

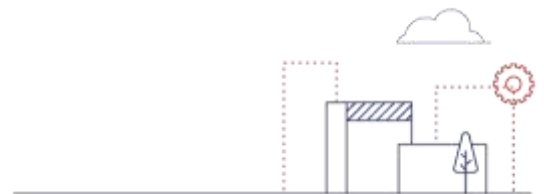
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PLANNING REPORT MEDICAL CENTRE

**31-33 HIGH STREET ROAD,
ASHWOOD, VIC 3147**

Date: 5/09/2024

**ZC WOOD PTY LTD
ABN: 82 645 182 560**



SITE DESCRIPTION

The subject site is located on the northern side of High Street Road, comprising two side-by-side lots forming a large square-shaped site with a cutaway at the southeast corner. The site has a combined frontage of 37.42 meters to High Street Road, a 36.68-meter frontage to Kennett Street, and a total area of approximately 1,491 square meters.

Currently, the site is occupied by single-storey dwellings and associated outbuildings. The land slopes down from the south (High Street Road) towards the northeast by approximately 2 meters, with a 1.83-meter drainage and sewerage easement at the northern boundary. The site is almost an island with Kennett Street to the east, High Street Road to the south, and a laneway to the west.

SURROUNDING AREA

The site is located on the periphery of a commercial area, with a bus stop directly in front on High Street Road. To the west along Warrigal Road is a shopping strip providing retail, food and beverage, beauty, health, and medical services. Directly across High Street Road to the south is a Woolworths complex. The north and east of the site are residential properties.

Details of the area are accurately depicted in the accompanying site analysis plan and photographs.



Aerial view of the site, source: Nearmap 2022

PLANNING PERMIT BACKGROUND

The proposal is to develop the site into a three-storey medical centre with a basement for car parking. In November 2022, a planning permit application was submitted to Monash City Council for a four-storey medical centre, including three storeys and a basement for car parking.

On July 7, 2023, Monash City Council refused the permit on ten grounds. In response, over the past 12 months, we have consulted with solicitors and experts to amend the plan to meet the council's requirements. Details of the improvements are as follows:

COVENANT DECLARATION

A key issue from the council was the restrictive covenant. On October 12, 2023, we applied to the Supreme Court for a declaration/modification of the covenants. On January 22, 2024, five beneficiaries became defendants in the proceeding:

- Rachael White and Shane Stafford of 7 Kennett Street, Ashwood
- Guangliang Jiao of 5 Kennett Street, Ashwood
- Jordan Livanidis and Dilsha Jayasekara of 2 Kennett Street, Ashwood
- Monaygon Pty Ltd of 543 Warrigal Road, Ashwood
- Praful Goyal and Pulkit Goyal of 10 Closter Avenue, Ashwood

Monaygon Pty Ltd withdrew from the proceeding on April 3, 2024, followed by Guangliang Jiao on June 6, 2024, and the remaining three defendants on July 8, 2024. On July 9, 2024, the Supreme Court accepted a declaration that the restrictive covenants “do not prohibit the use and development of the affected parcels for a medical centre”. The Supreme Court order is attached.

HEIGHT AND SCALE OF THE BUILDING

Addressing the council’s concerns regarding built form, scale, and setback, we have revised our plan to feature a smaller building set back further from the abutting residential neighbour to the north, with reduced site coverage and floor area. Additionally, we have reduced operating hours to be shorter than those of the local shopping center.

The updated proposal is summarized below:

Building Height	11 metres
Number of Storeys	3 storeys plus basement level
Leasable Floor Area	1249.1m ²
Number of Practitioners	Sixteen (16)
Hours of Operation	Monday to Friday: 8am - 6pm Saturday: 8am - 1:30pm Sunday and Public Holiday: Closed
Site Coverage	45.1%
Permeability	21.5%

The minimum building setbacks are detailed as follows:

	High Street Road Front Setback	Kennett Street Side Setback	Right of Way Setback	Rear Setback with 7 Kennett
Building - Ground Level	7.6 m	6.8m	8.88m	5m
Building - Upper Level	7.6m	6.8m	3.66m	8m
Basement	0.5m	3.56m	0.5m	2.5m

SIGNAGE

We have reduced the number of business identification signs to 4:

Sign 1:

- Located on the south-west corner of the building.
- Internally illuminated business identification in brass chrome colour

- Measures 2,220mm wide and 2,320mm high.

Sign 2:

- Located on 33 High Street Road frontage, towards the corner.
- Displays the name of the center and site address.
- Measures 7,500mm wide and 1,220mm high 3D letter fixed to boundary fence wall.

Signs 3:

- Located adjacent to the pedestrian entry on High Street Road frontage.
- Displays the individual business names of each tenant in the medical centre.
- Measures 1,800mm wide and 3,200mm high, floodlit metal cladding.

Direction Sign 4:

- Located near the entrance to the basement on Kennett Street.
- Lightweight metal cladding fixed on retaining wall and Directs to basement parking.
- Measures 800mm wide and 360mm high.

CAR PARKING AND ACCESS

According to Section 1.3 of the Council meeting report, our site is located within the Principal Public Transport Network and satisfies the statutory car parking requirement. Our updated plan provides 14 car spaces for staff/medical consultants accessible from the Right of Way and 30 car spaces in a basement accessible from Kennett Street.

Please find updated report from O'Brien Traffic as attached, which is concluded as below:

- The proposed provision of 44 car parking spaces on site meets the Planning Scheme car parking requirement;
- The proposed car parking access and layout meets relevant Planning Scheme and Australian Standard requirements;
- A total of 12 bicycle spaces are proposed within the site's frontage, exceeding the Planning Scheme requirement;
- Loading and waste collection arrangements are considered satisfactory for a development of this size and use; and
- The anticipated addition of up to 64 vehicle movements in any hour would have no foreseeable adverse impact on the current safety and operation of Kennett Street, High Street Road or the surrounding road network.
- On this basis, there are no traffic or parking related grounds to prevent the proposed medical centre development from being approved.

REMOVAL OF TREES

Two trees exceeding 10 meters in height require a planning permit for removal. We plan to retain an 18-meter-high Waterhousia Floribunda located in the backyard of 31 High Street Road, adjacent to 7 Kennett Street. However, we seek a permit to remove a 14-meter-high Ginkgo at the front of 31 High Street Road, close to the Commercial 1 Zone of Warrigal Road. The Ginkgo is still growing towards its mature size and proximity to the existing driveway and house, which act as barriers to root spread, necessitate its removal as it obstructs access to the staff car park.

Our comprehensive landscape plan includes new canopy trees and vegetation to enhance the area and maintain the Garden City Character.

GARDEN CITY CHARACTER

Retaining one mature tree in the backyard and implementing our landscape plan will maintain, enhance, and extend the Garden City Character. The subject land's proximity to commercial development and residential neighbourhoods provides a transitional role.

The VCAT case of 42 High Street Road, Ashwood VIC 3147 (opposite our property with a similar location), supports this view. The council's concerns about Garden City Character were addressed by the Tribunal as below:

“Both the site and the immediate surrounding residential area has minimal contribution to the leafy Garden City Character sought by the planning scheme. The surrounding residential area comprises multi-unit developments with few canopy trees and modest landscaped gardens. The most significant canopy tree contribution to Garden City Character in this area is predominantly from street trees and more dense trees and vegetation located within the Gardiners Creek reserve that is approximately 430 metres to the east of the site.

The site is located on the edge of commercial development associated with a neighbourhood activity centre that straddles Warrigal Road, which although not recognised as such in the Monash Planning Scheme, is recognised under the adjoining Boroondara Planning Scheme. The site is next to an existing supermarket which has a built form that is commercial in nature and typology. This offers a robust edge to which the site acts as a transition with the single storey residential built form on the other side of the site.

The location of the site, lack of impediments to development means it can provide for a modest form of residential development that is more intense than what is to the east and to which it can act as a zone of transition and gateway between existing low scale residential development and commercial development along this section of High Street Road.”

OBJECTIVES OF GENERAL RESIDENTIAL ZONE

According to Section 1.3, Page 20 of the council meeting report: "The use of the site as a medical centre is compatible with residential use and will serve local community needs." The planning scheme promotes more intense residential development near local shopping centres due to their excellent access to services and transport.

Our site, with its arterial road and bus route frontage, and proximity to commercial land, is well-suited for non-residential use, such as a medical centre. The land's unique position at the edge of the neighbourhood, opposite a supermarket and separated from other dwellings, further supports this suitability.

In response to the council's concerns, we have revised our plan to:

Reduce the built form and scale of the medical centre, increasing the setback from the northern residential neighbour.

Operate within restricted hours, mainly confined to business hours, and shorter than those of the local shopping centre.

Provide additional car parking spaces in the basement, with access via Kennett Street.

Our updated plan aligns with the objectives of the General Residential Zone and Schedule 3 at Clause 32.08.

AMENITY IMPACTS

The impact of a medical use in a residential neighbourhood might be problematic if the site was centrally located, such as on Kennett Street, where it would be surrounded by residential uses. However, our land is situated at the edge, not the centre, of the residential component of the neighbourhood. It is opposite and exposed to the arterial road and the supermarket, not to other residential dwellings. This positioning provides practical advantages, including immediate proximity and convenience to a range of local retail and business services. Convenient access to 16 medical specialists, clustered with other non-residential uses, adds to the distinctive attributes and advantages of living in this neighbourhood.

For these reasons, there is no detrimental effect on the amenity of the area.

Privacy

The potential for overlooking adjoining residential properties to the north and east would be similar between a three-storey residential apartment and a medical centre. However, we have increased setback to 8m to the rear boundary at upper levels. Loss of privacy by way of overlooking was not specified under the Planning Scheme, but we have done the best.

Pedestrian Access

Pedestrian access to the medical centre would either be via the basement car park and lift, or from the right of way to the High Street Road frontage, or from High Street Road, where there is the existing bus stop. Our design and layout of the medical centre does not encourage pedestrian movement in Kennett Street.

Noise

We have reduced the hours of operation to Monday to Friday, 8 am-6 pm, and Saturday 8 am-1:30 pm. These restricted hours minimize the noise impact on neighbouring residences. There will be no evening noise and headlights.

Waste Management

Please find updated waste management plan from O'Brien Traffic:

- Waste collection will only occur from 8am to 6pm on Monday-Friday as during these times no parking is not permitted on the western side of Kennett Street, allowing the waste truck to utilise the vacant kerbside spaces for collection.
- Private collection will occur on an alternate day to the Council kerbside collection on Kennett Street, which is on Monday's.
- An assessment has been undertaken and no frequent or likely probability of occurrence risks were identified.

CONCLUSION

Our revised medical centre development plan directly addresses the council's concerns and aligns with the objectives of the Monash Planning Scheme. The plan ensures a balanced transition between the adjacent commercial and residential areas, providing a clear net community benefit.

Key updates include:

- A reduction in the built form and scale of the medical centre, with increased setbacks from the northern residential neighbour.
- A limitation of business identification signage to just four signs.
- A reduction in operating hours, now shorter than those of the local shopping centre.
- An increase in on-site car parking spaces, now providing a total of 44 spaces.
- The decision to retain the 18m high tree in the backyard of 31 High Street Road, adjacent to 7 Kennett Street, while seeking a permit to remove only the 14m high tree at the front of 31 High Street Road.
- The proposal ensures no detrimental impact on the amenity of neighbouring properties