7.1.3 3 & 5 MURRAY STREET CLAYTON- TPA/55508- USE AND DEVELOPMENT OF A FOUR (4) STOREY MEDICAL CENTRE

Responsible Manager: Catherine Sherwin, Manager City Planning	
Responsible Director:	Peter Panagakos, Director City Development

EXECUTIVE SUMMARY

This application proposes the development of a four-storey building to be used as a medical centre with a total of 61 medical practitioners. Car parking is provided within two levels of basement and at-grade ground level parking with separate vehicle access to Murray Street.

The application was subject to public notification. Six (6) objections to the proposal have been received.

Key issues to be considered relate to the appropriateness of the proposed use of a medical centre, height and scale of the proposed building, landscaping, external amenity impact on surrounding properties including overlooking and overshadowing, adequacy of car parking provision, traffic and car parking movements.

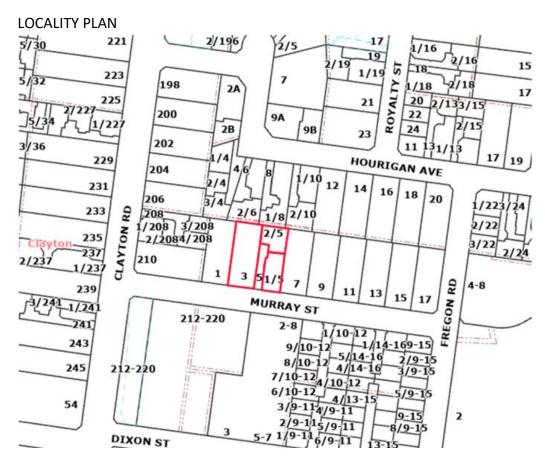
This report assesses the proposal against the provisions of the Monash Planning Scheme including the relevant state, regional and local planning policy framework including the Clayton Activity Centre Precinct Plan, and issues raised by objectors.

The reason for presenting this report to Council is the proposed development cost of \$9.5 Million.

The proposed development is considered appropriate having regard to the relevant provisions of the Monash Planning Scheme. It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

RESPONSIBLE DIRECTOR:	Peter Panagakos, Director City Development
RESPONSIBLE MANAGER:	Catherine Sherwin, Manager City Planning
RESPONSIBLE PLANNER:	Jeanny Lui
WARD:	Oakleigh
PROPERTY ADDRESS:	3-5 Murray Street, Clayton
NUMBER OF OBJECTIONS:	Six (6)
ZONING:	Residential Growth Zone 3
OVERLAY:	Design and Development Overlay-Schedule 14
EXISTING LAND USE:	Dwellings
RELEVANT POLICY:	Planning Policy Framework
	Clause 11.01-1R - Settlement – Metropolitan Melbourne
	Clause 11.02-1S - Supply of Urban Land
	Clause 11.03-1S&1R – Activity Centres

Clause 13.07-15 - Land Use Compatibility Clause 15.01-15&R - Urban Design Clause 15.01-25 - Building Design Clause 15.01-25 - Realthy Neighbourhoods Clause 15.01-55 - Neighbourhood Character Clause 17.01-15&R - Diversified Economy Clause 17.02-15 - Business Clause 18.01-15 - Land Use and Transport Planning Clause 18.01-15 - Land Use and Transport Planning Clause 18.02-15&IR - Health Facilities Clause 19.02-15&IR - Health Facilities Clause 19.03-35 - Integrated Water Management Local Planning Policy Framework Clause 21.01 - Municipal Strategic Statement (Introduction) Clause 21.05 - Economic Development Clause 21.06 - Major Activity and Neighbourhood Centres Clause 21.08 - Transport and Traffic Clause 21.13 - Sustainability and Environment Clause 22.11 - Sustainability and Environment Clause 22.01 - Residential Development and Character Policy Clause 22.03 - Industry and business development and character policy Clause 22.04 - Stormwater Management Policy Clause 22.05 - Tree Conservation Policy Clause 22.05 - Tree Conservation Policy Clause 22.07 - Non-Residential Use and Development in Residential Areas Clause 22.13 - Environmentally Sustainable Development Policy Particular Provisions Clause 52.06 - Car Parking Clause 52.07 - Car Parking Clause 52.08 - Bervironmentally Sustainable Development Policy Particular Provisions Clause 52.08 - Car Parking Clause 52.08 - Car Parking Clause 52.08 - Decision Guidelines		
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	STATUTORY (60 DAY)	18 May 2024
PROCESSING DATE:	PROCESSING DATE:	
DEVELOPMENT COST: \$9.5 Million	DEVELOPMENT COST:	\$9.5 Million







RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit TPA/55508 for the use and development of a four (4) storey medical centre at 3-5 Murray Street Clayton subject to the following conditions:

Amended Plans Required

- Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority.
 When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Alta Architecture Pty Ltd but modified to show:
 - a) The proposed western vehicle crossover to have a minimum setback of 4 metres to the street tree (*Melaleuca linariifolia*) adjacent to No. 3 Murray Street. Alternatively, if the crossover is to be setback less than 4 metres from the street tree, the proposed setback must be accompanied by supporting arboricultural advice from a qualified arborist or other person with similar qualification to the satisfaction of the Responsible Authority;
 - b) Tree protection measures for the street tree (*Melaleuca linariifolia*) adjacent to No.3 Murray Street notated on the ground floor plan;
 - c) Notation that the street tree adjacent to No. 5 Murray Street (*Tristanopsis laurina*) is to be removed by Council, at the developer's cost;
 - d) Details of the material of construction and design of the external screening to provide a maximum of 25% transparency to prevent overlooking;
 - e) The area south of the at-grade ground level car space G.08 clearly marked 'no parking' or hatched out for waste vehicle turning movements on the ground floor plan;
 - f) Any required fire services, electricity supply, gas and water meter boxes screened to complement the development;
 - g) Indicative location of additional landscaping to buffer the paved area within the front setback;
 - h) Details of the materials and construction of the northern boundary fence in accordance with the acoustic report as required by condition 14 of this Permit;
 - i) Any changes to the façade materials recommended by the reflected glare assessment required under Condition 4;
 - j) An amended Landscape Plan in accordance with Condition 8;
 - Labelling of staff and customer parking in accordance with the Car Parking
 Management Plan required under Condition 12;
 - An amended Waste Management Plan in accordance with Condition 13;
 - m) An Acoustic Report in accordance with Condition 14; and
 - n) An amended Sustainability Management Plan in accordance with Condition 17.

All to the satisfaction of the Responsible Authority.

Compliance with documents approved under this Permit

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

Layout not to be Altered

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

Reflected Glare Assessment, Disability Glare & Discomfort Glare

- 4. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.
- 5. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.
- 6. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the Responsible Authority.
- 7. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes must be avoided or minimised, to the satisfaction of the Responsible Authority.

Landscaping Plan

- 8. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The Landscape Plan must be generally in accordance with the Landscape Concept Report prepared by Taylors, dated February 2024 except that the plan must show:
 - a) At least one canopy tree with an anticipated mature height of minimum 15 metres, within the front setback area;
 - b) Provision of canopy trees with spreading crowns located throughout the site including the front and rear setback areas;
 - c) Additional planting to soften the appearance of hard surface areas such as driveways and paving areas within the front setback;
 - d) A planting schedule of all proposed trees, screen planting, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), pot / planting size, location, botanical names and quantities;
 - e) The location of external lighting (if any);
 - f) The location of any fencing internal to the site;

- g) A combination of canopy trees and screen planting along common property boundaries;
- h) The location of any retaining walls associated with the landscape treatment of the site;
- Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- j) The location of Tree Protection Zones and Tree Protection Fencing for any trees to be retained (including street tree *Melaleuca linariifolia*); and
- k) The provision of an in-ground, automatic watering system linked to rainwater tanks on the land servicing the main garden areas.

all to the satisfaction of the Responsible Authority.

- 9. Before commencement of the use allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
- 10. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased, or damaged plants replaced, all to the satisfaction of the Responsible Authority.
- 11. An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Car Park Management Plan

- 12. Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
 - a) The number and location of car parking spaces allocated to each tenancy;
 - b) Any tandem spaces allocated to a single tenancy and for staff parking.
 - c) Staff car parking spaces relocated to Basement Level 2.
 - d) The management of car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;
 - e) The Car Parking Management Plan must specify a requirement of no paid parking arrangement within public parking areas;
 - f) Details of wayfinding, cleaning and security of end of trip bicycle facilities;
 - g) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc; and,
 - h) Details regarding the management of loading and unloading of goods and materials.

The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan (WMP)

- 13. Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the WMP prepared by Low Impact Development Consulting dated 27 February 2024 but modified to show:
 - a) The TPA number and existing land use in the introductory section.
 - b) Details of compliance with permitted collection times as per City of Monash Local Law No.3 and EPA Guidelines.
 - Scaled plans incorporated in the WMP to indicate bin storage areas, amenity (screening, odour and noise), cleaning/ washing, drainage to sewer, accessibility and bin maneuverability.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

14. Concurrent with the endorsement of plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Acoustic Engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must be generally in accordance with the report prepared by Enfield Acoustic Pty Ltd dated 2 November 2023 but modified to include an assessment of proposed plant material.

The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Crane Construction Management Plan

15. Prior to the commencement of any development in accordance with this permit, a Crane Construction Management Plan in relation to the location and height of any temporary construction equipment with respect to the flight path of Emergency Medical Services helicopters accessing the helipad at Monash Medical Centre must be prepared to the satisfaction of the Department of Health and Human Services and be approved by the responsible authority. The Crane Construction Management Plan must include measures to minimise the impact of the construction of the permitted building on the safe and unfettered operation of the helipad at the Monash Medical Centre. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Responsible Authority.

Construction Management Plan

- 16. Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the CMP has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
 - a) Appropriate measures to control noise, dust and water and sediment laden runoff.
 - b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network.
 - c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable.
 - d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network.
 - e) A program for the cleaning and maintaining surrounding road surfaces.
 - f) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves.
 - g) Measures to provide for public safety and site security.
 - h) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay.
 - i) A Traffic Management Plan showing truck routes to and from the site.
 - j) A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction.
 - k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP.
 - The provision of contact details of key construction site staff.
 - m) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) 7.00am to 6.00pm;
 - Saturday 9.00am to 1.00pm;
 - Saturday 1.00pm to 5.00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays except with the prior written consent of the Responsible Authority.

The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

Sustainability Management Plan (SMP)

17. Concurrent with the endorsement of plans requested pursuant to Condition 1, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the SMP prepared by Low Impact Development Consulting, Revision 1.1 dated 27 February 2024 but amended to include any changes required under Condition 1 of this permit.

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

Ongoing Architect Involvement

- 18. As part of the ongoing consultant team, Alta Archiecture or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
 - a) oversee design and construction of the development; and
 - b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Hours of Operation

- 19. The medical centre allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:
 - Monday to Friday: 7am to 7pm;
 - Saturday and Sunday: 8am to 5pm.

Delivery Hours

- 20. All deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:
 - Monday to Friday 8am to 7pm
 - Saturday: 8am to 1pm
 - Sunday: No deliveries permitted,

to the satisfaction of the Responsible Authority.

Loading and Unloading

21. All loading and unloading of vehicles must be carried out and be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Amenity of Area

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

- emission of noise; and
- storage of prescribed waste,

To the satisfaction of the Responsible Authority.

Infectious Wastes

23. Any prescribed waste (as defined by the EPA) which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.

Tree Protection

- 24. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including street trees and trees on adjacent land). The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Responsible Authority.
- 25. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained and are advised of any obligations in relation to the protection of those trees.
- 26. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Council street-trees to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.
- 27. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- 28. The existing street tree *Tristanopsis laurina*, water gum must only be removed and replaced by Council at the cost of the developer, prior to the commencement of the development.

Car Parking and Accessways

- 29. Before the use starts or any part of the building is occupied, areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Fully constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather sealcoat.
 - d) Drained, maintained and not used for any other purpose.
 - e) Line-marked to indicate each car space and all access lanes.
 - all to the satisfaction of the Responsible Authority.

- 30. Parking areas and access lanes must be kept available for these purposes at all times.
- 31. Any modification to the existing vehicle crossovers must be constructed to the satisfaction of the Responsible Authority.
- 32. Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Bicycle Parking

33. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme.

Services and Plant Equipment

- 34. All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.
- 35. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 36. Air-conditioning and other plant and equipment installed on or within the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.

Drainage & Stormwater

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

Privacy screens

38. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Completion of Buildings and Works

39. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Time for Starting and Completion

- 40. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
 - (a) The development is not started before two (2) years from the date of issue.
 - (b) The development is not completed before four (4) years from the date of issue.
 - (c) The use is not started before 4 years from the date of issue. In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or:
 - (i) within six (6) months afterwards if the development has not commenced; or
 - (ii) within twelve (12) months afterwards if the development has not been completed. Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. This is not a Building Permit. Building Permit approval must be obtained prior to the commencement of the above approved works.
- B. Engineering permits must be obtained for new or altered vehicle crossings works within the Road Reserve and for stormwater connections and these works are to be inspected by Council.
- C. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works. The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au
- D. Stormwater is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to any stormwater drainage works commencing.
- E. The design parameters for the internal detention system are to be obtained from Council's Engineering Department (mail@monash.vic.gov.au).
- F. No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- G. An on-site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge

- by gravity. It is recommended that the driveway down to the basement be constructed with an apex.
- H. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of the Responsible Authority.
- J. Any works within the road reserve must ensure the footpath and natures trip are to be reinstated to Council standards.
- K. The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.
- L. All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit or other services. Approval from the affected service authorities is required as part of the vehicle crossing application process.
- M. All costs associated with the removal and replacement of a tree or trees are to be borne by the resident or landowner who has requested the removal. Please contact Council's Horticultural Department to establish the tree valuation and removal timing.
- N. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- O. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- P. Any tenants and traders of the approved development will not be entitled to car parking permits for on street car parking.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.

Enhanced Places

Pursue a planning framework that meets Monash needs.

BACKGROUND

Planning History

Planning Permit TPA/22691 & TPA/40511

Planning Permit TPA/22691 was issued for the development of 5 Murray Street with two dwellings in May 1996. The dwellings were constructed and Planning Permit TPA/40511 was issued in January 2013 for a two-lot subdivision. The subdivision has been completed.

Planning Permit TPA/49729

Planning Permit TPA/49729 was issued on 29 March 2019 for the development and use of a three storey building as a medical centre for up to 41 medical practitioners and the display of signage. The development plans were endorsed on 29 August 2019.

Following the endorsement of plans, an amended permit TPA/49729A was issued on 26 March 2020 to allow changes to the approved development which included increased floor areas and alteration of finished floor levels.

An extension of time for this permit was granted on 9 September 2021 to allow the development to commence on 29 March 2023. The development has not commenced and the permit has since expired.

Site and Surrounds

The subject land is located on the north side of Murray Street, approximately 65 metres east of Clayton Road in Clayton. The site comprises three allotments (3 Murray Street, Lots 1 & 2 of 5 Murray Street) and has a combined frontage to Murray Street of 34.14 metres and a combined land area of 1,440 square metres.

The land has a gentle slope of approximately 2.7 metres from north-east to the south-west corner and currently contains three single storey dwellings. The site is not encumbered by easements or significant trees.

Lots 1 & 2 of 5 Murray Street is burdened by a Section 173 Agreement (V326882T) on the Certificate of Title, entered into between Council and the landowner at the time of the issue of Planning Permit TPA/22691 for the development of two dwellings. This agreement requires the land to be developed in accordance with the endorsed plans under Planning Permit TPA/22691 unless it has the written consent of Council. If a Planning Permit were to be issued for the proposed development, this would be considered consent for variation of the development of this land. The parties may also decide to end this agreement, this would however be subject to a separate application to Council.

All lots are affected by Covenant 189720 which restricts the site being used for quarrying operations. The proposal is not in breach of the said covenant.

The subject site is located within the core employment/ university/ hospital precinct within the National Employment Cluster and zoned Residential Growth Schedule 3. The adjoining properties have the same zoning. Land uses within the surrounding area includes a mixture of commercial and residential uses.

More specifically, the built form of the immediate surrounding area can be described as follows:

- North 6 & 8 Hourigan Avenue each comprises two dwellings.
- <u>South</u> Murray Road, opposite side of Murray Road is known as 212-220 Clayton Road and 2-8 Murray Street which contains a double storey building used as medical suites and a three storey apartment building.
- <u>East</u> 7 Murray Street contains a single storey building used as a medical centre.
- <u>West</u> 1 Murray Street contains a single storey building used as a childcare centre. Further west at 210 Clayton Road is a single storey building used as a place of assembly.

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

PROPOSAL

The application is to construct a four-storey medical centre building. The proposal can be summarised in detail as follows:

f basement car parking. 7 2,420sqm including 518sqm of
2,420sqm including 518sqm of
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om
ossovers in Murray Street (one
car park and one to the at-grade
ill be removed.
ces within the basement car park
level).
site frontage to Murray and 16
king area)
shes including render, aluminum

The minimum building setbacks to boundaries are detailed as follows:

	South (front) Murray Street	East	North (rear)	West
Basement 1 & 2	4.34m	0-2m	3m	1m
Ground level	4.175m	5m	16.7m	5m
Level 1	4.025m	5m	5m	5m
Level 2	4.025m	5m	5m	5m
Level 3 (top	7.025m	8m	7.7m	8m
level)				

The building is orientated to Murray Street with a pedestrian entrance provided to street frontage.



3D perspective of the proposed building facing Murray Street

Attachment 2 and 3 details plans forming part of the application.

PERMIT TRIGGERS

Zoning

The subject site is located within the Residential Growth Zone Schedule 3 (RGZ3) under the provisions of the Monash Planning Scheme.

Pursuant to Clause 32.07-2, a planning permit is required to use the land for a medical centre as the gross floor area of all buildings exceeds 250 square metres.

Pursuant to Clause 32.07-9, a planning permit is also required for buildings and works associated with a use in section 2.

Overlay

The subject land is within the Design and Development Overlay Schedule 14 (DDO14) which is the Monash Medical Centre Hospital Emergency Medical Services Helicopter Flight Path Protection (Inner Area) Overlay. Pursuant to Clause 43.02 of DDO14, a permit is required to construct or carry out buildings and works that would result in the height of the building or works being more than 92.6 metres above AHD.

The proposed building is up to 88.1 metres above AHD on the top of the lift overrun. A permit is not triggered under this provision. However, a condition will be included requiring a Crane Construction Management Plan that detailed the location and height of any temporary construction equipment with respect to the flight path of Emergency Medical Services helicopters accessing the helipad at Monash Medical Centre. The management measures incorporated within the plan must be implemented during the construction of the building to the satisfaction of the Responsible Authority and DHHS.

Particular and General Provisions

Clause 52.06: Car Parking

Before a new use commences the number of car parking spaces required under Clause 52.06-5 (Car Parking) must be provided to the satisfaction of the responsible authority. Pursuant to the provisions of this clause, if the number of spaces required cannot be provided on site, a planning permit requirement is triggered.

The site is located within the Principal Public Transport Network (PPTN).

The proposal generates a statutory car parking requirement of 66 car parking spaces, and 75 spaces are provided. The proposed development provides a surplus of 9 car spaces which satisfies this provision.

Clause 52.34: Bicycle Facilities

Pursuant to Clause 52.34-5, the proposal generates a requirement of 8 employee bicycle spaces and 15 visitor spaces. The development proposes a total of 24 bicycle spaces and a shower and change room on site, which satisfies this provision.

Closed Landfill Buffer

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

<u>Cultural Heritage Management</u>

The site is not located within an identified area of Aboriginal cultural heritage significance.

Attachment 4 details the zoning and overlays applicable to the subject site and surrounding land.

CONSULTATION

Further information was requested of the Permit Applicant on 6 December 2023. In this letter, officers also raised the following preliminary concerns:

- The proposal does not provide sufficient room for deep soil planting and/or landscaping.
- The provision of two separate driveways (for the at-grade car spaces and basement car park) reduces the scope of landscaping.
- The DDA parking spaces at the rear of the building do not appear to be easily accessible.
- The western driveway and vehicle crossover may not be sufficient for two ways traffic.
- A more creative solution should be considered for reducing views to neighbouring properties.
- There are concerns about the proposed operation hours until 9pm Monday to Friday within the residential context.

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

The Permit Applicant responded to this letter on 5 March 2024 by providing the requested information. In relation to the preliminary concerns, the Applicant advised that they had amended the plans to address the concerns raised by Council officers which includes:

- Increased opportunities for deep soil planting with a redesign of the front setback area, and increased setbacks to the side and rear boundaries.
- Increased upper floor setbacks.
- Utilising external screening to prevent overlooking.
- Rearranged car parking layout.
- Reduced operation hours from 9pm to 7pm, Monday to Friday.

The Applicant has been advised that this application was coming to the May Council meeting, and a letter was sent to the Applicant with the details of the Council meeting. The Applicant has also been advised that this application is recommended for approval subject to conditions, and an outline of the conditions and the ramifications of the conditions on the proposal has been explained.

Public Notice

The application was advertised in accordance with section 52 of the *Planning and Environment Act* 1987 by way of letters sent to the surrounding property owners/occupiers, and signs displayed on the Murray Street frontage.

Six (6) objections were received. Issues of objection included the following concerns:

- Traffic related concerns including increased traffic congestion and potential safety hazard.
- Four-storey building is not respectful of the existing neighbourhood character and will impact on streetscape.
- Loss of privacy (overlooking).
- Loss of daylight (overshadowing).
- Increase in density and noise.

- Disruption during construction including noise, dust and air pollution.
- Proposed basement may damage the foundation of adjoining buildings.
- Proposed landscaping may not effectively prevent overlooking if they are not evergreen.
- Air conditioning and heating units on the roof will cause additional noise and warm air to the adjoining properties.
- The use of glass will cause unacceptable glare to adjoining properties.

Attachment 5 details the location of objector properties.

Referrals

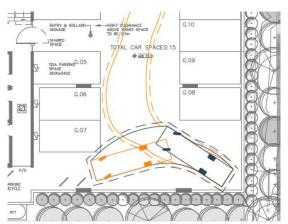
External Referral

There are no external referral authorities required under Clause 66.02 of the Monash Planning Scheme.

Internal Referral

Transport Engineer

Council's Transport Engineer has no concerns with the proposal, however, has required the area south of the car space G.08 on ground level to be clearly marked 'no parking' or hatched out for waste vehicle turning movements.



Swept path assessment from Waste Management Plan

In addition, staff parking spaces should be relocated to basement level 2, where they are seen as long-term parking spaces. The spaces freed up from staff parking will be used for patient parking which has a higher turnover and requires easier access. This should be demonstrated in the Car Parking Management Plan.

Strategic Planning

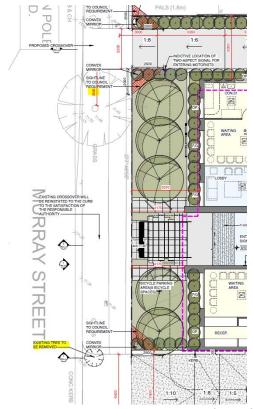
The proposed use of the site for a medical centre is appropriate given the site's close proximity to a Major Hospital. A medical centre of this scale is also supported.

Horticulture Services

The application was referred to Council's Horticultural Services Department as the proposal necessitates the removal of the eastern street tree (*Tristanopsis laurina*, water gum) adjacent to No. 5 Murray Street. This tree has previously been approved for removal at the developer's cost under Planning Permit TPA/49729.

The western street tree adjacent to No. 3 Murray Street is a 8m high *Melaleuca linariifolia*. It is in good condition with a useful life expectancy (ULE) of 20 years. The tree is proposed for retention, and no excavation should occur within 4 metres of the tree base.

The proposed western crossover is setback 2.885 metres from the western street tree, and the applicant has suggested different measures to increase this setback. Recommended permit conditions will require the western crossover to be setback a minimum of 4 metres from the street tree, or an alternative setback to be supported with advice from a qualified arboriculturalist.



Tree No. 3 in front of 3 Murray Street to be retained, and tree No. 5 in front of 5 Murray Street to be removed.

Development Engineer

There are no concerns subject to standard conditions and notations being included in a permit.

Waste Services

Council's Waste Services Team have requested further detail on the plans and within the Waste Management Plan including the TPA number and existing land use, details of compliance with permitted collection times and bin storage areas.

An amended Waste Management Plan will be required as a permit condition should a permit be issued.

RELEVANT PLANNING POLICY

Planning Policy Framework (PPF)

The use of land for a medical centre is supported in the settlement policy of the PPF, with planning required to respond to the needs of the community through the provision of land for services including medical facilities. However, these need to have a high standard of environmental sustainability, urban design, and amenity.

Clause 15.01 (Built Environment) requires that planning should ensure all land use and development appropriately responds to its surrounding landscape and character. Existing vegetation is encouraged to be retained and development is to be provided with landscaping that supports the amenity and attractiveness of the public realm.

Clause 17.02-1S (Business) identifies that commercial facilities should be located within existing or planned activity centres.

Clause 19.02-1S and 1R (Health Facilities) identifies that hospitals and other large health facilities should be located within designated health precincts and areas highly accessible to public and private transport. Whilst it also notes that general practitioners, community health facilities and allied health services should be provided at the neighbourhood level.

Clause 11.03-1R (Activity Centres – Metropolitan Melbourne) seeks to support the development and growth of Metropolitan Activity Centres by ensuring they:

- Are able to accommodate significant growth for a broad range of land uses.
- Are supported with appropriate infrastructure.
- Are hubs for public transport services.
- Offer good connectivity for a regional catchment.
- Provide high levels of amenity.

The site is within 120 metres of the Monash Medical Centre and other associated medical uses on Clayton Road. The site is located within the Clayton Major Activity Centre (CMAC) and approximately 700m north of the Clayton Train Station. The established facilities and services with good access to public transport allow the site to be appropriate for the use of a medical centre.

Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement at Clause 21.04 identifies the land as being located within the National Employment Cluster, in the Garden City Suburbs (Category 8) and the Core Employment/ University/ Hospital Precinct. The Monash Housing Strategy saw the future character of development sited within generous open spaces, well landscaped while still retaining the 'open landscape character' of the garden suburban setting. Development should taper down in scale closer to the boundaries of the site and the character of the area will be notable for its spacious garden settings, tall canopy trees, consistency in front setbacks.

Clause 21.06 (Major Activity and Neighbourhood Centres) identifies Clayton Activity Centre as a Major Centre. Strategic directions for the centre include encouraging medium rise residential development within the centre, encouraging redevelopment and concentration of activity as well as maintaining the existing historical / cultural resources of the centre and to ensure parking is provided to meet the needs of the centre.

The Residential Development and Character Policy at Clause 22.01 applies to all residential land and seeks to ensure that new development is successfully integrated into existing residential environments, with minimal streetscape or amenity impact, and designed to achieve outcomes that enhance the Garden City Character of the area. The site is identified within Character Area "Housing Growth Area- Clayton Activity Centre and Monash National Employment Cluster. The policy identifies that the scale of new residential development will generally comprise larger footprint apartment developments of a high-quality design and finish. On larger sites developments will be multi-level and provided with reduced setbacks from other parts of Monash with an expectation of providing opportunities for landscaping.

Clause 22.04 – (Stormwater Management Policy) requires all designs have consideration of increases in hard surface areas and consequential impacts on the drainage system and water quality. It is policy that developments are designed and managed to minimise the impact of urban stormwater runoff on waterways. This is considered to be achieved as Council's Drainage Engineers have no concerns with proposed stormwater management.

Clause 22.05 (Tree Conservation Policy) seeks to maintain, enhance, and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement. Retention of mature trees and the planting of new canopy trees with spreading crowns is promoted.

The Non-Residential Use and Development in Residential Areas Policy at Clause 22.09 aims to ensure that development, including its built form, is appropriate in the residential setting, and that the amenity of the neighbourhood is not adversely affected. Adequate and well-located vehicle parking is also required.

Residential Growth Zone - Schedule 3

The relevant objectives of the Residential Growth Zone, Schedule 3, are primarily to provide for residential development at increased scale and density, but they also allow for a limited range of non-residential uses to serve local community needs in appropriate locations.

For non-residential use and development, the following decision guidelines are applicable:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback, and appearance of the proposed buildings and works.
- The proposed landscaping.

- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency, and amenity effects of traffic to be generated by the proposal.

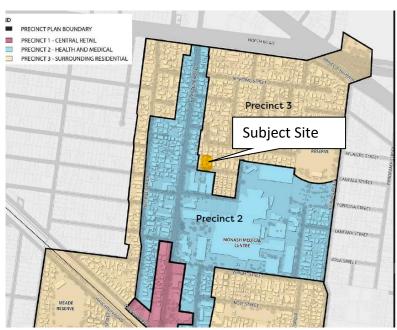
Draft Clayton Activity Centre Precinct Plan (CACPP)

The Clayton Activity Centre Precinct Plan 2019 was adopted by Council on 28 January 2020 to provide a long-term framework to guide development in and around the Clayton Activity Centre.

The Precinct Plan aims to locate taller buildings to locations within the commercial core of Clayton, on larger development sites and in prominent locations to contribute to creating a stronger entrance to Clayton. However, as the Plan has not been incorporated into the Planning Scheme, it has limited status.

The subject site is identified as being within Precinct 3 *Surrounding Residential* whereas the adjoining properties along Clayton Road, and on the opposite side of Murray Street are within

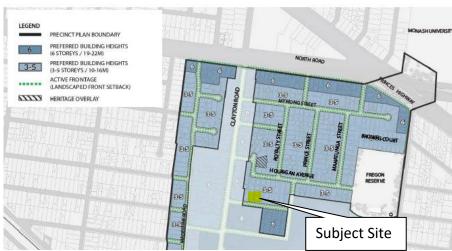
Precinct 2 Health and Medical.



Clayton Activity Centre Precinct Plan

Building height

The draft CACPP introduces revised built form direction for the activity centre to provide a variety of housing types to cater a range of people. The preferred maximum building height of the subject land, which comprises of a combined frontage greater than 30 metres, is 5-6 storeys (16.5-19.8 metres). The preferred height for the surrounding properties within Precinct 2 *Health and Medical* has a greater preferred building height of 6 stories.



Extract of Clayton Activity Centre Built Form Plan

Building setbacks

The adopted Precinct Plan includes details of preferred built form outcomes, including setbacks. It envisages buildings within this precinct to have landscape setback of 4 metres from the street up to 9.9 metres, with 3 metres additional setbacks above 9.9 metres from the front boundary.

The CACPP also envisages buildings to be setback 3 metres from the rear boundary up to 9.9 metres, plus 1 metre additional setback for every metre of height over 9.9 metres up to 16.5 metres.

Clayton Suburban Rail Loop Structure Plan

The Suburban Rail Loop Authority (SRLA) have released draft visions for the precinct surrounding the future Clayton Train Station, as the responsible authority for strategic future planning of the precinct. The vision suggests that up to 15 storeys will be permitted in this location and identified as the 'Health and Employment Area'. However, the Clayton Precinct Plan is currently the guiding document for the precinct until such time that the draft visions are finalised and form part of the planning scheme.

ASSESSMENT

Land Use

The use as a medical centre is compatible with the residential use and will serve local community needs given the context of the subject land. Although the land is within Precinct 3 *Surrounding Residential* in the Clayton Activity Centre Precinct Plan, the surrounding properties to the west and south are within Precinct 2 *Health and Medical* which seeks to encourage medical uses, and new development to activate the precinct through medical suites, offices and housing.

The subject land in Murray Street is surrounded by properties with a variety of uses including childcare facilities, medical services and residential. The proposal is considered appropriate in the context of the area.

An assessment of the proposed medical centre use against the locational criteria of Clause 22.09 is provided below:

Locational Criteria	Assessment
Uses to locate adjacent to existing activity centres and on higher order and busier streets and roads, particularly on corner sites.	Complies – The subject site is within the Clayton Activity Centre. A number of properties on Murray Street are used for non-residential purposes including child care facilities and medical facilities where it is considered a busy street.
Lower order residential streets should be avoided	Complies – Properties in Murray Street are used for different types of non- residential purposes, and Murray Street is not considered a lower order residential street.
Avoid a concentration of non-residential uses in any particular area where the cumulative impact on residential amenity is unacceptable.	Complies – Whilst there are other non-residential uses in the street, properties opposite the subject site are residential. The proposal will not result in an unreasonable cluster of non- residential uses.
Provide appropriate buffers and interface between commercial, residential, and industrial land uses.	Complies – The building has been provided with recession with varied setbacks to provide for landscaping and visual buffer from the residential properties.

Built Form

Building Height and Scale

The proposed building height and scale is appropriate in the context of the residential growth zone, and the draft CACPP envisages maximum building height of 5-6 storeys (16.5-19.8 metres) for consolidated land with combined frontage wider than 30 metres. The development is in accordance with the long-term vision of the draft CACPP.

Adjoining properties on the north side of Murray Street and Hourigan Avenue are within the same precinct as the subject land, whist surrounding properties along Clayton Road and on the south side of Murray Street are envisaged for 6-8 storeys in height. Properties within this area are also zoned residential growth and are expected to have larger built forms and a greater building height.

The scale and intensity of the use and development on a larger consolidated site is appropriate in an area identified for intensified growth as envisaged by the following design objectives of the zone:

- To ensure developments are constructed within an open garden setting through the retention and planting of vegetation, including canopy trees.
- To ensure that the height, scale, and form of development respects any sensitive residential interfaces and minimises the appearance of visual bulk.

The building achieves good architectural quality with appropriate visual interest and façade articulation. The top level is substantially setback from property boundaries provides a visual relief to mitigate visual bulk and mass of the building. The framing elements on the building facades emphasizes the three-storey built form with a recessed fourth level, which is an appropriate response to the site context.

Streetscape Presentation, Setbacks and Architecture

The Residential Growth land zoning provides specific residential development requirements that do not apply to non-residential development; however, these do provide a reasonable guide for assessment as detailed in the below table:

Requirement	Residential development	Proposed Development	Compliance
Building Height	Should not exceed 13.5 m	Building height of 15 metres with maximum height 16.2 metres to lift overrun	Minor non-compliance, noting this is a 'should' not a 'must' and that residential development in an RGZ can go far greater than the 13.5 metres.
Number of storeys	Up to four storeys	Four storeys	Complies
Minimum Street setbacks	Front setback 4 metres	4.025m	Complies
Site Coverage (Clause 55)	The site area covered by buildings should not exceed 60 per cent.	59.1%	Complies
Permeability (Clause 55)	The site area covered by pervious surfaces should be at least 20 per cent.	20.6%	Complies
Side setbacks	Side setbacks – 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.	5 metres for ground, 2 and 3 levels. Increasing to 8 metres at level 3 (top level).	Complies at ground level and Level 1. Level 2 does not comply and should be setback 5.49 metres, instead it is proposed to be setback 5 metres. Level 3 (top level) does not comply and should be setback 8.39 metres instead it is setback 8 metres.

			These variations are minor and considered appropriate.
Rear setbacks	Rear setback – 3 metres for the first 2 storeys plus 2 metres for the third storey.	16.7m setback on ground level and 5m setback on levels 1 and 2 (up to 9.4m), and 7.7m setback on level 3 (up to 13.1m).	Complies
Walls on boundaries (Rescode)	Should not exceed a length of 10m plus 25% of the remaining length of the boundary of an adjoining lot	No walls on boundaries	Complies
Front fence height	Must not exceed 0.9 metres in height within 3 metres of street	No front fence	Complies
Landscaping	Retain or provide at least one canopy tree with a minimum mature height equal to the height of the roof of the proposed building or 10 metres, whichever is greater.	Capable to provide at least one canopy tree with a mature height of a minimum of 15 metres.	Complies

The table below shows the design guidelines of the draft CACPP, in comparison to the proposed development:

	CACPP Requirement	Proposed Development
Front setback	4m from the street up to 9.9m in height	Variation sought-
	3m additional upper level	Ground level, Levels 1 & 2- proposed setback of 4m
	setback above 9.9m	Level 3 (top level)- proposed setback of 7.025m
		Therefore, ground floor, Levels 1 and the top level comply.
		However, Level 2 at 11 metres high with a setback of 4 metres does not comply as it is not setback 7 metres. Noting that the part of the building above the 9.9 metres in height, at this reduced setback, is only 1.1 metres (i.e. to a height of 11 metres).
		The slight variation is considered acceptable given the non-compliance at Level 2 is due to the higher floor to ceiling height and slope of the land. The street wall height is higher than 9.9 metres.
		The design of the building to achieve a good architectural outcome which will be further discussed in this report.
Rear setback	3m from the rear boundary up to 9.9m, plus 1m additional	Complies-
	setback for every metre of height over 9.9 m up to 16.5m.	16.7m setback on ground level and 5m setback on levels 1 and 2 (up to 9.4m), and 7.7m setback on level 3 (up to 13.1m).

Side setback	1m setback, plus 0.3m for	Complies-
	every meter of height over	
	3.6m up to 9.9m, plus 1m for	5m setback to side boundaries on ground level up
	every meter of height over	to Level 2 (11m), and 8m on the top level (up to
	9.9m, up to 16.5m.	14.5m)

The building is contemporary in design with three legible elements consisting of a dark render ground level to maintain a pedestrian scale. The middle component is clearly distinct from the ground level with a two-storey glazed design and framing features to provide some vertical elements to the architecture. The development also proposes a substantially recessed fourth level with a horizontal 'cap' to the building.

The architecture proposes a good level of detailing to enhance the visual complexity and provide a high quality built form. The building provides good level of visual interest with a variety of façade materials and mixtures of vertical and horizontal architectural elements. The use of glazing identifies the commercial use of the building and provides activation to the streetscape. The curved horizontal bands across the first and third floor plates also assists in softening the appearance of the building.



Streetscape perspective provided by Permit applicant

The proposal also provides a high quality architectural built form outcome through the use of a variety of materials and finishes including various render treatments, aluminum battens, aluminum cladding, various glazing and fenestration treatments with metal roofing.

The proposed building has its frontage and pedestrian access to Murray Street and provides a good sense of address. The basement and ground level setbacks of over 4 metres to the Murray Streety boundary satisfies the schedule to the zone that requires a 4 metre front setback, and will provide sufficient room for deep soil planting along the street frontage.

The proposal is also considered to meet the urban design criteria of Clause 22.09 as detailed below:

Urban Design Criteria	Assessment
Apply creative design solutions that enhance the quality of all residential areas, particularly in relation to streetscape issues, scale of buildings, provision of open space and setbacks to ensure adequate landscaping.	Complies- The proposal will achieve a good architectural outcome. The proposal has been designed to provide sufficient visual interest to all interfaces, and substantial setbacks to the top level to mitigate the perception of visual bulk and mass.
Consider the preferred future character statement for the applicable residential character type identified in Clause 22.01-4.	Complies- The development provides a multi-level building with a high- quality finish on a large consolidated site with a preferred building height and setbacks envisaged under the Clayton Activity Centre Precinct Plan.
Maintain and enhance the established canopy treed environment throughout the municipality, continuing its significance in defining the garden city character of Monash.	Complies- Setback areas are adequate to provide for canopy tree planting. Whilst there are no existing significant trees on site, the proposal allows sufficient room for canopy tree planting within the street setback and along the site perimeters. The proposal will contribute to enhancing the treed environment of the municipality.
Car parking Criteria	Assessment
Car parking provision must meet the Scheme requirements, and minimise disruption and nuisance to adjacent residential properties and the residential neighbourhood	Complies- The proposal triggers a requirement of 66 car parking spaces and 75 car spaces are provided.
Landscaping Criteria	Assessment
The retention of canopy trees is encouraged, and new landscaping should be consistent with the garden character of the neighbourhood.	Satisfactory- There are no existing significant trees on site. The proposal provides sufficient room for canopy tree planting within the street frontage, and along the site perimeters. This will be an improvement on existing landscaping.
Car parks should be buffered by planting	Complies- The car parking areas will be provided within the basement and ground level. Planting is provided along the side and rear boundaries to provide a buffer.

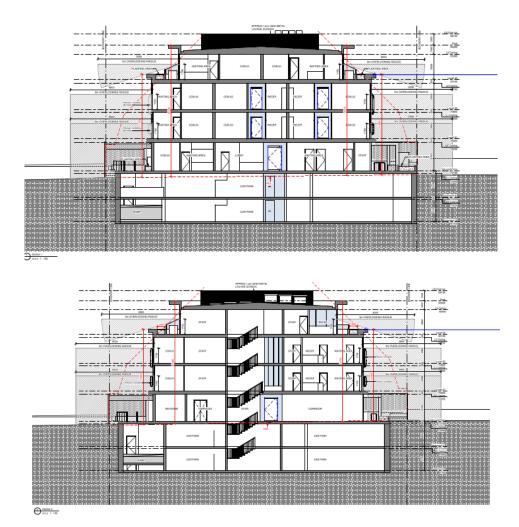
Overall, the proposal is of a high-quality finish that meets the decision guidelines and objectives of the RGZ and vision of the draft CACPP and as such is considered an appropriate response to the strategic visions for the site.

External Amenity Impacts

Visual Bulk

The proposed ground level is setback a minimum of 5 metres from the side and rear boundaries which are considered sufficient for canopy tree planting and screen planting to visually soften the appearance of the building from the adjoining properties and contribute to the garden city character.

Although not relevant to this application, the proposed building complies with the recommended ResCode setbacks in Standard B17 *Side and rear setbacks* of Clause 55.04-1 with the exception of parapet intrusions. The diagram below indicates the recommended setbacks of Standard B17 from the side boundaries for residential building.



Section plans provided by Permit Applicant

Presentation of the building to the side and rear interfaces is broken up by variation in façade detailing to provide for horizontal and vertical façade articulation. The design incorporates a variety of facade materials and finishes palette to demonstrate a high degree of architectural detailing.

The substantially recessed top level reduces the perception of visual bulk of the building when viewed from the adjoining properties. The proposed setbacks of 7.7 and 8 metres for the top level (Level 3) are sufficient to avoid unreasonable visual impacts to the adjoining properties. Planters are provided on the roof to add a green element to these interfaces.

Noise

The proposed hours of operation Monday to Friday 7am to 7pm, and Saturday and Sunday 8am to 5pm are considered acceptable for a medical centre use and consistent with other established non-residential facilities in the area.

Concerns have been raised by objectors regarding noise associated with the use, including vehicle movement and impact on residential properties. An acoustic report prepared by Enfield Acoustics Pty Ltd has been provided with the application and includes an assessment to any potential noise generated from the proposed medical centre. The report suggests that the proposal would comply with the relevant requirements of the Noise Protocol, and the likelihood of sleep disturbance is low, noting that the carpark movements are expected to be infrequent out of operating hours. Overall, the report concluded that the application will not result in adverse noise impacts, provided that the acoustic fencing recommended in the report is adopted.

Overshadowing

Whilst the adjoining properties are also within the Residential Growth Zone, they should be afforded continued residential amenity with the consideration of more intensive development. Given the sites orientation, and the location of surrounding buildings on adjacent sites, overshadowing diagrams demonstrate that there will be no unreasonable overshadowing of any adjacent secluded private open space, and although not applicable to non-residential development, the overshadowing criteria of Standard B21 of Clause 55.04-5 which requires maintaining five hours of solar access between 9am and 3pm on 22 September is met.

Overlooking

Whilst the planning scheme does not specify measures for overlooking for a non-residential use, the standards of Clauses 55 can be used as a guide for assessment ensuring developments do not adversely impact the privacy of the secluded open space and habitable room windows of adjoining properties and allay the concerns raised by objectors.

The Applicant has submitted overlooking diagrams demonstrating how overlooking is prevented. The diagrams show the use of external screening and planters on the upper levels to avoid overlooking. It is however recommended that permit conditions should require further details of the external screens to ensure they are designed to effectively prevent overlooking up to 1.7 metres above finished floor levels.

Landscaping

The proposed Landscaping Plan provides appropriate landscaping around the medical centre building to soften the built form and contribute to the Garden City character objectives. There are no significant trees on site and all existing vegetation will be removed. The landscape plan shows the proposed raised planters with grasses and cascading groundcover species along the building frontage to Murray Street, to visually soften the building from the streetscape. Some taller canopy trees will be provided within the front setback area, and tall screen plantings along the side and rear boundaries. Proposed canopy trees include *Frazinus oxycara 'Raywoodi'* (Fraxinus oxycarpa), *Pistacia chinensis* (Chinese Pistachia) and *Lagerstroemia indica x fauriei 'Tuscarora'* Crepe Myrtle) with mature height of 8-12 metres and canopy width of 4-7 metres.

Shrubs, tufting plants and ground covers are proposed to be provided along the Beacon Street boundary. Planters are provided at the upper levels to provide some landscaping and green element to all interfaces.

Overall, the proposal will provide sufficient room for landscaping opportunities to maintain the garden character to the streetscape and soften views towards the building. The setbacks from the side and rear boundaries are sufficient to provide screen planting to buffer the visual appearance of the building from the adjoining properties.

Recommended permit conditions will require a detailed landscape plan to show an updated planting schedule to incorporate at least one canopy tree with mature height of 15 metres to meet the requirement of RGZ3, and details of all proposed landscaping within the development including additional landscaping in front of the building entry to visually buffer the hard paving areas.

Sustainability

The proposed Sustainable Management Plan (SMP) meets the requirements Clause 22.13 (Environmentally Sustainable Development). The submitted SMP prepared by Low Impact Development Consulting included a BESS and STORM analysis of the design. The report concludes that the proposal achieves best practice. The design provides for a 20,000 litre rainwater tank located at ground level near the southern boundary and will be connected to all toilets to reduce potable water consumption. The SMP concludes that the development achieves a Bess Assessment score of 57%, meeting the minimum requirements.

Car Parking, Traffic and Access

Car Parking Provision

The site is located within the Principal Public Transport Network (PPTN). The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Leasable	Clause 52.06	Car spaces	Car spaces	Car Parking
	Floor Area	Requirement	Required	Provided	Surplus
Medical	1,902 m ²	3.5 spaces to each	66	75	9 spaces
Centre		100 sq m of leasable			
		floor area			

The application provides the requisite number of car parking spaces for the medical centre use.

Objections not Previously Addressed

<u>Traffic related concerns including increased traffic congestion, and potential safety hazard</u>
A Traffic Impact Assessment has been prepared by Amber Organisation and was provided with the application. The assessment suggests that vehicle movements will be distributed from Murray Avenue to either Clayton Road or Fregon Road and the broader arterial road network. The road

network is able to accommodate the expected increase in traffic during peak time. The increase in traffic represents approximately one vehicle movement every 30 seconds and would not be expected to create any adverse impact on traffic operations on the surrounding road network. Council's Traffic Engineering division have reviewed this assessment and advise that the predicted traffic generation is expected to have a negligible impact on the local traffic network.

Four-storey building is not respectful of the existing neighbourhood character, increase in density and will impact on streetscape

The proposed building height and scale is consistent with the building height envisaged in the RGZ3 and the draft CACPP. The proposal has been designed to achieve a high quality architectural outcome to complement the streetscape and surrounds. The generous side setbacks and recessed fourth level will further assist with the building to be respectful of the neighbourhood character and streetscape.

Disruption during construction including noise, dust and air pollution

A Construction Management Plan (CMP) would form a condition of any approval issued in order to minimise impacts to the local area during construction.

Some disruption is inevitable during construction, however this does not warrant refusal of an application given these are not long term impacts.

Proposed basement may damage the foundation of adjoining buildings

The development will require further approval from a Registered Building Surveyor, and relevant construction details and protection works will form part of the assessment during Building Permit application process.

<u>Proposed landscaping may not effectively prevent overlooking if they are not evergreen</u> Screen planting is generally evergreen and do not drop leaves. Details of the screen planting will be provided in the updated landscape plan should a permit be issued. Prevention of unreasonable overlooking is satisfactorily managed as part of the building design.

Air conditioning and heating units on the roof will cause additional noise and warm air to the adjoining properties

Services are limited to the roof level and have been located centrally with additional screening to prevent visual and noise disturbance.

Noise and emission levels of the services will require to comply with relevant requirements of the Environmental Protection Authority (EPA). A condition will require the Acoustic Report to include an assessment of plant materials (including air conditioning units) located on the roof. It is noted that the report provided has only assessed noise from the car park areas.

The use of glass will cause unacceptable glare to adjoining properties

Recommended permit conditions will require a reflected glare assessment in accordance with the Planning Practice Notes *PPN96*: *Glare and reflectivity*.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Public notification of the application was carried out in accordance with the requirements of the *Planning and Environment Act 1987*. Details of this notice period, and a response to the concerns raised are addressed in this report under Public Notice and Assessment.

SOCIAL IMPLICATIONS

Medical Centre serves local community needs.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

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

CONFLICT OF INTEREST

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

CONCLUSION

The subject site is considered appropriate for the proposed medical centre use given its proximity to the Health Precinct and its consistency with decision guidelines for non-residential uses in residential area.

The proposed development across two consolidated lots is consistent with increased density and building height objectives as envisaged by relevant provisions of the State, Regional and Local Planning Policy Framework.

The proposal provides a suitable response to the desired future character of the area. The height and scale of the development is in keeping with the objectives and strategies as outlined in the Residential Growth Zone Schedule 3 (RGZ3). The proposal meets the aspiration of the Clayton Activity Centre Precinct Plan where the subject land is envisaged for more intensive development.

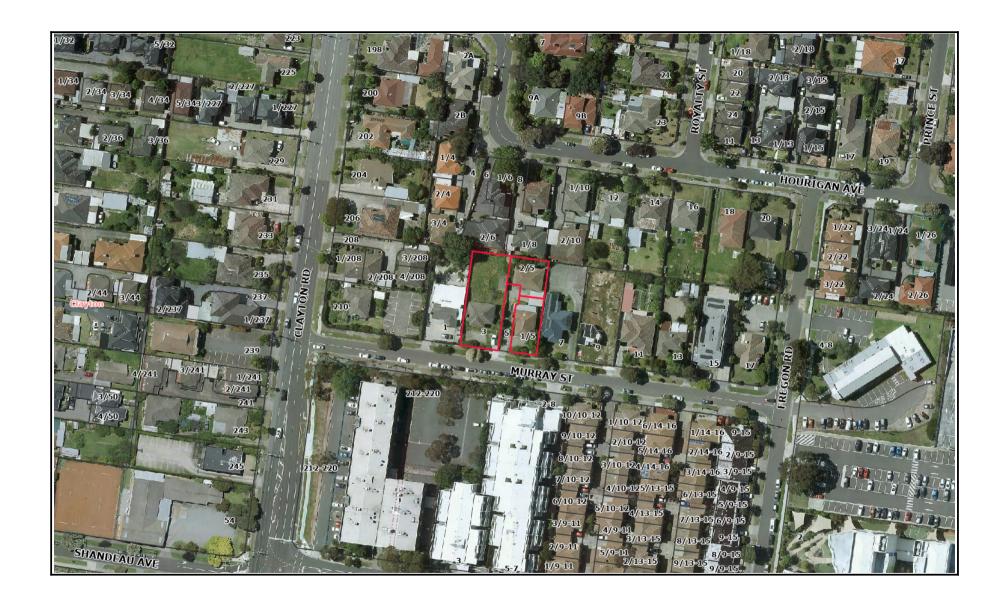
The contemporary architecture of the building achieves a good quality architectural outcome with suitable areas available for landscaping. Visual dominance of the building is mitigated with architecture detailing, variation of setbacks and mixture of façade materials.

Car parking provision for the proposal is adequate and vehicular access and egress to the site is also satisfactory.

Overall, the proposal is considered appropriate; and it is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.

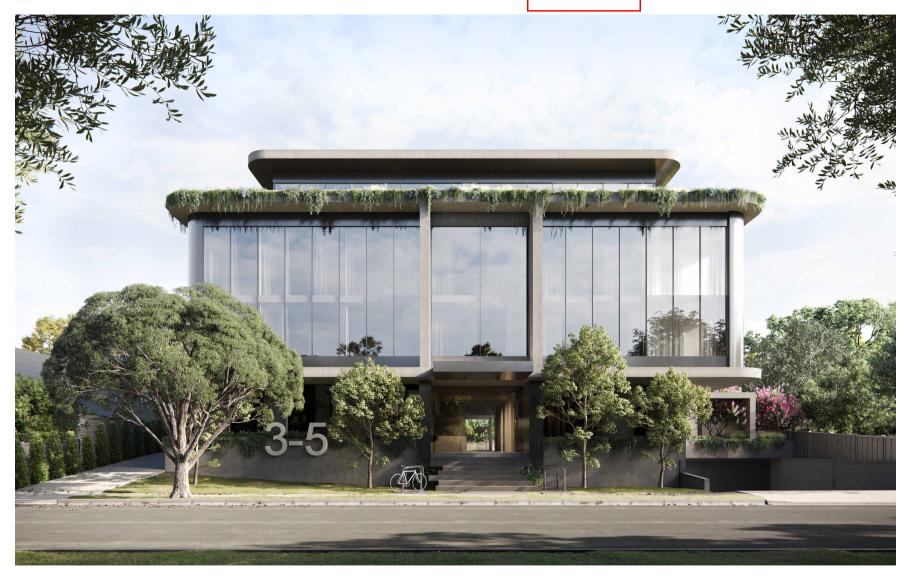
ATTACHMENT LIST

- 1. Attachment 1 Aerial Photograph 3 & 5 Murray St [7.1.3.1 1 page]
- 2. Attachment 2 Proposed Development Plans 3 & 5 Murray St [7.1.3.2 22 pages]
- 3. Attachment 3 Landscape Concept Plan 3 & 5 Murray St [7.1.3.3 6 pages]
- 4. Attachment 4 Zoning and Overlays Map 3 & 5 Murray St [7.1.3.4 1 page]
- 5. Attachment 5 Objector Map 3 & 5 Murray St [**7.1.3.5** 1 page]



3-5 Murray St, Clayton





Alta Architecture Pty Ltd ACN 164 722 383

3-5 Murray St, Clayton

TOWN PLANNING SUBMISSION

DRAWING SCHEDULE:

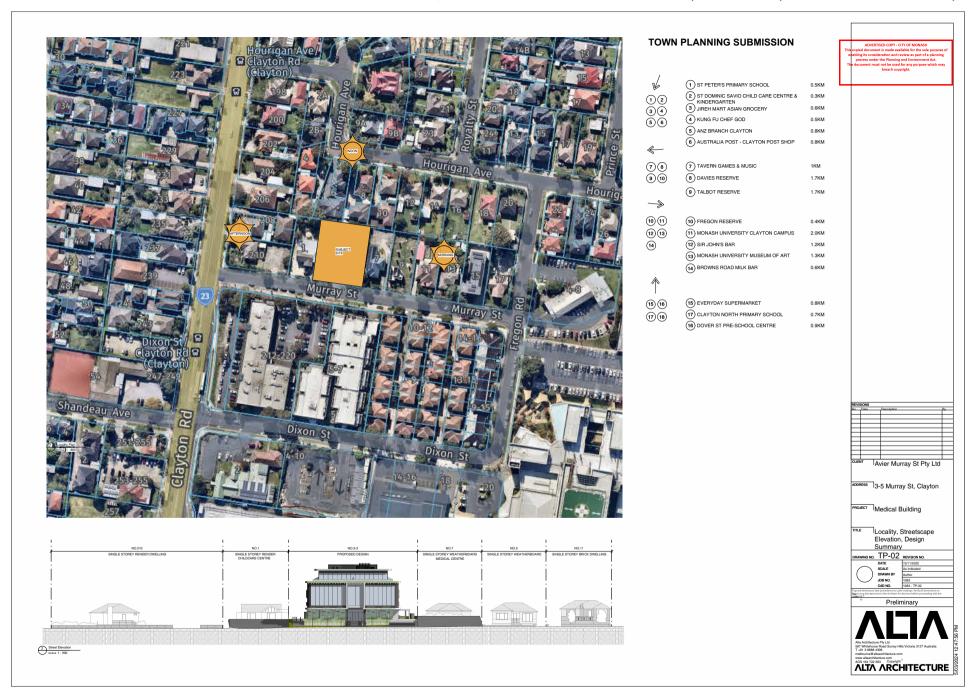
Town Planning Sheet List									
TP-00	Cover Page								
TP-01	Development Summary								
TP-02	Locality, Streetscape Elevation, Design Summary								
TP-02									
TP-03	Context Diagram								
	Neighbourhood Study								
TP-05	Precedent Image 01								
TP-06	Precedent Image 02								
TP-07	Basement Plan 02								
TP-08	Basement Plan 01								
TP-09	Ground Floor Plan								
TP-10	First Floor Plan								
TP-11	Level 02 Plan								
TP-12	Level 03 Plan								
TP-13	Roof Plan								
TP-14	Elevations & Schedule								
TP-15	Elevations & Schedule								
TP-16	Sections								
TP-17	Sections								
TP-18	Sections								
TP-19	Shadow Diagram								
TP-20	Shadow Diagram & Acoustic-Grade Timber Paling Fence Detail								
TP-21	Shadow Diagram								

Developmen	t Summary						
Site Area	1424m²						
Site Coverage	841m²/59.1%						
Permeable Area	294m²/20.6%						
Basement Level 2	1010m ²						
Basement Level 1	1044m²						
Ground Floor	Indoor Area 384m²						
Ground Floor	Car Parking area 500m ²						
Level 1	777m²						
Level 2	778m²						
Level 3	480m²						
Maximum Practitioners	61						
Total Medical Floor Area	1902m²						
Common Area	518m²						
Total Car Number	75						
Ground floor Car Number	15						
Basement Level 1 Car Number	29						
Basement Level 2 Car Number	31						



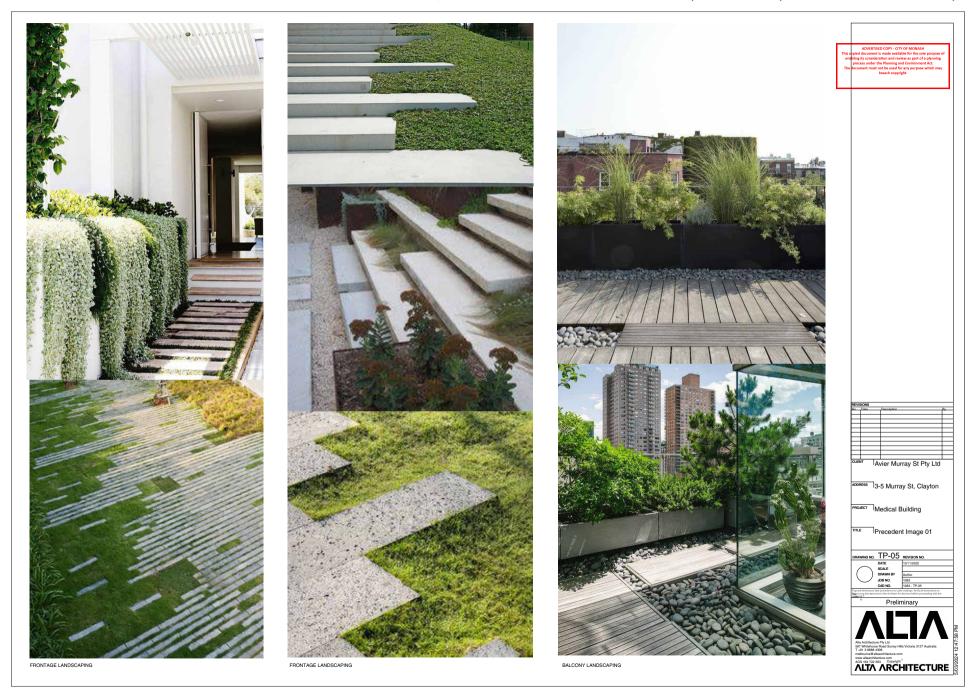


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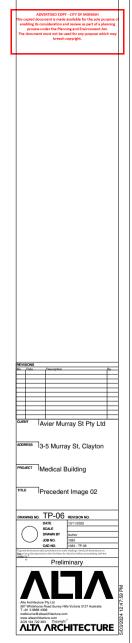


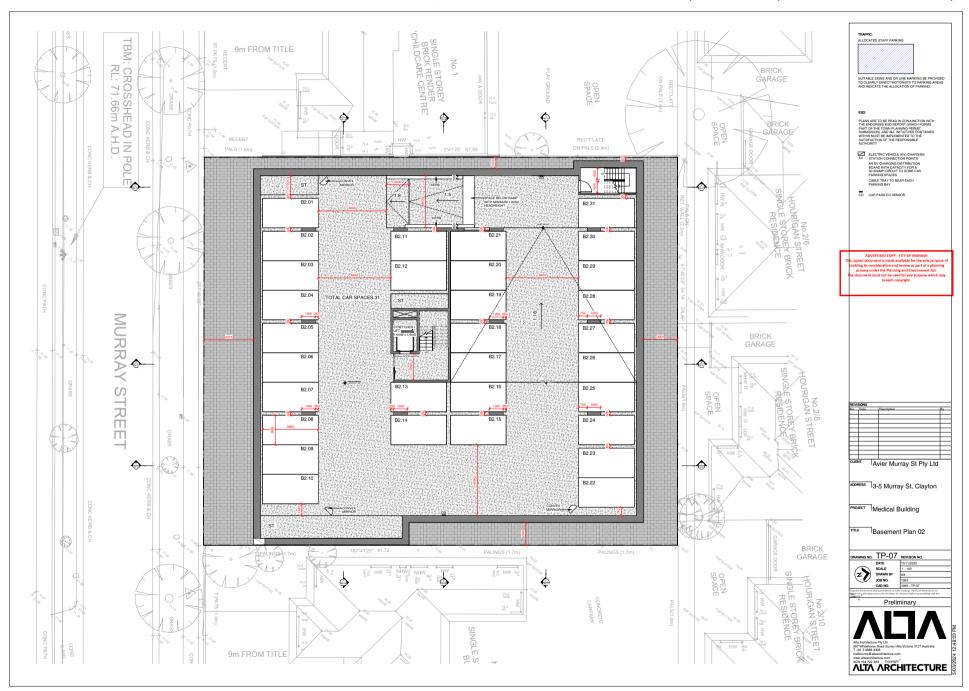


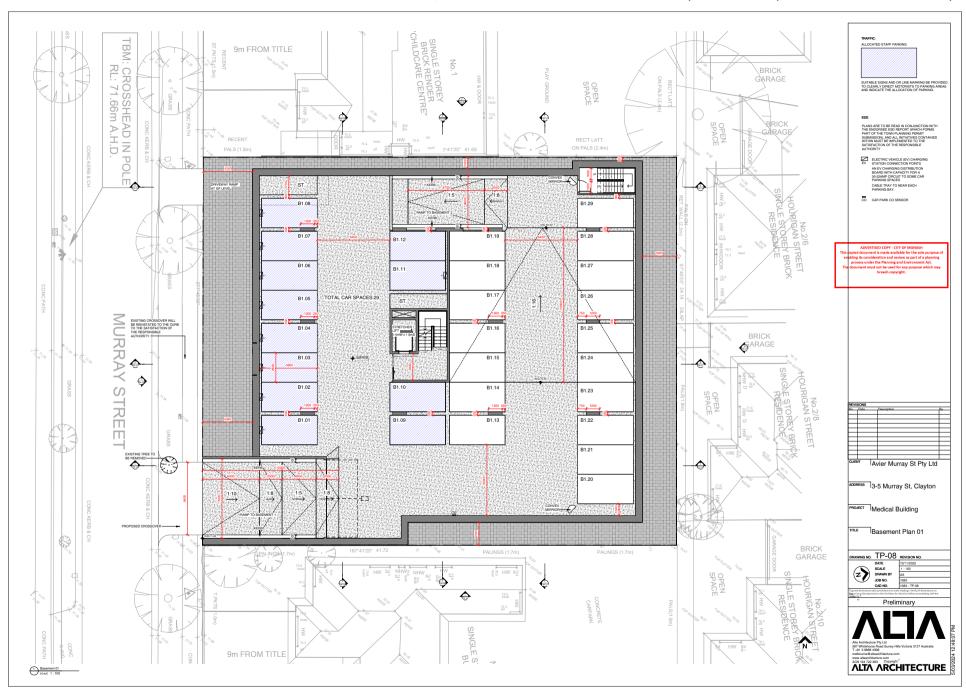




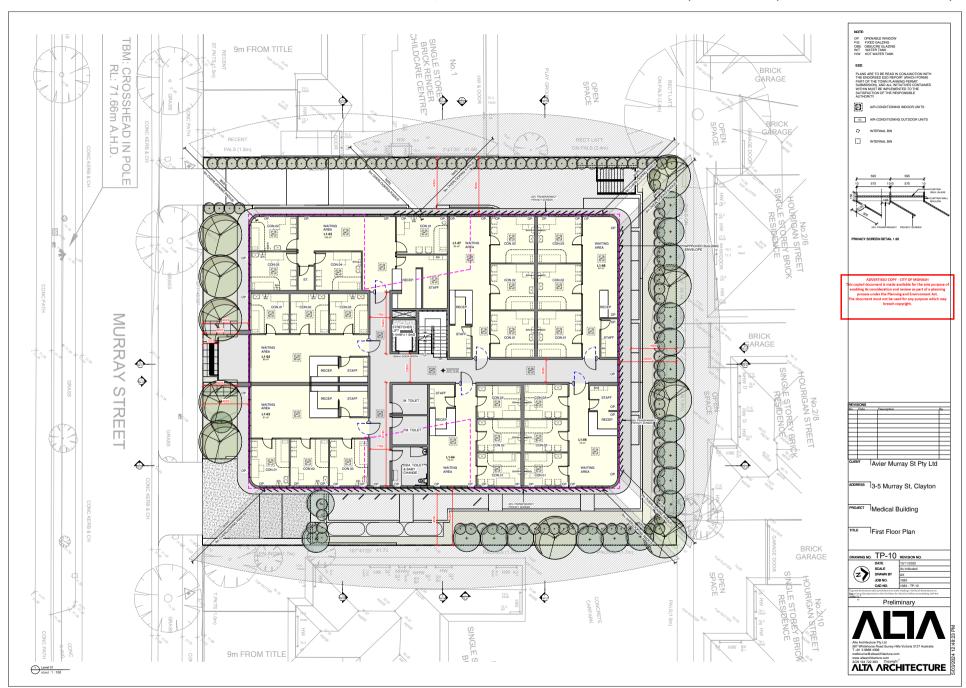


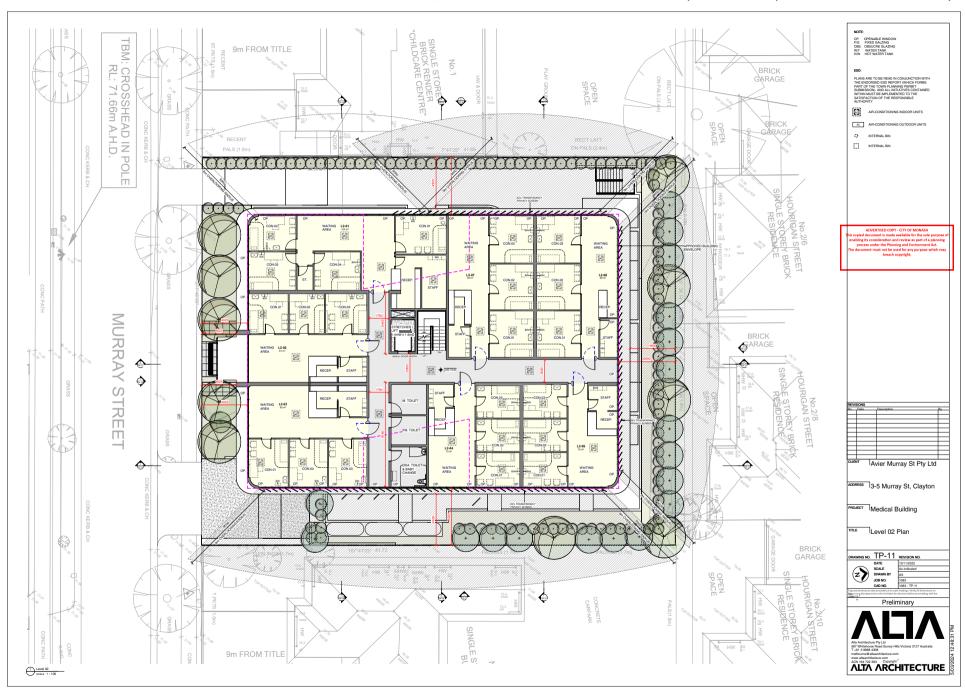


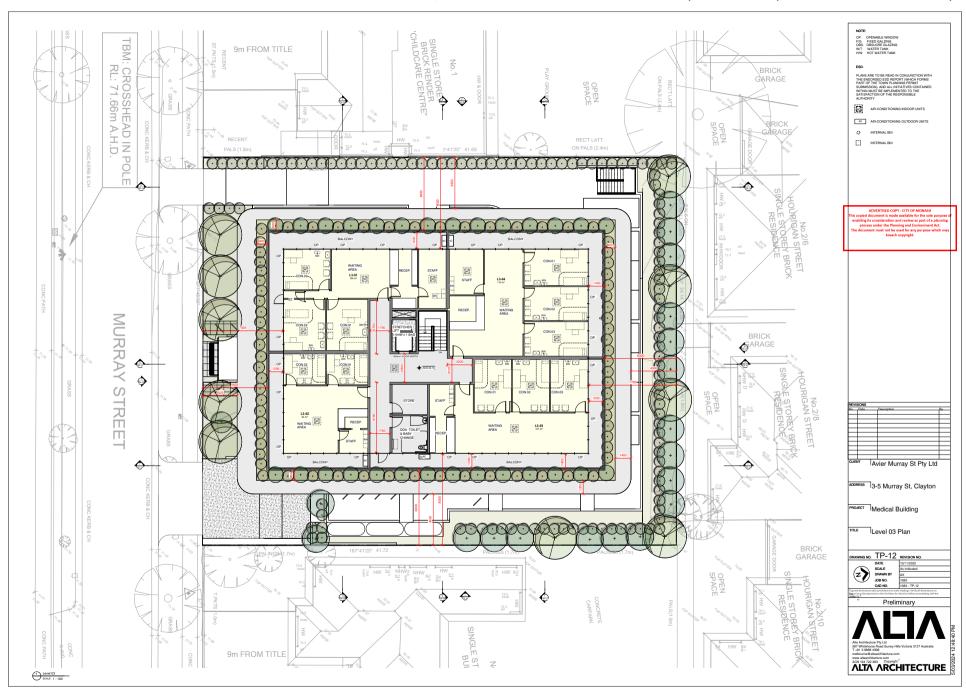


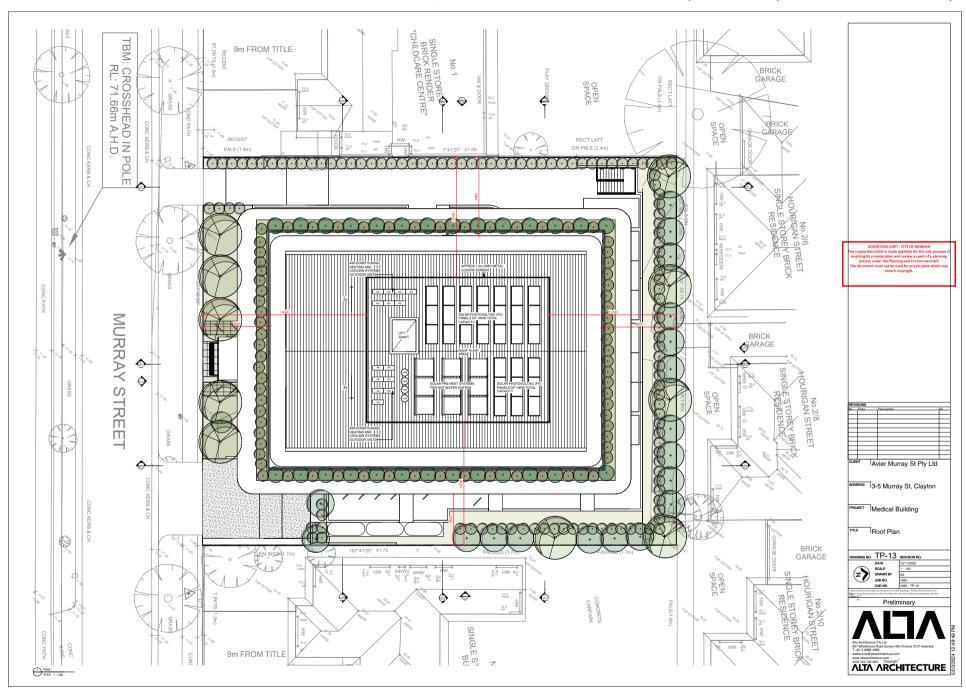


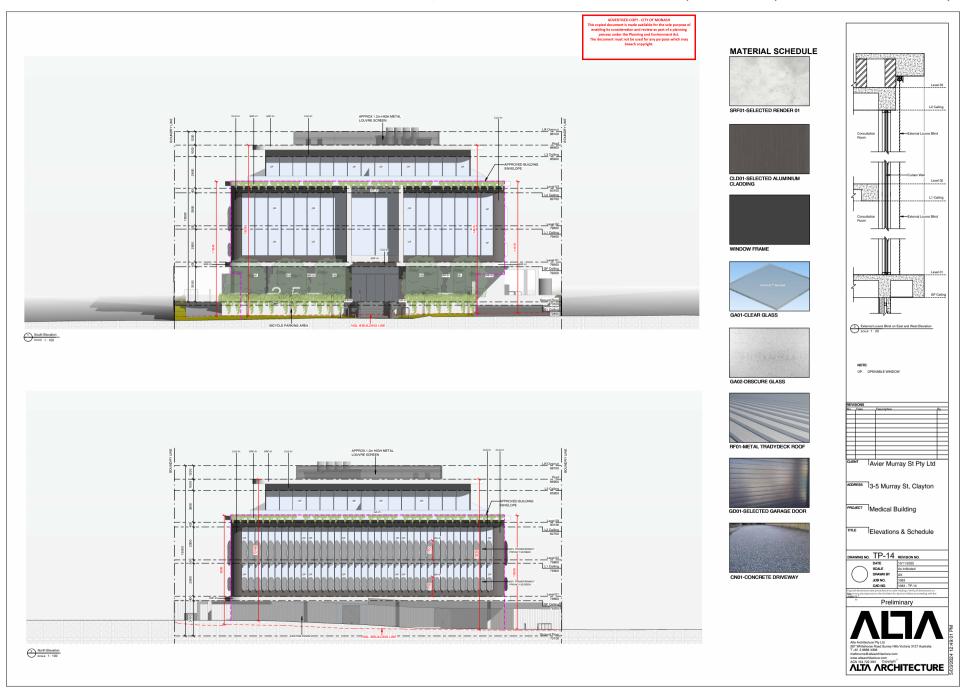


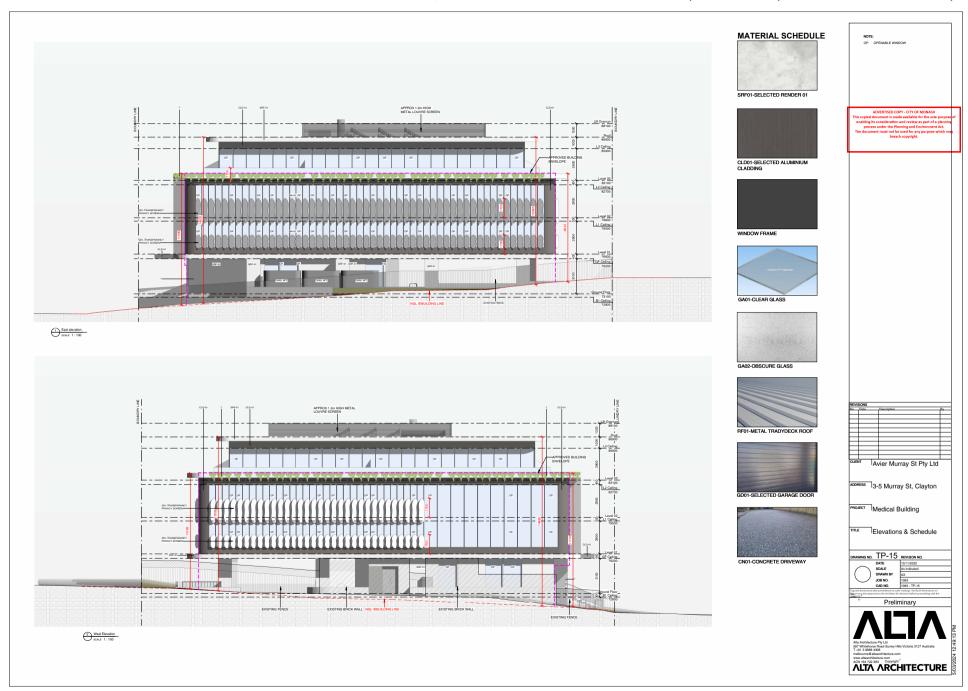




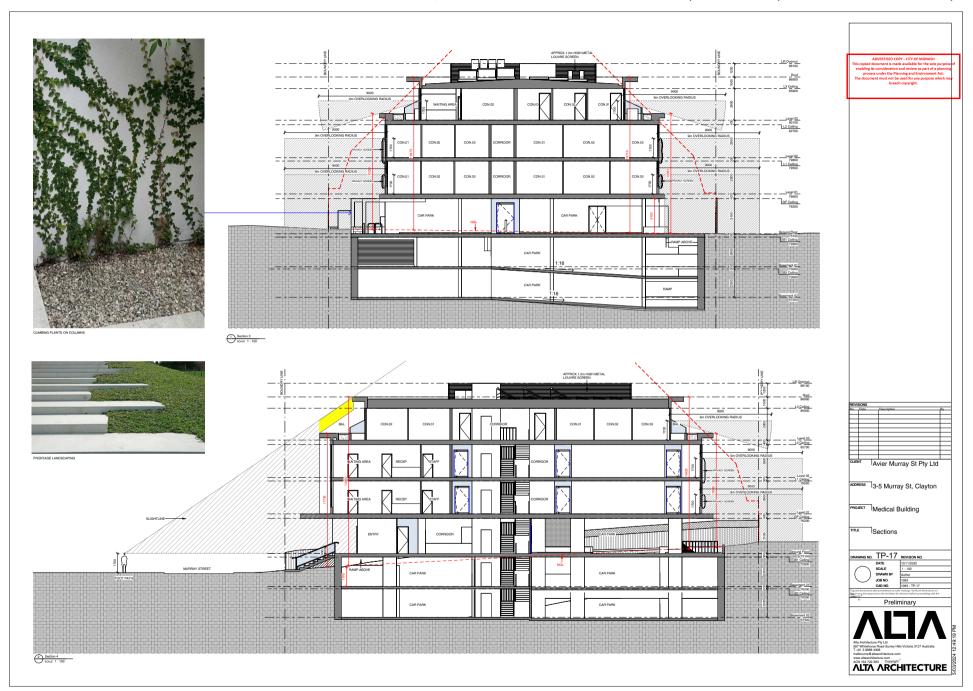


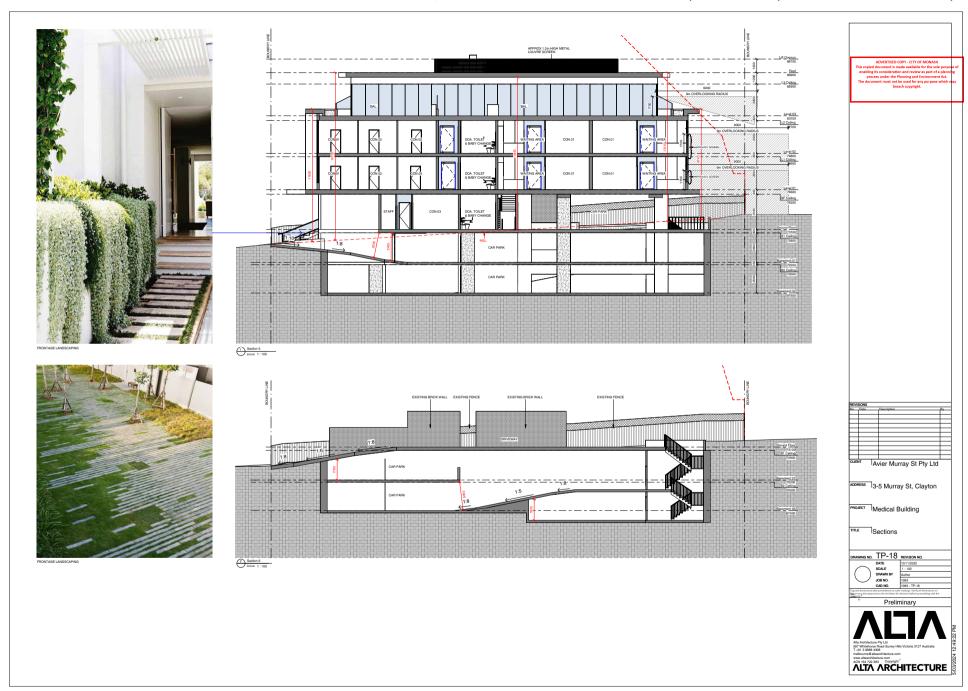


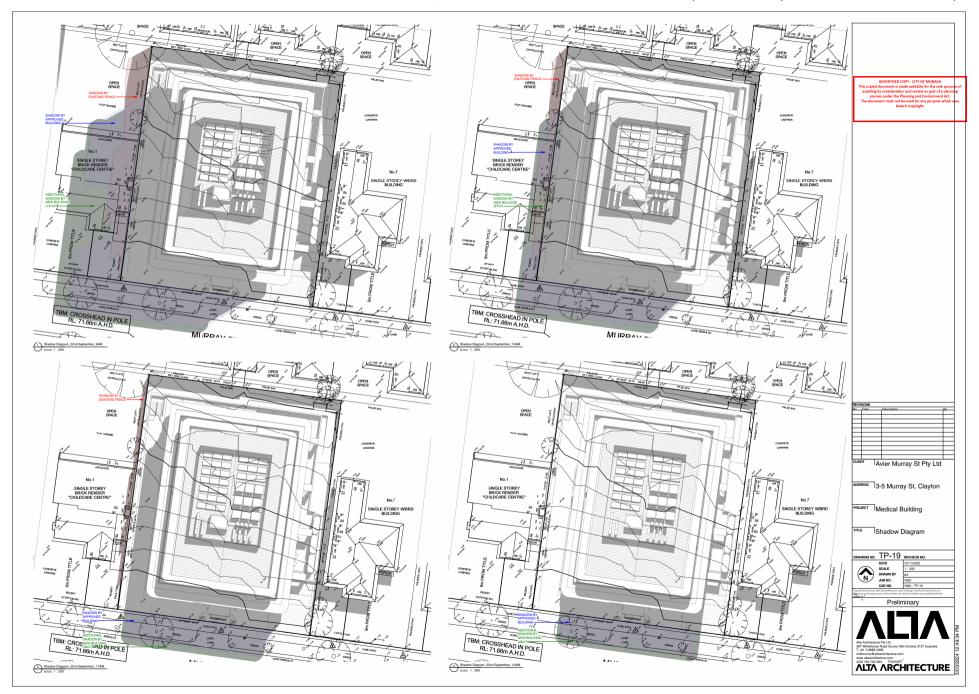


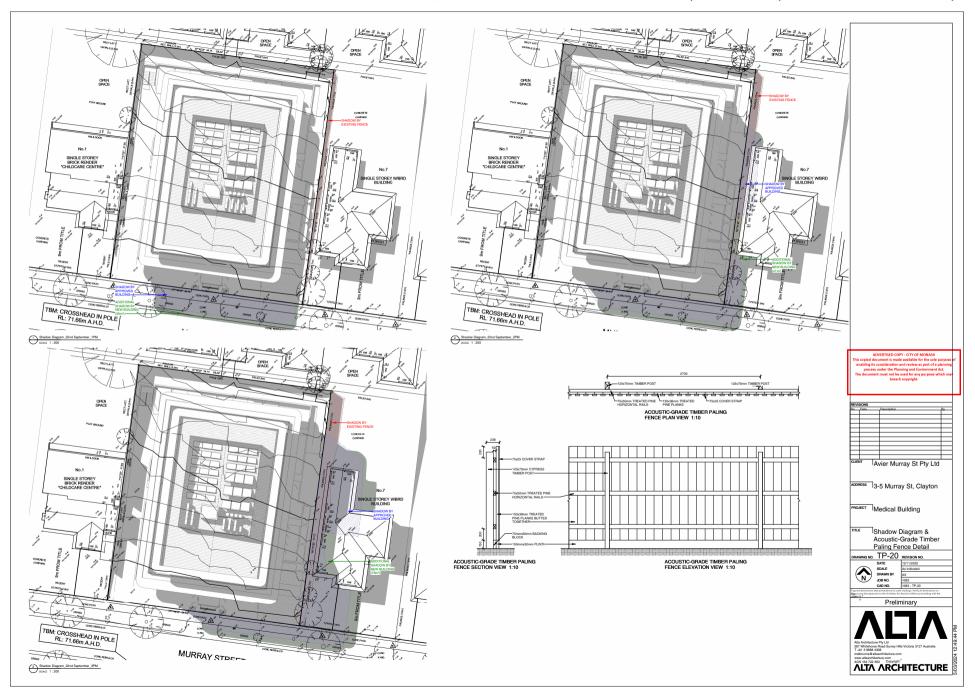


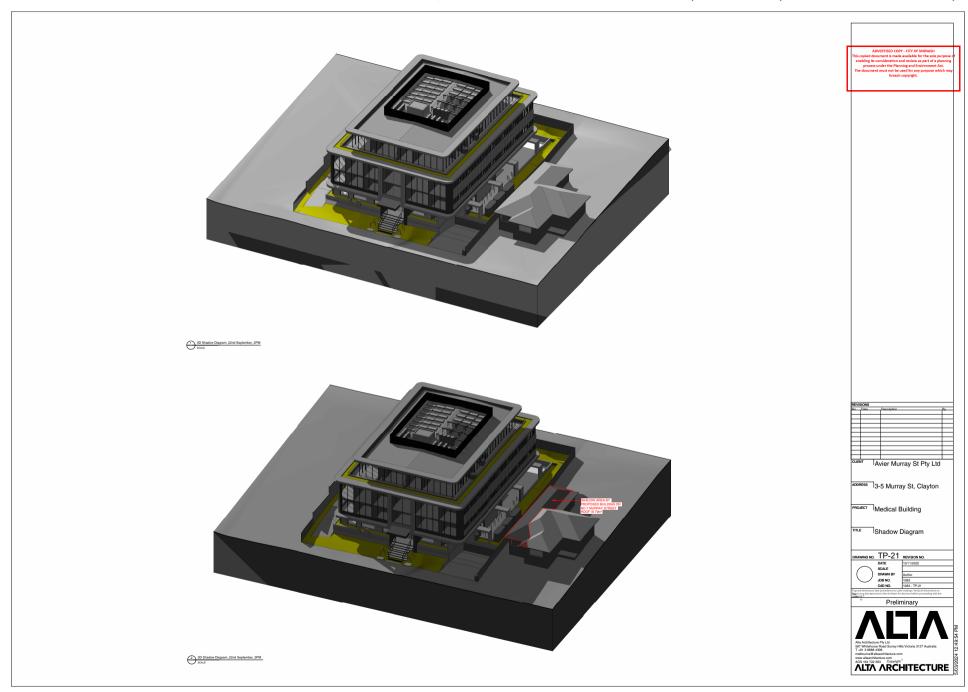














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LANDSCAPE CONCEPT REPORT

3-5 MURRAY STREET, CLAYTON

FEBRUARY 2024

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1. LANDSCAPE CONCEPT PLANS

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1.1 GROUND LEVEL

- 1 Raised planters with grasses and cascading groundcover species
- 2 Tall canopy trees to front setback with grasses and groundcovers underneath
- 3 Tall screening shrubs to boundaries
- 4 Tall deciduous trees to rear of building
- 5 Bike rails in paving
- 6 Bluestone paving steppers to entrance

	VE PLANT SCHEDULE										
CODE	BOTANIC NAME	COMMON NAME	SIZE (MATURITY)	QUANTITY							
TREES											
FO	Fraxinus axycarpa 'Raywoodi'	Fraxinus oxycarpa	12 x 7m	As shown							
PC	Pistacia chinensis	Chinese Pistachia	10 x 6m	As shown							
LiT	Lagerstroemia indica x fauriei 'Tuscarora'	Crepe Myrtle (Pink)	8 x 4m	As shown							
SHRUBS				•							
As	Acmena smithii 'Sublime'	Lilly Pilly	5 x 2-3m	1/m2							
Cr	Correa reflexa	Native Fuschia	1.5 x 1.5m	1/m2							
SaP	Syzygium australe 'Pinnacle'	Lilly Pilly	8 x 1.5m	1/m2							
GRASSES 8	k GROUNDCOVERS			•							
Ca	Clematis aristata	Old man's beard	0.1 x 1.5m	1/m2							
Lm	Liriope muscari 'Amethyst'	Royal Purple	0.6 x 0.6	4/m2							
Pa	Pennisetum alopecuroides 'Nafray'	Swamp Foxtail grass	0.6 x 0.6	4/m2							
PI	Poa labillardieri	Common Tussock Grass	0.8 x 0.9	4/m2							
Ro	Rosemany officianalis	Prostrate Posemany	0.2 v 1.0	2/m2							































3-5 Murray Street, Clayton Landscape Concept Plan | Taylors

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1.2 LEVEL 03

- 2 Low grasses behind groundcovers
- 3 Medium sized grasses behind groundcovers in planter beds

INDICATIVE PLANT SCHEDULE										
CODE	BOTANIC NAME	COMMON NAME	SIZE (MATURITY)	QUANTITY						
GRASSES &	GROUNDCOVERS									
Bm	Billardiera mutabilis	Apple Berry	0.3 x 1.0m	2/m2						
Da	Dichondra argentea	Silver Falls	0.15 x 0.15	2/m2						
Ш	Lomandra longifolia	Spiny-headed Mat-rush	1.0 x 1.0m	4/m2						
Lm	Liriopw muscari 'Amethyst'	Royal Purple	0.6 x 0.6	4/m2						
Mp	Myoporum parvifolium 'Yareena'	Creeping boobialla	0.2 x 1.5m	2/m2						
PI	Poa labillardieri	Common Tussock Grass	0.8 x 0.9	4/m2						
Deep	Poa morrieii	Mahant Turranth more	0.6=0.3	4/442						

















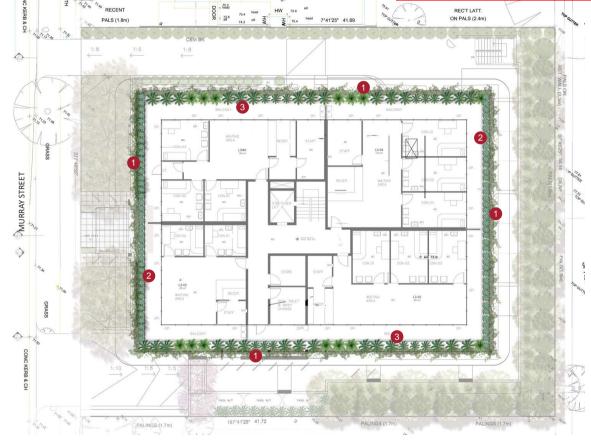




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2

Groundcovers cascading over planter beds





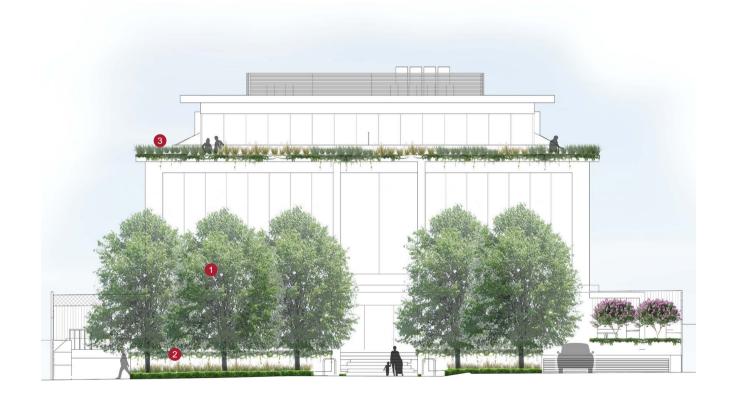
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2. LANDSCAPE ELEVATION

SOUTHERN ELEVATION

- 1 Tall canopy trees to front setback with grasses and groundcovers underneath
- 2 Raised planters with grasses and cascading groundcover species
- 3 Low grasses with groundcovers cascading down planter beds



3

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For more than 50 years Taylors has developed a reputation for excellence in the areas of Masterplanning and Urban Design, Surveying, GIS, Civil Engineering, Development Strategy and Project Management, and have now grown to a team of over 100 professionals including town planners, urban designers, architects, landscape architects, civil engineers, licensed surveyors, field surveyors, draftspeople, project managers and development strategists.

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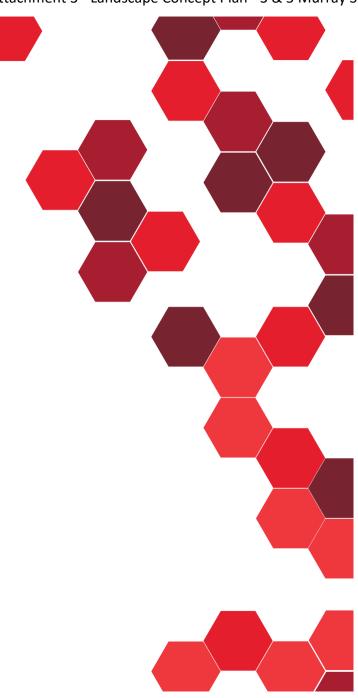
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Christchurch

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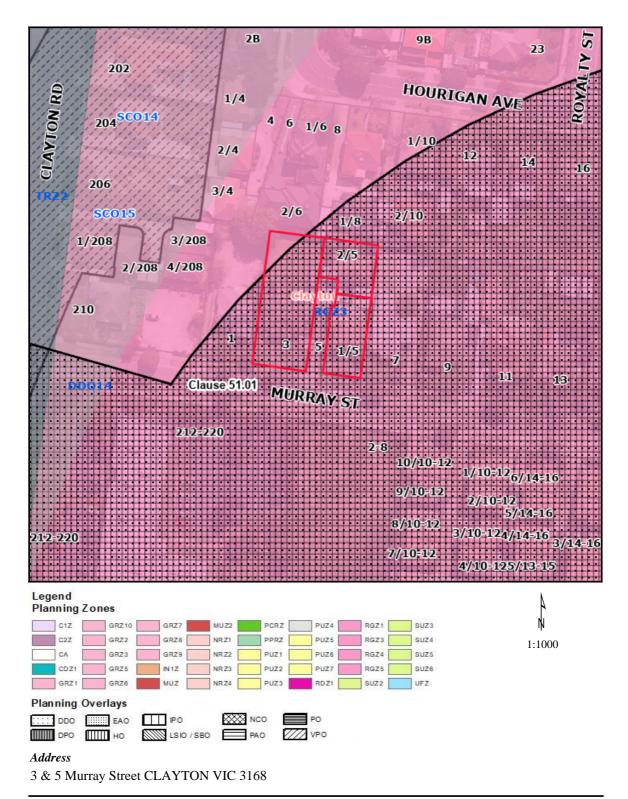
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Planning Overlays and Zones



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