

Client  
WL Newlands Pty Ltd ATF Wang  
Clayton Family

Date  
10 March 2023

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Planning

Transport

Urban Design

Waste Management

# Planning Report

## 186-192 Clayton Road, Clayton

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**Project**  
186-192 Clayton Road, Clayton

**Prepared for**  
WL Newlands Pty Ltd ATF Wang Clayton  
Family

**Our reference**  
17796P

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# 1. Introduction

Ratio Consultants has been engaged by WL Newlands Pty Ltd ATF Wang Clayton Family, the permit applicant, to prepare a town planning report with respect to an application to use and development a multi-level medical centre building at 186-192 Clayton Road, Clayton.

In the course of this report, we have:

- Assessed the proposal against the relevant planning controls and policies contained within the Monash Planning Scheme and the Clayton Activity Centre Structure Plan
- Inspected the site and surrounds.
- Reviewed the updated plans prepared by Hatz Architects.
- Reviewed the ESD Report prepared by EcoResults.
- Reviewed the Landscape Plan prepared by Three Acres.
- Reviewed the Waste Management Plan prepared by Ratio Consultants.
- Reviewed the Traffic Impact Report prepared by Ratio Consultants.
- Reviewed the urban design advice memorandum by Hansen Partnership Pty Ltd.

## 2. Existing Conditions

### 2.1. Subject Site

The subject site is located on the eastern side of Clayton Road, to the south of the intersection with Whitburn Street.

The land is a consolidation of four lots with a total area of approximately 2898 square metres. The lot is rectangular with a chamfered north-western corner at the Clayton Road and Whitburn Street intersection.

The frontage to Clayton Road is approximately 64.1 metres. The northern boundary to Whitburn Street is 40 metres.

Figure 1: Cadastral Plan



Source: VicPlan <https://mapshare.vic.gov.au/vicplan/>

Figure 2: Zoning Map



Source: VicPlan <https://mapshare.vic.gov.au/vicplan/>

The key features of the site are summarised as follows:

- The site is currently occupied by four single-storey dwellings, one to each of the lots.
- The consolidated land has four vehicle crossovers: one to Whitburn Street and three to Clayton Road.
- The fencing for the lots varies from low-level wrought iron on brick to paling fences up to 1 metre high to Clayton Road. The brick fence on Whitburn Street steps up in height from a low-level at the corner with Clayton Road, rising to approximately 1.7 metres toward the eastern boundary.
- Moderate levels of vegetation features along the boundaries of the individual lots, including canopy trees.
- The site slopes from the east, falling approximately 1.5m across the site toward the Clayton Road frontage.
- The site features a 1.83-metre wide sewerage and drainage easement along the eastern boundary.

## 2.2. Surrounding Land

### North

- To the north of the subject site opposite Whitburn Street is 184 and 2/184 Clayton Road. No. 2/184 is a later double-storey additional dwelling to the existing which is oriented to and is accessed via Whitburn Street. The existing dwelling at 184 Clayton Road has been demolished and the site is currently cleared awaiting redevelopment.

### East

- To the site’s immediate east, 2 Whitburn Street is developed with three single-storey villa units.
- The shared accessway is alongside the western boundary shared with the subject site.
- The open space is located to the south and east for each of the dwellings.
- The southern section of the subject site is alongside 1 Hourigan Avenue which is developed with three single-storey villa units.
- Nos. 1/1 and 1/2 Hourigan Avenue sit alongside the shared boundary. Both properties feature secluded open space to the north of the buildings.
- **South**
- To the immediate south of the subject site, 194 Clayton Road is developed with two single-storey townhouses in a tandem arrangement. The accessway is along the southern boundary. The open space of each of the dwellings is positioned alongside the boundary with the subject site.
- A double garage providing parking for the dwellings is constructed to the boundary with the subject site.

#### **West**

- Clayton Road, a dual-carriageway within a 20-metre wide reserve, features immediately to the west.
- The western side of Clayton Road opposite the subject site currently features single-storey dwellings on separate lots.

### **2.3. Broader Character**

Contextually, the site is located within an established residential area between the Clayton Major Activity Centre about 900 metres to the south and North Road, approximately 200 metres to the north.

The land is approximately 250 metres to the north of the Monash Medical Centre and the cluster of associated medical uses in the location established alongside and on the western side of Clayton Road.

The Clayton Railway Station is located within the activity centre, approximately 900 metres from the subject site.

A strip of convenience shops within the Commercial 1 Zone fronting Clayton Road is located 94 metres from the subject land.

Development within Clayton Road currently retains its existing development base of post-war single dwellings on a lot. However, recent permit approvals in the vicinity indicate the start of a transition to a more intensive form.

Recent approvals include:

- 209-211 Clayton Road - Permit TPA/48258/A (approved 31 August 2021) allowing construction of a four-storey building for accommodation (student accommodation) with basement car park and alteration of access to a road in a Road Zone Category 1.
- 205-207 Clayton Road - Permit TPA/49996 (approved 8 August 2019) allowing construction of a five-storey building comprising 36 dwellings and basement carpark and alteration of access to a Road Zone Category 1.

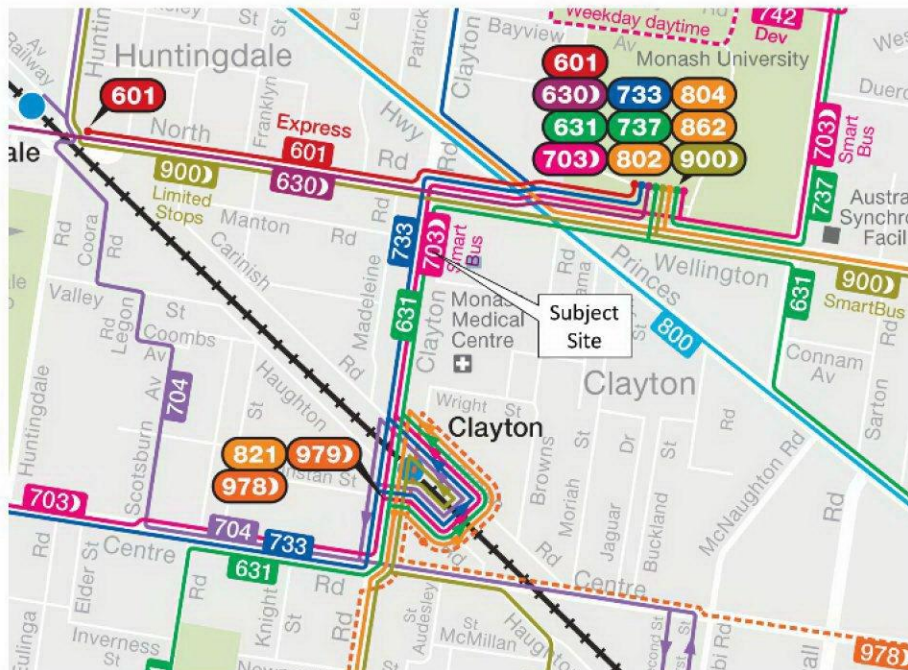


## 2.4. Locational Attributes

The subject site is well located in terms of its proximity to a range of commercial, community, transport and recreational services, including (measured 'as the crow flies'):

- Monash Medical Centre is approximately 250 metres to the south.
- Monash University's Clayton Campus is approximately 600 metres to the north-east.
- Clayton Railway Station, located approximately 900 metres to the south.
- A south-bound bus stop is 50 metres to the north on Clayton Road while the north-bound stop is 120 metres to the south.
- The bus routes servicing the location include:
  - Route 631 Waverley Garden via Clayton and Monash University.
  - Route 703 Middle Brighton - Blackburn via Bentleigh and Clayton.
  - Route 733 Oakleigh - Box via Clayton and Monash University.
- The bus routes provide connections to Clayton and Monash University which act as hubs for connecting services.

Figure 3: PTV Services within the surrounding area



Source: <https://www.metlinkmelbourne.com.au>

Figure 4: Aerial photograph of the subject site and surrounding area



Source: Landchecker - <https://app.landchecker.com.au/> (2 April 2021)

# 3. The Proposal

It is proposed to construct a five-storey building primarily used as a Medical centre with ground floor complementary retail tenancies.

The proposal can be summarised as follows:

- The part podium/part-basement car park is accessed via a relocated crossover from Whitburn Street.
- A total of 141 car spaces are provided in an arrangement consisting of:
  - 66 spaces in the basement level.
  - 17 spaces at ground floor level; and,
  - 58 spaces on the first floor.
- The car parking arrangement includes eight EV charging spaces at ground level.
- The ground floor level will include four tenancies fronting Clayton Road with a total area of 620 square metres.
- The proposed uses include a pharmacy (93sqm), a café (109sqm) and two medical suites (418sqm).
- Medical suites will be provided at floors 2 to 4, with a total net leaseable floor area of 3,565 square metres.
- The building will have a maximum height (to the top of the services area) of 18.6 metres above natural ground level.
- Materials will include a combination of light grey brick, clear and grey tinted glass, stone face panel, alternating light and mid grey cladding, and metal window shrouds.
- The lift overrun and plant will be screened by grey powder-coated steel louvres.
- No fencing is proposed to the frontage, which will feature abundant garden beds and canopy trees along both Clayton Road and Whitburn Street. Direct pedestrian access to tenancies is provided at the Clayton Road frontage.
- The proposed hours of operation of the medical centre will be:
  - Mondays to Fridays - 8am to 7pm
  - Saturdays - 8am to 1pm.
- Hours of operation of commercial tenancies is still to be determined as the commercial agreements are to be determined. As an indication, broad operating hours would be established as follows to provide flexibility for the operators. These are generally in line with the opening hours of the medical centre for those complementary business with some allowance for weekend trade due to the main road interface. The proposed hours will be:
  - Mondays to Fridays - 8am to 7pm
  - Saturdays - 8am to 5pm.

- Sundays – 8am to 5pm.
- Signage does not form part of this application. The building form includes the capacity to integrate appropriately designed signage the merits of which will be addressed through an amendment or separate application.

Please refer to the application plans prepared by Hatz Architects for full details of the proposed development.

**Figure 3: Render of development viewed from Clayton Road**



Source: Hatz Architects

Figure 4: Render of development viewed from north-east on Whitburn Street



Source: Hatz Architects

# 4. Planning Controls

Statutory Planning Controls	
Residential Growth Zone – Schedule 3	<p><b>Clause 32.07-2</b> requires a permit to use land for Medical centre when the Section 1 condition ‘the gross floor area of all buildings must not exceed 250 square metres’.</p> <p>Shop (other than Adult sex product shop, Bottle shop and Convenience shop) is a Section 2 (permit required) use provided it meets the conditions of ‘the land must be located within 100 metres of a commercial zone or Mixed Use Zone’ and ‘The land must be located within 100 metres of commercial zone or Mixed Use Zone’.</p> <p>A survey plan is attached at Appendix B of this report which shows the site is 94 metres to a south of a row of shops within the C1Z fronting Clayton Road.</p> <p>Food and drink premises (other than Convenience restaurant and Takeaway food premises) is a Section 2 (permit required) use.</p> <p><b>Clause 32.07-8</b> requires a permit for building and works associated with a Section 2 use.</p> <p>Clause 32.07-9 establishes a preferred maximum building height of 13.5m for a building constructed for use for a dwelling or residential building. It does not apply to this application.</p> <p>Schedule 3 to the RGZ also includes a number of local variations to ResCode, including Standard B6 ‘Minimum street setback’, Standard B13 ‘Landscaping’, Standard B17 ‘Side and rear setbacks’, Standard B28 ‘Private open space’ and Standard B32 ‘Front fence height’.</p> <p>Again, these do not apply to the proposal as the building is not for the use as a dwelling or residential building, but provide a reference of the preferred built form within the Clayton Major Activity Centre and Monash National Employment and Innovation Cluster to which the schedule applies.</p>
Clause 45.12 - Specific Control Overlay – Schedule 14	<p>SCO14 applies the controls of the <i>Suburban Rail Loop East Incorporated Document, August 2022</i>.</p> <p>The incorporated document establishes controls to facilitate the delivery of the rail and associated infrastructure components of the Suburban Rail Loop East.</p>
Clause 45.12 - Specific Control Overlay – Schedule 15	<p>SCO15 applies the controls of the <i>Suburban Rail Loop East Infrastructure Protection Incorporated Document, August 2022</i>.</p> <p>The purpose of the incorporated document is to protect the Suburban Rail Loop project land and infrastructure from encroachment from development, works or activities that will compromise the development and operation of the project.</p>

	<p>For a location outside of the Project Infrastructure Protection Area A, Clause 4.0 of the incorporated document requires a planning permit for the construction of a new building (whether temporary or permanent) if it is:</p> <ul style="list-style-type: none"> <li>i. more than three storeys or has a building height exceeding 11 metres; or,</li> <li>ii. with a basement that has a finished floor level greater than 3.5 metres below Surface Level; or,</li> <li>iii. with a footing founded more than four metres below Surface Level; or,</li> <li>iv. a building (except Accommodation or Office) that applies a weight above the Surface Level equivalent to an average of greater than 45kpa.</li> </ul> <p>An application to construct a building or construct or carry out works under SCO15 in the Schedule to Clause 45.12 (SCO) is referred to the Suburban Rail Loop Authority as the Determining referral authority under <b>Clause 66.04</b>.</p>
Particular Provisions	
Clause 52.06 – Car Parking	<p>Clause 52.06-2 requires before a new use commences that the number of car spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority.</p> <p>The subject site is within the Principal Public Transport Network (PPTN). Where any part of the land is within the area shown as the PPTN, Column B of Table 1 of Clause 52.06-5 applies.</p> <p>The applicable rates for the proposal include:</p> <p>Medical Centre – 3.5 spaces to each 100sqm of leaseable floor area.</p> <p>Shop – 3.5 spaces to each 100sqm of leaseable floor area.</p> <p>Food and drink premises – 3.5 spaces to each 100sqm of leaseable floor area.</p> <p>Based on the floor area of the proposed uses on the site, the overall car parking requirement for the site is 144 spaces.</p> <p>The proposal includes 141 car spaces included within the basement and podium car parks. It is proposed to fully met the car parking requirement for the medical centre but provide 1 employee space the Food and drink premises (1 less than requirement) and pharmacy (2 less). Three spaces will be provided for the Shop, 2 less than the requirement.</p> <p>Accordingly, a permit is required for a reduction in the car parking requirement pursuant to <b>Clause 52.06-3</b>.</p> <p>Clause 52.06-9 establishes design requirements for car parking.</p>
Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road	<p><b>Clause 52.29-2</b> requires a planning permit to create or alter access to a road in Road Zone, Category 1.</p> <p>An application is referred to the Department of Transport pursuant to Clause 52.29-4 as a Determining authority designated in Clause 66.03.</p>
Clause 52.34 – Bicycle facilities	<p>Clause 52.34-1 requires that a new use must not commence until the required bicycle spaces and associated signage has been provided on the land.</p> <p>The rates relevant to the proposed uses are:</p> <p>Medical centre = 1 employee space to each 8 practitioners; and, 1 visitor space to each 4 practitioners.</p>

	<p>Shop = 1 employee space to each 600sqm of leaseable floor area if the leaseable floor area exceeds 1000sqm; and, 1 shopper space to each 500sqm of leaseable floor area if the leaseable floor area exceeds 1000sqm.</p> <p>Retail premises = 1 employee space to each 100sqm of leaseable floor area; and, 1 shopper space to each 500sqm of leaseable floor area.</p> <p>Restaurant = 1 employee space to each 100sqm of floor area available to the public; and, 2 plus 1 visitor space to each 200sqm of floor area available to the public if the floor area available to the public exceeds 400sqm.</p> <p>A total of 52 bicycle spaces are proposed including 22 space with dedicated lockable facility and 30 spaces (15 hoops) for visitors on the Clayton Road frontage. The provision meets the requirements of the clause.</p>
Clause 53.18 – Stormwater Management in Urban Development	Stormwater management is addressed in the ESD Report prepared by EcoResults for further information in this regard.
General Provisions	
Clause 65 – Decision Guidelines	'Decision Guidelines' states that, before deciding on an application, considerations should be given to a series of matters including the purpose of the zone, overlay or other provision, the orderly planning of the area and the effect on the amenity of the area.
Operational Provisions	
Clause 71.02-3 – Integrated decision making	Clause discusses balancing competing policy directions to achieve a net community benefit as part of the integrated decision-making process.



# 5. Planning Policy Framework

## 5.1. Planning Policy Framework (PPF)

The following PPF provisions most relevant to this proposal are:

- Clause 11 – Settlement
- Clause 11.02-1s – Supply of Urban Land
- Clause 11.03-1S – Activity Centres
- Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
- Clause 15.01-1S – Urban Design
- Clause 15.01-1R – Urban Design – Metropolitan Melbourne
- Clause 15.01-2S – Building Design
- Clause 15.01-4S – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 15.02-1S – Energy and Resource Efficiency
- Clause 18.02-1S – Sustainable Personal Transport
- Clause 18.02-4S – Car Parking
- Clause 19.02-1S – Health Facilities
- Clause 19.02-1R – Health Precincts – Metropolitan Melbourne

## 5.2. Local Planning Policy Framework (LPPF)

Within the LPPF, the following parts of the MSS and local policies are most relevant:

- Clause 21.01 – Introduction
- Clause 21.05 – Economic Development
- Clause 21.04 – Residential Development
- Clause 21.06 – Major Activity and Neighbourhood Centres
- Clause 21.08 – Transport and Traffic
- Clause 21.09 – Key Regional Assets
- Clause 22.01 – Residential Development and Character Policy
- Clause 21.04 – Stormwater Management Policy
- Clause 22.05 – Tree Conservation Policy
- Clause 22.09 – Non-Residential Use and Development In Residential Areas
- Clause 22.13 – Environmentally Sustainable Development Policy

### 5.3. Other Planning Policy

#### Clayton Activity Centre Precinct Plan – January 2020

The Clayton Activity Precinct Plan was adopted by Monash City Council on 28 January 2020.

The plan establishes a long-term vision for the growth of the Major activity centre, proposing an expanded retail, medical, research and residential role for the Clayton precinct.

The subject site is identified as being within Precinct 2 Health and Medical, which seeks to encourage medical uses in the northern section of the activity centre fronting Clayton Road.

Action B.1 of the structure plan is to facilitate the rezoning of land within the precinct to support the establishment of medical uses while allowing for mixed-use development including residential.

The structure plan introduces revised built form direction for the activity centre. For the subject site and adjoining land fronting Clayton Road, preferred maximum building height of 6 storeys (19m-22m) is nominated.

**Figure 6: Preferred building heights for Precinct 2 Health and Medical**



Source: Clayton Activity Centre Structure Plan, January 2020, p. 79.

Specific preferred built form controls for the precinct include:

Front setback – 4 metres landscape setback from the street for development up to 12 metres. For development above 12 metres, a further 3 metres.

Rear setback – 3 metre rear setback for development up to 9.9 metres, plus 1 metre additional setback for every metre of height over 9.9 metres up to a height of 16.5 metres.

Side setback - 1 metre setback, plus 0.3 metres for every metre of height over 3.6 metres up to 9.9 metres, plus 1 metre for every metre of height over 9.9 metres, up to a height of 16.5 metres.

The preferred development outcomes for the precinct are:

- Provides for additional medical, office and residential mixed use developments.
- Creates a high quality address for the health and medical precinct.
- Promotes visual interest and variation in the Activity Centre skyline
- Provides surveillance to footpaths through windows and habitable rooms at the street frontage.
- Provides a high-quality landscaped setting for buildings that relates to the existing character.
- Establishes a pedestrian scale environment at street level.
- Avoids unarticulated façades that give a bulky appearance, especially from oblique views.
- Is articulated to reflect a mix of fine grain and wider frontages to support a diversity of uses.
- Avoids repetitive stepped/'wedding cake' profile.

The structure plan is yet to progress to a planning scheme amendment process which would apply a varied zone and controls to the site.

# 6. Planning Considerations

The key considerations in the assessment of this application are:

1. Is there strategic support for the proposal?
2. Is the proposed built form appropriate to its context?
3. Will the proposal have appropriate amenity outcomes?
4. Is the car parking and access arrangement appropriate?

## 6.1. Is there strategic support for the proposal?

The medical centre proposal is consistent with the strategic direction of the Monash Planning Scheme. This is evidenced by:

- The site is on the periphery of the Monash Technology Precinct, which includes the Monash University and Monash Medical Centre, which is also within the nationally-significant Monash National Employment and Innovation Cluster.
- Clause 19.02-1R ‘Health Precincts – Metropolitan Melbourne’ encourages the co-location of health community well-being precincts, such as that at the Monash Regional Hospital.
- Strategy in Clause 21.05-3 seeks to enhance the relationship between the Monash Technology Precinct and the Synchrotron, Monash University and Monash Medical Centre to take advantage of supporting infrastructure and complementary activities.
- Clayton is identified as a Major Activity Centre within Clause 21.06 where redevelopment and concentration of activity is encouraged. Strategies include facilitating land assembly and lot consolidation to allow redevelopment to meet key strategic directions.
- Clause 21.09 ‘Key Regional Assets’ includes the objective to retain and encourage development of private health facilities alongside key community medical resources.
- The Clayton Activity Structure Plan, adopted by Monash City Council in January 2020, nominates the subject site and adjoining land fronting Clayton Road as a Health and Medical Precinct.
- The structure plan foreshadows a future rezoning to encourage health and medical uses to complement and build on the regionally-significant Monash Medical Centre health cluster.
- While this provides clear strategic intent for the precinct into the future, the structure plan is yet to be translated into the Monash Planning Scheme through an amendment process.
- The Residential Growth Zone remains the applicable zone, the purposes of which include (among others):
  - *To provide housing at increased densities in buildings up to and including four storey buildings.*
  - *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*
- The subject site is identified in Clause 21.04 as being within the preferred future neighbourhood character type of ‘Housing Growth Areas – Clayton Activity Centre and Monash National Employment Cluster’.
- Preferred neighbourhood character is defined in Clause 22.01 as:
- The scale of new residential development will generally comprise larger footprint apartment development of a high-quality design and finish. Some infill town house and unit development will also occur.*
- Where possible on larger sites, developments will be multi-level, and set in open gardens. Although setbacks from all boundaries will be less than is common in other parts of Monash, the developments will ensure the incorporation of well-maintained landscaping to address the garden city character, albeit in a more urban form.*
- Clause 22.09 ‘Non-Residential Use and Development in Residential Areas’ establishes performance criteria for non-residential uses including Medical centre.
- Relevant assessment criteria to this application includes:
- Locate discretionary non-residential uses in residential areas adjacent to existing activity centres and on higher order and busier streets and roads, and particularly on corner sites.
  - 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.
  - Take into account the preferred future character statement for the applicable residential character type identified in Clause 22.01-4.
  - Maintain and enhance the established canopy treed environment throughout the municipality, continuing its significance in defining the garden city character of Monash.
  - Maintain a consistency of street setbacks and building height with existing residential neighbourhood and residential scale.
  - Avoid reliance upon on-street car parking.
  - Minimise disruption and nuisance to adjacent residential properties and the residential neighbourhood.
  - Landscaping to be consistent with garden character of the neighbourhood.
  - Buffering of car parking areas.
  - Retention of canopy trees.

The proposed use of the subject land for a medical centre use and associated complementary uses is clearly consistent with the intended future development of the precinct.

Acknowledging that the Clayton Activity Centre Structure Plan is still to go through a planning scheme amendment process, the encouraged transition to health and medical uses is a practical identification of the health services clustering that is occurring within the surrounds of the Monash Medical Centre.

The proposed Shop use is within the distance requirements to meet the condition to be a Section 2 use. The tenancies are relatively modest and will sit alongside other uses such as Food and drink premises and a Pharmacy which will complement the primary medical centre land use.

The subject site is currently within the RGZ3 which, while primarily a residential zone, does provide for the establishment of non-residential uses in the zone purpose and the uses allowed by permit.

Transition of the land fronting Clayton Road to a more intensive built form is encouraged through the application of the RGZ3 and the inclusion with the Housing Growth Areas – Clayton Activity Centre and Monash National Employment Cluster preferred neighbourhood character area.

The performance measures of whether the use is appropriate in the location, as per Clause 22.09, are weighted towards how the built form is effectively situated relative to the existing and preferred neighbourhood context.

This is discussed further in Section 6.2 below.

## 6.2. Is the proposed built form appropriate to its context?

The proposed development for the medical centre has taken appropriate built direction from both the Residential Growth Zone, Schedule 3 and the direction for the precinct within the Clayton Activity Centre Structure Plan.

The revised Clause 55 controls of the RGZ3, while not applicable to the proposal, provide an indication of the preferred character that residential apartment development is expected to achieve.

The design of the proposal has been guided by urban design advice by Hansen Partnership. The process and how the advice is reflected in the architectural plans is detailed in the letter accompanying the application.

The purpose of the zone includes providing housing at increased density in building up to and including four storeys. The preferred maximum building height is 13.5 metres.

Relevant varied Clause 55 standards include:

- Front setback – 4-metre minimum front back. On a corner, in line with an existing building on an adjoining allotment or 3 metres, whichever is the lesser.
- 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.
- 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.
- Rear setback – 3 metres for the first 2 storeys plus 2 metres for the third storey.

The five-storey, 18.6-metre building height is greater than the preferred maximum of 13.5 metres of the RGZ3 but is below the 6-storey maximum proposed in the Clayton Precinct Structure Plan.

However, the additional level is an appropriate urban design outcome on the consolidated corner site, in a manner that will make a strong, positive visual contribution to the Clayton Road streetscape.

The five-storey form has been designed with recognition of both the direction within the planning policy and controls and the physical context.

The architectural design response establishes a brick podium level with glazing for the two levels above. Vertical breaks have been included in the Clayton Road façade serve to break the building form in four distinct parts.

The building height is accommodated within the site in a manner which does not dominate the streetscape or present undue amenity effects to adjoining residential properties.

With consideration of the relevant built form direction the proposal is appropriate for the context for the following reasons:

- The design will be of a high contemporary modern design, interpretive and complementary of emerging development in the surrounding area.
- The development includes a front setback of 4 metres to Clayton Road which is consistent with the preferred minimum of the RGZ3 and Clayton Activity Centre Structure Plan.
- A 4-metre setback is adopted to Whitburn Street.
- The setbacks allow for extensive landscaping, including canopy trees, in the frontages and around the building. The site will make a strong contribution to the Clayton Road streetscape, noting this is to be updated as proposed in the Clayton Precinct Structure Plan.
- The setbacks to both Clayton Road and Whitburn Street are retained for the first three levels as a podium. The two levels above are set back a further 3 metres in line with the preferred built form outcome of the Clayton structure plan.
- The rear setback to the east provides for transition to the lower scale development to the east, which is also within the RGZ. The building adopts a 3.13-metre setback for the first two levels, stepping to minimum of 6.68 metres at the two levels above, and a minimum of 10.328 metres at the fifth level.
- The southern interface sits well within the side setback direction of both the zone and the structure plan. It does adopt a stepped form as it has been designed to manage overshadowing effects (discussed further in Section 6.3 below).
- The proposed materials of light grey brick, tinted and clear glazing, cladding, steel mesh and steel window louvres will provide a modern architecture contribution to the Clayton Road streetscape as it evolves.
- The articulation of the façade and the integration of active uses on the ground floor fronting Clayton Road provides for surveillance of the street and a pleasant pedestrian environment.
- The site coverage of 74 per cent is consistent with the form of apartment developed encouraged in the zone.
- Redevelopment of the consolidated lots will result in the reduction of three vehicle crossovers to Clayton Road, providing an enhanced pedestrian experience as encouraged by the Clayton structure plan.
- The proposed landscaping treatment, as shown on the submitted plan prepared by 3 Acres, includes 43 trees, including 19 with the capacity to reach a height of 10 metres or more. This well exceeds the requirement of the varied Landscaping requirement of B13 which would require a residential development provide one canopy tree with a mature height of 10 metres.
- Paving around the building is minimised, apart from that to achieve access to the building and tenancies fronting Clayton Road, so to provide good levels of landscaping.
- It is proposed to remove a street tree on Whitburn Street. A more established street tree on the north-eastern corner of the lot will be retained. It is understood the tree is in poor condition and is likely to be replaced through Council's street tree program within the next 12 months.
- The landscaping response will achieve a balance of allowing for more intensive built form envisaged by the zone while providing the canopy tree coverage encouraged by the Tree Conservation Policy at Clause 22.05.

Overall, the development will be a quality addition to the Clayton Road streetscape, setting an architectural benchmark for the transitioning precinct.

### 6.3. Will the proposal have appropriate amenity outcomes?

#### Internal Amenity

The arrangement of the building form allowing windows on all elevations provides excellent natural daylight access to all floorplates.

As detailed in the Environmentally Sustainable Design assessment by Eco Results which accompanied the application, the building adopts treatments to ensure internal amenity is enhanced.

These include natural ventilation to the ground floor tenancies and tuned ventilation systems to provide regular turnover of air to the medical suites. Shading is provided to windows to manage internal heat transfer.

#### External Amenity

##### VISUAL BULK

The proposal has adopted side and rear setbacks to the residential properties to the east and south in line with the preferred setbacks of the Clayton structure plan.

These properties, like the subject site, are within the RGZ3.

The residential properties to the east, 1-3/2 Whitburn Street and 1-3/1 Hourigan Avenue, are each developed with three single-storey villa units. The interface with the Whitburn Street property is alongside a driveway with the seclude open space for the dwelling on the eastern side of the lot.

The subject site has some interface with the open space with 2/1 Hourigan Avenue, which is mostly oriented to the north of the dwelling, extending to the east. It is therefore not confined to that interface.

A 3.13-metre setback is proposed to the eastern boundary for the first two levels. Level 2 features varied setbacks include a substantial break centrally located in the façade opposite 2 Whitburn Street, where the wall is setback 12.45 metres from the eastern boundary. The setback is 6.68 metres on the northern extent of the elevation. It increases to 7.79 metres south of the breaks where it is opposite the private open space of 3/2 Whitburn Street and 2/1 Hourigan Avenue. The southern extent of the elevation is set back 6.835 metres.

The treatment is an appropriate rear boundary treatment for an interface to a residential property also within the RGZ where a more intensive built form is encouraged by the zoning and neighbourhood character policy.

The adoption of this building form is appropriate in this context.

No. 194 Clayton Road to the south of the subject site is developed with two single-storey villa units which have secluded open space for each dwelling positioned to the north alongside the shared boundary with the subject site.

At the southern elevation, the ground floor adopts a 3-metre setback at ground floor level, increasing to 8.3 metres for floors 2 and 3, a further 3.8 metres for the fourth floor and 15.1 metres for the upper level.

The combination of setbacks, fenestration and building materials will ensure that there is no unreasonable visual bulk.

##### OVERLOOKING

The brick podium on the lower two floors and alternating opaque façade panels in upper levels limit views from windows, particularly into adjoining residential properties to the east, protecting the privacy of existing dwellings.



Screening to 1.7 metres is proposed on the eastern elevation at level 3 to provide a high level of privacy to the adjoining properties at 2 Whitburn Street.

Similarly, a 1.7-metre screen is applied to the open section of the first-floor car park to the south, east and west.

Overlooking potential for floor above this level is restricted by the building form obstructing downward views.

Sections provided on submitted plan ADD-321 demonstrates how the combination of these treatments satisfactorily manages instances of overlooking.

### OVERSHADOWING

The design of the proposal has been refined to ensure that the secluded private open space of adjoining dwellings is not unduly overshadowed.

As detailed above, the building has adopted a stepped form on the southern elevation in a due recognition of the amenity of the adjoining residential properties at 1 and 2/194 Clayton Road.

The relatively-confined secluded open space of the dwellings are positioned on the boundary with the subject site making them more susceptible to overshadowing effects of adjoining development.

Even though the area is expected to transition to health and medical through the implementation of the Clayton Activity Centre Structure Plan or a more intensive residential form based on current zoning, it is acknowledged that the properties are within a residential zone and therefore should be afforded continued residential amenity in future development proposals.

As demonstrated on the shadow analysis submitted with the application (plans ADD-900-ADD-908) the shadow cast by the building is mostly contained within the existing shadow cast by the boundary fence.

On the eastern façade, the positioning of the levels and the increased central recessed section ensure solar access to the open space of both 1/1 and 1/2 Hourigan Street is not adversely affected between 9am and 2pm.

Although not applicable to a non-residential use, the design satisfies the overshadowing Standard B21 of Clause 55.04-5 in maintaining five hours of solar access between 9am and 3pm.

The measure provides a means of confirming that the proposal is consistent with the considerations of Clause 22.09 in effectively establishing a non-residential use while sufficiently preserving the amenity of the adjoining properties.

## **6.4. Is the car parking and access arrangement appropriate?**

The proposed development requires a planning permit pursuant to Clause 52.06-3 to provide fewer spaces than requirement within the table of Clause 52.06-5.

A permit is also required to create or alter access to a road in a Road Zone, Category 1 pursuant to Clause 52.29.

Traffic matters are addressed in more detail within the traffic report prepared by Ratio Consultants, which accompanied the application.

A summary of the report's key planning observations includes:

- The reduction of four spaces across the Pharmacy and Food and drink premises can be justified due to:
  - The likelihood of multi-purpose trips.

- The provision of long-stay parking for staff is provided for each of the uses based on an empirical assessment of the expected demand.
  - The availability of public transport.
  - The convenience of pedestrian and cyclist access.
  - The provision of bicycle parking and end-of-trip facilities.
  - The encourage for visitors to utilise sustainable travel modes is consistent with the policy direction of Plan Melbourne and the Clayton Activity Centre Precinct Plan.
- The requirement of Clause 52.06-5 for the Medical centre is fully met with the provision of 139 spaces.
  - Design of car parking spaces, accessways and gradients is consistent with the design requirement of Clause 52.06-9.
  - The development exceeds the requirement for bicycle spaces for staff and visitors and provides suitable end-of-trip facilities.
  - Loading and waste collection can be completed effectively within the subject site.
  - Vehicles moving to and from the site will be able to access the property via the Clayton Road/Whitburn Street intersection without affecting traffic on Clayton Road.

## 7. Conclusion

The site represents an appropriate candidate for furthering the urban consolidation objectives set out in both State and Local sections of the Monash Planning Scheme by concentrating use and development within an activity centre.

The medical centre use is encouraged in the location through the Clayton Activity Centre Structure Plan and is an appropriate use within the RGZ3. It will be an important part of building on the cluster of medical uses along Clayton Road as part of a cluster with the Monash Medical Centre.

The contemporary architectural treatment will make a positive contribution to the emerging Clayton Road streetscape while enhancing the established canopy treed environment and garden city character. The development of the corner location will sit comfortably alongside the built form that is encouraged to follow.

The proposed development presents a site responsive design that has appropriate regard to the site's specific interfaces, does not detract from the emerging character of the area, and has no substantial impact on neighbouring properties by way of overshadowing, overlooking or visual bulk.

The traffic and car parking requirements are effectively managed within the site and will not adversely affect the movement of vehicles on Clayton Road.

For all the reasons contained in this report it is respectfully requested that Council support this application.

# Appendix A - Photographic Analysis

Figure 5: Subject site viewed from Clayton Road to the north-west



Figure 6: North of subject site viewed from Whitburn Street



Figure 7: The subject site, 186 Clayton Road



Figure 8: The subject site, 188 and 190 Clayton Road



Figure 9: The subject site, 192 Clayton Road



Figure 10: The adjoining property to the south, 1 and 2/194 Clayton Road



Figure 11: Properties to the north of the subject site opposite Whitburn Street, 1 and 2/184 Clayton Road



Figure 12: The adjoining property to the east, 1-3/2 Whitburn Street, developed with three single-storey townhouses



Figure 13: No. 1-3/1 Hourigan Avenue abuts the eastern boundary of the subject site





Figure 14: Whitburn Street looking west past the northern frontage of the subject site



Figure 15: Clayton Road looking past the subject from the south-west.

