter existing the supermarkets loading dock or waste collection processes. Notwithstanding a waste management plan has been submitted as found at attachment 8 and waste collection will be required to be undertaken by private contractor in accordance with this plan, per permit condition 28.
Lack of active shop interface to the Warburton Highway / public open space	The extent of active frontage to Warburton Highway is not being significantly reduced and the proposal results in the same level of passive surveillance of the public realm as the existing development. The context of the site is unusual with the principal access to the site being from the rear car park. The proposal's interface with the rear car park and passive surveillance of the car park is improved consistent with the intent of relevant

<i>Ground of Objection</i>	<i>Assessment and considerations</i>
	urban design policy.

CONCLUSION

The development application has been assessed and is considered to be in accordance with Section 60(1) of the *Planning and Environment Act 1987* and all relevant instruments and policies.

The proposal is consistent with the objectives of the planning policy framework and the relevant zone and overlay provisions of the Planning Scheme, and overall results in an acceptable development of the site, subject to conditions.

As such, approval of the planning application is appropriate and is it recommended that a permit be granted, subject to conditions as outlined in Attachment 1, and Council resolve to issue a Notice of Decision to Grant a Planning Permit.

ATTACHMENTS

- 1 Proposed Planning Permit with Conditions
- 2 Yarra Ranges Planning Scheme Provisions
- 3 Yarra Junction Place Plan
- 4 Site Photos
- 5 Proposed Development Plans
- 6 Transport Impact Assessment
- 7 Planning report
- 8 Waste Management Plan