

5.4 1662-1664 DANDENONG ROAD, OAKLEIGH EAST – BUILDINGS AND WORKS TO FACILITATE THE CHANGE OF USE TO A VETERINARY CLINIC, TOGETHER WITH ASSOCIATED USES, MODIFICATION TO CAR PARKING, LANDSCAPING AND ADVERTISING SIGNAGE

(TPA/ 36057:MM:RO)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Community Interest

Cost of Development : \$200,000

Statutory Processing Date : 5 July 2008

RECOMMENDATION

*The Council having caused notice of planning application No. 36057 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and issue a **Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 1662-1664 Dandenong Road, Oakleigh East, for the purpose of buildings and works to facilitate the change of use to a veterinary clinic, together with associated uses, modification to car parking, landscaping and advertising signage generally in accordance with the plans submitted with the application and subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

- 1. Before the development and use starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.*

The plans must be generally in accordance with the plans submitted with the application, but modified to show:

- a) the proposed site works on an overall site layout plan;*
 - b) all existing McDonalds signage marked to be removed;*
 - c) the revised car park layout clearly detailed;*
 - d) details of all fencing (internal and along property boundaries);*
 - e) additional landscaping between car park spaces 4 and 6, along the western boundary of the site;*
 - f) the provision of waste storage facilities on the southern side of the building only and away from the south-west corner of the property; and,*
 - g) additional landscaping at the south-west corner of the site.*
- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
 - 3. The location and details of signs shown on the endorsed plans must not*

be altered without the written consent of the Responsible Authority.

VicRoads Conditions Reference 0337135

- 4. The signs must not be animated and no flashing or intermittent lights may be displayed.*
- 5. The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists, or loss of amenity in the surrounding area, to the satisfaction of VicRoads.*
- 6. All signs must be wholly located within the subject property. That is, no part of the sign may encroach into the declared road reserve.*
- 7. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transport of materials, goods or commodities to or from the land;*
 - b) Appearance of any building, works or materials;*
 - c) The emission of noise, artificial light, smell, and*
 - d) Presence of vermin.**
- 8. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-
 - the location of all existing trees and other vegetation to be retained on site*
 - provision of canopy trees with spreading crowns located throughout the site*
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - the location and details of all fencing*
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*
 - details of all proposed hard surface materials including pathways, patio or decked areas**
- 9. When approved the plan will be endorsed and will then form part of the permit.*

Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

10. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
11. *The loading and unloading of goods from vehicles must only be carried out on the land.*
12. *No more than 10 practitioners shall practice from the land at any one time.*
13. *All on-site stormwater is to be collected from hard surfaces areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:*
 - a) *A trench grate (175 mm minimum internal width) located within the property; and/or*
 - b) *Shaping the driveway so that water is collected in a grated pit on the property; and/or*
 - c) *Another Council approved equivalent.*
14. *Stormwater discharge is to be retained on site to the predevelopment level of peak stormwater discharge. Approval of any retention system is required by the City of Monash prior to works commencing.*
15. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is the south-west corner of the property where it must be collected and free drained via a pipe to Melbourne Water main drain located between the Council reserve and western boundary of the property to Melbourne Water and Council standards. Note:- if the point of discharge cannot be located then notify Council's Engineering Division immediately. The existing point of discharge may be used if found to be working satisfactory and structurally sound. A drainage report and CCTV of the existing drain connection and drain is to be provided to Council.

16. *Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.*
17. *The occupier of the premises must ensure that any noise emanation from the premises must not exceed the standards of the State Environmental Protection Policies No. N1 and N2 and must on request provide evidence to Council of compliance with the policies.*
18. *Before occupation all buildings and works specified in this permit, including landscaping and fencing, must be completed to the satisfaction*

of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

- 19. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
- 20. Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.*
- 21. Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must detail:
 - a) that the bin storage area located on the southern side of the building is sufficient to cater for the amount of waste that will be produced;*
 - b) who will be responsible for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;*
 - c) the hours of bin collection, the frequency of the removal of such refuse and recycling materials and how recycling materials will be dealt with and collected;*
 - d) who will be responsible for collecting the refuse and recycling materials and the method of collection; and how littering will be managed.**
- 22. Deliveries and waste collection are only to be carried out between the hours of 7.30am to 6pm, Monday to Friday.*
- 23. Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;*
 - b) properly formed to such levels that they can be used in accordance with the plans;*
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.**

Parking areas and access lanes must be kept available for these purposes at all times.

24. *No less than 35 car spaces must be provided on the land for the development including 1 space clearly marked for the disabled.*
25. *The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
- *Monday to Friday (inclusive) – 7am to 6pm;*
 - *Saturday – 9am to 1pm;*
 - *Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);*
- Unless otherwise approved in writing by the responsible authority.*
26. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
27. *The dog wash facility may only be used for patients of the veterinary clinic.*

NOTES:-

1. *Building approval may be required prior to the commencement of the above approved works.*
2. *Any new drainage works within the road reserve, easements, Council reserve or connections into a drain or pit requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencing of works.*
3. *Engineering permits must be obtained for new or altered vehicle crossings and for new connections to the kerb and channel and these works are to be inspected by Council (telephone 9518 3410).*
4. *Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.*

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- *The development and use are not started within two years of the date of this permit.*
- *The development is not completed within four years of the date of this permit.*

In accordance with section 69 of the Planning and Environment Act

1987, the responsible authority may extend the periods referred to if a request is made in writing before the permits expires, or within three months afterwards.

and directs that the Applicant and each objector be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the southern side of Dandenong Road and western side of Greta Street, in Oakleigh East.

The site has frontage to a Dandenong Road service lane of 42 metres and an overall site area of 2,990 square metres. The site is irregular in shape, generally flat and currently developed with a McDonalds family restaurant building, and associated car parking, landscaping and advertising signage.

Surrounding properties can be described as follows:

North – beyond Dandenong Road are a number of single and two storey dwellings.

East – bulky goods retail stores with frontage to Dandenong Road and vehicle access from Greta Street.

South – two abutting residential properties addressing Bonham Crescent. Residential development further south.

West – Princes Highway Reserve comprising of an oval, BBQ area, play areas and mature landscaping around its perimeter.

PROPOSAL

As a result of Planning Permit 34712, issued by VCAT on 4 October 2008 for the development and use of a McDonald's Convenience Restaurant on land located 700 metres east of the subject site, near the intersection of Dandenong and North Roads, it is proposed to make alterations and additions to the existing McDonalds building for the purpose of a veterinary centre.

In order to accommodate the veterinary centre it is proposed to extend the western portion of the existing building over what is currently part of the restaurants drive through facility. The car park along this western boundary will be rearranged to accommodate this new addition and the existing canopy, restaurant signs and menu boards removed. In addition, minor additions and alterations to the building are proposed on its southern side, including an outdoor dog wash area and clothes line area set behind fencing.

Playground equipment, and associated fencing, located within the front setback of the site will be removed and replaced with landscaping.

Illuminated signage is proposed on the building in place of the existing McDonalds signage. It is noted that the retention and modification of the 15 metre high pylon sign is subject to a separate application.

It is anticipated that the new veterinary clinic will employ a maximum of five (5) veterinary practitioners at any given time, with a support staff of 6 full time nurses and 3 part time nurses.

A total number of 35 car parking spaces are provided on site.

POLICY IMPLICATIONS

State Planning Policy Framework

Clause 11.03-4 – Infrastructure

Planning for development of urban physical and community infrastructure

Clause 11.03-6 Social needs

Planning is to recognise social needs by providing land for a range of accessible community resources

Clause 14

To ensure a sufficient supply of land is available for residential, commercial, industrial, recreational and other public uses.

Clause 15.05

Noise Abatement – to assist in the control of noise effects on sensitive land uses.

Clause 18

Car parking and public transport access to developments

Clause 19.03

Design and Built form

Local Planning Policy Framework

Clause 21.02-1

Maintaining the garden city character

Clause 21-05-3

Encouraging home occupations and business uses in residential areas to locate adjacent to existing activity centres and on higher order and busier streets and roads.

Clause 21.05-3

To ensure that the amenity of neighbourhoods is not adversely affected by a business conducted in a residential area.

Clause 22.04

Stormwater Management Policy

Clause 22.05

Tree Conservation Policy

Clause 22.08

Outdoor Advertising Policy

Clause 22.09-2 of the Monash Planning Scheme

To ensure that the medical centre or veterinary clinic development is appropriate having regard to the residential environment of the surrounds and to ensure that all built form in residential areas is respectful of residential character.

Clause 21.08-3 & 22.09-2

To ensure that adequate and well-located vehicle parking is provided for all new developments.

Clauses 22.08, 52.05

Utilise unobtrusive identification signs respectful of neighbourhood character.

Zones and Overlays

The land is located within an Industrial 1 Zone, in which a Planning Permit is required to use land for a veterinary clinic. A Planning Permit is also required for buildings and works.

The land abuts Residential 1 zoned land on its immediate southern boundary. It is noted that a purpose of the Residential 1 Zone provisions includes to, in appropriate locations, allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

Part of the land is affected by a Special Building Overlay, however the proposed buildings and works are outside of the overlay area.

Particular Provisions

Clause 52.06-1 – Car Parking Controls

Under Clause 52.06 of the Monash Planning Scheme and under Councils Car Parking Policy, a ratio of 5 car parking spaces are required for the first two practitioners, and 3 spaces per practitioner thereafter.

Given that a total of 35 car parking spaces are proposed on site, there is sufficient car parking for no more than 10 practitioners to operate from the site at any one time.

Clause 52.05-4 – Advertising signs

CONSULTATION

Notice of the application was sent to the owners and occupiers of properties within the immediate vicinity of the subject site and two large notices were also displayed on the site.

Three (3) objections including one petition with 21 signatories have been received by Council. The ground of objection can be summarised as follows:

- The proposed outdoor dog wash area located on the south side of the building will affect air quality and result in unpleasant odours.
- Request to enclose the designated dog wash area.
- The proposed development is too close to the southern boundary of the site which has an interface with residential properties.
- Question of the remote rubbish bin enclosure detailed on the plans as existing and located towards the south-west corner of the property. Objector concerns that there is no existing enclosure on site. Clarification is sought.
- Question as to the nature of waste produced by a facility presenting a health risk for adjacent residents.
- Polluted atmosphere as a result of veterinary clinic.
- The proposed 24 hours of operation will be disruptive to the amenity of the adjacent residential area.
- It is undesirable to have the clothes line area on the southern side of the building.
- The openings from the food preparation area located on the southern side of the building will affect the privacy of adjoining dwellings.
- The existing lighting within the car park will create unpleasant glare towards adjacent dwellings.
- The existing car park area along the southern boundary of the site will be noisy and the existing interface problems associated with patrons of the McDonalds throwing rubbish and bottles will continue as a result of the proposed use.
- Concern with rubbish collection vehicles.
- Concern with an existing gate located towards the south west corner of the property and people using this gate to access the adjacent park and vice versa.
- Increased traffic and noise levels.
- The proposed development does not incorporate appropriate design techniques and protective devices at this interface with residential dwellings.

The signage component of the application was referred to VicRoads for comment. VicRoads have no objection to the proposal subject to a number of conditions.

The application was also referred to Council's Traffic and Drainage Section for comment. There are no concerns with the proposal. Conditions would be required to be placed on any permit issued.

ASSESSMENT

The use of the site for a veterinary clinic is not inconsistent with State and Local Planning Policies and the provisions of the Municipal Strategic Statement, particularly as the site is located on a main road and within close proximity to a residential area for which the establishment of non-residential uses to serve local community needs is encouraged.

The specific details of the development, as well as a discussion of the issues raised by objectors, are discussed below.

New Buildings and Works

In order to accommodate the veterinary centre it is proposed to extend the western portion of the existing building by approximately 5 metres, over what is currently part of the restaurants drive through facility. The car park along this western boundary will be rearranged to accommodate this minor extension.

In addition, minor extensions to the building are proposed on its southern side. This extension will be no greater than 3 metres in length and a significant building setback in excess of 20 metres to the southern residential property boundary will be maintained. All works are single storey.

The works to the southern part of the building include an out-door dog wash area and clothes line area. The dog wash area will be set behind a 2.3 metre high cement rendered wall whilst the clothes line area is to be set behind a 1.8 metre high fence. Therefore it is considered that the facilities on the southern side of the building are adequately screened.

It is not considered that the enclosure of the outdoor dog wash area will be necessary. This area is setback in excess of 17 metres from the southern property boundary and the applicant has advised that the area will be used for the washing of dogs treated at the centre and that no animals will have access to any other external area of the proposed facility.

Use and 24 Hour operation

There is objector concern with the proposed use of the site and that the 24 hours of operation will be disruptive to the amenity of the adjacent residential area.

As identified earlier in this report the subject site is located within an Industrial 1 zone, situated on Dandenong Road adjacent to bulky goods retail stores to the east and a park to the west. Two residential properties abut the sites southern boundary, and residential properties are located further south of the site.

Given the site location and surrounds, the use of the subject site for a veterinary clinic is considered appropriate and not inconsistent with the provisions of the Monash Planning Scheme.

It is considered that the use of the site as a veterinary clinic will have far less of an impact on local residents than the existing McDonalds restaurant use, particularly in terms of vehicle movements and noise. Furthermore a veterinary clinic is considered a compatible use with residential properties and it is not anticipated that there will be disruptions to the area as a result of the proposal.

Waste location and disposal

There are two rubbish bin enclosure areas nominated on the plans. One adjacent to the building on its southern side and one located towards the south-west corner of the site. Given the objector concerns it is considered reasonable to require all waste to be located within the designated waste storage areas on the southern side of the building. This area is also proposed to be screened by a fence.

A requirement that deliveries and waste collection is only to be carried out within hours prescribed by EPA guidelines for a noise sensitive area should be a condition of approval.

Location of car park and lighting

There is objector concern that the location of the existing car park area along the southern boundary of the site will be noisy and the existing interface problems associated with patrons of the McDonalds throwing rubbish and bottles will continue as a result of the proposed use.

Given that no food and drink premises are proposed as part of the development, and the more sedentary nature of the proposed use, the existing problems associated with McDonalds patrons are not expected.

With regards to the existing lighting within the car park, a requirement that all outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land should form a condition of any permit issued.

Gate

There is objector concern with an existing gate located towards the south west corner of the property, and this gate being used to access the adjacent park and vice versa. The gate is existing and there are no concerns with its retention. It is noted that there is unrestricted access from the park directly onto Bonham Crescent, a few metres south from where the gate exists.

CONCLUSION

Overall it is considered that the proposed redevelopment of the existing McDonald's restaurant to a 24 hour veterinary clinic is satisfactory and meets the requirements of the Monash Planning Scheme. The development of the proposal will assist in the orderly planning of the area and is not expected to result in any unacceptable increase in detriment to adjacent residents.

Accordingly it is recommended that a permit be issued subject to appropriate conditions.