

7.1.3 TPA/56395 - 31-33 HIGH STREET ROAD ASHWOOD - DEVELOPMENT AND USE OF A FOUR STOREY MEDICAL CENTRE

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

EXECUTIVE SUMMARY

This application proposes the development of a four-storey building comprising three storeys above a basement level, for use as a medical centre with a total of 16 specialist practitioners. Two significant trees are proposed to be removed. The proposal also seeks the erection of signage and alteration of access to High Street Road, being located within the Transport Zone Schedule 2

The application was subject to public notification. Twenty-three (23) objections to the proposal have been received.

Key issues to be considered relate to the height and scale of the building, the impact on Garden City Character, landscaping, traffic and car parking movements, and the impact of advertising signage on the character and amenity of the residential area.

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

The reason for presenting this report to Council is the proposed development cost of \$4 Million.

The proposal is considered inconsistent with the relevant provisions of the Monash Planning Scheme and it is recommended that the application be refused.

RESPONSIBLE PLANNER:	Celia Davey
WARD:	Gardiners Creek
PROPERTY ADDRESS:	31-33 High Street Road, Ashwood
NUMBER OF OBJECTIONS:	Twenty-three (23)
ZONING:	General Residential Zone Schedule 3
OVERLAY:	Vegetation Protection Overlay Schedule 1
EXISTING LAND USE:	Two (2) detached residential dwellings
RELEVANT POLICY:	<u>Municipal Planning Strategy</u> Clause 02.01 – Context Clause 02.02 – Vision

Clause 02.03 – Strategic Directions

Clause 02.04 – Strategic Framework Plans

Planning Policy Framework

Clause 11 – Settlement

Clause 11.01-1S & 1R - Settlement

Clause 11.02-1S – Supply of Urban Land

Clause 13.07-1L-01 – Non-Residential Use and Development in Residential Areas

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban Design

Clause 15.01R – Urban Design – Metropolitan Melbourne

Clause 15.01-1L-01 – Signs

Clause 15.01-1L-02 – Tree Conservation for a Garden City

Clause 15.01-2S – Building Design

Clause 15.01-2L-02 – Environmentally Sustainable Development

Clause 15.01-4S - Healthy Neighbourhoods

Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne

Clause 15.01-5S – Neighbourhood Character

Clause 15.01-5L – Monash Preferred Neighbourhood Character

Clause 19 – Infrastructure

Clause 19.02-1S – Health Facilities

Clause 19.02-1R – Health Precincts – Metropolitan Melbourne

Clause 19.03-3S – Integrated Water Management

Clause 19.03-3L – Stormwater Management

Clause 19.03-5S – Waste and Resource Recovery

Particular Provisions

Clause 52.05 - Signs

Clause 52.06 - Car Parking

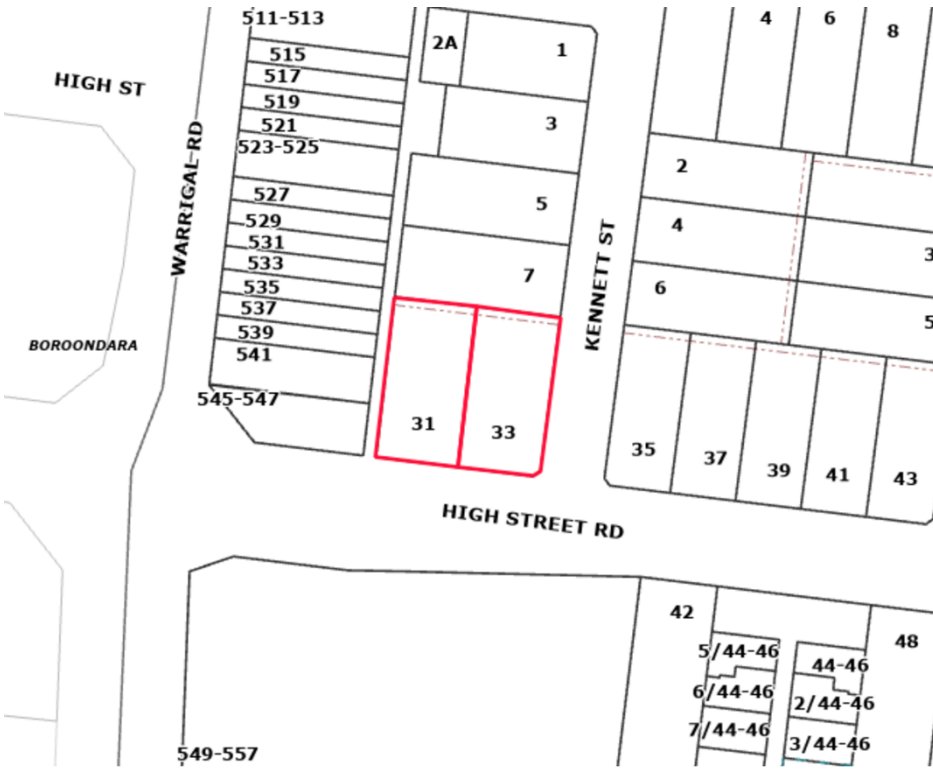
Clause 52.29 - Land Adjacent to the Principal Road Network

Clause 52.34 - Bicycle Facilities

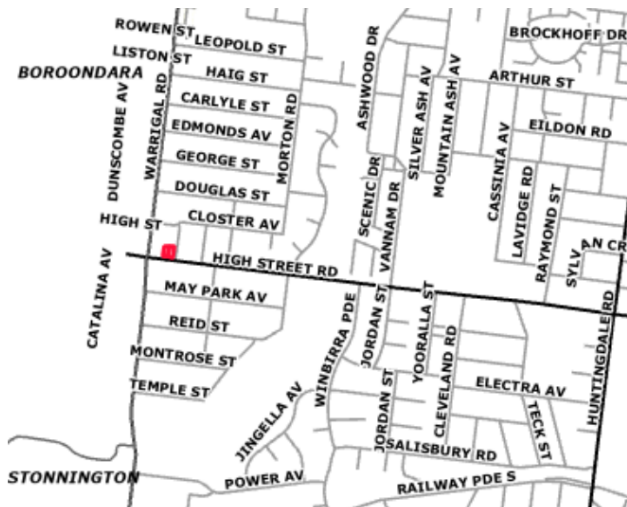
Clause 53.18 - Stormwater Management in Urban Development

	Clause 65 - Decision Guidelines
STATUTORY (60 DAY) PROCESSING DATE:	6 January 2025
DEVELOPMENT COST:	\$4 Million

LOCALITY PLAN



& NEIGHBOURHOOD PLAN



RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/56395) for the use and development of the land for a four storey medical centre, display of internally illuminated business identification signage, alteration of access to a road in a Transport Zone 2 and removal of 2 trees within a Vegetation Protection Overlay at 31-33 High Street Road, Ashwood subject to the following grounds:

1. The built form, scale and setbacks of the proposal and overall impact on character are not consistent with Clause 13.07-1L-01 – Non-Residential Use and Development in Residential Areas Policy.
2. The proposed removal of mature trees and inability to satisfactorily plant new canopy trees with spreading crowns is not consistent with Clause 15.01-1L-02 – Tree Conservation for a Garden City Policy.
3. The proposal is not consistent with the strategies for the Garden City (Northern Areas) at Clause 15.01-5L – Monash Preferred Neighbourhood Character Policy.
4. The proposal is not consistent with the decision guidelines of the General Residential Zone and Schedule 3 at Clause 32.08.
5. The proposed tree removal is not consistent with the objectives and decision guidelines of the Vegetation Protection Overlay at Clause 42.02.
6. The car parking and access arrangements are not satisfactory, unsafe, and inconsistent with the Car Parking Provisions at Clause 52.06.
7. Deliveries and waste collection is inadequate, not functional and will have an adverse impact on surrounding residential amenity.
8. Sign 3 is inconsistent with the character of the area and will impact road safety.
9. The proposal will result in overlooking into habitable room windows in 7 Kennett Street.
10. The proposal will have a detrimental effect on the amenity of the area.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.
Investigate and progress planning rules for tree and vegetation controls.

Enhanced Places

Pursue a planning framework that meets Monash needs.

BACKGROUND

History

Planning permit application TPA/54467 for the use and development of the land for a four storey medical centre was refused by Council at its meeting of 27 June 2023. The application was refused on grounds relating to neighbourhood character, lack of tree retention and landscaping,

carparking and access issues, excessive advertising signage and contravention of the restrictive covenants that affect the land.



Perspective drawing of previous proposal considered by Council under application TPA/54467

Attachment 2a details plans previously considered by Council under application TPA/54467.

Since that decision the owner has received a declaration from the Supreme Court that the restrictive covenants that affect the land do not prevent the development of a medical centre on the land.

There have been no other planning applications made for the subject site.

The Site and Surrounds

The subject land is located on the north-west corner of High Street Road and Kennett Street in Ashwood. A right-of-way runs along the western boundary and services 16 commercial properties fronting Warrigal Road and No. 3 Kennett Street. The laneway runs in a single direction from the north (via Closer Avenue) to the south (High Street Road). There is currently no access to the laneway directly from Kennett Street or Warrigal Road.

The site comprises two parcels of land with a total area of 1,491 square metres. The combined frontage to High Street Road measures 37.42 metres (less corner splay) and depth of 38.10 metres.

The land is encumbered by a 1.83 metre wide drainage and sewerage easement along the northern boundary.

The land has a fall of 2.8 metres from south-west to north-east.

Existing development comprises one single storey dwelling and associated out buildings on each parcel.

There are more than 30 trees and large shrubs on the land. Of these, two exceed 10 metres in height triggering a permit requirement for removal under the Vegetation Protection Overlay. As

part of the planning application however, Council is able to assess the appropriateness of the removal of vegetation across the site under the Tree Conservation and Neighbourhood Character guidelines.

There is one existing single vehicle crossing to High Street Road, and one to Kennett Street. The road reserve in High Street Road also contains a bus shelter and various services. There are 3 street trees in Kennett Street proximate to the site.

Kennett Street has parking restrictions along both sides reflective of its proximity to commercial zones, and traffic at its intersection with High Street Road is restricted to left turns only (no right turns into or out of the street).

The surrounding land comprises residential dwellings to the north and east, and commercial properties to the west and south. The commercial properties to the west form part of a small local shopping strip and are not identified as an Activity Centre. Land on the opposite side of Warrigal Road is located within the City of Boroondara.

The built form of the immediate surrounding area can be described as follows:

North

7 Kennett Street contains a single storey dwelling with a garage abutting the common boundary. It is setback 7.6 metres from Kennett Street. The front and rear gardens are open and planted with trees and shrubs. There is no front fencing.

South

549-557 Warrigal Road contains a Woolworths Supermarket facing Warrigal Road. The building is setback a 2.2metres from High Street Road, with minimum landscape buffer of 1.2 metres. The maximum building height is 10.4 metres. The land is zoned Commercial 1.

East

35 High Street Road contains a single storey dwelling setback 8.9 metres from the front boundary. Vehicle access is obtained via a single width crossover in Kennett Street. The front and back setbacks are landscaped. A high hedge provides a soft buffer along the High Street Road boundary.

West

The land is developed for double storey strip shops facing Warrigal Road in Commercial 1 zoned land. Car parking is accessed via the right of way.

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

PROPOSAL

The application is to demolish the existing buildings on site together with removal of all vegetation and construct a four-storey medical centre building, signage and alteration of access to land in a Transport Zone.

The proposal can be summarised in detail as follows:

Maximum Overall Height	13.3 metres (14.4 metres to the lift overrun)
Number of Storeys	Four (4) including semi-basement car park
Leasable Floor Area	1,249.1 m ²
Site Coverage	45.1%
Permeability	21.5%
Garden Area	31.4%
Number of Practitioners	Sixteen (16) specialists
Hours of Operation	Monday to Friday - 8am to 6pm, Saturday - 8am to 1.30pm, and closed Sundays and public holidays
Vehicle Access	One double-width crossing to Kennet Street and via the right-of-way spanning the western boundary
Car Parking	44 parking spaces, with 30 spaces located in the basement, and 14 spaces accessed directly off the right-of-way
Bicycle Spaces	Twelve (12)
Signage	Three (3) comprising two (2) business identification signs and one (1) internally illuminated business identification sign
Materials	Precast concrete panels, rendered finishes, and cement cladding in shades of grey and white, grey metal windows and door frames, and chrome finish feature blades and roofing
Tree Removal / Landscaping	30 trees and large shrubs on the land. Of these, two exceed 10 metres in height

The minimum building setbacks are detailed as follows:

	North	East	South	West
Basement	2.5 metres	3.56 metres	0.5 metres	0.5 metres
Ground Floor	5 metres	6.8 metres	7.6 metres	8.8 metres
Level 1	8 metres	6.8 metres	7.6 metres	3.66 metres
Level 2	8 metres	6.8 metres	7.6 metres	3.66 metres



3D view of High Street Road Elevation

Attachment 2 details plans forming part of the application.

PERMIT TRIGGERS

Zoning

The subject site is located General Residential Zone - Schedule 3. A planning permit is required under the following provisions of the Monash Planning Scheme:

- Clause 32.08-2 – to use land for a medical centre
- Clause 32.08-10 – to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

The maximum building height (11 metres, 3 storeys) prescribed within Clause 32.08-10 is not applicable to this application as the proposal is not a dwelling or residential building.

The minimum garden area requirement prescribed within Clause 32.08-4 is not applicable to this application as it is not a dwelling or residential building.

Overlay

The land is subject to the Vegetation Protection Overlay Schedule 1 (VPO1). A planning permit is required to remove, destroy or lop any vegetation that has a trunk circumference greater than 500 millimetres at 1,200 millimetres above ground level and is higher than 10 metres.

Approval is sought for the removal of two trees protected by the Overlay. The arborist report submitted with the application identifies these trees as a 14m *Ginkgo biloba* and 18m *Waterhousia floribunda*.

Particular and General Provisions

Clause 52.05: Signs

The site is identified as being located within Category 3 of the sign requirements of Clause 52.05.

A planning permit is required pursuant to Clause 52.05-11 for business Identification signs and internally illuminated signs.

Clause 52.06: Car Parking

Before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. The site is located within the Principal Public Transport Network.

The proposed 44 car spaces satisfy the statutory car parking requirement.

Clause 52.29: Land Adjacent to The Principal Road Network

A permit is required to create or alter access to a road in a Transport Zone 2 pursuant to Clause 52.29-2.

Clause 52.34: Bicycle Facilities

Pursuant to Clause 52.34-5 one (1) bicycle space is required per 8 practitioners, and one (1) space to each 4 practitioners for visitors. No showers or change rooms are required for this use. 12 bicycle spaces are proposed, exceeding the six (6) required under this Clause.

Closed Landfill Buffer

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

Cultural Heritage Management Plan (CHMP)

The site is not located within an area identified as having cultural heritage sensitivity.

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

CONSULTATION

Further information was requested on 21 October 2024. In this letter, officers also identified a number of design deficiencies and advised that should these concerns not be addressed, this application was unlikely to be supported and the application would be refused. The issues raised were:

- the 4 storey height, bulk and mass of the building;
- insufficient street setbacks, and excessive paving and services to allow for meaningful landscaping consistent with Garden City Character;
- the continued use of the laneway for access to a large number of car parking spaces;
- waste collection from the street;
- removal of trees, with the extent of encroachment into the Tree Protection Zone of tree number 16 appearing to be incompatible with its retention;
- excessive fencing height, including services area;
- acoustic treatment for rooftop plant not fully resolved; and,
- the floodlit business identification sign (sign 3) poses a potential safety hazard.

The permit applicant responded on 6 November 2024 by providing the requested information, and amending the application under Section 50 to remove the *Waterhousia floribunda* tree and delete the floodlighting of a sign. The remaining concerns have not been addressed.

The Applicant was advised that this application was coming to the January Council meeting, and a letter was sent with the details of the meeting. The Applicant has also been advised that this application is recommended for refusal, and an outline of the grounds 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 and occupiers, and objectors to previous application TPA/54467, and signs displayed on the High Street Road and Kennett Street frontages of the sites.

Twenty-three (23) objections were received. Issues of objection included the following concerns:

- Additional traffic and vehicle congestion.
- Parking provision.
- Building, height, scale and built form.
- Residential amenity (noise, light, traffic, overlooking, overshadowing, hours of operation).
- Waste management.
- Stormwater and drainage.
- Vegetation removal.
- Appropriateness of use.
- Intensity of use.
- Neighborhood disruption.
- Construction impact.
- Stormwater management.
- Impact on property values.
- Undersirable precedent.

Attachment 4 details the location of objector properties.

Public information session

An online public information session was held on 27 November 2024 and was attended by 11 residents.

Referrals

External Referral

Department of Transport and Planning (DTP) (Ref: 47769/24)

The application was referred to the Department of Transport and Planning (DTP) pursuant to Clause 55.29-4 of the Scheme. The DTP has no objection to the proposal subject to conditions being included in the permit relating to the vehicle crossing removal and impact on bus shelter.

Internal Referral

Transport Engineer

Council's Transport Engineer has raised concerns about the following:

- The proposed access arrangements to the at grade parking directly from the laneway is a concern as the laneway is primarily used for the unloading of goods associated with the adjacent commercial premises, which also share the laneway. It is also noted that these vehicles can only travel south down the laneway from Closter Avenue.
- The parking arrangement in the laneway could tempt vehicles to enter from High Street Road, disobeying the No Entry sign, especially for patients who are not familiar with the area.
- Use of the laneway for parking access is a pedestrian safety hazard.

Drainage Engineer

Council's Drainage Engineer has no concerns subject to conditions being included in the permit, including specific conditions for the basement.

Horticulture

Council's Senior Arborist has advised that the two trees in Kennett Street, a *Lagunaria* and *Prunus* require no excavation within 4 metres and 2.5 metres of their bases respectively.

Should the application receive support, whilst the *Lagunaria* tree is clear of the crossing the removal of the *Prunus* could be considered at the applicant's expense due to the proximity of the crossing within the tree protection zone, its condition and short anticipated life span.

Waste Services

Council's Waste Services advised that the waste collection from Kennett Street should not be supported and is required to be redesigned to provide for collection from within the basement. Further information is required to confirm the clearance height for waste vehicles as it appears the existing basement access height would not allow for onsite collection. Should the application be supported, revisions are required to both the plans and the submitted Waste Management Plan to provide for on-site private collection.

RELEVANT PLANNING POLICY

Purpose and Vision

Council's vision for Monash has four primary areas of focus including a Sustainable City, Inclusive Services, Enhanced Places and Good Governance. Council particularly looks to improve canopy tree coverage.

At Clause 02.03-3, it is recognized that poorly located, sited, and designed non-residential uses in residential areas can progressively erode the garden city character and reduce residential amenity.

Council also seeks to “*maintain and enhance the garden city character by ensuring that development contributes to the garden city character including through the conservation of existing trees and the planting of canopy trees, and ensure that development enhances the character of the neighbourhood, consistent with the identified preferred future character*”.

At Clause 02.03-8 Council seeks to retain and encourage the development of private health facilities as an adjunct to key community medical resources.

The site is identified as being located adjacent to a Local Activity Centre and within a vegetation protection area within the Strategic Framework Plan (Clause 02.04-1).

Planning Policy Framework (PPF)

The objectives of the non-residential use and development in residential areas policy at Clause 13.07-1L-01 seeks to ensure that the character and amenity of residential areas are not adversely impacted by non-residential uses. Strategies for the location, design and location of these uses are detailed in the policy and within the assessment section of this report.

The Built Environment and Heritage Policy at Clause 15 calls for planning to ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

In the Monash Preferred Neighbourhood Character Policy (Clause 15.01-5L) the relevant objective *is to build upon the important contribution that landscaping makes to the garden city character of Monash, and preserve and enhance the treed character*. The site is identified as being located within the Garden City (Northern) Suburbs Character area. The strategies for these areas is to:

- *Provide well-vegetated front and rear gardens with shrubs and large canopy trees.*
- *Design new development to complement the established buildings through consistent siting, articulated facades and use of materials.*
- *Screen new development from the street and neighbouring properties with well-planted gardens.*
- *Provide no or transparent front fences.*

Clause 15.01-1L-02 specifies strategies to enhance the garden city character of Monash by encouraging the retention of existing semi-mature and mature canopy trees, wherever possible, to maintain the existing tree canopy.

General Residential Zone – Schedule 3

The General Residential Zone (GRZ3) seeks to “*encourage development that respects the neighborhood character of the area, and allow a limited range of other non-residential uses to serve local community needs in appropriate locations, whilst also encouraging development that respects the neighbourhood character of the area*”.

Schedule 3 applies to Garden City Suburbs and seeks (as relevant):

- *To support new development that contributes to the preferred garden city character through well landscaped and spacious gardens that include canopy trees.*

- *To support new development that minimises building mass and visual bulk in the streetscape through generous front and side setbacks, landscaping in the front setback and breaks and recesses in the built form.*

ASSESSMENT

Land Use

When assessing an application for a non-residential use in the zone, the decision guidelines require consideration of:

- *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.*

It is considered the use of the land for a medical centre is compatible with residential use particularly in this location adjoining commercial uses. It is also a use that will serve local community needs.

The non-residential use and development in residential areas policy (Clause 13.07-1L-01) also requires discretionary non-residential uses in residential areas to be located adjacent to existing activity centres and on higher order and busier streets and roads, particularly on corner sites. Whilst the proposal is consistent with this strategy, it fails to fulfill other requirements of the policy including minimising traffic impacts on the existing traffic pattern of the street and locality.

However, the scale and intensity of the use and development is not appropriate in the setting and not consistent with the built form and landscape character of the residential area which is outlined below.

Built Form and External Amenity

Height and Scale

The commercial buildings facing Warrigal Road to the north are a maximum of two storeys high, with Woolworths to the south up to 10 metres in height owing to the slope of the land. These properties are in a Commercial 1 Zone where this scale of development is appropriate to the use. Being a local shopping strip, it is not expected that this commercial precinct would exceed development of 3 storeys.

The directly abutting dwellings to the north and east of the site are single-storey, with the potential of a maximum height of three-storeys.

Whilst not strictly applicable, the zone details the following requirements with respect to building height and storeys (which would be expected for residential development to the north and east of the site within the General Residential Zone):

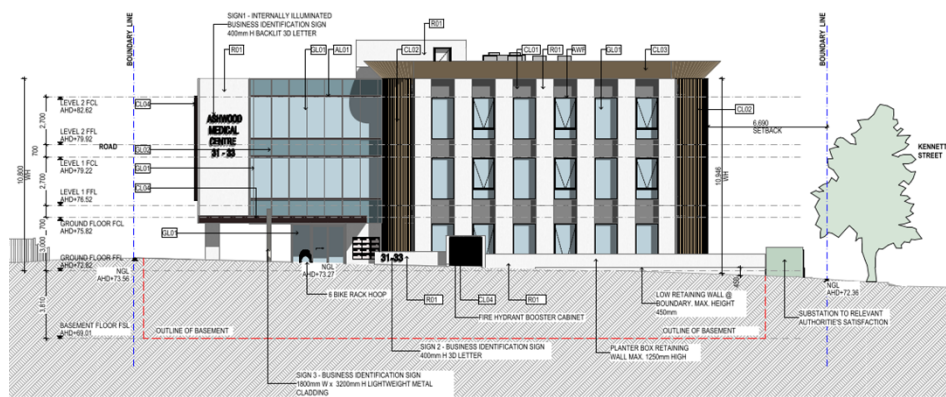
Requirement	Residential Development	Proposed Development	Complies
Building height (Clause 32.08-10)	must not exceed 11 metres	13.3 metres	No
Building storeys (Clause 32.08-10)	no more than 3 storeys at any point.	4 storeys (basement is more than 1.2 metres above ground)	No

As a result of the slope of the land the building will be four storeys at the north-east corner, adjacent to the single storey dwelling at 7 Kennett Street. The basement level has a floor to ceiling height of up to 3.92 metres. The additional protrusion of the basement level is required to allow for clearance heights for vehicles entering the basement, due to the limited slope of the land and building setbacks provided.

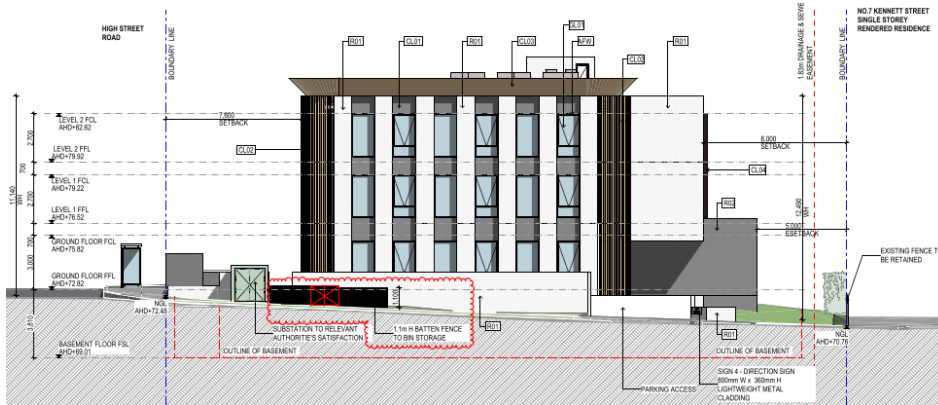
The proposed building will be a dominant structure that towers above the adjacent neighbouring properties.

The sheer walls from ground to the roof line provide no relief or transition to the surrounding lower height development, particularly the directly abutting dwellings to the north.

Whilst robust materials are sought in the Scheme, the building's finishes in precast concrete, cement cladding and shiny metal will further exacerbate the dominance of the building in the residential setting. The vertical fenestration and elevated roof expression further accentuates the height.



High Street Road Elevation



Kennett Street Elevation

Setbacks and Landscaping

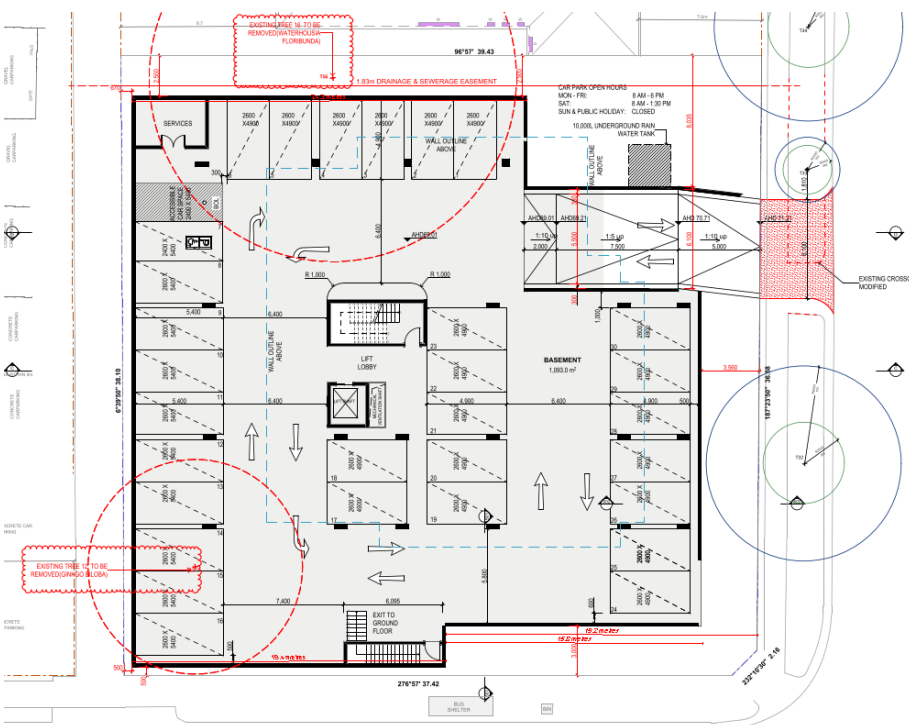
There are Zone and Schedule specific development requirements that do not apply to non-residential development; however, these do provide a guide to the built form sought in the area. These requirements are detailed in the table below.

Requirement	Residential Development	Proposed Development	Complies
Garden area (Clause 32.08-4)	35% of a lot set aside as garden area	31.4%	No
Minimum Street Setback (Clauses 54 and 55 Standards A3 and B6)	Walls of buildings should be set back at least 7.6 metres from the front street.	7.6 metres to High Street Road	Yes
Site Coverage (Clauses 54 and 55 Standards A5 and B8)	The site area covered by buildings should not exceed 50 per cent.	45.1%	Yes
Permeability (Clauses 54 and 55 Standards A6 and B9)	The site area covered by pervious surfaces should be at least 30 per cent.	21.5%	No
Landscaping (Clause 55 Standard B13)	<p>New development should provide or retain:</p> <ul style="list-style-type: none"> At least one canopy tree, plus at least one canopy tree per 5 metres of site width; (9 trees required) A mixture of vegetation including indigenous species; Vegetation in the front, side and rear setbacks; Vegetation on both sides of accessways. <p>A canopy tree should reach a mature height at least equal to the maximum building</p>	<p>Eight (8) trees proposed:</p> <ul style="list-style-type: none"> Five (5) dwarf lemon scented gums of 5-7 metres mature height Three (3) lilly pilli of 7-10 metres mature height 	<p>No</p> <p>Not enough trees and none are indigenous or equal in height to the 13.3 metre high building.</p>

	height of the new development.		
Rear setback (Clauses 54 and 55 Standards A10 and B17)	A new wall not on or within 200mm of a boundary should be set back at least 5 metres.	5 metres	Yes
Front fence height (Clauses 54 and 55 Standards A20 and B32)	Must not exceed 1.2 metres in height within 3 metres of street	Retaining wall 1.25 metres on the High Street Road frontage	No

The proposed development meets the front, side and rear setback, and site coverage requirements, however the front fence height is exceeded. There is insufficient garden area and permeable surface, which are often indicators of over-development.

Front setbacks of neighbouring dwellings in High Street Road and Kennett Street are generous, at typically 7.6 metres, or more, and contain landscaped gardens with canopy trees. Although the proposed building setbacks to High Street Road and Kennett Street are 7.6 metres and 6.8 metres respectively, and generally consistent with neighbouring setbacks, there are significant encroachments within them. The basement abuts the boundary in High Street Road for half of the frontage, being setback 3 metres for the remainder of its length. The basement is also only setback 3.56 metres from Kennett Street. On the north it is setback only 2.5 metres for a length of over 24 metres, with the area constrained by the 1.93-metre-wide easement. Also within the northern setback is a 10,000 litre underground water tank. The proposed basement footprint leaves limited deep soil areas for meaningful landscaping to visually soften and buffer the large building from the street of the abutting dwelling.



Basement floorplan

Above the basement, the provision of feature pedestrian paving, staircase access to the basement, and services such as waste storage, electrical substation and fire hydrant booster further harden the setback impacting on visual amenity.

Five (5) dwarf lemon scented gums of 7 metres mature height are proposed for the Kennett Street setback. These will be half the maximum building height.

In the High Street Road setback three (3) *Waterhousia floribunda* trees are proposed to reach a mature height of 10 metres in ideal growing situations.

The Rescode landscaping standard for apartment developments at Clause 55.07-4 does not apply, however provides reasonable guidance for the deep soil requirements for the planting of canopy trees. Trees capable of reaching 8 metres in height at maturity require 49 square metres of deep soil with a minimum dimension of 4.5 metres for each tree (which equates to 137.2m² for 3 trees, taking into account reductions for sharing soil). The area proposed for three (3) 10 metre trees is only 55 square metres with a minimum dimension of 3 metres. This will not be sufficient to result in healthy tree growth that achieves the garden city character visions of the Scheme.

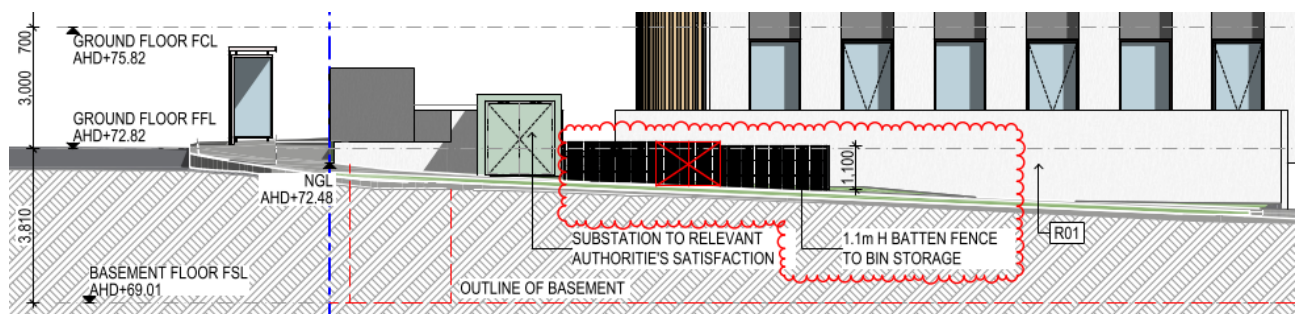
Carparking on the west side of the building, and on the north adjacent to 7 Kennett Street's secluded open space, has also replaced garden planting characteristic of the area.

The carpark will be screened from the street by low plants in a planter (with the soil depth unknown).

The rain garden planted with 500mm high dianella tufting flax is located adjoining the secluded open space area of number 7 Kennett Street, which would benefit from high screen planting, particularly given the loss of the significant tree from that area.

Services

The proposed services, and waste storage area, within the street setbacks will be visually obtrusive, taking up available room for landscaping and cluttering the streetscape. Waste storage should be located within the basement and a more cohesive design provided for the necessary services.



Eastern elevation plan (Kennett Street frontage)

External Amenity Impacts

Visual Bulk

From the neighbouring residential properties, the mass and bulk of the building is excessive and not comfortable in the setting. Whilst the walls are set back a minimum of 5 metres from the northern (rear) boundary, the proposal provides sheer three storey walls on all elevations, reach up to 11.62 metres in the north-east corner. Whilst the northern elevation is broken up by the ground floor and cantilevered elements on the east and west sides, this does little to assist it to integrate appropriately with its residential neighbours.



Northern elevation viewed from 7 Kennett Street

Noise

The Acoustic Report submitted with the application indicates that based on the available environmental noise data and proposed plans (at time of assessment), implementation of the measures outlined in the report would be expected to minimise the noise impact on the neighbouring residences from the facility and any plant and machinery to maintain compliance to the EPA 1826.4 Noise Protocol.

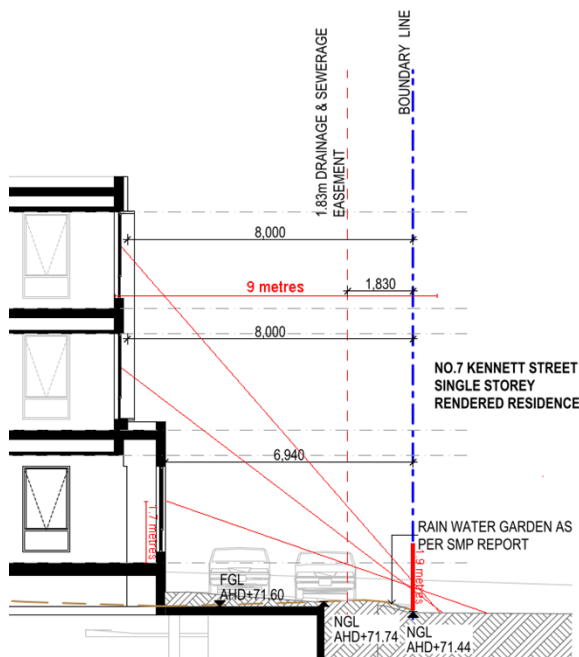
The report recommends the existing boundary fence be checked for gaps and repaired so noise does not leak into 7 Kennett Street. However, if noise becomes an issue from patrons and their vehicles, construction of a 2.4metre high acoustic fence along the northern boundary is recommended.

It is noted the report also suggests that plant and machinery ideally should be installed below a fence line. The proposal locates these on the roof using the building sightlines as acoustic shielding to reduce the noise associated with their operation. This placement would need further review by an acoustic engineer to determine whether a suitable acoustic barrier may be needed. The addition of other structures above the roofline would only add to the bulk and mass and clutter of the building.

There is a need for these acoustic issues and recommendations to be more carefully resolved to maintain both acoustic and visual amenity for the neighbours before a permit is issued, not afterwards. Having these matters unresolved creates the need for ongoing monitoring of noise impacts rather than implementing treatments upfront.

Overlooking

Whilst the planning scheme does not specify measures for overlooking for a non-residential use, the tools in the Overlooking Objectives of Clauses 54 and 55 are useful guides for ensuring views into existing secluded private open space and habitable room windows do not impact amenity. The proposed window setbacks and height of the existing boundary fence will prevent views into the adjacent secluded open space of 7 Kennett Street within 9 metres. However, overlooking is possible directly over the fence from tenancies G.01 and G.02 into habitable room windows of 7 Kennett Street within 9 metres which could be screened to prevent a loss of amenity, if a permit was to issue.



Overlooking to secluded open space

Overshadowing

Similarly, overshadowing can be considered using the measures of Clauses 54 and 55 (Overshadowing Open Space Objective). The proposal will not cause any overshadowing to neighbouring secluded areas or windows by virtue of the site’s location to the south of its directly abutting neighbours, and the road and right-of-way abutments providing a high degree of separation.

Environmental Sustainability

Clause 15.01-2L-02 (Environmentally Sustainable Development policy) requires the submission of a Sustainability Management Plan and a Green Travel Plan for a non-residential building with a gross floor area of more than 1000 square metres.

A report was prepared by Green Rate which includes a BESS assessment and a STORM rating report. No Green Travel Plan has been provided.

The assessment indicates the development achieves a best practice BESS score of 51% and STORM rating of 102% to meet the minimum sustainability policy provisions contained within the Planning Policy Framework and Local Planning Policy.

If a permit were to issue the Green Travel Plan could be prepared to promote the use of walking, cycling and public transport, and minimise car dependency.

Car Parking, Traffic and Access

Parking Allocation

The requisite car parking spaces required under Clause 52.06 would be provided as shown in the following table:

Use	Leasable Floor Area	Clause 52.06 Requirement	Car spaces required	Car spaces provided
Medical Centre	1249.1 m2	3.5 spaces to each 100 sq m of leasable floor area	44	44

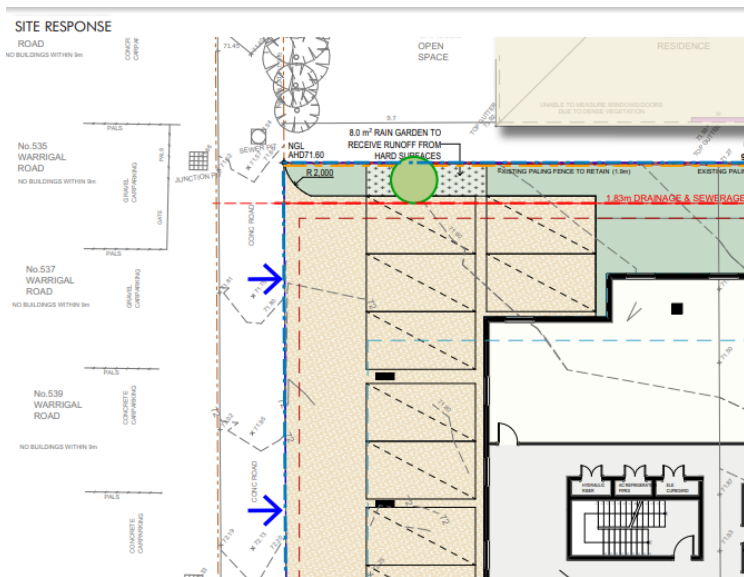
It is noted that there is no differentiation in the car parking rate for medical specialists and general practitioners, with both included in the medical centre definition in the planning scheme. The proposal meets the statutory requirements.

Access

Whilst Council’s Transport Engineers have no concerns with proposed traffic volumes and movements in the surrounding streets, there are issues with the proposed layout of the car parking utilising the right-of-way for access to one third of the on-site parking.

The laneway is required for loading and unloading of commercial vehicles for business that front Warrigal Road, which at times will block access to the car parking area. This has been referred to Councils Community Laws and Transport Engineers for investigation to ensure that the laneway is being used appropriately. It is also noted that vehicles can only travel south down the laneway from Closter Avenue which will not be convenient to irregular visitors to the site unfamiliar with one access along the laneway. The proposed layout and common laneway blockages may tempt vehicles to undertake illegal access from High Street Road, disobeying the No Entry signs and one way traffic flows along the laneway. The traffic survey counted 24 vehicles already illegally entering from High Street Road on 27 August 2024, between 8am and 5pm.

There is also concern with the restricted access and tight turning manoeuvre required to access the two northern-most at grade car parking spaces. These spaces are accessed from the north, via the 3 metre wide laneway. Access to these spaces is not possible without swinging into the rear of 535 Warrigal Road. This arrangement cannot be supported, and these spaces would require reconfiguration/relocation.



Pedestrian safety is also of consideration because of the parking spaces connected to the laneway. Drivers will need to use and mix with the traffic in the laneway to access the front entrance of the medical centre.

Larger deliveries which cannot be accommodated in the basement, are proposed to occur in Kennett Street. It is noted that there is currently a ‘No Standing’ restriction from 8am to 6pm weekdays, and from 8am to 1pm Saturdays. Deliveries from the street would need to be outside those hours, and this will affect residential amenity.

Bin storage and waste collection is also proposed on the Kennett Street frontage which will also impact traffic movement within Kennett Street.

Signage

Except for a direction sign on the basement entry (for which no permit is required), the proposed signs are all facing High Street Road.

An internally illuminated business identification sign (‘Sign 1’) detailing the name of the centre and the street number is proposed on the wall of the building facing south-west along High Street Road. It will measure 2.3 metres high by 2.2 metres wide and have a maximum height above ground level of 8.81 metres.

One business identification sign made of stainless steel 3D lettering (‘Sign 2’) will also specify street number and be located on the planter wall facing south. It measures 0.40 metres high by 1.2 metres wide.

A business identification sign with individual specialist details (‘Sign 3’) will be located in the south-west corner of the site, and measures 3.2 metres high by 1.8 metres wide.

The purpose of the controls in High Amenity Areas (Category 3 Signs) is to ensure that signs are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed, or the surrounding area.

Council is required to consider, amongst other things, the sensitivity of the area, including the residential character, the compatibility of the proposed sign with the existing or desired future character of the area, the cumulative impact of the signs and the impact on road safety.

It is considered the location of the proposed signs is respectful of the neighbouring residential amenity, with the signs directed to High Street Road, and the largest sign ('Sign 3') positioned close to the western boundary.

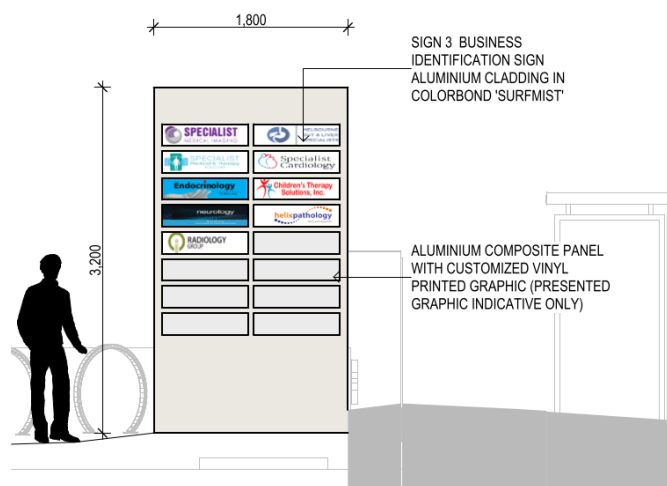
There is extensive signage on the abutting property to the west, as this is Commercial 1 zoned land where there is minimum limitation, and signage is sought that adds vitality and colour to commercial areas.

The signage for Woolworths facing the site, and also located within Commercial 1 zoned land comprises only one blade with limited advertising.

Signs 1 and 2 are located on the building and fencing preventing conflict with desired landscaping. These signs would be appropriate forms of identification of the site should a planning permit issue.

Sign 3 is proposed within the garden planter and will reduce already meagre landscaping opportunity. It will also be 3.2 metres in height, similar to the height of a single-storey wall, which will be another unacceptable intrusion into the setback area. It will also contain detailed information requiring close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic. This constitutes a safety hazard.

This sign is not considered sufficiently consistent with the with preferred residential character of the area.



West elevation of Sign 3

Tree Removal

The site contains a large number of trees and shrubs. Of the vegetation on site, five trees are considered significant, two of which require permission for removal due to their height and trunk size under the provisions of the Vegetation Protection Overlay - a 14 metre *Ginkgo biloba* (Tree 12) and an 18 metre high *Waterhousia floribunda* (Tree 16).

The Arboricultural report submitted with the application advises that tree 12 is an attractive tree of fair health and structure, medium retention value and a ULE of 15 to 40 years however *'This tree is inside the proposed building envelope of the underground car park; it is therefore not compatible with this proposal...it would have to be removed if this proposal was to be approved as it has been presented here'*.

This tree is located within the front setback of the site, approximately 6.9 metres from the front boundary. Removal of this tree purely to allow a large development of the site, where modifying the building envelope could allow its retention, and sufficient provision is not made to establish and maintain vegetation elsewhere, is not consistent with decision guidelines of Clause 42.02.

Tree 16 is in good health and of fair structure, and the reason offered to remove this tree is its large size in a confined space, and the restriction on how the remainder of this property could be utilised. With a Tree Protection Zone of some 11.3 metres at the rear of the site, for a tree with future growth potential is an acceptable justification. Although this will not be easily replaced under the proposal.

Whilst three of the remaining significant trees do not trigger a permit requirement under the VPO, Council's Tree conservation for a Garden City at Clause 15.01-1L-02 encourages the retention of existing semi-mature and mature canopy trees wherever possible to maintain the existing tree canopy.

These trees consist of an 8 metre high *Syzygium smithii* (Lilly Pilly) and two *Acer negundo* (Box Elder Maples) of 9.7 and 10 metres in height. These trees have been assessed and are of poor health and structure and would not be suitable for retention even if the proposed building envelope accommodated them.

Objections not Previously Addressed

Increased density

Whilst the aspirations of the General Residential Zone seek increased density and housing diversity, the built form outcome proposed fails to provide for suitable building massing, architectural quality, internal amenity and landscaping outcomes.

Reduction in property values

The loss of property values as a result of a proposal is not a relevant planning consideration or decision guideline.

Structural damage to adjoining property from construction

This is not a planning consideration under Clause 65 of the planning scheme and would be dealt with at the Building Permit stage by the Registered Building Surveyor.

Impact on stormwater and drainage

The application was referred to Council's drainage engineers who had no concerns with the proposal subject to conditions and the requirement that stormwater collected from the site must not be allowed to flow uncontrolled into adjoining properties or the road reserve. Drainage plans must be submitted to Council's engineering department prior to construction of works.

Construction impacts (noise, dust, traffic)

Disruption during construction is not a long-term impact. A Construction Management Plan (CMP) will be required as a planning permit condition to minimise impacts to the local area during construction, including mitigating impacts such as noise and dust. The plan would also require the submission of a Plan identifying traffic management and truck movements.

Increased noise generation from future residents

The land is located within a residential zone, and the use of the land for a residential building does not require planning permission. Therefore noise generated from future residents is not a relevant planning consideration.

Safety Concerns due to increase of residents

The state and local planning policies supports the increase in density. Concerns of safety due to the increased density is not a ground that could be substantiated.

The proposed development will set a precedent for future development

The development will not set a precedent for future development as each planning application is assessed on its merit.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

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

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

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 proposal is not significantly different to the application previously refused by Council. It is inconsistent with the relevant policies of the Monash Planning Scheme, particularly its disregard of Garden City Character.

The bulk, mass and setbacks of the building are not sympathetic to the existing and preferred character for the area.

It is considered the site is of sufficient proportion to support appropriate development which meets the requirements of the General Residential 3 zoning, however this proposal is an over-development of the land and the intensity of the use will have a detrimental impact on the amenity of the neighbouring properties.

Overall, the proposal is considered inappropriate; and it is recommended that a Notice of Refusal to Grant a Permit be issued.

ATTACHMENT LIST

Nil